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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—Thursday, April 30, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 30, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Sustain in Your people, Lord, the song of Your freedom. Let the new life of spring touch the soul of this Nation and strengthen the arm of Congress, that renewed in spirit we may build a mighty defense against all evil forces and any disease which seeks to weaken the health of Your people.

Unite our resources in every effort to confront what is destructive, and at the same time, make us creative to face the issues of a new day, that we may give You glory in the sight of the nations both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. HALL) come forward and lead the House in the Pledge of Allegiance.

Mr. HALL of New York led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Madam Speaker, I rise today in support of the Credit Cardholders' Bill of Rights. It's about time that we passed legislation to protect consumers from the abusive practices of credit card companies. Consumers have paid the price for a lack of regulation with excessive fees, sky-high interest rates and unfair, incomprehensible agreements that credit card companies revise at will.

The Credit Cardholders' Bill of Rights will end these practices, leveling the playing field for people who play by the rules. It requires credit card companies to give cardholders advance notice of an interest rate hike; it ends tricks and traps that make cardholders incur rate hikes and unreasonable fees, and it shields cardholders from misleading terms while protecting vulnerable consumers from fee-heavy subprime cards.

Today's Credit Cardholders' Bill of Rights will help families and small businesses in the Hudson Valley and across the Nation. I urge its passage.

THE FIRST 100 DAYS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, yesterday marked President Obama's 100th

day in office. In that short time, the Obama administration has managed to launch a war on critical pro-life and pro-family policies. As a result, foreign organizations that promote and perform abortions are eligible for U.S. taxpayer family planning money that has been increased to \$545 million a year this year.

Life-destroying research will be eligible for more taxpayer dollars. Medical professionals' rights to practice according to their consciences will be under threat. Foreign organizations will be allowed to receive Federal tax dollars despite support for coercive abortion policies like forced abortion, forced sterilization, and the UNFPA in China. Contentious organizations like Planned Parenthood will be granted massive amounts of hardworking American tax dollars.

Such actions certainly contradict the President's pledge to find common ground with pro-life Americans. As the old adage goes, "Actions speak louder than words." Yesterday was a sad day for America's unborn and for those who would like to protect them.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, enough is enough. Today, I rise to add my appreciation to CAROLYN MALONEY and to all of those who finally got it all in place to be able to say "no" to the credit card abuses that have been abusing Americans on a constant basis.

H.R. 627, the Credit Cardholders' Bill of Rights, is imperative to be passed today. It ends unfair, arbitrary interest rate increases, and lets consumers set hard credit limits. It stops excessive over-the-limit fees, ends unfair penalties for cardholders who pay on time, requires the fair allocation of consumer payments, protects cardholders from due-date gimmicks. As well, it

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has amendments that will stop the proliferating and the sale of credit cards to college students.

Can you imagine having a credit card and having a contract, and all of a sudden, like an adjustable rate, your rate spikes up without any knowledge and without any notice? It stops the small print where they can say all manner of things and never, never get the truth told.

Thank you for H.R. 627.

A COLOMBIA FREE TRADE AGREEMENT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, more markets for our products mean more jobs for Minnesotans and for all Americans. That's why I was pleased that President Obama recently directed the U.S. Trade Representative to work through any outstanding issues so that we can move forward with a Colombia Free Trade Agreement. The President is right: more open trade is a win-win for both countries, and we need bipartisan action to pass this trade agreement, but Congress' lack of action has harmed U.S. interests, and it has given a competitive advantage to other countries.

How can American businesses compete when the European Union, Canada, China, and Latin America countries have better access to the Colombian market?

Over 80 percent of U.S. exports of consumer and industrial products would become duty free immediately, but instead, Congress' inaction has cost U.S. exporters more than \$1.5 billion in tariffs to Colombia.

Madam Speaker, let's do what is right and quickly pass the U.S.-Colombia Free Trade Agreement.

HONORING THE LIFE AND SERVICE OF EVA A. VALENTINE

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Madam Speaker, I rise today to honor the life and service of Ms. Eva A. Valentine of Rock Island, Illinois. On March 27, 2009, Eva passed away at the age of 87, surrounded by loving family, friends and neighbors.

Eva was a devoted mother, wife, and was an active member of the Rock Island community. She participated in the American Legion Post 246 Auxiliary and the Moline Croatian Crest Club. She also devoted many hours to St. Mary's Catholic Church and to the Altar Society.

I had the pleasure of knowing Eva as the mother of my friend, Wayne Valentine. I have many fond memories of Eva as Wayne and I grew up together. She was a reliable source of support,

and she helped me become the person that I am today. I owe Eva my thanks and my gratitude.

Eva will be dearly missed by her husband, John, by her son, Wayne, by numerous nieces, nephews, friends, and by the Rock Island community. As we celebrate and remember her long life, we are reminded of the important influence Eva was and will continue to be in our lives.

Madam Speaker, I ask that my colleagues join me today in honoring the life of Ms. Eva A. Valentine.

BORDER MONEY GOING TO WRONG PLACES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, Homeland Security is going to spend \$740 million to beef up legal ports of entry into the United States. We absolutely need more border security. The problem is the bureaucrats who have probably never been to either of our borders are sending most of that money to little-used crossings, including one that just handles two cars and sees only four people a day. Many of these 37 crossings that are getting money average merely 50 cars and 85 people a day.

Contrast that with the Laredo-Nuevo Laredo legal crossing. It is receiving no additional money, and it is the largest legal port of entry in North America. It is vital to U.S.-Mexico trade. Over 7,000 18-wheelers a day cross that border in each direction. Trucks wait 2 hours to come into the United States. The vast majority of these trucks are not screened due to manpower and money issues.

Why not close the little used ports of entry that are now receiving most of the money and send the border agents where they could do some real good, to the port of entry where people and vehicles actually cross? But that would be too logical for the D.C. bureaucrats.

And that's just the way it is.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today to express my strong support for H.R. 627, the Credit Cardholders' Bill of Rights.

As I've traveled across my district in western Pennsylvania, I've seen firsthand how abusive credit card practices can devastate families throughout this country, especially during this recession. The time has come to end the unfair, deceptive, and anticompetitive practices by credit card companies. These include soaring fees, arbitrary interest rate hikes, due-date gimmicks,

and the incomprehensible credit card contracts that all Americans are familiar with.

The Credit Cardholders' Bill of Rights offers an important opportunity to protect consumers from these practices, and this legislation can't come soon enough. With consumer credit card debt approaching \$1 trillion, we cannot wait any longer to hold credit card companies accountable and to give American cardholders more control over their credit limits. That's why I urge my colleagues to act today and join me in passing the Credit Cardholders' Bill of Rights.

THE 34TH ANNIVERSARY OF THE FALL OF SAIGON

(Mr. CAO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAO. Madam Speaker, on April 28, 1975, an 8-year-old boy was rushed into an American C-130 to seek freedom in a foreign land. Two days later, on April 30, the Communist forces rumbled into Saigon and marked the beginning of one of the darkest periods in the long and illustrious history of Vietnam.

Immediately following April 30, the Communist government initiated one of the most horrific cultural and political cleansings of our time. Hundreds of thousands of religious, political, and military leaders were thrown into re-education camps. Approximately 300,000 people died at sea while fleeing the horrors of this regime; and of those who remained, thousands more died from famine.

Madam Speaker, today marks the 34th anniversary of that dark day in April when Saigon fell. The 8-year-old boy of whom I spoke now stands before you. I, on behalf of the 1.5 million Vietnamese living in the United States, take this opportunity to remember all who perished in the Vietnam conflict.

I urge my colleagues to work with the Vietnamese communities around the world to promote a free and democratic Vietnam.

MACKENZIE BROWN

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, in February, the House passed a resolution supporting the goals of National Girls and Women in Sports Day.

National Girls and Women in Sports Day works to celebrate female athletes' achievements, to acknowledge the positive influence of sports participation in women's lives, and to urge equality and access for women in sports.

On April 21, 2009, Mackenzie Brown, a sixth grade Little League pitcher from

Bayonne, New Jersey, in my district, threw a perfect game. Throwing fast balls and change-ups, she struck out 18 batters. All of them were boys.

Mackenzie is the first girl in the city's history to throw a perfect game. Her achievement was so impressive that she was asked to throw the ceremonial first pitch before the Mets game against the Washington Nationals at Citi Field.

Mackenzie also excels in the classroom. She has consistently been an honor roll student at Henry E. Harris School in Bayonne. Mackenzie's achievements exemplify the important and beneficial role that sports can play in girls' lives. She is an inspiration to many, and I want to congratulate her and her family. I look forward to her many future successes on and off the field.

TRIBUTE TO FLOYD LAWSON

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Madam Speaker, I rise today to congratulate, pay tribute and honor a great American patriot and educator on his 90th birthday.

Floyd Lawson was born on April 25, 1919, to Luther Franklin and Mary Emily Ingle Lawson. He grew up in Winston County, Alabama and graduated from Lynn High School. He then went on to attend college on a scholarship in Missouri.

When World War II broke out, he gave up his scholarship and draft deferment and returned to Winston County, Alabama to enlist in the United States Army where he served in the U.S. Army Air Force for more than 4 years. He spent most of his time on the staff of the general commander of the Canal Zone. He is the third great grandson of Paul Ingle, who served in the Revolutionary War.

After his military duties, he pursued his education at the University of Alabama where he received a B.S., a master's degree and all classroom studies for his Ph.D. He received his LLB degree from the Blackstone School of Law in 1957. Floyd's career led him to teach at Tuscaloosa High School, the University of Alabama, Walker County High School, Walker College, and at the State of Alabama Department of Education.

He married his high school sweetheart, Modine West, and they have two wonderful daughters, Emma Lil and Melissa. They have five lovely grandchildren and two great grandsons.

After Modine's death, Floyd met and married the next love of his life, Dorothy Jane Strong Abbott. They have lived for the past 22 years in Cullman, Alabama, where they both work as a team in community, civic, and political affairs.

I'm thankful to know Floyd Lawson and to know that he is my friend. I'm

looking forward to having the benefit of his wise counsel for many years to come. I wish him a very happy birthday.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 627, CREDIT CARD-HOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 379 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 379

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes. No general debate shall be in order pursuant to this resolution. The bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS).

GENERAL LEAVE

Mr. PERLMUTTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 379.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 379 provides for consideration of H.R. 627, the Credit Cardholders' Bill of Rights Act. On a regular basis, constituents of mine from Colorado contact me in disappointment with stories about actions taken by their credit card companies. Hardworking Americans who make payments on time, have good credit, and live within their means see their rates increase without notice and without cause.

In a time when many Americans are struggling to pay their mortgage, when health care costs are increasing and many are out of work, unfair credit card practices threaten many families. Americans deserve a fair shake. They deserve transparency and not smoke and mirrors. They deserve reliability and not chaos within their statements.

The bill brought to us today by Congressman GUTIERREZ and Congresswoman MALONEY, the Credit Cardholders' Bill of Rights Act, gives consumers a fair deal. Prior to 1990, credit cards had more or less standardized rates—around 20 percent—few fees, and they were generally offered to persons with high credit standards.

However, since 1990, card issuers have adopted risk-based pricing, and as a result of this new pricing structure, rates have increased and fees have increased dramatically. Today's credit cards feature a wide variety of interest rates that reflect a complex list of factors. The terms of most agreements have become so complicated, consumers don't know what they are getting into when they sign on to a credit card agreement. Most, if not all, agreements allow the issuer to change the interest rate or other terms of agreement at any time for any reason.

For example, there is something called "universal default" in most credit card agreements. Universal default allows the credit card company to change the rate or change the terms of the credit card agreement for something completely unrelated to the credit card. That's got to stop.

There are also practices which allow for credit card companies to apply payments to the lowest rate of interest, not the highest rate of interest, so that amounts continue to grow under the credit card agreements. There are things including double billing cycles so you think that you have paid off a substantial portion of the credit card

but, in fact, you continue to get interest charged against the amount you already paid off.

These are excessive practices, and they must be changed.

Under H.R. 627, issuers can only raise interest rates for the reasons provided within the legislation as proposed.

Madam Speaker, the American people have spoken. Too many stories have been told, and I think everybody in this Chamber—and certainly in the many hearings that we had in Financial Services—all had individual stories about credit cards and excessive practices. Americans are tired of opening their monthly credit card bill and noticing that their interest rate has jumped from 8 percent to 15 percent for no reason. H.R. 627 establishes responsible regulation within an industry which has taken advantage of many vulnerable Americans.

Finally, I want to note the careful balance this bill takes. We have had over a half dozen hearings on this bill alone. It's the product of years of meetings and hearings and conversations and input from all interested parties and roughly 60,000 public comments. This bill provides the fairness Americans have asked for from their credit card companies.

I urge my colleagues to vote in favor of the rule and the underlying bill.

With that, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I rise today in opposition to this rule and to the underlying legislation.

This structured rule does not call for the open and honest debate that has been promised by my Democratic colleagues time after time.

Today's action by my friends on the other side of the aisle is another example of the Federal Government overstepping its boundaries into the private marketplace. And I think it's important for us to note that people who get credit cards get this as an extension of their opportunity and their credit, and they have a responsibility when they sign a contract to live up to that responsibility. It is not a right that is being extended, I believe, today for us to go into the free market and to tinker with on a Federal basis what is a right that is reserved to the States today. We disagree with what is happening today.

Not even 6 months ago, Madam Speaker, the Federal Reserve passed new credit card rules that would protect consumers and provide for more transparency and accountability in the marketplace. These new regulations are set to take effect in July 2010, an agreed-upon date to ensure the necessary time for banks and credit card companies to make crucial and critical adjustments to their business practices without making mistakes and without harming consumers.

Part of what the gentleman from Colorado just described, some of the 60,000

letters of feedback to the industry, took place in that regard. It took place to the Federal Reserve taking information, working with credit card consumer groups to try and alleviate problems or perceived problems in the marketplace. However, with the growing Federal deficit, the current economic crisis, and the growing number of unemployed people, I would simply ask why is Congress passing legislation that already exists? Let's give those statutes and those rules and regulations which are going to be in place time to work.

This legislation allows for the Federal Government to micromanage the way credit card companies and the banking industry does its business. Those hearings have already been held. Decisions have already been made by the Fed. Decisions with credit card companies and consumer groups to understand what changes needed to be made, they've already happened.

If enacted into law, it is not credit card companies that will suffer. It will be every single person that has a credit card and for those who even want to have a credit card in the future. Every American will see an increase in their interest rates, and some of the current benefits that encourage responsible lending will most likely disappear. For example, cash advances, over-the-limit protection, would be just one example.

My friends on the other side of the aisle not only remove any incentive for using credit cards responsibly, but they punish those managing their credit responsibly to subsidize those who are irresponsible. Madam Speaker, the Democrats also want to limit the amount of credit that is available to the middle class and low-income individuals. The very Americans that take the most advantage of credit will be harmed by what we're doing here today.

This legislation prevents credit history from being used to price risk, as an example, meaning that some individuals may not now be able to get a credit card, especially if they are lower-income or they have blemished credit histories or are trying to establish credit for the first time, like college students.

Additionally, the strain of this legislation could have a direct and adverse effect on small businesses which use this credit, especially in times like these where economic and job growth in this country are threatened. For individuals starting in a small business, this legislation means increased interest rates, reduced benefit, and shrinks the availability of credit, potentially limiting their options to even succeed in the marketplace.

Meredith Whitney, a prominent banking analyst, in speaking as a result of this legislation, remarked in *The Wall Street Journal* that she expects a \$2.7 trillion decrease in credit

by the end of 2010 out of the current \$5 trillion credit line available in this country.

Madam Speaker, at a time when we're in economic downturns, the option of credit that is available for people—notwithstanding that they may have to pay a little bit more but will have the flexibility to have that credit—is important.

In the current state of our economy, we urgently would say we need to increase liquidity and lower the cost of credit to stimulate more lending—not raise rates and reduce the availability of credit.

□ 1030

This is not a solution for the ailing economy.

This type of government control of private markets is really what my Democrat colleagues and this new administration have been exploring for quite some time. Whether it is federalizing our banks, federalizing our credit market, federalizing our health care system, federalizing the energy sector, this is what this new administration and my friends in the majority party wish to do.

That said, this administration has taken their power grab a step further, first of all, in this legislation, to write contracts, to hire and fire executives, and to guarantee muffler warranties. They won't let banks pay back their loans. And now they are plotting a hostile takeover of the financial services industry, converting preferred shares into common equity shares, a drastic shift towards a government strategy of long-term ownership and involvement in some of our banks.

Millions of Americans are outraged at the mismanagement of TARP and the reckless use of their tax dollars, and I believe that taxpayers are increasingly uneasy with the Federal Government's growing involvement in financial markets that we see on the floor today.

In an effort to provide more protections to consumers and to taxpayers, I offered an amendment yesterday in the Rules Committee—a Rules Committee of which I have served for 11 years—that was defeated by a party-line vote of 7-3.

Madam Speaker, I would like to insert in the CONGRESSIONAL RECORD a copy of that amendment.

AMENDMENT TO H.R. 627, AS REPORTED
OFFERED BY MR. SESSIONS OF TEXAS

Add at the end the following new section:
SEC. 11. PROHIBITION ON THE USE OF TARP FUNDS TO PURCHASE COMMON STOCK.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201) is amended by adding at the end the following new section:

“SEC. 137. PROHIBITION ON PURCHASE OF COMMON STOCK.

“Notwithstanding any other provision of this title, the Secretary may not, under the TARP—

“(1) purchase common stock of any financial institution; or

“(2) convert any warrant, preferred stock, or other security purchased by the Secretary under the TARP into common stock of any financial institution.”

This amendment would prohibit the Treasury Department from swapping its preferred stock for common stock. The amendment would protect taxpayers, and also keep the Federal Government from engaging itself in the nationalization of our banks.

To preempt the de facto nationalization of our financial systems, on February 3, 2009, the House Republican leadership, including myself, sent a letter to Secretary Geithner regarding what was referred to as the “range of options” this administration was considering in managing the \$700 billion of taxpayer monies.

Madam Speaker, I would like to insert into the CONGRESSIONAL RECORD a copy of this letter.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 3, 2009.

Hon. TIMOTHY F. GEITHNER,
Secretary, Department of the Treasury,
Washington, DC.

DEAR SECRETARY GEITHNER: Recent reports indicate that the Administration is considering a “range of options” for spending the second tranche of the Troubled Asset Relief Program (TARP) released last week and that the Administration is considering whether to ask the Congress for new and additional TARP funds beyond the \$700 billion already provided. We are writing to raise serious questions about the efficacy of the options being considered and to ask whether the Administration is developing a strategy to exit the bailout business.

Because the Administration has committed itself to assisting the auto industry, satisfying commitments made by the previous Administration, and devoting up to \$100 billion to mitigate mortgage foreclosures, it has been reported that President Obama might need more than the \$700 billion authorized by the Emergency Economic Stabilization Act (“EESA”) to fund a “bad bank” to absorb hard-to-value toxic assets. In light of these commitments—which come at a time when the Federal Reserve is flooding the financial system with trillions of dollars and the Congress is finalizing a fiscal stimulus that is expected to cost taxpayers more than \$1.1 trillion—it is not surprising that the American people are asking where it all ends, and whether anyone in Washington is looking out for their wallets.

Indeed, a bipartisan majority of the House—171 Republicans and 99 Democrats—recently expressed the same concerns, voting to disapprove releasing the final \$350 billion from the TARP. As we noted in our December 2, 2008 letter to then-Secretary Paulson and Chairman Bernanke, we realize that changing conditions require agility in developing responses. However, the seemingly ad hoc implementation of TARP has led many to wonder if uncertainty is being added to markets at precisely the time when they are desperately seeking a sense of direction. It has also intensified widespread skepticism about TARP among taxpayers, and prompted misgivings even among some who originally greeted the demands for the program’s creation with an open mind. Accordingly, we request answers to the following questions:

1. How does the Administration plan to maximize taxpayer value and guarantee the

most effective distribution of the remaining \$350 billion of TARP funds?

2. How is the Administration lending, assessing risk, selecting institutions for assistance, and determining expectations for repayment?

3. Will the Administration opt for a complex “bad bank” rescue plan? How can the “bad bank” efficiently price assets and minimize taxpayer risk? Will financial institutions be required to give substantial ownership stakes to the Federal government to participate in the program?

4. Is a “bad bank” plan an intermediate step that leads to nationalizing America’s banks?

5. Can you elaborate on your plans for the use of an insurance program for toxic assets? Specifically, will you seek to price insurance programs to ensure that taxpayer interests are protected? If so, how will you do so?

6. What is the exit strategy for the government’s sweeping involvement in the financial markets?

Thank you for your consideration of these important questions.

Sincerely,

John Boehner, Mike Pence, Cathy McMorris-Rodgers, Roy Blunt, Eric Cantor, Thaddeus McCotter, Pete Sessions, David Dreier, Kevin McCarthy, Spencer Bachus.

The letter outlined a host of questions that dealt with ensuring that taxpayers were paid back and an exit strategy for the government’s sweeping involvement in the financial markets. Today is April 30, and almost 2 months later we have not received a response. I am on the floor today asking that Secretary Geithner please respond back to this letter that is over 60 days old.

Last week, the Special Inspector General for the Troubled Asset Relief Program, TARP, published a report that reveals at least 20 criminal cases of fraud in the bailout program and determined that new actions by President Obama’s administration are “greatly increasing taxpayer exposure to losses with no corresponding increase in potential profits.”

This administration is not above oversight and accountability. We are asking for the Secretary to do what my colleagues in the majority asked of George Bush, please provide in writing that accountability, notifying this Congress what we can count on and what the exit strategy would be. The American people deserve answers for their use of tax dollars and an exit strategy for taxpayer-funded bailouts, including how their investment in TARP will be used. That is why I sent yet another letter to Secretary Geithner, as it neared the 60-day mark, expressing grave concern to the new reports of Treasury moving taxpayer dollars into riskier investments in the banking structure.

Madam Speaker, I would also like to insert this letter into the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,
Washington DC, April 23, 2009.

Hon. TIMOTHY GEITHNER,
Secretary, Department of the Treasury,
Washington, DC.

DEAR SECRETARY GEITHNER: I am greatly concerned by recent news reports that the Administration is considering converting the government’s preferred stock in some of our nation’s largest banks—investments acquired through the TARP program—into common equity shares in these publicly-held companies.

As you are aware, these investments were originally made to their recipients at fixed rates for a fixed period of time—signaling that their intent was to provide these banks with short-term capital for the purpose of improving our financial system’s overall position during a time of crisis. Converting these shares into common equity, however, signals a drastic shift away from the Administration’s original purpose for these investments to a new strategy of long-term ownership of and involvement in these companies.

I am concerned that converting these preferred shares into common equity would have two serious and negative effects. First, it would bring the banks whose shares are converted closer to de facto nationalization by creating the potential for the government to play an increasingly activist role in their day-to-day operations and management.

Second, I am concerned that moving these investments further down the bank’s capital structure into a riskier position puts American taxpayer dollars at increased risk of being lost in the event of a recipient’s insolvency.

To date, no Administration official has provided the House Republican Leadership with any comprehensive answers to the serious questions raised in our February 2, 2009 letter to you about the Administration’s exit strategy for the government’s growing involvement in the financial markets.

In absence of the Administration’s response to that letter, I would appreciate your prompt assurance that converting these preferred shares to common equity—thereby taking these companies closer to nationalization and putting taxpayers’ money at increased risk—is not a part of the Administration’s yet-to-be-articulated strategy on getting out of the bailout business.

Thank you in advance for your prompt attention to this issue of critical importance to me, the residents of Texas’ 32nd District and the entire taxpaying American public. If you have any questions regarding this letter, please feel free to have your staff contact my Chief of Staff Josh Saltzman.

Sincerely,

PETE SESSIONS,
Member of Congress.

As this Democrat majority continues to tax, borrow, and spend Americans’ hard-earned tax dollars, we move closer and closer to nationalizing our banking and credit systems that will only deepen our current economic struggle.

The Federal Government is interfering and hindering our progress, not helping it. When Congress or the administration changes the rules, it should be in the best interests of the American public and the taxpayer. By not making my amendment in order today, I can say that this Congress has turned its back on what I believe is responsible public policy to say that this Federal Government should not invest in the free enterprise system.

Madam Speaker, it is appropriate to consider new ways to protect credit consumers from unfair and deceptive practices and to ensure that Americans receive useful and complete disclosures about the terms and conditions. But in doing so, we must make sure that we do nothing to make credit cards more expensive for those who use credit responsibly, or to cut off or hinder access to credit for small businesses who count on this credit, but perhaps those with less than perfect credit histories.

While reading *The Wall Street Journal* last week, I came across an op-ed called "Political Credit Cards," discussing this very issue. It states, "Our politicians spend half their time berating banks for offering too much credit on too easy terms and the other half berating banks for handing out too little credit at a high price. The bankers should tell the President that they need to start getting out of the business, and that Washington should quit changing the rules." This speaks to what happened with TARP. It also speaks clearly to health care, welfare, taxes, and this underlying legislation today. Madam Speaker, the American people deserve better from their elected officials.

I would also note that I thought it was interesting that this new Democrat majority, just this week, as we passed what I consider to be an irresponsible \$3.5 trillion new budget, the very next vote was on encouraging Americans to understand financial security and integrity. I think Congress could use a little bit of what it hands out to study for itself and to gain the discipline to understand that the free enterprise system works best when we leave it alone.

Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. I appreciate my friend from Texas complaining about every issue facing America today, but the issue in front of Congress today deals with the Credit Cardholders' Bill of Rights. That is the purpose we are here for this morning, that is the purpose of the rule.

I would agree with my friend from Texas, as he discussed the Federal Reserve and the comment taking that it has made and the rules that it has promulgated, but for the actions taken by Congresswoman CAROLYN MALONEY and Congressman LUIS GUTIERREZ, there would have been no movement. That whole credit card effort by the Federal Reserve took years and years. It was stalled. And thank goodness action was taken by those two legislators in moving this forward.

This bill needs to move forward. People in America expect to be treated properly and fairly in their financial dealings, and that is the purpose of this legislation.

With that, I yield 2 minutes to my friend from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Thank you, Congressman PERLMUTTER.

I rise in strong support of the rule for supporting the Credit Cardholders' Bill of Rights.

In these difficult economic times, all credit cardholders across the country should ask themselves, whose side are we on? Are we on the side of ordinary people? Are we on the side of consumers who are working hard to pay their bills every month? Or are we sitting in the boardroom of the big banks? Whose side are we on?

We must protect the hardworking taxpayers everywhere in this country. I am working hard for the families of northeast Wisconsin, who I have the honor of representing. For too long, consumers everywhere, including Wisconsin, have been victimized by high fees, by increasing interest rates, and confusing credit card agreements that have allowed banks to jack up interest rates at their own pleasure and at consumers' expense.

The Credit Cardholders' Bill of Rights will protect everyone from unfair and abusive practices. In short, it will prevent companies from constantly moving the goalpost and taking advantage of people who haven't done anything wrong.

You know, when I grew up in northeast Wisconsin, on the playground we used to call this changing of the rules and interest rates, we used to call that "party shop" rules. If you work hard and play by the rules, you should be able to get ahead and receive credit at a price we can afford to pay.

For these reasons, I urge my colleagues to support this rule and pass the Credit Cardholders' Bill of Rights. And someday soon, I hope we will also bring fairness to the merchants who suffer from excessive bank interchange fees, which is not yet part of this legislation.

Mr. SESSIONS. Madam Speaker, I referred to an article in *The Wall Street Journal* on March 10 of this year by Meredith Whitney. I would like to insert that into the RECORD, also.

[From the *Wall Street Journal*, Mar. 10, 2009]

CREDIT CARDS ARE THE NEXT CREDIT CRUNCH

(By Meredith Whitney)

Few doubt the importance of consumer spending to the U.S. economy and its multiplier effect on the global economy, but what is under-appreciated is the role of credit-card availability in that spending. Currently, there is roughly \$5 trillion in credit-card lines outstanding in the U.S., and a little more than \$800 billion is currently drawn upon. While those numbers look small relative to total mortgage debt of over \$10.5 trillion, credit-card debt is revolving and accordingly being paid off and drawn down over and over, creating a critical role in commerce in America.

Just six months ago, I estimated that at least \$2 trillion of available credit-card lines would be expunged from the system by the end of 2010. However, today, that estimate now looks optimistic, as available lines were reduced by nearly \$500 billion in the fourth

quarter of 2008 alone. My revised estimates are that over \$2 trillion of credit-card lines will be cut inside of 2009, and \$2.7 trillion by the end of 2010. Inevitably, credit lines will continue to be reduced across the system, but the velocity at which it is already occurring and will continue to occur will result in unintended consequences for consumer confidence, spending and the overall economy. Lenders, regulators and politicians need to show thoughtful leadership now on this issue in order to derail what I believe will be at least a 57% contraction in credit-card lines.

There are several factors that are playing into this swift contraction in credit well beyond the scope of the current credit market disruption. First, the very foundation of credit-card lending over the past 15 years has been misguided. In order to facilitate national expansion and vast pools of consumer loans, lenders became overly reliant on FICO scores that have borne out to be simply unreliable. Further, the bulk of credit lines were extended during a time when unemployment averaged well below 6%. Overly optimistic underwriting standards made more borrowers appear creditworthy. As we return to more realistic underwriting standards, certain borrowers will no longer appear worth the risk, and therefore lines will continue to be pulled from those borrowers.

Second, home price depreciation has been a more reliable determinant of consumer behavior than FICO scores. Hence, lenders have reduced credit lines based upon "zip codes," or where home price depreciation has been most acute. Such a strategy carries the obvious hazard of putting good customers in more vulnerable liquidity positions simply because they live in a higher risk zip code. With this, frequency of default is increased. In other words, as lines are pulled and borrowing capacity is reduced, paying borrowers are pushed into vulnerable financial positions along with nonpaying borrowers, and therefore a greater number of defaults in fact occur.

Third, credit-card lenders are currently playing a game of "hot potato," in which no one wants to be the last one holding an open credit-card line to an individual or business. While a mortgage loan is largely a "monogamous" relationship between borrower and lender, an individual has multiple relationships with credit-card providers. Thus, as lines are cut, risk exposure increases to the remaining lender with the biggest line outstanding.

Here, such a negative spiral strategy necessitates immediate action. Currently five lenders dominate two thirds of the market. These lenders need to work together to protect one another and preserve credit lines to able paying borrowers by setting consortium guidelines on credit. We, as Americans, are all in the same soup here, and desperate times are requiring of radical and cooperative measures.

And fourth, along with many important and necessary mandates regarding fairness to consumers, impending changes to Unfair and Deceptive Acts or Practices (UDAP) regulations risk the very real unintended consequence of cutting off vast amounts of credit to consumers. Specifically, the new UDAP provisions would restrict repricing of risk, which could in turn restrict the availability of credit. If a lender cannot reprice for changing risk on an unsecured loan, the lender simply will not make the loan. This proposal is set to be effective by mid-2010, but talk now is of accelerating its adoption date. Politicians and regulators need to seriously consider what unintended consequences could occur from the implementation of this proposal in current form. Short

of the U.S. government becoming a direct credit-card lender, invariably credit will come out of the system.

Over the past 20 years, Americans have also grown to use their credit card as a cash-flow management tool. For example, 90% of credit-card users revolve a balance (i.e., don't pay it off in full) at least once a year, and over 45% of credit-card users revolve every month. Undeniably, consumers look at their unused credit balances as a "what if reserve." "What if" my kid needs braces? "What if" my dog gets sick? "What if" I lose one of my jobs? This unused credit portion has grown to be relied on as a source of liquidity and a liquidity management tool for many U.S. consumers. In fact, a relatively small portion of U.S. consumers have actually maxed out their credit cards, and most currently have ample room to spare on their unused credit lines. For example, the industry credit line utilization rate (or percentage of total credit lines outstanding drawn upon) was just 17% at the end of 2008. However, this is in the process of changing dramatically.

Without doubt, credit was extended too freely over the past 15 years, and a rationalization of lending is unavoidable. What is avoidable, however, is taking credit away from people who have the ability to pay their bills. If credit is taken away from what otherwise is an able borrower, that borrower's financial position weakens considerably. With two-thirds of the U.S. economy dependent upon consumer spending, we should tread carefully and act collectively.

Essentially what this person is arguing, a person who looks at the markets every day, credit in this country, and I quote from this, "Currently, there is roughly \$5 trillion in credit card lines outstanding in the United States, and a little bit more than \$800 billion is currently drawn upon."

What we are saying is that people do have the ability to utilize more of their credit with credit cards. And I believe the vast majority of consumers are carefully and thoughtfully understanding that when they sign an agreement with a credit card company, that they understand that what they need to do is pay that back, and if not, that there will be a penalty, a fee, or interest that will be charged as a result of that.

The free market today has lots of credit cards, lots of different companies, lots of different options that are available to people. But with what we are doing here today, that is going to change the way people do business for the vast majority of credit card users. It means that, today, if you follow all the rules, you pay either the first month or, properly what you're doing, that you are willing to keep that credit card because you need it without having to pay the penalty or the associated penalty to the risk that you have. Tomorrow, we are going to take risk out of the risky people and put the risk on everybody. And that is really what Meredith Whitney is trying to say here. Of the trillions of dollars that are available, credit card companies only draw down \$800 billion. That is because the vast majority of people, very effectively and properly, use the credit that is available to them.

The system does and did need tinkering; but when we tinker with that system, we should make sure that what we do is to add transparency, not rules and regulations that inflict what they do, and the changes, onto a contract willingly signed by a consumer.

Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman for yielding the time and for his effective management of the rule.

I am very proud to be on the floor today to support the Credit Cardholders' Bill of Rights. I think it is about time that this bill came to the floor. Why? There is a demand on the part of the American people because they know they are being abused.

There are two bills that come every month to almost every household, certainly one, the utility bill, people study that, and the other, their credit card bill. Now, there is no doubt in my mind that America really has to go on a credit diet and that we will come through this economic crisis in a different and a better way. But credit is very important in our country because two-thirds of our national economy is comprised of consumer spending. And so credit cards, how they are used, and what people are charged in that usage, is very important.

In recent months, customers have seen their credit card payments skyrocket, with sudden and sharp increases in interest rates, confusing repayment schedules, all in an effort for the banks and the credit card companies to recoup their financial losses from other things that they have done.

Good, stable credit card customers have watched as their existing balances tripled and even quadrupled without warning and without justification. Credit card defaults are at an all-time high. When we reform this, this is going to help to stimulate our economy by putting more dollars back into the hands of consumers and not in coffers of the credit card companies. These companies will no longer be allowed to penalize cardholders who pay on time or shift allocation of payments to maximize interest rates. It is a rope-a-dope system that is being foisted on the American people, and we all know it. That is why we have to take this step today.

I salute Representatives MALONEY and GUTIERREZ for their tenacity in bringing this bill to the floor. I hope all Members will support this, and the American people will know by the votes in the House who is standing on their side.

□ 1045

Mr. SESSIONS. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, one of the amendments that was talked about earlier

that was denied in the Rules Committee deals with an issue that Secretary Geithner and the Treasury Department have openly talked about, and that is their decision to look at the possibility of taking that preferred stock which TARP funds were bought into and converting that to common stock. On April 21 there was an article in The Wall Street Journal that talked about this. It's entitled "A Backdoor Nationalization."

The bottom line is that immediately after this appeared in the press, the stock market promptly tumbled by 3.5 percent, meaning once again bad news to the marketplace, with J.P. Morgan falling 10 percent and financial stocks as a group more than 9 percent. This was on April 20.

What this is about is that it would be a wholesale conversion, which would mean that the government would own a larger portion of banks, even more and even in a different way than they would with preferred stock. The Wall Street Journal says this is a back door to nationalization. That is because it would create uncertainty, not more certainty, by offering the specter of even greater lengths of periods of Federal control over the banking system.

Perhaps even worse than that, what they would do is they would seek to transfer and force banks to do this because of the frailty of the banks at this point. It means that the government would force a change of a contract from a bank that they may have.

Madam Speaker, that amendment should have been made in order. This Congress should be out on this as a policy, and we should be speaking up about this. Even though the amendment was not made in order, I encourage the Financial Services Committee of this Congress to make sure that they hold hearings on this exact issue. [From the Wall Street Journal, Apr. 21, 2009]

A BACKDOOR NATIONALIZATION—THE LATEST TREASURY BRAINSTORM WILL RETARD A BANKING RECOVERY

Just when you think the political class may have learned something in months of trying to fix the banking system, the ghost of Hank Paulson returns to haunt the Treasury. The latest Beltway blunder—and it would be a big one—is the Obama Administration's weekend news leak that it may insist on converting its preferred shares in some of the nation's largest banks into common equity.

The stock market promptly tumbled by more than 3.5% yesterday, with J.P. Morgan falling 10% and financial stocks as a group off 9%, as measured by the NYSE Financials index. Note to White House: Sneaky nationalizations aren't any more popular with investors than the straightforward kind.

The occasion for this latest nationalization trial balloon is the looming result of the Treasury's bank strip-tease—a.k.a. "stress tests." Treasury is worried, with cause, that some of the largest banks lack the capital to ride out future credit losses. Yet Secretary Timothy Geithner and the White House have concluded that they can't risk asking Congress for more bailout cash.

Voila, they propose a preferred-for-common swap, which can conjure up an extra \$100 billion in bank tangible common equity, a core measure of bank capital. Not that this really adds any new capital; it merely shifts the deck chairs on bank balance sheets. Why Treasury thinks anyone would find this reassuring is a mystery. The opposite is the more likely result, since it signals that Treasury no longer believes it can tap more public capital to support the financial system if the losses keep building.

Worse, wholesale equity conversion would mean the government owns a larger share of more banks and is more entangled than ever in their operations. Giving Barney Frank more voting power is more likely to induce panic than restore confidence. Simply look at the reluctance of some banks—notably J.P. Morgan Chase—to participate in Mr. Geithner's private-public toxic asset sale plan. The plan is rigged so taxpayers assume nearly all the downside risk, but the banks still don't want to play lest Congress become even more subject to political whim.

A backdoor nationalization also creates more uncertainty, not less, by offering the specter of an even lengthier period of federal control over the banking system. And it creates the fear of even more intrusive government influence over bank lending and the allocation of capital. These fears have only been enhanced by the refusal of Treasury to let more banks repay their Troubled Asset Relief Program (TARP) money.

As it stands, banks and their owners at least know how much they owe Uncle Sam, and those preferred shares represent a distinct and separate tier of bank capital. Once the government is mixed in with the rest of the equity holders, the value of its investments—and the cost to the banks of buying out the Treasury—will fluctuate by the day.

Congress is also still trying to advance a mortgage-cramdown bill that would hammer the value of already distressed mortgage-backed securities, and now the Administration is talking up legislation to curb credit-card fees and interest. Both of these bills would damage bank profits, but large government ownership stakes would leave the banks helpless to oppose them. (See Citigroup, 36% owned by the feds and now a pro-cramdown lobbyist.)

We've come to this pass in part because the Obama Administration is afraid to ask Congress for the money for a meaningful bank recapitalization. And it may need that money now in part because Mr. Paulson's Treasury insisted on buying preferred stock in all the big banks instead of looking at each case on its merits. That decision last fall squandered TARP money on banks that probably didn't need it and left the Administration short of funds for banks that really do.

The sounder strategy—and the one we've recommended for two years—is to address systemic financial problems the old-fashioned way: bank by bank, through the Federal Deposit Insurance Corp. and a resolution agency with the capacity to hold troubled assets and work them off over time. If the stress tests reveal that some of our largest institutions are insolvent or nearly so, it's then time to seize the bank, sell off assets and recapitalize the remainder. (Meanwhile, the healthier institutions would get a vote of confidence and could attract new private capital.)

Bondholders would take a haircut and shareholders may well be wiped out. But converting preferred shares to equity does nothing to help bondholders in the long run any-

way. And putting the taxpayer first in line for any losses alongside equity holders offers shareholders little other than an immediate dilution of their ownership stake. Treasury's equity conversion proposal increases the political risks for banks while imposing no discipline on shareholders, bondholders or management at failed or failing institutions.

The proposal would also be one more example of how Treasury isn't keeping its word. When he forced banks to accept public capital whether they needed it or not, Mr. Paulson said the deal was temporary and the terms wouldn't be onerous. To renege on those promises now will only make a bank recovery longer and more difficult.

Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 2 minutes to my friend from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Well, it looks like another party-line vote, another partisan exercise.

My friend from Texas leading the opposition says that free enterprise works best when we leave it alone. Really? We have tried that approach for the last 8 years, cutting taxes and deregulating businesses. And where has it led us? To the worst financial crisis since the Great Depression. Trillions of dollars lost to this economy, millions of jobs, and our largest debt holder is Communist China. They're the only ones that came out whole from your experiment.

Now, it's true that we've had some of the largest corporate profit in history over the last 8 years, but much of it came from moving money around, in some cases deluding homebuyers and squeezing credit cardholders. And, in fact, 94 percent of the income growth went to the top 10 percent, leaving about 6 percent of income growth for the bottom 90 percent. And so what did they do? They borrowed more and more from their home equity values, and they borrowed more and more from their credit cards.

And now what we're doing is to step over on to the side of the consumer and the homeowner. And that's why we have had any number of pieces of legislation to protect homebuyers so they could stay in their home, make their mortgage payments. And now we're dealing with credit cardholders. And we're not being unfair. All this is imposing fair business practices, looking out for the consumer, because the fact is that they have been subject to very unfair practices, arbitrary interest rate increases, over-the-limit fees. Cardholders who pay on time are hit with unfair penalties, due-date gimmicks, any number of things that this legislation addresses, appropriately.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. I yield the gentleman an additional 30 seconds.

Mr. MORAN of Virginia. I can't imagine that we would be opposing fair business practices that all of us would want for our children, for our parents, for our friends.

None of these are unreasonable. They should have been done years ago. I hope, for example, we will even add to them by letting people know if they only pay the minimum monthly payment when they will ever be able to pay off their credit card debt. Stop sending all these credit cards to young people on college campuses. Thirty-six credit cards the average American family is getting. It's out of control.

It's time to put it under control. Let's pass this unanimously.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman from Virginia coming down and setting the record straight about how the Bush administration has caused all these problems and all these tax cuts. But I would remind the gentleman that the greatest economic boom in the history of the United States and the world occurred during the time that we encouraged and incentivized investors to be a part of growing our economy.

As I recall, the facts of the case are that 3 years ago when our friends, the Democrats, became the new majority, they announced quite openly that those tax cut days were over with, and that's when the investor left. And when the investor left, that's when our economy started going downhill.

Let's tell the truth here. What we just passed just yesterday was the largest spending budget in the history of the universe that will lead to a debt that will double and triple, double and triple, in the next few years. That is a national security issue. And that's part of what we are talking about here today. The interference in the marketplace by my friends, the Democrats, that not only wiped out, took the investor out of the equation, but today are going to create an even worse circumstance for credit cardholders at a time when the extension of credit is needed more than ever.

Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 1 minute to the gentleman from Chicago, Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, this is a fascinating debate for me because, for 7 years as a university professor, I have been able to see how this process actually works and begins. I saw the credit card companies literally trolling the campuses offering jerseys and sweatshirts for the honor of students to buy pizzas at 18 to 21 percent interest rates.

There is no doubt that credit card companies provide a valuable service for hardworking Americans, but they are the ones changing the rules. In recent years credit card companies have begun to abuse this system. They've implemented deceptive provisions and have burdened the average consumer with extraordinary high rates and fees.

If you pay your balance on time and you spend below your credit limit, you

should not be subject to arbitrary interest rates and increases. These credit card companies deserve to make a profit, but not at the expense of the American consumer.

This bill is about reforming that system. It puts safeguards in place that will help inform consumers and empower them to take control of their credit and, therefore, their lives.

Mr. SESSIONS. Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, this has been a week for America, fighting the H1N1 virus and coming together as a Nation. But at the same time, this Congress and this administration have invested in America's going forward with passing our budget resolution and thank, thank, thank whoever you desire to thank, including the sponsors of this bill, finally a credit cardholders' bill of rights.

Last year in 2008, \$19 billion in penalty fees on families with credit cards dealing with late fees, over-the-limit fees, and other penalties. This year, \$20 billion. This is crashing down on the heads of hardworking families, college students. Enough is enough.

I am proud to stand up and support legislation that says to the American people you are in charge, not the abusive, under-the-table focus of credit card companies who continuously handle their business wrongheadedly, charging over-the-limit fees. And, therefore, this bill will limit to three the number of over-the-limit fees companies can charge for the same transaction. Can you imagine, they were doing it over and over and over again. It ends unfair double-cycle billing, ends the fact that you might be paying your bill on time and yet they raise your interest rate without notice.

An amendment that I support as well is one that indicates if you were to lose your card, the credit card company should notify credit cardholders 30 days before closing their account, give the reason foreclosure, options to keep the account open, programs available to repay the balance, and the resulting impact on their credit card score.

Sometimes people are surviving on their credit card, but they're paying their bill. But yet the credit card companies have no mercy. And they don't have any mercy when they go after our children on college campuses and the parents don't even know that the children have it. Limit the credit card balance or the amount when young people are involved.

This is a great bill. Thank goodness for the credit cardholders' bill of rights for the American people.

Madam Speaker, Americans are taught to work hard and make money and to buy a house, but we are never taught about financial

literacy. In these tough economic times, it is imperative that Americans know about financial literacy; it is crucial to our survival. Americans need to be prepared to make informed financial choices. Indeed, we must learn how to effectively handle money, credit, debt, and risk. We must become better stewards over the things that we are entrusted. By becoming better stewards, Americans will become responsible workers, heads of households, investors, entrepreneurs, business leaders and citizens. I add my appreciation to CAROLYN MALONEY and LUIS GUTIERREZ for their hard work.

I am reminded of how important this issue is to American society, as I was invited to attend a financial literacy roundtable panel on Monday evening at the New York Stock Exchange. The panel was sponsored by the Hope Literacy Foundation. The panel was moderated by John Hope Bryant. I was surrounded by some of the great financial literacy experts in the nation. At the roundtable, I discussed the importance of financial literacy for college and university students. It is important that students be taught financial literacy. The facts about students and financial literacy are astounding.

In 2008, 84 percent of undergraduates had at least one credit card. This figure is staggering. Young people who themselves might not even have a job are able to get credit cards. This is astounding because it begins the cycle of indebtedness.

Recent studies have indicated that young people do not even know basic financial topics such as the impact of student loans on one's credit, how to balance a checkbook, and the impact of automobile loans on one's credit.

Because of my concern that young people are not sufficiently informed about financial literacy, I have offered this amendment: To require financial literacy counseling for borrowers, and for other purposes.

This amendment is important because approximately two-thirds of students borrow to pay for college according to the Center for Economic and Policy Research. Moreover, one in ten of student borrowers have loans more than \$35,000. Passing this legislation will ensure that our nation's college students will be more prepared when incurring student loan debt and help them to avoid default as student loans severely impact one's credit score. Currently there is about \$60 billion in defaulted student loan debt.

Many students do not understand the reality of repaying student debt while taking out these loans. While most Americans have debt of some kind, student loan repayment is especially scary, as one cannot just declare bankruptcy and have their loans discharged. Due to the lack of financial literacy counseling for borrowers, student loan payments are often higher than expected. Recent grads are unable to afford the monthly payments resulting in them living paycheck to paycheck, acquiring credit card debt and in extreme cases, grads leaving the country in order to avoid repayment and debt collectors.

Students and parents are not currently receiving the proper or any information of the burden that their student loans will have once they graduate. This is possibly a result of the relationship between student loan companies

and universities, as some lenders offer universities incentives to steer borrowers their way.

College campuses are one place that young Americans are introduced to credit and the possibility of living beyond their means. With proper loan and credit counseling the burden of debt incurred in college could be greatly reduced. Especially in this time of recession, financial literacy is one of the most important tools that we can give to our students in order to ensure their success in the future.

This amendment will provide financial literacy training to students taking out Federal Student Loans and will require a minimum of 4 hours of counseling including entrance and exit counseling. Counseling will include the fundamentals of basic checking and savings accounts, budgeting, types of credit and their appropriate uses, the different forms of student financial aid, repayment options, credit scores and ratings, as well as investing.

I support the rule and urge my colleagues to do likewise.

The rule prevents card companies from unfairly increasing interest rates on existing card balances—retroactive increases are permitted only if a cardholder is more than 30 days late, if a promotional rate expires, if the rate adjusts as part of a variable rate, or if the cardholder fails to comply with a workout agreement.

The rule requires card companies to give 45 days notice of all interest rate increases or significant contract changes (e.g. fees).

Requires companies to let consumers set their own fixed credit limit that cannot be exceeded.

Prevents companies from charging "over-the-limit" fees when a cardholder has set a limit, or when a preauthorized credit "hold" pushes a consumer over their limit.

Limits (to 3) the number of over-the-limit fees companies can charge for the same transaction—some issuers now charge virtually unlimited fees for a single violation.

Ends unfair "double cycle" billing—card companies couldn't charge interest on debt consumers have already paid on time.

If a cardholder pays on time and in full, the bill prevents card companies from piling additional fees on balances consisting solely of left-over interest.

Prohibits card companies from charging a fee when customers pay their bill.

Many companies credit payments to a cardholder's lowest interest rate balances first, making it impossible for the consumer to pay off high-rate debt. The bill bans this practice, requiring payments made in excess of the minimum to be allocated proportionally or to the balance with the highest interest rate. Protects Cardholders from Due Date Gimmicks.

Requires card companies to mail billing statements 21 calendar days before the due date (up from the current 14 days), and to credit as "on time" payments made before 5 p.m. local time on the due date.

Extends the due date to next business day for mailed payments when the due date falls on a day a card company does not accept or receive mail (i.e. Sundays and holidays).

Establishes standard definitions of terms like "fixed rate" and "prime rate" so companies can't mislead or deceive consumers in marketing and advertising.

Gives consumers who are pre-approved for a card the right to reject that card prior to activation without negatively affecting their credit scores.

Prohibits issuers of subprime cards (where total yearly fixed fees exceed 25 percent of the credit limit) from charging those fees to the card itself. These cards are generally targeted to low-income consumers with weak credit histories.

Prohibits card companies from knowingly issuing cards to individuals under 18 who are not emancipated.

Requires reports to Congress by the Federal Reserve on credit card industry practices to enhance congressional oversight.

Requires card companies to send out 45-day notice of interest rate increases 90 days after the bill is signed into law; the remainder of the bill takes effect 12 months after enactment.

I urge my colleagues to support the rule. Seventeen amendments were made in order. I will discuss my views on each below.

1. Gutierrez Amendment. This amendment offered by Representative GUTIERREZ, would allow issuers to charge consumers for expedited payments by telephone when consumers request such an expedited payment, and would make technical corrections; would require that all credit card offers notify prospective applicants that excessive credit applications can adversely affect their credit rating; would direct the Board of Governors of the Federal Reserve to suggest appropriate guidelines for creditors to supply cardholders with information regarding the availability of legitimate and accredited credit counseling services; would require all written information, provisions, and terms in or on any application, solicitation, contract, or agreement for any credit card account under an open end consumer credit to appear in no less than 12 point font; and would require that stores who are self-issuers of credit cards display a large visible sign at counters with the same information that is required to be disclosed on the application itself.

I support this amendment and I urge my colleagues to support this amendment. This amendment addresses the issue of financial literacy and ensures that the consumer is afforded information to make an informed decision about applying for and ultimately securing a credit card. Credit counseling is a key element and is of paramount importance. This amendment provides credit counseling to the consumer before the consumer gets into financial trouble.

2. Frank (MA), would require the Federal Reserve (1) to review the consumer credit card market, including through solicitation of public comment, and report to Congress every two years; (2) publish a summary of this review in the Federal Register, along with proposed regulatory changes (or an explanation for why no such changes are proposed). The amendment also requires the Federal banking agencies and the FTC to submit to the Federal Reserve, for inclusion in the Federal Reserve's annual report to Congress, information about the agencies' supervisory and enforcement activities related to credit card issuers' compliance with consumer protection laws.

I support this amendment and encourage my colleagues to support this amendment.

This amendment ensures that the FTC and the Federal banking agencies are engaging in supervisory and enforcement activities related to credit card issuer's compliance with consumer protection laws. This is important to ensure that another credit crisis is not looming and is an appropriate step to take to prevent such crises from occurring in the future.

3. Slaughter (NY)/Duncan (TN)/Hastings, Alcee (FL)/Johnson (GA)/Christensen (VI), would set underwriting standards for students' credit cards, including limiting credit lines to the greater of 20 percent of a student's annual income or \$500, without a co-signer and requiring creditors to obtain a proof of income, income history, and credit history from college students before approving credit applications.

I support this amendment. During the 1990s and 2000s, credit companies began a massive campaign of inundating university students with credit card offers. Such advertisement and easy availability of credit to students had the effect of enticing students to apply for credit. The students would then become indebted and subsequently face economic hardship. This amendment would help ensure that a student would be qualified for credit that he or she could afford. This amendment is practical and it makes sense. I support it and I urge my colleagues to do the same.

4. Gutierrez (IL)/Peters, Gary (MI)/Edwards, Donna (MD), would require credit card issuers to allocate payments in excess of the minimum payment to the portion of the remaining balance with the highest outstanding APR first, and then to any remaining balances in descending order, eliminating the pro rata option.

I support this amendment. The inclusion of this amendment would inure to consumers. I support it and urge my colleagues to do the same.

5. Pingree, Chellie (ME), would require the Chair of the Federal Reserve to submit a report on the level of implementation of this bill every 90 days until the Chair can report full industry implementation.

I support this amendment and urge my colleagues to do the same.

6. Polis (CO), would clarify that minors are allowed to have a credit card in their name on their parent or legal guardian's account.

I support this amendment. I believe that if young people are afforded credit cards and are taught how to effectively and safely use credit that it can be beneficial to them. This amendment would help in making children more financially responsible.

7. Jones (NC), would require the Federal Reserve Board, in consultation with the Federal Trade Commission and other agencies, to establish regulations that would allow estate administrators to resolve outstanding credit balances in a timely manner.

I support this amendment. Its inclusion would ensure that debts are not passed off to the state. I support this bill and urge my colleagues to support.

8. Maloney (NY)/Watson (CA), would require credit cardholders to opt-into receiving over-the-limit protection on their credit card in order for a credit card company to charge an over-the-limit fee. Allows for transactions that go over the limit to be completed for operational reasons as long as they are of a de minimis amount, but the credit card company is not allowed to charge a fee.

I support this amendment. This is the same principle that applies with respect to over the limit fees in banking accounts. The premise is reasonable and makes sense. I urge my colleagues to support it.

9. Hensarling (TX), would allow issuers to raise rates on existing balances if they provide consumers clear notification 90 days in advance, provided that the issuer has previously specified this ability to consumers in their contract and at least once every year thereafter.

I do not support this amendment. The whole idea behind this bill is to extend certain rights to the consumer. This amendment allows credit card companies to continue to raise rates without any regard as to whether the rates were reasonable in the first instance. I urge my colleagues not to support this amendment.

10. Hensarling (TX), would allow creditors to use retroactive rate increases, universal default, and 'double cycle billing' practices as long as they offer at least one card option that does not have those billing features to all of their existing customers.

I do not support this amendment. The whole idea behind this bill is to extend certain rights to the consumer. This amendment allows credit card companies to continue to raise rates without any regard as to whether the rates were reasonable in the first instance. I urge my colleagues not to support this amendment.

11. Minnick (ID), would provide that the amount of a balance as of the 7-day mark, instead of the 14-day mark, following a notice of a rate increase would be protected from the rate increase.

I do not support this amendment. Allowing the balance as of the 14-day mark following a notice of rate increase that would be protected would help the consumer. I urge my colleagues not to support this amendment.

12. Price, David (NC)/Miller, Brad (NC)/Moran, James (VA)/Quigley (IL)/Lowe (NY)/Stupak (MI)/Sutton (OH), would require credit card issuers to provide enhanced disclosure to consumers regarding minimum payments, including a written Minimum Payment Warning statement on all monthly statements as well as information regarding the monthly payment amount and total cost that would be required for the consumer to eliminate the outstanding balance in 12, 24 and 36 months. Would require credit card issuers to provide a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

I support this amendment. It makes good sense and would help the consumer make informed decisions. It affords the consumer with credit counseling and debt management services which can be vital informational tools for consumers.

13. Davis, Susan (CA)/Carney (PA), Would require card issuers to notify cardholders 30 days before closing their accounts, the reason for the account closure, options to keep the account open, programs available to repay the balance, and the resulting impact on their credit score.

I support this amendment and urge my colleagues to support it. This amendment offers the consumer the last clear chance to self-

help and to fix the consumers bad credit situation. Should the consumer not be able to improve the situation, the consumer must be informed about the resulting impact upon the consumer's credit score. This amendment makes sense. I urge my colleagues to support it.

14. Perriello (VA), Would require a 6-month period for a promotional rate for credit cards before the standard rate may be increased.

I support this amendment.

15. Schauer (MI), Would require creditors to post their credit card written agreements on their Web sites, and requires the Board to compile and report those agreements on its Web site.

I support this amendment. It promotes transparency.

16. Teague, Harry (NM)/Nye (VA)/Bocchieri (OH)/Kissell, Larry (NC), Would restrict credit card issuers from making adverse reports to credit rating agencies regarding deployed military service members and disabled veterans during the first two years of their disability.

I support this amendment and I encourage my colleagues to do the same. This amendment ensures that veterans and servicemen are not prejudiced in their credit ratings because of deployment or disability. It is a small sacrifice for our servicemen and veterans who have given so much to protect this country. I urge my colleagues to support this amendment.

17. Schock (IL), Would allow consumers who have not activated an issued credit card within 45 days, to contact the issuing institution to cancel the card and have it removed from their credit report entirely. If after 45 days the card has not been activated it is automatically removed from any such report.

I support this amendment. It is a good commonsense amendment. I urge my colleagues to support it.

Madam Speaker, I support the rule and the amendments that I enumerated above. I urge my colleagues to do the same.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 2 minutes to my friend from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the Member for yielding me the time.

I want to congratulate the sponsors of this bill, the Credit Cardholders' Bill of Rights. Obviously, we have been proud to sponsor this bill and its previous iterations in past Congresses as well as this Congress.

People in my district are upset about what's been going on with this. A Gloucester, Massachusetts, resident says that his bank has raised rates to the 27 percent level. Now they have to use part of their retirement savings to pay off their cards. From North Andover, Massachusetts, rates going up as high from 12 percent to 29 percent. A 12-year customer of their bank never late on a payment. Salem, Massachusetts, their interest rates were threatened to go up to 31.99 percent.

Cardholders need protection. They need protection against arbitrary interest rate increases. They need protection against being punished even when

they pay on time. They need protection against due-date gimmicks. They need protection against excessive fees.

But we also take nothing from the underlying bill, which is a good piece of legislation, to say that we also need protection on interest rates, period. Usury has been with this country since its origination all the way through the end of the Carter years. It wasn't until the courts in 1978 indicated that companies should not have to deal with 50 different interest rates State by State. But Justice Black also said the Federal legislators could undertake to set a cap on interest rate fees, and we should have been doing that long ago. We should have taken this opportunity in this rule to allow an amendment to do just that. We've had usury rules since the Babylonian Empire. The fact of the matter is these credit card companies will go out and just raise those interest rates to try to make up on what they're losing and the other things that we're doing in this bill.

If we don't do it in this bill, we should do it soon in a freestanding bill to stop those usury rates. We have to find out whether the Members of this body and the Senate are standing with American families and businesses or whether they're going to stand with the companies as they take excessive profits and unjustly enrich themselves on the backs of our families and our neighbors.

So I want to thank you for the time and say this is a great bill. The rule is a good rule. We need to move forward, however. If we're not going to allow a cap on interest rates in this bill, then we ought to do it in a freestanding bill and do it as soon as possible.

□ 1100

Mr. PERLMUTTER. I would like to ask my friend from Texas, we have two more speakers, proceed with them and then close? I don't know how many speakers he may have.

Mr. SESSIONS. I appreciate the gentleman, and I would allow him to proceed as just discussed.

Mr. PERLMUTTER. I yield 1 minute to my friend from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, this is one of the most important bills to come before the Congress. I hope it has bipartisan support, because, indeed, people of all income ranges have credit card debt. And the actions of the credit card companies in changing due dates and other features hurt everybody. This is crippling Americans, consumers, with interest, debt and fees.

We had a committee meeting—I am chairman of Commercial and Administrative Law—on this subject. The credit card industry told us they couldn't change their computers quicker than 2 years to get ready to do such a bill. I would submit if we can put a man on the Moon, the banks can get their com-

puters fixed to deal with this bill, and they should.

We had an amendment we offered in committee on college students. College students are most vulnerable and shouldn't be lured to credit cards at an early age and put into even more debt than student loans do by offering prizes and gifts.

I support the bill and hope we can go further in the future or with the Senate.

Mr. PERLMUTTER. I would like to yield 2 minutes to the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. I thank the gentleman for yielding.

Madam Speaker, we must support this rule because the Credit Cardholders' Bill of Rights Act is really just the beginning, just the foundation of reestablishing basic rules that will protect consumers.

A lot of these amendments are very, very good amendments and are needed to make sure that we don't need a lawyer like we do when we buy a house, you have a lawyer. But we don't need a lawyer in order to just get a credit card.

The very nature of what credit card companies have been doing has become exploitive. They are going after Americans who may be too responsible to run away, but too poor to ever pay back their balance.

They are making their money on unreasonable interest rates, fees, et cetera. And during a recession, this only becomes worse.

Now, the other side is saying that there is competition. But how can consumers take advantage of this competition if they can't even tell which credit card is better because of all the deceptive practices that we are allowing? Thirty-page contracts containing all this fine print, raising interest rates, universal default which says if you are late on any card, then any other card can punish you.

This credit card bill of rights is really just the beginning, and we must make sure that we also have a declaration of independence from unreasonable credit card interest rate and debt. Just as I just did with my credit card, we must get away from these unreasonable rates and unreasonable fees that the credit card companies are offering.

This bill will give the consumers the tools to do that.

Mr. SESSIONS. Madam Speaker, the gentleman and I had previously spoken that I would have a late arrival.

I yield 5 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

I offered an amendment before the Rules Committee, and unfortunately, it was sort of swatted away in a partisan fashion. I really regret that.

I think that the tone that we hear many times coming from the leadership of this Congress is there is no

pride of authorship, there is willingness to listen, and yet, somehow the conduct and the procedure that we have seen coming from the Rules Committee has really fallen short of that soaring rhetoric. Let me give you an example of that.

I offered an amendment which was very straightforward, and it directed the GAO to make sure that the requirements of this bill would not restrict access to credit or increase the cost of credit for small business.

And all it does is it would have delayed the effective date of the legislation until the President determined that the GAO study concluded that there was no extra burden for small business. And if the President differed in his determination, all he had to do was justify it.

So this isn't a power grab, this isn't overstating or overstepping, but what it is saying is, look, we all cumulatively talk about how important small business is. Everybody, when we go back to our districts, when we go to our teletown hall meetings, when we talk to the chambers of commerce and the rotary clubs, everybody talks about how important small business is.

And, yet, there is a very real possibility that the underlying bill that the majority is advancing right now is going to have an adverse effect on credit availability for small business.

Now, we have heard, during the course of this national economic debate and conversation that we have had, that we hold in highest esteem the following groups. We say we are very concerned about the small businessperson. We are very concerned about the entrepreneur. We are very concerned about the self-employed.

And, yet, when an opportunity comes along to stand up for that very group and basically say, whoa, hold on, just a second here, let's be very, very careful when we are changing credit policy that everybody acknowledges is the life and blood of a small business, yet, suddenly, we are just quickly going to run roughshod over that group, when all we are doing is saying let us have a vote on an amendment?

This isn't ramming something down; just have the vote. Just let the people's House decide.

But yet the Rules Committee, Madam Speaker, was very, very dismissive of it and said, no, no, no, we are really not interested in that approach, and we don't even want to hear about it. I think that's regrettable.

I think that this House can do better. I think this rule can be much better than this. What's to be afraid of? What's to be afraid about a vote and a conversation in the people's House, on the floor of the people's House about standing up for small business.

Now, I know that there are other elements of the bill that claim to be helpful to small business. But I will tell

you what, when it comes down to it, if we are that cavalier that we are not willing to have a conversation and a vote, a recorded vote on an amendment that simply says we are going to put a pause button on this to make sure that the GAO looks at this, to make sure it doesn't have an adverse effect on small business, I think it's deeply regrettable.

And notwithstanding the soaring rhetoric that we hear coming from the leadership of the majority, Madam Speaker, notwithstanding the promises, notwithstanding the sort of bumper-sticker mentality that you hear, see out and about in this town, I think it's really regrettable. Here we have this opportunity to stand up for small business, to make sure that they are treated well, and that they are treated with respect and that they have access to the credit that they need.

I think we can do much better. I am, therefore, urging people to vote against the rule.

Mr. PERLMUTTER. I yield myself so much time as I may consume.

But before the gentleman leaves the Chamber, my friend from Illinois, I want him to know, Madam Speaker, that there are 17 amendments up for vote today. And among those is a vote involving the Federal Reserve and reports that Federal Reserve will give to this Congress as to the consequences of the actions that we take within this legislation.

Now, if his complaint is that it should be the GAO versus the Federal Reserve, maybe that's a legitimate complaint. I certainly don't think it is.

But we are allowing today 17 amendments to the Credit Cardholders' Bill of Rights, and they cover a whole range of issues.

Mr. ROSKAM. Will the gentleman yield?

Mr. PERLMUTTER. I yield 15 seconds to my friend from Chicago.

Mr. ROSKAM. I want to thank the gentleman very much, Madam Speaker, for yielding to me.

When the gentleman uses language like allowing, we are allowing a debate, we are allowing certain amendments, I think we can do better than that. Look, 52 amendments were submitted.

That means, do the quick math, that's a whole host of ideas that were just sort of cast aside. We can do better, 17 out of 52. We know we can do better than that.

Let's vote against this rule and come back and do it the right way.

Mr. PERLMUTTER. I thank the gentleman.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, in closing I would like to stress that while my friends on the other side of the aisle claim to be protecting consumers with this legislation, they have refused a bill, the opportunity for an amendment in this bill, that would pro-

tect all taxpayers from de facto nationalization of our financial system. The American taxpayers deserve the same accountability and transparencies with their dollars that this bill claims to do for consumers.

As a Nation, we have real problems, Madam Speaker, and they need to be solved through real solutions. And passing legislation that already exists in Federal statute, I believe, is wasting our time.

We need to provide jobs, we need to encourage economic growth, we need to get the investor back into the game and, perhaps most of all, we need to restore America's public faith in their Members of Congress and in this Congress that we are aiming at solving the problems that face this Nation.

While I encourage each of my colleagues to vote "no" on this structured rule, I would also advise them they need to equally understand the facts of the case, and that would drive them to a "no" vote.

I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I appreciated the debate on this particular rule, but it is time, this is not a time to just vote "no." We like the status quo.

The people across this country are fed up with some of the practices that have existed with respect to credit cards. Whether it's universal default, all of a sudden your credit card rate is raised because you blinked wrong at a school crossing.

Under this, under universal default, you can have your credit card rate raised for any reason at any time. That's just not right.

Doubling billing cycle, you pay a portion of your bill, yet you are still charged interest on that portion the next go around. That's not right.

Credit cards are being extended to young people with tons of legalese that are incomprehensible to the greatest of the lawyers. That's not right.

It is time that the people of this country take control of their credit cards and the practices that have existed so that it isn't just a profit center for many of the credit card companies. The good credit card companies and the good banks really do respect the rights of their customers and their consumers.

But there are abusive practices that must be stopped, and it is H.R. 627 that will rein in some of these abusive practices.

At this point I would urge a "yes" vote on the rule and on the previous question.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PERLMUTTER. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 381

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Murphy of New York (to rank immediately after Mr. Boccieri).

(2) COMMITTEE ON ARMED SERVICES.—Mr. Murphy of New York, Mr. Boren.

(3) COMMITTEE ON THE JUDICIARY.—Mr. Quigley (to rank immediately after Mr. Pierluisi).

(4) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Quigley (to rank immediately after Mr. Connolly of Virginia), Ms. Kaptur (to rank immediately after Mr. Quigley).

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 627, CREDIT CARD-HOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 379, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 249, nays 175, not voting 9, as follows:

[Roll No. 224]

YEAS—249

Abercrombie	Boyd	Conyers
Ackerman	Brady (PA)	Cooper
Adler (NJ)	Braley (IA)	Costa
Altmire	Bright	Costello
Andrews	Brown, Corrine	Courtney
Arcuri	Butterfield	Crowley
Baca	Capps	Cuellar
Baird	Capuano	Cummings
Baldwin	Cardoza	Dahlkemper
Barrow	Carnahan	Davis (AL)
Bean	Carney	Davis (CA)
Becerra	Carson (IN)	Davis (IL)
Berkley	Castor (FL)	Davis (TN)
Berman	Chandler	DeFazio
Bishop (GA)	Childers	DeGette
Bishop (NY)	Clarke	Delahunt
Blumenauer	Clay	DeLauro
Boccieri	Cleaver	Dicks
Boren	Clyburn	Doggett
Boswell	Cohen	Donnelly (IN)
Boucher	Connolly (VA)	Doyle

Driehaus	Lee (CA)	Reyes
Edwards (MD)	Levin	Richardson
Edwards (TX)	Lewis (GA)	Rodriguez
Ellison	Lipinski	Ross
Ellsworth	Loeb	Rothman (NJ)
Engel	Loeb	Roybal-Allard
Eshoo	Lofgren, Zoe	Rush
Etheridge	Lowe	Ryan (OH)
Farr	Lujan	Salazar
Fattah	Lynch	Sanchez, Linda
Filner	Maffei	T.
Foster	Maloney	Sanchez, Loretta
Frank (MA)	Markey (CO)	Sarbanes
Fudge	Markey (MA)	Schakowsky
Giffords	Marshall	Schauer
Gonzalez	Massa	Schiff
Gordon (TN)	Matheson	Schrader
Grayson	Matsui	Schwartz
Green, Al	McCarthy (NY)	Scott (GA)
Green, Gene	McCollum	Scott (VA)
Griffith	McDermott	Serrano
Grijalva	McGovern	Sestak
Gutierrez	McIntyre	Shea-Porter
Hall (NY)	McMahon	Sherman
Halvorson	McNerney	Shuler
Hare	Meek (FL)	Sires
Harman	Meeks (NY)	Skelton
Heinrich	Melancon	Slaughter
Hereth Sandlin	Michaud	Smith (WA)
Higgins	Miller (NC)	Snyder
Himes	Miller, George	Space
Hinchey	Minnick	Speier
Hinojosa	Mitchell	Spratt
Hirono	Mollohan	Stupak
Hodes	Moore (KS)	Sutton
Holden	Moore (WI)	Tanner
Holt	Moran (VA)	Tauscher
Honda	Murphy (CT)	Taylor
Hoyer	Murphy (NY)	Teague
Inslee	Murphy, Patrick	Thompson (CA)
Israel	Murtha	Thompson (MS)
Jackson (IL)	Nadler (NY)	Tierney
Jackson-Lee	Napolitano	Titus
(TX)	Neal (MA)	Tonko
Johnson (GA)	Nye	Towns
Johnson, E. B.	Oberstar	Tsongas
Kagen	Obey	Van Hollen
Kanjorski	Oliver	Velázquez
Kaptur	Ortiz	Visclosky
Kennedy	Pallone	Walz
Kildee	Pascarell	Wasserman
Kilpatrick (MI)	Pastor (AZ)	Schultz
Kilroy	Payne	Waters
Kind	Perlmutter	Watson
Kirkpatrick (AZ)	Perriello	Watt
Kissell	Peters	Waxman
Klein (FL)	Peterson	Weiner
Kosmas	Pingree (ME)	Welch
Kratovil	Polis (CO)	Wexler
Kucinich	Pomeroy	Wilson (OH)
Langevin	Price (NC)	Woolsey
Larsen (WA)	Quigley	Wu
Larson (CT)	Rahall	Yarmuth
	Rangel	

NAYS—175

Aderholt	Cantor	Galleghy
Akin	Cao	Garrett (NJ)
Alexander	Capito	Gerlach
Austria	Carter	Gingrey (GA)
Bachmann	Cassidy	Gohmert
Bachus	Castle	Goodlatte
Barrett (SC)	Chaffetz	Graves
Bartlett	Coble	Guthrie
Barton (TX)	Coffman (CO)	Hall (TX)
Biggert	Cole	Harper
Bilbray	Conaway	Hastings (WA)
Bilirakis	Crenshaw	Heller
Bishop (UT)	Culberson	Hensarling
Blackburn	Davis (KY)	Herger
Blunt	Deal (GA)	Hill
Boehner	Dent	Hoekstra
Bonner	Diaz-Balart, L.	Hunter
Bono Mack	Diaz-Balart, M.	Inglis
Boozman	Dreier	Issa
Boustany	Duncan	Jenkins
Broun (GA)	Ehlers	Johnson (IL)
Brown (SC)	Emerson	Johnson, Sam
Brown-Waite,	Fallin	Jones
Ginny	Flake	Jordan (OH)
Buchanan	Fleming	King (IA)
Burton (IN)	Forbes	King (NY)
Buyer	Fortenberry	Kingston
Calvert	Fox	Kirk
Camp	Franks (AZ)	Kline (MN)
Campbell	Frelinghuysen	Lamborn

Lance	Myrick	Schock
Latham	Neugebauer	Sensenbrenner
LaTourette	Nunes	Sessions
Latta	Olson	Shadegg
Lee (NY)	Paul	Shimkus
Lewis (CA)	Paulsen	Shuster
Linder	Pence	Simpson
LoBiondo	Petri	Smith (NE)
Lucas	Pitts	Smith (NJ)
Luetkemeyer	Platts	Smith (TX)
Lummis	Poe (TX)	Souder
Lungren, Daniel	Posey	Stearns
E.	Price (GA)	Sullivan
Mack	Putnam	Terry
Manzullo	Radanovich	Thompson (PA)
Marchant	Rehberg	Thornberry
McCarthy (CA)	Reichert	Tiahrt
McCaul	Roe (TN)	Tiberi
McClintock	Rogers (AL)	Turner
McCotter	Rogers (KY)	Upton
McHenry	Rogers (MI)	Walden
McHugh	Rohrabacher	Wamp
McKeon	Rooney	Westmoreland
Mica	Ros-Lehtinen	Whitfield
Miller (FL)	Roskam	Wilson (SC)
Miller (MI)	Royce	Wittman
Miller, Gary	Ryan (WI)	Wolf
Moran (KS)	Scalise	Young (AK)
Murphy, Tim	Schmidt	Young (FL)

NOT VOTING—9

Berry	Granger	Ruppersberger
Brady (TX)	Hastings (FL)	Stark
Burgess	McMorris	
Dingell	Rodgers	

□ 1139

Mr. POSEY changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2072

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 2072.

The SPEAKER pro tempore (Mr. SCHIFF). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

GENERAL LEAVE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 627 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 379 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 627.

□ 1140

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, with Mrs. TAUSCHER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Wednesday, April 29, 2009, all time for general debate, pursuant to the order of the House of April 28, 2009, had expired.

Pursuant to House Resolution 379, no further general debate is in order. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Cardholders' Bill of Rights Act of 2009".

SEC. 2. CREDIT CARDS ON TERMS CONSUMERS CAN REPAY.

(a) **RETROACTIVE RATE INCREASES AND UNIVERSAL DEFAULT LIMITED.**—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 127A the following new section:

"§127B. Additional requirements for credit card accounts under an open end consumer credit plan

"(a) **RETROACTIVE RATE INCREASES AND UNIVERSAL DEFAULT LIMITED.**—

"(1) **IN GENERAL.**—Except as provided in subsection (b), no creditor may increase any annual percentage rate of interest applicable to the existing balance on a credit card account of the consumer under an open end consumer credit plan.

"(2) **EXISTING BALANCE DEFINED.**—For purposes of this subsection and subsections (b) and (c), the term 'existing balance' means the amount owed on a consumer credit card account as of the end of the 14th day after the creditor provides notice of an increase in the annual percentage rate in accordance with subsection (c).

"(3) **TREATMENT OF EXISTING BALANCES FOLLOWING RATE INCREASE.**—If a creditor increases any annual percentage rate of interest applicable to the credit card account of a consumer under an open end consumer credit plan and there is an existing balance in the account to which such increase may not apply, the creditor shall allow the consumer to repay the existing balance using a method provided by the creditor which is at least as beneficial to the consumer as 1 of the following methods:

"(A) An amortization period for the existing balance of at least 5 years starting from the date on which the increased annual percentage rate went into effect.

"(B) The percentage of the existing balance that was included in the required minimum periodic payment before the rate increase cannot be more than doubled.

"(4) **LIMITATION ON CERTAIN FEES.**—If—

"(A) a creditor increases any annual percentage rate of interest applicable on a credit card account of the consumer under an open end consumer credit plan; and

"(B) the creditor is prohibited by this section from applying the increased rate to an existing balance, the creditor may not assess any fee or charge based solely on the existing balance."

(b) **EXCEPTIONS TO THE AMENDMENT MADE BY SUBSECTION (a).**—Section 127B of the Truth in Lending Act is amended by inserting after subsection (a) (as added by subsection (a)) the following new subsection:

"(b) **EXCEPTIONS.**—

"(1) **IN GENERAL.**—A creditor may increase any annual percentage rate of interest applicable to the existing balance on a credit card account of the consumer under an open end consumer credit plan only under the following circumstances:

"(A) **CHANGE IN INDEX.**—The increase is due solely to the operation of an index that is not under the creditor's control and is available to the general public.

"(B) **EXPIRATION OF PROMOTIONAL RATE.**—The increase is due solely to the expiration of a promotional rate.

"(C) **FAILURE TO COMPLY WITH WORKOUT PLAN.**—The increase is due solely to the fact the consumer failed to comply with a negotiated workout plan with the creditor.

"(D) **PAYMENT NOT RECEIVED DURING 30-DAY GRACE PERIOD AFTER DUE DATE.**—The increase is due solely to the fact that any consumer's minimum payment has not been received within 30 days after the due date for such minimum payment.

"(2) **LIMITATION ON INCREASES DUE TO FAILURE TO COMPLY WITH WORKOUT PLAN.**—Notwithstanding paragraph (1)(C), the annual percentage rate in effect with respect to each category of transactions for a credit card account under an open end consumer credit plan after the increase permitted under such subsection due to the failure of a consumer to comply with a workout plan may not exceed the annual percentage applicable to such category of transactions on the day before the effective date of the workout plan.

"(3) **STANDARDS REQUIRED.**—The Board shall prescribe, by regulation, standards—

"(A) for entering into any workout plan applicable to any credit card account under an open end consumer credit plan; and

"(B) governing any such workout plan."

(c) **ADVANCE NOTICE OF RATE INCREASES AND SIGNIFICANT CONTRACT CHANGES.**—Section 127B of the Truth in Lending Act is amended by inserting after subsection (b) (as added by subsection (b)) the following new subsections:

"(c) **ADVANCE NOTICE OF RATE INCREASES.**—

"(1) **IN GENERAL.**—In the case of any credit card account under an open end consumer credit plan, no increase in any annual percentage rate of interest (other than an increase described in subsection (b)(1)(A)) may take effect unless the creditor provides a written notice to the consumer at least 45 days before the increase takes effect which fully describes the changes in the annual percentage rate, in a complete and conspicuous manner, and the extent to which such increase would apply to an existing balance.

"(2) **LIMITATION ON RATE INCREASE NOTICES WITHIN FIRST YEAR.**—Except in the case of an increase described in subparagraph (B), (C), or (D) of subsection (b)(1), no written notice under paragraph (1) of an increase in any annual percentage rate of interest on any credit card account under an open end consumer credit plan (for which notice is required under such paragraph) shall be effective before the end of the 1-year period beginning when the account is opened.

"(d) **ADVANCE NOTICE OF SIGNIFICANT CONTRACT CHANGES.**—In the case of any credit card account under an open end consumer credit

plan, no significant change to the contract (such as any fee) may take effect unless the creditor provides a written notice of at least 45 days before the change takes effect which fully describes the changes in the contract, in a complete and conspicuous manner."

(d) **CLERICAL AMENDMENT.**—The table of sections for chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after the item relating to section 127A the following new item:

"127B. Additional requirements for credit card accounts under an open end consumer credit plan."

SEC. 3. ADDITIONAL PROVISIONS REGARDING ACCOUNT FEATURES, TERMS, AND PRICING.

(a) **DOUBLE CYCLE BILLING PROHIBITED.**—Section 127B of the Truth in Lending Act is amended by inserting after subsection (d) (as added by section 2(c)) the following new subsection:

"(e) **DOUBLE CYCLE BILLING.**—

"(1) **IN GENERAL.**—No finance charge may be imposed by a creditor with respect to any balance on a credit card account under an open end consumer credit plan that is based on balances for days in billing cycles preceding the most recent billing cycle as a result of the loss of any grace period.

"(2) **EXCEPTIONS.**—Paragraph (1) shall not apply so as to prohibit a creditor from—

"(A) adjusting finance charges following the return of a payment for insufficient funds; or

"(B) adjusting finance charges following resolution of a billing error dispute.

"(3) **GRACE PERIOD.**—For purposes of this subsection, the term 'grace period' means, with respect to any credit card account under an open end consumer credit plan, the time period, if any, provided by the creditor within which any credit extended under such credit plan for purchases of goods or services may be repaid by the consumer without incurring a finance charge."

(b) **LIMITATIONS RELATING TO ACCOUNT BALANCES ATTRIBUTABLE ONLY TO ACCRUED INTEREST.**—Section 127B is amended by inserting after subsection (e) (as added by subsection (a)) the following new subsection:

"(f) **LIMITATIONS RELATING TO ACCOUNT BALANCES ATTRIBUTABLE ONLY TO ACCRUED INTEREST.**—

"(1) **IN GENERAL.**—If the outstanding balance on a credit card account under an open end consumer credit plan at the end of a billing period represents an amount attributable only to interest accrued during the preceding billing period on an outstanding balance that was fully repaid during the preceding billing period—

"(A) no fee may be imposed or collected in connection with such balance attributable only to interest before such end of the billing period; and

"(B) any failure to make timely repayments of the balance attributable only to interest before such end of the billing period shall not constitute a default on the account.

Such balance remains a legally binding debt obligation.

"(2) **RULE OF CONSTRUCTION.**—Paragraph (1) shall not be construed as affecting—

"(A) the consumer's obligation to pay any accrued interest on a credit card account under an open end consumer credit plan; or

"(B) the accrual of interest on the outstanding balance on any such account in accordance with the terms of the account and this title."

(c) **ACCESS TO PAYOFF BALANCE INFORMATION.**—Section 127B of the Truth in Lending Act is amended by inserting after subsection (f) (as added by subsection (b)) the following new subsection:

"(g) **PAYOFF BALANCE INFORMATION.**—

"(1) **IN GENERAL.**—Each periodic statement provided by a creditor to a consumer with respect to a credit card account under an open

end consumer credit plan shall contain the toll-free telephone number, Internet address, and website at which the consumer may request the payoff balance on the account.

“(2) **SMALL ISSUERS.**—Notwithstanding paragraph (1), in the case of any credit card issuer which issues fewer than 50,000 credit cards in conjunction with credit card accounts under open end consumer credit plans, each periodic statement provided by such a creditor to a consumer with respect to any such credit card account shall contain the toll-free telephone number, Internet address, or website at which the consumer may request the payoff balance on the account.”.

(d) **CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE IS PROVIDED OF OPEN ACCOUNT.**—Section 127B of the Truth in Lending Act is amended by inserting after subsection (g) (as added by subsection (c)) the following new subsection:

“(h) **CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE OF NEW ACCOUNT IS PROVIDED TO CONSUMER REPORTING AGENCY.**—

“(1) **IN GENERAL.**—A creditor may not furnish any information to a consumer reporting agency (as defined in section 603) concerning the establishment of a newly opened credit card account under an open end consumer credit plan until the credit card has been used or activated by the consumer.

“(2) **RULE OF CONSTRUCTION.**—Paragraph (1) shall not be construed as prohibiting a creditor from furnishing information about any application for a credit card account under an open end consumer credit plan or any inquiry about any such account to a consumer reporting agency (as so defined).”.

(e) **USE OF TERMS CLARIFIED.**—Section 127B of the Truth in Lending Act is amended by inserting after subsection (h) (as added by subsection (d)) the following new subsection:

“(i) **USE OF TERMS.**—The following requirements shall apply with respect to the terms of any credit card account under any open end consumer credit plan:

“(1) **‘FIXED’ RATE.**—The term ‘fixed’, when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period clearly and conspicuously specified in the terms of the account.

“(2) **PRIME RATE.**—The term ‘prime rate’, when appearing in any agreement or contract for any such account, may only be used to refer to the bank prime rate published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release (or any successor publication).

“(3) **DUE DATE.**—

“(A) **IN GENERAL.**—Each periodic statement for any such account shall contain a date by which the next periodic payment on the account must be made to avoid a late fee or be considered a late payment, and any payment received by 5 p.m., local time at the location specified by the creditor for the receipt of payment, on such date shall be treated as a timely payment for all purposes.

“(B) **CERTAIN ELECTRONIC FUND TRANSFERS.**—Any payment with respect to any such account made by a consumer online to the website of the credit card issuer or by telephone directly to the credit card issuer before 5 p.m., local time at the location specified by the creditor for the receipt of payment, on any business day shall be credited to the consumer's account that business day.

“(C) **PRESUMPTION OF TIMELY PAYMENT.**—Any evidence provided by a consumer in the form of a receipt from the United States Postal Service or other common carrier indicating that a pay-

ment on a credit card account was sent to the issuer not less than 7 days before the due date contained in the periodic statement under subparagraph (A) for such payment shall create a presumption that such payment was made by the due date, which may be rebutted by the creditor for fraud or dishonesty on the part of the consumer with respect to the mailing date.”.

(f) **PAYMENT ALLOCATIONS.**—Section 127B of the Truth in Lending Act is amended by inserting after subsection (i) (as added by subsection (e)) the following new subsection:

“(j) **PAYMENT ALLOCATIONS.**—

“(1) **IN GENERAL.**—If 2 or more different annual percentage rates apply to different portions of an outstanding balance on a credit card account under an open end consumer credit plan, the amount of any periodic payment in excess of the required minimum payment shall be applied using 1 of the following methods:

“(A) **HIGH-TO-LOW METHOD.**—The excess amount is allocated first to the balance with the highest annual percentage rate and any remaining portion is allocated to any other balance in descending order, based on the applicable annual percentage rate each portion of such balance bears, from the highest such rate to the lowest.

“(B) **PRO RATA METHOD.**—The excess amount is allocated among each of the portions of such balance which bear different rates of interest in the same proportion as each such portion of the outstanding balance bears to the total outstanding balance.

“(2) **CLARIFICATION RELATING TO CERTAIN DEFERRED INTEREST ARRANGEMENTS.**—A creditor may allocate the entire amount paid by the consumer in excess of the required minimum periodic payment to a balance on which interest is deferred during the 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.

“(3) **PROHIBITION ON RESTRICTED GRACE PERIODS UNDER CERTAIN CIRCUMSTANCES.**—If, with respect to any credit card account under an open end consumer credit plan, a creditor offers a time period in which to repay credit extended without incurring finance charges to cardholders who pay the balance in full, the creditor may not deny a consumer who takes advantage of a promotional rate balance or deferred interest rate balance offer with respect to such an account any such time period for repaying credit without incurring finance charges.”.

(g) **TIMELY PROVISION OF PERIODIC STATEMENTS.**—Section 127B of the Truth in Lending Act is amended by inserting after subsection (j) (as added by subsection (f)) the following new subsection:

“(k) **TIMELY PROVISION OF PERIODIC STATEMENTS.**—Each periodic statement with respect to a credit card account under an open end consumer credit plan shall be sent by the creditor to the consumer not less than 21 calendar days before the due date identified in such statement for the next payment on the outstanding balance on such account, and section 163(a) shall be applied with respect to any such account by substituting ‘21’ for ‘fourteen’.”.

(h) **DUE DATES.**—Section 127B of the Truth in Lending Act is amended by inserting after subsection (k) (as added by subsection (g)) the following new subsection:

“(l) **DUE DATES.**—If the date established by a creditor as the date on which a periodic payment on a credit card account under an open end consumer credit plan is due is a day on which mail is either not delivered to such creditor or is not accepted by the creditor for processing on such day, the creditor may not treat the receipt by the creditor of any such periodic payment by mail as of the next business day of the creditor as late for any purpose.”.

SEC. 4. CONSUMER CHOICE WITH RESPECT TO OVER-THE-LIMIT TRANSACTIONS.

Section 127B of the Truth in Lending Act is amended by inserting after subsection (l) (as added by section 3(h)) the following new subsections:

“(m) **OPT-OUT OF CREDITOR AUTHORIZATION OF OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.**—

“(1) **IN GENERAL.**—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, the consumer may elect to prohibit the creditor, with respect to such account, from completing any transaction involving the extension of credit, with respect to such account, in excess of the amount of credit authorized by notifying the creditor of such election in accordance with paragraph (2).

“(2) **NOTIFICATION BY CONSUMER.**—A consumer shall notify a creditor under paragraph (1)—

“(A) through the notification system maintained by the creditor under paragraph (4); or

“(B) by submitting to the creditor a signed notice of election, by mail or electronic communication, on a form issued by the creditor for purposes of this subparagraph.

“(3) **EFFECTIVENESS OF ELECTION.**—An election by a consumer under paragraph (1) shall be effective beginning 3 business days after the creditor receives notice from the consumer in accordance with paragraph (2) and shall remain effective until the consumer revokes the election.

“(4) **NOTIFICATION SYSTEM.**—

“(A) **IN GENERAL.**—Each creditor that maintains credit card accounts under an open end consumer credit plan shall establish and maintain a notification system, including a toll-free telephone number, Internet address, and website, which permits any consumer whose credit card account is maintained by the creditor to notify the creditor of an election under this subsection in accordance with paragraph (2).

“(B) **SMALL ISSUERS.**—Notwithstanding subparagraph (A), any credit card issuer which issues fewer than 50,000 credit cards in conjunction with credit card accounts under open end consumer credit plans shall establish and maintain a notification system, which shall include a toll-free telephone number, Internet address, or website, which permits any consumer whose credit card account is maintained by the creditor to notify the creditor of an election under this subsection in accordance with paragraph (2).

“(5) **ANNUAL NOTICE TO CONSUMERS OF AVAILABILITY OF ELECTION.**—In the case of any credit card account under an open end consumer credit plan, the creditor shall include a notice, in clear and conspicuous language, of the availability of an election by the consumer under this paragraph as a means of avoiding over-the-limit fees and a higher amount of indebtedness, and the method for providing such notice—

“(A) on the periodic statement required under section 127(b) with respect to such account at least once each calendar year; and

“(B) on any such periodic statement which includes a notice of the imposition of an over-the-limit fee during the period covered by the statement.

“(6) **NO FEES IF CONSUMER HAS MADE AN ELECTION.**—If a consumer has made an election under paragraph (1), no over-the-limit fee may be imposed on the account for any reason that has caused the outstanding balance in the account to exceed the credit limit.

“(7) **REGULATIONS.**—

“(A) **IN GENERAL.**—The Board shall issue regulations allowing for the completion of over-the-

limit transactions that for operational reasons exceed the credit limit by a de minimis amount, even where the cardholder has made an election under paragraph (1).

“(B) **SUBJECT TO NO FEE LIMITATION.**—The regulations prescribed under subparagraph (A) shall not allow for the imposition of any fee or any rate increase based on the permitted over-the-limit transactions.

“(n) **OVER-THE-LIMIT FEE RESTRICTIONS.**—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.

“(o) **OVER-THE-LIMIT FEES PROHIBITED IN CONJUNCTION WITH CERTAIN CREDIT HOLDS.**—Notwithstanding subsection (n), an over-the-limit fee may not be imposed if the credit limit was exceeded due to a hold unless the actual amount of the transaction for which the hold was placed would have resulted in the consumer exceeding the credit limit.”.

SEC. 5. STRENGTHEN CREDIT CARD INFORMATION COLLECTION.

Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking “COLLECTION REQUIRED.—The Board shall” and inserting “COLLECTION REQUIRED.—

“(A) **IN GENERAL.**—The Board shall”.

(B) by adding at the end the following new subparagraph:

“(B) **INFORMATION TO BE INCLUDED.**—The information under subparagraph (A) shall include, for the relevant semiannual period, the following information with respect each creditor in connection with any consumer credit card account:

“(i) A list of each type of transaction or event during the semiannual period for which 1 or more creditors has imposed a separate interest rate upon a consumer credit card accountholder, including purchases, cash advances, and balance transfers.

“(ii) For each type of transaction or event identified under clause (i)—

“(I) each distinct interest rate charged by the card issuer to a consumer credit card accountholder during the semiannual period; and

“(II) the number of cardholders to whom each such interest rate was applied during the last calendar month of the semiannual period, and the total amount of interest charged to such accountholders at each such rate during such month.

“(iii) A list of each type of fee that 1 or more of the creditors has imposed upon a consumer credit card accountholder during the semiannual period, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency.

“(iv) For each type of fee identified under clause (iii), the number of accountholders upon whom the fee was imposed during each calendar month of the semiannual period, and the total amount of fees imposed upon cardholders during such month.

“(v) The total number of consumer credit card accountholders that incurred any finance charge or any other fee during the semiannual period.

“(vi) The total number of consumer credit card accounts maintained by each creditor as of the end of the semiannual period.

“(vii) The total number and value of cash advances made during the semiannual period under a consumer credit card account.

“(viii) The total number and value of purchases involving or constituting consumer credit card transactions during the semiannual period.

“(ix) The total number and amount of repayments on outstanding balances on consumer credit card accounts in each month of the semiannual period.

“(x) The percentage of all consumer credit card accountholders (with respect to any creditor) who—

“(I) incurred a finance charge in each month of the semiannual period on any portion of an outstanding balance on which a finance charge had not previously been incurred; and

“(II) incurred any such finance charge at any time during the semiannual period.

“(xi) The total number and amount of balances accruing finance charges during the semiannual period.

“(xii) The total number and amount of the outstanding balances on consumer credit card accounts as of the end of such semiannual period.

“(xiii) Total credit limits in effect on consumer credit card accounts as of the end of such semiannual period and the amount by which such credit limits exceed the credit limits in effect as of the beginning of such period.

“(xiv) Any other information related to interest rates, fees, or other charges that the Board deems of interest.”; and

(2) by adding at the end the following new paragraph:

“(5) **REPORT TO CONGRESS.**—The Board shall, on an annual basis, transmit to Congress and make public a report containing estimates by the Board of the approximate, relative percentage of income derived by the credit card operations of depository institutions from—

“(A) the imposition of interest rates on cardholders, including separate estimates for—

“(i) interest with an annual percentage rate of less than 25 percent; and

“(ii) interest with an annual percentage rate equal to or greater than 25 percent;

“(B) the imposition of fees on cardholders;

“(C) the imposition of fees on merchants; and

“(D) any other material source of income, while specifying the nature of that income.”.

SEC. 6. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR “FEE HARVESTER” CARDS.

Section 127(b) of the Truth in Lending Act is amended by inserting after subsection (o) (as added by section 4) the following new subsection:

“(p) **STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR “FEE HARVESTER” CARDS.**—

“(1) **IN GENERAL.**—In the case of any credit card account under an open end consumer credit plan the terms of which require the payment of any fee (other than any late fee, any over-the-limit fee, or any fee for a payment returned for insufficient funds) by the consumer in the first year the account is opened in an amount in excess of 25 percent of the total amount of credit authorized under the account when the account is opened, no payment of any fee (other than any late fee, any over-the-limit fee, or any fee for a payment returned for insufficient funds) may be made from the credit made available by the card.

“(2) **RULE OF CONSTRUCTION.**—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.”.

SEC. 7. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following new paragraph:

“(8) **EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.**—

“(A) **IN GENERAL.**—No credit card may be knowingly issued to, or open end credit plan established on behalf of, a consumer who has not attained the age of 18, unless the consumer is emancipated under applicable State law.

“(B) **RULE OF CONSTRUCTION.**—For the purposes of determining the age of an applicant, the submission of a signed application by a consumer stating that the consumer is over 18 shall be considered sufficient proof of age.”.

SEC. 8. PROHIBIT FEES FOR PAYMENT ON CREDIT CARD ACCOUNTS BY ELECTRONIC FUND TRANSFERS.

(a) **IN GENERAL.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following new subsection:

“(i) **PAYMENTS BY EFT.**—In the case of a credit card account under an open end consumer credit plan, a creditor may not impose a fee based on the manner in which payment on the account is made, including a fee for making any such payment by electronic fund transfer (as defined in section 903).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to all payments made after the date of the enactment of this Act and any fee imposed after such date in contravention of the amendment shall be promptly credited to the consumer's account.

SEC. 9. REPORT TO CONGRESS ON REDUCTIONS OF CONSUMER CREDIT CARD LIMITS BASED ON CERTAIN INFORMATION AS TO EXPERIENCE OR TRANSACTIONS OF THE CONSUMER.

(a) **REPORT ON CREDITOR PRACTICES REQUIRED.**—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission, shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the extent to which, during the 3-year period ending on such date of enactment, creditors have reduced credit limits or raised interest rates applicable to credit card accounts under open end consumer credit plans based on—

(1) the geographical location where a credit transaction with the consumer takes place or the identity of the merchant involved in the transaction;

(2) the consumer's credit transactions, including the type of credit transaction, the type of items purchased in such transaction, the price of items purchased in such transaction, any change in the type or price of items purchased in such transactions, and other data pertaining to the consumer's use of such credit card account; and

(3) the identity of the mortgage creditor which extended or holds the mortgage loan secured by the consumer's primary residence.

(b) **OTHER INFORMATION.**—The report required under subsection (a) shall also include—

(1) the number and identity of creditors that have engaged in the practices described in subsection (a);

(2) the extent to which the practices described in subsection (a) have an adverse impact on minority or low-income consumers;

(3) any other relevant information regarding such practices; and

(4) recommendations to the Congress on regulatory or statutory changes that may be needed to restrict or prevent such practices.

SEC. 10. EFFECTIVE DATE.

(a) *IN GENERAL.*—Except as provided in subsection (c) for the period described in such subsection, the amendments made by this Act shall apply to all credit card accounts under open end consumer credit plans after the earlier of—

(1) the end of the 12-month period beginning on the date of the enactment of this Act; or

(2) June 30, 2010.

(b) *REGULATIONS.*—Except as provided in subsection (c) for the period described in such subsection, the Board of Governors of the Federal Reserve System, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission, shall prescribe regulations, in final form, implementing the amendments made by this Act before the earlier of—

(1) the end of the 5-month period beginning on the date of the enactment of this Act; or

(2) June 1, 2010.

(c) *INTERIM EFFECTIVE PERIOD FOR ADVANCE NOTICES OF RATE INCREASES.*—

(1) *IN GENERAL.*—During the period beginning 90 days after the date of the enactment of this Act and ending on the effective date of all the amendments under this Act as determined pursuant to subsection (a), no increase in any annual percentage rate of interest on any credit card account under an open end consumer credit plan (as such terms are defined in the Truth in Lending Act) may take effect unless the creditor provides a written notice to the consumer at least 45 days before the increase would otherwise take effect which fully describes the changes in the annual percentage rate, in a complete and conspicuous manner, and the extent to which such increase would apply to an existing balance.

(2) *EXCEPTIONS.*—A notice shall not be required under paragraph (1) for an increase in an annual percentage rate described in subparagraph (A), (B), or (C) of section 127B(b)(1) (as added by section 2).

(3) *REGULATIONS.*—The Board of Governors of the Federal Reserve System shall prescribe regulations implementing the amendment referred to in paragraph (1), for purposes of this subsection, before the end of the 60-day period beginning on the date of the enactment of this Act.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-92. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GUTIERREZ

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-92.

Mr. GUTIERREZ. I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GUTIERREZ:

At the end of section 3, insert the following new subsection:

(i) *AVAILABILITY OF LEGITIMATE AND ACCREDITED CREDIT COUNSELING.*—The Board of Governors of the Federal Reserve System shall suggest appropriate guidelines for creditors to follow with respect to credit card accounts under open end consumer credit plans to supply consumer cardholders with information regarding the availability of legitimate and accredited credit counseling services.

Strike section 8 of the bill and insert the following new sections (and redesignate succeeding sections accordingly):

SEC. 8. PROHIBIT FEES FOR PAYMENT ON CREDIT CARD ACCOUNTS BY TELEPHONE OR ELECTRONIC FUND TRANSFERS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking “Payments received” and inserting “(a) *IN GENERAL.*—Payments received”; and

(2) by adding at the end the following new subsection:

“(b) *PAYMENT FEES.*—

“(1) *PROHIBITION ON FEE BASED ON MODE OF PAYMENT.*—Except as provided in paragraph (2), in the case of a credit card account under an open end consumer credit plan, a creditor may not impose a fee on the obligor based on the particular manner in which the obligor makes a payment on such account.

“(2) *EXCEPTION.*—If the obligor requests to make an expedited payment on a credit card account under an open end consumer credit plan by telephone on the date that a payment is due, or the day immediately preceding such date, the creditor may assess a fee for crediting the payment to the obligor’s account on or by such date.”.

SEC. 9. SOLICITATIONS REQUIRED TO INCLUDE WARNING ON ADVERSE EFFECTS OF EXCESSIVE CREDIT INQUIRIES.

Section 127(c)(1)(B) of the Truth in Lending Act (15 U.S.C. 1637(c)(1)(B)) is amended by adding at the end the following new clause:

“(iv) *EXCESSIVE CREDIT INQUIRIES.*—A warning that excessive credit inquiries, which occur in connection with credit applications and solicitations and under other circumstances, can have an adverse effect on a consumer credit score.”.

SEC. 10. READABILITY REQUIREMENT.

Section 122 of the Truth in Lending Act (U.S.C. 1632) is amended by adding at the end the following new subsection:

“(d) *MINIMUM TYPE-SIZE AND FONT REQUIREMENT FOR CREDIT CARD APPLICATIONS AND DISCLOSURES.*—All written information, provisions, and terms in or on any application, solicitation, contract, or agreement for any credit card account under an open end consumer credit plan, and all written information included in or on any disclosure required under this chapter with respect to any such account, shall appear—

“(1) in not less than 12-point type; and

“(2) in any font other than a font which the Board has designated, in regulations under this section, as a font that inhibits readability.”.

Insert at the end the following new section:

SEC. 13. DISCLOSURE REQUIREMENT FOR STORES ACCEPTING CREDIT CARD ACCOUNT APPLICATIONS.

(a) *IN GENERAL.*—Section 122 of the Truth in Lending Act (15 U.S.C. 1632) is amended by adding at the end the following:

“(d) *SIGNS REQUIRED ON CERTAIN PREMISES WHERE CREDIT CARD ACCOUNT APPLICATIONS ACCEPTED.*—

“(1) *IN GENERAL.*—A person who sells personal property to consumers on a business premises and makes available to consumers

on such premises any application to open a credit card account under an open end consumer credit plan, and where such person is the issuer of such account, shall display in the premises on a sign any information that is subject to subsection (c) and that is required to be disclosed by the person on that application.

“(2) *FORMAT.*—Such information shall be displayed on the sign in the form and manner which the Board shall prescribe by regulations and which, to the extent practicable and appropriate, shall be consistent with the form and manner required for the disclosure of such information on the credit card application.

“(3) *SIGN PLACEMENT.*—Such signs shall be conspicuously placed at each location on the premises where the credit card application may be submitted by the consumer.”.

(b) *CONFORMING AMENDMENT.*—Section 111(e) of the Truth in Lending Act (15 U.S.C. 1610(e)) is amended by adding at the end the following:

“Section 122(d) shall supersede State laws relating to store display of the information that is subject to the requirements of such section, except that any State may employ or establish State laws for the purpose of enforcing the requirements of such section.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. I yield myself 3½ minutes.

Madam Chairwoman, this amendment contains several provisions that both sides have either agreed to or believe are noncontroversial.

First, it amends section 8 of the bill, which prohibits credit card issuers from charging consumers who choose to pay their bill by phone, over the Internet, or by other means of electronic funds transfer. It allows credit card companies to charge consumers for expedited payments by telephone when consumers request such an expedited payment.

In current practice, many credit card issuers charge their customers a substantial fee to pay their monthly bill over the phone or online. These fees, known as pay-to-pay fees, are assessed regardless of whether a customer’s payment is made on time.

Pay-to-pay fees don’t exist to recoup the costs incurred through processing phone or online payments. Processing an electronic payment certainly does not cost as much as the \$15 fee which some credit card companies assess to their customers.

This bill would end the discrimination against payment methods by prohibiting the companies from charging a consumer to pay their bill. This amendment retains that prohibition, but permits an exception to the ban when the consumer wishes to have the convenience of an expedited payment. This would include any expedited payments made by the consumers within 24 hours of when the bill is due.

I want to thank Mr. ACKERMAN for his efforts in getting the pay-to-pay prohibition added to the bill and for working with the committee to find a bipartisan compromise to carve out expedited payments from the ban.

I also want to thank the gentleman from Delaware (Mr. CASTLE) for his work on this compromise.

This amendment contains several other provisions, including a provision drafted by Mr. HASTINGS directing the Federal Reserve to suggest appropriate guidelines for creditors to supply consumers with information regarding the availability of credit counseling services; a provision sponsored by Mr. CASTLE requiring that all credit card offers notify prospective applicants that excess credit applications can adversely affect their credit rating; a provision authored by the gentlelady from New York, Congresswoman SLAUGHTER, to require all written information and terms in any application, solicitation, contract or agreement for a credit card account to appear in no less than 12-point font; and a provision sponsored by Mr. WEINER requiring stores that are self-issuers of credit cards to display a large visible sign at counters with the same information that is required to be disclosed on the credit card information itself.

I urge my colleagues to support this amendment.

□ 1145

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I claim time in opposition, but I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I want to thank the gentleman.

We had a tremendous amount of discussion about the pay-to-pay provision in this bill. One of the things that we don't want to do is to prevent the cardholders' ability to be able to make payments by telephone or by other means. However, a number of these companies have invested a lot of money in the technology to allow consumers to be able to pay their credit cards in different ways and thereby avoid late fees.

A concern that many of us had was, if we somehow regulated and denied the ability completely of credit card companies to be able to charge a fee for this service, that they would discontinue it. We felt like that might even cost consumers more money because they would be charged late fees and interest.

I also appreciate the gentleman in that, I think, all of us believe that disclosure is an important part of making credit card use a better tool for consumers, and I'm glad to see that the gentleman also has some additional

disclosure provisions in here as to the size of the type. So I think this particular amendment makes the overall bill better, and I thank the gentleman for his amendment.

I reserve the balance of my time.

Mr. GUTIERREZ. Madam Chair, I yield 1½ minutes to the author and architect of the bill, the gentlewoman from New York, CAROLYN MALONEY.

Mrs. MALONEY. I thank the chairman for yielding and for his leadership.

Madam Chair, I rise in support of this manager's amendment. It makes a number of commonsense additions to this legislation, such as requiring all written materials from credit card companies to be in at least a 12-point font. Gone will be the days of too-small-to-read fine, fine print disclosures and contracts. It requires the better disclosure of credit card terms when potential customers are offered credit cards in retail stores. It warns customers that constant credit applications can have an adverse effect on one's credit score, and it makes a clarification that Congressman ACKERMAN sought and achieved somewhat in committee with his amendment that was accepted that will ban fees for paying your credit card bill. No more fees for paying your bills. These are all very good and important things.

I support this amendment and urge its adoption.

Mr. NEUGEBAUER. Madam Chair, it is my privilege at this time to yield so much time as he may consume to my good friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Chairman, the part of this amendment that I, perhaps, do not support is one more mandate; but on balance, I wanted to compliment the ranking member, and I wanted to compliment the gentlelady from New York because the approach of this amendment is to provide consumers with tools that they can use to better understand the provisions of their credit card agreements. To me, that's at the crux of the argument.

What we should do is not take consumer choice away. We shouldn't take credit opportunities away, particularly in a national credit crunch, but we have got to end misleading, deceptive and confusing disclosures where consumers do not have the opportunity or the ability to understand the options that are before them.

So as I look down here, being able to notify customers as to how a credit application can adversely affect their credit rating, this is a good thing. Increasing font sizes, in certain instances where needed, is a good thing. Requiring signage in stores that offer credit cards in order to help consumers to know their terms, this is a good thing.

I have said before—and I don't know if the gentlelady from New York was on the floor—that I applaud her for that portion of her bill that helps em-

power consumers with greater disclosure. I think that is a huge step forward.

As she well knows, I think her bill takes several steps backwards. I think it ends up eroding risk-based pricing. I believe there are some price controls within the bill. We've had a debate on that, and I assume we will continue to have a debate.

Overall, this amendment is a very good amendment, and it will help empower consumers. I am concerned about some of the pay-to-pay fees. I don't quite understand what's being accomplished there; but otherwise, it's a good amendment, and I applaud the authors for it.

Mr. GUTIERREZ. I want to thank the gentleman from Texas (Mr. HENSARLING) for his words. It's the second time we'll have a manager's amendment that we're going to be together on. I look forward to working with him more.

Mr. NEUGEBAUER. I have no further speakers, and I yield back my time.

Mr. GUTIERREZ. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-92.

Mr. FRANK of Massachusetts. Madam Chair, I rise to offer the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

After section 8, insert the following new section (and redesignate subsequent sections accordingly):

SEC. 9. BOARD REVIEW OF CONSUMER CREDIT PLANS AND REGULATIONS.

(a) REQUIRED REVIEW.—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review, within the limits of its existing resources available for reporting purposes, of the consumer credit card market including—

(1) the terms of credit card agreements and the practices of credit card issuers;

(2) the effectiveness of disclosure of terms, fees, and other expense of credit card plans;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans, and

(4) whether or not, and to what extent, the Credit Cardholders' Bill of Rights Act of 2009 has resulted in—

(A) higher annual percentage rates of interest, on average, for credit card users than the average of such rates of interest in effect before the effective date of the Act;

(B) the imposition of annual fees or other credit card fees—

(i) that did not exist before such effective date;

(ii) at a higher average rate of applicability than existed before such effective date; or

(iii) with higher average costs to the consumer than were in effect before such effective date;

(C) an increase in the rate of denial of—
(i) new credit card accounts for consumers;

or

(ii) new extensions of credit, or additional lines of credit, for existing credit accounts established before such effective date; or

(D) any other adverse or negative condition or effect on consumers.

(b) SOLICITATION OF PUBLIC COMMENT.—In connection with conducting the review required by subsection (a), the Board shall solicit comment from consumers, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) REGULATIONS.—

(1) NOTICE.—Following the review required by subsection (a) the Board shall publish a notice in the Federal Register that—

(A) summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board such as through consumer testing or other research; and

(B) either—

(i) proposes new or revised regulations or interpretations to update or revise disclosures and protections for consumer credit cards as appropriate; or

(ii) states the reason for the Board's determination that new or revised regulations are not proposed.

(2) REVISION OF REVIEW PERIOD FOLLOWING MATERIAL REVISION OF REGULATIONS.—In the event the Board materially revises regulations on consumer credit card plans, a review need not be conducted until 2 years following the effective date of the revised regulations, which thereafter shall become the new date for the biennial review required by subsection (a).

(d) BOARD REPORT TO THE CONGRESS.—The Board shall report to the Congress no less frequently than every 2 years, except as provided in subsection (c)(2), on the status of its most recent review, its efforts to address any issues identified from the review, and any recommendations for legislation.

(e) ADDITIONAL REPORTING.—The Federal banking agencies and the Federal Trade Commission shall provide annually to the Board, and the Board shall include in its annual report to Congress under section 10 of the Federal Reserve Act, information about the supervisory and enforcement activities of the agencies with respect to credit card issuers' compliance with applicable Federal consumer protection statutes and regulations including—

(1) this Act, the amendments made by this Act, and regulations prescribed under this Act and such amendments; and

(2) section 5 of the Federal Trade Commission Act, and regulations prescribed under the Federal Trade Commission Act, such as part 227 of title 12 of the Code of Federal Regulations as prescribed by the Board (Regulation AA).

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I yield myself 2 minutes.

Madam Chair, at the committee, the gentleman from Texas (Mr. HENSARLING) offered a proposal for a study. I did not agree with it at the time be-

cause it seemed to me to be talking about the potential negative. Subsequently, the administration asked us to support a study which seemed to me to be incomplete because it was only talking about potential positives.

So what I decided made the most sense was to amalgamate the two and to offer a study which asked the Federal Reserve to do both sides of this. I am sometimes skeptical of studies. I will say that I have, from time to time, thought about an amendment that said that any Member who moved to create a study should be required to take a public test on the results of that study once it was completed because we too easily put in the extra work here; but I do think, in this case, it is a new area of policy. It is entirely reasonable to have both the potential pluses and minuses studied, and that is why I offer this amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I rise to claim time in opposition, but I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. At this time, I would like to yield such time as he may consume to my good friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Chair, I want to rise in support of the Frank amendment. I appreciate the distinguished chairman of the Financial Services Committee working with me on this.

I do believe that it is an important study to have, and again, I don't know what the results of the study will be. I'll take the chairman up on his challenge. I'll be prepared to take the pop quiz once the study comes out.

The only thing that is a little bit disappointing to me, if I recall right, is I offered a second-degree amendment to the Waters amendment in markup, which I believe was a 6-month study after implementation. This is a 2-year. I wish we didn't have to wait quite that long for the results.

Madam Chairman, one of the big debates that we're having within this body today is ultimately what will the impact be of this legislation. There are those on the other side of the aisle who have maintained that this will have no adverse impact on credit availability or that there will be no bailout effect with those who have good credit ratings and good practices who ultimately end up bailing out others. Now, some on the other side admitted they just believe there are more benefits to be derived from the legislation than the cost. I do not feel that way.

Number one, the Congressional Research Service, in response to a question regarding this legislation, said: "Credit card issuers could respond in a

variety of ways. They may increase loan rates across the board on all borrowers, making it more expensive for both good and delinquent borrowers to use revolving credit. Issuers may also increase minimum monthly payments, reduce credit limits or reduce the number of credit cards issued to people with impaired credit."

That was the opinion of the Congressional Research Service. Again, it may prove to be true. It may not prove to be true. I believe it will prove to be true, and I believe that the Federal Reserve study could at least be helpful in determining this.

I've heard from community bankers within my district. They believe, if this legislation is passed, that ultimately smaller banks will be driven out of the market and that only the larger banks will be left offering these cards. If so, that, again, is fewer choices for consumers and reduced credit options.

We've heard from academics on the subject, like Professor Todd Zywicki of George Mason University, who said, "The increased use of credit cards has been a substitution from other types of consumer credit. If individuals are unable to get access to credit cards, experience and empirical evidence indicates they will turn elsewhere for credit—such as to pawn shops, payday lenders, rent-to-own or even loan sharks."

Again, I think that, given the expertise of the Federal Reserve—and certainly, I don't agree with everything they come out with, but they are a relevant party. They do have expertise, and I think it is an important portion of the chairman's amendment that they study the phenomena. We know about the experience of the U.K. When a couple of years ago they passed legislation, they ordered that the credit card default fees had to be cut or legal action would be taken. What happened is that two of the three biggest issuers imposed annual fees on their cardholders. Nineteen of the largest raised interest rates. Sixty percent fewer applicants were being able to receive credit.

So we have, number one, historical experience. We have academic testimony. We have testimony from the Congressional Research Service. So I hope there is an acknowledgment that there is at least a chance that those of us who argue the adverse consequences of the legislation may be proven right. I don't think the Federal Reserve are the only people who should study this phenomenon. I'm happy to invite a GAO study and other independent studies.

Again, I think it's a very important point, and although I think the gentleman from New York's legislation takes a huge step forward with respect to disclosure, with respect to fighting misleading and really deceptive practices, I also fear that those who need credit the most in a credit crunch will be denied those opportunities. I fear that

those who pay their bills on time or at least pay the minimum on time, which is over half of America, will end up having to bail out the other half, and we will have more bailout legislation.

So I appreciate the chairman in working with me and at least studying the phenomenon to see if it has any validity. I'm sorry we have to wait 2 years, but it's certainly better than nothing. Again, I appreciate the chairman of the full committee working with me on this.

□ 1200

Mr. FRANK of Massachusetts. I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chairman, I just want to reiterate what my friend from Texas said is that we do need to make sure we understand the intended and unintended consequences of this legislation and how it's going to impact consumers who use credit cards.

Like the gentleman from Texas, I'm disappointed that we're going to wait for 2 years to get those results, but I do think it's important that the agencies involved here make sure that if we have gone down a road that has a negative impact on the people that use our credit cards and depend on them, we need to know about that.

With that, I yield back.

Mr. FRANK of Massachusetts. Madam Chair, I am very pleased to be able to say today that the gentleman from New York, the author of the bill, and the gentleman from Illinois, the chairman of the subcommittee, are doing an excellent job.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. SLAUGHTER

The Acting CHAIR (Mr. PASTOR of Arizona). It is now in order to consider amendment No. 3 printed in House Report 111-92.

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. SLAUGHTER:

In that portion of section 7 that precedes the amendment adding a new paragraph (8), strike "paragraph" and insert "paragraphs".

At the end of the paragraph (8) added by the amendment made by section 7, strike the closing quotation marks and the 2nd period.

After paragraph (8) of section 127(c) of the Truth in Lending Act (as added by the amendment made by section 7), insert the following new paragraph:

"(9) PROVISIONS APPLICABLE WITH REGARD TO THE ISSUANCE OF CREDIT CARDS TO FULL-TIME, TRADITIONAL-AGED COLLEGE STUDENTS.—

"(A) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) COLLEGE STUDENT CREDIT CARD ACCOUNT DEFINED.—The term 'college student credit card account' means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

"(ii) COLLEGE STUDENT.—The term 'college student' means an individual—

"(I) who is a full-time student attending an institution of higher education; and

"(II) who has attained the age of 18 and has not yet attained the age of 21.

"(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(B) MAXIMUM AMOUNT LIMITATION AS A PERCENTAGE OF GROSS INCOME.—Unless a parent, legal guardian, or spouse of a college student assumes joint liability for debts incurred by the student in connection with a college student credit card account—

"(i) the amount of credit which may be extended by any one creditor to the full-time college student may not exceed, during any full calendar year, the greater of—

"(I) 20 percent of the annual gross income of the student; or

"(II) \$500; and

"(ii) no creditor shall grant a student a credit card account, if the credit limit for that credit card account, combined with the credit limits of any other credit card accounts held by the student, would exceed 30 percent of the annual gross income of the student in the most recently completed calendar year.

"(C) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—No increase may be made in the amount of credit authorized to be extended under a college student credit card account for which a parent, legal guardian, or spouse of the consumer has assumed joint liability for debts incurred by the consumer in connection with the account, before the consumer attains the age of 21, with respect to such consumer, unless the parent, guardian, or spouse of the consumer, as applicable, approves in writing, and assumes joint liability for, such increase.

"(D) INCOME VERIFICATION.—For purposes of this paragraph, a creditor shall require adequate proof of income, income history, and credit history, subject to the rules of the Board, before any college student credit card account may be opened by or on behalf of a student.

"(E) PROHIBITION ON MORE THAN 1 CREDIT CARD ACCOUNT FOR ANY COLLEGE STUDENT.—No creditor may open a credit card account for, or issue any credit card to, any college student who—

"(i) has no verifiable annual gross income; and

"(ii) already maintains a credit card account under an open end consumer credit plan with that creditor, or any affiliate thereof.

"(F) EXEMPTION AUTHORITY.—The Board may, by rule, provide for exemptions to the provisions of this paragraph, as deemed necessary or appropriate by the Board, consistent with the purposes of this paragraph."

The Acting CHAIR. Pursuant to House Resolution 379, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of my amendment to protect college students from the hardship of excessive credit card debt and bankruptcy, and I am pleased to share my time with Congressman DUNCAN of Tennessee, with whom I have labored for at least 10 years to try to see this day come. And I appreciate him for his constant help and support.

According to Sallie Mae, the average undergraduate has \$2,200 in credit card debt, and that figure jumps to \$5,800 for graduate students. And according to Sallie Mae, 84 percent of undergraduates have at least one credit card, up from 76 percent in 2004. On average, students have 4.6 credit cards, and half of college students have more than four, which would be fine if the students were able to pay off the credit card debt.

Only 17 percent have said that they regularly pay that debt. Most of them have parents or simply let it go. A 2005 study—which is very important for us to know—indicated that many university administrators believe that credit card debt leads to a higher drop-out rate than their academic failure. Now, I don't think any of us ever expected that in our lifetime, that more students would drop out of college because of credit card debt than because of their academics. Indeed, the Indiana University administrator was quoted in the Chicago Tribune warning incoming freshmen that the school "loses more students to credit card debt than to academic failure."

And we all know the ramifications of what happens when they become delinquent on their credit card debt. They can ruin their credit scores and end up paying higher rates on all future loans, and even more seriously they may be forced to declare bankruptcy and may not have enough credit rating to have credit cards again.

Over the past 10 years the number of young people filing for bankruptcy has increased. If credit card companies applied the same scrutiny to college students as they do to adults when approving them for credit cards, college students would not be able to maintain the balances which they are incapable of paying.

This is not merely smart business practice, it's good public policy, and our amendment will do just that by requiring the credit card companies to take responsibility for their lending practices to reduce the number of young people carrying excessive debt and filing for bankruptcy. We would ensure that credit card companies cannot provide students with extravagant limits and require the creditors to obtain a proof of income, income history and credit history from the students before approving the application.

It would also encourage financial responsibility from students by limiting those without income to one credit

card and set a limit by allowing increases over time if prompt payments have been made.

Credit cards can be a useful tool to help students; however, it can also be a card to failure.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, at this time, I am pleased to yield 2 minutes to the distinguished ranking member, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, there is nothing more controversial than students with credit cards and young people with credit cards. I think we all, as Members of Congress, have heard complaints from our constituents, and this is a response to some of that unease or anger.

But what we're doing here is two things. There are two provisions of this bill that I am opposed to. One is that you cannot have a credit card or someone under the age of 18 cannot have a credit card unless they have been emancipated by the State of residence, which means you're eliminating anyone under the age of 18. That includes a lot of students. And there are those who are saying no credit card under any circumstances unless you have been emancipated, which I disagree with.

Secondly, here you're saying to a group of students, 77 percent, according to GAO, use their credit cards for most of their personal expenses, a lot of their lodging, a lot of their books, a lot of their fees, and make large purchases from time to time.

You're saying you can only have a credit card in two cases: \$500—which is not going to be sufficient for many of them—or 20 percent of your income. Some of them are students. They have no income.

Now, you say to get around this, their parents can cosign and, number two, you do a complete credit history, which is pretty intrusive. You're really making decisions for every family and every student. Do you want to do that? What if their parents won't sign? But what if they need a credit card to go to school and they need to charge over \$500? You're really beginning to micromanage. And sometimes it will prevent some injustices, sometimes it will prevent some financial difficulties, like Ms. SLAUGHTER said, but oftentimes, it will result in students not having the use of a credit card.

Ms. SLAUGHTER. Mr. Speaker, I would like to yield the remainder of my time to Mr. DUNCAN.

The Acting CHAIR. The gentleman from Tennessee is recognized for 1½ minutes.

Mr. DUNCAN. Mr. Chairman, I will be very brief.

First, I want to commend my colleague, the gentlelady from New York, for her hard work on this over many years, as she has mentioned.

The college student loan program has resulted in many thousands and thousands of college graduates, graduated from college or even before graduation incurring huge, huge debts. And when you add credit card debts on top of that, now the average graduating college student has a combined credit card and student loan debt of \$20,402. Many, many thousands have much, much more than that.

And I think this amendment, some of what my friend, the gentleman from Alabama, has discussed, doesn't really pertain to the specific amendment that Ms. SLAUGHTER and I have done.

This amendment applies only to full-time, traditional-age college students, defined as a full-time student and in an institution of higher education who has not reached the age of 21. So this amendment does not apply to anyone over the age of 21.

I think it's a very reasonable amendment and a very minimal limitation or restriction on credit cards. Some universities, many universities across this country have entered into deals with credit card companies, and now they are not only encouraging students to incur huge student loan debts, they're encouraging students to incur credit card debts.

And I just think this amendment will send a message to parents and college students that they at least need to think about. We passed a resolution a couple of days ago encouraging a financial literacy program recognizing the fact that many people don't have the financial literacy they need.

Mr. NEUGEBAUER. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I certainly appreciate the intent behind the legislation, but I am fearful of what its adverse impact could be.

Like many people across this Nation, probably many people in this institution, I worked my way through undergraduate school. I worked a couple of different jobs in Texas A&M University back in the mid-seventies to get through college. To get to those jobs, I somehow had to keep an old 1965 Mustang running, and it didn't want to run.

For some reason, a credit card company sent me a solicitation, and I got a credit card. And whether I had a transmission problem that I couldn't pay for, I had a water pump go out, that credit card tided me over, made sure I had transportation to get to my job to pay for my undergraduate studies. And I hate to think about all of the college students in America who may

be denied that opportunity. I used it the way it was supposed to be used. I used it for emergency purposes. I used it to tide me over until that next paycheck came in.

We're talking about folks over 18 who can vote, who can go to war, in most States can marry, own real property. We shouldn't be paternalistic towards them. We shouldn't deny them what could be an incredibly valuable tool to get them through college in the first place.

So I urge the rejection of this amendment.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself the balance of my time.

I think one of the concerns I have is this is a road we seem to be going down every day in these first hundred days, and that is the Federal Government telling people what they can and cannot do. I was shocked this week when the EPA administrator Lisa Jackson told public radio that it was time for America to have a single roadmap and for the government to tell Americans what kind of cars they ought to be driving. Now we have an amendment here that's going to tell college students whether they can have a credit card or not.

This is not the America that our Founding Fathers founded. They founded this Nation on empowerment and they founded it on the basis of freedom of choice, and now we're taking choices away. And like the gentleman from Texas just said, my wife and I put ourselves through college. We felt like we were fairly responsible. We weren't getting student loans, we were working. From time to time we needed a little extra help, and we were able to use our gasoline credit card or our credit card for unforeseen expenses. Now we're telling people 18-21 the government doesn't think you ought to have a credit card or you're not responsible enough to have a credit card.

So now we have an amendment that says, By the way, we're not going to teach you how to use your credit appropriately. We're just going to take your credit away.

Anybody that knows what challenges that young people in college are facing today would know that this is not a good thing for these young people. Many of them are working their way through school and they use this credit card as a valuable tool. Ranking Member BACHUS said 77 percent of students and universities are using these cards. Not all of them are using them irresponsibly.

So now for those people that feel like that somehow there's predatory activities going on, we're going to take that right away.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. GUTIERREZ

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-92.

Mr. GUTIERREZ. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GUTIERREZ:

In paragraph (1) of subsection (j) of section 127B of the Truth in Lending Act (as added by section 3(f) of the bill) strike "minimum payment shall be applied", where such term appears in the matter preceding subparagraph (A), and all that follows through the end of subparagraph (B) of such paragraph and insert "minimum payment shall be allocated first to the balance with the highest annual percentage rate and any remaining portion is allocated to any other balance in descending order, based on the applicable annual percentage rate each portion of such balance bears, from the highest such rate to the lowest".

□ 1215

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment, which includes language that was requested by the White House, addresses how credit card companies allocate payments when a consumer is carrying balances on their credit cards at several different interest rates.

Under existing law, when different portions of a consumer's credit card balance have different interest rates, the credit card insurer may allocate payments in excess of the minimum payment in any manner they choose. Many insurers allocate these excess payments to the portion of the balance with the lowest interest rate, ensuring that the highest interest portions remain on the debtor's account longer.

H.R. 627, as reported, requires payments in excess of the minimum payment to be allocated either, one, to the portion with the highest interest rate first and then other portions based on descending order of APR, or, two, on a pro rata basis. The Gutierrez-Peters-Edwards amendment would eliminate the pro rata option in H.R. 627 and require credit card insurers to allocate payments in excess of the minimum payment to the portion of the consumer's remaining balance with the highest interest rate first, and then by

any remaining balances in descending order. This amendment would prevent the credit card insurers from abusing the introductory rates they offer by allocating payments to the lowest rate balance first, while the industry makes their profits from keeping the highest interest rates balance on the consumer's account, which is common practice today.

Our consumers need every tool we can give them to pay down their existing credit card debt and avoid getting caught in the cycle of debt. This amendment would dramatically shift the balance of power from credit card companies to our consumers.

I thank the two wonderful freshmen Members who cosponsored this amendment, Mr. PETERS from Michigan and Ms. EDWARDS from Maryland. I strongly urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, the bill itself I think reached a compromise on this issue as well as the Federal regulations that came out about this, and basically it allows it to prorate that. So if there were an introductory period where the interest rate was lower and then later on that introductory period passed, it was fair to prorate the payments between the two rates, the old rate and the new rate. This one now allows the payment to be applied to the introductory rate. And thereby, I think what it is going to do—and again, we talk about choice. It is going to continue to restrict the kinds of cards and choices that the American people are going to be able to use and look at and be given from the various credit card companies. And so I am opposed to this.

At this time, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I fear that what we have here is another form of price controls being applied to credit card availability.

You know, what is going to happen here, as we attempt to protect the consumer, I think we are about to protect him right out of having any opportunity to have an introductory rate. I mean, what is going to end up happening here is, instead of, say, enjoying a 10 percent rate for 3 months and then a 15 percent rate kicks in for the next 9 months, you are going to end up with 15 percent for the whole year.

Again, the answer here is to allow the consumer to have choice. People can understand this if we will write the disclosure in the right way. Yes, there are deceptive practices, but don't hurt

the consumer as you clean up deceptive practices, but let the consumer choose. Let the consumer choose. And particularly for those who pay their bill on time at the end of each month, they are going to be hurt every time you take away just a little bit and chip away at the ability for people to have their risk priced because those who are good risk are going to end up subsidizing those who aren't.

I fear, again, that this will be an amendment that has untold, unintended consequences that are going to ultimately hurt the consumer. I mean, there are a lot of different things that I would love for Congress to do. You know, I don't like to pay extra for the cheese on a cheeseburger; maybe we can somehow pass a law that they can't charge me extra for that. But you know what's going to happen? Either, one, they are going to quit offering me the cheeseburger, or number two, everybody who doesn't offer it is going to have to pay more. If you poke in on one end of the balloon, it pokes out somewhere else.

I know the intention is good, but we are going to protect consumers out of having any opportunity to have introductory rates if they wish them. So we need to reject this amendment.

Mr. GUTIERREZ. Mr. Chairman, I would inquire as to the time remaining on our side.

The Acting CHAIR. The gentleman has 3 minutes remaining.

Mr. GUTIERREZ. Mr. Chairman, I yield 2 minutes to the wonderful gentlewoman and cosponsor from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Chairman, I rise today in support of the Gutierrez-Peters-Edwards amendment. I am a proud sponsor of the amendment. And thank you to Chairman GUTIERREZ for his leadership on this issue, and also to Representatives FRANK and MALONEY for their stellar work on behalf of consumers and protecting consumers.

This amendment is such common sense that it almost seems unnecessary to explain, and it is supported by the White House. It would simply require credit card issuers to allocate payments in excess of the minimum payment to the portion of the remaining balance with the highest outstanding annual percentage rate.

Today, most credit card companies put the high-interest charges at the bottom of your balance. So even if you are making a payment every month, none of that payment will go to the highest interest debt until your payment covers the entire balance of the low-interest debt as well. This is costing consumers thousands of dollars that could be put back into the economy.

The current system makes it difficult, if not impossible, for people to pay off their debt, and it is really designed to make consumers prisoners of

the credit card company, forever indebted to them because you could never pay off the highest interest debt. The practice has to be changed, and this is the vehicle to change it.

Mr. Chairman, the underlying bill and this amendment are about doing the right thing for American consumers and potentially saving them thousands of dollars that can be put straight back into our economy. I urge my colleagues to support this amendment and the underlying bill.

Mr. NEUGEBAUER. Mr. Chairman, I yield back the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I yield myself the remaining time.

The Acting CHAIR. The gentleman from Illinois is recognized for 1½ minutes.

Mr. GUTIERREZ. First of all, this is really a simple, commonsense practice for consumers. It says, you had an interest rate of 10 percent on the first \$100 you took, and then the credit card company raises it to 20 percent when you take another \$100. And the minimum payment is \$30 on that \$200, but you make a payment of \$50. What happens with that extra \$20 over the minimum payment? It goes to reduce the debt on the highest interest rate first. So, therefore, the consumer is protected from the hike.

I just want to say that this amendment comes after conversations with the President and the White House and the credit card industry. It was sent over here to the House. I am proud to join the gentlelady from Maryland in proposing this commonsense amendment to protect consumers.

Just think, you have a chance to put consumers first by allowing them to pay down the debt at the highest interest rate after the credit card company changed the rate on you. That is all this really does. It is very consumer-oriented, and that is what I think we should be all about here today.

Mr. PETERS. Mr. Chair, I rise today in support of this Amendment and the underlying bill, which provides important protections for consumers against unfair credit card billing practices. This amendment, which I am proud to be cosponsoring, simply states that when a credit card holder makes a payment it has to be allocated to the balance with the highest interest rate first.

Like many of my colleagues, I meet regularly with constituents who are struggling. In Michigan, unemployment is rising, home prices are falling, and many families are struggling with increased debts and financial insecurity. While I am new to the Congress, I am not new to the business of advising families on what's in their financial best interest. For twenty-two years I was a financial adviser, and my advice to anyone attempting to pay off outstanding debt was clear: pay off the highest interest accounts first. But current credit card billing practices don't always make that possible.

This straight forward, common sense amendment protects consumers by requiring

any payment beyond the minimum payment to be applied to the highest interest balance, thus ensuring that families that are working hard to pay their bills and get out from under their credit card debt are not stuck in a hole paying off low interest debt while the compound interest on their higher interest debt keeps piling up.

Mr. Chair, this amendment and this bill provide important protections for America's families during this time of economic uncertainty. I urge my colleagues to adopt the Gutierrez/Peters Amendment and vote in favor of the Credit Cardholders' Bill of Rights.

Mr. GUTIERREZ. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-92.

Ms. PINGREE of Maine. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. PINGREE of Maine:

After section 9, insert the following new section (and redesignate the subsequent section accordingly):

SEC. 10. INTERIM IMPLEMENTATION REPORTS TO THE CONGRESS.

The Chairman of the Board of Governors of the Federal Reserve System shall submit a report each 90 days after the date of the enactment of this Act on the level of implementation of the regulations required to be prescribed under this Act to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate until the Chairman can report full industry implementation.

The Acting CHAIR. Pursuant to House Resolution 379, the gentlewoman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maine.

Ms. PINGREE of Maine. Mr. Chair, I yield myself such time as I may consume.

First I need to thank Chairman FRANK, Chairman GUTIERREZ, and my colleague, Representative MALONEY, for their tireless leadership on this very important bill before us today. This bill takes real steps to curb the unfair, unreasonable, and deceptive practices that nearly 175 million Americans with credit cards are subject to.

Late fees, over-the-limit fees, arbitrary interests, increases in interest rates, the credit card companies have gotten away with far too much for far too long. It is time we level the playing field now for small businesses, families and individuals.

In Maine, like so many places across the country, this is one of the most im-

portant issues on the minds of hard-working men and women. If they have not themselves been the victim of arbitrary rate increases, double-cycle billing, and deceptive fees buried in pages of indecipherable terms, then they know someone who has.

While these deceptive and misleading practices have always been unfair, they have devastating financial consequences during this time of economic difficulty when more and more people are using their credit cards to buy gasoline, to pay for their health care bills, or put food on the table.

In Maine, not only have we been customers, but we are also employees of a credit card company. And as employees, we have seen firsthand the pervasive and unethical methods that these companies employ. When MBNA—now Bank of America—came into our community, people who had traditionally built homes or been fishermen found themselves using deceptive company practices to sell their neighbors credit they couldn't afford, and it took its toll.

Last fall, Nightline profiled Cate Columbo and Jerry Young of Camden, Maine, who worked 10-hour shifts at MBNA pushing customers into taking huge cash advances that they couldn't afford. The company urged employees to take advantage of parents sending their kids to college, homeowners, even veterans. In the Nightline piece, Cate said, "I would come home, and I would literally be crying in the sink doing dishes." The deceptive and misleading practices that Cate, Jerry and thousands of others were pressured to enforce ran squarely counter to the core values that Mainers and those across this country live by every day. That is why it is so important to pass this landmark bill today.

I strongly support the bill before us, but I want to be sure that it is implemented as soon and as well as possible. It is very important that we, as Congress, should be diligent about making sure that the industry and the regulators hold up their end of the legislation. My amendment simply requires that the Chairman of the Board of Governors of the Federal Reserve System reports on the level of implementation every 90 days until he can report full industry adoption.

Mr. Chairman, consumers have demanded that Congress act to stop the egregious practices of credit card companies, and it is our responsibility to provide the accountability and oversight that is necessary to ensure this happens. As we move to rebuild our economy in a way that is honest and fair, this commonsense legislation will allow cardholders to responsibly manage their finances.

Today, this body has the opportunity to change course by fixing a broken credit card system. I urge a "yes" vote on the amendment and the underlying bill.

I reserve the balance of my time.

Mr. NEUGEBAUER. We do not claim any time in opposition to the amendment.

Ms. PINGREE of Maine. I yield back my time and I urge a "yea" vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maine (Ms. PINGREE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-92.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. POLIS:

In subparagraph (A) of the new paragraph (8) added to section 127(c) of the Truth in Lending Act by section 7 of the bill, insert "or the parent or legal guardian of such consumer is designated as the primary account holder" before the period at the end.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I rise in support of my amendment to ensure that young Americans can continue to access credit and begin to establish a credit history and learn financial literacy.

I would like to thank Congresswoman MALONEY and her staff and Chairman FRANK and his staff for bringing this important consumer protection bill to the floor and for consideration of my amendment.

In my district of Colorado, financially responsible families who have paid their bills and been careful with credit have had the added insult of skyrocketing interest rates imposed by the very banks who caused the injury of this recession through their mismanagement.

We need available credit and fair borrowing terms in order to restore our Nation's economic health. This bill is good for consumers and, by reducing defaults and increasing consumer confidence, it is also good for the financial services industry. Equitable terms will result in on-time payments, making bank balance sheets healthier.

Management of credit is a matter of personal responsibility; however, to be truly accountable, the rules must be clear. The Credit Cardholders' Bill of Rights gives Americans the tools to be responsible with credit, and I urge its swift passage.

Furthermore, Mr. Chairman, it is important to recognize the professionals in the lending industry who have been the champions of their customers. In Colorado, we have the Young Ameri-

cans Center for Financial Education. This bank for young people is teaching the next generation how to use credit wisely and teaches about business development and investment. Many other banks and credit unions, realizing that the informed customer is the best customer, have offered financial literacy and counseling courses, and these efforts are to be applauded.

□ 1230

Across the country, brokerage firms and even employers have taken action to inform people about financial services. I want to commend these efforts and encourage the entire industry to follow the example of these leaders.

While regulatory reform is important, the blame for our economic woes does not rest solely on the shoulders of the finance industry or government regulation. We must also aggressively address our culture of financial illiteracy. According to the consumer financial literacy survey report released this week, 41 percent of American adults would give themselves a C or below for financial literacy. More troubling is the lack of knowledge about credit among younger Americans. We all know that the credit mistakes of youth can carry serious long-term consequences. If we expect the next generation of Americans to use credit responsibly, we must ensure that they are exposed to the tools of financial literacy at an early age.

It's for this reason that I have offered this amendment that will continue to allow minors to have a credit card in their name under the supervision of their parent or guardian. Not only is the practical firsthand experience of credit critical to financial literacy and establishing credit and personal responsibility, but for many families it's also an important safeguard in emergency situations. The Credit Cardholders' Bill of Rights is the beginning of what needs to be a thorough discussion of making financial literacy universal. This economic crisis has created a new awareness of the importance of financial literacy, and I urge this Congress to support reforms not only in regulation but in education to ensure that familiarity of financial instruments give Americans of all ages access to increased credit, homeownership, higher education, and are able to build wealth.

Today as we recognize the importance of financial literacy here on Capitol Hill, let's put words to action for young people back in our districts by protecting their ability to be introduced to credit.

I ask my colleagues to support my amendment to ensure age-appropriate access to credit continues to be the law of the land, and I further ask my fellow Members of Congress to pass this bill to give our constituents the needed relief and reforms of the Credit Cardholders' Bill of Rights.

I once again thank Congresswoman MALONEY and Chairman FRANK.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, we have no opposition to this amendment.

Mr. POLIS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. JONES

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-92.

Mr. JONES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. JONES:

After section 9, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 9. PROCEDURE FOR TIMELY SETTLEMENTS OF DECEDENT OBLIGORS' ESTATES.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"§ 140A Procedure for timely settlements of decedent obligors' estates

"The Board, in consultation with the Federal Trade Commission and each other agency referred to in section 108(a), shall prescribe regulations to require any creditor, with respect to any credit card account under an open end consumer credit plan, to establish procedures to ensure that any administrator of an estate of any deceased obligor with respect to such account can resolve outstanding credit balances in a timely manner."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 140 the following new item:

"140A. Procedure for timely settlements of decedent obligors' estates."

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from North Carolina (Mr. JONES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. JONES. Mr. Chairman, I first would like to thank Chairman FRANK and Mrs. MALONEY for permitting me to bring this amendment to the floor. This amendment today reflects a personal story that I would like to tell in just a very few minutes.

A childhood friend of mine, Ben Monk, died of cancer in January. His brother, J.Y. Monk, is also a very close and dear friend of mine. As the estate executor, J.Y. Monk had a difficult time resolving the outstanding balance of Ben's account. He sent four separate letters to the credit card company, Capital One, requesting the account balance amount. He called Capital One

on four different occasions. He repeatedly faxed and mailed Capital One his brother's death certificate and letters of testimony. He was never contacted in return and was unable to gain access to the account balance due. Meanwhile, Capital One was collecting very high interest payments on the account.

This was unacceptable. It is already difficult enough for families to take up the practical matter that must be dealt with soon after a loved one dies. They should not have to chase after creditors and get the runaround from poor customer service.

This amendment is very simple. It would require the Federal Reserve Board to establish regulations to allow estate administrators to resolve outstanding credit balances on credit card accounts in a timely manner. This amendment would allow a deceased person's estate to quickly settle their account and pay off the remaining debt.

According to the Congressional Research Service, there is no current standard for credit card companies to follow to wind down estates in a timely manner when a deceased person's estate is trying to be settled. This amendment would help estate administrators to quickly and without hassle be able to bring a resolution to the estate.

Again, I would like to thank the chairman and Mrs. MALONEY. I would like to thank my side for permitting me to bring this to the floor of the House.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in very nominal opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I am opposed only in that by bringing forth this amendment, the gentleman from North Carolina has revealed the imperfection of our product. We should have included this in the first place.

But it is a very good idea, and I congratulate him for his diligence. And this is the process at its best, a specific issue which was called to the attention of a Member in a concrete way, and he responds not simply in terms of that specific situation but with a broader solution.

With that, Mr. Chairman, I now yield such time as she may consume to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. First, let me thank the chairman for yielding and for his tremendous leadership in bringing this very important bill to the floor today.

Mr. Chairman, I believe that the critical protections contained in this legislation will strengthen the regulations issued by the Federal Reserve, and I strongly support its passage.

However, Mr. Chairman, I am concerned that during these incredibly difficult and challenging economic times, our constituents are increasingly being squeezed with egregious fees and dubious business practices by the very banks that their tax dollars have been bailing out. The newspapers are rife with stories about consumers being gouged, mind you, gouged by banks that have been suddenly jacking up their interest rates on their credit cards or imposing new monthly service charges or reducing credit limits with little or no explanation. In most cases these tactics are being used on consumers, although they carry a balance from month to month, they pay their bills on time, they're playing by the rules, and they make at least their minimum payment. We've heard countless, countless stories of bait-and-switch tactics by credit card issuers who suddenly raise interest rates because a consumer is a few days late in paying another creditor. This is just downright wrong. It's outrageous.

Years ago I worked with now-Senator SANDERS on legislation, and this was when I was on the Financial Services Committee, to address this practice of universal default. I am pleased that this language is included in this bill, but it's critical that the protections banning this practice are put into place immediately.

Mr. Chairman, the Federal Reserve has already determined that the use of these unfair bait-and-switch profit-maximizing tactics must end. I believe that we can and we should end these practices at the earliest possible date, like now.

Mr. FRANK of Massachusetts. I will reclaim my time to say the gentleman has been a staunch advocate of this. She was thinking about an amendment. I regret that we were in a situation where we weren't able to move the date up for a variety of reasons.

I will say this: if the banks, the credit card issuers, use the time between now and the effective date in a way that is abusive of customers, if they use the time not simply to get ready for the change that they say they need, but if they use the interim period to raise rates on people retroactively and to do other things that are abusive, to me that will be a very strong argument for speeding up the date. Now, the Senate hasn't acted on this bill yet, and it doesn't become law until they do and we go to conference. If we see a pattern of the credit card companies using the time lag to engage in practices that this bill seeks to stop in an excessive way, then I will urge my Senate colleagues to speed up the date and we will acquiesce.

Mr. Chairman, I now yield on this issue to one of the main advocates here, the gentleman from North Carolina (Mr. WATT).

Mr. WATT. I thank the gentleman for yielding, and I think he's yielding to me because I made this point in the committee markup that credit card companies were engaging in negative conduct in the interim before this bill gets implemented, and Mr. FRANK made exactly the same commitment to me at that point, and we're certainly going to push them on that.

Mr. FRANK of Massachusetts. Mr. Chairman, I will yield again to the gentlewoman from California.

Ms. LEE of California. I certainly thank you for your very strong statement.

I just want to mention that originally, as I understand it, this bill did contain a 3-month window following the date of enactment. And I want to thank Congresswoman CAROLYN MALONEY from New York for her leadership on this bill, who really understands the need to do this as quickly as possible.

The fact is, as the chairman noted, the banks know that the handwriting is on the wall. They're boosting up fees and rates on consumers now, and we have a lot of evidence of that. And the longer we wait to ban these practices, the more our constituents will suffer.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Chairman, if the handwriting on the wall becomes graffiti, in our view, then out comes the whitewash brush. So we'll be very clear. We were told they needed time to get things ready. If it appears that that time is being used to take advantage of consumers and to try to get in some last licks before the rule goes into effect, then I and I believe the overwhelming majority of the committee and of the House will urge our colleagues in the Senate to speed up the date in their version and we will acquiesce with that.

Mr. JONES. Mr. Speaker, I would like to close by thanking them again for this opportunity to bring this to the floor of the House, and I hope that the House will pass this amendment and also pass this bill. It's much needed.

Mr. WATT. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from North Carolina.

Mr. WATT. I neglected to address the gentleman's amendment, Mr. Chairman.

I want to urge my strong support for the gentleman's amendment from a personal experience. I was the administrator of my brother's estate after he died more than 2 years ago. I'm still getting bills that I have paid off to credit card companies out of that estate. So it's a serious problem and I am glad he's addressing it.

Mr. JONES. Mr. Chairman, I thank the gentleman from North Carolina.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MRS. MALONEY

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-92.

Mrs. MALONEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. MALONEY:

Strike out subsection (m) of section 127B of the Truth in Lending Act (as added by section 4 of the bill) and insert the following new subsection:

“(m) OPT-IN REQUIRED FOR OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.—

“(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, no such fee shall be charged unless the consumer has elected to permit the creditor, with respect to such account, to complete transactions involving the extension of credit, with respect to such account, in excess of the amount of credit authorized.

“(2) DISCLOSURE BY CREDITOR.—No election by a consumer under paragraph (1) shall take effect unless the consumer, before making such election, received a notice from the creditor of any over-the-limit fee in the form and manner, and at the time, determined by the Board.

“(3) FORM OF ELECTION.—A consumer may make the election referred to in paragraph (1) orally or in writing.

“(4) TIME OF ELECTION.—A consumer may make the election referred to in paragraph (1) at any time and it shall be effective until the election is revoked by the consumer orally or in writing.

“(5) REGULATIONS.—

“(A) IN GENERAL.—The Board shall issue regulations allowing for the completion of over-the-limit transactions that for operational reasons exceed the credit limit by a de minimis amount, even where the cardholder has not made an election under paragraph (1).

“(B) SUBJECT TO NO FEE LIMITATION.—The regulations prescribed under subparagraph (A) shall not allow for the imposition of any fee or any rate increase based on the permitted over-the-limit transactions with respect to the account of any cardholder who has not made the election in paragraph (1).

“(C) DISCLOSURES.—The Board shall prescribe regulations governing any disclosure under this subsection.”

The Acting CHAIR. Pursuant to House Resolution 379, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Mr. Chairman, I yield myself 2½ minutes.

Last week when the President met with executives of the card companies, he said that credit cards had become unnecessarily complicated for consumers, often leading them to pay more than they reasonably expect. After his meeting, his administration

reached out to Congress to offer their support of the credit cardholders' bill of rights but also to offer additional amendments and provisions. The one that we are considering now is one put forth by the administration, and this would require cardholders to opt into any over-the-limit coverage on their credit card.

Our constituents are faced with a multitude of fees and penalties that can be assessed to their credit card accounts. In many cases they do not even know the fees exist because disclosure agreements can be confusing and hard to understand. A recent editorial in the New York Times called “Over the Limit” detailed one of the so-called “worst tricks” used by credit card companies, “allowing a consumer to overcharge on his or her account but when the bill arrives, the consumer has been assessed an over-the-limit fee.”

I would like to place this editorial in the RECORD.

[From the New York Times, Apr. 25, 2009]

OVER THE LIMIT

President Obama told banking executives this week to clean up their credit card business. He made clear that he understands the billowing anger and the huge strains placed on millions of American cardholders who face sudden interest rate spikes, hidden fees and tricky contracts that no one without a law degree and a magnifying glass can hope to master.

His promises will amount to little unless he follows through quickly to strengthen bills in Congress designed to protect credit card customers.

The president said after meeting credit card executives on Thursday that he and his economic team recognize the need for credit cards, especially in a tough economy. Small businesses often depend on the cards to order goods or meet the payroll. And consumers have learned to enjoy instant credit at the checkout counter. But as a longtime user of credit cards himself, Mr. Obama told banking executives that it is time to reform this area of their business.

He demanded stronger protections against unfair rate increases and abusive fees along with more oversight and enforcement. He called for clarity. He wants contracts written in plain language, minus fine print or “anytime, any reason rate hikes.” He wants people to be able to comparison shop online, with one option being “a plain-vanilla, easy-to-understand, simplest-terms-possible” card for the average user.

Credit card operators have long resisted such reforms, and earlier experiments with self-policing resulted in very spotty improvements. After complaints from cardholders who felt tricked by their banks, the Federal Reserve last year proposed several useful changes that will not, unfortunately, take effect until July 2010.

There's a better way to help consumers. A credit card bill of rights proposed by Democratic Representatives Barney Frank of Massachusetts and Carolyn Maloney of New York would codify many of the Fed's rules into law. It would ban interest rate increases on existing balances unless payment is more than 30 days late, and it would forbid “double-cycle billing,” which means charging interest on debts paid off the previous month.

It would also require 45 days' notice for a rate increase in most cases. An even stronger

bill by Senator Christopher Dodd of Connecticut would make it harder for people under the age of 21 to get cards, far too many of whom now think plastic is simply another form of cash. It would also require creditors to apply a cardholder's payment to the balance with the highest interest rate. So far, these reforms face fierce Republican opposition, especially in the Senate.

If the president is really serious about credit card relief, he could pressure Congress to end some of the industry's worst tricks right now. Remember when credit card limits caused great embarrassment at the restaurant? These days, many cards allow the overcharge, sparing the embarrassment but socking the customer with a large fee at billing time. One solution would be to offer consumers the choice of a real ceiling that renders cards unusable above that limit.

Mr. Obama has spent a lot of time and energy trying to save the banks. He and Congress must also do more to spare their customers.

Our amendment would require credit cardholders to opt in to receive over-the-limit protection on their credit card in order for a credit card company to charge an over-the-limit fee. Additionally, the amendment allows for transactions that go over the limit to be completed for operational reasons as long as they are of a small amount. But the credit card company is not allowed to charge a fee.

□ 1245

For far too long, credit cardholders have been alone in the fight to bring reasonable standards back to credit card practices. With the passage of this amendment and the underlying bill, the Credit Cardholders' Bill of Rights, consumers will be treated more fairly by credit card issuers and will be better able to manage their accounts.

I urge a “yes” vote on this amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, here we go again taking choices away from the people that use credit cards, a very valuable tool for their personal finances. Just imagine, you are at a banquet or someplace and you give the maitre d' your credit card. Now you go over there and they put the credit card in, and it comes back rejected.

And you face the embarrassment of that, and you have called the credit company and you find out, well, you didn't opt into a service that we provide, and so we don't provide you the opportunity to go over your line of credit. You said, Well, how much was I over my line of credit? Well, I was over by \$4.

What we find today, according to the American Bankers Association, 99 percent of the people opt in or avoid opting out because they like that valuable service that they have.

So, again, what we would have here is a situation where people may not

even know that this service is available to them. Maybe they are making their utility bill payment and they find out that their card was rejected because they didn't have this service. It's 2 or 3 weeks before they get a notice from their utility company and find out that their utilities are about to be shut off.

Now, this is a system that is really not broken. In fact, the Federal Reserve, in their study, when they looked at these regulations, looked at that issue, decided to leave it alone, found out it was working extremely well.

Again, we are micromanaging this process. And the big losers aren't going to be the credit card companies, who, I think, as a lot of people are trying to attack with this bill, the big losers are going to be the consumers that rely on that very valuable service.

So I am in strong opposition to the gentlewoman's amendment and urge my colleagues to vote "no."

I reserve the balance of my time.

Mrs. MALONEY. I yield the balance of my time to my good friend and colleague and coauthor of this amendment, along with the administration, DIANE WATSON.

The Acting CHAIR. The gentlewoman from California is recognized for 3 minutes.

Ms. WATSON. Mr. Chairman, I rise today in enthusiastic support for the Maloney-Watson amendment to H.R. 627.

I would like to thank her deeply for her leadership on the bill and for allowing me to join with her in her amendment.

This amendment will increase the level of fairness in the relationship between constituents and their credit card companies by limiting the ability of credit card companies to authorize transactions in excess of a consumer's credit limit.

Without this amendment, consumers have to go out of their way to opt into an election program to stop their credit card company from authorizing over-the-limit transactions, which incur additional fees and indebtedness. This amendment will strengthen the bill by only allowing credit card companies to authorize over-the-limit transactions for consumers who specifically request the ability to do so.

I urge my colleagues to vote "yes" on this amendment to ensure American consumers are spared from additional unwanted fees and debts.

Mr. NEUGEBAUER. May I inquire how much time I have remaining.

The Acting CHAIR. The gentleman has 3 minutes.

Mr. NEUGEBAUER. I yield the balance of my time to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I listened to the gentlelady from New York, who sponsored the bill, talk about this is a trick that credit card companies use.

Well, we don't want credit card companies to use tricks. But, you know what, Mr. Chairman? They can't use tricks if we will strengthen the competitive market and ensure consumer choice. They can't use tricks if we have an elective disclosure and we police it.

Again, I congratulate the gentlelady for that title in her bill, which, I believe, roughly parallels the rules that the Federal Reserve has promulgated after their 3-year study. Indeed, we need better disclosure.

It's better disclosure we need. We need greater consumer choice. We need strength in markets.

Also, tricks can't be used if consumers, who have effective disclosure, will take some, some responsibility to know the terms that they are agreeing to. By definition, if they agreed to accept a credit card, they are opting into terms.

Now, that's not effective today because we don't have effective disclosure. But ostensibly we have a title in this legislation, which I assume will soon be passed. If not, we have the regulations of the Federal Reserve that will ensure that we have effective disclosure, that we empower consumers.

But let's not take their choices away from them, especially when all the evidence we have seen, anecdotal, statistical, tells us that consumers overwhelmingly want this option. They want it.

So if we are already admitting today in some respects that the disclosure isn't there, you know, I don't want to have to tell them that, I am sorry, they wouldn't accept your credit card, but, you know, Congress passed a law that said you had to go read the fine print before you could go get this particular service. Again, I think that we are taking away consumer choice by doing this.

As the gentleman from Texas said, we are trying to micromanage the terms that ought to be managed within the framework of a competitive marketplace, with consumer choice, with informed consumers, with effective disclosure.

But quit protecting consumers from their choices. Quit protecting them from competition. You are making their lot worse, not better, when you do this.

So I would urge rejection of this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. HENSARLING

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-92.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HENSARLING:

In subsection (b) of section 127B of the Truth in Lending Act (as added by section 2(b) of the bill), insert after subparagraph (D) the following new subparagraph:

"(E) TRANSPARENT ADVANCED NOTICE OF RATE INCREASE.—Notification of the increase is provided to the consumer in writing, in clear and conspicuous language, at least 90 days before the increase is scheduled to take effect, provided that the applicability of this exception is fully described to the consumer in their contract and at least once annually thereafter, in a clear and conspicuous manner."

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a fairly simple amendment that is aimed, again, at a form of embedded price controls within this legislation.

The underlying legislation would permit interest rates to rise on existing balances under four narrow options. This amendment would say, again, within the framework that we hope to achieve of protecting the competitive marketplace, of assuring that we have effective disclosure, this amendment would say that interest rates can vary as long as, number one, the issuer has specifically reserved the right to raise rates in its contract and has communicated that to the consumer.

Number two, the issuer communicates this fact to the consumer at least once a year, and the issuer provides the consumer clear notification 90 days in advance.

Again, this is a facet of risk-based pricing. Now, many of us believe that this has been a good thing. It has empowered consumers who previously didn't have access to credit to have access to credit.

As their circumstances change, if you do not allow risk-based pricing, you are going to take credit opportunities away from them in the middle of a credit crunch when they need it most.

Now, this gives a reasonable time period of 90 days to say, you know what? If you don't want to have this card, you have got 90 days under the old interest rate to pay off this balance and either get rid of the card, find a new card, shop for a new card, do something.

But, ultimately, if we don't pass this amendment one of three things is going to happen. Again, we are going to have a bailout, yet another bailout from Congress. And that is the 50 percent of Americans who are paying their bill on time, making at least the minimum payment at the end of each month, they are going to be punished. They are going to have to subsidize the rates for all.

Again, it's a facet of eroding risk-based pricing that takes us back to an era where interest rates were 25 percent higher, everybody had to pay the same rate. The good credit risk had to subsidize the bad credit risk and everybody had this dreaded annual fee of 20 to \$50.

We don't want to go back to that era. Assuming a competitive marketplace, and, unfortunately, this legislation, I believe, in some respects will result in a less competitive marketplace, I fear that some of the smaller issuers will be driven out of the market.

But if we can have a competitive marketplace, and if we can assure effective disclosure, then let's have the full benefits of risk-based pricing. I think some people just don't want it. They want to force those who pay their bill on time to somehow subsidize those who don't.

I fear, Mr. Chairman, that there is a lot at stake here. I mean, I hear from my constituents about how important the credit cards are to their lives, their small businesses.

I hear from a group, the family, Baker family of Rowlett, who said, "Congressman, credit cards have been my main source of financing for my small businesses for the past 13 years. Without access to this type of instant credit, I would not be able to timely meet payroll."

I mean, we have to help the small businesses.

I heard from the Weldon family of Garland. "I use my credit card just about everywhere. When I receive my monthly credit card bill, I pay the full balance. I feel this legislation concerning credit cards would be unfair to me and others who prefer to pay off their credit cards each month. Why should we be punished for having good credit?"

Indeed, Mr. Chairman, it is a good question. Allow risk-based pricing. Don't take credit away.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

The amendment seeks to gut all of the consumer protections of the bill as long as the credit card company gives

the cardholder 90 days' notice that they are going to do it. This is the exact same amendment that was defeated in the committee with unanimous opposition from the Democrats on the committee, and even a few Republicans voting in opposition.

Allowing issuers to raise interest rates retroactively for a new reason is just creating a loophole for issuers.

The bill allows issuers to impose retroactive interest rates if the cardholder fails to pay or pays 30 days late, which is the time commercial contracts deem late.

So if an issuer is harmed, they have a remedy. In the absence of harm, it's hard to see why we would give the issuer the unilateral right with 90 days' notice to raise the rate retroactively and change the deal with the cardholder.

A deal should be a deal. They shouldn't have these opportunities to change them.

As the Federal Reserve found, and this is important, this is a Federal regulator, the Federal Reserve found most retroactive rate increases are, and I quote, from the Federal Reserve, "unfair and deceptive."

In our current mortgage reform discussions, we are trying to mitigate losses by making sure borrowers can repay their loans. Retroactive rate increases do the opposite. They slam borrowers with increased debt and make it less likely that they will be able to repay and pay down the balance.

I believe the best defense against the concerns raised by my colleague is the use of sound underwriting standards by the issuers.

Additionally, nothing in the bill prohibits an issuer from lowering the credit line or canceling the card if they are worried that the cardholder will not repay.

□ 1300

The bill also allows for fees if a customer does not pay on time, for 30 days, or has their check returned. Sound underwriting and these risk mitigation tools will be far more effective in fighting the concerns the gentleman is talking about.

I would say this amendment basically guts the protections that are in the bill that have been endorsed by 54 editorial boards and endorsed by numerous regulators, including the Federal Reserve, and this simply creates a new loophole. I am deeply opposed to it, as was the committee in the committee vote with Republicans' votes.

Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. HENSARLING. Mr. Chairman, I tried to listen very closely to the gentleman from New York, and what I

think I heard was she would rather credit card companies cancel credit cards than allow my constituents to voluntarily agree to increases in their interest rate. That is not what the people of the Fifth District want to achieve. When she says, well, the credit card people are changing the deal, if it is in the agreement, that is the deal. That is the deal that allows many people to get credit in the first place and allows other people to have lower-priced credit.

Again, I believe this legislation is changing the deal on the American people, taking away their credit card options and opportunities.

I heard from the Juarez family in Mesquite. "I oppose this legislation, as I have utilized my credit cards to pay for costly oral surgeries. I do not want to get penalized by this legislation for making my payments on time."

Taking away risk-based pricing, which is disclosed, disclosed in the agreement, is punishing, punishing people like the Juarez family in Mesquite. I urge adoption of the amendment.

Mrs. MALONEY. The Federal Reserve's report on the rule they proposed, which was very similar to the bill, in it they said that disclosure in their studies was not enough; that the practices were so deceptive it was hard for many consumers to understand them and the contract is so complicated and the fine print so small that most people don't even read it. So to build in another loophole undermines the whole purpose of the bill.

This amendment was killed in the committee, and I urge my colleagues to kill it again. It should be Black Flag dead, because it guts the bill and the protections that we are trying to put in place to protect America's consumers.

I yield back the balance of my time, and I urge a "no" vote on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was rejected.

AMENDMENT NO. 10 OFFERED BY MR.

HENSARLING

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-92.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HENSARLING:

In subsection (b) of section 127B of the Truth in Lending Act (as added by section 2(b) of the bill), insert the following new paragraph after paragraph (1) (and redesignate the subsequent paragraphs accordingly):

"(2) NONAPPLICABILITY TO CERTAIN CREDITORS WHO MAKE AVAILABLE ALTERNATIVE CARD OPTIONS.—The limitations on retroactive

rate increases and universal default shall not apply to any creditor that offers a credit card account to consumers under an open end consumer credit plan to the extent such creditor—

“(A) makes at least 1 credit card option available to 100 percent of the creditor’s existing consumers that does not feature retroactive rate increases or universal default billing practice; and

“(B) provides clear and conspicuous notice of the availability of a credit card option referred to in subparagraph (A) to the consumer customers of such creditor at least once annually.”

In subsection (e) of section 127B of the Truth in Lending Act (as added by section 3(a) of the bill), insert after paragraph (3) the following new paragraph:

“(4) NONAPPLICABILITY TO CERTAIN CREDITORS WHO MAKE AVAILABLE ALTERNATIVE CARD OPTIONS.—The limitation on double cycle billing shall not apply to any creditor that offers a credit card account to consumers under an open end consumer credit plan to the extent such creditor—

“(A) makes at least 1 credit card option available to 100 percent of the creditor’s existing consumers that does not feature double cycle billing; and

“(B) provides clear and conspicuous notice of the availability of a credit card option referred to in subparagraph (A) to the consumer customers of such creditor at least once annually.”

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the underlying legislation here again seeks to erode the ability of consumers to access credit, especially those who may have checkered pasts, especially those who may be of low income. It does it by trying to restrict risk-based pricing.

Again, there was an era in our country’s history where a third fewer people had access to consumer credit through credit cards. Everybody had to pay the same universal high rate, 25 percent more than what we are seeing today. We had the dreaded annual fees. There was no such thing as airline miles, cash back, any of this.

The ability for creditors to price for what they view the risk of the consumer has opened a market for people to have credit cards who previously couldn’t have them, people who might have had to turn to pawn shops or payday lenders, who, again, serve very valuable functions in our society, but people ought to have options.

The underlying bill functionally outlaws a practice called universal default and a practice called double-cycle billing. Universal default doesn’t offend me. Double-cycle billing offends me. But I don’t feel a need to outlaw every practice in America that offends me personally, because it may not offend somebody else.

Mr. Chairman, if there is an option out there in the marketplace with 14,000 different issuers, and through every hearing, every markup, there was not one shred of evidence that we didn’t have a competitive market and that consumers had choices. Now, they may not understand their choices, and that is the disclosure issue, but they have choices.

So I don’t like double-cycle billing. I don’t think it is particularly fair and I wouldn’t choose a credit card with it. But, Mr. Chairman, you know, out there in the marketplace, people ought to have options. Somebody ought to be able to say I prefer to have a credit card with a 10 percent interest rate that has universal default and double-cycle billing in it as opposed to paying a 13 percent interest rate that doesn’t have universal default, doesn’t have double-cycle billing.

Why are we taking consumer choices away from them and why do we continue to contract credit when it is already being contracted in this economic recession? I just don’t understand that, Mr. Chairman. I do not think it is good practice. Now, universal default, some cards use it, some cards don’t. It is a risk management tool for some.

I am not in the credit card business. I don’t know what works. I just want consumers to have choices. I want there to be a competitive marketplace. I want there to be effective, fair disclosure, and I want our Federal Government to police it. And there needs to be repercussions for credit card companies that defraud, that mislead, that use deceptive practices. But for us to come in and say subjectively, well, we don’t like that practice, we think it is unfair, we think it is offensive. Well, maybe it is unfair and offensive to you, but if it allows somebody a lower interest rate, shouldn’t in the land of the free they have that option? They should have that option.

So my amendment is a simple one. It simply says if a credit card company has a credit card and they want to offer this credit card that features either universal default or double-cycle billing, as long as they offer a card that doesn’t have these features, which many consider to be unfair, unjust, then they can offer it. As long as all of their customers are offered a card without the feature, then a consumer, if they want to, can opt in to the card with these features if they think the trade-offs benefit them and their family. That is all it says. This is a consumer choice amendment, pure and simple. I urge its adoption.

I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. I yield myself such time as I may consume.

I oppose this amendment because it would essentially allow credit card insurers to circumvent most of the consumer protections in this bill, such as double-cycle billing and retroactive pricing increases, by simply making available one card that does not have these practices.

The key to this amendment is that credit card companies will not be required to offer the cards to consumers that do not include predatory practices. In other words, consumers with the highest credit scores, those that have the ability to pay and the greatest assets and income, will get the good card, the one without double billing, without retroactive price increases, and those with low credit scores will get the subprime cards that include the very deceptive practices that this bill was intended to stop. That is why I have to be in opposition to this.

It is almost as though we went through this for nothing. Allow this amendment to pass, and most of the work we have done in protecting consumers is undone.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 45 seconds.

Mr. HENSARLING. Mr. Chairman, again what I see is we are trying to protect consumers from their choices. We are trying to protect consumers from their freedom. The consumer has the option. But I do thank my friend, the distinguished chairman of the subcommittee, for adding some clarity to the debate when he says the people with the good credit ratings will get the better interest rate. That pretty well makes my bailout argument.

That is what is happening. Half of America pays their bill on time at the end of each month. Another 20 to 25 percent at least make the minimum payment. Why should they be punished? Why should they be punished with higher interest rates? Why do they have to be homogenized?

We are getting away from risk-based pricing, and what will happen if we don’t pass this amendment is, number one, we will achieve the bailout, and many people who would have received credit will no longer receive credit. I urge adoption of the amendment.

Mr. GUTIERREZ. I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding.

This is an amendment that Congressman HENSARLING offered both at the subcommittee and the full committee markups, and it was defeated both times by unanimous Democratic opposition, with even a few Republican votes in opposition to it.

Essentially what this amendment attempts is to create significant exceptions to the consumer protections offered by the underlying legislation and

the final rule that was adopted by the Federal Reserve, the Office of Thrift Supervision and the National Credit Union Administrator. These three regulators have called the practices that my colleague would attempt to exempt unfair, deceptive and anticompetitive. Why would anyone in this body want to continue unfair, deceptive and anticompetitive practices? Even competition of the free market, they are saying it is anticompetitive.

I would like to point out during some of the many hearings and meetings and seven hearings that we held on the topic in the last several years, we frequently heard from academics, from regulators, that disclosure is not enough. It is too confusing. It is deceptive. Most consumers do not read the contract, they do not understand the contract, and it is worded in a way that is deceptive.

The President called for a plain vanilla card that people could understand. What this card would be that he is proposing is toxic. It would continue the bad practices and defeat the whole purpose of the bill. This amendment would create a subclass of credit cardholders who would have little to no rights.

The bill provides baseline consumer protections that everyone should enjoy. The last thing we should be doing is creating exceptions or subsets that would allow these abusive practices to continue.

It is abusive. It is wrong. This amendment should be killed Black Flag dead.

Mr. GUTIERREZ. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. GUTIERREZ. First of all, let me suggest to the gentleman from Texas (Mr. HENSARLING) that this bill is not going to prohibit credit card companies, once it is passed, to extend lines of credit at lower interest rates to those who have higher credit scores. It is just not going to do it. They will still be able to do that.

When he suggests to us that this is a choice, this is an option, there are some options and some choices we should stand up against, and this is one of those choices and one of those options, because it is going to affect those that cannot read. I am sure the gentleman would never suggest that consumers understand every point of the fine print on that credit card. It is going to be hidden there. And the Federal Reserve Board has said to us it is bad practices. It is predatory. It is not fair to simply give notice.

Lastly, look, all we are saying is, yes, we are stopping credit card companies and we are stopping consumers from having the "choice," we like to suggest the "harm" of a credit card company being able to give you 90 days' notice and say, you know the

\$1,000 you took last year at 18 percent? They can say, for the whole last year that you have paid it, we are going to go retroactively and double that interest rate, and we want the money, although you have made all of the payments all year long on time, we are going to double the interest rate. Give me more money.

That is fundamentally unfair, to retroactively go back and claim money just because you can, just because you sent somebody a 90-day notice.

I urge everybody to vote against this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was rejected.

□ 1315

AMENDMENT NO. 11 OFFERED BY MR. MINNICK

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-92.

Mr. MINNICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. MINNICK:

In paragraph (2) of section 127B(a) of the Truth in Lending Act (as added by section 2(a) of the bill, strike "14th" and insert "7th".

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Idaho (Mr. MINNICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. MINNICK. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chair, H.R. 627 requires a creditor to provide a consumer at least 45 days' notice before increasing the consumer's credit card rate. However, in this bill the higher interest rate taking effect on day 45 applies only to the extent that the consumer's balance is more than it was at the end of 14 days after receiving the notice.

However, determining the protected balance as of day 14 may still provide enough time for consumers to incur higher overall debt than may be appropriate for them by inflating the balance that will be protected from the rate increase and, in the process, allow consumers to game the system at the expense of creditors.

This amendment would provide that the amount of the balance protected from the higher interest rate be set at the 7-day mark, instead of at 14 days. This change would still give consumers the full 45 days to shop for an alternative source of credit for a better deal, but it would reduce their ability to inappropriately inflate their balances to avoid the application of the higher rate in the event that they do

not transfer their balances to another card by that time.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, we have no one to claim time in opposition.

Mr. MINNICK. Mr. Chairman, I ask that my colleagues support this amendment. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Idaho (Mr. MINNICK).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-92.

Mr. PRICE of North Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. PRICE of North Carolina:

After section 8, insert the following new section (and redesignate subsequent sections accordingly):

SEC. 9. ENHANCED MINIMUM PAYMENT DISCLOSURES.

Paragraph (11) of section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

"(11) MINIMUM PAYMENT DISCLOSURES.—

"(A) MINIMUM PAYMENT WARNING.—A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance.'

"(B) INFORMATION ON OUTSTANDING BALANCE.—Not less than once per calendar quarter, such billing statement shall also include repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(ii) the total cost to the consumer, including interest payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 12 months, 24 months, and 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 12, 24, or 36 months, respectively; and

"(iv) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

"(C) EXCEPTION TO REQUIREMENTS OF SUBSECTION (B).—The quarterly disclosure requirements in subsection (B) shall not apply with respect to—

"(i) a calendar quarter if, in the 2 consecutive billing cycles preceding the end of such quarter, a consumer has paid the entire balance of the bill in full;

“(ii) a calendar quarter if, at the end of the calendar quarter, a consumer has an outstanding credit balance of zero or has a positive credit; or

“(iii) any class of consumers for which the Board has determined will not benefit substantially from additional disclosures.

“(D) APPLICABLE RATES TO BE USED IN DISCLOSURES.—

“(i) IN GENERAL.—Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

“(ii) SPECIAL RULE IN CASE OF TEMPORARY RATE.—If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

“(E) FORM AND PROMINENCE OF DISCLOSURE.—All of the information described in subparagraph (B) shall—

“(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and

“(ii) be placed in a conspicuous and prominent location on the billing statement in conspicuous typeface.

“(F) TABULAR FORMAT.—In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

“(i) contains clear and concise headings for each item of such information; and

“(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

“(G) LOCATION AND ORDER OF TABLE.—In prescribing the form of the table under subparagraph (E), the Board shall require that—

“(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

“(ii) the items required to be included in the table shall be listed in the order in which such items are described in subparagraph (B).

“(H) SUBSTITUTION OF TERMINOLOGY.—In prescribing the form of the table under subparagraph (D), the Board may employ terminology which is different than the terminology used in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.

“(I) ‘ROUNDING’ REGULATIONS.—For purposes of determining whether an error in the disclosures required by subparagraph (B) constitutes a legal cause of action against a creditor or any other party, the standard referred to under the heading ‘Rounding assumed payments, current balance and interest charges to the nearest cent’ in the publication by the Board in the *Federal Register* (74 F.R. 5385) on January 29, 2009, of the final regulation revising part 226 of title 12 of the Code of Federal Regulations (Regulation Z), or a standard that affords substantially similar protections as determined by the Board, shall apply for purposes of the determination with regard to such disclosures.”

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman

from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself 1 minute.

Minimum payment practices, which often are deceptive at best and abusive at worst, clearly contribute to the problem of unmanageable debt. And they need to be reined in. That's exactly what the Price-Miller of North Carolina-Moran of Virginia-Quigley-Stupak-Sutton-Lowey amendment will do. Our amendment would ensure that consumers receive a warning of the risks of making only the minimum monthly payment and information on the total cost of paying only monthly minimum payments on their balance.

It would also require issuers to provide quarterly assessments of the monthly payments that must be made to pay off the current balance of the consumer in 1, 2 or 3 years. And it would establish consumer credit counseling and debt management services through a toll-free telephone number.

Let me assure colleagues, we've sought to ensure that these requirements are not too onerous for credit card companies. For example, disclosure requirements target only consumers who regularly have not paid their balances in full. Our amendment will help consumers regain control of cascading credit card debt.

So I urge colleagues to support this amendment to provide American families with the tools they need to help them manage their money effectively.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, we have no one to claim time in opposition.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 1 minute to my colleague from North Carolina, who has served with distinction on the Banking Committee, BRAD MILLER.

Mr. MILLER of North Carolina. Mr. Chairman, about 35 million Americans just pay their monthly payment, the minimum monthly payment on their credit card every year. And some of the opponents of this bill may have very little sympathy for families that are deep in debt. But as our economy has produced billionaires who have done nothing of any conspicuous value to society, there are millions of American families that are working very hard and struggling to get by, and it is very tempting when they're doing triage with their bills and they know they can't pay everything, for their eye to skip down to the minimum monthly payment and just pay that. This bill makes sure they know what the consequences of that are. This amendment makes sure. It informs them of what kind of debt they're going to be in, how much it's going to cost them in interest, how long they're going to be in

debt, how deep the hole will be, and what it is going to take to get out.

I applaud Mr. PRICE for his efforts. And I urge all Members to vote for this amendment.

Mr. PRICE of North Carolina. I thank my colleague. I would like at this point to yield 1 minute to a new colleague, Representative QUIGLEY, who is already distinguishing himself as a protector of the consumer.

Mr. QUIGLEY. I rise in strong support of this amendment because today the average American can apply for a credit card anywhere, at a grocery store, at an airport, a ballpark, even college campuses. It all seems so easy.

Unfortunately, the terms of the agreements aren't so easy. In some cases, terms have become so complicated that the average consumer cannot always know what they've gotten themselves into.

Now more than ever, Americans are turning to their credit cards to get them through the end of the month, and in turn, the U.S. credit card debt has reached an all-time high.

Meanwhile, almost half of Americans carry a balance and have no idea how long it'll take to pay that down. The Credit Cardholders' Bill of Rights will protect consumers from predatory practices, and this specific amendment will give them the ability to pay down their debts.

I urge my colleagues to vote “yes” on this amendment and the underlying bill.

Mrs. LOWEY. Mr. Chair, I rise in strong support of the amendment, of which I am a co-sponsor.

The amendment would require additional disclosure information on credit card statements. While most cardholders know it takes a great deal of time to pay off a balance by making only the minimum payment, most do not understand the total additional costs they will pay. This amendment would change that.

Based on industry norms of an 18 percent APR and 4 percent minimum payment requirement, a cardholder will spend 87 months and \$1,515 paying off a balance of \$1,000 if making only the minimum payments. The finance charges are more than 50 percent of the actual balance.

Our amendment would require that each statement have a warning on minimum payments and that every quarter, cardholders receive a statement that lists the number of months it would take to pay the entire balance if only the minimum payments are made, along with the total cost of doing so. Those statements would also have to list the necessary payment to pay off the balance in 12, 24, and 36 months, as well as a toll-free number to receive information about accessing credit counseling and debt management services.

Credit cardholders have a right to know the real cost of making only minimum payments. For that reason, I urge your support for the amendment.

I would also like to voice my strong support for the underlying bill. In recent months, Congress has been dominated by rescue and economic recovery legislation. But there are few

better ways to instantly help hard-working Americans than to end costly, abusive credit card practices.

For too long, banks have saddled cardholders with deceptive marketing and fine print. The New York Consumer Protection Board reports that credit card complaints comprise more than a quarter of those it receives, and cards with debt have an average balance of \$5,700.

Because of unfair practices, one hidden fee snowballs into ballooning interest rates and thousand dollar balances that many families struggling to get by with today's economic challenges cannot afford.

I regret that the Rules Committee did not make in order an amendment I submitted that would have applied the protections in the bill to credit cards issued to small businesses. However, this is an excellent bill that I am proud to cosponsor, and I urge your support.

Mr. MORAN of Virginia. Mr. Chair, I am pleased to be a cosponsor of Representative PRICE's amendment to H.R. 627. This is an issue on which I have worked for a number of years, so I am honored to be able to join my friend and colleague, and to urge adoption of this critical consumer protection amendment. This provision is a valuable disclosure amendment which would call for card issuers to provide three very important pieces of information to cardholders at least once per calendar quarter on their billing statements.

First, the statement would report how long it would take the cardholder to pay off the entire balance if only the minimum monthly payment is paid.

Second, the statement would report the total cost to the consumer of only making the required minimum payments, with a breakdown of the resulting principal and interest shares of the total cost.

Third, the statement would report the estimated monthly payments required for the consumer to pay off the entire balance in a period of 12, 24 and 36 months.

This is important for the more than 100 million households with revolving loan credit of nearly \$1 trillion according to the Federal Reserve, who have average credit card debt of \$7,430—particularly middle- and low-income families, who are carrying record amounts of debt—both in absolute value and as a share of their total income—and who often don't realize they are digging themselves further into debt as they make their minimum monthly payments. With the average credit card debt per card-holding household carrying a balance of \$17,103, some 49.7 million do not pay their balance in full every month. We need to make sure there is simple and clear information for these families.

In 2007 alone, there were 5.2 billion credit card solicitations mailed, a average of 36 per household. Just plain truth in disclosure warrants this important change to ensure that any family fully understands what is at stake.

I stand in support of both H.R. 627 and this amendment to it, which will require the disclosure of information to consumers that will help them to make more informed choices and to better plan their finances and thus their futures.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. GUTIERREZ

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-92.

Mr. GUTIERREZ. Mr. Chairman, on behalf of the gentlewoman from California (Mrs. DAVIS) I offer the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. GUTIERREZ:

Insert after section 127B(c) of the Truth in Lending Act (as added by section 2(c) of the bill) the following new subsection (and redesignate succeeding subsections accordingly):

“(d) ADVANCE NOTICE OF ACCOUNT CLOSURE.—

“(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan, a creditor may not close such account unless the creditor provides a written notice to the consumer at least 30 days before the closure takes place, and which notifies the consumer—

“(A) of the reason the account is being closed;

“(B) of any recourse that the consumer may take to prevent the account from being closed;

“(C) of any program under which the consumer may repay the balance on the account over a period of time; and

“(D) that if the consumer's account is closed, it may have an impact on the consumer's credit score.

“(2) EXCEPTION.—The requirements of paragraph (1) shall not apply in the case of a consumer request that the creditor close such account.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. It's a pretty simple amendment. It would require that credit card issuers notify credit cardholders 30 days before closing their accounts, the reason that the account was closed. They put it in writing; options to keep the account open; programs available to repay the balance, and the resulting impact on their credit score that this might have. It's a pretty simple amendment. It's very consumer-oriented. It allows for more transparency between those that issue the credit card and those that receive it.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I'm somewhat uncertain, frankly, whether I am actually opposed to the underlying amendment. I think the intention is good. I just hope there's not

an unintended consequence here. And so, if my friend from Illinois, the chairman of the subcommittee, would yield for a question, my concern would be this: We all know from our constituents how much identity theft is taking place in our society. I, myself, at one time have been victimized by identity theft; and many of our constituents have.

So if there is fraudulent activity, if identity theft is suspected, it at least would appear to me, in a reading of the amendment, that the credit card issuer would have to keep the account open for at least 30 days, and so I was concerned about its impact in trying to combat identity theft. That was my reading of the amendment.

And I'd be happy to yield to the gentleman from Illinois just to see if he could help explain how this would work.

Mr. GUTIERREZ. Well, let me just suggest the following: number one, I understand the gentleman's concern. And I think the amendment is a pretty good amendment, and I understand your concern.

I think we can kind of predict that you and I are probably going to the conference report once we get this, should this bill be successful, which, given precedent of last year, it looks very, very likely we're going to pass this bill here today. I've worked with you, I think, very well in the past, and obviously, I look forward to the coming years and working with you. Why don't we work out that in conference to make sure that that just doesn't happen and the consumer isn't harmed.

Mr. HENSARLING. Reclaiming my time, I certainly respect the gentleman from Illinois (Mr. GUTIERREZ). We do have an excellent working relationship. I don't know that this is a problem. I fear it may be a problem. Given his commitment that we can work on this at our conference, Mr. Chairman, I no longer oppose the amendment.

And I yield back the balance of my time.

Mr. GUTIERREZ. I yield to one of the sponsors of the bill, Mr. CARNEY from Pennsylvania. 2 minutes.

Mr. CARNEY. Mr. Chairman, I'm very glad to be able to offer this amendment with the gentlelady from California. It really is a commonsense amendment, and I do want to address the gentleman from Texas's concern that in the Truth in Lending Act it does protect banks from being victim to fraudulent accounts being opened. It doesn't cover that, but we will certainly work with the gentleman from Texas on language that would make him feel better about what we're talking about now.

Now, I've heard from a number of my constituents regarding credit card companies closing accounts in good standing for no reason other than inactivity. I'm sure many of us have constituents in the same position.

Despite the fact that you can use your credit card on just about anything anywhere, many people do that, but many people prefer to use cash. The part of Pennsylvania where I live is not a young area and it's not an urban area. We have traditional folks who like to use cash and don't like to put a lot of credit on their cards. They use the card for emergencies. They don't use it for sort of day-to-day expenses.

So not only were constituents and neighbors of mine surprised to be losing their credit card privileges, but they were concerned over potential harm to their otherwise great credit ratings due to card companies' desire to wipe inactive accounts from their books.

This amendment would protect people who supposedly underutilize their credit cards from forced closure of their accounts and negatively impacting their credit scores. It requires credit card companies to notify cardholders at least 30 days in advance of an account closure. It also requires the card companies to tell cardholders that their account closure could adversely affect their credit rating. And it requires card companies to give cardholders guidance on how to appeal the issuer's decision to close the account. It's just a commonsense protection for cardholders. That's all it really is.

And as I addressed earlier, the gentleman from Texas has some concerns. We respect them, and as I mentioned, we're willing to work with him on that.

But in the end, I encourage all my colleagues to support this amendment.

□ 1330

Mr. GUTIERREZ. Mr. Chairman, how much time do we have left on our side? The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. GUTIERREZ. I yield 2 minutes to the chief sponsor of the legislation.

Mrs. DAVIS of California. Mr. Chairman, I appreciate the time, and I certainly want to respond to my colleagues.

It's always possible to raise those kinds of concerns over fraud, and this is not intended to do that on the face of it, but we're willing to work with you, because the reality is that, if fraud is being committed, then these kinds of agreements wouldn't hold anyway, and the banks would certainly have a way of dealing with this.

The real concern here is letting consumers know what's going on with their accounts. If they have been in an experience—and we know there are many consumers who have been—where card accounts that are not being used very often are closed and where they don't know about it, then their credit scores are affected. That's one of those surprises that comes along that people aren't expecting.

This is an attempt to be transparent about it and to give people, really, the

opportunity to be able to respond and to work out whatever problem exists and to move on. So we appreciate the opportunity to put this in what I think is some very important legislation.

Mr. Chairman, today Mr. GUTIERREZ, as my designee, offered a common sense amendment to H.R. 627—The Credit Card Bill of Rights Act.

This amendment warns consumers of possible reductions to their credit scores.

Currently, credit card companies are not required to notify a consumer when they decide to close an account.

Often, consumers do not know that their accounts are being closed until after the fact.

Because of the way credit scores are calculated, account closures can lower a consumer's credit score, sometimes significantly.

A reduction in a consumer's credit score can hamper his or her ability to buy a car or home, start a business, or pay for college.

Especially in today's tight credit market, a solid credit score is more important than ever.

A large number of consumers have no idea that the mere closure of a credit card can adversely impact their credit scores.

Imagine saving for a home only to discover your credit score is too low for a mortgage because of an account closure.

Consumers do not get a chance to prepare and plan their finances accordingly. This is an issue that affects all consumers and not just the elderly retiree in San Diego who first brought this to my attention.

It affects teachers, firefighters, doctors, and our men and women in uniform.

I ask unanimous consent to enter into the RECORD a recent article in the Wall Street Journal detailing this problem for consumers across the country.

The amendment Mr. GUTIERREZ offered on my behalf would require credit card companies to give consumers a 30-days advance notice that their accounts are being closed.

Within this notice, the card issuer must also include:

The reason why the account is being closed;

Options the consumer has to keep the account open;

Programs available for the consumer to repay their account balance over time;

And the fact that an account closure may impact the cardholder's credit score.

This amendment is really about informing consumers so they are not caught by surprise.

We believe that consumers have a right to know when their credit scores may be lowered so they can plan their finances accordingly.

This amendment has been endorsed by a broad coalition of consumer groups including the Center for Responsible Lending, Consumer Federation of America, and U.S. PIRG.

I thank Congressman CARNEY for all the hard work he has put into this amendment. It has been a pleasure working with you and your office in this effort.

I urge the adoption of this amendment.

[From the Wall Street Journal, Mar. 11, 2009]

CREDIT CARD ISSUERS: BUY SOMETHING OR ELSE!

(By Kelli B. Grant)

One of the biggest causes of the financial crisis was that Americans were borrowing

(and spending) more money than they could afford to pay back.

So how are credit-card issuers reacting to consumers' attempts to live a more financially responsible lifestyle? They're threatening to cut their credit cards off if they don't spend enough.

Loretta Maxwell of Troy, Mich., thought her credit score of 790 buffered her against most of the fallout of the credit crunch. When Chase closed her \$6,000-limit card in December without warning after two years of inactivity, she called to fight it. She was unsuccessful. "If you're not using it, they entice you to do so, and then the moment you don't spend enough, they cut your limit," she says. (Chase says it is standard practice is to review inactive accounts. "Inactive cards with large open credit lines present a real risk of fraudulent use and large potential liabilities for Chase," says spokeswoman Stephanie Jacobson.)

Maxwell's experience is far from an isolated incident. Most major issuers, including Chase, Bank of America, American Express and Citibank have been slashing credit lines and closing the accounts of those who don't spend on their card regularly. While these issuers are required to notify you in writing of an account closing, there's no requirement that they do so in advance. Even when they do give early notice, the only way a cardholder can stop their account from getting shut down is to start spending again.

In December, Discover reported that it closed three million accounts during 2008 due to inactivity, and plans to cull up to two million more. A Discover spokeswoman says the issuer is constantly reevaluating cardholder's credit and assessing whether they have the most appropriate credit line and product. Capital One is suspending accounts that have been inactive for at least a year, warning account holders they only have 60 days to redeem their rewards. "Some of these accounts had literally never been used," says spokeswoman Pamela Girardo. A spokeswoman for Bank of America, meanwhile, says the bad economy prompted it to close accounts with zero balances that have been inactive for more than a year. American Express spokeswoman Lisa Gonzalez says it periodically reviews inactive accounts for cancellation. Citibank did not respond to requests for comment.

From a business perspective, cutting off certain customers is a smart financial move, says Sanjay Sakhrani, an analyst with investment bank Keefe, Bruyette & Woods. Closing rarely-used accounts lowers a card issuer's risk profile by keeping their potential liabilities (i.e., the amount of credit available they extend to cardholders) from outweighing their assets. Inactive accounts also cost the issuer money to maintain, without providing the benefit of income from interest or merchant fees, he says.

For consumers, however, closing accounts can be devastating—especially to their credit score. Your credit utilization ratio the amount of your debt in relation to the amount of your available credit—comprises 30% of your score, says Craig Watts, a spokesman for Fair Isaac Corporation, the company that calculates and issues the FICO credit score that most lenders use. So when an account is closed, you have less credit available to you—and the ratio immediately jumps higher. A person with a solid credit score of 720 or so, whose utilization ratio jumps from 35% to 75% after one of their accounts is closed is likely see their score drop by "several dozen points," to somewhere in the 600s, he says. That's a far cry from the

760 (or higher) consumers need to get the best rates from lenders.

One thing that somewhat softens the blow is that FICO factors in closed accounts when calculating the longevity of your credit history, which accounts for 15% of your score. While lenders may make a note on your report indicating whether the account was closed by them or you, the information isn't used in the scoring formula, says Watts.

Ironically, an excellent credit score can actually serve as more of a bulls-eye than a shield, says Dennis Moroney, a research director and senior analyst for consulting firm Tower Group. He says banks figure they can limit cardholder backlash by targeting consumers with few debts and plenty of other accounts. That way, a closed account won't have as much of a detrimental effect on their creditworthiness.

Even years of loyalty and regular spending won't spare some cardholders. David Good of Houston, used to be devoted to American Express, with which he had two credit cards: an unlimited charge account and a \$7,500 revolving account. Yet a solid credit score, eight years of on-time payments and fairly frequent purchases on the cards—including more than \$100,000 last year alone—weren't enough to save his accounts. In December, Good received a written notice that the issuer had closed both due to "low activity in the past six months." "I was shocked," he says. "They lost my trust, totally." (American Express declined to comment on Good's or any other individual's accounts.)

New Yorker Veronica Eady Famira was vacationing in Germany when she discovered that her \$1,500-limit Delta SkyMiles card from American Express had been shut down. "I must have spent \$300 in cellphone charges calling banks," she says. "I was pretty stranded." Adding insult to injury, Famira had just earned a free companion ticket on the card valued at up to \$400 for a domestic flight—now she can't redeem the ticket.

Mr. GUTIERREZ. Mr. Chairman, we yield back the balance of our time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. PERRIELLO
The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-92.

Mr. PERRIELLO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. PERRIELLO:

In subsection (c) of section 127B of the Truth in Lending Act (as added by section 2(c) of the bill) insert after paragraph (2) the following new paragraph:

(3) MINIMUM TERM FOR PROMOTIONAL RATES.—In the case of a promotional rate, no written notice under paragraph (1) of an increase in any annual percentage rate of interest on any credit card account under an open end consumer credit plan shall be effective before the end of a 6-month period beginning from the date the promotional rate takes effect.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Virginia (Mr. PERRIELLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. PERRIELLO. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of my amendment requiring credit card companies to have a 6-month minimum period for promotional rates.

Credit card companies should not have the right to take advantage of consumers with their confusing policies. Today, the voices of accountability and common sense have a chance to fight back against many of the problems that got us into this economic mess in the first place. If you can't sell a product without tricks and traps, this is the kind of place where consumer protection must come in to ensure a well-functioning free market.

This is a simple amendment that represents the common sense that is greatly needed. Credit card companies should not be allowed to trick consumers around with short-term promotional rates that confuse them. A 6-month minimum is a reasonable period of time to expect these so-called "teaser rates" to last.

It also includes a 45-day notice before any rate change is implemented. Middle class Americans are facing difficult economic times, and many factors have caused the current economic crisis, but soaring debt is near the top of that list.

One group particularly targeted by these rates is that of young people, our students, who get caught in a cycle of debt early in life. Instead of using those first earning years as a time to save up and to be able to afford a down payment on a home, we see people caught in a cycle of credit card debt, then taking a zero-interest loan or a zero down payment on a home, and that cycle of debt continues.

I believe this is a day where we can start to fight back for Main Street over Wall Street and put common sense over greed to protect the American family.

Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I yield myself such time as I may consume.

Mr. Chairman, I listened carefully to the gentleman, and I appreciate the intent of his particular amendment, but I fear, again, that this will be one more in a series of amendments that may have unintended consequences.

I heard the gentleman, as well as other speakers on the other side of the aisle, say they want to prevent tricks by the credit card companies. I think that is one of the few items, besides renaming a post office, that could receive a unanimous vote in this institution.

Out of, I believe, 1,200 pages of Federal Reserve regulations where they spent 3 years studying the issues, we

will have disclosure under the Federal Reserve regulations that will prevent such tricks unless one defines the actual period of a teaser rate to be a trick. I believe a consumer can understand the difference between 1 month, 6 months, 6 years, and 12 years. Let the consumer choose.

Let me tell you what I believe the practical result of this amendment will be. Particularly those who may have a more checkered credit past, consumers, instead of having the ability to have a teaser rate—and I'm just using numbers for an example—at 8 percent for 3 months that then goes up to 15 percent for 9 months—they'll just end up having to pay 15 percent for the whole 12 months. They'll lose consumer choice. They'll lose that opportunity.

Now, some maintain that there are some concepts—and I've heard it said from friends on the other side of the aisle—certain aspects of their credit card agreements that consumers just can't understand. They're just too difficult to understand. Again, I congratulate the gentlelady from New York, yet again, for having a disclosure title, I believe, very roughly equivalent to that of the Federal Reserve's. This is a problem that can be solved with disclosure.

Empower the consumers. Don't take away their options. Empower the consumers with effective disclosure, and let them choose in a competitive marketplace. Let there be competition. Again, today, I can understand how consumers are confused. These forms are so long. They're written in legalese. It's easy to hide it. The answer is effective disclosure. The answer is not an arbitrary date on how long a teaser rate ought to be.

What you are doing is protecting the consumer out of having any opportunity of having a teaser rate. A teaser rate, when averaged with the other rate, again gives you an average of what the interest rate would be for a year. If you pass this, there is going to be a universe of consumers who are going to end up paying more, paying more on average for their credit than they otherwise would. So I urge rejection of the amendment.

I reserve the balance of my time.

Mr. PERRIELLO. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Well, I heard my friend from Texas with mixed emotions. I liked the part of it where he said to trust the individual to make his or her economic decisions and to not interfere, and I hope when the bill I am sponsoring to repeal the ban on Internet gambling comes up that that sentiment doesn't die, because some people don't like the choices people would make. I would like to empower consumers. Congress passed a law that said, if you want to gamble with your

own money on the Internet and you're 53 years old, you can't do it. So I welcome this kind of consumer choice, but that's, I think, a more clear-cut choice than this one.

The gentleman from Texas confidently says that, if you have this, there will be no teaser rates for a lot of people. I do not think there is any basis on which he can say that.

I am reminded of what Lord Melbourne said about Macaulay in the 19th century: "I wish I could be as sure of anything as he is of everything."

There is no basis for saying there will be no more teaser rates. As a matter of fact, a rate that only lasts 2 months or 3 months is likely to be a confusing thing to people, and he says that a consumer can tell. There still will be disclosure, but it will still come with a blizzard, and it will still come in ways that may not be clear to people.

The fact is that a 6-month minimum is a way to make sure that the product being offered is a sensible and thoughtful product that will not mislead some people. The fact is that not all consumers are of equal education, of equal ability to discriminate, of equal financial literacy. Yes, I think we should work to the point where people are as well educated as they should be, but that's not the case now.

You have to ask yourself, Mr. Chairman: Why would someone offer a 2-month teaser rate other than to try and bait and switch people into a higher rate?

I congratulate the gentleman from Virginia. This is a very thoughtful amendment. He has been working with the Obama administration. It comes with their strong support, and he is to be congratulated for an important consumer protection motion.

Mr. HENSARLING. Mr. Chairman, one, what I believed I said in my comment is that, for some universe of people, they would lose their teaser rates under this legislation. I listened to the chairman spend a fair amount of his time debating Internet gambling, which I do not believe is on the floor at this time; but if the chairman is so supportive of having consumer choice, I don't understand why we just spent a day and a half in markup in his committee taking away consumers' choice in the mortgage market. So we will continue to have this debate throughout.

Again, it's a simple argument. I believe that we can have effective disclosure and can allow consumers to make choices. If they're not allowed, if this type of arbitrary date is imposed, some universe of borrowers will probably lose their teaser rates and will effectively end up paying more, which will restrict their options. Again, I urge rejection of the amendment.

I reserve the balance of my time.

Mr. PERRIELLO. I would like to inquire if the gentleman has additional speakers.

Mr. HENSARLING. No.

Mr. PERRIELLO. I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, may I inquire as to who has the right to close.

The Acting CHAIR. The gentleman from Texas has the right to close.

Mr. HENSARLING. In this case, I continue to reserve.

Mr. PERRIELLO. Mr. Chairman, I ask for my colleagues to support this amendment.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I urge rejection of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. PERRIELLO). The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. SCHAUER

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111-92.

Mr. SCHAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SCHAUER: After section 8, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 9. POSTING INFORMATION ON THE INTERNET.

Section 122 of the Truth in Lending Act (U.S.C. 1632) is amended by adding at the end the following new subsection:

“(d) INTERNET POSTING OF CREDIT CARD AGREEMENTS.—

“(1) POSTING AGREEMENTS.—A creditor shall establish and maintain an Internet site on which the creditor will post the written agreement between the creditor and the consumer for each open-end consumer credit plan not secured by a dwelling that has a credit card feature.

“(2) PROVIDING COPY OF CONTRACTS TO THE BOARD.—A creditor shall provide to the Board in electronic format, the consumer credit card agreements that the creditor publishes on the creditor's Internet site.

“(3) RECORD REPOSITORY.—The Board shall establish and maintain on its publically available Internet site a central repository of the consumer credit card agreements received from the creditors pursuant to this subsection and such agreements shall be easily accessible and retrievable.

“(4) EXCEPTION.—Paragraphs (1) and (2) shall not apply to individually negotiated changes to contractual terms, such as individually-modified workouts or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

“(5) REGULATIONS.—The Board, in consultation with the other agencies described in section 108 and the Federal Trade Commission, may prescribe regulations to implement this subsection, including—

“(A) specifying the format for posting the agreements on the creditor's Internet site; and

“(B) establishing exceptions to paragraphs (1) and (2) in cases where the administrative burden outweighs the benefit of increased transparency, such as where a credit card plan has a de minimis number of consumer account holders”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. I yield myself 2 minutes.

Mr. Chairman, first, let me congratulate my distinguished colleague from New York for her leadership on bringing forward this important and timely bill. I'm proud to be a cosponsor of the credit cardholders' bill of rights.

I've heard from many of my constituents in Michigan, as I'm certain all of you have heard from your constituents, who have found themselves being misled by the credit card companies and being subjected to usurious rates. Americans are hurting, Michiganders especially, and they need our help. This bill is a critical step in providing that relief. Mr. Chairman, my amendment is a simple, two-part amendment that will help consumers make good choices when they get a credit card.

First, it requires credit card companies to post their agreement disclosures on their Web sites. Second, it requires a company to transmit that information to the Federal Reserve Board so that the board can compile those agreements and post them on the board's Web site. Together, these provisions provide important disclosure and transparency to the public, and they are an important resource for consumers so that they can easily be informed of tricks and traps that may exist within their credit card contracts or so that they can shop for the best possible deal for credit cards.

The goal is to provide consumers with direct public information and transparency regarding the interest rates that companies charge for their credit cards. This will allow one-stop shopping for good, fair rates.

Mr. Chairman, our people are hurting. Unemployment in my State is approaching 13 percent, and it's much higher than that in parts of my district. My amendment is a simple, straightforward step, and I ask for your support.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I yield myself such time as I may consume.

Mr. Chairman, I'm not completely certain that I actually oppose the amendment. I do have a couple of concerns.

One, I want to congratulate the gentleman for the thrust of his amendment, and indeed, we want to ensure that our consumers are empowered and that our consumers have proper disclosure.

There are a number of reasons why consumers do not understand the disclosure forms that they have today, one of which is there are misleading and deceptive practices by credit card companies. We all agree on that.

Another reason, though, is that, day after day and with the noblest of intentions, we mandate more disclosures. I'm just somewhat fearful—and not that this is not necessarily good information—that the combined impact will turn what otherwise might be a 2- to 3-page disclosure that a consumer might actually take the time to read into a 30- to 45-page behemoth that no one will take the time to read.

Again, I congratulate the gentleman for his intent and for his thrust. I'm not going to oppose the amendment, but I do want to articulate the concern again that we really want to emphasize that the most important aspects of a consumer's relationship with his credit card company are disclosed so that we can get focused there. In the average mortgage disclosure, there is so much disclosure, that people see a dizzying array of documents and pay attention to none of them.

□ 1345

I have always been an advocate for the succinct, effective disclosure written in plain English, not necessarily voluminous disclosure written in legalese.

I would also say that particularly for my friends on the other side of the aisle that have been extolling the virtues of the Federal Reserve throughout this debate, that through their rule-making, I believe that they have already addressed this issue. They did spend more time studying it than we did. I personally don't know. I didn't see the evidence of how much demand there is for consumers for this information. I don't know the answer to that.

One other aspect I would bring up besides the fact that we need to ensure that we're having effective disclosure. I am not indifferent as to the increased regulatory burden on our small community banks. Two Congresses ago, I had the opportunity to be the lead sponsor and write regulatory relief legislation for our small community banks. We have about half of what we had, I believe, 20 years ago. And so I am always a little concerned, too, in making sure that the benefits of an amendment or legislation are worth the cost. I don't want to continue to see more community banks get out of the credit card business because it's an extra cost here, it's an extra cost there. They don't have the personnel, and I just always want to be sensitive to the fact that I do not want to reduce competition down.

I don't see the distinguished chairman of the full committee on the floor today at this moment, but I know that he often jokes about that one day we

may change our name to the "bank committee" because there will only be one bank left in America.

So, again, I just want to show sensitivity, and I don't know if there is any kind of program for our smaller banks. I know on a number of pieces of legislation there are exclusions for small businesses. I don't see that in the language here. And again, I am not going to oppose this particular amendment, but I did want to articulate concerns that I hope will be taken to heart by the majority, things that they could consider as this goes into conference.

At this moment, I will reserve the balance of my time.

Mr. SCHAUER. I appreciate the comments from the gentleman from Texas in support of the amendment. My amendment doesn't change the content of the disclosure, only its dissemination through a Web site that the Federal Reserve Board would collect and post those disclosures.

Mr. Chairman, I am happy to yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. First of all, I want to thank the gentleman from Michigan for introducing this amendment. I think, first of all, probably the most junior member of my staff—they are all really bright—but the most recent graduate from college can probably go on the computer and somehow transcribe a document because the consumers—I don't want anybody to be led to believe that somehow this bill of rights isn't going to give the consumers the agreement. They are going to have every right to the agreement, and the banks are going to have to print the agreements and give it to people, except the agreements are going to be easier to read and understand. So I think a junior member can put that on a computer and Web site.

Having said that, again, Mr. HENSARLING—I hope that I have done a good enough job today, and I know he's always done a good enough job on his side, and we will take a look at that. If there is some onerous cost, we will take a look at that. But I have a funny feeling that there is a template out there that's going to be given to these smaller institutions. And I thank the gentleman for not opposing the amendment.

Mr. HENSARLING. Mr. Chairman, who has the right to close?

The Acting CHAIR. The gentleman from Texas has the right to close.

Mr. HENSARLING. Then I will continue to reserve.

Mr. SCHAUER. Mr. Chairman, I ask that my colleagues support this amendment.

I yield back my time.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 111-92.

Mr. TEAGUE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. TEAGUE: After section 8, insert the following new section (and redesignate subsequent sections accordingly):

SEC. 9. REGULATIONS RELATING TO ACTIVE DUTY MILITARY CONSUMERS AND RECENTLY DISABLED VETERANS.

Section 127B of the Truth in Lending Act is amended by inserting after subsection (p) (as added by section 6) the following new subsection:

“(q) REGULATIONS RELATING TO ACTIVE DUTY MILITARY CONSUMERS AND RECENTLY DISABLED VETERANS.—In the case of any credit card account, under an open end consumer credit plan, held by any veteran receiving compensation for a service-connected disability (as such terms are defined in section 101 of title 38, United States Code) that occurred less than 2 years before or any active duty military consumer (as defined in section 603(q)(2) of this Act), the Board shall prescribe regulations that prohibits the creditor with respect to such account from making adverse reports to any consumer reporting agency with respect while the consumer maintains status as such a veteran or as an active duty military consumer.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to offer an amendment along with my friends, Congressmen NYE, KISSELL and BOCCIARI, that has three principal attributes. One is it's common sense. It does what is right and it helps out our Nation's veterans. Specifically, the amendment stops credit card companies from bringing down the credit scores of deployed soldiers and disabled veterans during the first 2 years of their disability.

Mr. Chairman, one of the time-honored commitments we make to our veterans is after they do the dangerous work of protecting our national security, we, as a country, ensure their economic security. When a soldier is fighting in the mountains of Afghanistan or the deserts of Iraq, he or she does not have access to regular mail service nor the ability to tend to the everyday financial pressures of home.

Likewise, when an injured veteran is adjusting to life with his or her disability, there is often a period of economic vulnerability where the costs pile up and sometimes you just don't get to every last letter in the mail.

When veterans return home, they should do so with the confidence that

their credit history allows them to open a business, buy a house or a truck. If they were late on some payments while serving their country or recovering from a severe injury, that shouldn't prevent them from pursuing the American Dream. No commercial credit rating agency can be equipped to account for the intangibles of combat service and recovering from service-connected injuries.

Economic opportunity for veterans should not be a question of mistakes that they may have made during deployment or recovery. It should be a question of their service.

I urge my colleagues to pass this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I may be reluctantly opposed to the gentleman's amendment.

First, let me congratulate the gentleman from New Mexico. I have said other times that people had a noble purpose in their amendment. Of all amendments I have seen, this certainly has the most noble purpose, the most noble intent. No one who dons our Nation's uniform and fights for freedom, protects America's security ought to somehow be harmed because they missed a payment while they were taking on their Nation's duty. I certainly agree with the intent of the gentleman's legislation.

I have a couple of concerns, though, because I believe that this would be the first time that we are asking credit card bureaus to hide information.

I am just curious. Is there not another way to protect our brave men and women in uniform than setting the precedent of keeping accurate information away from a credit file which allows people to access credit in the first place? I am not an expert on it, but others who serve on the committee have informed me that this situation has been addressed under the Civil Relief Act. I know that military, Active Duty military, can append to their credit file that they are indeed in harm's way.

I would be happy to work with the gentleman for a program in DOD that would help ensure, again, that whatever type of resources are needed to ensure that people do not default on their credit obligations while they are in harm's way, that's something I would want to support. I would want to go to the Appropriations Committee and ask them to appropriate funds to assure that this is done.

Clearly, we want to be sensitive to our Active Duty personnel. It's the most important thing we can do in this institution is protect the Nation from all enemies, foreign and domestic.

So I want to achieve the gentleman's goal, but I wonder if it might not have

the unintended consequence of, perhaps, making credit even less available to our military personnel if, for some reason, the creditor community started believing that they were no longer receiving accurate information.

So I don't have a solution at my hand, and I admit that. But I do continue to be concerned that there may be unintended consequences here.

I reserve the balance of my time.

Mr. TEAGUE. Mr. Chairman, I yield 1½ minutes to my friend from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. They are fighting for us; now we have to fight for them. Every day, thousands of brave Americans are asked to leave the comfort and safety of their homes and families to fight for our freedom abroad. Oftentimes, those soldiers leave behind families who are surviving on credit cards to put food on the table or to clothe their kids as they send them off to school.

Some of those brave soldiers are deployed to the Middle East and then they are deployed to a forward-operating base. As a C-130 pilot, I delivered mail to those austere and sometimes remote locations. No, our soldiers in the battle every day don't have time to affix a stamp and send off a bill or a statement, their credit card bills, back to America. But while those soldiers are dodging bullets and IEDs and RPGs, they shouldn't be concerned about whether they sent their Visa bill on time. Frankly, they are under enough pressure. I know the stresses of a battlefield, and our soldiers shouldn't have to fight the credit card companies when they return because they were defending our country when their bill was due.

So I ask you, we've heard a lot about how this bill and amendments could create unintended consequences. Are we going to allow our soldiers and our brave men and women serving in our Nation's uniform to be victims of unintended consequences because they are overseas fighting?

The industry should be proud to stand by the soldiers and veterans who defend their ability to operate in a safe and secure environment led by a freely elected government. The industry should be willing to take the extra step, go the extra mile to show leniency to the military members who put their lives on the line.

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 3 minutes remaining.

Mr. HENSARLING. I will continue to reserve.

Mr. TEAGUE. Mr. Chairman, I yield 1½ minutes to my friend from Virginia (Mr. NYE).

Mr. NYE. Mr. Chairman, I would like to thank my colleague from New Mexico for his hard work on this amendment and for yielding.

Earlier this month, I had the opportunity to visit two forward-operating bases in the eastern part of Afghanistan, and it's true our troops today can keep in touch with home more easily than ever before. But the reality of patrolling the border along Pakistan means that sometimes payment dates will be missed.

Quite frankly, our troops deployed overseas have more important things to do than worry about a credit score. Their only concern should be to complete their missions and come home safely.

The same is true for injured veterans. As service-disabled veterans work to readjust to civilian life, they often face serious challenges finding a job, going through therapy, and working to recover from their injuries. We should do everything in our power to help them recover and rebuild. That's what this amendment will do.

I urge my colleagues to join me in supporting this amendment and supporting our troops overseas and our injured veterans back home.

□ 1400

Mr. HENSARLING. Mr. Chairman, I was listening carefully to the previous speakers. And again, I could not agree with them more in sharing their desire to ensure that this is not a problem. No one on Active Duty should be worrying about paying for their credit card bills. But I do continue to ask the question, is this the single best remedy?

Now, I'm not sure that any credit card company in America would be so stupid as to go and consciously ping somebody who is fighting for freedom in Afghanistan or Iraq. Wait until the local newspaper or local television station finds out about that. I would say some PR department would be working overtime.

But again, the thing that disturbs me here—and I want to solve the problem. Again, I admit, I am not an expert on what resources may be available at the Pentagon. I don't know if there couldn't be somehow automatic payment through the paycheck. If we need to set up money to loan our soldiers to ensure their bills are paid when they are overseas, I would be happy to support that.

But in some respects, you are asking credit bureaus to, in some respects, deceive creditors because they have information and you are telling them you are not allowed to give accurate information. Now, I don't want them to act adversely, but the precedent of essentially saying that you can now put misleading information into the market disturbs me greatly. I just would hope that there would be an alternative solution than this particular amendment, again, with the noblest of intentions.

I reserve the balance of my time.

Mr. TEAGUE. My concern is that penalizing veterans for missing payments

while they are in combat or recovering from an injury is not an accurate way of determining their creditworthiness. However, I do look forward to working in conference to address some of these valid concerns.

The amendment requires the Federal Reserve to write the rules that accomplish the goals of this amendment, and we will work closely with the Fed.

Once again, Mr. Chairman, I encourage all of my colleagues to vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. Again, I want to congratulate my friend from New Mexico and his leadership on this issue.

This is absolutely, positively, unequivocally something that the Federal Reserve has to look into. I don't care if it affects only one soldier, sailor or airman in the entire Nation, this problem must be solved.

I continue to have reservations on this particular solution and its potential unintended consequences. I will most reluctantly urge a "no" vote at this time and hopefully have a commitment, particularly those who serve on our Armed Services Committee and our Appropriations Committee, to maybe find out if there is a less onerous way to treat what is a very, very serious problem.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. SCHOCK

The Acting CHAIR (Mr. SERRANO). It is now in order to consider amendment No. 17 printed in House Report 111-92.

Mr. SCHOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 Offered by Mr. SCHOCK:
In the subsection heading for section 3(d), strike "BEFORE" and insert "AFTER".

In the subsection heading of subsection (h) of section 127B of the Truth in Lending Act (as added by section 3(d)), strike "BEFORE" and insert "AFTER".

In paragraph (1) of section 127B(h) of the Truth in Lending Act (as added by section 3(d))—

(1) strike "may not furnish any information to" and insert "shall remove any information furnished to"; and

(2) strike "until the credit card has been used or activated by the consumer" and insert "if the consumer has not used or activated the account and the consumer contacts the creditor within 45 days of the establishment of the account to close the account".

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from Illinois.

Mr. SCHOCK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I offer today is really targeted at reducing identity theft and ensuring that consumers have the appropriate information they need to make themselves aware of inappropriate activity on their accounts that may be opened in their name.

As the current legislation stands, it leaves inactivated credit cards off of credit reporting altogether. The legislation would allow a potential identity thief to apply for and obtain numerous credit cards in someone else's name, accruing massive lines of credit, all with the intention of opening each credit card at once and simultaneously spending massive amounts of that victim's money and then disappearing, as often is the case, which ruins the victim's credit history and oftentimes costs the victim thousands of dollars.

My amendment ensures consumers are aware of credit activity made in their name by removing the requirement that open lines of credit are not reported to the credit bureaus until the issued credit card is activated.

Now, identity theft is a real problem. As an individual who has had my identity stolen, I can tell you that it is also a very costly problem. Eight million Americans were victims of identity theft in 2005, and over 2 million of those 8 million victims were victims because new accounts were opened in their names that they were not made aware of.

The Federal Trade Commission also states that a quarter of those victims' problems were exacerbated because they were not made aware of the problems for over 6 months. The underlying legislation will only exacerbate that without this amendment.

The Federal Trade Commission goes on in the report that they encourage consumers to stay vigilant in protecting their identity through two ways; one is monitoring accounts that you didn't open and debts on your accounts that you can't explain. Well, Mr. Chairman, my amendment does exactly that by ensuring consumers continue to have the information about these accounts that would otherwise have been applied in their name but up until this point would not be noted on their credit account. Under the 2003 Fair Credit Reporting Act passed by Congress, consumers are allowed this information free of charge. And with the amendment I offer here today, they will be given that information in advance of any adverse credit effects that a potential identity thief could be trying.

Mr. Chairman, I urge a "yes" vote, and I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Chairman, I yield myself 2 minutes.

The bill prohibits a creditor from providing information about a new credit card to consumer reporting until the consumer uses or activates the card. I think the intention is excellent. I don't know that you are going to reach it through this amendment.

I am going to look forward to speaking to the gentleman. And as the chairman of the Subcommittee on Financial Institutions, I look forward to working with him to make sure that we actually reach your goal. I think credit card companies should be able to allow that information to be removed. Moreover, the reporting agencies should remove that information, and it should be done quickly and swiftly, and we should look at measures to do that.

I am not going to oppose or ask people to oppose this particular amendment here this afternoon. I just want to share with the gentleman that I am going to vote "yes" on it—and hopefully we won't have a recorded vote and it will become part of the bill. We can then work on it. And if we can't, I would suggest to the gentleman that we sit down and figure out a way to get there, just in case I'm wrong, you're right; you're wrong, I'm right. We should continue this conversation.

I reserve the balance of my time.

Mr. SCHOCK. I urge passage, Mr. Chairman, and I yield back the balance of my time.

Mr. GUTIERREZ. I yield 2 minutes to the gentlelady from New York, CAROLYN MALONEY.

Mrs. MALONEY. I thank the gentleman for yielding.

Mr. Chairman, I am generally in support of what my colleague from Illinois is attempting to do, but I do have concerns that too few consumers would take advantage of this provision or even know that it was available to them. I am going to be supporting your amendment, but I would like to work with you in further refining it.

I know the main concern that has been raised about this provision has focused on preventing fraud. And I fully support efforts to prevent fraud, and I am willing to work with you going forward to ensure that consumers know of their right to reject the card and have this information removed from the credit report.

I would also like to take this time to explain why this provision was added to the bill and why I believe it is necessary in one form or another.

Right now, consumers generally do not know the full terms and conditions of their credit card until they have been issued the card. And once a card has been issued, the card is reported on the consumer's credit report, regardless of whether the consumer uses the card or not. The bill would allow an issuer to report a consumer's application for a credit card, but would not

allow an issuer to report the approval of the credit card to the credit bureaus until the card has been activated or used.

Consumers should not have open lines of credit listed on their credit report if they have no intention of ever using the card. And while I appreciate the gentleman's amendment and will maintain this going forward, I just want to ensure consumers receive adequate disclosures relating to this. And so I will be supporting your amendment, and we can help work on further disclosures.

Mr. GUTIERREZ. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-92 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Ms. SLAUGHTER of New York.

Amendment No. 8 by Mrs. MALONEY of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MS. SLAUGHTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 154, not voting 9, as follows:

[Roll No. 225]

AYES—276

Abercrombie	Braley (IA)	Cleaver
Ackerman	Brown (SC)	Clyburn
Adler (NJ)	Brown, Corrine	Cohen
Andrews	Brown-Waite,	Cole
Arcuri	Ginny	Connolly (VA)
Baca	Buchanan	Conyers
Baird	Butterfield	Cooper
Baldwin	Buyer	Costa
Barrow	Camp	Costello
Barton (TX)	Cao	Courtney
Becerra	Capito	Crenshaw
Berkley	Capps	Crowley
Berman	Capuano	Cuellar
Bishop (GA)	Cardoza	Cummings
Bishop (NY)	Carnahan	Dahlkemper
Blumenauer	Carney	Davis (AL)
Bocieri	Carson (IN)	Davis (CA)
Bono Mack	Castor (FL)	Davis (IL)
Boren	Chandler	Davis (TN)
Boswell	Christensen	Deal (GA)
Boucher	Clarke	DeFazio
Brady (PA)	Clay	DeGette

Delahunt	Kucinich	Rangel	Hoekstra	McKeon	Ryan (WI)
DeLauro	Langevin	Reyes	Hunter	McMahon	Salazar
Dent	Larsen (WA)	Richardson	Inglis	McMorris	Scalise
Dicks	Larson (CT)	Rodriguez	Issa	Rodgers	Schiff
Dingell	LaTourette	Rogers (KY)	Jenkins	Mica	Schmidt
Donnelly (IN)	Lee (CA)	Rogers (MI)	Johnson (IL)	Miller (FL)	Schock
Doyle	Lee (NY)	Ros-Lehtinen	Johnson, Sam	Miller, Gary	Sensenbrenner
Driebeaus	Levin	Roskam	Jordan (OH)	Mitchell	Sessions
Duncan	Lewis (GA)	Ross	King (IA)	Moran (KS)	Shadegg
Edwards (MD)	Lipinski	Rothman (NJ)	King (NY)	Murphy, Tim	Shuster
Ehlers	LoBiondo	Roybal-Allard	Kingston	Neugebauer	Simpson
Ellison	Loeb sack	Ruppersberger	Kline (MN)	Nunes	Smith (NE)
Ellsworth	Lofgren, Zoe	Ryan (OH)	Lamborn	Obey	Smith (NJ)
Engel	Lowey	Sablan	Lance	Olson	Smith (TX)
Eshoo	Lujan	Sanchez, Linda	Latham	Olver	Smith (WA)
Etheridge	Lungren, Daniel	T.	Latta	Paul	Snyder
Faleomavaega	E.	Sanchez, Loretta	Lewis (CA)	Pence	Souder
Farr	Lynch	Sarbanes	Linder	Perlmutter	Sullivan
Fattah	Maffei	Schakowsky	Lucas	Pitts	Tanner
Filner	Maloney	Schauer	Luetkemeyer	Poe (TX)	Terry
Fleming	Markey (CO)	Schrader	Lummis	Pollis (CO)	Thompson (PA)
Forbes	Markey (MA)	Schwartz	Mack	Possey	Thornberry
Fortenberry	Marshall	Scott (GA)	Manzullo	Price (GA)	Tiahrt
Frank (MA)	Massa	Scott (VA)	Marchant	Putnam	Tiberi
Fudge	Matsui	Serrano	Matheson	Rehberg	Upton
Gerlach	McCarthy (NY)	Sestak	McCarthy (CA)	Reichert	Walden
Gingrey (GA)	McCollum	Shea-Porter	McCaul	Roe (TN)	Westmoreland
Gohmert	McCotter	Sherman	McClintock	Rogers (AL)	Whitfield
Gonzalez	McDermott	Shimkus	McHenry	Rohrabacher	Wilson (SC)
Gordon (TN)	McGovern	Shuler	McHugh	Rooney	Young (AK)
Grayson	McNerney	Sires	McIntyre	Royce	
Green, Al	Meek (FL)	Skelton			
Green, Gene	Meeks (NY)	Slaughter			
Grijalva	Melancon	Space			
Guthrie	Michaud	Speier			
Gutierrez	Miller (MI)	Spratt			
Hall (NY)	Miller (NC)	Stearns			
Halvorson	Miller, George	Stupak			
Hare	Minnick	Sutton			
Harman	Mollohan	Tauscher			
Heinrich	Moore (KS)	Taylor			
Higgins	Moore (WI)	Teague			
Hill	Moran (VA)	Thompson (CA)			
Hinchev	Murphy (CT)	Thompson (MS)			
Hinojosa	Murphy (NY)	Tierney			
Hirono	Murphy, Patrick	Titus			
Hodes	Murtha	Tonko			
Holden	Myrick	Towns			
Holt	Nadler (NY)	Tsongas			
Honda	Napolitano	Turner			
Hoyer	Neal (MA)	Van Hollen			
Inlee	Norton	Velázquez			
Israel	Nye	Visclosky			
Jackson (IL)	Oberstar	Walz			
Jackson-Lee	Ortiz	Wamp			
(TX)	Pallone	Wasserman			
Johnson, E. B.	Pascarell	Schultz			
Jones	Pastor (AZ)	Waters			
Kagen	Paulsen	Watson			
Kanjorski	Payne	Watt			
Kaptur	Perriello	Waxman			
Kennedy	Peters	Weiner			
Kildee	Peterson	Welch			
Kilpatrick (MI)	Petri	Wexler			
Kilroy	Pierluisi	Wilson (OH)			
Kind	Pingree (ME)	Wittman			
Kirk	Platts	Wolf			
Kirkpatrick (AZ)	Pomeroy	Woolsey			
Kissell	Price (NC)	Wu			
Klein (FL)	Quigley	Yarmuth			
Kosmas	Radanovich	Young (FL)			
Kratovil	Rahall				

NOES—154

Aderholt	Bright	Emerson
Akin	Broun (GA)	Fallin
Alexander	Burton (IN)	Flake
Altmire	Calvert	Foster
Austria	Campbell	Fox
Bachmann	Cantor	Franks (AZ)
Bachus	Carter	Frelinghuysen
Barrett (SC)	Cassidy	Gallegly
Bartlett	Castle	Garrett (NJ)
Bean	Chaffetz	Giffords
Biggett	Childers	Goodlatte
Bilbray	Coble	Graves
Bilirakis	Coffman (CO)	Griffith
Blackburn	Conaway	Hall (TX)
Blunt	Culberson	Harper
Boehner	Davis (KY)	Hastings (WA)
Bonner	Diaz-Balart, L.	Heller
Boozman	Diaz-Balart, M.	Hensarling
Boustany	Doggett	Herger
Boyd	Dreier	Hereth Sandlin
Brady (TX)	Edwards (TX)	Himes

McKeon	Ryan (WI)
McMahon	Salazar
McMorris	Scalise
Rodgers	Schiff
Mica	Schmidt
Miller (FL)	Schock
Miller, Gary	Sensenbrenner
Mitchell	Sessions
Moran (KS)	Shadegg
Murphy, Tim	Shuster
Neugebauer	Simpson
Nunes	Smith (NE)
Obey	Smith (NJ)
Olson	Smith (TX)
Olver	Smith (WA)
Paul	Snyder
Pence	Souder
Perlmutter	Sullivan
Pitts	Tanner
Poe (TX)	Terry
Pollis (CO)	Thompson (PA)
Possey	Thornberry
Price (GA)	Tiahrt
Putnam	Tiberi
Rehberg	Upton
Reichert	Walden
Roe (TN)	Westmoreland
Rogers (AL)	Whitfield
Rohrabacher	Wilson (SC)
Rooney	Young (AK)
Royce	

NOT VOTING—9

Berry	Burgess	Johnson (GA)
Bishop (UT)	Granger	Rush
Bordallo	Hastings (FL)	Stark

□ 1439

Messrs. GALLEGLY, TANNER, FLAKE, BOYD, MITCHELL, FOSTER and SCHIFF changed their vote from “aye” to “no.”

Mrs. MILLER of Michigan and Messrs. GUTHRIE and WITTMAN changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUSH. Mr. Chair, on rollcall No. 225 I was unavoidably detained in a strategic meeting of significant interests to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 8 OFFERED BY MRS. MALONEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 284, noes 149, not voting 6, as follows:

[Roll No. 226]

AYES—284

Abercrombie	Baird	Bilirakis
Ackerman	Baldwin	Bishop (GA)
Aderholt	Barrow	Bishop (NY)
Adler (NJ)	Becerra	Blumenauer
Altmire	Berkley	Bocieri
Andrews	Berman	Boren
Baca	Bilbray	Boswell

Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Campbell
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cumming
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCauley
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)

NOES—149

Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggart
Bishop (UT)

Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stearns
Stupak
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Broun (GA)
Brown-Waite,
Ginny
Burton (IN)
Calvert
Camp
Cantor
Capito
Carter
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Costa
Dahlkemper
Davis (KY)
Deal (GA)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kirk
Kline (MN)
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
Matheson
McCarthy (CA)
McCarthy (NY)
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Roskam
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Sullivan
Tanner
Thompson (PA)
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Berry
Bordallo
Burgess
Granger
Hastings (FL)
Stark

□ 1448

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. BORDALLO. Mr. Chair, today I have been granted an official leave of absence by the House of Representatives and am in my district attending to official business. As such, I am unable to cast my votes in the Committee of the Whole House on the State of the Union on amendments to H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009. If I were present for these votes, I would vote as follows and ask that the RECORD reflect these positions: "no" on the amendment offered by Ms. SLAUGHTER of New York (rollcall vote 225) and "aye" on the amendment offered by Mrs. MALONEY of New York (rollcall vote 226).

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. SERRANO, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration

the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, pursuant to House Resolution 379, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ROSKAM. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROSKAM. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Roskam moves to recommit the bill H.R. 627 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following instructions:

At the end of the bill, insert the following new section:

SEC. 11. TRIGGER FOR ENACTMENT.

No provision of the Act shall take effect until a study to be completed by the Board of Governors of the Federal Reserve System makes a determination that the provisions of the Act will not result in a reduction in the availability of credit covered by this Act to small businesses.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Mr. Speaker, we are here today because we are having a national conversation about credit, and it is a conversation that has had an impact on each and every one of our congressional districts. It doesn't matter where we are from, it doesn't matter what our background is, credit is inextricably linked to our success as a country.

So here we are, and we have got sponsors who have worked hard, and I want to take my hat off to the sponsors and to the chairman of the committee for taking on a very, very serious work. There are some good things in here, there are some good things in the underlying bill, but I think there is a weakness, and I want to point out the weakness and offer a suggestion.

This is not a "gotcha" amendment. This was an idea presented to the Rules Committee, and, unfortunately, it was sort of swatted aside. I think it was a little bit misinterpreted, and that's

disappointing. But the great thing about this process is you get another shot at the title. So here we are and we have another opportunity to consider this idea. Here is what it says.

Notwithstanding everything that is in this bill, it doesn't matter what you have been told about it, what has been represented to you, what kind of talking points, what kind of hearings you have heard, what kind of testimony, let's face it, if this falls short and it has an adverse impact on small business, then we have failed. If this has an adverse impact on the biggest job creators in our economy, then we have failed.

So my attitude is look, we all, all of us, talk about how important small business is, how important the entrepreneur is, how important the self-employed are. But ultimately, if we are passing legislation that has an adverse impact on that group's ability to get credit, we have failed.

So what this amendment says, it says, look. What the motion says is take a good hard look at the bill, but hit the pause button, and here is why. Let the Fed look at this, do a study that says it is not going to have an adverse impact on small business.

"Small business" is a term of art, one that we can all come around. It is not meant to sneak up on anybody. It is not meant to overly characterize anything. But what it says is do the credit card changes, if you will, but make sure we are not having an impact on the small person.

Now, why is this important? Why should we be thinking in terms of a pause button right now? And I want to give you three examples where we cumulatively voted on things that have been presented in one way and they have turned out very differently.

Remember during the bailout debate last fall, remember the drumbeat, the pounding sort of, that pulsing feeling on the House floor and that sense of urgency of you got to pass it, you got to pass it, you got to pass it? Well, what is in it? I don't know, but just pass it and it is all going to be great.

Well, it didn't work out so well. Credit markets haven't been restored and we are still limping along months later.

Remember during the stimulus debate, when we heard from the White House that if we pass this, unemployment was going to peak at 8 percent, the birds were going to be chirping, it was all going to be great and that was going to be the high mark in terms of unemployment? That didn't happen to turn out that way, and we are already at 8.5 percent or beyond.

And most recently in the budget figures we heard represented in the Ways and Means Committee, that the Budget Committee heard, this is what we were told in terms of projections: That real GDP was only going to shrink by 1.2

percent this year. But already this quarter, this last quarter, it is down 6.1 percent.

Now, why do I bring those numbers up? They are important because they are indicators of mischaracterizations of things.

So when people say we are going to fix this credit card situation, my reluctance, and I think the reason there is a little bit of reluctance out there is the suggestion that there is going to be no cost to it and it is all going to be great and it is all going to be roses, and what I am suggesting to you today is that if we fail to protect small business, then we have failed.

Now, you will hear that the NFIB has endorsed it, and endorsed it they have. The NFIB has endorsed it, and I think in fairness to the NFIB, they have looked at it and they have thought it is okay.

But we can do better. We have an opportunity to raise this to a higher standard. We have a chance today with adopting this simple motion to say it is all well and good, but let's make sure the Fed checks this out and comes back affirmatively.

Now, you might hear there is a study, Congressman, in the bill already. And I would suggest to you that the way the study in the bill is already crafted, it is a retroactive study, right? So it says within 3 months, 6 months of the acceptance date, we need to move forward.

You know what you need to do, and you know we need to do it.

Mr. GUTIERREZ. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. Members of the House, a consistent argument that we hear from the other side is about the alleged lack of transparency and bipartisanship in this House; yet, it was only 5 minutes ago that we received this motion to recommit. How seriously can we take this? It is a motion to delay.

But we cannot stand another day and delay stopping the suffering of the American consumers at the hands of practices that the Federal Reserve Board, the same Federal Reserve Board which the minority wishes to have a study, has already spoken. They said it is unfair, it is deceptive, it is wrong, and we should change it. And we should not delay one day more the suffering of the American consumers at the hands of the deceptive practices of the credit card industry.

We are considering today a bill which already passed last year. The gentlelady from New York, CAROLYN MALONEY, the architect of the bill, a heroine for consumers across this country, deserves our recognition and our praise and our gratitude for fighting, for fighting this good and courageous fight.

Look, the Federal Reserve Board, the one you want to do a study, has already spoken. It says the practices are unfair and deceptive, and they have created rules and we will put them into effect on July 1, 2010, to stop those things.

I say let's not wait. Let's do it today. If it is unfair and it is deceptive, this Congress has the responsibility to the American consumer to act quickly and promptly with no further delay.

They say that this bill is for the small business community, a community of businesses that we are very concerned about. But, look, maybe you didn't get it. "Key vote alert. On behalf of the National Federation of Independent Businesses, the Nation's leading small business advocates, we urge your support immediately for the Credit Cardholders' Bill of Rights." They have spoken.

The National Small Business Association endorses the bill, also.

It seems to me that the predicate of the minority is that they are in defense of small businesses. The small business community has already spoken on this issue. We need to delay this no further.

□ 1500

The only one, the only group in America that can be happy if we delay this bill any longer are those that are engaged in deceptive predatory lending to consumers who are already unemployed, who are already suffering, who are already at the mercy of an economic system that just isn't there for them. Let's stand up for consumers at least one time while we're here. We can do it today, and the first step is saying "no" to the motion to recommit.

I yield to the gentlelady from New York, CAROLYN MALONEY.

Mrs. MALONEY. Today, America's consumers can see what a Democratic President and a Democratic majority means to their lives. We can stop these abusive practices by voting down the motion to recommit and voting for the bill.

Small businesses, the Small Business Association was part of our coalition. They support the bill. The National Federation of Independent Businesses, they call it a key vote alert. They will score people on this vote, a vote in support of the legislation.

So we have a chance to vote with the regulators of this country that support the bill and have called these practices unfair, deceptive and anticompetitive. We get to vote with 54 editorial boards across the country that have endorsed the bill, with every consumer group, every civil rights group, and many grassroots organizations that have called this their number 1 legislative priority.

We do not need to delay. We need to vote against this motion to recommit, and we need to move forward in enacting these provisions to protect America's working men and women, particularly when our economy is

downturning, many people are losing their jobs. We need to protect our consumers, not delay provisions that can help them better manage their credit and stop abusive practices.

Vote for the Democratic bill.

Mr. GUTIERREZ. I would just like to say, once again, listen, seriously, on both sides, let's not delay this any further. Vote "no" on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROSKAM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 164, noes 263, not voting 6, as follows:

[Roll No. 227]

AYES—164

Aderholt	Emerson	McCotter
Akin	Fallin	McHenry
Alexander	Flake	McIntyre
Austria	Fleming	McKeon
Bachmann	Fox	McMorris
Bachus	Franks (AZ)	Rodgers
Barrett (SC)	Gallely	McNerney
Bartlett	Garrett (NJ)	Mica
Barton (TX)	Giffords	Miller (FL)
Bigert	Gingrey (GA)	Miller (MI)
Bilbray	Gohmert	Miller, Gary
Bilirakis	Goodlatte	Moran (KS)
Bishop (UT)	Graves	Myrick
Blackburn	Guthrie	Neugebauer
Blunt	Hall (TX)	Nunes
Boehner	Harper	Nye
Bonner	Heller	Olson
Bono Mack	Hensarling	Paul
Boozman	Herger	Paulsen
Boustany	Hoekstra	Pence
Brady (TX)	Hunter	Pitts
Brown (GA)	Inglis	Poe (TX)
Brown (SC)	Issa	Posey
Brown-Waite,	Jenkins	Price (GA)
Ginny	Johnson (IL)	Putnam
Buchanan	Johnson, Sam	Radanovich
Burton (IN)	Jordan (OH)	Rehberg
Buyer	King (IA)	Reichert
Calvert	King (NY)	Roe (TN)
Camp	Kingston	Rogers (AL)
Campbell	Kirk	Rogers (KY)
Cantor	Kirkpatrick (AZ)	Rogers (MI)
Cao	Kline (MN)	Rooney
Capito	Lamborn	Ros-Lehtinen
Carter	Lance	Roskam
Cassidy	Latham	Royce
Castle	LaTourette	Ryan (WI)
Chaffetz	Latta	Scalise
Coble	Lee (NY)	Schmidt
Coffman (CO)	Lewis (CA)	Schock
Cole	Lucas	Sensenbrenner
Conaway	Luetkemeyer	Sessions
Crenshaw	Lummis	Shadegg
Culberson	Lungren, Daniel	Shimkus
Davis (KY)	E.	Shuster
Deal (GA)	Mack	Simpson
Dent	Manzullo	Smith (NE)
Diaz-Balart, L.	Marchant	Smith (TX)
Diaz-Balart, M.	McCarthy (CA)	Souder
Dreier	McCaul	Stearns
Duncan	McClintock	Sullivan

Terry	Turner
Thompson (PA)	Walden
Thornberry	Wamp
Tiahrt	Westmoreland
Tiberi	Whitfield

NOES—263

Abercrombie	Green, Gene	Nadler (NY)
Ackerman	Griffith	Napolitano
Adler (NJ)	Grijalva	Neal (MA)
Altmire	Gutierrez	Oberstar
Andrews	Hall (NY)	Obey
Arcuri	Halvorson	Olver
Baca	Hare	Ortiz
Baird	Harman	Pallone
Baldwin	Heinrich	Pascarell
Barrow	Herseth Sandlin	Pastor (AZ)
Bean	Higgins	Payne
Becerra	Hill	Perlmutter
Berkley	Himes	Perriello
Berman	Hinchey	Peters
Bishop (GA)	Hinojosa	Peterson
Bishop (NY)	Hirono	Petri
Blumenauer	Hodes	Pingree (ME)
Boccieri	Holden	Platts
Boren	Holt	Polis (CO)
Boswell	Honda	Pomeroy
Boucher	Hoyer	Price (NC)
Boyd	Inslee	Quigley
Brady (PA)	Israel	Rahall
Braley (IA)	Jackson (IL)	Rangel
Bright	Jackson-Lee	Reyes
Brown, Corrine	(TX)	Richardson
Butterfield	Johnson (GA)	Rodriguez
Capps	Johnson, E. B.	Rohrabacher
Capuano	Jones	Ross
Cardoza	Kagen	Rothman (NJ)
Carnahan	Kanjorski	Roybal-Allard
Carney	Kaptur	Ruppersberger
Carson (IN)	Kennedy	Rush
Castor (FL)	Kildee	Ryan (OH)
Chandler	Kilpatrick (MI)	Salazar
Childers	Kilroy	Sanchez, Linda
Clarke	Kind	T.
Clay	Kissell	Sanchez, Loretta
Cleaver	Klein (FL)	Sarbanes
Clyburn	Kosmas	Schakowsky
Cohen	Kratovil	Schauer
Connolly (VA)	Kucinich	Schiff
Conyers	Langevin	Schrader
Cooper	Larsen (WA)	Schwartz
Costa	Larson (CT)	Scott (GA)
Costello	Lee (CA)	Scott (VA)
Courtney	Levin	Serrano
Crowley	Lewis (GA)	Sestak
Cuellar	Linder	Shea-Porter
Cummings	Lipinski	Sherman
Dahlkemper	LoBiondo	Shuler
Davis (AL)	Loebbeck	Sires
Davis (CA)	Lofgren, Zoe	Skelton
Davis (IL)	Lowe	Slaughter
Davis (TN)	Lujan	Smith (NJ)
DeFazio	Lynch	Smith (WA)
DeGette	Maffei	Snyder
Delahunt	Maloney	Space
DeLauro	Markey (CO)	Speier
Dicks	Markey (MA)	Spratt
Dingell	Marshall	Stupak
Doggett	Massa	Sutton
Donnelly (IN)	Matheson	Tanner
Doyle	Matsui	Tauscher
Driehaus	McCarthy (NY)	Taylor
Edwards (MD)	McCollum	Teague
Edwards (TX)	McDermott	Thompson (CA)
Ehlers	McGovern	Thompson (MS)
Ellison	McHugh	Tierney
Ellsworth	McMahon	Titus
Engel	Meek (FL)	Tonko
Eshoo	Meeks (NY)	Towns
Etheridge	Melancon	Tsongas
Farr	Michaud	Upton
Fattah	Miller (NC)	Van Hollen
Filner	Miller, George	Velázquez
Forbes	Minnick	Visclosky
Fortenberry	Mitchell	Walz
Foster	Mollohan	Wasserman
Frank (MA)	Moore (KS)	Schultz
Frelinghuysen	Moore (WI)	Waters
Fudge	Moran (VA)	Watson
Gerlach	Murphy (CT)	Watt
Gonzalez	Murphy (NY)	Waxman
Gordon (TN)	Murphy, Patrick	Weiner
Grayson	Murphy, Tim	Welch
Green, Al	Murtha	

Wilson (SC)	Wexler
Wittman	Wilson (OH)
Wolf	
Young (AK)	

Woolsey	Yarmuth
Wu	Young (FL)

NOT VOTING—6

Berry	Granger	Hastings (WA)
Burgess	Hastings (FL)	Stark

□ 1521

Messrs. GERLACH, MEEKS of New York, MINNICK, and Ms. MCCOLLUM changed their vote from "aye" to "no."

Messrs. FLAKE and CANTOR changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GUTIERREZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 357, noes 70, not voting 7, as follows:

[Roll No. 228]

AYES—357

Abercrombie	Carnahan	Etheridge
Ackerman	Carney	Fallin
Aderholt	Carson (IN)	Farr
Adler (NJ)	Carter	Fattah
Akin	Cassidy	Filner
Alexander	Castle	Fleming
Altmire	Castor (FL)	Forbes
Andrews	Chandler	Fortenberry
Arcuri	Childers	Foster
Austria	Clarke	Frank (MA)
Baca	Clay	Frelinghuysen
Baird	Cleaver	Fudge
Baldwin	Clyburn	Gallely
Barrow	Coffman (CO)	Gerlach
Bartlett	Cohen	Giffords
Barton (TX)	Cole	Gonzalez
Bean	Connolly (VA)	Gordon (TN)
Becerra	Conyers	Graves
Berkley	Cooper	Grayson
Berman	Costa	Green, Al
Bigert	Costello	Green, Gene
Bilbray	Courtney	Griffith
Bilirakis	Crenshaw	Grijalva
Bishop (GA)	Crowley	Guthrie
Bishop (NY)	Cuellar	Gutierrez
Blumenauer	Culberson	Hall (NY)
Blunt	Cummings	Hall (TX)
Boccieri	Dahlkemper	Halvorson
Bono Mack	Davis (AL)	Hare
Boozman	Davis (CA)	Harman
Boren	Davis (IL)	Harper
Boswell	Davis (TN)	Heinrich
Boucher	DeFazio	Higgins
Boustany	DeGette	Hill
Boyd	Delahunt	Himes
Brady (PA)	DeLauro	Hinchey
Braley (IA)	Dent	Hinojosa
Bright	Diaz-Balart, L.	Hirono
Brown (SC)	Diaz-Balart, M.	Hodes
Brown, Corrine	Dicks	Hoekstra
Brown-Waite,	Dingell	Holden
Ginny	Doggett	Holt
Buchanan	Donnelly (IN)	Honda
Burton (IN)	Doyle	Hoyer
Butterfield	Driehaus	Hunter
Buyer	Duncan	Inslee
Calvert	Edwards (MD)	Israel
Camp	Edwards (TX)	Issa
Campbell	Ehlers	Jackson (IL)
Cao	Ellison	Jackson-Lee
Capito	Ellsworth	(TX)
Capps	Emerson	Johnson (GA)
Capuano	Engel	Johnson (IL)
Cardoza	Eshoo	Johnson, E. B.

Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luetkemeyer
Lujan
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick

Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff

Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Berry
Burgess
Granger
Hastings (FL)
Hastings (WA)
Pence
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining on this vote.

□ 1534

Mrs. McMorris Rodgers and Mr. GOODLATTE changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE
REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2009.

Hon. NANCY PELOSI,

Speaker,

U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (P.L. 110-229), I am pleased to appoint Mr. Nelson Albareda of Miami, Florida to the Commission to Study the Potential Creation of a National Museum of the American Latino.

Dr. Aida Levitan of Key Biscayne, Florida, Mrs. Rosa J. Correa of Bridgeport, Connecticut and Mr. Danny Vargas of Herndon, Virginia were previously appointed and shall remain voting members.

Mr. Albareda has expressed interest in serving in this capacity and I am pleased to fulfill the request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

LEGISLATIVE PROGRAM

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, I yield to my good friend and gentleman from Atlanta, Georgia, for the purpose of announcing next week's schedule.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague for yielding.

I must tell my friend, the gentleman from California, that on Monday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business; on Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules. The complete

list of suspension bills will be announced by close of business tomorrow.

In addition, we will consider H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, and the Fight Fraud Act of 2009.

Mr. MCCARTHY of California. Reclaiming my time, if I may ask my colleague, knowing that Congress is in session only for 3 more weeks before we break for Memorial Day and having just heard next week's schedule, I wondered if my colleague might elaborate on the last 2 weeks in May what we would be expecting in the House.

I yield to the gentleman.

Mr. LEWIS of Georgia. I want to thank my friend for yielding.

You know by now that we have had a very busy agenda during this break period, including the bills we have already completed: National Water Research and Development Initiative Act, credit card legislation, hate crimes legislation, the budget conference report; and next week, we expect to pass the Mortgage Reform and Anti-Predatory Lending Act and the Fight Fraud Act of 2009.

I must tell you that in addition before the Memorial Day break, we will need to pass the supplemental appropriation for Iraq and Afghanistan. The President sent his request on April 10 for more than \$83 billion. We expect the House and Senate to act on the request before the Memorial Day recess.

Mr. MCCARTHY of California. Reclaiming my time, if I may elaborate with the gentleman from Georgia.

You said a war supplemental. I would wonder, would there be any benchmarks in this bill, and would there be any non-war-related spending in this bill as well?

Mr. LEWIS of Georgia. I must tell my friend, again, that we have not discussed that with the majority leader, with others in leadership. But right now it is our intention to pass a bill that includes the two wars.

Mr. MCCARTHY of California. Reclaiming my time, if I may further ask, is it your intention to put any non-war spending in this supplemental bill?

And I yield.

Mr. LEWIS of Georgia. The Chair of the Appropriations Committee has informed us that he expects to mark up the bill next week, and we will make that information available at that time.

Mr. MCCARTHY of California. So it is your intention, the majority's, not to have any non-war funding in the supplemental?

Mr. LEWIS of Georgia. At this moment—things can change—but at this moment, we plan to have the two wars in the bill.

Mr. MCCARTHY of California. Reclaiming my time, if I could just clarify one last time, do you envision having benchmarks in this supplemental bill knowing in the past term the desire of the majority to have benchmarks?

NOES—70

Bachmann
Bachus
Barrett (SC)
Bishop (UT)
Blackburn
Boehner
Bonner
Brady (TX)
Broun (GA)
Cantor
Chaffetz
Coble
Conaway
Davis (KY)
Deal (GA)
Dreier
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Heller

Hensarling
Herger
Herseth Sandlin
Inglis
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Linder
Lucas
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McMorris
Rodgers
Miller (FL)
Miller, Gary

Myrick
Neugebauer
Nunes
Olson
Paul
Pitts
Poe (TX)
Price (GA)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Shadeeg
Smith (NE)
Smith (TX)
Thompson (PA)
Thornberry
Tiahrt
Westmoreland
Wilson (SC)

I yield.

Mr. LEWIS of Georgia. Thank you for yielding again.

We have not had any discussion about benchmarks in the bill. We will wait to hear from the Chair of the Appropriations Committee, Mr. OBEY, and his members.

Mr. MCCARTHY of California. I thank the gentleman.

Knowing the debate that we had a week ago with all of the hearings in Energy and Commerce and knowing what the schedule said that this week would be the markup of the cap-and-trade bill but this week being canceled in the markup, does the gentleman see Energy and Commerce bringing up cap-and-trade or that coming to the floor within the next 3 weeks before we go on recess?

I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Looking down the road, we will be working on energy and climate change. We would like to see these bills on the floor in the near future.

Mr. MCCARTHY of California. So in the next 3 weeks do you not see Energy and Commerce bringing up or bringing to the floor a cap-and-trade bill?

I yield.

Mr. LEWIS of Georgia. That is correct, my friend.

Mr. MCCARTHY of California. If I might just further ask another question of inquiry to my friend from Atlanta.

The Card Check bill has been out there for quite some time. Knowing the number of cosponsors on the majority side, do you envision that coming up in the near future?

And I yield.

Mr. LEWIS of Georgia. We do not expect to see it coming up anytime within the next few weeks.

Mr. MCCARTHY of California. Does the gentleman believe that the Card Check bill would come to the House before it moves in the Senate?

I yield.

Mr. LEWIS of Georgia. Thank you, my friend, for raising the question.

I must tell you that we cannot make any type of commitment on that. We're working on it, and we will continue to work on it, and we hope to work with you and others in a bipartisan fashion before we act.

Mr. MCCARTHY of California. I appreciate you bringing up bipartisanship.

Yesterday was the hundredth day of our new President, and one of our big goals together was to work in a bipartisan way and forge that effort, and as everybody knows in this House, unfortunately that did not take place. And it is regrettable. But Republicans on this side want to make sure that we do forge in a bipartisan matter, and I would like to bring up a few items that we could work together on.

I will tell you—and I was very proud at the very beginning of this session when we, the minority, the Republicans, invited the President to our conference, and we actually had a very good discussion about the stimulus bill. It was unfortunate that a bill was introduced while he was talking to us and was not able to be bipartisan in that nature. But I was wondering about a couple of items that we could work closely together.

Recently, the President came forward and asked his Cabinet to find \$100 million in waste and abuse and duplication, and this is a place that I know we can all work together. I know our leadership, Mr. BOEHNER and Mr. CANTOR, personally talked to the President. The President asked us to produce a list.

□ 1545

I would ask our good friend from Georgia if the House Democrats would be willing to work with the Republicans to bring something to the floor before this May recess where we could eliminate waste, fraud and duplication and actually save the taxpayers and America. And I yield back.

Mr. LEWIS of Georgia. I want to thank my friend again for yielding.

If you turn the pages of the past few days and the past few weeks, I think we have a record of bipartisanship. First, I am happy to remind my friend that we have passed a number of bills recently with bipartisan support, including the National Water Research and Development Initiative Act. The vote was 410–13. Today we passed credit card legislation, 357–70. And the Mortgage Reform and Anti-Predatory Lending Act, which we expect on the floor next week, passed out of committee on a bipartisan vote of 49–21, with eight Republicans supporting it.

So I say to my friend, I hope there are many more opportunities in the future to continue to build on our record of bipartisanship, and I look forward to working with you to find opportunities to do much more. We want to work with the President. We want to work with you to cut waste.

Mr. MCCARTHY of California. Reclaiming my time, I appreciate that. And when I look at bipartisanship, I look at the biggest bills that have transferred through this House in such a short amount of time. Just yesterday, on the 100-day anniversary, on the budget that would double the debt in less than 5 years and triple it in 10, the bipartisan vote, unfortunately, was a number of Democrats—17—joining with all the Republicans and saying there was a better way, and no.

I think the American people would like to see another version, such as when you saw the stimulus bill. Unfortunately, the bipartisanship was a direction that we wanted to have another way to go. It is unfortunate that you would find only one party voting “yes”

when you had both parties saying “no.”

So in areas that I think we can really come together, where the President has laid out that he wants to find ways that we can eliminate waste and duplication, we have our hand out, we want to work with you.

And so I just ask you one more time, is there an opportunity—and I know you've talked about bipartisanship. We will provide a list to the President. We will provide a list to you as well. Could we bring that to the floor within the next 3 weeks before we go on the Memorial Day recess and show the American people that we are very serious about eliminating waste, fraud, and duplication?

I yield to the gentleman.

Mr. LEWIS of Georgia. I think our leadership and the Chairs of committees are prepared and ready to work with your side and to work with the President in finding a way to cut waste.

I must say to you, my friend, while \$100 million may be only a small fraction of the overall Federal budget, I remind you that it is \$100 million more than the previous administration cut in 8 years, with the help of the Republican-controlled Congress. In fact, with the Republicans, we went from a surplus of \$5.6 trillion to a deficit of \$4.5 trillion, a turnaround of almost \$10 trillion.

We are going to work with you. We are prepared to do what we can to work in a bipartisan fashion to cut waste and to save the taxpayers' dollars.

Mr. MCCARTHY of California. Well, reclaiming my time, I thank the gentleman. And I will tell you, \$100 million, when I look at the budget being passed, in a few short years I think of my children and America paying \$1 billion in interest a day. I know the American people care as much about their children as I care about mine, and we do not want that to continue.

So I take your hand being out to us in bipartisanship, and I look forward to working with you that we can eliminate waste. I look forward that we can come together with this President and bring it to the floor before Memorial Day. I think there is a way we can reach for greatness; there is a way that we can come together.

Another area that I think we can work well together on is trade. House Republicans stand ready to work with this President. This President has signaled his desire to have a vote on the Panama trade agreement and to begin moving forward with the Colombia free trade. I even know the leadership on the majority side, Majority Leader STENY HOYER, during the last recess he traveled to Panama, he traveled to Colombia.

So my question to the House Democrats, would there be an opportunity to have a vote before the July 4 recess on

the Panama trade agreement that the President asked to have? I yield.

Mr. LEWIS of Georgia. I thank my friend for yielding.

I am so glad and pleased that you are raising the issue of trade agreements. It is an issue that Democrats and Republicans have a history—and a long and rich and gloried history—of working together, and we will work together.

I know that the Majority Leader, Mr. HOYER, is very focused on the issue of trade, Panama FTA, and that he is working with the administration and with Members on your side of the aisle—including Mr. KIRK and your leadership—to get this trade agreement done in a timely manner. I promise you that. And I know if Mr. HOYER was standing here, he would make the same promise.

Mr. MCCARTHY of California. Reclaiming my time, I thank the gentleman. Because when I sit back and I think of the time of the President going to Peoria, going to Caterpillar, and I listened to those individuals that work there and I listened to their Representative, Congressman AARON SCHOCK, when he sat there and talked to them and they said the number of tractors they would sell, that the actual tariffs would be brought down automatically as soon as these trade agreements go forward.

But when you think of America, where we continue to lose jobs and we are thinking about job creation and small business, these trade agreements are nothing but a benefit to America, we want to work with you. And I just ask the gentleman, I appreciate his willingness to work with us, but could we do this by July 4? The President has signaled that he would like that done. Does the gentleman believe we can have it done by July 4?

I yield to the gentleman.

Mr. LEWIS of Georgia. I thank the gentleman for yielding. I cannot assure you, I cannot guarantee you that we will have it done by July 4. But I will assure you that we are going to work together, as a member of the Ways and Means Committee, and I am sure the Chair of our subcommittee, Mr. LEVIN, is going to work with the ranking member and others, and the full committee Chair and the full ranking member, to get it done as soon as possible, but hopefully in a timely fashion.

Mr. MCCARTHY of California. Reclaiming my time, I was very hopeful in the last term that we could have gotten these done, knowing that the recession that we moved into and the number of jobs that are being laid off, even in my own State, knowing the double-digit unemployment, that anything we can do, especially when it has been sitting on the table, been negotiating, and it is a positive agreement for America, the job creation, that we should come together. The President

has signaled. The Republicans are saying, we are there. We want to help him. We want to pass this. We are asking the majority party to join with us.

I will yield for a final comment from the gentleman.

Mr. LEWIS of Georgia. We all must work together in a timely fashion to save the jobs, create more jobs, and put all of our people back to work.

Mr. MCCARTHY of California. Reclaiming my time, we just wrapped up 100 days, and I think America is going to look to, what does America look like 100 days from now, 200 more days, 300 more days?

Today we talked about numerous different bills, from trade agreements that create jobs, from eliminating waste, lowering the deficit. Those are areas that we stand ready to work with this President and work with this majority party. So I thank you for the time that you spent, and I thank you for your answers.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, MAY 4, 2009

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. MASSA). Is there objection to the request of the gentleman from Georgia?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 627, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AIG/PANAMA FTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. Mr. Speaker, I am here this afternoon to strongly oppose the Bush-negotiated Panama Free Trade Agreement. We should not even be considering this agreement until Panama fixes its outrageous banking secrecy, its offshore tax haven, and financial service deregulation policies.

Just when we thought we heard almost everything that there is to know about AIG's bailout and bonuses, many of you may not know AIG is suing United States taxpayers, claiming it overpaid U.S. taxes on activities in Panama.

Panama is a country which applies low to no regulations and taxes on firms registered there. AIG wants to get back those taxes it dodged with its Panamanian front.

Panama hides its tax liabilities and transactions behind banking secrecy rules. The United States and other firms can create unregulated subsidiaries with ease in Panama. According to the State Department, Panama has over 350,000 foreign-registered companies. AIG is very keen on tax havens like Panama.

The New York Times just ran an article about how AIG is currently suing the United States Government for over \$306 million in back taxes it claims it does not owe because of the Panamanian company entitled Starr International Company, otherwise known as SICO.

SICO is AIG's largest shareholder. It is also the manager of a compensation fund for AIG employees who are paid in AIG shares. SICO's chairman is former AIG Chairman Hank Greenberg. The same company that got the government bailout money and used taxpayer dollars for outrageous bonuses is now demanding twice the amount of bonuses in paid back taxes.

If you aren't already angry about the greed of AIG executives, the fact that they are using Panama's tax haven status as a way to sue the American taxpayers for back taxes is completely outrageous. The Bush-negotiated Panama Free Trade Agreement would make matters worse. It promotes the offshoring of investment by providing special treatment for firms who are in Panama.

At a time of severe economic downturn and when the government is asking the United States taxpayers to foot the bill for Wall Street's mess, the last thing we need to do is pass a trade deal negotiated by the Bush administration that promotes offshoring, tax dodging, and privileges for foreign investors.

This is simply outrageous. As elected officials of the people here in the United States, we ought to have transparency in what is going on; and that transparency has not been there, whether it is the bailout legislation or whether it is looking at the Panama trade negotiated under the Bush administration which will be a tax haven

for companies who are registered in Panama.

I urge my colleagues to vote against any Panama trade deal that has been negotiated by the previous administration. It's wrong. It's outrageous, and it is not the right thing to do.

□ 1600

PANAMA FREE TRADE AGREEMENT

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I rise with sadness at the news that this administration intends to follow the broken trade agenda of the previous administration by pushing Congress to approve the United States-Panamanian Free Trade Agreement.

How many American jobs must be lost, how many businesses must be closed, how many towns across this Nation must be hollowed out before the government realizes that our trade policy is broken? We have had 15 years of the NAFTA-based trade model on which the Panamanian agreement is based, and the results are in: we now have a \$127 billion annual trade deficit with Mexico and the other 15 nations with which we have free trade agreements. Since the passage of NAFTA, the United States has lost 4.5 million manufacturing jobs, over 364,000 in my home State of North Carolina alone.

We are in the worst recession since the Great Depression. Unemployment is rising and it may soon be over 10 percent. The last thing this country needs is another free trade agreement that will cause more good-paying American jobs to be outsourced.

Most of us would agree that America will not recover until we reduce our reliance on imports and produce more of what we consume right here at home. The insanity of this agreement is that it will do just the opposite. In fact, this agreement actually obligates U.S. taxpayers to fund a New Committee on Trade Capacity building, one of the primary goals of which, according to CRS, is to help Panamanian businesses in "increasing exports to the United States."

Well, isn't that nice? At a time when this government is running a \$2 trillion annual deficit, this agreement will use U.S. taxpayers' money not to help U.S. companies but to help Panamanian companies take market share and jobs from domestic employers.

One last point, Madam Speaker. President Obama campaigned on and, in my opinion, carried several States because of his pledge to stop the incentives for companies to outsource jobs and dodge U.S. taxation by moving operations offshore to tax-haven jurisdic-

tions like Panama. Unfortunately, this trade agreement would tear that pledge to pieces.

The reality is that Panama is known internationally as one of the leading tax havens in the world. Corporations from the United States and around the globe set up shop in Panama in order to dodge taxes in their home countries. Sadly, this agreement does nothing to stop that activity.

Madam Speaker, this agreement is bad for America, especially at this perilous economic time for our Nation, and I would encourage the administration to rethink its position before it asks Congress to approve it.

And with that, Madam Speaker, before I close, with our men and women fighting in Afghanistan and Iraq, I ask God to please bless our men and women in uniform, and I ask God three times, God please, God please, God please continue to bless America.

THE IMPORTANCE OF FAIR TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TONKO) is recognized for 5 minutes.

Mr. TONKO. Madam Speaker, these undoubtedly are tough economic times, not only for our country but for many across the world. So as we recognize that we co-exist in this global community, it is important for us to go forward thoughtfully and fairly with a sense of justice as we approach the issues of trade, making certain that there be this balance, that there be this fairness in the trade options that are available to this Nation and others, and that we move forward in a way that most progressively responds to the needs of this global community in which we share our opportunities.

I grew up in and now represent New York's 21st Congressional District, which was once home to dozens of thriving mill towns. Now if you drive across that district, my district, from Troy to Cohoes, to Schenectady, to Amsterdam, to Gloversville, you can see the glaring hole that the loss of industry has created. This is a story that resonates all too frequently throughout the United States, from New England to the Midwest, and now even into the South.

My hometown of Amsterdam, New York, was once home to thriving carpet mills that employed thousands of workers. Decades ago General Electric employed more than 40,000 workers in Schenectady, and American Locomotive employed 12,000-plus. But for a few thousand GE employees, manufacturing in Schenectady has disappeared. The glove-making industry once employed 80 percent of the residents of Gloversville, New York, and that industry has also almost completely disappeared.

The decline of manufacturing in Upstate New York occurred before the free trade agreements that were negotiated in the 1990s. But since those agreements have been signed, the decline of manufacturing has accelerated dramatically.

Trade policy, when done right, can benefit countries around the world. My objection, Madam Speaker, is that our current trade agreements place a disproportionate burden on American workers and leave our United States at a significant competitive disadvantage compared to the rest of the world. By negotiating trade agreements that do not have adequate labor standards or environmental provisions, we simply export pollution and poor working standards to other nations. It is indeed hard for a glove-manufacturing company based in my congressional district to compete with another manufacturer located in one of the so-called "free trade zones" in Central America, for instance, where employees make cents on the dollar, are offered no benefits, and work in factories that do not have those safety provisions so guaranteed for our American workers.

By inserting basic labor standards into our trade agreements that address worker pay, worker safety, worker benefits, and the length of that workday, American workers will be more competitive. In addition, by strengthening labor provisions in our trade agreements, we can help guarantee that better standard of living for workers in the countries with which we are trading.

Environmental standards are often another significant area that have not been sufficiently addressed by NAFTA, and this oversight is continuing under these NAFTA-like trade agreements coming before us. In the 1970s we collectively agreed that preserving the environment is essential, is necessary to our health and our way of life. The legislation that came out of that period helped to preserve our air and our water by limiting the pollutants that companies could emit into the environment, our environment. By agreeing to free trade agreements that do not include similar provisions to protect the environment, we not only make American manufacturers less competitive, but we export our pollution to developing countries.

Again, the solution to this problem is simple: by including environmental provisions into our trade agreements, we can even the playing field for American workers and reduce the environmental impact of manufacturing in other countries.

I honestly believe that trade can help the American economy. It can help our manufacturers and can help our workers. However, this trade has got to be done right. We cannot keep agreeing to those lopsided trade agreements that leave American workers without jobs

because American companies cannot compete with firms located overseas that can pay their workers sweatshop wages and operate in ways that devastate our shared, our shared, environment.

When this body is asked to consider the past administration's NAFTA-style trade agreements in the coming months, I will be forced to add my voice to the millions of American workers who have had enough: enough of exporting American jobs overseas, enough of competing with workers that pay cents on the dollar. And the American people have had enough of free trade and demand a trade model, a fair trade model, that will help our economy recover.

RIGHT-WING EXTREMISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Madam Speaker, recently at a town hall meeting, Dottie from Andrews, Texas, and I won't give her last name, came to me and said that she did not attend a TEA party in the area because she was afraid that the Department of Homeland Security would have agents there taking down names and taking pictures.

Well, Madam Speaker, I rise today to reassure my constituent Dottie from Andrews that while Secretary Napolitano may be guilty of bad judgment bordering on negligence, she does not really consider her to be a domestic terrorist, nor do I believe the Secretary has unleashed the multitude of resources, assets, tools, and weapons of the Department of Homeland Security against her or me.

Dottie, like many individuals across my district and throughout the Nation, was at first surprised and then angered to learn that the Department of Homeland Security's new definition of a right-wing terrorist sounded a lot like her. To quote the recently released Homeland Security memo: "Many right-wing extremists are antagonistic toward the new Presidential administration and its perceived stance on a range of issues, including immigration and citizenship, the expansion of social programs to minorities, and restrictions on firearms ownership and use."

In a ham-handed fashion, the memo further defines the Department's view of right-wing extremists to include the great many Americans who believe that gun owners have constitutional rights protected by the second amendment, that our national values are not something to be bartered with for international agreements, that the immigration policy in our Nation is a failure, and that we are mortgaging the future to fund today's spending spree that we can never repay.

It then goes on to single out returning war veterans as individuals who

warrant special government attention because they are especially susceptible to these extreme views.

If these are the positions of extremists, Madam Speaker, then I am an extremist. I am extreme in my belief that our Constitution protects law-abiding citizens from being treated like criminals. I am extreme in my belief that our Nation's sovereignty and values are not up for negotiation or debate with international thugs and 21st-century socialists. I am extreme in my belief that the Federal Government is failing the American people every day that we don't control our borders. I am extreme in my belief that we are running unsustainable deficits and selling future generations of Americans into indentured servitude in order to score political points today. And I am extreme in my belief that our veterans deserve our humble gratitude and prayers, not police scrutiny.

Secretary Napolitano's crass misunderstanding of the concerns of conservative Americans is not only embarrassing, but it detracts from her Department's ability to protect America. Her report is riddled with anecdotal evidence and pointlessly broad generalizations. It is a "well, duh" listing of long-established facts about racist organizations, anti-government militias, and other fringe radicals.

Any memo that relates the members of these fringe organizations with individuals who hold conservative political beliefs will serve only to confuse law enforcement personnel and alarm the public. Where there are public safety concerns, these should be communicated in a precise and meaningful manner; otherwise, the administration should stop antagonizing and profiling its innocent citizens.

In its rush to placate The New York Times editorial board and MoveOn.org, the Obama administration is continuing to show itself to be tone deaf on the issues that matter most to Americans and illiterate in basic conservative principles. The administration's actions are rightly a cause for concern for me and my constituents. While the Democrats have earned the right to pursue their agenda, no American citizen lost their right to question that agenda.

I should not be here on the floor today making reassurances to the people in my district, but the language of this administration has consistently been dismissive of principled opposition to its policies and now it appears as though it is openly hostile to it.

In the future I urge the administration to pick its words more carefully and remember that it governs all of America, not simply those who agree with it. I urge Secretary Napolitano to issue an official clarification of the administration's position on right-wing extremism and to publish a memo that addresses her concerns about the rise

of hate groups and anti-government militias in a manner that will both be of service to law enforcement and refrains from painting half of America as extremists.

While I firmly believe that this memo represents nothing more than a colossal screw-up on the part of our President and the Secretary, my final reassurance to Dottie is that if I am wrong and the government ever decides to come after her for her views, then they're going to have to come after me also.

□ 1615

BEAUTIFY CNMI AND FRIENDS OF THE MONUMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLAN) is recognized for 5 minutes.

Mr. SABLAN. Madam Speaker, last week President Obama signed into law the Edward M. Kennedy Serve America Act, which encourages Americans to engage in public service and volunteerism.

I was proud to cosponsor the Serve America Act. But I am even prouder to recognize today two nonprofit corporate organizations in the Northern Mariana Islands that already exemplify the spirit of cooperation and community service the act will encourage. These organizations are Beautify CNMI! and The Friends of the Monument.

Beautify CNMI! is a coalition of concerned citizens, private groups and government entities united to enhance the natural beauty of the Northern Mariana Islands and to foster pride of place in residents and visitors alike. In their own words, Beautify CNMI! figured the only way to get people to take ownership in our islands was if the government, the private sector, and the community worked together and pooled our resources.

Created in 2006, Beautify CNMI! has spent the last 3 years picking up litter, planting trees and painting over graffiti in our communities. They have also restored historic areas such as a World War II-era jail and a lighthouse built at the turn of the last century.

Beautify CNMI! also honors individuals and groups who are considered environmental leaders. And the organization supports other community initiatives, such as promoting responsible pet care and working with at-risk youth groups.

The Friday before Earth Day this year, Beautify CNMI! coordinated an island-wide cleanup on the island of Saipan with the participation of over 4,100 volunteers, the largest cleanup endeavor ever in the Northern Mariana Islands. I had the pleasure of joining this cleanup during my last work period.

The second group I would like to recognize is The Friends of the Monument. The Friends of the Monument was formed to help promote the ideal of creating a national marine monument in the waters surrounding the three northernmost islands of the Northern Mariana Islands and the Mariana Trench, the deepest known place in the world's known oceans, and they were successful. President Bush designated the area as a national marine monument on January 6 of this year.

The monument designation was controversial in the Northern Mariana Islands, but whatever one's stance in the controversy, there is no argument that The Friends of the Monument is the model for what a dedicated group of volunteers can accomplish.

The Friends of the Monument engaged in countless hours of outreach and education activities to teach the community about the idea of the monument. They created and distributed leaflets, held meetings and conducted classroom presentations.

These activities gave the public an opportunity to learn about the proposed monument, to ask questions and to express concerns. Ultimately, The Friends of the Monument were successful in their efforts. These efforts are commendable, no matter what one's view of the monument itself, because they demonstrate what can be done by dedicated members of the public and encourage others in the community to participate in issues that affect them.

The Friends of the Monument were featured on NBC Nightly News during green week. They also were recently recognized by the Environmental Protection Agency with an environmental award.

I am glad to highlight their efforts here today, and I am very proud to acknowledge their accomplishments.

ALL PEOPLE ARE EQUAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Madam Speaker, yesterday the House passed the Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913.

The bill reminds me of a passage from George Orwell's book, "Animal Farm," where he wrote, "All animals are equal. Some animals are more equal than others."

Under this legislation, all people are equal. Some people are more equal than others. This bill attempts to create a new class of people with a new category of punishment that is determined by the thoughts and words, as well as other actions. It's based on the premise of a hate crime, a hate crime.

If one assumes there is hate crimes, isn't it logical to assume that there is just the opposite, love crimes?

Well, the concept of love crimes doesn't hold, and neither should the concept of a special class of citizens created by hate crimes. But it is true that crimes are committed. And if you are a victim of crime, whether it is motivated by hate, greed, envy or whatever the driving force is, you, as a victim, deserve equal justice under the law.

Equal justice under the law is an old and very well accepted concept in America. Where we are a Nation of equals, a Nation of men and women who bow to no man, to no king, we should expect equal treatment under the law, equal justice.

This legislation places into the judicial system and into the hands of a jury the determination of the thoughts of the criminal and the responsibility to determine were these actions different if the victim has a certain sexual orientation?

However, the term sexual orientation is not defined. This is very vague. But the term gender identity is defined as actual or perceived gender-related characteristics, perceived. This is also very vague.

In fact, the whole legislation is so vague that a minister today, reading aloud the book of Corinthians from the New Testament, could be prosecuted because it could be perceived as inciting violence. Whatever happened to free speech in the first amendment?

The amendments could have been offered to clarify some of the passages but were rejected by the Democrats. Amendments were offered in the Judiciary Committee to extend special victims status to veterans, the elderly and pregnant women. All were rejected. No amendments were allowed on the floor.

Madam Speaker, I believe this legislation is, in fact, unconstitutional, violating the freedom of expression and equal protection under the law. I fear for this Nation as Congress continues to ignore and abuse the foundation and the principles that built this great Nation.

STRONGER CHRYSLER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Madam Speaker, I rise today to praise the very hard work of this administration and the President's auto task force and the many stakeholders in Chrysler who came together in an effort to protect jobs and build a stronger, leaner and more competitive Chrysler.

Chrysler's management is to be commended for making the hard decisions needed to form a new alliance with Fiat that will make the company stronger and more competitive in the future.

Many of Chrysler's creditors are to be commended for accepting a return

on their investment that is more commensurate with the current market and will allow Chrysler to weather this economic crisis. Most importantly, Chrysler's workers are to be commended for sacrificing, so greatly, really, in accepting painful concessions that will allow the company to better compete. Because of all of this hard work, the foundation was laid for Chrysler to successfully restructure outside of bankruptcy.

But bankruptcy will now be required only because of the greed of a few Wall Street hedge funds that held a portion of Chrysler's debt. Much of that debt had been purchased at pennies on the dollar, but these hedge funds demanded a return much higher than what was being accepted by other lenders and much higher than what the current market would bear, Madam Speaker.

These hedge funds operate in an unregulated area of the economy, and they seem to care only about maximizing their profit, no matter what the cost. They have seemingly no concern for the workers or families that would be devastated by the destruction of Chrysler.

They demonstrate no concern for the communities across this Nation that depend on a healthy Chrysler. They show no concern for the myriad of companies that would be forced out of business because of their dependence on business with Chrysler. Their only concern seems to be their desire to squeeze the last drop of blood out of this company. Those who seek to game our financial system in a fashion that helps only them and hurts countless other Americans do not have the best interests of our economy or our Nation at heart.

President Obama said today that he does not stand with these greedy hedge funds, and neither do I. But I believe that the plan developed by Chrysler and its stakeholders is strong and will fare very well in a quick bankruptcy proceeding.

At the other end of this time, I believe that we will see a stronger, leaner, more competitive and healthy Chrysler that will continue to build some of the greatest cars in the world. Some of my colleagues, who may have advocated bankruptcy last December, will feel vindicated that this bankruptcy filing happened today, but they should not.

Those who oppose bridge loans and called for a bankruptcy filing last December, in my opinion, held a position that would have led to a disorderly bankruptcy in the liquidation of this iconic American company. Such a bankruptcy would also have led to far greater burdens being placed on the American taxpayers when they would have had to absorb higher workers' pensions, health care costs and unemployment benefits. Those costs would have been much higher than what has been extended in bridge loans.

Fortunately, President Bush thought better and provided those bridge loans and bought this important company important time to reconstruct and to construct a strong viability plan.

Fortunately, President Obama and his auto task force worked in good faith with all of the stakeholders to put that viability plan together, and they are offering the continued support needed to see that the plan is going to have a successful conclusion. And what is included in that plan?

Madam Speaker, most importantly, no plant closures or new job losses. It calls for a strategic partnership with Fiat that will provide innovative technology to build outstanding fuel-efficient vehicles based on that technology right here in America. And it will also give Chrysler's outstanding products, like Jeep, enhanced access to the European market.

It also ensures that every single dime of taxpayer money will be repaid before Fiat can take majority control of Chrysler. So jobs will be saved. More fuel-efficient cars will be built here by American workers and the taxpayers will have their investment returned.

Now we will continue to look to the future, and there is more that we must do here in Congress to make certain that not only does Chrysler have short-term viability and long-term viability as well, but also that the entirety of the American auto industry does as well.

The most important thing that we can do here to help the auto industry is to help spur sales. Madam Speaker, we only need to look to Europe, South America or Asia for plans that are actually working. Eighteen countries already have implemented fleet modernization programs, and every Nation that has done so has seen auto sales rise, while every country that has not has seen auto sales plummet in this difficult economy.

That's why I was proud to introduce my partisan implementation to implement a fleet modernization plan, better known as "Cash for Clunkers," right here in America. Our plan would provide consumers with a point-of-sale voucher to turn in older, less fuel-efficient vehicles for new more modern more fuel-efficient cars and trucks.

I would urge my colleagues to research our proposals and to join us in that.

TRIBUTE TO DR. ROBERT ROSNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Madam Speaker, I rise today to honor a man whose spirit and dedication to the world of science inspired him to give four decades, with more to come, of tireless service to the Nation as a scientist, teacher, mentor, administrator and leader.

This week Dr. Robert Rosner will step down as director of Argonne National Laboratory, a leading Department of Energy science laboratory located in my congressional district in Illinois. He plans to resume his career in research and teaching at the University of Chicago, where he is a world-renowned astrophysicist and the William Wrather Distinguished Service Professor in the university's Department of Astronomy and Astrophysics.

I have had the privilege to work closely with Dr. Rosner during, over the last 7 years during his tenure at Argonne, first when he was chief scientist and later when he became laboratory director. So I speak with personal knowledge and affection when I say that Bob has left an indelible stamp on Argonne, the quality of life in my district, the Department of Energy complex and the Nation.

There is no doubt that he has created a positive and lasting legacy, both nationally and internationally, and I would like to take this moment to pay tribute to his many achievements and to wish him well on his return to full-time university life.

Dr. Rosner's first significant interaction with Argonne came in 1992 when he led the collaboration between Argonne and the University of Chicago scientists who created the Center for Astrophysical Thermonuclear Flashes, which he directed from its founding in 1997.

□ 1630

In 2002, he joined Argonne's directorate as chief scientist and associate laboratory director for physical, biological and computing science.

Since his appointment as director of Argonne in 2005, he has served as a valuable national leader and spokesman on science policy and the value of translational science, science that puts basic knowledge to practical use.

During his term as Argonne director, Bob has strengthened Argonne intellectually, organizationally and physically. He strengthened and organized the laboratory's core capacities to make them more responsive to the Department of Energy's needs and helped forge stronger links between Argonne, the University of Chicago and other universities, especially in the Midwest.

He was instrumental in founding the Energy Department's National Laboratory Directors Council and served as its first chair. He also has worked to launch a number of new research programs and facilities, including the Computation Institute, the Leadership Computing Facility, the Sub-Angstrom Microscopy and Microanalysis Facility, the Center for Nanoscale Materials, and the Theory and Computational Sciences Building.

He has also created an atmosphere of open communication. Notably, he established a two-way dialogue between

employees and senior management by becoming the first Argonne director to answer all questions in regular, informal meetings with employees from across the lab.

Madam Speaker, Dr. Robert Rosner has contributed greatly to the Energy Department laboratory complex, my district, the State of Illinois and the Nation. His commitment and dedicated efforts as a public servant provide an inspiration to us all. I know his presence at Argonne will be greatly missed, but I am confident that his abundant energy and zeal for science will continue to do great things in the scientific and university communities for years to come.

Today, I congratulate Dr. Rosner on his accomplishments at Argonne and wish him success in his many future endeavors.

PROGRESSIVE MESSAGE FROM THE PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, I am here tonight representing the Progressive Caucus with the progressive message. I am hoping I can get the assistance of some of our very able pages who are seated in the back to grab my boards and my setup materials to help me along the way tonight.

But the main idea is that the Progressive Caucus offers a progressive message, Madam Speaker, every single week, and this week, tonight, we are very, very pleased to be able to talk to the American people about the Credit Cardholders' Bill of Rights.

Everybody knows for the last several years that our economy has not had equal and open access to everybody. American people are struggling hard, with flat wages on average for the last number of several years, and we have seen people's pay remain flat as other costs increase, such as health care costs, higher premiums, higher copays. We have seen these kind of things the American worker has been suffering with, and it has been tough out there for everybody. And what happened with the collection of higher costs and higher expenditures and flat pay is that Americans began to rely more and more on debt to meet their basic expenses.

We are not talking about living extravagantly. We are talking about the basics. We are talking about a home that you can live in, raise your family in. We are talking about trying to move into a decent school district. We are talking about trying to have a house that is large enough for your family to live in, things like that.

So at this point we are here tonight to talk about a triumph that the American people have had tonight with the passage of the American Credit Cardholders' Bill of Rights. So let me just get started.

I want to thank our pages. We can't do anything without them. They are very sharp, able young people. I would recommend to any young person that they look into becoming a page. I want to thank them.

But I want to start off by talking about tonight, and this is our progressive message and this is what we do every week as we bring a progressive vision to the American people, the progressive message, that is what I am talking about tonight, and this is on behalf of the Progressive Caucus. For people who are interested, we urge you to check out our e-mail address. Send us some information. We want to hear from you, the Congressional Progressive Caucus.

So, again, tonight we want to talk about the importance of subprime lending, the Credit Cardholders' Bill of Rights, debt in the American economy. Americans are having flat wages, increasing costs of all kinds, and people needed somewhere to go. Where did they go? They went to debt. They went to credit card companies. They went into the equity in their homes, as they would take out home equity loans or refinances, things like that.

What did people do to make the ends meet as they needed to make purchases they simply couldn't afford because of the flat wages that they suffered through? They did other things, like sometimes go to payday lenders, and even sometimes had to resort to other sorts of means.

But what ended up happening is that, as Americans began to rely more on debt, they began to experience negative savings rates. Negative savings rates. What does this mean? This means that if you get paid every 2 weeks, on the second week, sometime around Wednesday or Thursday, you have more week left but you have no more paycheck left. That is what that meant. And that meant that you had to do something. Cutting back is what people did. Of course they cut back. But when you have food to pay for, mortgages to pay, things like that, you have got to do something, and people relied on debt.

In 2005 and 2006, we had a negative 1.5 percent savings rate, a negative 2 percent. I remember when I first got elected in 2006 asking one of our more conservative testifiers at a committee hearing what he thought about our negative savings rate in America. He said, "Don't worry about negative savings rates. We have got to recalculate what we mean by savings. Equity in your home, for example, is savings." Well, we now know, looking back from 2009, what that meant.

But I want you to know that even though the American people have suffered through these financial difficulties, even though we had to rely on debt, the American people made a decision that was in their best interests and decided, you know, we don't have good policy for our country. We need better financial policy that is more responsive to the needs of consumers. We need better fiscal policy that really invests in our infrastructure, puts money into people's pockets, increases jobs and spurs demand. And this Congress and the 110th Congress, starting in the 110th Congress and in the 111th Congress, has done this.

Now, I don't like partisan politics, but I do believe in the truth, and I just want to point out that these difficulties that the American public has been going through, going into debt, taking on loan products that are difficult to afford, the American public really didn't want to get into this. But look how things changed, given the changing political reality.

This chart entitled "Subprime Lending," Republicans controlled Congress during all this period, 1996 right up to 2005. All this area, Republicans are in control of Congress. But in the shaded area, they are in control of the White House, too. Also on this chart you see subprime mortgages starting at \$100,000 up to \$700,000, and you see time on the bottom axis. And what is this line doing? It is going up.

You see during Republican control, when we had no regulation, when we had a nonresponsive Congress, when we had a Congress not listening to the American people, you saw subprime mortgages go up. But we began to fix this. We began to work on this. We began to act quickly. And today is an example of what I am talking about, the Credit Cardholders' Bill of Rights, which I hope to talk about in a moment.

But during these years when the Republicans had both the White House and the Congress, this shaded portion, what happened to subprime loans? They just kept going through the roof. As a matter of fact, since the Democrats got in control, we have begun to see a lot of action. But during the Republican-controlled period that I mentioned, 1995 to 2006, the Republicans, when they had the White House and the Congress, put out zero, passed zero in the area of financial regulation. The Republican scorecard, GSE, that means government sponsored enterprise, and subprime legislation, nothing. They did nothing.

Now, people don't like this sometimes because it is like, well, you are being partisan. I am not trying to be partisan, I am just trying to be honest. But what has happened recently, starting in 2006? What took place then?

Well, Democrats have passed bill after bill addressing the financial dif-

ficulties Americans are facing. Democrats today passed a Credit Cardholders' Bill of Rights. But this bill was passed in 2007 once the Democrats got ahold of the Congress. This bill we passed today is the second time we passed it. We are hoping that the other body, the folks down the hall, will pass a bill that matches up with it so the President can sign it. The President has made it clear he wants to sign a bill to help consumers with credit cards. But today we passed a bill again.

I want to talk to folks about what some of the basic issues were and what some of the basic features of the Credit Cardholders' Bill of Rights we passed today are, keeping in mind the fact that the Republicans didn't pass anything when they had the White House and the Congress and during their tenure subprime loans were just going through the roof.

Here is what happened when you got Democrats in here. The Credit Cardholders' Bill of Rights ends unfair arbitrary interest rate increases. This legislation prevents credit card companies from unfairly increasing interest rates on existing card balances. Retroactive increases are permitted only if a cardholder is more than 30 days late, if a promotional rate expires, if the rate adjusts as part of a variable rate, or if the cardholder fails to comply with a workout agreement.

This legislation, which ends unfair and arbitrary rate increases, is good for the American consumer. This legislation lets consumers set hard credit limits and stops excessive over-the-limit fees. This bill does that by the following way: It requires companies to let consumers set their own fixed credit limit that cannot be exceeded.

So people think, well, look, you know, if I have a \$500 limit on this card, I don't want to spend more than that. This is my way of controlling my spending. Well, what some credit card companies do is let you still spend that \$501, but then they charge you \$35 for the privilege, "privilege" in quotes, that is. You didn't want that. That is not what you paid for. Now you can say \$500, that is it.

This bill lets consumers set hard limits and stop over-the-limit fees by preventing companies from charging over-the-limit fees when the cardholder has set a limit or when the preauthorized credit hold pushes the consumer over the limit.

What will happen? The credit charge is denied and you just can't buy that purchase. But maybe consumers want that so they can control their spending, or if they let their child use the card, they want to do that. So now consumers will be able to do this, if we can get this through the Senate and the President signs it.

This bill ends unfair penalties for cardholders who pay on time. It ends the unfair practice known as double-

cycle billing. What is this? What is double-cycle billing? It is when card companies want to charge interest on a debt consumers have already paid on time. So let's say you paid your debt on time, but what they want to do is charge you interest on that debt that you paid on time. Is that fair? No. If a cardholder pays a bill on time in full, this bill that we passed today prevents card companies from piling additional fees on balances consisting only of leftover interest. And this bill prohibits card companies from charging a fee when customers pay their bill.

So there is this thing the credit card companies have called "pay to pay." Not pay to play, but pay to pay, meaning if you want to pay, you got to pay in order to pay. That doesn't seem like it makes much sense. If you are paying your bill, they ought to take the money for the bill you paid.

This Credit Cardholders' Bill of Rights which we just passed, which addresses the credit card situation that people are facing, requires a fair allocation of consumer payments. This is an important thing, because it is through this clever little practice that a lot of Americans see their pockets get holes in them and their money run out.

What this means is many companies credit payments to a cardholder's lowest interest rate balances first.

□ 1645

Now, why does that matter? Because if you incur a debt, and part of that debt you're paying 10 percent on, and then you make another charge, and now the interest rate has increased and you're paying 20 percent on that other part of the debt, so now you've got two charges, one for 110 percent, another for 120 percent. They won't let you pay off the higher interest rate amount first. They pay off the lower interest amount first. Why? Because the higher interest rate for the longer period of time gets them more money, loses you more money.

So, companies credit payments to a cardholder's lowest interest rate balances first, regardless of when you incurred the debt, making it impossible for a consumer to pay off the higher rate debt. The bill bans this practice. This bill we passed today bans this and requiring payments made in excess of the minimum to be allocated proportionally to the balance with the highest interest rate. So now you can get out of debt.

Now, if you charge something on your credit card, you're not able to pay it off at the end of the month, you don't end up drowning in a sea of debt. You can get out of this muck, out of the mire.

The credit cardholders' bill of rights protects credit cardholders from due-date gimmicks. This bill requires credit card companies to mail billing state-

ments 21 calendar days before the due date, and to credit as on time payments made before 5 p.m. on the day due. This makes a big difference because you might pay your bill on time, but they say, nope, you didn't pay on time. Why? Because we played some shenanigans with the due date.

This bill extends the due date to the next business day for mailed payments when the due date falls on a day the card company does not accept or receive mail; that's Sunday and holidays. Very good for consumers.

This bill prevents companies from using misleading terms and damaging consumer credit ratings. The bill establishes standard definitions for terms like "fixed rate" or "prime rate" so companies can't mislead or trick consumers by marketing and advertising. You know, the 9.9 fixed rate, until it's not fixed. And when is it not fixed? Well, when they say it's not fixed. It's fixed right up until it isn't fixed anymore. When is that? Whenever we say it is. This kind of practice is not fair and is going to be stopped by this bill.

This bill protects vulnerable consumers from high-fee subprime credit cards. It prohibits issuers of subprime cards where the total yearly fixed fee exceeds 25 percent from charging those fees to the card itself. These cards are generally targeted to low-income consumers. So just think about it, somebody says come get a credit card. You're low-income, and they say, there's going to be a fee for having this card. So you say, okay, well, whatever. I don't know because the fine print has me all confused and I don't really get it. I just think I'm going to get a credit card.

So then what happens is you get the card. You sign on the dotted line; and before you even use the card for the first time, you find that there's already \$400 worth of charges on the card. How could that be? You've never really used it before. Well, the fee that they're charging you has been already put on the card before you ever used it. So if you cancel the card, you still owe them. And the interest rate just keeps on climbing. This bill stops that.

Now, I tell folks all the time that I knew that things were bad when my 19-year-old son, who wasn't working, kept getting credit card solicitations in the mail. And I thought that was a problem. But I knew we had a real problem when my 13-year-old son started getting credit card solicitations in the mail. Yes, if you're watching this broadcast, you may have seen a 13- or 12-year-old get a credit card solicitation. How does this happen?

Well, because you sign up for Sports Illustrated or some magazine, your name gets on the list, and then they start doing it to you.

Now, this bill says that it prohibits card companies from knowingly issuing cards to individuals under 18 who are not emancipated.

Now, the fact is, these are the basics of this credit card bill, this credit cardholders' bill of rights. It's responsive government in action. It's responsive government in action.

And I'm very proud to report that even though, when the Republicans were in charge of both the White House and Congress—I'm not happy to report this part—but even though they passed no legislation to protect consumers from subprime lending, and even though, during their tenure, which is from this period, 2001 and right up to the end of 2005, they controlled both the White House and Congress, they didn't pass anything. Subprime loans just went through the roof.

Even though those two things are true, there's a lot of Republicans who did the right thing today, and I want to commend them. I can tell you that in the Financial Services Committee, we had nine Republicans vote for the credit cardholders' bill of rights. And today you only had 70 Members of Congress who voted "no." And therefore, you had over 130-some Republicans voted for this bill. They are to be commended. They put the interests of their constituents over that of certain credit card companies, and they deserve the applause and my personal thanks.

Let me say that it's time to rebuild our economy in a way that's consistent with our values, the economy that's built on a strong foundation, not financial schemes, overheated housing markets and maxed-out credit cards. We want to build an economy that offers prosperity in the long run, not just the short quarter.

American families face the reality of this financial crisis every day. We think the lending industry has continuously found new ways to make profits out of old regulations and has faced little oversight and needs a reality check.

As I say this, I want to commend that there are a number of good lenders out there, and credit cards are not bad in and of themselves. But there have been some bad practices. This credit cardholder's bill of rights allows for a basic floor, so that good credit card companies, watching bad credit card companies make a lot of money off those abusive practices, are not tempted to engage in those practices themselves. We're setting a floor. That's what it means to be a Member of Congress, to try to set a floor for our free market system to operate properly.

During the reign of the Bush administration, Republicans presided over a systematic weakening of financial regulations. And along with this deregulation, we saw the dramatic rise in subprime loans and consumer credit without increasing consumer protections.

I already mentioned this very troubling statistic, and I urge people to take a close look at it and examine it

because it tells a very, very disturbing story. Some credit card companies, not all, have long engaged in deceptive practices that harm consumers, and real reform is long overdue, which is why we're so happy to have passed the credit cardholders' bill of rights today.

With credit card debt in the United States reaching record heights, nearly a trillion, that's trillion, with a T, and almost half of all American families carry an average balance of about \$7,300 in 2007, this bill could not come soon enough. This bill came right on time.

In 2008, credit card issuers imposed \$19 billion in penalty fees on families with credit cards. In fact, they weren't upset with you when you didn't pay off that balance every month. They were quite pleased because they could hit you with a big old fee and you would have to pay a lot of money, which, if you're relying on a credit card, you might not have readily available.

This year, credit card companies will break all previous records for late fees, over-the-limit charges and other penalties, resulting in more than \$20.5 billion. That's a lot of money. And this is just—I'm not talking about their profits. I'm talking about their profits generated from over-the-limit charges and penalties and fees; not all profits, just penalty-based profits.

This legislation, which we passed today, the Credit Cardholders' Bill of Rights, would require companies to provided advanced notice of rate increases, while also placing restrictions on the ability of card companies to raise rates retroactively.

This legislation, the Credit Cardholders' Bill of Rights, is a comprehensive credit card reform package that also incorporates a bill I authored called the Universal Default Prohibition Act of 1990. I was proud to introduce a bill that was a stand-alone bill that had been woven into this larger bill, prohibiting universal default provisions.

Some people are lucky enough to not know what universal default is. But what universal default means is that if you have more than one credit card and if you default on one of them, you now get hit with late fees and increased penalties and interest rates on the ones you were on time for, because the credit card company can say you're now a higher risk because of the adverse action on the one card, and so they can hit you on the other cards.

Now, a deal ought to be a deal. If you say, I'm going to pay this rate and I'm going to pay on time and on this card, and you don't mess up on that one, they shouldn't be able to get you because of some other problem. I mean, your mortgage doesn't go up because you don't pay your car note on time. I mean, the fact is, your gym fees don't go up because you didn't pay a library book, get a library book back on time.

The reality is that this universal default practice is unfair to consumers, and there should not be any adverse action against you unless you default on the card that you defaulted on.

So we're now happy that this provision was in the legislation and encourage consumers to rejoice because this important practice is in the bill. This important provision is in the bill.

Currently, a credit card company can raise interest rates on a cardholder, even if he or she has never made a late payment to that particular company; and that ain't right. This legislation bans most of the abusive practices, including universal default. I've worked hard to stop this harmful practice in part of my work on consumer justice. I'm proud to say that this landmark bill passed the House today. And even though last year the bill was not taken up by the Senate, we expect the Senate to take swift action, this Congress to enact crucial reforms to protect consumers.

We have a President in the White House who's actually concerned about the rights of consumers. And this is a golden opportunity to bring true reform to the credit card industry.

Again, this is not an anti-credit card bill. Credit cards help us. They help us rent cars, get hotel rooms, buy expenditures. This is not about being against credit cards. But it is about trying to stop some of the more abusive practices of some credit card companies that hurt American consumers when we can least afford to withstand some of these difficult practices.

I want to talk about what some of my colleagues who oppose the bill had to say. Some of them were quite critical of the bill and didn't vote for it. You can hardly believe it. Yes, it's true. Seventy people did not vote for the bill. I guess that's their prerogative. I'm sure that their voters will learn about this.

But my point is, I'd like to just talk a little bit about what some of their arguments were. One of the arguments was this: that if we stop these abusive practices, that it will dry up credit for everyone. This is not true. There are 10 big credit card companies, and over half of them don't do universal default. They're profitable. Other practices in the credit card industry are not done throughout the industry, but only certain companies do them.

The fact is, that some of these things that have been banned, many of these practices banned in this bill or restricted by the Federal Reserve, under a lengthy study, as abusive and deceptive practices. And so, therefore, if they're abusive and deceptive, are some of the critics of the bill saying that we must let the consumer exist at the tender mercies of what are abusive practices or there will be no credit? That simply makes no sense.

It's almost like saying that unless you allow a toaster that explodes every second or third time it's used, then nobody will be able to get a toaster because the price of making a safe toaster would make having a toaster for anyone too high. That's just silly, and we should never go for it.

□ 1700

We should always stand up against that.

I want to say that, as for this bill, the bill that we passed today, I'm proud of this bill. I was honored to vote for it, and I would vote for it again.

Let me just talk about a few folks from my district and what they said to me.

Kristen from south Minneapolis writes: "Dear Representative Ellison, I'm writing to you to ask you to support a strong version of the Credit Cardholders' Bill of Rights. This bill improves important provisions for protecting consumers. The main problem is that H.R. 627—" that's the Credit Cardholders' Bill of Rights—"won't be implemented quickly enough. We need protection from predatory credit card practices now. Predatory credit card practices drain hard-earned money from people like me who cannot afford these tricks and traps any longer. The credit card companies have been targeting me for no reason in the last 2 months. I have a good job and a decent credit score. Recently, I saw my APR go up because the banks are under financial strain. These are the same banks that received billions of dollars in unregulated support from the U.S. taxpayers, and now they're taking it out on us."

Annette, also from Minneapolis—my town—writes: "I'm very concerned about rising interest rates by credit card companies. I worry that this will turn out to be the same as banking and the housing crisis."

Mark from northeast Minneapolis writes: "We are residents of northeast Minneapolis. Due to our self-discipline, we have a top-tier credit rating. We recently received notification from Capital One that our credit card annual percentage rate would increase from a 9.9 percent fixed rate to a variable rate, which was 17.9 percent as of January 28, 2009. We find this action reprehensible. It is contrary to the needs of taxpayers in this economic climate. We ask that you sponsor legislation which limits and regulates usury practices for all financial institutions."

I just want to say to Mark from northeast Minneapolis: Did it today, Mark. Thank you. Thank you.

Eugene from south Minneapolis writes: "Would like credit card reform passed immediately. There should be limits set on interest rates in order to help consumers."

Mr. Stein writes that he has never been late on a payment, but Citibank

just raised his rate by 5 percent while they were getting bailout money.

John from Minneapolis wonders why his rates on his Capital One card are increasing so much recently: "They're almost doubling. Please support legislation to stop this type of lending."

I'm just reading letters from my constituents. They're very concerned about this situation. They wanted somebody to do something about what they were going through in this tough economic climate.

So I'm just going to wrap up by saying that we have worked hard. We've gotten a lot of Republican votes on this legislation today. It was a bipartisan bill. I want to commend Democrats and Republicans for passing this bipartisan bill, which was passed with only 70 "noes" and 357 "yeas." That means it was bipartisan. That means that both sides saw that this was an important bill to pass.

I want to say that I'm proud of groups like ACORN. Yes, I like ACORN. I'm proud of the AFL-CIO, Americans for Fairness in Lending, Capital Progress in Action, the Center for Responsibility, Consumer Action, Consumer Federation of America, Consumers Union, Demos, Leadership Conference on Civil Rights, NAACP, National Association of Consumer Advocates, National Community Reinvestment Coalition, National Consumer Law, National Council of La Raza, National Small Business Association—let me repeat that one—National Small Business Association, Opportunity Finance Network, Public Citizen, Sargent Shriver National Center on Poverty Law, Service Employees International, and U.S. Public Interest Research Group. They all wrote this really, really nice letter urging us to support this important legislation.

These are civil rights groups, small business groups, labor unions—people of all types—knowing full well that we've got to do something to rebalance the scales in this wonderful country of ours. That's why we have this Congress, so that Representatives can come here and say, We're going to set things right.

Now I'm going to take a few more minutes before I wrap up to say that this bill that passed today, the Credit Cardholders' Bill of Rights, is really, simply, a bill that signals greater change. In the near future, we will be taking up another important consumer justice piece of legislation.

This bill I'm referring to now is a bill that addresses this practice of predatory lending in the mortgage housing sector. This antipredatory lending bill, of which I am also a very proud author, is going to be up in a week from today, Madam Speaker. This bill, which we're going to get the chance to vote on in about a week, is a bill that is a long time in coming, and if we'd have passed a bill like this years ago, as advocates

were urging us to do, we may not be in the situation we're in today.

I want to say that this important bill is going to be up next Thursday. If people, Madam Speaker, want to weigh in on this bill, they should start doing so now if they have not already done so, because it's coming up soon. We want folks to know that Democrats and some Republicans care about the consumer; we are not going to back down from fighting for the consumer, and we are proud to be able to represent the American consumer.

So, with that, Madam Speaker, I'm just going to say it's an honor to come before you and the folks watching.

I just want to say, as we begin to wrap up, that the American consumer has been experiencing mounting debt. As we see the average household income, this is a flat line going straight across. Do you see that flat line? It's just going flat. There are a few dips and a few dives and a few blips upwards, but it's a flat line.

What has not been flat? Nonrevolving credit card debt has been going down here all the way up here to the 110th. Revolving credit: also setting a trend upward. Home equity loans: going up. Mortgages: going up. The difference between this line and these up here explains why Americans have gotten in such difficult dire straits. Now is the time to start fixing it.

We see two things happening that are very important for the American consumer. On the one hand, we see financial regulation. On the other hand, we see the American Economic Recovery and Reinvestment Act put into our economy to reinvest in infrastructure, to invest in innovation, to invest in health care, to invest in a renewable economy so that we can actually increase demand, increase jobs, increase tax revenues, and get ourselves out of the deficit. We see ourselves plugging the holes that these credit card companies and other debt instruments have created for the American consumer.

Help is not only on the way; help has arrived. You see responsible legislation coming forward so that the American consumer and the American economy can fly high, once again, as it has in the past. Consumer justice is what we need. Consumer justice is what we're getting.

Madam Speaker, it has been an honor to come before you.

A PERFECT STORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Thank you, Madam Speaker. I appreciate the privilege to address you here on the floor of the House of Representatives.

As often happens, if I come down to this floor for the purposes of addressing

you in this Special Order hour, I find myself following the gentleman from Minnesota, who was here with his posters up, advocating the Web site of the Progressive Caucus and advocating for things that I just simply disagree with. I went over and looked at the charts because I was trying to understand what kind of insight was being conveyed, Madam Speaker. I know he was addressing you, but you couldn't see the charts, so I'll describe to you what I saw.

I saw the chart that showed the subprime loans that started in about 1995. It grew. Then the numbers of subprime loans diminished in about the year 2000, at about the time that George W. Bush was elected President. Then they increased again substantially throughout that period of time until such time as there was an abrupt end to the chart, which was the beginning of the Obama administration. So I guess we don't know the trend since President Obama has been elected, but here is what I also hear:

I hear criticism of the past administration, criticism of the past majority, in other words, criticism of Republicans because subprime loans went up during that period of time. I hear defense of the Community Reinvestment Act because the Community Reinvestment Act apparently, one could conclude, was properly crafted legislation that brought about a good result. There might have been an even better result, if I'm hearing the gentleman from Minnesota correctly, if it hadn't been for Republicans in the way of administering this in a fashion that would have been different and that would have been done if we would have had, say, President Gore rather than President Bush and now, of course, President Obama.

The Community Reinvestment Act was something that was put in place so that there could be more loans that went to minorities, especially in the inner city, and it recognized that there were lenders that would draw a red line around some of those districts in the inner cities because they saw that crime rates were going up and that property values were going down, which was in inverse proportion to the crime rates. As the inner cities began to devolve, the lenders understood that it wasn't a good place to put their money, so the Community Reinvestment Act was passed in 1978 to provide an incentive for lenders to loan into those inner cities because they wanted to get away from the redlining that was being done.

I think it was done with the right motivation, but what you saw were the results of the Community Reinvestment Act—those results on the chart, Madam Speaker.

In fact, what you didn't see was the result on the chart that showed an increased number of subprime loans, and

the subprime loans that were increasing were in response, in significant part, to the Community Reinvestment Act, which compelled lenders to make bad loans in bad neighborhoods. So they devised this method of subprime loans that they could get so they could get more bad loans into these bad neighborhoods in order to comply with the Community Reinvestment Act so that they could take some of the profits from other places and invest and expand their operations. They couldn't expand. They couldn't meet the regulation requirements of the Federal Government unless they complied with the Community Reinvestment Act, and so they made bad loans in bad neighborhoods, and they created the subprime loan market, at least in part, to comply with the Community Reinvestment Act.

The President, President Bush, came to this floor, Madam Speaker, where you're sitting—in fact, in front of where you're seated right now. President Bush addressed this Nation in his State of the Union Address. This would have been January 28, 2003. He said that we had the highest percentage of homeownership in history, that we had 68 percent homeownership in the United States of America. Democrats cheered, stood and cheered. Republicans stood and cheered, because we wanted people to own their own homes. Everybody wanted that to happen. It was being led by Republicans, but it was in reaction to a Democrat law called the Community Reinvestment Act, which put bad loans into bad neighborhoods so lenders could expand in other neighborhoods and could expand their operations.

The Community Reinvestment Act was inspired, I think appropriately, but it was bad law because it didn't hold collateral underneath the loans that were being made. It encouraged bad loans.

We heard a Member of Congress on the floor last night say that she was part of ACORN when they went into bankers' offices to intimidate the lenders so that they would make more bad loans in more bad neighborhoods, driving up the subprime chart you saw from the gentleman of Minnesota, and building a rotten foundation underneath our financial structure in America. When it began to crumble and collapse, we saw the downward spiral in all of our markets, not just in America but in the world, because we didn't have our finances built on a sound foundation.

You can't make bad loans in bad neighborhoods with little or no down and with collateral that is diminishing in value and, by the way, without a fixed interest rate, with a floating interest rate that is going to go up over time.

We know that Alan Greenspan saw the bursting of the dot-com bubble, and

he decided he would try to shore up that hole created by the bursting of the dot-com bubble by creating a housing boom, a housing market that would lift this economy. He did that with unnaturally low interest rates. That was built into the Community Reinvestment Act. Then there was the intimidation that was going on by ACORN that was, in significant part, funded by the American people's tax dollars. They would go into a bank or into a loan banker's office—let's just say the south side of Chicago. I don't know why I think of that, but I do. They would march in there with a group of people from the neighborhood, shove the banker's desk out of the way and begin getting in the face of the banker and intimidating him into making loans to people who don't have the means to pay them back. Then they have the audacity to come here to the floor of the House of Representatives and blame this all on Republicans. The Community Reinvestment Act was a Democrat bill.

□ 1715

It was sought to be adhered to, not just to the letter of the law but the intent of the law, by the lenders who made some bad loans. And yes, there was greed involved and there was some mindset that existed there which was the lenders would just keep doing what everyone else did, understanding that if they did that, everybody would be making or nobody would be making money. So if they're making money, then each participant would be making money. Also understanding that if things fall apart and blow up, these big lenders would be bailed out along with the other big lenders, that mindset existed. Disasters that took place, rooted in 1978 in the Community Reinvestment Act. It was built within the Fannie Mae and Freddie Mac, which were undercapitalized and underregulated and the chairman of the Financial Services Committee resisting every effort to try to regulate and capitalize Fannie and Freddie.

And while that's going on, the bursting of the dot-com bubble, the shoring up of a housing boom with low interest rates, subprime loan mortgages, bankers that saw an opportunity to use those mortgages to increase their portfolios with the subprime loans that were bad loans into bad neighborhoods to satisfy the Community Reinvestment Act. And all of this going up to the point where we had bundled mortgage-backed securities that were guaranteed by AIG, which set premium rates on it with no one able to look over their shoulder. They had such a large market share, there wasn't competition, and they set the risk without oversight.

This built into mark-to-market accounting, and add to that, the credit default swaps which were part of all of

this, and bundles of mortgage-backed securities that start out with a loan in your local bank or your local savings and loan that would then be sold off into the secondary market, perhaps picked up by Fannie Mae or Freddie Mac, who would then bundle it up into a bundle of like secondary-market mortgages and sell that into the marketplace on up to the investment brokers or investment bankers on Wall Street, who would take that thing and slice and dice it and tranche it, they say, and bundle them up in different packages.

What was going on with these mortgage-backed securities was the equivalent of if you have ever been to a farm sale or a yard sale, a house sale where they put the hayrack out there and the auctioneer begins to sell these things off that people don't really want very much. So he will put a washtub out there on the hayrack, and nobody will bid on it, and then he will throw in a hammer and crowbar and some old pictures and some nuts and bolts, and pretty soon somebody will bid on it because there is one thing in there that they want and then he'll sell that to them. And then that washtub goes back to the garage of the buyer. He sorts that out, and he's already bought several others at other sales, and then he will sort out and he will take all of the hammers and take them and sell them at a sale where it brings a better price for hammers. And then he'll sell the crowbars at that kind of sale and the garden rakes at a different sale, maybe.

But in the end, slice, dice, tranche, shuffle, cut, deal these mortgage-backed securities up through the financial chain—so many times that nobody knows not necessarily where they originated but how they actually got all the way to the other end of this chain—evaluated not on the value of the real estate, which is the underlying collateral, but evaluated by the premium that you had to pay to AIG to ensure that these loans would perform. All of this into a financial market system that was the underpinnings of what should have been the actual asset value of the mortgage-backed securities, not the performance of them, in my view.

So, we have a lot of things we need to fix in this Congress. But this Congress is so busy shifting blame that we cannot get to the solutions that we need to have at hand. We need to repeal the Community Reinvestment Act. We need to capitalize and regulate Fannie Mae and Freddie Mac equivalent with other lending institutions, and we need to privatize them eventually. We need to end mark-to-market accounting. That's the kind of accounting where if you have an asset value on your balance sheet today and you're required to post that value, you have to go out to determine what is the actual bid for that today.

And so a bundle of mortgage-backed securities, for example, would have a rating, a rating to them, say AAA, and there would be a certain bid. So you would have to adjust your balance sheet to what those bids are. And now if there happened to be no bids, you might go from \$60 million down to zero, effectively, overnight.

I would compare it to—let's just say if you had your grain bins full of corn and corn was worth \$4 a bushel, you would multiply 10,000 bushels, for example, by \$4 a bushel, and you end up with \$40,000 worth of corn. You put that on your balance sheet. Now, that's fine. It's legitimate, and I would nod my head in agreement. But what if a big flood comes along, washes out all of the bridges and there are no trucks running, no rail lines running, nobody is transferring, shifting any grain? All of a sudden, this grain that's in the bin that has value, you have to evaluate it at zero.

That next day along came the flood, your \$40,000 worth of corn goes to zero. You know, you put that in your balance sheet and you go to your banker and say, I want to borrow \$30,000 to put my crop in. Sorry. There are no bids on corn. You don't have any asset value here. So if you don't have any other assets, we aren't going to loan you any money. That's how that works.

So the bankers come into the lending institutions, and they will say, Give me a look at the collateral that's there. And if this collateral is mortgage-backed securities, commercial paper, or there are no bids on it or the bids are dramatically down because the instability takes away the marketplace, then it gets marked down and the bank has to go out and recapitalize, get their capital level up. That means they have to call some loans. That means they have to quit giving some loans that they might be giving to some really effective entrepreneurs that have a real opportunity, and our economy begins to shrink.

All of these things flowed out of this not because George Bush was President, not because Republicans had the majority in the House of Representatives and the Senate for a time. It flowed because we had, from a long time back in our history, back to 1978, had a series of mistakes, one stacked on top of another that set up this scenario for this perfect storm. And we're not able to even identify that or hold a legitimate hearing in this Congress that can shine some light on what has happened so that we can start to fix the problem.

No, we're into growing government. We're into a lurch to the left that every time we have a financial problem with an institution, what happened? The President of the United States steps in and takes a step to nationalize the private sector businesses which are the mother's milk of our economy.

Private sector is the goose that lays the golden egg, and when government competes with it, it starves that goose and she can't lay those eggs like she did before and, eventually, she will stop laying eggs altogether.

But the nationalization of General Motors and the nationalization of Chrysler—it was Daimler Chrysler. They got out of it. They dropped a few billion dollars and stepped away. And now we have the President of the United States who came out on a specific day, I think—I don't clearly remember that exact day, late March—March 26th would be my guess, and he took credit for nationalizing General Motors, firing the CEO, hiring a new CEO. That means the White House is managing General Motors. And he took credit for directing that Chrysler merge with Fiat, the Italian company, and that they would now be compelled to make automobiles, at the direction of the President, that got a certain mileage and they were energy-efficient vehicles, whether anybody wants them or not.

Now, Madam Speaker, I can go back and look at the parking lot at my church, and I happened to take a little note. It was Palm Sunday, I noticed. It was hard to find a car in that church that would meet the satisfaction of Speaker PELOSI or President Obama—I am not sure what HARRY REID thinks—because we couldn't have gotten to church on a two-wheel drive vehicle that day. I would have to have—mass transit means something different where I come from. You'd have to come home and set up some transit to get me to mass if I didn't have a four-wheel vehicle to get me through the snow on Palm Sunday. That's the place I live. That's the way my neighbors are.

But this idea that the President of the United States can nationalize major corporations—what is a more American business than General Motors, Chrysler Motors? I guess Ford is more American today because they said, Don't give me the money. I don't want to have strings attached. We think we can run this business without government intervention, without the government bailing us out.

And what we saw happen was a President Obama that went down to the Central American conference—and I was looking for him to join up with President Uribe of Colombia. We have an important free trade agreement that we've negotiated in good faith with Colombia that not only is it important for our trade to be able to export to Colombia and cash their checks and bring the money back here to help our balance of trade and allow them to trade back to us, yes, but it's important from a national security perspective. It's important for the security of the Western Hemisphere.

The FARC rebels down in Colombia, the Marxist rebels that are in Colom-

bia, President Uribe has been fighting them, and he's been defeating them; and he's been fighting the drug smugglers and the drug cartels, and he's been defeating them. We need a President of the United States that would go down there and do a big glad-handed grin with President Uribe and say, We've negotiated this bipartisan—it actually is bipartisan—bilateral free trade agreement with you, and I want it brought to the floor of the House of Representatives and the U.S. Senate for a vote in accordance with keeping our word of honor in the best interest of the United States, Colombia, and the Western Hemisphere.

I saw no photo-op of any meeting that took place with President Uribe. I just saw the video and the photos that took place with the glad-handed gripping handshake—somebody said a fist bump. I didn't actually see that, but the two grinning leaders side by side. And the image that I saw was this:

Chavez went to the United States a year ago and called our President of the United States El Diablo, the devil, and he said there is a stench of sulfur here that lingers from his speech yesterday. The most vile insult I can ever remember on an international stage. And what do we see within the first 100 days of President Obama's administration is a big, glad-handed, grinning handshake with an extra hand up on the arm to really reestablish this—apparently a happy get-together that I don't know if it was planned by staff or it was spontaneous.

But it says two things very loudly to me, Madam Speaker. One of them is there is no penalty for challenging the United States and insulting the biggest funder of the United Nations. We pay way more into the United Nations than anybody else to support the Security Council, to support the United Nations, and what do we get out of the United Nations? Just insulting resolutions that attack the United States and/or Israel. That's what we get out of the United Nations. We host them here. And instead, it's a constant drumbeat of insults against the free people in the world, the leader of the free people in the world, capped off by Hugo Chavez's vile insult against the United States of America and our Commander in Chief and the leader of the free world. And our new President goes down to do a glad-handed handshake so all of the world can see there is no penalty for that kind of a vile insult against the United States of America. That's the first message that comes out.

The second one is this other message, these two leaders of their own sovereign countries, within less than 30 days of each other and just last month, nationalized major businesses within their own countries. President Obama nationalized General Motors and Chrysler and Hugo Chavez nationalized a rice processing plant that belonged to

an important Minnesota company, Cargill, Cargill Company. The gentleman from Minnesota who just spoke doesn't seem to have an ounce of heartburn about the nationalization about a proud and important Minnesota company, Cargill. Chavez just went in and said, I own this now. This is my ground. I will run it the way I see fit because I am not happy with the way you run your operation. If you try anything else that's out of line, I'll take care of any other property you may have in Venezuela.

Well, I have got an answer for Hugo Chavez, Madam Speaker, and it's this: We produce enough ethanol from corn in America today to completely replace any of the energy that's coming from Venezuela.

□ 1730

We can replace it all just with the ethanol we produce from corn.

So we don't need Hugo Chavez. And I don't need his gas stations in this country, and I don't need his leering grin coming out of my television. He is a self-evolved Marxist, a hater of the United States, and someone who is building relations—not just diplomatic or political, but military activities and operations with the Russian Navy and our own Caribbean designed to send a message to the rest of the hemisphere; Hugo Chavez is a troublemaker.

And what does our President say about that? He says, well, the national military budget of Venezuela is only one-six hundredth of what ours is, so it really isn't a threat. Is that what you measure? Do you measure the money that they are spending today on military, or do you measure what this means when it sends inspiration to FARC, the Marxist revolutionaries—the Marxist rebels is what they are—in Colombia that undermines Uribe, who believes in freedom and free enterprise and a rule of law, our sound partner—that we can't even get a vote on the floor of the House of Representatives to ratify a free trade agreement that was negotiated in good faith by our U.S. Trade Representative, under the direction of President Bush, with a legal obligation to have that vote within 90 days of it being presented to this Congress. No, even the rule of law, even that commitment was defied by order of the Speaker with a convoluted rules vote that undermined the very law that was in the books, the good-faith provisions.

So, Madam Speaker, we have a whole series of different concepts here that I think need to be debated, and I brought out some of them. But when the gentleman from Minnesota talked about his reverence for ACORN, his reverence for La Raza, that also comes with the Congressional Black Caucus, the Hispanic Caucus, a whole list of separatist groups here that exclude Members from their list. There are a whole lot of

Members of Congress that can't walk into either one of those caucuses I mentioned; they wouldn't be accepted in there. They can't be members because they don't have the right race. And they get a pass. And I just say, let's treat everybody equally. Let's just recognize we're all God's children, we're created in His image. And He has seen fit to bless us with characteristics so we can tell each other apart. Why do we fight that? Why don't we just accept that and recognize it and be grateful that he has a wisdom that maybe we don't see as well as we should.

But, instead, we have a legislative effort that is determined to divide Americans and pit Americans against Americans. Why, majority party, why does the President of the United States, Madam Speaker, why are they determined to divide us? I would like to know the answer to that question. Don't divide us; unite us. Unite us by eliminating these classifications of race, sexual orientation, gender, skin color. Let's look at everybody as an individual intrinsic in their sacred value as a human being. And if we do that, we can continue to move down the path of the things that actually do unite us, like establishing English as the official language of the United States, a common form of communications currency that would bind us together.

The things that bind our culture together are important components. What is it about being an American that makes us unique? What is it that makes it common for us to be Americans? What do we have in common? What are these characters, Madam Speaker? And I will submit this: we, for the most part, do speak a common language. You can pick up a newspaper most anywhere in America, open it up and read it and be able to understand it. You can walk into a city council meeting most anywhere in America and conduct that business in English so that you understand what's going on there. You can travel across the breadth of this land and find Americans that get that feeling in their stomach and in their heart and a tear in their eye when they see the Flag come down the street in a parade on Memorial Day or at the cemetery or in the parade on the 4th of July. Americans bound together by a common history, common experience, having pulled together. Americans that were pulled together when we saw the attack on this country on September 11 in New York, Pennsylvania, and the Pentagon. Those attacks bound us together.

I know about the divisions in America; I hear them here every day, the debates we have against each other, the parochial differences that come up—urban versus rural, North versus South, right versus left. All of the divisions that are economic interests—manufacturing States versus the intel-

lectual property States versus the ag States, cotton versus corn in the Ag Committee. These things go on constantly. And yet, when this country was attacked on September 11, I remember seeing the devastation. I remember watching the buildings tumble down, the flaming buildings go down and the dust go up. And as I watched that, a sick thing came through my heart. And I watched Americans in the Midwest transfixed in front of the television at the Clay County Fair, to have 70 and 90 people standing in front of the television at one of the displays, it went on all day long, just a constant rotating dirge. It was like being at a wake, the sadness and the mourning and the prayers that went up for the victims and their families all across this country.

In our schools, prayer came to the public schools September 11, 2001. And no one objected on that day. Many of our public schools gathered together, filled their auditoriums, brought their pastors in, stood all of the students and the parents that came together and they joined hands and they prayed together and they read Bible verses together in an ecumenical expression of faith and unity and hope and prayer for the victims and for this country. All that was fine when we were under the stress load of being at war and of the attack that came our way.

I remember, also, a picture of a young black man who was standing on a street and the smoke was rolling down the street. And as he stood there, his face was covered with dust, but one tear washed his cheek from gray to black, and that tear said more about the unity of this country than any image that I have seen in association with September 11. It sticks in my mind what kind of a Nation we are.

But I also knew, as the discussion about how many people had lost their lives, in those Twin Towers in particular, the numbers went up, estimations from 10,000 to 15,000 to 20,000—20,000 was the highest number I heard. And I can remember as the estimate went down, and as each time the estimate went down from 20,000 it was with a sense of relief that it wasn't as bad as it might have been, it wasn't quite as bad as we thought it could have been. And as those numbers went down and they approached that 3,000 number—which is the one we use today that I think is pretty close to the numbers of people we lost that day—I remember the relief that I was feeling as the numbers went down, while at the same time I knew that the lower the numbers were, the sooner we would forget about this attack on Americans on our soil, and it would be in inverse proportion.

If that number had gone down to zero, if it had just destroyed the buildings and no one had been killed, I would submit, Madam Speaker, that we

wouldn't have had these wars that we're in. This would have been a law enforcement practice a long time ago instead of a war against these radical jihadists. But we lost more people on September 11 than we did in Pearl Harbor. And the attack was on the continental United States in a domestic facility rather than—at that time not yet a State—the great State of Hawaii and the attack mostly on a military base in Pearl Harbor.

And so immediately afterwards I heard from Members of Congress and leaders, thought leaders, it was, what did we do that caused them to hate us so much that they would attack us? And part of this Nation went into this introspective mode of trying to figure out what we might have done wrong because, after all, part of the guilty Americans—which usually come from this side of the aisle—are always looking for a way that it's the fault of the people on this side of the aisle, like subprime loans are President Bush's fault somehow, or Republicans' fault, and somehow we should not have done the things that caused them to hate us enough that they attacked us on September 11.

I went off to those weekend séances with bipartisan Members of Congress—I point out that I call them weekend séances facetiously, Madam Speaker. But I sat for 3 days on end in rooms with other Members of Congress that constantly asked the question, What did we do wrong? What did we do wrong? How are we ever going to get ourselves to where they don't hate us anymore so they quit attacking us? And what are we going to do if people are willing to die when they attack us?

Well, in the first place, it's not our responsibility to know what causes a person to be so deranged that they would fly planes into buildings just to kill people because of the success that we have. They hate our freedom. They hate the success of our free enterprise capitalism. They must have burned some subprime mortgages on that day—maybe that's a measure of happiness for the people who think they are naturally bad. But it is not our responsibility.

We had a series of Middle Eastern experts in the room, and they had been talking for several days. And I finally posed this question, and it was this: Of that culture—and I hesitate to call it a civilization—of that culture, what has been their contribution in the area of math, science, medicine, or chemistry in the last 700 years? Can you give me a single contribution that that civilization has made in the last 700 years? And of all the experts we had there, not one could come up with an answer because the improvements in civilization have come from outside that type of a culture.

We have a culture here that is grounded in the things that grow us

and make us good. We are rooted in the rights that are in the Bill of Rights and natural law and free enterprise capitalism and property rights and the entrepreneurial spirit and the vigor that comes from the donor civilizations that have sent immigrants to America from the first day. We have had that vigor of the people that had a dream, and they were willing to take a risk and go across an ocean to come here to build a dream on this continent. That is unique about America. They hate that. They haven't seen that level of success. And so they just simply say, we want to kill you unless you will kneel before us and accept our God and reject your own.

It is not my job to know what is going on in their heads. We can try to understand it so we understand our enemy better, but we are not going to accommodate to that kind of thinking, Madam Speaker. We need to challenge it, we need to defeat it wherever it exists, and in fact we've done so in Iraq.

In Iraq, we have reached a definable victory in Iraq, and I have introduced a resolution that says so. And it has its purpose. But the reason that I will say that we reached a definable victory, the list of reasons come along this way: that ethnosectarian deaths, from our high, have dropped 98 percent, civilian deaths have dropped 90 percent in Iraq. We had three successful elections, one constitution that has been ratified in Iraq. The distribution of the oil revenue has been, in a fairly reasonable process, has distributed that revenue from Baghdad out to the other cities.

The mayor of Fallujah has declared it to be a city of peace. The mayor of Ramadi sounds like the mayor of Peoria: "I need more money for sewer water, lights and streets." The mayor of Fallujah said it is a city of peace. They are going to repair every sign of war in Fallujah and plant a lot of flowers instead so that one day soon when we go to Fallujah there will be no sign of war.

All of those things are good signs that this war has gone to the point where we have achieved a definable victory. But the most important statistic is, from June 30 of last year until the last report that I received some days ago, the loss of American lives in Iraq has been equal to or less for those Americans lost in accidents than we have to the enemy. That tells you when a war is going the right direction.

Those statistics tell us the right things. They don't give comfort to the families who lost a son or a daughter there. They deserve our constant prayers and respect and appreciation for their noble service and their noble sacrifice. But George Bush ordered the surge. Had he not done that, we would be looking at having already pulled our troops out of Iraq and chaos would have ensued, and there would be a defeat in Iraq. And you cannot retreat

and declare it victory; you must own the land you fought for before you can declare victory.

And so the ideas that came from some of the people, like the gentleman from Pennsylvania that said it is a war that can't be won, it's a civil war, we have got to get out of there, we've got to retreat to the horizon—we find out the horizon was Okinawa, which takes me back to the courage that this Nation needs to have to face the enemies that we have, and the fear that we had because four planes were crashed into the United States and we didn't know how to fight these people that were willing to die to kill us. Well, Okinawa tells us how.

I went to a National Convention of Survivors of Okinawa a few years ago. They faced 4,600 Kamikaze attacks on the fleet, on their land forces around and on Okinawa. It was a massive suicidal effort to try to wipe out our American forces and a last ditch stand to stop the efforts of the American invasion of Okinawa; 4,600 Kamikaze attacks, and we are worried about four.

We think we don't have the steel within us, the mettle within us, the conviction within us to face off against people like we have today, when you think of what happened in World War II, two-front war, global, 16 million men and women in uniform and in arms and an industrial base that supplied the world because the Second World War destroyed the rest of it.

□ 1745

We are a Nation that became the world power and one of the two competing superpowers until the end of the Cold War, which resulted in one lone superpower, the unchallenged greatest nation in the world economically, militarily, socially, cultural, the beacon for freedom, the inspiration for the free people of the United Kingdom from which originated the English language, which binds us together, and the inspiration for freedom that goes with that language wherever it goes around the globe.

When I read Winston Churchill's History of the English-Speaking Peoples, I finally closed that book and I thought of all the places the English language has gone, it's been accompanied by freedom. Freedom has followed. It's gone with the English language. There is an inspiration that's built into the culture that makes us the vanguards, the defenders, the beacons for freedom. We have that responsibility, Madam Speaker, and it's a responsibility to stand up to the tyrants of the world, whether they be Osama bin Laden, Hugo Chavez, Ahmadinejad. Anybody that undermines freedom is our enemy. And anybody that adheres to and loves and works for and sacrifices for freedom, we adhere to them. The free people of the world need to stand together.

I had a lunch with the Japanese, some members of their Parliament,

today. And I said to them that the peace and the security of Asia will depend significantly upon our ability to be friends together today, but peace is not achievable unless we have freedom, and we must defend our freedom.

And then bringing us back to the issues that have been before us here in this Congress this week and last week, there has been an effort to undermine the freedoms of the American people. We're losing track of those underpinnings, those pillars of American exceptionalism. The majority that's here that seems to want to spend their time criticizing the past President, criticizing the past majority in the House of Representatives, and criticizing the past majority in the United States Senate, the people that just can't let go of their rooted criticism for Republicans, the people that can't move on, that must be drilling down and blame shifting back onto our side of this aisle, have lost touch with the fundamental values of human beings. They've lost touch with the criminal law, the criminal law that flows from English common law, the traditions that were there. Criminal law rooted in, if it's the king's deer and you kill the deer, you've committed a crime against the Crown. And if anyone ever is a victim of a crime and they go to court to support as a witness or to observe the proceedings that take place in a criminal prosecution, they will hear the clerk or the bailiff announce this is the case of the State versus John Doe, the alleged perpetrator. They don't say anything about the victim. They don't say that Mary Jones, the victim of this crime, is involved in it. They say that this case is the State versus John Doe, alleged perpetrator. That's because the crime is presumed to be committed against the State, not against an individual victim, rooted back from if you take the king's deer, you've committed a crime against the Crown. If you kill one of the subjects of the king, you've killed one of his assets that he would be deprived of the labor of the subject; so when the king gets his version of justice, the actual victim of the crime is not in the equation anymore. It's the State versus rather than the king versus the perpetrator of the crime.

Now, that's one of the fundamentals, but it always was punishment for the criminal based upon the overt act of the criminal, the action itself. Not the thought, not what went on, not the motivation, but the very act. If you assault someone, we punish you for assault, assault and battery. If you attempt to murder someone, we punish you for the attempted murder. If you murder someone, we punish you for the murder itself, not for the murderous thought that might have preceded the murder. And if you rape someone, we punish you for the rape, not for the motivation or the thought. Now, it

might come into a sentencing hearing, but it's not part of the crime, until this House of Representatives, in a breath-taking leap away from hundreds and hundreds of years of criminal law, leaps into this arena to declare that there actually are thought crimes that should be punished separate from the act itself. Now, they call it "hate crimes" and they call it Matthew Shepard's law and they call it a lot of other things, but it's thought crimes, Madam Speaker.

Someplace in here I have the text of the book *Nineteen Eighty-Four*, written by George Orwell. Orwell wrote this book in 1949, and he made a prediction that there would be thought crime control taking place in the world by 1984. Now, we are here in 2009; so he was a little bit ahead of himself in the thought crimes prediction arena. But he said, and I'm going to just paraphrase, Madam Speaker, that we don't care about any overt act; we care about the thought. It's the thought that counts, because if you can control the thought, you can control the act.

Now I do find it here, Madam Speaker, and here it is verbatim from the book *Nineteen Eighty-Four*. This is the new totalitarians speaking to Winston: "The party is not interested in the overt act. The thought is all we care about. We do not merely destroy our enemies; we change them. We are not content with negative obedience nor even with the most abject submission. When finally you surrender to us, it must be of your own free will. It is intolerable to us that an erroneous thought should exist anywhere in the world however secret and powerless it may be."

Madam Speaker, that's what this hate crimes/thought crimes legislation does. It controls, it punishes the thought. And now it sets up a special class of protected people and it subverts our language in a way that's not defined, and I had indexed it from the bill. It subverts our language this way: It replaces the word "sex" with the word "gender." And here's why, and I have some history in litigating this. Here's the definition of "sex" from *Black's Law*. "Sex: The sum of the peculiarities of structure and function that distinguish a male from a female organism." The physiology of male versus the physiology of female. That would be your sex. But the word "sex" has been constantly replaced in this society willfully in a premeditated way by, let me call them, homosexual activists who see the law of this and they began to push this in this way: They replace the word "sex" with "gender." And "gender" is used in this hate crimes/thought crimes legislation. And here's the reason: Gender is ambiguous; sex is specific. Anybody can identify a male from a female. Any plumber or electrician can do that easily. They see the sense in my argument. Some others

do not. But sex is specific to the physiology, the physical characteristics. Gender is not so. The definition of "gender," and I'm in the *American Heritage Dictionary* now, it might be the condition of being female or male.

It's odd that they're so politically correct that they actually willfully switched the male-female to be female first. That's okay with me, but I just noticed that in our literature these days, too.

"The condition of being female or male sex." Gender might be that. But right below that it says that "gender is your sexual identity, especially in relation to society or culture." So if you have a gender that is a sexual identity, doesn't that include a cross-dresser, someone that goes out on the streets as the identity of a female that may have the physiology of the male? That definition doesn't fall under "sex." You don't have any cross-dressers under "sex." They are whatever anyone can determine they are by the physiology of being male or female, but now this legislation plugs the word "gender" in.

I tried to replace them, Madam Speaker, but the amendment was voted down exactly by party lines. Now they're a special protected class of people. You can't discriminate against anyone because of gender. You may not be able to determine what it is. That's in the head of the alleged victim.

Then you have gender identity. The definition of "gender identity" gets a little bit broader and a little harder to nail down. But gender identity, the definitions that come along with this become definitions that are either a mental definition or a physical definition or, in some of these cases of the paraphilias, of which there are about 547, it can be the act as well.

But we don't know from reading this legislation or talking to the people that wrote it what these words really mean. So if you have sexual orientation, gender identity, and gender identity can be a person's own sense of actual or perceived gender-related characteristics. That sounds a lot like gender to me under that broad, loose definition that's there. What would be the physical definition of gender identity? Could anybody take a look at someone who said that they are of a specific gender identity and determine if they were that gender identity? No. We can determine their sex independently, but the individual has to characterize their gender identity because that's a self-perception, and then it may or may not include a particular act.

But when we get to sexual orientation, sexual orientation includes paraphilias that are listed here by the *American Psychological Association*. And paraphilias are "a powerful and persistent sexual interest other than typical sexual interest." There is list of 547 specific paraphilias. I call them proclivities. Many of them are perversions, Madam Speaker. The gentleman

from Florida (Mr. HASTINGS) read a whole list of them on the floor in the debate yesterday: asphyxiophilia, apotemnophilia, autogynephilia, kleptophilia, klismaphilia, necrophilia, pedophilia, and we know what that one is—that's, of course, the sexual activity with children—urophilia. There are some philias. And the gentleman from Florida said, I think we have to have special protected status from all philias whatsoever, all proclivities whatsoever. These that are perversions are specifically, at least within some of the idea of the definition of this legislation, protected.

It's outrageous to think that the amendments to protect the unborn child, the amendments to protect the pregnant mother, the amendments to protect the senior citizens, the amendments to protect our uniformed soldiers from this kind of hate crime against them motivated by what's in the head of the perpetrator were all voted down in the Judiciary Committee and denied to be debated on the floor of the House of Representatives because we had this draconian closed rule that would not put these Members up and require them to make a decision on whether they were going to protect these proclivities, these paraphilias, these perversions, while we had one Member say, yes, they're protected in this law. We had one of the strong advocates of this bill say, no, it's only homosexuals or heterosexuals.

Presumably it's not bisexuals. Well, I don't know what happens when you cross the line between heterosexual to homosexual. There must be somebody in the middle that's a bisexual that she would want to include. But this lack of specificity gets us in trouble, Madam Speaker.

Another thing that gets us in trouble is the statements that are made in the debate in this bill that are just flat erroneous, such as, well, it requires a crime of violence before it will kick in the Federal extra penalty against someone because they've committed this hate crime/thought crime. It requires a crime of violence.

Well, it doesn't, Madam Speaker. It doesn't require a crime of violence. It does under the imposition of the Federal law but not when we are sending the Department of Justice down to any political subdivision, city, county, or State, municipality, parish, tribal area, to help out with prosecution there. Then we honor whatever they might have written into their local ordinance for hate crimes.

□ 1800

We use Federal forces to enforce it, and these crimes can be committed against property, specifically in the bill that can be crimes against property, not just crimes of violence against people. And here is where it comes from. They reference the section in the code.

So I go to this section, and it's a definition of crime of violence. And it says: "The term 'crime of violence' means an offense that has as an element the use, attempted use or threatened use of physical force against the person or property of another as an element."

Even the threat of physical force against only the property of another, if they presume that it's motivated in part by a built-in bias against someone's proclivity that cannot be divined by the perpetrator but has to be self-identified by the victim.

Sounds a little like the sexual harassment that we debated here in this Congress about the time, well, it was exactly at the time of the confirmation of Justice Clarence Thomas. It sounds a lot like you can sexually harass someone and not know it, because the rationale is it's in the mind of the victim.

And so if someone comes in and tells an off-color joke at work, if no one is offended, it's not sexual harassment. But if someone is offended, then it's sexual harassment.

And if someone paints some graffiti on a garage, and that garage happens to belong to someone who says I have one of these philias, one of these proclivities, one of these paraphilias, then they can bring Federal hate crime charges against the person with a can of spray paint. Or, Madam Speaker, here is a case in point. It could be, brings me back to Ellie Nessler.

Ellie Nessler is well-known in California. Her son was a victim of a sex crime. And when they brought the perpetrator into court, the alleged perpetrator, because he hadn't been convicted at that point, and the trial stopped right after Ellie's act, he smirked at the mother of the victim, who was there to protect her son who needed to be there for the case of this trial.

And after he smirked at her, she went out and got her pistol and shot the perpetrator in the courtroom. The justice that was brought to Ellie Nessler was manslaughter, and I believe that she served 6 months in the California penitentiary, and then she was paroled on good behavior.

This sets the scenario up where Californians were satisfied with the justice that Ellie Nessler received. But if there had been some that were connected at the national level, under this kind of legislation, then the Department of Justice could send in Federal prosecutors to prosecute Ellie Nessler for a hate crime that she committed against the perpetrator who was a pedophile. And that pedophile would have that special protected status.

And even in his death, the punishment could have been multiplied up to and including life in a Federal penitentiary because he had committed a politically—he committed an act—and she had committed a politically incor-

rect act, for an extra penalty. Now I don't make excuses for Ellie Nessler's act, but I point out that Federal involvement in local crimes is unnecessary, and it's interventionary.

And it's unjust for us to believe that we can set penalties here on the floor of this Congress and lock people up for as long as life in prison for what we think was going on in their head, about what they might have thought was going on in the head of the victim.

And we are going to for the first time match up the psychoanalysis of the victim, the psychoanalysis of the perpetrator, put them together and come down with a decision not on the overt act, Madam Speaker, but on the very thought that might go on in the mind of the perpetrator.

It's wrong to take justice down this path. It's unjust to do so. It's unprecedented to do so. It pits Americans against Americans. It sets up sacred cows, people that can walk through this society, and they will be dealt with differently because there will be the threat that Federal law will come in and give them a special protected status, a shield that doesn't exist for people that don't fit within this list of special protected status.

I urge the Senate to oppose this legislation, to defeat it with every effort that they can; to filibuster this hate crimes, thought crimes, legislation; to amend it to the high heavens; to take us back to the rule of law where we punish the overt act, not the thought. Thought crimes legislation should not be part of American law, not in the land of the free and the home of the brave.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MICHAUD) to revise and extend their remarks and include extraneous material:)

Mr. MICHAUD, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFazio, for 5 minutes, today.
Ms. SUTTON, for 5 minutes, today.
Mr. TONKO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. SCHIFF, for 5 minutes, today.
Mr. SABLAN, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, today.
Mr. POE of Texas, for 5 minutes, May 7.

Mr. JONES, for 5 minutes, May 7.

Mr. BURTON of Indiana, for 5 minutes, May 4, 5, 6 and 7.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 586. An act to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

H.R. 1626. An act to make technical amendments to laws containing time periods affecting judicial proceedings.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, May 4, 2009, at 12:30 p.m., for morning-hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Ger-

ald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr. Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Guterres, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson-Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon; Cathy McMorris Rodgers, Jerry McNamee, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neuge-

bauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Oliver, Pete Olson, Solomon P. Ortiz, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Mark Schauer, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis*, Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1538. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines-Money Market Mutual Funds [Docket ID OCC-2009-0002] (RIN: 1557-AD15) received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1539. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments [Docket ID OCC-2009-0006] (RIN: 1557-AD12) received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1540. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final

rule — Direct Investment Surveys: BE-15, Annual Survey of Foreign Direct Investment in the United States [Docket No.: 080219210-8245-01] (RIN: 0691-AA65) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1541. A letter from the Assistant Director for Policy, OFAC, Department of the Treasury, transmitting the Department's final rule — Persons Contributing to the Conflict in Cote d'Ivoire Sanctions Regulations — received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1542. A letter from the Director Office of Civil Rights, Department of Energy, transmitting the Department's annual report on the No FEAR Act for Fiscal Year 2008; to the Committee on Oversight and Government Reform.

1543. A letter from the Secretary, Department of Labor, transmitting the Department's annual report for fiscal year 2008, pursuant to Title II, Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act; to the Committee on Oversight and Government Reform.

1544. A letter from the Equal Employment Opportunity Director, Federal Credit System Insurance Corporation, transmitting the Corporation's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1545. A letter from the Staff Director, Federal Election Commission, transmitting the Commission's annual report for fiscal year 2008; to the Committee on Oversight and Government Reform.

1546. A letter from the EEO Programs Director, Federal Reserve System, transmitting the System's fifth annual report, pursuant to Public Law 107-174, section 203(a); to the Committee on Oversight and Government Reform.

1547. A letter from the General Counsel, Government Accountability Office, transmitting the Office's annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1548. A letter from the Commissioner, International Boundary and Water Commission, transmitting the Commission's annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1549. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's fourth annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1550. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's annual report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for fiscal year 2008; to the Committee on Oversight and Government Reform.

1551. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's annual report for Fiscal Year 2008, in accordance with Section 5, Part 724 of the Code of Federal Regulations and Section 302 of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act; to the Committee on Oversight and Government Reform.

1552. A letter from the Executive Vice President and Chief Human Resources Offi-

cer, United States Postal Service, transmitting the Service's annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Colorado River, Parker, AZ [Docket No.: USCG-2007-0145] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Firework Events; Great Lake Annual Firework Events [Docket No.: USCG-2008-0219] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, NC [Docket No.: USCG-2008-0414] (RIN: 1625-AA08) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: HOVENSA Refinery, St. Croix, United States Virgin Islands [Docket No.: USCG-2008-0284, Formerly COTP San Juan 05-007] (RIN: 1625-AA87) received, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2008-1052] (RIN: 1625-AA11) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tinian, Commonwealth of the Northern Mariana Islands [COTP Guam 07-005] (RIN: 1625-AA87) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels in Captain of the Port Zone Jacksonville, Florida [Docket No.: USCG-2008-0203] (RIN: 1625-AA87) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Big Bay July 4th Fireworks Show; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0164] (RIN: 1625-AA00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Kingsmill Resort Fireworks Display, James River, Williamsburg, VA [USCG-2008-0238] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1562. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Mission Bay Yacht Club 4th of July Display; Mission Bay, San Diego, CA [Docket No.: USCG-2008-0269] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1563. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-DF Airplanes [Docket No. FAA-2008-1360; Directorate Identifier 2008-NM-075-AD; Amendment 39-15791; AD 2009-02-01] (RIN: 2120-AA64) March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself and Mr. STEARNS):

H.R. 2183. A bill to improve public participation and overall decision-making at the Federal Communications Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Ms. SCHWARTZ, Mr. FATTAH, Mr. HINCHEY, and Ms. HIRONO):

H.R. 2184. A bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten; to the Committee on Education and Labor.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. BRADY of Pennsylvania, Mr. EHLERS, Mr. ADERHOLT, Mr. WAMP, Mr. LATHAM, and Mr. DANIEL E. LUNGREN of California):

H.R. 2185. A bill to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALCONE of New York:

H.R. 2186. A bill to extend the supplemental security income program to American Samoa; to the Committee on Ways and Means.

By Mr. CHANDLER (for himself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. LOEBSACK, Mr. TIERNEY, Mr. COURTNEY, Mr. HARE, Mr. HOLT, Mr. ANDREWS, Mr. GRIJALVA, Mr. PIERLUISI, Ms. WOOLSEY, Mr. WU, Mr. TONKO, Mr. POLIS of Colorado, Ms. HIRONO, and Mr. SABLON):

H.R. 2187. A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. KRATOVIL (for himself, Mr. KIND, Mr. BROWN of South Carolina, and Mr. WITTMAN):

H.R. 2188. A bill to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes; to the Committee on Natural Resources.

By Mr. WILSON of South Carolina (for himself and Mr. ELLSWORTH):

H.R. 2189. A bill to prevent abuse of Government charge cards; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. BERMAN, Mr. CARNAHAN, Mr. ELLISON, Ms. DELAULO, Mr. GRIJALVA, Mr. FARR, Mr. HARE, Ms. HIRONO, Ms. LEE of California, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PALLONE, Mr. SESTAK, Ms. WOOLSEY, Ms. WATSON, Ms. NORTON, Mr. BLUMENAUER, and Mr. PRICE of North Carolina):

H.R. 2190. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOREN (for himself, Mr. COLE, Mr. SULLIVAN, Ms. FALLIN, and Mr. LUCAS):

H.R. 2191. A bill to designate the facility of the United States Postal Service located at 34 A Street NE in Miami, Oklahoma, as the "Steve Owens Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA (for himself, Mr. RAHALL, Mr. DINGELL, Mr. DICKS, Mr. GEORGE MILLER of California, Mr. PALLONE, Mrs. CAPPS, Mr. HOLT, Mr. THOMPSON of California, and Ms. BORDALLO):

H.R. 2192. A bill to establish an integrated Federal program to protect, restore, and conserve the Nation's natural resources in response to the threats of climate change and ocean acidification; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ:

H.R. 2193. A bill to prohibit the Secretary of Defense from implementing any policy to prevent or place undue restriction on the sale of intact spent military small arms ammunition casings to domestic manufacturers of small arms ammunition that are approved under trade security controls; to the Committee on Armed Services.

By Mr. BERMAN (for himself, Ms. ROULETTE, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. SHERMAN, Mr. ROYCE, Mr. ANDREWS, and Mr. KIRK):

H.R. 2194. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Mr. KING of New York, Ms. CLARKE, Mr. DANIEL E. LUNGREN of California, Ms. JACKSON-LEE of Texas, Ms. LORETTA SANCHEZ of California, Ms. HARMAN, Mr. CUELLAR, Mr. CARNEY, Ms. ZOE LOFGREN of California, Mr. PASCRELL, Mr. LUJÁN, and Mr. LANGEVIN):

H.R. 2195. A bill to amend the Federal Power Act to provide additional authorities to adequately protect the critical electric infrastructure against cyber attack, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Mr. GOODLATTE, Mr. NADLER of New York, Mr. ISSA, Ms. JACKSON-LEE of Texas, Mrs. BONO MACK, Mr. SENSENBRENNER, Ms. WASSERMAN SCHULTZ, Mr. COBLE, Mr. MAFFEI, Mr. WEINER, Mr. RANGEL, Mr. WEXLER, Ms. WATERS, Mr. COHEN, Mrs. MALONEY, Mr. GEORGE MILLER of California, and Ms. DELAULO):

H.R. 2196. A bill to amend title 17, United States Code, to extend protection to fashion design, and for other purposes; to the Committee on the Judiciary.

By Ms. BEAN (for herself and Ms. CORRINE BROWN of Florida):

H.R. 2197. A bill to assist the Administrator of the Small Business Administration to determine whether a franchisee is affiliated with a franchisor in the temporary employee services industry, and for other purposes; to the Committee on Small Business.

By Ms. BEAN (for herself and Mr. HOEKSTRA):

H.R. 2198. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain systems installed in nonresidential real property or residential rental property; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Ms. WOOLSEY, Mr. HARE, Mr. KUCINICH, and Mr. SABLON):

H.R. 2199. A bill to amend the Occupational Safety and Health Act of 1970 to authorize the Secretary of Labor to prevent employee exposure to imminent dangers; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas (for herself, Mr. DENT, and Mr. THOMPSON of Mississippi):

H.R. 2200. A bill to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes; to the Committee on Homeland Security.

By Mr. BRALEY of Iowa (for himself, Mr. SMITH of Nebraska, Mr. BARROW, Mr. TEAGUE, Mr. BOUCHER, and Mr. KIND):

H.R. 2201. A bill to amend part B of title XVIII of the Social Security Act to provide a floor of 1.0 for the practice expense and for the work expense geographic practice cost indices (GPCI) under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA (for himself, Mr. SALAZAR, and Mr. SHULER):

H.R. 2202. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Ways and Means.

By Mr. CONNOLLY of Virginia (for himself and Mr. THOMPSON of Pennsylvania):

H.R. 2203. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. CUELLAR (for himself and Mr. AKIN):

H.R. 2204. A bill to amend title XVIII of the Social Security Act to provide payment under part A of the Medicare Program on a reasonable cost basis for anesthesia services furnished by an anesthesiologist in certain rural hospitals in the same manner as payments are provided for anesthesia services furnished by anesthesiologist assistants and certified registered nurse anesthetists in such hospitals; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. PLATTS, Mr. McHUGH, Mr. CASTLE, and Mr. EHLERS):

H.R. 2205. A bill to expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself, Mr. DICKS, Mr. BUTTERFIELD, Mr. RODRIGUEZ, Mr. SKELTON, Mr. TEAGUE, Ms. MARKEY of Colorado, Mr. ORTIZ, Mr. ROSS, Ms. BORDALLO, Mr. CARNEY, Mr. JONES, Mr. HEINRICH, Mr. HARE, Mr. SHIMKUS, Mr. CLEAVER, Mr. MCINTYRE, Mr. PIERLUISI, Mr. PERRIELLO, Mr. FILNER, Mrs. HALVORSON, and Mr. TONKO):

H.R. 2206. A bill to amend the Safe Drinking Water Act to reauthorize the technical assistance to small public water systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORBES:

H.R. 2207. A bill to establish a Commission to examine the long-term global challenges facing the United States and develop legislative and administrative proposals to improve interagency cooperation; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself and Ms. TSONGAS):

H.R. 2208. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes real property tax abatements for seniors and disabled individuals in exchange for services; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. HOLT, Mr. BURGESS, Ms. LEE of California, Mr. WEXLER, Mr. PETERSON, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MORAN of Virginia,

Ms. MCCOLLUM, Mr. ELLSWORTH, Ms. GRANGER, Mr. MEKE of Florida, Mr. FATTAH, and Ms. WASSERMAN SCHULTZ):

H.R. 2209. A bill to amend titles XVI, XVIII, XIX, and XXI of the Social Security Act to remove limitations on Medicaid, Medicare, SSI, and SCHIP benefits for persons in custody pending disposition of charges; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER (for himself, Ms. BERKLEY, and Ms. TITUS):

H.R. 2210. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. INSLEE:

H.R. 2211. A bill to facilitate planning, construction, and operation of a secure national clean energy grid; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. ISRAEL, Mr. WEINER, Mr. DINGELL, Mr. KLEIN of Florida, Mrs. HALVORSON, and Mrs. TAUSCHER):

H.R. 2212. A bill to improve the loan guarantee program of the Department of Energy under title XVII of the Energy Policy Act of 2005, to provide additional options for deploying energy technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. GERLACH):

H.R. 2213. A bill to reauthorize the Neotropical Migratory Bird Conservation Act; to the Committee on Natural Resources.

By Mrs. MALONEY (for herself and Ms. BALDWIN):

H.R. 2214. A bill to empower women in Afghanistan, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCCOTTER:

H.R. 2215. A bill to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shiven Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MILLER of Florida (for himself and Mr. REYES):

H.R. 2216. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to United Service Organizations, Incorporated, and for other purposes; to the Committee on Homeland Security.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. PETRI):

H.R. 2217. A bill to amend the Truth in Lending Act to require creditors to report the terms and conditions of all business, marketing, promotional agreements and college affinity card agreements with institutions of higher education and alumni organizations, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL (for himself, Mr. BARTLETT, Mr. BURTON of Indiana, Mrs.

BLACKBURN, Mr. MCCOTTER, and Mr. HENSARLING):

H.R. 2218. A bill to prohibit the use of Federal funds for any universal or mandatory mental health screening program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTTS (for himself and Mr. VAN HOLLEN):

H.R. 2219. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Oversight and Government Reform.

By Mr. ROSS (for himself and Mr. SIMPSON):

H.R. 2220. A bill to amend titles V and XIX of the Social Security Act to improve essential oral health care for lower-income individuals under the Maternal and Child Health Program and the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. RUSH (for himself, Mr. STEARNS, Mr. BARTON of Texas, Ms. SCHAKOWSKY, and Mr. RADANOVICH):

H.R. 2221. A bill to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ:

H.R. 2222. A bill to direct the Secretary of Commerce to make grants for programs promoting community greening initiatives, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK (for himself, Mr. EHLERS, Ms. KILPATRICK of Michigan, Mr. COURTNEY, Mrs. TAUSCHER, and Mr. UPTON):

H.R. 2223. A bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself and Mr. CAMPBELL):

H.R. 2224. A bill to amend section 7(a) of the Small Business Act to provide assistance to motor vehicle dealers, and for other purposes; to the Committee on Small Business.

By Mr. BOREN (for himself, Mr. KILDEE, Mr. COLE, Mr. WITTMAN, Mr. SHULER, Ms. BORDALLO, Mr. KIND, Ms. HIRONO, Mr. GRIJALVA, Mr. PETERSON, Ms. HERSETH SANDLIN, Mr. STARK,

Mrs. MYRICK, Ms. MCCOLLUM, Mr. BACA, Mr. FALEOMAVAEGA, Mr. MCDERMOTT, Ms. FALLIN, Mr. KENNEDY, Ms. MATSUI, Mr. WALZ, Mr. HONDA, Mr. PALLONE, and Ms. KILPATRICK of Michigan):

H.J. Res. 46. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Natural Resources.

By Mrs. EMERSON (for herself, Mr. MARSHALL, Mr. BROWN of South Carolina, Mr. GORDON of Tennessee, Mr. POSEY, Mr. GINGREY of Georgia, Mr. SKELTON, and Mr. WILSON of South Carolina):

H.J. Res. 47. A joint resolution proposing an amendment to the Constitution of the United States giving Congress power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. BARTLETT, and Mr. YOUNG of Alaska):

H.J. Res. 48. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mrs. BONO MACK (for herself and Mr. KENNEDY):

H. Con. Res. 115. Concurrent resolution supporting the awareness of National Alcohol and Drug Addiction Recovery Month Resolution; to the Committee on Energy and Commerce.

By Mr. CONAWAY (for himself, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. MARCHANT, Mr. BARRETT of South Carolina, Mr. CASSIDY, Mr. CARTER, Mr. WESTMORELAND, Mr. POE of Texas, Mr. LAMBORN, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. MCCAUL, Mr. THORNBERRY, Mr. BARTON of Texas, Mr. BOUSTANY, Mr. FLEMING, Mr. SCALISE, Mr. MORAN of Kansas, Mr. MILLER of Florida, Mr. PUTNAM, Mr. WILSON of South Carolina, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. FORBES, Mr. FLAKE, Mr. BISHOP of Utah, and Mr. KLINE of Minnesota):

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress for the immediate withdrawal of the Department of Labor's notice of proposed rulemaking seeking to rescind the Form LM-2; to the Committee on Education and Labor.

By Mr. LARSON of Connecticut:

H. Res. 381. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BISHOP of Utah (for himself, Mr. BOEHNER, Mr. GEORGE MILLER of California, Mr. MCKEON, Mr. CASTLE, Mr. PETRI, Mr. HOEKSTRA, Mr. EHLERS, Mr. KLINE of Minnesota, Mr. CASSIDY, Mr. THOMPSON of Pennsylvania, Mr. POLIS of Colorado, Mr. BOUSTANY, Mr. CAO, Mr. CHAFFETZ, Mr. MCHENRY, Mr. WOLF, Mrs. BACHMANN, Mr. COFFMAN of Colorado, Ms. FOX, Mr. OLSON, Mr. LAMBORN, Mr. HOLT, Mr. KIND, Ms. MARKEY of Colorado, Ms. NORTON, Ms. BERKLEY, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. PERRIELLO):

H. Res. 382. A resolution supporting the goals and ideals of National Charter Schools

Week, to be held May 3 through May 9, 2009; to the Committee on Education and Labor.

By Ms. LEE of California (for herself, Mr. WEXLER, and Mr. CONYERS):

H. Res. 383. A resolution establishing a select committee to review national security laws, policies, and practices; to the Committee on Rules.

By Mr. BILIRAKIS:

H. Res. 384. A resolution recognizing the importance of increased awareness of sleep apnea, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BISHOP of Georgia (for himself, Mr. ARCURI, Mr. BACA, Mr. BARROW, Mr. BERRY, Mr. BOREN, Mr. BOSWELL, Mr. BOYD, Mr. BRIGHT, Mr. CARDOZA, Mr. CHILDERS, Mr. COOPER, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. HILL, Mr. HOLDEN, Mr. MCINTYRE, Mr. MICHAUD, Mr. MINNICK, Mr. MOORE of Kansas, Mr. NYE, Mr. PETERSON, Mr. POMEROY, Mr. SALAZAR, Mr. SCOTT of Georgia, Mr. SHULER, Mr. TANNER, Mr. WILSON of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. PRICE of Georgia, Mr. BUTTERFIELD, Mr. BISHOP of New York, Mr. ENGEL, Mr. MARSHALL, Mr. STUPAK, Mr. SPRATT, Ms. DELAURO, Mrs. EMERSON, Mr. PALLONE, Ms. BALDWIN, Ms. BERKLEY, Mr. HINCHEY, Mr. FILNER, Mr. LEWIS of Georgia, Ms. KILPATRICK of Michigan, Ms. MOORE of Wisconsin, Mr. CLEAVER, Mr. RUSH, Mr. TOWNS, Mr. WASSERMAN SCHULTZ, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Ms. LEE of California, Ms. BORDALLO, Ms. SHEA-PORTER, Mr. DOYLE, Mr. THOMPSON of California, Mr. JOHNSON of Georgia, Mr. WAXMAN, Mr. KILDEE, Mr. MCGOVERN, Ms. EDWARDS of Maryland, Mr. SHERMAN, Mrs. CHRISTENSEN, Mr. VAN HOLLEN, Ms. LINDA T. SÁNCHEZ of California, and Mr. GRIJALVA):

H. Res. 385. A resolution celebrating the life of Millard Fuller, a life which provides all the evidence one needs to believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. KINGSTON, Mr. LINDER, Mr. SCOTT of Georgia, Mr. DEAL of Georgia, Mr. PRICE of Georgia, Mr. GINGREY of Georgia, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia):

H. Res. 386. A resolution commending the University of Georgia Gymnastics Team for winning the 2009 NCAA National Championship; to the Committee on Education and Labor.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. ROONEY, Mr. MACK, Mr. YOUNG of Florida, Mr. EHLERS, Mr. INGLIS, Mr. BUCHANAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BISHOP of Georgia, Mr. WILSON of South Carolina, Mrs. CHRISTENSEN, Mr. CUELLAR, Mr. ROGERS of Alabama, Mr. ETHERIDGE, Mr. BROWN of South Carolina, Mr. JONES, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. FALEOMAVAEGA, and Ms. KOSMAS):

H. Res. 387. A resolution supporting the goals and ideals of National Hurricane Preparedness Week; to the Committee on Science and Technology.

By Mr. FORTENBERRY (for himself, Mr. MCINTYRE, Mr. REHBERG, Mr. ALEXANDER, Mr. SHULER, Mr. LIPINSKI, Mr. BRALEY of Iowa, Mr. KILDEE, Mr. SHIMKUS, Mr. COOPER, Mr. WU, Mr. FLAKE, Mr. INGLIS, Mr. HARPER, Mr. WOLF, Mr. RYAN of Wisconsin, Mr. ADERHOLT, Mr. BILBRAY, Mr. TIERNEY, Mr. WALZ, Mr. DELAHUNT, Mr. HENSARLING, Mr. PENCE, Mr. GOHMERT, Mr. WESTMORELAND, and Mr. TERRY):

H. Res. 388. A resolution celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day; to the Committee on Oversight and Government Reform.

By Mrs. HALVORSON:

H. Res. 389. A resolution encouraging energy efficient and environment-friendly building and facility certification programs to incorporate the use of mechanical insulation as part of their standards and ratings system; to the Committee on Energy and Commerce.

By Mr. LUETKEMEYER (for himself, Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mrs. EMERSON, Mr. GRAVES, and Mr. SKELTON):

H. Res. 390. A resolution recognizing the Winston Churchill Memorial and Library in Fulton, Missouri, as "America's National Churchill Museum", and commending its efforts to recognize the importance of the historic legacy of Sir Winston Churchill and to educate the people of the United States about his legacy of character, leadership, and citizenship; to the Committee on Education and Labor.

By Mr. McDERMOTT (for himself and Mr. LINDER):

H. Res. 391. A resolution recognizing May as "National Foster Care Month" and acknowledging that the House of Representatives should continue to work to improve the Nation's foster care system; to the Committee on Ways and Means.

By Mr. RUPPERSBERGER:

H. Res. 392. A resolution congratulating and commending Free Comic Book Day as an enjoyable and creative approach to promoting literacy and celebrating a unique American art form; to the Committee on Oversight and Government Reform.

By Mr. TIAHRT (for himself, Mr. SESSIONS, Mr. FLEMING, Mrs. LUMMIS, and Mr. MORAN of Kansas):

H. Res. 393. A resolution expressing the sense of the House of Representatives that the Obama Administration and Congress should end the assault on America's energy independence by leaving in place domestic energy tax incentives; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HUNTER introduced a bill (H.R. 2225) for the relief of Roberto Luis Dunoyer Mejia, Consuelo Cardona Molina, Camilo Dunoyer Cardona, and Pablo Dunoyer Cardona; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Ms. WATSON, Ms. FUDGE, Ms. KILROY, and Mr. INGLIS.

H.R. 23: Mrs. CHRISTENSEN, Mr. PALLONE, and Mr. MORAN of Virginia.

H.R. 24: Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. SPRATT, Ms. GINNY BROWN-WAITE of Florida, Mr. BACHUS, Mr. CRENSHAW, Mr. GERLACH, Mr. ROGERS of Kentucky, Ms. BEAN, Mr. STUPAK, Mr. GOODLATTE, Mr. RYAN of Ohio, Mr. LANCE, Mr. FALEOMAVAEGA, Mr. KILDEE, and Mr. CARNAHAN.

H.R. 43: Mr. ROGERS of Alabama, Mr. MCINTYRE, Mr. RAHALL, Mr. PETERSON, Mr. NADLER of New York, Mr. DOYLE, Ms. ROYBAL-ALLARD, and Mr. TERRY.

H.R. 52: Mr. ROGERS of Kentucky.

H.R. 55: Mr. MCMAHON.

H.R. 149: Mr. FRANK of Massachusetts.

H.R. 179: Mr. QUIGLEY and Mr. TONKO.

H.R. 197: Mr. BARROW, Mr. LUETKEMEYER, and Mr. KISSELL.

H.R. 205: Mr. SMITH of Nebraska.

H.R. 211: Mr. GORDON of Tennessee.

H.R. 235: Mr. BERRY, Mr. MCMAHON, and Mr. JACKSON of Illinois.

H.R. 237: Mr. BISHOP of New York.

H.R. 240: Mr. TURNER and Mr. STEARNS.

H.R. 272: Mr. HOEKSTRA.

H.R. 275: Mr. BISHOP of Utah, Mr. ARCURI, Mr. MICHAUD, Mr. LATOURETTE, Mr. BROUN of Georgia, Mr. PALLONE, Mr. ALEXANDER, Ms. HERSETH SANDLIN, Mr. BISHOP of New York, Mr. DUNCAN, Mr. SESTAK, Mr. WESTMORELAND, Mr. MARCHANT, Mr. MANZULLO, and Mr. TOWNS.

H.R. 391: Mr. HASTINGS of Washington and Mr. BUYER.

H.R. 392: Mr. GOODLATTE.

H.R. 422: Mr. KIND, Mr. LEVIN, Mr. DAVIS of Alabama, and Mr. HONDA.

H.R. 442: Mr. LUETKEMEYER, Mr. GUTHRIE, Mr. CARNEY, Mr. KISSELL, and Mr. BOREN.

H.R. 503: Ms. MCCOLLUM.

H.R. 510: Mr. PAYNE and Mr. MCGOVERN.

H.R. 520: Mr. LARSEN of Washington.

H.R. 558: Mr. GRIJALVA.

H.R. 593: Mr. SPACE and Ms. DEGETTE.

H.R. 662: Mr. ALTMIRE and Ms. KOSMAS.

H.R. 673: Mr. SMITH of New Jersey.

H.R. 678: Mr. SCOTT of Virginia.

H.R. 690: Mr. ETHERIDGE.

H.R. 699: Mr. HODES.

H.R. 702: Mr. HIMES.

H.R. 704: Mrs. CAPITO.

H.R. 707: Mrs. BIGBERT, Mr. BLUNT, and Mr. KLINE of Minnesota.

H.R. 745: Mr. SMITH of New Jersey and Mr. PETERSON.

H.R. 764: Mr. MILLER of Florida.

H.R. 795: Mr. PETERSON.

H.R. 805: Mr. BUTTERFIELD and Ms. BORDALLO.

H.R. 836: Mr. BOSWELL, Mr. SMITH of New Jersey, Mr. DUNCAN, Mr. SKELTON, Mr. OBERSTAR, Mr. LUCAS, Ms. JENKINS, Mr. ARCURI, Mr. MCCOTTER, Mr. WHITFIELD, Mr. HALL of Texas, Mr. JOHNSON of Illinois, and Mr. OLSON.

H.R. 840: Mr. GRAYSON.

H.R. 848: Mr. VAN HOLLEN.

H.R. 874: Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. POMEROY, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 893: Mrs. MALONEY.

H.R. 904: Mr. LANGEVIN.

H.R. 919: Mr. PETERSON.

H.R. 936: Mr. GRAYSON, Mr. GONZALEZ, and Mr. PASCRELL.

H.R. 959: Mr. CASTLE.

H.R. 977: Mr. HOLDEN, Mr. BOSWELL, Mr. CARDOZA, Ms. HERSETH SANDLIN, Mr. WALZ, Mr. KAGEN, Mr. SCHRADER, Mr. MASSA, Ms. MARKEY of Colorado, Mr. SCHAUER, Mr. KISSELL, Mr. POMEROY, and Mr. WELCH.

H.R. 980: Mr. WU.

H.R. 981: Mr. FRANK of Massachusetts.

- H.R. 1016: Ms. SCHWARTZ, Mr. POLIS of Colorado, Mrs. HALVORSON, and Mr. LATOURETTE.
- H.R. 1017: Mr. PETERSON and Mr. SMITH of Washington.
- H.R. 1021: Mr. POE of Texas, Mr. BARTLETT, and Mr. CULBERSON.
- H.R. 1024: Mr. ISRAEL.
- H.R. 1030: Mr. PETERSON and Mrs. DAHL-KEMPER.
- H.R. 1066: Mr. MCGOVERN, Ms. PINGREE of Maine, Mr. MILLER of North Carolina, Ms. JACKSON-LEE of Texas, Ms. SHEA-PORTER, and Mr. BLUMENAUER.
- H.R. 1067: Mr. DAVIS of Tennessee.
- H.R. 1074: Mr. LUETKEMEYER, Mr. KAGEN, Mr. KISSELL, and Mrs. BLACKBURN.
- H.R. 1092: Mr. BRALEY of Iowa and Ms. LEE of California.
- H.R. 1101: Mr. PETERSON.
- H.R. 1126: Mr. TURNER.
- H.R. 1132: Ms. MARKEY of Colorado, Mr. HERGER, Mr. SNYDER, Mr. LIPINSKI, and Mr. GUTHRIE.
- H.R. 1137: Mr. DEFazio.
- H.R. 1142: Ms. ZOE LOFGREN of California.
- H.R. 1150: Mr. McMAHON.
- H.R. 1179: Mrs. NAPOLITANO and Mr. GOOD-LATTE.
- H.R. 1180: Mrs. EMERSON, Mr. WITTMAN, and Mr. SAM JOHNSON of Texas.
- H.R. 1190: Mr. BISHOP of Georgia and Mr. BARROW.
- H.R. 1193: Ms. ROS-LEHTINEN and Mr. LATOURETTE.
- H.R. 1205: Mrs. MYRICK, Mrs. MCCARTHY of New York, Mr. SABLAN, Mr. POSEY, Mr. PETERSON, Ms. FUDGE, Mr. GERLACH, Mr. WELCH, and Mr. DRIEHAUS.
- H.R. 1207: Mr. BUYER, Mr. NEUGEBAUER, and Mr. MCHENRY.
- H.R. 1210: Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, and Mr. PETERSON.
- H.R. 1215: Mr. PASTOR of Arizona and Ms. MCCOLLUM.
- H.R. 1250: Mr. CANTOR.
- H.R. 1268: Mr. GINGREY of Georgia.
- H.R. 1277: Mr. MACK, Mr. Austria, Mr. BARTON of Texas, Mr. NEUGEBAUER, Mr. Chaffetz, Mr. CAMPBELL, Mr. SMITH of Texas, Mr. LUETKEMEYER, and Mr. BACHUS.
- H.R. 1313: Mr. UPTON.
- H.R. 1330: Mr. BOCCIERI and Mr. HINCHEY.
- H.R. 1349: Mr. SHUSTER.
- H.R. 1352: Ms. HERSETH SANDLIN and Mr. BARRETT of South Carolina.
- H.R. 1362: Mr. LATHAM.
- H.R. 1392: Mr. BUYER.
- H.R. 1396: Mr. POE of Texas.
- H.R. 1398: Mr. KAGEN, Mr. PETERSON, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. TIBERI.
- H.R. 1402: Mr. BARROW, Mr. SESTAK, Ms. SUTTON, and Mr. PETERSON.
- H.R. 1412: Mr. NADLER of New York.
- H.R. 1422: Mr. LANCE.
- H.R. 1428: Mr. BRALEY of Iowa and Mr. DAVIS of Kentucky.
- H.R. 1454: Mr. LINCOLN DIAZ-BALART of Florida, Mr. KRATOVIL, and Mr. DICKS.
- H.R. 1479: Mr. JACKSON of Illinois.
- H.R. 1521: Mr. SCALISE and Mr. KING of New York.
- H.R. 1528: Mr. LEWIS of Georgia.
- H.R. 1530: Mr. LEWIS of Georgia.
- H.R. 1531: Mr. LEWIS of Georgia.
- H.R. 1545: Mr. WITTMAN.
- H.R. 1547: Mr. PRICE of North Carolina, Mr. KING of New York, Mr. THOMPSON of Pennsylvania, and Mr. MILLER of Florida.
- H.R. 1558: Mr. ARCURI, Mr. DONNELLY of Indiana, Mr. SARBANES, Mr. CONYERS, Mr. PIERLUISE, Mr. WELCH, Mr. FARR, Mr. CONNOLLY of Virginia, and Mr. GRAYSON.
- H.R. 1570: Mr. SHERMAN and Mr. BRALEY of Iowa.
- H.R. 1588: Mr. GARY G. MILLER of California and Ms. FOXX.
- H.R. 1633: Mr. GRIJALVA, Mrs. LOWEY, and Mr. CARNAHAN.
- H.R. 1636: Mr. McMAHON.
- H.R. 1692: Mr. PLATTS and Mrs. LUMMIS.
- H.R. 1708: Ms. ZOE LOFGREN of California, Ms. VELÁZQUEZ, and Mr. LATHAM.
- H.R. 1718: Mr. HASTINGS of Florida and Ms. BORDALLO.
- H.R. 1721: Mr. LEWIS of Georgia.
- H.R. 1727: Mr. LEWIS of California.
- H.R. 1730: Ms. ESHOO.
- H.R. 1733: Mr. SPACE and Mr. MCCOTTER.
- H.R. 1737: Ms. HERSETH SANDLIN.
- H.R. 1740: Mr. PLATTS, Mr. SESSIONS, Mr. POMEROY, Mr. BISHOP of New York, and Mr. ROGERS of Alabama.
- H.R. 1748: Mr. SHERMAN.
- H.R. 1751: Ms. CASTOR of Florida, Ms. MOORE of Wisconsin, Mr. QUIGLEY, and Ms. EDDIE BERNICE JOHNSON of Texas.
- H.R. 1774: Ms. ESHOO.
- H.R. 1802: Ms. JENKINS and Mr. MILLER of Florida.
- H.R. 1826: Ms. LEE of California.
- H.R. 1829: Mr. RAHALL.
- H.R. 1831: Mr. NYE, Mr. COBLE, and Mr. SCOTT of Virginia.
- H.R. 1835: Mr. MCCAUL.
- H.R. 1836: Ms. KOSMAS.
- H.R. 1839: Mr. GRAVES and Mr. SCHOCK.
- H.R. 1845: Mr. BUCHANAN.
- H.R. 1868: Mr. BROWN of South Carolina, Mr. DAVIS of Kentucky, Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. CHAFFETZ, and Mr. KLINE of Minnesota.
- H.R. 1869: Mr. HARE, Mr. CARNAHAN, Mr. SERRANO, Mr. KENNEDY, Mr. HINCHEY, Mr. LYNCH, and Mr. KIND.
- H.R. 1870: Mr. HASTINGS of Florida and Mr. MORAN of Virginia.
- H.R. 1874: Mr. BRADY of Pennsylvania.
- H.R. 1881: Mrs. MCCARTHY of New York.
- H.R. 1939: Mr. BILBRAY.
- H.R. 1946: Ms. DEGETTE.
- H.R. 1958: Mr. SABLAN, Mr. FARR, Mr. FALCOMA VAEGA, Mr. YOUNG of Alaska, and Mr. BLUMENAUER.
- H.R. 1964: Ms. JACKSON-LEE of Texas.
- H.R. 1970: Mr. KAGEN, Mr. PAUL, Mr. BRALEY of Iowa, and Mr. LATHAM.
- H.R. 1974: Mr. ROSS, Mr. ALTMIRE, Mr. ROGERS of Alabama, Mr. SCHAUER, Mr. WILSON of Ohio, Mr. CONNOLLY of Virginia, Mr. BACA, Mr. MANZULLO, and Mr. MARIO DIAZ-BALART of Florida.
- H.R. 1977: Mr. HASTINGS of Florida.
- H.R. 1981: Mr. BURTON of Indiana, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. LATTA, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. MARCHANT, Mr. SMITH of Texas, and Mr. GINGREY of Georgia.
- H.R. 2006: Mr. SERRANO and Ms. BERKLEY.
- H.R. 2009: Mr. DUNCAN, Mr. CONAWAY, Mr. BILBRAY, Mr. GALLEGLY, Mr. GOHMERT, Mr. LATHAM, and Mr. SAM JOHNSON of Texas.
- H.R. 2026: Mr. HENSARLING.
- H.R. 2054: Mr. MCNERNEY, Mr. QUIGLEY, Mr. SHULER, and Mr. BRADY of Pennsylvania.
- H.R. 2057: Mr. ROGERS of Alabama, Mr. SHULER, Mr. WELCH, Mr. BOUCHER, and Mr. GERLACH.
- H.R. 2076: Mr. FARR and Mr. PASTOR of Arizona.
- H.R. 2090: Mr. MAFFEI, Mr. NADLER of New York, Ms. CLARKE, Mr. MEEKS of New York, Mr. CROWLEY, Ms. SLAUGHTER, Mr. RANGEL, Mr. WEINER, and Ms. VELÁZQUEZ.
- H.R. 2095: Ms. NORTON and Mr. GRIJALVA.
- H.R. 2101: Mr. AKIN, Mr. WITTMAN, Mr. TAYLOR, Mr. BARTLETT, and Mr. COURTNEY.
- H.R. 2103: Ms. WASSERMAN SCHULTZ, Mr. OLIVER, and Mr. BRADY of Pennsylvania.
- H.R. 2110: Mr. JONES and Mr. PALLONE.
- H.R. 2124: Mr. PLATTS.
- H.R. 2132: Ms. BERKLEY.
- H.R. 2137: Mr. MASSA, Mr. HASTINGS of Florida, Mr. FARR, Mr. GRIJALVA, Ms. NORTON, and Ms. JACKSON-LEE of Texas.
- H.R. 2141: Mr. COSTA and Mr. STARK.
- H.R. 2144: Mr. ISSA and Mr. CAMP.
- H.R. 2147: Mr. INSLEE and Mr. WELCH.
- H.R. 2149: Mr. DRIEHAUS and Mr. TIBERI.
- H.R. 2163: Mr. LANGEVIN.
- H.R. 2164: Mr. LANGEVIN.
- H.R. 2172: Mr. BAIRD and Mr. PALLONE.
- H. Con. Res. 84: Mr. ROE of Tennessee, Mr. LATTA, Mr. BARRETT of South Carolina, Mr. FORTENBERRY, Mr. GINGREY of Georgia, Mr. KLINE of Minnesota, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. FRANKS of Arizona, Mr. POSEY, Mr. MILLER of Florida, Mr. UPTON, Mr. LEWIS of California, Mr. BACHUS, Mr. GOHMERT, Mr. EHLERS, Mr. REHBERG, Ms. JENKINS, Mr. AKIN, Ms. GINNY BROWN-WAITE of Florida, Mr. JONES, Mr. DUNCAN, Mr. GRAVES, Mr. ROGERS of Kentucky, Mr. TIAHRT, Mr. GALLEGLY, Mr. PUTNAM, Mr. BOREN, Mr. SHUSTER, Mr. TIM MURPHY of Pennsylvania, Mr. CAPUANO, Mr. CRENSHAW, Mr. BRADY of Texas, Mr. NUNES, Mr. BRADY of Pennsylvania, Mr. ISRAEL, Mr. MOORE of Kansas, Mr. LANCE, Mr. WILSON of South Carolina, Mr. WALZ, Mr. CARDOZA, Mr. PENCE, Mr. COOPER, Mr. THOMPSON of Pennsylvania, Mr. TAYLOR, Mr. YOUNG of Florida, Mr. BONNER, Mr. FRELINGHUYSEN, Mr. SHIMKUS, Mr. LARSEN of Washington, Mr. CONAWAY, Mr. SMITH of Nebraska, Mr. KILDEE, Mrs. SCHMIDT, Mr. KIND, Mr. CAMPBELL, Mr. BOSWELL, Mr. DEAL of Georgia, Mr. ELLSWORTH, Mr. BROUN of Georgia, Mr. ISSA, Mr. PAUL, Mr. BUYER, Mr. COSTELLO, Mr. NEAL of Massachusetts, and Mr. STUPAK.
- H. Con. Res. 87: Mr. WOLF and Mr. ELLISON.
- H. Con. Res. 89: Mr. HOLT and Ms. ROS-LEHTINEN.
- H. Con. Res. 98: Mr. MCGOVERN.
- H. Con. Res. 102: Ms. BALDWIN.
- H. Con. Res. 107: Ms. RICHARDSON, Mr. WAXMAN, and Ms. JACKSON-LEE of Texas.
- H. Con. Res. 108: Mr. MORAN of Virginia.
- H. Con. Res. 111: Mr. MCHENRY, Mr. SHAD-EGG, Mr. LINDER, Ms. ROS-LEHTINEN, Mr. JORDAN of Ohio, Mr. MCCAUL, Ms. BORDALLO, Mr. MANZULLO, Mr. MACK, Mr. SMITH of New Jersey, and Mr. BOOZMAN.
- H. Res. 57: Mr. SABLAN and Mr. YOUNG of Alaska.
- H. Res. 159: Ms. TSONGAS, Ms. SCHAKOWSKY, Ms. PINGREE of Maine, Ms. CLARKE, and Mrs. MALONEY.
- H. Res. 185: Mr. MEEK of Florida and Mr. MEEKS of New York.
- H. Res. 204: Ms. ROYBAL-ALLARD.
- H. Res. 209: Mr. BLUMENAUER.
- H. Res. 232: Mr. WILSON of South Carolina and Mr. BROUN of Georgia.
- H. Res. 260: Mr. OLIVER, Ms. ROYBAL-ALLARD, and Mrs. CHRISTENSEN.
- H. Res. 278: Mr. DREIER and Ms. MOORE of Wisconsin.
- H. Res. 309: Mr. ROHRBACHER and Mr. FALCOMA VAEGA.
- H. Res. 318: Mr. YOUNG of Alaska, Ms. MARKEY of Colorado, and Mr. ROE of Tennessee.
- H. Res. 349: Mr. TANNER, Mr. ROGERS of Alabama, Mr. DEAL of Georgia, Mr. SIMPSON, Mr. BISHOP of Utah, Mr. SESSIONS, Mr. MCCAUL, Mr. KIND, Mr. INGLIS, Mr. GINGREY of Georgia, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. MILLER of Florida, Mr. LIPINSKI, Mr. CAMP, Mr. BRADY of Texas, Mrs. MCMORRIS RODGERS, Mr. JOHNSON of Georgia, Mr. MEEK of Florida, Mr. GORDON of Tennessee,

Mr. BOUSTANY, Mr. SMITH of New Jersey, Mr. DICKS, Mr. ROGERS of Michigan, Mr. BOOZMAN, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. LARSEN of Washington, and Mr. HOEKSTRA.

H. Res. 350: Mr. SMITH of New Jersey, Mr. GERLACH, Ms. EDWARDS of Maryland, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. POE of Texas, Mr. PASCRELL, Mr. DENT, Mr. MURTHA, Mr. SHUSTER, Mr. CARNEY, Mr. HARE, Ms. PINGREE of Maine, Mr. BOSWELL, Mr. PITTS, and Mr. LOEBACK.

H. Res. 360: Mr. SOUDER and Mr. LEE of New York.

H. Res. 363: Mr. FARR.

H. Res. 364: Mr. HASTINGS of Florida, Mr. HIMES, and Mr. SHERMAN.

H. Res. 366: Mr. WOLF and Mr. PRICE of North Carolina.

H. Res. 367: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of New York, Mr. FILNER, Mr. CARNEY, Mr. BOSWELL, Mr. DEFazio, Mr. TEAGUE, Mr. COHEN, Mr. MICHAUD, Mr. LARSEN of Washington, Mr. MCMAHON, Mrs. LOWEY, Ms. MARKEY of Colorado, Mr. GUTHRIE, Mr. RAHALL, Mr. TONKO, Mr. BACHUS, Mrs. MILLER of Michigan, Ms. WATSON, Mr. CLYBURN, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. DELAHUNT, Mr. WATT, Ms. KILPATRICK of Michigan, Mr. ELLISON, Mr. OLVER, Mr. AL GREEN of Texas, Mr. THOMPSON of Mississippi, Mr.

FATTAH, Mr. BOOZMAN, Mr. BUTTERFIELD, Mr. FRANK of Massachusetts, Ms. CASTOR of Florida, Mr. MCGOVERN, Mr. KAGEN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Ms. MOORE of Wisconsin, Ms. EDWARDS of Maryland, Mr. CRENSHAW, Mr. LARSON of Connecticut, and Mr. WALZ.

H. Res. 370: Mr. BOSWELL, Mr. MEEKS of New York, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, Mrs. HALVORSON, Mr. CROWLEY, Mr. HODES, Mrs. CAPPS, Ms. BALDWIN, Mr. ELLISON, Ms. EDWARDS of Maryland, Mr. WEINER, Ms. DEGETTE, and Mr. WAXMAN.

H. Res. 374: Mr. CASTLE, Mr. MORAN of Virginia, Ms. MATSUI, Ms. BORDALLO, Mr. KLEIN of Florida, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. DAVIS of Kentucky, Mr. ENGEL, Mr. LUETKEMEYER, Mr. PETERSON, Mr. HINOJOSA, Mr. NEAL of Massachusetts, Mr. POE of Texas, Mr. TERRY, Ms. GRANGER, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, Mr. GORDON of Tennessee, Mr. KIRK, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SIMPSON, Mr. CUMMINGS, Mr. SKELTON, Mr. CLAY, Mr. TOWNS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GUTIERREZ, Mr. HOLDEN, Mr. BURTON of Indiana, and Mr. ETHERIDGE.

H. Res. 377: Mrs. MALONEY, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. JONES, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mrs. NAPOLITANO, Mrs. MCMORRIS RODGERS, Mr.

ORTIZ, Mr. MCKEON, Mr. GARY G. MILLER of California, Ms. GIFFORDS, Mr. LAMBORN, Mr. KENNEDY, Mrs. BONO MACK, Mr. RADANOVICH, Ms. BORDALLO, Mr. MASSA, Mr. PERRIELLO, Mr. KISSELL, Mr. MICHAUD, Mr. TAYLOR, Mr. WILSON of South Carolina, Mr. LINDER, Mr. ROHRABACHER, Mr. BERMAN, Mr. DANIEL E. LUNGREN of California, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. PAUL, Mr. MARIO DIAZ-BALART of Florida, Mr. OBERSTAR, Mr. KANJORSKI, Mr. WALDEN, Mr. GOODLATTE, Mr. BOREN, Mr. SULLIVAN, Mr. THORNBERRY, Mr. CULBERSON, Mr. GOHMERT, Mr. OLSON, Mr. FRANKS of Arizona, Ms. FOXX, Mr. BONNER, Mr. SOUDER, Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. NUNES, Mr. BLUNT, Mr. MARSHALL, Mr. LEWIS of California, Mr. PAYNE, Mr. MCCARTHY of California, Mr. MCGOVERN, and Mr. ROYCE.

H. Res. 378: Mr. GINGREY of Georgia, Mr. BOUSTANY, Mr. CONAWAY, Mr. ADERHOLT, Mr. CARTER, Mr. SESSIONS, and Mr. FORTENBERRY.

DELETIONS OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. R. 2072: Mrs. EMERSON.

SENATE—Thursday, April 30, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Chaplain MAJ Jonathan Etterbeek, from the 32nd Medical Brigade at Fort Sam Houston, TX.

The guest Chaplain offered the following prayer:

Will you pray with me, please.

Almighty God, I ask Your blessing upon today's session of the Senate. Grant Your guidance and wisdom upon our legislators and their staffs in their decisions and deliberations. Let this legislative body exemplify the value-based, principle-centered leadership that is reflective of the diversity and inclusivity of the American people. Let integrity and personal courage be the hallmarks of their selfless service to the Nation.

Lord, I ask a special blessing upon our military children with autism during this month of the Military Child and National Autism Awareness Month. Let us honor the sacrifices of our military parents by providing the best possible care for our military children, especially those who suffer from autism. Spiritually edify us to live justly, to love mercy, and walk humbly with You, O God.

In Your Holy name I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 30, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, following the remarks of the two leaders, the Senate will be in a period of morning business for up to an hour. Senators will be allowed to speak during that time for up to 10 minutes each. The majority will control the first 30 minutes, the Republicans will control the next 30 minutes.

Following morning business, the Senate will begin consideration of the mortgage foreclosure and enhancement mortgage credit legislation. Senator DURBIN will be recognized to offer an amendment with reference to mortgage modification—the bankruptcy provision. There will be up to 4 hours of debate on that issue equally divided. There will be an affirmative 60-vote threshold on that amendment. Senators, therefore, should expect the first vote between 2:30 and 3:30 this afternoon.

Upon disposition of that amendment, Senator DODD will be recognized to offer a Dodd-Shelby substitute amendment. The Senate will then proceed to executive session to consider the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife. There will be up to 3 hours for debate with respect to the Strickland nomination, 1 hour for the majority, 2 hours for the Republicans, with Senator BUNNING controlling 30 minutes of Republican time. Confirmation of the Strickland nomination is also subject to an affirmative 60-vote threshold.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

OBAMA GUANTANAMO POLICY

Mr. McCONNELL. Madam President, today the Secretary of Defense and the Secretary of State will appear before the Appropriations Committee to support the administration's request for funding to execute our combat operations in Iraq and Afghanistan. They will be explaining the need to expend more than \$80 billion in our efforts to defeat the Taliban, al-Qaida, and to preserve our security gains in Iraq.

The administration's request also includes \$80 million to close the secure detention facility at Guantanamo Bay. Yet rather than appear before the Senate to explain why these funds are necessary, and what the administration plans to do with the terrorists housed at Guantanamo, Attorney General Holder chose to deliver a speech in Berlin yesterday in which he reiterated the administration's intent to close it.

During that speech, Attorney General Holder acknowledged once again that Guantanamo is "run in an efficient, professional manner." He said detainees there are treated humanely. Yet Guantanamo must be closed, he said, because it represents, as he put it, a time and an approach that we want to put behind us. And keeping this so-called symbol open "makes America less safe" and makes our friends, including Europeans, "less secure."

It is clear from these remarks that the administration is putting symbolism ahead of safety. This becomes even more apparent from Attorney General Holder's admission that closing Guantanamo will be "one of the most daunting challenges" he will face. He clearly realizes what most Americans realize: closing Guantanamo is not a good option if no safe alternatives exist.

In an effort to circumvent this dilemma, Attorney General Holder says the U.S. will not only transfer detainees but also release some of them and try others in Federal court. Nowhere did the Attorney General mention the use of the military commissions process that Congress passed on a bipartisan basis at the direction of the Supreme Court. The Attorney General's comments present a whole range of new problems and potential dangers that some of my colleagues will detail throughout the day.

Attorney General Holder also failed to address recent news reports that the administration was considering releasing Guantanamo detainees into American communities. On April 2, Senator Sessions sent the Attorney General a letter asking him what legal authority

the administration has to release detainees who have participated in terrorist-related activities into the United States. The Attorney General still has not responded to Senator Sessions. But it is a question the American people want answered right away.

This weekend I will be attending the Kentucky Derby with well over 100,000 Kentuckians and other Americans, and if I asked every one of them if they thought sending terrorists to our neighborhoods was a good plan, I would get more than 100,000 resounding "noes."

Since the administration has not given any indication where it plans to put the 240 terrorists currently housed at Guantanamo, the Attorney General was asked in Berlin if any of the detainees could be put up in hotels. According to the Associated Press report on the meeting, the Attorney General joked that "hotels might be a possibility, it depends on where the hotel is."

The question of where the terrorists at Guantanamo will be sent is no joking matter—and the administration needs to tell the American people how it will keep the terrorists at Guantanamo out of our neighborhoods and off of the battlefield. Its one thing not to have a plan. It is another to joke about not having one.

HONORING OUR ARMED FORCES

SERGEANT DAVID K. COOPER

Mr. MCCONNELL. Madam President, the Nation and the Commonwealth of Kentucky are poorer today for the loss of SGT David K. Cooper of Williamsburg. On August 27, 2008, Sergeant Cooper was tragically killed when his dismounted patrol came under small-arms fire in Iraq. He was 25 years old.

Sergeant Cooper was in his third tour in Iraq. For his bravery in uniform, he received several medals, awards and decorations, including the Army Good Conduct Medal, the Purple Heart and the Bronze Star Medal.

Sergeant Cooper was laid to rest at Bowlin Cemetery in Jellico, TN, about 10 miles south of Williamsburg. Ed Bailey, a friend who watched him grow up, said of Sergeant Cooper, "I don't know where our country keeps getting these heroes."

Ronald and Judy Cooper, David's parents, could tell you. They fondly remember David, who was born in Whitley County and raised in Williamsburg, as a fun-loving kid who enjoyed football, track and playing in the school band.

"David seemed to go straight from being a little boy at 11 to being a man at 12, full facial hair and all," says his mother, Judy. "David played junior-high football. The coach had David and one other player like him. Coach had to carry a copy of these two players' birth certificates to prove they were not over age for junior-high football."

David went on to play defensive end and tight end on his highschool football team, the Williamsburg Yellow Jackets. One friend who played with him, Steven Moses, still remembers David as "hard as heck to block."

David had many friends, who called him by the nickname "Coop." As for David's friends, they all seemed to have the same first name—"My Buddy."

In a eulogy she wrote with David's sisters, Veronica and Vanessa, and graciously shared with me, Judy recalls what David would call his friends: "My Buddy Matt, My Buddy Chapman, My Buddy Black."

Once when David went out with his friends to cut down their own Christmas tree, he demonstrated that he barely knew his own strength. The group borrowed a parent's truck, went out and cut down a big beautiful cedar.

"David was always a big, strong man, even in high school," says Judy. "As they were loading the tree, one of the branches got stuck on the tailgate. David and one of his friends got up into the truck, gave a mighty heave, and pulled the tree up into the bed of the truck and straight through the back window."

David graduated from Williamsburg High School in 2001 and attended Eastern Kentucky University. In May 2004, he enlisted in the Army.

Roddy Harrison, the mayor of Williamsburg and David's former teacher and high school football coach, remembers seeing David soon after he enlisted and telling him how proud he was of him. "He was a smart kid," Mayor Harrison recalls. "A good student, very likable. He had a great sense of humor. . . . We are going to miss him."

David attended basic training at Fort Sill, OK, and advanced individual training at Fort Sill and Redstone Arsenal in Alabama. By 2005, he was assigned to Golf Forward Support Company, 4th Battalion, 42nd Field Artillery, 1st Brigade Combat Team, 4th Infantry Division, based out of Fort Hood, TX. He was soon deployed to Iraq and served as a radar repair mechanic.

David's commanding officer in Iraq, CPT Christopher M. Guillory, wrote to Judy about her son. "I usually called him Coop; [he] called me 'sir' or 'Captain G,'" he wrote. "Whether it was at Chapman's house while they were working on trucks, the drag strip, or at the monster truck shows, he was always respectful to me while we had a great time. David was a great young man, who had shown a great deal of maturity in the time I knew him."

In Iraq, David served as a command team driver and company armorer. He was selected to serve on his command sergeant major's personal security detail for his tactical knowledge and record of performance.

When home on leave, David would tell his childhood friend Matt

Mountjoy about the excitement of serving in the Army. He knew the dangers but was unafraid to face them. "He really was a brave person," Matt says. "I never, never heard him say he was ever scared."

His mother Judy remembers that after David's death, a group of his friends came to visit her and share stories about her son. The stories mostly began, "You remember that time when me and you and Coop . . ." Judy says. "They were all funny, most of them dangerous. . . . Were they funny at the time? No. Where do you think I got all of these gray hairs and wrinkles? But time does give us perspective."

David's many friends and family members are in our thoughts as we remember him today. We are thinking of his wife, Amanda Fuston Cooper; his parents, Ronald Cooper and Judy Parrot Cooper; his sisters, Veronica Cooper and Vanessa Cooper, and Vanessa's fiancé Dave Seeger; his grandparents, Wanda and E.L. Cooper; his aunts, Jenny Beglitti, Janice Rutherford, and Joyce Dippel, and Joyce's husband Marty; his uncles, Steve Cooper and John Parrot, and John's wife Sonya; and many other beloved friends and family members.

All of those who knew him will remember a man of many fine qualities, including honesty. His mother Judy says no one ever had to guess where they stood with David. "David and I had a very close relationship," she says. "He always said, 'Mom, I know there isn't any sense in me trying to lie to you. I know you're just going to find out the truth anyway.'"

What is the truth now is that our Nation must never forget SGT David K. Cooper's service, nor can we ever forget the loss and pain caused to his family by his enormous sacrifice. I hope they will remember that this Senate is proud to honor SGT David K. Cooper for his bravery, his patriotism, and his love of country.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of

morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

CASTRO BROTHERS

Mr. MENENDEZ. Madam President, two weeks ago, the democratically elected leaders of the Western Hemisphere met for the Summit of the Americas. The Castro regime in Cuba was not invited, because it has violated the democratic charter of the Organization of American States for the last 5 decades.

At the same time as that meeting in Trinidad and Tobago, Raul Castro gave a speech in Venezuela. He said he would be willing to negotiate with the United States and put everything on the table. Many considered this "news."

Well, let me tell you, those comments aren't news to anyone who has followed the rhetoric of the regime over the decades. The Castros have made promise after promise and none of their promises have resulted in substantial change on the island, none of their promises have resulted in the release of the labor leaders, journalists or clergymen jailed for no crime other than speaking their minds, the end of the network of government spies on every block, or the granting of basic human rights that we in the United States take for granted. None of their promises have resulted in economic freedom for the millions of Cubans who try to get by on less than a dollar a day.

And so it was hardly news that not long after Raul Castro spoke, his older brother Fidel made comments clarifying that nothing would change, and blaming all conditions in Cuba on the United States.

He said President Obama acted with "autosuficiencia" y "superficialidad", he called him conceited and superficial.

I am surprised that Secretary Clinton, in her remarks, would jump so fast to consider that good news.

While Raul Castro spoke at a meeting in Venezuela, there was another gathering going on in Cuba. It was a gathering of state security agents and secret police, outside the home of Jorge Luis García Pérez, known as "Antúnez."

With tremendous courage, Antúnez began a hunger strike to protest the oppressive Castro regime. In response, agents descended on the house last March 17. According to Amnesty International, they have orders to use force against and arrest anyone to prevent them from entering the house, includ-

ing anyone who could provide medical treatment.

Antúnez and three other Cubans have vowed to continue their protest until the torture of political prisoner Mario Alberto Perez Aguilera, held at the Santa Clara Provincial Prison, ceases immediately.

They will continue their protest until he is taken out of a tiny solitary confinement cell, until he is no longer beaten and forced to starve, until the regime allows Antúnez' sister Caridad García Perez to rebuild her home destroyed by the hurricanes last year, which they have not allowed, as further punishment to these activists.

From his house in Placetas, Cuba, Antúnez wrote me a letter on April 13.

Here's an excerpt, in Spanish:

Compatriotas a nombre de nuestro pueblo cubano persistan en sus nobles y sinceros esfuerzos, sepan que para los cubanos la libertad, la dignidad y el respeto a los derechos humanos tienen mucho más permanencia e importancia que las ventajas económicas que puedan traer los viajes de turismo y las llegadas de insumos que financiarán más que al pueblo a la cruel tiranía que nos oprime.

He said:

Those who continue their noble and sincere efforts on behalf of the Cuban people, please know, that for Cubans, liberty, dignity and respect for human rights are much more permanent and important than the economic advantages that might come with visiting tourists and the arrival of products, which will benefit the cruel tyranny that oppresses us more than the Cuban people.

That is the kind of courage that can break a dictatorship. That is the kind of courage we should support. And that is the kind of person whose advice we should heed, the human rights activist, the Cuban who sacrifices day and night in a peaceful struggle for freedom, these are the voices we should listen to when we are making our policy toward the Castro regime.

Some like to cling to a romantic notion of the Castros, but we cannot lose sight of these brutal facts. There is no indication that political prisoners are being released, free speech is being allowed or Cubans are being granted basic liberties that we take for granted.

For the Organization of American States to readmit a regime that engages in this type of systematic suppression of human rights, it would have to rip up its Inter-American Democratic Charter as a farce. It would have to ignore Article 78 of the declaration, reaffirming, "the legitimacy of electoral processes and full respect for human rights and fundamental freedoms." And it would be sending a clear signal to other countries moving in the wrong direction, away from democracy, that it is perfectly OK to do so.

In respect to the very complicated choices we have on Cuba policy, President Obama has proven himself a man of action. I support his allowing Cuban-

Americans more opportunities to travel to Cuba, because I think families should have the chance to be reunited.

On the other hand, and although I support finding ways to improve the financial situation of the Cuban people, I think allowing unlimited remittances was not the right move, when the Castro regime still takes for itself up to 30 percent of all the money sent.

The administration also announced changes regarding telecommunications policy. Let me be clear: in spite of the fact that the regime has rejected such gestures in the past, I hope that it will now allow U.S. telecommunications companies to increase the flow of information to and from the island. That said, we need to be sure to prevent a repeat of what happened in China, where U.S. telecommunications firms helped the Chinese government monitor Internet users and control content. U.S. companies cannot and should not censor Internet searches and block Web sites at the request of the regime.

But mainly what we have learned from these good-faith actions on the part of the United States is that they have not resulted in any change of behavior from the regime in Cuba.

We have traded concessions and gotten only rhetoric in return. We have extended our hand, while the Cuban regime maintains its iron-handed clenched fist.

We cannot allow ourselves to start down a slippery slope of relaxing restrictions, that only winds up allowing the Castro regime to strengthen the iron fist by which it rules.

The press is reporting that the State Department is looking to hold talks on migration and counternarcotics with the Castro regime.

These are serious issues. But without seeing any progress whatsoever on the part of the regime, it is hard to see why we should be looking for more opportunities to make additional concessions. It is hard to see why we should believe whatever promises the regime might make. And it is hard to see why we should cooperate on migration or counternarcotics with a Cuban navy whose main mission is patrolling for and sinking ships carrying its own fleeing citizens.

If we open up discussions now, we are essentially giving the regime a pass on progress and taking the focus off of where President Obama rightly put it, freedom on the island, freedom for political prisoners, freedom from seizures of a huge percentage of remittances sent to the Cuban people.

So, this is exactly the wrong time to start these conversations and starting them would be in direct contradiction to the White House's own statements, as recently as April 17, that put the burden where it should be, on the Castro regime.

After 50 years of brutality, we need actions, not words, on the part of the

Castro regime. Mere words won't erase the lack of dignity that Antúnez is protesting with a hunger strike. Words won't stop people like Oscar Elias Biscet, a renowned doctor, from being thrown into prison for refusing to give women a drug that caused abortions.

And words won't finally allow Oswaldo Payá to see the free elections he's worked for and marched for and gone to jail for.

Last week I heard one of my distinguished colleagues speak about human rights abuses in China. I think the Senator was absolutely right to highlight those abuses. And I think we should be no less concerned with prison camps in China than prison camps in Cuba, no less concerned with Tiananmen Square than with the Primavera Negra crackdown, no less appalled at a child laborer in Beijing than in Havana.

And by now we should be convinced that economic interaction in the face of an authoritarian government will not end Cuba's human rights abuses, just as it has not ended abuses in China.

Another of my distinguished colleagues has pointed out the peaceful revolutions that ended communism in Eastern Europe, including in his ancestors' homeland of Lithuania. I share the Senator's deep respect for those revolutions. And I think it is worth pointing out that when they took place, there was international support and recognition not primarily for the businesses who wanted to open those countries up for financial gain, but for the democracy activists within those countries who risked their lives to bring change.

There is simply no excuse for the Cuban regime's behavior. Forgiving it and forgetting it is not the answer.

If we want to change the way we conduct our policy, there are many things we can do to isolate and weaken the Castro regime, and hasten the day when the Cuban people can be free.

Let's have the U.S. offer more visitor and student visas for eligible Cubans to come to the U.S., to see and live our way of life. Having Americans travel to Cuba could never be as powerful as having Cuban youth see the greatness of our country, and its pluralistic, diverse, representative democracy. That taste of freedom would be infectious.

In return we simply seek a commitment from Cuba to accept their citizens' return, and to guarantee the issuance of exit permits for all qualified migrants.

Cuba is one of the few countries in the world that will not permit its citizens to travel even when they have a legitimate visa to do so. And, when they give them license to leave, they must pay to do so. I find it ironic that when people mention the U.S. embargo, they fail to mention the Castros' blockade on their own people, a blockade that keeps Cubans not only from

leaving Cuba, but from moving freely within their own country.

If we want to facilitate the sales of food to Cuba, let us insist that they be sold in open markets, available to all Cubans, without it being part of Castro's food rationing plan, a plan meant to further control the Cuban people.

In exchange for cooperation with Cuba on narcotics trafficking, let them hand over the 200 fugitives the FBI knows are in Cuba, including JoAnne Chesimard, the convicted killer of New Jersey State Trooper Werner Foerster.

And in exchange for freeing commerce, let the Castros free the political prisoners they hold and allow them to speak freely, organize freely, elect their own leadership and freely practice their religion on Cuban soil. I hope we are not so blinded by the color of money that we forget how important it is for the Castros to close their dungeons and let the light of freedom shine down on everyone who calls the island home.

President Obama, who saw repression in Indonesia when he was a child, promised us this: He said:

My policy toward Cuba will be guided by one word: Libertad. And the road to freedom for all Cubans must begin with justice for Cuba's political prisoners, the rights of free speech, a free press and freedom of assembly; and it must lead to elections that are free and fair.

For 50 years, the regime has been a social, economic and moral failure. It has succeeded merely at staying in power. Today, after the regime has offered few new words and fewer new actions, we can choose to change how we feel about the regime, or we can try to change the way it operates. That is our choice.

We can choose amnesia or we can choose justice. We can choose strong words or we can choose strong actions. We can choose giving in to the commercial interests of a few, or we can choose holding on to the moral interests that unite us all.

That is what I hope we will do. I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from New York.

SAFE BABY PRODUCTS ACT

Mrs. GILLIBRAND. Mr. President, I rise to speak about an issue that is very close to my heart. I am a mom. I have two young boys at home. Like all parents, I have faith and confidence that the products I use on my children—bath products, lotions, and soaps—are safe. But a new study was recently released by the Campaign for Safe Cosmetics revealing that widely used baby products, such as shampoos and baby lotions, contain probable carcinogens and other irritants, in particular formaldehyde and dioxane 1,4.

Like many other moms in New York, when I read this list of potentially dan-

gerous products, I immediately began to worry about my children. I have two boys—Henry who is 11 months old and Theodore who is 5 years old. When I read this list of products, I noticed many of them are literally in my bathroom, and I have used them on my children since they were born. I was immediately very concerned. I began to think about what I could do to make a difference. The bottom line is, I, like all parents in America, need to know the facts about these products.

The Campaign for Safe Cosmetics commissioned an independent laboratory study to test 48 products for 1,4-dioxane, and 28 of those products were also tested for formaldehyde. The lab found that 61 percent contained both of those chemicals. Eighty-two percent contained formaldehyde from a level of 54 to 610 parts per million, and 67 percent contained 1,4-dioxane at levels up to 35 parts per million. The report says these chemicals are both probable carcinogens and irritants and have been known to cause cancer in animals.

The FDA, however, has not established a safe level for these chemicals in cosmetics, and these chemicals are currently not listed as ingredients because they are byproducts of the processing and manufacturing.

To me, this situation is unacceptable. Parents have the right to know whether the products they use on their children are safe. While a single product may not be cause for concern, the reality is, babies may be exposed to many products, several times a week. Children are particularly susceptible. Their skin is much finer, much thinner, so they can absorb contaminants more easily. They tend to breathe more quickly than adults, meaning their exposure to inhalation of some of these chemicals can be more considerable. We need to make sure the combination of these products is not causing harm to our youngest. Parents need to know if there are any risks in the products they trust. Parents have a right to know, and the government has a responsibility to make sure these products are safe.

That is why I rise to introduce legislation that will ensure these baby products are safe and that parents have the information they deserve. The Safe Baby Products Act will require the FDA to investigate the safety of baby products, publicly report the findings, and establish manufacturing practices that will reduce or eliminate any harmful chemicals. While there are no known cases of any disease directly linked to these products, what the legislation will do is require the FDA to test the safety and then report the findings so all of us can rest assured the products we use are safe. This commonsense legislation will ensure that we have all the facts we need about lotions and soap products because parents deserve to know.

This legislation will ensure transparency and accountability in this all-important consumer products market. The United States has a great history of taking steps to safeguard our kids. There is an important tradition of child and product safety laws.

As a mother of two young sons, I understand there is no duty greater for the Federal Government than to protect those who are most vulnerable among us. Other countries have taken leadership. The EU and Canada have banned dioxane in cosmetic products and have regulations for formaldehyde. Japan and Sweden have banned formaldehyde. The Israeli Health Ministry has banned the sales of U.S. baby products with carcinogenic chemicals.

All parents want the best for their kids. Our Government must not fail to protect our youngest and those who need our protection the most. This legislation will ensure that all of our parents have the information they need to keep our children safe.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that whatever remaining time there is on the Democratic side be preserved in the event that another Democratic speaker would want to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I will begin the Republican side at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOSING GITMO

Mr. KYL. Madam President, President Obama has set an arbitrary deadline of January of 2010 to close our prison at Guantanamo Bay. There is currently no plan on how to accomplish that. Nevertheless, the President has requested \$80 million in a supplemental appropriations bill to accomplish it. The question is, before we approve \$80 million for this purpose, should we not know what the money is going to be used for? We are not in the business of appropriating large sums of money without having any idea of what is going to happen to the money. There are a lot of questions, but there are virtually no answers.

This facility is virtually brand new. It is a \$200 million state-of-the-art prison. I have not heard that any of the money is going to actually go to shutter the facility. That would be very strange, indeed, since I gather even if all of the terrorists were removed from it, there would still be a reason to have that prison so that it could house others. So what is the money going to be used for?

We have not heard that any other country has agreed to take these prisoners. I think France was willing to

take one. But presumably very little of this \$80 million is going to be used to pay other countries to take these prisoners. So what is the money going to be used for?

Obviously, we will not release them into society. I heard one wag talking about the possibility that they would be given some money and turned loose and directed to make the best of their new life. That, obviously, makes no sense. I haven't heard that any of the \$80 million would be used for that purpose.

What could it be used for? Well, I guess the only other option would be these people would be transferred to other prisons, either State prisons or maybe a Federal or a military prison. I will go into why that is not a good idea in a moment. But I suppose some of the money could be used to pay a State prison, for example, or to provide funding for a Federal prison, even though they are already funded, and I am not sure why they should need the additional money. But maybe they need additional security, for example. Perhaps some of the money could be used for that.

Why the number \$80 million? Where did that number come from? Is there a plan, and we have not been told about it yet? There are a lot of questions that have to be answered before I am willing to vote to spend \$80 million—or not spend it but to authorize \$80 million to be spent but on what I do not know.

Let's understand that the reason these terrorists are at Guantanamo Bay—there are two reasons. No. 1, these are the worst of the worst. These are extraordinarily dangerous people who have all said that if given half a chance they will kill Americans or anybody else with whom they disagree. The second reason is, this facility keeps them in a place where they are safe but also we are safe from having the facility attacked in order to release them or to have the guards or the prison officials put into jeopardy as a result of the proximity to terrorists who could have access to them.

Guantanamo Bay is not a place where terrorists can easily get access. As a result, it is the perfect place to keep these kinds of dangerous criminals. We have already let a lot of the people at Guantanamo Bay free because we judged they were not a danger any longer. Unfortunately, we were wrong about many of them. There are well over 30—and I think the number may be over 50 by now—who we actually have information have returned to the battlefield. Some of them, we know, have been killed, some have been captured again, and we know some have gone right back to committing terrorist atrocities. These are people who we thought were rehabilitated or were not terrorists in the first place.

Now we are talking about roughly 240 or 245 who we know are very dangerous

if they were ever to be released. What can be done with them? We cannot release them back to the battlefield. We cannot take them to some country such as Switzerland and turn them loose and say: Well, go wherever you want to. Other countries do not want to take them. You cannot turn them over to countries that we believe will obviously mistreat them or will turn them loose.

The only other option I can see is they would be put in some American prison. Think for a moment about that. One reason the prison guards at Guantanamo do not wear any identification is because they do not want these terrorists to know who they are. If they did, it would be possible to locate their families back in the States and to threaten them or actually do harm to them. This is not hard.

If they are transferred to the State prison in Arizona, let's say, what would have to be done there? Well, everybody knows who the warden of the State prison is in Arizona. Is that person and the family going to be jeopardized as a result of the fact that person is in charge of the Arizona prisons? Obviously, all the guards would have to have the same kind of training that our very capable people at Guantanamo have received. This would cost extra money. They could not be identified in any way to these individuals. The facilities would probably have to be hardened in order to ensure there could be no escape.

But as we found in both Afghanistan and Iraq, when terrorists are aware—and I believe this may have happened in Pakistan, though I could be corrected—when terrorists are aware their colleagues are being held in a facility, they make plans to try to spring them and they attack the facility and they try to hold hostages so they can trade for their colleagues who are in the prison.

Is that what we are going to expose Americans to in our communities? These are the kinds of things that have not been thought through and, obviously, have to be thought through. When somebody says to me: Will you vote for \$80 million to close the prison at Guantanamo? I am going to say: Tell me what the \$80 million is going to be used for. Tell me what the plan is and then I will think about it.

Let me mention—I said before these are the worst of the worst. They include 27 al-Qaida leaders, including the mastermind of the September 11 attacks, key al-Qaida operatives, and Osama bin Laden lieutenants, as well as the orchestrator of the attack on the USS Cole, which killed 17 American sailors. In total, I believe there are 241 terrorists who remain under military guard at Guantanamo—those who have been identified as too dangerous to be released.

The Attorney General, about a month ago, said about these detainees—and I am quoting now—for “people who can be released, there are a variety of options that we have and among them is the possibility that we would release them into this country.”

“Release them into this country”? I cannot imagine the American people being willing to do that.

Senator MCCONNELL asked a question of the Attorney General. He said: What is the legal basis for bringing these terrorist-trained detainees to the United States, given that Federal law specifically forbids the entry of anyone who endorses or espouses terrorism, has received terrorist training or belongs to a terrorist group?

It would be against U.S. law, as well as extraordinarily foolish, to release these people into this country, as the Attorney General intimated. As I said before, transferring them to facilities within our borders would create new terrorist targets.

The Senate has already spoken to this issue. In July of 2007, the Senate voted 94 to 3 that Guantanamo detainees should not be transferred stateside into facilities in American communities and neighborhoods.

So I repeat the question: Where will they go? European nations have said they will not take any of the terrorists because they cannot be integrated into their societies. Well, that is an understatement, to say the least.

Obviously, repatriating them to their native country has proven to be extraordinarily difficult too. That was obviously plan A. But these countries either, A, do not want them; B, could not take care of them; or, C, we believe would mistreat them.

We learned a lesson on repatriation in the case of Said Ali al-Shihri, who was returned home to Saudi Arabia after his release from Guantanamo. He promptly fled to Yemen. He is now a top leader of al-Qaida's Yemeni organization. Yemenis, interestingly, make up the largest population of Guantanamo prisoners. But Yemen has been the hardest country to engage on this issue. Even if it agreed to U.S. demands, it might not be capable of honoring it.

In fact, there are many areas of Yemen today that are very poorly governed. Its borders are porous. I do not think there is any confidence that if prisoners were released to Yemen, they would not immediately go back to the battlefield and we would be facing them again.

We should also keep in mind the conditions at Guantanamo are very good. Everyone who has visited there, I think, has agreed that the detainees are well treated, that they are exercised regularly, fed culturally and religiously appropriate meals, get medical and dental benefits—most far superior to any they had received before that in

their life. They have access to mail, a library, are free to practice their religion. The International Committee of the Red Cross has unfettered access to monitor detainees.

It is not as if, in this particular facility, they are being mistreated. In fact, in this particular facility, they probably could be treated better than being returned stateside to some existing prison that would have to be modified in order to provide this kind of treatment for them.

I know of no better alternative than their current incarceration at Guantanamo. They are dangerous people who were picked up on the battlefield or in situations where we have very good reason to believe they are terrorists, that they would engage in terrorism or support terrorism if they were released.

We, obviously, are committed to moving forward because of the President's commitment. I believe the Congress will be willing to work with the President on this very difficult situation. But if the President is going to ask the Congress for money, then the President has to be able to share with us what his plan is, and we will try to help. What I do not think we will do is agree, as the Attorney General suggested, to release them into the United States.

I think it will be extraordinarily difficult to house them in some prison in one of our communities. We clearly have not been able to talk our allies into taking them. It is very difficult to return them to other countries because of the potential they would either be mistreated or immediately go back to the battlefield.

The President has committed to doing something, in my opinion, without thinking through carefully the consequences of the decision and the difficulty of implementing the decision.

To the extent he needs help from Congress, he needs to bring us into the discussion and share with us what he intends to do. Because we are not—as the vote before the Senate clearly indicated—we are not going to endorse a blank check on this and say: Fine, Mr. President, whatever you want to do, even though it could have an adverse impact on our communities or on our country.

That is why, despite the fact there are very good reasons to support other aspects of the supplemental appropriations bill that has been proffered to the Congress, this particular piece has to be modified. Either the President has to make clear what he intends to do with the \$80 million, explain to the American people how he intends to move forward on this, or he should defer.

The supplemental appropriations bill, after all, is merely an emergency amount of money that may be needed

in a place such as Iraq, Pakistan or Afghanistan, prior to the regular appropriations process taking place. If the President can suggest to us there is some emergency need for this money, then, obviously, we can consider that. But absent that, there is no reason to put it in the supplemental appropriations bill—a bill we need to pass because of the emergencies that do exist in places such as Pakistan, Afghanistan, and Iraq.

But short of explaining to us what he wants to do with the \$80 million, I do not think this is something the Congress is going to be willing to include in the supplemental appropriations bill.

I would say this to the political operatives who sometimes get involved in these issues: Do not think that you can blackmail the Senate into supporting something such as this because of the urgency of getting the rest of the funds out into the field. Yes, those funds are important. But I think every one of our constituents would rightly be extraordinarily critical of any Senator who simply agreed *carte blanche* to appropriate \$80 million if that meant these prisoners could be released into their communities or even be put behind bars in their communities. We have already spoken out against that, so that should not be part of the plan.

I think it is very important the President understands the Senate cannot approve a bill that has this kind of appropriation in it without bringing us into the process, getting our counsel as to how to deal with the problem, and then ask for our support for the funding to execute that particular plan.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT *pro tempore*. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT *pro tempore*. Without objection, it is so ordered.

WORLD PRESS FREEDOM DAY

Mr. MARTINEZ. Madam President, this Sunday, individuals around the world will mark World Press Freedom Day by recognizing the plight of journalists in nations where their rights are not accorded under the law.

Sadly, this includes many living in our own hemisphere.

In Cuba, the repressive regime has gone to great lengths to extinguish freedom of the press, freedom of expression, and independent thought.

Many have had their homes invaded, their families blacklisted, and their lives ruined for merely reporting the facts about the reality of Cuba under the Castro brothers' dictatorship.

Six years ago, in a massive crack-down on independent civil society activists, more than 100 people were detained, with 75 suffering prosecution and then later imprisonment. Of the 75 targeted by the regime for imprisonment, 35 were writers, journalists or independent librarians.

Because in Cuba the repression has been such that people are not allowed to even go to a library and read books that might be banned by the regime, individuals began to have home libraries where people could come and check out a book or read a book that might otherwise not be permitted by the Government. These people were imprisoned along with others who, in a fledgling kind of way, attempted to report conditions in Cuba.

Today, 22 of these courageous individuals remain imprisoned. In the intervening 6 years, they have been joined by others who dared to express independent thought.

Among those arrested during the 2003 "Black Spring" crackdown was Jose Luis Garcia Paneque, a doctor who became a journalist with the independent news agency Libertad—or "freedom"—in Las Tunas Province. In 2003, Cuban state security searched his home and seized his personal possessions. He was prosecuted and convicted under Cuba's Orwellian penal code for acting "against the independence or the territorial integrity of the state."

He was sentenced to 24 years in prison—imagine, 24 years in prison—for a crime of being "against the independence or the territorial integrity of the state." In fact, he was just a free journalist. He was sentenced to 24 years. He is limited to one family visit every 45 days. His health, understandably, has deteriorated and there is genuine concern for his well-being. For advocating on his behalf, the regime accused his wife of espionage and conspired to organize mobs outside their home. These government-inspired mobs threatened to burn the house while the family feared for their lives and were still inside the home. His wife and children were forced to flee the country, all because he dared to speak the truth.

Another independent journalist jailed by the regime is Normando Hernandez Gonzalez from Camaguey Province. Hernandez Gonzalez was arrested by the regime for reporting on the conditions of state-run services in Cuba and for criticizing the government's management of issues such as tourism, agriculture, fishing, and cultural affairs. He too was convicted for acting against "the independence or the territorial integrity of the state."

Following his arrest and 25-year sentence, Hernandez Gonzalez was placed in solitary confinement, allowed only 4 hours of sunlight per week, and limited communication with his family. Prison authorities encouraged inmates to harass Hernandez Gonzalez, according, to

his wife Yarai Reyes Marin. It is no surprise his health has declined during his imprisonment.

As technology makes incremental advances in Cuba, the regime continues to clamp down on those using it to speak freely. Around the world, bloggers share information as fast as they receive it, but Cuban bloggers are lucky to have their messages penetrate the regime's repressive Internet restrictions.

One blogger who has found a way to report on the struggles of Cuban society is a woman named Yoani Sanchez. Sanchez is able to blog, but she does so at great risk of regime retribution at any moment. By e-mailing her observations on daily life in Cuba to friends outside the country, who then post them on line, she faces potential prosecution and imprisonment. Despite the risks, Sanchez eloquently expresses her support for freedom of expression. In one post she said:

State control over the media remains intact, even though technological developments have helped people find parallel paths to keep themselves informed. Illegal satellite dishes, the controlled Internet, and books and manuals brought in by tourists have shaken the government's monopoly on providing news.

Like many other supposed "freedoms" in Cuba, the Cuban constitution actually provides for speech as long as it "conforms to the aims of socialist society."

According to the State Department's 2008 report on Cuba's human rights, anyone engaged in:

disseminating "enemy propaganda"

—is how they label it—

which includes expressing opinions at odds with those of the government, is punishable by up to 14 years in prison.

Imagine 14 years in prison for disseminating "enemy propaganda," as they determine it.

We here in the United States, with our traditions of freedom of expression and freedom of the press, often take our freedoms for granted. As we near the 3rd of May—a day in honor of free press around the world—I urge my colleagues to consider all those who are suffering for exercising their inalienable right to free speech.

I have a list here I ask unanimous consent to have printed in the RECORD. It lists all of those who are presently in prison in Cuba as a result of their desire to express themselves freely in violation of the dictates of the regime.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Ricardo Severino Gonzalez Alfonso, Normando Hernandez Gonzalez, Hector Fernando Maseda Gutierrez, Pedro Arguelles Moran, Victor Rolando Arroyo Carmona, Mijail Bargaza Lugo, Juan Adolfo Fernandez Sainz, Miguel Galvan Gutierrez, Julia Cesar Galvez Rodriguez, Jose Luis Garcia Paneque, Lester Luis Gonzalez Penton, Ivan Hernandez Carrillo.

Juan Carlos Herrera Acosta, Regis Iglesias Ramirez, Jose Ubaldo Izquierdo Hernandez, Jose Miguel Martinez Hernandez, Pablo Pacheco Avila, Fabio Prieto Llorente, Alfredo Manuel Pulido Lopez, Blas Giraldo Reyes Rodriguez, Omar Rodriguez Saludes, Omar Moises Ruiz Hernandez, Raymundo Perdigon Brito, Oscar Sanchez Madan, and Ramon Velazquez Toranzo.

Mr. MARTINEZ. Madam President, today I will be introducing a resolution on World Freedom Day, if I may have another second to finish, and as I do, I hope many of my colleagues will join in this resolution. There may be some of us in this body who might differ on the best approach to bring freedom to Cuba. There ought to be no dissent on the issue that we all stand on the side of those who seek to freely express themselves in the midst of a very oppressive regime. So I hope we will have a lot of support for this resolution which I will be presenting later today.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, how much time is left, or would we be able to secure 20 minutes for Senator GRAHAM and myself?

The ACTING PRESIDENT pro tempore. The minority controls 7 minutes, and the majority controls 8 minutes.

Mrs. HUTCHISON. I ask unanimous consent to have 20 minutes for Senator GRAHAM and myself. If there is something else that is scheduled, I am happy to scale that back.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUANTANAMO BAY

Mrs. HUTCHISON. Madam President, I wish to be notified at 10 minutes so I can assure that Senator GRAHAM of South Carolina can also speak.

We are speaking today on a very important subject. We are urging President Obama today to reconsider the decision to close Guantanamo Bay until he can reassure the American people that there is a viable alternative for detaining terrorist combatants.

Let there be no mistake. We are fighting a war on terror. This is a war that is just as important as any we have ever fought. Every war that we have fought for almost two centuries in this country has been a fight for freedom, and this is a fight for freedom too.

When President Obama announced by Executive order that he would close Guantanamo Bay, my initial reaction was, What are we going to do with these prisoners? What is the plan? We have not seen a plan, yet we have an order that says we are going to execute a closing of Guantanamo Bay with no plan for what we do with them.

I have been to Guantanamo Bay. I have visited that prison. I can tell my colleagues that in my observation and

everything that we have learned since, the prisoners are being treated with respect. They are being well fed. They get health care coverage they have never had in their lives. Yet President Obama is saying we are going to close it even though we don't know what we are going to do with those prisoners.

What kind of precautions would be necessary to transfer these suspected terrorists? Well, we know that American prisons are simply not experienced in handling this unique and unprecedented brand of prisoner. In the United States, even petty and unsophisticated criminals find ways to plot behind prison walls.

For example, there was a recent news release about prisoners smuggling cell phones behind bars. The problem is so widespread that I have introduced, along with Congressman KEVIN BRADY on the House side, legislation to prevent prison inmates from using smuggled cell phones. In Texas, authorities say a death row inmate, Richard Tabler, used a smuggled cell phone to make threatening calls to a State Senator. Tabler's phone was found in the ceiling above a shower, and when they found it, they also found 11 more phones belonging to other death row inmates while they were looking for Mr. Tabler's. Do we want to take the risk that key al-Qaida terrorists, including Khalid Sheikh Mohammed, the confessed mastermind of the attacks on 9/11, won't be able to do what Richard Tabler and so many other prisoners have done—get a cell phone and plot attacks or escapes?

I think many of my colleagues understand the stakes here. On July 19 of 2007, the Senate voted 94 to 3 that detainees housed at Guantanamo Bay should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods. So what is the alternative? There is another alternative. We could let them go. We could release them back to their home country or to some other foreign country, but let's look at the risks of that.

We now know that as many as 61 detainees previously released from Guantanamo Bay have returned to the battlefield, many of whom are now waging war against Americans. The prisoners already released were believed to be the least dangerous and yet many have returned to the battlefield. The ones remaining are considered the most dangerous and the most likely to kill again or plot to kill again.

Earlier this year, we learned that one former Guantanamo Bay detainee, Said Ali al-Shihri, is currently serving as the deputy leader of al-Qaida in Yemen. Those terrorists are directly responsible for the 2008 bombing of the U.S. Embassy in Yemen in which 10 people were murdered. Even though Al-Shihri was transferred from Guanta-

namo Bay to Saudi Arabia for a period of rehabilitation, he rejoined al-Qaida and assumed a leadership role in the planning and execution of terrorist acts. With this knowledge, can we be serious that we would abandon the security of Guantanamo Bay for an alternative of foreign transfers that could pose harm to ourselves and our allies, and especially to our young men and women serving right now in the military in the Middle East?

Without a viable option—and I do not consider it viable to let them go, because we have a history of what happened with that, nor do I think it is a viable option to transfer them to a prison in the United States until we know how we are going to secure that prison from any visitors, any capability of getting cell phones or, worse yet, weapons, so that we can assure there will not be plots from an American prison to kill Americans who are innocent anywhere in our country. Unless we have a viable option, I urge the President not to set a deadline for closing Guantanamo Bay until the American people are assured that there is a safe place for them to go. I believe the safest place for them is right where they are. Guantanamo Bay is secure. There have been no escapes from Guantanamo Bay, and they are getting treated very well. I have witnessed that, and many others of my colleagues who have taken the time to visit know they are being treated well. In many cases they are getting better care than they have had in their lifetimes.

I implore the President to change this order. Let's have a plan before we release these people out into the world to plot against Americans or bring them onto our soil before we know that we have a safe, secure environment, and where communities are willing, able, and encouraging that they be there in their midst.

Madam President, thank you. I yield the floor.

The ACTING PRESIDENT *pro tempore*. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I appreciate what the Senator from Texas has been saying. This issue of what to do with the Guantanamo Bay detainees is a central issue for the Nation and the overall war on terror, because the President is looking for partners. He keeps saying that. I stand ready to be a partner. The best-run jail in the world where they are now is Guantanamo Bay. I have been there many times. The men and women who are working in that prison are doing an outstanding job. They follow the rules. It is a model military prison. It is tough duty. What they go through every day you probably don't realize, and we can't tell you at all, but it is tough duty. Anyone serving down there is doing the country a great service.

Having said that, I understand the need to change the image of the coun-

try. I have been one of the Republicans—a military lawyer for 25 years—who understands the way we conduct this war determines whether we will win it. The high ground in military operations is usually a physical location. When you are in a battle or a war, you try to get the high ground, because that is the best place to fight the enemy from. In this war, it is an ideological struggle, so the high ground is the moral high ground. It does matter what we do.

My goal for America is to be the best we can be. Our enemies—al-Qaida and other groups—are some of the most barbaric people in the history of the world. But here is what it comes down to. When we capture one of them, it becomes about us. They will cut people's heads off in the most brutal fashion, abuse and humiliate people. They don't give trials. They are not reasoned. They are barbarians. The fact that we choose a different way is not a weakness, it is a strength. Trust me, if we are going to lead the world to a better way, we need to show the world a better way. And there is a better way.

In World War II, we had thousands—350,000, I think—of German and Japanese prisoners housed in the United States, Nazis and Japanese prisoners committed to our destruction. We held them here under our value system, under the Geneva Conventions, in communities all over America. The Nazis and the Japanese were a tough crowd. When those prisoners were released, those who were released, they went back to their country with a view of America that helped us form the modern Japan and Germany.

Some of the people we are talking about at Guantanamo Bay are subject to war crimes trials. So I am urging the President to leave on the table the military commission option. We can reform it, but let's not criminalize this war. They are not accused of robbing a liquor store. These are not common criminals.

Under domestic criminal law, you cannot hold someone forever without a trial, nor should you. But under the law of armed conflict, if you catch a member of the enemy force, you can keep them off the battlefield as long as they present a danger. That has been military law forever.

I believe we would be better off if we look at the people who are members of al-Qaida at Guantanamo Bay as enemy combatants, part of an unorganized militia, military organization bent on our destruction, and they are a part of the enemy force, not some common criminal. We can keep them off the battlefield as long as necessary, but we have to do it within our value system.

I am urging the President that if someone at Guantanamo Bay is subject to a war crimes trial, let's don't go to Federal court, as we did with the blind sheik trial in the nineties, which was a

disaster. Let's put them in a military tribunal and give them justice through the military legal system of which I have been a part for 25 years.

I can tell America one thing: The judges, the lawyers, and the jurors who wear the uniform of the United States are the best among us. These are the same people who administer justice to our own troops. It is a great place to conduct a trial because we can do things for national security in a military setting that we cannot do in Federal court. But I can assure you, justice will be rendered and people will be treated fairly. The courts-martial we have had, the commission trials we have had at Guantanamo Bay, we have seen sentences that make sense.

I have been a part of the military all my adult life. The jurors take their responsibilities extremely seriously. They hold the Government to their burden of proof. And the judges and the lawyers are outstanding.

There will be a group of people who will not be subject to war crimes trials because of the nature of the evidence, because of the unique relationship we may have between the evidence and an ally, that we are not going to subject that evidence to a beyond-a-reasonable-doubt standard, but we know with certainty, beyond a preponderance of the evidence, that this person is a member of a terrorist organization and is engaged in dangerous activities and likely to do that in the future.

What I am arguing to the administration, proposing to them, is those people we think are too dangerous to let go, let's create a national security court made up of Federal judges, somebody out of the military, who will look over the evidence warrants an enemy combatant designation. That way, we will have an independent judiciary validating the fact that the person in custody is part of an enemy force, a danger to this country, and then have a periodic review of that person's status so they are not left in legal limbo. They will have a chance every year to make their case anew.

We have to realize that we have released more people from Guantanamo Bay than we have in detention and we have put people in Guantanamo Bay who were there by mistake. That is a fact. We threw the net too large. That happened.

Let me tell you what else has happened. Mr. President, 1 in 10 we let go has gone back to the fight. The No. 2 al-Qaida operative in Somalia was a detainee at Guantanamo Bay. We had a suicide bomber in Iraq blow himself up who was at Guantanamo Bay. We are going to make mistakes, but I want a process to limit those mistakes as much as possible.

I end with this thought. How we do this is important. We can close Guantanamo Bay and repair our image, but

we have to have a legal system that has robust due process, that is transparent, that is independent, but recognizes we are at war. And that takes us to the Uyghurs.

There is a group of people in our custody whom we caught in Afghanistan who are part of a separatist movement in China. They are Muslims. They were training in Afghanistan to go back to China to take on the Chinese Government. They have been determined to no longer be enemy combatants in terms of a threat from the al-Qaida perspective, but what to do with the Uyghurs.

One thing I suggest to the President is that you cannot change immigration law. Our laws prevent a known terrorist from being released in our country. These people have engaged in terrorist activities. Their goal was to go back to China, not to come here. But there are press reports that one of the Uyghurs was allowed to look at TV and saw a woman not properly clothed and destroyed the television. We have to make sure that, one, we follow our own laws, and the fact they were going to go back to China does not mean they are safe to release here because they have been radicalized.

We have to make some hard decisions as a nation. I stand ready with the President and my Democratic colleagues to close Guantanamo Bay, but we do need a plan. We need a legal system of which we can be proud that will protect us.

The final comment is that the idea of releasing more photos showing detainee abuse is not in our national interest. We have men and women serving overseas. It will inflame the populations. It will be used by our enemies. I urge the administration to take that case all the way to the Supreme Court and protect our troops in the field.

I understand the President's dilemma and challenge. Harsh interrogation techniques have hurt this country more than they have helped. We can be a nation that abides by the Geneva Conventions, rule of law—we have been that way for a long time—and still defend ourselves. I agree with the President there. But I do believe we need a detainee policy that understands that the people we are talking about are not run-of-the-mill criminals. They are committed terrorists, and I don't say that lightly. The only way that label should stick under the system I am proposing is if an independent judiciary validates that decision. That is the best we can do.

This decision we are going to make as a nation is important. I tried to speak my mind and be balanced. There is a way for us to work together to get this right. I look forward to working with the administration to make some of the most difficult decisions in American history. I am confident we can do it if we work together.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 896, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois, Mr. DURBIN, is recognized to offer an amendment on which there will be 4 hours of debate equally divided.

AMENDMENT NO. 1014

(Purpose: To prevent mortgage foreclosures and preserve home values)

Mr. DURBIN. Madam President, I have an amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DODD, Mr. REID, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. HARKIN, proposes an amendment numbered 1014.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DURBIN. Madam President, America is facing a crisis, and this is what it looks like: Two buildings next to one another, one a well-kept home; next door, a foreclosed property, boarded up, vacant, vandalized. Sadly, this is a crisis which is affecting every community in America. I have seen it in the streets of Chicago. I have seen it in suburban towns. I have seen it in my downstate communities.

Madam President, 8.1 million homes are facing foreclosure in America today. That isn't my estimate, it is the estimate of Moody's. They are supposed to be good predictors of our economy. What does 8.1 million foreclosed homes represent? One out of every six home mortgages in America in foreclosure—one out of every six. It is a reality. It is a reality that affects the five out of six, our homes where we continue to make our mortgage payments and wonder what the problem is. Why is the value of my home going down? I am making the payments. It is going down because, sadly, somewhere on your block is another home in foreclosure, boarded up, an eyesore at best, a haven for criminal activity at worst—a reality that continues to grow.

Two years ago, before we even started in on this crisis as we know it, I proposed a change in the bankruptcy law, a change which I think could have forestalled this crisis we know today.

Along the way, there has been resistance to this change. By whom? The banks that brought us this crisis in America have resisted this change to do something about mortgage foreclosure. That is a fact.

Last year, I offered this amendment to change the bankruptcy law, and the banking community said: Totally unnecessary; we don't need this kind of a change. This mortgage foreclosure is not going to be all that bad.

In fact, the estimates were of only 2 million homes in foreclosure last year from our friends in the banking community, the so-called experts. Here we are a year later. The estimate is now up to 8 million homes in foreclosure.

Who are these people facing foreclosure? Were they speculators and investors who were buying up properties and they thought that maybe they would double in value and they could quickly sell them? There may be a handful of those folks out there. By and large, they are families—families who are trying to keep it together, under a roof, the most important asset they own, their home, trying to make payments when they discovered that the mortgage that was peddled to them by the same banking industry and mortgage banking industry turned out to be a fraud on its face.

We remember the heyday of all this activity. They would tell people: Come on in. Call this 800 number. We can let you finance and refinance. We have a deal for you.

People would show up at these mortgage brokers, and they would say: How much money do you make?

The guy would say: So many thousand dollars.

They would say: Oh, you are perfect. We have just the mortgage that will put you in this home, keep you in this home, or let you borrow money on this home.

The person would say: Do you need some proof? Do you need some documentation?

No, no, no, your word is good enough. No-doc mortgages.

In no time at all, they would be sitting at a closing. I have been to quite a few of them myself as a lawyer and buying a few properties in my own life. They give them a stack of papers—you know what I am talking about, a stack of papers—and they would turn the corners and say: Just keep signing it. Sign it.

What is it?

Oh, government forms, standard boilerplate. I could read it to you, but we want to get out of here in the next half hour. Keep signing, you keep signing.

At the end of the day, they say: In 60 days, first payment. You are going to love this place.

Out the door, and in comes another couple. That is what it was all about.

Then what happened 12 months later, 2 years later? That mystery mortgage

kind of exploded in their face. All of a sudden, they were facing terms in that mortgage that were absolutely incomprehensible and unsustainable. They could not make the payments on it. The interest rates were going up too high. They called them subprime mortgages. That was the initial onslaught of this housing crisis in America. But then it grew into a lot of other mortgages too.

I told the story before—and it is worth repeating—of the flight attendant I met on a United flight flying from Washington to Chicago. After she did her chores on the plane and there was a quiet moment, she came and knelt down in the aisle next to me.

Senator, I have a problem. I am a single mom with three kids. I live out in the suburbs. I have worked for this airline for 20 years. I have been a good employee, always show up for work. I take it seriously. I have my little home out there, but I have a problem. My interest rate on my mortgage is too high. I need to take advantage of lower interest rates that are now available. If I can get down to a lower interest rate, a lower monthly payment, I can keep my home. But if I don't, I am going to lose it. I can't make ends meet. I can't keep it together. What am I supposed to do? They say I am underwater?

Do you know what that means? The value of your home is less than the mortgage principal today. It has happened to a lot of people.

Do you know what I told her: Sadly, I don't have an answer for you. If that bank will not bring you in, sit you down at a desk, and renegotiate the terms of that mortgage, you are about to go through the most painful, torturous path in your life. You are forced into default on your mortgage, you cannot make the payments, you become delinquent, receive the notice of foreclosure, and then it just goes from bad to worse.

Madam President, 8 million American stories, 8 million foreclosures. What we are offering today is the only proposal before the Senate which gives us a chance to do something about this crisis. It is the only thing that can change the dynamic which continues to eat at the heart of our economy which adds foreclosure upon foreclosure and completely paralyzes the housing industry in America. That is at the heart of this recession. That was the canary in the coal mine. That is what triggered where we are today, and it is still there and getting worse.

I sat down 2 years ago with the banking industry and said to them: We have to do something.

I can recall conversations with Henry Paulson from Wall Street, Secretary of the Treasury under President George W. Bush, where I said to Mr. Paulson: I know you wanted to save the banks, but how about saving the homeowners? What are we going to do about the

mortgage foreclosure? Well, we will get to that later; or, it is not a problem. He kept putting me off and putting me off. He put me off, but he didn't put off the crisis.

Why is it in this country, in America, that we can find hundreds of billions of taxpayers' dollars from hard-working people all over the United States to come to the rescue of bad banking decisions, rotten investments, mortgages that were fraudulent on their face, but can't summon the political will to do something about 8 million families in America who are going to face foreclosure? That is where we are.

When I sat down with the banks, I said: I will work with you. Let us find a reasonable way so we can bring people to the table—such as that flight attendant—and find a way to work it through. Because at the end of the day, a foreclosure isn't good for anyone. A family loses their home, a neighborhood is ravaged by vacant property, the people next door lose the value of their home, the bank spends \$50,000, at a minimum, for expenses in a foreclosure, and then 99 percent of these boarded-up buildings, these foreclosed homes, are the property of a bank. How much time is that bank spending on that property? How much worry do they have about the value of the neighbor's home? The answer is none. Banks aren't in the business of putting in windows and establishing security and cutting the grass and making the property look good. They move money around. But now they are becoming property owners of the most blighted properties in America.

Some banks are walking away from it, incidentally. The banks are walking away from the foreclosed property. I sat down with them and said: How can this be good for a bank? How can this be good for a family? How can this be good for the Nation? Let's sit down and work together. But I come today to the floor to tell you that despite months and months of heroic effort by my staff—Brad McConnell, who is here and who has worked tirelessly on this issue—and my own efforts to reach out to the banking community, only one bank is supporting this amendment to do something about foreclosure in America—one bank: Citigroup.

I can't tell you how many of these bankers have walked away. The American Bankers Association has been terrible—terrible. They will not even participate in a negotiation on dealing with this foreclosure crisis. The Community Bankers of America, a group I have respected over the years because they are closer to the people; they are the hometown banks—have walked away as well. They are not interested in this conversation, they say. The credit unions? Well, I will give them some credit. They did try. But in the end, they walked away as well. The big banks—JPMorgan Chase, you see them

all over the United States—they were at the table until last week and then decided: No, we are going to walk away too. We are not interested in this conversation. Wells Fargo, Bank of America, and the list goes on and on.

If any of these names sound familiar, it is because they are surviving today due to taxpayer dollars. And you know what they say about these poor people who have lost their homes? It was a bad business judgment and people have to pay for their bad business judgments. Really? How many of these bankers paid for their bad business judgments, with their multimillion dollar bonuses, with the rescues we have provided from American taxpayers—hard-earned tax dollars sent their way? The fact is we have been kind to these bankers who have brought us into this crisis. Yet they are literally shunning and stiff-arming the people who are facing foreclosure. These banks that are too big to fail say that 8 million Americans facing foreclosure are too little to count in our political process, and they have walked out the door.

Well, I want to tell you, this amendment I am offering can save the homes of 1.7 million families. I wish we could save more, but the fact is we have this opportunity before us, and I think it is something we shouldn't ignore and we should support. Some Members of the Senate voted against my amendment a year ago. I understand that. I heard them. They said: You have to sit with the banks and see if you can work something out. Well, we did, until they walked away.

What we offer today is significantly different than what we offered a year ago. We literally give to the banks control over whether a family in foreclosure can go into bankruptcy. We say that anybody facing foreclosure—who is delinquent for at least 60 days on a home that is valued at no more than \$729,000, with a mortgage that was written no later than 2008—has to show up at the bank at least 45 days before they file bankruptcy and present all the economic information, all the financial documents the bank would need for a mortgage—proof of income, indication of net worth. If the bank at that point offers them a renegotiated mortgage—a mortgage which will basically allow them to stay in the home, that reduces the borrower's mortgage debt-to-income ratio to 31 percent, which is the standard the administration is talking about, or offers hope for home refinancing—another program—and the person facing foreclosure does not take that offer, then that same family in foreclosure cannot use the bankruptcy court to rewrite the mortgage. So in other words, the banks ultimately have the key to the courthouse. If they make the offer and it is turned down, that is the end of the story.

What happens if they do not make the offer? Under this law, we would

change the Bankruptcy Code as follows: Under the current bankruptcy law, if you are deep in debt and facing foreclosure, and you own several pieces of real estate—your home, a vacation condo in Florida, a vacation condo in Aspen, CO, and you are facing foreclosure on all three properties because of economic problems—you can walk into that bankruptcy court and the judge can say we will renegotiate the terms of the mortgage on the Aspen, CO, property—we will reduce the principal of the mortgage to the fair market value, the interest rate will be the current interest rate, we will add a little to it, and so forth and so on. The bankruptcy judge has that power for the Florida property and for the Colorado property. But the law prohibits the bankruptcy court from rewriting the terms of the mortgage of a person's home. Why? Why does that make any sense? If the bankruptcy court can rewrite the mortgage on your vacation condos, your farm, or your ranch, why can't they do it for your home? That is what this bill does. It gives the bankruptcy court that power. And in creating that power, it says to the bankers: Get serious.

The voluntary plans we have had for refinancing mortgages in foreclosure across America have been an abject failure. We have to have an opportunity here for the bankruptcy court to step in and make a difference, and that is what we are trying to achieve with this.

I know my colleague, the Senator from California, is here on the floor, and I will yield to her in a moment. I have to leave the Chamber myself. But that is what we are proposing today. It is an amendment which we have worked on long and hard. It is an amendment which I think should be looked at in honest terms. My goal is not to put more people in bankruptcy court. My goal is to avoid it. Put them at the table with the banker at least 45 days in advance, avoid the bankruptcy court, avoid the foreclosure, avoid the boarded-up and burned-out building that happens to be right next door to the home you have worked so hard to keep and to maintain.

The Mortgage Bankers Association has claimed, in front of the Senate Judiciary Committee, that this is going to add cost to everybody's mortgage if in fact some people can turn to bankruptcy court. Let me first say that future borrowers aren't even eligible for this bankruptcy assistance. It ends as of January 1, 2009. Future mortgages, future foreclosures aren't even affected by it. It has an ending date.

We also have a quote—and I don't have time to read in detail here—from Adam Levitin, who has analyzed this and says the argument that interest rates will go up because of this provision is plain wrong.

Secondly, they argue that changing the Bankruptcy Code will cause uncer-

tainty in the market. The American Bankers Association says it will add risk. I will tell you this: If you want uncertainty in the market, keep the foreclosures coming, one after another. Let them hit your neighborhood. Uncertainty about your home and its value and whether you can sell it is the reality of what they will face.

They say bankruptcy judges shouldn't be allowed to break the sanctity of the contract. Before we argue about the sanctity of a no-doc mortgage, before we argue about some of the predatory lending practices that led to this mess, let me tell you that the bankruptcy court takes on contracts every single day. That is the nature of the bankruptcy court. To me, that is an argument which goes nowhere.

They argue that allowing borrowers to modify mortgages in bankruptcy would shield them from the consequences of poor decisions. They call it the "moral hazard." In other words, take your medicine, America. You made a bad mortgage, you pay the price. That didn't apply when it came to bailing out these banks when we were asked for \$700 billion to make up for the mistakes of these banks. Where is the moral hazard there, as they run off with their parachutes and their bonuses? I don't buy that argument whatsoever.

Finally, they argue that restricting this amendment to subprime and exotic loans is a better way to do it. Well, I can tell you, we know that isn't going to work. There are too many mortgages now in peril, way beyond the original subprime mortgages. And how do we explain to our constituents that we are providing special assistance to borrowers who took out a risky loan, such as a subprime, and ignoring those who have been trapped in other mortgages that create a disaster?

I am going to yield the floor to my colleague from California, and thank her for coming, and I want to tell you something: Her State has been hit harder than any other State. You ought to see what has happened in portions of California. She knows this issue personally, and I thank her, and I yield the floor to Senator BOXER.

The PRESIDING OFFICER (Mr. KAUFMAN). The Chair recognizes the Senator from California.

Mrs. BOXER. I thank the Chair, and before my colleague leaves the floor—and I have only 10 minutes, because of all the responsibilities we all have. I have to be somewhere in 15 minutes—I am here to stand with you, Senator DURBIN, in your courageous effort to stop thousands and thousands of homes from foreclosure and, frankly, to get to the bottom of this economic recession.

We know, because economists have told us, that the problems we are facing all start with the fact that we have had a collapse in the housing market.

And, my friend, what you have done is you have taken on the special interests in a way that is very clear. I can only say that I hope when the votes are counted, the people who serve in the Senate do the right thing and support the Durbin amendment.

Mr. President, I stood on the floor of the Senate when we debated the Foreclosure Prevention Act a year ago—a year ago—and I described how hard the foreclosure crisis was hitting this Nation, in particular my State of California, the largest State in the Union. And as we know, what happens in California, good and bad, spreads throughout the country. They say when California sneezes, everybody else gets a cold. The truth is we are having great problems in California, starting with the housing crisis.

I am sorry to say that a year later, after I stood here and said this is a crisis we must address and must address in a far-reaching way, the situation is bad and, frankly, it could well get worse. If we turn our back on the Durbin amendment, it will surely get worse. Foreclosure filings were higher in 2007 than they were in 2006. They were higher still in 2008. And they are at a pace that is going to have them go even higher in 2009. One year ago, when I stood on this floor, we were expecting then 2 million homes to be lost to foreclosure over the course of the crisis. Now that number is expected to be over 8 million homes. If we turn our back on the Durbin amendment, what we are essentially saying is: Oh, the status quo is fine. It is all working out.

The Durbin amendment is a very moderate amendment. It basically says if a bank and a borrower don't sit down and try to renegotiate a mortgage and reach an agreement on how they can restructure that mortgage so the borrower can stay in the home—and the restructuring is very clear; it should be about 31 percent of income—if that effort is not undertaken and the borrower files for bankruptcy, the judge can look at how to restructure that mortgage. I do not understand how anyone could vote no on this, except if they are dancing to the tune of the banks.

Let me say this: I work with the banks in my State. I respect them, when they are doing the right thing, when they are acting in the public interest, when they are lending to people who deserve to have those loans, when they are not redlining, when they are being fair. I support them wholeheartedly. Oftentimes they are very good neighbors and they donate to charities in the counties, in the communities, in the State of California. But when they are wrong, they are wrong. For them to not work with Senator DURBIN and to walk out of the room when he has modified his proposal in such a way that it is so reasonable? As Senator DURBIN has said:

When someone goes into bankruptcy the judge can look at everything, all of their assets—their second homes, their furniture, their cars. But they are prohibited from looking at that first and, by the way, most important asset—the home residence. Why? Because banks over the years have said we do not want our books to look worse, we don't want to take any losses, and we are not willing to budge.

This is a crisis. All of the fallout in the financial sector comes down to the fact that there were entire new instruments created around the value of a home: derivatives, all kinds of paper, all kinds of insurance—all on top of a home. So when the home goes, it goes. The house of cards falls. That is what has happened and one of the reasons is these foreclosures. We can stop a lot of these foreclosures if we adopt the Durbin amendment.

My State is having a very hard time. We can see the number of seriously delinquent homes in my State going up here on this chart. This is 2008. All the way up here is over 8 percent and the actual foreclosures at over 4 percent. This is, in many ways, a virus that is spreading. What happens when a home is abandoned and no one cares about it because many times the banks let it go? Frankly, the mortgage is held by so many people that nobody makes sure the home is kept up, that the pool doesn't become a hazard in the community. We have pictures I showed the last time of a vacant pool being used by kids as a skateboard park. That was probably one of the better things that was happening in the neighborhood. Homes are being looted. The value of the next-door home goes down and the crisis continues to spread.

Look at what is happening in my State. One out of every 24 homes in Merced has filed for foreclosure. In Stockton, 1 out of 27. Riverside-San Bernardino, 1 out of 28. Modesto, 1 out of 29 homes.

When you go to these beautiful areas of my State, 1 out of 27 homes in Stockton has filed for foreclosure. In Bakersfield, 1 out of 37; Vallejo, 1 out of 37; Sacramento, 1 out of 47. It goes on and on and it is getting worse, and the Durbin amendment will help us. Why? These are just numbers. There are families in these homes, obviously. If they have a chance to restructure their mortgage, then they might well want to use the opportunity to do so in a bankruptcy court.

We all know that our home—those of us who have been fortunate enough to buy a home—in many cases is our biggest asset. When that home goes down in value, that is bad enough. But when we are in a mortgage that suddenly ticks up and we cannot afford to stay in our home and we suddenly lose our job and have to take a job that is a lower paying job, because of the ramifications that this is having on the

economy, we are in trouble and our families are in trouble.

At the end of March, Californians experienced 363,891 foreclosures since 2007. Think about it, more than 300,000 of our families have experienced foreclosure since 2007. We had 6 of the top 10 and 13 of the top 20 metro areas with the worst foreclosure rates. Today we have another opportunity to help stem this crisis. If we miss this opportunity, it is our fault and we should be judged on this vote. That is how strongly I feel.

The bill before us makes changes to the HOPE for Homeowners Program, such as reducing fees and administrative requirements to make the program more attractive to lenders and borrowers. It provides a safe harbor against lawsuits to protect servicers who participate in the mortgage modification program. That is all good and it is helpful. But the one piece that is missing is the Durbin amendment, which would allow borrowers at risk of foreclosure to receive assistance from the bankruptcy court in restructuring their loans so they can keep their families in their homes.

I have met children who have said they cry themselves to sleep every night because they think they are going to lose their home, and their home is their castle.

For us to turn our back on the Durbin amendment for some rationale that, when stripped away, comes down to “because the banks don't like it,” would be a travesty of justice for these children.

I believe had Senator DURBIN's proposal been passed last year we would have saved hundreds of thousands of homes nationwide. It is as simple as that.

We are saving vacation homes. We are saving automobiles. We are saving all these other assets which a bankruptcy judge can in fact restructure. But the main thing we should be saving, the residential home, is not allowed to be brought up in bankruptcy unless we agree to the Durbin amendment.

I have to say, Senator DURBIN is a great negotiator. I have served with him in Congress since the 1980s and I know he listened to the bankers. I know he changed and modified his amendment consistent with what they said and consistent with President Obama's housing affordability plan. Again, the borrower cannot seek a modification through bankruptcy unless the borrower has gone to the lender and said let's negotiate. If that doesn't bear fruit, then they can bring it into the bankruptcy court.

President Obama's housing plan gives great incentives to lenders to make loan modifications. But his plan also included the contingency that a borrower could seek relief through bankruptcy if all else fails. This is a critical

additional incentive to ensure that lenders and, frankly, borrowers do the right thing. It says a borrower and a lender must sit down and try to resolve the mortgage problem before the borrower can go to court. We believe, even with the changes that Senator DURBIN made, 1.7 million homeowners could have their homes saved.

Let's think about it—1.7 million homeowners. Almost 2 million homeowners. That is larger than the populations of some of our States. We can help 1.7 million homeowners.

We have allocated trillions of dollars to reduce the threat to the financial system posed by toxic assets. That was the hardest vote I had to make in my lifetime. It was hard. I lost sleep over that vote. But I was told by Ben Bernanke and Hank Paulson that the whole financial system could collapse around us, we would lose capitalism, we would lose our free market system, we would be in panic, and I voted yes to trillions of dollars, because I am very worried. I shouldn't say trillions—hundreds of billions.

How do we look ourselves in the mirror if we have voted billions, hundreds of billions of dollars to save the banks, even though we know some of them have taken advantage of that, and companies such as AIG have taken advantage of it, and they have given these huge bonuses to people who do not deserve them? We know what a nightmare that is. But how do we do that in the name of saving the financial system and turn our backs on homeowners, middle-class people who are suffering because of the fallout of these bad financial decisions?

If we bow to the banks on this amendment, I personally think it is a stain on this Senate, a stain that cannot be rubbed out. This is an amendment that is fair. This is an amendment that is modest. This is an amendment that has been negotiated. Senator DURBIN has done everything in his power to reach agreement. What remains is a very modest amendment.

I will close by again explaining it. The Durbin amendment basically says that when homeowners are in trouble and at risk of losing their home and going into bankruptcy, if those homeowners reach out to the lender and they sit down and try to renegotiate a package on those mortgage payments, if they do it in good faith but it doesn't work out, then and only then can a homeowner go to bankruptcy court and ask the judge to please help and restructure their mortgage.

That passes every test of fairness. That passes every test that you would say an amendment should pass: fairness, justice, pragmatic, listening to both sides.

I am here filled with hope that we can send a message today to the American people that we stand on the side of our families. Yes, we will work with

the banks and try to get them to do the right thing. DICK DURBIN has done so. But if they are stubborn and they will not agree, and because they are stubborn and they will not agree, it means this housing crisis will continue to deteriorate, I have to say I am going to be very sad if this Durbin amendment does not pass.

This is the time to act. I said it a year ago. I predicted worse things would happen. I didn't do it out of whole cloth. We have the economists in our office, in our State, who see this. We need to act now or we will be back here in a year with the Durbin amendment. It will fly through here and people will say, and I predict: Gee, I was wrong.

Let's not go there. Let's do this. It is the right thing to do. It makes this bill strong and it does what the President intended when he originally sent us his housing rescue plan.

Mr. President, I want to say, although he is not on the floor, to our leader on this, DICK DURBIN, how much I respect him and admire him. I know the courage it takes to stand up to the special interests. He has done it in behalf of the families of Illinois and this great Nation. I hope he will prevail on this amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I ask unanimous consent the time be equally divided on the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I now suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise today in strong support of the bankruptcy lifeline being offered by the senior Senator from Illinois. This bankruptcy lifeline is at the core of the housing bill passed by the House of Representatives and now under debate today in the Senate.

In the last few years, millions of families were led into unsustainable home mortgages that pushed our country into an unprecedented economic crisis. With the collapse of the housing market, many are trapped in mortgages

with unbearable interest rates and principal significantly higher than market values.

No one wants to walk away from the home they purchased, with neighbors they like, a school their children are doing well in, a town they feel comfortable in, but many cannot afford to pay under the terms of the mortgage they currently hold.

I have already spoken on this floor about the need to ban deceptive practices in mortgage brokering, practices that steer unknowing customers into complicated and expensive mortgages. A ban on steering payments and prepayment penalties would go a long way toward ensuring that we do not get into this situation again.

But right now we are confronted with what to do about those who already put their life savings on the line to attain a slice of the American dream and who are on the verge of seeing that dream shattered.

Unfortunately, we are now in the midst of a recession—there is little prospect of housing prices returning to their bubble levels for many years, and almost 50,000 Americans are losing their homes every week to foreclosure. This is a sad and destructive phenomenon. Foreclosure tears apart neighborhoods and destroys family savings. It also has proven to have a devastating effect on our financial system.

In fact, subprime foreclosures are, as we all know, the primary reason our banks have been hemorrhaging money. The billions in write-downs our banks have taken and the billions of taxpayer monies our government has placed into them is due to the collapse of the housing market and the decline in the value of subprime—and now prime—residential mortgage-backed securities. All the TARP money in the world will do little for the banks unless and until we stabilize housing.

Fortunately, we have begun to get on the right path with housing. The Obama administration's Making Home Affordable plan takes a commonsense approach of lower a borrower's monthly payments. Similarly, the Hope for Homeowners Act, with a few fixes, has great potential to help. But neither plan has the ability to take on the major problem still outstanding in the housing market—underwater mortgages. Senator DURBIN's amendment before us today tackles the problem head-on.

What does this amendment do? In practice, its main use will be to force loan servicers to sit down and genuinely negotiate a reasonable mortgage adjustment. My office gets calls every day from constituents in Oregon who can't get a response from their lender or loan servicer. One constituent called her bank 13 times and never was able to talk to the right person. Sadly, she, like so many others, ultimately lost her home.

The Obama plan will improve the situation by offering a number of carrots to lenders and servicers. But we also need to hold out the possibility, when servicers don't respond, of providing a lifeline opportunity.

My colleagues are all familiar with the program "Who Wants to be a Millionaire?" When there is no ability to answer the question, there is a lifeline. In this case, when there is no ability to connect with the servicer to have a conversation about a win-win solution—a solution that is right for the homeowner because they are able to stay in their home, a solution that is right for the mortgage owner because the mortgage continues to be paid, albeit at somewhat lower rates—it is still right because the mortgage owner doesn't benefit from foreclosure if they only get 50 cents on the dollar. This is a win-win win because investors affected by the Federal financial circumstances find an improved situation when fewer homes go into foreclosure. It is a win for the community because we don't have an empty house on the block driving prices down further. We have an opportunity that is right for the community and for the mortgage owner and for the homeowner and for the economy. That opportunity is before us today in this amendment.

Certainly, even with adoption of this amendment, some families will need to enter bankruptcy, which is not an outcome we desire for any family but one that some may have to consider. Remember that this bankruptcy power is not extraordinary. A Federal bankruptcy judge already has the power to modify debt on a vacation home, an investment property, a credit card, a car loan, even a yacht. Why can't the court make any modification to a family's primary assets, the important piece of the American dream known as home ownership? I can think of no good reason.

Some have argued that allowing judicial modification to mortgages on a primary residence could increase interest rates on future home loans, perhaps by as much as 2 percent. But does this stand up to examination? After the current bankruptcy court system was set up in the 1970s, some courts interpreted the Bankruptcy Code to give them authority over mortgages on primary residences. This divergence of practice went on until the early 1990s. Thus, we have a living test case. Studies have been done examining the interest rates in both types of districts—those that allowed bankruptcy modification and those that did not—and found no difference in the interest rates. Even if they had, the amendment before us today would not present this problem because, in the course of conversation, in the course of working out an agreement, only loans originated before January 1, 2009, are eligible for bankruptcy modification, only existing

loans, not loans going forward. This primary concern that has been raised has no merit.

Let me emphasize, again, that reductions in principal negotiated in bankruptcy court will be good for the banking system. Credit Suisse estimates that 9 million families may lose their homes in the next 4 years. Foreclosure is a disaster for the family. Large numbers of foreclosures destroy home values across neighborhoods. But from the lender's standpoint, foreclosure means they are likely to net only 50 or so cents on the dollar. In the case of any homeowner with a reliable income—and chapter 13 bankruptcy is only for people with a continuing source of income—it is much better for the lender if the homeowner remains in their home and makes a monthly payment, even if it is at a somewhat reduced rate, rather than turning the keys and putting the property into foreclosure.

A couple of additional points: This proposal will not cost the taxpayer one dollar, nor will it overwhelm the Federal bankruptcy courts. The same claims were made in 2005 prior to passage of the Bankruptcy Reform Act. But in fact, the courts have handled the increase in caseload quite successfully. My office has talked with bankruptcy judges, attorneys, academics across the country. All are confident that the court system can handle any increase in caseload that would result from this legislation.

This legislation is important to Oregon. It is important to the citizens in my State. According to data compiled by Moody's Economy and the Center for Responsible Lending, without this bankruptcy lifeline, over 15,000 families will lose their homes to foreclosure. I imagine the situation is quite similar in every State. The cost of these foreclosures has been magnified several times over, costing those citizens whose homes neighbor the foreclosed sites nearly \$1.5 billion in equity. That is in Oregon alone. Will those neighbors then be underwater with their homes worth less than what they owe on their house, and how long will this cycle continue?

The bankruptcy lifeline amendment offers us a win-win solution. Forcing real mortgage modifications will keep Americans in their home, arrest the decline in property prices, and stabilize the balance sheets of banks.

I urge colleagues, in the strongest possible terms, to provide this win-win opportunity. We have done so much to help Wall Street. It is time to help working families across America, keeping them in their homes and stabilizing the financial system.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I compliment my colleague from Oregon on some excellent remarks. I thank him

for being so steadfast in working toward this issue. He has spoken up many times at meetings and caucuses about it.

I rise in support of this amendment that would alter the Bankruptcy Code to allow bankruptcy judges to modify primary home mortgages. By now we are all familiar with the problems. Too many people borrowed too much money from too many banks that were too willing to lend. There is plenty of blame to go around. Now millions of American families are facing foreclosure over the next few years as a result of exotic mortgage products such as 2-28s, pay-option ARMs, and interest-only loans that disguise the full cost of home ownership. We have been pushing banks to do loan modifications for more than 2 years now and, frankly, we don't have much to show for it.

While I am optimistic the administration's plan will produce a significant improvement in modification efforts, it is also certain there will be intransigent servicers and investors who will try to block the process, to squeeze every last cent out of a home, even if that means it is costly for their family, their community, and the country at large.

We have offered lenders and servicers plenty of carrots, but it is unfortunately clear we also need a stick. The reason the programs in the past have largely not worked is it was just carrots and no stick. We need both. That is what the legislation gives us, leverage to push servicers, lenders, and investors to act in the best interests of the economy as a whole.

This amendment to the bankruptcy law is so important because of the changes the mortgage industry has undergone in the past few decades. It used to be that when one wanted a mortgage, they would go to their local bank where they would lend the money and collect payments for 30 years. That meant if one ran into trouble, they had a familiar friendly face to turn to, someone who knew them and their family and who had an interest in helping work out the mortgage payments so they could stay in the home. It also meant the bank had an interest; one entity had an interest in the whole mortgage. It wasn't chopped up in so many pieces. That is what has happened.

Over the past two decades, with the growth of securitization, it has all changed because the mortgage has been divided into pieces, sold off to investors around the world. They are often difficult to identify and impossible to contact. Their primary concern is squeezing every last cent out of the mortgage loan, whatever the impact on families, on homeowners. That means if the best outcome for even one of those investors is foreclosure, a homeowner is not likely to get the help he or she needs to stay in their home.

One other point that is vital: It may be that there are 40 investors who each have a piece of the mortgage. It may be that 39 of them have an interest in a loan modification. But if that one intransigent investor, who probably got the highest rate of interest because he or she took the most risk, says no, the whole process comes to a halt—not only bad for the poor homeowner but bad for the other 39 investors. It is bad, most of all, for the economy as a whole. It is not that one intransigent investor might say: Look, I will lose all my money if there is a loan modification. If I sit and wait for 5 years, then maybe housing prices will come up to where they should be and I will get my money back. In the meanwhile, the economy goes down the drain for everyone, because the more foreclosures there are, the lower housing prices get. The lower housing prices get, the less likely banks are to lend. The less likely banks are to lend, the less money is in the economy. The recession gets worse and worse and worse.

It is not only a problem for the homeowner when there is an intransigent bondholder who will not yield; it is a problem for the other investors who will lose money in foreclosure.

It is a problem for the neighbors of the homeowner whose property values are going to decline and for the country as a whole since our housing markets are already inundated by a glut of unsold homes, driving down home prices and destabilizing the financial sector.

How do you get that intransigent bondholder to the table? Well, there is a contract. We cannot break a contract by law. But the one place in the U.S. Constitution where a contract can be modified is bankruptcy court. Bankruptcy courts are the only constitutional way to overcome the securitization contracts and restore some power to the homeowner himself or herself.

Moody's Economy.com estimates without this amendment 1.7 million loan modifications that would have happened will not occur. These figures show that 1.25 million homeowners whose servicers are unwilling or unable to help them will not have the protection of the bankruptcy courts, and almost half a million homeowners who would have gotten modification offers will not because servicers or investors will calculate that a foreclosure is worth more to them than a modification.

The proposal is the result of weeks and weeks of talks that never yielded compromise that we hoped for. I see my colleague from the State of Illinois, Senator DURBIN, in the Chamber, who worked so long and so hard on this issue and deserves all of our thanks. He was in the middle of trying to get this done. Senator DODD and myself tried to help but to no avail. It is clear that

parts of the mortgage industry were never interested in meeting us halfway. As the negotiations went forward, they moved the goalposts back and back and back. And when concessions were made that were well beyond what anyone thought, they walked away because they never wanted to deal.

Hindsight is wonderful. It is unclear if those who entered the discussion—at least some of them—ever entered in good faith. But the industry stakeholders, who obviously have the most to lose, ought not hold total sway. Just because they walked away from the table does not mean we cannot vote our conscience on a proposal that would help preserve the American dream for millions of families and get our economy going again.

What makes me so eager for this proposal to pass, and why I worked long and hard, is that as much as I want to help individual homeowners—and, believe me, I do—our economy is at risk. Millions who might rent or have paid their mortgage could lose their jobs, and it all comes down to this proposal. Because if we decrease foreclosures, we will find a floor to the home market, which will then allow banks to lend, which will then get our economy going. It is like the knee bone; to the thigh bone; to the hip bone. Foreclosures are connected to the housing market; the housing market is connected to the health of banks; the health of banks is connected to the economy.

So when President Obama announced his foreclosure prevention plan, it included lots of lucrative incentives to lure banks to participate, but it called for some tough medicine: this bankruptcy proposal. And both are needed. We need carrots and sticks. The President's housing plan will not be as effective if parts of it are sacrificed for political expediency. Loan servicers should not get to accept the parts of the President's plan they like and reject others. That was never the deal.

To reject this proposal is to provide only sweeteners and no stick to get banks, servicers, and investors to modify troubled loans. The bottom line is fewer homes will be saved for American families. The defeat of this amendment would be a sad day for homeowners, for the housing market, for financial institutions, and for the overall economy. Allowing that to happen is unconscionable.

I urge my colleagues to adopt this amendment. We have an opportunity to make a major dent in the housing crisis and prevent further declines in home prices.

Let's understand, once again, the housing crisis remains at the core of our economic problems. As long as home prices continue to decline—and without this legislation they are far more likely to—our economy remains at grave risk of further contraction. We cannot let this opportunity slip by.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I rise today because I believe the Durbin amendment we are considering today is more than a tool for solving America's current economic problems, it is the right thing to do for millions of American homeowners.

Like many of you, I had the opportunity recently to spend 2 weeks with my constituents talking with people at townhalls and community get-togethers around New Mexico. I heard one message over and over. My constituents feel that too often America has one set of rules for the rich and powerful and a different set for working families.

Wall Street can fail and still make millions. On Main Street, even people who work hard get dragged down. Irresponsible lenders thrive while credulous borrowers lose their homes. Everywhere you look, you see middle-class Americans paying for other people's mistakes. It does not seem fair.

Of course, the law rarely contains an explicit double standard. But today we are dealing with a situation in which it does.

If a real estate speculator borrows millions to buy a city block and then finds himself unable to pay, he can walk into court and ask the judge to reduce the principal on his loan.

If a working mother borrows \$30,000 to buy that first home for her children, she is stuck with that loan. If she has lost her job, she is stuck with that loan. If the value of her house has plummeted, she is stuck with that loan. If she was the victim of predatory lending, she is stuck with that loan.

I have yet to hear a good reason why that working American should not have the same rights as every real estate speculator and vacation homeowner in this country. My constituents do not think that is fair. And you know they are right.

Sometimes you hear people defend unfair rules because they are good for the overall economy. They say that efficiency should be prized over equity. But that argument does not work here. By limiting judges' ability to reduce the principal on home loans, we are delaying the resolution of this country's mortgage crisis. Homeowners continue to struggle with loans they cannot pay, and the toxic assets based on those loans remain on the balance sheets of America's financial institutions.

Elizabeth Warren, the head of TARP's Congressional Oversight Panel, has made the point very clearly. She says:

The law recognizes everywhere the importance, in a financial crisis, of recognizing losses, taking the hit and moving on.

That is why she supports the mortgage modification provision we are considering today. When judges have

the power to provide a fair resolution for banks and borrowers, we will be one step closer to recognizing those losses in our housing sector, taking the hit, and moving on. In other words, the Durbin amendment puts us one step closer to fixing the financial system. For this proposal's benefits will not be felt primarily on Wall Street. Credit Suisse estimates that as many as one in six mortgages in America will be lost to foreclosure in the next 4 years. Homeowners know what happens when a neighbor goes into foreclosure. The whole neighborhood takes a hit. Property values drop. Local governments face another drain on their resources. In some cases, the foreclosed property becomes a magnet for crime and an embarrassment to the community.

For most Americans, their home is their largest investment. The best way to protect this investment is to stop unnecessary foreclosures. In my home State of New Mexico, the Durbin amendment would protect an estimated 6,665 homes and almost \$376 million in equity. Without spending a dime in Federal money, this Congress can make a significant contribution to stabilizing my State's housing market and keeping thousands of families in their homes. This is not a tough choice.

Opponents of this provision make two related arguments. First, they claim a mortgage modification provision will raise the cost of home loans. Congress has heard testimony about this issue, and the evidence suggests otherwise. I will not go too deeply into this right now, but I encourage you to look at the testimony before the House Judiciary Committee of Adam Levitin of Georgetown University Law Center. Professor Levitin is one of a chorus of academics who has poked holes in the arguments against mortgage modification.

Opponents of mortgage modification also argue that loan restructuring should be handled by bankers and borrowers—not judges. I could not agree more. Unfortunately, banks have so far been very reluctant to voluntarily restructure home loans despite a host of Federal incentives. A considerable body of evidence suggests that banks would actually do better if they were more willing to restructure loans. Foreclosure is bad for everybody, and bankruptcy is even worse.

Congress and the President have worked hard to encourage banks to modify home loans. We have handed out carrots like a farmer's market, and yet we still have a foreclosure crisis. It is time to give the homeowners a stick.

The Durbin amendment does not let every homeowner march into court and demand a principal reduction. Banks have the opportunity to work with homeowners on a reasonable compromise. As long as banks are willing to negotiate, they will not face a court-ordered principal reduction.

All this legislation says is that banks cannot ignore their borrowers. They cannot stand around while working families struggle with unpayable loans. That sounds fair to me.

The debate on this issue can get extremely complicated. But the final analysis is simple: The current system is unfair. It is bad for working families, and it is devastating for the American economy. The Durbin amendment is a step in the right direction. I hope you will join me in supporting it today.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the Senators from Oregon and New Mexico, as well as the Senator from New York and the Senator from Connecticut, for speaking on behalf of my amendment.

I would like to make a unanimous consent request that has been cleared by the other side: that of the 4 hours that have been set aside for this debate, the last 30 minutes be preserved and equally divided between the two sides, with 15 minutes to a side; under the custom of the Senate, if we go into quorum calls, time is taken equally from both sides. We have actively spoken on this amendment on our side, and no one has appeared yet, though I think they will soon, on the other side.

So I ask unanimous consent that notwithstanding the usual tradition of quorum calls taking the remaining time, dividing it by half, that the last 30 minutes be insulated and protected from that, and it be allocated 15 minutes to a side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Madam President, let me, first of all, thank our colleague from Illinois for his tireless work on behalf of this idea. I joined him, along with Senator SCHUMER, early on in recommending a proposal like this.

History is always a good source to go to. Back in the spring of 1933—which is about as close an example we could probably find over the last 100 years that compares to the days we are in today. Of course, that was the height—or the beginning—of the Great Depression. In 1929, certainly, it all began.

After the election of 1932—during that now often repeated “first 100 days” of each administration—and that was the first 100 days ever talked about. It was the Roosevelt administration. The inauguration was in March of 1933. Inaugurations occurred in March in those days, not in January. So that 100 days ran from March until June. One of the first things the new administration did in the face of significant foreclosures across the country—and there were significant ones. They were major. Those days were, in many ways, far more difficult than the ones we are in.

These are bad days, obviously, with 10,000 homes a day going into foreclosure, with 20,000 people a day on average losing their jobs. Retirement accounts are evaporating. We have all heard about, read about, and know people that has occurred to.

But one of the things the new administration did in those days was to go out and actually purchase the home mortgages. The Federal Government actually did that. In order to stem the tide of foreclosures, the U.S. Government decided in those days that it would take over that responsibility. They did other things as well: put capital into banks to stop the runs that were occurring across the country—major steps. But in home foreclosures, they took the unprecedented step of trying to stem that tide, knowing how much damage foreclosures could cause, not only to families and neighborhoods and communities but also to the financial system.

Senator DURBIN is not advocating anything quite as revolutionary as the Government acquiring the mortgages of every home. While some have made that suggestion, he is not doing so. What he is suggesting is modifying the bankruptcy laws of our country for a limited amount of time, in a very narrow set of circumstances, to say: Where your primary residence is concerned—and for those who have not followed the debate, let me explain.

There is no restriction in a bankruptcy court for a bankruptcy judge to modify—or at least to negotiate—the modification of your mortgage if you have a vacation home or if you have a pleasure boat and have a mortgage on that. The bankruptcy judge can modify the mortgage on that beach house, that mountain cabin, that yacht you may have. That is perfectly legitimate under bankruptcy laws. What you are not allowed to do, if you are a bankruptcy judge, is to modify the mortgage on a principal residence.

I don't know if statistically what I am about to say is accurate. I suspect that most Americans who have a principal residence don't have vacation homes. I know some do, and that is perfectly legitimate. I am not arguing that you shouldn't have one. But explain to me, if someone will, the distinction on why a vacation home, a yacht, a mountain cabin—as nice as it is to have one—ought to be able to be subjected to a workout with the mortgage involved, and yet, for the person who only owns one home, as most do—you own one house—a bankruptcy judge is prohibited from engaging in a workout between the lender and the borrower on that principal place of residence. For the life of me, over the last number of months we have been involved in this debate and discussion, I have failed to hear an adequate explanation of why there is a distinction on a principal place of residence where a

mortgage is involved and there is no hesitation, no restriction whatsoever, on whatever other number of homes you may have. Some have a lot more than two; some have three, four, and five. All of those can be subject to a workout, but not a principal place of residence. That is all we are trying to do here. Not forever, not looking back, not looking forward forever—Senator DURBIN's amendment says for a limited amount of time, under limited circumstances—under the total control of the lender, by the way, because if you turn down a workout as a borrower, then basically you lose the option of working it out.

It is so narrowly drawn under these circumstances that, for the life of me, I don't understand the objection. It is one of those moments where I try—when preparing for debate, we all ask: What is the other side going to argue? So I thought last night, I have to get ready for the other side. I tried thinking through what is the argument I would make if I believed this would somehow cause great harm to the economy, was going to flood our courts or was going to require hundreds more bankruptcy judges to deal with it. What is the argument I would make to my constituents and to the American people that we ought not allow a bankruptcy judge to sit down between the borrower and the lender and work out a financial arrangement that allows the borrower to stay in their home, the lender to be paid—at least getting something back—turning that property into a foreclosed, vacant property, contaminating the value of every other home in that neighborhood. What is the logic? For the life of me, I can't come up with that, and I have tried.

So I would urge my colleagues, as you are thinking about this and listening to these debates, why can't we do what the Senator from Illinois has suggested: For a limited amount of time, try this. It is not forever. It just might do what the authors have suggested, and I am proud to be one of them. It might just do what we failed to be able to achieve despite the efforts of all of my colleagues here.

As chairman of the Banking Committee, we have come up with all sorts of very complicated proposals to try to assist homeowners, and I regret to report that while I think these ideas have great merit and we have all tried hard, they have not been terribly successful, despite the good intentions of everyone to work it out. This is the one idea we have not yet tried to make a difference in the foreclosure crisis.

Before the Sun sets tonight, 10,000 families are going to potentially lose their homes, and that will be true tomorrow and the next day and the day after that. Just think about that. As we all go home tonight to our respective dwelling places here, 10,000 of our fellow citizens in this country will end

up losing their homes. They have to come back and face their families. Imagine, if you will, if you were in that position, walking into that house tonight and facing your children and facing your family and saying: We can't make this happen financially. We are being pushed out of this house.

This body cannot, for a limited amount of time, under limited circumstances, try something that might make a difference in that family's condition? I hope, in these very difficult days—if almost 100 years ago, 90 years ago, another body sitting here in the wake of economic circumstances that were as trying as they were could do something as unprecedented as the Government actually purchasing the mortgages, can we not now ask the Federal bankruptcy courts to sit down and try, for a limited amount of time, to make it possible for that family to stay in their home?

It may not work in every case. The Senator from Illinois has pointed out that of the potentially 8 million foreclosures, his bill may only affect 1.7 million of the 8 million, and for a lot of people, this won't even work, regrettably. But for 1.7 million, it might just make a difference to those families. The value of that—how do I put an economic value on that? What does it say to a family who can stay in a home they have bought, they watched the value decline—the mortgage probably exceeds the value of the home in many cases—but that sense of optimism and confidence, that family staying together during very difficult times?

If you are the next-door neighbor, you live down the block, what happens to the value of your home? We know what happens. In fact, that very day, the value of that home that is not in foreclosure and there is no threat of it, but your neighbor's home now declines by as much as \$5,000, then, of course, that property and those other properties could fall into a similar situation. All of a sudden, what was otherwise a healthy neighborhood—people meeting their obligations, equity in their homes—all of a sudden, you watch a neighborhood begin to decline. Just imagine, if you would, you are in the market to buy a home and you are riding down that street and you see a couple of places you might be interested in buying but you see foreclosure notices up on two or three. How willing are you going to be to buy a home in a neighborhood where there are foreclosures? So there is a contagion effect, a ripple effect, beyond just the plight of that family, which ought to be enough motivation to try to make a difference, but if you are not impressed by that, think about that neighborhood and community.

In the city of Bridgeport, CT, in my State, there are over 5,000 homes in that city that are subprime mortgages in danger of going to foreclosure—5,000

homes in 1 city. I don't need to tell anyone in this body what that will mean to that community. The tax base gets lost, but far beyond the financial implications is what it does to the heart of a community, what it does to the heart of a neighborhood, what it does to the heart of a family.

So all we are asking for with the Durbin amendment is let's try this for a limited amount of time to see whether it will make a difference. Maybe it won't achieve the results we authors claim it will, but is it not worth a try to see if we can't bring that lender and that borrower together, to work something out so they can stay in that home? The lender gets paid. It seems to me that has to help.

I agree completely with my colleague from New York, Senator SCHUMER, who made the case, and did so simply. There is a direct connection here. If we are unable to get our housing situation stabilized, all of these other efforts we are making to get the financial system working are not going to succeed. At the root cause of this issue is the residential mortgage market. The failure of us to reach that bottom—to begin to see these values improve and people out purchasing homes will also be not only indicative of the direction we are heading in but also essential if we are going to recover.

Beyond the issue of housing and what happens to families, the very heart of the economic crisis, its roots, began in the housing market. I believe very strongly, as others do who are far more knowledgeable about macroeconomics than I will ever be, that our inability or unwillingness or failure to address the residential mortgage market will make it almost impossible for us to get the kind of recovery we are all seeking on the larger economic issues.

So I wish to commend my colleague from Illinois. He has worked tirelessly. He has brought together the financial institutions. I know many of them mean the very best. There is no ill will involved in this, I presume. I think there is a culture that goes back a long time which says that if a house is in foreclosure or about to go into it, get the family out, put it on the market, sell it to someone else, because the likelihood of that family redefaulting is pretty high. That may be true statistically, but it seems to me that in these circumstances, we are dealing with something very different, far more pernicious, far more widespread, with far greater implications. So even the best argument one might make that historically you do better in getting an economy back on its feet by allowing these properties to go into foreclosure, I think all of us recognize, with the numbers we are talking about here, that accepting that kind of conclusion could be disastrous, as it has proven to be.

I recall January and February of 2007. I became chairman of the Banking

Committee for the first time in January of 2007. We had a couple of hearings on currency manipulation, I believe it was, in those days in January, but the first hearings I held in February of 2007 were on this issue. In the 110th Congress, I think we had 80, 82 hearings, and a third and a half were on this subject matter as we tried over and over again to get the industry to step up, to come up with various ideas that would mitigate the foreclosure problem.

I recall at the very first hearing we had a witness who was very knowledgeable about housing issues, and he testified that he thought there might be somewhere between 1.5 million and 2 million foreclosures. He was sort of ridiculed because these numbers were hyperbolic; this was an exaggeration of what would happen. In fact, the critics were correct. It was. He was wrong. It wasn't 1.5 million or 2 million; it has now become 8 million. So those dire predictions in February 2007 have proven to be painfully off the mark because, in fact, the problem is a lot worse.

I believe very strongly that had we in 2007 been able to convince the previous administration to step up and engage this issue in 2007, and even a good part of 2008, we could have avoided what we went through last fall and are going through today as we try to get this economy back on its feet again. But there was tremendous resistance to doing anything despite countless meetings we had, including with the financial institutions, where commitments were made in March and April of 2007 to actually sit down and engage in a workout with borrowers and lenders. None of that ever really happened at all. The numbers are embarrassingly small where workouts occurred, despite the efforts to achieve this without going through a legislative proposal.

Of course, the idea of modifying the bankruptcy laws was one that Senator DURBIN raised early on. We were unable to get it done. Today, we are trying one more time, in a far more constricted and narrow construct of this proposal, over a limited period of time, to affect as many people as possible.

This amendment would also preserve some \$800 billion in home equity for neighbors, we are projecting. The list I have of just the properties that could be affected—in my own State, some 15,000 homes could be saved by the Durbin amendment. Looking down the list, the numbers are stunning. In California, I think the numbers I saw are 385,000 homes could be saved by the Durbin amendment. I see my friend from New Mexico is here, and there we are talking about over 6,000 homes would be affected in New Mexico. In the State of Oregon, it is like Connecticut. Over 15,000 homes would be affected, I say to my colleague from Oregon. In North Carolina, I am looking at 38,000 homes, it is projected,

could actually be saved from foreclosure, the State of the Presiding Officer.

Madam President, I ask unanimous consent that this list be printed in the RECORD so Members can actually look down and see what a difference this amendment could make in their State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELPING FAMILIES SAVE THEIR HOMES ACT
DURBIN AMENDMENT STATE-BY-STATE IMPACT

By creating stronger incentives for the creation of voluntary mortgage modifications, the Durbin amendment to the Helping Families Save Their Homes Act would prevent 1.7 million mortgages from falling into foreclosure and would preserve over \$300 billion in home equity for neighboring homeowners who have made each of their own mortgage payments on time (according to estimates from Moody's Economy.com and the Center for Responsible Lending). Based on that estimate and the relative impact of the foreclosure crisis throughout the country, below are state-by-state estimates regarding how many families would save their homes under the Durbin amendment and how much equity would be preserved by neighboring homeowners.

State	Homes saved by the Durbin amendment	Home equity savings for neighbors of saved homes
Alabama	14,480	\$287,273,000
Alaska	1,447	74,905,000
Arkansas	7,297	85,016,000
Arizona	63,415	6,732,666,000
California	385,039	121,033,183,000
Colorado	23,373	1,589,310,000
Connecticut	15,461	1,762,362,000
District of Columbia	2,726	2,822,811,000
Delaware	4,282	311,407,000
Florida	206,361	36,772,700,000
Georgia	59,197	1,247,655,000
Hawaii	7,293	3,655,706,000
Iowa	8,089	259,474,000
Idaho	7,342	238,286,000
Illinois	60,594	19,420,658,000
Indiana	27,960	589,237,000
Kansas	6,220	179,676,000
Kentucky	11,750	292,303,000
Louisiana	12,651	496,045,000
Massachusetts	37,330	9,264,833,000
Maryland	48,909	11,173,429,000
Maine	4,878	104,414,000
Michigan	52,884	2,581,196,000
Minnesota	25,001	1,515,320,000
Missouri	22,519	993,960,000
Mississippi	9,042	90,575,000
Montana	2,815	38,149,000
North Carolina	38,667	645,572,000
North Dakota	711	33,523,000
Nebraska	3,763	136,772,000
New Hampshire	5,812	169,863,000
New Jersey	44,585	15,149,105,000
New Mexico	6,411	375,826,000
Nevada	38,243	4,979,857,000
New York	70,808	37,296,477,000
Ohio	43,985	1,528,772,000
Oklahoma	9,322	210,114,000
Oregon	15,261	1,491,292,000
Pennsylvania	37,169	3,325,687,000
Puerto Rico	10,063	n/a
Rhode Island	6,665	1,482,129,000
South Carolina	17,011	298,754,000
South Dakota	1,504	30,513,000
Tennessee	25,208	564,744,000
Texas	82,302	2,798,084,000
Utah	10,988	685,958,000
Virginia	44,035	5,210,416,000
Vermont	1,466	15,138,000
Washington	27,176	3,397,336,000
Wisconsin	15,620	1,189,240,000
West Virginia	4,376	53,792,000
Wyoming	805	17,344,000
United States	1,690,308	304,697,753,000

Mr. DODD. I thank the Chair.

Again, I can't speak with absolute certainty. Maybe the numbers are a bit lower or higher. What if in my State it wasn't 15,000; what if it was 10,000?

Frankly, 10,000 homes would be a lot, a lot of families in a lot of neighborhoods in an economy that would be vastly improved if 10,000 homes in my State could be saved from the terrible conclusion of foreclosure.

So we will consider this amendment in a couple of hours. We will vote up or down on it. Then we will go about our business on the housing bill that is before us. But as Senators think about how they are going to vote on this matter in a couple of hours, think about what it would mean tonight at 6 or 7 o'clock when another 10,000 of our fellow citizens find themselves in the serious condition of losing their homes.

What do you say to your children, your family, what it does to your neighborhood. Can we not take a chance and try an idea that colleagues have worked on for weeks now, not overnight—this is not a quickly drawn amendment; it does not consider the concerns of the lenders in the country—to bring this together and give this an effort, as we did last summer with the HOPE for Homeowners and last spring as well.

I urge my colleagues to give this an opportunity to work. In my office, we get about 30 or 40 letters every day from constituents waiting to know whether they can keep their homes. I suspect I am not terribly different in that regard from my colleagues—or the e-mails that arrive in our office in Hartford on a daily basis. In many cases, the answer is—and we hear this over and over. Ed Mann has been with me 30 years. Ed Mann does not engage in hyperbole. He is a quiet, serious man. What he hears day after day in our office is: I have tried to reach my lender. I have called and called and I can't get hold of anyone. Can I get any help? That is repeated over and over.

I say this respectfully, but I believe in this proposal, which I think will cause lenders and borrowers to get together to try and work these matters out, the lender controls everything under the Durbin amendment. They have total control of the process. It is not in the hands of the borrower; it is in the hands of the lender and, obviously, the proposal of a bankruptcy judge being able to engage.

I met with my Federal judges—district court judges, appeals and bankruptcy court judges. To a person, every one of them said: You ought to pass this.

These are people who work on this every day. These are serious appointees in the Bush administration, as well as the Clinton administration. Some go back further, in fact, to the Reagan administration. To a person, all of them said: Get this done. This makes sense. These are bankruptcy judges. They are not frightened of the caseload. They are not afraid of trying to bring people together to save home ownership. Our bankruptcy judges believe this is right.

The civil rights groups of this country believe this is right. A long list of people worked on this. But our principal debt of gratitude goes to the Senator from Illinois who has been tirelessly championing this concept and idea. Senator SCHUMER has worked very hard as well on this issue.

My hope is, in the next couple of hours, we might surprise the country and actually do something to keep people in their homes. What a great message tonight that would be, instead of walking through the door saying: I think we lost our home, saying: There is a chance we can keep our home, keep our family together, weather this storm, and come out of it stronger and better because the Government is not going to just sit back and allow nature to take its course and subject me and my family and my neighborhood to the vagaries of the foreclosure process. People are on my side fighting for me. We can do that today in a united, bipartisan fashion by allowing this simple idea to have a chance to succeed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, Senator DURBIN's amendment would allow bankruptcy judges to modify home mortgages in bankruptcy court by lowering the principal and interest rate on the loan or extending the term of the loan. The concept in the trade is known as cram-down. It would apply, in his amendment, to all borrowers who are 60 days or more delinquent on payments for loans that originated before January 1, 2009, and would set the maximum value of loans that qualify at \$729,000. It is broader than the bill that was tabled in the Senate several months ago.

Senator DURBIN sincerely believes his amendment would help save homeowners who are at risk of losing their homes in foreclosure, and I respect that. But many experts believe the cram-down provision would have pernicious, unintended consequences on the mortgage market.

First, it would result in higher interest rates for all home mortgages, exactly what we do not want while we are trying to entice people back into the market. Interest rates on home loans are substantially lower now than other types of consumer loans because of the guarantees current law provides to lenders. If all else fails, the lender always has the right to take back the house for which it lent the money. If we eliminate this security for lenders and increase the risk inherent in making a home loan, then lenders will have to charge higher rates on interest for home loans to cover the risk. The net result of the amendment, in other words, will be higher interest rates for home loans and fewer Americans who will be able to afford to buy a house—not what we need to end the housing crisis.

While attempting to solve a specific problem for a particular group of people, we could end up exacerbating this situation for all the people who would want to refinance or to take out loans in the future.

As I said, experts agree and studies show cram-down will result in higher interest rates. That is why it is opposed by virtually all in the industry.

The Congressional Budget Office warned in January 2008 that cram-down could result in "higher mortgage interest rates" because lenders are forced to compensate for potential losses that will be levied upon them in bankruptcy court.

In hearings some years ago before the Senate Finance Committee, in 1999, Senator GRASSLEY asked Lawrence Summers, who now serves as President Obama's head of the National Economic Council, if "... debt discharged in bankruptcy results in higher prices for goods and services as businesses have to offset the losses?" Mr. Summers responded as follows:

The answer is—it's a complicated question, but certainly there's a strong tendency in that direction and also towards higher interest rates for other borrowers who are going to pay back their debts.

In November 1986, Congress implemented a mortgage cram-down provision for family farmers under chapter 12 of the Bankruptcy Act—obviously, the same well-intended purpose here. According to a 1997 study, farmers faced a 25- to 100-basis point increase in the cost of farm real estate loans, as well as increased difficulty in obtaining financing as a result of the cram-down application. The current median value of a new home in the United States is \$206,000. A 25- to 100-basis point increase for the \$206,000 would increase the cost of the mortgage by over \$47,000.

We are talking about substantial impacts as a result of this well-meaning provision that would, in fact, over the entire market be very bad.

Proponents of the bill argue it should be allowed because, after all, bankruptcy law already allows a version of this for vacation homes. Big difference. What proponents do not mention is that to qualify for cram-down on a vacation home mortgage, the debtor is required to pay off the entire amount of the secured claim within the 5-year length of the chapter 13 plan. The Durbin amendment, of course, does not include the requirement that the debtor must pay off the security claim within 5 years. He does not purport to treat cram-down on primary homes the same way the Bankruptcy Code treats them on secondary homes.

There is a third point with respect to this particular amendment. As I said, it is different from what we tabled before. It is a much broader amendment. It is not the sort of narrow, targeted approach to the problem some people like to characterize it as.

Unlike prior proposals, this bill is not limited to the high-risk or subprime loans or other nontraditional loans but allows cram-down for all loans. Let me repeat that. Unlike what we dealt with before in prior proposals, this cram-down amendment is not limited to high-risk or subprime loans or other nontraditional loans. It would allow cram-down for all loans. The only limitation, as I said, is that the loan had to originate before January 1, 2009, and the maximum amount—not much of a limitation—is \$729,000, and the borrowers would have had to apply for relief under the Loan Modification Program. Other than that, there is no limitation, and as I said, it would apply to any kind of mortgage. This would, obviously, allow millions of borrowers to enter into bankruptcy and simply walk away from the debt owed on their homes.

I don't take this position lightly because my State is arguably the hardest, certainly one of the hardest hit by the foreclosure crisis. People in my State face this every day. I wish to help Arizonans stay in their homes. Every time I go home, which is virtually every weekend, I talk with people who are, in one way or another, related to the problem because so much of the business in Arizona has to do with home building and development and construction. So many people have had problems with their mortgages. As I said, many are being foreclosed. All the others, the foreclosures, of course, represent a relatively small percentage of the total of 100 percent of loans. Most of the people I talked with are upset because the value of their homes has declined so much, among other things, because of their homes being foreclosed upon. They wonder: When is the market going to hit bottom; when am I going to be able to sell my home for something similar to the equity I have in it.

Values from assessors have shown that values have decreased by some 50 percent in amount. It is in our best interest to see this mortgage market bounce back, to see people be able to buy homes again and, frankly, to sell homes at somewhere near a realistic price related to their real value. This is a good time to enter into the home market if you have the money to do it because prices are so low and interests are so low. But the problem with this bill is it will make the interest rates higher and, therefore, will make it more difficult for people to afford to get into a home, the net result being the recovery will be extended far beyond what it otherwise would be under normal circumstances.

In my home State of Arizona, people are wondering: Will it be 6 months, 1 year, 18 months? I guarantee whatever that amount is, it will be longer if this bill passes. It will be longer because interest rates will increase, people will

not be able to sell their homes and, therefore, we will continue to have the problem we currently have.

There are other programs available. I mentioned one. There is the HOPE NOW Program, the HOPE for Homeowners Program, and the President's new \$75 billion program that helps borrowers who are facing foreclosure to modify their loans and allow the so-called underwater borrowers to refinance into lower rate mortgages. These are the people whose home value is less than the amount owed on their mortgage.

There are programs available. All of us are talking to banks about working out loans with the people who face foreclosure. But a solution that may be well meaning but would have the unintended consequences this particular amendment has is not the answer. We should not simply grab onto something because it promises to provide some relief to some people, when the reality is that I think all the experts agree the interest rates would be increased, making it much more difficult for the 95 percent or so—I am not sure of the exact percentage—of the other people who would like to see this home mortgage crisis come to an end.

Bottom line: cram-down will not fix the recent downturn in the housing market but only prolong the recovery by increasing interest rates. Instead of encouraging homeowners at risk of foreclosure to file for bankruptcy, the Federal Government should continue to encourage lenders to work with owners to modify loans where it is economically viable for homeowners to remain in their homes. Obviously, not all homeowners are going to be eligible for loan modification. But the answer is not to incentivize bankruptcy by making it as the only means to save one's home.

I hope that when it comes time to vote against the Durbin amendment, we will recognize we have already tabled an amendment which was much more narrowly written and that this is an amendment which deserves to be defeated.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, we face a grave economic crisis, and it is our responsibility, our duty as representatives of the American people, to give them every tool they need to weather this economic storm.

There is much we have already done to help. Working with President Obama, we cut taxes for middle-class families—because in times like this,

every little bit helps. We gave an extra \$250 payment to seniors on Social Security and disabled veterans to help them make ends meet when their household budgets are stretched to the breaking point. Preserving jobs means preserving our families' livelihoods, so we are investing billions of dollars in new infrastructure to create and support jobs all across America.

Today, Madam President, we want to take on one piece of America's unfinished economic business. Many families in this country—too many—have found that making ends meet is impossible, and they are in the process of filing for bankruptcy. Four years ago, when Congress overhauled the Bankruptcy Code, our Republican colleagues suggested that those who file for bankruptcy had carelessly lived beyond their means and were trying to game the system—at best, irresponsible; at worst, engaged in fraud. But in the years since, we have seen that was not true.

Families don't enter bankruptcy casually to save a few dollars. Bankruptcy is a last resort for individuals and families on the brink of financial collapse. The vast majority of those who seek bankruptcy are struggling, working families. With the economy in its weakest condition in decades, bankruptcy filings are soaring. Tragically, the most common reason for bankruptcy has been health care costs—compounding the heartbreak of illness or injury with the strain of financial distress—but a lost job or ruined pension can be just as devastating. And many families file for bankruptcy because the mortgages on their homes have gone through the roof and they simply can't afford them any longer.

Too many homeowners were coaxed into bad mortgages—with the promise that values would keep going up and up—in many cases, without even understanding the hazards built into the small print of the mortgages they assumed. Well, the bubble has burst, and now these homeowners are stuck with mortgages that are larger than the home itself is worth.

Ordinarily in a bankruptcy, judges can modify the terms of debts or obligations, including loans on vacation homes and on family farms. These modifications help prevent foreclosure and permit people to keep making payments on their reset loans. That is good because when a house is foreclosed, neighboring property values decline, tax collections decrease, and schools and communities suffer. Helping prevent foreclosures, as this amendment would do, will help rescue falling home prices and get the housing market back on track—and that will help all homeowners, not just those who are facing bankruptcy.

Under current law, Americans looking to bankruptcy to escape unbearable financial strains cannot modify the

terms of the very contract most dear to any family facing bankruptcy—their principal residence, the place they call home, where they raise their children, where they know their neighbors, where they live their lives. They can face foreclosure, even homelessness. The neighborhood erodes, and a cascade of dire consequences ensues.

To remedy this, the distinguished Assistant Majority Leader, Senator DURBIN of Illinois, has offered an amendment that would temporarily, and with conditions, give primary residence mortgages the same treatment in bankruptcy as other types of secured debts. Like any secured creditor, the mortgage holder would be entitled to adequate protection of his or her property interest during the bankruptcy. The modification of the mortgage would be limited to a market rate and a term of no longer than 30 years.

Given the cost of foreclosures, which average \$60,000 per incidence—setting aside the harm to the family of losing their home, or the neighborhood of having another shuttered, plywood-covered building on the block—it would seem that this amendment to the code would ultimately benefit all of the parties to the mortgage. But on this question, the big banks seem to be inured to suffering and deaf to common sense.

Despite requirements protecting banks that families give their lender 45 days' notice before filing for bankruptcy—that allow lenders to prevent forced modifications if they offer voluntary modifications as part of President Obama's Housing Affordability and Stability Plan; that sunsets the program at the end of 2012—the big banks are still opposed. They gorge on taxpayer funds and support, but they will not help these customers.

I would note this is not a problem with the small banks, the community banks that held their loans and work with their distressed customers in their community every day. This is a problem with the big banks that sold families' mortgages off in strips to investors far away, leaving the homeowner no one to talk to, no one who can make a decision about modifying the mortgage.

What is the homeowner supposed to do? Call an investor in Switzerland, in Japan? Ring up the hedge fund in New York that owns a strip of their mortgage and get them to all come together and agree on a workout? It is impossible.

When we allowed mortgage securitization, we created this hole, and we are obliged to fill it. Only a judge can cut through the nightmare of bureaucracy that a homeowner faces trying to sort through this mess. Securitized mortgages caused it, and there is only one practical way to clear it up, and that is the Durbin amendment.

I am very proud to have cosponsored this amendment, as well as the Helping

Families Save their Homes in Bankruptcy Act, the bill on which this amendment is based. I thank my colleague from Illinois for his passionate and tireless work on this legislation. I share his belief that this is the most direct and effective way to mitigate the foreclosure crisis.

I also share Senator DURBIN's frustration that although he and others—Senator SCHUMER in particular—have worked tirelessly to negotiate in the interest of all parties, this powerful banking lobby has been greedy, stubborn, and unreasonable. It refuses to recognize the human problem that poor homeowners have when they have to try to reassemble a mortgage that got sold in strips around the world and try to get those people together to reach an agreement. It is asking ridiculous things of that family to expect them to handle that problem, and they have no other mechanism, except a court, which can settle it once, and quickly, for all.

I have been here only a short time, Madam President, but this is one of the most extreme examples I have seen of a special interest wielding its power for the special interest of a few against the general benefit of millions of homeowners and thousands of communities now being devastated by foreclosure.

Bear in mind that the big banks opposing this legislation can reset their own obligations in a receivership or bankruptcy, but what's fine for them is obviously too good for their long-suffering customers, who—uniquely—don't get the same rights for their home mortgage.

The scale of this is immense. Senator DURBIN's commonsense measure would help as many as 1.7 million American families stay in their homes and preserve \$300 billion—nearly one-third of a trillion dollars—in home equity for the neighboring homeowners whose home values get knocked down when a bank will not negotiate with an owner and comes in and forecloses, hammers up the plywood over the windows, lets the lawn grow out, and often lets the property be looted. In my home State of Rhode Island alone, 6,600 homes and over \$1.4 billion in home equity could be preserved.

Homeowners are up against an impossible situation. It was one that was created by the big banks and the investment world when they securitized these mortgages and spread them to the four winds. This is their only hope to redeem it, their only hope to have somebody sensible to talk to, and I urge my colleagues to support this amendment.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. CARPER. Mr. President, I rise with some reluctance today to oppose the amendment before us. The amendment is being offered to what I think is a very good bill. The provisions of the underlying bill are worthy of our full support. The notion that we are going to expand the ability of FHA and Rural Housing to modify loans is something I certainly support and I believe others should. The idea in the underlying legislation is that we should expand access to the HOPE for Homeowners Program, we should provide a safe harbor for servicers who otherwise would modify a loan. We have a situation, as the President may know, where we tried to encourage the modification of loans to help people who are in a bind to avoid foreclosure. We find out that among the parties who have to agree to the loan modification are the servicers, the people to whom we send mortgage payments. They have not been anxious to participate in modifying the mortgages because, first, they get no financial incentive upfront for doing the work and, second, if they do the work to modify the mortgage, they end up being sued by the investors who own these mortgage-backed securities around the world. That is not much incentive and, as a result, servicers have not done the work they need to do to help modifications take place.

Mr. President, I ask unanimous consent that my time count against the Republican time. I understand it has been cleared with our Republican friends.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. In any event, the underlying legislation addresses in a very satisfactory way an approach so that servicers will be more likely to participate in mortgage modifications.

Finally, the underlying legislation creates more enforcement tools for FHA to use to go after bad actors, bad lenders. That is all good stuff and we ought to support it, and I certainly do.

I am sorry to say I cannot support in its current form the so-called bankruptcy cram-down legislation offered by our friend from Illinois. A year or so ago we visited this issue. We had a vote on the floor about whether to bring a provision similar to this to the floor for debate. I did not vote to bring it to the floor for debate at that time. I was not sure if the issue was ripe and I didn't know that we were ready to do it.

My view has changed. I think it is an appropriate time and place for us to negotiate—to debate the issue of cram-down. I think it is unfortunate that we cannot offer an amendment, a second-

degree amendment or perfecting amendments to the provision that has come to the floor. I understand things have been worked out by others here, maybe in our leadership, to bring the amendment to the floor without the opportunity to perfect it further. I think that is unfortunate, but it is what it is.

About a month or two ago I hosted, back in Delaware, a forum that was designed to introduce to the people of my State the most recent initiatives launched by the Obama administration to encourage the modification of home mortgages, to help people who are in danger of becoming in default and facing foreclosure of their homes. The administration has given us a couple of very good proposals. I think our earlier HOPE for Homeowners proposal that we adopted when I served on the Banking Committee last year was a very good proposal, but the problem was we couldn't get the servicers to cooperate and be part of it. I think we figured that out in the underlying bill today.

When I hosted my forum back in Delaware earlier this year, some of the participants were fearful of losing their homes, some were approaching foreclosure. They wanted to learn more about foreclosure. We had housing counselors there. It was a helpful forum for a lot of people.

One of the things I learned there was from one of the people who participated, a woman who is a bankruptcy lawyer. She came up to me and she said: You know, we are having a hard time in some cases getting financial institutions, the lenders, to take seriously the opportunity to modify mortgages. She said: I think they would take that opportunity more seriously if they knew at the end of the day, if they were not serious, they would face in a bankruptcy court the possibility that a bankruptcy judge will come in, lower interest rates, reduce principal and stretch out the time for repayment of these mortgages.

I thought she made a compelling case. I since then decided that maybe this is an issue we ought to bring to the floor. It does have value. This is the appropriate time. A lot of people are facing foreclosure, a lot of people are in foreclosures, and this could be a tool—not something that would be a first choice but maybe a last option. It could be the last option after whoever is the homeowner facing difficulty had gone through all the programs that are offered by the new administration and would then take advantage of whatever programs are offered by lenders—Countrywide and others.

The legislation before us today is an improvement over some earlier versions. There are a couple of problems I have with it. I want to mention those, if I could. One of the problems occurs when you have a situation where a person has asked a lender to

modify a mortgage and the lender has agreed to do that and then in the next year or two the homeowner, who has actually gotten out of bankruptcy a better deal, turns around and sells their home at a profit. I believe the lender, having gone through the bankruptcy and the mark-down, if you will—that lender should be able to participate more fully than is envisioned in this underlying bill.

The House takes it a little differently. This amendment says the lender would appreciate, I think, maybe to the tune of 50 percent, 50-50 with respect to an appreciation in value following the bankruptcy. In the House they have a different approach. The first year the lender would get 90 percent of any appreciation, the second year 70 percent, third year 50 percent, and eventually phase out. I think that is a better approach.

I would like to have seen and encouraged that we consider more tightly constraining the period of years that would be covered; that is, from which mortgages would have been originated the number of years that might fall into this approach.

In the legislation before us, you can go all of the way back in time, whenever. There is no beginning date. The ending date is January of this year. And I think, whether it would happen to be a subprime mortgage, an Alt-A, almost any kind of mortgage would still be able to participate in a bankruptcy. That is a bit broad. At the very least, I would hope we would be able to come up with something that would say, we would end the period of eligibility maybe from 2002, 2003, to the end of 2007. That seems reasonable to me. We do not have that kind of constraint in this amendment.

If we could have fixed that provision, maybe moved the eligibility back from January 1 of this year to January 1 of a year ago, that would have certainly helped make it easier for me to support the amendment. The idea of giving the lender a better opportunity to participate in appreciation of the home that later on comes out of bankruptcy, a person comes out of bankruptcy and sells their home for a profit, I think the lender ought to be able to participate more fully than is envisioned here in this amendment.

I think it is unfortunate that we do not have a chance to perfect it further. I do not know that we will see this issue again. My hope is what the administration—the programs the administration has launched will have great effect, a lot of people will take advantage of them, that the mortgage modifications of the individual companies, the individual lenders will be more effective and be better utilized.

I hope the fixes we are providing for the HOPE for Homeowners Program, addressing some of the problems I have mentioned, I hope that helps too. If it

does not, and we realize later on that there still needs to be this threat of a bankruptcy cram down at the end of the day, then let's revisit this issue. But I hope those of us who have maybe somewhat different views will have them be debated on the floor, and have an opportunity, if we are not fully comfortable with what comes to the floor, have an opportunity to amend and hopefully perfect it and make it better.

I am going to have to reluctantly oppose the amendment. I appreciate our friends from the other side yielding time on this issue for me.

I yield back.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION POLICY

Mr. ALEXANDER. Mr. President, I wish to make a few remarks about education, a subject that is important to virtually all of us.

When figuring out what to do about education, my suggestion to those in my party is that Republicans should ask, "What would Lincoln do?"

During the first 16 months of his Presidency, Abraham Lincoln helped enact three of the most important and successful pieces of legislation in American history: the Homestead Act, the Morrill Acts that created the land-grant colleges and universities, and the Pacific Railroad Act.

What made these laws successful, according to Harvard Professor Bill Stuntz, in an April 6 article in *The Weekly Standard*, was that they "did not depend on the complex judgments made by members of congress or government regulators. [They] were meant to confer opportunities, not to solve problems . . . the necessary elbow grease was supplied by the private citizens whose prospects Lincoln improved."

These three laws helped American farmers create the world's most productive farmland and American universities produce the most educated workforce. The transcontinental railroad knitted together this sprawling Nation.

A later version of this same thinking produced the GI bill scholarships which followed veterans to the colleges of their choice at the end of World War II. Then came Pell grants and student loans which today follow two out of three students to the colleges of their choice.

Similarly \$31 billion of Federal research money is handed out each year to universities. Almost all of it is peer reviewed and competitively granted, and not parceled out by legislators and regulators. All of this might be called the Lincoln approach to Federal Government involvement in education. Conferring opportunities.

Now, compare it to the command-and-control Rooseveltian model best exemplified by our kindergarten through the 12th grade system of education. In that system, students do not choose—they are told—where to go to school. Government money goes directly to institutions, not to students. Government and unions write rules handcuffing teachers and principals and other student leaders. And virtually no teacher is paid more for teaching well.

There is yet another approach. No Federal involvement at all. Some believe that. Leave education to the States or communities.

I suppose that over the last 30 years I have embraced all three of these points of view. Some may call that unprincipled, but I prefer to align myself with former Senator Everett Dirksen, who once said: "I am a principled man, and flexibility is one of my principles."

During my second year as Governor in 1980, I asked President Reagan to support what I called a grand swap, give the States all of kindergarten through the 12th grade, and the Federal Government would take all of Medicaid.

The President liked that. I liked it. But it did not go very far.

In 1984, I helped make Tennessee the first State to pay teachers more for teaching well. I encouraged school choice and created centers and chairs of excellence at universities. Despite this aggressive State action, I concluded at the end of my 8 years as Governor that K-12 education depended entirely upon parents, teachers, school leaders, and community. So I traveled to all 132 school districts in Tennessee, creating Better Schools Task Forces, and challenging them to create better schools.

As Education Secretary, I proposed America 2000, again emphasizing community responsibility for education, higher standards for States, and support for what we called then "break the mold" charter schools, and more choices for parents of low-income children.

Later on, I said we can do without a Department of Education—the Department I used to head—meaning that I thought an agency handing out scholarships to K-12 students, as well as college students, plus some effective advocacy was all we needed at the Federal level.

As a Senator, I reluctantly embraced No Child Left Behind, because it forces reporting on children who are indeed left behind, but have introduced legislation to empower States to try to do that reporting in their own way.

Putting it all together, I may not have been quite as inconsistent as I have accused myself of being.

No. 1, I believe the Federal Government should be involved in education, but I am for the Lincoln empowering

model as opposed to the Rooseveltian command-and-control model.

No. 2, I believe that 95 percent of making K-12 education better depends on parents and teachers and school leaders. And, finally, while I believe it is virtually impossible for regulators and politicians in Washington to make schools better, I believe it is sometimes possible for Washington to help parents, teachers, school leaders, and communities make schools better.

So following that Lincolnian set of principles—conferring opportunities instead of making decisions—what exactly should the Federal Government do to empower parents and help them be better parents?

One, a Pell grant for kids. Give every middle- and low-income child \$500 to spend after school at any State-approved education program. This would help fund music and art lessons, English lessons, other catchup and get-ahead lessons. It would pour billions into poorer school districts, programs encouraging public schools in those districts to get busy and attract students by offering the afterschool programs themselves.

A second thing would be a Federal tax system favoring parents with children. We had this during the 1950s in America. President George W. Bush did more to support this idea than most realize.

Next, perinatal care. Make sure that pregnant mothers receive care and find a medical home, a team of medical professionals that is responsible for coordinating all of the new baby's health care needs from before the pregnancy until 6 weeks after. That would be the real Head Start.

Nurses in homes. We could encourage nurses to visit homes to make sure every newly born child has a medical home. Remember, now, I am taking about what could the Federal Government be doing to help parents be better parents.

Home schooling. Our policy should be never to hinder home schooling, and to look for ways to help. Why should we punish parents who are doing their job well?

Professor Coleman at the University of Chicago used to say: School is for the purpose of helping parents do what the parents do not do as well.

We could help adults learn English. There are lines of new Americans outside federally funded programs in Tennessee to help adults learn English. Senator KENNEDY has told me the same is true in Massachusetts. Encouraging our common language is a Federal role, and if parents speak English better, the child is more likely to speak English better.

Finally in this list of ideas: worksite day care. With so many parents working outside the home, there is less time for the child. One solution is worksite day care near the place where the par-

ent works. Take the child to work. This is usually a private sector solution, but as assistance for low-income parents could make sense.

To help teachers and school leaders be better, what could the Federal Government do? One thing would be to help fund higher standards and data collection. Those should be set by States or groups of States, not by those of us in Congress. But they should be set so teachers, parents, and students know what to expect.

Probably nothing is more important than paying good teachers more for teaching well. I especially admire the work the new Secretary of Education has done in this area in Chicago. I know the new Senator from Colorado and the Senator from Tennessee, Mr. CORKER, in their hometowns have done this.

Every child benefits from exceptional teaching. Now that we know how to relate student achievement to the skills of the teacher or the groups of teachers, we should pay teachers for their superior skills. That means expanding the Teacher's Incentive Fund, which already exists, to help local school districts reward outstanding teaching in many different ways.

As the late Albert Shanker, president of the large American Federation for Teachers, used to say, "If you can have master plumbers, why not master teachers?"

We should encourage charter schools. That helps teachers because it liberates the teachers and school leaders to use their own good judgment to help the children assigned to them. I am encouraged that the new Secretary of Education has encouraged charter schools.

Teach for America helps to supply new raw talent to the classroom, and I think, even more important, forms an alumni corps of support for excellence in the public schools, once those young teachers go on to whatever else they plan to do.

Teachers' colleges. They need to be improved. One way to do it would be to award peer-reviewed, competitive research grants on the agendas most of them will not touch: how to give parents more choices, how to reward outstanding teaching, how to make charter schools successful, and how to help newly arrived children learn English.

UTeach is another idea formed at the University of Texas-Austin. The America COMPETES Act that we passed in a bipartisan way in 2007 carries that nationally. It funds scholarships at universities where good students in math and science will switch to teaching.

Summer academies. Senators REID and KENNEDY, a whole group of us, have helped to create summer academies for outstanding teachers of U.S. history, as well as the sciences. These are inexpensive and enriching and they do not intrude very much into State and local responsibility.

School leaders. The biggest bang for the buck that we can do from here, or that States could do, or that school districts could do, is training school leaders. Generally, our role could be to expand the Teacher Incentive Fund and the New Leaders for New Schools Program.

Our higher education system is molded upon the Lincolnian principles. It is also the best in the world. Our K-12 system is smothered by commands and controls from Government and the unions. It is a source of constant concern. Republicans should create proposals and policies that confer opportunities for parents, teachers, students, school leaders, and researchers, and stay away from programs that create command-and-control orders from politicians and regulators.

That is a lesson from our founder, Abraham Lincoln.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business and that the time not be charged to the Durbin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING THE

Mr. WEBB. Mr. President, I have a resolution I have left at the desk which would honor the Vietnamese refugees who came to this country after the fall of South Vietnam. I would like to take a few minutes to discuss the importance of this day, April 30.

Today is a day that, for Vietnamese around the world, is as significant as the distinctions that are often made in other cultures between B.C. and A.D. Thirty-four years ago, on April 30, 1975, the Communist forces from North Vietnam finished their conquest of the south, and the struggling, war-torn country of South Vietnam ceased to exist. Many who fought on the Communist side and others who supported them believe that the motivation for pursuing this war was the unification of the country and independence from outside influence, and in many ways the position that they took, and the loss of 1.4 million Communist soldiers on the battlefield in pursuit of that position, is understandable. But it is just as understandable to recognize and honor the aspirations of the overwhelming majority of the people of South Vietnam who fought long and hard at a cost of 245,000 battlefield deaths for a government that, like our own here in the United States, allows true political and individual freedom.

Those aspirations fell to the wayside as North Vietnamese tanks entered Saigon in blatant violation of the 1973 Paris Peace accord and instituted a harsh, Stalinist system of government that was marked at the outset by cruel recriminations toward those who had

resisted its takeover. And thus, for millions of Vietnamese around the world, April 30 is a reminder of the loss of everything, including their homes, their way of life, and their hopes for a prosperous and open future for the country that they loved.

Americans in general tend to avoid or ignore this day and the significance it has not only on the Vietnamese but also on our own history. But it is important for us to look back on that day and on the war itself, not in anger but in fairness, in a way that gives credit where credit is due. And it is also important, for all of the reasons that led many of us to support that war endeavor, that we commit ourselves to working together to build the right kind of dialogue with the present Government of Vietnam in order to help bring a better future for the Vietnamese people and a more stable strategic environment in east Asia as a whole.

Frankly, I believe this war still divides Americans in a way that they still feel but no longer openly discuss. I am not sure we can even agree on the facts, much less the rightness or wrongness of our policies, that caused us to commit our military to that battlefield, with the eventual loss of 58,000 dead and another 300,000 wounded. Was it right to go into Vietnam? Was it important? If you ask those in academia, the predictable answer, growing ever more predictable as the years cause us to summarize the war ever more briefly, is that it was a mistake. And yet here is a piece of data that should still cause all of us to think again. In August, 1972, 8 years after the Gulf of Tonkin incident that brought us full-bore into Vietnam, even at a time when the Nation had grown weary of bad strategies, after tens of thousands of combat deaths, and years of massive antiwar protests, a Harris Survey showed that 72 percent of Americans still believed that it was important that South Vietnam not fall into the hands of the Communists, with only 11 percent disagreeing.

Over the years, we have lost the reality of those concerns. Too often in today's discussions that examine the Vietnam war, we are overwhelmed by mythology. I hear it said quite often that this was a war between the United States and Vietnam. Nothing could be further from the truth, and nothing could be more offensive to the millions upon millions of Vietnamese who supported the South Vietnamese Government and its long-term goal of a stable democracy. Our attempt to help that government was no different than the manner in which we assisted South Korea when it was attacked after being divided from North Korea, or the motivation that caused us to support West Germany when the demarcation line at the end of World War II divided Germany between the Communist east and the free society in the West. We were

not successful in that endeavor in Vietnam for a number of reasons. But it would be wrong to assume that this was an action by our country against the country of Vietnam, or that it was motivated by lesser ideals.

We hear a lot of dismissive talk about the domino theory and the supposedly unjustified warnings about what was going on in the rest of the region with respect to efforts that were backed by the Soviet Union and Communist China in the runup to our involvement. But these were valid concerns at the time. The region had seen a great deal of turmoil during and after World War II. Most of the European colonial powers had receded throughout Southeast Asia, largely because of the enormous costs of that war, leaving poverty, war damage and unstable governments behind. Japan had withdrawn from the territories it had invaded and occupied. Governmental systems throughout the region were in transition, many in chaos. The Communists had moved into power in China. Within a year North Korea invaded South Korea, and were joined on the battlefield by the Chinese. Indonesia endured an attempted coup, sponsored by the Chinese.

In fact, Lee Kuan Yew, the brilliant leader who created modern Singapore, has said many times that the American effort in Vietnam was a key contribution in slowing down communism's advance throughout the region, and allowing the other countries in the region to stabilize and prosper. The point, simply made, is that there was a great deal of strategic justification for what we attempted to do.

This brings us to April 1975. A North Vietnamese offensive had begun in the aftermath of a vote in this Congress to cut off supplemental funding to the Government of South Vietnam. This was combined with a massive refurbishment of the North Vietnamese army, with the assistance of China and the Soviet Union, that allowed the offensive to kick off at a time when our South Vietnamese allies were attempting to reorganize their positions in order to adapt to the reality that they were going to get markedly less funding in terms of vital supplies such as ammunition and parts for their American-made weapon systems, as well as medical supplies.

The events following the fall of Saigon on April 30, 1975, have never really been given the proper attention, probably because proper attention would embarrass so many people who had downplayed the dangers of a Communist takeover. A gruesome holocaust took place in Cambodia, the likes of which had not been seen since World War II. Two million Vietnamese fled their country—usually by boat—with untold thousands losing their lives in the process, and with hundreds of thousands of others following in later years.

This was the first such Diaspora in Vietnam's long and frequently tragic history. Inside Vietnam a million of the South's best young leaders were sent to reeducation camps, where 240,000 stayed for longer than four years. More than 50,000 perished while imprisoned, and others remained captives for as long as 18 years. An apartheid system was put into place that punished those who had been loyal to the U.S., as well as their families, in matters of education, employment and housing. The Soviet Union made Vietnam a client state until its own demise, pumping billions of dollars into the country and keeping extensive naval and air bases at Cam Ranh Bay.

As a consequence of that bitter day in April, 1975 there are now more than 2 million Americans of Vietnamese descent. We are better off as a nation for their contributions to our society, at every level. It was not always easy for these refugees when they arrived during the late 1970s, to a country that had been so torn apart by the war itself. But they won the rest of us over with their perseverance, their reverence for education, and their dedication to their families. Our gain, at least in the short term, was Vietnam's loss.

It is important that Americans understand this journey, because those who lived it deserve a fair place at the table as we continue to work toward better relations in the Vietnam of today. Not to undertake a new round of recriminations; not to relive the bitterness of the past; but to build a proper bridge between our country and Vietnam, for the good of both countries, for the health East Asia, and for the benefit of all the people inside today's Vietnam.

With respect to the region, Vietnam remains one of the most important countries in terms of the manner in which the United States should be preserving all of its legitimate interests on the East Asian mainland. With the steady accretion of Chinese influence to the north, the expansion of India to the southwest, and the evolution of Muslim influence in Southeast Asia in countries such as Indonesia, Malaysia and the southern reaches of the Philippines, Vietnam, along with Thailand and Singapore, are absolutely vital to our posture as an Asian nation.

With respect to the Hanoi Government, with which I have had a long and not always pleasant relationship since 1991 when I first returned to Vietnam, I have a great appreciation for the very significant strides they have made since those early days. The relationships that are now evolving between Vietnam and the United States are healthy. In the long term, I believe they are going to be successful. And even though I remain proud of my Marine Corps service in that war so many years ago, I welcome them. When I

first returned to Vietnam in 1991 I went to Easter Mass at the Hanoi cathedral. There were perhaps 20 people in the church, all of them elderly. Last Christmas I attended Christmas Mass and there were at least 2,000 people in the church, overflowing into the courtyard. People can argue around the edges—we can have our political debates—but this is progress. We need to reward those strides with reciprocal behavior, even if we remain at odds on other issues. There is a lot to be proud of in terms of the transformations that have been going on in Vietnam. Vietnam is growing. It is growing economically. It is growing politically. It is reaching out to the rest of the world. It is acting responsibly in the international arena. We have much to do with that success, and we have much work to do. We have much work to do in terms of encouraging more openness and greater political freedom. But we are on a pathway where, with the right kind of continued dialogue, I believe all of that is going to occur.

And so I would like to reemphasize that the best legacy for those of us who care deeply about this issue, and who remember all the tragedies of the war, will be for us to see Vietnam, the Vietnam of today, as a strategic and commercial partner and also as a vibrant, open society whose government reflects the strength of the culture itself, a strength that has been demonstrated over and over again by the Vietnamese who have come to this country and who, I am proud to say, are now Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak for up to 15 minutes on the Republican time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I strongly support Senator DURBIN's amendment. It will facilitate and promote negotiation and restructuring of mortgage debt on primary residences, which is a sensible and preferable alternative to foreclosure and all the negative consequences that process involves. I cosponsored earlier versions of this measure introduced in the last Congress by Senator DURBIN as well as this one. I am proud to cosponsor the current amendment.

Including this provision in the housing bill is absolutely critical to helping an estimated 1.7 million homeowners facing foreclosure to obtain modifica-

tions of their loans so they can return to making payments and stay in their homes. This, in turn, would contribute powerfully to stabilizing the housing market and the entire financial sector, allowing our economy to recover.

For nearly 2 years now we have seen a devastating wave of home mortgage foreclosures all across America. Foreclosure exacts a painful toll on borrowers who cannot keep up with their payments. Let's not avoid the harsh realities: foreclosure means families—many oftentimes with young children—are forced out of their homes. It is a wrenching and emotionally devastating process.

But we also need to appreciate that the broader economic consequences of all of these foreclosures are overwhelmingly negative. The lender still loses money. The value of houses in the surrounding neighborhoods declines further. So-called toxic assets held by financial institutions and investors become even more toxic. The financial system and the broader economy suffer further damage. This is totally counterproductive, as we have seen vividly over the last year. It simply makes no sense to continue down this failed path of massive home mortgage foreclosures.

The Durbin amendment offers a far more promising and productive approach. Keep in mind that "foreclosure" is a legal shorthand for a process that cuts off or extinguishes the ability of a borrower to pay debt and remain in the home. It literally, as the word is used, forecloses any other options. The Durbin amendment, by contrast, encourages debtors and creditors to seek and negotiate sensible, workable, and economically feasible options or alternatives. What Senator DURBIN is proposing very faithfully applies the hard lessons learned as borrowers, lenders, and our Nation worked their way out of the agricultural credit crisis of the 1980s.

There are a lot of similarities between the farm crisis in the 1980s and the home mortgage and foreclosure crisis of today. In both instances, the value of the underlying assets—farmland in one case, houses in another—rose very steeply. In both cases, debts secured by those underlying assets rose very rapidly also. In both situations income available to pay off debt fell—in the farm crisis because of lower commodity prices, in the housing crisis because of unemployment and lower wages and salaries. In both instances the asset bubble burst. It was not only a matter of being unable to make payments; the asset values could no longer support the loan. With many farms, as now with many houses, the borrower owes much more than the real estate is mortgaged for.

So for a while in the farm crisis, both borrowers and lenders tried to ignore and deny what was totally an

unsustainable situation. Eventually, some lenders relented and started working out new loan terms that would reschedule payments, modify interest rates, and, in some cases, write down the debt a little bit. However, not all lenders would engage in that type of negotiation. For whatever reason, they did not want to recognize the economic reality: that not all of the debt could be repaid and that there was not enough collateral value left to pay off the loan, even if they went through foreclosure.

So what happened is, Congress had to step in and bring a dose of reality to resolving the farm debt. It did so by enacting chapter 12 to the Bankruptcy Code in 1986. I was here, a member of the Agriculture Committee at that time, working very diligently in trying to get through this farm credit crisis. But when we did that, Congress gave to family farms and ranches the debt restructuring remedy that had been available to other business enterprises. Chapter 12 bankruptcy permits the courts—permits the court—to modify loans to family farmers, including those secured by a principal residence.

Professor Neil Harl of Iowa State University, one of the most respected agricultural economists in the Nation, conducted authoritative studies of the impacts of chapter 12 bankruptcy. One of the more significant findings by Professor Harl was that some 84 percent of the original filers for chapter 12 bankruptcy were still farming or owning agricultural land 7 years later. So this was an astonishingly successful outcome, exceeding the expectations of even the most enthusiastic supporters of chapter 12 bankruptcy legislation. Professor Harl also concluded that chapter 12 provisions did not—did not—have a significant effect on interest rates. Again, this was contrary to the dire predictions by many lenders at that time—the same dire predictions that we are hearing from lenders today.

As Professor Harl pointed out, both in the 1980s during the agricultural sector, and in the 2007–2008 housing sector, the losses have already occurred because the borrowers who received relief would otherwise have been unable to repay their loan. So, again, we heard all of these dire predictions of why we can't let the bankruptcy court come in and do something other than foreclosure—to modify, to write down the debt a little bit, stretch out the payment times. What we did for many farmers at that time—they may have had high-interest loans for 7 years, 10 years. What we did, the courts came in, reduced the interest rates and strung out the payments for 20 years, 30 years. That is why so many years later farmers were still farming because they knew the underlying asset was still valuable. It was still productive. They just had to get through a bad rough

spot. So there are a lot of farmers today still very much engaged in agriculture or ranching. That would not be so today had we not enacted that chapter 12 for agriculture in the mid-1980s.

So the provisions of the Durbin amendment give powerful incentives to financial institutions to work constructively with those in financial difficulty. Indeed, by giving the bankruptcy judge authority to force modification to mortgages on primary residences, as is the case with other assets, there is a real incentive to come to terms. I have never understood why a bankruptcy judge can force modifications to other assets but not on the primary residence. Well, we had the same situation in the 1980s, and we extended it to farms and, as I said, as Professor Harl showed, the rest is history. It succeeded beyond anyone's wildest expectations.

By giving this authority, again, to the bankruptcy judges, as I said, there is an incentive for both the financial institution and the borrower to come to some terms. This is very helpful for a person in difficulty, and it is very often in the interests of the owner of the mortgage, though it admittedly is not always in the interests of the mortgage servicer. We want to give relief to homeowners facing foreclosure not just for their benefit but for our benefit—the benefit of our economy.

So I urge my colleagues to support the Durbin amendment. Again, as we saw during the chapter 12 bankruptcy proceedings during the farm crisis in the 1980s, these provisions will allow many people to retain their homes and to weather this terrible economic downturn. Generally speaking, lenders will not lose any money they would not already stand to lose if they were to force foreclosure.

As I said, I believe there is a very correct and almost similar parallel to what we did in the 1980s with farms. People who are in financial difficulty today because of the downturn in the economy are going to be productive workers in the future. Why force them out of their homes when a modification such as stretching out payments, reduction of interest rates, could keep them in their homes, keep up the value of the surrounding property around them so they don't get in this downward spiral in their communities. To me, this makes eminently good sense.

Also, the positive consequences for our economy would be profound. An estimated 1.7 million families would be able to avoid foreclosure and keep their homes. The housing crisis, as I said, would receive much needed support. The housing market would be able to stabilize. All of this would be a much needed tonic for our economy.

So I commend Senator DURBIN for always being on the leading edge, as he has been in the past. This is an amendment that I don't know why it isn't

just accepted. It should be adopted overwhelmingly. As I said, we have a precedent for it. We know what happened in the past, and we know the same thing applies today.

So I urge my colleagues to wholeheartedly support the Durbin amendment for individual homeowners, for communities, but for our overall economy.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my colleague from Iowa for his kind and supportive statement about this pending amendment.

For the information of my colleagues, I have spoken to the Republican cloakroom. I believe this has been cleared, and if it hasn't, I will subject it to further modification. We have some 30 minutes remaining in the debate on this amendment that is pending, and it is to be evenly divided, 15 minutes to each side. So for the information of my colleagues, we expect the vote to be in the neighborhood, in the range of 2:45, if they want to make their plans accordingly, unless the Republican side yields back the 15 minutes they have remaining, which is their right, but they are certainly not compelled to do it. So I am not asking for a consent. I hope I am just explaining what the current consent order will lead us to.

Mr. President, I wish to show America what this debate is all about. It is about this: This picture was taken on Capitol Hill. Two adjoining homes on Capitol Hill, No. 822 on Capitol Hill, a neatly kept home—flower box, some work with some shrubbery here, nicely painted, obviously a lot of pride of ownership. Look next door. What do we find? A foreclosed property on Capitol Hill. This person is making his mortgage payment every month faithfully. This person is foreclosed on. The property is in the hands of a bank. This property is deteriorating. As it deteriorates, so does the value of the good-looking home right next door.

That is not an unusual story. It is a story that will be repeated 8 million times over the next several years because that is what Moody's estimates will be the number of mortgages foreclosed upon in America if we do nothing—8 million mortgage foreclosures. Out of all the home mortgages in America, it means that one out of six will be foreclosed upon.

This is an American tragedy coming to your neighborhood, coming to your home, coming to what may be the most important asset you have on Earth. It does not have to happen. We can do things now to make a difference. We have waited patiently for the banking industry to show leadership on this issue for years. They have failed. There has been one excuse after another why

they cannot step in and help people renegotiate their mortgages.

Foreclosure is not a day at the beach for a bank. It costs them up to \$50,000, sometimes more. They end up owning property, which is not what most bankers go to business school to learn how to do, and the property deteriorates, the value deteriorates, and they are stuck with it.

We have said to them: Let's find a way out of this that is reasonable. Let's give to those facing mortgage foreclosure a last chance in bankruptcy court to have the judge try to adjust the value of the principal of the mortgage no lower than the fair market value of the home—that is the best that any bank could ever hope for, if they could ever sell this property—no lower than the fair market value of the home and an interest rate that is competitive with market rates. If the person in bankruptcy has enough income to make the payment, give them that second chance. The banks say: No, never, even though that kind of a power in bankruptcy court is available for every other piece of real estate you own—the farms Senator HARKIN of Iowa spoke to, ranches, vacation condos. It does not apply to a person's home. Why? Why wouldn't we apply it to a person's home? That is what the Durbin amendment does.

We said to our friends in the banking community: We are going to give you the last word, and here is what we are going to tell you: Anybody who wants to go to bankruptcy court to have their mortgage rewritten by the bankruptcy court first has to go back to the bank where they have their mortgage at least 45 days in advance of filing bankruptcy and put all of their documentation on the table as to their income and their net worth. If the bank then makes them an offer of a mortgage that has a mortgage-to-income ratio of 31 percent, which is the standard we are using now, if the bank makes that offer, whether the borrower takes it or not, the bank is protected, the person can't go to bankruptcy court. The bank has the last word in terms of whether anyone can even raise this issue in bankruptcy.

I have been working on this for 2 years. By Senate standards, that is a heartbeat. In this place, you better get ready to hunker down and fight for months and years at a time if it is an important issue, and I still am. But for 2 years, we have been working with the banks trying to come up with a reasonable way to avoid this tragedy in neighborhoods across America. They are the ones who came up with the 45 days before filing for bankruptcy. They wanted us to restrict it so it is not in the future, it only applies to existing mortgages. We said OK. They wanted to put a limitation on the value of the home, \$729,000; that is the most you can consider to refinance. We said OK.

They wanted to make sure a person had been delinquent at least 60 days before they could even consider bankruptcy. We said OK. We did all of these things because the banking industry said that way people will not be doing irresponsible things and taking advantage. We did them all. We made all these concessions. I do not agree with some of them, but that is the nature of compromise, that is the nature of the legislative process.

What happened at the end of the day after we made all these concessions? I will tell you what happened. The bankers got up and walked out. That is right. The American Banking Association, the community bankers, the major banks, such as JPMorgan Chase, Wells Fargo, Bank of America, and the credit unions walked out. They want nothing. They want no change. Only Citigroup said: We will stick with you; we think it is reasonable. They are the only ones.

If you ask them why they are opposing this effort to try to renegotiate a mortgage to keep a family in their home to avoid this mess, they say: Senator, you don't understand. It is about the sanctity of the mortgage contract.

Really? We know how some of these mortgages came to be. They came to be as a result of at least misleading the borrowers, if not outright fraud.

They used to call these mortgages no-doc mortgages. Do you know what that means? It means they were giving mortgages to people without any proof of income or net worth. If you dialed that 800 number on the television screen, a fellow would show up, set up your closing in 48 hours, and get it done. Just keep signing those papers, incidentally, until you get to the bottom of the pile and everything is taken care of. Six months, 1 year, 2 years later, that mortgage exploded in the faces of these homeowners.

Then there were others. They didn't get suckered into these subprime mortgages; they were folks just making their payments, everything was fine. Then the bottom fell out of the real estate market.

What is your home worth today? I can tell you what it is in Springfield, IL, my home I have been in for 30 years. The value of my home is down at least 20 percent. Did I miss a mortgage payment? No, but it is the state of the real estate market. Lucky for me and my wife, we paid down enough on our mortgage so it is no big problem. For some people, they went underwater. The value of the home is lower than the principal of the mortgage they were paying off. So their credit rating disintegrated as a result of that. The value of the home here, well kept and well painted, goes down because of a foreclosed home next door, and the credit rating of this homeowner deteriorates and disintegrates to the point where they cannot refinance their

home. That is the reality. That is the catch-22.

The banks are arguing the sanctity of the mortgage contract. I have news for them. The bankruptcy court is all about looking at contracts. That is what they do anyway. When we reformed the Bankruptcy Code a few years ago, I didn't hear any argument about the sanctity of the contract when we changed the rules of the game. In that case, the financial institutions liked changing the rules, liked changing the contract. Now they are for the sanctity of the contract.

One other argument I think takes the cake: Senator, you don't understand the moral hazard here. People have to be held responsible for their wrongdoing. If you make a mistake, darn it, you have to pay the price. That is what America is all about.

Really, Mr. Banker on Wall Street, that is what America is all about? What price did Wall Street pay for their miserable decisions creating rotten portfolios, destroying the credit of America and its businesses? Oh, they paid a pretty heavy price—hundreds of billions of dollars of taxpayers' money sent to them to bail them out, to put them back in business, even to fund executive bonuses for those guilty of mismanagement. Moral hazard? How can they argue that with a straight face? They do.

Let me show you what this means in some of the States across the United States if the Durbin amendment would pass.

Take a look at the State of Florida. This State is really hard hit; 206,000 homes would be saved from foreclosure with the Durbin amendment—206,000 in the State of Florida. For the rest of the homeowners in the State, \$36 billion in value in their homes would be protected because we saved these homes.

Take a look at the State of Ohio. Almost 44,000 homes will be saved by the Durbin amendment; \$1.5 billion in real estate values saved for the people who live next door and on the same block.

The State of Pennsylvania: 37,000 homes saved; \$3.3 billion in real estate value protected.

The State of Maine, a small State but almost 5,000 homeowners would not face foreclosure because of the Durbin amendment, and \$104 million in value would be protected for homeowners across the State of Maine.

In the State of Missouri, 22,000 homes saved; \$993 million in value.

I want to show a chart from the city of Chicago, which I am proud to represent. It looks as if it has the measles, doesn't it? This chart shows the foreclosures in 2008, the filings in the city of Chicago. Have you ever flown into Midway Airport and looked down at the little houses, the little blond, brick bungalows? They have been around at least since World War II. Good, hard-working families are in those homes,

starter homes for some, above-ground pools in the backyard, nice little flowers planted in the front yard, no trash out in the streets. These people are, by and large, ethnic folks, immigrant folks. They value that home. It is the best thing they have going for them. In that ZIP Code right around Midway Airport, there is not a single block in that ZIP Code that does not have a foreclosed home. Not one. And you tell me what that means to the folks living next door. I know what it means. It means that the value of their home just went down, and if the foreclosed home is not watched carefully, even worse things can occur.

Here is what it comes down to. This is our chance to stand up for the folks across America who send us here to be their voice. They are not lucky enough to have the American Bankers Association as their lobby. They are not lucky enough to have the community bankers as their lobby. They are not lucky enough to have the credit unions as their lobby. What we are talking about here are people who do not have any paid lobbyists. What they are counting on is Senators in this Chamber who will stand up for them.

The bankers don't want this. They hate the Durbin amendment like the devil hates holy water. That was an old saying, which I particularly like, from Dale Bumpers, who served from the State of Arkansas. They hate this amendment so much, so they negotiated for weeks and at the end of it pulled the plug—we are going to walk away. We are going to tell all of our friends, all of our loyal friends to vote no.

I hope the homeowners across America have more friends here than the American Bankers Association. We are going to get a test vote in a few minutes to find out. I need 60 votes to win. That is not easy, I know it. I don't know how many, if any, votes will come from the other side of the aisle. I have spoken to a few over there, even some on this side of the aisle, one who has spoken out against this proposal, and that is his right to do. To me, at the end of the day, this is a real test as to where we are going in this country.

Next up after mortgages is credit cards. Next week, the bankers can come in and see how much might and power they have in the Senate when it comes to credit card reform.

The question we are going to face is whether this Senate is going to listen to the families facing foreclosure, the families facing job loss and bills they cannot pay or whether they are going to listen to the American Bankers Association, which has folded its arms and walked out of the room. I hope we have the courage to stand up to them. I hope this is the beginning of a new day in the Senate, a new dialog in the Senate that says to bankers across America: Your business-as-usual has

put us in a terrible mess, and we are not going to allow that to continue. We want America to be strong, but if it is going to be strong, you should be respectful, Mr. Banker, of the people who live in the communities where your banks are located. You should be respectful of those hard-working families who are doing their best to make ends meet in the toughest economic recession they have ever seen. You should be respectful of the people you want to sign up for checking and savings accounts and make sure they have decent neighborhoods to live in. Show a little bit of loyalty to this great Nation instead of just to your bottom line when it comes to profitability. Take a little bit of consideration of what it takes to make America strong because when this country is strong, when families can stay in their homes, take pride in their homes, and our communities are better, guess what. You are going to do better as a banker. That is what will happen at the end of the day.

When I offered this amendment last year, they said: Not a big problem; there are only 2 million foreclosures coming up. They were wrong. It turned out to be 8 million. And if the bankers prevail today and we cannot get something through conference committee to deal with this issue, I will be back. I am not going to quit on this issue. Sadly, the next time I get up to speak, whenever that might be, if we are not successful today, it may not be 8 million, it may be 10 million or 12 million.

At some point, the Senators in this Chamber will decide that the bankers should not write the agenda for the Senate. At some point, the people in this Chamber will decide that the people we represent are not the folks working in the big banks but the folks struggling to make a living and struggling to keep a decent home. That is the test.

I hope my colleagues will join me in adopting the Durbin amendment.

Mr. President, I ask unanimous consent that at 2:45 p.m. today, the Senate proceed to vote in relation to Durbin amendment No. 1014 and that any provisions of a previous order relating to this amendment remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, 1.7 million is the number of families that we will either help stay in their homes or allow to lose their homes and be thrown on to the street.

Tomorrow the Senate will have the opportunity to vote for an amendment to the Helping Families Save Their Homes Act that would enable 1.7 million families to avoid foreclosure.

My amendment would make a small change to the bankruptcy code to give these families a little bit of leverage as they work with their lenders to create a modified mortgage that they can afford.

When we can avoid foreclosures and families can stay in their homes, everyone wins—the families, their neighbors, their lenders, and the government. We can save 1.7 million homes with one vote.

I have come to the floor each day this week to talk about the scale of the problem and what we believe we should do about it, in very general terms.

Now I would like to get specific.

Let me be clear: this is a very different amendment to the bankruptcy code than my colleagues have seen before.

This amendment would integrate assistance in bankruptcy to the two primary foreclosure prevention efforts already underway: the Obama administration's Homeowner Assistance and Stability Plan and the congressionally created Hope for Homeowners refinancing program which the other title of this bill will greatly improve.

Our objective is to keep as many families in their homes as we can. Ideally none of these families would have to go through the painful process of a chapter 13 bankruptcy.

So this amendment would help only troubled homeowners who could not find other assistance outside of bankruptcy first.

Let me put it another way: mortgage servicers would be given full veto power over which of their borrowers could go to bankruptcy—they would be given the keys to the courthouse door.

All a servicer would have to do to block a borrower from going to bankruptcy for a mortgage modification would be to offer the borrower a modification that conforms to the standards of the Homeowner Affordability and Stability Plan or Hope for Homeowners—regardless of whether the borrower accepts the offer or not.

For banks and credit unions that aggressively offer modifications to borrowers who are in trouble, the total number of their borrowers who will be eligible for bankruptcy assistance will be exactly zero.

Specifically if a servicer offers a loan modification that reduces the borrower's mortgage debt-to-income ratio to 31 percent—the same as the Housing Affordability and Stability Plan—or if a servicer offers Hope for Homeowners refinancing, then that borrower could not run to a judge looking for a better deal through a cramdown. For those borrowers that the servicer chooses not to modify voluntarily and that must file for bankruptcy, half of any cramdown would be returned to the servicer if the borrower resells the home while still in bankruptcy.

For these borrowers that the servicer chooses not to help, the courts would be constrained as follows: The judge could only reduce the loan principal to fair market value, which is much more than the lender would collect if the home were to be sold in foreclosure.

The judge could only reduce the interest rate to the conventional rate plus a reasonable premium for risk, which at the moment would equal around 6.5 percent to 7 percent.

And the judge could only lengthen the term to the longer of 40 years, reduced by the period for which the mortgage has been outstanding or the remaining term of the mortgage.

There are many further restrictions. Loans originated after 2008 are not eligible for bankruptcy assistance.

Loans that are larger than the largest conforming loan limit are not eligible for bankruptcy assistance. Loans that are not 60 days delinquent are not eligible for bankruptcy assistance. Loans that are not in foreclosure are not eligible for bankruptcy. And the whole amendment would sunset at the end of 2012 when the Housing Affordability and Stability Plan expires.

The banks hold the keys to the courthouse. And, even those borrowers the banks refuse to help can only receive assistance that still makes the banks far more money than the only other alternative: foreclosure.

Yet even with all of these restrictions, Mark Zandi from Moody's Economy.com estimates that this change would save 1.7 million families from foreclosure. Why? Because for most lenders, the Obama administration's foreclosure prevention plan is voluntary. This change to the bankruptcy code would encourage lenders to participate, because offering these modifications allows lenders to effectively veto a modification in bankruptcy. That is a large part of why the President supports this provision, and why he included it as a key element in his plan.

This amendment would prevent foreclosures, which would help us find the bottom in the housing market, which would help the housing markets turn around more quickly, which would help the entire economy start moving again. Perhaps best of all, this amendment wouldn't cost the taxpayers a penny.

Even though this new proposal is airtight in protecting lenders interests, the ideologues in the mortgage industry—outfits like the Mortgage Bankers Association, the Financial Services Roundtable, the American Bankers Association, the Independent Community Bankers Association, and the National Association of Federal Credit Unions—still oppose providing this help to troubled homeowners and the economy at large.

They continue to regurgitate the same tired talking points that have been refuted over and over again by the facts.

They seem to repeat the same six myths. Myth No. 1: Allowing troubled homeowners to receive mortgage assistance in bankruptcy will lead to

higher borrowing costs for future borrowers. Reality: Although the Mortgage Bankers Association has claimed in front of the Senate Judiciary Committee that "if this legislation goes through, we will be putting a permanent tax on everybody that buys a house going forward of \$295 per month," there are several reasons why this argument makes no sense.

First, future borrowers aren't eligible for this bankruptcy assistance, so there is no reason why future borrowers should have to pay more to compensate lenders for a risk that doesn't exist.

Second, only borrowers for which foreclosure is the only other alternative are eligible for this bankruptcy assistance. Foreclosures almost always cost banks more than loan modifications that keep families paying each month. No extra costs are being borne by the banks that they could justify passing on to other borrowers.

Third, a study by Adam Levitin of the Georgetown Law School proves definitively that the availability of bankruptcy assistance to some borrowers in the past led to no increase in borrowing costs for others.

There is no reason to think that the same logic wouldn't apply in today's market that supports record low interest rates.

Myth No. 2: Changing the bankruptcy code will cause uncertainty in the market. Reality: Although the American Bankers Association asserts that "mortgage cramdowns would add significant risk and uncertainty to mortgage lending," it is in fact the rapidly rising foreclosure rate that is adding risk and uncertainty to mortgage lending.

If potential homeowners think housing prices will continue to fall they will be unlikely to buy a home.

Aggressively preventing foreclosures will keep unnecessary supply off of the market, which will stabilize prices and encourage buyers to return to the market.

Since changing the bankruptcy code would save 1.7 million homes from foreclosure, the Durbin amendment would return a sense certainty to mortgage lending, not undermine it.

Some of the loudest opponents of my amendment were the chief contributors to the most uncertainty in the credit markets since the Great Depression. They have no credibility to tell us what the markets may or may not judge to create uncertainty.

Myth No. 3: Bankruptcy judges shouldn't be able to break the sanctity of the contract. Reality: The Chamber of Commerce argues that "Cram down provisions would improperly expand the bankruptcy code by granting new powers to bankruptcy judges to modify the terms of existing, legitimate mortgage contracts."

Legitimate mortgage contracts? What is so legitimate about no-doc, in-

terest only, negative amortizing loans that had almost no chance to succeed from the day they are underwritten?

The concept of bankruptcy is enshrined in the Constitution, and bankruptcy has always been a venue in which contracts are restructured.

The Chamber and the banking industry had no problem with applying the sweeping 2005 bankruptcy code changes to all contracts past, present, and future when those changes benefitted businesses. They have no standing to now argue that because of the sanctity of the contract the bankruptcy laws should not be changed.

Myth No. 4: Allowing borrowers to modify mortgages in bankruptcy would shield borrowers from the consequences of their poor decisions to buy houses they could not afford, thereby creating a moral hazard. Reality: The industry that claims we should worry about moral hazard for borrowers is the same industry that helped create the greatest economic crisis since the Great Depression.

Bankruptcy is a painful process for the borrower, not one that is taken lightly. The intent of the legislation is to create the necessary incentives for more modifications to take place outside of bankruptcy.

And what about the families who have done everything right but have the misfortune of living next door to a foreclosure? If we save families from foreclosure we help their neighbors too. There's no moral hazard in that.

My amendment would save the neighbors of prevented foreclosures over \$300 billion in preserved home equity. I will talk much more about that when I return to the floor tomorrow.

Finally, for many borrowers the problem isn't the home itself, but rather the high cost loan they are trapped in. Making the mortgage more affordable will make the home affordable for many families.

Myth No. 5: Restricting this amendment to only subprime and exotic loans is better policy than providing this option to borrowers with all types of loans. Reality: Although the National Association of Federal Credit Unions—which is the smaller of the two credit union associations—continues to argue that we should allow "bankruptcy modification [to] apply to only to subprime or Alt-A (or nontraditional) mortgage loans," I disagree.

Last year I thought that this might be a reasonable compromise. But the foreclosure crisis has expanded far beyond subprime loans. The fastest-growing foreclosure rate by loan type is the traditional prime loan—once considered safe.

We are no longer just trying to solve for bad mortgage underwriting. We're trying to turn around the entire economy, and to do that we have to stabilize the housing markets.

Finally, how would we explain to our constituents that we're providing spe-

cial assistance to borrowers who took out a riskier type of loan, but the families with a standard, conservative loan who may need a bit of help are out of luck?

Myth No. 6: Because community banks didn't create this crisis, it would be better policy to carve out their borrowers from having the option of bankruptcy assistance. Reality: Look at this picture again. If a community bank really cares about the community it serves, why should this foreclosure be allowed to take place just because the borrower took out a loan with a community bank rather than a big national bank?

Does that matter to the family who lost their home? Does that matter to the family living next door?

These banking associations have generated many myths of terror and destruction that this amendment would create, but the legislative language speaks for itself. And it refutes each of these myths.

Mr. President, 1.7 million families can be saved from foreclosure.

This is the Senate's chance to finally address the heart of our economic crisis, with no bailout money involved.

We may not have a better chance to help turn this crisis around.

Today the Senate will vote on my amendment to the housing bill that would give 1.7 million families a chance to save their homes.

I spoke earlier this week on the floor about the crushing impact to the broader economy that the foreclosure crisis has had.

Mortgages were bundled into mortgage-backed securities, which were sliced and diced into "synthetic collateralized debt obligations" and similar products, which were then sold to unsuspecting investors all over the world.

For a while there, they sold as if they were gold. Well, they are pretty tarnished now. They are now known as "toxic assets."

But I urge my colleagues not to forget that underlying these exotic "toxic assets" are things that we understand far more personally.

At the root of the crisis is the home. Mr. President, 8.1 million of them may be lost, according to Credit Suisse. My amendment will help save 1.7 million of them.

Also at the root of this crisis is the damage to the homeowners who live around these foreclosures, the neighbors who have made every mortgage payment on time. They stand to lose over \$300 billion more, unless we pass my amendment.

I want to emphasize this point for a moment. There are millions of families all over America that have done everything right—they bought only as much house as they could afford, and they have made every mortgage payment on time.

Look at this picture. This house is well-kept, and appears to be the cherished home of a family that has acted responsibly. But this house next door, you can see what this house looks like.

Clearly, the well-kept home is worth much less than it would be if it were next to another well-kept home instead of this boarded-up eyesore.

Situations like this can be seen in each and every state that my colleagues and I represent. Families are in trouble, and their neighbors are suffering along with them.

By voting for my amendment we can save 1.7 million of these troubled families from foreclosure and can save their neighbors over \$300 billion in home equity that would otherwise be lost.

In Florida, for example, we estimate that over 200,000 more families will lose their homes in the next few years if we don't pass my amendment.

Families like Derek and Kellyanne Baehr. As reported in local papers, Derek has been diagnosed with a rare neurological disorder that will eventually require him to use a wheelchair.

The couple has lived in their modest, single-story stucco home for four years, and they are now struggling to pay their mortgage.

After months of trying to work with their lender, they finally received a slight reduction in their interest rate, but "it was like putting a Band-Aid on cancer," Derek said.

"We can't continue to go on this way," said Kellyanne. "I cry about every day."

If my amendment were to become law, this family's lender probably would have offered more than a "Band-Aid on cancer." The lender likely would have offered a modification that would have kept the Baehrs in their home and paying their mortgage.

And, certainly, avoiding foreclosure would be a better result for both the Baehr's and the lender.

The neighbors who live around families who are kicked out on to the street—like the Baehrs may soon be—typically see the value of their homes—their most valuable asset—take a nose-dive.

In Florida, neighbors of families that lose their homes will watch more than \$36 billion of their assets evaporate unless we pass my amendment.

In Ohio, we estimate that nearly 44,000 more families will lose their homes in the next few years if we don't pass my amendment.

Some time ago I met the Glickens, a husband and wife from Ohio who were persuaded by a mortgage broker to commit to a mortgage that seemed fine at the start.

Then, the adjustable interest rates kicked in. They soon were being asked to pay 60 percent more than the original payments, and they just couldn't keep up.

Families like the Glickens are supposed to reach out to their lender to

figure out how to modify the mortgage so that it is more affordable and so that foreclosure can be avoided.

Avoiding foreclosure is better for the homeowner and the bank, right?

Get this: the Glickens' lender charged them \$425 to apply for a loan modification . . . and then turned them down anyway.

The Glickens needed a bit more leverage to negotiate with their lender, leverage that the threat of bankruptcy assistance would provide.

In Ohio, neighbors of families that lose their homes will lose more than \$1.5 billion of their assets unless the Senate passes my amendment.

In Pennsylvania, over 37,000 additional families will lose their homes in the next few years if we don't pass the Durbin amendment.

As one example of many, a divorced father of twin boys in Levittown refinanced his mortgage after his divorce in an attempt to keep a stable home environment for his boys.

The refinance placed him in an interest-only mortgage with American Home Mortgage, which itself went into bankruptcy.

He ended up in chapter 13 trying to make the payments on all of his debts.

But, the bankruptcy court could not help him restructure his mortgage under current law, even though the court has restructured each of his other debts to help him make his payments.

Prior to filing for bankruptcy, he tried to reach an agreement with his lender, but he couldn't find anyone to talk to consistently about the situation and he was given no viable options to catch up on his payments.

This single dad would have benefited from my amendment. So would his neighbors.

In Pennsylvania, neighbors of families that lose their homes will watch more than \$3.3 billion of their assets evaporate unless we pass my amendment.

In Maine, nearly 5,000 additional families will lose their homes in the next few years if we don't pass this bankruptcy provision. If you are watching at home in California or New York that may not sound like a lot of families, but people who live in Maine know just how devastating those losses would be.

For instance, a woman from Woolwich was barely making ends meet when she received a notice that the interest rate on her mortgage was going to increase by 3 percentage points.

She immediately contacted the mortgage company and indicated that she could not handle the additional expense.

The lender told her that they were not going to be able to work with her and there was nothing that they could do for her.

I am confident this woman's lender would have tried a little harder to help

if the threat of assistance in bankruptcy loomed.

In Maine, neighbors of families that lose their homes will lose more than \$100 million of their assets unless we pass my amendment.

In Missouri, we estimate that 22,000 additional families will lose their homes in the next few years if we don't pass this amendment.

We are talking about people like a Ford retiree in Kansas City who had fallen behind on his mortgage payments due to a high interest rate on the loan. He passed away, and his widow was unable to keep up with the payments.

The home was worth far less than the outstanding mortgage balance, and she started to receive foreclosure notices. Her loan servicer was not receptive to a discussion regarding a loan modification.

Her monthly income left her with about \$700 after she made this mortgage payment. And her monthly heating bills that winter were \$600.

Again, I have to believe the availability of bankruptcy assistance would have encouraged her lender to work with her.

In Missouri, neighbors of families that lose their homes will watch almost \$1 billion of their assets disappear unless we pass my amendment.

In my home State of Illinois, last year in Chicago alone nearly 20,000 homes were in some stage of foreclosure.

The red dots represent these 20,000 homes. They are everywhere. And the problem is getting worse.

Statewide, my amendment would help 60,000 families avoid foreclosure. Their neighbors would preserve nearly \$20 billion if my amendment becomes law.

How could I not fight for this?

Maybe I shouldn't take this amendment so personally. Perhaps I should just argue dispassionately about the merits of the proposal, since the merits really do speak for themselves.

But when a family loses its home, that is personal.

The home is where parents tuck their kids in at night. It's where families share their daily stories over meals at the dining room table. It's where secrets are shared, where dreams are born, and where bonds are formed.

Every foreclosure is a tragedy. Every foreclosure is deeply personal for the parents who have to explain to their kids why they can't sleep in their bedrooms anymore. Every foreclosure that can be prevented, should be prevented.

The Senate can stop 1.7 million of them with one vote. The Senate can save their neighbors—our constituents—over \$300 billion in the preservation of home equity with one vote. I urge a "yes" vote.

I ask unanimous consent that the letter of support attached to this statement be submitted for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELP 1.7 MILLION FAMILIES STAY IN THEIR HOMES! SUPPORT THE FORECLOSURE AMENDMENT TO THE HOUSING BILL

APRIL 29, 2009.

DEAR SENATOR: The undersigned consumer, civil rights, labor, faith-based, housing, financial, and community organizations representing tens of millions of Americans strongly urge you to vote for the foreclosure prevention amendment that will be offered by Senator Durbin when the full Senate takes up the House-passed housing bill ("Helping Families Save Their Homes Act") later this week. Our organizations long have supported legislation to empower bankruptcy judges to modify mortgages on primary residences so as to provide the "stick" financially strapped homeowners desperately need to get their lenders to work with them to prevent avoidable foreclosures. Absent this stick, all the voluntary programs that have been put in place during the last 18 months have failed to produce the modifications necessary to save American families and repair the faltering housing market.

The amendment that will be offered on the Senate floor substantially narrows previous versions by enabling the servicer to prevent the borrower from obtaining a mortgage modification in bankruptcy simply by offering the borrower an affordable modification. Any such offer would bar judicial modification of the borrower's mortgage forever. And, with this "stick" in place, the new voluntary modification programs have a substantially greater chance of succeeding, which would help stop foreclosures and stabilize the economy.

Mark Zandi of Moody's Economy.com projects that up to 1.7 million families will be able to save their home from foreclosure if this amendment is approved. At a time when an estimated 6,600 families are losing their home to foreclosure each and every day, there is no time for delay. We urge the Senate to support the amendment to lift the ban on judicial modification of primary residence mortgages in extremely narrowly drawn circumstances. Passage of this legislation is the most important thing Congress can do right now to help arrest the financial crisis and the terrible toll that it is taking on American families.

Sincerely,

AARP.
AFL-CIO.
American Federation of State, County and Municipal Employees (AFSCME).
Americans for Fairness in Lending.
Association of Community Organizations for Reform Now (ACORN).
Calvert Asset Management Company.
Center for Responsible Lending.
Central Illinois Organizing Project.
Change to Win.
Consumer Action.
Consumers Union.
Consumer Federation of America.
DEMOS.
International Association of Machinists and Aerospace Workers.
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW).
Leadership Conference on Civil Rights.
NAACP.
National Association of Consumer Bankruptcy Attorneys. National Community Reinvestment Coalition.
National Consumer Law Center (on behalf of its low-income clients).

National Fair Housing Alliance.
National Federation of Community Development Credit Unions.
National NeighborWorks Association.
National People's Action.
National Policy and Advocacy Council on Homelessness.
North Carolina State Employees Credit Union.
Opportunity Finance Network.
PaxWorld Mutual Funds.
PICO National Network.
Rural Advancement Foundation International—USA.
Service Employees International Union.
United Food and Commercial Workers International Union.
U.S. PIRG.
ACORN-NC.
Affiliated Congregations to Improve our Neighborhoods, Gainesville, FL.
Baldwin County ACT II, Baldwin County, AL.
Bayou Interfaith Together.
Berkeley Organizing Congregations for Action, Berkeley, CA.
Beyond Housing, MO.
Birmingham Area Interfaith Sponsoring Committee, Birmingham, AL.
Brockton Interfaith Community, Brockton, MA.
Brooklyn Congregations United, Brooklyn, NY.
Camden Churches Organized for People, Camden, NJ.
Communities Creating Opportunity—Kansas, Kansas City, KS.
Congregations and Schools Empowered, Glenwood Springs, CA.
Congregations Building Community, Modesto, CA.
Congregations for Community Action, Melbourne, FL.
Congregations Organizing for Renewal, South Alameda County, CA.
Congregations Organizing People for Equality (COPE).
Congregations United for Neighborhood Action, Allentown, PA.
Connecticut Association for Human Services.
Connecticut Legal Services.
Consumer Credit Counseling Service of Forsyth County, Inc., NC.
Contra Costa County Interfaith Supporting Community Organization, CA.
Delta Interfaith Network (DIN).
Essex County Community Organization, Essex County, MA.
Fair Housing Law Project, CA.
Faith in Action Kern County, Kern County, CA.
Faith in Community, Fresno, CA.
Faith United Empowering Leadership (FUEL).
Faith Works, North San Diego County, CA.
Federation of Congregations United to Serve, Orlando, FL.
Financial Protection Law Center.
Flint Area Congregations Together, Flint, MI.
Florida Legal Services.
Greater Long Beach Interfaith Community Organization, Long Beach, CA.
Greater Pensacola Community Organization, Pensacola, FL.
Hope Ministry of Point Coupee.
Housing Preservation Project, MN.
Inland Congregations United for Change, San Bernardino/Riverside/Coachella, CA.
Interfaith Action, Rochester, NY.
L.A. Voice, Los Angeles, CA.
Legal Assistance Corp. of Central Massachusetts.

Legal Assistance Resource Center for Connecticut.
Massachusetts Communities Action Network, Boston, MA.
Metro Organizations for People, Denver, CO.
Metropolitan Interfaith Congregations Acting for Hope, Framingham, MA.
MICAHA Project, New Orleans, LA.
Moving in Congregations, Acting in Hope, Cortland County, NY.
National Housing Law Project, CA.
Navy Marine Corps Relief Society, Camp Lejeune, NC.
North Carolina Community Action Association.
North Carolina Housing Coalition.
North Carolina State AFL-CIO.
North Carolina State Conference of the NAACP.
Northern Valley Sponsoring Committee, Yuba & Colusa Counties, CA.
Oakland Community Organizations, Oakland, CA.
Orange County Congregation Community Organization, Orange County, CA.
Peninsula Interfaith Action, San Mateo County, CA.
People Acting in Community Together, San Jose, CA.
People and Congregations Together, Stockton, CA.
PICO California, Sacramento, CA.
PICO Louisiana Interfaith Together, Baton Rouge, LA.
Public Justice Center, MD.
Queens Congregations United for Action, Queens, NY.
ROOF Project, Greater New Haven Community Loan Fund.
Sacramento Area Congregations Together, Sacramento, CA.
San Diego Organizing Project, San Diego, CA.
San Francisco Organizing Project, San Francisco, CA.
United Interfaith Action of Southeastern Massachusetts, New Bedford/Fall River, MA.
Vermont Interfaith Action, Burlington, VT.
Western Massachusetts Legal Services.
Working Interfaith Network, Baton Rouge, LA.

Mr. BURRIS. Mr. President, as I address this Chamber today, more Americans find themselves face to face with the grim reality of home foreclosure than ever before. The magnitude of this problem is hard to overstate, and the human cost of forced evictions and shuttered windows is heartbreaking. In the midst of an unprecedented economic crisis, neighborhoods across the country are battered by month after month of record foreclosures, and there does not seem to be an end in sight. We must therefore move with urgency to put an end to this crisis and help keep hardworking Americans in their homes.

With this increasingly dire situation in mind, I urge my colleagues to pass the Durbin amendment to the Helping Families Save Their Homes Act.

As it stands, 8.1 million homes are expected to be lost to foreclosure before we emerge from this crisis. The Durbin amendment would preserve more than \$300 billion in equity for responsible homeowners and prevent 1.7 million of those mortgages from falling

into foreclosure. Together with President Obama's Housing and Stability Plan, this measure would create strong incentives to modify mortgages outside of bankruptcy. Under this plan, a few troubled borrowers would receive controlled assistance in the court system. This empowers homeowners and also protects lenders to ensure that everyone is getting a fair deal.

Some elements of the powerful banking industry oppose what I see as a commonsense solution. They seek to misrepresent our efforts to help Americans remain in their homes, despite the fact that this legislation safeguards their assets too, and even provides lenders with a "veto" over which of their borrowers can go into bankruptcy. Please do not fall victim to the myths that some have tried to spread about this bill. Let me be clear: this measure is not a stopgap, it is not a bailout, and it will not cost taxpayers one more penny. It is a pragmatic and effective solution to a set of problems that have been wreaking havoc on the American families for far too long.

I applaud my colleague, Senator DURBIN, for his leadership on this issue. Where others have pointed fingers and played partisan games, Senator DURBIN has acted swiftly to provide a clear vision and a strong voice on behalf of troubled homeowners in our home state and across the country. I thank him for his hard work in creating this important legislation, and I am proud to support it.

Now is the time to focus on solutions. Now is the time to take swift action to save 1.7 million homes otherwise expected to fall into foreclosure. The day will come when it is appropriate to assign blame, to call those responsible to task for the recklessness that led us here. But first we must act boldly to aid the victims of the mortgage crisis and stop the relentless march of foreclosures across America's heartland. I call upon my colleagues to pass the Durbin amendment without delay.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I know that in a few minutes we are going to be voting on the amendment offered by our colleague from Illinois, Senator DURBIN, and I wish to once again commend him and Senator SCHUMER and others who have been involved not just in the crafting of the amendment, but I wish to thank their staffs. Brad McConnell has done a Herculean job over these past number of weeks, in-

cluding the 2-week recess period we were out of session, to try to reach a compromise with major lending institutions and others across the country to be supportive of this proposal that Senator DURBIN has asked us to approve, which is to allow judges under the bankruptcy law to work out modifications between lenders and borrowers with home mortgages that are involved in principal residences.

Again, Senator DURBIN has significantly shrunk his original idea to the point where this is a very modest proposal, for a very limited amount of time, affecting circumstances that would be very controlled due to the fears that were raised by others that this would be too broad and far-reaching. As to the point I attempted to make this morning, I am confounded by those who would oppose this amendment. Bankruptcy judges can engage in workouts between borrowers and lenders where vacation homes, holiday homes, recreational vehicles or yachts are involved, but they can't do it on a principal place of residence.

I think that is a hard argument to explain to the American people, most of whom—while they might like to have a vacation or a holiday home or other residences—only have a principal place of residence, so they are restricted. What strikes them—and those of us who are supportive of the Durbin amendment—is how you explain to two families who live next door to each other, one of whom only has a principal place of residence, as most Americans do, and the next-door neighbor who, because of economic circumstances, inheritances or whatever else it may be, has that wonderful beach house or that cabin up in the mountains or that yacht on the lake, and if they are in trouble on those mortgages, the bankruptcy judge can work out a new financial arrangement which allows them to keep that vacation home or keep that boat or log cabin up in the hills. Yet the next-door neighbor, with just a principal place of residence, hears: I am sorry, you are going to foreclosure. We are not allowed to work that out for you.

I don't know how you explain that to people, not to mention the damage you do, of course, to every other neighbor in that community whose property value declines because of the foreclosure, that family who is affected, neighborhood that is affected, economy that is affected.

What the Senator from Illinois has proposed is a very narrow, restricted, commonsense idea. As I mentioned earlier, meeting with bankruptcy judges in Connecticut on Monday, I raised with them what they thought of the Durbin amendment. They thought it was a wonderful idea. I half expected they would say the courts are crowded, already overcrowded. That was not the argument at all.

Again, I hope my colleagues, as they come to this Chamber, give this that additional consideration. This ought not be a matter that divides us here. This is one that could make some sense, even if it doesn't do as much as we hope it does. I mentioned earlier some 15,000 homes in my State could be positively affected by this amendment. What if it were only 5,000? What if we were off? Is it wrong to try to save 5,000 homes in my State? Or the 325,000, or a number like that, in California, not to mention States that have numbers that vastly exceed what Connecticut could benefit from?

We will not know unless we try. All the things we have tried—and I have been involved with most of them—have never done quite as much as we hoped they would. But until we get to the bottom of the mortgage market problem, until you get to the bottom of that, all these other economic problems are going to be more difficult to solve.

I applaud my colleague from Illinois. He has been tireless in his effort. I express my strong support for what he is trying to achieve here and hope my colleagues will do so as well in the few moments remaining before they come to cast a ballot on this important issue.

You may never do anything that will allow for as much relief to as many families as you will if you cast a positive vote on the Durbin amendment. I would love to tell you these other ideas we are going to work on will have great opportunity, but I must tell you candidly, as the chairman of the Senate Banking Committee, this idea offers more hope for more people than any other idea you possibly ever will vote on.

This is the moment, this is the hour, this is the day to make a difference and I know all my colleagues would like to make a difference for the people in their States who are going through job loss, home loss, retirement loss. Here is one answer that could very well provide the kind of relief all of us would like to see.

I urge the adoption of the Durbin amendment.

Mr. DURBIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any

other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—45

Akaka	Gillibrand	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bingaman	Inouye	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Sanders
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Stabenow
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—51

Alexander	Crapo	Lugar
Barrasso	DeMint	Martinez
Baucus	Dorgan	McCain
Bennet	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Byrd	Hutchison	Shelby
Carper	Inhofe	Snowe
Chambliss	Isakson	Specter
Coburn	Johanns	Tester
Cochran	Johnson	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lincoln	Wicker

NOT VOTING—3

Kennedy	Rockefeller	Sessions
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, we are now going to proceed to the Strickland nomination. There should be a vote on that within the next couple of hours. We have a very important amendment that is going to be debated this evening, this afternoon, by Senators DODD and SHELBY. It is a substitute to the amendment that is now before the body. It is an extremely important amendment.

I would hope if Senators have any other amendments they want offered to this bill that they should do it. We want to finish this legislation as quickly as we can. It is extremely important we get it done.

We have 3 weeks left in this work period. There are things we have to complete this work period. We have to complete this housing legislation. I would like to do that in the next few days; hopefully, tomorrow. We are not going to have any votes tomorrow after 11 o'clock.

Hopefully, we have all of the cards lined up. We can finish this housing legislation tomorrow. We are going to go to the credit card legislation as soon as we finish this housing legislation. We are going to go, after that, to the procurement legislation. That is a bipartisan piece of legislation with Senators LEVIN and MCCAIN.

Then, before we leave, we are going to do the supplemental appropriations bill. There is one other piece of work I wanted to do, but we—it doesn't appear that the HELP Committee is going to be able to have that marked up in time for me to do it. Frankly, we probably would not have time to do it anyway; that is, the FDA regulation of tobacco.

So everyone needs to understand this is work we have to do before we leave. Then when we come back, the next work period is only 4 weeks. I have told Senator KOHL that we are going to do the railroad antitrust legislation during that 4-week work period. We are going to do that either the first or second week. Hopefully, no other emergencies come up that get in the way of not allowing us to do that.

Also, because the budget passed yesterday, as soon as we get the 302(b) allocations, which should be soon, we are going to move as quickly as we can to start working on the appropriations bills.

There is a general feeling of the Democrats and Republicans that we want to be able to get some appropriations bills done.

Senators INOUE and COCHRAN are two of the most valued Senators we have; they are experienced. They should be able to move us through them. So we pretty well understand what the workload is. The main question this afternoon is whether there are other amendments to be offered to the housing bill? During this period, we have a significant number of nominations that we will do our best to work out with the Republicans. We have done pretty well so far. We have quite a chunk still pending. We are concerned about David Hayes, Dawn Johnsen, and a number of others we have to see if we can work out a time agreement on.

AMENDMENT NO. 1018

(Purpose: to provide a complete substitute)

Mr. DODD. Mr. President, on behalf of Senator SHELBY and myself, I call up amendment 1018 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 1018.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DODD. I will wait until after the completion of the debate on the Strickland nomination to talk about the amendment. I am sure Senator SHELBY will as well.

EXECUTIVE SESSION

NOMINATION OF THOMAS L. STRICKLAND TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife.

The PRESIDING OFFICER. There will be 3 hours of debate with 1 hour under the control of the majority and 2 hours of debate under the control of the minority, with 30 minutes under the control of the Senator from Kentucky, Mr. BUNNING.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise in opposition to the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife at the Department of the Interior. I have met with Mr. Strickland, and while he has a distinguished career in public service, I do not believe he is the appropriate candidate to fill this position. His disregard for second amendment rights, coupled with his position on domestic energy production, leaves me little choice other than to oppose his nomination today.

In December of this past year, the Department of the Interior took great steps forward toward reversing the ban on lawful firearms in parks. However, because of one court case on technical grounds, millions of law-abiding park visitors find their second amendment rights challenged yet again. For decades, regulations enacted by unelected bureaucrats at the National Park Service and the U.S. Fish and Wildlife Service have prohibited law-abiding citizens from transporting and possessing operational firearms on Federal lands managed by these agencies. The enactment of these rules preempted State laws, bypassed the authority of Congress, and trampled on the constitutional rights of law-abiding Americans guaranteed by the second amendment for more than 170,000 acres of public lands. No other Federal land management agency has enacted anti-gun rules similar to the Park Service and Fish and Wildlife.

Both the Bureau of Land Management and the U.S. Forest Service allow for the law of the State in which the Federal property is located to govern firearm possession. Neither of these agencies experienced any difficulties as a result of allowing firearm possession.

I have met with my friend, Secretary Salazar, who is now the Secretary of the Department of the Interior, and told him of my support for repealing this firearm ban. At the time, Secretary Salazar agreed with me and

stated before the Senate Energy Committee that he supports repealing the ban. This is the same committee that voted this past November, 18 to 5—I repeat that, the committee voted 18 to 5—to repeal the ban. Secretary Salazar, then-Senator Salazar, voted in support of the repeal. Because of one court case, the Department of the Interior is backpedaling on its original position.

I believe this is an unsound policy and extremely shortsighted. This is why I, along with my good friend Senator COBURN and 16 other colleagues in the Senate, sent a letter to the Department of the Interior for a clarification of its views on this regulation. While I appreciate the Secretary getting back to me so quickly on this, the response I received was short and vague. I have always had a good working relationship with Secretary Salazar. In the past, he has gone out of his way to tell me personally of his support for second amendment rights. Rest assured, I will hold him to his word and will be watching this situation very closely as it continues to unfold. I will continue to work with the Department of the Interior to get this regulation implemented properly.

I am also concerned about this nominee's stance on domestic energy production. I have long said, along with many of my colleagues in the Senate, that America has a domestic resource to meet its growing energy needs. In order to meet them, we need to use all our resources, including nuclear, clean coal, renewables, along with oil and natural gas. America has a wealth of oil and natural gas reserves that, if utilized properly and in an environmentally sound manner, could meet our energy demands for decades to come. The nominee before us today, Thomas Strickland, does not support using all forms of energy. He has been very public in his position that we should not open ANWR to domestic energy production. I have been to ANWR to see firsthand what all the talk was about. After visiting it, I am even more confident in my support for drilling there.

We met with the environmentalists and villagers on the border of ANWR and talked to them about the desperate need of the United States for more domestic energy sources. There were a few residents who expressed opposition, but they were in a very small minority. The majority of the people living near ANWR, more than 75 percent, support drilling there. I know that Strickland, along with some of my colleagues in the Senate, is desperate to stop us from opening ANWR. The facts about ANWR, however, are not on their side. Some of these facts need to be repeated, especially for those who are new to this debate.

ANWR itself is roughly the size of South Carolina. It is absolutely enormous. It is 19.6 million acres or 30,000

square miles. When we talk about drilling in ANWR, we are talking about clean drilling in an area that is less than 2,000 acres. That is one one-hundredth of 1 percent of the total acreage in ANWR. It is actually smaller than most airports.

To say that drilling in this limited portion of ANWR threatens the entire environment of this refuge is far-fetched and just plain wrong.

During my trip, I visited the sites at Alpine and Prudhoe Bay. There is no doubt in my mind that we can develop ANWR in a safe and effective manner. Drilling will only be a small footprint in ANWR that can be carried out in an environmentally sound manner. State-of-the-art technology will lessen the environmental impact. The old stereotypes of dirty oil drilling don't apply anymore. We all want to do what we can to protect the environment, but it is not credible to say that looking for oil in this small, limited part of ANWR is a dangerous threat to the entire region. As our demand for energy is growing, we must increase our energy supply to keep up. ANWR is the most promising domestic source of oil we have. To automatically take it off the negotiating table, as this nominee has, is shortsighted.

Finally, I have concerns with Mr. Strickland's stance on regulation for coal mining operations. The Commonwealth of Kentucky is home to some of our Nation's largest coal reserves. In fact, we have about 250 years of coal reserves or about the same amount of coal reserves that Saudi Arabia has for oil. I am proud to come from a State that has coal reserves and firmly believe we have the ability to develop and use this natural resource in an environmentally sound manner. This is why I was pleased, last December, when the Department of the Interior issued a rule to clarify the disposal of excess spoil created by coal mining operations.

The rule also requires mine operators avoid disturbing streams, to the greatest extent possible, and clarifies when mine operators must maintain an undisturbed buffer between the mine and the adjacent streams. Aside from striking a balance between environmental protections and responsible mining operations, this new rule clarified a longstanding dispute over how the surface mining law should be applied.

Past confusion over how it should be applied has led to undue litigation, suspension of mining operations and, ultimately, job loss for many mining communities across the country and in Kentucky. In discussions I had with both the Secretary of the Interior and Mr. Strickland earlier this year, I expressed my support for this new rule and respectfully asked that they take this support into account. Both nominees stated they would not overturn the rule. Yet this past week the De-

partment of the Interior reversed its position and asked for the rule to be overturned.

Issuance of the rule represents the culmination of a 7-year process that was complete and well thought out. While developing the rule, the Office of Surface Mining solicited public input and received over 43,000 comments on the proposal.

They held four public hearings that were attended by over 700 people. When considering alternatives to the proposed rule in the Environmental Impact Statement, OSM selected the most environmentally protective option. It helps ensure that coal mining activities are conducted in a manner that protects both mining communities and the environment. Overturning this rule risks returning to a state of confusion about how to apply the surface mining law, risking the future of mining operations, local communities, and ultimately access to our most reliable domestic source of energy.

In my home State of Kentucky, over 24,000 jobs are at risk should surface mining operations be disrupted. I repeat that. Over 24,000 jobs are at risk should surface mining operations be disrupted. This is about half the jobs at risk for the region of Kentucky, Tennessee, West Virginia, and Virginia.

I am very disappointed that the Department of Interior, under the leadership of both Secretary Salazar and Mr. Strickland, chose to overturn this rule. Not only will it delay coal mining operations, but it will also jeopardize jobs and energy production. That is why I find myself on the floor unable to support this nominee today.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, this is a good day for those of us who want to see this environment protected because we have before us an excellent nominee, Thomas Strickland, to be Assistant Secretary of the Interior for Fish, Wildlife, and Parks. Many of us know Tom, and we know he has the experience and the expertise to be an exceptional—an exceptional—Assistant Secretary of the Interior.

He has an outstanding record of service in the public sector. In the 1980s, he was then-Colorado Governor Richard Lamm's chief policy adviser, and he had extensive experience dealing with the Interior Department and Federal agencies on all natural resource issues.

I say to the Presiding Officer, I think, as my colleague knows so well, one-third of Colorado is in Federal

lands, and the actions taken by the Federal Government in Washington have a profound impact on the State. So Tom's experience with public lands issues from that State's point of view will give him a valuable perspective as he works with State and local governments to make sure their needs are being met, their voices are being heard. The people of America can be comfortable in that because Tom comes to this work very much through a State lens.

From 1985 to 1989, Tom was the head of the Colorado Transportation Commission, and he served as U.S. attorney for Colorado from 1999 to 2001.

On a personal level, Tom Strickland has a passion for the outdoors, and he has a commitment to public lands. All of us know that when we think about America, we think about our Constitution and we think about how proud we are of the freedoms we have. We also think about "from sea to shining sea." We think about this amazing—amazing—gift we have been given. We must protect the environment, the parks, the rivers, the marshlands, the streams, the wildlife that rely on these assets. So in Tom Strickland, we have someone who gets it all. He understands the need to preserve our magnificent parks and open spaces, but for the benefit of the people.

In the late 1980s and 1990s, he led an initiative called Great Outdoors Colorado which directed State lottery monies to the acquisition of public lands for parks, open space, and conservation. This great achievement has left Colorado with a lasting legacy of public lands for future generations—with \$600 million invested and 600,000 acres protected in State parks, open space, and wildlife.

Mr. President, a lot of times you will hear people say: Well, there is too much land—too much land—in open space. There is too much land that has been conserved. A lot of our friends on the other side of the aisle sometimes express that view. But what I want to tell them here today is, from my own experience in my own State—and I am sure our Presiding Officer, who is sitting in the chair, would corroborate this—the beauty we have in our States is a magnet for tourism, which is one of the largest businesses we have in the West and, frankly, throughout our Nation. People want to come and not look at congested highways. That is not why they come. They do not come to America to see, frankly, offshore oil rigs. They come to America to see the beauty—this God-given beauty of our Nation. I think Tom Strickland totally gets that.

We certainly do live in a nation that is blessed with magnificent parks and spectacular wildlife refuges in all 50 States. In my own State—and I can tell you, people come from far and wide to see the wildlife refuges in San Fran-

cisco Bay and San Diego and our national parklands such as the Golden Gate National Recreation Area, Point Reyes National Seashore, and Yosemite National Park. I will tell you, Mr. President, the first time I stepped onto the parklands at Yosemite, I was awestruck. And all of you know I am not usually at a loss for words. But I was. I was overwhelmed with God's gift. We just need to appreciate this, and we need people in places of authority who appreciate this and who do get the connection between a clean and healthy environment and the physical health of our people; between a beautiful, clean, healthy environment and tourism and recreation and fishing and all the things that add so much value—dollar value and also just value to the spirit and value to the soul.

Today, our parks and our refuges are threatened by budget shortfalls, maintenance backlogs, and other impacts. Because of the Endangered Species Act, we have saved some of America's iconic species, including the bald eagle. But there is much more to be done.

Over 300 Fish and Wildlife Service positions have been eliminated since 2004. Funding shortfalls have limited public access. What is the point of all this beauty if the public cannot get access because we are so stressed in our budget? We have had reduced law enforcement in the parks, and we have seen threatened wildlife. Recent funding in the President's stimulus bill that we passed here will help to address some of the immediate needs, and I am so pleased about that. But a long-term solution is needed. If I can say, the long-term solution to this lack of interest in the last 8 years in our resources—this neglect of our resources—the first step, it seems to me—we will say the second step because the stimulus package was the first step—the second step is putting someone in charge of these treasures who really gets it, who really understands.

When Mr. Strickland came before our Environment Committee, he impressed me with his understanding of these challenges, and he made a commitment to address them.

During his nomination hearing, he pledged to uphold the commitment made by President Obama to restore scientific integrity by being—and I quote him—"open and honest with the American people about the science behind our decisions." Those are his words. So he is not coming there to just wake up one morning and say: Oh, I think I want to save this particular species because I like it. He is going to come there and talk to the scientists and make sure we are doing all we can to preserve and protect our heritage at the time when we have to take action because the scientists have pointed the way.

Tom Strickland's nomination enjoyed strong support in the Environ-

ment and Public Works Committee. I believe he is an excellent choice to provide the strong leadership we need so we can oversee our unique and irreplaceable treasures.

Sometimes when I need inspiration I read from different religions, and one of the quotes I read was written by a rabbi in the eighth century. I am not quoting it exactly, but the paraphrase is this—it is God saying: Please respect what I have given you because once you ruin it, it cannot be replaced. That is the essence of it. So it is not as if we have a do-over. If we lose these incredible assets—whether it is an endangered species such as the bald eagle or we lose the beauty of a clean-running stream because coal ash just leaked and covered it all up and there is no more stream—you really cannot get in there and do anything about it.

So we need someone like Tom Strickland who has the experience—who has the pragmatic experience to seek that balance we need, that balance all of us need in this society between, yes, clean, sustainable development, but also sustaining the magnificent open spaces that, frankly, people who came before us—and as I look at the Presiding Officer, it is a very moving moment because we think of Congressman Udall, whom I worked with, who did so much to teach us about our obligation. Now we have two Senators Udall. What a spectacular thing that is.

I think Tom Strickland comes before us today from Colorado with this background that we need to say: Thank you, Tom, for running—not give him a hard time about confirming him. This should be an overwhelming thank-you. Tom Strickland, thank you for doing it. Thank you for working so hard. Thank you for putting your name out there. Yes, you take the hits, but today I think you are going to get the votes. I am going to get down there in the well and make sure Tom Strickland is, in fact, confirmed.

Mr. BENNET. Mr. President, I rise today to speak in support of the nomination of Thomas L. Strickland, to be Assistant Secretary for Fish and Wildlife and Parks at the Department of Interior.

Secretary Salazar and Thomas L. Strickland are both legendary Colorado public figures in their own rights, and I cannot think of any two people better qualified to provide leadership in the Department of the Interior.

Thomas L. Strickland was born and raised in Texas and later attended Louisiana State University, where he played football. He earned a J.D., with honors, from the University of Texas in 1977.

Early in Strickland's career, he worked for Colorado Governor Dick Lamm, and later became Lamm's director of policy and research. In Colorado, such a prestigious statewide policy position requires one to be well-

versed in important issues affecting the West, and impacting public lands and water. In 1984, Strickland accepted a position at Brownstein, Hyatt & Farber, where he eventually became partner.

Strickland was the Democratic nominee for the U.S. Senate in both 1996 and 2002, but the seat eluded him, and though he lost both times to Senator Wayne Allard, Tom became well known throughout our State and he is extremely well liked and respected on both sides of Colorado's aisle.

After the 1996 campaign, Tom returned to his law practice.

In 1999, President Clinton appointed him U.S. attorney for Colorado. He assumed office the day after the Columbine High School massacre and worked to enforce existing gun laws in the wake of that horrible disaster. He was cognizant of how important gun rights interests are, but at the same time, he firmly believed in enforcing gun laws and preserving school safety. He worked with Federal and local prosecutors to bring gun charges under State or Federal laws, whichever were most stringent.

Strickland also worked with the Hogan & Hartson law firm, serving as, managing partner for the firm's Colorado offices, and was a member of Hogan & Hartson's executive committee.

I was pleased when I first heard that President Obama and Secretary Salazar wished to make Tom such an integral part of their team. As a chief advise on fish, wildlife and parks issues, I know Tom will be a vital asset to my dear friend and predecessor Ken Salazar, and I urge my colleagues to vote in favor of his nomination.

Mr. BINGAMAN. Mr. President, the Assistant Secretary for Fish and Wildlife and Parks is one of the principal offices in the Department of the Interior. He is responsible for overseeing both the Fish and Wildlife Service and the National Park Service. The Fish and Wildlife Service manages 550 national wildlife refuges, encompassing more than 150 million acres of land. The National Park Service manages several hundred national parks, monuments, battlefields, landmarks, seashores, trails, and rivers, encompassing 84 million acres. By any measure, the Assistant Secretary for Fish and Wildlife and Parks is an important office, which needs to be filled by a talented and capable individual.

President Obama has made an excellent choice in nominating Thomas Strickland for this important post. Mr. Strickland is a lawyer by training. He is a graduate of the University of Texas Law School and clerked for a Federal district judge in Houston. He practiced law in Denver and served as Governor Richard Lamm's chief policy adviser. He chaired Colorado's Transportation Commission. Ten years ago, President

Clinton nominated him, and the Senate confirmed him, as the U.S. attorney for Colorado. He ran for the Senate, twice, unsuccessfully, in 1996 and 2002. He was the managing partner of the Denver office of the law firm of Hogan and Hartson and later the executive vice president and chief legal officer of the United Health Group. Since January, he has served as Secretary Salazar's chief of staff at the Department of the Interior.

Over the course of this long and distinguished career, Mr. Strickland has dealt frequently and extensively with environmental and natural resource issues. Along with Secretary Salazar, Mr. Strickland was one of the founders of the Great Outdoors Colorado Program, which has invested \$600 million of State lottery money to protect 600,000 acres of state parks, wildlife habitat, and open space in Colorado since it was founded in 1993.

Because the portfolio of the Assistant Secretary of Fish and Wildlife and Parks bridges the jurisdiction of both the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, our two committees share jurisdiction over Mr. Strickland's nomination.

The Committee on Energy and Natural Resources held a hearing on his nomination over a month ago, on March 24, and favorably reported the nomination to the Senate on March 31.

One hundred days into the Obama administration, Secretary Salazar remains the only Interior Department official confirmed by the Senate. The work of the Interior Department is too important and too demanding for one individual. The President has nominated a superbly qualified person for the position of Assistant Secretary for Fish and Wildlife and Parks. I urge my colleagues to vote to confirm Mr. Strickland for this important post.

Mr. INHOFE. Mr. President, I rise today to speak on the nomination of Tom Strickland—and to raise concerns about recent actions taken by the Department of Interior relating to the Endangered Species Act.

As Assistant Secretary for Fish, Wildlife, and Parks at the Department of Interior, this position is responsible for overseeing many important programs. Most notable to me as ranking member of the Environment and Public Works Committee, are the management of the U.S. Fish and Wildlife Services and the implementation of the Endangered Species Act.

When Mr. Strickland came before our committee for a hearing on his nomination in March, Congress had just passed the Omnibus appropriations bill that contained a mandate to revise and reissue ESA rules concerning the listing of the polar bear and modifications to the section 7 consultation process. This action allowed the Departments of Commerce and Interior to reverse rules

without the usual requirements for public input and allowances for legal objections under the Administrative Procedures Act.

Now today, as we debate the nomination of Mr. Strickland on the floor, the administration has already reversed the section 7 consultation rule in complete disregard of the APA and is poised to reverse both rules without the usual review process promised by President Obama's commitment to transparency and public process. Unfortunately, Congress and the administration's bold decision to willfully set aside rules protecting public input and transparency are in direct contrast to the majority's constant complaints to the last administration about the lack of process. Moreover, the revision of these rules was done without respect to a bipartisan letter to the Department of Commerce that I signed with Senators MURKOWSKI, BEGICH, and HUTCHISON urging the use of an open process complying with the APA and all laws governing the withdrawal of Federal regulations.

What troubles me further is the potential use of the Endangered Species Act as a tool to regulate greenhouse gas emissions. While some environmentalists would love to see the ESA used to regulate greenhouse gases, the ESA was never intended to set a climate change policy, but rather it is a tool only to protect endangered species. However, the listing of the polar bear last year as a threatened species has opened the door to the possible use of the ESA for disastrous carbon controls. That is why in December, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service jointly adopted a final rule that revises the regulations governing the consultation obligations of federal agencies under section 7 of the ESA and regulations providing for protections against the "take" of the polar bear. These rules were adopted through the normal rulemaking process and took into consideration nearly 235,000 public comments.

Under the ESA, a Federal action agency is required to initiate consultation with the Fish and Wildlife Service or the National Marine Fisheries Service if it determines that the effects of its action are anticipated to result in the "take"—including potential harm—of any listed species, or the destruction or adverse modification of designated critical habitat. This includes actions the agency takes itself, actions that are federally funded, as well as the issuance of a Federal permit or license for a private party.

A key element of the final section 7 rule is its conclusion that it "is not an appropriate or effective mechanism to assess individual Federal actions as they relate to global issues such as global climate change and global warming." The final rule then exempts

from consultation actions which are “manifested through global processes and (i) cannot be reliably predicted or measured at the scale of a listed species’ current range, or (ii) would result at most in an extremely small, insignificant impact on a listed species or critical habitat, or (iii) are such that the potential risk of harm to a listed species or critical habitat is remote.”

Likewise, the final 4(d) rule for the polar bear provides that certain activities do not constitute a prohibited “take” of the polar bear. Specifically, the final rule states that the take prohibition does not apply to any incidental taking of polar bears within the United States, except for incidental taking caused by activities within the polar bear’s current range. Like the section 7 rule, the preamble to the final 4(d) rule maintains that “[t]here is currently no way to determine how the emissions from a specific action both influence climate change and then subsequently affect listed species, including polar bears.” Accordingly, the preamble to the final rule provides that section 7 consultation is not required solely because a Federal action’s greenhouse gas emissions may contribute to global climate change.

In regards to Assistant Secretary Designate Strickland, I am happy he stated in his confirmation hearing before the Senate Energy and Natural Resources Committee that he does not believe the ESA was intended or designed to regulate greenhouse gases or climate change. However, in his response to questions submitted by me after his confirmation hearing in the EPW Committee, I am troubled that Mr. Strickland did not fully address if he would set aside the APA or ensure an open public process in regards to revising the polar bear and consultation rules. It is my hope, that if confirmed by the Senate today, that Mr. Strickland will allow for the transparency and open public process expected of our government in reviewing the polar bear rule.

I plan on voting to confirm Mr. Strickland today to become the next Assistant Secretary at the Department of Interior. The Fish and Wildlife Service does a great deal of good, and I believe that Tom Strickland will do a good job, but I urge him to heed the call for an open and transparent governing process and to use the Endangered Species Act only for what it was created to do: to protect endangered species, not regulate greenhouse gases.

Mrs. BOXER. Mr. President, I hope we can have this vote shortly. At this time I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that the time be divided equally during the quorum calls between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, no one knows the man about whom I am going to speak better than the Presiding Officer, but I wish to talk about Tom Strickland. I can say without reservation or hesitation that Tom Strickland is a good friend and a tremendous public servant. He will be a great Assistant Secretary for Fish and Wildlife and Parks. That is a fancy name. Basically, what he will be is Ken Salazar’s chief of staff. Ken Salazar depends on him and will depend on him even more after his confirmation.

Tom Strickland went to college at Louisiana State University where he was a football player—quite a good athlete—before returning to his native Texas to study law. He graduated from the University of Texas Law School with honors and went to work for the Governor of Colorado.

As Governor Lamm’s chief policy adviser in a State where protecting natural resources is a top priority, Tom Strickland worked often with the Interior Department he will now help lead.

Even after Tom joined the private sector, he continued to advance many environmental and natural resources issues on a voluntary basis. He is especially proud of helping to create the Great Outdoors Colorado Program which has protected hundreds of thousands of acres of Colorado’s beautiful wilderness and wildlife.

Tom is a well-known and successful lawyer in Colorado. President Clinton appointed Tom to be a U.S. attorney for Colorado in 1999. In a turn of events no one could have anticipated, he was sworn in the day after the terrible tragedy at Columbine High School just outside Denver. The 10th anniversary was observed with sadness just last week.

Tom Strickland has been a managing partner of an internationally respected law firm and the executive vice president of a major health care company. He has been very successful personally. He accumulated some wealth, but because of his belief in public service, he accepted his friend Ken Salazar’s call for assistance to become part of the Obama administration. I admire his

willingness to leave behind the lifestyle he has acquired to serve his country once again.

Tom’s hometown newspapers called him tough and effective. He will certainly be both of those as Secretary Salazar’s right-hand man in the Department of the Interior.

Tom Strickland is a strong environmentalist who understands the importance of investing in renewable energy and making America more energy efficient. He also appreciates our environment for its many splendors. Tom and his wife, Beth, are well on their way to achieving a goal they set to visit every national park in America.

It is fitting that someone with such a great appreciation for our Nation’s natural wonders will be responsible for protecting and improving America’s National Park Service.

Once Tom Strickland is confirmed, our country will be in a better place.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Madam President, today, I rise to support the confirmation of fellow Coloradan, Tom Strickland, to be the next Assistant Secretary for Fish and Wildlife and Parks for the Department of the Interior.

As chairman of the National Parks subcommittee, I am particularly pleased to support the nomination of Tom Strickland for Assistant Secretary for Fish and Wildlife and Parks, because he has had a long history of activism on behalf of protecting national and State parks.

You will excuse me for indulging in a bit of home State pride when I say how great it has been to see so many Coloradans going to work for the Department in the Federal Government that has so much influence on the economic life of the West.

I think it speaks highly of the motivational leadership of both Secretary Salazar and this nominee to be the Assistant Secretary for Fish and Wildlife and Parks, Tom Strickland, that so many of their fellow Coloradans have voluntarily left the best State in the Union to work in Washington.

I know that Tom Strickland will be an excellent Assistant Secretary at the Interior.

He has an exceptional track record of leadership both as an attorney, as a businessman, as a civic leader and as someone dedicated to public service. He also has an extraordinary wife, Beth, who is inspirational in her own right.

Before coming to Interior, Tom worked in both the public and private sectors.

He served as U.S. attorney for the District of Colorado from 1999 through 2001, and has been a partner at several law firms, including Hogan & Hartson in Colorado.

From 1982 to 1984 he served as the chief policy adviser for Colorado Governor Richard D. Lamm, advising the Governor on all policy and intergovernmental issues, and from 1985 to 1989, he served on, and chaired, the Colorado Transportation Commission.

Tom graduated, with honors, from Louisiana State University, where he was an All-SEC Academic Football Selection, and he received his J.D., with honors, from the University of Texas School of Law.

I think it is clear that I have known Tom Strickland over many years.

Our work together has largely been in the public arena, where Tom—working with Secretary Ken Salazar—led efforts in Colorado to pass the historic “Great Outdoors Colorado” program, which dedicates State lottery money to the acquisition of public lands for parks, open space and conservation.

Tom is also an accomplished outdoorsman, and while we haven’t climbed mountains together—at least not the 14,000 foot kind—we both have a love for the out-of-doors and the history, people, and landscapes of the West.

I think this love for the land is what motivated Tom to public service in the first place, and sustained his two courageous runs for the U.S. Senate.

I was struck, as I often am, by a comment in a recent Tom Friedman’s column. Mr. Friedman reminded us of the value of “inspirational leadership.”

Mr. Friedman quoted Dov Seidman, the author of the book “How” on what makes an organization sustainable:

Laws tell you what you can do. Values inspire in you what you should do. It’s a leader’s job to inspire in us those values.

I mention this because I know that, as the Assistant Secretary for Fish and Wildlife and Parks, Tom’s job will demand both enforcement of important rules, regulations and laws, and inspired, collaborative leadership.

As one of the country’s most successful lawyers, Tom will know how to enforce environmental laws. As a man who draws inspiration from our mountains, plains and waters, he also knows how to motivate and lead others.

With Secretary Salazar at the helm, I believe Tom Strickland will be a strong and effective partner.

As I conclude, I urge all my colleagues to support the confirmation of Tom Strickland this afternoon. There is no question he will do us proud in this new role he is so eager to assume.

Madam President, I ask unanimous consent that all debate time be yielded back and the Senate vote on the con-

firmation of the nomination of Thomas Strickland, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. BENNETT), and the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 2, as follows:

[Rollcall Vote No. 175 Ex.]

YEAS—89

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Grassley	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Bond	Hatch	Reed
Boxer	Inhofe	Reid
Brown	Inouye	Risch
Brownback	Isakson	Roberts
Burr	Johanns	Sanders
Burriss	Johnson	Schumer
Byrd	Kaufman	Shaheen
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCain	Whitehouse
Dorgan	McCaskill	Wyden
Durbin	McConnell	

NAYS—2

Bunning	Wicker
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NOT VOTING—8

Bennett	Graham	Rockefeller
Coburn	Hutchison	Sessions
Ensign	Kennedy	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for confirmation, the nomination is confirmed.

Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate’s actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I will yield to my colleague from Missouri for comments, and I ask unanimous consent to be recognized after she speaks to make opening remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mrs. MCCASKILL. I ask unanimous consent to speak for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION ENFORCEMENT

Mrs. MCCASKILL. Madam President, sometimes change comes quietly. Sometimes it comes with a big bang. Today change came quietly. I want to make sure everyone realizes the change that occurred.

For 3 years I have been talking about the problem of illegal immigration and what has caused this problem to flourish. I have been talking about the problem of the magnet of jobs that has drawn people over the border without documentation because they are trying to feed their families and the fact that no one was doing anything about employer enforcement.

When I got to Washington and I asked the head of immigration enforcement how many employers have been held accountable for knowingly hiring illegal immigrants, how many have been arrested, she could not even tell me. They didn’t even keep the statistics. Think about that for a minute. They didn’t keep the statistics of how many employers were held accountable for knowingly hiring illegal immigrants. I began pounding on immigration and customs enforcement about this, talking to them about basic investigative techniques.

In Missouri right now there are hundreds of employers that are breaking the rules knowingly. They are hiring people, paying them under the table, cash on Fridays. They are bringing pickup trucks from Mexico full of people, stuffing them all in an apartment. The vast majority of the business people are doing it right. They are trying to play by the rules, doing the very best job they can. But there is a chunk of employers out there that knew they were not going to get caught, knew nobody cared if they did, and they knowingly violated the law.

I asked the new head of immigration enforcement if that was going to change. I asked the new Secretary of Homeland Security if that was going to change. Today they announced a new policy. Finally, they have a set of guidelines going to everyone in the country about how we are going to prioritize going after those employers that knowingly hire illegal immigrants. We finally are going to get to the magnet. This is a crime we can deter.

If you think somebody is going to put you in jail for saying: Hey, I didn't care if you have papers or not, I can pay you cheaper; work you harder. I don't care if you are illegal or not; I don't want to know. In fact, bring your friends—if you don't think those people being held accountable is going to make a difference, then you don't understand law enforcement.

Today I am proud to say change came. The new guidelines require that, in fact, instead of working off tips, they are now going to embrace basic investigation. They will use undercover. They will use informants. They will use all kinds of documentation they can look at in terms of paper documentation. They will enlist the support and cooperation, ahead of workplace enforcement, of local law enforcement agencies, including the Justice Department. They have decided it is a new day in immigration enforcement and that we will get at the root of the problem.

I support E-Verify and I support giving employers all the tools we can to do the best job they can in hiring legal workers. But for those employers that don't care, that are doing it on purpose and knowingly doing it, we need to come down on them and come down hard.

This administration has figured it out. I congratulate the Secretary of Homeland Security for these new policies. I stand in full support, and I know most of my colleagues do also. We finally will do something about illegal immigration when we shut down the magnet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Let me inquire, Madam President, if I may, of my colleague: Do you want to offer the amendment at this juncture or do you want to make some comments on it?

Mr. CORKER. Madam President, I do not want to make any comments. I just want to call it up.

Mr. DODD. Why not go ahead and do that.

Mr. CORKER. OK. I thank my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 1019 TO AMENDMENT NO. 1018

Mr. CORKER. Madam President, I ask unanimous consent to call up amendment No. 1019.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 1019 to amendment No. 1018.

Mr. DODD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address safe harbor for certain servicers)

On page 17, strike line 1 and all that follows through page 18, line 4 and insert the following:

“(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors or group of investors; and

“(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria:

“(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

“(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

“(C) The servicer reasonably determined, in good faith, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures or other resolution.

Mr. DODD. Madam President, I thank my colleague from Tennessee. Let me—since we are across the room from each other—invite you and your staff to meet with our staff and talk about the amendment since we are not sure what it is. But let's see if we can reach some accommodation.

Mr. CORKER. Madam President, I have a sense the merits of this amendment are so great that it will be accepted universally.

Mr. DODD. Madam President, I would expect nothing less from the Senator from Tennessee.

Mr. CORKER. I thank the Senator very much.

Mr. DODD. Madam President, let me first of all thank our colleague from Illinois. I know he did not prevail in his amendment dealing with the bankruptcy provisions, but I commend him for his efforts over the last number of weeks. I know in serious negotiations with others, to try to achieve an accommodation. That did not happen. I regret that was the case because I think that was one meaningful way to try to avoid some of the foreclosure

problems we see in the country. So I am sorry that did not prevail.

Madam President, I wish to spend a few minutes, if I may, briefly describing the substitute amendment I have offered on behalf of myself and Senator SHELBY that is before us and will be now open for amendment—as the Senator from Tennessee has his amendment, and I know my colleague from Louisiana also has at least one—maybe two amendments—to offer on this bill as well.

Let me say to others, we would urge, if you have amendments, to let us know what they are. I also say to my colleagues this is a bill that, while it is going to be helpful to consumers and helpful to homeowners in trying to deal with the underlying problems, it is being sought after primarily by the financial institutions, the banks across the country, dealing with the FDIC, the insurance limits, among other matters. So it is very important to them, and Senator SHELBY and I recently worked this out to move forward.

But I want to say to my colleagues, there were other matters that are important as well. If this gets bogged down for days on end, the leader has indicated to me he will pull this bill down and we will maybe deal with it next fall. So to those out there who have an interest in what we have worked on here, I urge them to communicate with people that it is important we try to get this done fairly quickly.

We spent a lot of time on it. I think it is a good bill. It is a balanced bill. Senator SHELBY and I worked hard on these matters with our committee members. So this substitute is bipartisan, and we hope our colleagues will respect that and let this not become a vehicle for an awful lot of other issues for which I do not question the motivations or the sincerity of those who might offer amendments, but this is not going to become a vehicle for all these other ideas that do not relate to the underlying purpose of this bill.

As we all know, and I have mentioned before, we have a staggering number of foreclosures in the country. Some 9,000 to 10,000 homeowners, before this evening is out, will receive a default or action notice. If current trends continue, two-thirds of those people will lose their home. So of the 10,000 today who will receive that default or action notice, two-thirds of them will probably lose their home unless some action is taken. In all, some 3.4 million homes are expected to go into foreclosure this year alone—between 8 and 12 million homeowners over the next several years. Those are breathtaking numbers when you consider the damage to families, to neighborhoods, and to communities across our Nation.

According to industry figures, by the end of last year, 20 percent of all mortgage loans were already under water—1 in 5—that is, the cost of the mortgage

exceeded the value of the home. Those are stunning numbers: One out of every five homeowners owed more on their mortgage than the home was worth.

In my home State of Connecticut, the problem is very serious and spreading. The Center for Responsible Lending projects that some 17,000 homes in my State of Connecticut will go into foreclosure in 2009—nearly 60,000 over the next 4 years.

I recently invited HUD Secretary Shaun Donovan to my State. We visited Bridgeport, CT, which alone has some 5,200 subprime mortgages—many already in foreclosure. Joan Carty, the CEO of the Housing Development Fund, a housing nonprofit group in Bridgeport, CT, showed the Secretary and me a series of maps of the city of Bridgeport. She had in those maps the locations of each subprime loan and each foreclosure. It literally looked like a cancer spreading across the body politic of that city.

We visited New Haven, CT, where we saw how property values for homes located within an eighth of a mile of a foreclosed home dropped by an average of \$5,000 the day of that action or default. And as we saw across Hartford, CT, where home prices have sunk almost 8 percent in the last year alone, it does not take long before the epidemic affects whole cities.

In fact, this crisis could even result in a net loss in home ownership rates for African Americans, wiping out a generation of hard work and gains in wealth.

The people I have met who are losing their homes are not statistics. They are grandmothers on fixed incomes who trusted a mortgage broker who put them in adjustable rate mortgages with exploding payments. Their incomes were not going to ever adjust to a level where they could afford the fully indexed price of that mortgage. But their mortgages adjusted, and the brokers knew these borrowers were headed for trouble.

I have met working parents who lost a job or are facing a health care crisis. Fifty percent of the foreclosures are related to a health care crisis in that family—not acquiring an automobile you cannot afford or a big-screen television, as some have been suggesting. Fifty percent are related to a health care crisis. One victim of predatory lending I met in Hartford, CT, tests children for lead poisoning for a living.

These are good people, decent Americans, many of whom were taken advantage of, often by deceptive practices. In fact, the Wall Street Journal reported that 61 percent of those in subprime mortgages could have qualified for prime mortgages but were urged or pushed into riskier mortgages by lenders and brokers who knew better. Why did they do so? Because those brokers and lenders made more money by putting these unsuspecting borrowers into riskier, higher priced mortgages.

So we have an obligation, I think as a body, to do everything we can to get this right. That is not to excuse irresponsible behavior. I am not suggesting such. But in matter after matter, this was not a matter of irresponsibility; it was either deceptive practices or conditions which forced a family—through a job loss or a health care crisis or others—to be put at risk of losing their home. This effort is to get this right not only for the families but even, in a larger sense, for the economy as a whole, which hinges on our ability to put a stop to these foreclosures.

Protecting families and our economy was what motivated me 2 years ago—this month, in fact—when I convened a Homeowners Preservation Summit, at which leaders and servicers agreed to a set of principles. This was in the spring of 2007, 2 years ago. We met, and they committed themselves to a series of principles to making their best efforts to reduce foreclosures through loan modifications.

To say there was a total failure by the industry to follow through on that agreement would be a vast understatement.

Thankfully, even if lenders, servicers, and the previous administration failed to understand the magnitude or the severity of the crisis and the obligation to act, there has been no such problem with the current administration. I am pleased to report. In putting forward a \$275 billion plan, the Obama administration clearly understands that we cannot get our economy back on track until we stop the tidal wave of foreclosures sweeping across our country.

The underlying legislation Senator SHELBY and I have offered gives them the tools to do that as effectively as possible by expanding the ability of FHA, the Federal Housing Administration, and Rural Housing—and I have mentioned cities. But I want to point out, rural housing is also suffering from foreclosures; this is not just an urban problem. This affects rural States. I know the Presiding Officer and my friend from Louisiana will testify to this: In their rural communities, foreclosures are not limited to the larger cities in their States but it also affects rural people as well. That point needs to be made.

The underlying legislation gives them the tools to do that as effectively as possible by expanding the ability of FHA and Rural Housing to do loan modifications, by creating more enforcement tools for FHA, the Federal Housing Administration, to drop lenders who break FHA rules, by expanding access to the HOPE for Homeowners Program, and by providing safe harbor for servicers who modify a loan consistent with the Obama plan or refinance a borrower into a HOPE for Homeowners loan.

It is disheartening that even as more and more homeowners have fallen be-

hind on their loans, the response of loan servicers has been so inadequate. We have heard over and over that the reason servicers are hesitant to use the tools we have given them is that they fear they will be sued for violating pooling and servicing agreements.

You would think that from an investor's point of view, reduced interest payments from modified loans would be better than no interest payments from defaulted loans. Unfortunately, you would be wrong in that. The mortgage-backed securities market in which so many of these loans are tied up is—not to put too fine a point on it—a mess. These mortgages have been sliced and diced into thousands of pieces, with securities sold off to different investors all over the globe. These investors have different interests in the loan pools—some rated triple-A, others have more risky segments. Untangling this complex mess of competing interests has been nearly impossible. One direct solution to this problem would have been the bankruptcy amendment offered by Senator DURBIN. That failed.

Another, which we provide for in this amendment, is to make modifications more likely by ensuring that servicers who provide modifications consistent with the administration's plan get the benefit of safe harbor from needless lawsuits.

Our colleague from Florida, MEL MARTINEZ, is the author of this provision. This, again, is a bipartisan proposal. Senator MARTINEZ, I think, will come to the floor and address the issue in greater detail. Senator MARTINEZ is a former Secretary of HUD under the Bush administration and brings a wealth of knowledge to these debates and discussions. It was his contribution on the safe harbor provision which caused it to be included in this legislation.

Another provision, which we provide for in this amendment Senator SHELBY and I have offered, is to make modifications more likely by ensuring that servicers who provide modifications, consistent with the administration's plan, get the benefit of safe harbor from needless lawsuits. I mentioned that. To ensure more servicers take advantage of the HOPE for Homeowners legislation we created last summer, those refinances are covered as well. Indeed, the legislation also streamlines the HOPE for Homeowners program. My colleagues will recall we adopted that last summer. We all hoped it would be a great source of modification for these mortgages. And, candidly, it ended up being a lot less than we hoped for. As the author of those provisions, it was a complicated proposal. There were a lot of fingerprints on it to try to get it out of the Congress. Unfortunately, I think we made it far more complicated than we needed to.

Our bill today is designed to streamline that program and to make it more

workable for families across the country. The truth is, despite the efforts of Senator SHELBY, myself, and others, the HOPE program has not worked to date—in large part because of servicers' steadfast refusal to accept reasonable settlements for second mortgages, which belong to about half of all at-risk mortgage holders.

This is a problem the administration recognizes, with its recently announced Second Lien Program, which will make it easier for borrowers to modify or refinance their loans under the HOPE for Homeowners program.

With this legislation, we make the program far more user-friendly for borrowers and servicers alike by lowering fees and streamlining borrower certification requirements. In addition, we allow for incentive payments to servicers and originators to participate in the program, while giving the HUD Secretary limited discretion to determine who reaps the benefits of any future appreciation on that home.

For all these reasons, it is time for the banks, I believe, to step to the plate.

Consider for a moment all that we are doing to prevent foreclosures and restart lending in this legislation alone, this substitute.

As I said, we are offering banks a safe harbor to do modifications and refinancing.

To free up credit, we increase permanent borrowing authority for the Federal Deposit Insurance Corporation and the National Credit Union Administration to \$100 billion and \$6 billion respectively. On a temporary basis, we increase that authority to five times those amounts. Chairman Sheila Bair has said those levels will allow the FDIC to reduce the special assessments on banks by as much as 50 percent, making credit more available in our communities. According to the Independent Community Bankers Association, which strongly supports this legislation—and I thank them for it—this will increase lending by some \$75 billion.

In addition, Senator SHELBY and I extend for 4 years—to December 31, 2013—the increase in deposit insurance limits from \$100,000 to \$250,000. We initially did this in the Emergency Economic Stabilization Act. However, in that legislation we increased the limit only through this year.

For 75 years, deposit insurance has been a stabilizing force during some of our Nation's most troubling economic times. This increase will prove especially helpful for smaller financial institutions today, particularly our community banks across the country, which derive 85 to 90 percent of their funding from deposits.

The increase from \$100,000 to \$250,000 goes a long way toward eliminating uncertainty in the system. If you are planning for your retirement and buy a

3-year certificate of deposit at a bank for \$150,000, you want to know your investment will be safe after 2009 comes to a close. This is to say nothing of the many other programs and capital injections already in place to protect and sustain them in our credit markets.

I would be remiss if I did not take a moment to commend our majority leader, Senator HARRY REID, for a very important contribution he has made to this legislation. Section 103 of this bill authorizes an additional \$127.5 million, on top of other amounts that may be authorized, for foreclosure counseling and outreach efforts targeted to the areas that are the hardest hit by foreclosures. In addition, the provision provides for funding to increase public awareness such as through advertising, including Spanish language advertising, to try to steer people away from foreclosure and other financial scams that proliferate in hard times such as these.

Ultimately, this legislation by itself, of course, will not turn this Nation's economy around, but it will be a contribution, and a positive one, both to a healthier banking system and, more importantly, to more stable home ownership. There is no silver bullet—I know my colleagues know that—when it comes to solving our financial crisis, but each step such as this that we take brings us closer to seeing this come to an end, these most troubling economic times for our country. So by providing additional stability and certainty within the banking system, by providing assurances and help in rural housing as well as urban housing, by providing additional support for these efforts with the HOPE for Homeowners Act, this legislation goes a long way to contributing to that stability and that certainty.

Again, I am very pleased to have as my partner in this, as we have on many occasions, my colleague from Alabama, the former chairman of the committee, Senator RICHARD SHELBY, along with the members of my committee who have worked very hard on these matters as well. As I said at the outset, I regret the Durbin amendment is not part of this, but my colleagues have expressed their views on it and that is why it is no longer on this bill.

I know my colleagues have other ideas they wish to offer to this bill. I will include them if I can. If there is some reason I can't, I will explain why. If we can reach some compromise, I will try to do that as well. This is the background of this substitute proposal that Senator SHELBY and I are offering. Again, I wish to move quickly if we can on this. I think it would be an important message to send to the financial sector of our communities that we are stepping to the plate. These are matters that have been before us for some weeks now. They have been waiting patiently for us to move on these mat-

ters. We have a chance to do that. That is not to say that other people have ideas that don't have merit, but we have to make decisions about whether to move forward, and my hope is that we will, either by this evening or tomorrow. What better way to conclude this week than to conclude this bill and send a message to the citizens of this country that the Senate of the United States has moved to rise to the challenge of this crisis.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1016 TO AMENDMENT NO. 1018

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment and to call up Vitter amendment No. 1016 to the underlying bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1016.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . REPAYMENT OF TARP FUNDS.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended—

(1) by striking “Subject to” and inserting the following:

“(1) REPAYMENT PERMITTED.—Subject to”;

(2) by inserting “if, subsequent to such repayment, the TARP recipient is well capitalized (as determined by the appropriate Federal banking agency having supervisory authority over the TARP recipient)” after “waiting period.”;

(3) by striking “, and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price”; and

(4) by adding at the end the following:

“(2) NO REPAYMENT PRECONDITION FOR WARRANTS.—A TARP recipient that exercises the repayment authority under paragraph (1) shall not be required to repurchase warrants from the Federal Government as a condition of repayment of assistance provided under the TARP. The Secretary shall, at the request of the relevant TARP recipient, repay the proceeds of warrants repurchased before the date of enactment of this paragraph.”.

Mr. VITTER. Madam President, this amendment is very simple. In fact, it is identical to an amendment I offered to a different bill last week which unfortunately we did not get to vote on because cloture was passed.

This amendment says that under the TARP, if a bank wants to repay its TARP money that it has taken from

the taxpayer, with all of the penalties and interests that are relevant, it can do that immediately whenever it wants, as long as it remains perfectly sound and meets all of the liquidity, safety, and soundness requirements that the normal regulators impose on those sorts of institutions. I think that is very commonsensical and straightforward. If a bank wants to repay with interest, why shouldn't it be able to leave the program? That is the guarantee and the promise that was made to banks when TARP was originally instituted. Yet several banks are trying to do that now and are getting a different story: No, no, no, no. This isn't your decision alone. This is our decision, the Government's decision, even if it doesn't impact the safety and soundness of your institution.

Several folks in this institution mirror the concerns of citizens around the country. We are very concerned about the Federal Government getting ever more involved in the business of private business and institutions, in particular, of banks and financial institutions. This is a steady trend that began last September, and it is a very steady trend that the Government is becoming first a junior partner and seemingly a senior partner in more and more significant institutions in our private market. Now we see that it is expanding beyond banks and financial institutions into auto companies, insurance companies, and who knows what next.

Certainly, with all of these legitimate concerns we have about that trend, it should be an established principle of the TARP that if a bank wants to repay the money fully with interest and if that repayment does not impact its safety and soundness, if they meet all of the liquidity requirements put on them by the Federal regulators, they should be able to do that. Yet they are not. They have not been able to do that. Some have. I am very proud to say that IberiaBank, headquartered in Lafayette, LA, was the first bank to apply for repayment and to actually give all of its TARP money back. I am very happy to say that was successfully done. They were followed by six other smaller or regional banks: the Bank of Maine, Bancorp, Old National Bancorp, Signature Bank, Sun Bancorp, Shore Bancshares, and Centra Financial Holding, Inc. All of those banks followed Iberia's lead and gave that money back.

But more recently, unfortunately, the Federal Government has been singing a different tune and has said, Wait, wait. You can't decide this on your own. We are your new partner and we get to decide this, and we are going to decide it on our criteria, even if it is a perfectly reasonable and safe thing to do with regard to your liquidity and your safety and soundness. That exemplifies what so many of us are concerned about, about expanding government authority.

Let me quote directly from Secretary Geithner. The Wall Street Journal reported an interview recently where he indicated that the health of individual banks won't be the sole criteria for whether financial firms will be allowed to repay bailout funds.

He also testified before Congress in the last few weeks and the bottom line of his testimony was: Stay tuned. We will give you guidelines on how to repay TARP funds in the future. We are not there yet, and we are not—we are certainly not willing to allow banks to make that decision. We are going to make that decision.

I have to say it sort of reminds me of the analogy of businesses that are infiltrated by the mob and they have as their new senior partner the mafia, and all of a sudden, if they want to get out, it is no longer their choice. Their new big brother partner is going to make the calls and is going to decide: No, no, no. We have our claws into you. That is not changing anytime soon.

Is that the new rule we want to establish for private market capitalism? Is that the amount of power and authority we want to give to the Federal Government over private institutions in the private sector? Even when they can repay the money and remain perfectly liquid, perfectly solvent, meeting all of the relevant safety and soundness criteria, do we want to say no, no, no, big brother government says no. We know best.

I am very disturbed by this policy that my amendment is counterpoised to. It does suggest that big government knows best and that big government is going to make the call, apart from the interests of that particular private firm. If that firm meets liquidity requirements, meets all the safety and soundness regulations in sight, then they should be able to do whatever the heck they want to determine their own future, and that includes repaying their TARP money to the government.

I urge all of my colleagues to support this commonsense, reasonable, pro-free market amendment.

AMENDMENT NO. 1017 TO AMENDMENT NO. 1018

Madam President, at this point I ask unanimous consent to set aside that amendment and call up the Vitter amendment No. 1017 to the underlying bill.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Madam President, reserving the right to object, let me say I am going to have to object at some point because we have too long a stack here. This is not aimed at my colleague from Louisiana, but I want to be careful and check with leadership as to how many amendments we can lay aside in terms of what their plans are for this evening and for tomorrow. I won't object to this particular one, but I want to use a moment here to express to my colleague that at some point we will have

to put some limitation on this so we can start to grapple with the amendments before us.

I thank the Senator.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from the Louisiana [Mr. VITTER] proposes an amendment numbered 1017.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration)

At the appropriate place, insert the following:

SEC. ____ . DUTIES OF THE FHA.

(a) DUTY TO MAINTAIN SOLVENCY.—Notwithstanding any other provision of law or of this Act, the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration.

(b) SUSPENSION OF ACTIVITIES.—If in the determination of the Commissioner of the Federal Housing Administration, any existing Federal requirement, program, or law, or any amendment to such requirement, program, or law made by this Act, threatens the solvency of the Administration or makes the Administration reasonably likely to need a credit subsidy from Congress, the Commissioner shall—

(1) temporarily suspend any such requirement, program, or law; and

(2) recommend legislation to the appropriate congressional committees to address such solvency issues.

Mr. VITTER. Madam President, I thank the distinguished chairman for his comments and for his forbearance. I will be very brief on this amendment, which goes directly to the bill and is very germane.

This amendment, again, is very simple and very straightforward but I also think very important. It would require that the Federal Housing Administration recognize as its first duty to maintain its own solvency. If the provisions of the underlying bill or any other existing requirement cause the FHA to be reasonably likely to need a credit subsidy from Congress, then it shall require the Commissioner, No. 1, to temporarily suspend any program that is threatening the solvency of the FHA; and No. 2, to recommend legislation to Congress to address those solvency issues.

I commend the motives of the distinguished chairman and others with regard to this bill. Clearly, they are trying to help homeowners in dire need, and there sure as heck are many of them around the country, including my State. But as we walk down this path, I think we all want to be careful that we don't create a new crisis, a new solvency crisis at the FHA. I believe we need to be very aware of that so we

don't create another crisis there as congressional and other action has in the past at Fannie Mae, Freddie Mac, and elsewhere.

Recently, on April 23 at a nomination hearing for Mr. David Stevens, who is the designate for housing and Federal Housing commissioner, the person whom President Obama has chosen to run the FHA, I asked how he viewed the health of the FHA mortgage insurance fund and if he anticipated having to ask Congress for a credit subsidy. His answer on April 23 was:

At the present time, the FHA fund is solvent and meets actuarial requirements. Maintaining that solvency would be a top priority for me.

I am glad to hear that it is solvent as of now but, quite frankly, I don't want that solvency to be a top priority for him; I think it should be the top priority for him. I think we should be very cautious about expanding programs under the FHA if it could lead to a crisis of solvency there which could be a further rattling of the financial markets, just as similar crises have been in the past.

Unfortunately, there are significant signs that the FHA is a ticking timebomb now. According to the Mortgage Bankers Association National Delinquency Survey, for the fourth quarter of 2009 seasonally adjusted delinquency rate, 13.73 percent of FHA loans would present an increase of 81 basis points from the third quarter of 2008.

Similarly, in a report from J.P. Morgan Securities issued in January of this year, it says 70 percent of Ginnie Mae borrowers, those who are FHA borrowers and VA borrowers, would be underwater if home prices drop another 10 percent.

On March 8 of this year, a Washington Post investigation led many observers to view the FHA as a ticking timebomb. The article reports:

There has been a spike in quick defaults that seem to follow the pattern that preceded the collapse of the subprime market as some of the same flawed lending practices that contributed to the mortgage crisis are now eroding one of the main Federal agencies charged with addressing it.

Of course they were talking about the FHA.

According to the same article:

More than 9,200 of the loans insured by the FHA in the past 2 years have gone into default after no or only one payment.

So already we see very troubling signs.

On top of that, this bill, in some ways, erodes the stability of the FHA. It does things such as say that an individual receiving assistance under this program must verify their income, providing income tax return information but reducing the upfront fee for the program from 3 percent to 2 percent. It reduces the annual fee from 1.5 percent to 1 percent, and it adds incentives with \$1,000 for each loan for folks to enter and service the program.

So I am concerned, No. 1, that the FHA right now shows real signs of a possible future crisis, and No. 2, that this bill could unintentionally be making that worse and making that day come quicker.

I am not proposing we scrap the provisions of the bill, but my amendment would simply say that the first duty of the FHA is to maintain solvency, and secondly, if the provisions of this bill or any other requirement causes the FHA to be reasonably likely to need a credit subsidy from Congress, the Commissioner has the power to, No. 1, temporarily suspend that program, and No. 2, recommend legislation to Congress to address the solvency problem.

Let's not let the FHA be the next chapter in terms of this financial crisis. Let's not repeat the kinds of mistakes we have seen in other Federal Government or related entities. Let's be careful to avoid that, which would be an enormous rattling of the financial system and which would cause an enormous drop in confidence.

With that, Madam President, I thank the Chair and the chairman for his forbearance, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELEASE OF DOJ MEMOS

Mr. CHAMBLISS. Madam President, I rise today to express my disappointment with the Obama administration's decision to publicize the memorandums from the Office of Legal Counsel at the Department of Justice. The four memos released by the administration examine whether the CIA's enhanced interrogation techniques would violate U.S. statutes or international agreements prohibiting torture.

It is important to note that all four memos determined that the techniques did not violate U.S. constitutional or international law or U.S. criminal law. It is disappointing that the White House released to the public these highly sensitive memos. There is simply no productive or meaningful purpose in their release.

The memos describe in detail the CIA's interrogation program, the specific techniques that were used, psychological evaluations of detainees, and even detailed descriptions of some of the detainees themselves. All of this information raises questions about how seriously the President believes in protecting our national security as well as

the confidentiality of legal counsel and the privacy of individuals. I believe the only reason the Obama administration chose to release these memos was for perceived political gain, and I also believe, based upon what I have heard in my home State, that the political gain has backlashed.

I think if Americans read these memos for themselves, they will agree that after the 9/11 attacks, the CIA program was necessary to detect and prevent additional American deaths. The program was designed to exploit information held by only the most senior, hardened, and dangerous al-Qaida figures who had perishable information about the attack's planning.

Since its inception in early 2002, fewer than 100 individuals were held in this program, which had significant safeguards, including detailed assessments to determine that the detainees were senior members of al-Qaida—not mere foot soldiers—who likely had actionable intelligence on terrorist threats and who posed a significant threat to U.S. interests before the CIA could detain them.

Out of the 100 or so detainees the CIA has held, only 3 were subjected to the most serious, yet legal, interrogation techniques. Those three were Khalid Shaikh Mohammed, the mastermind of the September 11 attacks, whose deadly plan resulted in the murder of some 3,000 innocent Americans; secondly, Abu Zubaydah, a senior member of al-Qaida, whom the CIA assessed to be the third or fourth ranking member of the terrorist group and who had been involved in aspects of every al-Qaida attack against America; and thirdly, Abd al-Rahim al-Nashiri, a key al-Qaida operational planner. Information obtained from these three detainees saved American lives by disrupting al-Qaida attacks and led to the capture or arrest of even more terrorists. These detainees, who have been in the inner circle of al-Qaida and who have occupied some of the most important positions in that group's hierarchy, held information that simply could not have been obtained from any other source.

In fact, the memos reveal some of the invaluable information we have gained from the CIA program. This includes prevention of numerous terrorist attacks, such as the west coast airliner plot, which sought to replicate the hijacking of airplanes and crash them into buildings on the west coast of the United States.

One memo describes the discovery of this plot by stating:

The interrogation of KSM—

Which is Khalid Shaikh Mohammed—once enhanced techniques were employed, led to the discovery of a KSM plot, the "Second Wave," to use East Asian operatives to crash a hijacked airliner into a building in Los Angeles.

The same memo describes how interrogations provided information on two

operatives who planned to build and detonate a dirty bomb in the Washington, DC, area. There is no doubt that the disruption of these attacks has saved American lives.

CIA detainees have also confirmed that al-Qaida continues to operate against the United States and its allies. Just recently, a statement from none other than the Director of National Intelligence, Dennis Blair, acknowledged that the high-value information came from this same CIA interrogation program and that al-Qaida continues to plan attacks against America.

As a member of the Senate Intelligence Committee, I have seen CIA assessments on the value of information the United States has gained from interrogations as well as intelligence on the continuing resolve of al-Qaida to attack the United States and to attack its citizens. However, much of this information remains classified, so only half of the story is being told. It is important that Americans have an opportunity to see what they were protected from as a result of the CIA interrogations—interrogations that were not only effective but were deemed by the Justice Department not to be torture under U.S. and international law.

The CIA's High Value Terrorist Detainee Program was a crucial pillar of U.S. counterterrorism efforts and was the largest source of insight into al-Qaida for the United States and its allies. Now, as a result of the release of these memos, the program is the largest source of information on U.S. operations to al-Qaida and our other enemies.

The administration claims it released these memos in an effort to be transparent, but the only transparency it has provided is to al-Qaida. The group now knows the outer boundaries of what the United States is capable of doing and that we are no longer using these methods or any others for interrogation.

Our enemies—traditional enemies and terrorists—now know that some interrogation methods were 100 percent effective on our own soldiers when used in what is called SERE training. I can only imagine how delighted our enemies are to learn how to gain secrets from our soldiers. However, I am sure our enemies will not have the same safeguards, medical and otherwise, in place when they conduct interrogations on our men and women in uniform who might be captured.

While giving transparency to al-Qaida and our other enemies, the release of these memos will deprive this administration and all future Presidents from receiving candid advice from Justice Department lawyers.

The Office of Legal Counsel is supposed to provide the President and the executive branch with thorough and frank legal analysis on a variety of

topics. If these talented attorneys have to worry that their confidential and often classified legal advice is going to be released to the public and could result in their prosecution, I guarantee you they will not be able to offer the most straightforward opinions and alternative legal analysis necessary to guide policy. Instead, policy will now guide these lawyers' advice.

Finally, it is disingenuous for Members of Congress to say they were unaware of the CIA program. From its inception, CIA lawyers repeatedly obtained legal guidance regarding the program from the Department of Justice, as one can see from the four classified memos released and from other unclassified memos previously released. The CIA briefed congressional leaders early on about the details of the program and the specific interrogation techniques that could be used.

As a member of the Senate Intelligence Committee, I was aware that the CIA was holding high-valued detainees and was gaining extraordinary insight into al-Qaida's structure and operations. Also, information about the program was leaked to the public and press. Reports about it started to circulate as early as 2005. Yet Congress continued to fund the program for several years afterward.

In fact, as the vice chairman of the Senate Intelligence Committee noted, the fiscal year 2007 intelligence authorization bill included language which specifically acknowledged that the CIA's program had been important in collecting valuable intelligence on al-Qaida operatives and associates and on planned terrorist attacks against the United States and our allies.

This bill was voted out of the Senate Intelligence Committee unanimously by a 15-to-0 rollcall vote. I hope that in the future this administration places more emphasis on protecting our national security rather than on placating critics of the rules the United States used to prevent another attack on our domestic soil.

Madam President, I yield the floor and suggest the absence of a quorum. I am sorry, I did not see the Senator from South Carolina. I do not suggest a quorum call.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1026

Mr. DEMINT. Madam President, in a moment I would like to bring up an amendment, but in deference to Senator DODD, I wish to wait for him to be back on the floor. In the meantime, I would like to explain amendment No. 1026 and talk about it briefly until the Senator returns.

We are all well aware of the bailout bill that was passed last October. It had one purpose, at least as that purpose was described to us, and that was to purchase what they called toxic assets that were clogging up the credit

system. That \$700 billion was then used in other ways, and I believe unconstitutionally, to loan money to banks, insurers, auto companies, and to actually turn those loans into preferred stock, in some cases.

It now appears the administration is going to take this a little bit further. We have seen the hiring and firing of executives. We have seen the Government, in effect, break contracts that were established in the private sector. We see the Government continuing to use this TARP money to gain more and more control over private sector industries, particularly the financial industries.

The administration appears now to have a plan that would swap this loan money in the form of preferred stock for common stock, which means we not only own but we have voting rights and, in some cases, controlling interests in General Motors. My amendment addresses specifically financial institutions, but we are talking about financial, auto companies, and other aspects of our economy using this TARP money in ways that were totally different than we ever imagined.

My amendment addresses specifically banks. It would prohibit the Federal Government from converting preferred stock to common stock and basically taking ownership and control of banks across the Nation.

Many banks that participated in the TARP funds suggest they were pressured to take it when they did not need it. Many banks now say they would like to give it back, and they are not allowed to give it back. We need to back the Federal Government out of our private sector financial system and set up a good system of laws and regulations so it can work in a way that is transparent, honest, and good for the American people. But we don't need the Federal Government to own our banks and to try to run the day-to-day business in our banks, just like we do not need the Federal Government to own General Motors and to run General Motors.

My amendment would address, specifically, the financial institutions in our country and prohibit the use of TARP funds to be translated into common stock ownership and voting rights.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Madam President, I would like to bring up amendment No. 1026.

Mr. DODD. Madam President, it will take unanimous consent to temporarily lay aside the pending amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DODD. Madam President, reserving the right to object, I say respectfully to my colleague and friend from South Carolina, a member of the Banking Committee, reluctantly I will object to that request at this point. We have amendments pending, and I will explain, as I did to him, the detail. At this very moment, I respectfully and reluctantly object to temporarily laying aside the pending amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. I thank the Senator and yield the floor.

Mr. DODD. Madam President, as I said a moment ago, we already have a lot of amendments filed on this bill. I can tell my colleagues and those who are following this debate, this bill is critically important to our financial institutions. They have been waiting weeks for this bill that Senator SHELBY and I put together. I am not, in any way, suggesting the amendments being offered are not motivated by the best of intentions, but the net effect of it is to virtually bring down this bill. I say to my colleagues, I know they are hearing from others across the country who have been waiting for this bill to come up, to be considered, and moved along. There is no way we can spend the amount of days now that may be confronting us with the list of amendments to go forward.

The leadership—and I agree with them on this—needs some clarity. If I am going to be faced with a stack of amendments being offered, then I am going to have to, as the leadership said, take this bill down and maybe in the fall at some future date get back to it, if at all.

That is a tragedy and unfortunate because it is an important matter. It is widely supported across the country. It is essential in many ways we get it done. I wish for my colleagues to know it is not aimed at any particular amendment. It is not suggested their amendments are not well motivated. But when you load up a bill such as this with that many amendments, it makes it impossible to get the job done.

I objected to laying aside the pending amendment because we have several amendments now pending. We will try, over the coming day or so, to see if we can resolve some of those amendments, maybe accept some. I have to speak with, of course, my colleague from Alabama, Senator SHELBY, to see if there is agreement on some of the matters or some modification to make them acceptable.

I suggest to my colleagues, any additional people coming over to tempo-

rarily lay aside the pending amendments, that I will object to doing that until we get clarity and try to clear out the underbrush to determine whether we bring down the bill, which I will do, or to get a reasonable number of these amendments which we can handle to go forward. One or the other.

For those who are following this debate, the possibility of this bill being taken down is very real. I hope those who are interested in this bill will notify their respective Members who wish to offer amendments and suggest there may be a better time for those amendments to be offered.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, tonight I rise to speak on the Dodd-Shelby legislation and specifically on my amendment, No. 1015, which is at the desk.

First, I commend my chairman, the distinguished Senator from Connecticut, for his work on this legislation. This legislation will take important steps in addressing the very heart of our economic crisis, the housing market. But we can do more.

Tonight I rise to offer an amendment that will put an end to the deceptive and unfair mortgage practices that played a pivotal role in steering American families into accepting risky and unsustainable mortgages. As I have discussed before, two key factors drew families into unsustainable mortgages and paved the way for this recession. First, steering payments were paid to brokers who enticed unsuspecting borrowers into deceptive and expensive mortgages. These secret bonus payments, called yield spread premiums, turned home mortgages into a scam.

A family would go to a mortgage broker for advice in getting the best possible loan. The family would trust the broker to give good advice because, quite frankly, they were paying the broker for that advice. But what the borrower did not realize was that the broker would earn thousands of bonus dollars from the lender if the broker could convince the homeowner to take out a high-priced mortgage such as one with an exploding interest rate rather than a plain vanilla 30-year fixed-rate mortgage.

Prepayment penalties added insult to injury. After the homeowner realized he or she had been steered into an unsustainable mortgage, the homeowner soon discovered that a large prepayment penalty made it too costly for

them to refinance into a lower cost loan. The homeowner was locked into a destructive mortgage. This scam had tremendous impact.

A study for the Wall Street Journal found that 61 percent of the subprime loans originated in 2006 went to families who qualified for prime loans, meaning that millions of American families were placed at risk. This is simply wrong—a publicly regulated process designed to create a relationship of trust between families and brokers but that leaves borrowers unaware of payments that place them in expensive and destructive mortgages.

I call my colleagues' attention to a New York Times editorial published on April 10 entitled "Predatory Brokers," which highlighted this problem. The editorial pointed out a study by the Center for Responsible Lending that found that subprime borrowers who used a broker actually fared worse than those who went directly to lenders. Those borrowers paid \$17,000 to \$43,000 more for every \$100,000 they borrowed. That is outrageous.

The Times concluded:

The first step must be to outlaw the kickbacks that lenders pay brokers for steering clients into costlier loans.

The editorial went on:

The most clearly unethical form of payment is the so-called yield-spread premium.

It is difficult to overestimate the damage that has been done by these expensive loans and secret steering payments. An estimated 20,000 Oregon families will lose their homes to foreclosure in 2009. Nationwide, an estimated 2 million families will lose their homes this year, and the total of foreclosed families is predicted to reach 9 million by 2012.

These practices didn't only hurt families on Main Street, they were also the prime enablers for the propagation of destructive subprime collateralized debt obligations, or CDOs, that have now brought Wall Street to its knees. Had these procedures been banned—steering payments, prepayment penalties—Wall Street would not have been able to engineer the tremendous bubble on the backs of unsuspecting homeowners and, accordingly, would not have had the billions in write-downs that caused this credit crisis and sent our economy into a terrible recession.

The problem is simple and the solution is simple. The costs of doing nothing are tremendous both for homeowners and for the financial system. By banning steering payments and prepayment penalties, this amendment will restore transparency to the mortgage lending process and help make home ownership a stable investment for families once again.

The time has come for us to make sure that secret steering payments and paralyzing prepayment penalties never again haunt American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to begin by commending our colleague from Oregon for this proposal. We have had a chance to talk about it, and he is exactly right. He described it more adequately as to what happened, what goes on, what went on, that contributed so much to the overall economic mess we are in today. This is where it all began. This was not a natural disaster that occurred like Katrina, an act of God. These were intentional decisions made by people to abuse purchasers, borrowers, luring them into financial situations where they were fully aware that borrower could never meet the fully indexed cost of that mortgage as it matured.

In fact, I recall one of the early hearings we held in 2007, the Web site of the brokers. The first piece of advice to a broker was: Convince the borrower that you are their financial adviser.

Not that you were their financial adviser, but to convince them that you are so that you can then engage them in such a way as to convince them to enter arrangements that they could hardly afford. As we now know from a number of different studies, somewhere between 60 and 65 percent of the people who ended up with subprime mortgages actually qualified for conventional mortgages.

For those who may not understand the differentiation, the cost of a conventional mortgage is substantially less than a subprime mortgage.

The Presiding Officer, the Senator from Alaska, spent a good part of his career in this business, so he knows firsthand how all of this works and appreciates the proposal by our colleague from Oregon. Yield spread premiums were one of the key causes of the current crisis because these premiums create incentives for brokers to upsell borrowers; in other words, to convince them and to draw them into arrangements that would be more costly because that is how they got paid. It was nothing more complicated than that. You got a better fee if you could convince someone, talk them into a situation that cost the borrower more. The borrower could never meet those obligations, particularly people on fixed incomes.

One of the first witnesses I ever called before the committee as chairman in 2007 was a woman from Chicago whose husband had passed away. She worked for 30 or 40 years, had retired, was living in a home that she and her husband had bought years before, had \$3,000 of consumer debt. A broker convinced her that she needed to refinance that home to meet that obligation. Of course, the fully indexed cost of that mortgage blew through her fixed income as a retiree. She came very close to losing the home. We stepped in. The

bank stepped up, was embarrassed by what it had done. She ended up keeping the home but only because, candidly, she was a witness before a Senate committee. Had she been out there in Chicago without any other recognition or notoriety, I am not sure she would have fared as well as she did when she achieved some notoriety in appearing before the committee.

The bank in question was sitting at the table next to her, so they decided to work it out in her case. But literally hundreds of thousands of people across the country were not so fortunate. Again, they were lured into these arrangements our colleague has talked about.

I thank him for his amendment. We have had a lot of discussions about this matter. In the last Congress we put together a whole bill on predatory lending, and yield spread premiums was one of the key provisions.

What I would like to suggest, if he would be amenable, this is a matter that needs to be revived. We had a hearing almost 2 years ago now so it has gotten a little dated in terms of the information. As chair of the committee, I would like to ask him, as a new member, whether he would be willing to chair a hearing on the subject matter of predatory lending, including yield spread premiums, and arrange that in the coming weeks. My intention would be that as we move forward to deal with the modernization of financial regulations, that this is an area we will want to include as part of our consideration of that larger bill.

I, for one, would look forward to some specific ideas that we could use to address this kind of problem. I thank him for bringing the matter to our attention this evening. I look forward to working with him on this matter as well.

Mr. MERKLEY. Mr. President, I deeply respect and appreciate the fact that the chairman has done so much to bring public attention to these important issues over the past several years. I would be delighted and honored to have the opportunity to assist with hearings as described on predatory lending and to refresh this conversation about how we, as a Congress, can reach out and assist working Americans to make sure that in the future they will not find that the dream of home ownership is turned into a nightmare, as it has been through steering payments, through prepayment penalties for so many in the near past. I would be deeply honored.

Mr. DODD. I thank our colleague. He is, obviously, very knowledgeable about this area, as is the Presiding Officer. It is tremendously important in this body. My two colleagues are relatively new Members, but believe me, they could not be here at a more opportune time with their backgrounds and experiences for this debate and discussion.

As a senior Member, I welcome their presence in the Senate. I look forward to working with our colleague from Oregon and to include his idea as part of a larger bill on predatory lending.

Mr. MERKLEY. I thank the Senator from Connecticut.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent to call up amendment No. 1025 to the pending bill, and I ask that amendment be made pending.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. DODD. Mr. President, reserving the right to object—and I said to my friend, this is not a personal matter—we are trying to get a finite list of the amendments and get time agreements on all of them. I have had to object to other amendments being offered—laying aside temporarily the pending amendments—both on the minority side as well as the majority side. It is with reluctance, I say to my friend, that I will have to object.

My hope would be that he would let us have the amendment and the arguments, and so forth, so we could take a look at it—Senator SHELBY and I. If we could agree in some way or work on something together so we could possibly accommodate him or give him a clear indication of some time so we can debate it and discuss it and go forward, that is my intention.

With that, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, if I might speak to the amendment for a few moments.

I offered a similar amendment last week to the fraud recovery bill and was told at the time—and, of course, cloture ultimately was invoked on that bill, and I was told it was not germane. So it fell postcloture.

In order to make it germane to this underlying bill—in fact, I was told at the time last week, when I brought it up, it would be germane to the housing bill, which would be considered next. So I decided I would offer this amendment again. But running into the same sort of question about whether this amendment would be germane postcloture, I have adapted the amendment so it is germane to the underlying bill.

I will tell you, I would have preferred keeping it in its original form because, essentially, it would have taken TARP moneys repaid to the Federal Treasury

by lending institutions and applied them to debt reduction. That was the amendment in the form it was in last week when I offered it to the fraud recovery bill. I still think that is a good, sound idea: As TARP funds are paid back into the Federal Treasury, rather than being recycled or used on some other Government program, we apply it to debt reduction.

Lord knows we are spending and borrowing enormous amounts of money. The least we could do when these monies are paid back is put them toward paying down the Federal debt so we are not handing this enormous—enormous—bill to our children and grandchildren.

But, as I said before, in order to get this amendment in a form that it would be germane postcloture, I have revised it. I will describe it in a minute. But I wish to start by saying, on October 7, 2008, we all know Congress passed the Troubled Asset Relief Program, or TARP, as part of the Emergency Economic Stabilization Act. It authorized \$700 billion for the purchase of toxic assets from banks, with a goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

The Department of Treasury, however, without consultation with Congress, changed the purpose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program, or CPP, rather than purchasing toxic assets.

Financial lending was not increased with the implementation of the CPP and the expenditure of \$218 billion of TARP funds, despite the goal of the program.

Those receiving funds through CPP are now faced with additional restrictions related to accepting those funds. A number of community banks and large financial institutions have expressed their desire to return those CPP funds to the Department of Treasury. Treasury has, in fact, begun the process of accepting receipt of these funds. However, because of the financial stress test Treasury is currently conducting, it is possible Treasury will restrict some banks from returning funds they received from the CPP.

I mentioned last week when I offered the amendment to the fraud recovery bill that there were banks I was aware of that were not able at the time to return funds to the Treasury. They were told they couldn't. They had money from the TARP, they were banks that were in good financial standing, and they wanted to pay back that TARP money and couldn't do it. I believe now, at least, the Treasury is working with a number of banks to try and receive some of these monies that the banks want to pay back, but it is entirely possible, because of these stress tests, that some banks will be re-

stricted from returning funds they received from the CPP.

In his testimony before the TARP congressional oversight panel on April 21, 2009, Secretary Geithner stated that Treasury estimates \$134.6 billion of TARP funds are still available. What is interesting about that number is that in that figure, he includes \$25 billion they expect to receive back from banks under CPP. Geithner also stated he believes that \$25 billion is a conservative number and that private analysts, of course, are predicting that more—much more—is going to be returned. But the important point is that of the \$134.6 billion that Treasury Secretary Geithner referred to in terms of TARP funds that will be available, \$25 billion of that is in the form of payments they expect to receive back from banks under the CPP.

So my point is there is money coming in, and rather than using that to pay down the debt, which I think many of us assumed was going to be the use of those funds if they came back in, that they are sort of planning on, it looks like, recycling back into TARP or, perhaps—I hope not but perhaps—using them for some other purpose.

Section 120 of the Emergency Economic Stabilization Act terminates the authority for TARP funds on December 31, 2009, and the Secretary can request an extension to that deadline not later than 2 years after enactment, which would be October of 2010. But keep in mind, that restriction only applies to Treasury's issuance of new loans and does not cover the reuse of previously issued assistance that was returned to the Treasury. So there is no prohibition on the Treasury using these recycled TARP funds.

The TARP Reduction Priority Act, which is the subject of my amendment, reduces TARP authority by any amount returned by a financial institution to Treasury. So instead of having TARP monies that are returned from the banks back into the Treasury applied to debt reduction, what I do now with this amendment—in order to have it fit within the confines of this bill and to remain germane should, in fact, cloture be invoked—is reduce the TARP authority by whatever amount is returned by a financial institution to the Treasury. In other words, the TARP amount—the amount that would be available for lending under TARP—as it is paid back, monies come back from the banks, the TARP lending amount is reduced commensurate with the amount that is returned, so that those monies cannot be recycled. Once they have been out there and returned by the banks, they can't be recycled and reused or put to some other purpose.

Let me also say that until the December 31, 2009 expiration date, and possibly longer—again, if the Secretary is granted an extension—that without

this legislation, Treasury can continue to use TARP funds, including those repaid in any manner they see fit. It is certainly not what Members of Congress envisioned when this legislation passed last year. These are taxpayer dollars. They should not become a discretionary slush fund for the administration. Under the Constitution, Congress controls the power of the purse, and I, as do many Members of Congress and others around the country, have major concerns regarding the Treasury's handling of TARP funding. If the new administration, the Obama administration, or the Treasury Department believes it needs additional funding to address problems in the financial sector, they should come to Congress for that authority.

Inspector General Neil Barofsky stated in his quarterly report to Congress that there are 12 separate programs being funded under TARP involving up to \$3 trillion of government and public funds. Amazingly, that is the equivalent amount of the size of the entire Federal budget. It certainly wasn't what Congress was told the funding would be used for.

Mr. Barofsky also mentioned in his April 4, 2009 CBO report—he estimated that TARP would cost the Federal Government \$356 billion, meaning that the Treasury will only be able to recover \$344 billion or approximately 49 percent of the \$700 billion that was originally allocated by the Congress.

When this program was initially pitched to Congress—and my colleagues in the Senate should remember—Secretary Paulson at the time argued that the Government would end up making money once those toxic assets were sold after the economy recovered. Clearly, this is no longer the case. Barofsky's report spans 247 pages. It says the very character of the bailout program makes it:

Inherently vulnerable to fraud, waste, and abuse, including significant issues related to conflicts of interfacing fund managers, inclusion between participants, and vulnerabilities to money laundering.

So again, the point of the amendment is very simple; it is very straightforward. All I am trying to do is to make sure the TARP funds, as they come back in, when they are repaid by banks, are not recycled, they are not reused, they are not put into some program which the inspector general says in his report is inherently vulnerable to fraud, waste, and abuse; that it actually be used to reduce the amount of the TARP authority. It is the best solution we could come up with short of applying those repaid funds to deficit or to debt reduction which, as I said, was the original form of this amendment, but under the rules of the Senate, to make sure it is germane, this is the approach we have selected. I think it accomplishes the same purpose. It makes certain that the monies that

come back in, that are paid back by banks that have received TARP funds are not reused, reallocated, put into some other purpose or some other fund, but it actually is reducing the amount of TARP authority that is available to be used and, therefore, protecting taxpayer interests and taxpayer dollars that were extended under this program in the first place.

So I hope my colleagues, when they are making final determinations about which amendments are going to be on the so-called list—and it seems to me, at least, that on a bill such as this, a housing bill, it ought to be wide open to amendments and we ought to be able to get votes on some of these amendments but evidently the leaders on the other side have concluded they are going to limit those amendments and try to come up with some finite list—I hope they will include this amendment on that list. I think it makes sense. It is perfectly fitting with the purpose of the underlying bill, which is a housing bill.

TARP funds, of course, were supposed to deal with the credit crisis, the housing crisis, and I would hope this amendment would be one that the other side, as they make those decisions about which amendments are going to be allowed to be debated and voted on with respect to the base bill, that this amendment will be on that list. I think it makes a lot of sense.

I hope some of the other amendments my colleagues have offered also will be allowed to be voted on. I think that is the way the Senate is intended to work and to function. All Members of the Senate are supposed to be able to come to the floor and offer amendments and have those amendments debated and voted upon. It seems to me that sort of arbitrarily putting in place a construct that limits amendments and picks and chooses ones that get voted on does not represent the heritage and the tradition of this body. I hope my colleagues who are managing the bill on the floor will decide what I think is in the best interests of this institution, and that is that these amendments all be offered, be debated, and be voted on, and I hope this certainly is the case with the amendment I put before the Senate right now.

With that, I yield back the balance of my time and I hope this amendment can be made pending and get voted on whenever we get back on the underlying bill.

Mr. GRASSLEY. Mr. President, it is no secret that I have worked for decades to bring greater transparency and accountability to all facets of government operations. If there is one thing that I have learned over those years it is that you cannot achieve the goal of greater transparency and accountability without access to information.

During this financial crisis, we hear daily about the need for many more

billions in Federal funds to save this bank or that financial firm. In response to the crisis the Treasury Department is buying stakes in banks and other companies. That program is known as the Troubled Asset Relief Program or TARP. It is costing the American taxpayer nearly three quarters of a trillion dollars. Transparency and accountability has never been more important than with a program that big.

In an effort to provide some accountability to the American people for TARP funds, the Government Accountability Office, GAO, the investigative arm of Congress, was required by legislation to conduct oversight of the TARP program.

The GAO's mission is to look at the overall performance of the initiative and its impact on the financial system. The GAO is also required to prepare regular reports for Congress.

However, GAO cannot do its job effectively without access to information about how the funds are used. This should be obvious. Unfortunately, however, the bill that created the TARP and told GAO to oversee it, did not give them the authority to access books and records of the private firms that receive TARP money.

In January, Senator BAUCUS and I introduced a bill, S. 340, to provide the GAO the ability to access the books and records of firms who received money from the TARP. Senator SNOWE is also a cosponsor of the bill, known as the TARP Enhancement Act. Unfortunately, my colleagues on the Banking Committee have not yet taken any action on the bill.

Amendment No. 1020 is simply the text of S. 340. It would ensure that companies that receive assistance from the American taxpayer are required to cooperate with requests for information from the Government Accountability Office about how they used taxpayer money.

The GAO is supposed to be the "eyes and ears" of Congress. Well it can't do that job wearing blinders and ear plugs. So I urge my colleagues to support amendment No. 1020, to ensure that GAO has access to TARP recipients' books and records.

Mr. President, in March the Finance Committee held a hearing on the progress and oversight of the Troubled Assets Relief Program, TARP. At that hearing, we heard testimony from acting Comptroller General, the head of the Government Accountability Office, GAO. He testified that in addition to the problem that S. 340 is intended to fix, there is another major gap in GAO's access to information about the TARP. It is not just firms that take taxpayer money who can say "no" to GAO's requests for information. The Federal Reserve can too.

The GAO is prohibited by law from auditing the the Federal Reserve. Perhaps that restriction was defensible

back when the Federal Reserve focused on monetary policy. However, today it is routinely exercising extraordinary emergency powers to subsidize financial firms far above the levels Congress is willing to authorize through legislation. The Federal Reserve is taking on more and more risk in complicated and unprecedented ways. That risk is ultimately borne by the American taxpayer, but the elected representatives of the taxpayers have not had a say in the Federal Reserve's activities or even a reasonable level of transparency to make sure we understand how much risk taxpayers are on the hook for.

The GAO testified at our hearing that the Federal Reserve is heavily involved in two new TARP programs announced since March of this year. It is also responsible for managing huge portfolios of troubled assets it took on in the bailouts of Bear Stearns and AIG. According to GAO testimony, as of March 27, 2009, Treasury has announced initiatives that are projected to use \$590.4 billion of the \$700 billion in TARP funds authorized by Congress. However, the projected assistance in these initiatives by the Federal Reserve could be up to \$2.9 trillion by GAO estimates. In addition, the Federal Reserve has a variety of other facilities it has established to address the financial crisis adding up to another \$1.5 trillion.

Despite these enormous numbers, there is a statutory limitation prohibiting GAO from examining the Federal Reserve. That provision is now in direct conflict with the mission that Congress gave GAO to monitor and report on the TARP.

Amendment No. 1021 would fix this conflict by allowing the GAO to provide Congress a complete and independent view of all the TARP programs, including those with Federal Reserve involvement, such as the Term Asset Loan Facility, TALF, and the Public Private Investment Partnership, PPIP. It would also allow the GAO to examine other extraordinary Federal Reserve actions, such as its acceptance of risky assets from Bear Stearns and AIG.

I urge my colleagues to support amendment No. 1021. Let's not give GAO an important mission to do with a blindfold on. Let's take off the blindfold and let the professionals at GAO take a good hard look on behalf of the American people at what the Federal Reserve is doing.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTY AFFILIATION CHANGE

Mr. REID. Mr. President, I have a letter addressed to the Vice President from Senator SPECTER notifying the Senate of his decision to switch his party affiliation from Republican to Democrat and that he will now caucus with Senate Democrats. While the letter is dated April 29, it was just received today, Thursday, April 30. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, April 29, 2009.

The Hon. JOSEPH R. BIDEN, Jr.,
Vice-President and President of the U.S. Senate,
Washington, DC.

DEAR VICE-PRESIDENT BIDEN: I write to inform you that I will be changing my party affiliation from Republican to Democrat. I will be caucusing with the Democrats, effective immediately.

Sincerely,

ARLEN SPECTER.

HONORING OUR ARMED FORCES

CORPORAL WILLIAM CRAIG COMSTOCK

Mr. PRYOR. Mr. President, today, I come to the floor to honor Cpl William Craig Comstock of Van Buren, AR. His life and service to our country embody the full measure of the Marine Corps motto, "Semper Fidelis," meaning "always faithful."

We lost Corporal Comstock when he paid the ultimate sacrifice while serving in Iraq's Anbar Province. Comstock was on his second tour with the 2nd Supply Battalion, Combat Logistics Regiment 25, 2nd Marine Logistics Group, II Marine Expedition Force, Camp Lejeune, NC. Working as an ammunition technician on his first tour in Iraq, he earned a Purple Heart for his bravery after sustaining a gunshot wound in the knee. Ever faithful to his Corps, he volunteered in January to return to Iraq a second time. He told his family he wanted to make that sacrifice for his fellow marines who he knew were eager to return home to see their own.

Coporal Comstock was loved by many. Those who knew him remember him for his wide smile, independent spirit, and warm heart. He was proud to be a U.S. marine, and the Marines were proud to have him. His awards include the Sea Service Deployment Ribbon, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, and the National Defense Service Medal.

Even before joining the Marines, family, colleagues, and friends say Coporal Comstock lived by the "Semper Fidelis" motto. As an Alma High School football star, he played on despite an injured shoulder, refusing to let his teammates down. One of his football teammates, Nick Harrison, will graduate from Marine Corps basic

training next month. Harrison's mother said it was Coporal Comstock that inspired her son to enlist.

Coporal Comstock was a loyal teammate to his fellow U.S. marines and planned to make a career in military service. Coporal Comstock's memory will live on through his friend Nick Harrison and others like him who selflessly serve our country in Iraq and Afghanistan. We are grateful for his service and my prayers are with his family during this difficult time.

A DECADE OF INACTION

Mr. LEVIN. Mr. President, last Monday marked the tenth anniversary of the tragic shooting at Columbine High School. The prior Thursday was the second anniversary of the tragic shooting at Virginia Tech. These horrific anniversaries have become far too common. Since the shooting at Columbine, I have spoken regularly on the Senate floor about the pressing need for common sense gun safety legislation. Unfortunately, Congress has failed to act.

Even a decade later, the very mention of Columbine High School strikes a nerve with those who hear it. Many of us can still recall with eerie detail the chaotic scenes of hundreds of terrified children running from their school as SWAT-teams descended on the building, searching for two adolescents who, before taking their own lives, murdered 12 innocent students, a teacher, and wounded two dozen others.

In the years that have followed, those closest to the event have recounted how they are constantly reminded of that day by the fragments of ammunition in their bodies or the physical scars from wounds suffered that day. Many victims have described shuddering at the sight of a trench coat or being instantly transported back to the incident from the sound or smell of fireworks. The physical and emotional pain these victims have endured should be intolerable to us. Yet Congress has refused to take the necessary steps to prevent it.

Our Nation suffers from a horrific epidemic of gun violence. Over 30,000 Americans die from firearms every year, nearly 12,000 of which are homicides. That is an average of 32 gun murders every day, the same number killed at Virginia Tech. While we all hope and pray that these types of public tragedies do not happen again, the truth is that the threat of gun violence has not diminished.

Gun violence is preventable, however, it requires action. Without action, gun violence will continue to be found in our high schools, universities, religious institutions and our homes. For too long, victims and their families, educators and police officials around this country have cried out for sensible gun legislation that would keep guns out of

the wrong hands, close the gun show loophole, reauthorize the assault weapons ban and aid law enforcement agencies in tracking gun traffickers. Passage of such legislation would serve as monumental steps toward ensuring these types of tragedies do not continue. Congress must do everything possible to reduce the level of gun violence in America.

ASIAN PACIFIC ISLANDER AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to the millions of Asian Pacific Islander Americans for their significant contributions and service to strengthen this great Nation, and to join the Nation in celebrating Asian Pacific Islander American Heritage Month.

This month-long tribute would not be complete without recognizing the visionaries who founded Asian Pacific Islander American Heritage Month: U.S. Senator DANIEL INOUE, former U.S. Senator Spark Matsunaga, former Secretary of Transportation Norman Y. Mineta, and former U.S. Representative Frank Horton. As a result of their steadfast leadership, a joint resolution established Asian Pacific Island American Heritage Week in 1978, and the celebration was later expanded to an entire month in 1992.

This celebration takes place in May to mark the first Japanese immigrants' arrival in America in 1842, as well as the completion of the Transcontinental Railroad in 1869—which would not have been finished without the hard work and dedication of Chinese laborers.

Today, our Nation faces its trials and tribulations as it sees harsh economic times. People throughout the country are losing their homes and their jobs and we must come together as a community and remain strong and dignified. The Asian Pacific Islander American community constitutes one of the fastest growing minority communities in the United States, with over 13 million Asian Pacific Islander Americans in the country. Despite these economic hardships, members of the Asian Pacific Islander American community have continued to take positions of leadership and have worked hard to secure a brighter future for all.

Asian Pacific Islander Americans are making great strides both in the private and public sectors. Members of the Asian Pacific Islander American community have been named to key appointments in President Barack Obama's administration and at other levels of government. As Asian Pacific Islander Americans advance to positions of power and leadership, we can ensure that the voice of the community is being heard.

While we celebrate the many accomplishments and the promising future of the Asian Pacific Islander American

community, we must not forget the history of Asian Pacific Islander Americans in this country. The Angel Island Immigration Station has a significant place in Asian Pacific Islander American history. Declared a National Historic Landmark in 1997, Angel Island served as the entry point in the West for over 1 million immigrants from 1910–1940. This includes approximately 175,000 Chinese immigrants who were detained at Angel Island before they were granted entry to San Francisco. Along with Representative LYNN WOOLSEY, I sponsored the Angel Island Immigration Station Restoration and Preservation Act, which passed in both the House and the Senate in 2005, authorizing \$15 million of federal funds for the Angel Island Immigration Station Preservation Project. After 3½ years since it was closed for restoration, Angel Island reopened this February and will educate the public about the immigration experience and the significance that it holds for many immigrant families today.

After the recent passage of the American Recovery and Reinvestment Act of 2009, benefits were finally granted to long-time Filipino veterans of World War II. The act recognizes the service of these veterans and includes a provision which allocates \$198 million to the Filipino veterans for their defense of the Philippines, a commonwealth under the United States during World War II. We must praise and commend these brave soldiers for the sacrifices they made during their service in the Armed Forces.

The idea of family is important to Americans and continues to be at the center of the Asian Pacific Islander American value system. It is imperative that we do what we can to keep families united to ensure that immigrants and children receive the support to sustain a livelihood in the United States.

I have continued to support immigration initiatives, such as comprehensive immigration reform and have supported family reunification. I authored legislation to reform the treatment of unaccompanied immigrant children who are in Federal immigration custody. The bill gives unaccompanied minors access to pro bono legal counsel and requires family reunification whenever possible.

We must recognize that the Asian Pacific Islander American community is diverse, not only in language, culture and foods, but in education and socio-economic levels as well. That is why it is so important to provide talented students who have clearly embraced the American dream the incentive to take the path toward being a responsible, contributing member in our civic society.

I have cosponsored the DREAM Act of 2009 to give undocumented high school students who wish to attend col-

lege or serve in the Armed Forces an opportunity to adjust to a lawful status and pursue these goals. If it becomes law, the DREAM Act would help Asian Pacific Islander Americans and others triumph over adversity.

As future generations of Asian Pacific Islander Americans continue to strive for excellence in our educational system, economy, and communities, I am pleased to honor and distinguish the many triumphs and accomplishments of the Asian Pacific Islander American community and their role in shaping our Nation's identity.

MAERSK ALABAMA HEROES

Ms. MIKULSKI. Mr. President, this month the Nation was gripped by the pirate attack on Maersk Alabama off the coast of Africa. Today, I rise to cheer Captain Richard Phillips, for his bravery and valor, and the Navy SEALs, for securing the Captain's safe return.

We also need to honor the Merchant Marines who did not give up their ship. Though unarmed, using their wits, grit and training, they saved their ship—an American flag-ship—and the much-needed food aid they were carrying to the desperately poor of Africa.

The 20-man crew of the Maersk Alabama belonged to the American Merchant Marines. They were sailing a U.S.-flag vessel carrying 17,000 metric tons of cargo to Mombasa, Kenya.

I am so proud that many of them trained in Maryland at Calhoon MEBA Engineering School in St. Michael's or at the maritime training school in Piney Point. Here, they learned how to navigate at sea, operate and repair ships, and how to handle a pirate or terrorist attack. Here, they received the education to sail the sea with skill that allowed them to save their ship with courage.

Thirteen of the 20 crew members aboard the Maersk Alabama trained in Maryland; 4 at Calhoon MEBA Engineering School and 9 at the Paul Hall Center for Maritime Training and Education.

Richard Matthews of St. Michael's was an engineer aboard Maersk Alabama. He trained at Calhoon MEBA Engineering School, as did three others aboard the ship: Ken Quinn, the ship's second mate who called CNN from the ship; Michael Perry; and John Cronan. John Cronan later told the "Today" show: "We didn't have to retake the ship because we never surrendered it. We're American seamen. We're union members. We stuck together and did our jobs."

Twelve crew members aboard the Maersk Alabama are members of the Seafarers International Union, SIU. Many of them trained at SIU's maritime school, the Paul Hall Center for Maritime Training and Education, in Piney Point, MD. It is the largest

training facility for deep sea merchant seafarers. It teaches skills for sailors and seafarers, such as how to maintain a boat engine and how to secure a ship from pirates. I salute the SIU members aboard the Maersk Alabama for their patriotism and pluck and for their refusal to surrender their ship.

This incident reminds us of the importance of the Merchant Marines. Often unseen and unappreciated, they are vital to our economic security and our national security. They are our eyes and ears on the water. They are experts in marine safety, environmental protection and the new and latest technology. They keep our ports safe and our commerce flowing.

They are the Ready Reserve. They are there in war, transporting vital military aid and supplies to our troops. They are there in peace, supplying aid to those most in need—just as the Maersk Alabama was doing when the pirates attacked. They are prepared to risk their lives defending their flag.

Let's salute the Merchant Marine, not just for what they did aboard the Maersk Alabama, but for what they do, what they stand for, their proud tradition. The Merchant Marine tradition is one of saving America time and time again. They have been the Nation's fourth arm of defense since the American Revolution.

President Roosevelt called our Merchant Marines "heroes in dungarees" because during World War II these gallant men braved the waters of the North Atlantic and the dangers of the Murmansk run to keep our troops overseas fed and clothed. They have fought on the front lines of every war since then—from Korea, Vietnam and the Persian Gulf to the Iraq War. They were there on 9/11, ferrying thousands of people to safety in New York. They were there in the aftermath of Hurricanes Katrina and Rita. And they have been there providing food to starving children in Ethiopia, Somalia and dozens of other regions around the world.

The maritime community has been a major player in my personal and political history, from growing up in east Baltimore to my early days in Congress on the Merchant Marine and Fisheries Committee. I got my start in politics by representing blue collar workers in Baltimore, the shipyard workers and the dock workers.

I am relieved by the safe return of the Maersk Alabama's crew and captain and I am grateful for all of those involved in their safe rescue and return: the Navy and their elite Navy SEALs squad and President Obama and his administration for handling the hostage situation with great skill.

As we welcome them home, let us acknowledge not just their heroism off the horn of Africa, but the everyday heroics of our Merchant Marines; their skills and training, their patriotism and proud tradition, and the role they

play every day, in every way, supporting our troops, guarding our ports, keeping our economy strong and safeguarding our interests overseas.

TRIBUTE TO JUDY COLLINS

Mr. LEAHY. Mr. President, Marcelle and I have been privileged to have known Judy Collins for years. We have heard her sing in New York, in Washington, DC, and in Vermont, and every time we have been thrilled. I have even been known to call her phone just to hear her sing on her answering machine.

The New York Times on April 23 of this year wrote a review of her current engagement at the Café Carlyle, and I talked with Judy about it. I know that she and Louis keep a very busy schedule, but I just wanted to congratulate her on another well deserved review.

I would ask unanimous consent to have the New York Times article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 23, 2009]

FOLK GODDESS DESCENDS FROM HER LOFTY PEDESTAL

(By Stephen Holden)

It wasn't always so. But nowadays a Judy Collins concert is a seamless flow of music and storytelling. Alternating between the guitar and the piano, Ms. Collins offers a version of a personal musical history that is too complicated and rich to be covered in a single evening.

On Tuesday night at the Café Carlyle, where she began a six-week engagement, the emphasis was on her folk-music side, and for more than half the show she accompanied herself on acoustic guitar, with Russell Walden assisting on piano and backup vocals.

Her song "Mountain Girl," performed early in the evening, set the tone. Ms. Collins grew up in Colorado, and her silvery vibrato-free voice might be described as an Alpine instrument. Especially when she sings a cappella, it has the ringing purity of a voice emanating from a lofty altitude and reverberating in an endless echo chamber of mountain passes. Ms. Collins, who will turn 70 on May 1, has miraculously retained her upper register. The higher she sings, most of the time with perfect intonation, the more she projects the ethereality of a flute played by the wind.

The influence that propelled her from a piano prodigy who played Mozart, she recalled, wasn't the sound of the Weavers or Woody Guthrie, but that of Jo Stafford on her 1950s folk albums. In particular it was Ms. Stafford's recording of "Barbara Allen," first heard on the radio, that drew Ms. Collins away from classical piano. And as she sang this ballad of unrequited love, death and grief, her vocal similarities with Stafford, who died last year, were striking. Both singers expressed a demure self-containment in unadorned phrases that imbued their performances with faraway longing.

In recent years Ms. Collins has descended from the folk-goddess pedestal to emerge as a funny, self-effacing Irish-American storyteller, and the tension between her pristine singing voice and her salty reminiscences lends her shows a theatrical dimension. She

reminisced at length about her first meeting with Leonard Cohen, who had no confidence in his talents until she recorded his song "Suzanne." He returned the favor by persuading her to take up songwriting.

Her wildest tale described an adventure in Chicago on a winter night in which she caroused until 3 a.m. with two folk-singing colleagues, one of whom gave her a handgun for protection during the walk back to her hotel. Once safely in her room, she tried to remove the clip, and the gun went off.

Those were the wild old days to which Ms. Collins increasingly alludes in her shows. The more she talks about her itinerant life as a folk musician, the more you want to know. The high point of the show was her rendition of a recent Jimmy Webb song, "Paul Gauguin in the South Seas." The song, which describes the painter's retreat from civilization in a search for paradise that eventually landed him in the Marquesas Islands, evokes the quest of any artist for sacred ground that has never been visited: an elusive place Ms. Collins conjures when her voice soars.

TRIBUTE TO BUDDY AND JULIE MILLER

Mr. LEAHY. Mr. President, Marcelle and I have gotten to know Buddy and Julie Miller over the years—especially with their friend of ours, Emmy Lou Harris. So many times when I have traveled I have listened to Buddy and Julie's music on my headphones and one of the great thrills I had was when they dedicated a song to Marcelle and me years ago at the Birchmere.

The Wall Street Journal this week wrote an excellent article about the "first couple of Americana." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 28, 2009]

BUDDY AND JULIE MILLER: FIRST COUPLE OF AMERICANA SINGS OF SETBACKS AND SORROWS

(By Barry Mazor)

NASHVILLE—By virtue of their broad musical accomplishments, Buddy and Julie Miller have essentially reigned since the mid-1990s as the unpretentious but royal couple of Americana music, that lovably motley modern-roots music genre derived from the American music traditions of country, folk, gospel, roots rock and more. Their CDs, whether recorded together or individually, have consistently garnered high praise for both the songs they write for them and for the often touching, sometimes feisty country-soul delivery. Their long-incubating new release, "Written In Chalk" (New West Records), is no different in that regard.

Songs of theirs have been recorded by everyone from country hit makers Lee Ann Womack, Patty Loveless, the Dixie Chicks and Dierks Bentley, to jazz great Jimmy Scott. Mr. Miller was seen bringing his always coveted, tasteful guitar work behind Alison Krauss and Robert Plant on this year's Grammy Awards show, as he did throughout their recent tour of major arenas. (Led Zeppelin veteran Mr. Plant performs a comic duet with Mr. Miller on the new release.) And Mr. Miller has produced records for Solomon Burke, Jimmie Dale Gilmore and Allison Moorer.

Still, Mr. Miller, 56, and the more flamboyant Mrs. Miller, 52, are by temperament genuinely modest, and each, during separate recent interviews, remarked on being taken aback by the international outpouring of good wishes and concern that followed Mr. Miller's triple-bypass surgery. He'd felt a heart attack coming on after a Feb. 19 performance with Emmylou Harris, Patty Griffin and Shawn Colvin in Baltimore.

"The first month was rough; then it got better," Mr. Miller noted. "I feel like I'd been beaten with baseball bats by a couple of the Sopranos, but I'm doing good. I've got a free pass to rest—no dates until June."

"You know, after the heart attack and surgery, a side effect was that all my senses were really heightened. For a week or so, I could smell somebody down the hall and my hearing was really heightened. And that kind of beautiful note that John Deaderick plays on keyboards on the record, the kind that really hurts you, would make me start weeping uncontrollably. It was kind of cool; I was hoping I could hold on to part of that—although it wouldn't be so good on stage!"

Nine of the dozen songs on "Written In Chalk" were written by Mrs. Miller, and—some comic change-ups and love songs with attitude aside—most of them concern loss or learning to be reconciled with personal setbacks, as titles such as "Everytime We Say Goodbye" and "Hush, Sorrow" suggest. As many fans of the Millers are generally aware, Mrs. Miller has not been seen on stage harmonizing with Mr. Miller or engaging in their George Burns-Gracie Allen style badinage for the past five years. She's been sidelined by the severely exhausting, painful condition fibromyalgia and by the sudden loss of her brother, killed when he was struck by lightning. Some of the new songs that seem most to reflect that experience in particular were, in truth, composed before the event.

"One of the things that sort of broke me," Mrs. Miller recalls, "was that I went to Texas to be with my mother after my brother died, and when she asked about the record I'd been working on for half a year before that, I couldn't remember one single thing about it, not a note. When I came back to Nashville and found the notebook with those songs in it, they were all so strangely prophetic that it freaked me out."

As a practical matter, Mr. Miller's packed schedule and Mrs. Miller's physical restrictions made it difficult to get this record made, delayed it, and inevitably affected the nature of their collaboration on it. There are, for instance, fewer outright duets on the record than on previous joint efforts.

"I worked on this so long, starting and stopping in between tours," Mr. Miller recalls, "that it was hard to gain perspective on it. It started out as her record, but she couldn't finish it, and it went back and forth. It's difficult for Julie to start and stop; she kind of gives everything together, everything she's got. So she would just get started sometimes and I'd have to go back on the road, which was really, really difficult for her—and that went on for years."

"It's funny," Mrs. Miller says. "We live just a few blocks from Music Row, where people make appointments to meet and write songs for three hours. But I have to get totally lost in my soul and go oblivious to time and space and surroundings—and Buddy's the only person I can do that with. But he's been so busy and structured, and me so completely not. Unless I'm pressured, it's like I have my own radio station going that I can just tune into for songs; it's like whoever is

doing the songwriting in me is playing, and three or four years old. Once you let them know they have to do it, they can't handle it."

It's more than a little surprising, but Mrs. Miller has not actually heard the released "Written In Chalk" CD. "Is that ridiculous?" she asked. "I never listen to anything I'm on after it's recorded, because I'm always tormented; I'll wish there was something I hadn't done." With the record overdue, Mr. Miller finished mixing the recordings in their state-of-the-art home-based studio, as he would most of the time—but to speed getting the job done at last, he did it with headphones on, so Mrs. Miller couldn't hear the sonic calls he was making, a source, they both admit, of some tension.

Mrs. Miller, however, characterizes her husband as "one of the all-time great singers in the universe, with a unique sound—strong yet feeling very deeply, and emotionally vulnerable." And Mr. Miller says that the songs his wife writes "are unique, not contrived; they come from such a pure place. She never writes anything that hasn't come from somebody's experience that's affected her. There's a place of innocence and depth at the same time that really gets me."

Mr. Miller hopes, he says, that the many songs his wife has backed up and stored will still yield an outright Julie Miller album sometime soon, but that's far from a foregone conclusion. He, meanwhile, is already booked to finish producing a gospel CD for Patty Griffin, to return as musical director of the Fall Americana Music Awards, and then to get to work on a record project with the jazz- and country-influenced Bill Frisell and Marc Ribot.

Whatever (and whenever) the musical outcomes, the Millers can be sure that there's an audience waiting expectantly—with considerable love.

TRIBUTE TO MARILYN BERGMAN

Mr. LEAHY. Mr. President, I am happy to have this opportunity to honor the many accomplishments and contributions of my good friend, Marilyn Bergman. Marcelle and I have had the pleasure of knowing both Marilyn and her husband Alan for years. They are as accomplished songwriters as I have ever met. For the past 15 years, Marilyn has served as the distinguished president and chairman of the board of the American Society of Composers, Authors and Publishers, a position never before held by a woman.

Marilyn's list of achievements is vast and impressive. Her work as a champion of the arts has brought about many important changes. She was instrumental in developing "A Bill of Rights for Songwriters and Composers"—an initiative designed to raise public awareness of the tremendous contribution and rights of those who make music. In addition, she has gone to great lengths to support and promote the work of female songwriters.

This month, Marilyn will step down from her position as chairman of the board of ASCAP and will move on to the next phase of her career. I know that she will bring the same commitment to excellence and vitality to all of her future endeavors and Marcelle and I wish her only the best.

I ask unanimous consent that the text of an April 8, 2009 ASCAP press release describing Marilyn's work be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From an American Society of Composers, Authors, and Publishers Press Release on Apr. 8, 2009]

MARILYN BERGMAN TO STEP DOWN AS PRESIDENT AND CHAIRMAN OF ASCAP AFTER 15 YEARS

LOS ANGELES/NEW YORK: April 8, 2009: Three-time Academy Award-winning songwriter Marilyn Bergman today announced her decision to step down as President and Chairman of the Board of ASCAP (the American Society of Composers, Authors and Publishers). Her successor will be elected by the ASCAP Board of Directors during their next meeting later this month.

Bergman was the first woman to be elected to the ASCAP Board of Directors and was named President and Chairman of the Board in 1994. She will continue to serve as an active Board Member.

Commenting on her decision, Bergman said: "I am grateful to have had the honor of serving as the President and Chairman of ASCAP for 15 years, and am exceedingly proud of all that was accomplished during my tenure. I will continue to be a passionate advocate for all music creators through my work on the ASCAP Board of Directors. But in terms of the Presidency itself, I see that now is the right time to step down."

Bergman noted that she and her writing partner and husband, Academy Award-winning songwriter Alan Bergman, have a number of new projects in the works which require her focus. "Alan has always been supportive of the time that my ASCAP Presidency required. But with so much exciting work before us, I feel it's time that I fully devote myself to my first calling: writing. So I look forward to shifting my energy back to our work, while having the privilege to continue to serve ASCAP and my fellow music creators."

The Bergmans have just completed work on Steven Soderbergh's film, *The Informant*, with composer Marvin Hamlisch, and are currently working on two musical theatre projects, one with Marvin and one with Michel Legrand. They are also at work on *Visions of America: A Photo Symphony Celebrating the Sites and Songs of Democracy* with renowned photographer Joseph Sohm and composer Roger Kellaway. This was premiered at the Kimmel Center-Verizon Hall on January 25, 2009 in Philadelphia with Peter Nero and the Philly Pops.

A Strong Legacy of Advocacy, Education and Growth

Bergman's 15-year tenure as President and Chairman of the Board of ASCAP was marked by a series of noteworthy achievements, all of which have had a positive and lasting impact on music creators.

As a passionate voice for the rights of music creators, Bergman has a strong presence on Capitol Hill. She helped lead ASCAP to several major legislative victories, including most notably the Supreme Court's decision in 2003 to uphold the Sonny Bono Copyright Term Extension Act of 1998, which extended copyright protection an extra 20 years—to the life of the author plus 70 years. Other legislative highlights include:

Helming ASCAP through the modernization of the Federal consent decree that governs ASCAP's operations.

Leading ASCAP's lobbying effort that helped secure the passage and signing of the Digital Millennium Copyright Act in 1998—bringing the U.S. into line with World Intellectual Property Organization treaties and strengthening music copyrights on the Internet.

Serving on the National Information Infrastructure Advisory Council (NIAC) from 1994 to 1995, at the request of Vice President Al Gore. Serving two terms (from 1994 to 1998) as President of CISAC, the International Confederation of Performing Right Societies.

Most recently, Bergman played a key role in the launch of A Bill of Rights for Songwriters and Composers, an ASCAP advocacy and awareness-building initiative designed to remind the public, the music industry and Members of Congress of the central role and rights of those who create music.

Bergman was also instrumental in the launch of the ASCAP I Create Music EXPO, the premier conference for songwriters, composers and producers. The 4th annual EXPO is set to take place at the Renaissance Hollywood Hotel in Los Angeles, April 23-25, 2009.

She has also been a strong supporter of educating young people about the creative process and the rights inherent in the creation of music. Programs established under her leadership include:

The ASCAP Foundation Children Will Listen Program—created in honor of ASCAP member and musical theatre great Stephen Sondheim (*West Side Story*, *Gypsy*), Pacific Overtures, *A Little Night Music*) to provide the musical theatre experience to a generation of students who might not otherwise have this opportunity.

The ASCAP Foundation Creativity in the Classroom Program—designed to help students recognize their own creative work, to understand their rights as owners of intellectual property and to respect the ethics of protecting the creative property of others.

The Donny the Downloader Experience in partnership with i-SAFE Inc., the worldwide leader in Internet safety education—an interactive school assembly program aimed at educating middle school students on what it means to be a music creator and the real cost of music piracy.

The Junior ASCAP Members (J.A.M.) Program in partnership with MENC: The National Association for Music Education—created to support and nurture music students, and to educate them on the value of music and the importance of intellectual property rights.

She also supported the development of The ASCAP Foundation/Lilith Fair Songwriting Contest—a national competition designed to encourage unsigned women songwriters, co-sponsored by The ASCAP Foundation and Lilith Fair.

"From the moment she assumed the role of President and Chairman of the Board, Marilyn worked tirelessly on behalf of our membership to the benefit of all music creators," said John LoFrumento, CEO of ASCAP. "She has been tremendously effective in helping ASCAP anticipate the changing needs of our members—particularly given the immense shifts that have occurred in music, technology and society as a whole over the past decade. I will greatly miss the insights and collaborative spirit that she brought to our working relationship. But I am comforted to know that Marilyn will remain a strong and active presence on our Board of Directors."

Bergman presided over the largest expansion of ASCAP membership in the history of the organization—growing from 55,000 when

she assumed the Presidency in 1994 to a current membership of more than 350,000 music creators.

100 YEAR BIRTHDAY OF GLENROCK, WYOMING

Mr. BARRASSO. Mr. President, 100 years ago today, folks living in Glenrock, WY, voted to incorporate their town. While April 30, 1909, was Glenrock's official birthday, the town had been a vibrant and active place for decades prior.

Pioneers traveling through the Wyoming territory in the late 1800s chose to stay in the sheltered area where Deer Creek met the Platte River. Deer Creek Station became a popular rendezvous for the wagon trains and settlers traveling westward on their way to a new life.

Eventually, a community was formed. The settlers chose to call their town Glenrock, after a rock that was used by the pioneers as a landmark.

Over the years, energy has been the backbone of Glenrock's economy. First coal, then oil, and now wind, providing energy to Wyoming and America is a history the people of Glenrock embrace.

Today, the citizens of Glenrock kick off a year-long celebration of their community. I join them in honoring the brave pioneers who preceded them, and send best wishes as the town of Glenrock looks toward the next 100 years.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I appreciate a lot of what you stand for and accomplish in DC. I am a high school teacher in Idaho and have chosen to take a \$10,000

cut in pay to have the opportunity of teaching privately instead of remaining in the public system. So, in addition to all the common woes of teachers, I have no benefits and a smaller paycheck.

I ask not for more pay; I only work 180 days a year, for crying out loud. But I hold to that centuries-old conviction—that the free American can provide for himself, his community, his beloved nation, and for the world around him when he so chooses. But the regulated, restrained, and restricted American will find himself captive and controlled as he watches the oppression, long familiar to the history of mankind, push individual freedoms aside in favor of the omniscience of a well-meaning government.

I, with my wife and six children, used to travel every summer to Mexico and the Western states. We no longer do so, but we need no assistance from the Senate. We used to visit Yellowstone and Craters of the Moon every spring and fall. We no longer do so, but we need no assistance from the Senate. We used to drive to visit grandparents in California every Christmas. We no longer do so, but we need no assistance from the Senate. Please, as you fought against climate change legislation, fight also against any financial assistance that would result in using tax monies.

Our country flourishes best when its people are trusted to be wise beyond mere elections. Too many politicians clamor for wisdom of the people in elections, but then refuse to admit that popular wisdom remains to allow for proper local self governance.

Help remove the restrictions that so cruelly keep us dependent on others' petroleum sources. Help remove the regulations that falsely inflate corn prices. Help remove the restraints that continue to dim the American spirit of ingenuity, entrepreneurship, and liberty.

Perhaps, if Congress relinquishes their tightening grip on the energy sector, I can return to the South rim of the Grand Canyon with my wife and children to once again marvel at glory that God has repeatedly demonstrated in my country.

JASON, Rigby.

I live in the wonderful town of Hagerman. I met you personally one fall evening after you and other friends had spent the day duck hunting and were in a very close game of shuffle board. The town of Hagerman enjoys our fame for the duck hunting and the people it brings to our town. The sport of hunting is not cheap, and now with the gas prices??

I work for Con Paulos Chevrolet in Jerome. It is 33-mile trip one way. It used to cost \$30.00 to \$40.00 a week to get to my job. Now it is \$60.00 plus. Same car, a minivan, 2005. How do our farmers and ranchers survive with their pick up 44 and the farm produce trucks? So gas is up, food is up and Idaho Power needs a rate hike again. Our salaries in southern Idaho are not up. Companies cannot afford any raises due to all the ups. The oil companies report massive earnings, yet we are paying and paying and paying. Why cannot someone put a cap on the gas? Stop it dead; just say no. The gas speculators would have to deal with that, the oil companies should be sued by the people they are gouging and get busy building refineries and spend some of that money we are paying them for better fuels or give it back.

Does it seem to you that the Middle East has been planning our demise for some time now? It is working. The panic is just around the corner; why cannot we see it coming?

DEANA, Hagerman.

P.S. I was impressed with one thing about you the evening we met. You drank water!

I am a recent graduate of BYU-Idaho, and I still live in Rexburg. I have a job working for an engineering firm in Idaho Falls. Each day I commute the 30 miles to work. This commute is becoming increasingly expensive, and I am considering alternatives on how to get to work and back. Public transportation is limited to Idaho Falls, and I am the only one from work who comes from Rexburg making it difficult to carpool. One thing I have done is bought a Honda Accord. It gets good gas mileage and reliability to save on the travel costs. I would like to buy American-made cars if they could match the reliability and economy of some of the foreign cars. With the high-cost of gasoline driving my focus though, I am forced to spend our American dollars on foreign cars. I know the automakers are rapidly trying to change, but in the meantime, they are losing money, making it more difficult.

I also know firsthand that research currently being done at the INL on syngas production from nuclear power plants coupled with hydrogen production plants could completely revolutionize the gasoline market. It would allow us to still use gasoline, and so not have to change our infrastructure, but we would never have to dig any more fossil fuels. We could make our own hydrocarbons chemically. If done the right way, this process would also be an almost zero pollution process. The carbon would come from garbage, sewage, and mulch already being collected at local dumps and waste treatment facilities. Rather than rot and naturally send methane and carbon dioxide into the atmosphere (that so many people seem to be worried about these days), it would be used in the production of hydrocarbons. The carbon that would already be entering the atmosphere through the decomposition process would just be intercepted and used it in our fuel. A patent has already been filed on this technology. I feel like one way to help in lowering energy costs is to give groups like this one in Idaho ample funding to develop these technologies. The budget on that program is entirely too small.

If you are looking for areas to get funding from, I would suggest rerouting some of the money being sent to help out "honest" consumers who did not realize they were getting into a debt-trap by overspending, overborrowing, and over-mortgaging their lives. It is a sad situation, but fiscal responsibility will never be instilled in our minds if the government is always standing by with a handout. In the long run, a future catastrophe could be avoided if we ride this crisis out and educate our consumers but do not give a handout. People are still responsible for their actions, even if millions are guilty of them. A \$300 billion handout does not seem like it teaches us as consumers anything.

Thank you for considering my comments; I hope they are helpful. If you have any further questions or comments, I would love to talk.

BRYANT, Rexburg.

Thank you for the opportunity to vent on energy. I believe we should look past the current prices and look to be energy independent ASAP. There is so much technology available in almost all areas of energy. Renewable sources such as solar wind and hydro should be promoted along with bios out of byproducts and waste. Fuel from our food bad idea. Assistance for private enterprise to facilitate the distribution of hydrogen gas since the current energy providers do

not want to make the investment because it will cost them. Let them know it will really cost them if they do not move in that direction the tech for hydrogen is amazing and profitable at \$4 as I understand it, production cost on large scale would be under \$3 per gallon and is our best long term source. Combine that with solar as the tech becomes available our cars and homes and roads etc. will be painted with solar collectors. Right now! It should be required to have a posting of where fuel comes from (nation of origin) like seafood so we can choose not to support our enemies even if it costs us more. States should make the decisions on mining exploration and development of resources. Help the innovations get power to the people. This should be what saves freedom and liberty. Get the government out of the way and let free I mean really free enterprise be allowed to work remove the restrictions on new refineries and development of hydrogen gas take all the red tape out of the way and let us get with it and nuclear power as well. Let us do it and do it now.

HAROLD.

I am a wife and mother of two children with another on his way (July 21st C-section is planned). We are a family who strongly believes in the importance of the mother staying at home in a child's early years to ensure confidence, morals, and stability is taught before each child starts school. Due to these strong beliefs, we are a one-income family living off \$39,500 per year before taxes and church tithing. Living on such a strict budget to ensure that I can stay home with my young children has not been easy over the last few years. We do not enjoy conveniences most Americans take for granted so we do not have to put our children in someone else's care. For example, we do not subscribe to the newspaper, cable or satellite television, any magazines, and until having the need for my husband and I to finish our degrees in an internet-based university, we did not have home internet access for six years.

Financially, we have been struggling for years; however, now gas, energy, food, health care, and utility prices have consistently risen at such enormous rates, I am facing having to leave my young children and new baby in daycare and go back to work. Even so, when I was working before and my children were just babies, my paycheck went straight to daycare and I was lucky to break even financially. Obviously, I quit to tend to my own children to ensure they were getting the nurturing they needed and due to the fact that my family financial contribution was canceled out by daycare costs. Even though I have a degree now, I will have three children as well, and I cannot imagine I will be able to find a high enough paying job to break even anywhere in the Boise area. With the economy and housing instabilities, the last thing our family wants to risk is moving to another area for an insecure job and not being able to get back into a house, which is the only secure item in our lives right now. So, we are stuck . . . not to mention I have such incredibly low confidence, (after just graduating at the end of May), that my husband and I could support a larger family; thus, I am having my tubes tied. These economic stresses are taking control of our way of life, family, future goals, and now even the size of our family (and therefore future generations of our family).

How do we battle the high rise in gasoline and energy costs (and everything being affected by these prices) when employee income levels have been stagnant or only ris-

ing 2-3% for years? Expenses have risen from 10% to 200% on varying services and products. The economy has spun out of control and, for Idahoan families like ours, we feel completely helpless and in dire straits for the future. Just making ends meet from paycheck to paycheck and trying our best to stay out of credit card debt has been tough enough, but now with two sets of student loans going into repayment with no hope of an income increase and yet substantial increases in necessity items, what hope do we have of ever saving a dime for retirement or kids' college expenses? The future is looking extremely dim, and we feel trapped. I guess my husband and me, both college-educated and wanting to obtain MBAs, may have to give up on our dreams and get two jobs a piece and put our children in full-time day and night child care to make ends meet. The sad thing is I do not feel any confidence this will be a short-term sacrifice but the way of life for the future. I only see things getting worse. I have lost confidence our country will ever get to a better place economically. America may have to change the border patrol to the Mexican side as Americans may start jumping the border soon to a better life down in Mexico!!

Thank you for your time and what you are doing to try to get us out of this mess.

JANIEL, Boise.

I read your e-mail regarding your request as to how high energy prices have been affecting me and my family, and may I say the effect has been positive. Now that gasoline prices more accurately reflect what actually is happening in the global market, I have been taking steps to reduce my gasoline consumption.

Primarily, my family and I are no longer taking unnecessary trips, but are trying to consolidate trips to the store or other venues so as to maximize the efficiency of our trips, rather than taking repeat trips to the same or nearby locations. We are attempting to carpool as much as possible, and have been utilizing alternative forms of transportation such as bicycling. Also, I have been altering my driving techniques in order to be more fuel efficient, for example, driving slower, and slowing and accelerating more gradually.

All these techniques are simple and painless, as well as being beneficial both economically and environmentally. It is unfortunate that those of you who have the power to act to change how we as a nation utilize our energy lacked the perspicacity to make changes in our energy policy which would likely have prevented, or at least softened the impact from these market changes.

However, now that the market has taken over, I believe it would be disingenuous of you to attempt "reform" that would ultimately lead to more of the same. Please allow the market to drive oil prices upward. This will result in ordinary citizens such as me conserving fuel, which will lead to diminished greenhouse gases and less global warming. It will also allow alternative forms of clean and renewable energy to be more competitive in the global market, encouraging entrepreneurship which will stimulate our lagging economy, create new jobs, and will be a market driven path to decreased greenhouse gas emissions and reduction in global warming.

I hope you have the courage and the integrity to evaluate what is currently occurring in the energy market rationally. Please do not interfere with the counterproductive and likely ineffectual means you are proposing.

FRANK.

I would like to tell you about how the high energy prices are affecting me personally, as well as my family. I am an outside salesperson with my company, and as such, I must travel around to see different clients as well as potential clients. Even though I do not necessarily travel great distances as in metropolitan areas, the distances between towns here in the Magic Valley are substantial. So, in order to service my clients and get new business, I have gone from spending approximately \$150 per month in fuel to almost \$300 per month, and that with cutting back on who I see. My salary is based on sales, so the more I see and sell, the more I make. With cutting back on where I go and who I see, my potential for better earnings, for my family, is greatly inhibited; and with the increase in fuel, I have actually taken a decrease in pay!

Then there is the issue of my parents who are on a fixed income, with the increase in their fuel costs and the costs at the grocery store, results from the increase in fuel. They have no choices!

I believe that we need more domestic oil production, from drilling where there is plenty of supply, to more refineries, to whatever it takes! We here in rural Idaho do not have mass transit, or any other alternative. I believe it is high time that Congress stop catering to Big Oil and conservationists who do not have a clue. Please help your constituents!

VERN, Twin Falls.

Thank you for soliciting and receiving emails about the high energy prices. As is so often heard these days, "something has to be done". We are a middle class, working family with two adult children (one in the Coast Guard, one soon to leave for college) and one teen driver (yikes!) still at home. I could elaborate on and on about how gas prices are affecting all of us but will try to keep it concise. We had been planning a congratulatory vacation to Hawaii for our family for quite some time—to congratulate one son for graduation from high school and to honor our son in the Coast Guard for his promotion. Due to gas prices, we have had to scale down our trip and will now be camping on the beach in Oregon. Our youngest is working full time, so we have given him the use of our fuel-efficient car to get to and from work. He is unable to ride a bike due to traffic and for his safety. Therefore we are using a vehicle (not by choice) that is not fuel-efficient to commute to work. In an effort to keep it affordable, we are carpooling and will soon be taking the motorcycle safety course in hopes to utilize a motorcycle. Using a motorcycle is only a band aid as it will not help in the winter. We have been looking for a used fuel-efficient vehicle, but the prices have climbed dramatically and they are very hard to find. I am so disappointed in the gas mileage for all cars on the market. I know that our country can improve this. Hondas and Toyotas for example have gotten over 30 mpg for many years. Why cannot we raise the bar and demand at least 35 mpg?

My husband and I have discussed the huge "trickle-down" that the gas prices will have on the economy. Because of the high gas prices, we have chosen to cut out other services. We are no longer subscribing to the Idaho Statesman (which we have always taken), we will be discontinuing our home phone service and are cutting back any way we can. I know of other people such as us who are doing the same. The impact of these cutbacks is just beginning to be seen, such as with Starbucks, Round Table and other businesses closing. We understand that we will

be contributing to this downturn by cutting back on services but it is necessary.

Again, thank you in advance for your help with this matter.

GAIL and DENNIS.

Here is an addition to the testimonials you asked for recently concerning the effects on the high price of fuel. Not only am I going broke due to high gas prices, food costs, etc., but also this is the first year we have had to scratch items off the grocery shopping list. This is literally taking food off the table and taking food away from my family.

DEWEY, Idaho Falls.

ADDITIONAL STATEMENTS

GEORGE J. MITCHELL SCHOLARSHIP PROGRAM

• Mr. CASEY. Mr. President, as our world continues to face unprecedented challenges, now more than ever, we must work with our allies and friends. I support the work of the George J. Mitchell Scholarship Program which seeks to strengthen relations between the United States and Ireland. Like the great man it is named after, the George J. Mitchell Scholarship Program fosters connections between future generations of American leaders and their Irish counterparts, regardless of ancestry. It seeks to further the education of American students through post graduate studies while building bonds between the Mitchell Scholars and the Irish and the Northern Ireland communities in which they live and study.

Like many Pennsylvanians, my family can trace its ancestry to Ireland. Through the generations, our connection with and affinity for the Emerald Isle has deepened. However, with fewer and fewer Irish moving to America, it is critical that we encourage all Americans, not just those with Irish ancestry, to forge connections with the Irish people. While Irish Americans have become Mitchell Scholars, so too have young Americans from different backgrounds.

The Commonwealth of Pennsylvania will soon be welcoming Alexandra Chirinos, who will work as a judicial law clerk for the Honorable Legrome Davis in the Federal Eastern District of Pennsylvania. Alexandra was born in Mexico and graduated from the University of Texas, Austin. Her college thesis explored the factors that cause migrant women to endure domestic abuse and examined the reasons why existing abuse prevention programs were ineffective in migrant communities. She founded the UT Bilingual Mentoring Program as well as the Hispanic Scholarship Fund Scholar Chapter dedicated to providing academic and service opportunities for students of all backgrounds. As a Mitchell Scholar, she obtained her MA in human rights law from the National University of Ireland Galway and Queen's University, Belfast. She then graduated from Harvard

Law School, where she was the executive editor of the *Latino Law Review*, the copresident of the Latin American Law Society and one of the founding members of the Harvard Immigration Project.

Alexandra's journey and commitment to intellectual achievement, leadership, and public service is just one example of the many young Americans participating in and being inspired through the George J. Mitchell Scholarship program. The bond between Pennsylvania and Ireland will only deepen as Dan Rooney of Pittsburgh, PA, is the President's nominee to become the next U.S. Ambassador to Ireland. In that capacity, I fully expect Dan to advance the cause of peace among the Irish people and to continue developing relationships between the United States and Ireland like those created through the George Mitchell Scholarship Program.●

REMEMBERING MILFORD JUNE "DOLLY" COOPER

• Mr. GRAHAM. Mr. President, I ask my fellow colleagues to join me in honoring the memory of a dedicated servant and leader, Milford June "Dolly" Cooper. After a lifetime of unprecedented service to his State and Nation as a World War II veteran and a member of the South Carolina House of Representatives, Mr. Cooper passed away in Greenville, SC, on April 26, 2009, at the age of 88.

While he will be remembered by most as a man who loved to help people and demonstrated an unwavering dedication to the community, I will remember him as a spirited, commanding, honest giant of a man. Affectionately referred to as "Dolly" by all who knew him, he was a World War II veteran who prepared to make the ultimate sacrifice on behalf of our freedom. He served in the 30th Infantry Division and saw 11 months of combat in Europe, at Normandy, at the Battle of the Bulge, and at the Rhine River. He was also involved with the capture of the last large German city, Magdeburg, which was 45 miles from Berlin. For his service he was awarded the Purple Heart, Bronze Star, American Defense Silver Medal, the Combat Infantry Badge, and the Belgian Forragere Award.

Perhaps one of my greatest honors was to see that Mr. Cooper was in person at the dedication of the National D-day Memorial on June 6, 2001. This memorial is a tribute to Mr. Cooper's valor, fidelity, and sacrifice, and those who served along side him during the allied invasion of Western Europe.

Born and raised in upstate South Carolina, Mr. Cooper attended Piedmont High School in 1937 and joined the South Carolina National Guard in Easley. After his service in the military, Mr. Cooper opened the Piedmont

Economy Store, which he solely owned and operated from 1955 to 1999.

In 1974 he was elected to the South Carolina House of Representatives on a platform of bringing health care services to rural South Carolina. Mr. Cooper served House District 10 for 16 years.

In addition to his time in politics, Mr. Cooper was active in the Pelzer Lions Club for 55 years. He was member of the Medical University of South Carolina Board of Trustees from 1989 to 1996. Mr. Cooper also served as a board member for the Pelzer Rescue Squad, the Appalachian Health Council, and the Baptist Hospital Boards for Easley and Columbia. After decades of serving South Carolina, Mr. Cooper was awarded the Order of the Palmetto from Governor Carroll Campbell in 1989.

Mr. Cooper is survived by his wife of 61 years, Melba Blackmon Cooper, by his four children, six grandchildren, and three great-grandchildren.

I ask that the U.S. Senate join me in commemorating Mr. Cooper's lifelong dedication to service to our country and to the State of South Carolina.●

25TH ANNIVERSARY OF THE HALEKULANI HOTEL

• Mr. INOUE. Mr. President, the Halekulani is, without question, one of the signature hotels of Hawaii. It is synonymous of the interweaving of luxury hospitality and Hawaii's unique history and local culture. Its roots trace back some 200 years when Princess Likelike and ancient Hawaiian fishermen named its Waikiki beachfront location Halekulani, or the "house befitting heaven."

This year, the Halekulani is celebrating the 25th anniversary of its reopening in 1984, following a grand property-wide renovation by its current owners, Mitsui Fudosan, USA, Inc., a branch of one of Japan's leading companies.

This new chapter for the Halekulani builds on its fabled history, and strengthens and expands its international reputation for excellence and community involvement. The Halekulani is more than a unique visitor experience with open courtyards, lush gardens, ocean breezes, and a spa that offers the healing touch of Polynesian traditions; it is also an enthusiastic promoter of Hawaii's history and the arts, sponsoring the Honolulu Symphony's "Halekulani Masterworks" and offering guests special access to Hawaii's leading museums and historic buildings.

In 1907, the original Halekulani opened as a residential hotel owned by Robert Lewers that was called the Hau Tree with a beachfront home and five bungalows. Ten years later, Juliet and Clifford Kimball bought the hotel, renamed it the Halekulani, and began catering to well-do-to travelers. In 1962,

the Norton Clap family of Seattle bought the hotel, and sold it 39 years later to Mitsui Fudosan, USA.

While each owner of the Halekulani sought to enhance the hotel's distinctiveness in different ways, all four shared a common goal: a commitment to excellence that remains unwavering.

I congratulate the Halekulani as it celebrates the 25th anniversary of its reopening, and as it looks forward to a bright future. I am certain its owners will continue their best efforts to maintain the Halekulani as a landmark hotel, a leader in the international travel and visitor industry, and an icon of Hawaii.●

TRIBUTE TO LIEUTENANT COLONEL MARGARET JOHNSON

● Mr. ISAKSON. Mr. President, today I honor in the RECORD of the Senate LTC Margaret A. Johnson of the Georgia Army National Guard on the occasion of her retirement after 22 years of service.

Lieutenant Colonel Johnson, who is from Macon, GA, graduated from Wesleyan College in 1969 with a bachelor's degree in English, and in 1976 received a master's degree in English from the University of South Florida. In 1980 she graduated from Mercer University's Walter F. George School of Law with a juris doctor degree. Lieutenant Colonel Johnson took her impressive resume to the Georgia National Guard and was commissioned as first lieutenant into the Judge Advocate General Corps.

During her 22 years of service, Lieutenant Colonel Johnson was given many challenging assignments throughout the United States, and rose to the challenge on each and every occasion. When her country asked her to serve in support of Operation Enduring Freedom, she answered the call and has spent the last 2 years on active duty. Lieutenant Colonel Johnson culminated her career as the deputy staff judge advocate for the Office for the Administrative Review of the Detention of Enemy Combatants, Arlington, VA, where she rose to the challenge once again and performed her job duties excellently. She provided much-needed leadership for a legal department that had to quickly respond to ever changing standards established by Congress and the Federal courts.

In testament to her service, Lieutenant Colonel Johnson was awarded the National Defense Service Medal, the Army Reserve Components Achievement Medal, the Armed Forces Reserve Medal, the Global War on Terrorism Medal and the Georgia Meritorious Service Medal. I honor LTC Margaret A. Johnson on the occasion of her retirement, and I extend to her my sincere gratitude for her dedication to the defense of our nation. I know that Lieutenant Colonel Johnson's children, Mary Catherine Johnson and Margaret

Amy Allen, are so proud of their mother for her long and distinguished career, and I would also like to express my gratitude to them as well.●

50TH ANNIVERSARY OF THE AS- TRONAUTICS CORPORATION OF AMERICA

● Mr. KOHL. Mr. President, today I acknowledge the outstanding achievements of the Astronautics Corporation of America which will be celebrating its 50th anniversary in Milwaukee on May 31, 2009. I want to share a bit of background with my colleagues about the Astronautics Corporation and recognize their vital contribution to Milwaukee and the Nation.

The Astronautics Corporation of America was established in 1959 when Nate Zelazo and a small team of experienced engineers started their own company devoted to advanced technology in the aerospace field. Since then, the company has become a trailblazer in developing and manufacturing military and commercial electronics. Their products are used throughout the world in a wide range of sea, ground, and aerospace applications. Today, more than 100,000 aircraft use Astronautics flight instruments, displays, computers, and components. The company keeps jobs in Wisconsin while building technology systems that keep our service men and women safe.

It is with great pride that I wish the Astronautics Corporation of America congratulations on their 50th anniversary and continued success as innovators.●

TRIBUTE TO THE LYME-OLD LYME FIRST ROBOTICS TEAM

● Mr. LIEBERMAN. Mr. President, I wish today to honor the "Techno Ticks," the FIRST Robotics team from Lyme-Old Lyme High School in Old Lyme, CT, which won the Chairman's Award at the 2009 International FIRST Robotics Championship. The Chairman's Award is the most prestigious honor given out at the FIRST competition, which this year included 348 teams from most states in the United States as well as Brazil, Israel, Canada, and Mexico. It is awarded to the team that best represents a model for other teams to emulate, and which embodies the goals and purposes of FIRST.

FIRST—For Inspiration and Recognition of Science and Technology—was established in 1989 to inspire young people's interest and participation in science and technology through a variety of mentor-based programs that help young people develop skills in science, technology, and engineering. Every year, the FIRST Robotics Competition challenges teams of high school students to design and build robots from a kit of hundreds of parts. The teams then control their robots in

a game against other teams. The goal of this program is not just to teach students about robotics, but help them to develop general problem solving abilities as well as self-confidence, communication skills, and leadership.

Before participating in the International Competition, the Techno Ticks won the Chairman's Award at the Connecticut FIRST Robotics Competition for the 7th year in a row—a record amongst the more than 1700 FIRST teams now in operation worldwide. This remarkable record of success is a testament to the hard work and dedication of head coach William Derry and all the students and faculty who have been a part of the Techno Ticks over the last 11 years. The team has also benefitted from the efforts of many volunteers and supporters, including mentors from local businesses that generously share their time and expertise with the team.

At a time when our Nation's ability to sustain a growing economy and create good jobs at home increasingly depends upon our achievements in science and technology, the FIRST competition has helped to instill in many young people a thirst for discovery that leads so many to pursue a career in the physical sciences. It is hardly surprising that so many former Techno Ticks have gone on to study engineering. Two years ago, I was fortunate enough to attend the Connecticut regional competition in Hartford, and I couldn't help but be amazed by the creativity and dedication the Ticks and all the other teams put into building their robots.

I offer my congratulations to Coach Derry and the Lyme-Old Lyme Techno Ticks for winning the Chairman's Award at the 2009 International FIRST Robotics Championship and commend all the faculty members, volunteers, mentors, and supporters who were instrumental in their victory.●

41ST BRIGADE DEPLOYMENT

● Mr. WYDEN. Mr. President, today I wish to show my appreciation for the dedication and commitment of the Oregon National Guard. They are the best that Oregon has to offer. The best our Nation has to offer. I am honored, this weekend, to personally see off the largest Oregon guard deployment since World War II.

Right now, 2,700 citizen soldiers from across my State are gearing up for a 10-month deployment to Iraq, and I am positive that their actions will bring honor to the United States and to the great State of Oregon.

Despite progress, Iraq remains a dangerous place. But our National Guard soldiers are well-trained, well-led and well-equipped. I know they will do their best to complete their missions and return to their families. I also know that our Nation has done its best

to give them the tools they need to do so safely and expediently.

I have been fortunate enough to meet with many of Oregon's citizen soldiers more than once—first in the dust and heat of southern Idaho last summer then in their armories in the days leading up to training at Camp Roberts. I made a promise to see them off when they are deployed and I intend to be there to welcome all of them home after their courageous service is complete.

These are uncertain times—not only in the United States but around the world. It is a world that is once again turning its eyes toward America for leadership and inspiration. Now, more than ever, it is time for America to be strong for those in need.

The Oregon National Guard is the face of that strength. Our men and women in uniform are this country's greatest representatives to the world. While being strong, we must also demonstrate our values through compassion, justice, and integrity.

I realize these soldiers have a difficult road ahead, which will involve both professional and personal struggles. Whether this is their first deployment or their fourth, their dedication and commitment will be tested on a daily basis—but, courage and determination are their hallmarks.

Members of the Oregon National Guard are exactly the kind of soldiers that our Founding Fathers believed could best defend this Nation—volunteer citizen soldiers with roots in the community and a patriotic spirit.

I salute Oregon's great band of citizen soldiers. May God bless them and see each and every one of them home safe.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:23 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 586. An act to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings or personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

H.R. 1626. An act to make technical amendments to laws containing time periods affecting judicial proceedings.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 12:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 735. An act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 46. An act to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development.

H.R. 1913. An act to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 45. Joint resolution increasing the statutory limit on the public debt.

The message also announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. LEVIN of Michigan, Co-Chairman; Ms. KAPTUR of Ohio; Mr. HONDA of California; Mr. WALZ of Minnesota; Mr. WU of Oregon; Mr. SMITH of New Jersey; Mr. MANZULLO of Illinois; Mr. ROYCE of California; and Mr. PITTS of Pennsylvania.

The message further announced that pursuant to 44 U.S.C. 2702, and the order of the House of January 6, 2009, the Speaker re-appoints the following member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Joseph Cooper of Baltimore, Maryland. The message also announced that pursuant to 44 U.S.C. 2702, the Republican Leader reappoints the following member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Jeffrey W. Thomas of Ohio.

The message further announced that pursuant to section 333(a)(2) of the Con-

solidated Natural Resources Act of 2008 (Public Law 110-229), the Republican Leader appoints the following member on the part of the House of Representatives to the Commission to Study the Potential Creation of a National Museum of the American Latino: Mr. Danny Vargas of Herndon, Virginia, as a voting member.

Furthermore: Dr. Aida Levitan of Key Biscayne, Florida, and Mrs. Rosa J. Correa of Bridgeport, Connecticut, were previously appointed and shall remain voting members.

At 5:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 627. An act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

The message also announced that pursuant to section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (Public Law 110-229), the Republican Leader appoints the following member on the part of the House of Representatives to the Commission to Study the Potential Creation of a National Museum of the American Latino: Mr. Nelson Albareda of Miami, Florida.

Furthermore: Dr. Aida Levitan of Key Biscayne, Florida, Mrs. Rosa J. Correa of Bridgeport, Connecticut, and Mr. Danny Vargas of Herndon, Virginia, were previously appointed and shall remain voting members.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 46. An act to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1913. An act to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

H.J. Res. 45. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 627. An act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1484. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Additions and Revisions to the List of Approved End-Users and Respective Eligible Items for the People's Republic of China (PRC) Under Authorization Validated End-User (VEU)" (RIN0694-AE61) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1485. A communication from the Associate Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 90 of the Commission's Rules" (WP Docket No. 07-100) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1486. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Rail Transportation Security" (RIN1652-AA51) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1487. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Keweenaw Waterway, Houghton, MI" ((RIN1625-AA09)(Docket No. USCG-2009-0132)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1488. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Intracoastal Waterway (ICW), Beach Thorofare, Atlantic City, NJ" ((RIN1625-AA09)(Docket No. USCG-2008-0995)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1489. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Diego Bay, San Diego, CA" ((RIN1625-AA00)(Docket No. USCG-2009-0044)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1490. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Jordan Bridge Demolition, Elizabeth River, Chesapeake and Portsmouth, VA" ((RIN1625-AA00)(Docket No. USCG-2009-0217)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1491. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; April to May Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA" ((RIN1625-AA00)(Docket No. USCG-2009-0222)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1492. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sea World Spring Nights; Mission Bay, San Diego, California" ((RIN1625-AA00)(Docket No. USCG-2009-0154)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1493. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Red River, Minnesota" ((RIN1625-AA00)(Docket No. USCG-2009-0240)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1494. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Waters surrounding Berth 7 at the Port of Oakland, San Francisco Bay, CA" ((RIN1625-AA00)(Docket No. USCG-2009-0278)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1495. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas: Herbert C. Bonner Bridge, Oregon Inlet, NC" ((RIN1625-AA11)(Docket No. USCG-2009-0225)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1496. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Volvo Ocean Race 2009, Nahant, Boston Harbor, Massachusetts" ((RIN1625-AA08)(Docket No. USCG-2008-1268)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1497. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of Iowa Municipal Solid Waste Landfill Permit Program" (FRL-8899-7) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC-1498. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "American Recovery and Reinvestment Act of 2009 (Recovery Act) Addendum to Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees" (FRL-8899-1) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC-1499. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Transportation Conformity Requirement" (FRL-8898-4) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC-1500. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Morpholine 4-C6-12 Acyl Derivatives; Exemption from the Requirement of a Tolerance" (FRL-8409-1) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC-1501. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL-8898-7) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC-1502. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: The 2009 Critical Use Exemption from the Phaseout of Methyl Bromide" (FRL-8899-5) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC-1503. A communication from the Acting Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled "No FEAR Act: Fiscal Year 2008 Annual Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-1504. A communication from the Acting Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled "U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties First Quarter Fiscal Year 2009 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-1505. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination in the position of Deputy Director of National Drug Control Policy, received in the Office of the President of the Senate on April 30, 2009; to the Committee on the Judiciary.

EC-1506. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Haw River Valley Viticultural Area (2007R-179P)" (RIN1513-AB45) received in the Office of the President of the Senate on April 30, 2009; to the Committee on the Judiciary.

EC-1507. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "USERRA Quarterly Report to Congress; Second Quarter of FY 2009"; to the Committee on Veterans' Affairs.

EC-1508. A communication from the Acting Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and

Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-1509. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Increase in Tax Rates on Tobacco Products and Cigarette Papers and Tubes; Floor Stocks Tax on Certain Tobacco Products, Cigarette Papers, and Cigarette Tubes; and Changes to Basis for Denial, Suspension, or Revocation of Permits (2009R-118P)" (RIN1513-AB70) received in the Office of the President of the Senate on April 30, 2009; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Kristina M. Johnson, of Maryland, to be Under Secretary of Energy.

*Steven Elliot Koonin, of California, to be Under Secretary for Science, Department of Energy.

*Ines R. Triay, of New Mexico, to be an Assistant Secretary of Energy (Environmental Management).

*Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior.

*Scott Blake Harris, of Virginia, to be General Counsel of the Department of Energy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 932. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, Mr. SCHUMER, Mr. DURBIN, Mr. BROWN, Mrs. GILLIBRAND, and Ms. KLOBUCHAR):

S. 933. A bill to amend the Federal Water Pollution Control Act and the Great Lakes Legacy Act of 2002 to reauthorize programs to address remediation of contaminated sediment; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Ms. MURKOWSKI, Mr. CONRAD, Mr. BENNET, Mr. CASEY, Mr. LEAHY, Ms. KLOBUCHAR, Mrs. GILLIBRAND, and Mr. BROWN):

S. 934. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science; to the

Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. CRAPO, Mr. ROBERTS, Mr. WICKER, Mr. VITTER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. ISAKSON, Mr. COCHRAN, Mr. BUNNING, Mr. KERRY, Ms. STABENOW, Mr. HARKIN, Mr. WYDEN, Mr. SPECTER, and Mr. ALEXANDER):

S. 935. A bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. MENENDEZ, and Mr. BROWN):

S. 936. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. WHITEHOUSE, and Mr. MENENDEZ):

S. 937. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself, Mr. BURR, Mr. DODD, Mr. LEVIN, Mr. BEGICH, Mrs. HAGAN, Mr. BAYH, Mr. JOHNSON, Mr. CASEY, Mrs. LINCOLN, and Mrs. GILLIBRAND):

S. 938. A bill to require the President to call a White House Conference on Children and Youth in 2010; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 939. A bill to establish national and State putative father registries, to make grants to States to promote permanent families for children and responsible fatherhood, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 940. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself and Mr. LEAHY):

S. 941. A bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, and Ms. COLLINS):

S. 942. A bill to prevent the abuse of Government charge cards; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE:

S. 943. A bill to amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 944. A bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded mem-

bers of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, Mr. KOHL, and Mr. REID):

S. 945. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN:

S. 946. A bill to amend the Federal Power Act to provide additional legal authorities to adequately protect the critical electric infrastructure against cyber attack, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. ROBERTS):

S. 947. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. COBURN):

S. 948. A bill to provide for the Office of Management and Budget to direct all executive departments and agencies to submit a separate category for administrative expenses when submitting appropriations requests and for a reduction in such administrative expenses for fiscal years 2010 through 2013; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mr. DORGAN, Mr. VOINOVICH, Ms. STABENOW, Mr. LUGAR, and Mrs. SHAHEEN):

S. 949. A bill to improve the loan guarantee program of the Department of Energy under title XVII of the Energy Policy Act of 2005, to provide additional options for deploying energy technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. GRAHAM, and Mr. SPECTER):

S. 950. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Finance.

By Mr. BROWNBAC (for himself, Mr. INOUE, Mr. BAUCUS, Mrs. BOXER, Mr. CRAPO, Ms. CANTWELL, Mr. COBURN, Mr. HARKIN, Mr. LIEBERMAN, and Mr. TESTER):

S.J. Res. 14. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. AKAKA, Mrs. BOXER, Mr.

BROWN, Ms. CANTWELL, Mr. FEINGOLD, Mr. KERRY, Mr. LEVIN, Mr. SANDERS, and Mr. WHITEHOUSE):

S. Res. 121. A resolution designating May 15, 2009, as "Endangered Species Day"; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. HATCH, Mr. BINGAMAN, Mr. KENNEDY, Mr. DURBIN, Mrs. BOXER, Mr. SCHUMER, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CORNYN, Mr. CRAPO, Mr. MARTINEZ, Mr. COCHRAN, Mr. NELSON of Florida, and Ms. STABENOW):

S. Res. 122. A resolution designating April 30, 2009, as "Día de los Niños: Celebrating Young Americans", and for other purposes; considered and agreed to.

By Mr. WEBB:

S. Res. 123. A resolution expressing support for designation of May 2, 2009, as "Vietnamese Refugees Day"; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. KAUFMAN, Mr. LUGAR, Mr. LEAHY, Mr. DURBIN, Mr. KERRY, Mr. CASEY, Mr. LIEBERMAN, Mr. ISAKSON, Mr. CARDIN, and Mr. MENENDEZ):

S. Res. 124. A resolution recognizing the threats to press freedom and expression around the world and reaffirming press freedom as a priority in the efforts of the United States to promote democracy and good governance, on the occasion of World Press Freedom Day on May 3, 2009; considered and agreed to.

By Mr. CASEY (for himself and Mr. BROWNBACK):

S. Con. Res. 22. A concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2009; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 256

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 256, a bill to enhance the ability to combat methamphetamine.

S. 358

At the request of Mr. CORNYN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 358, a bill to ensure the safety of members of the United States Armed Forces while using expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 473

At the request of Mr. DURBIN, the name of the Senator from Colorado

(Mr. BENNET) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 475

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 493

At the request of Mr. CASEY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 495

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 495, a bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 581

At the request of Mr. BENNET, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Florida (Mr.

MARTINEZ) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 623

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 623, a bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets.

S. 624

At the request of Mr. DURBIN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 634

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 690

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 690, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 701

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 717

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 794

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 794, a bill to amend title 10, United States Code, to modify certain retirement pay and grade authorities for service performed after eligibility for retirement, and for other purposes.

S. 795

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 815

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 815, a bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. SANDERS) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Connecticut

(Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. LEAHY), the Senator from Ohio (Mr. VOINOVICH), the Senator from Mississippi (Mr. COCHRAN), the Senator from Hawaii (Mr. INOUE), the Senator from Arizona (Mr. MCCAIN), the Senator from Rhode Island (Mr. REED) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 904

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 904, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 908

At the request of Mr. BAYH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. HATCH, Mr. CRAPO, Mr. ROBERTS, Mr. WICKER, Mr. VITTER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. ISAKSON, Mr. COCHRAN, Mr. BUNNING, Mr. KERRY, Ms. STABENOW, Mr. HARKIN, Mr. WYDEN, Mr. SPECTER, and Mr. ALEXANDER):

S. 935. A bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the devel-

opment of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing legislation that would extend reasonable measures to protect access to long-term care hospitals, while ensuring that these institutions are admitting the appropriate type of patients. I am pleased to be introducing the bill along with my colleague, Senator HATCH, and I urge my colleagues to consider cosponsoring this cost-saving proposal.

Long Term Acute Care hospitals, or LTAC hospitals, serve a vital role in the Medicare program by providing care to beneficiaries with clinically complex conditions that need hospital care for extended periods of time. I am happy to have two of these hospitals in North Dakota, one in Fargo and one in Mandan. They are a vital part of the North Dakota continuum of care.

While these hospitals provide important health services to very frail individuals, the Centers for Medicare and Medicaid Services, CMS, became concerned with the rapid growth in these facilities, and as a result began to arbitrarily cut LTAC hospital payments across-the-board. The Medicare, Medicaid and SCHIP Extension Act of 2007, MMSEA, enacted important changes that included the development of much-needed patient and facility certification criteria to assure that the right patient is seen in the right post-acute care setting. This law issued a moratorium on new facilities and expansions of older facilities and provided regulatory relief to protect patient access to LTAC hospitals while patient criteria are being developed. The legislation I am introducing today would extend these provisions by two years to provide stability to these hospitals and the patients they serve as CMS considers payment bundles and other changes in post-acute care.

As Chairman of the Budget Committee, I have a unique appreciation for the enormous fiscal challenges that face our country and respect CMS's efforts to reduce growth in Medicare. We should address the growth in LTAC hospitals, but we also want to ensure that there is a place for patients who truly need long-term hospital stays.

It was not easy for the LTAC hospitals in North Dakota and across the country to support legislation that restricts their payments, but I compliment them for working with me to put forward a constructive public policy proposal. Long-term care hospitals serve a vital role in our health care system, and we must protect access to these facilities for those who truly need it. But we can also take responsible steps to ensure that our federal tax dollars are well spent and directed to the most appropriate level of care. I believe my legislation achieves this

balance and urge my colleagues to support this measure.

Mr. HATCH. Mr. President, I am pleased to join my friend, Senator KENT CONRAD, and others in introducing the Medicare Long-Term Care Hospital Improvement Act of 2009. This legislation would help ensure that Medicare beneficiaries continue to have access to long-term, acute-care, LTAC, hospitals. These hospitals provide inpatient care to Medicare beneficiaries who spend at least 25 days in the hospital. Typically, the average patient stay in an acute care hospital is only six days. We have several LTAC hospitals and facilities in Salt Lake, Provo, and Bountiful, UT.

Our bill would extend for two more years the LTAC hospital moratorium included in the Medicare, Medicaid, and SCHIP Extension Act of 2007, MMSEA, P.L. 110-173. While MMSEA's LTAC hospital provisions helped the LTAC hospitals, they also addressed important issues raised by the Centers for Medicare and Medicaid Services, CMS, regarding these hospitals. Under MMSEA, new LTAC hospitals would not be allowed to open until the three year moratorium ends in 2010—the intent was to give CMS time to develop new federal standards on LTAC patient criteria. The bill that we are introducing today would extend the MMSEA moratorium for another 2 years.

To my friends in the hospital community and to those responsible for issuing federal regulations impacting the hospital community, I urge you to work together to address some of the valid concerns that have been raised with regard to LTAC hospitals. But I want these concerns addressed fairly so that beneficiaries will continue to have access to quality care and choice of long-term care coverage.

I also believe that while most LTAC hospitals provide good care in many parts of the country, the industry must do a better job convincing Congress and Federal agencies that the type of care you provide is valuable and necessary. Only truly sick patients should go to LTAC hospitals. Less medically-complex patients should be seen at less intensive facilities.

It is my hope that Federal officials making important decisions regarding LTACs get the job done. Five years ago, LTAC hospitals were told that they needed new standards and yet, we have made limited progress in this area. You need to finish this important job once and for all! It needs to be done in partnership with the LTAC community. Hopefully, the introduction of this bill will get the ball rolling in this area.

Finally, President Obama's budget guidelines for fiscal year 2010 has a bundling proposal that would include the payment of post-acute care with the hospital payment system. The Senate Finance Committee is considering

a similar proposal. Therefore, I do not want to leave the impression with anyone that the introduction of this legislation is meant to delay such a proposal from moving forward. However, I do believe that should bundling be seriously considered by Congress, all stakeholders should be included in those discussions, including the LTACH hospitals.

I look forward to working with my Senate colleagues on this important bill.

By Mr. REID (for himself and Mr. ENSIGN):

S. 940. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today with my good friend Senator ENSIGN to introduce the Southern Nevada Higher Education Land Act of 2009. This bill will expand opportunities for higher education in one of the nation's fastest growing areas, southern Nevada.

In July 1862, President Abraham Lincoln signed the Land Grant College Act into law, creating a higher education legacy that continues to benefit our country today. That bill, now referred to as the Morrill Act, provided 30,000 acres of Federal land per Member of Congress to establish institutions of higher education in each State. Today, thanks in large part to the foresight of Senator Justin Smith Morrill from Vermont and others from his time, this Nation has one of the finest public university systems in the world.

Among the many universities established as a result of this forward-looking legislation was the University of Nevada. The State's first university was originally founded in Elko in 1874. Two years later, Nevada's state legislature voted to move the university to its current home in Reno. The University of Nevada remained the State's only higher education institution for 75 years.

From these humble beginnings, the State of Nevada has expanded its higher education system to now include two research universities, one State college, one research institution, and four community colleges. The Nevada System of Higher Education, which was formed in 1968 and encompasses all eight institutions, has grown to serve roughly 98,000 degree-seeking students.

As the State of Nevada continues to grow, so too must its university system. With over 2 million residents in 2007, greater Las Vegas is the fourth-largest metropolitan area in the Mountain West. In this decade alone, the area's population has grown by 31 percent, five times faster than the Nation as a whole. We must expand higher education opportunities to meet the demands of this growing region.

Consider the following—the University of Nevada, Las Vegas, with 28,000 students and 3,300 faculty and staff, is the fourth fastest-growing research university in the Nation. The College of Southern Nevada, also in Las Vegas, serves 41,000 students and its three urban campuses are at near capacity. The town of Pahrump, 60 miles from Las Vegas in rural Nye County, has grown by 20 percent since 2000. Great Basin College's small branch campus in Pahrump uses high school classrooms at night to serve the city's 41,000 residents.

Our legislation will make selected parcels of Federal lands available for the future growth of the university system. Land will be provided for new campuses for the University of Nevada, Las Vegas; the College of Southern Nevada; and a Pahrump campus of Great Basin College. The current campuses for these three institutions comprise 1,150 acres in southern Nevada. With the passage of this legislation, an additional 2,400 acres will be available for new classroom, research, and residential facilities to help further the missions of these three fine institutions.

To establish these new campuses, three parcels of land would be conveyed from the Bureau of Land Management, BLM, to the Nevada System of Higher Education. Two of the parcels are located in Clark County, within the Southern Nevada Public Land Management Act, SNPLMA, disposal boundary. The third parcel is located in Pahrump, west of Las Vegas, in Nye County. BLM has designated all of these parcels for disposal because they are surrounded by development and are difficult to manage.

It is important to point out that the land our legislation conveys for the University of Nevada, Las Vegas borders Nellis Air Force Base. Nellis was once on the outskirts of town, but now development is on its doorstep. In order to protect the mission of the Nellis Air Force base, we have put a special provision in the legislation requiring that the university system and Air Force sign a binding agreement regarding development plans for the campus. The university system and the Air Force worked together on this issue for the last 3 years and have found a middle ground that will serve the interests of both parties. We greatly appreciate the efforts of the university system and the Air Force to make this work.

This same land bordering Nellis was once used as a small arms range during World War II and will need to be cleaned up before it can be conveyed to the university system. Because it will take time to accomplish this, our legislation allows the land to be conveyed in phases, as the remediation is completed.

This proposal to expand higher education opportunities in southern Nevada has been welcomed by area leaders. City and county officials have worked closely with the Nevada System of Higher Education to plan the development of world-class facilities in their communities. These facilities are critical to meeting the challenge of diversifying their economies and attracting and growing knowledge industries in the area.

I also want to note that a long-time champion of this legislation, and especially the Pahrump campus, passed away recently. Bob Swadell lived a life of service. He saw action in Korea where he earned a Bronze Star and later worked for the Central Intelligence Agency. More recently, Mr. Swadell devoted a great deal of his time to looking out for the future of Pahrump. I regret that he will not be with us to see this legislation move forward, but we will certainly keep his vision and spirit with us as we work on this important bill.

Just as the Morrill Act opened up Federal land to expand higher education across the Nation, I am hopeful that this important, though much more modest effort can do the same for the residents of southern Nevada. We look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished Members of the Energy and Natural Resources Committee to move this legislation in an expeditious manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Higher Education Land Act of 2009".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) southern Nevada is one of the fastest growing regions in the United States, with 750,000 new residents added since 2000 and 250,000 residents expected to be added by 2010;

(2) the Nevada System of Higher Education serves more than 71,000 undergraduate and graduate students in southern Nevada, with enrollment in the System expected to grow by 21 percent during the next 10 years, which would bring enrollment to a total of 85,000 students in the System;

(3) the Nevada System of Higher Education campuses in southern Nevada comprise 1,200 acres, one of the smallest land bases of any major higher education system in the western United States;

(4) the University of Nevada, Las Vegas, with 27,903 students and 3,000 faculty and staff, is the fourth fastest-growing research university in the United States;

(5) the College of Southern Nevada—

(A) serves more than 41,000 students each semester; and

(B) is near capacity at each of the 3 urban campuses of the College;

(6) Pahrump, located in rural Nye County, Nevada—

(A) has grown by 20 percent since 2000; and
(B) has a small satellite campus of Great Basin College to serve the 40,500 residents of Pahrump, Nevada; and

(7) the Nevada System of Higher Education needs additional land to provide for the future growth of the System, particularly for the University of Nevada, Las Vegas, the College of Southern Nevada, and the Pahrump campus of Great Basin College.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide additional land for a thriving higher education system that serves the residents of fast-growing southern Nevada;

(2) to provide residents of the State with greater opportunities to pursue higher education and the resulting benefits, which include increased earnings, more employment opportunities, and better health; and

(3) to provide communities in southern Nevada the economic and societal values of higher education, including economic growth, lower crime rates, greater civic participation, and less reliance on social services.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the Nevada System of Higher Education.

(2) CAMPUSES.—The term "Campuses" means the Great Basin College, College of Southern Nevada, and University of Las Vegas, Nevada, campuses.

(3) FEDERAL LAND.—The term "Federal land" means each of the 3 parcels of Bureau of Land Management land identified on the maps as "Parcel to be Conveyed", of which—

(A) approximately 40 acres is to be conveyed for the College of Southern Nevada;

(B) approximately 2,085 acres is to be conveyed for the University of Nevada, Las Vegas; and

(C) approximately 285 acres is to be conveyed for the Great Basin College.

(4) MAP.—The term "Map" means each of the 3 maps entitled "Southern Nevada Higher Education Land Act", dated July 11, 2008, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Nevada.

(7) SYSTEM.—The term "System" means the Nevada System of Higher Education.

SEC. 4. CONVEYANCES OF FEDERAL LAND TO THE SYSTEM.

(a) CONVEYANCES.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 1(c) of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869(c)) and subject to all valid existing rights, the Secretary shall—

(A) not later than 180 days after the date of enactment of this Act, convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land for the Great Basin College and the College of Southern Nevada; and

(B) not later than 180 days after the receipt of certification of acceptable remediation of environmental conditions existing on the parcel to be conveyed for the University of Nevada, Las Vegas, convey to the System, without consideration, all right, title, and interest of the United States in and to the

Federal land for the University of Nevada, Las Vegas.

(2) PHASES.—The Secretary may phase the conveyance of the Federal land under paragraph (1)(B) as remediation is completed.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance under subsection (a)(1), the Board of Regents shall agree in writing—

(A) to pay any administrative costs associated with the conveyance, including the costs of any environmental, wildlife, cultural, or historical resources studies;

(B) to use the Federal land conveyed for educational and recreational purposes;

(C) to release and indemnify the United States from any claims or liabilities that may arise from uses carried out on the Federal land on or before the date of enactment of this Act by the United States or any person;

(D) as soon as practicable after the date of the conveyance under subsection (a)(1), to erect at each of the Campuses an appropriate and centrally located monument that acknowledges the conveyance of the Federal land by the United States for the purpose of furthering the higher education of the citizens in the State; and

(E) to assist the Bureau of Land Management in providing information to the students of the System and the citizens of the State on—

(i) public land (including the management of public land) in the Nation; and

(ii) the role of the Bureau of Land Management in managing, preserving, and protecting the public land in the State.

(2) AGREEMENT WITH NELLIS AIR FORCE BASE.—

(A) IN GENERAL.—As a precondition of the conveyance of the Federal land for the University of Nevada, Las Vegas under subsection (a)(1)(B), the Board of Regents shall enter into a binding interlocal agreement with Nellis Air Force Base to preserve the long-term capability of Nellis Air Force Base.

(B) REQUIREMENTS.—The interlocal agreement entered into under subparagraph (A) and any related master plan shall require the mutual assent of the parties to the agreement.

(C) LIMITATION.—In no case shall the use of the Federal land conveyed under subsection (a)(1)(B) compromise the national security mission or aviation rights of Nellis Air Force Base.

(c) USE OF FEDERAL LAND.—

(1) IN GENERAL.—The System may use the Federal land conveyed under subsection (a)(1) for—

(A) any purpose relating to the establishment, operation, growth, and maintenance of the System; and

(B) any uses relating to the purposes, including residential and commercial development that would generally be associated with an institution of higher education.

(2) OTHER ENTITIES.—The System may—

(A) consistent with Federal and State law, lease, or otherwise provide property or space at, the Campuses, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest to the System or to any community located in southern Nevada;

(B) allow any other communities in southern Nevada to use facilities of the Campuses for educational and recreational programs of the community; and

(C) in conjunction with the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County plan, finance (including

through the provision of cost-share assistance), construct, and operate facilities for the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County on the Federal land conveyed for educational or recreational purposes consistent with this section.

(d) REVERSION.—

(1) IN GENERAL.—If the Federal land or any portion of the Federal land conveyed under subsection (a)(1) ceases to be used for the System, the Federal land, or any portion of the Federal land shall, at the discretion of the Secretary, revert to the United States.

(2) UNIVERSITY OF NEVADA, LAS VEGAS.—If the System fails to complete the first building or show progression toward development of the University of Nevada, Las Vegas campus on the applicable parcels of Federal land by the date that is 50 years after the date of receipt of certification of acceptable remediation of environmental conditions, the parcels of the Federal land described in section 3(3)(B) shall, at the discretion of the Secretary, revert to the United States.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. GRASSLEY (for himself,
Mr. LIEBERMAN, and Ms. COLLINS):

S. 942. A bill to prevent the abuse of Government charge cards; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, today, I am reintroducing the Government Charge Card Abuse Prevention Act to ensure that federal departments and agencies do not take the eye off the ball when it comes to spending the taxpayers' money. I have put in a lot of time and effort to call attention to instances of waste, fraud, and abuse using government charge cards while agencies were looking the other way. Now I want to make sure that they stay on top of this issue.

In 1998, the General Service Administration's, GSA, entered into a contract with a set of commercial banks to utilize charge cards, not unlike those used by businesses large and small and millions of consumers worldwide. This is called the SmartPay® program. These Government charge cards include government purchase cards, which are used for acquisition of commercial goods and services by agencies and paid directly by the agency, and Government travel cards, which are used to pay for individual Government travel expenses and issued in the name of individual government employees.

Government charge cards were intended as a low cost method to streamline government acquisition and travel processes. The whole idea was to adopt the best practices of the commercial sector. In the business sector, charge cards have been a success. They save time and money. The main reason they work so well is because the control environment in the private sector is rock solid and accountability is a fact of life. When a business is spending its

own money, it is going to be sure that it accounts for every penny or it would not stay in business. As a result, in corporate America, if an employee is caught abusing a card, they'll lose it or get fired.

This was not the case when the Federal Government began using charge cards. Federal agencies did not put in place the necessary controls to make sure that all spending on charge cards was legitimate. When I started looking into this with the Government Accountability Office, GAO, we uncovered blatant examples of wasteful spending like LA-Z-Boy reclining rocking chairs, kitchen appliances, and even a sapphire ring being paid for with Government purchase cards, with the American taxpayer paying the bill.

Government travel cards have been used for gambling, sporting events, concerts, cruises, and even gentlemen's clubs and legalized brothels! While travel cards are not paid directly with taxpayers' money like purchase cards, failure by employees to repay these cards results in the loss of millions of dollars in rebates to the federal government. Also, when credit card companies are forced to charge off bad debt, they raise interest rates and fees on everyone else.

A series of GAO reports over the last decade have identified an inadequate and inconsistent control environment across numerous federal agencies with respect to both government purchase cards and Government travel cards. This has led to millions of dollars in taxpayers' money wasted. In some cases purchases were outright fraudulent, and others were of questionable need or were unnecessarily expensive. In each report it has issued, the GAO has made recommendations about what kind of controls need to be implemented to prevent such abuses from occurring in the future. In many cases, the same controls were often missing or inadequate, and therefore the same recommendations are repeated in report after report. One agency would promise to clean up its act, but then we would find the exact same problems with another. That is why I worked to develop legislation that would incorporate GAO's recommendations regarding some of the most basic controls needed in every agency to prevent abuse of government charge cards.

As a result of the pressure applied by the relentless oversight of Congress, the GAO, and agency Inspectors General, we have seen some progress toward establishing a better control environment. In fact, the Office of Management and Budget has issued a circular to agencies that seeks to bring about many of the controls we identified. However, this progress would not have been possible without the continual spotlight being shone on the problem and the threat of congressional action. It is also clear that we still have a way

to go in stamping out abuse of government charge cards as evidenced by a GAO report on the internal controls for purchase cards governmentwide that came out just last year.

That report found that a weak control environment led to government purchase cards being used for items like iPods at NASA, internet dating and pornographic sites at the Postal Service, women's lingerie from a place called "Seduction Boutique" at the State Department that was supposedly for use during jungle training", and over \$642,000 over six years in fraudulent payments at the USDA for the cardholder's live-in boyfriend. These funds went for personal expenditures like gambling, car loan and mortgage payments, and other retail purchases. Clearly we still have a problem and that's why I'm determined to make sure this situation is fixed once and for all.

In addition to requiring federal agencies to establish a series of basic and vital internal controls that the GAO has found lacking in many cases, my bill would also provide that each agency Inspector General periodically conduct risk assessments of agency purchase card and travel card programs and perform periodic audits to identify potentially fraudulent, improper, and abusive use of cards. We have had great success working with Inspectors General using techniques like data mining to reveal instances of improper use of government charge cards. Having this information on an ongoing basis will help maintain and strengthen a rigorous system of internal controls to prevent future instances of waste, fraud, and abuse with government charge cards.

My bill also requires agencies to establish penalties so that employees who abuse government charge cards will face real and consistent consequences. This is necessary not only so that taxpayers know that those who would squander their money are held accountable, but also to send a message to other government employees that such behavior will not be tolerated. In fact, these penalties must include dismissal in serious circumstances.

This legislation has been revised a number of times with considerable input from the GAO as well as the Inspector General community and other stakeholders. I am also glad to have Chairman LIEBERMAN and Ranking Member COLLINS as original cosponsors of this bill. Their help, assistance, and support has been very much appreciated as this legislation has developed. The result is a carefully considered and targeted piece of legislation that I look forward to seeing become law. I know that will give me and a great many American taxpayers more peace of mind about how their money is being spent.

By Mr. FEINGOLD:

S. 944. A bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, the Armed Forces have come a long way in addressing the bureaucratic hurdles that have long plagued wounded service members transitioning out of the Services. However, much more remains to be done to ensure that wounded service members do not go without income, due to injuries sustained in the line of duty. Currently, many are going without compensation of any kind because they are never told about the patchwork of programs designed to care for them as they transition back to civilian life and into the VA. This has been an issue of particular concern for members of the Reserve Components. Therefore, Sen. MURKOWSKI and I are introducing the Wounded Warrior Transition Assistance Act to help ensure that wounded reservists and members of the Guard are informed of the various programs to compensate them for their injuries before they separate from the military and to guarantee that there is no gap in income as they transition into the VA.

This bill was inspired by a young soldier from Wisconsin who came to me for assistance when he returned from Iraq with serious wounds. He had been separated from the Army without going through the medical discharge process even though he had sustained a serious injury that impaired his ability to work. No one had informed him that he may have been entitled to medical retirement, temporary disability retirement, combat-related special compensation or incapacitation pay due to the extent of his injuries. After his separation, it took several months for the VA to review all of his claims and begin compensating him for his injuries during which time his family struggled to get by. Now, nearly a year since he first contacted me, the Army has recognized its mistake and plans to evaluate him for medical retirement or placement on the temporary disability retirement list.

Unfortunately, this is a systemic issue. The Wisconsin National Guard has estimated that, in Wisconsin alone, there have been a dozen cases of wounded service members who were eligible for military compensation for their injuries who never received it and were instead sent home with nothing only to have to wait for the VA to process their claims. This has com-

promised their ability to focus on their recovery.

Members of my staff have been told by several officials within the Defense Department that they continue to see members of the Reserve Components given disparate and unequal treatment with regard to the medical discharge process. This legislation is urgently needed to ensure that wounded service members receive counseling about these issues before discharge so that they can make an educated decision about their treatment. Congress must act to convey the importance of this issue and to set a floor for how the Department will handle wounded members of the Reserve Components.

This bill would prohibit the discharge of wounded members of the Reserve Components until they have been evaluated for their eligibility for the various programs to assist wounded service members. The service member may elect to separate from the Armed Services after consulting with a JAG attorney. For those undergoing evaluation, the bill would ensure that they are returned to their home, if medically feasible, during the process. The Services currently have community-based wounded transition units established for this purpose.

If someone was prematurely discharged and cannot work due to his or her injury, the bill would require the relevant Service to return him or her to active duty, if the service member chooses to do so. It would also ensure that the Reserve Components have access to Defense Health Program funds. These measures will help ensure that future service members will not face the gap in income that created such a hardship for my constituent and his family. It is the least we can do.

In addition, this bill would ensure that wounded service members have trained advocates to help them navigate the entire medical discharge process. The fiscal year 2008 National Defense Authorization Act required the Defense Department to, among other things, provide service members with legal counsel during the physical disability evaluation process. In September 2008, the Government Accountability Office, GAO, found that only 5 of 35 Army treatment facilities had legal personnel dedicated to providing assistance during the disability evaluations process.

In addition, GAO has reported that there are still insufficient JAG attorneys to provide comprehensive legal support early in the evaluation process. According to Army staff, if attorneys counseled service members earlier in the discharge process, starting with the medical evaluation board process, service members could have a better understanding of what steps to take to ensure that they receive any compensation to which they may be entitled. Early outreach could also help to

make the disability evaluation process proceed faster and more efficiently. This bill would require the Armed Services to hire sufficient personnel to provide comprehensive legal support early in the evaluation process.

At the same time, we should do everything possible to take advantage of veteran service officers who offer this counseling free of charge and at no cost to the federal government. Federal law requires commanders to make space available on base for chartered veteran service organizations that provide counseling to wounded service members. Therefore, I was extremely troubled to learn last year that several veteran service organizations that provide assistance to wounded service members, free of charge, including the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America and the National Veterans Legal Services Project, were all having trouble accessing U.S. bases for the purpose of providing counseling to wounded service members.

This bill would reiterate that the Armed Services are required by law to provide the space needed for wounded service members to receive counseling from trained advocates, especially during this time of war when so many are returning with serious wounds. Furthermore, it requires the Services to broadly disseminate information on the existence of the Wounded Warrior Resource Center, which, among other things, provides legal referrals.

This bill should not be costly. The Army has requested about 20 additional attorneys. The vast majority of the wounded service members will be medically discharged with retirement pay or other compensation and will not be in need of the assistance provided by this bill. Furthermore, the requirement that the Services retain wounded service members until they have been evaluated will sunset after five years, at which time it is my hope that the rate of deployments and subsequent injuries will be vastly lower.

Nonetheless, I have provided an ample offset to cover the costs of the bill. According to the Office of Management and Budget, the Defense Department recovered over \$600 million in overpayments to contractors over the last 4 years. The Department identified but did not recover an additional \$273 million. The funds needed to provide for these wounded service members during the evaluation process would come from the recoupment of these overpayments.

The National Guard Bureau has informed me that this legislation would go a long way to closing one of the remaining gaps in care for those transitioning from the Armed Forces to the VA. I am pleased that the legislation has been endorsed by the Disabled American Veterans, the Iraq and Afghanistan Veterans of America, Military Officers Association of America,

the National Guard Association of the U.S. and the enlisted National Guard Association of the U.S.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, Mr. KOHL, and Mr. REID):

S. 945. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, I wish today to honor the extraordinary life of Robert M. La Follette Sr. This weekend, people around my home State of Wisconsin, the U.S. and the world will celebrate the 100th anniversary of the Progressive Magazine, which was founded by Bob La Follette and his wife Belle Case La Follette. The Progressive has been a powerful force for change and a leading advocate for civil rights, civil liberties, women's rights, clean Government, and many other priorities since its inception 100 years ago.

Throughout his life, La Follette was known for his diligent service to the people of Wisconsin and to the people of the U.S. His dogged, full-steam-ahead approach to his life's work earned him the nickname "Fighting Bob."

Robert Marion La Follette, Sr., was born on June 14, 1855, in Primrose, a small town southwest of Madison in Dane County. He graduated from the University of Wisconsin Law School in 1879 and, after being admitted to the State bar, began his long career in public service as Dane County district attorney.

La Follette was elected to the U.S. House of Representatives in 1884, and he served three terms as a member of that body, where he was a member of the Ways and Means Committee.

After losing his campaign for reelection in 1890, La Follette returned to Wisconsin and continued to serve the people of my State as a judge. Upon his exit from Washington DC, a reporter wrote, La Follette "is popular at home, popular with his colleagues, and popular in the House. He is so good a fellow that even his enemies like him."

He was elected the 20th Governor of Wisconsin in 1900. He served in that office until 1906, when he stepped down in order to serve the people of Wisconsin in the U.S. Senate, where he remained until his death in 1925.

A founder of the national progressive movement, La Follette championed progressive causes as governor of Wisconsin and in the U.S. Congress. As governor, he advanced an agenda that included the country's first workers compensation system, direct election of U.S. Senators, and railroad rate and tax reforms. Collectively, these re-

forms would become known as the "Wisconsin Idea." As governor, La Follette also supported cooperation between the State and the University of Wisconsin.

His terms in the House of Representatives and the Senate were spent fighting for women's rights, working to limit the power of monopolies, and opposing pork barrel legislation. La Follette also advocated electoral reforms, and he brought his support for the direct election of U.S. Senators to this body. His efforts were brought to fruition with the ratification of the Seventeenth Amendment in 1913. Fighting Bob also worked tirelessly to hold the Government accountable, and was a key figure in exposing the Teapot Dome Scandal.

La Follette earned the respect of such notable Americans as Frederick Douglass, Booker T. Washington and Harriet Tubman Upton for making civil rights one of his trademark issues. At a speech before the 1886 graduating class of Howard University, La Follette said, "We are one people, one by truth, one almost by blood. Our lives run side by side, our ashes rest in the same soil. [Seize] the waiting world of opportunity. Separatism is snobbish stupidity, it is supreme folly, to talk of non-contact, or exclusion!"

La Follette ran for President three times, twice as a Republican and once on the Progressive ticket. In 1924, as the Progressive candidate for president, La Follette garnered approximately 17 percent of the popular vote and carried the State of Wisconsin.

La Follette's years of public service were not without controversy. In 1917, he filibustered a bill to allow the arming of U.S. merchant ships in response to a series of German submarine attacks. His filibuster was successful in blocking passage of this bill in the closing hours of the 64th Congress. Soon after, La Follette was one of only 6 Senators who voted against U.S. entry into World War I.

Fighting Bob was outspoken in his belief that the right to free speech did not end when war began. In the fall of 1917, La Follette gave a speech about the war in Minnesota, and he was misquoted in press reports as saying that he supported the sinking of the Lusitania. The Wisconsin State Legislature condemned his supposed statement as treason, and some of La Follette's Senate colleagues introduced a resolution to expel him. In response to this action, he delivered his seminal floor address, "Free Speech in Wartime," on October 6, 1917. If you listen closely, you can almost hear his strong voice echoing through this chamber as he said: "Mr. President, our government, above all others, is founded on the right of the people freely to discuss all matters pertaining to their government, in war not less than in peace, for in this government, the people are the rulers in war no less than in peace."

Of the expulsion petition filed against him, La Follette said:

I am aware, Mr. President, that in pursuance of this general campaign of vilification and attempted intimidation, requests from various individuals and certain organizations have been submitted to the Senate for my expulsion from this body, and that such requests have been referred to and considered by one of the Committees of the Senate.

If I alone had been made the victim of these attacks, I should not take one moment of the Senate's time for their consideration, and I believe that other Senators who have been unjustly and unfairly assailed, as I have been, hold the same attitude upon this that I do. Neither the clamor of the mob nor the voice of power will ever turn me by the breadth of a hair from the course I mark out for myself, guided by such knowledge as I can obtain and controlled and directed by a solemn conviction of right and duty.

This powerful speech led to a Senate investigation of whether La Follette's conduct constituted treason. In 1919, following the end of World War I, the Senate dropped its investigation and reimbursed La Follette for the legal fees he incurred as a result of the expulsion petition and corresponding investigation. This incident is indicative of Fighting Bob's commitment to his ideals and of his tenacious spirit.

La Follette died on June 18, 1925, in Washington, DC, while serving Wisconsin in this body. His daughter noted, "His passing was mysteriously peaceful for one who had stood so long on the battle line." Mourners visited the Wisconsin Capitol to view his body, and paid respects in a crowd nearing 50,000 people. La Follette's son, Robert M. La Follette, Jr., was elected to serve in the U.S. Senate after his father's death and served in this body for more than 20 years, following the progressive path blazed by his father.

La Follette has been honored a number of times for his unwavering commitment to his ideals and for his service to the people of Wisconsin and of the United States.

During the 109th Congress, I was proud to support Senate passage of a bill introduced in the House of Representatives by Congresswoman TAMMY BALDWIN that named the post office at 215 Martin Luther King, Jr., Boulevard in Madison in La Follette's honor. I commend Congresswomen BALDWIN for her efforts to pass that bill and I am pleased she is introducing House companion measures of the legislation I am introducing today in the Senate.

The Library of Congress recognized La Follette in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Fighting Bob and his son, Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the U.S. Congress. In his autobiography, Fighting Bob noted that, as governor of Wisconsin, he "made it a . . . policy to bring all the reserves of knowledge and inspiration of the university more fully to the service of the

people. . . . Many of the university staff are now in state service, and a bureau of investigation and research established as a legislative reference library . . . has proved of the greatest assistance to the legislature in furnishing the latest and best thought of the advanced students of government in this and other countries." He went on to call this service "a model which the federal government and ultimately every state in the union will follow." Thus, the legislative reference service that La Follette created in Madison served as the basis for his work to create the Congressional Research Service at the Library of Congress.

The La Follette Reading Room was dedicated on March 5, 1985, the 100th anniversary of Fighting Bob being sworn in for his first term as a Member of Congress.

Across the magnificent Capitol in National Statuary Hall, Fighting Bob is forever immortalized in white marble, still proudly representing the state of Wisconsin. His statue resides in the Old House Chamber, now known as National Statuary Hall, among those of other notable figures who have made their marks in American history. One of the few seated statues is that of Fighting Bob. Though he is sitting, he is shown with one foot forward, and one hand on the arm of his chair, as if he is about to leap to his feet and begin a robust speech.

When then-Senator John F. Kennedy's 5-member Special Committee on the Senate Reception Room chose La Follette as one of the "Five Outstanding Senators" whose portraits would hang outside of this chamber in the Senate reception room, he was described as being a "ceaseless battler for the underprivileged" and a "courageous independent." Today, his painting still hangs just outside this chamber, where it bears witness to the proceedings of this body—and, perhaps, challenges his successors here to continue fighting for the social and government reforms he championed.

To honor Robert M. La Follette, Sr., during the week of the anniversary of the Progressive Magazine, today I am introducing two pieces of legislation. I am pleased to be joined in this effort by the senior Senator from Wisconsin, Senator KOHL and the senior Senator from Massachusetts, Senator KENNEDY.

I am introducing a bill that would direct the Secretary of the Treasury to mint coins to commemorate Fighting Bob's life and legacy. The second bill that I am introducing today would authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr. The minting of a commemorative coin and the awarding of the Congressional Gold Medal would be fitting tributes to the memory of Robert M. La Follette, Sr., and to his deeply held beliefs and long record of service to his State and to his

country. I hope that my colleagues will support these proposals.

Let us never forget Robert M. La Follette, Sr.'s character, his integrity, his deep commitment to Progressive causes, and his unwillingness to waver from doing what he thought was right. The Senate has known no greater champion of the common man and woman, no greater enemy of corruption and cronyism, than "Fighting Bob" La Follette, and it is an honor to speak in the same chamber, and serve the same great State, as he did.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mr. DORGAN, Mr. VOINOVICH, Ms. STABENOW, Mr. LUGAR, and Mrs. SHAHEEN):

S. 949. A bill to improve the loan guarantee program of the Department of Energy under title XVII of the Energy Policy Act of 2005, to provide additional options for deploying energy technologies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased today to introduce the 21st Century Energy Technology Deployment Act with my colleagues Senators MURKOWSKI, DORGAN, VOINOVICH, STABENOW, LUGAR, and SHAHEEN. I would particularly like to thank Senator MURKOWSKI for her thoughtful input.

As I have said previously on this floor, I am a strong proponent of pricing carbon dioxide emissions in order to properly align the incentives of the marketplace to avoid the very real costs of catastrophic climate change. I am happy to see that discussion has begun both here and in the other body. However, we should be careful not to think that when we do price in the effects of carbon emissions, which I believe will happen, then we have solved the entire problem.

As the current economic downturn and credit climate make clear, even when we do get the incentives straight, that is no guarantee that the means will be available to developers and individuals to make the smart investments they want to make. That is where this bill comes in; to fill in critical financing gap and bring down the costs of the investments that will not only increase our climate and energy security, but help put the U.S. in a leadership position in these technologies that I believe will be in great demand in the coming years.

I hope that the Energy Committee will agree to include this provision in the comprehensive energy legislation the Committee is currently working on. I will have more to say about the measure as we get further along in that process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Energy Technology Deployment Act".

SEC. 2. PURPOSE.

The purpose of this Act is to promote the domestic development and deployment of clean energy technologies required for the 21st century through the improvement of existing programs and the establishment of a self-sustaining Clean Energy Deployment Administration that will provide for an attractive investment environment through partnership with and support of the private capital market in order to promote access to affordable financing for accelerated and widespread deployment of—

- (1) clean energy technologies;
- (2) advanced or enabling energy infrastructure technologies;
- (3) energy efficiency technologies in residential, commercial, and industrial applications, including end-use efficiency in buildings; and
- (4) manufacturing technologies for any of the technologies or applications described in this section.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Clean Energy Deployment Administration established by section 6.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Administration.

(3) ADVISORY COUNCIL.—The term "Advisory Council" means the Energy Technology Advisory Council of the Administration.

(4) BREAKTHROUGH TECHNOLOGY.—The term "breakthrough technology" means a clean energy technology that—

(A) presents a significant opportunity to advance the goals developed under section 5, as assessed under the methodology established by the Advisory Council; but

(B) has generally not been considered a commercially ready technology as a result of high perceived technology risk or other similar factors.

(5) CLEAN ENERGY TECHNOLOGY.—The term "clean energy technology" means a technology related to the production, use, transmission, storage, control, or conservation of energy—

(A) that will—

(i) reduce the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, or transporting energy with greater effectiveness through the infrastructure of the United States;

(ii) diversify the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; or

(iii) contribute to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related emissions; and

(B) for which, as determined by the Administrator, insufficient commercial lending is available to allow for widespread deployment.

(6) COST.—The term "cost" has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) DIRECT LOAN.—The term "direct loan" has the meaning given the term in section

502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(8) **FUND.**—The term “Fund” means the Clean Energy Investment Fund established by section 4(a).

(9) **LOAN GUARANTEE.**—The term “loan guarantee” has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(10) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(12) **SECURITY.**—The term “security” has the meaning given the term in section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

(13) **STATE.**—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

(14) **TECHNOLOGY RISK.**—The term “technology risk” means the risks during construction or operation associated with the design, development, and deployment of clean energy technologies (including the cost, schedule, performance, reliability and maintenance, and accounting for the perceived risk), from the perspective of commercial lenders, that may be increased as a result of the absence of adequate historical construction, operating, or performance data from commercial applications of the technology.

SEC. 4. IMPROVEMENTS TO EXISTING PROGRAMS.

(a) **CLEAN ENERGY INVESTMENT FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a revolving fund, to be known as the “Clean Energy Investment Fund”, consisting of—

(A) such amounts as have been appropriated for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.);

(B) such amounts as are deposited in the Fund under this Act and amendments made by this Act; and

(C) such sums as may be appropriated to supplement the Fund.

(2) **EXPENDITURES FROM FUND.**—

(A) **IN GENERAL.**—Notwithstanding section 1705(e) of the Energy Policy Act of 2005 (42 U.S.C. 16516(e)), amounts in the Fund shall be available to the Secretary for obligation without fiscal year limitation, to remain available until expended.

(B) **ADMINISTRATIVE EXPENSES.**—

(i) **FEES.**—Fees collected for administrative expenses shall be available without limitation to cover applicable expenses.

(ii) **FUND.**—To the extent that administrative expenses are not reimbursed through fees, an amount not to exceed 1.5 percent of the amounts in the Fund as of the beginning of each fiscal year shall be available to pay the administrative expenses for the fiscal year necessary to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) **TRANSFERS OF AMOUNTS.**—

(A) **IN GENERAL.**—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(B) **ADJUSTMENTS.**—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) **REVISIONS TO LOAN GUARANTEE PROGRAM AUTHORITY.**—

(1) **DEFINITION OF COMMERCIAL TECHNOLOGY.**—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

“(B) **EXCLUSION.**—The term ‘commercial technology’ does not include a technology if the sole use of the technology is in connection with—

- “(i) a demonstration project; or
- “(ii) a project for which the Secretary approved a loan guarantee.”.

(2) **SPECIFIC APPROPRIATION OR CONTRIBUTION.**—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

“(b) **SPECIFIC APPROPRIATION OR CONTRIBUTION.**—

“(1) **IN GENERAL.**—No guarantee shall be made unless sufficient amounts to account for the cost are available—

“(A) in unobligated balances within the Clean Energy Investment Fund established under section 4(a) of the 21st Century Energy Technology Deployment Act;

“(B) as a payment from the borrower and the payment is deposited in the Clean Energy Investment Fund; or

“(C) in any combination of balances and payments described in subparagraphs (A) and (B), respectively.

“(2) **LIMITATION.**—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

“(3) **RELATION TO OTHER LAWS.**—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee under this section.”.

(3) **SUBROGATION.**—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

- (A) by striking subparagraph (B); and
- (B) by redesignating subparagraph (C) as subparagraph (B).

(4) **FEES.**—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

“(2) **AVAILABILITY.**—Fees collected under this subsection shall—

“(A) be deposited by the Secretary in the Clean Energy Investment Fund established under section 4(a) of the 21st Century Energy Technology Deployment Act; and

“(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.

“(3) **ADJUSTMENT.**—The Secretary may adjust the amount or manner of collection of fees under this title as the Secretary determines is necessary to promote, to the maximum extent practicable, eligible projects under this title.”.

(5) **PROCESSING.**—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

“(k) **ACCELERATED REVIEWS.**—To the maximum extent practicable and consistent with sound business practices, the Secretary shall seek to consolidate reviews of applications for loan guarantees under this title such that decisions as to whether to enter into a commitment on an application can be issued not later than 180 days after the date of submission of a completed application.”.

(6) **WAGE RATES.**—Section 1705(c) of the Energy Policy Act of 2005 (42 U.S.C. 16516(c)) is amended by striking “support under this sec-

tion” and inserting “support under this title”.

SEC. 5. ENERGY TECHNOLOGY DEPLOYMENT GOALS.

(a) **GOALS.**—Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with the Advisory Council, shall develop and publish for review and comment in the Federal Register near-, medium-, and long-term goals (including numerical performance targets at appropriate intervals to measure progress toward those goals) for the deployment of clean energy technologies through the credit support programs established by this Act (including an amendment made by this Act) to promote—

(1) sufficient electric generating capacity using clean energy technologies to meet the energy needs of the United States;

(2) clean energy technologies in vehicles and fuels that will substantially reduce the reliance of the United States on foreign sources of energy and insulate consumers from the volatility of world energy markets;

(3) a domestic commercialization and manufacturing capacity that will establish the United States as a world leader in clean energy technologies across multiple sectors;

(4) installation of sufficient infrastructure to allow for the cost-effective deployment of clean energy technologies appropriate to each region of the United States;

(5) the transformation of the building stock of the United States to zero net energy consumption;

(6) the recovery, use, and prevention of waste energy;

(7) domestic manufacturing of clean energy technologies on a scale that is sufficient to achieve price parity with conventional energy sources;

(8) domestic production of commodities and materials (such as steel, chemicals, polymers, and cement) using clean energy technologies so that the United States will become a world leader in environmentally sustainable production of the commodities and materials;

(9) a robust, efficient, and interactive electricity transmission grid that will allow for the incorporation of clean energy technologies, distributed generation, and demand-response in each regional electric grid;

(10) sufficient availability of financial products to allow owners and users of residential, retail, commercial, and industrial buildings to make energy efficiency and distributed generation technology investments with reasonable payback periods; and

(11) such other goals as the Secretary, in consultation with the Advisory Council, determines to be consistent with the purposes of this Act.

(b) **REVISIONS.**—The Secretary shall revise the goals established under subsection (a), from time to time as appropriate, to account for advances in technology and changes in energy policy.

SEC. 6. CLEAN ENERGY DEPLOYMENT ADMINISTRATION.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the Department of Energy an administration to be known as the Clean Energy Deployment Administration, under the direction of the Administrator and the Board of Directors.

(2) **STATUS.**—

(A) **IN GENERAL.**—The Administration (including officers, employees, and agents of the Administration) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department of Energy other than the Secretary, acting through the Administrator.

(B) EXEMPTION FROM REORGANIZATION.—The Administration shall be exempt from the reorganization authority provided under section 643 of the Department of Energy Reorganization Act (42 U.S.C. 7253).

(C) INSPECTOR GENERAL.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in paragraph (1), by inserting “the Administrator of the Clean Energy Deployment Administration;” after “Export-Import Bank;”; and

(ii) in paragraph (2), by inserting “the Clean Energy Deployment Administration,” after “Export-Import Bank.”

(3) OFFICES.—

(A) PRINCIPAL OFFICE.—The Administration shall—

(i) maintain the principal office of the Administration in the District of Columbia; and

(ii) for purposes of venue in civil actions, be considered to be a resident of the District of Columbia.

(B) OTHER OFFICES.—The Administration may establish other offices in such other places as the Administration considers necessary or appropriate for the conduct of the business of the Administration.

(b) ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be—

(A) appointed by the President, with the advice and consent of the Senate, for a 5-year term; and

(B) compensated at the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) DUTIES.—The Administrator shall—

(A) serve as the Chief Executive Officer of the Administration and Chairman of the Board;

(B) ensure that—

(i) the Administration operates in a safe and sound manner, including maintenance of adequate capital and internal controls (consistent with section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262));

(ii) the operations and activities of the Administration foster liquid, efficient, competitive, and resilient energy and energy efficiency finance markets;

(iii) the Administration carries out the purposes of this Act only through activities that are authorized under and consistent with this Act; and

(iv) the activities of the Administration and the manner in which the Administration is operated are consistent with the public interest;

(C) develop policies and procedures for the Administration that will—

(i) promote a self-sustaining portfolio of investments that will maximize the value of investments to effectively promote clean energy technologies;

(ii) promote transparency and openness in Administration operations;

(iii) afford the Administration with sufficient flexibility to meet the purposes of this Act; and

(iv) provide for the efficient processing of applications; and

(D) with the concurrence of the Board, set expected loss reserves for the support provided by the Administration consistent with section 7(a)(1)(C).

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of the Administration shall consist of—

(A) the Secretary or the designee of the Secretary, who shall serve as an ex-officio voting member of the Board of Directors;

(B) the Administrator, who shall serve as the Chairman of the Board of Directors; and

(C) 7 additional members who shall—

(i) be appointed by the President, with the advice and consent of the Senate, for staggered 5-year terms; and

(ii) have experience in banking or financial services relevant to the operations of the Administration, including individuals with substantial experience in the development of energy projects, the electricity generation sector, the transportation sector, the manufacturing sector, and the energy efficiency sector.

(2) DUTIES.—The Board of Directors shall—

(A) oversee the operations of the Administration and ensure industry best practices are followed in all financial transactions involving the Administration;

(B) consult with the Administrator on the general policies and procedures of the Administration to ensure the interests of the taxpayers are protected;

(C) ensure the portfolio of investments are consistent with purposes of this Act and with the long-term financial stability of the Administration;

(D) ensure that the operations and activities of the Administration are consistent with the development of a robust private sector that can provide commercial loans or financing products; and

(E) not serve on a full-time basis, except that the Board of Directors shall meet at least quarterly to review, as appropriate, applications for credit support and set policies and procedures as necessary.

(3) REMOVAL.—An appointed member of the Board of Directors may be removed from office by the President for good cause.

(4) VACANCIES.—An appointed seat on the Board of Directors that becomes vacant shall be filled by appointment by the President, but only for the unexpired portion of the term of the vacating member.

(5) COMPENSATION OF MEMBERS.—An appointed member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board of Directors.

(d) ENERGY TECHNOLOGY ADVISORY COUNCIL.—

(1) IN GENERAL.—The Administration shall have an Energy Technology Advisory Council consisting of—

(A) 5 members selected by the Secretary; and

(B) 3 members selected by the Board of Directors of the Administration.

(2) QUALIFICATIONS.—The members of the Advisory Council shall—

(A) have relevant scientific expertise; and

(B) in the case of the members selected by the Secretary under paragraph (1)(A), include representatives of—

(i) the academic community;

(ii) the private research community;

(iii) National Laboratories;

(iv) the technology or project development community; and

(v) the commercial energy financing and operations sector.

(3) DUTIES.—The Advisory Council shall—

(A) develop and publish for comment in the Federal Register a methodology for assessment of clean energy technologies that will allow the Administration to evaluate projects based on the progress likely to be achieved per-dollar invested in maximizing the attributes of the definition of clean energy technology, taking into account the ex-

tent to which support for a clean energy technology is likely to accrue subsequent benefits that are attributable to a commercial scale deployment taking place earlier than that which otherwise would have occurred without the support; and

(B) advise on the technological approaches that should be supported by the Administration to meet the technology deployment goals established by the Secretary pursuant to section 5.

(4) TERM.—

(A) IN GENERAL.—Members of the Advisory Council shall have 5-year staggered terms, as determined by the Secretary and the Administrator.

(B) REAPPOINTMENT.—A member of the Advisory Council may be reappointed.

(5) COMPENSATION.—A member of the Advisory Council, who is not otherwise compensated as a Federal employee, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Advisory Council.

(e) STAFF.—

(1) IN GENERAL.—The Administrator, in consultation with the Board of Directors, may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this Act; and

(B) vest those personnel with such powers and duties as the Administrator may determine.

(2) DIRECT HIRE AUTHORITY.—

(A) IN GENERAL.—Notwithstanding section 3304 and sections 3309 through 3318 of title 5, United States Code, the Administrator may, on a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified critical personnel with specialized knowledge important to the function of the Administration into the competitive service.

(B) EXCEPTION.—The authority granted under subparagraph (A) shall not apply to positions in the excepted service or the Senior Executive Service.

(C) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Administrator shall ensure that any action taken by the Administrator—

(i) is consistent with the merit principles of section 2301 of title 5, United States Code; and

(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

(D) TERMINATION OF EFFECTIVENESS.—The authority provided by this paragraph terminates effective on the date that is 2 years after the date of enactment of this Act.

(3) CRITICAL PAY AUTHORITY.—

(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Administrator may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of the Administration, if the Administrator certifies that—

(i) the positions require expertise of an extremely high level in a financial, technical, or scientific field;

(ii) the Administration would not successfully accomplish an important mission without such an individual; and

(iii) exercise of the authority is necessary to recruit an individual who is exceptionally well qualified for the position.

(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

(i) The number of critical positions authorized by subparagraph (A) may not exceed 20 at any 1 time in the Administration.

(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

(iii) An individual appointed under subparagraph (A) may not have been an Administration employee at any time during the 2-year period preceding the date of appointment.

(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

(C) NOTIFICATION.—Each year, the Administrator shall submit to Congress a notification that lists each individual appointed under this paragraph.

SEC. 7. ADMINISTRATION FUNCTIONS.

(a) OPERATIONAL UNITS.—

(1) DIRECT SUPPORT.—

(A) IN GENERAL.—The Administration may issue direct loans, letters of credit, loan guarantees, insurance products, or such other credit enhancements or debt instruments (including participation as a co-lender or a member of a syndication) as the Administrator considers appropriate to deploy clean energy technologies if the Administrator has determined that deployment of the technologies would benefit or be accelerated by the support.

(B) ELIGIBILITY CRITERIA.—In carrying out this paragraph and awarding credit support to projects, the Administrator shall account for—

(i) how the technology rates based on an evaluation methodology established by the Advisory Council;

(ii) how the project fits with the goals established under section 5; and

(iii) the potential for the applicant to successfully complete the project.

(C) RISK.—

(i) EXPECTED LOAN LOSS RESERVE.—The Administrator shall establish an expected loan loss reserve to account for estimated losses attributable to activities under this section that is consistent with the purposes of—

(I) developing breakthrough technologies to the point at which technology risk is largely mitigated;

(II) achieving widespread deployment and advancing the commercial viability of clean energy technologies; and

(III) advancing the goals established under section 5.

(ii) INITIAL EXPECTED LOAN LOSS RESERVE.—Until such time as the Administrator determines sufficient data exist to establish an expected loan loss reserve that is appropriate, the Administrator shall consider establishing an initial rate of 10 percent for the portfolio of investments under this Act.

(iii) PORTFOLIO INVESTMENT APPROACH.—The Administration shall—

(I) use a portfolio investment approach to mitigate risk and diversify investments across technologies;

(II) to the maximum extent practicable and consistent with long-term self-sufficiency, weigh the portfolio of investments in projects to advance the goals established under section 5; and

(III) consistent with the expected loan loss reserve established under this subparagraph, the purposes of this Act, and section 6(b)(2)(B), provide the maximum practicable percentage of support to promote breakthrough technologies.

(iv) LOSS RATE REVIEW.—

(I) IN GENERAL.—The Board of Directors shall review on an annual basis the loss rates of the portfolio to determine the adequacy of the reserves.

(II) REPORT.—Not later than 90 days after the date of the initiation of the review, the Administrator shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the review and any recommended policy changes.

(D) APPLICATION REVIEW.—

(i) IN GENERAL.—To the maximum extent practicable and consistent with sound business practices, the Administration shall seek to consolidate reviews of applications for credit support under this Act such that final decisions on applications can generally be issued not later than 180 days after the date of submission of a completed application.

(ii) ENVIRONMENTAL REVIEW.—In carrying out this Act, the Administration shall, to the maximum extent practicable—

(I) avoid duplicating efforts that have already been undertaken by other agencies (including State agencies acting under Federal programs); and

(II) with the advice of the Council on Environmental Quality and any other applicable agencies, use the administrative records of similar reviews conducted throughout the executive branch to develop the most expeditious review process practicable.

(E) WAGE RATE REQUIREMENTS.—

(i) IN GENERAL.—No credit support shall be issued under this section unless the borrower has provided to the Administrator reasonable assurances that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by the Administration will be paid wages at rates not less than those prevailing on projects of a character similar to the contract work in the civil subdivision of the State in which the contract work is to be performed as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(ii) LABOR STANDARDS.—With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(2) INDIRECT SUPPORT.—

(A) IN GENERAL.—The Administration shall work to develop financial products and arrangements to both promote the widespread deployment of, and mobilize private sector support of credit and investment institutions for, clean energy technologies through securitization, indirect credit support, or other similar means of credit enhancement.

(B) FINANCIAL PRODUCTS.—The Administration—

(i) in cooperation with Federal, State, local, and private sector entities, shall de-

velop debt instruments that provide for the aggregation of, or directly aggregate, projects for clean energy technology deployments on a scale appropriate for residential or commercial applications; and

(ii) may purchase, and make commitments to purchase, any debt instrument associated with the deployment of clean energy technologies for the purposes of enhancing the availability of private financing for clean energy technology deployments.

(C) DISPOSITION OF DEBT OR INTEREST.—The Administration may acquire, hold, and sell or otherwise dispose of, pursuant to commitments or otherwise, any debt associated with the deployment of clean energy technologies or interest in the debt.

(D) PRICING.—

(i) IN GENERAL.—The Administrator may establish requirements, and impose charges or fees, which may be regarded as elements of pricing, for different classes of sellers, servicers, or services.

(ii) CLASSIFICATION OF SELLERS AND SERVICERS.—For the purpose of clause (i), the Administrator may classify sellers and servicers as necessary to promote transparency and liquidity and properly characterize the risk of default.

(E) ELIGIBILITY.—The Administrator shall establish—

(i) eligibility criteria for loan originators, sellers, and servicers seeking support for portfolios of financial obligations relating to clean energy technologies so as to ensure the capability of the loan originators, sellers, and servicers to perform the functions required to maintain the expected performance of the portfolios; and

(ii) such criteria, standards, guidelines, and mechanisms such that, to the maximum extent practicable, loan originators and sellers will be able to determine the eligibility of loans for resale at the time of initial lending.

(F) SECONDARY MARKET SUPPORT.—

(i) IN GENERAL.—The Administration may lend on the security of, and make commitments to lend on the security of, any debt that the Administration has issued or is authorized to purchase under this section.

(ii) AUTHORIZED ACTIONS.—On such terms and conditions as the Administrator may prescribe, the Administration may, with the concurrence of the Board of Directors—

(I) borrow;

(II) give security;

(III) pay interest or other return; and

(IV) issue notes, debentures, bonds, or other obligations or securities.

(G) LENDING ACTIVITIES.—

(i) IN GENERAL.—The Administrator shall determine—

(I) the volume of the lending activities of the Administration; and

(II) the types of loan ratios, risk profiles, interest rates, maturities, and charges or fees in the secondary market operations of the Administration.

(ii) OBJECTIVES.—Determinations under clause (i) shall be consistent with the objectives of—

(I) providing an attractive investment environment for clean energy technologies;

(II) making the operations of the Administration self-supporting over the long term; and

(III) advancing the goals established under section 5.

(H) EXEMPT SECURITIES.—All securities issued or guaranteed by the Administration shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the

United States, be considered to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission.

(b) OTHER AUTHORIZED PROGRAMS.—

(1) IN GENERAL.—The Secretary may delegate to the Administration the provision of financial services and program management for grant, loan, and other credit enhancement programs authorized under any other provision of law.

(2) ADMINISTRATION.—In administering any other program delegated by the Secretary, the Administration shall, to the maximum extent practicable (as determined by the Administrator)—

(A) administer the program in a manner that is consistent with the terms and conditions of this Act; and

(B) minimize the administrative costs to the Federal Government.

SEC. 8. FEDERAL CREDIT AUTHORITY.

(a) TRANSFER OF FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), on a finding by the Secretary and the Administrator that the Administration is sufficiently ready to assume the functions and that applicants to those programs will not be unduly adversely affected but in no case later than 18 months after the date of enactment of this Act, all of the functions and authority of the Secretary under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) and authorities established by this Act shall be transferred to the Administration.

(2) FAILURE TO TRANSFER FUNCTIONS.—If the functions and authorities are not transferred to the Administration in accordance with paragraph (1), the Secretary and the Administrator shall submit to Congress a report on the reasons for delay and an expected timetable for transfer of the functions and authorities to the Administration.

(3) EFFECT ON EXISTING RIGHTS AND OBLIGATIONS.—The transfer of functions and authority under this subsection shall not affect the rights and obligations of any party that arise under a predecessor program or authority prior to the transfer under this subsection.

(4) TRANSFER OF FUND AUTHORITY.—On transfer of functions pursuant to paragraph (1), the Administration shall have all authorities to make use of the Fund reserved for the Secretary before the transfer.

(5) USE.—Amounts in the Fund shall be available for discharge of liabilities and all other expenses of the Administration, including subsequent transfer to the respective credit program accounts.

(6) INITIAL INVESTMENT.—

(A) IN GENERAL.—On transfer of functions pursuant to paragraph (1), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Fund to carry out this Act \$10,000,000,000, to remain available until expended.

(B) RECEIPT AND ACCEPTANCE.—The Fund shall be entitled to receive and shall accept, and shall be used to carry out this Act, the funds transferred to the Fund under subparagraph (A), without further appropriation.

(7) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available by paragraphs (1) through (6), there are authorized to be appropriated to the Fund such sums as are necessary to carry out this Act.

(b) PAYMENTS OF LIABILITIES.—

(1) IN GENERAL.—Any payment made to discharge liabilities arising from agreements under this Act shall be paid out of the Fund

or the associated credit program account, as appropriate.

(2) SECURITY.—The full faith and credit of the United States is pledged to the payment of all obligations entered into by the Administration pursuant to this Act.

(c) FEES.—

(1) IN GENERAL.—Consistent with achieving the purposes of this Act, the Administrator shall charge fees or collect compensation generally in accordance with commercial rates.

(2) AVAILABILITY OF FEES.—All fees collected by the Administration may be retained by the Administration and placed in the Fund and may remain available to the Administration, without further appropriation or fiscal year limitation, for use in carrying out the purposes of this Act.

(3) BREAKTHROUGH TECHNOLOGIES.—The Administration shall charge the minimum amount in fees or compensation practicable for breakthrough technologies, consistent with the long-term viability of the Administration, unless the Administration first determines that a higher charge will not impede the development of the technology.

(4) ALTERNATIVE FEE ARRANGEMENTS.—The Administration may use such alternative arrangements (such as profit participation, contingent fees, and other valuable contingent interests) as the Administration considers appropriate to compensate the Administration for the expenses of the Administration and the risk inherent in the support of the Administration.

(d) COST TRANSFER AUTHORITY.—Amounts collected by the Administration for the cost of a loan or loan guarantee shall be transferred by the Administration to the respective credit program accounts.

(e) SUPPLEMENTAL BORROWING AUTHORITY.—In order to maintain sufficient liquidity for activities authorized under section 7(a)(2), the Administration may issue notes, debentures, bonds, or other obligations for purchase by the Secretary of the Treasury.

(f) PUBLIC DEBT TRANSACTIONS.—For the purpose of subsection (e)—

(1) the Secretary of the Treasury may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code; and

(2) the purposes for which securities may be issued under that chapter are extended to include any purchase under this subsection.

(g) MAXIMUM OUTSTANDING HOLDING.—The Secretary of the Treasury shall purchase instruments issued under subsection (e) to the extent that the purchase would not increase the aggregate principal amount of the outstanding holdings of obligations under subsection (e) by the Secretary of the Treasury to an amount that is greater than \$20,000,000,000.

(h) RATE OF RETURN.—Each purchase of obligations by the Secretary of the Treasury under this section shall be on terms and conditions established to yield a rate of return determined by the Secretary of the Treasury to be appropriate, taking into account the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the purchase.

(i) SALE OF OBLIGATIONS.—The Secretary of the Treasury may at any time sell, on terms and conditions and at prices determined by the Secretary of the Treasury, any of the obligations acquired by the Secretary of the Treasury under this section.

(j) PUBLIC DEBT TRANSACTIONS.—All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under

this section shall be treated as public debt transactions of the United States.

SEC. 9. GENERAL PROVISIONS.

(a) IMMUNITY FROM IMPAIRMENT, LIMITATION, OR RESTRICTION.—

(1) IN GENERAL.—All rights and remedies of the Administration (including any rights and remedies of the Administration on, under, or with respect to any mortgage or any obligation secured by a mortgage) shall be immune from impairment, limitation, or restriction by or under—

(A) any law (other than a law enacted by Congress expressly in limitation of this paragraph) that becomes effective after the acquisition by the Administration of the subject or property on, under, or with respect to which the right or remedy arises or exists or would so arise or exist in the absence of the law; or

(B) any administrative or other action that becomes effective after the acquisition.

(2) STATE LAW.—The Administrator may conduct the business of the Administration without regard to any qualification or law of any State relating to incorporation.

(b) USE OF OTHER AGENCIES.—With the consent of a department, establishment, or instrumentality (including any field office), the Administration may—

(1) use and act through any department, establishment, or instrumentality;

(2) use, and pay compensation for, information, services, facilities, and personnel of the department, establishment, or instrumentality.

(c) PROCUREMENT.—The Administrator shall be the senior procurement officer for the Administration for purposes of section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a)).

(d) FINANCIAL MATTERS.—

(1) INVESTMENTS.—Funds of the Administration may be invested in such investments as the Board of Directors may prescribe.

(2) FISCAL AGENTS.—Any Federal Reserve bank or any bank as to which at the time of the designation of the bank by the Administrator there is outstanding a designation by the Secretary of the Treasury as a general or other depository of public money, may be designated by the Administrator as a depository or custodian or as a fiscal or other agent of the Administration.

(e) JURISDICTION.—Notwithstanding section 1349 of title 28, United States Code, or any other provision of law—

(1) the Administration shall be considered a corporation covered by sections 1345 and 1442 of title 28, United States Code;

(2) all civil actions to which the Administration is a party shall be considered to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such actions, without regard to amount or value; and

(3) any civil or other action, case or controversy in a court of a State, or in any court other than a district court of the United States, to which the Administration is a party may at any time before trial be removed by the Administration, without the giving of any bond or security and by following any procedure for removal of causes in effect at the time of the removal—

(A) to the district court of the United States for the district and division embracing the place in which the same is pending; or

(B) if there is no such district court, to the district court of the United States for the district in which the principal office of the Administration is located.

(f) PERIODIC REPORTS.—Not later than 1 year after commencement of operation of

the Administration and at least biannually thereafter, the Administrator shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes a description of—

(1) the technologies supported by activities of the Administration and how the activities advance the purposes of this Act; and

(2) the performance of the Administration on meeting the goals established under section 5.

(g) AUDITS BY THE COMPTROLLER GENERAL.—

(1) IN GENERAL.—The programs, activities, receipts, expenditures, and financial transactions of the Administration shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) ACCESS.—The representatives of the Government Accountability Office shall—

(A) have access to the personnel and to all books, accounts, documents, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to, under the control of, or in use by the Administration, or any agent, representative, attorney, advisor, or consultant retained by the Administration, and necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians;

(C) be authorized to obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to the audit without cost to the Comptroller General; and

(D) have the right of access of the Comptroller General to such information pursuant to section 716(c) of title 31, United States Code.

(3) ASSISTANCE AND COST.—

(A) IN GENERAL.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes.

(B) REIMBURSEMENT.—

(i) IN GENERAL.—On the request of the Comptroller General, the Administration shall reimburse the General Accountability Office for the full cost of any audit conducted by the Comptroller General under this subsection.

(ii) CREDITING.—Such reimbursements shall—

(I) be credited to the appropriation account entitled "Salaries and Expenses, Government Accountability Office" at the time at which the payment is received; and

(II) remain available until expended.

(h) ANNUAL INDEPENDENT AUDITS.—

(1) IN GENERAL.—The Administrator shall—

(A) have an annual independent audit made of the financial statements of the Administration by an independent public accountant in accordance with generally accepted auditing standards; and

(B) submit to the Secretary the results of the audit.

(2) CONTENT.—In conducting an audit under this subsection, the independent public accountant shall determine and report on whether the financial statements of the Administration—

(A) are presented fairly in accordance with generally accepted accounting principles; and

(B) comply with any disclosure requirements imposed under this Act.

(i) FINANCIAL REPORTS.—

(1) IN GENERAL.—The Administrator shall submit to the Secretary annual and quarterly reports of the financial condition and operations of the Administration, which shall be in such form, contain such information, and be submitted on such dates as the Secretary shall require.

(2) CONTENTS OF ANNUAL REPORTS.—Each annual report shall include—

(A) financial statements prepared in accordance with generally accepted accounting principles;

(B) any supplemental information or alternative presentation that the Secretary may require; and

(C) an assessment (as of the end of the most recent fiscal year of the Administration), signed by the chief executive officer and chief accounting or financial officer of the Administration, of—

(i) the effectiveness of the internal control structure and procedures of the Administration; and

(ii) the compliance of the Administration with applicable safety and soundness laws.

(3) SPECIAL REPORTS.—The Secretary may require the Administrator to submit other reports on the condition (including financial condition), management, activities, or operations of the Administration, as the Secretary considers appropriate.

(4) ACCURACY.—Each report of financial condition shall contain a declaration by the Administrator or any other officer designated by the Board of Directors of the Administration to make the declaration, that the report is true and correct to the best of the knowledge and belief of the officer.

(5) AVAILABILITY OF REPORTS.—Reports required under this section shall be published and made publicly available as soon as is practicable after receipt by the Secretary.

(j) SCOPE AND TERMINATION OF AUTHORITY.—

(1) NEW OBLIGATIONS.—The Administrator shall not initiate any new obligations under this Act on or after January 1, 2029.

(2) REVERSION TO SECRETARY.—The authorities and obligations of the Administration shall revert to the Secretary on January 1, 2029.

By Mr. BROWNBACK (for himself, Mr. INOUE, Mr. BAUCUS, Mrs. BOXER, Mr. CRAPO, Ms. CANTWELL, Mr. COBURN, Mr. HARKIN, Mr. LIEBERMAN, and Mr. TESTER):

S.J. Res. 14. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

Mr. BROWNBACK. Mr. President, I rise today to introduce a resolution that in many ways is long overdue, a resolution to officially apologize for the past ill-conceived policies by the US Government toward the Native Peoples of this land and re-affirm our commitment toward healing our nation's wounds and working toward es-

tablishing better relationships rooted in reconciliation.

Apologies are often-times difficult, but like treaties, go beyond mere words and usher in a true spirit of reconciling past difficulties and help to pave the way toward a united future. Perhaps Dr. King said it best when he stated, "The end is reconciliation, the end is redemption, the end is the creation of the beloved community." This is our goal, with this resolution today.

Native Americans have a vast and proud legacy on this continent. Long before 1776 and the establishment of the United States of America, Native peoples inhabited this land and maintained a powerful physical and spiritual connection to it. In service to the Creator, Native peoples sowed the land, journeyed it, and protected it. The people from my State of Kansas have a similar strong attachment to the land.

Like many in my State, I was raised on the land. I grew up farming and caring for the land. I and many in my State established a connection to this land as well. We care for our Nation and the land of our forefathers so greatly that we too are willing to serve and protect it, as faithful stewards of the creation with which God has blessed us. I believe without a doubt citizens across this great Nation share this sentiment and know its unifying power. Americans have stood side by side for centuries to defend this land we love.

Both the Founding Fathers of the United States, it and the indigenous tribes that lived here were attached to this land. Both sought to steward and protect it. There were several instances of collegiality and cooperation between our forbears—for example, in Jamestown, VA, Plymouth, MA, and in aid to explorers Lewis and Clark. Yet, sadly, since the formation of the American Republic, numerous conflicts have ensued between our Government, the Federal Government, and many of these tribes, conflicts in which warriors on all sides fought courageously and which all sides suffered. Even from the earliest days of our Republic there existed a sentiment that honorable dealings and a peaceful coexistence were clearly preferable to bloodshed. Indeed, our predecessors in Congress in 1787 stated in the Northwest Ordinance: "The utmost good faith shall always be observed toward the Indians."

Many treaties were made between the U.S. Government and Native peoples, but treaties are far more than just words on a page. Treaties represent our word, and they represent our bond. Treaties with other governments are not to be regarded lightly. Unfortunately, again, too often the United States did not uphold its responsibilities as stated in its covenants with Native tribes.

I have read all of the treaties in my State between the tribes and the Federal Government that apply to Kansas.

They generally came in tranches of three. First, there would be a big land grant to the tribe. Then there would be a much smaller one associated with some equipment and livestock, and then a much smaller one after that.

Too often, our Government broke its solemn oath to Native Americans. For too long, relations between the U.S. and Native people of this land have been in disrepair. For too much of our history, Federal tribal relations have been marked by broken treaties, mistreatment, and dishonorable dealings.

I believe it is time to work to restore these relationships to good health. While the record of the past cannot be and should not be erased, I am confident the United States can acknowledge its past failures, express sincere regrets, and work toward establishing a brighter future for all Americans. It is in this spirit of hope for our land that I and my Senate colleagues, Senators INOUE, BAUCUS, BOXER, CRAPO, CANTWELL, COBURN, HARKIN, LIEBERMAN, and TESTER, are offering this Senate Joint Resolution, the Native American Apology Resolution. I am also pleased to be in partnership with Representative DAN BOREN who is offering the companion Joint Resolution in the House of Representatives today as well.

This resolution will extend a formal apology from the U.S. to tribal governments and Native peoples nationwide—something we have never done; something we should have done years and years ago.

I am proud that this Joint Resolution, which I have introduced since the 107th Congress, has passed the Indian Affairs Committee unanimously in the 108th, 109th and 110th Congresses and passed the Senate in the 110th Congress.

Additionally, I want my fellow Senators to note this resolution does not—does not—dismiss the valiance of our American soldiers who fought bravely for their families in wars between the United States and a number of the Indian tribes, nor does this resolution cast all the blame for the various battles on one side or another.

Further, this resolution will not resolve the many challenges still facing Native Americans, nor will it authorize, support or settle any claims against the United States. It doesn't have anything to do with any property claims against the United States. That is specifically set aside and not in this bill. What this resolution does do is recognize and honor the importance of Native Americans to this land and to the U.S. in the past and today and offers an official apology for the poor and painful path the U.S. Government sometimes made in relation to our Native brothers and sisters by disregarding our solemn word to Native peoples. It recognizes the negative impact of numerous destructive Federal acts and policies on Native Americans

and their culture, and it begins—begins—the effort of reconciliation.

President Ronald Reagan spoke of the importance of reconciliation many times throughout his Presidency. In a 1984 speech to mark the 40th anniversary of the day when the Allied armies joined in battle to free the European Continent from the grip of the Axis powers, Reagan implored the United States and Europe to “prepare to reach out in the spirit of reconciliation.”

This resolution is not a panacea of course, but perhaps it signals the beginning of the end of division and a faint first light and first fruits of reconciliation and the creation of beloved community Dr. King so eloquently described.

This is a resolution of apology and a resolution of reconciliation. It is a step toward healing the wounds that have divided our country for so long—a potential foundation for a new era of positive relations between tribal governments and the Federal Government.

It is time, as I have stated, for us to heal our land of division, all divisions, and bring us together. I hope a number of my colleagues in the Senate will join me and support this resolution and begin a much needed healing process in this Nation.

Mr. President, I ask that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 14

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

Whereas for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

Whereas Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

Whereas while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, “The utmost good faith shall always be observed toward the Indians”;

Whereas Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable

help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;

Whereas the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

Whereas the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the “Indian Removal Act”);

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the “General Allotment Act”), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

Whereas the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

Whereas despite the wrongs committed against Native Peoples by the United States, Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

Whereas Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official Federal Government positions, and by leadership of their own sovereign Indian tribes;

Whereas Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

Whereas the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness.

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESOLUTION OF APOLOGY TO NATIVE PEOPLES OF UNITED STATES.

(a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this Joint Resolution—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 121—DESIGNATING MAY 15, 2009, AS “ENDANGERED SPECIES DAY”

Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. AKAKA, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. FEINGOLD, Mr. KERRY, Mr. LEVIN, Mr. SANDERS, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 121

Whereas, in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas $\frac{2}{3}$ of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2009, as “Endangered Species Day”;

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species;

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe the day with appropriate ceremonies and activities.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a resolution to establish the fourth annual Endangered Species Day on May 15, 2009. I am introducing this legislation with Senators COLLINS, BOXER, BROWN, CANTWELL, FEINGOLD, KERRY, LEVIN, SANDERS, WHITEHOUSE, and AKAKA whose co-sponsorship and support of this resolution I appreciate very much.

The designation of Endangered Species Day will provide many wonderful opportunities for Americans to familiarize themselves with the status and recovery efforts of endangered species in our own country and around the world, including such magnificent species as the polar bear.

Last year, more than 100 events were held across the country to highlight endangered species success stories, and even more are slated for this year. Educational activities were held at zoos, aquariums, libraries, and schools across the country, including Disney's Animal Kingdom in Florida, the San Diego Zoo in California, the Port Defiance Zoo and Aquarium in Tacoma, Washington, and the Bronx Zoo in New York City.

Based on the success of last year, I am confident that this year's Endangered Species Day will continue to foster increased awareness about endangered species by encouraging educational activities such as school field trips to the zoo or attending an art fair at a local library.

Endangered species recovery programs in California are great examples

of the conservation and management efforts that have helped to significantly restore populations of the California condor and the California gray whale. Over 300 species classified as either endangered or threatened live in California, and efforts to protect them will ensure that they continue to do so.

Despite these success stories, we must consider what more can be done. There are over 5,000 threatened species that receive protection in the United States and abroad. An important step to preventing further threats to and endangerment of wildlife is to increase awareness about the seriousness of the problem and educating our youth on what we can do.

I would also like to commend the Interior Secretary Ken Salazar and Commerce Secretary Gary Locke, who recently lifted the Bush administration's last-minute consultation rule. This will allow the United States to take immediate action to ensure that independent wildlife experts are consulted on the impacts on endangered and threatened species.

I am introducing this bill with the hope that Endangered Species Day can spark the interest in our youth to continue the conservation efforts that we have begun, but are still far from finishing.

SENATE RESOLUTION 122—DESIGNATING APRIL 30, 2009, AS “DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS”, AND FOR OTHER PURPOSES

Mr. MENENDEZ (for himself, Mr. HATCH, Mr. BINGAMAN, Mr. KENNEDY, Mr. DURBIN, Mrs. BOXER, Mr. SCHUMER, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CORNYN, Mr. CRAPO, Mr. MARTINEZ, Mr. COCHRAN, Mr. NELSON of Florida, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 122

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate “Día de los Niños”, or “Day of the Children”, on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States and are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas according to the latest Census report, there are more than 44,000,000 individuals of Hispanic descent living in the United States, nearly 15,000,000 of whom are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on Día de los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and

family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the Nation to declare April 30 as "Día de los Niños: Celebrating Young Americans", a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2009, as "Día de los Niños: Celebrating Young Americans"; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

SENATE RESOLUTION 123—EXPRESSING SUPPORT FOR DESIGNATION OF MAY 2, 2009, AS "VIETNAMESE REFUGEES DAY"

Mr. WEBB submitted the following resolution; which was considered and agreed to:

S. RES. 123

Whereas the Library of Congress' Asian Division together with many Vietnamese-American organizations across the United States will sponsor a "Journey to Freedom: A Boat People Retrospective" symposium on May 2, 2009;

Whereas Vietnamese refugees were asylum-seekers from Communist-controlled Vietnam;

Whereas many Vietnamese escaped in boats during the late 1970s, after the Vietnam War and by land across the Cambodian, Laotian, and Thai borders into refugee camps in Thailand;

Whereas over 2,000,000 Vietnamese boat people and other refugees are now spread across the world, in the United States, Australia, Canada, France, England, Germany, China, Japan, Hong Kong, South Korea, the Philippines, and other nations;

Whereas over half of all overseas Vietnamese are Vietnamese-Americans, and Vietnamese-Americans are the fourth-largest Asian American group in the United States;

Whereas, as of 2006, 72 percent of Vietnamese-Americans were naturalized United States citizens, the highest rate among all Asian groups;

Whereas Vietnamese-Americans have made significant contributions to the rich culture and economic prosperity of the United States;

Whereas Vietnamese-Americans have distinguished themselves in the fields of literature, the arts, science, and athletics, and include actors and actresses, physicists, an astronaut, and Olympic athletes; and

Whereas May 2, 2009, would be an appropriate day to designate as "Vietnamese Refugees Day": Now, therefore, be it

Resolved, That the Senate supports the designation of "Vietnamese Refugees Day" in order to commemorate the arrival of Vietnamese refugees in the United States, to document their harrowing experiences, and subsequent achievements in their new homeland, to honor the host countries that welcomed the boat people, and to recognize the voluntary agencies and nongovernmental organizations that facilitated their resettlement, adjustment, and assimilation into mainstream society in the United States.

SENATE RESOLUTION 124—RECOGNIZING THE THREATS TO PRESS FREEDOM AND EXPRESSION AROUND THE WORLD AND REAFFIRMING PRESS FREEDOM AS A PRIORITY IN THE EFFORTS OF THE UNITED STATES TO PROMOTE DEMOCRACY AND GOOD GOVERNANCE, ON THE OCCASION OF WORLD PRESS FREEDOM DAY ON MAY 3, 2009

Mr. FEINGOLD (for himself, Mr. KAUFMAN, Mr. LUGAR, Mr. LEAHY, Mr. DURBIN, Mr. KERRY, Mr. CASEY, Mr. LIEBERMAN, Mr. ISAKSON, Mr. CARDIN, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 124

Whereas, in 1993, the United Nations General Assembly proclaimed May 3 of each year as "World Press Freedom Day" to celebrate the fundamental principles of press freedom, to evaluate the state of press freedom around the world, to defend the media from attacks on the independence of the media, and to pay tribute to journalists who have lost their lives in the line of duty;

Whereas, according to the International Federation of Journalists, at least 109 journalists and other media workers were killed in 2008 while on assignment;

Whereas, according to the Committee to Protect Journalists, nearly 3 out of 4 jour-

nalists killed in the line of duty are murdered, and the killers go unpunished in nearly 9 of 10 cases;

Whereas, according to estimates by Reporters Without Borders, in 2008, 673 journalists were arrested, 929 journalists were physically attacked or threatened, and 29 journalists were kidnapped;

Whereas Freedom House reported that press freedom has been declining during recent years in both authoritarian countries and established democracies;

Whereas, reflecting the rise in influence of Internet reporting, an increasing number of online editors, bloggers, and web-based reporters are being imprisoned and their websites closed; and

Whereas press freedom is a key component of democratic governance and socio-economic development and enhances public accountability, transparency and participation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the threats to press freedom and expression around the world, on the occasion of World Press Freedom Day on May 3, 2009;

(2) commends journalists around the world for the essential role they play in promoting government accountability and strengthening civil society, despite numerous threats;

(3) pays tribute to the journalists who have lost their lives in the line of duty;

(4) condemns all actions around the world that suppress press freedom;

(5) reaffirms the centrality of press freedom to efforts by the United States to support democracy, mitigate conflict, and promote good governance around the world; and

(6) calls on the President and the Secretary of State to develop means by which the United States Government can more rapidly identify, publicize, and respond to threats against press freedom around the world.

SENATE CONCURRENT RESOLUTION 22—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH 2009

Mr. CASEY (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 22

Whereas on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk for sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attacks to law enforcement agencies;

Whereas % of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies now have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April 2009 is recognized as "National Sexual Assault Awareness and Prevention Month": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month 2009.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1014. Mr. DURBIN (for himself, Mr. DODD, Mr. REID, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. HARKIN) proposed an amendment to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability.

SA 1015. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1016. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

SA 1017. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

SA 1018. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 896, supra.

SA 1019. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

SA 1020. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1021. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1022. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1023. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1024. Mr. KERRY (for himself, Mrs. BOXER, Mrs. GILLIBRAND, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1025. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1026. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1027. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1028. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 896, supra; which was ordered to lie on the table.

SA 1029. Mr. SCHUMER submitted an amendment intended to be proposed by him to the resolution S. Res. 93, a bill supporting the mission and goals of 2009 National Crime Victim's Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984.

TEXT OF AMENDMENTS

SA 1014. Mr. DURBIN (for himself, Mr. DODD, Mr. REID, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. HARKIN) proposed an amendment to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

At the end of the bill, add the following:

TITLE V—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

SEC. 501. DEFINITIONS.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (43) the following:

"(43A)(A) The term 'qualified loan modification offer' means a loan modification agreement that is consistent with the terms described in subparagraph (B) and that is offered—

"(i) in accordance with the guidelines of the Homeowner Affordability and Stability Plan, to a debtor who qualifies for such plan;

"(ii) in accordance with the qualified loan guidelines described in subparagraph (C)(i) for loans insured or guaranteed by the Federal Housing Administration of the Department of Housing and Urban Development, the Department of Veterans Affairs, or the Department of Agriculture, to a debtor for whom a loan is insured or guaranteed under programs of such Government entities; or

"(iii) in accordance with qualified loan guidelines described in subparagraph (C)(ii) to a debtor who does not qualify for the Homeowner Affordability and Stability Plan, for a loan for which the servicer is not a participant in such plan, and for whom a loan is not insured or guaranteed under programs of the Government entities described in subparagraph (A)(i).

"(B) For purposes of this paragraph, a 'qualified loan modification offer'—

"(i) requires no fees or charges to be paid by the debtor in order to obtain such modification;

"(ii) permits the debtor to continue to make payments under the modification agreement, notwithstanding the filing of a case under this title, as if such case had not been filed;

"(iii) is offered in good faith to the debtor in writing, not later than 45 days after the date on which the debtor provided to the servicer of such loan, in good faith, all required information, as defined in subparagraph (G), in order to be considered for a qualified loan modification offer or a qualified loan refinancing offer;

"(iv) is presented to the debtor as a firm written offer in a form that can be accepted by the debtor by signing the offer and returning it to the servicer of such loan;

"(v) is offered with respect to a loan for which no foreclosure sale is scheduled, or shall be scheduled, during the time the request for modification is being considered or is scheduled during the 30-day period beginning on the expiration of the time period specified in clause (iii); and

"(vi) is not revoked by the servicer of such loan for reasons within the control of the debtor before the confirmation of the plan filed under section 1321 or the modification of a plan under section 1323 or 1329.

"(C) For purposes of this paragraph, the term 'qualified loan guidelines' describes a loan modification agreement that—

"(i) in the case of a loan that is insured or guaranteed by the Federal Housing Administration, the Department of Veterans Affairs, or the Department of Agriculture and that is secured by the senior security interest in the principal residence of the debtor, modifies the debtor's monthly housing payment for at least a period of 5 years—

"(I) to 31 percent or less of the debtor's monthly gross income at the time of the modification, without any period of negative amortization; or

“(II) before expiration of the 90-day period beginning on the effective date of this paragraph, to the lowest percentage of the debtor’s monthly gross income allowed under the applicable program guidelines in effect before the effective date of this paragraph, without any period of negative amortization, if such lowest percentage is greater than 31 percent of the debtor’s monthly gross income at the time of the modification, without any period of negative amortization;

“(ii) in the case of a loan for a debtor who does not qualify for the Homeowner Affordability and Stability Plan, or of a loan for which the servicer is not a participant in such plan and for whom a loan is not insured or guaranteed under programs of the Government entities described in subparagraph (A)(ii)—

“(I) modifies the debtor’s monthly housing payment for at least a period of 5 years to 31 percent or less of the debtor’s monthly gross income at the time of the modification, without any period of negative amortization; and

“(II) provides that, after the initial period of 5 years, the interest rate on the modified loan may increase by not more than 1 percentage point per year until the interest rate reaches (but does not exceed) the prevailing market interest rate on the date on which the modification is finalized, as published by the Federal Home Loan Mortgage Corporation, at which time such maximum interest rate shall be fixed for the remaining loan term.

“(D) For purposes of this paragraph—

“(i) the term ‘debtor’s monthly gross income’ means the total income amount before any payroll deductions, and includes wages and salaries, overtime pay, commissions, fees, tips, bonuses, housing allowances, other compensation for personal services, Social Security payments, including Social Security received by adults on behalf of minors or by minors intended for their own support, and monthly income from annuities, insurance policies, retirement funds, pensions, disability or death benefits, unemployment benefits, rental income, and other income. For income from the operation of a business, profession, or farm, monthly gross income shall be the sum of the debtor’s gross receipts exclusive of ordinary and necessary business expenses; and

“(ii) the term ‘debtor’s monthly housing payment’ includes fixed principal and interest, and payments for real estate taxes, hazard insurance, mortgage insurance premium, homeowners’ association dues, ground rent, special assessments, and all other amounts collected by the servicer as part of that payment.

“(E) The term ‘Homeowner Affordability and Stability Plan’ means the loan modification plan announced and implemented by the Secretary of the Treasury on March 4, 2009, and any successor thereto.

“(F) For purposes of this paragraph, the term ‘servicer’ means the person responsible for any of master servicing, servicing, or subservicing of a debt secured by the debtor’s principal residence (including the person who makes or holds a loan if such person also master services, services, or subservices the loan).

“(G) For purposes of this paragraph, the term ‘required information’ means all information required to be provided to the servicer under the Homeowner Affordability and Stability Plan, or according to a similar standardized list, as issued by the Secretary of the Treasury or the Secretary of the Department of Housing and Urban Develop-

ment, to allow the servicer to determine the debtor’s eligibility for a qualified loan modification offer or a qualified loan refinancing offer made by the holder of the loan. If the servicer fails to notify the debtor within 30 days of the date of submission of information by the debtor that the information is incomplete and specify what further information must be submitted, it shall be conclusively presumed that the information submitted by the debtor satisfies such requirement. For purposes of this subparagraph, required information provided to the servicer by the debtor shall be deemed accurate and complete as of the time it was delivered to the servicer. Material differences not based on a change in the debtor’s circumstances between the required information provided under the Homeowner Affordability and Stability Plan or a similar standardized list, as issued by the Secretary of the Treasury or the Secretary of the Department of Housing and Urban Development, and information provided by the debtor in the schedules required under section 521(a), shall give rise to a rebuttable presumption that the debtor is not eligible for a modification under section 1322(b)(1), if such material differences in the required information render the debtor ineligible for a qualified loan modification offer or a qualified loan refinancing offer. The debtor may rebut the presumption by showing that the debtor offered the required information in good faith.

“(43B) The term ‘qualified loan refinancing offer’ means a loan offered in accordance with the HOPE for Homeowners program, as authorized by section 257 of the National Housing Act (12 U.S.C. 1715z–23) that—

“(A) refinances a loan secured by the senior security interest in the principal residence of the debtor, and which is eligible to be refinanced under the HOPE for Homeowners program;

“(B) permits the debtor to continue to make payments under the loan, notwithstanding the filing of a case under this title, as if such case had not been filed; and

“(C) with respect to which the debtor has received a written notice that the debtor’s application for such loan was approved by a person or entity authorized by the Secretary of the Department of Housing and Urban Development to serve as a mortgagee, and such loan approval was not revoked by such person or entity before the date of the confirmation of the plan filed under section 1321 or the modification of a plan under section 1323 or 1329.”

SEC. 502. ELIGIBILITY FOR RELIEF.

Section 109 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “(1)” after “(e)”; and

(B) by adding at the end the following:

“(2) For purposes of this subsection, the computation of debts shall not include the secured or unsecured portions of—

“(A) debts secured by the debtor’s principal residence, if the value of such residence as of the date of the order for relief under chapter 13 is less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection; or

“(B) debts secured or formerly secured by what was the debtor’s principal residence that was sold in foreclosure or that the debtor surrendered to the creditor, if the value of such real property as of the date of the order for relief under chapter 13 was less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection.”

(2) in subsection (h)(1), by striking “and (3)” and inserting “, (3), and (5)”; and

(3) in subsection (h), by adding at the end the following:

“(5) With respect to a debtor in a case under chapter 13 who is at least 60 days delinquent with respect to the claim secured by the debtor’s principal residence and submits to the court a certification that the debtor has received written notice that the holder of a claim secured by the debtor’s principal residence may commence a foreclosure on the debtor’s principal residence, the requirements of paragraph (1) shall be considered to be satisfied if the debtor satisfies such requirements not later than the expiration of the 45-day period beginning on the date of the filing of the petition.”

SEC. 503. AUTHORITY TO MODIFY CERTAIN MORTGAGES.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (11) as paragraph (12);

(B) in paragraph (10), by striking “and” at the end; and

(C) by inserting after paragraph (10) the following:

“(11) notwithstanding paragraph (2), modify the rights of the holder of a claim for a loan originated before January 1, 2009, with an unpaid principal balance that is not greater than the maximum loan amount provided for in the guidelines of the Homeowner Affordability and Stability Plan, that is at least 60 days delinquent and secured by a security interest in the debtor’s principal residence and, in the case of a claim secured by the senior security interest in such residence that is the subject of a written notice that a foreclosure may be commenced with respect to such loan—

“(A) by providing for payment of the amount of the allowed secured claim, as determined under section 506(a)(1);

“(B) by modifying the terms and conditions of such loan—

“(i) to extend the repayment period for a period that is not longer than the longer of 40 years (reduced by the period for which such loan has been outstanding) or the remaining term of such loan, beginning on the date of the order for relief under this chapter; and

“(ii) to provide for the payment of interest accruing after the date of the order for relief under this chapter at a fixed annual rate equal to the currently applicable average prime offer rate, as of the date of the order for relief under this chapter, corresponding to the repayment term determined under the preceding paragraph, as published by the Federal Financial Institutions Examination Council in its table entitled ‘Average Prime Offer Rates—Fixed’ (or any successor thereto), rounded to the nearest 0.125 percent, plus a reasonable premium for risk; and

“(C) by providing for payments of such modified loan directly to the holder of the claim or, at the discretion of the court, through the trustee during the term of the plan; and”; and

(2) by adding at the end the following:

“(g) A claim may be reduced under subsection (b)(11)(A) only on the condition that if the debtor sells the principal residence securing such claim during the pendency of the case under this chapter and receives net proceeds from the sale of such residence—

“(1) the debtor agrees to pay to such holder 50 percent of the amount of the difference between the sale price and the amount of such claim, as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid

amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

“(2) the debtor notifies the holder of such claim (or entity collecting payments on behalf of such holder), not later than 30 days before the closing date of such sale, of the details of sale, including the buyer's name and address, the buyer's relationship to the debtor, if any, purchase price, anticipated sale closing date, name and address of the closing agent, and any other relevant information; and

“(3) any amount to be received by the holder is listed in the closing documents.

“(h) With respect to a claim of the kind described in subsection (b)(11) that is secured by the senior security interest in the debtor's principal residence, the plan may not contain a modification under the authority of subsection (b)(11)—

“(1) in a case commenced under this chapter after the expiration of the 45-day period beginning on the effective date of this subsection, unless the debtor certifies that the debtor sought a qualified loan modification offer or a qualified loan refinancing offer, as those terms are defined in paragraphs (43A) and (43B) of section 101, respectively, and submitted the required information, as that term is defined in section 101(43A)(G);

“(2) in any other case under this chapter, unless the debtor certifies that the debtor sought a qualified loan modification offer or qualified loan refinancing offer, as those terms are so defined, at least 45 days before—

“(A) the date of confirmation of a plan under section 1321 that contains a modification under the authority of subsection (b)(11) of this section; or

“(B) the date of modification of a plan under section 1323 or 1329 to contain a modification under the authority of subsection (b)(11) of this section;

“(3) except as provided in subsection (i)(2), if the debtor's monthly housing payment prior to loan modification or refinancing is less than 31 percent of the debtor's gross monthly income (as those terms are defined in section 101(43A)(D)); or

“(4) except as provided in subsection (i)(2), if the debtor has received a qualified loan modification offer or a qualified loan refinancing offer, as those terms are so defined.

“(i)(1) If the debtor's income at the time at which a petition is filed under this chapter is equal to or greater than 80 percent of the area median income, as published by the Department of Housing and Urban Development, with respect to a claim of the kind described in subsection (b)(11), and if the debtor has received a qualified loan modification offer or a qualified loan refinancing offer (as those terms are defined in paragraphs (43A) and (43B) of section 101, respectively for purposes of this subsection), such debtor may not modify the rights of the holder of a claim that is secured by the senior security interest in the debtor's principal residence pursuant to subsection (b)(11), regardless of whether the debtor has accepted the offer.

“(2) If the debtor's income at the time at which a petition is filed under this chapter is not equal to or greater than 80 percent of the area median income, as published by the Department of Housing and Urban Development, the debtor shall be subject to all requirements applicable to other debtors under this section with respect to a claim of the kind described in subsection (b)(11), provided that—

“(A) if the debtor is subject to subsection (h)(3) or (h)(4), such debtor may still modify the rights of the holder of a claim secured by

the senior security interest in the debtor's principal residence pursuant to subsection (b)(11), other than by reduction in the principal balance, if the payments that would be due under a modification implemented by a plan under this chapter permitting payments over a term of 40 years and an interest rate equal to the currently applicable prime offer rate described in subsection (b)(11)(B)(ii) would be less than the payments due under the qualified loan modification offer or a qualified loan refinancing offer; and

“(B) if the debtor has received an otherwise qualified loan modification offer or a qualified loan refinancing offer that reduces the debtor's monthly housing payment to 25 percent or less of the debtor's monthly gross income (as those terms are defined in section 101(43A)(D)), such debtor may not modify the rights of the holder of a claim secured by the senior security interest in the debtor's principal residence pursuant to subsection (b)(11), regardless of whether or not the debtor has accepted the offer.

“(j) In determining the holder's allowed secured claim under section 506(a)(1) for purposes of subsection (b)(11)(A) of this section, the value of the debtor's principal residence shall be the fair market value of such residence on the date of the determination of the value of the allowed secured claim and, if the issue of value is contested, the court shall determine such value in accordance with the appraisal rules used by the Federal Housing Administration.

“(k) If the rights of a holder of a claim of the kind described in subsection (b)(11) have been modified pursuant to subsection (b)(11), the court may not approve, and the debtor may not borrow, any additional funds during the pendency of the case that are secured by a security interest in the debtor's principal residence that is junior to the lien securing such claim.”.

SEC. 504. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(3) the debtor, the debtor's property, and property of the estate are not liable for a fee, cost, or charge that is incurred while the case under this chapter is pending and arises from a debt that is secured by the debtor's principal residence, except to the extent that—

“(A) the holder of the claim for the debt files with the court and serves on the trustee, the debtor, and the debtor's attorney (annually or, in order to permit filing consistent with clause (ii), more frequently, as the court determines necessary) notice of the fee, cost, or charge before the earlier of—

“(i) 1 year after the date on which the fee, cost, or charge is incurred; or

“(ii) 60 days before the closing of the case under this chapter; and

“(B) the fee, cost, or charge is not unlawful under applicable nonbankruptcy law, and is reasonable and provided for in the applicable security agreement; and

“(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for any fee, cost, or charge described in paragraph (3) for all purposes, and any attempt to collect such a fee, cost, or charge shall constitute a violation of section 524(a)(2) or, if the violation occurs before the date of discharge, of section 362(a); and

“(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the debtor's principal residence.”.

SEC. 505. CONFIRMATION OF PLAN.

Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5)—

(A) by inserting “except as otherwise provided in section 1322(b)(11),” after “(5)”; and

(B) in subparagraph (B)(iii)(I), by inserting “(including payments of a claim modified under section 1322(b)(11))” after “payments” the 1st place that term appears;

(2) in paragraph (8), by striking “and” at the end;

(3) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(4) by inserting immediately after paragraph (9) the following:

“(10) notwithstanding paragraph (5)(B)(i)(I), in a case in which the plan modifies a claim in accordance with section 1322(b)(11), the holder of a claim whose rights are modified pursuant to section 1322(b)(11) retains the lien until the full payment of the allowed secured claim of the holder, together with postpetition interest, fees, costs, and charges permitted under section 1322(b)(11) and, if applicable, 1322(c)(3); and

“(11) in a case in which the plan modifies a claim in accordance with section 1322(b)(11), the court—

“(A) finds that the modification is in good faith, which the court may not find if the debtor has no need for relief under section 1322(b)(11) because the debtor can pay all of the debts of the debtor and any payment increases on such debts without difficulty for the foreseeable future, including the positive amortization of mortgage debt; and

“(B) does not find that the debtor has been criminally convicted of actual fraud in obtaining the extension, renewal, or refinancing of credit that gives rise to a modified claim.”.

SEC. 506. DISCHARGE.

Section 1328(a) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “(other than payments to holders of claims whose rights are modified under section 1322(b)(11))” after “paid”; and

(2) in paragraph (1), by inserting “or, to the extent of the unpaid portion of an allowed secured claim, as provided for under section 1322(b)(11)” after “1322(b)(5)”.

SEC. 507. STANDING TRUSTEE FEES.

(a) AMENDMENT TO TITLE 28.—Section 586(e)(1)(B)(i) of title 28, United States Code, is amended—

(1) by inserting “(I) except as provided in subclause (II),” after “(i)”; and

(2) by striking “or” at the end and inserting “and”; and

(3) by adding at the end the following:

“(II) 4 percent, with respect to payments received under section 1322(b)(11) of title 11, by the individual as a result of the operation of section 1322(b)(11)(C) of title 11, unless the bankruptcy court waives all fees with respect to such payments, based on a determination that the individual has income equal to less than 150 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, and payment of such fees would render the plan of the debtor infeasible; or”.

(b) APPLICABILITY.—The amendments made by this section shall apply to any trustee to whom the provisions of section 302(d)(3) of

the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) apply.

SEC. 508. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this title shall apply with respect to any case commenced under title 11 of the United States Code before, on, or after the date of enactment of this Act with respect to loans serviced by entities affiliated with entities for which participation in the Homeowner Affordability and Stability Plan announced and implemented by the Secretary of the Treasury on March 4, 2009, (and any successor thereto) is mandatory.

(2) EXCEPTION.—With respect to loans serviced by entities that are unaffiliated with entities for which participation in the Homeowner Affordability and Stability Plan is mandatory, and that have announced and implemented a policy of ceasing all foreclosure activities for 45 days after the date of enactment of this Act, the time period in clause (iii) of section 101(43A)(B) of title 11, United States Code (as added by this title), shall expire on the later of 90 days after the date of enactment of this Act or the date on which it would otherwise expire under that clause.

(3) LIMITATION.—The amendments made by this subtitle shall not apply with respect to any case closed under title 11 of the United States Code as of the date of enactment of this Act that is not pending on appeal in, nor appealable to, any court of the United States.

(b) SUNSET.—The amendments made by sections 501, 503, 505, 506, and 507 shall not apply to any case commenced under title 11 of the United States Code after the later of December 31, 2012 or the expiration of any extension of the Homeowner Affordability and Stability Plan (or any successor thereto).

SEC. 509. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall carry out a study of—

(1) the number of debtors who filed, during the 1-year period beginning on the date of enactment of this Act, cases under chapter 13 of title 11, United States Code, for the purpose of restructuring a mortgage loan secured by the principal residence of the debtor;

(2) the number of such mortgages restructured under the amendments made by this subtitle that subsequently resulted in default and foreclosure; and

(3) a comparison between the effectiveness of mortgages restructured under programs outside of bankruptcy law, such as Hope Now, the Homeowner Affordability and Stability Plan (as implemented by the Secretary of the Treasury on March 4, 2009), and the HOPE for Homeowners program, and mortgages restructured under the amendments made by this subtitle.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study required by subsection (a) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 510. UNENFORCEABILITY OF CERTAIN PROVISION AS BEING CONTRARY TO PUBLIC POLICY.

(a) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) in conjunction with the amendments made by this subtitle, the enforcement of

provisions of certain investment contracts in effect on the date of enactment of this Act, which require excess bankruptcy losses that exceed a certain dollar amount on residential mortgages to be borne by classes of certificates on a pro rata basis, would affect the parties to those contracts in ways that could not have occurred under the law in effect at the time at which such contracts were entered into, would interfere with the achievement of the purposes of this subtitle, and would have adverse effects on the national economy, potentially including adverse effects on the security of depositors of banking institutions and policyholders of insurance companies operating in interstate commerce; and

(2) to achieve the purposes of this subtitle to avoid preventable foreclosures, avoid unintended and adverse systemic effects on the national economy, and preserve the existing economic expectations of the parties to investment contracts to the extent reasonably possible, it is necessary that such provisions be unenforceable to the extent that such provisions refer to types of bankruptcy losses that could not have been incurred under the law in effect at the time at which such contracts were entered into.

(b) UNENFORCEABILITY OF PROVISIONS.—

(1) IN GENERAL.—Any bankruptcy loss allocation provision in any mortgage-backed securities contract in effect on the date of enactment of this Act shall be unenforceable as contrary to public policy, to the extent that such bankruptcy loss allocation provision allocates to senior classes of mortgage-backed securities of the issuer bankruptcy losses that could not have been incurred under the law in effect on the date on which such mortgage-backed securities contract was entered into, without the consent of the holder of the related residential mortgage or mortgages.

(2) EFFECT OF UNENFORCEABILITY.—Any bankruptcy losses that would have been allocated under a bankruptcy loss allocation provision that is unenforceable under paragraph (1) shall be allocated as if the bankruptcy losses constituted losses (other than bankruptcy losses) under the applicable mortgage-backed securities contract.

(c) COVERED BANKRUPTCY LOSSES.—For purposes of subsection (b), the term “bankruptcy losses that could not have been incurred under the law in effect on the date on which such mortgage-backed securities contract was entered into, without the consent of the holder of the related residential mortgage or mortgages” includes all bankruptcy losses incurred as a result of the application of section 1322(b)(11) of title 11, United States Code, as amended by this title.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) BANKRUPTCY LOSS ALLOCATION PROVISION.—The term “bankruptcy loss allocation provision” means any provision in a mortgage-backed securities contract that allocates any portion of bankruptcy losses to senior classes of mortgage-backed securities of the issuer before the outstanding principal amount of subordinated classes of the mortgage-backed securities of the issuer has been reduced to zero as a result of the allocation of losses or otherwise.

(2) BANKRUPTCY LOSSES.—The term “bankruptcy losses” means any losses relating to residential mortgages held by a securitization vehicle that arise in a proceeding under title 11 of the United States Code.

(3) MORTGAGE-BACKED SECURITIES.—The term “mortgage-backed securities” means mortgage pass-through certificates, partici-

pation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans.

(4) MORTGAGE-BACKED SECURITIES CONTRACT.—The term “mortgage-backed securities contract” means a contract or other instrument that governs the terms of mortgage-backed securities.

(5) SECURITIZATION VEHICLE.—The term “securitization vehicle” means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(B) holds such mortgages.

Subtitle B—Related Mortgage Modification Provisions

SEC. 511. ADJUSTMENTS AS A RESULT OF MODIFICATION IN BANKRUPTCY OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3732(a)(2) of title 38, United States Code, is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by adding at the end the following new subparagraph:

“(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b)(11) of title 11, United States Code, the Secretary shall pay the holder of the obligation the unpaid balance of the obligation due as of the date of the filing of the petition under title 11, United States Code, plus accrued interest, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.”.

(b) MATURITY OF HOUSING LOANS.—Section 3703(d)(1) of title 38, United States Code, is amended by inserting “at the time of origination” after “loan”.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 512. PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.

(a) IN GENERAL.—Section 204(a) of the National Housing Act (12 U.S.C. 1710(a)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(E) MODIFICATION OF MORTGAGE IN BANKRUPTCY.—

“(i) AUTHORITY.—If an order is entered under the authority provided under section 1322(b)(11) of title 11, United States Code, that (a) determines the amount of an allowed secured claim under a mortgage in accordance with section 506(a)(1) of title 11, United States Code, and the amount of such allowed secured claim is less than the amount due under the mortgage as of the date of the filing of the petition under title 11, United States Code, or (b) reduces the interest to be paid under a mortgage in accordance with section 1325 of such title, the Secretary shall pay insurance benefits for the mortgage in 1 of the following manners:

“(I) FULL PAYMENT AND ASSIGNMENT.—The Secretary may pay the insurance benefits for the mortgage, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and

records with respect to the mortgage specified in clauses (i) through (iv) of paragraph (1)(A). The insurance benefits shall be paid in the amount equal to the original principal obligation of the mortgage (with such additions and deductions as the Secretary determines are appropriate) which was unpaid upon the date of the filing by the mortgagor of the petition under title 11 of the United States Code. Nothing in this clause may be construed to prevent the Secretary from providing insurance under this title for a mortgage that has previously been assigned to the Secretary under this subclause.

“(II) ASSIGNMENT OF UNSECURED CLAIM.—The Secretary may make a partial payment of the insurance benefits for any unsecured claim under the mortgage, but only upon the assignment to the Secretary of any unsecured claim of the mortgagee against the mortgagor or others arising out of such order. Such assignment shall be deemed valid irrespective of whether such claim has been or will be discharged under title 11 of the United States Code. The insurance benefits shall be paid in the amount specified in subclause (I) of this clause, as such amount is reduced by the amount of the allowed secured claim. Such allowed secured claim shall continue to be insured under section 203.

“(III) INTEREST PAYMENTS.—The Secretary may make periodic payments, or a one-time payment, of insurance benefits for interest payments that are reduced pursuant to such order, as determined by the Secretary, but only upon assignment to the Secretary of all rights and interest related to such payments.

“(ii) DELIVERY OF EVIDENCE OF ENTRY OF ORDER.—Notwithstanding any other provision of this paragraph, no insurance benefits may be paid pursuant to this subparagraph for a mortgage before delivery to the Secretary of evidence of the entry of the order issued pursuant to title 11, United States Code, in a form satisfactory to the Secretary.”; and

(2) in paragraph (5), in the matter preceding subparagraph (A), by inserting after “section 520, and” the following: “, except as provided in paragraph (1)(E).”.

(b) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this section through notice or mortgagee letter.

SEC. 513. ADJUSTMENTS AS RESULT OF MODIFICATION OF RURAL SINGLE FAMILY HOUSING LOANS IN BANKRUPTCY.

(a) GUARANTEED RURAL HOUSING LOANS.—Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (7)—

(A) in subparagraph (A), by inserting before the semicolon at the end the following: “, unless the maturity date of the loan is modified in a bankruptcy proceeding or authorized at the discretion of the Secretary in accordance with paragraph (15)(A)”;

(B) in subparagraph (B), by inserting before the semicolon the following: “, unless such rate is modified in a bankruptcy proceeding or as provided in paragraph (14) or (15)”;

(2) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(3) by inserting after paragraph (12) the following new paragraphs:

“(13) PAYMENT OF LOSSES.—To pay for losses incurred by holders or servicers in the event of a modification pursuant to the authority provided under section 1322(b)(11) of title 11, United States Code, that either (1) determines the amount of an allowed secured claim under a mortgage in accordance with

section 506(a)(1) of title 11, United States Code, and the amount of such allowed secured claim is less than the amount due under the mortgage as of the date of the filing of the petition under title 11, United States Code, or (2) reduces the interest to be paid under a mortgage in accordance with section 1325 of such title, as follows:

“(A) FULL PAYMENT AND ASSIGNMENT.—The Secretary may pay the guarantee for the mortgage, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage. The guarantee shall be paid in the amount equal to the original principal obligation of the mortgage (with such additions and deductions as the Secretary determines are appropriate) which was unpaid upon the date of the filing by the mortgagor of the petition under title 11 of the United States Code. Nothing in this subparagraph may be construed to prevent the Secretary from providing a guarantee under this subsection for a mortgage that has previously been assigned to the Secretary under this subparagraph.

“(B) ASSIGNMENT OF UNSECURED CLAIM.—The Secretary may make a partial payment of the guarantee for any unsecured claim under the mortgage, but only upon the assignment to the Secretary of any unsecured claim of the mortgagee against the mortgagor or others arising out of such order. Such assignment shall be deemed valid irrespective of whether such claim has been or will be discharged under title 11 of the United States Code. The guarantee shall be paid in the amount specified in subparagraph (A), as such amount is reduced by the amount of the allowed secured claim. Such allowed secured claim shall continue to be insured under section 1472 and 1487, without reduction for any amounts modified.

“(C) INTEREST PAYMENTS.—The Secretary may make periodic payments, or a one-time payment, of guarantees for interest payments that are reduced pursuant to such order, as determined by the Secretary, but only upon assignment to the Secretary of all rights and interest related to such payments.

“(D) DELIVERY OF EVIDENCE OF ENTRY OF ORDER.—Notwithstanding any other provision of this section, no guarantees may be paid pursuant to this paragraph for a mortgage before delivery to the Secretary of evidence of the entry of the order issued pursuant to title 11, United States Code, in a form satisfactory to the Secretary.”.

(b) INSURED RURAL HOUSING LOANS.—Section 517(j) of the Housing Act of 1949 (42 U.S.C. 1487(j)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) to pay for losses incurred by holders or servicers in the event of a modification pursuant to a bankruptcy proceeding”.

(c) TECHNICAL AMENDMENTS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking “(as defined in paragraph (13))” and inserting “(as defined in paragraph (14))”; and

(2) in paragraph (18)(E) (as so redesignated by subsection (a)(2)), by—

(A) striking “paragraphs (3), (6), (7)(A), (8), and (10)” and inserting “paragraphs (3), (6), (7)(A), (8), (10), and (13)”;

(B) striking “paragraphs (2) through (13)” and inserting “paragraphs (2) through (15)”.

(d) PROCEDURE.—

(1) IN GENERAL.—The promulgation of regulations necessitated and the administration actions required by the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(2) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, and the amendments made by this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SA 1015. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 103. PROHIBITION ON YIELD SPREAD PREMIUMS.

(a) IN GENERAL.—No person shall provide, and no mortgage originator shall receive, directly or indirectly, any compensation that is based on, or varies with, the terms of any home mortgage loan (other than the amount of the loan).

(b) DEFINITIONS.—For purposes of this section—

(1) the term “home mortgage loan” means a loan secured by a mortgage or lien on residential property;

(2) the term “mortgage originator” means any creditor or other person, including a mortgage broker or bank lender, who, for compensation or in anticipation of compensation, engages either directly or indirectly in the—

(A) acceptance of applications for home mortgage loans;

(B) solicitation of home mortgage loans on behalf of borrowers;

(C) negotiation of terms or conditions of home mortgage loans on behalf of borrowers or lenders; or

(D) negotiation of sales of existing home mortgage loans to institutional or non-institutional lenders; and

(3) the term “residential property” means a 1–4 family, owner-occupied residence, including a 1-family unit in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and a manufactured home and the lot on which the home is situated.

SEC. 104. PROHIBITION ON PREPAYMENT PENALTIES.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129A the following new section:

“SEC. 129B. PROHIBITION ON PREPAYMENT PENALTIES.

“No prepayment fees or penalties shall be charged or collected under the terms of any consumer credit transaction secured by an owner-occupied principal dwelling of the consumer. Any prepayment penalty in violation of this section shall be unenforceable.”.

SA 1016. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to

the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPAYMENT OF TARP FUNDS.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended—

(1) by striking “Subject to” and inserting the following:

“(1) REPAYMENT PERMITTED.—Subject to”;

(2) by inserting “if, subsequent to such repayment, the TARP recipient is well capitalized (as determined by the appropriate Federal banking agency having supervisory authority over the TARP recipient)” after “waiting period.”;

(3) by striking “, and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price”;

(4) by adding at the end the following:

“(2) NO REPAYMENT PRECONDITION FOR WARRANTS.—A TARP recipient that exercises the repayment authority under paragraph (1) shall not be required to repurchase warrants from the Federal Government as a condition of repayment of assistance provided under the TARP. The Secretary shall, at the request of the relevant TARP recipient, repay the proceeds of warrants repurchased before the date of enactment of this paragraph.”.

SA 1017. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

At the appropriate place, insert the following:

SEC. ____ . DUTIES OF THE FHA.

(a) DUTY TO MAINTAIN SOLVENCY.—Notwithstanding any other provision of law or of this Act, the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration.

(b) SUSPENSION OF ACTIVITIES.—If in the determination of the Commissioner of the Federal Housing Administration, any existing Federal requirement, program, or law, or any amendment to such requirement, program, or law made by this Act, threatens the solvency of the Administration or makes the Administration reasonably likely to need a credit subsidy from Congress, the Commissioner shall—

(1) temporary suspend any such requirement, program, or law; and

(2) recommend legislation to the appropriate congressional committees to address such solvency issues.

SA 1018. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Helping Families Save Their Homes Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is the following:

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Sec. 101. Guaranteed rural housing loans.

Sec. 102. Modification of housing loans guaranteed by the Department of Veterans Affairs.

Sec. 103. Additional funding for HUD programs to assist individuals to better withstand the current mortgage crisis.

Sec. 104. Mortgage modification data collecting and reporting.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

Sec. 201. Servicer safe harbor for mortgage loan modifications.

Sec. 202. Changes to HOPE for Homeowners Program.

Sec. 203. Requirements for FHA-approved mortgagees.

Sec. 204. Enhancement of liquidity and stability of insured depository institutions to ensure availability of credit and reduction of foreclosures.

Sec. 205. Application of GSE conforming loan limit to mortgages assisted with TARP funds.

Sec. 206. Mortgages on certain homes on leased land.

Sec. 207. Sense of Congress regarding mortgage revenue bond purchases.

TITLE III—MORTGAGE FRAUD TASK FORCE

Sec. 301. Sense of the Congress on establishment of a Nationwide Mortgage Fraud Task Force.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

Sec. 401. Sense of the Congress on foreclosures.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

SEC. 101. GUARANTEED RURAL HOUSING LOANS.

(a) GUARANTEED RURAL HOUSING LOANS.—Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (16) and (17), respectively; and

(2) by inserting after paragraph (12) the following new paragraphs:

“(13) LOSS MITIGATION.—Upon default or imminent default of any mortgage guaranteed under this subsection, mortgagees shall engage in loss mitigation actions for the purpose of providing an alternative to foreclosure (including actions such as special forbearance, loan modification, pre-foreclosure sale, deed in lieu of foreclosure, as required, support for borrower housing counseling, subordinate lien resolution, and borrower relocation), as provided for by the Secretary.

“(14) PAYMENT OF PARTIAL CLAIMS AND MORTGAGE MODIFICATIONS.—The Secretary may authorize the modification of mortgages, and establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence, for mortgages that are in default or face imminent default, as defined by the Secretary. Any payment under such program directed to the mortgagee shall be made at the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

“(A) the amount of the partial claim payment shall be in an amount determined by the Secretary, and shall not exceed an amount equivalent to 30 percent of the un-

paid principal balance of the mortgage and any costs that are approved by the Secretary;

“(B) the amount of the partial claim payment shall be applied first to any outstanding indebtedness on the mortgage, including any arrearage, but may also include principal reduction;

“(C) the mortgagor shall agree to repay the amount of the partial claim to the Secretary upon terms and conditions acceptable to the Secretary;

“(D) expenses related to a partial claim or modification are not to be charged to the borrower;

“(E) the Secretary may authorize compensation to the mortgagee for lost income on monthly mortgage payments due to interest rate reduction;

“(F) the Secretary may reimburse the mortgagee from the appropriate guaranty fund in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary;

“(G) the Secretary may authorize payments to the mortgagee on behalf of the borrower, under such terms and conditions as are defined by the Secretary, based on successful performance under the terms of the mortgage modification, which shall be used to reduce the principal obligation under the modified mortgage; and

“(H) the Secretary may authorize the modification of mortgages with terms extended up to 40 years from the date of modification.

“(15) ASSIGNMENT.—

“(A) PROGRAM AUTHORITY.—The Secretary may establish a program for assignment to the Secretary, upon request of the mortgagee, of a mortgage on a 1- to 4-family residence guaranteed under this chapter.

“(B) PROGRAM REQUIREMENTS.—

“(i) IN GENERAL.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of the guaranty and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved under this section.

“(ii) ACCEPTANCE OF ASSIGNMENT.—The Secretary may accept assignment of a mortgage under a program under this subsection only if—

“(I) the mortgage is in default or facing imminent default;

“(II) the mortgagee has modified the mortgage or qualified the mortgage for modification sufficient to cure the default and provide for mortgage payments the mortgagor is reasonably able to pay, at interest rates not exceeding current market interest rates; and

“(III) the Secretary arranges for servicing of the assigned mortgage by a mortgagee (which may include the assigning mortgagee) through procedures that the Secretary has determined to be in the best interests of the appropriate guaranty fund.

“(C) PAYMENT OF GUARANTY.—Under the program under this paragraph, the Secretary may pay the guaranty for a mortgage, in the amount determined in accordance with paragraph (2), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage, as defined by the Secretary.

“(D) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, and assignment of the mortgage, the Secretary

may provide guarantees under this subsection for the mortgage. The Secretary may subsequently—

“(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

“(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

“(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

“(E) LOAN SERVICING.—In carrying out the program under this subsection, the Secretary may require the existing servicer of a mortgage assigned to the Secretary under the program to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage. If the mortgage is resold pursuant to subparagraph (D)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.”.

(b) TECHNICAL AMENDMENTS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking “(as defined in paragraph (13))” and inserting “(as defined in paragraph (17))”; and

(2) in paragraph (18)(E)(as so redesignated by subsection (a)(2)), by—

(A) striking “paragraphs (3), (6), (7)(A), (8), and (10)” and inserting “paragraphs (3), (6), (7)(A), (8), (10), (13), and (14)”; and

(B) striking “paragraphs (2) through (13)” and inserting “paragraphs (2) through (15)”.

(c) PROCEDURE.—

(1) IN GENERAL.—The promulgation of regulations necessitated and the administration actions required by the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(2) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, and the amendments made by this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 102. MODIFICATION OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MATURITY OF HOUSING LOANS.—Section 3703(d)(1) of title 38, United States Code, is amended by inserting “at the time of origination” after “loan”.

(b) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 103. ADDITIONAL FUNDING FOR HUD PROGRAMS TO ASSIST INDIVIDUALS TO BETTER WITHSTAND THE CURRENT MORTGAGE CRISIS.

(a) ADDITIONAL APPROPRIATIONS FOR ADVERTISING TO INCREASE PUBLIC AWARENESS OF MORTGAGE SCAMS AND COUNSELING ASSISTANCE.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$10,000,000 for each of the fiscal years 2010 and 2011 for purposes of providing additional resources to be used for advertising to raise awareness of mortgage fraud and to support HUD programs and approved counseling agencies, provided that such amounts are used to advertise in the 100 metropolitan statistical areas with the highest rate of home foreclosures, and provided, further that up to \$5,000,000 of such amounts are used for advertisements designed to reach and inform broad segments of the community.

(b) ADDITIONAL APPROPRIATIONS FOR THE HOUSING COUNSELING ASSISTANCE PROGRAM.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$50,000,000 for each of the fiscal years 2010 and 2011 to carry out the Housing Counseling Assistance Program established within the Department of Housing and Urban Development, provided that such amounts are used to fund HUD-certified housing-counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

(c) ADDITIONAL APPROPRIATIONS FOR PERSONNEL AT THE OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$5,000,000 for each of the fiscal years 2010 and 2011 for purposes of hiring additional personnel at the Office of Fair Housing and Equal Opportunity within the Department of Housing and Urban Development, provided that such amounts are used to hire personnel at the local branches of such Office located in the 100 metropolitan statistical areas with the highest rate of home foreclosures.

SEC. 104. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) REPORTING REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) A copy of the data collection instrument currently used by the Office of the Comptroller of the Currency and the Office of Thrift Supervision to collect data on loan modifications.

(2) The total number of mortgage modifications resulting in each of the following:

(A) Additions of delinquent payments and fees to loan balances.

(B) Interest rate reductions and freezes.

(C) Term extensions.

(D) Reductions of principal.

(E) Deferrals of principal.

(F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(3) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

(A) An increase.

(B) Remained the same.

(C) Decreased less than 10 percent.

(D) Decreased between 10 percent and 20 percent.

(E) Decreased 20 percent or more.

(4) The total number of loans that have been modified and then entered into default, where the loan modification resulted in—

(A) higher monthly payments by the homeowner;

(B) equivalent monthly payments by the homeowner;

(C) lower monthly payments by the homeowner of up to 10 percent;

(D) lower monthly payments by the homeowner of between 10 percent to 20 percent; or

(E) lower monthly payments by the homeowner of more than 20 percent.

(b) DATA COLLECTION.—

(1) REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) INCLUSIVENESS OF COLLECTIONS.—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) REPORT.—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

SEC. 201. SERVICER SAFE HARBOR FOR MORTGAGE LOAN MODIFICATIONS.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) Increasing numbers of mortgage foreclosures are not only depriving many Americans of their homes, but are also destabilizing property values and negatively affecting State and local economies as well as the national economy.

(2) In order to reduce the number of foreclosures and to stabilize property values, local economies, and the national economy, servicers must be given—

(A) authorization to—

(i) modify mortgage loans and engage in other loss mitigation activities consistent with applicable guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

(ii) refinance mortgage loans under the Hope for Homeowners program; and

(B) a safe harbor to enable such servicers to exercise these authorities.

(b) SAFE HARBOR.—Section 129A of the Truth in Lending Act (15 U.S.C. 1639a) is amended to read as follows:

“SEC. 129. DUTY OF SERVICERS OF RESIDENTIAL MORTGAGES.

“(a) IN GENERAL.—Notwithstanding any other provision of law, whenever a servicer of residential mortgages agrees to enter into a qualified loss mitigation plan with respect to 1 or more residential mortgages originated before the date of enactment of the Helping Families Save Their Homes Act of 2009, including mortgages held in a securitization or other investment vehicle—

“(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors and parties, and not to any individual party or group of parties; and

“(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria:

“(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

“(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

“(C) The servicer reasonably determined, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures.

“(b) NO LIABILITY.—A servicer that is deemed to be acting in the best interests of all investors or other parties under this section shall not be liable to any party who is owed a duty under subsection (a)(1), and shall not be subject to any injunction, stay, or other equitable relief to such party, based solely upon the implementation by the servicer of a qualified loss mitigation plan.

“(c) STANDARD INDUSTRY PRACTICE.—The qualified loss mitigation plan guidelines issued by the Secretary of the Treasury under the Emergency Economic Stabilization Act of 2008 shall constitute standard industry practice for purposes of all Federal and State laws.

“(d) SCOPE OF SAFE HARBOR.—Any person, including a trustee, issuer, and loan originator, shall not be liable for monetary damages or be subject to an injunction, stay, or other equitable relief, based solely upon the cooperation of such person with a servicer when such cooperation is necessary for the servicer to implement a qualified loss mitigation plan that meets the requirements of subsection (a).

“(e) REPORTING.—Each servicer that engages in qualified loss mitigation plans under this section shall regularly report to the Secretary of the Treasury the extent, scope, and results of the servicer's modification activities. The Secretary of the Treasury shall prescribe regulations or guidance specifying the form, content, and timing of such reports.

“(f) DEFINITIONS.—As used in this section—

“(1) the term ‘qualified loss mitigation plan’ means—

“(A) a residential loan modification, workout, or other loss mitigation plan, including to the extent that the Secretary of the Treasury determines appropriate, a loan sale, real property disposition, trial modification, pre-foreclosure sale, and deed in lieu of foreclosure, that is described or au-

thorized in guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

“(B) a refinancing of a mortgage under the Hope for Homeowners program;

“(2) the term ‘servicer’ means the person responsible for the servicing for others of residential mortgage loans (including of a pool of residential mortgage loans); and

“(3) the term ‘securitization vehicle’ means a trust, special purpose entity, or other legal structure that is used to facilitate the issuing of securities, participation certificates, or similar instruments backed by or referring to a pool of assets that includes residential mortgages (or instruments that are related to residential mortgages such as credit-linked notes).”.

SEC. 202. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

(a) PROGRAM CHANGES.—Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—

(1) in subsection (c)—

(A) in the heading for paragraph (1), by striking “THE BOARD” and inserting “SECRETARY”;

(B) in paragraph (1), by striking “Board” inserting “Secretary, after consultation with the Board,”;

(C) in paragraph (1)(A), by inserting “consistent with section 203(b) to the maximum extent possible” before the semicolon; and

(D) by adding after paragraph (2) the following:

“(3) DUTIES OF BOARD.—The Board shall advise the Secretary regarding the establishment and implementation of the HOPE for Homeowners Program.”;

(2) by striking “Board” each place such term appears in subsections (e), (h)(1), (h)(3), (j), (l), (n), (s)(3), and (v) and inserting “Secretary”;

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

“(1) BORROWER CERTIFICATION.—

“(A) NO INTENTIONAL DEFAULT OR FALSE INFORMATION.—The mortgagor shall provide a certification to the Secretary that the mortgagor has not intentionally defaulted on the existing mortgage or mortgages or any other substantial debt within the last 5 years and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining the eligible mortgage to be insured and has not been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section.

“(B) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Secretary any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made by the mortgagor in the certifications and documentation required under this paragraph, subject to the discretion of the Secretary.

“(C) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of the date of application for a commitment to insure or insurance under this section, the mortgagor shall have had, or thereafter is likely to have, due to the terms of the mortgage being reset, a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Secretary determines appropriate).”;

(B) in paragraph (4)—

(i) in subparagraph (A), by striking “, subject to standards established by the Board under subparagraph (B),”; and

(ii) in subparagraph (B)(i), by striking “shall” and inserting “may”; and

(C) in paragraph (7), by striking “; and provided that” and all that follows through “new second lien”;

(D) in paragraph (9)—

(i) by striking “by procuring (A) an income tax return transcript of the income tax return of the mortgagor, or (B)” and inserting “in accordance with procedures and standards that the Secretary shall establish (provided that such procedures and standards are consistent with section 203(b) to the maximum extent possible) which may include requiring the mortgagee to procure”; and

(ii) by striking “and by any other method, in accordance with procedures and standards that the Board shall establish”;

(E) in paragraph (10)—

(i) by striking “The mortgagor shall not” and inserting the following:

“(A) PROHIBITION.—The mortgagor shall not”; and

(ii) by adding at the end the following:

“(B) DUTY OF MORTGAGEE.—The duty of the mortgagee to ensure that the mortgagor is in compliance with the prohibition under subparagraph (A) shall be satisfied if the mortgagee makes a good faith effort to determine that the mortgagor has not been convicted under Federal or State law for fraud during the period described in subparagraph (A).”;

(F) in paragraph (11), by inserting before the period at the end the following: “, except that the Secretary may provide exceptions to such latter requirement (relating to present ownership interest) for any mortgagor who has inherited a property”; and

(G) by adding at the end:

“(12) BAN ON MILLIONAIRES.—The mortgagor shall not have a net worth, as of the date the mortgagor first applies for a mortgage to be insured under the Program under this section, that exceeds \$1,000,000.”;

(4) in subsection (h)(2), by striking “The Board shall prohibit the Secretary from paying” and inserting “The Secretary shall not pay”; and

(5) in subsection (i)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(B) in the matter preceding subparagraph (A), as redesignated by this paragraph, by striking “For each” and inserting the following:

“(1) PREMIUMS.—For each”;

(C) in subparagraph (A), as redesignated by this paragraph, by striking “equal to 3 percent” and inserting “not more than 3 percent”; and

(D) in subparagraph (B), as redesignated by this paragraph, by striking “equal to 1.5 percent” and inserting “not more than 1.5 percent”;

(E) by adding at the end the following:

“(2) CONSIDERATIONS.—In setting the premium under this subsection, the Secretary shall consider—

“(A) the financial integrity of the HOPE for Homeowners Program; and

“(B) the purposes of the HOPE for Homeowners Program described in subsection (b).”;

(6) in subsection (k)—

(A) by striking the subsection heading and inserting “EXIT FEE”;

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking “such

sale or refinancing" and inserting "the mortgage being insured under this section"; and

(C) in paragraph (2), by striking "and the mortgagor" and all that follows through the end and inserting "may, upon any sale or disposition of the property to which the mortgage relates, be entitled to up to 50 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with the holder of the existing senior mortgage on the eligible mortgage, the holder of any existing subordinate mortgage on the eligible mortgage, or both";

(7) in the heading for subsection (n), by striking "THE BOARD" and inserting "SECRETARY";

(8) in subsection (p), by striking "Under the direction of the Board, the" and inserting "The";

(9) in subsection (s)—

(A) in the first sentence of paragraph (2), by striking "Board of Directors of" and inserting "Advisory Board for"; and

(B) in paragraph (3)(A)(ii), by striking "subsection (e)(1)(B) and such other" and inserting "such";

(10) in subsection (v), by inserting after the period at the end the following: "The Secretary shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section."; and

(11) by adding at the end the following new subsections:

"(x) PAYMENTS TO SERVICERS AND ORIGINATORS.—The Secretary may establish a payment to the—

"(1) servicer of the existing senior mortgage for every loan insured under the HOPE for Homeowners Program; and

"(2) originator of each new loan insured under the HOPE for Homeowners Program.

"(y) AUCTIONS.—The Secretary, with the concurrence of the Board, shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis."

(b) REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.—Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting ", as such amount is reduced by \$2,316,000,000," after "\$700,000,000,000".

(c) TECHNICAL CORRECTION.—The second section 257 of the National Housing Act (Public Law 110-289; 122 Stat. 2839; 12 U.S.C. 1715z-24) is amended by striking the section heading and inserting the following:

"SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY."
SEC. 203. REQUIREMENTS FOR FHA-APPROVED MORTGAGEES.

(a) MORTGAGEE REVIEW BOARD.—

(1) IN GENERAL.—Section 202(c)(2) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(A) in subparagraph (E), by inserting "and" after the semicolon;

(B) in subparagraph (F), by striking "and" and inserting "or their designees."; and

(C) by striking subparagraph (G).

(2) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE ACTION AGAINST MORTGAGEES.—Section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended by adding at the end the following new paragraph:

"(9) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE

ACTION AGAINST MORTGAGEES.—No State or local law, and no Federal law (except a Federal law enacted expressly in limitation of this subsection after the effective date of this sentence), shall preclude or limit the exercise by the Board of its power to take any action authorized under paragraphs (3) and (6) of this subsection against any mortgagee."

(b) LIMITATIONS ON PARTICIPATION AND MORTGAGEE APPROVAL AND USE OF NAME.—Section 202 of the National Housing Act (12 U.S.C. 1708) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection:

"(d) LIMITATIONS ON PARTICIPATION IN ORIGINATION AND MORTGAGEE APPROVAL.—

"(1) REQUIREMENT.—Any person or entity that is not approved by the Secretary to serve as a mortgagee, as such term is defined in subsection (c)(7), shall not participate in the origination of an FHA-insured loan except as authorized by the Secretary.

"(2) ELIGIBILITY FOR APPROVAL.—In order to be eligible for approval by the Secretary, an applicant mortgagee shall not be, and shall not have any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the applicant mortgagee who is—

"(A) currently suspended, debarred, under a limited denial of participation (LDP), or otherwise restricted under part 25 of title 24 of the Code of Federal Regulations, 2 Code of Federal Regulations, part 180 as implemented by part 2424, or any successor regulations to such parts, or under similar provisions of any other Federal agency;

"(B) under indictment for, or has been convicted of, an offense that reflects adversely upon the applicant's integrity, competence or fitness to meet the responsibilities of an approved mortgagee;

"(C) subject to unresolved findings contained in a Department of Housing and Urban Development or other governmental audit, investigation, or review;

"(D) engaged in business practices that do not conform to generally accepted practices of prudent mortgagees or that demonstrate irresponsibility;

"(E) convicted of, or who has pled guilty or nolo contendere to, a felony related to participation in the real estate or mortgage loan industry—

"(i) during the 7-year period preceding the date of the application for licensing and registration; or

"(ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

"(F) in violation of provisions of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any applicable provision of State law; or

"(G) in violation of any other requirement as established by the Secretary.

"(3) RULEMAKING AND IMPLEMENTATION.—The Secretary shall conduct a rulemaking to carry out this subsection. The Secretary shall implement this subsection not later than the expiration of the 60-day period beginning upon the date of the enactment of this subsection by notice, mortgagee letter, or interim final regulations, which shall take effect upon issuance."; and

(3) by adding at the end the following new subsection:

"(h) USE OF NAME.—The Secretary shall, by regulation, require each mortgagee ap-

proved by the Secretary for participation in the FHA mortgage insurance programs of the Secretary—

"(1) to use the business name of the mortgagee that is registered with the Secretary in connection with such approval in all advertisements and promotional materials, as such terms are defined by the Secretary, relating to the business of such mortgagee in such mortgage insurance programs; and

"(2) to maintain copies of all such advertisements and promotional materials, in such form and for such period as the Secretary requires."

(c) PAYMENT FOR LOSS MITIGATION.—Section 204(a)(2) of the National Housing Act (12 U.S.C. 1710(a)(2)) is amended—

(1) by inserting "or faces imminent default, as defined by the Secretary" after "default";

(2) by inserting "support for borrower housing counseling, partial claims, borrower incentives, preforeclosure sale," after "loan modification,"; and

(3) by striking "204(a)(1)(A)" and inserting "subsection (a)(1)(A) or section 203(c)".

(d) PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.—

(1) ADDITIONAL LOSS MITIGATION ACTIONS.—Section 230(a) of the National Housing Act (12 U.S.C. 1715u(a)) is amended—

(A) by inserting "or imminent default, as defined by the Secretary" after "default";

(B) by striking "loss" and inserting "loan";

(C) by inserting "preforeclosure sale, support for borrower housing counseling, subordinate lien resolution, borrower incentives," after "loan modification,";

(D) by inserting "as required," after "deeds in lieu of foreclosure,"; and

(E) by inserting "or section 230(c)," before "as provided".

(2) AMENDMENT TO PARTIAL CLAIM AUTHORITY.—Section 230(b) of the National Housing Act (12 U.S.C. 1715u(b)) is amended to read as follows:

"(b) PAYMENT OF PARTIAL CLAIM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence that is in default or faces imminent default, as defined by the Secretary.

"(2) PAYMENTS AND EXCEPTIONS.—Any payment of a partial claim under the program established in paragraph (1) to a mortgagee shall be made in the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

"(A) the amount of the payment shall be in an amount determined by the Secretary, not to exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

"(B) the amount of the partial claim payment shall first be applied to any arrearage on the mortgage, and may also be applied to achieve principal reduction;

"(C) the mortgagor shall agree to repay the amount of the insurance claim to the Secretary upon terms and conditions acceptable to the Secretary;

"(D) the Secretary may permit compensation to the mortgagee for lost income on monthly payments, due to a reduction in the interest rate charged on the mortgage;

"(E) expenses related to the partial claim or modification may not be charged to the borrower;

"(F) loans may be modified to extend the term of the mortgage to a maximum of 40 years from the date of the modification; and

“(G) the Secretary may permit incentive payments to the mortgagee, on the borrower’s behalf, based on successful performance of a modified mortgage, which shall be used to reduce the amount of principal indebtedness.

“(3) PAYMENTS IN CONNECTION WITH CERTAIN ACTIVITIES.—The Secretary may pay the mortgagee, from the appropriate insurance fund, in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary.”.

(3) ASSIGNMENT.—Section 230(c) of the National Housing Act (12 U.S.C. 1715u(c)) is amended—

(A) by inserting “(1)” after “(c)”;

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (1)(B) (as so redesignated)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) in the matter preceding clause (i) (as so redesignated), by striking “under a program under this subsection” and inserting “under this paragraph”; and

(iii) in clause (i) (as so redesignated), by inserting “or facing imminent default, as defined by the Secretary” after “default”;

(D) in paragraph (1)(C) (as so redesignated), by striking “under a program under this subsection” and inserting “under this paragraph”; and

(E) by adding at the end the following:

“(2) ASSIGNMENT AND LOAN MODIFICATION.—

“(A) AUTHORITY.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of insurance benefits and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved by the mortgagee.

“(B) PAYMENT OF BENEFITS AND ASSIGNMENT.—In carrying out this paragraph, the Secretary may pay insurance benefits for a mortgage, in the amount determined in accordance with section 204(a)(5), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of section 204(a)(1)(A).

“(C) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, the Secretary may provide insurance under this title for the mortgage. The Secretary may subsequently—

“(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

“(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

“(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

“(D) LOAN SERVICING.—In carrying out this paragraph, the Secretary may require the existing servicer of a mortgage assigned to the

Secretary to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage, provided that the Secretary compensates the existing servicer appropriately, as such compensation is determined by the Secretary consistent, to the maximum extent possible, with section 203(b). If the mortgage is resold pursuant to subparagraph (C)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.”.

(4) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this subsection through notice or mortgagee letter.

(e) CHANGE OF STATUS.—The National Housing Act is amended by striking section 532 (12 U.S.C. 1735f-10) and inserting the following new section:

“SEC. 532. CHANGE OF MORTGAGEE STATUS.

“(a) NOTIFICATION.—Upon the occurrence of any action described in subsection (b), an approved mortgagee shall immediately submit to the Secretary, in writing, notification of such occurrence.

“(b) ACTIONS.—The actions described in this subsection are as follows:

“(1) The debarment, suspension or a Limited Denial of Participation (LDP), or application of other sanctions, other exclusions, fines, or penalties applied to the mortgagee or to any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the mortgagee pursuant to applicable provisions of State or Federal law.

“(2) The revocation of a State-issued mortgage loan originator license issued pursuant to the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any other similar declaration of ineligibility pursuant to State law.”.

(f) CIVIL MONEY PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f-14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “or any of its owners, officers, or directors” after “mortgagee or lender”;

(ii) in subparagraph (H), by striking “title I” and all that follows through “under this Act.” and inserting “title I or II of this Act, or any implementing regulation, handbook, or mortgagee letter that is issued under this Act.”; and

(iii) by inserting after subparagraph (J) the following:

“(K) Violation of section 202(d) of this Act (12 U.S.C. 1708(d)).

“(L) Use of ‘Federal Housing Administration’, ‘Department of Housing and Urban Development’, ‘Government National Mortgage Association’, ‘Ginnie Mae’, the acronyms ‘HUD’, ‘FHA’, or ‘GNMA’, or any official seal or logo of the Department of Housing and Urban Development, except as authorized by the Secretary.”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “or” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(D) causing or participating in any of the violations set forth in paragraph (1) of this subsection.”; and

(C) by amending paragraph (3) to read as follows:

“(3) PROHIBITION AGAINST MISLEADING USE OF FEDERAL ENTITY DESIGNATION.—The Secretary may impose a civil money penalty, as adjusted from time to time, under subsection (a) for any use of ‘Federal Housing Administration’, ‘Department of Housing and Urban Development’, ‘Government National Mortgage Association’, ‘Ginnie Mae’, the acronyms ‘HUD’, ‘FHA’, or ‘GNMA’, or any official seal or logo of the Department of Housing and Urban Development, by any person, party, company, firm, partnership, or business, including sellers of real estate, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, and dealers, except as authorized by the Secretary.”; and

(2) in subsection (g), by striking “The term” and all that follows through the end of the sentence and inserting “For purposes of this section, a person acts knowingly when a person has actual knowledge of acts or should have known of the acts.”.

(g) EXPANDED REVIEW OF FHA MORTGAGEE APPLICANTS AND NEWLY APPROVED MORTGAGEES.—Not later than the expiration of the 3-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) expand the existing process for reviewing new applicants for approval for participation in the mortgage insurance programs of the Secretary for mortgages on 1- to 4-family residences for the purpose of identifying applicants who represent a high risk to the Mutual Mortgage Insurance Fund; and

(2) implement procedures that, for mortgages approved during the 12-month period ending upon such date of enactment—

(A) expand the number of mortgages originated by such mortgagees that are reviewed for compliance with applicable laws, regulations, and policies; and

(B) include a process for random reviews of such mortgagees and a process for reviews that is based on volume of mortgages originated by such mortgagees.

SEC. 204. ENHANCEMENT OF LIQUIDITY AND STABILITY OF INSURED DEPOSITORY INSTITUTIONS TO ENSURE AVAILABILITY OF CREDIT AND REDUCTION OF FORECLOSURES.

(a) TEMPORARY INCREASE IN DEPOSIT INSURANCE EXTENDED.—Section 136 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5241) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “December 31, 2009” and inserting “December 31, 2013”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “December 31, 2009” and inserting “December 31, 2013”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “December 31, 2009” and inserting “December 31, 2013”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “December 31, 2009” and inserting “December 31, 2013”; and

(b) EXTENSION OF RESTORATION PLAN PERIOD.—Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking “5-year period” and inserting “8-year period”.

(c) FDIC AND NCUA BORROWING AUTHORITY.—

(1) FDIC.—Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(A) by striking “\$30,000,000,000” and inserting “\$100,000,000,000”;

(B) by striking “The Corporation is authorized” and inserting the following:

“(1) IN GENERAL.—The Corporation is authorized”;

(C) by striking “There are hereby” and inserting the following:

“(2) FUNDING.—There are hereby”; and

(D) by adding at the end the following:

“(3) TEMPORARY INCREASES AUTHORIZED.—

“(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the \$100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$500,000,000,000.

“(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above \$100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.

“(C) RESTRICTION ON USAGE.—The Corporation may not borrow pursuant to subparagraph (A) to fund obligations of the Corporation incurred as a part of a program established by the Secretary of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008 to purchase or guarantee assets.”.

(2) NCUA.—Section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)) is amended to read as follows:

“(1) If, in the judgment of the Board, a loan to the insurance fund, or to the stabilization fund described in section 217 of this title, is required at any time for purposes of this subchapter, the Secretary of the Treasury shall make the loan, but loans under this paragraph shall not exceed in the aggregate \$6,000,000,000 outstanding at any one time. Except as otherwise provided in this subsection, section 217, and in subsection (e) of this section, each loan under this paragraph shall be made on such terms as may be fixed by agreement between the Board and the Secretary of the Treasury.”.

(3) TEMPORARY INCREASES OF BORROWING AUTHORITY FOR NCUA.—Section 203(d) of the Federal Credit Union Act (12 U.S.C. 1783(d)) is amended by adding at the end the following:

“(4) TEMPORARY INCREASES AUTHORIZED.—

“(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board (upon a vote of not less than two-thirds of the members of the Board) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the

\$6,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$30,000,000,000.

“(B) REPORT REQUIRED.—If the borrowing authority of the Board is increased above \$6,000,000,000 pursuant to subparagraph (A), the Board shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.”.

(d) EXPANDING SYSTEMIC RISK SPECIAL ASSESSMENTS.—Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

“(i) REPAYMENT OF LOSS.—

“(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

“(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

“(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall establish rates sufficient to cover the losses incurred as a result of the actions of the Corporation under clause (i) and shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions, the effects on the industry, and such other factors as the Corporation deems appropriate and relevant to the action taken or the assistance provided. Any funds so collected that exceed actual losses shall be placed in the Deposit Insurance Fund.”.

(e) ESTABLISHMENT OF A NATIONAL CREDIT UNION SHARE INSURANCE FUND RESTORATION PLAN PERIOD.—Section 202(c)(2) of the Federal Credit Union Act (12 U.S.C. 1782(c)(2)) is amended by adding at the end the following new subparagraph:

“(D) FUND RESTORATION PLANS.—

“(i) IN GENERAL.—Whenever—

“(I) the Board projects that the equity ratio of the Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (C); or

“(II) the equity ratio of the Fund actually falls below the minimum amount specified in subparagraph (C) without any determination under sub-clause (I) having been made, the Board shall establish and implement a restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Board determines to be appropriate.

“(ii) REQUIREMENTS OF RESTORATION PLAN.—A restoration plan meets the requirements of this clause if the plan provides that the equity ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (C) before the end of the 8-year period beginning upon the implementation of the plan (or such longer period as the Board

may determine to be necessary due to extraordinary circumstances).

“(iii) TRANSPARENCY.—Not more than 30 days after the Board establishes and implements a restoration plan under clause (i), the Board shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.”.

(f) TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.—

(1) ESTABLISHMENT OF STABILIZATION FUND.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section: “SEC. 217. TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.

“(a) ESTABLISHMENT OF STABILIZATION FUND.—There is hereby created in the Treasury of the United States a fund to be known as the ‘Temporary Corporate Credit Union Stabilization Fund.’ The Board will administer the Stabilization Fund as prescribed by section 209.

“(b) EXPENDITURES FROM STABILIZATION FUND.—Money in the Stabilization Fund shall be available upon requisition by the Board, without fiscal year limitation, for making payments for the purposes described in section 203(a), subject to the following additional limitations:

“(1) All payments other than administrative payments shall be connected to the conservatorship, liquidation, or threatened conservatorship or liquidation, of a corporate credit union.

“(2) Prior to authorizing each payment the Board shall—

“(A) certify that, absent the existence of the Stabilization Fund, the Board would have made the identical payment out of the National Credit Union Share Insurance Fund (Insurance Fund); and

“(B) report each such certification to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

“(c) AUTHORITY TO BORROW.—

“(1) IN GENERAL.—The Stabilization Fund is authorized to borrow from the Secretary of the Treasury from time-to-time as deemed necessary by the Board. The maximum outstanding amount of all borrowings from the Treasury by the Stabilization Fund and the National Credit Union Share Insurance Fund, combined, is limited to the amount provided for in section 203(d)(1), including any authorized increases in that amount.

“(2) REPAYMENT OF ADVANCES.—

“(A) IN GENERAL.—The advances made under this section shall be repaid by the Stabilization Fund, and interest on such advance shall be paid, to the General fund of the Treasury.

“(B) VARIABLE RATE OF INTEREST.—The Secretary of the Treasury shall make the first rate determination at the time of the first advance under this section and shall reset the rate again for all advances on each anniversary of the first advance. The interest rate shall be equal to the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity equal to 12 months.

“(3) REPAYMENT SCHEDULE.—The Stabilization Fund shall repay the advances on a first-in, first-out basis, with interest on the amount repaid, at times and dates determined by the Board at its discretion. All advances shall be repaid not later than the date of the seventh anniversary of the first advance to the Stabilization Fund, unless the Board extends this final repayment date.

The Board shall obtain the concurrence of the Secretary of the Treasury on any proposed extension, including the terms and conditions of the extended repayment.

“(d) **ASSESSMENT TO REPAY ADVANCES.**—At least 90 days prior to each repayment described in subsection (c)(3), the Board shall set the amount of the upcoming repayment and determine if the Stabilization Fund will have sufficient funds to make the repayment. If the Stabilization Fund might not have sufficient funds to make the repayment, the Board shall assess each federally insured credit union a special premium due and payable within 60 days in an aggregate amount calculated to ensure the Stabilization Fund is able to make the repayment. The premium charge for each credit union shall be stated as a percentage of its insured shares as represented on the credit union's previous call report. The percentage shall be identical for each credit union. Any credit union that fails to make timely payment of the special premium is subject to the procedures and penalties described under subsections (d), (e), and (f) of section 202.

“(e) **DISTRIBUTIONS FROM INSURANCE FUND.**—At the end of any calendar year in which the Stabilization Fund has an outstanding advance from the Treasury, the Insurance Fund is prohibited from making the distribution to insured credit unions described in section 202(c)(3). In lieu of the distribution described in that section, the Insurance Fund shall make a distribution to the Stabilization Fund of the maximum amount possible that does not reduce the Insurance Fund's equity ratio below the normal operating level and does not reduce the Insurance Fund's available assets ratio below 1.0 percent.

“(f) **INVESTMENT OF STABILIZATION FUND ASSETS.**—The Board may request the Secretary of the Treasury to invest such portion of the Stabilization Fund as is not, in the Board's judgment, required to meet the current needs of the Stabilization Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities, with maturities suitable to the needs of the Stabilization Fund, as determined by the Board, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

“(g) **REPORTS.**—The Board shall submit an annual report to Congress on the financial condition and the results of the operation of the Stabilization Fund. The report is due to Congress within 30 days after each anniversary of the first advance made under subsection (c)(1). Because the Fund will use advances from the Treasury to meet corporate stabilization costs with full repayment of borrowings to Treasury at the Board's discretion not due until 7 years from the initial advance, to the extent operating expenses of the Fund exceed income, the financial condition of the Fund may reflect a deficit. With planned and required future repayments, the Board shall resolve all deficits prior to termination of the Fund.

“(h) **CLOSING OF STABILIZATION FUND.**—Within 90 days following the seventh anniversary of the initial Stabilization Fund advance, or earlier at the Board's discretion, the Board shall distribute any funds, property, or other assets remaining in the Stabilization Fund to the Insurance Fund and shall close the Stabilization Fund. If the Board extends the final repayment date as permitted under subsection (c)(3), the mandatory date for closing the Stabilization

Fund shall be extended by the same number of days.”

(2) **CONFORMING AMENDMENT.**—Section 202(c)(3)(A) of the Federal Credit Union Act (12 U.S.C. 1782(c)(3)(A)) is amended by inserting “, subject to the requirements of section 217(e),” after “The Board shall”.

SEC. 205. APPLICATION OF GSE CONFORMING LOAN LIMIT TO MORTGAGES ASSISTED WITH TARP FUNDS.

In making any assistance available to prevent and mitigate foreclosures on residential properties, including any assistance for mortgage modifications, using any amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008, the Secretary shall provide that the limitation on the maximum original principal obligation of a mortgage that may be modified, refinanced, made, guaranteed, insured, or otherwise assisted, using such amounts shall not be less than the dollar amount limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect, at the time that the mortgage is modified, refinanced, made, guaranteed, insured, or otherwise assisted using such amounts, for the area in which the property involved in the transaction is located.

SEC. 206. MORTGAGES ON CERTAIN HOMES ON LEASED LAND.

Section 255(b)(4) of the National Housing Act (12 U.S.C. 1715z–20(b)(4)) is amended by striking subparagraph (B) and inserting:

“(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.”

SEC. 207. SENSE OF CONGRESS REGARDING MORTGAGE REVENUE BOND PURCHASES.

It is the sense of the Congress that the Secretary of the Treasury should use amounts made available in this Act to purchase mortgage revenue bonds for single-family housing issued through State housing finance agencies and through units of local government and agencies thereof.

TITLE III—MORTGAGE FRAUD TASK FORCE

SEC. 301. SENSE OF CONGRESS ON ESTABLISHMENT OF A NATIONWIDE MORTGAGE FRAUD TASK FORCE.

(a) **IN GENERAL.**—It is the sense of the Congress that the Department of Justice establish a Nationwide Mortgage Fraud Task Force (hereinafter referred to in this section as the “Task Force”) to address mortgage fraud in the United States.

(b) **SUPPORT.**—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Attorney General should provide the Task Force with the appropriate staff, administrative support, and other resources necessary to carry out the duties of the Task Force.

(c) **MANDATORY FUNCTIONS.**—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Attorney General should—

(1) establish coordinating entities, and solicit the voluntary participation of Federal, State, and local law enforcement and prosecutorial agencies in such entities, to organize initiatives to address mortgage fraud, including initiatives to enforce State mortgage fraud laws and other related Federal and State laws;

(2) provide training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws;

(3) collect and disseminate data with respect to mortgage fraud, including Federal, State, and local data relating to mortgage fraud investigations and prosecutions; and

(4) perform other functions determined by the Attorney General to enhance the detection of, prevention of, and response to mortgage fraud in the United States.

(d) **OPTIONAL FUNCTIONS.**—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Task Force should—

(1) initiate and coordinate Federal mortgage fraud investigations and, through the coordinating entities described under subsection (c), State and local mortgage fraud investigations;

(2) establish a toll-free hotline for—

(A) reporting mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports of mortgage fraud to the appropriate Federal, State, and local law enforcement and prosecutorial agency, including to the appropriate branch of the Task Force established under subsection (d);

(3) create a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States;

(4) make recommendations with respect to the need for and resources available to provide the equipment and training necessary for the Task Force to combat mortgage fraud; and

(5) propose legislation to Federal, State, and local legislative bodies with respect to the elimination and prevention of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

SEC. 401. SENSE OF THE CONGRESS ON FORECLOSURES.

(a) **IN GENERAL.**—It is the sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or a foreclosure sale on any homeowner until the foreclosure mitigation provisions, like the Hope for Homeowners program, as required under title II, and the President's “Homeowner Affordability and Stability Plan” have been implemented and determined to be operational by the Secretary of Housing and Urban Development and the Secretary of the Treasury.

(b) **SCOPE OF MORATORIUM.**—The foreclosure moratorium referred to in subsection (a) should apply only for first mortgages secured by the owner's principal dwelling.

(c) **FHA-REGULATED LOAN MODIFICATION AGREEMENTS.**—If a mortgage holder, institution, or mortgage servicer to which subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(d) **DUTY OF CONSUMER TO MAINTAIN PROPERTY.**—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to

any homeowner mortgage should not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(e) **DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.**—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

SA 1019. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

On page 17, strike line 1 and all that follows through page 18, line 4 and insert the following:

“(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors or group of investors; and

“(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria:

“(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

“(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

“(C) The servicer reasonably determined, in good faith, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures or other resolution.

SA 1020. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE V—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM
SEC. 501. ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM.

Section 116 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226) is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iii), by striking “and” at the end;

(B) in clause (iv), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(v) public accountability for the exercise of such authority, including with respect to actions taken by those entities participating

in programs established under this Act.”; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by striking subparagraph (B) and inserting the following:

“(B) ACCESS TO RECORDS.—

“(i) **IN GENERAL.**—Notwithstanding any other provision of law, and for purposes of reviewing the performance of the TARP, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, any entity established by the Secretary under this Act, or any entity participating in a program established under the authority of this Act, and to the officers, employees, directors, independent public accountants, financial advisors and any and all other agents and representatives thereof, at such time as the Comptroller General may request.

“(ii) **VERIFICATION.**—The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by, among others, depositories, fiscal agents, and custodians.

“(iii) **COPIES.**—The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

“(C) **AGREEMENT BY ENTITIES.**—Each contract, term sheet, or other agreement between the Secretary or the TARP (or any TARP vehicle, officer, director, employee, independent public accountant, financial advisor, or other TARP agent or representative) and an entity participating in a program established under this Act shall provide for access by the Comptroller General in accordance with this section.

“(D) **RESTRICTION ON PUBLIC DISCLOSURE.**—

“(i) **IN GENERAL.**—The Comptroller General may not publicly disclose proprietary or trade secret information obtained under this section.

“(ii) **EXCEPTION FOR CONGRESSIONAL COMMITTEES.**—This subparagraph does not limit disclosures to congressional committees or members thereof having jurisdiction over any private or public entity participating in a program established under this Act.

“(iii) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to alter or amend the prohibitions against the disclosure of trade secrets or other information prohibited by section 1905 of title 18, United States Code, or other applicable provisions of law.”.

SA 1021. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

TITLE —COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES
SEC. —. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.

(a) **DEFINITION OF AGENCY.**—Section 714(a) of title 31, United States Code, is amended by striking “Federal Reserve Board,” and inserting “Board of Governors of the Federal Reserve System (in this section referred to as the ‘Board’), the Federal Open Market Committee, the Federal Advisory Council,”.

(b) **AUDITS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM AND THE FEDERAL RESERVE BANKS.**—Section 714(b) of title 31, United States Code, is amended by striking the second sentence.

(c) **CONFIDENTIAL INFORMATION.**—Section 714(c) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2)(A) Except as provided under paragraph (4), an officer or employee of the Government Accountability Office may not provide to any person outside the Government Accountability Office any document or name described under subparagraph (B) if that document or name is maintained as confidential by the Board, the Federal Open Market Committee, the Federal Advisory Council, or any Federal reserve bank.

“(B) The documents and names referred to under subparagraph (A) are—

“(i) any document relating to—

“(I) transactions for or with a foreign central bank, government of a foreign country, or nonprivate international financing organization;

“(II) deliberations, decisions, or actions on monetary policy matters, including discount window operations, reserves of member banks, securities credit, interest on deposits, and open market operations; or

“(III) transactions made under the direction of the Federal Open Market Committee; or

“(ii) the name of any foreign central bank, government of a foreign country, or non-private international financing organization associated with a transaction described under clause (i)(I).”; and

(3) by striking paragraph (4) (as redesignated by this subsection) and inserting the following:

“(4) This subsection shall not—

“(A) authorize an officer or employee of an agency to withhold information from any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee; or

“(B) limit any disclosure by the Government Accountability Office to any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee.”.

(d) **ACCESS TO RECORDS.**—

(1) **ACCESS TO RECORDS.**—Section 714(d)(1) of title 31, United States Code, is amended—

(A) in the first sentence, by inserting “or any entity established by an agency” after “an agency”; and

(B) by inserting “The Comptroller General shall have access to the officers, employees, contractors, and other agents and representatives of an agency or any entity established by an agency at any reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.” after the first sentence.

(2) **UNAUTHORIZED ACCESS.**—Section 714(d)(2) of title 31, United States Code, is amended by inserting “, copies of any record,” after “records”.

(e) **AVAILABILITY OF DRAFT REPORTS FOR COMMENT.**—Section 718(a) of title 31, United States Code, is amended by striking “Federal Reserve Board,” and inserting “Board of Governors of the Federal Reserve System, the Federal Open Market Committee, the Federal Advisory Council,”.

SA 1022. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I of the amendment, add the following:

SEC. 105. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) IN GENERAL.—Section 2301(c) of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended by adding at the end the following:

“(4) FORECLOSURE PREVENTION.—For any amounts appropriated under the heading ‘Community Development Fund’ of title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 217), each State and unit of general local government that receives an allocation of any such amounts pursuant to section 2302 may use up to 10 percent of such amounts for foreclosure prevention programs, activities, and services, as such programs, activities, and services are defined by the Secretary, provided that the State or unit of general local government discloses, in its application for such amounts, its intentions to use such amounts for such foreclosure prevention purposes.”

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on the date of enactment of the American Recovery and Reinvestment Act of 2009.

SA 1023. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I of the amendment, add the following:

SEC. 105. WARNINGS TO HOMEOWNERS OF FINANCIAL SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading “Notice Required by Federal Law” in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: “Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department’s Tips for Avoiding Foreclosure website at <http://www.hud.gov/foreclosure> for additional assistance.” (the blank space to be filled in by

the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively.).

(c) LOAN SERVICER.—As used in this section, the term “loan servicer” has the same meaning as the term “servicer” in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(d) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A failure to comply with any provision of this section shall be treated as a violation of a rule defining an unfair or deceptive act or practice promulgated under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

SA 1024. Mr. KERRY (for himself, Mrs. BOXER, Mrs. GILLIBRAND, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE V—PROTECTING TENANTS AT FORECLOSURE ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “Protecting Tenants at Foreclosure Act of 2009”.

SEC. 502. EFFECT OF FORECLOSURE ON PRE-EXISTING TENANCY.

(a) IN GENERAL.—In the case of any foreclosure on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1),

except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

(1) the mortgagor under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; or

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

SEC. 503. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting before the semi-colon in subparagraph (C) the following: “and in the case of an owner who is an immediate successor in interest pursuant to foreclosure—

“(i) during the initial term of the lease vacating the property prior to sale shall not constitute other good cause; and

“(ii) in subsequent lease terms, vacating the property prior to sale may constitute good cause if the property is unmarketable while occupied, or if such owner will occupy the unit as a primary residence”; and

(2) by inserting at the end of subparagraph (F) the following: “In the case of any foreclosure on any residential real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants.”.

SA 1025. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE V—TARP REDUCTION PRIORITY ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “TARP Reduction Priority Act”.

SEC. 502. FINDINGS.

Congress finds the following:

(1) On October 7, 2008, Congress established the Troubled Assets Relief Program (TARP) as part of the Emergency Economic Stabilization Act (Public 110-343; 122 Stat. 3765) and allocated \$700,000,000,000 for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

(2) The Department of Treasury, without consultation with Congress, changed the purpose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program (CPP) rather than purchasing toxic assets.

(3) Lending by financial institutions was not noticeably increased with the implementation of the CPP and the expenditure of \$218,000,000,000 of TARP funds, despite the goal of the program.

(4) The recipients of amounts under the CPP are now faced with additional restrictions related to accepting those funds.

(5) A number of community banks and large financial institutions have expressed their desire to return their CPP funds to the

Department of Treasury and the Department has begun the process of accepting receipt of such funds.

(6) The Department of the Treasury should not reuse returned funds for additional lending for financial assistance.

(7) The United States Constitution provided Congress with the power of the purse hence any future spending of TARP funds, or other financial assistance, should be determined by Congress.

SEC. 503. TARP AUTHORIZATION REDUCTION.

Section 115(a)(3) the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by inserting “minus any aggregate amounts received by the Secretary for repayment of the principal of financial assistance by an entity that has received financial assistance under the TARP or any program enacted by the Secretary under the authorities granted to the Secretary under this Act,” before “outstanding at any one time.”

SA 1026. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON USE OF TARP FUNDS.

Notwithstanding any other provision of law, on and after April 22, 2009, no funds made available to carry out the Troubled Asset Relief Program may be used for the acquisition of ownership of the common stock of any financial institution assisted under title I of the Emergency Economic Stabilization Act of 2008, either directly or through a conversion of preferred stock or future direct capital purchases.

SA 1027. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE V—TAX PROVISIONS

SEC. 501. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

“SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an individual who is a purchaser of a principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

“(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed \$15,000.

“(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

“(b) LIMITATIONS.—

“(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

“(A) after March 30, 2009, and

“(B) before April 1, 2010.

“(2) LIMITATION BASED ON AMOUNT OF TAX.—

In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

“(3) ONE-TIME ONLY.—

“(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other principal residence by such individual or a spouse of such individual.

“(B) JOINT PURCHASE.—In the case of a purchase of a principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other principal residence.

“(C) PRINCIPAL RESIDENCE.—For purposes of this section, the term ‘principal residence’ has the same meaning as when used in section 121.

“(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

“(e) SPECIAL RULES.—

“(1) JOINT PURCHASE.—

“(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting ‘\$7,500’ for ‘\$15,000’ in subsection (a)(1).

“(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed \$15,000.

“(2) PURCHASE.—In defining the purchase of a principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

“(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

“(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

“(1) IN GENERAL.—In the event that a taxpayer—

“(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

“(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

“(2) EXCEPTIONS.—

“(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

“(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

“(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

“(i) paragraph (1) shall not apply to such transfer, and

“(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

“(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

“(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

“(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

“(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

“(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2009, and before April 1, 2010, a taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking “and 25B” and inserting “, 25B, and 25E”.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting “25E,” after “25D.”

(3) Section 25B(g)(2) of such Code is amended by striking “section 23” and inserting “sections 23 and 25E”.

(4) Section 904(i) of such Code is amended by striking “and 25B” and inserting “25B, and 25E”.

(5) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 25E(g).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Credit for certain home purchases.”.

(d) SUNSET OF CURRENT FIRST-TIME HOME-BUYER CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is

amended by striking "December 1, 2009" and inserting "April 1, 2009".

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended by striking "December 1, 2009" and inserting "April 1, 2009".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases after the date of the enactment of this Act.

SA 1028. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. PROHIBITION ON STEERING.

(a) IN GENERAL.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129 the following new section:

"SEC. 129A. PROHIBITION ON STEERING WITH RESPECT TO HOME MORTGAGE LOANS.

"(a) IN GENERAL.—In connection with a home mortgage loan, a mortgage broker or creditor may not—

"(1) steer, counsel, or direct a consumer to rates, charges, principal amount, or prepayment terms that are more expensive for that which the consumer qualifies; or

"(2) make, provide, or arrange for any consumer credit transaction secured by a consumer's principal dwelling that is more expensive than that for which the consumer qualifies.

"(b) DUTIES TO CONSUMERS.—If unable to suggest, offer, or recommend to a consumer a home loan that is not more expensive than that for which the consumer qualifies, a mortgage originator shall—

"(1) based on the information reasonably available and using the skill, care, and diligence reasonably expected for a mortgage originator, originate or otherwise facilitate a suitable home mortgage loan by another creditor to a consumer, if permitted by and in accordance with all otherwise applicable law; or

"(2) disclose to a consumer—

"(A) that the creditor does not offer a home mortgage loan that is not more expensive than a loan for which the consumer qualifies, but that other creditors may offer such a loan; and

"(B) the reasons that the products and services offered by the mortgage originator are not available to or reasonably advantageous for the consumer.

"(c) PROHIBITED CONDUCT.—In connection with a home mortgage loan, a mortgage originator may not—

"(1) mischaracterize the credit history of a consumer or the home loans available to a consumer;

"(2) mischaracterize or suborn the mischaracterization of the appraised value of the property securing the extension of credit; and

"(3) if unable to suggest, offer, or recommend to a consumer a loan that is not more expensive than a loan for which the consumer qualifies, discourage a consumer from seeking a home mortgage loan from another creditor or with another mortgage originator.

"(d) MORTGAGE BROKER DEFINED.—For purposes of this section, the term 'mortgage broker' means any person who is defined as a mortgage broker under applicable State law."

(b) CLERICAL AMENDMENT.—The table of sections for the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after the item relating to section 129 the following new item:

"Sec. 129A. Prohibition on steering with respect to home mortgage loans."

SA 1029. Mr. SCHUMER submitted an amendment intended to be proposed by him to the resolution S. Res. 93, a bill supporting the mission and goals of 2009 National Crime Victim's Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984; as follows:

Strike all after the resolving clause and insert the following:

That the Senate—

(1) supports the mission and goals of 2009 National Crime Victims' Rights Week to increase public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs of victims; and

(2) recognizes the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 7, 2009, at 10:00 a.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony on a Joint Staff draft related to cybersecurity and critical electricity infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, US Senate, Washington, DC 20510-6150, or by e-mail to Gina.Weinstock@energy.senate.gov.

For further information, please contact Leon Lowery at (202) 224-2209 or Gina Weinstock at (202) 224-5684.

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, this is to advise you that a hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 7, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony on net metering, interconnection standards, and other policies that promote the deployment of

distributed generation to improve grid reliability, increase clean energy deployment, enable consumer choice, and diversify our Nation's energy supply.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, US Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Alicia Jackson at (202) 224-3607 or Rachel Pasternack at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. Dodd. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 2:30 p.m., to hold a hearing entitled "Confronting Piracy off the Somali Coast."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Primary Health Care Access Reform: Community Health Centers and the National Health Service Corps" on Thursday, April 30, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, April 30, 2009 at 9:30 a.m. in Room 628 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 30, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, BORDER
SECURITY, AND REFUGEES

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Refugees, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Comprehensive Immigration Reform in 2009, Can We Do It and How?" on Thursday, April 30, 2009, at 2 p.m., in room SD-226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA.

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 2:30 p.m. to conduct a hearing entitled, "National Security Reform: Implementing a National Security Service Workforce."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jamie Corey

and Joel Carron of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that members of my staff, Deborah Katz, Amy Widestrom, Matthew Green, Ella Humphry, and James Bair be granted the privilege of the floor for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN INSPECTOR
GENERAL PERSONNEL ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 53, S. 615.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 615) to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 615) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL PERSONNEL AUTHORITIES FOR THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 381) is amended by striking paragraph (1) and inserting the following:

"(1) PERSONNEL.—

"(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

"(B) ADDITIONAL AUTHORITIES.—

"(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

"(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

"(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

"(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o)."

NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 104, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 104) supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 104) was agreed to.

The preamble was agreed to.

2009 NATIONAL CRIME VICTIM'S RIGHTS WEEK

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 93, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 93) supporting the mission and goals of 2009 National Crime Victim's Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that a Schumer amendment to the resolution be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1029) was agreed to, as follows:

(Purpose: To amend the resolving clause)

Strike all after the resolving clause and insert the following:

That the Senate—

(1) supports the mission and goals of 2009 National Crime Victims' Rights Week to increase public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs of victims; and

(2) recognizes the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.).

The resolution (S. Res. 93), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

DESIGNATING APRIL 30, 2009, AS DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 122, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 122) designating April 30, 2009, as "Día de los Niños: Celebrating Young Americans," and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 122) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 122

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños", or "Day of the Children", on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States and are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas according to the latest Census report, there are more than 44,000,000 individuals of Hispanic descent living in the United States, nearly 15,000,000 of whom are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on Día de los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the Nation to declare April 30 as "Día de los Niños: Celebrating Young Americans", a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2009, as "Día de los Niños: Celebrating Young Americans"; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

VIETNAMESE REFUGEES DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 123, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 123) expressing support for designation of May 2, 2009, as "Vietnamese Refugees Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 123) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 123

Whereas the Library of Congress' Asian Division together with many Vietnamese-American organizations across the United States will sponsor a "Journey to Freedom: A Boat People Retrospective" symposium on May 2, 2009;

Whereas Vietnamese refugees were asylum-seekers from Communist-controlled Vietnam;

Whereas many Vietnamese escaped in boats during the late 1970s, after the Vietnam War and by land across the Cambodian, Laotian, and Thai borders into refugee camps in Thailand;

Whereas over 2,000,000 Vietnamese boat people and other refugees are now spread across the world, in the United States, Australia, Canada, France, England, Germany, China, Japan, Hong Kong, South Korea, the Philippines, and other nations;

Whereas over half of all overseas Vietnamese are Vietnamese-Americans, and Vietnamese-Americans are the fourth-largest Asian American group in the United States;

Whereas, as of 2006, 72 percent of Vietnamese-Americans were naturalized United States citizens, the highest rate among all Asian groups;

Whereas Vietnamese-Americans have made significant contributions to the rich culture and economic prosperity of the United States;

Whereas Vietnamese-Americans have distinguished themselves in the fields of literature, the arts, science, and athletics, and include actors and actresses, physicists, an astronaut, and Olympic athletes; and

Whereas May 2, 2009, would be an appropriate day to designate as "Vietnamese Refugees Day": Now, therefore, be it

Resolved, That the Senate supports the designation of "Vietnamese Refugees Day" in order to commemorate the arrival of Vietnamese refugees in the United States, to document their harrowing experiences, and subsequent achievements in their new homeland, to honor the host countries that welcomed the boat people, and to recognize the voluntary agencies and nongovernmental organizations that facilitated their resettlement, adjustment, and assimilation into mainstream society in the United States.

WORLD PRESS FREEDOM DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 124, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 124) recognizing the threats to press freedom and expression around the world and reaffirming press freedom as a priority in the efforts of the United States to promote democracy and good governance, on the occasion of World Press Freedom Day on May 3, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, on May 3, people from across the country and around the world will celebrate World Press Freedom Day—a time to commemorate and honor the principles of freedom of expression. Established by the United Nations General Assembly in 1993, World Press Freedom Day provides an important opportunity for us all to remember the journalists and other members of the news media—of all nationalities—who have sacrificed their personal safety, and in some cases their lives, to ensure the free flow of information to the public.

Charles Caleb Colton said that “Despotism can no more exist in a nation until the liberty of the press be destroyed, than night can happen before the sun is set.” According to the International Federation of Journalists, at least 109 journalists and other members of the media have been killed in the line of duty during 2008. Countless others have been arrested and/or detained simply for performing their professional duties. Our Founders prized and protected freedom of the press in our national charter, the Constitution. Courageous American journalists have documented volatile turning points in our history—and the world’s history—and some have suffered or even died for their efforts, beginning with America’s first martyr to press freedom, Elijah Lovejoy.

Recently, we witnessed the troubling case of Iranian-American journalist Roxana Saberi, who was arrested by Iranian authorities in January for buying a bottle of wine and was later tried behind closed doors and detained on absurd and unfounded charges of espionage. Two other American journalists—Laura Ling and Euna Lee—were detained by North Korean officials last month, while working on a story about the plight of female Chinese refugees living along the Chinese border. These troubling events are just two examples of the growing threat facing journalists around the world.

Preserving press freedoms and freedom of expression is one of my highest priorities as Chairman of the Judiciary

Committee. That is why I am pleased to join Senators FEINGOLD, KAUFMAN and LUGAR in cosponsoring a resolution in honor of World Press Freedom Day.

Next week, the Judiciary Committee will consider legislation that I introduced and that is cosponsored by Senators KENNEDY, SPECTER, FEINGOLD, WHITEHOUSE, MCCASKILL and TESTER to roll back the government’s excessive use of the state secrets privilege to shield government information. The State Secrets Protection Act, S. 417, will help guide the Federal courts to balance the government’s legitimate interests in protecting national security, with accountability and the rights of citizens to obtain government information and seek judicial redress.

The committee also has on its agenda long-overdue legislation to establish a qualified privilege for journalists to protect the confidentiality of their sources and the public’s right to know—the Free Flow of Information Act, S. 448 and H.R. 985. Last year, the Senate Judiciary Committee favorably reported a similar measure that I cosponsored with Senators LUGAR, DODD, SPECTER, SCHUMER, and GRAHAM, with a strong, bipartisan 15 to 4 vote.

I am very pleased that President Obama has stated his support of Federal shield legislation, and that Attorney General Eric Holder has also expressed his support of a carefully crafted federal shield law. At my request, the Obama administration is working closely with the committee to help reach consensus on a meaningful Federal shield bill that we can enact this year.

As we celebrate World Press Freedom Day, we are reminded that an open and accountable society comes with the duty of its citizens to seek out the truth and to empower themselves with that knowledge. All of us—whether Republican, Democrat or Independent—have an interest in preserving press freedoms and protecting the public’s right to know. Enacting the State Secrets Protection Act and the Free Flow of Information Act will send a powerful signal to the entire world about this Nation’s commitment to freedom of expression. For this reason, I strongly encourage all Members to join me in supporting the resolution in honor of World Press Freedom Day and in supporting these very important bills.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 124) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 124

Whereas, in 1993, the United Nations General Assembly proclaimed May 3 of each year as “World Press Freedom Day” to celebrate the fundamental principles of press freedom, to evaluate the state of press freedom around the world, to defend the media from attacks on the independence of the media, and to pay tribute to journalists who have lost their lives in the line of duty;

Whereas, according to the International Federation of Journalists, at least 109 journalists and other media workers were killed in 2008 while on assignment;

Whereas, according to the Committee to Protect Journalists, nearly 3 out of 4 journalists killed in the line of duty are murdered, and the killers go unpunished in nearly 9 of 10 cases;

Whereas, according to estimates by Reporters Without Borders, in 2008, 673 journalists were arrested, 929 journalists were physically attacked or threatened, and 29 journalists were kidnapped;

Whereas Freedom House reported that press freedom has been declining during recent years in both authoritarian countries and established democracies;

Whereas, reflecting the rise in influence of Internet reporting, an increasing number of online editors, bloggers, and web-based reporters are being imprisoned and their websites closed; and

Whereas press freedom is a key component of democratic governance and socio-economic development and enhances public accountability, transparency and participation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the threats to press freedom and expression around the world, on the occasion of World Press Freedom Day on May 3, 2009;

(2) commends journalists around the world for the essential role they play in promoting government accountability and strengthening civil society, despite numerous threats;

(3) pays tribute to the journalists who have lost their lives in the line of duty;

(4) condemns all actions around the world that suppress press freedom;

(5) reaffirms the centrality of press freedom to efforts by the United States to support democracy, mitigate conflict, and promote good governance around the world; and

(6) calls on the President and the Secretary of State to develop means by which the United States Government can more rapidly identify, publicize, and respond to threats against press freedom around the world.

ORDERS FOR FRIDAY, MAY 1, 2009

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, May 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of S. 896, the Helping Families Save Their Homes Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCHUMER. Mr. President, tomorrow we hope to get to a finite list of amendments on the bill so we can complete action on the legislation early next week.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. SCHUMER. If there is no further business to come before the Senate, I

ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Friday, May 1, 2009, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF DEFENSE

CHARLES A. BLANCHARD, OF ARIZONA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE MARY L. WALKER, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, April 30, 2009:

DEPARTMENT OF THE INTERIOR

THOMAS L. STRICKLAND, OF COLORADO, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

MR. CHRIS BLUM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service of Chris Blum, FAA Regional Administrator for Central Region, on the occasion of his retirement after 38 years of serving the FAA.

Chris began his career in 1970 as a controller at the Miami Air Traffic Control Center. He has since served in various management positions in the FAA's Southern, Central and Great Lakes Regions. In April 2005, he was asked to handle two regions—Central and Great Lakes. This resulted in a twelve-state span, and was a first for the FAA. He was also responsible for such high volume and high visibility facilities as Chicago O'Hare. In 2008, Chris was detailed as the Acting Administrator for Regions and Center Operations, Washington, DC.

Chris has earned the gratitude and respect of his fellow colleagues and fellow citizens. His life's dedication and hard work should serve as an example to the rest of us on how we can better serve each other and our great nation.

Madam Speaker, I ask my colleagues to join with me in commending Mr. Chris Blum for his dedicated service. I know Chris's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

HONORING THE TOWN OF TRURO,
MASSACHUSETTS ON ITS 300TH
ANNIVERSARY

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in congratulating the Town of Truro, Massachusetts on the 300th anniversary of its incorporation. Since its founding, Truro has enjoyed a reputation as a diverse and culturally rich town, whose welcoming residents and awe-inspiring landscapes are famous throughout New England.

Truro's history harks back to November 1620, when the Pilgrims visited the area while their ship, the Mayflower, was anchored in what is now Provincetown Harbor. It was here that the Pilgrims found their first fresh water, and on Corn Hill, overlooking Cape Cod Bay, the voyagers found a cache of seed corn belonging to the natives which they stole to provide seed for their own spring crop. Deter-

mining that the land here was unsuitable for their purposes, the Pilgrims continued up the coast of the Cape to present-day Eastham and then ventured across the Bay to Plimoth.

On July 16, 1709, the Town of Truro gained its independence. Formerly a part of Eastham, the nascent Town encompassed the district previously known as Pamet.

During the Revolutionary War, Truro's militia demonstrated remarkable skill and bravery in keeping the British at bay. Once, the members marched in a circular formation behind a barrier dune to convey the impression that there was a large force assembled ready to defend the town. At the time, Provincetown Harbor was controlled by the British, and there was no protection for Truro save its own meager militia.

Truro has a long and distinguished seafaring history, and at one time had a shipyard which produced large vessels in the Pamet River basin. Truro whalers sailing from other ports ventured as far as the Arctic and the Falkland Islands. Ultimately, the Town of Truro's intrepid and expert whalers helped spur an industry that became profitable and culturally significant throughout coastal New England.

In fact, much of Truro's economy was once dependent on the sea. Truro's men were whalers, and the shipyard built large commercial vessels to sustain their activities. There were several try works in town to render the whale blubber into lamp oil, and salt works dotted the shores and hillsides, providing much-needed salt to preserve the catch. These industries—along with subsistence and commercial farming—have been replaced largely by the seasonal tourist industry that currently fuels the local economy.

Today, slightly more than 2,100 residents call Truro home year-round. During the summer months, the tiny Town's population swells by an estimated 17,000 to 18,000 people anxious to experience the breathtaking scenery for which Truro is known. More than half of its landmass is within the Cape Cod National Seashore. Truro's beaches stretch unbroken between its borders, offering water access for swimming, fishing, and boating.

The first lighthouse—what many consider an icon of Cape Cod—was built in Truro at Highland in 1797. At the time, the numerous shoals off the "great backside" claimed many ships as the prevailing winds and waves drove vessels to the shore. This original lighthouse was declared unsafe in 1857 and a new tower, still standing and still in-use, was built to replace it.

Truro, with its glorious sunsets; noisy, storm-surf-beaten beaches; tranquil, sunny berry-laden hills; deliciously refreshing freshwater springs; adventurous paths; and acres of protected National Seashore land, has been home or temporary haven to politicians, musicians, puppeteers, pirates, poets, and ordinary folks. Its people are hardy and

resilient. Tradesmen and professionals, artists and writers, bards and photographers, fishermen and farmers, retirees and schoolchildren all contribute to the unique fabric of the Town's community. Some grew up here; many others have chosen this special place as their home.

It is with pleasure and pride that I join Truro's residents on this auspicious day to celebrate all the achievements the Town has accomplished, and all those to come. Happy birthday, Truro. May the years ahead be ever prosperous and bright.

CONGRATULATING PAUL GIBLIN,
PATTI EPLER, AND RYAN
GABRIELSON RECIPIENTS OF
THE 2009 PULITZER PRIZE FOR
LOCAL REPORTING

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate three Arizona journalists, Paul Giblin, Patti Epler, and Ryan Gabrielson, for earning the most prestigious honor in their profession, the 2009 Pulitzer Prize for Local Reporting. Their hard work and dedicated effort on behalf of The East Valley Tribune are deserving of recognition and should be a source of pride for the people of Arizona.

The Pulitzer Prize for Local Reporting was first awarded in 1948 to honor journalists who display innovation and knowledge of their communities while reporting on important local issues. The Pulitzer Prize Committee offers each winner a \$10,000 award and a commemorative certificate, but more important is these journalists have earned the respect and admiration of their peers and the public.

Paul, Patti, and Ryan have set a new standard for all Arizona journalists with their commitment to excellence through their exhaustive in-depth reporting on the impact of immigration enforcement in Arizona. Despite facing tough conditions with the downsizing of the newspaper industry—both Paul Giblin and Patti Epler have since been laid off by The Tribune—these individuals have reminded us all that investigative journalism is still vital to shedding light on and informing the public about significant issues that face the nation today.

It is only the fourth time in Arizona's history that a local media organization has won a Pulitzer Prize. More significantly, it represents only the second occasion that a Pulitzer Prize has been awarded in Arizona for reporting.

Madam Speaker, please join me in recognizing Paul, Patti, and Ryan's achievement and their continued service to journalism in the public interest.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ADRIAN MURPHY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Adrian Murphy who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Adrian Murphy is a 7th grader at Wheat Ridge Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Adrian Murphy is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Adrian Murphy for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

INTRODUCTION OF THE "PREPARE ALL KIDS ACT" OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mrs. MALONEY. Madam Speaker, today, I am pleased to introduce the "Prepare All Kids Act," which would assist states in providing at least one year of high quality pre-kindergarten to children. The plan calls for a new federal investment to be accompanied by matching funds from the states.

Introduced in the Senate by my colleague on the Joint Economic Committee, Sen. CASEY of Pennsylvania, I am happy to be introducing this House companion bill along with original cosponsors Reps. SCHWARTZ, FATTAH, HINCHEY, and HIRONO.

President Obama has made the expansion of high quality early education programs a major pillar of his educational reform agenda—and for good reason. Decades of research and data have proven the enormous benefits of investing in high quality early childhood development and education programs, such as higher high school graduation rates, lower need for special education, and lower rates of teen pregnancy, criminal activity, and dependence on public assistance programs. In fact, for every \$1 invested in high quality early education, the nation saves up to \$17 due to lower crime and decreased welfare and other entitlement spending.

Clearly, children are our Nation's greatest resource. The "Prepare All Kids Act" is not only the right thing to do for our children; it's a wise investment in our future.

ANGEL BREWER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Angel Brewer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Angel Brewer is a 7th grader at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Angel Brewer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Angel Brewer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

A BILL TO IMPROVE PUBLIC PARTICIPATION AND OVERALL DECISION-MAKING AT THE FEDERAL COMMUNICATIONS COMMISSION, AND FOR OTHER PURPOSES

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BARTON of Texas. Madam Speaker, today I, along with Mr. STEARNS, introduce legislation designed to reform some of the Federal Communications Commission's byzantine regulatory processes. As the pace of competition and technological change increases in our country's communications markets, sound decision-making at the FCC and faith in how it makes those decisions become all the more important. Not only are the issues far more complex, they affect far more Americans and American businesses than ever before. The bill would do much to improve the quality of the FCC's decisions and the country's trust in the agency.

First, the bill would codify the not-so-radical notion that the FCC should let the public see proposed rules before it adopts them, and should provide everyone with a realistic amount of time to comment. If the FCC expects the American people and the regulated community to respect its decisions, I don't think it is too much to ask the FCC to show some respect for them in return. Not only will this improve everyone's confidence in the FCC's decisions, it will improve the decisions themselves, both because the agency will be forced to exert more rigor in developing policy, and because the public and the regulated community can often be the source of the best ideas. Secrecy breeds both inefficiency and distrust, and the FCC already has enough of both. Thus, the bill requires the FCC to provide at least 30 days for comments and 30

days for replies on published language of proposed rules.

Letting the sun shine in and the public have a say on what they see won't be worth much unless the commissioners are provided a reasonable amount of time to review the comments and evaluate any proposed decision document. The bill therefore requires at least 30 days after the submission of reply comments, as well as an adequate amount of time for Commission review of a draft document, before the FCC renders a decision.

Nor is it unreasonable for those waiting on a decision to know when resolution will come, whether in their favor or against. In a rapidly evolving market, particularly in difficult economic times, uncertainty itself can be one of the greatest obstacles to investment and business planning. Consequently, the bill requires the FCC to set deadlines for action on the various types of decisions it makes.

And when the Commission adopts a decision, the text of that decision should march quickly into the public realm. The longer it takes for that language to come, the more it begins to look like the decision was not really made when the FCC said it was, but rather ironed out later through last-minute, back-room deals. Guilty or not, the FCC is widely suspected of changing its mind between decision and regulation. Under the bill, the FCC would have 30 days from adoption of a policy to release the actual text of the decision.

Statistics also are becoming increasingly important. The only reason for regulation should be a failure in the marketplace, and the American people deserve more than vague assertions from regulators that a rule is necessary. The bill therefore requires the FCC to publish a schedule of all its statistical reports, both to ensure that those reports are actually issued regularly and so that everyone can know when.

Transparency and good management should not be partisan issues, and I hope all my colleagues will join us in support of this legislation. I look forward to working with them, with the industry, with the public interest community, and with the FCC to help make commission decisions as well-crafted and unavailable as possible.

HONORING MAUREEN ARCAND**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Ms. BALDWIN. Madam Speaker, I rise today to honor Maureen Arcand, a disability researcher and advocate, community leader, and mother of six. Celebrating her 80th birthday this month, Maureen has fought for positive social change and inspired many of her fellow Wisconsinites for years.

Maureen was born in 1929 with cerebral palsy (CP). In those days, CP was poorly understood and many affected children were simply institutionalized. Nevertheless, her parents raised her through the Great Depression and World War II with high expectations, emphasizing her abilities. By age 40, Maureen was working full time, becoming increasingly

involved in her community as an activist for the disabled, and single-handedly caring for her six children.

While many Americans spend their retirement relaxing, Maureen has been perhaps most active at this point in her life. In her sixties, she served the greater Madison community as an elected member of the Dane County Board of Supervisors, where I was fortunate to serve with her. Beyond her work with the Dane County Board, Maureen worked tirelessly to improve the lives of those living with disabilities. She served as president of Movin' Out, Inc., leading the Madison organization's efforts to assist people with disabilities in finding and retaining independent housing. She also lobbied for the Madison based nonprofit, Access to Independence, Inc., further reflecting her strong conviction that people with disabilities have the right to live independently and make individual choices. Following the passage of the Americans with Disabilities Act of 1990, Maureen became the first evaluation coordinator in Dane County for the ADA, proudly stating, "Never have people with disabilities worked so well together to achieve a goal."

In the past few years, Maureen has researched the aging process in people living with CP. Using personal insights and focus groups comprised of others affected by CP, she has illuminated much about this often misunderstood condition, creating valuable information for others with the disability. In her research titled "One Person's Journey into Aging with Cerebral Palsy," Maureen states, "This attempt to record my experiences is being made in the hope that other people with CP can benefit from knowing something about what has happened to me over the last thirty some years."

On April 30, Maureen is celebrating her 80th birthday by launching the Maureen Arcand Advocacy and Leadership Awards to spotlight and inspire others who are continuing her work. Maureen once told me that her favorite animal is the giraffe, because it's always sticking its neck out. In reality, Maureen has spent a lifetime sticking her neck out for all of us, especially those without a voice.

Today, I therefore commend Maureen Arcand not only for her myriad accomplishments, but also the many future contributions to society that she has undoubtedly nurtured and inspired.

IN HONOR OF DR. JOEL M. LEVY'S
RETIREMENT FROM YAI/NATIONAL
INSTITUTE FOR PEOPLE
WITH DISABILITIES NETWORK

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. NADLER of New York. Madam Speaker, I rise today to recognize a truly remarkable New Yorker, Dr. Joel M. Levy, as he retires from the YAI/National Institute for People with Disabilities Network (NIPD).

After forty years of dedicated service and leadership on behalf of people with disabilities, Dr. Levy helped grow YAI/NIPD from a small

and struggling agency into one of the nation's leading providers of services for people of all ages with developmental and learning disabilities.

Dr. Levy played a key role in transforming the field of disabilities and dramatically improving the lives of thousands of individuals and families.

Dr. Levy's inspirational efforts helped create innumerable opportunities for those with developmental disabilities to experience greater independence, productivity and joy through community living, meaningful employment and volunteer activities. Furthermore, he has ensured that people with disabilities have access to quality physical and mental health care.

And because of his commitment, Dr. Levy has positioned YAI/NIPD as an internationally acclaimed professional organization renowned for its conferences, training materials, research and publications in this field.

In the course of a long and distinguished career, Dr. Levy has given hope to people with developmental and learning disabilities and their families.

On behalf of myself and all New Yorkers, I thank Dr. Levy for his years of service to people with disabilities and their families and wish him a happy and healthy retirement.

GWANE DALAWI

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Gwane Dalawi who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Gwane Dalawi is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Gwane Dalawi is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Gwane Dalawi for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

IN HONOR OF THE SILVER STAR
FAMILIES OF AMERICA

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BLUNT. Madam Speaker, I rise today to honor the Silver Star Families of America. This organization was founded by two of my constituents, Steven and Diana Newton of Clever, Missouri.

On April 11, 2005, the Silver Star Families of America was founded. Since that time, they

have freely given thousands of Silver Star Service Banners to the wounded and ill or their families. Their primary mission is that every time someone sees a Silver Star Service Banner in a window or a Silver Star Flag flying, that people remember the sacrifice made by so many for this State and Nation. They have also established Silver Star Banner Day on May 1st of every year to honor the wounded and ill of the United States Armed Forces.

Steven and Diana Newton, along with national president Janie Orman and volunteers across the country, have donated close to 50,000 hours. They have also donated over \$40,000 in Silver Star Banner distribution and \$30,000 in direct aid to homeless and near-homeless veterans, care packages, and support of hospitalized veterans and other programs.

To date, they have honored thousands of our wounded and ill with the Silver Star Service Banner. I am proud to pay tribute to the Silver Star Families of America, their service to veterans across our nation, and ask my colleagues in the House to join me in doing the same.

HONORING FRESNO RESCUE
MISSION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. RADANOVICH, Madam Speaker, I rise today to congratulate the Fresno Rescue Mission upon celebrating its 60th anniversary.

Reverend Clifford Phillips first envisioned the Fresno Rescue Mission with a prayer meeting, the "Fisherman's Club" and the concerned hearts of many local Christians. The Fresno Rescue Mission opened its doors in 1949 as a non-profit, faith-based, evangelical Christian charitable organization with the purpose of assisting local alcoholics and transient farm laborers. Since the 1950s the Fresno Rescue Mission has expanded their services to include assistance to every man, woman, child or family that walks through their doors. They stress accountability, responsible living and decision making for all residents, while encouraging them with support, training and prayer.

In 2008, the Fresno Rescue Mission served four hundred and twenty-two children at the Craycroft Youth Center, and an additional one hundred and fifty-four families with three hundred and eighty children. It shelters an average of eighty to one hundred and thirty men every night in the overnight homeless shelter for men. The Mission also averages one hundred and twenty-five men involved with the eighteen month Academy Recovery Program. Individuals that complete this program become productive, law abiding citizens. The Mission has been instrumental in changing the lives of many individuals by providing life and job skills training, literacy and GED education, computer training and a career development program. The goal of the Mission is to change one life at a time and to provide hope and renewal to abandoned, abused, neglected and addicted.

The Fresno Rescue Mission has been an integral part of the Fresno community for sixty years; saving the city, county and state millions of taxpayer dollars. Its influence has spread beyond the City of Fresno and its success was instrumental in starting twenty-two other rescue missions with the belief that people are able to rise above their mistakes to make positive changes for themselves.

Madam Speaker, I rise today to commend and congratulate the Fresno Rescue Mission on 60 years of community building. I invite my colleagues to join me in wishing the Fresno Rescue Mission many years of continued success.

JORDAN CONNELL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jordan Connell who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jordan Connell is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jordan Connell is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jordan Connell for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GEORGE MILLER of California. Madam Speaker, on Wednesday, April 29, 2009, I was unavoidably detained and missed rollcall vote No. 223 on final passage of the Local Law Enforcement Hate Crimes Prevention Act. Had I been present, I would have voted in favor of this important legislation.

PERSONAL EXPLANATION

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KISSELL. Madam Speaker, on Tuesday, April 21, 2009, I was unable to vote due to a death of a close friend and missed three rollcall votes. Had I been present, I would have vote "yea" on rollcall No. 193 to pass H.R.

388, the "Crane Conservation Act of 2009; "yea" on rollcall No. 194 to pass H.R. 411, the "Great Cats and Rare Canids Act of 2009; and "yea" on rollcall No. 195 to pass H.R. 1219, the "Lake Hodges Surface Water Improvement and Reclamation Act of 2009."

IN HONOR OF CHIEF MASTER
SERGEANT PAUL AIREY

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BOYD. Madam Speaker, on March 11, 2009, the Air Force, the Panama City community and indeed our Nation, lost one of the most respected Airmen in the history of the Air Force—the very first Chief Master Sergeant of the Air Force—Paul Wesley Airey.

Chief Airey was an Airman's Airman and a true Air Force pioneer. His legacy is the professional enlisted force we have serving our Nation today.

Chief Airey was born in New Bedford, MA, on December 13, 1923. He enlisted in the Air force at age eighteen, shortly after the bombing of Pearl Harbor on December 7, 1941.

The first chief master sergeant of the Air Force was always a leader. During World War II he flew as a B-24 radio operator and additional duty aerial gunner. On his 28th mission, then-Technical Sergeant Airey and his fellow crewmen were shot down over Vienna, Austria, captured, and held prisoner by the German air force from July 1944 to May 1945. During his time as a prisoner of war he worked tirelessly to meet the basic needs of fellow prisoners, even through a 90-day forced march.

Chief Airey held the top Air Force enlisted position from April 3, 1967 to July 31, 1969. During his tenure he worked to change loan establishments charging exorbitant rates outside the air base gates and to improve low retention during the Vietnam Conflict. Chief Airey also led a team that laid the foundation for the enlisted promotion testing system, a system that has stood the test of time and which is still in use today. He also advocated for an Air Force-level Senior Noncommissioned Officer Academy and this vision became reality when the academy opened in 1973.

Chief Airey retired August 1, 1970. He continued advocating for Airmen's rights by serving on the boards of numerous Air Force and enlisted professional military organizations throughout the years. He was a member of the Board of Trustees for the Airmen Memorial Museum, a member of the Air Force Memorial Foundation and the Air University Foundation.

On the north wall of the Air Force Memorial in Washington D.C., Chief Airey's thoughts on Airmen are immortalized, "When I think of the enlisted force, I see dedication, determination, loyalty and valor."

Before he became Chief Master Sergeant of the Air Force, Chief Airey was assigned to the Air Defense Command's Civil Engineering Squadron at Tyndall Air Force Base, Fla., where he was the unit's first sergeant. Chief Airey and his wife lived in Panama City after

he retired. The Tyndall community will greatly miss the chief. An internment ceremony is scheduled for 9 a.m. on 28 May, 2009 at Arlington National Cemetery.

JORDAN HANNEBAUM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jordan Hannebaum who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jordan Hannebaum is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jordan Hannebaum is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jordan Hannebaum for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

THE ELECTRIC GRID

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. THOMPSON of Mississippi. Madam Speaker, I rise to speak in support of legislation I introduced today with the Ranking Member of the Homeland Security Committee, Mr. KING, and the Chairman and Ranking Member of the Subcommittee on Emerging Threats, Cybersecurity, Science and Technology, Ms. CLARKE and Mr. LUNGREN.

The electric grid is highly dependent on computer-based control systems. These systems are increasingly connected to open networks such as the Internet, exposing them to cyber risks. Any failure of our electric grid, whether intentional or unintentional, would have a significant and potentially devastating impact on our Nation.

For years, my Committee has been concerned about this possibility. In 2007, the Committee learned that the electric industry was not mitigating a dangerous control system vulnerability known as "Aurora." We launched a series of investigations and held two hearings to understand what was being done in the public and private sectors to mitigate this and other cyber vulnerabilities.

The findings were disturbing. Most of the electric industry had not completed the recommended mitigations, despite being advised to do so by the Federal Energy Regulatory Commission and the North American Electric Reliability Corporation. This effectively left

many utilities vulnerable to attacks. Furthermore, in spite of existing mandatory cybersecurity standards, the North American Electric Reliability Corporation ("NERC") recently reported that many utilities are underreporting their critical cyber assets, potentially to avoid compliance requirements.

We must ensure that the proper protections, resources and regulatory authorities are in place to address any threat aimed at our power system. The Critical Electric Infrastructure Protection Act will do four things to improve our defensive posture:

Provides FERC with the authorities necessary to issue emergency orders to owners and operators of the electric grid after receiving a finding from DHS about a credible cyber attack.

Requires FERC to establish interim measures deemed necessary to protect against known cyber threats to critical electric infrastructure. This will improve existing mandatory standards.

Requires DHS to perform ongoing cybersecurity vulnerability and threat assessments to the critical electric infrastructure, and provide mitigation recommendations to eliminate those vulnerabilities and threats.

Requires DHS to conduct an investigation to determine if the security of Federally-owned critical electric infrastructure has been compromised by outsiders.

I believe that this legislation adopts a common-sense approach towards securing our electric grid from cyber attack, and I look forward to working with the Senate and the rest of our colleagues on bipartisan, bicameral basis to see that this bill is enacted.

CLIMATE CHANGE SAFEGUARDS FOR NATURAL RESOURCE PROTECTION ACT

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GRIJALVA. Madam Speaker, today I am introducing the Climate Change Safeguards for Natural Resource Protection Act. I am pleased to be joined in sponsoring this measure by Chairman NICK RAHALL as well as . . .

Madam Speaker, in 1850, the estimated number of glaciers in what would become Glacier National Park was 150; today, it is 26. The Joshua Trees in Joshua Tree National Park are dying. Unless Congress and the Administration work together to combat climate change on Federal lands, these parks and others like them will need new names.

Forests, wildlife refuges, national parks and other federally-owned land and water represent a 650-million-acre front in the battle against global climate change, but many Federal land and water management agencies have yet to take up the fight in earnest.

The previous Administration pursued a "don't-ask, don't-tell" approach to climate change; scientific research was undermined and planning was discouraged through underfunding and censorship. As a result, the gap between what we know about climate change and what we are doing about it has widened.

The legislation we are introducing today is intended to narrow that gap by providing Federal land, water, and ocean management agencies and the States, the tools they need to protect our fish, wildlife, oceans, plants and other resources from the impacts we know are coming.

The bill requires establishment of a Natural Resources Climate Change Adaptation Panel made up of Federal agencies responsible for managing our Nation's natural resources. The Panel's mission will be to foster the kind of inter-agency cooperation and planning that is both critical in responding to climate change and, so far, sorely lacking.

The Panel will be tasked with developing a comprehensive, national strategy for combating climate change. Once the national strategy is in place, each Federal agency with jurisdiction over natural resources will be tasked with translating that broader plan into a climate change response tailored specifically to their agency's programs and activities. Furthermore, funding will be authorized to assist states in developing similar state-wide adaptation plans that lead to concrete on the ground actions to address the impacts of climate change on the natural resources they manage.

In addition, the bill will streamline, centralize and improve the collection and dissemination of climate-related scientific information. This provision will ensure that Federal climate research will be better funded, more aggressive and more easily available to land managers, policy-makers and the public.

Finally, the bill will create a centralized database of geographic mapping information designed to identify significant wildlife migration corridors. Such corridors must be included in any ecosystem level adaptation planning efforts.

In developing this legislation, we have been privileged to work closely with our colleagues on the Energy and Commerce Committee, including Chairman WAXMAN and the Dean of the House of Representatives, JOHN DINGELL to include this bill in larger, so-called "cap and trade" legislation. We support having this measure included in the larger package and appreciate the support of the Energy and Commerce Committee in this effort.

This legislation is the product of multiple oversight hearings and extensive negotiations in the Natural Resources Committee. A serious and sustained commitment to fighting climate change is a significant priority for the Members of our Committee and we ask our colleagues to join us in this effort.

KORI MCKEOUGH

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kori McKeough who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kori McKeough is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Kori McKeough is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kori McKeough for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

CONGRATULATIONS TO THE 2009 SERVICE ACADEMY APPOINTEES FROM THE 21ST CONGRESSIONAL DISTRICT OF TEXAS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. SMITH of Texas. Madam Speaker, today I want to congratulate the 2009 Service Academy nominees from the 21st Congressional District who have accepted academy appointments:

John Boone Shandera Baker, Salisbury School, Naval Academy;

Jordan Bernard Brickman, Clarke High School, Naval Academy;

Thomas Logan Chilton, Westwood High School, Naval Academy;

John Michel Paquette, Texas A&M University, Naval Academy;

Steven Charles Scott, Texas Military Institute, Naval Academy;

Nicholas Edward Espinoza, MacArthur High School, Air Force Academy;

Brent Tucker Hancock, Leander High School, Air Force Academy;

Cameron Neil Harris, International School of the Americas, Air Force Academy;

Benjamin John Matthewson, Northwestern Preparatory School, Air Force Academy;

William Thomas Stover, Central Catholic High School, Air Force Academy;

Thomas J. Wilkinson, Cedar Park High School, Air Force Academy;

Preston Joseph Horejsi, Medina High School, Military Academy;

Thomas Prioleau Ball, IV, Alamo Heights High School, Merchant Marine Academy.

INTRODUCTION OF THE LIBERTY AMENDMENT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PAUL. Madam Speaker, I am pleased to introduce the Liberty Amendment, which repeals the 16th Amendment, thus paving the way for real change in the way government collects and spends the people's hard-earned money. The Liberty Amendment also explicitly forbids the Federal government from performing any action not explicitly authorized by the United States Constitution.

The 16th Amendment gives the Federal government a direct claim on the lives of American citizens by enabling Congress to levy a direct income tax on individuals. Until the passage of the 16th amendment, the Supreme Court had consistently held that Congress had no power to impose an income tax.

Income taxes are responsible for the transformation of the Federal government from one of limited powers into a vast leviathan whose tentacles reach into almost every aspect of American life. Thanks to the income tax, today the Federal government routinely invades our privacy, and penalizes our every endeavor.

The Founding Fathers realized that "the power to tax is the power to destroy," which is why they did not give the Federal government the power to impose an income tax. Needless to say, the Founders would be horrified to know that Americans today give more than a third of their income to the Federal government.

Income taxes not only diminish liberty, they retard economic growth by discouraging work and production. Our current tax system also forces Americans to waste valuable time and money on compliance with an ever-more complex tax code. The increased interest in flat-tax and national sales tax proposals, as well as the increasing number of small businesses that question the Internal Revenue Service's (IRS) "withholding" system provides further proof that America is tired of the labyrinthine tax code. Americans are also increasingly fed up with an IRS that continues to ride roughshod over their civil liberties, despite recent "pro-taxpayer" reforms.

Madam Speaker, America survived and prospered for 140 years without an income tax, and with a Federal government that generally adhered to strictly constitutional functions, operating with modest excise revenues. The income tax opened the door to the era (and errors) of Big Government. I hope my colleagues will help close that door by cosponsoring the Liberty Amendment.

PERSONAL EXPLANATION

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERRIELLO. Madam Speaker, on April 2nd, 2009, I voted against H. Con. Res. 85, the Congressional Budget Resolution for Fiscal Year 2010. Although I was unable to cast my vote on the resolution, I made it clear to Leadership that I continue to oppose the budget resolution. While this budget represents much-needed honesty by including the cost of operations in Iraq and Afghanistan, and the inevitable cost associated with natural disasters, it does not go far enough to restore fiscal responsibility to our Nation. We are suffering in the wake of eight years of historic fiscal irresponsibility. But difficult times call for difficult decisions. We cannot climb out of the current economic crisis without returning to fiscal sanity to restore consumer and investor confidence. While this budget resolution took a significant step in the right direction by cutting the deficit by more than half in five years, we

can and must do better. For this reason, I continue to oppose the budget resolution.

LEE KAMPEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Lee Kampel who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Lee Kampel is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lee Kampel is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Lee Kampel for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

RECOGNIZING HONOR FLIGHT OF SOUTH CAROLINA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. WILSON of South Carolina. Madam Speaker, on April 15, 2009, a delegation of World War II veterans, family members, and volunteers from South Carolina, coordinated by Bill Dukes, gathered at the National World War II Memorial in Washington to recognize the service and sacrifice of our World War II veterans and honor the memory of five veterans. These five members of the Greatest Generation had sadly passed away before they could travel with Honor Flight—an organization that brings World War II veterans to visit the memorial erected in their honor. Five American and South Carolina flags were dedicated in the memory of: Allen C. Hart, James Adkins, Robert Atkinson, John Lachenmeyer, Harold C. Reynolds.

Our liberty is not guaranteed. It must forever be defended by the courageous men and women of our military. I am honored to recognize these brave American heroes.

RECOGNITION OF GLOBAL CHILD NUTRITION MONTH

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. McGOVERN. Madam Speaker, I rise today in recognition of the School Nutrition As-

sociation, (SNA) and the Global Child Nutrition Foundation (GCNF). It is my distinct pleasure to share with you how one organization, along with some loose change, can make a dramatic difference for those around the globe who are less fortunate.

April is Global Child Nutrition Month and to celebrate, the School Nutrition Association, in conjunction with the Global Child Nutrition Foundation is collecting funds to "Change the World". SNA and GCNF encourage school nutrition professionals to take a day, a week, or the whole month to partner with students and teachers in raising funds to fight global hunger. Through the Change Our World campaign, the funds raised will be used to support GCNF and other local and international hunger organizations. Hundreds of school districts nationwide are participating this month.

For the second year during Global Child Nutrition Month, the annual Change Our World fundraising campaign continues its mission to raise awareness about global hunger. Last year, Change Our World raised \$110,000 for GCNF. I am hopeful that this year's campaign will exceed last year's efforts.

The Global Child Nutrition Foundation was created in 2006 with the mission of expanding opportunities for the world's children to receive adequate nutrition for learning and achieving their potential. I visited the GCNF Web site to learn more about its work and was delighted to see how just in a few years' time, one organization has done so much to make a difference. I would encourage all of my colleagues to visit the GCNF Web site at www.gcnf.org to learn more about its activities.

Additionally, I am delighted to report that the GCNF will hold its 2009 Global Child Nutrition Forum outside of Cape Town, South Africa, May 5-9, 2009. The Forum marks the beginning of a three-year technical assistance cycle to advance school feeding through sharing problem solving guidance and ongoing communication with country leaders from selected developing countries.

As we speak of these developing countries, we are reminded that nearly 300 million of the world's children are caught in the debilitating cycle of poverty and hunger. According to the World Food Programme, 170 million of these children attend school, but most do not receive meals there. Because a hungry child cannot learn, GCNF works to help nations build and sustain school feeding programs to nurture and educate children.

Madam Speaker, as someone who is committed to ending hunger once and for all, I thank and commend the School Nutrition Association and the Global Child Nutrition Foundation for recognizing April as Global Child Nutrition Month.

It is my hope that all of us can work together to be a part of the solution as we continue to raise awareness in eradicating hunger.

NGAN NGUYEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Ngan Nguyen

who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Ngan Nguyen is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Ngan Nguyen is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Ngan Nguyen for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

DORI SLOSBERG AND KATIE
MARCHETTI SAFETY BELT LAW

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. WEXLER. Madam Speaker, I would like to take a moment to recognize the Florida Legislature for passing the Dori Slosberg and Katie Marchetti Safety Belt Law yesterday, a law giving police the power to stop motorists for not wearing seat belts. I believe this law is a great step forward in the effort to reduce the numbers of tragic deaths and injuries throughout Florida and should serve as an example for other state governments to follow in ensuring all Americans are safer on our roads.

This measure was long championed by Irv Slosberg, a former state representative from Boca Raton whose 14-year-old daughter, Dori, was killed in a 1996 car crash on Palmetto Park Road. This accident claimed the lives of five teens and left four others, including Dori's twin sister, with serious injuries. It is unfortunate that such a tragedy needed to occur for people in our community to take notice of the need to amend the law to ensure people are wearing their seat belts, but Irv Slosberg deserves a tremendous amount of praise for his dedication to ensuring other families do not suffer from such a tragedy.

Along with his efforts in the Florida State House to introduce this bill, Irv Slosberg also introduced the Dori Slosberg Driver Education Safety Act, which became law in Florida in 2002 and allows Florida counties to fund driver education programs by adding a surcharge to traffic tickets. In addition, recognizing that teen traffic crashes are the number one cause of death in Florida, Irv Slosberg also founded the Dori Slosberg Foundation, with a mission statement to educate the public about the importance of traffic safety; promote the usage of safe driving habits, especially seat belt compliance and proper child restraint devices; support and advance driver's education programs nationwide; assist the Florida Department of Transportation to ensure a safe driving environment on our roadways; and distribute tools to both teens and seniors to help them drive safely. These initiatives, along with his personal dedication to the issue of road

safety, have no doubt saved and will continue to save countless lives in our community.

As a co-chairman of the Congressional Caucus on Global Road Safety, I understand the impact road crashes have on the global community, and while we must continue to work to establish protocols with nations around the world to reduce the number of road deaths and injuries globally, we must also set an example here in the United States by passing laws to ensure safety belts, which have been credited with saving countless lives since they were made standard in U.S. automobiles in 1968, are being used by all who get behind the wheel, especially our children.

I want to once again congratulate the Florida Legislature for passing this bill, and I look forward to Governor Charlie Crist's signing this into law in the near future. I also want to once again extend my appreciation for Irv Slosberg's efforts, both while he served in the Florida Legislature and as a member of the South Florida community, to ensure our loved ones remain safe on the roads.

RESTORING THE PARTNERSHIP
FOR COUNTY HEALTH CARE COSTS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a bill to address two matters that are critically important to the future of this country: health care and the health of our local economies.

In almost all states, an inmate in a county jail or juvenile detention facility loses their Medicare, Medicaid, SCHIP or SSI benefits during their incarceration—even if they have not been convicted of a crime. The United States leads the world in the number of people who are incarcerated and federal law requires government entities to provide medical services to all inmates. High incarceration rates, chronic conditions, substance abuse treatment, mental illness, and aging prison populations have contributed to the rise in health care costs for inmates.

Madam Speaker, providing health care for inmates constitutes a major portion of local jail operating costs. Nearly two thirds of all jail inmates are awaiting court action or have not been convicted of the crime they have been charged with. Over half of jail inmates who receive financial support from government agencies prior to their arrest have physical and/or mental health problems. Requiring county governments to cover health care costs for inmates who have not been convicted. This places an unnecessary burden on local governments, which have been negatively impacted by recession, widespread budget deficits, and cuts to safety-net programs and other essential services.

Stripping inmates of Medicare, Medicaid, SCHIP and SSI benefits also violates the presumption of innocence which is at the heart of our criminal justice system. The failure to distinguish between persons who are awaiting disposition of charges and persons who have been duly convicted goes against the foundational tenets of our justice system.

Disadvantaged populations are further harmed by this situation. Low-income and minority populations are often unable to post bond, which would allow them to continue to receive benefits from the federal government. The facts are clear and all too familiar. Black men are three times more likely than Hispanics and five times more likely than whites to be in jail. Black women are more than twice as likely as Hispanic females and over 3.5 times more likely than white females to have been incarcerated.

Madam Speaker, this issue hits close to home. Florida's local economy has been devastated. Further, Florida has one of the highest levels of uninsured persons in the nation, and the majority of these people reside in South Florida. Passage of this bill will rectify this inequality by restoring the partnership between federal and local governments.

The bipartisan Restoring the Partnership for County Health Care Costs Act of 2009 ensures that the federal and local governments share in these health care costs, and that no side is unnecessarily burdened with financing medical services.

I urge you to join Representative BURGESS, Representative HOLT and myself in supporting a bill that is designed to provide relief to local county budgets and defend those values which are at the core of our nation's criminal justice system.

RAE LANIEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rae Laniel who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rae Laniel is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rae Laniel is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rae Laniel for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

CLIMATE CHANGE SAFEGUARDS
FOR NATURAL RESOURCES CON-
SERVATION ACT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. DICKS. Madam Speaker, as the chairman of the Interior Appropriations Subcommittee and someone who is very concerned about the need to safeguard wildlife

and ecosystems from the threat of global warming and ocean acidification, I wish to express my strong support for the "Climate Change Safeguards for Natural Resources Conservation Act," legislation introduced today by Representative RAÚL GRIJALVA. I believe that the policy provisions in this legislation, coupled with a dedicated funding stream for wildlife and natural resources derived from a portion of the Federal revenues from expected cap-and-trade legislation, will provide the policy response necessary to tackle this significant challenge.

I am very much aware of the need to take action to address global warming, and I have held hearings in the Interior Subcommittee to examine the impact of climate change on many of the agencies and resources under my subcommittee's jurisdiction. I have consistently stated my belief that climate change is the emerging issue of our time. Climate change may alter the face of our planet in ways we cannot yet fully comprehend, and I believe it is our responsibility not only to do as much as possible to halt or slow it, but also to do everything in our power to protect the earth's resources from its impacts so that future generations will be able to benefit from them as we and past generations have done.

Our Nation's wildlife is one critically important resource that is particularly vulnerable to climate change and is also a resource that is a fundamental part of America's history and character. Conservation of wildlife and wildlife habitat is a core value shared by all Americans.

America's wildlife is vital to our Nation for many reasons. Wildlife conservation provides economic, social, educational, recreational, emotional, and spiritual benefits. The economic value of the outdoor recreation industry alone is estimated to contribute \$730 billion annually to the U.S. economy. Wildlife habitat, including forests, grasslands, riparian lands, wetlands, rivers and other water bodies, is an essential component of the American landscape, and is protected and valued by Federal, State, and local governments, tribes, private landowners, and conservation organizations.

Ocean acidification is a subject not often discussed but which poses a grave threat to our waterways and ultimately to our food chain. The oceans absorb approximately 30 percent of the carbon dioxide (CO₂) released into the atmosphere and they have played an important role in reducing the greenhouse gas levels in the atmosphere and mitigating some of the impacts of climate change. However, recent discoveries clearly indicate that marine fish and wildlife are highly susceptible to increases in CO₂ and the impact it has on water quality. Higher acidity affects the ability of marine life such as shellfish, lobsters and corals to build their skeletons and shells. Many of the affected organisms are important sources in the food chain for fish and other higher marine organisms. Fishing and related industries play a tremendous role in Washington State's economy, as well as other coastal communities.

Unfortunately, it is becoming increasingly apparent that the effect of climate change on wildlife will be profound. The Intergovernmental Panel on Climate Change reports have

made clear that global warming is occurring, that it is exacerbated by human activity, and that it will have devastating impacts on wildlife and wildlife habitat.

Global warming is already impacting all of us: threatening the water we drink, the air we breathe, the medicines we use, the food we eat, the forests and fisheries we depend on, the special places we take our children. Wildlife is already suffering from massive changes in habitat, particularly in the arctic, and shifts in ranges and timing of migration and breeding cycles. Continued global warming could lead to large-scale species extinctions. These impacts add to and compound the adverse effects wildlife and its habitat already suffer from land development, energy development, road construction, and other human activities, and from other threats such as invasive species and disease.

According to the IPCC, global warming and associated sea level rise will continue for centuries due to the timescales associated with climate processes and feedbacks, even if greenhouse gas concentrations are stabilized now or in the very near future. I believe that, as a nation, we must craft responses and mechanisms now to help navigate the threats global warming poses to the natural resources that we all depend upon for survival.

To conserve natural resources and wildlife in the face of the far-reaching effects of global warming, there is a need for a coordinated, national strategy based on sound scientific information to ensure that impacts on wildlife that span government jurisdictions are effectively addressed and to ensure that Federal funds are prudently committed. Ensuring strategic and efficient allocation of funding is something of particular interest to me as an appropriator.

Because of these needs, I have co-sponsored the "Climate Change Safeguards for Natural Resources Conservation Act." This legislation has been developed by the Natural Resources Committee and lays out the strong policy framework necessary to ensure our Nation is using all possible means to help safeguard America's natural resources and wildlife from the harmful impacts of global warming.

I have also acted in my capacity on the House Appropriations Committee to support actions address the climate change impacts in the near term. In 2007, I worked to establish the Global Warming and Wildlife Science center at the U.S. Geological Survey to enhance the science capacity of Federal land management and wildlife agencies. In addition, the recent FY09 omnibus appropriations provided direction from my Subcommittee to the Department of the Interior to develop a national strategy to address global warming's impacts on fish, wildlife, and natural resources. Last Congress, I also introduced "The Global Warming Wildlife Survival Act" whose central principles are represented in the Natural Resources Committee bill that I am proud to cosponsor today.

This bill will help ensure that the pressing needs that are faced by the agencies and programs under the Interior and Environment appropriations subcommittee to help wildlife and wildlife habitat are addressed strategically, based on a foundation of sound scientific information, and that funding is driven through

proven programs at the Federal, State and tribal levels in the most efficient way possible.

I also have one additional but very significant point to make about funding to address impacts to natural resources and wildlife from global warming. It is essential that actions to safeguard wildlife and the natural resources will all depend upon dedicated funding. Adequately addressing the greatest conservation challenge of our time will require long-term investments of the magnitude that only the revenue stream created by comprehensive climate and energy legislation can provide. I am working to ensure that 5 percent of the allowance value created by this legislation is dedicated to protect natural resources from global warming. As I have indicated, the impacts are occurring today and the need is urgent. Paying for these investments through climate revenues takes the burden of protecting these resources off taxpaying citizens and onto the polluting entities responsible for causing global warming pollution.

The Interior and Environment Appropriations Subcommittee allocation is woefully stressed just dealing with the current needs of the agencies and programs under its jurisdiction. Our Federal land management agencies have tremendous backlogs for operations and maintenance of our national wildlife refuges, parks, forests and other public lands. This situation was greatly exacerbated under the Bush Administration budgets and prior Congresses. Hundreds of important biologist positions have been cut, and the agencies' budgets are far below what they have needed just to keep up with inflation. These programs have been starved to the point where they are on life support. It became apparent in hearings the subcommittee has held on global warming that the land management agencies are already seeing the results of climate change on the ground, but that they have few, if any, resources to deal with these changes. With the effects of global warming only expected to increase in severity in the coming years, I believe it is crucial to infuse dedicated new funding into our efforts to address this crisis, and I will work to make this happen.

This is a great Nation with a unique and irreplaceable natural heritage. We must take steps now to protect our wonderful wildlife from the ravages of climate change. In this regard, I am pleased to be a cosponsor of the "Climate Change Safeguards for Natural Resources Conservation Act."

RECOGNIZING THE CANYON DEL
ORO HIGH SCHOOL ACADEMIC
DECATHLON TEAM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the Canyon Del Oro High School Academic Decathlon Team who recently won first place in the Arizona state competition and placed fourth in the United States Academic Decathlon.

These smart, industrious young men and women have set a wonderful example for

every public school student in our country. Their achievements remind us that excellence is the direct result of determination, hard work and clearly defined goals. The nine-member team includes: Taylor Cleland, Marie Clymer, Benjamin Ferrell, Melinda Fraser, Jordan Kurker-Mraz, Rush Moore, Dylan Ousley, Danielle "Ellie" Strasser, and Jennifer Wendel.

Guiding these talented young people was their able coach and teacher, Mr. Chris Yetman.

Before traveling to Memphis, Tennessee for the national competition, the Canyon Del Oro High School Academic Decathlon Team participated in the state competition in Phoenix. There, they took written exams, gave prepared and impromptu speeches and were interviewed on a diverse range of subjects. They were tested on their knowledge of mathematics, music, literature, economics, art history and social sciences. To be successful, each team must include students who have mastery in each of these subject areas.

It was a great source of pride for all Southern Arizonans when the Canyon Del Oro High School Academic Decathlon Team defeated their closest competitor by 3,000 points in the state competition. This victory paved their way to Memphis, Tennessee and their prestigious fourth place finish nationally.

Students on the team also won individual awards. Taylor Cleland finished with the bronze medal in art, the bronze in math and the silver in social science. Melinda Fraser finished with the silver in art. Benjamin Ferrell finished with the top score on the team and was awarded the bronze in art, the bronze in literature, the gold in math and the bronze in ten events. Jordan Kurker-Mraz finished with the gold in art, the gold in essay, the silver in social science, the silver in the super quiz, and the bronze in ten events. Rush Moore finished with the silver in social science, and Jennifer Wendel finished with the gold medal in interview. Additionally, Benjamin Ferrell received \$1,000 in scholarships and Jordan Kurker-Mraz received \$3,000 in scholarships.

I commend the Canyon Del Oro High School Academic Decathlon Team for their outstanding accomplishments. Their journey to these academic heights has brought local, state and national recognition to each of them and their school. Their achievements are an inspiration to us all.

RIKKI DICKINSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rikki Dickinson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rikki Dickinson is an 8th grader at St. Peter and Paul School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rikki Dickinson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all lev-

els strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rikki Dickinson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING THE LIFE OF MATTHEW SCHNIREL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of Matthew Schnirel, a lifelong member of the Buffalo, NY community. He died tragically when the single engine plane he was riding in crashed just east of Cleveland, OH the afternoon of April 28, 2009. Schnirel was helping Michael Doran, his associate at the Doran and Murphy Law firm and pilot of the plane, with his ongoing fight for the railroad workers of Ohio. The two were on their way back to Buffalo.

Making Matthew's death all the more heart-rending was the fact that the 26 year old was just starting his life and career. He returned from earning an undergraduate degree in history at the University at Albany to graduate from the University at Buffalo Law School in 2008. Matthew passed the Bar Exam in January 2009 when he began work as an attorney at Doran & Murphy. He and his longtime girlfriend, Lauren, recently purchased a home in a Buffalo suburb, where he is missed by parents, brother and two sisters.

Matthew's parents, a salesman and an emergency room nurse, taught him the values of hard work and helping others and he hoped to put those values to use as a civil litigator to help those injured or wronged by the carelessness of others. An avid competitor in nationwide trial competitions Schnirel was described as a "superstar in the making" by Christopher Murphy, a partner at the law firm where he worked. His life and spirit will be remembered by his family and friends for his hard work ethic and contribution to his community.

Madam Speaker, I offer my deepest condolences to Matthew's family, his girlfriend, Lauren, and all those whose lives he touched. Our community grieves the loss of this young and promising life.

HONORING SONIA LEROIA RUSSELL

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of Sonia LeRoia Russell for her contributions to both society and the arts. Through her poetry, Ms. Russell has impacted the lives of many, both locally in

New York and throughout our nation. Her recent work commemorating the election of President Obama has been widely cited and read. For these reasons and many others, I believe that Ms. Russell is deserving of recognition.

An esteemed author, poet and publisher, Ms. Russell has enriched the community within which she lives through her sustained contributions to society. Through these numerous contributions, Ms. Russell is proud to both represent and actively participate in the large, influential and diverse African American community in New York and beyond. In addition to her successful poetic, publishing and writing ventures, Ms. Russell gives back to her community in various other fashions. Formerly, Ms. Russell held the presidency of the first poetry ministry with the Holy Unity Baptist Church located in Queens, NY. In keeping with that trend, Ms. Russell is currently ministering poetry at the Living Water Church in Harlem, NY. Writing and orating for special events, Ms. Russell lends her strong, poetic voice to her community. In addition, Ms. Russell is also a member of the Music & Fine Arts Ministry where she writes and sings songs for the choir. Further, Ms. Russell also writes poetry for important community events, such as weddings and anniversaries. Ms. Russell's recent work commemorating the Presidency of Barack Obama and the African American struggle for civil rights and equality has been well received and further exemplifies her continued efforts at serving her community in lending her important voice to contemporary issues.

Our country, built on the premises of equality, freedom of speech, and a vocal citizenry, needs talented individuals like Ms. Russell in order to fulfill these founding principles. In addition, the arts, in general, play a vital role in our society, enriching our communities and inspiring our youth to confront their future circumstances in creative and innovation ways. For her efforts in both vocalizing the experiences of her community and county and in stimulating the arts, I am thankful to Ms. Russell.

The work of Ms. Russell is inspiring, and I am grateful to her for all that she has accomplished. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for her contributions to society.

The following is the aforementioned poem authored by Ms. Russell entitled "Inauguration Poem for President Barack Obama":

INAUGURATION POEM FOR PRESIDENT BARACK OBAMA

I laid my head down and sleep stole my thoughts
And I drifted like a disembodied soul
I began to see figures moving slowly in my haze
And I heard a familiar refrain remind me of my role
softly—"It's been a long time coming"
So many before me who paved the way to today
Many lives who unknowingly touched mine
So many died before their work saw fruition
Many who stood on that freedom, faith, line
softly—"And I know change is gonna come"
"Not in vain," I hear them shouting, "hold on fast."
"It's not for skin that we are striving, but for equal eyes,

Equal tongue, equal ears, equal image, equal time!"

Now there's no more lamenting that we can't rise

softly—"There's been times that I thought I couldn't last for long"

I watched with suspicion many take up the cause

As we were beaten down, lifted up, then given our cross

I watched behind the fine lines of others sacrifice

As we were being defined by the way we handled loss

softly—"But now I think I'm able to carry on."

Frederick Douglass was the first black man to aspire

He was on the ticket as vice President to Victoria Woodhull

Their 1872 Equal Rights Party did not make it to the top

But the ink was spilled and all felt the inevitable pull

softly—"It's been a long time coming"

And the people sang, "Run Jesse run, keep hope alive,

Don't let Dr. Martin Luther King Jr. have died in vain!"

There are spiritually, mentally, and physically scarred folks

Who don't believe this country can look upon them without disdain

softly—"It's been a long time coming"

America watched a people stand tall against oppression

Strong men holding signs reminding doubters "I am a man"

Then time convinced some that this was not the case

Until a new sign was held up that insisted, "Yes we can!"

So as I rose up from my dream and allowed reality to sink in

I saw a man of African, and white American descent

Representing all people of America as a spiritual, patriot

On the values and principles that this country was meant

softly—"It's been a long time coming"

And I cried as I remembered the ghosts of my dream

Those who believed and had faith that change would occur

Those ghosts spanned the ages of time before Christ

And had more to do with prejudices and fear than mere color

softly—"It's been a long time coming"

Now let us pray that God lights and directs the path

Of the one whom we the people chose to lead us

Let us pray that the ghosts of the past will always remind him

And that Jesus will strengthen his resolve and his purpose

softly—"And I knew change was gonna come"

And it did, yes it did

God bless you and keep you President Barack Obama!

—Sonia "LeRoia" Russell.

INTRODUCTION OF THE "AFGHAN WOMEN EMPOWERMENT ACT OF 2009"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mrs. MALONEY. Madam Speaker, today, along with Representative TAMMY BALDWIN (D-WI), I am reintroducing the "Afghan Women Empowerment Act of 2009." This legislation would authorize \$115 million each year from FY2010 through FY2012 for programs in Afghanistan that benefit women and girls as well as the Afghanistan Independent Human Rights Commission and the Afghan Ministry of Women's Affairs. The funding would be directed toward important needs including medical care, education, vocational training, legal assistance, protection against trafficking, and civil participation. Senator BOXER has introduced similar legislation, S. 229, in the Senate.

Although women are guaranteed equal rights in the Afghan constitution, they continue to face challenges including intimidation, discrimination, targeted violence, and efforts to restrict their legal rights. In March the parliament of Afghanistan approved the Shi'ite Personal Status Law which was signed by President Karzai. According to the United Nations, one provision of the law would have the effect of legalizing marital rape by mandating that a wife cannot refuse sex to her husband unless she is ill. In addition, the law would forbid women from working or receiving education without their husbands' permission; restrict their ability to leave the house without a male relative; and aims to strip women of their rights as mothers by granting child custody only to men. President Karzai has ordered that the law be reviewed, and has said that changes will be made to any articles which contradict Afghanistan's Constitution and Islamic Sharia. I believe that the United States has an obligation to ensure that women and girls have the opportunities that they were denied under the Taliban. It is imperative that we provide the support needed to ensure that the rights of women are protected in the new Afghanistan.

PUGET SOUND ENERGY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of the wonderful work being done by Puget Sound Energy. Located in Bellevue, Washington, they continue to reduce greenhouse gas emissions and promote energy efficiency through investment and smart ideas. I'm proud to represent this company in Congress.

In late March, the Environmental Protection Agency, EPA, named Puget Sound Energy one of 89 "Energy Star" organizations across the country. Through its Residential New Construction "Energy Star" Lighting Program, Puget Sound Energy is working to increase

demand for qualified lighting products in new, single-family homes. Beginning in 2008, they doubled investment in partner outreach as part of an ongoing regional fixture program. Serving as the facilitator, 16,000 Energy Star fixtures and 39,000 Energy Star CFLs were installed in new homes, representing a 100 percent increase in energy savings from 2007.

The work Puget Sound Energy is doing in Washington State is not only beneficial to our environment; it is also beneficial to the economy. Customers can take advantage of energy rebates for improving efficiency in their homes through the installation of new windows, doors and improved insulation, among other many other things. In 2008 alone, Puget Sound Energy customers collectively saved \$30 million on energy bills and helped support more than 450 new "green" jobs.

Utilizing green technology and improvements positively impacts our environment, our communities and—especially important during these tough days—our economy. The work Puget Sound Energy is doing in Washington is exactly the type of forward-thinking, reasonable work that businesses and individual Americans should strive for, and I congratulate them on their new classification as a leader in energy-efficient technologies.

HONORING AND CELEBRATING THE LIFE OF MICHAEL H. DORAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. HIGGINS. Madam Speaker, I rise today to honor an outstanding citizen of Buffalo and Western New York and a dear friend who will be deeply missed, Michael H. Doran. Mike Doran, a well-known attorney in Buffalo and the devoted father of two children, was tragically killed in a plane accident on Tuesday, April 30, 2009. This is a devastating loss to his family and friends, and to our community.

A Buffalo native and alum of the University at Buffalo and the University of Buffalo School of Law, Mike would have celebrated his fifteen year anniversary with his law practice, Doran & Murphy, with his law partner, Christopher Murphy, this Saturday. Mike was on his way home from working on a case in Cleveland to attend his daughter's school function when his single-engine plane crashed. Those who witnessed the crash say Mike steered the failing plane away from a nearby neighborhood and are calling him a hero.

For over 25 years, Mike has represented those afflicted with serious injury and occupational disease, as well as wrongful death cases. He was most recently working with Roswell Park Cancer Institute in promoting a program designed to help detect lung cancer in high risk patients. The early detection program was proven effective in prolonging life and curing lung cancers.

Mike was deeply loved by his family, friends and the community. He was very involved in numerous organizations including the board of directors of the Western New York Leukemia Society, the University of Buffalo Center for Children and Families, and was an active volunteer with the University of Buffalo Law

School Alumni Association. Michael was an FAA certified pilot, an avid extreme skier, and was the 2008 champion of the Buffalo Croquet and Debating Club.

Madam Speaker, I offer my deepest condolences to Mike's family. My thoughts are with them, and I share their grief of this wonderful man I am honored to have called a dear friend. His loss is felt by the many lives he touched in this community.

IN REMEMBRANCE OF THE 34TH
ANNIVERSARY OF THE FALL OF
SAIGON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and recognition of the 34th anniversary of the fall of Saigon. This historical date commemorates the end of the Vietnam War, and represents the beginning of a new life for tens of thousands of Vietnamese people, as they began their hopeful journey to America. Thirty-four years later, I rise to honor the memory and the sacrifice of the hundreds of thousands of South Vietnamese soldiers, American soldiers and civilians who lost their lives during this time.

After the fall of Saigon, thousands of Vietnamese began a treacherous exodus out of Vietnam, determined to rebuild their lives. Their daring escape was by boat and on foot, through thick jungles, over jagged mountains, through snake-infested rivers and across turbulent seas. They became refugees in many nations, including America, with nothing more than the clothes on their backs and the hope for freedom in their hearts.

Madam Speaker and colleagues, please join me in honor and remembrance of the hundreds of thousands of men and women who struggled for peace and freedom. I also rise in honor of local agencies and churches such as The Vietnamese Community of Greater Cleveland and the St. Helena Catholic Church, which offer havens of support, services and hope to immigrants from all over the world. The Vietnamese culture, through the care and commitment of its people, has flourished in Cleveland and across America, while remaining connected to its ancient cultural and historical traditions.

JACKSON CAMERON OTTO MAKES
HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate my daughter Catherine and her husband Tim Otto on the birth of their third child and my sixth grandchild, Jackson Cameron Otto. Jackson was born on Sunday, April 26, 2009, at 2:42 a.m. and weighed 7 pounds and 14 ounces, and was 21.25 inches long. My wife Faye and I are delighted to wel-

come Jackson as he joins our five other grandchildren, William, Virginia, Cameron, Walker, and Andrew. Faye and I wish Catherine and Tim and big brothers William and Andrew great happiness upon this new addition to our family.

Faye and I are truly blessed by the arrival of little Jackson Cameron Otto. The birth of a new child is a joyous occasion that reminds us of the promise of a new life. Children remind us of the incredible miracle of life, and they keep us young-at-heart. Every day they show us a new way to view the world.

My family and I are looking forward to spending a lot of time with our new bundle of joy and introducing him to all of our friends and neighbors in North Carolina's Second Congressional District.

IN RECOGNITION OF THE "WAY-
SIDE SHRINE AND CROSS
CRAFTING IN LITHUANIA" EX-
HIBIT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Folk Art exhibit of "Wayside shrine and cross crafting in Lithuania" on the occasion of Lithuania's Millennium being celebrated this year.

Cross crafting in Lithuania has a rich 400 year old history and was inscribed into the United Nations Educational, Scientific and Cultural Organization World Heritage List of Masterpieces of Oral and Intangible Heritage of Humanity in 2001. The exhibit "Wayside shrine and cross crafting in Lithuania," displayed at the Embassy of Lithuania in Washington, DC features beautifully crafted crosses and shrines which are traditionally built to recognize special occasions and significant events for individuals, families or communities. These crosses can be found throughout Lithuania in churchyards, roadsides, villages and even government buildings, and typically feature the Virgin Mary and various saints. The craft of cross making is one that has been passed down through generations since the 16th century and serves as a symbol of Lithuania's rich cultural and historical history.

Madam Speaker and colleagues, please join me in honor and recognition of Lithuania's rich history and the cultural significance of cross crafting as featured in the "Wayside shrine and cross crafting in Lithuania" exhibit.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. POMEROY. Madam Speaker, on March 23, 2009, March 24, 2009, March 30, 2009, March 31, 2009, and April 21, 2009, I missed rollcall votes Nos. 145-149, 157-168 and 193-195 due to flooding in my State of North Dakota. Had I been present, I would have

voted in the following manner: Rollcall No. 145, "aye"; rollcall No. 146, "aye"; rollcall No. 147, "aye"; rollcall No. 148, "aye"; rollcall No. 149, "aye"; rollcall No. 157, "aye"; rollcall No. 158, "aye"; rollcall No. 159, "aye"; rollcall No. 160, "aye"; rollcall No. 161, "nay"; rollcall No. 162, "aye"; rollcall No. 163, "aye"; rollcall No. 164, "aye"; rollcall No. 165, "aye"; rollcall No. 166, "aye"; rollcall No. 167, "aye"; rollcall No. 193, "aye"; rollcall No. 194, "aye"; and rollcall No. 195, "aye."

INTRODUCTION ON IRAN REFINED
PETROLEUM SANCTIONS ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BERMAN. Madam Speaker, our nation has a vital national security interest in ensuring that Iran does not possess nuclear arms or achieve the means to produce them on short notice. My bill, the Iran Refined Petroleum Sanctions Act (IRPSA), is designed to help prevent Iran from developing a nuclear weapons capability.

This legislation requires that any foreign entity that sells refined petroleum to Iran—or otherwise enhances Iran's ability to import refined petroleum through, for example, financing, brokering, underwriting, or providing ships for such activity—will be effectively barred from doing business in the United States. The same would be true for any entity that provides goods or services that enhance Iran's ability to maintain or expand its domestic production of refined petroleum.

Because of its limited refining capacity, Iran is forced to import roughly one-quarter of the gasoline and other refined petroleum products it consumes from other countries. Without this outside help, much of the Iranian economy would grind to a halt. It seems hard to believe that one of the world's leading oil exporters could find itself in this position, but it is reality—one that can only be attributed to shockingly poor planning and administration by the Iranian regime.

I and the other co-sponsors of this bill therefore believe that this measure could have a powerfully negative impact on the Iranian economy, rendering it more difficult for the Iranian government to continue to fund a nuclear program that the international community has repeatedly called upon it to suspend. Our goal, of course, is not to punish the Iranian people, but to maximize the chances that we can persuade the Iranian government to accede to the will of the international community.

Let me be clear: I fully support the Administration's strategy of direct diplomatic engagement with Iran, and I have no intention of moving this bill though the legislative process in the near future. In fact, I hope that Congress will never need to take any action on this legislation, for that would mean that Iran at last has complied with the repeatedly-expressed demand of the international community, as embodied in five separate U.N. Security Council resolutions, to verifiably suspend its uranium enrichment program and to end its pursuit of nuclear weapons once and for all.

The larger purpose of my bill is to demonstrate to one and all—but particularly to the Iranian regime—the importance that the U.S. Congress places on the Iranian nuclear issue. I share President Obama's conviction that it is unacceptable for Iran to possess nuclear weapons and his determination to seek a diplomatic solution to this issue. However, should engagement with Iran not yield the desired results in a reasonable period of time, we will have no choice but to press forward with additional sanctions—such as those contained in IRPSA—that could truly cripple the Iranian economy. In that respect, I am pleased that Secretary of State Clinton has said that she is already intensively engaged with our allies and other key states in the international community for the purpose of, in her words, “laying the groundwork for the kind of very tough . . . sanctions that might be necessary in the event that our offers are either rejected or the process is inconclusive or unsuccessful.”

This legislation is offered in that spirit.

HONORING TEXAS NURSES ASSOCIATION

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. CUELLAR. Madam Speaker:

Whereas, The nearly 2.9 million registered nurses in the United States comprise our nation's largest health care profession; and

Whereas, A renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's registered nursing resources; and

Whereas, Texas Nurses Association has had a mission to advance nursing through leadership, advocacy and innovation; and

Whereas, Texas Nurses Association was founded on February 22, 1907 in Fort Worth, Texas with a group of 19 nurses as the Texas Graduate Nurses' Association and is the oldest professional nursing association in Texas; and

Whereas, Texas Nurses Association has advocated to improve the practice and perception of nursing and to ensure quality care for all Texans; and

Whereas, The demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

Whereas, Texas Nurses Association has been successful promoting the growth of the nursing practice by getting the Nursing Shortage Reduction Act of 2001 to increase nursing school enrollments; and

Whereas, That more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

Whereas, Texas Nurses Association in 2007 celebrated 100 years of advocating for professional nursing in Texas; and

Whereas, Along with the American Nurses Association, the Texas Nurses Association has declared the week of May 6–12 as NA-

TIONAL NURSES WEEK with the theme ‘Nurses: Building a Healthy America’ in celebration of the ways in which registered nurses strive to provide safe and high quality patient care and map out the way to improve our health care system; therefore

Be it hereby *Resolved*, That Congressman HENRY CUELLAR, in representing the 28th Congressional District of the State of Texas, honors the Texas Nurses Association.

IN REMEMBRANCE OF CORPORAL BRAD A. DAVIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of United States Army Corporal Brad A. Davis, who dedicated himself to serving our country, his community and his family as he courageously and selflessly rose to the call of duty.

Corporal Davis grew up in Garfield Heights, Ohio and graduated from Garfield Heights High School. Shortly thereafter, in 2006, he enlisted in the Army, and served our country in two tours of duty in Iraq. He served in F Company, 2nd Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team of the 82nd Airborne Division.

Throughout his tenure in the Army, Corporal Davis consistently reflected bravery, commitment and compassion, and he often and easily offered his assistance to anyone in need, without regard to his own sacrifice. Corporal Davis risked his own safety to assist his fellow soldiers and was awarded the Purple Heart Medal of Honor by President Barack Obama. He was also awarded the Bronze Star Medal and the Good Conduct Medal by the Secretary of the U.S. Army.

Corporal Davis was an exceptional and courageous United States soldier, and an equally exceptional human being. His young life was framed by commitment to family, service to country, loyalty to his brothers and sisters in uniform, and reflected an unbridled love of life. Corporal Davis' family and friends were the center and foundation of his life. He was the youngest child of Terri and Bob Davis, and the youngest sibling of Jennifer, Robert and Rebecca. A kind young man with a generous and fun-loving heart, Corporal Davis loved being around family and friends and was always the one to bring people together, whether for a last-minute summer game of cornhole or an organized softball tournament.

Madam Speaker, and Colleagues, please join me in honor and remembrance of Corporal Brad A. Davis, whose heroic actions, commitment and bravery will be remembered always. I extend my deepest condolences to the family of Corporal Davis his beloved parents, Bob and Terri, his beloved sisters and brother—Jennifer, Rebecca and Robert; his beloved nephews, Landon and Lukas, and his extended family and friends. The significant sacrifice, service, courage that defined the life of Corporal Davis will be honored and remembered by throughout the Cleveland community.

30TH ANNIVERSARY OF TAIWAN RELATIONS ACT

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GINGREY. Madam Speaker, on March 24, 2009, the House of Representatives passed H. Con. Res. 55—recognizing the 30th anniversary of the Taiwan Relations Act (TRA)—unanimously by voice vote. The Members of this House have spoken in one voice affirming the need to further deepen the relationship between the United States and Taiwan.

This anniversary is an important milestone and represents an incredible opportunity for us to further build upon and strengthen the U.S.-Taiwan relationship. On April 12, 2009, President MaYing-jeou in his address on the anniversary of the TRA declared “the TRA has come to symbolize the strong friendship and trust forged between America and Taiwan over these past decades” and the TRA has served as an anchor of “peace and stability.”

In his address, President Ma laid out the historical and political significance of the TRA and the diplomatic path hewed by its enactment:

The TRA was enacted in 1979 by the U.S. Congress to cope with the Taiwan situation after the U.S. had switched diplomatic recognition from Taipei to Beijing. It replaced the terribly inadequate arrangement of the Carter Administration, by keeping all aspects of the Taiwan-U.S. relationship intact except, of course, formal diplomatic ties, a mutual defense treaty and the stationing of American troops in Taiwan. One American commentator said in 1979 that while the U.S.-China Joint Communiqué establishing diplomatic relations derecognized Taiwan, the Taiwan Relations Act has re-recognized it. My Harvard professor Detlev Vagt said to me after the passing of the TRA that Taiwan is the most recognized unrecognized government of the U.S.

In an imperfect world, the TRA, which largely accommodates Taiwan's needs for continuity, reality, security, legality and governmental status in the new Taiwan-U.S. relationship, is the second-best choice for Taiwan. Today the TRA is more than a convenient solution to a political dilemma. Its very existence changed the evolutionary course of cross-strait development by stabilizing the triangular relationship among Taiwan, the United States and mainland China.

President Ma also addressed the need to promote Taiwan's economic growth and to take the necessary steps to ensure Taiwan's rightful place in our global economy:

We believe that rapprochement with mainland China will improve Taiwan's prospects for expanding our international space. Certainly, the international community will benefit significantly from this change, whether by capitalizing on the new business opportunities thereby made available or simply by no longer being caught in volatile cross-strait relations. For example, the establishment of the Three Links has made it logistically feasible and economically cost-effective to fly, ship or send mail across the Taiwan Strait.

The establishment of direct cross-strait travel and transport provides an incentive

for the international community to include Taiwan in regional economic arrangements in East Asia. In fact, right after we inaugurated the Three Links across the Taiwan Strait, Taiwan was able to join the Government Procurement Agreement last December, which we had been unable to participate in when we became a member of the World Trade Organization six years ago. This new development is good news to many potential foreign investors in the U.S., Japan and Europe.

The United States interest will always be in the defense of democracy and in honoring our commitment to the protection of democratic institutions and peoples. President Ma also expressed his commitment to these same principles:

In fact, Taiwan has much to offer foreign investors. We are a country with a sophisticated legal infrastructure, a democratically open and stable political system and a viable and liberal economy.

We therefore want to end Taiwan's isolation from the world by putting our economic relations with the Chinese mainland on a more normal footing. At the same time, the more contentious political issues will be left on the back burner. We will put off political talks until after a firm foundation for economic, cultural and educational exchanges has been established and buttressed by reciprocal trust and confidence on both sides.

Strengthening the relationship between the United States and Taiwan is essential. This Congress must continue to remain firm in our commitment to Taiwan and meet our obligations under the TRA, as President Ma expressed:

Undoubtedly, the resilience of the TRA and the recent cross-strait détente have opened new opportunities for Taiwan, the U.S. and the mainland to pave a common path towards cooperation, instead of confrontation. This new equilibrium can result in a win-win-win situation for all sides. Obviously, America's role is pivotal. For peace negotiations to continue, the United States is well advised to not only reaffirm but also bolster its commitments under the TRA. The new-found rapprochement with the mainland only means we must with equal, if not greater, effort work to fortify U.S.-Taiwan relations on the basis of mutual trust. This I believe calls for an expansion of bilateral interaction especially at higher levels so as to always guarantee clear communication and better cooperation. Furthermore, a strong commitment in U.S. arms sales and support for expanding Taiwan's international space will enhance our position in face of a power imbalance now rapidly developing across the strait.

Therefore, we come here today not only to commemorate a historic point in cross-strait relations, but, more importantly, to celebrate the endurance of Taiwan-U.S. relations. The strength of the TRA is more vital and crucial at this critical juncture of development than ever before. U.S.-Taiwan relations, the stability of the status quo and even the entire region hangs in the balance. Therefore, I call on Taiwan and the United States to continue to honor the commitments that have bound their destinies together in common friendship and interest for the past three decades.

Madam Speaker, it is my express hope that as we move forward from this 30th Anniversary, the United States and Taiwan will continue to recognize the importance of our

shared destinies and act accordingly for the preservation and promotion of our shared values.

IN HONOR OF GUST SEVASTOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mr. Gust Sevastos, as he is being recognized by the Cleveland AHEPA—American Hellenic Education Progressive Association—as the Socratic Award Honoree of the Year, at their 44th Annual Scholarship Awards Banquet.

Mr. Sevastos immigrated to Cleveland in 1958, with not much more than the clothes on his back, faith in his heart and the promise of the American dream. He married, started a family and began his own business. He also began a legacy of dedicated service to the Greek community of Cleveland. His service to others and spirit of volunteerism continues to reflect throughout our community.

Mr. Sevastos served as president of Annunciation Church, and was one of the founding members of the annual Greek Heritage Festival. His dedication to preserving his heritage while assisting others to succeed is also evidenced in the Chios Society, where he held leadership positions on both local and national levels. During his tenure with the Chios Society, he led many fundraising efforts and raise hundreds of thousands of dollars for medical clinics, including an eye clinic and hospital, to provide greatly needed medical services for the poor in the beautiful coastal town of Chios, Greece. Mr. Sevastos has also helped raise tens of thousands of dollars toward college scholarships for young adults in the Cleveland community. His significant contributions have not gone unrecognized. He has been honored numerous times by local, state and national leaders of the United States and Greece as well.

Madam Speaker and Colleagues, please join me in honor of Mr. Gust Sevastos upon his recognition as the Cleveland AHEPA's Socratic Honoree of the Year. His leadership, kindness, service to others and commitment to preserving the rich cultural heritage of his Greek homeland serves to deepen the diversity in our Cleveland community. Mr. Sevastos' lifelong spirit of volunteerism and dedication to helping others has enriched the lives of numerous families and individuals—from Cleveland to Chios, connecting us all in our shared humanity. I consider Mr. Sevastos to be a friend and mentor, and I wish him and his family an abundance of peace, health and happiness.

TRIBUTE TO IOWA STATE UNIVERSITY'S OFFICE OF BIOTECHNOLOGY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize the Office of Biotechnology at Iowa State University in Ames, Iowa on their 25-year anniversary.

In 1984, Vice President of Research Daniel Zaffarano appointed a Biotechnology Council comprised of five colleges at the university: Agriculture, Engineering, Home Economics, Science and Humanities, and Veterinary Medicine. Despite facing early skepticism by some, within two years the Iowa General Assembly backed the biotechnology program with \$17 million in funding after the Council convinced the public of the benefits.

Over the last 25 years, the Office of Biotechnology has provided critical support to many of the university's academic colleges and to K-12 outreach programs. The office has also helped provide research funds to new faculty and equipment and resources to 28 different service facilities at the university.

I congratulate Iowa State University's Office of Biotechnology on this historic anniversary and for its great contributions to science and the State of Iowa. It is an honor to represent current director Walter Fehr, as well as each current and past member of the Office of Biotechnology in the United States Congress and I wish the Office great success in the future.

INTRODUCING THE PARENTAL CONSENT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Parental Consent Act. This bill forbids Federal funds from being used for any universal or mandatory mental-health screening of students without the express, written, voluntary, informed consent of their parents or legal guardians. This bill protects the fundamental right of parents to direct and control the upbringing and education of their children.

The New Freedom Commission on Mental Health has recommended that the federal and state governments work toward the implementation of a comprehensive system of mental-health screening for all Americans. The commission recommends that universal or mandatory mental-health screening first be implemented in public schools as a prelude to expanding it to the general public. However, neither the commission's report nor any related mental-health screening proposal requires parental consent before a child is subjected to mental-health screening. Federally-funded universal or mandatory mental-health screening in schools without parental consent could lead to labeling more children as "ADD" or "hyperactive" and thus force more children to take psychotropic drugs, such as Ritalin, against their parents' wishes.

Already, too many children are suffering from being prescribed psychotropic drugs for nothing more than children's typical rambunctious behavior. According to Medco Health Solutions, more than 2.2 million children are receiving more than one psychotropic drug at one time. In fact, according to Medco Trends, in 2003, total spending on psychiatric drugs for children exceeded spending on antibiotics or asthma medication.

Many children have suffered harmful side effects from using psychotropic drugs. Some of the possible side effects include mania, violence, dependence, and weight gain. Yet, parents are already being threatened with child abuse charges if they resist efforts to drug their children. Imagine how much easier it will be to drug children against their parents' wishes if a federally-funded mental-health screener makes the recommendation.

Universal or mandatory mental-health screening could also provide a justification for stigmatizing children from families that support traditional values. Even the authors of mental-health diagnosis manuals admit that mental-health diagnoses are subjective and based on social constructions. Therefore, it is all too easy for a psychiatrist to label a person's disagreement with the psychiatrist's political beliefs a mental disorder. For example, a federally-funded school violence prevention program lists "intolerance" as a mental problem that may lead to school violence. Because "intolerance" is often a code word for believing in traditional values, children who share their parents' values could be labeled as having mental problems and a risk of causing violence. If the mandatory mental-health screening program applies to adults, everyone who believes in traditional values could have his or her beliefs stigmatized as a sign of a mental disorder. Taxpayer dollars should not support programs that may label those who adhere to traditional values as having a "mental disorder."

Madam Speaker, universal or mandatory mental-health screening threatens to undermine parents' right to raise their children as the parents see fit. Forced mental-health screening could also endanger the health of children by leading to more children being improperly placed on psychotropic drugs, such as Ritalin, or stigmatized as "mentally ill" or a risk of causing violence because they adhere to traditional values. Congress has a responsibility to the nation's parents and children to stop this from happening. I, therefore, urge my colleagues to cosponsor the Parental Consent Act.

SALUTING HARLEM'S OWN
RAMONA "MONA" LOPEZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. RANGEL. Madam Speaker, I rise today to salute and congratulate my dear friend, an outstanding businesswoman and community leader, Ramona "Mona" Lopez in celebration of the 369th Veterans' Association Annual Pre-Mother's Day Brunch taking place on Sunday, May 9 at the elegant Marina del Rey.

Affectionately known in Harlem as Mona by her many fans, friends, business associates and Jazz musician legends, was born on the Island of Puerto Rico and came to New York at an early age. Mona was educated in the Public School system, raised three daughters and embarked on a career that has spanned over three decades. Her daughters Joann, Eva, and Dolores have blessed her with four grandchildren, Margaret, Kimberly, Eva, and Jonathan.

Since December 1978, Ms. Mona Lopez has managed Showman's Cafe in all of its locations within my Congressional District. Showman's, originally located next to the World Famous Apollo Theatre, over the years has been the home club of choice and hang-out for many of Harlem's renowned entrepreneurs and personalities. Since 1942, Showman's Jazz Cafe has showcased top musicians for Harlem and International audiences, as Mona, Co-Owner and retired Son of Sam New York City Police Detective Al Howard, and former barmaid "Lil" Pierce refer to as "family."

Madam Speaker, The Friends of Showman's roster include luminaries and entertainers like Count Basie, Billy Eckstine, Sammy Davis, Jr., Charles Honi Coles, Leroy Myers, Gregory Hines, Pop Brown, Nat Davis and Savion Glover. Personalities like Jesse Walker, Joe Yancy and Jimmy Booker. Performers like Bill Doggett, George Benson, Seleno Clarke, Irene Reid, Jimmy "Preacher" Robins, Gloria Lynne, Joey Morant, Akiko Tsuruga, Grady Tate, Frank Dell and the Prince of Harlem Lonnie Youngblood.

Mona has always been, and still is a "Hands-On" person and as Operations Manager she along with her dedicated and energized staff, is responsible for the reputation that Showman's has maintained for being "The Jazz Club in Harlem" since it was founded back in 1942. For her service to the community, Mona has been honored to receive a "Woman of the Year" award from the Tioga Democratic Club, the Women's Ministry Achievement Award, and a special award from the Greater Harlem Uptown Chamber of Commerce Association. In 2009 Ms. Lopez became a partner in Showman's Jazz Club.

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BURGESS. Madam Speaker, on Wednesday, April 29, 2009, on rollcall number 216 I am not recorded. This rollcall vote on S. Con. Res. 13, the Conference Report to a Concurrent Resolution setting forth the Congressional Budget for the United States Government for fiscal year 2010 and budgetary levels for fiscal years 2009 and 2011 through 2014, occurred while I was absent from the floor of the U.S. House of Representatives. Had I been present, I would have voted "nay."

I would have voted "nay" on S. Con. Res. 13 because the budget significantly increases the Federal deficit and passes the burden of payment on to future generations of Ameri-

cans. The reserve funds singled out for healthcare reform, climate change, affordable housing, and Medicare alone represent a dramatic expansion of the powers of the Federal government. I am committed to voting to improve fiscal responsibility and to reduce the size and power of the federal government. As a result of that commitment, I would not support this resolution. On April 2, 2009 the House of Representatives voted in favor of the House Budget Resolution (233-196), on that vote, I am recorded as voting "nay."

TRIBUTE TO JAMES GRABAU

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize James Grabau, a resident of Boone, Iowa, and president of R. H. Grabau Construction Inc.

James, who has been the president of R.H. Grabau Construction Inc. since 1984, was recently honored with The Master Builders of Iowa "Build Iowa Award." The award is given to one Master Builder member each year who best exemplifies skill, integrity, and responsibility in the construction industry and in the member's community.

James has offered his time and talents to many community organizations. Among many other contributions, he has served as President of Boone's Future, the Boone Chamber of Commerce, Boone's Industrial Development Corporation, and the Master Builder's of Iowa. He has served on the boards of Boone County YMCA and Hawkeye Federal Savings Bank. Additionally, he has served as Global Ambassador for the Rotary Group Study Exchange to Australia, Church Elder, and Chairman of the Congregation of the Trinity Lutheran Church. Through his work, he has been honored with such awards as the Al Kinney Award, DMACC Alumni Award, National Leadership Award, and the Associated General Contractors of America Chapter President of the Year Award while President of the Master Builders of Iowa.

I know that my colleagues in the United States Congress join me in commending James Grabau for his professional contributions to the construction industry, his leadership and dedication to representing Iowa in his career, and committing time to his community. I consider it an honor to represent James and his family in Congress, and I wish him the best in his future endeavors.

CONGRATULATING STACEY DON-
ALDSON 2009 MISSISSIPPI TEACH-
ER OF THE YEAR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to congratulate the 2009 Mississippi Teacher of the Year, Stacey Donaldson.

The Teacher of the Year program, sponsored by the state Department of Education and the Mississippi Teacher Center, awards certified public school teachers for their outstanding performance. Donaldson, a 37-year-old Murrah High School English teacher, was selected for exhibiting leadership, excelling in the classroom and being active in her community.

Stacey, a graduate of University of Southern Mississippi, obtained a bachelor's degree in Broadcast Journalism and a minor in speech communications. She worked as a broadcast journalist before changing careers and becoming a teacher. Stacey earned a master of teaching degree from William Carey College and became a national board certified teacher and completed the Advanced Placement Institute at Millsaps College.

Prior to teaching at Murrah H.S., Ms. Donaldson taught at Bassfield High School in the Jefferson Davis School District and at Sumner Hill Junior High in Clinton, MS. "The art of teaching is bigger than the subject one teaches," Donaldson said. It is no surprise to those who know Stacey best that she would be recognized for her achievements. Donaldson's father, Allen Hall, "noticed his daughter's potential and encouraged her to be the best she could be". With this in mind, Stacey serves as a member of the Murrah site council and sponsor of the school's Not Here Club, which discourages students from substance abuse, as well as coordinates Murrah's Seatbelt Safety Project.

Stacey's husband, Johnny Donaldson, describes her as passionate, hardworking and devoted. She is the mother of two daughters, 10-year old Camaryn and 5-year old Cailyn. In addition to her role as wife, mother and teacher, Stacey finds time to give back to her church and community. She is a member of Greater New Jerusalem's scholarship committee and is a young women's ministry volunteer for the Sims House Stewpot Ministries.

I am very proud of Ms. Donaldson and all of her accomplishments. She is truly a remarkable example of the talented, dedicated and hardworking teachers that help to educate Mississippi's best and brightest children.

Please join me today in congratulating Ms. Stacey Donaldson, the 2009 Mississippi Teacher of the Year.

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BURGESS. Madam Speaker, on Wednesday, April 29, 2009, on rollcall number 223 I am not recorded. This rollcall vote on H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, occurred while I was absent from the floor of the U.S. House of Representatives. Had I been present, I would have voted "nay."

Violence, whether it's based on a perceived or actual threat, is of enormous concern when

it is combined with constitutionally protected rights. Race. Color. National Origin. Religion. Gender. Disability. All of these fundamental rights are protected by our Constitution and hate crimes themselves have additional protection in Section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994. Any hate crimes perpetrated in violation of either law should be fully prosecuted by the U.S. Department of Justice and we, as the DOJ's appropriators, should give them all the resources they need to prevent any hate crimes from occurring.

I believe existing federal law is more than adequate to prosecute hate crimes and, as such, should I have been present I would have voted "nay."

TRIBUTE TO DR. TOM RENZE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize and congratulate Dr. Tom Renze, Principal of Woodbury Elementary School in Marshalltown, Iowa, on receiving the Dr. Carmen P. Sosa Leadership Award.

The Dr. Carmen P. Sosa Leadership Award recognizes administrators who exhibit outstanding leadership and advocacy for English language learners. Woodbury School has a dual language program and helps students learn English or Spanish as a second language.

Dr. Renze credits the award and success of the dual language program to the efforts of and support from the teaching staff and parents of the school's students. This award comes at a special time for Dr. Renze, who is retiring at the end of the 2009 school year.

I know my colleagues in the United States Congress join me in thanking Dr. Renze for his work with the dual language program and service to the Marshalltown Community School District. I consider it an honor to represent Dr. Renze and his family in Congress, and I wish him the best in his future retirement.

HONORING MR. THOMAS R. RAMSEY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate the 2009 inductees to the Phoenixville Area School District Wall of Fame.

Thomas R. Ramsey Jr. and Leo J. Scoda are well-deserving recipients of this honor thanks to their outstanding service to students and constant commitment to improving the quality of life in the community.

Mr. Ramsey, a Phoenixville native, has shared his knowledge of television broadcasting with high school students since 2002, helping launch Phantom Television. In addition

to informing students and staff with daily morning announcements, the station provides great coverage of concerts, sports and other scholastic events. Mr. Ramsey also gives back to the community through his service on Schuylkill River Heritage Center Board and the Donald J.L. Coppedge Scholarship Committee.

Mr. Scoda dedicated 35 years to teaching biology at Phoenixville Area High School where he also guided the boys' tennis team to amazing 196-0 record in PAC 10 play and 33 Chest-Mont and PAC 10 league championships. He also has been most active in civic life by serving as Mayor of the Borough of Phoenixville since 1998.

The school district and community members will honor the two men during an induction ceremony on May 5, 2009 at Phoenixville Area High School.

Madam Speaker, I ask that my colleagues join me today in congratulating Thomas R. Ramsey Jr. and Leo J. Scoda for their tremendous community spirit and exemplary dedication to the youth of Phoenixville, Pennsylvania.

RECOGNIZING THE IMPROVED RELATIONS BETWEEN CHINA AND TAIWAN

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise in recognition of an announcement that Taiwan has been invite to participate as an observer at the annual meeting of the World Health Organization's governing body being held in Geneva next month.

With the strong support of the United States, Taiwan has persistently campaigned, especially after the SARS outbreak in 2003, to rejoin the World Health Organization but China has consistently blocked efforts to join any international body as an independent political entity.

So this marks a clear and important sign of improved relations between China and Taiwan, and I congratulate them on taking this important and meaningful step forward.

Since Taiwanese President Ma took office on May 20, 2008, relations between the two sides of the Taiwan Straits have greatly improved, paving the way for the first direct flights between the straits in 60 years, Chinese pandas being sent to Taiwan, substantially improved financial and business contact, and direct postal service and shipping.

Madam Speaker, I ask that my colleagues will join me in applauding the efforts to improve relations and to encourage further cooperation.

CONGRATULATING LANA POLLACK
FOR RECEIVING THE 2009
MILLIKEN AWARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. DINGELL. Madam Speaker, I rise today in honor of Lana Pollack on the occasion of her receiving the Michigan Environmental Council's (MEC's) 2009 Helen and William G. Milliken Distinguished Service Award.

I have known Lana as both a friend and a colleague. She is a public servant of the highest order and a remarkable human being. Lana has served her community and her state with distinction. As a Michigan State Senator from 1982 until 1994, Lana led the effort to provide for a cleaner and more beautiful Michigan. As a champion of environmental causes, Lana helped clean up our state and ensured that those who polluted paid for their transgressions. But she did not limit herself to just one issue; Lana fought for legislation to provide gender equity, educational improvements and reproductive rights.

After leaving the Michigan State Senate, Lana joined the Michigan Environmental Council, serving as its president from 1996 until her retirement in January. While president of the MEC, Lana provided the force and leadership that grew this terrific organization, doubling its size and producing a ten-fold increase in its budget. But it wasn't the size increase or the money that made Lana's leadership of the MEC such a success, it was the quality of work that the MEC produced. Under Lana's watch, the MEC continued in its mission to protect Michigan's environment and preserve its natural resources. Lana used her skills in building coalitions of support to manage the 70 member organizations that make up the MEC in their combined efforts. Through passion and pragmatism Lana led the MEC from one success to another in its fight to protect our environment.

Lana Pollack is a model public servant. She is being honored with the Milliken Award because of her lifetime of service and her commitment to the environment. Her efforts personify what it means to be an active and engaged member of a community and an individual who is willing to fight for those principles they care deeply about. I am pleased to congratulate Lana on this tremendous accomplishment, for which she is so worthy of recognition, but above all else, I am honored to have her friendship. I ask my colleagues to join me in saluting Lana Pollack for her leadership, passion and record of accomplishment.

HONORING GREAT VALLEY MIDDLE SCHOOL FOR BEING NAMED
ONE OF THE NATION'S SCHOOLS
TO WATCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate the parents, students

and faculty at Great Valley Middle School for earning the outstanding distinction of being named one of the nation's Schools to Watch.

Just 11 schools in Pennsylvania and 170 schools in the United States have been recognized as Schools to Watch by the National Forum to Accelerate Middle-Grades Reform.

This honor demonstrates that Great Valley has an exceptionally talented team of teachers and administrators, involved parents committed to making education a priority and hard-working students determined to make the most of their educational opportunities.

Madam Speaker, I ask that my colleagues join me today in recognizing the Great Valley Middle School for this much-deserved national honor and for the school's constant commitment to excellence in education.

TRIBUTE TO EILEEN HOROWITZ

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. WAXMAN. Madam Speaker, it is my pleasure to recognize the extraordinary contributions of Eileen Horowitz, Temple Israel of Hollywood Day School's Head of School. Eileen will be retiring this spring after 14 remarkable years of service to Temple Israel of Hollywood and 40 years as a visionary educator and administrator.

Eileen will be wished a warm and fond farewell on May 16, 2009 during Temple Israel of Hollywood's Spring Gala celebrating her commitment to the children and community at Temple Israel.

Since 1995, Eileen has served as Temple Israel of Hollywood Day School's Head of School. By all accounts, she has transformed the Day School while touching the lives of hundreds of children, their families, her colleagues and the Temple's congregants. Eileen has elevated the Day School to an institution that is locally, nationally and internationally renowned for its high academic standards, its innovative and creative programming and its focus on nurturing well-rounded children. Eileen's forward-thinking philosophy has been to foster a student's identity that is sensitive to others and the environment and fulfills the responsibility that each of us bears.

Eileen's 40-year career in education has taken her from classroom instruction to curriculum development and implementation to school administration and teacher training. Perhaps Eileen's most inspiring legacy is that she has never lost sight of the reason she entered the field of education in the first place—her desire to help children reach their potential and develop a lifelong love of learning.

Notwithstanding Eileen's incredible accomplishments, she considers her finest achievements to be her nearly 40-year marriage to her husband, Steve, her children and their six beautiful grandchildren.

Temple Israel of Hollywood and our entire community owes Eileen a debt of gratitude for her tremendous record of achievements at Temple Israel of Hollywood and throughout her career. I am delighted to join Eileen's family, friends, colleagues, students and their fam-

ilies in congratulating her and wishing her Mazel Tov for her successes.

I ask my colleagues to join me in extending thanks and appreciation for her outstanding and inspired contributions these past 14 years at Temple Israel and in wishing her all the best for the future.

HONORING THE LIFE AND SERVICE
OF DONALD W. KOLHOFF

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Donald W. Kolhoff, veteran and patriot, upon receiving the lifetime achievement award from the Wayne 11th Congressional District Republicans.

Don was born in Toledo, Ohio in 1930, the second of three sons. He graduated from Central Catholic High School in 1948. After High School, Don served in the United States Air Force from 1950 to 1954, including two tours of duty during the Korean War from 1951 to 1953. While doing his duty in the Air Force, Don found time to attend classes at Southwest Texas State University and the University of Toledo, majoring in Accounting.

After his service to our nation, Don began a successful career in the defense industry. Don got his start as a contract manager for the jeep division of Kaiser Industries. In 1970, Don moved his young family to Livonia, Michigan and went to work for AM General. From 1981 until he retired in 1994, Don served as a Senior Contract Administrator with Textron Corporation, supervising defense contracts with the United States Navy. Due to his exemplary professional service, Don has served as a state or chapter executive committee officer with several defense industry professional associations including the Association of the United States Army (AUSA), the American Defense Preparedness Association (later the National Defense Industry Association), and the JROTC Awards Banquet Committee, among others.

In his personal life Don has always been a staunch, committed Conservative. His first official participation in the Republican Party came when he offered to volunteer in the re-election campaign of President Nixon in 1972. He went on to serve as a volunteer in both Reagan landslides of 1980 and 1984. His first foray into local Michigan Republican Party politics was as a volunteer in the Honorable Joe Knollenberg's successful campaign for the United States House of Representatives in 1992. Don was later elected as a precinct delegate and joined the Wayne 11th Congressional District Republicans. During his time in the Wayne 11th Congressional District Republicans, Don has led, organized, or assisted in almost every volunteer effort undertaken by the organization in order to promote principled Conservative values which make our GOP the grand party it is. Don's other greatest achievements are his two children, Beth and —Steve, and his four grandchildren. Beth and her husband Eric, have three children, Megan, Sean,

and Kelly. Steve and his wife Andrea have one child, Christopher.

Madam Speaker, Donald W. Kolhoff has faithfully served Michigan and Wayne County. As he receives this award for his lifetime of achievements, he serves as a timeless example of selflessness and public service. Today, I ask my colleagues to join me in congratulating Donald W. Kolhoff upon his award and recognizing his years of loyal service to our community and country.

HONORING RAYMOND SERCU OF
NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Mr. Raymond Sercu, a great leader in the community of Napa Valley. Mr. Sercu is being honored by Napa Valley Product Services Industry for his many contributions to developmentally disabled adults in the Napa Valley.

Mr. Sercu was born in Buffalo, New York and served in the United States Air Force for two years before coming to California for postgraduate work at UC Berkeley and San Jose State. He worked as Area Manager for National Cash Register from 1954 to 1965 before beginning his distinguished tenure with Vallerger's Markets of Napa in 1965.

Mr. Sercu's time as President of one of Napa's premier small businesses is only the beginning of his extensive community involvement. Ray has served as Chairman of Queen of the Valley Hospital's Board of Trustees, the Northern California Grocers Association, Retail Marketing Services and the Napa County 4-H Sponsorship Committee. He has also served as President of the Napa Valley Economic Development Corporation, and in the Napa Valley Chamber of Commerce among many others. He is a Rotarian and lifetime PTA member who was appointed to the Napa City Council from 1999 to 2001. Of particular note on this occasion is Ray's service to developmentally disabled adults as Chairman of the Product Services Industry Board of Directors and President of North Bay Developmental Disabilities Services.

Throughout his career, Mr. Sercu has earned the continued admiration of all who have worked with him. His colleagues and friends describe Ray as one of the kindest, most generous people they have ever met, someone who would give the shirt off his back to make the community a better place.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Ray Sercu for his many years of service. He has been a model citizen and leader in the Napa Valley and his presence has enriched the lives of everyone in our community. I join his wife Jenny and six children in thanking Ray for a distinguished lifetime of service and wishing him continued success and fulfillment.

UW SCHOOL OF MEDICINE

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. REICHERT. Madam Speaker, today I rise in recognition of the University of Washington School of Medicine and their incredible standing as one of the best medical schools in the world. According to US News & World Report, the University of Washington tops the list of national primary care medical schools for the 16th consecutive year.

The groundbreaking and life-saving work done at the UW School of Medicine is beyond extraordinary. I feel a sense of pride to know that the best primary care medical school in the nation is located in my home state of Washington.

The School of Medicine was also ranked first in family medicine and rural medicine for the 18th straight year, fourth in women's health medicine, sixth in geriatric and pediatric medicine and eighth in internal medicine. Additionally, six active and retired members of the UW community are among 210 new Fellows named to the American Academy of Arts & Sciences: David Baker, William Gerberding, Andrew Meltzoff, Ed Miles, James Truman and Gunther Uhlmann.

Previously, the University of Washington was ranked the 17th best university in the world by the Institute of Higher Education, Shanghai Jiao Tong University, and 22nd among the top 100 global universities by Newsweek. The University of Washington has proven itself to be a world-class institution and it is truly a privilege to represent a region boasting some of the greatest minds in the world. I congratulate them on the honor for the School of Medicine and look forward to continue working together to make sure we provide the best medical care and training possible.

READING IS FUNDAMENTAL

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. EHLERS. Madam Speaker, I supported Reading is Fundamental, a national project, that received funding through H.R. 1105, the Omnibus Appropriations Act, 2009.

Reading is Fundamental (RIF) is authorized under the Elementary and Secondary Education Act. RIF promotes youth literacy by providing underserved children access to free and new books at programs across our nation.

It is a good program, and I am pleased to support it.

HANG UP ON THE TELEPHONE
TAX

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to urge my colleagues to support the Telephone Excise Tax Repeal Act of 2009, which I introduced today along with Mr. THOMPSON of Pennsylvania. The telephone tax is deceptive, archaic, unfair and regressive.

This tax was first imposed in 1898 to fund U.S. involvement in the Spanish American War. That conflict is long over, and now elimination of this tax is long overdue. But it is not for want of trying.

Similar pieces of legislation have won bipartisan support in previous sessions of Congress—127 cosponsors in the 110th Congress and 220 in the 109th Congress—but have routinely been stalled. Let's not let that happen again.

I suspect many Americans would be surprised to learn that they are paying a three percent tax on their local telephone, toll, and teletype exchange services. As an excise tax, there is no direct payment made to the government; the tax is collected by the phone companies and remitted to the federal government.

Although the amount is itemized on each phone bill, it is one of many taxes, fees and surcharges listed and can be easily overlooked on the multiple pages of an average telephone bill.

With advances in technology, this tax has become punitive for those without the ability, financial means or desire to upgrade their telecommunications services. Cellular phone and long distance landline telephone services were exempted from the tax in 2006. Bundled services that do not differentiate between local and long distance services, such as Voice over Internet Protocol (VoIP) services, also are exempt. The only service still being subjected to this antiquated tax is local telephone service, which is the predominant means of communication used by the disabled, lower-income families and senior citizens.

Eliminating this regressive tax would be consistent with the actions we already have taken so far in this Congress to provide hundreds of billions of dollars in tax relief to hard working Americans. I ask my colleagues to join us in hanging up on the telephone tax.

HONORING DANIEL C. GILLIAM

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Daniel C. Gilliam upon his retirement from the position of Deputy Senior Acquisition Executive at the National Security Agency (NSA). In this position Mr. Gilliam has been responsible for all of NSA's acquisitions and management of the Acquisition Directorate's senior leadership. Mr.

Gilliam oversees all procurements, liaisons with key industry partners, and directs resources to optimize the organization's effectiveness. Working closely with Acquisition's customers, Mr. Gilliam maintains strategic partnerships with NSA's mission elements to ensure their needs and requirements are met.

After earning a Bachelor's degree in Business Management from the University of Maryland, and a Master's degree in Public Administration from the George Washington University in 1979, Mr. Gilliam graduated from the Industrial College of the Armed Forces in 1993. He also attended the Federal Executive Institutes Leadership for a Democratic Society Program in 1996.

In 1976, Daniel began his career at NSA as a management support intern. Since then, he has worked on a variety of acquisition and contracting positions to include contracting specialist, contracting officer, and cost/price analyst as well as managing those same disciplines. While participating in NSA's executive development program, Mr. Gilliam worked in the NSA Corporate Policy Office, the NSA Operations Directorate, and served as the Defense Intelligence Agency's Director for Procurement in 1995/1996. From 1997 to 2005, Mr. Gilliam served as the Chief of the Contracting Group, responsible for managing and directing all effort associated with contracting for materials, equipment, and services required to support the missions of the NSA.

Certified level III in contracting in accordance with the Defense Acquisition Workforce Improvement Act. Mr. Gilliam graduated from NSA's Senior Cryptologic Executive Development Program in 1996. He received the Defense Intelligence Director's Award in 1996, and he received the Meritorious Executive Presidential Rank Award in 2002.

Madam Speaker, I ask that you join with me today to honor Daniel C. Gilliam in his retirement from the position of Deputy Senior Acquisition Executive at the National Security Agency. His legacy as a brilliant and competent specialist will be forever remembered in his service to defending the security of our nation. It is with great pride that I congratulate Dan Gilliam on his exemplary defense career and his outstanding service at the National Security Agency.

RECOGNIZING MATT GIRAUD

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. UPTON. Madam Speaker, I rise today to recognize Matt Giraud, a great talent from Kalamazoo, Michigan, for placing in the top five on the eighth season of Fox's American Idol.

Every week, Matt has been a staple in our living rooms, helping us forget about Michigan's challenges for a little while as he sang the hits in his own impressive style.

A life-long Michigan resident, Matt grew up in Ypsilanti, Michigan where he began his musical career by playing drums at his local church. As time passed, Matt became more serious about music. He taught himself how to play the piano and began singing at the age of sixteen. Matt spent his college years in Kalamazoo and attended Western Michigan University, where he studied organizational communication and was a member of the jazz ensemble Gold Company II. After graduating from Western, Matt decided to make Kalamazoo his home and became a regular performer at Monaco Bay and Zazio's lounge, building quite a local following—including me and my staff.

Matt was a performer on American Idol this season, wowing us time and time again with his polished performances. The State of Michigan has been rooting for him from the beginning and we in Kalamazoo are proud to call Matt Giraud our home town idol. Matt, congratulations on your success and we look forward to watching you succeed in the years ahead.

Although Matt's run is over on American Idol, a brilliant career is just beginning.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act, 2009:

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, National Projects, Innovation & Improvement

Legal Name of Requesting Entity: National Writing Project

Address of Requesting Entity: University of California, 2105 Bancroft Way #1042, Berkeley, CA 94720-1042

Description of Request: Appropriation in the amount of \$24,291,000 for the National Writing Project for activities authorized under the Elementary and Secondary Education Act.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, National Projects, Innovation & Improvement

Legal Name of Requesting Entity: Reading Is Fundamental

Address of Requesting Entity: 1825 Connecticut Avenue, N.W., Suite 400, Washington, DC 20009

Description of Request: Appropriation in the amount of \$24,803,000 for Reading Is Fundamental authorized under the Elementary & Secondary Education Act.

NATIONAL AUTISM AWARENESS MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. REICHERT. Madam Speaker, the Centers for Disease Control estimate that autism now affects one in every 150 American children and nearly one in 94 boys. More children will be diagnosed with autism this year than with diabetes, cancer, and AIDS combined. Autism is the fastest-growing serious developmental disability in the world, and yet we know little about the root causes of autism.

That's why we must do more to support NIH medical research. Earlier this month I introduced a resolution with Representatives GERLACH and BACHUS to again designate April as "National Autism Awareness Month."

This resolution commends the parents and relatives of children with autism for their dedication in providing for their special needs. It emphasizes the importance of early intervention services. And it supports efforts to devote new resources to medical research on the causes of autism and treatments for it.

With increased support for autism, together we can offer some hope in an area that desperately needs it. I encourage all of my colleagues to help bring renewed awareness of children with autism.

PERSONAL EXPLANATION

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. RUPPERSBERGER. Madam Speaker, on April 29, 2009 I missed rollcall vote 223, the final passage of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act. If I were present for the vote I would have voted "aye." I missed the vote because I was in an Intelligence Committee hearing.

SENATE—Friday, May 1, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God most holy, the source of our hope, our Senators need Your presence and help for the journey ahead. You promised that You will never fail or forsake them, so empower them to trust You, come what may. Give them patience and make them faithful as they wait in faith for the harvest of their stewardship. Allow them to minister to those on life's margins, continuing Your work of setting the captives free. Lord, give them wisdom and courage to serve their generation in a way that honors You. May they place their lives and this Nation's future into Your all-powerful hands. Cause them to be people of faith and integrity, that we may lead a quiet and peaceful life with godliness and honesty. We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 1, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 896, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

Pending:

Dodd-Shelby amendment No. 1018, in the nature of a substitute.

Corker amendment No. 1019 (to amendment No. 1018), to address safe harbor for certain servicers.

Vitter amendment No. 1016 (to amendment No. 1018), to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

Vitter amendment No. 1017 (to amendment No. 1018), to provide that the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the administration.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

SCHEDULE

Mr. DODD. Mr. President, in the absence of the majority leader, who will be here a little later, I have been asked to say that following leader remarks, the Senate will resume consideration of S. 896, a bill to prevent mortgage foreclosures and enhance credit availability. We hope to reach an agreement today on a finite list of amendments—the leader does.

We have been working at that, I can say to the Presiding Officer, so we can complete the bill on Tuesday.

There will be no rollcall votes today. Senators should expect the first vote on Monday to begin at approximately 5:30 p.m. Senators should note we could have more than one vote Monday evening.

With that, I see my colleague from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent to be considered speaking in morning business for as much time as I consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EPA'S ENDANGERMENT FINDING

Mr. INHOFE. Mr. President, I am on the floor to express some concerns I have concerning Guantanamo Bay and the efforts of some people, for no reason that I can understand, who want to close it. However, before doing that, another matter is happening right now.

On Friday of last week, the administration set in motion a ticking timebomb with its release of an endangerment finding for carbon dioxide and five other greenhouse gases. The ruling proposes that carbon dioxide is a dangerous pollutant that threatens the public health and welfare, and therefore must be regulated under the 1970 Clean Air Act.

This so-called endangerment finding sets the clock ticking on a vast array of regulations and taxes on small businesses throughout America that would be devastating. They claim, at least for now, to attempt to organize the chaos by limiting it to motor vehicles, which is a bad enough option considering the state of the auto industry to which we are all so sensitive with what is happening. Any attempt to stretch the Clean Air Act to regulate these gases illustrates a kind of game of Russian roulette this administration is playing with the American economy. We start with the auto industry. I can assure you, it is not going to end up there.

They are presenting policymakers with a false choice: Using an outdated, ill-equipped, economically disastrous option under the Clean Air Act or, to pick another bad option, cap and trade.

What they are saying is we are either going to find this endangerment finding, which will allow us to go ahead under the Clean Air Act provisions of 1970, or we are going to then start something that would be almost the same thing as cap and trade, except it will be done through the Executive and it will be done through the Clean Air Act amendments so we will have no control of it, in terms of doing it through legislation. As you know, there are several cap-and-trade schemes that are up there.

Last Friday, a week ago today, the Wall Street Journal, in an editorial, commented on this false choice. I agree with them. I will be quoting now from the Wall Street Journal, a week ago today. They said:

Still, why confine the rule only to cars and trucks? By the EPA's own logic, it shouldn't matter where carbon emissions come from. Carbon from a car's tailpipe is the same as carbon from a coal-fired power plant. And transportation is responsible for only 28 percent of U.S. emissions, versus 34 percent for electricity generation. Ms. Jackson is clearly trying to limit the immediate economic impact of her ruling, so as not to ignite too great a business or consumer backlash.

But her half-measure is also too clever by half. By finding carbon a public danger, she is inviting lawsuits from environmental lobbies demanding that EPA regulate all carbon sources. Massachusetts and two other states have already sued in federal court to force the EPA to create a NAAQS for CO₂.

We have gone through a NAAQS process with particulate matter and we know how that works.

For further background on this matter, let me explain. The history behind the EPA's endangerment finding dates back to 1999, when the International Center for Technology Assessment, joined by Greenpeace, the Green Party of Rhode Island, Earth Day Network, and 15 other organizations—far left-wing organizations, I might add—filed a petition with EPA, demanding it regulate greenhouse gas emissions from new motor vehicles. These groups urged the EPA Administrator to reduce the effects of global warming by regulating the emissions on greenhouse gases for “new motor vehicles.”

In the landmark Supreme Court case of *Massachusetts v. EPA*, they successfully argued that auto emissions were causing global warming, which in turn was eroding the coastline of Massachusetts. The remedy, they said, was to control greenhouse gas emissions from cars. All this begs the obvious question: What effect would EPA regulation of tailpipe emissions actually have on global temperatures?

In recent testimony before the House Ways and Means Committee on the climate impacts of regulating carbon emissions, Dr. John Christy of the University of Alabama—that is at Huntsville—found that such regulations would be “an undoubtedly expensive proposition” and would have “virtually no climate impact.” Christy calculated this using the IPCC climate models. Let's keep in mind that is the United Nations Intergovernmental Panel on Climate Change, that has been very biased in this whole thing and actually started the whole issue, the concept that anthropogenic gases—CO₂, methane—are causing climate change or causing global warming.

Christy calculated, using the IPCC climate models, that even if the entire country adopts these rules, the necessary impact would be at most one-hundredth of 1 degree by the year 2100.

Further, he said:

Even if the entire world did the same, the effect would be less than 4/100 of a degree by 2100, an amount so tiny we can't even measure it. . . .

This is what Dr. John Christy has said. It is almost exactly the same thing as back during the Clinton administration, when we had Al Gore as Vice President. He called upon someone to put together—at that time we were coming this close to ratifying the Kyoto convention. He said: We want you to do a study and say if we were to ratify the Kyoto convention and all other countries that are developed nations would do the same thing, how much would it reduce the temperature in 50 years.

They did the study and found out it was 7/100 degrees Celsius. They tried to hide that thing, but we did find it. That

is exactly the same thing Dr. Christy said here, what he discovered and testified to last week.

Once the EPA makes a finding that greenhouse gases endanger public health and welfare under the Clean Air Act, who specifically would be affected? As EPA's Advance Notice for Proposed Rulemaking makes clear—that is taking place right now—it makes it clear that an endangerment finding would lead to regulations covering nearly every facet of the American economy.

In reading through comments filed in the regulatory docket, one is struck by how broadly the Clean Air Act would apply once an endangerment finding is made—especially previous sources that have never come under control of the Act. EPA received thousands of public comments from various industries and groups that expressed concern and outright opposition—on issues of cost, competitiveness, jobs, and administrative complexity—to greenhouse gas regulation under the CAA.

The following excerpts, taken from comments filed by the ANPR—the American Association of Housing Services for the Aging—speak for themselves.

The members of AAHSA . . . help millions of individuals and their families every day through mission-driven, not-for-profit organizations dedicated to providing the services that people need, when they need them, in the place they call home. Our 5,700 member organizations, many of which have served their communities for generations, offer the continuum of aging services: adult day services, home health, community services, senior housing, assisted living residences, continuing care retirement communities and nursing homes.

AAHSA opposes regulation of greenhouse gases under the Clean Air Act. The Clean Air Act is not suited to regulate greenhouse gases, as the EPA administrator and several other federal agencies have opined. In addition, if the EPA regulates greenhouse gases under the Clean Air Act, many AAHSA members could be subject to costly and burdensome Clean Air Act programs. For example, health care facilities with 51,000 square feet or greater would be subject to the Prevention of Significant Deterioration (PSD) permitting requirements. This would require such facilities to get a PSD permit prior to new construction or modifications . . . Finally, there is also the possibility that health care facilities would need to obtain Title V operating permits from the EPA one year from when greenhouse gases become regulated, which would add to the already stressed budgets of nonprofit health care facilities.

Here is another one—Family Dairies USA. This is testimony just a week ago.

Family Dairies USA is a dairy cooperative with 3600 members located in a six state area in the Upper Midwest of the United States.

Our members are involved in production agriculture, meaning that a majority of them produce the corn that feeds the cows that produce the milk which feed the Nation. We are opposed to current regulations relating to greenhouse gases under the Clean Air Act as it relates to production agriculture.

Now, this would be of interest to any of the Members who are from agricultural States such as my State of Oklahoma. I am quoting now from this organization:

Title V requires that any entity emitting more than 100 tons per year of regulated pollutant must obtain a permit in order to continue to operate. EPA has no choice but to require those permits once an endangerment finding is made.

In other words, they have to do this. This is not something that is an option.

USDA, [the U.S. Department of Agriculture,] has stated that an operation with more than 25 dairy cows emits more than 100 tons of carbon and would have to obtain permits under Title V in order to continue to operate if greenhouse gasses are regulated.

Title V is administered by the States, and permit fees (tax) vary from state to state. EPA sets a “presumptive minimum rate” for permits, and that rate is \$43.75 per ton for 2008-2009. For states charging \$43.75 per ton, the cow fee (tax) for dairy would be \$175 a cow.

The cow tax would impose a significant added cost for our dairy farmers that cannot easily be absorbed . . . Imposition of the tax will cause many operators to go out of business and would likely raise prices.

Obviously, it would. That is quoting from Family Dairies USA.

Mark Magney, president of Magney Construction:

We are a mid-sized construction firm—

This is testimony from last week—

we employ 30 full time staff and have been in business since 1994. We primarily engage in the construction of water and wastewater treatment facilities throughout the upper Midwest. We believe the Clean Air Act is ill-suited for regulating greenhouse gas emissions, and that the EPA should not move forward with the proposed rule or other regulation of greenhouse gas emissions under the Clean Air Act. Doing so could easily delay, if not halt, all future building and highway construction.

New construction and renovation are vital to our economy and to the future improvement of our environmental performance of our Nation's infrastructure and must be allowed to continue.

This is serious because right now we are looking at reauthorizing the Transportation bill. The last time we did it was 2005. That was a \$287.4 billion bill for a 5-year reauthorization. Now we are up for reauthorization in 2009, and we are right now trying to figure out what to do about America's infrastructure. What we do not need is to have this additional regulation increase the cost of construction of the roads and the bridges that are so desperately needed.

According to Peter Glaser, a national legal expert on the Clean Air Act, an endangerment finding will lead to new EPA regulations covering virtually everything, including “office buildings, apartment buildings, warehouse and storage buildings, educational buildings, health care buildings such as hospitals, and assisted living facilities, hotels, restaurants, religious worship

buildings, public assembly buildings, supermarkets, retail malls, agricultural facilities, and many others.”

An array of new development projects could be delayed, perhaps for several years, causing “an economic train wreck.” This conclusion was supported recently by the Heritage Foundation’s Center for Data Analysis, which found that EPA’s new carbon regulations would destroy over 800,000 jobs and result in a cumulative GDP loss of some \$7 trillion by 2029.

The administration and other groups have recently argued that these are only scare tactics and that no one is asking EPA to do this. They argue, in fact, that EPA has already figured out ways it can avoid sweeping in small sources of CO₂. That is what they always say. “Well, this is just the big guys, not the little guys.” I think we all know better.

However, when Republicans on the EPW Committee asked the administration’s nominee who is set to head the office where the endangerment finding and regulations following it will be proposed, how they plan to manage this, we have not gotten a straight answer yet. I know this because I am the ranking member on the EPW Committee, and we are going through the nomination and the confirmation process.

I have been very cooperative. I certainly supported Lisa Jackson and others, even though I do not agree with them philosophically. But we are not getting straight answers because no one wants to get out on that limb. They do not want to admit we are going to regulate everything if this comes along.

Our reason to question is not based on scare tactics. Staff uncovered some comments in the proposed record that argued quite differently. The Conservation Law Foundation, in their comments on EPA’s Advanced Notice of Proposed Rulemaking—that is what we are in the middle of now, on greenhouse gas regulation under the Clean Air Act—did ask EPA to regulate such sources. Moreover, both groups asserted that EPA is required by law—it is not optional but required by law—to apply the PSD program to sources emitting above 100 to 250 tons per year. No exceptions to that. Pretty scary.

The Center for Biological Diversity argued:

While it is uncontroversial that EPA should prioritize the largest pollution sources first, one of the reasons that the NSR program will be such an effective tool for reducing greenhouse gas emissions is that it applies to a wide variety of sources that will emit in excess of the applicable statutory threshold of 250 or 100 tons per year.

So they are admitting this is the case. They argued:

As a threshold matter, the asserted belief of EPA officials that the statutory requirements are burdensome or not “efficient” as

they should be simply does not excuse the agency from following the law. The EPA has no authority to weaken the requirements of the statute simply because its political appointees do not like the law’s requirements.

But can’t EPA just invent new thresholds?

Several of the suggestions that EPA has advanced are outside the scope of its authority. The EPA has no authority to set higher greenhouse gas major source cutoffs and significance levels.

That is something that is pretty scary. I think what we need to understand is that we are looking at the United States of America. I have been on this floor now for 9 years, starting way back when we were considering ratification of the Kyoto Treaty. And I have to say, at that time I was the chairman of the Environment and Public Works Committee. Republicans were a majority and I was chairman. I assumed that manmade gases, anthropogenic gases, CO₂, methane, were causing global warming because that is what everybody said, until the Wharton School of Economics came out with the Wharton Econometric Survey.

In this survey they found—they answered the question: What would it cost if we in the United States signed the Kyoto Treaty and lived by its emissions requirements?

The range was between \$300 and \$330 billion a year. After all of these things our new President has been doing with the big spending and a \$3.5 trillion budget and tripling the public debt in the next 10 years, we do not think about \$300 billion being that much, but it really is. We are talking about \$3,000 a family in my State of Oklahoma. Actually, it exceeds that.

So I thought at that time, if there is some doubt as to the science, we better find out about it because if we are going to sign that treaty, that is what it is going to cost people in America. We started checking. We found a lot. The whole thing started with the IPCC from the United Nations. They would love nothing more than to have some big global tax and not have to be accountable to individual countries. Maybe that was not their motive, I don’t know.

I do know this: We started looking at the science only to find out many of the people who were the leaders in other countries—names come to my mind such as David Bellamy from the UK. He was with Al Gore 10 years ago marching up and down the streets saying: Global warming is going to kill everybody. Now he is one of the premiere scientists in the UK. He is now actually on my side in terms of being skeptical as to the science.

The same thing is true with Nir Shaviv in Israel, with Claude Allegre in France, a very well known socialist, one with whom I do not agree on anything except his new position which has now refuted this idea that greenhouse gases are caused—that global

warming is caused by manmade gases. So with all of those changes, I suggest any of my colleagues here who would like to see documentation, I have my Web site in hofe.senate.gov. On this Web site we cite all of the over 700 scientists who were on the other side of this issue and have now joined the skeptics list.

The reason they are trying to regulate greenhouse gases under the Clean Air Act is because they know they cannot get it passed in this Chamber. In the House it probably would get passed. The House has never had occasion to debate this issue. They have not had it. We have had it four times. We had it in the Kyoto Treaty, we had it in the McCain-Lieberman bill, the Warner-Lieberman bill, and we had it in the Sanders-Boxer bill.

If we stop and look at the trend, more and more of my colleagues are realizing now that the science is not there, but the economics is there. If we look at what happened back in 2005, 2005 I chaired the committee, so it was my responsibility to defeat it. That was the McCain-Lieberman bill. We had, at that time—it was going to be about a \$340 billion tax increase for the American people, and we debated it for 5 days, 10 hours a day. I stood right here at this desk for 50 hours, and we could only get two or three Senators to come down and participate and help me on my side. But we defeated it because people did not want to have to go home and explain to people that on dubious science they are passing this huge tax increase.

Then we fast-forward to 2008. In 2008, it was totally different because that was the Warner-Lieberman bill that was even a more aggressive bill in terms of its emission requirements. MIT had a value of that somewhere around \$366 billion a year. So that would be another huge tax increase.

What happened in that 3-year period? In 2008, it did not take 5 days to defeat it, it happened in 2 days. There were 23 Senators who came down and helped me on the Senate floor. Why are so many people concerned about this, so many Senators and House Members, about getting into this issue? They will vote right, but they do not want to talk about it because they have huge amounts of money—moveon.org, George Soros, Michael Moore, they put in—what I call the Hollywood elitists, they put in millions of dollars a year and consequently there are a lot of Members who are afraid of this issue.

But there are only 39 votes at most. They need 60 votes. It is not going to pass. Since this is not going to pass the Senate, they are going to try to do as much as they can under regulations and provisions of the Clean Air Act.

GUANTANAMO BAY

Mr. President, just briefly I want to share my findings. I only wish every Member of the Senate would take the

time to go down to Guantanamo Bay and spend some time down there because if they do they would come back asking the question: Why in the world would we close this prison?

Even media that has been very unfriendly—the liberal media would like to close anything having to do with the military or having to do with prisons—came back and said: Wait a minute, there is a premiere facility down there. There has never been a documented case of any kind of waterboarding, any kind of torture. The conditions of the detainees down there are such that everyone down there understands they are being treated better than they should be treated.

Did you know we actually have one doctor or medical practitioner for each two detainees down there? Let's keep in mind who they are. These are detainees. They are not prisoners of war; they are terrorists. Many of them have killed a lot of Americans. They are down there right now.

Anticipating that there might be a problem keeping that facility open, we are down now to 245 detainees in Gitmo, 245. Of the 245—I believe this is about a week old, but I think it is still accurate—there are 170 of them who cannot be sent back to their countries because their countries would not repatriate them. They will not allow them to come back.

Of the 170, some 110 are rough, tough guys. We are talking about Khalid Mohammad, who is the instigator of 9/11. We are talking about some really bad guys. So the position that the Obama administration first took, and this came out during the inaugural address, and I agreed with him at that time, he said:

Well, we would like to close it, but we want to wait and make sure we can take care of adjudicating and take care of these detainees in some other facility.

That was pretty responsible. I disagreed that we should close it because it is one of the few good things we have. We don't get many good deals in America. That has only cost us \$4,000 a year since 1903. Name another bargain like that.

Now the alternatives are this: If they close it and don't do anything to handle how they will adjudicate these cases, they could end up in our court system. I am not a lawyer. I am one of the few nonlawyers in this Chamber. We know the rules of evidence are different in a tribunal than in a court case. Very likely, it would be almost impossible to get a conviction. Consequently, a lot of these guys could be turned loose.

Right now, half the States have passed something in their legislatures—my State of Oklahoma has—saying we don't want any terrorists loose in the United States. They even proposed that there are 17 areas in America where we could detain these

people. One of them happens to be Fort Sill in Oklahoma. I went down to that facility. Sergeant Major Carter, a young lady who is in charge, was saying: I spent 2 years in Gitmo. Why in the world would we close that down? We can't handle that kind of thing. We don't have the same kind of facilities here.

The arguments are not real in terms of any kind of abuse. They have better medical care than they have ever had before. By their own statements, it is better food than they have ever had before. Besides, there is no place else. If we look at what they are doing and the alternatives, we really don't have a choice. If only people in this Chamber and likewise in the House would recognize that we are going to have to come up with some kind of an alternative before we close it down. We spent \$12 million. It took 12 months to build. I can't remember the name, but it is a courthouse in Gitmo. That is where they handle the tribunals. The rules of evidence are such that they can't do it in our court system. They have already shut that down, so they are not trying these people now. They should be, but they are not. There is no place else. It is not just the 245 who are there, but, with the escalation of what we are doing in Afghanistan—I was there last week—I can assure my colleagues, there will be more detainees who will come in. We will have to figure out something to do with the rest of them. There is no place else.

I only wish that anyone who is supporting the position of closing Gitmo would answer two questions. First, why? What is the possible reason for closing it? No. 2, what are we going to do with the detainees if we do?

I yield the floor and express my appreciation to the Senator from Connecticut for giving me the time this morning.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, the pending business before the Senate is S. 896, the Helping Families Save Their Homes Act. I would like to take a few minutes and review the provisions of this bill that Senator SHELBY of Alabama and I have offered in the form of a substitute. It is similar to the original bill, but there are some changes. We have been told there are somewhere in the neighborhood of a dozen amendments, maybe a little less, that our colleagues have proposed. We are trying to work out a finite list of amendments, to consider them on Monday, with the hope of getting to conclusion of this bill either by Monday or Tuesday—Monday may be a little optimistic but by Tuesday to be able to complete work before moving on to other business.

This is a very important piece of legislation. Many of our residents and citizens are deeply concerned about the

foreclosure problems. I have repeated the numbers over and over. I suspect many people are aware, but 10,000 people a day run the risk of losing their homes through default or the auction process. Those numbers have not been shrinking at all. In fact, there are estimates that the numbers may actually increase.

We have tried over the last 2 years any number of steps to reduce and mitigate the foreclosure problem, including inviting the major lending institutions to step up and voluntarily talk about mitigation. That process began as early as the late winter of 2007 and the spring of 2007. Regrettably, those institutions did little or nothing to try to mitigate this problem.

In fact, the previous administration refused to accept the magnitude of the problem, despite overwhelming evidence, even in early 2007, that the foreclosure issue was going to mushroom far beyond early predictions. Of course, that is exactly what has happened.

Today, most analysts tell us that while there are a lot of elements that contributed to the present condition the economy is in, no one disagrees that a major source of economic hardship began with the residential real estate market. This problem will not be solved until we get to the bottom of it. While there are a lot of other issues to talk about, and we are doing that, until this issue of keeping people in their homes at rates and mortgages they can afford is resolved, this problem will persist.

The legislation Senator SHELBY and I offer, along with the support of committee members—and I note the Presiding Officer is a very distinguished member of the committee—is to try to offer some relief. I will explain briefly the provisions of the bill. I invite my colleagues to review it and, hopefully, be supportive on Monday or Tuesday when we try to reach final passage.

We expand the ability of the Federal Housing Administration and rural housing to modify loans. Servicers of the Federal Housing Administration and rural housing do not have the same ability to modify these Federal Housing Administration or USDA loans as they do for non-Government loans they service. Our legislation authorizes the Department of Housing and Urban Development and the U.S. Department of Agriculture to give these servicers the opportunity and incentive to participate in the Obama Loan Modification Program or to otherwise modify the loans in ways that are not presently available to distressed homeowners, including reducing interest rates, reducing principal, or stretching out the terms of these Government-insured loans. This is a major provision of the bill. To be able to provide the FHA and USDA with the authority to expand these opportunities can bring a tremendous amount of relief to people under those programs.

Secondly, we expand the access to the HOPE for Homeowners Act. This was legislation we adopted last summer. The legislation makes a number of changes to the HOPE for Homeowners Program to make it more user friendly and effective, including the option to lower fees, streamlining borrower certification requirements, giving the Secretary of Housing and Urban Development limited discretion to determine the amount and the distribution of future appreciation. It bans millionaires from the program and allows for incentive payments to servicers and originators who participate in the program.

The HOPE for Homeowners Act that passed overwhelmingly here, while the intentions for the bill were high, the reality is, the bill didn't even come close to achieving the goals those of us who crafted it thought it would. We have listened to a lot of people over the last number of months as to what could be done to make the proposal more effective and efficient to reach more people. The proposals I have mentioned were the ideas we have accumulated that we believe, and others believe, should make the program far more effective. It will not solve all the foreclosure problems, but it will be a major step in the right direction.

Thirdly, the bill creates more enforcement tools for the Federal Housing Administration to eliminate bad lenders. The bill empowers the Secretary of HUD to expeditiously drop lenders that break Federal Housing Administration rules, including, one, by authorizing the Department of Housing to go after lenders that break the rules but then withdraw from the program to avoid enforcement actions. We put a stop to that. We crack down on the misuse of FHA insurance issued on mortgages originated through unapproved third-party entities, and we authorize HUD to impose penalties on entities that misuse the Federal Housing Administration Ginnie Mae designations, another important housing program.

Fourth, this bill provides a safe harbor for servicers who modify a loan consistent with the Obama plan or refinance a borrower into a HOPE for Homeowners loan. This is a somewhat controversial provision because we end up having a contest between investors and bankers.

The problem is simply this: Even as more and more homeowners have fallen behind in their loans, the response of loan servicers has been inadequate to the issue. In part, their reason for not responding is because they fear they will be sued by investors or competing interests for doing so. The House of Representatives passed a very broad safe harbor provision, very similar to the one our colleague from Florida, Senator MARTINEZ, offered and passed by a voice vote in this body as part of

the Senate-passed stimulus bill several months ago. The provision was dropped in conference. The safe harbor provision in this bill is much more narrowly drawn than was the proposal by Senator MARTINEZ. I thank him for it. He was very creative in offering the idea, but there were concerns raised that it was too broad, that we should make it more narrow in its application. So as to not disadvantage investors where they have a legitimate complaint and provide a safe harbor for those who don't deserve it, the safe harbor we crafted is much more narrowly drawn than the House provision or the one that passed the Senate in order to ensure that only servicers that provide modification consistent with the Obama plan get the benefit of the safe harbor.

In addition, this bill ensures that the HOPE for Homeowners refinances are covered as well. That will not satisfy all of the investor community, but it is far better than what was in the House bill or previously authored.

The fifth provision of this bill authorizes an additional \$130 million for foreclosure prevention activities. We owe a special thanks to the majority leader, Senator REID, for its inclusion. He has been consistent over the months that I have been involved in these issues since becoming chairman of the Banking Committee 2 years ago, along with Senator SCHUMER and others, about providing additional resources for counseling. This bill provides these additional moneys. We have found in the past that where consumers are aware of what is available to them and they get advice as to how to proceed, we are able to reduce the problems of people losing their homes. Once you are in the foreclosure legal web, it is very difficult to help people. Once you are in that court setting, it is hard. So the goal is to try to catch individuals who qualify for some assistance, who would qualify for some relief before they end up in the legal bureaucracy. That is why counseling services have been so valuable over the last number of months, because they have been overwhelmed by the amount of work.

I know in my case, the head of my office in Connecticut, who has been with me for many years, literally every morning he arrives at work, he has e-mails—30, 40, 50 a day—from constituents seeking help because they fear they are about to lose their homes. I know other congressional offices as well as, of course, counselors are also being inundated with requests for help. Obviously, getting good counseling, good solid advice, is important. Senator REID has provided a very valuable contribution to this legislation with this proposal.

The sixth provision of this bill extends the \$250,000 deposit insurance level for 4 years. Presently, that level

would expire at the end of this year under an agreement reached earlier with the Chairperson of the Federal Deposit Insurance Corporation. Most people are aware that normally deposits are insured up to \$100,000 per account. However, the Emergency Economic Stabilization Act increased coverage through the end of this year. This legislation extends the higher deposit insurance limit for banks, thrifts, and credit unions to the year 2013.

Deposit insurance has been a stabilizing force in our banking system since its inception in 1933. It is worth noting that the Federal Deposit Insurance Corporation originated in the Depression years. There were three things done at that time that had as much to do with the 60 years of relative stability in our economy. One was the formation of the Securities Exchange Commission, which played a very valuable role in beginning to govern those markets and to prohibit or limit some of the wildcatting that went on that created in good part the Depression of the 1930s.

Secondly was Glass-Steagall, which has been controversial with the separation of commerce and banking. We have begun to blur those lines. I was involved in that effort back a number of years ago when we dealt with the Community Reinvestment Act. Like everyone else in this Chamber, I suspect if we were all asked if we could have anything back and redo, I wish that was one we could go back and revisit. Candidly, it seemed reasonable at the time, the firewalls. But, frankly, I think we could have done a little more to protect and separate those activities.

Third, in addition to the SEC and Glass-Steagall was the FDIC, the Federal Deposit Insurance Corporation—the run on banks. The very day Franklin Roosevelt took office in March of 1933—do not hold me to this number, but something like 5,000 banks declared a holiday, and there was a substantial run. People were frightened they were going to lose the savings they had accumulated, the deposits they had invested or put in these banks.

The Federal Deposit Insurance Corporation, providing that insurance to people that their accounts would be protected in an economic difficulty, had as much to do, if anything, in providing the kind of stability we have seen over the years. But that level of \$100,000 has been around for a while. I forget how long, but it goes back several decades—well, 1980. My good friend and colleague in the Chamber, Jonathan Miller, tells me it has probably been since the 1980s for the \$100,000, maybe even earlier. So there has been a desire to move this level up with good cause, even in the absence of the predicaments we are in.

So for those reasons, we raised it. I, for one, would have preferred we almost make it permanent—the

\$250,000—but others wanted to restrain this by the amount of time, and I respect their judgment. So there was a debate whether it should be 1 year or permanent. We settled on 4 years. My sense is, we are not going to roll this back in 4 years; it is going to be at least \$250,000.

So for those out there who are concerned about whether there is enough certainty in all of this, while I know they would have preferred a permanent increase, when you are serving with 99 other colleagues here and you are trying to get things done, you have to make some compromises. So the chairman would have liked it permanent, some of my good friends in this Chamber wanted far less than that, and we settled on 4 years. That is the reason that timeframe has come up.

This is going to be tremendously important. The significant extension of the increase in deposit insurance will be especially helpful to smaller financial institutions in our respective States that are worried there would be a run from these institutions, including community banks that derive 85 to 90 percent of their funding from deposits.

So to the community bankers across the country that rightly have been disappointed that every time we talk about banks, we fail to distinguish between the more conservative, responsible activities of our community bankers across the country and the activities of other financial institutions that have had far less than that level of responsibility—so to our friends in the community banking system across the United States: We heard you on this. Many of you would have preferred a permanent raising. I agree with you about that, but this is the best I could do with this bill. It will not roll back, in my view. Eventually, I think we will make this permanent. For the time being, it is 4 years.

By helping community banks protect and grow their deposit bases, this legislation contributes to the effort to improve the availability of capital for lending. That, of course, affects small businesses, microbusinesses, and our constituents across the country. So while this is seen as some security and stability, particularly in the community banking system, this also is very important to small businesses and investors and depositors as well. That is why this legislation needs to be seen in the full context of those who will benefit from it—not only those facing foreclosure but obviously businesses that need borrowing, need that capital to stay alive, let alone try to expand and grow during these difficult times.

The eighth provision of this bill increases the permanent borrowing authority for both the Federal Deposit Insurance Corporation and the National Credit Union Administration. The bill increases the permanent bor-

rowing authority for the FDIC from \$30 billion to \$100 billion. It has been since the 1990s—I think 1991, if I am not mistaken, was the time we settled on the \$30 billion. It has been since then that there has been—actually long before this economic crisis—a desire to raise that borrowing authority level. So in this bill, we raise the authority from \$30 billion to \$100 billion. In the credit unions, we raise it to \$6 billion.

We establish temporary additional borrowing authority from the \$100 billion to \$500 billion in the case of the FDIC and from \$6 billion to \$30 billion in the case of the National Credit Union Administration, to which the regulators may gain access only with—by the way, you only get beyond that \$100 billion with the FDIC or beyond the \$6 billion if you are part of the National Credit Union Administration if you are able to get the following agreements: The regulators may gain access only with a two-thirds vote by the Federal Deposit Insurance Corporation or the National Credit Union Administration, a two-thirds vote by the Federal Reserve Board, and agreement by the Secretary of the Treasury, in consultation with the President of the United States. Again, you have to have a two-thirds vote by the Federal Reserve Board, a two-thirds vote by the FDIC or National Credit Union Administration, approval by the Secretary of the Treasury, in consultation with the President of the United States. I hope my colleagues would feel those are enough safeguards that you would not find regulators being able to raise those amounts without going through some significant hoops, and the circumstances would have to be such that these various offices would agree.

FDIC—Federal Deposit Insurance Corporation—Chairman Sheila Bair has said that the temporary authority would allow the FDIC to reduce the special assessments on banks by as much as 50 percent, increasing lending by as much as \$75 billion.

Again, going back to our banking community and their concerns about assessments, the fact that we are doing it, reducing those assessments by as much as 50 percent, is no small achievement. Again, it is real relief. By doing so, there is the likelihood these institutions can provide additional lending because those assessments will not be too high, which helps small businesses and borrowers across the country. Again, it is not unlike raising insurance levels.

We think these provisions will also make a great contribution to getting lending going again. The one thing we all hear from our constituents over and over again is: We are having a hard time accessing capital. So we hope these provisions will provide some additional relief in that area.

The ninth provision of this bill stretches out the payment of assess-

ments to rebuild the bank, thrift, and credit union deposit insurance funds to 8 years. This is a very important provision. Again, it goes and relates to the last two provisions I talked about because, again, while we think we are providing some relief in terms of the amount of assessments, over what period of time you have to pay them is also a critical issue for these smaller lending institutions. By doing what I have just suggested—stretching it out to 8 years—community banks and credit unions will be able to devote more of their resources to making loans in the communities they serve.

This provision is especially important for credit unions because of the way their deposit insurance system is structured; otherwise, these institutions would have to rebuild their fund in 1 year, which could lead to a severe reduction in lending. So it is a major provision for both community banks and credit unions but particularly in the case of credit unions.

The 10th provision of the bill improves the FDIC's systemic risk special assessment authority. Again, it is related to the last three provisions I have mentioned. The Government's recent use of its systemic risk authority benefited large bank holding companies and their nonbank affiliates, shareholders, and creditors as well. Yet to recover any losses from systemic risk, the FDIC may now only charge banks and thrifts themselves. Obviously, this would unfairly burden community and other traditional banks, particularly those with few or no nonbank activities.

What we have done in this bill would allow the FDIC, with the Treasury Secretary's concurrence, to directly assess bank holding companies if they stand to benefit from the Government's actions and correspondingly to reduce the cost to our community banks. Again, this is a major provision. It is a technical one, maybe, to many, but again, since a lot of these institutions do not have any nonbanks—and therefore run the risk in the absence of this provision—they could end up being assessed for those charges. This would allow the Secretary of the Treasury and the regulators to seek those assessments for the institutions that ought to be assessed since they are the ones benefiting from that program.

So these provisions, while they are technical in nature, I say to my colleagues—and they are not the kinds of issues you can explain necessarily in a quick sentence before a townhall meeting—let me tell you, they are very important. Are they going to solve the economic crisis? Absolutely not. Are they going to make a difference? Absolutely. Absolutely. So while this bill does not get the same degree of notoriety that others have, it is a critical component to getting our economy moving again.

For those of you who have heard—as I have heard over and over—from our community bankers, our community small businesses: Where is the lending, we think this bill, while it is not going to cause a floodgate to open in terms of lending, it lifts a lot of those barriers and restraints that people have otherwise felt when it comes to lending practices.

So do some of these community banks and thrifts and credit unions benefit as a result of this? Yes, they do. But let me remind you, when they do, the borrowers, the homeowners, the small businesses who are desperate for that lending, that capital, or to mitigate foreclosure, are a direct beneficiary of this legislation. So this is a bill where literally both the lending institutions and the borrowers are direct beneficiaries, and one of the reasons I think it is so important we try to adopt this as quickly as we can.

My hope is that on Monday or Tuesday we will be able to handle a few of these amendments, some of which have nothing to do with this bill. We have to deal with the TARP money and others things, and I appreciate people's concerns about that issue. But let's not miss an opportunity now to get this right.

If this bill becomes loaded down with a lot of other amendments—and I am always hesitant to speak for the majority leader, but in my conversations with him, he has indicated he is not going to spend forever on this. We will come back to it—recognizing that at some point, whether it is later this summer or next fall or maybe next winter, we could come back to this, I think that would be a tragedy because I think we can get this done. Senator SHELBY and I have worked hard on a bipartisan basis to put this legislation together. We have a very good Banking Committee that has worked on this legislation as well. And I think we would miss an opportunity not to get this done.

So to my colleagues who would like to bring up a lot of other issues—and I do not question their motives or sincerity behind those ideas that have little or nothing to do with this—I would urge restraint or we may run the risk of losing an opportunity to get this bill done.

There are a lot of other matters before this body that the leader has to get up for consideration. He cares deeply about this issue, as I have evidenced by the fact that he has contributed directly to this bill. But he also has other matters that deserve our attention. He has provided me the opportunity, along with Senator SHELBY, to get this bill done. Let's not miss this opportunity.

People talk about bipartisanship, working together. That is exactly what Senator SHELBY and I have done with our respective staffs to produce this

product. It is not exactly everything Senator SHELBY would agree on. It is not everything I would agree on. But together we feel this is a product that deserves the support of our colleagues.

Let me, lastly, if I can, suggest to you that there are a number of very diverse groups that support our efforts. The Center for Responsible Lending is a strong advocate of this bill. The Credit Union National Association supports this bill. The Independent Community Bankers Association strongly supports this bill. The National Consumer Law Center supports this legislation. The American Bankers Association, the National Association of Consumer Advocates supports this bill, the Financial Services Roundtable, and the Housing Policy Council. To those who think this is just another list of organizations, let me remind those who are not familiar with these organizations, that is a very diverse list. You do not normally find consumer groups and the American Bankers Association, community bankers and the Center for Responsible Lending all agreeing on a bill. Yet that is exactly what has occurred with this legislation. So if you have any doubts about the importance of it, I would invite my colleagues to contact any of these organizations and ask them how significant this bill is.

Technical, it may be, in nature, and yet it is these technical corrections and improvements which can make a difference in the lives of our fellow citizens who are anxious—to put it mildly—that we step up and get the job done, get our economy moving again, restore our optimism and confidence as a people, and provide the kinds of steps that will move us in that direction.

Mr. President, lastly, I ask unanimous consent that letters of endorsement from various organizations I have just recited be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CREDIT UNION
NATIONAL ASSOCIATION,
Washington, DC, April 30, 2009.

MEMBERS OF THE UNITED STATES SENATE:
On behalf of the Credit Union National Association (CUNA), I am writing in support of the Dodd Substitute Amendment to S. 896. CUNA is the largest credit union trade association, representing nearly 90% of America's 8,000 state and federally chartered credit unions and their 92 million members.

CUNA strongly supports the Dodd amendment, which includes a number of provisions aimed at helping credit unions continue to help their members weather the financial crisis and maintain member confidence in credit unions. We appreciate Chairman Dodd's willingness to work with us to address credit unions' concerns. We encourage you to support the Dodd amendment when it is considered later this week. Credit unions consider this a critical vote.

The Dodd amendment would extend until the end of 2013 the increase in deposit insurance coverage (\$250,000) for the National Credit Union Share Insurance Fund (NCUSIF) that Congress enacted on a tem-

porary basis as part of the Emergency Economic Stabilization Act of 2008. This provision is an important step that will help maintain member confidence in credit unions.

The Dodd amendment also includes a number of provisions aimed at helping credit unions manage the impact of the financial crisis on the credit union system. Even though credit unions use strong underwriting standards to make loans to their members and keep most of their mortgages in portfolio, no financial institution is immune from the current economic situation. Corporate credit unions, which provide payment, settlement, investment and other services for natural person credit unions, have been particularly hard hit by the economic maelstrom.

On March 20, the National Credit Union Administration (NCUA) placed two corporate credit unions—U.S. Central and Western Corporate Federal Credit Union (Wescorp)—into conservatorship. The losses at the two corporate credit unions were created by declines in the value of mortgage-backed securities in which they invested. Although these securities were originally AAA-rated and appeared prudent when the investments were made, market developments proved to the contrary. Despite these investment losses, the payment and settlement services provided by these corporate credit unions continue to be offered on a very sound basis.

The credit union system itself is covering the losses on these corporate credit union investments by way of a significant NCUSIF insurance assessment on all federally insured natural person credit unions. Under current law, credit unions must replenish their NCUSIF deposits equal to 1% of their insured shares on an annual basis and are also subject to premium charges when the fund drops below a 1.2% equity ratio. While credit unions expect to pay for the corporate credit union problem themselves, they would like to spread the losses over time, as banks are permitted to do for their insurance costs under current law.

The Dodd amendment would increase NCUA's borrowing authority from Treasury from \$100 million to \$6 billion, with the ability to borrow as much as \$30 billion in exigent circumstances through December 2010. The amendment also establishes a Temporary Corporate Stabilization Fund that would also help NCUA to spread out credit unions' insurance costs over seven years. Spreading these costs over multiple years means that credit unions can use the funds, that otherwise would have been used to pay the assessment immediately, to make credit available to their members. CUNA strongly supports both the additional borrowing authority for NCUA as well as the establishment of the Temporary Corporate Stabilization fund.

Time is of the essence. We appreciate the Senate's timely consideration of the Dodd amendment and hope it will be enacted expeditiously.

On behalf of America's credit unions, thank you very much for your consideration. Please support the Dodd amendment.

Sincerely,

DANIEL A. MICA,
President & CEO.

APRIL 30, 2009.

Hon. CHRISTOPHER DODD, Chairman,
Hon. RICHARD SHELBY, Ranking Member,
Senate Committee on Banking, Housing and
Urban Affairs, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: We write to express our support

for two provisions of S. 896 that would remove significant obstacles to economically rational loan modifications. One would explicitly allow servicers to modify loans where the modification results in a net benefit to the investors as a whole. The other would make homeowners whose loans are insured or guaranteed by FHA, VA or USDA eligible for the same type of affordable loan modifications that other borrowers may receive under the Administration's modification program. The foreclosure problem is so severe that multiple responses are needed, including these two. These amendments are modest, tightly drawn provisions that provide the incentives or authority needed to avoid preventable foreclosures.

New projections of foreclosures on all types of mortgages during the next five years estimate 13 million defaults. Right now, more than one in ten homeowners is facing mortgage trouble. Nearly one in five homes is underwater. With the housing sector responsible for one in eight U.S. jobs, the flood of new foreclosures will contribute to the growing unemployment rates, further constrict consumer spending, and severely reduce tax revenues at all levels of government.

Servicer safe harbor. Currently, foreclosures continue to outpace the rate at which servicers are modifying loans, and affordable modifications are particularly scarce for loans that have been securitized. Servicers cite as one of the main reasons for the lack of affordable modifications their concern about being sued by investors if they modify too aggressively—both because of restrictions in their contracts with investors and because many modifications may advantage one tranche of investors over another, even when benefitting investors as a group. A "safe harbor" is needed to allow servicers attempting to do the right thing the cover to make economically rational modifications that benefit the investors as a whole.

The servicer safe harbor provision in S. 896 is narrowly drawn, addressing modifications alone, and not origination issues, fraud or any other issue. It provides a safe harbor only for modifications that are affordable in accordance with Treasury guidelines, and only those where the net present value of the modification exceeds recovery through foreclosure, according to Treasury's prescribed calculations. So its effect will be to prevent "tranche warfare" and other obstacles from standing in the way of sound, economically rational modifications.

Voluntary modifications on FHA/VA/USDA loans. A second needed provision addresses modifications of FHA, VA and USDA insured and guaranteed loans. While private label securities are at the heart of the foreclosure crisis, 10 percent of seriously delinquent loans are government loans. There are currently two significant obstacles to modifying these loans when homeowners can no longer afford monthly payments, often due to lost income in today's struggling economy. First, servicers bear all the cost of modifying these loans, which serves as a disincentive to modification. Second, servicers have no statutory authority to offer more aggressive modifications in line with the Administration's HAMP program. The relevant provisions would address both of these problems by offering servicers incentives to modify government loans and giving them the authority to place borrowers in the same types of affordable modifications available to homeowners whose loans aren't insured or guaranteed by FHA, VA or USDA.

Sincerely,

CENTER FOR RESPONSIBLE

LENDING,
NATIONAL ASSOCIATION OF
CONSUMER ADVOCATES,
NATIONAL CONSUMER LAW
CENTER (ON BEHALF OF
ITS LOW-INCOME CLIENTS).

NATIONAL ASSOCIATION OF
FEDERAL CREDIT UNIONS,
Arlington, Virginia, April 30, 2009.

Re Support Dodd-Shelby Substitute to S. 896.

Hon. CHRISTOPHER DODD,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD SHELBY,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: on behalf of the National Association of Federal Credit Unions (NAFCU), the only trade association exclusively representing the interests of our nation's federal credit unions, I am writing in support of your proposed substitute amendment to S. 896, the "Helping Families Save Their Homes Act of 2009." NAFCU welcomes this important piece of legislation and would like to offer a few comments regarding the bill.

NAFCU urges the adoption of the corporate credit union stabilization fund proposal recently released by the National Credit Union Administration and contained in the amendment. We also applaud the adoption of a longer time frame regarding the repayment of the National Credit Union Share Insurance Fund (NCUSIF). By lengthening the repayment terms to 8 years, Congress ensures credit unions will be able to focus more of their resources to making loans that will strengthen the economy, rather than having to divert resources to rebuild the NCUSIF. These changes will relieve pressure on natural-person credit unions from pending NCUSIF premiums and allow them to provide consumer and small business loans to help the economy. We would also support extending the repayment period for the corporate stabilization fund from the proposed seven years to eight years.

While NAFCU is pleased to see an increase in emergency borrowing authority for the NCUSIF to \$30 billion, we would urge the Senate to adopt a higher initial borrowing authority of \$10 billion. This change is long overdue, since the current level of \$100 million was established in 1971, and has not been modified for the growth of credit unions and their member deposits over time. While NCUA's initial request for borrowing authority was only \$6 billion, we believe more prudent action would be to enact an amount of \$10 billion, since the \$6 billion figure would only cover what is currently known to be needed for the present corporate credit union crisis, and does not cover additional amounts that may arise. This new amount of \$10 billion would not preclude the NCUA from only borrowing \$6 billion, but rather it would allow them the flexibility to deal with the current situation. The extended emergency borrowing authority of \$30 billion will help ensure the NCUA has the tools it needs should a new crisis emerge in these difficult times and is an important addition to the legislation.

Finally, as part of the Emergency Economic Stabilization Act of 2008, Congress increased the coverage on FDIC and NCUSIF insured accounts to \$250,000 through December 31, 2009. This change serves to maintain public confidence in insured depository institutions in the current economic environment. The proposed amendment would extend the higher insurance level for four more

years to 2013. While this extension would ease confusion many credit unions and their members already have about the pending sunset on December 31st, we believe that this new level should be made permanent.

NAFCU thanks you for your time and consideration regarding these matters. Should you have any questions or require any additional information please do not hesitate to contact me or Brad Thaler, NAFCU's Director of Legislative Affairs, at 703-522-4770.

Sincerely,

FRED R. BECKER, Jr.,
President and CEO.

HOUSING POLICY COUNCIL,
THE FINANCIAL SERVICES ROUNDTABLE,
Washington, DC, April 30, 2009.

Re Support for S. 896.

Hon. CHRIS DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR SHELBY: we are writing in support of your legislation, S. 896, the "Helping Americans Save Their Homes" Act. The Financial Services Roundtable and its Housing Policy Council believe this legislation will help at-risk homeowners stay in their homes and make government and private sector foreclosure prevention efforts more effective.

Mortgage servicers are working hard to assist troubled homeowners and prevent foreclosures whenever possible. Private sector efforts are providing 250,000 workouts for troubled homeowners each month. However, difficult conditions in the housing market and the overall economy are causing hardship for more homeowners. Additional support for loan modifications and other foreclosure prevention efforts are needed and this legislation will provide it.

The Helping Americans Save their Homes Act will provide additional tools to help at-risk homeowners. Two of the most important provisions in the bill are:

Expanding Access to the HOPE for Homeowners (H4H) Program. This legislation makes a number of needed changes to the Hope for Homeowners Program to make it more accessible and attractive for homeowners and lenders to utilize.

Providing a safe harbor for servicers that modify a loan consistent with the President's Making Home Affordable plan or refinance a borrower into a HOPE for Homeowners (H4H) loan. This legislation will provide additional protection to mortgage servicers who provide loan modifications to borrowers consistent with the standards in the President's Making Home Affordable loan modification program. This protection, consistent with the goal of protecting investors' interests will promote more streamlined loan modification efforts.

We also support the legislation's efforts to increase FHA's ability to eliminate bad lenders from the program. In addition, we support the authorization of additional funding for foreclosure prevention counseling and for advertising to educate borrowers and prevent mortgage scams. Counseling for homeowners and combating scams are critical part of the industry's HOPE NOW Alliance foreclosure prevention efforts and the provisions of this bill will provide more support to non-profit counselors to enable them to assist homeowners and to educate homeowners to help them resist mortgage rescue scams.

The Financial Services Roundtable and Housing Policy Council strongly support this important legislation and we urge the Senate to approve it. Thank you for considering our views.

With best wishes,

JOHN H. DALTON,
President.
STEVE BARTLETT,
President and CEO.

—
AMERICAN BANKERS ASSOCIATION,
Washington, DC, April 30, 2009.

Hon. CHRIS DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR SHELBY: I am writing on behalf of the members of the American Bankers Association in strong support of your substitute amendment to S. 896, the Helping Families Save Their Homes Act of 2009, which will soon be considered by the Senate.

The substitute provides the Federal Deposit Insurance Corporation (FDIC) with a much needed increase in its borrowing authority, extends the period for the restoration of the FDIC's deposit insurance fund from five to eight years, and provides a temporary extension (through 2013) of the FDIC's \$250,000 deposit insurance limit.

The amendment also will make it easier for servicers to modify loan agreements. It improves the Hope for Homeowners Program to make it more accessible for lenders and better able to help homeowners avoid foreclosures.

ABA urges the Senate to pass this important legislation without extraneous amendments, and we look forward to working with you to have it enacted into law as quickly as possible.

Sincerely,

FLOYD E. STONER,
Executive Vice President, Congressional Relations & Public Policy.

Mr. DODD. Mr. President, I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING FOREIGN SERVICE OFFICER BRIAN ADKINS

Mr. BROWN. Mr. President, today is Foreign Affairs Day. Each year, as part of this special day, the American Foreign Service Association and the Department of State honor Foreign Service personnel who have lost their lives while serving our Nation overseas in

the line of duty or under heroic or other inspirational circumstances. This year's Memorial Plaque Ceremony honors the life and service of Brian Adkins from Whitehall, OH, a Foreign Service officer who died on January 31, 2009, while serving in Ethiopia.

Brian, who would have turned 26 on February 2, 2009, joined the State Department in 2007 after receiving multiple degrees from George Washington University. Brian was quickly recognized for his intelligence and linguistic skill in seven languages, and the State Department assigned Brian as a consular officer to Addis Ababa, Ethiopia, in the summer of 2008. Immersing himself in the language and culture of the region, Brian dedicated his time to building a greater understanding of American values in the region and to helping Americans abroad.

Outside of his service, Brian entertained his family, friends, and coworkers as an accomplished violinist and cook. He was also a devoted Catholic who spent much of his free time volunteering and giving his time to those in need.

It is with great pride that we honor Brian Adkins and his family today. We have lost a talented and committed civil servant whose exceptional life serves to remind us of the importance and meaning of public service.

HEALTH CARE REFORM

Mr. President, for the first time in a long time, there is clear and widespread consensus that to improve the health of Americans and the strength of our Nation, we must act quickly and responsibly to reform a health care system that has failed far too many of our citizens.

The millions of uninsured, 45 million or so, and the tens of millions more underinsured Americans and the thousands of businesses struggling to compete globally with rising health insurance costs expect us to find a path forward.

With our Nation spending in excess of \$2 trillion annually on health care, with too much of our citizens only a hospital visit and a pink slip away from financial disaster, we cannot afford to squander this opportunity. We cannot settle for simply marginal improvements. Instead, we must fight in this Chamber for substantial reforms that will significantly improve our health care system.

That is why this week 15 of my colleagues and I sent a letter to Chairman KENNEDY of the HELP Committee and Chairman BAUCUS, the chairman of the Finance Committee, making the case for giving Americans a health insurance option not controlled by the health insurance industry.

We must preserve access to employer-sponsored coverage for those who want to keep their current plan, but that is clearly not enough. Again, we want to preserve access for those

Americans who have their own employer-sponsored plan, if they decide to stay in that plan, giving Americans a choice to go outside that with a private or public health insurance plan and a good policy and good choices.

At a time when too many Americans are struggling to pay health care costs, a public plan option—it is only an option—will make health insurance more affordable.

The report released this week by Consumers Union found that 30 percent of the underinsured have out-of-pocket costs of \$3,000 or more for a single year.

A Health Affairs study similarly found that one-quarter of underinsured people have deductibles of \$1,000 or more. It is estimated that half of all personal bankruptcies are caused, at least in part, by unpaid medical bills or illnesses.

A public plan option would limit out-of-pocket costs such as high deductibles and large copayments and would not abandon people. At a time when too many of our rural citizens are struggling to find quality, affordable health insurance, a public plan option will ensure access in rural and underserved areas. Too often rural communities are largely ignored by the private insurance market that targets the much more profitable large metropolitan areas with more consumers.

Private plans too often neglect sparsely populated rural areas. Instead, a public plan would be consistently available in all markets, ensuring that rural areas and our rural people are not left stranded. At a time when too many Americans are losing their jobs—and therefore losing their employer-sponsored health insurance—a public plan option will ensure portability and ensure continuity of coverage.

A public plan would ensure that those facing employment changes: Loss of job, downsizing, plant closing, moving out of the country, whatever, that those facing unemployment changes, those people would have a choice to have quality, affordable coverage backed by the strength and the reliability of the Federal Government.

A public plan, therefore, would not disappear when an American loses their job or when a marriage ends or when a dependent becomes an adult. At a time when too many Americans simply do not have stable, reliable, adequate, affordable health insurance, a public plan option is vital to ensuring the consumers have another choice.

Americans should have the choice of a public health insurance plan which would work to close the gaps in our patchwork health coverage system. There are many ways to design a public plan option for uninsured Americans and for underinsured Americans. I stand ready to work with Chairman BAUCUS and Chairman KENNEDY. I stand ready to work with Senate and House colleagues on how best to design

this public plan option as part of our overall health reforms.

Health reform must include checks and balances, including private insurance and a public insurance option for the Americans we serve.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise to speak about the Casey-Leahy-Specter-Gillibrand amendment to S. 896, the Helping Families Save Their Homes Act.

Last year, Congress included \$4 billion in the Housing and Economic Recovery Act of 2008 for the redevelopment of abandoned and foreclosed homes and residential properties, which was a crucial step toward helping neighborhoods and communities recover from the devastating foreclosure crisis. In the American Recovery and Reinvestment Act, Congress again recognized the value of the neighborhood stabilization program and the grants that go with it, known by the shorthand NSP grants, by providing another \$2 billion, this time in a competitive grant program. When a program has that much support and is so widely recognized as doing good, we want to make sure we give the beneficiaries of the program as much flexibility in using resources to help our constituents as we can. That is what this amendment is about, to provide that kind of flexibility.

The amendment allows grantees to use up to 10 percent of neighborhood stabilization program funds for foreclosure prevention activities. That is, of course, defined by the Secretary of Housing and Urban Development. Predatory lending and the subprime mortgage crisis created a wave of foreclosures that has swept the country since 2006. Many communities, however, fear a second wave that will result from the severe loss of jobs in the economic downturn and the loss of value in homes. Borrowers unable to make monthly payments due to unemployment will not be able to refinance their homes because they have plummeted in value as a result of the housing market meltdown. My amendment would offer more flexibility to grantees to use these funds for this purpose.

I urge my colleagues, as we consider housing legislation this week and next, to be mindful that the foreclosure crisis is not over. Foreclosure filings nationwide ballooned in March 2009, up 45 percent from a year ago, and in Pennsylvania we have had a total of 4,943 foreclosure filings in just the 1 month

of March. The Durbin amendment that was voted on yesterday, which was unfortunately defeated, would have saved 1.7 million homes from foreclosure.

If we will not give borrowers the tools they need to save their homes, at least we can continue to provide resources to State and local governments, community organizations, housing counselors, and the thousands of attorneys who volunteer their time and expertise to helping homeowners and families in need.

I will continue to fight for funding for housing counseling and legal services to help families. I am grateful to Senators DODD and SHELBY for the underlying legislation which I believe is a step in the right direction.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Chair.

(The remarks of Senator HARKIN pertaining to the introduction of S. 953 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HARKIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROXANA SABERI

Mr. DORGAN. Mr. President, I have come to speak about the subject of energy, but before I do that, I wish to speak about the issue of Roxana Saberi and the fact that she sits this morning in a 10-foot by 10-foot cell in Evin Prison just outside of Tehran, Iran.

Let me describe, as I have previously done so, this young woman. This is a picture of Roxana Saberi. She was born and raised and educated in Fargo, North Dakota. Her father came to this country from the country of Iran about 35 years ago. As a result, Roxana, born and raised in this country, is an American citizen. However, her father was an Iranian citizen and has Iranian citizenship. Thus, this young woman is considered an Iranian citizen as well.

Let me tell you a bit about her. She was an all-star scholar, an all-star athlete. She graduated from high school in Fargo, North Dakota. She got a bachelor's degree. She competed in the Miss North Dakota Pageant and was Miss

North Dakota. She competed in the Miss America Pageant and was one of the 10 finalists in the pageant. She went to Northwestern University and got a master's degree at Northwestern University. She then went to Cambridge, England, and in Cambridge received a master's degree in international studies. She worked for a television station in North Dakota in the middle of all of that. Later, she went to Iran because she was very interested in her heritage. While in Iran, she reported for National Public Radio and BBC in England. She reported for those entities and many others.

At the end of January of this year, she was arrested by the Iranian authorities and put in prison. She was arrested, presumably for purchasing a bottle of wine. They threw her in prison. She was there incommunicado, unable to communicate with anyone for a good long while. She was later told her arrest was not for purchasing a bottle of wine but, rather, for reporting without a license—being a reporter and reporting without a license.

She was finally allowed about a 1-minute telephone call to her parents in the United States. Then she was allowed to see an attorney. Then they held a very brief, closed-door trial in Tehran, Iran and found her guilty, sentencing her to eight years in prison for espionage.

The Iranian Government went from purchasing a bottle of wine which justified her arrest and detention in prison, to reporting without a license, to espionage, and to an 8-year prison sentence. Today, Roxana Saberi sits in a 10-foot by 10-foot cell with two other women in that prison.

I visited this week with the Swiss Ambassador to Iran, who came to this country and stopped in to see me. The reason I mention the Swiss Ambassador is because we do not have an embassy in Iran nor do we have an ambassador there. We do not have diplomatic relations with this country, so the Swiss Embassy is our protectorate. So we have an intercessor. They have been working with us to talk with the Iranian officials.

This is an unbelievable miscarriage of justice and needs to be rectified. The fact is, the Iranian officials should understand that they have detained this young journalist and thrown her in prison. They have charged her with espionage and sentenced her to eight years in prison, thus the spotlight of the world is on them. Their credibility is at stake.

I hope the Iranian officials will do the right thing: release her from prison and allow her to leave the country of Iran. It is past time, long past the time for them to make the right judgment. They have made a number of wrong judgments in recent weeks and months. This young woman has been in prison since the end of January. It is a complete miscarriage of justice. For them

to charge her with being a spy and find her guilty of espionage is almost unbelievable. They know better than that. I call on the Iranian Government to release her from prison and allow her to leave the country of Iran.

Most governments in the world have now communicated with the country of Iran about this case. I hope we will not have to be talking about this case much longer. I hope the Iranian authorities and its Government will do the right thing.

Roxana Saberi should not be in prison. She is a very accomplished young woman who was in the country of Iran because she treasured her heritage. Because she was in Iran, she was apparently arrested on what I believe are trumped-up charges and has been sentenced in a way that completely defies any reasonable sense of justice.

Again, my hope is Iranian officials will begin to do the right thing and do it very soon. I call on them to release this young woman from prison and allow her to leave the country of Iran.

ENERGY POLICY

Mr. President, I wish to talk about energy policy. There are so many different issues we confront in this country, and we have been leapfrogging from one issue to another. We have a very serious financial crisis and financial collapse in this country. We have seen, month after month after month, 600,000, 650,000 people losing their jobs, in an economy that has substantially collapsed, and we are hoping now is at bottom. We are hoping we will begin to rebuild once again. But when we talk about 3.7 million people having lost their jobs just since this recession began. This is a very serious situation.

So the financial crisis that is one issue. On top of that, day after day we hear of other significant challenges—a crisis now that might turn out to be a pandemic dealing with swine flu, and requiring the U.S. Government to move very quickly to address that. I just described one issue in Iran. The reality is that we have a country that wishes to build a nuclear weapon and imprisons innocent young women. Further, there are concerns about North Korea and their actions in recent weeks. We have no end to challenges. We are trying to figure out what and where we go with respect to Afghanistan and Pakistan. What do we do about Iraq? How do we address the issue of terrorism? There is no end to the issues we face.

I have been in both Afghanistan and in Iraq and that region dealing with, not only the internal issues of both countries which are very difficult, but the issue of terrorism in the region is something very important to us.

My point is that we are working on many issues and all of them critically important. But let me describe one issue that, if something catastrophic happened some night about midnight, would put this country flat on its back.

That concern is energy and our unbelievable dependence on foreign energy.

Let me put a chart up that shows oil consumption. This is a chart showing the top oil consumers in the world. At the top of the chart is the United States. The next largest is China and so forth. We put little straws in this planet and suck oil out. We suck 85 million barrels of oil every day out of the Earth—85 million barrels a day! One-fourth of it is needed for the United States. Think of that: One-fourth of everything that is taken out of this planet in the form of oil is needed in this country. We have an unbelievable appetite for oil to turn into energy.

Another statistic: Of the 21 million barrels a day that we use in the United States, nearly 70 percent comes from outside our country. We are 70 percent dependent on oil supplies from outside of our country. Another statistic: Nearly 70 percent of all the oil that we use is used in the transportation sector. We get behind a steering wheel, put the key in the ignition, get the seat real comfortable, put whatever we are going to put in the cup holder, and away we go using oil. As I said, 70 percent of that which we use is used in transportation, and nearly 70 percent of that which we use comes from outside our country.

Think through for a moment: If somehow terrorists interrupted the supply of oil to this country or were able to destroy one of the major supply lines or one of the major facilities in Saudi Arabia or elsewhere, then we would be in very significant difficulty. This demonstrates how we are unbelievably dependent on oil.

I think we are going to continue to use oil, natural gas and fossil fuels in our future for a long time. We are going to need to use them differently by decarbonizing them and have less CO₂ emitted, but the fact is we are going to continue to use fossil energy. Much more importantly, how do we, even as we continue to use that oil, make the U.S. less dependent on that oil which others produce? Well, the way we do that, it seems to me, is to define a different kind of energy future. To decide that, we are going to produce renewable energy and that we are going to do so by maximizing the production of renewable energy domestically. If we are producing a lot of energy from the wind and a lot of energy from the sun, or biomass or other alternatives, it means we need to import less oil. That is a fact.

We are going to have a lot of debates, and it wasn't too many months ago on the floor of the Senate that we had folks coming with big signs that said: Drill, baby, drill. Drill, baby, drill. The whole notion was you have to drill more. Well, you know what, I am for drilling more. It makes sense to me.

By the way, if you are going to drill more, the place you would go, it seems

to me, is in the eastern Gulf of Mexico—where you have substantial opportunities to achieve more production. The only area that has been newly opened in the Gulf of Mexico in recent years is something called lease 181, which four of us, myself, Senator BINGAMAN, then-Senator Talent, and Senator Domenici introduced legislation to open. It got narrowed some, but we got it done, and that became law. They had a lease sale, and we now have the opportunity to get some energy from lease 181, which is a reasonably small area in the eastern gulf.

My point is: We should drill more. Let us drill where it makes sense and add to our stock. But the fact is, that in itself will not solve our problems. Senator VOINOVICH and I introduced legislation in recent weeks called the National Energy Security Act of 2009. It is bipartisan and addresses a wide range of issues of things we have to do to address this energy issue. Right now, in the authorization committee of the Energy and Natural Resources Committee, we are beginning to write a new energy bill as well, and I am pushing very hard to include those kinds of provisions in a new energy bill that will, I hope, come to the floor of the Senate reasonably soon.

Here are the kinds of things this represents—the achievements I think we have to strive for in a new energy bill. It is what we have included in the National Energy Security Act. Number 1, reduce our dependence on foreign oil; Number 2, increase domestic production—and that is not just oil but production of all sources of energy—Number 3, electrify and diversify our vehicle fleet because as I indicated, 70 percent of our energy is used in transportation; and by doing this we can move toward an electric drive future with respect to vehicles, and then even beyond that, hydrogen fuel cells with respect to the long-term future—Number 4, create a transmission superhighway; and, Number 5, train the energy workforce of tomorrow.

The transmission superhighway is a critical part of this because we don't have a transmission superhighway similar to the interstate highway system in this country. We have a transmission system that is kind of like an old inner tube with patches on it. Much of it is old, with some new, but it does not have a transmission capability that connects all of America. What we need to do is maximize the potential of renewable energy.

How do we do that? Well, the wind blows especially hard from Texas to North Dakota. What you need to do is to capture that wind energy and move it to where it is needed. For example in North Dakota, while it can produce a lot of wind energy—the Department of Energy calls it the Saudi Arabia of wind—North Dakota doesn't need the additional wind energy. But if it can

produce it, it must move it to where it is needed. From Texas to California, in the heartland of our country, where you can produce a lot of energy from the wind, you need to have a modern grid that connects it to areas of the country that can use, and must have, the product of that wind energy.

I mean, this is simple. You take energy from the wind and, through a turbine, turn it into electricity. You can do a lot of things with it, but most notably you would put it on a grid and move it to where it is needed. Or you can, through electrolysis, separate hydrogen from water and store a hydrogen fuel from it.

This is an example of an interstate transmission system. We have all seen these. Actually, there are new technologies now that would allow it to be put underground and perhaps would be much more efficient and much less costly. But anyway, if you don't modernize the transmission grid and create a superhighway of transmission capability connecting all of America, you cannot possibly maximize wind energy or solar energy or biomass or others. You can't possibly do it. If we can get a bill to the floor of the Senate that is tepid or halting with respect to how we want to do this, or even whether we want to do it, we can talk until we are blue in the face. But we will not have done this country any favors in maximizing the production of renewable energy.

I mentioned a transmission system. The transmission system is necessary for wind and solar energy, and so on. Most of us now understand what this wind energy means. I know it was a fanciful idea not too many years ago to talk about getting energy from the wind, but with the new technology with respect to the turbines, you can put a big old tower up and some very large blades and you can grab energy from the wind and produce electricity. Once you put that tower up, you can make a few adjustments here or there, but for the next 30 years, you are going to be getting wind energy for virtually nothing. I understand we have to talk about maintenance, but understand that wind is free.

By the way, free energy comes from sun as well. As we know, the wind comes from different warming trends of the Earth, the sun shines all the time and has an unbelievable amount of energy that it focuses on the Earth, both in solar energy and wind energy. We need to harvest it and we need to take advantage of it with solar cells and a whole range of different approaches using solar and wind energy.

The only way it will work, however, is if we have, as I said, an interstate transmissions system. This system has three components to it that make it controversial: Who is going to plant it? Who is going to site it? And who is going to pay for it? Now, let me give a

statistic. In the last 9 years, we have produced 11,000 miles of natural gas pipeline in this country, moving natural gas all around the country. During those 9 years, we have been able to build only 640 miles of high voltage transmission lines. Let me say that again. We have built 11,000 miles of natural gas pipeline, and during the same period we could only build 640 miles of high voltage transmission lines.

Why is that? It is because it is hard to build transmission lines. Nobody wants them to cross their interstate transmission lines. Talking about interstate now. They have proven very difficult to build because you have several different jurisdictions that have to give approval and a good many of them simply say, "Not in my back yard. Take a hike." We have to address those issues. Is it controversial? Sure it is. But if we don't address it, I guarantee you this country can talk and talk and talk about moving toward more renewable energy, but we will never get there. We will not get there. Now, if we do that—move toward more renewable energy and put it on transmission lines to move it where it is needed—it will allow us to move toward an electric drive future for our vehicles, which I think is very important.

I have often mentioned my first vehicle as a young kid was an antique—a 1924 Model T Ford. It is interesting—I will not tell the whole story about my Model T Ford—but I restored it in 2 years as a young teenage kid. I loved to do that stuff. When I got it running again, got it painted and all fixed up, it was a car that was serviceable, right? It was running. The Model T ran. The interesting thing about vehicles is that everything—everything—in a vehicle has changed since they made a Model T—everything. It doesn't matter what you talk about—tires, the radiator, the spark plugs, you name it—it has all changed. There is now computer capability. But the one thing that hasn't changed is the gas tank. The gas tank on that car that was built nearly a century ago is the same as the gas tank on the current vehicle. You filled it the same way as you do now: You looked for a gas pump, drove up there, stuck a hose in the tank and started pumping.

Nothing has changed about the way we fuel vehicles. But we have to change that. If 70 percent of our oil is used in the vehicle fleet—in transportation in this country—then we have to decide if we are going to be less dependent on Saudi Arabia and Kuwait and Venezuela and Iraq and so on, and change the way we fuel vehicles.

Here is a picture of an electric drive vehicle. I don't quite know the form, but we have electric drive vehicles on the road today. There is much more sophistication in the development of these vehicles. In my subcommittee, I put in \$2 billion in the economic recov-

ery program for grants for battery technology because we want to lead the world in battery storage. That is part of the key to an electric drive future. We want to lead the world in storage capacity.

Some of the electric vehicles, perhaps—whether you have plug-in vehicles, plug-in hybrids, there are all kinds of different approaches—will run on batteries, and when the battery runs a bit low, there will be a tiny engine someplace that starts and provides some additional charging for the battery. There are all kinds of different approaches, but the fact is we need to move in this direction, and I believe we will. But it will happen only if we decide as a country to embrace the policies that allow us to do it, and that is substantial additional development of renewable energy—the capability of building an interstate transmission system and getting it done with high voltage wires. If we do all that, we can change our energy future. That is a fact.

I mentioned a few moments ago about drilling. The fact that I want to maximize renewable energy doesn't mean I don't want to produce what we need to produce, and that is additional oil and natural gas, and continue to use coal as we decarbonize the use of coal. But in the legislation Senator VOINOVICH and I have introduced, we open the entire eastern gulf for expansion of drilling. This is a very important area where there is substantial additional opportunity for drilling. It is now closed, by the way. This little area, lease 181, is the area we opened, the four of us, by legislation in recent years. That is the only area that has been opened. We need to do this, and we need to demonstrate we are serious about energy and all forms of energy.

I have talked a lot about production and then moving it to where it is needed. Conservation is critically important, and in the legislation we have introduced, we have substantial conservation capability as well. But the fact is, when you save a barrel of oil, it is the same as producing a barrel of oil. I believe we have great opportunity to conserve.

While I am speaking, there are a whole lot of folks who left their homes to go to work today. They have all kinds of appliances plugged in. It is true at this point that the toaster is not pushed down, toasting bread, you know. Many of the appliances are not actually triggered, but they are still using some energy because they are plugged into the wall. At midnight and 2 o'clock and 4 o'clock in the morning, almost every home is still heating water. You tell me the name of somebody who is going to shower at 3 a.m. The whole country is heating water at 2 a.m.—for what? The point is, we can do a lot more and do it a lot better through conservation. That deals with

the issues of smart grid and smart metering and a whole range of issues of that type.

If someone wonders whether all of this is important, I want to show you this black spot on the map. This is a map of the United States of America, and the lights show where electricity is used at night. You can see the population centers. But over here, there is one big black hole. That is because it is August 14, 2003, and 50 million people lost their electricity. Do you see that? Ohio to New York, 50 million Americans discovered the switch they used to flick up doesn't yield any energy, the toaster they used to push down doesn't produce any energy; no energy at all, and all of a sudden you have a huge dark spot for 50 million Americans. If you wonder about the importance of this, I am talking about the reliability of a system for something we take advantage of every single day.

We are drafting a bill right now in the Energy Committee, and there is a great deal of disagreement about a renewable energy standard requirement that at least 15 percent of electricity is produced from renewables. That should not be controversial at all. In fact, I think a couple dozen states have gone way beyond the Congress on this issue. That should be a slam dunk, but it is not.

Building a transmission system—we are going to have a lot of opposition. But no country gets where it wants to go unless it sets a course. There is an old saying: If you don't care where you are, you are never lost. This country has to set a course and say: Here is where America wants to head for a decade. If, at the end of that decade, we are not less dramatically dependent on foreign oil for this country's energy needs, we are going to be held hostage for a lot of interests around this country. We need to do this, we need to do it right, and we need to do it soon.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate at 1:31 p.m., recessed subject to the call of the Chair and reassembled at 1:34 p.m., when called to order by the Presiding Officer (Mr. BEGICH).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that other than the pending Dodd-Shelby substitute amendment, the following be the only first-degree amendments in order to S. 896, and that they be subject to second-degree amendments which would be relevant to the amendments to which offered, with a managers' amendment, which has been cleared by the managers and the leaders, in order, and that once it is offered, it be agreed to, and the motion to reconsider be laid on the table; that upon disposition of the listed amendments, the substitute amendment, as amended, if amended, be agreed to, the motion to reconsider be laid upon the table; that the bill, as amended, be read the third time, and the Senate proceed to vote on passage of the bill.

The list of amendments is as follows:

Vitter amendment No. 1016, pending; Vitter amendment No. 1017, pending; Corker amendment No. 1019, pending; Grassley amendment No. 1020; Grassley amendment No. 1021; Casey amendment No. 1033; Ensign amendment No. 1034; Kohl amendment No. 1037; Kerry amendment No. 1036; Thune amendment No. 1030; Boxer amendment No. 1035; DeMint amendment No. 1026; Isakson amendment 1027; Schumer amendment No. 1031; Reed amendment No. 1039; Feingold amendment 1032; Reed amendment No. 1040; Boxer amendment No. 1038.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on Monday, May 4, at 5 p.m., there be 30 minutes of debate, equally divided and controlled between the Senators DODD and VITTER, or their designees, to debate concurrently the Vitter amendments Nos. 1016 and 1017; that at 5:30 p.m., the Senate proceed to vote in relation to the amendments in the order listed above; that no amendments be in order to either amendment prior to a vote in relation thereto, with 2 minutes of debate equally divided prior to each vote, with the second vote 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

As of late, the focus of our nation has been on the economy and, more specifically, the price of oil and gasoline and the effects it is having on normal Americans. Most media sources are running stories on the terrible effects of \$4-5 a gallon of gas are having on the average American consumer and their widespread financial hardships.

My sincere belief is that \$4 or \$5 a gallon gas while putting a dent in the wallet is not causing widespread financial hardship on the overwhelming majority of U.S. citizens. The monthly increase for Joe Average is roughly in the \$25-100 range. This amount should be easily absorbed by virtually everyone across the U.S. There are some people for whom an increase this minor would cause them to fall into bankruptcy, but they are the people who would most likely end up in this same situation for one reason or another and who have habits and a severe lack of financial and budgeting skills that need changed more than just a little cheaper gas.

I have worked my entire professional life in the banking industry and have had to foreclose on people who could not afford to have increases in their needed expenses such as utilities, transportation, healthcare or food during good times, economically speaking. These are the same people who could have absorbed these needed increases if they had merely given up cable TV or their \$150 per month cell phone. This is the same issue we are facing today. Some sacrifices will need to be made by Joe Average but Joe ought to be able to cut back on non-necessities and absorb the extra costs. If Joe Average refuses to make the changes to his daily habits, then we should not bail him out of a situation that he put himself in and refuses to change his ways in order to get out of.

The belief I have is that \$4-5 gas will actually be a major savior not only to the US but to the human race as a whole. The high prices will force us to innovate and bring technologies that have been available for years into the mainstream, to decrease our overall use of non-renewable energy and decrease our pollution levels. Even if one does

not buy into the notion of global warming, we all know that breathing pollution is extremely harmful and expensive in terms of healthcare costs. Many pollution problems can be solved at the same time as our energy problems.

Significantly more money, in the multiple tens or hundreds of billions of dollars, needs to be spent on emerging energy-efficient technologies in order to secure a long term solution to energy and pollution problems; not to put a temporary band-aid on gas prices to win over a few votes. The peoples of the world look to the US to be a leader and innovator of new technologies and we have been sorely lacking for many years.

Most European countries and Japan are vastly further ahead both on efficiency and pollution control standards. We have many bright scientists, engineers and entrepreneurs in this country who have the ideas, goals and desires to accomplish this task; what they lack is the financial access to get the ideas into large-scale production. The U.S. vitally needs an effort on the scale of the Manhattan Project or the Apollo Program to get technology from its infancy and early adopter stages into a mature industry. These changes will in no doubt be hard on the existing industries and infrastructures as they make the changes needed to accomplish this but the long term effects are going to be felt for many generations to come and deserve to be done right. This is not something that affects just the US, rich or poor or election results; these changes need to be made for the entire human race across the globe. The US has a chance to be the world leader once again. If you wish to see some of these technologies and how they can help people, pick up the July 2008 edition of Popular Science Magazine and see what is already being done and what can be done to ensure an energy independent, energy efficient and clean way of life.

In the short term, times will be tough for many Americans and many people across the world as fuel, food and needed goods prices increase. We are a tough people and we will make the changes in our daily lives in the short term to get by, most will have very little actual changes to our lifestyles. What the American people and all people need is a change in their way of life, change in transportation, our choice of energy and our way of thinking. A great deal of the needed technologies are already developed and merely need help getting into the mainstream while others desperately need funding and qualified help to transform ideas into products. This is where the government needs to step in and be a leader and savior by starting large scale programs tackling energy, efficiency and pollution problems not pumping more oil or subsidizing inefficient ethanol for a short term quick fix.

Please step forward not just as an Idahoan or an American but as a leader of all people who honestly wants to promote the greater good for all and get legislation moving to enact large scale technological programs and set aside large scale funding in the tens or hundreds of billions of dollars to help lead the American people and the rest of the world into a brighter new future.

MATT, Boise.

It is my opinion that we as a nation need to take our undying focus off of this petroleum problem and start shopping around for a better, clearer, abundant and renewable resource that can be used for fuel. It bothers me to see gas going up so fast and always asking myself "when will it end?" and know

that so much of our tax money is [thrown] away on programs very few of us proffer from. I am not saying that all the nation's programs are pointless, but most can use a good trim. So please explain to me why you would rather fight Congress on the matter of lower fuel costs and not push alternative fuels that so many of our own citizens can grow? And what ever happened to hydrogen? Was that too obvious of a choice that it got pushed aside? Or is it because it is so abundant that no one could get rich off of it? It just makes me sick to see where we are headed. So I will pretend that you actually read this email and listened and you pretend to be keeping our best interests in mind.

A worried citizen of the richest Nation on Earth,

Daniel.

My son, with a family of seven, lives in Las Vegas and, because of high gas prices, is now biking the eight miles to work in over 100 degrees to save on gas. Their monthly fuel budget has skyrocketed to \$400 per month. My daughter works 30 miles away from her home for an auto dealership. They have continually cut workers because people are not buying cars due to the gas prices. They have recently cut a skeleton staff down to four days a week to conserve on the gas expended.

My husband and I are retired and are planning no new future trips due to the expended fuel. I have never seen such an economy. We are told that milk (a staple food) will soon be \$5 per gallon. How can growing families afford this? We will soon be down to bread and water with the skyrocketing prices. We are thoroughly fed up with both political parties for allowing the nation to come to such a state. There is trouble in every sector of the market but no one will do what is right for the nation at large. All I can see is a downward deep spiral of trouble ahead.

Thank you for listening.

RANDA, Rigby.

Here is what is going on here in Idaho and in other states as well. A lot of Americans live in rural areas. We have to get in our autos and drive rather it is to the work school groceries. As for me, I live behind the Pocatello airport, and drive 12 miles into the railroad depot to go to work. My wife teaches school in American Falls, which is 28 miles from home. Right now the summer school teachers are riding the school bus from Bannock Peak truck stop into American Falls, which really helps out. I live in eastern Power County, so back and forth [with] school activities etc.

With high gas prices, I can only see it getting worse. It is not like as in other countries [like] Europe, etc., where I can step out my front door and get on the bus. [If I could] ride my bike, I would; but we cannot so therefore I am trapped into paying high gas prices. If gas was to go to \$10 a gallon, we would be down and out stuck! What is this country going to do? We have got some real energy problems in this country and it could take us down, recession or even depression. Even the Union Pacific is affected by it; they will not even let me out notch 5 on the throttle. Fuel, fuel, fuel and the cost of fuel.

MERLIN, Pocatello.

Energy prices are certainly affecting many far and wide in the U.S. Yet the writing is clearly on the wall and we, as a country, must act quickly to adapt to a new energy world.

We can no longer afford "business as usual" policies that heavily favor supply-

side issues (extraction and generation). We must look upon the tried and true principles of saving (conservation) and diversification (alternative energies). Both these strategies must be wholly embraced by elected officials such as you if the country is to be lead out of a worsening energy crisis and on to a path toward prosperity.

While generating more traditional fuels (oil) can help, it is a short-term solution at best. Our 100+ year binge on fossil fuel is now coming to a close. We must choose how this transition will take place. It is clear that global demand is outpacing global supplies, given the best scientific (not political) assessments. While technology holds a great deal of promise, it is clear that no such magic tech bullet yet exists. We can no longer afford to stick our heads in the sand.

We need to grab this energy lever with both hands—one for conservation and one for clean alternative energy—and open the door to a new, more competitive America. Anything short of this exposed our country to great risk and makes a mockery of our independence, our innovation, our global leadership and our ability to recreate our future.

I hope you fully appreciate the decisions that face this country and will choose to take leadership role in ushering in a new day for America. The eyes of Idaho are upon you.
CRAIG, Ketchum.

As a small business owner in welding, the sharp rise in steel and gas have hit me hard. I have to use gas for my welder when in the field and electricity will be a problem in my small shop. I do not know if you are aware of the prices of steel, but all across the board I pay more than double for steel, welding rod and related items. Since my product is made of steel, it's putting a huge bite in my ability to make ends meet, let alone trying to get ahead. It is hitting me hard enough to make me wonder how long before I have to fold.

It is nonsense that we have all the resources in this great land to meet our needs without dependence on foreign supplies of oil, but we are forbidden by agencies that are run, it seems, by fanatics who have their own agenda and it is not the welfare of the people who keep this country going. Why are we not able to utilize our own oil fields and drill for oil when we know where it is. I do not understand. It is like watching a bunch of school kids fighting over who gets to kick the ball first and for how many times when I see all the nonsense going on in Washington.

Thanks for not being one of the spoiled brats in our nation's capital.

BRIAN.

Yes, gas prices have affected us dramatically. We are farmers and thus live in a rural environment. With the rising fuel prices, making a profit on our crops is extremely difficult. As diesel rises, so do fertilizers and herbicides and pesticides. They are three times more expensive than three years ago. Freight for hauling crops is way up, and so forth. Driving takes a huge bite out of our budget even though we have cut back as much as we can. Remember when America was first settled and they refused to buy from England so that they would start to be productive and self-reliant as a nation? Well, it worked did it not? We became the richest and most prosperous Nation on earth. We do not need other nations to survive. We can produce what we use ourselves. We have got ourselves into this mess and we can get out. Get Congress, the President and the Supreme

Court to stick with the specific responsibilities assigned to them by the Constitution. Allow the free market to work as it should. (Read Adam Smith's *Wealth of Nations*. The Founding Fathers relied on this wisdom.) It would be sticky for a while but Americans have always been tough. If we want America to survive then we have to fix the problem. The Constitution has the answers. America will crumble if we do not take serious action. Thank you for your efforts!

MARYLYNNE.

I am writing this in response to your letter on energy. I live in a rural area, approximately 8 miles from the town of Preston. Because of the distances involved in daily commuting and other required driving, our fuel bill has more than doubled in the last two years. Last month it was in excess of \$500.00. Gas has since risen more than .20 per gallon.

Income is not matching the rapid increase in cost of fuel and this has greatly reduced the amount of discretionary money that we have. Most of my neighbors have stated the same. Those that have the least amount to spare are the ones that are being hardest hit by the rising energy costs.

The federal government should allow and encourage all forms of energy production: drilling for oil in the Gulf and Alaska; relaxed regulations and tax breaks for new refineries; streamlined permit process for new nuclear power plants. The list is as endless as is the regulations that have been imposed on the energy companies.

Thank you for your time.

MIKE, Preston.

I receive an email stating that you would like to have Idahoans tell their stories about rising oil prices. I am a single mother of three, working full-time as it is, but now thinking about taking on another job because of the cost of gas. Our family has tried to plan a week visit to the coast for the past few years, and the cost of gas has controlled our plans! This is taking a toll on my budget and our family, knowing that every month, there is never any extra. The other option for me is to turn to a welfare program. Which is more beneficial—more people on welfare or using our oil reserves? What makes it most frustrating is that the United States has the oil! Help us out. I would like to travel somewhere with my children before they are grown up and gone.

SOPHIA, Pocatello.

With regards to your recent query about the effect of the gas prices on our family: yes, the high prices have forced changes on our family. We now combine trips to save fuel, and I now commute to work by bicycle three times a week and am losing weight doing it. We are putting much more pressure on management to allow telecommuting.

Are these all bad things? Is this a drastic problem? No, actually this is most probably a good thing. For the first time in years we, as a nation, are using less gas. While it will definitely have an impact on our lifestyle, the problem can be mitigated by lifestyle changes (carpooling, mass transit, cycling, downsizing to smaller vehicles). There are many ways to do this and virtually every nation in the world besides the U.S. has done it.

The real concern is two-fold, both of which can be considered failures by our elected officials. First, the lack of affordable mass transit. For years, our leaders have refused to lead on this situation and instead buried their heads in the sand, preferring to believe

that gas will always be at \$1/gallon. Something like a 50c/gallon tax years ago would have provided for an efficient infrastructure, reduced the demand and possibly reduced the current price increases.

The second failure is the misguided use of ethanol in the attempt to pretend that we are actually doing something to reduce our emissions. This is in reality nothing more than a subsidy to agri-business at the cost of increased food prices. Corn ethanol is nothing but a smokescreen that is contributing to increased food prices. If we are serious about ethanol, then let us import sugar cane and make the ethanol from the cane, or, even better, let us create ethanol plants in the countries that grow the sugar cane. That way we would be helping these countries, most of which are dirt poor, provide employment and earn hard currency. In turn, we would reduce our emissions without adding to the food price increases.

Yes, I know that you wanted a lot of whine-a-grams so that you could parade them in front of Congress and try and open the Arctic Refuge to drilling to benefit the oil companies, even though they are making obscene profits, but maybe we should look at reality. Drilling offshore and in the Arctic will not reduce prices. Oil companies have found that people can afford \$4/gallon gas and will manipulate the situation to keep gas prices high. The only real solution is to reduce our consumption. Let us provide business with incentives for telecommuting and usage of green energy. Let us provide communities with help and incentives for the creation of bike-paths as well as options like light rail etc.

This way we can provide for the future, reduce emissions, reduce demand for gas and in turn reduce oil and food prices. But in order to do this we need to look beyond the old mentality that got us here. Drill and consume, drill and consume is no longer going to work. It will provide nothing more than a short term minimal respite.

We look to you as one of our leaders to promote a long-term viable solution. Thank you for your time in considering this.

ROBERT.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. JOEL M. LEVY

• Mr. SCHUMER. Mr. President, I wish to pay tribute to a truly inspirational New York figure, Dr. Joel M. Levy, on the occasion of his retirement from the YAI/National Institute for People with Disabilities Network, NIPD, after 40 years of dedicated leadership of the organization.

Over this time, Dr. Levy has spearheaded the development of YAI/NIPD from a small and struggling agency into one of the Nation's leading providers of service for people of all ages with developmental and learning disabilities. In particular it is at the forefront of understanding and treatment of autism.

He has played a pivotal role in leading the social revolution which has transformed the landscape of the disabilities field and which has dramatically improved the lives of thousands upon thousands of individuals and families.

Dr. Levy's tireless efforts have created countless opportunities for those with developmental disabilities to experience greater independence, productivity, and joy through community living, meaningful employment, and volunteer activities. Furthermore, he has ensured that persons with disabilities have access to quality health care, in turn promoting their physical, mental and overall well-being.

And of great importance, Dr. Levy has positioned YAI/NIPD as an internationally acclaimed professional organization renowned for its conferences, training materials, research, and publications in this field.

In the course of his distinguished career he has clearly created a Place of Hope for all people with developmental and learning disabilities and their families.

I feel privileged on behalf of all New Yorkers to have this opportunity to salute and commend the outstanding achievements of Dr. Levy. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Banking, Housing, and Urban Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DORGAN for the Committee on Indian Affairs.

*Yvette Roubideaux, of Arizona, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Florida (for himself, Mr. MARTINEZ, Mr. GREGG, Mr.

LEAHY, Mr. INOUE, Mr. VITTER, Mr. BROWN, Mr. KAUFMAN, and Mr. BINGAMAN):

S. 951. A bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn Jr.; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Ms. CANTWELL, Mr. LEVIN, Mr. VITTER, Mr. CARDIN, Ms. LANDRIEU, and Mrs. BOXER):

S. 952. A bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN:

S. 953. A bill to provide for the establishment of programs and activities to increase influenza vaccination rates through the provision of free vaccines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 954. A bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 955. A bill to authorize United States participation in, and appropriations for the United States contribution to, the African Development Fund and the Multilateral Debt Relief Initiative, to require budgetary disclosures by multilateral development banks, to encourage multilateral development banks to endorse the principles of the Extractive Industries Transparency Initiative, and for other purposes; to the Committee on Foreign Relations.

By Mr. TESTER (for himself and Mr. ROBERTS):

S. 956. A bill to amend title XVIII of the Social Security Act to exempt unlicensed State-licensed retail pharmacies from the surety bond requirement under the Medicare Program for suppliers of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS); to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. BINGAMAN, Mr. CASEY, and Mr. FEINGOLD):

S. 957. A bill to amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. CASEY, and Mrs. GILLIBRAND):

S. 958. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2009; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 959. A bill to provide for the extension of a certain hydroelectric project located in the

State of West Virginia; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. BROWN, and Mr. CARDIN):

S. 960. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to provide access to Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a refundable and advanceable credit against income tax for payment of such premiums, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. THUNE, Mr. DORGAN, Mrs. BOXER, Mr. WHITEHOUSE, Mr. WARNER, Mr. KERRY, Mr. DURBIN, Mr. SPECTER, Mr. SCHUMER, Mr. BAYH, Mr. UDALL of New Mexico, Mr. BROWN, Mr. CARPER, and Mr. LIEBERMAN):

S. Res. 125. A resolution in support and recognition of National Train Day, May 9, 2009; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 540, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 790

At the request of Mr. BINGAMAN, the name of the Senator from Vermont

(Mr. SANDERS) was added as a cosponsor of S. 790, a bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need.

S. 909

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 944

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 944, a bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes.

S. 949

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 949, a bill to improve the loan guarantee program of the Department of Energy under title XVII of the Energy Policy Act of 2005, to provide additional options for deploying energy technologies, and for other purposes.

S. CON. RES. 16

At the request of Mr. MCCAIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Con. Res. 16, a concurrent resolution expressing the sense of the Senate that the President of the United States should exercise his constitutional authority to pardon posthumously John Arthur "Jack" Johnson for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Ms. CANTWELL, Mr. LEVIN, Mr. VITTER, Mr. CARDIN, Ms. LANDRIEU, and Mrs. BOXER):

S. 952. A bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal

blooms and hypoxia events; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009. This bill would enhance the research programs established in the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 and reauthorized in 2004, which have greatly enhanced our ability to predict outbreaks of harmful algal blooms and the extent of hypoxic zones. But knowing when outbreaks will occur is only half the battle. By funding additional research into mitigation and prevention of HABs and hypoxia, and by enabling communities to develop response strategies to more effectively reduce their effects on our coastal communities, this legislation would take the next critical steps to reducing the social and economic impacts of these potentially disastrous outbreaks.

I am proud to continue my leadership on this important issue and I particularly want to thank my counterpart on this key piece of legislation, Senator BILL NELSON. My partnership with Senator Breaux on the first two harmful algal bloom bills proved extremely fruitful, and I am pleased that Gulf of Mexico—whose coastal residents are severely impacted by both harmful algal blooms, also known as HABs, and hypoxia—will continue to be so well represented as this program moves into the future. I also want to thank the bill's additional co-sponsors, Senators CANTWELL, CARDIN, VITTER, LANDRIEU, BOXER and LEVIN for their vital contributions. We all represent coastal States directly affected by harmful algal blooms and hypoxia, and we see first hand the ecological and economic damage caused by these events.

In New England blooms of Alexandrium algae, more commonly known as “red tide” can cause shellfish to accumulate toxins that when consumed by humans lead to paralytic shellfish poisoning, PSP, a potentially fatal neurological disorder. Therefore, when levels of Alexandrium reach dangerous levels, our fishery managers are forced to close shellfish beds that provide hundreds of jobs and add millions of dollars to our regional economy. Red tide outbreaks—which occur in various forms not just in the northeast, but along thousands of miles of U.S. coastline—have increased dramatically in the Gulf of Maine in the last 20 years, with major blooms occurring almost every year.

In 2005, the most severe red tide since 1972 blanketed the New England coast from Martha's Vineyard to Downeast Maine, resulting in extensive commercial and recreational shellfish harvesting closures lasting several months at the peak of the seafood harvesting season. In a peer-reviewed study,

economists found that the 2005 event caused over \$4.9 million in lost landings of shellfish in the State of Maine alone, and more than \$20 million throughout New England.

Last year's outbreak of red tide tracked very closely the pattern of the 2005 event in both location and severity, but unlike in 2005 when nearly the entire coasts of Maine and Massachusetts were closed, resource managers had improved testing capabilities in place that allowed many localized areas to remain open. Such procedures were a direct result of programs established by the Harmful Algal Blooms and Hypoxia Research and Control Acts of 1998 and 2004.

Most recently, on April 22, 2009 researchers at Woods Hole Oceanographic Institution and North Carolina State University announced the potential for “red tide” in the Gulf of Maine this season is expected to be “moderately large”, based on a regional seafloor survey of Alexandrium abundance. This survey revealed that levels of Alexandrium are currently higher than those observed just prior to the 2005 red tide. Just a few days ago, officials from the Maine Department of Resources Marine Biotoxin Monitoring Program closed a large parcel of the Maine coast to the harvest of mussels, oysters, and carnivorous snails due to the presence of PSP. The current trend of increasing frequency and intensity of red tide events in new England waters is just one example of the need to further enhance our ability to provide detailed forecasting and testing measures. The quick response time these capabilities enable will greatly reduce the economic impact such outbreaks impose on our coastal communities.

While we have made great strides in bloom prediction and monitoring, it is clear that these problems have not gone away, but rather increased in magnitude. Harmful algal blooms remain prevalent nationwide, and areas of hypoxia, also known as “dead zones” are now occurring with increasing frequency. Within a dead zone, oxygen levels plummet to the point at which they can no longer sustain life, driving out animals that can move, and killing those that cannot. The most infamous dead zone occurs annually in the Gulf of Mexico, off the shores of Louisiana. In 2008, researchers determined that this dead zone extended over 12,875 square miles, making it the second largest since measurements began in 1985. Dead zones are also occurring with increasing frequency in more areas than ever before, including off the coasts of Oregon, the Chesapeake Bay and Texas.

The amendments contained in this legislation would enhance the Nation's ability to predict, monitor, and ultimately control harmful algal blooms and hypoxia. Understanding when these blooms will occur is vital, but

the time has come to take this program to the next level—to determine not just when an outbreak will occur, but how to reduce its intensity or prevent its occurrence all together. This bill would build on NOAA's successes in research and forecasting by creating a program to mitigate and control HAB outbreaks.

This bill also recognizes the need to enhance coordination among state and local resource managers—those on the front lines who must make the decisions to close beaches or shellfish beds. Their decisions are critical to protecting human health, but can also impose significant economic impacts. The bill would mandate creation of Regional Research and Action Plans that would identify baseline research, possible State and local government actions to prepare for and mitigate the impacts of HABs, and establish outreach strategies to ensure the public is informed of the dangers these events can present. A regional focus on these issues will ensure a more effective and efficient response to future events. And finally, this bill would, for the first time, create a pilot program to examine harmful algal blooms and hypoxia in fresh water systems.

If enacted, this critical reauthorization would greatly enhance our Nation's ability to predict, monitor, mitigate, and control outbreaks of HABs and hypoxia. Over half the U.S. population resides in coastal regions, and we must do all in our power to safeguard their health and the health of the marine environment. The existing Harmful Algal Bloom and Hypoxia Program has done a laudable job to date, and this authorization will allow them to expand their scope and provide greater benefits to the Nation as a whole. I thank Senator Bill Nelson, and all of my cosponsors again for their efforts in developing this vital legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of Harmful Algal Bloom and Hypoxia Research and Control Act of 1998.
- Sec. 3. Findings.
- Sec. 4. Purpose.
- Sec. 5. Interagency task force on harmful algal blooms and hypoxia.
- Sec. 6. National harmful algal bloom and hypoxia program.

Sec. 7. Regional research and action plans.
 Sec. 8. Reporting.
 Sec. 9. Northern Gulf of Mexico Hypoxia.
 Sec. 10. Pilot program for freshwater harmful algal blooms and hypoxia.
 Sec. 11. Interagency financing.
 Sec. 12. Application with other laws.
 Sec. 13. Definitions.
 Sec. 14. Authorization of appropriations.

SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 3. FINDINGS.

Section 602 is amended to read as follows:
“SEC. 602. FINDINGS.

The Congress finds the following:

“(1) Harmful algal blooms and hypoxia are increasing in frequency and intensity in the Nation’s coastal waters and Great Lakes and pose a threat to the health of coastal and Great Lakes ecosystems, are costly to coastal economies, and threaten the safety of seafood and human health.

“(2) Excessive nutrients in coastal waters have been linked to the increased intensity and frequency of hypoxia and some harmful algal blooms and there is a need to identify more workable and effective actions to reduce the negative impacts of harmful algal blooms and hypoxia on coastal waters.

“(3) The National Oceanic and Atmospheric Administration, through its ongoing research, monitoring, observing, education, grant, and coastal resource management programs and in collaboration with the other Federal agencies, on the Interagency Task Force, along with States, Indian tribes, and local governments, possesses a full range of capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control the human and environmental costs of harmful algal blooms and hypoxia.

“(4) Harmful algal blooms and hypoxia can be triggered and exacerbated by increases in nutrient loading from point and non-point sources, much of which originates in upland areas and is delivered to marine and freshwater bodies via river discharge, thereby requiring integrated and landscape-level research and control strategies.

“(5) Harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries; and according to a recent report produced by NOAA, the United States seafood and tourism industries suffer annual losses of \$82 million due to economic impacts of harmful algal blooms.

“(6) Global climate change and its effect on oceans and the Great Lakes may ultimately play a role in the increase or decrease of harmful algal bloom and hypoxic events.

“(7) Proliferations of harmful and nuisance algae can occur in all United States waters, including coastal areas and estuaries, the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts.

“(8) Following passage of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, Federally-funded and other

research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that provide data for forecast models, improve the monitoring and prediction of these events, and provide essential decision making tools for managers and stakeholders.”.

SEC. 4. PURPOSE.

The Act is amended by inserting after section 602 the following:

“SEC. 602A. PURPOSES.

“The purposes of this Act are—

“(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms and hypoxia through baseline research, monitoring, prevention, mitigation, and control;

“(2) to provide for the assessment of environmental, socio-economic, and human health impacts of harmful algal blooms and hypoxia on a regional and national scale, and to integrate that assessment into marine and freshwater resource decisions; and

“(3) to facilitate regional, State, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia response plans, strategies, and tools including outreach programs and information dissemination mechanisms.”.

SEC. 5. INTERAGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

(a) FEDERAL REPRESENTATIVES.—Section 603(a) is amended—

(1) by striking “The Task Force shall consist of the following representatives from—” and inserting “The Task Force shall consist of representatives of the Office of the Secretary from each of the following departments and of the office of the head of each of the following Federal agencies:”;

(2) by striking “the” in paragraphs (1) through (11) and inserting “The”;

(3) by striking the semicolon in paragraphs (1) through (10) and inserting a period.

(4) by striking “Quality; and” in paragraph (11) and inserting “Quality.”; and

(5) by striking “such other” in paragraph (12) and inserting “Other”.

(b) STATE REPRESENTATIVES.—Section 603 is amended—

(1) by striking subsections (b) through (i); and

(2) by inserting after subsection (a) the following:

“(b) STATE REPRESENTATIVES.—The Secretary shall establish criteria for determining appropriate States to serve on the Task Force and establish and implement a nominations process to select representatives from 2 appropriate States in different regions, on a rotating basis, to serve 2-year terms on the Task Force.”.

SEC. 6. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

“SEC. 603A. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

“(a) ESTABLISHMENT.—The President, acting through NOAA, shall establish and maintain a national program for integrating efforts to address harmful algal bloom and hypoxia research, monitoring, prediction, control, mitigation, prevention, and outreach.

“(b) TASK FORCE FUNCTIONS.—The Task Force shall be the oversight body for the development and implementation of the national harmful algal bloom and hypoxia program and shall—

“(1) coordinate interagency review of plans and policies of the Program;

“(2) assess interagency work and spending plans for implementing the activities of the Program;

“(3) review the Program’s distribution of Federal grants and funding to address research priorities;

“(4) support implementation of the actions and strategies identified in the regional research and action plans under subsection (d);

“(5) support the development of institutional mechanisms and financial instruments to further the goals of the program;

“(6) expedite the interagency review process and ensure timely review and dispersal of required reports and assessments under this Act; and

“(7) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions.

“(c) LEAD FEDERAL AGENCY.—NOAA shall be the lead Federal agency for implementing and administering the National Harmful Algal Bloom and Hypoxia Program.

“(d) RESPONSIBILITIES.—The Program shall—

“(1) promote a national strategy to help communities understand, detect, predict, control, and mitigate freshwater and marine harmful algal bloom and hypoxia events;

“(2) plan, coordinate, and implement the National Harmful Algal Bloom and Hypoxia Program; and

“(3) report to the Task Force via the Administrator.

“(e) DUTIES.—

“(1) ADMINISTRATIVE DUTIES.—The Program shall—

“(A) prepare work and spending plans for implementing the activities of the Program and developing and implementing the Regional Research and Action Plans;

“(B) administer merit-based, competitive grant funding to support the projects maintained and established by the Program, and to address the research and management needs and priorities identified in the Regional Research and Action Plans;

“(C) coordinate NOAA programs that address harmful algal blooms and hypoxia and other ocean and Great Lakes science and management programs and centers that address the chemical, biological, and physical components of harmful algal blooms and hypoxia;

“(D) coordinate and work cooperatively with other Federal, State, and local government agencies and programs that address harmful algal blooms and hypoxia;

“(E) coordinate with the State Department to support international efforts on harmful algal bloom and hypoxia information sharing, research, mitigation, and control.”.

“(F) coordinate an outreach, education, and training program that integrates and augments existing programs to improve public education about and awareness of the causes, impacts, and mitigation efforts for harmful algal blooms and hypoxia;

“(G) facilitate and provide resources for training of State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating harmful algal blooms and hypoxia;

“(H) support regional efforts to control and mitigate outbreaks through—

“(i) communication of the contents of the Regional Research and Action Plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders within the region for which each plan is developed; and

“(ii) overseeing the development, review, and periodic updating of Regional Research and Action Plans established under section 602C(b);

“(I) convene an annual meeting of the Task Force; and

“(J) perform such other tasks as may be delegated by the Task Force.

“(2) NOAA DUTIES.—NOAA shall maintain and enhance—

“(A) the Ecology and Oceanography of Harmful Algal Blooms Program;

“(B) the Monitoring and Event Response for Harmful Algal Blooms Program;

“(C) the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program; and

“(D) the Coastal Hypoxia Research Program.

“(3) PROGRAM DUTIES.—The Program shall—

“(A) establish—

“(i) a Mitigation and Control of Harmful Algal Blooms Program—

“(I) to develop and promote strategies for the prevention, mitigation, and control of harmful algal blooms; and

“(II) to fund research that may facilitate the prevention, mitigation, and control of harmful algal blooms; and

“(III) to develop and demonstrate technology that may mitigate and control harmful algal blooms; and

“(ii) other programs as necessary; and

“(B) work cooperatively with other offices, centers, and programs within NOAA and other agencies represented on the Task Force, States, and nongovernmental organizations concerned with marine and aquatic issues to manage data, products, and infrastructure, including—

“(i) compiling, managing, and archiving data from relevant programs in Task Force member agencies;

“(ii) creating data portals for general education and data dissemination on centralized, publicly available databases; and

“(iii) establishing communication routes for data, predictions, and management tools both to and from the regions, states, and local communities.”.

SEC. 7. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 6, is amended by inserting after section 602A the following:

“SEC. 602B. REGIONAL RESEARCH AND ACTION PLANS.

“(a) IN GENERAL.—The Program shall—

“(1) oversee the development and implementation of Regional Research and Action Plans; and

“(2) identify appropriate regions and subregions to be addressed by each Regional Research and Action Plan.

“(b) REGIONAL PANELS OF EXPERTS.—

“(1) IN GENERAL.—In accordance with the schedule set forth in paragraph (2), the Program shall convene a panel of experts for each region identified under subsection (a)(2) from among—

“(A) State coastal management and planning officials;

“(B) water management and watershed officials from both coastal states and non-coastal states with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

“(C) public health officials;

“(D) emergency management officials;

“(E) nongovernmental organizations concerned with marine and aquatic issues;

“(F) science and technology development institutions;

“(G) economists;

“(H) industries and businesses affected by coastal and freshwater harmful algal blooms and hypoxia;

“(I) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

“(J) other stakeholders as appropriate.

“(2) SCHEDULE.—The Program shall—

“(A) convene panels in at least $\frac{1}{3}$ of the regions within 9 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009;

“(B) convene panels in at least $\frac{2}{3}$ of the regions within 21 months after such date; and

“(C) convene panels in the remaining regions within 33 months after such date; and

“(D) reconvene each panel at least every 5 years after the date on which it was initially convened.

“(c) PLAN DEVELOPMENT.—Each regional panel of experts shall develop a Regional Research and Action Plan for its respective region and submit it to the Program for approval and to the Task Force. The Plan shall identify appropriate elements for the region, including—

“(1) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

“(2) regional priorities for ecological and socio-economic research on issues related to, and impacts of, harmful algal blooms and hypoxia;

“(3) research needed to develop and advance technologies for improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

“(4) State and local government actions that may be implemented—

“(A) to support long-term monitoring efforts and emergency monitoring as needed;

“(B) to minimize the occurrence of harmful algal blooms and hypoxia;

“(C) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

“(D) to address human health dimensions of harmful algal blooms and hypoxia; and

“(E) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

“(5) mechanisms by which data and products are transferred between the Program and State and local governments and research entities;

“(6) communication, outreach and information dissemination efforts that State and local governments and nongovernmental organizations can undertake to educate and inform the public concerning harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

“(7) pilot projects, if appropriate, that may be implemented on local, State, and regional scales to address the research priorities and response actions identified in the Plan.

“(d) PLAN TIMELINES; UPDATES.—The Program shall ensure that Regional Research and Action Plans developed under this section are—

“(1) completed and approved by the Program within 12 months after the date on which a regional panel is convened or reconvened under subsection (b)(2); and

“(2) updated no less frequently than once every 5 years.

“(e) FUNDING.—

“(1) IN GENERAL.—Subject to available appropriations, the Program shall make fund-

ing available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved Regional Research and Action Plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant Regional Research and Action Plan.

“(2) APPLICATION; ASSURANCES.—Any organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require any organization receiving funds under this subsection to utilize the mechanisms described in subsection (c)(5) to ensure the transfer of data and products developed under the Plan.

“(3) ELIGIBLE ORGANIZATION.—In this subsection, the term ‘eligible organization’ means—

“(A) a nongovernmental researcher or organization; or

“(B) any other entity that applies for funding to implement the State, local, and nongovernmental control, mitigation, and prevention strategies identified in the relevant Regional Research and Action Plan.

“(f) INTERMEDIATE REVIEWS.—If the Program determines that an intermediate review is necessary to address emergent needs in harmful algal blooms and hypoxia under a Regional Research and Action Plan, it shall notify the Task Force and reconvene the relevant regional panel of experts for the purpose of revising the Regional Research and Action Plan so as to address the emergent threat or need.”.

SEC. 8. REPORTING.

Section 603, as amended by section 5, is amended by adding at the end thereof the following:

“(c) BIENNIAL REPORTS.—Every 2 years the Program shall prepare a report for the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Science and Technology and on Natural Resources that describe—

“(1) activities, budgets, and progress on implementing the national harmful algal bloom and hypoxia program;

“(2) the proceedings of the annual Task Force meetings; and

“(3) the status, activities, and funding for implementation of the Regional Research and Action Plans, including a description of research funded under the program and actions and outcomes of Plan response strategies carried out by States.

“(d) QUINQUENNIAL REPORTS.—Not less than once every 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009, the Task Force shall complete and submit a report on harmful algal blooms and hypoxia in marine and freshwater systems to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Science and Technology and on Natural Resources. The report shall—

“(1) evaluate the state of scientific knowledge of harmful algal blooms and hypoxia in marine and freshwater systems, including their causes and ecological consequences;

“(2) evaluate the social and economic impacts of harmful algal blooms and hypoxia, including their impacts on coastal communities, and review those communities’ efforts and associated economic costs related to event forecasting, planning, mitigation, response, and public outreach and education;

“(3) examine and evaluate the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

“(4) describe advances in capabilities for monitoring, forecasting, modeling, control, mitigation, and prevention of harmful algal blooms and hypoxia, including techniques for, integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies at Federal and regional levels;

“(5) evaluate progress made by, and the needs of, Federal, regional, State, and local policies and strategies for forecasting, planning, mitigating, preventing, and responding to harmful algal blooms and hypoxia, including the economic costs and benefits of such policies and strategies;

“(6) make recommendations for integrating, improving, and funding future Federal, regional, State, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia; and

“(7) describe communication, outreach, and education efforts to raise public awareness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention.”.

SEC. 9. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows:

“SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

(a) TASK FORCE ANNUAL PROGRESS REPORTS.—For each of the years from 2009 through 2013, the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force shall complete and submit to the Congress and the President an annual report on the progress made by Task Force-directed activities toward attainment of the Coastal Goal of the Gulf Hypoxia Action Plan 2008.

(b) TASK FORCE 5-YEAR PROGRESS REPORT.—In 2013, that Task Force shall complete and submit to Congress and the President a 5-Year report on the progress made by Task Force-directed activities toward attainment of the Coastal Goal of the Gulf Hypoxia Action Plan 2008. The report shall assess progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects. The report shall include an evaluation of how current policies and programs affect management decisions, including those made by municipalities and industrial and agricultural producers, evaluate lessons learned, and recommend appropriate actions to continue to implement or, if necessary, revise this strategy.

SEC. 10. PILOT PROGRAM FOR FRESHWATER HARMFUL ALGAL BLOOMS AND HYPOXIA.

The Act, as amended by section 7, is amended by inserting after section 603B the following:

“SEC. 603C. PILOT PROGRAM FOR FRESHWATER HARMFUL ALGAL BLOOMS AND HYPOXIA.

“(a) PILOT PROGRAM.—The Secretary shall establish a collaborative pilot program with the Environmental Protection Agency and other appropriate Federal agencies to examine harmful algal blooms and hypoxia occurring in freshwater systems, including the Great Lakes. The pilot program shall—

“(1) assess the issues associated with, and impacts of, harmful algal blooms and hypoxia in freshwater ecosystems;

“(2) research the efficacy of mitigation measures, including measures to reduce nutrient loading; and

“(3) recommend potential management solutions.

“(b) REPORT.—The Secretary of Commerce, in consultation with other participating Federal agencies, shall conduct an assessment of the effectiveness of the pilot program in improving freshwater habitat quality and publish a report, available to the public, of the results of the assessment.”.

SEC. 11. INTERAGENCY FINANCING.

The Act is amended by inserting after section 604 the following:

“SEC. 604A. INTERAGENCY FINANCING.

“The departments and agencies represented on the Task Force are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Task Force for the purposes of carrying out any administrative or programmatic project or activity under this Act, including support for the Program, a common infrastructure, information sharing, and system integration for harmful algal bloom and hypoxia research, monitoring, forecasting, prevention, and control. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Task Force member and the costs of the same.”.

SEC. 12. APPLICATION WITH OTHER LAWS.

The Act is amended by inserting after section 606 the following:

“SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

“Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.”.

SEC. 13. DEFINITIONS.

(a) IN GENERAL.—The Act is amended by inserting after section 605 the following:

“SEC. 605A. DEFINITIONS.

“In this Act:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the NOAA.

“(2) HARMFUL ALGAL BLOOM.—The term ‘harmful algal bloom’ means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

“(3) HYPOXIA.—The term ‘hypoxia’ means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

“(4) NOAA.—The term ‘NOAA’ means the National Oceanic and Atmospheric Administration.

“(5) PROGRAM.—The term ‘Program’ means the Integrated Harmful Algal Bloom and Hypoxia Program established under section 603A.

“(6) REGIONAL RESEARCH AND ACTION PLAN.—The term ‘Regional Research and Action Plan’ means a plan established under section 602B.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce, acting through NOAA.”.

“(8) TASK FORCE.—The term ‘Task Force’ means the Interagency Task Force established by section 603(a).

“(9) UNITED STATES COASTAL WATERS.—The term ‘United States coastal waters’ includes the Great Lakes.”.

(b) CONFORMING AMENDMENT.—Section 603(a) is amended by striking “Hypoxia

(hereinafter referred to as the ‘Task force’).” and inserting “Hypoxia.”.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 605 is amended to read as follows:—

“SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to NOAA to implement the Program under this title \$40,000,000 for each of fiscal years 2010 through 2014, of which up to \$10,000,000 shall be allocated each fiscal year to the creation of Regional Research and Action Plans required by section 602B.

“(b) EXTRAMURAL RESEARCH ACTIVITIES.—The Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.

“(c) PILOT PROGRAM.—In addition to any amounts appropriated pursuant to subsection (a), there are authorized to be appropriated to NOAA such sums as may be necessary to carry out the pilot program established under section 603C.”.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation that will address an ongoing problem that adversely affects local communities and coastal areas around my home State of Florida and across coastal and Great Lakes States.

Today, Senator SNOWE and I, along with Senators BOXER, CANTWELL, CARDIN, LANDRIEU, LEVIN and VITTER, introduced a bill that would reauthorize and enhance the Harmful Algal Bloom and Hypoxia Research and Control Act, HABHRCA, which was enacted in 1998 and reauthorized 5 years ago. This act enabled critical monitoring, forecasting, and research activities that have greatly improved our understanding and prediction of harmful algal blooms, nuisance blooms like red drift, and low-oxygen or hypoxia events that plague our estuaries and coastal waters.

We have made great strides through HABHRCA to address this problem, but there is more yet to do. Reports of harmful algal blooms in U.S. waters and around the world have drastically increased over the past 3 decades.

Harmful algae can produce potent toxins causing illness and death in humans, fish, seabirds, marine mammals like manatees and dolphins, and other oceanic life. Other harmful algae are non-toxic to humans, but can still cause damage to ecosystems, corals, fisheries resources, and recreational facilities. Harmful algae also have a significant economic impact. A 2006 study conservatively estimated that coastal harmful algal blooms cost more than \$82 million per year on average in the U.S., with the majority of impacts in the public health and commercial fisheries sectors.

Virtually every coastal state in the country is affected by harmful algal blooms. For instance, toxins from harmful algae found in razor clams along the Pacific Coast eventually shut down Washington’s clam fishery in 2002. This event resulted in \$10–12 million in lost revenue. In 2005, a red tide

event in New England caused closures of shellfish harvesting to prevent paralytic shellfish poisoning in humans. These closures resulted in approximately \$18 million in lost shellfish sales in Massachusetts and \$4.9 million in Maine. In Hawaii, macroalgal blooms, which impact coral reefs and local aesthetics, result in more than \$20 million in lost revenue every year due to reductions in real estate value, lost hotel business, and increased clean-up costs.

A particularly devastating and intense red tide struck the Gulf Coast of my home State of Florida in the summer of 2005, causing widespread animal deaths as well as public health and economic problems. The St. Petersburg/Clearwater Area Convention and Visitors Bureau estimated upwards of \$240 million in losses for the Tampa region as a result of this bloom.

Scientists have told us that red tides are a lot like hurricanes—complex but natural phenomena that can have profound impacts on our environment and society. Although we may not be able to stop this natural process, we can do more to predict it and take actions to minimize its impacts on our citizens and natural resources.

In April 2008, researchers predicted a severe outbreak of New England Red Tide, *Alexandrium fundyense*, which produces potent neurotoxins that are filtered by shellfish. When humans consume contaminated shellfish they become extremely ill and can die without immediate medical treatment. This was the first time that researchers could issue a prediction of this kind several weeks in advance. The 2008 prediction was derived from a model based on 10 years of ecosystem research in the Gulf of Maine. The prediction was remarkably accurate, and it allowed State managers and the shellfish aquaculture industry to plan for a difficult season. By showing the news media and the public that the event was expected and that state managers were prepared, the prediction may have also reduced the “halo” effect in which shellfish harvesting closures in one area reduce shellfish and fish sales from areas unaffected by toxicity. This prediction was made possible from research funded under programs authorized by HABARCA.

It is clear that harmful algal blooms and hypoxia events can have devastating impacts on water and air quality, aquatic species, wildlife, and beach conditions, which in turn affect public health, commercial and recreational fishing, tourism, and related businesses in our coastal communities. The question becomes, what can we do to stop this? If we can't stop these events, how can we better plan for them and take steps to minimize the impacts?

We have learned from scientists and researchers that some harmful algal blooms and red drift events can be trig-

gered by excess nutrients from upland areas that wash into rivers and are delivered to the coast. Because this problem often crosses political and geographic boundaries, we must pursue solutions that are regional in nature and bring together expertise from all levels of government, from academia, and from other outside groups who have a stake in keeping our coastal waters healthy, clean, and productive.

Senator SNOWE and I have worked together to craft a bill that will not only continue critical research on harmful algal blooms and hypoxia, but will help address some of these pressing needs that exist on every coast—from the Atlantic and Gulf of Mexico, to the Pacific and the Great Lakes. Our bill will help to integrate and improve coordination among the government's programs that study and monitor these events. The bill also would improve how regional, state, and local needs are considered when prioritizing research grants and developing related products. Most importantly, this bill would focus new resources on translating research results into tools and products that state and local governments can use to help prevent, respond to, and mitigate the impacts of these events.

Although we have made significant progress in identifying some of the causes and consequences of harmful algal blooms and hypoxia since 1998, much work remains to find solutions that minimize the occurrence of these events and enable our coastal communities to become resilient to the impacts. This legislation to amend and reauthorize the Harmful Algal Blooms and Hypoxia Act represents an important step toward realizing those goals.

In closing, I would like to recognize Senator SNOWE for her leadership on this issue. As the sponsor of both the original legislation in 1998 and the 2004 amendments, her expertise on harmful algal blooms and the impacts of these events on her constituents has proved invaluable as we developed the measure before us today. I look forward to working with Senator SNOWE, in her role as ranking member of the Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee of the Commerce, Science, and Transportation Committee, as well as with Chairman CANTWELL and the other members of the subcommittee, to debate this important legislation.

By Mr. HARKIN:

S. 953. A bill to provide for the establishment of programs and activities to increase influenza vaccination rates through the provision of free vaccines; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am introducing the Seasonal Influenza and Pandemic Preparation Act of 2009. The bill was given the number S. 953. This bill would establish a nationwide free,

voluntary influenza vaccination program, under which any individual in this country may receive an annual influenza vaccine shot free of charge.

I offered this bill 3 years ago because at that time we started the process of building up our vaccine capacity. I will have more to say about that. What is happening currently with H1N1 being almost at a pandemic stage now, it brings home again what we need to do in this country to be prepared, and that is what this bill is about. Offering free flu shots to everyone in the United States is a good idea in and of itself.

The Centers for Disease Control and Prevention says an average of more than 40,000 Americans die each year from flu-related diseases and causes. Think about that: 40,000 Americans die every year due to flu-related causes. Seasonal flu is responsible for more than 31 million outpatient visits and more than 3 million days annually in the hospital. Seasonal flu costs the U.S. economy nearly \$90 billion annually, including \$10 billion in direct medical costs—\$10 billion a year just in direct medical costs. Think about that: 40,000 people dying every year, \$10 billion in direct medical costs, \$90 billion annually in lost productivity to our economy, over 3 million days in the hospital every year, and this is seasonal flu.

We can significantly reduce all those numbers. In addition, there is some evidence that people who are vaccinated each year against seasonal flu viruses actually build up a limited degree of resistance to pandemic viruses. So strictly as a matter of prudent prevention, it is desirable to maximize the number of Americans who are vaccinated against flu each year. By offering the vaccinations for free and making them conveniently available, we would remove major barriers to more widespread participation.

There is precedence for this. Medicare, right now, will pay for one seasonal flu shot for everybody on Medicare every year. So we already have that out there. We just need to get it to the rest of the population.

There are other compelling reasons for establishing a nationwide voluntary free flu vaccination program. Let me explain.

As chairman of the appropriations subcommittee that funds health programs, I have taken the lead in the past in providing funding to prepare for a future flu pandemic. Since 2006, my subcommittee has provided more than \$6 billion to these activities.

As a consequence, while public health authorities in the United States may have been surprised by the H1N1 virus outbreak, they have not been caught unprepared. To the contrary, since 2006 we have undertaken very robust measures to prepare for exactly this kind of outbreak and potential pandemic.

First, we have made major investments in antivirals that can be given

to a person once exposed and shows signs of the illness. We have made major investments in medical equipment, which are right now, as we speak, being distributed nationally to our local public health authorities across the country. Many of them are now in place. Many started going out earlier this week. I daresay that probably most, if not all, of them are probably out there right now—from the stockpiles that we built up. There are over 50 million doses of Tamiflu and Relenza that we built up in our stockpile. Well, not all of that, but most of it, has gone out around the country to be prepared.

Second, we have stepped up our public health and surveillance activities, which helped us to detect the H1N1 virus earlier than we otherwise might have.

Third, we have increased the capacity of the Centers for Disease Control and Prevention to identify viruses and respond aggressively and very immediately, including producing what is called a “seed” virus, necessary for the development of a vaccine. That is being done right now.

Fourth, we have also made major investments in building up our vaccine production capacity in the United States. Mr. President, when we started on this in 2005, there was at that time only one plant in the entire United States of America that could produce flu vaccines—one. I believe it is located in Pennsylvania, and that was making vaccines based upon an old methodology of using eggs. We had to use millions of eggs every year to produce that vaccine, and that takes a long time.

There have been, in the research and development, processes by which we can make cell-based vaccines. We can shorten the timeframe. That is nice, but we don't have any cell-based plants in the United States. In the fiscal 2006 bill, we put over \$3 billion out there to build these plants. They are being built now. So we are building up our vaccine production capacity and doing it in a way in which we can get the vaccines produced more rapidly.

Fifth, we have funded research into adjuvants. These are agents that increase the vaccine's effectiveness. Let me put it this way. If we have one dose of a vaccine, we might actually be able to cut that dose down and give that one dose to four or five people by adding the adjuvant to it.

Lastly, we have worked with State and local public health agencies to boost their capacity to respond to a flu pandemic. We have done that, but because of the economic downturn many of our State budgets have been slashed. In our States around the country, we were told at our hearing the other day, over 60,000 people have been laid off from our public health agencies. That makes it more difficult to get the antivirals out to people who may come

down with H1N1 or any other kind of flu virus.

Because of all these things we did, I think I can safely say there is no reason for anyone anywhere in the United States to panic because of the H1N1 flu virus. As I said, one of the most important things we have done is to build up our vaccine manufacturing capacity.

Here is the problem. This really is the crux of this bill I have introduced today. Say we build up the vaccine manufacturing capacity and we build these plants that can respond aggressively and immediately to a pandemic outbreak. What happens the rest of the time? What happens? Do they sit there idle, not being utilized? We cannot have that.

What we need to do is to use these plants, then, to make more of the seasonal flu vaccines every year. Well, if we have the plants out there, and they make more of the seasonal flu viruses but not everybody is using them, what do we do, just throw it away? We want the plant capacity to prepare for any pandemic in the future, but they need to be active and they need to produce annually. If they are going to produce annually, then we have to find something to do with these vaccines.

By offering annual free vaccines to every single person in America, we will keep our vaccine production capacity up and running. It will be ready to shift at a moment's notice, when necessary, from producing seasonal flu vaccines to a mass production of vaccines to fight any future outbreak or pandemic.

There is another reason for this bill. If we are faced with a flu virus pandemic, we are going to have to mobilize people. We are going to have to get the vaccines out in a hurry and get the vaccines right down to the individual people all over this country—people in small towns and communities, in rural areas, and in cities. Well, by having an annual free flu vaccination, we will give public health agencies across America valuable experience in administering vaccines to masses of people, local agencies that will have a reason to develop trained cadres of people who are capable of administering vaccines.

We will also develop an established network of sites that might include grocery stores, shopping malls, schools, places of worship, and senior centers where people can conveniently go to get vaccinated in case of an outbreak. These annual activities will significantly increase State and local public health readiness to fight a pandemic. Not all these people are going to be employed by the Government. These will be volunteers, but they will be trained. They will know where to go and how to administer a vaccine because they will be doing it on an annual basis, free of charge, to people. We will build up a network of sites and a cadre of people who can be relied upon in case we face a pandemic.

On Tuesday, in response to the H1N1 outbreak, I chaired an emergency hearing on the Health Appropriations Subcommittee. We heard assessments of the outbreak from top medical experts, including Dr. Anthony Fauci, the renowned and remarkable Director of the National Institute of Allergy and Infectious Diseases at NIH.

Years ago, when we first started this, back in 2005, Dr. Fauci warned us that it is not a matter of “whether” there will be a flu pandemic but rather “when” it will happen. It is not a matter of whether but when.

When the Senate drafted its version of the American Recovery and Reinvestment Act this year—the stimulus bill—I included an additional \$870 million for pandemic preparedness. Most of that funding was to be used to complete the work of building up our vaccine production capacity; in other words, to get these plants built more rapidly. Unfortunately, it was taken out in the final bill. Again, what we are trying to do is shift from egg-based production to cell-based production, so we can get these vaccines developed more rapidly. Taking it out of the stimulus bill was the typical short-sighted resistance that I have often encountered when I talk about this.

Some accused me a couple years ago of crying wolf. The wolf is here. One day in the future we can encounter an even worse wolf, such as the flu pandemic of 1918, which was the Spanish flu. It infected one out of three people worldwide and killed more than 50 million people. It would be the height of folly not to do what we can to prepare for such a possibility. The harsh reality is that we have repeatedly experienced flu pandemics. I mentioned the one of 1918 and 1919.

There was the Asian flu pandemic of 1957 and 1958 that killed over 1.5 million people.

The Hong Kong flu pandemic of 1968 and 1969 killed over 1 million people. Not only did it kill over 1 million people, it caused hundreds of millions of illnesses and hospital stays all across the globe.

We cannot predict the future course or severity of the current H1N1 outbreak, but clearly it is one more wake-up call.

Again, I am reintroducing the Seasonal Influenza and Pandemic Preparation Act today as a stand-alone bill. I first introduced it in 2005, as I said. It is now a stand-alone bill. We either pass it that way or, if not, I plan to incorporate it into the prevention and public health title of comprehensive health reform legislation that we will hopefully pass this year. A program offering annual free flu shots to every American is exactly the kind of smart, cost-effective, prevention-focused public health that must be at the center of our reformed health care system in America. It will save lives and money.

When—when not whether—a pandemic flu strikes the U.S. in the future, we will be ready.

I encourage Senators to cosponsor the legislation. I think this is one more wake-up call and we have to move ahead aggressively in preparing for these pandemics. As Dr. Fauci said, it is not a question of whether, it is only a question of when and how severe it will be. We don't know.

I remind people that a few years ago when we started this, back in 2005, we were confronting the possible pandemic of an avian flu or H5N1 flu, which started in Southeast Asia. Thanks to surveillance, to the CDC, and to a lot of people working on it, we were able to contain it. That H5N1 avian flu is one of the most deadly we have confronted, with over a 50-percent mortality. One out of every two persons who contracted it died. Now we have contained it and tamped it down. That H5N1 virus is still out there and, periodically, we pick it up in places such as Southeast Asia.

There was a thought that because of migratory birds, it may be spread to other places, but we don't know that.

But because it has reared its ugly head, because we know that virus is out here someplace, it behooves us to do everything we can to protect the people of this country and in doing so to prepare. I hope it doesn't happen. I hope when there is a pandemic flu, it will be just a mild one and will not kill people. But we don't know. The best way to prepare for it is to build up our vaccine-manufacturing capacity as rapidly as possible; secondly, make sure our public health agencies on the State and local levels are ready to go, that they are trained, that they are equipped; and thirdly, that we have some experience, that we know how to do this.

One of the best ways is to give everyone a free flu shot every year—everyone, a voluntary free flu shot every year. To me, that will set us up well to prepare for and to protect the American people against any flu pandemic that may come our way in the future.

By Mr. DURBIN (for himself, Mr. BINGAMAN, Mr. CASEY, and Mr. FEINGOLD):

S. 957. A bill to amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN: Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Health Emergency Response Act of 2009”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Since 2000, the Secretary of Health and Human Services has declared that a public health emergency existed nationwide in response to the attacks of September 11th and in response to Hurricanes Katrina and Rita.

(2) In the event of a public health emergency, compliance with recommendations to seek immediate care may be critical to containing the spread of an infectious disease outbreak or responding to a bioterror attack.

(3) Nearly 16 percent of Americans lack health insurance coverage.

(4) Fears of out-of-pocket expenses may cause individuals to delay seeking medical attention during a public health emergency.

(5) A public health emergency may disrupt health care assistance programs for individuals with chronic conditions, exacerbating the costs and risks to their health.

(6) The uninsured could place great financial strain on health care providers during a public health emergency.

(7) The Department of Health and Human Services Pandemic Influenza Plan projects that a pandemic influenza outbreak could result in 45,000,000 additional outpatient visits, with 865,000 to 9,900,000 individuals requiring hospitalization, depending upon the severity of the pandemic.

(8) Hospitals in the United States could lose as much as \$3,900,000,000 in uncompensated care and cash flow losses in the event of a severe pandemic.

(9) Under current statute, no dedicated mechanism exists to reimburse providers for uncompensated care during a public health emergency.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide temporary emergency health care coverage for uninsured and certain otherwise qualified individuals in the event of a public health emergency declared by the Secretary of Health and Human Services;

(2) to ensure that health care providers remain fiscally solvent and are not overburdened by the cost of uncompensated care during a public health emergency;

(3) to eliminate a primary disincentive for uninsured and certain otherwise qualified individuals to promptly seek medical care during a public health emergency; and

(4) to minimize delays in the provision of emergency health care coverage by clarifying eligibility requirements and the scope of such coverage and identifying the funding mechanisms for emergency health care services.

SEC. 3. EMERGENCY HEALTH CARE COVERAGE.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following new section:

“SEC. 319K-1. EMERGENCY HEALTH CARE COVERAGE.

“(a) ACTIVATION AND TERMINATION OF EMERGENCY HEALTH CARE COVERAGE.—

“(1) BASED ON PUBLIC HEALTH EMERGENCY.—

“(A) IN GENERAL.—The Secretary may activate the coverage of emergency health care services under this section only if the Secretary determines that there is a public health emergency.

“(B) DETERMINATION OF PUBLIC HEALTH EMERGENCY.—For purposes of this section, there is a ‘public health emergency’ only if a public health emergency exists under section 319.

“(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Secretary shall consider a range of factors including the following:

“(A) The degree to which the emergency is likely to overwhelm health care providers in the region.

“(B) The opportunity to minimize morbidity and mortality through intervention under this section.

“(C) The estimated number of direct casualties of the emergency.

“(D) The potential number of casualties in the absence of intervention under this section (such as in the case of infectious disease).

“(E) The potential adverse financial impacts on local health care providers in the absence of activation of this section.

“(F) Whether the need for health care services is of sufficient severity and magnitude to warrant major assistance under this section above and beyond the emergency services otherwise available from the Federal Government.

“(G) Such other factors as the Secretary may deem appropriate.

“(3) TERMINATION AND EXTENSION.—

“(A) IN GENERAL.—Coverage of emergency health care services under this section shall terminate, subject to subsection (c)(2), upon the earlier of the following:

“(i) The Secretary's determination that a public health emergency no longer exists.

“(ii) Subject to subparagraph (B), 90 days after the initiation of coverage of emergency health care services.

“(B) EXTENSION AUTHORITY.—The Secretary may extend a public health emergency for a second 90-day period, but only if a report to Congress is made under paragraph (4) in conjunction with making such extension.

“(4) REPORT.—

“(A) IN GENERAL.—Prior to making an extension under paragraph (3)(B), the Secretary shall transmit a report to Congress that includes information on the nature of the public health emergency and the expected duration of the emergency. The Secretary shall include in such report recommendations, if deemed appropriate, that Congress provide a further extension of the public health emergency period beyond the second 90-day period.

“(B) REPORT CONTENTS.—A report under subparagraph (A) shall include a discussion of the health care needs of emergency victims and affected individuals including the likely need for follow-up care over a 2-year period.

“(5) COORDINATION.—The Secretary shall ensure that the activation, implementation, and termination of emergency health care services under this section in response to a public health emergency is coordinated with all functions, personnel, and assets of the Federal, State, local, and tribal responses to the emergency.

“(6) MEDICAL MONITORING PROGRAM.—The Secretary shall establish a medical monitoring program for monitoring and reporting on health care needs of the affected population over time. At least annually during the 5-year period following the date of a public health emergency, the Secretary shall report to Congress on any continuing health care needs of the affected population related to the public health emergency. Such reports shall include recommendations on how to ensure that emergency victims and affected individuals have access to needed health care services.

“(b) ELIGIBILITY FOR COVERAGE OF EMERGENCY HEALTH CARE SERVICES.—

“(1) LIMITED ELIGIBILITY.—

“(A) IN GENERAL.—Eligibility for coverage of emergency health care services under this section for a public health emergency is limited to individuals who—

“(i) are emergency victims who are uninsured or otherwise qualified; or

“(ii) are affected individuals who are uninsured.

“(B) DEFINITIONS.—For purposes of this section with respect to a public health emergency:

“(i) INSURED.—An individual is ‘insured’ if the individual has group or individual health insurance coverage or publicly financed health insurance (as defined by the Secretary).

“(ii) OTHERWISE QUALIFIED.—An individual is ‘otherwise qualified’ if the individual is insured but the Secretary determines that the individual’s health care insurance coverage is not at least actuarially-equivalent to benchmark coverage. In establishing such benchmark coverage, the Secretary shall consider the standard Blue Cross/Blue Shield preferred provider option service benefit plan described in and offered under section 8903(1) of title 5, United States Code.

“(iii) UNINSURED.—An individual is ‘uninsured’ if the individual is not insured.

“(iv) EMERGENCY VICTIM.—An individual is an ‘emergency victim’ with respect to a public health emergency if the individual needs health care services due to injuries or disease resulting from the public health emergency.

“(v) AFFECTED INDIVIDUAL.—An individual is an ‘affected individual’ with respect to a public health emergency if—

“(I) the individual—

“(aa) resides in an assistance area designated for the emergency (or whose residence was displaced by the emergency); or

“(bb) in the case of such an emergency constituting a pandemic flu or other infectious disease outbreak, resides in the area affected by the outbreak (or whose residence was displaced by the emergency); and

“(II) the individual’s ability to access care or medicine is disrupted as a result of the emergency.

“(2) PROCESS.—The Secretary shall establish a streamlined process for determining eligibility for emergency health care services under this section. In establishing such process—

“(A) the Secretary shall recognize that in the context of a public health emergency, individuals may be unable to provide identification cards, health care insurance information, or other documentation; and

“(B) the primary method for determining eligibility for such services shall be an attestation provided to the health care provider by the recipient of the services that the recipient meets the eligibility criteria established under paragraph (1)(A), with a standard alternative for unattended minors and adults without the capacity to sign such an attestation form.

“(3) SERVICE DELIVERY.—Providers may commence provision of emergency health care services for an individual in the absence of any centralized enrollment process, if the provider has collected basic information, specified by the Secretary, including the individual’s name, address, social security number, and existing health insurance coverage (if any), that establishes a prima facie basis for eligibility, except that such information shall not be required in cases where the individual is unable to provide the information due to disability or incapacitation.

“(c) EMERGENCY HEALTH CARE SERVICES.—

“(1) IN GENERAL.—For purposes of this section, the term ‘emergency health care services’—

“(A) means items and services for which payment may be made under parts A and B of the Medicare program;

“(B) includes prescription drugs (not covered under such part B) specified by the Secretary under subsection (g), based on the formularies of the two or more prescription drug plans under part D of the Medicare program with the largest enrollment;

“(C) may include drugs, devices, biological products, and other health care products, if such products are authorized for use by the Food and Drug Administration pursuant to an alternate authority, including the emergency use authority under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3); and

“(D) for an affected individual, is limited to those items and services described under subparagraphs (A), (B) or (C) that a third-party payor, such as a government program or charitable organization, reimbursed or otherwise provided to an affected individual during the 90 days prior to the declaration of the public health emergency.

“(2) NOT MEDICARE, MEDICAID, OR SCHIP BENEFITS.—The emergency health care services provided under this section are not benefits under Medicare, Medicaid or SCHIP. Nothing in this section shall be interpreted as altering or otherwise conflicting with titles XVIII, XIX, or XXI of the Social Security Act.

“(3) COMPLETION OF TREATMENT FOR EMERGENCY VICTIMS.—Notwithstanding termination of the coverage of emergency health care services pursuant to subsection (a)(3), the Secretary may identify a subgroup of emergency victims on a case-by-case basis or otherwise to continue receiving coverage of emergency health care services for up to an additional 60 days. Such emergency health care services provided after the termination date shall be limited to services and items that are medically necessary to treat an injury or disease resulting directly from the public health emergency involved.

“(d) COVERED PROVIDERS.—

“(1) IN GENERAL.—Subject to paragraph (2), health care services are not covered under this section unless they are furnished by a health care provider that—

“(A) has a valid provider number under the Medicare program, the Medicaid program, or SCHIP;

“(B) is in good standing with such program; and

“(C) is not excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f))).

“(2) WAIVER AUTHORITY.—

“(A) IN GENERAL.—The Secretary may by regulation waive certain requirements for provider enrollment that otherwise apply under the Medicare or Medicaid program or under SCHIP to ensure an adequate supply of health care providers (such as nurses and other health care providers who do not typically participate in the Medicare or Medicaid program or SCHIP) and services in the case of a public health emergency. Such requirements may include the requirement that a licensed physician or other health care professional holds a license in the State in which the professional provides services or is otherwise authorized under State law to provide the services involved.

“(B) REPORT ON EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS (ESAR-VHP).—Not later than

180 days after the date of the enactment of this section, the Secretary shall submit to Congress a report on the number of volunteers, by profession and credential level, enrolled in the Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP) that will be available to each State in the event of a public health emergency. The Secretary shall determine if the number of such volunteers is adequate for interstate deployment in response to regional requests for volunteers and, if not, shall include in the report recommendations for actions to ensure an adequate surge capacity for public health emergencies in defined geographic areas.

“(3) MEDICARE AND MEDICAID PROGRAMS AND SCHIP DEFINED.—For purposes of this section:

“(A) The term ‘Medicare program’ means the program under parts A, B, and D of title XVIII of the Social Security Act.

“(B) The term ‘Medicaid program’ means the program of medical assistance under title XIX of such Act.

“(C) The term ‘SCHIP’ means the State children’s health insurance program under title XXI of such Act.

“(e) PAYMENTS AND CLAIMS ADMINISTRATION.—

“(1) PAYMENT AMOUNT.—The amount of payment under this section to a provider for emergency health care services shall be equal to 100 percent of the payment rate for the corresponding service under part A or B of the Medicare program, or, in the case of prescription drugs and other items and services not covered under either such part, such amount as the Secretary may specify by rule. Such a provider shall not be permitted to impose any cost-sharing or to balance bill for services furnished under this section.

“(2) USE OF MEDICARE CONTRACTORS.—The Secretary shall enter into arrangements with Medicare administrative contractors under which such contractors process claims for emergency health care services under this section using the claim forms, codes, and nomenclature in effect under the Medicare program.

“(3) APPLICATION OF SECONDARY PAYER RULES.—In the case of payment under this section for emergency health care services for otherwise qualified individuals who have some health insurance coverage with respect to such services, the administrative contractors under paragraph (2) shall submit a claim to the entity offering such coverage to recoup all or some of such payment, reflecting whatever amount the entity would normally reimburse for each covered service. The provisions of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) shall apply to benefits provided under this section in the same manner as they apply to benefits provided under the Medicare program.

“(4) PAYMENTS FOR EMERGENCY HEALTH CARE SERVICES AND RELATED COSTS.—Payments to provide, and costs to administer, emergency health care services under this section shall be made from the Public Health Emergency Fund, as provided under subsection (f)(1).

“(5) ATTESTATION REQUIREMENT.—No payment shall be made under this section to a provider for emergency health care services unless the provider has executed an attestation that—

“(A) the provider has notified the administrative contractor of any third-party payment received or claims pending for such services;

“(B) the recipient of the services has executed an attestation or otherwise satisfies the eligibility criteria established under subsection (b); and

“(C) the services were medically necessary.
“(f) PUBLIC HEALTH EMERGENCY FUND; FRAUD AND ABUSE PROVISIONS.—

“(1) THE PUBLIC HEALTH EMERGENCY FUND.—There is authorized to be appropriated to the Public Health Emergency Fund (established under section 319(b)) such sums as may be necessary under this section for payments to provide emergency health care services and costs to administer the services during a public health emergency.

“(2) NO USE OF MEDICARE FUNDS.—No funds under the Medicare program shall be made available or used to make payments under this section.

“(3) FRAUD AND ABUSE PROVISIONS.—Providers and recipients of emergency health care services under this section shall be subject to the Federal fraud and abuse protections that apply to Federal health care programs as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f)).

“(g) RULEMAKING.—The Secretary may issue regulations to carry out this section and shall use a negotiated rulemaking process to advise the Secretary on key issues regarding the implementation of this section.

“(h) PUBLIC HEALTH EMERGENCY PLANNING AND THE EDUCATION OF HEALTH CARE PROVIDERS AND THE GENERAL POPULATION.—

“(1) PLANNING FOR COVERAGE OF EMERGENCY HEALTH CARE SERVICES IN PUBLIC HEALTH EMERGENCIES.—The Secretary shall, not later than 90 days after the date of the enactment of this section, initiate planning to carry out this section, including planning relating to implementation of the payments and claims administration under subsection (e), in the event of activation of emergency health care coverage.

“(2) OUTREACH AND PUBLIC EDUCATION CAMPAIGN.—The Secretary shall conduct an outreach and public education campaign to inform health care providers and the general public about the availability of emergency health care coverage under this section during the period of the emergency. Such campaign shall include—

“(A) an explanation of the emergency health care coverage program under this section;

“(B) claim forms and instructions for health care providers to use when providing covered services during the emergency period; and

“(C) special outreach initiatives to vulnerable and hard-to-reach populations.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year (beginning with fiscal year 2009) \$7,000,000 to carry out paragraphs (1) and (2) during the fiscal year.

“(i) APPLICATION OF POLICIES UNDER OTHER FEDERAL HEALTH CARE PROGRAMS.—As specified in subsections (c) through (e), the Secretary may adopt in whole or in part the coverage, reimbursement, provider enrollment, and other policies used under the Medicare program and other Federal health care programs in administering emergency health care services under this section to the extent consistent with this section.”.

(b) APPLICATION OF PUBLIC HEALTH EMERGENCY FUND.—Section 319(b)(1) of such Act (42 U.S.C. 247d(b)(1)) is amended—

(1) by inserting “and section 319K-1” after “subsection (a)”;

(2) by striking “such subsection” and inserting “subsection (a)”.

By Mr. ROCKEFELLER (for himself, Mr. CASEY, and Mrs. GILLIBRAND):

S. 958. A bill to amend the Social Security Act to guarantee comprehensive

health care coverage for all children born after 2009; to the Committee on Finance.

Mr. ROCKEFELLER, Mr. President, I rise today, with my colleagues, Senator GILLIBRAND and Senator CASEY, to reintroduce an important piece of legislation—the MediKids Health Insurance Act of 2009. This legislation will finish the job we started with CHIP reauthorization by providing health care coverage for every child in the U.S. by 2015, regardless of family income.

Congressman STARK and I have introduced our MediKids legislation in each of the last five Congresses because we know how vital health insurance is to a child. Year after year, study after study has shown that uninsured children are more likely to have unmet health care needs. Without adequate health care, childhood illnesses are more likely to turn into chronic conditions in adulthood with debilitating effects. Even something as simple as an ear infection, if left untreated, can cause hearing loss, which can hinder a child's speech and language development. Furthermore, children with unmet health care needs often underperform in the classroom and miss more days of school. Less time in school means students can struggle to develop the skills necessary to become productive members of society.

Despite the well-documented benefits of providing health insurance coverage for children, according to the Kaiser Family Foundation, there were over 9 million uninsured children in America in 2007. A significant step forward in providing health insurance for our uninsured children was the reauthorization of the Children's Health Insurance Program, a bill I coauthored. Expansions in Medicaid and the Children's Health Insurance Program have helped reduce the percentage of low-income children that are uninsured from 28 percent to 15 percent since 1997, with another significant reduction probable after the 2009 CHIP reauthorization legislation is fully implemented. As pleased as I was with the reauthorization of this vital program, it is estimated that millions of children will still remain uninsured. This is unacceptable. We must provide universal coverage for children.

Children are entirely reliant on others to care for them. They cannot go out and purchase their own health insurance. Just as Congress provides for the care of the other segment of our population that is heavily reliant on others, the elderly through Medicare, the time has come to make certain that all children also have access to comprehensive health care. Healthy, well educated children are the key to the future success of our country and we cannot allow them to continue to fall through the cracks. Now, more than ever, it is time to finally pass the MediKids Health Insurance Act.

This legislation is a clear investment in our future—our children. Every child would be automatically enrolled at birth into a new, comprehensive, Federal safety net health insurance program beginning in 2010 and would be eligible up to age 23. The benefits would be tailored to meet the needs of children and would be similar to those currently available to children through the Medicaid Early and Periodic Screening, Diagnosis, and Treatment, EPSDT, program.

Families below 150 percent of poverty would pay no premiums or co-payments, while those between 150 and 300 percent of poverty would pay graduated premiums up to 5 percent of income and a graduated refundable tax credit for cost-sharing. Families above 300 percent of poverty would pay a small premium equivalent to one fourth of the average annual cost per child. There would be no cost sharing for preventive or well-child visits for any child.

MediKids children would remain enrolled in the program throughout childhood. When families move to another state, MediKids would be available until parents enroll their children in a new insurance program. Between jobs or during family crises, MediKids would offer extra security and ensure continuous health coverage to our nation's children. During the critical period when a family climbs out of poverty and out of the eligibility range for means-tested assistance programs, MediKids would fill in the gaps as parents move into jobs that provide reliable health insurance coverage. Our program rests on the premise that whenever other sources of health insurance fail, MediKids would stand ready to cover the health needs of our next generation. Ultimately, every child in America would grow up with consistent, continuous health insurance coverage.

Congress cannot rest on the success we achieved by reauthorizing the Children's Health Insurance Program. Although CHIP was a remarkable step toward reducing the ranks of uninsured children, there is still much more work to be done. The MediKids Health Insurance Act is a comprehensive approach toward eliminating the damaging lack of health insurance for so many children in our country, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “MediKids Health Insurance Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; findings.

Sec. 2. Benefits for all children born after 2009.

“TITLE XXII—MEDIKIDS PROGRAM

“Sec. 2201. Eligibility.

“Sec. 2202. Benefits.

“Sec. 2203. Premiums.

“Sec. 2204. MediKids Trust Fund.

“Sec. 2205. Oversight and accountability.

“Sec. 2206. Inclusion of care coordination services.

“Sec. 2207. Administration and miscellaneous.

Sec. 3. MediKids premium.

Sec. 4. Refundable credit for certain cost-sharing expenses under MediKids program.

Sec. 5. Report on long-term revenues.

(c) FINDINGS.—Congress finds the following:
(1) More than 9 million American children are uninsured.

(2) Children who are uninsured receive less medical care and less preventive care and have a poorer level of health, which result in lifetime costs to themselves and to the entire American economy.

(3) Although CHIP and Medicaid are successfully extending a health coverage safety net to a growing portion of the vulnerable low-income population of uninsured children, they alone cannot achieve 100 percent health insurance coverage for our nation's children due to inevitable gaps during outreach and enrollment, fluctuations in eligibility, variations in access to private insurance at all income levels, and variations in States' ability to provide required matching funds.

(4) As all segments of society continue to become more transient, with many changes in employment over the working lifetime of parents, the need for a reliable safety net of health insurance which follows children across State lines, already a major problem for the children of migrant and seasonal farmworkers, will become a major concern for all families in the United States.

(5) The medicare program has successfully evolved over the years to provide a stable, universal source of health insurance for the nation's disabled and those over age 65, and provides a tested model for designing a program to reach out to America's children.

(6) The problem of insuring 100 percent of all American children could be gradually solved by automatically enrolling all children born after December 31, 2009, in a program modeled after Medicare (and to be known as “MediKids”), and allowing those children to be transferred into other equivalent or better insurance programs, including either private insurance, CHIP, or Medicaid, if they are eligible to do so, but maintaining the child's default enrollment in MediKids for any times when the child's access to other sources of insurance is lost.

(7) A family's freedom of choice to use other insurers to cover children would not be interfered with in any way, and children eligible for CHIP and Medicaid would continue to be enrolled in those programs, but the underlying safety net of MediKids would always be available to cover any gaps in insurance due to changes in medical condition, employment, income, or marital status, or other changes affecting a child's access to alternate forms of insurance.

(8) The MediKids program can be administered without impacting the finances or status of the existing Medicare program.

(9) The MediKids benefit package can be tailored to the special needs of children and updated over time.

(10) The financing of the program can be administered without difficulty by a yearly payment of affordable premiums through a family's tax filing (or adjustment of a family's earned income tax credit).

(11) The cost of the program will gradually rise as the number of children using MediKids as the insurer of last resort increases, and a future Congress always can accelerate or slow down the enrollment process as desired, while the societal costs for emergency room usage, lost productivity and work days, and poor health status for the next generation of Americans will decline.

(12) Over time 100 percent of American children will always have basic health insurance, and we can therefore expect a healthier, more equitable, and more productive society.

SEC. 2. BENEFITS FOR ALL CHILDREN BORN AFTER 2009.

(a) IN GENERAL.—The Social Security Act is amended by adding at the end the following new title:

“TITLE XXII—MEDIKIDS PROGRAM

“SEC. 2201. ELIGIBILITY.

“(a) ELIGIBILITY OF INDIVIDUALS BORN AFTER DECEMBER 31, 2009; ALL CHILDREN UNDER 23 YEARS OF AGE IN FIFTH YEAR.—An individual who meets the following requirements with respect to a month is eligible to enroll under this title with respect to such month:

“(1) AGE.—

“(A) FIRST YEAR.—As of the first day of the first year in which this title is effective, the individual has not attained 6 years of age.

“(B) SECOND YEAR.—As of the first day of the second year in which this title is effective, the individual has not attained 11 years of age.

“(C) THIRD YEAR.—As of the first day of the third year in which this title is effective, the individual has not attained 16 years of age.

“(D) FOURTH YEAR.—As of the first day of the fourth year in which this title is effective, the individual has not attained 21 years of age.

“(E) FIFTH AND SUBSEQUENT YEARS.—As of the first day of the fifth year in which this title is effective and each subsequent year, the individual has not attained 23 years of age.

“(2) CITIZENSHIP.—The individual is a citizen or national of the United States or is permanently residing in the United States under color of law.

“(b) ENROLLMENT PROCESS.—An individual may enroll in the program established under this title only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

“(1) individuals who are born in the United States after December 31, 2009, are deemed to be enrolled at the time of birth and a parent or guardian of such an individual is permitted to pre-enroll in the month prior to the expected month of birth;

“(2) individuals who are born outside the United States after such date and who become eligible to enroll by virtue of immigration into (or an adjustment of immigration status in) the United States are deemed enrolled at the time of entry or adjustment of status;

“(3) eligible individuals may otherwise be enrolled at such other times and manner as the Secretary shall specify, including the use

of outstationed eligibility sites as described in section 1902(a)(55)(A) and the use of presumptive eligibility provisions like those described in section 1920A; and

“(4) at the time of automatic enrollment of a child, the Secretary provides for issuance to a parent or custodian of the individual a card evidencing coverage under this title and for a description of such coverage.

The provisions of section 1837(h) apply with respect to enrollment under this title in the same manner as they apply to enrollment under part B of title XVIII. An individual who is enrolled under this title is not eligible to be enrolled under an MA or MA-PD plan under part C of title XVIII.

“(c) DATE COVERAGE BEGINS.—

“(1) IN GENERAL.—The period during which an individual is entitled to benefits under this title shall begin as follows, but in no case earlier than January 1, 2010:

“(A) In the case of an individual who is enrolled under paragraph (1) or (2) of subsection (b), the date of birth or date of obtaining appropriate citizenship or immigration status, as the case may be.

“(B) In the case of another individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under subsection (a), the first day of such month of eligibility.

“(C) In the case of another individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such subsection, the first day of the following month.

“(2) AUTHORITY TO PROVIDE FOR PARTIAL MONTHS OF COVERAGE.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

“(3) LIMITATION ON PAYMENTS.—No payments may be made under this title with respect to the expenses of an individual enrolled under this title unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

“(d) EXPIRATION OF ELIGIBILITY.—An individual's coverage period under this section shall continue until the individual's enrollment has been terminated because the individual no longer meets the requirements of subsection (a) (whether because of age or change in immigration status).

“(e) ENTITLEMENT TO MEDIKIDS BENEFITS FOR ENROLLED INDIVIDUALS.—An individual enrolled under this title is entitled to the benefits described in section 2202.

“(f) LOW-INCOME INFORMATION.—

“(1) INQUIRY OF INCOME.—At the time of enrollment of a child under this title, the Secretary shall make an inquiry as to whether the family income (as determined for purposes of section 1905(p)) of the family that includes the child is within any of the following income ranges:

“(A) UP TO 150 PERCENT OF POVERTY.—The income of the family does not exceed 150 percent of the poverty line for a family of the size involved.

“(B) BETWEEN 150 AND 200 PERCENT OF POVERTY.—The income of the family exceeds 150 percent, but does not exceed 200 percent, of such poverty line.

“(C) BETWEEN 200 AND 300 PERCENT OF POVERTY.—The income of the family exceeds 200 percent, but does not exceed 300 percent, of such poverty line.

“(2) CODING.—If the family income is within a range described in paragraph (1), the Secretary shall encode in the identification card issued in connection with eligibility

under this title a code indicating the range applicable to the family of the child involved.

“(3) PROVIDER VERIFICATION THROUGH ELECTRONIC SYSTEM.—The Secretary also shall provide for an electronic system through which providers may verify which income range described in paragraph (1), if any, is applicable to the family of the child involved.

“(g) CONSTRUCTION.—Nothing in this title shall be construed as requiring (or preventing) an individual who is enrolled under this title from seeking medical assistance under a State medicaid plan under title XIX or child health assistance under a State child health plan under title XXI.

“SEC. 2202. BENEFITS.

“(a) SECRETARIAL SPECIFICATION OF BENEFIT PACKAGE.—

“(1) IN GENERAL.—The Secretary shall specify the benefits to be made available under this title consistent with the provisions of this section and in a manner designed to meet the health needs of enrollees.

“(2) UPDATING.—The Secretary shall update the specification of benefits over time to ensure the inclusion of age-appropriate benefits to reflect the enrollee population.

“(3) ANNUAL UPDATING.—The Secretary shall establish procedures for the annual review and updating of such benefits to account for changes in medical practice, new information from medical research, and other relevant developments in health science.

“(4) INPUT.—The Secretary shall seek the input of the pediatric community in specifying and updating such benefits.

“(5) LIMITATION ON UPDATING.—In no case shall updating of benefits under this subsection result in a failure to provide benefits required under subsection (b).

“(b) INCLUSION OF CERTAIN BENEFITS.—

“(1) MEDICARE CORE BENEFITS.—Such benefits shall include (to the extent consistent with other provisions of this section) at least the same benefits (including coverage, access, availability, duration, and beneficiary rights) that are available under parts A and B of title XVIII.

“(2) ALL REQUIRED MEDICAID BENEFITS.—Such benefits shall also include all items and services for which medical assistance is required to be provided under section 1902(a)(10)(A) to individuals described in such section, including early and periodic screening, diagnostic services, and treatment services.

“(3) INCLUSION OF PRESCRIPTION DRUGS.—Such benefits also shall include (as specified by the Secretary) benefits for prescription drugs and biologicals which are not less than the benefits for such drugs and biologicals under the standard option for the service benefit plan described in section 8903(1) of title 5, United States Code, offered during 2008.

“(4) COST-SHARING.—

“(A) IN GENERAL.—Subject to subparagraph (B), such benefits also shall include the cost-sharing (in the form of deductibles, coinsurance, and copayments) which is substantially similar to such cost-sharing under the health benefits coverage in any of the four largest health benefits plans (determined by enrollment) offered under chapter 89 of title 5, United States Code, and including an out-of-pocket limit for catastrophic expenditures for covered benefits, except that no cost-sharing shall be imposed with respect to early and periodic screening and diagnostic services included under paragraph (2).

“(B) REDUCED COST-SHARING FOR LOW INCOME CHILDREN.—Such benefits shall provide that—

“(i) there shall be no cost-sharing for children in families the income of which is within the range described in section 2201(f)(1)(A);

“(ii) the cost-sharing otherwise applicable shall be reduced by 75 percent for children in families the income of which is within the range described in section 2201(f)(1)(B); or

“(iii) the cost-sharing otherwise applicable shall be reduced by 50 percent for children in families the income of which is within the range described in section 2201(f)(1)(C).

“(C) CATASTROPHIC LIMIT ON COST-SHARING.—For a refundable credit for cost-sharing in the case of cost-sharing in excess of a percentage of the individual's adjusted gross income, see section 36 of the Internal Revenue Code of 1986.

“(c) PAYMENT SCHEDULE.—The Secretary, with the assistance of the Medicare Payment Advisory Commission, shall develop and implement a payment schedule for benefits covered under this title. To the extent feasible, such payment schedule shall be consistent with comparable payment schedules and reimbursement methodologies applied under parts A and B of title XVIII.

“(d) INPUT.—The Secretary shall specify such benefits and payment schedules only after obtaining input from appropriate child health providers and experts.

“(e) ENROLLMENT IN HEALTH PLANS.—The Secretary shall provide for the offering of benefits under this title through enrollment in a health benefit plan that meets the same (or similar) requirements as the requirements that apply to Medicare Advantage plans under part C of title XVIII (other than any such requirements that relate to part D of such title). In the case of individuals enrolled under this title in such a plan, the payment rate shall be based on payment rates provided for under section 1853(c) in effect before the date of the enactment of the Medicare Prescription Drug, Modernization, and Improvement Act of 2003 (Public Law 108-173), except that such payment rates shall be adjusted in an appropriate manner to reflect differences between the population served under this title and the population under title XVIII.

“SEC. 2203. PREMIUMS.

“(a) AMOUNT OF MONTHLY PREMIUMS.—

“(1) IN GENERAL.—The Secretary shall, during September of each year (beginning with 2009), establish a monthly MediKids premium for the following year. Subject to paragraph (2), the monthly MediKids premium for a year is equal to ½ of the annual premium rate computed under subsection (b).

“(2) ELIMINATION OF MONTHLY PREMIUM FOR DEMONSTRATION OF EQUIVALENT COVERAGE (INCLUDING COVERAGE UNDER LOW-INCOME PROGRAMS).—The amount of the monthly premium imposed under this section for an individual for a month shall be zero in the case of an individual who demonstrates to the satisfaction of the Secretary that the individual has basic health insurance coverage for that month. For purposes of the previous sentence enrollment in a medicaid plan under title XIX, a State child health insurance plan under title XXI, or under the medicare program under title XVIII is deemed to constitute basic health insurance coverage described in such sentence.

“(b) ANNUAL PREMIUM.—

“(1) NATIONAL PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the

requirement of section 2201(a)(1) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

“(2) ANNUAL PREMIUM.—Subject to subsection (d), the annual premium under this subsection for months in a year is equal to 25 percent of the average, annual per capita amount estimated under paragraph (1) for the year.

“(c) PAYMENT OF MONTHLY PREMIUM.—

“(1) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, subject to subsection (d), the monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

“(2) COLLECTION THROUGH TAX RETURN.—For provisions providing for the payment of monthly premiums under this subsection, see section 59B of the Internal Revenue Code of 1986.

“(3) PROTECTIONS AGAINST FRAUD AND ABUSE.—The Secretary shall develop, in coordination with States and other health insurance issuers, administrative systems to ensure that claims which are submitted to more than one payor are coordinated and duplicate payments are not made.

“(d) REDUCTION IN PREMIUM FOR CERTAIN LOW-INCOME FAMILIES.—For provisions reducing the premium under this section for certain low-income families, see section 59B(d) of the Internal Revenue Code of 1986.

“SEC. 2204. MEDIKIDS TRUST FUND.

“(a) ESTABLISHMENT OF TRUST FUND.—

“(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the ‘MediKids Trust Fund’ (in this section referred to as the ‘Trust Fund’). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

“(2) PREMIUMS.—Premiums collected under section 59B of the Internal Revenue Code of 1986 shall be periodically transferred to the Trust Fund.

“(3) TRANSITIONAL FUNDING BEFORE RECEIPT OF PREMIUMS.—In order to provide for funds in the Trust Fund to cover expenditures from the fund in advance of receipt of premiums under section 2203, there are transferred to the Trust Fund from the general fund of the United States Treasury such amounts as may be necessary.

“(b) INCORPORATION OF PROVISIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), subsection (b) (other than the last sentence) and subsections (c) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

“(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

“(A) any reference in such section to ‘this part’ is construed to refer to title XXII;

“(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this title;

“(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds

for payments they made for benefits provided under this title; and

“(D) the Board of Trustees of the MediKids Trust Fund shall be the same as the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

“SEC. 2205. OVERSIGHT AND ACCOUNTABILITY.

“(a) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the operation of the program under this title, including on the financing of coverage provided under this title.

“(b) PERIODIC MACPAC REPORTS.—The Medicaid and CHIP Payment and Access Commission shall periodically report to Congress concerning the program under this title.

“SEC. 2206. INCLUSION OF CARE COORDINATION SERVICES.

“(a) IN GENERAL.—

“(1) PROGRAM AUTHORITY.—The Secretary, beginning in 2010, may implement a care coordination services program in accordance with the provisions of this section under which, in appropriate circumstances, eligible individuals under section 2201 may elect to have health care services covered under this title managed and coordinated by a designated care coordinator.

“(2) ADMINISTRATION BY CONTRACT.—The Secretary may administer the program under this section through a contract with an appropriate program administrator.

“(3) COVERAGE.—Care coordination services furnished in accordance with this section shall be treated under this title as if they were included in the definition of medical and other health services under section 1861(s) and benefits shall be available under this title with respect to such services without the application of any deductible or coinsurance.

“(b) ELIGIBILITY CRITERIA; IDENTIFICATION AND NOTIFICATION OF ELIGIBLE INDIVIDUALS.—

“(1) INDIVIDUAL ELIGIBILITY CRITERIA.—The Secretary shall specify criteria to be used in making a determination as to whether an individual may appropriately be enrolled in the care coordination services program under this section, which shall include at least a finding by the Secretary that for cohorts of individuals with characteristics identified by the Secretary, professional management and coordination of care can reasonably be expected to improve processes or outcomes of health care and to reduce aggregate costs to the programs under this title.

“(2) PROCEDURES TO FACILITATE ENROLLMENT.—The Secretary shall develop and implement procedures designed to facilitate enrollment of eligible individuals in the program under this section.

“(c) ENROLLMENT OF INDIVIDUALS.—

“(1) SECRETARY’S DETERMINATION OF ELIGIBILITY.—The Secretary shall determine the eligibility for services under this section of individuals who are enrolled in the program under this section and who make application for such services in such form and manner as the Secretary may prescribe.

“(2) ENROLLMENT PERIOD.—

“(A) EFFECTIVE DATE AND DURATION.—Enrollment of an individual in the program under this section shall be effective as of the first day of the month following the month in which the Secretary approves the individual’s application under paragraph (1), shall remain in effect for one month (or such longer period as the Secretary may specify), and shall be automatically renewed for additional periods, unless terminated in accordance with such procedures as the Secretary

shall establish by regulation. Such procedures shall permit an individual to disenroll for cause at any time and without cause at re-enrollment intervals.

“(B) LIMITATION ON REENROLLMENT.—The Secretary may establish limits on an individual’s eligibility to reenroll in the program under this section if the individual has disenrolled from the program more than once during a specified time period.

“(d) PROGRAM.—The care coordination services program under this section shall include the following elements:

“(1) BASIC CARE COORDINATION SERVICES.—

“(A) IN GENERAL.—Subject to the cost-effectiveness criteria specified in subsection (b)(1), except as otherwise provided in this section, enrolled individuals shall receive services described in section 1905(t)(1) and may receive additional items and services as described in subparagraph (B).

“(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to individuals enrolled in the program under this section (subject to an assessment by the care coordinator of an individual’s circumstance and need for such benefits) in order to encourage enrollment in, or to improve the effectiveness of, such program.

“(2) CARE COORDINATION REQUIREMENT.—Notwithstanding any other provision of this title, the Secretary may provide that an individual enrolled in the program under this section may be entitled to payment under this title for any specified health care items or services only if the items or services have been furnished by the care coordinator, or coordinated through the care coordination services program. Under such provision, the Secretary shall prescribe exceptions for emergency medical services as described in section 1852(d)(3), and other exceptions determined by the Secretary for the delivery of timely and needed care.

“(e) CARE COORDINATORS.—

“(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination services under this section, an individual or entity shall—

“(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

“(B) have entered into a care coordination agreement; and

“(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician’s services).

“(2) AGREEMENT TERM; PAYMENT.—

“(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall be for one year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1).

“(B) PAYMENT FOR SERVICES.—The Secretary may negotiate or otherwise establish payment terms and rates for services described in subsection (d)(1).

“(C) LIABILITY.—Care coordinators shall be subject to liability for actual health damages which may be suffered by recipients as a result of the care coordinator’s decisions, failure or delay in making decisions, or other actions as a care coordinator.

“(D) TERMS.—In addition to such other terms as the Secretary may require, an agreement under this section shall include the terms specified in subparagraphs (A) through (C) of section 1905(t)(3).

“SEC. 2207. ADMINISTRATION AND MISCELLANEOUS.

“(a) IN GENERAL.—Except as otherwise provided in this title—

“(1) the Secretary shall enter into appropriate contracts with providers of services, other health care providers, carriers, and fiscal intermediaries, taking into account the types of contracts used under title XVIII with respect to such entities, to administer the program under this title;

“(2) beneficiary protections for individuals enrolled under this title shall not be less than the beneficiary protections (including limits on balance billing) provided medicare beneficiaries under title XVIII;

“(3) benefits described in section 2202 that are payable under this title to such individuals shall be paid in a manner specified by the Secretary (taking into account, and based to the greatest extent practicable upon, the manner in which they are provided under title XVIII); and

“(4) provider participation agreements under title XVIII shall apply to enrollees and benefits under this title in the same manner as they apply to enrollees and benefits under title XVIII.

“(b) COORDINATION WITH MEDICAID AND CHIP.—Notwithstanding any other provision of law, individuals entitled to benefits for items and services under this title who also qualify for benefits under title XIX or XXI or any other Federally funded health care program that provides basic health insurance coverage described in section 2203(a)(2) may continue to qualify and obtain benefits under such other title or program, and in such case such an individual shall elect either—

“(1) such other title or program to be primary payor to benefits under this title, in which case no benefits shall be payable under this title and the monthly premium under section 2203 shall be zero; or

“(2) benefits under this title shall be primary payor to benefits provided under such title or program, in which case the Secretary shall enter into agreements with States as may be appropriate to provide that, in the case of such individuals, the benefits under titles XIX and XXI or such other program (including reduction of cost-sharing) are provided on a ‘wrap-around’ basis to the benefits under this title.”

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking “or the Federal Supplementary Medical Insurance Trust Fund” and inserting “the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund”.

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking “and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII” and inserting “, the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund established by title XVIII”.

(c) MAINTENANCE OF MEDICAID ELIGIBILITY AND BENEFITS FOR CHILDREN.—

(1) IN GENERAL.—In order for a State to continue to be eligible for payments under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a))—

(A) the State may not reduce standards of eligibility, or benefits, provided under its State medicare plan under title XIX of the Social Security Act or under its State child health plan under title XXI of such Act for individuals under 23 years of age below such standards of eligibility, and benefits, in effect on the date of the enactment of this Act; and

(B) the State shall demonstrate to the satisfaction of the Secretary of Health and Human Services that any savings in State expenditures under title XIX or XXI of the Social Security Act that results from children enrolling under title XXII of such Act shall be used in a manner that improves services to beneficiaries under title XIX of such Act, such as through expansion of eligibility, improved nurse and nurse aide staffing and improved inspections of nursing facilities, and coverage of additional services.

(2) **MEDIKIDS AS PRIMARY PAYOR.**—In applying title XIX of the Social Security Act, the MediKIDS program under title XXII of such Act shall be treated as a primary payor in cases in which the election described in section 2207(b)(2) of such Act, as added by subsection (a), has been made.

(d) **EXPANSION OF MACPAC DUTIES.**—Section 1900 of the Social Security Act (42 U.S.C. 1396) is amended—

(1) in subsection (b)(1)(A)—

(A) by striking “and the State” and inserting “, the State”; and

(B) by inserting “and the MediKIDS program established under title XXII (in this section referred to as ‘MediKIDS’)” before “affecting”; and

(2) by striking “and CHIP” each place it appears (other than in subsection (a)) and inserting “, CHIP, and MediKIDS”.

SEC. 3. MEDIKIDS PREMIUM.

(a) **GENERAL RULE.**—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end the following new part:

“PART VIII—MEDIKIDS PREMIUM

“**SEC. 59B. MediKIDS premium.**

“SEC. 59B. MEDIKIDS PREMIUM.

“(a) **IMPOSITION OF TAX.**—In the case of a taxpayer to whom this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a MediKIDS premium for the taxable year.

“(b) **INDIVIDUALS SUBJECT TO PREMIUM.**—

“(1) **IN GENERAL.**—This section shall apply to a taxpayer if a MediKid is a dependent of the taxpayer for the taxable year.

“(2) **MEDIKID.**—For purposes of this section, the term ‘MediKid’ means any individual enrolled in the MediKIDS program under title XXII of the Social Security Act.

“(c) **AMOUNT OF PREMIUM.**—For purposes of this section, the MediKIDS premium for a taxable year is the sum of the monthly premiums (for months in the taxable year) determined under section 2203 of the Social Security Act with respect to each MediKid who is a dependent of the taxpayer for the taxable year.

“(d) **EXCEPTIONS BASED ON ADJUSTED GROSS INCOME.**—

“(1) **EXEMPTION FOR VERY LOW-INCOME TAXPAYERS.**—

“(A) **IN GENERAL.**—No premium shall be imposed by this section on any taxpayer having an adjusted gross income not in excess of the exemption amount.

“(B) **EXEMPTION AMOUNT.**—For purposes of this paragraph, the exemption amount is—

“(i) \$20,535 in the case of a taxpayer having 1 MediKid,

“(ii) \$25,755 in the case of a taxpayer having 2 MediKIDS,

“(iii) \$30,975 in the case of a taxpayer having 3 MediKIDS, and

“(iv) \$35,195 in the case of a taxpayer having 4 or more MediKIDS.

“(C) **PHASEOUT OF EXEMPTION.**—In the case of a taxpayer having an adjusted gross income which exceeds the exemption amount

but does not exceed twice the exemption amount, the premium shall be the amount which bears the same ratio to the premium which would (but for this subparagraph) apply to the taxpayer as such excess bears to the exemption amount.

“(D) **INFLATION ADJUSTMENT OF EXEMPTION AMOUNTS.**—In the case of any taxable year beginning in a calendar year after 2010, each dollar amount contained in subparagraph (C) shall be increased by an amount equal to the product of—

“(i) such dollar amount, and

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of \$50, such increase shall be rounded to the nearest multiple of \$50.

“(2) **PREMIUM LIMITED TO 5 PERCENT OF ADJUSTED GROSS INCOME.**—In no event shall any taxpayer be required to pay a premium under this section in excess of an amount equal to 5 percent of the taxpayer’s adjusted gross income.

“(e) **COORDINATION WITH OTHER PROVISIONS.**—

“(1) **NOT TREATED AS MEDICAL EXPENSE.**—For purposes of this chapter, any premium paid under this section shall not be treated as expense for medical care.

“(2) **NOT TREATED AS TAX FOR CERTAIN PURPOSES.**—The premium paid under this section shall not be treated as a tax imposed by this chapter for purposes of determining—

“(A) the amount of any credit allowable under this chapter, or

“(B) the amount of the minimum tax imposed by section 55.

“(3) **TREATMENT UNDER SUBTITLE F.**—For purposes of subtitle F, the premium paid under this section shall be treated as if it were a tax imposed by section 1.”

(b) **TECHNICAL AMENDMENTS.**—

(1) Subsection (a) of section 6012 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (9) the following new paragraph:

“(10) Every individual liable for a premium under section 59B.”

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“PART VIII. MEDIKIDS PREMIUM”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to months beginning after December 2009, in taxable years ending after such date.

SEC. 4. REFUNDABLE CREDIT FOR CERTAIN COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

(a) **IN GENERAL.**—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by inserting after section 36A the following new section:

“SEC. 36B. CATASTROPHIC LIMIT ON COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

“(a) **IN GENERAL.**—In the case of a taxpayer who has a MediKid (as defined in section 59B) at any time during the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the excess of—

“(1) the amount paid by the taxpayer during the taxable year as cost-sharing under section 2202(b)(4) of the Social Security Act, over

“(2) 5 percent of the taxpayer’s adjusted gross income for the taxable year.

“(b) **COORDINATION WITH OTHER PROVISIONS.**—The excess described in subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 162(l) or 213(a).”

(b) **TECHNICAL AMENDMENTS.**—

(1) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 36A the following new item:

“Sec. 36B. Catastrophic limit on cost-sharing expenses under MediKIDS program.”

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “36B,” after “36A.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 5. REPORT ON LONG-TERM REVENUES.

Within one year after the date of the enactment of this Act, the Secretary of the Treasury shall propose a gradual schedule of progressive tax changes to fund the program under title XXII of the Social Security Act, as the number of enrollees grows in the out-years.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 125—IN SUPPORT AND RECOGNITION OF NATIONAL TRAIN DAY, MAY 9, 2009

Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. THUNE, Mr. DORGAN, Mrs. BOXER, Mr. WHITEHOUSE, Mr. WARNER, Mr. KERRY, Mr. DURBIN, Mr. SPECTER, Mr. SCHUMER, Mr. BAYH, Mr. UDALL, of New Mexico; Mr. BROWN, Mr. CARPER, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 125

Whereas, in May 1869 the “golden spike” was driven into the final tie at Promontory Summit, Utah to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

Whereas, Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option and reducing congestion on roads and in the skies;

Whereas, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas, passenger trains provide a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security;

Whereas, intercity passenger rail was 18 percent more energy efficient than airplanes and 25 percent more energy efficient than automobiles on a per-passenger-mile basis in 2006;

Whereas, Amtrak annually provides intercity passenger rail travel to over 28 million Americans residing in 46 states;

Whereas, an increasing number of people are using trains for travel purposes beyond commuting to and from work; and

Whereas, community railroad stations are a source of civic pride, a gateway to over 500

of our nation's communities, and a tool for economic growth: Now, therefore, be it—

Resolved, That the Senate supports the goals and ideals of National Train Day, as designated by Amtrak.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1030. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table.

SA 1031. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1032. Mr. FEINGOLD (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1033. Mr. CASEY (for himself, Mr. LEAHY, Mr. SPECTER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1034. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1035. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1036. Mr. KERRY (for himself, Mrs. GILLIBRAND, Mr. REID, Mr. DODD, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1037. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1038. Mrs. BOXER (for herself and Mr. REID) submitted an amendment intended to be proposed by her to the bill S. 896, supra; which was ordered to lie on the table.

SA 1039. Mr. REED (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1040. Mr. REED (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1041. Mr. REED submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1030. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr.

DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE V—TARP REDUCTION PRIORITY ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “TARP Reduction Priority Act”.

SEC. 502. FINDINGS.

Congress finds the following:

(1) On October 7, 2008, Congress established the Troubled Assets Relief Program (TARP) as part of the Emergency Economic Stabilization Act (Public 110-343; 122 Stat. 3765) and allocated \$700,000,000,000 for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

(2) The Department of Treasury, without consultation with Congress, changed the purpose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program (CPP) rather than purchasing toxic assets.

(3) Lending by financial institutions was not noticeably increased with the implementation of the CPP and the expenditure of \$218,000,000,000 of TARP funds, despite the goal of the program.

(4) The recipients of amounts under the CPP are now faced with additional restrictions related to accepting those funds.

(5) A number of community banks and large financial institutions have expressed their desire to return their CPP funds to the Department of Treasury and the Department has begun the process of accepting receipt of such funds.

(6) The Department of the Treasury should not reuse returned funds for additional lending for financial assistance.

(7) The United States Constitution provided Congress with the power of the purse hence any future spending of TARP funds, or other financial assistance, should be determined by Congress.

SEC. 503. TARP AUTHORIZATION REDUCTION.

Section 115(a)(3) the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by inserting “minus any amounts received by the Secretary for repayment of the principal of financial assistance by an entity that has received financial assistance under the TARP or any program enacted by the Secretary under the authorities granted to the Secretary under this Act,” before “outstanding at any one time.”

SA 1031. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I of the amendment, add the following:

SEC. 105. MULTIFAMILY MORTGAGE RESOLUTION PROGRAM.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

“SEC. 137. MULTIFAMILY MORTGAGE RESOLUTION PROGRAM.

“(a) ESTABLISHMENT.—The Secretary of the Treasury, in consultation with the Secretary

of Housing and Urban Development, shall develop a program to stabilize multifamily properties which are delinquent, at risk of default or disinvestment, or in foreclosure.

“(b) FOCUS OF PROGRAM.—The program developed under this section shall be used to ensure the protection of current and future tenants of at risk multifamily properties by—

“(1) creating sustainable financing of such properties that is based on—

“(A) the current rental income generated by such properties; and

“(B) the preservation of adequate operating reserves;

“(2) maintaining the level of Federal, State, and city subsidies in effect as of the date of enactment of this section; and

“(3) facilitating the transfer, when necessary, of such properties to new owners, provided that the Secretary of the Treasury determines such new owner to be responsible.

“(c) COORDINATION.—The Secretary of the Treasury shall in carrying out the program developed under this section coordinate with the Secretary of Housing and Urban Development, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Agency, and any other Federal Government agency that the Secretary considers appropriate.

“(d) DEFINITION.—For purposes of this section, the term ‘multifamily properties’ means a residential structure that consists of 5 or more dwelling units.”.

SA 1032. Mr. FEINGOLD (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —FARM LOAN RESTRUCTURING

SEC. 01. FARM LOAN RESTRUCTURING.

(a) DEFINITIONS.—In this section:

(1) FARM LOAN.—The term “farm loan” means a loan, including a loan guaranteed by the Farm Service Agency, made by a lender for any of the purposes described in—

(A) section 303(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1923(a)(1));

(B) section 312(a) of that Act (7 U.S.C. 1942(a)); or

(C) section 323 of that Act (7 U.S.C. 1963).

(2) LENDER.—The term “lender” means a bank or financial institution, including any subsidiary or branch of a bank or financial institution, that receives financial assistance under the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.).

(b) OFFER TO RESTRUCTURE REQUIRED.—

(1) IN GENERAL.—Except as otherwise provided in this section, each lender shall be required to offer to borrowers to whom the lender made a farm loan a restructuring program comparable to terms and conditions of the program established under section 353 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001) and in accordance with this subsection.

(2) REPURCHASING REQUIREMENT.—If a lender sells a farm loan in a secondary market but retains the right to repurchase all or part of the farm loan, the lender shall repurchase the farm loan if necessary to complete the restructuring required under this subsection.

(3) **RECAPTURE PERIOD.**—Beginning on the date of enactment of this title, the recapture period for any shared appreciation agreement required as part of a debt write-down under the loan restructuring program of a lender shall not exceed 5 years from the date of the write-down.

(4) **BORROWER FUTURE ELIGIBILITY.**—The receipt by a borrower of a debt write-down under the loan restructuring program of a lender shall not prevent the borrower from establishing eligibility for future loans from the lender.

(5) **PRINCIPAL RESIDENCE.**—In a case in which a borrower has given a lender a security interest in the principal residence of the borrower to secure a farm loan and the borrower is at least 60 days past due on any farm loan made by the lender, the lender shall offer restructuring for all farm loans made by the lender to the borrower, regardless of whether the farm loan secured by the principal residence of the borrower is 60 days past due.

(6) **ABILITY TO MAKE PAYMENTS.**—If a borrower demonstrates an ability to make payments on a restructured farm loan that has a net present value that is at least equal to what the lender would receive in case of foreclosure, the lender shall restructure the farm loan.

(c) **FUTURE ELIGIBILITY.**—Except as otherwise provided in this section, a lender that received financial assistance described in subsection (a)(2) prior to the date of enactment of this title shall be ineligible to receive additional financial assistance under the program specified in that paragraph or any other Federal financial assistance, including through loan guarantee programs, until the lender offers to borrowers a restructuring program described in subsection (b), or begins the process to implement such a program, for farm loans made by the lender before, on, or after the date of enactment of this Act.

(d) **APPLICABILITY.**—

(1) **IN GENERAL.**—This section applies to any lender that receives financial assistance described in paragraph (2) or modifies the terms of assistance described in that paragraph on or after the date of enactment of this title.

(2) **TARP TERMINATION.**—In the case of a lender that received assistance under the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.), the farm loan restructuring requirements under subsection (b) shall not apply to the lender effective beginning on the date on which the lender completes repayment of that assistance, as determined by the Secretary of the Treasury.

(3) **TEMPORARY WAIVER.**—

(A) **IN GENERAL.**—The Secretary of the Treasury may temporarily waive the requirement for an individual lender to offer restructuring under this section if the lender demonstrates to the satisfaction of the Secretary that the requirement—

(i) significantly impacts the ability of the lender to provide farm loans; or

(ii) significantly worsens the financial stress test assessment of the lender.

(B) **TERM.**—The term of a waiver under subparagraph (A) may not exceed 30 days but may be renewed.

(C) **NOTICE.**—The Secretary of the Treasury shall provide notice to Congress and the public of any waivers made under this paragraph.

SA 1033. Mr. CASEY (for himself, Mr. LEAHY, Mr. SPECTER, and Mrs. GILLI-

BRAND) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I of the amendment, add the following:

SEC. 105. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) **IN GENERAL.**—Section 2301 of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) in subsection (b), by adding at the end the following:

“(5) **DISTRIBUTION OF FUNDS IN CERTAIN STATES; COMPETITION FOR FUNDS.**—Each State that receives the minimum allocation of amounts pursuant to the requirement under section 2302 shall be permitted to use such amounts to address statewide concerns, provided that such amounts are made available for an eligible use described under paragraphs (3) and (4) of subsection (c).”; and

(2) in subsection (c), by adding at the end the following:

“(4) **FORECLOSURE PREVENTION AND MITIGATION.**—

“(A) **IN GENERAL.**—Each State and unit of general local government that receives an allocation of any covered amounts, as such amounts are distributed pursuant to section 2302, may use up to 10 percent of such amounts for foreclosure prevention programs, activities, and services, foreclosure mitigation programs, activities, and services, or both, as such programs, activities, and services are defined by the Secretary.

“(B) **DEFINITION OF COVERED AMOUNTS.**—For purposes of this paragraph, the term ‘covered amount’ means any amounts appropriated—

“(i) under this section as in effect on the date of enactment of this section; and

“(ii) under the heading ‘Community Development Fund’ of title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 217).”.

(b) **RETROACTIVE EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if enacted on the date of enactment of the Foreclosure Prevention Act of 2008 (Public Law 110-289).

SA 1034. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

On page 64, after line 16, add the following:

TITLE V—PUBLIC-PRIVATE INVESTMENT PROGRAMS

SEC. 501 PUBLIC-PRIVATE INVESTMENT PROGRAMS.

(a) **IN GENERAL.**—Subsection (b) shall apply to any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that—

(1) creates a public-private investment fund;

(2) makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(A) a public-private investment fund; or

(B) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security;

(3) employs or contracts with a private sector partner to manage assets for a public-private investment program; or

(4) guarantees any debt or asset for purposes of a public-private investment program.

(b) **REQUIREMENTS.**—Any program described in subsection (a) shall—

(1) impose strict conflict of interest rules on managers of public-private investment funds that—

(A) specifically describe the extent, if any, to which such managers may—

(i) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(ii) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(B) take into consideration that there is a trade-off between hiring a manager having significant experience as an asset manager that has complex conflicts of interest, and hiring a manager having less expertise that has no conflicts of interest; and

(C) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(2) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(3) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury;

(4) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(5) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(6) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(7) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency having oversight responsibilities with respect to a public-private investment fund access to—

(A) the books, documents, records, and employees of each manager of a public-private investment fund; and

(B) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(8) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(9) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(10) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(11) require stringent investor screening procedures for public-private investment funds that include "know your customer" requirements that are at least as rigorous as those of a commercial bank or retail brokerage operation;

(12) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(13) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(c) **REPORT.**—Not later than 45 days after the date of the establishment of a program described in subsection (a), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(d) **DEFINITION.**—In this section, the term "public-private investment fund" means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

SA 1035. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NOTIFICATION OF SALE OR TRANSFER OF MORTGAGE LOANS.

(a) **IN GENERAL.**—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following:

"(g) **NOTICE OF NEW CREDITOR.**—

"(1) **IN GENERAL.**—In addition to other disclosures required by this title, not later than 30 days after the date on which a mortgage loan is sold or otherwise transferred or assigned to a third party, the creditor that is the new owner or assignee of the debt shall notify the borrower in writing of such transfer, including—

"(A) the identity, address, telephone number of the new creditor;

"(B) the date of transfer;

"(C) how to reach an agent or party having authority to act on behalf of the new creditor;

"(D) the location of the place where transfer of ownership of the debt is recorded; and

"(E) any other relevant information regarding the new creditor.

"(2) **DEFINITION.**—As used in this subsection, the term 'mortgage loan' means any consumer credit transaction that is secured by the principal dwelling of a consumer."

(b) **PRIVATE RIGHT OF ACTION.**—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended by inserting "subsection (f) or (g) of section 131," after "section 125,".

SA 1036. Mr. KERRY (for himself, Mrs. GILLIBRAND, Mr. REID, Mr. DODD,

and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE V—PROTECTING TENANTS AT FORECLOSURE ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Protecting Tenants at Foreclosure Act of 2009".

SEC. 502. EFFECT OF FORECLOSURE ON PRE-EXISTING TENANCY.

(a) **IN GENERAL.**—In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure pursuant to the foreclosure shall assume such interest subject to—

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1), except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) **BONA FIDE LEASE OR TENANCY.**—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

(1) the mortgagor under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; or

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

(c) **DEFINITION.**—For purposes of this section, the term "federally-related mortgage loan" has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

SEC. 503. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting before the semi-colon in subparagraph (C) the following: "and in the case of an owner who is an immediate successor in interest pursuant to foreclosure—

"(i) during the initial term of the lease vacating the property prior to sale shall not constitute other good cause; and

"(ii) in subsequent lease terms, vacating the property prior to sale may constitute good cause if the property is unmarketable while occupied, or if such owner will occupy the unit as a primary residence"; and

(2) by inserting at the end of subparagraph (F) the following: "In the case of any fore-

closure on any federally-related mortgage loan (as that term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) or on any residential real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants."

SEC. 504. SUNSET.

This title, and any amendments made by this title are repealed, and the requirements under this title shall terminate, on December 31, 2012.

SA 1037. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I of the amendment, add the following:

SEC. 105. WARNINGS TO HOMEOWNERS OF FINANCIAL SCAMS.

(a) **IN GENERAL.**—In connection with a foreclosure proceeding on a residential mortgage loan initiated by a lender, the loan servicer of such loan shall, at the time of initiation of the proceeding, notify the homeowner of such loan of the dangers of fraudulent activities associated with foreclosure.

(b) **NOTICE REQUIREMENTS.**—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) have the heading "Notice Required by Federal Law" in a 14-point boldface type in English and Spanish at the top of such notice; and

(3) contain the following statement in English and Spanish: "Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [____], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at <http://www.hud.gov/foreclosure> for additional assistance." (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively.).

(c) **LOAN SERVICER.**—As used in this section, the term "loan servicer" has the same meaning as the term "servicer" in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(d) **ENFORCEMENT BY FEDERAL TRADE COMMISSION.**—

(1) **UNFAIR OR DECEPTIVE ACT OR PRACTICE.**—A failure to comply with any provision of this section shall be treated as a violation of

a rule defining an unfair or deceptive act or practice promulgated under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

SA 1038. Mrs. BOXER (for herself and Mr. REID) submitted an amendment intended to be proposed by her to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PUBLIC-PRIVATE INVESTMENT PROGRAM; ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.

(a) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Federal Government to create a public-private investment fund shall—

(A) in consultation with the Special Inspector General of the Troubled Asset Relief Program, impose strict conflict of interest rules on managers of public-private investment funds that specifically describe the extent, if any, to which such managers may conduct transactions involving public-private investment funds that affect the value of assets—

(i) that are not part of such public-private investment funds; and

(ii) in which managers or significant investors in such funds have a direct or indirect financial interest;

(B) require each public-private investment fund to make a quarterly report to the Secretary of the Treasury that discloses the 10 largest positions of such fund;

(C) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(D) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund, including all records of financial transactions in machine readable form;

(E) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(F) require each manager of a public-private investment fund to acknowledge a fiduciary duty to both the public and private investors in such fund;

(G) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(H) require investor screening procedures for public-private investment funds that include “know your customer” requirements at least as rigorous as those of a commercial bank or retail brokerage operation; and

(I) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each investor whose

interest in the fund totals at least 10 percent, in the aggregate;

(2) REPORT.—Not later than 45 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(b) ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL OF THE TROUBLED ASSET RELIEF PROGRAM.—

(1) IN GENERAL.—Of amounts made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$15,000,000 shall be made available to the Special Inspector General of the Troubled Asset Relief Program (in this section referred to as the “Special Inspector General”), which shall be in addition to amounts otherwise made available to the Special Inspector General.

(2) PRIORITIES.—In utilizing funds made available under this section, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under the Public Private Investment Program established by the Secretary of the Treasury or the Term Asset Loan Facility established by the Board of Governors of the Federal Reserve System (including any successor thereto or any other similar program established by the Secretary or the Board), to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.

(c) DEFINITION.—In this section, the term “public-private investment fund” means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

SA 1039. Mr. REED (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 126. REMOVAL OF REQUIREMENT TO LIQUIDATE WARRANTS UNDER THE TARP.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended by striking “, and when” and all that follows through the end of the subsection and inserting a period.

SA 1040. Mr. REED (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S.

896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION B—HOMELESSNESS REFORM

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—HOMELESSNESS REFORM

Sec. 1001. Short title; table of contents.
Sec. 1002. Findings and purposes.
Sec. 1003. Definition of homelessness.
Sec. 1004. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

Sec. 1101. Definitions.
Sec. 1102. Community homeless assistance planning boards.
Sec. 1103. General provisions.
Sec. 1104. Protection of personally identifying information by victim service providers.
Sec. 1105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

Sec. 1201. Grant assistance.
Sec. 1202. Eligible activities.
Sec. 1203. Participation in Homeless Management Information System.
Sec. 1204. Administrative provision.
Sec. 1205. GAO study of administrative fees.

TITLE III—CONTINUUM OF CARE PROGRAM

Sec. 1301. Continuum of care.
Sec. 1302. Eligible activities.
Sec. 1303. High performing communities.
Sec. 1304. Program requirements.
Sec. 1305. Selection criteria, allocation amounts, and funding.
Sec. 1306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

Sec. 1401. Rural housing stability assistance.
Sec. 1402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. 1501. Repeals.
Sec. 1502. Conforming amendments.
Sec. 1503. Effective date.
Sec. 1504. Regulations.
Sec. 1505. Amendment to table of contents.

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) PURPOSES.—The purposes of this division are—

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 1003. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—For purposes of this Act, the terms ‘homeless’, ‘homeless individual’, and ‘homeless person’ means—

“(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

“(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

“(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

“(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

“(5) an individual or family who—

“(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

“(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

“(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

“(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

“(B) has no subsequent residence identified; and

“(C) lacks the resources or support networks needed to obtain other permanent housing; and

“(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

“(A) have experienced a long term period without living independently in permanent housing,

“(B) have experienced persistent instability as measured by frequent moves over such period, and

“(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, sub-

stance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

“(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.”

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this division, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this division.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of “homeless”, “homeless individual”, or “homeless person” for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 1004. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following “whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness”;

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

“(16) The Commissioner of Social Security, or the designee of the Commissioner.

“(17) The Attorney General of the United States, or the designee of the Attorney General.

“(18) The Director of the Office of Management and Budget, or the designee of the Director.

“(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

“(20) The Director of USA FreedomCorps, or the designee of the Director.”;

(B) in subsection (c), by striking “annually” and inserting “four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year”;

(C) by adding at the end the following:

“(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.”;

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

“(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually;”;

(C) in paragraph (5), as redesignated by subparagraph (A), by striking “at least 2, but in no case more than 5” and inserting “not less than 5, but in no case more than 10”;

(D) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

“(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

“(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies’ identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled ‘Homelessness: Coordination and Evaluation of Programs Are Essential’, issued February 26, 1999, and ‘Homelessness: Barriers to Using Mainstream Programs’, issued July 6, 2000;

“(8) conduct research and evaluation related to its functions as defined in this section;

“(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency;”;

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking “and” at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

“(12) develop constructive alternatives to criminalizing homelessness and eliminate laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person’s property without due process, or are selectively enforced against homeless persons; and

“(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and Ranking Member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies

and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of 'homeless' under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 1003 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting."

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—
(A) by striking "Federal" and inserting "national";

(B) by striking "and" and inserting "and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made";

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking "property." and inserting "property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council."; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title \$3,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011. Any amounts appropriated to carry out this title shall remain available until expended."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this division.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

SEC. 1101. DEFINITIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle A—General Provisions";

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

"SEC. 401. DEFINITIONS.

"For purposes of this title:

"(1) **AT RISK OF HOMELESSNESS.**—The term 'at risk of homelessness' means, with respect to an individual or family, that the individual or family—

"(A) has income below 30 percent of median income for the geographic area;

"(B) has insufficient resources immediately available to attain housing stability; and

"(C)(i) has moved frequently because of economic reasons;

"(ii) is living in the home of another because of economic hardship;

"(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

"(iv) lives in a hotel or motel;

"(v) lives in severely overcrowded housing;

"(vi) is exiting an institution; or

"(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.

"(2) **CHRONICALLY HOMELESS.**—

"(A) **IN GENERAL.**—The term 'chronically homeless' means, with respect to an individual or family, that the individual or family—

"(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

"(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

"(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

"(B) **RULE OF CONSTRUCTION.**—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

"(3) **COLLABORATIVE APPLICANT.**—The term 'collaborative applicant' means an entity that—

"(A) carries out the duties specified in section 402;

"(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

"(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

"(4) **COLLABORATIVE APPLICATION.**—The term 'collaborative application' means an application for a grant under subtitle C that—

"(A) satisfies section 422; and

"(B) is submitted to the Secretary by a collaborative applicant.

"(5) **CONSOLIDATED PLAN.**—The term 'Consolidated Plan' means a comprehensive hous-

ing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

"(6) **ELIGIBLE ENTITY.**—The term 'eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

"(7) **FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.**—The term 'families with children and youth defined as homeless under other Federal statutes' means any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

"(8) **GEOGRAPHIC AREA.**—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

"(9) **HOMELESS INDIVIDUAL WITH A DISABILITY.**—

"(A) **IN GENERAL.**—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

"(i)(I) is expected to be long-continuing or of indefinite duration;

"(II) substantially impedes the individual's ability to live independently;

"(III) could be improved by the provision of more suitable housing conditions; and

"(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

"(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

"(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

"(B) **RULE.**—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

"(10) **LEGAL ENTITY.**—The term 'legal entity' means—

"(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

"(B) an instrumentality of State or local government; or

"(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

"(11) **METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.**—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

"(12) **NEW.**—The term 'new' means, with respect to housing, that no assistance has been provided under this title for the housing.

"(13) **OPERATING COSTS.**—The term 'operating costs' means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

"(A) the administration, maintenance, repair, and security of such housing;

“(B) utilities, fuel, furnishings, and equipment for such housing; or

“(C) coordination of services as needed to ensure long-term housing stability.

“(14) OUTPATIENT HEALTH SERVICES.—The term ‘outpatient health services’ means outpatient health care services, mental health services, and outpatient substance abuse services.

“(15) PERMANENT HOUSING.—The term ‘permanent housing’ means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

“(16) PERSONALLY IDENTIFYING INFORMATION.—The term ‘personally identifying information’ means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

“(A) a first and last name;

“(B) a home or other physical address;

“(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number); and

“(D) a social security number; and

“(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

“(17) PRIVATE NONPROFIT ORGANIZATION.—The term ‘private nonprofit organization’ means an organization—

“(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

“(B) that has a voluntary board;

“(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

“(D) that practices nondiscrimination in the provision of assistance.

“(18) PROJECT.—The term ‘project’ means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

“(19) PROJECT-BASED.—The term ‘project-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an owner of a structure that exists as of the date the contract is entered into; and

“(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

“(20) PROJECT SPONSOR.—The term ‘project sponsor’ means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

“(21) RECIPIENT.—Except as used in subtitle B, the term ‘recipient’ means an eligible entity who—

“(A) submits an application for a grant under section 422 that is approved by the Secretary;

“(B) receives the grant directly from the Secretary to support approved projects described in the application; and

“(C)(i) serves as a project sponsor for the projects; or

“(ii) awards the funds to project sponsors to carry out the projects.

“(22) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(23) SERIOUS MENTAL ILLNESS.—The term ‘serious mental illness’ means a severe and persistent mental illness or emotional impairment that seriously limits a person’s ability to live independently.

“(24) SOLO APPLICANT.—The term ‘solo applicant’ means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

“(25) SPONSOR-BASED.—The term ‘sponsor-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an independent entity that—

“(I) is a private organization; and

“(II) owns or leases dwelling units; and

“(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

“(26) STATE.—Except as used in subtitle B, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

“(27) SUPPORTIVE SERVICES.—The term ‘supportive services’ means services that address the special needs of people served by a project, including—

“(A) the establishment and operation of a child care services program for families experiencing homelessness;

“(B) the establishment and operation of an employment assistance program, including providing job training;

“(C) the provision of outpatient health services, food, and case management;

“(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

“(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

“(F) the provision of mental health services, trauma counseling, and victim services;

“(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

“(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual’s ability to obtain and retain housing;

“(I) the provision of—

“(i) transportation services that facilitate an individual’s ability to obtain and maintain employment; and

“(ii) health care; and

“(J) other supportive services necessary to obtain and maintain housing.

“(28) TENANT-BASED.—The term ‘tenant-based’ means, with respect to rental assistance, assistance that—

“(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure

that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

“(i) in a particular structure or unit for not more than the first year of the participation;

“(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

“(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

“(29) TRANSITIONAL HOUSING.—The term ‘transitional housing’ means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

“(30) UNIFIED FUNDING AGENCY.—The term ‘unified funding agency’ means a collaborative applicant that performs the duties described in section 402(g).

“(31) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

“(32) VICTIM SERVICE PROVIDER.—The term ‘victim service provider’ means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women’s shelters, domestic violence transitional housing programs, and other programs.

“(33) VICTIM SERVICES.—The term ‘victim services’ means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.”

SEC. 1102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 1101(3) of this division) the following new section:

“SEC. 402. COLLABORATIVE APPLICANTS.

“(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

“(1) submit an application for amounts under this subtitle; and

“(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

“(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

“(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

“(e) APPOINTMENT OF AGENT.—

“(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

“(A) apply for a grant under section 422(c);

“(B) receive and distribute grant funds awarded under subtitle C; and

“(C) perform other administrative duties.

“(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

“(f) DUTIES.—A collaborative applicant shall—

“(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

“(A) to determine compliance with—

“(i) the program requirements under section 426; and

“(ii) the selection criteria described under section 427; and

“(B) to establish priorities for funding projects in the geographic area involved;

“(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

“(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as ‘HMIS’) that—

“(A) collects unduplicated counts of individuals and families experiencing homelessness;

“(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

“(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

“(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

“(i) encryption of data collected for purposes of HMIS;

“(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

“(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

“(iv) rights of persons receiving services under this title;

“(v) criminal and civil penalties for unlawful disclosure of data; and

“(vi) such other standards as may be determined necessary by the Secretary.

“(g) UNIFIED FUNDING.—

“(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in

the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

“(A) the collaborative applicant—

“(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

“(ii) is selected to perform such responsibilities by the Secretary; or

“(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

“(i) a finding by the Secretary that the applicant—

“(I) has the capacity to perform such responsibilities; and

“(II) would serve the purposes of this Act as they apply to the geographic area; and

“(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

“(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

“(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

“(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

“(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.”

SEC. 1103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 1101(2) of this division) the following new sections:

“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

“(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

“(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

“(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

“(2) provides such assurances, as the Secretary shall require, that an equivalent ap-

propriate alternative living arrangement for the whole family or household unit has been secured.

“SEC. 405. TECHNICAL ASSISTANCE.

“(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other non-governmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homelessness.

“(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).”

SEC. 1104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

“In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.”

SEC. 1105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.”

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 1201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle B—Emergency Solutions Grants Program”;

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373-6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

“SEC. 412. GRANT ASSISTANCE.

“The Secretary shall make grants to States and local governments (and to private

nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

“SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.”

“(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

“(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.”; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking “amounts appropriated” and all that follows through “for any” and inserting “amounts appropriated under section 408 and made available to carry out this subtitle for any”.

SEC. 1202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 1201(3) of this division, and inserting the following new section:

“SEC. 415. ELIGIBLE ACTIVITIES.”

“(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

“(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

“(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

“(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

“(B) the use of assistance under this subtitle would complement the provision of those essential services.

“(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

“(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

“(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

“(A) stabilizing individuals and families in their current housing; or

“(B) quickly moving such individuals and families to other permanent housing.

“(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

“(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

“(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.”.

SEC. 1203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 1201(3) of this division, is amended by adding at the end the following new subsection:

“(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.”.

SEC. 1204. ADMINISTRATIVE PROVISION.

Section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11378) is amended by striking “5 percent” and inserting “7.5 percent”.

SEC. 1205. GAO STUDY OF ADMINISTRATIVE FEES.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States shall—

(1) conduct a study to examine the appropriate administrative costs for administering the program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

(2) submit to Congress a report on the findings of the study required under paragraph (1).

TITLE III—CONTINUUM OF CARE PROGRAM

SEC. 1301. CONTINUUM OF CARE.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

“Subtitle C—Continuum of Care Program”; and

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

“SEC. 421. PURPOSES.”

“The purposes of this subtitle are—

“(1) to promote community-wide commitment to the goal of ending homelessness;

“(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

“(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

“(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.”

“(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

“(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

“(c) APPLICATIONS.—

“(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

“(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

“(B) to establish priorities for funding projects in the geographic area.

“(2) ANNOUNCEMENT OF AWARDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

“(1) REQUIREMENTS FOR OBLIGATION.—

“(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

“(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

“(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor.

Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

“(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

“(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

“(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

“(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

“(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

“(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

“(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

“(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

“(h) APPEALS.—

“(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

“(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

“(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be

awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

“(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

“(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

“(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

“(3) TREATMENT OF CERTAIN POPULATIONS.—

“(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

“(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.”

SEC. 1302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

“SEC. 423. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

“(1) Construction of new housing units to provide transitional or permanent housing.

“(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

“(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

“(4) Provision of rental assistance to provide transitional or permanent housing to el-

igible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

“(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

“(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

“(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

“(A) are effective at moving homeless individuals and families immediately into housing; or

“(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

“(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

“(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

“(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

“(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

“(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

“(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

“(c) USE RESTRICTIONS.—

“(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of

subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

“(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

“(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

“(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

“(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

“(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

“(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

“(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

“(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

“(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

“(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

“(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

“(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

“(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

“(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

“(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.”

SEC. 1303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

“(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

“(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

“(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

“(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

“(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

“(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

“(b) APPLICATION.—

“(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

“(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

“(A) a report showing how any money received under this subtitle in the preceding year was expended; and

“(B) information that such applicant can meet the requirements described under subsection (d).

“(3) PUBLICATION OF APPLICATION.—The Secretary shall—

“(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

“(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

“(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

“(1) for any of the eligible activities described in section 423; or

“(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

“(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term ‘high-performing community’ means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

“(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

“(A) is less than 20 days; or

“(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

“(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families—

“(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

“(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

“(3) COMMUNITY ACTION.—The communities that compose the geographic area have—

“(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

“(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

“(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

“(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

“(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.”

SEC. 1304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

“(a) **SITE CONTROL.**—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

“(b) **REQUIRED AGREEMENTS.**—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

“(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

“(2) to monitor and report to the Secretary the progress of the project;

“(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

“(4) to require certification from all project sponsors that—

“(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

“(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

“(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

“(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.); and

“(E) they will provide data and reports as required by the Secretary pursuant to the Act;

“(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, such funds in order to ensure that all financial

transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

“(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

“(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education; and

“(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.”;

(2) by redesignating subsection (d) as subsection (c);

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this subsection), by striking “recipient” and inserting “recipient or project sponsor”;

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking “recipient” each place it appears and inserting “recipient or project sponsor”;

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 1305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

“SEC. 427. SELECTION CRITERIA.

“(a) **IN GENERAL.**—The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

“(b) **REQUIRED CRITERIA.**—

“(1) **IN GENERAL.**—The criteria established under subsection (a) shall include—

“(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

“(i) the length of time individuals and families remain homeless;

“(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

“(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

“(iv) overall reduction in the number of homeless individuals and families;

“(v) jobs and income growth for homeless individuals and families;

“(vi) success at reducing the number of individuals and families who become homeless;

“(vii) other accomplishments by the recipient related to reducing homelessness; and

“(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

“(B) the plan of the recipient, which shall describe—

“(i) how the number of individuals and families who become homeless will be reduced in the community;

“(ii) how the length of time that individuals and families remain homeless will be reduced;

“(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

“(iv) the extent to which the recipient will—

“(I) address the needs of all relevant subpopulations;

“(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

“(III) set quantifiable performance measures;

“(IV) set timelines for completion of specific tasks;

“(V) identify specific funding sources for planned activities; and

“(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

“(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

“(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

“(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

“(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

“(iii) is based on objective criteria that have been publicly announced by the recipient; and

“(iv) is open to proposals from entities that have not previously received funds under this subtitle;

“(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

“(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

“(F) for collaborative applicants exercising the authority under section 422(j) to serve

homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

“(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

“(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

“(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

“(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

“(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

“(B) AMOUNT.—

“(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

“(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

“(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

“(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

“(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

“(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

“(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

“SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

“(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

“(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

“(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

“(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

“(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

“(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

“(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

“(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

“(d) INCENTIVES FOR PROVEN STRATEGIES.—

“(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

“(A) permanent supportive housing for chronically homeless individuals and families;

“(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as

Temporary Assistance for Needy Families and Child Welfare services; and

“(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

“(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

“(a) IN GENERAL.—Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

“(1) under the appropriations account for this title; or

“(2) the section 8 project-based rental assistance account.

“(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

“(1) there is a demonstrated need for the project; and

“(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

“(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

“SEC. 430. MATCHING FUNDING.

“(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a

grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

“(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

“(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

“(1) funding for any eligible activity described under section 423; and

“(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

“SEC. 431. APPEAL PROCEDURE.

“(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

“(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

“(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.”.

SEC. 1306. RESEARCH.

There is authorized to be appropriated \$8,000,000, for each of fiscal years 2010 and 2011, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at 3 different sites to provide services for homeless families and evaluate the effectiveness of such services.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 1401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle G—Rural Housing Stability Assistance Program”; and

(2) in section 491—

(A) by striking the section heading and inserting **“RURAL HOUSING STABILITY GRANT PROGRAM.”**;

(B) in subsection (a)—

(i) by striking “rural homelessness grant program” and inserting “rural housing stability grant program”;

(ii) by inserting “in lieu of grants under subtitle C” after “eligible organizations”;

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

“(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

“(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

“(3) improving the ability of the lowest-income residents of the community to afford stable housing.”;

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

“(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

“(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

“(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

“(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

“(H) payment of operating costs for housing units assisted under this title.”;

(D) in subsection (b)(2), by striking “appropriated” and inserting “transferred”;

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking “appropriated” and inserting “transferred”; and

(ii) in paragraph (3), by striking “appropriated” and inserting “transferred”;

(F) in subsection (d)—

(i) in paragraph (5), by striking “; and” and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking “an agreement” and all that follows through “families” and inserting the following: “a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization”; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

“(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

“(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.”;

(G) by striking subsections (f) and (g) and inserting the following:

“(f) MATCHING FUNDING.—

“(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants for leasing shall not be subject to any match requirement.

“(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

“(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

“(A) funding for any eligible activity described under subsection (b); and

“(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

“(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

“(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

“(2) the degree to which the project addresses the most harmful housing situations present in the community;

“(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

“(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

“(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

“(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

“(7) any other relevant criteria as determined by the Secretary.”;

(H) in subsection (h)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “The” and inserting “Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the”;

(ii) in paragraph (1)(A), by striking “providing housing and other assistance to homeless persons” and inserting “meeting the goals described in subsection (a)”;

(iii) in paragraph (1)(B), by striking “address homelessness in rural areas” and inserting “meet the goals described in subsection (a) in rural areas”;

(iv) in paragraph (2)—

(I) by striking “The” and inserting “Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the”;

(II) by striking “, not later than 18 months after the date on which the Secretary first makes grants under the program,”; and

(III) by striking “prevent and respond to homelessness” and inserting “meet the goals described in subsection (a)”;

(I) in subsection (k)—

(i) in paragraph (1), by striking “rural homelessness grant program” and inserting “rural housing stability grant program”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “; or” and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking “rural census tract.” and inserting “county

where at least 75 percent of the population is rural; or"; and

(III) by adding at the end the following:

"(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.";

(J) in subsection (I)—

(i) by striking the subsection heading and inserting "PROGRAM FUNDING.—"; and

(ii) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under subtitle C for grants under this section. Any amounts so transferred and not used for grants under this section due to an insufficient number of applications shall be transferred to be used for grants under subtitle C."; and

(K) by adding at the end the following:

"(m) DETERMINATION OF FUNDING SOURCE.—For any fiscal year, in addition to funds awarded under subtitle B, funds under this title to be used in a city or county shall only be awarded under either subtitle C or subtitle D.".

SEC. 1402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to non-rural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among individuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and non-rural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Agriculture.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Education.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this division.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 1501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 1502. CONFORMING AMENDMENTS.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 1101(2) of this division), is amended—

(1) by striking "current housing affordability strategy" and inserting "consolidated plan"; and

(2) by inserting before the comma the following: "(referred to in such section as a 'comprehensive housing affordability strategy')".

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this division, is further amended by adding at the end the following new subsection:

"(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.".

(c) RURAL HOUSING STABILITY ASSISTANCE.—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this division, as subtitle D.

SEC. 1503. EFFECTIVE DATE.

Except as specifically provided otherwise in this division, this division and the amendments made by this division shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this division, or

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 1504, whichever occurs first.

SEC. 1504. REGULATIONS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this division, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this division.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this division.

SEC. 1505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

"TITLE IV—HOUSING ASSISTANCE

"Subtitle A—General Provisions

"Sec. 401. Definitions.

"Sec. 402. Collaborative applicants.

"Sec. 403. Housing affordability strategy.

"Sec. 404. Preventing involuntary family separation

"Sec. 405. Technical assistance.

"Sec. 406. Discharge coordination policy.

"Sec. 407. Protection of personally identifying information by victim service providers.

"Sec. 408. Authorization of appropriations.

"Subtitle B—Emergency Solutions Grants Program

"Sec. 411. Definitions.

"Sec. 412. Grant assistance.

"Sec. 413. Amount and allocation of assistance.

"Sec. 414. Allocation and distribution of assistance.

"Sec. 415. Eligible activities.

"Sec. 416. Responsibilities of recipients.

"Sec. 417. Administrative provisions.

"Sec. 418. Administrative costs.

"Subtitle C—Continuum of Care Program

"Sec. 421. Purposes.

"Sec. 422. Continuum of care applications and grants.

"Sec. 423. Eligible activities.

"Sec. 424. Incentives for high-performing communities.

"Sec. 425. Supportive services.

"Sec. 426. Program requirements.

"Sec. 427. Selection criteria.

"Sec. 428. Allocation of amounts and incentives for specific eligible activities.

"Sec. 429. Renewal funding and terms of assistance for permanent housing.
 "Sec. 430. Matching funding.
 "Sec. 431. Appeal procedure.
 "Sec. 432. Regulations.
 "Sec. 433. Reports to Congress.

"Subtitle D—Rural Housing Stability Assistance Program

"Sec. 491. Rural housing stability assistance.
 "Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing."

SA 1041. Mr. REED submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE V—REAL ESTATE MORTGAGE INVESTMENT CONDUIT IMPROVEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Real Estate Mortgage Investment Conduit Improvement Act of 2009".

SEC. 502. SPECIAL RULES FOR MODIFICATION OR DISPOSITION OF QUALIFIED MORTGAGES OR FORECLOSURE PROPERTY BY REAL ESTATE MORTGAGE INVESTMENT CONDUITS.

(a) IN GENERAL.—If a REMIC (as defined in section 860D(a) of the Internal Revenue Code of 1986) modifies or disposes of a troubled asset under the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary under section 503 of this title—

(1) such modification or disposition shall not be treated as a prohibited transaction under section 860F(a)(2) of such Code, and
 (2) for purposes of part IV of subchapter M of chapter 1 of such Code—

(A) an interest in the REMIC shall not fail to be treated as a regular interest (as defined in section 860G(a)(1) of such Code) solely because of such modification or disposition, and

(B) any proceeds resulting from such modification or disposition shall be treated as amounts received under qualified mortgages.

(b) TERMINATION OF REMIC.—For purposes of the Internal Revenue Code of 1986, an entity which is a REMIC (as defined in section 860D(a) of the Internal Revenue Code of 1986) shall cease to be a REMIC if the instruments governing the conduct of servicers or trustees with respect to qualified mortgages (as defined in section 860G(a)(3) of such Code) or foreclosure property (as defined in section 860G(a)(8) of such Code)—

(1) prohibit or restrict (including restrictions on the type, number, percentage, or frequency of modifications or dispositions) such servicers or trustees from reasonably modifying or disposing of such qualified mortgages or such foreclosure property in order to participate in the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary under section 503 of this title,

(2) commit to a person other than the servicer or trustee the authority to prevent

the reasonable modification or disposition of any such qualified mortgage or foreclosure property,

(3) require a servicer or trustee to purchase qualified mortgages which are in default or as to which default is reasonably foreseeable for the purposes of reasonably modifying such mortgages or as a consequence of such reasonable modification, or

(4) fail to provide that any duty a servicer or trustee owes when modifying or disposing of qualified mortgages or foreclosure property shall be to the trust in the aggregate and not to any individual or class of investors.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—Subsection (a) shall apply to modification and dispositions after the date of the enactment of this title, in taxable years ending on or after such date.

(2) SUBSECTION (b).—

(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (b) shall take effect on the date that is 3 months after the date of the enactment of this title.

(B) EXCEPTION.—The Secretary of the Treasury may waive the application of subsection (b) in whole or in part for any period of time with respect to any entity if—

(i) the Secretary determines that such entity is unable to comply with the requirements of such subsection in a timely manner, or

(ii) the Secretary determines that such waiver would further the purposes of this title.

SEC. 503. ESTABLISHMENT OF A HOME MORTGAGE LOAN RELIEF PROGRAM UNDER THE TROUBLED ASSET RELIEF PROGRAM AND RELATED AUTHORITIES.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this title, the Secretary of the Treasury shall establish and implement a program under the Troubled Asset Relief Program and related authorities established under section 101(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a))—

(1) to achieve appropriate broad-scale modifications or dispositions of troubled home mortgage loans; and

(2) to achieve appropriate broad-scale dispositions of foreclosure property.

(b) RULES.—The Secretary of the Treasury shall promulgate rules governing the—

(1) reasonable modification of any home mortgage loan pursuant to the requirements of this title; and

(2) disposition of any such home mortgage loan or foreclosed property pursuant to the requirements of this title.

(c) CONSIDERATIONS.—In developing the rules required under subsection (b), the Secretary of the Treasury shall take into consideration—

(1) the debt-to-income ratio, loan-to-value ratio, or payment history of the mortgagors of such home mortgage loans; and

(2) any other factors consistent with the intent to streamline modifications of troubled home mortgage loans into sustainable home mortgage loans.

(d) USE OF BROAD AUTHORITY.—The Secretary of the Treasury shall use all available authorities to implement the home mortgage loan relief program established under this section, including, as appropriate—

(1) home mortgage loan purchases;

(2) home mortgage loan guarantees;

(3) making and funding commitments to purchase home mortgage loans or mortgage-backed securities;

(4) buying down interest rates and principal on home mortgage loans;

(5) principal forbearance; and

(6) developing standard home mortgage loan modification and disposition protocols, which shall include ratifying that servicer action taken in anticipation of any necessary changes to the instruments governing the conduct of servicers or trustees with respect to qualified mortgages or foreclosure property are consistent with the Secretary of the Treasury's standard home mortgage loan modification and disposition protocols.

(e) PAYMENTS AUTHORIZED.—The Secretary of the Treasury is authorized to pay servicers for home mortgage loan modifications or other dispositions consistent with any rules established under subsection (b).

(f) RULE OF CONSTRUCTION.—Any standard home mortgage loan modification and disposition protocols developed by the Secretary of the Treasury under this section shall be construed to constitute standard industry practice.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, May 6, 2009 at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider legislation on siting of interstate electric transmission facilities, energy finance, and nuclear energy.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, and 93; that the nominations be confirmed, en bloc; that the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; that any statement relating to the nominations be printed in the Record; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Peter A. Kovar, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

John D. Trasvina, of California, to be an Assistant Secretary of Housing and Urban Development.

Helen R. Kanovsky, of Maryland, to be General Counsel of the Department of Housing and Urban Development.

DEPARTMENT OF THE TREASURY

David S. Cohen, of Maryland, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

DEPARTMENT OF EDUCATION

Russlynn Ali, of California, to be Assistant Secretary for Civil Rights, Department of Education.

Carmel Martin, of Maryland, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

Charles P. Rose, of Illinois, to be General Counsel, Department of Education.

Peter Cunningham, of Illinois, to be Assistant Secretary for Communications and Outreach, Department of Education.

DEPARTMENT OF LABOR

Brian Vincent Kennedy, of Virginia, to be an Assistant Secretary of Labor.

T. Michael Kerr, of the District of Columbia, to be an Assistant Secretary of Labor.

DEPARTMENT OF EDUCATION

Gabriella Cecilia Gomez, of California, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Thomasina Rogers, of Maryland, to be a Member of the Occupational Safety and Health Review Commission.

Mr. REID. Mr. President, I also want the record to reflect how much I appreciate the cooperation of the Republicans in allowing us to clear these nominations. I am disappointed that a number of them, additional ones, have not been cleared. Especially, I am concerned about Cameron Kerry, who is going to be general counsel at Commerce, and hope we can get that done early next week.

ORDERS FOR MONDAY, MAY 4, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business for up to 1 hour, with Senators permitted to

speak for up to 10 minutes each. Further, I ask unanimous consent that following morning business, the Senate resume consideration of S. 896, under the guidance of Senator DODD, the Helping Families Save Their Homes Act of 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I should have mentioned Senator SHELBY as well, the ranking member. He and Senator DODD will be managing that bill.

PROGRAM

Mr. REID. Mr. President, Senators should expect rollcall votes in relation to the two pending Vitter amendments beginning at about 5:30 on Monday.

We have a long list of amendments, and I would ask Senators—and certainly at this time of the day there are staff—to make sure they understand these amendments are going to have to be offered. We are going to finish this bill on Tuesday, one way or the other. People should come and offer their amendments. There will be debate and we will move to either accept or reject them. Let's try to get this done.

We have a lot more work to do following this. Before we leave here—just to go over briefly what we have to do—we have to do the legislation dealing with credit cards, which was passed in a huge bipartisan vote in the House yesterday, and we have to do the procurement bill, which is also a bipartisan bill sponsored by Senators LEVIN and MCCAIN. We, frankly, are not going to be able to get to the tobacco legislation this work period. I am disappointed we can't do that, but we would not be able to. Then we will have to work very hard that last week to do the supplemental appropriations bill. So we have a lot of work to do.

ADJOURNMENT UNTIL MONDAY,
MAY 4, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 2:39 p.m., adjourned until Monday, May 4, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

MICHAEL S. BARR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE DAVID GEORGE NASON, RESIGNED.

HERBERT M. ALLISON, JR., OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE TREASURY. (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, May 1, 2009:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PETER A. KOVAR, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

JOHN D. TRASVINA, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

HELEN R. KANOVSKY, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF THE TREASURY

DAVID S. COHEN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY.

DEPARTMENT OF EDUCATION

RUSSLYNN ALI, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION.

CARMEL MARTIN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.

CHARLES P. ROSE, OF ILLINOIS, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION.

PETER CUNNINGHAM, OF ILLINOIS, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION.

DEPARTMENT OF LABOR

BRIAN VINCENT KENNEDY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

T. MICHAEL KERR, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF EDUCATION

GABRIELLA CECILIA GOMEZ, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMASINA ROGERS, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2015.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SENATE—Monday, May 4, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O, holy God, who has taught us to place our confidence in You, give the Members of this body the power of Your wisdom. In all their duties, empower them to be loyal to You and obedient to Your precepts. Infuse them with faith to believe that You are willing to help them solve the problems they face when they place their trust in You. Lord, be their abiding reality and lead them into the paths of loving service, as they strive to honor You. Open their eyes to the many things they can do to accomplish Your will.

Today, Lord, we thank You for the life and legacy of former Congressman Jack Kemp. Comfort all who mourn his death and give them Your peace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 4, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, there will be a period of morning business for up to 1 hour with Senators permitted to speak therein for up to 10 minutes each.

Following morning business, the Senate will resume consideration of the mortgage fraud legislation. At 5 p.m. there will be up to 30 minutes of debate equally divided and controlled between Senators DODD and VITTER or their designees. At 5:30, the Senate will vote on Vitter amendment No. 1016 and, following that vote, 1017. The second vote will be 10 minutes in duration.

Last week the managers of the bill were able to reach an agreement to limit the number of amendments to the bill. It is my understanding that all amendments will not be debated and voted on here. But we will wait and see. We hope to consider the remaining amendments on the list today and tomorrow so we are able to finish passage of this bill tomorrow.

We will work as late as necessary tomorrow to do our best to complete the legislation.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GITMO

Mr. MCCONNELL. Mr. President, with the administration still unsure of what to do with the detainees at Guantanamo, Attorney General Holder has described its arbitrary closing date as one of his most daunting challenges. Secretary Gates said some would be released or transferred overseas, some tried in American courts, and the administration doesn't know what to do with 50 to 100 who can't be released or tried. Clearly, the administration lacks a plan and a safe alternative for closing Guantanamo. Let me make a suggestion. The administration should reconsider its arbitrary deadline on Guantanamo, as it has reconsidered its commitment to arbitrary withdrawal deadlines in Iraq. Once the administration has a plan to safely detain, prosecute or transfer these detainees, Congress should be consulted and briefed to evaluate the proposal. With no safe alternative, this is the only sensible approach.

No American will penalize the administration for putting safety over symbolism. Europe should not either, since it has been far more critical than helpful. It is increasingly clear that working through the problems related to Guantanamo will require time and close consultation with Congress. The Senate voted 94 to 3 against sending detainees to American soil even if only to prisons. Let me say that again. The Senate voted 94 to 3 against sending detainees to U.S. prisons, not to mention the possibility that they would simply be released into neighborhoods. Secretary Gates has conceded that no one wants these detainees in their communities.

The legal authority for releasing trained terrorists is in question, a concern the administration hasn't publicly addressed at all. The administration hasn't decided if it will use the military commissions process that Congress passed on a bipartisan basis at the suggestion of the Supreme Court.

Finally, the administration hasn't said how it plans to deal with the problem of terrorists we release returning to the battlefield even, even as DOD has confirmed that 18 of the prisoners we released have returned to terrorism and that at least 44 are suspected as having done so.

The American people want to keep the terrorists at Guantanamo, out of their neighborhoods and off the battlefield. At this point, the only way we can assure them that neither one of these things will occur is for the administration to keep this secure facility open until it develops a sensible plan for the Congress to evaluate. We remain a nation at war with ground forces in Iraq and Afghanistan. Despite disagreements over the best way to combat international terrorism, the truth remains that we haven't been attacked at home since 9/11. That is a record we wish to continue. Maintaining a safe and secure way to detain terrorists is a critical part of protecting the American people.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each.

The Senator from Missouri.

IN MEMORY OF JACK KEMP

Mr. BOND. Mr. President, I come to the floor to celebrate the life of a great American, Jack Kemp.

Jack Kemp was many things to many different people. Probably everyone knows the basics about Jack. He was a football player, a Member of Congress, a Cabinet Secretary, and a Vice Presidential nominee. Perhaps he was best known as the coauthor of the Kemp-Roth tax cuts that were the basis of the Reagan economic plan that brought progress out of prosperity and stagflation.

Today's Wall Street Journal said about Kemp:

He was among the most important Congressmen in U.S. history. He wasn't powerful because he held a mighty post, and he never served in the House majority. He helped to transform the Republican Party though he was never its Presidential standard-bearer. His influence sprang from the power of his ideas, and from the sincerity and enthusiasm with which he spread them.

To millions of Americans, he was much more than a football player, Congressman, and candidate. For minorities who suffered from discrimination, Jack was an olive branch from a party that too often ignored them. As a quarterback and as leader of the football players union, he championed the cause of African-American ball players and fought against segregation. For the poor struggling to rise above their circumstances in the inner city, Jack was hope for a better future. He proposed empowering tenets in public housing, offering vouchers for housing and education. For hard-working families who wanted more freedom from Government, Jack was a crusader for their cause. He believed everyone, especially those in inner cities, should have an opportunity to participate in our economy. His idea of enterprise zones has expanded and developed into many different areas of providing opportunities for those caught in circumstances in which they would otherwise have none.

Jack was all these things and more. Today Jack serves as a role model, I believe, for the future of our party. Known as the happy warrior, Jack always focused on the positive.

Don't get me wrong, Jack never shied away from a fight, and I know that in a couple instances. He called out his fellow party members for protectionism and anti-immigration efforts, believing they were wrong for this country and for the opportunities we seek. No matter how big the adversary, whether it was a linebacker or a powerful committee chair, Jack was a fearless fighter. But as a happy warrior, Jack understood the power of the positive.

Today's Washington Post carried an article by Michael Gershon in which he said:

Opportunity, [Kemp] argued, is the most important measure of economic justice; capitalism is perfected by the broadest possible distribution of capital; and economic freedom and political freedom are inseparable.

Jack was well known for saying:

The best way to oppose a bad idea is to replace it with a good one.

You see, Jack was more about solutions than party labels. It is that pragmatism and willingness to work across the aisle to solve problems that all of us would be well advised to embrace today. As a self-described bleeding heart conservative, there are so many examples of Jack Kemp doing that. Jack worked across the aisle on some of the most important issues of our time, from civil rights to safe housing for all families. It was Jack who, along with the esteemed Dr. Benjamin Hooks, brought to the national stage the scourge of lead paint poisoning which was afflicting children and families in many of our cities, particularly older ones. Exposure to lead, particularly by young children, was causing learning disabilities, behavioral problems, slowing growth, and possibly causing seizures, coma and, in some serious instances, death.

Jack Kemp and Dr. Hooks gave this avoidable tragedy a face and a very powerful voice. Thanks to their advocacy, Senator MIKULSKI and I launched a \$50 million initiative to remove exposed paint in targeted neighborhoods. What started as an idea and a mission is now a more than \$300 million program that has helped countless children and their families. But this is just one example of the ideas that Jack, with his tireless advocacy, turned into action to improve the lives of the most vulnerable and needy in our country. Jack's extraordinary life has made a lasting impact on the generations of conservatives he inspired, on the Republican Party, on the national debate, but, most importantly, on the countless lives and communities which have benefited from his powerful ideas being put into action.

To Joanne and the rest of the Kemp family, Linda and my thoughts and prayers are with you. We shall always remember and treasure the memory of Jack Kemp and the great contributions he made.

I ask unanimous consent to print in the RECORD a copy of the Wall Street Journal piece entitled "Capitalist for the Common Man" and the Washington Post column by Michael Gershon entitled "Head and Heart."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

HEAD AND HEART: REMEMBERING JACK KEMP

(By Michael Gershon)

Some deaths make the world feel old, like they have stolen a part of youth itself. Normally this applies to those who die in their prime. But Jack Kemp's prime was super-

naturally long. It is difficult to imagine his bounding arrivals, his shaken-gravel voice, his juice and joy, all stilled and ended. But there it is.

Generations of young conservatives—most of us no longer young—were drawn into Jack's orbit (I worked for him briefly in the 1990s as a speech-writer). We were attracted, in one way or another, to Jack's "bleeding-heart conservatism," with its mix of economic opportunity, social inclusion and ebullience. We came to love Jack's gracious wife, Joanne, and his accomplished children. We hoped and expected that Jack would become president of the United States. In the end, he lacked the consuming focus that quest requires. But in his passion for ideas—and in the affection he inspired—Jack was the most influential modern Republican who never became president.

Jack believed that ideas—not interests or political deals or public passions—rule the world. In this sense, he strangely resembled idealists such as Hegel or Marx, who discerned hidden, powerful currents beneath the surface of history. For Jack, that force was liberal democratic values" (small "l" and small "d," as he invariably added). Economic freedom, in his view, provides the poor with a hope beyond the dreams of socialism or large "L" Liberalism—the hope of becoming wealthy themselves. Opportunity, he argued, is the most important measure of economic justice; capitalism is perfected by the broadest possible distribution of capital; and economic freedom and political freedom are inseparable.

This belief in the power of ideas removed all rancor from Jack's political approach. Everyone fell into one of two categories: convert or potential convert. He seemed to believe that if he had just an hour—better yet, three hours—with anyone, he could change their mind by the force of his ideas. So he gave nearly everyone the benefit of the doubt. He assumed goodwill on the part of his opponents. And he became the rarest kind of public figure—a conviction politician who was also a peacemaker.

The direction of Jack's career was set by two events. In the 1960s, he saw the American civil rights movement from the perspective of sports. As a quarterback and leader of the American Football League players union, he stood up for African American teammates victimized by segregation on their travels. The experience left a deeply rooted impatience with bigotry.

For this reason, Jack criticized the failures of urban liberalism—the high-rise horrors of the projects, the economic desolation of the inner city, the schools that betray minority students without consequence. He became the nation's leading advocate for educational vouchers, housing vouchers and enterprise zones—applications of his philosophy of freedom to the needs of the poor. But Jack was nothing if not consistent. The same impulse led him to assert that the party of Lincoln would never be healthy or complete without the support of African Americans—and to oppose outbreaks of anti-immigrant sentiment among Republicans, often at political cost to himself.

The second event that shaped Jack's career was a stroke of intellectual lightning in the 1970s that became known as supply-side economics. Jack was an amateur economist of broad reading, convinced he knew exactly the way the world works. National wealth depends on productivity, which depends on low tax rates that reward work, enterprise and investment. So as a backbench congressman, he proposed 30 percent across-the-board

tax reductions, persuaded Ronald Reagan to embrace them, and helped spur decades of prosperity. Some dispute this version of economic history. Yet few would recommend a return to the 70 percent tax rates and stagflation of America before Jack Kemp.

Jack's ideals and priorities never really changed over the years, as a congressman, as a Cabinet secretary, as a vice presidential nominee. This is a contrast to many Republicans, and former Republicans, who will leave no mark beyond the vague, unpleasant memory of their opportunism. Even in Jack's absence, we know precisely what he would say: You can't divide wealth you don't create. Don't punish the rich, enable everyone to become rich. Value the dreams and contributions of immigrants. Be a happy warrior, not an angry one. And let me tell you about the gold standard.

But as much as we need it, we won't hear that voice again. It left a massive silence when the bleeding heart stopped.

[From the Wall Street Journal]

CAPITALIST FOR THE COMMON MAN

The scene was a low-rent Manhattan auditorium, circa 1978. A young Congressman from Buffalo with a raspy voice and rapid delivery was debating a liberal from central casting about the necessity of tax-cutting to stimulate economic growth and spread prosperity. Here, we thought, was something exciting: A politician who could speak about the benefits of capitalism for the average American. The crowd was mainly hostile, but then Jack Kemp never did confine his free-market evangelizing only to the believers.

Kemp, who died Saturday at age 73, was among the most important Congressmen in U.S. history. He wasn't powerful because he held a mighty post, and he never served in the House majority. He helped to transform the Republican Party though he was never its Presidential standard bearer. His influence sprang from the power of his ideas, and from the sincerity and enthusiasm with which he spread them.

A celebrated pro quarterback, Kemp was an unlikely intellectual. Yet amid the economic troubles of the 1970s, he immersed himself in the details of fiscal and monetary policy. Along with a handful of others, many of whom wrote for this newspaper, Kemp became a champion for the classical economic ideas that challenged the Keynesian orthodoxy of that time. He also had to mount an insurgency inside the Republican Party, which for decades had been dominated by budget-balancers who saw their fate mainly as moderating and paying for liberal excess.

Along with Senator William Roth of Delaware, Kemp proposed a 30% across-the-board tax cut. Though the Democrats who ran Congress, combined with Old Guard Republicans to defeat it during the Carter Presidency, a GOP candidate by the name of Ronald Reagan liked what he saw. Reagan largely adopted Kemp-Roth as his own, campaigned on it in 1980; and the proposal eventually became the basis for the 25% income-tax cuts that finally took effect in 1983 and became the most successful domestic policy achievement of the modern era. The Kemp-Reagan policy mix of lower taxes to lift incentives, sound money to break inflation, and regulatory relief to unleash entrepreneurs became the foundation for the prosperity of the 1980s and 1990s.

... and could speak to the concerns of union members. His athletic career exposed him to men of different races and creeds, and he developed the conviction that economic

liberty was even more vital for the poorest Americans than for the affluent.

Importantly, however, and unlike many of today's Republicans, Kemp's populism was inclusive. Across his career, he ventured into neighborhoods where Republicans too rarely tread. His policy innovations included enterprise zones; public-housing vouchers and a free-trade pact for all of North America. Also like Reagan, he believed that immigrants made America stronger and more vibrant. His religious faith was strong but never censorious. Kemp's loquacious optimism was contagious, even if he did sometimes get carried away.

One historic imponderable is what might have happened if Reagan had chosen Kemp as his running mate in 1980. The idea had support among the Reagan brain trust, but the Gipper went with the allegedly safer pick of George H.W. Bush as a way to unite the GOP. Mr. Bush had famously described Kemp-Roth as "voodoo economics," but Reagan's success made Mr. Bush the front-runner when he defeated Kemp for the GOP Presidential nod in 1988. Mr. Bush went on to repudiate Reaganomics with his tax increase of 1990 and made himself a one-term President. He also passed over Kemp as a running mate in 1988, and by the time Bob Dole selected Kemp in 1996 as his vice presidential nominee, the GOP ticket was already doomed.

Kemp's ideas and legacy continue to be relevant for today's Republicans, even if few of them seem to recognize it. The financial meltdown and recession have given President Obama a chance to revive a policy mix of higher spending and taxes, intrusive regulation and easy money. If those policies don't result in a sustainable expansion—and history argues that they won't—then Americans will again be looking for other ideas.

Republicans will need to be ready with Kempian proposals to address middle-class economic anxieties and revive broadly shared prosperity. The GOP also needs a rhetoric and a demeanor that invite all Americans to its cause. The Kemp-Reagan Message was rooted in ideas but it also appealed broadly across ages and incomes because of. . . .

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I join my colleagues in mourning the passing of Jack Kemp last Saturday.

Jack was ever the quarterback, leading, inspiring, and winning frequently, it seemed, by sheer optimism and will. In my mind, Jack had three core political beliefs which he consistently promoted throughout his career. First, he was a pure free market enthusiast. He believed in Adam Smith's invisible hand and worked tirelessly to convince everyone else about the benefits of supply-side economics.

His many legislative achievements promoting growth through lower taxes and less regulation are a testament to his indefatigable efforts. Jack understood that free market theory also encompassed support for what he called "the least of these," a reference to the subjects of "The Good Shepherd." He was the original compassionate conservative, making sure always to provide a helping hand to the less fortunate.

His work to expand housing opportunity as HUD Secretary and outreach

to minorities and the poor resulted in a political appeal far beyond his conservative roots. Finally, Jack was a passionate advocate for human rights, freedom, democracy, and the military strength to support America's national security requirements. Peace through strength was Jack's mantra.

Three weeks ago, I visited with Natan Sharansky in Israel. Jack had introduced me to Sharansky more than 20 years ago, after he had gotten out of the Soviet gulag. I told him Jack was ill. He asked me to convey his best wishes. When I left a message on Jack's phone, I asked his office to confirm he had gotten it. A couple days later, Jack himself called back, clearly touched by the concern of an old friend half the world away. I will always treasure this last conversation with Jack. He was still fighting.

We will miss Jack: gregarious, indomitable, earnest, always positive. He loved being with his family. He was very proud of his children. He relied on and was supported by his extraordinarily gracious wife of 51 years, Joanne.

Similar to sports, politics can be a great leveler, even of those who seem larger than life. But whether he won or lost, Jack always kept the faith. And so it was in the last battle of his life.

Jack Kemp, No. 15, thank you for your service, your leadership, and friendship. May God bless you and your family.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. KERRY and Mr. LUGAR pertaining to the introduction of S. 962 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, I understand that morning business will run out in 6 minutes. I ask unanimous consent that I may speak in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

TRIBUTE TO JACK KEMP

Mr. NELSON of Florida. Mr. President, America lost a good friend when former Congressman Jack Kemp passed away over the weekend at the age of 73.

He is survived by his wife Joanne, a marriage of 50 years, his 4 children, and 17 grandchildren.

Jack and Joanne have been personal friends of Grace and mine over the years. I will never forget one time; Jack was already a great celebrity when I came into the House of Representatives 30 years ago, in 1979, and on one of the tax bills I actually had the temerity to take him on on the floor. I will never forget the chairman of the Budget Committee walking up to me and saying: You better watch out because he is a fierce debater. Indeed, he was. He was passionate about what he believed in, and he was a strong advocate of what he believed in. That, of course, is a quality all of us admire. It was one of the attributes that drew me to Jack, he reciprocated, and we had a friendship over these last 30 years.

Clearly, the record has been set. Jack, of course, was the star quarterback for the Buffalo Bills. Before that, he was with the San Diego Chargers, and he said that his career in football prepared him well for a career in politics because he had been booed, cheered, cut, sold, traded, and hung in effigy in football. Sooner or later, those of us in politics will experience all of those. And how true a statement that is.

He talked about his career in politics. Jack represented western New York in the House for 9 terms. He ran for President. He served as the Secretary of HUD. He ran for Vice President. It is a great loss.

The one thing I want to call to the attention of the Senate is the letter he wrote to his grandchildren upon the election of Barack Obama as President. This letter was posted online on Jack's company Web site. I want you to listen to what he wrote:

... just imagine that in the face of all these indignities and deprivations, Dr. Martin Luther King could say 44 years ago, "I have an abiding faith in America and an audacious faith in mankind."

Jack continues to write this letter to his grandchildren:

He described his vision for America, even as he and his people were being denied their God-given human rights guaranteed under our Constitution.

You see, real leadership is not just seeing the realities of what we are temporarily faced with, but seeing the possibilities and potential that can be realized by lifting up people's vision of what they can be.

That is just one snippet of that letter he wrote to his grandchildren.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A LETTER TO MY GRANDCHILDREN
(by Jack Kemp)

Dear Kemp grandchildren—all 17 of you, spread out from the East Coast to the West Coast, and from Wheaton College in Illinois,

to Wake Forest University in North Carolina:

My first thought last week upon learning that a 47-year-old African-American Democrat had won the presidency was, "Is this a great country or not?"

You may have expected your grandfather to be disappointed that his friend John McCain lost (and I was), but there's a difference between disappointment over a lost election and the historical perspective of a monumental event in the life of our nation.

Let me explain. First of all, the election was free, fair and transformational, in terms of our democracy and given the history of race relations in our nation.

What do I mean?

Just think, a little over 40 years ago, blacks in America had trouble even voting in our country, much less thinking about running for the highest office in the land.

A little over 40 years ago, in some parts of America, blacks couldn't eat, sleep or even get a drink of water using facilities available to everyone else in the public sphere.

We are celebrating, this year, the 40th anniversary of our Fair Housing Laws, which helped put an end to the blatant racism and prejudice against blacks in rental housing and homeownership opportunities. As an old professional football quarterback, in my days there were no black coaches, no black quarterbacks, and certainly no blacks in the front offices of football and other professional sports. For the record, there were great black quarterbacks and coaches—they just weren't given the opportunity to showcase their talent. And pro-football (and America) was the worse off for it.

I remember quarterbacking the old San Diego Chargers and playing for the AFL championship in Houston. My father sat on the 50-yard line, while my co-captain's father, who happened to be black, had to sit in a small, roped-off section of the end zone. Today, we can't imagine the NFL without the amazing contributions of blacks at every level of this great enterprise.

I could go on and on, but just imagine that in the face of all these indignities and deprivations, Dr. Martin Luther King could say 44 years ago, "I have an abiding faith in America and an audacious faith in mankind." He described his vision for America, even as he and his people were being denied their God-given human rights guaranteed under our Constitution.

You see, real leadership is not just seeing the realities of what we are temporarily faced with, but seeing the possibilities and potential that can be realized by lifting up peoples' vision of what they can be.

When President-elect Obama quoted Abraham Lincoln on the night of his election, he was acknowledging the transcendent qualities of vision and leadership that are always present, but often overlooked and neglected by pettiness, partisanship and petulance. As president, I believe Barack Obama can help lift us out of a narrow view of America into the ultimate vision of an America where, if you're born to be a mezzo-soprano or a master carpenter, nothing stands in your way of realizing your God-given potential.

Both Obama in his Chicago speech, and McCain in his marvelous concession speech, rose to this historic occasion by celebrating the things that unite us irrespective of our political party, our race or our socio-economic background.

My advice for you all is to understand that unity for our nation doesn't require uniformity or unanimity; it does require putting the good of our people ahead of what's

good for mere political or personal advantage.

The party of Lincoln, i.e., the GOP, needs to rethink and revisit its historic roots as a party of emancipation, liberation, civil rights and equality of opportunity for all. On the other hand, the party of Franklin Roosevelt, John Kennedy and now Obama must put forth an agenda that understands that getting America growing again will require both Keynesian and classical incentive-oriented (supply-side) economic ideas. But there's time for political and economic advice in a later column (or two).

Let me end with an equally great historical irony of this election. Next year, as Obama is sworn in as our 44th president, we will celebrate the 200th anniversary of Abraham Lincoln's birth. I'm serving, along with former Rep. Bill Gray of Pennsylvania, on the Abraham Lincoln Bicentennial Board to help raise funds for this historic occasion. President-elect Obama's honoring of Lincoln in many of his speeches reminds us of how vital it is to elevate these ideas and ideals to our nation's consciousness and inculcate his principles at a time of such great challenges and even greater opportunities.

In fact, we kick off the Lincoln bicentennial celebration on Wednesday, Nov. 19, in Gettysburg, Pa. The great filmmaker Ken Burns will speak at the Soldier's National Cemetery on the 145th anniversary of Lincoln's Gettysburg Address. On Thursday, Nov. 20, at Gettysburg College, we will have the first of 10 town hall forums, titled "Race, Freedom and Equality of Opportunity." I have the high honor of joining Rep. Jesse Jackson Jr., Professor Allen Guezo and Norman Bristol-Colon on the panel, with Professor Charles Branham as the moderator.

President-elect Obama talks of Abraham Lincoln's view of our nation as an "unfinished work." Well, isn't that equally true of all of us? Therefore let all of us strive to help him be a successful president, so as to help make America an even greater nation.

Mr. NELSON of Florida. Mr. President, this is "A Letter to my Grandchildren" by Jack Kemp on November 12, 2008, just a few days after the election of Senator Obama as President of these United States.

CONGRESSIONAL GOLD MEDAL

Mr. NELSON of Florida. Mr. President, I wish to shift gears from that sad note to a celebratory note because we are approaching the 40th anniversary of the first landing on another celestial body by human beings. A number of our colleagues have joined me to honor two major firsts from the early days of America's space program.

One of those firsts is the lunar landing. We have introduced legislation to bestow the distinguished Congressional Gold Medal, the highest civilian award given by Congress, on the crew of Apollo 11. Neil Armstrong and Buzz Aldrin were the first and second humans to set a footprint on the Moon, while command module pilot Mike Collins orbited above.

In this legislation, which we have termed the "New Frontier Congressional Gold Medal," we also honor the first American who orbited the Earth, Senator John Glenn.

Today at 87 years old, John Glenn is retired from the Senate. He lives in his home State of Ohio. He retains his home in the Washington, DC, area. We get a chance to see John from time to time as he comes back and joins his colleagues on the floor of the Senate.

These are pioneers. They are firsts—Glenn first to orbit the Earth as an American. Remember, we got surprised by the Soviets. They launched Yuri Gagarin for one orbit, and we did not even have a rocket with strong enough thrust to get into orbit.

Shortly after Gagarin, we put Alan Shepard up only into suborbit, followed by another suborbital mission with Gus Grissom. Ten months after Gagarin—and by this time the Soviets had flown a second cosmonaut, Titof, and he had orbited several times—10 months after that fateful first human flight, we took a chance. We took that Mercury capsule that John Glenn climbed into—indeed, he had to shoehorn in to get into it, it was so small—put it on top of an Atlas rocket that we knew had a 20-percent chance of failure, and the rest is history.

Of course, we remember that story. There was an indication that John's heat shield was loose which, had it been, he would have burned up on reentry. The last radio communication we had as he entered that blackout period coming through heat 3,000 degrees Fahrenheit at reentry that creates a blackout situation for radio frequency, the last thing we heard from John Glenn before he went into that blackout period was he was humming the "Battle Hymn of the Republic." Oh, what words those were when suddenly we heard: "Houston, this is Friendship 7." We knew he was alive.

He paved the way for that extraordinary message back to Earth from Neil Armstrong in which he said:

This is one small step for [a] man, one giant leap for mankind.

This past weekend, I had the occasion to join with a number of our American astronauts on the induction of three more space explorers into the Astronaut Hall of Fame. The inductees were space shuttle veterans—Pinky Nelson, Bill Shepherd, and Jim Wetherbee. They joined the elite ranks of 70 other legendary astronauts, who already include John Glenn, Armstrong, Aldrin, and Collins.

I went to this particular ceremony because I had the privilege of being a crew mate of Pinky's, and Bill Shepherd, otherwise shown as "Shep," was the rookie astronaut who actually strapped us in before launch.

While I was there meeting with and seeing these three new astronauts honored by induction into the Hall of Fame, I thought about the amazing achievements we have made, how strong leadership and bold vision has changed not the space program but all our lives. I think about the true Amer-

ican character of exploration, whether it is the space program or exploration into the inner workings of the mind, the functions of the body, exploration into the climate of this planet, exploration of how we cope each day with all the problems we are facing, our space program being one part of our exploration which did not start just recently. We are a nation of explorers.

We did not just start with exploration. This started way back in our history. We had a frontier then. It was westward. Now that frontier is in so many other areas, including space.

The space program has given us much to improve life on Earth, from fire-resistant material to weather forecasting equipment, to scratch-resistant lenses, to new kinds of laser surgery. It has also given us selfless heroes who put their lives on the line for the benefit of all the rest of us and for the generations to come.

It was Armstrong who made that first step out onto the lunar dust. It was Glenn who paved the way for the rest of Mercury and Gemini and Apollo. It is hard to believe that all these things happened after President Kennedy presented a bold challenge before a joint session of the Congress in which he said: We are going to send a man to the Moon and return him safely to Earth by the end of the decade, and that was within a span of only 9 years.

The space program became the focal point of the Nation coming together. It inspired a generation of kids to get excited about science, math, technology, and engineering. We have seen that generation fulfill President Kennedy's promise, which was science and education have greatly enriched a new knowledge of ourselves, of our universe, and our environment. Life on Earth has improved by leaps and bounds from all the spinoffs from the space program.

Simply put: We all reap the harvest of gains because of exploration and the pioneering endeavors of brave Americans, such as these whom we honor with this gold medal, the highest congressional honor. They deserve this honor because of their significant contributions to planet Earth.

I ask our colleagues to join me in supporting this resolution. There will be ample opportunity for cosponsorships, in addition to those of us who have submitted the resolution.

I yield the floor. I do not have to suggest the absence of a quorum because the great Senator from the State of Delaware is here, and I want him to know what a delight and pleasure he is to serve with.

I yield the floor.

Mr. KAUFMAN. Mr. President, I wish to say it is an honor serving with Senator NELSON. I also commend him for his tribute to Senator Glenn and the astronauts. As usual, he is right on point. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for 25 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLIC SERVICE RECOGNITION WEEK

Mr. KAUFMAN. Mr. President, today marks the beginning of Public Service Recognition Week. This is a time to recognize the hard-working and devoted men and women who serve in our Federal, State, county, and municipal governments.

I wish to make particular mention of the several programs taking place throughout the week in celebration of our civil servants and their contributions. I know the Partnership for Public Service, an organization with a mission to highlight our finest Government workers and promote public service, will be marking the week by awarding their annual Service to America medals. I congratulate the medal finalists and thank them for their excellence in service to our Nation.

This is an appropriate occasion to address the subject which is so relevant to the way we face the challenges before us as a nation. These challenges have shaken the public's confidence in our financial markets, in our economy, and in our Government. We must work to restore the public's confidence.

So many of the solutions being presented from the rising cost of health care to the multiple threats from overseas, to the mortgage crisis, rely primarily on the work of dedicated and dependable civil servants. The Federal employees who work day in and day out to better our country, often at great private sacrifice, deserve our public's confidence, and that is what this speech will be all about.

In the post-9/11 era of insecurity and following years of political indecision and divisive partisanship, we are left with an abundance of problems. Our honored veterans complain of diminishing benefits, while the young decry the increases in the cost of education. America's health care system is outdated and leaves millions uninsured. We remain painfully addicted to foreign oil, and auto manufacturers require more public funds to stay afloat. Some of our challenges rise to a level unseen in decades.

Of course, whenever Americans face difficulty, we display that greatest

trait of our nature. Service to the common good has been our answer to every hardship since even before the birth of our Republic. One would be hard-pressed to find any public figure of note who does not highly invoke the praise of community service and voluntarism.

Indeed, in every neighborhood in all 50 States, one can find our citizens extending their hands in help to their fellow Americans and to the unfortunate throughout the world. Likewise, no one can refrain from honoring the service and sacrifice of our brave men and women in uniform. Their dedication and diligence ensure our safe borders and sustain our liberty. The hard work of our servicemembers is rightly congratulated.

But, Mr. President, there are those who give so much of themselves and often so many years of their lives, yet receive hardly any share of recognition. In the recent past, the disparagement of our Federal employees—the greatest civil servants in the history of our republican government—has become sadly commonplace. Diminishing their contribution to this Nation is an all-too-frequent exercise.

Federal employees deserve praise for the vital roles they play each day enforcing the laws we pass in this very Chamber. They care for our veterans. They toil in laboratories to create new energy technologies. Our Federal workers safely manage the complex networks of flights crossing our skies day and night. They deliver our mail, regulate fair housing practices, and conduct our diplomacy abroad. They serve in all three branches of Government.

They are, in many ways, silent sentinels of our Nation's well-being.

Indeed, Federal employees have become indispensable to our national life. With a generation of Federal employees nearing retirement, we need to attract our most talented citizens back to public service. Good, honest, responsible government requires the best civil servants.

Throughout our history, great men and women answered the call to serve in the Federal Government—citizens from all walks of life and from every corner of America. There are those who dedicate their entire careers to public service, but there are also so many Americans who enter Federal employment for just a short period. Even the novelist William Faulkner worked part-time as a postmaster when he was a young man.

The nature of our Federal workers today is the same as it was when the French philosopher Alexis de Tocqueville visited in the early 19th century. He observed that:

Public officers in the United States are commingled with a crowd of citizens; they have neither palaces nor guards, nor ceremonial costumes. This simple exterior of the persons in authority is connected not only

with the peculiarities of the American character, but with the fundamental principles of that society.

I, too, was a Federal employee when I worked for 22 years with then-Senator JOE BIDEN, and I can attest as much as anyone that to serve entails responsibility and dedication. During my years in Government work, including 13 years as a member of the Broadcasting Board of Governors, I met so many hardworking, well-qualified, and devoted public servants, most of whom will not be recognized individually by the public for their important contributions.

The American people collectively put their faith in all who work in Government, from those elected to the highest offices, to those, like Faulkner, working part-time for an hourly wage. Our esteemed predecessor in this House, Henry Clay of Kentucky, once declared:

Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.

Senator Clay could not have been more correct. Those who serve the Republic carry the heavy responsibility of not working for the benefit of themselves alone but for the good of all.

What should be a source of pride to those who enter employment in the Federal Government has become, all too often, a thankless job. Serving in the Federal Government can be an enriching experience, and we need to do more to promote civil service among young people. I am encouraged that there is a growing desire now, unlike in the past several years, among our best and brightest students to seek Federal jobs.

For so long, the allure of easy wealth on Wall Street and scorn for Government work led our young graduates to overlook positions in civil service. But it should not take a recession and a popular new administration to attract this talent. Our young people are eager to take on responsibility, to prove themselves worthy of others' trust. They want to have a part in what President Obama has called "repairing the world." With more recognition of our Federal workforce and praise for its important contribution, there is no reason we cannot convince these young, idealistic Americans to seek in Government what they so desire—a role in history, a chance to shape their world.

The recent decision by Kal Penn, the young Hollywood star, to accept a position working in the administration advances this effort significantly. Despite a lucrative career in film and on television, Penn—a second-generation American whose parents are immigrants from Mumbai—announced he would take a couple of years off from acting to serve his country in the Federal Government. When asked about his motives, he said:

It's probably because of the value system my grandparents instilled in me. There's not a lot of financial reward in these jobs. But, obviously, the opportunity to serve in a capacity like this is an incredible honor.

Mr. President, when I was young, it used to be that this honor which Penn speaks of drew young people by the thousands to careers in our civil service. A job in Government was a mark of distinction. It was a privilege to be able to work for the betterment of the American people. However, in recent years, that honor has been eroded by the misconception that our civil service is growing beyond measure and consists of those in Washington who are out of touch with ordinary Americans. But I say this characterization is completely untrue.

The number of Federal employees today has not grown significantly larger than its size in the 1960s. In fact, 85 percent of all Federal employees live and work outside of Washington. They are ordinary Americans, yet they perform extraordinary work.

As De Tocqueville observed more than 150 years ago, the qualities embodied by our civil servants reflect the greatest values we hold dear as Americans. Federal employees display exemplary citizenship, choosing of their own accord to pursue careers that not only provide for their families but benefit the Nation as a whole. This is despite the advantages to private sector employment. Our civil servants are industrious. They work hard, tackle difficult problems affecting millions of their fellow citizens, and do so with grace and humility.

They often need to take risks, not only to make new discoveries in science and engineering or to represent us in unsafe corners of the world, but also to expose unnecessary waste and corruption where it may arise. The history of our civil service is filled with those who choose to uphold the public trust even when at a danger to their own lives and careers. Their work requires great perseverance, and results may take longer than their tenure in office. It requires great care and attention to detail. When the public's faith is bestowed upon you, there can be no halfhearted effort. Most of all, employees in our Federal Government display an unbelievable level of modesty.

You may wonder why I go on about the virtues of our public servants when there are so many pressing matters to be considered by this body. I return, however, to my first point—that no matter what programs we launch to get America back on the right path, they will be carried out by our Federal workers.

Exemplary cases abound, but I want to highlight a few individuals in particular who embody these values and

reflect the excellence of our civil service as a whole. They have each been selected by a blue ribbon panel which includes Senator SUSAN COLLINS, in concert with Partnership for Public Service, to receive a Service to America medal.

When she began her job as Director of the Office of Public Housing Programs in 2002, Nicole Faison inherited a HUD rental system program rated for 13 years as a "high risk" program by the Government Accountability Office due to rampant waste, fraud, and abuse. Today, it is recognized for helping more low-income families receive housing assistance without wasting resources. Under Nicole's guidance, the program eliminated over \$2 billion in fraudulent payments and earned praise for its streamlined operations.

Since 9/11, there has been much attention on the security of cargo containers entering our country from overseas. Leading the charge to secure our ports, Tracy Mustin serves as Director of the Department of Energy's office of Second Line of Defense. Under Tracy's leadership, her office has installed monitoring devices at more than 100 airports, seaports, and border crossings in over 40 countries which help detect and prevent the trafficking of nuclear or radiological substances. She also oversees the Megaports Initiative, which screens and monitors cargo entering major seaports around the world. In addition to her responsibilities as a civil servant, Tracy is commissioned as a captain in the Navy Reserve.

While Tracy and her team have been fortifying our Nation's second line of defense against terrorism, brave men and women in the Armed Forces remain overseas fighting on the first line of defense. When our wounded warriors return home, they can thank the dedicated civilian employees of our Defense Department for significant advancements in the treatment and care they will receive for their injuries.

Dave Carballeyra, the Air Force's Director of Stereolithography, introduced a new 3-D technology for bone and tissue imaging which has improved treatment and rehabilitation care for wounded veterans. In particular, his work has helped soldiers suffering from severe burns from bombings in Iraq and Afghanistan and those requiring surgery to attach prosthetic devices. These advances have significantly improved their quality of life. Believe it or not, Dave is only 25 years of age.

Another public servant whom I very much want to mention is Dr. Rajiv Jain. Each year it is estimated that 2 million patients develop infections while in U.S. hospitals for routine procedures. One hundred thousand of these patients die as a result, and the elderly and newborn are particularly susceptible. Rajiv and his team at the Veterans Affairs Hospital in Pittsburgh

are at the forefront of an effort to reduce these infections. The infection rate at their VA facility has already dropped 60 percent, and the strategy developed by Rajiv to prevent infections has now been adopted by all 153 VA hospitals.

When asked about his work, he commonly explains that "one infection is too many."

The final person I will mention, who works for the Department of Energy, has proven wrong those who are convinced that Government can't do something right. At the end of the Cold War, when the former Rocky Flats nuclear weapons plant near Denver was designated as a Superfund site, it was estimated that it would take 70 years and nearly \$40 billion to clean it up. Many advocated a permanent quarantine of the site, arguing that its rehabilitation was not worth the cost. Frazer Lockhart took charge of the cleanup effort in 1995 and finished the job in 10 years, spending only \$7 billion. Today, 95 percent of the original site has been delisted from the Superfund and been set aside as a 6,200-acre wildlife refuge. Frazer's sound management and perseverance led to the cleanup 60 years ahead of schedule and \$30 billion under budget.

Mr. President, these stories are just a few of the countless many. Indeed, there are a great number of exceptional Federal employees, and I hope to continue sharing their stories before the Senate and honoring their service over the coming weeks and months, beginning with this group. I invite my fellow Senators to join me on those or other occasions in doing the same. These men and women daily carry out the work of developing new technologies, protecting our free markets, ensuring a cleaner environment, and advancing our interests around the world.

I believe the Founders foresaw the need for a vibrant and effective civil service and that they would be proud of the Federal employees serving today. When the first Congress convened in New York on March 4, 1789, its first matter of business was to fulfill an obligation set to it by the Constitution. Article VI declares that all public officers are to be bound by an oath or affirmation to support the Constitution, but the document leaves up to Congress to decide on the form.

The first piece of legislation ever to be passed by the United States Congress and signed into law by President Washington codified this simple but poignant oath:

I do solemnly swear or affirm that I will support the Constitution of the United States.

In the years since, it has been expanded to the oath presently taken by all of us who serve in this Chamber and in the House of Representatives and by every Federal employee. But the underlying point remains unchanged from

that original oath. What the Founders intended in their first act of Government, and what we now reaffirm with each taking of our modern oath, is that everyone who serves in our Government is not only obligated to support the Constitution but also entrusted with that responsibility. That trust—the same as was noted by Clay—is the foundation of our civil service. It is the guiding principle of our Federal workers and the reason they deserve the public's confidence.

Careers in Government, we know, frequently pay far less than comparable careers in the private sector, and many times our Federal employees are asked to move across the country or overseas to perform their duties. Many serve for 20 years or more, leaving a lasting impact on communities and on our national policies without special recognition. They never see bonuses like those paid on Wall Street or elsewhere in the private sector. However, after many years of service, when our civil servants retire, they can look back on their careers and know with certainty that when their country needed them, they gave of themselves. They gave to our Nation, and they know their contribution, even if little recognized, has been genuine and significant. This is their bonus, the satisfaction and the knowledge that they have answered the call to duty, that their lives have surely served a meaningful purpose.

Again, please let it be noted that the first week of May each year is Public Service Recognition Week, and it is with great pride that I honor the service and sacrifice of our Federal employees. I thank them, and I urge my colleagues to join me this week and in future weeks to thank them for their continued work in support of our recovery during this challenging time.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 896, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

Pending:

Dodd/Shelby amendment No. 1018, in the nature of a substitute.

Corker amendment No. 1019 (to amendment No. 1018), to address safe harbor for certain servicers.

Vitter amendment No. 1016 (to amendment No. 1018), to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

Vitter amendment No. 1017 (to amendment No. 1018), to provide that the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am going to take a few minutes to explain. I know the leadership has already made these announcements, but as I have been told, at 5:30 there will be two votes on amendments offered by our colleague from Louisiana, Senator VITTER. I am going to take a few minutes here, once again, to review the underlying proposals Senator SHELBY of Alabama and I have crafted as part of this bill. Then I will take a few minutes to express my views on the two Vitter amendments. I presume Senator VITTER himself may come over and talk about this or others who are interested in the two amendments may show up to express their interest in them as well.

I thank the majority leader, Senator REID, for scheduling the time for the consideration of this bill. Obviously, the importance of foreclosure mitigation is still critical. I still believe, as many do, that the root cause of our financial problems in this country began with the residential mortgage market, the predatory lending that went on with literally millions of people in this country. The Wall Street Journal reported that some 60 to 65 percent of people who were talked into predatory loans, subprime loans, actually qualified for conventional mortgages. Conventional mortgages are far less costly than subprime mortgages, but because there was a greater financial reward for brokers and others who were able to market and sell the subprime mortgages, they were marketed to people. Of course, those mortgages became far more costly. There were adjustable rate mortgages, there were teaser rates with almost no downpayments required and very little interest payments for months on end and then, of course, ballooning to the point that many people could ill-afford them. For many, they could not afford them at all, to the point that problem migrated to other areas of our economy. As a result, today we find ourselves in a recession, and a deep one at that.

This bill is designed to help families save their homes. That is what it is de-

signed to do. There are a lot of provisions that relate to the smaller banks in the country and how we can be of some help to them to get credit moving.

I did this last week at the close of business, but I thought I would spend a few minutes to review, once again, the major provisions of the bill without going into great detail as to what is included in each provision and then, as I said, address the two Vitter amendments that will be offered later this afternoon.

This amendment we have offered is a substitute amendment that Senator SHELBY and I have before us now, which is S. 896. It expands the number of tools available to try to prevent foreclosures and the ability of homeowners and loan servicers to use those tools. In addition, the bill includes provisions to make the banking system more stable and improve the availability of credit.

Specifically, there are about 8 or 9 or 10 major provisions of the bill.

The first of these provisions expands the ability of the Federal Housing Administration in rural housing to modify loans. I made the point last week that this is absolutely critical. FHA has been a savior in many cases, providing credit when credit has not been available elsewhere to keep a limited housing market open. It is very important that they have the tools to do that—certainly the tools to modify FHA or USDA loans, as they do for non-Government loans they service.

This part of the bill is one that is critically important and can make a huge difference to people. There will be amendments offered to modify this provision of the bill. If we end up undermining the role of the FHA at this critical time, we can make it far more difficult for these foreclosures to be mitigated and decrease the possibility of people remaining in their homes.

Second, it expands access to the HOPE for Homeowners legislation, which makes a number of changes to that bill we adopted last summer. It was a program that was well intended but left a lot of problems in terms of the effectiveness and efficiency of the legislation. This bill will allow for the option to lower fees and streamline the borrower certification requirements. We give the Secretary of the housing agency in our country limited discretion to determine the amount and distribution of future appreciation. We ban the very wealthiest in our country from being involved in this program. It was never intended to be such. We allow for incentive payments to servicers and originators who participate in the program. Again, it is something designed to be of help to the average citizens, working families in this country.

Third, we create more enforcement tools for the FHA to eliminate bad

lenders. This was an important provision that provides the tools to the housing and urban development agency to more expeditiously drop lenders that break FHA rules. This was needed to strengthen those provisions and make sure resources go to the areas that need them. They are certainly not to be used by lenders who are violating the rules of FHA.

We then provide for a safe harbor for servicers who would either modify a loan consistent with the Obama foreclosure mitigation program or refinance the borrower into a HOPE for Homeowners loan. This has been a contentious issue between bankers and investors, trying to do something with regard to mitigation. This has been narrowly drawn.

The House-passed bill—and I say this respectfully of the other body—had a broad provision in this area. This was an idea Senator MARTINEZ offered a number of weeks ago. He has since modified this—and I agree with him—to try to restrict time, duration, and circumstances in which a safe harbor would apply.

What is a safe harbor? A safe harbor is designed to encourage the servicers to modify loans, servicers who have had contracts with investors. The investors obviously are somewhat reluctant to watch a modification of any of these things that would deprive them of the ability to take legal action against a servicer who engaged in a modification creating a safe harbor for the servicer. We encourage them—it doesn't mandate but encourages them to modify those loans with the borrower, in the absence of which I doubt any servicer will be willing to step forward to do so.

So this is an absolutely critical area. While there are still concerns on the part of some, I believe it is the right step to be taking. It is limited in duration. It is limited to only the Obama foreclosure mitigation and the HOPE for Homeowners, only in those two instances, and therefore would not be as open and broad-based as provisions that have been adopted elsewhere.

So I encourage my colleagues to be supportive. There will be an effort to change this in a way that I think would make it unworkable in terms of achieving the desired results here. Again, with 10,000 foreclosures going on every single day in our country, we need to try to bring closure to that problem where we can. This is not going to solve every foreclosure, but it can certainly make a huge difference. An estimated 1.7 to 2 million foreclosures can be avoided with this kind of proposal in the bill.

With the Obama proposals and HOPE for Homeowners proposals, we think that would make a significant difference, allow people to stay in their homes, and allow the lenders to get some payment back rather than the property falling into foreclosure.

As the Presiding Officer knows, the contagion effect of a foreclosed property in a neighborhood is very daunting. We know for a fact that with one foreclosure in a neighborhood of a one-square-block area, the value of every other property in that square block declines by as much as \$5,000 that very day. The last thing you want to see on your block, in your neighborhood, is foreclosed, boarded-up properties deteriorating. If you have a home there and that property is declining in value by the day, obviously everyone is adversely affected.

So while I know this is a contentious issue for some, I am pleased that most of the consumer groups, the realtors, the Financial Roundtable, and others strongly support the provisions Senator SHELBY and I have in this bill when it comes to the issue of safe harbor. Again, I thank Senator MARTINEZ, my colleague from Florida, for initiating the idea of this proposal.

The next provision authorizes an additional \$130 million for foreclosure prevention activities. Senator REID is the author. I mentioned earlier that his support in creating the space and time for this bill to come up has been critically important but also the addition of this language which we now know is terribly effective.

Earlier, Senator SCHUMER and others offered language to provide resources for the support of the prevention activities; that is, counseling activities. It proved very helpful. These can be complicated areas. To get into the issue of modifying a mortgage requires some good counseling. This is not a matter where the average person can just walk in and negotiate by themselves. I think having people who are experienced and knowledgeable, as we now have across the country, who can assist in this process, has been a great asset. These additional resources Senator REID of Nevada has offered here will make a huge difference for people across our Nation, in addition to what has already been allocated.

Then we have some provisions to increase the deposit insurance with the Federal Deposit Insurance Corporation from \$100,000 to \$250,000. I mentioned earlier how important that is to people to avoid the kinds of runs that can occur when fear grips investors and depositors. Certainly, those who have even a passing knowledge of history, of the Great Depression, know what happened when fear gripped the country and there were great runs on the banks, people running and taking their deposits out of the banks, feeling as though they were going to lose them, and the old notion of hiding it in your mattress was not a joke; people actually did that. They buried their hard-earned money on their property rather than keep it in what they perceived as an unsafe institution where they could lose those resources.

So back in the 1930s, the FDIC was created to provide, among other things, an ability, when a bank is in trouble, to make that transition from a closed bank to one that could open so the people would not lose their resources, as well as providing insurance so that money would not be lost, a full guarantee of up to \$100,000.

The world has changed a lot since the 1980s, which is when I believe that provision, the \$100,000, was added, over the last 29 or 30 years. Raising it to \$250,000 we believed was necessary to assist, providing further guarantee and assistance as well.

We increased borrowing authority in this bill for both the FDIC and the National Credit Union Administration, from \$100 billion in the case of the FDIC and \$6 billion for the National Credit Union Administration. There is additional authority that requires the approval of a two-thirds vote of the FDIC or National Credit Union Administration, a two-thirds vote of the Federal Reserve Board, and agreement by the Secretary of Treasury in consultation with the President of the United States.

We stretch out the payment of assessments to rebuild bank thrift and credit union deposit insurance funds to 8 years. This was a very important provision; for many of our lending institutions, that period of assessment is absolutely essential. If it is too short, it obviously puts a huge financial burden on these institutions. I believe the 8 years was a provision that was very important to these institutions and one that they are very pleased our legislation includes. I hope that will work as well as we intend it to.

We also improve the FDIC systemic risk special assessment authority. Again, that is a real relief to institutions that would not participate in that program, that would have been assessed anyway. This provision of the bill protects them from that kind of assessment. Again, it is essentially important.

That is a very quick review of the major provisions of the bill. As I mentioned earlier, this legislation enjoys broad-based support in our country, from major groups of people from major consumer groups in our Nation: The National Consumer Law Center, the Independent Community Bankers, the Center for Responsible Lending, along with the Housing Policy Council, the Financial Services Roundtable, the American Bankers Association. Rarely do I find these organizations coming together around a bill.

You will normally have the consumer groups on one side and your financial services sector on the other side. That is normally how it works. But because of the effort made by so many people on our committee and elsewhere, we have put together a piece of legislation which we think will make a difference

on foreclosure, provide some needed reform to our major financial institutions, provide counseling and additional support for people who seek that kind of help, as well as attract the kind of support from diverse institutions that watch and care very much about these groups.

Last week I included letters of support. I should add as well that Lenders One, an association of mid-sized independent mortgage brokers, and the Mortgage Bankers Association, have endorsed what Senator SHELBY and I have put together in this bill.

That is a rough summary of the legislation. Of course, anybody who is interested in further information about this, we would welcome them to come over and discuss any provision they have interest in.

Let me, at this point, if I can, address the two amendments which this body will consider at 5:30. The first one I will discuss is the amendment of Senator VITTER of Louisiana No. 1015.

This amendment, as I understand it—obviously Senator VITTER will come and explain his own amendment. I hope I am accurately describing it. Under the Emergency Economic Stabilization Act, currently it requires the Treasury to permit a TARP recipient to repay the financial assistance it receives subject to consultation with the appropriate Federal banking agency. When the assistance is repaid, the recipient must also buy back the warrants it provided to the Treasury at the current market price.

As I understand the Vitter amendment, it would require the Treasury to permit a TARP recipient to repay TARP assistance it received if the institution would be “well capitalized” after repaying the funds.

Capitalization of our lending institutions is a critical component, as the Presiding Officer knows, very important, certainly essential, before one would even consider, again, having TARP money come back, the whole idea of insisting upon properly capitalized institutions.

Under the amendment, Treasury could not condition the right of a TARP recipient to repay TARP on an agreement to also buy back the warrants. Under the current law, payback of the TARP money must be accompanied by the repurchase of those warrants.

In fact, the amendment gives the TARP recipient the right to determine when the Treasury must buy back the warrants it received; the TARP recipient is not required to pay market price for them.

I oppose the amendment and urge my colleagues to vote against it, I say respectfully of the author of the amendment, Senator VITTER, a member of our committee. I am concerned this amendment, if adopted, would further destabilize our financial system and

could harm taxpayers who, of course, are the ones who put up the TARP money.

Under this amendment, the Treasury would be forced to permit a bank that received TARP money to repay that assistance based on the sole criterion that the bank would remain well capitalized. Again, I emphasize that is an important consideration, but it is not the only one.

If there is one lesson we have learned from this crisis, the definition for what "well capitalized" means is inadequate. For example, Citibank and Bank of America are well capitalized according to the standard in the amendment, and despite their obvious troubles, they would be able to return the TARP money they received. The standard the amendment would establish is simply ineffective and not comprehensive enough.

Currently, the regulators can consider the bank's condition in a more complete, holistic way in assessing its fitness to return TARP funds. The amendment would tie the hands of the regulators to this one particular factor, capital, a very important one but not the only one, a factor that has already proven to be faulty and insufficient to weather today's economic climate.

To get out from under the executive compensation restrictions and other conditions imposed by Treasury, for example, institutions that are in a weakened condition may put themselves and the broader economy at risk. That is why this is important. If we are only talking about one institution, certainly getting the TARP money back is something we would all welcome. But I think we need to look at this beyond just what the effect is on that one institution but what is the effect of the overall financial system. That was the reason why these TARP dollars went out in the first place.

So while being well capitalized is very important, if you limit it to that and that only and allow an institution, such as the ones I have mentioned, to then move beyond that, there could be put at risk the larger economy, which is, of course, the major goal here, to get the overall economy functioning and moving in the right direction.

If banks were allowed to move in that direction merely on that basis alone, then I think we would regret that. Again, I think it is something we ought to be striving for, but this amendment is too narrow, in my view, to limit the decisions strictly on that one criterion. If lending is limited as a result of this amendment, that would mean more businesses closing for lack of financing, more job losses in our country, and a further weakening of the overall economy, delaying even further the recovery we all seek.

It also would mean more foreclosures, which is at the heart of the

bill. Foreclosed homes will stay on the market longer because people would not be able to get mortgages to buy these homes.

As my colleagues know, the large banks have gone through the so-called stress tests. Many of them, despite being designated as "well-capitalized," may still be forced to raise more capital, we are told.

It strikes me as unwise that we want to tie Treasury's hands at this important time, right when the results of the stress tests are to be announced.

The amendment would also harm the taxpayer by allowing the TARP recipient to decide when warrants may be exercised and by limiting the Treasury's ability to require the repurchase of warrants when TARP funds have been repaid.

It also harms the taxpayer by eliminating the requirement that Treasury pay market price for the warrants and would allow banks to try to negotiate a better price, thereby reducing the returns to the taxpayers who put up the money in the first place.

In conclusion, I would respectfully oppose this amendment. Current law already allows the banks to repay their TARP funding—in fact, we would encourage it—when it is the right time and safe to do so, examining an array of criteria, not just being well-capitalized. The quicker we can do that, the better off we are going to be. But it will be important that when some of these major institutions repay that, that in so doing they are not going to be jeopardizing the economy at large.

The amendment, however, could cut credit availability at a time when credit is desperately needed; and could put more institutions at risk when stability is needed; and it is a bad deal, further, for the American taxpayer who, ultimately, is the one who put up the resources and hopes to get repaid when this economy begins to recover.

Again, respectfully I say to my colleague and friend from Louisiana, I would oppose that amendment.

The second amendment is No. 1017. This amendment deals with the Federal Housing Administration. The Vitter amendment would establish "solvency" as the "primary foundational responsibility" of the Federal Housing Administration, the FHA.

The amendment then requires the Secretary to close down any FHA program if it seems "reasonably likely" that the FHA might need credit subsidy from Congress. Again, I oppose this amendment because it does exactly the opposite of what we ought to be doing at a moment such as this.

We thank our lucky stars that we have the FHA providing credit at this time. In exactly a moment such as this, you need the FHA out there to provide that credit when credit is so unavailable through the clogged-up financial system in our Nation. First

and foremost, this amendment fails to reflect the fact that the primary mission of the Federal Housing Administration is to help create and sustain home ownership for American families.

The mission of the FHA is especially important now, while we are struggling through such troubled economic times. FHA currently insures nearly 30 percent of the mortgage market in our Nation.

If you extend the logic that the amendment proposes, you would shut the doors of Fannie Mae and Freddie Mac right now because both have had to draw on their credit lines from the Treasury. Without them, we would lose the other 70 percent of the mortgage market overnight, turning a housing recession into a deep housing depression.

In my view, if it were not for the Federal Government at this hour, working through FHA and other federally supported institutions, there would be no mortgage credit available at all.

The FHA has a mission. It is to ensure that adequate and affordable mortgage credit is available in every part of our Nation. It is currently fulfilling that mission admirably, while many other sources of credit, as I mentioned earlier, have totally disappeared or almost completely disappeared.

The Federal Housing Administration pushes against the prevailing downward winds in our economy. It is countercyclical. The Senator's amendment would turn the FHA into a procyclical program, withdrawing credit, pulling it back, when credit is so difficult to come by. This change would help deepen the worst housing recession we are experiencing since the Great Depression.

Moreover, I think it is important to know that FHA fund is not at risk. As of the second half of the fiscal year 2009, the sum of FHA's investments and cash on hand is nearly \$32 billion. Its net position, assets minus liabilities, on March 31 of this year, was a positive \$11.8 billion. Although FHA's capital has fallen to 3 percent, it is still 50 percent above its statutorily mandated level of 2 percent. Falling capital in tough times is to be expected. That is what is going on. We all understand that. That is what you have capital for, to protect yourself in the bad times.

In addition, it is important to remember that FHA has always been a fixed-rate mortgage insurer. It never got involved in the exotic and often predatory practices offered by the subprime lenders. FHA has also required income to be documented and verified.

In fact, because FHA has been known for its solid loan products, more and more people with better credit quality are using FHA today. Over the past 6 months, the average credit score in FHA has increased by nearly 40 points.

Finally, current law already establishes a fiduciary duty “to ensure that the Mutual Mortgage Insurance Fund remains financially sound.” The Secretary is already required to make program changes or adjust premiums if FHA’s performance is expected to differ substantially from the baseline established by an independent actuarial report.

Secretary Donovan has assured me and the Congress that the Congress would be immediately alerted if he thought the FHA was at risk at all.

In short, I ask my colleagues, again, I say this respectfully of its author, to oppose this amendment. It is not needed. It would be exactly the wrong message, the wrong action to be taking at this critical time. Solvency is not an insignificant issue, but the role of the FHA is not to provide solvency, necessarily, but it is to provide credit at a time when credit is not available.

When as many people as I have indicated by the facts are relying on the FHA at a time when we are trying to encourage home ownership on responsible terms—and the FHA, as I pointed out earlier, was not one of these exotic lenders that was out there with these predatory practices. Quite the contrary. So rather than, in a sense, changing the mission of the FHA, fundamentally altering what its goal is and ought to be at these times, we need to oppose this amendment.

Again, we need to rely, as we can and must, on the fact that the FHA is in sound shape. If it is not for some reason, we have every reason to believe we can take improvement steps.

Accordingly, again, I would urge our colleagues, when talking about both of these amendments, join me in opposing them, given the difficulty that both these amendments would raise if they were to be adopted.

Again, I will be happy to be in the Chamber for the next hour or so. If people wish to come over and engage in a discussion or debate, I welcome that opportunity. But at 5:30, in a little more than an hour, we will have a vote on both these amendments of our colleague from Louisiana.

Let me say, again, I think we assume this is personal in nature. It is not. I have respect for my colleague. We have a different point of view on matters. That is the nature of the institution and the debate that occurs.

I don’t question his motives or the sincerity behind his amendments, but I believe in both cases they would move us in the opposite direction from where we need to be going.

With regard to TARP funding, all of us wish to get the TARP money back to the taxpayers as quickly as we can with interest. But we need to understand it is more than just capitalization when we make that decision. We don’t want to do harm to our economy at a critical moment such as this. Sec-

only, with regard to FHA, solvency is important. The mission of FHA is, of course, to be countercyclical, not procyclical. At a critical time such as this, depriving them of that opportunity to fill a credit gap that does not exist today would be exactly the wrong message and do great damage to a critical component of home ownership.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, I rise today to offer some remarks on the Helping Families Save Their Homes Act of 2009.

The housing foreclosure crisis continues to affect families and communities throughout the Nation. I appreciate the good efforts of Senators DODD and SHELBY and the Banking Committee for trying to tackle this crisis. Until we address these issues head-on and remove the toxic assets that have poisoned not only our financial system but the world’s financial system, economic recovery will be difficult to achieve. President Obama himself said, when he addressed us in January, that all the other things happening are not going to get us out of the crisis we are in until we get the toxic assets out of the system.

I particularly appreciate the fact that included in the bill is the Dodd-Crapo-Bond bill as an amendment which will strengthen the power of the Federal Deposit Insurance Corporation to go after institutions which are on the verge of failing. To me, that is the direction this administration and the previous administration should have been following but have not.

But there are some troubling aspects of the Government’s action in the FHA area, and I am concerned about the implications of some of the provisions in the bill before us. My biggest concern is the health and solvency of the Department of Housing and Urban Development’s Federal Housing Administration, or FHA. I appreciate the work the managers have done to deal with the fraud issues. I also support Senator VITTER’s efforts to raise this issue through an amendment he has offered. I think this amendment goes in the right direction. We might want to work on some of the language, but it gets at the problem.

The bottom line is this: The FHA is a powder keg that could explode, leaving the taxpayers on the hook if Congress and the administration continue to overburden the Government agency. As I stated at a recent Transportation, Housing and Urban Development Ap-

propriations Subcommittee hearing, the FHA’s health and solvency are at high risk. The signs are troubling in many areas: FHA default rates are at their highest level in several years. FHA’s economic value has fallen by almost 40 percent over the past year. FHA approval of new lenders has increased by 525 percent over the past 2 years, and there is evidence that some former subprime lenders and brokers have infiltrated FHA to conduct business. That in itself ought to be an alarm bell that goes off. Fraudulent activity in the mortgage industry has put and is at risk of exposing FHA to more risk. FHA has seen a significant increase in foreclosures, which endangers the stability of communities and neighboring homes. The rise in FHA defaults and foreclosures, especially in areas already victimized by subprime lending, threatens to make a bad problem worse. These troubling signs all point to a powder keg that is waiting to explode.

What does this mean for taxpayers? It means, by law, FHA is required to carry a 2-percent reserve or a 50-to-1 leverage rate. If it falls below that statutory level, FHA must raise the premiums it charges to borrowers or Congress must appropriate funds. That means taxpayers footing more of the bill.

I have a message for my colleagues in Congress and the administration: Americans do not want another bailout. The taxpayer credit card is maxed out.

Luckily, HUD is currently being led by a very capable leader, HUD Secretary Shaun Donovan. However, he alone cannot fix the longstanding problems with HUD and FHA. The Congress and the administration must not make Secretary Donovan’s job harder by placing more risk on FHA until the problems of the agency are fixed or the agency will crash.

I read in today’s Wall Street Journal an editorial, which I will ask to be printed in the RECORD, that says:

In a rational world, Congress and the White House would tighten FHA underwriting standards, in particular by eliminating the 100% guarantee. That guarantee means banks and mortgage lenders have no skin in the game; lenders collect the 2% to 3% origination fees on as many FHA loans as they can push out the door regardless of whether the borrower has a likelihood of repaying the mortgage.

Madam President, I ask unanimous consent to have this article printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. Let me reemphasize, because this is important, if we continue to overburden FHA, this powder keg may explode.

I thank my colleague, Senator VITTER, for highlighting the need to make protecting FHA solvency a priority—so

taxpayers are not left on the hook. I ask my colleagues to support that amendment.

Madam President, I yield the floor.

[From the Wall Street Journal, May 4, 2009]

EXHIBIT 1

THE NEXT HOUSING BUST

Everyone knows how loose mortgage underwriting led to the go-go days of multitrillion-dollar subprime lending. What isn't well known is that a parallel subprime market has emerged over the past year—all made possible by the Federal Housing Administration. This also won't end happily for taxpayers or the housing market.

Last year banks issued \$180 billion of new mortgages insured by the FHA, which means they carry a 100% taxpayer guarantee. Many of these have the same characteristics as subprime loans: low downpayment requirements, high-risk borrowers, and in many cases shady mortgage originators. FHA now insures nearly one of every three new mortgages, up from 2% in 2006.

The financial results so far are not as dire as those created by the subprime frenzy of 2004–2007, but taxpayer losses are mounting on its \$562 billion portfolio. According to Mortgage Bankers Association data, more than one in eight FHA loans, is now delinquent—nearly triple the rate on conventional, nonsubprime loan portfolios. Another 7.5% of recent FHA loans are in “serious delinquency,” which means at least three months overdue.

The FHA is almost certainly going to need a taxpayer bailout in the months ahead. The only debate is how much it will cost. By law FHA must carry a 2% reserve (or a 50 to 1 leverage rate), and it is now 3% and falling. Some experts see bailout costs from \$50 billion to \$100 billion or more, depending on how long the recession lasts.

How did this happen? The FHA was created during the Depression to help moderate-income and first time homebuyers obtain a mortgage. However, as subprime lending took off, banks fled from the FHA and its business fell by almost 80%. Under the Bush Administration, the FHA then began a bizarre initiative to “regain its market share.” And beginning in 2007, the Bush FHA, Congress, the homebuilders and Realtors teamed up to expand the agency's role.

The bill that passed last summer more than doubled the maximum loan amount that FHA can insure—to \$719,000 from \$362,500 in high-priced markets. Congress evidently believes that a moderate-income buyer can afford a \$700,000 house. This increase in the loan amount was supposed to boost the housing market as subprime crashed and demand for homes plummeted. But FHA's expansion has hardly arrested the housing market decline. The higher FHA loan ceiling was also supposed to be temporary, but this year Congress made it permanent.

Even more foolish has been the campaign to lower FHA downpayment requirements. When FHA opened in the 1930s, the downpayment minimum was 20%; it fell to 10% in the 1960s, and then 3% in 1978. Last year the Senate wisely insisted on raising the downpayment to 3.5%, but that is still far too low to reduce delinquencies in a falling market.

Because FHA also allows borrowers to finance closing costs and other fees as part of the mortgage, the purchaser's equity can be very close to zero. With even a small drop in prices, many homeowners soon have mortgages larger than their home's value—which is one reason FHA's defaults are rising.

Every study shows that by far the best way to reduce defaults and foreclosures is to increase downpayments. Banks know this and have returned to a 10% minimum downpayment on their non-FHA loans.

In a rational world, Congress and the White House would tighten FHA underwriting standards, in particular by eliminating the 100% guarantee. That guarantee means banks and mortgage lenders have no skin in the game; lenders collect the 2% to 3% origination fees on as many FHA loans as they can push out the door regardless of whether the borrower has a likelihood of repaying the mortgage. The Washington Post reported in March a near-tripling in the past year in the number of loans in which a borrower failed to make more than a single payment. One Florida bank, Great Country Mortgage of Coral Gables, had a 64% default rate on its FHA properties.

The Veterans Affairs housing program has a default rate about half that of FHA loans, mainly because the VA provides only a 50% maximum guarantee. If banks won't take half the risk of nonpayment, this is a market test that the loan shouldn't be made.

These reforms have long been blocked by the powerful housing lobby—Realtors, homebuilders and mortgage bankers, backed by their friends in Congress. They claim FHA makes money for taxpayers through the premiums it collects from homebuyers. But keep in mind these are the same folks who said taxpayers weren't at risk with Fannie Mae and Freddie Mac.

A major lesson of Fan and Fred and the subprime fiasco is that no one benefits when we push families into homes they can't afford. Yet that's what Congress is doing once again as it relentlessly expands FHA lending with minimal oversight or taxpayer safeguards.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I applaud the work of Chairman DODD on this issue, as on so many others—fighting the terrible problems of credit card abuse, dealing with the home foreclosure mess—and thank him for his work.

(The remarks of Mr. BROWN are printed in today's RECORD under “Morning Business.”)

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENTS NOS. 1020 AND 1021 TO AMENDMENT NO. 1018

Mr. DODD. Madam President, I know this may confuse some people. I am going to call up a couple amendments for my colleague from Iowa, Senator GRASSLEY. He cannot be here.

I ask unanimous consent to temporarily set aside the pending amendments and call up amendments Nos. 1020 and 1021 on behalf of the Senator from Iowa, Mr. GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. GRASSLEY, for himself, Mr. BAUCUS, and Ms. SNOWE, proposes an amendment numbered 1020.

The Senator from Connecticut [Mr. DODD], for Mr. GRASSLEY, proposes an amendment numbered 1021.

The amendments are as follows:

AMENDMENT NO. 1020 TO AMENDMENT NO. 1018

(Purpose: To enhance the oversight authority of the Comptroller General of the United States with respect to expenditures under the Troubled Asset Relief Program)

At the end of the bill, add the following:

TITLE V—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

SEC. 501. ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM.

Section 116 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226) is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iii), by striking “and” at the end;

(B) in clause (iv), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(v) public accountability for the exercise of such authority, including with respect to actions taken by those entities participating in programs established under this Act.”; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by striking subparagraph (B) and inserting the following:

“(B) ACCESS TO RECORDS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, and for purposes of reviewing the performance of the TARP, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, any entity established by the Secretary under this Act, or any entity participating in a program established under the authority of this Act, and to the officers, employees, directors, independent public accountants, financial advisors and any and all other agents and representatives thereof, at such time as the Comptroller General may request.

“(ii) VERIFICATION.—The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by, among others, depositories, fiscal agents, and custodians.

“(iii) COPIES.—The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

“(C) AGREEMENT BY ENTITIES.—Each contract, term sheet, or other agreement between the Secretary or the TARP (or any TARP vehicle, officer, director, employee, independent public accountant, financial advisor, or other TARP agent or representative) and an entity participating in a program established under this Act shall provide for access by the Comptroller General in accordance with this section.

“(D) RESTRICTION ON PUBLIC DISCLOSURE.—

“(i) IN GENERAL.—The Comptroller General may not publicly disclose proprietary or trade secret information obtained under this section.

“(ii) EXCEPTION FOR CONGRESSIONAL COMMITTEES.—This subparagraph does not limit disclosures to congressional committees or members thereof having jurisdiction over any private or public entity participating in a program established under this Act.

“(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or amend the prohibitions against the disclosure of trade secrets or other information prohibited by section 1905 of title 18, United

States Code, or other applicable provisions of law.”.

AMENDMENT NO. 1021 TO AMENDMENT NO. 1018

(Purpose: To amend chapter 7 of title 31, United States Code, to provide the Comptroller General additional audit authorities relating to the Board of Governors of the Federal Reserve System, and for other purposes)

At the appropriate place insert the following:

**TITLE —COMPTROLLER GENERAL
ADDITIONAL AUDIT AUTHORITIES**

SEC. —. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.

(a) DEFINITION OF AGENCY.—Section 714(a) of title 31, United States Code, is amended by striking “Federal Reserve Board,” and inserting “Board of Governors of the Federal Reserve System (in this section referred to as the ‘Board’), the Federal Open Market Committee, the Federal Advisory Council.”.

(b) AUDITS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM AND THE FEDERAL RESERVE BANKS.—Section 714(b) of title 31, United States Code, is amended by striking the second sentence.

(c) CONFIDENTIAL INFORMATION.—Section 714(c) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2)(A) Except as provided under paragraph (4), an officer or employee of the Government Accountability Office may not provide to any person outside the Government Accountability Office any document or name described under subparagraph (B) if that document or name is maintained as confidential by the Board, the Federal Open Market Committee, the Federal Advisory Council, or any Federal reserve bank.

“(B) The documents and names referred to under subparagraph (A) are—

“(i) any document relating to—

“(I) transactions for or with a foreign central bank, government of a foreign country, or nonprivate international financing organization;

“(II) deliberations, decisions, or actions on monetary policy matters, including discount window operations, reserves of member banks, securities credit, interest on deposits, and open market operations; or

“(III) transactions made under the direction of the Federal Open Market Committee; or

“(ii) the name of any foreign central bank, government of a foreign country, or non-private international financing organization associated with a transaction described under clause (i)(I).”; and

(3) by striking paragraph (4) (as redesignated by this subsection) and inserting the following:

“(4) This subsection shall not—

“(A) authorize an officer or employee of an agency to withhold information from any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee; or

“(B) limit any disclosure by the Government Accountability Office to any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee.”.

(d) ACCESS TO RECORDS.—

(1) ACCESS TO RECORDS.—Section 714(d)(1) of title 31, United States Code, is amended—

(A) in the first sentence, by inserting “or any entity established by an agency” after “an agency”; and

(B) by inserting “The Comptroller General shall have access to the officers, employees, contractors, and other agents and representatives of an agency or any entity established by an agency at any reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.” after the first sentence.

(2) UNAUTHORIZED ACCESS.—Section 714(d)(2) of title 31, United States Code, is amended by inserting “, copies of any record,” after “records”.

(e) AVAILABILITY OF DRAFT REPORTS FOR COMMENT.—Section 718(a) of title 31, United States Code, is amended by striking “Federal Reserve Board,” and inserting “Board of Governors of the Federal Reserve System, the Federal Open Market Committee, the Federal Advisory Council.”.

Mr. DODD. Madam President, let me just say that my offering these amendments should not necessarily indicate we have reached an agreement on these amendments. Senator GRASSLEY’s staff and our staff are working together to see if we can achieve an agreement on them. We hope we do. But certainly he has the right to raise those amendments, and I was more than happy to offer them on his behalf.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1016 AND 1017

Under the previous order, the time until 5:30 shall be equally divided prior to a vote in relation to amendments Nos. 1016 and 1017 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I rise to again present my amendments coming up for a vote, Nos. 1016 and 1017. I have spoken before on this floor about them, but I want to summarize briefly.

Amendment No. 1016 is very simple and straightforward, but it is very important as well. It says any bank that has accepted taxpayer TARP dollars can repay those dollars, with interest, and get out of the program whenever it wants, as long as it meets all of the safety and soundness criteria, and all the capitalization and liquidity criteria that all of the regulators who regulate that bank have on them. Again, this is a very basic but important idea.

The TARP program was designed to stabilize shaky banks. So if a bank wants to give back the money, with interest, as long as it meets all of the safety and soundness criteria—every one in sight—it should be able to do that.

You would think this would be beyond debate. Unfortunately, it is not

and, unfortunately, several folks, starting with the Secretary of the Treasury, Timothy Geithner, are refusing to let this happen. In fact, Secretary Geithner has been very clear that this isn’t simply up to those banks; it is up to their new senior partner, the Federal Government. It is sort of like when the mob comes in as your partner in a business; you lose complete control and you cannot decide that it is not time for them to buy you out. After that happens, no, no, no, it is no longer your decision.

As the Wall Street Journal recently reported, with regard to an interview with the Secretary, he indicated that the “health of individual banks won’t be the sole criteria for whether financial firms will be allowed to repay bailout funds.”

What a great, brave, new world we now live in, where individual private institutions cannot set their own course, cannot decide their own destiny, and cannot even give back taxpayer dollars to benefit the taxpayer, benefit the Treasury, with interest, as long as they meet all of the safety and soundness and capitalization and liquidity requirements in sight.

There is also a provision in my amendment that says Treasury cannot force repayment buyback of the warrants at a price they name. That is completely noncontroversial, since a distinguished member of the majority, Senator JACK REED of Rhode Island, is proposing precisely my same language with regard to warrants. This is an important issue regarding our free market system and whether we are going to allow it to get back to a private firm-based free market system.

I urge my colleagues to support this amendment.

Second is my amendment No. 1017. This amendment has to do with the Federal Housing Administration. It simply focuses like a laser beam on the importance of preserving and protecting the fundamental solvency of the FHA. This amendment requires that the first duty of the FHA is to maintain that solvency. It says if the provisions of this underlying bill, or any other existing requirement, cause the FHA to be reasonably likely to need a bailout from Congress—which a lot of folks think is imminent—then the Commissioner shall temporarily suspend that program which is causing a need for a bailout and recommend legislation to Congress to fix the situation.

Many observers, including the Wall Street Journal, think it is a virtual certainty that we are headed toward a crippling blow to the FHA needing a bailout from Congress. Rather than rush there and heap more burdens and more requirements and more need for more money on the FHA, which this underlying bill does, perhaps we should put in place some basic protections to

the solvency of the FHA. That is what my amendment does very clearly.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I see my friend from Louisiana is here. I spoke earlier about my colleague's two amendments. I appreciate the spirit and motivation behind them. I will take a couple of minutes to review my concern about them.

First, regarding Senator VITTER's first amendment, No. 1016, dealing with TARP money, I think we all would like money coming back sooner rather than later—getting to a point where these resources come back, with additional interest, to the extent that taxpayers can be made whole as a result of coming up with that money in the first instance and trying to bring stability to the financial markets. There is no debate about that. We agree about that.

There was significant debate that occurred about whether there should be TARP money to begin with. It wasn't all one way. I supported it. I thought it made sense to try to stabilize our economy. I believe most believe that the decision made last September, early October, was the right one. In fact, had we not done that, we probably would have lost major lending institutions in the country over many months. Obviously, this administration inherited a good part of the problem, which didn't begin overnight, and it is trying to grapple with it in a holistic fashion, institution by institution.

My concern with the amendment of my friend from Louisiana is this: He is absolutely correct that, again, if we have an institution that is well capitalized, that is a very important criteria in consideration of when these TARP moneys ought to be repaid. My concern is it is not the only criteria. We have major lending institutions, which I could make a case both in Citi and Bank of America, that are well capitalized but, frankly, they have other issues they are grappling with beyond being well capitalized.

If that was the sole criterion, then we would be able to have the TARP money come back. Citi may want to do that, and Bank of America—and I am not suggesting they do, but they may—their problems could migrate very quickly to the larger financial problems with which we are trying to deal.

On the one hand, I agree with the motivation, and that is we ought to try to get to the bottom of this as quickly as we can, get the TARP moneys back so the Treasury is replenished with these resources. On the other hand, if we do so prematurely solely on the basis of being well capitalized, we can end up compounding a problem that is already serious and making it far worse.

For that reason, I urge this amendment be rejected. I say that respectfully to my colleague. I don't like getting up and opposing amendments for the simple reason of opposing them. There is a difference here, to have one criteria on which we would depend solely on the determination of returning these dollars, putting the larger issues at risk, I think would not be the right move to make at this point. Therefore, at the appropriate time I will ask for the amendment to be rejected.

Regarding FHA—and, again, I find myself in the awkward position of not disagreeing with my colleague. Solvency is obviously an important issue. Had the rest of the lending institutions in the country been as prudent as FHA, we wouldn't be here talking about this larger problem.

FHA never engaged in the exotic instruments that many others did in the subprime markets with teaser rates and no-doc loans, as they were called, or liar loans. FHA has been a well-run, prudent operation. Today, when very little credit is available for home mortgages, FHA is proving to be vitally important. Thirty percent of the mortgage market today is made up of FHA. If the goal of FHA is strictly the solvency of it—today it is 50 percent above statutorily what it is required to have on a cap of 2 percent, at 3 percent, less than 6 they had a while ago. Obviously, we have to keep an eye on this. But the law statutorily requires the Secretary of the Treasury to notify the Congress when, in fact, there is danger of FHA falling either at or below that 2-percent requirement.

Again, solvency is not insignificant. If that becomes the criteria at a time when we need to be getting more credit out so we begin to get the housing market moving again, I think it is absolutely essential. If FHA is forced to close down just as it is needed most, making it procyclical not countercyclical—which is exactly what we need to be is countercyclical, not procyclical—then we would be turning the recession in the housing area into a depression, which none of us want to see happen.

At this hour, it is very important that we keep FHA moving in that direction, watching, obviously, as my colleague from Louisiana suggests by his amendment, that solvency not be disregarded.

Current statute already requires the Secretary to adjust programs that ensure FHA remains financially sound. In fact, like all housing-focused activities, FHA has lost money in this crisis, but it still has more capital than the law requires, and the quality of its borrowers is improving as we speak. That is to be applauded.

At this very moment, were we to move away from FHA when so much of our housing market depends upon

them, I think would be a step in the wrong direction. For that reason, I respectfully ask our colleagues to oppose this amendment. Again, I find myself in the awkward position of not disagreeing with what my colleague talks about in the case of both amendments; that is, getting TARP money back as soon as we can and that solvency is a critically important function at FHA. That is why the statute was written the way it was. I agree with him on those points. I am just concerned if in the first case we set a sole criteria of being well capitalized, and in the case of FHA if solvency is the only value, then we lose the value of FHA at a time when housing is having a hard time finding available credit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I appreciate the kind comments of my colleague. I note that he never disagrees with me, although, unfortunately, he always opposes my amendments. We will work through that.

I have a few closing comments. First of all, with regard to my first amendment allowing banks to repay the TARP money as long as they are sound and secure, I note that the U.S. Chamber of Commerce strongly supports this amendment. I have a letter from the Chamber.

I ask unanimous consent to have printed in the RECORD the letter from the Chamber of Commerce.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, May 4, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports Vitter Amendment #1 to S. 896, the "Helping Families Save Their Homes Act of 2009." This amendment would remove impediments to the repayment of funds received under the Troubled Asset Relief Program (TARP).

The Chamber supported the passage of the Emergency Economic Stabilization Act (EESA) and the creation of the TARP program. Inadequate credit markets blocked the life blood of the economy forcing thousands of businesses to close and millions of people to lose their jobs. The EESA allows the federal government to undertake temporary measures to stabilize the financial services sector and restore fully functioning credit markets. To bolster the effectiveness of TARP, the Treasury Department requested that otherwise healthy firms enter the program. Those firms have since complied.

While the success and administration of TARP has been hotly debated, the program was always envisioned as a temporary measure. Last week, House Financial Services Committee Chair Barney Frank was quoted in reports that he envisioned the banking sector being TARP-free within a year and that "it would be good for public confidence" if banks repay TARP funds. Nevertheless,

published reports have stated that impediments may exist, or would be put in place, to make the repayment of TARP funds problematic at best.

The Vitter Amendment would remove any impediments to repaying TARP funds. The repayment of TARP funds is an important element in restoring confidence in the financial services sector and a vital and necessary step on the road to economic recovery.

Accordingly, the Chamber urges you to support Vitter Amendment #1 to S. 896.

Sincerely,

R. BRUCE JOSTEN,
*Executive Vice President,
Government Affairs.*

Mr. VITTER. Madam President, I also note a particular line in that letter, which is an excellent point, which is that the repayment of these moneys from TARP banks will actually be an enormously positive confidence-inspiring turn of events, and I think it will do a lot to shore up concern regarding financial institutions that will be correctly perceived as movement in the right direction.

With regard to my second amendment regarding the FHA, I will just note a couple of things. First of all, my amendment does not propose in any way shutting down the FHA under any circumstances. What it says is, if the FHA thinks it is headed toward insolvency, it is going to stop these new mandates on it, these new programs which are pushing it toward insolvency and, at the same time, immediately report to Congress about how we deal with that situation.

Unfortunately, I don't think it is a very well kept secret that this is a grave threat for the FHA to start walking down the path of Fannie and Freddie and everyone else.

Again, the Wall Street Journal wrote in their very prescient article, "The Next Housing Bust," predicting exactly that. There are very many tell-tale signs on the horizon:

According to Mortgage Bankers Association data, more than one in eight FHA loans is now delinquent, nearly triple the rate of conventional non-subprime loan portfolios. Another 7.5 percent of recent FHA loans are in serious delinquency, which means at least 3 months overdue. The FHA is almost certainly going to need a taxpayer bailout in the months ahead.

Let's try to head this off before another collapse, another rattling of the system is upon us and keep the FHA solvent rather than having it shaken, having public confidence rattled once again and having Congress have to act in a complete emergency atmosphere. My amendment would head that off in an effective way.

Madam President, I reserve the remainder of my time to the extent I have any.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I wish to add regarding the FHA amendment, for my colleague's information, joining me in opposing the amendment are the

mortgage bankers, homebuilders, realtors, Lenders One—the people very involved in the residential mortgage market. I note they expressed a concern about the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 1016, offered by the Senator from Louisiana, Mr. VITTER.

Mr. DODD. Madam President, I think we are both prepared to waive that time. We have talked enough about the amendments, so I am prepared to waive that time and go right to the vote.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 1016.

Mr. VITTER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 53, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—39

Barrasso	Dorgan	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Cornyn	Kohl	Voinovich
Crapo	Kyl	Webb
DeMint	Lincoln	Wicker

NAYS—53

Akaka	Byrd	Feingold
Alexander	Cantwell	Feinstein
Baucus	Cardin	Gillibrand
Begich	Carper	Gregg
Bennet	Casey	Hagan
Bingaman	Conrad	Harkin
Boxer	Corker	Inouye
Brown	Dodd	Kaufman
Burr	Durbin	Kerry

Klobuchar	Merkley	Specter
Landrieu	Mikulski	Stabenow
Lautenberg	Murray	Tester
Leahy	Nelson (FL)	Udall (CO)
Levin	Pryor	Udall (NM)
Lieberman	Reed	Warner
Lugar	Reid	Whitehouse
McCaskill	Sanders	Wyden
Menendez	Schumer	

NOT VOTING—7

Coburn	Martinez	Shaheen
Johnson	McCain	
Kennedy	Rockefeller	

The amendment (No. 1016) was rejected.

Mr. DODD. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 1017, offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I believe Senator VITTER and I are prepared to waive the 2 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 1017.

Mr. DODD. Does my colleague want a recorded vote?

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 56, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—36

Alexander	Crapo	Kyl
Barrasso	DeMint	Lugar
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Cochran	Hutchison	Snowe
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker

NAYS—56

Akaka	Bayh	Bennet
Baucus	Begich	Bingaman

Boxer	Inouye	Nelson (FL)
Brown	Kaufman	Pryor
Burris	Kerry	Reed
Byrd	Klobuchar	Reid
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (CO)
Dorgan	Lincoln	Udall (NM)
Durbin	McCaskill	Voinovich
Feingold	Menendez	Warner
Feinstein	Merkley	Webb
Gillibrand	Mikulski	Whitehouse
Hagan	Murray	Wyden
Harkin	Nelson (NE)	

NOT VOTING—7

Coburn	Martinez	Shaheen
Johnson	McCaIn	
Kennedy	Rockefeller	

The amendment (No. 1017) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

KENTUCKY DERBY

Ms. LANDRIEU. Mr. President, I know we are probably going to move forward on discussing the underlying bill. I ask unanimous consent to speak about a resolution I would like to discuss for a moment, about a wonderful event that actually took place in our country this weekend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, every year for 135 years, the country has been watching and cheering and celebrating the Kentucky Derby.

While this event is not held in Louisiana—it is held in Kentucky—many people in my State and around the country tune in. Some people have the opportunity to actually attend what has become one of the most extraordinary sporting events in our Nation's calendar year. This weekend was no exception. It was an extraordinary race. Anyone who watched it could attest to the tremendous skill of the Louisiana born-and-bred jockey who rode Mine That Bird to a victory in a heart-pounding, quite shocking and surprising victory. So this resolution just simply says:

Whereas Calvin Borel, born and raised in St. Martin Parish, Louisiana, began riding match horses at the age of 8;—

As my husband says, we just sort of strap them on and let them go, but he most certainly learned at a young age—

Whereas Mr. Borel began his professional career as a jockey at the age of 16;

Whereas [he] has won more than 4,500 career starts;

Whereas [he] won the 135th Kentucky Derby by 6¼ length, the greatest winning margin since 1946;

Where [he] is the first jockey since 1993 to win both the Kentucky Oaks—

Which is the fillies race—

and the Kentucky Derby in the same year;

Whereas in 2 minutes and 2.66 seconds, [he] and Mine That Bird completed the race and placed first, making it [his] second Kentucky Derby victory: Now, therefore, be it

Resolved, That the Senate commends Calvin Borel and Mine That Bird for their extraordinary victory at the 135th Kentucky Derby.

It is sporting events like this and races run like this on a horse that cost \$9,500, I understand, that was trailored by the owner and its manager that keeps this sport exciting and open for so many. For all of us in Louisiana, we are very proud of this young jockey from down in the bayou, as we say, and for the pride that he brings to our State and to a wonderful industry.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Finally, let me take a moment before the Senator comes back to debate the underlying bill and submit to the RECORD a statement about an event that took place last week on Capitol Hill and actually around the country. It is an event that Senator KAY BAILEY HUTCHISON and I proudly and happily, joyfully sponsor every year for the Senate; that is, Take Our Daughters and Sons to Work Day.

It was started 17 years ago by Ms. Magazine, thinking it might be a good idea for girls, particularly girls between the ages of 10 and 16, to have an opportunity to go to work with their parents because many women, of course, do wonderful work at home raising children and working out of the home. But a lot of important work goes on outside of the home as well. Ms. Magazine thought it would be a great opportunity for girls, particularly, and then, of course, have included boys, to go anywhere where their parents work, whether that work is out of the home or in the home and actually come to appreciate the work that goes into keeping our society moving forward and this country moving forward.

So KAY BAILEY HUTCHISON and I cohosted. The Senator from Texas and I host this every year. I would like to first acknowledge her support, also acknowledge Ms. Magazine that founded this day, and to thank all of our Senators and staffers and workers around the Capitol who participated in that day.

I ask unanimous consent to print in the RECORD the names of the young ladies who joined me that day.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Sophie Boudreaux, Meraux, LA, Chalmette High School; Dominique Cravins, Washington, DC, St. Peter's School; Heather Duplessis, New Orleans, LA, Metairie Park Country Day School; Maya English, Baton Rouge, LA, St. George's Episcopal School; Matisse Gilmore, Mitchellville, MD; Monet Gilmore, Mitchellville, MD; Golnaz Kamrad, Washington, DC, Georgetown Day School; Mallory MacRostie, Bethesda, MD, Bethesda Chevy Chase High School; Lily Silva, Washington, DC, Georgetown Day School; Mary Shannon Snellings, daughter of Senator

Mary Landrieu, Washington, DC, Georgetown Day School; Mary Agnes Nixon, Washington, DC, Aidan Montessori School; Sydni Rita-Louise Sumas, New Orleans, LA, Ursuline Academy; Kelsey Teo, Bristow, VA, Stonewall Jackson High School; Eliza Warner, daughter of Senator Mark Warner, Alexandria, VA, Potomac School; Brittany Watts, Tickfaw, LA, Hammond High School.

Ms. LANDRIEU. These young ladies and many young men who joined them had a wonderful day, understanding what happens at the Capitol, working in the Senate. I thank them and their parents for making this day special for us and hope and trust that their day was inspirational to them as they think about their career opportunities in the future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I will not offer my amendment at the moment. We are still trying to negotiate it. But I want to discuss an amendment I will offer, hopefully, with agreement. That is an amendment that would require the Secretary of the Treasury, in consultation with the Secretary of HUD and other housing-related Federal agencies, to develop a program to address the rising defaults and foreclosures in multifamily properties.

The program is necessary because the same excesses that occurred in the single-family mortgage market also occurred in the multifamily mortgage market, leading to buildings that are significantly overleveraged with rent rolls that are unable to support basic operational expenses and maintenance. The tenants of these buildings had absolutely no input into the misguided decision of the owners and lenders who mortgaged the property beyond supportable levels, but they are the ones who will face the consequences of this investment and foreclosure, as owners are unable to meet monthly payments and maintain the properties.

In New York City alone, it is estimated that 60,000 units of multifamily housing are at risk of disinvestment and foreclosure. We have similar problems in smaller ways in many upstate cities as well. We have seen buildings in New York where in order to make the loan underwriting work, lenders estimated tenant turnover rates that would double or triple the neighborhood average, rent increases that were not even legal under local law, and expected maintenance costs that were actually less than half of what the owner spent in previous years. This kind of basic underwriting malpractice has left tens of thousands of families in New

York State and other States vulnerable. We are not the only ones. New York has the eleventh highest multifamily delinquency rate in the country, according to a recent Deutsche Bank report.

The 15 States with the highest multifamily delinquency rates are not concentrated just in the Northeast or on the west coast. This is a truly national problem. I ask my colleagues to listen because their State may be among the one-third, or close to it, the 15 out of 50. They are Tennessee, Georgia, Florida, Michigan, Nevada, Texas, Illinois, Ohio, Indiana, Connecticut, Oklahoma, New York, Kentucky, Missouri, and Mississippi.

While I am strongly supportive of the administration's efforts to help families across the country obtain loan modifications and other financing options, a similar effort to protect tenants of multifamily properties must be made. It must be made in a way to protect the tenants first and foremost and not let the developers and the investors, who did all the wrong, get away with wrongs.

Housing experts in New York have begun to examine options to assist these buildings. There are a number of different ways that might be effective in addressing this problem. So the bottom line is, we need Federal expertise, leadership, and support to help determine the best course of action and implement a program across the country to ensure that innocent tenants do not have to pay the price for the poor decisions of landlords and lenders.

This should be an easy amendment to support. I am not asking for any new money. We are certainly not asking to bail out any of the bad actors or even giving specific directions to the Treasury Department to take this approach or that one, although I have talked to the Secretary of HUD about this problem and, in fact, we worked on some problems related to this when he was the head of the HPD, the housing department in New York City.

What we are doing in this amendment is simply asking the Congress to direct Treasury to examine this problem and develop a program to address it in whatever way they determine best. My hope is that the Treasury will consult with HUD. It is unfair that tenants of multifamily rental buildings are being left out in the cold while single-family homeowners receive focused attention from their agencies. Single-family homeowners should but so should those in multiple developments.

I urge my colleagues to support the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that once the Senate resumes consideration of S. 896 on Tuesday, May 5, the time until 10:50 a.m. be for debate with respect to the Corker amendment No. 1019, with the time equally divided and controlled between Senators DODD and CORKER or their designees; that at 10:50 a.m., the Senate proceed to vote in relation to the amendment, with no amendment in order to the amendment prior to a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL TEACHER DAY

Mr. BROWN. Mr. President, tomorrow is National Teacher Day, granting us all an opportunity—an important opportunity—to honor and thank some of the most dedicated public servants in our land: our teachers. Their tireless devotion to the education of our children is the greatest investment made in the future success of this country. At no time is this more obvious than today. I rise to express my gratitude to those who make a difference in young lives every day.

My mother, who passed away 3 months ago, was a high school English teacher. She grew up in Georgia. She taught in Florida. She taught in Ohio. She always stressed the importance of an education but also impressed upon me and my two older brothers the importance of how we use that education.

So many teachers across the country are like my mother. They impart knowledge while they cultivate wisdom. They teach the facts while they encourage the imagination. Most importantly, our teachers inspire us to achieve our greatest goals while providing us with the foundation we need to do so.

There are over 100,000 Ohio teachers who spend each day devoted to the education and enrichment of our children. There is not one Senator here who does not owe his or her achievement in public service to a teacher who lit that path before us. Let's all take the time to remember that support for our teachers today is the surest way to promote a better tomorrow.

HEALTH INSURANCE REFORM

Mr. BROWN. Mr. President, in the last 2-plus years, I have held almost 150

roundtables around my State, and there is one thing I know for sure: health care reform must include health insurance reform.

Ohioans—as are North Carolinians and people from Connecticut—are tired of trying to get coverage and being rebuffed because they have a “pre-existing health condition.” They are tired of premiums, deductibles, and copays that keep climbing. They are tired of fighting tooth and nail simply to get their claims paid. They are tired of wondering whether their insurer will pay for them to see the specialist they need, get the medicine they need, have the operation they need. They are tired of health insurance, which is supposed to ease uncertainty, breeding uncertainty instead. If they lose their job, they lose their insurance. If they get sick, they cannot get insurance. If they submit a claim, it may be paid in a month, in 3 months, in 6 months. Sometimes they fight and fight and fight, and the claim is not paid at all. Ohioans are tired of their insurer treating them like unwanted guests rather than paying customers.

To be meaningful, health care reform must be responsive. And to be responsive, health care reform must address insurance affordability, insurance reliability, and insurance continuity. That requires a two-part strategy.

The first strategy is to give Ohioans and every American more options. They should be able to choose whether to keep the coverage they have or purchase coverage backed by the Federal Government. What is the difference between the two?

The federally backed plan—again, an option—would provide continuity; it would be available in every part of the country, no matter how rural, no matter how sparsely populated, its benefits would be guaranteed, and its cost-sharing would be affordable, no ifs, ands, or buts. The federally backed plan would be an option but certainly not the only option. Americans who have employer-sponsored coverage would still have it. Americans who have individual coverage through a private insurer would still have that. The federally backed insurance would be an option, not a mandate. Some people will choose it, others will not.

One reason such an option—a Federal option—is important is because hundreds of thousands of Americans are losing their jobs and have no place to go, have no affordable coverage options. This would give them one. Where would they turn otherwise? If you have ever tried to purchase affordable coverage in the individual insurance market, you understand why a federally backed insurance program is so important. If you live in a rural area where no affordable insurance coverage is available, you know why a federally backed insurance option is so important. There needs to be an option for

people who cannot find what they need in the private insurance market—just as Medicare is there for seniors. The federally backed option will give those under 65 a place to turn.

The second strategy is to fix what is wrong with private insurance. Ohioans should not be discriminated against by insurers based on past health care needs. Take, for example, Debra from Summit County, OH, near Akron. She is one of the nearly 50 million Americans locked out of our health care system because she lacks insurance. Her income is too high for Medicaid, and her preexisting conditions—she has a spinal injury and is recovering from two heart attacks—disqualify her from finding affordable insurance in the private market. As a result, she has piled up thousands of dollars in unpaid bills and is in constant pain.

She wrote to me:

My only option [is] to start paying for my funeral.

Ohioans should not have to go through 100 hoops just to get a claim paid or see the specialist they need. They should not have to wait for months to receive their claims check. They should not have to pay premiums that break the bank. They should not have to pay copays and deductibles so high that coverage, for all intents and purposes, is meaningless. They should not be subjected to huge bills based on the difference between what their provider charges and their insurer's reasonable and customary payments. When an insurer reimburses providers only pennies on the dollar and patients have to pick up the difference, that is not reasonable. That is not real insurance.

Long story short: Insurance reform, plus the public option, must be part of health care reform. We cannot claim we have fixed our health care system while leaving a fault-riddled insurance system intact. If we give consumers more options, including the option to purchase federally backed coverage designed to provide affordability, reliability, and continuity, and if we reform the private health insurance system to require insurers to actually do their job instead of skirting their liability, we will have gone a long way toward making the U.S. health care system work for every American.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I compliment our colleague from Ohio for his eloquent statement. I think it is important that we all hear our colleagues as to what goes on in our respective States.

I commend my colleague, who has had around 150 roundtables in his State where he has been listening to his constituents on a wide range of issues. I think we all benefit from his report on those meetings.

I say to my colleague from Ohio, those responses you are hearing from

your constituents in Ohio are not any different from what we are hearing from all across the country, as I know my colleague is aware. So we thank our colleague very much for that, and his comments on health care are very important.

KENTUCKY DERBY

Mr. BINGAMAN. Mr. President, even people who don't follow horse racing, and certainly those who do, have been thunderstruck by this year's Kentucky Derby results. The only reason I mention it is that the horse wearing the blanket of roses this year is a gelding from New Mexico. "Mine That Bird" swept the field on Saturday, coming from so far behind he was last, to win with nearly seven lengths separating him from his nearest competitor.

We have seen his trainer, Bennie "Chip" Woolley, and his owners, Mark Allen and Leonard Blach, talk about this remarkable victory and about the outstanding jockey, Calvin Borel. He took his horse from last to first by the shortest route possible—along the rail. It was a masterful display of ability and skill from all involved, not least the horse, and New Mexicans are delighted that our state is home to this year's Derby winner. It is a first for us.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I appreciate the opportunity to share my feelings on the outlandish energy circumstances of this great country and her citizens. There is no question that increasing prices have caused my family to rethink our spending habits. Though we are able to fuel the vehicles right now, in an attempt to save a little more we are spending substantially

less in any other economic environment. We do not go out to eat anymore. Rarely do we seek entertainment the way we have in the past. Though we will still travel, I can only do that because of credit card points from my business. We are also relying on food storage more so we spend a great deal less at the grocery store. All of these combine to make one statement from our household: Current energy prices and future speculation have and will continue to impact our ability to support a once thriving economy.

For my business, I work with truck drivers: owner-operators. I have lost clients as they have shut down because they cannot afford fuel. More are on the way. Everything costs more. I do not need to belabor this point as I know all are feeling this. What I just do not understand is the stubborn bullheadedness in the legislature of those who work to block everything that could ease the pain. It is as if they want to destroy this country and her citizens—even those citizens who elected them. It is as if there is some conspiracy to destroy this country and such actions makes less than no sense to me. I appreciate the few of you who seem to be working to resolve the problem.

Increasing domestic production is the only immediate resolution and future technology is the only long term resolution. I support green-focused energy but not at the immediate and deadly cost to our society, economy and national security—all of which are on the verge of collapse through our reliance on energy purchased from those who would have us destroyed—enemies foreign and domestic.

Again, thank you for this opportunity.

TROY.

Thank you for allowing us to make our voices heard. I am the mother of six wonderful children. My husband and I have been married almost 15 years. We are raising a beautiful family of good, caring, hard working children. The rising cost of fuel has affected us. We do not even have the option of purchasing a hybrid, or smaller car as our family will not even fit. We will be staying closer to home this summer, though we have family out of town we would love to visit. I do not have a heart-wrenching story to give you, but it affects our family every day. Due to the increasing price of food, clothing, and transportation, we have cut back. We will make it, but it takes money away from savings for college, savings for medical expenses, and just general peace of mind savings. I am a stay-at-home mom, who has thought more than once lately of finding a way to enter the workforce without leaving the upbringing of my six children to someone else.

I would very much like us to open up the resources we have in this great country. It seems ludicrous to me that we have the resources right around us, and yet continue to buy foreign fuels . . . The earth was placed here to support us and we can still take care of it even when tapping into those resources that are so abundant around us. Research alternative energy methods, find ways to harness those things around us to power our lives.

Thank you for listening.

SHEL, *Meridian*.

My husband and I are frustrated with having to spend so much on gasoline these days when the oil companies are making so high a profit that each quarter they set a new record. Why are they charging so high prices at the pump when they are continuously setting new records? I work in downtown Boise

and live in southeast Boise near Micron where there are no public transportation services available and impossible to ride a bicycle. So I have no choice but to drive a car to work. Carpooling is not feasible due to my schedule after work.

If it were not for our Economic Stimulus Tax Rebate check, we would have to cancel our summer vacation to Oregon to visit family and the Oregon Coast. Due to gas prices we cannot make a trip to Washington this summer to visit our three other children and their families. Our daughter and son-in-law who live near Belfair, Washington, are faced with the difficulty with wondering how they will afford heat this winter because they have oil heat in their house. They cannot afford to purchase a new electric furnace nor can they afford to have their oil tank refilled with the current prices. A few weeks ago when it was still cold, they ran out of oil and had the tank refilled one-quarter. It costs them approximately \$450. A tank does not make it through the winter and they can in no way afford to pay current prices.

These prices are causing difficulty for many people and our government needs to take action to have the prices reduced to affordable levels such as more drilling here at home and not relying on foreign resources and other ways to help save energy. Back in the 70s and early 80s when we had the last fuel crisis, the federal government ordered all states to drop the maximum speed limit to 55 mph so to save fuel. My husband and I find that both of our vehicles get more miles on a tank of gas if we drive under 60 mph so we are doing so. Perhaps the federal government could take this action again because driving 20 miles less per hour is not that difficult when you plan and allow the extra time on a long trip.

BETTY.

I need to express my concerns over the cost of energy. It has affected every part of my life. I drive 40 miles one way to work every day. I do this because I live in the country. My costs have tripled in the last seven years. I am now looking for a job that is closer to home. But, this is my problem. I am 55 years old and the sole support for my husband and I. He got laid off from the INL several years ago after a bad car accident and has not been able to find a job that pays more than \$8 a hour. As I am also older and I look closer to home, it will also cause me to find a lower-paying job with less benefits. I am currently spending about \$500 a month in gas. If I purchase a newer car that gets better gas mileage, I am not gaining anything because I would have to pay a larger car payment and more insurance which would eat up any savings. There is no public transportation in my area that I can use instead of driving. I have tried carpooling, but those who have ridden with me have not paid so, I am hauling people without any help. I am in an endless circle, and I do not appreciate the position it has put me in. I am an older person who sees that I am not going to be able to retire for a very long time.

What do I expect the government to do? I do not expect them to nationalize the oil companies or discourage business. I would like to see more alternative options than just gasoline. There are autos out there in other countries that are running on compressed air. According to the article I read on the internet, we do not accept them in this country because we do not recognize "air" as a fuel. Why not? If it works, let us allow it. Why are we behind other countries. I have heard that we do not have the support

system for other resources like hydrogen. Why not? We did not have support for the gasoline engines either but we did it. What happened to the good ole American spirit? We have a can-do attitude and I do not think we should be whipped by the oil companies. Let us give them some competition in other alternative fuels. India uses methane gas to cook with. We have a lot of dairies here in Idaho with a lot of cow "by product" that is definitely renewable. So, lets encourage the American Can Do attitude and support ideas promoting renewable resources.

ELAINE.

Gas prices do not affect us in one single way but in hundreds of ways. They make everything more expensive and work to slow the economy as a whole. People travel less and buy less consumer items because they cost more. Therefore, companies buy less, expand less, and spend less on their facilities. It is like a self-fulfilling prophecy.

Please forget about short-term solutions such as the gas tax amnesty. That is a ridiculous idea. Our real solutions are all long-term. Invest now and in ten or twenty years you'll be patting yourself on the back.

Here are my priorities for making the U.S. energy independent:

1. More drilling everywhere, ANWR, the Gulf Coast, etc. Give oil companies more areas to drill.

2. More nuclear production. Please do everything you can to make it easier and cheaper for companies to put in new reactors.

3. More electric and plug-in hybrid cars. Most people do not seem to make the connection that nuclear, coal, wind, etc. produce electricity and without electric and plug-in hybrid cars, gas prices are not going to go down. We have the technology now for both of these types of cars. Let us start producing them! This is probably the quickest and most immediate way to reduce gas prices. We already have all of the infrastructure in place.

4. Clean coal production. Nuclear alone will not cut it. We need to get off of coal but it is going to take several decades.

Low, Low, Priorities:

1. Alternative energy (wind, solar, etc.). It is a ridiculously small percentage of our total power production for several reasons. I know that it is great politically but the technology is generations away. Nuclear is a technology we already have.

2. Hydrogen Vehicles: This technology is a long way off. Also, what about the infrastructure? It would be ridiculously expensive.

I would say this to any politician: Please do what is right for the United States, regardless of what is right for you personally or politically. That is really what we need.

NATHAN, *Idaho Falls*.

You may not like what I have to say. I believe in tough love and tough policies. Current oil prices are causing changes, but they are the types of changes that create a "correction" whereby the cost of fuel is real. It is real that foreign oil prices are too high to ignore. Governments getting in the way of a natural rebellion to that real cost does not offer long-term sustainable solutions. Okay, so I become a bit more frugal with the miles I drive; and so I start looking into buying a more fuel-efficient vehicle. These changes cause real and natural consequences like manufacturers dumping more of their money into creating greener options for consumers. Consumers will rebel against costs. Life-

styles will change. Why do not we embrace the positive direction this drives us—away from materialism and consumerism (the hatred of which caused us to be the target of the Taliban in the first place)?

War on terrorism is still war. Showing love to our planet and global community by accepting the consequences of prior mistakes (need I elaborate?) and vowing not to repeat or continue the rape our natural resources: this will heal the hatred. There is something much deeper at stake here than the pocket-books of the American people. I urge you to dig for that, not for petroleum.

All the issues are as connected as we Americans are to the cultures that span the globe.

SUSAN, *Ketchum*.

I am a disabled Vietnam Veteran; my disability benefits are \$914 a month. With the cost of gas now and the rising price of food, I cannot really afford to go anywhere. It takes me three months to save enough extra money to buy a tank of gas to go visit my mother, who is in a home in Jackson, Wyoming. If gas and food prices get any higher, there will be no need for me to even own a car, for I will not be able to afford the insurance and tags.

ROBERT.

I am less concerned about gasoline price than I am about heating fuel. Being recently (involuntarily) placed in the "fixed income" category, I am in a position that I do have a fair amount of discretion regarding the number of miles I drive each year, but as both my wife and myself are advancing in age, thus increasingly more sensitive to hyperthermia, I am much less flexible regarding heating. The projected global cooling for the next decade, with return to harsh Idaho winters, simply exacerbates the situation. A few years ago, the highest monthly home energy bill I faced (fuel oil, electricity, and propane) was on the order of \$500. Last winter, that cost rose to \$1,500. Looking at projected fuel and electricity costs, within a few years that will increase to \$3,000. Should that happen, I am faced with the prospect of having to sell my house in order to afford heating it.

In the 1970s, the citizens of this country accepted energy conservation as a stopgap measure to allow the federal government time to devise a self-sufficient and affordable energy infrastructure for the country. The federal government has not only squandered the three decades of grace given it, but has actively blocked all measures attempted by private enterprise to develop a workable domestic energy supply. The only measures that have been taken by the federal government (such as ethanol) have made the situation worse by skyrocketing food costs, which we are only seeing the leading edge of. I raise poultry. A 50-pound bag of turkey finisher (of which corn is a major component) cost \$8 in 2004. In February of this year, it was \$15. Last month, that same sack of turkey finisher was \$30. A 50-pound bag of scratch grain rose from \$5 to \$15 during that same time frame. Chicken feed ain't chicken feed any more, and although transportation costs have contributed to feed cost, it certainly is not the major contributor. Whatever were you people thinking of when you decided to subsidize competition of this country's energy supply with its food supply?

As far as what I want to see our federal government do, first, dissolve the Department of Energy and replace it with a commission drawn from private enterprise, then

task them to correct the total failure of the DOE to devise an effective short-term and long-term energy policy for the USA. Second, remove the hobbles the government has placed on the oil companies for using currently known petroleum reserves, including off-shore and, especially, ANWR. Third, roll back the excessive and crippling regulations the federal government has placed on this country. Quit the insane policy of requiring our dwindling number of refineries to produce dozens of different gasoline and diesel blends. Return to a licensing process that allows a nuclear plant, coal-fired plant, or refinery to be on line within five years of license application. Fourth, immediately start rebuilding our nuclear infrastructure. Even if you take the first three steps I propose, we no longer have the internal capability to build and operate nuclear plants at the scale needed for significant contribution to the energy future of the country. Without the government immediately commencing the domestic equivalent of the Manhattan Project, we will find ourselves contracting with France, Japan, and probably even Iran to build and staff our new reactors.

DARWIN, Idaho Falls.

I support the development and utilization of our natural resources including drilling on the north slope and extracting shale oil in Utah, Colorado, and Wyoming. Why would we endanger our sovereignty by relying so heavily on foreign oil anyway? We should be producing our own oil like we did in the 80s when the U.S. reacted to the oil embargo of 1973. OPEC realized that we were capable of being self-sufficient so they lowered the price of their oil. The way to contain energy costs is to keep reminding them that if they are going to take advantage of a free world economy then, they will also have to deal with the natural results of competition. Our founding fathers understood the concept—have we forgotten it? I do not support increased taxes for oil companies or the consumer. Let the oil guys make some money and remove the fetters of exploration, refinement, and drilling. Let us take care of America for a change. Every American should be able to afford to drive—it is part of being free.

DON.

Fewer trips, less fishing, flying when I used to drive—all because the [partisan behavior of politicians]. Most lack plain old 'common sense', lack any business or military horse sense. I believe price of fuel will continue upward until we fix [partisan posturing].

BOB.

I just wanted to take a moment to write to you to let you know how the price of gasoline has affected me and my family and the recent past. I am a student working on my doctorate in Political Science at ISU. This last semester I had to drive down from Rigby to Pocatello five days a week. As you may be aware, that is a one-way distance of about 70 miles. The cost last semester for transportation to and from campus almost broke me. With the prices as they are presently I am lucky that I am only going to have to go to the Pocatello campus one day a week in the fall semester or I would have to drop out because I would not be able to afford the transportation costs simply to get from home to campus and back home again.

My wife works for janitorial service and Idaho Falls as a night supervisor, and part of her job requires her to drive from site to site, delivering supplies, checking on the

janitors, and making sure that they have done their job. This means that she spends a good part of her job every night in the car, putting miles on driving from spot to spot. Her job does not pay her for mileage nor for gas used, and does not pay enough for her to be able to deduct her mileage off of her taxes. Since her employer cannot afford to give her a raise and we have no way of being able to recoup the increased costs of her doing her job, we have, in effect, had a cut in income from her. I do not know what can be done and I do not know what should be done, but something needs to change because I know in our case we are falling farther and farther behind simply because of the increased price in gasoline.

There is no doubt in my mind that we cannot drill our way out of this problem. But there is also no doubt that ignoring the option of drilling will make matters that much worse. I believe we need to have a comprehensive energy policy that includes drilling for more oil resources, increased use of natural gas, a reduction in the policies that prohibit the building of nuclear power facilities, and coal liquefaction programs.

Thanks for reading my comments,

JAY, Rigby.

ADDITIONAL STATEMENTS

TRIBUTE TO CATHY LEWIS

• Mr. BROWN. Mr. President, today I wish to commend and congratulate Cathy Lewis, who has been chosen by the organization Voices for Ohio's Children to receive the 2009 Champion for Children Award.

Voices for Ohio's Children established the Champion for Children Award in 2005 to recognize local individuals or organizations demonstrating a commitment to improving the well-being of children and their families.

Cathy Lewis, from Cleveland, OH, has been a strong and clear voice for children and their families for many years. Cathy's volunteer and philanthropic works have made a real difference in the lives of thousands of Clevelanders, most of whom she is likely never to meet. But her commitment to see our children get a strong start in life and the nurturing development they deserve has changed lives and our community for the better.

Cathy's life has been one of service to others. As chairperson of the board of directors of the Cleveland Foundation from 2001 to 2003, she was instrumental in starting Cuyahoga County's early childhood initiative, Invest in Children. This successful public/private partnership has helped families and communities provide that nurturing environment that we know is essential for the success of our children.

As Americans we are realizing the depth and breadth of the impact of HIV/AIDS on our communities, Cathy stepped up with others to form the Citizens' Committee on AIDS/HIV. This group created a strategy for addressing AIDS prevention, education, and services that continues to this day as the

AIDS Funding Collaborative, which she chaired for 10 years.

Cathy currently serves on the Advisory Committee for the Center for International Child Health at Case Western Reserve University, the board of directors of the Institute for Research on Unlimited Love, cochair of the Strong Families=Successful Children Vision Council at United Way, and is a trustee of the George Gund Foundation, where she serves as cochair of the Communications Committee for Invest in Children.

Cathy richly deserves the 2009 Champion for Children Award, and I thank her for her selfless service to Ohioans in need.●

TRIBUTE TO JOHN PHILLIPS

• Mr. COCHRAN. Mr. President, I am pleased to commend John Phillips of Holly Bluff, MS, for his service and contributions to the State of Mississippi during 2009, through his service as the 74th president of Delta Council.

Delta Council is an economic development organization representing the business, professional, and agricultural leadership of the 18 delta and part-delta counties of Mississippi. This prominent and widely respected organization was formed in 1935 to deal with the challenges which faced the economy and quality of life of this region of our State.

John Phillips has served as president during a period when our Nation, as well as the State of Mississippi, and the Mississippi delta region, have experienced precedent-setting economic challenges.

As a successful businessman and farmer, John has brought an abundance of practical knowledge to the role of Delta Council president. His experience and expertise have enabled him also to be an effective advocate for flood protection in the Yazoo-Mississippi River basin. Additionally, he has demonstrated the foresight to accelerate and expand the efforts of Delta Council in other important areas of interest such as improved access to healthcare, adult literacy, early childhood education, and transportation throughout this region of our State.

John has also proven himself to be an exemplary conservationist by supporting efforts to protect wildlife and other valuable natural resources. He has utilized his year of service as president of Delta Council to advance the economic opportunities of all of the people of the Mississippi delta region. I am confident that John will continue to be an effective leader for the Mississippi delta in the years ahead.

In Mississippi we appreciate John Phillips, and his wife Ann Elise, their son, Jack, and their daughters, Whitney and Reid, for the sacrifices they have made to help improve the quality of life of all who live in the Mississippi delta.●

HONORING THE NEW HAMPSHIRE STUDENT HONOREES IN THE 2009 PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

• Mrs. SHAHEEN. Mr President, I would like to congratulate and honor two young New Hampshire students who have achieved national recognition for exemplary volunteer service in their communities. Edward Zaremba III of Hampstead and Colleen Slein of Salem have just been named State Honorees in the 2009 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle school student in each State.

Mr. Zaremba was nominated by Pinkerton Academy for his work in co-founding a club at his school that promotes awareness and inclusion of students with developmental disabilities. The club sponsors social events throughout the year so that classmates with and without disabilities cannot only have fun together, but learn from each other as well.

Ms. Slein was nominated by St. Joseph Regional Catholic School for her work raising money for the Cystic Fibrosis Foundation. She baked cookies and cupcakes every night for 2 months and sold them at school the next day, raising a total of \$440 for this very worthy organization.

It is important that we encourage and support the kind of selfless contributions these young people have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers such as Mr. Zaremba and Ms. Slein are examples to all of us, and I commend them for their service.

I would also like to congratulate two other young people in my State of New Hampshire who were named Distinguished Finalists by the Prudential Spirit of Community Awards for their outstanding volunteer service. Rachel Liff of Bedford prepared a handbook for Special Olympics athletes and volunteers, and Jane Stark of Merrimack raised money to purchase water filtration systems for people living in developing countries.

All these young people have demonstrated a level of commitment and accomplishment that is encouraging in today's world, and they deserve our admiration and respect. Their initiative shows that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold great promise for the future.●

TRIBUTE TO JOHN A. GARRETT

• Mr. SHELBY. Mr. President, today I pay tribute to John A. Garrett, an honorable Alabamian and a good friend of mine. On Sunday, May 10, 2009, John A. will celebrate his 100th birthday.

John A. was born in 1909 in Bay Minnette, AL. He graduated from Alabama Polytechnic Institute, now known as Auburn University, in 1936, the same year that he married the love of his life, Katherine Virginia Stowers, at the Snowdon United Methodist Church in Montgomery. Together, they have two daughters, Kitty Walter Dawson and Mary John, a son-in-law Sim Byrd, three grandchildren, and five great-grandchildren.

Most people in Alabama know John A. for his many contributions to Alabama's agriculture industry. During the 1950s, he served as the State director of commodity services for the Alabama Farm Bureau. Later, he would go on to own and operate Cherokee Builders, an industrial and commercial construction business.

In 1969, he was appointed by President Nixon to serve as the director of the Alabama Farmer's Home Administration, a position he would hold until 1977. In the early 1970s, John A. became a nationally recognized leader on agricultural and water issues. Later, at the age of 68, John A. established the Alabama Rural Water Association, an organization of which he served as executive director for 17 years.

An avid leader, John A. is the recipient of many honors and awards. In 1970, John A. was designated an Honorary State Farmer by the Future Farmers of America. Two years later, he received the ACTION Federal Employee Distinguished Voluntary Service Award for his extraordinary volunteer service. In 1985, Auburn University honored John A. for his outstanding services on the Montgomery County Auburn Committee. He was named Alabama Arthritis Foundation Humanitarian of the Year in 1989 and was inducted into the Alabama Senior Citizens Hall of Fame in 1991.

John A. is also known for his wit and wisdom. In addition to authoring numerous poems, John A. penned the secrets to a wonderful life: a positive attitude and thinking, clean living, and "Toddy Time" every afternoon. Indeed, Congress should live by his rules.

Today, John A. remains very active in his community. He attends the monthly meetings of the Snowdon community, Snowdon Volunteer Fire Department, Montgomery County Alfa, and the Alabama Cattlemen's Association. John A. can also frequently be found greeting the visitors at his gift shop on Mulberry Street or riding on his farm and tending to his cattle.

On the day of his 100th birthday, John A. will be celebrated by his friends and family, and honored for his dedication and many contributions to Alabama. I wish him much luck in his future endeavors, and I ask this entire Senate to join me in recognizing and honoring the life of my good friend John A. Garrett.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 735. An act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs:

Report to accompany S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes (Rept. No. 111-16).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Ivan K. Fong, of Ohio, to be General Counsel, Department of Homeland Security.

*Timothy W. Manning, of New Mexico, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 961. A bill to authorize the regulation of credit default swaps and other swap agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 962. A bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; to the Committee on Foreign Relations.

By Mr. ALEXANDER:

S. 963. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers a flat tax alternative to the current income tax system; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. REID, Mr. KOHL, and Mr. KENNEDY):

S. 964. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. LaFollette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 965. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; to the Committee on Indian Affairs.

By Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. WHITEHOUSE)):

S. 966. A bill to improve the Federal infrastructure for health care quality improvement in the United States; to the Committee on Finance.

By Mr. BINGAMAN:

S. 967. A bill to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. PRYOR, Mrs. MURRAY, Mr. MENENDEZ, and Mr. BENNET):

S. 968. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUE (for himself, Mr. AKAKA, and Mr. KERRY):

S. Res. 126. A resolution commemorating the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawai'i; considered and agreed to.

By Ms. SNOWE:

S. Res. 127. A resolution recognizing the members of the United States Army and the physicians of Maine Medical Center for the open-heart surgery they performed on a 6-year-old Iraqi girl; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 238

At the request of Mr. WYDEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 238, a bill to provide \$50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes.

S. 410

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 410, a bill to amend part E of title IV of the Social Security Act to ensure States follow best policies and practices for supporting and retaining foster parents and to require the Secretary of Health and Human Services to award grants to States to improve the empowerment, leadership, support, training, recruitment, and retention of foster care, kinship care, and adoptive parents.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Nevada (Mr. ENSIGN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of mili-

tary personnel with regard to matters of residency, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 546

At the request of Mr. REID, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 566

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 566, a bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty.

S. 581

At the request of Mr. BENNET, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 584

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 634

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 644

At the request of Mr. THUNE, his name was added as a cosponsor of S. 644, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 682

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 682, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 701

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 714

At the request of Mr. WEBB, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of S. 828, a bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Alaska (Mr. BEGICH), the Senator from Hawaii (Mr. AKAKA), the Senator from Vermont (Mr. SANDERS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 866

At the request of Mr. REED, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 866, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the names of the Senator from Maine (Ms. SNOWE), the Senator from Washington (Ms. CANTWELL) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 908, a bill to amend the

Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. CON. RES. 19

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 19, a concurrent resolution expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed.

S. RES. 76

At the request of Ms. CANTWELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Res. 76, a resolution expressing the sense of the Senate that the United States and the People's Republic of China should work together to reduce or eliminate tariff and nontariff barriers to trade in clean energy and environmental goods and services.

S. RES. 125

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Connecticut (Mr. DODD), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 125, a resolution in support and recognition of National Train Day, May 9, 2009.

AMENDMENT NO. 1030

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 1030 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1033

At the request of Mr. CASEY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 1033 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1036

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 1036 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1038

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of amendment No. 1038 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1040

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Illinois (Mr. DURBIN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 1040 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 961. A bill to authorize the regulation of credit default swaps and other swap agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, I am introducing legislation today, along with Senator COLLINS, to strengthen the transparency, accountability, and stability of a key aspect of our nation's financial system. Right now, trillions of dollars in complex financial transactions known as swap agreements are being marketed, traded, and implemented by financial institutions operating in the U.S. without adequate oversight or regulation.

Swaps are typically an agreement between two parties placing a bet on future cash flows. Some swaps bet on whether a stock price, interest rate, commodity price, or currency value will rise or fall; others bet on whether a company will default on payment of a bond. Stock price bets are referred to as equity swaps; bets on whether companies will be unable to pay their debts are referred to as credit default swaps.

As of June 2008, according to data compiled by the Bank of International Settlements, worldwide swaps markets included credit default swaps with a total notional value of \$57 trillion; commodity swaps with a notional value of \$13 trillion; equity swaps with a notional value of \$10 trillion; foreign currency swaps with a notional value of \$62 trillion; and interest rate swaps with a notional value of \$458 trillion. These multi-trillion-dollar swap transactions are going on full bore, without appropriate U.S. disclosure requirements, clearing requirements, capital or liquidity safeguards, or other measures to protect the U.S. financial system against systemic risk.

Why? Because current law prohibits key Federal financial regulators—in-

cluding the Securities and Exchange Commission, SEC, and the Commodities Futures Trading Commission, CFTC—from exercising oversight or issuing regulations to ensure the safety and soundness of swap transactions. That prohibition has been in place for nearly 10 years now, since the year 2000; it has never made any sense; it helped cause the financial crisis that is engulfing the American economy; and it ought to be eliminated immediately.

The bill we are introducing today, the Authorizing the Regulation of Swaps Act, would do just that. It would immediately repeal the statutory prohibition on the SEC and CFTC from regulating swaps. In addition, the bill would give authority to federal financial regulators, including bank, securities, and commodities regulators, to oversee and regulate all types of swap agreements, whether traded on an exchange or over-the-counter, including credit default, commodity, equity, foreign currency, and interest rate swaps. The bill would enable financial regulators, for the first time since 2000, to exercise oversight of the now largely hidden and unregulated swaps markets.

To understand why this legislation is needed and should be enacted promptly without waiting for the larger financial reform bill that's coming, I want to review some history. Twelve years ago, in 1997, Brooksley Born, then the head of the CFTC, raised a red flag about the growing use of over-the-counter swaps and other derivatives that were being traded outside of regulated exchanges and outside of normal federal oversight. She called for a study of those over-the-counter transactions and for comments on whether they should be subject to some type of regulation.

Her effort was immediately met with resistance, however, from not only the financial industry that profited from swaps trading, but also other Federal regulators then in office. For example, then Federal Reserve Chairman Alan Greenspan, then Treasury Secretary Robert Rubin, and then SEC Chairman Arthur Levitt all opposed her effort to even examine over-the-counter swap agreements. The dominant view at the time was that regulation was unnecessary and would only slow down a booming market.

In 1998, at the urging of then Chairman Greenspan, Secretary Rubin, Chairman Levitt, and others, Congress enacted legislation which actually barred the CFTC from conducting the study that Chairman Born wanted and from developing any regulatory alternatives for over-the-counter swaps.

In 2000, Congress went farther. In late December, during the final days of the 106th Congress, legislation affecting a range of financial issues was slipped without notice into a conference report of an omnibus appropriations bill. That legislation, called the Commodity Futures Modernization Act, included pro-

visions which together created a flat out prohibition on the regulation of every kind of swap the authors could think of, including credit default, commodity, equity, foreign currency, interest rate, and even weather swaps. That type of sweeping statutory prohibition had never been included in any bill voted on by the Senate before being inserted into a must-pass appropriations bill in December 2000. That omnibus appropriations bill was approved by the Senate on a voice vote.

Today we are living with the disastrous consequences of that ill-conceived prohibition on the regulation of swaps.

One example says it all: AIG. AIG is a financial holding company that, all by itself, has cost taxpayers more than \$150 billion so far. Over a period of years, AIG had issued more than \$400 billion in credit default swaps without setting aside sufficient capital or liquidity reserves. After its swaps began losing value, AIG's counterparties required AIG to post multi-billion-dollar collateral to secure payment on those swaps, and a credit rating downgrade threatened to increase its collateral calls, AIG came pleading for a taxpayer bailout. The \$150 billion in taxpayer dollars was needed not only to keep AIG afloat, but also to bail out a dozen other large financial institutions that had purchased credit protection from AIG, including Goldman Sachs, Merrill Lynch, and Bank of America.

Apparently, none of those credit default swap exposures had been known to Federal regulators until AIG informed the Federal Reserve on a Friday that it was likely to go out of business the following week unless provided billions in taxpayer support. When regulators understood how far in the hole AIG had fallen and how many financial institutions would be affected by its financial collapse, they determined that they had no choice but to prop up the whole mess with taxpayer dollars.

AIG is not the only financial institution with risky credit default swaps. But even if federal regulators know of other high-risk problems, the law has tied their hands in terms of what steps can be taken in response. Even measures that most experts believe would reduce systemic risks, such as requiring companies to use credit default swap clearinghouses or requiring traders to disclose all credit default swap transactions, cannot be fully implemented, because Federal agencies lack the authority to regulate swaps.

Seven months ago, during a Senate hearing in September 2008, Christopher Cox, then chairman of the SEC, testified that the credit default swap market was "completely lacking in transparency" and "ripe for fraud and manipulation." A few days later he called on Congress to take "swift action" to

give regulators the authority to oversee credit default swaps. But the statutory barriers prohibiting swaps regulation have remained in place.

Giving the regulators what they have asked for is long overdue. It does not make sense for Federal regulators to be statutorily barred from requiring disclosure of swap transactions, mandating use of clearinghouses, or imposing other safeguards particularly in light of the size of the swaps market with trillions of dollars in credit default swap, interest rate, commodity, equity, foreign currency, and other swaps.

Even some past opponents of swaps regulation have rethought their opposition.

Alan Greenspan acknowledged last October that there are "serious problems" associated with credit default swaps.

Robert Rubin recently acknowledged that derivatives, which include swaps, "create systemic risk."

Arthur Levitt said it was a mistake not to have regulated swap agreements.

Top financial officials in the Obama Administration, including Treasury Secretary Tim Geithner, National Economic Council Chairman Larry Summers, SEC Chair Mary Schapiro, and CFTC nominee Gary Gensler have all called publicly for stronger regulation of over-the-counter transactions, including swap agreements.

Congress and the Administration are now engaged in an effort to enact comprehensive financial reforms to safeguard our economy. While some of those reforms require a lot of time and deliberation to get right, others can—and should—be implemented more quickly. Removing the prohibition on regulating swaps is one of those reforms that can and should be done now, so our regulators can begin, without the hindrance of ill-conceived statutory barriers, to design a sensible regulatory framework for swaps.

Here is what my bill would do. First, it would repeal about a dozen provisions in the Commodity Futures Modernization Act and other laws that prevent federal financial regulators from overseeing and regulating swap agreements. Second, it would give Federal financial regulators, including bank, securities, and commodity regulators, immediate authority to oversee and regulate swaps involving the financial institutions and exchanges that they already regulate. To ensure regulators have sufficient authority, the bill would use the same comprehensive definition of swap agreement that is used in current law to prohibit swaps regulation.

These measures would give regulators immediate authority to acquire swap-related data. That would allow them to evaluate swap risks at specific companies as well as across the finan-

cial system. Regulators could then use this data to look into what additional safeguards are needed and what abuses need to be stopped.

One thing the bill would not do is require federal financial regulators to regulate swaps or tell them how to regulate swaps if they decide to do so. That is left for the larger regulatory reform bill coming later this year. The only instruction provided in this bill is that, if any regulator decides to act, it must consult, work, and cooperate with all of the other federal financial regulators to ensure swaps are treated in a consistent way.

I see this bill as a necessary first step to eliminate harmful statutory barriers that tie regulators' hands, impede oversight of the multi-trillion-dollar swaps markets, and create systemic risk. The bill does not take the needed second step of laying out ways to regulate swaps. It does not, for example, specify swaps recordkeeping, disclosure requirements, clearing requirements, capital or liquidity safeguards, or other measures. Senator COLLINS has another bill that, in part, addresses credit default swaps clearinghouses; I have a separate bill that specifies safeguards in the area of commodity swaps. Other colleagues have introduced bills that address a variety of swaps issues. The legislation we are introducing today does not contradict or preclude any of those other approaches it is an interim measure that would clear the way for more specific swaps requirements in subsequent reform legislation.

The Levin-Collins bill offers a limited, commonsense way to restore immediate federal authority over a high-risk, high-dollar financial sector that has operated for too long in the shadows, and whose failure has cost us hundreds of billions of dollars so far. Due to the trillions of dollars and financial risk involved, I urge the Senate to act on this bill as soon as possible.

I would also like to take a moment to extend my thanks and appreciation to the SEC, CFTC, and Treasury officials who took the time to provide technical assistance in drafting this legislation. I hope those agencies, and the Obama Administration as a whole, will announce their support for the bill and work for its enactment.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF LEVIN-COLLINS AUTHORIZING THE REGULATION OF SWAPS ACT

The Authorizing the Regulation of Swaps Act, introduced by Senator Carl Levin, D-Mich., and cosponsored by Senator Susan Collins, R-Maine, is intended to give federal financial regulators immediate authority over swap agreements in light of the fact that trillions of dollars in swap transactions continue to be marketed, traded, and implemented in the United States without ade-

quate federal oversight or regulatory authority. Hundreds of billions of taxpayer dollars have already been expended to overcome the failures of firms that engaged in unregulated swaps. The bill contains the following provisions.

Repeal Existing Prohibitions on Regulating Swaps. The bill would repeal over a dozen provisions in existing law, including in the Commodity Futures Modernization Act of 2000, which prohibit federal financial regulators from regulating swap agreements.

Authorize the Regulation of Swaps. The bill would give authority to federal financial regulators, including bank, securities and commodities regulators, to oversee and regulate all types of swap agreements, including credit default, commodity, equity, interest rate, and foreign currency swaps. The bill uses the same definition of swap agreement that is used in current law to prohibit swaps regulation, and would authorize federal oversight and regulation of all exchange-traded and over-the-counter swaps.

Require Consistent Treatment of Swaps. The bill does not require federal regulators to regulate swap agreements—it merely authorizes such regulation and removes barriers that have prevented this regulation since 2000. Nor does the bill provide any direction to federal financial regulators on how to regulate swaps other than to require them to consult, work, and cooperate with each other to promote consistency in the treatment of swap agreements.

Establish Interim Authority. By removing existing statutory prohibitions and providing federal financial regulators with authority to oversee and regulate swaps, the bill would eliminate harmful statutory barriers, give regulators immediate interim authority over multi-trillion-dollar swaps markets, and clear the way for more specific swaps requirements in subsequent comprehensive financial reform legislation later this year.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 962. A bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, I rise today to join my colleague, the ranking member of the Foreign Relations Committee, Senator LUGAR, in introducing what we consider to be an important piece of legislation from our committee and an important initiative for the administration and for the Congress and the American people. We are joining today to introduce the Enhanced Partnership with Pakistan Act. I believe the legislation has already been placed at the desk.

This is legislation that will fundamentally change America's policy toward Pakistan, and I hope over time it will fundamentally change America's relationship with the people of Pakistan as well.

I especially thank Senator LUGAR for his partnership in crafting this legislation and for his ongoing leadership on this issue.

It is hard to overstate the importance of Pakistan to our national security. In fact, every day the newspapers

are full of events that are transpiring there and of the challenges we face. Pakistan is a nation which could either serve as a force for stability and progress in a volatile region or it could become an epicenter for radicalism and violence on a cataclysmic scale.

This is a nation of striking contradictions and on divergent paths forward.

On one hand, we all know Pakistan is a nation where Osama bin Laden and the leadership of al-Qaida have found sanctuary for the past 7 years—a haven from which they and their confederates have plotted and carried out attacks on their host country, on neighboring countries, and on sites around the globe—a nation that has in recent weeks seen the Taliban advance to within 60 miles of its capital, and a nation with a full arsenal of nuclear weapons and ballistic missiles capable of delivering them anywhere in a 1,000-kilometer range.

On the other hand, Pakistan is also a nation whose 170 million people are overwhelmingly moderate, overwhelmingly committed to democracy and rule of law; a major non-NATO ally that has sacrificed the lives of 1,500 of its soldiers and police in the fight against terrorism and insurgency; and a nation that has lost more of its citizens to the scourge of terrorism than all but a tiny handful of countries throughout the world.

In short, Pakistan has the potential either to be crippled by the Taliban or to serve as a bulwark against everything the Taliban represents. That is why the Obama administration and many of us in Congress see the need for a bold new strategy for Pakistan. The status quo has not brought success, the stakes could not be higher, and we have little choice but to think differently—in fact, to think bigger—about what these challenges are. The Enhanced Partnership With Pakistan Act is the centerpiece of this new approach, which is why President Obama has called on Congress to pass it.

An earlier version of this bill was reported out of the Foreign Relations Committee in July with overwhelming bipartisan support. This version builds upon its predecessor in a number of important ways. First, this new legislation directs \$100 million toward an urgent need: police reform and equipping. Second, it mandates strict accountability from the administration as to every dollar that is spent, using benchmarks and metrics to measure and adapt our performance. Third, in light of the acute security challenge on the ground today, this bill gives our Ambassador the flexibility needed to respond to events as they unfold.

We believe this bill is urgently needed. For decades, the United States has sought the cooperation of Pakistani decisionmakers through military aid—almost exclusively military aid—while

paying scant attention to the wishes and urgent needs of the population itself. This arrangement is, frankly, rapidly disintegrating. We believe we are paying too much for one thing and getting too little for a broad number of things we really need. When I say “we,” I really emphasize the Pakistani people’s needs. The desires and aspirations of the Pakistani people have never been adequately focused on or attended to sufficiently in these policies. Most Pakistanis understand that they have been, frankly, left out of the policy in broad terms. As a result, an alarming percentage of the Pakistani population now sees America as a greater threat than al-Qaida. Until we change that perception, there is, frankly, very little chance of ending tolerance for terrorist groups or persuading any Pakistani Government to devote the political capital necessary to deny such groups and to deny them the sanctuary they have been able to receive, particularly in the western part of the country, as well as to deny them the covert material support which they have also been able to get from a number of different sources.

The dangers of inaction are rising almost every day. So when people measure this legislation, that is really what they have to consider. What happens if you do nothing? Well, if you do nothing, it is clear that the march of terror that is taking hold in a number of different places clearly threatens nuclear weapons that might then potentially fall into hands that are completely unpredictable. In fact, to whatever degree they might be predictable, one can only see danger in that kind of eventuality. The dangers of inaction are real. Almost any scenario played out plays against the broader interests of the Pakistani people and of the democratic Government which struggles today to provide services and to govern them.

In the month since President Obama called on Congress to pass the bill we are now introducing, the situation on the ground in Pakistan has deteriorated significantly. The Government struck what many of us believed and said at the time was an ill-advised deal that effectively surrendered the Swat Valley to the Taliban. The deal, predictably—as many of us said—emboldened the Taliban to deploy the same brutal tactics they had used in both Pakistan and Afghanistan and to use their base in Swat to then extend their reach ever closer to the country’s heartland.

I emphasize—I know Senator LUGAR will join me in emphasizing this—ultimately, it is not the United States or the policy of the United States that is going to decide what happens in Pakistan. Ultimately, it will be Pakistanis, not Americans, who must determine their nation’s future. But we can change the nature of our relationship and we can empower those Pakistanis

who are fighting to steer the world’s second largest Muslim country onto a path of moderation and stability and regional cooperation. That is the foundation of the bill Senator LUGAR and I are introducing.

Frankly, I have seen firsthand how this approach works. Following the 2005 Kashmir earthquake, the United States spent nearly \$1 billion on relief efforts. Having visited places, as I did then, such as Mansehra and Muzaffarabad in the earthquake’s aftermath, I can personally attest to the awesome power of the operation we launched. I will never forget flying up in a helicopter to the northwest part of Pakistan, not far from the big Himalayas, where one could see off in the distance, and landing in a small spot by the river and meeting kids in a tent city because this was the first time those kids had ever come out of the mountains and, in fact, the first time any of those kids had ever gone to school. It was extraordinary to see the sight of American service men and women saving the lives of Pakistani citizens. Frankly, it was invaluable in changing the perceptions of America in Pakistan. At that period of time, while we provided that assistance and while we were visibly involved in saving lives, not in taking them, the fact is that the reputation of the United States in the country as it was measured by polls at the time markedly increased, very dramatically increased.

In the wake of that natural disaster, we weren’t the only ones to recognize the need for public diplomacy based in deeds rather than in words. The front group for the terrorist organization Lashkar-e Taiba set up a string of professional relief camps throughout the region trying to mimic what we were doing. But our effort was far more effective, and the permanent gift of the U.S. Army’s last mobile Army surgical hospital, or MASH, had a profound impact on the perceptions of people in the region. For a brief period, America was going toe-to-toe with extremists in a true battle of hearts and minds, and we were winning.

It is up to us to recreate this kind of success on a broader scale, without waiting for a natural or even a man-made disaster. The question is, How can we most effectively demonstrate the true friendship of the American people for the Pakistani people?

We believe this bill is an important first step. It is a prime example of what we call “smart power” because it uses both economic and military aid to achieve an overall effect that is greater than the sum of its parts. On the economic side, this bill triples non-military aid to \$1.5 billion annually for 5 years and urges an additional 5 years of funding. These funds will be used to build schools, roads, and clinics. In other words, they aim to do on a regular basis what we briefly achieved

with our earthquake relief and what the Pakistani Government, because of the economic crisis as well as political crisis in the country, has been unable to do to date. But this money will do a great deal more than just good deeds. It will empower the fledgling civilian Government to show that it can deliver the citizens of Pakistan a better life. It will empower the moderates, who will have something concrete to put forward as evidence that friendship with America actually brings rewards, not just perils, and it will empower the vast majority of Pakistanis who reject the terrifying vision of al-Qaida and Taliban but who have been angered and frustrated by the perception that their own leaders and America's leaders don't care about their daily struggle.

To do this right, we must make a long-term commitment. Most Pakistanis think that America has used and abandoned their country in the past, most notably after the jihad against the Soviets in Afghanistan. They fear we will just desert them again the moment the threat from al-Qaida subsides. It is this history and this fear that cause Pakistan to hedge its bets.

If we ever expect Pakistan to break decisively with the Taliban and other extremist groups, then we need to provide firm assurance that we are not just foul-weather friends. By authorizing funds through 2013, and hopefully longer, this bill offers the chance to clearly state America's longer term concerns and interests.

On the security side, the bill places conditions on military aid that will ensure the money is used for the intended purposes, which was not the case over the last 8 years. In order for Pakistan to receive any military assistance, it will need to meet an annual certification that its army and spy services are genuine partners in this endeavor.

In the struggle against al-Qaida and other terrorist groups, including Lashkar-e Taiba—as we all know, Lashkar-e Taiba was the perpetrator of the Mumbai massacre of last November. We also will need a certification of their partnership in the battle against the Taliban and its affiliates who threaten our troops in Afghanistan from their sanctuaries in the Pakistani tribal areas, as well as in the effort to solidify democratic governance and the rule of law in Pakistan. We believe these conditions are eminently reasonable, and they should be easy to meet for any nation receiving American aid.

As important as the economic and military components of the bill are is the question of how they fit together. Making this unequivocal commitment to the Pakistani people enables us to calibrate our military assistance more effectively. In any given year, we may choose to increase it or decrease it or to simply leave its level unchanged, but we will have the flexibility which we haven't had in prior years. For too

long, the Pakistani military frankly believed we were bluffing when we threatened to cut funding for a particular weapons system or an expensive piece of hardware because that was the only game, if you will. It was the only money on the table. This bill will change that. Up to now, frankly, they were right about the unwillingness of the United States to take alternative routes. But if our economic aid becomes the centerpiece of our aid policy and it is tripled to \$1.5 billion, then we can actually guarantee that we pay more attention to how the military assistance is being spent and what is occurring. We will finally be able to make the choice of expenditure on the basis of both of our natural security interests rather than simply the institutional interests of the security forces in Pakistan.

Let me be clear on the issue of military aid. The bill does not take any position on the level of such assistance deliberately. It is possible to envision a significant increase in military aid, just as easily as one could envision a decrease. The Pakistani army needs more helicopters. It needs more night-vision capability, more training and counterinsurgency techniques. So instead of locking in a figure for future years, what this bill does is provide us the ability to target our military aid directly to the areas that best serve both of our national security interests, which are fighting terrorism, fighting the insurgency, and keeping the people of Pakistan safe from the most dire threats.

Moreover, this bill allows us to fine-tune our approach in response to the level of will and competence displayed by Pakistan's military: When we see the genuine commitment, then we can help increase capabilities, and if we see at any time that commitment is lacking, we have the ability to adjust and redirect assistance rather than permit it to be wasted. We have spent some \$10 billion in military aid and compensation over the past 8 years. Still, the militants got within 60 miles of the capital recently and al-Qaida continues to enjoy a sanctuary. So it is long past time we figure out how to work more effectively with the Pakistanis and the Pakistan Government on a more effective approach. That is what we hope this achieves.

This bill is not a short-term fix. It aims for the medium term and especially the long term. It won't drive the Taliban out of Swat Valley next week or next month. Its aim is, once the Taliban is driven from Swat and from Bajaur and from Dir, to help keep them out. To put it in terms of basic counterinsurgency doctrine made familiar by General Petraeus, the Pakistani military is already able to handle the "clear" phase of the struggle. The United States will now be assisting this mission through other vehicles.

But the bill Senator LUGAR and I are introducing will provide vital help for the "hold" and the "build" parts of the mission. Nor is this bill intended to be a silver bullet. It provides powerful tools, but these tools are only as effective as the policymakers who wield them. I am confident President Obama and his team will use wisely whatever policy tools are at their disposal.

We need to approach this endeavor with a large dose of humility. The truth is that our leverage is limited.

This bill aims to increase that leverage significantly. But we need to be realistic about what we can accomplish. Americans can influence events in Pakistan, but we cannot and we should not decide them. Ultimately, the decisionmakers are the people and the leaders of Pakistan.

Ask any resident of Lahore, Karachi, or Peshawar what these places used to be like and you will hear a long statement of the reveries of the time that now seems a world away. We need to help Pakistan once again become a nation of stability, security, and prosperity, enjoying peace at home and abroad—a nation, in short, that older Pakistanis remember from their childhoods.

It is this nation that most Pakistanis desperately wish to reclaim. The bill that Senator LUGAR and I now introduce will help America ensure that Pakistanis have the resources necessary to choose a peaceful, stable future. It offers them a helping hand in getting there. I urge our colleagues to join us in supporting this bill.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I am pleased and honored to join our chairman, JOHN KERRY, in introducing the Enhanced Partnership with Pakistan Act of 2009. Then-Senator JOE BIDEN and I originally introduced this legislation in July 2008. I have been especially pleased to continue the bipartisan effort on this bill with Senator KERRY.

Senators BIDEN and KERRY and I have worked closely over the past year with the State Department, USAID, the Defense Department, and the National Security Council to craft this legislation.

On March 27 of this year, President Obama announced a comprehensive strategy for Afghanistan and Pakistan. In his speech he called on Congress "to pass a bipartisan bill cosponsored by JOHN KERRY and RICHARD LUGAR that authorizes \$1.5 billion in direct support to the Pakistani people every year over the next 5 years—resources that will build schools, roads, and hospitals, and strengthen Pakistan's democracy."

Chairman of the Joint Chiefs of Staff ADM Mike Mullen and CENTCOM Commander David Petraeus repeatedly advocated expanding foreign assistance to Pakistan as an essential element of our national security. Defense Secretary Robert Gates and Secretary of

State Hillary Clinton both have testified that strengthening democracy and countering terrorism in Pakistan go hand in hand. Secretary Clinton said at a Senate Appropriations Committee meeting last week:

As President Obama has consistently maintained, success in Afghanistan depends on success in Pakistan. We have seen how difficult it is for the government there to make progress, and the Taliban continues to make inroads. Counterinsurgency training is critical. But of equal importance are diplomacy and development to provide economic stability and diminish the conditions that feed extremism. This is the intent of the comprehensive strategy laid out by Senator KERRY and Senator LUGAR, which President Obama has endorsed.

I take the time to detail administration backing for this bill and its concepts because any U.S. policy related to Pakistan will require the cooperation and active support of both the executive and legislative branches of our Government. It also will require that policy toward Pakistan be closely integrated with United States efforts throughout the region.

I do not regard the Kerry-Lugar bill as a congressionally driven initiative in which we are bargaining for support of the administration; rather, Senator KERRY and I are trying to play a constructive role in facilitating a consensus position between branches that will undergird a rational approach to the region with the best chance of success. With this in mind, it is vital that the administration's message on Pakistan be clear and consistent. The administration also must continue to actively consult with Congress on elements of strategy, not just lobby us for funds.

The United States has an intense strategic interest in Pakistan and the surrounding region. The U.S. National Intelligence Estimate last year painted a bleak picture of the converging crises in Pakistan. A growing al-Qaida sanctuary, an expanding Taliban insurgency, political brinksmanship, and a failing economy are intensifying the turmoil and violence in that country. These circumstances are a threat to Pakistan, the region, and the United States of America.

We should make clear to the people of Pakistan that our interests are focused on democracy, pluralism, stability, and the fight against terrorism. These are values supported by a large majority of Pakistani people. If Pakistan is to break its debilitating cycle of instability, it will need to achieve progress on fighting corruption, delivering government services, and promoting broad-based economic growth. The international community and the United States should support reforms that contribute to the strengthening of Pakistani civilian institutions.

This legislation marks an important step toward those goals. While our bill envisions sustained economic and po-

litical cooperation with Pakistan, it is not a blank check. It expects that the military institutions in Pakistan will turn their attention to the extremist dangers within Pakistan's borders. The bill subjects our security assistance to a certification that the Pakistani Government is using the money for its intended purpose—namely, to combat the Taliban and al-Qaida. The bill also calls for tangible progress in governance, including an independent judiciary, greater accountability by the central government, respect for human rights, and civilian control of the levers of power, including the military and the intelligence agencies.

In providing substantial resources to enhance a strategic partnership with Pakistan, our bill contains provisions to help ensure that this money is spent effectively and efficiently. The bill stipulates that the administration must provide Congress with a comprehensive assistance strategy before additional assistance is made available. This strategy is expected to detail clear objectives, enumerate projects the administration intends to implement, and identify criteria that the administration will use to measure the effectiveness of our assistance.

Once money begins to flow, the administration must report every 6 months on how the money is spent and what impact it is having. In addition, the bill provides that before the administration spends more than half of the \$1.5 billion authorized in any fiscal year, it must certify that the assistance provided to that date is making substantial progress toward the principal objectives contained in the administration's strategy report. We also have asked the Government Accountability Office to review annually the administration's progress on stated goals. To ensure that sufficient resources will be available to oversee our program in Pakistan, we authorize \$20 million each year for audits and program reviews by the inspectors general of the State Department, USAID, and other relevant agencies.

I look forward to working with the administration of President Obama and with congressional colleagues on a policy toward Pakistan that builds our relationship with that nation and protects vital interests of the United States.

Again, I thank Senator KERRY for his partnership and leadership on this bill.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 965. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, today Senator UDALL and I are introducing a bill that will end an ongoing water rights dispute in northern New

Mexico. The bill accomplishes this by authorizing a water rights settlement resolving Taos Pueblo's water rights claims in the Rio Pueblo de Taos, a tributary to the Rio Grande.

The Rio Pueblo de Taos adjudication is a dispute that is almost 40 years old. The parties have been in settlement discussions for well over a decade but it was not until the last 5 years that the discussions took on the sense of urgency needed to resolve the issues at hand. A settlement agreement was signed by the Pueblo, State, and other interested parties in March 2006. Federal legislation was then finalized and introduced last year. Progress was made on the bill, including hearings in both the House and Senate which resulted in the identification of a few more issues which needed to be addressed. The parties negotiated a resolution to these issues and legislation to authorize and implement the settlement is now ready to move forward.

The settlement will fulfill the rights of the Pueblo consistent with the Federal trust responsibility. It will also continue the tradition of sharing precious water resources in a manner necessary to protect the sustainability of traditional agricultural communities. Finally, the Town of Taos and other local entities are assured of accessing the water necessary to meet municipal and domestic needs. In sum, the Taos Pueblo Indian Water Rights Settlement Act represents a commonsense set of solutions that all parties to the adjudication have a stake in implementing.

This legislation is widely supported in the Taos Valley, probably as close to a consensus as any water-related agreement can get in the West. The State of New Mexico, under Governor Richardson's leadership, deserves recognition for actively pursuing a settlement in this matter and committing financial resources in recognition of the importance of this matter to all water users in the basin.

This bill, as with any water rights settlement, is crucial to New Mexico's future. In an arid State such as ours, the legal system is poorly equipped to allocate water and create the infrastructure needed for its efficient use. Negotiated agreements between the parties, the State Engineer, and the Federal Government are much more likely to lead to long-term solutions that allow for the use of water in a sustainable manner. This legislation builds upon the provisions included in the Navajo water rights settlement enacted into law on March 30, 2009 as part of the Omnibus Public Lands bill. That settlement, and each subsequent one, will help provide more certainty and less conflict with respect to the allocation and use of water in New Mexico. I look forward to working with my colleagues in the Senate, as well as the House of Representatives, to see that this bill gets enacted into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Taos Pueblo Indian Water Rights Settlement Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.
- Sec. 4. Pueblo rights.
- Sec. 5. Pueblo water infrastructure and watershed enhancement.
- Sec. 6. Taos Pueblo Water Development Fund.
- Sec. 7. Marketing.
- Sec. 8. Mutual-Benefit Projects.
- Sec. 9. San Juan-Chama Project contracts.
- Sec. 10. Authorizations, ratifications, confirmations, and conditions precedent.
- Sec. 11. Waivers and releases.
- Sec. 12. Interpretation and enforcement.
- Sec. 13. Disclaimer.

SEC. 2. PURPOSE.

The purposes of this Act are—

- (1) to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;
- (2) to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this Act; and
- (3) to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ELIGIBLE NON-PUEBLO ENTITIES.**—The term “Eligible Non-Pueblo Entities” means the Town of Taos, El Prado Water and Sanitation District (“EPWSD”), and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) **ENFORCEMENT DATE.**—The term “Enforcement Date” means the date upon which the Secretary publishes the notice required by section 10(f)(1).

(3) **MUTUAL-BENEFIT PROJECTS.**—The term “Mutual-Benefit Projects” means the projects described and identified in articles 6 and 10.1 of the Settlement Agreement.

(4) **PARTIAL FINAL DECREE.**—The term “Partial Final Decree” means the Decree entered in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S. D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), for the resolution of the Pueblo’s water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) **PARTIES.**—The term “Parties” means the Parties to the Settlement Agreement, as identified in article 1 of the Settlement Agreement.

(6) **PUEBLO.**—The term “Pueblo” means the Taos Pueblo, a sovereign Indian Tribe duly recognized by the United States of America.

(7) **PUEBLO LANDS.**—The term “Pueblo lands” means those lands located within the Taos Valley to which the Pueblo, or the United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo’s land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) **SAN JUAN-CHAMA PROJECT.**—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the contract dated March 31, 2006, between and among—

- (A) the United States, acting solely in its capacity as trustee for Taos Pueblo;
- (B) the Taos Pueblo, on its own behalf;
- (C) the State of New Mexico;
- (D) the Taos Valley Acequia Association and its 55 member ditches (“TVAA”);
- (E) the Town of Taos;
- (F) EPWSD; and
- (G) the 12 Taos area Mutual Domestic Water Consumers Associations (“MDWCAs”), as amended to conform with this Act.

(11) **STATE ENGINEER.**—The term “State Engineer” means the New Mexico State Engineer.

(12) **TAOS VALLEY.**—The term “Taos Valley” means the geographic area depicted in Attachment 4 of the Settlement Agreement.

SEC. 4. PUEBLO RIGHTS.

(a) **IN GENERAL.**—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment, or permanent alienation.

(b) **SUBSEQUENT ACT OF CONGRESS.**—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 5. PUEBLO WATER INFRASTRUCTURE AND WATERSHED ENHANCEMENT.

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, shall provide grants and technical assistance to the Pueblo on a nonreimbursable basis to—

- (1) plan, permit, design, engineer, construct, reconstruct, replace, or rehabilitate water production, treatment, and delivery infrastructure;
- (2) restore, preserve, and protect the environment associated with the Buffalo Pasture area; and
- (3) protect and enhance watershed conditions.

(b) **AVAILABILITY OF GRANTS.**—Upon the Enforcement Date, all amounts appropriated pursuant to section 10(c)(1) or made available from other authorized sources, shall be available in grants to the Pueblo after the requirements of subsection (c) have been met.

(c) **PLAN.**—The Secretary shall provide financial assistance pursuant to subsection (a) upon the Pueblo’s submittal of a plan that

identifies the projects to be implemented consistent with the purposes of this section and describes how such projects are consistent with the Settlement Agreement.

(d) **EARLY FUNDS.**—Notwithstanding subsection (b), \$10,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(1)—

(1) shall be made available in grants to the Pueblo by the Secretary upon appropriation or availability of the funds from other authorized sources; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice, a Tribal Council resolution that describes the purposes under subsection (a) for which the monies will be used, and a plan under subsection (c) for this portion of the funding.

SEC. 6. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Taos Pueblo Water Development Fund” (hereinafter, “Fund”) to be used to pay or reimburse costs incurred by the Pueblo for—

- (1) acquiring water rights;
- (2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;
- (3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;
- (4) administering the Pueblo’s water rights acquisition program and water management and administration system; and
- (5) for watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001, et seq.) (hereinafter, “Trust Fund Reform Act”), this Act, and the Settlement Agreement.

(c) **INVESTMENT OF THE FUND.**—Upon the Enforcement Date, the Secretary shall invest amounts in the Fund in accordance with—

- (1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);
- (2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and
- (3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 10(c)(2) or made available from other authorized sources, shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) **EXPENDITURES AND WITHDRAWAL.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) **REQUIREMENTS.**—In addition to the requirements under the Trust Fund Reform

Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) **LIABILITY.**—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this Act that the Pueblo does not withdraw under paragraph (1)(A).

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) **ANNUAL REPORT.**—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) **FUNDS AVAILABLE UPON APPROPRIATION.**—Notwithstanding subsection (d), \$15,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(2)—

(1) shall be available upon appropriation or made available from other authorized sources for the Pueblo's acquisition of water rights pursuant to Article 5.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo's water rights acquisition program and water management and administration system, the design, planning, and permitting of water or wastewater infrastructure eligible for funding under sections 5 or 6, or costs related to the negotiation, authorization, and implementation of the Settlement Agreement; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used.

(g) **NO PER CAPITA DISTRIBUTIONS.**—No part of the Fund shall be distributed on a per capita basis to members of the Pueblo.

SEC. 7. MARKETING.

(a) **PUEBLO WATER RIGHTS.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) **PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 9(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary's existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) **LIMITATION.**—

(1) **IN GENERAL.**—Diversion or use of water off Pueblo lands pursuant to Pueblo water

rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) **EFFECT ON WATER RIGHTS.**—Such diversion or use off Pueblo lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) **MAXIMUM TERM.**—

(1) **IN GENERAL.**—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) **ALIENATION OF RIGHTS.**—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this Act.

(e) **APPROVAL OF SECRETARY.**—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval not later than—

(1) 180 days after submission; or

(2) 60 days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later, provided that no Secretarial approval shall be required for any water use lease or subcontract with a term of less than 7 years.

(f) **NO FORFEITURE OR ABANDONMENT.**—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) **NO PREEMPTION.**—

(1) **IN GENERAL.**—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) **APPLICABLE LAW.**—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) **NO PREJUDICE.**—Nothing in this Act shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

SEC. 8. MUTUAL-BENEFIT PROJECTS.

(a) **IN GENERAL.**—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface

water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects shall be 25 percent and may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual-Benefit Projects.

SEC. 9. SAN JUAN-CHAMA PROJECT CONTRACTS.

(a) **IN GENERAL.**—Contracts issued under this section shall be in accordance with this Act and the Settlement Agreement.

(b) **CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.**—

(1) **IN GENERAL.**—The Secretary shall enter into 3 repayment contracts by December 31, 2009, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to EPWSD.

(2) **REQUIREMENTS.**—Each such contract shall provide that if the conditions precedent set forth in section 10(f)(2) have not been fulfilled by December 31, 2015, the contract shall expire on that date.

(3) **APPLICABLE LAW.**—Public Law 87-483 (76 Stat. 97) applies to the contracts entered into under paragraph (1) and no preference shall be applied as a result of section 4(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(c) **WAIVER.**—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87-483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

SEC. 10. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.

(a) **RATIFICATION.**—

(1) **IN GENERAL.**—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this Act, the Settlement Agreement is authorized, ratified, and confirmed.

(2) **AMENDMENTS.**—To the extent amendments are executed to make the Settlement Agreement consistent with this Act, such amendments are also authorized, ratified, and confirmed.

(b) **EXECUTION OF SETTLEMENT AGREEMENT.**—To the extent that the Settlement Agreement does not conflict with this Act, the Secretary shall execute the Settlement

Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this Act, after the Pueblo has executed the Settlement Agreement and any such amendments.

(C) AUTHORIZATION OF APPROPRIATIONS.—

(1) TAOS PUEBLO INFRASTRUCTURE AND WATERSHED FUND.—There is authorized to be appropriated to the Secretary to provide grants pursuant to section 5, \$30,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(2) TAOS PUEBLO WATER DEVELOPMENT FUND.—There is authorized to be appropriated to the Taos Pueblo Water Development Fund, established at section 6(a), \$58,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(3) MUTUAL-BENEFIT PROJECTS FUNDING.—There is further authorized to be appropriated to the Secretary to provide grants pursuant to section 8, a total of \$33,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(4) ADJUSTMENTS TO AMOUNTS AUTHORIZED.—The amounts authorized to be appropriated under paragraphs (1) through (3) shall be adjusted by such amounts as may be required by reason of changes since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(5) DEPOSIT IN FUND.—Except for the funds to be provided to the Pueblo pursuant to section 5(d), the Secretary shall deposit the funds made available pursuant to paragraphs (1) and (3) into a Taos Settlement Fund to be established within the Treasury of the United States so that such funds may be made available to the Pueblo and the Eligible Non-Pueblo Entities upon the Enforcement Date as set forth in sections 5(b) and 8(a).

(d) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this Act.

(e) ENVIRONMENTAL COMPLIANCE.—

(1) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The Secretary's execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) CONDITIONS PRECEDENT AND SECRETARIAL FINDING.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) CONDITIONS.—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this Act, the Settlement Agreement has been revised to conform with this Act.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 11, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds authorized by paragraphs (1) through (3) of subsection (c) so that the entire amounts so authorized have been previously provided to the Pueblo pursuant to sections 5 and 6, or placed in the Taos Pueblo Water Development Fund or the Taos Settlement Fund as directed in subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section 72-6-3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this Act and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 11 and the limited waiver of sovereign immunity set forth in section 12(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).

(h) EXPIRATION DATE.—

(1) IN GENERAL.—If all of the conditions precedent described in section (f)(2) have not been fulfilled by December 31, 2016, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 11 and the sovereign immunity waivers in section 12(a) shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) EXCEPTION.—Notwithstanding subsection (h)(1) or any other provision of law, any unexpended Federal funds, together with any income earned thereon, made available under sections 5(d) and 6(f) and title to any property acquired or constructed with expended Federal funds made available under sections 5(d) and 6(f) shall be retained by the Pueblo.

(3) RIGHT TO SET-OFF.—In the event the conditions precedent set forth in subsection (f)(2) have not been fulfilled by December 31, 2016, the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to paragraphs (1) and (2) of subsection (c) or made available from other authorized sources, together with any interest accrued, against any claims asserted by the Pueblo against the United States relating to water rights in the Taos Valley.

SEC. 11. WAIVERS AND RELEASES.

(a) CLAIMS BY THE PUEBLO AND THE UNITED STATES.—In return for recognition of the Pueblo's water rights and other benefits, including but not limited to the commitments by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblo, on behalf of itself and its members, and the United States acting in its capacity as trustee for the Pueblo are authorized to execute a waiver and release of claims against the parties to New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated) from—

(1) all claims for water rights in the Taos Valley that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), up to and including the Enforcement Date, except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights, whether for consumptive or nonconsumptive use, in the Rio Grande mainstream or its tributaries that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted or could assert in any water rights adjudication proceedings except those claims based on Pueblo or United States ownership of lands or water rights acquired after the Enforcement Date, provided that nothing in this paragraph shall prevent the Pueblo or the United States from fully participating in the inter se phase of any such water rights adjudication proceedings;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the Rio Grande mainstream or its tributaries or for lands within the Taos Valley that accrued at any time up to and including the Enforcement Date; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Settlement Agreement.

(b) CLAIMS BY THE PUEBLO AGAINST THE UNITED STATES.—The Pueblo, on behalf of itself and its members, is authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Taos Valley that the United States acting in its capacity as trustee for the Pueblo asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated);

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) in the Rio Grande mainstream or its tributaries or within the Taos Valley that first accrued at any time up to and including the Enforcement Date;

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (45 Stat. 1562), the Act of March 4, 1931 (46 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291) as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636) and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108) and for breach of trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblo's water rights in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated); and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this Act.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this Act, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblo and the United States, or this Act;

(2) all claims against persons other than the Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the Taos Valley arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System;

(3) all rights to use and protect water rights acquired after the date of enactment of this Act;

(4) all rights to use and protect water rights acquired pursuant to State law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement (including water rights for the land the Pueblo owns in Questa, New Mexico);

(5) all claims relating to activities affecting the quality of water including but not limited to any claims the Pueblo might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including but not limited to claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts;

(6) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including but not limited to hunting, fishing, gathering, or cultural rights); and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this Act and the Settlement Agreement.

(d) **EFFECT OF SECTION.**—Nothing in the Settlement Agreement or this Act—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including but not limited to any laws relating to health, safety, or the environment, including but not

limited to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing such Acts;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian Tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action; or

(4) waives any claim of a member of the Pueblo in an individual capacity that does not derive from a right of the Pueblo.

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) December 31, 2016; or

(B) the Enforcement Date.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 12. INTERPRETATION AND ENFORCEMENT.

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this Act, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) **SUBJECT MATTER JURISDICTION NOT AFFECTED.**—Nothing in this Act shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) **REGULATORY AUTHORITY NOT AFFECTED.**—Nothing in this Act shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

SEC. 13. DISCLAIMER.

Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in introducing a bill to complete the Abeyta water settlement in north-

ern New Mexico. Introduction of this bill represents a major milestone in the resolution of Taos Pueblo's water rights claims in the Rio Pueblo de Taos. Years of work and negotiation have gone into the settlement, and I am pleased that the tribes, village, city, county, acequias, and community groups involved were able to come to an agreement that is mutually beneficial to all the users of this tributary to the Rio Grande.

New Mexico is a State rich with tradition and culture, where the water resources are scarce and precious. As is common in most of the arid West, this vital but limited commodity can foster conflict between communities and individuals, and in a State where the history is long and complex, disputes over water are uniquely complicated. But, despite the complications surrounding water tenure, New Mexicans are united in a common respect for this resource. From the pueblos and tribes of New Mexico, to the historic acequias and growing communities, water is fundamental to both survival and cultural traditions, and is respected as such. The Abeyta settlement is an example of communities and the tribe coming together to resolve their differences and find a way to ensure that everyone has access to this precious and respected resource.

The Abeyta settlement establishes the water claims of the Pueblo of Taos, the Taos Valley Acequia Association, the Village of El Prado, and the Town of Taos. These communities depend heavily on agriculture and irrigation for both traditional practices and subsistence. The settlement ensures water for both agricultural and domestic use, and facilitates the rehabilitation of irrigation infrastructure. Additionally, the settlement helps to protect the quality of water in the watershed by protecting and recharging the wetlands areas of the Taos Pueblo's buffalo pasture. After years of negotiation, the parties involved in this important settlement have come to an agreement based on respect for cultural practices and a commitment to live as good neighbors sharing a common resource. I invite my colleagues to take note of the unprecedented level of cooperation, negotiation, and mutual support manifest in this settlement.

It has been said that the wars of the future will be fought over access to water. In New Mexico, we are setting a different precedent—a precedent of respect and compromise. One that will help us move into the future with well-established partnerships and a commitment to conserve and manage this vital resource to the benefit of all. I am honored to join Senator BINGAMAN today in introducing this legislation that will bring the Pueblo of Taos and the surrounding community one step closer to establishing a secure water future.

By Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. WHITEHOUSE)):

S. 966. A bill to improve the Federal infrastructure for health care quality improvement in the United States; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my colleague, Senator WHITEHOUSE of Rhode Island, to introduce the National Health Care Quality Act, legislation that makes health care quality a national priority. We have before us an overwhelming opportunity to make sweeping changes to our health care system. The dramatic change we need to improve America's health care delivery system requires a solid coordinated infrastructure to guide quality improvement; however this infrastructure does not exist today. The lack of a coordinated effort to improve health care quality has hindered our nation's ability to improve patient health outcomes and reduce inefficiencies in our health care system. In order to achieve our goals for true delivery system reform, health care quality must be elevated as a national priority.

As the cost of health care in America continues to increase, the quality of care Americans receive continues to decrease. The average cost of health insurance premiums has doubled in the last nine years, from \$5791 in 1999 to \$12,680 in 2008. However, less than half of adults receive recommended care. More is spent per person on health care in the United States than in any other nation in the world, and yet America has some of the worst health outcomes. Wide-spread inefficiencies plague our health care system. The Congressional Budget Office, CBO, estimates that 30 percent of annual health care spending, or as much as \$700 billion, could be eliminated with little to no impact on the system. Additionally, the Commonwealth Fund estimates that more than 100,000 American lives could be saved annually by improving health care quality to the level of performance achieved in other nations.

Several entities contribute to health care quality improvement in the U.S., including numerous federal departments, several key Federal agencies within those departments, and additional private-sector partners. While there has been some progress to coordinate efforts among these entities and create a framework for navigating quality improvement efforts, there is no defined structure in place to guide the process of quality improvement, prioritize limited resources, and provide oversight to ensure these efforts reflect the best interests of all patients. Therefore, legislation is needed to modernize our health care structure to create better coordination of quality efforts, and make certain the decisions about reimbursement and coverage will allow the government to effectively de-

liver care that is of the highest quality.

The National Health Care Quality Act would create a sensible infrastructure for health care quality improvement by creating an accountable entity—a new Office of National Health Care Quality Improvement within the Executive Office of the President—to set health care quality priorities for the nation. This office will be led by a new Director of National Health Care Quality, who will work with public and private stakeholders to establish and routinely update health care quality priorities for the nation based on a number of mandatory considerations, including the needs of children and the void in pediatric quality measures.

This legislation also puts forth a construct to coordinate health care quality improvement efforts across all federal agencies involved in purchasing, providing, studying, or regulating health care services. The bill statutorily re-establishes the Quality Interagency Coordinating Council, QuICC, first created during the Clinton administration, within the Office of National Health Care Quality Improvement. The purpose of the Quality Interagency Coordinating Council is to coordinate health care quality improvement efforts across all relevant Federal departments and agencies involved in health care services. It also provides a framework for the development and implementation of Department- and agency-specific quality improvement strategies.

Lastly, the legislation enhances health care quality improvement efforts within the Department of Health and Human Services, HHS, by expanding the authority of the Agency for Healthcare Research and Quality and elevating the role of the Director of AHRQ to a Senate-appointed position. By building on and improving the public-private process for health care quality measure development, AHRQ can also help to streamline the implementation of quality improvement measures within federal health programs under the jurisdiction of HHS. AHRQ will establish a standardized method for reporting quality measures and data to all federal health programs. Lastly, AHRQ would be required to develop and launch a public education campaign, aimed at both providers and consumers of health care, about health care quality improvement.

It is my belief that the multi-pronged approach provided in the National Health Care Quality Act will lead to vast improvements in the coordination of quality efforts and, most importantly, patient health outcomes. Given the current problems in the health care system, Congress has a responsibility to the American people to guarantee individuals have access to high quality, safe and effective care, and I urge my colleagues to join us in support of this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Health Care Quality Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **HEALTH CARE QUALITY.**—The term “health care quality” means the degree to which health services for individuals and populations increase the likelihood of desired health outcomes and are consistent with current professional knowledge, based upon the following criteria:

(A) **EFFECTIVENESS.**—Health care services should be provided based upon scientific knowledge of all who could benefit.

(B) **EFFICIENCY.**—Waste, including waste of equipment, supplies, ideas, and energies, should be avoided.

(C) **EQUITY.**—The provision of health care should not vary in quality because of personal characteristics of the individuals involved.

(D) **PATIENT-CENTEREDNESS.**—Health care should be responsive to, and respectful of, individual patient preferences.

(E) **SAFETY.**—Injuries to patients from the health care that is supposed to help them should be avoided.

(F) **TIMELINESS.**—Waiting times and harmful delays in providing health care should be reduced.

(2) **HEALTH CARE QUALITY MEASURE.**—The term “health care quality measure” means a national consensus standard for measuring the performance and improvement of population health or of institutional providers of services, physicians, and other clinicians in the delivery of health care services, consistent with the health care quality criteria described in paragraph (1).

(3) **MULTI-STAKEHOLDER GROUP.**—The term “multi-stakeholder group” means, with respect to a health care quality measure, a voluntary collaborative of public and private organizations representing persons interested in, or affected by, the use of such health care quality measure, including—

(A) health care providers and practitioners, including providers and practitioners primarily serving children and those with long-term health care needs;

(B) health care quality entities;

(C) health plans;

(D) patient advocates and consumer groups;

(E) employers;

(F) public and private purchasers of health care items and services;

(G) labor organizations;

(H) relevant departments or agencies of the United States;

(I) biopharmaceutical companies and manufacturers of medical devices; and

(J) licensing, credentialing, and accrediting bodies.

SEC. 3. DEPARTMENT AND AGENCY QUALITY REVIEW.

Each relevant department and agency of the Federal Government shall review the statutory authority of such department or agency, effective on the date of enactment of this Act, administrative regulations, and policies and procedures for the purpose of determining whether there are any deficiencies

or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act. Each department and agency shall, not later than July 1, 2010, propose to the President such measures as may be necessary to bring the authority and policies and procedures of such department or agency into conformity with the intent, purposes, and provisions set forth in this Act.

SEC. 4. NATIONAL HEALTH CARE QUALITY PRIORITIES.

(a) **ESTABLISHMENT OF THE OFFICE OF NATIONAL HEALTH CARE QUALITY IMPROVEMENT.**—There is established within the Executive Office of the President an Office of National Health Care Quality Improvement (“NHCQI”) (referred to in this section as the “Office”). The Office shall be headed by a Director of National Health Care Quality (referred to in this section as the “Director”) who shall be appointed by the President and shall report directly to the President.

(b) **DIRECTOR.**—

(1) **RESPONSIBILITIES.**—The Director shall perform the duties of the Office, described in paragraph (3), in a manner consistent with the development of a nationwide health care quality infrastructure that—

(A) coordinates and implements health care quality research, measurement, and data collection and reporting across all Federal agencies involved in purchasing, providing, studying, or regulating health care services;

(B) incorporates proven public and private quality improvement best practices;

(C) includes public and private quality improvement strategies to address activities other than health care quality measurement, such as provider payment models, alternative care models, licensing, professional certification, medical education, alternative staffing models, and public reporting; and

(D) leads to improved health care outcomes for patients across the United States.

(2) **QUALIFICATIONS.**—The President shall, by and with the advice and consent of the Senate, appoint a Director. The President shall select an individual who has—

(A) national recognition for expertise in health care quality improvement;

(B) experience addressing health care quality improvement in more than one health care setting, such as inpatient care, outpatient care, long-term care, public programs, and private programs; and

(C) experience addressing health care quality as it applies to vulnerable populations, including children, underserved populations, rural populations, individuals with disabilities, the elderly, and racial and ethnic minorities.

(3) **DUTIES OF THE DIRECTOR.**—The Director shall—

(A) advise the President on the quality of health care in the United States, including priorities and goals for the future;

(B) in coordination with public and private stakeholders, determine national priorities for improving health care quality, in accordance with subsection (c);

(C) establish annual benchmarks for each relevant Federal department and agency to achieve national priorities for health care quality improvement;

(D) develop an annual report card on the state of the Nation's health as it relates to health care quality;

(E) in coordination with the heads of other relevant agencies and as part of the annual budget request of Congress, submit funding requirements, in accordance with subsection (d);

(F) serve as the chairperson of the Quality Interagency Coordinating Council (QuICC), established under section 4; and

(G) in consultation with the National Coordinator of Health Information Technology, develop an open source framework for Federal quality communication to create and maintain a standardized, electronic language or interface that enables all relevant Federal entities to communicate information or make requests regarding quality research, definitions, activities, or regulations, or to provide any other functionality, as the Director determines.

(c) **NATIONAL PRIORITIES FOR HEALTH CARE QUALITY IMPROVEMENT.**—

(1) **IN GENERAL.**—Not later than January 1, 2010 and at least every 5 years thereafter, the Director, in coordination with public and private stakeholders, shall establish national priorities for health care quality improvement.

(2) **DEVELOPMENT OF PRIORITIES.**—In establishing the national priorities for health care quality improvement under paragraph (1), the Director shall consider—

(A) health care outcomes in the United States in comparison to health outcomes in other World Health Organization member countries;

(B) the burden of disease, including the prevalence, incidence, and cost of disease to the United States;

(C) demographics;

(D) variability in practice norms;

(E) potential to eliminate harm to patients;

(F) improvements with the potential for the greatest impact on morbidity, mortality, performance, and a focus on the patient;

(G) quality measures that may be coordinated across different health care settings, including inpatient and outpatient measures, primary care, and specialty care;

(H) the specific quality improvement needs and challenges of rural areas; and

(I) the unique quality improvement needs disparities and challenges of vulnerable populations, including children, the elderly, individuals with disabilities, individuals near the end of life, and racial and ethnic minorities.

(3) **INITIAL PRIORITIES.**—The first set of national priorities established under this subsection shall include as a priority pediatric health care quality improvement, for children up to age 21.

(4) **COLLABORATION WITH MULTI-STAKEHOLDER GROUPS.**—

(A) **IN GENERAL.**—The Director shall convene and collaborate with multi-stakeholder groups in establishing and updating the national priorities under paragraph (1).

(B) **TRANSPARENCY.**—All collaboration between the Director and multi-stakeholder groups shall be conducted through an open and transparent process.

(C) **STATUTORY CONSTRUCTION.**—Notwithstanding any other provision in this paragraph, the Director shall have the final authority to decide whether to accept the recommendations provided by such multi-stakeholder groups.

(5) **AGENCY- AND DEPARTMENT-SPECIFIC STRATEGIC PLANS.**—Not later than October 1, 2010 and annually thereafter, the Director, in consultation with the heads of relevant Federal agencies and departments, shall develop agency- and department-specific strategic plans for health care quality improvement to achieve national priorities, including annual benchmarks.

(d) **ANNUAL BUDGET REQUEST FOR RESOURCES.**—As part of the annual budget re-

quest made by the President to Congress, beginning with such budget request made in calendar year 2011, the Director, in consultation with the heads of relevant Federal departments and agencies, shall include—

(1) a description of the agency- and department-specific strategic plans for health care quality improvement; and

(2) the level of Federal funding required for implementing or maintaining the quality improvement strategic plans described under paragraph (1).

(e) **MONITORING.**—

(1) **IN GENERAL.**—The Director shall institute mechanisms for monitoring the progress on achieving national health care quality priorities under subsection (c)(1) as well as department- and agency-specific strategic plans under subsection (c)(5), including objectives, metrics, and benchmarks for the following:

(A) The benefits and drawbacks of specific quality improvement efforts for public programs and for the health care system at large.

(B) Coordination and communication of efforts to achieve interagency goals, including information exchange.

(C) Interagency coordination progress for national quality efforts.

(D) Methods for ensuring awareness and recognition among health care providers and the public at large of the significance of health care quality improvement.

(2) **REPORTING.**—

(A) **REPORTING.**—Not later than December 31, 2011, and by the end of each calendar year thereafter, the Director shall submit to the President and to Congress a report regarding the progress of Federal agencies in achieving the quality improvement priorities under paragraphs (1) and (5) of subsection (c), and shall make such report publicly available through the Internet.

(B) **ANNUAL NATIONAL HEALTH CARE QUALITY REPORT CARD.**—Not later than January 31, 2011, and annually thereafter, the Director shall publish a national health care quality report card, which shall include—

(i) the considerations for national health care quality priorities described in subsection (c)(2);

(ii) an analysis of the progress of the department- and agency-specific strategic plans under subsection (c)(5) in achieving the national health care quality priorities established under subsection (c)(1), and any gaps in such strategic plans;

(iii) the extent to which private sector strategies have informed Federal quality improvement efforts; and

(iv) a summary of consumer feedback regarding how well current quality improvement practices work for such consumers and additional ways to improve health care quality.

(f) **WEBSITE.**—Not later than July 1, 2010, the Director shall create a website to make public information regarding—

(1) the national priorities for health care quality improvement established under subsection (c)(1);

(2) the department- and agency-specific strategic plans for health care quality described in subsection (c)(5);

(3) the annual national health care quality report card described in subsection (e)(2)(B);

(4) ongoing health care quality research efforts;

(5) new and innovative health care quality improvement practices in the public and private sectors;

(6) a consumer feedback mechanism; and

(7) other information, as the Director determines to be appropriate.

(g) STAFF; EXPERTS AND CONSULTANTS; VOLUNTARY AND UNCOMPENSATED SERVICE.—

(1) STAFF.—The Director may employ such officers and employees as may be necessary to enable the Office to carry out its functions under this Act, and may employ and fix the compensation of such officers and employees as may be necessary to carry out its functions under this Act.

(2) EXPERTS AND CONSULTANTS.—The Director may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (without regard to the last sentence).

(3) VOLUNTARY AND UNCOMPENSATED SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Office may accept and use voluntary and uncompensated services, as the Director determines necessary.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section \$50,000,000 for fiscal years 2010 through 2014.

SEC. 5. NATIONAL HEALTH CARE QUALITY COORDINATION.

(a) ESTABLISHMENT.—As of the date of enactment of this Act, there is established within the Office of National Health Care Quality Improvement, the Quality Interagency Coordinating Council (referred to in this section as the “QuICC”).

(b) PURPOSE.—The purpose of the QuICC is to coordinate health care quality improvement efforts across all Federal agencies involved in purchasing, providing, studying, or regulating health care services in order to achieve the common goal of improving patient health outcomes.

(c) ORGANIZATION OF THE QUICC.—

(1) CO-CHAIRPERSONS.—The Director of National Health Care Quality (referred to in this section as the “Director”) and the Secretary of Health and Human Services shall serve as co-chairpersons of the QuICC, and the Director shall manage day-to-day operations of the QuICC.

(2) FEDERAL MEMBERS.—The Federal members of the QuICC, each of whom shall have equal standing in the QuICC, shall include—

(A) the Administrator of the Centers for Medicare & Medicaid Services;

(B) the Director of the National Institutes of Health;

(C) the Director of the Centers for Disease Control and Prevention;

(D) the Commissioner of Food and Drugs;

(E) the Administrator of the Health Resources and Services Administration;

(F) the Director of the Agency for Healthcare Research and Quality;

(G) the Assistant Secretary of the Administration for Children and Families;

(H) the Secretary of Labor;

(I) the Secretary of Defense;

(J) the Secretary of Veterans Affairs;

(K) the Under Secretary for Health of the Veterans Health Administration;

(L) the Secretary of Commerce;

(M) the Director of the Office of Personnel Management;

(N) the Director of the Office of Management and Budget;

(O) the Commandant of the United States Coast Guard;

(P) the Director of the Federal Bureau of Prisons;

(Q) the Administrator of the National Highway Traffic Safety Administration;

(R) the Chairman of the Federal Trade Commission; and

(S) the Commissioner of the Social Security Administration.

(d) GOALS.—The goals of the QuICC shall be to achieve the following:

(1) Collaboration between Federal departments and agencies with respect to developing goals, models, and timetables that are consistent with—

(A) reducing the underlying causes of illness, injury, and disability;

(B) reducing health care errors;

(C) ensuring the appropriate use of health care services;

(D) expanding research on effectiveness of treatments;

(E) addressing over-supply and under-supply of health care resources; and

(F) increasing patient participation in their care.

(2) Collaboration between Federal departments and agencies with respect to the development and utilization of quality improvement strategies, including quality measurement, for public sector programs that are flexible enough to respond to changing health care needs, technology, and information, while being sufficiently standardized to be comparably measured.

(3) Cooperation between Federal departments and agencies in the development and dissemination of evidence-based health care information to help guide practitioners' actions in ways that will improve quality and potentially reduce costs.

(4) Cooperation between Federal departments and agencies in the development and dissemination of user-friendly information for both consumer and business purchasers that facilitates meaningful comparisons of quality performances of health care plans, facilities and practitioners.

(5) Consultation with multi-stakeholder groups, where appropriate, in order to develop interdepartmental and interagency models for quality improvement.

(6) Avoidance of inefficient duplication of ongoing health care quality improvement efforts and resources, where feasible and appropriate.

(7) Coordination and implementation by Federal departments and agencies of a streamlined process for quality reporting and compliance requirements to reduce administrative burdens on private entities who administer, oversee, or participate in the Federal health programs.

(e) WORKGROUPS.—

(1) IN GENERAL.—Not later than 30 days after the establishment of the QuICC, the Director shall establish within the QuICC workgroups for each of the national health care priorities established under section 4(c)(1).

(2) PURPOSE.—Each such workgroup shall focus on achieving the goals of the QuICC (described in subsection (d)) for one such priority and shall—

(A) coordinate the implementation of such priority across all relevant Federal agencies and departments; and

(B) identify opportunities to improve the process of implementing such health care priority.

(3) MEMBERSHIP.—

(A) LEADERSHIP.—Each workgroup shall be led by 2 relevant Federal departments or agencies, as determined by the Director.

(B) REPRESENTATION.—Each of the Federal members listed in subsection (c)(2) may appoint 1 or more representatives to each workgroup.

(4) REPORTING.—

(A) REPORT.—Not later than December 31, 2010, and annually thereafter, the co-chairpersons of the QuICC shall submit a report to the relevant committees of Congress describing—

(i) the QuICC's progress in meeting the goals described in subsection (d);

(ii) recommendations for legislation to improve the processes of health care quality coordination and prioritization; and

(iii) recommendations for new and innovative quality initiatives.

(B) PUBLICATION.—Not later than December 31, 2010, and annually thereafter, the co-chairpersons shall publish the report described in subparagraph (A) on the website of the Office of National Health Care Quality Improvement.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal years 2011 through 2014.

SEC. 6. INCREASED AUTHORITY OF THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) DIRECTOR OF THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.—Section 901(a) of the Public Health Service Act (42 U.S.C. 299(a)) is amended by striking “by the Secretary” and inserting “by the President, by and with the advice and consent of the Senate”.

(b) NATIONAL HEALTH CARE QUALITY PRIORITIES.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

“PART E—NATIONAL HEALTH CARE QUALITY PRIORITIES

“SEC. 940. DEFINITIONS.

“In this part:

“(1) HEALTH CARE QUALITY.—The term ‘health care quality’ means the degree to which health services for individuals and populations increase the likelihood of desired health outcomes and are consistent with current professional knowledge, based upon the following criteria:

“(A) EFFECTIVENESS.—Health care services should be provided based upon scientific knowledge of all who could benefit.

“(B) EFFICIENCY.—Waste, including waste of equipment, supplies, ideas, and energies, should be avoided.

“(C) EQUITY.—The provision of health care should not vary in quality because of personal characteristics of the individuals involved.

“(D) PATIENT-CENTEREDNESS.—Health care should be responsive to, and respectful of, individual patient preferences.

“(E) SAFETY.—Injuries to patients from the health care that is supposed to help them should be avoided.

“(F) TIMELINESS.—Waiting times and harmful delays in providing health care should be reduced.

“(2) HEALTH CARE QUALITY MEASURE.—The term ‘health care quality measure’ means a national consensus standard for measuring the performance and improvement of population health or of institutional providers of services, physicians, and other clinicians in the delivery of health care services, consistent with the health care quality criteria described in paragraph (1).

“(3) MULTI-STAKEHOLDER GROUP.—The term ‘multi-stakeholder group’ means, with respect to a health care quality measure, a voluntary collaborative of public and private organizations representing persons interested in, or affected by, the use of such health care quality measure, including—

“(A) health care providers and practitioners, including providers and practitioners primarily serving children and those with long-term health care needs;

“(B) health care quality entities;

“(C) health plans;

“(D) patient advocates and consumer groups;

“(E) employers;

“(F) public and private purchasers of health care items and services;

“(G) labor organizations;

“(H) relevant departments or agencies of the United States;

“(I) biopharmaceutical companies and manufacturers of medical devices; and

“(J) licensing, credentialing, and accrediting bodies.

“(4) the term ‘health care quality measure’ means a national consensus standard for measuring the performance and improvement of population health or of institutional providers of services, physicians, and other clinicians in the delivery of health care services; and

“(5) the term ‘multi-stakeholder group’ means, with respect to a health care quality measure, a voluntary collaborative of public and private organizations representing persons interested in, or affected by, the use of such health care quality measure, including—

“(A) hospitals and other health care settings;

“(B) physicians, including pediatricians;

“(C) health care quality alliances;

“(D) nurses and other health care practitioners;

“(E) health plans;

“(F) patient advocates and consumer groups;

“(G) employers;

“(H) public and private purchasers of health care items and services;

“(I) labor organizations;

“(J) relevant departments or agencies of the United States;

“(K) biopharmaceutical companies and manufacturers of medical devices; and

“(L) licensing, credentialing, and accrediting bodies.

“SEC. 941. RESEARCH PRIORITIES.

“The Director, in consultation with the heads of agencies within the Department of Health and Human Services shall ensure that the health care quality improvement priorities identified by the Director of the Office of National Health Care Quality Improvement, established under section 4 of the National Health Care Quality Act, are taken into consideration in all applicable research conducted under the Department of Health and Human Services, including the National Institutes of Health and the demonstration projects.

“SEC. 942. QUALITY MEASURES.

“(a) APPLICATION OF QUALITY MEASURES TO PROGRAMS UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

“(1) IN GENERAL.—The Director, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and a consensus-based entity (as such term is used in section 1890 of the Social Security Act), shall define uniform health care quality measures, which shall apply to Federal health programs under the Department of Health and Human Services, including the following Federal programs, in order of priority:

“(A) The Medicare program under title XVIII of the Social Security Act, the rural health and pharmacy programs of the Health Resources and Services Administration, and the health programs of the Administration on Aging.

“(B) The Medicaid program under title XIX of the Social Security Act, the Children’s

Health Insurance program under title XXI of such Act, the health programs of the Administration for Children and Families, and the maternal and child health programs of the Health Resources and Services Administration.

“(C) The Indian Health Service.

“(D) The Substance Abuse and Mental Health Services Administration.

“(E) Programs of the Health Resources and Services Administration other than those described in subparagraph (B).

“(F) Centers of the Food and Drug Administration.

“(2) PRIORITIZATION.—The Director shall apply the health care quality measures under this section to the Federal programs in the order of priority described in paragraph (1).

“(3) CONSIDERATIONS REGARDING QUALITY MEASURE APPLICATION.—Before applying the health care quality measures described in paragraph (1), the Director shall consider—

“(A) the potential of such measures to improve patient outcomes;

“(B) the ease of integration as a factor in health care provider reimbursement;

“(C) the applicability of such measures across health care settings;

“(D) the unique quality improvement needs of vulnerable populations, including children, the elderly, individuals with disabilities, individuals near the end of life, and racial and ethnic minorities;

“(E) the burden of disease, including the prevalence, incidence, and cost of disease to the United States; and

“(F) payment distortions that encourage certain practice norms which may not lead to greater patient health outcomes.

“(4) UPDATING OF THE APPLICATION OF QUALITY MEASURES.—The Director, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and a consensus-based entity (as such term is used in section 1890 of the Social Security Act), shall develop a process for updating the health care quality measures defined under paragraph (1) as new research and evidence become available.

“(b) QUALITY MEASURE REPORTING TO FEDERAL HEALTH PROGRAMS.—The Director, in cooperation with the Administrator of the Centers for Medicare & Medicaid Services, the National Coordinator for Health Information Technology, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs, shall create a streamlined process for health care providers to report quality measures to the heads of relevant agencies and departments for the purpose of quality improvement in the Federal health programs described in subsection (a)(1).

“(c) DEVELOPMENT OF ADDITIONAL QUALITY IMPROVEMENT STRATEGIES.—The Director, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and multi-stakeholder groups, shall develop quality improvement strategies to address activities other than health care quality measurement that lead to improved patient outcomes, such as alternative care models, licensing, professional certification, medical education, alternative staffing models, and public reporting.

“SEC. 943. PUBLIC EDUCATION CAMPAIGNS.

“(a) IN GENERAL.—The Director shall conduct a public education campaign, designed to educate health care providers and consumers of health care about health care quality improvement.

“(b) CONSUMER EDUCATION CAMPAIGNS.—

“(1) IN GENERAL.—The Director, in coordination with the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Centers for Disease Control and Prevention, shall create a consumer education campaign to develop accurate and reliable information about health care quality. In compiling the information for the consumer education campaign, the Secretary may use mechanisms and sources of information that are available through other Federal agencies.

“(2) REQUIREMENTS.—The consumer education campaign shall include information regarding—

“(A) the importance of quality in health care decisions;

“(B) the ways in which health care experts define and identify quality in health care;

“(C) the variance of quality among health insurance plans, health care facilities, health care organizations, and health care providers; and

“(D) the role of consumers in improving the quality of health care.

“(3) PUBLICATION.—The Director shall make the information described in paragraph (1) available to the public through the Internet.

“(4) GRANT PROGRAM.—The Director shall award grants to States and private nonprofit organizations to assist with the creation and dissemination of the information described in paragraph (1).

“(c) QUALITY RESOURCE CENTER FOR HEALTH CARE PROVIDERS.—

“(1) IN GENERAL.—The Director, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall create a National Quality Resource Center (referred to in this subsection as the ‘NQRC’) for health care providers to assist with the understanding and implementation of quality improvement initiatives for health care providers.

“(2) DUTIES.—The national resource center developed under paragraph (1) shall—

“(A) inform providers about quality improvement techniques and the value of such techniques to improving quality;

“(B) accelerate the transfer of lessons learned from other initiatives in the public and private sectors, including those initiatives receiving Federal financial support;

“(C) provide a forum for exchange of knowledge and experience among health care providers;

“(D) provide technical assistance to health care providers for implementing quality improvement efforts; and

“(E) provide a forum for feedback from health care providers concerning the effect of the efforts under subparagraphs (A) through (D).

“(3) NATIONAL QUALITY SUPPORT EXTENSION GRANT PROGRAM.—

“(A) IN GENERAL.—The Director, in coordination with the NQRC, shall award National Quality Support Extension grants (referred to in this paragraph as ‘NQSE grants’ or the ‘NQSE grant program’), on a competitive basis, to eligible entities for the purpose of supporting and facilitating local health care quality improvement efforts throughout the United States.

“(B) PURPOSES.—The purposes of the NQSE grant program are—

“(i) to assist qualified eligible entities in carrying out projects related to health care quality improvement activities among the provider community to help test and acclimate to new, innovative quality improvement activities;

“(ii) to facilitate communication among local health care quality groups regarding the best practices in the area of quality improvement and prevention in the clinical setting; and

“(iii) to enable, empower, support, and assist local health care quality improvement efforts, particularly those that facilitate collaboration between independent providers.

“(C) ELIGIBLE ENTITIES.—An entity desiring a grant under this paragraph shall—

“(i) be a public or private nonprofit entity engaged in health care quality improvement;

“(ii) submit to the Director a program design that describes the purpose of the plan for which the entity seeks a grant and the community leadership that will support the entity in carrying out such plan; and

“(iii) submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

“(4) IMPLEMENTATION ASSISTANCE.—The Health Information Technology regional extension centers under section 3012(c) shall operate as extension centers for the NQRC, for the purposes of implementation assistance.

“(5) TECHNICAL ASSISTANCE FOR HEALTH CARE PROVIDERS WORKING WITH VULNERABLE POPULATIONS.—In carrying out this subsection, the Director shall give particular attention to the technical assistance that health care providers who serve vulnerable populations need.

“SEC. 944. FUNDING.

“(a) TRUST FUNDS.—For purposes of funding the activities under this part, the Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t), including the Medicare Prescription Drug Account in such Trust Fund, in such proportion as determined appropriate by the Secretary, of \$150,000,000 for each of fiscal years 2010 through 2014.

“(b) AMERICAN RECOVERY AND REINVESTMENT FUNDS.—At the end of the recession adjustment period (as defined in section 5001(h)(3) of the American Recovery and Reinvestment Act (Public Law 111-5; 123 Stat. 496), the Secretary of the Treasury shall transfer any funds appropriated under such Act and not otherwise expended to the Agency for purposes of carrying out this part.

“(c) MEDICAID AND MEDICARE IMPROVEMENT FUNDS.—For purposes of funding the activities under this part for fiscal year 2014, the Secretary shall provide for the transfer of \$100,000,000 from the Medicaid Improvement Fund under section 1898 of the Social Security Act (42 U.S.C. 1395iii), and \$100,000,000 from the Medicare Improvement Fund under section 1941 of such Act (42 U.S.C. 1396w-1).”.

(c) TECHNICAL AMENDMENT.—Section 937(b) of the Public Health Service Act (42 U.S.C. 299c-6(b)) is amended by inserting “except for part E,” after “this title”.

(d) DEVELOPMENT OF QUALITY MEASURES FOR FEDERAL HEALTH PROGRAMS.—

(1) PERIOD OF CONTRACT.—Section 1890(a)(3) of the Social Security Act (42 U.S.C. 1395aaa(a)(3)) is amended—

(A) by striking “4 years” and inserting “4 years, in the case of the first contract en-

tered into under such paragraph, and 3 years in the case of each subsequent contract entered into under such paragraph”; and

(B) by inserting “for a period of 3 years” after “renewed”.

(2) PRIORITY SETTING PROCESS.—Section 1890(b)(1) of the Social Security Act (42 U.S.C. 1395aaa(b)(1)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking “an integrated national strategy and priorities for”; and

(ii) by inserting “in a manner consistent with the national priorities for health care quality improvement (as defined in section 4(c)(1))” after “settings”;

(B) in subparagraph (A)—

(i) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively; and

(ii) by inserting before clause (ii), as so redesignated, the following new clause:

“(i) that are consistent with such national priorities for health care quality improvement.”.

(3) ANNUAL REPORT TO CONGRESS.—Section 1890(b)(5) of the Social Security Act (42 U.S.C. 1395aaa(b)(5)) is amended—

(A) by redesignating clauses (i) through (iii) as clauses (ii) through (iv); and

(B) by inserting before clause (ii), as so redesignated, the following new clause:

“(i) the extent to which the priorities set and the quality improvement measures endorsed by the entity under paragraphs (1) and (2), respectively, are consistent with the national priorities for health care quality improvement (as so defined);”.

(4) FUNDING.—Section 1890(d) of the Social Security Act (42 U.S.C. 1395aaa(d)) is amended by inserting “and, for purposes of carrying out this section under a new or renewed contract, there are authorized to be appropriated such sums as are necessary, taking into consideration the results of the study contained in the 18 month report submitted to Congress under section 183(b)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), for each of fiscal years 2013 through 2015” before the period at the end.

SEC. 7. REPORTS TO CONGRESS.

(a) EVALUATION OF THE CONSUMER EDUCATION CAMPAIGN.—Not later than 18 months after the establishment of the quality resource center under section 943(c) of the Public Health Service Act (as added by section 6), the Comptroller General of the United States shall submit to Congress a report describing—

(1) the effectiveness of the quality resource center for health care providers under such section 943(c); and

(2) the effectiveness of the consumer education program under section 943(b) of such Act (as added by section 6).

(b) QUALITY DISSEMINATION STRATEGIES.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit a report to Congress that includes—

(1) a description of the efforts made to translate clinical information regarding health care quality improvement into reasonable clinical practice;

(2) the processes through which the Secretary disseminated the information described in paragraph (1); and

(3) recommendations for the most effective methods for translating and disseminating information concerning health care quality, and required statutory changes to implement the recommended methods.

(c) IOM REPORT TO CONGRESS REGARDING THE VALUE OF QUALITY MEASURE REPORTING.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Director of the Institute of Medicine requiring that, not later than 18 months after the date of enactment of this Act, the Director submit to Congress a report regarding the value of quality measure reporting in improving patient health outcomes.

(2) CONSIDERATIONS.—In preparing the report described in paragraph (1), the Director of the Institutes of Medicine shall consider—

(A) specific instances in the history of existing public health care programs within the Federal Government in which quality measure reporting has been shown, through peer-reviewed studies or literature, to result in improved patient health outcomes; and

(B) instances in which quality measure reporting has been shown to improve existing health disparities among vulnerable populations, including children, underserved populations, rural populations, individuals with disabilities, the elderly, and racial and ethnic minorities.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(d) GAO STUDY AND REPORTS.—Section 183(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275; 122 Stat. 2586) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by inserting after subparagraph (B) the following:

“(C) any negative effect on patients, particularly on patients in underserved or vulnerable populations; and

“(D) any negative effect on health care providers, particularly health care providers in rural and underserved areas.”.

SEC. 8. DATA COLLECTION.

(a) IN GENERAL.—Not later than January 1, 2011, and at least every 5 years thereafter, the Comptroller General of the United States (referred to in this section as the “Comptroller General”) shall conduct evaluations of the implementation of the data collection processes for quality measures used by the Federal health programs administered through the Department of Health and Human Services.

(b) CONSIDERATIONS.—In conducting the evaluations under subsection (a), the Comptroller General shall consider—

(1) whether the system for the collection of data for quality measures provides for validation of data in a manner that is relevant, fair, and scientifically credible;

(2) whether data collection efforts under the system—

(A) use the most efficient and cost-effective means in a manner that minimizes administrative burden on persons required to collect data;

(B) adequately protects the privacy the personal health information of patients; and

(C) provides data security;

(3) whether standards under the system provide for an opportunity for health care providers and institutional providers of services to review and correct any inaccuracies with regard to the findings; and

(4) the extent to which quality measures—

(A) assess outcomes and the functional status of patients;

(B) assess the continuity and coordination of care and care transitions, including episodes of care, for patients across providers and health care settings;

(C) assess patient experience and patient engagement;

(D) assess the safety, effectiveness, and timeliness of care;

(E) assess health disparities, including disparities associated with race, ethnicity, age, gender, place of residence, or language;

(F) assess the efficiency and use of resources in the provision of care;

(G) are designed to be collected as part of health information technologies supporting better delivery of health care services; and

(H) result in direct or indirect costs to users of such measures.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$1,000,000 for fiscal years 2010 through 2014.

By Mr. BINGAMAN:

S. 967. A bill to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce The Strategic Petroleum Reserve Modernization Act of 2009. This bill will ensure that the Strategic Petroleum Reserve will continue to fulfill the goal that its creators envisioned for it in 1975, which is to protect Americans from the economic consequences of oil supply disruptions.

This bill includes two key provisions. First, it creates a refined petroleum product component within the existing SPR. The Department of Energy is required to hold at least 30 million barrels of the total 1 billion barrel SPR inventory in refined petroleum products, such as gasoline and diesel fuel.

In the 1970s, the U.S. was vulnerable to supply disruptions in crude oil, as it was a significant and growing importer of crude oil. In 1973, major oil exporting nations embargoed oil exports to the United States in retaliation for U.S. support for Israel during that year's Arab-Israeli War. The embargo and resulting oil price spikes wreaked havoc on the U.S. economy. Preventing a recurrence of this kind of geopolitical oil supply disruption was the primary goal of the SPR. Because the country then held significant surplus refinery capacity, SPR managers decided to hold only crude oil in the SPR.

In 2009, our domestic oil market has changed. While we are more dependent on imported crude oil than ever before, we also import more refined petroleum products and have considerably less spare refinery capacity. When U.S. refinery operations are disrupted, we require imported products from other countries to fill the gap.

We have also learned in the last 34 years that weather-related events are the most frequent source of oil supply disruptions. In history, the SPR has been used in connection with only on geopolitical event, during the 1990–1991

Iraqi invasion of and removal from Kuwait, while it has been used several times in response to hurricanes or other weather events, such as dense fog halting tanker traffic in the Houston Ship Channel.

These more frequent weather events are usually as disruptive, if not more disruptive, to U.S. refinery operations as to crude oil production and imports. Hurricanes Gustav and Ike in September 2008 took much of the U.S. Gulf Coast infrastructure offline, and shortages of gasoline and diesel were experienced throughout the Southeast through October of that year. The SPR was of limited use in mitigating these shortages because the refineries affected by the storms were not able to process SPR crude oil into gasoline and diesel.

Including a small volume of refined petroleum products in the SPR, as required by The Strategic Petroleum Reserve Modernization Act of 2009, would provide a cushion to affected markets while damaged infrastructure were brought back online, or until imported gasoline and diesel could arrive to service the area.

The second key provision included in the Strategic Petroleum Reserve Modernization Act of 2009 authorizes the Secretary of Energy to release emergency oil from the SPR. Under current law, only the President of the United States can authorize an emergency sale of SPR oil. Experts believe that this requirement creates a disincentive to use SPR oil for the purposes for which it is intended, as the President does not want to alarm the public by announcing that the country is in an oil supply emergency.

Moving the SPR drawdown authority to the Secretary of Energy would allow SPR policy decisions to be made closer to the oil markets that the SPR serves. I believe that many of my colleagues share my disappointment that recent discussions about when and how to use the SPR have become so political that sound decisions, based on the reality of our country's oil market, have not been possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strategic Petroleum Reserve Modernization Act of 2009”.

SEC. 2. PETROLEUM PRODUCT RESERVE.

(a) **STRATEGIC PETROLEUM RESERVE.**—Section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)) is amended by striking “1 billion barrels of petroleum products” and inserting “1,000,000,000 barrels of petroleum products (including at least

30,000,000 barrels of refined petroleum products)”.

(b) **PLAN.**—Title I of the Energy Policy and Conservation Act is amended by inserting after section 154 (42 U.S.C. 6234) the following:

“SEC. 155. PLAN.

“Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the President and, if the President approves, to Congress, a plan to include refined petroleum products in the Strategic Petroleum Reserve, including a description of—

“(1) the disposition of refined petroleum products that shall be stored in the Reserve, which shall be selected—

“(A) to alleviate shortages that might be expected to result from hurricanes, earthquakes, or other acts of nature; and

“(B) to minimize the number of different kinds of refined petroleum products that shall be stored;

“(2) the method of acquisition of refined petroleum products for storage in the Reserve, which shall—

“(A) be intended to minimize both the cost and market disruption associated with the acquisition; and

“(B) include—

“(i) an analysis of the option of exchanging crude oil from the Reserve for refined petroleum products; and

“(ii) the anticipated time requirement for building the inventory of refined petroleum products;

“(3) storage facility options for the storage of refined petroleum products, including the anticipated location of existing or new facilities;

“(4) the estimated costs of establishment, maintenance, and operation of the refined petroleum product component of the Reserve;

“(5) efforts the Department will take to ensure that distributors and importers are not discouraged from maintaining and increasing supplies of refined petroleum products; and

“(6) actions that will be taken to ensure quality of refined petroleum products in the Reserve, including the rotation of products stored.”.

(c) **DRAWDOWN AND SALE.**—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended—

(1) by striking subsection (d) and inserting the following:

“(d) **LIMITATION ON DRAWDOWN AND SALE.**—

“(1) **IN GENERAL.**—The drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the Secretary determines that—

“(A) the drawdown and sale are required by—

“(i) a severe energy market supply interruption; or

“(ii) obligations of the United States under the international energy program; or

“(B) in the case of the refined petroleum product component of the Reserve, a sale of refined petroleum products will mitigate the impacts of weather-related events or other acts of nature that have resulted in a severe energy market disruption.

“(2) **SEVERE ENERGY MARKET DISRUPTION.**—For purpose of this subsection, a severe energy market supply disruption shall be considered to exist if the Secretary determines that—

“(A) an emergency situation exists and there is a disruption in global oil markets of significant scope and duration;

“(B) a severe increase in the price of petroleum products has resulted, or is likely to result, from the emergency situation; and

“(C) the price increase is likely to cause a major adverse impact on the national economy.”; and

(2) in subsections (h)(1) and (i), by striking “President” each place it appears and inserting “Secretary”.

By Mr. REID (for himself, Mr. PRYOR, Mrs. MURRAY, Mr. MENENDEZ, and Mr. BENNETT):

S. 968. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, in our global economy, a high school diploma has become the minimum qualification necessary for a good job. Yet only about a third of the students who enter 9th grade each fall will graduate 4 years later prepared for college or the workforce.

Another third will leave high school with a diploma, but without the skills and knowledge they need to succeed. Yet another third will not graduate from high school within four years, if at all.

This trend, across thousands of our Nation's schools, robs millions of young Americans—particularly poor and minority students—of their best chances to succeed.

Students in Nevada are hit particularly hard. Less than 70 percent of high school students in my home state graduate on time. For African American and Latino students, that number is closer to 50 percent. Nearly 20,000 students in Nevada who started school with the class of 2008 did not graduate with their peers.

Leaving these students behind hurts our economy in both the short- and long-run. These students will cost the State's economy an estimated \$5.1 billion in lost wages over the course of their lifetimes, and will earn an average of almost \$10,000 less each year compared to their classmates who finished high school.

Almost 90 percent of the fastest-growing and best-paying jobs require some postsecondary education. We can no longer afford to ignore our unacceptable graduation rates. We can no longer afford to look the other way while more and more students remain unprepared to compete in the global economy. It is not right for these students, and it is not right for our economy.

That is why Senators MURRAY and PRYOR and I are introducing the Secondary School Innovation Fund, a bill to improve the education our students get in America's secondary schools.

Our future competitiveness depends on our ability to transform our Nation's middle- and high-schools to meet the needs of the 21st century. This legislation aims to address some of these challenges.

Many of our high schools are too large and impersonal. They lack the rigor and high expectations that we must set for all of our students. Of course, many of the problems that lead students to lose interest or drop out of school begin at the middle-school level.

To meet the challenges of this economy and prepare our young people for life after high school, we must give our middle and high schools the opportunity to try new ideas and approaches that will improve students' performance and their graduation rates.

We must take proven ideas and put them in the schools that need them the most like extending the school day or year; dividing large urban schools into smaller, more personal learning academies; expanding summer learning opportunities for middle-school students; or partnering schools with colleges and universities to allow high school students to take and receive credit for college-level courses.

The good news is that schools throughout my home state of Nevada, and across the country, have already started implementing these sorts of innovative strategies:

The Clark County Schools District in southern Nevada—the Nation's 5th largest and one of the fastest growing—has opened some of the most cutting-edge career and technical academies in the country. With programs in engineering and design, medical occupations, and media communications, a visitor to one of these new academies might think they were on a university campus.

In northern Nevada, the Washoe County School District has teamed up with one of the local community colleges. The Truckee Meadows Community College High School now allows students to take a combination of college and high school courses, and they get credit on both levels. Not only do these students complete more challenging, college-level coursework, but they are laying the groundwork for success after high school.

Encouraging our secondary schools to meet new, demanding and competitive requirements requires replicating these types of school models. But they need adequate Federal support to do so. The Secondary School Innovation Fund gives them just that.

President Obama and Secretary Duncan know this as well. The budget we passed last week proposes a similar fund that would promote innovation and excellence in America's schools. And the economic recovery plan that we passed earlier this year includes unprecedented funding for improving and reforming our education systems. It

also creates a \$5 billion “Race to the Top Fund” that rewards states and districts for innovation.

This bill would give states, districts, schools, institutes of higher education, businesses and community-based organizations \$500 million in competitive grants in each of the next 6 years to reform in our Nation's secondary schools. By supporting a variety of strategies for innovation and creating evidence-based, systemic and replicable models of reform, we will improve student achievement and prepare them to succeed in school and then in the workforce.

We also know that every dollar we spend belongs to the American people. That is why we will only help programs that can demonstrate that their students are improving.

Democrats are committed to expanding educational opportunities for all Americans and preparing them to succeed in the global economy. We must give them the best chance to achieve their full potential, and this bill will help make that possible. I hope my colleagues will join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Secondary School Innovation Fund Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since almost 90 percent of the fastest growing and best paying jobs now require some postsecondary education, a secondary school diploma and the skills to succeed in postsecondary education and the modern workplace are essential.

(2) Only 1/3 of all high school students in the United States graduate in 4 years prepared for a 4-year institution of higher education. Another 1/3 graduate, but without the skills and qualifications necessary for success in postsecondary education or the workplace, and the rest will not graduate from high school in 4 years, if at all.

(3) Dropouts from the class of 2008 will cost the United States more than \$319,000,000,000 in reduced earnings.

(4) The Nation's failure to meet the increasing demand for skilled workers means that American companies cannot fill a large number of jobs. 81 percent of American manufacturing companies report experiencing a moderate to severe shortage of qualified workers.

(5) The education system of the United States should support critical thinking, creativity, and innovative approaches to problem-solving—all skills that cannot easily be outsourced. The Program for International Student Assessment is an international assessment that measures these high-demand skills. Unfortunately, when the results on this assessment of students from the United States are compared to those of students

from 27 other countries, many of which are economic competitors of the United States, the United States students rank 24th in problem-solving, 21st in scientific literacy, and 25th in mathematical literacy.

(6) As the bar for success continues to be raised, the responsibility to engender these attributes with progressive programs and original models lies squarely with the education system. It is imperative that the United States develop and implement new, innovative approaches to fully prepare every student for the 21st century.

(7) Realigning the education system to meet new, demanding requirements and face intensifying competition requires effective, systemic reform. Identifying effective, replicable models that achieve this goal is a critical step towards enhancing the prospects of all students entering the modern workforce.

SEC. 3. SECONDARY SCHOOL INNOVATION FUND.

(a) SECONDARY SCHOOL INNOVATION FUND.—Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

- (1) by redesignating part I as part J; and
- (2) by inserting after section 1830 the following:

“PART I—SECONDARY SCHOOL INNOVATION FUND

“SEC. 1851. PURPOSES.

“The purposes of this part are—

“(1) to improve the achievement of at-risk secondary school students and prepare such students for postsecondary education and the workforce;

“(2) to create evidence-based, replicable models of innovation in secondary schools at the State and local level; and

“(3) to support partnerships to create and inform innovation at the State and local level to improve learning outcomes and transitions for secondary school students.

“SEC. 1852. DEFINITIONS.

“In this part:

“(1) ELIGIBLE PARTNERSHIP.—The term ‘eligible partnership’ means a partnership that includes—

- “(A) not less than 1—
 - “(i) State educational agency; or
 - “(ii) local educational agency that is eligible for assistance under part A; and
- “(B) not less than 1—
 - “(i) institution of higher education;
 - “(ii) nonprofit organization;
 - “(iii) community-based organization;
 - “(iv) business; or
 - “(v) school development organization or intermediary.

“(2) ELIGIBLE SCHOOL.—The term ‘eligible school’ means a public secondary school served by a local educational agency that is eligible for assistance under part A.

“(3) HIGH SCHOOL.—The term ‘high school’ means a public school, including a public charter high school, that provides secondary education, as determined under State law, in 1 or more of grades 9 through 12.

“(4) MIDDLE SCHOOL.—The term ‘middle school’ means a public school, including a public charter middle school, that provides middle or secondary education, as determined under State law, in 1 or more of grades 5 through 8.

“SEC. 1853. SECONDARY SCHOOL INNOVATION FUND.

“(a) PROGRAM AUTHORIZED.—

“(1) GRANTS TO ELIGIBLE PARTNERSHIPS.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of imple-

menting innovative strategies described in subsection (f) to improve the achievement of at-risk students in secondary schools.

“(2) SUBGRANTS TO ELIGIBLE SCHOOLS.—An eligible partnership that receives a grant under this part may use the grant funds to award a subgrant to an eligible school to enable the eligible school to implement innovative strategies described in subsection (f) to improve the achievement of at-risk students at the eligible school.

“(3) DURATION OF GRANT PERIOD.—A grant awarded under paragraph (1) shall be for not longer than a 5-year period.

“(b) RESERVATION OF FUNDS.—The Secretary shall reserve 5 percent of the amounts appropriated under this part for a fiscal year for the evaluation described in subsection (h).

“(c) APPLICATION.—

“(1) IN GENERAL.—An eligible partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) CONTENTS.—The application described in paragraph (1) shall include—

“(A) a description of the eligible partnership, the partners forming the eligible partnership, and the roles and responsibilities of each partner, and a demonstration of each partner’s capacity to support the outlined roles and responsibilities;

“(B) a description of how funds will be used to improve the achievement of at-risk students in secondary schools;

“(C) a description of how the activities funded by the grant will be innovative, systemic, evidence-based, and replicable;

“(D) a description of each subgrant the eligible partnership will award to an eligible school, including a description of the eligible school;

“(E) a description of how the eligible partnership will measure and report improvement using the data collected under subsection (g) and additional indicators of improvement proposed by the partnership, such as—

- “(i) student attendance or participation;
- “(ii) credit accumulation rates;
- “(iii) core course completion rates;
- “(iv) college enrollment and persistence rates; or
- “(v) number or percentage of students taking—

“(I) Advanced Placement (AP), International Baccalaureate (IB), or other postsecondary education courses;

“(II) rigorous postsecondary education preparatory courses; or

“(III) registered apprenticeship and workforce training programs; and

“(F) a description of the planning phase of not more than 90 days that the eligible partnership will undertake for the grant, including—

- “(i) the activities and goals of the planning phase; and
- “(ii) how each partner in the eligible partnership will participate in the planning phase.

“(d) APPLICATION REVIEW AND AWARD BASIS.—

“(1) GRANT REVIEW AND APPROVAL.—The Secretary shall—

“(A) establish a peer review process to assist in the review of the grant applications and approval of the grants under this section; and

“(B) appoint to the peer review process—

- “(i) individuals who are educators and experts in—
- “(I) secondary school reform;

“(II) accountability;

“(III) secondary school improvement;

“(IV) innovative education models;

“(V) postsecondary education preparation and access; and

“(VI) workforce preparation;

“(ii) not less than 1 parent or community representative; and

“(C) ensure that each grant award is of sufficient size and scope to carry out the activities proposed in the grant application, including the evaluation required under subsection (g)(3).

“(2) AWARD BASIS.—In awarding grants under this part, the Secretary shall ensure, to the extent practicable—

“(A) diversity in the type of activities funded under the grants, including statewide and local initiatives;

“(B) an equitable geographic distribution of the grants, including urban and rural areas and small and large school districts; and

“(C) that the grants support activities—

“(i) that target different grade levels of students at the secondary school level;

“(ii) in a variety of types of secondary schools, including middle schools and high schools; and

“(iii) in secondary schools of varying sizes, including small and large schools.

“(e) FEDERAL SHARE, NON-FEDERAL SHARE.—

“(1) FEDERAL SHARE.—The Federal share of a grant under this part shall be not more than 75 percent of the costs of the activities assisted under the grant.

“(2) NON-FEDERAL SHARE.—The non-Federal share shall be not less than 25 percent of the costs of the activities assisted under the grant, of which not more than 10 percent of the costs of the activities assisted under the grant may be provided in-kind, fairly evaluated.

“(f) USE OF FUNDS.—An eligible partnership receiving a grant under this part, or an eligible school receiving a subgrant under this part, shall use grant or subgrant funds, respectively, to carry out 1 or more of the following effective models or innovative programs:

“(1) EFFECTIVE SCHOOL MODELS.—

“(A) MULTIPLE EDUCATION PATHWAYS.—A model creating a range of academically rigorous multiple education pathways, based on the analysis of student data, that lead to a secondary school diploma, that are consistent with readiness for postsecondary education and the workforce, and that offer students a range of educational options designed to meet the students’ needs and interests, including through the creation of new schools. Such pathways may include—

“(i) an effective dropout prevention and recovery model that—

“(I) prepares students for postsecondary education and career readiness;

“(II) uses re-engagement and recuperative strategies based in youth development;

“(III) uses innovative strategies for credit recovery and acceleration, such as flexible hours or online access to curricula, courses, assessments, resources, and supports;

“(IV) provides competency-based instruction and performance-based assessment to improve educational outcomes for various populations of overaged or undercredited students or students who have previously dropped out of secondary school, such as—

“(aa) students not making sufficient progress to graduate with a regular secondary school diploma in the standard number of years;

“(bb) students who need to work to support themselves or their families;

“(cc) pregnant and parenting teens; and
 “(dd) students returning from the juvenile justice system; and

“(V) combines rigorous academic education with career training for students that are not making sufficient progress to graduate from secondary school in the standard number of years;

“(ii) a career and technical education program;

“(iii) a career academy or other model that delivers high quality, college preparatory curriculum in the context of a rigorous technical core; and

“(iv) creating a more personalized and engaging learning environment for secondary school students, such as—

“(I) establishing smaller learning communities;

“(II) creating student advisories and developing peer engagement strategies;

“(III) creating mechanisms for increased educator collaboration around individual student needs;

“(IV) involving students and parents in the development of individualized student plans for secondary school success and graduation and transition to postsecondary education; and

“(V) creating mechanisms for increased student participation in school improvement efforts and in decisions affecting the students’ own learning, including students leading guidance activities, mentoring, or tutoring efforts.

“(B) EARLY COLLEGE AND DUAL ENROLLMENT SCHOOLS.—An early college high school or other dual enrollment learning opportunity that provides a course of study that enables a student to earn a secondary school diploma and either an associate degree or not more than 2 years of transferable postsecondary education credit toward a postsecondary degree or credential.

“(C) SECONDARY SCHOOLS USING EARLY WARNING SYSTEMS.—A secondary school that enables at-risk students to graduate from secondary school ready to succeed in postsecondary education and the workforce, through use of an early warning indicator and intervention system that combines—

“(i) research-based whole school reform focused on improving attendance, behavior, and course performance;

“(ii) targeted interventions provided by trained teams of adults working full-time in the school, which may include—

“(I) participants or volunteers under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) or the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.);

“(II) student and family advocates; and

“(III) college and career access and success counselors;

“(iii) integrated student services and case-managed interventions for students requiring intensive supports; and

“(iv) an on-track indicator system to identify students in need of additional support and to monitor the effectiveness of the interventions described in clause (ii).

“(2) INNOVATIVE PROGRAMS.—

“(A) EXPANDED LEARNING-TIME OPPORTUNITIES.—The creation of an expanded learning-time opportunity, which may include—

“(i) establishing a mandatory expanded day, for all students transitioning into the first year of high school, for academic catch-up and enrichment;

“(ii) providing arts, service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511), or youth development opportunities with

community-based cultural and civic organizations;

“(iii) providing higher education and work-based exposure, experience, and credit-bearing learning opportunities in partnership with postsecondary education institutions and the workforce;

“(iv) providing technology-enabled collaboration and access for students to receive assistance from content experts, instructors, and peers and to utilize resources for remediation and enrichment; or

“(v) providing quality summer experiences, which may include youth development.

“(B) SUCCESSFUL TRANSITIONS TO HIGH SCHOOL.—A program improving student transitions from middle school to high school and ensuring successful entry into high school, which may include—

“(i) establishing summer transition programs for students transitioning from middle school to high school to ensure the students’ connection to the students’ new high school and to orient the students to the study skills and social skills necessary for success in the high school;

“(ii) providing for the sharing of data between high schools and feeder middle schools;

“(iii) establishing early warning indicator and intervention programs in high school for students transitioning into the students’ first year of high school so that such students do not become truant or fall too far behind in academics;

“(iv) increasing the level of student supports, including academic and nonacademic supports that meet the comprehensive needs of struggling students;

“(v) aligning academic standards, curricula, and assessments between middle and high schools; and

“(vi) providing electronic access to detailed information on student performance and all content and skill areas to students transitioning into high school and their parents.

“(C) SUCCESSFUL TRANSITIONS TO POSTSECONDARY EDUCATION AND THE WORKFORCE.—Improvements to assist student transition from secondary school to postsecondary education and the workforce, which may include—

“(i) providing for the sharing of data between secondary schools and institutions of higher education, including data on remediation and completion rates;

“(ii) enabling dual enrollment and postsecondary credit-bearing learning opportunities;

“(iii) creating new opportunities to better utilize grades 11 and 12 and creating better connections to postsecondary education, which may include internships, externships, job shadowing, and technology-enabled collaboration;

“(iv) providing enhanced planning and counseling for postsecondary education, including financial aid counseling; and

“(v) aligning the academic standards of secondary school with the academic standards of postsecondary education and the requirements and expectations of the workforce, including partnering with local industry to align technical curricula to workforce needs.

“(D) INCREASED SCHOOL AUTONOMY AND FLEXIBILITY.—A program of providing secondary schools with increased autonomy and flexibility, which may include—

“(i) establishing a process whereby existing schools can apply for flexibility in such areas as scheduling, curricula, budgeting, and governance; and

“(ii) starting new small public secondary schools that are guaranteed such autonomy.

“(E) RURAL OPPORTUNITIES.—A program to improve learning opportunities for secondary school students in rural schools, including through the use of distance-learning opportunities and other technology-based tools.

“(F) MIDDLE GRADE IMPROVEMENTS.—A program to improve learning opportunities for students in the middle grades—

“(i) to prevent student disengagement and improve achievement; and

“(ii) to better respond to early warning signs that students are at risk of dropping out of school, such as poor attendance, poor behavior, or course failure, through the use of an early warning indicator system and interventions.

“(G) IMPROVING TEACHING AND ACADEMICS.—A program of improving teaching and increasing academic rigor at the secondary school level, which may include—

“(i) improving the alignment of academic standards with the requirements and expectations of postsecondary education and the workforce;

“(ii) improving the teaching and assessment of 21st century skills, including through the development of formative assessment models;

“(iii) providing high-quality professional development on data literacy, including on use of data to inform classroom instruction;

“(iv) addressing the learning needs of various student populations, including students who are limited English proficient, late entrant English language learners, and students with disabilities; and

“(v) developing value-added measures for use in determining teacher ability and effectiveness, including for use in recruitment and hiring decisions.

“(H) IMPROVED COMMUNITY AND PARENTAL INVOLVEMENT.—A program improving community and parental involvement, which may include—

“(i) increasing community involvement, including leveraging community-based services and opportunities to provide every student with the academic and comprehensive nonacademic supports necessary for academic success; and

“(ii) increasing parental involvement, including providing parents with the tools to navigate, support, and influence their child’s academic career and choices through secondary school graduation and into postsecondary education and the workforce, including through electronic access to student data.

“(g) DATA COLLECTION AND EVALUATION.—

“(1) COLLECTION OF DATA.—Each eligible partnership receiving a grant under this part shall collect and report annually to the Secretary such information on the results of the activities assisted under the grant as the Secretary may reasonably require, including information on—

“(A) the number and percentage of students who—

“(i) are served by the eligible partnership;

“(ii) are assisted under this part; and

“(iii) graduate from secondary school with a regular secondary school diploma in the standard number of years;

“(B) the number and percentage of students, at each grade level, who are—

“(i) served by the eligible partnership;

“(ii) assisted under this part; and

“(iii) on track to graduate from secondary school with a regular secondary school diploma in the standard number of years;

“(C) the number and percentage of students, at each grade level, who—

“(i) are served by the eligible partnership;

“(ii) are assisted under this part; and
 “(iii) meet or exceed State challenging student academic achievement standards in mathematics, reading or language arts, or science, as measured by the State academic assessments under section 1111(b)(3);

“(D) information consistent with the additional indicators of improvement proposed by the eligible partnership in the grant application; and

“(E) other information the Secretary may require as necessary for the evaluation described in subsection (h).

“(2) REPORTING OF DATA.—Each eligible partnership receiving a grant under this part shall disaggregate the information required under paragraph (1) in the same manner as information is disaggregated under section 1111(h)(1)(C)(i).

“(3) EVALUATION.—

“(A) IN GENERAL.—Each eligible partnership receiving a grant under this part shall, immediately after the receipt of grant funds, enter into a contract with an outside evaluator to enable the evaluator to conduct—

“(i) an evaluation of the effects of the grant after the third year of implementation of the grant; and

“(ii) an evaluation of the effects of the grant after the final year of the grant period.

“(B) DISTRIBUTION.—Upon completion of an evaluation described in subparagraph (A), the eligible partnership shall submit a copy of the evaluation to the Secretary in a timely manner.

“(h) EVALUATION; BEST PRACTICES.—

“(1) IN GENERAL.—From amounts reserved under subsection (b), the Secretary shall—

“(A) enter into a contract with an outside evaluator to enable the evaluator to conduct—

“(i) a comprehensive evaluation after the third year of implementation on the effectiveness of all grants awarded under this part;

“(ii) a final evaluation following the final year of the grant period—

“(I) with a focus on the improvement in student achievement and the indicators described in subsection (g)(1) as a result of innovative strategies; and

“(II) to the extent practicable, that compares the relative effectiveness of different types of programs and compares the relative effectiveness of variations in implementation within types of programs; and

“(B) disseminate, and provide technical assistance regarding, best practices in improving the achievement of secondary school students.

“(2) PEER REVIEW.—

“(A) IN GENERAL.—An evaluator receiving a contract under this subsection shall—

“(i) establish a peer-review process to assist in the review and approval of the evaluations conducted under this subsection; and

“(ii) appoint individuals to the peer-review process who are educators and experts in—

“(I) research and evaluation; and

“(II) the areas of expertise described in subclauses (I) through (VI) of subsection (d)(1)(B)(i).

“(B) RESTRICTIONS ON USE.—The Secretary shall not distribute or use the results of any evaluation described in paragraph (1)(A) until the results are peer-reviewed in accordance with subparagraph (A).

“(i) CONTINUATION OF FUNDING.—An eligible partnership that receives a grant under this part shall only be eligible to receive a grant payment for a fourth or fifth year of the grant if the Secretary determines, on the basis of the evaluation of the grant under subsection (h)(1)(A)(i), that the performance

of the eligible partnership under the grant has been satisfactory.

“(j) RULE OF CONSTRUCTION REGARDING DISCRIMINATION.—Nothing in this section shall be construed to permit discrimination on the basis of race, color, religion, sex, national origin, or disability in any program or activity funded under this part.

“SEC. 1854. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this part \$500,000,000 for fiscal year 2010 and for each of the succeeding 5 years.”.

(b) CONFORMING AMENDMENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended—

(1) by striking the item relating to Part I and inserting the following:

“PART J—GENERAL PROVISIONS”; AND

(2) by inserting after the item relating to section 1830 the following:

“PART I—SECONDARY SCHOOL INNOVATION FUND

“Sec. 1851. Purposes.

“Sec. 1852. Definitions.

“Sec. 1853. Secondary school innovation fund.

“Sec. 1854. Authorization of appropriations.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 126—COMMEMORATING THE 150TH ANNIVERSARY OF THE ARRIVAL OF THE SISTERS OF THE SACRED HEARTS IN HAWAII

Mr. INOUE (for himself, Mr. AKAKA, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 126

Whereas the Sisters of the Sacred Hearts, also known as the Sisters of the Congregation of the Sacred Hearts of Jesus and Mary, in 2009 are celebrating the 150th anniversary of their arrival in Hawaii on May 4, 1859, to provide Catholic education to the children of Hawaii;

Whereas, during the past 150 years, through the devotion and dedication of the Sisters of the Sacred Hearts, thousands of youth in Hawaii, California, Massachusetts, and New Jersey have received the benefit of a well-rounded education based on Christian principles and moral living at the following educational institutions: Sacred Hearts Convent at Fort Street, Honolulu; Sacred Hearts Academy, Kaimuki, Honolulu; St. Anthony Home, Kalihi, Honolulu; Sacred Hearts Convent, Nuuanu, Honolulu; St. Theresa School, Honolulu; Our Lady of Peace School, Honolulu; Immaculate Conception School, Lihue, Kauai; St. Patrick School, Kaimuki, Honolulu; Maria Regina School, Gardena, California; Bishop Amat High School, West Covina, California; Sacred Hearts Academy, Fairhaven, Massachusetts; St. Joseph School, Fairhaven, Massachusetts; Sacred Hearts School, Fairhaven, Massachusetts; and St. Andrew School, Avenel, New Jersey;

Whereas, during the past 101 years, the Sisters of the Sacred Hearts have served communities in Fairhaven, Fall River, and Mt. Rainier, Massachusetts, and in Avenel, New Jersey, and continue to serve communities in Fairhaven, Massachusetts;

Whereas, during the past 50 years, the Sisters of the Sacred Hearts have served com-

munities in Gardena, West Covina, and San Bernardino, California, and in Artesia, New Mexico, and continue to serve communities in Artesia, New Mexico; and

Whereas the people of the United States wish to convey their sincerest appreciation to the Sisters of the Sacred Hearts for their service and devotion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawaii; and

(2) honors and praises the Sisters of the Sacred Hearts Pacific Province for their good works in the education of the youth of the United States and in service to the people of Hawaii, California, Massachusetts, New Jersey, and New Mexico, and for the Sisters' pursuit of educational, social, and economic equality of all persons.

SENATE RESOLUTION 127—RECOGNIZING THE MEMBERS OF THE UNITED STATES ARMY AND THE PHYSICIANS OF MAINE MEDICAL CENTER FOR THE OPEN-HEART SURGERY THEY PERFORMED ON A 6-YEAR-OLD IRAQI GIRL

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 127

Whereas 6-year-old Tiba and her mother, Sareea traveled from the countryside of Iraq to Maine so that Tiba could receive open-heart surgery;

Whereas the bravery of a young child and the phenomenal service of the courageous soldiers in the United States Army are inspiring and place a human face and a human heart at the center of one of the most war-torn areas in the world;

Whereas Kim Block of WGME channel 13 in Portland, Maine professionally produced and broadcast a heartwarming story on this case;

Whereas all of Maine feels a boundless sense of pride for the tremendous commitment and contribution of Dr. Reed Quinn who led the team of physicians at Maine Medical Center in the 8-hour open-heart surgery procedure that saved Tiba's life; and

Whereas such surgery was made possible by the compassion of the Maine Foundation for Cardiac Surgery, and was a mission fulfilled by a team of genuine heroes: Now, therefore, be it

Resolved, That the Senate recognizes the soldiers, doctors, nurses, and hospital staff at Maine Medical Center for their compassionate service, and Tiba and Sareea for their remarkable courage.

Ms. SNOWE. Mr. President, today I introduced a Senate Resolution recognizing the United States Army and the physicians of Maine Medical Center for saving the life of a 6-year-old Iraqi girl.

My Maine constituents and I are bursting with pride over the tremendous commitment and contribution of Dr. Reed Quinn and the team of health professionals at Maine Medical Center who recently conducted an eight-hour open heart surgery procedure which saved young Tiba's life. The procedure was made possible by the compassion of the Maine Foundation for Cardiac Surgery, and the mission was fulfilled by a team of genuine American heroes, led by the U.S. Army.

I am particularly touched by the bravery of a young child and the outstanding service of our courageous soldiers in the U.S. Army. I will always remember this story because it places a human face at the center of a war-torn area.

After viewing the moving news series reported by Kim Block of WGME Channel 13 in Portland on "Operation Good Heart," I thought it was fitting to recognize the story of 6-year-old Tiba and her mother, Sareea, and their journey from their village in Iraq to Maine. Tiba suffered a dangerous heart condition and was transported by the U.S. Army from Iraq to Maine for life-saving open-heart surgery performed by the talented physicians of Maine Medical Center.

I hope my colleagues will join me in commending the dedicated soldiers of the U.S. Army, the superlative professionals of Maine Medical Center, the generous folks at the Maine Foundation for Cardiac Surgery, the good people of Channel 13, and—above all—the brave mother and daughter who traveled across the globe. This is a heartwarming story about wonderful people who make America great, and I urge adoption of the Resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Monday, May 4, 2009, at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 150TH ANNIVERSARY OF THE ARRIVAL OF THE SISTERS OF THE SACRED HEARTS IN HAWAII

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 126, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 126) commemorating the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawaii.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUE. Mr. President, today, I rise in support of a Senate resolution commemorating the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawaii. I am pleased to have Senators Daniel Akaka and John Kerry as original cosponsors of the resolution.

The first Catholic missionaries to the Hawaiian Islands were members of the

Congregation of the Sacred Hearts of Jesus and Mary and of Perpetual Adoration of the Most Blessed Sacrament of the Altar.

The Congregation was founded by Pierre Coudrin and Henriette Aymer de la Chevalerie in Poitiers, France, on Christmas Eve 1800.

In 1825, the Congregation responded to a request of Pope Leo XII for missionaries to the Pacific Rim, then known as Oceania.

The Sacred Hearts Priests and Brothers arrived in Hawaii in 1827; the Sisters, in 1859.

Today, through the missionary zeal of its members, of which a noteworthy exemplar in Hawaii is Blessed Damien de Veuster, the Brothers and Sisters of the Congregation of the Sacred Hearts of Jesus and Mary are present in 40 countries and on all continents.

The Sisters of the Sacred Hearts Pacific Province is the administrative center of communities of Sisters currently serving in Hawaii, New Mexico, and Massachusetts. In observance of the 150th anniversary of the Sisters' arrival to Hawaii, I urge my colleagues to support this resolution recognizing the Sisters' dedication through these years to the education of the children of Hawaii, Massachusetts, California, and New Mexico.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas the Sisters of the Sacred Hearts, also known as the Sisters of the Congregation of the Sacred Hearts of Jesus and Mary, in 2009 are celebrating the 150 anniversary of their arrival in Hawaii on May 4, 1859, to provide Catholic education to the children of Hawaii;

Whereas, during the past 150 years, through the devotion and dedication of the Sisters of the Sacred Hearts, thousands of youth in Hawaii, California, Massachusetts, and New Jersey have received the benefit of a well-rounded education based on Christian principles and moral living at the following educational institutions: Sacred Hearts Convent at Fort Street, Honolulu; Sacred Hearts Academy, Kaimuki, Honolulu; St. Anthony Home, Kalihi, Honolulu; Sacred Hearts Convent, Nuuanu, Honolulu; St. Theresa School, Honolulu; Our Lady of Peace School, Honolulu; Immaculate Conception School, Lihue, Kauai; St. Patrick School, Kaimuki, Honolulu; Maria Regina School, Gardena, California; Bishop Amat High School, West Covina, California; Sacred Hearts Academy, Fairhaven, Massachusetts; St. Joseph School, Fairhaven, Massachusetts; Sacred Hearts School, Fairhaven, Massachusetts; and St. Andrew School, Avenel, New Jersey;

Whereas, during the past 101 years, the Sisters of the Sacred Hearts have served communities in Fairhaven, Fall River, and Mt. Rainier, Massachusetts, and in Avenel, New Jersey, and continue to serve communities in Fairhaven, Massachusetts;

Whereas, during the past 50 years, the Sisters of the Sacred Hearts have served communities in Gardena, West Covina, and San Bernardino, California, and in Artesia, New Mexico, and continue to serve communities in Artesia, New Mexico; and

Whereas the people of the United States wish to convey their sincerest appreciation to the Sisters of the Sacred Hearts for their service and devotion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawaii; and

(2) honors and praises the Sisters of the Sacred Hearts Pacific Province for their good works in the education of the youth of the United States and in service to the people of Hawaii, California, Massachusetts, New Jersey, and New Mexico, and for the Sisters' pursuit of educational, social, and economic equality of all persons.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to P.L. 110-229, the appointment of the following to be a nonvoting member of the Commission to Study the Potential Creation of a National Museum of the American Latino: Sandy Colon Peltyn of Nevada.

ORDERS FOR TUESDAY, MAY 5, 2009

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of S. 896, the Helping Families Save Their Homes Act of 2009; further, I ask unanimous consent that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCHUMER. Mr. President, Senators should expect rollcall votes in relation to amendments prior to the caucus recess.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

May 4, 2009

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There being no objection, the Senate, at 6:37 p.m., adjourned until Tuesday, May 5, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MERCEDES MARQUEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SUSAN D. PEPPLER, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHY J. GREENLEE, OF KANSAS, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND

HUMAN SERVICES, VICE JOSEFINA CARBONELL, RESIGNED.

GENERAL SERVICES ADMINISTRATION

MARTHA N. JOHNSON, OF MARYLAND, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE LURITA ALEXIS DOAN, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

PHILIP MUDD, OF VIRGINIA, TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY, (NEW POSITION)

FEDERAL ELECTION COMMISSION

JOHN J. SULLIVAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2013, VICE ELLEN L. WEINTRAUB, TERM EXPIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A

POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH F. DUNFORD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WALTER E. GASKIN, SR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD C. ZILMER

HOUSE OF REPRESENTATIVES—Monday, May 4, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 4, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

GUANTANAMO BAY'S UYGHUR DETAINEES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Madam Speaker, it is my understanding that President Obama's decision regarding the release into the U.S. of a number of Uyghur detainees held at Guantanamo Bay since 2002 could be imminent.

The New York Times, ABC News and other news outlets have reported that the President will soon release these terrorists into the United States, yet this Congress has not been briefed on this decision.

Let me be clear, these terrorists would not be held in prisons, but they would be released into your neighborhoods. They should not be released into the United States. Do Members realize who these people are?

There have been published reports that the Uyghurs were members of the Eastern Turkistan Islamic Movement, a designated terrorist organization affiliated with al Qaeda.

Releasing the Uyghurs is a matter of grave concern, a matter which prompted me to send a letter to the President last Friday detailing my reservations

about any course of action that could pose a threat to the American people.

In my letter I called on the President to declassify all information about the capture and detention of the Uyghur detainees, including a threat assessment for each detainee who would be released in the U.S.

The American people, Madam Speaker, deserve the facts about these detainees and the risk they potentially pose to our communities.

Following the precedent that the administration set in declassifying the Office of Legal Counsel interrogation memos, they have a moral obligation to the American people to declassify all relevant information related to the Uyghur detainees.

This administration has already shown that it has no qualms about releasing selected classified documents. The White House cannot just pick and choose what classified information it deems worthy of releasing. It cannot have it both ways. It shouldn't release information that conveniently makes their case without making information with profound national security implications available to the American people.

After learning that this decision was imminent, I requested briefings from a number of relevant agencies, but all the agencies have told me that our Department of Justice is now preventing them from speaking to me directly on this issue. So much for being open. So much for disclosure.

Is the Attorney General preventing agencies from answering Members' questions? Is this a political decision being made by Eric Holder, the Attorney General?

This is not the transparency and accountability the President promised, nor is it the open and constructive relationship they claim they want with Congress. This is, at best, a poor judgment and, at worst, a dangerous hypocrisy.

Is the administration intent on keeping Congress and the American people in the dark about critically important national security issues?

Madam Speaker, I have criticized both Republican and Democratic administrations for actions that I believe undermine the safety and the security of the American people.

I have not received responses to two letters to Attorney General Holder on the transfer of Guantanamo Bay prisoners. The first letter was dated March 13. The second letter was dated April 23. And I will submit them for the

RECORD. They still have not answered the letters. My office has been told by the White House that some of the questions I have asked cannot even be answered.

When Attorney General Holder appeared before the Commerce-Justice-Science appropriations subcommittee, he poignantly said he would not play hide and seek with the information. What are they now trying to hide from the American people?

The Attorney General is slow-rolling the information as terrorist detainees are potentially going to be released into the United States.

According to an L.A. Times article published last week, "The Homeland Security Department has registered concerns about the plan," among other government agencies.

Information I have received indicates that the Uyghurs may be more dangerous than the public has been led to believe.

Just last night, 60 Minutes had a disturbing segment which touched on the radicalization of the Guantanamo Bay detainees. The story indicated that in Saudi Arabia alone, of 117 men returned from Guantanamo, 11 have shown up again on Saudi Arabia's most wanted terrorist list.

Any intelligence assessment of the Uyghurs must take into account not only their previous training at terrorist camps but their potential subsequent exposure to the likes of Khalid Sheikh Mohammed, the mastermind of 9/11 who took pleasure in the beheading of Wall Street Journal reporter Daniel Pearl.

I say to this administration, the American people have a right to know all the facts, and I fear personally that expediency is clouding their judgment, which is inexcusable after we saw what took place on 9/11.

The stakes are simply too high for this administration to reasonably think that the American people should simply take their word that these men pose no security threats. I call on the Obama administration to declassify and release all the information that they have available so the American people can make a judgment.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 1, 2009.

Hon. BARACK H. OBAMA,
President, the White House,
Washington, DC.

DEAR MR. PRESIDENT: It is my understanding that your decision regarding whether to release a number of Chinese Uyghur detainees held at Guantanamo Bay into the United States is imminent. I have grave concerns about this action, which I believe could

directly threaten the security of the American people.

Information I have received indicates that the Uyghurs may be more dangerous than the public has been led to believe. I write today asking that you declassify all intelligence regarding their capture, detention, and your administration's assessment of the threat they may pose to Americans, prior to any decision to release them. The American people deserve to have all the facts about these individuals before they should be expected to tolerate their presence in our communities.

I believe your administration also has an obligation to explain to the American people how you will monitor the Uyghurs' activities should they be released in the U.S. Additionally, all state and local law enforcement should immediately be notified of your intended decision, provided a threat assessment of the released Uyghurs, and informed of the federal government's plans to monitor their activities once released.

Following the precedent you have set in declassifying the Office of Legal Counsel interrogation memos, you have a moral obligation to declassify this critical information. The American people cannot afford to simply take your word that these detainees, who were captured training in terrorist camps, are not a threat if released into our communities.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 2009.

Hon. ERIC H. HOLDER, JR.,
Attorney General, Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: My letter of March 13 indicated my concerns about bringing enemy combatants from the detention facility at Naval Station Guantanamo Bay, Cuba, to the United States. I understand that the president has given you the task of determining the release, transfer or prosecution of these detainees. I noted your recent comments on how this is the most challenging aspect of your job as attorney general and I respect the difficulty of your position.

But as I have learned more about these detainees and received additional information from terrorism experts, I remain extremely concerned that transferring these combatants to locations near large civilian populations would place an overwhelming burden on the court system and endanger public safety.

The detainees currently held at Guantanamo Bay are some of the most dangerous individuals in the world who have openly dedicated their lives to killing Americans. Khalid Sheikh Mohammed was the architect of the 9/11 attacks and took pleasure in beheading Wall Street Journal reporter Daniel Pearl. Ramzi Binalshibh was identified as one of the planners of 9/11 and was supposed to be one of the hijackers until he was denied entry into the United States. Walid bin Attash is believed to be the mastermind behind the bombing of the U.S.S. Cole in Yemen in 2000. These individuals are responsible for planning the deaths of thousands of Americans.

Guantanamo Bay also houses combatants who were detained after actively trying to kill U.S. troops in Iraq and Afghanistan. From news reports I have read, it appears consideration is being given to allow these

detainees rights that go beyond protections offered U.S. military personnel by the Uniform Code of Military Justice. Giving such rights to the men listed above greatly concerns me.

Earlier trials of terrorists in the U.S. demonstrated the necessity for extraordinary security resources that would be needed if some of those at Guantanamo are transferred here. Newsday and the Buffalo News reported that during the 1995 trial in New York of Omar Abdel Rahman, the mastermind of the 1993 World Trade Center bombing, terrorist confederates of El Sayyid Nosair, another World Trade Center bombing planner, were plotting to break him out of Attica State Prison in New York. In the same case, court tapes show that conspirators provided each other assurance that, in the event that some were captured, the others would work to free them. In addition, during the 2000 trial of Mahmud Salim, one of the terrorists accused of the 1998 bombing of the U.S. Embassy in Kenya, he stabbed New York prison guard Louis Pepe in the eye during an escape attempt. Al Qaeda saw the rights given to its members to meet with counsel as an opportunity to carry out a violent escape attempt. Mr. Salim was one of the original followers of Osama bin Laden and the highest ranking al Qaeda member held in the U.S. at the time.

In addition to trying to escape from prison, al Qaeda members have communicated with confederates while in prison. It is my understanding that El Sayyid Nosair was involved in plotting the 1993 World Trade Center bombing while in custody in Attica State Prison. In addition, Osama bin Laden has publicly credited Sheikh Abdel Rahman with issuing the "fatwa" that approved the 9/11 attacks while he was in federal prison, despite the high security confinement conditions imposed on him. It also emerged later that, with the assistance of his lawyer, Rahman was continuing to send instructional messages to the Islamic Group, his Egyptian terrorist organization.

In 2004, NBC News reported that, despite their incarceration in maximum security conditions, convicted World Trade Center bombers were communicating by mail with terrorists in Madrid, Spain. There would certainly be strong reasons to believe that detainees currently held at Guantanamo Bay—who are known to have rioted and grossly abused prison guards—would use their access to counsel and investigators in order to convey messages to their allies.

It took federal prosecutors eight years in the 1990s to try 29 defendants charged with terrorism-related crimes as a result of attacks on U.S. property and interests abroad. The detention facility at Guantanamo Bay currently holds almost 10 times that number. If it took eight years to prosecute 29 individuals, how long will it take to transfer and prosecute over 200?

How is the Justice Department responding to the fact that prosecutors, judges, and juries in recent terrorism trials, and their families, have required government protection measures, sometimes for many years, at great cost in manpower and to our security budget? Has the Justice Department estimated the cost of providing enhanced personal security for trials yet to come?

I am also concerned about the extra costs that will be incurred in preparing prisons and courthouses for possible trials. I understand that the courthouses in which prior terrorism cases were litigated and the prisons where defendants were held had to be "hardened" to accommodate terrorism pros-

ecutions and the attendant threats they entail for participants and the public. Can you provide me with what the cost was for these upgrades? Has the Justice Department considered what the cost will be for upgrading facilities for detainees who may be transferred to the civilian court system.

I am also concerned about the precedent that the standards set in *Boumediene v. Bush*, the Supreme Court case regarding al Qaeda operative Lakhdar Boumediene, which granted habeas corpus rights to Guantanamo detainees, would set for future cases. In his dissent in this case, Justice Antonin Scalia raised the issue that if enemy combatants currently housed at Guantanamo Bay are given habeas corpus rights, the same rights would have to be given to any combatant detained where the U.S. military conducts operations. Recently, Justice Scalia's admonition has proved prescient as a federal judge in Washington ruled that Boumediene's grant of habeas corpus rights now extends to Afghanistan.

The process in deciding where the detainees will ultimately be housed and under what means they will be tried should be transparent so the American people know who is making these important decisions. I believe that the Justice Department should meet with those who lost loved ones in the 9/11 attacks as well as the families of service members who have died in Iraq and Afghanistan and ask for their perspective on the fate of these detainees, especially those who played a lead role in carrying out the attacks.

If you are convinced these combatants must be transferred to the United States, I believe an isolated part of the country away from population centers would be a better choice. As your department continues to consider plans for these combatants, I ask that you please address these issues as well as the questions I asked in my earlier letter. I also have these additional questions:

1. The trial of Zacharias Moussaoui in Alexandria, Virginia, lasted over four years due primarily to the judge's belief that the due process standards applicable in civilian trials required more disclosure than the Justice Department believed was required and safe to provide. I understand any appeal to the 4th Circuit Court could take up to an additional year per trial. Considering that a federal appeals court in New York just recently decided an appeal in the embassy bombing case—more than a decade after the attack and eight years after the trial—how long does your department envision civilian legal proceedings for Guantanamo detainees taking?

2. Khalid Sheikh Mohammed, Mohammed al Qatani and Ramzi Binalshibh have been linked directly to the September 11, 2001, attacks and appear far more culpable than Zacharias Moussaoui. Will the Justice Department seek the death penalty for detainees such as them? If so, does the Justice Department think seeking the death penalty would lengthen each trial, and, if so, for how long?

3. Will the defense attorneys for these combatants be given access to classified evidence that would inevitably lead to legal challenge and possible consideration by the Supreme Court, adding more time to trials?

4. If terror suspects are brought into the civilian system for trial and they insist on representing themselves, would the Justice Department allow them access to all discovery, including classified national defense information?

5. Will defense attorneys be allowed discovery on all such evidence and be allowed to

challenge its admission in court? Would this require allowing defense attorneys to enter combat zones to view evidence?

6. Will U.S. service members who collected evidence on the battlefield be forced to leave their duties in theater and return to the United States to give testimony in open court?

7. Will military personnel be required to have training on how to legally obtain evidence and preserve the chain of command needed to make such evidence admissible in court?

8. Will every combatant be given full legal rights and will these rights also be given to combatants detained in the future?

9. The system of military tribunals for these combatants was designed to avoid the difficulties inherent in civilian trials. If the military is trusted to run a system of justice good enough for members of our armed forces, why is it deemed insufficiently fair for these detainees who have openly stated they are "terrorists to the bone?"

10. If these combatants are transferred to the U.S. Court for the Eastern District of Virginia, how will the trials of other defendants in that court be affected?

11. If regular defense attorneys are not allowed to meet with clients at the jail facility in Alexandria due to increased security associated with these combatants, is the Justice Department concerned that those cases could be delayed to the point where those defendants have grounds for appeal?

12. The Moussaoui trial took a heavy toll on the prosecution team and I would be concerned that extended trials for numerous combatants could overwhelm the legal staffs. Do you have a plan for addressing how prosecution teams will work?

13. Are you concerned about the safety of the legal staff and the jurors who are assigned to these cases and have steps been taken to ensure their safety and the safety of their families?

14. Has the Justice Department considered establishing a separate court similar to the FISA court where judges would be assigned these cases on a rotating basis?

15. Has the Justice Department considered consulting with military experts, U.S. Marshals and other law enforcement officials before determining the safest place to house these detainees?

16. Have you consulted with the families of the victims of 9/11 as well as the families of the service members killed in Iraq and Afghanistan as to how these detainees should be prosecuted? If not, will you direct your staff to do so?

17. Will the Justice Department provide the Appropriations Committee with the costs for the security measures necessitated by the terrorism cases of the 1990s and the Moussaoui case?

18. The Congress has received your FY 2009 supplemental request, seeking \$47 million for some ongoing DOJ activities. But the majority of the funding, \$36.4 million, is for activities related to the closure of the Guantanamo detention facility. Can you tell the Appropriations Committee what exactly the department is doing related to Guantanamo, and what you are proposing to do in the future with the requested supplemental funding?

19. I understand that you have created three task forces to implement the executive orders regarding Guantanamo Bay. How many individual detainee cases must be reviewed and disposed of?

20. Can you provide a list of possible outcomes from these task forces, such as trans-

ferring detainees to their home countries or detaining them indefinitely without trial?

21. For any detainees released to third countries, what assurances are you seeking from those governments in order to minimize the risks of recidivism?

22. You have stated that the issues related to closing Guantanamo Bay represent your biggest challenge. If the task forces conclude that the risks associated with civilian trials in the United States are too dangerous and costly, will you recommend to the president that the closure of the detention facility be delayed?

23. Beyond the supplemental request, what other post-Guantanamo requirements will there be?

I realize that your department has numerous issues to address before Guantanamo Bay is closed and all the combatants housed there moved. As the Justice Department continues to consider the disposition of these combatants, I think it is important for Congress to play an active role. As my previous letter stated, I take Congress's oversight role seriously and believe that Congress must be consulted before any of these combatants are moved to the continental U.S.

Thank you for your service.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2009.

Hon. ERIC H. HOLDER, Jr.
Attorney General, Department of Justice,
Washington DC.

DEAR ATTORNEY GENERAL HOLDER: President Obama recently issued an executive order to close the detention facility at Naval Station Guantanamo Bay, Cuba, and decisions must now be made regarding how and where to house the 250 suspected terrorists and enemy combatants held there.

I was particularly concerned to read in the March 7 Washington Post that some of these detainees may be tried in and housed by the United States District Court for the Eastern District of Virginia (Eastern District of Virginia) or the United States District Court for the Southern District of New York. Their presence so close to large civilian population centers raises serious questions of security and logistics for any region forced to accept these detainees.

I do not—and would not—support the transfer of any prisoners presently being detained at Guantanamo Bay to any facilities in Virginia and have joined Virginia colleagues Reps. Randy Forbes and Eric Cantor in introducing legislation (H.R. 1186) to prohibit prisoners at the Guantanamo Bay detention facility from being transferred to federal prisons or military bases in Virginia.

I take seriously the responsibility of congressional oversight, especially in matters with national security implications. In 1998 I authored legislation that created the National Commission on Terrorism. Unfortunately, it took the horrific events of September 11, 2001, for the recommendations of the commission to be taken seriously. I have traveled to Sudan five times and seen evidence of the terrorist training camps used by Osama bin Laden in the 1990s.

The first bombing of the World Trade Center in 1993 was treated as a routine criminal case by the Clinton administration when there were clear indications from Sheikh Omar Abdel-Rahman that terrorism was the intent of the bombing.

Furthermore, the individuals currently at Guantanamo Bay are members of the same

organization that bombed the U.S. embassies in Kenya and Tanzania as well as the USS Cole in Yemen.

The March 11 Washington Post detailed how a detainee recently released from Guantanamo Bay is now the operations commander of Taliban forces attacking U.S. and NATO forces in southern Afghanistan. There also have been news reports that 61 of the detainees that were processed and released from Guantanamo Bay were recaptured fighting American forces. If those individuals were deemed safe to release from custody yet returned to terrorist activities and killing Americans, what does that say about how dangerous the detainees still at Guantanamo Bay must be?

I was also troubled to read that five Guantanamo detainees described themselves as "terrorists to the bone," and stated in a court filing that they describe their role in the 9/11 attacks as "a badge of honor." These dangerous individuals simply cannot be transferred anywhere near large civilian populations.

As the ranking member on the House Appropriations Commerce-Justice-Science Subcommittee, I am particularly concerned about the complexities of bringing any of these enemy combatants to any installation, military or civilian, close to U.S. civilian populations. Regardless of where these detainees are confined, I would appreciate your detailed response to the following questions:

1. What steps has the Justice Department taken to assure the security of the surrounding population if such violent combatants are confined and tried in urban areas?

2. What precautions will be taken to ensure that the detainees do not escape?

3. Is the Obama administration concerned that the presence of these detainees will invite attacks from ideological followers in an attempt to set them free and, if so, what precautions are being taken to prevent this scenario?

4. How will the detainees be transported to the courthouses?

5. What type of security cordon will be in place if detainees are transported on local highways?

6. Has the Justice Department considered the traffic disruptions associated with road closures around federal courthouses and local jails during the trials of these individuals?

7. If the detainees are flown to any location, will they use military or commercial airports?

8. If commercial airports are used, will terminals have to be evacuated to ensure security?

9. What will be the security perimeter around federal courthouses and will local residents and businesses be forced to move or close to ensure security? If so, for how long?

10. Will Metrorail stations in close proximity to the U.S. Courthouse in Alexandria be closed?

11. Will the Westin Hotel, approximately 200 feet from the courthouse, and the Patent and Trademark Office, approximately 250 feet from the courthouse be evacuated?

12. Has the Justice Department considered the impact such detainees will have on local prisons, such as the city jail in Alexandria, where federal defendants are often held during trial?

13. Will prisoners in local jails have to be moved to provide a secure location for housing these combatants, and, if so, who will bear the costs associated with their transfer?

14. Will there be an extensive list of rules and regulations given to local and state officials regarding the housing and trial of these

suspects? If so, will a copy of the regulations be made available to state and local officials as well as members of Congress?

15. Will state and local law enforcement officers be required to assist federal officials and will the federal government compensate those agencies for the use of those officers' time?

16. What costs will be associated with the trial and what portion, if any, will be borne by state and local governments?

17. Has the Justice Department consulted with the Defense Department regarding its ability or willingness to house these detainees?

18. Do a set of protocols for transferring and housing these individuals exist, and, if so, will you make it available to members of Congress?

19. What discussions regarding these detainees, if any, have administration officials had with the commanders of the Naval Station Brig in Norfolk, Virginia; the Marine Corps Base at Quantico, Virginia, or any other military installation in the contiguous United States, Alaska or Hawaii?

20. Has the administration or the Department of Defense had any discussions with Naval commanders regarding the possibility of transferring detainees to U.S. Naval vessels either in U.S. territorial or international waters?

21. Has the administration had any discussions with the warden of the Administrative Maximum prison facility in Florence, Colorado, regarding the difficulties surrounding the housing of Zacharias Moussaoui and how other prisons might be affected by housing similar detainees?

22. Has the administration had discussions with any of the detainees' country of origin regarding their willingness to accept custody?

While I understand that the Eastern District of Virginia and the Southern District of New York have successfully held the only trials to date of terror suspects, I remain extremely concerned that adequate thought has not been given to the extensive security, financial and logistical costs associated with the transfer of any of these individuals to civilian court districts. State and local officials, as well as the citizens of northern Virginia, will face many challenges and dangers with these combatants housed in the Eastern District of Virginia.

I look forward to receiving your responses to these concerns. Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God and subsistence of all life, though Your people walk in the valley of darkness, they move and act without fear, for You are with them.

You lead us to restful pastures and revive our downcast spirits, and You give us comfort.

Help us to be attentive to Your call and follow in faith, for You are our hope and our strength.

Anoint the leadership of this Nation with the oil of gladness and bring us to Your eternal banquet, where we will dwell in Your house forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. FLEMING) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEMING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,

Washington, DC, May 1, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 1, 2009, at 10:04 a.m.:

That the Senate passed S. 615.

That the Senate agreed to without amendment H. Con. Res. 104.

Appointments:

Commission to Study the Potential Creation of a National Museum of the American Latino

With best wished, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

DARIUS GOES WEST

(Mr. BARROW asked and was given permission to address the House for 1 minute.)

Mr. BARROW. Mr. Speaker, I rise today to pay tribute to a special group of young men who are making a difference by drawing attention to Duchenne muscular dystrophy. DMD, which is usually detected in small children, is a debilitating and ultimately fatal affliction, usually taking its victims' lives in their early 20s.

Darius Weems was diagnosed with DMD as a small child, and he will be 19 years old later this year. His brother, Mario, died at that age from the same disease.

Because of his condition, Darius never left his hometown of Athens, Georgia, for the first 15 years of his life. But just before Darius' brother, Mario, died, Mario's friend, Logan Smalley, made a promise to Mario to look after Darius when Mario died. After Mario died, Logan did more than that; he made Darius a star.

Four years ago, Logan Smalley and 10 other college friends decided to take Darius on a road trip from Athens, Georgia, to Los Angeles, California. Along the way, they met people who shared Darius' illness, and they documented handicap accessibility throughout the country. Logan directed a documentary film of that trip, "Darius Goes West," starring Darius and the rest of the crew.

Today that documentary is on track to sell 1 million copies, with the lion's share of profits going to fight DMD. I'm pleased to report that there is a copy of "Darius Goes West" in every middle school and high school in the United States.

DMD is not a contagious disease, but the sense of hope and purpose that Darius and his friends possess is infectious, and I'm proud to commend Darius and the rest of the "Darius Goes West" crew for their hard work, and for giving literally millions of people a reason to care.

LOUISIANA STUDENTS OF THE YEAR

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I rise today to congratulate three outstanding students from my district.

Randi Layne Adams of South Beauregard Elementary in Beauregard Parish was named student of the year. She is actively involved in 4-H and community service projects, including efforts targeted at recycling and gardening.

Henri Lin, an eighth grader at Caddo Middle Magnet, was named student of the year. Henri is on the staff of his school newspaper, serves on the student council, is a member of the Builders Club, takes advanced piano and competed with the 2009 U.S. Junior Olympics fencing team.

Nicholas Allen Taylor, a senior at Byrd Math and Science Magnet High

School, was named student of the year also. Nicholas is captain of Byrd's Quiz Bowl team, a member of the Mu Alpha Theta math honor society, and a member of the lacrosse team.

All three demonstrated outstanding academic leadership and communication skills and have bright futures ahead of them. Congratulations to all of them on this outstanding accomplishment.

SUPPORT MORTGAGE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I stand in support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

This bill will ensure that mortgage lenders make loans that benefit consumers and prohibit them from steering the borrowers into high cost loans, and we know what an impact it has had on our Nation and many individuals who have lost their homes. In addition, this bill encourages the market to move back towards making fixed-rate, fully documented loans.

This legislation also prevents predatory and abusive lending practices, holds creditors responsible for loans they originated and protects tenants who rent homes that go into foreclosure.

I ask you to support this legislation on behalf of those that are right now on the verge of losing their homes and protect those tenants.

CONGRATULATING ARKANSAS TECH UNIVERSITY ON ITS CENTENNIAL ANNIVERSARY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to congratulate Arkansas Tech University on 100 years of academic excellence.

Arkansas Tech University was originally established as a Second District Agricultural College by the State legislature and one of four State agricultural schools in 1909. Arkansas Tech University is now one of the fastest-growing universities in the State of Arkansas and has established a reputation as a school that truly serves the Nation.

It is said that an education from Arkansas Tech University is the best of both worlds, big time technology and an education in a friendly, small-town setting.

The school excels in exposing its students to the technology of tomorrow and better preparing students for future endeavors. An excellent faculty and staff provide an outstanding education and educational opportunities.

I am proud to support this fine institution and look forward to the next 100 years of academic excellence.

RELEASING TERRORISTS FROM GUANTANAMO BAY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the Members of this institution ought to know that this administration and the Justice Department may be very close to releasing terrorists from Guantanamo Bay, the Uyghurs, out into the public, out around the country. And we are calling on the Justice Department to release any of the memos with regard to who these people are on individual cases. If they were members of a terrorist group, I believe the American people need to know.

This administration and Justice selectively released memos but will not tell the full story. So I urge all Members, unless you want them, these Uyghurs, terrorists from Guantanamo Bay, to move to your neighborhood, ask Attorney General Eric Holder, release all this classified information so the American people can know what we are about ready to face.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Persons in the gallery are not to express approval or disapproval of speeches on the floor.

ENFORCE IMMIGRATION LAWS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, when Arizona Governor Janet Napolitano was nominated to be Homeland Security Secretary, her record showed that she often opposed enforcing immigration laws. So it's not entirely a surprise that she recently told CNN's John King that illegally "crossing the border is not a crime per se. It is civil."

That's just plain wrong.

It is a violation of the criminal code to enter our country illegally. The law has been in effect for decades, and it has been codified in its current form since 1991.

The Obama administration apparently doesn't intend to enforce some of our immigration laws. There are numerous examples, such as delays in implementing a requirement that Federal contractors use E-Verify to ensure that illegal immigrants don't get Federal jobs.

It's hard to believe that this administration is not only weak when it comes to enforcing immigration laws, but also ignorant of immigration laws themselves.

INSIDIOUS TAX

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, you know, there is an insidious tax out there, insidious because we tell the American people that they are not going to have to pay it, that we are going to put it on the greedy corporations.

Well, how do you think a corporation stays in business if it doesn't pass that on to the people, and they don't realize, they think somebody else is paying, and yet it comes right back to their feet?

Some of us talked to CEOs of industries that moved from here to China. Why did you move? I thought maybe the number one answer would be because of labor being cheaper. They said the best labor in the world is right here in the United States, but corporate taxes are less than half of what they are here in the United States, 17 percent there, 35 percent here.

Now we are told today by the administration they are going to hire hundreds of new IRS agents. Well, as JOHN FLEMING said this morning, now we know what it means by green jobs. They are going after your green.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING THE SIGNIFICANCE OF CINCO DE MAYO

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 230) recognizing the historical significance of the Mexican holiday of Cinco de Mayo, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 230

Whereas May 5, or Cinco de Mayo in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom;

Whereas Cinco de Mayo has become one of Mexico's most famous national holidays and is celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous

Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of Europe's finest troops in over half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force;

Whereas after three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous and heroic spirit that Mexican General Zaragoza and his men displayed during this historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination;

Whereas the Cinco de Mayo holiday is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but is also a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican-Americans who have fought for freedom and independence against foreign aggressors;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States is built by people from many nations and diverse cultures who are willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close spiritual and economic ties between the people of Mexico and the people of the United States, and is especially important for the people of the southwestern States where millions of Mexicans and Mexican-Americans make their homes;

Whereas in a larger sense Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said, "El respeto al derecho ajeno es la paz" ("The respect of other people's rights is peace"); and

Whereas many people celebrate during the entire week in which Cinco de Mayo falls: Now, therefore, be it

Resolved, That the House of Representatives recognizes the historical struggle for independence and freedom of the Mexican people and requests the President to issue a proclamation recognizing that struggle and the importance of Cinco de Mayo.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

Let me begin by thanking our colleague from the great State of California, JOE BACA, for introducing this resolution.

H. Res. 230 recognizes the historical struggle for independence and freedom of the Mexican people and requests that the President issue a proclamation recognizing that struggle and the importance of Cinco de Mayo. This is a celebration we should all join in.

Cinco de Mayo commemorates May 5, 1862, on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom, along with their comrades and against the French soldiers.

This is a celebration of the virtues, courage and patriotism of all Mexicans and a point of pride for Mexican Americans, who have fought for freedom against foreign forces. Cinco de Mayo has become one of Mexico's most famous national holidays. It is a unique reminder that both Mexicans and Mexican Americans, north and south of the United States-Mexico border, observe in honor.

Grand celebrations take place in cities and towns all across the United States of America, the biggest being in western and southwestern cities such as Los Angeles. Festivities often include sporting events, parades, mariachi music, Mexican food and dancing. Sometimes the celebration goes on for weeks.

□ 1415

In a larger sense, Cinco de Mayo serves as a reminder to all Americans that the foundation of our great country was built by people from many nations with diverse cultural backgrounds who were willing to fight and to die for their freedom.

Cinco de Mayo can be understood both as a moment to celebrate the significant Mexican roots that have grown in the United States, as well as to symbolize more generally the right of all people to self-determination. It was a valiant struggle. They fought brilliantly. We urge our colleagues to support this resolution.

Mr. Speaker, I certainly at this time reserve the balance of my time.

MR. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

This Tuesday marks Cinco de Mayo, a regional holiday in Mexico that commemorates Mexico's unlikely defeat of French forces at the Battle of Puebla on May 5, 1862. For generations, however, Cinco de Mayo has also been recognized throughout the United States.

The strong ties between our two nations are demonstrated around the country as family and friends join together to celebrate Mexico's culture

and experiences. Through efforts like the Merida Initiative and NAFTA, these ties continue to grow—only stronger.

Our mutual commitment to democracy and security in the region will prove increasingly important as some in the hemisphere work to advance their illicit agendas. Already, we have seen the transnational impact of the drug cartels and organized crime groups operating in Mexico. Joint efforts by our countries to thwart criminal activities within Mexico have sent these criminals north into the United States and south into Central America.

We must continue to work with our democratic partners and allies to present a united front against those who pose a threat to U.S. interests, security, and values.

So, as many throughout the United States and Mexico celebrate Cinco de Mayo this week, I hope that they are reminded not only of Mexico's proud past, but also of her ongoing shared commitment to independence, democracy, and security.

I thank Congressman BACA for introducing this timely resolution.

I reserve the balance of my time.

Mr. PAYNE. I yield 5 minutes to the sponsor of the resolution, the gentleman from California (Mr. BACA).

Mr. BACA. First of all, I would like to thank the Congressman from New Jersey for his leadership on bringing this resolution, and also as the chair of the Subcommittee on Africa. I would like to thank the gentleman from Arkansas for bringing up the resolution that is important to a lot of us. Also, I would like to thank the ranking members; the ranking member of the Foreign Affairs Committee, HOWARD BERMAN, and then, of course, Ms. ROSELEHTINEN, as well, for their leadership and support in bringing this bipartisan effort to the floor.

I rise today in support of H. Res. 230, a resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo. This resolution recognizes the Cinco de Mayo holiday, which honors the spirit and the courage of the Mexican people involved in the Battle of Puebla on May 5, 1862.

In that battle, General Ignacio Zaragoza led the Mexican forces against the well-trained French Army, which vastly outnumbered the Mexicans. After only 4 hours, General Ignacio Zaragoza was able to claim victory. As a result of General Zaragoza's tremendous victory, the French foreign forces sustained heavy losses and were forced to withdraw from the area.

Along with Mexican Independence Day on September 16, Cinco de Mayo has become a time to celebrate Mexican heritage and culture with pride and dignity. While Cinco de Mayo commemorates the Mexican Army's victory over the French in this battle, it was one of many battles that the Mexican people won in the long and brave

struggle for independence and freedom. And this is what they fight for today in comprehensive immigration.

Today, Cinco de Mayo is celebrated not only in recognition of the defeat of the French Army, but it also celebrates the virtues of individual courage and patriotism of all Mexican Americans—all Mexicans who have fought for their freedom and independence. Today, we will also celebrate Cinco de Mayo in the White House with President Obama.

However, it also serves as a reminder to all of the wonderful culture and characteristics that Latinos have brought to this country. I am an example in terms of what I am wearing right now.

Latinos are the fastest-growing minority population in this country, accounting for over 45 million people—49 million, if you include Puerto Rico. It represents about 17 percent of the total population.

The contributions made by Latinos to our American culture are countless—ranging from business, to art, to sports, to science, you name it. You see all kinds of figures everywhere around the United States.

Latinos have fought hard and are willing to make the ultimate sacrifice for this country. They have fought in every major war since the Revolutionary War. You have seen them fight for this country.

We have served with honor to defend this great country, and we will do that because we believe in it. That is why people come to the United States—for the freedom that we have.

Today, there are 30 Latino Members in the United States Congress—bipartisan. Also, we have Secretary Ken Salazar at the Department of the Interior, and Secretary Hilda Solis at the Department of Labor, who are both of Latino origin. This number points to what a driving force Latino communities have become in our country economically, socially, and politically.

Cinco de Mayo also serves as a reminder of our wonderful and longstanding relationship with our great neighbors to the south. Last year, over \$367.5 billion of goods were traded between the United States and Mexico. That makes Mexico our Nation's third leading trading partner.

Cinco de Mayo provides us with a great opportunity to look back at our own heritage as Americans—and I say as Americans. Our ancestors all came from diverse cultures and different homelands. Yet, they banded together to fight against oppression and tyranny, helping to form this great country that we have today.

While Latino culture has come a long way, we all must come together to make sure we recognize the inequities that exist right now in our communities, and that we deal with social and economic disadvantage that affect a lot of us.

My colleagues and I in the Congressional Hispanic Caucus share a common purpose—working to break down those walls and increase opportunities in areas such as education and health care so that we all have equity, regardless of who we are, where we come from, for that same kind of justice and equality.

This past February, I was proud to give my support to the Recovery Act. As a great number of Hispanic families, as well as many other families, are struggling mightily during this recession, this act helps to create jobs for millions of Americans, invest in health care, education, and energy.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. I yield the gentleman 1 additional minute.

Mr. BACA. With that, I say let's support H. Res. 230, and ask for your support.

Mr. BOOZMAN. I continue to reserve the balance of my time.

Mr. PAYNE. I yield 3 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise in support of House Resolution 230, introduced by my good friend and colleague, Representative JOE BACA, to recognize the historical significance of the widely celebrated Mexican holiday, Cinco de Mayo.

On May 5, 1862, while outnumbered almost two to one at the Battle of Puebla, Mexican General Ignacio Zaragoza Seguín led the Mexican Army and defeated a much larger and well-equipped French Army that had not been defeated in nearly five decades.

The battle would also prove to be significant because this would mark the last time an army from a foreign country invaded the Americas.

As many of you know, this holiday is not only commemorated in the United States and Mexico, but brings together cultures from all over the world to join in the celebration—even people in far-away lands such as the Island of Malta in the Mediterranean join in this festival.

The holiday is a chance for us to set aside our differences and support the Mexican people for the bravery shown by those men who fought at the Battle of Puebla 147 years ago.

I ask my colleagues to join me in recognizing the historical significance of Cinco de Mayo and the bravery shown that day in 1862.

Mr. BOOZMAN. I continue to reserve the balance of my time.

Mr. PAYNE. It is my pleasure to yield 1 minute to the gentleman from Puerto Rico (Mr. PIERLUISI).

Mr. PIERLUISI. I rise today in strong support of House Resolution 230, which has been introduced by my friend and colleague, Mr. BACA, and recognizes the historical significance of Cinco de Mayo.

For the people of Mexico, Cinco de Mayo is an important symbol of freedom, liberty, and self-determination. In our country, Cinco de Mayo is a celebration of the rich history and culture that Mexican Americans have brought to the United States.

Hispanics are the fastest-growing minority group in the United States. There are 30 Hispanic Members of Congress, including many Mexican Americans, representing constituencies from all around the country.

Tomorrow, millions of Americans will join our neighbors to the south in celebrating Cinco de Mayo. This day serves as an important reminder of Mexico's proud history and of the many contributions that Mexican Americans have made to this country.

I urge my colleagues to help recognize Cinco de Mayo, and to support House Resolution 230.

Mr. BOOZMAN. I continue to reserve the balance of my time.

Mr. PAYNE. At this time I yield 10 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I do want to thank my good friend and colleague, the gentleman from New Jersey, as our distinguished chairman also of our House Foreign Affairs Subcommittee on Africa and Global Health.

Mr. Speaker, I rise today in support of House Resolution 230, to recognize the historical significance of the Mexican history of Cinco de Mayo. I commend my colleague, the gentleman from California, for introducing this legislation, as it truly does serve as a reminder that all the people of our great Nation, regardless of their race, color, or even gender, have enriched our diversity in our cultures and are worthy of respect as a Nation.

Mr. Speaker, Cinco de Mayo commemorates the battle of Puebla. On May 5, 1862, outnumbered and outgunned Mexican forces, determined to protect their land, successfully defended the town of Puebla against French soldiers and its transferred ruler by the name of Ferdinand Maximilian, who was an archduke from Austria and a puppet of Emperor Napoleon III of France.

For Mexico, this day has come to represent a symbol of Mexican unity and patriotism in the history of Mexico. It is a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican Americans whose ancestors are from Mexico and are part of the rich diversity of our Nation.

It also serves as a reminder of the cultural, spiritual, and economic ties between the people of Mexico and our great country.

Mr. Speaker, I want to share with my colleagues the life and history of a particular leader who, in my humble opinion, is the greatest hero in Mexico's history—a true statesman whose name

is inextricably linked with the name Cinco de Mayo. His name is Don Benito Juárez, President of Mexico from 1862 to 1863, and 1867 to 1872.

□ 1430

President Juárez led the Mexican people in their fight for independence during this crucial period of their history. President Juárez was the first Mexican President of indigenous Indian descent—indigenous Indian descent. His parents were members of the Zapotec tribe, prevalent in the provinces of the State of Oaxaca in Mexico. An orphan at age 3, young Benito Juárez worked in the cornfields and as a shepherd until the age of 12. When he went to Oaxaca City at the age of 13 to attend school, he could not read, could not write or couldn't even speak Spanish. He was adopted by lay members of the Franciscan Order who taught the young Juárez reading, writing, arithmetic and Spanish grammar. He later entered the Franciscan seminary in Oaxaca and studied Aquinas and other great Catholic philosophers, eventually turning his attention instead to the study of law. President Juárez was educated in the law in preparation for a political career.

Mr. Speaker, in his first political position as a city councilman, he was noted as a strong defender of indigenous Indian rights. He participated in the revolutionary overthrow of Santa Anna in 1855, becoming the minister of justice and instituting reforms that were embodied in the constitution of 1857. During the Reform War of 1858 to 1861, President Juárez led the liberals against the conservative faction of Mexico's Government. The liberals succeeded only through popular support and the unwavering determination of President Juárez, and he was elected President in 1861.

Mr. Speaker, to fully understand the quality of the leadership of Mexico at the time in the person of President Don Benito Juárez, one can compare him to, arguably perhaps, the greatest President in our own country's history, President Abraham Lincoln. Both leaders, in fact, presided over their countries in times of crisis, demonstrating great courage and perseverance in the fight for freedom. Both grew up in poverty and studied law. Both fought against bigotry and racism. In fact, President Lincoln and President Juárez were contemporaries who held each other in high regard. In fact, in 1858, upon hearing of Juárez's struggles in Mexico, President Lincoln sent him an encouraging message expressing hope "for the liberty of your government and its people." Even in the midst of our own Civil War, President Lincoln provided arms and munitions to President Juárez to support the Mexican people in their fight against France. When the U.S. Confederacy sent an emissary to Mexico to enlist support for

their cause, President Juárez jailed the man for 30 days before sending him away, a clear sign of support for President Lincoln's cause at the time.

Mr. Speaker, today, the United States and Mexico share close ties. We also share the ideals of freedom and democracy. Because of our shared values and the tremendous contributions made by Mexican Americans, I think it is fitting and most proper for us in Congress to recognize the historical struggle of the Mexican people for independence against French colonial rule.

It is ironic, Mr. Speaker, that we have the gentleman by the name of Lafayette whose portrait is right over here who came here as a French patriot to help us fight against British colonialism, and the only foreigner here with the patriot right next to our Founding Father, George Washington. It is ironic that in the history of Mexico, Napoleon, being the ruler that he was, sent Maximilian to continue French colonial rule in Mexico, and so now we had to kick the French out in order to give the Mexican people their freedom.

Again I thank the gentleman from California, former chairman of the Congressional Hispanic Caucus, my good friend, for his leadership and initiative for introducing this bill.

I urge my colleagues to support this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H. Res. 230, resolution honoring the significance and impact of Cinco de Mayo. I would like to begin by applauding the efforts and leadership of the author of the resolution, Congressman JOE BACA, as well as the rest of my colleagues in the Congressional Hispanic Caucus for bringing this bill before us today.

Mr. Speaker, since 1862 the holiday has traditionally commemorated the victory of a poorly armed Mexican militia over a larger, better equipped French army at the Battle of Puebla. Today, however, Cinco de Mayo in the United States has become a celebration of Hispanic heritage not unlike Saint Patrick's Day for Irish-Americans.

To be sure, Mr. Speaker, Irish-Americans and Hispanic-Americans have much in common. We are bound together by Catholic, working-class experiences. Our relatives came and continue to come to this country from largely rural, uneducated backgrounds. Our struggles were, are and continue to be twin struggles for equality, as well as political and cultural recognition.

From Bernardo de Gálvez to Admiral David Farragut to César Chávez, Hispanic-Americans have made significant contributions to the development of our nation. In just the last election, Latinos represented 9 percent of the electorate and provided the margin of victory in large swaths of the country, voting for President Obama by a margin larger than 2-to-1.

And because Hispanics constitute the majority of our nation's newest Americans, Madam Speaker, I cannot speak here without at least mentioning the subject of immigration.

As Mr. Fareed Zakaria affirms in his acclaimed book, *The Post-American World*:

Foreign students and immigrants account for almost 50 percent of all science researchers in [our] country. In 2006 they received 40 percent of all PhDs. By 2010, 75 percent of all science PhDs in [our] country will be awarded to foreign students. When these graduates settle in the country, they create economic opportunity. Half of all Silicon Valley start-ups have one founder who is an immigrant or first generation American. The potential for a new burst of American productivity depends not on our education system or R&D spending, but on our immigration policies.

Immigrants are America's great strength. If we remain true to our history; if we remain the most open and flexible society the world; if we continue to absorb cultures, devour ideas and feed off the energy of poor immigrants we will thrive. This is America's genius.

Hispanics are another great chapter in the larger history of our immigrant country. They make America more American.

I urge my colleagues to support this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 230 "Recognizing the historical significance of the Mexican holiday of Cinco de Mayo" and I would like to thank my colleague Representative BACA for introducing this resolution in the House.

May 5, or Cinco de Mayo in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities. This holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought. However, Cinco de Mayo is not "an obligatory federal holiday" in Mexico, but rather a holiday that can be observed voluntarily.

Cinco de Mayo has become one of Mexico's most famous national holidays and is celebrated annually by many Mexicans and Mexican-Americans, north and south of the United States-Mexico border. In the United States, Cinco de Mayo has taken on significance beyond that in Mexico. The date is perhaps best recognized in the United States as a date to celebrate the culture and experiences of Americans of Mexican ancestry, much as St. Patrick's Day, Oktoberfest, and the Chinese New Year are used to celebrate those of Irish, German, and Chinese ancestry respectively. Similar to those holidays, Cinco de Mayo is observed by many Americans regardless of ethnic origin.

Cinco de Mayo is a regional holiday in Mexico, primarily celebrated in the state of Puebla, with some limited recognition in other parts of Mexico. The holiday commemorates the Mexican army's unlikely defeat of French forces at the Battle of Puebla on May 5, 1862, under the leadership of Mexican General Ignacio Zaragoza Seguín.

Cinco de Mayo's history has its roots in the French Occupation of Mexico. The French occupation took shape in the aftermath of the Mexican-American War of 1846–48. With this war, Mexico entered a period of national crisis during the 1850's. Years of not only fighting the Americans but also a civil war, had left Mexico devastated and bankrupt. On July 17, 1861, President Benito Juárez issued a moratorium in which all foreign debt payments

would be suspended for a brief period of two years, with the promise that after this period, payments would resume.

The English, Spanish and French refused to allow President Juárez to do this, and instead decided to invade Mexico and get payments by whatever means necessary. The Spanish and English eventually withdrew, but the French refused to leave. Their intention was to create an Empire in Mexico under Napoleon III.

The French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army. The French army, which had not experienced defeat against any of Europe's finest troops in over half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force.

After three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops. Although the Mexican army was victorious over the French at Puebla, the victory only delayed the French invasion on Mexico City; a year later, the French occupied Mexico. The courageous and heroic spirit that Mexican General Zaragoza and his men displayed during this historic battle can never be forgotten.

While Cinco de Mayo has limited significance nationwide in Mexico, the date is observed in the United States and other locations around the world as a celebration of Mexican heritage and pride. However, a common misconception in the United States is that Cinco de Mayo is Mexico's Independence Day, which actually is September 16, the most important national patriotic holiday in Mexico. The Cinco de Mayo holiday is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but is also a celebration of the virtues of individual courage and patriotism, which all Americans can appreciate. Cinco de Mayo also serves as a reminder of the close spiritual and economic ties between the people of Mexico and the people of the United States, and is especially important for the people of the southwestern States where millions of Mexicans and Mexican-Americans make their homes. In a larger sense Cinco de Mayo symbolizes the right of a free people to self-determination and should be recognized and honored by this Congress.

Mr. CALVERT. Mr. Speaker, as a native of southern California, Cinco de Mayo celebrations have been a part of my life as long as I can remember. It is a day to celebrate our southern neighbors and the cause of Mexican independence. The historic battle at Puebla, Mexico on the fifth of May, 1862, is a David versus Goliath story that demonstrates that man can overcome any obstacle in the pursuit of freedom. On Cinco de Mayo we remember the brave stand at Puebla and we celebrate the cause of freedom around the world.

Ms. LEE of California. Mr. Speaker, I rise today in support of the resolution honoring the historical significance of Cinco de Mayo.

This holiday, as we all know, recognizes Mexico's remarkable defense against foreign intervention, a feat marked by great courage,

sacrifice, and devotion to the right of self-termination.

But as we also know, the day transcends a single battle at the City of Puebla, where, many years ago, Mexican forces defeated a far more advanced and well-equipped military force.

For Americans, the holiday has come to symbolize the rich and diverse experience of Mexicans and Mexican-Americans. It is a day on which we celebrate the rich and varied contributions of Americans of Mexican ancestry to the history, culture, and progress of the United States.

Whether you celebrate the day by watching a mariachi performance on the National Mall, or by listening to a lecture on the activism of César Chávez, or by simply going to a backyard barbecue with your family and friends, you know that this holiday is, at its essence, an American holiday.

In my home state of California, in fact, Americans have been celebrating this day as far back as 1863, just one year after the historic Battle of Puebla.

Thus as we commemorate this day, let us honor our brothers and sisters who have contributed to the rich diversity of the United States. Let us remember that this diversity, far from being a recent phenomenon, or a distinct chapter in American history, has been with us since our Nation's founding, and has enriched our country throughout each and every chapter of our history. Let us continue to celebrate this diversity, and recognize that it will continue to be the great blessing and strength of our country.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to show my support for H. Res. 230.

This resolution recognizes the historical significance of the Mexican holiday of Cinco de Mayo.

On May 5, 1862, untrained, outnumbered, and outgunned Mexican forces—determined to protect their land—successfully defended the town of Puebla against the French. Against overwhelming odds, they managed to drive back the invading French army, achieving a total victory over soldiers deemed among the best trained and equipped in the world and embarking the end of the European domination in America.

General Ignacio Zaragoza Seguín led the Mexican Army at the Battle of Puebla. He was born in la Bahía del Espíritu Santo, in what was then the Mexican state of Coahuila y Tejas, now the city of Goliad, Texas, in the United States. A Statue of General Zaragoza now stands in San Agustín Plaza in the downtown historic district of Laredo, Texas.

Although the Mexican army was eventually defeated, the Battle of Puebla has come to represent a symbol of Mexican unity and patriotism in the history of Mexico.

I am honored to celebrate this important day in Mexican history and to lend my support to this resolution.

Mr. HONDA. Mr. Speaker, I rise today to celebrate Cinco de Mayo, a day that represents freedom, liberty and determination for the people of Mexico and Mexican Americans.

H. Res. 230, a resolution introduced by my friend Congressman JOE BACA, recognizes the historical significance of the Mexican holiday

of Cinco de Mayo, a day on which we celebrate the Mexican army's unlikely victory over French forces at the Battle of Puebla on May 5, 1862. While the Mexicans were outnumbered, they defeated a well-equipped French Army that had been undefeated for almost 50 years. The holiday of Cinco de Mayo is mainly a regional celebration in Mexico, while for Mexican Americans it represents heritage and pride.

Hispanics are the fastest growing minority community in our Nation. In 2007, the Hispanic population in the United States reached over 45 million, 13.2 million of whom live in California, and it continues to rise. Hispanics now own a record number of small businesses, creating millions of jobs across our country.

This Cinco de Mayo, let us thank the members of our Latino community for their important contributions to American culture and society. Please join me in celebrating Cinco de Mayo and appreciating the values, traditions, and contributions of Mexican Americans.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in strong support of H. Res. 230, a bill recognizing the significance of Cinco de Mayo. This day holds special meaning for me as it does for millions of other Mexican Americans and it provides a wonderful opportunity to reflect on the innumerable contributions that generations of Mexican Americans have made to our national life.

On Cinco de Mayo, we celebrate the valor of a small contingent of Mexican patriots who prevailed against a much larger French army in the Battle of Puebla. Just as in our own fight for independence, they triumphed despite overwhelming odds. Indeed, like Lexington and Concord, Puebla marks a significant victory in the struggle for liberty in the New World.

Today Cinco de Mayo has evolved into a day to celebrate our Mexican American culture and the immeasurable ways in which Mexican Americans have shaped this country. Through music, literature and cuisine, we have enriched the American melting pot. Through an entrepreneurial spirit, Mexican American small businesses are playing a critical role in our economic recovery. Our men and women on the battlefield are helping to secure lasting peace in Iraq and Afghanistan. As CEOs, religious leaders, cabinet secretaries and Members of Congress, we are providing leadership in the face of unprecedented challenges both at home and abroad.

Finally, Mexico is among our most important allies and this day offers us the chance to reaffirm that friendship. As our neighbors to the south fight drug cartels and the H1N1 flu virus, we should pause to consider what more we can do to aid the Mexican people. Just as they did on Cinco de Mayo 1862, they are waging a courageous battle against forces that seek to undermine their democratic society and just as on that famous date, I am confident that Mexico will emerge a stronger and more prosperous nation.

Mr. BOOZMAN. I want to thank Mr. BACA for bringing this forward, and I urge my colleagues to support it, and I yield back the balance of my time.

Mr. PAYNE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 230, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 61ST ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 111) recognizing the 61st anniversary of the independence of the State of Israel, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 111

Whereas on May 14, 1948, the State of Israel declared its independence;

Whereas the United States was one of the first nations to recognize Israel, only 11 minutes after its creation;

Whereas Israel has provided the opportunity for Jews from all over the world to reestablish their ancient homeland;

Whereas Israel is home to many religious sites sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the unprecedented horrors of the Holocaust;

Whereas the people of Israel have established a pluralistic democracy which includes the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since independence;

Whereas the rocket attacks that have occurred in Israel in recent years have caused hundreds of casualties and have destroyed homes, schools, buildings, roads, power lines, and other significant infrastructure;

Whereas Israel has signed landmark peace treaties and successfully established peaceful bilateral relations with neighboring Egypt and Jordan;

Whereas despite the deaths of over 1,000 innocent Israelis over the last several years at the hands of murderous, suicide bombers and other terrorists, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas Iran, which rejects Israel's right to exist as a nation, is a continued threat to Israel's safety and security, both through its support of terrorist groups like Hamas and Hezbollah and through its ongoing efforts to acquire nuclear weapons;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology; and

Whereas Israel's Independence Day on the Jewish calendar coincides this year with April 29, 2009: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the independence of the State of Israel as a significant event in providing refuge and a national homeland for the Jewish people and in establishing a democracy in the Middle East;

(2) commends the bipartisan commitment of all United States administrations and United States Congresses since 1948 to stand by Israel and work for its security and well-being;

(3) congratulates the United States and Israel for the strengthening of bilateral relations in recent years in the fields of defense, diplomacy, and homeland security, and encourages both nations to continue their cooperation in resolving future mutual challenges; and

(4) extends warm congratulations and best wishes to the people of Israel as they celebrate the 61st anniversary of Israel's independence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in support of H. Con. Res. 111, recognizing the 61st anniversary of the independence of the State of Israel, and yield myself as much time as I may consume.

Since its founding 61 years ago, the modern State of Israel has been a strong ally of the United States, Israel has established itself as a dynamic, pluralistic and democratic nation with a booming economy, a thriving culture and intellectual life. Contemporary Israelis have contributed to world civilizations as scholars, inventors, artists and educators, and Israeli citizens have been awarded the Nobel Prize. Israel is the home to many outstanding scientists, engineers, doctors, musicians and other hardworking people. This is

an impressive record for a country of barely 7 million people.

Since Israel's founding, the United States has had no greater friend in the Middle East. The close bond is based on shared values, including a commitment to democracy and respect for human rights. The United States and Israel also share a common history as a nation of immigrants, many of whom fled persecution from other parts of the world. The United States and Israel have worked to welcome people in their borders.

Israel declared its independence on May 14, 1948, providing opportunity for Jews from all over the world to reestablish their ancient homeland. Israel remains the home of many religious sites which are sacred to Judaism, Christianity and Islam.

Israelis continue to serve as a model of democracy and democratic values by holding free and fair elections, promoting free and fair exchange of ideas, having open press, open media and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of all its civilians. As a matter of fact, in the Knesset, just about every small group may be represented, and it is considered to be for Israel, as compared to other nations, the most democratic by the manner in which it is created. I am certainly convinced that America and Israel will remain and retain their very strong and special relationships for years to come.

H. Con. Res. 111 reaffirms these bonds of friendship and cooperation and expresses a commitment to strengthen them as we move forward.

Mr. Speaker, I am pleased to support this resolution commending the 61 years of Israel's existence as a beacon of democracy and hope in the Middle East. I look forward to future anniversaries and to the day when Israel and her civilians can live in true peace and true security.

I strongly support this resolution, and I strongly urge that all my colleagues do the same.

For thirty-one years, not one of Israel's Arab neighbors recognized the Jewish State. Finally, in 1979 and 1994, in respectively, visionary Arab leaders Anwar Sadat of Egypt and King Hussein of Jordan embraced the path of co-existence and signed peace treaties with Israel. I am convinced that someday the other Arab states will follow suit.

Mr. Speaker, at this time I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we, today, commemorate 61 years of Israeli independence, we commemorate and celebrate so much more. We celebrate 61 years of the exercise of vibrant liberty, democracy and opportunity for those of all faiths. We celebrate over six decades of the revitalization of the Jewish homeland where Jewish culture, literature

and philosophy have flourished. We celebrate 61 years of Israeli achievements in science and technology and business, achievements defined by continual innovation and entrepreneurship, and we celebrate the hard work, determination and love of peace displayed by the people of Israel, a people with whom we share our deepest values.

In short, Mr. Speaker, today we celebrate a quintessentially American story, an example of what other countries in the Middle East and beyond can achieve if they unleash the power of human freedom.

But as we celebrate, we cannot and must not ignore the continued and growing threats to Israel's survival. At the United Nations, Israel, like the United States, is singled out for bogus criticism and judged by double standards. Most recently at the Durban II conference in Geneva, speaker after speaker lambasted Israel for supposed racism, and the assembled nations passed a declaration that criticized Israel alone among nations. Of course, the most memorable and infamous moment from the Durban II was Iranian leader Mahmoud Ahmadinejad's speech where he savagely attacked the State of Israel and advanced anti-Semitic conspiracy theories that could have been taken verbatim from the Protocols of the Elders of Zion. Ahmadinejad has repeatedly called for Israel's destruction, and given the Iranian regime's pursuit of nuclear, chemical, biological and missile capabilities, he and his ilk may soon have the wherewithal to make good their threats. The prospect of an emboldened nuclear Iran is a threat to Israel, a threat to the United States, and a threat to us all, and we cannot stand idly by in the face of this danger.

Likewise, to Israel's north, Syria's dictator has threatened Israel with violence and brags of his support for the violent Islamist group Hezbollah, which continues to increase its capabilities to diminish Israel. Southern Israel continues to endure the nearly 9,000 rocket missiles and mortars that have been fired into Israel since 2001, more than 6,000 of them since Israel withdrew entirely from the Gaza Strip in November 2005. The result has been numerous Israeli deaths, physical and psychological wounds, and unceasing panic in the towns and cities within range of Hamas's artillery.

As we witnessed in the recent conflict in Gaza, Hamas's capabilities continue to expand; thus, as we celebrate the anniversary of Israeli independence, and with it the creation of a bastion of democracy in a sea of autocracy, we must remain mindful of the challenges that she faces. In short, the bond between our Nations and our people have never been stronger. The United States could not ask for a better friend and ally in the region, and I assure the Israeli people that they will

always be able to depend on the United States and the American people.

I would like to extend my best wishes and congratulations to the people of the State of Israel on their 61st independence day.

I reserve the balance of my time.

Mr. PAYNE. At this time, I yield 5 minutes to the delegate from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, again, I thank my good friend from New Jersey for yielding.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 111, the legislation which expresses the sense of Congress recognizing and extending warm congratulations to the State of Israel for the 61st anniversary of its independence. First, I want to commend the chief sponsor, Mr. SCOTT GARRETT of New Jersey, for introducing this important resolution celebrating this occasion on Israel's 61st birthday. I also want to recognize the cosponsors for their strong support of House Concurrent Resolution 111.

Mr. Speaker, on May 14, 1948, the State of Israel was founded when Israel declared independence and was extended diplomatic recognition by the United States. We must acknowledge the importance of the actions made by the United Nations in the 1940s in creating the Jewish State soon after the horrific atrocities committed by the Nazis during World War II where they killed some 6 million Jews and imprisoned and viciously tortured many more in concentration camps.

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Mr. Speaker, this legislation honors the anniversary of the reestablishment of the sovereign and independent modern State of Israel and commends the leaders and the people of Israel for their remarkable achievements in building a strong and thriving democracy in the Middle East, while being threatened constantly with terrorism and war. The United States shares an affinity with the people of Israel, where we have a strong partnership based on democratic values that emphasize the importance of inalienable rights through the protection of the rights of individuals, maintaining the freedom of the press, providing for freedom of religion, having open and fair elections and, importantly, maintaining the rule of law. As the only democracy in the Middle East, we must commend Israel for their steadfast commitment to upholding democratic principles.

Mr. Speaker, Israel is at the forefront of modern technology, and has continued to expand its advancements in energy efficiency and renewable energy technologies. I want to acknowledge Israel's efforts in preventing and combating diabetes in the Pacific Islands. This is an epidemic which has drastically impaired the people of the Pacific Island nations. Israel has contin-

ued to work with the people of the Pacific Island nations either through direct or technical assistance, and I must recognize them for their support of the least fortunate in this part of the world. This resolution reiterates Israel's significant global contributions.

Mr. Speaker, I want to praise the efforts of President Obama and his administration for making the Israeli Middle East peace process a high priority of this administration. This was reaffirmed when President Obama appointed Senator George Mitchell as Special Envoy for the Middle East process in his second day of office. Like President Obama, I believe that it is critical that Israel share a lasting peace with its neighbors in the Middle East and that a two-state solution, an Israeli state and a Palestinian state, will provide for peace and security in this important region of the world.

Mr. Speaker, I want to end on an important note. At the National Prayer Breakfast held this year, former British Prime Minister Tony Blair who is now the Quartet's Special Envoy to the Middle East, gave the most remarkable keynote address. In his speech, Prime Minister Blair mentioned a conversation he had with his Palestinian tour guide during his tour of Israel. At the Mount of Temptation in Jericho, and this is meant in humor, Mr. Speaker, his Palestinian tour guide said, "Moses, Jesus and Mohammed, why did they all have to come here?" This speaks volumes of the importance of this region when three of the most important religions of the world have a common cultural and religious history with the great city of Jerusalem.

I believe today, as did the late prime minister and a great hero of mine, Yitzhak Rabin, that there will be a resolving and lasting peace between the Palestinians and Israelis who are in fact direct descendants of Father Abraham.

I keep telling my Arabic and Israeli friends: You guys are first cousins, why do you keep fighting each other? You are all sons and daughters of Father Abraham.

I want to convey my personal congratulations to the people of Israel in celebrating their 61st anniversary, and I urge my colleagues to support this resolution.

Mr. BOOZMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. GARRETT), a member of the Budget and Financial Services Committees and the author of the resolution.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman. I do now rise to commemorate this important event, the 61st anniversary of the founding of the modern State of Israel. As indicated, it was less than a century ago when most Jewish people were scattered throughout the world, often

suffering from unjust persecution. Yet today, Israel is an independent, flourishing country that is vibrant as it goes forward day by day.

Just as the Jewish people celebrated Passover recently, the time when God delivered the Israelites out of captivity, I believe it is fitting and proper for us to celebrate the establishment of the only truly free country in the Middle East.

I have long been a strong advocate for Israel during my tenure here in Congress. During my very first term in office, I had an opportunity to visit Israel and to learn more about its people and the Jewish government. I also had the opportunity to establish a Jewish Advisory Committee in my district, to meet with Israeli and Palestinian officials.

Last year I introduced H. Res. 951, which condemned the rocket attacks on Israel, and I was pleased to see that this resolution passed the House overwhelmingly with bipartisan support.

So today, I come to the floor and am honored to speak on H. Con. Res. 111 because Israel has been one of our strongest allies, and our two countries have so very much in common. Israel and America have both faced so many wars. But we have also endeavored throughout it all to preserve the peace. And we continue now to promote freedom despite the ongoing resistance.

Earlier this year I joined with many of my constituents at a solidarity rally to remember Israel's efforts during Operation Cast Lead. I sympathized with the families of the victims who were injured and killed there.

This recent conflict served as a sobering reminder that liberty comes with a great price and a great responsibility. Yet Israel has not allowed challenges to suspend its progress. Israel was little more than a barren desert back in 1948. And, amazingly, this wilderness has been transformed into a center of thriving agricultural production. Not only has Israel been the source of innovative techniques, but it has also shared those techniques and that knowledge with countries across the world.

My own State of New Jersey is called the Garden State. Our State has directly benefited from the irrigation practices first developed by the people in Israel.

So I come to the floor right now grateful to how Israel has so freely shared their lessons that they have learned. By illustrating the virtues of liberty and the benefits of innovation, Israel today serves as a model for other developing nations.

This 61st anniversary is truly indeed a cause for celebration. I urge my constituents and colleagues to join me in recognizing this achievement of our friend and ally, Israel.

Mr. PAYNE. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield 2 minutes to my final speaker, Mr. GOHMERT, a distinguished member of the Judiciary, Resources and Small Business Committees.

Mr. GOHMERT. Mr. Speaker, I appreciate my friend from Arkansas yielding me this time.

On the 61st anniversary of the creation of Israel, we should stop to congratulate them. But I have a couple of points that I want to make sure that everyone understands.

Number one, there was a Holocaust. Number two, there could be another holocaust.

Now today, we are told that the Taliban is near Islamabad. If Pakistan falls to the most radical Islamic terrorists, then the world is in trouble. We need to protect our friends.

We know that Israel is a democracy, a great democracy; so we are and should be friends. We know that Israel believes in the value of human life and human rights. We are and should be friends.

Someone once referred to Israel as the miner's canary for the world because when Israel suffers, the world is about to suffer.

That's the kind of friend we need to hold close and work together with. I want to make clear these radical Islamic terrorists, they are such a tiny, tiny fraction of the Islamic believers in the world. But they are a dangerous, dangerous part that needs to be understood and dealt with.

Congratulations to Israel. They are our friend. They should be our friend, and we need to make sure another holocaust never happens.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise before you today in support of H. Con. Res. 111, recognizing the 61st anniversary of the independence of the State of Israel. I would like to thank my colleague, Representative SCOTT GARRETT, for introducing this act of solidarity. I would also like to thank my fellow cosponsors.

On May 14, 1948—61 years ago—the Jewish people of Palestine declared their independence as a sovereign state. Across the world, the Jewish people saw a new opportunity to reestablish their ancient homeland—the possibility of living, not as eternal outsiders, but as a nation.

Eleven minutes after this declaration, the United States became the first country to recognize the new state. This began a long, strategic partnership based on shared democratic values, friendship, and respect. To this day, Americans share an affinity with the people of Israel and view their country as a strong and trusted ally.

The new nation provided a refuge to millions who had survived one of the most glaring examples of man's greatest inhumanity to man. These survivors helped to found a democracy that made use of all the freedoms, we, as Americans hold dear ourselves, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed.

Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising, in the Knesset, a democratic government that is fully representative of its citizens. The leaders in this parliament have, as the times have required, led Israel as the nation defended itself from repeated military and terrorist attacks.

Likewise, when they saw the opportunity, the democratically elected leaders of Israel have worked for peace, as they did with the neighboring governments of Egypt and Jordan to establish peaceful, bilateral relations. These efforts continue to this day—despite the deaths of over 1,000 innocent Israelis over the last several years at the hands of suicide bombers and other terrorists—as the people of Israel continue to seek peace with their Palestinian neighbors, I will continue to work for a two-state solution and the saving of lives in Palestine and in Israel.

This is all to say nothing of the country's many other accomplishments, including significant global contributions in the fields of science, medicine, and technology.

That is why I stand here today—to recognize this simple truth—that the independence of the State of Israel is more than a single event—it is the stabilization of a region, it is the lasting friendship of a like-minded country—and it is the bond of sovereign friendship. That is what this resolution does.

To the administrations and Congresses that have, since its creation, stood by the people of Israel, working for their security and well-being, we give our praise. We further commend our allies who have helped us to strengthen our bilateral relations in recent years in the fields of defense, diplomacy, and homeland security. We also encourage them to continue their cooperation in resolving future mutual challenges, as we resolve, today and always, to continue ours. For that is also in this resolution.

Finally, I extend the warmest congratulations and best wishes to the people of Israel as they celebrate the 61 years of their noble nation's independence and sovereignty. May they know many more, and thrive as a country.

Mr. MORAN of Kansas. Mr. Speaker, for the past 61 years, the United States and Israel have enjoyed a strategic partnership based on shared democratic values, commitment to freedom, friendship, and respect. I rise today to recognize that relationship and congratulate the people of Israel on the 61st anniversary of Israel's independence.

In addition to congratulating the people of Israel as they celebrate their independence, H. Con. Res. 111, recognizes important events and people who have shaped this nation's history. While Israel's history is marked by proud accomplishments and successes, it is also peppered by instances when Israeli's had to defend their country from outside threats. Sadly, many threats still remain. As Americans join Israeli's in celebrating their country's independence, we should take notice of those threats and renew our commitment to addressing them.

No bigger, more challenging threat exists to Israel than that posed by Iran. Continuing to enrich uranium, Iran now has enough low enriched uranium that if further processed could

produce a nuclear bomb. Such a development would be an existential threat to Israel. As one of Israel's closest friends and allies, the United States should take appropriate action to prevent Iran from acquiring nuclear weapons. Congress can begin by approving H.R. 1327, the Iran Sanctions Enabling Act, and H.R. 1985, the Iran Diplomatic Enhancement Act.

By standing with Israel against Iran, we demonstrate the strength of the ties that bind our two nations. Again, Mr. Speaker, I congratulate the people of Israel on the 61st anniversary of their independence and call on my colleagues in Congress to show their support for Israel by passing legislation that will pressure Iran into abandoning its pursuit of nuclear weapons.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise in strong support of H. Con. Res. 111 recognizing the 61st anniversary of the founding of the State of Israel.

This resolution enjoys bipartisan support, because Americans from across the political spectrum agree that the State of Israel is a great friend of the United States, and we all celebrate the anniversary of its founding today.

As we mark this anniversary, it is fitting that we also note a new American tradition. May 1st of this year marked the beginning of the 4th annual Jewish American Heritage Month, during which we celebrate the many contributions that American Jews have made to the society in which we live and thrive. When the first Jewish settlers came to this land, they sought a place of promise where they could practice their faith in freedom and live in liberty.

The history of Jews in the United States includes the earliest days of the Republic, when in 1790, a member of the oldest synagogue still standing in the United States—the Touro Synagogue in Newport, Rhode Island—wrote to George Washington, expressing his support for Washington's administration and good wishes for the first President. President Washington sent a letter in response, which read in part:

... the Government of the United States ... gives to bigotry no sanction, to persecution no assistance ... May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.

These many years later, I encourage all Americans to stop and think about the great gains in medicine, literature, journalism, law, entertainment, and fine arts that have been made due in no small part to the role of our Jewish friends and neighbors have played in American society.

I will also note that as a nation of immigrants, our culture has been enriched by the traditions that settlers from across the globe have been able to incorporate into their daily lives as Americans. In the Jewish culture, the phrase "tikkum olam" directs believers to live their lives to heal the world. There is no better guiding principle in these challenging times,

and our shared American culture is stronger because of it.

On the occasion of Israel's 61st anniversary, and as we celebrate the contributions of Jewish Americans in our daily lives, I look forward to the future of our friend and ally, the State of Israel, and to the prospects for peace in the Middle East.

I will remain steadfast in my support of an independent Jewish state, and I am hopeful that we will soon reach the day when children will have to turn to the history books to learn that there ever was conflict in the Middle East.

President Obama has begun the vital work of reengaging the United States in the quest for peace in the Middle East by appointing George Mitchell as Special Envoy for Middle East Peace. As we commemorate the 61st historic years since the founding of the State of Israel, we must also look to the future, and I believe the future for Israel is bright.

I congratulate the State of Israel on its 61st anniversary, and I urge adoption of this Resolution.

Mrs. BACHMANN. Mr. Speaker, today I rise in support of H. Con. Res. 111, a resolution recognizing the 61st anniversary of the founding of the modern state of Israel. I believe it is important on this occasion to highlight the close bond between the United States and Israel. Just as the U.S. is a symbol of hope and freedom around the globe, Israel stands as a symbol of freedom and democracy in an area historically rampant with violence and oppression.

On May 14, 1948, Israel declared its independence, with the United States being the first country to formally recognize the new nation. Since that historic day, the United States and Israel have shared a close relationship of friendship and cooperation that serves as an example to the rest of the world. This relationship is strengthened with each successive year.

One critical aspect of the U.S.-Israeli relationship is the role Israel plays in the pursuit of peace in the Middle East. Indeed, Israel has worked hard to develop friendly working relationships with its neighbors, Egypt and Jordan, setting an example of leadership and peace even as many around them spread hatred and terror. And while recent years have unfortunately been marked by escalating armed conflict between Israel and Hamas, the United States will stand steadfast in its commitment to a free Israel as the Middle East comes to embrace the liberties and freedoms of democratic societies.

Mr. Speaker, as a cosponsor of this resolution, it is my honor to recognize and congratulate the success of Israel on its 61st Anniversary. It is vital the United States continue to develop its strong relationship with Israel so that other countries around the world still oppressed and ruled by terror can see the true value of a free and democratic society.

Mr. GALLEGLY. Mr. Speaker, on May 14, Israel will celebrate its 61st anniversary as a sovereign and independent nation. Only eleven minutes after its creation, the United States recognized Israel and was one of the first nations to do so. In these intervening 61 years, the people of Israel have established a unique, pluralistic democracy that includes the freedoms cherished by Americans.

Today, the United States House of Representatives voted on and approved House Concurrent Resolution 111 that states that Congress recognizes the independence of the State of Israel as a significant event in providing refuge and a national homeland for the Jewish people; commends the bipartisan commitment of all United States administrations and United States Congresses since 1948 to stand by Israel and work for its security and wellbeing; congratulates the United States and Israel for the strengthening of bilateral relations in recent years in the fields of defense, diplomacy, and homeland security, and encourages both nations to continue their cooperation in resolving future mutual challenges; and extends warm congratulations and best wishes to the people of Israel as they celebrate the 61st anniversary of Israel's independence.

I am proud to be a cosponsor of House Concurrent Resolution 111 and I have consistently supported efforts to strengthen the relationship between the United States and Israel. As a senior member of the House Foreign Affairs Committee, I will continue to work with members on both sides of the aisle to ensure that our country remains steadfast in our support for Israel and its people.

Mr. CALVERT. Mr. Speaker, as many have said before, friendship is found and tested through adversity. The friendship between the United States and Israel has certainly been tried and proven true. Both our nations confront challenges that are rooted in extremism and terrorism. While America formerly found some comfort in distance, Israel stands as a true testament to freedom and democracy in the Middle East—but Israel does not stand alone. The commitments between Israel and the United States are not born out of mere necessity, but out of mutual respect and the common belief that all of mankind deserves to live in peace and freedom.

On the 61st Anniversary of the Independence of the State of Israel, I offer my gratitude and congratulations to a steady ally and friend.

Ms. LEE of California. Mr. Speaker. I welcome the opportunity to commemorate the 61st anniversary of the founding of the State of Israel and congratulate the people of Israel as they celebrate the independence of their country.

I am hopeful that this year we make substantial progress to the goal we all share which is to see Israel and its neighbors living side by side in peace. To achieve this goal, it is important that the parties, aided by the United States acting as an honest broker, address and resolve all of the major issues standing in the path to peace.

The appointment by President Obama of former Senator George Mitchell as Special Envoy for Middle East Peace is an outstanding gift from the United States to Israel on the occasion of its 61st birthday.

Mr. LARSEN of Washington. Mr. Speaker, I rise to express my support for H. Con. Res. 111, a resolution recognizing the sixty-first anniversary of Israel's independence.

Just eleven minutes after the establishment of Israel on May 14, 1948, President Truman recognized its status as a sovereign nation. That moment marked the beginning of an enduring relationship between our two countries.

Israel and its citizens have made outstanding contributions to global prosperity and culture. The whole world has benefited from Israeli advances in science, medicine, technology, and the arts. As the longest-enduring democracy in the Middle East, Israel is a strong and trusted ally in a volatile region.

After more than six decades, the United States remains committed to its friendship with Israel. This friendship has endured, and will endure, because our countries share fundamental values.

The Jewish People's Council, in approving the Declaration of the Establishment of the State of Israel, articulated many of our common values, stating "The state of Israel . . . will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture."

On the occasion of its Independence Day, I congratulate the people of Israel for their continued commitment to these democratic principles. I look forward to strengthening our relationship based on our many common ties in the decades to come.

Mr. PAYNE. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I urge adoption of this very important resolution, and thank the gentleman from New Jersey for bringing it forward. Again, I urge all of our House Members to vote in the affirmative, and I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 111.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GARRETT of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF MALARIA AWARENESS DAY

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 103) supporting the goals and ideals of Malaria Awareness Day, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 103

Whereas April 25 of each year is recognized internationally as Africa Malaria Day and in the United States as Malaria Awareness Day;

Whereas despite malaria being completely preventable and treatable and the fact that malaria was eliminated from the United States over 50 years ago, more than 40 percent of the world's population is still at risk of contracting malaria;

Whereas, according to the World Health Organization, nearly 1,000,000 people die from malaria each year, the vast majority of whom are children under the age of 5 in Africa;

Whereas malaria greatly affects child health, roughly every 30 seconds a child dies from malaria, and more than 3,000 children die from malaria every day;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates by the Center for Disease Control and Prevention that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa;

Whereas HIV infection increases the risk and severity of malarial illness, and malaria increases the viral load in HIV-positive people, which can lead to increased transmission of HIV and more rapid disease progression, with substantial public health implications;

Whereas in malarial regions, many people are co-infected with malaria and one or more of the neglected tropical diseases, such as hookworm and schistosomiasis, which causes a pronounced exacerbation of anemia and several adverse health consequences;

Whereas the malnutrition and consequent chronic illness that result from childhood malaria leads to increased absenteeism in school and perpetuates cycles of poverty;

Whereas an estimated 90 percent of deaths from malaria occur in Africa and the Roll Back Malaria Partnership estimates that malaria costs African countries \$12,000,000,000 in lost economic productivity each year;

Whereas the World Health Organization estimates that malaria accounts for 40 percent of health care expenditures in high-burden countries, demonstrating that effective, long-term malaria control is inextricably linked to the strength of health systems;

Whereas heightened efforts over recent years to prevent and treat malaria are currently saving lives;

Whereas progress and funding to control malaria has increased ten-fold since 2000, in large part due, to funding under the President's Malaria Initiative (a United States Government initiative designed to cut malaria deaths in half in target countries in sub-Saharan Africa), the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Bank, and new financing by other donors;

Whereas the President's Malaria Initiative has purchased almost 13,000,000 artemisinin-based combination therapies (ACT), protected over 17,000,000 people through spraying campaigns, and distributed over 6,000,000 insecticide-treated bed nets, the Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 7,000,000 bed nets to protect families from malaria and provided 74,000,000 malaria patients with ACTs, and the World Bank's Booster Program is scheduled to commit approximately \$500,000,000 in International Development Association funds for malaria control in Africa;

Whereas public and private partners are developing effective and affordable drugs to

treat malaria, with more than 23 types of malaria vaccines in development;

Whereas according to the Centers for Disease Control and Prevention, vector control, or the prevention of malaria transmission via anopheles mosquitoes, which includes a combination of methods such as insecticide-treated bed nets, indoor residual spraying, and source reduction (larval control), has been shown to reduce severe morbidity and mortality due to malaria in endemic regions;

Whereas the impact of malaria efforts have been documented in numerous regions, such as in Zanzibar, where malaria prevalence among children shrank from 20 percent to less than 1 percent between 2005 and 2007, and in Rwanda, where malaria cases and deaths appeared to decline rapidly after a large-scale distribution of bed nets and malaria treatments in 2006; and

Whereas a malaria-free future will rely on consistent international, national and local leadership, and a comprehensive approach addressing the range of health, development, and economic challenges facing developing countries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Malaria Awareness Day, including the achievable target of ending malaria deaths by 2015;

(2) calls upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities to raise awareness and support to save the lives of those affected by malaria;

(3) reaffirms the goals and commitments to combat malaria outlined in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008;

(4) commends the progress made during the last year by anti-malaria programs including the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis and Malaria;

(5) recognizes the work of the Roll Back Malaria Partnership and affirms United States support for and contribution toward the achievement of the following targets:

(A) Achieve universal coverage for all populations at risk with locally appropriate interventions for prevention and case management by 2010 and sustain universal coverage until local field research suggests that coverage can gradually be targeted to high-risk areas and seasons only, without risk of a generalized resurgence.

(B) Reduce global malaria cases from 2000 levels by 50 percent in 2010 and by 75 percent in 2015.

(C) End malaria deaths by 2015.

(6) encourages fellow donor nations to maintain their support and honor their funding commitments for Malaria programs worldwide;

(7) urges greater integration between United States and international health programs that target malaria, HIV, Tuberculosis, neglected tropical diseases, and basic child and maternal health; and

(8) commits to continued United States leadership in efforts to reduce global malaria deaths, especially through strengthening health care systems that can deliver effective, safe, high-quality interventions when and where they are needed, and assure access to reliable health information and effective disease surveillance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, H. Con. Res. 103, supporting the goals and ideals of Malaria Awareness Day.

April 25 of each year is recognized internationally as Africa Malaria Day and in the United States as Malaria Awareness Day.

I introduced this resolution with my colleague and Congressional Malaria Caucus co-Chair, Congressman JOHN BOOZMAN of Arkansas, a true partner in the fight against malaria and so many other good causes, and I would like to thank him for his partnership and his continued commitment to ending malaria, and to so many other important issues pertaining to Africa.

We introduced this resolution to remind the Congress, the country, and the world that malaria is preventable and is treatable.

Malaria was eliminated from the United States over 50 years ago, yet more than 40 percent of the world's population is still at risk of contracting this disease. The World Health Organization reports that malaria claims the lives of nearly 1 million people each year, the vast majority of whom are children under the age of 5 in Africa.

I ask you to reflect on the statistics: malaria takes the life of a child roughly every 30 seconds. This is simply astounding and unconscionable in 2009. Malaria also causes a great risk to maternal health, causing complications during delivery, anemia, and low birth weight, with estimates by the Centers for Disease Control and Prevention that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa.

An estimated 90 percent of the deaths from malaria occur in Africa. Malaria also perpetuates poverty. The Roll Back Malaria Partnership estimates that malaria costs African countries \$12 billion annually in lost economic productivity.

The malaria burden also weakens governments' abilities to provide services. The World Health Organization estimates that malaria accounts for 40 percent of health care expenditures in high-burden countries, demonstrating that effective, long-term malaria control is inextricably linked to the strength of the health systems.

However, there is good news. Heightened efforts by our own government and by other partner nations have made significant progress in the fight against malaria.

The President's Malaria Initiative has purchased almost 13 million artemisinin-based combination therapies (ACT), which will protect over 17 million people through spraying campaigns, and has distributed over 6 million insecticide-treated bed nets.

□ 1500

The Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 7 million bed nets to protect families from malaria and provided 74 million malaria patients with ACTs. As the World Bank's booster program is scheduled to commit more than \$500 million in International Development Association funds for malaria, this will help to move forward the control of malaria; approximately \$500 million by the International Development Association.

Public and private partnerships are developing effective and affordable drugs to treat malaria, with more than 23 types of malaria vaccines in development. Years ago, there were virtually no vaccines in development. And so we have seen that the world has taken a real look at this dread disease and we are moving forward to its elimination.

This resolution calls our attention to Malaria Awareness Day which the Congressional Malaria Caucus marked by holding briefings, a roundtable with African health officials, and will conclude with Special Orders this evening. The resolution also reaffirms the goals and commitments to combat malaria outlined in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 which provided critical funding, \$6 billion, to fight malaria and tuberculosis.

Let us remain committed to ending malaria for the health and wealth of the entire world. I strongly support this resolution and I urge my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

As co-Chair with Chairman PAYNE of the Congressional Malaria Caucus and an original cosponsor of this resolution brought forth by Chairman PAYNE, I rise in support of H. Con. Res. 103, which supports the goals and ideals of Malaria Awareness Day.

It is widely known that malaria was eradicated in the United States more than a half century ago. Less known is the fact that malaria still affects as many as half a billion people in 109 countries in Africa, Asia and Latin America, and that malaria kills approximately 1 million to 3 million people per year.

Africa has been particularly hard hit. Ninety percent of all malaria deaths occur in Africa. It is the leading cause of death of children under the age of 5, claiming the lives of an estimated 3,000 African children per day. And because even mild cases of malaria can be debilitating, many businesses have been forced to hire two or more employees to fill a single position due to absenteeism. It is estimated that Africa loses \$12 billion in productivity each year—all because of a wretched mosquito. But with the commitment of host countries and generous donor support—including through the President's Malaria Initiative; the Global Fund to Fight AIDS, Tuberculosis and Malaria; the World Bank; private donors and nongovernmental organizations, including Malaria No More—we are starting to see the light at the end of the tunnel.

Mass distributions of mosquito nets, indoor residual spraying, and the development and distribution of safe, effective and inexpensive drugs to treat malaria have yielded sharp declines in malaria-related deaths in a number of African countries. According to U.S. Malaria Coordinator, Admiral Tim Ziemer, "These efforts are bringing newfound hope that malaria is not an intractable problem and giving children a fighting chance to improve their quality of life and build better futures."

But we still have a long way to go.

Malaria Day serves as a call to arms—a day to mobilize resources and recommit ourselves to the fight against this preventable disease. It reminds us that with the steadfast commitment of donors, host governments, local leaders and the countless heroes who are fighting to roll back this scourge on the ground each and every day, we may live to see the elimination of malaria from the developing world.

I thank the sponsor, and my fellow co-Chair of the House Malaria Caucus, Mr. PAYNE, for introducing this important measure and for agreeing to modest, though critically important changes which enabled us to move the resolution directly to the House floor today. I appreciate the chairman's hard work and leadership combating this disease but also for his chairmanship of the Africa Subcommittee of the Foreign Affairs Committee.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. At this time I yield 1 minute to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I thank the gentleman for yielding and for this opportunity to speak out in full support of this proposed legislation. Not only am I a cosponsor but I want to commend especially my colleague and

friend, the chairman of the House Foreign Affairs Subcommittee on Africa and Global Health.

Mr. Speaker, this issue is serious. Forty percent of the world's population, some 6 billion people living in this world, are still impacted and affected by this serious disease—malaria. On top of that, some 800 million people living on the continent of Africa, 90 percent of the people living in Africa, are also affected by this serious disease.

I want to thank the gentleman from New Jersey for his initiative and leadership in proposing this legislation and sincerely hope that in our efforts in working through the authorizing committees that we will build on what the gentleman, the chairman of our subcommittee, has done to bring to the attention of our colleagues and to the American people the importance of what we need to do as a country to help get rid of this serious disease.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. I yield the gentleman 30 additional seconds.

Mr. FALEOMAVAEGA. I want to commend my good friend from New Jersey for working quietly and patiently but with tremendous effort in working with our colleagues in addressing the serious problems of malaria.

With that, Mr. Speaker, I want to again thank my good friend from New Jersey for his leadership and for the work that he has done in trying to get rid of this dreaded disease.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 103, "Supporting the goals and ideals of Malaria Awareness Day" and I would like to thank my colleague Representative PAYNE for introducing this resolution.

Every year, April 25 is recognized internationally as Africa Malaria Day and in the United States as Malaria Awareness Day. Although, malaria is a completely preventable and treatable disease which was eliminated from the United States over 50 years ago, more than 40 percent of the world's population is still at risk of contracting malaria. According to the World Health Organization, nearly 1,000,000 people die from malaria each year, the vast majority of whom are children under the age of 5 in Africa. I feel that the target of ending malaria deaths by 2015 is an achievable goal that the United States must aid in accomplishing.

As chair of the Congressional Children's Caucus, this resolution is important to me because roughly every 30 seconds a child dies from malaria, and more than 3,000 children die from malaria every day. The malnutrition and consequent chronic illness that result from childhood malaria leads to increased absenteeism in school and perpetuates cycles of poverty. In addition to threatening the lives of children this disease also takes a great toll on women as well. Malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with

estimates by the Center for Disease Control and Prevention that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa.

An estimated 90 percent of deaths from malaria occur in Africa and the Roll Back Malaria Partnership estimates that malaria costs African countries \$12,000,000,000 in lost economic productivity each year. The World Health Organization estimates that malaria accounts for 40 percent of health care expenditures in high-burden countries, demonstrating that effective, long-term malaria control is inextricably linked to the strength of health systems.

Fortunately, the heightened efforts over recent years to prevent and treat malaria are currently saving lives. Progress and funding to control malaria has increased ten-fold since 2000, in large part, due to funding under the President's Malaria Initiative (a U.S. Government initiative designed to cut malaria deaths in half in target countries in sub-Saharan Africa), the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Bank, and new financing by other donors. The President's Malaria Initiative has purchased almost 13,000,000 artemisinin-based combination therapies (ACT), protected over 17,000,000 people through spraying campaigns, and distributed over 6,000,000 insecticide-treated bed nets, the Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 7,000,000 bed nets to protect families from malaria and provided 74,000,000 malaria patients with ACTs, and the World Bank's Booster Program is scheduled to commit approximately \$500,000,000 in International Development Association funds for malaria control in Africa.

At the moment, public and private partners are developing effective and affordable drugs to treat malaria, with more than 23 types of malaria vaccines in development. According to the Centers for Disease Control and Prevention, vector control, or the prevention of malaria transmission via anopheles mosquitoes, which includes a combination of methods such as insecticide-treated bed nets, indoor residual spraying, and source reduction (larval control), has been shown to reduce severe morbidity and mortality due to malaria in endemic regions. The impact of malaria efforts have been documented in numerous regions, such as in Zanzibar, where malaria prevalence among children shrank from 20 percent to less than 1 percent between 2005 and 2007, and in Rwanda, where malaria cases and deaths appeared to decline rapidly after a large-scale distribution of bed nets and malaria treatments in 2006.

A malaria-free future will rely on consistent international, national and local leadership, and a comprehensive approach addressing the range of health, development, and economic challenges facing developing countries. It is important that this Congress commits to continued leadership in efforts to reduce global malaria deaths, especially through strengthening health care systems that can deliver effective, safe, high-quality interventions when and where they are needed, and assure access to reliable health information and effective disease surveillance.

Mr. BOOZMAN. Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 103, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING RABBI CHARLES H. ROSENZVEIG

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 283) honoring the life, achievements, and contributions of Rabbi Charles H. Rosenzveig, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 283

Whereas Rabbi Charles H. Rosenzveig, Holocaust survivor, scholar, teacher, and founder of the Nation's first free-standing Holocaust Memorial Center, passed away on December 11, 2008, which corresponds to the 14th of Kislev, 5769 of the Hebrew calendar, and was buried in Jerusalem, Israel;

Whereas Rabbi Charles H. Rosenzveig was beloved by friends, family, and congregants and is survived by his wife Helen and four children, Martin Rosenzveig, Rabbi Ely Rosenzveig, Judy Rosenzveig, and Adina Novogrodsky, and ten grandchildren;

Whereas Rabbi Charles H. Rosenzveig was born on November 13, 1920, in Ostrovitz, Poland, to Yente and Eliezer Lippa Rosenzveig;

Whereas Rabbi Charles H. Rosenzveig was educated in the Jewish cheder and prestigious Bialystok Yeshiva, and studied the laws of his faith concerning the importance of good deeds and social justice, and developed exceptional knowledge of the Talmud, the rabbinic interpretation of Jewish Law;

Whereas Rabbi Charles H. Rosenzveig endured and bore witness to the horrific atrocities of the Holocaust, the Shoah, and members of his immediate and extended family perished at the hands of the Nazis;

Whereas Rabbi Charles H. Rosenzveig managed to escape his Nazi persecutors, fled from Poland to the Soviet Union before immigrating to the United States, settling at first in New York City in 1947;

Whereas Rabbi Charles H. Rosenzveig attended the world-renowned Yeshiva University in Manhattan and was ordained in 1951 as a rabbi, leader, and teacher in the Jewish community;

Whereas, upon receiving the rabbinic designation, Rabbi Charles H. Rosenzveig led Congregation Mt. Sinai in Port Huron, Michigan, where he served as spiritual leader until 1993, when he left the pulpit to devote his entire energy and spirit to the Holocaust Memorial Center, a project he had envisioned since his escape from Europe;

Whereas the Holocaust Memorial Center, established in 1984 at the Jewish Community Center in West Bloomfield, Michigan, became the Nation's first free-standing Holocaust Memorial Center;

Whereas the Holocaust Memorial Center is a monument to the memory of the victims of the Holocaust, and an educational institution with a mission to teach the lesson of tolerance to future generations, welcoming millions of visitors from around the world wishing to learn about the horrors of the Holocaust in order to prevent such a tragedy from occurring again;

Whereas other Holocaust centers around the country have been built, many modeled on Rabbi Charles H. Rosenzweig's original Holocaust Memorial Center;

Whereas Rabbi Charles H. Rosenzweig traveled and spoke extensively to raise awareness and grow the Holocaust Memorial Center, allowing the Holocaust Memorial Center to move from its original home in West Bloomfield, Michigan, to a large, state-of-the-art museum in Farmington Hills, Michigan, that also houses the Museum of European Heritage and the International Institute of the Righteous;

Whereas it was Rabbi Charles H. Rosenzweig's vision for the new center to enlighten future generations about the horrors of the Holocaust and nourish a social consciousness whereby the "righteous acts of the few become the standard of the many"; and

Whereas Rabbi Charles H. Rosenzweig succeeded in providing the tools necessary for the message of "Never Again" to be understood by future generations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the passing of Rabbi Charles H. Rosenzweig and pauses to remember the 6,000,000 Jews killed in the Holocaust and the more than 11,000,000 people murdered in World War II; and

(2) honors the life and accomplishments of Rabbi Charles H. Rosenzweig as a scholar, teacher, rabbi, and Founder and Director of the Holocaust Memorial Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I rise in support of H. Res. 283, a resolution offered by Mr. PETERS of Michigan, honoring the life, achievements, and contributions of Rabbi Charles H. Rosenzweig. Although Rabbi Rosenzweig passed away last December, I think it is extremely and particularly appropriate that the House honor him now after having recently marked Holocaust Remembrance Day.

While Rabbi Rosenzweig will always be remembered as a loving husband and

father with a wife, Helen, and four children, one of whom followed in his father's footsteps into rabbinate and became a rabbi, many of us knew him as a path-breaking educator about the Holocaust and the founder of an important Holocaust museum and memorial.

His life story of survival, escape and renewal serves as a model for all of us. Though he escaped the clutches of the Nazis who invaded his native Poland, Rabbi Rosenzweig lost much of his family in the Holocaust. After making his way east through the Soviet Union, he found refuge in the United States in 1947. After attending Yeshiva University in New York City, he became the spiritual leader of Congregation Mount Sinai in Port Huron, Michigan. In 1984, Rabbi Rosenzweig founded the Holocaust Memorial Center, a national free-standing memorial to the horrors of the Holocaust, in Farmington Hills, Michigan. In 1993, he left the pulpit to devote his energies full time to the center. The center serves not only as a memorial to those who perished at the hands of the Nazis but as a Jewish history museum and an educational institution dedicated to tolerance to future generations.

While it is fitting that Rabbi Rosenzweig's memory and his many accomplishments be noted here today, the Nation's other Holocaust museums, many modeled after the center he founded in Farmington Hills, form perhaps the most enduring tribute to his achievements. We mourn the loss of Rabbi Charles H. Rosenzweig and pay our respects to his family and to those who knew him well.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 283, honoring the life, achievements and contributions of Rabbi Charles Rosenzweig. Rabbi Rosenzweig was a Holocaust survivor, scholar, teacher and founder of the first freestanding Holocaust Memorial Center in the United States. Rabbi Rosenzweig passed away on December 11, 2008, but his lifelong efforts to keep alive the memory of the atrocities committed during the Holocaust and his commitment to teaching the lessons of tolerance to future generations will live on.

After surviving the horrors of the Holocaust, he immigrated to the United States in 1947 where he was ordained as a rabbi, became a respected teacher in the Jewish community and spoke extensively to raise awareness about the Holocaust. Rabbi Rosenzweig made it his personal mission to teach new generations of the lessons of the Holocaust, and he led the efforts in establishing the Holocaust Memorial Center in West Bloomfield, Michigan, the first of its kind in the United States.

The original Holocaust Memorial Center which Rabbi Rosenzweig helped

establish in West Bloomfield, which was later moved to a large state-of-the-art museum in Farmington Hills, served as a model for many other Holocaust centers later built throughout the United States.

I would like to thank my colleague from Michigan, Congressman PETERS, for introducing this measure which commemorates those who perished at the hands of the Nazi regime and honors the life and accomplishments of Rabbi Charles Rosenzweig as a scholar, teacher, rabbi, and founder and director of the Holocaust Memorial Center.

I urge all of my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1515

Mr. PAYNE. Mr. Speaker, I yield to the sponsor of the resolution, the gentleman from Michigan, Representative PETERS, as much time as he may consume.

Mr. PETERS. I would like to thank the gentleman from New Jersey for yielding time.

Mr. Speaker, I rise in strong support of House Resolution 283, a resolution that I authored to honor the life, achievements and contributions of Rabbi Charles H. Rosenzweig.

The late Rabbi Rosenzweig, who passed away in December, was a scholar, teacher, Holocaust survivor, and a founder of the Nation's first free-standing Holocaust Memorial Center in Oakland County, Michigan, the county which I have lived my whole life and now have the honor to represent here in Congress.

This resolution is important to the people of Michigan and has been sponsored in a thoroughly bipartisan fashion by Representatives LEVIN, CAMP, DINGELL, EHLERS, HOEKSTRA, UPTON, KILDEE, MCCOTTER, MILLER, ROGERS, STUPAK, and SCHAUER.

I would like to commend and thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, and Vice Chairman ACKERMAN for their sponsorship of this resolution and their leadership in moving it through the House Committee on Foreign Affairs.

Rabbi Rosenzweig lost his mother, father, brother and sister in the Holocaust before fleeing to Poland and then the Soviet Union before immigrating to New York City in 1947. He led his class at the prestigious Yeshiva University in Manhattan and was ordained in 1951 as a rabbi.

He served his congregants at Congregation Mt. Sinai in Port Huron, Michigan, for decades before leaving the synagogue to devote his entire energy and spirit to the Holocaust Memorial Center of West Bloomfield, Michigan, which he founded in 1984.

Rabbi Rosenzweig traveled and spoke extensively to raise the awareness of resources needed to grow the Holocaust

Memorial Center, allowing the center to move from its original home in West Bloomfield to a large state-of-the-art museum in Farmington Hills, Michigan, that also houses the Museum of European Heritage and the International Institute of the Righteous.

The Holocaust Memorial Center, which has educated millions of visitors, stands to enlighten future generations about the horrors of the Holocaust and nourish a social consciousness whereby, as Rabbi Rosenzweig used to say, the "righteous acts of the few become the standard of the many."

Rabbi Rosenzweig was an extraordinary American who devoted his life to serving others. I was fortunate to have the opportunity to meet him, and I was taken by his wisdom, vision, sincerity, and deep sense of caring for all people.

Please join me in paying tribute to a great teacher, scholar, leader, and the founder and director of the Holocaust Memorial Center. I am pleased that the House is considering this bipartisan resolution, and I urge my colleagues to support the passage of House Resolution 283.

Mr. BOOZMAN. I ask my fellow Members to support this resolution commemorating Rabbi Rosenzweig. I also appreciate Chairman PAYNE and the staffs on both sides of the aisle for their hard work in bringing forth several measures today.

Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I would like to commend and express my appreciation to the gentleman from Arkansas who has worked very closely in a very bipartisan manner on many issues. It is a pleasure to work with him as we continue to move forward the needs of the people, not only of our country, but of the world.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 283.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 19 minutes p.m.), the House stood in recess until 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 230, by the yeas and nays;

H. Con. Res. 111, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

RECOGNIZING THE SIGNIFICANCE OF CINCO DE MAYO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 230, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 230, as amended.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 229]

YEAS—395

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner

Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler

Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett

Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslie
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas

Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebuck
Lofgren, Zoe
Lowey
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E. Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts

Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Shock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch

Wexler	Wolf	Young (AK)
Wilson (OH)	Woolsey	Young (FL)
Wilson (SC)	Wu	
Wittman	Yarmuth	

NOT VOTING—38

Barrett (SC)	Grijalva	Price (NC)
Bean	Inglis	Rohrabacher
Boucher	Israel	Sánchez, Linda
Brady (PA)	Johnson (IL)	T.
Braley (IA)	Kilpatrick (MI)	Shuler
Brown, Corrine	Lipinski	Smith (WA)
Capuano	Lucas	Stark
Childers	Maloney	Thornberry
Conyers	Moran (VA)	Tiberi
Deal (GA)	Murtha	Towns
DeFazio	Napolitano	Waters
Gallegly	Neal (MA)	Westmoreland
Gerlach	Pascarell	Whitfield

□ 1859

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Monday, May 4, 2009, I was absent during rollcall vote No. 229. Had I been present, I would have voted “yea” on the motion to suspend the rules and agree to H.R. 230—Recognizing the historical struggle for independence and freedom of the Mexican people and request the President to issue a proclamation recognizing that struggle and calling upon the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair now asks that the House observe a moment of silence in remembrance of our brave men and women in uniform, who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

IN HONOR OF JACK KEMP, FORMER MEMBER OF CONGRESS

(Mr. KING of New York asked and was given permission to address the House for 1 minute.)

Mr. KING of New York. Madam Speaker, it is my duty to inform the House of the death of our friend and former colleague Congressman Jack Kemp.

Madam Speaker, Jack Kemp served in this House for 18 years. Subsequent to that he served in the Cabinet of President Bush. And prior to all that, he played for 13 years as a professional quarterback, achieving the status of All Pro on a number of occasions, being the AFL MVP in 1965, and to this day holds many lifetime records as a quarterback in the AFL.

But Jack Kemp went beyond being a football player, beyond being a con-

gressman, and beyond being a Cabinet Secretary. To all those who knew him, he was an inspiration. He was a man of tremendous energy and enthusiasm and vibrancy. As a Republican, I can say that he revolutionized our party, and, indeed, his economic policies were the heart and soul of the Reagan Revolution.

But his influence and his friendship went across party lines. He was a man who was beloved by those of his own party and those in the opposition, even though I don't think he ever called them the “opposition.”

I was fortunate enough to know Jack Kemp for more than 30 years. I'm proud to have considered him a friend. His passing will be mourned by all of us. He was really a truly outstanding American. And certainly my thoughts and prayers go out for his wife, Joanne, and his children, all of whom loved him the way all of us who knew him loved him and cherished him.

And with that I yield to the dean of the New York delegation, Mr. RANGEL.

Mr. RANGEL. I thank the gentleman for yielding.

I would just like to join in by saying those who knew Jack Kemp, you couldn't help but admire and respect him. He wasn't just a quarterback for the Buffalo Bills, but he was a quarterback for America and what's good for America.

It wasn't really working across the aisle when working with him; it was working with someone that was trying to improve the life conditions of people in this country no matter what color or what religion they had. I worked with him on the empowerment zones. I got all the credit; he did all the work. I worked with him on the African Growth and Economic bill. He was one of the first to testify not because of Africa but because it was the right thing to do.

When he became Secretary of HUD, everybody in public housing knew him as the “godfather.” He would visit when he was running for Vice President, and in Democratic districts, they would come out to pay respect to a guy that respected people regardless of their color. So he was one of those people that when they asked, “What can I do for you? What do you need from me?” it wasn't just an expression. Jack Kemp really meant it.

His wife, Joanne, was a partner. He's got a great family. I know he's in heaven because he lived a straight life. He was a great guy. We all will miss him, especially the New York delegation and those who were honored to work with him and respect the work that he has done.

Mr. KING of New York. Madam Speaker, I ask for a moment of silence for Congressman Jack Kemp.

The SPEAKER. Members will please rise to observe a moment of silence in honor of our colleague, the Honorable Jack Kemp.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

RECOGNIZING THE 61ST ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 111, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mrs. HALVORSON). The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 111, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 39, as follows:

[Roll No. 230]

YEAS—394

Abercrombie	Capito	Emerson
Ackerman	Capps	Engel
Aderholt	Cardoza	Eshoo
Adler (NJ)	Carnahan	Etheridge
Akin	Carney	Fallin
Alexander	Carson (IN)	Farr
Altmire	Carter	Fattah
Andrews	Cassidy	Filner
Arcuri	Castle	Flake
Austria	Castor (FL)	Fleming
Baca	Chaffetz	Forbes
Bachmann	Chandler	Fortenberry
Bachus	Clarke	Foster
Baird	Clay	Fox
Baldwin	Cleaver	Frank (MA)
Barrow	Clyburn	Franks (AZ)
Bartlett	Coble	Frelinghuysen
Barton (TX)	Coffman (CO)	Fudge
Becerra	Cohen	Garrett (NJ)
Berkley	Cole	Giffords
Berman	Conaway	Gingrey (GA)
Berry	Connolly (VA)	Gohmert
Biggart	Cooper	Gonzalez
Bilbray	Costa	Goodlatte
Bilirakis	Costello	Gordon (TN)
Bishop (GA)	Courtney	Granger
Bishop (NY)	Crenshaw	Graves
Bishop (UT)	Crowley	Grayson
Blackburn	Cuellar	Green, Al
Blumenauer	Culberson	Green, Gene
Blunt	Cummings	Griffith
Boccieri	Dahlkemper	Guthrie
Boehner	Davis (AL)	Gutierrez
Bonner	Davis (CA)	Hall (NY)
Bono Mack	Davis (IL)	Hall (TX)
Boozman	Davis (KY)	Halvorson
Boren	Davis (TN)	Hare
Boswell	DeGette	Harman
Boustany	Delahunt	Harper
Boyd	DeLauro	Hastings (FL)
Brady (TX)	Dent	Hastings (WA)
Bright	Diaz-Balart, L.	Heinrich
Brown (GA)	Diaz-Balart, M.	Heller
Brown (SC)	Dicks	Hensarling
Brown-Waite,	Dingell	Herger
Ginny	Doggett	Herseth Sandlin
Buchanan	Donnelly (IN)	Higgins
Burgess	Doyle	Hill
Burton (IN)	Dreier	Himes
Butterfield	Driebeaus	Hinchee
Buyer	Duncan	Hinojosa
Calvert	Edwards (MD)	Hirono
Camp	Edwards (TX)	Hodes
Campbell	Ehlers	Hoekstra
Cantor	Ellison	Holden
Cao	Ellsworth	Holt

Honda	McKeon	Ryan (WI)
Hoyer	McMahon	Salazar
Hunter	McMorris	Sanchez, Loretta
Insole	Rodgers	Sarbanes
Israel	McNerney	Scalise
Issa	Meek (FL)	Schakowsky
Jackson (IL)	Meeks (NY)	Schauer
Jackson-Lee	Melancon	Schiff
(TX)	Mica	Schmidt
Jenkins	Michaud	Schock
Johnson (GA)	Miller (FL)	Schrader
Johnson, E. B.	Miller (MI)	Schwartz
Johnson, Sam	Miller (NC)	Scott (GA)
Jones	Miller, Gary	Scott (VA)
Jordan (OH)	Miller, George	Sensenbrenner
Kagen	Minnick	Serrano
Kanjorski	Mitchell	Sessions
Kaptur	Mollohan	Sestak
Kennedy	Moore (KS)	Shadegg
Kildee	Moore (WI)	Shea-Porter
Kilpatrick (MI)	Moran (KS)	Sherman
Kilroy	Murphy (CT)	Shimkus
Kind	Murphy (NY)	Shuster
King (IA)	Murphy, Patrick	Simpson
King (NY)	Murphy, Tim	Sires
Kingston	Myrick	Skeltton
Kirk	Nadler (NY)	Slaughter
Kirkpatrick (AZ)	Neugebauer	Smith (NE)
Kissell	Nunes	Smith (NJ)
Klein (FL)	Nye	Smith (TX)
Kline (MN)	Oberstar	Snyder
Kosmas	Obey	Souder
Kratovil	Olson	Space
Kucinich	Olver	Speier
Lamborn	Ortiz	Spratt
Lance	Pallone	Stearns
Langevin	Pastor (AZ)	Stupak
Larsen (WA)	Paulsen	Sullivan
Larson (CT)	Payne	Sutton
Latham	Pence	Tanner
LaTourette	Perlmutter	Tauscher
Latta	Perriello	Taylor
Lee (CA)	Peters	Teague
Lee (NY)	Peterson	Terry
Levin	Petri	Thompson (CA)
Lewis (CA)	Pingree (ME)	Thompson (MS)
Lewis (GA)	Pitts	Thompson (PA)
Linder	Platts	Tiahrt
LoBiondo	Poe (TX)	Tierney
Loeback	Polis (CO)	Titus
Lofgren, Zoe	Pomeroy	Tonko
Lowey	Posey	Tsongas
Luetkemeyer	Price (GA)	Turner
Lujan	Putnam	Upton
Lummis	Quigley	Van Hollen
Lungren, Daniel	Radanovich	Velázquez
E.	Rahall	Visclosky
Lynch	Rangel	Walden
Mack	Rehberg	Walz
Maffei	Reichert	Wamp
Manzullo	Reyes	Wasserman
Marchant	Richardson	Schultz
Markey (CO)	Rodriguez	Watson
Markey (MA)	Roe (TN)	Watt
Massa	Rogers (AL)	Waxman
Matsui	Rogers (KY)	Weiner
McCarthy (CA)	Rogers (MI)	Welch
McCarthy (NY)	Rooney	Wexler
McCaul	Ros-Lehtinen	Wilson (OH)
McClintock	Roskam	Wilson (SC)
McCollum	Ross	Wittman
McCotter	Rothman (NJ)	Wolf
McDermott	Roybal-Allard	Woolsey
McGovern	Royce	Wu
McHenry	Ruppersberger	Yarmuth
McHugh	Rush	Young (AK)
McIntyre	Ryan (OH)	Young (FL)

NOT VOTING—39

Barrett (SC)	Inglis	Rohrabacher
Bean	Johnson (IL)	Sánchez, Linda
Boucher	Lipinski	T.
Brady (PA)	Lucas	Shuler
Briley (IA)	Maloney	Smith (WA)
Brown, Corrine	Marshall	Stark
Capuano	Matheson	Thornberry
Childers	Moran (VA)	Tiberi
Conyers	Murtha	Towns
Deal (GA)	Napolitano	Waters
DeFazio	Neal (MA)	Westmoreland
Galleghy	Pascarell	Whitfield
Gerlach	Paul	
Grijalva	Price (NC)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1914

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Monday, May 4, 2009, I was absent during rollcall vote No. 230. Had I been present, I would have voted "yea" on the motion to suspend the rules and agree to H. Con. Res. 111—Recognizing Israel's independence as a significant event in providing refuge and a national homeland for the Jewish people and congratulates Israel's people as they celebrate the 61st anniversary of Israel's independence.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, due to events in my congressional district, I was unable to vote today. If I were present, I would have voted "yea" to H. Res. 230, recognizing the historical significance of the Mexican holiday of Cinco de Mayo and "yea" to H. Con. Res. 111.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Madam Speaker, I was not present for votes on Monday, May 4, 2009, due to health reasons. If I was present I would have voted: "yea" on rollcall 229, H. Res. 230—Recognizing the historical significance of the Mexican holiday of Cinco de Mayo and "yea" on rollcall 230, H. Con. Res. 111—Recognizing the 61st anniversary of the independence of the State of Israel.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 1214

Mr. ELLISON. Madam Speaker, I ask unanimous consent to be removed as a cosponsor from H.R. 1214.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

NUCLEAR POWER VITAL TO
ENERGY FUTURE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the recently passed budget and the upcoming climate change legislation take a direct shot at the strained budgets of South Carolina families. Under an ill-advised cap-and-tax proposal, families will see their electricity bills, gas bills and grocery bills go up.

Meanwhile, South Carolina is the leader in the production of clean, viable and safe alternative nuclear energy. For over 30 years, South Carolina has benefited with over 50 percent of electrical generation by nuclear energy.

President Obama's own Secretary of Energy, Dr. Steven Chu, agrees that nuclear energy "is going to be an important part of our energy mix." Unfortunately, some in Washington still continue to ignore this proven technology.

I hope my colleagues in Congress will listen to Secretary Chu. In the meantime, South Carolina families and citizens throughout our Nation cannot afford a spike in their utility bills, their gas bills or their food budgets.

I am grateful that Santee Cooper and SCE&G are proceeding with two new reactors at Jenkinsville, South Carolina, which will produce clean energy.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HEALTH CARE FOR ALL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, 50 million Americans have no health insurance. Another 50 million are underinsured.

And instead of creating a program that would provide insurance for all Americans, the great debate in Washington is how we can continue to keep the insurance companies in business. Think about it.

America spends \$2.4 trillion a year on health care, but 1 out of every \$3, \$800 billion a year, goes for the activities of the for-profit health insurance companies, corporate profits, stock options, executive salaries, advertising, marketing costs and paperwork.

Now, isn't it time that we took away the profit-making incentive in health care and created a system where there is health care for all, where everything is covered? We have the money to do it.

The question is whether we are going to have health care for the people or whether we are going to have insurance care using our money and our tax dollars to keep the insurance companies in their profits.

NATIONAL FOSTER CARE MONTH

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Madam Speaker, today I rise in support of H. Res. 391, which recognizes May as National Foster Care Month.

Today there are over 500,000 children in foster care across the United States, and my husband and I were privileged

to have raised 23 foster children in our home.

Madam Speaker, as a foster mother, I know too well the challenges. And I am dedicated to changing public policy and to raising awareness related to the very special and individual needs of foster children, so that families who support these children receive the resources they need to help these really great kids receive adequate support to help them to reach adulthood in a positive way.

SAFE ENERGY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, since the Nation has no official energy policy, we continue to discuss what shall we do about energy for the future.

The cynics and the critics don't want us to use fossil fuels such as clean coal or oil. They don't want us drilling for even natural gas.

We can never build enough of those gangly windmill eyesores to make much of a difference. Solar energy technology is still lagging behind in development, and we are learning that the corn-based ethanol that was to save us all is too much of a pollutant and a poor use of our own land.

So what are we to do? Are we going to freeze in the dark or bake in the global heat, depending on whether one believes global warming is fact or fiction?

Today I visited the North Anna nuclear power plant in Virginia. I was impressed with their pride for safety, security and competence. This plant, along with 63 others, safely produces 20 percent of our Nation's electricity. But France gets 80 percent of its electricity from nuclear power.

So we should defy the cynics and the critics and produce energy from all safe sources, including actively pursuing more clean nuclear power, or we will eventually be left behind in the darkness of the winter night.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WILDERNESS BATTLE—MAY 5-7, 1864

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, May 5, tomorrow, 145 years ago this day, May 5, 1864, 90 miles from where

we are today and tonight, Madam Speaker, there were 160,000 troops assembled on one battlefield. Over 100,000 from the North and about 25,000 from the South, and they participated in the 3-day battle called the Battle of the Wilderness.

Madam Speaker, this battle was so intense that the wilderness itself, the woods, caught on fire during the battle and many from both sides burned to death. Casualties were about 30,000.

And if you take the number of men and women we have in Afghanistan and Iraq tonight, 160,000 is approximately the number that we have in those two theatres of war. They were assembled on one battlefield in the great Civil War.

Madam Speaker, during the Civil War there were over 600,000 killed. If we took that and brought it into today's numbers, that would be about 5 million killed.

Today I had the honor to be with my good friend, PETER WELCH of Vermont, and actor Robert Duvall, on this sacred hallowed ground. We were there for several reasons, but the primary reason was to preserve this battlefield.

During the Battle of the Wilderness, Vermonters had especially high casualties. Of the 3,500 that went into battle, 1,234 were killed.

PETER WELCH of Vermont and myself had the privilege to go and see that location, that small area where they were protecting the crossroads. This was the highest percentage of casualties in Vermont history. Most of those that were killed were from the small community of Woodstock.

On the first day of battle, the Union troops were able to push the Southern troops away. On the second day of battle, a Texas brigade, led by General Longstreet, had arrived at the battle after marching all night, 26 miles, at about 6:30 in the morning.

General Robert E. Lee was excited to see the Texas brigade, and he said the Texans always moved them and, yes, they did, they moved the Union forces back a great distance. The general for the Texas Army said that "the eyes of General Lee are upon you," and Lee rode with Texas. About 60 percent of those Texans who went into battle that day were killed.

Madam Speaker, all of the southern States participated in this battle. Eighteen of the northern States participated in this battle, and there are stories like that from all States, this sacred ground, where the Battlefield of the Wilderness, took place.

But today we are faced with another battle, Madam Speaker, because the giant corporation Wal-Mart wants to build a Wal-Mart on that sacred ground. You see, during the battle, blood was spilled so much that one soldier said you can't tell whose blood it was, and that's exactly right, Madam Speaker. Every one of those troops

that were killed that day, that fought that day and bled that day, whether North or South, were all Americans.

And that's why PETER WELCH and myself and Robert Duvall were there today to get the attention of Wal-Mart to not build on this sacred ground. Yes, they have the legal right to do so, but they should move down the street, down the road a bit and build the Wal-Mart that they want to build.

Because, you see, this ground is consecrated by the blood of Americans, and we don't want Wal-Mart to pour asphalt over the graves that are known only to God himself. So they should be a good corporate neighbor and build down the street.

You know, they need to put respect for history over love for money. They need to put dignity for the dead over lust for profit, because those that try to destroy history will be tried and convicted by history.

Wal-Mart has got more money than anybody. They can put their store anywhere they wish. So we are asking them to be good patriots rather than those who seek the profit motive and go somewhere else.

PETER WELCH and I are good friends. We probably disagree on everything except this one thing, that this land is consecrated by the lives of Americans who stood for some principle and died for that principle.

He said it best today when numerous people were there. He said the land, the Battlefield of the Wilderness, is the cathedral of sacrifice.

I agree with my good friend from Vermont. It is the cathedral of sacrifice, and we want to remember and preserve our history. We owe the dead that right, and Wal-Mart needs to move away.

And that's just the way it is.

RIISING FORECLOSURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, as unemployment in community after community rises to double digits, and foreclosures similarly rise, Wall Street is at it again, milking both ends of the foreclosure debacle.

As many of the banks who volunteered to do foreclosure moratoriums, along with Freddie Mac and Fannie Mae, have ended those moratoriums, foreclosures are rising again and expected to continue to rise even with administration programs up and running. Between the first of this year and April 22, in my home county of Lucas, the major county I represent, 442 foreclosed properties have been sold.

Now, would you think that's good? Who do you think is buying those homes? The very same institutions that made the liars' loans and

subprime loans in the first place, Deutsche Bank, followed by Citigroup, by Wells Fargo, by U.S. Bank, Fifth Third and JPMorgan Chase, HSBC, you know the names, or their subsidiaries.

So, they foreclose, they buy, then they sell, pulling profit each step of the way, while destroying neighborhood after neighborhood, community after community in their wake.

When are we going to stop letting Wall Street make money coming and going while people lose their homes and our communities are destroyed?

□ 1930

Now, who do they sell to? That's interesting. All to absentee investors who don't care or don't even know where we reside. Absentee investors across our country and, in many cases, across the world.

Of the 442 properties sold—get ready for this—93 percent—93 percent—were sold to banks or to absentee investors. I don't call that community reinvestment. I call that community disemboweling, community disinvestment.

These buyers have no connection to Ohio or our community. They have no tie to our people. They merely seek to make more profit off the anguish of places such as where we reside, through the foreclosure process, as unemployment skyrockets. Communities do not have the tools to defend themselves from this predatory pillage.

Realtors from our district are telling us that the same banks purposely are slowing down short sales of properties, pushing off sellers, and leaving properties vacant. Why? To make more money again.

Federal policy should support Main Street families regaining equity and hope. Wall Street is rigging every transaction to laden their pockets—at the expense of the very taxpayers that supported them when they were crashing, and continue to support them as they stabilize. Business as usual for Wall Street—never doing for others, but profiting at everyone else's expense.

Foreclosures weaken communities. Absentee investors do the same. We see home prices fall, which leads to more foreclosures as communities weaken and mortgages go underwater. People in communities are drowning across this country. To jump in and save them will require creative, big picture-thinking that goes beyond the gains of these big banks or the silos of governmental programs and goes beyond the benefit of one institution over another.

We must let the FDIC and SEC deal with troubled banks and their ledgers and our financial system as they are designed to operate. Any Federal agency that deals with housing and foreclosures and jobs must join forces in designing funding mechanisms to radically transform the most hard-hit com-

munities across our country. I would start with those that are now at double-digit in unemployment and foreclosures. Saving them will save more than just those communities. It will begin to breathe life back into our Nation's economy.

It's time Main Street was put ahead of Wall Street. And it's time that this Congress paid attention to what is happening coast-to-coast.

I will place in the RECORD material from the New York Times of this week.

[From the New York Times, May 4, 2009]

AS FORECLOSURES SURGE . . .

The Obama administration sat by last week as 12 Senate Democrats joined 39 Senate Republicans to block a vote on an amendment that would have allowed bankruptcy judges to modify troubled mortgages.

Senator Obama campaigned on the provision. And President Obama made its passage part of his anteforeclosure plan. It would have been a very useful prod to get lenders to rework bad loans rather than leaving the modification to a judge.

But when the time came to stand up to the banking lobbies and cajole yes votes from reluctant senators—the White House didn't. When the measure failed, there wasn't even a statement of regret.

Mr. Obama's plan to keep struggling Americans in their homes now relies on lenders to voluntarily rework bad loans. The plan provides ample incentives, including payments to servicers who successfully modify loans and, in some cases, payments to mortgage investors who agree to modifications. Whether that will be enough remains to be seen.

The administration estimates that its plan will prevent three million to four million foreclosures, but it will take several months before there is enough data to evaluate. In the past, however, voluntary modifications have failed to curb the rise in foreclosures. The number of foreclosure filings in March was very high, with estimates between 290,000 and 341,000.

Even if lenders do agree to modify loans, many Americans will still be in trouble. That's because nearly 14 million homeowners are "under water"—they owe more on their mortgages than their homes are worth.

In a bankruptcy, such homeowners would likely have their loan principal reduced, lowering their payments and helping them to rebuild equity. In a typical voluntary loan modification, however, the monthly payment is reduced, but not the principal. That puts under-water borrowers at high risk of re-default, because there is no equity to fall back on if a financial setback leaves them unable to make mortgage payments.

The negative feedback loop—foreclosures beget falling home prices, which beget foreclosures, further weakening the banks—is well under way. We hope the president's plan can break the loop, but without bankruptcy reform it is going to be a lot harder.

In fact, last week we lost what one can say was a final hope for some Americans. With their mortgage completely underwater, credit card bills unpaid, home heating or cooling bills unpaid, healthcare bills unpaid and less food on the table . . . they turn to bankruptcy. This is the last chance and last hope for people who have tried everything else humanly possible to crawl out from under their debt. The decision is hard. Their hearts and souls demoralized, they turn to bankruptcy.

Currently, bankruptcy does not include dealing with one's primary residence. The House passed bill H.R. 1106 included "cramdown" provisions. Not ideal. Not what anyone wants to do, but a tool to help some of the most desperate Americans settle debts and begin again.

No such luck . . . the amendment in the Senate to achieve such a path was defeated. The New York Times editorial harkens this to a negative feedback loop. . . .

WORLD PRESS FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, Sunday, May 3, was World Press Freedom Day. Three years ago, in conjunction with World Press Freedom Day, Congressman MIKE PENCE, Senator CHRIS DODD, Senator DICK LUGAR, and I established the Congressional Caucus for Freedom of the Press.

Since then, this bipartisan, bicameral caucus has sought to highlight the importance of free expression around the world. The caucus is a forum where Members of Congress can come together to combat and condemn media censorship and the persecution of journalists worldwide. Our caucus works to send a strong message that Congress will defend democratic values and human rights wherever they are threatened.

We have hosted panel discussions with press freedom experts, journalists, and victims of press freedom crimes; written to leaders of countries which jail journalists, impose censorship, and allow harassment, attacks, and threats to occur with impunity. We have spoken out here on the House floor and in the media to call for reforms in countries that seek to censor freedom of speech and expression.

Just recently, Representative PENCE and I introduced the Daniel Pearl Freedom of the Press Act, H.R. 1861. This bill is named in honor of former Wall Street Journal reporter Daniel Pearl, who was kidnapped and murdered by terrorists in Pakistan just 4 months after the September 11 attacks.

This legislation will establish annual State Department reports on the status of press freedom in every country in the world and create a grant program aimed at broadening and strengthening the independence of journalists and media organizations.

Our government must promote freedom of the press by putting on center stage those countries in which journalists are killed, imprisoned, kidnapped, threatened, censored—and this will do just that.

A free and independent media provides the nourishment for democracies to thrive and grow. Citizens rely upon credible, accurate information from the media to make informed decisions

and hold their leaders accountable. Information is power, which is precisely why many governments attempt to control the press to suppress opposition and preempt dissent.

Far too often, the reporters and editors who demand reform, accountability, and transparency find themselves at risk. The censorship, intimidation, imprisonment, and murder of these journalists are not only crimes against these individuals, but they also impact those who are denied access to their ideas and information.

In 2008, the Committee to Protect Journalists reported that 41 journalists were killed in connection with their work. Another 125 were falsely imprisoned for their reporting. Unfortunately, 2009 is shaping up to be a similarly dangerous year, having already seen 11 journalists murdered.

For Americans, this should spur us to consider the role that journalists play in our society and to ponder what our Nation would be like if this cornerstone of our liberty were to be curtailed. Many Americans take the concept of a free press for granted and don't realize that an unfettered press is vital to America's national security and to our democracy here at home.

But much of the world's population is not as fortunate as we are when it comes to access to independent news. Recent national news accounts have highlighted American journalists being detained on trumped-up charges in Iran and North Korea.

However, there are dozens of cases like these across the globe that don't get attention. That is why each year, as co-Chairs of the caucus, we host a Special Order hour to highlight countries whose abuses of press freedom are particularly egregious.

In 2007, we focused on Russia, profiling the 18 journalists murdered in Russia during the administration of Vladimir Putin. Last year, we focused on China and its incarceration of more journalists than any other country.

Later this month, we will host another Special Order hour where we will focus on growing press freedom abuses in Sri Lanka. Threats, attacks, imprisonment, and murders of journalists are becoming all too common in Sri Lanka.

This week is a particularly noteworthy week for press freedom in Sri Lanka. J.S. Tissainayagam, a contributor and editor for a number of print and online publications, will stand trial on Wednesday, and he faces a possible 20-year sentence if he is convicted. He is being prosecuted for allegedly inciting communal disharmony related to articles that he wrote as early as in 2006.

In March of 2008, J.S. was arrested under emergency regulations and held without habeas corpus for more than 5 months before being charged. His trial is set to resume on May 6, but it is our

hope the Sri Lankan government will drop these baseless charges and release J.S. before the trial resumes.

So today, Madam Speaker, we recognize World Press Freedom Day and call on nations like Sri Lanka to stop the persecution of innocent journalists. We use this day as an occasion to pay tribute to journalists and to reflect upon their role in advancing fundamental human rights.

I want to thank all journalists around the world, especially those who work in harm's way, for doing all they do to foster democracy and promote freedom. Your work does not go unrecognized, and we appreciate your dedication to this noble profession.

BIG THREE AUTOMAKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. I think most people know I spent a little time in the courts of this country. I am going to start off this conversation by saying that I'm not a bankruptcy judge, nor a bankruptcy litigant. And, in fact, I do not claim any expertise whatsoever in the area of bankruptcy. But I have some serious concerns that bother me about some things that are going on, and I would hope at least that the American people have these same concerns, because I really believe that the third branch of our government, the Judiciary, is there for recourse for all citizens, big and small. I think they are the fallback position, where politics should not interfere, but due process should prevail.

I believe that the protection of the minority interests of whatever we may be doing, it is best protected in the courts of our country.

I look at what is going on tonight and have been trying to figure out—and, I'm going to tell you, you're going to hear me ask a lot of questions tonight that I would like someone to give answers to, because I don't understand where things are going. But I'm looking at what is going on with the automobile industry in this country.

You know, the big three automakers in this country have been symbols of corporate greatness for my entire lifetime. We all can have a debate about who made the best car, what is the best car ever made, but most Americans would argue for some form of a GM car or Ford or a Chrysler as the best car they ever drove. Our grandfathers and our fathers have owned these vehicles and they have worked with these companies, and they have been respected and honored across this Nation.

Now, these companies are in trouble. At least two of them seem to be in a lot of trouble—Chrysler and General

Motors. At least it has been indicated through the media that Chrysler is going to be seeking recourse in the bankruptcy courts.

The reason I say it has been indicated is because, in the normal course of things, what you normally see is that the board of directors, through its chief executive officer, will have a vote or will discuss the economic situation of the company and will come up with the fact that it's just not going to be viable. That at least they need the reorganization and the cancellation of some of their debts to be able to maintain order within the company and be a viable company.

But, in the case of Chrysler, the announcement was made by President Barack Obama to the media in a speech that he made announcing Chrysler would go into bankruptcy—at least it's my personal opinion that I don't believe at that time Mr. Obama held any position in the corporate structure of Chrysler to speak on their behalf, other than he is the President of the United States and he may have more knowledge than some of the rest of us, but it would be normal for Chrysler to make that announcement.

But then it would be normal for the board of directors of Chrysler to fire the executives of their company if they are not doing a good job, and it would be normal for the board of directors of General Motors to do the hiring and firing of executives that they have hired to manage their company.

March 29 of this year, President Obama forced the CEO of General Motors, Rick Wagoner, to resign from his post. As far as anyone can tell, this marks the first time in American history that a United States President has directly intervened in the daily running of an American business.

So we start with that announcement. The CEO, Mr. Wagoner, is fired by the President. Then, the President announces—not the CEO of Chrysler, but the President—announces the bankruptcy of Chrysler.

This bankruptcy, under normal circumstances, would go before a bankruptcy judge. And we have a set of laws that are established in this country—they are called creditors' rights. And we have creditors that stand in different positions when it comes to being repaid on debts, depending on whether they are secured or unsecured creditors, and we have a battery of laws that make that determination, and the bankruptcy court, doing a way more complicated analysis than I just did, comes up with who gets paid what and when and where and how and what happens; what assets are sold, all or part, and these are laws that are on the books that pretty well anybody can go see, and they are from time-to-time changed by the legislative body.

□ 1945

But we understand now from what the newspapers tell us that the Obama

administration has announced the deal they expect to be rubber-stamped by the bankruptcy court. That deal is, according to the papers, a 55 percent ownership of Chrysler will be owned by the UAW, United Auto Workers. So the laborers of that company will be owning 55 percent of Chrysler. Then, 35 percent of Chrysler will be owned by Fiat, a foreign company out of Italy, and other places, I am sure. Then, 8 percent of Chrysler will be owned by the United States Government, and 2 percent of Chrysler will be owned by the Canadian Government.

I suppose, if we look at who is normally involved in corporate structure, you would have stockholders and preferred stockholders that are probably in there someplace; and, it looks like, to me, that they are divested of any interest in this trade.

Now, let me say that this should be something that the court makes a decision based upon creditors law, but it seems to be this is being shoved into the hands of the court, with an announcement by the White House saying: This is a settlement these people have agreed to, and you will do it this way.

I wonder, who is looking out for the stockholder? I don't own any Chrysler stock, but if I owned a share of Chrysler stock I would think that at one point in time I owned a portion of the Chrysler Corporation, that I was one of the owners of the business. Because we can cut through all the mystique of a corporate structure, the mystique that many call the bad guys, the big corporations. But big corporations are nothing more than a gathering of people who are called shareholders who invest their hard-earned money into a company, expecting that company to make profits and, in turn, return that value to them by an increase in stock price and possibly a dividend. It is Americans and others investing in America. That is what a corporation is all about.

Now, whether it is a small corporation that is in Round Rock, Texas, where I come from, that maybe has 20 shareholders, or whether it is a giant corporation like the Chrysler Corporation that probably has, who knows, a million shareholders, those people have invested their money and they have some interest in that business, and through their representatives that they elect to the board, they supposedly have a voice in what is going on. Yet, if this deal is the deal we are talking about, I don't see where these shareholders, whether they be preferred or whether they be ordinary stock shareholders, I don't see where they are accommodated at all.

You can hear some criticize and say that the Federal Government is taking over the automobile industry. Of course, I am sure that they would argue: Well, certainly not in the case of

Chrysler, because we are not going to own but 8 percent of Chrysler. But their agent, the group that donates 99 percent, by the last report, of their political donations to the Democratic Party, the UAW, owns a controlling interest, 55 percent.

There seems to be an assumption that when this is announced by the White House that this is the deal, even though it seems that some of these preferred creditors have actually stood up a little bit and said, wait a minute, we didn't make this deal. But it seems that these people are then, by the White House, called not cooperative or other things.

In fact, it was reported in the newspapers that they twisted the arms of these preferred creditors to a point where they felt like they were being threatened and not being able to look out for the interest of their people. And, of course, the finger was pointed to them as the big rich preferred creditors, the big rich bondholders, when, in reality, these companies were stepping up and saying: We are not going to be threatened by the administration. We are going to stand firm. Because it is not just the couple of great big rich folks. They have got lots of people, including other people's pension funds, that are invested in their hedge funds and their groups that own this interest.

According to Thomas Lauria, Global Practice Head of the Financial Restructuring & Insolvency Group at White & Case, said that Perella Weinberg Partners was directly threatened by the White House and, in essence, compelled to withdraw its opposition to the Obama Chrysler restructuring deal under the threat that the full force of the White House press corps would destroy its reputation if it continued to fight.

That statement should concern us all. The White House press corps is supposed to be a press corps that is gathering news and making inquiries, not becoming an arm of the White House or the White House's restructuring force that they are putting together to restructure this deal for Chrysler. It should concern every American that the White House is threatening the use of those people who sit in those press conferences supposedly asking the tough questions of the President, they are threatening that they can use them to harm these individual bondholders, these bondholder companies. I think there is something tragically wrong with that.

One of the questions I ask is where are our courts in this situation. I mean, the stockholders are being left with their interests basically dissolved in the Chrysler Corporation. The bondholders are being threatened by the press corps of the White House to the detriment of their shareholders to take possibly 25 cents or less on the dollar as part of the deal, when there are

creditors' rights laws that should be looked to by the bankruptcy court. And if you are not getting good recourse from the bankruptcy courts, there are other courts you can go to.

I am very disappointed that there seems to be some weakness that the courts are not standing up for what could be, and in my estimation would be, a large body of people whose defined rights are being forced away from them by the heavy hand of the White House. And the White House heavy hand is a dangerous place to be.

I will remind you that President Harry Truman seized the Nation's steel mills during the Korean war in order to avoid a shutdown during a strike. He could have sought an injunction barring the strike under the Taft-Hartley law, but instead he chose to seize based on his powers as Commander in Chief. He specifically notified Congress of the right to reverse or endorse his action, but Congress chose not to act. The Supreme Court overturned Truman's Executive order.

The legal questions were: Has the Congress granted the President the power to take possession of the property? The answer was "no." Does the Constitution grant the President the power to take possession of the property? The answer was "no." Is Truman's Executive order in compliance with the Constitution? And the answer was "no."

The opinion written by Justice Black said: All powers of the Presidency are contained in the Constitution or in subsequent acts of Congress granting specific powers to the Executive. The contention that the aggregate power of the Constitution and acts of Congress create new, more far-reaching powers was rejected by the Court. Under the Taft-Hartley Act of 1947, Congress has addressed the precise issue of labor strikes and national security, and has chosen not to grant the President the right to break a strike.

Likewise, nowhere in the Constitution is the Executive granted the right to seize power. An evaluation says Youngstown was instrumental in reaffirming that the President cannot legislate, only execute legislation passed by the Congress.

Black wrote: The Constitution limits his function in the lawmaking process to recommending of laws he thinks wise and the vetoing of laws he thinks bad. The ruling limits the nature of the Executive order to carrying out the limitation of laws already established by Congress.

Now, I guess the question that we would have in what is going on in the Chrysler case, and to some extent the General Motors case, which we will get to in a little while: Has Congress granted the President the power to take control of the negotiations of a private corporation and attempt to make a settlement to go before the bankruptcy

court? I would certainly argue that the Congress has not given the President that power, nor do I think that the Constitution grants President Obama the power to take control of the negotiations to be submitted to a bankruptcy court and to threaten those who choose not to enter into these negotiations with abuse by the White House press corps that would harm their business. I don't think the Constitution in any way, form, or fashion grants that power to the President of the United States. And I think what is going on with the White House and its heavy-handed manipulation of the duties and responsibilities of the bankruptcy court is nowhere granted by Congress or by the Constitution of the United States.

I think Americans ought to be looking at this, and Americans ought to be concerned about this. These are private businesses owned by private people who borrowed money from other groups of people who either are shareholders or lenders in some form or fashion whose rights are defined by law. And for the President of the United States and the White House to intervene to force a settlement to be submitted to the court and then ask the court to basically rubber-stamp that settlement without looking to the protection of these other rights of the other individuals that are involved, to me, these raise questions that we need to be asking; because if the government can do this to the Chrysler Corporation and the millions of stockholders that own Chrysler Corporation, who else could they do it to that stood in the way of their negotiations? And where does the Constitution or the Congress authorize the President of the United States to heavily-handedly negotiate in this private situation? And where does it authorize the turning over of 55 percent of the business to the laborers who work there in the form of the ownership by their union? And why isn't it quid pro quo, when you look at what that union had done?

In 2008, according to reporting that has been done, according to Open Secrets, the UAW gave 99 percent of its political contributions to the Democrats in the 2008 cycle. If you give 99 percent, then you own 55 percent of the company. Is that the way it is supposed to work? Shouldn't some court somewhere ask that question? Shouldn't some courageous litigant somewhere stand up for the rights of the stockholder, stand up for the rights of the bondholders, speak out for those preferred creditors? Shouldn't someone be going to court and speaking out on these people's behalf?

□ 2000

I have real concerns because I start from the premise that I believe that that third branch of government that I served in for 20 years is there for the

protection of all Americans. That is what our court system is about. And if we are going to politicize—and as we look now to an appointment of a new Supreme Court Justice—if we are going to so politicize our court system as to take away the ability for the weaker party to have a voice through politics, then there is something wrong.

We, as Americans, need to be asking that question, and I would challenge my colleagues to start thinking about this: At what point in time does the President have to follow the Constitution, or at least does the Congress have to grant him powers before he can do these things?

That is just Chrysler. Now, the GM deal, President Obama hasn't announced yet that they are going to the bankruptcy court. But they are trying to work out a settlement.

Oh, going back to the Chrysler deal, doesn't it bother anyone that the deal we are making is taking control away from the American stockholders and from the board of directors of Chrysler and giving ownership to the labor union? I don't see any indication that the labor union is making the assumption of any of these debts or contributing any money to this project. They are just being rewarded for being a labor union. Now where is the logic in that? And then what are they going to do? Thirty-five percent of that is going to be Fiat. I have nothing against Fiat. I actually owned one at one time. So let me lay my cards on the table. It was a neat little yellow convertible, and my wife told me I couldn't keep it, but I owned one for a while, and it was fun and a good car.

But now we are basically turning Chrysler over to a foreign company. I don't have anything against foreign companies. We are in an international world. But let's get a reality check here. The President of the United States is putting together a deal to turn Chrysler over to a foreign company in a foreign country. And you can bet your boots that one of these days the word "Chrysler" won't be in our vocabulary anymore. I hope and I wish Fiat all the best, but realize that it will be the "Fiat Company of North America," or at least logic would seem to make one think so.

All of this is to make sure that we meet a pledge that the President of the United States made to the UAW that he would protect their benefits and pensions. The government didn't protect the benefits and pensions of the Delta pilots when Delta went bankrupt. So why, all of a sudden, is the government going into ownership of this company and taking direct direction of this company to make sure that it benefits this labor union rather than another labor union? It is a question that we ought to be asking. It is a question some court ought to be looking into. This concerns me.

Before I go any further, I do want to go ahead and lay the supposed GM deal that the White House is telling us looks like this is what they are recommending, and I read this one on the front page of The Wall Street Journal. Fifty percent of General Motors will be owned by the United States Government; 39 percent of General Motors will be owned, again, by the UAW; 10 percent of the company would be owned by the bondholders, so at least the bondholders of General Motors are going to end up with 10 percent ownership. And the stockholders are going to do all right, too. They are going to go from at least more than 1 percent, they are going to go from some percentage of GM down to 1 percent. So if you're the proud owner of GM stock, then all of the stock that is out there is going to be worth 1 percent of General Motors.

One of our Members was telling me that he owned, I forgot what he said, 1,000 shares of General Motors or something like that. The diluted price is estimated to be somewhere between two cents and a nickel a share for General Motors stock—General Motors, that great icon of American industrial might. Many pension funds, teachers' retirement funds and other people invested in them because they were like the American flag. They were American industry at its best. And now all those people and all those funds that invested in stock are going to own 1 percent of a company where they used to own most of the company.

They are going to take the burden, the great burden, of the mistakes made by General Motors and, I would argue, that overwhelming pressure put on by the United Auto Workers to maintain, at all costs, their right of contract. There are written and unwritten contracts, but the contract is sacred in America, and the unions certainly stand up for the rights under their contract. But under creditors' rights, there are rights, too, that are created by law. And a person who does something and buys stock or invests in a bond, those people have the right to rely upon the law to protect them, just like a contract. But it seems that every day as we go forward in the Obama administration, the sanctity of contracts seems to be of less and less importance, and, truthfully, that will be terrible for this Nation.

I am very pleased and blessed to have my friend, a good friend from Iowa, STEVE KING, to be here with me tonight. I will yield to him such time as he may wish to consume.

Mr. KING of Iowa. I thank the gentleman and judge from Texas for taking the lead and coming here to the floor to help convey this message across the country as he addresses you and as I address you, Madam Speaker. As I listen to this, the transition goes, the segue handoff goes to AIG. I happened to look at the AIG story that is

there today. "AIG nears sale of headquarters in Japan for \$1 billion." We look at the AIG, the big Federal bailout that is there, the effort to block, after the fact, the bonus packages, the retention bonuses that were paid under the contract, the sanctity of the contract, as the judge said. And what happened was this process here in this Congress raced too far too fast. And there was a big TARP bill that passed last fall before the Presidential election. Half of it, \$350 billion of that, was made available pretty close to right away. Another \$350 billion had to go to the next Congress. Most of that money was going to be spent by a Secretary of the Treasury to be named later by a President to be elected later, Madam Speaker, and that is what happened.

So those \$700 billion went forward, the \$787 billion on the stimulus plan and the \$410 billion on the omnibus spending bill, 1,222 pages stacked up that high. They arrived at 11 o'clock at night and were brought to the floor the following morning. We were asked to read 1,222 pages, or have staff read all that, and figure out what was in it, and then figure out what was not in it and draw a good judgment on all of this. This was pushed through, shoehorned in and rammed through quickly for political reasons, I believe, Madam Speaker.

The AIG loophole was actually written into the bill. We don't quite know yet whether it was the chairman of the Senate Finance Committee or whether it was the White House that actually had the most influence in that. We know there was communications going back and forth between the White House and the Chair of the Finance Committee and the Senate, and they wrote language in there that was a loophole that allowed for major, major bonuses to be paid. First it was \$165 million. Then it went up to \$200 million. Then it got up to about \$240 million that went into bonuses for people who had led a company into disastrous ruin.

So now we are watching some of the spin-offs. This is some of the effort, some of the nationalization that goes on. Fannie Mae and Freddie Mac were nationalized. They were organizations, companies, that should have been capitalized and regulated. We tried to do that on the floor of the House of Representatives, Madam Speaker, and we were blocked at every turn by some effort on the part of Republicans and a big effort on the part of Democrats. They argued, especially right now the chairman of the Financial Services Committee came to this floor and argued, Fannie Mae and Freddie Mac are not in trouble. They don't need to be capitalized. They don't need to be regulated. I don't see any problem there. I'm going to oppose any efforts. The gentleman who is now the Chair undersells his persuasive ability. But

many of us tried during that period of time.

This thing unfolded with Fannie Mae and Freddie Mac being nationalized, AIG effectively being nationalized and spinning off the headquarters in Japan for \$1 billion or so. And then we heard the gentleman from Texas, the judge, talk about Chrysler, well, formerly Daimler Chrysler, now Chrysler, and this push merger that goes on with Chrysler and Fiat—I never owned a Fiat. I want to make that clear to the gentleman from Texas. But I probably would have enjoyed it if I had had one—and the de facto nationalization of General Motors Company.

Now, that should alarm Americans. It alarms me that there was a poll that went out about 1 month ago that found that only 53 percent of Americans said they believe in capitalism. Now I didn't see the exact text of the question. I think they have to believe in free enterprise in a bigger number. They might think capitalism is something not quite as clean and pure as free enterprise, but we have got to believe in our market system.

This free enterprise capitalistic system that we have in the United States of America is the engine that defeated the Soviet Union in the Cold War. For 45 years, we fought a Cold War, and we were playing chess and Monopoly on the same board. And the question was, will the Soviet Union checkmate the United States militarily with their ICBM missile endeavor before we bankrupt them economically? On that board, chess and Monopoly on the same board, this American free enterprise system defeated the Soviet Union and won the Cold War without technically firing a shot because our economy has been, and remains, the strongest in the world, the most robust in the world, the most resilient in the world and the most adaptable in the world because it rewards entrepreneurs better than any other in the world and because we have created a favorable tax arrangement and a favorable regulatory arrangement compared to, let's just say, European socialism.

But our President, Madam Speaker, has drawn a different message. He has drawn a different message from the New Deal in the 1930s. The message that he has drawn is that the failed New Deal actually would have succeeded if FDR had not lost his nerve and spent a lot more money. And this President has not lost his nerve. He has spent a lot more money. He has spent so much money that I look for the vibrations and reverberations down there. I would just think that FDR would be rolling over in his grave right now watching the trillions of dollars that have unfolded.

I have expressed this before that when we say "trillions of dollars," these trillions are being discussed across America in the coffee shops as

we used to talk about, well, let's just say millions, \$1 million here, \$1 million there, and pretty soon you have some real money. But trillions work out this way. I don't know how much corn they raise in Texas, but I can tell you how much we raise in Iowa. We will raise about 2¼ billion bushels this year for 2009. And if it is worth a little better than 4 bucks, which it probably is not going to be in this economy, it is about \$10 billion worth of corn. That is about what that crop is worth.

Now, if all of our producers took all of their input costs and put all their labor, all their land prices away and they swallowed all that and just gave that corn crop at market prices to help pay down the deficit, let's just say to help pay down \$1 trillion, they could take the 2009 crop, the 2010 crop, the 2011 crop, all the corn we raise, give it to the government to pay down \$1 trillion, and when they paid down the \$1 trillion in real present value, the 2108 crop, 100 years would be how long it takes to accumulate \$1 trillion with all the corn that Iowa can raise, an entire century of corn for \$1 trillion. And now we can think in these terms: dollars, corn.

Put it in another term here, that is only \$1 trillion. I said that into the RECORD, Madam Speaker. All the corn that Iowa can raise in 100 years is only \$1 trillion, and it is only compared to a \$9.3 trillion deficit approved by this budget that was just passed out of here the other day, 9.3 trillion. Now, how long does it take to pay off \$9.3 trillion at present value? That would be—I have to round this a little bit so I can do the math in my head. That would be 1,000 years of all the corn that Iowa can raise with no expenses deducted from it, the gross value of that crop as it comes out of the field and will be delivered, 1,000 years of all the corn Iowa can raise just to offset the deficit created by the budget that was proposed by this White House and passed by this Congress.

□ 2015

And then if we thought we were going to pay off the national debt, that is another \$11.5 trillion or \$11.8 trillion, and you add that to the \$9.3 trillion deficit, and these numbers I am looking at are \$20.8 trillion to \$23 trillion depending on who you ask for that number. But let us say \$20 trillion, the downside, that would be all of the corn at present value and at present yields that we could raise in Iowa for the next 2,000 years. Or if you want to back up, take it back to the birth of Christ. That is what it would take to pay off the national debt and pay off Obama's deficit by his budget. President Obama, I should say.

On top of that, what we have, Madam Speaker, is the nationalization of great American companies. Great companies, companies that grew right out of the

entrepreneurship of the can-do spirit of receiving a reward for value invested, invest some dollars and put some investors together, and put together some shareholders, crank out a company that is going to start making cars and sell to the market. And sometimes even go out and create the market, which Henry Ford did. Henry Ford actually created a market for him to sell to.

You have heard the numbers from Judge CARTER.

Today, well, 50 percent of General Motors is owned by President Obama. And representing the United States of America, representing the disenfranchised taxpayers that will be paying off the debt and not receiving any return on this particular investment, 39 percent, you heard the number right, from the UAW, the union, own shares in the company. And what did they pay for those? Maybe they actually did, if the shares are down to a couple of cents, but I don't know those numbers. And the bondholders are reduced down to 10 percent, and the stockholders 1 percent.

This is a nationalized company. Isn't anybody alarmed about this? Didn't anybody see the image down in Central America when we saw the glad-handing and the extra hand up there on the arm of Hugo Chavez, the happiness that showed the big, grinning faces that came from President Obama and Hugo Chavez, sending an image to the world that they are good buddies.

I see two things when I see that image. One of them is Hugo Chavez, standing at the podium at the United Nations the day after President George W. Bush spoke to the United Nations and calling our President in Spanish the devil, El Diablo, and saying there is a stench that still lingered at the podium, to snickers of laughter from the people sitting in the United Nations funded by Americans.

And what is the message that the world gets, glad-handing, big grins, President Obama, President Hugo Chavez? They get the message that there is no penalty for insulting the United States or declaring the United States to be your enemy. There is a reward for it. There is a happy image to send around the world.

The second thing, the second message is the one that I get, and that is two leaders of their representative countries, one of them, the leader of the free world, standing side by side grinning at the cameras, each of them had nationalized at least one important company in their country within a 30-day period of time. And in President Obama's case, he way out did Hugo Chavez when it comes to the socialization of major corporations. He nationalized General Motors and he nationalized Chrysler all in the same day; and he stepped up and took credit for it.

This free enterprise country, this country that forged freedom and set-

tled a continent because we had entrepreneurs that could go out and struggle and receive on their investment for their labor and brains and for their intuitiveness, that is how we settled this country. And now we are to the point where we have the radical nationalization of major American companies, General Motors, Chrysler, on the same day. And you would think if a President thought that he needed to do that in order to save a company, that he would have at least been wise enough to keep his fingerprints off it, but he took credit for it. He took credit for it. He did the press conference. He did the nod. He did the smile.

I am sitting there appalled that there could be such a thing taking place in this country, and with a disregard for what made this a great nation. And one of the central pillars of American exceptionalism is free enterprise capitalism, and you cannot deny that from a historical perspective. But he did that. And he said, I will work to protect your benefits, to the unions.

And NANCY PELOSI, the formal Speaker of this House, said she is not going to give the automakers bargaining leverage over the unions. When you see the unions are stepping in in ownership, I have to take you back to a Web site that everybody in America should visit, and it is the Democratic Socialists of America, DSA.org. And on that Web site, you can read some things.

One says, "We are not communists." Okay. Well, I need to understand that distinction. So I read that carefully. It says we are not communists because communists believe in the nationalization of everything. They think that they should own all of the properties and all of the companies and tell everybody what to do and what to make and what they are going to make. And socialists are not really like that. They recognize there is merit to have little mom-and-pop shops running around making donuts, probably not selling gas anymore, but running the barber shop and the flower boutique. So they say, we don't want to nationalize everything; we just think that the major corporations should be run for, get this, "the benefit of the people affected by them."

What does that tell you? Running major corporations for the benefit of, which is it, the unions or the customers? It sure in the world is not the shareholders and the bondholders. But it is for the unions, the labor unions, the employees, one might say, or the customers.

And so we have now national socialism in America. The nationalization, socialization of these major companies, 50 percent of General Motors to the Federal Government, deemed by the President, 39 percent to the UAW, 10 percent to the bondholders, 1 percent to the stockholders. And watching this

happen is a sad, sad tragedy that is not bringing the alarm in this country that I think it ought to bring.

I am greatly disturbed by what I see, and these are not speculations; these are the facts. These are after-the-fact facts that are there. History can't write it any other way unless somehow they wake up tomorrow morning and decide they are going to start selling shares off to some private interest so that the stockholders can start to run the company again, and maybe they can decide whether they want to fire the CEO rather than the President of the United States. And the President of the United States has also decided what people can collect for a salary and what they can't.

And they have put money into the banks, and some of the banks are resisting it. They want to give the money back. The President doesn't want to take the money back. He doesn't want to denationalize the nationalized banks.

That sounds like I might be impugning his motives. And I tell you, I look at the facts. Here is how I draw this conclusion, Madam Speaker. This is the 12 of 14 rule. With the mortgage-backed securities, the toxic mortgage debt that is out there, the proposal that came out about 3 or so weeks ago, it was on a Monday, we get these proposals on a Monday. Work on them all weekend long, Monday morning you get a new idea, and another new idea, and it comes at you over and over again like a cannon going off every Monday morning, sending shock waves through our economy.

But this rule, 12 of 14 rule works out to be like this: If an investor will partner with the President in picking up this toxic debt on these mortgage-backed securities, a regular investor, like Judge CARTER, for example, could lay \$1 down on the table and then the Federal Government will match it with one of your tax dollars. So there are \$2 on the table. And then there are loan guarantees that are guaranteed for the balance. And this is a \$14 package, \$12 worth of loan guarantees, guaranteed by President Obama, your tax dollars. So there is \$12 worth of skin on the table from the taxpayers that are loan guarantees. There is another dollar on the table from the taxpayer that is matching the \$1 that Judge CARTER introduced for his investment. The individual has a 7 percent investment, and the taxpayers will have a 93 percent investment. And so how do you think you might split some kind of an investment like that?

I would think, okay, I will give you 7 percent of the profits for your 7 percent of the investment. But President Obama says no, no, no. I want you to have half of the profit, Judge. You can take half the profit for your 7 percent investment, and the Federal Government, the taxpayers, will take 93 percent of the risk and even that wasn't

good enough. Then the President says, why would we want to tax the people who are our partners? So now they don't want to tax 50 percent of the profit that you get for 7 percent of your investment, they want to waive the tax on that.

Now, if we were in desperate condition and we needed to figure out something to do with these toxic debts and mortgage-backed securities, maybe that would be an act of desperation where you put together a package like that, and you can say, I am partnering with the private sector. This really isn't the nationalization of the mortgage industry; I really didn't follow along on what we did to Fannie Mae and Freddie Mac. No, this is a free enterprise endeavor.

Well, it doesn't work out this way. Some of us, and I introduced legislation to do this, would suspend the capital gains tax on those investments that pick up the toxic debt. But we couldn't suspend those. That idea was off the table in a heartbeat. The chairman of the Financial Services Committee swept those things off the table immediately. So we couldn't give a tax break to willing investors, but we would give a tax break if you partner with the Federal Government. We can't suspend income tax on the profits made by most who pick up mortgage-backed securities because that would be, what, free enterprise capitalism that had a favorable tax situation that could come in and rescue this situation with willing investors.

That confirms for me that this President is determined to nationalize, nationalize, nationalize until we become nationally socialized big business in America, exactly verbatim within the model plan that is on the Democratic Socialists of America Web site, dsa.org, where it says we just want to nationalize the big companies and run them for the benefit of the unions and the benefit of perhaps the customers, but not for the benefit of the shareholders.

That is the scenario today. I thank the gentleman for yielding, and appreciate him leading this Special Order.

Mr. CARTER. I thank the gentleman. I want to point out a couple of things so we don't get off into this magic world that has been created by our Democrat friends and the media, that stockholders are some sort of exotic, wealthy billionaires that own all of these companies.

The teachers retirement system of Texas probably owns General Motors stock. I don't know, I haven't looked into it. But back when General Motors was \$60 or \$70 a share and everybody was proud to be an American, I am sure that pension funds for our teachers around this country invested. So those people would be looking at a 2-cent value or a 3-cent value or a nickel value for stock that they paid \$60 or \$70 a share for. So don't get into this

magic myth that is created by those who would like to socialize this country that we are talking about fat cats. We are not talking about fat cats. We are talking about the ladies down at the Catholic church that got together and decided they would have an investment club. And they all put a little bit of their egg and butter money, as my grandmother used to say, in a little pot and said, now let's sit around and study the stock page in the newspaper and let's buy ourselves some stock.

A lot of them made a whole lot of money and lost a whole lot of money during the dot-com boom of the 1990s. But those were not fat cat investors. Those were little old ladies at the Catholic church, okay, or at the Methodist church or at the Baptist church or the bridge club or whatever. They are your neighbors. They are the people who live next door to you. They are the people your children go to school with, their parents; and even the kids' college funds are invested in things like General Motors and Chrysler.

So when we nationalize these industries, when we take it out of the hands of the people who own it, which is the stockholders, and we don't give them, defend their rights as stockholders, we make a deal through the pressure of the White House.

□ 2030

You know, interesting statement, this is one of the lawyers talking about what happened to the bondholders in the Chrysler deals. He said, "One of my clients was directly threatened by the White House and in essence compelled to withdraw his opposition to the deal under threat that the full force of the White House press corps would destroy his reputation if he continued to fight. That was Perella Weinberg." Tom Lauria, the head of the bankruptcy department for the top New York City law firm of White & Case, told a WJR 760 radio host.

He goes on to say down here, "Some of the critics charged that the administration used leverage to provide TARP funds to force banks to comply with this deal. In other words, investors like JPMorgan Chase, who also were bondholders in this Chrysler deal—the old TARP fund deal that we've been talking about now for months—was all of a sudden the twist to make them get in line. And what happened was this group that Mr. Perella Weinberg was involved in, they didn't take any TARP funds, so they didn't have the twist. And they stood up. And what did they do? They threatened them with the White House press corps. I'm sorry, when I was a kid, this doesn't sound like the America that we grew up with. This sounds like the people we used to fight. This sounds like Joe Stalin and some of those people that threatened their way to power.

I am telling you, we ought to be worried about this. And I am deeply wor-

ried—although I am happy to see that this New York law firm is involved. I would hope that good litigants—because I believe in the justice system—would use the justice system to protect the rights of these creditors. I would hope they would do that.

I would hope that we would realize that neither this Congress nor the Constitution of the United States has given the White House or the President of the United States the kind of power and authority that he is executing and utilizing on these two car companies. And then we find out that we've got some folks that—they have already said that they would take common stock in the banks, so they want to be stockholders when it comes to the banks. They want to vote that stock and control those banks. They want to take majority interest in our large banks. That is another nationalization of an industry.

And so some of the banks said, you know what? We see the handwriting on the wall. We see that freight train coming down the track right at us. Here's your money back. We don't want your TARP money, take it back. And they are refusing to take the money back and threatening to charge massive penalties if the banks return the money that the American taxpayers provided to bail out banks in this TARP program. If they don't need the money and they want to give it back, what in the world is wrong with that? Except you no longer control the bank when they give the money back. You no longer can control the deals that are made with Chrysler by twisting the arms of the banks. You no longer can control American industry. And that is the kind of thing that these trillions of dollars that we're spending, we, as Americans, should be deathly afraid of, that there are people who would control our Nation with the money that we give them out of our pocket and we permit them to borrow in our name that we are going to have to pay back.

I remember what I told my children as soon as they could understand English: the United States Government, nor any other government, never made a dime; they took it from you.

Mr. KING of Iowa. Will the gentleman yield?

Mr. CARTER. I yield.

Mr. KING of Iowa. I thank the gentleman from Texas.

It just brings to me a number that was reported in the aggregate, the union contributions, political contributions for the last election cycle, 45 billion dollars. And now we see a President and a Speaker of the House, and others, who have decided that they are going to make sure that there are shares in the hands of the workers without a transfer of wealth? But just simply—apparently they are good workers, all right. They think they are good campaign workers, that's what I hear.

This question now troubles me, as I listened to the gentleman discuss this, with the teachers' salary, Teachers Union salary, and perhaps as invested in General Motors and Chrysler. And a big part of that portfolio perhaps is spiraling downward—has spiraled downward. Now, if you take the position that the President has, "I will protect your benefits," and the position that the Speaker is taking, "I am not going to let the automakers get bargaining leverage over the unions," and if that turns it into, Here are some stock shares, and the union can have controlling interest in the company—or at least to break even, half the interest—and broker it, if they can get together with the stockholders that have 51 percent, if that can be the case, this is a Federal Government bailout of a situation where they are setting up jobs for people, not jobs for production for profit. But if that happens—and it has happened—and the taxpayers are there, what happens if the retirement funds for the Teachers Union meet the same end as the value of the stock shares for General Motors and Chrysler? How do you go in and nationalize a retirement fund for a union? I think you don't, except to put the capital in there and just say we are going to guarantee it, just like we will with Social Security or any other entitlement.

By great, huge gulps, this government is swallowing up the private interests, large corporations swallowing up one after another after another and nationalizing them and taking on obligations in the process that are implicit, that go on down the line. If you remember Fannie Mae and Freddie Mac, they didn't have a guarantee from the Federal Government. They just had the implicit full faith and credit of the Federal Government. And we came through, \$100 billion here, \$100 billion there, \$5.5 trillion in contingent liabilities. This can happen with these retirement funds, too. And when they get nationalized, pretty soon everything is government except the barber and the shopkeeper and the little ones. And it is right off the Web page, dsa.org.

Mr. CARTER. And then we have national socialism, which is something we should fear.

Mr. KING of Iowa. We would have national socialism.

Mr. CARTER. Something that we have fought against a lot of time.

I think we are about to wrap this up. I want to thank my friend for coming in here tonight. I want to thank the Speaker for her patience. We are raising questions that we think everybody and Members of this House should be asking each other and should be asking on the floor of this House and in committee and around this town. We didn't sign on to get on the slippery slope to socialism, and it is time for us all to stand up and say so.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHRISTENSEN. Madam Speaker, it is my honor to be here to host this hour on behalf of the Congressional Black Caucus. And we want to talk about health care this evening.

Before the votes, I attended a District of Columbia Black AIDS Leadership Mobilization Summit; it was a town meeting held at the Kaiser Family Foundation. I want to commend the Congressional Black Caucus Foundation, the Black AIDS Institute, the Kaiser Foundation, NAACP, National Urban League, the YWCA, Southern Christian Leadership Conference, the National Council of Negro Women, Us Helping Us, The Women's Collective, Balm in Gilead, the National Black Leadership Commission on AIDS, Phi Beta Sigma, the National Medical Association, and all of the associations which came together to address the epidemic in the District of Columbia and around the country.

On March 16 of this year, the D.C. AIDS Office released its latest HIV surveillance report. And what it showed was that the HIV rate in the Nation's capital is the highest in the country, and that an estimated 3 percent of the population is affected with AIDS. One percent would make it an epidemic, so it is of epidemic proportions here in the District.

The D.C. rate of infection is higher than 28 African countries. The infection rate puts Washington, D.C. on a par with Uganda. So this is an issue that really must be addressed. This is our Nation's capital. The Congress has responsibility for the capital, Madam Speaker. I made a commitment while I was there that the Congressional Black Caucus would work to ensure that this Congress takes that responsibility seriously and addresses this serious epidemic that exists in the Nation's capital.

I wanted to mention a couple of things this evening, Madam Speaker. Yesterday, Nicholas Kristof wrote a column in the New York Times that ought to give us all pause. In it he addresses an issue that many of us on the Committee on Homeland Security have raised many times—and I am sure Chairman BENNIE THOMPSON continues to work to address—and that is the deficient public health system in this country, especially in rural communities, in poor communities, and communities of color. I raised the issue at the H1N1 hearing in the Health Subcommittee on Energy and Commerce last week. I just want to share a few quotes from the article.

Nicholas Kristof says, "The flu crisis should be a wake-up call, a reminder

that one of our vulnerabilities to the possible pandemic is our deeply flawed medical system." And he quotes from Deborah Burger, the co-president of the California Nurses Association, the National Nurses Organizing Committee, who says, "From SARS to avian flu to the current escalating outbreak of swine influenza, it has become increasingly clear that we are risking a major catastrophe unless we act to restore the safety net."

Mr. Kristof continues, "Think of the 47 million Americans who lack insurance. They are less likely to receive flu vaccines"—which might or might not help," he says—"less likely to receive prompt care when they get sick, and less able financially to stay home from work. And, thus, they are more likely to both die and spread the virus inadvertently."

He also goes on to say—which is something that we have brought to the attention of the Department of Health and Human Services and the Department of Homeland Security—"hospitals lack spare beds, ventilators, and staff to cope with an epidemic. One study found that a flu epidemic would mean that 10 million Americans would need to be hospitalized compared with a total of nearly 1 million beds in America, about two-thirds of them occupied."

"Last year, Chairman Waxman ordered a review of surge capacity," reports Mr. Kristof, "in hospitals available for a terror attack. What was the surge capacity? He found that more than half of the emergency rooms studied were already operating above capacity."

The last quote that I want to bring to your attention from this op-ed is a quote that he uses from Dr. Redlener, the director of the National Center for Disaster Preparedness at Columbia University's Mailman School of Public Health. And Dr. Redlener says, and I agree, "If a severe pandemic materializes, all of society would pay a heavy price for decades of failing to create a rational system of health care that works for us all."

A few years ago, we had a Dr. Stephen Wolf from Virginia Commonwealth University come and talk to us about a report that he did on health care and the discrepancies, the disparities, the gaps in health care that the poor rural Americans, Americans of color face. I would like to use this quote and share it with you. He says, "In the end, however, it all comes down to priorities. Perhaps we have reached a point when progress in providing good care when needed, with compassion and skill and without errors, would impress the public as a more meaningful medical advance than the rollout of the latest device or pill." He says, "failing to establish systems to

ensure that everyone receives recommended care is causing greater disease and deaths at levels that can rarely be offset by medical advances.”

So as we look at the spread of H1N1, this is a call to action to really fix the public health system in this country and make sure that every community has the kind of infrastructure it needs to address not only epidemics, but the everyday illnesses that the people in those communities suffer from.

But we do have an opportunity to address this health care system and to address health disparities. The Congressional Black Caucus—which has always had the elimination of health disparities as one of its main priorities—really welcomes the new political and policy dynamics that are currently shaping health care in this country. Because after all of the years and money spent on disease entities, we have only made slight progress. And even where improvements have been made, the gaps between people of color and the white majority have either remained the same or the gaps have widened.

According to testimony given at the Health Subcommittee on Energy and Commerce by Dr. Brian Smedley of the Joint Center for Political and Economic Studies, he says, “Access to high-quality health care is particularly important for communities of color because deep-held status gaps persist among U.S. racial and ethnic groups.” He goes on to say, “While the Nation has made progress in lengthening and improving the quality of life, racial and ethnic health disparities begin early in the life span and exact a significant human and economic toll.” He gives us some examples: “The prevalence of diabetes among American Indians and Alaskan natives is more than twice that for all adults in the United States. Among African Americans, the age-adjusted death rate for cancer is approximately 25 percent higher than for white Americans.”

Although infant mortality, he said, “decreased among all races during the 1980 to 2000 timed period, the black and white gap in infant mortality widened.

□ 2045

“While the life expectancy gap between African Americans and whites has narrowed slightly, African Americans can still expect to live 6 to 10 fewer years than whites and face higher rates of illness and mortality.”

He goes on to say, “In terms of lives, this gap is staggering. A recent analysis of 1991 to 2000 mortality data concluded that had mortality rates of African Americans been equivalent to that of whites in that time period, over 880,000 deaths would have been averted.”

So we welcome and intend to be a part of shaping health care reform. And, of course, it does start with uni-

versal coverage because here are some other statistics:

Racial and ethnic minorities, although we account for about one-third of the U.S. population, account for more than half of the uninsured. Racial and ethnic minorities are more likely than whites to report not seeing a specialist when it was needed, foregoing needed health care because of the costs, and not being insured, they don't have a usual source of care. More than five of 10, 55 percent, Hispanics, four in 10 African Americans were uninsured for all or part of 2007 and 2008, compared with just two in 10, or 25 percent, in whites. In total, more than three in every four people of color, 76 percent, were uninsured for 6 months or more in 2007 and 2008. That data, I believe, comes from Families USA.

So the Congressional Black Caucus is looking at how we would like to see universal coverage provided. Of course, we feel that everyone must have coverage, and we insist that there be a public option. We have joined the Congressional Hispanic Caucus and the Asian Pacific Caucus in calling for a public option, and we will support a bill if it has a public option.

But also, and this is a concern that I have, we also need to ensure that we don't end up with the same kind of two-tiered system that we have today, one for the poor and one for everyone else, even when we have a public system. So we either need to figure out a way that that public system serves the poor and everyone else where the government may pay in for those who are at a certain level of poverty and the others pay in through subsidies that are done on a sliding scale or pay for it fully, or we need to fix the Medicaid program because the care that patients who have Medicaid who actually have access to health care is not equal and the outcomes are poorer than those who are insured, and in some cases it's the same or poorer than even the uninsured.

So ensuring that everyone is covered is critically important. It's critically important for African Americans and other people of color, who bear a disproportionate burden of disease in this country, but it's important to every American because to the extent that so many people in this country remain uninsured, it adversely affects health care for everyone.

But insurance is just the beginning of what needs to be done to close the health disparities gap. For example, insured African American patients are less likely than insured whites to receive many potentially lifesaving or life-extending procedures such as high-tech care like cardiac catheterization, bypass graft surgery, or even kidney transplantation. And the IOM report of 2002 showed us that even when everything else is equal, educational level, economic level, and insurance, African

Americans and other people of color get less care. Black cancer patients fail to get the same combinations of surgical and chemotherapy treatments that white patients with the same disease presentation received. African American heart patients are less likely than white patients to receive diagnostic procedures, revascularization procedures, and thrombolytic therapy, even when they have similar incomes, insurance, and other patient characteristics.

Even routine care suffers. Black and Latino patients are less likely than whites to receive aspirin upon discharge following a heart attack; to receive the appropriate care for pneumonia; and to have pain, such as the kind resulting from broken bones, appropriately treated. Minorities are more likely to receive undesirable treatment than whites, such as limb amputation for diabetes.

To so begin to address these, the TriCaucus, which includes the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian and Pacific Island Caucus, will be reintroducing the Health Equity and Accountability Act, which we have introduced in the last three Congresses and for which we had hearings held in both the subcommittees of Ways and Means and Energy and Commerce last year. The bill takes a comprehensive approach and will have budget impact, but we are talking about reforming a broken health care system, one which many call a “sick care system.” And I really think it needs more than reforming; it needs a transformation.

Among the provisions, the bill includes those that would bolster efforts to ensure culturally and linguistically appropriate health care and remove language and cultural barriers to health care. It would improve workforce diversity, strengthen and coordinate data collection, ensure accountability and improve evaluation, and improve health care services especially for those diseases that are causing the disparities.

But today, after the limited progress we've made in eliminating these disparities, we know that in addition to doing all of those things, collecting data, increasing the diversity of our workforce, increasing accountability, providing for comprehensive programs of care to address some of those diseases that cause the gaps and cause people to die prematurely from preventable causes, we know that in addition to addressing the gaps in the many disease entities that we also have to turn our country's focus to disparities in its broader context to the pervasive, persistent social determinants or primordial determinants of the poor health of our communities. If we don't address these, the root causes, the totality of the environments in which we live and suffer from this ill

health, we will never achieve wellness. So if we are to be healthy and achieve our optimal health, it's here also that change must occur. That is to ensure that the environments in which we live support the elimination of health disparities and support good health and our overall well-being.

I think the country is fortunate, and I know the country also understands how fortunate it is, and I'm blessed to work with the Congressional Black Caucus, where 42 diverse individuals with expertise and focus in many different areas such as health, education, economic development, job creation, workers' rights, environmental justice, housing, and all of the factors that are the underpinnings of our health, as a group, we work as a cohesive unit to improve the well-being of our communities and of all Americans. So I look at our entire Congressional Black Caucus agenda as a health agenda because we work on the broad agenda that is critical to closing the health gap and ensuring that all Americans have access to wellness.

And it's critical that we do this because the real things, the things that underlie our poor health, the things that are really killing us are factors like an overabundance of liquor stores in black and Latino and poor communities; the flooding of everything we see, read, and hear with tobacco advertising; intractable poverty and the way it fosters depression, drug abuse, and crime, creating neighborhoods where it's impossible to go outdoors and exercise, as we know we must; the refusal of businesses, including grocery stores and really medical entities as well, to come into poor and communities of color, where pharmacies that are there stock and dispense less pain medicine, regardless of how much pain the individual is having just because we're in a poor neighborhood that is made up mostly of racial and ethnic minorities; the profiling by the criminal justice system that makes some people wrong just because of the color of their skin or puts the mentally ill into the criminal justice system rather than into treatment; the racism and discrimination that denies racial and ethnic minorities the same quality of health care that I spoke about earlier that others take for granted and that pays less in our neighborhoods and so provides a strong and effective disincentive for hospitals and the other providers we need to come into our communities and stay there; the fact that too many of those providers that we do have don't understand our culture or our language; and all of the many assaults on our very humanity that weakens the well-known strength of spirit and the will to do the things that we know will improve our health and our quality of life. All of this is still not fully on the radar screen of most who set and implement policy, and this is something else that we must change.

Yet communities around the country, with or without our help, are taking on some of these issues and creating miracles and making dramatic changes in people's lives. We intend to help these communities and other communities become agents of change and to develop not just a better system of health delivery but an entire culture and environment of wellness.

Today I introduced the Health Empowerment Zone bill, through which we plan to give these communities the resources and the technical assistance that they need to improve their health and well-being. Through this bill communities can apply. The Department of Health and Human Services would provide the technical assistance and some resources to help that community form a community coalition to identify their health care challenges, to do a community assessment and to develop a strategic plan. Then the community would apply for designation as a health empowerment zone, and if they're so designated, they would have the opportunity to be a priority for programs that already exist in our government.

So this bill will not be a costly bill. We're talking about a little bit of startup money to these communities and, more than that, technical assistance to help them to do their community assessment and do their plan, and the help that they will get to implement that plan and turn around their community and make it a place where people can be well would come from programs that already exist. These communities would just have priority, and this is an attempt for us to address the social determinants of health, which we all know are critical if we are going to eliminate disparities and create healthy communities and a more healthy country. So we intend to help these and other communities, as I said, and we introduced that bill today.

Last week we held our Spring Health Brain Trust with the National Minority Quality Forum, and the messages that came from that meeting were very clear: Our health care system needs not just reform; it needs transformation. It will require an investment that goes beyond providing universal coverage because we have seen through many reports, the IOM and many more research papers, that minorities, people who speak a different language, people of color, even when they are insured, don't get the kind of care that the rest of the population gets. The message came loud and clear that we need to reform Medicaid and ensure that that access really provides quality health care.

And, lastly, I would say that the message that we'd like to send out of that is that we know that it will cost a fair amount of money, but it's our health that we are talking about. We know that many people think or many of the pundits say that perhaps our President

is trying to do too much, but we say we need all of it. And we stand with our President as he calls on us to reform our health care system or, rather, transform our health care system and ensure that quality health care is accessible, available to each and every American.

I just want to close with another quote from the Closing the Gap Report that was written in 2005 that addresses the issue of health inequities, and the quote says: "Inequities within the health care system and within larger social, environmental, and economic structures persist not because of a dearth of solutions but because of a failure of political will." And I call on my colleagues to let us develop that political will. Let us eliminate disparities that are causing the premature death of people of color, poor, and rural Americans in this country, and let's transform our health care system so that everyone has access to quality, comprehensive health care.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Mr. HOYER) for today and May 5 on account of illness.

Mr. DEFAZIO (at the request of Mr. HOYER) for today on account of official business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today on account of official business in district.

Mrs. NAPOLITANO (at the request of Mr. HOYER) for today.

Mr. STARK (at the request of Mr. HOYER) for today and the balance of the week on account of illness.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POSEY, for 5 minutes, May 6.

Mr. FORBES, for 5 minutes, May 6.

Mr. MORAN of Kansas, for 5 minutes, May 5 and 6.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's

table and, under the rule, referred as follows:

S. 615. An act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction; to the Committee on Foreign Affairs; in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 735. An act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on April 30, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 1626. To make technical amendments to laws containing time periods affecting judicial proceedings.

H.R. 586. To direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

ADJOURNMENT

Mrs. CHRISTENSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 5, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1564. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC-009-09, of a proposed sale or export of defense articles and/or defense services, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

1565. A letter from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting the Administration's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1566. A letter from the Acting Chairman, Federal Communications Commission, transmitting the Commission's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1567. A letter from the President, Inter-American Foundation, transmitting the Foundation's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1568. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1569. A letter from the Acting Director, Peace Corps, transmitting the Corps' annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1570. A letter from the Acting EEO Director, Securities and Exchange Commission, transmitting the Commission's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1571. A letter from the Acting Administrator, Small Business Administration, transmitting the Administration's annual report for fiscal year 2008 on the Notification and Federal Employee Anti-Discrimination and Retaliation Act; to the Committee on Oversight and Government Reform.

1572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Anacostia River, Washington, DC [Docket No.: USCG-2008-0338] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Main Street Oceanside, Fireworks Display; Oceanside, CA. [Docket No.: USCG-2008-0270] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Wrecho of the M/V NEW CARISSA, Pacific Ocean 3 Nautical Miles North of the Entrance to Coos Bay, OR [Docket No.: USCG-2008-0915] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Milwaukee River Challenge, Milwaukee River, Milwaukee, WI [Docket No.: USCG-2008-0914] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neptune Festival, Atlantic Ocean, Vir-

ginia Beach, VA [Docket No.: USCG-2008-0860] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Robert Mosses Causeway Bridge State Boat Channel, Captree, New York [Docket No.: USCG-2008-0844] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Founder's Day Fireworks Event, Chesapeake Bay, Hampton, VA. [Docket No.: USCG-2008-0463] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise Point Resort 4th of July Display; Mission Bay, San Diego, CA. [Docket No.: USCG-2008-0449] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ambrose Light, Offshore Sandy Hook, NJ, Atlantic Ocean [Docket No.: USCG-2008-0373] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Edenton 4th of July Celebration Firework Display, Edenton Bay, Edenton, NC [Docket No.: USCG-2008-0395] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: 31st Annual Virginia Lakes Festival Fireworks Event, John H. Kerr Lake, Clarksville, VA. [Docket No.: USCG 2008-0471] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: LST-1166 Safety Zone, Southeastern Tip of Lord Island, Columbia River, Rainier, Oregon. [Docket No.: USCG-2008-0755] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Washington Township Summerfest, Ottawa River, Toledo, OH. [Docket No.: USCG-2008-0492] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shoreacres Country Club Fireworks, Lake Bluff, Illinois [Docket No.: USCG-2008-1055] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1586. A letter from the Acting Director, Office of Policy, Import Admin, Department of Commerce, transmitting the Department's final rule — Steel Import Monitoring and Analysis System [Docket No.: 0809261282-9117-02] (RIN 0625-AA82) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1587. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Parent Locator Service; Safeguarding Child Support Information: Proposed Delay of Effective Date (RIN: 0970-AC01) received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1588. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — New clean renewable energy bonds application solicitation and requirements [Notice 2009-33] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1589. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Revenue Procedure for 403(b) Prototype Plans [Announcement 2009-34] received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1590. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-39] received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1178. A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; with an amendment (Rept. 111-93 Pt. 1). Ordered to be printed.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 1728. A bill to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes; with an amendment (Rept. 111-94). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1748. A bill to amend title 18, United States Code, to enhance the investigation and prosecution of mortgage fraud and financial institution fraud, and for other purposes; with an amendment (Rept. 111-95 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Oversight and Government Reform and Financial Services discharged from further consideration. H.R. 1748 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1178. Referral to the Committee on Homeland Security extended for a period ending not later than June 3, 2009.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TURNER (for himself, Mrs. SCHMIDT, and Mr. BOEHNER):

H.R. 2226. A bill to rescind certain funds; to the Committee on Appropriations.

By Mr. TIM MURPHY of Pennsylvania (for himself, Mr. ABERCROMBIE, Mrs. CAPITO, Mr. COSTA, Mr. WILSON of South Carolina, Mr. WALZ, and Mr. TERRY):

H.R. 2227. A bill to greatly enhance America's path toward energy independence and economic and national security, to conserve energy use, to promote innovation, to achieve lower emissions, cleaner air, cleaner water, and cleaner land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, Energy and Commerce, Ways and Means, Science and Technology, Transportation and Infrastructure, Education and Labor, the Budget, Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN:

H.R. 2228. A bill to amend the Elementary and Secondary Education Act of 1965 to allow States to count certain students formerly identified as limited English proficient as being within the limited English proficient subgroup, and certain students formerly identified as students with disabilities as being within the students with disabilities subgroup; to the Committee on Education and Labor.

By Mr. BOOZMAN:

H.R. 2229. A bill to amend the Elementary and Secondary Education Act of 1965 to allow States to adopt alternate and modified standards for students with disabilities; to the Committee on Education and Labor.

By Mr. BOOZMAN:

H.R. 2230. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Ms. DEGETTE, and Mr. GRIJALVA):

H.R. 2231. A bill to amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Energy and Commerce.

By Mr. CAPUANO (for himself, Mr. LYNCH, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. MARKEY of Massachusetts, Ms. TSONGAS, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. TIERNEY, Mrs. TAUSCHER, Mr. SERRANO, Mr. CARNAHAN, Mr. GONZALEZ, Ms. NORTON, Mr. PASCRELL, Mrs. MCCARTHY of New York, and Mr. WU):

H.R. 2232. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CHRISTENSEN (for herself, Ms. LEE of California, Mr. MEEK of Florida, Mr. WATT, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Ms. WATSON, Ms. CORRINE BROWN of Florida, Ms. FUDGE, Mr. BISHOP of Georgia, Ms. EDWARDS of Maryland, Ms. CLARKE, Mr. TOWNS, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. FALCONE, Mr. RANGEL, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. PIERLUISI, and Mr. CONYERS):

H.R. 2233. A bill to authorize the Secretary of Health and Human Services to designate health empowerment zones, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself and Mr. BARTLETT):

H.R. 2234. A bill to enhance the energy security of the United States, reduce dependence on imported oil, improve the energy efficiency of the transportation sector, and reduce emissions through the expansion of grid supported transportation; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2235. A bill to amend part B of title XVIII of the Social Security Act to limit the penalty for late enrollment under part B of the Medicare Program to 10 percent and twice the period of no enrollment, and to exclude periods of COBRA and retiree coverage from such late enrollment penalty; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HALVORSON:

H.R. 2236. A bill to prohibit health insurance companies from denying individual health insurance coverage or from discriminating in benefits under such coverage because of the receipt of grief counseling; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 2237. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a pilot program to determine the feasibility and desirability of equipping turbojet aircraft in the Civil Reserve Air Fleet with a missile defense system; to the Committee on Armed Services.

By Mr. ISRAEL:

H.R. 2238. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Mr. LOEBSACK (for himself and Ms. MATSUI):

H.R. 2239. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-

risk students for postsecondary education and the workforce; to the Committee on Education and Labor.

By Mr. MEEK of Florida:

H.R. 2240. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable credit for mentoring and housing young adults; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 2241. A bill to provide for the settlement of certain claims against Iraq by victims of torture and terrorism; to the Committee on the Judiciary.

By Mr. SPACE (for himself and Mr. BLUMENAUER):

H.R. 2242. A bill to amend the Internal Revenue Code of 1986 to permanently extend certain expiring provisions relating to education; to the Committee on Ways and Means.

By Mr. CULBERSON:

H. Con. Res. 117. Concurrent resolution commemorating the 40th Anniversary of humanity's first landing on the Moon, celebrating the success of the United States human space flight program, and recognizing the accomplishments of NASA's human space flight centers; to the Committee on Science and Technology.

By Mr. CULBERSON (for himself, Mr. PAUL, Mrs. BLACKBURN, Mr. DUNCAN, Mr. HELLER, Mr. CONAWAY, Mr. MCCAUL, Mr. BILBRAY, Ms. FOX, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. ISSA, Mr. MCCOTTER, Mr. JONES, Mrs. BACHMANN, Mr. SIMPSON, Mr. GARY G. MILLER of California, Mr. STEARNS, Mr. BURTON of Indiana, and Mr. MORAN of Kansas):

H. Res. 394. A resolution expressing disapproval by the House of Representatives of the totalization agreement between the United States and Mexico signed by the Commissioner of Social Security and the Director General of the Mexican Social Security Institute on June 29, 2004; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York:

H. Res. 395. A resolution supporting efforts to raise awareness, improve education, and encourage research in inflammatory breast cancer; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Ms. ZOE LOFGREN of California, Mr. NUNES, Mr. BACA, Mr. RADANOVICH, Ms. ROYBAL-ALLARD, Mr. WAXMAN, Mr. COSTA, Mr. MCNERNEY, Mr. SHULER, Mr. BOSWELL, Mr. SCHIFF, Mr. ARCURI, Mr. MICHAUD, Ms. MATSUI, Mr. THOMPSON of California, Mr. BERMAN, Mr. PERRIELLO, Ms. HARMAN, Mrs. TAUSCHER, Mrs. CAPPS, Mr. HONDA, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. HEINRICH, Ms. ESHOO, Mrs. BONO MACK, and Mr. BRIGHT):

H. Res. 396. A resolution honoring the graduating Class of 2009 at the University of California, Merced; to the Committee on Education and Labor.

By Mr. FORBES (for himself, Mr. MCINTYRE, Mr. LAMBORN, Mr. MCCOTTER, Mr. NEUGEBAUER, Mr. AKIN, Mr. LATTA, Mr. JORDAN of Ohio, Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Ms. FOX, Mr. GINGREY of Georgia, Mr. JONES, Mr. WOLF, Mr. TURNER, Mr. ADERHOLT, Mr. CONAWAY, Mr. SMITH of Texas, Mr. HOEKSTRA, Mr. YOUNG of Florida, Mr. WAMP, Mr. KLINE of Minnesota, Mr. DAVIS of Tennessee, and Mr. BISHOP of Utah):

H. Res. 397. A resolution affirming the rich spiritual and religious history of our Nation's founding and subsequent history and expressing support for designation of the first week in May as "America's Spiritual Heritage Week" for the appreciation of and education on America's history of religious faith; to the Committee on Oversight and Government Reform.

By Mr. FORTENBERRY (for himself, Mr. BILIRAKIS, Mr. FALEOMAVAEGA, Mr. MCCOTTER, Mr. INGLIS, and Mr. BACHUS):

H. Res. 398. A resolution recognizing the 60th anniversary of the Berlin Airlift's success; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H. Res. 399. A resolution honoring the sacrifice of members of the Armed Forces who are also mothers and the support provided by mothers of members of the Armed Forces and mothers who are the spouse of members of the Armed Forces; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. SHUSTER, Mr. CASSIDY, Ms. DEGETTE, Mrs. BLACKBURN, Ms. TSONGAS, and Mrs. MYRICK.

H.R. 43: Mr. FRANK of Massachusetts.

H.R. 55: Ms. MCCOLLUM.

H.R. 104: Mr. MICHAUD.

H.R. 197: Mr. MINNICK and Mr. RODRIGUEZ.

H.R. 265: Mr. FATTAH, Mr. KUCINICH, Mr. SERRANO, and Mr. HINCHEY.

H.R. 270: Mr. JOHNSON of Georgia and Mr. PASTOR of Arizona.

H.R. 295: Mr. POSEY.

H.R. 303: Mr. HALL of New York, Mr. LATTA, and Mr. HOLDEN.

H.R. 327: Mr. TAYLOR.

H.R. 391: Mr. WESTMORELAND, Mrs. BACHMANN, and Mrs. MYRICK.

H.R. 413: Mr. GALLEGLY, Mr. DRIEHAUS, Mr. WAXMAN, Mrs. BIGGERT, Mr. ROSS, Mr. TIBERI, Mr. DOYLE, Ms. SHEA-PORTER, Mr. TIAHRT, Mr. DONNELLY of Indiana, Mr. POMEROY, Mr. PETRI, Mr. GRAYSON, Ms. HIRONO, Mr. SCHIFF, Mr. YOUNG of Alaska, Mr. BERRY, Mr. ALTMIRE, Mr. SHULER, Mr. CARDOZA, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Mr. MILLER of North Carolina, Mr. VISCLOSKEY, Mr. UPTON, Mr. MURPHY of Connecticut, Mr. ANDREWS, Mr. SCOTT of Virginia, and Mr. TONKO.

H.R. 444: Mrs. CAPPS, Mr. HODES, Mr. GONZALEZ, Mr. PETERSON, Ms. SHEA-PORTER, Mr. DAVIS of Alabama, and Mr. CLEAVER.

H.R. 466: Mr. HALL of New York.

H.R. 481: Mr. MASSA.

H.R. 503: Mrs. BIGGERT.

H.R. 560: Mr. THORNBERRY.

H.R. 574: Mr. HARPER, Mr. CARNAHAN, Mr. SMITH of Nebraska, Mr. WELCH, and Mrs. MCCARTHY of New York.

H.R. 606: Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, and Mr. KUCINICH.

H.R. 626: Mr. PRICE of North Carolina.

H.R. 668: Mr. PETERSON and Mr. SCHRADER.

H.R. 706: Mr. ANDREWS.

H.R. 745: Mr. FOSTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. OLVER, Ms. ZOE LOF-

GREN of California, Mr. MITCHELL, Mr. CALVERT, and Mr. BOCCIERI.

H.R. 775: Mr. SCHRADER, Mr. MCHUGH, Mr. GUTIERREZ, Mr. ROSKAM, Mr. KANJORSKI, Mr. ADERHOLT, Mr. ALTMIRE, Mr. MOLLOHAN, Mrs. CAPITO, Mr. KIND, Mrs. CAPPS, Mr. HARE, Ms. CASTOR of Florida, Mr. LATHAM, Ms. TSONGAS, Mr. BLUMENAUER, and Ms. BEAN.

H.R. 805: Mr. FILNER.

H.R. 823: Mr. KUCINICH.

H.R. 824: Mr. KUCINICH.

H.R. 840: Ms. KILPATRICK of Michigan.

H.R. 847: Mr. ANDREWS.

H.R. 855: Mr. LATHAM.

H.R. 874: Mr. WEINER and Mr. ALEXANDER.

H.R. 914: Mr. MCCAUL, Mr. HASTINGS of Washington, and Mr. SMITH of New Jersey.

H.R. 948: Ms. TITUS and Mr. SCOTT of Virginia.

H.R. 980: Mr. WEXLER, Mr. TANNER, and Mr. HOLT.

H.R. 998: Mr. POSEY.

H.R. 1021: Mr. WELCH, Mr. JONES, Mr. WAMP, and Mr. PIERLUISI.

H.R. 1032: Mr. CARTER and Mr. PETERSON.

H.R. 1074: Mr. ROSS, Mr. BOREN, Mr. MINNICK, Mr. FLEMING, and Mr. KLINE of Minnesota.

H.R. 1103: Mr. MCINTYRE.

H.R. 1147: Mr. MCNERNEY and Mr. GUTIERREZ.

H.R. 1177: Mr. BOREN.

H.R. 1180: Mr. LATTA.

H.R. 1205: Ms. ZOE LOFGREN of California, Mr. YOUNG of Alaska, Mr. MCHUGH, Mr. LATHAM, Mr. SESTAK, Mr. KILDEE, Mr. MASSA, Mr. COURTNEY, and Mr. WILSON of South Carolina.

H.R. 1207: Mr. MCCARTHY of California, Mr. BARTON of Texas, Mr. HENSARLING, Mrs. MCMORRIS RODGERS, Mr. BILIRAKIS, Mr. MORAN of Kansas, Mr. CASSIDY, Mr. WALDEN, Mr. CRENSHAW, Mr. CAMPBELL, Mr. LOBIONDO, and Mr. MCHUGH.

H.R. 1209: Ms. ZOE LOFGREN of California.

H.R. 1210: Ms. WOOLSEY and Mr. THOMPSON of California.

H.R. 1230: Mr. PLATTS.

H.R. 1238: Mr. SCHOCK.

H.R. 1240: Mr. KUCINICH, Mr. ABERCROMBIE, and Ms. MATSUI.

H.R. 1285: Mr. SCHOCK.

H.R. 1310: Mr. MASSA and Ms. ROYBAL-ALLARD.

H.R. 1335: Ms. SUTTON, Mr. GUTIERREZ, Ms. KOSMAS, Mr. MICHAUD, and Mr. COURTNEY.

H.R. 1337: Mr. GRIJALVA.

H.R. 1339: Mr. WAMP, Mr. JONES, and Mr. GERLACH.

H.R. 1346: Mr. THOMPSON of Mississippi.

H.R. 1362: Ms. DEGETTE, Mr. SOUDER, Mr. DONNELLY of Indiana, Mr. PLATTS, Mr. ROSS, Mrs. BLACKBURN, Mr. COHEN, Mrs. CAPPS, Mr. ABERCROMBIE, Mr. ALTMIRE, Mr. FILNER, Mr. ELLISON, Mr. COBLE, Mr. FORBES, and Ms. ROYBAL-ALLARD.

H.R. 1392: Mr. SARBANES.

H.R. 1400: Ms. DEGETTE.

H.R. 1422: Mr. PAULSEN and Mrs. TAUSCHER.

H.R. 1441: Mrs. MYRICK.

H.R. 1443: Mr. SRES, Mr. BOUCHER, Mr. CLAY, Ms. LEE of California, Ms. HIRONO, Mr. BOSWELL, and Ms. NORTON.

H.R. 1454: Mr. MILLER of North Carolina, Mr. RANGEL, Mr. KILDEE, Mr. THOMPSON of California, Mrs. CAPPS, Mr. DOGGETT, Ms. BERKLEY, and Mr. PUTNAM.

H.R. 1458: Mr. LATHAM.

H.R. 1460: Mr. CALVERT and Mrs. MCMORRIS RODGERS.

H.R. 1485: Mr. SHADEGG and Mr. RYAN of Ohio.

H.R. 1509: Mr. SCHOCK.

H.R. 1521: Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. STUPAK, and Mrs. BIGGERT.

H.R. 1526: Mr. MOORE of Kansas, Mr. PAS-TOR of Arizona, Mr. FILNER, Mr. CAPUANO, Ms. NORTON, Mr. SOUDER, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. SERRANO, Mr. GRAY-SON, Ms. FUDGE, and Mr. MASSA.

H.R. 1547: Mr. ETHERIDGE, Mr. CARSON of Indiana, and Mr. LARSEN of Washington.

H.R. 1548: Mr. MELANCON.

H.R. 1560: Ms. FOXX.

H.R. 1605: Mr. KUCINICH.

H.R. 1646: Mr. FILNER, Mr. KLINE of Min-nesota, Mr. WAMP, and Mr. PETERSON.

H.R. 1670: Mr. KING of New York, Mr. FIL-NER, and Mr. KILDEE.

H.R. 1678: Mr. BISHOP of Utah.

H.R. 1680: Mr. SHULER and Mr. BRALEY of Iowa.

H.R. 1690: Mr. GRIJALVA.

H.R. 1700: Mr. FILNER.

H.R. 1701: Mr. LATHAM.

H.R. 1705: Mr. BRADY of Pennsylvania and Mr. WU.

H.R. 1708: Mr. WELCH, Mr. KILDEE, and Mr. COSTELLO.

H.R. 1712: Mrs. McMORRIS RODGERS.

H.R. 1716: Mrs. BIGGERT.

H.R. 1728: Ms. JACKSON-LEE of Texas.

H.R. 1739: Ms. WASSERMAN SCHULTZ.

H.R. 1740: Mr. MEEKS of New York, Mr. BONNER, Ms. SLAUGHTER, Mr. MCCOTTER, Mr. MCDERMOTT, Mrs. SCHMIDT, Mr. ROSS, Mr. AUSTRIA, Mr. TIBERI, Mr. LEE of New York, and Mr. KING of New York.

H.R. 1742: Mr. MCNERNEY.

H.R. 1760: Mr. GRIJALVA.

H.R. 1763: Mr. HARPER and Mr. LAMBORN.

H.R. 1776: Mr. BRALEY of Iowa.

H.R. 1802: Mr. WAMP and Mr. MCCAUL.

H.R. 1829: Mr. LATHAM and Mr. MURTHA.

H.R. 1844: Mr. SMITH of New Jersey, Mr. ISRAEL, and Mr. MEEKS of New York.

H.R. 1855: Mr. LANGEVIN, Mr. MICHAUD, and Mr. YOUNG of Alaska.

H.R. 1870: Mr. PASTOR of Arizona, Mr. ENGEL, and Mr. WEXLER.

H.R. 1872: Mr. DRIEHAUS and Mr. BLU-MENAUER.

H.R. 1894: Mr. ISRAEL, Mr. MOORE of Kan-sas, and Mr. LARSON of Connecticut.

H.R. 1941: Mr. SHADEGG and Mr. GRIJALVA.

H.R. 1960: Mr. LAMBORN.

H.R. 1977: Mr. YOUNG of Florida and Mr. ROONEY.

H.R. 1985: Mr. COBLE.

H.R. 1987: Mr. BOREN.

H.R. 2000: Ms. ZOE LOFGREN of California, Mr. BLUMENAUER, Ms. SCHAKOWSKY, and Mr. ROTHMAN of New Jersey.

H.R. 2006: Mr. WU and Mr. LATOURETTE.

H.R. 2017: Mrs. BIGGERT and Mr. DAVIS of Alabama.

H.R. 2022: Mr. CRENSHAW.

H.R. 2035: Mr. WITTMAN, Mr. DRIEHAUS, and Mr. RYAN of Ohio.

H.R. 2060: Mr. REYES.

H.R. 2076: Mr. STARK, Mr. HINOJOSA, Mr. FILNER, and Mr. POLIS of Colorado.

H.R. 2083: Mr. CHAFFETZ.

H.R. 2090: Mrs. MCCARTHY of New York.

H.R. 2093: Mr. MILLER of North Carolina and Mr. GRIJALVA.

H.R. 2101: Mr. MARSHALL, Mr. KISSELL, and Mr. LARSEN of Washington.

H.R. 2118: Mr. LEE of New York and Mr. GERLACH.

H.R. 2119: Mr. LEE of New York and Mr. GERLACH.

H.R. 2141: Ms. SCHAKOWSKY.

H.R. 2144: Mr. HENSARLING.

H.R. 2156: Mr. BOCCIERI.

H.R. 2184: Mr. STARK.

H.R. 2194: Mr. KLEIN of Florida and Ms. HARMAN.

H.R. 2201: Mr. SPACE.

H. Con. Res. 16: Mrs. MYRICK, Ms. FOXX, and Mr. WAMP.

H. Con. Res. 84: Ms. BORDALLO, Mrs. McMORRIS RODGERS, Mr. RODRIGUEZ, Mr. INGLIS, Mr. COURTNEY, Mr. BISHOP of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 87: Mr. CAO.

H. Con. Res. 89: Mr. HODES.

H. Con. Res. 103: Mr. BISHOP of Georgia, Mr. WAXMAN, Mr. BERMAN, Mr. HASTINGS of Florida, Mr. MILLER of North Carolina, Mr. COHEN, Mr. BOCCIERI, and Mr. SMITH of Wash-ington.

H. Con. Res. 107: Mr. GRIJALVA.

H. Con. Res. 111: Ms. JACKSON-LEE of Texas, Ms. KOSMAS, Mr. ROONEY, Mr. CHAFFETZ, Mr. GENE GREEN of Texas, Ms. FOXX, Mr. SESTAK, Mr. MCCOTTER, Mr. GINGREY of Georgia, Mr. HOEKSTRA, Mr. RADANOVICH, Mr. COSTELLO, Mr. KLINE of Minnesota, Mr. BARRETT of South Carolina, Mr. AUSTRIA, Mr. MARSHALL, and Mr. SCA-LISE.

H. Con. Res. 116: Mr. SOUDER, Mrs. BACH-MANN, and Mr. SAM JOHNSON of Texas.

H. Res. 55: Mr. THOMPSON of California.

H. Res. 111: Mr. PALLONE, Mr. SPACE, and Mr. JOHNSON of Illinois.

H. Res. 192: Mr. HINCHAY, Mr. GUTHRIE, Ms. SHEA-PORTER, Mr. DOGGETT, Ms. CORRINE BROWN of Florida, Ms. CASTOR of Florida, Ms. FUDGE, Mr. STARK, Mr. KAGEN, Mr. BUTTERFIELD, Mr. BURGESS, Ms. BERKLEY, Mrs. CHRISTENSEN, Mr. MARKEY of Massachu-sets, Mrs. McMORRIS RODGERS, Mr. BARTON of Texas, Mr. LARSEN of Washington, Ms. LINDA T. SANCHEZ of California, Mr. DENT, Mr. RANGEL, Ms. WASSERMAN SCHULTZ, Mr. KILDEE, Ms. SCHAKOWSKY, Mr. MURPHY of Connecticut, Mr. BRALEY of Iowa, Mr. BLU-MENAUER, Ms. BALDWIN, Mr. BARROW, Mr.

ROSS, Mrs. BONO MACK, Mr. MCMAHON, Mr. EDWARDS of Texas, and Mr. AL GREEN of Texas.

H. Res. 193: Mr. WAMP, Mr. JONES, Mr. BAR-RETT of South Carolina, and Mr. MOORE of Kansas.

H. Res. 225: Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. BROUN of Georgia, and Mr. MANZULLO.

H. Res. 236: Mr. HONDA.

H. Res. 291: Ms. SCHAKOWSKY and Mr. ROO-NEY.

H. Res. 300: Mr. HIMES.

H. Res. 309: Mr. LEE of New York, Mr. MCCOTTER, Mr. MANZULLO, Mr. ACKERMAN, Mr. POE of Texas, and Mr. MICHAUD.

H. Res. 314: Mr. CHANDLER, Mr. POLIS of Colorado, Mr. SOUDER, Mr. WHITFIELD, Mr. ROGERS of Kentucky, and Mr. DAVIS of Ken-tucky.

H. Res. 338: Mr. LARSON of Connecticut and Mr. CALVERT.

H. Res. 349: Mr. TIM MURPHY of Pennsyl-vania, Mr. MARKEY of Massachusetts, and Mr. WAMP.

H. Res. 353: Mr. LARSON of Connecticut.

H. Res. 366: Mr. YOUNG of Florida.

H. Res. 370: Mr. KUCINICH and Mrs. KIRK-PATRICK of Arizona.

H. Res. 377: Mr. CONNOLLY of Virginia, Mr. BUYER, Mr. REYES, Mr. MILLER of Florida, Mrs. TAUSCHER, Mr. POE of Texas, Mr. COFF-MAN of Colorado, Mr. MCHUGH, and Mr. FORBES.

H. Res. 378: Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mrs. LUM-MIS, Mr. BISHOP of Utah, and Mr. PITTS.

H. Res. 387: Ms. JACKSON-LEE of Texas, Mr. PIERLUISI, Mr. POSEY, Mr. GONZALEZ, Mr. CAO, and Mr. TAYLOR.

H. Res. 388: Mr. MANZULLO, Mr. BOOZMAN, Mr. GARRETT of New Jersey, Mr. DANIEL E. LUNGREN of California, Mr. MCCAUL, Mr. LOEBSACK, Mr. CARTER, Mr. BARRETT of South Carolina, Mr. MARCHANT, Mr. ABER-CROMBIE, Mr. JONES, Mr. JORDAN of Ohio, and Mr. COBLE.

H. Res. 391: Ms. BERKLEY, Mr. MEEK of Florida, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. BLUMENAUER, Mr. CALVERT, Mr. CROWLEY, Mr. DAVIS of Alabama, and Mr. COOPER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and reso-lutions as follows:

H.R. 1214: Mr. ELLISON.

EXTENSIONS OF REMARKS

WALTER PETERSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Walter Peterson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Walter Peterson is a sophomore at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Walter Peterson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Walter Peterson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN HONOR OF THE POLISH AMERICAN CONGRESS AND POLISH CONSTITUTION DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Polish American Congress, Ohio Division, as they join together on May 3 to celebrate Polish Constitution Day—a day when the Americans of Polish heritage reflect on the struggles for freedom and celebrate the victories, customs and history of their beloved Polish homeland and share their cultural gifts with the entire Greater Cleveland Community.

The first written European constitution, the Governmental Statute of Poland, was instated on May 3, 1791. Poland's Constitution was the result of nearly five centuries of struggle and perseverance by the people of Poland to diminish the power of the King and to create facets and institutions of government vital to the foundation of a constitutional government. An important document in the world history of democracy, the Polish Constitution established the separation and balance of powers, freedom of religion, and social justice by abolishing key elements of serfdom.

Formed in 1949, the Polish American Congress is a national umbrella organization representing over ten million Americans of Polish descent and origin, and serves as a unifying force for both Polish Americans and Polish

citizens living in America. The Polish American community in Cleveland is deeply rooted in their commitment to the values of family, faith, democracy, hard work and fulfillment of the American dream.

Since its founding, the Polish American Congress has created programs to successfully integrate people of Polish decent in the U.S., including the Displaced Persons Program, which allowed almost 150,000 Polish immigrants to enter the U.S. after World War II. The Polish American Congress has a legacy within our Cleveland community and across the nation of offering services of support to veterans, families and individuals. As in years' past, the Greater Cleveland Community will join in celebration of Poland's rich history and culture by joining Cleveland's Polish community in attending events such as the Polonia Ball, the Grand Parade and the Photographic Exhibition.

Madam Speaker and colleagues, please join me in honor and celebration of the leaders and members of the Polish American Congress, as they celebrate Polish Constitution Day. Their collective and individual efforts in sharing, preserving and promoting their heritage, history and culture with Greater Cleveland serves to strengthen and illuminate the textured and diverse fabric of our community.

HONORING THE VOLUNTEER SERVICE OF DARRIEN GISH

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. MINNICK. Madam Speaker, I would like to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in his community. Darrien Gish of Nampa has just been named one of the top honorees in Idaho by the 2009 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State and the District of Columbia.

Mr. Gish is being recognized for his work with the Canine Companions for Independence. He is devoting fourteen months of his own time to train and care for the puppy Delphia. He also earned his own money to fund Delphia's health care. Mr. Gish spends time every day working with Delphi on basic skills so that eventually she can assist people with disabilities perform everyday tasks like turning on lights and opening doors.

In light of numerous statistics indicating that Americans today are less involved in their communities, it's vital that we encourage and support the kind of selfless contributions this young citizen has made. People of all ages need to think more about how we, as indi-

vidual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Gish are inspiring examples to all of us and are among our brightest hopes for tomorrow.

Mr. Gish should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. I heartily applaud him for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can—and do—play important roles in our communities and that America's community spirit continue to hold tremendous promise for the future.

HONORING THE INDUCTION OF ENCARNACION "CARNY" GUERRA INTO THE 2009 CLASS OF THE LAREDO BUSINESS HALL OF FAME

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CUELLAR. Madam Speaker, I rise today to celebrate the induction of Encarnacion "Carny" Guerra into the Laredo Business Hall of Fame. Carny Guerra has always been hard working, ambitious, a knowledgeable businessman, and it has shown through his work in Laredo, Texas.

Carny Guerra's business know-how first emerged while attending a dance in Laredo, Texas. While waiting in line and watching a great number of people pay their entrance fee he got the idea that he should enter the ballroom business. Soon after he purchased a building and with the help of his five daughters Cynthia, Sylvia, Judith, Belinda, and Elaine the Casa Blanca Ballroom was born.

As every new business encounters initial problems Carny had trouble booking bands and he decided that the best way to solve this would be to use local South Texas bands. As he found new bands he began to record their music and promote them to local radio stations. These local bands soon became celebrities in the area, thus selling out the Casa Blanca Ballroom performance after performance. Working with bands and radio stations on a daily basis Carny saw his next step to be the purchase of a radio station which furthered the popularity of both his ballroom and the bands.

Now some years later Carny Guerra's business has flourished and become Guerra Communications, which now owns a Tejano, hip-hop, and country radio station. In Addition,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Carny is credited with giving many of today's popular bands their start.

Carny, after many years of hard work, is now enjoying his retirement and the company of his 5 daughters, 17 grandchildren and 1 great grandchild.

Madam Speaker, I am proud to have had this opportunity to recognize the accomplishments and honor the inductee to the Laredo Business Hall of Fame Encarnacion "Carny" Guerra.

RICARDO MUNOZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Ricardo Munoz who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Ricardo Munoz is a senior at Wheat Ridge High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ricardo Munoz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Ricardo Munoz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

A TRIBUTE TO MATTHEW POLITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Matthew Polite, a leader in his community and an inspiration to all of New York.

Matthew Polite was born in 1905 on the Island of St. Helena, off the coast of South Carolina. The only son of a former slave, Matthew understands well how freedom is a cherished gift to be used in the service of your fellow man.

Matthew Polite and his wife, Netha, were wed in 1926. They moved to Savannah, Georgia, where he worked as a baker in Wholesale Bakery. After some years, they moved again to Miami, Florida where he continued as a baker. Matthew and his family moved to New York City in 1954. There he became the Deacon for the Orange Baptist Church in the Bronx, forging a lifelong relationship with the congregation. He served the church community with honor and distinction for many years until his retirement in 1969, when he returned to his hometown in Stavenhagen, South Carolina.

Matthew Polite has since returned to New York City, surrounded by his friends and fam-

ily, including his four children, nine grandchildren, twenty great grandchildren, fourteen great-great grandchildren, and two great-great-great grandchildren.

Madam Speaker, I would like to recognize Matthew Polite, a shining example of dedication to community service for all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Matthew Polite.

HONORING RANDY SIEFKIN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CARDOZA. Madam Speaker, I rise today to honor Randy Siefkin, a long time political icon of Modesto, California. Randy has spent a majority of his days as a Professor of Political Science at Modesto Junior College, but behind the scenes he has proven effective in getting countless candidates elected to local office.

Randy Siefkin's first hint at political interest may have been in 1952, when at age 10 he helped arrange an ice cream hour for Dwight D. Eisenhower. He furthered his hunger for politics by working on campaigns for Nixon and Rockefeller—and eventually made a career by steadfastly serving as Professor of Political Science at Modesto junior College from 1970 to 2001. From that day in 1952 right up to this very hour, Randy is actively collecting political buttons from every corner of the earth.

Thirty one years of educating students left little time for much else, but somehow Randy managed to devote himself to a number of community groups and civic organizations. Ranging from serving on the Board for the Muir Trail Girl Scouts to directing the Modesto Film Society to participating with North Modesto Rotary, Randy has shown a genuine devotion to his community.

Politics and civic duties have not only been a passion for Randy, but his family is equally devoted to giving back as well. Randy Siefkin is married to Stanislaus County Superior Court Judge Susan J. Siefkin and they have two children—Nelson, a Cultural Resources Specialist for the National Park Service, and Kristen, a Public Relations professional.

Madam Speaker, it is an absolute honor to share a little bit about Randy Siefkin and to thank him for his selfless devotion to his family, his community, and his country.

JOEY MEYER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Joey Meyer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Joey Meyer is an 8th grader at North Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Joey Meyer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Joey Meyer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

MEDIA EXAGGERATE PRESIDENT'S APPROVAL NUMBERS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. SMITH of Texas. Madam Speaker, in their stories assessing President Obama's first 100 days in office, the national media have been quick to tout the President's supposedly high approval rating.

But the facts are otherwise.

A Rasmussen poll released yesterday showed the President's approval rating at 55 percent and his disapproval rating at 43 percent.

Fewer than half of voters say the President is doing a good job handling the economy.

And only a third of voters think the President is governing on a bi-partisan basis.

These are hardly impressive figures.

The fact is that many Americans are not happy with the direction of the country under President Obama.

The national media should take a break from patting the President on the back and report the facts objectively.

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF CARLOS V. MEJIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize Mr. Carlos Mejia for his dedication to the Laredo community and the State of Texas. Mr. Mejia has given so much of his time and effort in order to make his community a better place.

After graduating from Texas A&M in 1963, Mr. Mejia attended the University of Southern California where he earned his Master of Science Degree in Civil Engineering. In 1978, he became the City Engineer for the city of Laredo, Texas. He served this post until 1981 and has since then been instrumental in many of Laredo's major infrastructure projects. He was the civil engineer for the design of the main runway, parallel taxi ways, airplane parking apron, and all landslide improvements for the Laredo International Airport. He was also the lead civil engineer for the preparation of the Master Plan for Texas A&M International University.

His constant dedication to his work and his community have led Mr. Mejia to be honored with the Community Partner of the Year Award for 2008 presented by Habitat for Humanity. Just this past year he was selected to the Laredo Junior Achievement Hall of Fame for 2009.

Madam Speaker, please join me in honoring a great resident of Laredo and a great American in Mr. Carlos Mejia. Through his hard work and tireless dedication Laredo has seen significant improvements over the years and for that we recognize you today Mr. Mejia.

ANGELICA PEREA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Angelica Perea who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Angelica Perea is an 8th grader at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Angelica Perea is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Angelica Perea for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING CHARLOTTE WILLIAMS
CONABLE

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. LEE of New York. Madam Speaker, it is with great pride that I rise today to honor one of my most prestigious constituents, Charlotte Williams Conable. A longtime resident of Alexander, New York, Charlotte has made it her life's work to advance the status of women around the world.

A longtime advocate of women's rights, Charlotte enlisted in the women's studies masters' program at George Washington University as an adult student. It was during her time there that she wrote *Women at Cornell: The Myth of Equal Education*, a novel that explores the origins of coeducation and discusses the role Cornell University had in bringing women into the collegiate system. In 1981, Charlotte penned another book, *Older Women: The Economics of Aging*. As a graduate of Cornell University, Charlotte was one of only a few women who went on to earn a position on Cornell's prestigious Board of Trustees. Due

to her extensive work in the literary field, Charlotte rightfully earned a spot in *Feminists Who Changed America, 1963–1975*.

As the wife of the late Congressman and World Bank president Barber Conable, Charlotte spent her life with a man who was voted by his colleagues the "most respected" member of Congress. Charlotte often accompanied Barber on his trips all over the world. She served as his eyes and ears, often splitting up from the group in order to give Barber a more accurate description of the conditions on the ground.

On May 9, 2009, Charlotte will be recognized by the YWCA of Genesee County as a Fabulous Female for her lifetime achievement. As a lifetime supporter of the local YWCA, Charlotte will become a recipient of the very award she is receiving. She is certainly deserving of this high honor.

Madam Speaker, in recognition of the lifetime achievements of Charlotte Williams Conable, I ask this Honorable Body to join me in honoring Charlotte Williams Conable for her dedication to furthering the equality of women throughout the world.

WHITNEY NELSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Whitney Nelson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Whitney Nelson is an 8th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Whitney Nelson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Whitney Nelson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING MARYLAND AND
MASONIC HOME

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the Maryland Masonic Home on the celebration of its 75th Anniversary as a retirement community for Master Masons and their families.

The Maryland Masonic Home has provided exceptional service to its residents since 1934. After purchasing the property called Bonnie

Blink, the Masons converted the farm and mansion into the Maryland Masonic Home. It was created as a housing facility for Masons and their families who were either elderly, or of declining health.

The Masonic Home has grown over the years from a simple dormitory, to an active community with a wide range of services. From dining rooms and recreational facilities, to health care practices and scheduled activities, that Masonic Home presents opportunities for its residents to maintain a vibrant lifestyle. For the past week, the Maryland Masonic Home has been celebrating this truly remarkable milestone with various events and activities for its residents.

Over the last 75 years, they have lived up to their mission, "To provide excellent care in a safe, affordable, dignified, quality environment for eligible Masons and their families, in keeping with Masonic Principles, providing for expansion, while maintaining financial viability."

Madam Speaker, I ask that you join with me today to honor the Maryland Masonic Home on the celebration of its 75th Anniversary. As a fellow Mason, it is with great pride that I congratulate the entire organization on this incredible accomplishment.

RACHEL OLSSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rachel Olsson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rachel Olsson is an 8th grader at Faith Christian Academy and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rachel Olsson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rachel Olsson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

A TRIBUTE TO JUSTICE SANDRA
DAY O'CONNOR

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Justice Sandra Day O'Connor, on the occasion of her recognition as a "Person of the Century" by the Rotary Club of Los Angeles in celebration of their Centennial year.

In a year where we witnessed the first African-American assume the Office of the President of the United States, it is especially appropriate to honor a woman who shattered the

marble ceiling of the United States Supreme Court some 28 years ago and served as an important role model for so many in this Nation.

Born in El Paso, Texas in 1930, Sandra Day O'Connor spent several of her early years growing up on her family's ranch in Arizona. Later, in 1950, she graduated from Stanford University with a bachelor's degree in economics, followed by a juris doctorate in 1952. In 1952, she married John Jay O'Connor, III, and they have three sons. After working for a time in both California and Germany, Sandra Day O'Connor again took up residence in the state of Arizona.

In Arizona, O'Connor held positions in both law and politics, working as an Assistant Attorney General and serving in the State Senate, appointed by the Governor to fill a vacancy. After twice winning reelection to the State Senate, she ran for the position of Judge in the Maricopa County Superior Court of Arizona in 1974. While a judge she gained a reputation for being firm but just, and she would later be appointed to the Arizona Court of Appeals.

In 1981, Sandra Day O'Connor made history after being nominated by President Ronald Reagan for the position of Associate Justice of the United States Supreme Court. She received unanimous Senate approval, becoming the first woman to serve on the Supreme Court.

During her tenure on the Court, Justice O'Connor gained a reputation for approaching each case with an open mind and for seeking out practical solutions to complex legal issues. Her pragmatic and centrist approach had an important moderating influence on the Court, and her independent philosophy had an important impact on a number of seminal cases. In 2006, Justice O'Connor retired after serving over 24 years on the Court.

Justice O'Connor and I have a shared belief in the need for an independent judiciary and a shared desire to improve relations between our branches of government. As founder and Co-Chair of the Congressional Caucus on the Judicial Branch, I had the distinct pleasure of hosting Justice O'Connor in the U.S. Capitol, just before her retirement, for an event designed to jointly promote these common goals.

I consider it an honor to recognize Justice Sandra Day O'Connor and ask my colleagues to join me in commending her on the occasion of her recognition as a Rotary Club of Los Angeles "Person of the Century."

IN HONOR OF BRIGADIER
GENERAL BRUCE THOMPSON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Bruce Thompson for his recent promotion to the rank of Brigadier General. Through years of relentless hard work and determination, General Thompson ascended to Brigadier General, a rank that only a few will obtain in their lifetime. I am proud that this man serves

the state of Delaware, as well as the United States of America.

A native of Westchester, Pennsylvania, General Thompson's military career began when he received his commission through the Air National Guard Academy of Military Science in 1980. He quickly earned his pilot wings a year later, and became an Instructor and Standardization/Evaluation Pilot for the C-130 Aircraft with 32 combat sorties and 197 combat support sorties. He served as the 166th Airlift Wing Commander and is a veteran of Operations Desert Shield, Desert Storm, Noble Eagle, Enduring Freedom and Iraqi Freedom. General Thompson is a command pilot with over 4,500 hours in the C-130A, C-130H2, T-37 and T-38. During his service thus far, General Thompson has earned numerous awards and decorations, including the Legion of Merit and the National Defense Service Medal. I fully expect that he will continue to earn awards and citations under his new rank.

I commend Bruce Thompson upon receiving this great honor and for his years of extraordinary service and countless contributions to the Delaware Air National Guard. General Thompson is an exemplary citizen, and on behalf of all Delawareans I would like to thank him and his family for the many sacrifices they have made during the past twenty-nine years. His promotion to the rank of Brigadier General is an appropriate milestone in a truly remarkable career.

DAMION MILES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Damion Miles who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Damion Miles is an 8th grader at Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Damion Miles is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Damion Miles for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN HONOR OF KENDAL GUNLICKS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Kendal

Gunlicks, upon the occasion of his retirement as Director of Music at Independence High School. Mr. Gunlicks leaves behind a legacy of kindness, sincere concern for every student and dedication to fostering an atmosphere where creativity and teamwork flourished.

Over the course of a career spanning 35 years, he led his students through band camp, half-time shows, parades, Madrigal Dinners, musical theater productions, outdoor community concerts and memorable trips to Florida. But for Mr. Gunlicks, teaching was far more than a job. It was an avocation. He consistently went above and beyond the call of duty, working to establish successful mentoring relationships with all students. Through the powerful medium of music, he inspired his students, encouraged their participation and strengthened their self-confidence. His students trusted, respected and admired him, and he was always willing to help with a problem or provide fatherly guidance and advice.

Mr. Gunlicks' belief in musical opportunities for all is evidenced throughout his tenure at Independence High School. As Director of the Vocal Program, Mr. Gunlicks made room in his programs for all interested students. Students who wanted to participate but who weren't confident enough in their talents as singers were encouraged to join the chorus, without having to audition. Under his leadership, the marching band grew steadily over the years, from 26 members in 1974 to more than 100 band members today.

Madam Speaker and Colleagues, please join me in honor of Mr. Kendal Gunlicks, whose passion for music and unwavering dedication to his students has served as a source of inspiration, joy, and camaraderie within the hearts and minds of every student who has walked through the band room doors. His tenure as Music Director has had an impact on the lives of countless students; he served as a wonderful role model for each of them to emulate—in the classroom and in life. Mr. Gunlicks' passion for music, humble approach and unwavering dedication to his profession has enriched the fabric of our entire community, connecting us all through the universal language of music.

ANISSA MILLER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Anissa Miller who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Anissa Miller is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Anissa Miller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Anissa Miller for winning the Arvada

Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

IN PRAISE OF THE TRANS-ATLANTIC LEGISLATORS' DIALOGUE MEETINGS HELD LAST MONTH IN PRAGUE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. BERMAN. Madam Speaker, I would like to call the attention of my colleagues in the Congress to a successful meeting of the Transatlantic Legislators' Dialogue (TLD) that was held in Prague, Czech Republic, from April 18–20, 2009. Chairwoman SHELLEY BERKLEY, the gentlelady from Nevada, continues to provide this important interparliamentary exchange with enthusiastic leadership and a strong commitment to strengthening relations with our European allies. I commend this bipartisan delegation—which included PAUL KANJORSKI (D-PA), DANA ROHRBACHER (R-CA), LORETTA SANCHEZ (D-CA), JOHN R. CARTER (R-TX), PHIL GINGREY (R-GA), VIRGINIA FOXX (R-NC), STEVE COHEN (D-TN), and RON KLEIN (D-FL)—for their contributions to an informed and productive exchange of views with Members of the European Parliament.

The Transatlantic Legislators' Dialogue serves as the formal response of the European Parliament and the U.S. Congress to the commitment in the New Transatlantic Agenda of 1995 to enhance legislative ties between the European Union and the United States. The TLD involves bi-annual meetings between American and European legislators in order to exchange views on topics of mutual interest and foster transatlantic discourse. I welcome the discussion held by members at the Prague session about ways in which to deepen the dialogue and increase their communication beyond these formal meetings.

Given the recent transition in the U.S. administration and the upcoming European Parliament elections, it is essential that legislators continue their collaboration on the important issues facing citizens on both sides of the Atlantic. The financial crisis was a central topic at the Prague meeting, with presentations by European experts as well as representatives of the EU and U.S. administrations. The TLD emphasized the need for a strong and coordinated transatlantic policy response, while reiterating the importance of the Transatlantic Economic Council (TEC) as a framework for cooperation. Members also addressed pressing foreign policy issues. Particular attention was devoted to Afghanistan and Pakistan, as TLD participants engaged in a dialogue with Richard Boucher, U.S. Assistant Secretary for South and Central Asian Affairs, about President Obama's comprehensive new strategy. Other foreign policy debates focused on the status of diplomatic initiatives regarding the Iranian nuclear threat, the Middle East peace process, and relations with Russia. In addition, the delegates talked about the challenge of climate change, the importance of energy secu-

rity, and President Obama's decision to close the Guantanamo detention facility.

Madam Speaker, I would like to commend Representative BERKLEY for bringing the American delegation to Estonia and Lithuania in advance of the TLD meeting for important bilateral visits with these important NATO and EU allies. In both countries the delegation met with the President, Prime Minister, Speaker and parliamentarians to reaffirm our country's friendship and support for the Baltic states. These high level discussions focused on regional security, responses to the global financial crisis, and the importance of energy diversification. In Estonia, members raised the issue of citizenship laws and the importance of good relations between ethnic Russians and Estonians. In Lithuania, U.S. members thanked political leaders for their valuable contributions to the NATO mission in Afghanistan. They pressed them on the need to resolve longstanding problems with Jewish property restitution, protect a historic Jewish cemetery site, and cease investigations of Jewish partisans regarding their World War II activities. The delegation also spoke with a group of Belarusian opposition leaders who traveled to Vilnius from Minsk to brief members on the political and human rights situation in Belarus. The U.S. delegation assured them of our ongoing support of their brave efforts.

In conclusion, I would like to enter into the CONGRESSIONAL RECORD the joint statement that was agreed upon by American and European legislators at the 66th TLD meeting held in Prague. This document highlights the importance of continued transatlantic dialogue and cooperation in addressing pressing financial and foreign policy crises.

TRANSATLANTIC LEGISLATORS' DIALOGUE
JOINT STATEMENT

Shelley Berkley, Chairwoman, United States Congress Delegation, Phil Gingrey, Acting Vice Chairman, United States Congress Delegation, Ron Klein, Acting Vice Chairman, United States Congress Delegation, and Jonathan Evans, MEP, Chairman, European Parliament Delegation.

We, the Members of the European Parliament and the United States House of Representatives, held our 66th Interparliamentary meeting (Transatlantic Legislators' Dialogue) in Prague, Czech Republic, on 18–20 April 2009.

Building on the joint statement issued following our last meeting in Miami on 6–8 December 2008, we stressed the importance of regular dialogue on a range of political, social and economic issues that affect all of our citizens. We agreed to report back to our parent bodies on the content and outcome of our discussions, particularly in the areas where joint efforts are likely to result in positive outcomes.

We discussed with Czech Minister of Foreign Affairs and Council President-in-office Karel Schwarzenberg the Summit held in Prague on 5 April 2009 between President Obama and the 27 EU Heads of State and Government. We welcomed its outcome and expressed our trust that this meeting will provide a strong impetus for strengthening the transatlantic relationship and furthering a common agenda.

The Transatlantic Legislators' Dialogue agreed that we should build on this political momentum to improve and renew the framework of the transatlantic relationship. In this context, we called for greater collabora-

tion between legislators in the US House of Representatives and the European Parliament on issues of common concern and legislation that affects each side of the Atlantic. We also expressed our intention to have increased communication between our biannual meetings, using mechanisms such as periodic video conferences and the formation of working groups to address specific topics in greater detail.

With regard to foreign policy and security issues discussed during our TLD meeting, we agreed that joint action is the most effective way to approach problems which affect both sides of the Atlantic. In particular, we considered that:

a) peace in the Middle East requires a durable ceasefire, an end to attacks on Israel from Hamas and other terrorists, a functioning and effective government in the Palestinian Territories. We also expressed our support for the appointment of George Mitchell as Special Envoy to the Middle East Peace Process;

b) the comprehensive new strategy for Afghanistan and Pakistan announced by President Obama on 27 March 2009 constitutes a good basis for a regional approach to security, combating terrorism, and economic development. The EU and the US should enhance their cooperation and support, work to improve the coordination and effectiveness of Provincial Reconstruction Teams (PRTs), and seek to help build critical infrastructure across Afghanistan;

c) the dialogue affirmed that a nuclear armed Iran is unacceptable. We also agreed that relations with Iran should involve both incentives for Iran to build constructive ties with the international community as well as concerted pressure on Iran if it continues to fail to comply with its international obligations in the nuclear area and human rights; and

d) relations with Russia should involve constructive cooperation on challenges, threats and opportunities of mutual concern, including security matters, disarmament and non-proliferation, and respect for democratic principles including human rights standards, and adherence to international law. The dialogue expressed concerns about Russia's recent behaviour in regards to the recent conflict with Georgia and energy dispute with Ukraine. We also cited the need to enhance mutual trust between the transatlantic partners and Russia.

On energy and climate change, we stressed that the EU and the US should work together to address these issues at the UN negotiations in Copenhagen later this year. We discussed cap-and-trade systems and the feasibility of setting up mutually compatible systems. We noted the link between tackling climate change and addressing energy security and economic growth, recognizing that the fight against climate change could also be an opportunity to create new jobs and sustain economic growth.

We examined the consequences of the global economic and financial turmoil. We agreed that the crisis requires a strong and coordinated policy response by the US and the EU. Recovery plans currently being adopted are critical in mitigating the effects of the crisis: approaches chosen should be compatible, avoid protectionist measures, and not give rise to distortions of competition in the transatlantic market place. We considered that global financial regulation and supervision should be strengthened, including better crisis prevention and management, and that EU and US should cooperate on the reform of international financial institutions.

We stressed the importance of the Transatlantic Economic Council (TEC), including its utility as a framework for macro-economic cooperation between both partners. We welcomed the progress made over recent months in promoting transatlantic economic integration, including investment, accounting standards, regulatory issues, the safety of imported products, and the enforcement of intellectual property rights.

We insisted that transatlantic economic cooperation must be more accountable and transparent. In particular, the schedules of TEC meetings, agendas, roadmaps and progress reports should be agreed upon between the core stakeholders as early as possible and then made public. Such measures are crucial to developing a clear and transparent process for setting the agenda of the TEC, extending the TEC to new sectors, and establishing a long-term roadmap of activities. We called on the EU and US executive branches to facilitate more active participation by members of the US Congress and the European Parliament in the TEC process, in particular via the TLD.

We considered that both partners should use the full potential of the TEC in order to overcome the existing obstacles to economic integration. To this effect, legislators on both sides of the Atlantic should convey their views on legislative and bureaucratic obstacles to the TEC leadership and conduct a regular review of the situation. We emphasized once more the concerns raised by the 100 percent cargo scan requirement, as well as the need to resolve remaining disputes with regard to the REACH regulation and access to the EU market for American poultry.

We discussed President Obama's signing of an executive order leading to the closure of the Guantanamo detention facility within a year. We also considered that the US and the EU Member States should cooperate in finding solutions wherever necessary, including accepting Guantanamo inmates in the European Union.

The dialogue also focused on the negotiations between the US and the EU Member States to extend access to the US visa waiver programme. We welcomed the extension of the programme to seven EU Member States, and encouraged the EU and US executive bodies to continue activities with regard to the Member States not yet included.

Finally, the dialogue took note of a 2008 European Commission report on legislation passed by the US Congress in 2006. The report found that the legislation was not in compliance with World Trade Organization policies as they apply to internet gambling. The TLD expressed strong support for ongoing discussions between the US and EU to resolve the situation in an effort to avoid potential sanctions against the US and the loss of export markets for US business sectors.

In conclusion, both sides renewed their commitment to make the TLD's work more relevant to the European Parliament and to the U.S. House of Representatives. We also agreed to further improve the effectiveness of our dialogue in order to realize the full potential of our interparliamentary relationship.

MATT MILLER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Matt Miller

who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Matt Miller is a junior at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Matt Miller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Matt Miller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN RECOGNITION OF DRS. CATHIE
SCHUMACHER AND K.C.
KALTENBORN

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. YOUNG of Alaska. Madam Speaker, the Shining Lights Award is presented to individuals who demonstrate dedication to public service and the highest level of character, integrity and ethics. Anchorage Project Access, Drs. Kaltenborn and Schumacher have themselves by embodying the Jewish value of Tikkun Olam for their selfless work in bringing medical care to Anchorage's most impoverished residents and have been selected as the 2009 recipients of the Shining Lights Award.

In today's economic climate, many people are forced to choose between food, rent, and their health. Anchorage Project Access (APA) is a volunteer network of 405 medical professionals designed to address the needs of over 15,000 people in our community who are uninsured and fall 200% below the poverty line. Since 2005, APA has united health care providers, hospitals and ancillary organizations in an effort to provide basic medical care to those on a limited income. APA strives to reduce health care costs for all of us by promoting a model of health through ongoing care, reducing the unnecessary use of local emergency rooms.

Husband and wife team Drs. Cathie Schumacher and K.C. Kaltenborn were deeply involved in founding APA and continue to dedicate their time and energy to making this worthwhile project successful. Their tireless efforts to establish and nurture APA have benefited the entire Anchorage community and the State of Alaska.

I encourage everyone to reflect on their exemplary devotion to public service as an inspiration to use their own talents for the good of our community. Congratulations to Drs. Schumacher and Kaltenborn and thank you for all that you do!

HONORING THE VOLUNTEER
SERVICE OF KARISSA TATOM

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. MINNICK. Madam Speaker, I would like to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Karissa Tatom, 17, of Meridian, a senior at Cole Valley Christian Schools, has been named one of the top honorees in Idaho by the 2009 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Ms. Karissa Tatom is being recognized as a Distinguished Finalist by the program's judges, and will receive a bronze medal. Ms. Tatom learned how to knit so she could make hats and scarves for the "Mad Hatter" organization, which provides hats to women and children who have suffered hair loss due to chemotherapy.

In light of numerous statistics indicating that Americans today are less involved in their communities, it's vital that we encourage and support the kind of selfless contributions this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Karissa Tatom are inspiring examples to all of us and are among our brightest hopes for tomorrow.

Ms. Tatom should be extremely proud to have been singled out from the thousands dedicated volunteers who participated in this year's program. I heartily applaud her for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities and that America's community spirit continues to hold tremendous promise for the future.

RECOGNIZING THE OUTSTANDING
ACHIEVEMENTS AND CONTRIBUTIONS
OF NORBERT DICKMAN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize Norbert Dickman. As the General Manager of Fasken Business, Mr. Dickman has contributed so much to the Laredo community and the State of Texas.

Norbert Dickman was born in 1943 in Chicago where he would grow up and attend Quigley Preparatory Seminary. He would later move to California to attend St. Joseph's College where he earned an AA Degree and then

a B.A. Degree in Philosophy from St. Patrick's Seminary. After traveling and attending school in Europe, Mr. Dickman settled again in California where he would study law at Hastings College of Law in San Francisco. After practicing in Larkspur, California he dedicated his service to Mrs. Barbara Fasken and made numerous trips to the Laredo and Midland areas to help her with her oil and gas companies as well as her ranch.

In 1988, Mr. Dickman moved to Midland and became the General Manager of Mrs. Fasken's business where he continues to serve today. He is a valued member of the community who dedicates numerous hours of his time to non-profit boards in the area including the Samaritan Counseling Center, the Executive Council of the Boy Scouts, UTPB Advisory Board, Permian Basin Area Foundation, Trinity School (where he was Board President from 1995 to 1997), and Casa de Amigos, where he was Board President for three years and is currently resident of the Endowment Board.

As the General Manager of Fasken business interests, Mr. Dickson currently oversees many oil, gas, and ranching operations in Webb County. He and his business have made many contributions to the city of Laredo and the state of Texas. His foundations have donated nearly 600,000 to the area over the past few years and his business has helped to revitalize the community.

Madam Speaker, please join me in honoring Mr. Norbert Dickman for his contributions and hard work over the years to the State of Texas.

MEGAN OLLER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Megan Oller who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Megan Oller is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Megan Oller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Megan Oller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, on rollcall No. 207 I was absent on the evening of April 27, 2009, because I was attending a public meeting at the Allegheny National Forest in Warren, Pennsylvania, regarding the pending Supplemental Environmental Impact Statement (SEIS), ongoing litigation, and the proposed "settlement." Recent Forest Service actions on the Allegheny have created adverse economic distress in my rural district and are unfairly denying my constituents access to their legally owned subsurface mineral rights.

Had I been present, I would have voted "Yea."

TRIBUTE TO DR. SIDNEY J. PARNES

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. HIGGINS. Madam Speaker, I am honored to pay tribute to Sidney J. Parnes, one of the great practitioners and researchers in the field of creativity and a co-founder of the Osborn-Parnes Creative Problem Solving Process.

In honoring Dr. Parnes as a pioneer in the worldwide understanding of creative thinking, the House of Representatives adds their appreciation to those that will be expressed by his family, friends, students and colleagues as they gather at Daemen College on May 8–9, 2009 for "Unlocking the Magic: A Tribute and Celebration with Sidney J. Parnes."

Dr. Sidney J. Parnes is co-founder of the International Center for Studies in Creativity, housed at my alma mater, Buffalo State College, and remains the only place in the world where you can receive a Masters of Science degree in Creativity. His contributions have added to the city of Buffalo's significant reputation as a dynamic arts community.

Dr. Parnes' passionate belief that creativity is a result of a balance between divergent and convergent thinking and that everyone can be taught to apply creative behavior in their personal and professional lives has led to his well-earned recognition as the world's leading expert in the field for more than a half century.

A life-long creativity researcher and author, world-class educator and Professor Emeritus of Creative Studies at the State University of New York College at Buffalo, Dr. Parnes co-founded CPSI (Creative Problem Solving Institute) with Dr. Alex Osborn in 1955. The CPSI became an international gathering for the more than 50 years it was held annually in Buffalo when, at times, 700 people representing 36 countries were in attendance.

A life-long researcher and author, this world-renowned educator is responsible for assembling the most comprehensive library on creativity at the University with over 2,400 vol-

umes and launched the scholarly Journal of Creative Behavior in 1967 which includes the latest research, tools and techniques on creativity, innovation and creative problem solving.

From 1967 to 1984, Dr. Parnes served as president of the Creative Education Foundation, presenting countless workshops on creativity and creative problem-solving for leaders in business, education and government throughout North and South America, Europe, Asia, Africa and Australia.

He is a recipient of the State University of New York College at Buffalo "President's Award for Excellence" and is a member of the Creative Education Foundation Hall of Fame as well as the American Creativity Association's Hall of Fame. He has also been recognized by the Innovation Network with a Lifetime Achievement Award for his unprecedented accomplishments to further the creative movement worldwide.

Our congratulations extend to his wife, Bea Parnes, whom Dr. Parnes called "my indispensable colleague, my life companion and dearest friend." Along with their collaborative educational research, they have served as board members of People Inc. for many years and provided numerous workshops for social agencies.

Our good wishes extend to his children and grandchildren who influenced and participated in Dr. Parnes pursuits as he has noted "I'm proud of my family and their achievements, especially their receptivity to creative problem solving and willingness to apply it from their earliest days to family issues and challenges."

I am pleased and honored to send the best wishes of the United States House of Representatives to Dr. Sidney J. Parnes and to his family and friends as they gather to celebrate his life, leadership and legacy of outstanding contributions to the creative life of those whose lives he has so greatly influenced and to the City of Buffalo, the "Cradle of Creative Studies."

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PENCE. Madam Speaker, on Thursday, April 29, 2009, I was unavoidably detained and missed rollcall vote No. 228 on final passage of the Credit Cardholders Bill of Rights Act of 2009. Had I been present, I would have voted "no."

IN HONOR OF TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ASSEMBLY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. MARCHANT. Madam Speaker, I rise today to celebrate the announcement of Taiwan's participation as an observer in the

World Health Assembly, WHA, to be held in Geneva, Switzerland. This announcement is the culmination of more than a decade of efforts by the Taiwanese people to be included in the assembly. Additionally, many of my congressional colleagues and I have been active in supporting Taiwan's participation in the WHA. I am delighted that after years of work in both Taipei and Washington, DC, these efforts have finally paid off and that Taiwan will be able to send a delegation to the WHA later this month under the nomenclature of "Chinese Taipei."

With the outbreak of the H1N1 virus sweeping across the United States and several countries, Taiwan's inclusion as an observer in the WHA is especially crucial in coordinating global responses to epidemics. Diseases do not stop at national borders, and Taiwan's long absence from the WHA meant that a coordinated global response to outbreaks was not as effective as it could be with Taiwan's inclusion.

I congratulate the Taiwanese people on finally winning inclusion in the WHA and look forward to continuing the good relations between Taiwan and the United States.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, on rollcall No. 209, I was absent on the evening of April 27, 2009, because I was attending a public meeting at the Allegheny National Forest in Warren, Pennsylvania, regarding the pending Supplemental Environmental Impact Statement, SEIS, ongoing litigation, and the proposed "settlement." Recent Forest Service actions on the Allegheny have created adverse economic distress in my rural district and are unfairly denying my constituents access to their legally owned subsurface mineral rights.

Had I been present, I would have voted "aye."

BIRTHDAY GREETINGS TO MALINDA WRIGHT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PAUL. Madam Speaker, Malinda Smith Wright will turn 100 on May 17, 2009. Malinda was born and raised in Brazoria County, TX, which is in my congressional district, and has spent all of her life there.

Malinda was married to Alex C. Wright for over seventy years. Together, Malinda and Alex raised six children. A lifelong lover of reading, Malinda continues to read the newspaper every day, and I understand that she is particularly interested in the stock market.

Madam Speaker, I am pleased to take this opportunity to extend my congratulations and best wishes to Malinda Wright as she pre-

pares to celebrate her 100th birthday with her friends and family.

HONORING THE LIFE OF JACK KEMP

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. KING of New York. Madam Speaker, today I rise to honor the life of Jack Kemp who left us this past Saturday.

While his passing saddens all of us, Jack lived a full life that was truly remarkable. In addition to being a wonderful husband and father, Jack achieved outstanding success as a professional quarterback, United States Congressman, Cabinet Secretary, and Vice Presidential candidate. This is a man who excelled both personally and professionally. His economic policies formed the heart of the Reagan Revolution. Even after his political career ended, he made sure to continue his public service by writing, speaking, and continuing to tackle some of America's greatest problems. Jack Kemp always had ideas to offer and he was most often right.

Jack not only shined but took a leadership role in everything he did. Whether it was on the football field leading his team to victories or being a driving force in the House of Representatives, he was always in the middle of the action. Jack Kemp certainly embodied what Theodore Roosevelt said about the "man in the arena." His was the face that was [literally] "marred by dust and sweat and blood" during his many athletic and political battles over the years.

And even though he was able to achieve so much during his time here, we grieve for what he still had to contribute. This is a man who continuously pushed himself in whatever profession he found himself in.

I was proud to know Jack Kemp for more than thirty years and to be his friend.

My thoughts and prayers go out to Joanne, his wife of more than fifty years, his four children, Jeff, Jennifer, Judith, and Jimmy, and his seventeen grandchildren.

Jack Kemp was a great man and a true public servant who touched so many lives in a positive way during his life. He will be sorely missed.

PERSONAL EXPLANATION

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. BERRY. Madam Speaker, I was unavoidably absent on the afternoon of April 29, 2009, and on April 30, 2009. Had I been present, I would have voted "no" on rollcall vote 223, against final passage of H.R. 1913. Had I been present, I would have voted "aye" on rollcall vote 228, for final passage of H.R. 627.

PRESIDENT NURSULTAN NAZARBAYEV OF KAZAKHSTAN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to commend President Nursultan Nazarbayev on his offer to host a nuclear fuel bank in Kazakhstan administered by the International Atomic Energy Agency (IAEA), which the United States would expect to meet the highest international standards for safety, security and safeguards. It is my understanding that the U.S. Department of State has welcomed President Nazarbayev's announcement, and is prepared in principle to support this offer. In fact, even today, Secretary Hillary Clinton is meeting with Kazakhstan's Foreign Minister Marat Tazhin, and I understand that this important measure is on their agenda.

I am pleased by these series of events, especially in view of history. From 1949 to 1991, the Soviet Union used Kazakhstan as its nuclear testing ground, exploding more than 500 nuclear bombs and exposing more than 1.5 million Kazakhs to nuclear radiation. When the Soviet Union collapsed in 1991, Kazakhstan inherited the world's fourth largest nuclear arsenal and the second largest nuclear test site. While Kazakhstan could have retained enough highly enriched uranium to produce 20 nuclear bombs, President Nursultan Nazarbayev, in cooperation with the United States, and under the auspices of the Nunn-Lugar Cooperative Threat Reduction (CTR) program, voluntarily dismantled and shut down the nuclear test site at Semipalatinsk.

Kazakhstan has since signed with the United States amendments to a bilateral agreement on the nonproliferation of weapons of mass destruction which has moved the two nations towards a new level of cooperation in preventing the threat of bio-terrorism.

As a Pacific Islander, I have a special affinity for President Nazarbayev and the people of Kazakhstan. From 1946 to 1958, the United States detonated 66 nuclear weapons in the Republic of the Marshall Islands (RMI) including the first hydrogen bomb, or Bravo shot, which was 1,000 times more powerful than the bomb dropped on Hiroshima. Acknowledged as the greatest nuclear explosion ever detonated, the Bravo test vaporized six islands and created a mushroom cloud 25 miles in diameter. If one were to calculate the net yield of tests conducted by the U.S. in the RMI, it would be equivalent to the detonation of 1.7 Hiroshima bombs every day for 12 years. Regrettably, the U.S. has never fully made right the suffering of Pacific Islanders who, then and now, face severe health problems and even genetic anomalies for generations to come.

Through His Excellency Kanat Saudabayev, now Secretary of State for the Republic of Kazakhstan, I learned of President Nazarbayev's historic leadership in the cause of nuclear nonproliferation and, since my visit to Semipalatinsk, I stand with him in calling for a nuclear weapons free world. Of all nations, Kazakhstan has the most legitimate voice, as no other nation has been courageous enough

to disarm. Frankly speaking, when it comes to strengthening the global partnership for a nuclear weapons free world, President Nazarbayev has set the standard for other nations to follow.

As Strobe Talbott, President of the Brookings Institution, recently noted, "the goal of eventually abolishing nuclear weaponry is written into the Nuclear Nonproliferation Treaty (NPT), which the U.S. Senate ratified nearly 40 years ago." And yet what have the members of the nuclear club done to disarm? In many ways, the five permanent members of the UN Security Council, which includes the United States, the United Kingdom, France, Russia, and the People's Republic of China are the worst examples of how the world should deal with nuclear challenges, but I remain hopeful that the U.S., under the leadership of President Obama, will form a strong alliance with Kazakhstan in moving the world forward on this issue.

Kazakhstan has also made great strides towards democracy, earning the support of 56 member nations to head the OSCE in 2010. Today, Kazakhstan has become the most stable and prosperous nation in Central Asia, and is the first country in the Commonwealth of Independent States to be granted market economy status by the United States. With more than 130 ethnic groups and 40 faiths living in peaceful coexistence, Kazakhstan is also a model for religious tolerance.

By its actions, Kazakhstan has proven itself to be a key ally of the United States and, as such, I welcome Foreign Minister Marat Tazhin's visit to Washington, D.C.

REMEMBERING THE LIFE OF LIEUTENANT JAMES THOMAS, FIREFIGHTER

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CUMMINGS. Madam Speaker, on June 28, 2000, the Baltimore City Fire Department (BCFD)—and indeed, the entire Baltimore community—lost a dedicated and passionate advocate and brother, Mr. James Thomas. He had retired from BCFD in 1992 after nearly 37 years of dedicated service.

Mr. Thomas started his career in 1956 with Engine No. 6, three years after African Americans were allowed to be employed by the fire department. In 1962, as member of Engine No. 8, Jim was promoted to the rank of Lieutenant, which made him the first African American Officer within the BCFD. Jim took on many responsibilities and leadership positions within the BCFD, serving as a fire and safety inspector.

However, as it is widely known firefighters do not ever retire. They just stop going to the fire house everyday and this was also the case for Mr. Thomas. After his retirement, firefighter cadets and those with years of experience often sought out Jim for his advice, guidance, and instruction or simply to listen to his experiences within the BCFD.

Madam Speaker, in addition to being a dedicated firefighter, Jim above all else was a de-

voted husband to his wife Maureen and a man of faith. Although he passed away nearly nine years ago, his life remains an inspiration to us all, speaking volumes for what can be accomplished when a person's faith and determination are synchronized with his conduct. It is my hope that the family and friends of Mr. James Thomas continue to hold on to the fond memories they shared with him.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, on rollcall no. 208 I was absent on the evening of April 27, 2009 because I was attending a public meeting at the Allegheny National Forest in Warren, Pennsylvania regarding the pending Supplemental Environmental Impact Statement (SEIS), ongoing litigation, and the proposed "settlement." Recent Forest Service actions on the Allegheny have created adverse economic distress in my rural district and are unfairly denying my constituents access to their legally owned subsurface mineral rights.

Had I been present, I would have voted "yea."

WORLD PRESS FREEDOM DAY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PENCE. Madam Speaker, I come to the floor today in support of World Press Freedom Day, celebrated on the 3rd day of May each year. I do so with a profound sense of humility and with a sense of privilege about being able to come to the floor to speak in support of freedom of the press around the world.

World Press Freedom Day has been observed for 16 years now and serves as a reminder to us all of the vital importance of this core freedom. It is a day in which we celebrate the indispensable role played by journalists in exposing abuses of power, while at the same time we sound the alarm about the growing number of journalists that are still being silenced by death or jailed as they attempt to report on important issues of the day and bring to light information in the public interest.

Since this day was first celebrated, 692 journalists have been killed. The majority of victims were local reporters covering topics such as crime, corruption, and national security in their home countries. Adding to this tragic figure are the hundreds more each year who face intimidation, censorship, and arbitrary arrest—guilty of nothing more than a passion for truth and a tenacious belief that a free society depends on an informed citizenry. In every corner of the globe—from Iran to Zimbabwe, Burma to Pakistan, Cuba and Venezuela—there are journalists being actively harassed and exercising self-censorship because of

threats and intimidation from repressive regimes.

As part of combating this intimidation and censorship, Mr. ADAM SCHIFF of California and I recently introduced the Daniel Pearl Freedom of Press Act. As many will remember, Daniel Pearl was kidnapped and murdered by terrorists in Pakistan, just 4 months after the September 11th attacks.

At the time of his kidnapping, Pearl served as the South Asia Bureau Chief of the Wall Street Journal, and was based in Mumbai, India. He went to Pakistan as part of an investigation into the alleged links between Richard Reid, the shoe bomber, Al Qaeda and Pakistan's Inter-Services Intelligence, ISI. He was subsequently beheaded by his captors. This legislation is dedicated to Daniel Pearl, the many that have gone before him, and those that still face such dangers today. The legislation seeks to highlight and promote freedom of the press by establishing an annual State Department report on the status of press freedom in every country in the world and create a grant program aimed at broadening and strengthening the independence of journalists and media organizations.

Now, more than ever, the defense of the freedom of the press must continue. Here at home, the Constitution of the United States provides: "Congress shall make no law . . . abridging the freedom of speech, or of the press." Not since those words were adopted has this body passed a law to ensure the freedom of the press. Last month, the House passed the Free Flow of Information Act of 2009, legislation I was honored to introduce with Representative RICK BOUCHER of Virginia. The bill provides a qualified privilege of confidential sources to journalists—which is sadly missing in Federal law—and enables reporters to shield sources in most instances from disclosure. I urge its swift passage by our colleagues in the Senate.

While it is my great hope that a Federal Media Shield bill will soon be signed into law here at home, the struggle for freedom of the press is much more primitive in its evolution in many parts of the world. And for that reason we must stand in solidarity with all those around the globe who love freedom and continue to strain at the bonds of tyranny and oppression on this day of remembrance.

On this day, we remember reporters like Roxana Saberi. Miss Saberi is a 31-year-old American journalist who was arrested in February 2009, and is being held in Iran on charges of espionage, which her lawyer and the U.S. Department of State call baseless. Saberi is a freelance journalist who moved to Iran 6 years ago and reports for NPR, the BBC, and other news organizations. A true representative of this melting pot that is America, she grew up in Fargo, North Dakota, the daughter of Reza Saberi, who was born in Iran, and Akiko Saberi, who is from Japan.

As we learn of cases like Miss Saberi, we understand the stakes that are at risk here. We understand why oppressive regimes like that of Iran want so desperately to muzzle the unfiltered reporting of journalists like Saberi. And we understand why it is so important to cherish and protect freedom of the press as a vital check on abuses of power. Today, we call on the government of Iran to free Miss

Saberi, hospitalized in her desperate attempt to win her freedom with a hunger strike that might appeal to the conscience of her oppressor where her valid legal arguments did not.

As a conservative who believes in limited government, I believe the only check on government power in real time is a free and independent press. A free press ensures the flow of information to the public, and let me say, during a time when the role of government in our lives and in our enterprises seems to grow every day—both at home and abroad—ensuring the vitality of a free and independent press is more important than ever.

I salute the bravery of reporters and press outlets around the world. I urge you to stand firm and take heart. The U.S. House of Representatives stands firmly behind your right to increased freedoms; soon we hope to see this right enshrined in our public law, and stand in solidarity with those on the front lines of the worldwide fight for freedom of the press.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 5, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 6

- 9 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine the range of innovative, non-geologic applications for the beneficial reuse of carbon dioxide from coal and other fossil fuel facilities.
SD-192
- 9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine regulating and resolving institutions considered to be too big to fail.
SD-538
- Foreign Relations
To hold hearings to examine engaging Iran, focusing on obstacles and opportunities.
SD-419
- Veterans' Affairs
To hold hearings to examine the nominations of Roger W. Baker, of Virginia, to

be Assistant Secretary for Information and Technology, William A. Gunn, of Virginia, to be General Counsel, Jose D. Riojas, of Texas, to be Assistant Secretary for Operations, Security, and Preparedness, and John U. Sepulveda, of Virginia, to be Assistant Secretary for Human Resources, all of the Department of Veterans Affairs.
SR-418

- 10 a.m.
Energy and Natural Resources
Business meeting to consider pending legislation on siting of interstate electric transmission facilities, energy finance, and nuclear energy.
SD-366
- Judiciary
To hold an oversight hearing to examine the Department of Homeland Security.
SD-226
- 2 p.m.
Aging
To hold hearings to examine solutions to stop Medicare and Medicaid fraud from hurting seniors and taxpayers.
SH-216

- 2:15 p.m.
Armed Services
Strategic Forces Subcommittee
To receive a closed briefing to examine space issues.
SVC-217
- 2:30 p.m.
Commerce, Science, and Transportation
Communications and Technology Subcommittee
To hold hearings to examine the future of journalism.
SR-253
- Foreign Relations
European Affairs Subcommittee
To hold hearings to examine NATO post-60, focusing on institutional challenges moving forward.
SD-419

MAY 7

- Time to be announced
Environment and Public Works
Business meeting to consider the nominations of Mathy Stanislaus, of New Jersey, to be Assistant Administrator, Office of Solid Waste, Cynthia J. Giles, of Rhode Island, to be Assistant Administrator for Enforcement and Compliance, and Michelle DePass, of New York, to be Assistant Administrator for International Affairs, all of the Environmental Protection Agency.
Room to be announced
- 9:30 a.m.
Armed Services
To hold hearings to examine the report of the Congressional Commission on the Strategic Posture of the United States.
SH-216
- 10 a.m.
Appropriations
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee
To hold hearings to examine the 2009 H1N1 virus.
SD-124
- Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold an oversight hearing to examine funding of the Department of Justice.
SD-192

Energy and Natural Resources

To hold hearings to examine a joint staff draft related to cybersecurity and critical electricity infrastructure.
SD-366

Finance

To hold hearings to examine auctioning under cap and trade, focusing on design, participation, and distribution of revenues.
SD-215

Health, Education, Labor, and Pensions

To hold hearings to examine the nominations of Seth David Harris, of New Jersey, to be Deputy Secretary, and M. Patricia Smith, of New York, to be Solicitor, both of the Department of Labor.
SD-430

Judiciary

Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 327, to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections, and the nominations of William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission, and John Morton, of Virginia, to be Assistant Secretary of Homeland Security.
SD-226

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Krysta Harden, of Virginia, and Pearl S. Reed, of Arkansas, both to be an Assistant Secretary, Rajiv J. Shah, of Washington, to be Under Secretary for Research, Education, and Economics, and Dallas P. Tonsager, of South Dakota, to be Under Secretary for Rural Development, all of the Department of Agriculture.
SD-106

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.
SD-430

2:15 p.m.

Indian Affairs

To hold hearings to examine the nomination of Larry J. Echo Hawk, of Utah, to be Assistant Secretary of the Interior for Indian Affairs.
SD-628

2:30 p.m.

Energy and Natural Resources
Energy Subcommittee

To hold hearings to examine net metering, interconnection standards, and other policies that promote the deployment of distributed generation to improve grid reliability, increase clean energy deployment, enable consumer choice, and diversify our nation's energy supply.
SD-366

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Office of the Architect of the Capitol, and the Office of Compliance.

SD-138

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine recruitment in the federal government.

SD-342

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine strengthening the Securities and Exchange Commission's enforcement responsibilities.

SD-538

MAY 8

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for April 2009.

SD-106

10 a.m.

Finance

To hold hearings to examine the nomination of Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury.

SD-215

MAY 13

10 a.m.

Commerce, Science, and Transportation Competitiveness, Innovation, and Export Promotion Subcommittee

To hold hearings to examine tourism in troubled times.

SR-253

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine manufacturing and the credit crisis.

SD-538

MAY 21

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending legislation.

SR-418

POSTPONEMENTS

MAY 7

10 a.m.

Commerce, Science, and Transportation Science and Space Subcommittee

To hold hearings to examine the consequences of a gap in human space flight.

SR-253

SENATE—Tuesday, May 5, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O, Lord, our Redeemer, abide with our Senators through the passing hours of another day. Strengthen them to stand firm for those good and eternal values that keep a nation strong. Lord, give them the courage to do the right even when others are doing wrong. Remind them that You are the pilot of their lives who can guide them to a desired destination. Let discretion preserve them and understanding keep them, protecting them from the forces of evil. Save them from pride that mistakes their abilities for possessions, and keep them humble enough to see their need for You.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 5, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume

consideration of the Helping Families Save Their Homes Act. The time until 10:50 will be equally divided and controlled between Senators DODD and CORKER. At 10:50 a.m., the Senate will proceed to vote in relation to the Corker amendment.

The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus lunches. We have still a large number of amendments that could possibly be debated and voted on today. But it appears that we should not have more than maybe six or seven votes, something like that.

The managers are working on the bill, and we should be able to finish it without a lot of trouble today. So there will be votes throughout the day. We do not expect any more votes until after the caucus.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

REPLACING JUSTICE SOUTER

Mr. McCONNELL. Mr. President, Justice Souter's decision last week to retire from the Supreme Court presents us with an opportunity to prepare for an important debate about the role of the courts and the meaning of the Constitution. Of all the Senate's duties, few have come to enliven our civic life as much as the consideration of a Supreme Court nominee.

Justice Souter never made a secret of the fact that he prefers New Hampshire to Washington, and the fact that he has served so long in spite of that preference speaks of a deep commitment to public service. As Justice Souter returns to New Hampshire, we thank him for his many years of dedicated service.

Now attention turns to the President's eventual nominee.

Republicans are hopeful that President Obama will choose someone with the same qualities that have always characterized a good judge: superb legal ability, personal integrity, sound temperament, and, above all, an evenhanded reading of the law.

These are the qualities Americans have always looked for in their judges. Any judge who has them can fulfill his or her judicial oath to "administer justice without respect to persons and do equal right to the poor and to the rich." And these are the qualities that we should expect of any nominee to the highest court in the land.

Over the years, there has been a growing tendency among some on the

left to pick or promote judges based on policy and political preferences, and President Obama's past statements on judicial appointments strongly suggest that he shares this view.

As a candidate for President, he said that his criteria for a judicial nominee would be someone who would empathize with particular parties or particular groups. This viewpoint was evident again last week when, in describing a good nominee, the President seemed to stress empathy over and above a judge's role of applying the law without prejudice.

The problem with this philosophy is that it arises out of the misguided notion that the courts are simply an extension of the legislative branch rather than a check on it. Americans do not want judges to view any group or individual who walks into the courtroom as being more equal than any other group or individual. They expect someone who will apply the law equally to everyone, so everyone has a fair shake.

Americans expect, and should receive, equal treatment whether they are in small claims court or the Supreme Court. And any judge who pushes for an outcome based on their own personal opinion of what is fair undermines that basic trust Americans have always had and should always expect in an American court of law.

The President is free to nominate whomever he likes. But picking judges based on his or her perceived sympathy for certain groups or individuals undermines the faith Americans have in our judicial system. So throughout this nomination process, the impartiality of judges is a principle that all of us should strongly defend.

In a nation of laws, the question is not whether a judge will be on the side of one group or another. It is not "whose side," the judge is "on," as a senior Democrat on the Judiciary Committee framed the issue during another debate over a Supreme Court nominee. The issue is whether he or she will apply the law evenhandedly.

Once the President chooses his nominee, Senate Republicans will work to ensure the Senate can conduct a thorough review of their record, and a full and fair debate over his or her qualifications for the job. This is a responsibility we take seriously, and one that the American people expect us to carry out with the utmost deliberation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. What is the pending business before the Senate?

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 896, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

Pending:

Dodd/Shelby amendment No. 1018, in the nature of a substitute.

Corker amendment No. 1019 (to amendment No. 1018), to address safe harbor for certain servicers.

Dodd (for Grassley) amendment No. 1020 (to amendment No. 1018), to enhance the oversight authority of the Comptroller General of the United States with respect to expenditures under the Troubled Asset Relief Program.

Dodd (for Grassley) amendment No. 1021 (to amendment No. 1018), to amend Chapter 7 of title 31, United States Code, to provide the Comptroller General additional audit authorities relating to the Board of Governors of the Federal Reserve System.

Mr. DODD. Mr. President, my understanding is my friend and colleague from Tennessee has an amendment which is in order. I am prepared to defer to him. Then when he completes his remarks, I will respond.

I believe Senator MARTINEZ of Florida may be coming over as well. I understand we have an agreement to have a vote at 10:50. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DODD. I yield the floor.

AMENDMENT NO. 1019

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I rise to speak on amendment No. 1019. Let me start by saying I appreciate the work Senators DODD and SHELBY have done to bring the bill to the floor. I know they are trying to solve a number of problems that exist right now as relates to homeowners in our country trying to reposition where they are with their homes.

I know there are a number of issues with HOPE for Homeowners that was passed last summer that they are trying to solve. I say to the Senator from

Connecticut, I appreciate his efforts. I appreciate the efforts of Senator SHELBY.

The amendment I am offering and on which we will be voting tries to make the safe harbor arrangement that exists in this bill something that is fair to all folks involved in these loans. Most people are aware of pooling arrangements where, in essence, there are servicers who take care of the indebtedness against a homeowner. They pool these together through the securitization that has taken place in the past in order to deal with homeowners. There has been great difficulty in the past in trying to move programs along so we can modify these mortgages.

The problem with this bill, though, is that under the safe harbor arrangement that has been put in place, it does not necessarily do what is best for the homeowner and doesn't necessarily do what is best for the investors, as many Americans have these in their 401(k)s. What it does do is an excellent job of taking care of the large four banks that do the bulk of the servicing: J.P. Morgan, Wells Fargo, Citigroup, and Bank of America. This bill actually incents them. We are paying them money to do what is in their best interest.

Most of these large banks actually hold the second mortgages, not the first mortgages. The first mortgages are the ones I think most of us realize have priority. Those are the loans that allowed you to go into and actually purchase the home in the first place. Then these banks came along, in some cases unwittingly, and participated in predatory-type lending. So these banks, in essence, own most of the second mortgages, the home equity loans. They also own a huge portion of the credit card debt that many of these consumers have. We are paying them in this bill to actually deal with these mortgages in a way that is in their best interest. They have the lesser amount of security, but they also have built-in conflicts of interest where, in essence, if they can do things to cause these consumers to have the secondary debt taken care of, it is in their best interest to do that.

I think this is a huge problem. I find it incredible that we, in essence, in this body would pass a bill where we, in essence, are paying the fox to guard a chicken house that is in their best interest. That is what this bill does.

What our amendment would do is say to these servicers, these people who are taking care of these mortgages, which is servicing the first and second mortgage—again, them owning mostly the second mortgages—what it would do is say they have to look at all options, not just the ones cited in the bill.

For instance, if a homeowner would be better served by having forbearance, meaning for reduction of principal or

something such as that, or maybe a short sale, something else that might be in much better stead for the homeowner and for the investor, the servicer doesn't have to do that. All the servicer has to do in this bill is look at one of two programs—the Obama administration's modification program or the HOPE for Homeowners modification program, just one, not both—and compare it to foreclosure. If it is better off going with one of these two programs, they move it into those programs, even though it may not be in the homeowner's best interest and even though it may not be in those many Americans across our country who have these first mortgages in their 401(k)s, not in their best interest. Typically, though, it is going to be in the servicers' best interest, these four large banks that are being paid money by this bill to actually pursue this servicing in a manner that is in their best interest.

I hope everyone will join me in asking these servicers to not just look at what is in their best interest but to actually first look and see what is in the best interest of those people who own the first mortgages and for those people who actually are in these homes who are trying to stay in these homes. There are provisions here that actually make it worse for the homeowner, in that, basically, much of the debt gets pushed off into 5 years and actually defers their paying, actually makes their situation even worse than it is today. But in the short term, it might make it better, again, for these four large banks.

I am somewhat surprised the sponsors of this bill, whom I have a lot of respect for and work with on a number of issues, are not accepting this commonsense amendment, which says to these servicers, who have a contract, by the way, for those people whom they are servicing these mortgages for, to say that they have to look at everybody's best interest, not their own self-interest, prior to making changes in these mortgages. It is pretty astounding to me. I am still not sure I understand.

Let me make one other point. Last week we, as a body, both sides of the aisle in a bipartisan way, turned away something called cram-down, which gave judges around the country the ability to change the terms of a first mortgage. This body, in a bipartisan way, said we should not be letting the courts change contracts. That is something that is foreign to an American way of thinking. By the way, courts, at least judges, are appointed or elected. They are in positions of public service. What this bill does instead is, it pays servicers, many of which have contributed to this problem in a huge way, to do things that in many cases are in their own self-interest, breaking contract law, and in many cases hurting

the homeowner and hurting the investors.

I hope everybody will see the commonsense nature of this amendment. I hope we can pass this amendment and cause the work that Senators DODD and SHELBY have done to improve the situation that exists, to make it even fairer to all involved.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I see our colleague from Florida has arrived. I will take a few minutes and then ask unanimous consent that he be recognized as the original author of the safe harbor provision so he has a chance to explain his point of view.

Let me begin. Again, it is not necessarily the most compelling of arguments, but I think it is worthy of note that those organizations who are opposed to the amendment of the Senator from Tennessee include the Consumer Federation of America, the National Community Law Center, the National Association of Consumer Advocates, the Housing Policy Council, the Financial Roundtable, the Center for Responsible Lending, the Mortgage Insurance Corporation, mortgage bankers, and the ABA. This is a pretty rare collection, when we get the major consumer groups that watch all this stuff very carefully, as well as some of the major lending institutions. They never come together on anything. It is a unique moment on this proposal.

Let me say to my friend from Tennessee, I don't like the situation we are in either. This is not the ideal world because his point about contracts is a valid one. There is no question. I pointed out there are contracts with second homes and vacation homes and the like as well. We had no problem with the cram-down with mortgages involved there. We have a prohibition on primary residences, but we make the exception with other properties. Frankly, had we taken the Durbin amendment, that might have minimized the importance of what we have here.

Here is the problem: 10,000 people a day are losing their homes; 20,000 a day are losing their jobs. The question is, How can we possibly get the kind of incentives so the bankers, the servicers, the lenders, and the borrowers can modify these mortgages? We now have 11 million homes in this country where the mortgage exceeds the value of the property. If we don't step up soon, those numbers will explode. We have a moratorium on foreclosures in certain areas, and that is just building up a backlog that if we don't end up with some means by which that borrower and lender can work out an arrangement that they can modify the mortgage, we will face a cascading effect which most people agree is the root cause of our financial difficulties, beginning with predatory lending and subprime lending that helped create

this problem with no-documentation loans, the liar loans and the like.

What we have crafted is a rather narrow answer. They have a safe harbor provision which is very broad and, frankly, it can be narrowed. That is what Senator MARTINEZ has done with his proposal. What we are talking about are loans in the private label securities. That represents about 16 percent of what we are talking about. Yet within that 16 percent, in excess of 62 percent of those loans, are seriously delinquent loans. So while it is a relatively small number compared to the total mortgages being written, in terms of delinquent mortgages, it represents a fairly significant majority. We are narrowly dealing with those.

Then we are talking about two circumstances in which they voluntarily can move. That is with the Obama plan or the HOPE for Homeowners. We are not limiting it. If people don't want to do it, there is no requirement that they do it. We are trying to remove one of the great barriers, and that is the fear of litigation. The servicers are saying: We would like to do this. We understand the value of it. We want to get paid. Banks want to get paid. Borrowers want to stay in their homes. Everybody seems to agree on that. Here is the problem: If we end up modifying this, the investor, not an illegitimate point, says: Wait a minute, we had a contract with you, Mr. Servicer. You are going to now modify this, violating our interests as an investor. Therefore, we are going to sue you.

That is the fear. So the servicer says: I am not going near this. I respect the fact the borrower would like to get out of this situation in an affordable mortgage. I would like to get paid something in the process. But I will not go through the kind of litigation that will occur if there is not a safe harbor. Hence, the Martinez amendment.

In these narrow circumstances involving 16 percent of this market, and of which 62 percent are the delinquent mortgages, under two fact situations, the HOPE for Homeowners and the Obama mortgage modification plan, we provide for that safe harbor, saying to that servicer, if, in fact, you move forward, we will provide you with that harbor and avoid the potential of litigation, in some cases even frivolous litigation.

Again, in a perfect world, would I like to avoid that and do what my friend from Tennessee wants? Absolutely. But there are no perfect choices, and yet there are some potential dangers. I don't like setting a precedent. We narrowly define this in time and circumstance, only involving those that already occurred, and the problem dies or is sunsetted in December of 2012. So this is not a perpetual program. It is limited to the fact situation, limited to opportunities in order to try and provide some relief pri-

marily to the consumer, to the person holding that mortgage or the person having that mortgage who runs the risk of losing their home.

We have tried, for a year and a half, all sorts of different ways. My friend from Tennessee and the former Secretary of Housing and Urban Development, Senator MARTINEZ, who knows something about these issues, will recall we tried, in the spring of 2007, to get these people together to try and work out things. They promised they would try. They never did. Then we drafted legislation, far from perfect because we are back today talking about it, called HOPE for Homeowners. We tried all sorts of means by which we could slow down the foreclosure problem.

Regretfully, we have not been as successful as we would like. There is no guarantee this will work as well as we would like either. I say that as a co-author of this bill overall, and I appreciate my colleague's fine comments about the effort. But it is an attempt to try and provide some space, in these very delinquent mortgages, to provide an opportunity for a modification so people can stay in their homes, borrowers can keep their homes, lenders get something back, rather than going to foreclosure in which the implications for everyone are devastating.

Again, the investor does not have an illegitimate complaint, but in the context of balancing these interests, where, again, no one is going to come out of this perfect, in a way I think it is in our interest to try and do what we can to keep people in their homes and have the lenders be able to get something back. Hence, that is why you see this very unique coming together of various interest groups, from the consumer advocates to the major lending associations, saying on this point, they think this is the right—at least worthy of our attempt to get this right.

Again, I respectfully say to my colleague from Tennessee, I appreciate his points. He and I talked about this. But I honestly believe in this case this would be a mistake to accept this amendment and to run the risk of losing the opportunity to get that safe harbor opportunity.

With that, I yield to my colleague from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, if the Senator from Florida would allow me to speak for 1 minute.

Mr. DODD. Yes.

Mr. CORKER. Mr. President, I wish to make it clear because I think the Senator from Connecticut, in doing a good job in talking about his position, made it seem as if we are against loan modifications. Look, there were 134,000 loan modifications last month. I am all for loan modifications.

But what this bill does now is it gives those four largest banks, and many

others, the ability—we are paying them, we are giving them the ability to do things that are in their self-interest and not in the homeowners' self-interest—let me say that one more time: not in the homeowners' self-interest—and be totally obligation free, with no legal recourse whatsoever against them.

What this amendment does is say we are giving them safe harbor, but they have to look at a variety of ways to make sure the homeowner and the investor both are being treated fairly. This bill is very narrow. It allows them to wash their hands and do things that are in their best interest alone, and we are paying them to do that with no legal recourse. To me, that is far, far, far more than we should be doing in legislation such as this.

I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, a quick response.

The homeowner gets to keep their home, hopefully, at a rate they can afford to pay. That is not insignificant, I say with all due respect. The idea there is nothing in here that benefits homeowners—and I am not interested in helping out the four big banks at all. I am interested in making it possible for this to avoid litigation. That is what the concern is; that if we are going to do this, we run the risk because it violates a contract potentially, and if you do that, you are subject to a lawsuit; hence, nothing happens.

That is the fear: nothing happens. If the servicers do not act, then you end up with the borrower losing their home, the lender ends up getting nothing out of it at all; and, hence, the reason why this safe harbor is designed to get us to the point where both the borrower and the lender—again, we are not interested in anyone coming out of this situation with some enrichment, but the idea of slowing down this cascading problem of foreclosures, I think is in everyone's interest, as my colleague has pointed out.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Thank you, Mr. President.

Let me make one more point. I will be brief.

Mr. MARTINEZ. Point of order, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MARTINEZ. Mr. President, if I could inquire of the Chair—

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Tennessee has the floor.

Does the Senator from Tennessee yield to the Senator from Florida?

Mr. CORKER. Certainly. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I would like to be heard and have an opportunity to join in the discussion regarding this very important issue. I appreciate the fact that the Senator from Tennessee has spoken, rebutted, and wants to speak again. I appreciate that. But I would like to have an opportunity to express my point of view at some point. If the Chair could keep that in mind, I would like to do that at some appropriate point.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, unless I am rebutted, this will be my final point.

I would like to make a point that from the standpoint of the homeowner, in many cases, they would be much better off if they were given the opportunity to refinance, given the opportunity to refinance at a lower rate and a longer amortization with organizations that provide that opportunity today.

The servicer has no obligation to even look at a refinancing such as that, for which in many cases the homeowner and the investor would be better off. That is not a part of this bill. I find that to be a major flaw.

I yield my time, Mr. President.

I thank the Senator from Florida for being so patient.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I did not want the opportunity to pass to be heard on this issue, and I would be pleased to have the Senator from Tennessee make a rebuttal after I make my comments. But at some point I did wish to have an opportunity to express my point of view on this issue.

Here is the situation we are in. As the chairman of the Banking Committee has said, this is not a perfect world. We are in a heck of a mess. The people in Florida, by the thousands, are having their homes foreclosed. Unemployment is almost 10 percent because about 25 percent of Florida's economy is dependent on building homes and on the construction industry, which is completely stopped, for the most part.

We are in a situation now where if I hold a forum in a city such as Fort Myers, 450 people show up desperate for a solution to their problem to stay in their home. We have some banks there, and we have some people from HUD, from HOPE for Homeowners—all these people coming together—to try to work things out, and many times it happens. It is not nearly keeping up with the rate of foreclosures going on across the country, but some are getting worked out.

How many more would be worked out if we had a safe harbor provision—bal-

anced—that keeps the investor community from being able to bring legal action against the servicers? I think we would have thousands more. Would the country be better off? Absolutely. Would the homeowner be better off? Absolutely. Would everyone involved in the business of housing and housing finance be better off? I submit to you it would be so.

One of the reasons many of these loan modification programs we have had—and they began in the Bush administration; they have continued now in the Obama administration but they have not worked because of the safe harbor need, because of the legal ramifications once a servicer perceives the threat of litigation. The safe harbor provisions of this legislation remove that perceived risk.

This bill, which includes a safe harbor that is lots narrower than the one in the House version of this bill, makes it clear that so long as a mortgage servicer concludes that, from the perspective of the investors, an approved loan modification is better than foreclosure; that is, modification will yield greater value than foreclosure—in other words, the investor is protected to a degree—then the servicer cannot be held liable for choosing to modify the loan and not foreclose.

This legislation strengthens the current Federal loan modification guidelines to assure that only deserving homeowners benefit from a modification. Individuals with a net worth of more than \$1 million cannot qualify for a modification. Individuals who have been convicted of fraud would also be barred. Any participant must certify that he or she has not intentionally defaulted on any other debt before a modification is going to be permitted.

Unlike the safe harbor provision in the House bill, this bill's safe harbor would still permit investors to hold a servicer liable if the servicer acts unreasonably or improperly fails to maximize investor value through instigating a foreclosure. In other words, there will still be a foreclosure if, in fact, it is in the best interest of the investor.

The safe harbor provisions in this bill would help to strike the proper balance between the future health of residential mortgage credit in this country and the rights of investors.

I think what we need to understand a little better is that the intent of the Corker amendment—while it is good; and I hate to disagree with the Senator from Tennessee, whom I so often find myself in full agreement with, but in this instance, I must because he requires that all potential alternatives to foreclosure be evaluated and to select the one that is best for the investor, regardless of whether that is in the best interest of the homeowner, before the safe harbor litigation protections are triggered. So before the safe harbor

litigation protections are triggered, all other options would have to be reviewed and considered. Basically, there is no safe harbor at all. I do not think, if the Corker amendment was adopted, we would see a lesser number of foreclosures.

There are two problems with this amendment.

The language of the amendment appears to fail to achieve its stated intent. The current language appears to require that a servicer evaluate all possible alternatives to foreclosure but only provides a safe harbor if the servicer chooses a government-sponsored loan modification.

The second problem is it fails to strike the proper balance among the interests of the servicers, the investors, and the homeowners. We tried to strike a balance among all these competing interests in what we acknowledge is an imperfect world.

The current language of the bill is better because it forces servicers to make a reasonable determination about whether an investor would be better off with a loan modification or foreclosure. It allows the current loan modification efforts—that allow homeowners to remain in their homes—an opportunity to actually work.

This allows investors to benefit from a modification, where it is appropriate, while decreasing the number of foreclosures and increasing the number of families who can remain in their homes.

Some have alleged constitutional concerns about this legislation, and I have to tell you, in these kinds of moments, I think we do not want to violate our Constitution, but it is necessary sometimes we step outside a comfort zone, and it is undisputed Congress has the power to regulate the residential mortgage industry. We believe we are on safe legal grounds in that and that this does not constitute a taking or even come close to that.

I believe the well-intended Corker amendment would not improve the current situation as it relates to the number of workouts that are taking place, and foreclosure would still be the rule of the day. I believe the language in the bill is superior. It strikes a better balance. It is not as broad as the House language, it is not as restrictive as the Corker language, but it hits it just about right.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank my colleague from Florida, who has served our country well both as a Senator but also as Secretary of HUD and has tremendous amounts of experience in this area. We disagree on this issue.

My amendment does not just seek to do what is best for the investor. It seeks to do what is best for the home-

owner and asks the servicer to not just compare one alternative to foreclosure but an array of alternatives to foreclosure.

I have to tell you, I know of people in financial distress, as most of us do. I think I would like for these major banks that basically are servicing credit card debt and home equity loans, I would like for them to have to look after the interests of the homeowner and the investor in every way they can prior to moving to foreclosure. That is what this amendment does.

It is a commonsense amendment. I think we have moved ourselves into a situation now that is potentially worse, as I said before, than what we did the other day, which was that the other day we rejected giving judges the ability to unilaterally change contracts. Now we are going to be paying, in large portions, the four largest banks in the country, we are going to be paying them our money, taxpayer money to do things that in many cases are in their best interest and not in the homeowner's best interest and the investor's best interest. I find that problematic.

In years to come, if this legislation passes without this amendment, we are going to look back and realize we did some things that may have sounded great in the middle of a crisis but we did some things that 4 or 5 years from now we are going to wake up and realize have done great harm to the very homeowners this bill seeks to help.

Mr. President, I thank you for the time.

I thank the Senator from Florida and the Senator from Connecticut for the thoughtful conversations they have put forth. I think this legislation is flawed. I know there are some other components of this bill that are very good. As a matter of fact, I have authored, with the major proponent, the Senator from Connecticut, large portions of this bill. But this safe harbor agreement has many problems. I think it is a shame, if this amendment is not adopted, we are going to end up with a piece of legislation that does a lot of good but also does a lot of harm and sets precedents in this country we are going to live to regret.

Mr. President, I yield my time.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will take a minute. Let me just say again that I have great respect for my colleague from Tennessee. He and I work closely together on a lot of issues. He is invaluable as a colleague, as is Senator MARTINEZ, former Secretary of Housing, who understands a lot of these issues well, not just from a senatorial perspective but from his previous job as Secretary of Housing and Urban Development in Washington.

Again, this is a program that is limited in time, limited in scope.

As both the Senator from Florida and I have said, this is far from a perfect world in terms of how we have to balance the various interests in all of this. I am not unmindful of the fact that we are in uncharted waters. We all recognize as well that we are in uncharted waters in a larger sense. We are in a time that none of us in this Chamber—with the exception of my colleague from West Virginia and a couple others—can recall. Our parents and grandparents talked to us about times like these almost a century ago.

While we are taking action here—and I hear my colleague from Tennessee, who made a legitimate point that we establish precedent here, and I understand that. People will look back, as we have looked back, to previous decades to seek ideas that might help us get back on track again and restore that optimism and confidence in our country. So we are moving into an area that is new, but as the Senator from Florida pointed out, we are in a time that is new as well.

We have tried, as we know, in numerous ways over the last many months to figure out ways to get at the root of this foreclosure problem. Every idea you can come up with has its shortcomings. We have yet to find the perfect one that everybody agrees on. If somebody has it, please let us know because we are looking for it to get us to the point where we can put the brakes on foreclosures, not because you impose a moratorium but because people can afford their mortgages, lenders are being paid, the economy is moving, credit is flowing, businesses are growing, and joblessness is no longer increasing but declining—all of the things we want to see.

This proposal we have advocated here, the safe harbor, in a narrowly crafted way, limited in time, scope, and circumstance, we believe will help in that regard. Is it perfect? Far from it. Is it necessary? Absolutely. That is why I think you see the collection of organizations. I don't want to overemphasize this point, but they have come together to say this is an idea worth trying. Rarely do you get that kind of cooperation.

At least there is some indication that the other body might be willing to accept our language and take this bill, and the other provisions of the bill—my colleague is correct—really are important and are needed immediately. We don't need to delay this further. That is not a reason to be for or against the amendment, but I just point out that the other side would agree to the Martinez idea.

I ask our colleagues to, at the appropriate time, oppose this amendment—and I say that respectfully—so that we can move on to the other amendment and see if we can reach a final vote this evening or sometime in the morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Two minutes 16 seconds.

Mr. MARTINEZ. Mr. President, I wish to conclude and follow up on something the chairman said.

The situation we are in is critical. Striking some balance that reduces foreclosures is worth the risk. The corrosive effect of foreclosures—and all of the things we have tried have nipped at the issue but have not fixed it. The corrosive effect of foreclosures continues this downward spiral of home prices, which escalates the problem the banks have. Assets were becoming toxic yesterday, and are today and tomorrow, because of the decline in home values. There is a dramatic decline in my State, and the biggest reason for that is foreclosures.

The foreclosures set a new floor on what the prices in the neighborhoods are, and that floor then begins to be what other purchasers are willing to pay. That, in effect, then reduces home equities, reduces the opportunities for folks to stay in their homes, and it is a downward spiral we have to stop. This is an effort to try to stop it.

I am delighted to hear the Senator say that the House may take our language. I think their language is very broad, frankly. What Senator CORKER has raised in his concerns would be heightened by the House language. I think our language, in its imperfection, strikes a decent balance among the interests of all parties and perhaps will increase the number of workouts and reduce the number of foreclosures.

I also speak in opposition to the Corker amendment, and I would be excited to see our bill move forward with this provision and the many others that are helpful.

I yield the floor.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. DODD. Mr. President, so the pending matter is the Corker amendment?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DODD. Mr. President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mrs. GILLIBRAND). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 63, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—31

Alexander
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Corker
Cornyn

Crapo
DeMint
Enzi
Graham
Grassley
Gregg
Hatch
Inhofe
Johanns
Kyl
Lugar

McConnell
Murkowski
Risch
Roberts
Sessions
Shelby
Thune
Vitter
Wicker

NAYS—63

Akaka
Baucus
Bayh
Begich
Bennet
Bingaman
Boxer
Brown
Burris
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Collins
Conrad
Dodd
Dorgan
Durbin
Ensign

Feingold
Feinstein
Gillibrand
Hagan
Harkin
Hutchison
Inouye
Isakson
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez

Merkley
Mikulski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Johnson
Kennedy

McCain
Rockefeller

Shaheen

The amendment (No. 1019) was rejected.

Mr. DODD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1036 TO AMENDMENT NO. 1018

Mr. DODD. Madam President, I ask unanimous consent that the pending amendments be set aside so I may call up, on behalf of Senator KERRY, amendment No. 1036.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. KERRY, for himself, Mrs. GILLIBRAND, and Mr. REID, proposes an amendment numbered 1036 to amendment No. 1018.

The amendment is as follows:

(Purpose: To protect the interests of bona fide tenants in the case of any foreclosure on any dwelling or residential real property, and for other purposes)

At the end of the amendment, add the following:

TITLE V—PROTECTING TENANTS AT FORECLOSURE ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “Protecting Tenants at Foreclosure Act of 2009”.

SEC. 502. EFFECT OF FORECLOSURE ON PRE-EXISTING TENANCY.

(a) IN GENERAL.—In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure pursuant to the foreclosure shall assume such interest subject to—

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1), except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

(1) the mortgagor under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; or

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

(c) DEFINITION.—For purposes of this section, the term “federally-related mortgage loan” has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

SEC. 503. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting before the semi-colon in subparagraph (C) the following: “and in the case of an owner who is an immediate successor in interest pursuant to foreclosure—

“(i) during the initial term of the lease vacating the property prior to sale shall not constitute other good cause; and

“(ii) in subsequent lease terms, vacating the property prior to sale may constitute good cause if the property is unmarketable while occupied, or if such owner will occupy the unit as a primary residence”; and

(2) by inserting at the end of subparagraph (F) the following: “In the case of any foreclosure on any federally-related mortgage loan (as that term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) or on any residential real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to

the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants.”.

SEC. 504. SUNSET.

This title, and any amendments made by this title are repealed, and the requirements under this title shall terminate, on December 31, 2012.

Mr. DODD. I thank the Chair, and let me just say to my colleagues—and I see my friend, Senator SHELBY, on the floor of the Senate as well—that we are open for business, as the expression goes. We have a number of amendments—a significant number—on which I think we might be able to reach agreement. We are not quite there on those, but we can do that. There are several that require votes, and the leadership would obviously like to complete this bill this evening, if it is possible.

My good friend from Alabama has been a good partner in all of this, in working on this, and so we invite all those with amendments to come over. We can offer them, debate them, and possibly reach agreement on them as well and adopt them as part of the bill. So I would just make that point.

I see one of my colleagues on the Senate floor but who is maybe not ready yet, so I will suggest the absence of a quorum until we get someone to show up.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I am coming to the floor to thank Chairman DODD for working with us on some important pieces of this legislation. Included in this legislation is the increased borrowing authority for both the FDIC and the NCUA, so they can immediately access the necessary resources to resolve failing banks and credit unions and provide timely protection for insured depositors. Earlier this year, Senator DODD and I joined in introducing legislation that would increase the borrowing authority of the FDIC, and since that time we have expanded that legislation to provide parallel authority for the NCUA, for credit unions, and to include an assumption in the budget resolution about the need to pass legislation to ensure adequate resources are available to the FDIC and the NCUA.

This legislation is similar to what is included in the Dodd-Shelby substitute that was passed by the Banking Committee on a voice vote in an amend-

ment to the credit card legislation we will be looking at later on.

I come to the floor simply to make note of how important it is that we continue to pursue this legislation and to thank Senator DODD for working so closely with me to make sure it happens. When you look at today's economic climate and the threats facing us in the financial industry, we have to provide the necessary tools to our financial institution regulators so they can protect us as best they can. One important piece—and I am glad to say one of those pieces about which there is very little controversy—is the need to make sure we strengthen the FDIC and NCUA to make sure they can undertake their statutory responsibilities in the context of failing institutions.

I would be remiss if I didn't say I wish to be sure that both the FDIC and NCUA are very careful in the exercise of these authorities, to make sure they do not do more harm than good and harm institutions that could otherwise have survived, by stepping in. But when the true need comes, they need to have the authority.

This language deals with significant reforms that need to be undertaken, and undertaken as soon as possible, so our regional banks do not face very significantly increased levies and requirements for funding the FDIC and NCUA operations.

It would permanently increase the Federal Deposit Insurance Corporation's borrowing authority from their current level of \$30 billion to \$100 billion, with additional authority, that is temporary, to allow them to get up to \$500 billion in the case of emergency circumstances.

It would permanently increase the borrowing authority of the NCUA from the current \$100 million, with authority for a temporary increase up to \$30 billion. The temporary authority for both the FDIC and the NCUA could only be used if determined necessary in the FDIC Board of Directors' written recommendation and support of two-thirds vote; the Board of Governors for the Federal Reserve system, with written recommendations and support of two-thirds vote; and the Secretary of the Treasury, in consultation with the President.

The FDIC and NCUA need to have access to sufficient resources to deal with the potential costs for seizing failing institutions we are facing in our country right now. Assets in the banking industry have increased since 1991 from \$4.5 trillion to \$13.6 trillion at the same time that no increases in this borrowing authority have been authorized. The assets in the credit union industry have also significantly increased since their borrowing authority levels were established.

It is important to note that this borrowing authority is not coming from taxpayer dollars. The levies and the as-

sessments that are made on the participants in the financial industry themselves, the depository institutions, are the source of the dollars that would cover this loan authority. I think most people understand, but what happens in the case of a failing institution is the FDIC steps in immediately and protects all depositors so the depositors can have that assurance of the Federal guarantee of their deposits in these depository-protected institutions. Then the FDIC basically works out the resolution of the remaining assets of the failed institution and the banking institution itself. Other depositors, through their assessments, pay for the cost of the operation of this program. We are simply increasing the borrowing authority to make sure the FDIC and the NCUA have the resources necessary to deal with these very difficult and challenging times.

In addition, the borrowing authority would allow the FDIC and the NCUA to lower their recent special assessments that went out to the banking and credit industry. In other words, this would allow us to kind of smooth out that process by which the depository institutions themselves fund this process and not create huge liquidity and financial pressures on the banks that are not facing the potential of any kind of FDIC intervention but which are being looked to to bear the cost of these problems as we move forward.

The language ensures that the FDIC and the NCUA have the resources necessary to address future contingencies and to fulfill the Government's commitment to protect America's depositories.

As I said at the outset, I wish to be sure the NCUA and the FDIC are very careful in the utilization of the authorities we have given them. There are some concerns already being raised about the fact that perhaps the stress test and some of the other analysis that is being put into place and the evaluation of the solvency of our banks need to be fine-tuned so we do not unnecessarily utilize these authorities where a better resolution, better activities can be pursued. But when it does become necessary, we need to be sure our depositors are protected. Once again, I thank Senator DODD for his strong support and work on this issue.

There is another issue I have been working on with Senator DODD. I wish to make it clear that the frustration I am going to share right now is not directed at him because he has been working very hard to address this same issue and trying to resolve it. But I do believe it needs to be said that there is another piece of the issue we must resolve.

Earlier, on previous legislation, language was included dealing with depository institutions that gave the FTC much broader jurisdiction than it

should have had with regard to depository institutions. The language was intended to give broader jurisdiction and clarification of jurisdiction to the FTC's regulation of other, nondepository institutions, but the way the wording in the bill was written it included depository institutions—wrongly.

We identified that issue at the time. We stood on this floor, a number of us Senators stood on this floor and pointed out that was not intended by the bill and that we would correct it. In fact, we said we would correct it at the first available opportunity. Now we are seeing opportunities arrive, and we cannot reach a conclusion with regard to the necessary correction of the legislation that gives unnecessary and confusing dual jurisdiction to the FTC now over depository institutions, which was not intended by this Congress and which will not be helpful, in terms of creating a duplicate regulatory system with which our regulatory institutions must deal.

Again, I stand and call for us to do what we agreed to do, which is to fix the FTC issue and make sure we carefully clarify the jurisdiction of the appropriate committees and the jurisdiction of the appropriate regulators over depository institutions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, before my colleague leaves the floor, I thank him as well. He has been a senior Member of the Banking Committee and has been an invaluable asset and partner on these issues. He understands regulatory reform as well as anyone and has dedicated a good part of his service on the committee to that issue. It was a pleasure to work with him on the issues he has mentioned in this bill, dealing with the FDIC and the National Credit Union Association. We are providing these resources. We think we have built in some pretty good safeguards so these guidelines will not be exceeded, but the best safeguards are for the institutions themselves to be cautious and prudent in utilization of these resources as well.

I underscore and endorse his comments on that point and I thank him immensely for his work on the bill, making it possible for us to arrive where we are this morning.

Lastly, I join him as well in his concerns about the Federal Trade Commission issue that I thought we successfully resolved in the colloquies we had here. Unfortunately, that was not, apparently, the case. We are still working at this. I want you to know Senator CRAPO's office is directly involved with ours and others we are negotiating with and will obviously pursue this matter. I am hopeful we can resolve it amicably but, if not, there will be a moment in the not-too-distant future

we will have to vote. I would like to work things out to everyone's satisfaction without that, but if that is the case, we will have to do that. I join with him. I think the jurisdiction is clear on that matter, and I think most agree with us, but, obviously, from time to time, you need to bring these matters to a head and actually have a decision by the body. Again, I hope we can avoid that, but if not, I join him in that effort to provide that legislative effort. I thank him very much, and hopefully we will, this evening, complete work on this bill and send it off.

I am hopeful about the other body which, I am told, has looked on our efforts here with approving eyes, so we may be able to get it signed into law pretty quickly.

Mr. CRAPO. I thank the Chairman. I look forward to working with him.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1030 TO AMENDMENT NO. 1018

Mr. THUNE. Madam President, I ask unanimous consent to call up and make pending amendment No. 1030.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 1030 to amendment No. 1018.

Mr. THUNE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Asset Relief Program to reduce the authorization level under the TARP)

At the end of the amendment, add the following:

TITLE V—TARP REDUCTION PRIORITY ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "TARP Reduction Priority Act".

SEC. 502. FINDINGS.

Congress finds the following:

(1) On October 7, 2008, Congress established the Troubled Asset Relief Program (TARP) as part of the Emergency Economic Stabilization Act (Public 110-343; 122 Stat. 3765) and allocated \$700,000,000,000 for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

(2) The Department of Treasury, without consultation with Congress, changed the pur-

pose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program (CPP) rather than purchasing toxic assets.

(3) Lending by financial institutions was not noticeably increased with the implementation of the CPP and the expenditure of \$218,000,000,000 of TARP funds, despite the goal of the program.

(4) The recipients of amounts under the CPP are now faced with additional restrictions related to accepting those funds.

(5) A number of community banks and large financial institutions have expressed their desire to return their CPP funds to the Department of Treasury and the Department has begun the process of accepting receipt of such funds.

(6) The Department of the Treasury should not reuse returned funds for additional lending for financial assistance.

(7) The United States Constitution provided Congress with the power of the purse hence any future spending of TARP funds, or other financial assistance, should be determined by Congress.

SEC. 503. TARP AUTHORIZATION REDUCTION.

Section 115(a)(3) the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by inserting "minus any amounts received by the Secretary for repayment of the principal of financial assistance by an entity that has received financial assistance under the TARP or any program enacted by the Secretary under the authorities granted to the Secretary under this Act," before "outstanding at any one time."

Mr. THUNE. Madam President, the amendment I offer today essentially follows along with the bill I introduced earlier called the TARP Reduction Priority Act. Essentially, this amendment reduces TARP authority by any amount of principal returned by a financial institution to the Treasury.

Again, by way of background, I spoke to this amendment a little bit last week. On October 7, 2008, as we all know, Congress passed the Troubled Asset Relief Program, or TARP, as part of the Emergency Economic Stabilization Act, authorizing \$700 billion for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

The Department of the Treasury, without consultation with Congress, changed the purpose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program rather than purchasing toxic assets.

Financial lending was not increased with implementation of the CPP, and \$218 billion, I believe, has been allocated thus far, despite the goal of the program. These institutions receiving funding through the CPP are now faced with additional restrictions related to accepting those funds.

A number of community banks and financial institutions have expressed their desire to return the CPP funds to the Department of the Treasury, and Treasury has begun the process of accepting receipt of these funds. However, because of the financial stress

test that Treasury is currently conducting, it is possible Treasury will restrict banks from returning funds they received from the Capital Purchase Program.

In his testimony before the TARP Congressional Oversight Panel on April 21, 2009, Secretary Geithner stated that Treasury estimates \$134.6 billion of TARP funds are still available. In that figure, he includes \$25 billion which Treasury expects to receive back from banks under the CPP.

Geithner also stated that he believed the \$25 billion is a conservative number and that private analysts predict more will eventually be returned. Section 120 of the Emergency Economic Stabilization Act terminates the authority for TARP funds on December 31, 2009, and the Secretary can request an extension to the deadline not later than 2 years after enactment, which was October of last year, 2008. So keep in mind this restriction applies only to Treasury's issuance of new loans and does not cover the reuse of previously issued assistance that was returned to the Treasury.

So, essentially, my argument for why this piece of legislation, this amendment, is important is, until the December 31, 2009, expiration date or possibly longer, as I said earlier, if the Secretary is granted an extension, without this legislation Treasury can continue to use TARP funds, including those repaid, in any manner they see fit.

This is certainly not what Members of Congress envisioned when this legislation passed last year. These are taxpayer dollars. They should not become a discretionary slush fund for Treasury. Under the Constitution, Congress controls the power of the purse, and there are major concerns regarding the Treasury's handling of TARP funding. If the Treasury Department believes it needs additional funding to address problems in the financial sector, they should come to Congress to get that authority.

The inspector general, Neil Barofsky, stated in his quarterly report to Congress that 12 separate programs are being funded under TARP involving up to \$3 trillion of Government and public funds. Amazingly, this is the equivalent to the size of the entire Federal budget, certainly not what Congress was told the funding would be used for.

Mr. Barofsky also mentioned on April 4, 2009, the CBO report which estimated that TARP will cost the Government \$356 billion, meaning the Treasury will only be able to recover about \$344 billion, or approximately 49 percent of the \$700 billion that was originally authorized. When this program, as I said earlier, was initially pitched to Congress, Secretary Paulson argued that the Government could end up making money once the toxic assets were sold, after the economy recovered.

Clearly, based on what the inspector general is saying, that does not appear to be the case.

Because if the numbers CBO is using are correct, they are estimating that TARP will cost the Government \$356 billion, and therefore only about \$344 billion or 49 percent of it will actually be recoverable of the original \$700 billion.

Barofsky's report spans 247 pages. It says that:

The very character of the program makes it inherently vulnerable to fraud, waste, and abuse, including significant issues related to conflicts of interest facing fund managers, collusion between participants, and vulnerabilities to money laundering.

It would seem irresponsible to continue recycling money in the TARP if the very nature of the program makes it susceptible to fraud. In fact, the special investigator's office already has 20 criminal investigations underway.

What amendment No. 1030 does is amend the underlying bill to say that TARP funds that are repaid by financial institutions, if they choose to do it—and that is going to be in consultation with Treasury—if the funds come back in—and according to Secretary Geithner, about \$25 billion of the amount they say is available under TARP, still available to lend, consists of moneys being paid back by financial institutions—that when those moneys come back in, they should reduce the amount, the principal amount of TARP available to be used.

Again, I offered a similar amendment to the fraud recovery bill a couple weeks ago. In that case, I offered it with the intention of having any funds paid back under TARP by financial institutions to be dedicated to paying down the public debt—in other words, to debt reduction. Under that arrangement, it was considered not to be germane. So when cloture was filed, it fell postcloture. It was not, therefore, able to be voted on. We worked with folks who are involved in trying to make sure this is germane, that it fits within the parameters of the bill under consideration. It addresses it in a slightly different way; that is to say, whatever TARP funds are repaid, it reduces the amount of TARP authority available to be used.

I hope my colleagues will support this amendment. It is a responsible thing to do. These are taxpayer dollars. Many of us, when we supported this last fall, had an understanding about how the funds would be used. They were used differently. It would appear at this point that much of the moneys put out under the program, which at the time we were told would be paid back, that will not be the case. As much as half or more of this is probably going to be lost.

It seems to me the dollars that are paid back should not be recycled or reused. They ought to reduce the amount

of TARP lending authority that is available.

It is a fairly straightforward amendment. I urge colleagues to support it. At the appropriate time, I will ask for the yeas and nays.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I thank my colleague from South Dakota. I appreciate his cooperation in getting the amendment up and having a chance to debate it. It is my understanding, even though the debate may not last long on this, there will be a vote probably sometime around 2:15. That is the plan right now. So while we may not exhaust a lot of time when we come back at 2:15, I ask unanimous consent that there be 2 minutes equally divided between the Senator from South Dakota and myself for the benefit of our colleagues before a vote, to explain the amendment once again before we actually have a vote. I ask unanimous consent for that.

Madam President, I withhold that request.

Let me address the substance of the amendment. What all of us want, without exception, is to have this TARP money come back. This is taxpayer money that went out last fall to shore up the financial system, to make it possible for the financial system to get stabilized and provide resources to either purchase toxic assets or legacy assets, as well as to make capital investments in order to provide stability to institutions that were at risk of becoming completely insolvent or going out of business entirely. History will ultimately judge whether that decision was the right one or the wrong one. I happen to believe it was right. Most people concluded that it was, that had we not taken that step, as difficult as it was, with the warnings of the Federal Reserve Board and others that the financial system, in fact, globally, could melt down if we did not act quickly—it was awfully difficult in that environment to know exactly what was best. But given the time constraints and the importance of the issue, this body acted. I think we did so appropriately and properly.

The good news is that it is showing some glimmer of hope. I don't want to overstate the case, but there are some indications that this is beginning to work. Not that it will resolve itself overnight, but certainly it is beginning to show the possibility of getting credit once again moving.

The Senator from South Dakota offers an amendment that has a certain attractiveness, the idea that TARP money now coming back, as much as maybe \$25 billion, maybe more—certainly, we hope a lot more ultimately will come back into the coffers of the Government—what do we do with that TARP money at this juncture? If we

adopt the amendment of the Senator from South Dakota, it would take those resources off the table. We couldn't use them. What does that mean? It would mean that just at a time when the so-called stress tests are being conducted—and none of us knows and won't know until this Thursday how many of these 19 institutions will actually need additional capital. We hope none do, but I suspect some will. If that is the case, where does it come from?

I know this much about our colleagues: Whether you serve on one side or the other, none of us would rather go back and have to vote again on yet another tranche of TARP money. Wouldn't it be wiser, since the previously passed legislation allows for any money that comes back into the Government from these institutions repaying the TARP money, to recycle that money rather than coming back again and asking for additional money, which we may very well be asked to do very quickly?

My concern with the amendment is, just at the very hour that we may need some additional resources to either further capitalize or purchase toxic assets, in either case to allow our economic recovery to move forward, we would be removing those resources altogether, once again forcing this institution to allocate additional resources. The more prudent step to take would be to utilize these resources coming back at this critical moment in order to get this program working.

Why is that important? It isn't just about the financial institutions. In fact, if it were only about that, I suspect I know where 99 or 100 of us would be on that issue. The question isn't so much what happens to these major institutions in and of themselves; it is what happens to the people who depend upon them, those small businesses, midsize businesses that need credit lines in order to buy inventory, to pay employees. What happens to people who are seeking a mortgage, buying an automobile, dealing with student loans, dealing with credit card debt? All of these issues are affected by what happens in the financial system as a whole. These are not separate entities disconnected to the overall well-being of the economy. If you could divorce them from the well-being of the economy, most would say amen and do so. But to suggest so is to not understand how the financial system has to operate.

At the very moment that we as a nation need to keep this ball moving in a direction that allows for the financial system to shed the toxic, clogging assets that are freezing up the circulatory system financially, we would be stepping back and forcing an institution to vote for additional resources. My political barometer tells me there are not the votes. I think most of my

colleagues know that. At this juncture, we need to see a lot more about how this program is working before this institution is likely to vote again for an additional allocation of taxpayer money for the program. It may come to a point where the President will ask us for that. But I don't think we want to jump to that option, particularly if we have resources coming off the TARP program that could be recycled for the next 11 months or so and that we can properly use at a moment that it is needed.

That is the reason I will ask my colleagues to respectfully reject this amendment. At this very hour, the last thing we need to be doing is deny the Treasury Department and others the resource capacity to respond to a situation.

It is in one sense, on one level, about the financial institutions. But in a far more profound and important way, it is about the people who depend upon these institutions for their economic livelihood, their economic well-being, their economic survival. That is not an exaggeration. Most businesses need credit in order to operate. If you strangle credit and it does not move, then the people whom we care most about—the small businesses on Main Street, that home purchaser, that other person out there struggling at this hour, when you are losing 20,000 jobs a day, 10,000 homes every day through foreclosure, not to mention retirement accounts and other problems—at the very hour that things seem to be just limping ever so slightly in the right direction, to deny these moneys to reinvest in the program and make it work and depend upon the outcome of a vote here to provide additional resources would be the wrong step in the wrong direction. The very people we want to see get back on their feet again would be the victims.

We have a tendency to focus on whether these institutions are deserving of help. My colleagues may be divided on that point. I don't think we are divided on whether we want to see the people who need the institutions get help. There, I think we all agree. So at the very hour we agree about helping them, we deny them the ability to get the help they need by depriving these resources to be reinvested in the acquisition of the very assets that are making it difficult for credit to move. That is the reason I am asking my colleagues to reject the amendment when the vote occurs at 2:15.

Again, we will know on Thursday how many of these lending institutions are so-called "passing the stress test." My hope is that a majority of them are and that there would be very few, if any, that need more capital. I suspect there will be some that do. Which is the better choice at that moment—to take some of this TARP money that has come back and put that to use or take that off the table and have to

come back up here and seek a majority vote or a 60-vote margin? What is the likelihood of that occurring? If it is not likely to occur and we stall out in this recovery, all of us would regret that.

So I appreciate very much the spirit with which Senator THUNE offers the amendment. We all agree we would like this money back. We would like it back with interest. We would like to strengthen our economy, restore that confidence and optimism that is critical for the success of the Nation. But we also recognize, as do most Americans, that we have a time to go before this is going to result in the recovery we would all like to see. This decision, at this juncture, could stall or set that effort back, not just days and weeks but months. None of us wants to be a party to that.

With those thoughts, at the appropriate time I will ask my colleagues to vote against the Thune amendment and move on to the remaining amendments which we hope we can clean up this afternoon and finish voting on this very important bill. This is a bill that is very important to our community bankers, to our folks out there trying to resolve how they can stay in their homes. It is very important to the Federal Deposit Insurance Corporation, the insurance fund, as well as to the national credit unions across the country. There are a lot of entities that do need this kind of help. It is a major step in getting our economy moving in the right direction. This amendment would set that effort back and jeopardize this legislation from being adopted quickly at a time when we need it. With respect to the author of the amendment, knowing his intentions and his motivations are certainly understandable, I think it is the wrong choice at this hour.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I commend the debate and the Presiding Officer's amendment and Senator KERRY for his amendment on addressing these issues of foreclosure. They are so significant in New York, and we need action from Congress and the leadership of President Obama on this issue.

This year, Congress and the administration have taken a number of actions to help our homeowners weather this housing crisis. We have worked to expand foreclosure counseling services, provide homeowners with incentives to write down their debts, and to give

local governments and States the tools they need to tackle this housing crisis.

These efforts will help thousands of homeowners in my home State of New York avoid losing their home. Homeowners are also not the only folks affected by this housing crisis. Across the country, thousands of tenants who rent their homes have also been affected.

I remember talking to one friend up in Warren County, and he said to me: Can you please look out for the renters? We suffer in these times as well. And that is exactly right.

More than 30,000 renters across New York who are dutifully paying their rent on time every month may face eviction because they live in a building that is about to be foreclosed. It is estimated that as much as 50 percent of foreclosures have renters involved in those properties.

These tenants have almost no rights when a bank seizes their home. Families without the means to find temporary housing or to move into another unit can literally get kicked out on the street because the landlord has failed to meet his payments or his or her obligations.

For any family this is a horrible tragedy and something that is very difficult to manage. For a low-income family with limited resources and without another place to stay, it is catastrophic. Families without the means to find a temporary housing arrangement or to move into another unit can be kicked onto the streets just because their landlord failed to pay on time.

This is wrong, and I am proud to partner with the Presiding Officer and Senator KERRY to pass new protections for those families. This amendment would allow any tenants in a foreclosed building the right to live out their lease, providing them with the same protections any other renter would have. For a family without a lease, the amendment would guarantee a minimum of 90 days' notice so that renters have the time and the resources to find a new home.

As the housing crisis becomes more and more widespread, we need to make sure we are not just helping homeowners stay in their homes but also helping the thousands of tenants who are hit just as hard or even worse as a result of this crisis.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. DODD. Madam President, I ask unanimous consent that at 2:15 p.m.

there be 2 minutes of debate equally divided between Senators THUNE and DODD or their designees; that upon the use or yielding back of time, the Senate proceed to a vote in relation to Thune amendment No. 1030 and that there be no amendments in order to the Thune amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. With that, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Acting President pro tempore.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009—Continued

AMENDMENT NO. 1030

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate equally divided on amendment No. 1030 offered by the Senator from South Dakota, Mr. THUNE.

Who yields the time? The Senator from South Dakota.

Mr. THUNE. Mr. President, very briefly, to summarize, what my amendment does is reduce TARP authority by any amount of principal returned by a financial institution to the Treasury Department. This amendment, as I said before, is necessary because until the December 31, 2009, expiration date, and possibly longer if the Secretary is granted an extension without this legislation, Treasury can continue to use TARP funds, including those repaid, in any manner they see fit.

These are taxpayers' dollars. They should not become a discretionary slush fund. These are dollars that, when they are repaid to the Treasury by the financial institutions, ought to be used to reduce the amount of TARP funding authority that is available.

As of May 1, the new administration has accumulated \$580 billion of new debt. That is about \$5.5 billion new debt per day. I understand we should not be tying Treasury's hands when we are still in the midst of a financial crisis, but Congress has the responsibility to decide how the tax money is spent, not the administration. If more money is needed in the financial sector, then

Treasury needs to present a plan to the Congress and let those of us elected by the taxpayers decide whether additional tax dollars should be placed at risk or spent.

That is what the amendment would do. I urge my colleagues to adopt it.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to take 1 minute. Let me say to my colleagues, all of us would like to see the TARP money come back and we recapture all of it. The danger in all this right now, with the stress test coming out on Thursday, is to be utilizing the TARP money rather than having to appropriate more money, it seems to me, to utilize TARP money to buy toxic assets and make the capital investments is what we want to do. The last thing we want to do is come back here and vote for additional money. Here is a moment when it is critically important that we take advantage of the resources to continue the program, so that we buy the assets, invest the capital necessary to get us out of this mess. At the very moment we want to be doing that, we will be back here voting. I do not need to tell my colleagues, if we need new TARP money, how difficult that would be. To avoid going down that road, utilizing the money that has come back from these interests that have gotten their money makes a lot more sense to me, I respectfully say to my friend from South Dakota.

This amendment could not come at a worse time. We are going to need the capital for institutions that need help. They need help. I am not interested in them. I am interested in their ability to provide credit to homeowners, small businesses, and student loans. The credit system is frozen. We need to unfreeze it. If you deny the ability to invest these TARP dollars into buying assets and providing capital, it seems to me you slow down or set back that process considerably.

For those reasons, I urge my colleagues to vote against the amendment. I thank my colleague for the intention behind it.

Have the yeas and nays been ordered?

The ACTING PRESIDENT pro tempore. The yeas and nays have been ordered.

The question is on agreeing to amendment No. 1030. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 48, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—47

Alexander	Dorgan	McCain
Barraso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Feingold	Nelson (NE)
Brownback	Feinstein	Pryor
Bunning	Graham	Risch
Burr	Grassley	Roberts
Cantwell	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Tester
Collins	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lincoln	Wicker
DeMint	Martinez	

NAYS—48

Akaka	Hagan	Mikulski
Bayh	Harkin	Murray
Begich	Inouye	Nelson (FL)
Bennet	Kaufman	Reed
Bingaman	Kerry	Reid
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burr	Landrieu	Shaheen
Byrd	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Conrad	Lugar	Warner
Dodd	McCaskey	Webb
Durbin	Menendez	Whitehouse
Gillibrand	Merkley	Wyden

NOT VOTING—4

Baucus	Kennedy
Johnson	Rockefeller

The amendment (No. 1030) was rejected.

Mr. DODD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, we are waiting for someone to come with an amendment. In the meantime, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I ask to be permitted to speak as in morning business for up to 6 minutes.

Mrs. BOXER. Reserving the right to object, and I will not object, if the Senator could amend that to say Senator BOXER will be called on to talk about a couple of amendments following his remarks, I would really appreciate it.

Mr. BOND. Mr. President, it will be an honor to ask that Senator BOXER, the chair of the EPW Committee on which I am proud to serve, be recognized after my remarks are completed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. I thank the Senator.

GUANTANAMO BAY

Mr. BOND. Mr. President, keeping the American people safe is the Government's highest priority. Keeping our Nation safe should not be a political issue; it is an American one. That is why I was disappointed when the White House made an early national security decision based on politics and not what is in the best interests of keeping Americans safe. I am talking about the President's plan to close the terrorist detention center at Guantanamo Bay without a backup plan.

I have been sounding the alarm over this rash decision since the President announced it in January. But it is not just my side of the aisle, the Republicans, who are questioning the President's decision to close Guantanamo with no plan on how to handle the detainees, the terrorists housed there. Yesterday, Democratic House Appropriations Committee chairman DAVID OBEY said, "So far as we can tell there is no concrete program." That is my point exactly.

This is a classic example of "ready, fire, aim." That is a strategy we cannot afford. I prefer aiming before shooting, which is why I keep calling on the President to tell the American people how his plan to close Guantanamo without any plans right now to deal with the detainees will make our Nation safer.

The President needs to honor his pledge of transparency and provide the American people with answers to these questions. How the President answers these questions is even more important now that some of the terrorists could be coming soon to a neighborhood near you. That is right. Some of the terrorist-trained detainees could be coming to American communities.

Last week the Obama administration admitted as much. Defense Secretary Gates testified before our Senate Appropriations Defense Subcommittee that as many as 100 Guantanamo detainees could be coming to the United States. Whether these terrorists are coming to a prison in nearby Kansas or a halfway house in a city in Missouri or any other State, I can tell you this: Americans do not want terrorists in their neighborhoods.

That is why, when we put it to a vote, the Senate voted 94 to 3 against importing detainees to American soil, even if that meant deporting them to a maximum security prison.

Americans also do not want these terrorists sent back to the battlefield to kill our troops. We know the terrorists detained at Guantanamo have gone back to fight even the ones who were supposed to be less dangerous, less likely to do so. The Pentagon has confirmed that at least 18 detainees who

were released have gone back to the fight, and 43 more are suspected of doing the same.

There are no easy solutions. So instead of meeting an arbitrary deadline to close Guantanamo Bay, I sincerely hope the White House will reconsider. I hope the President will realize that closing Guantanamo Bay without having a plan to deal with the terrorists currently there and future terrorists captured on the battlefield is not in our Nation's best interest. Closing Guantanamo with no plan, no plan, is one campaign promise that cannot hold up to national security priorities.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1035

Mrs. BOXER. Mr. President, I will be offering two amendments, one of which is going to be second-degreed by Senator ENSIGN, a friendly amendment we have worked with him on. So we will have a vote on that amendment.

Then the final vote on the other Boxer amendment can be a voice vote without problem. But these are two amendments that are very important to the financial security of the country. One deals with the toxic asset purchase program, the other one deals with making sure our people can actually renegotiate their mortgages if they are in trouble. I will start with that one first.

It seems like common sense if you have a mortgage on your home, you ought to know who holds the mortgage. But in today's real estate market, where the original lender often sells the loan to another entity, you can lose track and not know who actually owns your mortgage. So we are doing a very simple amendment—and I thank Senator DODD and staff, because they have worked so closely with us to draw this up in a good way. It is very easy: When your mortgage is sold or transferred, the homeowner must be informed who owns that mortgage. This is the way it used to be years ago. I remember many times receiving those notices but suddenly it stopped happening.

I want to give you the example of James and Mary Meyers, who took out a high-rate home loan with Argent Mortgage in 2004. Because the loan violated the truth-in-lending laws, they later attempted to exercise their Federal rights to cancel the loan. But the servicer, who happened to be Countrywide at the time, refused to identify who owned the loan. So by the time the

Meyers discovered that the current noteholder was Deutsche Bank, the deadline for canceling the loan had passed. The court dismissed the Meyers' claim, even though it found that there were grounds, legitimately, for the Meyers to cancel the loan.

So this kind of hide-and-seek situation has real-life ramifications. It certainly does with the President's plan now that says, if someone has a mortgage that is under water, they can renegotiate, they have a chance. But if they do not know who holds the mortgage, it is a hollow kind of plan. We know that current law does require homeowners be informed when the servicer of their loan has changed. That is in the law. And Federal law does require that the servicer tell the homeowner the identity of the person holding their mortgage.

But servicers routinely ignore requests from homeowners for information on the noteholder. So this is pretty simple. Simply put, it is worth saying, if someone new is holding your mortgage, the servicer has 30 days to inform you as to who that person is.

While servicers are required to disclose this information, there are no penalties in the law for noncompliance and no remedies for a homeowner faced with a recalcitrant servicer.

The law has also failed to protect homeowners because there is no specific requirement that servicers identify the agent or party with the authority to act on behalf of the noteholder.

The Boxer amendment provides borrowers with the basic right to know who owns their loan by requiring that any time a mortgage loan is sold or transferred, the new note owner shall notify the borrower within 30 days of the following: the identity, address, and telephone number of the new creditor; the date of transfer; how to reach an agent or party with the authority to act on behalf of the new creditor; the location of the place where the transfer is recorded; and any other relevant information regarding the new creditor.

To be clear, the amendment does not require borrowers to receive a notification every time a mortgage backed security with a slice of their mortgage changes hands. Those are transactions between investors and do not involve a change in ownership of the physical note.

This amendment only provides transparency and gives borrowers an additional tool to fight illegitimate foreclosures or to negotiate loan modifications that would keep them in their homes.

I do not understand why we have to have a vote on this. I know Senator DODD has signed off on this. It is a very important amendment. I will read into the RECORD a list of those supporting this. It is a whole list of consumer groups. I want to list who has endorsed

this amendment: the National Consumer Law Center, the National Association of Consumer Advocates, Consumer Action, the Consumer Federation of America, Consumers Union, the National Association of Neighborhoods, the National Council of La Raza, and the National Fair Housing Alliance.

This is a very narrowly targeted amendment with little cost to the industry. But the benefit to homeowners and communities would be absolutely enormous. So it is a simple amendment, common sense. I hope we will have an overwhelming vote for it.

I want to make my statement at this time, and however the chairman wants to dispose of the amendment, if it is accepted by voice, that is fine with me. But if we have to do to a rollcall because we cannot clear it, I ask that we have a rollcall vote.

AMENDMENT NO. 1038

The second amendment I will be offering is one that Senator ENSIGN will be offering a second-degree amendment to. It is a very friendly second-degree amendment. Again, I thank the Banking staff on both sides of the aisle for working with us—Senator DODD, in particular—to make this a very good amendment.

What we are basically saying is, as we go into a new program which is the Public-Private Investment Program, which basically says that when we take toxic assets off the books of the banks, we want the private sector to come in and give a value to those assets, we do not want the Government doing it.

The private sector plays a very important role. What Senator ENSIGN and I believe is very important, and Chairman DODD has agreed, is to make sure it is a very clean process, and there is not a process for collusion between the parties, and no chance to defraud, frankly, the taxpayers.

How could that happen? Hypothetically, you can have a bank that is trying to unload a toxic asset. They want the most they can get for it. They can go to a private party and say: Hey, between us, bid a little bit more for this toxic asset, we will give you a kickback later. They could not call it that. We will take care of you later. That is clearly a no-no. You cannot do that.

Under the Boxer-Ensign language, that would not be allowed. The Treasury would put forward regulations to make sure it is not allowed. We would give the TARP inspector general \$15 million to perform audits of selected recipients so we can make sure we are following up with audits and making sure there is no collusion.

We would guarantee there is access to financial data from the Public-Private Investment fund that is necessary to perform these audits, and we would require regulations that are very clear, so that—listen to this—the private sector cannot use money they have bor-

rowed from other Federal programs to pump into the system.

They might be able to use some loans, but we do not want 100 percent of that money being recycled again. In other words, they could take a loan from the Government, then they go buy an asset, and all of the money being used in the program is Government money.

The Boxer-Ensign amendment, which is endorsed by Senator DODD, and I believe Senator SHELBY, I believe has been signed off by both. If I misspeak, I am sure I will be told that. It is a very "good government" amendment.

It essentially says as we begin to buy these toxic assets from the banks, we are going to make sure there is no collusion, no fraud, no conflict of interest. We are going to give the inspector general the ability to get the information he or she needs to go in, perform an audit, and keep this program clean.

The last thing taxpayers want is another scandal that revolves around these banks and all of the things they did before. So this is an important amendment.

At this time, I think I have explained both of my amendments. I await hearing from the chairman as to a time to come back and speak for perhaps a minute to generally summarize both of them.

Again, my deepest thanks to Senator DODD. He has worked so hard. Without his help, we could not be at this point on both these important amendments.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Let me first thank our colleague from California for her leadership on this issue. They are very commonsense, straightforward proposals that we think can improve the legislation.

And it is almost, in a way—I was thinking, as my colleague and friend was talking, it is almost sad that we have to have an amendment such as this. You would almost think that there has got to be some law someplace that would say what she is suggesting by her amendment would be covered.

In a way it is a tragic commentary on the times we are in, the idea where we have to say that, by the way, collusion is not permissible. I did not think it was anyway. But her amendment makes it certain in this legislation that that is the case.

I am not sure the of order, but the first comments my colleague gave regarding information about their mortgages, again this is pretty straightforward.

I see Senator ENSIGN is on the floor, and I will be brief, because I want him to be able to offer his amendment so we can move forward.

But the idea that you can find out who owns the mortgage is pretty straightforward. Those of us with a little gray hair on our head—and my colleague from California has none, I want the RECORD to show.

Mrs. BOXER. It turned blond.

Mr. DODD. I do remember when I bought my first home, an old 1710 center chimney cape house in Connecticut. I went down to the Old Stone Bank and got a mortgage. I could go down every day for as long as that mortgage was around and look at it, see it, and pick it up if I wanted to and hold it and do whatever I wanted to do with that mortgage.

Today, of course, because the world has changed, people buy a home—and, of course, put aside the issue of predatory lending and subprime mortgages and the rest—and that mortgage, within 8 to 10 weeks, on average, is sold off. It is securitized, as they call it. This is true of a lot of debt. It is student loans, it is credit cards, it is all kind of debt that gets securitized.

By the way, that is not a bad thing, because that provides liquidity, that provides assets for people so more people can afford to buy homes.

But the Senator from California has pointed out that you ought to know who that is. That seems to me a logical request. If that mortgage has been sold off, who owns it? So if a borrower wants to be able to do something with it, you ought not to have to go through and hire a private investigatory agency to find out who holds your mortgage.

So while we respect the idea that securitization can actually be beneficial to the community at large, if it deprives that owner of the mortgage the opportunity to determine who is the holder of that mortgage, obviously then we have lost something in the process. The Senator from California has proposed a very worthwhile amendment.

The New York Times story of April 24, 2009, notes:

Advocates wanting to engage lenders “face a challenge even finding someone with whom to begin the conversation,” according to a report by NeighborWorks America. . . .

That is exactly what the Senator from California addresses with her amendment. With whom do you begin the conversation? The conversation ought to be with the person who is holding that instrument.

I endorse her amendment and urge my colleagues to do so as well.

Regarding the second amendment, the other amendment offered by Senator BOXER deals with the collusion issue. I briefly addressed that previously by saying, in a way, I was almost sad to hear her offering the amendment. I was under the impression that was against the law anyway. The idea we are offering an amendment to further corroborate that collusion in these matters ought to be against the law. If it is not, it ought to be.

I commend the Senator from California and her colleague from Nevada for offering the amendment, along with Senators PRYOR and SNOWE. This amendment is clearly a step in the

right direction from where we were last week. I do want to say the administration has some concerns. My colleagues know that. They have talked about them. I have listened to them.

I am not suggesting their concerns are illegitimate, but I believe the value of the amendment trumps their concerns. I think we have done enough to continue to move forward, and it is the right step to be taking. This is an important effort. I support the Ensign second-degree amendment to the Ensign-Boxer amendment however that amendment is described.

With that, I yield the floor.

AMENDMENT NO. 1038 TO AMENDMENT NO. 1018

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, my understanding is we are ready to go on the Ensign second-degree amendment. So is it not appropriate for me to send the Boxer amendment to the desk at this time?

Mr. DODD. Certainly.

Mrs. BOXER. I call up my amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1038 to amendment No. 1018.

Mrs. BOXER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for oversight of a Public-Private Investment Program, and to authorize monies for the Special Inspector General for the Troubled Asset Relief Program to audit and investigate recipients for non-recourse Federal loans under the Public Private Investment Program and the Term Asset Loan Facility)

At the appropriate place, insert the following:

SEC. ____ PUBLIC-PRIVATE INVESTMENT PROGRAM; ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.

(a) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Federal Government to create a public-private investment fund shall—

(A) in consultation with the Special Inspector General of the Troubled Asset Relief Program, impose strict conflict of interest rules on managers of public-private investment funds that specifically describe the extent, if any, to which such managers may conduct transactions involving public-private investment funds that affect the value of assets—

(i) that are not part of such public-private investment funds; and

(ii) in which managers or significant investors in such funds have a direct or indirect financial interest;

(B) require each public-private investment fund to make a quarterly report to the Secretary of the Treasury that discloses the 10 largest positions of such fund;

(C) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(D) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund, including all records of financial transactions in machine readable form;

(E) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(F) require each manager of a public-private investment fund to acknowledge a fiduciary duty to both the public and private investors in such fund;

(G) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(H) require investor screening procedures for public-private investment funds that include “know your customer” requirements at least as rigorous as those of a commercial bank or retail brokerage operation; and

(I) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each investor whose interest in the fund totals at least 10 percent, in the aggregate;

(2) REPORT.—Not later than 45 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(b) ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL OF THE TROUBLED ASSET RELIEF PROGRAM.—

(1) IN GENERAL.—Of amounts made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$15,000,000 shall be made available to the Special Inspector General of the Troubled Asset Relief Program (in this section referred to as the “Special Inspector General”), which shall be in addition to amounts otherwise made available to the Special Inspector General.

(2) PRIORITIES.—In utilizing funds made available under this section, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under the Public Private Investment Program established by the Secretary of the Treasury or the Term Asset Loan Facility established by the Board of Governors of the Federal Reserve System (including any successor thereto or any other similar program established by the Secretary or the Board), to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.

(c) DEFINITION.—In this section, the term “public-private investment fund” means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in

section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

AMENDMENT NO. 1043 TO AMENDMENT NO. 1038

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I call up the Ensign second-degree amendment, No. 1043, at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. PRYOR, Mrs. BOXER, and Ms. SNOWE, proposes an amendment numbered 1043 to amendment No. 1038.

Mr. ENSIGN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make perfecting changes)

On page 1, strike line 6 and all that follows through page 6 line 5, and insert the following:

(a) SHORT TITLE.—This section may be cited as the “Public-Private Investment Program Improvement and Oversight Act of 2009”.

(b) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Federal Government to create a public-private investment fund shall—

(A) in consultation with the Special Inspector General of the Trouble Asset Relief Program (in this section referred to as the “Special Inspector General”), impose strict conflict of interest rules on managers of public-private investment funds to ensure that securities bought by the funds are purchased in arms-length transactions, that fiduciary duties to public and private investors in the fund are not violated, and that there is full disclosure of relevant facts and financial interests (which conflict of interest rules shall be implemented by the manager of a public-private investment fund prior to such fund receiving Federal Government financing);

(B) require each public-private investment fund to make a quarterly report to the Secretary of the Treasury (in this section referred to as the “Secretary”) that discloses the 10 largest positions of such fund (which reports shall be publicly disclosed at such time as the Secretary of the Treasury determines that such disclosure will not harm the ongoing business operations of the fund);

(C) allow the Special Inspector General access to all books and records of a public-private investment fund, including all records of financial transactions in machine readable form, and the confidentiality of all such information shall be maintained by the Special Inspector General;

(D) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(E) require each manager of a public-private investment fund to acknowledge, in writing, a fiduciary duty to both the public and private investors in such fund;

(F) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(G) require strict investor screening procedures for public-private investment funds; and

(H) require each manager of a public-private investment fund to identify for the Secretary each investor that, individually or together with its affiliates, directly or indirectly holds equity interests in the fund acquired as a result of—

(i) any investment by such investor or any of its affiliates in a vehicle formed for the purpose of directly or indirectly investing in the fund; or

(ii) any other investment decision by such investor or any of its affiliates to directly or indirectly invest in the fund that, in the aggregate, equal at least 10 percent of the equity interests in such fund.

(2) INTERACTION BETWEEN PUBLIC-PRIVATE INVESTMENT FUNDS AND THE TERM-ASSET BACKED SECURITIES LOAN FACILITY.—The Secretary shall consult with the Special Inspector General and shall issue regulations governing the interaction of the Public-Private Investment Program, the Term-Asset Backed Securities Loan Facility, and other similar public-private investment programs. Such regulations shall address concerns regarding the potential for excessive leverage that could result from interactions between such programs.

(3) REPORT.—Not later than 60 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General shall submit a report to Congress on the implementation of this section.

(c) ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL.—

(1) IN GENERAL.—Of amounts made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$15,000,000 shall be made available to the Special Inspector General, which shall be in addition to amounts otherwise made available to the Special Inspector General.

(2) PRIORITIES.—In utilizing funds made available under this section, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under the Public Private Investment Program established by the Secretary of the Treasury or the Term Asset Loan Facility established by the Board of Governors of the Federal Reserve System (including any successor thereto or any other similar program established by the Secretary or the Board), to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.

(d) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, nothing in this section shall be construed to apply to any activity of the Federal Deposit Insurance Corporation in connection with insured depository institutions, as described in section 13(c)(2)(B) of the Federal Deposit Insurance Act.

(e) DEFINITION.—In this section, the term “public-private investment fund” means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or as-

sets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury or the Federal Deposit Insurance Corporation.

(f) OFFSET OF COSTS OF PROGRAM CHANGES.—Notwithstanding the amendment made by section 202(b) of this Act, paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting “, as such amount is reduced by \$2,331,000,000,” after “\$700,000,000,000”.

Mr. ENSIGN. I rise to talk about the Ensign-Boxer-Pryor-Snowe amendment. The four of us have worked on this amendment. It is a second-degree amendment, but it is a friendly second-degree amendment to the Boxer amendment. I commend all four offices and our staffs that did superwork over the last several days to come up with the language. It is not compromising language; it is strengthening language. This is great bipartisan work to increase the oversight of this program known as the Public-Private Investment Program or as some call it, PPIP.

The special inspector general of TARP has stated that PPIP is “inherently vulnerable to fraud, waste, and abuse.” Our amendment would go a long way to protect taxpayers from such fraud, waste, and abuse.

Most of my colleagues would agree Congress gave far too long of a leash to the Treasury when it created TARP. I know few people who believe the program has been completely successful so far. The PPIP would represent the most ambitious and complex undertaking yet for TARP and by far the riskiest use of TARP funds to date. Let’s not make the same mistakes with PPIP that we have made with the rest of the TARP fund so far.

Our amendment would establish key oversight, transparency, and conflict-of-interest safeguards before the program begins, not after. Our amendment will impose strict conflict of interest rules to prevent PPIP fund managers from inappropriately using the program to benefit themselves or their clients. It will require these rules be in place before any Government funds can be used in the new program. The amendment requires rigorous investor screening procedures and robust ethics policies for the Public-Private Investment Program funds. It will require Treasury to issue regulations governing how the program and the Federal Reserve’s TALF Program can interact to avoid excessive and dangerous over-leveraging.

Lastly, our amendment calls for significant and improved oversight and transparency of PPIP. The amendment also preserves the language from the underlying Boxer-Snowe amendment that provides the special inspector general of TARP with an additional \$15 million to conduct audits and investigations of this new program.

The American people are demanding more accountability and transparency from their Government. President Obama campaigned over and over on change and promised to lead the most open administration ever. Let's send a message to the country that we are backing up that rhetoric with action. Let's shine sunlight on the TARP's newest program from its inception, not once mistakes have been made. Let's put the safeguards in place from the start of PPIP to protect against fraud and waste rather than waiting until after abuses occur.

I urge my colleagues to vote in support of the Ensign-Pryor-Boxer-Snowe amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ENSIGN. I yield the floor.

Mr. DODD. I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

AMENDMENT NO. 1026 TO AMENDMENT NO. 1018

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and bring up DeMint amendment No. 1026.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1026 to amendment No. 1018.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of Troubled Asset Relief Program funds for the purchase of common stock, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON USE OF TARP FUNDS.

Notwithstanding any other provision of law, on and after April 22, 2009, no funds made available to carry out the Troubled Asset Relief Program may be used for the acquisition of ownership of the common stock of any financial institution assisted under title I of the Emergency Economic Stabilization Act of 2008, either directly or through a conversion of preferred stock or future direct capital purchases.

Mr. DEMINT. Mr. President, I would like to take a few moments to explain this amendment. I appreciate the chairman allowing me to offer this amendment. It relates to what we call

TARP funds or troubled asset funds we passed last year.

If I can take my colleagues through a little bit of history on how this happened, at the end of last year, the President and the Secretary of the Treasury came to us and explained a very dire crisis, not only in the United States but the world, that the whole financial system was on the verge of collapse, and if we did not pass this \$700 billion Troubled Asset Recovery Program, it was very likely we would have financial chaos and even depression in the United States and around the world.

It was a pretty stunning presentation. It curiously lacked a lot of facts. There were no PowerPoint slides or statistics or graphs. It was more: Trust us, we know this is going to happen. We need to pass this immediately.

What they were going to do with the funds—and Secretary Paulson was very specific—was they were going to take this money and buy troubled assets in financial organizations that were too big to fail, that if they failed, it would cause severe problems all around the world. We were being told that unless we pass this money and use it immediately—and they were talking within 24 to 48 hours—to buy troubled assets, the financial system in this country so many depended on would collapse.

At this point, after hearing a number of stories, we started this time last year mailing out checks, mortgage bailouts, all kinds of spending programs. None of it worked. None of it had been done exactly like they said it would. I did not trust the whole process. This was a Republican President. I voted against it, but many of my colleagues voted to pass the troubled asset funds to buy toxic assets, troubled assets in this country and around the world.

It passed, and the President signed it. Not one of these troubled assets has been purchased. Not one. A funny thing happened. The world financial system did not collapse. The people who told us it would either did not have the facts or they were not telling us the truth.

What they did with the money was loan some to the banks. Some of the banks had to have it immediately, apparently, or they would fail. They were too big to fail. We had to have the money.

What our Government did was go to a whole lot of other banks that were doing OK and say: You have to take this too. If you don't take it, then it will be harder for these other banks to take it. We need to have this money spread around. They did not buy the toxic assets. They loaned it to banks and put a lot of pressure on other banks to take it. As soon as they did, we got more and more involved with their business, regulators on the banks' backs. Some of the banks want to give

it back. Guess what. We won't let them unless they pass some kind of test.

The Government has moved closer and closer—it kind of reminds me of the children's story, "The Gingerbread Man." It is was one of my favorite stories growing up. If you remember, an older couple did not have any children. The husband was out working in the garden. The wife was making some gingerbread. She had a little left over and made a gingerbread man and put him in the oven. An hour or so later, she heard some rattling in the oven, opened it, and out jumped a gingerbread man. The gingerbread man ran around. She couldn't catch it. It ran out of the house. The husband tried to catch him. All they heard from the gingerbread man was: Run, run, run as fast as you can, you can't catch me, I am the gingerbread man.

Long story. The gingerbread man ran through the whole community. The townspeople were chasing him. The horses and the mules and everyone were chasing the gingerbread man, who kept saying: Run, run, as fast as you can, you can't catch me, I am the gingerbread man.

The gingerbread man came to a wide river and not accustomed to swimming—gingerbread probably doesn't hold up real well in a river—he was stuck with all the town running behind him. Then appeared a fox that offered to give him a ride across the river. The gingerbread man was real suspicious. He knew that fox would probably eat him. The fox said: Don't worry, you can sit way back on my back on my tail way away from my mouth. No trouble, not to worry. Gingerbread man didn't have a lot of choice. He jumped right on his back.

As the fox got out farther and farther in the river, he sank a little deeper and deeper. Gingerbread man howled and jumped up a little closer on his neck. Out a little farther, the fox went down a little bit deeper. Gingerbread man jumped right up on his head. As he got close to the other side, he started sinking his head down and gingerbread man jumped right up on his nose, and as soon as he did, slap, gingerbread man was in the mouth and gone.

Gingerbread man is a lot like our free market system, free enterprise system, and what our whole free market system is in America—fast, dynamic, made our country exceptional and prosperous. Our banking system is the same way. Some of the greatest people in our communities are running banks.

With this TARP program, what we did is similar to a fox. We invited our whole financial system to jump on the back of the Federal Government. What they told us they were going to do they did not do, and each time the Government took another step, a different step, like the gingerbread man and the fox, the gingerbread man jumped closer and closer to the mouth.

What our whole free market system is doing now is sitting on the nose of the fox, the Federal Government, which keeps taking us deeper and deeper into this river. The Federal Government did not buy toxic assets. They kind of pushed loans out into the market. They said they had to do that.

Now we see where they are, telling us this does not look good on the books of banks for it to be a loan. So we are going to just change the balance sheet from a loan to an asset. We are going to turn these loans into common stock, equity, which will make the Federal Government owners in the banks, voting owners.

Folks, there is kind of a sacred line in this country we had not crossed. There is a separation between what the Government does and what the private sector does, and this Government does not own private companies. But just like this fox, we have been led into this thing with misinformation—I hope that is all it is and not outright deception—but we are at the point where the Government is now telling us they are going to own a lot of these banks. They will not let them give it back. They are going to convert it to ownership. All these private companies out there are going to be owned, in part, by the Federal Government.

What we are hearing from investors—Chairman Bernanke said it at lunch today—is when they are trying to get people to invest in financial institutions, what they are finding is a strange thing. The private investors, smart investors, do not want to get in bed with the Federal Government because they do not know what we are going to do. They have every reason not to know what we are going to do because we have yet to do what we said we were going to do with this \$700 billion, which will ultimately be over \$1 trillion, with which we are now playing in the private stock market.

As we pass this bill that is supposed to protect homeowners, I am offering an amendment. It is an amendment that would force this Government to do at least part or keep it from going further than it already has into the private sector. It would prohibit the Government from converting these loans, which are sometimes referred to as preferred stock now. It is not voting. It would prohibit them from converting this to common stock, to ownership, to equity in these banks.

It should not surprise anyone. We were told this would not happen in the first place. We were told the money was going to buy these toxic assets. This amendment would at least put up a firewall that says: You cannot go any further, fox; you cannot take over private enterprise in America.

A lot of my colleagues are going to give a lot of excuses why they cannot vote for this amendment, but I hope America is looking in at this and re-

membering that it was not this Government that made this country great, that made us exceptional and prosperous and good, that put us on the top of the world in a lot of ways, the envy of the world. It was not this Government. It was a limited government. It was free markets and free people.

This Government now has pushed and pushed and intervened in the private market to the point where it is not working. We wonder why people are not investing and why the markets are erratic. Because no one knows what the Federal Government is going to do once it starts playing in the stock market in this country, once it starts arbitrarily converting loans that were for a crisis to own our banks, to own our private companies.

They took the TARP money and made loans to General Motors. What are they going to do with that? They are going to convert it to common stock so this Federal Government owns General Motors.

That is not America. That is not free markets. That is not free enterprise. That is not what we signed up for, and we shouldn't allow it.

This amendment is pretty simple: Government, you cannot go any further. Enough is enough. You cannot convert these loans to common stock. We are going to have a firewall between where you are now and where you want to go.

Folks, we cannot let them go any further. We have lost the line between Government and the private sector. The Government is not set up to manage things and control things. Everything we try to do, we mess up. What we are here for is to develop a framework of law and predictable regulations so free markets and free people can operate. We are not set up to manage auto companies.

I was in a meeting this morning talking about how we were going to manage General Motors and Chrysler. I have been in a lot of boardrooms because I have done a lot of strategic planning for private companies in my lifetime. It is so obvious, we do not have the capability to manage a dynamic, complex, global marketplace. That is central planning. That is what Karl Marx thought we could do. But every time it has been tried in the history of the world, it has failed because there is no way a legislative body and a large national government such as this can manage the private sector.

What happens, though, is we get involved, we make things worse, and then we say we need more government to solve the problem. We are doing that now with AIG, the largest insurance company in the country. We have gotten in, we own most of the stock, mismanagement is rampant, and we are talking about we need more government, we need more money. Folks, it doesn't work.

I would encourage my colleagues to consider what I think we are hearing from all across America: Enough is enough. We can't do this under the guise of one crisis after another. Let's stop this rampage of the Federal Government into our private lives, the free markets, the whole concept of America. Please support this amendment that would stop the conversion of loans—TARP money—into common stock. It is a simple concept. We shouldn't be able to excuse our way around this one.

I thank the Chair, I yield back, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. BARRASSO. Mr. President, a recent Wall Street Journal op-ed highlighted a dangerous game that is being played right now by this administration and by the Environmental Protection Agency, and it is a game that is being played with the American public about which I have great concerns. The piece in the Wall Street Journal was entitled "Reckless Endangerment: The Obama EPA plays 'Dirty Harry' on cap and trade." The article refers to the Russian roulette style of negotiating that is going on right now by cap and tax advocates who want to pass the President's energy tax in this Congress.

The administration and the majority of the leadership in the House and the Senate have created a regulatory ticking timebomb. It is called the Environmental Protection Agency's endangerment finding. Well, they want to use this ticking timebomb as a threat to get the President's energy tax passed. They are putting this regulatory timebomb on the kitchen table of Americans all across the country. The message to Americans: Your tax money or your livelihood. This is not an idle threat. If allowed to proceed, the irresponsible use of the Clean Air Act will require the EPA to regulate any building, any structure, any facility, any installation that emits above a certain amount of carbon dioxide. The result would be thousands of lost jobs, with no environmental benefit to be seen from it. Hospitals, schools, farms, commercial buildings, and nursing homes will be required to obtain preconstruction permits for their activities.

Further, when you talk to the legal scholars, they will tell you that the statutory language is mandatory and does not leave any room for the EPA to exercise discretion or to create any exceptions. That is the problem. The only

jobs this option will create are in law firms, as the litigation bonanza begins. EPA is going to be sued by environmental groups wanting to eliminate exempted sectors. The EPA will also be sued by industries that are not exempted. How is the EPA going to respond to all these legal challenges? I asked EPA Administrator Jackson. She says she can target what she taxes. She claims she is only going to target cars and trucks. Well, that really is setting a precedent of choosing winners and losers. We don't know what standards will be applied to make those decisions. We do not know what role politics will play in the decisions. Jackson's statement also ignores the regulatory cascade that the endangerment finding in the motor vehicle emission standards will trigger. Litigators and courts will drive much of this job-killing regulation.

We now have a nominee to head up the EPA's Air Office—Mrs. Regina McCarthy. We have an Administrator of the EPA and a climate and energy czar who is supposed to coordinate climate change policy for the administration. Well, Carol Browner, the climate and energy czar, has not been confirmed by Congress—not by this Congress—at all. We do not know who is developing this roadmap for how to hijack the Clean Air Act to regulate climate change. What jobs and what industries will be kept? What industries will be penalized? Who will be held accountable for making the decisions? The American people—the people at home in Wyoming whom I talk to—are demanding answers to these questions.

The economic consequences will be devastating. By the EPA's own estimate, the typical preconstruction permit in 2007 cost each applicant \$125,000. And how much time do they have to put into this work? Well, on average, 866 hours just to fill out the paperwork. If you are a small business, a farm, or a private nursing home, you have no background in this area. It takes a lot of time and effort, so you need to hire lawyers and you need to hire experts. That costs thousands of dollars that are nowhere in your budget. You are taking time out of the day to figure out all this redtape. While you are spending that time and that money, you are not running your business.

This is going to create such a fog of uncertainty—uncertainty with investors, uncertainty with small businesses. It is going to make it that much harder for small businesses to borrow money, to get a business loan. Nobody is going to know how much this is going to cost their business. If you take a look at our economic situation, with lending in this country having slowed down significantly, this is hardly the right move now for our country and for our economy.

According to the U.S. Chamber of Commerce, there are 1.2 million

schools, hospitals, nursing homes, farms, small businesses, and other commercial entities that are not currently covered under these preconstruction permits, and they are going to be vulnerable to the new controls, to new monitoring, to new paperwork, and to new litigation. If even 1 percent of these 1.2 million have to get preconstruction permits, well, that would mean 12,000 new preconstruction permits this year. By the EPA's own analysis, if permitting is increased by just 2,000 to 3,000, that would impose what they call significant new costs and an administrative burden on permitting authorities. How much of a burden? How much cost? Those permitting authorities are the EPA and the 43 States that participate in the program. The EPA said that the burden "could overwhelm permitting authorities."

The net result of all of this is going to be thousands of jobs lost. According to the Heritage Foundation, the job losses are estimated to reach 800,000. Well, if Carol Browner, Administrator Jackson, or Mrs. McCarthy cannot tell us how they will protect American jobs from court challenges, if they can't tell us by what legal authority—legal authority—they can pick the winners and losers, if they cannot provide economic certainty to lenders and small businesses, if they do not know how they will process all the thousands of new preconstruction permits, then they should take this option—this option they have proposed, this option that kills jobs—and they should take it off the table.

I have tried to get answers to these questions from the nominee who will most directly oversee this process—Mrs. McCarthy. I placed a hold on her nomination because these are questions that still need to be answered. I am committed to working with her in a constructive way to get answers to the questions because I believe we do need to chart a new course, a course that makes America's energy as clean as we can, as fast as we can, without hurting small businesses and without raising energy prices on American families.

We should start by not taking any clean energy source off the table. That means fossil fuels fitting with new carbon capture technology. That means exploring for oil and natural gas in an environmentally friendly way, using new technologies. That means promoting carbon-neutral nuclear energy. That means funding renewable energies—wind and solar, geothermal, and hydropower. We need it all. An all-of-the-above energy approach is the key to solving our energy problem for this Nation. I look forward to working with my colleagues on both sides of the aisle to achieve this goal for America.

Mr. President, I yield floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I was listening to what my colleague, Senator BARRASSO, said about the Environmental Protection Agency, and I know it is a little bit off the work Senator DODD is doing, but I hope he won't mind if I take about 3 minutes to respond.

I think what is so interesting is that under the Bush administration, the Environmental Protection Agency drafted the endangerment finding. They found that pollution in the form of greenhouse gas emissions—this is the Bush administration—was absolutely an endangerment to the American people. That is the Bush administration.

You may say: Gee, why didn't I hear about that? I will tell you why. The EPA sent that endangerment finding, that proposed endangerment finding, over to the White House, and it was labeled, as you get your e-mails, "proposed endangerment finding." There was advice immediately from the lawyers over at the Bush White House not to open the endangerment finding—not to read it, not to look at it, not to consider it, not to open it because, they said, once it was open, it was in the public domain and the public would learn that, indeed, climate change is an endangerment to the people of this country. We are talking about extreme weather events. We are talking about organisms that do not live in cold waters, but when the waters get warm, they carry disease to our kids. We saw a case in Arizona where that happened: organisms that never lived in these rivers and streams are now living there. Heat stroke. And that is not to mention the issue of the rising waters, that is not to mention the national security issues, and that is not to mention the fact that the way out of this economic mess is to say: We are going to look at this challenge and we are going to respond to it in a way that will create clean jobs, in a way that will lead us out of this morass and lead us to economic prosperity.

Anyone who has read Thomas Friedman's book "Hot, Flat, and Crowded" knows that the country that gets on top of this issue of clean energy and clean energy jobs will lead the world. So for my colleague to get up and say: I am holding up the Obama nominees—that is the party of no. That is the party of no, no, no. They want to keep this information from the American people.

Then they talk about lawsuits and the rest. Well, the fact is that the old EPA was sued repeatedly by community groups and environmental groups because they weren't following the law, and every single time, they lost. So the Supreme Court comes down on the side of cleaning up pollution. I am not afraid of lawsuits because the fact is, the people will win the lawsuits.

My message to the EPA is very simple. It is very different from Senator

BARRASSO, who is holding up qualified nominees—Republicans. They are Republicans they are holding up whom President Obama wants to put into his circle of advisers on the environment. This one particular woman I believe served, Senator DODD, your State for Republican Governor Rell, and they are holding her up. They are holding her up.

Why? Because they want to continue being the party of no. No, don't open up the endangerment finding; no, don't trust the people with the information; no, don't think about making polluters pay; no, we are not going to go to clean energy and clean jobs and all the prosperity that will come forward with that. It is a sad day.

My friend and I, JOHN BARRASSO and I, are very good friends. We like each other. We work together when we can. But on this one he will admit and I will admit we do not share a common view. My view is that science should dictate what we do on the health front and the revival of this economy should dictate what we invest in here, so we invest in these high technologies and we create good, clean jobs. I am very sad to hear that my friend will be holding up, and saying no, to some good people.

I understand his point of view. He has every right to do it. But I hope we will file a cloture motion and I hope we will be able to say to the party of no: Please, there was an election. President Obama won. He deserves to have the people in place that he thinks will give him good advice. If you do not like the advice, then legislate against it. But don't hold up good people.

They are doing it every day. The party of no, no, no, no. The American people want us to work together for their benefit and the benefit of their children and their grandchildren. My message to the EPA is do not be bullied into not doing your job. The endangerment finding you have made provisionally is very close to the same endangerment finding the scientists made under George W. Bush. The difference is, this administration is not going to hide it from the American people. We are going to look at it and we are going to figure out a way to respond to it in such a manner that jobs will be created, exports will be created, technologies will come to the fore. To the party of no, I say look inside yourself. The days of the old energy are coming to an end. They are too polluting, they are too costly, they are subject to the whims of foreign dictators.

I remember when George W. Bush went over and kissed the Saudi prince—I was a little surprised at that—begging, begging Saudi Arabia: Oh, please, please, let us have more oil. And the price went up and up and up. Frankly, it was not until the Democrats here demanded that there be some remedy for price fixing—it was

not until then that the prices started going down, because there was manipulation. We know that.

I am disappointed that Senator BARRASSO, an important member of the Environment Committee—this is the Environment Committee he is from. It is not the polluting committee. Let's get on with our work. Let's do what is right for the health of the American people. Let's do what is right for the workers in America. Let's develop the technologies. Let's not stand up here, hold decent people up, don't let them get a vote, stop them because you are a little angry that, yes, you did lose the election; and yes, times are changing; and yes, you have to recognize that Lisa Jackson is not Stephen Johnson—who came from a pesticide background, for God's sake.

One thing I found as I look at this administration that I admire—and I do not agree with every single thing they do or say—but I have to say this, they are putting people in place who care about the issue they are supposed to care about. You remember what happened over there with, "Brownie, you are doing a great job at FEMA," and we had Hurricane Katrina. Brownie had come from the Arabian horses industry. That was his expertise.

Stephen Johnson, EPA, came from a pesticide background. That was his background to head up the Environmental Protection Agency.

Then you had others. You had Spencer Abraham, a nice man. He voted to eliminate the Department of Energy when he was a Senator, and he got to be put in charge of—you got it—the Department of Energy.

I have a great committee I am privileged to chair, but I am distressed that we have to file cloture and stop a filibuster on perfectly well-qualified people, some of whom are Republicans, who are being stopped here by my friend. It is discouraging. But I am optimistic and I know we will get these important nominees through, even though we have to take the time to fight a filibuster and file cloture and get 60 votes. I am convinced we can do it—in closing—because the American people do not want us to be the party of no, no, no. They want us to be the Senate that is going to bring about positive change for the American people.

I say to Senator DODD, thank you for your indulgence here.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 1026

Mr. DODD. Mr. President, I am going to respond, if I may, to our colleague from South Carolina, Senator DEMINT, who offered an amendment, No. 1026, a few minutes ago. Senator BARRASSO and Senator BOXER were talking about the Environment Committee and the work that goes on there a little bit, and I digressed a little bit when that

subject matter came up, but I want to bring it back to his amendment which we will vote on, I hope, in a few minutes—maybe a couple of amendments. I notify my colleagues we will try to get at least two votes together so we don't bring people over for just one vote, if we can do that.

The amendment of the Senator from South Carolina, as I think I understand it—but correct me here—would prohibit the Federal Government from either purchasing or converting preferred stock to common stock. This is not a mandate as in present law, it is the option of converting preferred to common stock.

Why is that an important issue? My colleague from South Carolina went on at some length to talk about the overriding issue, going back to last fall, as to whether there should be any program at all of the so-called Emergency Economic Stabilization Act that provided the resources to try to get our financial system on its feet again. That was a very significant debate. Seventy-five of our colleagues in this Chamber, Democrats and Republicans, agreed with President Bush at the time. Candidate Obama and our colleague JOHN MCCAIN, as well as many others, on a bipartisan basis, called for the support of that effort. They accepted the notion as we were told by the chairman of the Federal Reserve Board, Mr. Bernanke, along with the Secretary of the Treasury and others across the political spectrum, that acting at that point was critically important if we were going to stabilize this economy and try to get it back on its feet.

History will probably write for many decades to come about that decision-making process, of the wisdom of it or the lack thereof. I am confident as I stand here today that, while certainly not a well-managed program for a good many weeks, the absence of doing anything, just doing nothing at the time, I think would have created a far bigger problem, a far more serious problem, probably a problem it would be almost difficult to imagine how it would be overcome had that action not been taken. That in no way minimizes how the program was managed, for those who raised serious issues, and still is the subject of significant debate here.

My friend from South Carolina says the Treasury Department should not be allowed to convert preferred stock to common stock. Why is that an important issue in the context of what we are talking about?

First, understanding what preferred stock is, and common stock—preferred stock is almost a debt obligation on which dividends are paid. The whole point is the value of it is in the dividend. With common stock, of course, the value changes based on how well the company is doing. If the company is doing well, the common stock goes up. If they are not doing well, the common stock goes down, unlike preferred

shares. So in terms of what is real capital, what is real capital is common stock. Preferred shares are not seen as being real capital.

I gather we have had today, as the Presiding Officer knows we have every Tuesday, the respective two parties gather in our respective rooms to have lunch to talk about the issues of the day. I am told by several of my friends on the Republican side that Chairman Bernanke was the guest at the Republican Conference lunch today and answered questions from our Republican colleagues. I gather one of the questions was—and certainly it was a question he received from us when we met, either alone or together—why aren't banks lending more? We put all this capital up. Why aren't they putting more money out the door to small business and others to help our economy get moving?

I gather Chairman Bernanke expressed the same frustration, that the regulators are being overly restrictive, in some ways threatening these lending institutions, not doing enough to encourage them that they ought to step up and get that capital out, get that credit moving again.

My colleagues on the Republican side heard from the Chairman of the Federal Reserve today and raised a very good question, raised by one of my colleagues—I don't know which one it was who raised the issue—but a very good question: Why aren't the banks lending more?

It seems to me if we accept the DeMint amendment we are going to make the answer even more difficult because what our lending institutions need is obviously capital—whether private capital or otherwise, they need capital. This is not a requirement under existing law that is mandating converting preferred to common, but at a time when we want lending institutions to get more capital, allowing the Treasury to make that conversion where and if they see it as appropriate exactly addresses the question that was raised at the luncheon today: Why aren't banks lending more? Why aren't they providing that kind of assistance to small businesses and others?

This is not about the Government taking over these entities. I don't know of anyone who supports that idea. We are taking positions in these companies far larger than most of us would like, and I hope and I believe it to be the case that as soon as the moment is appropriate we are going to be selling this off and getting out of it as fast as we can. My colleague from South Carolina is correct—I think all of us agree with him—it is not the business of Government to become bank managers or to run automobile companies or to run commercial enterprises. This country has not grown and prospered and done as well as it has in two-and-a-quarter centuries because

Government has run these entities. Quite the opposite.

But at a critical time such as this, when our economy is facing the worst crisis since the Great Depression, in almost 100 years, taking positions, getting capital moving on these legacy assets or toxic assets is absolutely essential if we are going to get back on track again.

I am not suggesting that every idea we have had is one that is working. But the idea of saying in this case you have no right, I am going to prohibit you, absolutely mandate that the Treasury Department cannot convert any preferred shares to any common shares, seems to me the kind of overreaching, in a way, in a moment such as that, that my colleague from South Carolina is arguing against and I agree with him. We should not be restricting, in a sense, the ability of people to have the flexibility to respond to a situation and allow this situation to improve.

There is a second reason. We are talking about TARP moneys here. What are TARP moneys? TARP money is taxpayer money. That is the American taxpayers' money. That is what TARP money is. We want to get back this money. We have been told these are loans. We hope they are, that we are actually going to get money back.

You don't get money back necessarily with preferred shares. You get it back with common shares. In any case, if we are looking to see the Government realize any gain on the sale of its common shares after the economy recovers, as we all hope and believe it will, the Government's upside potential is far greater with common shares than it would be under an amendment offered by the Senator from South Carolina where we would not be allowed to convert preferred to common.

I want to make it clear I am not necessarily advocating this be the case, but I don't want to so restrict the Treasury from making those moves to adversely affect the taxpayer when we could have a far greater benefit if in fact there are common shares coming back in. If that company or entity improves its value, the taxpayer is the clear beneficiary of that if in fact we are holding common shares.

Not allowing the Treasury to make that conversion could directly have an adverse reaction for the American taxpayer who is expecting some return on this—not to mention, of course, the ability to get capital into these entities which is essential if lending is going to occur.

We can go back and debate September and October and I presume history will debate that. But we made that decision and these resources are being far better managed today than they were in the first 60 days or so of that program. Today, to restrict this Department, this Treasury from making these kinds of decisions would be a

major blow at the very hour we are going to maybe need this capital in order to get these entities back on their feet.

Why is that important? It has little or nothing to do with the entities themselves. If that were the only argument, I would not be standing here and making it. It is not about the institutions we are getting the capital to, it is about the facilities, the businesses that require capital in order for credit to flow. So we spend a lot of time talking about the capital that goes into these larger institutions. The only reason we talk about it is because the financial system requires that if credit is going to move to small businesses, to homeowners and the like, when that small business shows up at their bank and says: Look, I have a great idea of expanding. I think the economy is improving. I would like to get a loan. I would like some credit. I have some people I need to hire. I have some inventory I need to purchase. I have some improvements to expand my space, and the bank says: I am sorry, we cannot. No capital. Well, if we adopt the DeMint amendment, that will be one of the reasons the answer is no because we absolutely prohibited the Treasury Department of our country from converting, where they think it is wise to do so, preferred shares to common shares. Not because we are requiring it but because we have the flexibility to do it.

When the American taxpayer wants to get a greater return on the investment we have made to get these institutions back on their feet again, and all we were allowed to hold was preferred shares paying a dividend instead of the common shares that could be the upside benefit to the American taxpayer, we would have to look back on this amendment and say: That is the reason we are not doing better than we ought to be doing.

That is really the argument I would give to my colleagues about why I think the DeMint amendment is an unwise move at this juncture. Again, it is more ideological. If you, in a sense, believe we should not be doing anything at all, let the market work its way through all of this—and there is a school of thought that embraces that. I happen to believe that is a dangerous policy to follow, in my view. I think many who looked at this issue from across the spectrum would agree. So that is the alternative. That is why I hope this amendment would be rejected when the time comes for a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 1040 TO AMENDMENT NO. 1018
(Purpose: To amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes)

Mr. REED. First, let me commend Chairman DODD for his leadership on

this very important legislation that is going to address one of the most significant issues facing America today; that is, restoring the value in our homes, but also giving people the hope that they can stay in their homes and helping those people who are displaced from their homes to find adequate, suitable housing.

I hope to be able to offer an amendment which would address the issue of homelessness in the United States.

Mr. President, I ask unanimous consent to call up amendment No. 1040 to S. 836 and ask that it be made pending.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, and Mr. BOND, proposes an amendment numbered 1040 to amendment No. 1018.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REED. This legislation is cosponsored by Senator KIT BOND, Senator BOXER, Senator COLLINS, Senator DURBIN, Senator KERRY, Senator LAUTENBERG, Senator LEVIN, Senator LIEBERMAN, Senator SCHUMER, and Senator WHITEHOUSE. It embodies legislation I introduced earlier this year, along with Senator KIT BOND, the Saving the Homeless Emergency Assistance and Rapid Transition to Housing Act, known in short as the HEARTH Act.

I want to particularly commend Senator BOND for his support, help, and leadership in this effort. He has been an advocate for sensible housing programs, not only on the floor of the Senate but particularly in his duties as a member of the Appropriations Committee and as the Ranking Member of the Subcommittee on Transportation and Housing and Urban Development.

He has been a great leader in advocating for the sensible, sound, and efficient use of taxpayers' resources to help people to find affordable housing. I thank him very much for his assistance, along with all of the other cosponsors.

This legislation is endorsed by the National Alliance to End Homelessness, U.S. Conference of Mayors, the League of Cities, NACo, Habitat for Humanity International, National Association of Local Housing Finance Agencies, LISC, Enterprise, National Low Income Housing Coalition, Corporation for Supportive Housing, the National Equity Fund, NAMI, the Housing Assistance Council and the National Community Development Association. It enjoys widespread support.

According to the Homelessness Research Institute at the National Alliance to End Homelessness, 2.5 to 3.5 million Americans experience homelessness each year. On any one night, approximately 672,000 men, women, and children are without homes.

While strides have been made to reduce homelessness over the last couple of years, the current economic decline has halted such progress.

Today I saw a front page article with a photograph in USA Today of a tent city going up. This is a phenomenon we thought was an artifact of history. Too often people are using any means to shield themselves from the elements.

Organizations such as Amos House, a shelter in my home State of Rhode Island, are seeing an increased demand for their services, while at the same time they are facing budget cuts and the economic downturn has curbed charitable donations.

I don't need to tell anybody in this Chamber how urgent this crisis is.

Across the country, we have already seen tent cities forming; shelters turning away people in need; and most major cities reporting double-digit increases in the numbers of families experiencing homelessness.

There is a tendency to view homelessness as something that happens to a few adults, men and women. But too many children are without homes.

As foreclosure and unemployment rates continue to rise, more families are being pushed out of their homes. Not everyone ends up on the streets. Some are able to move in with friends or family members, but they can not afford a home of their own and they can not find a job to get back on their feet.

America has not seen this level of displacement since the Great Depression and we simply cannot afford to ignore this problem.

That is why I am offering the Homeless Emergency Assistance and Rapid Transition to Housing, HEARTH, Act of 2009 as an amendment to the Helping Families Save Their Homes Act.

The Banking Committee, of which I am a member, has worked long and hard on this legislation, which I believe has resulted in a very strong piece of legislation.

This amendment invests \$2.2 billion for targeted homelessness assistance grant programs and provides local communities with greater flexibility to spend money on preventing homelessness.

While strides have been made to reduce homelessness over the last couple of years, the current economic decline has halted that progress and threatens to overwhelm it.

As a result of the recession, 1.5 million additional Americans nationwide are likely to experience homelessness over the next 2 years according to estimates by the National Alliance to End Homelessness. In Rhode Island, the latest numbers show homelessness is up 43 percent since February of 2008. And the number of shelter residents who cited foreclosure as their reason for becoming homeless tripled in the last 8 months.

This means more trauma for children and adults, more dislocation from schools and communities, and more of a drain on local community services.

In addition to the \$2.2 billion for HUD homeless assistance programs, the HEARTH Act would also provide up to \$440 million to be used to serve people who are not homeless yet, but are at risk of homelessness. That, I think, is in accord with the spirit of the legislation Senator DODD proposed; to prevent people from losing their homes.

It would allow cities and towns to serve people who are about to be evicted, live in severely overcrowded housing, or otherwise live in an unstable situation that puts them at risk of homelessness. The money could be used to make utility payments, security deposits, and provide short- and medium-term rental assistance.

The HEARTH Act would increase the emphasis on performance by measuring applicants' progress at reducing homelessness and providing incentives for proven solutions like rapid re-housing for families and permanent supportive housing for chronically homeless people.

This is a measure not only to provide resources but also to insist upon accountability.

Today, more families than ever are living on the edge, but the national safety net is not as big or as durable as it used to be.

This bipartisan legislation combines federal dollars with new incentives to help local communities assist families on the brink of becoming homeless. It is a wise investment of federal resources that will save taxpayers money in the long run by preventing homelessness, promoting the development of permanent supportive housing, and optimizing self-sufficiency.

Finally, I wanted to briefly talk about the definition of homelessness.

The HEARTH Act expands the HUD definition of homelessness, which determines eligibility for much of the homeless assistance funding, to include people who will lose their housing in 14 days; any family or individual fleeing or attempting to flee domestic violence, or other dangerous or life threatening situations; and families with children and unaccompanied youth who have experienced a long term period without living independently, have experienced persistent housing instability, and can be expected to continue in such status for an extended period due to a number of enumerated factors, such as a disability.

It also allows grantees to use up to an additional 10 percent of competitive funds to serve families defined as homeless under the Education Department homeless definition, but not so defined under the HUD definition. For areas with low levels of homelessness, up to 100 percent of funds may be used for such purposes.

The HEARTH Act also provides communities with greater flexibility in using funds to prevent and end homelessness. Whether it is the new Emergency Solutions Grant or the new Rural Housing Stability Assistance Program, that would grant rural communities greater discretion in addressing the needs of homeless people or those in the worst housing situations in their communities, this bill allows people to help people who are not technically homeless, and keep them from becoming so.

I recognize there have been tensions on the definition issue. All of us want to be sure that we are providing services to homeless children and families, and those at risk of homelessness.

Our amendment does not change the definition of homelessness in the No Child Left Behind Act for education programs that serve homeless children, nor does it seek in any way to hinder or limit these services.

In fact, our amendment strives to reach an appropriate balance to make sure that there are HUD funds available to help these families.

I hope that my colleagues can join Senator BOND and me, and support this important amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am very pleased to work with our colleague from Rhode Island on this matter and strongly urge the support of this amendment as well. This is a good bill. We have an underlying bill that is a better bill because of what Senator REED and Senator BOND have added to it. This is a value added to the issue.

It is one that our colleague from Rhode Island has been involved in for virtually the entire time he has been in the Senate, and cared about. His earlier partner, Senator Allard of Colorado, worked with him on the issue. Senator Allard retired from the Senate, so Senator REED reached out to Senator BOND, who has a strong interest in housing issues, and became his partner, along with others. I am proud to call myself one of those partners, as chairman of the Banking Committee.

As we move forward, I know in my own State of Connecticut, we have had a 13-percent increase in homeless families in the last year and a half—that is really beginning in 2007 before this issue of foreclosures exploded in our communities. So I think those numbers are up beyond that.

The number of homeless children and families is now increasing. The fastest growing part of the population that is homeless is children in our country, and this is no longer just that person we see on a street corner who is struggling in their lives. Shelters are jam-packed. You can only stay so long. I know many of my colleagues have visited these facilities and seen families who, only weeks before, owned a home

or had a place to live, are out of that situation and now are part of a growing number of people. So the timeliness of this legislation could not be more important. We are talking about trying to stop foreclosures.

What an important corollary to that to make sure we are simultaneously providing—Lord forbid people fall into that situation—an opportunity to have decent shelter.

So I thank my colleague from Rhode Island for his leadership. I applaud those of his cosponsors. This amendment would consolidate existing HUD McKinney-Vento homeless assistance programs and make several improvements to cost effectively end homelessness.

I have to take note because I mentioned McKinney-Vento. Both individuals are great friends of mine.

Stu McKinney was a Congressman from Connecticut for many years and took on the issue of homelessness. He passed away many years ago. He had a wonderful family. His son John is one of the Republican leaders in the Connecticut State legislature. His wife Lucy is a wonderful friend. Stu McKinney was a remarkable human being.

Of course, Bruce Vento was a great champion. I served with him in the House as well. McKinney-Vento, we throw these names around, but know that McKinney and Vento were two wonderful Members of Congress who cared deeply about what happened to people who fall on hard times.

We can add the name REED to that group as well. I compliment my friend and urge adoption of his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the chairman for his kind words and support. I do also recognize Senator Wayne Allard of Colorado. Wayne and I worked together on this legislation for a number of years. In fact, we sort of rotated between subcommittee chairman of the Housing Subcommittee. Consistently and in a very bipartisan fashion, we worked together. We have been joined by Senator BOND whose leadership on the Appropriations Committee is remarkable when it comes to housing issues. We benefited immensely by the contributions of Senators Allard and BOND. I did not have the fortune of knowing Stuart McKinney. I knew him only by reputation. He was known as a sterling man who worked hard when the issue of homelessness was not as central to our consciousness as it is today.

Bruce Vento was extraordinarily decent. These two gentlemen sort of pointed the way. Now we have to take up the task and move it forward and further. I think we can with this legislation.

I thank the chairman for his support and urge all colleagues to join us in support of the amendment.

I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we understand how busy everyone is, but we have to finish this bill tonight. We have people who have amendments they say they want to have a vote on. If they want to debate the issue, they will have to do it soon. We have two votes coming up. I have suggested to the manager of the bill that if people don't come over and there are amendments pending, he move to table them. If they don't want to bring the matters before the Senate, then we will move to third reading. We will finish this tonight. It is not fair for people to stand around waiting for all these great ideas to not come forward. If people want to have their amendments debated and voted on, they better do it pretty soon. We have two votes scheduled forthwith. After that, I hope the people who have amendments will come and speak to the manager of the bill and say: Here is how much time I would like or at least give some indication, just don't ignore us because we will not be ignoring them.

We have to move on. We have many things to do. After we finish this week, we have 2 weeks until the Memorial Day recess. I have mentioned there are certain days we will not have votes, but during the recess, we will not have votes. We have things we have to finish. We have to finish the procurement, credit cards, the supplemental, and this bill and some nominations. I hope everyone will cooperate with the managers of the bill. This is extremely important legislation. The longer we delay in passing it, the more harm it will do to communities all over America.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I believe this request has been agreed to by both the majority and minority.

I ask unanimous consent that there now be 2 minutes prior to a vote in relation to the Ensign second-degree amendment No. 1043 to the Boxer amendment No. 1038; that prior to the vote, the Ensign amendment be modified with the changes at the desk; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Ensign amendment, as modified; that if the Ensign amendment is not agreed to, then the Senate vote in relation to the Boxer amendment; provided further that if the Ensign amendment is agreed to, the Boxer amendment, as amended, be agreed to and the motion to reconsider be laid

upon the table; that there then be 2 minutes of debate prior to a vote in relation to the DeMint amendment No. 1026, with the time equally divided and controlled between Senators DODD and DEMINT or their designees; that after the first vote in this sequence, the second vote be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I wished to respond to Senator REID and ask a question to the chairman. I have another amendment that has to do with simply letting a homeowner know when his mortgage has been sold. We have objection on the other side. I wished to make it clear to everyone, I am willing to take that on a voice vote and not have to go through a recorded vote. I wished to make that comment. I hope Senator SHELBY and his side will allow us to move forward on that.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

FARM LOAN RESTRUCTURING

Mr. FEINGOLD. Mr. President, the Treasury Department has committed to provide almost \$250 billion in financial assistance to banks and financial institutions as part of TARP, which has become more commonly known as the bank bailout. Based on 2007 figures, 40 percent of all small farm loans come from banks and financial institutions that received more than \$1 billion each under TARP. Those loans represent a third of the monetary value of commercial farm credit in these types of loans. So it is clear that a sizable portion of farm loans have been provided by entities that received significant TARP funding.

The Treasury Department's Making Home Affordable program that was detailed on March 4 requires TARP recipients that provide home loans to take steps to avoid unnecessary foreclosures. The idea behind the program is that institutions that benefit from taxpayer funds should, in turn, be required to help home owners as much as possible, by making foreclosure the last resort when loan modification is not a viable alternative. This plan does not apply to farm loans, even though most family farmers and ranchers reside on their farms, and their homes are commonly listed as security on their farm loans. So a foreclosure on a farm loan is also commonly a foreclosure on a home.

Like many other businesses, farmers and ranchers are struggling due to the ongoing economic troubles. The prices they receive have dropped by as much as 50 percent since last year. At the same time, input prices for many farmers remain relatively high. This squeeze from both sides has impacted dairy farmers in Wisconsin and across the country especially hard but is a growing concern in other segments of

agriculture as well. Even when national prices have held up, in some localized areas the closure of animal processing facilities has virtually eliminated the market for some farmers' production. These factors beyond their control have meant it is increasingly difficult for many farmers to keep up with their payments, including farm loans.

Given that TARP has injected almost \$250 billion to support the financial stability of lenders, it seems reasonable to expect them to offer restructuring as an alternative to foreclosure for farm loans—just as they are required to do already for home loans and similar to the existing requirements for the farm credit system and direct Federal farm loans.

While Senator GILLIBRAND and I believe our amendment to extend requirements to provide loan restructuring as an alternative to foreclosure for farm loans is a sensible approach, we are willing to review the issue further and work with Chairman DODD on the issue. I appreciate the chairman's willingness to accept an alternative amendment we crafted to require a special report by the TARP Congressional Oversight Panel on farm loan restructuring. This report will analyze the current loan modification policies used by TARP recipients and examine the alternatives that could be used for a farm loan. Additionally, Chairman DODD has agreed to work with Senator GILLIBRAND and me to pull together a meeting of USDA and Treasury officials to hear from farm groups and farmer advocates to explain the growing need and how the existing restructuring program works currently under USDA direct loans and the farm credit system.

Mr. DODD. I appreciate the Senator from Wisconsin raising this issue and I will be pleased to work with him to arrange such a meeting, and to ensure that the Treasury Department looks into the concerns raised in the Senator's amendment.

Mr. FEINGOLD. I appreciate the chairman's support and assistance. I just want to note that this is an issue where instead of running from crisis to crisis, we have a chance to be a little proactive and get ahead of what could become a serious crisis in farm country if conditions do not improve. That is why there was such extensive support for my initial amendment from across the spectrum of agriculture-related organizations including the American Farm Bureau Federation, Dairy Farmers of America, Midwest Dairy Coalition, National Farmers Union, National Family Farm Coalition, National Milk Producers Federation, National Sustainable Agriculture Coalition, Rural Advancement Foundation International—RAFI—USA—and almost 60 others. I will continue working to ensure that their concerns about farm loans are addressed.

AMENDMENT NO. 1032, AS MODIFIED

Mr. DODD. On behalf of Senator FEINGOLD, I call up amendment No. 1032 and ask that the amendment be modified with the changes at the desk; that upon modification, the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1032), as modified, was agreed to, as follows:

(Purpose: To require the Congressional Oversight Panel to submit a special report on farm loan restructuring)

At the end, add the following:

TITLE —FARM LOAN RESTRUCTURING **SEC. 01. CONGRESSIONAL OVERSIGHT PANEL SPECIAL REPORT.**

Section 125(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5233(b)) is amended by adding at the end the following:

“(3) SPECIAL REPORT ON FARM LOAN RESTRUCTURING.—Not later than 60 days after the date of enactment of this paragraph, the Oversight Panel shall submit a special report on farm loan restructuring that—

“(A) analyzes the state of the commercial farm credit markets and the use of loan restructuring as an alternative to foreclosure by recipients of financial assistance under the Troubled Asset Relief Program; and

“(B) includes an examination of and recommendation on the different methods for farm loan restructuring that could be used as part of a foreclosure mitigation program for farm loans made by recipients of financial assistance under the Troubled Asset Relief Program, including any programs for direct loan restructuring or modification carried out by the Farm Service Agency of the Department of Agriculture, the farm credit system, and the Making Home Affordable Program of the Department of the Treasury.”.

AMENDMENT NO. 1043, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Ensign amendment No. 1043 is modified by the changes at the desk.

The amendment (No. 1043), as modified, is as follows:

On page 1, strike line 6 and all that follows through page 6 line 5, and insert the following:

(a) SHORT TITLE.—This section may be cited as the “Public-Private Investment Program Improvement and Oversight Act of 2009”.

(b) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Federal Government to create a public-private investment fund shall—

(A) in consultation with the Special Inspector General of the Troubled Asset Relief Program (in this section referred to as the “Special Inspector General”), impose strict conflict of interest rules on managers of public-private investment funds to ensure that securities bought by the funds are purchased in arms-length transactions, that fiduciary duties to public and private investors in the fund are not violated, and that there is full disclosure of relevant facts and financial interests (which conflict of interest rules shall be implemented by the manager of a public-private investment fund prior to such fund receiving Federal Government financing);

(B) require each public-private investment fund to make a quarterly report to the Secretary of the Treasury (in this section referred to as the "Secretary") that discloses the 10 largest positions of such fund (which reports shall be publicly disclosed at such time as the Secretary of the Treasury determines that such disclosure will not harm the ongoing business operations of the fund);

(C) allow the Special Inspector General access to all books and records of a public-private investment fund, including all records of financial transactions in machine readable form, and the confidentiality of all such information shall be maintained by the Special Inspector General;

(D) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(E) require each manager of a public-private investment fund to acknowledge, in writing, a fiduciary duty to both the public and private investors in such fund;

(F) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(G) require strict investor screening procedures for public-private investment funds; and

(H) require each manager of a public-private investment fund to identify for the Secretary each investor that, individually or together with its affiliates, directly or indirectly holds equity interests in the fund acquired as a result of—

(i) any investment by such investor or any of its affiliates in a vehicle formed for the purpose of directly or indirectly investing in the fund; or

(ii) any other investment decision by such investor or any of its affiliates to directly or indirectly invest in the fund that, in the aggregate, equal at least 10 percent of the equity interests in such fund.

(2) **INTERACTION BETWEEN PUBLIC-PRIVATE INVESTMENT FUNDS AND THE TERM-ASSET BACKED SECURITIES LOAN FACILITY.**—The Secretary shall consult with the Special Inspector General and shall issue regulations governing the interaction of the Public-Private Investment Program, the Term-Asset Backed Securities Loan Facility, and other similar public-private investment programs. Such regulations shall address concerns regarding the potential for excessive leverage that could result from interactions between such programs.

(3) **REPORT.**—Not later than 60 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General shall submit a report to Congress on the implementation of this section.

(c) **ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—Of amounts made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$15,000,000 shall be made available to the Special Inspector General, which shall be in addition to amounts otherwise made available to the Special Inspector General.

(2) **PRIORITIES.**—In utilizing funds made available under this section, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under the Public Private Investment Program established by the Secretary of the Treasury or the Term Asset Loan Facility established by the Board of Governors of the Federal Re-

serve System (including any successor thereof to or any other similar program established by the Secretary or the Board), to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.

(d) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of law, nothing in this section shall be construed to apply to any activity of the Federal Deposit Insurance Corporation in connection with insured depository institutions, as described in section 13(c)(2)(B) of the Federal Deposit Insurance Act.

(e) **DEFINITION.**—In this section, the term "public-private investment fund" means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury or funds appropriated under the Emergency Economic Stabilization Act of 2008.

(f) **OFFSET OF COSTS OF PROGRAM CHANGES.**—Notwithstanding the amendment made by section 202(b) of this Act, paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting "as such amount is reduced by \$2,331,000,000," after "\$700,000,000,000".

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, there is now 2 minutes equally divided on the Ensign amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, I am here to say this is a very friendly amendment to the underlying Boxer amendment. I hope everyone will support it. I am very proud of the work we did in a bipartisan way. I thank our staffs for doing this. It is a very significant amendment. What we are saying is, as we begin this new program, this Public-Private Partnership to buy toxic assets from the banks, Senator ENSIGN and I wish to make sure there is no collusion in the dealing, that there is no conflict of interest as this goes by. We wish to make sure the inspector general has the funding required to audit this program in a timely fashion. I am very pleased we have had this bipartisan coming together because we were a little bit far apart. But we worked hard for actually a couple weeks on this.

I urge everyone to vote for the Ensign-Pryor-Boxer second-degree amendment, and then we will move for adoption of the Boxer amendment, as amended.

I yield back the time. I do not see Senator ENSIGN here, but I know he believes very strongly in this second-degree amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. They are already ordered.

Who yields time in opposition?

If there is no further debate on the Ensign amendment, the question is agreeing to amendment No. 1043, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—96

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Sanders
Burr	Inouye	Schumer
Burris	Isakson	Sessions
Byrd	Johanns	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McClaskill	Wyden

NOT VOTING—3

Johnson	Kennedy	Rockefeller
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The amendment (No. 1043), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

AMENDMENT NO. 1038

The PRESIDING OFFICER. Under the previous order, amendment No. 1038, as amended, is agreed to, and the motion to reconsider is considered made and laid upon the table.

AMENDMENT NO. 1026

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1026, offered by the Senator from South Carolina.

Who yields time?

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, if I could have my colleagues' attention, the next amendment is one that would prohibit the Federal Government from converting TARP loans to common equity. Millions of Americans are telling us that enough is enough. We were told that the TARP money would be used one way, and it hasn't been used that way. It has been used for loans. We cannot let it go further to let these loans convert to common stock.

I urge my colleagues to support at least some firewall between what the Federal Government does and the private sector. We didn't approve TARP funds so the Government could become common equity shareholders in banks across the country. Let's let them give this back when they are capitalized, but let's not get the Government in the business of owning banks.

My amendment would prohibit the conversion of these loans to common equity. I encourage my colleagues to support it.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, briefly, let me thank my colleague from South Carolina. The reason I oppose this amendment is because we ought to have the flexibility. It is not a mandate. Today, the Treasury has the right to be able to convert preferred shares to common shares. There is a reason for that. The markets react in terms of real capital to common shares, not preferred shares. Preferred shares are a form of debt. If you are trying to get capital into lending institutions, which is critical to be able to provide loans, you need to have capital. Common shares allow you to make that determination.

Secondly, on the upside for taxpayers, and TARP money coming back, there is a greater likelihood we will benefit if we have common shares. I am not advocating that kind of conversion, but you ought to have the flexibility to move from preferred to common. You may want to bifurcate that in some of these tranches. The Senator's amendment would prohibit that in any case. I think that is the wrong move to make.

I oppose the amendment and urge my colleagues to vote against it.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 1026.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. JOHN-

SON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The result was announced—yeas 36, nays 59, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—36

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lugar	Wicker

NAYS—59

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bennett	Hatch	Pryor
Bingaman	Inouye	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Warner
Dodd	Martinez	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	

NOT VOTING—4

Bayh	Kennedy
Johnson	Rockefeller

The amendment (No. 1026) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1036

Mr. KERRY. Mr. President, I call up amendment No. 1036, with a possible modification, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending and, without objection, it is the pending amendment.

Mr. KERRY. I thank the Chair.

Mr. President, I am offering this amendment to address the needs of renters in properties that have been foreclosed. This amendment is cosponsored by Majority Leader REID, Senate Banking Committee Chairman DODD, and Senators KENNEDY, BOXER, GILLIBRAND, and MERKLEY.

Congress has already taken extraordinary measures to help troubled borrowers in communities where they have abandoned foreclosed properties, but Congress has done very little to help renters who have been paying their rent regularly on time but, unfortunately, they have landlords who are losing their property to foreclosure. So these renters are absolutely blameless

victims in the foreclosure catastrophe that has hit the country.

It is estimated that as many as one in every six mortgages in America is going to be lost to foreclosure in the next 4 years. In Massachusetts, more than 12,000 homeowners lost their homes to foreclosure last year, an increase of 62 percent in just 1 year. About 3,300 of those foreclosures involved homes with two or three units, and most of those homes had tenants who were evicted.

These renters often have absolutely no idea that their home is about to be foreclosed. Depending on the State they live in, they may be evicted with absolutely no notice. Obviously, this could be particularly difficult for low-income renters who don't have the resources to relocate or even to do so very quickly.

Under this amendment, tenants in any federally related mortgage loan or any dwelling or residential real property with a lease have a right to remain in the unit until the end of the existing lease. If a new purchaser intends to use the property as a primary residence, then the lease may be terminated, but the tenant has to receive 90 days' notice to vacate.

So what we believe is that this provides an appropriate level of protection. It doesn't take away the right of someone who takes over the home in foreclosure to be able to then transition that property or it decides if that person is going to keep the property as a rental property, the person who already has a legitimate lease has a right to be able to stay.

The provisions of this amendment would sunset. I wish to make that clear. This sunset is based on the notion that this is to deal with the current crisis, and it would sunset on December 31, 2012. Furthermore, it states specifically that none of the provisions here would affect any State and local law that provides a longer time period or other additional protections to renters. So there is nothing here that reduces the protection renters get.

Let me give my colleagues a couple graphic examples. A landlord should not be allowed to come in, change the locks, and force out tenants who were there completely legitimately, with an expectation that they were coming home to their same old home. A recent story in the Boston Globe shows how devastating and, frankly, absurd this can be at times.

A Dorchester, MA, man returned to the home he had been renting for the past 4 years. He found that the locks had been changed and a foreclosure notice had been placed on the door. With a neighbor's help, he managed to crawl through a second-floor window to get into the apartment. When the police arrived, he had to beg them not to be arrested. Fortunately, he was not but only because he was able to show proof

he rented the apartment. Then for the next 4 months, he had to battle with the bank that then owned the building, enduring no heat, no electricity, and no water while he went through that 4-month process.

This is disgraceful. Unfortunately, it is not an isolated incident. In early January, a 45-year-old former factory worker from China came home to her third-floor walkup in east Boston to find a crew of moving men removing all of her furniture. She thought she was being robbed. She didn't speak English. She pleaded with them in Chinese to stop. She ended up on the street with all of her possessions until a city clerk noticed that the eviction paperwork, which the renter had never received, had expired. A judge issued an order that allowed her to move back. But for how long and under what circumstances?

These kinds of incidents show how completely vulnerable renters are to this foreclosure cycle we are witnessing. It is well documented how foreclosure is already overpowering countless numbers of homeowners who are unable to pay their mortgages, but foreclosure is also causing a rampage of sudden evictions of renters. My amendment would stop that rampage and help unsuspecting renters from falling victim to foreclosure in which they played absolutely no part.

I thank the Senate Banking Committee chairman, Senator DODD, for his support of this amendment. It will very plainly help families stay in their homes. It is a way of preventing an already grave situation being turned into one that is even more egregious and more insulting. I think Senator DODD understands this. No one has worked harder than he has to fight against the level of foreclosures that are taking place.

I appreciate his leadership and his support for the families across the Nation who are facing this kind of foreclosure problem.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Pennsylvania.

AMENDMENT NO. 1033 TO AMENDMENT NO. 1018

Mr. CASEY. Madam President, I call up amendment No. 1033.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY], for himself and Mr. LEAHY and Mr. SPECTER and Mrs. GILLIBRAND, proposes an amendment numbered 1033 to amendment No. 1018.

Mr. CASEY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance State and local neighborhood stabilization efforts by providing foreclosure prevention assistance to families threatened with foreclosure and permitting Statewide funding competition in minimum allocation States)

At the end of title I of the amendment, add the following:

SEC. 105. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) IN GENERAL.—Section 2301 of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) in subsection (b), by adding at the end the following:

“(5) DISTRIBUTION OF FUNDS IN CERTAIN STATES; COMPETITION FOR FUNDS.—Each State that receives the minimum allocation of amounts pursuant to the requirement under section 2302 shall be permitted to use such amounts to address statewide concerns, provided that such amounts are made available for an eligible use described under paragraphs (3) and (4) of subsection (c).”; and

(2) in subsection (c), by adding at the end the following:

“(4) FORECLOSURE PREVENTION AND MITIGATION.—

“(A) IN GENERAL.—Each State and unit of general local government that receives an allocation of any covered amounts, as such amounts are distributed pursuant to section 2302, may use up to 10 percent of such amounts for foreclosure prevention programs, activities, and services, foreclosure mitigation programs, activities, and services, or both, as such programs, activities, and services are defined by the Secretary.

“(B) DEFINITION OF COVERED AMOUNTS.—For purposes of this paragraph, the term ‘covered amount’ means any amounts appropriated—

“(i) under this section as in effect on the date of enactment of this section; and

“(ii) under the heading ‘Community Development Fund’ of title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 217).”.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on the date of enactment of the Foreclosure Prevention Act of 2008 (Public Law 110-289).

Mr. CASEY. Madam President, this amendment deals with the Neighborhood Stabilization Program, a very important part of our strategy to fight the battle against foreclosure throughout the country. So many States have had a terrible time with record numbers of foreclosures. The State I am from, the State of Pennsylvania, fortunately has not had as big a problem as some States, but we still have a major challenge on our hands.

The good news is we have strategies to deal with it and we have a lot of locally grown, so to speak, strategies in big cities such as Philadelphia and smaller communities where people at the local level are dealing with it on the front end and the back end.

On the front end, that means having strategies in place for counseling and other ways to prevent people from getting into a problem of foreclosure.

This amendment is very simple. What it says is that dollars allocated under this program, some of those dollars should be allowed to be used for foreclosure prevention, as well as miti-

gation. Basically, what we are asking for in this amendment and what it would do is allow up to 10 percent of the funding under the Neighborhood Stabilization Program to be used for foreclosure prevention programs, activities, and services, and then, secondly, in another category, foreclosure mitigation programs, activities, and services.

I believe it is critically important to give local officials and people running programs at the local level the discretion—a very limited amount of discretion but some discretion—on how they spend those dollars. We hear a lot of discussion in this Chamber all the time about empowering people at the local level. This is one way to do it. They know how to fight this battle. They have strategies in place to prevent people from falling into foreclosure, but also how to mitigate it if foreclosure comes about.

That is what this amendment is all about. I ask my colleagues to support it. It is the right thing to do for a lot of local communities. It is also the right thing to do for people who are expert at dealing with foreclosure prevention, as well as mitigation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent that the Reed amendment be the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1042 TO AMENDMENT NO. 1040

(Purpose: To establish a pilot program for the expedited disposal of Federal real property)

Mr. COBURN. Madam President, I call up my amendment to the Reed amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1042 to amendment No. 1040.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

AMENDMENT NO. 1036

Mr. COBURN. Madam President, I am going to spend a minute talking about the Kerry amendment. I am sitting over here listening to him. There is no question he is right on what should happen in terms of notifications on evictions. But we are about to make the same mistake we make all the time. That is a State issue. State laws apply, and we are going to pull that in and make it a Federal issue. Anybody who has any connection with Federal insurance, FHA, anything else, we are

now going to start writing the laws on contract law in my State, in his State, and every other State. That is exactly how we got into the trouble we are in today.

I hope the American people will look at how we got where we are. We got where we are because we are putting our nose into States' business. We think we have a nexus, no matter what the problem is, we ought to be solving it, which means why have State legislatures anymore? Why have Governors? Why not solve all the problems?

AMENDMENT NO. 1042

Now to the amendment at hand. You cannot help but be discouraged about the Congress. We have all these grand ideas and new programs to expand the size and scope of the Federal Government, but we never want to pull it back in when it is not effective and when it is not working. So what do we do? We create a new program or we renew a new authorization, not looking at the facts, not looking at the downside consequences of it. What we do is just reauthorize it with a good goal in mind.

Helping homeless people is great for us to do. The McKinney-Vento Act in the past has made a great contribution to 250 homeless shelters in this country. But nobody pays attention to the fact that we spent \$300 million and went through 30,000 properties to fund 250 homeless shelters.

The other thing that is not recognized is that we have all these pieces of property we cannot get rid of. It is actually 69,850 properties that the Federal Government owns that it is not using. Some of them need to be razed, but they are costing us billions every year to maintain because we have a bureaucracy that we cannot get through to sell the property.

We have \$89 billion of cash sitting there right now—right now, \$89 billion. That is conservative appraisal values today on properties. We could put that money into the Federal Treasury. That is \$89 billion we would not borrow against our grandchildren if, in fact, we had a commonsense, cogent way to dispose of excess Federal properties.

All this amendment does is say let's create a pilot program for 5 years. Let's offset anything 100,000 square feet or less. Anything bigger let's go around it. We are not going to have 100,000-square-foot homeless shelters. And let's incentivize the agencies to get rid of their property by leaving 20 percent of the money they would get from selling those properties in the agency.

The GAO says one of our biggest at-risk programs is our real property management. Peter Orszag testified in his hearings on confirmation that it is a giant problem. So now we come up with an amendment that is common sense. It is a pilot project. All it does is say let's test it on a limited number of properties for 5 years and see if we

can't move some of this property, can't lower the cost of Government for the American people, and let's do it in a way that is smart.

We have over 10,000 properties that need to be razed, need to be torn down, that we are expending tons of money to guard or protect or to maintain in a small fashion that is absolutely wasteful. Yet this body does not want to do that. It does not want to approach a commonsense program.

This does not do anything to homeless people. This does not take any opportunities away from them. There is a very set guideline in here on how they get to perform against the properties under the pilot project. But we are going to claim—because the homeless groups that support McKinney-Vento are not happy with it, we are going to claim we cannot do anything. So we are not going to accept this amendment. They are going to raise a point of order because it costs \$20 million. But when CBO scored it, they did not count any of the funds coming from the properties.

It is a net gain of billions, and we are going to get a point of order. Why? Because we would rather satisfy completely an interest group than do what is best for the country as a whole. We would rather spend more money than save money. We would rather look good in one area than protect the future in the long term.

One cannot read this amendment and not say it doesn't make common sense for us to be doing it. It is absolute common sense. What the American people know, better than we do, is there is not much of that up here; otherwise, we would have solved this problem 4 years ago when I started offering amendments on it. But we don't want to do it. We don't want to take on the established, connected lobbyists and interest groups that say: No, we don't want that to happen.

We had an offer from the House to do five properties over 5 years. That was the offer from the House—5 out of 69,000 properties—69,000 pieces of property the Federal Government has that it wants to get rid of and we cannot do it because we are afraid we might miss one opportunity to put a piece of property in the hands of good people who want to do the right thing for those less fortunate.

Yet we sit here and we deny common sense. If we sold \$89 billion worth of properties, compound that interest over what we are borrowing right now over the next 5 years. Think about how that could offset some of our difficulties today. If we just did half of it, what would happen? The first thing the American people would say is, Hey, they are starting to get it. They are starting to understand what we are going through, making priorities.

The risk of missing an opportunity for a homeless shelter versus getting

rid of a high-risk problem that this Federal Government has—not denying but maybe missing one opportunity as small compared to how it is going to impact the future homeless people in this country, who are going to be our grandkids who will never be able to afford to buy a home because we are strangling them with debt.

It will be fine to challenge this on a point of order. I will make a motion to waive the point of order. We can have a vote in the Senate about whether we are going to take commonsense actions that actually help our kids and our grandkids at the same time we are helping the homeless or we are going to say: No, we are not going to do anything new. We are not going to do common sense. We are not going to apply what the ordinary man would do with their own money. We are just going to reject it.

The fact that this is not even considered to be accepted in this bill is a statement about this body that is unbelievable. There is no legitimate complaint with this pilot program. The only complaint is, those who lobby on the other side do not want it or the only complaint is they are afraid we will not get everything we want if you do that.

This Nation needs to learn right now; if we are going to get out of these problems, we are all going to have to sacrifice something. Everybody is going to have to sacrifice. That means we can't have everything we want. So the very idea that we won't address this issue at this time on housing, when we have a big, large, overburdening problem with real property in the Federal Government, says: What are we thinking about? Why does this not fit within the bounds of what we are supposed to be doing right now? Who are we going to hurt if we create a pilot program to get rid of properties over 100,000 square feet? How much money are we going to save just on maintenance every year? It has to be seen in the light of the whole picture, not just in the light of the homeless. If we fail to do that, we fail to think about the long-term benefits that will come from having common sense in real property reform. We ought to be doing this. We ought to be helping the next two generations.

I am reminded that I did 27 townhall meetings while we were on break. And I will never forget, this guy came up to me and said: I don't care what you do to me, quit hurting my children. Quit hurting my children.

Not accepting this amendment hurts everybody's kids. It is money we could save if we wanted to, but we won't because we don't have the backbone or the courage to do what is the best right thing for the country right now. I have no doubt we will do the politically expedient thing. We won't work on real property. We won't solve this big issue that costs us billions every year just in

maintenance costs. We will do the easy thing.

I will have more to say about this as it is challenged on the point of order, and also before the vote, but I hope my colleagues start becoming partisan for our kids, partisan for our children. We can help the homeless and help our kids too. We can help the homeless and create a better future for our kids, but we can't if we won't take a risk. So my challenge to my colleagues is to at least look at the amendment and say: If it was my money, what would I be doing? And the fact is, if it was your money, you wouldn't be sitting on \$89 billion worth of property that is costing us billions every year to maintain, that we are not using, and that we can't get through the process to get rid of.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, Senator COBURN has been working very diligently over the last several years to deal with the issue of property disposition. We have established over many decades now certain priorities to access Federal properties, and included in those are very low-priority agencies that provide shelter for homeless people. Prior to these, in my recollection of the distribution of the properties, is the right of State and local governments to buy property at a discounted price.

Madam President, as Governor, you have probably considered this option many times. It is my understanding that this underlying bill would exempt a number of the properties from the Federal Property Act provisions that would allow, in fact, State and local governments to access these properties at prices that are reasonable, particularly now, given the budget pressures of local governments. But, in addition, this 5-year pilot program would encompass the largest and potentially most valuable properties that are held in surplus by the United States.

It is far from a pilot program. What our colleagues in the House are talking about is a true pilot program—a limited number of properties to validate and really legitimize the approach Senator COBURN and others are suggesting. I know the Senator has been working very diligently and sincerely with colleagues on both sides of the aisle, but this represents a version, an early version, I believe, that, at least in terms of discussion with others, has been changed somewhat.

One point I wish to make with respect to the underlying amendment that is important is that we are not attempting to deal with the issue of property distribution, which cuts across the entire spectrum of Federal properties—practically every agency in the Federal Government. That encompasses not only the rights—very limited rights—of

homeless groups to acquire property but fundamentally the rights of State and local communities to acquire this property. In fact, for many State and local communities, this program is a major source of economic development.

Again looking at the Chair, who was the Governor of the State of New Hampshire, Pease Air Force Base was surplus property which is now a dynamic economic development tool. My guess, again, was that it was obtained by the State, probably using at least in part some of these powers. All of that would be altered in this pilot program that would give, in fact, public lands managers wide discretion to dispose of properties. Again, it is a pilot program, but it is so long term. Five years is not exactly a short-term, let's do an experiment, evaluate it, and see what can be done.

Our legislation, the underlying amendment, is the result of many years of bipartisan effort to deal with the issue of homelessness, not the distribution or disposition of public property. I think it would represent an extraordinary improvement in the current system. It is more efficient, it consolidates applications, it gives flexibility to local communities, and it deals with the problem that I think is equally compelling for the children of today. There are thousands of children who don't have a home. We have to be cognizant of the future. We have to take prudent steps—and I wish, looking back over the last 8 years, some of my colleagues on this side would have been much more prudent in their fiscal policies that took a surplus in 2001 and turned it into a huge deficit in 2008, 2009. So the ability to look ahead is not exclusive to one side of the aisle. But the legislation I have proposed, along with Senator BOND, represents a reauthorization of McKinney-Vento, which will give the States and localities better tools to deal with the current crisis of countless families who are without homes.

My concern is not only with the breadth of this amendment, with its focus on one part of a much more complicated puzzle, but also the fact that I think it could seriously jeopardize the passage of what is important legislation—the McKinney-Vento reauthorization.

I do believe, because of the Senator's efforts, because of his sincere and energetic and consistent advocacy of this, that this issue is resonating on both sides—both with our colleagues in the House and here in the Senate. I would be extraordinarily disappointed if we were to miss a great opportunity to fundamentally reform the program.

We worked with the Senator last Congress. We had bipartisan support, led by Senator Allard. We had, in fact, the clear endorsement of President Bush and the Housing and Urban Development Department under the Bush

administration for our homelessness proposal, but it failed because this legislation, the Reed amendment, was embroiled in this controversy of property disposition which spans every agency of the Federal Government. It is not just HUD, it is the Department of Defense, the Department of Agriculture, the Department of the Interior.

I think if we are going to do something this comprehensive, let's not single out the homelessness initiative as sort of the wedge or the fulcrum or the lever. Let's step back, work collectively, collaboratively, and pass legislation that will apply across the board and will do so in a principled and practical way. There is no opposition to that.

I would also note, as the Senator alluded to, that at an appropriate moment there will be a point of order raised on the legislation. But I would hope that, again, we could move through this proposed second degree, pass the underlying amendment, and not forget but in fact redouble our efforts to approach this in a comprehensive way. I know many colleagues—not only Senator COBURN but Senator CARPER—are sincerely and enthusiastically interested in having reform of the way we dispose of property.

I am certainly also in a position to say personally that I think if we do this, we have to take into consideration the equities of all the parties. This is not just about homeless groups that get grants, this is about State and local governments, this is about the way we have established over many years the disposition of Federal property. Can it be improved? Yes, it can. Should we improve it? Yes, we should. But I think to essentially target the homeless population as sort of the lever for this change is the wrong approach. So I would, at the appropriate moment, either myself or the manager, raise a point of order.

With that, I yield the floor.

Madam President, I do have another amendment which I would like to call up, but I see the Senator from Oklahoma is here, and he should have an opportunity to speak.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I appreciate Senator REED's understanding of our effort, but the question arises: We have 69,850 properties. This isn't a big pilot. It only allows 750 properties to be disposed of. Think about that—750. It is barely over 1 percent. It is going to be \$800 million to \$1 billion, and we are going to block everything—a pilot—because it is too big, too expansive—750 properties out of 69,850. We don't think we ought to attach that now?

We put in extra provisions to make sure the homeless can have these, but most of them aren't good for anything. In fact, most of them will probably be razed. But the fact is, to say we can't

do it—we have been saying we can't do it for 4½ years. Can't do it. Can't do it. When can we do it? And 750 properties to look at over a 5-year period is just 150 properties a year. How small does it need to be for us to have a pilot—out of 750, 150 properties a year? A total of 69,850. One hundred fifty, and we can't do that? And because we can't do that, that becomes a symbol for the rest of our failures. We can't sell 750 properties and protect the homeless while we do it and lower some of the burden of the excess real property this Government has. If we can't do that on this bill, a small number of properties, I am wondering what we can do.

It confounds me. It doesn't fit with any sort of common sense. It doesn't fit with any reason. It doesn't fit with any long-term view of how do we get out of the mess we are in. What it fits with is that we don't want to do it because it is hard. We don't want to do it because somebody might yell, somebody might scream. But how do we do the best right thing—not the best thing, the best right thing—for the country? I can tell you that letting another year go by when we have 73,000 properties and \$98 billion worth of money and \$8 billion a year to maintain it isn't the best right thing.

I am used to standing up and losing, but I am not going to stop putting forward ideas that we shouldn't be rejecting, that make a difference in the outcome for the future of this country. This doesn't have a liberal or conservative slant to it. It is just plain old, good old Oklahoma common sense, good old Connecticut common sense, good old Rhode Island common sense. The fact we would reject it says that our motives have to be somewhat suspect on the reasons we would reject it at this time, especially when we are in the trouble we are in.

It is so discouraging to go home and hear people say, why are you doing what you are doing? Why aren't we fixing this? Why aren't we making the small steps that create a big step that create a yard that create a mile that secures the future?

It is amazing to me that you can have a real objection to this amendment—not 150 properties a year. That isn't going to impact anybody except our kids in the long term, and it is going to impact them positively. But we are going to have a parochial reason why we might not do it? I think that is what I might have heard implied. A parochial protection? We are going to die of parochialism. It is going to kill us. Eighty-plus billion dollars sitting there and we could take and lower the impact of this tremendous downturn and make a difference. Yet we are going to say no.

As they say in Oklahoma—go figure.

Mr. DODD. Will my colleague yield?

Mr. COBURN. I am happy to yield.

Mr. DODD. I understand what my colleague from Rhode Island is talking

about, but I must say our colleague from Oklahoma is making a lot of sense. He often does so. Who has jurisdiction over this? Does it depend upon the Federal property, where it is located? Which of the committees?

Mr. COBURN. Homeland Security.

Mr. DODD. People say debates here don't have an effect on anybody. I will make a commitment to you as chairman of the Banking Committee, I will work with you on this.

Mr. COBURN. I appreciate the Senator's offer.

Mr. DODD. I am intrigued by what the Senator is saying. I suspect a lot of other people don't disagree with what he is driving at here. We need to pull some people together to see if we might get something done.

At this late hour of the night I might not be listening to this debate were I not chairing the committee and managing the bill on the floor, but my colleague from Oklahoma I think has raised a very valuable point and it is worthy of our consideration and I would like to sit with him and see if I can't help.

Mr. COBURN. I am happy to take the Senator up on that offer as soon as I lose my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I want to give my colleague from Rhode Island a chance to be heard but—let him offer his amendment.

Mr. REED. Madam President, there will be an amendment that I propose that will help qualify the status of warrants that are currently held by the Department of Treasury with respect to TARP. It will give the Secretary of the Treasury discretion to dispose of those warrants when he feels it is appropriate. Right now, under language that was adopted in the context of our debates over the recent amendments to TARP, there is a mandatory requirement for the Secretary to surrender or dispose of the warrants if the TARP funds are returned by a financial institution.

I believe the Secretary should have the discretion to hold these warrants if he thinks it is in the best interests of the taxpayers. The whole point of the warrants, and a point I insisted upon in the original legislation for the TARP bill last September, indeed a point that I found to resonate with many of our colleagues on the Republican side—SPENCER BACHUS, the ranking Republican on the House Financial Affairs Committee cited this specifically as one of the reasons why the TARP program could be supported—and that is, in addition to our investment in preferred stock which pays dividends, the Government would also have the right to obtain warrants; that would be the right to acquire stock in the future.

Interestingly enough, at the time we were debating the TARP bill, Warren

Buffett, who was a very sophisticated and is a very sophisticated investor, made a preferred stock investment in a large financial institution and also received warrants. So this is typically how many of these deals are done.

At this juncture the institutions receiving TARP funds have the right at any time to pay it back. That is an issue that has been settled. It is the policy of the United States. But I believe the Secretary of the Treasury should have the discretion, because these are separate instruments, to hold those warrants, to maximize, if he can, the market price that he will receive on behalf of the taxpayers.

This, again, is an issue that was very critical to many of us in the initial adoption of the TARP legislation. We are not mandating that the Secretary of the Treasury surrender the warrants, nor are we mandating that he keep them. It will be discretionary. He and his colleagues have, and I believe must exercise, the judgment when it is an appropriate time to surrender these warrants or to take other actions under the contracts under which they were issued, to ensure value for taxpayers.

We have made very significant investments in the financial system through the TARP program. The premise, again, was that not only would the direct investment be repaid, but taxpayers would benefit from the recovery of these institutions. We are seeing that recovery now. We have a ways to go but we are seeing some encouraging signs. I believe, again, that having assumed risks, taxpayers should benefit from the rewards of a revived financial institution and in that case we are simply making this discretionary with the Secretary of the Treasury so that he can judge whether and when the appropriate time is to surrender the warrants, to receive fair market price for the warrants, and to ultimately help benefit the taxpayers who have put up the money to deal with a huge financial crisis.

At the appropriate time I believe there will be a consent to move forward on this amendment. I hope it would be supported and adopted, but I wanted to make that point at this juncture.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I rise and offer my support for the amendment of the Senator from Rhode Island that repeals the requirement for the Secretary of the Treasury to liquidate warrants under repayment of obligations under the Troubled Asset Relief Program. The Senator from Rhode Island I think has laid out the rationale for this, but the point is under existing law it was rather restrictive and required a specific action without consideration of what the values may be. What the Senator is suggesting is moving from a "shall" requirement to a

“may” gives flexibility, which is exactly what we have been arguing for today in a number of these amendments, giving flexibility dealing with preferred and common shares—flexibility. Some of the other amendments earlier reflect on this flexibility, which is critical.

These warrants change over time. It doesn't suggest by holding back you will necessarily get a better value. It doesn't mean by releasing them earlier you will do better. It is obviously a judgment call and you want to give people the opportunity to make the judgment calls. The beneficiary of all of this ultimately will be the American taxpayer and that is ultimately what we are trying to achieve.

I think my colleague has once again offered a very wise and worthwhile amendment to this bill. It strengthens it, in my view. I thank him for it. I don't know if there is any objection to this at all.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Madam President, I believe they are working on an appropriate consent to adopt it.

Mr. DODD. As soon as that happens, we will move this along and see if we can't get this agreed to.

AMENDMENT NO. 1036

I want to mention a few words about the amendment offered by Senator KERRY from Massachusetts and Senator GILLIBRAND from New York and Senator REID from Nevada, if I may.

This is a very good amendment. My hope is my colleagues will support it. We offered an amendment on earlier legislation dealing with rental properties that were affected under the Government-sponsored enterprise. Under that legislation, we prohibited those properties from evicting tenants who were current in their rental obligations when a property was foreclosed or purchased by a new buyer, the thought being, if a tenant is current in their obligations, they should not be evicted unless they are on a month to month, in which case at the end of the month the landlord would have that right. But if there are leases of longer duration, these tenants ought to be respected under the contracts they have.

I can say in my own State of Connecticut, we do not have a great supply of affordable rental stock. This is not unique in my State. I think this is true in most States. As you are watching more and more foreclosures occurring and as people lose their homes, the demand for rental stock is increasing. The cost of it is prohibitive. In the State of Connecticut—I believe these numbers are correct—I think you need an hourly income of close to \$21 an hour to afford the average two-bedroom apartment. Obviously that could fluctuate to some degree, but that gives you some idea of the cost, and that is close to three minimum wage

jobs, in effect, in a day to pick up that kind of income.

It is important that we do what we can to protect people in this situation. That is exactly what Senator KERRY does, in that the measure requires at least 90-days' notice for all renters in federally related housing, but would honor the full term of any existing lease unless a new owner will occupy the home. The amendment also amends the housing voucher statute to preserve section 8 contracts at foreclosure. These provisions would be in effect during the foreclosure crisis, sunseting at the end of December 2012.

This is a very worthwhile proposal. We are protecting an awful lot of good people out there. Frankly, I am somewhat perplexed that there are those who object to this. It seems to me it would be in the interests of a new owner to want to keep people in paying rents, current in those obligations, rather than evicting them and beginning another process unless they are looking for some extremely—higher rents coming in. But it seems to me, given the amount of people out of work, given the declining value of properties, you are probably acquiring these properties at a lot less cost than the previous owner may have had which means the rents you would have to secure wouldn't have to be as expensive to maintain it.

At the very hour people are worrying about where they are going to live—we just heard a discussion by Senator REED about homeless families. The largest increase in homeless families is children in our country.

Again, imagine that family tonight—10,000 tonight, as there were last night, as there will be tomorrow night and every night—who has discovered they are in such default their home is on the auction block or has been lost. That is a pretty compelling moment to know you have lost your home. It further compounds that problem by not knowing where you are going to live, where you are going to take your family—showing up tonight and looking at your children and suggesting you are going to move, going to have to find a different place to live.

What Senator KERRY is saying here, at least for tenants who are in good standing on their properties, they should not be affected because the property ended up in foreclosure through whatever rationale that may have happened to the landlord. It seems to me, putting people out on the street is not what we ought to be doing at a time such as this. Whatever your views are about whether these programs are working as effectively as they should, I think all of us agree the innocent who are being confronted with these decisions should not be left in a more precarious position than they are already in, and that is exactly what would happen in the absence of

the Kerry amendment, the Kerry-Gillibrand-Reid amendment.

Once again the majority leader, Senator REID, has taken a strong position on these matters and is making a difference, as he has, by allowing these matters to come up and being as supportive as he has of the various efforts we are making here to complete this work.

I thank Senator KERRY of Massachusetts, his colleagues Senator REID of Nevada and Senator GILLIBRAND of New York, for offering this idea. It is one deserving of our support and will make a real difference.

People have asked whether this bill is going to make a real difference for real people. This amendment makes a real difference for real people, and is exactly what we ought to be doing. These were not the people who caused the problems they are in. These are the victims of what is occurring. If we care about what is happening to them, this is a wonderful way to say we understand it, we are stepping up and making a difference in their lives.

With that, I yield the floor.

Ms. SNOWE. Madam President, I rise in strong support of the Boxer-Snowe amendment, which would be modified by an Ensign-Pryor-Boxer-Snowe second-degree perfecting amendment, to provide for additional oversight of the Public-Private Investment Program—PIIP—which the Treasury Department has established to help remove toxic securities from bank balance sheets and restore the flow of credit.

With up to \$100 billion of Troubled Asset Relief Program—TARP—dollars at stake for PIIP alone, it is critical that we take every step at our disposal to safeguard taxpayer dollars. To that end, I am pleased to have collaborated with Senators ENSIGN and PRYOR to modify the amendment Senator BOXER and I initially offered. I hope that the Senate will now approve our consensus language overwhelmingly.

One common feature of PIIP, which will work in conjunction with the Term Asset-Backed Loan Securities Loan Facility—TALF—that Treasury has established to get small business and consumer credit flowing once again, is that both programs match dollars put forth by private investors with money from TARP, the Federal Reserve, and Federal Deposit Insurance Corporation. One concern that has been raised by private observers and the Special Inspector General for TARP Neil Barofsky in his April 21 report to Congress is the potential for fraud. Indeed, Mr. Barofsky's assessment could not be clearer, as he wrote, “Many aspects of PIIP could make it inherently vulnerable to fraud, waste, and abuse.”

Unfortunately, the potential for fraud appears widespread. For example, as private funds with access to taxpayer dollars will be created to purchase and manage toxic assets under

PPIP, conflicts of interest between what is best for the fund manager and the taxpayer could easily arise. In cases in which a fund already owns or manages the same types of assets it is proposing to purchase on behalf of taxpayers, that could give it the incentive to overpay. The reason is that it could make more money if the price of the assets it already owned were bid up. At the same time, the taxpayer will have overpaid for assets and forfeited an investment fee to the fund managers.

To ensure that taxpayers are not bilked, the original Boxer-Snowe amendment had two objectives. First and foremost, it would require Treasury to work with Special Inspector General for TARP Barofsky to write stringent conflict of interest rules. Second, it would provide Mr. Barofsky's office an additional \$15 million to audit transactions under PPIP to ensure taxpayers do not get fleeced. As I mentioned, that Senator BOXER and I were able to work with Senators ENSIGN and PRYOR to strengthen the taxpayer protections contained in our initial amendment. The result is a consensus amendment that will ensure PPIP is subject to strict safeguards that will still allow it to get underway and begin to clear toxic assets from bank balance sheets, thereby, spurring the flow of credit.

Turning to specifics, our consensus amendment will require the Treasury Department to impose strict conflict of interest rules on managers of public-private investment funds to ensure that securities bought by the funds are purchased in arms-length transactions, that fiduciary duties to public and private investors in the fund are not violated, and that there is full disclosure of relevant facts and financial interests.

Second, each public-private investment fund would be required to disclose quarterly to the Secretary of the Treasury the value of the 10 largest positions of each fund manager.

Third, each manager of a public/private investment fund would be obliged to acknowledge a fiduciary duty to both the public and private investors in such a fund, as well as develop a robust ethics policy and methods to ensure compliance.

Fourth, our amendment would mandate that Special Inspector General Barofsky would have access to all books and records of a public-private investment fund, as well as each fund manager to retain all relevant books, documents, and records to facilitate investigations.

Last but not least, our amendment would add critical legislation proposed by Senators ENSIGN and PRYOR that would require the Secretary of the Treasury to work with Special Inspector General Barofsky to issue regulations governing the interaction of PPIP with the Term-Asset Backed Se-

curities Loan Facility to address concerns regarding the potential for excessive leverage that could result from interactions between the programs. The issue here, is that although both programs would match private funds with public dollars, the government's stake is generally several times higher. For example, in the case of PPIP alone, private funds may only have to put up \$7 for each \$100 invested. Given that it is always easier to play with other people's money than your own, I am pleased that this language has been added to the underlying Boxer-Snowe amendment.

I ask my colleagues to support this commonsense amendment that would safeguard taxpayer funds on both the front end by mandating critically necessary conflict of interest rules on PPIP and on the back end as well by providing Inspector General Barofsky with additional resources to investigate those who would seek to enrich themselves at taxpayer expense.

AMENDMENT NO. 1039, AS MODIFIED

Mr. DODD. Madam President, I am going to make a series of unanimous consent requests dealing with modifications.

On behalf of Senator REED of Rhode Island, I call up his amendment No. 1039 and ask that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. REED, proposes an amendment numbered 1039, as modified.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 126. REMOVAL OF REQUIREMENT TO LIQUIDATE WARRANTS UNDER THE TARP.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended by striking "shall liquidate warrants associated with such assistance at the current market price" and inserting ", at the market price, may liquidate warrants associated with such assistance".

AMENDMENTS NOS. 1020 AND 1021, AS MODIFIED

Mr. DODD. On behalf of Senator GRASSLEY, I ask unanimous consent that his amendments Nos. 1020 and 1021 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 1020

At the end of the bill, add the following:

TITLE V—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM SEC. 501. ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM.

Section 116 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226) is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(v) public accountability for the exercise of such authority, including with respect to actions taken by those entities participating in programs established under this Act."; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (F); and

(B) by striking subparagraphs (A) and (B) and inserting the following:

"(A) DEFINITION.—In this paragraph, the term 'governmental unit' has the meaning given under section 101(27) of title 11, United States Code, and does not include any insured depository institution as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 8113).

"(B) GAO PRESENCE.—The Secretary shall provide the Comptroller General with appropriate space and facilities in the Department of the Treasury as necessary to facilitate oversight of the TARP until the termination date established in section 5230 of this title.

"(C) ACCESS TO RECORDS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, and for purposes of reviewing the performance of the TARP, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, any entity established by the Secretary under this Act, any entity that is established by a Federal reserve bank and receives funding from the TARP, or any entity (other than a governmental unit) participating in a program established under the authority of this Act, and to the officers, employees, directors, independent public accountants, financial advisors and any and all other agents and representatives thereof, at such time as the Comptroller General may request.

"(ii) VERIFICATION.—The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by, among others, depositories, fiscal agents, and custodians.

"(iii) COPIES.—The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.

"(D) AGREEMENT BY ENTITIES.—Each contract, term sheet, or other agreement between the Secretary or the TARP (or any TARP vehicle, officer, director, employee, independent public accountant, financial advisor, or other TARP agent or representative) and an entity (other than a governmental unit) participating in a program established under this Act shall provide for access by the Comptroller General in accordance with this section.

"(E) RESTRICTION ON PUBLIC DISCLOSURE.—

"(i) IN GENERAL.—The Comptroller General may not publicly disclose proprietary or trade secret information obtained under this section.

"(ii) EXCEPTION FOR CONGRESSIONAL COMMITTEES.—This subparagraph does not limit disclosures to congressional committees or members thereof having jurisdiction over a private or public entity referred to under subparagraph (C).

"(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or amend the prohibitions against the disclosure of trade secrets or other information

prohibited by section 1905 of title 18, United States Code, section 714(c) of title 31, United States Code, or other applicable provisions of law.”.

AMENDMENT NO. 1021

At the appropriate place insert the following:

**TITLE —COMPTROLLER GENERAL
ADDITIONAL AUDIT AUTHORITIES**

SEC. —. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.

(a) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended—

(1) in subsection (a), by striking “Federal Reserve Board,” and inserting “Board of Governors of the Federal Reserve System (in this section referred to as the ‘Board’),”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Federal Reserve Board,” and inserting “Board”; and

(B) in paragraph (4), by striking “of Governors”.

(b) CONFIDENTIAL INFORMATION.—Section 714(c) of title 31, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) Except as provided under paragraph (4), an officer or employee of the Government Accountability Office may not disclose to any person outside the Government Accountability Office information obtained in audits or examinations conducted under subsection (e) and maintained as confidential by the Board or the Federal reserve banks.

“(4) This subsection shall not—

“(A) authorize an officer or employee of an agency to withhold information from any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee; or

“(B) limit any disclosure by the Government Accountability Office to any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee.”.

(c) ACCESS TO RECORDS.—Section 714(d) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting “The Comptroller General shall have access to the officers, employees, contractors, and other agents and representatives of an agency and any entity established by an agency at any reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.” after the first sentence;

(2) in paragraph (2), by inserting “, copies of any record,” after “records”; and

(3) by adding at the end the following:

“(3)(A) For purposes of conducting audits and examinations under subsection (e), the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things or property belonging to or in use by—

“(i) any entity established by any action taken by the Board described under subsection (e);

“(ii) any entity receiving assistance from any action taken by the Board described under subsection (e), to the extent that the access and request relates to that assistance; and

“(iii) the officers, directors, employees, independent public accountants, financial advisors and any and all representatives of any entity described under clause (i) or (ii)

to the extent that the access and request relates to that assistance;

“(B) The Comptroller General shall have access as provided under subparagraph (A) at such time as the Comptroller General may request.

“(C) Each contract, term sheet, or other agreement between the Board or any Federal reserve bank (or any entity established by the Board or any Federal reserve bank) and an entity receiving assistance from any action taken by the Board described under subsection (e) shall provide for access by the Comptroller General in accordance with this paragraph.”.

(d) AUDITS OF CERTAIN ACTIONS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended by adding at the end the following:

“(e) Notwithstanding subsection (b), the Comptroller General may conduct audits, including onsite examinations when the Comptroller General determines such audits and examinations are appropriate, of any action taken by the Board under—

“(1) the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343) with respect to a single and specific partnership or corporation.

AMENDMENT NO. 1035 TO AMENDMENT NO. 1018

Mr. DODD. On behalf of Senator BOXER, I call up amendment No. 1035.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mrs. BOXER, proposes an amendment numbered 1035 to amendment No. 1018.

Mr. DODD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require notice to consumers when a mortgage loan has been sold, transferred, or assigned to a third party)

At the appropriate place, insert the following:

SEC. —. NOTIFICATION OF SALE OR TRANSFER OF MORTGAGE LOANS.

(a) IN GENERAL.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following:

“(g) NOTICE OF NEW CREDITOR.—

“(1) IN GENERAL.—In addition to other disclosures required by this title, not later than 30 days after the date on which a mortgage loan is sold or otherwise transferred or assigned to a third party, the creditor that is the new owner or assignee of the debt shall notify the borrower in writing of such transfer, including—

“(A) the identity, address, telephone number of the new creditor;

“(B) the date of transfer;

“(C) how to reach an agent or party having authority to act on behalf of the new creditor;

“(D) the location of the place where transfer of ownership of the debt is recorded; and

“(E) any other relevant information regarding the new creditor.

“(2) DEFINITION.—As used in this subsection, the term ‘mortgage loan’ means any consumer credit transaction that is secured by the principal dwelling of a consumer.”.

(b) PRIVATE RIGHT OF ACTION.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended by inserting “subsection (f) or (g) of section 131,” after “section 125,”.

AMENDMENT NO. 1031, AS MODIFIED, TO AMENDMENT NO. 1018

Mr. DODD. On behalf of Senator SCHUMER, I call up amendment No. 1031 and ask unanimous consent that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. SCHUMER, proposes an amendment numbered 1031, as modified, to amendment No. 1018.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To establish a multifamily mortgage resolution program)

At the end of title I of the amendment, add the following:

SEC. 105. MULTIFAMILY MORTGAGE RESOLUTION PROGRAM.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

“SEC. 137. MULTIFAMILY MORTGAGE RESOLUTION PROGRAM.

“(a) ESTABLISHMENT.—The Secretary of the Treasury, in consultation with the Secretary of Housing and Urban Development, shall develop a program to stabilize multifamily properties which are delinquent, at risk of default or disinvestment, or in foreclosure. The Secretary may use any existing authority to carry out the program.

“(b) FOCUS OF PROGRAM.—The program developed under this section shall be used to ensure the protection of current and future tenants of at risk multifamily properties by—

“(1) creating sustainable financing of such properties that is based on—

“(A) the current rental income generated by such properties; and

“(B) the preservation of adequate operating reserves;

“(2) maintaining the level of Federal, State, and city subsidies in effect as of the date of enactment of this section; and

“(3) facilitating the transfer, when necessary, of such properties to new owners, provided that the Secretary of the Treasury determines such new owner to be responsible.

“(c) COORDINATION.—The Secretary of the Treasury shall in carrying out the program developed under this section coordinate with the Secretary of Housing and Urban Development, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Agency, and any other Federal Government agency that the Secretary considers appropriate.

“(d) DEFINITION.—For purposes of this section, the term ‘multifamily properties’ means a residential structure that consists of 5 or more dwelling units.”.

AMENDMENT NO. 1036, AS MODIFIED

Mr. DODD. On behalf of Senator KERRY, I ask unanimous consent that his amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of the amendment, add the following:

TITLE V—PROTECTING TENANTS AT FORECLOSURE ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “Protecting Tenants at Foreclosure Act of 2009”.

SEC. 502. EFFECT OF FORECLOSURE ON PRE-EXISTING TENANCY.

(a) IN GENERAL.—In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1),

except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

(1) the mortgagor under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; or

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

(c) DEFINITION.—For purposes of this section, the term “federally-related mortgage loan” has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

SEC. 503. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting before the semicolon in subparagraph (C) the following: “and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the initial term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner—

“(i) will occupy the unit as a primary residence; and

“(ii) has provided the tenant a notice to vacate at least 90 days before the effective date of such notice.”; and

(2) by inserting at the end of subparagraph (F) the following: “In the case of any foreclosure on any federally-related mortgage loan (as that term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) or on any residential real property in which a recipient of assist-

ance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants.”.

SEC. 504. SUNSET.

This title, and any amendments made by this title are repealed, and the requirements under this title shall terminate, on December 31, 2012.

Mr. DODD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1021

Mr. GRASSLEY. Madam President, I rise to speak on an amendment I have offered, 1021. It will have Democratic and Republican cosponsors. This substitute amendment gives the Government Accountability Office authority to audit the Federal Reserve.

However, this version limits the Government Accountability Office's new authority to matters involving the Federal Reserve's participation in the TARP or its emergency action under section 13(3) authority.

This is a much narrower version of the original amendment. It is intended to address the Federal Reserve's concern that its core monetary policy functions remain independent of the Government Accountability Office scrutiny.

For over 90 years, the Fed has conducted monetary policy through a combination of open-market operations and changes in banking reserve requirements. On rare occasions, the Fed has invoked its authority under section 13(3) to take extraordinary action to address what they would decide was a very short-term crisis. While these actions are intended to be temporary, they can have a lasting impact on specific institutions and on the long-term credibility of the Fed.

The Fed has created a number of facilities that are making nonrecourse loans or buying and selling assets through a subsidiary of the Fed. These transactions involve undisclosed counterparties. Without adequate oversight, no one will ever know the terms or conditions of these transactions: Who received what from the Fed and what did the Fed receive in return? How much did each of those entities profit and how much did the taxpayers lose?

This amendment is simply about accountability, not monetary policy, because I do not want to interfere in Fed monetary policy. But I do think that when we are helping out businesses, the way we are, sometimes through appropriations from Congress, sometimes through facilities and powers of the Fed, we are talking about taxpayers' money.

If you think the Fed does not have anything to do with taxpayers' money, remember that last year they returned, I think it was, \$38 billion to the Federal Treasury—I know it was in the mid-30s that it returned to the Federal Treasury in year-end operations.

They are not going to be able to do that this year, but that \$38 billion goes into the general fund to be used, like money being fungible. It is not seen by the taxpayers any differently from the income tax or the payroll taxes that are paid. There is an interest in protecting the taxpayers' money. It is not an interest in doing anything with the independence of the Fed, it is just a matter of knowing who is getting helped, what is being helped, are they profiting, how much are they profiting, and the extent to which the taxpayers are being protected, the instruments the Fed takes in as collateral. These are things that it is good to know. We need to know. We need to know them. Why? Because there are a lot of facilities, institutions, companies being helped that would be belly up—well, I guess you would say they are belly up or they would not need the help—but belly up and they exist because of either Congress appropriating money or because of the Fed intervening.

All good reasons maybe but they operate. So, in my judgment, the public's business ought to be public. Oh, there are some exceptions, such as intelligence information, national security, some privacy. But everything else ought to be public. That is what this amendment is all about. It is all about making sure money is handled responsibly.

The Fed is only supposed to lend money against good collateral. Their authority to conduct monetary policy must not be allowed to degenerate into a taxpayer-funded bailout for those who engage in reckless lending.

I hope people who are going to be voting on this amendment tomorrow will consider what we are trying to do. We are trying to do everything this President said in his campaign—the President has not spoken on this issue, but I am speaking in a general way about what the President said in his campaign—that he wanted more transparency in Government, he wanted more accountability in Government.

For the most part, the President, through various things, maybe not completed yet, has tried to deliver on that promise—putting TARP expenditures on the Internet, for instance, so

anybody in the United States can know, maybe not today but eventually, where every penny went—because it is the taxpayers' money. This Government belongs to the American people. What this Government does that affects the pocketbooks of Americans ought to be made public.

This amendment is not something to try to destroy anything. It is not something trying to get involved in that which affects the monetary policy of the Fed. We are just trying to get information out and make sure people are accountable. We have to have this information to know that. It doesn't hurt one iota to make sure the public has access to this information. I hope Members will support amendment No. 1021 tomorrow.

There is another amendment which, it is my understanding, the managers will accept. But 1021 we will have to have a vote on. I have given my reasons. I may take a minute in the morning to expand on that and remind Senators, but I hope we can move forward and get this agreed to.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Connecticut.

Mr. DODD. Mr. President, I commend my friend from Iowa. He has been a consistent advocate over the years for transparency and accountability. I am pleased to work with him on these amendments. I am fairly confident the committee will accept these amendments as part of the underlying bill. It strengthens what we are trying to achieve. I regret we couldn't arrange to do that this evening while the Senator was here, but there are other powers that my colleague and I are well aware of that need to make sure they pour over everything before we go forward. I thank him for his counsel and his advice and this recommendation.

Mr. GRASSLEY. I thank the Senator.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

CREDIT CARD INDUSTRY

Mr. SANDERS. Mr. President, I wanted to take a couple minutes to talk about an issue that will be on the Senate floor next week, and that is the outrageous way that the credit card industry is treating millions and millions of Americans. Last week, 2 weeks ago, I sent an e-mail out to my mailing list, which is about 135,000 people, and I said: Tell me how credit card companies are treating you. Within a few days, we had 1,000 responses, many from Vermont but, in fact, from all over the country.

Essentially, what people were saying, as they described the treatment they are receiving at the hands of these credit card companies: We are disgusted that at the same time we as taxpayers are bailing out Wall Street

and these large financial institutions, at the same exact time as the big banks are receiving zero interest loans from the Fed, the response of the credit card companies and the banks is to double or triple the interest rates we are paying on our credit cards.

The stories that came in were heart-breaking, appalling, and they spoke to the greed and the callousness of many of these financial institutions. We put a couple dozen of these responses into a little booklet called "Enough is Enough, How Credit Card Companies Are Abusing Americans, Letters from Vermont and the Nation." They are available on my Web site at sanders.senate.gov.

What I want to do for the moment is read some of the comments we received from Vermont and around the country and also invite any viewer who has a problem to correspond with us and we will read them right here in the Senate. I think it is time that some of my colleagues in the Senate understood what is going on in the real world.

Yes, I do understand that the financial interests have put \$5 billion into lobbying and campaign contributions over the last 10 years. And, yes, I do understand that despite the fact that they have pushed this country, through their greed and recklessness, into a recession, they still have enormous power on Capitol Hill. But maybe it is time that we started listening to the American people rather than the lobbyists from the large banks.

I will read a few of the comments, excerpts from some of the responses we received from all over the country. This is from Donna from New Jersey:

I want to know why consumers are not protected in any way from these predatory lenders who were bailed out with my taxpayer dollars and then turn around and raise my interest rate from 7 percent to 27 percent because of "difficult economic times" for the credit industry. This is outrageous! I have not missed a payment and my credit rating is in the high 800's. How can they keep getting away with this?

Well, that is a good question. How can they keep getting away with this? And they continue to get away with it.

This is from James in Highgate Center, VT:

I once had Bank of America charge me 27.99 percent interest when I had only a \$53 balance on one of their cards. I of course paid it in full, then closed out the card to avoid doing business with those crooks!

The next one is from Los Angeles, CA, from Jennifer:

I have personally had three separate credit cards raise the APR to 29.99 percent—when I have paid my bills on time (Citicard, Chase and [Bank of America]). Then just last billing cycle, another card I am in perfect standing with doubled my APR—no apparent reason (Chase).

Well, I think Jennifer raises a good question. What are we doing about it? How can companies get away with doubling or tripling the interest rates on

people who have always paid their bills on time?

This is from Sheila in Wilder, VT:

I am tired of being the one who has to pay! The executives of these credit card companies mess up and the little people pay. The government messes up and the little people pay. Now my oldest child is going off to college and I can't even get financial help except for loans. Yes, more interest! So now I have to pay more interest on my credit cards. When will I get help?

Well, Sheila, I guess you will have to contribute a whole lot of money into the political system because apparently Congress is not listening to you.

Susan and John in Sea Cliff, NY:

Capital, Chase, and Bank of America all doubled and tripled their rates despite a life-long perfect payment record, with no excuse (we phoned them) except that they could. This is nothing but breach of promise and a flat-out theft. A good reason for severe, retroactive rollbacks or simple seizure of banks. . . .

Theft? Not bad.

Anne from Brattleboro, VT:

I live in a small town in Vermont. I feel that the credit card companies need to have a ceiling on interest rates and fees they are stealing from us. We pay for the bail out and we pay the interest increases. They must think we are stupid.

And on and on it goes. This is just a couple of dozen. We received 1,000. There are millions of people out there who are sick and tired of being ripped off.

What is the solution? I think the House has made some progress. I guess the Senate committee is making some progress. Ultimately, what we have to do is call a spade a spade and say that when you are charging people 25, 30 percent in interest rates, that is usury. That is outrageous. It should be illegal in America.

As many people know, for a number of years individual States had usury rates. They said loans could not be made out above whatever the rate may be, depending on the State. Then what happened in 1978, the Supreme Court made a decision in the Marquette case which basically said if a credit card company did business in a State without any usury rates, other States could not stop them from charging any interest rates whatsoever. That is, in fact, what has happened.

I have introduced legislation and will bring up an amendment when we debate the credit card issue. I hope we can get some support in the Senate to pass a national usury law. The rate we have decided upon is 15 percent, with some exceptions. The reason we chose that as the ceiling is that is exactly what credit unions have been existing under for 30 years. A lot of people don't know that. But a credit union cannot charge 25, 30 percent interest rates. It is illegal for them to do that by law. So I think if we have a regulatory ethic with credit unions that has been working quite well for the last 30 years—

credit unions are not marching into Washington for bailouts—I think we can apply it to the private sector as well.

What we are proposing is a cap on interest rates of 15 percent; under exceptional circumstances, which is currently the case for credit unions, another 3 percent. That would be it.

I think that is sensible legislation. Whether we can get much support here and take on the banking interests, I don't know. But I think it is what the American people want. I certainly hope we can pass legislation like that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that no further amendments be in order to S. 896, and that on Wednesday, May 6, following a period of morning business, the Senate resume consideration of S. 896, and proceed to vote in the order listed on the pending amendments, with no amendment in order to any amendment listed; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote, any succeeding votes be limited to 10 minutes each: Senator Reed of Rhode Island No. 1039, as modified; Boxer No. 1035; Casey No. 1033; Grassley No. 1020, as modified; Coburn second degree No. 1042; Reed of Rhode Island No. 1040, as amended, if amended; Kerry No. 1036, as modified; Schumer No. 1031, as modified; Grassley No. 1021, as modified; provided further, that upon disposition of the listed amendments, the substitute amendment, as amended, be agreed to and the motion to reconsider be laid upon the table; the bill be read a third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. DODD. Mr. President, I have a series of unanimous consent requests to make.

I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN AID REFORM

Mr. LEAHY. Mr. President, as the administration considers ways to reform

our foreign aid programs, I want to call attention to a recent Op Ed piece by a Vermont friend who has over 30 years of experience dealing with these issues.

Dr. George Burrill founded Associates in Rural Development—ARD—in Burlington in 1977 and since then he has brought Vermont common sense and values to international aid and development work. Since its founding, it has implemented some 600 projects around the world including extensive work with the U.S. Agency for International Development. Today ARD, a for-profit international development firm, has \$100 million in annual revenue operating out of 43 field offices around the world.

Throughout his career, Dr. Burrill has thought long and hard about ways to make foreign aid more effective. In his recent piece in the Burlington Free Press, a copy of which I will ask to be printed in the RECORD, Dr. Burrill calls for a “modernization” of our thinking about foreign aid; the creation of a global development strategy to give U.S. foreign aid agencies a way to effectively evaluate past actions and determine what reform is needed; and tools for evaluating progress. Beyond that, he proposes developing a “coherent strategy that will foster economic opportunity” in the developing world, enacting legislation that “elevates development as a foreign policy pillar equal with diplomacy and military defense,” and creating an independent executive agency bringing together the relevant Federal agencies and departments into a single group “giving the executive branch the authority it needs to develop solutions to 21st century problems while providing accountability to Congress.”

Foreign aid reform means many things to different people, but there is one thing we all agree on—it is overdue. Dr. Burrill's voice is one that should be listened to, and I commend him for speaking out.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Apr. 30, 2009]

MY TURN: INVESTING IN SMART POWER IS FOREIGN AID WELL SPENT

(By George Burrill)

During his campaign, Barack Obama called for salvaging America's international reputation. Rebuilding international respect and trust, he correctly maintained, is vital to our future security and economic well-being. The president's new budget proposal indicates that he intends to follow through with this promise. Americans should be encouraged and relieved that the budget supports an increased emphasis on nonmilitary responses to our security and foreign policy interests.

A major component of nonmilitary response is our foreign assistance and development programs. They are critical in the

struggle against global poverty, open markets for our products, spread our basic values, and help address global environmental and economic problems. In the 21st century, America needs smart power, as robust a diplomatic and international development capability as it has military strength. Now is the time to modernize our thinking about how to relate to the developing world.

There are several steps the Obama administration must take in order to achieve the promise of a bold makeover. These steps are consistent with the effort to make government more efficient and to ensure that the American public is getting more services and impact for the dollar. And they won't cost anything.

First, along with the redesign of our national security and foreign policy, which the president has already vigorously embarked upon, government needs to simultaneously create a global development strategy. We need a coherent strategy that will foster increases in economic opportunity for the bottom billion of Earth's residents and help eliminate the conditions that foster conflict in the developing world. When the United States leads on international development and relief issues, it enhances our international standing and strengthens our relationships with allies. It creates improved possibilities for America's global agenda.

Second, the White House needs to work with Congress and representatives of the broader development community in crafting new legislation that elevates development as a foreign policy pillar, equal with diplomacy and military defense. We currently have an outdated, inadequate set of legislation; international foreign assistance efforts that are spread across at least 20 different agencies (which has created competing fiefdoms and inefficiency). No single person or authority is clearly in charge that the president and Congress can hold accountable. New legislation would provide the congressional mandate for streamlined organizational structures and coherent policies, and give the executive branch the clear authority it needs to develop solutions to 21st-century challenges while providing accountability to Congress.

Third, a modernized set of foreign assistance policies and operations must be placed in a single, streamlined, consolidated and empowered U.S. development agency. The ideal option for streamlining and eliminating the current, inefficient, multi-agency situation would be to create a new Cabinet-level department for global development, as is the case in England. Or the White House could work with the Congress and create a new subcabinet, independent executive agency. Either option should merge all international development and humanitarian programs into a single entity. Agencies such as the U.S. Agency for International Development, the Millennium Challenge Corp., the President's Emergency Plan for AIDS Relief and all the international development programs of various agencies including those in the Department of Defense should be merged.

As a candidate, Obama indicated his support for these actions, but there have been no recent public comments by the administration about any planned reorganization. Efficiency calls for it.

America cannot afford an uncoordinated, confused or second-best approach to our relations with the developing world. Our foreign assistance programs have immense importance in addressing global poverty, eliminating the environments that help create terrorists and fostering the advancement of

a sound global economy. The Obama administration and Congress must not miss this opportunity to modernize our foreign assistance infrastructure. Getting the most out of the new budget demands it.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

First I want to thank you for your e-mail up-dates. I am very concerned about this so called "energy crisis". I find it very interesting that as soon as the subprime crisis hit, the banks, fund managers, and speculators found another way to [profit from] the American people. Anyone who reads widely can see what is happening here. [Those who] stole our money, ran up the cost of housing and property, and overcharged homebuyers are not going to be held responsible. Yes, the good old taxpayers paid the price of the high cost of housing and now we are taking it again as we see the overinflated housing market take a dive. The banks and mortgage companies lent money to the vulnerable that never should have been able to buy such high-priced property. Then they covered [the risky practice] by bundling their risk and selling it to all of us as "good investments." But no matter, now the good old simple-minded taxpayers can pick up the tab—cannot let those poor old bankers, land speculators, loan companies, realtors, and land developers take a financial hit. Personally, I think they should all be rounded up, their money and land taken from them, and sent directly to jail for the rest of their lives!

Now, how is all of this changing my life? My home value has gone down, my investments are in the tank, the cost of food is off the chart, the cost of gas is so high that I only go to town once a week, and the vacation plan is gone. I once drove to Nampa, Caldwell, or Boise to go shopping occasionally, and now that is out of the question. We live near Ontario, Oregon, and it only has a Wal-Mart and Kmart store. If I want a nice pair of shoes, a dress, or a nice set of towels, I have to go to Boise, but cannot afford that now. I would buy online, but you never see a sale and the cost of shipping has gone out of

sight. Besides, when the item does not fit or is not what you want, the cost of return shipping is too high. Then you keep what you do not want and try not to have a fit.

My only extravagance now is my Wall Street Journal, so that I can keep up on what [what is happening] in business and government. I see that the energy package faltered when the House failed to pass the law that would allow the FTC to investigate and punish motor fuels price gougers. Lawmakers also postponed a measure that would crack down on excessive speculation in energy futures trading markets. Our Congress working for the best interest of the American people again! The House passed the Medicare bill that would prevent cuts in Medicare payment to physicians. However, members of the Senate failed to invoke cloture and did not vote on the issue. The senior citizens can just find doctors that will take Medicare or do without. I was not surprised when the House failed to act on two major domestic spending bills. [It is unfortunate that partisan politics drive the agenda in Congress, rather than the needs of the American people.]

I could go on, but I really have spent too much time on venting my opinion which I know, of course, will have no meaning. I encourage you to keep trying to do what is right for the American people as a whole. I know that the answers are not easy, but you must keep trying or we will ultimately lose our democracy. Thank you for all of your efforts.

LYNDA, Fruitland.

We had to cancel our trip to Ohio to see my parents whom I have not seen in six years. We also are now driving sixty miles an hour to save on gas. We need to lift all restrictions on drilling and refineries and start drilling ASAP and building more refineries. Also start building nuclear power plants. [Stop delaying over partisan arguments and] start doing something good for Americans.

RANDY.

My family just celebrated my son's graduation from high school. Because of the high gas prices, his aunt in Seattle, Washington, and uncle in Denver, Colorado, could not attend with their families. My oldest daughter has a family in Wyoming that I cannot see but only once this year because of the gas prices. Last year I was able to see my grandchildren only twice. There are a couple of things we are still planning to do but because of the gas we will not be contributing as much to our local services like Salvation Army or even our Church. Instead we have to take care of our family first. It affects us financially as we will not be able to save as much for our retirement which is hopefully in another 12-15 years. At this rate, we will have nothing to live on because of the cost of living has taken a hold of our paychecks and the jobs are not increasing in revenue at the same rate. We are not poor nor are we extremely wealthy. We are your working class people.

By allowing another country to put a stranglehold on us in such a manner, you will see a rise in unemployment, more foreclosures, small business closures, children in foster care, divorce, crime and suicide. If our government cared about our way of life, it would take care of us first and not allow another country dictate what we have on our dinner table at night or when we can see our family members again. Congress not allowing for the drilling and refineries to be built is affecting us as a nation. I am ashamed of

the direction our Congress is taking us. I believe our forefathers would be too, if they could see what is taking place. Have we not learned anything?

There is only two solutions for this. Sometimes you have to grab the bull by the horns and hold on but the rewards are there. Do not allow another country to have control of our lives. As Americans, we are tired of it.

CAROL SUE.

You are right when you say on your website that we have no other choice but to keep driving and pay the high prices of oil. We live in the country, and we realize that is our choice. Carpooling and public transportation are very limited. We figure it is costing us \$35-\$60 per day just to get to work. And our vehicles get 27-35 mpg! We drive an economy car and a motorcycle, but we also have a family and sometimes have to drive a larger vehicle. We have looked into carpooling, which we are doing and saving about \$20 per day, and we are also looking into growing our canola to burn as fuel. We have also stayed home as much as we can, which on a larger scale is hurting the economy (everyone stays home, no one goes out and spends money).

It is hard when you have to work two hours per day just to pay for the gas to get there. We firmly believe that we should drill our own oil in America and not give our money to other countries. I would rather pay high prices to American workers than to terrorists who want to harm us physically and fiscally.

Still grateful to live in the greatest place on Earth,

JEREMY and KRISTINA.

You asked for our story how gas prices affect us. All I can say is the only people I know who pay \$200 a month are the ones that live in town. As you said, this is a rural state and we do not have any options. I live 18 miles north of Sandpoint; for my car alone we pay over \$200 a month. My husband is a heavy equipment operator. He works all over north Idaho and into Washington around the Spokane area. We pay \$900 a month for his vehicle in gas. We have talked about how he might have to take a lower-paying job in Sandpoint if the gas prices continue to go up. It is becoming very difficult to make ends meet when you are spending \$1,100 a month on just gas. The most frustrating part is when you read in the news that it is speculators driving the price up. There is no shortage—just greedy men, bankrupting this nation.

So my question is why do you want our stories? What do you see needs to be done? From where I sit, I do not see any politicians doing much about it. We just wonder when or if it is going to stop.

DANIELLE, Sandpoint.

Thank you for your invite to share my story on how energy prices are affecting me, my family and life. However, I am not going trouble you with my woes. With all due respect, stories mean little; action means everything and it is high time that Congress addressed the problem seriously and in place of rhetoric.

You are correct—we do need to consider alternate energy. The trouble is we need to start doing something about it instead of talking about doing so. In Idaho, we do two things well—we produce abundant sunshine and wind! Take a listen to a maverick oil man and his five-minute plan; he makes a ton of sense and it is worth your time. One

cannot say that T. Boone Pickens is a fool. Being a pilot, I have flown the man; I know for a fact. Video: T. Boone Pickens 5 Minute Plan, <http://link.brightcove.com/services/link/bcpid1641244028/bclid1641831933/bctid1653634930>.

However, as well you know, alternate energy is not going to happen overnight, and it will take years to transition from where we are today to where we need to go tomorrow especially if we continue jawboning about it. Until then, until we actually start a real transitional journey, we are going to continue to be dependent upon oil, which is in and of itself not a problem since there is an abundance of oil within the confines of our very own borders that dwarfs that which is in the Middle East. It is high time we stopped worrying about the caribou and goodness knows what else. These are times for action and not words. And again, we need Congress to face facts and stop blocking vital resources of oil.

The Arctic National Wildlife Refuge and the oil shale of Colorado, Utah and Wyoming are reported to dwarf the oil reserves of the Middle East and, if you throw in the Athabasca oil sands north of Ft. McMurray in Alberta that the Canadians are exploiting (they say one third of the world's known oil reserves reside there) then in essence if it were not for the [arrangements] that we have with Saudi Arabia we could in essence tell the Arabs to go pound sand and be free of anyone's oil but our own. Or, at the very least the supposed energy crisis would be just what it is in reality, a NON-crisis with artificially high prices that are crippling our economy.

Please, if you truly care about Idaho, Idahoans and indeed, the rest of the country, and, I believe you are one of the few in [Congress] that do, then take a listen to T. Boone Pickens, do some research into the oil shale in our neighboring states, research the minuscule coastal area that would be affected by drilling in the ANWR and convince the rest of Congress to [move ahead with realistic and lasting solutions.]

Thanks for giving me the opportunity to give my 2 cents worth or, in my case, more like a quarters worth.

MARCUS, *Bellevue*.

We installed propane heating in our home when it was the energy-saving thing to do! The cost of propane then was under 30 cents a gallon. We knew it would not stay that low, but in the last five years we have seen the cost go up to over \$2 a gallon. This past year, our heating cost went over \$2,000 for a heating season. With the high energy prices, we get to choose, wrap up in blankets to keep warm so we can buy gas to go to the store and buy a loaf of bread and gallon of milk or buy heating fuel to stay warm and not eat. Some choice!

UNSIGN.

My story may be coming from a different angle; you see, I am nearly 62, working for Boeing trying to get enough money to retire and move back to Idaho. My investments have lost \$130,000 in the last six months. My portfolio is fairly conservative or I would have lost much more. I am not wealthy by any means, so that much of a loss will set me back several years in my retirement plans.

All the while I am looking at Congress to come up with an energy policy that makes sense so our economy can flourish. At this point I am so tired of hearing that we cannot drill in ANWR or offshore that I have consid-

ered retiring early just to spend my senior years trying to [make a difference on how the Congress represents the people]. With [the] current approval rating of 9%, [Congress should recognize that the public does not approve of its work.] If my approval rating was less than 75% I would be fired on the spot. Think about it—would you fly on a Boeing airplane that worked 75% of the time?

RULON.

The astonishing increases in fuel prices this year are hitting everyone on a national basis very hard indeed. We are a nation that runs on fuel. Everything we buy, be it a necessity such as food or the very fuel we use in our vehicles is shipped in, and the vehicles that ship those goods to us run on diesel, and guess what fuel is priced the highest.

Why this is I have no idea, but I do know that, at the rate that the cost of diesel is increasing, it will not be long until buying food will be something akin to if not worse than the Great Depression of the 1930s. Already I have been hearing of farms all over the USA that cannot afford the fuel it takes to harvest their crops. As a result, the crops are left to rot in the fields.

My own family is rapidly approaching the point of deciding between food, the mortgage, and fuel to get to work. Personally, I drive a diesel pick-up and, in July of last year, 28 gallons (1 tankful) of diesel would cost me \$65-\$70. Now it costs me close to \$140 for the same amount of diesel, despite my diesel pick-up getting amazing economy. I am still getting hit hard by these prices, which have more than doubled in one year.

One thing in particular that I cannot figure out is why the Western states are paying much higher fuel prices than other states. Where I am coming from on this is a interesting innovation on fuel price tracking called the "Gas Temperature Map" http://gasbuddy.com/gb_gastemperaturemap.aspx. See for yourself, Western States are paying significantly higher prices than many southern & eastern states are. Why, I have no idea nor do I have the time and resources to research it effectively, but I am sure a lot of other Idahoans would also be interested in why this is the case.

There is much more I could say on this, but I realize you are a busy man, so I will save it for another time. It is my sincere hope that yourself and other Representatives like you can find a way to somehow turn this nightmare around.

DAN.

Thank you for the opportunity to tell you how the high cost of fuel is affecting me. I live on the west side of Idaho Falls. I work on the east side of the city. I realize that people in bigger cities have much bigger commutes, but we have no real public transit so I have to drive. I own a Honda Civic, but am considering a scooter. Because of the winters in Idaho, that is not a practical option. With the price of fuel, food and health insurance going up every day, all I can afford to do is drive to work and back. I have had to cut out movies, trips, and dining out. I received a letter from Delta airlines that was titled "An Open Letter To All Airline Customers." I hope you have seen it and are in a position to do something to stop unnecessary price gouging. Nuclear fuel is very clean and safer than most other forms of fuel, why are we not looking into that more closely? Thank you again for this opportunity.

KAREN.

The energy issue in the state of Idaho is out of hand, and one that families cannot af-

ford. The state government should be offering land for development of wind energy, and renewable resources. Just make them paint the towers with camo about halfway up. There should be far more incentives for home owners to add solar power to their homes, and incentives for companies that do that kind of work to come into Idaho. Allowing logging companies to go into our forests and do selective harvest makes a win-win situation for everyone man and animal. A lot of the social services done in this area do not require a car and should be revoked from those who abuse the use of city, county, and state cars. That ticks me off more than the price of fuel.

LYLE and FAMILY, *Idaho Falls*.

Tax credits for clean energy are absolutely essential to our energy future and to our economy. Society suffers from the lack of alternatives while oil companies reap large profits. In spite of all the tax benefits that oil companies receive, they show a reluctance to make investments in a timely fashion and realize large profits, which they return to investors and management.

MARY.

I am a 68-year-old taxpaying American citizen, and military veteran. I live in Coeur d'Alene and work in Spokane, Washington. It is getting increasingly more difficult to afford the gas to drive to and from work. Carpooling or the use of public transportation is out of the question as I work in the construction industry on various jobs throughout the Spokane area.

The time has come to start drilling for oil in Alaska, Colorado, Wyoming, and offshore. From what has been in the news and from what we read in various publications, all from very intelligent engineers and scientists, we know the oil is there. We have shale deposits in several states that we could be using. We need to work harder on wind and nuclear power. The states want to drill, and we need to lift the federal bans.

We should either sell or give the abandoned military bases to companies willing to build refineries on them. The time has come to quit asking—it is time to demand that this be done. We have the resources, let us use them. The United States of America should not have to go begging to other countries for oil when we have it within our own shores.

We, the people, should not be suffering these exorbitant prices due to the incompetence in all areas of our government, and speculators in the stock market.

WAYNE, *Coeur d'Alene*.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

SPECIAL OTIS BOWEN LECTURES

• Mr. KENNEDY. Mr. President, I ask unanimous consent that remarks by Ralph Neas be printed in the RECORD.

The being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF RALPH G. NEAS, CEO OF THE NATIONAL COALITION ON HEALTH CARE, THE SPECIAL OTIS BOWEN LECTURE, UNIVERSITY OF NOTRE DAME, MARCH 26, 2009

Thank you. It is truly an honor and a privilege to be here with you today as a participant in the Otis Bowen lecture series.

I want to express my appreciation to Dr. Mark Walsh for inviting me, and commend

all the conveners and hosts of this gathering. I congratulate Indiana University and the University of Notre Dame for the collaboration that brought IU's medical school to the Notre Dame campus.

I want to especially thank Otis "Doc" Bowen, the 44th Governor of Indiana, and the Secretary of Health and Human Services during the Reagan Administration. His leadership, commitment to the public interest, and his contributions to Indiana and the Nation are exemplary and should serve as a model for us all to emulate.

Dr. Bowen, both Dr. Henry Simmons, the visionary founder and president of the National Coalition on Health Care (NCHC), and former Governor Robert Ray of Iowa, the Co-Chair of NCHC, send their warm regards. Dr. Simmons was one of President Richard Nixon's top health care advisors in the early 1970s and worked on the Grace Commission which in the 1980s found that one-third of all income taxes were consumed by waste and inefficiency. He has devoted his professional life to improving health care for all Americans. And Governor Ray worked with Dr. Simmons and you many times over the past several decades. I am so proud to be working with them.

Our timing is propitious. Indeed, the conveners of this event were prescient. We gather tonight at an extraordinary moment in history: The Nation is facing the worst economic crisis in more than seven decades and Americans urgently need a better health care system; our health care system is dysfunctional and represents an unsustainable drain on our economy as a whole. It is inefficient and inequitable; urgent action is required to systematically address what is an incredibly challenging and morally troubling policy problem affecting every American.

In short, the health care system in the United States is in desperate need of significant reform. However, we should emphasize at the beginning that we need an American solution. We can and should borrow from the best of what works elsewhere. But we should recognize our unique history and the special characteristics of the American people.

The good news is that the President and Congress are seriously considering health care reform. In fact, in just the past month we have seen a presidential address to a joint session of Congress, a presidential budget, and a presidential summit, all prominently featuring systemic, systematic health care reform. In addition, the Senate and House of Representatives have already commenced comprehensive hearings.

We must succeed. Too much is at stake: the health and well-being of millions of American families, and the future of the Nation's economic and fiscal health. Also at stake, I believe, is whether we can help restore the trust and confidence of the American people in their government.

So I cannot imagine a better time for us to be having this conversation. And I couldn't be happier that it is happening here. The University of Notre Dame, and people connected to Notre Dame, have been central to my life in more ways than I can count.

I was a student here during the 1960s. As a young person I had watched on television as Bull Connor turned dogs and fire hoses on civil rights marchers. I had watched Martin Luther King champion human dignity in the face of bigotry and violence.

Early on, I wondered whether I had a vocation to the priesthood, but I found in Dr. King and the Kennedys an inspiration to public service as a different kind of vocation. And that brought me to Notre Dame. Father

Ted Hesburgh became the first of many Notre Dame role models, teachers, and mentors who have sustained and guided me ever since.

The last time I spoke at Notre Dame was about 25 years ago, in 1983. I was just a short time into my tenure as executive director of the Leadership Conference on Civil Rights, and I was asked to address a conference for Catholic laity on work and faith in society sponsored by the U.S. Conference of Catholic Bishops. I believe, like the late Senator Phil Hart of Michigan, that politics can be a high vocation—that a politician can be a lay priest of society.

In preparing for that speech, I realized that I had learned about human dignity and equality before God from my church and my family long before I learned about the legal principle of equality under the law from my college and law school professors. Those principles have guided my life's work and are central to what I am here to talk about today.

Another principle that has guided my political life is bipartisanship. I had the extraordinary good fortune to work for two remarkable Republican senators early in my public service career—Edward W. Brooke of Massachusetts, and David Durenberger of Minnesota. They were politicians and public servants who were less interested in ideology and political positioning, and more interested in moving the Nation forward, in finding workable solutions to the Nation's problems. They weren't just willing to work across the partisan aisle; it was central to who they were.

These principles were at the core of my decision last month to accept the position as CEO of the National Coalition on Health Care. After I decided to step down as president of People For the American Way, I had spoken with many other health care coalitions and institutions. But I had a keen personal and professional interest in working to achieve health care reform in the most non-ideological and most non-partisan way possible. And I was impressed by what a great fit there was between the National Coalition and my skills, background, and approach to public policy.

The National Coalition on Health Care is the largest, broadest, most diverse coalition working to achieve comprehensive health care reform. It is an alliance of 79 organizations representing business, unions, health care providers, associations of religious congregations, minorities, people with disabilities, pension and health funds, insurers, and groups representing patients and consumers. Our member organizations represent more than 150 million Americans. They speak for a cross-section, and a majority, of our population.

Our board includes Frank Carlucci, who served several Republican and Democratic presidents in a range of intelligence, national security, and ambassadorial positions, and Israel Gaither, the National Commander of the Salvation Army. It includes John Sweeney, the president of the AFL-CIO, and William Novelli, the CEO of AARP. It includes John McArthur, dean emeritus of the Harvard Business School, Cheryl Heaton, President of the American Legacy Foundation, and John Seffrin, CEO of the National Cancer Society. These are organizations and leaders who individually play a major role in our society and in public policy making. Together they represent an extraordinary breadth of expertise and resources.

The Coalition is rigorously nonpartisan. Former Presidents George H. W. Bush and

Jimmy Carter are our honorary co-chairs. Former Iowa Governor Robert Ray, a Republican, and former Congressman Bob Edgar, a Democrat from Pennsylvania are its co-chairmen. We believe it is essential to make reform a bipartisan process and a bipartisan achievement.

I am especially proud of two of the pillars of the Coalition.

One of those pillars is religious organizations. The U.S. Conference of Catholic Bishops is a member of the National Coalition on Health Care because the Catholic tradition affirms that access to health care is a basic human right and a requirement of human dignity. The Catholic bishops are joined in that belief, and in our coalition, by the Salvation Army, the Religious Action Center of Reform Judaism, the Presbyterian and Episcopal Churches, the United Methodist General Board of Church and Society, and the National Council of Churches.

The backing and active participation of these religious communities gives us access to their networks of local religious leaders and lay people. We are well equipped to engage policymakers and the public on the moral poverty of leaving millions of Americans without access to quality affordable health care, and on the moral urgency of tackling that problem.

Another especially significant pillar of our coalition is the medical societies, which together represent hundreds of thousands of doctors. They include the American College of Cardiology, the American Academy of Pediatrics, the American College of Surgeons, the American Academy of Family Physicians, and the American College of Emergency Physicians. Also included are the American Dental Education Association, the Duke University Medical Center and Johns Hopkins Medicine. And just yesterday the Association of American Medical Colleges, along with the Council of Teaching Hospitals, joined our Coalition. This is a very serious brain trust of physicians, medical educators, and their advocates.

During the last major health care reform effort in 1993 and 1994, many of the medical societies opposed that effort. But they working with us now, I think, for several reasons. First, the need for reform has become increasingly obvious and urgent to everyone who cares about making sure that people have access to quality health care. Second, I believe that doctors have a better view than anyone of the current system's problems, inefficiencies, and distortions. I remember a time in the 1980s when a rallying cry from conservative pundits was "let Reagan be Reagan." Part of what we're trying to accomplish here is to "let doctors be doctors!" More than just about anything else, doctors want to practice medicine.

Also, this year, everyone has been invited to the table. My own experience tells me that is how lasting progress is made. In the early 1980s, I was selected to lead the Leadership Conference on Civil Rights, the Nation's oldest and largest civil rights coalition. Working with Republican and Democratic leaders, with business and labor and public interest advocates, we accomplished great things. The passage of the life- and culture-changing Americans with Disabilities Act. The strengthening of every major civil rights law with huge bipartisan congressional majorities, and often with the support of the business community.

That could only be accomplished by building active alliances across party lines, engaging business and nonprofit leaders, public officials and community activists. We had to

find ways to address each community's needs with a pragmatic and principled eye on the ultimate goal of advancing the common good.

The members and board of the National Coalition on Health Care understand that all the elements of our health care system are interdependent. So are the health care sector and the broader economy. That is why any solution must be systemic and system-wide if it is to be meaningful and effective.

And that's also why reform must be accomplished now.

Let me make a case for urgency by discussing the nature of our health care problem.

There is no question that our system produces and includes extraordinarily gifted medical professionals. I am alive today because 30 years ago I had access to some of the best medical care the world has to offer.

But millions of Americans do not have affordable access to that care. Indeed, nearly 50 million Americans do not have health insurance—a number that grows with every layoff, or with every employer who cuts health coverage to avoid cutting jobs. Every 2 years, some 90 million Americans go without health coverage. Another 20 million are underinsured.

What does that mean to individuals and families? It can be disastrous for their physical and financial health.

People without insurance—or without sufficient insurance—are less likely to get preventive care that will keep them healthy. They are less likely to go to a doctor when they become ill. Their serious illnesses are diagnosed when they are more advanced and harder to treat. They put off treatments they need but cannot afford.

And when they do face serious injury or illness, the cost of treatment can be devastating to their families.

There are a lot of numbers and statistics that we use to analyze and describe the current state of our health care system. One that really leaps out to me—that is especially heartbreaking—is that currently one-half of all personal bankruptcies, and one half of all foreclosures, are caused by an inability to pay medical expenses.

Think about what that means.

Thousands and thousands of families, already traumatized by serious illness or tragic accident, are punished even further. They go through a medical crisis and are forced into a financial crisis. They say good-bye to a loved one—and are forced out of their home. And there is no telling the toll on communities of citizens who are sidelined—or worse—by a condition that could have been treated less expensively and more effectively if the cost of care had not kept people away.

These are not just tragic stories. They are evidence of an unforgivable level of cruelty in our current health care system.

And, of course, all these consequences are not limited to the uninsured and underinsured. The consequences are shared; the burden is shared, by everyone. The costs of emergency room care for the uninsured are shifted to other parts of the system, to other payers. According to a study by Emory University health care economist Kenneth Thorpe, the cost of providing uncompensated care to uninsured patients adds more than \$1,000 per year to the average cost of employer-sponsored family coverage.

And that leads us to the second part of the problem we must address—the staggering cost of health care in this country, which is growing in ways that Americans and America cannot afford.

The cost of insurance is an increasingly heavy burden even for those who have it. Over the past decade, employers and workers have seen their health care costs rise 120 percent. On the other hand, wages only increased 34 percent during the same period (while inflation rose 29 percent). The average cost to families rose from just over \$6,000 per year to about \$12,000 per year. That is a huge amount for many middle class families. It is an insurmountable burden for working families.

And unless we act, it will only get worse. Richard Johnson and Rudolph Penner of the Urban Institute projected that in 2030, out-of-pocket health care costs will consume more than 35 percent of after-tax income for older married couples. That is more than double the 16 percent that health care costs took from those couples in 2000.

As a Nation, we spend \$2.5 trillion in health care costs every year. That is a sixth of our national economy, or about \$6,000 per capita. That is twice as much as the average of all industrialized countries, and 50 percent more than the next Nation on the list. (And remember, those countries cover all their citizens, while 15 percent of Americans have no coverage at all.)

Costs have been consistently rising at a much higher rate than the consumer price index. We as a Nation simply cannot afford double-digit growth in health care costs year after year. They make it harder for businesses to provide health care coverage for their employees—and those employees find it harder to pay the growing share they are asked to contribute to that coverage.

The increasing cost to small and large businesses is a dire challenge to their profitability, competitiveness and survival. It drains funds from research and development, makes it more expensive to hire new employees, and makes it less affordable to offer workers increased wages. Increasing costs undermine the viability of pension funds. And they increasingly put American businesses at a competitive disadvantage to companies abroad who have much lower health care costs.

And the fiscal drain to state and federal governments is ruinous. It has been estimated that by 2050, Medicare and Medicaid combined will consume more than double their current share of our gross national product. Our country's financial health—as well as that of individuals, families, and companies—requires that we get costs under control.

Closely connected to the problem of runaway costs is the national epidemic of substandard care. It may be hard to believe, but every year 100,000 Americans die from preventable medical mistakes. Another 100,000 die from infections contracted in U.S. hospitals. Millions of others are injured or affected, with cascading consequences for their families, their employers, their communities. It has been estimated that preventable health care accidents, errors, and poor quality of care are the Nation's third leading cause of death after cancer and heart disease.

A few years ago a major study by the RAND Institute examined the medical records of thousands of patients from 12 metropolitan areas and evaluated the care they received using indicators of quality developed by specialty expert panels. They found that patients got about 55 percent of recommended care. We should not be willing to accept or tolerate this mismatch between standards and actual practices.

And here is more evidence of the interconnected nature of these problems. Two dif-

ferent research studies have estimated that dealing with defects in the quality of our health care could reduce the total cost of health care by 30 percent. 30 percent. That's \$750 billion per year. That is a huge financial incentive to deal with the quality of care and the waste and inefficiencies of our current system.

So that is the outline of the health care challenge we face—uncontrolled costs, unacceptable quality of care, and unconscionable lack of access to care for millions of Americans.

Acting urgently is both a moral and financial imperative.

The current economic crisis is putting more families out of work, putting greater strain on companies that struggle to provide health care, and putting enormous fiscal strains on Federal and State budgets.

President Obama has called for lawmakers to take action this year. In response, some pundits and critics have suggested that the Obama administration is putting too much on its plate—that it should hold off on health care reform while it figures out how to deal with the financial crisis.

But that is not possible. Health care is such an enormous part of the economy, is so interwoven with individual, corporate, and governmental crises, that it is not possible to address our economic woes without taking up health care reform. We have reached the point where the public's most pressing domestic concerns—economic growth, jobs, and retirement security, and health care—are fundamentally intertwined. The first three concerns cannot be addressed effectively unless health care costs are contained. The cost of doing nothing far exceeds the costs of taking action now. And if we implement real systemic reforms now, we will save trillions of dollars in the long run.

As economist Peter Orszag says, the road to fiscal sustainability runs through health care reform. Ben Bernanke, the chairman of the Federal Reserve System, puts it this way:

“The decision we make about health care reform will affect many aspects of our economy, including the pace of economic growth, wages and living standards, and government budgets, to name a few . . . As the public interest in these issues testifies, the stakes associated with health care reform, both economic and social, are very high.”

So, act we must. But how?

It is easy to be dismayed at the size and complexity of the problem—and by past failures to address it. But we cannot shy from reform. Nor can we let a political stalemate grind the process to a halt.

I am a veteran of many difficult battles in Washington. I've been part of them for 35 years. And I've never seen a bigger challenge, substantively or politically.

But I am cautiously optimistic about the possibilities for real reform this year. There exists a rare confluence of economic, political, and historic circumstances. There is a much broader consensus on the need for ambitious reform. And we are seeing all the stakeholders coming to the table, not with the goal of turning the table over and maintaining the status quo, but to seek some kind of resolution to the systemic problems that can no longer be denied or rationalized away.

That's what the National Health Care Coalition is committed to doing this year.

And, I'm proud to say, we're ready because we've already done our homework. I've been talking a lot about the problem. Let's talk about the solution.

The Coalition spent 18 months working with our board, member organizations, and health care experts to reach a consensus on principles and specifications for reform. There's no more detailed or comprehensive proposal on the table that I'm aware of.

The overarching requirement is that reform be both systemic and system-wide. With that as an understanding, we have laid out five principles for reform and specific and achievable approaches within each category.

The first principle is coverage for all Americans. We believe coverage should be defined clearly and comprehensively. It should include emergency care, acute care, prescription drugs, oral health care, early detection and screening, preventative care (including smoking cessation programs), care for chronic conditions, and end-of-life care. There should be no exclusion for pre-existing conditions.

We recognize a range of options—and possible combinations of options—can be used to achieve this goal: employer mandates, supplemented with individual mandates as necessary; expansion of existing public programs that cover subsets of the uninsured; creation of new public programs targeted at groups of the uninsured; or establishment of a universal publicly financed system.

Participation must be universal, and there must be subsidies provided for those least able to afford coverage. But none of these options requires a government-run system.

The second principle is cost management. The numbers that I talked about earlier make it clear that it will not be possible to achieve sustainable reform without tackling the cost issue head-on.

Cost management must be a multi-faceted undertaking. It should include: a plan to make health insurance premiums easier to compare by requiring insurers to establish separate premiums for the core benefit package and any supplemental coverage; a rational mechanism for increasing the cost-effectiveness of capital spending; cost-sharing and other tools to provide more and better information and incentives for patients to make good choices about health maintenance and care, and reduce over-use and under-use; an increased emphasis on prevention and early detection of disease; a commitment to improving quality of care; investment in a health care information infrastructure; and steps to modernize and simplify the administration, and dramatically reduce the administrative costs of the health care system.

It is true that successful reform of all the areas we have talked about will produce significant long-term savings. But it is also essential to begin immediately to bend the cost curve and slowing those double-digit increases that are outstripping our ability to pay for them. The increases in health care costs and insurance premiums for the core package of benefits should be brought into line with percentage increases in per-capita gross domestic product. And we should aim to achieve that goal within 5 years after the enactment of legislation.

There must be short-term cost constraints that would include rates for reimbursing providers for care encompassed by the core benefit package, and limits in increases in insurance premiums for the core benefit package. We are not advocating for cuts in reimbursement rates. But slowing the rate of increase is vital—and will reduce the likelihood of sudden cuts made under the stress of financial crisis.

We recommend that these efforts to manage costs be established and administered by

an independent board chartered and overseen by Congress.

The third basic principle is one I just mentioned in terms of cost containment—that is a national effort to improve the quality and safety of care.

This includes accelerated development of a national information technology infrastructure, as well as increased emphasis on prevention and early detection of disease, and research on comparative effectiveness and practice guidelines to reduce waste and improve the safety and effectiveness of health care.

The members of the National Coalition on Health Care recommend that national practice guidelines be developed by panels of leading health care professionals based on reviews of research on the effectiveness and impact of technologies and treatment. Conforming to these best practice guidelines could not only reduce unnecessary treatment and costs, but could also help protect medical professionals against frivolous or marginal lawsuits.

Fourth, we must make the financing of health care more equitable and reduce or eliminate cost-shifting.

Again in this area we have identified a range of mechanisms that could be used, individually or in some combination, to fund the costs of necessary reforms and assuring that every American is covered: general revenues, earmarked taxes or fees, required contributions from employers, required contributions from individuals and families, which would include co-payments, deductibles, and contributions toward premiums.

Subsidies should be provided, or financial obligations varied, based on relative ability to pay for less affluent individuals, families, and employers.

And fifth, we must simplify the administration of health care. The United States spends more than any other Nation—hundreds of billions of dollars every year—to administer our health care system. Administrative expenses incurred by private health insurers rose 52 percent between 1999 and 2002.

Our system's complexity is not only expensive; it is also confusing and frustrating for patients and doctors. And its lack of transparency undermines both accountability and the ability of individuals and organizations to make market-based decisions.

Assuring coverage for all Americans, and establishing a core benefit package, would create a consistent set of ground rules for patients, providers and payers.

An integrated technology infrastructure would not only reduce administrative complexity and costs, but help to reduce medical errors, protect patients' safety, and improve outcomes.

These principles—coverage for all, cost containment, quality and effectiveness of care, simplified administration, and equitable financing—are interdependent. And we must deal with them that way.

Taken together, the National Coalition on Health Care specifications provide an ambitious and achievable guide to our Nation's lawmakers. We know what investments and policy changes we need to make now in order to improve access and quality of health care in a way that the Nation can afford.

We have a road map. Now we need to keep policymakers focused on the journey.

President Obama, who recently hosted a bipartisan summit on health care reform at the White House—has urged Congress to give him reform legislation this year. He has put

a significant down payment for reform in his budget.

While I do not think the Administration has yet been ambitious enough—dealing, for example, in a realistic way with the need to contain costs—I believe the White House has learned important lessons from the experience of 1993 and 1994. They are including all stakeholders from the beginning. They are putting forward broad principles and counting on Congress to write the legislation. And they are moving in a bipartisan fashion, inviting Republican and Democratic congressional leaders into their conversations.

I believe bipartisanship is essential not just because we need 60 votes in the Senate, but because a bipartisan consensus would be good for the country as we move forward in this enormous, and enormously important, undertaking.

We must understand fully that time is our most formidable foe. We must achieve health care reform now, not only to protect and advance Americans' health, but to shore up our reeling economy. We must take advantage of the political momentum for change. We must overcome those who might be tempted to see the failure of reform as a political opportunity.

Reform must be enacted this year—and as of today the year is already almost one-quarter behind us.

In Congress, there are at least seven major committees that have some jurisdiction and will be involved in crafting reform legislation. That means multiple subcommittee hearings and markups, full committee markups, House and Senate floor debates and votes, and the House-Senate conference committee. All of this takes time. As I tell my law school legislative process classes, there are 100 decision-making points in the legislative process, and each of them is a point at which compromise can take place.

If we are to have reform enacted this year, we must have a bill through the Senate with a bipartisan consensus by Labor Day. So each day is enormously consequential. We have no time for ideological warfare or partisan posturing. This truly is a time for pragmatism to trump ideology. We need to be focused on what works. And we cannot allow the perfect to be the enemy of the good.

We can do this.

A few years ago, my father-in-law was in Rome. He was at the Vatican when he collapsed with a heart problem. He was attended to by the Pope's doctor—the finest care he could have asked for. And when he had recovered and asked how much he owed, the answer was “nothing!” His health care in Italy was free. I know it's a simple story, and our quest for an American solution is anything but simple, but there's no reason we cannot achieve the same kinds of access to affordable quality care that other nations provide.

There is another story that explains why I am so committed to making this work—and why I have faith that it can.

In 1979, as a young man of 32, I was diagnosed with Guillain-Barré Syndrome, a disease that paralyzes the nerves and muscles. Over a period of weeks I became completely paralyzed, unable to breathe on my own or move a muscle. I was put on a respirator for 75 days, and was eventually given general anesthesia when it was not clear that I would survive.

Three of my doctors in St. Mary's hospital in Minneapolis, Minnesota, were Notre Dame graduates, including chief of staff Pat Barrett, who was the football team's doctor on

the road. They helped me survive and recuperate. But no one was more important than my mother, who traveled to Minneapolis from a suburb of Chicago and sat at my bedside, holding my hand, for 50 of my first 100 days in the intensive care unit. And then there was Sister Margaret Francis Schilling, a nun who had survived Guillain-Barré 25 years earlier, and who was celebrating her 50th anniversary as a nun in 1979, who talked to me every day, who prayed with me every night, and who helped save my life and renew my faith.

You can probably understand why, when given the opportunity to be transferred to the Mayo Clinic, I told my parents that I wanted to stay at St. Mary's. Sometimes the appearance of near-mystical serendipity trumps all other considerations.

The experience taught me many things, most notably how vulnerable each of us is, and how dependent we are on each other. I had been a young hot-shot on a fast track congressional career. I thought I could do anything. As long as I worked hard and never gave up, I would not need anybody. I learned the hard way how wrong I was. I learned first-hand how quickly our lives and health can take a turn. I came out of that experience with a renewed commitment to public service, and with a sense of how interdependent different vocations—like Sister Margaret's, my doctors', and mine—could be.

After I finished my physical rehabilitation, and recovered my physical and mental stamina, I began interviewing for jobs. My parents, Senator Brooke, and Senator Durenberger were all advocating that I join a law firm and begin a more traditional way of life.

In the middle of my deliberations, John Sears, a Notre Dame grad, a lawyer, and the former campaign manager for Ronald Reagan, gave me contrary advice. He told me that I could join a law firm at any time. But the Nation in 1981 was about to begin a historic debate about civil rights, social justice, and the role of the Federal Government. He told me that if I had an opportunity to have a leadership position, I should seize the moment. He told me how important it was to be on "the front lines of history." Only then could you make a dramatic difference for your family, your community, and your country.

And that is the opportunity and the challenge that we all face at this moment.

The great Irish poet Seamus Heaney has written:

History says, Don't hope
On this side of the grave.
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up,
And hope and history rhyme.

We all have a chance, working together, to make hope and history rhyme.

Regardless of where you stand on the health care issues before us, I urge you to get involved. This is a time for all of us—of whatever vocation—to come together. We must all be willing to sacrifice for an accomplishment that would address a great moral failing, that would strengthen our Nation's economy as well as its social fabric, that could point the way toward dealing constructively with other systemic challenges ahead.

I hope you will support the principles of the National Coalition on Health Care. But the most important thing, in the words of Oliver Wendell Holmes, is to "share the passion and action" of one's time.

Please do not sit on the sidelines. Immerse yourself, passionately, in this historic moment.

Please know how much it has meant to me to be here. I am profoundly grateful for the opportunity to be with you tonight.

Thank you.●

HAYES NOMINATION

● Ms. MURKOWSKI. Mr. President, I ask that my letter to Senator MCCONNELL, dated May 4, 2009, with its attachment, be printed in the RECORD. The material follows.

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,

Washington, DC, May 4, 2009.

Senator MITCH MCCONNELL,
Republican Leader, U.S. Senate, Washington,
DC.

DEAR SENATOR MCCONNELL, Under the provisions of the Honest Leadership and Open Government Act of 2007 (section 512 of P.L. 110-81), attached please find a notice of my intent to object to proceedings on the nomination of David Hayes, Calendar number 31, reported by the Committee on Energy and Natural Resources on March 18, 2009. The reasons for my objection are included in the notice.

Sincerely,

LISA A. MURKOWSKI,
Ranking Republican Member.

NOTICE OF INTENT TO OBJECT

Under the provisions of the Honest Leadership and Open Government Act of 2007 (section 512 of P.L. 110-81), I, Senator Lisa A. Murkowski, intend to object to proceedings on the nomination of David Hayes, Calendar number 31, reported by the Committee on Energy and Natural Resources on March 18, 2009, for the following reasons:

During conversations with the nominees at meetings and hearings, they have generally expressed very reasonable views, including an affirmation of the need for continued energy production in the United States.

However, actions speak louder than words, and I am disappointed and troubled by the lack of connection between the rhetoric from the Administration and its nominees, and the reality of the Administration's actions. Rarely a week goes by that the Department of the Interior doesn't issue a pronouncement, that, taken together, add up to a wholesale assault on domestic natural resource development. A few examples are: Cancellation of the Utah leases; 180-day delay of the 5-year plan; delay of the new round of oil shale research, demonstration, and development leases; listing of the yellow billed loon; Monday's determination that the mountaintop coal mining rule is "legally defective," and, most recently, the potential application of Endangered Species Act consultation requirements to all activities that may increase carbon output.

Further, I have not been satisfied with the responses to questions we have submitted on these matters to nominees that have previously come before this Committee.

Therefore, I will add my name to the list of those who intend to object to the confirmation of Deputy Secretary-nominee David Hayes, until we can get some assurance that we will see the actions of the Department of the Interior comport with the transparency and process and policy that they have promised.

I will soon be sending a letter to the Department of the Interior with detailed questions regarding my concerns.

These are questions of huge significance to not only American energy security, but to our ability to maintain our Nation's entire infrastructure, and grow our economy.●

ADDITIONAL STATEMENTS

TRIBUTE TO COMMANDANT CHARLES BALDWIN

● Mr. CARPER. Mr. President, this spring, the fourth class will graduate from the Delaware Military Academy, and I would like to take this opportunity to recognize Commandant Charles W. Baldwin for his years of dedicated service to the school.

The Delaware Military Academy, DMA, is a unique public charter school affiliated with the Red Clay School District. Cofounded in 2003 by Commandant Baldwin and opened that year with only grades 9 and 10, the DMA has quickly found success.

Today, in addition to being a Middle States fully accredited school, the academy has grown to enroll 525 students in grades 9 through 12 and has a waiting list of more than 200 applicants. Since 2006, DMA has earned a superior rating every year from the Delaware Department of Education. In 2008, the school was named a Superstars in Education Award Winner by the Delaware Chamber of Commerce.

Designated by the United States Navy as a Distinguished Unit with Academic Honors, the academy has the unique privilege and responsibility of naming nine nominations among the Naval Academy, Air Force Academy and West Point Military Academy.

The unique school offers students a tuition-free, 4-year high school program. The entire school is incorporated within the Navy Junior Reserve Officer Training Corps, and as the first school of this nature, has become the model high school for this Navy Training Corps.

The Delaware Military Academy's college preparatory academic curriculum is supplemented with courses that include naval operations, navigation, leadership, seamanship and oceanography. With its cadet hierarchy, students are placed in leadership positions and given responsibilities rarely found in a civilian high school. As a result, they emerge from the academy better prepared to meet the demanding challenges of the adult world.

In just 6 short years, the academy, under the leadership of Commandant Baldwin, has done what takes some schools more than 20 years to accomplish. It has built and maintained a successful system that instills values and responsibility into our children while providing them an excellent education. Moreover, the commitment of DMA and its student body to community service is widely known and appreciated in the State of Delaware.

While success in such a short period is certainly a credit to the faculty and students of the academy, Commandant Baldwin has indeed played a critical leading role.

A 24-year Navy veteran himself, Commandant Baldwin has dedicated his life to training, teaching and recruiting, including a tour of duty as principal of the George V. Kirk Middle School in Delaware's Christiana School District. Before cofounding the Delaware Military Academy, Commandant Baldwin established NJROTC programs in Delaware's Seaford and Christiana School Districts. During this time, he has received both military and civilian awards for excellence, including the Meritorious Service Medal, the Military Order of the Purple Heart, Christiana Teacher of the Year and the Christiana School District Citizenship Award. In addition, he twice received Presidential awards for management excellence.

On a personal note, I have known and admired Commandant Baldwin for more than a decade. My sincere hope is that as he steps down from his leadership role at the Delaware Military Academy, he will consider leading an effort to establish other public charter schools in the state that are based on the DMA's unique model.

I want to personally thank Commandant Baldwin for his commitment to Delaware, to the education of its young people, and to preparing them for lives of service. I warmly wish him the best.●

DRAFT LIST OF SITES, LOCATIONS, FACILITIES, AND ACTIVITIES IN THE UNITED STATES FOR DECLARATION TO THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA), UNDER (THE "U.S.-IAEA ADDITIONAL PROTOCOL"), AND CONSTITUTES A REPORT THEREON, AS REQUIRED BY SECTION 271 OF PUBLIC LAW 109-401—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I transmit herewith a list of the sites, locations, facilities, and activities in the United States that I intend to declare to the International Atomic Energy Agency (IAEA), under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna on June 12, 1998 (the "U.S.-IAEA Additional Protocol"), and constitutes a report thereon, as required by section 271 of Public Law 109-401. In accordance with section 273 of Public Law 109-401, I hereby certify that:

(1) each site, location, facility, and activity included in the list has been

examined by each department and agency with national security equities with respect to such site, location, facility, or activity; and

(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

The enclosed draft declaration lists each site, location, facility, and activity I intend to declare to the IAEA, and provides a detailed description of such sites, locations, facilities, and activities, and the provisions of the U.S.-IAEA Additional Protocol under which they would be declared. Each site, location, facility, and activity would be declared in order to meet the obligations of the United States of America with respect to these provisions.

The IAEA classification of the enclosed declaration is "Highly Confidential Safeguards Sensitive"; however, the United States regards this information as "Sensitive but Unclassified."

Nonetheless, under Public Law 109-401, information reported to, or otherwise acquired by, the United States Government under this title or under the U.S.-IAEA Additional Protocol shall be exempt from disclosure under section 552 of title 5, United States Code.

BARACK OBAMA.
THE WHITE HOUSE, May 5, 2009.

MESSAGE FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 103. Concurrent resolution supporting the goals and ideals of Malaria Awareness Day.

H. Con. Res. 111. Concurrent resolution recognizing the 61st anniversary of the independence of the State of Israel.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 111. Concurrent resolution recognizing the 61st anniversary of the independence of the State of Israel; to the Committee on Foreign Relations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 5, 2009, she had presented to the President of the United States the following enrolled bill:

S. 735. An act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Alan B. Krueger, of New Jersey, to be an Assistant Secretary of the Treasury.

*William V. Corr, of Virginia, to be Deputy Secretary of Health and Human Services.

*Demetrios J. Marantis, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

By Mr. KERRY for the Committee on Foreign Relations.

*Johnnie Carson, of Illinois, to be an Assistant Secretary of State (African Affairs).

*Ivo H. Daalder, of Virginia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Ivo H. Daalder.

Post: NATO.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$500, 01/29/2008, Barack Obama; \$500, 12/28/2007, Barack Obama; \$500, 03/08/2006, Harris Miller.

2. Spouse: Elisa D. Harris: \$250, 03/28/2008, Hillary Clinton; \$250, 03/06/2008, Hillary Clinton; \$500, 03/08/2006, Harris Miller.

3. Children and Spouses: Marc H. Daalder—none; Michael H. Daalder—none.

4. Parents: Hans Daalder—none; Anneke Daalder—deceased.

5. Grandparents: Dirk Daalder—deceased; H. H. Daalder-Oversteegen—deceased; Rose Neukircher—deceased; Ivan Neukircher—deceased.

6. Brothers and Spouses: Eric Daalder—none; Helmi de Ruiter—none.

7. Sisters and Spouses: Martine Daalder—none; Sandro Bartolini—none.

*Luis C. de Baca, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with rank of Ambassador at Large.

Nominee: Luis C. de Baca.

Post: G/TIP.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: 10/08, Obama For America, \$250, 5/30/05, CHC-BOLD PAC, \$250.

2. Spouse: 10/18/08, Anne Barth for Congress, \$250; 10/08, Obama for America, \$250; 6/12/07, Hillary Clinton for President, \$250; 11/1/06, Leadership of Today and Tomorrow PAC, \$1,000; 3/31/06, Menendez for Senate, \$2,000.

3. Children and Spouses: None.

4. Parents: Mary de Baca, 8/13/08, Citizens for Harkin, \$250; 2008, Becky Greenwold for Congress, \$150; 8/29/07, Citizens for Harkin, \$200; 2006, Citizens for Harkin, \$250; 2006, Spencer for Congress, \$100; 2005, Citizens for Harkin, \$250; Robert C. de Baca, deceased.

5. Grandparents: Luis C. de Baca, deceased; Maria Antonia C. de Baca, deceased; Ephraim Joseph Marchino, deceased; Dorothy Elizabeth Marchino, deceased.

6. Sisters and Spouses: Monica de Baca, 9/9/08, Obama for America, \$100; Suzanna de Baca, None; Ron Weatherman, None.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with Gregory D. Loose and ending with Gregory M. Wong, which nominations were received by the Senate and appeared in the Congressional Record on April 2, 2009.

*Foreign Service nominations beginning with Laszlo F. Sagi and ending with Daniel E. Harris, which nominations were received by the Senate and appeared in the Congressional Record on April 2, 2009.

*Foreign Service nominations beginning with John M. Kowalski and ending with Jeremy Terrill Young, which nominations were received by the Senate and appeared in the Congressional Record on April 2, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 969. A bill to amend the Public Health Service Act to ensure fairness in the coverage of women in the individual health insurance market; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. MARTINEZ, Mr. JOHNSON, and Mr. LIEBERMAN):

S. 970. A bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 971. A bill to implement a pilot program to establish truck parking facilities; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mrs. HAGAN):

S. 972. A bill to amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida (for himself, Mr. REID, and Mr. SCHUMER):

S. 973. A bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes; to the Committee on Finance.

By Mr. MARTINEZ:

S. 974. A bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make certain de-identified information collected under the Medicaid Statistical Information System publicly available on the Internet; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. CORNYN, Ms. COLLINS, Mr. NELSON of Florida, Mr. ALEXANDER, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, and Mr. CORKER):

S. 975. A bill to amend title XVIII of the Social Security Act to reduce fraud under the Medicare program; to the Committee on Finance.

By Mr. GRASSLEY:

S. 976. A bill to provide that certain provisions of subchapter I of chapter 35 of title 44, United States Code, relating to Federal information policy shall not apply to the collection of information during any investigation, audit, inspection, evaluation, or other review conducted by any Federal office of Inspector General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY:

S. 977. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LINCOLN (for herself and Mr. HATCH):

S. 978. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals; to the Committee on Finance.

By Mr. DURBIN (for himself, Ms. SNOWE, and Mrs. LINCOLN):

S. 979. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. INOUE, Mr. AKAKA, and Mr. BEGICH):

S. 980. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Indian Affairs.

By Mr. REID:

S. 981. A bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DODD, Ms. COLLINS, Mr. HARKIN, Ms. SNOWE, Mr. DURBIN, Mr. LUGAR, Ms. MIKULSKI, Mr. REED, Mrs. MURRAY, Mr. REID, Mr. BINGAMAN, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. LEAHY, Mr. LAUTENBERG, Mr. KERRY, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LEVIN, Mr. BAUCUS, Mr. WYDEN, Mr. AKAKA, Mr. NELSON of Florida, Ms. LANDRIEU, Mr. CARPER, Mrs. GILLIBRAND, Mr. BENNET, Mr. BEGICH, Mr. BURRIS, Mr. KAUFMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. KOHL, Mr. FEINGOLD, Ms. CANTWELL, and Mrs. LINCOLN)):

S. 982. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself and Mr. BINGAMAN):

S. Res. 128. A resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. VITTER, and Mr. McCONNELL):

S. Res. 129. A resolution commending Louisiana jockey Calvin Borel for his victory in the 135th Kentucky Derby; considered and agreed to.

By Mr. REID:

S. Res. 130. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

By Mr. McCONNELL:

S. Res. 131. A resolution making minority party appointments for certain committees for the 111th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 243

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 296

At the request of Mr. CHAMBLISS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 296, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 348

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are

not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 348, *supra*.

S. 454

At the request of Mr. LEVIN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 456

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 526

At the request of Mrs. McCASKILL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 526, a bill to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, and for other purposes.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Montana (Mr. TESTER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 597

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 597, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 619

At the request of Mr. REED, his name was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 649

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 696

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 701

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 715

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 715, a bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses.

S. 717

At the request of Mr. REED, his name was added as a cosponsor of S. 717, a

bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 717, *supra*.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 816

At the request of Mr. CRAPO, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 830

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 830, a bill to modify the definition of children's hospital for purposes of making payments to children's hospitals that operate graduate medical education programs.

S. 831

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 838

At the request of Mr. LUGAR, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 838, a bill to provide for the appointment of United States Science Envoys.

S. 841

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish

a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 843

At the request of Mr. LAUTENBERG, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 843, a bill to establish background check procedures for gun shows.

S. 908

At the request of Mr. BAYH, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Illinois (Mr. DURBIN), the Senator from Kansas (Mr. ROBERTS), the Senator from Alaska (Mr. BEGICH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. BURRIS, his name was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 909, *supra*.

S. 945

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 945, a bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 954

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 954, a bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes.

S. 955

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 955, a bill to authorize United States participation in, and appropriations for the United States contribution to, the African Development Fund and the Multilateral Debt Relief Initiative, to require budgetary disclosures by multilateral development banks, to encourage multilateral development banks to endorse the principles of the Extractive Industries Transparency Initiative, and for other purposes.

S. 964

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cospon-

sor of S. 964, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. LaFollette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 968

At the request of Mr. REID, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. RES. 49

At the request of Mr. LUGAR, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

S. RES. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 121, a resolution designating May 15, 2009, as "Endangered Species Day".

S. RES. 125

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 125, a resolution in support and recognition of National Train Day, May 9, 2009.

AMENDMENT NO. 1021

At the request of Mr. GRASSLEY, the names of the Senator from Alabama (Mr. SHELBY), the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1021 proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1036

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1036 proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1038

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1038 proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1040

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1040 proposed to S. 896, a bill to prevent mortgage foreclosures

and enhance mortgage credit availability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 969. A bill to amend the Public Health Service Act to ensure fairness in the coverage of women in the individual health insurance market; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, there continues to be discrimination against women in the individual insurance market. As you know, the individual insurance market is often the last resort for health coverage for individuals who do not have access to an employer-sponsored plan or who earn too much to qualify for Medicaid.

To assist these women, I am today introducing the Women's Health Insurance Fairness Act of 2009, a bill that would end the discrimination against women who seek to purchase an insurance policy on the individual market.

According to the Kaiser Family Foundation, of the 94.7 million women between the ages of 18 and 64 in 2007, 64 percent had insurance through an employer, 18 percent were uninsured, 13 percent were enrolled in Medicaid or another type of public insurance, and 6 percent were in the individual market. In other words, about 5.7 million American women in 2007 received health insurance on the individual market. With rising unemployment, it is likely that more women will rely on individual insurance market for coverage in the future.

This market is too often a problem for women for a number of reasons. First, women are often charged more than men for insurance in the individual market. Gender rating is a common insurance practice under which most women are charged higher premiums than men for identical coverage. Federal civil rights law prevents employers with more than 15 employees from charging different premiums based on gender and other factors. This protection is not extended to policies sold in the individual insurance market.

According to a recent report entitled "Nowhere to Turn: How the Individual Health Insurance Market Fails Women" by the National Women's Law Center, a 25 year old woman can pay up to 45 percent more than a 25 year old man for the same coverage. A 40 year old woman can pay up to 48 percent more than a 40 year old man for the same coverage. A 55 year old woman can pay up to 37 percent more than a 55 year old man for the same coverage.

Today, only 10 states prohibit and 2 States limit gender rating in the individual market. I am pleased that Massachusetts is one of the 10 States that prohibit insurers from charging different premiums based on gender. But,

we should make sure that this prohibition is extended to every state in the nation.

A second problem facing women on the individual market is that insurers may delay, deny, or limit coverage to women due to pregnancy or delivery method. Over 30 years ago with the passage of the Pregnancy Discrimination Act of 1978, Federal civil rights law established as sex discrimination denial of coverage for pregnancy, childbirth and related conditions in employer-based insurance policies. Unfortunately, this protection is not extended to policies sold in the individual insurance market.

Individual market insurers can deny coverage to women based on a "pre-existing condition". If the insurer discovers that a woman applying for coverage had a Cesarean section in the past, they can: charge a higher premium; impose a waiting period during which it refuses to cover another C-section or pregnancy; or deny coverage unless the woman has been sterilized or is no longer of childbearing age.

Currently, there are only 5 States which prohibit insurance carriers from refusing to sell individual health insurance coverage to applicants who have health conditions or problems. Massachusetts is one of the five states which require insurers to accept applicants regardless of health status. Again, this prohibition should be extended to every state in the nation.

A third problem facing women is that the vast majority of policies do not provide coverage for maternity care. The 1978 Pregnancy Discrimination Act specified that employers with more than 15 employees must cover pregnancy on the same basis as other medical conditions. Once again, similar protections do not exist in the individual insurance market.

The National Women's Law Center recently analyzed over 3,500 individual insurance market policies and found that just 12 percent included comprehensive maternity coverage and another 9 percent provided coverage for maternity care that is not comprehensive. They also found that a limited number of insurers sell separate maternity coverage for an additional fee known as a "rider", but this supplemental coverage is often expensive and limited in scope.

Currently, 5 States, including Massachusetts, have enacted laws requiring insurers to include coverage for maternity services in all individual health insurance policies sold in their state. Every woman should have access to these services.

That is why I am introducing the Women's Health Insurance Fairness Act of 2009, to end the discrimination against women who seek to purchase an insurance policy on the individual market. It has three basic parts.

First, the bill prevents insurers in the individual market from charging

women higher premiums than men. Gender rating is insurance discrimination based on sex and should not be tolerated. Over 40 years ago, the insurance industry voluntarily abandoned its practice of using race as a rating factor and now it is time to end rating discrimination against women. Gender rating hurts women's health by inflating premiums and creating substantial financial barriers for women seeking to obtain health care coverage.

Second, the bill prevents insurers in the individual market from denying or limiting coverage based on a current or past pregnancy or a past or future method of delivery. No longer will insurance companies be able to deny coverage to women simply by treating a pregnancy like a pre-existing condition. Similarly, they will not be able to impose waiting periods relating to a pregnancy. They will no longer be able to impose higher premiums or deductibles on women with prior Cesareans.

Finally, the bill will require all insurance policies offered on the individual market to provide comprehensive maternity coverage for the full scope of maternity services from pre-conception through postpartum. There is a huge cost to our society by denying maternity coverage. In 2005, the costs associated with preterm birth, one of the most expensive pregnancy complications linked to lack of prenatal care, totaled over \$26.2 billion. Yet, for every \$1 spent on pre-conception care saved anywhere from \$1.60 to \$5.19 in maternal care costs.

If women do not have the necessary maternity coverage, they will be exposed to substantial out of pocket costs. Too many women are unable to pay these costs. The average U.S. hospital cost for an uncomplicated vaginal delivery ranges from \$7,500 to \$15,000 and from \$11,000 to \$19,000 for a caesarean delivery. I believe comprehensive maternity coverage will save money and improve maternal and child health outcomes. Those currently without coverage often turn to our public safety net for assistance. Today, forty percent of all pregnancies are covered by Medicaid. We need to do everything possible to increase health outcomes for our children.

The bill would provide the Secretary of Health and Human Services with the authority to monitor compliance with the requirements of this act. It gives the Secretary the ability to assess fines of at least \$10,000 against any health insurance company that fails to submit the required data. Additionally, the bill directs the Government Accountability Office to issue a report by December 31, 2010 about problems any remaining for women on the individual insurance market in all 50 States.

I would like to thank a number of organizations who have already endorsed the legislation including the American

College of Obstetricians and Gynecologists, Children's Defense Fund, Consumers Union, Families USA, the National Partnership for Women & Families, and OWL—The Voice of Midlife and Older Women.

During the Senate's consideration of comprehensive health care reform, I will work with Senate Finance Committee Chairman BAUCUS, Ranking Member GRASSLEY to make sure that discriminatory insurance practices against women are ended. I will also work with my Massachusetts colleague, Senate Committee on Health, Education, Labor and Pensions Chairman TED KENNEDY to make sure this legislation is enacted into law. As in other areas of health reform, Massachusetts is already leading the way in preventing insurers from engaging in practices that harm women. I believe the rest of the country should benefit from our experience.

I find it especially appropriate to introduce this legislation as we approach Mother's Day on Sunday, May 10th and National Women's Health Week on May 10th-16th. I can think of no better gift to our mothers, daughters, and sisters than the gift of affordable and accessible insurance that meets their health needs.

By Mr. GRASSLEY (for himself and Mrs. HAGAN):

S. 972. A bill to amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture, to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, I want to first start off by thanking the Senate and in particular the Senate Agriculture Committee for addressing a new cause of action in Federal court for those African-American farmers who may have been discriminated against and who were denied entry in the Pigford v. Glickman Consent Decree. The Food, Conservation, and Energy Act of 2008 including a provision entitled Determination on Merits of Pigford Claims.

For those who do not know, the Consent Decree was a settlement that resulted from a class action lawsuit initiated by a class of African-American farmers who had for decades been discriminated against by the U.S. Department of Agriculture in the administration of its FSA loan program. The discriminatory treatment was well-documented by both the USDA's own Inspector General and an internal task force appointed by then USDA Secretary Glickman.

We had some unanticipated consequences in the Consent Decree's implementation. There was denial of approximately 77,000 African-American farmers into the Decree even though

these farmers filed petitions by the late-claim deadline. More than half of these late-claim petitioners didn't even know about the Consent Decree. The Court said the lack of notice was not a sufficient reason to allow them into the Consent Decree. Thus, these individuals were denied entry and their discrimination complaints went unresolved. This was not a fair outcome for farmers or those attempting to farm at that time.

The farm bill did the right thing by allowing late filers to have their claims heard and judged on the merits. These farmers deserve justice and at least the opportunity to have their claims heard.

Unfortunately, it has been very difficult to determine how many of the 77,000 actually have valid claims. Lots of different folks have lots of different calculations. Either way, it's likely to be expensive. Because of the budget constraints, the Farm Bill only could put \$100 million towards the endeavor.

I think we can and must do better than that. That is why today I am introducing bipartisan legislation with Senator HAGAN of North Carolina. This bill will make 3 changes to the farm bill. First it will allow the claimants to access the \$100 million already appropriated in the farm bill, but once that is expended gain access to the Department of Treasury permanent appropriated judgment fund. Second, it will allow reasonable attorney fees, administrative costs, and expenses to be paid from the judgment fund in accordance with the 1999 consent decree. Finally, it includes a section making fraud related to claims a criminal offense with punishment of a fine or up to 5 years in prison or both.

The claimants, who were able to timely file, were allowed access to the judgment fund and so it makes sense that we treat these new claimants the exact same way. The Department of Justice was treating the \$100 million included in the farm bill as a cap, but Congress simply viewed it as a down payment to rectify the damage done.

The farm bill we passed last year does one thing right. It focuses a considerable amount of resources on new and beginning farmers and ranchers. Well, many of the Pigford claimants were in that same boat 20 years ago. It is time to rectify that.

The farm bill has simply opened up the door so that claims can be heard. If a person brings a claim and can not meet the burden of proof, then no award will be given. However, we know USDA has admitted that the discrimination occurred, and now we are obligated to do our best in getting those that deserve it, some relief. That is why I am introducing this legislation with Senator HAGAN and I urge my colleagues to support the bill. It is time to make these claimants right and move forward into a new era of civil rights at the Department of Agriculture.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING FOR PIGFORD CLAIMS.

Section 14012 of the Food, Conservation, and Energy Act of 2008 (122 Stat. 2209; Public Law 110-246) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) CRIMINAL PENALTIES.—

“(1) IN GENERAL.—It shall be unlawful for any person to—

“(A) knowingly execute, or attempt to execute, a scheme or artifice to defraud, or obtain money or property from any person by means of false or fraudulent pretenses, representations, or promises, relating to the eligibility or ability of a person to—

“(i) file a civil action relating to a Pigford claim;

“(ii) submit a late-filing request under section 5(g) of the consent decree;

“(iii) obtain a determination on the merits of a Pigford claim; or

“(iv) recover damages or other relief relating to a Pigford claim; and

“(B) for the purpose of executing the scheme or artifice or attempting so to do, or obtaining the money or property—

“(i) place or deposit, or cause to be placed or deposited, any matter or thing to be sent or delivered by the Postal Service or any private or commercial interstate carrier;

“(ii) take or receive any matter or thing sent or delivered by the Postal Service or any private or commercial interstate carrier;

“(iii) knowingly cause to be delivered by the Postal Service or any private or commercial interstate carrier any matter or thing according to the direction on the matter or thing, or at the place at which the matter or thing is directed to be delivered by the person to whom it is addressed; or

“(iv) transmit, or cause to be transmitted, any writings, signs, signals, pictures, or sounds by means of wire, radio, or television communication in interstate or foreign commerce.

“(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.”; and

(2) in subsection (1), by striking paragraph (2) and inserting the following:

“(2) PERMANENT JUDGMENT APPROPRIATION.—

“(A) IN GENERAL.—After the expenditure of all funds made available under paragraph (1), any additional payments or debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (f) or (g) shall be paid from amounts appropriated under section 1304 of title 31, United States Code.

“(B) AUTHORIZATION OF CERTAIN EXPENSES.—Reasonable attorney's fees, administrative costs, and expenses described in section 14(a) of the consent decree and related to adjudicating the merits of claims brought under subsection (b), (f), or (g) shall be paid from amounts appropriated under section 1304 of title 31, United States Code.

“(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available under this subsection, there are authorized

to be appropriated such sums as are necessary to carry out this section.”.

By Mr. GRASSLEY:

S. 976. A bill to provide that certain provisions of subchapter I of chapter 35 of title 44, United States Code, relating to Federal information policy shall not apply to the collection of information during any investigation, audit, inspection, evaluation, or other review conducted by any Federal office of Inspector General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, the Federal Inspectors General are the frontline of protection for taxpayer dollars, ensuring that Federal agencies spend taxpayer dollars in an effective, efficient, economical manner that is in accordance with all applicable law. The Inspectors General root out fraud, waste, and abuse in Government programs by auditing, evaluating, and investigating how Federal agencies spend taxpayer dollars and how Government programs utilize funds. The Inspectors General occupy a unique position within our government. Created by the Inspector General Act of 1978 and by various subsequent statutes, the Inspectors General at Executive Branch agencies also report directly to the Legislative Branch. They were created to keep tabs on the government bureaucracy to make sure that agencies follow the spirit and intent of the laws while protecting taxpayer dollars.

I have been an outspoken advocate for Inspectors General during my time in the Senate and I was proud to be a cosponsor of the Inspector General Reform Act of 2008, which was signed into law by President Bush last year. That legislation ensures that Inspectors General are truly independent of the Federal agencies they oversee. The independence of Inspectors General is a critical requirement to their ability to get the job done. If Inspectors General lack independence from the agency they oversee, the quality of their work is impacted negatively and their reputation as independent watchdogs is tarnished.

Over the years, I have seen a number of Inspectors General come and go. It is a tough job to be an Inspector General. You can not go along to get along. You must buck the system, dig deep into the books of the agency, find where the secrets are hidden, and then report the truth to Congress, the President, and the American people. Unfortunately, Inspectors General must do all this with the agencies that often fight their every move. These entrenched bureaucracies have an interest in not seeing Inspectors General succeed—they do not want egg on their face. That is why we in Congress must make sure they have all the tools they need to get the job done and ensure that there is accountability for the billions in taxpayer dollars that are spent annually

on the operation of the Executive Branch.

One growing area of concern I have seen over the years is procedural roadblocks being placed before Inspectors General to limit or prohibit their ability to do their job of protecting taxpayer dollars. One recent example relates to the Special Inspector General for the Troubled Asset Relief Program SIGTARP, Neil Barofsky. Inspector General Barofsky notified me on January 22, 2009, that he intended to begin an oversight initiative that would have improved the transparency of the Troubled Asset Relief Program, TARP. Inspector General Barofsky's plan was to collect data from TARP recipients asking them for a response outlining the use of TARP funds, copies of support documents, a description of plans to comply with executive compensation restrictions, and certification by a senior executive officer of the accuracy of the statements they make. This sounded like a legitimate plan from the Inspector General tasked by Congress with ensuring that the \$700 billion handed out by the TARP program wasn't lost to fraud or abuse. However, it was shortly after this letter that Mr. Barofsky ran into procedural hurdles erected by the Office of Management and Budget, OMB.

On January 30, 2009, I asked the Inspector General for an update on his initiative when he informed me that OMB had advised the SIGTARP that he could not initiate his effort due to the restrictions in the Paperwork Reduction Act of 1980, PRA. As a result, SIGTARP requested "emergency processing" by OMB to consider the impact of its letter to TARP recipients. It is my understanding that OMB initially responded favorably finding that SIGTARP would not be limited by the PRA. However, OMB reversed course and withdrew the emergency approval right after it was granted.

OMB then informed SIGTARP that the PRA required he post his proposed letter online for TARP recipients to review for 15 days, wait for comments from the recipients, and then require that the SIGTARP justify to OMB that it has taken into account all the public comments. This was a significant, unnecessary roadblock that was erected at a time when American Taxpayers were asking everyone "where did the money go." This type of procedural hurdle to an audit and investigation by the SIGTARP is unacceptable. Can you imagine what the very corporations that took taxpayer money would write during the comment period? It is my view that corporations that took Government money should be subjected to oversight by Inspectors General and they should not have a say in drafting or amending a letter from the Inspector General that they must respond to. This is exactly what OMB was asking of the SIGTARP.

I am glad to report that later that same week SIGTARP Barofsky was given approval from OMB to send the letter requests to the TARP recipients without delay. However, around the same time that the letters were approved and sent, the Department of Treasury posted a comment request in the Federal Register about the SIGTARP request. Those responses were due to Treasury by April 13, 2009. While SIGTARP Barofsky was ultimately able to send his request, this uncertainty about the application of the PRA to audits, evaluations, inspections, or investigations by Inspectors General remains a significant question. This whole saga was a wakeup call for many Inspectors General. As a result, many Inspectors General have reached out to my office about this issue and the dangers the PRA could pose to their audits and investigations.

That is why I am here today to introduce legislation that will clarify the impact the PRA has on official audits, evaluations, inspections, and investigations conducted by Inspectors General. This legislation is narrowly tailored to ensure that Inspectors General are not subject to bureaucratic hurdles erected by OMB, which could be used to limit the independence and authority of Inspectors General, and most importantly information that we can garner through their work.

Specifically, the PRA currently states that agencies must receive approval for each collection request before it is implemented. Failure to get this approval provides the recipient of the request the protection to not comply with the request without penalty. The current PRA does not apply to criminal investigations, administrative actions, or investigations involving an agency against a specific individual or entities. However, it does apply to "general" investigations. The PRA is also silent as to whether it was intended to apply to Inspectors General and defines agency as any "executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government including the Executive Office of the President, or any independent regulatory agency. The PRA does expressly exclude the Government Accountability Office and the Federal Election Commission, but not the Inspectors General.

The PRA was passed with the noble goal of reducing the impact Federal Government regulatory agencies have on small businesses and other private individuals. However, over the years the investigative and audit roles of the Inspectors General have expanded to ensure that taxpayer dollars are not lost to fraud, waste, or abuse. As a result, the important work of the Inspectors General may run directly into the PRA resulting in a slower process for

audits, evaluations, and investigations, as well as potentially tipping off those being investigated by the Inspectors General and providing them time to, for example cover-up potential wrong doing.

The legislation I'm introducing today is designed to protect the PRA as well as the Inspectors General by trying to head off a potential conflict among the two statutes before it has to be decided by the courts. It simply states that the PRA shall not apply to the collection of information "during the conduct of any investigation, audit, inspection, evaluation, or other review conducted by" any Federal office of Inspector General. It further defines the definition of Inspector General to include: statutory Inspectors General, Federal entity Inspectors General, and any Special Inspector General. This definition also includes the Council of the Inspectors General on Integrity and Efficiency, CIGIE, created by the Inspector General Reform Act, and the Recovery, Accountability, and Transparency Board created by the stimulus bill signed into law earlier this year. These two entities have some audit and evaluation roles provided to them and should also not face procedural hurdles under the PRA when they are overseeing the various Inspectors General or Recovery programs.

All in all, this is a simple piece of legislation that I encourage all my colleagues to support. It picks up on the great work of the Inspector General Reform Act to ensure that Inspectors General are independent and free from any undue influence—procedural or substantive—when conducting audits, evaluations, inspections, or audits on behalf of the American people. I hope this legislation will receive expedited consideration and swift passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INVESTIGATIONS, AUDITS, INSPECTIONS, EVALUATIONS, AND REVIEWS CONDUCTED BY INSPECTORS GENERAL.

Section 3518(c) of title 44, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraph (3)";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) Notwithstanding paragraph (3), this subchapter shall not apply to the collection of information during the conduct of any investigation, audit, inspection, evaluation, or other review conducted by—

"(A) any Federal office of Inspector General, including—

"(i) any office of Inspector General of any establishment, Federal entity, or designated

Federal entity as those terms are defined under sections 12(2), 8G(a)(1), and 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.), respectively; or

“(ii) any office of Special Inspector General established by statute;

“(B) the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.); or

“(C) the Recovery Accountability and Transparency Board established under section 1521 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 289).”.

By Mr. DURBIN (for himself, Ms. SNOWE, and Mrs. LINCOLN):

S. 979. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce legislation with Senators SNOWE and LINCOLN to make healthcare more affordable and accessible for our nation's small businesses and self-employed individuals. This bipartisan legislation is known as the Small Business Health Options Program Act, or the SHOP Act, and I am working with the Finance and HELP Committees to incorporate it into the broader healthcare reform bill the Senate is developing.

Health reform is a priority of the American people and a central element of this Congress's agenda. While more must be done, we have taken some small but important steps already.

We expanded the CHIP program to provide healthcare to an additional 4 million children who are uninsured today.

We provided assistance to laid-off workers to help them pay for health insurance under the COBRA continuation program, so that families receiving an average monthly unemployment check of \$1,300 aren't expected to pay \$1,100 in insurance premiums.

We included in the Recovery Act \$87 billion for the Medicaid program over the next 2 years.

We provided \$2 billion for community health centers, which serve more than 18 million patients.

But we have more to do. Overall, 46 million Americans are uninsured. At the beginning of this decade, fewer than 40 million people were uninsured. Over the same period, health insurance premiums have risen 4 times faster than wages.

This is the year to enact reforms to reduce healthcare costs, expand coverage, and improve the quality of the healthcare we receive.

It is not easy for small businesses and the self-employed to afford health insurance. Without the benefits of large group purchasing, double-digit rate increases are not uncommon.

The recession has made it worse. The Main Street Alliance recently polled nearly 500 small businesses in a dozen states and found that 35 percent have reduced coverage and 12 percent have dropped it altogether in the past 2 years.

More than 50 percent of the uninsured in America are in households led by someone who is either self-employed or works for a business with fewer than 100 employees.

Workers in the smallest businesses are almost three times likely to be uninsured as those who work for the largest businesses. That is not because small businesses don't want to offer health insurance; it is because insurance is more expensive for them than for large companies.

Administrative costs for health insurance are higher for small businesses than larger businesses. About 20-25 percent of a small business's premium goes to administrative expenses, compared to about 10 percent for large employers.

Small businesses are less able than large employers to spread the risk that someone will get sick. Even a single employee with a serious medical condition can cause a dramatic increase in a small business's health insurance premium.

Small businesses are also more likely to have lower wages and narrower profit margins than large businesses, making it more difficult for these employers and employees to cover the cost of health coverage.

Small business owners like Doug Mayol of Springfield, IL, and David Borris, of Northbrook, IL, know all too well the difficulty of maintaining health insurance in this struggling economy.

Since 1988, Doug Mayol has owned and operated a small business in downtown Springfield that sells cards, gifts, and other knick-knacks. He has found that his profits are at the mercy of the rising costs of healthcare. He is fortunate that his only employee is over 65 and qualifies for Medicare and also receives spousal benefits from her late husband. If this were not the case, Doug does not think he would be able to provide her with coverage.

In terms of his own insurance, Doug has a preexisting condition and fears the real possibility of becoming uninsured. Almost 30 years ago, Doug was diagnosed with a congenital heart valve defect. He has no symptoms, but without regular healthcare he is at risk of developing serious problems.

Like most Americans, his healthcare premiums have risen over the years, but recently the increases have been dramatic. In 2001, he paid \$200 a month. By 2005, he was paying \$400 a month. The next year, after he turned 50, his rate shot up to \$750 a month.

Trying to work within the system, he chose a smaller network of providers

and a higher deductible to bring his premium back down to \$650. Unfortunately, last year it jumped to \$1037 a month. Only by taking the highest deductible allowed, \$2500, was he able to bring it down to \$888. And these rates will continue to rise.

Ironically, Doug is not even a costly patient. With his high deductible, his insurance rarely kicks in, as he has never made a claim for illness or injury and has received only routine primary care. Yet more affordable insurance carriers reject him due to his preexisting condition.

Meanwhile, Doug avoids seeing a cardiologist, even though periodic visits would be a good idea, because he fears it would add another red flag to his already imperfect health record.

What kind of healthcare system is it that causes even those with coverage to avoid care? Americans need the peace-of-mind that comes with knowing that health insurance companies will not be able to reject you, or keep raising your rates, because you have a preexisting condition.

David Borris faces another dilemma. David is the owner of Hel's Kitchen Catering, an off-premise catering company located along suburban Chicago's north shore in Northbrook, IL. Over 2 decades ago, David and his wife opened their business in a 900 square foot storefront with a handful of recipes from his mother and his wife. Both David and his wife left good-paying jobs in the hospitality industry to take their shot at the American dream of owning their own business.

David now employs 25 full-time employees and has offered health insurance to them since 1992. At first, David offered to contribute 50 percent of the premium in an employee's first year and 100 percent thereafter. The company had 8 full-time employees and David felt a moral obligation to offer insurance to the people who were helping to grow his business.

Around 2002, the company started to see staggering premium increases. In 2004, the premium jumped 21 percent. In 2005, it increased by 10 percent. In 2006, the increase was 16 percent. In 2007, he was quoted a 26 percent rate hike, and only a change of carriers allowed him to hold the increase to 17 percent. In total, his premiums have doubled since 2002, forcing him to ask longtime employees to contribute toward the cost of the premiums.

Today, David insures only 13 of his 25 full-time employees—the other 12 cannot afford their 50 percent share of the premium in the first year, and the company cannot afford to pay more.

David spent almost 13 percent of his covered employees' payroll on health insurance premiums last year, and he expects he will have to ask employees to contribute more again next year.

He knows that one employee's wife has a kidney problem and another employee's son receives an expensive

treatment for a health condition. Trying to maintain health coverage for his loyal workers has become a major complication as he tries to grow his business.

Both Doug and David are living the American dream as small business owners. Providing health insurance for their employees should not destroy that dream.

As Congress works to reform the healthcare system, we need to keep in mind the struggle of small business owners like Doug and David. Small businesses are the backbone of the American economy. They need to be able to count on health insurance premiums that are reasonable and predictable. They need something better than our current system offers.

That is why I am reintroducing the SHOP Act with Senators SNOWE and LINCOLN. Our legislation offers new hope for entrepreneurs who struggle to afford health insurance. It will make health insurance more accessible and more affordable for small businesses and the self-employed.

Our bill has three core elements: purchasing pools for small businesses and the self-employed; health insurance rating reforms; and tax credits.

Our bill would create incentives for States to establish purchasing pools and would create a national pool that we call SHOP, the Small Business Health Options Program, for small businesses with up to 100 employees and for the self-employed.

Purchasing pools will lower administrative costs, give employers and employees more private health insurance plans to choose from, and enhance competition by making it easier to compare plans.

Our bill would prohibit insurers from setting premiums based on health status in both the national SHOP pool and in States' small group markets, and would gradually reduce other sources of premium variation. These rating changes will make premiums more stable from year to year and make coverage more affordable for those who need it most.

To lower the cost of providing health coverage, our bill would provide a tax credit to small businesses with up to 50 workers who pay at least 60 percent of their employees' premiums.

The size of the tax credit would be targeted to the size of the business. A full tax credit of \$1,000 for self-only coverage and \$2,000 for family coverage would be available to the smallest businesses, with the value of the tax credit phased down as the size of the employer increases.

Employers who cover more than 60 percent of the premium would be rewarded with a bonus credit.

In addition, we would move to a system where individual employees can choose their own health plan instead of having their employer choose it for

them. Where rating rules permit it, each worker would be able to enroll in the health plan in SHOP that best meets his or her needs.

The bill we have introduced reflects our commitment to find reasonable compromises and address the challenges faced by small employers and the self-employed. This bipartisan legislation has the support of a range of business, labor, and consumer groups.

We have worked closely with the National Federation of Independent Business, the National Association of Realtors, and SEIU in the development of the bill, and we also have the support of Families USA, the National Restaurant Association, and the Partnership for Women and Families.

We have received valuable input from the National Association of Insurance Commissioners and have taken the hard steps they have recommended to address rating issues and ensure that the approach is viable over the long haul.

Although each group that supports SHOP has its own priorities for broader health reform, this diverse coalition of stakeholders from across the political spectrum came together to address the needs of small businesses as one important component of reform.

Everyone understands that this bill is not comprehensive health reform, and none of us would stop with SHOP. However, the renewed focus on broader reform has given us an opportunity to offer SHOP as a carefully-crafted component of broader reform that addresses the specific needs of the small business community. We believe our approach is consistent with the broader conversation and can help the greater reform effort move forward on a bipartisan basis, and we look forward to including the features of SHOP in the broader bill.

In a town hall meeting in March this year, the President spoke to a crowd about the new mindset of this Administration. He talked about "understanding that we're all in this together and that if the middle class is working well, if working people are doing well, then everybody does well."

This bill is consistent with that thinking. Its seemingly disparate supporters may disagree on many things, but they have worked together to develop this legislation because they agree on a greater principle: that our current system is hurting everyone—families, businesses, and our economy.

We must keep working together on a bipartisan basis to try to enact legislation that will give all Americans access to affordable health insurance, and solving the healthcare challenges faced by small businesses is an important part of that process.

I look forward to working with my colleagues to enact such legislation and ensure that the healthcare needs of small businesses and all Americans are met.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Health Options Program Act of 2009" or the "SHOP Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXXI—SMALL BUSINESS HEALTH OPTIONS PROGRAM

"SEC. 3101. DEFINITIONS.

"(a) IN GENERAL.—In this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator appointed under section 3102(a).

"(2) SMALL BUSINESS HEALTH BOARD.—The term 'Small Business Health Board' means the Board established under section 3102(d).

"(3) EMPLOYEE.—The term 'employee' has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)). Such term shall not include an employee of the Federal Government.

"(4) EMPLOYER.—The term 'employer' has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(5)), except that such term shall include employers who employed an average of at least 1 but not more than 100 employees (who worked an average of at least 35 hours per week) on business days during the year preceding the date of application, and shall include self-employed individuals with either not less than \$5,000 in net earnings or not less than \$15,000 in gross earnings from self-employment in the preceding taxable year. Such term shall not include the Federal Government.

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term in section 2791.

"(6) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791.

"(7) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning given such term in section 2791(d)(9).

"(8) PARTICIPATING EMPLOYER.—The term 'participating employer' means an employer that—

"(A) elects to provide health insurance coverage under this title to its employees; and

"(B) is not offering other comprehensive health insurance coverage to such employees.

"(b) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of subsection (a)(3):

"(1) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

"(2) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence for the full year prior to the date on which the employer applies to participate, the determination of

whether such employer meets the requirements of subsection (a)(4) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the employer's first full year.

“(3) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

“(c) WAIVER AND CONTINUATION OF PARTICIPATION.—

“(1) WAIVER.—The Administrator may waive the limitations relating to the size of an employer which may participate in the health insurance program established under this title on a case by case basis if the Administrator determines that such employer makes a compelling case for such a waiver. In making determinations under this paragraph, the Administrator may consider the effects of the employment of temporary and seasonal workers and other factors.

“(2) CONTINUATION OF PARTICIPATION.—An employer participating in the program under this title that experiences an increase in the number of employees so that such employer has in excess of 100 employees, may not be excluded from participation solely as a result of such increase in employees.

“(d) TREATMENT OF HEALTH INSURANCE COVERAGE AS GROUP HEALTH PLAN.—Health insurance coverage offered under this title shall be treated as a group health plan for purposes of applying the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) except to the extent that a provision of this title expressly provides otherwise.

“(e) APPLICATION OF HIPAA RULES.—Subject to the provisions of this title, parts A and C of title XXVII shall apply to health insurance coverage offered under this title by health insurance issuers. Subject to section 2723, a State may modify State law as appropriate to provide for the enforcement of such provisions for health insurance coverage offered in the State under this title. Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.) shall continue to apply to group health plans offering coverage under this title. Subtitle K of the Internal Revenue Code of 1986 shall continue to apply to covered employers and group health plans offering coverage under this title.

“SEC. 3102. ADMINISTRATION OF SMALL BUSINESS HEALTH INSURANCE POOL.

“(a) OFFICE AND ADMINISTRATOR.—The Secretary shall designate an office within the Department of Health and Human Services to administer the program under this title. Such office shall be headed by an Administrator to be appointed by the Secretary.

“(b) QUALIFICATIONS.—The Secretary shall ensure that the individual appointed to serve as the Administrator under subsection (a) has an appropriate background with experience in health insurance, healthcare management, or health policy.

“(c) DUTIES.—The Administrator shall—

“(1) enter into contracts with health insurance issuers to provide health insurance coverage to individuals and employees who enroll in health insurance coverage in accordance with this title;

“(2) maintain the contracts for health insurance policies when an employee elects which health plan offered under this title to enroll in as permitted under section 3107(d)(7);

“(3) ensure that health insurance issuers comply with the requirements of this title;

“(4) ensure that employers meet eligibility requirements for participation in the health insurance pool established under this title;

“(5) enter into agreements with entities to serve as navigators, as defined in section 3103;

“(6) collect premiums from employers and employees and make payments for health insurance coverage;

“(7) collect other information needed to administer the program under this title;

“(8) compile, produce, and distribute information (which shall not be subject to review or modification by the States) to employers and employees (directly and through navigators) concerning the open enrollment process, the health insurance coverage available through the pool, and standardized comparative information concerning such coverage, which shall be available through an interactive Internet website, including a description of the coverage plans available in each State and comparative information, about premiums, index rates, benefits, quality, and consumer satisfaction under such plans;

“(9) provide information to health insurance issuers, including, at the discretion of the Administrator, notification when proposed rates are not in a competitive range;

“(10) conduct public education activities (directly and through navigators) to raise the awareness of the public of the program under this title and the associated tax credit under the Internal Revenue Code of 1986;

“(11) develop methods to facilitate enrollment in health insurance coverage under this title, including through the use of the Internet;

“(12) if appropriate, enter into contracts for the performance of administrative functions under this title as permitted under section 3109;

“(13) carefully consider benefit recommendations that are endorsed by at least two-thirds of the members of the Small Business Health Board;

“(14) establish and administer a contingency fund for risk corridors as provided for in section 3108;

“(15) coordinate with State insurance regulators to ensure timely and effective consideration of complaints, grievances, and appeals; and

“(16) carry out any other activities necessary to administer this title.

“(d) LIMITATIONS.—The Administrator shall not—

“(1) negotiate premiums with participating health insurance issuers; or

“(2) exclude health insurance issuers from participating in the program under this title except for violating contracts or the requirements of this title.

“(e) SMALL BUSINESS HEALTH BOARD.—

“(1) IN GENERAL.—There shall be established a Small Business Health Board to monitor the implementation of the program under this title and to make recommendations to the Administrator concerning improvements in the program.

“(2) APPOINTMENT.—The Comptroller General shall appoint 13 individuals who have expertise in healthcare benefits, financing, economics, actuarial science, or other related fields, to serve as members of the Small Business Health Board. In appointing members under the preceding sentence, the Comptroller General shall ensure that such members include—

“(A) a mix of different types of professionals;

“(B) a broad geographic representation;

“(C) not less than 3 individuals with an employee employee perspective;

“(D) not less than 3 individuals with a small business perspective, at least 1 of whom shall have a self-employed perspective;

“(E) not less than 1 individual with a background in insurance regulation; and

“(F) not less than 1 individual with a patient perspective.

“(3) TERMS.—Members of the Small Business Health Board shall serve for a term of 3 years, such terms to end on March 15 of the applicable year, except as provided in paragraph (4). The Comptroller General shall stagger the terms for members first appointed. A member may be reappointed after the expiration of a term. A member may serve after expiration of a term until a successor has been appointed.

“(4) SMALL BUSINESS REPRESENTATIVES.—Beginning on March 16, 2013, 3 of the individuals the Comptroller General appoints to the Small Business Health Board shall be representatives of the 3 navigators through which the largest number of individuals have enrolled for health insurance coverage over the previous 2-year period. Such appointees shall serve for 1 year. The Comptroller General shall consider for appointment in years prior to the date specified in this paragraph, individuals who are representatives of entities that may serve as navigators.

“(5) CHAIRPERSON; VICE CHAIRPERSON.—The Comptroller General shall designate a member of the Small Business Health Board, at the time of appointment of such member, to serve as Chairperson and a member to serve as Vice Chairperson for the term of the appointment, except that in the case of a vacancy of either such position, the Comptroller General may designate another member to serve in such position for the remainder of such member's term.

“(6) COMPENSATION.—While serving on the business of the Small Business Health Board (including travel time), a member of the Small Business Health Board shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairperson of the Small Business Health Board.

“(7) DISCLOSURE.—The Comptroller General shall establish a system for the public disclosure, by members of the Small Business Health Board, of financial and other potential conflicts of interest.

“(8) MEETINGS.—The Small Business Health Board shall meet at the call of the Chairperson. Each such meeting shall be open to the public.

“(9) DUTIES.—The Small Business Health Board shall—

“(A) provide general oversight of the program under this title and make recommendations to the Administrator;

“(B) monitor, review, seek public input on, and make recommendations to the Administrator on the benefit requirements for nationwide plans in this title;

“(C) make recommendations concerning information that the Administrator, health plans, and navigators should distribute to employers and employees participating in the program under this title; and

“(D) monitor and make recommendations to the Administrator on adverse selection within the program under this title and between the coverage provided under the program and the State-regulated health insurance market.

“(10) APPROVAL OF RECOMMENDATIONS.—A recommendation shall require approval by not less than two-thirds of the members of the Board.

“(11) PUBLIC NOTICE AND COMMENT ON RECOMMENDATIONS.—The Administrator shall—

“(A) publish recommendations by the Small Business Health Board in the Federal Register;

“(B) solicit written comments concerning such recommendations; and

“(C) provide an opportunity for the presentation of oral comments concerning such recommendations at a public meeting.

“SEC. 3103. NAVIGATORS.

“(a) IN GENERAL.—The Administrator shall enter into agreements with private and public entities, beginning a reasonable period prior to the beginning of the first calendar year in which health insurance coverage is offered under this title, under which such entities will serve as navigators.

“(b) ELIGIBILITY.—To be eligible to enter into an agreement under subsection (a), an entity shall demonstrate to the Administrator that the entity has existing relationships with, or could readily establish relationships with, employers or employees and self-employed individuals, likely to be eligible to participate in the program under this title. Such entities may include trade, industry and professional associations, chambers of commerce, unions, small business development centers, and other entities that the Administrator determines to be capable of carrying out the duties described in subsection (c).

“(c) DUTIES.—An entity that serves as a navigator under an agreement under subsection (a) shall—

“(1) coordinate with the Administrator on public education activities to raise awareness of the program under this title;

“(2) distribute information developed by the Administrator on the open enrollment process, private health plans available through the program under this title, and standardized comparative information about the health insurance coverage under the program;

“(3) distribute information about the availability of the tax credit under section 36 of the Internal Revenue Code of 1986 as added by the Small Business Health Options Program Act of 2009;

“(4) provide referrals to the applicable State agency or agencies for any enrollee with a grievance, complaint, or question regarding their health insurance issuer, their coverage or plan, or a determination under such coverage or plan;

“(5) assist employers and employees in enrolling in the program under this title; and

“(6) respond to questions about the program under this title and participating plans.

“(d) SUPPLEMENTAL MATERIALS.—In addition to information developed by the Administrator under subsection (c)(2), a navigator may develop and distribute other information that is related to the health insurance program established under this title, subject to review and approval by the Administrator and filing in each State in which the navigator operates.

“(e) STANDARDS.—

“(1) IN GENERAL.—The Administrator shall establish standards for navigators under this section, including provisions to avoid conflicts of interest. Under such standards, a navigator may not—

“(A) be a health insurance issuer; or

“(B) receive any consideration directly or indirectly from any health insurance issuer

in connection with the participation of any employer in the program under this title or the enrollment of any eligible employee in health insurance coverage under this title.

“(2) FAIR AND IMPARTIAL INFORMATION AND SERVICES.—The Administrator shall consult with the Small Business Health Board concerning the standards necessary to ensure that a navigator will provide fair and impartial information and services. An agreement between the Administrator and a navigator may include specific provisions with respect to such navigator to ensure that such navigator will provide fair and impartial information and services. If a navigator, or entity seeking to become a navigator, is a party to any arrangement with any health insurance issuer to receive compensation related to other healthcare programs not covered under this title, the entity shall disclose the terms of such compensation arrangements to the Administrator, and the Administrator shall take such information into account in determining the appropriate standards and agreement terms for such navigator.

“SEC. 3104. CONTRACTS WITH HEALTH INSURANCE ISSUERS.

“(a) IN GENERAL.—The Administrator may enter into contracts with qualified health insurance issuers, without regard to section 5 of title 41, United States Code, or other statutes requiring competitive bidding, to provide health benefits plans to employees of participating employers and self-employed individuals under this title. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. In entering into such contracts, the Administrator shall ensure that health benefits coverage is provided for an individual only, 2 adults in a household, 1 adult and 1 or more children, and a family.

“(b) ELIGIBILITY.—A health insurance issuer shall be eligible to enter into a contract under subsection (a) if such issuer—

“(1) is licensed to offer health benefits plan coverage in each State in which the plan is offered; and

“(2) meets such other reasonable requirements as determined appropriate by the Administrator, after an opportunity for public comment and publication in the Federal Register.

“(c) COST-SHARING AND NETWORKS.—The Administrator shall ensure that health benefits plans with a range of cost-sharing and network arrangements are available under this title.

“(d) REVOCATION.—Approval of a health benefits plan participating in the program under this title may be withdrawn or revoked by the Administrator only after notice to the health insurance issuer involved and an opportunity for a hearing without regard to subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

“(e) CONVERSION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a contract may not be made or a plan approved under this section if the health insurance issuer under such contract or plan does not provide to each enrollee whose coverage under the plan is terminated, including a termination due to discontinuance of the contract or plan, the option to have issued to that individual a nongroup policy without evidence of insurability. A health insurance issuer shall provide a notice of such option to individuals who enroll in the plan. An enrollee who exercises such conversion option shall pay the full periodic charges for the nongroup policy.

“(2) EXCEPTIONS.—A health insurance issuer shall not be required to offer a nongroup policy under paragraph (1) if the termination under the plan occurred because—

“(A) the enrollee failed to pay any required monthly premiums under the plan;

“(B) the enrollee performed an act or practice that constitutes fraud in connection with the coverage under the plan;

“(C) the enrollee made an intentional misrepresentation of a material fact under the terms of coverage of the plan; or

“(D) the terminated coverage under the plan was replaced by similar coverage within 31 days after the effective date of such termination.

“(f) PAYMENT OF PREMIUMS.—

“(1) IN GENERAL.—Employers shall collect premium payments from their employees through payroll deductions or other payments from employees and shall forward such payments and the contribution of the employer (if any) to the Administrator. The Administrator shall develop procedures through which such payments shall be received and forwarded to the health insurance issuer involved.

“(2) FAILURE TO PAY.—The Administrator shall establish—

“(A) procedures for the termination of employers that fail for a consecutive 2-month period (or such other time period as determined appropriate by the Administrator) to make premium payments in a timely manner; and

“(B) other procedures regarding unpaid and uncollected premiums.

“SEC. 3105. EMPLOYER PARTICIPATION.

“(a) PARTICIPATION PROCEDURE.—The Administrator shall develop a procedure for employers and self-employed individuals to participate in the program under this title, including procedures relating to the offering of health benefits plans to employees and the payment of premiums for health insurance coverage under this title. For the purpose of premium payments, a self-employed individual shall be considered an employer that is making a 100 percent contribution toward the premium amount.

“(b) ENROLLMENT AND OFFERING OF OTHER COVERAGE.—

“(1) ENROLLMENT.—A participating employer shall ensure that each eligible employee has an opportunity to enroll in a plan of the employer's choice or a plan of the employee's choice in accordance with section 3107(d)(7).

“(2) PROHIBITION ON OFFERING OTHER COMPREHENSIVE HEALTH BENEFIT COVERAGE.—A participating employer may not offer a health insurance plan providing comprehensive health benefit coverage to employees other than a health benefits plan offered under this title.

“(3) PROHIBITION ON COERCION.—An employer shall not pressure, coerce, or offer inducements to an employee to elect not to enroll in coverage under the program under this title or to select a particular health benefits plan.

“(4) OFFER OF SUPPLEMENTAL COVERAGE OPTIONS.—

“(A) IN GENERAL.—A participating employer may offer supplementary coverage options to employees.

“(B) DEFINITION.—In subparagraph (A), the term ‘supplementary coverage’ means benefits described as ‘excepted benefits’ under section 2791(c).

“(C) REGULATORY FLEXIBILITY.—In developing the procedure under subsection (a), the Administrator shall comply with the requirements specified under the Regulatory

Flexibility Act under chapter 6 of title 5, United States Code, consider the economic impacts that the regulation will have on small businesses, and consider regulatory alternatives that would mitigate such impact. The Administrator shall publish and publicly disseminate a small business compliance guide, pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act, that explains the compliance requirements for employer participation. Such compliance guide shall be published not later than the date of the publication of the final rule under this title, or the effective date of such rules, whichever is later.

“(d) **RULE OF CONSTRUCTION.**—Except as provided in section 3104(f), nothing in this title shall be construed to require that an employer make premium contributions on behalf of employees.

“SEC. 3106. ELIGIBILITY AND ENROLLMENT.

“(a) **IN GENERAL.**—An individual shall be eligible to enroll in health insurance coverage under this title for coverage beginning in 2012 if such individual is an employee of a participating employer described in section 3101(a)(4) or is a self-employed individual as defined in section 401(c)(1)(B) of the Internal Revenue Code of 1986 and meets the definition of a participating employer in section 3101(a)(8). An employer may allow employees who average fewer than 35 hours per week to enroll.

“(b) **LIMITATION.**—A health insurance issuer may not refuse to provide coverage to any eligible individual under subsection (a) who selects a health benefits plan offered by such issuer under this title.

“(c) **TYPE OF ENROLLMENT.**—An eligible individual may enroll as an individual or as an adult with 1 or more children regardless of whether another adult is present in the enrollee’s household or family.

“(d) **OPEN ENROLLMENT.**—

“(1) **IN GENERAL.**—The Administrator shall establish an annual open enrollment period during which an employer may elect to become a participating employer and an employee may enroll in a health benefits plan under this title for the following calendar year.

“(2) **OPEN ENROLLMENT PERIOD.**—For purposes of this title, the term ‘open enrollment period’ means, with respect to calendar year 2012 and each succeeding calendar year, the period beginning on October 1, 2011, and ending December 1, 2011, and each succeeding period beginning October 1 and ending December 1. Coverage in a health benefits plan selected during such an open enrollment period shall begin on January 1 of the calendar year following the selection.

“(3) **NEWLY ELIGIBLE EMPLOYERS AND EMPLOYEES.**—Notwithstanding the open enrollment period provided for under paragraph (2), the Administrator shall establish an enrollment process to enable a newly eligible employer or an employer with an existing health benefits plan whose term is ending to become a participating employer and for an employee of such employer, or a new employee of a participating employer, to enroll in a health benefits plan under this title outside of an open enrollment period subject to 2701(f). The Administrator may establish a process for setting the renewal date for the participation of an employer that initially becomes a participating employer outside of the open enrollment period to coincide with a subsequent open enrollment period.

“(4) **LIMITATION OF CHANGING ENROLLMENT.**—An employer or employee (as the case may be) may elect to change the health benefits plan that the employee is enrolled in only during an open enrollment period.

“(5) **EFFECTIVENESS OF ELECTION AND CHANGE OF ELECTION.**—An election to change a health benefits plan that is made during the open enrollment period under paragraph (2) shall take effect as of the first day of the following calendar year.

“(6) **CONTINUATION OF ENROLLMENT.**—An employee who has enrolled in a health benefits plan under this title is considered to have been continuously enrolled in that health benefits plan until such time as—

“(A) the employer or employee (as the case may be) elects to change health benefits plans; or

“(B) the health benefits plan is terminated.

“(e) **PROVIDING INFORMATION TO PROMOTE INFORMED CHOICE.**—The Administrator shall compile, produce, and disseminate information to employers, employees, and navigators under section 3102(c)(8) to promote informed choice that shall be made available at least 30 days prior to the beginning of each open enrollment period.

“(f) **TERMINATION OF EMPLOYMENT.**—

“(1) **IN GENERAL.**—With respect to an employee who is enrolled in a health plan through the program under this title and who is terminated or separated from employment, such employee may remain enrolled in such health plan for the period described in paragraph (2) if the employee pays 102 percent of the monthly premium for such plan for such period as provided for under paragraph (3).

“(2) **PERIOD DESCRIBED.**—The period described in this paragraph is the longer of—

“(A) the period provided for in the COBRA continuation provisions (as such term is defined in section 3001(a)(10)(B) of division B of the American Recovery and Reinvestment Act of 2009) beginning on the date of the termination or separation involved; or

“(B) the period permitted under any applicable continuation of coverage provisions of the State in which the employee resides.

“(3) **ADMINISTRATION.**—The Administrator shall develop guidelines for administering the provision of health plan coverage for employees under this subsection. Such guidelines shall address the rating rules for such continuation coverage in the calendar years prior to 2014 and shall provide for the administration of this section in a manner similar to the manner in which the COBRA continuation provisions (as such term is defined in section 3001(a)(10)(B) of division B of the American Recovery and Reinvestment Act of 2009) are administered, including the collection of premiums by the Administrator.

“(4) **NONAPPLICATION OF PROVISIONS.**—The COBRA continuation provisions (as such term is defined in section 3001(a)(10)(B) of division B of the American Recovery and Reinvestment Act of 2009) shall not apply to an employee to which this subsection applies.

“(g) **RULE OF CONSTRUCTION.**—Nothing in this title shall be construed to prohibit a health insurance issuer providing coverage through the program under this title from using the services of a licensed agent or broker.

“SEC. 3107. HEALTH COVERAGE AVAILABLE WITHIN THE SMALL BUSINESS POOL.

“(a) **PREEXISTING CONDITION EXCLUSIONS.**—Section 2701 shall apply to coverage under this title, except that with respect to such coverage, the reference to ‘12 months (or 18 months in the case of a late enrollee)’ in subsection (a)(2) of each such section shall be deemed to be ‘6 months’. The period involved shall be reduced by the aggregate of 1 day for each day that the individual was covered under creditable health insurance coverage (as defined for purposes of section 2701(c))

immediately preceding the date the individual submitted an application for coverage under this title.

“(b) **RATES AND PREMIUMS; STATE LAWS.**—

“(1) **IN GENERAL.**—Rates charged and premiums paid for a health benefits plan under this title—

“(A) shall be determined in accordance with subsection (d);

“(B) may be annually adjusted; and

“(C) shall be adjusted to cover the administrative costs of the Administrator under this title and the office established under section 3102.

“(2) **BENEFIT MANDATE LAWS.**—With respect to a contract entered into under this title under which a health insurance issuer will offer health benefits plan coverage, State mandated benefit laws in effect in the State in which the plan is offered shall continue to apply, except in the case of a nationwide plan.

“(3) **LIMITATION.**—Nothing in this subsection shall be construed to preempt any State or local law (including any State grievance, claims, and appeals procedure laws, State provider mandate laws, and State network adequacy laws) except those laws and regulations described in subsection (b)(2), (d)(2)(B), and (d)(5).

“(c) **TERMINATION AND REENROLLMENT.**—If an individual who is enrolled in a health benefits plan under this title voluntarily terminates the enrollment, except in the case of an individual who has lost or changes employment or whose employer is terminated for failure to pay premiums, the individual shall not be eligible for reenrollment until the first open enrollment period following the expiration of 6 months after the date of such termination.

“(d) **RATING RULES AND TRANSITIONAL APPLICATION OF STATE LAW.**—

“(1) **YEARS 2012 AND 2013.**—With respect to calendar years 2012 and 2013 (open enrollment period beginning October 1, 2011, and October 1, 2012), the following shall apply:

“(A) In the case of an employer that elects to participate in the program under this title, the State rating requirements applicable to employers purchasing health insurance coverage in the small group market in the State in which the employer is located shall apply with respect to such coverage, except that premium rates for such coverage shall not vary based on health-status related factors.

“(B) State rating requirements shall apply to health insurance coverage purchased in the small group market in the State, except that a State shall be prohibited from allowing premium rates to vary based on health-status related factors.

“(2) **SUBSEQUENT YEARS.**—

“(A) **NAIC RECOMMENDATIONS.**—

“(i) **STUDY.**—Beginning in 2010, the Administrator shall contract with the National Association of Insurance Commissioners to conduct a study of the rating requirements utilized in the program under this title and the rating requirements that apply to health insurance purchased in the small group markets in the States, and to develop recommendations concerning rating requirements. Such recommendations shall be submitted to the appropriate committees of Congress during calendar year 2012.

“(ii) **STATE LAW HARMONIZATION.**—Beginning in calendar year 2011, the Administrator shall contract with the National Association of Insurance Commissioners to conduct a study of administrative procedures, including rate and form filing, standards of external review, and standards of internal review,

that apply to the program under this title and to health insurance purchased in the small group markets in the States.

“(iii) CONSULTATION.—In conducting the study under clause (i), the National Association of Insurance Commissioners shall consult with key stakeholders (including small businesses, self-employed individuals, employees of small businesses, health insurance issuers, healthcare providers, and patient advocates).

“(iv) RECOMMENDATIONS.—During calendar year 2012, the recommendations of the National Association of Insurance Commissioners shall be submitted to Congress (in the form of a legislative proposal), and shall concern—

“(I) rating requirements for health insurance coverage under this title for calendar year 2014 and subsequent calendar years; and

“(II) a maximum permissible variance between State rating requirements and the rating requirements for coverage under this title that will allow State flexibility without causing significant adverse selection for health insurance coverage under this title.

“(B) APPLICATION OF REQUIREMENTS.—If, pursuant to this subsection, an Act is enacted to implement rating requirements pursuant to the recommendations submitted under subparagraph (A), or alternative rating requirements developed by Congress, such rating requirements shall apply to the program under this title beginning in calendar year 2014 (open enrollment periods beginning October 1, 2013, and thereafter).

“(3) FAILURE TO ENACT LEGISLATION.—If an Act is not enacted as provided for in paragraph (2)(B), the fallback rating rules under paragraph (5) shall apply beginning in calendar year 2014 (open enrollment periods beginning October 1, 2013, and thereafter).

“(4) EXPEDITED CONGRESSIONAL CONSIDERATION.—

“(A) INTRODUCTION AND COMMITTEE CONSIDERATION.—

“(i) INTRODUCTION.—A legislative proposal submitted to Congress pursuant to paragraph (2) shall be introduced in the House of Representatives by the Speaker, and in the Senate by the majority leader, immediately upon receipt of the language and shall be referred to the appropriate committees of Congress. If the proposal is not introduced in accordance with the preceding sentence, legislation may be introduced in either House of Congress by any member thereof.

“(ii) COMMITTEE CONSIDERATION.—Legislation introduced in the House of Representatives and the Senate under clause (i) shall be referred to the appropriate committees of jurisdiction of the House of Representatives and the Senate. Not later than 45 calendar days after the introduction of the legislation or February 15th, 2013, whichever is later, the committee of Congress to which the legislation was referred shall report the legislation or a committee amendment thereto. If the committee has not reported such legislation (or identical legislation) at the end of 45 calendar days after its introduction, or February 15th, 2013, whichever is later, such committee shall be deemed to be discharged from further consideration of such legislation and such legislation shall be placed on the appropriate calendar of the House involved.

“(B) EXPEDITED PROCEDURE.—

“(i) CONSIDERATION.—Not later than 15 calendar days after the date on which a committee has been or could have been discharged from consideration of legislation under this paragraph, the Speaker of the House of Representatives, or the Speaker's

designee, or the majority leader of the Senate, or the leader's designee, shall move to proceed to the consideration of the committee amendment to the legislation, and if there is no such amendment, to the legislation. It shall also be in order for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the legislation at any time after the conclusion of such 15-day period. All points of order against the legislation (and against consideration of the legislation) with the exception of points of order under the Congressional Budget Act of 1974 are waived. A motion to proceed to the consideration of the legislation is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the legislation, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the legislation in accordance with the Standing Rules of the House of Representatives or the Senate, as the case may be, without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of, except as provided in clause (iii).

“(ii) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the legislation that was introduced in such House, such House receives from the other House legislation as passed by such other House—

“(I) the legislation of the other House shall not be referred to a committee and shall immediately displace the legislation that was introduced in the House in receipt of the legislation of the other House; and

“(II) the legislation of the other House shall immediately be considered by the receiving House under the same procedures applicable to legislation reported by or discharged from a committee under this paragraph.

“Upon disposition of legislation that is received by one House from the other House, it shall no longer be in order to consider the legislation that was introduced in the receiving House.

“(iii) SENATE VOTE REQUIREMENT.—Legislation under this paragraph shall only be approved in the Senate if affirmed by the votes of 3/4 of the Senators duly chosen and sworn. If legislation in the Senate has not reached final passage within 10 days after the motion to proceed is agreed to (excluding periods in which the Senate is in recess) it shall be in order for the majority leader to file a cloture petition on the legislation or amendments thereto, in accordance with rule XXII of the Standing Rules of the Senate. If such a cloture motion on the legislation fails, it shall be in order for the majority leader to proceed to other business and the legislation shall be returned to or placed on the Senate calendar.

“(iv) CONSIDERATION IN CONFERENCE.—Immediately upon a final passage of the legislation that results in a disagreement between the two Houses of Congress with respect to the legislation, conferees shall be appointed and a conference convened. Not later than 15 days after the date on which conferees are appointed (excluding periods in which one or both Houses are in recess), the conferees shall file a report with the House of Representatives and the Senate resolving the

differences between the Houses on the legislation. Notwithstanding any other rule of the House of Representatives or the Senate, it shall be in order to immediately consider a report of a committee of conference on the legislation filed in accordance with this subclause. Debate in the House of Representatives and the Senate on the conference report shall be limited to 10 hours, equally divided and controlled by the Speaker of the House of Representatives and the minority leader of the House of Representatives or their designees and the majority and minority leaders of the Senate or their designees. A vote on final passage of the conference report shall occur immediately at the conclusion or yielding back of all time for debate on the conference report. The conference report shall be approved in the Senate only if affirmed by the votes of 3/4 of the Senators duly chosen and sworn.

“(C) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This paragraph is enacted by Congress—

“(i) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of legislation under this paragraph, and it supercedes other rules only to the extent that it is inconsistent with such rules; and

“(ii) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

“(5) FALLBACK RATING RULES.—For purposes of paragraph (3), the fallback rating rules are as follows:

“(A) PROGRAM.—

“(i) RATING RULES.—A health insurance issuer that enters into a contract under the program under this title shall determine the amount of premiums to assess for coverage under a health benefits plan based on a community rate that may be annually adjusted only—

“(I) based on the age of covered individuals (subject to clause (iii));

“(II) based on the geographic area involved if the adjustment is based on geographical divisions that are not smaller than a metropolitan statistical area and the issuer provides evidence of geographic variation in cost of services;

“(III) based on industry (subject to clause (iv));

“(IV) based on tobacco use; and

“(V) based on whether such coverage is for an individual, 2 adults in a household, 1 adult and 1 or more children, or a family.

“(ii) LIMITATION.—Premium rates charged for coverage under the program under this title shall not vary based on health-status related factors, gender, class of business, or claims experience or any other factor not described in clause (i).

“(iii) AGE ADJUSTMENTS.—

“(I) IN GENERAL.—With respect to clause (i)(I), in making adjustments based on age, the Administrator shall establish not more than 5 age brackets to be used by a health insurance issuer in establishing rates for individuals under the age of 65. The rates for any age bracket shall not exceed 300 percent of the rate for the lowest age bracket. Age-related premiums may not vary within age brackets.

“(II) AGES 65 AND OLDER.—With respect to clause (i)(I), a health insurance issuer may develop separate rates for covered individuals who are 65 years of age or older for

whom the primary payor for health benefits coverage is the Medicare program under title XVIII of the Social Security Act, for the coverage of health benefits that are not otherwise covered under Medicare.

“(iv) **INDUSTRY ADJUSTMENT.**—With respect to clause (i)(III), in making adjustments based on industry, the rates for any industry shall not exceed 115 percent of the rate for the lowest industry and shall be based on evidence of industry variation in cost of services.

“(B) **STATE RATING RULES.**—State rating requirements shall apply to health insurance coverage purchased in the small group market, except that a State shall not permit premium rates to vary based on health-status related factors.

“(6) **STATE WITH LESS PREMIUM VARIATION.**—Effective beginning in calendar year 2014, in the case of a State that provides a rating variance with respect to age that is less than the Federal limit established under paragraph (2)(B) or (3) or that provides for some form of community rating, or that provides a rating variance with respect to industry that is less than the Federal limit established under paragraph (2)(B) or (3), or that provides a rating variance with respect to the geographic area involved that is less than the Federal limit established in paragraph (2)(B) or (3), premium rates charged for health insurance coverage under this title in such State with respect to such factor shall reflect the rating requirements of such State.

“(7) **EMPLOYEE CHOICE.**—

“(A) **CALENDAR YEARS 2012 AND 2013.**—With respect to calendar years 2012 and 2013 (open enrollment periods beginning October 1, 2011, and October 1, 2012), in the case of a State that applies community rating or adjusted community rating where any age bracket does not exceed 300 percent of the lowest age bracket, employees of an employer located in that State may elect to enroll in any health plan offered under this title.

“(B) **SUBSEQUENT YEARS.**—Beginning in calendar year 2014 (open enrollment periods beginning October 1, 2013, and thereafter), employees of an employer that participates in the program under this title may elect to enroll in any health plan offered under this title.

“(C) **EXCEPTION.**—In any State or year in which an employee is not able to select a health plan as provided for in subparagraph (A) or (B), the employer shall select the health plan or plans that shall be made available to the employees of such employer.

“(8) **STATE APPROVAL OF RATES.**—State laws requiring the approval of rates with respect to health insurance shall continue to apply to health insurance coverage under this title in such State unless the State fails to enforce the application of rates that would otherwise apply to health insurance issuers under the program under this title.

“(e) **BENEFITS.**—

“(1) **STATEMENT OF BENEFITS.**—Each contract under this title shall contain a detailed statement of benefits offered and shall include information concerning such maximums, limitations, exclusions, and other definitions of benefits as the Administrator considers necessary or reasonable.

“(2) **NATIONWIDE PLANS.**—

“(A) **IN GENERAL.**—In the case of contracts with health insurance issuers that offer a health benefit plan on a nationwide basis, the benefit package shall include benefits established by the Administrator.

“(B) **PROCESS FOR ESTABLISHING BENEFITS FOR NATIONWIDE PLANS.**—The benefits pro-

vided for under subparagraph (A) shall be determined as follows:

“(i) Not later than 30 days after the date of enactment of this title, the Secretary shall enter into a contract with the Institute of Medicine to develop a minimum set of benefits to be offered by nationwide plans.

“(ii) In developing such minimum set of benefits, the Institute of Medicine shall convene public forums to allow input from key stakeholders (including small businesses, self-employed individuals, employees of small businesses, health insurance issuers, insurance regulators, healthcare providers, and patient advocates) and shall consult with the Small Business Health Board.

“(iii) The Institute of Medicine shall consider—

“(I) the clinical appropriateness and effectiveness of the benefits covered;

“(II) the affordability of the benefits covered;

“(III) the financial protection of enrollees against high healthcare expenses;

“(IV) access to necessary healthcare services, including preventive health services; and

“(V) benefits similar to those available in the small group market on the date of enactment of this title.

“(iv) The benefits package shall not be discriminatory or be likely to promote or induce adverse selection.

“(v) The Administrator shall publish the benefits recommended by the Institute of Medicine for public comment.

“(vi) Based on the comments received, the Administrator may make changes only to the extent that the recommendation from the Institute of Medicine is not consistent with the criteria contained in clause (iii) or there is a compelling need for the changes to ensure the effective functioning of the program.

“(vii) The Administrator shall submit a report to Congress on the benefits included in the nationwide package.

“(C) **CHANGES TO BENEFITS.**—

“(i) **IN GENERAL.**—By a vote of a two-thirds majority, the Small Business Health Board may recommend to the Administrator changes to the benefit package for nationwide plans under this paragraph for years subsequent to the first year in which such benefits are in effect.

“(ii) **REDUCTION IN BENEFITS.**—The Administrator may reduce benefits that were previously covered under this paragraph only if—

“(I) two-thirds of the Small Business Health Board recommend such change; or

“(II) there is a compelling need for the change to prevent a substantial reduction in participation in the program under this title.

“(f) **ADDITIONAL PREMIUM FOR DELAYED ENROLLMENT.**—

“(1) **IN GENERAL.**—A self-employed individual who is eligible to participate in the program under this title, who does not reside in a State where a self-employed individual is eligible for coverage in the small group market, and who does not elect to enroll in coverage under such program in the first year in which the self-employed individual is eligible to so enroll, shall be subject to an additional premium for delayed enrollment.

“(2) **AMOUNT.**—The Administrator shall establish the amount of the additional premium under paragraph (1), which shall be the amount determined by the Administrator to be actuarially appropriate, to encourage enrollment, and to reduce adverse selection.

The amount of the additional premium shall be calculated by the Administrator based on

the number of years specified in paragraph (4).

“(3) **PAYMENT.**—A self-employed individual shall pay the additional premium under this subsection, if any, for a period of time equal to the number of years specified in paragraph (4). After the expiration of such period the additional premium for delayed enrollment shall be terminated.

“(4) **YEARS.**—The number of years specified in this paragraph is the number of years that the self-employed individual involved was eligible to participate in the program under this title but did not enroll in coverage under such program and did not otherwise have creditable coverage (as defined for purposes of section 2701(c)).

“(g) **STATE ENFORCEMENT.**—

“(1) **STATE AUTHORITY.**—With respect to the enforcement of provisions in this title that supersede State law (as described in paragraph (2)), a State may require that health insurance issuers that issue, sell, renew, or offer health insurance coverage in the State in the small group market or through the program under this title, comply with the requirements of this title with respect to such issuers.

“(2) **PROVISIONS DESCRIBED.**—The provisions described in this paragraph shall include the following:

“(A) Prohibitions on varying premium rates based on health-status related factors (subsections (d)(1)(A) and (B) of section 3107).

“(B) The implementation of rating requirements that shall apply to the program under this title beginning in calendar year 2014 (subsections (d)(2)(B) and (d)(3) of section 3107).

“(C) Benefit requirements for nationwide plans available in the program under this title (subsection (e)).

“(3) **FAILURE TO IMPLEMENT OR ENFORCE PROVISIONS.**—In the case of a determination by the Secretary that a State has failed to substantially enforce a provision (or provisions) described in paragraph (2) with respect to health insurance issuers in the State, the Secretary shall enforce such provision (or provisions).

“(4) **SECRETARIAL ENFORCEMENT AUTHORITY.**—The Secretary shall have the same authority in relation to the enforcement of the provisions of this title with respect to issuers of health insurance coverage in a State as the Secretary has under section 2722(b)(2) in relation to the enforcement of the provisions of part A of title XXVII with respect to issuers of health insurance coverage in the small group market in the State.

“(h) **STATE OPT OUT.**—A State may prohibit small employers and self-employed individuals in the State from participating in the program under this title if the Administrator finds that the State—

“(1) defines its small group market to include groups of 1 (so that self-employed individuals are eligible for coverage in such market);

“(2) prohibits the use of health-status related factors and other factors described in subsection (d)(5)(A);

“(3) has in effect rating rules that—

“(A) in calendar years 2012 and 2013, comply with subsection (d)(5)(A); and

“(B) in calendar year 2014 and thereafter, comply with subsection (d)(2)(B) or (d)(3), whichever is in effect for such calendar year; except that such rules may impose limits on rating variation in addition to those provided for in such subsection;

“(4) maintains a State-wide purchasing pool that provides purchasers in the small

group market a choice of health benefits plans, with comparative information provided concerning such plans and the premiums charged for such plans made available through the Internet; and

“(5) enacts a law to request an opt out under this subsection.

“SEC. 3108. ENCOURAGING PARTICIPATION BY HEALTH INSURANCE ISSUERS THROUGH ADJUSTMENTS FOR RISK.

“(a) APPLICATION OF RISK CORRIDORS.—

“(1) IN GENERAL.—This section shall only apply to health insurance issuers with respect to health benefits plans offered under this Act during any of calendar years 2012 through 2014.

“(2) NOTIFICATION OF COSTS UNDER THE PLAN.—In the case of a health insurance issuer that offers a health benefits plan under this title in any of calendar years 2012 through 2014, the issuer shall notify the Administrator, before such date in the succeeding year as the Administrator specifies, of the total amount of costs incurred in providing benefits under the health benefits plan for the year involved and the portion of such costs that is attributable to administrative expenses.

“(3) ALLOWABLE COSTS DEFINED.—For purposes of this section, the term ‘allowable costs’ means, with respect to a health benefits plan offered by a health insurance issuer under this title, for a year, the total amount of costs described in paragraph (2) for the plan and year, reduced by the portion of such costs attributable to administrative expenses incurred in providing the benefits described in such paragraph.

“(b) ADJUSTMENT OF PAYMENT.—

“(1) NO ADJUSTMENT IF ALLOWABLE COSTS WITHIN 3 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for a calendar year are at least 97 percent, but do not exceed 103 percent, of the target amount for the plan and year involved, there shall be no payment adjustment under this section for the plan and year.

“(2) INCREASE IN PAYMENT IF ALLOWABLE COSTS ABOVE 103 PERCENT OF TARGET AMOUNT.—

“(A) COSTS BETWEEN 103 AND 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for the year are greater than 103 percent, but not greater than 108 percent, of the target amount for the plan and year, the Administrator shall reimburse the issuer for such excess costs through payment to the issuer of an amount equal to 75 percent of the difference between such allowable costs and 103 percent of such target amount.

“(B) COSTS ABOVE 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for the year are greater than 108 percent of the target amount for the plan and year, the Administrator shall reimburse the issuer for such excess costs through payment to the issuer in an amount equal to the sum of—

“(i) 3.75 percent of such target amount; and

“(ii) 90 percent of the difference between such allowable costs and 108 percent of such target amount.

“(3) REDUCTION IN PAYMENT IF ALLOWABLE COSTS BELOW 97 PERCENT OF TARGET AMOUNT.—

“(A) COSTS BETWEEN 92 AND 97 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for the year are less than 97 percent, but greater than or

equal to 92 percent, of the target amount for the plan and year, the issuer shall be required to pay into a contingency reserve fund established and maintained by the Administrator, an amount equal to 75 percent of the difference between 97 percent of the target amount and such allowable costs.

“(B) COSTS BELOW 92 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for the year are less than 92 percent of the target amount for the plan and year, the issuer shall be required to pay into the contingency fund established under subparagraph (A), an amount equal to the sum of—

“(i) 3.75 percent of such target amount; and

“(ii) 90 percent of the difference between 92 percent of such target amount and such allowable costs.

“(4) TARGET AMOUNT DESCRIBED.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘target amount’ means, with respect to a health benefits plan offered by an issuer under this title in any of calendar years 2012 through 2014, an amount equal to—

“(i) the total of the monthly premiums estimated by the health insurance issuer and accepted by the Administrator to be paid for enrollees in the plan under this title for the calendar year involved; reduced by

“(ii) the amount of administrative expenses that the issuer estimates, and the Administrator accepts, will be incurred by the issuer with respect to the plan for such calendar year.

“(B) SUBMISSION OF TARGET AMOUNT.—Not later than December 31, 2011, and each December 31 thereafter through calendar year 2013, an issuer shall submit to the Administrator a description of the target amount for such issuer with respect to health benefits plans provided by the issuer under this title.

“(C) DISCLOSURE OF INFORMATION.—

“(1) IN GENERAL.—Each contract under this title shall provide—

“(A) that a health insurance issuer offering a health benefits plan under this title shall provide the Administrator with such information as the Administrator determines is necessary to carry out this subsection including the notification of costs under subsection (a)(2) and the target amount under subsection (b)(4)(B); and

“(B) that the Administrator has the right to inspect and audit any books and records of the issuer that pertain to the information regarding costs provided to the Administrator under such subsections.

“(2) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to the provisions of this subsection may be used by the office designated under section 3102(a) and its employees and contractors only for the purposes of, and to the extent necessary in, carrying out this section.

“SEC. 3109. ADMINISTRATION THROUGH REGIONAL OR OTHER ADMINISTRATIVE ENTITIES.

“(a) IN GENERAL.—In order to provide for the administration of the benefits under this title with maximum efficiency and convenience for participating employers and healthcare providers and other individuals and entities providing services to such employers, the Administrator—

“(1) shall enter into contracts with eligible entities, to the extent appropriate, to perform, on a regional or other basis, activities to receive, disburse, and account for payments of premiums to participating employers by individuals, and for payments by participating employers and employees to health insurance issuers; and

“(2) may enter into contracts with eligible entities, to the extent appropriate, to perform, on a regional or other basis, 1 or more of the following:

“(A) Collect and maintain all information relating to individuals, families, and employers participating in the program under this title.

“(B) Serve as a channel of communication between health insurance issuers, participating employers, and individuals relating to the administration of this title.

“(C) Otherwise carry out such activities for the administration of this title, in such manner, as may be provided for in the contract entered into under this section.

“(b) APPLICATION.—To be eligible to receive a contract under subsection (a), an entity shall prepare and submit to the Administrator an application at such time, in such manner, and containing such information as the Administration may require.

“(c) PROCESS.—

“(1) COMPETITIVE BIDDING.—All contracts under this section shall be awarded through a competitive bidding process on a biennial basis.

“(2) REQUIREMENT.—No contract shall be entered into with any entity under this section unless the Administrator finds that such entity will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Administrator finds pertinent.

“(3) PUBLICATION OF STANDARDS AND CRITERIA.—If the Administrator enters into contracts under subsection (a), the Administrator shall publish in the Federal Register standards and criteria for the efficient and effective performance of contract obligations under this section, and opportunity shall be provided for public comment prior to implementation. In establishing such standards and criteria, the Administrator shall provide for a system to measure an entity's performance of responsibilities.

“(4) TERM.—Each contract under this section shall be for a term of at least 2 years, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term, except that the Administrator may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the entity involved as the Administrator may provide in regulations) if the Administrator finds that the entity has failed substantially to carry out the contract or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the program established by this title.

“(d) TERMS OF CONTRACT.—A contract entered into under this section shall include—

“(1) a description of the duties of the contracting entity;

“(2) an assurance that the entity will furnish to the Administrator such timely information and reports as the Administrator determines appropriate;

“(3) an assurance that the entity will maintain such records and afford such access thereto as the Administrator finds necessary to assure the correctness and verification of the information and reports under paragraph (2) and otherwise to carry out the purposes of this title;

“(4) an assurance that the entity shall comply with such confidentiality and privacy protection guidelines and procedures as the Administrator may require;

“(5) an assurance that the entity does not have, and will continue to avoid, any conflicts of interest relative to any functions it will perform; and

“(6) such other terms and conditions not inconsistent with this section as the Administrator may find necessary or appropriate.

“SEC. 3110. PUBLIC EDUCATION CAMPAIGN AND REPORT.

“(a) IN GENERAL.—In carrying out this title, the Administrator shall develop and implement an educational campaign with interagency participation (including at a minimum the Small Business Administration, the Department of Labor, and employees of the office established under section 3102 who oversee the provision of information through navigators) to provide information to employers and the general public concerning the health insurance program developed under this title, including the contact information relating to an individual or individuals who will be available to resolve various types of problems with health insurance coverage provided under this title.

“(b) PUBLIC EDUCATION CAMPAIGN.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2009 through 2011.

“(c) REPORTS TO CONGRESS.—Not later than 1 year and 2 years after the implementation of the campaign under subsection (a), the Administrator shall submit to the appropriate committees of Congress a report that describes the activities of the Administrator under subsection (a), including a determination by the Administrator of the percentage of employers with knowledge of the health benefits program under this title.

“SEC. 3111. APPROPRIATIONS.

“There are authorized to be appropriated to the Administrator such sums as may be necessary in each fiscal year for the development and administration of the program under this title.

“SEC. 3112. EFFECTIVE DATE.

“This title shall take effect on the date of enactment of this title.”.

SEC. 3. AMENDMENT TO ERISA.

Section 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(2)) is amended by adding at the end the following:

“(C) Notwithstanding subparagraph (A), the provisions of subsections (d)(1)(B) and (g)(2)(A) of section 3107 of the Public Health Service Act (relating to the prohibition on health-status related rating and the Federal enforcement of such provisions) shall supercede any State law that conflicts with such provisions.”.

SEC. 4. CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits) is amended by inserting after section 45N the following new section:

“SEC. 45O. SMALL BUSINESS EMPLOYEE HEALTH INSURANCE CREDIT.

“(a) DETERMINATION OF CREDIT.—In the case of a qualified small employer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the credit amount described in subsection (b).

“(b) GENERAL CREDIT AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The credit amount described in this subsection is the product of—

“(A) the amount specified in paragraph (2),

“(B) the employer size factor specified in paragraph (3), and

“(C) the percentage of year factor specified in paragraph (4).

“(2) APPLICABLE AMOUNT.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The applicable amount is equal to—

“(i) \$1,000 for each employee of the employer who receives self-only health insurance coverage through the employer,

“(ii) \$2,000 for each employee of the employer who receives family health insurance coverage through the employer, and

“(iii) \$1,500 for each employee of the employer who receives health insurance coverage for 2 adults or 1 adult and 1 or more children through the employer.

“(B) BONUS FOR PAYMENT OF GREATER PERCENTAGE OF PREMIUMS.—The applicable amount otherwise specified in subparagraph (A) shall be increased by \$200 in the case of subparagraph (A)(i), \$400 in the case of subparagraph (A)(ii), and \$300 in the case of subparagraph (A)(iii), for each additional 10 percent of the qualified employee health insurance expenses exceeding 60 percent which are paid by the qualified small employer.

“(3) EMPLOYER SIZE FACTOR.—For purposes of paragraph (1), the employer size factor is the percentage determined in accordance with the following table:

“If the employer size is:	The percentage is:
10 or fewer full-time employees	100%
More than 10 but not more than 20 full-time employees	80%
More than 20 but not more than 30 full-time employees	60%
More than 30 but not more than 40 full-time employees	40%
More than 40 but not more than 50 full-time employees	20%
More than 50 full-time employees	0%

“(4) PERCENTAGE OF YEAR FACTOR.—For purposes of paragraph (1), the percentage of year factor is equal to the ratio of—

“(A) the number of months during the taxable year for which the employer paid or incurred qualified employee health insurance expenses, and

“(B) 12.

“(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) QUALIFIED SMALL EMPLOYER.—

“(A) IN GENERAL.—The term ‘qualified small employer’ means any employer (as defined in section 3101(a)(4) of the Public Health Service Act) which—

“(i) either—

“(I) purchases health insurance coverage for its employees in a small group market in a State which meets the requirements under subparagraph (B), or

“(II) with respect to any taxable year beginning after 2011, is a participating employer (as defined in section 3101(a)(8) of such Act) in the program under title XXX of such Act,

“(ii) pays or incurs at least 60 percent of the qualified employee health insurance expenses of such employer or is self-employed, and

“(iii) employed an average of 50 or fewer full-time employees during the preceding taxable year or was a self-employed individual with either not less than \$5,000 in net earnings or not less than \$15,000 in gross

earnings from self-employment in the preceding taxable year.

“(B) STATE SMALL GROUP MARKET REQUIREMENTS.—A State meets the requirements of this subparagraph if—

“(i) during calendar years 2010 and 2011, the State—

“(I) defines its small group market to include groups of one (so that self-employed individuals are eligible for coverage in such market),

“(II) prohibits the use of health-status related factors and other factors described in section 3107(d)(5)(A) of such Act, and

“(III) has in effect rating rules that comply with section 3107(d)(5)(A) of such Act (except that such rules may impose limits on rating variation in addition to those provided for in such section),

“(ii) during calendar years 2012 and 2013, the State—

“(I) meets the requirements under clause (i), and

“(II) maintains a State-wide purchasing pool that provides purchasers in the small group market a choice of health benefit plans, with comparative information provided concerning such plans and the premiums charged for such plans made available through the Internet, and

“(iii) for calendar years after 2013, the State—

“(I) meets the requirements under clauses (i)(I), (i)(II), and (ii)(II), and

“(II) has in effect rating rules that comply with paragraph (2)(B) or (3) of section 3107(d) of such Act, whichever is in effect for such calendar year (except that such rules may impose limits on rating variation in addition to those provided for in such section).

“(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

“(A) IN GENERAL.—The term ‘qualified employee health insurance expenses’ means any amount paid by an employer or an employee of such employer for health insurance coverage under such Act to the extent such amount is attributable to coverage—

“(i) provided to any employee (as defined in subsection 3101(a)(3) of such Act), or

“(ii) for the employer, in the case of a self-employed individual.

“(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

“(3) FULL-TIME EMPLOYEE.—The term ‘full-time employee’ means, with respect to any period, an employee (as defined in section 3101(a)(3) of such Act) of an employer if the average number of hours worked by such employee in the preceding taxable year for such employer was at least 35 hours per week.

“(d) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—For each taxable year after 2010, the dollar amounts specified in subsections (b)(2)(A), (b)(2)(B), and

(c)(1)(A)(iii) (after the application of this paragraph) shall be the amounts in effect in the preceding taxable year or, if greater, the product of—

“(A) the corresponding dollar amount specified in such subsection, and

“(B) the ratio of the index of wage inflation (as determined by the Bureau of Labor Statistics) for August of the preceding calendar year to such index of wage inflation for August of 2009.

“(2) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$100.

“(e) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this section—

“(1) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer.

“(2) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence for the full preceding taxable year, the determination of whether such employer meets the requirements of this section shall be based on the average number of full-time employees that it is reasonably expected such employer will employ on business days in the employer's first full taxable year.

“(3) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

“(f) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—With respect to any taxable year, the amount which would (but for this subsection) be allowed as a credit to the taxpayer under subsection (a) shall be reduced by the aggregate amount paid on behalf of such taxpayer under section 7527A for months beginning in such taxable year. If the amount determined under this subsection is less than zero, the taxpayer shall owe additional tax in such amount under this chapter.

“(g) CREDITS FOR NONPROFIT ORGANIZATIONS.—Any credit which would be allowable under subsection (a) with respect to a qualified small business if such qualified small business were not exempt from tax under this chapter shall be treated as a credit allowable under this subpart to such qualified small business.”

(b) ADVANCE PAYMENTS OF CREDIT.—Chapter 77 of the Internal Revenue Code of 1986 is amended by inserting after section 7527 the following new section:

“SEC. 7527A. ADVANCE PAYMENT OF CREDIT FOR HEALTH INSURANCE COSTS FOR QUALIFIED SMALL EMPLOYERS.

“(a) GENERAL RULE.—Not later than December 31, 2009, the Secretary shall establish a program for making monthly payments on behalf of qualified small employers to the program established under title XXX of the Public Health Service Act. The amount of the monthly payment for a qualified small employer shall be one-twelfth of the amount of the credit for the tax year to which the qualified small employer is entitled under section 36. If a monthly payment is made by the Secretary for which the employer is not entitled to a corresponding credit, the employer shall owe additional tax in such amount under this chapter.

“(b) QUALIFIED SMALL EMPLOYER.—For purposes of this section, the term ‘qualified small employer’ has the meaning given such term in section 36(c)(1).”

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the

Internal Revenue Code of 1986 is amended by adding at the end the following new items:

“Sec. 450. Small business employee health insurance credit.”

(2) The table of sections for chapter 77 of such Code is amended by inserting after the item relating to section 7527 the following new item:

“Sec. 7527A. Advance payment of credit for health insurance costs for qualified small employers.”

(d) DEDUCTIBILITY.—The payment of premiums by a participating employer under this Act shall be considered to be an ordinary and necessary expense in carrying on a trade or business for purposes of the Internal Revenue Code of 1986 and shall be deductible.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2009.

By Mr. REID:

S. 981. A bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Inflammatory Bowel Disease Research and Awareness Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Crohn's disease and ulcerative colitis are serious inflammatory diseases of the gastrointestinal tract.

(2) Crohn's disease may occur in any section of the gastrointestinal tract but is predominately found in the lower part of the small intestine and the large intestine. Ulcerative colitis is characterized by inflammation and ulceration of the innermost lining of the colon. Complete removal of the colon in patients with ulcerative colitis can potentially alleviate and cure symptoms.

(3) Because Crohn's disease and ulcerative colitis behave similarly, they are collectively known as inflammatory bowel disease. Both diseases present a variety of symptoms, including severe diarrhea, abdominal pain with cramps, fever, arthritic joint pain, inflammation of the eye, and rectal bleeding. There is no known cause of inflammatory bowel disease, or medical cure.

(4) It is estimated that up to 1,400,000 people in the United States suffer from inflammatory bowel disease, 30 percent of whom are diagnosed during their childhood years.

(5) Children with inflammatory bowel disease miss school activities because of bloody diarrhea and abdominal pain, and many adults who had onset of inflammatory bowel disease as children had delayed puberty and impaired growth and have never reached their full genetic growth potential.

(6) Inflammatory bowel disease patients are at high risk for developing colorectal cancer.

(7) The total annual medical costs for inflammatory bowel disease patients are estimated at more than \$2,000,000,000.

(8) The average time from presentation of symptoms to diagnosis in children is 3 years.

(9) Delayed diagnosis of inflammatory bowel disease frequently results in more-active disease associated with increased morbidity and complications.

(10) Congress has appropriated \$3,480,000 from fiscal year 2005 to fiscal year 2009 for epidemiology research on inflammatory bowel disease through the Centers for Disease Control and Prevention.

(11) The National Institutes of Health National Commission on Digestive Diseases issued comprehensive research goals related to inflammatory bowel disease in its April 2009 report to Congress and the American public entitled; “Opportunities and Challenges in Digestive Diseases Research: Recommendations of the National Commission on Digestive Diseases”.

SEC. 3. ENHANCING PUBLIC HEALTH ACTIVITIES ON INFLAMMATORY BOWEL DISEASE AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 320A the following:

“SEC. 320B. INFLAMMATORY BOWEL DISEASE EPIDEMIOLOGY PROGRAM.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct, support and expand existing epidemiology research on inflammatory bowel disease in both pediatric and adult populations.

“(b) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, a patient or medical organization with expertise in conducting inflammatory bowel disease research to develop and administer the epidemiology program.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Centers for Disease Control and Prevention to support a pediatric inflammatory bowel disease patient registry.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$1,500,000 for each of the fiscal years 2010 through 2014.

“SEC. 320C. INCREASING PUBLIC AWARENESS OF INFLAMMATORY BOWEL DISEASE AND IMPROVING HEALTH PROFESSIONAL EDUCATION.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible entities for the purpose of increasing awareness of inflammatory bowel disease among the general public and health care providers.

“(b) USE OF FUNDS.—An eligible entity shall use grant funds under this section to develop educational materials and conduct awareness programs focused on the following subjects:

“(1) Crohn's disease and ulcerative colitis, and their symptoms.

“(2) Testing required for appropriate diagnosis, and the importance of accurate and early diagnosis.

“(3) Key differences between pediatric and adult disease.

“(4) Specific physical and psychosocial issues impacting pediatric patients, including stunted growth, malnutrition, delayed puberty, and depression.

“(5) Treatment options for both adult and pediatric patients.

“(6) The importance of identifying aggressive disease in children at an early stage in order to implement the most effective treatment protocol.

“(7) Complications of inflammatory bowel disease and related secondary conditions, including colorectal cancer.

“(8) Federal and private information resources for patients and physicians.

“(9) Incidence and prevalence data on pediatric and adult inflammatory bowel disease.

“(c) ELIGIBLE ENTITY.—For purposes of this section, the term ‘eligible entity’ means a patient or medical organization with experience in serving adults and children with inflammatory bowel disease.

“(d) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the House of Representatives and the Senate, a report regarding the status of activities carried out under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014.”

SEC. 4. EXPANSION OF BIOMEDICAL RESEARCH ON INFLAMMATORY BOWEL DISEASE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health and the Director of the National Institute of Diabetes and Digestive and Kidney Diseases (in this section referred to as the Institute), should aggressively support basic, translational, and clinical research designed to meet the research goals for inflammatory bowel disease included in the National Institutes of Health National Commission on Digestive Diseases report entitled “Opportunities and Challenges in Digestive Diseases Research: Recommendations of the National Commission on Digestive Diseases”, which shall include—

(A) establishing an objective basis for determining clinical diagnosis, detailed phenotype, and disease activity in inflammatory bowel disease;

(B) developing an individualized approach to inflammatory bowel disease risk evaluation and management based on genetic susceptibility;

(C) modulating the intestinal microflora to prevent or control inflammatory bowel disease;

(D) effectively modulating the mucosal immune system to prevent or ameliorate inflammatory bowel disease;

(E) sustaining the health of the mucosal surface;

(F) promoting regeneration and repair of injury in inflammatory bowel disease;

(G) providing effective tools for clinical evaluation and intervention in inflammatory bowel disease; and

(H) ameliorating or preventing adverse effects of inflammatory bowel disease on growth and development in children and adolescents;

(2) the Institute should support the training of qualified health professionals in biomedical research focused on inflammatory bowel disease, including pediatric investigators; and

(3) the Institute should continue its strong collaboration with medical and patient organizations concerned with inflammatory bowel disease and seek opportunities to promote research identified in the scientific agendas “Challenges in Inflammatory Bowel Disease Research” (Crohn’s and Colitis

Foundation of America) and “Chronic Inflammatory Bowel Disease” (North American Society for Pediatric Gastroenterology, Hepatology and Nutrition).

(b) BIENNIAL REPORTS.—As part of the biennial report submitted under section 403 of the Public Health Service Act (42 U.S.C. 283), the Secretary of Health and Human Services shall include information on the status of inflammatory bowel disease research at the National Institutes of Health.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DODD, Ms. COLLINS, Mr. HARKIN, Ms. SNOWE, Mr. DURBIN, Mr. LUGAR, Ms. MIKULSKI, Mr. REED, Mrs. MURRAY, Mr. REID, Mr. BINGAMAN, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. LEAHY, Mr. LAUTENBERG, Mr. KERRY, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LEVIN, Mr. BAUCUS, Mr. WYDEN, Mr. AKAKA, Mr. NELSON, of Florida, Ms. LANDRIEU, Mr. CARPER, Mrs. GILLIBRAND, Mr. BENNET, Mr. BEGICH, Mr. BURRIS, Mr. KAUFMAN, Mr. UDALL, of New Mexico, Mr. UDALL, of Colorado, Mr. KOHL, Mr. FEINGOLD, Ms. CANTWELL, and Mrs. LINCOLN)):

S. 982. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Family Smoking Prevention and Tobacco Control Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purpose.

Sec. 4. Scope and effect.

Sec. 5. Severability.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

Sec. 101. Amendment of Federal Food, Drug, and Cosmetic Act.

Sec. 102. Final rule.

Sec. 103. Conforming and other amendments to general provisions.

Sec. 104. Study on raising the minimum age to purchase tobacco products.

Sec. 105. Enforcement action plan for advertising and promotion restrictions.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warnings.

Sec. 202. Authority to revise cigarette warning label statements.

Sec. 203. State regulation of cigarette advertising and promotion.

Sec. 204. Smokeless tobacco labels and advertising warnings.

Sec. 205. Authority to revise smokeless tobacco product warning label statements.

Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

Sec. 301. Labeling, recordkeeping, records inspection.

Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation’s children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation’s economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year, and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco-induced disease. Such a reduction in youth smoking would also result in approximately \$75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2005, the cigarette manufacturers spent more than \$13,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615-44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the first amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration, and the restriction on the sale and distribution of, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this Act.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion play a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco

use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that "low tar" and "light" cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking "low tar" and "light" cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from "low tar" and "light" cigarettes, and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in ensuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be reviewed in advance of marketing, and to require that the evidence relied on to support claims be fully verified.

(44) The Food and Drug Administration is a regulatory agency with the scientific expertise to identify harmful substances in products to which consumers are exposed, to design standards to limit exposure to those substances, to evaluate scientific studies supporting claims about the safety of products, and to evaluate the impact of labels, labeling, and advertising on consumer behavior in order to reduce the risk of harm and promote understanding of the impact of the product on health. In connection with its mandate to promote health and reduce the risk of harm, the Food and Drug Administration routinely makes decisions about whether and how products may be marketed in the United States.

(45) The Federal Trade Commission was created to protect consumers from unfair or deceptive acts or practices, and to regulate unfair methods of competition. Its focus is on those marketplace practices that deceive

or mislead consumers, and those that give some competitors an unfair advantage. Its mission is to regulate activities in the marketplace. Neither the Federal Trade Commission nor any other Federal agency except the Food and Drug Administration possesses the scientific expertise needed to implement effectively all provisions of the Family Smoking Prevention and Tobacco Control Act.

(46) If manufacturers state or imply in communications directed to consumers through the media or through a label, labeling, or advertising, that a tobacco product is approved or inspected by the Food and Drug Administration or complies with Food and Drug Administration standards, consumers are likely to be confused and misled. Depending upon the particular language used and its context, such a statement could result in consumers being misled into believing that the product is endorsed by the Food and Drug Administration for use or in consumers being misled about the harmfulness of the product because of such regulation, inspection, approval, or compliance.

(47) In August 2006 a United States district court judge found that the major United States cigarette companies continue to target and market to youth. *USA v. Philip Morris, USA, Inc., et al.* (Civil Action No. 99-2496 (GK), August 17, 2006).

(48) In August 2006 a United States district court judge found that the major United States cigarette companies dramatically increased their advertising and promotional spending in ways that encourage youth to start smoking subsequent to the signing of the Master Settlement Agreement in 1998. *USA v. Philip Morris, USA, Inc., et al.* (Civil Action No. 99-2496 (GK), August 17, 2006).

(49) In August 2006 a United States district court judge found that the major United States cigarette companies have designed their cigarettes to precisely control nicotine delivery levels and provide doses of nicotine sufficient to create and sustain addiction while also concealing much of their nicotine-related research. *USA v. Philip Morris, USA, Inc., et al.* (Civil Action No. 99-2496 (GK), August 17, 2006).

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products as provided for in this Act;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as

well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco-related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

(c) REVENUE ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco products shall not be construed to affect any authority of the Secretary of the Treasury under chapter 52 of the Internal Revenue Code of 1986.

SEC. 5. SEVERABILITY.

If any provision of this Act, of the amendments made by this Act, or of the regulations promulgated under this Act (or under such amendments), or the application of any such provision to any person or circumstance is held to be invalid, the remainder of this Act, such amendments and such regulations, and the application of such provisions to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(rr)(1) The term ‘tobacco product’ means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

“(2) The term ‘tobacco product’ does not mean an article that is a drug under subsection (g)(1), a device under subsection (h), or a combination product described in section 503(g).

“(3) The products described in paragraph (2) shall be subject to chapter V of this Act.

“(4) A tobacco product shall not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetic, medical device, or a dietary supplement).”.

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 910 as sections 1001 through 1010; and

(3) by inserting after chapter VIII the following:

“CHAPTER IX—TOBACCO PRODUCTS

“SEC. 900. DEFINITIONS.

“In this chapter:

“(1) ADDITIVE.—The term ‘additive’ means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring or coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

“(2) BRAND.—The term ‘brand’ means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, packaging, logo, registered trademark, brand name, identifiable pattern of colors, or any combination of such attributes.

“(3) CIGARETTE.—The term ‘cigarette’—

“(A) means a product that—

“(i) is a tobacco product; and

“(ii) meets the definition of the term ‘cigarette’ in section 3(1) of the Federal Cigarette Labeling and Advertising Act; and

“(B) includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

“(4) CIGARETTE TOBACCO.—The term ‘cigarette tobacco’ means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements applicable to cigarettes under this chapter shall also apply to cigarette tobacco.

“(5) COMMERCE.—The term ‘commerce’ has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act.

“(6) COUNTERFEIT TOBACCO PRODUCT.—The term ‘counterfeit tobacco product’ means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(1)(1).

“(7) DISTRIBUTOR.—The term ‘distributor’ as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

“(8) ILLICIT TRADE.—The term ‘illicit trade’ means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

“(9) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given such term in section 1151 of title 18, United States Code.

“(10) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given such term in

section 4(e) of the Indian Self-Determination and Education Assistance Act.

“(11) LITTLE CIGAR.—The term ‘little cigar’ means a product that—

“(A) is a tobacco product; and

“(B) meets the definition of the term ‘little cigar’ in section 3(7) of the Federal Cigarette Labeling and Advertising Act.

“(12) NICOTINE.—The term ‘nicotine’ means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

“(13) PACKAGE.—The term ‘package’ means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

“(14) RETAILER.—The term ‘retailer’ means any person, government, or entity who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

“(15) ROLL-YOUR-OWN TOBACCO.—The term ‘roll-your-own tobacco’ means any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

“(16) SMALL TOBACCO PRODUCT MANUFACTURER.—The term ‘small tobacco product manufacturer’ means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence, the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer.

“(17) SMOKE CONSTITUENT.—The term ‘smoke constituent’ means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

“(18) SMOKELESS TOBACCO.—The term ‘smokeless tobacco’ means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

“(19) STATE; TERRITORY.—The terms ‘State’ and ‘Territory’ shall have the meanings given to such terms in section 201.

“(20) TOBACCO PRODUCT MANUFACTURER.—The term ‘tobacco product manufacturer’ means any person, including any repacker or relabeler, who—

“(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

“(B) imports a finished tobacco product for sale or distribution in the United States.

“(21) TOBACCO WAREHOUSE.—

“(A) Subject to subparagraphs (B) and (C), the term ‘tobacco warehouse’ includes any person—

“(i) who—

“(I) removes foreign material from tobacco leaf through nothing other than a mechanical process;

“(II) humidifies tobacco leaf with nothing other than potable water in the form of steam or mist; or

“(III) de-stems, dries, and packs tobacco leaf for storage and shipment;

“(ii) who performs no other actions with respect to tobacco leaf; and

“(iii) who provides to any manufacturer to whom the person sells tobacco all information related to the person’s actions described

in clause (i) that is necessary for compliance with this Act.

“(B) The term ‘tobacco warehouse’ excludes any person who—

“(i) reconstitutes tobacco leaf;

“(ii) is a manufacturer, distributor, or retailer of a tobacco product; or

“(iii) applies any chemical, additive, or substance to the tobacco leaf other than potable water in the form of steam or mist.

“(C) The definition of the term ‘tobacco warehouse’ in subparagraph (A) shall not apply to the extent to which the Secretary determines, through rulemaking, that regulation under this chapter of the actions described in such subparagraph is appropriate for the protection of the public health.

“(22) UNITED STATES.—The term ‘United States’ means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

“SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

“(a) IN GENERAL.—Tobacco products, including modified risk tobacco products for which an order has been issued in accordance with section 911, shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V.

“(b) APPLICABILITY.—This chapter shall apply to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

“(c) SCOPE.—

“(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or in sections 101(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect, expand, or limit the Secretary’s authority over (including the authority to determine whether products may be regulated), or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

“(2) LIMITATION OF AUTHORITY.—

“(A) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower co-operatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer’s capacity as a manufacturer. The exception in this subparagraph shall not apply to a producer of tobacco leaf who grows tobacco under a contract with a tobacco product manufacturer and who is not otherwise engaged in the manufacturing process.

“(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

“(d) RULEMAKING PROCEDURES.—Each rulemaking under this chapter shall be in accordance with chapter 5 of title 5, United States Code. This subsection shall not be construed to affect the rulemaking provisions of section 102(a) of the Family Smoking Prevention and Tobacco Control Act.

“(e) CENTER FOR TOBACCO PRODUCTS.—Not later than 90 days after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish within the Food and Drug Administration the Center for Tobacco Products, which shall report to the Commissioner of Food and Drugs in the same manner as the other agency centers within the Food and Drug Administration. The Center shall be responsible for the implementation of this chapter and related matters assigned by the Commissioner.

“(f) OFFICE TO ASSIST SMALL TOBACCO PRODUCT MANUFACTURERS.—The Secretary shall establish within the Food and Drug Administration an identifiable office to provide technical and other nonfinancial assistance to small tobacco product manufacturers to assist them in complying with the requirements of this Act.

“(g) CONSULTATION PRIOR TO RULEMAKING.—Prior to promulgating rules under this chapter, the Secretary shall endeavor to consult with other Federal agencies as appropriate.

“SEC. 902. ADULTERATED TOBACCO PRODUCTS.

“A tobacco product shall be deemed to be adulterated if—

“(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or added deleterious substance that may render the product injurious to health;

“(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

“(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

“(4) the manufacturer or importer of the tobacco product fails to pay a user fee assessed to such manufacturer or importer pursuant to section 919 by the date specified in section 919 or by the 30th day after final agency action on a resolution of any dispute as to the amount of such fee;

“(5) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

“(6)(A) it is required by section 910(a) to have premarket review and does not have an order in effect under section 910(c)(1)(A)(i); or

“(B) it is in violation of an order under section 910(c)(1)(A);

“(7) the methods used in, or the facilities or controls used for, its manufacture, packing, or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

“(8) it is in violation of section 911.

“SEC. 903. MISBRANDED TOBACCO PRODUCTS.

“(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

“(1) if its labeling is false or misleading in any particular;

“(2) if in package form unless it bears a label containing—

“(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

“(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

“(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

“(D) the statement required under section 920(a),

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

“(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

“(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

“(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

“(6) if it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

“(7) if, in the case of any tobacco product distributed or offered for sale in any State—

“(A) its advertising is false or misleading in any particular; or

“(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

“(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

“(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

“(B) a brief statement of—

“(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

“(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

“(9) if it is a tobacco product subject to a tobacco product standard established under

section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

“(10) if there was a failure or refusal—

“(A) to comply with any requirement prescribed under section 904 or 908; or

“(B) to furnish any material or information required under section 909.

“(b) **PRIOR APPROVAL OF LABEL STATEMENTS.**—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product to ensure that such statements do not violate the misbranding provisions of subsection (a) and that such statements comply with other provisions of the Family Smoking Prevention and Tobacco Control Act (including the amendments made by such Act). No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act.

“SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

“(a) **REQUIREMENT.**—Each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

“(1) Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

“(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(e) of the Federal Cigarette Labeling and Advertising Act.

“(3) Beginning 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all constituents, including smoke constituents as applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 3 years after such date of enactment, the manufacturer, importer, or agent shall comply with regulations promulgated under section 915 in reporting information under this paragraph, where applicable.

“(4) Beginning 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, all documents developed after such date of enactment that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

“(b) **DATA SUBMISSION.**—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

“(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

“(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

“(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

“(c) **TIME FOR SUBMISSION.**—

“(1) **IN GENERAL.**—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

“(2) **DISCLOSURE OF ADDITIVE.**—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

“(3) **DISCLOSURE OF OTHER ACTIONS.**—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

“(d) **DATA LIST.**—

“(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e).

“(2) **CONSUMER RESEARCH.**—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

“(e) **DATA COLLECTION.**—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish, and periodically revise as appropriate, a list of harmful and potentially harmful constituents, including smoke constituents, to

health in each tobacco product by brand and by quantity in each brand and subbrand. The Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

“SEC. 905. ANNUAL REGISTRATION.

“(a) DEFINITIONS.—In this section:

“(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term ‘manufacture, preparation, compounding, or processing’ shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

“(2) NAME.—The term ‘name’ shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

“(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person. If enactment of the Family Smoking Prevention and Tobacco Control Act occurs in the second half of the calendar year, the Secretary shall designate a date no later than 6 months into the subsequent calendar year by which registration pursuant to this subsection shall occur.

“(c) REGISTRATION BY NEW OWNERS AND OPERATORS.—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person’s name, place of business, and such establishment.

“(d) REGISTRATION OF ADDED ESTABLISHMENTS.—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

“(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

“(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

“(g) BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.—Every establishment registered with the Secretary under this section shall be subject to inspection under section 704 or subsection (h), and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

“(h) REGISTRATION BY FOREIGN ESTABLISHMENTS.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

“(i) REGISTRATION INFORMATION.—

“(1) PRODUCT LIST.—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which have not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

“(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

“(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

“(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

“(2) CONSULTATION WITH RESPECT TO FORMS.—The Secretary shall consult with the Secretary of the Treasury in developing the forms to be used for registration under this section to minimize the burden on those persons required to register with both the Secretary and the Tax and Trade Bureau of the Department of the Treasury.

“(3) BIENNIAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

“(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

“(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

“(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

“(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

“(j) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

“(1) IN GENERAL.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of February 15, 2007, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

“(A) the basis for such person’s determination that—

“(i) the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007, or to a tobacco product that the Secretary has previously determined, pursuant to subsection (a)(3) of section 910, is substantially equivalent and that is in compliance with the requirements of this Act; or

“(ii) the tobacco product is modified within the meaning of paragraph (3), the modifications are to a product that is commercially marketed and in compliance with the requirements of this Act, and all of the modifications are covered by exemptions granted by the Secretary pursuant to paragraph (3); and

“(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

“(2) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 21 months after such date of enactment.

“(3) EXEMPTIONS.—

“(A) IN GENERAL.—The Secretary may exempt from the requirements of this subsection relating to the demonstration that a tobacco product is substantially equivalent within the meaning of section 910, tobacco products that are modified by adding or deleting a tobacco additive, or increasing or

decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

“(i) such modification would be a minor modification of a tobacco product that can be sold under this Act;

“(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

“(iii) an exemption is otherwise appropriate.

“(B) REGULATIONS.—Not later than 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

“SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

“(a) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

“(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking or other notification under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

“(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

“(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

“(c) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or otherwise obtained by the Secretary or the Secretary's representative under section 903, 904, 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

“(d) RESTRICTIONS.—

“(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full ex-

tent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

“(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

“(3) LIMITATIONS.—

“(A) IN GENERAL.—No restrictions under paragraph (1) may—

“(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

“(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

“(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of tobacco products, shall be considered as adult-written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult-written publications.

“(4) REMOTE SALES.—

“(A) IN GENERAL.—The Secretary shall—

“(i) within 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, promulgate regulations regarding the sale and distribution of tobacco products that occur through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products to individuals who have not attained the minimum age established by applicable law for the purchase of such products, including requirements for age verification; and

“(ii) within 2 years after such date of enactment, issue regulations to address the promotion and marketing of tobacco products that are sold or distributed through means other than a direct, face-to-face exchange between a retailer and a consumer in order to protect individuals who have not attained the minimum age established by applicable law for the purchase of such products.

“(B) RELATION TO OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to take additional actions under the other paragraphs of this subsection.

“(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

“(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

“(A) IN GENERAL.—In applying manufacturing restrictions to tobacco, the Secretary

shall, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point methodology, as prescribed in such regulations to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Such regulations may provide for the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established.

“(B) REQUIREMENTS.—The Secretary shall—

“(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

“(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

“(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A);

“(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices; and

“(v) not require any small tobacco product manufacturer to comply with a regulation under subparagraph (A) for at least 4 years following the effective date established by the Secretary for such regulation.

“(2) EXEMPTIONS; VARIANCES.—

“(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

“(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

“(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

“(iii) contain such other information as the Secretary shall prescribe.

“(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to

the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

“(i) the date the petition was submitted to the Secretary under subparagraph (A); or

“(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee,

whichever occurs later, the Secretary shall by order either deny the petition or approve it.

“(C) APPROVAL.—The Secretary may approve—

“(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

“(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

“(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

“(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

“(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the end of the 3-year period following the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

“(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes.

“SEC. 907. TOBACCO PRODUCT STANDARDS.

“(a) IN GENERAL.—

“(1) SPECIAL RULES.—

“(A) SPECIAL RULE FOR CIGARETTES.—Beginning 3 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Nothing in this subparagraph shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this subparagraph.

“(B) ADDITIONAL SPECIAL RULE.—Beginning 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a tobacco product manufacturer shall not use tobacco, including foreign grown tobacco, that contains a pesticide

chemical residue that is at a level greater than is specified by any tolerance applicable under Federal law to domestically grown tobacco.

“(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (c).

“(3) TOBACCO PRODUCT STANDARDS.—

“(A) IN GENERAL.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health.

“(B) DETERMINATIONS.—

“(i) CONSIDERATIONS.—In making a finding described in subparagraph (A), the Secretary shall consider scientific evidence concerning—

“(I) the risks and benefits to the population as a whole, including users and nonusers of tobacco products, of the proposed standard;

“(II) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(III) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(ii) ADDITIONAL CONSIDERATIONS.—In the event that the Secretary makes a determination, set forth in a proposed tobacco product standard in a proposed rule, that it is appropriate for the protection of public health to require the reduction or elimination of an additive, constituent (including a smoke constituent), or other component of a tobacco product because the Secretary has found that the additive, constituent, or other component is or may be harmful, any party objecting to the proposed standard on the ground that the proposed standard will not reduce or eliminate the risk of illness or injury may provide for the Secretary's consideration scientific evidence that demonstrates that the proposed standard will not reduce or eliminate the risk of illness or injury.

“(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

“(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

“(i) for nicotine yields of the product;

“(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product; or

“(iii) relating to any other requirement under subparagraph (B);

“(B) shall, where appropriate for the protection of the public health, include—

“(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

“(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

“(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

“(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

“(v) a provision requiring that the sale and distribution of the tobacco product be re-

stricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d);

“(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product; and

“(D) shall require tobacco products containing foreign-grown tobacco to meet the same standards applicable to tobacco products containing domestically grown tobacco.

“(5) PERIODIC REEVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

“(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

“(A) use personnel, facilities, and other technical support available in other Federal agencies;

“(B) consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting entities; and

“(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary's judgment can make a significant contribution.

“(b) CONSIDERATIONS BY SECRETARY.—

“(1) TECHNICAL ACHIEVABILITY.—The Secretary shall consider information submitted in connection with a proposed standard regarding the technical achievability of compliance with such standard.

“(2) OTHER CONSIDERATIONS.—The Secretary shall consider all other information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or non-tobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand.

“(c) PROPOSED STANDARDS.—

“(1) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

“(2) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

“(A) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

“(B) invite interested persons to submit a draft or proposed tobacco product standard for consideration by the Secretary;

“(C) invite interested persons to submit comments on structuring the standard so that it does not advantage foreign-grown tobacco over domestically grown tobacco; and

“(D) invite the Secretary of Agriculture to provide any information or analysis which the Secretary of Agriculture believes is relevant to the proposed tobacco product standard.

“(3) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

“(4) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

“(d) PROMULGATION.—

“(1) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under subsection (c) respecting a tobacco product standard and after consideration of comments submitted under subsections (b) and (c) and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

“(A) if the Secretary determines that the standard would be appropriate for the protection of the public health, promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in subsection (c); or

“(B) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

“(2) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade. In establishing such effective date or dates, the Secretary shall consider information submitted in connection with a proposed product standard by interested parties, including manufacturers and tobacco growers, regarding the technical achievability of compliance with the standard, and including information concerning the existence of patents that make it impossible to comply in the timeframe envisioned in the proposed standard. If the Secretary determines, based on the Secretary's evaluation of submitted comments, that a product standard can be met only by manufacturers requiring substantial changes to the methods of farming the domestically grown tobacco used by the manufacturer, the effective date of that product standard shall be not less than 2 years after the date of publication of the final regulation establishing the standard.

“(3) LIMITATION ON POWER GRANTED TO THE FOOD AND DRUG ADMINISTRATION.—Because of the importance of a decision of the Secretary to issue a regulation—

“(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll-your-own tobacco products; or

“(B) requiring the reduction of nicotine yields of a tobacco product to zero, the Secretary is prohibited from taking such actions under this Act.

“(4) AMENDMENT; REVOCATION.—

“(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person, may by a regulation, promulgated in accordance with the requirements of subsection (c) and paragraph (2), amend or revoke a tobacco product standard.

“(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco

product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

“(5) REFERRAL TO ADVISORY COMMITTEE.—

“(A) IN GENERAL.—The Secretary may refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard to the Tobacco Products Scientific Advisory Committee for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment.

“(B) INITIATION OF REFERRAL.—The Secretary may make a referral under this paragraph—

“(i) on the Secretary's own initiative; or

“(ii) upon the request of an interested person that—

“(I) demonstrates good cause for the referral; and

“(II) is made before the expiration of the period for submission of comments on the proposed regulation.

“(C) PROVISION OF DATA.—If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the Advisory Committee with the data and information on which such proposed regulation is based.

“(D) REPORT AND RECOMMENDATION.—The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation under this paragraph and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation.

“(E) PUBLIC AVAILABILITY.—The Secretary shall make a copy of each report and recommendation under subparagraph (D) publicly available.

“(e) MENTHOL CIGARETTES.—

“(1) REFERRAL; CONSIDERATIONS.—Immediately upon the establishment of the Tobacco Products Scientific Advisory Committee under section 917(a), the Secretary shall refer to the Committee for report and recommendation, under section 917(c)(4), the issue of the impact of the use of menthol in cigarettes on the public health, including such use among children, African Americans, Hispanics, and other racial and ethnic minorities. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsections (a)(3)(B)(i) and (b).

“(2) REPORT AND RECOMMENDATION.—Not later than 1 year after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol.

“SEC. 908. NOTIFICATION AND OTHER REMEDIES.

“(a) NOTIFICATION.—If the Secretary determines that—

“(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

“(2) notification under this subsection is necessary to eliminate the unreasonable risk

of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk,

the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

“(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

“(c) RECALL AUTHORITY.—

“(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

“(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

“(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

“(B) NOTICE.—An amended order under subparagraph (A)—

“(i) shall not include recall of a tobacco product from individuals; and

“(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

“(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a).

“SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

“(a) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of

a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

“(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

“(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

“(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

“(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

“(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

“(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

“(b) REPORTS OF REMOVALS AND CORRECTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

“(A) to reduce a risk to health posed by the tobacco product; or

“(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

“(2) EXCEPTION.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

“SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.

“(a) IN GENERAL.—

“(1) NEW TOBACCO PRODUCT DEFINED.—For purposes of this section the term ‘new tobacco product’ means—

“(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007; or

“(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007.

“(2) PREMARKET REVIEW REQUIRED.—

“(A) NEW PRODUCTS.—An order under subsection (c)(1)(A)(i) for a new tobacco product is required unless—

“(i) the manufacturer has submitted a report under section 905(j); and the Secretary has issued an order that the tobacco product—

“(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007; and

“(II) is in compliance with the requirements of this Act; or

“(ii) the tobacco product is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

“(B) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—Subparagraph (A) shall not apply to a tobacco product—

“(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

“(ii) for which a report was submitted under section 905(j) within such 21-month period,

except that subparagraph (A) shall apply to the tobacco product if the Secretary issues an order that the tobacco product is not substantially equivalent.

“(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

“(A) IN GENERAL.—In this section and section 905(j), the term ‘substantially equivalent’ or ‘substantial equivalence’ means, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

“(i) has the same characteristics as the predicate tobacco product; or

“(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

“(B) CHARACTERISTICS.—In subparagraph (A), the term ‘characteristics’ means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

“(C) LIMITATION.—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of

the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

“(4) HEALTH INFORMATION.—

“(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

“(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

“(b) APPLICATION.—

“(1) CONTENTS.—An application under this section shall contain—

“(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

“(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

“(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

“(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

“(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

“(F) specimens of the labeling proposed to be used for such tobacco product; and

“(G) such other information relevant to the subject matter of the application as the Secretary may require.

“(2) REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

“(A) may, on the Secretary’s own initiative; or

“(B) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting the application, together with all underlying data and the reasons or basis for the recommendation.

“(c) ACTION ON APPLICATION.—

“(1) DEADLINE.—

“(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under subsection (b)(2), shall—

“(i) issue an order that the new product may be introduced or delivered for introduction into interstate commerce if the Secretary finds that none of the grounds specified in paragraph (2) of this subsection applies; or

“(ii) issue an order that the new product may not be introduced or delivered for introduction into interstate commerce if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

“(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order under subparagraph (A)(i) may require that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

“(2) DENIAL OF APPLICATION.—The Secretary shall deny an application submitted under subsection (b) if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

“(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

“(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

“(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

“(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, and there is a lack of adequate information to justify the deviation from such standard.

“(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to remove such application from deniable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

“(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether the marketing of a tobacco product for which an application has been submitted is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(5) BASIS FOR ACTION.—

“(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

“(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product, the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

“(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

“(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing for a tobacco product for which an order was issued under subsection (c)(1)(A)(i), issue an order withdrawing the order if the Secretary finds—

“(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

“(B) that the application contained or was accompanied by an untrue statement of a material fact;

“(C) that the applicant—

“(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

“(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

“(iii) has not complied with the requirements of section 905;

“(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was reviewed, that the methods used in, or the facilities and controls used for the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

“(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was reviewed, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

“(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such order was issued, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which was a condition to the issuance of an order relating to the application, and that there is a lack of adequate information to justify the deviation from such standard.

“(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing an order issued pursuant to subsection (c)(1)(A)(i) may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with section 912.

“(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an order would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the authority of the manufacturer to market the product. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

“(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

“(1) in person by any officer or employee of the department designated by the Secretary; or

“(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

“(f) RECORDS.—

“(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an order issued pursuant to subsection (c)(1)(A)(i) for an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such order.

“(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge of custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

“(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

“SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

“(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless an order issued pursuant to subsection (g) is effective with respect to such product.

“(b) DEFINITIONS.—In this section:

“(1) MODIFIED RISK TOBACCO PRODUCT.—The term ‘modified risk tobacco product’ means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

“(2) SOLD OR DISTRIBUTED.—

“(A) IN GENERAL.—With respect to a tobacco product, the term ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ means a tobacco product—

“(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

“(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

“(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

“(III) the tobacco product or its smoke does not contain or is free of a substance;

“(ii) the label, labeling, or advertising of which uses the descriptors ‘light’, ‘mild’, or ‘low’ or similar descriptors; or

“(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling, or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may

present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

“(B) LIMITATION.—No tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’, except as described in subparagraph (A).

“(C) SMOKELESS TOBACCO PRODUCT.—No smokeless tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ solely because its label, labeling, or advertising uses the following phrases to describe such product and its use: ‘smokeless tobacco’, ‘smokeless tobacco product’, ‘not consumed by smoking’, ‘does not produce smoke’, ‘smokefree’, ‘smoke-free’, ‘without smoke’, ‘no smoke’, or ‘not smoke’.

“(3) EFFECTIVE DATE.—The provisions of paragraph (2)(A)(ii) shall take effect 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act for those products whose label, labeling, or advertising contains the terms described in such paragraph on such date of enactment. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with paragraph (2)(A)(ii).

“(C) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section if it has been approved as a drug or device by the Food and Drug Administration and is subject to the requirements of chapter V.

“(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

“(1) a description of the proposed product and any proposed advertising and labeling;

“(2) the conditions for using the product;

“(3) the formulation of the product;

“(4) sample product labels and labeling;

“(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

“(6) data and information on how consumers actually use the tobacco product; and

“(7) such other information as the Secretary may require.

“(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

“(f) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this section.

“(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Secretary.

“(g) MARKETING.—

“(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall, with respect to an application submitted under this section, issue an order that a modified risk product may be commercially marketed only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

“(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

“(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

“(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

“(A) IN GENERAL.—The Secretary may issue an order that a tobacco product may be introduced or delivered for introduction into interstate commerce, pursuant to an application under this section, with respect to a tobacco product that may not be commercially marketed under paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

“(i) such order would be appropriate to promote the public health;

“(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b) is limited to an explicit or implicit representation that such tobacco product or its smoke does not contain or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

“(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

“(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is reasonably likely in subsequent studies.

“(B) ADDITIONAL FINDINGS REQUIRED.—To issue an order under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

“(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

“(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the reasonably likely overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

“(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

“(I) is or has been demonstrated to be less harmful; or

“(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

“(iv) issuance of an order with respect to the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

“(C) CONDITIONS OF MARKETING.—

“(i) IN GENERAL.—Applications subject to an order under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

“(ii) AGREEMENTS BY APPLICANT.—An order under this paragraph shall be conditioned on the applicant's agreement to conduct postmarket surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the order on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the order was based in accordance with a protocol approved by the Secretary.

“(iii) ANNUAL SUBMISSION.—The results of such postmarket surveillance and studies described in clause (ii) shall be submitted annually.

“(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

“(A) the scientific evidence submitted by the applicant; and

“(B) scientific evidence and other information that is made available to the Secretary.

“(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

“(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

“(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

“(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

“(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

“(E) comments, data, and information submitted by interested persons.

“(h) ADDITIONAL CONDITIONS FOR MARKETING.—

“(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the marketing of a product under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

“(2) COMPARATIVE CLAIMS.—

“(A) IN GENERAL.—The Secretary may require for the marketing of a product under

this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

“(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

“(3) LABEL DISCLOSURE.—

“(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

“(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

“(4) TIME.—An order issued under subsection (g)(1) shall be effective for a specified period of time.

“(5) ADVERTISING.—The Secretary may require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product.

“(i) POSTMARKET SURVEILLANCE AND STUDIES.—

“(1) IN GENERAL.—The Secretary shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the applicant conduct postmarket surveillance and studies for such a tobacco product to determine the impact of the order issuance on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

“(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health.

“(j) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g) if the Secretary determines that—

“(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

“(2) the application failed to include material information or included any untrue statement of material fact;

“(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

“(A) a tobacco product standard is established pursuant to section 907;

“(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

“(C) any postmarket surveillance or studies reveal that the order is no longer consistent with the protection of the public health;

“(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or subsection (i); or

“(5) the applicant failed to meet a condition imposed under subsection (h).

“(k) CHAPTER IV OR V.—A product for which the Secretary has issued an order pursuant to subsection (g) shall not be subject to chapter IV or V.

“(1) IMPLEMENTING REGULATIONS OR GUIDANCE.—

“(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

“(A) to the extent that adequate scientific evidence exists, establish minimum standards for scientific studies needed prior to issuing an order under subsection (g) to show that a substantial reduction in morbidity or mortality among individual tobacco users occurs for products described in subsection (g)(1) or is reasonably likely for products described in subsection (g)(2);

“(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

“(C) establish minimum standards for postmarket studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

“(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception;

“(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product; and

“(F) establish a reasonable timetable for the Secretary to review an application under this section.

“(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

“(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

“(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue

a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and which the applicant seeks to commercially market under this section.

“(m) DISTRIBUTORS.—Except as provided in this section, no distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

“SEC. 912. JUDICIAL REVIEW.

“(a) RIGHT TO REVIEW.—

“(1) IN GENERAL.—Not later than 30 days after—

“(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

“(B) a denial of an application under section 910(c),

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

“(2) REQUIREMENTS.—

“(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

“(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

“(i) the record of the proceedings on which the regulation or order was based; and

“(ii) a statement of the reasons for the issuance of such a regulation or order.

“(C) DEFINITION OF RECORD.—In this section, the term ‘record’ means—

“(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

“(ii) all information submitted to the Secretary with respect to such regulation or order;

“(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

“(iv) any hearing held with respect to such regulation or order; and

“(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

“(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

“(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

“(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition

to, and not in lieu of, any other remedies provided by law.

“(e) REGULATIONS AND ORDERS MUST RESTITUTE BASIS IN RECORD.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

“SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.

“The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

“SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

“(a) JURISDICTION.—

“(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

“(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

“(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986—

“(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

“(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

“SEC. 915. REGULATION REQUIREMENT.

“(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations under this Act that meet the requirements of subsection (b).

“(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a)—

“(1) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and subbrand that the Secretary determines should be tested to protect the public health, provided that, for purposes of the testing requirements of this paragraph, tobacco products manufactured and sold by a single tobacco product manufacturer that are identical in all respects except the labels, packaging design, logo, trade dress, trademark, brand name, or any combination thereof, shall be considered as a single brand; and

“(2) may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results

of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco-related disease.

“(c) AUTHORITY.—The Secretary shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

“(d) SMALL TOBACCO PRODUCT MANUFACTURERS.—

“(1) FIRST COMPLIANCE DATE.—The initial regulations promulgated under subsection (a) shall not impose requirements on small tobacco product manufacturers before the later of—

“(A) the end of the 2-year period following the final promulgation of such regulations; and

“(B) the initial date set by the Secretary for compliance with such regulations by manufacturers that are not small tobacco product manufacturers.

“(2) TESTING AND REPORTING INITIAL COMPLIANCE PERIOD.—

“(A) 4-YEAR PERIOD.—The initial regulations promulgated under subsection (a) shall give each small tobacco product manufacturer a 4-year period over which to conduct testing and reporting for all of its tobacco products. Subject to paragraph (1), the end of the first year of such 4-year period shall coincide with the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers or the end of the 2-year period following the final promulgation of such regulations, as described in paragraph (1)(A). A small tobacco product manufacturer shall be required—

“(i) to conduct such testing and reporting for 25 percent of its tobacco products during each year of such 4-year period; and

“(ii) to conduct such testing and reporting for its largest-selling tobacco products (as determined by the Secretary) before its other tobacco products, or in such other order of priority as determined by the Secretary.

“(B) CASE-BY-CASE DELAY.—Notwithstanding subparagraph (A), the Secretary may, on a case-by-case basis, delay the date by which an individual small tobacco product manufacturer must conduct testing and reporting for its tobacco products under this section based upon a showing of undue hardship to such manufacturer. Notwithstanding the preceding sentence, the Secretary shall not extend the deadline for a small tobacco product manufacturer to conduct testing and reporting for all of its tobacco products beyond a total of 5 years after the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers.

“(3) SUBSEQUENT AND ADDITIONAL TESTING AND REPORTING.—The regulations promulgated under subsection (a) shall provide that, with respect to any subsequent or additional testing and reporting of tobacco products required under this section, such testing and reporting by a small tobacco product manufacturer shall be conducted in accordance with the timeframes described in paragraph (2)(A), except that, in the case of a new product, or if there has been a modification described in section 910(a)(1)(B) of any product of a small tobacco product manufacturer since the last testing and reporting required under this section, the Secretary shall require that any subsequent or additional test-

ing and reporting be conducted in accordance with the same timeframe applicable to manufacturers that are not small tobacco product manufacturers.

“(4) JOINT LABORATORY TESTING SERVICES.—The Secretary shall allow any 2 or more small tobacco product manufacturers to join together to purchase laboratory testing services required by this section on a group basis in order to ensure that such manufacturers receive access to, and fair pricing of, such testing services.

“(e) EXTENSIONS FOR LIMITED LABORATORY CAPACITY.—

“(1) IN GENERAL.—The regulations promulgated under subsection (a) shall provide that a small tobacco product manufacturer shall not be considered to be in violation of this section before the deadline applicable under paragraphs (3) and (4), if—

“(A) the tobacco products of such manufacturer are in compliance with all other requirements of this chapter; and

“(B) the conditions described in paragraph (2) are met.

“(2) CONDITIONS.—Notwithstanding the requirements of this section, the Secretary may delay the date by which a small tobacco product manufacturer must be in compliance with the testing and reporting required by this section until such time as the testing is reported if, not later than 90 days before the deadline for reporting in accordance with this section, a small tobacco product manufacturer provides evidence to the Secretary demonstrating that—

“(A) the manufacturer has submitted the required products for testing to a laboratory and has done so sufficiently in advance of the deadline to create a reasonable expectation of completion by the deadline;

“(B) the products currently are awaiting testing by the laboratory; and

“(C) neither that laboratory nor any other laboratory is able to complete testing by the deadline at customary, nonexpedited testing fees.

“(3) EXTENSION.—The Secretary, taking into account the laboratory testing capacity that is available to tobacco product manufacturers, shall review and verify the evidence submitted by a small tobacco product manufacturer in accordance with paragraph (2). If the Secretary finds that the conditions described in such paragraph are met, the Secretary shall notify the small tobacco product manufacturer that the manufacturer shall not be considered to be in violation of the testing and reporting requirements of this section until the testing is reported or until 1 year after the reporting deadline has passed, whichever occurs sooner. If, however, the Secretary has not made a finding before the reporting deadline, the manufacturer shall not be considered to be in violation of such requirements until the Secretary finds that the conditions described in paragraph (2) have not been met, or until 1 year after the reporting deadline, whichever occurs sooner.

“(4) ADDITIONAL EXTENSION.—In addition to the time that may be provided under paragraph (3), the Secretary may provide further extensions of time, in increments of no more than 1 year, for required testing and reporting to occur if the Secretary determines, based on evidence properly and timely submitted by a small tobacco product manufacturer in accordance with paragraph (2), that a lack of available laboratory capacity prevents the manufacturer from completing the required testing during the period described in paragraph (3).

“(f) RULE OF CONSTRUCTION.—Nothing in subsection (d) or (e) shall be construed to authorize the extension of any deadline, or to otherwise affect any timeframe, under any provision of this Act or the Family Smoking Prevention and Tobacco Control Act other than this section.

“SEC. 916. PRESERVATION OF STATE AND LOCAL AUTHORITY.

“(a) IN GENERAL.—

“(1) PRESERVATION.—Except as provided in paragraph (2)(A), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, Tribal, or local taxation of tobacco products.

“(2) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

“(A) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

“(B) EXCEPTION.—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as a trade secret and confidential information by the State.

“(b) RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

“SEC. 917. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 12-member advisory committee, to be known as the Tobacco Products Scientific Advisory Committee (in this section referred to as the ‘Advisory Committee’).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—

“(A) MEMBERS.—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

“(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

“(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

“(iii) 1 individual as a representative of the general public;

“(iv) 1 individual as a representative of the interests of the tobacco manufacturing industry;

“(v) 1 individual as a representative of the interests of the small business tobacco manufacturing industry, which position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee; and

“(vi) 1 individual as a representative of the interests of the tobacco growers.

“(B) NONVOTING MEMBERS.—The members of the committee appointed under clauses (iv), (v), and (vi) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

“(C) CONFLICTS OF INTEREST.—No members of the committee, other than members appointed pursuant to clauses (iv), (v), and (vi) of subparagraph (A) shall, during the member’s tenure on the committee or for the 18-month period prior to becoming such a member, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products.

“(2) LIMITATION.—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

“(3) CHAIRPERSON.—The Secretary shall designate 1 of the members appointed under clauses (i), (ii), and (iii) of paragraph (1)(A) to serve as chairperson.

“(c) DUTIES.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

“(1) as provided in this chapter;

“(2) on the effects of the alteration of the nicotine yields from tobacco products;

“(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

“(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

“(d) COMPENSATION; SUPPORT; FACA.—

“(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

“(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

“(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

“SEC. 918. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

“(a) IN GENERAL.—The Secretary shall—

“(1) at the request of the applicant, consider designating products for smoking cessation, including nicotine replacement products as fast track research and approval products within the meaning of section 506;

“(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

“(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

“(b) REPORT ON INNOVATIVE PRODUCTS.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, after consultation with recognized scientific, medical, and public health experts (including both Federal agencies and nongovernmental entities, the Institute of Medicine of the National Academy of Sciences, and the Society for Research on Nicotine and Tobacco), shall submit to the Congress a report that examines how best to regulate, promote, and encourage the development of innovative products and treatments (including nicotine-based and non-nicotine-based products and treatments) to better achieve, in a manner that best protects and promotes the public health—

“(A) total abstinence from tobacco use;

“(B) reductions in consumption of tobacco; and

“(C) reductions in the harm associated with continued tobacco use.

“(2) RECOMMENDATIONS.—The report under paragraph (1) shall include the recommendations of the Secretary on how the Food and Drug Administration should coordinate and facilitate the exchange of information on such innovative products and treatments among relevant offices and centers within the Administration and within the National Institutes of Health, the Centers for Disease Control and Prevention, and other relevant agencies.

“SEC. 919. USER FEES.

“(a) ESTABLISHMENT OF QUARTERLY FEE.—Beginning on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall in accordance with this section assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products subject to this chapter. The fees shall be assessed and collected with respect to each quarter of each fiscal year, and the total amount assessed and collected for a fiscal year shall be the amount specified in subsection (b)(1) for such year, subject to subsection (c).

“(b) ASSESSMENT OF USER FEE.—

“(1) AMOUNT OF ASSESSMENT.—The total amount of user fees authorized to be assessed

and collected under subsection (a) for a fiscal year is the following, as applicable to the fiscal year involved:

“(A) For fiscal year 2009, \$85,000,000 (subject to subsection (e)).

“(B) For fiscal year 2010, \$235,000,000.

“(C) For fiscal year 2011, \$450,000,000.

“(D) For fiscal year 2012, \$477,000,000.

“(E) For fiscal year 2013, \$505,000,000.

“(F) For fiscal year 2014, \$534,000,000.

“(G) For fiscal year 2015, \$566,000,000.

“(H) For fiscal year 2016, \$599,000,000.

“(I) For fiscal year 2017, \$635,000,000.

“(J) For fiscal year 2018, \$672,000,000.

“(K) For fiscal year 2019 and each subsequent fiscal year, \$712,000,000.

“(2) ALLOCATIONS OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

“(A) IN GENERAL.—The total user fees assessed and collected under subsection (a) each fiscal year with respect to each class of tobacco products shall be an amount that is equal to the applicable percentage of each class for the fiscal year multiplied by the amount specified in paragraph (1) for the fiscal year.

“(B) APPLICABLE PERCENTAGE.—

“(i) IN GENERAL.—For purposes of subparagraph (A), the applicable percentage for a fiscal year for each of the following classes of tobacco products shall be determined in accordance with clause (ii):

“(I) Cigarettes.

“(II) Cigars, including small cigars and cigars other than small cigars.

“(III) Snuff.

“(IV) Chewing tobacco.

“(V) Pipe tobacco.

“(VI) Roll-your-own tobacco.

“(ii) ALLOCATIONS.—The applicable percentage of each class of tobacco product described in clause (i) for a fiscal year shall be the percentage determined under section 625(c) of Public Law 108-357 for each such class of product for such fiscal year.

“(iii) REQUIREMENT OF REGULATIONS.—Notwithstanding clause (ii), no user fees shall be assessed on a class of tobacco products unless such class of tobacco products is listed in section 901(b) or is deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter.

“(iv) REALLOCATIONS.—In the case of a class of tobacco products that is not listed in section 901(b) or deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter, the amount of user fees that would otherwise be assessed to such class of tobacco products shall be reallocated to the classes of tobacco products that are subject to this chapter in the same manner and based on the same relative percentages otherwise determined under clause (ii).

“(3) DETERMINATION OF USER FEE BY COMPANY.—

“(A) IN GENERAL.—The total user fee to be paid by each manufacturer or importer of a particular class of tobacco products shall be determined for each quarter by multiplying—

“(i) such manufacturer's or importer's percentage share as determined under paragraph (4); by

“(ii) the portion of the user fee amount for the current quarter to be assessed on all manufacturers and importers of such class of tobacco products as determined under paragraph (2).

“(B) NO FEE IN EXCESS OF PERCENTAGE SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the percentage share of such manufacturer or importer.

“(4) ALLOCATION OF ASSESSMENT WITHIN EACH CLASS OF TOBACCO PRODUCT.—The per-

centage share of each manufacturer or importer of a particular class of tobacco products of the total user fee to be paid by all manufacturers or importers of that class of tobacco products shall be the percentage determined for purposes of allocations under subsections (e) through (h) of section 625 of Public Law 108-357.

“(5) ALLOCATION FOR CIGARS.—Notwithstanding paragraph (4), if a user fee assessment is imposed on cigars, the percentage share of each manufacturer or importer of cigars shall be based on the excise taxes paid by such manufacturer or importer during the prior fiscal year.

“(6) TIMING OF ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under this subsection for each quarter of each fiscal year. Such notifications shall occur not later than 30 days prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made by the last day of the quarter involved.

“(7) MEMORANDUM OF UNDERSTANDING.—

“(A) IN GENERAL.—The Secretary shall request the appropriate Federal agency to enter into a memorandum of understanding that provides for the regular and timely transfer from the head of such agency to the Secretary of the information described in paragraphs (2)(B)(i) and (4) and all necessary information regarding all tobacco product manufacturers and importers required to pay user fees. The Secretary shall maintain all disclosure restrictions established by the head of such agency regarding the information provided under the memorandum of understanding.

“(B) ASSURANCES.—Beginning not later than fiscal year 2015, and for each subsequent fiscal year, the Secretary shall ensure that the Food and Drug Administration is able to determine the applicable percentages described in paragraph (2) and the percentage shares described in paragraph (4). The Secretary may carry out this subparagraph by entering into a contract with the head of the Federal agency referred to in subparagraph (A) to continue to provide the necessary information.

“(C) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) AVAILABILITY.—

“(A) IN GENERAL.—Fees appropriated under paragraph (3) are available only for the purpose of paying the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter and the Family Smoking Prevention and Tobacco Control Act. No fees collected under subsection (a) may be used for any other costs.

“(B) PROHIBITION AGAINST USE OF OTHER FUNDS.—

“(i) IN GENERAL.—Except as provided in clause (ii), fees collected under subsection (a) are the only funds authorized to be made available for the purpose described in subparagraph (A).

“(ii) STARTUP COSTS.—Clause (i) does not apply until the date on which the Secretary has collected fees under subsection (a) for 2 fiscal year quarters. Any amounts provided to pay the costs described in subparagraph (A) prior to the date described in the previous sentence shall be reimbursed through fees collected under subsection (a).

“(3) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amount specified in subsection (b)(1) for the fiscal year.

“(d) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(e) APPLICABILITY TO FISCAL YEAR 2009.—If the date of enactment of the Family Smoking Prevention and Tobacco Control Act occurs during fiscal year 2009, the following applies, subject to subsection (c):

“(1) The Secretary shall determine the fees that would apply for a single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1)(A) of such subsection (referred to in this subsection as the ‘quarterly fee amounts’).

“(2) For the quarter in which such date of enactment occurs, the amount of fees assessed shall be a pro rata amount, determined according to the number of days remaining in the quarter (including such date of enactment) and according to the daily equivalent of the quarterly fee amounts. Fees assessed under the preceding sentence shall not be collected until the next quarter.

“(3) For the quarter following the quarter to which paragraph (2) applies, the full quarterly fee amounts shall be assessed and collected, in addition to collection of the pro rata fees assessed under paragraph (2).”

(c) CONFORMING AMENDMENT.—Section 9(1) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408(i)) is amended to read as follows:

“(1) The term ‘smokeless tobacco’ has the meaning given such term by section 900(18) of the Federal Food, Drug, and Cosmetic Act.”

SEC. 102. FINAL RULE.

(a) CIGARETTES AND SMOKELESS TOBACCO.—

(1) IN GENERAL.—On the first day of publication of the Federal Register that is 180 days or more after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final rule regarding cigarettes and smokeless tobacco, which—

(A) is deemed to be issued under chapter 9 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this Act; and

(B) shall be deemed to be in compliance with all applicable provisions of chapter 5 of title 5, United States Code, and all other provisions of law relating to rulemaking procedures.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg., 44615-44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection in accordance with this Act and the amendments made by this Act;

(B) strike Subpart C—Labels and section 897.32(c);

(C) strike paragraphs (a), (b), and (i) of section 897.3 and insert definitions of the terms “cigarette”, “cigarette tobacco”, and “smokeless tobacco” as defined in section 900 of the Federal Food, Drug, and Cosmetic Act;

(D) insert “or roll-your-own paper” in section 897.34(a) after “other than cigarettes or smokeless tobacco”;

(E) include such modifications to section 897.30(b), if any, that the Secretary determines are appropriate in light of governing First Amendment case law, including the decision of the Supreme Court of the United States in *Lorillard Tobacco Co. v. Reilly* (533 U.S. 525 (2201));

(F) become effective on the date that is 1 year after the date of enactment of this Act;

(G) amend paragraph (d) of section 897.16 to read as follows:

“(d)(1) Except as provided in subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products (as such term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act).

“(2)(A) Subparagraph (1) does not prohibit a manufacturer, distributor, or retailer from distributing or causing to be distributed free samples of smokeless tobacco in a qualified adult-only facility.

“(B) This subparagraph does not affect the authority of a State or local government to prohibit or otherwise restrict the distribution of free samples of smokeless tobacco.

“(C) For purposes of this paragraph, the term ‘qualified adult-only facility’ means a facility or restricted area that—

“(i) requires each person present to provide to a law enforcement officer (whether on or off duty) or to a security guard licensed by a governmental entity government-issued identification showing a photograph and at least the minimum age established by applicable law for the purchase of smokeless tobacco;

“(ii) does not sell, serve, or distribute alcohol;

“(iii) is not located adjacent to or immediately across from (in any direction) a space that is used primarily for youth-oriented marketing, promotional, or other activities;

“(iv) is a temporary structure constructed, designated, and operated as a distinct enclosed area for the purpose of distributing free samples of smokeless tobacco in accordance with this subparagraph; and

“(v) is enclosed by a barrier that—

“(I) is constructed of, or covered with, an opaque material (except for entrances and exits);

“(II) extends from no more than 12 inches above the ground or floor (which area at the bottom of the barrier must be covered with material that restricts visibility but may allow airflow) to at least 8 feet above the ground or floor (or to the ceiling); and

“(III) prevents persons outside the qualified adult-only facility from seeing into the qualified adult-only facility, unless they make unreasonable efforts to do so; and

“(vi) does not display on its exterior—

“(I) any tobacco product advertising;

“(II) a brand name other than in conjunction with words for an area or enclosure to identify an adult-only facility; or

“(III) any combination of words that would imply to a reasonable observer that the manufacturer, distributor, or retailer has a sponsorship that would violate section 897.34(c).

“(D) Distribution of samples of smokeless tobacco under this subparagraph permitted

to be taken out of the qualified adult-only facility shall be limited to 1 package per adult consumer containing no more than 0.53 ounces (15 grams) of smokeless tobacco. If such package of smokeless tobacco contains individual portions of smokeless tobacco, the individual portions of smokeless tobacco shall not exceed 8 individual portions and the collective weight of such individual portions shall not exceed 0.53 ounces (15 grams). Any manufacturer, distributor, or retailer who distributes or causes to be distributed free samples also shall take reasonable steps to ensure that the above amounts are limited to one such package per adult consumer per day.

“(3) Notwithstanding subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of smokeless tobacco—

“(A) to a sports team or entertainment group; or

“(B) at any football, basketball, baseball, soccer, or hockey event or any other sporting or entertainment event determined by the Secretary to be covered by this subparagraph.

“(4) The Secretary shall implement a program to ensure compliance with this paragraph and submit a report to the Congress on such compliance not later than 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

“(5) Nothing in this paragraph shall be construed to authorize any person to distribute or cause to be distributed any sample of a tobacco product to any individual who has not attained the minimum age established by applicable law for the purchase of such product.”

(3) AMENDMENTS TO RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with chapter 5 of title 5, United States Code.

(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with chapter 5 of title 5, United States Code, the regulation promulgated pursuant to this section, including the provisions of such regulation relating to distribution of free samples.

(5) ENFORCEMENT OF RETAIL SALE PROVISIONS.—The Secretary of Health and Human Services shall ensure that the provisions of this Act, the amendments made by this Act, and the implementing regulations (including such provisions, amendments, and regulations relating to the retail sale of tobacco products) are enforced with respect to the United States and Indian tribes.

(6) QUALIFIED ADULT-ONLY FACILITY.—A qualified adult-only facility (as such term is defined in section 897.16(d) of the final rule published under paragraph (1)) that is also a retailer and that commits a violation as a retailer shall not be subject to the limitations in section 103(q) and shall be subject to penalties applicable to a qualified adult-only facility.

(7) CONGRESSIONAL REVIEW PROVISIONS.—Section 801 of title 5, United States Code, shall not apply to the final rule published under paragraph (1).

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall

not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document titled “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents” (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document titled “Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act” (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document titled “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document titled “Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination” (61 Fed. Reg. 44619–45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting “tobacco product,” after “device,”;

(2) in subsection (b), by inserting “tobacco product,” after “device,”;

(3) in subsection (c), by inserting “tobacco product,” after “device,”;

(4) in subsection (e)—

(A) by striking the period after “572(i)”;

and

(B) by striking “or 761 or the refusal to permit access to” and inserting “761, 909, or 920 or the refusal to permit access to”;

(5) in subsection (g), by inserting “tobacco product,” after “device,”;

(6) in subsection (h), by inserting “tobacco product,” after “device,”;

(7) in subsection (j)—

(A) by striking the period after “573”;

(B) by striking “708, or 721” and inserting “708, 721, 904, 905, 906, 907, 908, 909, or 920(b)”;

(8) in subsection (k), by inserting “tobacco product,” after “device,”;

(9) by striking subsection (p) and inserting the following:

“(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(i)(3).”;

(10) by striking subsection (q)(1) and inserting the following:

“(q)(1) The failure or refusal—

“(A) to comply with any requirement prescribed under section 518, 520(g), 903(b), 907, 908, or 916;

“(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or 920; or

“(C) to comply with a requirement under section 522 or 913.”;

(11) in subsection (q)(2), by striking “device,” and inserting “device or tobacco product,”;

(12) in subsection (r), by inserting “or tobacco product” after the term “device” each time that such term appears; and

(13) by adding at the end the following:

“(oo) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

“(pp) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

“(qq)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

“(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

“(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

“(rr) The charitable distribution of tobacco products.

“(ss) The failure of a manufacturer or distributor to notify the Attorney General and the Secretary of the Treasury of their knowledge of tobacco products used in illicit trade.

“(tt) With respect to a tobacco product, any statement or representation, express or implied, directed to consumers through the media or through the label, labeling, or advertising that is false or would reasonably be expected to mislead consumers into believing that the product is approved by the Food and Drug Administration, or that the Food and Drug Administration deems the product to be safe for use by consumers, or that the product is endorsed by the Food and Drug Administration for use by consumers, or that is false or would reasonably be expected to mislead consumers regarding the harmfulness of the product because of the Food and Drug Administration’s regulation or inspection of it or because of its compliance with regulatory requirements set by the Food and Drug Administration.”

(c) SECTION 303.—Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) in paragraph (1)(A), by inserting “or tobacco products” after the term “devices” each place such term appears;

(2) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking “assessed” the first time it appears and inserting “assessed, or a no-tobacco-sale order may be imposed,”; and

(ii) by striking “penalty” the second time it appears and inserting “penalty, or upon whom a no-tobacco-sale order is to be imposed,”;

(B) in subparagraph (B)—

(i) by inserting after “penalty,” the following: “or the period to be covered by a no-tobacco-sale order,”; and

(ii) by adding at the end the following: “A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order.”; and

(C) by adding at the end the following:

“(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.”;

(3) in paragraph (6)—

(A) by inserting “or the imposition of a no-tobacco-sale order” after the term “penalty” each place such term appears; and

(B) by striking “issued,” and inserting “issued, or on which the no-tobacco-sale order was imposed, as the case may be.”; and

(4) by adding at the end the following:

“(8) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1). Prior to the entry of a no-sale order under this paragraph, a person shall be entitled to a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer’s request a hearing by telephone, or at the nearest regional or field office of the Food and Drug Administration, or at a Federal, State, or county facility within 100 miles from the location of the retail outlet, if such a facility is available.”

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking “and” before “(D)”;

(B) by striking “device.” and inserting the following: “device, and (E) Any adulterated or misbranded tobacco product.”;

(2) in subsection (d)(1), by inserting “tobacco product,” after “device,”;

(3) in subsection (g)(1), by inserting “or tobacco product” after the term “device” each place such term appears; and

(4) in subsection (g)(2)(A), by inserting “or tobacco product” after “device”.

(e) SECTION 505.—Section 505(n)(2) (21 U.S.C. 355(n)(2)) is amended by striking “section 904” and inserting “section 1004”.

(f) SECTION 523.—Section 523(b)(2)(D) (21 U.S.C. 360m(b)(2)(D)) is amended by striking “section 903(g)” and inserting “section 1003(g)”.

(g) SECTION 702.—Section 702(a)(1) (U.S.C. 372(a)(1)) is amended—

(1) by striking “(a)(1)” and inserting “(a)(1)(A)”;

and

(2) by adding at the end the following:

“(B)(i) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with this paragraph to carry out inspections of retailers within that State in connection with the enforcement of this Act.

“(ii) The Secretary shall not enter into any contract under clause (i) with the government of any of the several States to exercise enforcement authority under this Act on Indian country without the express written consent of the Indian tribe involved.”

(h) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting “tobacco product,” after the term “device,” each place such term appears; and

(2) by inserting “tobacco products,” after the term “devices,” each place such term appears.

(i) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)—

(A) by striking “devices, or cosmetics” each place it appears and inserting “devices, tobacco products, or cosmetics”;

(B) by striking “or restricted devices” each place it appears and inserting “restricted devices, or tobacco products”;

(C) by striking “and devices and subject to” and all that follows through “other drugs or devices” and inserting “devices, and tobacco products and subject to reporting and inspection under regulations lawfully issued pursuant to section 505(i) or (k), section 519, section 520(g), or chapter IX and data relating to other drugs, devices, or tobacco products”;

(2) in subsection (b), by inserting “tobacco product,” after “device,”; and

(3) in subsection (g)(13), by striking “section 903(g)” and inserting “section 1003(g)”.

(j) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting “tobacco products,” after “devices,”.

(k) SECTION 709.—Section 709 (21 U.S.C. 379a) is amended by inserting “tobacco product,” after “device,”.

(l) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting “tobacco products,” after the term “devices,”;

(B) by inserting “or section 905(h)” after “section 510”; and

(C) by striking the term “drugs or devices” each time such term appears and inserting “drugs, devices, or tobacco products”;

(2) in subsection (e)(1)—

(A) by inserting “tobacco product” after “drug, device,”; and

(B) by inserting “, and a tobacco product intended for export shall not be deemed to be in violation of section 906(e), 907, 911, or 920(a),” before “if it—”;

(3) by adding at the end the following:

“(p)(1) Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

“(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

“(B) the public health implications of such exports, including any evidence of a negative public health impact; and

“(C) recommendations or assessments of policy alternatives available to Congress and the executive branch to reduce any negative public health impact caused by such exports.

“(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.”

(m) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(b)) is amended—

(1) by striking “and” after “cosmetics,”; and

(2) inserting “, and tobacco products” after “devices”.

(n) SECTION 1009.—Section 1009(b) (as redesignated by section 101(b)) is amended by striking “section 908” and inserting “section 1008”.

(o) SECTION 409 OF THE FEDERAL MEAT INSPECTION ACT.—Section 409(a) of the Federal Meat Inspection Act (21 U.S.C. 679(a)) is amended by striking “section 902(b)” and inserting “section 1002(b)”.

(p) RULE OF CONSTRUCTION.—Nothing in this section is intended or shall be construed to expand, contract, or otherwise modify or amend the existing limitations on State government authority over tribal restricted fee or trust lands.

(q) GUIDANCE AND EFFECTIVE DATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term “repeated violation”, as used in section 303(f)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)(8)) as amended by subsection (c), as including at least 5 violations of particular requirements over a 36-month period at a particular retail outlet that constitute a repeated violation and providing for civil penalties in accordance with paragraph (2);

(B) providing for timely and effective notice by certified or registered mail or personal delivery to the retailer of each alleged violation at a particular retail outlet prior to conducting a followup compliance check, such notice to be sent to the location specified on the retailer’s registration or to the retailer’s registered agent if the retailer has provided such agent information to the Food and Drug Administration prior to the violation;

(C) providing for a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer’s request a hearing by telephone or at the nearest regional or field office of the Food and Drug Administration, and providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing that civil money penalties for multiple violations shall increase from one violation to the next violation pursuant to paragraph (2) within the time periods provided for in such paragraph;

(F) providing that good faith reliance on the presentation of a false government-issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device; and

(G) providing for the Secretary, in determining whether to impose a no-tobacco-sale order and in determining whether to compromise, modify, or terminate such an order, to consider whether the retailer has taken effective steps to prevent violations of the minimum age requirements for the sale of tobacco products, including the steps listed in subparagraph (F).

(2) PENALTIES FOR VIOLATIONS.—

(A) IN GENERAL.—The amount of the civil penalty to be applied for violations of restrictions promulgated under section 906(d), as described in paragraph (1), shall be as follows:

(i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, \$0.00 together with the issuance of a warning letter to the retailer;

(II) in the case of a second violation within a 12-month period, \$250;

(III) in the case of a third violation within a 24-month period, \$500;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

(ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, \$250;

(II) in the case of a second violation within a 12-month period, \$500;

(III) in the case of a third violation within a 24-month period, \$1,000;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

(B) TRAINING PROGRAM.—For purposes of subparagraph (A), the term “approved training program” means a training program that complies with standards developed by the Food and Drug Administration for such programs.

(C) CONSIDERATION OF STATE PENALTIES.—The Secretary shall coordinate with the States in enforcing the provisions of this Act and, for purposes of mitigating a civil penalty to be applied for a violation by a retailer of any restriction promulgated under section 906(d), shall consider the amount of any penalties paid by the retailer to a State for the same violation.

(3) GENERAL EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), and (4) of subsection (c) shall take effect upon the issuance of guidance described in paragraph (1) of this subsection.

(4) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (c)(1) shall take effect on the date of enactment of this Act.

(5) PACKAGE LABEL REQUIREMENTS.—The package label requirements of paragraphs (2), (3), and (4) of section 903(a) of the Federal Food, Drug, and Cosmetic Act (as amended by this Act) shall take effect on the date that is 12 months after the date of enactment of this Act. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 903(a)(2), (3), and (4) and section 920(a) of the Federal Food, Drug, and Cosmetic Act.

(6) ADVERTISING REQUIREMENTS.—The advertising requirements of section 903(a)(8) of the Federal Food, Drug, and Cosmetic Act (as amended by this Act) shall take effect on the date that is 12 months after the date of enactment of this Act.

SEC. 104. STUDY ON RAISING THE MINIMUM AGE TO PURCHASE TOBACCO PRODUCTS.

The Secretary of Health and Human Services shall—

(1) convene an expert panel to conduct a study on the public health implications of raising the minimum age to purchase tobacco products; and

(2) not later than 5 years after the date of enactment of this Act, submit a report to the Congress on the results of such study.

SEC. 105. ENFORCEMENT ACTION PLAN FOR ADVERTISING AND PROMOTION RESTRICTIONS.

(a) ACTION PLAN.—

(1) DEVELOPMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall develop and publish an action plan to enforce restrictions adopted pursuant to section 906 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this Act, or pursuant to section 102(a) of this Act, on promotion and advertising of menthol and other cigarettes to youth.

(2) CONSULTATION.—The action plan required by paragraph (1) shall be developed in consultation with public health organizations and other stakeholders with demonstrated expertise and experience in serving minority communities.

(3) PRIORITY.—The action plan required by paragraph (1) shall include provisions designed to ensure enforcement of the restrictions described in paragraph (1) in minority communities.

(b) STATE AND LOCAL ACTIVITIES.—

(1) INFORMATION ON AUTHORITY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall inform State, local, and tribal governments of the authority provided to such entities under section 5(c) of the Federal Cigarette Labeling and Advertising Act, as added by section 203 of this Act, or preserved by such entities under section 916 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this Act.

(2) COMMUNITY ASSISTANCE.—At the request of communities seeking assistance to prevent underage tobacco use, the Secretary shall provide such assistance, including assistance with strategies to address the prevention of underage tobacco use in communities with a disproportionate use of menthol cigarettes by minors.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE**SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.**

(a) AMENDMENT.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

“SEC. 4. LABELING.

“(a) LABEL REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

“WARNING: Cigarettes are addictive.

“WARNING: Tobacco smoke can harm your children.

“WARNING: Cigarettes cause fatal lung disease.

“WARNING: Cigarettes cause cancer.

“WARNING: Cigarettes cause strokes and heart disease.

“WARNING: Smoking during pregnancy can harm your baby.

“WARNING: Smoking can kill you.

“WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.

“WARNING: Quitting smoking now greatly reduces serious risks to your health.

“(2) PLACEMENT; TYPOGRAPHY; ETC.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise the top 50 percent of the front and rear panels of the package. The word ‘WARNING’ shall appear in capital letters

and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c).

“(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

“(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a licensee or permit-holding tobacco product manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) ADVERTISING REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

“(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under subsection (c). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that—

“(A) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in

English, the statements shall appear in the predominant language of the publication; and

“(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

“(4) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

“(c) MARKETING REQUIREMENTS.—

“(1) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(2) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(3) REVIEW.—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

“(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(4) APPLICABILITY TO RETAILERS.—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection and subsection (b).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce

into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by subsection (a).

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

(a) PREEMPTION.—Section 5(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334(a)) is amended by striking “No” and inserting “Except to the extent the Secretary requires additional or different statements on any cigarette package by a regulation, by an order, by a standard, by an authorization to market a product, or by a condition of marketing a product, pursuant to the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), or as required under section 903(a)(2) or section 920(a) of the Federal Food, Drug, and Cosmetic Act, no”.

(b) CHANGE IN REQUIRED STATEMENTS.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

“(d) CHANGE IN REQUIRED STATEMENTS.—The Secretary through a rulemaking conducted under section 553 of title 5, United States Code—

“(1) shall issue regulations within 24 months of the date of enactment of the Family Smoking Prevention and Tobacco Control Act that require color graphics depicting the negative health consequences of smoking to accompany label requirements; and

“(2) may thereafter adjust the format, type size, color graphics, and text of any of the label requirements, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.”.

SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

“(c) EXCEPTION.—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.”.

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

“SEC. 3. SMOKELESS TOBACCO WARNING.

“(a) GENERAL RULE.—

“(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

“WARNING: This product can cause mouth cancer.

“WARNING: This product can cause gum disease and tooth loss.

“WARNING: This product is not a safe alternative to cigarettes.

“WARNING: Smokeless tobacco is addictive.

“(2) Each label statement required by paragraph (1) shall be—

“(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

“(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

“(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

“(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

“(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a licensee or permit-holding tobacco product manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) REQUIRED LABELS.—

“(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

“(2)(A) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph.

“(B) For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall comprise at least 20 percent of the area of the advertisement.

“(C) The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type.

“(D) The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

“(E) The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements.

“(F) The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid news-

paper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement.

“(G) The label statements shall be in English, except that—

“(i) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

“(ii) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(C) The Secretary shall review each plan submitted under subparagraphs (A) and (B) and approve it if the plan—

“(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection.

“(4) The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

“(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this

Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by subsection (a).

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

(a) IN GENERAL.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 204, is further amended by adding at the end the following:

“(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.”

(b) PREEMPTION.—Section 7(a) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4406(a)) is amended by striking “No” and inserting “Except as provided in the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), no”.

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by sections 201 and 202, is further amended by adding at the end the following:

“(e) TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE.—

“(1) IN GENERAL.—The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary’s sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

“(2) RESOLUTION OF DIFFERENCES.—Any differences between the requirements established by the Secretary under paragraph (1) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

“(3) CIGARETTE AND OTHER TOBACCO PRODUCT CONSTITUENTS.—In addition to the disclosures required by paragraph (1), the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that

disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act.

“(4) RETAILERS.—This subsection applies to a retailer only if that retailer is responsible for or directs the label statements required under this section.”

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

“SEC. 920. LABELING, RECORDKEEPING, RECORDS INSPECTION.

“(a) ORIGIN LABELING.—

“(1) REQUIREMENT.—Beginning 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of tobacco products for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement ‘sale only allowed in the United States’.

“(2) EFFECTIVE DATE.—The effective date specified in paragraph (1) shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with such paragraph.

“(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

“(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products.

“(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

“(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

“(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

“(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer

or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products. The Secretary shall not authorize an officer or employee of the government of any of the several States to exercise authority under the preceding sentence on Indian country without the express written consent of the Indian tribe involved.

“(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—

“(1) NOTIFICATION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

“(A) imported, exported, distributed, or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

“(B) imported, exported, distributed, or diverted for possible illicit marketing, the manufacturer or distributor shall promptly notify the Attorney General and the Secretary of the Treasury of such knowledge.

“(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term ‘knowledge’ as applied to a manufacturer or distributor means—

“(A) the actual knowledge that the manufacturer or distributor had; or

“(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

“(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Attorney General of the United States and the Secretary of the Treasury, as appropriate.”

SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising; and

(3) collect data on the health effects (particularly with respect to individuals under 18 years of age) resulting from cross-border trade in tobacco products, including the health effects resulting from—

(A) the illicit trade of tobacco products and the trade of counterfeit tobacco products; and

(B) the differing tax rates applicable to tobacco products.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

(c) DEFINITION.—In this section:

(1) The term “cross-border trade” means trade across a border of the United States, a State or Territory, or Indian country.

(2) The term “Indian country” has the meaning given to such term in section 1151 of title 18, United States Code.

(3) The terms “State” and “Territory” have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 128—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

Mr. MENENDEZ (for himself and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 128

Whereas May 5, or “Cinco de Mayo” in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom;

Whereas Cinco de Mayo has become one of Mexico's most famous national holidays and is celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of Europe's finest troops in over half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force;

Whereas after three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous and heroic spirit that Mexican General Zaragoza and his men displayed during this historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination;

Whereas the Cinco de Mayo holiday is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but is also a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican-Americans who have fought for freedom and independence against foreign aggressors;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States is built by people from many nations

and diverse cultures who are willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close spiritual and economic ties between the people of Mexico and the people of the United States, and is especially important for the people of the southwestern States where millions of Mexicans and Mexican-Americans make their homes;

Whereas in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said, "El respeto al derecho ajeno es la paz" ("The respect of other people's rights is peace"); and

Whereas many people celebrate during the entire week in which Cinco de Mayo falls: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical struggle for independence and freedom of the people of Mexico; and

(2) calls upon the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

SENATE RESOLUTION 129—COMMENDING LOUISIANA JOCKEY CALVIN BOREL FOR HIS VICTORY IN THE 135TH KENTUCKY DERBY

Ms. LANDRIEU (for herself, Mr. VITTER, and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 129

Whereas Calvin Borel, born and raised in St. Martin Parish, Louisiana, began riding match horse races in the State of Louisiana at the age of 8;

Whereas Mr. Borel began his professional career as a jockey at the age of 16;

Whereas Mr. Borel has won more than 4,500 career starts;

Whereas Mr. Borel won the 135th Kentucky Derby by a 6-3/4 length, the greatest winning margin since 1946;

Whereas Mr. Borel is the only jockey since 1993 to win the Kentucky Oaks and the Kentucky Derby in the same year; and

Whereas in 2 minutes and 2.66 seconds, Mr. Borel and Mine that Bird completed the race and placed first place, making it Mr. Borel's second Kentucky Derby victory: Now, therefore, be it

Resolved, That the Senate commends Calvin Borel and Mine that Bird, for their victory at the 135th Kentucky Derby.

SENATE RESOLUTION 130—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 130

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Byrd, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Mur-

ray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson (Nebraska), Mr. Pryor, Mr. Tester, and Mr. Specter.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, Mr. Whitehouse, Mr. Udall (New Mexico), Mr. Merkley, Mrs. Gillibrand, and Mr. Specter.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Mr. Wyden, Ms. Kolbuchar, Mr. Kaufman, and Mr. Specter.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Sanders, Mr. Brown, Mr. Webb, Mr. Tester, Mr. Begich, Mr. Burris, and Mr. Specter.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Nelson (Florida), Mr. Casey, Mrs. McCaskill, Mr. Whitehouse, Mr. Udall (Colorado), Mr. Bennet, Mrs. Gillibrand, Mr. Specter, and Majority Leader Designee.

SENATE RESOLUTION 131—MAKING MINORITY PARTY APPOINTMENTS FOR CERTAIN COMMITTEES FOR THE 111TH CONGRESS

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 131

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mrs. Hutchison, Mr. Brownback, Mr. Alexander, Ms. Collins, Mr. Voinovich, and Ms. Murkowski.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Voinovich, Mr. Vitter, Mr. Barrasso, Mr. Crapo, Mr. Bond, and Mr. Alexander.

COMMITTEE ON THE JUDICIARY: Mr. Sessions, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Graham, Mr. Cornyn, and Mr. Coburn.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, and Mr. Graham.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Republican Leader designee, Mr. Corker, Mr. Hatch, Mr. Brownback, and Mr. Graham.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1042. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1040 proposed by Mr. REED (for himself and Mr. BOND) to the amendment SA 1018 submitted by Mr. Dodd (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability.

SA 1043. Mr. ENSIGN (for himself, Mr. PRYOR, Mrs. BOXER, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1038 proposed by Mrs. BOXER (for herself and Mr. REID) to the amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

TEXT OF AMENDMENTS

SA 1042. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1040 proposed by Mr. REED (for himself and Mr. BOND) to the amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

At the end, add the following:

SEC. ____ FEDERAL REAL PROPERTY DISPOSAL PILOT PROGRAM.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

"§ 621. Definitions

"In this subchapter:

"(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

"(2) EXPEDITED DISPOSAL OF A REAL PROPERTY.—The term 'expedited disposal of a real property' means a demolition of real property or a sale of real property for cash that is conducted under the requirements of section 545.

"(3) LANDHOLDING AGENCY.—The term 'landholding agency' means a landholding agency as defined under section 501(i)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

"(4) REAL PROPERTY.—

"(A) IN GENERAL.—The term 'real property' means—

"(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

"(I) excess;

"(II) surplus;

"(III) underperforming; or

"(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

"(ii) a building or other structure located on real property described under clause (i).

"(B) EXCLUSION.—The term 'real property' excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(5) REPRESENTATIVE OF THE HOMELESS.—The term 'representative of the homeless' means a representative of the homeless as defined under section 501(i)(4) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(4)).

"§ 622. Pilot program

"(a) The Director of the Office of Management and Budget shall conduct a pilot program, to be known as the 'Federal Real Property Disposal Pilot Program', under which real property that is not meeting Federal Government needs may be disposed of in accordance with this subchapter.

"(b) The Federal Real Property Disposal Pilot Program shall terminate 5 years after the date of the enactment of this subchapter.

"§ 623. Selection of real properties

"(a) Agencies shall recommend candidate disposition real properties to the Director for participation in the pilot program established under section 622.

"(b) The Director, with the concurrence of the head of the executive agency concerned and consistent with the criteria established in this subchapter, may then select such candidate real properties for participation in

the pilot program and notify the recommending agency accordingly.

“(c) The Director shall ensure that all real properties selected for disposition under this section are listed on a website that shall—

“(1) be updated routinely; and

“(2) include the functionality to allow members of the public, at their option, to receive such updates through electronic mail.

“(d) The Secretary of Housing and Urban Development shall ensure that efforts are taken to inform representatives of the homeless about—

“(1) the pilot program established under section 622; and

“(2) the website under subsection (c).

“(e) The Secretary of Housing and Urban Development shall—

“(1) make available to the public upon request all information (other than valuation information), regardless of format, in the possession of the Department of Housing and Urban Development relating to the properties listed on the website under subsection (c), including environmental assessment data; and

“(2) maintain a current list of agency contacts for making referrals to inquiries for information relating to specific properties.

“§ 624. Suitability determination

“(a) After the Director selects the candidate real properties that may participate in the pilot program under section 623, the Secretary of Housing and Urban Development shall determine whether each such real property is suitable for use to assist the homeless.

“(b) The Secretary of Housing and Urban Development shall base the suitability determination required under subsection (a)—

“(1) on the suitability criteria identified by the Secretary of Housing and Urban Development under section 501(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(a));

“(2) for real properties located within a Federal installation, campus, or compound, on whether such property can easily be transported to an off-site location; and

“(3) for real properties where the predominant use is other than housing, on whether the size of the real property is equal to or greater than 100,000 square feet.

“(c) Immediately after a determination of suitability is made under this section, the Director shall publish, on the website described in section 623(c) the following information:

“(1) The address of each such real property.

“(2) The result of the suitability determination required under subsection (a) for each such real property.

“(3) The date on which the suitability determination was made.

“§ 625. Unsuitable real property

“(a) If a real property is determined unsuitable under section 624, such real property may not be disposed of or otherwise used for any other purpose for at least 20 days after such determination was made.

“(b)(1) Not later than 20 days after a real property has been determined unsuitable under section 624 and before disposal of the real property in accordance with subsection (d), any representative of the homeless may appeal to the Secretary of Housing and Urban Development for a secondary review of such determination.

“(2) Not later than 20 days after a real property has been determined unsuitable under subsection (b)(3) of section 624, the Secretary of Housing and Urban Development shall deem such real property suitable

notwithstanding the requirements of that subsection if a representative of the homeless has produced clear and convincing evidence that such property can be utilized for the benefit of the homeless. Any determination under this paragraph shall be committed to the unreviewable discretion of the Secretary of Housing and Urban Development.

“(c) Not later than 20 days after the receipt of any appeal under subsection (b), the Secretary of Housing and Urban Development shall respond to such appeal and shall make a final suitability determination regarding the real property.

“(d)(1) If at the end of the 20-day period required under subsection (a), no appeal for review of a determination of unsuitability is received by the Secretary of Housing and Urban Development, such real property shall be disposed of in accordance with section 627.

“(2) If after conducting a secondary review of a determination of unsuitability under subsection (b), the Secretary of Housing and Urban Development determines that the real property remains unsuitable under subsection (c), such real property shall be disposed of in accordance with section 627.

“(3) If after conducting a secondary review of a determination of unsuitability under subsection (b), the Secretary of Housing and Urban Development determines that the real property is suitable under subsection (c), such real property shall be treated as suitable property for purposes of section 626.

“§ 626. Suitable real property

“(a)(1) If a real property is determined suitable under section 624 or upon a secondary review under section 625(d), any representative of the homeless shall have not more than 90 days after such determination to submit an application to the Secretary of Health and Human Services for the transfer of the real property to that representative. If an application cannot be completed within the 90-day period due to non-material factors, the Secretary of Health and Human Services, with the concurrence of the appropriate landholding agency, may grant reasonable extensions.

“(2) If at the end of the time period described under paragraph (1), no representative of the homeless has submitted an application, such real property shall be disposed of in accordance with section 627.

“(b)(1) Not later than 20 days after the receipt of any application under subsection (a)(1), the Secretary of Health and Human Services shall assess such application and determine whether to approve or deny the request for the transfer of the real property to such applicant.

“(2) If the application of a representative of the homeless is denied by the Secretary of Health and Human Services under paragraph (1), such real property shall be disposed of in accordance with section 627.

“(3) If the application of a representative of the homeless is approved by the Secretary of Health and Human Services under paragraph (1), such real property shall be made promptly available to that representative by permit or lease, or by deed, as a public health use under subsections (a) through (d) of section 550.

“§ 627. Expedited disposal requirements

“(a) Real property sold under the pilot program established under this subchapter shall be sold at not less than the fair market value, as determined by the Director in consultation with the head of the executive agency. Costs associated with such disposal may not exceed the fair market value of the

property unless the Director approves incurring such costs.

“(b) A real property may be sold under the pilot program established under this subchapter only if the property will generate monetary proceeds to the Federal Government, as provided in subsection (a). A disposal of real property under the pilot program may not include any exchange, trade, transfer, acquisition of like-kind property, or other non-cash transaction as part of the disposal.

“(c) Nothing in this subchapter shall be construed as terminating or in any way limiting authorities that are otherwise available to agencies under other provisions of law to dispose of Federal real property, except as provided in subsection (d).

“(d) Any expedited disposal of a real property conducted under this subchapter shall not be subject to—

“(1) subchapter IV of this chapter;

“(2) sections 550 and 553 of this title;

“(3) section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411);

“(4) any other provision of law authorizing the no-cost conveyance of real property owned by the Federal Government; or

“(5) any congressional notification requirement other than that in section 545.

“§ 628. Special rules for deposit and use of proceeds from disposal of real property

“(a) Agencies that conduct the disposal of real properties under this subchapter shall be reimbursed from the proceeds, if any, from such disposal for the administrative expenses associated with such disposal. Such amounts shall be credited as offsetting collections to the account that incurred such expenses, to remain available until expended.

“(b)(1) After payment of such administrative costs, the balance of the proceeds shall be distributed as follows:

“(A) 80 percent shall be deposited into the Treasury as miscellaneous receipts.

“(B) 20 percent shall be deposited into the account of the agency that owned the real property and initiated the disposal action.

“(2) Funds deposited under paragraph (1)(B) shall remain available until expended for the period of the pilot program, for activities related to Federal real property capital improvements and disposal activities. Upon termination of the pilot program, any unobligated amounts shall be transferred to the general fund of the Treasury.

“§ 629. Limitation on number of permissible cash sales

“The total number of cash sales of real properties to be disposed of under this subchapter over the 5-year term of the Federal Real Property Disposal Pilot Program shall not exceed 750.

“§ 630. Government Accountability Office study

“(a) Not later than 36 months after the date of enactment of this subchapter, the Comptroller General of the United States shall submit to Congress and make publicly available a study of the effectiveness of the pilot program.

“(b) The study described under subsection (a) shall include at a minimum—

“(1) recommendations for permanent reforms to statutes governing real property disposals and no cost conveyances; and

“(2) recommendations for improving the permanent process by which Federal properties are made available for use by the homeless.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of

subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF
REAL PROPERTY

- “Sec. 621. Definitions.
- “Sec. 622. Pilot program.
- “Sec. 623. Selection of real properties.
- “Sec. 624. Suitability determination.
- “Sec. 625. Unsuitable real property.
- “Sec. 626. Suitable real property.
- “Sec. 627. Expedited disposal requirements.
- “Sec. 628. Special rules for deposit and use of proceeds from disposal of real property.
- “Sec. 629. Limitation on number of permissible cash sales.
- “Sec. 630. Government Accountability Office study.”.

SA 1043. Mr. ENSIGN (for himself, Mr. PRYOR, Mrs. BOXER, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1038 proposed by Mrs. BOXER (for herself and Mr. REID) to the amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability as follows:

On page 1, strike line 6 and all that follows through page 6 line 5, and insert the following:

(a) **SHORT TITLE.**—This section may be cited as the “Public-Private Investment Program Improvement and Oversight Act of 2009”.

(b) **PUBLIC-PRIVATE INVESTMENT PROGRAM.**—

(1) **IN GENERAL.**—Any program established by the Federal Government to create a public-private investment fund shall—

(A) in consultation with the Special Inspector General of the Trouble Asset Relief Program (in this section referred to as the “Special Inspector General”), impose strict conflict of interest rules on managers of public-private investment funds to ensure that securities bought by the funds are purchased in arms-length transactions, that fiduciary duties to public and private investors in the fund are not violated, and that there is full disclosure of relevant facts and financial interests (which conflict of interest rules shall be implemented by the manager of a public-private investment fund prior to such fund receiving Federal Government financing);

(B) require each public-private investment fund to make a quarterly report to the Secretary of the Treasury (in this section referred to as the “Secretary”) that discloses the 10 largest positions of such fund (which reports shall be publicly disclosed at such time as the Secretary of the Treasury determines that such disclosure will not harm the ongoing business operations of the fund);

(C) allow the Special Inspector General access to all books and records of a public-private investment fund, including all records of financial transactions in machine readable form, and the confidentiality of all such information shall be maintained by the Special Inspector General;

(D) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(E) require each manager of a public-private investment fund to acknowledge, in writing, a fiduciary duty to both the public and private investors in such fund;

(F) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(G) require strict investor screening procedures for public-private investment funds; and

(H) require each manager of a public-private investment fund to identify for the Secretary each investor that, individually or together with its affiliates, directly or indirectly holds equity interests in the fund acquired as a result of—

(i) any investment by such investor or any of its affiliates in a vehicle formed for the purpose of directly or indirectly investing in the fund; or

(ii) any other investment decision by such investor or any of its affiliates to directly or indirectly invest in the fund that, in the aggregate, equal at least 10 percent of the equity interests in such fund.

(2) **INTERACTION BETWEEN PUBLIC-PRIVATE INVESTMENT FUNDS AND THE TERM-ASSET BACKED SECURITIES LOAN FACILITY.**—The Secretary shall consult with the Special Inspector General and shall issue regulations governing the interaction of the Public-Private Investment Program, the Term-Asset Backed Securities Loan Facility, and other similar public-private investment programs. Such regulations shall address concerns regarding the potential for excessive leverage that could result from interactions between such programs.

(3) **REPORT.**—Not later than 60 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General shall submit a report to Congress on the implementation of this section.

(c) **ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—Of amounts made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$15,000,000 shall be made available to the Special Inspector General, which shall be in addition to amounts otherwise made available to the Special Inspector General.

(2) **PRIORITIES.**—In utilizing funds made available under this section, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under the Public Private Investment Program established by the Secretary of the Treasury or the Term Asset Loan Facility established by the Board of Governors of the Federal Reserve System (including any successor thereto or any other similar program established by the Secretary or the Board), to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.

(d) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of law, nothing in this section shall be construed to apply to any activity of the Federal Deposit Insurance Corporation in connection with insured depository institutions, as described in section 13(c)(2)(B) of the Federal Deposit Insurance Act.

(e) **DEFINITION.**—In this section, the term “public-private investment fund” means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or as-

sets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury or the Federal Deposit Insurance Corporation.

(f) **OFFSET OF COSTS OF PROGRAM CHANGES.**—Notwithstanding the amendment made by section 202(b) of this Act, paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting “, as such amount is reduced by \$2,331,000,000,” after “\$700,000,000,000”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 12, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the legislative hearing is to receive testimony on S. 967, the Strategic Petroleum Reserve Modernization Act of 2009, and S. 283, a bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 5, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, May 5, at 9:45 a.m., in room SD-366 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 5, 2009, in room 106 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 5, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 5, 2009, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY AND SECURITY

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, May 5, 2009, at 3 p.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate, to conduct a hearing entitled "The Passport Issuance Process: Closing the Door to Fraud" on Tuesday, May 5, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Randy Fasnacht, a detailee from the Subcommittee on Securities, Insurance, and Investment, be granted the privilege of the floor for the remainder of the day during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed

to the immediate consideration of S. Res. 128, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 128) recognizing the historical significance of the Mexican holiday of Cinco de Mayo.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 128) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 128

Whereas May 5, or "Cinco de Mayo" in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom;

Whereas Cinco de Mayo has become one of Mexico's most famous national holidays and is celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of Europe's finest troops in over half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force;

Whereas after three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous and heroic spirit that Mexican General Zaragoza and his men displayed during this historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination;

Whereas the Cinco de Mayo holiday is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but is also a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican-Americans who have

fought for freedom and independence against foreign aggressors;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States is built by people from many nations and diverse cultures who are willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close spiritual and economic ties between the people of Mexico and the people of the United States, and is especially important for the people of the southwestern States where millions of Mexicans and Mexican-Americans make their homes;

Whereas in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said, "El respeto al derecho ajeno es la paz" ("The respect of other people's rights is peace"); and

Whereas many people celebrate during the entire week in which Cinco de Mayo falls: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical struggle for independence and freedom of the people of Mexico; and

(2) calls upon the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

COMMENDING LOUISIANA JOCKEY CALVIN BOREL

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 129, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 129) commending Louisiana jockey Calvin Borel for his victory in the 135th Kentucky Derby.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 129) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 129

Whereas Calvin Borel, born and raised in St. Martin Parish, Louisiana, began riding match horse races in the State of Louisiana at the age of 8;

Whereas Mr. Borel began his professional career as a jockey at the age of 16;

Whereas Mr. Borel has won more than 4,500 career starts;

Whereas Mr. Borel won the 135th Kentucky Derby by a 6¼ length, the greatest winning margin since 1946;

Whereas Mr. Borel is the only jockey since 1993 to win the Kentucky Oaks and the Kentucky Derby in the same year; and

Whereas in 2 minutes and 2.66 seconds, Mr. Borel and Mine that Bird completed the race

and placed first place, making it Mr. Borel's second Kentucky Derby victory: Now, therefore, be it

Resolved, That the Senate commends Calvin Borel and Mine that Bird, for their victory at the 135th Kentucky Derby.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Republican leader, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Honorable BOB CORKER of Tennessee, and the Honorable JOHN BARRASSO of Wyoming.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 111th Congress: the Honorable JEFF SESSIONS of Alabama, the Honorable SUSAN COLLINS of Maine, and the Honorable GEORGE V. VOINOVICH of Ohio.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTING THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS

MAKING MINORITY PARTY APPOINTMENTS FOR CERTAIN COMMITTEES FOR THE 111TH CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 130 and S. Res. 131, which are at the desk.

The PRESIDING OFFICER. The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 130) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

A resolution (S. Res. 131) making minority appointments for certain committees for the 111th Congress.

The PRESIDING OFFICER. Without objection, the two resolutions are agreed to, en bloc.

The resolutions (S. Res. 130 and S. Res. 131) were agreed to, as follows:

S. RES. 130

Resolved, that the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Byrd, Mr. Leahy, Mr. Harkin, Mr. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson (Nebraska), Mr. Pryor, Mr. Tester, and Mr. Specter.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, Mr. Whitehouse, Mr. Udall (New Mexico), Mr. Merkley, Mrs. Gillibrand, and Mr. Specter.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Mr. Wyden, Ms. Klobuchar, Mr. Kaufman, and Mr. Specter.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Sanders, Mr. Brown, Mr. Webb, Mr. Tester, Mr. Begich, Mr. Burris, and Mr. Specter.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Nelson (Florida), Mr. Casey, Mrs. McCaskill, Mr. Whitehouse, Mr. Udall (Colorado), Mr. Bennet, Mrs. Gillibrand, Mr. Specter, and Majority Leader Designee.

S. RES. 131

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mrs. Hutchison, Mr. Brownback, Mr. Alexander, Ms. Collins, Mr. Voinovich, and Ms. Murkowski.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Voinovich, Mr. Vitter, Mr. Barrasso, Mr. Crapo, Mr. Bond, and Mr. Alexander.

COMMITTEE ON THE JUDICIARY: Mr. Sessions, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Graham, Mr. Cornyn, and Mr. Coburn.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, and Mr. Graham.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Republican Leader designee, Mr. Corker, Mr. Hatch, Mr. Brownback, and Mr. Graham.

MAJORITY PARTY APPOINTMENT

Mr. REID. Mr. President, under S. Res. 18, I have the authority to make a majority party appointment to the HELP Committee. I now ask unanimous consent that the appointment be made on a temporary basis and that I still retain the authority to make a permanent appointment in the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now temporarily appoint Sheldon Whitehouse of Rhode Island.

The PRESIDING OFFICER. The RECORD will so note.

UNANIMOUS CONSENT AGREEMENT—S. 454

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of S. 896, the Senate proceed to Calendar No. 45, S. 454.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MAY 6, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Wednesday, May 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; further, that following morning business, the Senate resume consideration of S. 896, the Helping Families Save Their Homes Act, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be a series of votes beginning at 10:40 in the morning relating to the housing bill we have been working on for several days.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Wednesday, May 6, 2009, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, May 5, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 5, 2009.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

PORTLAND'S STREETCAR EXTENSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, last week's decision by the Secretary of Transportation Ray LaHood to authorize \$75 million in Federal funds to extend Portland's streetcar was not just important news for our community, although it was welcome. Indeed, it's going to create over 1,200 new jobs, construction starting almost immediately.

It's going to help serve as a magnet for development for a broad swath of our community. But it is important for what it symbolizes as the potential for a new partnership with the Federal Government for the reintroduction of the modern streetcar into our communities across the country.

One hundred and twenty years ago, streetcars were very much in evidence here in Washington, DC and, indeed, from coast to coast. You could travel from Boston, Massachusetts, to Chicago, all but about 13 miles, uninterrupted, on streetcars and interurban electric systems. These streetcars

shaped our modern communities with an efficient mechanism for transportation. People liked them, and it was something that helped develop housing and downtown density.

Over the course of this last decade, I am proud of the role our community has played helping to launch the first modern streetcar in the United States that is serving as a model for what can happen across the country. Our first line has already been extended three times. It has attracted over \$3.5 billion of new development, millions of passengers and, very important, the trips that aren't being taken by automobile, saving carbon pollution, fighting congestion, saving people money.

The decision by the Department of Transportation to administer the small starts legislation that I authored in the last reauthorization means that we can spread these benefits all across the country. There are dozens of cities, Boise, Idaho; Washington, DC; Tucson; Fort Lauderdale; Charlotte; Cincinnati; Des Moines; Miami; Providence, Rhode Island; New Haven, Connecticut; Seattle, Salt Lake.

The list is extensive of communities that are poised and ready to go with a modest amount of investment. The streetcar costs a fraction of what a light rail system would do. Our initial streetcar costs less than 1 mile of urban freeway.

But it's important to think about the ripple effects across the country. Not only can you think multiplication of the 1,200 construction jobs that we have in Portland that could be visited in these communities, just on laying the tracks, reshaping the landscape, relocating the utilities, but it also is going to be a magnet for the development on the adjacent property. This is something that is a signal to developers large and small about a transportation alternative.

Then there is the opportunity for the first time in 58 years to have a modern American streetcar manufactured in the United States. We have developed in the City of Portland a prototype car that is being manufactured locally that's being delivered to this new project. Each streetcar results in 15 additional manufacturing jobs in our community, but also another 15 jobs per car for subcontractors across America. I have a list of subcontractors from coast-to-coast, particularly in the hard-hit manufacturing areas of the upper Midwest where machine shops are going to be providing parts for this modern American streetcar.

Mr. Speaker, this is an opportunity for this Congress and the new administration to build on the promise, not just to have a streetcar line extended in the City of Portland, but to start a modern industry of rail transport, taking us back to the future, with the tram, with the trolley, with the streetcar, whatever one wants to call it, that will have a transformational effect on our communities while it helps revitalize our economy.

UYGHURS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I was the author of legislation in 1998 that created the National Commission on Terrorism, whose report and recommendations were, unfortunately, ignored by both the Clinton and the Bush administration prior to 9/11.

Fast forward to today, and you can understand my concern when I hear that Attorney General Eric Holder is preparing to release trained terrorists into the United States. Several media outlets have been reporting that a decision is imminent on the release of Uyghurs presently detained at Guantanamo Bay. These detainees have been held at Guantanamo Bay since 2002 after being captured at terrorist training camps affiliated with al Qaeda.

Information I have received indicates these detainees may be far more dangerous than this administration has led the American people to believe. These detainees have been taught how to kill and terrorize by the same terrorist networks affiliated with the attacks on September 11, the USS Cole, U.S. embassies in Africa and the brutal beheading of Wall Street Journal reporter Daniel Pearl. Yet Eric Holder is considering releasing them into the United States.

Both the FBI and the Department of Homeland Security have reportedly raised concerns about the release of these detainees, who are members of the Eastern Turkistan Islamic Movement, a terrorist organization affiliated with al Qaeda. But yet Eric Holder will not release the information.

Let me be clear, we are not talking about transferring these people to prisons in the United States. They would be released free and clear to roam through your neighborhood, shop in your shopping malls and go wherever they want to.

And yet the Congress has not been briefed on this. We have called for

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

briefings from numerous agencies but have been told by the agencies that the Attorney General's office will not allow them to come to the Hill.

This is, in some respects, basically a cover-up. That's right, the Justice Department will not allow career FBI and other government officials, who understand the issue, to come to the Congress to tell the Congress who these people are and what information has been prepared.

During his appearance before the Commerce-Justice-Science Appropriations Subcommittee, the Attorney General promised he would not play "hide and seek." Now he is hiding. He is hiding and keeping information from the Congress, and, more importantly, because the Congress doesn't appear to be doing anything about this, keeping the information from the American people.

All information, Mr. Speaker, about the capture and the detention of the detainees should be declassified, including a threat assessment for each detainee who would be released into the U.S. The American people need to see this information, all of it should be released.

Eric Holder cannot just pick and choose what classified information he wants to release, only that which justifies his case, and cover up and keep quiet the others. These people should not be released into the United States.

Would you want to have trained terrorists living in your neighborhood? The answer is no, and I believe that Congress also is shirking its responsibility for not getting this information before a decision has been made.

MOVING IN A NEW DIRECTION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. RICHARDSON) for 5 minutes.

Ms. RICHARDSON. Mr. Speaker, the 111th Congress is moving in a new direction, a new direction with our clean energy jobs plan. Americans all over this country, whether you are from my home State of California or all the way over in Ohio, whether you are an ironworker or a teacher, whether you are retired or temporarily unemployed, Americans all know that we are facing a crisis, a crisis in our economic plan, a crisis with energy and a crisis with our climate.

The Democrats in this Congress have a solution that's a jobs generator and a money saver that will properly address each of these problems. The Democratic solution is our clean energy plan. The Democratic plan invests in clean energy jobs that can't be shipped overseas, in saving money for families and businesses through efficiency, and ending, finally, our addiction to foreign oil.

Republican opponents simply refuse to acknowledge the cause and the mag-

nitude of this problem, and Republicans fail to acknowledge the change required today for the opportunity of growing jobs in this new economy. The U.S. has lost and is currently losing clean energy jobs and market share to China, Germany and Korea.

The U.S. consumers continue to spend \$400 billion, that's billion with a B, a year in the Middle East and Venezuela every time we fill up our gas tanks. Fortunately, Democrats in this Congress are working to fix this decade-old problem.

President Obama and the House Democrats have a plan that gets the economy moving again, retooling manufacturing plants, building wind turbine solar panels and clean cars and creating a smart grid, finally investing in energy-efficient jobs that can't be shipped overseas.

The Democratic plan is simple. It makes polluters pay and helps clean companies prosper so that they can hire more workers and we all know that that's what we need. It's the same American solution we put in place to successfully fight the acid rain in 1990, after which time electricity rates fell 10 percent and the U.S. economy added 16 million new jobs.

It's important to point out that the acid-rain solution was a bipartisan solution. My constituents in Los Angeles County don't want more rhetoric, they want solutions and specifics.

Consider what the Democratic energy plan will accomplish for this economy: Clean energy jobs provisions will create nearly 300,000 new jobs. The efficiency savings measures will create 222,000 new jobs by 2020. The clean energy jobs provisions will result in nearly \$100 billion in savings for consumers and businesses by 2030. The efficiency savings measures alone will result in nearly \$170 billion in utility bill savings by 2020.

□ 1045

The Democratic plan in this Congress will impact every facet of the lives of Americans. We must take care and craft a bill that will promote new job growth around this Nation, a bill that will have energy infrastructure to keep these jobs and industries alive in the United States for generations to come—we have learned that—and a bill that will promote our national and economic security.

The Democratic energy plan is a blueprint for legislation that the American people have called for, a change in a new direction. I look forward to working with my colleagues to moving America in that right direction and finally to true energy independence.

WHY IS NUCLEAR NOT INCLUDED?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, presently the majority is developing their own energy legislation through the Energy and Commerce Committee. I serve on the Subcommittee on Energy. We have had several hearings and many, many witnesses, including Vice President Gore. This legislation is entitled the American Clean Energy and Security Act of 2009. But, my colleagues, it imposes a massive national energy tax on every single American, especially those who are low income and elderly individuals.

Now, if reducing carbon dioxide, creating jobs and promoting domestic energy sources were truly their objective, then nuclear energy should be a central component, you would think, of this legislation. But it is not.

Nuclear power already provides the United States with over 20 percent of its electricity, and 73 percent of its CO₂-free electricity. When it comes to affordable, near-term reductions of CO₂ and other atmospheric emissions, the importance of nuclear energy cannot be overstated.

Like wind and solar energy, nuclear energy is emission free, which means CO₂ free. However, unlike wind and solar, nuclear energy can provide vast amounts of power on a constant basis. Wind and solar certainly have a role to play in America's energy mix, but in order to obtain clean, CO₂-free energy, it seems that such a major piece of legislation should address the regulatory and policy issues that obstruct new nuclear energy power from being developed in the United States.

But what makes nuclear energy potentially transformational is its simple versatility. Today, the Nation primarily uses nuclear energy for electricity generation. Electric power production amounts for roughly 40 percent of America's total energy production. Nuclear accounts for 20 percent of electricity here in the United States. But clean, affordable nuclear power can also be used to produce energy for industrial applications, and even for transportation, which accounts for 21 percent and 29 percent of U.S. energy consumption, respectively.

For example, some reactor types could be used in the chemical industry for plastics production and for refinery operations, all of which use vast amounts of carbon-based energy to produce heat which is necessary for their industrial activities. Nuclear energy could also be used to produce synthetic fuels that could run America's cars. While these technologies are not commercially viable today, they are the types of things that could be possible, if the Federal Government would develop a regulatory and policy structure that was more conducive to growth in the nuclear energy industry.

Nuclear energy is also a jobs creator. According to The Nuclear Energy Institute, the nuclear industry has created

more than 15,000 jobs in recent years, all without even beginning construction on a new nuclear power plant. These include jobs in the sciences, manufacturing and construction sectors that private investors have created as they prepare to meet future construction demand. Once construction begins, up to 2,000 workers will be required to build each new plant and approximately 600 will be needed to operate it.

The energy bill being developed focuses too much on the process of energy production, rather than on the product itself. For example, it creates a renewable energy standard that mandates only certain types of limited energy production, such as wind and solar. This approach artificially eliminates energy sources, including those that have not even yet been invented.

If CO₂ reduction is truly the objective, then maximizing America's nuclear resources should be a top priority. In fact, as Secretary of Energy Chu testified at one of our hearings, nuclear energy should be part of this legislation. France uses nuclear energy to produce almost 80 percent of the electricity they have, and also they have developed methods to reprocess the waste. In fact, they have been so successful that almost all of the waste product has been reprocessed. Japan and Canada have also successfully developed nuclear energy.

So, my colleagues, the priorities we need to establish require a major restructuring effort from Congress and the administration that emphasizes market-based reforms that ensure long-term regulatory stability and policy predictability. Most importantly, these reforms can be done without additional cost to the taxpayers.

Without such an effort, the billions of dollars of private capital needed to expand America's nuclear capacity will simply not be invested. These private investments will ultimately be what is needed for the Nation to achieve real reductions in CO₂ emissions and create a new, clean energy economy.

STRICTER OVERSIGHT OF CREDIT CARD ISSUERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. MAFFEI) for 5 minutes.

Mr. MAFFEI. Mr. Speaker, last week, the House passed the Credit Cardholders' Bill of Rights with an overwhelming bipartisan vote. This week the House will take up anti-predatory lending and mortgage fraud legislation. These bills are the next step as we work to rebuild our economy in a way that is fair and consistent with our values.

The Mortgage Reform and Anti-Predatory Lending Act of 2009 will curb abuse in predatory lending, a major factor in the Nation's highest home

foreclosure rate in 25 years. The bill would outlaw many of the most egregious industry practices that have marked the subprime lending boom, and it would prevent borrowers from deliberately misstating their incomes to qualify for a loan.

But I would also like to get back to the Credit Cardholders' Bill of Rights, because that is such an important piece of legislation. As I mentioned, it passed 357-70 in this body, and I do urge that the other body take up this legislation as rapidly as possible.

The Credit Cardholders' Bill of Rights has had such broad bipartisan support because these credit card issuers and companies have benefited from an uneven playing field for so long. Regular people across the country and across my district have been victimized by these unfair and abusive practices, and Congress has now finally heard their stories. One of their stories was featured today in an editorial in the Syracuse Post-Standard, my hometown newspaper.

"Temple Baptist Church in Baldwinsville is the kind of customer that credit card companies used to reward with lower interest rates, not higher ones. The church paid its credit card bill on time and always paid at least the minimum due.

"But without explanation, Advanta Bank raised the church's interest rate from 18 percent to a whopping 36.9 percent. The higher rate had already been applied to \$8,000 in new purchases, according to the Reverend Aaron Overton. He was shocked, just like thousands of citizens who have found themselves in similar positions.

"Fortunately for Overton and other consumers, their outcry was loud enough for Congress to pay attention. Last week, the House of Representatives approved the Credit Cardholders' Bill of Rights, which would prohibit sudden and retroactive rate hikes."

Then the editorial goes on to say later that this bill is good, we need to do more, and that "Congress needs to carefully examine how credit card companies conduct business, the kinds of interest rates they charge and what other schemes are being practiced that hurt customers. Overton says he probably could have gotten a better deal from the Mafia than from his credit card company. It does appear that some companies are shaking down customers as the economy worsens."

Mr. Speaker, I will include the full editorial for the RECORD.

The point is this: We cannot any longer allow these kind of practices to occur. The model that makes this occur is the fact that at one point in our country, all lending, including credit card lending, was based on the fair principle that a bank or other institution would lend out money and then would make money on the interest and then the principal would be paid back.

But these credit card companies have now targeted people that cannot afford to pay back that principal and instead continue to get higher and higher fees. Yet they are too responsible, like Reverend Overton, to run away. He is not going to go anywhere. That church is not going to go anywhere. So there is no excuse to raise those rates and to have those fees, except that the company wants to make more money.

My concern, the concern of my newspaper at home and the concern of many of us, is that these credit card companies, before this bill fully takes effect, before the Senate is able to pass it, will take advantage of this all the more. But to them, Mr. Speaker, to them I have a clear message, and that is we have got our eyes on you and you shouldn't try it, because if you do, we are going to put this into effect much, much earlier, as our Chairman BARNEY FRANK has said.

I do not believe that you should have a lawyer to get a credit card. We have lawyers to get a new house, often when you have a house closing. But when it comes time to get a credit card, you shouldn't need a lawyer. These 30 page contracts, frankly, that people don't read, but I tell you, if you did read them, there is only a couple of sentences that matter. Those are the sentences that say the credit card issuer can do everything and the consumer can do nothing. This has to end. This practice has to end. We must assure fairness, and that means getting the Senate to pass a strong credit cardholders' bill of rights, and in both Houses and down the street at the White House we have to keep an eye on this industry and make sure they don't take advantage of the customers further during this recession.

Mr. Speaker, I include the editorial from the Syracuse Post-Standard for the RECORD.

BAD CREDIT

Temple Baptist Church in Baldwinsville is the kind of customer that credit card companies used to reward with lower interest rates not higher ones. The church paid its credit card bill on time and always paid at least the minimum due.

But without explanation, Advanta Bank raised the church's interest rate from 18 percent to a whopping 36.9 percent. The higher rate had already been applied to \$8,000 in new purchases, according to the Rev. Aaron Overton.

He was shocked just like thousands of citizens who have found themselves in similar positions.

Fortunately for Overton and other consumers, their outcry was loud enough for Congress to pay attention. Last week, the House of Representatives approved the "Credit Card Holders' Bill of Rights," which would prohibit sudden and retroactive rate hikes.

The Senate is expected to pass similar legislation, according to Sen. Charles Schumer, D-N.Y., who said the Senate bill would contain "important protections for consumers and is a giant step forward for anyone who uses a credit card."

Let's hope so.

The credit card companies have been allowed to ride roughshod over their customers, employing jaw-dropping practices in a nation that supposedly operates by fair and transparent financial rules.

In fact, Congress needs to go farther than the House did in its bill.

As Rev. Overton pointed out, credit card companies should be made to refund the money they received from the outrageous fees.

State Attorney General Andrew Cuomo was able to work out such a deal recently with JP Morgan Chase & Co. It refunded \$4.4 million to 184,000 cardholders Cuomo said were wrongly charged a monthly \$10 fee.

Most of the regulations in the Credit Card Holders' Bill of Rights will not take effect until next year. But Rep. Dan Maffei, D-DeWitt, and Rep. Carolyn Maloney, D-Manhattan, sponsored an amendment that would ensure that one crucial provision takes effect within 90 days of signing that companies give customers 45 days notice before raising rates.

Maffei says the House bill is just the beginning of stricter oversight of credit card issuers. As a member of the House Financial Services Committee, he says he has heard complaints about credit company practices throughout his district. He plans to hold hearings in Syracuse this summer.

That's good. Congress needs to carefully examine how credit card companies conduct business, the kinds of interest rates they charge and what other schemes are being practiced that hurt consumers.

Overton says he probably could have gotten a better deal from the Mafia than from his credit card company. It does appear that some companies are shaking down customers as the economy worsens.

Lawmakers must put an end to such practices immediately.

TRIBUTE TO JACK KEMP

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today in tribute to a good and great friend who was also a great American leader that we lost this last weekend, Jack Kemp.

Jack Kemp was not only an inspiration to many, but he is a model for those of us who serve in this House. Through the years, his searching intellect, his impressive leadership ability, his buoyant personality, and, yes, his dedication to his family, was something to inspire all of us who had the opportunity to know him and those of us who were able to call him friend.

I remember that he told me one time that as busy as he was, he always used to take the time to try and give some inspiration to his children, and at times he would write a little note to them and put it under their pillow, and oftentimes it would say these simple words: "Be a leader." I copied that from Jack, and I would remind my children before they would go to bed to think of themselves as leaders, not just followers.

Jack had that kind of effect on people. I was speaking to another Member

of Congress recently and I said, when you think of Jack Kemp, you immediately have a smile on your lips because of that buoyant personality, that ultimate sense of fairness.

Today, we talk about athletes having a swagger. Jack didn't walk with a swagger. He walked with the grace of an athlete. And there was a certain graciousness about him as he approached anybody on this floor. Democrat, Republican; liberal, conservative; white, black, Hispanic, it didn't matter. Jack treated you all the same.

Jack genuinely believed that there was goodness in everybody, and even when disappointed he would still come back to that fundamental thought of his that if you could reach just a little bit deeper, if you talked to someone just a little bit longer, if you fought a little bit harder, maybe you could find agreement and maybe we could move this country forward.

It was a great experience being one of Jack's friends. I often thought that there might be someone out there who doesn't like Jack Kemp, but I don't think there was a single person that Jack disliked. And that could be irritating at times when he was an ally of yours and you were dealing with a difficult issue, and you would say, Jack, don't you hear what they are saying? Doesn't it get you irritated? And he would give you that half crooked smile and have that raspy chuckle, and he would just keep on going.

I remember when I was with him, as were several other Members in the House, I believe it was over in the Cannon Caucus Room, when Jack announced his candidacy for President in 1988. At the end he said something to this effect. He said, "While I am leaving the House, I will always be a man of the House." And I believe he was, until the day he died.

Today, as we deal with difficult issues, it would do us good to remember Jack; not as someone of the past, not as someone who made great contributions to this country in his life, but someone whose spirit remains and whose example should be an example to us all.

We dealt with difficult issues when he was here in the House; the Contras, Soviet Jewry, the Cold War, the march of communism, high taxes, difficult inflation, questions about where we were going. And Jack dealt with all of those issues. But he dealt with those issues not only with a smile, but with a clarity of vision and an approach that invited people to sit down and debate with emotion, but with civility.

□ 1100

There could be no better example for us today. The incandescence of his personality, the generosity of his spirit, the genuineness of his friendship, I thank God for all of those things. And I think today as we deal with these dif-

ficult issues, rather than just to have a tip of the hat to people like Jack Kemp, we ought to say, your inspiration, your leadership and your example will continue to burn brightly in the hearts of Members of this body and we shall always remember your belief in the goodness of America and the goodness of its people.

God bless you, friend.

AMERICAN RECOVERY AND REINVESTMENT ACT PLAYS CRITICAL ROLE IN VIRGINIA'S 11TH DISTRICT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Thank you, Mr. Speaker.

And before I begin my remarks on a different subject, I want to thank my colleague from California for his remarks about our departed colleague, Mr. Kemp. I think it is important that all of us remember his sense of decency, civility and collegiality, something we need to remind ourselves of in this body today.

Mr. Speaker, we know that the Recovery Act will save or create 3.5 million jobs across the country, but today I rise to highlight one of many important instances where the American Recovery and Reinvestment Act of 2009 plays a direct and critical role in my own district, the 11th District of Virginia.

It is important every so often to take a step back from the macro view and look at the Recovery Act's positive impact on the local economy. I want to point out the Act's impact on the Greater Prince William Community Health Center and the thousands of people the center employs and serves in northern Virginia. This nonprofit facility provides a wide variety of affordable health care services to the uninsured and the underinsured on a sliding fee-based scale as well as those with health insurance. The health center is the primary caregiver for over 4,000 patients annually, with nearly 32,000 patient visits each year. It provides school physicals, internal and family medicine, physical exams, disease screening, laboratory work and pharmaceutical assistance. It treats diabetes, hypertension, asthma, respiratory infections and so many other medical conditions. Without this health center in Prince William County, many of the facility's patients would be forced to use hospital emergency rooms for their primary care which cost all of us about \$6 billion a year, or they receive no care at all.

Mr. Speaker, in the weeks before the \$1.1 million grant for the Greater Prince William Community Health Center which was announced on March 2 as part of the stimulus funding, the center's management was actually preparing for an orderly and permanent

shutdown of this vital facility. The economic crisis increased demand for health care services and local funding sources had frankly dried up. Nonetheless, the dedicated staff of health care professionals continued to do their jobs and continued to provide quality health care to the center's patients, even though they were not always certain they would ever receive a paycheck. The health center management desperately sought private and public funding to keep the center going, but the same economic crisis that was driving more patients to the health center was also taking its toll on this non-profit provider. At a time when the health center was anticipating a doubling of patients in need of its services, the future looked bleak. It's hard to describe the sense of relief I heard when I contacted the center's management to inform them that the Recovery Act had provided a new lease on life. Thanks to the Recovery Act, this outstanding community resource will not become another unfortunate casualty of the recession but instead will continue to provide much-needed cost-efficient health care to low- and moderate-income individuals and families. And because of this vote of confidence and this investment, they've been able to attract additional investment as well, ensuring their future.

I recently toured the Greater Prince William Community Health Center and had the opportunity to spend time with care providers and several patients. I met with William, a construction worker recently laid off due to the economic downturn. He injured his back on the job but after being laid off had no insurance to seek treatment for his constant, chronic pain. Thanks to the health center in Prince William County, he was able to see a doctor, received initial care, and was referred to the University of Virginia Medical Center for back surgery. In time, thanks to the center, William will recover, be able to return to work, and live a productive and hopefully pain-free life. I also met Connie, who told me about her father's debilitating diabetes and how financial constraints placed his life in jeopardy. Connie heard about the center, brought her father there, and today he is on insulin with a much improved quality of life.

Thanks to the Recovery and Reinvestment Act, the hardworking staff at the Greater Prince William Community Health Center will continue to fill a critical need in my district in Virginia. This is only one of thousands of examples around our country of the Recovery Act at work, saving jobs and frankly saving lives.

Mr. Speaker, the Greater Prince William Community Health Center is not unique. Throughout America, the Recovery Act is having a positive impact on the lives of millions of Americans. While no one solution will cure the re-

cession overnight, the Recovery and Reinvestment Act is one piece of the mosaic of actions this Congress has undertaken to restore our Nation's economic health, protect the well-being of the American people, and make sure that our economy gets moving again.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 5 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Good and gracious, Lord our God, today across this Nation, many celebrate Cinco de Mayo, marking the struggle of the Mexican people for freedom and independence.

We bless You and praise You, Lord, because these various devotions and festivities remind all of us of the large part immigration has played in the formation of this great country with diverse cultural and ethnic backgrounds.

Mexican Americans, as so many before them, Lord, have shared their rich heritage with others while they have sought health, safety, and education for their children as well as political and cultural recognition.

Bless their deeply felt family values and religious convictions. We pray always for a greater integration into American life where all live free from fear, segregation and prejudice.

We ask Our Lady of Guadalupe to join us in our prayer for Your blessing upon all Hispanic Americans and especially upon our neighboring country of Mexico. Grant peace and security both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Arizona (Mrs. KIRKPATRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. KIRKPATRICK of Arizona led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2009

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this week I am proud that the House of Representatives will be voting on H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act of 2009.

This legislation will make critical reforms to end the abusive and predatory lending practices that have left so many Americans facing foreclosure.

In my district in Orange County, California, we have seen the results of abusive and predatory lending too frequently as foreclosures have weakened our neighborhoods and our communities, and it has forced many of our people out of their homes. Most of these foreclosures are the result of "toxic loans" that were issued by several subprime lenders in Orange County, California.

For that reason, I am particularly pleased that H.R. 1728 will ensure that lenders make loans that benefit the consumer and prohibit lenders from steering borrowers into higher-cost loans.

In addition, the legislation will establish a simple standard that all institutions offering home loans must ensure so that borrowers can actually repay the loans they receive.

I am very pleased that we will be considering this bill, which addresses the reckless lending and lack of oversight, and I urge my colleagues to support it.

CALIFORNIA WATER

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, I rise today because California is in the middle of a water crisis. California's current drought is not like other droughts because California is suffering from a devastating combination of a natural dry spell and a federally imposed dry spell.

In December 2007, a Federal judge ordered restrictions on water project operations in the delta to help protect threatened species, the delta smelt. The negative impact has been extraordinary. The restrictions have resulted in the loss of nearly one-third of the supply that 25 million Californians depend on from delta operations. Farmland throughout California's Central

Valley is going fallow while farmers struggle to find work. In Southern California economic growth is being thwarted because any new construction is jeopardized by a lack of proven water supply.

There is no evidence that the federally imposed pumping restrictions have benefited the delta smelt. If this Congress is going to continue to give Federal agencies the authority to take actions that kill jobs and harm our economy for the benefit of a species, then the American people deserve clear evidence that these actions benefit the species.

RECOGNIZING AND CONGRATULATING THE PINAL COUNTY SHERIFF'S DEPARTMENT FOR FIGHTING BACK AGAINST THE DRUG CARTELS

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, several weeks ago a deputy with the Pinal County Sheriff's Office noted a speeding van and observed likely packages of marijuana through the window. After a brief car chase, the deputy was able to secure the van and found 476 pounds of marijuana. This successful bust is yet more evidence that our local law enforcement is playing a vital role in fighting back against the drug cartels.

I congratulate Sheriff Babeu and the entire Pinal County Sheriff's Department for this seizure, which will keep drugs out of our community.

Our local law enforcement in Arizona deserve recognition for a job well done. With more resources, they do even more to protect our borders and keep our communities safe.

RECOGNIZING MR. JEFF JACKSON

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, it's with great pride that I rise to recognize Mr. Jeffrey Walter Jackson of the Sixth District of Georgia upon his retirement as Head of School for the Mount Vernon Presbyterian School in Sandy Springs, Georgia.

Jeff Jackson has been a dedicated and visionary leader. He challenges himself and all around him to dream big dreams, work diligently on positive goals, and inspires a servant's heart.

During his tenure, since 2002, at Mt. Vernon, Mr. Jackson introduced honors and advanced placement courses, expanded the sports program to 31 teams, and fostered varied activities including a debate team and the Fellowship for Christian Athletes. He oversaw the establishment of a new Upper School to serve 9th through 12th grade students and a 30-acre expansion of the campus.

In his faithful commitment to the values of Christian education, Mr. Jackson has been a role model for teachers, administrators, community leaders, but especially students. And now he will further his positive influence as the executive director of the Georgia Independent School Association.

Mr. Speaker, our community and this Congress commend Jeff Jackson for his continuing and exemplary service and extend to him our very best wishes in his new role.

PREDATORY LENDING

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, to put our Nation on the road to recovery, we have to do several things: First, we have to begin to clean up the economic mess that we have inherited after the past 8 years. Secondly, we have to rewrite our laws to guarantee that everyone has a fair shake and a fair opportunity to make it in today's economy. And together we will.

Last week I was very proud to stand here and vote for the Credit Cardholder's Bill of Rights, and today I rise in favor of the Mortgage and Anti-Predatory Lending Act. This bill would help end the predatory lending that is a major factor in the many, far too many, home foreclosures now taking place.

The bill would prohibit lenders from steering their customers into higher-cost loans, would ensure that borrowers actually have the ability to pay back the money that they are taking out, and would establish a simple standard for all home loans.

I believe we have to work hard for people everywhere to guarantee that they can make it and keep their heads above water. Let's pass the Mortgage and Anti-Predatory Lending Act and build a better future for everyone.

MAKE R&D TAX CREDIT PERMANENT

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, yesterday the President announced tax reforms that would pave the way for making the research and development tax credit permanent.

R&D is the lifeblood of our economy, and this tax credit provides companies with an incentive to invest in technology and expand their operations. In 2005, more than 70 percent of R&D tax credit dollars nationwide went toward wages for highly skilled jobs.

Since 1981, however, Congress has extended the credit 12 times with extensions as short as just 6 months. Retro-

active extensions leave companies in uncertain circumstances for long periods of time beyond the expiration date.

This is why I have introduced bipartisan legislation with Mr. BOCCIERI of Ohio that would make the R&D tax credit permanent. Unlike other proposals to make the R&D tax credit permanent, H.R. 1545 would also offer a bonus tax credit for companies who manufacture their products in the United States.

We shouldn't wait to make the R&D tax credit permanent. We should act now to sustain the manufacturing base that is so critical to this country's future.

ENERGY

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today in support of the American Conservation and Clean Energy Independence Act of 2009, a bipartisan piece of legislation that extends our efforts from last Congress, the 110th Congress, with Congressmembers MURPHY, WALZ, CAPITO, WILSON, ABERCROMBIE, myself, and many others.

This legislation is to develop a new policy that is comprehensive in nature that will, one, reduce our dependency on foreign sources of energy and, two, develop the robust renewable portfolio that Americans want to see. This effort is common sense. It's PAYGO neutral. It would enhance our path toward energy reduction of our dependency on foreign sources and improve our national security.

I'm a firm believer that we have to use all the energy tools in our energy toolbox. This legislation does just that. In the near term, 1 to 10 years, choosing oil and gas and nuclear. In the intermediate, 10 to 20 years, building a robust, renewable portfolio that will give Americans an energy policy that we believe our Nation deserves.

CAP-AND-TRADE EXEMPTIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in the past, my colleagues on the other side of the aisle railed against the Bush administration for an energy policy they say was written by energy lobbyists and rewarded oil and gas industry companies. Now that they control both the Congress and the White House, that type of behavior which they railed against now seems to be acceptable.

The cap-and-trade legislation being considered in the Energy and Commerce Committee is based on a blueprint of a plan put forward by a coalition of outside groups called USCAP.

USCAP claims to favor government regulation of greenhouse gasses; yet, one of the leading members of the group will receive a generous exemption in the legislation to build new coal power plants without the onerous restrictions that will prevent others from building.

The majority are allowing industry members to write legislation that benefits them in exchange for supporting their cap-and-tax plan that will raise energy prices for all Americans. That is hypocritical and it's unethical.

ENERGY/BUDGET

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, the passage of the American Recovery Act made a down payment on a new clean energy economy, with \$39 billion worth of investment in smart grid technology, energy efficiency, and our renewable energy sector, all of which will lower energy costs and create good-paying, permanent American jobs.

Congress must match this reform and this investment with meaningful investments in our fiscal year 2010 budget.

To my friends on the other side of the aisle, let me say that I fiercely defend the power of the free market. But for decades the energy markets have increased our reliance on foreign oil, quashed American innovation, and eroded our national security. It is time, way past time, for us as elected representatives to lead and take those steps necessary in this budget to finally move our energy sector to a clean American sustainable economy.

□ 1215

CAPTAIN FRANCES GREENE—LADY WARRIOR

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Frances Greene, charter member of the Greatest Generation from Beaumont, Texas, joined the United States Army in 1941, even before Pearl Harbor.

When World War II started, it saw the Army Nurse Corps on the front lines of battle. Captain Greene was stationed overseas in the hot South Pacific. And she clearly remembers her unit being bombed daily by Japanese planes.

The 23-year-old nurse faced the war head on, and nurses like her were responsible for saving the lives of American soldiers and marines that caught the brunt end of battle. Because of these special saviors of soldiers, World War II had a record low post-injury mortality rate. Many of the injured are alive today because of Captain Greene

and the other 59,000 wonderful women that volunteered to face the enemy in faraway lands.

Mr. Speaker, at 91, Captain Greene still talks about her service to our country with deep patriotism and fervor. She is an amazing lady warrior.

Today I am proud to know Captain Frances Greene. We should honor her and all the women that served in the great World War II. They defended our country with their valor and helped bring our wounded home to America when it was over, over there.

And that's just the way it is.

MORTGAGE REFORM IS NEEDED

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, Hawaii has some of the least-affordable housing in the country. Many of my constituents have more than one job just to make enough to put food on the table and pay their bills. Others have lost jobs due to the bad economy and the downturn in tourism.

Families are struggling to stay in their homes. In Hawaii, foreclosures are up 500 percent from a year ago, and one in 29 homes with high-cost loans are likely to go into foreclosure.

Forestalling foreclosure is often an exercise in frustration for homeowners. Some people in Hawaii are 2 or 3 months behind in their mortgages and are spending hours trying to reach out-of-state lenders in a different time zone to get their loans modified. To make matters worse, lenders tell them that their paperwork is lost and slap them with fees and penalties.

We recently passed H.R. 1106 to help families like these restructure or refinance their mortgages. We also need to pass H.R. 1728 to support counseling efforts, provide foreclosure prevention assistance and strengthen loan standards.

MEDIA IGNORES GOOD NEWS FOR GOP

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, with a newly elected Democratic President, and a Senator recently switching to become a Democrat, the national media have tried to imply that Americans have moved away from the Republican Party's values and priorities.

But the facts tell a different story. A new poll by the Pew Research Center shows Americans are, in fact, taking a conservative turn on issues like abortion and second amendment rights. The number of people who support legalized abortion has dropped to its lowest point ever, and the number of people who say it is important to protect gun

owners' rights increased to its highest point ever.

These numbers indicate a shift toward, not away from, some of the core principles of the Republican Party. But you won't see much in the media about Pew's survey. It doesn't support their liberal leanings.

CURB ABUSIVE AND PREDATORY LENDING

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, I rise today in support of long overdue legislation to crack down on predatory mortgage lending. This week the House will consider legislation to curb abusive and predatory lending, a major factor in the Nation's highest home foreclosure rate in 25 years and the precursor to the greatest economic downturn since the Great Depression.

The Mortgage Reform and Anti-Predatory Lending Act of 2009 prohibits lenders from steering borrowers to higher-cost loans and protects tenants who rent homes that go into foreclosure.

Mr. Speaker, the situation we find ourselves in did not happen overnight, but there is a new day dawning in America with this new President and this new Congress. By passing this legislation, we will mark one more step toward restoring economic prosperity to all Americans by protecting consumers, as we did last week with the credit card bill, and from the many vile and unscrupulous practices that have directly contributed to the mortgage crisis.

OPPOSE RELEASE OF UYGHURS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise in firm opposition to any decision by the Attorney General to release the trained terrorists known as Uyghurs from Guantanamo Bay into the neighborhoods, that's right, in American neighborhoods. I believe this would be a terrible decision that can needlessly endanger American citizens.

If Eric Holder proceeds down this dangerous road, he has an obligation, an obligation, to the American people to release all of the information about the capture, detention, and threat posed by each detainee. If the Attorney General believes these trained terrorists pose no threat, then why not release all of this information to the Congress and, more importantly than even to the Congress, to the American people.

Also, Mr. Speaker, why will the Attorney General not allow career people

in the FBI, DHS and CIA to come up and brief the Congress? It's time for Eric Holder to make a decision to release this information. These trained terrorists should not be released into American neighborhoods.

HONORING MARK HEBERT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I rise to pay tribute to an old-fashioned newsman who delivered critical information to the viewers of WHAS-TV in Louisville for the last 22 years. This weekend he retired his microphone and camera to work for the University of Louisville, and his reporting will be greatly missed.

As a former journalist who moved on to another field myself, I can hardly begrudge him the change, but I can't help but mourn the void it leaves. At a time when news is adapted to sound bites palatable to texters and twitters, Mark was never content with what he found on the surface. Time and again, he peeled that proverbial onion until someone cried.

I am proud to call Mark my friend and proud, too, that my former newspaper, LEO Weekly, has named him Louisville's best journalist. But if the accolades and friendship had an effect on him personally, you would never have known it professionally. I found myself the subject of his scrutiny on more than one occasion. We would call the stories positive at times and negative at others, but the words that always showed up were thorough, intelligent, and fair.

The loss for WHAS and local media is the university's gain, but our entire community is better for his 22 years of reporting and the high standard of journalism set by Mark Hebert.

PREDATORY LENDING

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to address the staggering rate of mortgage fraud and predatory lending in this Nation.

As our country reels from the continued impact of the recession, it's time to take action that will rebuild our economy in a way that's fair and consistent with our values.

Mr. Speaker, this week we will consider H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act. This bill is an important step toward preventing the abusive and predatory lending practices that have contributed to the highest home foreclosure rate in 25 years.

The bill will outlaw many of the egregious energy practices that mark

the subprime lending boom and bust. It sets a Federal floor, enabling States like my home State of Maryland to better protect consumers.

Now, as we pick up the pieces in this recession, we must learn from our mistakes, by strengthening regulations of our financial system. It means that we must ensure that all consumers are treated fairly and that the mortgage lending industry must be transparent and accountable to our seniors, minority borrowers, and all consumers.

Mr. Speaker, I urge my colleagues to support H.R. 1728 and additional reforms to stop mortgage fraud and predatory lending.

EDUCATION FOR 21ST-CENTURY VETERANS

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today on behalf of the brave men and women who have served their country in uniform, many of them in Iraq and Afghanistan.

We owe our veterans a debt of gratitude for putting their lives on the line for our country. However, I believe that we must show our gratitude, not only with our words, but with our actions.

That is why I am pleased that all eligible veterans can now take advantage of the 21st-Century GI Bill. Any member of the military who has served on active duty since September 11, 2001, can receive up to 4 years of college tuition, including money for housing and books. Eligible veterans include activated Reservist and members of the National Guard. And as of last Friday, they can apply online at the VA's Web site.

This new GI Bill will open up doors for thousands of veterans throughout western Pennsylvania and across the country, and I encourage all our veterans to go online immediately to take advantage of the benefits they have earned.

I offer my sincere gratitude to all who have served our Nation, both our soldiers and their families.

BRINGING COMMONSENSE REFORM AND CONSUMER PROTECTION TO OUR FINANCIAL SYSTEM

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, this week the House takes up the anti-predatory lending and mortgage fraud legislation. These bills are the next step as we work to rebuild our economy in a way that is fair and consistent with our values.

The Mortgage Reform and Anti-Predatory Lending Act of 2009 will curb

abusive and predatory lending, a major factor in the Nation's highest home foreclosure rate in 25 years. The bill would outlaw many of the egregious industry practices that marked the subprime lending boom and would prevent borrowers from deliberately misstating their income to qualify for a loan. The bill will ensure that mortgage lenders make loans that benefit the consumer and prohibit them from steering borrowers into higher-cost loans.

This week Congress will also vote on legislation to create an outside commission to investigate the causes of the current financial and economic crises in the United States.

LOOK INTO CAUSES OF ECONOMIC MORASS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, as Congresswoman WATSON was saying, we will vote this week on the Fraud Enforcement and Recovery Act. That act will do several things, one of which will set up a commission to look into the causes of the economic morass that we are presently experiencing.

Congress did that in the Great Depression, and it led to the reforms that kept this country safe for a long time. Then we fell to the arguments that were made, starting with the Reagan administration, about the free market and the free market which took us where we are today.

The free market, unfettered, has caused this problem. But a study needs to be taken by the Congress, and that's what that bill would do.

It would also expand the abilities of several State governments and non-profits to look into fraud and extend Federal fraud statutes to the TARP and to the Recovery and Reinvestment Act. People who fraudulently steal from the government or steal these funds are engaging in as un-American an activity as anybody could do short of espionage.

I endorse the Fraud Enforcement and Recovery Act and hope that we could have a commission to get to the bottom of what's happened. This past week, Mr. Speaker, I watched "Wall Street," the movie. It's shameful and it's today's world.

INSULATION

(Mrs. HALVORSON asked and was given permission to address the House for 1 minute.)

Mrs. HALVORSON. Mr. Speaker, I rise today to bring light to a very important but often overlooked industry that can play a huge role in improving energy efficiency, both in our buildings and through greenhouse reductions on a wide-reaching scale: it's mechanical insulation.

Buildings are responsible for 40 percent of U.S. energy demand and 40 percent of all greenhouse gas emissions. Mechanical insulation, as it is used in mechanical piping and equipment for heating and air conditioning in industrial, commercial and other types of buildings, can reduce over 37 million metric tons of greenhouse gas emissions. It can also generate more than \$3.6 billion in industrial energy efficiency, saving and creating more than 27,000 jobs annually.

Savings and benefits are swift and can last for many years when properly implemented. As an advocate of energy efficiency measures, I encourage others to become more aware and utilize this industry in making new and existing buildings and facilities more efficient.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

GERALDINE FERRARO POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 774) to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GERALDINE FERRARO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, shall be known and designated as the "Geraldine Ferraro Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Geraldine Ferraro Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, and as we commend the dedicated service of our Nation's public servants during Public Service Recognition Week, I am pleased to present H.R. 774 for consideration.

This legislation would designate the United States postal facility located at 46-02 21st Street in Long Island City, New York, as the Geraldine Ferraro Post Office Building in honor of an exceptional public servant who has dedicated over 30 years of life to serving our country.

□ 1230

Introduced by my colleague, Representative CAROLYN MALONEY of New York, on January 28, 2009, and reported out of the Oversight Committee on March 18, 2009, by unanimous consent, H.R. 774 enjoys the strong support of the New York House delegation.

Born in the city of Newburgh, New York, to her father Dominick, an Italian immigrant restaurant owner, and her mother Antonetta, a first generation Italian American seamstress, Geraldine Ferraro stands as a living testament to an often-cited passage from her historic address to the 1984 Democratic convention: "America's history is about doors being opened, doors of opportunity for everyone, no matter who you are, as long as you are willing to earn it." Ms. Ferraro spoke these words upon her introduction as the first female and Italian American major party candidate for the Vice Presidency of the United States.

Ms. Ferraro graduated from the Marymount High School in Manhattan in 1952. She was awarded a scholarship to Marymount Manhattan College, and in 1956 earned her bachelor of arts degree, becoming the first woman in her family to receive a college education.

In her subsequent service as a public elementary school teacher in Astoria, Queens, Ms. Ferraro attended Fordham University School of Law at night. She courageously ignored an admission officer's admonition that she would be taking "a man's place" in the class. In 1960, she received her juris doctorate as one of only two women in her graduating class of 179 students.

Following her admission to the New York State bar in 1961, Ms. Ferraro practiced law part time in the private sector while raising her family. In 1974, she was appointed to serve as an assistant district attorney for Queens County. In 1977, she was chosen to head the recently established Queens County Special Victims Bureau, where she specialized in cases involving abused women and children.

Ms. Ferraro was elected to the United States Congress in 1978, and honorably represented New York State's Ninth Congressional District in the U.S. House of Representatives from 1979 to 1985. Throughout her tenure in Congress, Ms. Ferraro devoted much of her legislative attention to women's rights and human rights advocacy. To this end, she admirably sought passage of measures such as the Equal Rights Amendment and the Women's Economic Equity Act.

In 1984, Ms. Ferraro became the first woman and the first Italian American to be nominated to the Vice Presidency of the United States by a major American political party when she was chosen by Democratic Presidential candidate Walter Mondale to join the 1984 national ticket. Her historic nomination continues to stand as evidence that, as Ms. Ferraro proclaimed in her acceptance address, "America is the land where dreams can come true for all of us."

Following her remarkable Vice Presidential run, Ms. Ferraro remained active in public and community service. In 1993, she was appointed by President Bill Clinton as Ambassador to the United Nations Commission on Human Rights. As noted by President Clinton, Ms. Ferraro's appointment came in recognition of her longstanding dedication to international women's rights issues. Ms. Ferraro continues to serve the Nation through a variety of public and private sector efforts, specifically as a widely regarded author and political commentator. She keeps the American public well informed regarding issues of public policy.

Through her nonprofit organizational work, she continues her commitment to creating educational and professional opportunities for women, as well as addressing wage and training disparities in the workplace. Furthermore, as a cancer survivor, Ms. Ferraro admirably and successfully advocates in support of increasing much needed funding for cancer research.

Mr. Speaker, let us honor a dedicated public servant through the passage of H.R. 774, and by designating the 21st Street postal facility in Long Island City in honor of Geraldine Ferraro. I urge my colleagues to support H.R. 774.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 774, to designate the facility of the United States Postal Service located at 4602 21st Street in Long Island City, New York, as the Geraldine Ferraro Post Office Building.

Geraldine Ferraro has spent her life advocating and achieving on behalf of women across the globe. She was born on August 26, 1935, in Newburgh, New York, the daughter of a first-generation Italian American mother and an Italian immigrant father. After high

school, she worked her way through Marymount Manhattan College, at times holding three jobs simultaneously. She was the first woman in her family to attain a college degree, and she subsequently became a licensed New York City school teacher.

While still teaching the second grade, Congresswoman Ferraro earned her law degree, attending Fordham law school at night. She was one of only two women in her graduating class of 179, and was admitted to the New York State bar in 1961. She managed to raise three children while working part time as an attorney in her husband's real estate firm. In 1970, she was elected president of the Queens County Women's Bar Association, and in 1974 she was appointed Assistant District Attorney for Queens County, New York, at a time when female prosecutors were rare in New York City. During her time in the district attorney's office, she became a strong advocate for abused children, and rose through the ranks to head the Special Victims Bureau, which prosecuted rape, and child and domestic abuse cases.

In 1978, she won election to the United States House of Representatives from New York's Ninth Congressional District in Queens. She labeled herself a "tough Democrat" and ran on law and order issues.

Upon entering Congress, Congresswoman Ferraro made an immediate impression on her party's leadership and quickly rose through the leadership ranks. She established a reputation in Congress as an advocate for women's rights and gender equality. Then, in the 1984 Presidential election, Walter Mondale chose her as his running mate, making her the first ever female to run on a major party national ticket. Her historical nomination was the culmination of a lifetime of firsts for this lawyer from Queens.

Her accomplishments also include her appointment by President Clinton to the U.N. Commission on Human Rights. President Clinton eventually chose her to be the United States Ambassador to the Commission, stating that she was "a highly effective voice for the human rights of women around the world." She has spent a lifetime breaking barriers and shattering glass ceilings. I urge my colleagues to support this bill to honor the many achievements and tireless advocacy of Geraldine Ferraro.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield 5 minutes to the lead sponsor of this resolution, the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership on this and so many other things.

Mr. Speaker, I rise in strong support of H.R. 774, legislation to name the Long Island City Main Post Office after former Congresswoman Geraldine Fer-

raro. The main post office is located at 4602 21st Street in Long Island City, Queens, in the district Ferraro represented with distinction in the U.S. House of Representatives for 6 years. It is also located in the district that I am honored to represent. It is a grand building and a fitting building for an extraordinary woman.

A trailblazer, role model, leader, Ferraro has been a pivotal figure in American history. When Walter Mondale selected her in 1984 to be the first female Vice Presidential candidate on a national party ticket, she became an icon. The night she was nominated—and I was there with great excitement to see the first woman on a national party ticket—she took to the microphone and told the crowd, "American history is about doors being opened, doors of opportunity for everyone, no matter who you are, as long as you are willing to earn it."

And although doors have continued to open for women, the marble ceiling remains intact. It took more than two decades for another woman to be given a similar opportunity, and none have won. Geraldine Ferraro continues to symbolize the hope and expectation that one day a woman will be elected to the White House. Ferraro has spent her entire career opening doors, breaking down barriers, and helping others to follow her. She was one of only two women in her law school class. She was appointed assistant district attorney for Queens County, New York, at a time when women prosecutors were extremely rare.

When she entered Congress in 1979, she was one of only 13 women in the House. Nonetheless, she quickly earned the respect of her colleagues and was elected to the secretary of the House Democratic Caucus for the 97th and 98th Congresses. Granting her a seat on the influential Steering and Policy Committee, Ferraro served on the Post Office and Civil Services Committee, the Public Works and Transportation Committee, the Select Committee on Aging, and in 1983 was appointed to the Budget Committee.

In her work on the Post Office and Civil Services Committee, the newly elected Ferraro helped enact a widely demanded local ZIP Code that gave the Queens neighborhoods of Ridgewood and Glendale a Queens-based code, 11385. Previously, Glendale and parts of Ridgewood were serviced under 11227, Bushwick's ZIP Code in Brooklyn. But when the 1977 blackout plunged Bushwick into riots, her constituents noticed that insurance companies and banks were raising premiums and rates in the entire ZIP Code even though Queens remained largely balanced and unscathed by the violence and looting. Although the Postmaster General told Ferraro that a ZIP Code change like this had never been done before, he would go forward if the Congress-

woman could collect some 50,000 signatures. And that is what she did.

In January of 1993, President Clinton appointed Ferraro as a member of the U.S. delegation to the United Nations Commission on Human Rights. She attended the June 1993 World Conference on Human Rights in Vienna as the alternate U.S. delegate. In October of 1993, Clinton promoted her to be head of the U.N. Commission on Human Rights Delegation, with the rank of United States Ambassador. She was vice-Chair of the U.S. delegation to the landmark September 1995 Fourth World Conference on Women in Beijing, and I accompanied her as a representative for this body at that historic conference.

Ferraro has written three books, cohosted a political talk show, cofounded a consulting management company to help corporations train women leaders, and worked on the boards of dozens of organizations. Today, she is of counsel at the law firm of Blank Rome, where she advises clients on a wide range of public policy issues. And whatever her many accomplishments have been in the area of Queens that Ferraro once represented, people remember her as their good friend, their neighbor, and their Congresswoman, a tenacious fighter who represented them and their interests. She never forgot them and they have never forgotten her. Thousands of her former constituents use the Main Post Office every week, and they will be delighted to have this important neighborhood institution named in her honor.

So I am thrilled to be the sponsor of this important legislation.

Mr. DUNCAN. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I thank the gentleman for the time.

Mr. Speaker, I rise in support of this resolution to name the U.S. Post Office located on 21st Street in Long Island, New York, as the Geraldine Ferraro Post Office Building.

I served in this body with Geraldine Ferraro, a former Queens County district attorney, and I join my colleagues in congratulating her and her family in a well-deserved honor and wish her well.

As we deal with this issue, though, Mr. Speaker, I feel there is a pressing matter of national security which directly affects the welfare of the American people which is not being addressed, and the American people deserve to know what is happening.

□ 1245

Geraldine Ferraro represented the people of New York City, a city which was forever changed on a sunny September morning when two planes slammed into the World Trade Center

killing thousands and awakening our country to the murderous aims of the terrorist network globally. Thirty people from my congressional district lost their lives that day.

Countless books have been written since, which highlight miscalculations and missed opportunities on the part of the policymakers in the intelligence community who failed to recognize the severity of the threat our country is facing leading up to 9/11. We can no longer say we do not know the threat, and yet this administration is on the precipice of making a decision which, given what we know, is unthinkable.

Press reports and other information I receive indicates that President Obama's decision regarding the release into the United States of a number of Uyghur detainees held at Guantanamo Bay since 2002 is imminent. The detainees are trained terrorists. They were held at a facility which was home to Khalid Sheik Mohammed, the mastermind of 9/11 who took pleasure in beheading Wall Street Journal reporter Daniel Pearl.

There have been published reports that these detainees were members of the Eastern Turkistan Islamic Movement, a designated terrorist organization affiliated with al Qaeda.

Now, just this April, the U.S. Treasury froze the assets of Abdul Haq, the leader of this group, the Eastern Turkistan Islamic Party, known as ETIM. This is the same group that the detainees are reportedly affiliated with. The Treasury Department targeted Haq as part of their efforts to shut down the al Qaeda support network. Upon making the designation, Treasury Under Secretary for Terrorism and Financial Intelligence said, and I quote what our Treasury Department said: "Adbul Haq commands a terror group that sought to sow violence and fracture international unity at the 2008 Olympic Games in China."

Few have been more critical of the Chinese Government than I have. But terrorism is terrorism. American citizens were present at the Olympic Games. Terrorism knows no boundaries. It must not be tolerated anywhere. American career government officials risked their lives to capture these people. What if they had not been captured? Would they have then left this terrorist training camp and gone off to wreak terrorism somewhere in China killing innocent men, women and children of China?

Yet the U.S. Congress and the American people are left utterly, and I'm increasingly concerned, in the dark. The administration will not allow any career person from the FBI, from the CIA, or from the Department of Homeland Security to come up and tell the Congress about these detainees. The American people, Mr. Speaker, the American people deserve more. After learning that this decision was immi-

nent, I requested briefings from a number of relevant agencies. But all have told me that Eric Holder, our Attorney General of the Department of Justice, is preventing them from speaking out, speaking to me or other Members, if you will, on this issue.

Why, Mr. Speaker, is the Department of Justice withholding this information from the American people? Why is proper congressional oversight, which American people expect of their elected representatives, now being thwarted? This is not the time to play games. The stakes are too high, not just with regard to this specific group of detainees; but speaking more broadly, our enemy is empowered by perceived weakness. What message are we sending when one branch of government stonewalls another on a matter with undeniable national security implications?

Again, I call on the Justice Department to declassify and release all information regarding the capture, detention and threats posed by these detainees or others that they may consider releasing into the U.S. Any intelligence assessment of these Uyghurs must take into account not only their previous training at terrorist training camps, but their potential subsequent exposure and radicalization while they were at Guantanamo Bay.

Andrew McCarthy, a former Federal prosecutor who led the 1995 prosecution against Sheik Omar Abdel Rahman who was found guilty of planning the 1993 World Trade Center bombing, wrote just today that the administration is playing "fast and loose with the declassification of information."

Mr. Speaker, this information ought to be released to the American people before any decision is made. And with that I thank the Chair.

Mr. LYNCH. Mr. Speaker, I appreciate the gentleman's support for the naming of this Post Office Building on behalf of Geraldine Ferraro.

At this point, I would like to yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY) who is also in her own right a champion of women's rights. So it is appropriate that she speak on this bill as well.

Mrs. LOWEY. Thank you, Mr. Chairman.

Mr. Speaker, it is a pleasure for me to rise and associate myself with the remarks of my friend, CAROLYN MALONEY, in support of naming a post office after former Congresswoman Geraldine Ferraro.

Geraldine Ferraro was a great role model to thousands of women across this country. Not only is she a mother, not only is she a grandmother, not only is she a wife, but she is telling all of those little girls who are going to school that you can be a great Congresswoman. You can run for Vice President of the United States of America. One day, we will have a woman as President of the United

States of America, and Geraldine Ferraro played an important role in preparing the people for that event.

Geraldine Ferraro is a fighter. She stands up for what is right. There are some people who see a problem and just walk on. And I know that my friend, Geraldine Ferraro, whether it was an issue that she had to address in her congressional district or whether she saw a wrong in this great country of ours, she is the kind of person that says, I have got to do something about it. So I'm very proud to have Geraldine Ferraro as a friend.

I know that after the naming of this post office, there are many people who will look at that post office and say, This is a good woman. I am going to lead my life consistent with the principles that Geraldine Ferraro has shared with all of us.

So I thank you all for taking this step to name the post office. And I look forward to working together to ensure that all the principles, all the values, all the commitments that Geraldine Ferraro has made will be enshrined, and certainly she will continue to be a role model for all those young people who come after her.

Mr. KING of New York. Mr. Speaker, today I rise in strong support of naming the United States Postal Service building located at 46-02 21st Street in Long Island City, New York, the "Geraldine Ferraro Post Office Building," after former United States Representative Geraldine Ferraro.

It is with great pleasure that I support this designation, which commemorates the life of one of New York's most remarkable women. Geraldine Ferraro has had a distinguished career marked with many achievements. She began her career as a New York public school teacher, while simultaneously earning her law degree from Fordham University at night. She worked as an attorney the Queens New York District Attorney's office, where she helped establish the Special Victims Bureau. In 1978 she ran a successful campaign to represent New York's Ninth District in the United States House of Representatives. Throughout her six years in Congress, she rose quickly through the ranks to become a notable leader in her party. As a result of her success, it is no surprise that in 1984 Walter Mondale selected her as his running mate on the Democratic ticket, making her the first female vice presidential candidate.

Although she did not win the election, she undoubtedly reshaped politics as we know it and paved the way for future women leaders. She has since authored several books and has overcome a battle with multiple myeloma, a dangerous form of blood cancer. She now remains active in politics, weighing in on the issues and candidates that influence and shape our country.

A daughter of Italian immigrants, Geraldine Ferraro has been a trailblazer and role model, not just for women, but for all Americans in search of living the American dream. From congresswoman to vice presidential candidate to author to cancer survivor, Geraldine Ferraro

is a true inspiration and deserves to be honored for her achievements through this designation.

Mr. DUNCAN. At this time, I will urge my colleagues to support this legislation. I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I ask all Members to support both Member CAROLYN MALONEY, the lead sponsor of this measure, and Mrs. LOWEY, who also spoke on behalf of this measure, in naming this post office after Geraldine Ferraro.

I yield back the balance of our time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 774.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CAROLINE O'DAY POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1397) to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAROLINE O'DAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, shall be known and designated as the "Caroline O'Day Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Caroline O'Day Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, at this time, I would like to yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise today in support of H.R. 1397, which would rename the U.S. post office located in Rye, New York, after former Congresswoman Caroline O'Day. And I would like to thank Chairman TOWNS and the entire New York delegation for their support of this measure. Born in 1875 on a plantation near the rural town of Perry, Georgia, Caroline O'Day's experiences growing up in the post-Civil War South instilled in her a lifelong commitment to world peace and social welfare. The energy and passion with which she gave voice to those in need was the hallmark of her career in Congress.

Caroline O'Day's interest in politics was piqued when during a suffrage parade her husband, Daniel O'Day, reportedly asked his wife why she was not marching herself. Soon, she joined the West Chester League of Women Voters and in 1917 worked with Jeannette Rankin to advance the enfranchisement of New York women 3 years before passage of the 19th amendment.

Together with her close friend, Eleanor Roosevelt, O'Day helped found the Women's Division of the New York State Democratic Committee and was elected chairwoman of the New York delegation to the 1924 Democratic National Convention, becoming the first woman from either major party to hold the position.

In 1934, Caroline O'Day was elected to one of New York's two at-large congressional seats. The second woman in the history of this body to chair a major committee, she quickly became known as a skilled legislator unwilling to compromise her principles for the sake of political expediency.

During her four terms in the House, Representative O'Day was a leading voice for avoiding unnecessary armed conflict and fought to improve the quality of life of underrepresented minorities in the inner city and migrant agricultural workers. In particular, she was deeply troubled by the effects of poverty on at-risk children and tirelessly advocated a dramatic expansion, or "national investment," of Federal programs to protect them.

Mr. Speaker, Congresswoman O'Day not only faithfully represented the myriad interests of her constituents from Buffalo to Brooklyn, she put one of the first cracks in the glass ceiling as one of only six women in the House.

As you know, Mr. Speaker, the number of women serving in the House has since risen to 76. And while this does not reflect the percentage of women in the American electorate, through common interests and coordinated effort, this relatively small group has had a significant effect on Federal policy. We women currently serving in this esteemed body stand on the shoulders of pioneering women like Caroline O'Day, whose grit and determination helped

them not only overcome gender bias, but lead this Nation through depression and war.

Mr. Speaker, I am proud to bring this legislation, which honors the life and service of Congresswoman Caroline O'Day, to the House floor today. And I urge my colleagues to support it.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today, Mr. Speaker, to join my fellow Members of Congress in recognizing a former New York Congresswoman and women's rights advocate by designating the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building" for her extraordinary contributions to the State of New York and to American public life.

Born Caroline Love Goodwin in 1869 on a plantation in Perry, Georgia, she was one of four daughters of a socially important family in Georgia. Despite the economic hardships that were widespread during the Reconstruction period, her father's success allowed her and her sisters to attend the prestigious secondary school called the Lucy Cobb Institute.

□ 1300

After graduation in 1886, she briefly studied art in New York at Cooper Union before sailing to Paris, France, where she enjoyed a stimulating life among the great artists of the time.

An independent-minded woman, she supported herself as a freelance artist for the next 8 years. While living in Europe, she met Daniel O'Day, an oil businessman, who persuaded her to abandon her artistic career and return with him to New York in 1901. Although past the age of 30 and beyond the age when most women married in that era, she married Daniel O'Day and moved to Rye, New York.

It was in Rye, New York, where Congresswoman O'Day would start her successful career as a civic activist and politician. Her power of persuasion was so great that although her husband was not politically active, he did become an enthusiastic advocate of women's suffrage and in 1916, after his sudden death, Congresswoman O'Day began working on issues of social welfare and female suffrage in New York. She became active with the New York Consumer's League, the Women's Trade Union, and the Democratic Party. Through these and other organizations, she became close friends with other prominent social activists, including Eleanor Roosevelt.

After spending many years with a well-known activist working for women's suffrage and multiple organizations, she was urged to run for public office. Congresswoman O'Day first ran and won a seat in Congress in 1934 with the public support of her good friend Eleanor Roosevelt.

As a well-regarded Member of Congress, Congresswoman O'Day worked on a number of labor reforms, particularly for the child labor protections of the Walsh-Healey Government Contracts Act and the Fair Labor Standards Act. She had a lifelong concern for protecting the rights of disadvantaged people.

As an extension of that concern, Congresswoman O'Day sponsored legislation which stayed the deportation of 7,000 illegal aliens. She strongly supported the Federal anti-lynching law, was instrumental in arranging the memorable concert of Marian Anderson in 1939 scheduled for DAR Constitution Hall, and supported expanding the quota for Jewish refugees from Nazi Germany.

In 1940, despite her sickness, Caroline O'Day won a fourth congressional term. Because of declining health, she did not return to Washington, although she did handle some of her House duties from her home. Sadly, on January 4, 1943, the gentlewoman from New York died at her home.

Congresswoman Caroline O'Day may have been best described after her death by Eleanor Roosevelt who wrote, "Her high ideals and integrity were an inspiration to all who knew her or felt her influence, and her generosity touched many people and many causes in which she believed. Her passing is a loss not only to her family but to the world."

It is with great respect and pleasure that I support H.R. 1397.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present for consideration this legislation that will designate the United States postal facility located at 41 Purdy Avenue in Rye, New York, as the Caroline O'Day Post Office Building in honor of a wonderful and dedicated public servant.

Caroline Love Goodwin O'Day was born in the city of Perry in Houston County, Georgia, on June 22, 1875. Ms. O'Day completed her academic studies at the Lucy Cobb Institute in Athens, Georgia, in 1886, and initially chose to pursue a career as an artist, spending 8 years as an art student and painter in Paris, Holland and Munich.

In 1902, Ms. O'Day relocated to what would become her lifelong hometown of Rye, New York, where she would embark on an admirable and dedicated career devoted to public service. Following her husband's sudden death in 1916, Ms. O'Day became actively involved in the women's suffrage movement as well as a number of other social welfare groups, including the New York affiliate of the National Consumer's League and the Women's Trade Union League, dedicated to improving wages and workplace conditions for both women and children.

In furtherance of her social and community causes, Ms. O'Day also served

on the Rye school board and played an integral role in the establishment of the women's division of the Democratic State Committee. In 1923, she was elected by State party leaders to head the women's division as well as serve as chairman of the Democratic State Committee. Then First Lady of the United States, Eleanor Roosevelt, described Ms. O'Day's election to one of the State party leadership positions as "breaking down a major barrier against women in the Democratic Party."

That same year, Governor Al Smith appointed Ms. O'Day to serve on the State Board of Social Welfare, a position that she held for over a decade. In 1924, Ms. O'Day was elected as a delegate to the Democratic National Convention and was elected as chairman of the New York State delegation, marking the first time that a woman had received such an honor from either major political party.

Ms. O'Day proceeded to serve as a delegate for the party's next three national conventions. In 1934, at the age of 65, Ms. O'Day was elected to Congress as a Representative at Large in the 74th Congress. As noted by the author, Paul DeForest Hicks, in his profile of Ms. O'Day that appeared in the New York Historical Association Magazine, Ms. O'Day's 1934 campaign materials "evidenced a commitment for higher standards for wage earners, adequate relief to taxpayers, a sound and enlightened fiscal policy, friendly foreign relations, and advanced opportunities for women in government."

In addition, as recently noted by Rye City Councilman Mack Cunningham, Ms. O'Day's tenure in Congress was marked by a strong interest in social welfare measures. It is noteworthy that she was only the second congresswoman to chair a major committee, the Committee on Election of President, Vice President and Representatives.

On a final note, I would like to mention that, as a New York Representative at Large, Ms. O'Day played a vital role in facilitating the construction of the Rye Post Office that is now the subject of this legislation. In fact, she presided over the post office's ribbon-cutting ceremony on September 5, 1936, and now we stand here some years later seeking to name this post office after Ms. O'Day.

Mr. Speaker, let us honor this dedicated public servant with the passage of H.R. 1397, and let us follow the leadership of the gentlewoman from New York (Mrs. LOWEY) by designating the Rye Post Office in honor of Caroline O'Day. I urge my colleagues to support H.R. 1397.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1397.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PUBLIC SERVICE RECOGNITION WEEK

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 299) expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009, and throughout the year.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 299

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and to honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling, involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance the interests of the United States around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals, and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 4 through 10, 2009, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 25th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit of public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, this week marks the 25th anniversary of Public Service Recognition Week. From May 4

through May 10, 2009, Public Service Recognition Week is designed to commemorate the hard work, dedication and sacrifice made by our Nation's Federal, State, and local government employees.

As chairman of the House Subcommittee on the Federal Workforce, Postal Service and the District of Columbia, I am proud to have introduced H. Res. 299 as it sends a strong message to public workers everywhere that their work and effort on behalf of this country is valued and their services appreciated.

I introduced H. Res. 299 on March 30, 2009, and I am pleased to report that the measure has been considered and reported from the Oversight Committee as of April 23, 2009.

While this measure has the support of only 60 Members of Congress, it affords each and every one of us a chance to celebrate and pay tribute to the thousands of civilian and military personnel that commit themselves daily to the greatness and prosperity of our country. To all of the public servants that touch our lives, our great teachers, our mail carriers, our firefighters, we say "thank you." From the soldiers in the field to the agents on the border, the service rendered by public service workers may be the key to our basic functionality, but yet it is so often overlooked.

While Public Service Week lasts only 7 days, I believe that the contributions and sacrifices of public servants should be recognized and appreciated throughout the entire year. As chairman of the Subcommittee on the Federal Workforce, my highest priority is to improve the working conditions, benefits and opportunities afforded to our civil servants. They deserve our highest recognition and praise, but all too often they are criticized and undervalued. During this session, I have introduced or supported legislation that would provide paid leave to Federal employees that are new parents, that would protect postal workers' jobs from being contracted out to the private sector, and that would allow Federal employees a credit for their unused sick leave when computing their retirement annuities.

Commemoration of Public Service Recognition Week runs from the first Monday through the first Sunday of May and will involve job fairs, student activities and agency exhibits, all designed to highlight the significance of public service and to encourage young people to consider public service. This week offers all Americans the opportunity to both recognize and learn more about the significant contributions that public sector employees make on a daily basis to our local communities, States and our Nation.

The theme for this year's celebration is "Government Goes Green." This will give government agencies an oppor-

tunity to showcase how they are working to have a positive impact on the globe through environmentally friendly practices and energy-efficient initiatives.

Whether it is the Environmental Protection Agency keeping our air and water safe, the Department of Interior preserving and managing our Nation's parks, or the Department of Energy developing cleaner fuel alternatives, public servants have been on the forefront of protecting our Earth.

Also, Public Service Recognition Week offers a chance for Americans, especially young Americans, to learn more about various careers in the public service. By showing younger generations that hard work, dedication and passion in serving the common good leads to a productive and successful career, we will inspire our young people to seriously consider entering the field of public service.

In our busy daily lives, we often take for granted the hard work and services provided by government employees. These people are what make our country move, and they make it the greatest country in the world. Therefore, we have an obligation to recognize and honor the contributions made by those who put their love of country above personal motivations.

In short, they are all American heroes and the subject of today's measure, H. Res. 299, the commemoration of Public Service Recognition Week.

Mr. Speaker, I would also like to ask a letter from the Office of Personnel Management Director, John Berry, praising our Nation's public employees to be entered into the RECORD. I know that Director Berry and the President alike share my commitment in making the Federal Government a better place to work. Therefore, it is with a warm sense of appreciation and deep gratitude that I stand to urge support for this measure.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, DC, May 5, 2009.

Hon. STEPHEN F. LYNCH,
Chairman, Subcommittee on the Federal Service,
Postal Service, and District of Columbia,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to thank you for your sponsorship of H. Res. 299, a resolution expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009, and throughout the year.

As you know, Public Service Recognition Week, celebrated the first Monday through Sunday in May since 1985, is a time set aside each year to honor the men and women who serve America as Federal, State and local government employees. Throughout the Nation and around the world, public employees use the week to educate citizens about the many ways in which government serves the people and how government services make life better for all of us.

As the Director of the Office of Personnel Management (OPM), Public Service Recognition Week is the perfect time to spread

President Obama's call to public service and to recognize public employees. I am committed to making the Federal Government a better place to work by speeding up the hiring process, increasing opportunities for veterans, and implementing programs that help employees balance work and family life.

Thank you for your continued leadership in recognizing the hard work of our public servants during Public Service Recognition Week and I look forward to working with you to make the Federal Government a better place to work.

Sincerely,

JOHN BERRY,
Director.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am extremely proud to rise today in support of H. Res. 299 honoring the millions of dedicated public employees who steadfastly serve our Nation. These highly competent and well-trained public service employees who work at all levels of government, Federal, State and local, are a great example of an excellent workforce both here and abroad. They exhibit their professionalism and expertise as they handle the enormous amount of work that flows through all levels of government on a daily basis. Their sense of dedication and innovation are at the very core of this country's successes. Keeping our Nation running and safe are the emergency responders, the educators and medical personnel, and all others who are part of a larger group that we proudly call public service employees. Without them, our country simply could not function.

When speaking of public sector employees, we must particularly note the brave men and women who serve in the Armed Forces who continue to make all Americans proud as they dedicate their life and limb to keeping us all safe throughout the world. Those on the front lines deserve special recognition for their public service which is truly above and beyond the ordinary call of duty. These soldiers are provided vital strategic support from fellow public service employees both at home and abroad.

When natural disasters hit communities around the country and the world, it is our public service employees who provide support at every level. For this, they should also be commended. It is an honor for me to congratulate these fine citizens for performing challenging and many times thankless jobs with dedication every day. Because of our public service employees, we have a country that is safe and secure for all of us.

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For these reasons, I express my strong support of Public Service Recognition Week.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to salute the millions of men and women, in and out of uniform, who devote themselves daily to doing the public's work.

Without the service of these dedicated and selfless individuals, the country could not function. Public servants are on the front lines in Iraq and on the front lines fighting the Swine Flu. They are the first to come to our aid in a crisis and the last to leave a burning building. They teach our children, pass our laws and bind our wounds. Without them, our lives would come to a halt. For their dedicated and continued service to the nation, I encourage my colleagues to join me in support of public servants everywhere and in support of Public Service Recognition Week.

Mr. DUNCAN. Mr. Speaker, I urge support for this resolution, and I yield back the balance of my time.

Mr. LYNCH. I thank the gentleman for supporting this measure. I appreciate his support.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 299.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELIJAH PAT LARKINS POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1271) to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIJAH PAT LARKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, shall be known and designated as the "Elijah Pat Larkins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Elijah Pat Larkins Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Delaware (Mr. CASTLE) will each control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to present H.R. 1271 for consideration. This legislation will designate the United States postal facility located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building," in honor of a man who dedicated over 25 years of his life to public service.

Born to farm worker parents in the then-segregated city of Pompano Beach, Florida, on April 29, 1942, Elijah Pat Larkins graduated from Blanche Ely High School in 1960, and subsequently attended Tennessee State University.

In 1962, Mr. Larkins embarked on a career as a community housing activist, first serving as a housing director with a Pompano community action agency. In 1969, Mr. Larkins was one of the two honorees in the State of Florida to receive the prestigious Ford Foundation Fellowship, which afforded him the opportunity to attend the National Housing Institute in Washington, D.C., and become a federally-certified housing development specialist.

In 1972, Mr. Larkins brought his new expertise back to his community by creating the Broward County Minority Building Coalition, an organization dedicated to ensuring the participation of minority-owned companies in south Florida's construction sector.

In 1982, Mr. Larkins first won elected office, becoming only the second African American elected to the Pompano Beach City Commission, and only the eighth African American local elected official in Broward County. He proceeded to serve 19 consecutive years.

Notably, Mr. Larkins served an unprecedented seven terms as the first African American mayor of Pompano Beach. He also served three terms as vice mayor, elected by his fellow city commissioners.

Under Mr. Larkins' leadership, the city of Pompano Beach initiated a variety of successful efforts to advance modern affordable home development and promote the growth of small and minority-owned businesses.

In addition to elected service, Mr. Larkins played an active role in a variety of social and religious organizations, including the National Association for the Advancement of Colored People, the Broward County Boys and Girls Club, the United Way, and the Urban League.

Regrettably, illness forced him to retire from public service in May of 2008.

In February of 2009, he passed away at the age of 66, after a 16-month battle with brain cancer.

As noted by Mr. Larkins himself, he always had a great affinity and love for the city of Pompano Beach, and it was his hope that he would be remembered for giving all that he had to public service.

Mr. Speaker, let us honor this dedicated public servant through the passage of this legislation by dedicating the Pompano Beach Postal Facility in honor of Elijah Pat Larkins. I urge my colleagues to do the same.

I reserve the balance of my time.

Mr. CASTLE. I yield myself such time as I may consume.

I rise today in support of H.R. 1271, designating the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building."

Elijah Pat Larkins dedicated his entire life to public service, and the citizens of Pompano Beach, Florida, are better off today because of his tireless service. In 2008, the Florida League of Cities recognized him for 25 years of public service.

Mayor Larkins was the first of 10 children born to a farmer and homemaker in Pompano on April 29, 1942. Nicknamed "Prez," and voted class president every year from 5th to 12th grade, he graduated from what is now Blanche Ely High School.

He grew up in a segregated society, but spent a lifetime in public service fighting for equal rights, and was elected Pompano Beach's first African American mayor in 1985, and subsequently served a record seven terms. Prior to that, he served 19 consecutive years as City Commissioner.

A Ford Foundation Fellow, Mayor Larkins was a federally-certified housing development specialist who created the Broward County Minority Builders Coalition, and was a director of his own, not-for-profit, Malar Construction, Inc., in Fort Lauderdale.

In fact, throughout his career in public service, he made significant contributions in housing, working tirelessly to ensure that safe and adequate housing was available to all. While mayor, he also helped transform the city's economy from agricultural to urban, all while mentoring local civic-minded residents and minority activists.

In addition to his many professional achievements, he took an active role in countless public service, social, and religious organizations, including the National Association for the Advancement of Colored People, Broward County Boys and Girls Club, the Juvenile Justice Intensive Halfway House, and Hopewell Missionary Baptist Church. In fact, he was affiliated with more than a dozen national, State, and local political and service groups.

Mayor Larkins was twice married to retired schoolteacher Bettye Lamar-Larkins, with whom he had a son, Gerald Todd. He also had another son, Tory Larkins, from a prior relationship. He is also survived by his nine younger siblings and his mother, Alberta Griffin.

In recognition of Mayor Larkins' commitment to public service and tireless efforts on behalf of the citizens of Pompano Beach, I urge all members to join me in supporting H.R. 1271, which will designate the United States Postal Service Facility located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, in his honor.

I yield back the balance of my time.

Mr. LYNCH. I just want to note that the lead sponsor of this resolution to name this post office after Elijah Pat Larkins is our friend and great Congressman from Florida, Mr. HASTINGS. I just want to recognize his leadership in bringing this to the floor. I thank him for his energy and his leadership.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1271.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CHARTER SCHOOLS WEEK

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 382) supporting the goals and ideals of National Charter Schools Week, to be held May 3 through May 9, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 382

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas approximately 4,700 charter schools are now serving approximately 1,400,000 children;

Whereas over the last 15 years, Congress has provided substantial support to the char-

ter school movement through startup financing assistance and grants for planning, implementation, and dissemination;

Whereas over 365,000 children are on charter school waiting lists nationally;

Whereas charter schools improve their students' achievement and can stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools must continually demonstrate their ongoing success to parents, policymakers, and their communities, some charter schools routinely measure parental satisfaction levels, and all give parents new freedom to choose their public school;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the 10th annual National Charter Schools Week, to be held May 3 through May 9, 2009, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of the 10th annual National Charter Schools Week;

(2) acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system; and

(3) calls on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Delaware (Mr. CASTLE) will each control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 382 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the designation of May 3–May 9, 2009, as "National Charter Schools Week," and to recognize the growing charter school movement in our Nation.

The charter school movement is grounded in the concepts of community

empowerment and parental involvement. The core idea behind charter schools is simple, yet powerful; seeking to serve the unique needs of all children, local communities, parents and educators come together to design, create, and manage schools that provide a high quality education through innovation, flexibility, autonomy, and a focus on results.

Sometimes people ask me, what is a charter school? A charter school is simply a governance model. It is site-based government, where the decisions of who runs the school and the curriculum are left up to the folks most directly involved with the outcome.

Charter schools date back to 1991, when Minnesota enacted the first charter school legislation. California followed suit in 1992. My home State of Colorado soon joined the growing movement in 1993.

Since their inception, charter schools have grown by leaps and bounds to address the various needs of our Nation's public school students. Diverse charter schools across the country offer innovative instruction. With site-based control and flexibility, charter schools can make timely decisions about how to structure the school day, which curriculum best suits the needs of their students, and what type of staff and staff development will enrich their school community. Additionally, charter schools form important community partnerships with parents and businesses.

This week, charter schools across the country will celebrate the 10th annual National Charter Schools Week. This year's theme, "Promoting Innovation and Excellence," was inspired by President Obama. It celebrates and encourages charter schools to continue to share their successes as part of the effort to reform public education in our country.

As a former chairman of the Colorado State Board of Education and the founder and superintendent of a system of charter schools that empower new immigrants and English language learners to succeed and live the American Dream, I have seen firsthand how innovation in the education system can achieve remarkable results. I also co-founded a charter school serving youths who are homeless or in unstable living conditions, the Academy of Urban Learning.

I know how the power of educational opportunity can transform lives and serve the most at-risk youth. All of the entrepreneurial creativity around charter schools has been an important part of serving all Americans across our country.

Today, there are almost 4,700 charter schools operating in 40 States that have charter school legislation, as well as the District of Columbia. Their combined force serves over 1.4 million students, and 61 percent of charter schools

report waiting lists. These waiting lists of nearly 365,000 students nationally are enough to fill over 1,100 new charter schools. To answer this growing need, between 300 and 400 new public charter schools open each year, and nearly 150,000 new students enroll in charter schools annually.

The growing charter school movement is providing opportunities for many historically underserved communities. Nationally, charter schools disproportionately serve minority and low-income students. In fact, 58 percent of charter school students are minorities and 52 percent qualify for free and reduced lunch. Many charter schools are able to achieve impressive academic results.

In the charter school that I ran, 85 percent of the students are English language learners. In Colorado, 78 percent of our charters made Adequate Yearly Progress, or AYP, last year, and 55 percent of charters were rated excellent or high.

In the Second Congressional District of Colorado that I represent, over 14,000 students attend one of our 26 charter schools, and almost 8 out of 10 made Adequate Yearly Progress.

Peak-to Peak Charter School in Lafayette was named by Newsweek the 40th best high school in the Nation, out of 27,000 public high schools—quite a distinction. It is the only school in Colorado to rank in the top 100. This follows Peak to Peak High School's recognition by U.S. News and World Report as a 2008 Gold Medal School, ranking 47th in the Nation, and one of only two Colorado schools to rank in the top 100.

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Mr. Speaker, once again, I express my heartfelt support for National Charter Schools Week and encourage all social entrepreneurs and activists across the country to include charter schools in their efforts to improve the quality of education for young people and recognize the charter school's movement, a 17-year history of providing a quality public education option based on innovation, flexibility, and community partnerships.

I urge my colleagues to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 382, congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education.

This week has been designated as the 10th Annual Charter Schools Week. And it is entirely appropriate that we take a few minutes to recognize the contributions charter schools make

every day in the lives of millions of children.

Charter schools are innovative public schools with a simple interest in providing a quality education to children in their community. They explore new educational approaches, such as longer school days or an extended school year, and are free from most rules and regulations governing conventional public schools.

Every day, however, charter schools face the unarguable facts of free market pressures. Unlike traditional public schools, charter schools must demonstrate the success of their students' academic achievements to parents, policymakers, and their communities or face closure. From the time the first charter school opened its door, they have risen to the challenge. For example, charter schools made an important contribution to rebuilding and strengthening Louisiana after Hurricanes Rita and Katrina, particularly in New Orleans.

More often than not, charter schools meet the student achievement and accountability requirements under No Child Left Behind and in the same manner as traditional public schools, but often set higher individual goals to ensure that they are of high quality and truly accountable to the public. Yet, despite these innovative approaches and promising reports of parental satisfaction, charter schools across the country have struggled through a myriad of obstacles to create such successful schools.

One such obstacle is State caps that limit growth. Twenty-six States and the District of Columbia have some type of limit or cap on charter school growth. Most caps restrict the number of charter schools allowed, while others restrict the number of students that a single school can serve. Caps on charter schools are often the consequence of political tradeoffs and not the result of agreement on sound education policy.

I am pleased that Congress has continued to support the public charter school programs authorized under No Child Left Behind. These programs provide support at key points in the development of charter schools, helping cover the extraordinary costs of launching successful charters, disseminating their successful innovations to other public schools, and providing financial incentives to State governments and private lenders that help enable schools to build and renovate facilities.

These programs have been a tremendous success, helping to create public charter schools all across the country that work to improve academic achievement for low-income students. It is my hope that the charter community will continue to build on its 16-year history of providing a high-quality option in public education that is

based on innovation, freedom from red tape, and partnership between parents and educators, an option that is giving new hope to disadvantaged and minority families across the country.

I urge my colleagues to support this resolution, and I would like to thank Congressman BISHOP, the sponsor of the legislation who is not able to be here today, for his sponsorship.

Mr. Speaker, I yield back the balance of my time.

Mr. POLIS. We need to call upon all the innovation of the American people to help meet the learning needs of all children. Charter schools provide one important avenue to do that. And it is with great pride that I ask my colleagues to join me in supporting National Charter School Week.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand before you today in support of H. Res. 382, "Supporting the goals and ideals of National Charter Schools Week, to be held May 3 through May 9, 2009". I would like to begin by thanking my colleague Representative BISHOP for introducing this resolution in the House, as quality education should be at the top of our priorities list. I urge my colleagues to support and acknowledge charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system.

Charter schools deliver high-quality education, challenge our students to reach their potential throughout the United States, and provide thousands of families with diverse and innovative educational options for their children. Charter schools improve their students' achievement and can stimulate improvement in traditional public schools as well. These unique, public schools are authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation.

Charter schools take a revolutionary approach in educating our nation's students. Today, roughly 4,700 charter schools are now serving approximately 1,400,000 children in 40 states plus the District of Columbia and Puerto Rico this year. Charter schools continually demonstrate their ongoing success to parents, policymakers, and their communities. Some charter schools even routinely measure parental satisfaction levels while all give parents new freedom to choose their public school.

Charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system and deliver higher quality education. Chartering is a radical educational innovation that is moving states beyond reforming existing schools to creating something entirely new. Chartering is at the center of a growing movement to challenge traditional notions of what public education means.

Charter schools have demonstrated their commitment to high academic standards, small class sizes, innovative approaches and educational philosophies. Many parents choose charter schools for their small size and associated safety as charter schools serve an average of 250 students.

I am pleased that over the last 15 years, Congress has provided substantial support to the charter school movement through startup financing assistance and grants for planning, implementation, and dissemination. In addition, these schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States.

The intention of most charter school legislation is to: increase opportunities for learning and access to quality education for all students, create choice for parents and students within the public school system, provide a system of accountability for results in public education, encourage innovative teaching practices, create new professional opportunities for teachers, encourage community and parent involvement in public education, and leverage improved public education broadly. I believe Charter Schools and the Nations Public Schools can work side by side to educate the Nations Children!

Competition from charter schools has been shown to increase composite test scores in traditional district schools. Furthermore, twice as many registered voters favor charter schools as oppose I, them. The more people learn about charter schools, the more they like them. Congress must lend its support to these schools and their goals, especially since on average, the funding gap between charter schools and traditional schools is 22 percent, or \$1,800 per pupil. The average charter school ends up with a total funding shortfall of nearly half a million dollars. Yet, twelve studies find that overall gains in charter schools are larger than other public schools; four find charter schools' gains higher in certain significant categories of schools and six find comparable gains to traditional schools. I ask my colleagues for their continued support of Charter schools and urge them to support this resolution.

Mrs. BACHMANN. Mr. Speaker, I rise in support of H. Res. 382, which supports the goals and ideals of National Charter School Week.

I know very well the great importance of charter schools in public education today as I helped establish one of America's first charter schools, the New Heights Charter School in Stillwater, Minnesota in 1993. This school is not only continuing its success today but has driven the establishment of other charter schools. And, today, children are educated at almost 3000 charter schools across the United States.

With so many new charter schools opening since these past two decades, it is clear that these schools fulfill a real need for parents, students, and teachers alike. These schools are held accountable for the progress of their students and they continue to thrive because their students perform so well.

Charter schools hold great importance in our educational system because they give parents options. They allow parents to choose from a variety of institutions to find the environment that will best help them succeed. The traditional public school is not always the right fit for every child. Because of charter schools, not only children from families with means have choices. Charter schools give underprivileged families choices that they might not otherwise have.

Madam Speaker, charter schools have set students and teachers on a path to achieve their goals and are an integral part in our constant efforts to improve education in the United States.

Mr. BISHOP of Utah. Mr. Speaker, I'm honored to be able to sponsor this resolution commending Charter Schools for their contributions to education, and designating this week as National Charter School Week. Successful businesses don't build a product and then find a target group to which to market their product. Successful businesses pick a target group, find a need, then build a product that satisfies that need.

When we talk about reforming education, we must remember that parents are the target market. Kids belong to the parent, not to an educator or a legislator. We unfortunately forget this too often. There is sometimes an institutional attitude of antagonism toward parents. In a 1910 essay entitled *How We Think*, even John Dewey wrote that one inhibitor to problem solving was parental values. One could ask whose values would have been more appropriate. A school's direction ought to be agreeable to parents. The final word ought to be with parents. If the parents are satisfied, who else cares and what else matters? Schools are for the kids and the parents and no one else.

Charter schools take us a large step in that direction—the direction of treating parents as the customers. In Utah, there are currently 67 charter schools serving 27,000 kids, and there are several more slated to open this year. Several have a specific emphasis on math and science, and several others focus on the arts. The curriculum is often selected by parents. There are no geographical boundaries to any of them. Some charters belong to a school district, and others are their own district.

There is often a higher demand than there is supply of seats in a charter, so in Utah those seats are generally awarded by a lottery system. Nationally, there are more than 365,000 kids on charter school waiting lists. Why is it that parents want their kids to attend charter schools? It's because a charter school meets their needs better. Charter schools take us closer to the goal of treating the parents as the customers. In many cases charters have a large percentage of students who are either minorities or economically disadvantaged—in one Utah charter, 70% of the students fall in this category. Many of these are kids who haven't done well in traditional public schools, but who thrive in the charter school. Several studies have backed this up by showing that kids who are behind academically do better in a charter school than they would in a traditional public school. Charters are able to innovate, find creative ways to meet the needs of parents and kids, and the customer is satisfied.

In that sense, charter schools are the most accountable of all our public schools. They're directly accountable to parents, because if the parents aren't satisfied, they'll take their kids elsewhere. In Utah, it's working. According to one study, 94% of parents gave their children's charter school an A or B grade. The success of Charter schools should also teach us the potential of the public education system. Charter schools are not private schools.

They are public schools. Public schools can easily compete with private schools when the public schools are released from bureaucratic restrictions and allowed to be creative. Only with the freedom to be creative can any school meet the individual needs of students and parents. Without choices and freedom to be creative, kids become a widget on a conveyor belt to the local school "factory."

There are a number of things we can do to allow charters to continue to grow, including eliminating the caps on the number of charter schools, and addressing inequitable funding treatment. We will continue to encourage these reforms, and we'll continue to lower the barriers to innovation and creativity in education.

One member of the Utah State Charter School Board said, in many ways, charter schools are doing for education what the printing press did for the world of communication. Charter schools have promised creativity, innovation, inspiration, and motivation, and I believe they have delivered.

Charter schools have ignited the desire to rethink aspects of our nation's education system. They have shown how involved parents can and will be in their children's education. They are finding ways to reduce class size, deliver the Core Curriculum to smaller school communities, and increase individualization of instruction.

Charter schools are helping our public education system to be the best it can be for every child. I commend the parents, teachers, administrators, and creative innovators involved in charter schools throughout the country.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 382.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL COMMUNITY COLLEGE MONTH

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 338) supporting the goals and ideals of National Community College Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 338

Whereas there are more than 1,100 community colleges in the United States;

Whereas there are more than 11,000,000 students enrolled in for-credit and not-for-credit programs at community colleges nationwide;

Whereas in 2009, community colleges in the United States will award more than 500,000 associate's degrees and 270,000 associate's certificates;

Whereas community colleges have educated more than 100,000,000 people in the United States since the first community college was founded in 1901;

Whereas community college students are a more diverse group in terms of age, income, race, and ethnicity than students attending traditional colleges and universities, making community colleges essential to providing access to postsecondary education;

Whereas community colleges enrich and enhance communities across the country, socially, culturally, and politically;

Whereas community colleges are affordable and close to home for most people in the United States;

Whereas community colleges allow many older students to take courses part-time while working full-time, creating opportunities that otherwise would not be available;

Whereas community colleges provide job training for workers who have lost their jobs or are hoping to find better jobs, helping millions of people in the United States support themselves and their families;

Whereas community colleges contribute more than \$31,000,000,000 annually to the Nation's economic growth and, by helping to provide a skilled workforce, are critical to our Nation's continued success and prosperity in the global economy of the 21st century; and

Whereas the American Association of Community Colleges, the Association of Community College Trustees, and more than 1,100 community colleges nationwide recognize April as National Community College Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Community College Month; and

(2) congratulates the Nation's community colleges, and their students, governing boards, faculty, and staff, for their contributions to education and workforce development, and for their vital role in ensuring a brighter, stronger future for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 338 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

I rise today in support of House Resolution 338, which supports the goals and ideals of National Community College Month. This resolution recognizes community colleges all across the country for their enormous contribution to educational outcomes and to workforce development.

Since the first community college, Joliet Junior College in Joliet, Illinois, was founded in 1901, community colleges have educated more than 100 million students in the United States.

Community colleges provide a variety of roles for students. It is a place to receive an associate's degree, to begin a bachelor's degree, or for workplace training.

With more than 1,100 community colleges in the United States and over 11 million students currently enrolled in these schools, community colleges provide a high-quality education and resources to students coming from widely diverse backgrounds.

Community colleges enroll a diverse student body. In 2000, the United States Department of Education reported that 31 percent of community college students were minorities, and 61 percent of community college students received Pell Grants and met the income thresholds to qualify.

Community colleges offer a number of advantages for students. The schools maintain affordable tuition at a time of increasing tuition costs. And for a majority of Americans, community colleges are located conveniently close to their homes. The close proximity allows working students to take courses part-time while keeping their employment. One community college in my district, Colorado Mountain College, has five campuses spread across the mountain areas to help ensure that they have presence close to the places of work and where people live.

More students are enrolled part-time in community colleges than full-time. Additionally, community colleges provide excellent job training to millions of Americans who have lost their jobs or who desire more lucrative opportunities. This is particularly critical in these tough economic times. It costs almost \$2,500 per year to attend a community college, while it costs over \$6,500 a year to attend a 4-year in-state college, on average.

It is vital that community colleges remain affordable to the millions of students who attend every year. Furthermore, community colleges are at the forefront of innovation. With more than \$100 billion included in the economic stimulus package for green job opportunities, community colleges are prepared to provide the type of training necessary to implement our new green investment and help make sure that the renewable energy sector is a strong growing sector with a workforce that is ready to take on the positions.

This year, community colleges in our country will award more than 500,000 associate degrees and 270 associate certificates. Countless other students in community colleges will continue their education and transfer to 4-year colleges and universities.

Community colleges help spur the economy and provide a skilled workforce to contribute more than \$31 billion to the Nation's economy each year. In Colorado's Second Congressional District that I have the honor to represent, Front Range Community

College and the Colorado Mountain College are effectively addressing the needs of both students and families and employers, and represent an essential component for ongoing economic development as well as our community pride.

The American Association of Community Colleges, the American Association of Community College Trustees, and community colleges across the country support this bill and this month. I urge my colleagues to support the bill as well and would like to thank Representative LATHAM for bringing this resolution forward, for community colleges are instrumental to our Nation's economy.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 338, supporting the goals and ideals of National Community College Month, and congratulating the community colleges for their role in educating the Nation.

As a co-chairman of the Congressional Community College Caucus and a member of the House Education and Labor Committee, I have witnessed the benefits community colleges have to offer.

Community colleges serve a diverse body of students by providing them with a unique flexibility. Most community colleges offer evening courses that allow students to work towards earning their degree while working full-time to support themselves and their families. This flexibility allows many older working adults to further their education and advance their careers. In fact, the average age of a student attending community college is 29, and 50 percent of full-time students are employed part-time and 50 percent of part-time students are employed full-time.

Community colleges' flexibility also enables students whose cultural traditions may encourage them to fulfill more traditional familial roles and may not encourage them to take 4 years to attend a traditional college or university to pursue higher education or job training while fulfilling familial duties. The flexibility of most community colleges helps to draw in a diverse student body, and the relatively low cost of most community colleges provides an educational opportunity to many students who otherwise could not afford to further their education or careers.

The average cost of attendance at a community colleges is \$2,402 per year. This is significantly less than the average annual cost of attending a 4-year public or private university or college at \$6,585 for in-state, and \$17,452 for out-of-state tuition and fees at a public institution, and \$25,143, for tuition and fees at a private institution.

Community colleges provide a diverse body of students from various income levels with an opportunity for education. Students may be working toward a 2- or 4-year degree, a professional certification, or furthering their careers through job training, learning a second language, or attending employer-recommended classes in order to receive a promotion. Community colleges award approximately 555,000 associates degrees and approximately 295,000 professional certificates annually. In addition, many community colleges work closely with their community's one-stop employment center to provide skills, training, and other services to unemployed or dislocated workers, which is especially important in these difficult economic times.

Community colleges provide innumerable education opportunities to people of all ages, professions, cultures, and stages of life. These institutions enroll an estimated 11.5 million people annually, and open the door to education for people who would otherwise be unable to pursue it.

This is why I stand in support of this resolution, and I ask for my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 4 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, like Mr. CASTLE, I am one of the co-Chairs of the House Community College Caucus. And I am also pleased to join today in honoring our Nation's community colleges.

Community colleges provide an affordable close-to-home education to between 11 and 12 million Americans every year. Community colleges create opportunities for Americans that they just otherwise would not have available to them.

GEDs: for those students who do not complete high school in the regular time, in my State at least, the great, great majority of students who go back to get a GED go back to community colleges to get it. Sometimes the training is done on campus; sometimes it is done at work sites. But the great majority of students who do get their GED—which is an absolute requirement to having any prospect of getting highly skilled, well-paid jobs, they get that training through GEDs.

A great many students spend their first 2 years in college at community colleges before going on to baccalaureate degree-granting institutions.

Community colleges train for jobs in a way that really makes jobs available to students. They are important for employers, and they are important for workers. No employer is going to move into a city, is going to expand operations or begin new operations in a community that does not offer the kind of job training that a community college offers.

All manner of job skills are taught at community colleges and really do the bulk of the Nation's work in providing training for those skills: health care professionals, nurses, phlebotomists, x-ray technicians, on and on. The bulk of those students—in North Carolina, at least, and I suspect in much of the Nation—are at community colleges.

Building trades: all of the skills in building trades are taught at community colleges. Law enforcement, fire fighting, other first responders go to community colleges for the skills they need. And in North Carolina, at least, where we are blessed with one of the first and best community college systems, there are programs, curricula in communities that are precisely tailored to specific needs of that community.

Let me give just a couple of examples. In the county I live in, Wake County, North Carolina, which includes Raleigh, the eastern end of the county, the towns of Zebulon, Knightdale and Wendell, is an area that includes—along with counties just east of there—a cluster of 30 or 40 employers that use extrusion technology for various reasons. Extrusion is pulling on plastics like taffy to shape it. And Wake Technical Community College established a campus in that part of the county specifically to train skills used in the extrusion industries.

In Alamance County, which for 100 years has been dominated by the textile industry, but the textile industry has taken one hit after another, a small company has grown up now, LabCorp, to become the Nation's second largest medical testing firm. Samples are sent from all over the country to be tested at LabCorp in Burlington, Alamance County. One of the leading programs or curricula at the Alamance Community College is a biotech program. And they have a standing understanding, agreement with LabCorp, that LabCorp will hire everybody who comes out of that program who wants to work for LabCorp.

□ 1345

The list goes on and on. Community colleges really are where our workers are going to need to go to improve their job skills to make sure that our Nation remains the most productive nation on Earth. And if we are going to have the most prosperous economy in the world, we need to have the most productive workers in the world, and community colleges are making that happen.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, again I would like to express my appreciation for the work done by community colleges across our country and urge my colleagues to support this bill.

Mr. LATHAM. Mr. Speaker, I rise in support of House Resolution 338.

America's community colleges continue to provide a silver lining to accompany the dark clouds of economic uncertainty.

Community colleges are uniquely positioned to retrain displaced workers so they can get back into the workforce and start earning a paycheck, even as unemployment figures across the country continue to climb. They help breathe life into local economies by giving workers the expertise they need to excel in the job market.

At this very moment, our future nurses, technicians and manufacturers are gaining the experience and expertise they need to compete in the marketplace through programs offered by community colleges.

These jobs are the backbone of our economy and a central support for millions of American families. They pay well and they come with reliable benefits. And they become even more important during a time of economic uncertainty.

In Iowa—my home state—community colleges have partnered with government agencies to organize job fairs that put workers in contact with potential employers and boost the profile of local businesses. Iowa's community colleges are strengthening the state's business climate. They're laying a foundation that will meet the needs of an increasingly competitive and high-tech workforce well into the future.

Community colleges have also taken great strides in renewable energy through groundbreaking programs that provide students with hands-on experience with the latest equipment. Graduates of these programs go to work on high-tech windmills and other innovative technology.

These are truly the jobs of the future, and I'm proud that several community colleges in Iowa are leading the way. These programs are laying the foundation for a new era of energy efficiency and environmental responsibility that will benefit everyone in America.

Community colleges provide a wealth of benefits to the people they serve. They improve the quality of life in their communities. They prepare workers for the job market, and they are often laboratories of innovation. Our communities rely on the economic spark they provide—especially in the midst of hard times.

It's imperative that we provide these institutions the resources they need to continue their mission. Community colleges have proven that they get results. They improve lives. They strengthen communities.

I have the utmost confidence in the hard work and resiliency of the American people. Without doubt, we will recover from this economic downturn. And I'm just as certain that our community colleges will help us get there.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 338, "Supporting the goals and ideals of National Community College Month". I would like to thank my colleague Representative TOM LATHAM for introducing this resolution, as well as the co-sponsors.

The American Association of Community Colleges, the Association of Community College Trustees, and hundreds of community colleges nationwide recognize April as National Community College Month. They have many achievements to celebrate.

There are over 1100 community colleges in our nation, enrolling over 11 million students nationwide. Since the first community college was founded in the United States, over a century ago, community colleges have educated more than 100 million American minds, making incalculable contributions to our country and population. To this day, they contribute more than \$31 billion annually to the Nation's economic growth and, by helping to provide a skilled workforce, are critical to our Nation's continued success and prosperity in the global economy of the 21st century.

I know about this from the achievements of my district, and the work done by among the finest of academic institutions—Houston Community College. Founded in 1971, under the wing of the Houston Independent School District—for example, initially using the district's campuses to teach night classes. In 1997 they began to transfer operations to community college district-operated campuses throughout the college's service area.

Today, they offer students a wide array of academic and work programs, from accounting to fine arts, as well as stimulating programs such as the Spring Branch Business Plan Competition—learning and career opportunities found across the city of Houston and the surrounding area, in six different colleges.

Perhaps, most notably, the Houston Community College System operates a television channel called HCCTV, which stands for Houston Community College Television, which began in 1994. It is aired on a number of local cable channels and streamed on the Internet, operating with a studio complex, which has one large studio unit, five edit suites, and a digital master control system, all of which are located at the HCC headquarters. Just this past Saturday, I attended HCC's graduation in Houston. It was a tribute to how community colleges can change lives.

This is only one community college. In 2009, community colleges in the United States will award, to these young minds, more than 500,000 associate's degrees and 270,000 associate's certificates. The students are a more diverse group in terms of age, income, race, and ethnicity than students attending traditional colleges and universities, making community colleges essential to providing access to postsecondary education.

They allow many older students to take courses part-time while working full-time, creating opportunities that otherwise would not be available and are affordable and close to home for most people in the United States. Community colleges provide job training for workers who have lost their jobs or are hoping to find better jobs, helping millions of people in the United States support themselves and their families.

I am here before you today supporting the goals and ideals of National Community College Month, and urging my fellow members to do the same. Let us, as a Congress, and as a country, congratulate the Nation's community colleges, and their students, governing boards, faculty, and staff, for their contributions to education and workforce development, and for their vital role in ensuring a brighter, stronger future for the Nation.

Mr. SIRE. Mr. Speaker, first, I would like to thank Congressman LATHAM and my col-

leagues, for introducing H. Res. 338 honoring community colleges. I have long supported these institutions for the professional education they provide their students and I am happy to honor them today.

Community colleges in New Jersey serve over 150,000 students at 19 campuses.

They offer their students a broad array of certificate and associate degree programs—from business management to nursing, and engineering to philosophy.

That is why, as Assembly Speaker in New Jersey, I created the STARS program that allowed star high school students to attend any community college in New Jersey for free. Now that program has been expanded to allow these students to attend a four-year college after two high-performing years at their community college. I recognized the great education these institutions provide to students and I wanted to ensure that they remained a viable option for future students.

Community colleges play a vital role in our communities and for the students who attend them. I am proud to show my support for these fine institutions and H. Res. 338.

Ms. GIFFORDS. Mr. Speaker, I am honored today to celebrate April as National Community College Month with my support of H. Res. 338, "Supporting the Goals and Ideals of National Community College."

As the largest rural college district in the state, Cochise College has served the area of Southeastern Arizona since 1964. With multiple campuses and learning centers in Douglas, Sierra Vista, Benson, Willcox, Fort Huachuca, and Nogales, Cochise educates about 14,000 students a year.

Community colleges are essential to expanding access to postsecondary education to those who might not normally benefit from traditional colleges and universities. As a member of the Servicemembers Opportunity Colleges consortium, Cochise College offers tailored learning to active-duty or retired servicemembers and their families.

Furthermore, community colleges contribute over \$31 billion annually to the Nation's economic growth. In Cochise County, the College is the 10th largest employer in the county.

Cochise College strives to educate students with transferable degrees and direct-employment training, which are important tools in a competitive job market such as this. As Southeastern Arizona continues to grow, the College's role becomes ever so important to our community's development.

I am proud to celebrate National Community College Month by recognizing the integral role community colleges play in our evolving society.

Mr. Speaker, I am honored today to celebrate April as National Community College Month with my support of H. Res. 338, "Supporting the Goals and Ideals of National Community College Month."

More than 11 million students are enrolled in for-credit and not-for-credit programs at community colleges nationwide, and in my district alone, over 73,000 students attend Pima Community College in Tucson, Arizona.

Community colleges are essential to expanding access to postsecondary education to a more diverse population than traditional colleges and universities. Pima Community College exemplifies that mission with a student

profile compiled of 56% women and 42% ethnic minorities.

Since 1969, Pima Community College has provided an affordable and convenient education by offering child care, job placement assistance, financial aid, and other support services. As University fees continue to rise and more people return to school in an increasingly competitive job market, the College's role becomes ever so important to our community's development.

I am proud to celebrate National Community College Month by recognizing the integral role community colleges play in our evolving society.

Mr. CALVERT. Mr. Speaker, as a former student who attended community college, I stand in strong support of H. Res. 338, a resolution which supports the goals and ideals of National Community College Month. Our nation's community colleges provide the dream of achieving a higher education to millions of students each year. Community colleges are the nation's key supplier of workforce development and retraining needs and in addition, they build lasting partnerships and contribute significantly to the communities they serve. My congressional district is home to one of the oldest and most diverse community colleges in California—the Riverside Community College District—so I am proud to express my support of National Community College Month.

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of H. Res. 338, supporting the goals and ideals of National Community College Month.

Community colleges offer the opportunity of an affordable college education to students, working adults with busy schedules and people looking for an alternative to a traditional liberal arts education. Their programs help address some of the most pressing workforce demands in our country, including nursing, engineering technology, allied health, law enforcement and computer technology among others. More recently, community colleges have heeded the call for skilled workers necessary to build and maintain wind and water turbines, solar panels and other technology needed to produce a clean, renewable energy infrastructure here in the United States.

During these tough economic times, the need for advanced education and skills is more important than ever to finding well paid work in an increasingly competitive workforce. Community colleges like Palm Beach Community College and Broward College located in my congressional district offer customized continuing education programs to fit the needs of emerging and evolving industries in our community—with online, distance learning courses to better accommodate working adults with families and busy work schedules. The flexibility and affordability of many community college programs allows Americans from every walk of life to pursue an advanced degree or certification that they may not have had the opportunity to pursue otherwise.

By providing everyone in the United States with the opportunity to further their education, we can build a more competitive, innovative workforce, capable of addressing the most pressing issues of our time, and restoring our place as a leader in the global economy. Community colleges will play a vital role in

preparing young people and adults looking to further their education, with the skills they need to advance their careers, provide for their families, and get our economy back on track.

Mr. SABLAN. Mr. Speaker, I rise in support of House Resolution 338, supporting the goals and ideals of National Community College Month. Community colleges play a vital role in the education of our citizens, and as a member of the Congressional Community College Caucus, I am delighted to have this opportunity to recognize the fine work done by our community colleges.

We can all agree on the increasing importance of a college education in today's knowledge-based economy. But many Americans do not have the opportunity to attend a 4-year university. These reasons can be many, and range from cost—an extremely important consideration in the current recession—to academics, family commitments, or distance from home. Often, these individuals turn to community colleges instead, and there they can receive workplace training, a GED, or an associate's degree, or to begin a bachelor's degree.

Community colleges often have lower, more affordable tuition costs, locations convenient to many homes, and day as well as evening classes on an extremely broad range of subjects from physics to literature to cuisine. These benefits attract an extremely diverse body of students who can also learn from the life experience of their classmates in a way that is not always possible in higher education.

Community colleges also teach important skills which not only allow students to earn a living, but also to contribute to the community at large. Law enforcement officers, fire fighters, nurses, and health care professionals are all educated at our nation's community colleges. Even the high-tech professionals who help shape the future of our technology and our world economy are products of community colleges.

In my own district, Northern Marianas College has undertaken the challenge of educating our young people. Over nine hundred students are enrolled at the college, located on a fourteen-acre campus on the island of Saipan. The college offers instruction in Business, Human Performance and Athletics, Languages and Humanities, Nursing, Education, Sciences, Mathematics, Social Sciences, and Fine Arts. I know that Northern Marianas College serves a very important function for its students in helping them achieve the goal of a college education and I believe career and vocational education like that provided at NMC is extremely valuable.

I urge my colleagues to support this resolution. I am proud to celebrate the goals of National Community College Month and encourage Americans to recognize their local community colleges as the important institutions they are.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 338.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING THE NATIONAL CHAMPION UNIVERSITY OF NORTH CAROLINA MEN'S BASKETBALL TEAM

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 348) congratulating the University of North Carolina men's basketball team for winning the 2009 NCAA Division I Men's Basketball National Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 348

Whereas, on April 6, 2009, the University of North Carolina Tar Heels defeated the Michigan State University Spartans 89–72 in the finals of the National Collegiate Athletic Association (NCAA) Division I Men's Basketball Tournament in Detroit, Michigan;

Whereas the Tar Heels now hold 6 men's basketball national titles, including 5 NCAA tournament titles, tied for the third most in NCAA history;

Whereas the Tar Heels have won men's basketball national championships in 1924, 1957, 1982, 1993, 2005, and 2009 and have played in a record 18 "Final Fours";

Whereas Tar Heels head coach and Asheville, North Carolina, native Roy Williams won his second NCAA title in his sixth year coaching the team, improving to 594–138 in 21 seasons as a head coach, and has the highest winning percentage of any active coach in men's basketball;

Whereas Coach Williams and his coaching staff, including Assistant Coaches Joe Holladay, Steve Robinson, and C.B. McGrath, as well as each trainer, manager, and staff member, deserve praise and credit for their outstanding dedication to helping the North Carolina Tar Heels reach the summit of college basketball;

Whereas Tar Heel seniors Tyler Hansbrough, Danny Green, Mike Copeland, Bobby Frasor, Marcus Ginyard, Patrick Moody, J.B. Tanner, and Jack Wooten celebrated 4 years at North Carolina with a National Championship, and became the winningest class in the 99-year history of the University of North Carolina men's basketball program;

Whereas Tar Heel junior Wayne Ellington was named Most Outstanding Player of the tournament, averaging 19.2 points per game;

Whereas Tar Heel junior Ty Lawson and senior Tyler Hansbrough joined Wayne Ellington on the all-tournament team, along with Spartans players Kalin Lucas and Goran Suton;

Whereas the roster of the North Carolina Tar Heels also included juniors Marc Campbell and Deon Thompson; sophomore Will Graves; and freshmen Ed Davis, Larry Drew II, Justin Watts, and Tyler Zeller;

Whereas the Tar Heels set a record for the most points in one half of a Championship game with 55, and Tar Heel point guard Ty Lawson set a record for the most steals in a Championship game with 8;

Whereas the North Carolina Tar Heels finished the 2008–2009 season with 34 wins and 4 losses, completing their third consecutive 30 win season;

Whereas the Tar Heels won their second National Championship in 5 years;

Whereas the Tar Heel players, coaches, and staff are outstanding representatives of the University of North Carolina, the oldest public university in the country and a distinguished leader in higher education that is consistently ranked among the Nation's top universities in academic performance;

Whereas the Tar Heels showed tremendous dedication to their team, appreciation to their fans, sportsmanship toward their opponents, and respect for the game of basketball throughout the 2009 season, maintaining the tradition of excellence established by legendary coach Dean Smith; and

Whereas residents of the Old North State and North Carolina fans worldwide are to be congratulated for their long-standing support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the national champion North Carolina Tar Heels for their historic win in the 2009 National Collegiate Athletic Association Division I Men's Basketball Championship;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in helping the University of North Carolina Tar Heels win the tournament; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to University of North Carolina Chancellor Holden Thorp, Athletic Director Dick Baddour, and Head Coach Roy Williams for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 348 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield the balance of my time to the sponsor of the bill, the gentleman from North Carolina (Mr. PRICE), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. PRICE) is recognized.

There was no objection.

Mr. PRICE of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 348, congratulating the University of

North Carolina men's basketball team for winning the 2009 NCAA Division I National Championship. I am pleased to have the support of the entire North Carolina delegation as original cosponsors of this resolution.

The University of North Carolina at Chapel Hill is a special place to the entire State of North Carolina and, as the Nation's first public university, has long been a beacon of light and liberty in the South. The academic tradition of excellence and unyielding commitment to public service is what drew me across the mountains from Tennessee to Chapel Hill 50 years ago and largely shaped my life's further course.

This year's success caps a remarkable history. UNC has played in a record 18 Final Fours and won the NCAA National Championship in 1957, 1982, 1993, 2005, and 2009.

While Head Coach Roy Williams inherited a first-class program, he deserves special credit for the exceptional success and character of his teams. Coach Williams, who is a native of the mountains of North Carolina, has the highest winning percentage of any active coach in men's basketball, and unquestionably sits at the top of his profession. Since he came to Carolina as head coach in 2003, the Tar Heels have won two NCAA championships, four Atlantic Coast Conference regular season championships, and two ACC tournament championships. The 2008–2009 season marks their third consecutive 30-win season.

Like the whole community of Carolina basketball fans, I'm exceedingly proud of this entire team—the players, the coaches, and the staff—for their outstanding performance in the Nation's most competitive and most watched college athletics tournament. In addition to their on-court success, the team has consistently shown academic commitment, appreciation to their fans, good sportsmanship toward their opponents, and respect for the game of basketball. I'm particularly proud that Inside Higher Education also crowned UNC its national champion in its annual academic NCAA tournament, signifying that UNC has the single best academic performance rate of any NCAA tournament team. These coaches and players have ably upheld the tradition of excellence—both on the court and in the classroom—established by legendary coaches Dean Smith and Bill Guthridge and now continued by Roy Williams.

As an alumnus and Chapel Hill resident, this program and most recent championship make me very proud. These are my friends and neighbors—Joan Ewing, my dear friend and former district director, is Dean Smith's sister—and it is my honor to represent all of them in Congress.

But this year other alumni and I were not the only fans in Washington cheering the Tar Heels from afar.

President Obama himself picked Carolina to bring home the title and played a pickup game with the team last spring before the North Carolina primary election. It's important to note that he did so while employing a former Duke basketball player as his closest personal aide. As the Member of this institution who represents both institutions and a Carolina alumnus who teaches at Duke, I can only salute such a feat of athletic bipartisanship with great admiration! It's very reassuring to have this display coming from our new President.

So, colleagues, I urge the House to join President Obama and the North Carolina delegation in celebrating the Tar Heels. This is an institution and team who are worthy of our praise; not only because they found success, but because they did it the right way, the Carolina way.

Hark the sound and go Heels.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

I would like to congratulate the University of North Carolina Tar Heels. I don't have the same level of connection with North Carolina as does Mr. PRICE, but I did pick them in my basketball pool, which I didn't win, by the way, but at least I won on that aspect of it; so I congratulate them for that.

Mr. Speaker, I yield such time as he may consume to Mr. LATHAM. He, too, will congratulate North Carolina, but he wants to comment on the previous bill, which, unfortunately, he couldn't quite get here for, on community colleges.

Mr. LATHAM. I thank the gentleman for yielding.

I want to commend the gentleman from North Carolina on his resolution and congratulate the Tar Heels, and I rise in support of his resolution.

I was detained a few moments ago on the previous resolution here. I had a group of very bright, young eighth graders from Garner-Hayfield, Iowa, on the east steps out here. But the previously discussed resolution was mine, honoring the National Community College Month, and I just want to make sure in the RECORD that it reflects how important I believe our community colleges are as far as economic growth and prosperity for the future and how important a role that they play as far as giving individuals in this difficult economy the opportunity to be successful, to have real careers.

The community colleges today are where the rubber meets the road. I'm very proud to be co-chairman of the Community College Caucus, and I just want to introduce my formal statement into the RECORD. But I did want to come to the floor to congratulate my good friend from North Carolina but also to speak to the National Community College Month.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman.

I am now pleased to yield such time as he may consume to my friend and colleague, another UNC alumnus, BRAD MILLER of the 13th District of North Carolina.

Mr. MILLER of North Carolina. Mr. Speaker, I am pleased to join my colleague DAVID PRICE to speak in favor, to take the pro side of this debate.

I am a graduate of the University of North Carolina at Chapel Hill. I spoke a moment ago about the importance of community colleges in creating opportunities for people who otherwise would not have them. That is emphatically true for me and, for the University of North Carolina, the role it has played in my life. I could not be a Member of this body if it were not for the opportunities that the University of North Carolina, my State university, created for me and creates for thousands of middle class kids from North Carolina, kids from the middle class, people who are from families that are struggling to get into the middle class.

I do trust my friend and colleague of longstanding from North Carolina, DAVID PRICE, also a graduate of the University of North Carolina. I know that he also has been a professor at a nearby institution of lesser reputation, so I wanted to make sure there was someone here with absolutely unmixed loyalties who could speak in favor of this resolution.

The men's basketball team this year was an exceptional group of athletes. The starting five, Tyler Hansbrough, Deon Thompson, Ty Lawson, Wayne Ellington, Danny Green, others coming off the bench, Bobby Frasor, Ed Davis, Tyler Zeller, others, was an extraordinary group of athletes. There was no doubt that they would be at the Final Four in the mix for the title throughout the season.

Mr. PRICE has already mentioned the frequency with which my university has won the national championship, but it bears repeating: 1957, 1982, 1993, 2005, and 2009 the University of North Carolina has won the championship. But beyond just that accomplishment, that athletic accomplishment, we have done it with a basketball program that we can be proud of. Our academic standards have remained high. Our graduation rate for our basketball players, for our athletes is exceptionally high. Dean Smith, a revered figure in college athletics, in addition to being the coach of the men's basketball team for many years, in the 1960s when it was not such an easy thing to do, led with one of the leaders of the fight for racial justice in North Carolina, something that I think all North Carolina graduates can be proud of.

I am proud that we have those banners hanging in the rafters that I mentioned, 1957, 1992, 1993, 2005, and 2009, but I'm even more proud of knowing that we will never have to take those

banners down. We will never hear from the NCAA that we have violated the rules so flagrantly that we have to give our banners back.

I am proud of this year's team. I'm proud of our men's basketball program. I'm proud of my university. And I urge all Members to vote for this resolution.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

I thought somebody who's not from North Carolina should say something nice about North Carolina basketball in North Carolina, and I have a full statement, which I will submit.

But I just want to congratulate the team and the university. And it's happened a lot before. We all know the excellence of North Carolina basketball. This is their sixth national title. Roy Williams has won twice now in his 6th year in coaching the team, improving to 594 wins and 138 losses in 21 seasons as a head coach, which gives him the highest winning percentage of any active coach in men's basketball. The individual players who are graduating this year excelled, obviously, and they deserve a tremendous amount of credit. Junior Wayne Ellington was the Most Outstanding Player. He, too, deserves a great deal of credit.

And to our friends from North Carolina, I also recognize the academics of the institution and the great work which they have done not only for the State of North Carolina but other States such as my State of Delaware and other places that the North Carolina graduates have gone. North Carolina is in its third century. It has 71 bachelor's, 107 master's, 74 doctorate, and four professional degree programs, and they're all very important for the future of North Carolina and for America.

So we offer our congratulations to the entire University of North Carolina, to their athletic department as well as the basketball team, and obviously the academic school for all the great work which they have done. They are a shining example for the rest of us in this country.

Mr. Speaker, I yield back the balance of my time.

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Mr. PRICE of North Carolina. Mr. Speaker, I yield 3 minutes to my colleague from the Seventh District of North Carolina and yet another UNC alumnus, MIKE MCINTYRE.

Mr. MCINTYRE. Mr. Speaker, I rise today in strong support of House Resolution 348, a resolution congratulating my alma mater, University of North Carolina, men's basketball team for winning the 2009 NCAA Division I Men's Basketball National Championship.

I can tell you as an undergraduate, who was in the class of Phil Ford, as many of our friends will remember, who had the famous four-corners of-

fense under Coach Dean Smith and as one who also went to law school at University of North Carolina when Sam Perkins and several other fellows, James Worthy and Matt Doherty, were all involved in the program, we saw some great years of basketball and Final Fours. And throughout, I know my life and the lives of many of us who have gone to the University of North Carolina, folks from all over—not just the State—but the Nation indeed, we take great pride in the winning tradition that we all have personally witnessed throughout the years by the University of North Carolina basketball team.

In fact, both of my sons, Stephen and Joshua McIntyre, are now in law school at Carolina and were undergraduates when Carolina won its first title under Roy Williams just a few years ago in St. Louis, when we were there to watch the March to the Arch. And I had the great pleasure to be in Detroit for the Final Four to witness Carolina win this championship by our great coach, Roy Williams, his wonderful assistants and, of course, the great players for the Carolina team.

The precedent that has been set by Dean Smith, the great tradition that he had, the wonderful work that Coach Roy Williams clearly has done, sends a strong message that success can be found through dedication and hard work. In fact, I would say that they have shown that despite all difficulties this team faced when they were chosen as preseason number one, and everybody expected them to win the championship—but then they went through difficult times—but then they came back and proved that, indeed, they were the national champions. It showed that the three Ds in the real world, dreams, dedication and determination, lead to success such as this Tar Heel team found in winning the national championship.

Having a dream, being dedicated to it as those players worked and worked, despite the difficulty, the coaching staff worked, the managers that supported the team, and then they came together through that dedication to that dream, they were determined to prove they, indeed, were the number one team in the Nation. That they did in Detroit.

I cannot say enough about the great program that this is in terms of what it exemplifies in terms of the values of teamwork, commitment, loyalty, courage and being able to stand up against adversity. It sends a strong message of success that others can emulate in other programs around this country; and it speaks to young people everywhere. Five NCAA championships for the University of North Carolina, plus the championship, a national championship prior to when the NCAA was formed. So, really, six national championships have been won now by the men's basketball team.

On behalf of the United States Congress, let me join my colleagues in saying, and as a proud fellow alumnus of the University of North Carolina and as one who has family members attending the University of North Carolina now, we are very proud of our Tar Heels. The citizens of North Carolina and the United States Congress are proud of the exemplary role that they have played in college sports and the example they have set for our Nation.

God bless the Tar Heel boys.

Mr. CASTLE. Madam Speaker, I had yielded back the balance of my time, but the distinguished gentleman from Kentucky has arrived and would like 2 minutes.

I ask unanimous consent to yield him 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Before he starts, I am just surprised that the gentleman from North Carolina didn't object to somebody representing Kentucky basketball speaking, but Mr. ROGERS is a distinguished gentleman.

I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Thank you, Mr. CASTLE, for yielding me this time.

I couldn't let this opportunity pass without congratulating the University of North Carolina, the Tar Heels, and my friend and colleague, Mr. PRICE, for offering this resolution, and I strongly support it.

As an alumnus of the University of Kentucky, a frequent rival of the Tar Heels on the basketball court and a frequent national champion itself, we recognize that excellence of the North Carolina basketball program and its great coach, who has distinguished himself in so many different ways.

So from the SEC, we want to congratulate the ACC and particularly the University of North Carolina for the great season and the great seasons that that school has had.

I resided in Franklin, North Carolina, back in 1957, 1958, working at a radio station in Franklin, and that was the time when the State was developing the Research Triangle, which has been a sterling program for the Nation and the home of these great universities that populate that part of North Carolina and what a great amount of progress the State has made in those years.

So I count myself a great admirer of the State of North Carolina and especially of this basketball program, which has meant so much to the young people going through that great university. It exemplifies, I think, the excellence of that system, that school.

So I stand here, from the University of Kentucky, and we have had our knocks the past few years; but watch out, we're coming back.

I want to congratulate DAVID and all the Carolinians who are supporting this resolution and add one more voice, this time from the SEC, in congratulations to UNC.

Mr. PRICE of North Carolina. Madam Speaker, I want to thank my colleague from Kentucky, knowing him and how much he knows and cares about basketball and knowing about that Kentucky tradition. Those words really mean a great deal coming from him. I think we are all grateful.

Now I yield 3 minutes to yet another Carolina Representative from the Second Congressional District, BOB ETHERIDGE.

Mr. ETHERIDGE. I thank my colleague from the Fourth District for yielding. He has the great privilege, my colleague from Kentucky, he has the great privilege of representing an outstanding university in academics and research and now a school that has added to their joy with another national championship. But as my colleague from Kentucky said, I think all of us need to keep it in perspective.

We are awful proud of the Tar Heels because they showed what, really, athletics are about: tenacity, having a commitment for excellence and strong academics. UNC is one of those institutions that anchors the corner through the Research Triangle, one of the fine research universities in this country and one of the regions that employs an awful lot of our people.

So we are awful proud of the young men who come to North Carolina, who have added to the reputation of that great UNC institution in bringing home a national championship.

I think for people who have played basketball, you can really appreciate what it takes, the pressures that are on those young men anywhere from 18 to 21 years of age, tremendous pressure over a full season and in several weeks leading to a championship where every game is a championship game. All you have to do is lose one game and you are out.

I don't know of any greater pressure that a young person can have, and yet they showed the kind of class, the kind of strength, tremendous will. A lot of congratulations go to the coach, to the university and especially to those young men.

Let me thank my colleague for bringing this resolution forward. I encourage all of my colleagues to join in supporting this resolution and congratulating an outstanding group of young men from all over the country who came to North Carolina to go to school, to get an education and play a sport that allowed them to get an education.

I think folks begin to forget sometimes what we are talking about are student athletes. They are students first and then athletes. I thank you for doing this resolution. I am proud to have an opportunity to join him in con-

gratulating these young men and the alums for that.

I would close by saying that my daughter had our first grandson, she was a graduate, undergraduate, graduate school and law school, and the first thing she taught him to say was "Go Heels." She didn't even get him to say, "I am glad to see you, Granddaddy." It was "Go Heels."

Mr. CASTLE. Madam Speaker, I urge everybody to support this resolution, and I yield back the balance of our time.

Mr. PRICE of North Carolina. Madam Speaker, I appreciate the comments of my colleague. As you might guess, from what he said and the way he looks, he knows whereof he speaks when he talks about playing basketball at the collegiate level.

So we are grateful for these words of support and commend this resolution to all of our colleagues.

I yield back the balance of our time.

The SPEAKER pro tempore (Ms. BALDWIN). The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 348.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PRICE of North Carolina. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING GLOBAL YOUTH SERVICE DAYS

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 353) supporting the goals and ideals of Global Youth Service Days.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 353

Whereas Global Youth Service Days is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities year-round;

Whereas the goals of Global Youth Service Days are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through community service and service-learning opportunities;

(2) support young people in embarking on a lifelong path of volunteer service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by

young people as community leaders throughout the year;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and in 2009 is being observed for the 21st consecutive year in the United States and for the 10th year in more than 100 countries;

Whereas young people in the United States and in many other countries are providing more volunteer service to their communities than in any other generation in history, thereby demonstrating that children and youth not only represent the future of the world, but are also leaders and assets today;

Whereas recent research shows that high quality, semester-long service-learning, when used as a teaching and learning strategy that integrates meaningful community service with academic curriculum, increases students' cognitive engagement, motivation to learn, school attendance, and academic achievement scores;

Whereas a fundamental and conclusive correlation exists between youth service, character development, lifelong adult volunteering, philanthropy, and other forms of civic engagement;

Whereas community service and service-learning provide opportunities for youth to apply their knowledge, idealism, energy, creativity, and unique perspectives to improve local communities by addressing critical issues such as poverty, hunger, illiteracy, education, natural disasters, climate change, and many others;

Whereas a growing number of Global Youth Service Days projects involve youth working collaboratively across national boundaries to address global issues, to increase intercultural understanding, and to promote the sense that they are global citizens;

Whereas Global Youth Service Day engages millions of young people worldwide with the support of 50 International Coordinating Committee member organizations, over 150 U.S. National Partners, 75 local and statewide Global Youth Services Days lead agencies, and thousands of local organizers; and

Whereas both young people and their communities will benefit greatly from expanded opportunities for youth to engage in volunteer community service and service-learning: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and commends the significant contributions of youth of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) supports the goals and ideals of Global Youth Services Days 2009; and

(3) calls on the citizens of the United States to—

(A) observe the day by encouraging youth to participate community service and service-learning projects and by joining them in such projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful community service, service-learning, and decision-making opportunities today as an investment in the future of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and insert extraneous materials on H. Res. 353 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of House Resolution 353, a resolution to support the goals and ideals of Global Youth Service Days.

Global Youth Service Days is an annual global event that highlights and celebrates the ongoing contributions of youth to their communities through volunteer service and service learning. Just last month, President Obama signed the Edward M. Kennedy Serve America Act, which reauthorized programs that support national and community service, including the goal of tripling the number of youth volunteers in our communities.

Service learning extends the classroom into the community. It provides young people with the opportunity to give back locally, as well as offer real-life applications to prepare them for their lives.

Global Youth Service Days takes that one step further by promoting projects that encourage youth to work collaboratively across national boundaries to address global issues, to increase intercultural understanding and to promote the sense that they are global citizens.

Global Youth Service Days is the largest service event in the world, and in 2009 it's being observed for the 21st consecutive year in the United States, as well as for the 10th year in more than 100 countries. Over the past 21 years, Global Youth Service Days has brought together more than 40 million people in thousands of communities worldwide.

The benefits of service for young people are countless. High quality semester-long service learning, when used as a teaching and learning strategy that integrates meaningful community service with academic curriculum, increases students' cognitive engagement, motivation to learn, school attendance and academic achievement.

Opportunities like Global Youth Service Day provide avenues for youth to apply their knowledge, idealism, energy, creativity and unique perspectives to improve local communities by addressing critical issues such as poverty, hunger, illiteracy, education, natural disasters, climate change and more. Past Global Youth Service Days have taken place in the United States as well as around the world.

In Colorado's Second Congressional District that I have the honor to represent, the weekend before last I celebrated Global Youth Service Days with Project YES in Lafayette, which hosted one of 75 major worldwide events and joined over 600 volunteers, who helped out Boulder County organizations such as the Emergency Family Assistance Association, Kids' Park in Lafayette, Sister Carmen Community Center and several local schools. I was thrilled to see the motivation and excitement that these young people had for improving our communities.

Young people and teachers in Tarija, Bolivia, addressed the public health issues surrounding unsanitary drinking water. Young people and teachers in Kuchinarai, Thailand, engaged 55 children who were orphaned by AIDS in a week-long summer camp focused on education, life skills, leadership, and self-esteem.

Both young people and their communities benefit greatly from expanded opportunities for youth to engage in community service and service learning.

Madam Speaker, this resolution serves to recognize and commend the significant contributions of the youth of the United States and to support the goals and ideals of Global Youth Service Days 2009 internationally.

I would like to thank Representative DELAUNO for introducing this legislation, and I urge my colleagues to support the bill.

I reserve the balance of my time.

□ 1415

Mr. CASTLE. I yield myself such time as I may consume.

I rise in support of House Resolution 353, a Resolution Supporting the Goals and Ideals of Global Youth Service Days. Organized by Youth Service America, the National Youth Leadership Council, and Global Youth Action Network, and sponsored in the United States by the State Farm Companies Foundation, Global Youth Services Day provides young people with an important opportunity to serve their local communities around the world.

Held every year during one weekend in April, over 100 countries participate in Global Youth Service Days. This year, young people from around the world rolled up their sleeves and partnered with various nonprofits and faith-based organizations to dedicate their time during the weekend of April 24 through April 26. Some past events include the following projects:

In Corona, California, youth studied and delivered reports on local areas' disaster preparedness. These reports led to an event dedicated to raising public awareness about homelessness and natural disasters.

Here in Washington, D.C., youth from various faith-based communities partnered with Habitat for Humanity

to help with housing needs in Northeast D.C. and worked on a shoreline cleanup along the Anacostia River.

In Bolivia, with the help of a Disney Minnie Grant, youth were trained as public health educators to facilitate workshops to educate the community on public health issues surrounding unsanitary drinking water.

In Zimbabwe, youth volunteers refurbished 35 rural schools, worked to clean up parts of one of the cities in the country, and conducted an HIV/AIDS awareness campaign.

Introducing our young people to true volunteerism will help build a sense of civic duty early in their lives, which will lead them to become more civic-minded citizens, citizens who will continue to donate their time and skills to their local communities in the future as they get older. For that reason, I rise in support of House Resolution 353 and urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I am pleased to recognize the gentlewoman from Connecticut (Ms. DELAURO) for 4 minutes.

Ms. DELAURO. Madam Speaker, I rise in support of this Resolution Honoring and Supporting the Goals and Ideals of Global Youth Service Days, held earlier this spring from April 24 through 26. With this resolution, we recognize the contributions that young people make to their communities and our Nation and across the globe.

For generations, during times of great crisis and need throughout our Nation, Americans have stepped up and served their country and their communities. Today, with soaring unemployment, stagnant wages, rising health care costs, and the financial market in crisis, this is one of those moments. To confront its dire challenges, we have an urgent responsibility to act, but no one person or single solution will fix this crisis alone. If we are serious about getting our Nation back on track, we must give everyone the opportunity to do their part, especially young people, our next generation of leaders.

Global Youth Service Day is a public awareness and education campaign led by Youth Service America, with the National Youth Leadership Council and the Global Youth Action Network, highlighting the valuable contributions that young people make to their communities all year long.

The goals of Global Youth Service Day are to mobilize youth as leaders in identifying and addressing the needs of their communities, to support youth in community service and civic engagement, and to educate the public, the media, and the policymakers about the year-round contributions of young people to their communities.

On the weekend of April 24–26, young people across the United States and around the world designed and carried

out community service and service learning projects in areas ranging from literacy and mentoring, to the environment and energy conservation, to hunger and homelessness; 75 local and statewide Lead Agencies, 150 national partners, 50 international organizations crossing old boundaries, building new partnerships.

In addition to the tangible and positive results these projects have on our communities, research shows that sustained participation in community service and service learning leads to increased levels of academic achievement and increased civic engagement among our youth.

Last month, President Obama signed the Edward M. Kennedy Serve America Act, expanded AmeriCorps, changing the face of national service as we know it. I am proud that a number of the initiatives I introduced to engage middle school students in service were included in the bill and enacted into law.

Ultimately, it is all about the asking. People want to be asked to serve, and it is already paying off at a time when more Americans than ever are ready to help those left vulnerable by this devastating economic downturn. In the past 5 months, the Corporation for National Service has received 48,000 online applications, up 234 percent over the 14,000 applications it received during the same 5-month period a year ago.

Shirley Chisholm said that, “Service is the rent that you pay for room on this Earth,” and that is true no matter what your age or place in this world.

This is a transformational moment in our history. And so today, with efforts like Global Youth Service Day and amazing opportunities like it every day around the world, we hope to mark a new beginning, ready to meet the responsibility again to the greater good and to our shared community.

Mr. CASTLE. Madam Speaker, I would encourage everyone to support the resolution.

I yield back the balance of my time.

Mr. POLIS. I would like to encourage my colleagues to support the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 353.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further

proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

HONORING UNIVERSITY OF CALIFORNIA AT MERCED GRADUATING CLASS

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 396) honoring the graduating Class of 2009 at the University of California, Merced, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 396

Whereas the University of California system has become one of the largest and most highly acclaimed institutions of higher learning in the world;

Whereas Founding Chancellor Carol Tomlinson-Keasey, countless individuals, numerous elected officials, and an exceptional team of talented academic and administrative professionals shared a vision and drive to carry forward the University of California’s historic mission of excellence in teaching, research, and public service by assembling to build the Nation’s first major public research university of the 21st century in Merced, California;

Whereas half of UC Merced’s students are the first in their families to attend college;

Whereas UC Merced celebrates having one of the most ethnically diverse research campuses in the Nation;

Whereas UC Merced increases educational access and opportunities for San Joaquin Valley students and will contribute to enhanced job opportunities, new business development, and economic growth throughout Central California;

Whereas 518 students will comprise the first-ever graduating class from UC Merced on May 16, 2009;

Whereas First Lady Michelle Obama will honor UC Merced’s first graduating class by delivering the commencement speech; and

Whereas the class of 2009 helped establish a thriving campus and leave UC Merced highly qualified and ready to make deep and lasting marks in their communities as leaders of the 21st century: Now, therefore, be it

Resolved, That the House of Representatives commends the students comprising the first graduating class at the University of California, Merced, the class of 2009, for their pioneering spirit, dedication, efforts, and desire to help establish an institution that puts Merced on the road to opportunity and promises to inspire the educational dreams of young people in this underserved region for generations to come.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 396 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 396, which commends the students of the very first graduating class of the University of California, Merced. UC Merced represents the newest school in the flagship California university school system.

University of California, Merced was authorized by the California legislature in 1988 to address the higher education needs of the State's fastest growing region, the San Joaquin Valley, a population of over 3.5 million people. It provides adequate capacity for the UC system as a whole and ensures the students from the San Joaquin Valley have expanded options for higher education. High school graduates from the Valley have historically enrolled in the UC system at about half the rate of graduates from other major parts of the State.

The University of California, Merced opened September 5, 2005, as the 10th campus in the UC system. There are three schools, nearly 20 undergraduate majors, nine graduate programs, over 100 full-time faculty members, and dozens of lecturers now teaching hundreds of courses on campus. UC Merced is a thriving campus community of over 2,700 who actively participate in close to 100 clubs and assist the faculty in groundbreaking research opportunities.

In addition to its education mission, UC Merced is an important strategic investment in California's future. The new campus serves as an engine of economic growth throughout the San Joaquin Valley where unemployment and poverty rates exceed California averages.

The University also is helping first-generation college students receive a college education. Accessing a college education has never been more important in light of the current weak economy and job loss.

The Class of 2009 is a class of true pioneers, creating a student government to shape campus policy, campus clubs to enhance social interaction, and cultivating a culture of social responsibility and civic engagement. These students demonstrated their passion and spirit in a letter-writing campaign to First Lady Michelle Obama. The First Lady acknowledged their zeal by agreeing to deliver the commencement speech this May to the Class of 2009.

Madam Speaker, once again I express my support for the UC Merced resolu-

tion, and I would like to thank my colleague, Mr. CARDOZA, for bringing this resolution forward, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 396, the resolution honoring the first graduating class of the University of California, Merced.

Opening on September 5, 2005, the University of California, Merced became the 10th campus in the University of California system and was founded with a mission to increase college-going rates among students in the San Joaquin Valley. San Joaquin Valley was California's largest and most populous region without a UC campus before the founding of UCM. With a total of just over 2,500 students currently, UCM is expected to grow to about 25,000 students within the next 30 years.

UCM charges just over \$8,000 in tuition and fees; 75 percent of UCM's students receive financial aid; 42 percent of the student population are eligible for Pell Grants. UCM offers 18 undergraduate majors and nine areas of emphasis for graduate students through their three schools, the School of Engineering, the School of Natural Sciences, and the School of Social Sciences, Humanities, and Arts. It also has plans to open a School of Medicine and a School of Management in upcoming years.

I offer my heartfelt congratulations to the 518 students who have persisted over the past 4 years and will walk across the stage to receive their degree, in acknowledgement of all their hard work, next week.

I would also like to take this opportunity to congratulate all of the young individuals who are graduating with their degrees from all of our country's institutions of higher learning. For all these reasons, I encourage my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I am pleased to recognize the gentleman from California (Mr. CARDOZA) for 5 minutes.

Mr. CARDOZA. Madam Speaker, I would like to thank my good friend, the gentleman from Colorado, for yielding me the time.

Madam Speaker, it is with the greatest pleasure and absolute tremendous pride that I rise today to recognize the first full senior class to graduate from the University of California at Merced.

Throughout my career in the legislature in California, and today as a Member of Congress, UC Merced has remained a top priority of mine. In fact, the entire community embraced this project and worked tirelessly for its creation.

Unemployment and poverty rates in the San Joaquin Valley continue to substantially exceed California averages, and high school graduates from the Valley have historically enrolled in the University of California system at about half the rate of graduates from other parts of California. Building the first UC campus in the San Joaquin Valley in Merced increases educational access and opportunity for the Valley's students and enhances job opportunities, new business development, and economic growth throughout Central California and, in fact, our State.

When my dear friend and founding chancellor, Carol Tomlinson-Keasey, was given the daunting task of building UC Merced, she rose to the occasion and she began to plan for a campus that would be infused with her personal strengths of unwavering commitment, innovation, and academic leadership. I believe Carol is watching today, and I wish her my best.

Carol worked collaboratively with government officials, the private sector, nonprofit organizations, and the UC Board of Regents to develop support for the campus and to secure needed funding and authority to develop the campus. Carol often said UC Merced would transform the lives of students in the San Joaquin Valley. Today is a testament to her vision and evidence to this transformation.

UC Merced has built its reputation as the most ethnically diverse institution in the UC system, as well as being the Nation's first major public research university built in the 21st century.

The class of 2009 has played an integral role in UC Merced's success. Whether they were building a student government from scratch or creating numerous clubs or assisting in groundbreaking research, every one of these students has demonstrated a commitment to excellence in academics and a passion to lead the community in the 21st century. At UC Merced, we call them the pioneers.

The best example of the spirit of these students is in their recent campaign to have First Lady Michelle Obama deliver their commencement speech.

□ 1430

Through their own determined efforts and with steadfast perseverance, the student body flooded the First Lady's office with valentines and letters asking her to come to Merced. And their hard work paid off when the First Lady recently announced that she would attend the May 16 graduation to give that commencement speech. These passionate students have helped put Merced on the road to opportunity and promise to inspire the educational dreams of young people throughout the Central Valley for generations to come.

I urge my colleagues to join me in celebrating and honoring the historic

achievement of UC Merced's first full graduating class, the Class of 2009.

I would also like to take a moment to thank the chairman of the Education and Labor Committee, Mr. MILLER, as well as his staff, for their hard work, which has made the dream of college a reality for so many students across the country.

I ask my colleagues to join me in support.

Mr. CASTLE. Madam Speaker, we have no further speakers at this time. I encourage everybody to support the resolution, and I yield back the balance of our time.

Mr. POLIS. Madam Speaker, once again, I call upon my colleagues to support this resolution honoring UC Merced in supporting its students, faculty and the families served, and with that I would like to yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 396, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL PUBLIC WORKS WEEK

Ms. CORRINE BROWN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 313) supporting the goals and ideals of National Public Works Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 313

Whereas public works infrastructure, facilities, and services have far-reaching effects on the United States economy and the Nation's competitiveness in the world marketplace;

Whereas public works infrastructure, facilities, and services play a pivotal role in the health, safety, and quality of life of communities throughout the United States;

Whereas public works infrastructure, facilities, and services could not be provided without the skill and dedication of public works professionals, including engineers and administrators, representing State and local governments throughout the United States;

Whereas public works professionals design, build, operate, maintain, and protect the transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens, communities, and commerce of the United States;

Whereas the Corps of Engineers, in partnership with public port authorities, provides navigational improvements that link United States producers and customers with national and international markets;

Whereas the public waterways, including locks and dams constructed, operated, and maintained by the Corps of Engineers, provide a safe, energy efficient, and cost effective means of transporting goods and services;

Whereas the Corps of Engineers, in partnership with local public entities, provides levees, reservoirs, and other structural and nonstructural flood damage reduction measures that protect millions of families, homes, and businesses;

Whereas a recent analysis of the state of the United States infrastructure garnered an overall grade of "D";

Whereas every \$1 invested in public transportation generates as much as \$6 in economic returns to the Nation's economy;

Whereas the Nation's public transportation systems experienced record ridership levels in 2008 with 10,680,000,000 passenger trips taken;

Whereas infrastructure investment from all levels of government and the private sector is currently \$85,000,000,000 annually;

Whereas the capital asset program of the General Services Administration is authorized annually to provide Federal employees with necessary office space, courts of law, and other special purpose facilities;

Whereas since 1972 the Nation has invested more than \$250,000,000,000 in wastewater infrastructure facilities to establish a system that includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers;

Whereas the Pipelines and Hazardous Materials Safety Administration is charged with the safe and secure movement of almost 1,200,000 daily shipments of hazardous materials by all modes of transportation and oversees the safety and security of 2,300,000 miles of gas and hazardous liquid pipelines, which account for 64 percent of the energy commodities consumed in the United States;

Whereas the National Railroad Passenger Corporation annually provides more than 28,000,000 people with intercity rail service;

Whereas 15 new runways, 2 end-around taxiways, and 1 reconfigured runway have opened at the Nation's busiest airports since 2001;

Whereas 3 of the Nation's busiest airports currently have airfield projects (1 new runway, 1 taxiway, and a reconfiguration) under construction to provide an additional 110,900 annual operations and to decrease average delays by approximately 1.5 minutes per operation;

Whereas in the report of the Department of Transportation entitled "2006 Status of the Nation's Highways, Bridges, and Transit: Conditions & Performance", the Department confirms that investment in the Nation's highway, bridge, and transit infrastructure has not kept up with growing demands on the system;

Whereas the National Surface Transportation Policy and Revenue Study Commission report estimates that the United States needs to invest up to \$340,000,000,000 annually for the next 50 years to upgrade the Nation's existing transportation network to a good state of repair and to build the more advanced facilities the Nation will require to remain competitive;

Whereas the National Surface Transportation Infrastructure Financing Commission report estimates that, without changes to current policy, revenues raised by all levels of government for capital investment will total only 36 percent of the \$200,000,000,000 necessary each year to maintain and im-

prove United States highways and transit systems;

Whereas the National Surface Transportation Infrastructure Financing Commission report also finds that there is a growing investment gap in the Nation's infrastructure that will total nearly \$400,000,000,000 in the years 2010 through 2015 and \$2,300,000,000,000 in the years 2010 through 2035; and

Whereas public works professionals are observing National Public Works Week from May 17 through 23, 2009: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Public Works Week;

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve the public infrastructure of the United States and the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government in activities and ceremonies that are designed to pay tribute to the public works professionals of the Nation and to recognize the substantial contributions that public works professionals make to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Madam Speaker, I ask that all Members may have 5 legislative days to revise and extend their remarks on House Resolution 313.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. I rise in support of this resolution and yield myself as much time as I may consume.

Madam Speaker, each year during the month of May, we celebrate National Public Works Week. The public works professionals that we recognize today provide the country with essential services and keep our roads safe, our drinking water clean, and our Nation moving. House Resolution 313 honors American public works professionals and celebrates their work from May 17 through 23, 2009.

The public works professionals that we recognize today keep our country running in the most basic and fundamental ways possible. These professionals design, construct and rehabilitate our transportation system, water infrastructure, levees, public buildings and other structures and facilities that are an intimate part of everyday life in the United States.

It is appropriate to set aside 1 week each year to recognize the role that public works play in our daily life. Far too often we take for granted clean water or the method of transportation that we use to get to work. In fact, we

do not begin to fully appreciate these everyday conveniences until they fail us. What happened in New Orleans made the importance of public works crystal clear to everyone. Their lack of clean water, safe infrastructure and basic human needs was a stark reminder that we need to be vigilant to ensure that the citizens of our country get the critical services they need in their lives.

I visited New Orleans numerous times following the hurricane, and I want to encourage everyone not to forget New Orleans, because they still have a ton of rebuilding that needs to be done there and in the other gulf States.

As our Nation's infrastructure ages, it is increasingly likely that more and more elements of it will cease to be productive without renewed investment. It is for this reason that we must recognize the need to revitalize our infrastructure and find ways to make it more efficient.

House Resolution 313 honors the tens of thousands of public works professionals that serve the public quietly. These are the professionals that keep our country operating safely.

Madam Speaker, I support this resolution and hope that all my colleagues will support it as well.

I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, investment in the Nation's highway, bridge and transit infrastructure has not kept up with growing demands on the system. The National Surface Transportation Policy and Revenue Study Commissions reported that the United States needs to invest up to \$340 billion annually over the next 50 years to upgrade the Nation's transportation network.

The Committee on Transportation and Infrastructure has jurisdiction over our water transportation system, which consists of 926 coastal and inland harbors maintained by the Corps of Engineers and 25,000 miles of inland and coastal commercial waterways. If we do not keep our harbors and waterways operating efficiently, we threaten our economic prosperity.

To meet these needs, as well the need for flood protection and environmental restoration, passing a water resources development act for 2010 should be high on the committee's agenda. According to separate studies conducted by the Congressional Budget Office, EPA and municipal groups, the current rate of capital investment will not keep our wastewater treatment systems operational. State and local governments are spending approximately \$10 billion a year in capital investments in wastewater infrastructure. Most of this funding comes from the local taxpayers. However, to meet the needs of communities all over the United States, our

Nation should be doubling that spending.

We can't continue to take our wastewater treatment facilities for granted. Not only are they critical to protecting our health and the environment; they are critical to protecting our economy and our way of life. Public infrastructure plays a critical role in enhancing our quality of life, improving our environment and contributes to our economic prosperity.

We take these systems and the professionals, engineers and administrators for granted. So it is important for Congress to recognize the contribution they make to ensuring America remains the world's premier economic power.

I appreciate Mr. OBERSTAR in bringing this resolution forward. I urge all Members to support H. Res. 313.

I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. I yield as much time as she may consume to Ms. EDDIE BERNICE JOHNSON of Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Thanks to Ms. BROWN and Mr. BOOZMAN for handling this legislation today. Today we considered House Resolution 313, recognizing National Public Works Week from May 17 through May 23, 2009.

The National Public Works Week is celebrated in May each year. This resolution pays tribute to the professionals that design, build and maintain critical elements of our Nation's infrastructure. This body has always understood the value of these professionals and what they bring to our society. Professionals in the public works sector provide us with safe and efficient roads, access to clean drinking water and other essential services that keep our country running.

It has become increasingly important that Congress designate 1 week each year to recognize those who work in the public works sector. Many people take for granted the public transportation system they use to commute each day or the safe running water in their homes. Far too often we do not realize the importance of these systems until something goes wrong.

At the beginning of this Congress, the House passed a key water infrastructure bill, H.R. 1262, the Water Quality Investment Act of 2009. And this piece of legislation increases authorization levels of the Clean Water State Revolving Fund, grants provided by the Environmental Protection Agency to address combined and sanitary sewer overflows, as well as grants for alternative water source projects. These grants will go one step further to ensure that every American has access to clean water.

Madam Speaker, on February 17, 2009, President Obama signed into law the American Reinvestment and Recovery Act. The legislation provides for

over \$64 billion in investment in our Nation's highway system, rail system and environmental infrastructure, not enough but steps in the right direction. It is investment in these areas as well as other critical infrastructure areas that will put America back to work and see us out of these troubling economic times.

I'm grateful for the administrators, engineers and servicemen who continue to utilize their skills and dedication to provide these essential services to us.

I support this resolution and urge my colleagues to join me and give our public works professionals the recognition that they deserve.

Mr. BOOZMAN. Madam Speaker, I continue to reserve my time.

Ms. CORRINE BROWN of Florida. I yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I rise today in support of H. Res. 313, supporting the goals and ideals of National Public Works Week.

H. Res. 313 recognizes the week of May 17 through 23, 2009, as National Public Works Week and pays tribute to our public works professionals. This week has been designated by a variety of groups to celebrate those public works professionals who keep our nation running in the most basic and fundamental ways.

These professionals protect our public health, our economy, and our communities. They design, build, and maintain vital transportation systems, levees, sewage systems, and public buildings that enhance everyday life in our nation.

Today, we are all eminently aware of the financial issues that Americans are facing. What we are less aware of, however, is the current state of our nation's failing infrastructure. Critical elements of our highway system, drinking water infrastructure, and wastewater treatment facilities, are failing us in dangerous ways.

To reinvigorate our economy, Congress passed the American Reinvestment and Recovery Act of 2009. This landmark piece of legislation invests in key infrastructure areas, is currently putting Americans back to work in the public works sector, and is improving the state of our nation's infrastructure.

The Recovery Act provides \$64.1 billion of investment in critical transportation and infrastructure programs. These investments include:

\$27.5 billion for highways and bridges;

\$8.4 billion for public transit capital investment;

\$4 billion for state water pollution control revolving funds;

\$4.6 billion for water-related infrastructure of the Corps of Engineers; and

\$5.575 billion for federal buildings.

I am confident that investment in these areas will put more of our nation's public works professionals back to work and improve our economy. Just last week, the Committee on Transportation and Infrastructure held a hearing on the implementation of the Recovery Act and found that as of March 31st, more than 1,250 people have been put back to work in 263 highway projects in 30 states.

As a result of our efforts, more than 1,200 families can rest more easily with the promise of a paycheck, and can continue to make the day-to-day expenditures that will help turn this economy around.

This is the promise that Congress made to the American people—to invest wisely in our infrastructure systems and help the nation's economy recover.

We cannot underestimate the importance of infrastructure investment. Quite frankly, the public works professionals that we are honoring today protect our citizens, our economy, and our communities.

Madam Speaker, I strongly support this resolution and urge my colleagues to do the same.

Mr. BOOZMAN. After thanking the chairlady for being here and Mr. OBERSTAR for bringing this bill forward, I urge support and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 313.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING MOTORCYCLE SAFETY AWARENESS MONTH

Ms. CORRINE BROWN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 269) supporting the goals of Motorcycle Safety Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 269

Whereas approximately 7,000,000 motorcyclists ride on our Nation's roads and highways to commute, travel, and recreate;

Whereas motorcycles are a valuable component of the transportation mix;

Whereas motorcycles are fuel-efficient and decrease congestion while having little impact on our Nation's transportation infrastructure;

Whereas the United States is the world leader in motorcycle safety, promoting education, licensing, use of protective gear, and motorcycle awareness;

Whereas the motorcycling community is committed to decreasing motorcycle crashes through licensing, training, education, enforcement, personal responsibility, and increased public awareness;

Whereas, according to a comprehensive study conducted on motorcycle crash causation in the United States the "Motorcycle Accident Cause Factors and Identification of Countermeasures" (Hurt Report), in approximately two-thirds of fatal car-motorcycle crashes, the driver of the car was at fault;

Whereas motorcycle awareness is beneficial to all road users and will help to decrease car-motorcycle crashes;

Whereas May is designated as "Motorcycle Safety Awareness Month"; and

Whereas the National Highway Traffic Safety Administration promotes Motorcycle Safety Awareness Month to encourage riders to always wear helmets and other protective gear, never drink and ride, be properly licensed, and get training and to remind all riders and motorists to always share the road: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contribution motorcycles make to the transportation mix;

(2) encourages all road users to be more aware of motorcycles and motorcyclists' safety;

(3) encourages all riders to receive appropriate training and practice safe riding skills; and

(4) supports the goals of Motorcycle Safety Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Madam Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks on House Resolution 269.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. I rise in support of this resolution and yield myself as much time as I may consume.

Madam Speaker, I rise today in support of House Resolution 269, which seeks to support the goals of Motorcycle Safety Awareness Month. I want to thank the gentlewoman from Arizona (Ms. GIFFORDS) for introducing this resolution and bringing much-needed attention to motorcycle safety in our Nation's roadways.

With May once again bringing warm weather, highways nationwide will witness the seasonal rise of motorcycle riders. The popularity of motorcycles climbs every year, with motorcycle registrations increasing by over 60 percent from 1998 to 2005.

In anticipation of this rise in ridership, it is important to educate the public about motorcycle safety. Public awareness of motorcycle safety benefits everyone sharing the roads, not just the motorcyclists, by reducing the number of car-motorcycle crashes.

In 2007, motorcycle fatalities increased for the 10th straight year in a row. According to the National Highway Traffic and Safety Administration, there were 5,154 motorcycle fatalities and 130,000 injuries in 2007. This tragic statistic is much higher than the 2,116 fatalities and 53 million injuries recorded in 1997.

One of the most effective ways to reduce motorcycle crash fatalities is to encourage riders to always wear a helmet. NHTSA estimates that helmet

usage saved the lives of 1,784 motorcyclists in 2007 and could have saved another 800 lives if the motorcyclists killed in non-helmeted crashes had been wearing their helmet.

Throughout the month of May, safety groups across the Nation will host educational events and media campaigns highlighting these safety tools and promoting safe driving practices. Through these efforts, we can work to reduce the number of preventable tragedies that far too often devastate our communities.

While I was a State legislator, I fought hard to keep helmet laws in place. But, sadly, my home State of Florida now allows people to ride without helmets. With greater freedom comes greater responsibility. Motorcycle accidents without helmets increase the insurance rates, burden the health care system and cause great pain for families.

I thank the gentlewoman from Arizona for introducing this resolution and urge my colleagues to join me in supporting its passage.

I reserve the balance of my time.

□ 1445

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to voice my strong support for H. Res. 269, and I want to commend the primary sponsor of this resolution, Dr. BURGESS, from whom we will hear in just a few minutes.

The resolution expresses support for the goals of Motorcycle Safety Awareness Month. As the weather gets warmer across the country, our Nation's highways will experience a very large increase in motorcycle traffic. Because of the increased ridership and potential for accidents, each year May is designated Motorcycle Safety Awareness Month.

During the month, State agencies and motorcycle organizations across the country conduct a variety of activities to remind all riders and motorists to share the road. These activities also encourage riders to be properly licensed, receive proper training, never drink and drive, and wear protective head wear.

As the popularity of this mode of transportation increases, Motorcycle Safety Awareness Month will continue to help drivers of cars, trucks and motorcycles consider the safety of all users of the road.

In approximately two-thirds of fatal car versus motorcycle crashes, the driver of the car is at fault. The activities associated with this resolution will help make all users of our Nation's highways safer.

Additionally, this resolution recognizes the transportation benefits associated with motorcycling. Motorcycles

are a fuel-efficient and congestion-decreasing mode of transportation, in addition to having little impact on our Nation's transportation infrastructure.

From a personal standpoint, Madam Speaker, I will tell you that a couple of years ago the youngest of our four children, my son who is now 23, he bought a used 1979 Honda motorcycle for, I think, \$625. Ever since that time, I have read almost every day in the Knoxville News Sentinel something I never noticed before, and that is that almost every day there seems to be a serious motorcycle wreck and often a motorcycle fatality reported on in our local daily newspaper. I have expressed my concern to my son about trying to be as safe as possible, and I believe thus far he is.

I have also noticed that the largest number of motorcycle riders now are people in their forties, fifties, and sixties. Knoxville has hosted several times something called the Honda Hoot where we have over 20,000 motorcyclists come in, most people middle aged and older. So motorcycle ridership is growing by leaps and bounds, and in many ways that is a good thing. But this resolution calls the attention of everyone, motorcycle riders and others, to the need to try to be as safe as possible when using this form of vehicle travel.

I support this resolution and hope it brings attention to motorcycle safety across our Nation's highways as well as the additional benefits of motorcycling. I urge all of my colleagues to support this resolution.

I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, it is my honor at this time to recognize the primary sponsor of this resolution, the gentleman from Texas, Dr. BURGESS, who has become such a leader in so many areas in this Congress, and this resolution is just another prime example. I recognize him for such time as he may consume.

Mr. BURGESS. I thank the gentleman for yielding.

Madam Speaker, I should start by offering special thanks to the Motorcycle Industry Council and the American Motorcyclist Association who have really helped shepherd this bill through the various congressional committees and through Congress.

Madam Speaker, \$300, that is what I paid for my first motorcycle. Throw in another \$20 for the helmet, the freedom, the fresh air, the open road in Texas, the exhilaration was priceless. There are a lot of bikers out there who know exactly what I feel about riding along on the open road, especially in a beautiful State like Texas.

Gas prices last year were on the rise. The gentleman from Tennessee mentioned better weather heading our way.

More people across America are going to start using their motorcycles, using them to go to work, travel, or just go for a ride and enjoy the freedom that is uniquely American.

Yet as ridership increases, so does the risk for everyone on the road. Last year in the Lone Star State alone, preliminary numbers revealed that more than 9,100 motorcycle crashes accounted for more than 400 deaths.

As a doctor, I have been in plenty of emergency rooms and trauma centers. Take it from someone with nearly 25 years of experience in medicine, you don't want to be involved in a crash of any kind, but most particularly in a motorcycle accident. As the old saying goes, an ounce of prevention is worth a pound of cure. For bikers, prevention is riding the right way, and that is responsibly. That means getting trained. That means you don't do motocross on suburban streets. That means you wear protective gear. That means you are aware of the cars and trucks around you.

For other drivers, drivers in the larger vehicles, prevention means keeping your eyes open and staying alert. Something as simple as conversing on the cell phone or comforting a crying child is a dangerous distraction that can lead to a crash as well.

Abundant caution for all drivers is essential and encouraged. But accidents do happen, and when they do, people need to receive proper medical care to treat their injuries.

That is why for the past several years I have introduced legislation to close a loophole on the HIPAA health care law that allows insurers to deny payment for injuries sustained while engaged in certain recreational activities, including riding a motorcycle.

The original point of this law was to make health plans more accountable to the people they cover, but these very same provisions are hurting the people they intend to help. Congress is charged with making laws to protect people. When these laws have the opposite effect, we also have the responsibility to fix them and fix them immediately. This loophole has been a problem for almost 12 years. The time has come to fix it.

I am grateful to say H.R. 1086 passed out of our committee earlier this year. It allows for increased transparency so that people are at least entitled to know the information of what their policy does or doesn't cover, and it must be spelled out up front in a language that everyone can understand.

The time has certainly come for riders and those who desire to ride in the future to listen to the wise advice of people, like our former Transportation Secretary, Secretary Mary Peters, who happened to ride a Harley herself, who was steadfast in her support for this legislation in many Congresses past, and I am sure would join with me today in supporting this legislation.

As I stand here in support of Motorcycle Safety Awareness Month, I am extremely cognizant of the current problems that the motorcycle industry has been having with the Consumer Product Safety Commission, specifically the bill H.R. 4040 that became the Consumer Product Safety Improvement Act that we passed in the last Congress.

Motorcycle dealers are small businesses, and we have put a burden on them that is, in fact, putting their business in danger of survival. And at a time when our economy is losing jobs, we can scarcely afford to continue that.

It is reported today that the President intends to provide the Consumer Product Safety Commission with a 71 percent increase in resources than what they had before to enforce the sweeping laws that were passed in the last Congress. No law has been more sweeping than the Consumer Product Safety Improvement Act. Unfortunately, it has swept up businesses Congress did not intend to be swept away.

So yesterday, the Consumer Product Safety Commission issued a Federal Register notice providing a stay of enforcement for the motorcycle industry, but a stay is not enough. These businesses need the assurance that they will not be again required to close down. So I introduced a bill earlier this year, H.R. 1587, to permanently exclude the ATV, motorcycle and snowmobile industries from the application of the Consumer Product Safety Improvement Act because what child under the age of 12 is going to get lead poisoning from consuming the battery in their ATV? In fact, there is the potential for more harm to a child by having them ride an adult-sized ATV or motorcycle than there is the risk of the child consuming the battery that is contained within their motorcycle.

The Consumer Product Safety Commission cannot do the job that it needs to do without an administrator. It requires the leadership of the administrator of the Consumer Product Safety Commission to winnow out the intent of Congress and to put this law on the track on which it was intended.

So while I enthusiastically support President Obama for trying to give the Consumer Product Safety Commission more resources, what the Consumer Product Safety Commission really needs is leadership. I ask the President to nominate an administrator for the Consumer Product Safety Commission so they can provide the leadership to truly impute congressional intent.

If there ever was a bipartisan issue on which both Democrats and Republicans can agree to, it is the fact that the CPSC needs a new administrator, and some common sense needs to be applied to the act that we passed in the last Congress called the Consumer Product Safety Improvement Act.

Ms. CORRINE BROWN of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Speaker, I thank the gentlelady from Florida for yielding me this time.

I would like to speak on behalf of the Rhode Island Motorcycle Association. They are a group of individuals who have taught me a great deal about the safety issues that they face on a daily basis as they ride their motorcycles. They talk to me frequently about the mandates that they face in regards to the helmet laws that face them and others around the country.

Many of them say that of course helmets are a great safety factor if you are going up to 30 miles per hour; but most of them are driving well over 30 miles per hour, and after 30 miles per hour, a helmet won't do you much good.

When you look at the numbers here, about two-thirds of the fatal car-motorcycle crashes, it is the driver who is at fault. Many of them contend that those who are wearing the helmets often do not have the peripheral vision to know when the car is coming at them. When they are going through traffic and they have this big, bulky helmet on them, they cannot hear nor see where those cars are because of the blockage of their peripheral vision because of the helmet.

Many of them like wearing the helmets, but they want the choice. That is all they ask for. In that case they said let them decide when they ride as to whether to wear a helmet or not. They simply want that choice.

I think, as a matter of safety, it is important for us to make sure that the other motorists on the road know to be aware of motorcyclists, and I enjoy seeing bumper stickers, "Beware of Motorcyclists on Road." I certainly am aware, whenever there is a motorcyclist pulling up, always to be aware to give them plenty of space, and I think most people would agree with me. But that is something in this bill that it calls for other motorcyclists to share the road and other motorists to share the road, that the National Highway Traffic Safety Administration should promote that much more as well. Seeing there are more motorcyclists on the road, it is important that we get this message across. And on behalf of the Rhode Island Motorcyclist Association, I am happy to send their message to Congress.

Ms. CORRINE BROWN of Florida. Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I have no other speakers and so I would just like to urge passage of this very fine resolution, and I yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I rise today in support of H. Res. 269, supporting

the goals of Motorcycle Safety Awareness Month and bringing much needed attention to motorcycle safety on our nation's roadways. I want to thank the gentlewoman from Arizona (Ms. GIFFORDS) for bringing this important issue to the forefront.

With the arrival of spring's warmer weather, our nation's highways will once again experience a large increase in the number of motorcycle riders across the country. Motorcycles represent a valuable component of the transportation network in our nation. In 2006, there were more than 6.7 million registered motorcycles in the United States. Motorcycles continue to grow in popularity each year with motorcycle registrations increasing by over 60 percent from 1998 to 2005.

Motorcycles are a fuel-efficient and congestion-decreasing mode of transportation. This increasingly popular mode of transportation also requires greater attention to the safety concerns associated with riding. However, because of motorcycles' smaller size, motorcyclists are often hidden in a vehicle's blind spot. Public awareness of motorcycle safety benefits everyone that uses our nation's roadways, not just motorcyclists, because it can lead to a decrease in car-motorcycle crashes.

In 2007, motorcycle rider fatalities increased for the tenth straight year. According to the National Highway Traffic Safety Administration (NHTSA), between 1997 and 2007 there were 38,566 motorcyclist fatalities and 756,000 motorcyclist injuries on U.S. roadways. In 2007 alone, there were 5,154 motorcycle fatalities and 103,000 injuries, up from 2,116 fatalities and 53,000 injuries in 1997. These statistics on motorcycle fatalities and injuries each year further illustrate the importance of public awareness and the need for greater education of all roadway users.

Per vehicle mile traveled, motorcyclists are approximately 35 times more likely than passenger car occupants to die in a motor vehicle traffic crash and 8 times more likely to be injured. Further, an estimated 142,000 motorcyclists have been killed since the enactment of the Highway Safety and National Traffic and Motor Vehicle Safety Act of 1966. A NHTSA-funded study, the "Motorcycle Accident Cause Factors and Identification of Countermeasures Study", found that in approximately two-thirds of fatal car-motorcycle crashes, the driver of the car was at fault.

Throughout Motorcycle Safety Awareness Month, riders are encouraged to become educated on the importance of following the rules of the roadway, being alert to other drivers, and always wearing protective gear such as a helmet. NHTSA estimates that helmets saved 1,784 motorcyclists' lives in 2007, and that 800 more lives could have been saved if the motorcyclists involved in fatal non-helmeted crashes had worn helmets.

These striking statistics paint a very clear portrait of the need to decrease motorcycle crashes through licensing, rider training, education, enforcement, personal responsibility, and increased public awareness.

I urge my colleagues to join me in agreeing to this resolution.

Ms. GIFFORDS. Madam Speaker, I am proud today to highlight May as "Motorcycle Safety Awareness Month, and to rise in support of House Resolution 269, which I intro-

duced with my colleague from Texas, Congressman MICHAEL BURGESS.

Our resolution recognizes the importance of motorcycles, and encourages riders to always wear helmets and other protective gear, to never drink and ride and to be properly licensed and trained.

H. Res. 269 also serves as a reminder to all riders and motorists to always share the road respectfully.

I have been riding and racing motorcycles for over 20 years—so the issue of motorcycle safety is of great importance to me.

Sadly, it is true that motorcycles have a higher rate of fatal accidents than automobiles.

According to the U.S. Department of Transportation, motorcyclist fatalities increased by 57 percent between 2002 and 2007.

Motorcyclists are about 35 times more likely than passenger car occupants to die in a motor vehicle traffic crash and 8 times more likely to be injured.

As motorcyclists across the country gear up for the upcoming riding season, these startling statistics highlight the need for safety education.

They also reflect the growing popularity of motorcycles. Over the past decade, U.S. motorcycle sales have more than tripled.

In my home state of Arizona we have more than 150,000 registered motorcycles.

With over 300 days of sunshine in our state every year, you can imagine why so many Arizonans choose to ride their bikes!

There are many other reasons why motorcycles are so popular, but one explanation is simple economics: motorcycles offer a more fuel efficient—and cheaper way—of getting around.

According to the U.S. Department of Transportation, motorcycles consume 56% less fuel per mile traveled.

On average, motorcycles can get between 40 and 75 miles per gallon of gas.

I am proud that, as a motorcyclist, I can leave a smaller footprint on our earth by riding my bike.

I also want to take this opportunity to thank the Motorcycle Industry Council, the American Motorcyclist Association, and the Motorcycle Riders Foundation for all that they do to support motorcyclists.

I am pleased that the House will be considering H. Res. 269 today, and I urge its swift passage.

Thank you and Happy Motorcycle Safety Awareness Month!

Ms. CORRINE BROWN of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 269.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL TRAIN DAY

Ms. CORRINE BROWN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 367) supporting the goals and ideals of National Train Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 367

Whereas in May 1869, the "golden spike" was driven into the final tie at Promontory Summit, Utah, to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

Whereas in highly populated regions Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option, reducing congestion on roads and in the skies;

Whereas for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas passenger trains provide a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security;

Whereas intercity passenger rail was 18 percent more energy efficient than airplanes and 25 percent more energy efficient than automobiles on a per-passenger-mile basis in 2006;

Whereas Amtrak annually provides intercity passenger rail travel to over 25,000,000 Americans residing in 46 States;

Whereas an increasing number of people are using trains for travel purposes beyond commuting to and from work;

Whereas community railroad stations are a source of civic pride, a gateway to over 500 of our Nation's communities, and a tool for economic growth; and

Whereas Amtrak has designated May 9, 2009, as National Train Day to celebrate the way trains connect people and places: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contribution trains make to the national transportation system;

(2) urges the people of the United States to recognize such a day as an opportunity to learn more about trains; and

(3) supports the goals and ideals of National Train Day as designated by Amtrak.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 367.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise in support of

this resolution, and I yield myself such time as I may consume.

National Train Day celebrates the 140th anniversary of the golden spike, which was driven into the final tie in Utah, and marked the completion of our Nation's first transcontinental railroad in 1869.

□ 1500

Last year, I celebrated National Train Day by holding events throughout my district, including press conferences and events in Jacksonville, Winter Park, and the Sanford Auto Train station. We had a great turnout at all of the events, and I heard firsthand from people who use Amtrak every day to go to work and visit friends and families all over the country.

This year, I will be holding an event on Friday at my hometown station in Jacksonville, and I am planning a trip to New York in the very near future and hope other Members will join me. But we should celebrate Train Day every day, and I encourage Members to do events at their train stations throughout the year.

As Chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, I have had the privilege to see firsthand passenger rail systems in other countries. I took the high-speed train from Brussels to Paris—200 miles in 1 hour and 15 minutes; from Barcelona to Madrid—350 miles in 2.5 hours. The advantage for travelers and the business community and others is tremendous.

We need to catch up with the world; and with gas prices continuing to increase steadily, now is the perfect time for us to make serious our investment in passenger rail.

Amtrak ridership and revenue have never been stronger. In 2008, Amtrak set a record for ridership, exceeding 28.7 million passengers. In the same year, ticket revenues increased by 14.2 percent, for more than \$1.7 billion. For my State of Florida, Amtrak expenditures for goods and services were over \$40 million last year, and we currently have over 700 Floridians as employees.

More than just a convenient way to travel, Amtrak is the most energy efficient. Rail travel is more efficient than cars or airplanes. According to U.S. Department of Energy data, Amtrak is 17 percent more efficient than domestic airline travel and 21 percent more efficient than auto travel.

Passenger rail also reduces global warming. The average passenger train produces 60 percent lower carbon emissions than cars, and 50 percent less than airplanes.

I travel all over the country and have conducted many transportation roundtable events that feature rail and its importance. Let me tell you that people love Amtrak and they love the train. It is a great way to commute to

work, take cars off congested highways, and improve the environment. In many areas of the country, it is the only mode of public transportation. Let me repeat that: in many areas of the country, Amtrak is the only mode of public transportation available.

We still have a lot of work ahead of us with Amtrak, but we took a major step forward last year when we passed legislation reauthorizing Amtrak at a level that would allow it to grow and prosper, and earlier this year when we provided \$1.7 billion in stimulus funding for Amtrak, and \$8 billion for development of a high-speed rail corridor.

Major infrastructure improvements are still necessary to improve the safety and security of the system and its passengers and workers. Amtrak has and will continue to play a critical role in evacuating and transporting citizens during national emergencies. Unfortunately, it also is a prime target for those who wish to harm us, and we must provide resources to make the system less vulnerable.

Fifty years ago, President Eisenhower created the National Highway System that changed the way we travel in this country. Today, we need to do the same with our rail system; and with the Amtrak reauthorization and real funding for high-speed rail, we are doing that.

The United States used to have a first-class passenger rail system. However, after years of neglect, we are now the caboose—and they don't use cabooses anymore. The American people deserve better, and I believe our government's new commitment to Amtrak will go a long way to restore passenger rail service.

I encourage my colleagues to show their support for our Nation's rail system and its employees by holding events at their local commuter train stations anytime during the year.

I reserve the balance of my time.

Mr. SHUSTER. I yield myself such time as I may consume.

The ceremonial golden spike hammered at Promontory Summit, Utah, May 10, 1869, marked the completion of the transcontinental railroad, one of the Nation's greatest engineering masterpieces. It also marked the birth of what would become the greatest rail network in the world and 140 years later, we are still reaping the benefits of our ancestors' vision.

The United States now has over 140,000 miles of railroads, making up the transportation backbone of this Nation. Our railroads are environmentally friendly, producing significantly less pollution than other modes of transportation. A train can haul one ton of freight 436 miles on one gallon of diesel fuel, and it is three times cleaner than other modes. Trains also help to alleviate the congestion on our crowded highways. One train can actually take 280 trucks off the road.

The deregulation law of 1980, the Staggers Act, has been an unparalleled success. We must take great care to protect the regulatory environment that has allowed the railroads to thrive and resist any effort that would undo all of the progress that this industry has made in efficiency and safety.

On the passenger rail side, last year President Bush signed into law an Amtrak reauthorization that will take this country into the next generation of passenger rail service. The law makes important reforms to Amtrak and also creates a role for the private sector in the passenger rail industry.

The Amtrak reauthorization, the first in a decade, created a framework for a public-private partnership for the construction of true high-speed rail corridors all over this Nation. High-speed rail promises safe, fast, and convenient service—all the while helping to alleviate aviation and highway congestion we face in this country.

The continued success of the railroad industry is vital to this country's economy. I would therefore urge passage of H. Res. 367, which would create National Train Day on May 9.

Mr. OBERSTAR. Madam Speaker, I rise today to highlight the importance of intercity passenger rail in the United States and express my support for Amtrak in conjunction with its 2nd Annual National Train Day on May 9, 2009.

National Train Day was established to celebrate train travel in America on the anniversary of completing the first transcontinental railroad 140 years ago. To mark the day, Amtrak is hosting free events across the country to teach adults and children about Amtrak and the benefits of intercity passenger rail.

Passenger rail's benefits indeed are myriad. The Department of Transportation has described the problem of congestion on our highways and in the air as "chronic". Amtrak removes almost 8 million cars from the road annually. Airports are also experiencing significant delays, with more than 550,000 flights departing or arriving late in 2008. Amtrak eases air congestion by eliminating the need for 50,000 fully loaded airplanes each year.

Amtrak is substantially more environmentally friendly than automobiles or airplanes. In fact, according to the World Resources Institute, rail transportation produces 57 percent less carbon emissions than airplanes, and 40 percent less carbon emissions than cars. Additionally, Amtrak has taken decisive action to reduce its carbon footprint as well, committing to reduce emissions from its diesel locomotives by 6 percent from 2003 through 2010, the largest voluntary emissions commitment in the United States.

Amtrak serves more than 500 destinations in 46 States over 21,000 miles of routes, and employs more than 18,000 people. Amtrak has come a long way since its inception in 1971 and now its beginning its 39th year of operation. The service has faced many challenges over the years, but continues to grow stronger with each passing year. Despite past uneven Federal investment, Amtrak has persevered, achieving many successes in im-

proved operating efficiency, increased ridership, and higher revenue.

In fact, in FY 2008, Amtrak set new ridership and revenue records for the sixth year in a row, exceeding 28.7 million passengers and \$2.45 billion in revenue. These increases are being enjoyed across Amtrak's entire network. In FY 2008, Amtrak held a 62 percent share of the air/rail market between New York and Washington, and a 47 percent share of the air/rail market between New York and Boston, up 6 percent in each market from FY 2007. This increase shows that, where Amtrak is provided the resources to succeed, it provides a trip-time competitive alternative to air and car.

At a time when jobs are being lost, the transportation network is getting more congested, and global climate change is taking its toll, supporting passenger rail has never been so critical. Recognizing the need for passenger rail investment, Congress passed the Passenger Rail Investment and Improvement Act last fall, reigniting America's commitment to both intercity and high-speed passenger rail. Among the steps taken to broaden our use of passenger rail, this legislation provided capital grants for Amtrak to bring the Northeast Corridor and other rail network infrastructure to a state-of-good-repair, encouraged intercity passenger rail investment through an 80–20 matching grant program, and created a grant program to finance the construction and equipment for 11 authorized high-speed rail corridors.

The American Recovery and Reinvestment Act gave high-speed and intercity passenger rail another immediate boost, providing \$8 billion in capital grants to States for development of high-speed rail and another \$1.3 billion for Amtrak. This funding is setting us on a course to link regions of the country with a safe, fast, and environmentally friendly mode of transportation. It truly is an exciting and historic time for our transportation network.

Madam Speaker, I lend my strong support to Amtrak and the commemoration of National Train Day on May 9, 2009, and encourage all of my colleagues to use this excellent opportunity to reflect on the benefits that Amtrak and intercity passenger rail provide to our Nation.

Mr. CASTLE. Madam Speaker, I rise in strong support of H. Res. 367. This resolution marks the 140th anniversary of the completion of the transcontinental railroad and the beginning of America's strong dependence on rail transportation.

Since the golden spike was driven into the final tie at Promontory Summit in 1869, our nation has relied on passenger and freight rail to build our communities and enhance our way of life.

And like then, our economic growth depends on the ability to move goods and people quickly and reliably.

For anyone who has driven on the I-95 corridor recently, it is strikingly clear that highway congestion has become a critical problem—threatening business productivity, increasing safety risks, and hindering efforts to improve air quality. In fact, studies have shown that travelers in the Northeast waste approximately 700,000 hours and 500,000 gallons of fuel sitting in traffic delays every year.

Fixing our transportation system will take a sustained, long-term investment. Last month,

President Obama announced a new Strategic Plan to build a national high-speed rail network. Now, it is incumbent upon us to ensure this plan is effective in addressing the critical mobility challenges in heavily congested areas of the country, like the Northeast Corridor between Boston and Washington, DC.

In 2008, Amtrak set a new record with 28.7 million passengers—including millions of travelers and commuters in the Northeast. I commend Amtrak for its efforts to increase ridership and improve its on-time performance over the last several years.

As cochair of the House Passenger Rail Caucus, and more importantly one of the thousands of commuters who rely on Amtrak almost daily, I can attest to the accomplishments of our nation's railroads and I look forward to joining my colleagues in exploring their untapped potential.

I thank Chairwoman BROWN for her strong leadership on this important issue and I congratulate America's railroads in celebrating National Train Day.

Mr. SHUSTER. I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 367.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CORRINE BROWN of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 299, by the yeas and nays;

House Resolution 338, by the yeas and nays;

House Resolution 353, de novo.

Proceedings on House Resolutions 348 and 367 will resume on another day.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to

the resolution, H. Res. 299, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 299.

The vote was taken by electronic device, and there were—yeas 419, answered “present” 4, not voting 10, as follows:

[Roll No. 231]

YEAS—419

Abercrombie	Clyburn	Gutierrez
Ackerman	Coble	Hall (NY)
Aderholt	Coffman (CO)	Hall (TX)
Adler (NJ)	Cohen	Halvorson
Akin	Hare	Harman
Alexander	Connolly (VA)	Harper
Altmire	Cooper	Hastings (FL)
Andrews	Costa	Hastings (WA)
Arcuri	Costello	Heinrich
Austria	Courtney	Heller
Baca	Crenshaw	Hensarling
Bachmann	Crowley	Herger
Bachus	Cuellar	Herseth Sandlin
Baird	Culberson	Higgins
Baldwin	Cummings	Hill
Barrett (SC)	Dahlkemper	Himes
Barrow	Davis (AL)	Hinchee
Bartlett	Davis (CA)	Hinojosa
Barton (TX)	Davis (IL)	Hirono
Bean	Davis (KY)	Hodes
Becerra	Davis (TN)	Hoekstra
Berkley	DeFazio	Holden
Berman	DeGette	Holt
Berry	Delahunt	Honda
Biggert	DeLauro	Hoyer
Bilbray	Dent	Hunter
Bilirakis	Diaz-Balart, L.	Inglis
Bishop (GA)	Diaz-Balart, M.	Inslee
Bishop (NY)	Dicks	Israel
Bishop (UT)	Doggett	Issa
Blumenauer	Donnelly (IN)	Jackson (IL)
Blunt	Doyle	Jackson-Lee
Boccieri	Dreier	(TX)
Boehner	Drieaus	Jenkins
Bonner	Duncan	Johnson (GA)
Bono Mack	Edwards (MD)	Johnson (IL)
Boozman	Edwards (TX)	Johnson, E. B.
Boren	Ehlers	Johnson, Sam
Boswell	Ellison	Jones
Boustany	Ellsworth	Jordan (OH)
Boyd	Emerson	Kagen
Brady (PA)	Engel	Kanjorski
Brady (TX)	Eshoo	Kaptur
Braley (IA)	Etheridge	Kennedy
Bright	Fallin	Kildee
Broun (GA)	Farr	Kilpatrick (MI)
Brown (SC)	Fattah	Kilroy
Brown, Corrine	Filner	Kind
Brown-Waite,	Flake	King (IA)
Ginny	Fleming	King (NY)
Buchanan	Forbes	Kingston
Burgess	Foster	Kirk
Burton (IN)	Fox	Kirkpatrick (AZ)
Butterfield	Frank (MA)	Kissell
Buyer	Franks (AZ)	Klein (FL)
Calvert	Frelinghuysen	Kline (MN)
Camp	Fudge	Kosmas
Cantor	Gallegly	Kratovil
Cao	Garrett (NJ)	Kucinich
Capps	Gerlach	Lamborn
Cardoza	Giffords	Lance
Carnahan	Gingrey (GA)	Langevin
Carney	Gohmert	Larsen (WA)
Carson (IN)	Gonzalez	Larsen (CT)
Carter	Goodlatte	Latham
Cassidy	Gordon (TN)	LaTourette
Castle	Granger	Latta
Castor (FL)	Graves	Lee (CA)
Chaffetz	Grayson	Lee (NY)
Chandler	Green, Al	Levin
Childers	Green, Gene	Lewis (CA)
Clarke	Griffith	Lewis (GA)
Clay	Grijalva	Linder
Cleaver	Guthrie	

Lipinski	Olson	Shadegg
LoBiondo	Oliver	Shea-Porter
Loeb	Ortiz	Sherman
Lofgren, Zoe	Pallone	Shimkus
Lowey	Pastor (AZ)	Shuler
Lucas	Paul	Shuster
Luetkemeyer	Paulsen	Simpson
Lujan	Payne	Sires
Lummis	Pence	Skelton
Lungren, Daniel E.	Perlmutter	Slaughter
Lynch	Perriello	Smith (NE)
Mack	Peters	Smith (NJ)
Maffei	Peterson	Smith (TX)
Maloney	Petri	Smith (WA)
Manzullo	Pingree (ME)	Snyder
Marchant	Pitts	Souder
Markey (CO)	Platts	Space
Markey (MA)	Poe (TX)	Speier
Marshall	Polis (CO)	Spratt
Massa	Pomeroy	Stearns
Matheson	Posey	Stupak
Matsui	Price (GA)	Sullivan
McCarthy (CA)	Price (NC)	Sutton
McCarthy (NY)	Putnam	Tanner
McCaul	Quigley	Tauscher
McClintock	Radanovich	Taylor
McCollum	Rahall	Teague
McCotter	Rangel	Terry
McDermott	Rehberg	Thompson (CA)
McGovern	Reichert	Thompson (MS)
McHenry	Reyes	Thompson (PA)
McHugh	Richardson	Thornberry
McIntyre	Rodriguez	Tiahrt
McKeon	Roe (TN)	Tiberi
McMahon	Rogers (AL)	Tierney
McMorris	Rogers (KY)	Titus
Rodgers	Rogers (MI)	Tonko
McNerney	Rohrabacher	Towns
Meek (FL)	Rooney	Tsongas
Meeks (NY)	Ros-Lehtinen	Turner
Melancon	Roskam	Upton
Mica	Ross	Van Hollen
Michaud	Rothman (NJ)	Velázquez
Miller (FL)	Roybal-Allard	Visclosky
Miller (MI)	Royce	Walden
Miller (NC)	Ruppersberger	Walz
Miller, Gary	Rush	Wamp
Miller, George	Ryan (OH)	Wasserman
Minnick	Ryan (WI)	Schultz
Mitchell	Salazar	Waters
Mollohan	Sánchez, Linda T.	Watson
Moore (KS)	Sanchez, Loretta	Watt
Moore (WI)	Sarbanes	Waxman
Moran (KS)	Scalise	Weiner
Moran (VA)	Schakowsky	Welch
Murphy (CT)	Schauer	Westmoreland
Murphy (NY)	Schiff	Wexler
Murphy, Patrick	Schmidt	Whitfield
Murphy, Tim	Schock	Wilson (OH)
Myrick	Schrader	Wilson (SC)
Nadler (NY)	Schwartz	Wittman
Napolitano	Scott (GA)	Wolf
Neal (MA)	Scott (VA)	Woolsey
Nunes	Sensenbrenner	Wu
Nye	Serrano	Yarmuth
Oberstar	Sessions	Young (AK)
Obey	Sestak	Young (FL)

ANSWERED “PRESENT”—4

NOT VOTING—10

Boucher	Conaway	Pascarell
Capito	Neugebauer	Stark
Capuano	Dingell	
Conyers	Fortenberry	
	Murtha	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1534

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL COMMUNITY COLLEGE MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 338, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 338.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 232]

YEAS—424

Abercrombie	Carter	Frelinghuysen
Ackerman	Cassidy	Fudge
Aderholt	Castle	Gallegly
Adler (NJ)	Castor (FL)	Garrett (NJ)
Akin	Chaffetz	Gerlach
Alexander	Chandler	Giffords
Altmire	Childers	Gingrey (GA)
Andrews	Clarke	Gohmert
Arcuri	Clay	Gonzalez
Austria	Cleaver	Goodlatte
Baca	Clyburn	Gordon (TN)
Bachmann	Coble	Granger
Bachus	Coffman (CO)	Graves
Baird	Cohen	Grayson
Baldwin	Cole	Green, Al
Barrett (SC)	Conaway	Green, Gene
Barrow	Connolly (VA)	Griffith
Bartlett	Cooper	Grijalva
Barton (TX)	Costa	Guthrie
Bean	Costello	Gutierrez
Becerra	Courtney	Hall (NY)
Berkley	Crenshaw	Hall (TX)
Berman	Crowley	Halvorson
Berry	Cuellar	Hare
Biggert	Culberson	Harman
Bilbray	Cummings	Harper
Bilirakis	Dahlkemper	Hastings (FL)
Bishop (GA)	Davis (AL)	Hastings (WA)
Bishop (NY)	Davis (CA)	Heinrich
Bishop (UT)	Davis (IL)	Heller
Blackburn	Davis (KY)	Hensarling
Blumenauer	Davis (TN)	Herger
Blunt	DeFazio	Herseth Sandlin
Boccieri	DeGette	Higgins
Boehner	Delahunt	Hill
Bonner	DeLauro	Himes
Bono Mack	Dent	Hinchee
Boozman	Diaz-Balart, L.	Hinojosa
Boren	Diaz-Balart, M.	Hirono
Boswell	Dicks	Hodes
Boucher	Dingell	Hoekstra
Boustany	Doggett	Holden
Boyd	Donnelly (IN)	Holt
Brady (PA)	Doyle	Honda
Brady (TX)	Dreier	Hoyer
Braley (IA)	Drieaus	Hunter
Bright	Duncan	Inglis
Broun (GA)	Edwards (MD)	Inslee
Brown (SC)	Edwards (TX)	Issa
Brown, Corrine	Ehlers	Jackson (IL)
Brown-Waite,	Ellison	Jackson-Lee
Ginny	Ellsworth	(TX)
Buchanan	Emerson	Jenkins
Burgess	Engel	Johnson (GA)
Burton (IN)	Eshoo	Johnson (IL)
Butterfield	Etheridge	Johnson, E. B.
Buyer	Fallin	Johnson, Sam
Calvert	Farr	Jones
Camp	Fattah	Jordan (OH)
Cantor	Filner	Kagen
Cao	Flake	Kanjorski
Capps	Fleming	Kaptur
Cardoza	Forbes	Kennedy
Carnahan	Foster	Kildee
Carney	Fox	Kilpatrick (MI)
Carson (IN)	Frank (MA)	Kilroy
	Franks (AZ)	Kind

King (IA)	Moore (KS)	Schrader
King (NY)	Moore (WI)	Schwartz
Kingston	Moran (KS)	Scott (GA)
Kirk	Moran (VA)	Scott (VA)
Kirkpatrick (AZ)	Murphy (CT)	Sensenbrenner
Kissell	Murphy (NY)	Serrano
Klein (FL)	Murphy, Patrick	Sessions
Kline (MN)	Murphy, Tim	Sestak
Kosmas	Myrick	Shadegg
Kratovil	Nadler (NY)	Shea-Porter
Kucinich	Napolitano	Sherman
Lamborn	Neal (MA)	Shimkus
Lance	Neugebauer	Shuler
Langevin	Nunes	Shuster
Larsen (WA)	Nye	Simpson
Larson (CT)	Oberstar	Sires
Latham	Obey	Skelton
LaTourette	Olson	Slaughter
Latta	Oliver	Smith (NE)
Lee (CA)	Ortiz	Smith (NJ)
Lee (NY)	Pallone	Smith (TX)
Levin	Pastor (AZ)	Smith (WA)
Lewis (CA)	Paul	Snyder
Lewis (GA)	Paulsen	Souder
Linder	Payne	Space
Lipinski	Pence	Speier
LoBiondo	Perlmutter	Spratt
Loeb sack	Perriello	Stearns
Lofgren, Zoe	Peters	Stupak
Lowey	Peterson	Sullivan
Lucas	Petri	Sutton
Luetkemeyer	Pingree (ME)	Tanner
Luján	Pitts	Tauscher
Lummis	Platts	Taylor
Lungren, Daniel	Poe (TX)	Teague
E.	Polis (CO)	Terry
Lynch	Pomeroy	Thompson (CA)
Mack	Posey	Thompson (MS)
Maffei	Price (GA)	Thompson (PA)
Maloney	Price (NC)	Thornberry
Manzullo	Putnam	Tiahrt
Marchant	Quigley	Tiberi
Markey (CO)	Radanovich	Tierney
Markey (MA)	Rahall	Titus
Marshall	Rangel	Tonko
Massa	Rehberg	Towns
Matheson	Reichert	Tsongas
Matsui	Reyes	Turner
McCarthy (CA)	Richardson	Upton
McCarthy (NY)	Rodriguez	Van Hollen
McCauley	Roe (TN)	Velázquez
McClintock	Rogers (AL)	Arcuri
McCollum	Rogers (KY)	Visclosky
McCotter	Rogers (MI)	Walden
McDermott	Rohrabacher	Walz
McGovern	Rooney	Wamp
McHenry	Ros-Lehtinen	Wasserman
McHugh	Roskam	Schultz
McIntyre	Ross	Waters
McKeon	Rothman (NJ)	Watson
McMahon	Roybal-Allard	Watt
McMorris	Royce	Waxman
Rodgers	Ruppersberger	Weiner
McNerney	Rush	Welch
Meek (FL)	Ryan (OH)	Westmoreland
Meeks (NY)	Ryan (WI)	Berkley
Melancon	Salazar	Berman
Mica	Sánchez, Linda	Berry
Michaud	T.	Biggart
Miller (FL)	Sánchez, Loretta	Bilbray
Miller (MI)	Sarbanes	Bilirakis
Miller (NC)	Scalise	Wolf
Miller, Gary	Schakowsky	Woolsey
Miller, George	Schauer	Wu
Minnick	Schiff	Yarmuth
Mitchell	Schmidt	Young (AK)
Mollohan	Schock	Young (FL)

NOT VOTING—9

Capito	Deal (GA)	Murtha
Capuano	Fortenberry	Pascarell
Conyers	Israel	Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1545

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING GLOBAL YOUTH SERVICE DAYS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 353.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 353.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 9, as follows:

[Roll No. 233]

AYES—424

Abercrombie	Buchanan	Diaz-Balart, L.
Ackerman	Burgess	Diaz-Balart, M.
Adersholt	Burton (IN)	Dicks
Adler (NJ)	Butterfield	Dingell
Akin	Buyer	Doggett
Alexander	Calvert	Donnelly (IN)
Altmire	Camp	Doyle
Andrews	Campbell	Dreier
Arcuri	Cantor	Driehaus
Austria	Cao	Duncan
Baca	Capps	Edwards (MD)
Bachmann	Cardoza	Edwards (TX)
Bachus	Carnahan	Ehlers
Baird	Carney	Ellison
Baldwin	Carson (IN)	Ellsworth
Barrett (SC)	Carter	Emerson
Barrow	Cassidy	Engel
Bartlett	Castle	Eshoo
Barton (TX)	Castor (FL)	Etheridge
Bean	Chaffetz	Fallin
Becerra	Chandler	Farr
Berkley	Childers	Fattah
Berman	Clarke	Filner
Berry	Clay	Flake
Biggart	Cleaver	Fleming
Bilbray	Clyburn	Forbes
Bilirakis	Coble	Foster
Bishop (GA)	Coffman (CO)	Fox
Bishop (NY)	Cohen	Frank (MA)
Bishop (UT)	Cole	Franks (AZ)
Blackburn	Conaway	Frelinghuysen
Blumenauer	Connolly (VA)	Fudge
Blunt	Cooper	Gallegly
Bocieri	Costa	Garrett (NJ)
Boehner	Costello	Gerlach
Bonner	Courtney	Giffords
Bono Mack	Crenshaw	Gingrey (GA)
Boozman	Crowley	Gohmert
Boren	Cuellar	Gonzalez
Boswell	Culberson	Goodlatte
Boucher	Cummings	Gordon (TN)
Boustany	Dahlkemper	Granger
Boyd	Davis (AL)	Graves
Brady (PA)	Davis (CA)	Grayson
Brady (TX)	Davis (IL)	Green, Al
Braley (IA)	Davis (KY)	Green, Gene
Bright	Davis (TN)	Griffith
Broun (GA)	DeFazio	Grijalva
Brown (SC)	DeGette	Guthrie
Brown, Corrine	Delahunt	Gutierrez
Brown-Waite,	DeLauro	Hall (NY)
Ginny	Dent	Hall (TX)
Halvorson		
Hare		
Harman		
Harper		
Hastings (FL)		
Hastings (WA)		
Heinrich		
Heller		
Hensarling		
Henger		
Herseth Sandlin		
Higgins		
Himes		
Hinchev		
Hinojosa		
Hirono		
Hodes		
Hoekstra		
Holden		
Holt		
Honda		
Hoyer		
Hunter		
Inglis		
Inlee		
Israel		
Issa		
Jackson (IL)		
Jackson-Lee		
(TX)		
Jenkins		
Johnson (GA)		
Johnson (IL)		
Johnson, E. B.		
Johnson, Sam		
Jones		
Jordan (OH)		
Kagen		
Kanjorski		
Kaptur		
Kennedy		
Kildee		
Kilpatrick (MI)		
Kilroy		
Kind		
King (IA)		
King (NY)		
Kingston		
Kirk		
Kirkpatrick (AZ)		
Kissell		
Klein (FL)		
Kline (MN)		
Kosmas		
Kratovil		
Kucinich		
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRIGHT) (during the vote). There are 2 minutes left for the vote.

□ 1554

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, due to events in my congressional district, I was unable to vote today. If I were present, I would have voted in favor of the following bills: H. Res. 299, expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009; H. Res. 338, supporting the goals and ideals of National Community College Month; H. Res. 353, supporting the goals and ideals of Global Youth Service Days.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1728, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111-96) on the resolution (H. Res. 400) providing for consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT RELATING TO AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-37)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I transmit herewith a list of the sites, locations, facilities, and activi-

ties in the United States that I intend to declare to the International Atomic Energy Agency (IAEA), under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna on June 12, 1998 (the "U.S.-IAEA Additional Protocol"), and constitutes a report thereon, as required by section 271 of Public Law 109-401. In accordance with section 273 of Public Law 109-401, I hereby certify that:

(1) each site, location, facility, and activity included in the list has been examined by each department and agency with national security equities with respect to such site, location, facility, or activity; and

(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

The enclosed draft declaration lists each site, location, facility, and activity I intend to declare to the IAEA, and provides a detailed description of such sites, locations, facilities, and activities, and the provisions of the U.S.-IAEA Additional Protocol under which they would be declared. Each site, location, facility, and activity would be declared in order to meet the obligations of the United States of America with respect to these provisions.

The IAEA classification of the enclosed declaration is "Highly Confidential Safeguards Sensitive"; however, the United States regards this information as "Sensitive but Unclassified."

Nonetheless, under Public Law 109-401, information reported to, or otherwise acquired by, the United States Government under this title or under the U.S.-IAEA Additional Protocol shall be exempt from disclosure under section 552 of title 5, United States Code.

BARACK OBAMA.
THE WHITE HOUSE, May 5, 2009.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1600

CROSS-BORDER CRIME

The SPEAKER pro tempore (Mr. GRIFFITH). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I want to talk about one of the most important things taking place in our country, and that is the battle on the

second front. I am not talking about the war in Afghanistan or the war in Iraq, but I am talking about the battle that is fought daily on the southern border of the United States with Mexico and those people that try to come into the United States illegally. I call it the border wars.

Mr. Speaker, we hear a lot about that crime comes into the United States from the south, from all countries, through Mexico. And then we hear that it is not really a problem. Sometimes it is very difficult for us to know exactly what the truth is. It always tends to be based upon who is giving us that information.

Recently, I was down on the Texas-Mexico border. I visited with numerous of our sheriffs and I asked them this question: How many people do you have in your county jail that are charged with crimes in your county? I am not talking about people being held on immigration violations, just people in jail charged with misdemeanors or felonies. And so the different sheriffs gave me the information that I would like to relate to you tonight.

We will start off in far west Texas, in El Paso, a large population. The Sheriff's Department says: About 18 percent of the people in our county jail are foreign nationals in the United States legally, illegally, charged with crimes, misdemeanors or felonies.

You move next door to Hudspeth County, a vast county the size of Connecticut and Rhode Island, not very many sheriff's deputies in that county. Sheriff Arvin West says: 90 percent of the people in my county jail are foreign nationals.

Moving on down the Rio Grande River toward the Gulf of Mexico, Culberson County Sheriff Carrillo, 22 percent. The three next counties, Jeff Davis, Presidio, and Brewster Counties did not have information that they could furnish me, so I will move on down the river and talk about the other ones.

Val Verde County, 39 percent of the people in the county jail are foreign nationals; Kinney County, 71 percent, foreign nationals; Maverick County, 65 percent; Dimmit County, 45 percent; Webb County, that is where Laredo is, 45 percent are foreign nationals; Zapata County, 65 percent; Starr County, 53 percent; Hidalgo County, 23 percent; and then Cameron County, down on the Mexico-Texas border that buttresses the Gulf of Mexico, is 28 percent.

You can make statistics prove whatever you want them to, Mr. Speaker, but those are a lot of people in American jails from foreign countries that have been charged with committing crimes in this country. That is one reason, maybe the primary reason, why we need to protect the sanctity of the border.

We talk about border security. We are spending money on border security.

We are sending a lot of money down to Mexico to spend on border security. But the truth of the matter is cross-traveler crime is still being committed, and people are committing crimes in American counties who are foreign nationals, and it is time the United States realize this truth and secure the border.

A lot of these people are charged with drug crimes, the drug cartels, drug runners. Many of those people in our jails are those individuals. We are learning now that there is a new effort to build tunnels into the United States, not just over in California, but in Texas and Arizona, as well, where needed.

So, obviously, the sheriffs in these counties need help, and we need everybody working on the border, all the Federal agencies, the Border Patrol, the ATF, the DEA, we need all of them. Plus, we need the locals who patrol the whole county. Unlike the Border Patrol that only patrols the first 35 miles inland, the county sheriffs patrol the vastness of the county.

So what can they do about it? There are a couple of programs that we need to help the sheriffs be involved in. One of those is they can get from the Department of Defense used equipment, equipment that has been used by our military, and all they have to do is repair it and they can use that equipment. We are talking about Humvees. We are talking about trucks. We are talking about, even, helicopters. They can repair that equipment by sending it to the State penitentiary where those mechanics are that can repair it. They can also buy, at a low price, equipment that has been used occasionally, new or used equipment that is no longer used by our military.

So both of those things, we should encourage the sheriffs departments to use and to get that equipment. Because, you see, Mr. Speaker, the drug cartels have more money, they have more people, they have better equipment than we do on this side of the border, and that is one way we can enforce the security of the border.

We ought to also use the National Guard on the border. The border Governors have requested the use of the National Guard, and we should use the National Guard.

And lastly, Mr. Speaker, I have met with the sheriffs from Brownsville all the way to San Diego, and they are in a group called the Southwest Border Sheriff's Coalition. There is 31 of these sheriffs, and they have asked, through me, to ask the President of the United States to meet with them so the sheriffs can tell the President firsthand what is taking place on the border from Brownsville, Texas, all the way to San Diego, California, and hopefully the President will do that. We need to protect the border. That is the first duty of government.

And that's just the way it is.

TOO MANY HAVE DIED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a recent report from the Associated Press gave us a new and very grim reminder of the human cost of the conflict in Iraq.

According to the A.P., the Iraqi Government has secretly recorded over 87,000 killings since the year 2005. The A.P. also added its own statistics on the known number of deaths between 2003 and 2005.

When you add those numbers, you get over 110,000 Iraqi civilian deaths since the beginning of the American occupation. But, Mr. Speaker, the death toll is even higher than that. The A.P. said that an Iraqi official estimated the actual number of deaths to be 10 to 20 percent higher because of the thousands who are still missing and civilians who were buried in the chaos of war without official records.

Of course, the death toll itself does not measure the full human cost of the conflict. It doesn't include the injured. It doesn't include the children who have been orphaned. It doesn't include the families that have been devastated by the loss of their loved ones and their breadwinners. It doesn't include the suffering of the 4 million refugees. It doesn't include the countless deaths from indirect causes, which includes the lack of health care because hospitals were closed and so many doctors were forced to flee. And it doesn't include the people who have seen their futures taken away from them because of their schools and colleges being closed by the fighting. It is no surprise that the A.P. report said almost every person in Iraq has been touched by the violence.

And of course, Mr. Speaker, here in America we have seen 35,000 of our finest and bravest men and women killed or wounded in battle, and 140,000 of our troops remain in harm's way today.

Mr. Speaker, war is not a video game. Real people die or are horribly wounded and scarred, and they are scarred and wounded for life. Real families suffer. We need to remember that when we make momentous decisions about war and peace in this House, we have to consider those statistics.

Today, our country is faced with another tough decision about war: What to do about the situation in Afghanistan. I oppose the supplementary funding request for Iraq and Afghanistan. It will prolong our occupation of Iraq through at least the year 2011, and it will expand our military presence in Afghanistan indefinitely.

Instead of attempting to find military solutions to the problems we face in Iraq and Afghanistan, the adminis-

tration must fundamentally change our mission in both countries to focus on promoting reconciliation, economic development, humanitarian aid, and regional diplomatic efforts.

Diplomacy and economic development are two of the cornerstones of my Smart Security Platform for the 21st century. This plan would employ the many effective nonmilitary tools that we have to fight terrorism. These tools will cost a lot less and be far more effective. They will save lives, stop terrorism, and keep us safe at the same time, or at least safer than a military option. I invite all of my colleagues to consider House Resolution 363, which describes the full plan.

Mr. Speaker, it is clear that the military option has taken us down the wrong road in both Iraq and Afghanistan for the past 7 years. The military option hasn't made us more secure. It has cost our Treasury over \$1 trillion so far, with no end in sight. And the human toll has been appalling. It is time to do something that will make our Nation safer and save countless lives. The smart security platform for the 21st century will achieve both of these goals.

FORT LEAVENWORTH, A POOR FIT FOR GUANTANAMO DETAINEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, in January, shortly after taking office, President Obama ordered the closure of the detention facility at Guantanamo Bay Naval Base within the year. Up to 250 detainees who are suspects from the war on terrorism will be processed and moved, possibly to facilities located inside the United States. The U.S. disciplinary barracks at Fort Leavenworth, Kansas, is apparently one of the facilities under consideration to house these prisoners.

I have visited Fort Leavenworth, the city of Leavenworth, and surrounding communities. I have talked to city officials, local businesses, and State legislators. I have spoken to U.S. military officers and foreign military students attending the Army's Command and General Staff College located at the fort.

Simply stated, Fort Leavenworth is a poor fit for placing Guantanamo detainees. Fort Leavenworth is known as the "Intellectual Center of the Army," where the leaders of our military and foreign militaries are educated. However, should these politically sensitive detainees be located at the fort, many countries will likely discontinue sending military students to America to be trained. This action would disrupt Fort Leavenworth's primary mission of military education. It would greatly impair a successful international military student program that has spread

good will around the world for 100 years.

Additionally, our country should not make Fort Leavenworth's soldiers and their families and northeast Kansas unfairly bear this responsibility at the cost of their safety and economic well-being. The 3,000 residents who live on post as well as the residents of nearby communities would be living at a higher security risk. Since the fort has no major medical facilities, dangerous detainees would need to be transported to a local hospital or V.A. for medical attention. Local public safety officials are not capable of handling a terrorist incident or protests that may occur and would require greater resources. The need to increase security at the fort would likely close off citizen access to Sherman Airfield, the only public airport in Leavenworth, as well as stop rail and river barge traffic that runs to the post. These actions would have significant economic consequences.

Finally, the fort's disciplinary barracks lack the capability to house terrorist suspects. It is largely a medium-security facility for military prisoners. It would cost hundreds of millions of dollars to upgrade the disciplinary barracks to maximum security level and to construct the hospital, residential, and support facilities that would be required to house the additional prisoners and security personnel. As a small post surrounded by a civilian population, there is no room to grow.

Fort Leavenworth is clearly an unsuitable location. I am a sponsor of legislation introduced by my colleague of Kansas, Ms. JENKINS, to prevent Guantanamo detainees from being relocated there.

□ 1615

The decision to close Guantanamo Bay detention facility and relocate terror suspects should not be made recklessly. I'm troubled that the administration is seeking to move forward on Guantanamo despite the absence of a closure and relocation plan and despite the lack of congressional review. In their recently submitted FY 09 war supplemental request to Congress, they ask us for \$80 million to close the Guantanamo detention facility to relocate prisoners, support personnel and services.

I join the gentleman from California, Representative HUNTER, in asking the Appropriations Committee not to include this funding in the supplemental until we see a plan. Still lacking these details this week, I'm pleased to see that our appropriations chairman, Mr. OBEY, announced his refusal to provide the funding.

This critical national security decision deserves critical thought. Detainees should not be moved where they do not belong. And detainees do not belong at Fort Leavenworth.

JUVENILE JUSTICE IMPROVEMENTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today in support of legislation that I recently introduced, along with several cosponsors, the Juvenile Justice Improvement Act.

Mr. Speaker, every day in America, 90,000 youth are incarcerated in our juvenile correctional facilities. Seventy percent of these youth are held for non-criminal acts like running away or violating curfew. Instead of working with these youth and these families to identify the root of their problem and help them find alternatives to their negative behavior, our policy in too many places around this country is to simply lock them up. Even more shocking, 7,500 of our Nation's young people sit in adult jails on any given day, even though study after study has proven that that practice of putting youth in adult facilities only increases the likelihood of recidivism and puts them at risk amongst that sometimes very dangerous adult population.

Sadly, these are not the only consequences of putting juveniles in the adult system. Keeping children safe in the adult juvenile justice system is extremely difficult. All too often, physical and sexual assault become commonplace. According to the Department of Justice's statistics division, 21 percent and 13 percent of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005 and 2006 respectively were youth under the age of 18. That number is disturbingly high when you take into account that juveniles account for only 1 percent of all inmates. Thirteen percent of all sexual violence in our prisons is against these young people. They represent 1 percent of the total population. Moreover, and not surprisingly, youth have the highest rate of suicide in our jails. And as we know too well in Connecticut, placing juveniles with adults only exacerbates that problem.

However, I'm hopeful that with this legislation, H.R. 1873, the Juvenile Justice Improvement Act, we can start to reverse these dangerous trends.

Mr. Speaker, by keeping youth out of the adult criminal justice system and by using rehabilitative programs and services that are proven to try to help stop that cycle of crime, youth involved in these systems can emerge as proactive, positive and productive members of our community and of our workforce.

Specifically, this bill would protect youth prosecuted as adults from being held in adult jails or lockups while awaiting trial except in very limited circumstances. In these limited circumstances, youth prosecuted as adults must be sight and sound separated

from adults in that facility to help protect their safety. Fortunately, some States already allow youth who have been convicted as adults to serve their sentence in juvenile correctional facilities. H.R. 1873 would remove a provision in current law that penalizes these States for choosing to house youth convicted as adults in more appropriate settings while not endangering other youth in the facility.

The Juvenile Justice Improvement Act would also work to keep youth out of locked facilities for noncriminal status offenses like running away or violating curfew. It would do this by closing a loophole in the Juvenile Justice and Delinquency Prevention Act.

This vital legislation would also encourage States to take steps to eliminate the use of dangerous practices such as choking youth or restraining them to fixed objects for the purpose of coercion, punishment or the convenience of staff. These steps would include collecting data on the use of these dangerous practices in prisons, providing training to staff on effective behavior management and creating an independent monitoring system to oversee conditions across the country at juvenile facilities.

Finally, Mr. Speaker, the Juvenile Justice Improvement Act would reward States through incentive grants that are implementing ideas that are research and evidence based. Such reforms would include making juvenile justice facilities safer based on this research, improving public safety in the rehabilitation of juvenile delinquents based on research, and better addressing the mental health needs of juvenile justice inmates based on research.

Mr. Speaker, these changes to the juvenile justice system are critical to ensure that all of our youth become law-abiding, contributing members of society. There is not always political utility in government to stand up for youthful offenders, Mr. Speaker. It is not an easy thing for Members of this House or State legislatures to stand up and fight for.

But we need to fight for these kids under the age of 18 who may have made a mistake, maybe a big mistake, to try to give them a second chance or at the very least to try to make sure that when they are in prison, when they are locked up behind bars that they are safe from the ravages that can be associated with incarceration. If we can do those things, we are a better Congress and we are a better society.

With that, I urge my colleagues to join me in cosponsoring H.R. 1873.

LONE WOLF HUNTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I rise today to condemn the statements written as part of an assessment by the Department of Homeland Security classifying disgruntled veterans as a threat to U.S. security and potential recruits for right-wing extremist groups. The report was distributed among law enforcement agencies throughout the country earlier this week. When I was back home in San Diego, our El Cajon police department had actually gotten this memorandum classifying me. Because I served three tours overseas with the United States Marine Corps, two in Iraq in Operation Iraqi Freedom and one in Afghanistan in Operation Enduring Freedom, I am a possible terrorist.

So, Mr. Speaker, I would just like to go over some stuff with this DHS memorandum. It is the "Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment." And here is a picture of it here. This is an actual Department of Homeland Security memorandum that went out to every local, State and Federal law enforcement agency in the entire country.

I would just like to go over a few points of it. It first starts off by saying that "the Department of Homeland Security Office of Intelligence and Analysis has no specific information that domestic right-wing terrorists are currently planning acts of violence." So they don't have any evidence for anything, but they are still going to call people like me possible "terrorists."

We read further down: "The possible passage of new restrictions on firearms and the return of military veterans facing significant challenges reintegrating into their communities could lead to the potential emergence of terrorist groups or lone wolf extremists capable of carrying out violent attacks."

I wasn't paranoid before, Mr. Speaker, but if we are going to pass new regulations on firearms, we are going to change the Second Amendment. And the fact that I would like to keep my own guns and that I'm a veteran who has served, that makes me a possible terrorist, as stated by our own government, by our own administration.

I read further down: right-wing extremism—and by the way, it is interesting that they don't talk about left-wing extremism or liberal extremism or progressivists. It is just right-wing extremism, and that is okay to talk about. It is okay to scorn those people that are right wing. They aren't as American as everybody else. "Right-wing extremism in the United States can be broadly divided into those groups, movements and adherents that are primarily hate oriented," I'm quoting here from this memo, "those that are mainly anti-government, rejecting Federal authority in favor of State or

local authority." That means every single one of our Founding Fathers was a possible terrorist because they believed in local authority. They believed in States' rights. They didn't want an all-encompassing, dominating Federal Government.

It also includes groups of individuals that are dedicated to a single issue, such as opposition to abortion or immigration. I'm quoting again.

So I'm pro-border security. I think that illegal immigration is called "illegal immigration" because, well, it is illegal. That once more makes me a possible terrorist. I'm pro-life. That makes me a possible terrorist too.

I keep reading down: "Returning veterans possess combat skills." That is me. I possess combat skills. So do millions of other Americans that have served in our Armed Forces since 2001—"combat skills and experience that are attractive to right-wing extremists."

The DHS, our own government, is concerned that right-wing extremists, I guess that's me, will attempt to recruit and radicalize returning veterans in order to boost their violent capabilities.

That sounds pretty scary. I must be pretty scary. I wonder if DHS is on their way here to get me right now. I will stay here and wait for them for a little bit longer.

I read further down: "Many right-wing extremists are agnostic toward the new Presidential administration and its perceived stance on a range of issues, including immigration and citizenship, the expansion of social programs"—that is a new one. If you don't like the expansion of social programs, you're a possible terrorist, too—"and restrictions on firearms ownership and use." If you weren't paranoid before, you ought to be getting paranoid now.

I will keep reading: "Right-wing extremists were concerned during the 1990s with the perception that illegal immigrants were taking away American jobs through their willingness to work at significantly lower wages. They also opposed free trade agreements, arguing that these arrangements resulted in Americans losing jobs to other countries." Are Americans not losing jobs to China, to Communist China, to India and to Mexico? If you believe that American jobs are worth fighting for, then you're a terrorist.

HONORING THE CREW OF THE APOLLO 11 MISSION TO THE MOON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, it is with great pride that I introduce legislation today to award the Congressional Gold Medal to four brave and exemplary Americans, Commander Neil

A. Armstrong, command module pilot Michael Collins, and lunar module pilot Edwin "Buzz" Aldrin, the crew of the 1969 Apollo 11 mission to the Moon. Additionally, this legislation would award a Congressional Gold Medal to John Glenn, the first American to orbit the Earth and the man who helped set NASA firmly on the path of human space exploration.

Forty years ago, 500 million people watched as Armstrong took those fateful steps on the Moon's surface, the first time that humans had ever set foot on another world. In words that were as poetic as the occasion was meaningful, Armstrong said, "That is one small step for man and one great leap for mankind." He was shortly followed thereafter on the Moon's surface by Aldrin as Collins circled overhead.

I was 11 years old that day, and I watched the Moon landing, joining much of humanity in celebrating this tremendous collective accomplishment. My family was on vacation, but I persuaded my parents to let me stay in the hotel room alone all day and watch television so that I could see these giant men take those giant steps. Their mission was a landmark for America, for the world, and for all time. Americans are still inspired by these men and their mission to travel over a quarter of a million miles of dead space to reach our closest celestial neighbor. I remember at the time thinking that humankind as a species is capable of true greatness. And while wolves howl at the Moon, humans visit it.

On this journey, the Apollo 11 crew showed remarkable bravery, protected for days from the lifeless vacuum by only a thin metal shell. They collected more than 40 pounds of lunar samples, took photographs and deployed experiments to study the solar wind, lunar dust, enable laser ranging and forever carry out passive seismic measurements that remain measurable to this day.

Their footprints remain on the Moon today and forever. The entire endeavor was a culmination of an intensive effort by tens of thousands of scientists, engineers and other dedicated individuals to meet the challenge laid down by President John F. Kennedy 8 years earlier. President Kennedy encouraged Americans to rise to challenges like this one, and the American people responded with ingenuity, discipline and a spirit of collective effort. This journey took political will, scientific and technological risk-taking, inspiration and the heart and soul of millions of Americans who supported this space program.

□ 1630

And it took the competence and courage of these men, Armstrong, Aldrin and Collins, to make Apollo 11 the success that it was.

As the culmination of the U.S.-Soviet space race that commenced with the Soviet's launch of Sputnik in 1957, Apollo 11's success signified the United States' ability to establish pre-eminence in space.

It also helped to inspire a generation to pursue careers in science and engineering, and to believe in the power of American society and American culture. Alone in that hotel room watching TV, I certainly felt a lasting sense of meaning, that connection to those three brave astronauts.

These astronauts represented in that moment America's destiny, a destiny shared by the thousands of men and women who worked to make it happen.

This includes John Glenn, of course, another brave pioneer of human space exploration who had made their journey possible.

Mr. Speaker, I think it is fitting that on this 40th anniversary year of the Apollo 11 mission, we grant these four brave Americans the recognition only this Congress can bestow, the Congressional Gold Medal. That's why I am introducing legislation to that effect today.

I am pleased to be joined in this initiative by the chairman of the House Science and Technology Committee, BART GORDON; the chairwoman of the Space and Aeronautics Subcommittee, GABRIELLE GIFFORDS; Committee Ranking Member RALPH HALL; Subcommittee Ranking Member PETE OLSON; and Florida Members SUZANNE KOSMAS and BILL POSEY.

I believe this recognition is long overdue, and I urge my colleagues to support this legislation so it can be enacted into law.

HONORING JACK KEMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, a couple of days ago America lost one of its greatest patriots, and I mean that. Jack Kemp served in this body, and I had the pleasure of knowing him for a long, long time.

He started out his career, as far as I can remember, as a football player. He was at San Diego where he played. As I understand it, the football team out there really didn't think he had what it took to become a starting quarterback, and they sold him to the Buffalo Bills for \$500, I believe. He always laughed about that. And for \$500, the Buffalo Bills got an all-star quarterback. They won several conference titles in the AFC, and he was an All Pro. Jack Kemp was all pro his whole life. When he ran for Congress and came to this Chamber, everyone who knew him and met him knew immediately he would become one of our leaders. He became our conference chairman and a leader

in so many ways. Ronald Reagan tapped him to work with him on cutting taxes, which stimulated the longest period of economic growth in our country's history. Jack Kemp, along with Mr. Roth in the Senate, wrote the Kemp-Roth bill, which was the catalyst for the economic recovery under the Reagan administration.

Jack Kemp was a lot of fun to be with. He wasn't just a stuffy guy. He was the kind of guy that you liked to be around, an all-American person as well as an all-American football player and all-American political leader.

He ran for Vice President with Bob Dole, and I truly believe he would have been an outstanding Vice President had he been elected. I also campaigned for him up in New Hampshire when he was running for President. I will never forget the Styrofoam footballs with his name that he threw to us on the plane. I think it was in January, and it was so cold. The thing I remember the most was Jack put me on a plane. He had three plane loads of congressmen, and the only one that didn't have heat was the one I was on. But he was worth it. He was worth campaigning door to door, store to store in New Hampshire because he would have been an outstanding President.

I came down tonight to pay homage to a good friend whom we will all miss, a man who was a great American, a great father and husband, and he is somebody who will be missed by not only the people in this Chamber and the other Chamber and the White House, but he will be missed by everybody in America who knew him. He was a great, great man.

I just want to say to Joanne and his four children, You have our deepest sympathy. Everybody in this body sends their best regards to you and their sympathy to you for this very trying time you are going through.

If anyone gets to heaven, Jack will be up there, and he probably has a football in his hands. I can't wait to see him again.

UYGHUR TERRORISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise on the floor again to raise the awareness of the American people and of the Congress that the safety of the United States could be put at risk should Attorney General Eric Holder approve the release of trained terrorists into our country. I repeat, released into this country, not held in jails, but let free in our neighborhoods and our communities.

Eric Holder expects us to take his word that the detainees are not a threat, and that is unacceptable. The Attorney General expects this Congress

to sit idly by and the American people to sit idly by until he announces he has released the Uyghurs held at Guantanamo Bay into the United States, into your neighborhood. In fact, he will not allow career FBI and government employees to even brief Members of Congress on this. So much for this administration's promise of transparency and accountability.

Let me be clear: These detainees are trained terrorists who were caught in camps affiliated with Al Qaeda. Those who would use terror are terrorists no matter their intended target. There have been published reports that these terrorists were members of the Eastern Turkistan Islamic Movement, ETIM, a designated terrorist organization affiliated with Al Qaeda.

The detainees held at Guantanamo Bay are trained terrorists. They were trained in facilities affiliated with Al Qaeda and Khalid Sheikh Mohammed, the mastermind of 9/11 who took pleasure in beheading Wall Street Journal reporter Daniel Pearl.

Last month, the U.S. Treasury froze the assets of Abdul Haq, the leader of the ETIM. The Treasury Department targeted Haq as part of their efforts to shut down the Al Qaeda support network.

So here Treasury designates Haq as a terrorist, and Eric Holder wants to release the members of the terrorist group to walk the streets.

Upon making the designation, the Treasury Under Secretary for Terrorism and Financial Intelligence said, "Abdul Haq commands a terror group that sought to sow violence and fracture international unity at the 2008 Olympic games in China."

What if our people had not picked up these terrorists and they had gotten their training and had gone back to China and had blown up one of the Olympic facilities when many American citizens were there? What if? How is it that the U.S. Treasury Department can declare that this is a terrorist group that "sought to sow violence" while the U.S. Justice Department asserts that members of the same group caught at terrorist training camps and held for 7 years at Guantanamo should be released free and clear into the United States, yet this Congress and the American people are left in the dark about the administration's plans to release the detainees?

If the Congress doesn't really care and want to hold oversight hearings, certainly the American people have a right to know who the Attorney General is asking to place in their communities.

Last Friday, I called on this administration to declassify and provide the American people with information regarding the capture, the detention, and the threat assessment of each detainee they intend to release inside the United States. Regardless of their intended targets of terror, the American

people deserve to know whether they have been further radicalized due to their exposure to Al Qaeda leaders like Khalid Sheikh Mohammed. They have been down in Guantanamo with some of the most violent people that have ever walked the Earth. And now, after the radicalization that may have taken place, Eric Holder now wants to release them into our neighborhoods and into our communities.

I worry about the impact these released Uyghurs will have on our national security. I have talked with several former members who have worked in our intelligence community, and to a person they all believe that this will be dangerous for the United States. They all said, what message does their release into the United States send to Al Qaeda and other terrorist networks?

How can Attorney General Holder guarantee that the released Uyghurs will not stay in contact with Al Qaeda and provide them with intelligence within the U.S.? Has Eric Holder never heard of radicalization in prison? Some people go into prison and come out worse than they go in. If the Attorney General cannot or will not answer these questions, he should not consider releasing them.

I ask you, please, the American people need to have all of this information before a decision is made.

EAST TURKISTAN ISLAMIC PARTY APPEALS FOR NEW RECRUITS IN NEW VIDEO

The militant Islamist group East Turkistan Islamic Party (ETIM) released a new propaganda video, in which it appealed to Muslims in Turkistan to join the group's camps in Waziristan, Pakistan.

The 43-minute video is entitled "Persistence and preparation for Jihad" and was produced by the group's media wing Sawt al Islam.

It includes a statement by the group's current leader Sheikh Abul Haq, as well as its late leader Hassan Makhdum, whose alias is Abu Mohammed al Turkistani. Abul Haq said "jihad" was a duty that falls on all Muslims just like any other religious duty. He also pledged more attacks against Chinese forces. "The operations of the Islamic Turkistani Party will make China experience the same taste of shame and defeat that America has experienced in Iraq and Afghanistan," Abul Haq said.

Footage from the group's training camp showed a group of militants undergoing training under the supervision of military commander identified as Seifullah. Once again, he claimed credit for the bus bombings and the attack on the police station in Shanghai and Yunnan in May and July of 2008.

The attacks seem to have been carried out using remotely-detonated explosives devices. Footage shown on the video showed a member of the group placing the explosives in a small suitcase and covering it with some cloths, while having a radio detonator in his hand.

Seifullah also made an appeal to Turkistani Muslims to join the group's camps in Waziristan and train on the latest weapons used by the Chinese army's ground forces. He said that the group is currently trying to develop a training program on other weapons used by the army.

The East Turkistan Islamic Movement is a militant group that advocates the creation of an independent, Islamic state of East Turkestan, formally part of Afghanistan, in what is currently the Xinjiang region of China.

The group is thought to have links with al Qaeda. In its 2005 report on terrorism, the U.S. State Department said that the group was "linked to al Qaeda and the international jihadist movement" and that al Qaeda provided the group with "training and financial assistance".

U.S. ECONOMIC CONDITIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. DRIEHAUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. DRIEHAUS. Mr. Speaker, thank you for the opportunity to address the House today in what is the first of what will be many conversations amongst the new Members of Congress and our observations as to where we are going in this Congress, some of our observations as to the economic conditions and the policies that have gotten us to where we are.

I would like to thank the Speaker and the majority leader and the majority whip for giving me this opportunity and for giving my fellow classmates, the new members of the Democratic class, the opportunity to come here today and talk for just a little while about what I believe to be the most pressing issue in the United States, and that is the foreclosure crisis and the lending crisis that has led us into this recession.

We would like to talk about some of the reasons we got there. We would like to talk about some of the actions that have been taken since the Democrats have regained control of Congress in order to address the foreclosure crisis. But we have heard much rhetoric over the years about why we are where we are in terms of this economic crisis.

I spent 8 years in the State legislature in Ohio, and I will be joined shortly by a former colleague in the State legislature in Ohio. We have seen Ohio hit hard by the foreclosure crisis.

Just today in the Cincinnati Inquirer, my hometown newspaper, out of our 52 neighborhoods in Cincinnati, it stated in 33 of those neighborhoods, over 10 percent of all houses currently sit vacant. That is a tragedy, Mr. Speaker. But unfortunately, that tragedy is playing out again and again and again across the United States.

So we are going to spend a little time in conversation with my Democratic colleagues discussing how we got here and what the impacts are, what the impacts are to our constituents, what the impacts are to American families across the country who are currently suffering under the weight of this foreclosure crisis.

With that, Mr. Speaker, I would like to yield to my colleague, the gentleman from Ohio (Mr. BOCCIERI) to talk a little about his observations in northern Ohio.

Mr. BOCCIERI. I thank the gentleman from Ohio and greater Cincinnati area who has done extraordinary work in the Ohio legislature to try and remedy the situation where we find so many families struggling and so many families trying to live the American Dream of owning their own home and having a job to pay for their mortgage.

Mr. Speaker, what we have found over the last several years is that the housing crisis is at the epicenter of the economic downturn that we are experiencing in this country. Make no mistake, today's great recession is rooted right here in the housing crisis that we find so many families plagued with, and especially across Ohio.

But the irony here is that the success of our communities actually begins at home.

Now, the gentleman from Ohio (Mr. DRIEHAUS) and I know, after studying this issue for a long time, we worked on the predatory lending bill that passed through the State legislature in Ohio, and he is assigned to the Financial Services Committee here in the Congress, to try to remedy this situation for average families back home in Ohio.

Now let's talk about those average families. We hail from the Buckeye State. Buckeyes. Bob and Betty Buckeye go to the local community bank. They take out a mortgage to live to that dream of American homeownership. They take out a mortgage. They go to work. They punch a time clock and play by the rules. Maybe they put their kid in college. That bank sells their mortgage three, four, five times down the road. I don't know, Mr. Speaker, maybe that violates the spirit of the Truth in Lending Act. What happens is after this mortgage is sold three, four, five times, they have no idea who owns it.

□ 1645

And they send their mortgage off every month because they get the bill in. And what happens? Bob and Betty Buckeye begin to feel the economic pinch. They begin to see that the job market is starting to erode. All of a sudden, Bob loses his job and can't make his home mortgage payment. So what does he do?

He goes down to the local bank where he took out the loan and says, "Mr. Lender, give me a couple of extra days. I need a couple of extra days just to make this mortgage payment."

He says, "Well, Mr. Buckeye, we don't own your mortgage anymore."

He says, "Well, who owns it? I took the loan out from you."

What happens is that many, many of our constituents are finding that their

home mortgage from Ohio is now off in California or Texas or some other State, and we don't have the opportunity to work with our local community banks to renegotiate this or have that extra month or 2 months. Automatically these things go into foreclosure. You've seen this in Ohio.

Mr. DRIEHAUS. Reclaiming the time, Mr. Speaker, and as the Congressman noted, we both worked on predatory lending legislation in the State of Ohio. I should mention, we initiated those efforts back in 2001 and in 2002, the same type of efforts that were initiated right here in the United States Congress by our Democratic members here in the United States Congress.

Unfortunately, to this day, we do not have Federal predatory lending legislation that has become law in the United States. I think that is a tragedy for our country because, as you have described, Congressman, is how it has played out across the country.

I served on the Governor's Foreclosure Task Force in the State of Ohio. What you observed in terms of Bob and Betty Buckeye—and I like the name—but what you observed played out over and over again. We found that the vast majority of these mortgages were in the subprime market.

That term is tossed around a lot—these subprime loans. Well, subprime loans are simply loans made to families who have already shown that they have difficulty making payments. That's why they are considered to be subprime—that they have difficulty in terms of their credit report, they have difficulty in terms of their credit history in making payments.

So what happened? As you described, we saw these financial entities—not necessarily State-run banks, not necessarily depositories—but we saw these financial entities come into the State of Ohio, and we saw this over and over again in multitudes of States, where they would make loans available. Sometimes it was no money down, sometimes it was no-doc loans. That is, you didn't have to show any documentation as to your annual income. Yet the folks still qualified for the loan.

Well, how did that happen? Because it used to be, as you know, Congressman, that you would go into the local bank or you would go into the local savings and loan and you would ask for a mortgage loan. And they would come out and appraise your house. And the risk associated with that mortgage loan would be held by you and it would be held by the bank. And they would hold that paper in their portfolio. It was a long-term investment for that financial institution.

But as you described is how it played out. With the development of these secondary markets and the securitization of mortgages across the country, what

we saw was very interesting behavior. So that no longer was it the financial entity that was closing the loan that was carrying the risk, but they immediately transferred that risk onto a secondary market. They sold the loan.

The loan was then securitized in a mortgage-backed security on Wall Street and sold to an international investor, sold to a pension fund. So there was no risk at the front end of the closing of the loan. It incentivized all kinds of behaviors. So people who should not have qualified for loans were qualifying for loans. And, very interestingly, the loan products that they were qualifying for were very predatory in nature. Many of these loans, we came to find out, were adjustable rate mortgages—mortgages that had teaser rates up front, but 2 years into the loan, 3 years into the loan, the mortgage rate would adjust. It may adjust in certain cases every 4 months, every 6 months. And you often found the family wanting to get out of that loan, wanting to refinance, but they were unable to do so because of this little instrument contained in almost every one of these loans called a prepayment penalty.

So think about it. You've got a family who has a poor credit history, who has difficulty paying off their debts, now finding themselves with a mortgage that used to be affordable. Say it was \$700. Now all of a sudden that mortgage is \$1,200 after the rate has started to adjust. They want to get out, but this prepayment penalty of maybe \$2,000 or \$5,000 stops them from refinancing.

So they are trapped. They are trapped in a loan that they cannot get out of, and it just repeats itself over and over again when it comes to foreclosures.

I will yield to the Congressman.

Mr. BOCCIERI. So, Representative DRIEHAUS, let me get this straight. Those constituents of ours, Bob and Betty Buckeye, that get those flyers in the mail saying they can get a free vacation if they refinanced their house, they can send some money to their kids who are in college, those are predatory in nature, am I right, because there's no skin in the game? They're asking constituents to sign away for 30 years or 15 years on a mortgage.

Mr. DRIEHAUS. They were absolutely predatory in nature. Time and time again, there were those of us in State legislatures across the country who called out to our Congress and said, Look, you have the ability to regulate these entities. You have the ability to crack down on predatory lending.

The Republicans in Congress at the time—or the Republicans now—are engaging in revisionist history, where they want to blame the CRA—the Community Reinvestment Act—or they want to blame Fannie Mae or Freddie

Mac for the foreclosure crisis, and they seem to forget that they were elected in 1994 and they held the majority in 1995, in 1996, in 1997, in 1998, in 1999, in 2000, in 2001, in 2002, in 2003, in 2004, in 2005, all the way until the election in 2006.

As this chart demonstrates, we saw the growth of these in early 2000. That's when you saw many initiatives. You saw legislation introduced right here on the floor of this Congress in 2000, trying to address this problem.

But the Republicans would have none of it. They said the market will take care of it. The market will address the situation.

We saw in 2003, 734,000 foreclosures. That number, as staggering as it is, in 2003, by 2008 had grown to almost 2.5 million foreclosures across the United States.

I think it's important—and our colleague from Florida is about to join us, as is another colleague from Ohio—but I think it's important when you talk about the true cost of foreclosures, the cost is not simply with the family that is being foreclosed upon, but it's to everybody in the neighborhood.

I have a house two doors down from me that was foreclosed on. That hurts my property value. It hurts the property value of my neighbor across the street. But when you see a multitude of foreclosures and vacancies across a neighborhood, then you see deterioration in the schools. It hurts small businesses. It hurts the entire fabric of the community as you see increasing crime and as you see local governments having to pay the cost of upkeep on those properties.

I will now yield to my colleague from Columbus, Ohio, Congresswoman KILROY.

Ms. KILROY. Thank you so much, Congressman DRIEHAUS. I have been listening to what you have been saying about the impact of this foreclosure crisis on Ohio, and you are absolutely right. When you talk about the impact of these large numbers of foreclosures on communities, we know that a single foreclosure can devastate neighboring homes and the surroundings.

On average, we are told that when a home enters foreclosure, its value immediately plummets, on average, \$58,759. It hurts the neighborhood as well because when that lower price, that lower sales price, that lower valuation hits the books, it hurts the value of the entire neighborhood.

Every time you see a foreclosure, if it's in your neighborhood, your house or my house or our neighbors' houses are going down in value. That also has an impact on our local governments. We know that local governments are hurt as well in this economic downturn. They are finding it harder to protect neighborhoods against arson or squatting or other criminal activity.

So the foreclosure crisis hurts that family, it hurts the neighborhood, but

it also hurts all of us in terms of the increase in criminal activity. Vacant and abandoned properties impose high costs on our local communities. Local jurisdictions and our school districts feel the impact of that lost tax revenue from those properties. Our cities are bearing the cost of municipal services, increased code enforcement, boarding things up, trying to find money to demolish homes and other properties that are vacant and declared to be nuisances.

All of these are problems associated with addressing the issue of vacant and abandoned properties, particularly in our city neighborhoods. But it's not just in the cities. It ripples out. It affects our entire State. It affects, in my area, the entire central Ohio community.

So we understand, as you have said so clearly, that in the last 8 years during the Bush administration, and particularly during the 6 years when the Republicans controlled Congress, there wasn't the necessary action that needed to be taken to stem the tide of foreclosures and protect the rest of us from the impact that foreclosures had on the greater economy, the effect in the financial markets because of the securitizing of mortgages, and to protect all of us from the subprime lending that was at the core of this foreclosure issue and this foreclosure problem.

Every day when I drive through my community, I find that there are more and more foreclosed homes, more and more For Sale signs and, according to a recent Associated Press analysis, my county, the largest county in my district, has the unfortunate ranking of number one nationally for neighborhoods with the largest percentage of vacant homes. This is a problem that hurts all of us.

Mr. DRIEHAUS. If the gentlelady would yield, we have been talking about the impact of the foreclosure crisis and the mortgage lending crisis in the State of Ohio. But we are joined now by Congressman GRAYSON from Florida. As you know, Florida has been hit hard by this economic crisis as well.

I would like to yield some time to Congressman GRAYSON to share his thoughts on the foreclosure crisis.

Mr. GRAYSON. Thank you very much. I appreciate that from the Congressman from Ohio. I will tell you that one of the most hard-hit areas of our entire country in terms of foreclosures, dropping housing values, and a general destruction of the economy, is Florida. In particular central Florida, which I represent.

In central Florida, the economy is based on three things: Tourism, housing, and senior services. Tourism is not doing well. Senior services is just barely getting by. But housing has been crushed by the dramatic decline in

property values and this plague of foreclosures that we see all over central Florida, but in particular, in the epicenter of that earthquake, which is Orlando.

In Orlando, we have the highest home vacancy rate in the country. Almost 10 percent of the homes in Orlando are vacant. We have had extreme overbuilding and a problem that has been exacerbated terribly by foreclosures, which destroy entire neighborhoods.

What you have to understand about foreclosures is that they are fundamentally, economically irrational. As we heard before, every foreclosure results in losses of tens of thousands dollars to the mortgage holder, as well as putting a family out on the street. So you have to ask yourself: Why are the mortgage companies acting this way, and what can be done about it?

For those of us perhaps on the other side of the aisle who worship the free market, the god of the free market, you can look at the situation happening right now and you can see for yourself that our economic actors are acting irrationally by tossing people out on the street when there is an economic motivation to keep them in their homes and keep them paying. And that's what we saw over and over again in Florida.

We saw 30 percent, 40 percent losses being taken on houses, when people in those houses were employed, when people in those houses had income, when people in those houses had savings and the ability to keep paying, although they had missed a few payments already. In a situation like that, what do we gain by throwing people out on the street?

□ 1700

What benefit is that when the mortgage company takes a 30 or 40 percent loss, the homeowner has to move in with relatives or live in a car, and beyond that, the entire neighborhood is destroyed by foreclosure after foreclosure after foreclosure pervading the real estate market? What good is that?

Well, in Orlando, we have reached a solution that is at least a temporary solution for this problem. What we did is I asked our local State court chief judge to institute mandatory mediation in all foreclosure cases. So for 45 days, foreclosures in Orlando just stopped, stopped cold. We put everybody on timeout. The banks, the borrowers, the homeowners, everybody was on timeout for 45 days. And you know what? People found a solution to their problems. In 45 days, we got the borrower, the homeowner and the bank together. We put them all together in a room with a mediator paid for by the bank.

Under this program, many people were able to keep their homes. All they needed, some of them, was just an extra couple of months to pay their

bills, a little breathing space. That's all they needed. In some cases they needed a longer term on their loan, in some cases they needed to refinance and they hadn't cleared the paperwork yet, but time after time after time what we found is that with a little bit of breathing space people could end up keeping their homes—at least those that had an income, at least those that still had a job.

We did an enormous amount of good by this simple fix on foreclosures in Orlando. But it evokes a deeper question. The deeper question is, How did we get in this situation in the first place? What is it that led to this plague of foreclosures in the first place? And we all know the answer; the answer is predatory lending and housing fraud.

And for those across the aisle who want to cast the blame in this direction, I ask a simple question. The Bush administration was in charge of enforcing the law in this country for 8 years. Can you name me one person in that 8 years that was convicted of Federal housing fraud, just one? And I see a blank stare in response. Not one. Not one case can they identify of a single person who was enforced criminally in this country with violation of our housing laws, not one.

Now, our job is to pass the law. Our job is to pass a bill, send it to the Senate, take a Senate-passed bill, vote on it ourselves, and ask the President to sign it. That is what we do here, and we do oversight as well. But can we enforce the law? No. That is the responsibility of the executive branch. And I am telling you right now that for 8 years they did nothing. Nothing. And now they have the nerve to come to us and blame us for the problems that they created?

Mr. BOCCIERI. Will the gentleman yield?

Mr. DRIEHAUS. I will yield to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Thank you. Congressman, you bring up several good points. And let's make sure that we have full disclosure here and big-picture stuff.

You know, the government shouldn't be so immersed in the market. But we set the goalpost, we set the out-of-bounds markers, and within the parameters of that we should allow the free market to work. But what was happening in that free market for the last 10 years? We had hedge fund operators betting on the price of fuel going up; we had folks who were investing and betting on the price of food going up—supermarket, you go into a supermarket, you see prices rising—and we had hedge funds that were betting that people would not be able to pay their mortgage. Now, this was a recipe for disaster.

Congressman GRAYSON, you bring up valid points: Why was there no enforcement? Why were there no referees enforcing the out-of-bounds markers or

the goalposts? Why were we not enforcing this? And why were we allowing families to lose their homes, lose the American Dream? And this notion that we don't have enough regulation, we don't have enforcement of the regulations is what is happening. And what we are finding is that families across this country are struggling because of that lack of enforcement.

Let me give you one example of a family in Ohio. Just last month, the RealtyTrac rated Stark County, the largest county in the 16th Congressional District, one of the counties in my district, among the worst in the Nation in foreclosure rates. The Canton-Massillon metropolitan area ranks near the top of that list: 6,400 foreclosures last year. One of those homeowners was Willie Campbell.

I met Ms. Campbell a couple weeks ago at a roundtable I put together back home to discuss these home foreclosure issues and find out how we could find some valuable solutions. Ms. Campbell was falling behind on her mortgage payments on her three-bedroom home in Stark County. She wanted to do the right thing. She wanted to remedy the problem. She is a good American. She called an 800 number listed on a TV commercial that promised to help her. Well, it didn't. In fact, it was a scam. They took money out of her bank account for 5 months.

Ms. Campbell turned to a community development organization for help. Through mediation, she received help to lower her monthly payments from more than \$850 to a little more than \$620. She was able to cut her interest rate from 9 to 5.6 percent. What's more is that community organizations like the one that she sought help from were able to negotiate a 3-month grace period so her mortgage payments would not be late and so that she could catch up on her bills.

Now, while Ms. Campbell was eventually able to find the help that she needed, more than 4,400 Stark County homeowners who filed for foreclosure last year were not so lucky. And what are those statistics, as Congressman DRIEHAUS suggested and Congresswoman KILROY from Ohio suggested? Ohio ranks at the top five States nationwide for the highest home foreclosure rates. We have found nationwide that home values have dropped 18 percent. Nearly one in five homeowners owes more than their home is worth. And each foreclosed property, as Congressman DRIEHAUS suggested, reduces the property value of neighbors by 9 percent.

We can do better. We have got to enforce the regulations. And that is why this Congress acted to make sure that we have enforcement of the regulations that are out there so that these fly-by-night lenders and folks who are willing to sign on the other end of the table are brought into check and that we have some balance.

Mr. DRIEHAUS. Thank you, Congressman. I just want to follow up on a point you made and a point that the Congressman from Florida made, and it's about the markets.

We have the best economic structure in the world. We have free market capitalism. And that allows for competition, it allows that competition to drive down prices, and that competition is what makes our economy grow. But when the markets don't work, when the markets have disruptions, it is our job, it is the job of government to intervene.

We are not elected to protect the barons on Wall Street, although if you sit on Financial Services, you would think that some Members are. But we are elected to protect the public good, protecting the public good.

I have heard my colleagues on the other side of the aisle go so far as to suggest that this economic crisis was precipitated by something called "predatory borrowing," as if the borrower has control, as if the borrower has control in the interaction in a mortgage loan, as if the bank is not allowed to say, you know what, you didn't give me the documentation as to your income, so therefore I am going to deny the loan.

We have folks on the other side of the aisle who have just closed their eyes to the crisis, saying the markets will take care of it. And I think that explains the inaction during the 1990s and in 2000 and 2001 and 2002 and 2003, 2004, 2005, 2006.

I had my staff pull some of the bills that were introduced in the House by the Democrats when the Republicans led the Congress. And in the 106th Congress you have both the Anti-Predatory Lending Act of 2000 as well as the Predatory Lending and Consumer Protection Act of 2000, didn't get a vote on the floor. In the 107th, the Protecting Our Communities From Predatory Lending Practices Act, no vote on the floor. The Predatory Mortgage Lending Practices Reduction Act, no vote on the floor. In the 108th Congress, the Predatory Mortgage Lending Practices Reduction Act, nothing. The Prevention of Predatory Lending Through Education Act, no action on the floor by the Republican-led Congress. Again, in the 108th, the Prohibit Predatory Lending Act, no action. And this happens over and over again every single year.

It wasn't until the Democrats took control of Congress that this Congress took seriously its role in regulating the markets when it comes to mortgages, when it understood that our primary objective, our primary purpose is to protect the public good.

This Congress failed the American people under Republican leadership when it comes to housing. And it was only when the Democrats were elected in 2006 that we started to see action.

But before I go through the number of steps that have been taken since 2007, when the Democrats took control, I would like to yield time to our colleague from New York (Mr. TONKO). So, Mr. TONKO, thank you for joining us.

Mr. TONKO. Thank you, Representative DRIEHAUS. I thank you for bringing us together on what is a very important topic.

You know, as we look at this very deep and long recession, far longer than some forecasted, we need to look at the root causes of yesterday that bring us to this point in history of today and how we are going to move forward.

I was very much interested in the chart that you shared with us earlier to look at the recent past history and the neglect that has caused such hardship in so many of the communities across this country. And, rightfully, it can be stated that this recession that we are currently enduring was pretty much triggered by the housing crisis, the mortgage crisis, the lending crisis, the foreclosure crisis. And as has been indicated by Representative KILROY, it impacts in several ways; and we can measure that in very interesting dynamics.

To think of the fact that one out of every 200 homes will be foreclosed upon is a very unraveling thought. That translates to some 3,000 people just in this capital city of Washington, D.C. alone. That is a tremendously difficult burden for communities. When you think of the fact that one child in every classroom in America is at risk of losing her or his home because the parents cannot pay for that mortgage, six in 10 homeowners that wish they understood the terms and details of their mortgages better. And the list goes on and on, all sorts of dynamics that really speak to the trouble that is out there and the impact that has been felt in our communities.

Any number of tipping points can cause this mortgage crisis or this foreclosure crisis. It can range from a job loss in this tough economy, to a health crisis that many families face, to previously missed mortgage payments—or certainly the lack of savings and access to credit, which has been another dynamic that has been dealt with and felt very severely by America's working families.

But on March 5 of this year, several of us—perhaps all of us in this colloquy—were able to stand up on this floor and pass H.R. 1106, the Helping Families Save Their Homes Act, which was our step forward, with the leadership of this House, with Speaker PELOSI determined to make a difference, with the Members of the majority looking to respond as there wasn't a response in the past, with the President and his administration looking to employ certain agencies to help resolve these crises.

We are going to move forward with a plan of action. And we need to make certain that more people are allowed to have a stable, affordable mortgage outcome. We need to work with agencies like the Department of Veteran Affairs and the Federal Housing Administration and the Department of Agriculture to allow people to modify their mortgages so that we can save the day for many homeowners. We need to expand the FHA's mortgage loan modification abilities so that, again, we can bring assistance to so many families.

Ms. KILROY. Would the gentleman yield?

Mr. TONKO. Yes.

Ms. KILROY. I appreciate what you are saying. And after Representative DRIEHAUS laid out the problem of inaction and the impact that it had on our States, on our communities, and the large foreclosure crisis that has spilled over into the greater economy, what you are bringing up is that we now have a Congress that is ready to take action, take action to protect families, to protect communities, to address the issues that got us here into the sad state of affairs that we are; and the Making Homes Affordable Act, helping to stabilize our housing market, helping maybe 7 to 9 million Americans reduce their monthly mortgage payments to more affordable levels through refinancing, through workouts. And I am proud to have supported that kind of legislation, as I know you are and my colleagues. And I am happy to help people who contact my district office to find ways to learn about these programs and how they can learn whether it will help their particular situation.

I think it is great that these programs have gotten a lot of notice and a lot of publicity. But I am concerned that Representative BOCCIERI brought up the issue with the example of his constituent who got taken advantage of by somebody who pretends to help and is really hurting, and a whole new class of predators here springing up in Ohio—and probably in other States as well—taking advantage of somebody who went to them for help.

So I think it is really important that people, when they are working out their mortgages, work with their bank or go to an accredited housing counselor. And in central Ohio, there are five of them—there is Homes on the Hill, there is Columbus Housing Partnership, there is the Urban League, the Consumer Credit Counseling, accredited agencies that will help you.

□ 1715

Mr. DRIEHAUS. Reclaiming my time, we have seen tremendous resources springing up spontaneously across the country, reaching out to homeowners, reaching out to renters who find themselves in difficulty, who are seeking housing assistance. And

just like in Columbus, we have the resources for 211 and other avenues, and the Ohio Department of Commerce has done tremendous work in the State of Ohio. And we have talked about what got us here and the inaction of the multitude of Republican Congresses.

But I would like to draw attention just for a minute and recognize our colleague Congressman HIMES to discuss solutions because we have an opportunity this week. We have an opportunity this week to pass a predatory lending bill. And this will be, I hope, the predatory lending bill that becomes law in this country, that finally when we got here in 2009, we made our mark and we said enough. Enough of the politics as usual. Enough of the Bush administration's saying "no" to protecting consumers and protecting homeowners. We have strong predatory lending legislation that we hope will become law.

So I yield to my friend JIM HIMES.

Mr. HIMES. Thank you to my colleague from Ohio for organizing this on this very, very important topic.

At one level what we're discussing is really very simple. Like every one of my colleagues standing here today, I have deep respect and appreciation for the power of the free market. It is the free market that has created the wealthiest society in the history of humankind. However, a free market requires smart regulation. We regulate dangerous things. We regulate tobacco, we regulate alcohol, we regulate firearms because we understand that used responsibly, they can enhance one's quality of life, but used irresponsibly, they can be devastating. And if there is one lesson that we have learned from this economic crisis, it is that an excess of debt can be devastating, devastating to individuals, to families, and, as we have learned much to our peril, to our country as a whole.

We have a long record, as my colleague from Ohio has pointed out, of attempts, failed attempts, to put in place over Congress after Congress, Republican-controlled Congress after Republican-controlled Congress, attempts to regulate the more excessive and predatory aspects of consumer lending that never saw the light of day.

But now we have an opportunity, a really terrific opportunity to pass commonsense legislation, which in many ways mirrors the very commonsensical legislation that we saw passed in strong bipartisan fashion last week around credit cards with respect to predatory lending.

H.R. 728 is a bill that will bring about a reform of the most predatory of practices. And it's hard, as you dive into this bill, to disagree with what is in there. The bill establishes a simple Federal standard for all home loans that simply says that lending institutions must ensure that borrowers can repay the loans they are sold. Now, in

a free market, the market would bring that discipline to bear. But there are oddities within the housing market, subsidies, other incentives that mean, and we are all suffering from this today, that all too often mortgages are extended to families where the lender knows or perhaps doesn't know but didn't do the work but knows that the individual, the family cannot repay that mortgage. So how hard is it to conceive of a regulation that simply says that a lender must do the work to assure us and to assure the borrower and themselves as a lender that they can repay the loan?

Lenders would be required and mortgage brokers would be required, if a family qualifies for a prime mortgage, to not sell them a subprime mortgage. And this is a particularly pernicious aspect of the mortgage industry. We see it particularly in our minority communities where minority families who might qualify for the low rates associated with the prime mortgage instead are sold a subprime mortgage and therefore are paying hundreds, in some cases thousands, of dollars every month that they don't need to pay. Again, this bill would just assure that mortgage brokers and lenders are not financially incented to put people into mortgages that they don't need to be into. Good, commonsensical regulation.

This bill will also ask that our securitizers, and we know now that one of the aspects of the housing market that was a bit pernicious was that risk was just passed from one hand to another, sliced and diced, and the person who made the decision to take the risk by extending the mortgage a week later had no exposure to that risk. So we are asking that along the chain of custody of a mortgage, whether it's the broker, the lender, the securitizer, that people just do the very basic work to look at this stuff, to look at this stuff and to convince themselves that the law has been followed, that the policies are in place to make sure that you're not putting toxic paper into securities unknowingly, bringing some responsibility to a process which has been all too irresponsible for far, far too long.

This is commonsensical legislation, and I hope and expect that it will draw the same kind of bipartisan support that we saw for the Credit Cardholder's Bill of Rights last week.

Mr. DRIEHAUS. You know, Congressman, we used to say in Ohio that you had more protections in buying a toaster than you did a house in the State of Ohio before we passed predatory lending legislation. And the simple fact of the matter is that for far too long in the United States Congress, the Congress has bent over backward to protect the lenders, but they have failed to protect the consumers. And in failing to protect the consumers, it has not only cost those families who were

duped into those predatory loans, but it has hurt neighborhoods, it has hurt communities, it has failed entire cities.

With that, I would like to yield to Congressman BOCCIERI from Ohio.

Mr. BOCCIERI. Thank you, Representative DRIEHAUS.

Congressman HIMES brings up a very, very valid point. When Bob and Betty Buckeye go to that local community bank, they sign for a 30-year mortgage, a 15-year mortgage, and they are expecting that their job is going to remain intact, that they're going to be able to make those mortgage payments. But what we found with the transactions across the market is that those mortgages were sold three, four, five times, and guess what. They wound up in some investment bank on Wall Street, and then we had hedge funds betting on people failing to pay their mortgage.

So this legislation and the action that the Congress is taking is making sure that Wall Street is put on notice to make sure that you're not going to bet on people failing, Americans failing. America is much better than that. We are more than that. We're not failures. We have a success story that is unmatched around this world.

And when you talk about 6,400 forecloses in my district alone, the largest county in my district ranking number one in a State that ranks number five in the country, 6 million people across this country have lost their homes, these aren't just real numbers. These are real people. These are real people.

Mr. DRIEHAUS. This is what Hamilton County, Ohio, looks like, Congressman. And thanks for the work of the folks that are working in neighborhoods for providing us this data. But this is what inaction in Congress means. It means foreclosures dotting the entire county. And I think I said earlier that in 33 of our neighborhoods in Cincinnati, we now have at least one in 10 homes standing vacant.

We have talked a bit about Ohio, but we have been joined by some of our colleagues from New Mexico and from Virginia. So I would like to recognize Representative LUJÁN from New Mexico for his comments and his observations as to the situation in New Mexico.

Mr. LUJÁN. Mr. DRIEHAUS, thank you very much for yielding.

As we talk about the importance of looking after those that are most in need and those that have been getting impacted and thrown out of their homes, losing their homes on a regular basis, and you look to see the inactions that have caused this problem, and the actions that this Congress, the 111th Congress, is coming forward to work on to make sure that we're looking after those that need help the most, it's an honor to be here with so many of my new colleagues as we are talking about taking action and not just waiting and waiting and waiting, but being divisive

and being bold in our approaches to make sure we're looking after the citizens that we represent.

Mr. DRIEHAUS, one important thing that I wanted to talk about today was there are so many people across the country who aren't able to afford that home, who are saving up and doing what they can so they can experience the American Dream of getting into that home. And they're renters. They are renting homes, and they are supporting a whole other segment of the housing across the country. And it's a segment of the population that was ignored for many years.

Looking back at the Bush administration, when they took office in 2001, touting a homeownership agenda with the goal of 5.5 million new homebuyers, but they neglected to address affordable renting housing needs.

The legislation that we'll be looking at, one important aspect of it, is we're going to be protecting tenants who rent homes that go into foreclosure, recognizing that there is a whole other segment of the population that is very much in need, that are struggling, that made some good decisions, that were maybe lured by some of those predatory lenders but were able to hold off. And now we are going to be going forward, and these are some of the other people that the Democrats aren't turning their backs on, that we're looking to see how we can help.

Mr. DRIEHAUS. Reclaiming my time, that provision is, in fact, an important part of the predatory lending bill that will be coming before us on this very floor on Thursday.

We do understand that not everybody can afford a home, not everybody should be purchasing a home, and there are many, many responsible families that are out there renting. And through no fault of their own, the landlord has gotten in trouble, and the building is now being foreclosed on, and because of that foreclosure, they're out on the streets. This bill provides them protection, necessary protection. The first time this Congress has acted to provide them protection.

So I appreciate your efforts on behalf of the renters and your standing up for the renters. And I just want to tell the people that we are standing up for them and that we will take action on Thursday on their behalf.

With that, I would like to turn it over to Mr. PERRIELLO from Virginia to offer his comments on this discussion.

Mr. PERRIELLO. Representative DRIEHAUS, this is indeed a very exciting moment. You can feel the sense of change.

Many of us that are part of this colloquy right now are all from the freshmen class, and I think it's not a coincidence because we represent a class that is in favor of accountability, accountability and common sense. Many of us were called to politics for the first

time by watching more than a decade of irresponsibility here in Congress and in the White House where we saw policies of Wall Street greed cloaked in the sense of Main Street compassion in what was called the "ownership society," policies which seemed to suggest the idea that everyone could own a home regardless of how much money they made when really it was a strategy to help the rich make a lot of money on the failure of those who could never afford a house in the first place.

Year after year, as you've pointed out, there were opportunities to put basic, commonsense accountability rules in place to prevent this from happening. And year after year we saw this Congress do nothing, do nothing, to challenge these absurd policies.

And we all know now that these policies affected much more than just the lender and the borrower. We all as Americans are in the same neighborhoods affected by these massive foreclosures. It doesn't just affect those who cannot afford their mortgage but those who live on streets where foreclosures have occurred. We have seen a fundamental lack of accountability. But you see this Congress, particularly with the new Members from the 2006 and 2008 class, pushing for real change on accountability. We saw it last week with the credit card bill. Fundamental commonsense legislation that said let's put some rules in place to prevent the tricks and the traps. If it's a product you can't sell on your own, you have to fool people into it, then maybe this is the place where basic consumer protections need to step in. Now we're ready to do the same thing with predatory mortgage lending because we are all affected by this. Our housing prices are all affected by it. Our retirement security is affected by it. And it's about time that we put in place the kind of commonsense legislation that will reward the good actors like our community banks that remained strong through this entire process instead of continuing to bail out those who have been the least responsible through this process.

This is a show that results are possible. They could have been possible if the will was there under previous Congresses and administrations. But now the will is there, and we will not rest until we put in these basic restrictions and continue to expand this new era of accountability to reverse the irresponsibility we have seen over the last 10 years and protect the American family and their right to homeownership.

Thank you.

□ 1730

Mr. DRIEHAUS. Congressman, thank you for your tremendous efforts on behalf of homeowners in Virginia.

As you say, we got elected. We got elected because people wanted to see

change. Barack Obama was elected President of the United States because people wanted to see change, and they want to see Congress move forward.

But they keep hearing, on the other side of the aisle, the same old excuses. And the folks on the other side of the aisle don't want to point the finger at themselves. They forget; they have collective amnesia about their 12 years in power here in the House and their failure to do anything when it comes to predatory lending, when it comes to foreclosures.

I yield to Mr. HIMES for his observations and try to wrap this up.

Mr. HIMES. Thank you for the opportunity. I want to highlight one other practice that would be prohibited by the antipredatory lending bill that is to come before the floor this week.

I spent many years as a vice president of the Enterprise Community Partners, a nonprofit affordable housing group and saw up close and personal the devastation that can be wreaked by a process, a product, if you will, known as asset stripping.

Asset stripping involves the extension of debt, either a mortgage or a home equity line, often to the elderly, often to minority populations, where the lender knows, the lender knows that there is no likelihood that either the senior citizen or the borrower, whoever that borrower may be, can repay that loan.

And it's very deliberate, because as a result of the loan, the lender knows they will come into possession of the home involved. They will take the equity in the home.

Now, in this world of declining real estate values, it's a little hard to understand that business model. But the reality is that ordinarily, when housing prices are rising steadily or less than steadily or more than steadily, as we saw in the last 10 years ago, that can be a very profitable business model based on the expectation that the borrower will fail. That is not the kind of product that anyone on either side of the aisle thinks should be out there victimizing, particularly the high concentration of the elderly and the minority borrowers who get caught up in this thing.

Asset stripping is a pernicious thing that would be forbidden by this antipredatory lending bill, and I think we should take great pride should that occur should this legislation pass.

Mr. DRIEHAUS. Congressman, that's a good point and I have seen all kinds of anomalies in the market that have led to behaviors that you wouldn't want to see. If you were, in fact, elected to protect the public and the public good, you would want to crack down on these pernicious behaviors. And that's exactly what we are doing in the antipredatory lending bill.

But time and time again, if you turn on the radio, if you turn on C-SPAN, if

you turn on CNN, you turn on Fox News, you hear Republican after Republican getting up and making excuses, not talking about the pernicious behaviors, not talking about what is wrong with the market and how we might correct that, but blaming all kinds of different actions that have been taken by this Congress in the past.

They go so far as to suggest the Community Reinvestment Act, the CRA, passed by this Congress in 1977, is the root cause of the housing crisis in the United States.

If I have heard this once, I have heard it a thousand times, and it is now talked about all the time on talk radio.

But when you look at the Community Reinvestment Act in 1977 and what it did, it addressed red-lining, because we knew that there were financial institutions that weren't lending in certain neighborhoods, especially minority and low-income neighborhoods. So we provided incentives for financial institutions to engage in responsible lending in those low-income and minority neighborhoods.

It was called the Community Reinvestment Act, and the Community Reinvestment Act was extremely successful. As a matter of fact, 83 percent of the failures, the loan failures that we are talking about, are not even with institutions that are covered by the CRA. That's a remarkable number.

Yet Republican after Republican blames the Community Reinvestment Act. So I would like to put this one myth to bed. I would like to do that by reading a letter from the Chairman of the Federal Reserve, Mr. Bernanke, to Senator ROBERT MENENDEZ about the CRA. This letter is dated February 25, 2008.

"Dear Senator:

"Thank you for your letter of October 24, 2008, requesting the Board's view on claims that the Community Reinvestment Act (CRA) is to blame for the subprime meltdown and current mortgage foreclosure situation. We are aware of such claims but have not seen any empirical evidence presented to support them. Our own experience with CRA over more than 30 years and recent analysis of available data, including data on subprime loan performance, runs counter to the charge that CRA was at the root of, or otherwise contributed in any substantive way to, the current mortgage difficulties.

"The CRA was enacted in 1977 in response to widespread concerns that discriminatory and often arbitrary limitations on mortgage credit availability were contributing to the deteriorating conditions of America's cities, particularly low-income neighborhoods. The law directs the four Federal banking agencies to use their supervisory authority to encourage insured depository institutions—commercial banks

and thrift institutions that take deposits—to help meet the credit needs of their local communities, including low- and moderate-income areas. The CRA statute and regulation have always emphasized that these lending activities be 'consistent with safe and sound operation' of the banking institutions. The Federal Reserve's own research suggests that CRA-covered depository institutions have been able to lend profitably to lower-income households and communities and that the performance of these loans is comparable to other loan activity.

"Further, a recent Board staff analysis of the Home Mortgage Disclosure Act and other data sources does not find evidence that CRA caused high default levels in the subprime market. A staff memorandum discussing the results of this analysis is included as an enclosure."

He ends like this: "As the financial crisis has unfolded, many factors have been suggested as contributing to the current mortgage market difficulties. Among these are declining home values, incentives for originators to place loan quantity over quality, and inadequate risk management of complex financial instruments. The available evidence to date, however, does not lend any support to the argument that CRA is to blame for causing the subprime loan crisis."

Mr. Speaker, I submit the November 25, 2008, letter to Senator MENENDEZ for the RECORD.

BOARD OF GOVERNORS
OF THE FEDERAL RESERVE SYSTEM,
Washington, DC, November 25, 2008.

Hon. ROBERT MENENDEZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Thank you for your letter of October 24, 2008, requesting the Board's view on claims that the Community Reinvestment Act (CRA) is to blame for the subprime meltdown and current mortgage foreclosure situation. We are aware of such claims but have not seen any empirical evidence presented to support them. Our own experience with CRA over more than 30 years and recent analysis of available data, including data on subprime loan performance, runs counter to the charge that CRA was at the root of, or otherwise contributed in any substantive way to, the current mortgage difficulties.

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Further, a recent Board staff analysis of the Home Mortgage Disclosure Act and other data sources does not find evidence that CRA caused high default levels in the subprime market. A staff memorandum discussing the results of this analysis is included as an enclosure.

Sincerely,

BEN BERNANKE.

Enclosure.

Yet the myth is perpetuated over and over again by my Republican colleagues.

We appreciate this opportunity, the newly elected Members of the Democratic class, to give an analysis of how we got here in terms of the mortgage crisis, how the mortgage crisis has led to the bank failures in this country, how we are now here to help pick up the pieces.

We were elected in November, along with the President, to work on solutions, to quit turning a blind eye to the economic crisis in this country.

But we know, over and over again, and I certainly saw it as a State legislator, when we asked for Federal intervention in the markets, when we asked for Federal intervention when it came to foreclosures, there was only silence coming from Washington D.C.

On Thursday we have an opportunity. On Thursday we have an opportunity to pass antipredatory lending legislation that will make a difference, that will make a difference for every American family. And it is my hope that finally, in the spring of 2009, the Federal Government will step up to its responsibility and pass antipredatory lending legislation and pass a law that will be signed by this President to protect homeowners across the country.

WE MUST NOT IGNORE CONTINUING THREATS TO ISRAEL'S SURVIVAL

The SPEAKER pro tempore (Mr. KISSELL). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday this House voted to commemorate the 61st anniversary of Israel's independence. However, even as we recognize this historic occasion, we must not ignore the continuing threats to Israel's very survival, the greatest dangers presented by the radical regime in Tehran whose leader, Mr. Ahmadinejad, has repeatedly denied the Holocaust, as all of us know, and has called for Israel to be wiped off the map.

More recently, at last month's Durban II hate-fest in Geneva, Ahmadinejad reminded us of his regime's goals when he savagely attacked Israel, stating that "world Zi-

onism personifies racism," and called Israel the "most racist" regime.

These are not mere idle words, Mr. Speaker. Ahmadinejad and his fellow thugs have long sought to make good on their call for Israel's elimination by sponsoring violent Islamic extremist groups and pursuing nuclear, chemical, biological and missile capabilities. In the face of such a menace to our strong, democratic ally, Israel, and to our vital interest in the Middle East, the U.S. and other responsible nations must not stand idly by. We cannot accept the prospect of an emboldened nuclear Iranian regime.

We must close loopholes in U.S. and international sanctions so as to deny the regime all remaining lifelines for their economy and compel it to abandon its destructive policies.

Further, we should realize that the existential threats to Israel, and the obstacles to peace, begin with Iran; but, sadly, they do not end there.

We must learn history's lesson that we will not achieve peace by engaging with these Islamic militant groups like the Iranian proxy, Hamas, or by recognizing a Palestinian Authority government that includes Hamas.

In standing with the Jewish state against those who seek to destroy it, we should above all do no harm. Unfortunately, proposed funding for the Palestinian Authority, the West Bank and Gaza is included in the emergency supplemental, which would be before this floor in a matter of days; and it does not meet that standard of do no harm.

It would provide, in fact, hundreds of millions of dollars of assistance in Gaza, thereby essentially providing a bailout for Hamas, enabling Hamas to divert its funds from reconstruction and put it, instead, to the purchase of arms. It would reward and bankroll a Palestinian Authority that has proven itself unwilling or unable to fulfill its responsibilities.

When considering assistance to the Palestinian Authority, Mr. Speaker, we need to judge their leaders by their words, and by their acts as well. Just last week Palestinian Authority leader Abu Mazen reiterated his refusal to recognize Israel as a Jewish state. He said the same thing last year and the year before that, and there is no reason to think that more U.S. assistance will cause him to have a change of heart in the future.

Indeed, Abu Mazen and other senior Palestinian Authority officials have repeatedly emphasized that they do not expect Hamas or other violent Islamic groups to recognize Israel at all.

Instead, Abu Mazen bragged last year about his many years of leading and supporting violence against Israel, claiming that "I have the honor to be the one to fire the first bullet in 1965."

But this should come as no surprise, Mr. Speaker. In 2005, when campaigning for the leadership of the PA,

he echoed Arafat and Hamas by referring to Israel as the Zionist enemy. A Palestinian transparency organization reported last month that many forms of favoritism, nepotism, misappropriation of public money and abuse of public position continued to impact many sectors of the Palestinian society.

□ 1745

If Palestinian leaders will not uphold their commitments to uproot violent extremism, to stop corruption, to recognize Israel's right to exist as a Jewish democratic state, they should not receive 1 cent of U.S. taxpayer dollars. The proposed supplemental, however, would provide \$200 million in direct cash transfers to the P.A. Let's stop this bill, Mr. Speaker. It does not do justice to the U.S. nor to Israel.

DOMESTIC ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHIMKUS. Mr. Speaker, it is great to be down here, and I am going to turn immediately to my colleague, Dr. PAUL BROWN from Georgia, to talk on the cap-and-tax, global climate change, destruction of jobs in America, a bill that may be coming to the floor soon.

Mr. BROWN of Georgia. I thank my dear friend JOHN SHIMKUS for leading this hour, and I congratulate him on his leadership on this extremely important issue on energy.

Mr. Speaker, I rise today because my colleagues on the other side of the aisle are once again trying to pass off baloney for prime rib. In the last 100-plus days, we have seen nonstimulating stimulus packages, and we are probably going to see some more, secretive bills in an "open and transparent" Congress, and trillion dollar commitments to fiscal responsibility. Clearly, liberals have a monopoly on the misnomer. Unfortunately, the disguises are out again today with this tax-and-cap plan.

We must not be fooled by the rhetoric. This is a \$646 billion tax that will impact every American family, small business, and family farm. Family energy costs will rise by more than \$3,100 a year for every family. This is an outrageous tax on every family that drives a car, buys American products, or flips on their light switch when they come home. So unless your name is Fred Flintstone or you live in a cave, you will be impacted by this tax.

Senior citizens, the poor, and the unemployed will be hit the hardest by this tax as experts agree that they spend a greater portion of their income on energy consumption. This is a time when we should be promoting policies

that stimulate our economy and not tear it down. Various studies suggest that anywhere from 1.8 million to 7 million jobs will be lost by this tax-and-cap policy. Make no mistake that the Democrats' airtight cap will suffocate America's small businesses, crippling America's respiratory system, the free economy.

My colleagues on the other side of the aisle will claim that this tax-and-cap will help clean up the environment; however, this doesn't seem that it is even about the environment or global warming anymore. This has turned into a revenue generator for NANCY PELOSI and HARRY REID's radical agenda, their steamroller of socialism that is being shoved down the throats of the American people, and that agenda includes socialized medicine. The tax-and-trade will be one of the largest sources of revenue for their new radical socialistic agenda. Mr. Speaker, the cat is out of the bag, and the American people see through the disguises, rhetoric and misnomers. Taxing families during an economic recession is not the only way to clean up the environment.

Fortunately for the American people, Republicans have offered an alternative to this unaffordable new energy tax that no one can afford. We believe that you can clean up the environment and keep jobs at the same time.

Our solutions include American energy produced by American workers to create American jobs. Our all-of-the-above energy plan brings us closer to energy independence, encourages greater efficiency and conservation, promotes the use of alternative fuels, and lowers gas prices.

And don't think Democrats aren't doing any back-scratching when it comes to their new energy tax. The Washington Times reported yesterday that a loophole has been tucked into this legislation written by the congressional liberals that would exempt at least one major energy company from at least one of the many onerous provisions of the Democrats' national energy tax plan, ultimately leaving hard-working families and small businesses to pick up the tab.

I encourage all the non-Fred and Wilma Flintstones in America out there to stand up and demand straightforward answers from your lawmakers about this new energy tax that is being promoted by NANCY PELOSI and company, and encourage your lawmakers instead to support an all-of-the-above energy plan that removes our dependence upon foreign oil, lowers energy costs, and will create more jobs.

I thank the gentleman for yielding. We have got to stop this tax-and-cap plan that is being promoted by the leadership of this House and Senate. It is going to kill the American economy, it is going to cost jobs, and I congratulate my dear friend from Illinois for bringing all this out and being a leader

in promoting responsible energy policy for America that the American public can count upon. And I congratulate you.

Mr. SHIMKUS. I thank my colleague, and I appreciate him coming down. I am going to turn quickly to my colleague from Tennessee, Congresswoman MARSHA BLACKBURN, for such time as she may consume.

Mrs. BLACKBURN. I thank the gentleman from Illinois for his leadership on this issue and for hosting this Special Order hour. I am so pleased to come and join with you and discuss the issues that we have before us with the Democrats' national energy tax, or the cap-and-tax legislation as some call it, or cap our growth and trade our jobs, or, Mr. Speaker, many people refer to cap-and-trade as just that, because it is certainly what they are going to do.

Now, we also know that if they don't get their way on cap-and-trade, what they are talking about doing is an end run and coming back around and letting the EPA regulate CO₂ emissions under the Clean Air Act. Indeed, I have a bill, H.R. 391, that I would encourage all colleagues in this House, all Members of this House to sign on and support this bill and keep the EPA from going around against the will of the people and regulating CO₂ emissions under the Clean Air Act.

Mr. Speaker, I think it is very interesting that as we are having this hour tonight and as we are looking at the logic of EPA and the logic of some of my colleagues, I wonder if we have considered that if you look at the EPA's threshold of 25,000 tons of CO₂, that would make you a major emitter, if we have considered that the EPA threatens to use that regulation against every business, every farm, every church, or every building in this country. And, of course, before the EPA gets the chance to regulate CO₂, many of our colleagues want to come in and tax it right here so that they can both regulate the air that we breathe and tax the air that we both breathe and then that we exhale.

The debate that we have before us is not about making energy cleaner; it is not about making energy more plentiful. What we would see happen from this debate is that energy would become more and more scarce, and we also would see that the cost to every family would be more and more expensive.

So, here we are. We are talking about cap-and-trade; we are talking about the expense of it. And as expensive as energy costs got last year, we are not going to take any action that will make it more plentiful, we are not taking any action that would make it more readily available, we are not taking actions that are going to make it cleaner, and we are not taking actions that are going to make it more affordable. Indeed, the legislation before us would do quite the opposite.

So I join the gentleman from Illinois in being from a State, my State of Tennessee, that would be among the hardest hit by this new energy tax and by the efforts that are coming from the other side, indeed, their efforts to make energy more expensive. My colleagues on the other side of the aisle have conveniently forgotten how quickly economic slowdowns follow escalating energy costs. They have forgotten how dramatically high gas prices impacted family budgets last summer. They look upon the increased use of mass transit in the wake of those energy costs as a positive development, forgetting that in many rural districts like mine in Tennessee there is no mass transit, there is no bus service that goes from Waynesboro to Adamsville to Selmer. There is no mass transit in these rural communities. And in picking winners and losers—which they do in this legislation; they pick lots of winners and decide who is going to be the losers—they are asking the American people in their bill to make a choice between very expensive energy or no energy at all. All their scheme will cap is American productivity and trade American jobs.

Now, I think, Mr. Speaker, that if you were to ask each and every Member of this House, we would all say that we believe in clean air, clean water, and clean energy. We believe in conserving our environment for future generations.

Certainly, I grew up in a household with a mother who dedicated much of her life to conservation and beautification and preservation and historic preservation efforts, so much so that in 1997 Keep America Beautiful gave her their lifetime achievement award. We grew up doing the things that helped clean this planet, looking for ways for energy to be more affordable and more accessible.

Now, Republicans as a whole believe in that type conservation for future generations. We do not believe that you need to tax the American people out of their house and home to pay for it, a house, by the way, which under a cap-and-trade system is going to be hotter during the summer and colder during the winter.

Republicans believe that we have more alternatives than wind and solar as sources for clean, secure energy. We know that we can safely exploit American oil resources to provide for a less expensive transition to alternative fuels. We know that we can power a next-generation electricity grid with safe nuclear power that will allow for practical electric cars and reliable transmission, rather than forcing the costs of energy to explode so that Washington might fund yet another expansion of the Federal Government.

Tennesseans know that hydroelectric power is safe and reliable. It is clean. It has powered our State for two generations. What bewilders me is that these

kinds of innovative solutions are discouraged under the Democrat cap-and-tax system. It reinforces my belief that this bill is more about revenue than it is about revolutionary energy.

We should be doing things to encourage our innovators. We should be doing things that will incentivize exploration and transition to new types of energy, rather than making it more expensive, making it more scarce, and cutting off energy and innovation.

Republicans have proposals for safer, cleaner, cheaper domestic energy that will conserve our resources, secure our energy sources, and expand our economy. We do it without picking losers but, rather, by inspiring that innovative spirit that has solved problem after problem after problem in this Nation. We do it without making energy more expensive and more burdensome to the family budget. We do it without making power more scarce, but by making it more abundant.

I thank the gentleman from Illinois for his leadership on this issue, and I encourage all of our colleagues to join us in making certain that we stand against cap-and-trade and also that we support H.R. 391, which will prohibit the EPA from regulating CO₂ emissions under the Clean Air Act.

□ 1800

Mr. SHIMKUS. I thank my colleague for coming down and making the time. We have already had a colleague from Georgia and now from Tennessee. I'm now going to be followed by Dr. FLEMING of Louisiana, a new Member, and I think this shows the diversity of representation in this country.

I appreciate your coming down and you're free to open with your comments.

Mr. FLEMING. Well, I thank the gentleman from Illinois. I also thank the gentlelady from Tennessee for her remarks. I certainly agree with everything she has said this evening. And perhaps I have a couple more things to add.

Mr. Speaker, there are no two ways about it: this is a revenue-boosting or a net tax system by any way you look at it. The experts have looked at it, economists and energy people. I guess you could call it cap-and-trade with a little C for the "cap" and a big T for "tax." What do I mean by that? Well, what is the cap-and-trade or what we call the "cap-and-tax?" Basically, it says that there are factories out there that can burn coal or emit CO₂ into the atmosphere as long as they can find somebody else by way of allotments who are perhaps under the threshold by taking that burden from them. And in the process, there is some sort of exchange of currency.

Now what kind of currency are we talking about? Well, it is estimated, at least at this point, and we don't have details as often we don't get on these

things, of \$646 billion of net taxation to our economy. So again, let there be no mistake about it. This is a tax.

Now, what effect will it have on us Americans? Well, first of all, we know it is going to increase unemployment because as the tax burden is put on the factories and as it is put on power plants, there will have to be a movement of factories and other things offshore or to other countries who are not part of this program. We also know that it hits the poor. And it is also going to lower the overall standard of living.

Well, here is just a couple of facts that I would like to share with you, Mr. Speaker. A recent MIT study shows that cap-and-trade will cost the average American household \$3,100 a year. Now, I know there has been some controversy about this. And it is my understanding that the MIT people went back and said, we were wrong on that; it is more than \$3,100.

Another study shows that we are likely to lose three to four million American jobs if this is enacted. Companies who are looking to invest in our economy will simply move overseas, as I said. There is also a debate about whether it will create a stimulus. For the last few months, we have been talking about how important stimulus is to our economy. Well, this will definitely stimulate an economy. It will stimulate other countries' economies while hurting our economy.

Now all of this perhaps would be a theoretical and perhaps a hypothetical discussion except for the fact that cap-and-trade is not really a new concept. They have had it in Europe for years. This morning I heard Dr. Gabriel Calzada talk about this. This gentleman is from Spain and an expert in this area. So what is the Spanish experience in this, Mr. Speaker? What Spain found was that for every green job that was added, and again, I'm not exactly sure what a "green job" is, but for every green job, there was a loss of 2.2 jobs. In the so-called "green jobs" it was found that 90 percent of these jobs were in the implementation or construction. And these jobs were quickly dissipated as soon as the construction was ended. So what is the current unemployment rate of Spain? Seventeen and a half percent.

Now there was also a discussion by a very interesting expert in microeconomics. Aparna Mathur is her name. And I would like to read some very interesting facts into the RECORD: "These higher costs of production by cap-and-trade will translate to higher energy and product prices. In a paper that I co-authored with my colleagues at the American Enterprise Institute, we estimate that a cap-and-trade system, with a \$15 permit price, will increase the cost of everything, from food, clothing, shoes and home furnishings by 1 percent, of gasoline 7.7

percent, electricity 12.5 percent, and natural gas 12.3 percent. Of course, as previous experience with cap-and-trade programs has shown, permit prices are likely to be extremely volatile and rising over time, and our \$15 price estimate is likely to be conservative. Other studies suggest that the price could be above \$50 in 2015, close to \$100 in 2030 and \$200 in 2050. We can safely project that our estimates will be some multiple of these higher prices."

Now, also she points out something else, and that is this: as a percent of the total home budget for poor people, electricity is 4 percent, whereas for richer, more wealthy people, upper middle class perhaps, it is only 1 percent. Therefore, the burden to a low-income person is going to be four times that of someone of higher income. So what does this do in net effect? What it does is it hits the poor first and worst. How else does it hit the poor and how else does it hit everyone else? Well, we know that all the costs have to be passed along to the consumer. So as Dr. Mathur pointed out, we are going to see inflation in the cost of everything we do because everything we have today in terms of products, and even services to some extent, are dependent upon energy cost. And certainly it is going to create unemployment, because if this system were implemented worldwide, perhaps it would be an even playing field. But that is not the case. We know that for everything we do, we have China and India that is reversing that tremendously in terms of the impact on the environment. And while their economies are growing rapidly, ours will be diminishing related to this.

So the net effect of that, Mr. Speaker, is that if we move forward with this crazy plan, we are going to see both middle class and lower-income people hurt the worst. We are going to see an overall lowering of life styles. We are going to see ourselves less productive and less competitive around the world. And that is going to relegate to actually a net loss in jobs.

So I call upon my colleagues in our discussion this evening—and hopefully this bill won't even come to the floor. But if it does, I ask my colleagues, Mr. Speaker, to vote "no" on this wasteful bill that is really, in my opinion, just another Trojan horse, a way of generating revenue to pay for new social programs and perhaps even newer social programs that are yet to be determined.

And with that, I thank you, Mr. SHIMKUS, and I yield back to you.

Mr. SHIMKUS. Thank you, Dr. FLEMING, for joining us. Now I'm pleased to be joined by the ranking member of our Agriculture Committee from the Commonwealth of Virginia.

Ranking Member GOODLATTE, thanks for joining us.

Mr. GOODLATTE. Well, I thank the gentleman from Illinois for holding

this Special Order to talk about the cap-and-tax proposal that has been offered by Chairman WAXMAN of the Energy and Commerce Committee and subcommittee Chairman MARKEY of the subcommittee dealing with energy on that committee. And it concerns me greatly as it should concern all Americans.

When you look at the sources of energy that we have in our country today, this legislation is going to drive up energy costs for the average American. It is going to drive up the costs of a whole lot of other things than simply their electric bills and the cost of other energy they receive. It is also going to drive up the cost of virtually every good that they receive and a lot of services that they receive as well. It concerns me greatly.

I have served as the ranking member and previously the chairman of the Agriculture Committee. Today I serve as the ranking member on the subcommittee of the Agriculture Committee that deals with energy. And quite frankly, it is a situation where this is a solution in search of a problem. And quite frankly, the solution is going to create great problems for the American people.

What we really need to have in this country in this time of very severe economic turmoil when people are losing their jobs and the economy is suffering is we need to be looking at producing more domestic sources of energy of all kinds. And yet this legislation is going to discourage the production of most of the principal sources of energy that we utilize in our country today, including coal production and nuclear power.

The gentleman may correct me if I'm wrong, but my understanding is that nuclear power, which is completely CO₂ gas emission-free, is going to not receive any credit for the availability of electricity that is produced from this source which today produces about 20 percent of all of our electricity in the country. And it seems to me that if you're truly dedicated to solving our problems of energy sources, you would want to be encouraging increased production of all different sorts of energy.

Now nuclear power is very capital intensive. But once you have a new nuclear power plant, it is the cheapest source of electric generation that exists in the country, even far cheaper than coal as a source of energy. And yet the fact that it is CO₂-free doesn't seem to make any difference, because there are those in the environmental community who are very hostile to nuclear power production, even though we have—and countries like France which now produces more than 75 percent of its electricity from nuclear power—have addressed in new and innovative ways the waste disposal issue and other safety issues that make nuclear power very, very attractive.

And then when it comes to coal, do you know that more than half of our

electricity in this country is generated by coal? It is a very, very important source of energy. And yet it is treated like the lost step-child in this legislation because no effort is really made here to help coal address the serious concerns that have been raised by some about the amount of CO₂ that is emitted from coal production. That to me does not make any sense. We are the Saudi Arabia of the world in terms of coal production. We have more coal reserves than any other country in the world. And we have tremendous capabilities in terms of long-term ability to generate cheap, low-cost power.

Mr. SHIMKUS. Would the gentleman yield on coal just for a second? I think this is an important issue, of course, for me. But a couple of recent occurrences highlight the fact that this bill really is an assault on coal. And however they try to clean it up, it is not working. Yesterday in the local paper, what did Speaker PELOSI do? She said the coal-fire power plant here in the Capitol is now switching to natural gas, that coal is gone. At a news conference briefing held last week at the United States Energy Association, FERC Chairman Wellinghoff told reporters that nuclear and coal power was too expensive. He estimated the cost of building a nuclear plant at about \$7,000 per kilowatt and discouraged investors from undertaking such ventures.

So the signals are no nuclear and no coal.

Mr. GOODLATTE. So what are they going to replace it with?

Mr. SHIMKUS. They don't like coal. They don't like hydro. But don't like nuclear. But they like electricity.

Mr. GOODLATTE. They like electricity? I like electricity. You like electricity. But you have to produce it with something.

Mr. SHIMKUS. Here is the President's comments.

Mr. GOODLATTE. Seventy-five percent of our electricity—people who are paying attention to this issue should know that 75 percent of the electricity produced in our country today is produced from coal and nuclear.

Mr. SHIMKUS. And here is the President's statement during the campaign: "What I have said is that we would put a cap-and-trade system in place that is as aggressive, if not more aggressive, than anybody else's out there. So if somebody wants to build a coal-fired power plant, they can. It is just that it will bankrupt them because they are going to be charged a huge sum for all that greenhouse gas that is being emitted."

So the signals are "no" in a venue when the demand for electricity is going to go up by 30 percent. But we want to limit the ability to produce electricity which is why we fear the real price escalations.

I just want to tie this in with the leadership of this House in Washington

and down at the White House and through the Federal agencies. They are saying "no" to coal and "no" to nuclear when we have all these challenges that face us.

□ 1815

Mr. GOODLATTE. And they have no good answer in terms of what to replace it with. Wind power and solar, two that are very commonly cited, produce just a tiny percentage of the electricity in our country today. I think wind power and solar are great and they have great potential and we should encourage more of them, but there is no way that they are going to replace our traditional sources of generating electricity any time in the near future.

So the natural result is going to be that if you write legislation that heavily penalizes other sources of energy, particularly coal, what you are going to have as a result is much higher energy costs. And it will affect people all across the country in very dramatic ways, and they will see it when they open their bill for their electricity. But they are also going to see it in ways that may surprise them in terms of the cost of goods and services and in terms of their very livelihood because many jobs will go outside of the country to other countries like Russia and China and India that have no intention of complying with the same type of a cap-and-tax system that is being proposed right here in this Congress. Therefore, they are going to have cheaper sources of energy.

China and India, right now, are building one new coal-fired power plant a week. Are they going to comply with cap-and-tax? Are they going to reduce their greenhouse gas emissions? No, they are going to dramatically increase those greenhouse gas emissions, and the end result is they will produce electricity cheaper. Therefore, they will be able to produce goods cheaper in those countries. They will be a magnet to draw jobs to those countries, to become manufacturing bases, as they are already growing to be. It is just going to get worse.

Even though China has grown so much in terms of its manufacturing in recent years, the United States is still the world's largest manufacturing country. We are going to lose that when this bill takes effect if we don't get the American people to speak out about it and let the Members of Congress know that this kind of damaging legislation will cost jobs and raise the cost of living in this country if it is not brought to a halt.

Every source of energy that we have, whether it is coal or nuclear power or oil or natural gas or solar or wind power or geothermal or renewable biofuels, all of them have environmental issues attached to them. You can't name a one that doesn't.

Wind power has all kinds of environmental issues attached to it. People have attempted to build wind power facilities in my district and have gotten great push back on the effect about birds and bats and noise.

Solar generating facilities that have been proposed for the southwest of this country have had lawsuits brought against them to prevent them from building these solar facilities because of the impact it will have on desert vegetation and desert wildlife and so on.

Ethanol and other renewable fuels have environmental opponents to them as well.

So it seems to me that the all-of-the-above approach of the Republican Conference, of promoting the development of new sources of energy, of promoting energy conservation and efficiency, and of promoting the development of all of our sources of energy, including our traditional sources, and producing them domestically to reduce our foreign trade deficit problems and to create more jobs in this country is the way to go here. That ought to be the alternative that this Congress turns to instead of a cap-and-tax government planning scheme that stifles private sector innovation, that causes higher consumer energy prices and causes job losses and lower wages and stock devaluation.

Its potential for abuse and corruption is great. It is a windfall for certain people who didn't do anything to deserve the benefits that they will get when they suddenly find that they have something to sell or trade under this system. And it is not likely to actually reduce any emissions significantly.

This idea that somehow we can reduce greenhouse gas emissions to the extent that we can turn down the thermostat of the world when other countries are going to increase their CO₂ emissions around the world is folly. That is what this legislation is, and it has no guarantee that it will solve the global warming issue that many have focused on. Instead, we do have a guarantee that it will have a devastating impact on our economy.

I thank the gentleman for allowing me to speak during this Special Order.

Mr. SHIMKUS. I appreciate the gentleman coming down, and I would like to now recognize the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman and I am delighted to be here with Mr. SHIMKUS.

Mr. Speaker, Mr. SHIMKUS has done so much on energy for so long in the Energy and Commerce Committee and has really brought to the forefront so many innovations and ideas on how we can solve our problems, and also making sure that we do the right thing.

Mr. Speaker, I rise today to express my concern about our national energy and environmental future. I am really

worried that Congress may soon consider the cap-and-trade legislation in an attempt to move America toward a clean energy economy and decrease our reliance on foreign oil sources.

That sounds good, doesn't it, and the act in its current form will do that, but it will do much worse, and I cannot support a cap-and-trade program that will unfairly penalize small business, industry and taxpayers across the country.

A lot of my constituents get this. I would like to read a short quote from one of my constituents. The gentleman is from Darien, Illinois, and he says: "I am writing to ask you to vote 'no' on any cap-and-trade bill that comes up for a vote this congressional session. Cap-and-trade is a huge tax on every American who flips on a light switch or puts gas in their car. Cap-and-trade would do nothing to affect global climate change, but would harm our economy and lead to job losses and higher taxes for all Americans."

Many estimates exist on job losses and rising electricity prices under a cap-and-trade program. One recent and very conservative estimate suggests that Illinois would lose 48,000 manufacturing jobs by 2020 and see a \$1.47 per kilowatt increase in their utility bills. Illinois is 50 percent reliant on nuclear power followed by coal.

For this reason, I think with record unemployment and foreclosures, how can we ask the American people to swallow a huge cost of living increase when they are already struggling to live?

In an apparent trend, the recently passed budget resolution slashed Yucca Mountain funding. This disturbs me. It effectively signaled lack of support for expanded nuclear production, closing the window of opportunity for a waste solution. Taxpayers have already put \$16 billion into this mountain to take care of our waste. So this is welcome back to the Carter years when the reprocessing plants that were built here in the United States, six of them, were shut down before they even opened. I think one opened.

Mr. Speaker, there is no silver bullet solution for the future of our national energy supply, but we would be irresponsible to incentivize emission reductions without including supply increase solutions. I think that the U.S. can lead in the environmental performance and production with this policy. I just don't believe that cap-and-trade is an appropriate means of doing that.

We need a combination of technology and increased production of nuclear renewables and fossil fuels. Each have to be a part of the long-term plan for America's energy and environmental security.

I want to focus for a moment on the nuclear. As I said, Illinois is 50 percent nuclear, 20 percent in our country, and there are a lot of permits pending out

there for increased nuclear plants. But we need reprocessing to deal with the waste. If you thought of nuclear energy as a log, and you cut 3 percent off this side and 3 percent off of that side of the log, and you put that log, the 3 percent plus the 3 percent and burned it, and then take the other part of the log, which is 94 percent, and put that into the ground as waste, that is what we are doing right now. So we can really increase the capabilities of nuclear and we can reduce the toxicity and we can reduce the longevity of the radioactivity. So this is a no-brainer. I can't understand the Secretary of Energy and the administration suddenly deciding that we put a hold on the recycling process when we have worked so hard and come so far on the research to be ready to do that without nuclear proliferation.

So I think we really have to look at doubling the amount of power generated from zero emission nuclear power by 2030; and, more importantly, we need to begin nuclear fuel recycling and incentivize interim storage to get us there. Recycling reduces the volume of that, and it is clean and it is safe. And then utilizing technology to transition to a low carbon transportation system is another way we can dramatically decrease petroleum use and reduce emissions.

Lithium batteries in fuel-cell technology, like those being developed in Illinois at Argonne National Lab in my district, will transform both the auto manufacturing sector and help America recapture the domestic battery manufacturing base.

I currently serve as the co-Chair of the High Performance Building Caucus, and each month we hear from a business or an association about the technology, a service that offers a solution for improving commercial and residential building efficiency. Forty percent of the emissions in this country come from existing building infrastructure. So retrofitting existing buildings or utilizing technology in new building construction can serve a variety of things. There are so many things that we can do. We need everything to cut out the CO₂ and the other gas emissions that cause so many problems.

Illinois is almost exclusively dependent on nuclear power followed by coal, so we cannot afford the price spikes that would follow a cap-and-trade plan, especially without the increased power production.

I hope that leadership on both sides of the aisle remember to put their constituents first when it comes to considering climate legislation and allow technology and the market to pave the way for emission reductions.

I thank the gentleman for holding this Special Order. I think it is a great benefit that we continue to discuss this issue. I hope that we can all work together to really solve this. Cap-and-trade will not do it.

Mr. SHIMKUS. I thank my colleague.

It is very important that we continue this discussion, this dialogue, and help inform the American public.

The reality is the 686-page bill, so it is \$1 billion a page, but the reality is that there are large portions that are to be written later. Part of our challenge to really debate this bill is to call my friends out and say, okay, you promised transparency. You promised openness and regular order. What are the scores so we can figure out the winners and losers? But it is crafted behind closed doors.

In fact, I heard today that this bill will now bypass the subcommittee and hopefully go to the full committee, which is really a shame for individuals who have promised regular order to continue to disregard it.

In fact, Chairman WAXMAN, Chairman MARKEY, and Chairman Emeritus DINGELL all sent a letter making sure that this would not be done in reconciliation, and pushing for regular order. They sent a letter to President Obama.

And it is now these very same people who sent a letter begging for regular order who are not going to allow regular order to occur on this bill. That is sad because it hurts our ability to educate our constituents, our voters, and let them make a decision. And they do that every 2 years.

With that, I am pleased to be joined by a new Member from Pennsylvania, Mr. GLENN THOMPSON.

□ 1830

Mr. THOMPSON of Pennsylvania. Thank you, sir. I thank the gentleman for his leadership on this issue because this is, as I was preparing to come to Congress, the fact that we had a complete lack of a national energy plan and that our energy situation we were in was just not facing us from our energy needs, but our economy and our national defense.

Mr. Speaker, I come from an energy-intensive part of the country in rural Pennsylvania. I can say that the cap-and-tax plan is nothing more than a national energy tax. The devastating impacts of creating such a program are obvious and alarming—while the benefits remain entirely unclear.

A cap-and-trade program will not just raise the price of gas at the pumps and increase our home heating and cooling bills, but it will increase the cost of all goods and services that we rely on.

The truth behind the cap-and-tax plan is that it will lead to more taxes, fewer jobs, and more government intrusion in our lives.

The President's energy plan is a \$646 billion tax that will hit almost every American family, small business, and family farm. Family energy costs will rise on average by more than \$3,100 a year. That makes no sense, considering

the current economic crisis we find ourselves in.

Those hardest hit by this massive tax will be the poor, who, experts agree, spend a greater portion of their income on energy consumption. Cap-and-trade—cap-and-tax—amounts to, literally, a war on the poor.

In my district, many folks depend on the Low-Income Home Energy Assistance Program to make energy costs more affordable just to make ends meet. It makes zero sense to impose what are essentially new taxes on energy when we have programs like this to make it cheaper for those who need it most.

Now, we believe that there are better solutions—better solutions than more taxes and few jobs and more government intrusion. And while I strongly favor diversifying our energy portfolio and increasing our renewable sources, we have to be realistic about how we go about this.

We talk a lot about renewable energy sources, but the fact remains that wind and solar still make up less than 1 percent of our total energy consumption in needs that it meets. Even with heavy government investment and involvement, it's obvious that these sources will continue to be minor contributors in the coming decades to our energy needs. A cap-and-trade system equates to enormous new taxes on fossil fuels, which currently accounts for 85 percent of our overall energy consumption.

What do we know about the experience with cap-and-tax? Well, Spain is a country that has been identified as a success story for cap-and-trade by President Obama. Now I agree that the best predictor of future performance is past performance. That has been something I have led my life by as I have made my decisions. So what has been Spain's experience over the past 7 years with cap-and-trade?

Earlier today, at the Republican Energy Solutions hearing, we heard testimony from Dr. Gabriel Calzada Alvarez from a university in Madrid, Spain. Dr. Alvarez reported on the failure of cap-and-trade in Spain. What are the outcomes that he saw of cap-and-trade—the real past performance of cap-and-trade?

First, unemployment. There were 2.2 jobs lost for every 1 job created in Spain. For every 10 green jobs that were created, only 1 survived. The rest require continuous massive government subsidy and funding.

The second outcome we saw was unaffordable energy costs. The price of energy in Spain has gone up 31 percent during those 7 years of this grand experiment with cap-and-trade.

The third outcome has been unreliable energy. Spain's power grid system has been unreliable, with blackouts that he reported, leading some producers to move their manufacturing plants to other countries.

Dr. Alvarez reported that just last week, British Petroleum closed two solar plants in Spain, and said that the wind and solar industries are losing thousands of jobs.

Interestingly enough, a number of these manufacturers in Spain moved to our country to escape Spain's cap-and-tax. I'm absolutely confident today they may be packing their bags, getting ready to move again, along with our own United States manufacturers, because of the crushing impact and the discussions we are having of imposing this proposed cap-and-tax in our country today.

Mr. Speaker, the best predictor of future performance is past performance. The only measurable outcomes of this proposed national energy tax is, based upon past performance, higher unemployment, higher energy costs, and unreliable energy sources. Frankly, Americans deserve better.

I really appreciate the gentleman yielding time, and I appreciate your leadership on this very important and critical issue.

Mr. SHIMKUS. I thank my colleague from Pennsylvania for joining us. I look forward to working with him as we move to defeat this, wherever we get a chance to.

Now, just for my colleagues to know, I think there are about 10 minutes remaining. I would like to now give the time to Dr. PHIL GINGREY, a colleague of mine from Georgia on the Energy and Commerce Committee.

Mr. GINGREY of Georgia. I thank the gentleman for yielding. I thank Representative SHIMKUS for leading not just this hour, Mr. Speaker, not just this hour tonight, but he has been in a leadership role on an all-of-the-above approach to solving our energy problem and our dependence on a lot of countries that don't like us very much for our sources of oil and natural gas.

This goes back, Mr. Speaker, to the August recess of last year, where so many of us on this side of the aisle just spent literally the entire month with the lights down low and the microphones off and the C-SPAN cameras not running, but just bringing people on the floor of this House that were visiting the people's House on summer vacation and talking to them about an all-of-the-above approach to solving our energy problems.

So I thank Representative SHIMKUS for that, and my colleague from Illinois (Mrs. BIGGERT), and Representative G.T. THOMPSON. I think about the person he replaced in Pennsylvania, a long-serving member in this body, who retired—John Peterson—and the work that he did in regard to clean coal and his efforts. Of course, that is a signature issue that Representative SHIMKUS is trying to rally us behind—clean coal technology, carbon sequestration, and things that are part of this total package of all-of-the-above.

Just real quickly let me say this. I heard Representative BIGGERT talk about the situation in Illinois. I wasn't really aware of the dependence on nuclear for electricity in Illinois and its relationship to how much energy is generated by coal. So you have got that one-two punch in Illinois.

It's just the opposite in Georgia. It's mostly coal. Some hydro and a little bit of nuclear. We are very likely to get the next two nuclear power generators come online pretty soon at Plant Vogtle in my great State of Georgia.

But there is no question that this cap-and-trade or cap-and-tax—you know, the word scheme can be a pejorative. And I honestly believe, as I stand here and tell my colleagues, that I think this is a scheme. It is a scheme to get jobs that have long ago located in the South and Southeast because of the low cost of labor, to get them back into Massachusetts or out in California. And this is the way they do it. They are not willing to cut the cost of labor, for obvious reasons, so they jack up the price of energy in the Southeast and in Illinois and other States of the breadbasket of the country and the Rust Belt.

I think if you go around your district and you talk to people, every manufacturer will tell you, "For goodness sake, Congressman, do something about stopping this cap-and-tax situation."

That's what we are all about here tonight. I know time is limited so I want to yield back and let some of my other colleagues have a little time. But, JOHN SHIMKUS, thank you for the opportunity. We will continue to be with you on this effort. We have got to stop this scheme.

Mr. SHIMKUS. I appreciate my colleague from Georgia. Georgia has some significant challenges on the renewable electricity standard that they are trying to cram down, which will definitely increase rates in the Southeast. We need you in the fight—and we are glad you are here.

I would now like to turn to my other colleague and friend, also from the Energy and Commerce Committee, Congressman STEVE SCALISE from Louisiana.

Mr. SCALISE. I want to thank my friend from Illinois on his leadership on this issue as well. As my other colleague said, this is one of those big battles that happens up here in Congress not too often, but at a time when we are facing very difficult times in our economy.

We are talking about different things that we can do to get our economy back on track. But for the last few years, a lot of us have been talking about what we need to do to really achieve energy independence, to reduce our dependence on Middle Eastern oil, stop sending billions of dollars to countries that don't like us, but also to really promote those alternatives in

our own country so that we can get to that next level of generation of new energy sources.

So this bill, this cap-and-trade energy tax, comes before us. If you look at President Obama's own budget, President Obama's budget estimates that a cap-and-trade energy tax would generate \$646 billion in new taxes on American families—something that would have a devastating impact.

The National Association of Manufacturers estimates 3 million to 4 million jobs would be lost. The President's own budget director says average American families would pay thousands of dollars more on their home utility bills. So I think as people look at this, they realize this is the wrong approach.

The good news is there is a better way to do this. We filed last year the American Energy Act, a bill to actually promote a comprehensive energy plan to get energy independence in America, but to get it by using our own natural resources; to explore our oil, our natural gas, which we keep finding more reserves throughout the country. Up in Shreveport, Louisiana, we found the largest natural gas reserve in the country's history.

So we have got those natural resources in our own country. Unfortunately, a lot of policies here stop us from using them. That could create hundreds of thousands of jobs, generate billions of dollars for our economy, and then you would use that money to promote and find and explore those alternative sources of energy like wind, like solar, to get those online; to encourage more conservation, as people are already doing.

But we also need to include clean coal technology and nuclear power. Nuclear is a source that emits no carbon. And so as we have heard from some of these studies, the Spain study is a really good indicator, a country that has gone down this cap-and-trade energy tax road and has realized how devastating it is to their economy.

That study that just came out in Spain that said for every green job they created, every permanent green job, they lost over 20 full-time jobs, because even the bulk of the jobs they created were temporary jobs. So for every job they created that was a permanent job, they lost 20 jobs in their economy. And they have realized it was a failure.

America surely shouldn't go down that road. That's why we are proposing these alternatives. There is a much better way—a way that we can achieve American energy independence by promoting the alternatives and using our natural resources that we have in this country to create good jobs, keep those jobs here, promote the alternative sources of energy, and reduce our dependence on Middle Eastern oil.

I thank the gentleman for his leadership on this issue.

Mr. SHIMKUS. I appreciate my colleagues—all my colleagues—for coming down here tonight. In fact, I didn't have to spend much time, we had so many people involved. I think it shows the concern of this debate.

One of our new Members recently elected—and when you are elected out of cycle, you get a chance to get sworn in and speak here. And he actually had one of the best speeches I have ever heard. In fact, I wrote it down to a point that I wanted to highlight his comments.

He said, "It is a humbling experience to take a job when people back home are losing theirs, and become a member of this House when people are losing theirs."

It made me appreciate the great honor that the people of southern Illinois have bestowed on me to come here and represent them. How dare I come here and cast votes that would cause them to lose their jobs in even greater numbers. I am here to protect their jobs.

Why am I so impassioned? In the 1990 Clean Air Act amendments, this mine, Peabody No. 10 in Kincaid, Illinois, closed. Twelve hundred jobs were lost in just one mine. Fourteen thousand in southern Illinois.

The Special Order before this had a lot of members from Ohio, and one of them mentioned Bob and Betty Buckeye, which I thought was cute. Ohio lost 35,000 coal mine jobs. Ohio. About 92 percent of their energy portfolio is coal.

If you follow President Obama's quotes and you follow the FERC chairman and you follow the bill, this is an assault on every State that relies on coal-fired power and the miners that get that coal from the ground.

We will have a chance to talk, debate, offer amendments to make sure that these jobs are protected, and then when my colleague makes a comment, "it is humbling to be given a job when people are losing theirs," we best be about the business of protecting the jobs of our constituents.

□ 1845

And this cap-and-tax, this national energy tax, will destroy jobs; and that is what we are here to fight.

I see my colleague is here. I have 1 minute left, and I recognize the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I appreciate all the work the gentleman has done, and I know we will be doing this in the future.

Obviously, this cap-and-tax Special Order that you are talking about tonight points out the fact that we are looking at higher energy costs, what you were just talking about here, fewer jobs, and of course more government interference and intrusions into private lives. When we come to the floor next time to address this issue, I want

to address the issue of “not in my back yard,” or NIMBY, and the fact that you are running at cross purposes here. And that is that, in order to do some of the good things that they want to do—which is to get to some alternatives, renewables, and the like—we cannot do it in the structure that is in the bill before us, or what have you, because new electricity demands will be graded, spikes in energy costs will occur, the fact that we need new transmission lines—and I will be able to come to the floor to explain in detail how this is not already occurring because of the problems with NIMBY, the fact that people do not want to have this occur in their back yard.

I commend the gentleman on his work here. And I look forward to elaborating on this in future floor remarks.

Mr. SHIMKUS. I appreciate my colleague joining me.

Mr. Speaker, I yield back the balance of my time.

ENERGY ALTERNATIVES

The SPEAKER pro tempore (Mr. HIMES). Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes.

Mr. BLUMENAUER. Mr. Speaker, it has been interesting to sit here on the floor and listen to my colleagues deal with their talking points about climate change, carbon pollution, and what they would like to debate. Sadly, they are a little bit out of phase with what, in fact, we are facing as a Nation. Luckily, the American people understand that there is a serious problem facing us dealing with carbon pollution, and they favor action to do something about it.

The American people know that ice disappearing in our polar regions, birds migrating further and further north because of the change in the temperatures, the weather that is being disruptive with drought and extreme weather events and the consensus of the scientific community all converge. We've got a problem, and it is threatening life as we know it.

The American public is not likely to be somebody who is told by 98 doctors that their child is seriously ill and needs a specific medicine or treatment. The American public would not be inclined to go search for a single doctor that disagrees, to take a chance. If you have engineering experts who tell you that you are living in a building that is likely to collapse, you think about that seriously. And if you get a second opinion and a third opinion and a fourth opinion and a fifth opinion and they all agree that the building is likely to fall down upon you and your family or your customers, you are not likely to keep searching for that one outlier who says don't worry about it.

The public knows that we have a serious problem. There is a consensus in

the scientific community that we need to do something about it. And, indeed, everything that we are talking about doing to control carbon pollution and to reduce our dependence, particularly on petroleum, but especially foreign oil, all of these are things that we should be doing anyway, even if we weren't threatened by global warming and serious disruption from the carbon pollution.

Sadly, the last hour demonstrated again that too many on the other side of the aisle have simply lost their ability to have a serious conversation about what the scientific community and the majority of the American public feel is a serious problem; indeed, maybe the greatest single threat to our way of life.

I am reminded of what happened 68 years ago in this Chamber. The world was being slowly engulfed in World War II. The Nazis had taken over most of Europe and Great Britain was at risk. The Japanese had moved throughout the South Pacific. The United States was looking at an international landscape that was increasingly more and more threatening. But 68 years ago, there were some in this Chamber—actually, a majority on the other side of the aisle—that weren't that concerned. They felt that we were still shaking off the events of a Great Depression and we couldn't afford money on a military buildup, that we shouldn't have the human resources in our military.

We were facing the expiration of the conscription, the military draft. There was a vote 68 years ago that by only one vote, 203–202, enabled us to have a military draft and have some semblance of the tools available when the inevitable happened. And on December 7, 1941, the day that President Roosevelt said before us in this Chamber would live in infamy, at least we had those tools available to be able to spring into action and fight to save our country from existential threats.

I feel very strongly that we are facing something similar today, and we are going to have too many people in this Chamber who are not going to be able to answer a question that will be posed by history 68 years from now. They are not going to be able to look their children and grandchildren in the eye 10 or 15 years from now and explain why they weren't part of a process to provide a solution to the threat of global warming.

Listen to the echoes that are still in this Chamber from our colleagues. One gentleman I like was talking about how there was a recent MIT study that showed that there was \$3,100 in cost from a program of preventing carbon pollution, a cap-and-trade program. And then he acknowledged, well, there are some controversies surrounding it. Absolutely there is controversy surrounding it. But then he went on to say, well, it appears as though the

number is even higher than \$3,100. Absolutely false.

The author of that report, in fact, has written to the Republican leadership that has been misusing the study to say that it is wrong in so many ways he doesn't know how to count. It would be a tiny fraction of that amount, and that assumes that we are not giving things back directly from those resources to make a difference for people. It is embarrassing that people are still purposely misstating research like that, but it is typical.

Echoing in the Chamber now, there was somebody who was talking about how important it is to support Republican legislation to prevent the EPA from doing its job under the Clean Air Act to deal with carbon pollution. I find that embarrassing. For the last 8 years, the Bush administration has abrogated its responsibility under the Clean Air Act to take action. Indeed, even this Supreme Court slapped them down for dragging their feet dealing with the auto tailpipe standards. What an outrageous response. Instead of joining in an effort to work to make sure that we are meeting the challenge, instead we are going to introduce legislation to prevent the EPA from doing its job if Congress fails to act.

We heard my friend from Illinois talk about how deeply concerned he was that, under the Speaker's leadership, we have changed the Capitol Hill Power Plant that for the 14 years that I have been in Congress has been belching cold smoke into the air—one of the most serious sources of air pollution here in Washington, D.C.—somehow the fact that the Speaker has acted with legislative leadership in the Senate to solve this problem by cutting the emissions in half and using natural gas instead of coal, that somehow that is bad. Well, as somebody who lives in Washington, D.C. over a third of the time, I am glad that we are not going to be polluting the air with carbon pollution. I think it is the least we should be doing for the millions of people who live in the metropolitan area, in terms of clean air, dealing with the awful substances that are part of the emissions from coal. And to think somehow that that is wrong gives you a sense of the mindset.

The new Representative from Pennsylvania was troubled by “a complete lack of an energy plan.” Well, maybe he is so new to Congress that he hasn't noticed that George Bush and the Republicans have been running things here for the last 8 years and, in fact, have passed various pieces of legislation to the benefit of some of the polluting energy industries, but failed to come forward with a comprehensive energy proposal.

The notion somehow that we can't move forward in a thoughtful, comprehensive fashion to be able to design a system to reduce carbon pollution, I

think, is, frankly, embarrassing. Luckily, the Democratic leadership is committed to moving forward. This is one of the top priorities of Speaker PELOSI.

We have work that is undertaken in the House Energy and Commerce Committee moving forward with draft legislation which hopefully will be moving on to us in a matter of weeks, if not days. We are poised to work with the House Ways and Means Committee as part of this partnership, and the Obama administration has set down markers and is prepared to act, either administratively or in cooperation with us, with legislation.

This country shook off the Great Depression by mobilizing the economy to fight World War II. We have an opportunity to mobilize against a threat at least as great—that dealing with global warming—and to harness new technologies, new industries, new products and services to be able to put people to work.

Contrary to what has been suggested, alternative energy—wind, solar, biomass—across the globe are some of the fastest growing industries on Earth. Solar and wind power industries alone have sustained annual growth rates of 30 to 50 percent, creating tens of thousands of jobs while reducing reliance on foreign sources of oil and helping to shrink our carbon emissions.

Now, it is true that these renewable sources today account for less than 3 percent of the world's power generation, but the opportunity here is enormous. We expect that there will be increased energy demands in the United States and around the world, but only about a third of the generation capacity that will be needed to meet expected demand by 2030 has been built.

We have an opportunity to shape and direct how we manage that, to be able to direct it in a way that is going to make the greatest impact on our economy.

□ 1900

Mr. Speaker, there has been a fair amount of hyperbole about what will be the costs of controlling carbon pollution and moving into a new economic era. The IPCC has been in the forefront of this with the research that's coming forward, and we have had a chance to look at the parameters that they have suggested. In survey after survey of greenhouse gas reduction scenarios undertaken by respected and peer-reviewed modeling groups, there is a projected average GDP reduction of perhaps five-tenths of a percent to three-quarters of a percent to 2030 and 2050, respectively. The estimate is that by 2030, the overall United States gross domestic product is projected to double to some \$26 trillion. Without a cap on greenhouse gas emissions, the United States reaches that doubling by January 2030. With a cap, it reaches that goal 3 months later, April 2030. This is

consistent with the research that we have done in Oregon at Portland State University. The State Carbon Allocation Task Force, looking only at the electrical sector, found that while carbon reductions to meet the State's 2020 goal of 10 percent below the 1990 levels would increase energy rates. Under most conditions, average consumer costs would be the same or lower due to cost savings from energy efficiency.

I want to be very clear about this because, contrary to the assumption of some critics sticking to their talking points, any money that is generated from fees on carbon pollution is not somehow buried, it's not shot into space, it's not locked in a vault someplace. This money is used to be able to strengthen our energy infrastructure, and higher prices are further going to encourage efficiency, and last but not least, we will be investing in new products and services in energy-efficient standards. So that as a net result, 20 years from now, at least in our community, it's clear that we're not going to have, as a result of the change in electricity, some massive burden on individual consumers because we will be smart with our investments and people will be smart in terms of what they do, and we anticipate there will be no net increase.

Now, one of the factors that is also important to point out is that we are going to be looking at new technologies and products that leapfrog ahead. Back when we were considering in the Northwest the plans that we were going to make in the 1980s, we didn't actually consider that compact fluorescent light bulbs were going to be a serious lighting efficiency choice, but by the year 2000, these CFLs were widely available. And now, even more efficient lighting technologies, the LEDs, were on the horizon and moving forward. There will be further technological innovation, exactly what we saw when there was a restriction to deal with another gas in the atmosphere, the CFCs, the chlorinated fluorocarbons, that were threatening the ozone. You will recall at that time companies like DuPont threatened that there would be massive disruption, a massive increase in costs, and people would be put out of work. Well, actually, that's not the case. The initiative was taken. Not only were there not massive dislocations, a large increase in unemployment, but companies like DuPont actually made money by producing alternative chemical refrigerants. And surely the same will occur now if we are diligent about our investments.

But more to the point, what's going to happen if we take the alternative that is offered by some and continue with business as usual, to not control carbon emissions, to fall victim to concern about temporary problems with the economy? The report by Sir Nich-

olas Stern for the Government of the United Kingdom suggests that the mid-rate growth for global emissions are projected to cost 5 percent of the global GDP. A 5 percent loss of the world economic output. Now, actually the trend line is a little more disturbing than what Sir Nicholas Stern came up with because he was just dealing with the mid level of the projections. We have seen that emissions in the last several years have been at or above the high projections in the IPCC fourth report from 2008. And as a result, we have to look at that higher range that was suggested by the Stern report, which could be a 20 percent reduction in global GDP.

The status quo, ignoring the problem, trying to score debate points, roll back the Clean Air Act, and wait poses much more serious problems in terms of what we are likely to see as a consequence. And many of these potential problems are not market related. The effects of this extreme variation, I have had Members of Congress today joking about the unstable weather here in Washington, D.C., extreme rain, heat, cold. Well, we're seeing global weather instability increasing around the planet. And the droughts, the heavy rains, the windstorms, these carry with them a cost as well.

There are socially potentially disastrous effects that relate to unease and upheaval from drought, fighting over water. There's a whole range of social costs that people need to be thinking about.

There are, I think, very sober voices that should be heard above the talking points. One voice that I find most compelling is that of retired United States Army General Anthony Zinni, who has written: "We will pay to reduce greenhouse gas emissions today or we will pay the price later in military terms, and that will involve human lives."

We are already looking, in my State of Oregon, at the likely adaptation costs. We've got issues relating to flooding, landslides, forest fires, the potential need to relocate highways and other public works. We are facing real threats in our State like they are already being faced by coastal villages in Alaska and in the British countryside of being eaten away by the increase in sea level and storm surges. We are already facing the problems of competition for lower summer stream flows from hydroelectric power, irrigation, navigation, municipal water supplies, and system stream ecosystem needs. We're having a drama being played out now in the State of California with their prolonged drought. That's a taste of what we are looking at in the immediate future if we are unable to act.

We have brought that down in Oregon, a State that has been a leader in efforts to curb greenhouse gasses, to plan for energy futures, an intensely

environmentally conscious State. We recently had a study published by the University of Oregon's Climate Leadership Initiative by Echo Northwest, a consulting firm located in Oregon, that estimates the cost to Oregonians by 2020 from the impacts on global warming of \$3.3 billion annually, almost \$2,000 per Oregon household or 2 percent of our current gross domestic product. Put in perspective, that would be the equivalent of a household annual electric rate increase of 175 percent.

Mr. Speaker, these are sobering facts that deal with the highly likely outcomes of our failure to get our arms around this problem and move forward to deal with the problems of greenhouse gas emissions. We need to be serious about opportunities dealing with the savings from energy efficiency. This is an area that we should be doing regardless of greenhouse gas emissions. This is something that is within our power right now.

Part of what is being ignored by critics and their talking points is that all of the major approaches to deal with greenhouse gas emissions, with the cap-and-trade, would put much of this money back into a system to help people improve energy efficiency. Remember, I mentioned the one study that, in fact, estimates that people would actually be paying less by 2030 than they're paying today, even though electric rates would well go up, because of increased energy efficiency.

We are currently wasting more energy than any other country in the world. The United States is less carbon efficient than 75 out of 107 industrialized countries, and we use the most transportation fuel per passenger mile. There is absolutely no reason that we, as a society, as we are working to create new green collar jobs built on an energy-efficient, carbon-constrained economy for the future, can't take advantage of this to be able to not only reduce power rates in the future, saving Americans money, but put people to work now. We have seen this work in the United States. California has some of the highest electric rates in the country, but over the course of the last 30 years, electric energy efficiency has saved Californians \$56 billion while producing 1½ million new jobs.

□ 1915

The University of California at Berkeley projected savings in jobs from meeting California's Assembly Bill 32 carbon cap-and-trade law. By 2020, they project \$76 billion in saved energy costs at current rates and 400,000 new jobs in California.

Mr. Speaker, the opportunities to move forward to capitalize on energy efficiency is something we want everybody to look at. We have had experience in this area in the Pacific Northwest.

We have engaged in one of the most comprehensive efforts with our northwest power planning council, electric utilities in the Northwest, to try and deal with least-cost energy planning, looking at the big picture. I am proud to say that my hometown of Portland, Oregon, was the first American city with a comprehensive energy policy enacted in 1979.

There has been a lot going on in the Pacific Northwest dealing with energy efficiency. Between 1980 and 2000, the region invested almost \$2.5 billion in energy efficiency. It costs money to be able to move forward on that energy efficiency curve. But during that period of time, the region earned that total investment back once every 18 months.

Let me repeat that: over the course of that 20-year period of time, we invested \$2.4 billion in energy efficiency and the savings, as a result of that investment, were repaid every year and a half. That's a 67 percent average annual rate of return on investment.

This is what we are talking about in terms of being able to move this forward. Now, there are some that suggest, well, you can't do this because it's going to pull the plug on State and local economies; they can't survive this aggressive push towards energy efficiency.

Well, looking at what has happened in the Pacific Northwest over the last 25 years. That's simply not the fact. Californians have actually had some reasonable economic growth in this period of time. We have had the same in Oregon. By not being intensely carbon based, investing in energy efficiency, we have been able to produce substantial economic benefit while we are growing in a sustainable fashion.

It has resulted in Oregonians, in the metropolitan area of Portland, exporting fewer of their dollars to Houston, Venezuela or Saudi Arabia and, in fact, they have almost \$2,500 a year more disposable income that they are not spending just on transportation alone. This makes a real difference in terms of the initiatives that were made.

In Oregon, we have been working to reduce carbon emissions. Our carbon emissions were 30 percent lower than the national average in 1990, and by working very hard, they are 36 percent lower than 2007. But it's been done without any reduction in our State gross domestic product.

Now, Mr. Speaker, these are important points that need to be part of a serious discussion. The status quo, business as usual, head in the sand, we are not going to worry about it now, we are going to make it a political football is, I think—there may be a time when politics could be played this way. I think the stakes are too high. The American public knows that.

I hope, sooner, rather than later, my friends on the other side of the aisle will understand that this is a serious

problem and it invites a serious response.

I hope they will reject the advice of Republican Leader BOEHNER, who has been misusing, for instance, the MIT study repeatedly, despite having had a call to his office's attention how misleading that figure is. But his advice has been to Republicans to not be legislators, but to be communicators, to talk instead of act.

I sincerely hope that that approach will be rejected, because we will be better off, not as a, just as a Congress, we will be better off as a country and as a people if we have broad bipartisan interaction. They may not agree with each and every point, but at least have an honest debate, stop misrepresenting facts and give people permission to be involved with serious efforts to solve this problem.

Because, make no mistake, Mr. Speaker, this problem demands attention and it will get attention. One of the most important decisions of the Obama administration is that they were going to start following the law under the Clean Air Act and deal with carbon pollution. This is clear, we are heading down this path.

If Congress doesn't act, we will be dealing with carbon regulation through a combination of administrative action and legal action. It's one way to solve the problem. I, personally, don't think it's the best, but it's one of the approaches that will be taken.

We find now that there is growing support from leaders in the business community to act seriously to reduce greenhouse gas emissions. There is a growing consensus among business leaders that now is the time to act, and they are participating with us in serious discussions to craft a workable solution.

It's somewhat ironic that we hear the United States Chamber of Commerce being cited by some to cite that there are problems in opposition to dealing with greenhouse gas cap-and-trade initiatives. Actually, the best research I have seen is that there are only four companies on the board of directors of the Chamber of Commerce that are in support of this "just say no" attitude.

Of those companies that have taken a position on the board of directors, 80 percent support Federal regulations with goals to reduce total U.S. global warming pollution, not all in agreement on precisely the response, but Alcoa, Caterpillar, Deere and Company, Dow Chemical Company, Duke Energy, Eastman Kodak Company, Entergy, Fox Entertainment Group, IBM, Lockheed Martin, Nike, PepsiCo, PNM Resources, the Robertson Foundation, Rolls Royce North America, Siemens Corporation, Southern Company, Toyota Motor North America, Xerox. These are all companies that have realized, in many cases, because they are global in nature, that Europe is moving, Japan is moving. Even China is

moving on areas of energy efficiency, and there are opportunities for us to work with them, even as they move to be the leader in wind, solar and electric cars.

So major businesses, 80 percent of those on the Chamber board of directors that have taken a position, favor Federal regulation. This is the wave of the future. This is what we as a society need to do.

I am encouraged with the progress that we have made already here in the work under the leadership of the Speaker, of our various committee Chairs, and an active group of Members in the Democratic Caucus moving forward and advancing this debate.

I look forward to having legislation on the floor this year that we can deal with and hopefully enact, working with the administration. I look forward to the United States when it comes to coming together with the global community to deal with climate change in Copenhagen in December.

I look forward to our being there with the United States no longer being missing in action, but, instead, assume its rightful leadership role as the most powerful Nation in the world, as the strongest economy, and, frankly, as the largest emitter of greenhouse gases in history that we accept our responsibility, our leadership and move this forward.

Mr. Speaker, I appreciate the opportunity to be here this evening to share some thoughts. I look forward to our being able to continue the discussion on the floor of the House. I hope, I sincerely hope that we will be able to engage in a thoughtful, deliberate discussion of alternatives that will reduce greenhouse gases, the threat to the planet, strengthen our economy and make a more liveable world for our children and grandchildren.

DEFINING MOMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. RADANOVICH) is recognized for 60 minutes.

Mr. RADANOVICH. I appreciate being joined here with my colleague from Illinois to talk about somewhat of a new issue, I think, in the Congress, but more of a broad overview of the situation here in the United States and the situation of the Congress where we might be headed as a country and some new ideas that might be in order.

Mr. Speaker, I can't help but think during this special time of the references of our current situation to the Great Depression in the 1930s and the FDR administration, how Franklin Roosevelt dealt with those issues and a contract, a social contract that was written during those times that was felt to be necessary in order to deal with the trying times of the day.

And I am not suggesting that the Depression is anything like what we are facing now. We are lucky to not be dealing with 30 percent unemployment, although there are some places in California that have that. Nationally we are not there. But there are some similarities.

And I was reading a book the other day by Jonathan Alter, a very interesting book, called "The Defining Moment." And it was that time during the first 150 days of the FDR administration that it dawned on FDR that he was writing a new social contract.

Jonathan Alter said it well when he wrote: "FDR knew he was on the verge of proposing nothing less than a rewriting of the American social contract. Instead of every man being the captain of his own fate, he envisioned the ship of state carrying a safety net. He favored what he called cradle-to-grave coverage, including national health insurance. But he knew that trying to insulate average Americans from the ravages of the market was a long-term process." So, in public, he borrowed a term from the private sector and spoke vaguely of social insurance.

□ 1930

It dawned on me that having been here a number of years, having had a Republican majority for about 12 years, having thought of reading the signals back in 1994 that the American people wanted a change in their government, and less government, the fact that perhaps during that time a new social contract would have been something that could have succeeded in achieving those goals while we were in office.

Now, the Republicans, when they came in charge, didn't do what they had promised to do in reducing government, and that has led to us being in the minority now. I think the Republicans get that, and I think we are in a position now where we are trying to assess, where do we go from here? And it dawned on me that it is probably no surprise that we are drawing up these similarities to the Depression and the time for a new deal. We have a President in the White House who has been characterized as the next FDR and very popular and spending money like FDR, but I think that leaves to Republicans the opportunity to define a new social contract, and that interests me.

And I have to go back to times of the contract with America; and that was a contract, but it wasn't necessarily a social contract. It was a political contract. If the American people gave the majority in the House to the Republicans, they would bring 10 bills to the floor, and that was it. It didn't really speak of a social contract in that what government would do and then the rest of society would do as a response to that. It didn't really define a new social contract that we need today.

So I would like to encourage some conversation about that or along those

lines. I am so proud to be joined by my friend from Illinois, Mr. ROSKAM, and also my friend from South Carolina, Mr. INGLIS, to discuss it.

Mr. ROSKAM. If the gentleman would yield. I thank the gentleman for gathering us today and for his leadership, and really having a conversation that I think is very important, Mr. Speaker, to talk about where we are, because my sense is that we are at a very pivotal point in our public life right now and when the types of changes and the types of choices that are being presented to the public are choices that we are going to reflect back in 5, 10, 15, 20, 30, 40 years and say that was the time.

I remember my mother grew up in Oak Park, Illinois, and she was born in 1930. She remembers and I remember her telling me about what it was like for her as a little girl turning on the radio and hearing the voice of Adolph Hitler, and just that sort of ominous feel. And now I am kind of projecting here, but I am imagining that my mother as a little girl sort of knew that there was something that was going on, and that time that she was involved in was formative.

And I would suggest to you, take the World War II reference and abandon it now, and this time that we are in just has a feel about it. It has a poignancy to it, and it has a sense that decisions that are going to be made are going to be made and have long-term implications, and I think that one of a couple of things is going to happen.

My hope and expectation is that we are going to make decisions and we will say, thank goodness that there were clear-thinking people in Washington at the time that the wheels were coming off the cart. But the alternative is that we surrender so much freedom and we give up so much to a benevolent government that sort of pats us on the head and says: We are going to take care of all your problems. And then we wake up, and when the government fails—and we've seen that time and time and time again lately. We wake up and we don't have those tools that should be ours, and instead they were squandered and they were given away at a time of panic and at a time of legitimate fear.

So here we are on the floor of the House of Representatives, and we are in the midst of this conversation as a country and we have got to look carefully at where we have been and then figure out where we are going. And I think any honest assessment of where we have been takes a look back and says: Okay, United States of America, you have been given an inspired Declaration of Independence. You have been given a Constitution that is the envy of the world. You, as a Nation, and your predecessors have gone through the Civil War. You have gone through the turmoil of slavery. You

have gone through world wars. You have gone through a Depression like we were talking about a minute ago. You defeated communism. You defeated fascism, and here you are at this moment where great decisions need to be made. But do so as a Nation with a proud heritage, as a Nation that has understood where it has come from and where it needs to go.

But don't panic. Don't underreact. Don't act as if there are no problems, because there are problems. We know there are great difficulties. We know we have a health care system that is unsustainable. We know that the world is an increasingly dangerous place. We know that the amount of money that is being spent here in Washington begins to feel like generational theft. It really is too much. So we are rightly sobered by these things. But as we are contemplating solutions, we ought not be dismissive of this incredible heritage that we have been given.

I yield to the gentleman from South Carolina.

Mr. INGLIS. I thank the gentleman for yielding. I think what you just said is very true. The thing I would add to it is that it is also important that we not abandon hope in the midst of that awareness. You just talked about the important awareness of the trials that we are in. We need to be very much aware.

We also, I think, need to approach them with a hope that—well, it depends on where you come from. From my perspective, it is this: The reason I have hope is I believe there is a sovereign God who is in control of all things and, furthermore, I think he is good. So if you put those two things together, I have every reason to be optimistic. Now, I do need to be aware of the risks that we face and, therefore, respond to them and anticipate them, but also with the hope that America has been through similar kinds of troubles before and met incredible challenges.

Since I serve on the Science Committee and Foreign Affairs, I always mention the scientific kind of things. I am not a scientist. I just play one occasionally on the Science Committee, by the way. But when you think about the things that the United States has done, we finished the transcontinental railroad in the midst of the Civil War. We finished the Panama Canal when the French had abandoned that effort after losing tens of thousands of people to malaria and other causes of death in Panama. We were the nation that fought and won World War II, that very quickly responded to the arms race, to Sputnik, and all of that.

In South Carolina, part of our claim to fame is the Savannah River site was and, as I understand it, still remains the largest construction project in the history of the country. All the stainless steel in the country was going to

Aiken, South Carolina, to build the canyons that would develop some of the elements related to our nuclear arsenal, the bomb plant as we call it in South Carolina. Then, in 1961, President Kennedy said we must go to the Moon, make it our goal to go to the Moon before the end of the decade. And we did it, 1969.

So the amazing thing to me is that we accomplished all of those things with technology that now looks very old. The Apollo mission was all designed on the slide rule. Actually, the shuttles were designed on slide rules.

So when you take what America has done with this entrepreneurship, this belief in freedom that the gentleman was just mentioning, and charge that up in the right way so that you marshal those forces and you go out and you conquer these problems, that is what we are about. And I think what our friend just mentioned is very good about the importance of this free enterprise system and the American Dream.

To me, the American Dream is this: It is the fulfilling of the God-given desire to create, to contribute, to care, and to live at peace with one's self, one's neighbors, and one's God. That is the American Dream. And it starts with an understanding that it is the opportunity to do those things, not the guarantee. And that is, I think, what separates us from the other party is they are talking all the time about guarantee. We talk about opportunity. The gentleman from California, I think, talks about opportunity.

Mr. RADANOVICH. It is very interesting. Yes, we do talk about opportunity. But I am reminded about the opening line to Common Sense, which was the book written, that sparked the American Revolution, by Thomas Paine. In the very opening sentence he says: Writers have so confused government with society as to leave no distinction between the two.

It is a reminder today that there is more than one institution in this country. In fact, if you go back to the Bible, in Genesis there were institutions created there. God said, go forth and multiply; He created the family institution. He said, tend to the garden. He created the business institution. And He said, worship me, which meant love God above all things and love your neighbor as yourself. And then afterwards, Cain killed Abel, and we needed another institution to keep from killing each other, and that was the government, and so we had four.

Even back in the Revolutionary time, there wasn't really a clear idea about what institution did what in society so that we could have the opportunity that we are looking for. Right now, I think, with this New Deal social contract that I believe that we have in place now, which started in the 1930's, Ronald Reagan, the great President

that he was, the conservative that he was, still was not able to distinguish between all of those, and the growth of government still happened during that time. The Contract with America wasn't necessarily anything more than a promise to bring 10 bills to the floor. It had its purpose. It was good in many ways, but it didn't address what Thomas Paine thought was the confusion out there about what is government doing, what do we call this remaining society part, and what does it look like, and who does what in this country. Does government raise families or does family raise families? Does government provide jobs or does government protect people and business is the one and should be allowed to provide the jobs and the economy?

And so when we look today at the new administration, the change in majority that we have right now, the growth in the budget, the intention of taking over 17 percent of the business sector and the health care sector, bringing it in under government control and creating a new bubble that will happen, and that is replacing fossil fuels with solar and energy production with massive subsidies that will rack up the national debt like we have never seen, it does make you wonder about whether or not at some point in time the old ATM is going to stop giving out cash. And then what are we going to do? Because we have based our society on a complete reliance of government while ignoring the value of the other institutions, and while relying more on government, we weaken the other institutions. That, I think, is what frightens me the most.

Everybody wants the President to succeed, but we wonder whether he will under the policies that he has adopted. And our hope is there with him, but there is a realistic expectation that if a liberal left policy of dramatically increasing the size and influence of the government is going to collapse upon itself I think at some point in time.

Mr. ROSKAM. I jotted down what you just said: Relying on the government, we weaken these other institutions, and that is really to the point. You know, the gentleman from South Carolina was talking about sort of an orderliness, if I could paraphrase, an orderliness. And I know the three of us and I know every Republican in the House of Representatives recognizes the role of government. There is an appropriate role of government, and the gentleman just gave a glimpse into the seeds of that, and it goes back ancient of times in civilization, and it was to create a structure for fairness and follow-through and an ability to have an expectation of what the ground rules are.

□ 1945

But when government bleeds over into responsibilities that aren't really

the government's, and when people give the government that kind of responsibility and ultimately that authority, then you see where this ends up. And it is not a good picture.

Going back again to Genesis, I am reminded of the story of Isaac and his two sons, Esau and Jacob. And as you know, in that Near Eastern culture at that time, the oldest son who was Esau had the birthright. He had the property right. Give me a little grace here. It was about 90 percent ownership expectation that the oldest son was going to get the estate, the cattle and the household. And then the number two son kind of picks up the scraps. That is sort of the way it was in that time. Well, as you know, the account is that Esau comes in out of the field, and he is famished. He is crazy hungry. And we have all been like that. We know what that is like, just being so hungry you can hardly see straight. And his brother, Jacob, the number two son, is cooking some sort of stew. And Esau comes in and says, Give me some stew. And Jacob says, Give me your birthright. And Esau agrees to it. And now I'm collapsing the story down, but Esau gets passed over. He gives up his birthright.

I have this sense that we, as Americans, right now are in a position where we have this birthright that has been given to us not really through work of our own, but it is this birthright that has been entrusted to us. It is the ability to start a company, the ability to innovate, the ability to really capture what it is you want to do; and yet we are being coaxed, as a country, right now by some people who are saying, Give up that birthright. Just give it up. Here. We will give you "stability." And in the name of "stability," many, many people are sacrificing a fundamental birthright. It hasn't happened entirely. But we are sort of on that verge. You get the sense that that is what is beginning to happen.

One of the reasons that I'm a Republican is because I think the Republican Party has this high view ultimately. Many times it is not articulated well. Many times we bumble along. And we are far from perfect. But do you know what? There is a core there that says, We know what that birthright is. And it is a system that has been the envy of the world that has created more prosperity for more people than the world has ever seen before. And yet we are being told, Just give it up. Just give it up, and you will get stability in exchange.

And I would submit that is a very, very bad deal. And we ought not make that exchange.

I will yield to the gentleman.

Mr. INGLIS. And you mentioned "orderliness." I think what we are talking about here in part and what Mr. RADANOVICH has been talking about is the rule of law, the importance of

knowing that you can count on the rule of law to allow you to, among other things, enjoy the fruits of your labors. When you trade that away and you don't have that assurance, you have this system like you're talking about where there is stability or there is a guarantee rather than an opportunity. If you don't have the certainty that you can, because of the rule of law, have the certainty of knowing you can enjoy the fruits of your labor, then there is just less labor. It is just the way it is. That is human nature.

Dick Arney, our former majority leader, was the first person I heard say this. He said, "Communism is that system where he who has nothing wants to share it with you." And so it really is a pretty good definition I think of communism. And of course I'm not accusing anyone here of advocating communism. But I do think that when you break this connection between industry, work, labor, and reward, funny things start happening. You lose incentive, and you lose the certainty of reward.

The thing that we do believe in, we Republicans advocate this thing of orderliness, or rule of law, very highly. We value that very highly because there are some economies around the world you can look at where they are blessed with many resources, but yet they lack the rule of law. And as a result, there is no certainty that your work will be rewarded, and, therefore, there just isn't as much work. There isn't as much industry. If you can't own the fruits of your labor, then you labor less. And for some people, this is a real problem. There is a deep philosophical divide that, I think the gentleman here can agree with me, we face a lot. Some people really have a Utopian view of humankind and think that we will some day move beyond this need to have a linkage between work and reward. But I think that what we realize is that, no, you will never break that link. You don't want to break that link. It is just the way it is. And so you want to make clear there is a clear linkage, and then people keep working. They keep innovating.

It is why, for example, we think that economies around the world that steal our intellectual property are so offensive to us. We think, no, we had people who worked hard, who studied hard, who invested time, energy and capital to create something, and now you have gone and stolen it and are selling it on the streets for \$5 a copy when it really costs a lot more than that to develop. And some people think that is sort of Western imperialism maybe, but I think it is pretty clear that what we are talking about is effort and reward. And you have to keep those together and make opportunity for effort and reward.

I will be happy to yield to the gentleman from California.

Mr. RADANOVICH. I thank the gentleman.

You raise an excellent point, and you speak of the virtue of work. And I'm reminded of virtue. I just have to think about where this virtue that you say comes from, and discussing previously the idea of what other institutions do and what they provide to us in our society. One of those is the issue of virtue. Where does that come from? And there is a chapter in the Bible in Second Peter where it addresses the issue of where freedom and independence come from. And it really starts with faith. And so the growing of that virtue doesn't start here. It starts in the faith institutions. Call it "church," call it "religion," whatever you want to call it; it starts with faith. And that, as outlined in Second Peter, produces virtue which produces freedom and independence. And it all goes into the ability that you describe and that is the desire and the ability to go and reap the rewards of your own labor.

The point I would make in response to yours is that that faith institution has to be really strong in the country because the Founding Fathers relied on it to be the virtue builder in a free society. They restricted government and religion because that had been the forms of tyranny over the last thousand years. Benjamin Franklin was leaving Independence Hall after they signed the Declaration of Independence. Somebody said, What have you given us? He said, Liberty, if you can handle it. And he was really talking about this idea that self-government doesn't come without virtuous people, and virtue originates in a sector that has been beaten down quite a bit. I think that is one of those institutions that has been suffering from Big Government.

I would love to take just a second to illustrate the most artful example and the best form of describing how we love one another as ourselves. It is charity. And if you look at a cross-section of charity in this country, I have identified about \$1.2 trillion of charity that occurs in the United States every year. Americans give about 1.5 to 2 percent of their gross income to charity on average, and that accounts for about \$300 billion a year that goes to churches and nonprofits and the like. Surprisingly, corporations and foundations only give about \$100 billion a year. That makes \$400 billion. The balance, \$800 billion, comes from government charity, that is the forced levy of taxes on you and me. Twenty-five cents of our tax dollar goes to government charity in the form of Medicaid, food stamps—rack them up—farm subsidies and everything else. It adds up to about 25 cents on every dollar. And if the Founding Fathers were relying on the faith institutions to be the originators of virtue through faith, freedom and independence, it is getting less

than one-third of the charity that is operating in this country today, while the lion's share of it goes to government which, at best, can sustain people at where they are.

The story you described about the person who is hungry and the main motivator of going to work and improving your life and doing things better, how can they be motivated when the charity is coming from a government institution that doesn't really encourage them beyond their own current situation and never really educates them on the need to work and why and the benefits of it? So I'm not surprised that there is more of a dependency on government, the growth of government, the overreliance on it, and this trend toward Big Government, because you have to follow the charity money. Frankly there are less of those virtues in this country because the faith institution has been weakened by the growth of government, and they are not able to—and they are the source that brings up this notion of freedom and independence, which is wanting in this country.

Anyway, I was intrigued by your thoughts of how people are motivated to work and what are the original origins of that ethic. And it is severely underfunded and being run over today by government.

Mr. ROSKAM. These choices that we are dealing with remind me of a story I heard about a young woman who was a foreign exchange student here. I forget what country she was from. But she came over here as a high school student or a college student and spent 1 year here like so many foreign exchange students do. And someone asked her, So what did you think? Wind it up for us. What did you think about this year that you spent in America? And what was the thing that made the biggest impression on you? And they were thinking, oh, computers or the highway system or the cool kids at school or whatever some of those predictable things were. But she said something that was very, very unusual. And she said that the biggest impact on her was the number of people who approached her and said, So what are you going to do? What do you want to study? What do you want to grow up and be?

And sometimes we lose track of that. I think that is such a common experience for Americans, an expectation that one generation is going to supersede the next generation in terms of achievement. But for this girl, it was revolutionary. She came from a culture that didn't really support that, where that wasn't the expectation. And so for her to go around and be reaffirmed on these dreams, that dream of possibility, all of a sudden it was like, wow, I could do a lot of things.

One of my favorite authors is an author named Paul Johnson. Paul John-

son is a living British historian who likes the United States. So it is nice to read his stuff. He really likes America. And in one of his books called "A History of the American People," Paul Johnson talks about our Founders and compares them to the advisers of King George III. And so he goes through this list and he says, basically, you have got this A Team, this unbelievable group of people who founded our country. And you know all the names, Jefferson, Washington, Hamilton, Monroe and Madison and a whole cast of great leaders. And he says that they were such special people, but they were ultimately eclipsing themselves because the combination of them was so great.

And he said there was a second and a third tier of leadership underneath them that in any other generation would have been tier one people, but they just had the dumb luck to be on the scene with this incredible group of talent. And Johnson writes and compares that to the advisers of King George III, the King of England during the Revolution. And I'm overcharacterizing this, but it is as if we weren't playing fair. That is how good our Founders were compared to the leadership on the other side.

And Johnson makes this point: he said all kinds of factors go into history, into how history turns out and how things happen. There are economies. There is weather. There are wars. There are a whole host of things. But ultimately the single most important thing in the determination of history is the people who are in charge at the time—and now this is the PETER ROSKAM footnote—and the choices they make.

□ 2000

And so here we are, we are at this time, almost a tumultuous time in our public life where there is a great deal of fear out there. There is a great deal of anxiety and restlessness. People have been so disappointed for the last couple of months about solutions that they have seen and expectations that Washington and big institutions were going to come through for them. And ultimately, many of those institutions have failed.

One of the reasons that I am here and one of the reasons that I am part of the party that is the Republican Party is because there is that real bedrock of knowledge that, notwithstanding all of the challenges, there is this high view of the individual and a confidence that given a fair set of laws, given a fair shake, given a fair opportunity, there is going to be, on balance, a very good result. That is not to say we don't have responsibilities because we do. But this view that somehow government is going to come in and make problems go away is, I think, profoundly naive. And we need to be mindful of surrendering so much of our national identity and so

much of ourselves to a government that hasn't always deserved our confidence.

Mr. INGLIS. I would add to that, these were exceptional people that you just listed that believed in some very exceptional ideas.

I am a conservative. We are all conservatives here speaking tonight. And to some extent, conservatives are people who sort of want to keep things together the way they are. And I am also conservative philosophically as in wanting to have things like free markets and things like that. But it is also true that at times conservatives are people who want bold change, bold strokes, not just keep it the way it is, we really want to change things.

So those folks you were just mentioning were very bold in believing some pretty audacious things. Like we hold these truths to be self-evident. In other words, they are not going to make any further explanation of it. We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights. Among these are the right to life, liberty, and the pursuit of happiness.

That was a bodacious thing to say in 1776. You could say the conservative personality thing was to continue to believe in the divine right of kings. But here were these upstarts in the colonies who said no, listen, we have studied the laws of nature and of nature's God, as Mr. Jefferson said in that document, and we come to a different conclusion. And then he stated the conclusion that we hold these truths to be self-evident. I think it is very exciting just to see how bold they were.

Now fast forward to where we are today, and we have a big challenge. Our challenge today is that our pollsters tell us that for the first time in awhile, maybe in our lifetimes, people don't believe that their children will be better off than they have been. I think that is worth examining and figuring out why that is.

When we started this wonderful adventure here in the United States in 1776 with those incredible words of change and things being self-evident, we carried that on. That was sort of our heritage. As Tom Friedman writes, America is young enough and brash enough to believe that every problem has a solution.

Much of the world has long ago left that nation, but they need us, the Americans, to believe that every problem has a solution. And I would submit that it comes from the DNA we developed in 1776 when we said that all men are created equal. Hello, that is not what the rest of the world thought. And we are endowed by these certain inalienable rights. That, I would submit, carries through to the thought that yes, by my sacrifice today, or my putting my kids through college or

whatever it is, can create for them a better standard of living than mine, which I think is something that has driven this country to its economic success.

It seems to me it is tied in with that DNA and that political understanding, and that comes, as the gentleman from California was saying earlier, was really from a faith understanding. So it really is connected to a series of very big thoughts in America that gets us to the place now of a big challenge, which is do we believe that our children will be better off than we are.

Unfortunately, a big number of our fellow citizens think not. I think it is worth asking, why is that and what can we do to convince them that no, really, America's best days are still ahead if we just stick to these principles, we return to our principles.

Mr. RADANOVICH. I am intrigued by the gentleman from Illinois's thoughts about this person who was so amazed that someone asked her what she wanted to do with her life.

Speaking about the authors of the Constitution and the Declaration of Independence, how important it is to be able to decide your own fate and be able to choose. And I believe, I think the progress of civilization, it moves from tyranny to self-government. I think we are on that march. There are a lot of bumps along the way and a lot of misconceptions about how order and society ought to be, but I think the beauty of the Declaration of Independence was that government was reined in and religion was put in its place, and after that you had the freedom to be able to—by and large, there were still a lot of problems in the United States even in its beginning, but it was the beginning of that.

In the 1830s, a gentleman by the name of Abraham Kuyper, he was a Calvinist Prime Minister in the Netherlands, he originated a concept. And again, this was while European countries were still figuring out their social contract and who was responsible for what, but he came up with this notion called *coram deo*, a Latin term, but it meant living life in the face of God.

It reminded me of what you said about this young child having her choice. And it was quite a bold statement for the time, but the statement was that government had no authority to be able to limit your freedoms in life, and neither did the church or any other form of authority, that that connection between the individual and God was the supreme connection.

And when Thomas Jefferson wrote in the Declaration of Independence that we have the inalienable right to life, liberty, and the pursuit of happiness, what a huge step in moving from tyranny to self-government. This idea of Kuyper and living life in the face of God came afterwards in the 1830s. This is when Darwin came out with "The

Origin of Species" and Karl Marx and fascism and some of these others things were being mulled about. I think he set a new landmark about what are our freedoms. And to me, it further illuminates what a social contract might be, but that that individual had those freedoms.

I can't help but think in addition to that what the mandates were in the Garden and the ability to create a family, to go to work and worship God and love each other as ourselves, and have a government that protects you, and the freedom to be able to live life in the face of God through those institutions that were built up. Not everybody has those freedoms. Not everybody has a loving father and mother. Not everybody has learned the ability to work or has the ability to go do that. Not everybody has the freedom to worship God and love their neighbor as they wish.

I am kind of intrigued about what a new social contract would look like if we are back to the social contract of cradle to grave by government, government is getting too big, it is likely to come to an end of itself one way or the other. And if that is the case, what do Republicans present? And do you present it in a way that people logically say by golly, I want to go with that.

Mr. ROSKAM. I think that is the great invitation. That is the conversation that we are having with the American public. That is what is such a dynamic part of where we are today.

There was a great theologian in one of the early church fathers, Saint Ambrose, who said we don't impose on the world; we propose a more excellent way.

I think that is, in part, at the essence of what we are about right now because, you know, we have all seen, everybody knows what a government that is too big and too unwieldy looks like. That story doesn't end well.

I think about the cartoon "The Jungle Book" with the Walt Disney cartoon and it has the snake, Kaa. The snake, Kaa, is very charming and gets young Mowgli in his eyes, and basically Mowgli becomes transfixed. And Kaa is able to manipulate him. Kaa says "trust in me" and he comes up with a song, and I will spare you in my singing of that song. Ultimately this young Mowgli is completely bewildered. And where does he end up? He ends up in the coils of Kaa, the boa snake.

I think there is a little bit of wow, that sounds really great. That program sounds good and that sounds like something that is great and stable, but my fear is and my hesitancy is that to surrender what the American public is being asked to surrender by, with all due respect the Democratic leadership in this Congress, is, I think, regrettable. The amount of money. And it is being done gently. It is being done very

smoothly. It is being done cleverly, if I might say so; but it is being done in such a way to basically coax people into surrendering things which I think they will do so with great regret.

I think the invitation is come along on this more excellent way. Come along on a way that says we acknowledge the difficulties of where we are. And we are rightly sobered by the challenges our country faces today. None of us here on this floor are pumping sunshine, acting as if everything is great, because it is not great. We are really sobered by the challenges we face.

But notwithstanding those challenges, we don't panic and we don't surrender freedoms that are our birthright. In the exchange, we end up with some sort of stability that I think is going to be completely unsatisfying in the long run.

Getting back, I think the gentleman from South Carolina and the observations he made about sort of the predictability of contract and the work ethic, not long ago I was traveling in another country that doesn't have a good solid rule of law. And the officials that we met with were talking about the issue that they characterized known as impunity, meaning you could commit crimes with impunity. You can do it and get away with it.

One of the countries that is in this hemisphere has a murder conviction rate of 3 percent. Think about that, 3 percent of the murders that occur in that country end up in a conviction.

What does that mean? If you can commit murder with impunity, what does that mean for somebody trying to start a business? What does that mean to try and enforce a contract, or stand up for your rights as an entrepreneur and get things going? And I would submit to you it is almost impossible. And many of these problems that we see around the world, not all of them, but many of them are exacerbated by this idea of impunity, the ability to just do whatever you want.

So here we are. We are having a conversation as a country right now about what do contracts mean? What does it mean when you sign a piece of paper? We have seen coming out of the White House some very aggressive moves trying to rewrite contracts. Again, I would submit, over an extended period of time, that is a scene that doesn't end well either. In the short term, that can be very satisfying if you are on the right side of that deal. But at some point in the future, you may not be on the right side of that deal.

Ultimately, what does it do? It creates a disincentive for people to put themselves at risk. It creates a disincentive for people to be creative. What we need at this time in our history, with all of the challenges that we have, a whole host of things, the economy and everything, we need our best and brightest leaning into this thing.

□ 2015

We need people saying, “You know what? I’m here. I want to participate. And I know if I do, there is a reward for me, and it’s a reward that is borne of my innovation and my entrepreneurship and my willingness to put myself and my capital at risk.”

I will yield to the gentleman.

Mr. INGLIS. I thank the gentleman for yielding. We have been describing here, I think, as the gentleman from California really started us off with the idea of what we really deeply believe with our faith really gives us a concept of respect for individual rights and the need to protect those rights. And then we have talked some about the dignity of work and protecting and affirming that dignity through the rule of law. The gentleman from Illinois was just mentioning that.

That leads us to policies. And these all flow from that deep well of what we really deeply believe and then it comes up to the surface level of instant policy or the policies of today—the policy questions of today.

The one that I think we need to answer is: Is it possible for our children to live a better life economically than we have? I think the answer is yes, as long as we do what we know works, and that is to have a system of taxation that is not confiscatory, that allows you to keep the rewards of your work. So you want to keep taxes relatively low. You want to keep regulation relatively light and effective, not burdensome, not a gotcha, but rather calculated to produce results that are reasonable, and light touch.

Then, you have got to reduce litigation somehow so that there is some certainty that you will not lose what you have done by becoming somehow the guarantor of someone else’s outcome. You can’t ask somebody else to guarantee their outcome. If you do that, that is the way you end up with too much litigation, and the result is that people move productive capacity away from a developed nation to an undeveloped nation.

They decide, “Well, we will go take our risk with a less established rule of law, because in the developed country which had this rule of law, you now have such high taxation, regulation, litigation, it’s too much risk for us. We are not going to get the reward.”

So, for us, really what it is, is a matter—to answer that question, whether our children’s future can be brighter than ours, the answer is yes, if the top level here on what bubbles up to policy—if we keep taxes relatively low, keep regulation relatively light, and we keep litigation down, the result will be people will want to do business here and there will be opportunities for our children and our grandchildren.

I’d be happy to yield to the gentleman from California.

Mr. RADANOVICH. Thank you. I thank the gentleman from South Caro-

lina. I know the gentleman holds in such high esteem the words of the Founding Fathers in the Declaration of Independence, and what a wonderful contribution to the world that was, but I can’t help but think what Thomas Jefferson might have worded differently had he gone through the sixties—had he been a flower child in the sixties or had he lived through the Great Depression; the collapse of business the way it did.

I think what I admire the most about what they did was the reining in of government and religion and putting them in their proper place. There was the assumption that, as Thomas Paine said, the rest of society would be families and business and they would operate according to the norms.

I’m not one of those people that say we have got to get back to the principles of the Declaration of Independence, we have got to get back to our founding principles, because I think this is more about looking forward with new illumination built on that.

But what I find interesting is that, had Thomas Jefferson gone through the Great Depression or was a hippie in the sixties, or at least was around when that was happening, would he have reworded life, liberty, and the pursuit of happiness a little different. I wonder.

Would he have made a statement about the need for every child to have a mom and a dad, or, you know, the need for business to not be taken up by wrong principles and end up in collapse, and what would have been his advice on how to deal with the Great Depression?

The bottom line is: Would he have worded those opening lines of the Declaration of Independence any different? And I don’t have the answer, but it would have been interesting to have a conversation with him today, where he has the knowledge of what occurred after that.

Not that I would ever suggest that it needs to be rewritten, but it does speak to me of perhaps some new inalienable rights that have been illuminated since then because of the history of the United States and what has happened over time and what we have experienced and what our world has become and the results of new knowledge, new science. So, I wonder.

I think it’s kind of interesting because we have the opportunity, I think, in the form of a new social contract, to plow new ground and to be bold to develop a contract that really does speak to and contribute to this rise of out of tyranny to self-government. We’re not there with self-government yet.

I think the gentleman from Illinois references things that are at risk. I really do believe it’s the leadership we provided in the world since the foundation of the country and the Declaration of Independence and the statement of rights that we are going to lose if we

are overly reliant on a large Federal Government that has increased dramatically in these last few months at the expense of these other institutions, including business, that is more encumbered daily and provides less incentive to go out and do the things that we have talked about—going out and prospering and earning an income and taking care of yourself, and benefiting from it, as well as families and the virtue-building power of faith.

I think that is what we stand to lose. I sure don’t want that to happen.

Mr. ROSKAM. I think one of the things that we find ourselves in this quandary as Americans is sort of a gotcha mentality, right? The gentleman from South Carolina referenced that a minute ago. I think of my fourth-grade teacher. My fourth-grade teacher’s name was Lillian Anderson. She was a dear woman. I had her her last year, which you can interpret as I drove her to retirement, I suppose.

Ms. Anderson was one of those teachers, though, when you would go and do work, she would come back and make the corrections. And it was sort of a gentle way. I mean, she would look at the report and, “Oh, Peter, you didn’t indent this.” We’ve all gotten those marked-up papers from teachers.

So you think about American businesses today who are looking at a regulation. They have an assignment. They have a law that is passed by Congress, and then some Federal agency has come up with a rule interpreting that law. As we know—we have all dealt with constituents—some of the laws are clear as mud, and some of the rules are even worse.

So you’re a small business owner, you’re a big business owner, whoever, and you’re not sure what the rule means, and you’re doing your best. You are legitimately doing your best. And you realize, “You know what? We’ve messed this up. It wasn’t through malice, it wasn’t through manipulation, it wasn’t through cheating or deception. It’s an honest mistake.”

Well, other countries have figured this out. Other countries have created a regulatory environment that is not a gotcha environment. Other countries have figured out you can go to a regulator and say, “Look, this is what we’re doing. This is how we’re interpreting this rule. Are we doing the right thing?” And in these other countries they will look at it and say, “No, you’re not doing the right thing. Here’s the right thing to do. Don’t do this anymore. And if you do this in the future, you will be punished, but we acknowledge that it wasn’t intentional and you’re not trying to deceive or defraud anybody.”

Can you do that the United States of America under this current environment in our country? No. If you’re doing something on balance and you have an ambiguity about it, 9 chances

out of 10, you're crazy if you go to a regulator and say, "You know what? This is what we're doing. What do you think?" They will come back to you and say, "You have the right to remain silent." And we know the Miranda rights. It makes no sense.

So what we have got to do, I think, in this country in order to create prosperity and in order to create an environment where we are regulating for the right things instead of regulating for the sake of regulating—and there's a big difference there. If we're regulating for the right things, that means someone can come in and say, "Look, we're doing this," and the regulator says, "Don't do that anymore." Or, alternatively, "Yeah, you're doing the right thing. Proceed. Off with you. And be lively."

I think there is an attitude that has to develop in the United States. And I think Republicans that I have interacted with in the House of Representatives get it. They get the idea that government is not supposed to come along with a heavy hand, to go back to the gentleman from South Carolina's language, with a heavy hand and come in and just pound and pound and pound and just take the life right out of some entrepreneur or somebody who's self-employed or starting something up.

But instead, it's supposed to come in with a light touch. And if there is a legitimate area where there's wrongdoing, then we all agree there needs to be a reconciliation to that.

So none of us are saying, "Don't punish the wrongdoer," but there is an attitude, there is a way to get to that point that honors business people and honors and recognizes that people that are starting companies in all of our districts. They are the ones that are putting capital at risk, they are the ones that are working. They don't have lobbyists that are coming here to Washington, D.C. They are not represented here, except by us.

I think that as we are moving forward, we ought not fall into sort of this harsh language—harsh antibusiness language—that we see coming out of the leadership on the other side of the aisle that actually has a very low view and paints everybody with a bad brush.

Are there some bad actors? There sure are. Are there people that need to be punished? There sure are. But let's not drag business through the mud with an expectation that an entrepreneur or somebody who wants to work hard isn't well motivated. I think that that sort of degrading of business is a point that we need to be very, very mindful of.

I know our witching hour is approaching.

Mr. INGLIS. Madam Speaker, may we inquire of the time?

The SPEAKER pro tempore (Mrs. DAHLKEMPER). The gentleman has 1 minute remaining.

Mr. INGLIS. I would be happy to yield to the gentleman from California, who started us off on a high note. We went from high notes to policy, and now we're back to a high note, maybe, for conclusion.

Mr. RADANOVICH. I appreciate the time from the gentleman from South Carolina. I think I would just leave with the note that the social contract that we are operating with right now is cradle to grave. It started during the Depression. We're back at it with full force now.

If we were to create a new social contract, what would it look like, in opposition to something like that? If we were to hold up to the American public a different social contract, try to imagine—and I'd even implore the public to do this, too—what would the alternative look like? I think it's something to think about. Because we are obviously unsustainable for the rest.

I just want to send my prayers to a colleague here who is away on a family matter and couldn't join us tonight.

H1N1 INFLUENZA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY of Georgia. Madam Speaker, thank you for the opportunity to address my colleagues for the best part of the next hour.

What we are going to do, Madam Speaker, is talk about this current virus that is going around that we are now referring to as type A H1N1 influenza. I think most people would understand better if we said swine flu. Now I understand why we are trying to get away from calling it swine flu, and obviously in States across the country where the pork industry is hugely important to the economy, they don't want this fear—unwarranted fear, really—of consuming pork products that are completely safe. Obviously, you have known from almost childhood that pork should be well cooked to a temperature of 160 degrees and it's perfectly safe.

□ 2030

But that is the reason why I am going to stand here tonight and probably not use the term "swine flu" very much, because I don't want to create an unnecessary fear of a very, very safe product that could be harmful to States across this country and to other countries as well. We are in a tough time economically on a global scale, and we don't want to make those matters worse by creating a false sense of concern.

I will be joined, Madam Speaker, this evening by a colleague or two—or three or four maybe—who are part of the GOP Doctors Caucus. We formed this

caucus at the beginning of this Congress, the 111th, as we grew our numbers of health care providers in their previous life who now have morphed into Members of this great body of the House of Representatives. We have that really on both sides of the aisle, but this is a Republican hour, Madam Speaker, and I will be joined by other Republicans. I would welcome, if any of my Democratic friends, health care providers, are sitting in their offices watching us on television on C-SPAN, if they want to come over and join us and weigh in on this, I would be glad to yield them time.

There is no partisanship involved here. The purpose is to try to inform our colleagues, all 435 in the House, so that they can inform their constituents. And each one, as you know, Madam Speaker, represents almost 700,000 people in their respective districts. And we are all getting calls. I mean, people are scared.

I would say that some fear is warranted, but a pandemic of panic is not warranted. And so the more information that we, as Members of Congress, can give to our constituents and that our staff can give when they call the office, either here in Washington or in our district offices, then we get to keep this thing in its proper perspective. And that is my purpose tonight, and that is the purpose of my colleagues that will be joining me later in the hour to talk about this issue and to make sure that people have enough information that they can take care of themselves and their children, or maybe their elderly parents, or possibly someone in the family whose immune system is compromised so that they know what to do, they know what the risks are, they know what their government is doing.

And, Madam Speaker, I want to commend and compliment the Federal Government and our respective State health departments, the Centers for Disease Control in my great State of Georgia, which, as you know, is an integral part of the Department of Health and Human Services and is really the lead agency, if you will, in regard to infectious disease, communicable disease, epidemiology. And Interim Director Dr. Besser and previously the Director of CDC, Dr. Julie Gerberding, these are the kinds of people, both with experience in infectious disease—in fact, Dr. Gerberding, internal medicine specialist, subspecialty being infectious disease. It is comforting to know that these kinds of professionals are standing guard, they are watching our back.

We had a hearing last week when, both Republicans and Democrats, the new Secretary, the day after she was confirmed, Kathleen Sebelius, former Governor of Kansas and now Secretary of Health and Human Services, former Governor of Arizona, Janet Napolitano,

now Secretary of Department of Homeland Security, and Admiral Schuchat from the CDC, all spoke to us and told Members of Congress exactly what the plan was and what was being done and what is currently being done in regard to this impending pandemic. We are pleased, a week later, to find out that things are much better today on, what is it, the 5th of May, than they were a week ago or 2 weeks ago. And it looks like we are not, Madam Speaker, going to have a pandemic of this potentially very virulent virus that has occurred in our past history.

We will talk a little bit maybe about what happened in 1918, when 50 million people across the world died from influenza. Of course that was a different time. It probably started in the United States in very confined quarters as men were training to be rushed into the battle of the great war, World War I, and in very close contact. But of course back then there were no vaccinations against any kind of flu, seasonal flu, avian flu, this current type, H1N1 influenza virus, no vaccine, and more importantly, Madam Speaker, no antibiotics. It was not until 1941, I think, or thereabouts, that penicillin was discovered.

So you really had no effective way of treating complications, and of course the complications that would lead to death. And let's say even the 35,000 deaths that occur today following just regular seasonal flu, complications from seasonal flu, they are respiratory; it's pneumonia, it's sepsis. And back in 1918 I don't think there were any respirators that I'm aware of. I don't think that's true. My colleague from Georgia, Dr. PAUL BROUN, a family practitioner, has joined me. And when I yield time to him, we can talk about that in a colloquy about what was available.

But I think we could compare the current situation, this 2009 concern over this influenza, to 1976, when a very similar virus struck—again, originated in a military facility; I think it was Fort Dix. There was, I think, at least one death, and five soldiers came down with this type A influenza, H1N1, very similar—I said I wasn't going to say swine flu, but very similar to what we are looking at today.

Back then, a vaccine was developed very specifically, and we started a big vaccine program. I think 50 million people in 1976 during the Ford administration were vaccinated against this virus. In retrospect, it may have not been necessary. And finally that program of vaccinating everybody was canceled because of complications. We had more complications really from the vaccine than we did from the flu. And I say that not to suggest today that we shouldn't prepare ourselves—and again, I compliment the respective Secretaries in the CDC and the States that are ready. And they are ready, and

people should be very comforted by that. But we need to question how much money we spend. Is it appropriate to, let's say, spend \$2 billion in the upcoming emergency supplemental that is primarily for the ongoing cost of trying to win in Iraq and Afghanistan, a very important spending that is probably going to end up being \$90-plus billion in this emergency supplemental? But whether or not we need to spend \$2 billion specifically in this emergency supplemental on developing a vaccine and vaccinating 50 million people like we did back in 1976, there is some question in my mind, as a physician who practiced for 30 years, although not infectious disease, but I do have some concerns that we don't overreact and that we make sure that we have a measured response.

The President has an obligation to do that. And I can understand that he doesn't want to take this too lightly. I'm sure he remembers Katrina just as we all do. I will use the expression, he doesn't want to get "Katrina'ed" over this issue by not responding appropriately. And I do understand, and I think we all understand what I'm talking about when I say that. But we will spend the best part of an hour talking about this issue.

I have got just a very few posters that I want to share with my colleagues, Madam Speaker, before yielding to Dr. BROUN, the great physician Member from Athens, Georgia.

This first slide is referencing that outbreak that occurred back in 1976. And again, it was very similar. The serotype, the specificity of the virus then was very similar to this 2009 outbreak. Five soldiers at Fort Dix, New Jersey, I believe—contracted H1N1 influenza and one soldier died. Tests on many more—of course I'm sure everybody at the base was tested for this virus, and it confirmed that 500 actually were infected, but most of them really showed no noticeable symptoms. I mean, they may have had a sore throat, they may have had what we call rhinorrhea—technical name for runny nose, sneezing and body aches and things like that—but they really showed no severe symptoms. And over the following months, no other Americans died from that virus. The loss of one life, of course, is one life too many, especially for the family of that individual, but clearly things kind of resolved themselves in pretty quick fashion. And as I say, no other Americans died from the virus.

But the inoculation that we did develop—and I think I may have this included on the slide, Madam Speaker—but we spent \$135 million developing a vaccine. That was back in 1976, 1977, what, almost 40 years ago. And we have just appropriated or are on the verge of appropriating \$2 billion to our response to this flu. And it may be that a lot of that expense will be developing a vac-

cine. And it is possible, if we do that, develop a vaccine in mass quantities, that we will never use it. Because remember in this experience, where the complications from the vaccine—and I want to talk about that just briefly—might end up being worse than the disease itself.

So as I say, in 1976, this \$135 million—and that was a lot of money back then—developing this vaccine and inoculating 50 million people, the vaccinations began on October 1, 1976, and by December 16—so we're talking, what, 2½ months later—the Federal Government decided we needed to suspend this program because there were increasing reports, Madam Speaker, of side effects. And I am not talking about just a little swelling or rash or itch at the injection, the vaccination site. I'm talking about some serious things. In fact, I want to talk about one thing in particular.

But there were some deaths attributed to the vaccine; 50 million people received the vaccine. And one of the side effects was a very serious condition, Madam Speaker, called Guillain-Barre syndrome. I don't know who Guillain was and I don't know who Barre was, but maybe Dr. BROUN will tell us about that. But it was named after some very—not American physicians. But this Guillain-Barre syndrome is a paralysis that occurs, and it literally causes paralysis from the neck down. And these people couldn't survive back in 1918, certainly, but even today without the aid of a respirator.

The good news is this condition usually goes away and they recover full function, but it can take as long as a year. And some of these patients spend most of that year in a hospital, away from their families, away from their jobs, and many months on a respirator so they can even breathe.

So this was a very, very serious complication, Madam Speaker, from these vaccinations that were developed back in 1976 to treat this very similar virus that we are facing today.

□ 2045

So what happened is pretty quickly the vaccination program was suspended. And then you have to say, well, was that \$135 million well spent? I think maybe in retrospect, but you have to be careful about saying, well, you know, don't do this or don't do that, that it looks like this is not going to be a very serious flu, that it's not going to be even, Madam Speaker, as serious as seasonal flu, and there's just going to be a few people sick in a few States and maybe other countries as well, but it's not going to be a pandemic. And maybe if we have the money available to produce a vaccine in mass quantities, the decision very well could be not to do that, and then we will be able to return some of that

money, maybe most of that money, to the taxpayer. Maybe we'll be able to spend it on something that's equally as important or maybe even more important. But that's a subject for debate, and I realize that you have to be very careful about saying that we don't need to do anything because clearly we do, and I think we are doing a lot.

At this point I want to yield to my colleague from Georgia, who represents Athens and my home of Augusta, Georgia, and he does it very well, and that's my colleague and fellow physician, Dr. PAUL BROWN.

Mr. BROWN of Georgia. Thank you, Dr. GINGREY, for yielding.

As you were discussing the past flu epidemics and the 1976 swine flu that happened back then, I was practicing medicine in rural southwest Georgia. At the time, of course, the recommendations were for everybody in this country to get a swine flu vaccine. As a practitioner, I was concerned about that, and I was asked by many of my own patients should they get this flu vaccine. And, frankly, I was not recommending it because, as I looked at the data that were available at that time, I just really questioned the wisdom of exposing people to the vaccine. So I was not recommending it to my own patients. I did not get the vaccine myself. And actually, in my practice, which was a very busy general practice in rural southwest Georgia, I did not have one single patient come down with swine flu, not the first one. But I had several patients get Guillain-Barre syndrome from the vaccine. One was a good friend of mine who was a newspaper publisher in the community, and he struggled and his family struggled with his paralysis. But people died.

A lot of folks don't consider that these vaccines aren't innocuous. There are side effects and can be tragic side effects and can lead to death. More people died from the vaccine than died from the swine flu back then.

Just Monday I was chairing a facility at the vet school at the University of Georgia, in Athens, Georgia, and went into a biocontainment lab, a level 3 biocontainment lab. There's a researcher there who's doing probably the cutting-edge technology research on this infection that we have out in the public today. He came from the CDC before he came to the University of Georgia, and he deals with these viruses. They have some pretty potent viruses in their laboratory there. And he told me that a week ago he was telling the CDC and the people in the Federal Government, anybody who would listen, NIH, et cetera, that this virus did not have the characteristics of being what we call in medicine a very virulent virus. In other words, it was not one that was going to create a lot of infections and severe infections in this country.

I asked him, why do we see in Mexico people dying at a greater rate than we

do here? And he said, well, we really don't have the data of how many people are infected down there. But from what he could ascertain, and he was part of the group who was studying the virus in Mexico, and he said that down there the people who are getting the virus, this current infection, and who were having severe difficulties and were dying principally were people that had other what we in medicine call comorbid conditions. In other words, they had respiratory problems. They had other illnesses that created a problem where they would develop secondary infections and die.

Mr. GINGREY of Georgia. If I could reclaim my time for just a second and yield right back to him, he brought up a very important point, Madam Speaker.

There have been two deaths in the United States thus far attributed to the current version of this same virus, H1N1 influenza type A. One was a 2-year-old toddler, a Mexican national, who came to Texas for a visit and was actually sick before, and I think this was a little boy, before they came into Texas, and subsequently the child died in Houston in the hospital. And what you get from the news releases, from the press releases, is that it says that the child had multiple health problems before developing the flu. And now we just heard, and I'm not sure if Dr. BROWN is aware of this, but another death has occurred. This was an adult woman, I believe, also in Texas that lived in a border town very close to the Mexican-Texas border. And also it says this woman that died had multiple health problems.

Now, Dr. BROWN and I are physicians. When you start talking about multiple health problems, are you speaking of metastatic cancer, as an example? Maybe somebody who had breast cancer that had spread to other parts of her body? Possibly. Are you talking about somebody that has coronary artery disease and has had three or four heart attacks and a bypass procedure done who is in congestive heart failure? Are you talking about somebody who has severe type 2 diabetes who is on insulin, who is on dialysis because of renal failure?

I mean, I think the media has a responsibility here that they are not fulfilling because they don't give you the whole story, and I think it's very important that we get that so we understand what the true risk is and how severe the flu is.

And I yield back to my colleague, but I wanted to make sure people understand these two deaths, these were sick people: one, a very young child; another, a past middle-age adult woman who had health problems. "Comorbidity" is the term that my colleague used.

Mr. BROWN of Georgia. I appreciate the gentleman's bringing that up.

You're exactly right. Any death is tragic and we in medicine try to prevent all deaths. When I graduated from the medical college in Georgia just like you did, I think you were a year ahead of me there in Augusta or maybe two, but I took the Hippocratic oath. They don't do that in medical school because the Hippocratic oath says, "I shall do no harm," and it says "I shall not perform an abortion," and *Roe v. Wade* has changed that; so medical schools are not taking the Hippocratic oath anymore because there are doctors that are doing harm. They're killing babies through abortion. I am very pro-life, and I know that life begins at fertilization, and I want to protect all life. And it's tragic whenever a life is taken, whether it's an unborn child or whether it's a 23-month-old child that that died like this one from this H1N1 type A flu or whether it's an elderly person. But what happens, and particularly has happened in this case, is I think the gentleman is exactly right that the media has overblown this.

There is a lot of misunderstanding when the World Health Organization, the WHO, says there is a pandemic. What does that mean? Most people in America think, well, people are going to be dying in wholesale lots all over this country as they did in the early part of the last century. Well, the World Health Organization, when they talk about a pandemic, they just mean there's flu in multiple areas, and it doesn't mean that people are going to be dying. In fact, the flu in America has been very mild. Most people, as it was in 1976, who have contracted the flu go about their business. And that is a danger in that people, if they start running a fever, they need to stay home, whether it's with this flu episode or any flu episode. They need to take care of themselves. If they run a fever more than a day or two, as a primary care physician, I would tell them they need to see their physician. Now, they don't need to take antibiotics.

Mr. GINGREY of Georgia. Let me reclaim my time to make a request, Madam Speaker, of Dr. BROWN, because I think that our colleagues and their constituents really need as much information as they can possibly get.

The media creates a near hysteria situation, and then when, of course, the fires are going out and there's no longer a crisis, then they are on to the next story. I can tell you that I was scheduled on several national opportunities to talk about this issue when it was the news du jour. Then all of a sudden when things get better, they just say we don't need you anymore because we're on to another story and there's a runaway teenager somewhere or some other more exciting story.

But I think, Madam Speaker, it would be great if Dr. BROWN and anybody that joins us later in the hour could tell us exactly what you would

do as a physician, as a health care provider, when someone comes to your office and they either have some symptoms, they think they might have the flu, or maybe they just come because they have heard that they ought to be taking Tamiflu or Relenza. They're not sick yet, but they think, well, maybe if I get on some medication ahead of time that I can somehow prevent this and I owe it to my children to get a prescription from Dr. BROWN.

Would you talk about that for us?

I think, Madam Speaker, if we can have Dr. BROWN do that, it would be very helpful for people to understand what they should do.

Mr. BROWN of Georgia. Certainly I would be happy to discuss how I approach patients. In fact, I've had patients come in and say, Dr. BROWN, I don't want to get the flu. I want some Tamiflu or I want Relenza. And, frankly, taking it prophylactically may help, but the thing that we are doing is we are spending a lot of money to take that, and once they take the preventative, if just a few weeks later they get exposed, then they could still get the flu. It doesn't have a lasting effect.

So what we do know is that taking these antivirals like Tamiflu and Relenza, if you take those very early on in the course when people first start getting a fever, when they first start aching all over, when they first start getting the runny nose and the cough and the sore throat, if they'll go to their doctor then and be evaluated to see if they indeed do have the flu and then get on the medicines, that's the best way, most cost-effective way of treating this.

Now, a lot of patients will come in the office and say, I've got the flu, I want antibiotics, or they'll call on the phone and say, Dr. BROWN, I'm running a fever, I need an antibiotic. Well, most fevers aren't susceptible to antibiotics because most fevers are due to viral illnesses. Even allergies can cause fevers. Fever in itself doesn't indicate that a patient needs an antibiotic.

Mr. GINGREY of Georgia. What you're saying, Dr. BROWN, is that antibiotics are not really effective in treating a viral illness.

And I want to ask another question of the doctor, Madam Speaker.

Does everybody that goes to see their family doctor, primary care physician, infectious disease specialist maybe, does every one of them, if they have symptoms, runny nose, aching a little bit, maybe a low-grade fever, headache, whatever, do they all need to be cultured for this particular H1N1 type A influenza virus? Do they all need to have a culture done? Respond to that, if you would, Dr. BROWN.

Mr. BROWN of Georgia. No, I would say that they don't need a culture unless they're at high risk. In other words, if they had been in Mexico, particularly Mexico City, which is appar-

ently where the nidus of this infection began—we don't really know for sure, but if people have been in Mexico City, if it's within the incubation period, which is about a week, and start running a fever, then maybe it is a good idea for them to have the culture done or the flu test done to see if this is indeed the swine flu.

□ 2100

But the thing is, the treatment that they are going to get, even if they have the H1N1 flu is not any different than if they have any other of the viruses. The big question is, do they need antibiotics or not? Do they need the antiviral, the Tamiflu-Relenza types of medications, or are they better off with penicillin or some of these other high-powered drugs that are on the market today?

And a CBC, a complete blood count, will help the doctor to understand whether they have a viral infection or bacterial infection. If their white blood count is high, if they have what we say is a left shift, in other words if they have types of white blood cells that indicate a bacterial infection, then they do need antibiotics. They do need a bacterial culture just to see if any of the antibiotics that the doctor prescribes are going to eradicate that particular bacteria.

But as I mentioned earlier, most fevers, most colds, most pneumonias, most bronchitis, most ear infections are not caused by bacterial infections. So utilizing antibiotics in those cases is a huge waste of money, it exposes the patients to developing allergies to those antibiotics. Plus, it also sets up a situation where people can develop a superinfection.

So they need to be evaluated, but let the doctor direct how that care is going on. Hopefully, that answers your question.

Mr. GINGREY of Georgia. It does. I want to continue this colloquy, Madam Speaker, with Dr. BROWN, because, if, as Dr. BROWN said, every person that comes in that office that thinks that they may have the flu, not seasonal flu, but this flu that everybody is panicking over, that, you know, the doctor, Dr. BROWN, you correct me if I am wrong, but the doctor is going to do a physical examination on that patient. They are going to look at the throat, the tonsils where strep throat can occur.

They are going to listen to the lungs; they are going to use that stethoscope. They are going to make sure that patient doesn't have pneumonia. And they are going to make an evaluation. As Dr. BROWN was saying, it's the very young or the very elderly or somebody that's immune compromised, the approach may be a little bit different.

But this Tamiflu, which is a pill or capsule, and this Relenza, which is a nasal aspirate, they are as effective 2

or 3 days later, I think certainly if they are administered within 48 hours. So, Dr. BROWN, you might say to those folks that they are real nervous about, well, look, we are going to treat this symptomatically, and probably not with an antibiotic, as Dr. BROWN said.

And if in 24 to 48 hours your child is getting worse, then, absolutely, you come right back here to my office, I believe available 24 hours a day. That's the way we practiced when Dr. BROWN and I were practicing, and we will then go ahead and do a culture and start your child or your mom or your dad or your mother or your sister or your wife or husband, we will put them on the antiviral, the Tamiflu or the Relenza. And then we will kind of wait and see what the culture shows.

So there is time. What Dr. BROWN is talking about is treating people, using your brain and using your skills and not wasting precious medication if you don't need to.

Mr. BROWN of Georgia. You are exactly right, Dr. GINGREY. Putting people on antibiotics or just taking Tamiflu because you are scared is not a good utilization of your money. And certainly the health system is overburdened by the misuse or overuse of antibiotics and all kinds of drugs.

But you brought up a good point too that I wanted to focus on just a second.

And the thing is, if a child starts or a person, adult, starts running a fever, if they don't have any other health problems, if they don't have chronic lung disease, if they don't have severe asthma or chronic bronchitis, if they don't have diabetes where they are more liable to develop infection, secondary infections, if somebody is basically healthy, then waiting for 24 hours is not going to hurt those healthy people, in all likelihood. It's worthwhile monitoring that patient, just seeing what they do, treating the fever with some Tylenol or Advil, one of those types of medicine.

Mr. GINGREY of Georgia. If I could make one point, we are not talking about meningitis here. It's not meningitis. It can be a severe illness, as Dr. BROWN says, but it's not going to kill you within 24 hours. And I think you are approaching it the way Dr. BROWN is describing.

I didn't mean to interrupt him, Madam Speaker, but I thought it was important that people understand because people do know about situations where somebody was perfectly well one day and dead the next from meningococcal meningitis, a bacterial infection, not a viral infection. Viral meningitis usually just causes a severe headache and is time limited. I thought it was important to make that point.

Mr. BROWN of Georgia. The gentleman is exactly right. The severity of the illness makes a big difference. Dr. GINGREY, you had been talking about the doctor taking the time to do a history and physical, which is extremely

important. I want to point out here, just to go off on a tangent for just a moment, as we see what the majority here in this House is trying to propose, this push towards socialized medicine, doctors aren't going to have time to take a proper history and physical because they are going to be pushed to ration care.

And so that socialized medicine that's being pushed by the leadership in the House and the Senate is not the way to go, and it's going to hurt people more than help people. And it's going to be disastrous economically.

But getting back to the flu, if somebody is concerned, they need to look at the possibility of this person having the flu. My daughter called me up just the other day when this was so hot in the news, and she was concerned she might have the flu. Well, she is a stay-at-home mom. She hasn't been out to be exposed to anybody where she would get the flu.

So people need to have a little common sense about this as they think about this. Just because it's in the news doesn't mean that they are going to get it. Just because WHO is saying that there is a pandemic, that just means that people in multiple areas have the flu, and it doesn't mean that people are going to be dying in wholesale lots.

Mr. GINGREY of Georgia. Absolutely, you are right, and you pointed out this earlier, Dr. BROUN did, that a pandemic just means that it has spread to the point that multiple countries are involved, and they are talking about the volume of cases, not necessarily the severity.

And they, by the way, so our colleagues can understand this and advise their constituents when they call, the World Health Organization has not declared a pandemic.

Mr. BROUN of Georgia. That's correct.

Mr. GINGREY of Georgia. They have declared a category 5, which is one step from saying there is a pandemic. I don't believe they are going to get to category 6 and make that declaration, as things have improved. I mean, that is not wishful thinking on my part. I understand that it could go the other way, but I don't think it will.

Mr. BROUN of Georgia. Well, you are exactly right. And we have had over 400 cases that have been reported here. In fact, there have been several cases in our own State of Georgia that have been diagnosed serologically, which means through the testing that they do, indeed, have the type-A H1N1 flu, but in most cases it's very mild.

And the people that are dying, this 23-month-old infant, as well as the lady in Texas, both by reports, we don't know for sure, by reports, those people had other conditions that led them to have the possibility of secondary infec-

The way I remind my colleague—I don't have to remind my colleague, because he knows very well that the way people die from flu is through pneumonia, through respiratory difficulties and, and they will develop severe respiratory stress syndrome or some other types of respiratory problems or will develop pneumonia and die from the pneumonia. Frequently, it's a bacterial pneumonia with these co-morbid, as we say in medicine, conditions that give them the greater possibility of developing those types of things. But going to your doctor, or even consulting your doctor or even the doctors and nurse by phone is, I think, an appropriate reaction in not being afraid as the American public are.

As I mentioned, my friend at the University of Georgia has been telling the people within government, the government entities, the CDC and all, that this particular flu is not of epidemic proportions. It's not one that is going to be very virulent and, thus, is not going to create a lot of severe problems besides these two deaths, which are tragic. We have had very little problems in America with the flu.

And my friend also said with it being more widespread in Mexico, he doesn't really have the data but he thinks that probably in Mexico, where we have seen people die, a whole lot more than here, that it's probably the same proportion of deaths that we see with every flu epidemic. So people shouldn't be afraid.

He also tells me that there is a possibility that next fall we are going to see this same H1N1 flu virus come back to America and come back as a potential infection, viral infection, on a bigger scale; but people should just do the commonsense things to help them from having the flu, which means they should wash their hands. If somebody is running a fever, they should talk to the doctor and not send the child to school who is running a fever.

They need to make sure that they keep their fingers out of their nose and keep their hands out of their mouth and things like this. It may be just common sense.

I have had some of the liberals who don't particularly like me in my district complain about my making those recommendations, but people don't think about those things. And it's important to do those commonsense things to prevent yourself from getting the flu. So we need to just do those commonsense epidemiological measures of trying to prevent ourselves from getting the flu and not be afraid.

Mr. GINGREY of Georgia. I chuckled just a little bit at what Dr. BROUN was saying, but it is absolutely right. He is absolutely right. And, colleagues, I don't know, on Sunday morning you refer CNN or Fox News—I guess my Democratic colleagues, it's CNN; and my Republican colleagues, it's mostly

Fox News. But they have a medical consultant, Sanjay Gupta on CNN, and Isadore Rosenfeld, a gentleman that I listen to.

Fortunately, they don't limit him to a 2-minute sound bite. On Sunday morning Dr. Rosenfeld has a 30-minute interview.

And he, Madam Speaker, he was so good and so practical and talked plain talk, just like Dr. BROUN about, you know, the risk and the relevant, what do you do. And I imagine that he will be talking about that this Sunday, Dr. Gupta probably as well on CNN.

But, generally, the information is outstanding, and I say that from the perspective of being a practicing physician, and Dr. BROUN as well, and they talk about cover your nose and mouth with a tissue when you cough or sneeze, wash your hands often with soap and water, especially after you cough or sneeze.

Avoid touching your eyes or your nose or your mouth, because germs definitely, as Dr. BROUN said, spread that way.

So it's so much common sense. And I commend Dr. Rosenfeld, Dr. Gupta and others, and of course earlier, Dr. BROUN, before you got here, Madam Speaker, knows that I talked about the response that we have gotten from the Secretary of Health and Human Services, Governor Sebelius, the Secretary of the Department of Homeland Security, Governor Napolitano, the acting director of the CDC, Dr. Bessler, and on and on and on.

President Obama's response in regard to the budget, we talked about the fact that he said, well, let's put \$1.5 billion in case we have to develop a vaccine specific, in case this thing does become a pandemic, and we have got lots of folks that are getting very sick, and we need to go in that direction.

□ 2115

So I think the response has been good, but we need to make sure that we don't overreact and we don't let the inappropriate media cause panic to set in. These good doctors that speak on these shows I think are doing a good job to prevent that from happening.

Mr. BROUN of Georgia. Dr. GINGREY is exactly right. And I want to know what this \$1.5 billion or \$2 billion that the President has proposed to spend on this flu outbreak is going to be spent on? Is it going to be a useful expenditure? Is it going to be needed?

We saw in 1976 under President Ford when they spent all that money that actually caused more harm than good. More people died and had disease from the vaccine. Now, we have better technology; in fact, the gentleman at the University of Georgia has just some outstanding technology today where they can help develop vaccines very quickly. But still, it takes a while to produce enough vaccines to be able to

help if they are needed. And what we see in this particular flu outbreak is that I don't think they are needed. I don't think we need to be appropriating \$1.5 billion or \$2 billion for the H1N1 flu. We need to give those funds to our military personnel to keep them from dying in Afghanistan or Iraq.

Mr. GINGREY of Georgia. Reclaiming my time, because that is a great segue for me; because, Madam Speaker, I represent a district, Marietta, Georgia, is part of it, Cobb County. Lockheed Martin has a plant there where we employ almost 8,000 great Georgians, probably a few folks from Alabama and surrounding States that work on those flight lines for the C-130 and also, more specifically, the F-22 Raptor.

The Department of Defense has made the decision to cancel that program at 187 F-22s, when originally we thought we needed 700, the military. The Air Force in particular has said, Madam Speaker, repeatedly that even 240 planes would put us in a moderate-risk situation, and all of a sudden this administration has made the decision to cancel that flight line and I think put us at a high-risk situation.

I feel very strongly that in this emergency supplemental there are four, and that is it, four of these F-22 Raptors that give us that fifth generation of air superiority, best in the world, and we are going to appropriate as a part of an emergency supplemental mainly for continuing to fight and win in Iraq and Afghanistan, particularly Afghanistan now; yet, we are going to spend \$2 billion possibly preparing a vaccine that will never be used?

Let me tell you what happens, Madam Speaker, with that vaccine if we produce it at 50 million or however many doses like they did back in 1976 when it only cost \$135 million. We might be spending \$2 billion on a vaccine that gets poured down the drain and is never used, and we could have purchased 15 or 20 F-22 Raptors.

Again, that is getting off on a tangent a little bit, but I feel like I really need to mention that because we have to prioritize our spending. We have to do these things in an appropriate manner. We can't let all of our spending and our reaction be media driven in responding to a panic so that we don't get Katrina'd. And I would yield back to my colleague.

Mr. BROUN of Georgia. I would like the gentleman to clarify something for me. You made a statement, and I am not sure if I understood it.

It is my impression that actually it is the administration who decided to cancel the Raptor, the F-22. It wasn't the Air Force. Is that correct? What was the situation?

Mr. GINGREY of Georgia. Madam Speaker, reclaiming my time, the gentleman is absolutely correct. He is absolutely correct.

Thirty different studies have suggested that we need a minimum to be

able to have enough planes. We have a situation in Hawaii at Hickam Air Force Base where they only have one squadron, that is 20 F-22s, and the same thing is true at Tyndall in Florida. They have one squadron of 20 planes. And it is very possible that with the limit of 187, which the Air Force clearly has said on repeated occasions that that is not enough, that it puts the Air Force in a high-risk situation, that they may just have to BRAC those bases and take those planes and put them somewhere else, Elmendorf as an example or in Guam or Okinawa.

But, Madam Speaker, the gentleman from Georgia is absolutely correct that this was a decision that was made by the administration, and it was based on cost. It was not based on the needs, as repeatedly stated by the highest ranking members of the Air Force and by 30 different studies, that we need more planes.

We got off on a tangent, Madam Speaker, but it is important because what we are talking about as we discuss the appropriateness of spending \$2 billion to produce a vaccine that may never be used, that is a very important decision that our country has to make, and I think the American people need to understand that. So I thank the gentleman for asking that question, Madam Speaker, and I gladly yield back to Dr. BROUN.

Mr. BROUN of Georgia. While we are talking about defense, let me point out something else, too, that was a cost decision evidently by this administration. The North Korean Government fired off a rocket. It wasn't quite successful, but they are working on intercontinental ballistic capability, and they are developing nuclear weapon technology in North Korea. We know that without a question. The day after the North Koreans fired off their rocket, our President announced that he was going to cut the antimissile defense spending. And we need that spending. We need an antimissile defense system in this country more than we ever have.

President Reagan suggested that we develop an umbrella over this country, an umbrella that would make nuclear weapons totally obsolete. But this administration wants to cut that antimissile spending which we desperately need and is, in fact, one of the most important constitutional functions of the Federal Government.

We need the F-22 Raptor. We need the antimissile defense system. I don't think we need to spend \$1.5 billion on a flu vaccine when already the research shows that it is not going to be very virulent.

Before I yield back, I would like to make a very strong point here. We are stealing our grandchildren's future by borrowing and spending. We are borrowing too much, we are spending too much, we are taxing too much, and it

has to stop. And we need to spend on things that are critical, that are constitutional, that have to do with our national defense, that have to do with our national security. And we need to drive things by science and not by hysteria. This hysteria over the flu is driving the media and is driving the administration, driving the leadership here. We have got to stop that.

Mr. GINGREY of Georgia. Let me reclaim my time and try to wrap up, Madam Speaker, as we get close to the allotted time.

What Dr. BROUN is talking about, my colleagues, I want you to think about what he said, if you think we have gotten a little afar from our starting point on talking about this H1N1 influenza. The health of the Nation is more than just protecting people from a pandemic, from disease, from infection. That is certainly a huge part of the responsibility of our government, to try to protect its citizens, and I think that we do a great job and we have a great health care system. But the health of the Nation also, as Dr. BROUN is suggesting so accurately, has to do with national defense and to make sure that our leadership understands the importance of us being respected. It is nice to be liked, and we all want to be liked. When our Commander in Chief goes to Latin America or goes to speak at the European Union or the Group of 20 or to Turkey or wherever, or visits our troops in Iraq, I think we need to understand the health of the Nation is more about freedom from disease. It is about strength. It is about character. It is about making the important decisions of where you spend the hard-earned tax dollars that 300 million people in this country have to write a check every April 15, that we have that responsibility, and we can't afford to squander one dime of it.

I am going to yield back to my colleague maybe for the final 30 seconds, but, Madam Speaker, I just want to say that during this hour, this Republican GOP Doctor's Caucus of which Dr. BROUN and I are a part, I want to point out this last slide. We are talking about strengthening the doctor-patient relationship, but we are talking about a lot of things tonight in regard to the health of the Nation.

With that, I want to yield back to my colleague for some closing comments, and then we will wrap up.

Mr. BROUN of Georgia. Very quickly, I want to bring out that the economic health of the government is very important for fiscal health, too. I think a lot of people who may be dying in Mexico is because of their poor economic health, and we are going down a road now with this tax-and-cap policy that is being fostered by the Democratic majority to tax energy, which is going to create a tremendous downturn in our economy. It is going to put people out of work. And we have got to stop

that, too, because it is going to affect the physical health of those people who aren't able to buy their insurance, who aren't able to go to the drug store and buy their Tamiflu or their antibiotics. So economic health is going to be critical for physical health, and we have got to stop this cap-and-tax policy that NANCY PELOSI and company are trying to force down the throats of the American people.

Mr. GINGREY of Georgia. Let me reclaim my time for the remaining minute or less. But Dr. BROUN I think, Madam Speaker, hit on a good point. We talked tonight mostly about the physical health of the country, the Nation, and the importance of providing that and protecting people from disease, if we can. But what Dr. BROUN mentioned, the fiscal health of the country, is almost as important if not as important. And so when we start recommending policy that a small group of zealots want us to go down a road of cap-and-trade or cap-and-tax, we can hurt this Nation just as badly by being fiscally irresponsible as physically irresponsible.

Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORTENBERRY (at the request of Mr. BOEHNER) for today and the balance of the week on account of the hospitalization of his child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POSEY, for 5 minutes, May 12.

Mr. POE of Texas, for 5 minutes, May 12.

Mr. JONES, for 5 minutes, May 12.

Mr. HUNTER, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

ADJOURNMENT

Mr. BROUN of Georgia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 6, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1591. A letter from the Clerk, U.S. House of Representatives, transmitting A letter from the U.S. House of Representatives, Clerk, transmitting notification, pursuant to section 1(k)(2) of H.R. 895, One Hundred Tenth Congress, that the board members and alternate board members of the Office of Congressional Ethics; Former Congressman David Skaggs; Former Congressman Porter J. Goss; Former Congresswoman Yvonne Brathwaite Burke; Former House Chief Administrative Officer Jay Eagen; Former Congresswoman Karan English; Professor Allison Hayward; Former Congressman Abner Mikva; Former Congressman Bill Frenzel; Staff Director and Chief Counsel Leo J. Wise; Senior Counsel William H. Cable; Investigative Counsel Omar Ashmawy; Investigative Counsel Elizabeth A. Horton; and Administrative Director Mary K. Flanagan, have individually signed an agreement to not be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 3 years after the individual is no longer a member of the Board or staff of the Office of Congressional Ethics.

1592. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Electronic Filing of Disclosure Documents (RIN: 3038-AC 67) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1593. A letter from the Congressional Review Coordinator, Department Agriculture, transmitting the Department's final rule — Import/Export User Fees [Docket No.: APHIS-2006-0144] (RIN: 0579-AC59) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1594. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's "Major" final rule — Marketing Assistance Loans and Loan Deficiency Payments (RIN: 0560-AH87) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1595. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's "Major" final rule — Sugar Program (RIN: 0560-AH86) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1596. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Delay of Compliance Date for Newly Registered Entities [Docket No.: APHIS-2007-0033] (RIN: 0579-AC53) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1597. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Sweet Oranges and Grapefruit from Chile [Docket No.: APHIS-2007-0115] (RIN: 0579-AC83) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1598. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Revision of the Hawaiian and Territorial Fruits and Vegetables Regulations; Technical Amendment [Docket No.: APHIS-2007-0052] (RIN: 0579-AC70) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1599. A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Mandatory Country of Origin Labeling of Muscle Cuts of Beef (including Veal), Lamb, Chicken, Goat, and Pork; Ground Beef, Ground Lamb, Ground Chicken, Ground Goat, and Ground Pork — received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1600. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico [Docket No.: APHIS-2008-0124] received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1601. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan and Auxiliary Provisions; Correcting Amendment [Docket No.: APHIS-2007-0042] (RIN: 0579-AC78) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1602. A letter from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations, Tobacco Crop Insurance Provisions (RIN: 0563-AB98) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1603. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting the Commission's annual report for fiscal year 2008 on the Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1604. A letter from the Acting Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's annual report for fiscal year 2008 entitled, "No FEAR Act: Fiscal Year 2008 Annual Report to Congress", pursuant to Public Law 107-74; to the Committee on Oversight and Government Reform.

1605. A letter from the Deputy Assistant Secretary for Information Systems and Chief Information Officer, Department of the Treasury, transmitting the Department's annual report for fiscal year 2008, pursuant to Public Law 107-174; to the Committee on Oversight and Government Reform.

1606. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1607. A letter from the Director Office of Civil Rights, International Broadcasting Bureau, transmitting the Bureau's annual report for fiscal year 2008 on the Notification

and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1608. A letter from the Acting Chair, Occupational Safety and Health Review Commission, transmitting the Commission's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Public Law 107-174; to the Committee on Oversight and Government Reform.

1609. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1610. A letter from the Chief Administrative Officer, Patent and Trademark Office, transmitting the Office's annual report for fiscal year 2008 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1611. A letter from the Chief Financial Officer, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period October 1, 2008 through March 31, 2009, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 111—36); to the Committee on House Administration and ordered to be printed.

1612. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Models PA-46-350P and PA-46R-350T Airplanes [Docket No.: FAA-2009-0007; Directorate Identifier 2008-CE-072-AD; Amendment 39-15867; AD 2009-07-08] (RIN: 2120-AA64) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1613. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No.: FAA-2008-1155; Directorate Identifier 2008-NM-146-AD; Amendment 39-15866; AD 2009-07-07 R1] (RIN: 2120-AA64) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1614. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-401, AT-401B, AT-402, AT-402A, and AT-402B Airplanes [Docket No. FAA-2006-23646; Directorate Identifier 2006-CE-005-AD; Amendment 39-15849; AD 2006-08-08] (RIN: 2120-AA64) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1615. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR72 Airplanes [Docket No.: FAA-2008-1081; Directorate Identifier 2008-NM-143-AD; Amendment 39-15864; AD 2009-07-05] (RIN: 2120-AA64) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1616. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No.: FAA-2007-0074; Directorate Identifier 2007-NM-151-AD; Amendment 39-15863; AD 2009-07-04] (RIN: 2120-AA64)

received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1617. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80A Series Turbofan Engines [Docket No.: FAA-2008-1206; Directorate Identifier 2008-NE-19-AD; Amendment 39-15869; AD 2009-07-10] (RIN: 2120-AA64) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1618. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTHAFT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes [Docket No.: FAA-2009-0123 Directorate Identifier 2009-CE-005-AD; Amendment 39-15868; AD 2009-07-09] (RIN: 2120-AA64) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-1A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines [Docket No.: FAA-2007-0419; Directorate Identifier 2007-NE-52-AD; Amendment 39-15871; AD 2009-07-12] (RIN: 2120-AA64) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1620. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Payments made to a REMIC pursuant to the Home Affordable Modification Program [Notice 2009-36] received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1621. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Asset Valuation under Section 430(g)(3)(B) as amended by WRERA [Notice 2009-22] received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1622. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Phase-out of Credit for New Qualified Hybrid Motor Vehicles and New Advanced Lean Burn Technology Motor Vehicles [Notice 2009-37] received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 400. Resolution providing for the consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes (Rept. 111-96). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 1788. A bill to amend the provisions

of title 31, United States Code, relating to false claims to clarify and make technical amendments to those provisions, and for other purposes (Rept. 111-97). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BUYER (for himself, Mr. WALZ, Mr. ROE of Tennessee, Mr. BACHUS, Mr. PIERLUISI, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. BUCHANAN, Mr. ROONEY, Mrs. BONO MACK, Mr. KLINE of Minnesota, Mr. PUTNAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TAYLOR, Mr. MILLER of Florida, Mr. HALL of New York, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. CALVERT, Mr. MCMAHON, Mr. JONES, Ms. BORDALLO, Mr. GOHMERT, Mr. MICHAUD, and Mr. DONNELLY of Indiana):

H.R. 2243. A bill to amend title 38, United States Code, to provide for an increase in the amount of monthly dependency and indemnity compensation payable to surviving spouses by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. ZOE LOFGREN of California (for herself and Mrs. BONO MACK):

H.R. 2244. A bill to amend the Internal Revenue Code of 1986 to allow an individual who is entitled to receive child support a refundable credit equal to the amount of unpaid child support and to increase the tax liability of the individual required to pay such support by the amount of the unpaid child support; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 2245. A bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Mrs. BIGGERT, and Ms. TITUS):

H.R. 2246. A bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program; to the Committee on Financial Services.

By Mr. COHEN (for himself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. FRANKS of Arizona):

H.R. 2247. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary.

By Mr. BUTTERFIELD (for himself, Mr. YOUNG of Alaska, Mr. CHANDLER, Mr. RUSH, Ms. MCCOLLUM, Ms. CORRINE BROWN of Florida, Mr. COHEN, Mr. MILLER of North Carolina, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2248. A bill to establish a grant program to assist States in inspecting hotel

rooms for bed bugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Mr. GENE GREEN of Texas, Mr. CARTER, Mr. THORNBERRY, and Mr. CUELLAR):

H.R. 2249. A bill to amend title XIX of the Social Security Act to provide for increased price transparency of hospital information and to provide for additional research on consumer information on charges and out-of-pocket costs; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 2250. A bill to immediately provide for domestic energy production and jobs and to pursue alternatives in renewable energy; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, Science and Technology, Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself, Mr. MEEK of Florida, Ms. CASTOR of Florida, and Mr. ENGEL):

H.R. 2251. A bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 2252. A bill to improve the Federal infrastructure for health care quality improvement in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself and Mr. LATOURETTE):

H.R. 2253. A bill to establish a Financial Markets Commission, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself, Ms. CORRINE BROWN of Florida, Mr. KAGEN, Mr. LATHAM, Mr. ROE of Tennessee, Ms. BORDALLO, Mr. HALL of New York, Mr. KENNEDY, Mr. REYES, Mr. PASTOR of Arizona, Mr. ORTIZ, Ms. LORETTA SANCHEZ of California, Mr. MICHAUD, Mr. TIM MURPHY of Pennsylvania, and Mr. PLATTS):

H.R. 2254. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam; to the Committee on Veterans' Affairs.

By Ms. FOXX (for herself and Mr. CUELLAR):

H.R. 2255. A bill to amend the Unfunded Mandates Reform Act of 1995 to ensure that actions taken by regulatory agencies are subject to that Act, and for other purposes;

to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. MCHUGH, Mr. PLATTS, Mr. FATTAH, Ms. SLAUGHTER, Mr. BARROW, Mr. GORDON of Tennessee, Mr. LOEBSACK, Mr. GERLACH, Mr. MCGOVERN, Mr. POE of Texas, Mr. ARCURI, Mr. ACKERMAN, Mr. ISRAEL, Mrs. MALONEY, Mr. GONZALEZ, Mr. NADLER of New York, Mr. TONKO, Mrs. LOWEY, and Mr. CROWLEY):

H.R. 2256. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Oversight and Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2257. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. ELLISON, and Mr. MCMAHON):

H.R. 2258. A bill to adjust the immigration status of certain Liberian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Ms. KOSMAS (for herself and Mr. POSEY):

H.R. 2259. A bill to amend title 18, United States Code, to strengthen the post-employment restrictions for Members of Congress; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 2260. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. MCMAHON, Mr. SARBANES, Mr. CAPUANO, Ms. BERKLEY, Mr. PASCRELL, Mr. MCGOVERN, Mr. SPACE, and Ms. TITUS):

H.R. 2261. A bill to designate Greece as a program country for purposes of the visa waiver program established under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Ms. LINDA T. SANCHEZ of California (for herself, Ms. ROS-LEHTINEN, Mrs. MCCARTHY of New York, Ms. BALDWIN, Mr. BERMAN, Mr. BISHOP of New York, Ms. BORDALLO, Mrs. CAPPES, Mr. CAPUANO, Mr. CARNAHAN, Ms. CLARKE, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURIO, Mr. DOYLE, Mr. ETHERIDGE, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GORDON of Tennessee, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HOLT, Mr. KILDEE, Mr. KIRK, Mr. LANCE, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. PAYNE, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Mr. SIREN, Ms. SLAUGHTER, Mr. STARK, Ms. SUTTON, Mr. TONKO, Mr. WEINER, and Mr. WEXLER):

H.R. 2262. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and Labor.

By Ms. SUTTON:

H.R. 2263. A bill to amend title II of the Social Security Act to eliminate the waiting periods for people with disabilities for entitlement to disability benefits and Medicare, and for other purposes; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut:

H.J. Res. 49. A joint resolution proposing an amendment to the Constitution of the United States concerning the election of the Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. LINDER (for himself, Mr. COSTA, and Mr. STUPAK):

H. Con. Res. 118. Concurrent resolution supporting the goals of Smart Irrigation Month, which recognizes the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water resources more efficiently and encourages the adoption of smart irrigation practices throughout the United States to further improve water-use efficiency in agricultural, residential, and commercial activities; to the Committee on Oversight and Government Reform.

By Mr. CLAY (for himself and Ms. FUDGE):

H. Con. Res. 119. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a postage stamp in commemoration of Carl B. Stokes; to the Committee on Oversight and Government Reform.

By Mr. BOEHNER (for himself, Mr. CANTOR, Mr. PENCE, Mr. MCCOTTER, Mrs. McMORRIS RODGERS, Mr. CARTER, Mr. SESSIONS, Mr. RANGEL, Mr. BLUNT, Mr. DREIER, Mr. MCCARTHY of California, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. CROWLEY, Mr. ENGEL, Mr. ISSA, Mr. KING of New York, Mr. LEE of New York, Mr. DANIEL E. LUNGREN of California, Mr. MCHUGH, Mr. MURPHY of New York, Mr. TONKO, and Mr. MASSA):

H. Res. 401. A resolution honoring the life and recognizing the far-reaching accomplishments of the Honorable Jack Kemp, Jr.; to the Committee on House Administration.

By Mr. FALEOMAVAEGA (for himself and Mr. SMITH of New Jersey):

H. Res. 402. A resolution condemning the transport of nuclear mixed-oxide (MOX) material by ship from France to Japan through international waters which endangers the marine environment and increases possible risks for destruction and likely attacks of such shipments by international pirates and terrorists; to the Committee on Foreign Affairs.

By Mr. KLEIN of Florida (for himself, Mr. ROSKAM, Mr. POLIS of Colorado, Mr. GRAVES, Mr. GRAYSON, Mr. KIRK, Ms. CORRINE BROWN of Florida, Mr. HOLT, Mr. MAFFEI, Mr. WEXLER, Ms. CASTOR of Florida, Mr. KIND, Mr. BURGESS, Mr. VAN HOLLEN, Mr. REYES, Mr. FOSTER, Mr. ENGEL, Mr. KENNEDY, Mr. PUTNAM, Ms. BORDALLO, Mr. BRIGHT, Mr. PETERSON, Mr. ABERCROMBIE, Ms. KOSMAS, Mr. WU, Ms. SHEA-PORTER, Mr. LEVIN, Mr. GRIJALVA, Mr. BERMAN, Mr. MCINTYRE, Mr. FILNER, Mr. SHERMAN, Mr. SABLON, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM,

Ms. SUTTON, Mr. MILLER of North Carolina, Mr. HOLDEN, Ms. MATSUI, Mr. BOREN, Mr. HARE, Mr. HONDA, Mr. ETHERIDGE, Mr. GERLACH, Mr. BLUMENAUER, Mr. KISSELL, Ms. LORETTA SANCHEZ of California, Mr. RODRIGUEZ, Mr. CONYERS, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SLAUGHTER, Mr. HEINRICH, Ms. KILPATRICK of Michigan, Mr. SIMPSON, Mr. PRICE of North Carolina, Mr. FALEOMAVAEGA, Mr. MCNERNEY, Mr. PERLMUTTER, Ms. ZOE LOFGREN of California, Mr. STEARNS, Mr. WHITFIELD, Mr. LOBIONDO, Mr. MANZULLO, Mrs. BIGGERT, Mr. YOUNG of Florida, Mr. NYE, Mr. POSEY, and Ms. WATSON):

H. Res. 403. A resolution expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. POLIS of Colorado introduced a bill (H.R. 2264) for the relief of Maria Carlota Tribaldo, Jose Vladimir Orellana-Hernandez, Bernardo Tribaldo, Yulieth Tribaldo, and Yedssi Aceneth Moreno Forero; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. NYE and Mr. POMEROY.
 H.R. 23: Mr. VISCLOSKEY, Mr. LANGEVIN, Mr. TERRY, Mr. PETERSON, Mr. WILSON of South Carolina, Mr. CUMMINGS, Mr. KAGEN, Ms. GINNY BROWN-WAITE of Florida, Mr. BROWN of South Carolina, Mr. ROTHMAN of New Jersey, and Mr. ARCURI.
 H.R. 173: Mr. KAGEN.
 H.R. 176: Ms. MCCOLLUM.
 H.R. 179: Mr. LEVIN and Ms. CLARKE.
 H.R. 182: Mr. RANGEL and Mr. SIRES.
 H.R. 197: Mr. DAVIS of Alabama, Mr. ALEXANDER, and Mr. ADERHOLT.
 H.R. 235: Mr. MOLLOHAN and Mr. QUIGLEY.
 H.R. 333: Mr. HOLDEN, Mr. KIND, and Mr. WAMP.
 H.R. 406: Mr. KUCINICH.
 H.R. 413: Ms. ZOE LOFGREN of California.
 H.R. 442: Mr. ROSS and Mr. JORDAN of Ohio.
 H.R. 450: Mr. KLINE of Minnesota.
 H.R. 463: Mr. MEEK of Florida.
 H.R. 467: Mr. SCHIFF, Mr. Grayson, and Mr. PERLMUTTER.
 H.R. 481: Ms. MCCOLLUM.
 H.R. 504: Mr. LATOURETTE.
 H.R. 509: Mr. SABLAN.
 H.R. 510: Mr. CALVERT, Mr. BUCHANAN, and Mr. KLEIN of Florida.
 H.R. 556: Mr. SCHIFF.
 H.R. 621: Mr. SHIMKUS, Mr. FILNER, Ms. BERKLEY, Mr. BOREN, Mr. LEWIS of Georgia, Mr. SMITH of Washington, Mr. PUTNAM, Mrs. Dahlkemper, Mr. SESTAK, Ms. FOXX, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. BISHOP of Georgia, Mr. CALVERT, Mr. CONNOLLY of Virginia, and Mr. MILLER of Florida.
 H.R. 646: Mr. ABERCROMBIE and Mr. BURTON of Indiana.
 H.R. 745: Ms. BALDWIN and Mr. BISHOP of New York.
 H.R. 775: Mr. BERRY, Mr. MCGOVERN, and Mr. SOUDER.

H.R. 868: Mr. BOSWELL.
 H.R. 890: Mr. LEVIN, Mr. COHEN, and Mr. GRIJALVA.
 H.R. 949: Mr. PETERSON.
 H.R. 958: Mr. CARNEY.
 H.R. 1030: Mr. MCDERMOTT.
 H.R. 1067: Mr. ELLISON.
 H.R. 1074: Mr. DENT, Mr. JORDAN of Ohio, and Mr. ALEXANDER.
 H.R. 1111: Mr. LAMBORN and Mr. BISHOP of Utah.
 H.R. 1179: Mr. PERRIELLO, Mr. THOMPSON of California, Mr. VAN HOLLEN, and Ms. LEE of California.
 H.R. 1193: Ms. DEGETTE.
 H.R. 1203: Mr. JOHNSON of Illinois, Mr. GEORGE MILLER of California, and Mr. MEEK of Florida.
 H.R. 1210: Mr. KILDEE.
 H.R. 1214: Mr. SHERMAN.
 H.R. 1247: Ms. LEE of California, Mr. SIRES, Mr. KISSELL, Mr. TOWNS, Ms. CLARKE, Mr. MARKEY of Massachusetts, and Mr. FILNER.
 H.R. 1255: Ms. WOOLSEY.
 H.R. 1269: Mr. LATTI.
 H.R. 1277: Mr. THORNBERRY, Mr. GOODLATTE, Mr. LEE of New York, and Mr. WAMP.
 H.R. 1289: Mr. GENE GREEN of Texas.
 H.R. 1322: Mr. CUMMINGS, Mr. COURTNEY, Mr. JONES, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Ms. KAPTUR, Mr. MICHAUD, Mr. BOSWELL, Mrs. LOWEY, Mr. KUCINICH, Mr. BERMAN, and Mr. OBERSTAR.
 H.R. 1325: Ms. CLARKE.
 H.R. 1330: Mr. BISHOP of New York and Mr. CARDOZA.
 H.R. 1343: Mr. MCCOTTER.
 H.R. 1354: Mr. BISHOP of Utah.
 H.R. 1378: Mr. PASCRELL, Mr. SARBANES, and Mr. ROSS.
 H.R. 1380: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. DEGETTE.
 H.R. 1410: Mr. CLEAVER and Ms. EDWARDS of Maryland.
 H.R. 1428: Mr. TIM MURPHY of Pennsylvania.
 H.R. 1452: Mr. TERRY.
 H.R. 1454: Mr. LEE of New York, Mr. MCNERNEY, Mr. FARR, Mr. BUCHANAN, and Ms. BALDWIN.
 H.R. 1470: Mr. PITTS and Mr. LATHAM.
 H.R. 1474: Ms. KILPATRICK of Michigan, Mr. DOYLE, Mr. MCGOVERN, Mr. ELLISON, and Mr. CONNOLLY of Virginia.
 H.R. 1479: Mr. SERRANO.
 H.R. 1503: Mr. GOODLATTE.
 H.R. 1548: Ms. KOSMAS and Mr. HODES.
 H.R. 1550: Mr. TURNER and Mr. ARCURI.
 H.R. 1552: Mr. MILLER of Florida, Mr. FLEMING, Mr. MANZULLO, Mr. SCHOCK, Mr. TIBERI, Mrs. EMERSON, Mr. LATOURETTE, Mr. GERLACH, Mr. REICHERT, Mr. Cao, Mr. BARTLETT, Mr. DENT, Mr. KIRK, Mr. BARROW, and Mr. WEXLER.
 H.R. 1558: Mr. LARSON of Connecticut and Ms. ESHOO.
 H.R. 1571: Mr. SIRES.
 H.R. 1625: Mr. GENE GREEN of Texas, Mr. PETERSON, Mr. GUTIERREZ, and Mr. WILSON of Ohio.
 H.R. 1675: Ms. KILPATRICK of Michigan.
 H.R. 1684: Mr. BOREN, Mr. BUCHANAN, Mr. MCCAUL, Mrs. BLACKBURN, Mr. ROSS, Mr. MINNICK, Mr. KLINE of Minnesota, Mr. JORDAN of Ohio, and Mr. ISSA.
 H.R. 1689: Mrs. CAPITO, Mr. SPACE, and Mr. ROGERS of Kentucky.
 H.R. 1698: Mr. MASSA.
 H.R. 1721: Mr. BISHOP of Georgia.
 H.R. 1723: Ms. NORTON.
 H.R. 1727: Mr. SHERMAN.
 H.R. 1735: Ms. ZOE LOFGREN of California, Mr. COURTNEY, and Mr. FATTAH.
 H.R. 1740: Ms. MOORE of Wisconsin, Mr. BLUNT, Mr. HOEKSTRA, Mr. TERRY, and Mr. ENGEL.

H.R. 1751: Mr. JACKSON of Illinois.
 H.R. 1761: Mr. KUCINICH.
 H.R. 1788: Mr. SHERMAN and Mr. BRALEY of Iowa.
 H.R. 1802: Mr. AUSTRIA.
 H.R. 1816: Mr. KUCINICH.
 H.R. 1826: Mr. KUCINICH and Mr. MURPHY of Connecticut.
 H.R. 1835: Mr. NUNES, Mr. HALL of Texas, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. LOEBSACK, and Mr. MASSA.
 H.R. 1836: Mr. HARE and Mr. CONNOLLY of Virginia.
 H.R. 1844: Mr. MASSA, Ms. ROS-LEHTINEN, and Mr. TERRY.
 H.R. 1849: Mr. ORTIZ.
 H.R. 1881: Mr. DEFAZIO, Mr. MICHAUD, Mr. ISRAEL, Ms. KILROY, Ms. CASTOR of Florida, and Mr. GRAYSON.
 H.R. 1888: Mr. GRIJALVA.
 H.R. 1908: Mr. GERLACH.
 H.R. 1910: Mr. BOCCIERI.
 H.R. 1912: Mr. BOCCIERI.
 H.R. 1959: Mr. MICHAUD and Mr. DELAHUNT.
 H.R. 1985: Mr. FRANKS of Arizona and Mr. GARY G. MILLER of California.
 H.R. 1993: Mr. BOREN.
 H.R. 2009: Mr. MILLER of Florida, Ms. FOXX, Mr. ROONEY, and Mr. HASTINGS of Washington.
 H.R. 2014: Mr. INGLIS, Mr. COSTA, Mr. CARNAHAN, Mr. HENSARLING, Mr. MEEKS of New York, Mr. HARPER, Mr. SCHRADER, Mr. HALL of New York, Mr. GUTHRIE, and Mrs. HALVORSON.
 H.R. 2017: Mr. HOLT.
 H.R. 2027: Mr. PENCE, Mr. PAUL, Mr. SMITH of Texas, Mr. FLAKE, Mr. GOHMERT, Mr. GRIJALVA, Mr. WILSON of South Carolina, Mr. CAMPBELL, Mr. JONES, Mr. GUTHRIE, Mrs. LUMMIS, Mr. SCHOCK, Mr. KING of Iowa, Mr. LAMBORN, Mrs. BACHMANN, Mr. CARTER, Mr. TERRY, and Mr. MCCLINTOCK.
 H.R. 2062: Mr. WAXMAN, Mr. BLUMENAUER, Mr. KIND, Ms. LEE of California, Mr. WEXLER, and Ms. HIRONO.
 H.R. 2067: Mr. PIERLUISI.
 H.R. 2097: Ms. ROYBAL-ALLARD, Mr. DAVIS of Illinois, and Mr. ROGERS of Alabama.
 H.R. 2102: Mr. ORTIZ, Mr. BISHOP of New York, Mr. CRENSHAW, and Mr. HINOJOSA.
 H.R. 2103: Mr. MCDERMOTT, Mr. CAPUANO, and Mr. MURPHY of Connecticut.
 H.R. 2105: Mr. BARTON of Texas, Ms. KAPTUR, Mr. GINGREY of Georgia, Mr. CARNEY, Mr. BRADY of Pennsylvania, Mr. PAYNE, and Mr. WEXLER.
 H.R. 2106: Mr. PAUL.
 H.R. 2109: Mr. CARNEY, Mrs. MALONEY, Mr. KIND, Ms. BORDALLO, Mr. GRIJALVA, Mr. DAVIS of Illinois, and Mr. KING of New York.
 H.R. 2113: Mr. PIERLUISI.
 H.R. 2118: Mr. CALVERT.
 H.R. 2119: Mr. CALVERT.
 H.R. 2138: Mr. MASSA.
 H.R. 2149: Mr. WITTMAN.
 H.R. 2160: Mr. GUTHRIE.
 H.R. 2194: Mr. WEXLER, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Mr. MCMAHON, Mr. BILIRAKIS, Mr. MCHUGH, Mr. MEEK of Florida, Mr. MCCOTTER, Mr. GARY G. MILLER of California, Mr. HODES, Mr. SMITH of New Jersey, Mr. PLATTS, Mrs. LOWEY, and Mr. ROONEY.
 H.R. 2196: Ms. WOOLSEY.
 H.R. 2202: Mr. BARTLETT and Mr. WELCH.
 H.R. 2239: Mr. HARE.
 H. J. Res. 47: Ms. FALLIN and Mr. PAULSEN.
 H. Con. Res. 29: Mr. HOLT.
 H. Con. Res. 89: Mr. SHERMAN and Mr. CROWLEY.
 H. Con. Res. 105: Mr. DELAHUNT, Mr. WILSON of South Carolina, Mr. OBERSTAR, Mrs. BONO MACK, Mr. MASSA, Mrs. CHRISTENSEN, and Mr. SKELTON.

H. Res. 111: Mr. CHANDLER and Mr. WHITFIELD.

H. Res. 156: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 192: Ms. MOORE of Wisconsin, Mr. CUMMINGS, Mr. REYES, Mr. MCNERNEY, and Mr. WELCH.

H. Res. 209: Mr. BISHOP of New York.

H. Res. 232: Mr. DENT, Mr. THOMPSON of Pennsylvania, Mr. PAYNE, Mr. CALVERT, Mr. HINCHEY, Mr. SULLIVAN, and Mr. MORAN of Kansas.

H. Res. 248: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. RYAN of Ohio.

H. Res. 299: Mr. McDERMOTT and Mr. PRICE of North Carolina.

H. Res. 331: Mr. CARDOZA.

H. Res. 360: Mr. TIM MURPHY of Pennsylvania and Mr. AUSTRIA.

H. Res. 363: Mr. STARK.

H. Res. 386: Mr. BARROW, Mr. MARSHALL, Mrs. MYRICK, Mr. MARCHANT, Ms. TITUS, Mr. WAMP, Mr. SHADEGG, Mr. WILSON of South Carolina, Mr. AKIN, Mr. LUETKEMEYER, Mr. GUTHRIE, Mr. POSEY, Mr. BONNER, Mr. ROE of Tennessee, Mr. BARRETT of South Carolina, and Mr. HELLER.

H. Res. 388: Mr. RUPPERSBERGER, Mr. COLE, Mr. CUMMINGS, Mr. MORAN of Kansas, Mr. CASTLE, Mr. CHILDERS, Mrs. CAPPS, Mr. CONAWAY, Mr. BOYD, Ms. ZOE Lofgren of California, Mr. HOLDEN, Ms. FUDGE, Mrs. CHRISTENSEN, Mr. BARTLETT, Mr. SMITH of Nebraska, and Mr. BLUMENAUER.

H. Res. 396: Mr. BECERRA, Mrs. DAVIS of California, Mr. LEWIS of Georgia, Ms. LEE of California, Mr. ROSS, Mr. TANNER, Mr. BOYD, Ms. WOOLSEY, Mr. MCCARTHY of California, Mr. WILSON of Ohio, and Mr. CALVERT.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol on Monday, May 4, 2009 and therefore unable to cast votes on the House Floor that evening.

However, had I been present I would have voted "yea" on H. Res. 230, recognizing the historical significance of the Mexican holiday of Cinco de Mayo; and "yea" on H. Con. Res. 111, recognizing the 61st anniversary of the independence of the State of Israel.

IN APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF
CHIEF MARK RAFFAELLI

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Ms. SPEIER. Madam Speaker, Mark Raffaelli joined the South San Francisco Police Department as a patrol officer in 1971. This month, he retires—after 37 years of public service—as Chief of Police for the City of South San Francisco.

Chief Raffaelli will not be easily replaced. Everyone who knows Mark, myself included, appreciates his sense of humor, easygoing manner and dedication to his employees and the citizens they are sworn to protect. Mark is a leader who leads by example—and by his example—has mentored more men and women than he even knows.

On his journey through the ranks, Mark served in virtually every capacity a peace officer can serve. He put his skills to work in patrol, investigations, communications, training, operations and was a steady and reliable community presence for generations of South City residents.

Mark is a fixture in his community, having served as President of the South San Francisco Boys and Girls Club, SSF Host Lions Club, San Mateo County 100 Club and the San Mateo County Police Chiefs and Sheriff Association. He has taken leadership roles in groups as diverse as the San Mateo County Regional Law Enforcement Training Academy, Peninsula Police Officers Association, San Mateo County Gang Task Force, SSF Unified School District Strategic Planning Committee, North Peninsula Family Alternatives, Skyline College President's Council, Skyline College Hermanos Program and the San Mateo County Law Enforcement Training Site Fundraising Committee.

As Chief of Police, Mark Raffaelli has always welcomed new ideas. Under his watch,

the SSFPD created or expanded the D.A.R.E. drug education program, Community Oriented Policing, Computer Aided Dispatch and Records Management System, a scholarship program for members of the Explorer Post and NEAT (Neighborhood Enhancement Action Team) for first time juvenile offenders.

Madam Speaker, I have had the great privilege of working with Chief Raffaelli for decades and have always been impressed by his ability to find solutions for vexing problems and show leadership when it would be easier to duck and cover.

Chief Raffaelli has earned his retirement and will, no doubt, enjoy his newly found leisure time with his lovely wife Patricia and sons Isaac and Rick. For decades, the Raffaelli family has shared their husband and father with all of us and we are forever indebted to them.

Madam Speaker, the biggest challenge of paying tribute to Chief Raffaelli is deciding which of his many accomplishments to leave off the list. Perhaps the greatest endorsement of his service is in the words of those who came under his command. Here is just a small sampling:

"Exceptionally dedicated to the city, department and citizens of South San Francisco. . . ."

"Always goes out of his way to greet employees. . . ."

"More frugal than Mr. Scrooge. . . ."
And my personal favorite: "Great hair."

COMMENDING HONOR FLIGHT
SOUTH ALABAMA AND THE 91
WORLD WAR II VETERANS TRAV-
ELING TO THE WORLD WAR II
MEMORIAL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to commend the inaugural Honor Flight South Alabama and the 91 World War II veterans this very special organization is bringing to Washington, D.C. this week.

Founded by the South Alabama Veterans Council, Honor Flight South Alabama is an organization whose mission is to fly heroes from Mobile, Baldwin, Washington, Clarke, Monroe, Covington, and Escambia counties in Alabama to see their national memorial.

Over six decades have passed since the end of World War II and, regrettably, it took nearly this long to complete work on the memorial that honors the spirit and sacrifice of the 16 million who served in the U.S. armed forces and the more than 400,000 who died. Sadly, many veterans did not live long enough to hear their country say "thank you" yet, for

those veterans still living, Honor Flight provides for many their first—and perhaps only—opportunity to see the National World War II Memorial, which honors their service and sacrifice.

This Honor Flight, the organization's maiden flight, begins at dawn when the veterans will gather at historic Fort Whiting in Mobile and travel to Mobile Regional Airport to board a US Airways flight to Washington. During their time in their nation's capital, the veterans will visit the World War II Memorial, Arlington National Cemetery, and other memorials.

The veterans will return to Mobile Regional Airport Wednesday evening, where some 1,000 people—including high school bands, Boy Scout troops, and Azalea Trail and Dogwood Trail Maids—are expected to greet them.

Madam Speaker, today's journey of 91 heroes from south Alabama is an appropriate time for us to pause and thank them—and all of the soldiers who fought in World War II—for they collectively—and literally—saved the world. They personify the very best America has to offer, and I urge my colleagues to take a moment to pay tribute to their selfless devotion to our country and the freedom we enjoy.

I salute each of the 91 veterans who made the trip today. May we never forget their valiant deeds and tremendous sacrifices.

Vance Barnes; Edna Bednekoff; Maurice Bell; Glenn Boom; Douglas Bower; Alto Brill; John Brodbeck; Arnold Brodbeck, Jr.; William Burchett; Henry Burgess; Helen Callaway; John Campbell; William Carpenter; Florene Clayton; Thomas Cowart; Kenneth Cramton; Charles Cuff; Leo Curtis; John Deloney; Rois Deshazo; Norman Dobson; Jack Dunlavy; Charles Dyas, Jr.; Joe Dykes; Edwin Epperson; William Fleming; Samuel Gilreath; Joseph Gould; George Grau; Joseph Green; and

John Grimes; Walter Hadley; Woodrow Hall; Jeremiah Hammond; Welton Hance; Paul Hannie; William Harrison III; Billy Heard; Howard Heminger; Earl Hilyer; Paul Hogan; Adam Hollinger; Milton Hudson; Clint Humphrey; Samuel Jenkins; Fred Jones; George Kendley; Charles Kostmeyer; Wilmer Lamey; Francis Larsen; John Laudin; John Lee; Jonathan Leff; Edly Lewis; John Little; Albert Lobsitz; Billy Lyon; Ralph Manning; William March; Dillon March; and

Dale Martz; Thomas McClellan; Martin McGowan; James McIntyre; John Mitchell; Harry Moreland; J. Edgar Moser; George Noffsinger; Clayton Oleson; Thomas Ollinger; Cecil Palmer; Clarence Phillips; Herbert Pierce; Gordon Pierce; Arthur Prince; Wade Reeves; Sibley Richerson; Gary Roberts; Thomas Schmaeling; Otis Slack; James Sowell, Jr.; Robert Spielmann; Colwin Steadham; Ivan Sweeney; Olin Tisdale; George Underwood; Edward Wade; Henry Waltman; J.B. White-Spunner; Mabron Williams; and Janet Woods.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE 90TH BIRTHDAY OF VIRGINIA
B. COWEN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize Virginia B. Cowen of Brownsville, Texas, who on May 13 will celebrate her 90th birthday surrounded by family and friends.

Virginia was born in the small Midwestern town of Prosperity in Missouri, and graduated Valedictorian from Sheldon High School at the age of 15. She went on to study at Missouri State University, but after her third year there, she followed her "heart song" to the Dallas Divinity School in Texas.

Virginia later moved to Brownsville, Texas, on the tip of South Texas, where she met the love of her life, Raphael Cowen, an attorney, and the two married. Virginia and Raphael had six boys and five girls, a total of 11 children.

After Raphael became ill, Virginia worked as a school teacher in order to maintain the family, and all the children learned the importance of work ethic early on in life. They shined shoes, cut yards, sold newspapers, and sacked groceries.

Although Virginia lost her beloved husband, friend and companion, Raphael, to cancer, her faith in God remained strong.

Virginia, then 42 years old, learned how to drive so she could take her third and fourth born sons to Brownsville High School. She knew that a strong solid education was the key to success and instilled that in her 11 children. Shortly after, she accepted a fellowship at Texas A&M University where she earned her master's degree in English Literature and worked on her doctoral thesis.

For many years, Virginia taught at the then-Texas Southmost College, now The University of Texas at Brownsville and Texas Southmost College, where she was a tenured faculty member and after many years of serving and educating the bright minds of South Texas retired.

In retirement she traveled to England and throughout Europe to visit birthplaces, homes and graves of the literary authors she has admired for a lifetime. She has done it all.

Today, Virginia continues to enjoy a happy life with her 11 grown children and 25 grandchildren. I ask that my colleagues join me in commemorating Virginia on her 90th birthday.

LYME-OLD LYME HIGH SCHOOL—
FIRST ROBOTICS TEAM

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. COURTNEY. Madam Speaker, I rise today to recognize an outstandingly gifted group of high school students from Old Lyme, Connecticut who compose the Lyme-Old Lyme High School FIRST Robotics team, the "Techno Ticks." On April 18, 2009, they were honored with one of the highest recognitions in STEM (Science, Technology, Engineering,

& Math) field competitions among young adults hosted by FIRST.

FIRST, "For Inspiration and Recognition of Science and Technology," was founded in 1989 by Dean Kamen, an inventor, entrepreneur, and advocate for the STEM fields. Its original goal of inspiring young adults' interest and participation in STEM fields has remained a core value and has helped grow the program and participation to unprecedented levels. In 2009, nearly 1 million individuals and groups, consisting of students, volunteers, and sponsors, composed the FIRST community.

On April 16, 2009, tens of thousands of students, spectators, mentors, volunteers and sponsors gathered in the Georgia Dome in Atlanta, Georgia to launch the FIRST International Championship. Over the weekend, more than 500 teams from around the world demonstrated the products of their labors in several competitions, including the FIRST Robotics Competition (FRC), the FIRST Tech Challenge, and the FIRST Lego League. The "Techno Ticks" of Lyme-Old Lyme High School from Old Lyme, Connecticut were among the competitors in the FRC field.

Prior to the championship, FRC teams were challenged to construct a robot in 6 weeks with a kit containing hundreds of parts. Nearly 1,700 teams participated in FRC regional competitions. Winners advanced to the FIRST International Competition. The 2009 FIRST Internal Competition FRC challenge revolved around a game called "LUNACY," which tested the students and robots in picking up nine inch game balls and placing them in trailers hitched to their opponents' robots. The competitors were also faced with the additional challenge of a low-friction floor.

After all balls were counted and the laws of physics tested, the "Techno Ticks" emerged with the most prestigious honor of the competition, the Chairman's Award. The Chairman's Award is presented to the team that best represents a model for other teams to emulate and best embodies the purpose and goals of FIRST.

Madam Speaker, the competitiveness of our workforce and prosperity of our society is greatly dependent on the innovative capacities of our citizens. Members of the "Techno Ticks" and the other young adults that have participated in FIRST programs have clearly demonstrated that our next generation can tackle the challenges that our nation may face in the future. I ask my colleagues to join with me and my constituents in recognizing the "Techno Ticks" achievements and celebrating their prestigious award.

RECOGNIZING TERRI KIMBLE AS
THE NEW PRESIDENT OF THE
AHWATUKEE FOOTHILLS CHAM-
BER OF COMMERCE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize Terri Kimble, who was recently selected to be the new President and Chief Executive Officer of the Ahwatukee

Foothills Chamber of Commerce. Terri was chosen for this important community leadership position out of many qualified applicants based of her extensive experience and commitment to success.

The business community and residents of Ahwatukee will benefit from Terri's experience, which includes longtime membership in the Elk Rapids Chamber of Commerce in Michigan, nine years as the group's president. In addition, Terri was an Athena Award finalist, Rotarian of the Year and Michigan Chamber of Commerce Executives, as well as Board of Directors and Communications Chair. With such noteworthy experience and skills, I am positive that Terri will successfully promote the Chamber's goals of advancing community and business development.

I commend the Ahwatukee Foothills Chamber of Commerce for selecting such a deserving candidate to serve as their president. I am sure that Terri will provide valuable service and leadership during her time there.

Madam Speaker, please join me in recognizing Terri Kimble's contributions to our country and community.

KALEB COLLIER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 05, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kaleb Collier of Weston, Missouri. Kaleb is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Kaleb has been very active with his troop, participating in many scout activities. Over the many years Kaleb has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kaleb Collier for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO TERRY TYBOROWSKI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. VISCLOSKY. Madam Speaker, the Energy and Water Appropriations Subcommittee will soon bid farewell to our professional staff member, Teresa Tyborowski, who has been with the Appropriations Committee for five years.

Before joining the Committee staff in 2004, Ms. Tyborowski spent twelve years at the Department of Energy. There, she worked on a wide range of vital energy and environmental policy issues, including nuclear clean-up, natural resource management, nuclear non-proliferation, international fuel cycles, and fissile

materials policy implementation. In these areas and others, she evaluated existing policies, made recommendations for essential changes, authored reports to Congress, managed complex programs, and traveled abroad to facilitate international cooperation. Her extensive experience in both foreign and domestic energy issues in a variety of capacities made her a valuable member of the Department and prepared her to make equally meaningful contributions to Congress.

The Appropriations Committee first benefited from Ms. Tyborowski's expertise in 2000, during her detail with the Energy and Water Subcommittee. That year, she assisted in the preparation of the Fiscal Year 2001 Appropriations Bill, giving recommendations on funding levels and reporting requirements from the perspective of a federal agency under our jurisdiction.

With both Departmental insight and familiarity with the appropriations process, Ms. Tyborowski was an obvious choice for a permanent professional position on the Appropriations Committee. Joining the Committee staff in 2004, she spent a year with the Homeland Security Subcommittee working on science, infrastructure, and intelligence issues before returning to the Energy and Water Subcommittee to oversee major Department of Energy accounts. In this capacity, Ms. Tyborowski's in-depth knowledge of energy policy made her a truly invaluable member of the team.

The Energy & Water subcommittee has a history of working close together, but when I became Chairman of the subcommittee I was able to gain a much deeper appreciation for the tremendous contribution Ms. Tyborowski made to the subcommittee. During this transition period, she provided an essential source of consistency and expertise. She quickly became a go-to person for nearly all of the energy-related issues and her work was critical to the subcommittee's success during her four year tenure.

On top of all her professional contributions, Ms. Tyborowski has also been a distinct pleasure to work with. Tenacious and honest, Ms. Tyborowski is universally regarded by her colleagues for the deep commitment and passion she brings to her work. We have each appreciated her wonderful and contagious sense of humor. Her presence will be sorely missed. I must also acknowledge Ms. Tyborowski's family—her husband, Keith, and her son, Eric—for their support as Terry managed the demands of a congressional schedule.

For all the knowledge she has shared and the sacrifices she has made, on behalf of the Energy and Water Subcommittee I would like to extend to her our utmost thanks. We wish her all the best for her return to the Department of Energy. We know that she will continue to do great things.

TRIBUTE TO LIEUTENANT
GENERAL CLYDE A. VAUGHN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. SKELTON. Madam Speaker, let me take this time to honor a fellow Missourian, Lieutenant General Clyde A. Vaughn, who will be retiring as Director of the Army National Guard, after having served the nation for 35 years in the Army National Guard.

While General Vaughn has performed a number of important roles during his time in the Army National Guard, he has served as Director of the Army National Guard since 2005. During his tenure as Director, he has overseen a period of increased operating tempo and helped to transform the Army National Guard.

As Director, General Vaughn has implemented policies to increase the end strength of the Army National Guard and to ensure new members of the Guard are well trained and well equipped. He has overseen important Army National Guard missions at home and abroad, including missions along the U.S. Gulf Coast during and after Hurricanes Katrina and Rita, within California during wildfires, and along the U.S. border.

Overseas, General Vaughn has helped to coordinate an important program in Afghanistan with the help of Missouri National Guardsmen and those from other states who are also experts in agriculture. In that troubled country, the Guard has partnered with the U.S. Department of Agriculture and the Farm Bureau to develop and deploy Agribusiness Development Teams. These teams have helped to improve Afghanistan's agricultural livelihood. They have provided outreach, education, and infrastructure support to officials from the Afghan Ministry of Agriculture, Irrigation, and Livestock and to local farmers. The advice given by these Guardsmen who are also agricultural experts betters the changes for economic stability and alternative livelihoods for Afghanistan's rural citizens.

For the families of Army National Guard personnel, General Vaughn has overseen the development of the 325 Army National Guard Family Assistance Centers. These centers provide long-term informational, referral, and outreach support for geographically dispersed military families.

General Vaughn's leadership has strengthened both the National Guard and the United States. I am proud that he is a Missourian who has given so much of his time to our country. I trust that Members of the House will join me in congratulating General Vaughn and his family for their contributions to the United States of America.

HONORING THE SERVICE OF VIETNAM VETERAN SERGEANT OTIS HERMAN GLENN, JR. OF BUNCOMBE COUNTY, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. SHULER. Madam Speaker, I rise today to honor the life of Otis Herman Glenn, Jr., a Vietnam Veteran and recipient of the Purple Heart.

As a sergeant in the United States Marine Corps, Sgt. Glenn fought valiantly in the battles of Khe Sanh and Con Thien in Southern Vietnam.

For his truly heroic and fearless service in Vietnam, Sgt. Glenn was awarded the Presidential Citation for Bravery. After being wounded in combat in 1968, Sgt. Glenn was awarded the Purple Heart. When his tour in Vietnam ended, Sgt. Glenn returned to North Carolina and married Mrs. Judith Glenn.

While Sgt. Glenn left the jungles and rice patties of Vietnam in 1968, the damage done to his lungs when in combat proved fatal in 2007. After 27 years of marriage, Mrs. Glenn watched as the effects of Vietnam slowly ended her husband's life. Mrs. Glenn made a pledge to properly honor her husband's passing.

In April of 2009, Mrs. Glenn was accompanied by family and friends as Sgt. Glenn's name was read in front of the Vietnam Veteran's Memorial Wall. Because his death was not classified as killed in action, Sgt. Glenn's name is not eligible to be engraved in the Wall. However, his name will be added to the Vietnam War Honor Roll Book to serve as a lasting reminder of his service and sacrifice.

I would like to recognize Judith Glenn for her tireless efforts to memorialize her husband, and I ask my colleagues to join me in fulfilling Judith's promise to pay tribute to her beloved husband.

It is with great respect that I commend the service of this brave Marine who joined hands with countless other patriots to fight for our great nation. I hope that today's generation of young men and women will follow the shining example of patriotism and dedication to freedom modeled by Sergeant Otis Glenn and the other heroes of the Vietnam War.

TEACHERS OF DREW MODEL SCHOOL HONORED FOR THEIR DEDICATION AND COMMITMENT TO ACHIEVING ACADEMIC SUCCESS FOR ALL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in honor of National Teacher Appreciation Week and to honor the teachers of Drew Model School for their outstanding and tireless efforts to raise academic achievement levels for all students at this institution.

The teachers and staff at Drew Model School approach each student with the belief that every child learns best within a social environment that supports and respects his or her unique development. Their programs encourage children to develop independence of thought and confidence of character while learning at their own pace. Additionally, Drew faculty members incorporate the traditional approach of children working, learning, and developing in mixed-age groups with the academic experience of gentle guidance under a specially trained teacher.

I am proud and grateful for the enthusiastic teachers at Drew Model School and would like to recognize Suneeta Maheshwari, Carol Oakes, and all Drew Model School educators who have shown admirable dedication to their students at this exemplary school.

Teachers make a difference in all of our lives, and today, as well as everyday, I would like to extend my warm thanks for their hard work and service to America's children. I ask my fellow Members of Congress to join me in honoring Drew Model School teachers whose commitment to quality education is extraordinary and dedication to academic achievement is unmatched.

TRIBUTE TO COMMANDER KEITH
ALAN WILLIS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. COBLE. Madam Speaker, I rise today to pay final tribute to one of North Carolina's native sons and a veteran of the United States Coast Guard. A beloved son, husband and father, Commander Keith Alan Willis, U.S. Coast Guard, passed suddenly while serving as Commanding Officer in Coast Guard Cutter TAHOMA (WMEC 908) since May 2007. He most recently served as the Coast Guard Liaison as Commander, U.S. Second Fleet after having served as Assistant Coast Guard Liaison at U.S. Fleet Forces Command and Joint Forces Command from August 2004 through August 2006. Commander Willis was a 1989 graduate of the United States Coast Guard Academy, with a Bachelor of Science in Government. In 2000, he completed a Master's Degree in Public Administration from Troy State University, and in 2004, he completed a Master's Degree in National Security Policy from the U.S. Naval War College.

Commander Willis' prior assignments included enlisted service from 1983 to 1985, during which time he was stationed on USCGC DAUNTLESS and at the Broadened Opportunity for Officer Selection and Training (BOOST) program in San Diego, California. After BOOST, Commander Willis reported to the Coast Guard Academy. Following graduation in 1989, he reported to USCGC HARRIET LANE in Portsmouth, Virginia, where he served as a Deck Watch Officer, Combat Information Center Officer, Weapons Officer, and Assistant Navigator.

Upon departure from USCGC HARRIET LANE in 1992, Commander Willis reported to Law Enforcement Detachment 8-G in Corpus

Christi, Texas, where he served as Officer in Charge, and made deployments on a variety of U.S. Navy ships, and a deployment to the Middle East to assist in enforcement of the U.N. Sanctions against Iraq. Commander Willis reported to USCGC BEAR in Portsmouth, Virginia, as the Operations Officer from 1994 to 1997. In August 1997, he reported to the Coast Guard's Atlantic Area command staff, where he served until July 2001 as a member of the International Operations branch. In that capacity, Commander Willis helped direct and execute the Tradewinds series of exercises in the Caribbean, which included participation by fourteen Caribbean nations.

Commander Willis then reported to USCGC DAUNTLESS in Galveston, Texas, as Executive Officer in August 2001, after which CDR Willis reported to the U.S. Naval War College in Newport, Rhode Island, graduating in May 2004. Following graduation, Commander Willis then reported as Assistant Coast Guard Liaison to Fleet Forces Command and Joint Forces Command in Norfolk, Virginia, and served in that billet until assignment in August 2006 to the newly established position of Coast Guard Liaison to Commander Second Fleet.

Commander Keith Willis, born in Frisco, North Carolina, is remembered for his Christian faith, devotion to his family and dedicated service to the United States Coast Guard. May God rest his soul and provide comfort to his family.

PEARL UNITED METHODIST
CHURCH CENTENNIAL CELEBRATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 05, 2009

Mr. HARPER. Madam Speaker, it was 1909 when a young Millsaps College ministerial student in Mississippi was sent to nearby Pearson Community on the old Illinois Central Railroad to organize a new Methodist congregation. The young pastor's name was James F. Campbell, Sr., and his new members of Pearson Methodist Church met to worship at the old Pearson School House. Although Reverend Campbell only served as pastor until 1910, his legacy was a stronger and larger community, and a church that this year proudly celebrates its centennial.

As both the congregation and community grew, the church relocated a bit north to the current day City of Pearl. There the members continued to meet in another local school until 1921. With a desire for their own permanent place to worship, the decision was made to purchase one acre of land. To construct their new church home, the members purchased the abandoned Union Jackson Methodist Episcopal Church South on Old Fannin Road. Built in 1850, the structure was dismantled and moved by wagon to its current day site. The original pulpit of the old Union church is still used to this day.

When the congregation began worshiping in the new building, they adopted the name Pearl Chapel Methodist Church, and thirty-six years

later the name was changed by church resolution to Pearl Methodist Church. The congregation continued to grow, bringing many changes to the church as well as new buildings, such as new Sunday School rooms and administrative offices. In 1952, more improvements were made, such as the beautiful chancel rail, which is still in use today. During the next fifty years, the church saw many changes and improvement to accommodate the growing congregation. One final change was chosen in 1968 as the church adopted its modern day name of Pearl United Methodist Church.

Since 1909, eleven members have answered the Lord's call to ministry and the congregation has heard the word delivered from nine humble servants: Reverend James F. Campbell, Sr., Reverend F.L. Applewhite, Reverend E.R. Dickerson, Reverend L.T. Brantley, Reverend Jim Campbell, Jr., Reverend C.V. Bugg, Reverend George Thompson, Reverend Scott Larsen and Reverend David Patrick.

Many things change over the course of a century, but after hundreds of worship services, weddings, christenings, and baptisms, Pearl United Methodist Church in Pearl, Mississippi has remained faithful to its calling . . . serving God and the citizens in the Pearl community.

THE SAFE SCHOOLS
IMPROVEMENT ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today I am introducing the Safe Schools Improvement Act. My lead cosponsors Rep. MCCARTHY, Rep. ROS-LEHTINEN and I strongly believe this bill provides crucial support to our efforts to reduce the national drop-out rate and make schools safer for all students.

An unsafe school environment interferes with students' ability to learn. Children who are bullied miss more school, have lower self-esteem, and are more likely to drop-out or commit suicide than those who are not. Nearly 40 percent of middle-school and high-school students report that they do not feel safe at school and one in 10 high school drop-outs report that frequent bullying was a major reason they dropped out. As we move to reauthorize the landmark No Child Left Behind law, we must examine and address how improvements in school safety can positively affect student attendance and academic achievement.

The Safe Schools Improvement Act would require schools that receive funding from the Safe and Drug-Free Schools and Communities Act to implement an anti-bullying policy that protects students from bullying and harassment. It also requires these schools to collect data regarding bullying and harassment incidents and would allow them teach students about the consequences of bullying and harassment.

Today's children are the economic engine of our future, and we are relying on schools to provide the education they need. Congress

must therefore help schools provide safe places for students to learn. If we do not, we risk losing more children to the streets, to depression, or even to suicide. America's children deserve our support. They deserve the Safe Schools Improvement Act.

INTRODUCTION OF LEGISLATION
TO AWARD THE CONGRESSIONAL
GOLD MEDAL TO THE CREW OF
THE APOLLO 11 MISSION TO THE
MOON

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. GRAYSON. Madam Speaker, it is with great pride that I introduce legislation today to award the Congressional Gold Medal to four brave and exemplary Americans: Commander Neil A. Armstrong, Command Module Pilot Michael Collins, and Lunar Module Pilot Edwin E. "Buzz" Aldrin, Jr.—the crew of the 1969 Apollo 11 mission to the Moon. Additionally, this legislation would award a Congressional Gold Medal to John Glenn, the first American to orbit the earth and the man who helped set NASA firmly on the path of human space exploration. Forty years ago, five hundred million people watched as Armstrong took those fateful steps onto the Moon's surface, the first time humans had set foot on another world. In words that were as poetic as the occasion was meaningful, Armstrong said, "That's one small step for a man, one giant leap for mankind." He was shortly followed on the Moon's surface by Aldrin, as Collins circled overhead.

I was eleven years old that day, and I watched the Moon landing, joining much of humanity in celebrating this tremendous collective accomplishment. My family was on vacation, but I had persuaded my parents to let me stay in the hotel room alone all day and watch television, so I could see these giant men take those giant steps. Their mission was a landmark for America, for the world, and for all time. Americans are still inspired by these men, and their mission to travel over 250,000 miles of dead space to reach our closest celestial neighbor. I remember at the time thinking that humankind as a species is capable of true greatness. While wolves howl at the moon, humans visit it.

On this journey, the Apollo 11 crew showed remarkable bravery protected for days from the lifeless vacuum by only a thin metal shield. They collected more than forty pounds of lunar samples, took photographs, and deployed experiments to study the solar wind, lunar dust, enable laser ranging, and forever carry out passive seismic measurements. Their footprints remain on the Moon today. The entire endeavor was the culmination of an intensive effort by tens of thousands of scientists, engineers, and other dedicated individuals to meet the challenge laid down by President John F. Kennedy eight years earlier. President Kennedy encouraged Americans to rise to challenges, like this one, and the American people responded with ingenuity, discipline, and a spirit of cooperative effort. This journey took political will, scientific and technological risk-

taking, inspiration, and the heart and soul of millions of Americans supporting the space program. And it took the competence and courage of Armstrong, Aldrin, and Collins to make Apollo 11 the success that it was.

As the culmination of the U.S.-Soviet space race that commenced with the Soviet's launch of Sputnik in 1957, Apollo 11's success signified the United States' ability to establish preeminence in space. It also helped inspire a generation to pursue careers in science and engineering, and to believe in the power of American society. Alone in that hotel room, watching TV, I certainly felt a lasting sense of meaning, that connection to those three brave astronauts. These astronauts represented in that moment America's destiny, a destiny shared by the thousands of men and women who worked to make it happen. This includes John Glenn, of course, another brave pioneer of human space exploration who had made their journey possible.

Madam Speaker, I thus think it is only fitting that in this fortieth anniversary year of the Apollo 11 mission, we grant these four brave Americans the recognition that only this Congress can bestow—the Congressional Gold Medal. That is why I am introducing legislation to that effect today. I'm pleased to be joined in this initiative by the Chairman of the House Science and Technology Committee, BART GORDON; the Chairwoman of the Space and Aeronautics Subcommittee, GABRIELLE GIFFORDS; Committee Ranking Member RALPH HALL; Subcommittee Ranking Member PETE OLSON; and Florida Members SUZANNE KOSMAS and BILL POSEY. I believe this recognition is long overdue, and I urge my colleagues to support this legislation so that it can be enacted into law.

IN HONOR AND APPRECIATION OF
MAYOR DOUG STOVER

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 05, 2009

Mr. MARCHANT. Madam Speaker, I rise today to honor and express my appreciation for the service of an exemplary citizen, Mayor Doug Stover of Coppell, Texas. Doug began his public service as an elected official in May, 1998 as city councilmember of Coppell, followed by six years of service from 2003 to 2009 as the mayor of Coppell. During this time, Doug's passion and leadership guided the community as evidenced by the city's financial strength, economic development, sound infrastructure, strong public safety record and first rate education system.

Mayor Doug Stover is Equity Compensation Manager for Celanese Corporation. He holds a BBA in Finance from Texas Tech University.

In May of 1998, Coppell consisted of 29,850 citizens and has grown to a community of 39,500. The adopted budget for the 1998–1999 fiscal year was \$35,182,905 and grew to \$81,057,966 in the 2008–2009 fiscal years.

Under his leadership, the City of Coppell added many facilities, physical improvements and infrastructure. These projects include a Justice Center housing the Police and Munic-

ipal Courts, municipal service center, aquatic & recreation center, animal shelter and adoption center, Town Center Plaza, Old Town development, multiple park facilities, multiple road improvements, with a new senior and community center and municipal cemetery now being constructed, all developed to meet the needs of a growing population.

A major focus on economic development was also led by the mayor. This resulted in many commercial and industrial developments bringing new revenue to the city that has enabled the community to enjoy many quality of life improvements without the need for additional tax rate increases.

Public safety was also a high priority under the mayor's leadership. Red light cameras were installed, 25-mph zones were implemented on residential streets, and a Citizen's Police Academy was established in his push to increase public safety.

Funding for CISD schools was addressed through the 379A Sales Tax which generated sales taxes for the community's education issues. The Infrastructure Maintenance Fund was created by a sales tax election for 1/4-cent being directed for the crime district and 1/4-cent for streets.

Mayor Stover's selfless public service has clearly shaped the city of Coppell and helped make it the thriving community it is today. Doug possesses a genuine passion for Coppell which characterized his many years of service to the community. His first priority was always for the betterment of the citizens of Coppell, which helped make him a popular and well-respected leader. On behalf of the 24th Congressional District of Texas, I congratulate Doug Stover for his remarkable service as mayor and wish him the best of luck in his future endeavors.

IN HONOR OF THE NAVY FEDERAL
CREDIT UNION GRAND OPENING
AND DEDICATION CEREMONY OF
THE BRIAN L. McDONNELL CENTER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of the grand opening of the Navy Federal Credit Union Brian L. McDonnell Center at the Heritage Oaks campus in Pensacola, Florida.

Navy Federal was organized in 1933 with only seven initial members. Since its founding, it has evolved into the world's largest credit union, employing over 7,000 employees, and consisting of 3.2 million members. Navy Federal serves as a vital resource for our military and is found all over the world, providing excellent financial service for all of our service-men and women.

In addition to the outstanding financial counseling and assistance Navy Federal provides, it is a leader in developing higher environmental standards. Driven by the objective to create a workplace focused on the employee, Navy Federal pursued Leadership in Energy

and Environmental Design (LEED) certification for its first building in Pensacola. This was the first commercial LEED building in Florida to receive the U.S. Green Building Council's GOLD rating. The new Brian L. McDonnell Center was constructed with the same standards of excellence.

As Navy Federal expands numerically and evolves environmentally, it continues to escalate the level of quality it provides. The First District of Florida is very fortunate to house a corporation that values the interest of its clients and their community above all else.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize this grand opening and dedication ceremony and look forward to the progress it will undoubtedly create.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, May 4, 2009.

Had I been present, I would have voted "yea" on rollcall vote No. 229 (Motion to Suspend the Rules and Agree to H. Res. 230), and "yea" on rollcall vote No. 230 (Motion to Suspend the Rules and Agree to H. Con. Res. 111).

CONGRATULATING DR. EDWARD G. BOEHM, JR., AND REGINA E. BOEHM, RECIPIENTS OF THE 57TH ANNUAL AMERICANISM AWARD FROM B'NAI B'RITH AMOS LODGE NO. 136, SCRANTON, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. Edward G. Boehm, Jr., and his wife, Regina E. Boehm, of Lackawanna County, Pennsylvania, who have been selected to receive the 57th annual Americanism Award from the B'nai B'rith Amos Lodge, No. 136, of Scranton Pennsylvania.

Dr. and Mrs. Boehm are worthy recipients of this prestigious award because each of them has worked for many years to contribute to the communities in which they have lived.

Dr. Boehm is president of Keystone College, LaPlume. He previously held positions at Marshall University, Huntington, West Virginia; Texas Christian University, Fort Worth, Texas; and American University, Washington, DC.

Dr. and Mrs. Boehm are both active members of the Scranton area community. Dr. Boehm's leadership and accomplishments have been profiled in the University of Michigan's CASE study entitled, "Keystone College:

Renaissance and Transformation" and in the book, "Power Thinking: How the Way You Think Can Change the Way You Lead."

Regina Boehm holds a degree from the Pennsylvania State University and she studied at the University of Maryland and Texas Christian University. Her career included management, education, and nutrition. She is a graduate of the Executive Series of both Leadership Lackawanna and Leadership Wilkes-Barre.

She is a recipient of the Junior League of Scranton Roseann Smith Alperin Award, the Northeastern Pennsylvania Council Boy Scouts of America "Salute to Northeastern Pennsylvania Women" award and she was also honored by the Scranton Times Tribune newspaper.

Mrs. Boehm has been active on the Northeastern Pennsylvania Philharmonic Board, past president of the Philharmonic League of Northeastern Pennsylvania, the Boys and Girls Club of Scranton, Wyoming County United Way, the Northeast Theater, the Garden Exchange, ACT 101 Advisory Board, the Spouses Task Force of the Council of Independent Colleges and she is currently on the board of the Scranton Community Concerts. She also served as chairperson of the Waverly Antiques Show and the Philharmonic League's Antiques Show and Sale.

Dr. and Mrs. Boehm also served as co-chairs of the 2003-2004 United Way campaign for Lackawanna County.

Madam Speaker, please join me in congratulating Dr. and Mrs. Boehm on the occasion of this well-deserved honor. Their commitment to their community is an example and an inspiration to others and has greatly improved the quality of life in northeastern Pennsylvania.

HONORING GERALDINE FERRARO

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to a former Member of Congress, a long time advocate of women's rights, the first female Vice Presidential candidate, and a great friend and American—the Honorable Geraldine Anne Ferraro.

In the rotunda of the Capitol sit the busts of Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott. They are so prominently displayed to pay tribute to their hard fight to establish equal rights for women. And, I know they would agree that Geraldine Ferraro was exactly the kind of woman they were fighting for.

Geraldine proudly followed in the footsteps of these great women—continuing the fight to ensure the rights of women and breaking down barriers and stereotypes along the way.

Prior to running for election to the House of Representatives, Geraldine Ferraro worked as a teacher and then attorney in the Queens New York District Attorney's office, where she started the Special Victims Bureau. At a time when women prosecutors in the city were uncommon, Geraldine Ferraro was already breaking the proverbial glass ceiling.

In 1978, Ambassador Ferraro ran for election to the House of Representatives for New York's 9th Congressional District in Queens, and won. Despite being a new Member of Congress, she made quite an impression on her colleagues, and quickly ascended to become the Secretary of the House Democratic Caucus from 1981 to 1985. During her years in Congress, she focused much of her legislative attention on equity for women in the areas of wages, pensions, and retirement plans. The recent passage of the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act are homage to her tireless work on behalf of women.

Her leadership, charisma, and dedication were evident to Presidential nominee, Walter Mondale, who selected Geraldine Ferraro to be his Vice-Presidential candidate on July 12, 1984. She is the first woman ever to be nominated as vice-presidential candidate by any major party.

Following the path of women who came before her, Geraldine Ferraro has helped pave the way for our daughters to achieve anything they set their minds to. As the current Representative of her former district, I am proud to call Geraldine Ferraro a leader, a mentor, and most importantly a friend.

CONGRATULATING PHIL KEOGHAN ON HIS AMAZING RIDE ACROSS AMERICA TO RAISE AWARENESS OF MS

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. CARNAHAN. Madam Speaker, yesterday I had the pleasure to meet Phil Keoghan host of CBS's Amazing Race as he stopped in Washington, DC, on his way from Los Angeles to New York. His journey across America by bike is designed to raise awareness of multiple sclerosis—a disease I feel strongly about educating people and promoting research for treatment and cures.

MS is a disease that can stop people from moving—something many of us take for granted each day. Too little is known about MS, too few treatments exist and too many people struggle to access the treatments they are prescribed. During his journey across the United States Phil has climbed many hills and faced downpours of rain, all designed to support the National Multiple Sclerosis Society.

As co-chair of the Congressional MS Caucus I have had the privilege of meeting many inspirational people like Phil Keoghan who are working on behalf of people living with MS. The awareness he and others have brought to multiple sclerosis and cycling as a healthy activity is invaluable. I am pleased of the work the MS Caucus has been able to do in just a short amount of time, but there is certainly still more to be done.

As we in Congress debate health care reform it is important to keep in mind that the current system is broken for millions of Americans, specifically over 45 million Americans without coverage, and it must be fixed now. Everyone is deserving of the right to affordable and accessible health care—something Phil has championed.

We have a lot of work ahead of us but we have great momentum. Inspirational activists like Phil Keoghan will help make sure that we do something about MS now. I congratulate Phil for undertaking this worthwhile challenge and wish him luck in his final days in his trip across the U.S.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. PASCRELL. Madam Speaker, May 4th, I remained in my district due to the death of my Aunt Julia Taglibue Monda who recently passed away at the age of 96, and I therefore missed the two rollcall votes of the day.

Had I been present I would have voted "yea" on rollcall vote No. 229, On Motion to Suspend the Rules and Agree, as Amended—H. Con. Res. 93—Recognizing the historical significance of the Mexican holiday of Cinco de Mayo.

Lastly, had I been present I would have voted "yea" on rollcall vote No. 230, On Motion to Suspend the Rules and Agree, as Amended—H Res. 230—Recognizing the 61st anniversary of the Independence of the State of Israel.

CONGRATULATING JOHN EDD THOMPSON ON THE OCCASION OF HIS RETIREMENT FROM WALA-TV "FOX10"

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. BONNER. Madam Speaker, it is with both pride and pleasure that I rise today to honor the career of Mobile's beloved television weather anchor, John Edd Thompson.

A native of Mobile, John Edd is perhaps the most recognized name and face in television weather along the Gulf Coast. He has been a fixture on Mobile's WALA-TV "Fox10" for over three decades and, during this time, he has been the trusted source of information for every major storm. John Edd has tracked and reported on Hurricanes Frederic, Elena, Andrew, Opal, Erin, Danny, Georges, Ivan, and Katrina.

Since Mobile's Press-Register introduced its Readers' Choice Awards in 2002, John Edd has always placed first in the final results. He was named "Readers' Choice Local TV Weather Reporter" in the 2002, 2003, 2004, 2005, and 2006 competitions, and the Mobile Press Club has named him the "Best Weather Anchor" several times.

In recognition of his remarkable accomplishments, The Press Club of Mobile awarded John Edd its 2005 John Harris Achievement Award, an award presented to a member of the news media "who has made a consistently excellent contribution over a period of time." The Mobile County Commission recently declared 2009 as "The Year of John Edd."

A prolific songwriter, John Edd is one of the founding members of the Mobile Songwriters. He is a member of the Nashville Songwriters Association International and a member of the board of the Frank Brown Songwriters Festival. John Edd also wrote the fight song for the University of South Alabama.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. On behalf of all those who have benefited from his good heart and generous spirit, permit me to extend thanks for his many efforts in making Mobile and south Alabama a better place. John Edd Thompson is an outstanding example of the quality of individuals who have devoted their lives to the field of broadcast journalism.

On behalf of a grateful community, I wish him the best of luck in all his future endeavors.

IN SUPPORT OF THE BILL OF RIGHTS FOR CHILDREN AND YOUTH OF SAN MATEO COUNTY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 05, 2009

Ms. SPEIER. Madam Speaker, today I rise to applaud the Peninsula Partnership Leadership Council and the San Mateo County Youth Commission for their inspired work in creating the Bill of Rights for Children and Youth of San Mateo County. I especially want to thank Youth Commissioner James B. Pollack for his articulate and passionate presentation of the Bill of Rights when the groups visited with me last month.

This ground-breaking document was born from the shared belief that all young people—regardless of race, gender, disability, economic status or other identifying characteristic—should be allowed to grow and blossom to their fullest potential, experiencing the joy, wonder and happiness that so many of us remember from our own childhoods.

The Bill of Rights reads:

"We resolve to invest in all children and youth so that:

They have a healthy mind, body and spirit that enable them to maximize their potential;

They develop a healthy attachment to a parent, guardian or caregiver and an ongoing relationship with a caring and supportive adult;

Their essential needs are met—nutritious food, shelter, clothing, healthcare and accessible transportation;

They have a safe and healthy environment, including homes, schools, neighborhoods and communities;

They have access to a 21st century education that promotes success in life, in future careers and a love of life-long learning;

They have training in life skills that will prepare them to live independently, be self-sufficient and contribute to their community;

They have employment opportunities with protections from unfair labor practices;

They have freedom from mistreatment, abuse and neglect;

They have a voice in matters that affect them;

They have a sense of hope for their future."

Madam Speaker, in our democratic system of government, we are taught to believe that all voices are heard equally. But most 12-year-olds don't have a lobbyist and few tables in the halls of power make room for families. That is why the work of the Peninsula Partnership Leadership Council and the San Mateo County Youth Commission and the principles laid out in the Bill of Rights for Children and Youth are so vitally important.

HONORING THE SERVICE OF MR. CLIFF DODSON, SUPERINTENDENT OF SCHOOLS IN BUNCOMBE COUNTY, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. SHULER. Madam Speaker, I rise today to honor Mr. Cliff Dodson on his impending retirement.

For the past nine years, Mr. Dodson has served our community as the Superintendent of Buncombe County Schools. As Superintendent, Mr. Dodson has demonstrated his dedication to quality education and has ardently worked to improve educational opportunities for all children. Through his dedication and commitment to education, Mr. Dodson has helped shape the future of Western North Carolina.

He began his service to education thirty-eight years ago as a science and physical education teacher. He has continued to work tirelessly on behalf of children in various roles as an educator, as an Assistant Principal, as a Principal, and for the past twenty-three years as a public school Superintendent.

Mr. Dodson proven himself an accomplished public servant by successfully overseeing the educational direction of over 25,000 students and effectively administering a budget of almost a quarter of a million dollars. Due to his outstanding efforts he has been recognized by the North Carolina Association of Educators as Superintendent of the Year.

I deeply appreciate that under his direction during these difficult economic times, Buncombe County has ensured that 12,000 students can receive free or reduced-price hot cafeteria meals. He has certainly set an admirable example for future public servants who follow in his path.

Mr. Dodson has also served on the Board of Directors for numerous education-based organizations including the United Way, Children First, and the North Carolina School Administrators Association. In addition to his service in the field of education, as an honored veteran, Mr. Dodson earned the Vietnamese Cross of Gallantry for his service as a United States Marine.

Madam Speaker, I am proud to honor Mr. Cliff Dodson today and I want to thank him for his invaluable contributions to the Western North Carolina educational community and to wish him well in his retirement.

RECOGNIZING NATIONAL TEACHER
APPRECIATION WEEK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor our Nation's teachers during National Teacher Appreciation Week, which is being held this year May 3rd–9th.

This is a time to express our thanks and admiration for the more than 3 million teachers in the United States. I encourage everyone to express their appreciation for those teachers who have touched their lives or the lives of their children.

Teachers are heroes in our communities, shaping the next generation of great minds. No great leader, scientist, or artist would be where they are today without the influence of caring and dedicated teachers.

Thurgood Marshall once said, "None of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody—a parent, a teacher, an Ivy League crony or a few nuns—bent down and helped us pick up our boots."

There is perhaps no other occupation that influences the fabric of our society more than teachers, and we are fortunate to have this week dedicated to recognizing their contributions.

I am particularly proud of our teachers from my home State of Texas—serving as motivators and mentors for our future leaders. I remain dedicated to working in Congress to ensure that Texas teachers and all teachers have the resources necessary to successfully prepare our Nation's youth for a successful future.

INTRODUCTION OF "THE ENERGY
INDEPENDENCE NOW ACT OF 2009"

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise today to introduce a bill titled, "The Energy Independence Now Act of 2009."

Few things affect American consumers like high energy prices. During the summer of 2008 with the price of oil hovering near \$150 a barrel, Americans faced record prices at the gas pump—in many cases well over \$4.00 per gallon. These high prices contributed to a downturn in economic growth, an increase in inflation and forced many American families to make difficult financial choices. According to the latest figures from the Energy Information Administration, gasoline prices are down to around \$2 per gallon and the price of oil is close to \$50 per barrel. Though the price of gasoline has decreased significantly, many are still concerned that it will rise again and quite possibly because of the disproportionate amount of oil that we import from regimes that are unfriendly to us.

The old adage goes that those who do not learn from history are doomed to repeat it.

Apart from creating the Strategic Petroleum Reserves after the oil embargoes of the 1970s, the United States did painfully little to make sure that oil could never again be used as a weapon against us. If anything, we put ourselves further under the thumb of foreign oil. In 1972, we imported approximately 28 percent of the oil we consume from foreign countries; today the United States imports 62 percent of its oil from other nations. While half of that amount comes from our friends in Mexico and Canada, the other half of our imported oil travels from unstable, undemocratic or unfriendly regimes. That means that every time I fill up my gas tank—whether the price is \$2 a gallon or \$4 a gallon—at least half of my money goes into the economies of Saudi Arabia, Venezuela, Nigeria, and Angola. And while the tactics of oil manipulation may change—price spikes versus an outright embargo—the results are eerily the same.

That is why I am introducing this bill, to continue to move our country forward on the path toward breaking America's dependence on foreign sources of oil while at the same time investing in a renewable energy future. My colleagues on the other side of the aisle are looking to pass a costly cap-and-trade program that will only serve to increase the price of energy for the American consumer and devastate energy companies in my home State of Indiana. Now is not the time to burden families with higher energy costs, when many of them are already struggling to find and keep jobs, pay for college and provide for their families.

I believe that in the long-run we need to get off oil and that requires more investment in alternative energy and energy conservation technologies. My bill addressed this through provisions that would increase alternative energy sources and diversify the energy grid with currently available alternative energy technologies. As a nation, we waste far too much energy with inefficient engines and machines. That is why my bill would provide tax incentives for companies to produce fuel efficient vehicles. In fact, it provides a \$500 tax credit for individuals who purchase hybrid cars made by American-based companies.

However, while we are discovering new, clean and cost-effective ways to increase the American energy supply, we must recognize that oil will remain a part of our energy mix for some time. The good news about this is that we have plenty of it. The Department of the Interior, DOI, conducted a comprehensive inventory of oil and natural gas resources located off our coastlines within the last several years, and according to the Department's figures there is an estimated 8.5 billion barrels of known oil reserves and 29.3 trillion cubic feet, tcf, of known natural gas reserves along our coastlines; with 82 percent of the oil and 95 percent of the gas located in the Gulf of Mexico, GOM. However, even more importantly, the Department of the Interior estimates that there are untapped resources of about 86 billion barrels, 51 percent in the Gulf of Mexico, and 420 trillion cubic feet of natural gas, 55 percent in the Gulf of Mexico, out there. My bill would open up these areas to access these resources. Domestic production of these resources would provide much-needed real energy jobs without any cost to the taxpayer.

In addition, my bill opens up the Arctic National Wildlife Refuge, ANWR, which holds the

single largest deposit of oil in the entire United States. Its 10.4 billion barrels of oil is more than double the proven reserves of the entire State of Texas and almost half of the total proven reserves in the U.S., 22 billion barrels. Had President Clinton not vetoed ANWR energy production in 1995, the United States could be getting nearly 1.5 million barrels of oil per day from the arctic right now.

In addition, the U.S. has been called the Saudi Arabia of oil shale. It has been estimated that oil shale deposits in Colorado, Utah, and Wyoming hold the equivalent of as little as 1.8 trillion barrels of oil and potentially as much as 8 trillion barrels of oil. In comparison, Saudi Arabia reportedly holds proved reserves of 267 billion barrels. Unfortunately, oil shale is rough equivalent to diesel fuel and a number of Clean Air Act regulations—such as low-sulfur diesel—and federal motor fuel taxes—which favor gasoline over diesel fuels—have created a strong financial disincentive regarding the production and use of oil-shale fuels. Many of these deposits are on public land making it more bureaucratically complicated to exploit this resource. My bill would provide a financial incentive for companies to invest in and produce more oil from oil shale.

Getting more domestic oil on the market is only half the solution. We haven't built a new refinery in this country in more than 25 years because the approval process for new refinery construction is estimated to require up to 800 different permits. While existing refineries have undergone significant expansion over the years, even as others have been shuttered, our aging refinery infrastructure leaves little margin for error. If we begin to produce more domestic crude oil we would need to turn it into home heating oil, gasoline, or diesel through the refining process. The ability to refine oil must keep pace with the demand for gasoline and diesel. My bill would create an expedited process for the construction of new refining capacity by streamlining the permitting process and opening up closed military bases for construction.

Clearly, developing new oil fields and refineries will take some time. In the interim my bill also helped promote the production of non-food sources for biofuels. It also opens up Federal land for the production of biofuel crops in order to provide relief from high food prices that have resulted from ethanol production.

Madam Speaker, I believe in conservation, I believe in energy efficiency, and I believe in diversifying our energy supply by using wind, solar, coal-to-liquid technologies, ethanol and other renewable energy sources. But the fact of the matter is that oil and natural gas are still going to be a part of our energy mix for a long time to come and we must be able to access our own resources rather than becoming more dependent on unstable parts of the world.

I would like to urge my colleagues to join me in co-sponsoring this important legislation to help America get on the road towards energy independence and to create real jobs at no cost to the taxpayer.

IN COMMEMORATION OF CINCO DE MAYO

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. AL GREEN of Texas. Madam Speaker, I would like to commemorate Cinco de Mayo, or the Fifth of May, in honor of the historic day that Mexico defeated France at the Battle of Puebla in 1862. Cinco de Mayo is a national holiday that symbolizes courage, honor, liberty, unity and the struggle for freedom for millions of Mexicans and Mexican-Americans.

Cinco de Mayo has a deep history that all Americans should recognize and remember. Shortly after Mexico gained independence from Spain in 1810, internal political takeovers and wars destroyed the Mexican economy causing Mexico to borrow money from France and other creditors. Mexico was unable to pay back the debt they owed to France; thus, the French invaded Mexico in an attempt to force repayment. The Mexican troops were outnumbered by the French—the French army had 6,500 soldiers while the Mexican army only had 4,500 soldiers. The odds were stacked against the Mexican soldiers: they were outnumbered, untrained and ill-equipped, fighting against an army deemed as one of the best trained and equipped in the world. The French soldiers were confident that their attacks against Mexico would leave the struggling nation on its knees, bowing to a European crown once again. Much to their dismay, at the Battle of Puebla, the Mexican soldiers fought bravely and died with dignity for their countrymen's freedom. Each Mexican soldier fought valiantly with one common goal. In the end, it was the French army that surrendered on Mexican soil.

In addition to its historical significance in Mexico, Cinco de Mayo is significant to all Americans because it marks the last time that any foreign power threatened to conquer North American soil.

Cinco de Mayo is also a celebration of the rich cultural heritage people of Spanish and Latin American descent have shared with the United States. They have shared their music, art, language and traditions and these elements are sewn into the colorful fabric of "American" culture.

I ask my colleagues and all Americans to join me in commemorating Cinco de Mayo—a day that reflects the core principles that America was founded upon.

THOSE MEMORIES SHOULD NOT BE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. KUCINICH. Madam Speaker, I would like to submit the following poem by Mary-Ann S. Stanky of Cleveland, Ohio:

THOSE MEMORIES SHOULD NOT BE

Hurrah! Hurrah! Hurrah!
Said the new enlistee
A new defender of democracy

Salute, stand tall, and be proud.

Hurrah! Hurrah! Hurrah!

In line with his comrades

Wearing alike uniforms

Issued a gun to defend democracy.

We are ready!

Hurrah! Hurrah! Hurrah!

Turning a corner. . . .

Rapid bursts of gunfire, from where?

Shouts from everywhere

Roof tops, windows noise all-around

Heads swirling left to right, up and down.

Quiet . . . an eerie quiet finally descends

Labored breathing

Eyes burning red, mouths dry,

Ears ringing from uncommon sounds

Minds fighting to stay in control.

Streaks of red trickle down, blood?

Look again, no!

Look again, yes!

Blood spills from open wounds

medic!

There! go there! hurry!

Pick-up the gun

Defender of democracy

My friend has gone home to a

Flag flying half-mast.

—Mary-Ann S. Stanky

IN GRATITUDE TO THE REPUBLIC OF KOREA AND DONGGUK UNIVERSITY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to express my appreciation and thanks to the faculty of Dongguk University for the Honorary Doctorate in Political Science they bestowed upon me during my recent visit to South Korea. I wish to also recognize my friends in Korea and at Dongguk University who help make the conferral of this Honorary Doctorate possible. These individuals include: President Young-Kyo Oh and President Dong-Jin Sohn of Dongguk University, Governor Kwan-Yong Kim of Gyeongsangbuk-do Province, Mayor Sang-Seung Baek of Gyeongju City, former Korean Ambassador to the U.S. Tae-Sik Lee and Mrs. Lee, Mr. and Mrs. Il-Hwan Cho and Mr. and Mrs. Dong-Suk Kim of the Korean American Voter's Council in New York.

I have always believed that the Republic of Korea is one of America's most committed friends and allies, and the warmth and hospitality extended to me and my wife during our stay in April reinforced my belief that the bonds that bind the people of the United States together with the people of South Korea are as strong today as they have ever been.

Even so, I believe we should always look for opportunities to strengthen our alliance and friendship and one of the key areas of opportunity is passage of the U.S.-Korea Free Trade Agreement.

During my stay, I had the privilege of meeting with Foreign Minister Myung-Hwan Yu, National Security Advisor Sung-Hwan Kim, Chairman Jin Park of the Korean National Assembly Foreign Affairs Committee, our U.S. Embassy senior officials and the American Cham-

ber of Commerce in Korea. In practically every meeting, the U.S.-Korea Free Trade Agreement was high on the agenda. No agreement or treaty is ever perfect, as it is always a product of compromise. And I agree that Congress has a legitimate right to debate the merits of the agreement; so let's have that debate; let's take this agreement out of legislative limbo, bring it to the House Floor, have an honest up or down vote, and let the chips fall where they may, Madam Speaker. I think we owe our South Korean friends that much respect because there's more at stake here than just economic growth; this Free Trade Agreement recognizes our special relationship with South Korea and reinforces the message that the United States stands squarely behind our friends and allies.

Madam Speaker, I would like to ask unanimous consent to place in the CONGRESSIONAL RECORD a copy of the remarks I delivered at Dongguk University, entitled: "The Korea-U.S. Alliance Partnership." And I would also ask all of my colleagues to join me in recognizing the historic significance of the U.S.-Korea alliance and its growing importance in the years to come.

President Young-Kyo Oh, distinguished members of the faculty, and students of Dongguk University, ladies and gentlemen and friends: Thank you for your kind introduction. It is a great pleasure to be here today in the heart of Korea's ancient capital city. We are surrounded by history, culture and the memories and friendship that our nations have made together through battles and treaties, commerce and trade.

When I think about this partnership, one particular Korean-American friend comes to mind. His name is Johnny Yune. When Johnny was eleven years old, his family's home town was bombed by communist forces. As they attempted to flee, a particular blast knocked Johnny off his feet and sent him tumbling to a ditch where he was left to die. An American soldier named Private Brown found Johnny, rescued him from the ditch and saved his life that day.

In the weeks and months that followed, the Yune family got to know this Private Brown very well. Johnny remembers how he used to come over to his home, unshaven, with a guitar on his back and a truck full of rationed food. Private Brown would sing and teach them American songs like "Oh Susanna" and give them candy. Johnny is alive today because of that American soldier; and, although he never saw the Private once his unit had moved on, Johnny never forgot his kindness. In his career as a television and movie star, he often speaks of the war hero.

The virtues of the personal relationship between Private Brown and Johnny are not limited to this experience. In a greater sense, The United States and Korea also share a very special relationship.

The United States and the Republic of Korea first became partners more than 125 years ago, when we signed a treaty of amity and commerce in 1882. This partnership was forged on the battlefield during the Korean War. The South Koreans fought bravely to stay free from the chains of tyranny and communism and have remained a beacon of light and democracy ever since. For more than half a century, we have been diplomatic, political, economic, and cultural partners and great friends.

In the early years, the United States reached out a hand to South Korea, assisting as the nation transformed itself from a war-

torn "basket" economy into what it is now: a full-blown democracy with the world's 13th largest economy. South Korea is now an indispensable partner in promoting democracy and extolling the benefits of free market economies. Today, South Korea is the United States' seventh largest export market and the fifth largest market for U.S. agricultural products.

South Korea is committed to the freedom of its people, even when threats grow daily, and especially in light of the North's recent missile launch. The nation is a key partner in the Six-Party Talks to resolve North Korea's nuclear issue, despite the constant fear of war that clouds the peninsula. South Korea is an important military ally with over 29,000 U.S. troops stationed in the country and plays a vital part in securing peace and stability in the region. The United States is committed to the strengthening and survival of freedom on the Korean Peninsula.

South Korea has also reached out a hand to the United States in times when we have been threatened. It is one of only three nations which stood alongside the U.S. in all four major conflicts that the U.S. has faced since the Korean War. The nation has been a strong ally in the U.S.-led War on Terror, having committed troops to Iraq, Afghanistan and Lebanon. Korea is a true friend of the United States. We are committed together to defending freedom and liberty throughout the world.

Over the past several years, the relationship between the United States and Korea has grown even stronger. As a Member of Congress and, especially, a Co-Chair of the Congressional Caucus on Korea, I have been able to observe and participate in legislative actions that have contributed to consolidating the U.S.-Korea alliance. The Embassy of Korea in Washington and the Ministry of Foreign Affairs and Trade in Seoul have played a larger role in recent years in bringing to the attention of Congress those issues of importance and concern to the Korean people. This has informed congressional action and improved the legislative process.

Of the important legislative achievements of the past few years, the inclusion of Korea in the Visa Waiver Program, which makes it easier for Koreans to visit the United States for business, leisure, or family purposes, deserves special mentioning. In early 2006, there were about two dozen countries participating in the Visa Waiver Program administered by the U.S. Department of State. Most of them were European allies and trading partners. While responsibility for expanding or contracting the Visa Waiver Program lies with the Executive Branch, Congress took the lead in persuading the Bush administration to include Korea in the program.

My colleagues and I argued that, by allowing South Korea to participate in the Visa Waiver Program, we would not only be adhering to its stated goals, but at the same time we would build upon a strategic partnership with our close friends in East Asia. Although it took some time, legislation to open the door for Korea to accede to the Visa Waiver Program passed in July 2007, and in November of last year, Korea officially joined the program at long last. It was a major accomplishment for our bi-lateral alliance.

A second great achievement was the upgrading of Korea's Foreign Military Sales (FMS) status to NATO+3. As I have already noted, Korea and the United States have a close and integral military alliance. But for

years, Korea was treated in an unfair fashion by U.S. laws related to the sales of military equipment. So the U.S. House of Representatives and U.S. Senate sought to correct this problem by raising Korea's Foreign Military Sales status to something known as NATO-plus-3. This status elevation was long overdue and absolutely necessary to reverse the unfair exclusion.

In doing this, we acted on our firm belief that the Republic of Korea has been one of our most important and staunchest allies in the Asia-Pacific region. Our mutual alliance is dynamic and comprehensive, encompassing political, economic, military, security, cultural, and social spheres. By the end of last year, Congress had approved the upgrade in status for Korea and it now stands at NATO+4. I am convinced that both of our countries will benefit from the greater partnership that this status upgrade brings.

Finally, we were able to see the passage of a resolution bringing world attention to the plight of the "Comfort Women" who suffered at the hands of the Imperial Japanese Army during the Second World War. In 2007, the House of Representatives at long last passed House Resolution 121, which I co-sponsored and which received bipartisan support and worldwide attention in the news media.

In fact, Congress took the lead in raising the issue of the "comfort women." We invited survivors from Korea to tell their stories in front of television cameras on the record. After the United States Congress acted on this critical human rights issue, other legislative bodies around the world took notice and acted themselves. Thus, the plight of Korea's comfort women became an issue of international concern that, we hope, will serve as a reminder to future generations that such horrific violence shall never occur again.

While some cynics dismissed the resolution as simply revisiting a tragedy of the distant past, I believe a relevant assertion of the importance of respecting human rights is timeless, and the world should never again deny women the right to be safe and secure and to maintain their dignity.

Though these accomplishments are notable, I believe there are even greater accomplishments in our future. In the coming months I hope we can pass the Korea-U.S. Free Trade Agreement of which I am a strong supporter. As most of you undoubtedly know, the United States and Korea signed a free trade agreement in June of 2007, after months of diligent negotiations. The agreement has not yet been ratified and, to be candid, action on the Korea-U.S. Free Trade Agreement may not take place for some time.

It is no secret that there are members of both the United States Congress and the Korean National Assembly who oppose the Free Trade Agreement. But there are also those of us—and I include myself among them—who believe that free trade among free peoples is a positive good, and those agreements or treaties that advance the principles of free trade bring more benefits than risks, promote future prosperity, and provide a stronger foundation for peace and stability around the globe.

Just last month the World Trade Organization warned of a rising threat of trade protectionism around the world. This threat has emerged because of the general decline of the global economy over the past two or three years. Governments are doing what they have done for centuries in the face of economic contraction: they look inward. This is, in my opinion, a mistake, and it is a mistake borne out by the lessons of history.

The benefits of a U.S.-Korean Free Trade Agreement are manifestly clear. This agreement, once it is ratified, will constitute the largest and most commercially significant Free Trade Agreement the United States has negotiated in 15 years.

The numbers are truly impressive. Korea is the 13th largest economy in the world with a GDP of nearly one Trillion U.S. dollars and a per capita income of over \$20,000. It is the United States' 7th largest trading partner and our 5th largest market for U.S. agricultural export products. Trade between our two nations is nearly \$80 Billion and includes important goods like computer chips, industrial machinery, organic chemicals, agricultural produce, civilian aircraft and, of course, beef. A Free Trade Agreement would bolster U.S. exports to Korea, open duty-free access for Korean goods in the U.S. market, and stimulate job growth in both of our countries.

A Free Trade Agreement would also benefit the great State of Indiana, which I proudly represent in Congress. Korea is Indiana's 10th largest export market, and Indiana exports \$303 Million in goods to Korea annually. Not only that, but almost 10,000 Korean-Americans reside in the State of Indiana and more than 2,000 Korean students study at Indiana's prestigious academic institutions.

This new partnership between the United States and South Korea is sure to be a win-win for both of our countries. I pledge that I am committed to working closely with the U.S. and Korean negotiators as FTA talks proceed, so that we can ensure the best opportunities for Americans and Koreans alike.

Unfortunately, the political mood in the United States right now is not conducive to the ratification of the U.S.-Korea Free Trade Agreement, or any other such trade agreement. I can assure you, however, that my colleagues and I who believe strongly in the principle of free trade and specifically in the importance of the Korea-U.S. Free Trade Agreement, will not let this agreement die for lack of action. We will continue to fight for its approval by Congress, we will press the White House to fight for it, and we will go directly to the court of public opinion to persuade American consumers, business leaders, and workers to support it. I know that, with time and wisdom on our side, the Korea-U.S. Free Trade Agreement will be ratified and the relationship between our countries will become even stronger because of it.

In closing, I am reminded of the look on my good friend Johnny Yune's face, and the way his voice cracked as he re-tells the story of Private Brown. It is the same affection I have experienced on my visit here and the affection I have felt toward my old and even new Korean and Korean-American friends.

Our friendship is different from the relationship of any other country with the United States. I would say to my Korean friends that we should continue to focus on what keeps our relationship strong and more unique than any other alliance in world history. It is my fervent belief that the U.S.-Korea alliance is worth protecting and strengthening. That is why the U.S.-Korea Free Trade Agreement is so important to me.

Once again, I have been struck personally by the extraordinary warmth and hospitality of the Korean people since my arrival here in this beautiful country. This has been true not only among my formal hosts, but with everyone I meet. I am honored and humbled to accept this honorary degree at this historic institution, and I thank you from the

bottom of my heart. May we never cease to find ways to strengthen and deepen the ties that bind our two nations together.

President Oh, distinguished faculty and students of Dongguk University, friends and colleagues, it is my distinct honor to accept this degree. I will always cherish this moment with great humility and I pledge to do all I can to see that our very special alliance to grow even closer in the coming years.

Thank you, and “GAHM-SAH-HAHM-NIDA!”

TEACHERS OF DREW MODEL SCHOOL HONORED FOR THEIR DEDICATION AND COMMITMENT TO ACHIEVING ACADEMIC SUCCESS FOR ALL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in honor of National Teacher Appreciation Week and to honor the teachers of Drew Model School for their outstanding and tireless efforts to raise academic achievement levels for all students at this institution.

The teachers and staff at Drew Model School approach each student with the belief that every child learns best within a social en-

vironment that supports and respects his or her unique development. Their programs encourage children to develop independence of thought and confidence of character while learning at their own pace. Additionally, Drew faculty members incorporate the traditional approach of children working, learning, and developing in mixed-age groups with the academic experience of gentle guidance under a specially trained teacher.

I am proud and grateful for the enthusiastic teachers at Drew Model School. Teachers make a difference in all of our lives, and today I would like to extend my warm thanks for their hard work and service to America's children.

I ask my fellow Members of Congress to join me in honoring Drew Model School teachers whose commitment to quality education is extraordinary and dedication to academic achievement is unmatched.

SENATE—Wednesday, May 6, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, known to us in countless ways and times without number, we turn to You that in Your light we might see light. As our lawmakers work, help them to see You in the common rounds and ordinary labors of their day. As they become aware of Your presence, may their lives experience the splendor and strength that You alone can give. Save them from pride and contention and lead them in Your way. Help them, Lord, to remember that You are still their refuge and strength and a very present help in the time of trouble. Send them forth to face this day armed with a faith that will not shrink though pressed by many a foe.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to an hour. The Republicans will control the first 30 minutes. Following morning business, the Senate will resume consideration of the Helping Families Save Their Homes Act. We will immediately proceed to a series of votes in relation to the remaining amendments. Currently we have nine amendments pending. We hope not all of the amendments will require a rollcall vote.

In addition, there may be a break in the voting sequence because Chairman BAUCUS, Senator GRASSLEY, and others have been invited to the White House. We may begin opening statements on the procurement bill during that time, while the White House meeting is taking place.

All votes following the first vote will be 10 minutes in duration. Senators are encouraged to remain near the Chamber during the series of votes.

Upon disposition of this legislation, the Senate will begin the consideration of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapons systems.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GUANTANAMO PLAN

Mr. MCCONNELL. Mr. President, it should be clear to everyone at this point that the administration got ahead of itself by announcing an arbitrary closing date for Guantanamo before it even drew up a list of safe alter-

natives. So I rise this morning to express my continuing concerns about the administration's apparent lack of a plan for detainees at this facility and to press the administration for answers on a number of important questions.

Over the past 2 weeks, I and others have asked the Attorney General to provide the American people with the assurance that closing Guantanamo will keep the American people as safe as Guantanamo has. We have asked a series of questions. So far these questions have gone unanswered. But the questions remain.

Which detainees will be released or transferred overseas?

How do we know these men will not return to the battlefield?

Will they be tried in American courts or will we use military commissions?

Will any be sent to U.S. soil, even though the Senate voted against it 94 to 3?

Finally, what legal basis does the administration have to release trained terrorists into the U.S.?

Americans want answers. Unfortunately, the administration seems more comfortable discussing its plans for the inmates at Guantanamo with a European audience than it is discussing these details with Americans.

Senator SESSIONS wrote a letter to the Attorney General weeks before his trip to Europe asking about the legality of releasing trained terrorists into the U.S. He sent another one to the same effect on Monday. He still has not heard back.

During the same trip, Attorney General Holder talked specifics about Guantanamo with European leaders. He said that the administration has identified 30 detainees at Guantanamo who are ready for release and that he would "be reaching out to specific countries with specific detainees." And according to reports, the administration has presented at least one country with a list of detainees it would like that country to accept.

Americans want to know that on the issue of Guantanamo the administration is as concerned about safety as it is about symbolism. They are concerned about the administration's plans for releasing or transferring some of the most dangerous terrorists alive. They want to know that these terrorists will not end up back on the battlefield or in their backyards.

At the very least, they should know as much about the administration's plans for these men as our European critics do.

So this morning I would like to ask the Attorney General to provide Congress with any information he has provided to foreign governments about his

plans for detainees at Guantanamo. If the administration will not relate its plans to the American people or their representatives in Congress, it should at least relate the details of its conversations on this issue with foreign leaders. This is not too much to ask.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNES. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DOMESTIC ENERGY PRODUCTION

Mr. JOHANNES. Mr. President, I rise today to discuss some of the energy issues currently facing the American economy. First among them is our dependence on foreign sources of energy.

Last summer, we all experienced the consequences of serving the foreign masters who control most of the oil we consume. In July, oil prices climbed to just under \$150 per barrel. Policymakers wrung their hands and scrambled while Americans tried to control their frustration. What did Americans see? They saw prices rising uncontrollably on the global petroleum market. That was especially painful for families. At the same time some at least started to realize that we have abundant reserves right here at home. But these reserves have been actively blocked by Federal policy for over 20 years.

Just how import dependent are we as a nation? Last year we imported about 4.7 billion barrels of oil. Based on an average price of \$100 per barrel, Americans shipped about \$470 billion overseas, nearly half a trillion dollars. That was just for calendar year 2008 alone.

We need to address this problem by expanding every domestic energy source in an environmentally responsible way. This strategy should include clean and renewable sources. I believe in that.

But one might ask: Why raise this issue now? That was last summer, and this year prices are down some. I raise this issue now to note to Nebraskans

and to my Senate colleagues that even though prices have relented, our exposure to foreign oil markets has not changed. That alarms me, and it should alarm my colleagues.

I fear the American people are getting set up again. Unfortunately, United States policy on domestic sources of energy hasn't changed much. For too long our Federal policy on domestic energy sources has consisted of three words: No, no, and no. Unfortunately, since this administration has taken office, we have seen evidence of more of the same tired no, no, no policies. First the administration in February canceled 77 leases for natural gas development in the State of Utah. Can we turn our backs on a domestic resource as critical as this one? We know that natural gas is clean relative to other fossil fuels. We know demand for natural gas is only going to increase. We need look no further than the Capitol's own power plant. The Speaker of the House and her own majority leader announced on Friday that we will no longer burn coal to heat the Capitol complex buildings and water.

What is the alternative? It is natural gas. Most troubling, perhaps, we know that natural gas is not easily transported. So increasing demand translates very quickly into increased price where additional supply is not available. This is not only true for heating; it is especially true for fertilizer and other industrial uses of natural gas. Fertilizer affects my State immensely. For the good of our farmers, for the good of manufacturers, for the good of the Nation, we need to find more domestic sources of natural gas.

If the administration says no to Utah, what about energy exploration in the Outer Continental Shelf, known as the OCS? Since the early 1980s, there has been in place a Federal moratorium of one sort or another on exploration in the OCS. Essentially, most of the Federal waters of the Atlantic and California coasts were off limits to energy development. This is worth repeating. For more than 20 years, Federal policy blocked energy exploration in many of the OCS areas.

Finally, last year, in the face of \$4 gasoline and very angry constituents, the moratorium on OCS exploration was lifted. Unfortunately, it appears to have been a short-lived victory.

In February, the administration announced a delay in the rules for exploration and utilization of the natural gas and crude oil off our shores. The administration assures us that the delay is only to pave the way for "wise decisions." But to a savvy American public, it sounds like more of the same. It sounds like a policy of no, no, and no or at least delay, delay, delay some more, especially when they hear that the same script was used for oil shale leases. That is right. The administration in February also withdrew leases

for research and development of oil shale on Federal lands in Colorado and Utah where our oil shale resources are equivalent to 800 billion barrels of oil.

The reason: According to the administration, the leases had "several flaws."

So what is the promise? The administration would offer a new round of oil shale leases for research and development. I will take the administration at its word but, again, it does sound like a broken record: Delay, delay, delay. So Americans, Nebraskans, and this Senator cannot be faulted for being a bit skeptical, for thinking that the most recent delays are simply more of the same. The day will return—unfortunately, perhaps in the not too distant future—when fuel prices will shoot up. Promises that the administration is doing everything it can may very well ring hollow. Americans will know that 77 leases for natural gas exploration were canceled. Americans will know that OCS and oil shale development and exploration was delayed again. Meanwhile their commutes are not getting any shorter. Their electricity bills are not going down. Fertilizer and food prices are continuing to increase.

There has been a lot of talk from the administration about ending our dependence on foreign oil. I welcome that. I want to be a partner in that. But so far the actions don't match the promises. The administration's only comprehensive policy document, which would be the budget outline to date, contains no effort to increase domestic production of critical oil and natural gas resources. Instead, the proposal raises taxes on the consumption of energy, spends a small fraction of the revenue on energy research, and claims that it is a strategy to end our dependence on foreign oil. Again, we see a policy of saying no to domestic energy sources.

Research and development in this field—don't get me wrong—is a good thing. It is a great thing, as a matter of fact. But we need to be candid with the American people. This should not be about bait and switch. We cannot promise a plan to end our dependence on foreign oil but give them the President's proposal to reach in the back pocket to take control of more of their money. With an abundant, largely untapped supply here at home, surely the administration can do better than to say their best idea is to restrict demand through an energy tax. That is essentially telling the Americans, your best bet is to buy a sweater because it is going to be costly to heat your home.

I am going to end my comments where I started. I am worried. Nebraskans are frustrated by a policy of saying no to American energy. I am in favor of the expansion of domestic sources of energy of all sorts—wind and

solar, wave and tidal and geothermal, alternative biofuels and nuclear—a policy of doing all we can to end our dependence on foreign oil. But I am also for expanding domestic sources of natural gas and crude oil. We need them. It simply makes no sense to buy from abroad, indeed to beg for more oil at times, when we have made it a matter of Federal policy to place our resources off limits. I, as one Senator, will be watchful. The President will send up his budget this week. We will see if the President demonstrates a commitment to bringing on line American natural gas and oil resources. I hope he does. I will be anxious to support that. We will watch and see if the administration continues, though, the policy of no when it comes to energy that is right here at home.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WITNESS TO HUNGER

Mr. CASEY. Mr. President, I rise this morning to talk about a very important and very moving exhibit I am proud to host in the Capitol complex; in particular, specifically in the Russell Building. The name of the exhibit is called “Witness to Hunger.” It is a project created by Dr. Mariana Chilton at Drexel University in Philadelphia, PA, and it is currently on display not far from here in the Russell Building.

To create this exhibit, Dr. Chilton gave cameras—cameras—to 40 women living in Philadelphia so they could document their lives, their struggles with hunger and poverty and so many other challenges. The result is a powerful exhibit of photographs giving us an insight—not the whole picture but an insight—into the lives of these women and the lives they lead and their children’s lives and their struggles living today in Philadelphia.

Women who are living in this city—part of this exhibit—try every day to provide a safe and nurturing home for their children, while finding a job that pays a living wage. They labor every day to provide food and medicine for their children. These are women fighting to make sure their children, their families, can have the health care they need. I will have the opportunity today to meet with several of the women who participated in the “Witness to Hunger” exhibit and this project. I wish to thank them for their bravery and rare courage to be able to open themselves, open part of their lives to all of us, and

for making the trip to Washington so we can hear about their experiences firsthand.

I have always believed that at its best, when it is doing the right thing, Government is about people. It is not, in the end, about budgets and data and information and numbers. That is important, but that is the means to the end. It should be about not every day do we meet this objective, but it should be about and must be about people. Today, we have a real example of that, a real living example of real people’s lives. “Witness to Hunger” reminds us that the programs we advocate for and work on and new initiatives in Washington that affect people’s lives are what we must be about. There is no better investment, in my judgment, than in the future of our children.

I also believe every child in America—every single child—is born with a light inside them. For some, that light will be boundless or scintillating or incandescent. Pick your word. There are no limits to the potential some children have; because of intellect or circumstance or otherwise, their future is indeed boundless. For other children, that light is a little more limited because of those same circumstances. But I also believe, at the same time, no matter whether that light inside a child is boundless or much more limited, it is our obligation to do everything we can to make sure that child’s potential—that bright light—is given the opportunity to shine as brightly as possible.

Kids in school right now will be the workforce that will help us build new industries and jobs and transform our economy into the future. The good news is we have already passed some important pieces of legislation that are improving children’s lives. Last year, the farm bill included a very strong nutrition section to increase access and benefits for people who use food stamps, now called by the acronym SNAP, but food stamps and other nutrition programs. The Children’s Health Insurance Program is another example which will bring the number of children in America who have the benefit of this good program—this time-tested, effective program—to almost 11 million American children. We will have an opportunity to do more because, despite the advancements we have made in children’s health insurance, there are still 5 million more children, even when we get to the 10.5 million, 11 million children, 5 million more with no health insurance.

I have a bill on prekindergarten education, and I will be working on that to make sure children have an opportunity for early learning; nutrition programs which also include not just food stamps, as I mentioned before, but the school lunch program, the Women, Infants, and Children Program, and on and on. One of the most important en-

deavors we will be working on in the near term is the Child Nutrition Act, critically important to make sure children get a healthy start in life.

When we talk about that light inside a child, I do believe we have—all of us in both parties, in both Houses of Congress, and in the administration—all of us have an obligation to make sure that light shines as brightly as possible for each and every child. We do that by doing a number of things. One is to make sure the children have access to early learning, that they have nutrition in the early years of their life, and that they also have health care. If we at least provide that opportunity for every child—nutrition, health care, and early learning—not only will that child be better off, we are all going to be better off in terms of the kind of economy and, therefore, the kind of workforce that is the foundation of that economy we build into the future.

I hope my colleagues and their staffs have a chance to view this exhibit “Witness to Hunger.” I also believe it is in keeping with and is consistent with that commitment to make sure the light in every child burns as brightly as possible for each and every child in his or her family. I know that is my obligation as a Senator from Pennsylvania, and I believe it is all our obligations as Senators.

Mr. President, thank you very much. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, is the vote at 10:30?

The ACTING PRESIDENT pro tempore. I believe it is 10:40.

Mr. GREGG. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTOMOBILE INDUSTRY

Mr. GREGG. Mr. President, I rise to speak about the continuing effort to address the issue of our automobile manufacturers—specifically, Chrysler and General Motors, and especially where the taxpayer ends up in this effort, whether the taxpayer ends up as a winner or a loser.

On the Chrysler bailout proposal, it is pretty clear that if the administration’s initiative is followed through, some very significant events will occur that will adversely affect the taxpayer. In fact, instead of getting a brandnew car, the taxpayer is going to let a lemon.

What is being proposed by the administration—or what was proposed prior to the bankruptcy being filed and which is now being pushed by the administration into bankruptcy, as I understand it—is that the three different

classes of basic players, relative to the reorganization of Chrysler, would get significantly different treatment. For example, the taxpayer, who has already put \$4 billion into Chrysler—the American taxpayer—would have to forgive all of that; all \$4 billion would be lost, 100 percent lost under the administration's proposal, and then they would be asked to put another \$8 billion into the pot as Chrysler comes out of bankruptcy. In exchange for forgiving the first \$4 billion, the taxpayer would get 8 percent of the new Chrysler, the Chrysler that came out of bankruptcy. This was the proposal. I don't think that sounds like a great deal for the taxpayer, to have put \$4 billion in and get none of it back—and remember, we just put the \$4 billion in—and then to be asked to put another \$8 billion in and get an 8-percent stake. It especially doesn't make a lot of sense when you look at what is proposed—well, let's go to the bondholders next, though.

The bondholders would be asked to essentially take an even more significant reduction in their position, which may be legitimate. They would be asked to forgive, I believe—well, I am not absolutely sure of the number they would be asked to forgive, but I think it would be in the multiple-billion-dollar range, and they would be asked to forgive it, even though they may be secured bondholders. So they would be basically wiped out in this process or their interests would be reduced dramatically.

The practical implications of that are that the bondholders had invested poorly, obviously, and specifically, they would have to forgive, I believe, \$4 billion of their \$6.8 billion of debt, and they would get \$2 billion back. But that would be a big haircut, and that is probably reasonable. They made a bad investment. But interestingly enough, even though they are secured creditors, in many instances, or have a higher priority of bond debt than, for example, the UAW debt or maybe even the taxpayer debt, their position would be treated more detrimentally than the taxpayer or the UAW. That doesn't bother me all that much, from the standpoint of the taxpayer. Obviously, we should be treated better than anybody else in this process.

It does bother me a little bit from the standpoint of how you prioritize debt. If we look at what is happening with the UAW in the deal, as proposed by the administration, they would have to forgive, I believe, approximately \$6 billion of their outstanding responsibility—outstanding debt—which is about 57 percent of the obligation of Chrysler to the UAW. But in exchange for forgiving that \$6 billion, they would get a 55-percent stake in the new company.

So to review this situation, the UAW would forgive 57 percent of their debt

owed them by the company—or \$6 billion—and they would get 55 percent of the new company. The taxpayer would have to forgive 100 percent of what was just put into Chrysler and would get 8 percent of the new company. The senior bondholders would have to forgive all of their debt, and in exchange they would get \$2 billion back. That doesn't make a lot of sense.

Basically, what is happening is, the UAW, the union, is being put in a far superior position than the bondholders, who are secure, or the American taxpayer, who basically was asked to put up \$4 billion, and then has that wiped out in exchange for 8 percent of the new company, and then is being asked to put in another \$8 billion.

This has two fairly significant implications. First, the taxpayer is buying a lemon, getting a bad deal. We, the taxpayers, are getting a bad deal. Second, the unions are getting a great deal. They are getting a higher status as secured debtors. They are getting a significantly higher return—which is 55 percent versus 8 percent of the new company—than the taxpayer. The process is basically turning on its head the traditional legal order under which people are repaid out of a bankruptcy estate. The taxpayer usually comes first out of a bankruptcy estate. Usually, it is the IRS in that case, then comes senior debt, then comes the issue of debt owed to pension funds, obligations which the unions have, and then comes the common equity. In this structure, it is just the opposite. Well, that change sends a very serious signal to the marketplace that is not good because if people don't know the prioritization of debt, then they don't know how to lend money and what the cost of the money they lend should be.

That is going to affect interest rates and create uncertainty and basically undermine what is an established rule of law that we have in this Nation relative to the prioritization of how people get paid off when somebody goes into bankruptcy. It is a very important issue, one of the things that makes our commercial system different than, say, a place like Russia, where you have no idea what is going to happen when you go into a court system because it is totally arbitrary. In ours, we have a structured proposal, an orderly way of approaching things. Everybody knows what is going to happen if an investment should go south. Everybody knows what their order of priority is in being paid out. In a bankruptcy situation, it is pretty clear.

Yet now comes the administration, and for what appears to be purely political reasons, not economic reasons, because the economic issue is how you basically take a company such as Chrysler and make it competitive again so it can produce cars that people want to buy at a price people can afford—that is the economic issue—and

keep it viable to the extent that it is viable. No, this is a political decision to reorder who the winners and losers are in a structure—what amounts to an attempt to structure a bankruptcy before it occurs. That was the administration's initiative.

This is a serious issue. When we start putting politics in place of the law in any area in our Nation, but obviously in the area of commercial activity—when we start picking winners and losers based on the political party's implied interest or interest in seeing a certain segment of the society be the winner versus another segment they see as being less deserving, then we undermine the essence of our commercial activity in this Nation, which is to have knowable, identifiable, ascertainable results, as a result of having a legal system that defines people's property rights.

Yet this administration, in a very cavalier way, has suggested that the UAW should be a huge winner compared to the taxpayers and the bondholders in a manner which has no relationship to what has been the historical priority of status relative to distributing and reorganizing a company—distributing a bankruptcy estate and reorganizing a company.

Why would it occur that this administration would, in a very arbitrary way, try to set aside the rules of priority of ownership and property rights to benefit one group over another group outside of what has been the historical and legal way things have been structured? It is obvious. It doesn't take much to recognize that. The UAW has a huge political influence in this administration and in this Congress. They used that political influence to make sure this deal was structured in a way that most significantly benefitted them. But who is the loser? The loser is the real stakeholders and people to whom we are supposed to have primary responsibility as a government, and that is the taxpayers. The taxpayers are the losers on the face of it, when we only get 8 percent and the unions get 55 percent of the new company, and we are paying \$4 billion and they are paying \$6 billion, and then we are putting in another \$8 billion on top of our \$4 billion. So it ends up being \$12 billion, and we only get 8 percent. The unions will put in \$6 billion to get 55 percent.

That is not right. It is not appropriate, and it is not fair to the taxpayers of America. But that was the proposal and what is trying to be strong-armed through this system. It is not fair to the taxpayers. It also sets a dangerous precedent of trying to reorganize the stated priority of status relative to the right to recover under a bankruptcy situation or pursuant to secure property issues in a way that could be translated into, significantly, other parts of the economy.

People will now question the status of their debt and inevitably have to

charge more in order to try to ensure over the unpredictable consequences of the Government coming in and reordering the priority of the debt. That is dangerous in a commercial society that depends on law in order to set an established order of property rights.

This is a big issue. It hasn't been discussed much. Obviously, the bankruptcy courts have now stepped in because some of the secured parties have said they wouldn't accept the deal. But still the administration pushes this concept of having the taxpayer take a vastly significant, reduced position compared to the UAW, while putting in much more money than the UAW and, at the same time, reordering the priority of property rights.

I hope people will begin to focus on this issue, and I hope our bankruptcy courts will stick with what is the order of the law and not the order of politics.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant bill clerk (Adam Gottlieb) proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 896, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

Pending:

Dodd/Shelby amendment No. 1018, in the nature of a substitute.

Dodd (for Grassley/Baucus) modified amendment No. 1020 (to amendment No. 1018), to enhance the oversight authority of the Comptroller General of the United States with respect to expenditures under the Troubled Asset Relief Program.

Dodd (for Grassley/Baucus) modified amendment No. 1021 (to amendment No. 1018), to amend chapter 7 of title 31, United States Code, to provide the Comptroller General additional audit authorities relating to the Board of Governors of the Federal Reserve System.

Dodd (for Kerry) modified amendment No. 1036 (to amendment No. 1018), to protect the interests of bona fide tenants in the case of any foreclosure on any dwelling or residential real property.

Reed/Bond amendment No. 1040 (to amendment No. 1018), to amend the McKinney-Vento Homeless Assistance Act to reauthorize the act.

Casey amendment No. 1033 (to amendment No. 1018), to enhance State and local neighborhood stabilization efforts by providing foreclosure prevention assistance to families threatened with foreclosure and permitting statewide funding competition in minimum allocation States.

Coburn amendment No. 1042 (to amendment No. 1040), to establish a pilot program for the expedited disposal of Federal real property.

Dodd (for Reed) modified amendment No. 1039 (to amendment No. 1018), to address impediments to liquidating warrants.

Dodd (for Boxer) amendment No. 1035 (to amendment No. 1018), to require notice to consumers when a mortgage loan has been sold, transferred, or assigned to a third party.

Dodd (for Schumer) modified amendment No. 1031 (to amendment No. 1018), to establish a multifamily mortgage resolution program.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to read a unanimous consent request which will list a lot of numbers, but these numbers relate to Members and the various amendments being offered and the sequencing of them. I say to my colleagues, Senator REED from Rhode Island, Senator BOXER, Senator CASEY, and Senator GRASSLEY, that if they would like a minute to be heard, this consent request includes giving them a minute to address their amendment. That order is: Senator REED, Senator BOXER, Senator CASEY, and Senator GRASSLEY.

Mr. President, I ask unanimous consent that the order for votes be changed as follows and that votes occur in relation to the amendments covered under the previous agreement; that it be in order to consider and agree to the following amendments, en bloc, and that the motions to reconsider be laid upon the table, en bloc: amendment No. 1039, as modified, amendment No. 1035, amendment No. 1033, and amendment No. 1020; that a Member with an amendment being accepted be accorded a minute; further, that the vote sequence now be amendment No. 1036, as modified, amendment No. 1031, as modified, amendment No. 1042, amendment No. 1040, and amendment No. 1021, as modified; further, that the remaining provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The four amendments are agreed to en bloc.

The amendments (Nos. 1039, as modified, 1035, 1033, and 1020) were agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island is entitled to 1 minute.

AMENDMENT NO. 1039, AS MODIFIED

Mr. REED. Mr. President, I thank the chairman.

My amendment makes it very clear that when financial institutions repay their TARP funds, the Secretary of the Treasury is not required to liquidate or

surrender the warrants. Warrants were issued to the Department of Treasury in conjunction with the capital injections under TARP. They are valuable financial instruments. They are separate from the TARP funds. I think it is the responsibility of the Secretary of the Treasury to balance many factors, but one factor they must consider is obtaining a substantial return for the taxpayers because of their investment of funds. This will allow him the discretion to do that. It will be an important way in which the Treasury Department can recoup some of the investments of the taxpayers in this program.

I thank the chairman.

Mr. DODD. Mr. President, I strongly endorse the Reed amendment. It is a very strong contribution to the bill. I commend him for it.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1035

Mrs. BOXER. Mr. President, I say thank you, particularly to Chairman DODD but also to Senator SHELBY, with whom I have discussed this amendment. It is very simple. It just says that if you have a mortgage on your home, you ought to know who holds that mortgage note. We say that if your mortgage is sold to someone else, the new party has to let you know who they are and how they can be contacted. This is very important. We have read stories where people cannot find out who holds their mortgage. Frankly, if you are in trouble and you want to renegotiate your mortgage, you need to sit down with the company that holds your note. That is all we do in this amendment.

I am very pleased. It seems like a no-brainer to me. Clearly, the law needs to be made explicit because, frankly, the people who hold the mortgages seem to go into hiding and you cannot find them when you want to find them.

Again, my deepest thanks. I appreciate it.

Mr. DODD. Mr. President, I thank Senator BOXER of California for this amendment. It is so reasonable, and yet so many people have had difficulty. Today, with the securitization of mortgages, that mortgage no longer stays at your bank for the length of that mortgage. Today, it is sold off very quickly. When homeowners want to find out who actually has that mortgage, it is almost impossible to discover that. Senator BOXER's amendment makes that possible once again, and it is a very valuable contribution to the bill.

Mrs. BOXER. Will the Senator yield?

Mr. DODD. Yes.

Mrs. BOXER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by several consumer organizations supporting this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 4, 2009.

Chairman CHRISTOPHER DODD,
Senate Banking Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD: The undersigned representatives of homeowners strongly urge you to support the amendment offered by Senator Boxer which would only require that homeowners be informed of who owns their mortgage loans. This simple disclosure bill mandates that when a mortgage loan is transferred, the homeowner be informed of how to reach an agent of the new owner with the authority to act on its behalf.

There are many examples of homeowners who were unable to exercise their federal rights, unable to work out a reasonable solution to all parties, unable to avoid a foreclosure, even when the foreclosure will cost the investor money, just because the homeowner did not know, and could not find out the identity of the owner of their home mortgage.

A recent reported case in Pennsylvania illustrates the need for this straightforward amendment (Meyer v. Argent Mortgage Co. (In re Meyer), 379 B.R. 529 (Bankr. E.D. Pa. 2007).) James and Mary Meyer took out a high-rate home loan with Argent Mortgage in 2004. However, when they later attempted to exercise their rights under TILA to rescind that loan, their servicer, Countrywide, refused to identify the current holder. By the time the Meyers discovered that the current holder was Deutsche Bank, the deadline for rescinding the loan had passed. As a result, the court dismissed their claim, even though it found that there were grounds to rescind the loan. Had the Meyers known who their note holder was, they could have exercised their rights under TILA to rescind the loan and cancel the lien against their home.

Current law does require that homeowners be informed when the servicer is changed. Yet, servicers too often refuse to modify loans, because their remuneration will be greater if there is a foreclosure. And, federal law requires that servicers tell the homeowner the identity of the note holder. Yet this provision—15 U.S.C. 1641(f)(2)—has completely failed to protect homeowners because there is no private right of action, and no specific requirement to name a particular party with authority to act on behalf of the owner.

Senator Boxer's simple amendment provides borrowers with the basic right to know who owns their loan by requiring that within 30 days after a mortgage loan is transferred, the new owner would be required to provide the following information: the identity, address, and telephone number of the new creditor; the date of transfer; how to reach an agent or party having authority to act on behalf of the new creditor; the location of the place where the transfer is recorded; and any other relevant information regarding the new creditor.

This is merely a disclosure requirement—to bring a bit of clarity and transparency to the opaque mortgage market. The cost to the industry is small. The benefit to homeowners and communities would be tremendous.

Thank you for your consideration. Please contact Margot Saunders at the National Consumer Law Center with any questions—(202) 452 6252, ext. 104.

Sincerely,

CONSUMER ACTION.
CONSUMER FEDERATION OF

AMERICA.
CONSUMERS UNION.
NATIONAL ASSOCIATION OF
CONSUMER ADVOCATES.
NATIONAL ASSOCIATION OF
NEIGHBORHOODS.
NATIONAL CONSUMER LAW
CENTER.
NATIONAL COUNCIL OF LA
RAZA.
NATIONAL FAIR HOUSING
ALLIANCE.

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute.

AMENDMENT NO. 1033

Mr. CASEY. Mr. President, I thank Chairman DODD and Senator SHELBY, as well, and so many others who made it possible for a lot of these amendments to come together.

Our amendment is very simple. It sets aside up to 10 percent of the dollars allocated for the Neighborhood Stabilization Program, a very good program. We wanted to have some of those dollars used for counseling or for foreclosure prevention and mitigation. This allows that to happen. It is a very good result for people struggling with the terrible problem of foreclosure.

I thank the chairman for his work.

Mr. DODD. I thank the Senator. Having authored the neighborhood stabilization bill, those dollars going back to the communities have been a great asset in order to deal with foreclosed properties and to mitigate. Bridgeport, CT, in my State, is one example. I think all of our colleagues can cite examples. Allowing for the allocation of some of these resources along the lines the Senator from Pennsylvania suggests is a terrific contribution as well. I thank him for it.

AMENDMENT NO. 1020

Senator GRASSLEY was the other admendment. I commend Senator GRASSLEY for his amendment. It is a good amendment, in my view, and one worthy of our support. I am not sure he is going to be able to be here to make a comment. It is a good amendment. I urge my colleagues to support it. We worked on it yesterday, and Senator GRASSLEY is to be commended for his efforts.

AMENDMENT NO. 1036, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1036, as modified, offered by the Senator from Massachusetts, Mr. KERRY.

Mr. KERRY. Mr. President, we have taken a lot of effort to try to help troubled borrowers in communities that have foreclosed properties. Here is the problem that exists. If you are a renter and living in a property that has been foreclosed on, you have nothing to do with the foreclosure, you are paying rent, you have a lease, but a lot of these people are getting kicked out of their apartments, out of their homes.

What we want to do is provide them with a provision where they will have

90 days—if the people who foreclosed are going to use that residence as a primary residence. If the residence is going to continue to be a multiple-party residence where they have a number of people renting and they will continue to use it as such, we want to leave those leases in effect until the end of the lease. We are protecting legitimate, low- to moderate-income folks in America who do not get protections otherwise from being just booted out on the street, which is literally what has happened in the absence of this protection.

This provision will sunset in the year 2012 and only applies to properties with legitimate leases.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. I know colleagues will support it.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I believe this is not a good proposal. This changes the law, as we understand it. It has been working a long time. It will cause all kinds of problems. Once a property is foreclosed, what do you do with it next? It delays it.

I ask my colleagues to oppose the Kerry amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—57

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NAYS—39

Alexander	Bond	Burr
Barrasso	Brownback	Chambliss
Bennett	Bunning	Coburn

Cochran
Collins
Corker
Cornyn
Crapo
DeMint
Ensign
Enzi
Graham
Grassley

Gregg
Hatch
Hutchison
Inhofe
Isakson
Johanns
Kyl
Lugar
Martinez
McCain

McConnell
Murkowski
Risch
Roberts
Sessions
Shelby
Thune
Vitter
Voinovich
Wicker

NOT VOTING—3

Johnson Kennedy Rockefeller

The amendment (No. 1036), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 1039, AS MODIFIED

Mr. DODD. Mr. President, not withstanding its adoption, I ask unanimous consent the Reed amendment, No. 1039, be modified with the change at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. 126. REMOVAL OF REQUIREMENT TO LIQUIDATE WARRANTS UNDER THE TARP.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended by striking "shall liquidate warrants associated with such assistance at the current market price" and inserting ", at the market price, may liquidate warrants associated with such assistance".

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me notify my colleagues here, there will be no more votes at this moment. There will be some votes around 1:30. The pending matter is the Schumer amendment. There is some effort being made to see if some agreement can be reached on that. There is an outstanding issue. After that would be Senator COBURN, Senator JACK REED, and Senator GRASSLEY. I know we intended to have two or three votes but, because of these problems, we cannot at this moment, so I leave it to the leadership—1:45, I am now being told, is when the next vote will occur.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. STABENOW. I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that after Senator STABENOW is finished, I then be recognized and then Senator MCCAIN be recognized to offer our statements introducing the bill which will be called up after the final passage of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I did not hear the Senator's request.

Mr. LEVIN. The suggestion was that we make our opening statements during this lull time. That is fine with Senator MCCAIN and me.

Mr. REID. Mr. President, that would be wonderful. I have spoken to the Republican leader. We can come back and start voting at 1:45. I would ask that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. The problem now is, the Republican leader and I did not know about a problem. So we will come back about 2.

I yield to my distinguished colleague.

SOJOURNER TRUTH

Ms. STABENOW. Mr. President, I rise to salute an outstanding woman who spent the final days of her life in Michigan and will be buried in Battle Creek, MI. It is appropriate that my partner and colleague and friend, Senator LEVIN, is on the floor as well.

I rise to salute a woman who was a pioneer, a patriot, a champion for equal rights, and a proud citizen of Michigan for the last 26 years of her life, Sojourner Truth. Last week she was honored with a bronze bust, a beautiful sculpture by Artis Lane, in Emancipation Hall in the Capitol Visitor Center.

Sojourner Truth was an activist, someone we might call today a community organizer. She was active for civil rights and for women's rights. She was also a mother and a proud American.

Born into slavery, as a young girl she learned only Dutch because that was the language that was spoken by her plantation owner. When she was only 9 years old, she was sold with a flock of sheep for \$100 at an auction. Her new owner did not speak Dutch and beat

her severely until she learned English. She did learn English, and quickly, but carried a subtle Dutch accent for the rest of her life.

Eventually, she was married, not the man of her choice but the man of her master's choice, and had several children. Sojourner had secured a commitment from the plantation owner that if she worked hard and faithfully, she would be freed. When the State of New York, where she was at the time, began the process of emancipation, she approached the owner and asked him to honor her agreement. He refused.

Infuriated, she went to work. She worked hard until she felt she had upheld her end of the bargain and then she walked away. She said: "I did not run off, for I thought that wicked, but I walked off, believing that to be all right."

She began working to free the rest of her family from slavery. When New York finally emancipated all of the slaves, Sojourner found, to her horror, that her 5-year-old son Peter had been illegally sold to a plantation in Alabama. She turned to her faith in God, as she had done when she endured the lash and as she would do as she continued her fight for equal rights.

She turned to her friends in the religious community, especially the Quakers, who offered her comfort and counsel. She turned to the law, to that great promise of America, that liberty and justice are accessible to everyone.

When her son, this little 5-year-old boy, her precious child, walked into the courtroom, Sojourner was stunned. Her tiny son had been abused with such cruelty; he had scars from head to toe. She cried out:

See my poor child. Oh, Lord, render unto them double for all of this!

She won her case, a Black woman against a wealthy White man, a rare occurrence. Less than a year later, that same slaveholder, apparently without little Peter to beat up on, beat and killed his wife. On hearing the news, Sojourner was devastated. She realized her prayer had been answered, but she did not rejoice. She said: "I did not mean quite so much, God."

Such character in this woman. Sojourner Truth stands out as someone who has been devoted to values we hold dear today: liberty, equality, justice, and also a deep compassion and sympathy for the suffering of others.

She truly embodied the Christian principles of hope, love, and charity. She eventually came to live in a small religious community called Harmonia, located just outside Battle Creek, MI. There she preached the gospel and traveled around the country, giving speeches and fighting for the abolition of slavery and the rights of women.

Sojourner helped recruit Black troops for the Union Army to end the scourge of slavery. She was a leader in her community, an elder, and a source

of inspiration. She was a humanitarian, traveling to Kansas in her eighties to help the refugees who were fleeing discrimination in the South.

She never lost her faith in God or in the inherent goodness of all people, no matter how awful they acted, no matter what terrible things they had done to her. In these trying times, she is truly an example of the kind of person we should all wish to be.

I am proud she chose to make Michigan her home for the last 26 years of her life and her final resting place. We are a State full of fighters, with a spirit that gets us through tough times, which we certainly are facing today.

I am pleased that as visitors come to the Capitol, as they enter Emancipation Hall, they can see Sojourner Truth as she was: A fighter, a spirited woman, a passionate civil rights leader, and a mother filled with compassion, a patriot, and the embodiment of the American ideal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending unanimous consent agreement be modified so Senator DURBIN can be recognized in morning business.

The PRESIDING OFFICER (Mrs. GILLIBRAND.) Without objection, it is so ordered.

MORTGAGE FORECLOSURES

Mr. DURBIN. Madam President, there was a debate last week on the floor of the Senate about the mortgage foreclosure crisis facing America. It was estimated a year ago we were going to lose 2 million homes to mortgage foreclosure.

The new estimate from Moody's is 8 million homes. What does that mean? It means one out of every six home mortgages will face foreclosure. That is a national crisis. It is at the heart of this recession.

The problem, of course, is that those people who have loaned money on these mortgages are content to see them go all the way through foreclosure and become vacant eyesores in neighborhoods across America.

That is not good for the family who lost the home, it is certainly not good for the neighbors next door who watch their real estate values plummet. It turns out, it is not good for the bank. A bank in foreclosure will lose some \$50,000 in the process, with all the fees that are associated with it, and then end up with an empty house.

Some 99 percent of homes in foreclosure go back to the bank, and they sit there as eyesores because banks are not landlords; they do not cut the grass, they do not worry about whether the flowers are going to be planted in the spring. They are waiting for something to change economically. While

they are waiting, that neighborhood is changing because of that foreclosed home.

A foreclosed home in your neighborhood is going to bring down your property values. We offered the banks this option: We said to the banks and those who hold the mortgages: If you will invite in the borrowers at least 45 days before they would file for bankruptcy, have them bring the legal documents in and calculate what it would take to offer them a mortgage to stay in the home, if you make them the offer of a renegotiated mortgage and they turn it down, then they go to bankruptcy court and, frankly, have no recourse there to turn to, because, you see, bankruptcy courts will not change the mortgage on your home, even if you are in bankruptcy facing foreclosure.

They will change the mortgage on your vacation home, your farm or your ranch but not your primary residence. I literally negotiated with banks for months to try to find out some way we could protect these homeowners to give them a second chance, if, in fact, they had an income and they could, in fact, pay a mortgage, and say to the banks: You have the last word if someone ends up in bankruptcy.

Well, we went through months of negotiations. In the end, virtually all the banks, all the banks except Citigroup, picked up and walked out of the negotiation. They said: We are not interested in negotiating. So the amendment was defeated last week.

I did not receive a single vote on the other side of the aisle and lost several votes on the Democratic side. Some of the people who watched this debate said: Well, why did you call up this measure? It was not going to pass. I called it up for the same reason this year as I did last year. This crisis is getting worse. I have met these people who have lost their homes in foreclosure. I feel a responsibility to them to make an effort so they have a chance to save their homes.

Three of them came to a press conference in Chicago on Monday, each one of them telling a heartbreaking story of a home they worked hard for, and because of some deception in their mortgage or being misled by a mortgage broker or being given a stack of papers they could not possibly absorb and understand, these people were going to lose their homes, many of them in tears after being in these homes for years. Their neighbors came and talked about the same problem. What is it going to mean with this empty house in foreclosure?

So now we find that many of the same people who opposed the idea of dealing directly with mortgage foreclosure are now coming forward when it comes to the bankruptcy of the Chrysler Automobile Corporation.

This morning in the Washington Post, Harold Meyerson had an article

entitled: "What's Good for Chrysler." He tells the story of a court hearing. The court hearing is over the potential bankruptcy of Chrysler. The attorneys representing the hedge funds have come out in opposition to the Chrysler bankruptcy workout.

Judge Arthur Gonzalez noted, and I quote from the story, in denying the request of the attorneys for the hedge funds:

Blocking the loan—

Which is being asked for—

would force Chrysler (and, he could have added, many of its suppliers and dealers) to liquidate—throwing tens (perhaps hundreds) of thousands of Americans out of work during the most serious recession since the 1930s and terminating medical benefits to tens of thousands of Chrysler retirees.

Liquidation—

Which is what the hedge fund attorneys are asking for in Court—

would also compel the American public [the taxpayers] to write off the loans the government has made to the company, rather than become shareholders in the slimmed-down Chrysler, as the Treasury's plan suggests.

What the Department of the Treasury and the workers are trying to do is to save the car company. They understand they have to make massive concessions. They have to change the way they do business. But their ultimate goal is to see Chrysler survive so that jobs will be protected and so that retirees' health benefits will not disappear. So, ultimately, the taxpayers of America who loaned money to Chrysler will be paid back. The hedge funds, many of them also involved in the mortgage crisis, have turned the same deaf ear to Chrysler's situation as they did to mortgage foreclosures. They are in it for one reason—to make a buck, take the profit and go home. They don't care about the ultimate consequence.

The ultimate consequence of Chrysler liquidating is, of course, misfortune for the workers and retirees, but more burdens on taxpayers. What happens to workers who lose their jobs at Chrysler? They draw unemployment benefits, benefits paid for, some by the company and others by taxpayers. What happens to retirees who lose health care benefits? They become more dependent on government programs to help them survive.

Once again, this part of our economy, the financial industry, has shown an insensitivity to the reality of the recession. Whether it is mortgages in Albany Park in the city of Chicago foreclosed upon, changing that neighborhood, or whether it is the Chrysler employees and retirees fighting for their economic lives, the hedge funds on Wall Street have said: We are going to turn a blind eye. We are not going to get involved. We will not make a commitment.

There will come a time, and I hope soon, when there will be a reckoning—it didn't happen last week; it may happen soon—when the Senate stands up

for a lot of people who need a voice in this Chamber, many of whom can't afford a lobbyist in the hallway, many of whom are just struggling, hardworking families. Whether they are in Michigan, where Senator LEVIN represents the State, as does Senator STABENOW, or in the State of Illinois which I represent, these people need folks who will stand up and fight for them. It won't be easy.

For those who are prepared to stand up and fight, also be prepared to lose. I lost on my amendment last week. But I am not going to give up. The defeat of the amendment on mortgage foreclosure is postponing the inevitable. The inevitable is that we are going to have to reckon with the financial institutions in this country and the fact that they do not have the national interest in their hearts when it comes to some of these basic decisions that need to be made.

It is time for us to work with the will of the people of this country and to establish some order that gives working families and homeowners across America a fighting chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, before the Senator from Illinois leaves the floor, I thank him. He has been a voice, indeed, for people who don't have a voice. He has done that throughout his career both here and in the House. It is a pleasure listening to him.

I believe I asked unanimous consent to have my statement on S. 454 printed in the RECORD immediately after our legislation is called up this afternoon, and with the permission of Senator MCCAIN, I ask unanimous consent to have his statement also printed in the RECORD at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York is recognized.

HELPING MOTHERS AND CHILDREN

Mrs. GILLIBRAND. Madam President, I rise today to talk about a bill that I will be introducing called the Elimination of the Single Parent Tax Act.

When I came to the Senate, I reflected often on some of the work I did in the House. As a Congresswoman, I spent a lot of time in my community doing "Congress on York corner." I would go to a local book shop or a senior center or a grocery store and meet with folks and listen to their concerns. I would try very hard to turn those concerns into legislative ideas.

One of the last ones I did as a House Member was in Warren County. A woman said to me:

Congresswoman, I received a bill from the Federal Government and I need you to do something about it.

She was very visibly upset. She also said to me:

This is a bill for \$25. I am a single mom and I earn about \$20,000 a year. I have 3 boys. The Federal Government is billing me because I receive child support. I cannot handle another bill, and while \$25 may not seem like a lot to you, it is to me, because \$25 is what I spend for my boys for lunch for a week. Please do something about this.

I looked into the issue, and I found out it was part of the Bush administration's Deficit Reduction Act of 2005. It occurred to me, why in the world are we trying to balance the Federal budget on the backs of single parents, particularly those who need that money to provide for their kids? On average, 30 percent of the income that single parents receive is from their child support. So it goes a long way to providing basic needs for their kids, whether it is for diapers, baby formula, food, education, or health care. So I wrote this bill to address this problem. I think it should not be paid by the single parents, or the States, and that, in fact, the overhead should be covered.

This penalty raises only \$65 million per year. That is a cost I think we should include as we begin to look at the Deficit Reduction Act this year.

Interestingly enough, in the Deficit Reduction Act, under the Bush administration, they also cut more than \$4 billion of incentive payments the Federal Government had made to States to help encourage them to improve child support programs. This funding is crucial to how our single parents provide for their kids.

As we begin to look at Mother's Day, which is right around the corner and it is a time when we all reflect on how much our mothers have done for us and how much we love them, I think we as Federal legislators should do what we can do to protect our mothers and to stand up for them and help them take care of their kids.

If we can pass this bill, it will make a difference for many families in New York State. There are more than 200,000 families who are affected by this tax. For example, over 13,000 single parents in western New York; over 14,000 single parents in Rochester and the Finger Lakes region; over 11,000 single parents in central New York; over 8,000 single parents in the southern tier; over 18,000 single parents in the capital region; over 7,000 single parents in the north country; and over 25,000 single parents in the Hudson Valley.

Right now there are 27 States across the country that are charging this single parent penalty tax. This could make a difference all across our great Nation.

I am going to work very hard with the Finance Committee chairman to strike this fee from the Deficit Reduction Act when it is reviewed by the committee in the coming months.

As we reflect on Mother's Day, we have to do our part to make a dif-

ference for our mothers. One other issue that is near and dear to my heart that will make a difference for our moms is the Paycheck Fairness Act. If we look at the statistics, it is pretty unbelievable. For every dollar a man earns, a woman earns only 78 cents. If you are a woman of color, it is even worse. If you are an African-American woman, you will earn 62 cents. If you are Latino, you will earn 53 cents. That is unacceptable and unfair because when women earn more money, they can bring more money home to their families and better provide for their kids. All the statistics show when women earn their fair share, children have better access to education, health care, and opportunities.

As we celebrate Mother's Day, let's do something for our mothers and fight for them so they can protect and provide for their children.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator has that right.

CELEBRATING THE ACHIEVEMENTS OF WEST PREP

Mr. ENSIGN. Madam President, I rise to honor the leaders, visionaries, students, faculty, and the parents at West Prep in North Las Vegas, NV. At a time when disappointing and depressing news seems to fill our days, there is a light of promise beaming from a very unlikely place in my State.

Just a few short years ago, the writing was on the chalkboard for West Middle School. The school was persistently dangerous and consistently the lowest performing middle school in southern Nevada. Madam President, 100 percent of the students are from low-income households, and 92 percent of them are Hispanic or Black. These children had not just been left behind, their futures were sort of swept under the rug for someone else to deal with at another time.

Fortunately, there are educators who will never settle for that. Associate superintendent Dr. Ed Goldman asked if he could take the school over. He hired a young, brash, hungry principal named Dr. Mike Barton and made sure the school had empowerment-level funding. He also gave Dr. Barton tremendous reign over the school. That was in April 2006.

Today, West Prep is a study in education innovation. They extended the

school day and provided a third semester as summer school. Forty percent of the children have voluntarily signed up for this summer school. Now they have begun a transition to a full K-12 campus. There is afterschool tutoring. The students wear uniforms. There is a newcomer track for students new to the United States. Science and math classes are divided by gender. There is a law enforcement class that collaborates with the FBI and a Men Mentoring Men program, both of which are keeping kids out of the dean's office. Students feel safe now when they go to this school. Most importantly, they are finally learning.

I had the opportunity to visit this school and observe the students throughout the school. When an adult walks into the classrooms, all of the children stand, say good morning, sit back down, and continue their lesson. They are taught to respect elders.

When I visited that school, I had the opportunity to observe a chemistry class. They were performing a chemistry experiment. I asked one of the students—she was an African-American young lady who had attended the school before Dr. Barton took over: What is the biggest difference between then and now? What was happening now, as opposed to before educators shook things up? She had a very simple reply. She said: Now I get to learn.

It seems like such a simple thing, to be able to learn, almost shocking that those kinds of words would come out of her mouth. But these students had been robbed of that opportunity. We are the greatest Nation on earth, and we have not figured out how to make it so all our kids can learn. Give a child an education—an education that teaches and inspires—and there is no limit to their potential. The test results at West Prep are proof.

This school has seen phenomenal test score growth. Recently, we learned how phenomenal that growth is. Three years ago, only 17 percent at what was then West Middle School could read or perform math at grade level. Only 17 percent. Today, 97 percent of juniors are proficient in reading, 73 percent are proficient in math, and 64 percent are proficient in science. About 80 percent of the juniors were enrolled at the school 3 years ago when Dr. Barton took over. Isn't that amazing?

I am so proud of what Dr. Goldman and Dr. Barton have done, but I am especially proud of the students, the teachers, and the parents at West Prep. Together they have turned the tide. Every day we see at West Prep what quality education can accomplish.

There is still work to do, but there is a can-do feeling that has spread throughout the community, and you feel it when you walk onto the campus. See, Dr. Barton was given freedom to lead that school. He isn't tied down by bureaucracy. He spends most of his

time in the school, when a lot of the other principals today go to school district meetings, spend time on bureaucracy. The other thing is, he can fire teachers who are not performing. In fact, when he came onboard, he replaced a majority of the teachers. Remember, he is recruiting teachers into one of, what most people would describe in southern Nevada, the least desirable places to live or teach in southern Nevada. But now he has a team in place that he knows will motivate his students and help them reach their potential. This formula is working.

In 2006, nobody imagined this school could ever reach the level of success it has in such a short period of time. Instead, the school will graduate its first senior class next year. It is raising the bar every day as it shakes up traditional education. Most importantly, the students of West Prep are learning and reaching their full potential.

Congratulations, West Prep. We are all so proud of you and what you have accomplished.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSIONS OF APPRECIATION

Mr. DODD. Madam President, I am going to read a unanimous consent request in a moment, but before then, because I don't have any time at the conclusion of the last vote before the vote on final passage, I wish to take a minute to thank the majority leader, Senator REID, for making it possible for this bill to be before the Senate this week. I am grateful to him and his staff.

I thank my staff, who have done a terrific job: Jonathan Miller, principally, from my Banking Committee staff, as well as many others from the Banking Committee staff who worked very hard to bring this bill together and to create the opportunity for our colleagues to offer as many as 20 different amendments, most of them in direct relation to the bill but others to add items which will strengthen the bill. I want to specifically thank Colin McGinnis, Beth Cooper, Dean Shahinian, Julie Chon, Brian Filipowich, Misha Mintz-Roth, Deborah Katz, Matt Green, Amy Widestrom, Ella Humphry, and James Bair.

I thank Senator SHELBY and his staff as well—Bill Duhnke, Mark Oesterle, Andrew Olmem, Peggy Kuhn, Hester Pierce, and Jim Johnson. We worked very cooperatively. While there were some differences of opinion on a couple

matters involved with this legislation, overall we had great cooperation, as we have had over the past 2 years I have been chairman of the committee. I am grateful to him and his staff for the cooperation they have with my office.

We have a strong committee of some 23 members. Almost a quarter of this body serves on the Banking Committee. They add great value to the process. I am grateful to them.

This is an important matter, not just for financial institutions but, more importantly—I say that with some caution—to open up lines of credit. We need to have an increase in deposit insurance. We need to have an increase in the borrowing authority. Sheila Bair, for whom most of us have great respect, is Chairperson of the Federal Deposit Insurance Corporation and is doing a wonderful job. This bill includes that.

We have provisions in here to provide a safe harbor for servicers—a key component of the legislation designed to get servicers to pursue loan modifications more aggressively. I thank Senator MARTINEZ of Florida for his contribution to this provision.

I see Senator ENSIGN in the Chamber, who, working with Senator BOXER, added value to this bill as well, making it possible for homeowners to determine who actually holds their mortgages.

Senator GRASSLEY added contributions, as well, to accountability and transparency. Senator REED of Rhode Island has done a great deal in providing greater flexibility in terms of warrants, which I think is going to strengthen the bill as well. Senator REED also contributed groundbreaking legislation to fight homelessness along with Senator BOND.

Invariably, when I start doing this without a note in front of me, I am going to forget some Member and their contribution to the bill. So I will reserve the ability to amend these remarks to make sure I include others who have contributed to this legislation.

But this bill includes the kinds of steps we need to be taking in order to get our economy moving, to increase that confidence and optimism so critical to economic recovery.

Madam President, 10,000 foreclosures a day is unacceptable. This bill will now provide the opportunity for us to be able to reduce that number. Some estimates are that as many as 1.7 million to 2 million homeowners could be positively affected by what we are doing today with this legislation. That is no small number when you consider the total numbers that could be adversely affected. Our hope is that will do just that, to make that kind of a difference, in addition to the other matters I have already mentioned that were added by amendment or included in the underlying bill. So while this is

not going to change everything, it is not going to solve every problem, it is a major step in the right direction in terms of this economic recovery we are all interested in.

There is not a Member in this Chamber—regardless of the differences we may have on how to get there—who does not want to do everything in their power to see to it that our country once again has that sense of confidence that has been the hallmark of America for more than two centuries. Certainly, we are going through a difficult time. Individually, people understand it; they know it. We have an administration under President Obama that is working hard to do everything possible to see to it that we move in the right direction.

So I am grateful to my colleagues who have shown a lot of patience over the last several days to get to this point. I thank them for that. Senator KERRY, Senator CASEY, Senator FEINGOLD—I mentioned Senator ENSIGN—Senator SNOWE, Senator BOND, and Senator PRYOR have all either been sponsors or cosponsors of major amendments on this bill, and I express my gratitude to all of them.

CONCLUSION OF MORNING BUSINESS

Mr. DODD. Madam President, I ask that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009—Continued

Mr. DODD. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending bill is S. 896.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1031, as modified, offered by the Senator from New York, Mr. SCHUMER.

Mr. DODD. Madam President, before we get to that, I would like to report to Members that we are inching closer to completing action on this legislation. Four amendments remain in order, and votes with respect to these amendments will occur shortly. Those that remain are Schumer amendment No. 1031, as modified; Coburn second-degree amendment No. 1042; Reed of Rhode Island amendment No. 1040, as amended, if amended; and Grassley amendment No. 1021, as modified. Once we have disposed of these four amendments, then the only matter remaining is adoption of the substitute, as amended, and, finally, passage of S. 896. Since there is no time in between, I have given my closing remarks on the value of the legislation.

With that, I guess we turn to Senator SCHUMER.

The ACTING PRESIDENT pro tempore. The Senator from New York.

AMENDMENT NO. 1031, AS MODIFIED

Mr. SCHUMER. Mr. President, first, I wish to salute, praise the chairman of our Banking Committee, Chairman DODD, for doing a great job on this bill. I thank him for the good work he has done, and so many others who have worked long and hard on this legislation; Senator SHELBY as well.

Mr. President, I ask unanimous consent that my amendment be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CHAMBLISS. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SCHUMER. Mr. President, we are asking for a simple change that in no way affects the amendment, in no way affects whether it is going to cost anything. The purpose of the underlying amendment is to ensure that tenants of multifamily housing across the country benefit from the same attention and support of this Government as single-family homeowners will.

We have literally millions of tenants—millions—who, because the homes which they rent are foreclosed, are in very bad shape. They can be removed from their homes. Their homes can deteriorate. Once a home is in foreclosure, often it is not kept up. This is not just in big cities such as New York but around the country. In fact, States such as Tennessee and so many others are on the list which I listed of 15 States that are most affected because it affects not only big multiple dwellings but garden apartments and other residential units. It is unfortunate that the objection is going to stand in the way of helping these tenants.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

AMENDMENT NO. 1031, AS MODIFIED, WITHDRAWN

Mr. SCHUMER. Mr. President, I ask unanimous consent to withdraw the amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DODD. Mr. President, reserving the right to object, and I will not object, I wish to commend my colleague from New York. I say this through the Chair. We will come back to this issue. I understand an objection has been voiced, but I want to thank our colleague from New York. He raises a very important issue and one that needs to be addressed. I commend him for it. There will be other opportunities, I hope, shortly to come back to this issue.

Mr. SCHUMER. Mr. President, I appreciate that.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the amendment is withdrawn.

AMENDMENT NO. 1042

Mr. DODD. Mr. President, I believe the next item is the amendment offered by our colleague, Senator COBURN, from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have a second-degree amendment to the Reed amendment. What it says is we create a pilot study. We have 69,000 pieces of property we cannot get rid of. It represents \$83 billion in assets to us as a government and to the American people. It is \$83 billion we would not have.

What we set up is a pilot program that manages 150 pieces of property a year to dispose of them. It gives 20 percent to the agency, 80 percent back to the Government. It creates a way, in a pilot project, for us to do real property reform.

We have gone through and we have created 250 homeless shelters out of 30,000 properties at a cost of \$300 million. We are spending over \$8 billion a year just maintaining properties we do not want, do not need, yet we cannot get rid of.

This is a simple, straightforward amendment that is common sense. There is no reason why we should not accept this amendment.

With that, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, on behalf of Senator JACK REED of Rhode Island, in a moment I will make a point of order. But Senator COBURN and I, last night, had a short colloquy. He raises a very legitimate point on a larger issue, and he talked about it last evening at some length. I expressed to him then—and I am very sincere about it—that I would like to work with him. We have a lot of properties out there for which it takes too much money to care for them each year. A lot of them probably ought to be destroyed, as the Senator has pointed out. So I want him to know that the point of order being raised here should not reflect the underlying issue he has raised, and I am committed to work with him on that. I think it is a very good idea and one we ought to be aggressive about.

But having said that, Mr. President, on behalf of Senator JACK REED, I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. COBURN. Mr. President, I move to waive the budget point of order, and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota, (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 46, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—50

Alexander	Dorgan	McCaskill
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Carper	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Klobuchar	Vitter
Conrad	Kyl	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Wicker
DeMint	McCain	

NAYS—46

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Kohl	Specter
Burr	Landrieu	Stabenow
Byrd	Lautenberg	Tester
Cantwell	Leahy	Udall (CO)
Cardin	Levin	Udall (NM)
Casey	Lieberman	Whitehouse
Dodd	Menendez	Wyden
Durbin	Merkley	
Feingold	Mikulski	

NOT VOTING—3

Johnson	Kennedy	Rockefeller
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The ACTING PRESIDENT pro tempore. On this vote, the yeas are 50, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Connecticut is recognized.

AMENDMENT NO. 1040

Mr. DODD. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Rhode Island.

Mr. DODD. Have the yeas and nays been ordered?

The ACTING PRESIDENT pro tempore. No.

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, this is a bipartisan effort to reform our homeless programs. This amendment would simplify the application process, give greater flexibility and accountability at the local level. It would also provide additional resources to prevent homelessness. We are in the midst of a huge crisis in terms of people who literally

cannot find housing. We have pictures in newspapers of tent cities sprouting up all across the country. We need to act.

This amendment is bipartisan and is supported by Senator BOND and, before him, Senator ALLARD, and Senators BOXER, COLLINS, DURBIN, KERRY, LAUTENBERG, LIEBERMAN, SCHUMER, and WHITEHOUSE. It is good, sensible reform legislation that will make our programs more effective and, hopefully, prevent people from losing their homes and keep them away from these tent cities that are sprouting up. I urge its passage.

Mr. DODD. Mr. President, I strongly endorse this amendment. The Senator deserves a lot of credit, along with Senator BOND.

AMENDMENT NO. 1040

Mr. BOND. Mr. President, I rise to speak in strong support of the Reed-Bond amendment No. 1040. This amendment provides critical and cost-effective tools to reform federal programs that address homelessness. It is identical to S. 808, the Homeless Emergency Assistance and Rapid Transition to Housing Act or HEARTH Act, which I was very proud to cosponsor. The HEARTH Act is a bipartisan bill that builds on and expands programs that have been demonstrated to end and prevent the tragedy of homelessness that afflicts many American individuals and families.

Before I offer some comments on the amendment, I praise Senator JACK REED for his long-term commitment and hard work on addressing homelessness. Senator REED has been a long-time leader in housing issues and I value the strong partnership we have had over the past several years. I also recognize the work of our former colleague, Senator Wayne Allard, who also was heavily involved in this legislation before he retired from this Chamber.

Over 20 years ago, the Federal Government took its first major step in addressing the plight of homelessness through the enactment of the Stewart B. McKinney Homeless Assistance Act. But despite billions of private and public dollars spent on the homeless, millions of veterans, families, disabled, and children have and continue to experience the sad tragedy of homelessness.

Fortunately, through innovative efforts that focused on permanent supportive housing, we have learned that being homeless is no longer a hopeless situation. As the former chair and current ranking member of the Senate Appropriations subcommittee that funds most of the Federal homeless programs through the Department of Housing and Urban Development, I have worked with my colleagues on both sides of the aisle—especially Senators BARBARA MIKULSKI and PATTY MURRAY—to ensure resources were being provided to the

appropriate programs. Through this bipartisan partnership, we have protected affordable housing units, boosted resources to help homeless veterans through the HUD-VASH program, and revitalized distressed public housing through the HOPE VI program.

In terms of HUD's homeless assistance grant programs, I can confidently say that these funds have been well-spent as demonstrated by the dramatic drop in homelessness. HUD's national data found that between 2005 and 2007 the number of homeless people experiencing chronic homelessness—our most vulnerable and disabled neighbors—dropped from nearly 176,000 to fewer than 124,000, a decrease of 52,000 or 30 percent. This is clear evidence that through this tried-and-true approach of permanent supportive housing, we can stop the cycle of homelessness.

Under the "housing first" approach, we learned that providing permanent supportive housing was the key component in solving homelessness, especially those considered to be chronically homeless. Before we implemented the housing first approach, many homeless people were served through the revolving door of local emergency systems, which interfered with their treatment regimen and resulted in costly hospital and jail stays.

Local emergency systems became clogged with permanent users, reducing their ability to address the more temporary problems of families and individuals. Putting a greater emphasis and resources on permanent supportive housing has become the most critical change over the past several years. Based on recent studies and results I have seen in my home State of Missouri, it has worked.

To implement this approach, I worked with Senator MIKULSKI to include a provision, beginning in the fiscal year 1999 VA-HUD Appropriations Act and carried every year thereafter, to require that at least 30 percent of the Department of Housing and Urban Development's—HUD—homeless assistance grants be used for permanent housing. Focusing a significant amount of funds towards permanent housing helped reverse the revolving door for the homeless using local emergency systems.

We also learned the importance of gathering data and analyzing the characteristics of our homeless population to design and target funds to programs needed to serve the homeless. That is why we established the homeless management information systems or HMIS through appropriations. This not only ensures that local providers have the information to address their particular homeless populations; it ensures that taxpayer funds are being spent effectively and efficiently.

Finally, we learned that despite the involvement of several Federal agencies in serving the homeless, there

were gaps in services and coordination was lacking. To address this issue, the U.S. Interagency Council on Homelessness was reactivated to improve Federal, State, and local coordination of homeless programs.

The HEARTH Act codifies these important provisions that have been carried in appropriations and builds on our work over the past several years. It also includes a number of other important provisions that assist rural communities help the homeless, increase local flexibility by combining HUD's competitive grant programs, and provide incentives to house rapidly homeless families.

Homelessness is a national walking around Washington, DC, St. Louis, and other towns and cities across the Nation. But by working together with advocates, the private sector, and government, we can solve homelessness. The HEARTH Act is a prime example of that partnership and greatly advances our ability to end homelessness.

Updating and improving our homeless programs is even more critical as more Americans face the prospects of homelessness due to the economic downturn. The housing crisis has already displaced many families and individuals creating more strain on our social safety net and homeless programs.

Before closing, I offer some concerns about the Federal Housing Administration, FHA. As I have repeatedly stated, the FHA is a powder keg that may explode, leaving taxpayers on the hook if Congress and the administration continue to overburden the government agency.

That is why I have strong reservations about provisions in the Helping Families Save Their Homes Act that loosen the eligibility requirements for the FHA Hope for Homeowners program.

FHA is already showing signs of stress as defaults and foreclosures have been increasing endangering homeowners and communities across the Nation. I also am alarmed by the increasing signs of fraud, which is reportedly rising and at levels comparable or higher than during the subprime boom.

With an agency that is understaffed and challenged by long-standing management and oversight problems, the combination of these factors along with a struggling housing market and economy is a recipe for disaster.

It is critical that the Congress and the administration recognize these problems and not make HUD Secretary Donovan's job harder by placing more risk on FHA until the problems are fixed or the agency will crash and taxpayers will be footing another multi-billion-dollar bailout. While I understand the importance of FHA in many markets where lending is tight, an overburdened FHA does not benefit borrowers, neighbors, and communities

if FHA continues to be provide poorly underwritten loans or loans serviced by bad actors.

I urge my colleagues, especially Banking Committee Chairman DODD and Ranking Member SHELBY, to conduct vigorous oversight of FHA and take additional legislative actions to address the agency's weaknesses.

Let me say that again—because this is important—if we continue to overburden FHA this powder keg will explode!

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

Mr. DODD. Mr. President, I urge that we move to the vote and yield back the time.

The ACTING PRESIDENT pro tempore. Is there objection?

All time is yielded back.

Mr. DODD. Mr. President, I ask for a voice vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1040) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1021, AS MODIFIED

Mr. DODD. Mr. President, the pending matter is the Grassley amendment, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Who yields time on the Grassley amendment?

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, my colleague, Senator GRASSLEY, the Senator from Iowa, has offered a very good amendment. I strongly support the Grassley amendment. It increases accountability of transparency at the Federal Reserve. Let me defer to my colleague to explain the amendment.

Mr. GRASSLEY. Before we do that, if the Senator is for it, can we adopt it on a voice vote?

Mr. DODD. I am happy to.

Mr. GRASSLEY. I will use my time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. GRASSLEY. Mr. President, then let me speak off the cuff. What we have here is following on the President's promise for more transparency in Government—a promise to put everything dealing with bailouts on the Internet.

There is more money involved with Federal Reserve and bailouts and stabilizing the economy than even in what we appropriate. So this is to bring transparency to what the Federal Reserve is doing, without affecting monetary policy whatsoever.

I ask us to agree to this amendment to bring transparency because the public's business ought to be public, including taxpayers' money spent by the Federal Reserve.

In March, the Finance Committee held a hearing on the progress and oversight of the Troubled Assets Relief Program, TARP. At that hearing the Government Accountability Office—GAO—testified that it is not just firms that take taxpayer money under TARP who can say “no” to GAO's requests for information, prior to my other amendment on this bill. The Federal Reserve can also refuse to cooperate.

The GAO's ability to audit the Federal Reserve is restricted by law. Perhaps those restrictions could be defended back when the Federal Reserve focused only on monetary policy. However, today it is routinely exercising extraordinary emergency powers to subsidize financial firms far above the levels Congress is willing to authorize through legislation. The Federal Reserve is taking on more and more risk in complicated and unprecedented ways. That risk is ultimately borne by the American taxpayer.

Congress authorized \$700 billion in funds under TARP. However, the total projected assistance in various initiatives by the Federal Reserve could be up to \$3.4 trillion by GAO estimates.

This modified version of the amendment does not give GAO authority to look at all of that additional taxpayer risk. It is much narrower than the one I originally filed, but it is a reasonable step in the right direction, and it does not threaten monetary policy independence.

Although I would have preferred to include all of the Fed's emergency actions under 13(3), in consultation with Senator SHELBY I agreed to limit my amendment to actions aimed at specific companies. I will ask to submit for the RECORD a list of those actions currently covered by the new language, according to Federal Reserve staff. Future actions of the same sort would also be subject to GAO audit.

The goal of this amendment is extend GAO authority to cover the Federal Reserve's emergency actions that are most similar to the TARP—in other words actions aimed at specific companies like Bear Stearns and AIG.

I appreciate the support of Senators SHELBY and DORGAN who are cosponsoring this amendment. I urge my colleagues to support amendment No. 1021. Let's not give GAO an important mission to do with a blindfold on. Let's take off the blindfold get a good hard look at what the Federal Reserve is doing.

I ask unanimous consent that the actions currently covered by the new language to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

According to Federal Reserve staff, the following is a list of 13(3) emergency actions covered by the "single and specific" language of amendment No. 1021 to S. 896:

Actions related to Bear Stearns and its acquisition by JP Morgan Chase, including:

a. Loan To Facilitate the Acquisition of The Bear Stearns Companies, Inc. by JPMorgan Chase & Co. (Maiden Lane I)

b. Bridge Loan to The Bear Stearns Companies Inc. Through JPMorgan Chase Bank, N.A.

2. Bank of America—Authorization to Provide Residual Financing to Bank of America Corporation Relating to a Designated Asset Pool (taken in conjunction with FDIC and Treasury)

3. Citigroup—Authorization to Provide Residual Financing to Citigroup, Inc., for a Designated Asset Pool (taken in conjunction with FDIC and Treasury)

4. Various actions to stabilize American International Group (AIG), including a revolving line of credit provided by the Federal Reserve as well as several credit facilities (listed below). AIG has also received equity from Treasury, through the TARP, which would also be captured in amendment #1020.

a. Secured Credit Facility Authorized for American International Group, Inc., on September 16, 2008

b. Restructuring of the Government's Financial Support to American International Group, Inc., on November 10, 2008 (Maiden Lane II and Maiden Lane III)

c. Restructuring of the Government's Financial Support to American International Group, Inc., on March 2, 2009

5. TALF—finally, amendment No. 1020 would expand GAO's authority to oversee the TARP, including the joint Federal Reserve-Treasury Term Asset-Backed Securities Loan Facility (TALF)

Neither amendment No. 1021 nor No. 1020 would include short-term liquidity facilities:

1. Asset-Backed Commercial Paper Money Market Mutual Fund Liquidity Facility

2. (AMLF)

3. Commercial Paper Funding Facility (CPFF)

4. Money Market Investor Funding Facility (MMIFF)

5. Primary Dealer Credit Facility and Other Credit for Broker-Dealers (PDCF)

6. Term Securities Lending Facility (TSLF)

Mr. DODD. Mr. President, I strongly support the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. GRASSLEY. Mr. President, I ask for the yeas—

Mrs. HUTCHISON. Mr. President, I move that we vitiate a rollcall vote on this amendment.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—95

Akaka	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Sanders
Burr	Inouye	Schumer
Burr	Isakson	Sessions
Byrd	Johanns	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden
Durbin	McConnell	

NAYS—1

Alexander

NOT VOTING—3

Johnson Kennedy Rockefeller

The amendment (No. 1021), as modified, was agreed to.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, the substitute amendment is agreed to and the motion to reconsider is considered made and laid upon the table.

The amendment (No. 1018), as amended, was agreed to.

PREDATORY LENDING

Ms. KLOBUCHAR. Mr. President, I would like to thank Senator DODD for his efforts to provide solutions to our neighborhoods and middle-class families to address the subprime and foreclosure crisis.

As the Nation struggles to deal with the fallout from subprime lending and the credit crunch, it is critical that families have access to safe, fair and affordable mortgages. Borrower protections, like those we have in Minnesota, should be national policy to help safeguard families across the country.

A decade ago, just 5 percent of mortgage loan originations were subprime—

meaning that they were made to borrowers who would not qualify for regular mortgages. By 2005, 20 percent of new mortgages were subprime. This may have expanded access to home ownership, at least temporarily, for some people; but it also greatly increased the risk our system. In Minnesota, in 2000, there were 8,347 subprime mortgages issued. By 2005, it had increased more than fivefold to more than 47,000 subprime mortgages.

However, we now know that between 60 percent-65 percent of people who ended up with subprime mortgages actually qualified for traditional mortgages. We need to make sure this doesn't happen again.

That is why I have introduced the Homeowner Fairness Act, which is comprehensive housing reform legislation that proposes tough new national standards based on the successes of the Minnesota mortgage lending law passed in 2007.

The bill would put in place a number of key reforms. It would require all mortgage originators to verify a borrower's ability to repay a mortgage before giving loan approval. In addition, the bill would require mortgage brokers to have a minimum net worth of \$500,000 while also subjecting them to fiduciary duties obligating them to act in the best interest of their clients. It further bans prepayment penalties and limits up-front fees to no more than 5 percent of the initial principal of the loan. Importantly, the bill prohibits "steering," which is the act of approving a loan at a higher rate than that for which a borrower qualifies.

We need to make sure that abusive and exploitative mortgage practices come to an end. For far too long, subprime lenders have put the homes and home equity of Americans at unnecessary risk. These commonsense protections, modeled after Minnesota law, are essential to restoring our economy and preventing a future crisis in the housing market.

Mr. DODD. I thank my colleague from Minnesota for raising this very important issue. I point out that home ownership rates for African Americans, who were disproportionately steered into subprime loans, have actually dropped to levels below where they were prior to the explosion of subprime lending. While I agree that subprime lending can be helpful to borrowers with some credit problems, this lending must be properly regulated, as it so clearly has not been over the past decade.

I appreciate the work Senator KLOBUCHAR has done on this issue. Her bill is based on the Minnesota law, which I understand is one of the more progressive laws in the Nation. I look forward to working with her on this issue as we move forward.

FORECLOSURE SCAM NOTIFICATION

Mr. KOHL. Mr. President, I rise to engage in a colloquy with my colleague

from Connecticut and the chairman of the Banking Committee, Senator DODD. As the chairman is aware, I have offered an amendment to S. 896, the helping families save their homes, which would require mortgage servicing companies to issue warnings to homeowners about foreclosure rescue scams. Foreclosure rescue scams have become more prevalent as more and more homeowners lose their homes. These financial predators claim to help desperate homeowners and often, walk away with their home and money.

The issuing of a simple disclosure from a mortgage servicing company would make it easier for people to identify the difference between scam artists and legitimate help. The disclosure requirement would provide the homeowner with a HUD hotline identifying the counseling agencies in their area and would give them a phone number in order to contact their lender. A simple disclosure will provide homeowners with relevant contact information so they can better understand their options and avoid scam artists. I hope that I can work with the chairman on this important issue as the Banking Committee moves forward with future legislation on financial reform.

Mr. DODD. I thank the Senator for raising this important issue. I will work with him to address this issue in future legislation so we can help homeowners avoid foreclosure rescue scams and make sure they get the necessary information to find real help.

Mr. KOHL. I thank the chairman of the Banking Committee for all his help and engaging in this colloquy.

DEFINITION OF HOMELESSNESS

Mrs. MURRAY. Mr. President, I thank my colleague Senator REED for his hard work on this bill. Unfortunately, our homeless shelters and our schools are seeing an increasing number of families and children experiencing homelessness and seeking services. This bill comes at an important time. And I am particularly pleased with the emphasis placed on prevention and rapid rehousing, and efforts to better serve homeless individuals, such as victims of domestic violence.

Mr. President, I would like to inquire of my colleagues Senator REED and Chairman DODD regarding the definition of homelessness in HEARTH Act and amendment No. 1040.

Mr. REED. Certainly, Mr. President.

Mrs. MURRAY. I thank the Senator. As you know, this amendment contains a new definition of homelessness. Homelessness is an issue I have long been concerned about both the immediate consequences of not having housing, as well as the adverse effects it can have on the broader success of children and families. For example, children that experience homelessness are more likely to fall behind in school and to experience social and emotional dif-

ficulties that hinder their academic and workplace success. Therefore, the Federal Government not only helps provide housing services for youth and families, but also education services through the McKinney-Vento Education for Homeless Children and Youths program at the Department of Education.

I appreciate the efforts to broaden the definition of homelessness in the HEARTH Act. It is an important step forward. However, I want to ensure that this new definition of homelessness does not inadvertently cause a lapse in services or cause confusion with the definition of homelessness included in the McKinney Vento Education of Homeless Children and Youth program.

Is it the Senators' intent that the definition of homelessness in the HEARTH Act, which covers homeless youth as well as families, should ever replace or change the definition of homelessness under the McKinney-Vento Education for Homeless Children and Youths program at the U.S. Department of Education?

Mr. REED. I thank the Senator for her important question. The definition of homelessness in the HEARTH Act in no way seeks to replace or change the definition of homelessness in any other statute. The definition of homelessness in the Education for Homeless Children and Youths program is critical to ensuring that homeless students have access to supports and services for their success in school. The definition of homelessness in the HEARTH Act does not and should not change or replace that education definition.

Mr. DODD. I would concur with my colleague, Mr. REED. The definition of homelessness in the HEARTH Act is to apply to matters of housing under the Department of Housing and Urban Development. In fact, the amendment expressly states that the HUD homelessness definition is in no way meant to replace or change the definition of homelessness under the McKinney-Vento Education for Homeless Children and Youths program.

Mrs. MURRAY. I thank the Senators. I have also worked hard on helping to encourage collaboration between the Department of Housing and Urban Development and the Department of Education to ensure the best services possible for homeless youth. Is it the Senators' intent that the Department of Housing and Urban Development should do everything in its power to coordinate with the Department of Education on serving homeless youth, and to ensure that no lapse in services under the Education of Homeless Children and Youths program occurs for students as any new HEARTH Act definition of homelessness is implemented?

Mr. REED. Yes, that is my intent, and it is the intent of the amendment. We continue to work on, particularly

with your leadership, encouraging strong communication and coordination between the Department of Housing and Urban Development and the Department of Education on the issue of serving homeless youth. It is my intent to continue to encourage that collaboration and to work to the utmost degree, not just to prevent lapses, but to strengthen education services for homeless students while implementing the HEARTH Act.

Mr. DODD. It is also our intent that the Interagency Council on Homelessness provide increased leadership, coordination, and information on this growing issue of children, youth, and families threatened with homelessness. The amendment requires the Interagency Council to develop a government-wide plan to end homelessness, promote State planning efforts, and of course promote interagency cooperation. We will continue to work with the Council to ensure that the needs of families, children, and youth figure prominently in their efforts.

Mrs. MURRAY. This amendment will broaden HUD's definition of homelessness to include a subset of children and youth who meet the definition of homelessness used by other federal statutes. I appreciate the inclusion of these children and believe it is a step in the right direction. In particular, it covers those children and youth who: (1) have experienced a long-term period without living stably or independently in permanent housing; (2) have experienced persistent instability; and (3) who are likely to continue to do so because of disability or other barriers.

Since these concepts, such as the term "long term period," are open to interpretation, is it the Senators' intent that HUD should consider the needs of children and the effects of instability on their developmental and academic progress when developing the regulations for this provision?

Mr. DODD. Yes, the committee recognizes that the expansion of the definition of homelessness to include these children and families was carried out with the intent of addressing the housing needs and challenges of children and youth who are homeless.

Mrs. MURRAY. Mr. President, by including language that acknowledges the various definitions of homeless in other Federal statutes, is it the Senators' intention that HUD funded homeless providers should be encouraged to engage with homeless providers receiving funds from other Federal agencies to utilize their assessments and counsel in making eligibility determinations.

Mr. DODD. Yes. Federal programs must work together to meet the needs of families and unaccompanied youth, and that collaboration should include information needed for eligibility decisions.

Mrs. MURRAY. I look forward to working with my colleagues and the

committee on improving services for students. Lastly, I understand that this amendment prohibits the Secretary from requiring that communities conduct actual counts of families and youth who are newly added to the HUD definition in HUD-mandated homelessness counts. Am I correct that this provision does not prohibit the Secretary from requiring communities to provide estimates of those who are newly added to the definition, so that communities may have a better sense of the shelter and housing needs of all families, children, and youth who will be considered homeless by HUD under this legislation?

Mr. REED. Yes, that is the case. We are open to finding ways to quantify the number of individuals and families experiencing housing instability and look forward to working with the Senator and the administration to do so.

I thank the Senator for her questions, and I look forward to working together on improving the prevention of homelessness and the provision of services to homeless individuals and families in order to break the cycle of homelessness.

Mr. DODD. I also thank the Senator for her questions, and I would be happy to continue working on to address the issue of homelessness with her.

Mrs. MURRAY. I thank the Senators, and I look forward to continuing to work on these issues.

Mr. REID. Mr. President, I received recently a letter from Linda Frazier, a single mom who lives in Las Vegas with her three teen-aged children and at times has had to work two jobs that paid hourly wages.

Linda told me how in recent years, both her income and the value of her house have plummeted. She now fears hers will become the latest Nevada family swallowed up by this devastating housing crisis.

Her story is distressing. It is unacceptable that a hardworking American like Linda wakes up worried every morning about whether she can put a roof over her children's heads. But what struck me most is that she wrote to me: "I'm about to lose my house, which is the way it is."

It doesn't have to be the way it is. In a Nation this great and this strong, a family shouldn't have to lose its home when it plays by the rules. And that family certainly shouldn't surrender to thinking that having the American dream vanish is simply "the way it is."

But stories like hers happen every day, in every State. The victims of foreclosure include families who did everything right—they put money down on their new home and took out a responsible mortgage, not one of those interest-only gimmicks.

Nevadans like Linda Frazier have endured an appalling number of foreclosures over the past few years. Just last month, about 20,000 Nevada fami-

lies received a foreclosure notice. Last year, not a single state had a worse foreclosure rate than Nevada's—this crisis hit one in 14 households.

One of the most underappreciated side effects of this crisis is that the victims of foreclosure aren't just those who live in the foreclosed-upon house.

Vacant homes drive crime up and property values down. Just try putting up a sign that says "for sale" next to one that says "foreclosed." The average price of a home in Las Vegas went down more than 31 percent between last February and this February, and more than 40 percent since prices peaked in 2006.

Last fall I walked with Mayor Oscar Goodman of Las Vegas through the hardest-hit neighborhood in the hardest-hit city in the hardest-hit state in the country. A resident there came up to us and told us that the value of her home dropped more than \$100,000. She will never get back what she paid for it.

Unfortunately, her situation is now the rule, not the exception. The numbers are shocking: Two out of every three homeowners in Las Vegas owe more on their home than it's worth. The same is true for more than half of homeowners in Nevada, and for one in five across the country.

American homeowners are underwater, and it is our job to help them to dry land.

Last year, after a long struggle, we passed legislation that will help those at risk of losing their homes and prevent foreclosures from happening. We reformed the mortgage-finance industry and helped homeowners get mortgage counseling. We had to file cloture on 7 filibusters. I wish we could have done more.

Democrats insisted that last fall's rescue legislation gave the administration the authority to design other ways to help families, which led to the Obama Administration's Making Home Affordable program. That program continues to be improved, and I am hopeful that many Nevadans will take advantage of it.

Last week, we passed a bill to prevent and prosecute scam artists from preying on homeowners desperate for help. The Nevada Bureau of Consumer Protection receives nearly 100 complaints each month from consumers complaining of possible mortgage scams. The number of fraud cases reported nationwide has almost quadrupled in the past seven years: in 2001 there were 18,000; last year there were 65,000. In the Hispanic community, the number of fraud victims has been disproportionately high.

We will continue to do more to protect the victims of these scams and all struggling homeowners.

I want to thank Chairman DODD for his tireless work in leading the Senate's response to the housing crisis. He

shepherded major legislation through the Congress last year, and has done so again with the important bill we are about to pass.

So far, very few have participated in the Hope for Homeowners program, but thanks to Chairman DODD's leadership, this bill improves it by lowering fees for home owners and lenders alike. It also gives lenders greater incentives to encourage their participation. More home owners whose mortgages are underwater could be placed in FHA-guaranteed mortgages.

This bill also gives the Department of Housing and Urban Development the resources it needs to help vulnerable and at-risk home owners. I am grateful to Chairman DODD for incorporating into the underlying bill an amendment I authored that will stop mortgage scams.

I wish more Senators would have followed Senator DURBIN's extraordinary lead and stood up to the banking industry so that we could have done more to help homeowners get relief through bankruptcy. It is simply unfair that struggling homeowners cannot access a bankruptcy court to climb out of a housing crisis like this, but owners of vacation properties can.

Just as our Nation's housing crisis is the root of our nation's economic crisis, these problems in Nevada have inflamed economic challenges in the State.

It is important that we be realistic. Neither these proposals nor any other piece of legislation will solve all of our problems. Forces outside the control of any legislature—whether State or Federal—will always combine to affect housing supply, prices and foreclosures.

Given the size and scope of the struggles too many Nevadans and Americans endure, it will take more time before housing normalizes again. But with this bill, we are working to hasten that day so that no family will ever accept losing its home as "the way it is."

Mr. LEVIN. Mr. President, I support the Helping Families Save Their Homes Act of 2009.

The foreclosure situation in my State of Michigan continues to be dire. According to data released by real estate firm RealtyTrac, even though there are less foreclosure filings than this time last year, there were still over 11,000 Michigan foreclosure filings in January 2009 alone. That is 1 foreclosure filing for every 397 households in just 1 month, which puts Michigan's foreclosure rate at the seventh highest in the Nation. Nationwide, foreclosure filings are up 18 percent compared to this time last year.

Unfortunately, homeowners facing foreclosure are not the only ones being impacted by this crisis. Property values have dropped significantly in many areas, due in large part to the increased number of abandoned and foreclosed homes. These losses in property

values also decrease State and local revenue from property taxes, creating shortfalls in revenues and reducing funding for important State and local programs and services.

Over the past year, Congress has taken a number of steps to help reduce the effects of this crisis. Today, the Senate is set to pass legislation that will further expand the tools available to homeowners facing foreclosure and increase access to these important programs. This legislation will expand access to the hope for homeowners program by providing incentives for servicers and lenders who participate in the program and streamlining borrower certification requirements. It will also expand the ability of FHA and Rural Housing to modify loans in order to help a homeowner avoid foreclosure and authorize additional funding for foreclosure prevention activities, including housing counseling and additional fair housing field workers.

Importantly, this act also creates additional enforcement tools to ensure the Department of Housing and Urban Development—HUD—is able to go after bad lenders who break the rules or misuse these programs.

In addition to these improvements, the act makes a number of changes to ensure the safety of depositors' savings, and improve the health of the banks and credit unions that are essential to our economic recovery.

Last year, we increased deposit insurance coverage from \$100,000 to \$250,000. That provision is set to expire at the end of this year. This act will extend the additional coverage for another 4 years. The act will also increase the borrowing authority of the FDIC to \$100 billion and of the National Credit Union Administration to \$6 billion. Collectively, these changes will help ensure the security of deposits for years to come.

The act also helps banks and credit unions that may be struggling to pay special assessments for their deposit insurance coverage. Due to the economic downturn, the insurance funds for these institutions are seeking additional funding through special assessments. And for many of these institutions, these assessments are at the absolute worst time—while they are trying to stabilize their capital positions. The act responsibly spreads out the period over which the insurance funds may seek these assessments, thereby giving the banks and credit unions the ability to preserve and more effectively use their precious capital. Lastly, the act creates a temporary corporate credit union stabilization fund to help ensure the stability and security of those who rely upon corporate credit unions.

This bill includes many improvements to current programs that will help the country dig out of this foreclosure crisis. To do so will require the

efforts of Federal, State, and local governments, as well as community and neighborhood organizations, lenders, brokers, and borrowers. This act will bring much-needed help to many of our homeowners who are trying desperately to save their homes as well as ensure that their savings are protected, and it deserves my support.

Mr. BEGICH. Mr. President, I commend Senators REED and BOND for bringing up the HEARTH Act in the form of their amendment, and for all the commitment they have shown to addressing homelessness in our Nation. While this amendment seeks to protect the homeless by expanding the definition of homelessness used by the Department of Housing and Urban Development, HUD, to a certain degree, it also places many unfortunate limitations on people living in several circumstances common to those who find themselves or their families temporarily without permanent lodging.

For instance, the definition proposed by my colleagues, Senators REED and BOND, would seem to exclude those who are sharing the housing of others due to loss of housing, economic hardship, or similar reasons, and those who are staying in motels due to the lack of adequate alternative accommodations. It would include people staying in motels if they only have enough money to stay for 14 days, and people in doubled-up situations only if there is "credible evidence" that the owner/renter of the housing will not then stay for more than 14 days. More troubling is the fact that children, youth, and families who meet other federal definitions of homelessness are included in the HUD definition only if they have been without permanent housing for a long period of time, and have moved frequently over that time, and can be expected to stay without permanent housing due to numerous barriers.

Over 70 percent of the homeless children and youth identified by public schools across the country last year—more than 500,000 students—were doubled-up or in motels, and therefore ineligible for HUD Homeless Assistance. In my home State of Alaska, the Anchorage School District, the largest in our State, has seen a quantum leap this school year in one category for which no school superintendent or resident can be proud: The number of school children in this State of being "doubled-up" numbers have increased 100 percent over last school year. Don't think for a moment that doubled-up families have more stable housing than those in shelters. Doubled-up families change locations 3–12 times in the course of a school year. Families are in shelters generally for 30–90 days.

The Reed-Bond amendment would have the unfortunate effect of continuing to exclude most of these children and youth from HUD services and attention. The failure of the HUD defi-

nition to include these families and youth compounds educational problems and makes the task of providing a stable education much more difficult. I hope we can continue to work on this issue to ensure that HUD adopts a definition of homelessness that matches the reality of homelessness among families and youth, and is similar to definitions used by the U.S. Department of Education, the U.S. Department of Health and Human Services, and the U.S. Department of Justice.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. DODD. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "yea."

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—91

Akaka	Enzi	Mikulski
Alexander	Feingold	Murkowski
Barrasso	Feinstein	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Graham	Nelson (FL)
Begich	Grassley	Pryor
Bennet	Hagan	Reed
Bennett	Harkin	Reid
Bingaman	Hatch	Risch
Bond	Hutchison	Roberts
Boxer	Inouye	Sanders
Brown	Isakson	Schumer
Brownback	Johanns	Sessions
Burr	Kaufman	Shaheen
Burris	Kerry	Shelby
Byrd	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Kyl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Thune
Chambliss	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Lincoln	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Crapo	McCain	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	McConnell	Wyden
Durbin	Menendez	
Ensign	Merkley	

NAYS—5

Bunning
CoburnDeMint
Gregg

Inhofe

NOT VOTING—3

Johnson

Kennedy

Rockefeller

The bill (S. 896), as amended, was passed, as follows:

S. 896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Helping Families Save Their Homes Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is the following:

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Sec. 101. Guaranteed rural housing loans.

Sec. 102. Modification of housing loans guaranteed by the Department of Veterans Affairs.

Sec. 103. Additional funding for HUD programs to assist individuals to better withstand the current mortgage crisis.

Sec. 104. Mortgage modification data collecting and reporting.

Sec. 105. Neighborhood Stabilization Program Refinements.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

Sec. 201. Servicer safe harbor for mortgage loan modifications.

Sec. 202. Changes to HOPE for Homeowners Program.

Sec. 203. Requirements for FHA-approved mortgagees.

Sec. 204. Enhancement of liquidity and stability of insured depository institutions to ensure availability of credit and reduction of foreclosures.

Sec. 205. Application of GSE conforming loan limit to mortgages assisted with TARP funds.

Sec. 206. Mortgages on certain homes on leased land.

Sec. 207. Sense of Congress regarding mortgage revenue bond purchases.

TITLE III—MORTGAGE FRAUD TASK FORCE

Sec. 301. Sense of the Congress on establishment of a Nationwide Mortgage Fraud Task Force.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

Sec. 401. Sense of the Congress on foreclosures.

Sec. 402. Public-Private Investment Program; Additional Appropriations for the Special Inspector General for the Troubled Asset Relief Program.

Sec. 403. Removal of requirement to liquidate warrants under the TARP.

Sec. 404. Notification of sale or transfer of mortgage loans.

TITLE V—FARM LOAN RESTRUCTURING

Sec. 501. Congressional Oversight Panel special report.

TITLE VI—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

Sec. 601. Enhanced oversight of the Troubled Asset Relief Program.

TITLE VII—PROTECTING TENANTS AT FORECLOSURE ACT

Sec. 701. Short title.

Sec. 702. Effect of foreclosure on preexisting tenancy.

Sec. 703. Effect of foreclosure on section 8 tenancies.

Sec. 704. Sunset.

TITLE VIII—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

Sec. 801. Comptroller General additional audit authorities.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES**SEC. 101. GUARANTEED RURAL HOUSING LOANS.**

(a) **GUARANTEED RURAL HOUSING LOANS.**—Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (16) and (17), respectively; and

(2) by inserting after paragraph (12) the following new paragraphs:

“(13) **LOSS MITIGATION.**—Upon default or imminent default of any mortgage guaranteed under this subsection, mortgagees shall engage in loss mitigation actions for the purpose of providing an alternative to foreclosure (including actions such as special forbearance, loan modification, pre-foreclosure sale, deed in lieu of foreclosure, as required, support for borrower housing counseling, subordinate lien resolution, and borrower relocation), as provided for by the Secretary.

“(14) **PAYMENT OF PARTIAL CLAIMS AND MORTGAGE MODIFICATIONS.**—The Secretary may authorize the modification of mortgages, and establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence, for mortgages that are in default or face imminent default, as defined by the Secretary. Any payment under such program directed to the mortgagee shall be made at the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

“(A) the amount of the partial claim payment shall be in an amount determined by the Secretary, and shall not exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

“(B) the amount of the partial claim payment shall be applied first to any outstanding indebtedness on the mortgage, including any arrearage, but may also include principal reduction;

“(C) the mortgagor shall agree to repay the amount of the partial claim to the Secretary upon terms and conditions acceptable to the Secretary;

“(D) expenses related to a partial claim or modification are not to be charged to the borrower;

“(E) the Secretary may authorize compensation to the mortgagee for lost income on monthly mortgage payments due to interest rate reduction;

“(F) the Secretary may reimburse the mortgagee from the appropriate guaranty fund in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary;

“(G) the Secretary may authorize payments to the mortgagee on behalf of the borrower, under such terms and conditions as are defined by the Secretary, based on successful performance under the terms of the

mortgage modification, which shall be used to reduce the principal obligation under the modified mortgage; and

“(H) the Secretary may authorize the modification of mortgages with terms extended up to 40 years from the date of modification.

“(15) **ASSIGNMENT.**—

“(A) **PROGRAM AUTHORITY.**—The Secretary may establish a program for assignment to the Secretary, upon request of the mortgagee, of a mortgage on a 1- to 4-family residence guaranteed under this chapter.

“(B) **PROGRAM REQUIREMENTS.**—

“(i) **IN GENERAL.**—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of the guaranty and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved under this section.

“(ii) **ACCEPTANCE OF ASSIGNMENT.**—The Secretary may accept assignment of a mortgage under a program under this subsection only if—

“(I) the mortgage is in default or facing imminent default;

“(II) the mortgagee has modified the mortgage or qualified the mortgage for modification sufficient to cure the default and provide for mortgage payments the mortgagor is reasonably able to pay, at interest rates not exceeding current market interest rates; and

“(III) the Secretary arranges for servicing of the assigned mortgage by a mortgagee (which may include the assigning mortgagee) through procedures that the Secretary has determined to be in the best interests of the appropriate guaranty fund.

“(C) **PAYMENT OF GUARANTY.**—Under the program under this paragraph, the Secretary may pay the guaranty for a mortgage, in the amount determined in accordance with paragraph (2), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage, as defined by the Secretary.

“(D) **DISPOSITION.**—After modification of a mortgage pursuant to this paragraph, and assignment of the mortgage, the Secretary may provide guarantees under this subsection for the mortgage. The Secretary may subsequently—

“(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

“(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

“(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

“(E) **LOAN SERVICING.**—In carrying out the program under this subsection, the Secretary may require the existing servicer of a mortgage assigned to the Secretary under the program to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage. If the mortgage

is resold pursuant to subparagraph (D)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.”

(b) **TECHNICAL AMENDMENTS.**—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking “(as defined in paragraph (13))” and inserting “(as defined in paragraph (17))”; and

(2) in paragraph (18)(E)(as so redesignated by subsection (a)(2)), by—

(A) striking “paragraphs (3), (6), (7)(A), (8), and (10)” and inserting “paragraphs (3), (6), (7)(A), (8), (10), (13), and (14)”; and

(B) striking “paragraphs (2) through (13)” and inserting “paragraphs (2) through (15)”.

(c) **PROCEDURE.**—

(1) **IN GENERAL.**—The promulgation of regulations necessitated and the administration actions required by the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(2) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, and the amendments made by this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 102. MODIFICATION OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **MATURITY OF HOUSING LOANS.**—Section 3703(d)(1) of title 38, United States Code, is amended by inserting “at the time of origination” after “loan”.

(b) **IMPLEMENTATION.**—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 103. ADDITIONAL FUNDING FOR HUD PROGRAMS TO ASSIST INDIVIDUALS TO BETTER WITHSTAND THE CURRENT MORTGAGE CRISIS.

(a) **ADDITIONAL APPROPRIATIONS FOR ADVERTISING TO INCREASE PUBLIC AWARENESS OF MORTGAGE SCAMS AND COUNSELING ASSISTANCE.**—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$10,000,000 for each of the fiscal years 2010 and 2011 for purposes of providing additional resources to be used for advertising to raise awareness of mortgage fraud and to support HUD programs and approved counseling agencies, provided that such amounts are used to advertise in the 100 metropolitan statistical areas with the highest rate of home foreclosures, and provided, further that up to \$5,000,000 of such amounts are used for advertisements designed to reach and inform broad segments of the community.

(b) **ADDITIONAL APPROPRIATIONS FOR THE HOUSING COUNSELING ASSISTANCE PROGRAM.**—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$50,000,000 for each of the fiscal years 2010 and 2011 to carry out this

Housing Counseling Assistance Program established within the Department of Housing and Urban Development, provided that such amounts are used to fund HUD-certified housing-counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

(c) **ADDITIONAL APPROPRIATIONS FOR PERSONNEL AT THE OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.**—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$5,000,000 for each of the fiscal years 2010 and 2011 for purposes of hiring additional personnel at the Office of Fair Housing and Equal Opportunity within the Department of Housing and Urban Development, provided that such amounts are used to hire personnel at the local branches of such Office located in the 100 metropolitan statistical areas with the highest rate of home foreclosures.

SEC. 104. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) **REPORTING REQUIREMENTS.**—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) A copy of the data collection instrument currently used by the Office of the Comptroller of the Currency and the Office of Thrift Supervision to collect data on loan modifications.

(2) The total number of mortgage modifications resulting in each of the following:

(A) Additions of delinquent payments and fees to loan balances.

(B) Interest rate reductions and freezes.

(C) Term extensions.

(D) Reductions of principal.

(E) Deferrals of principal.

(F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(3) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

(A) An increase.

(B) Remained the same.

(C) Decreased less than 10 percent.

(D) Decreased between 10 percent and 20 percent.

(E) Decreased 20 percent or more.

(4) The total number of loans that have been modified and then entered into default, where the loan modification resulted in—

(A) higher monthly payments by the homeowner;

(B) equivalent monthly payments by the homeowner;

(C) lower monthly payments by the homeowner of up to 10 percent;

(D) lower monthly payments by the homeowner of between 10 percent to 20 percent; or

(E) lower monthly payments by the homeowner of more than 20 percent.

(b) **DATA COLLECTION.**—

(1) **REQUIRED.**—

(A) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) **INCLUSIVENESS OF COLLECTIONS.**—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) **REPORT.**—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

SEC. 105. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) **IN GENERAL.**—Section 2301 of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) in subsection (b), by adding at the end the following:

“(5) **DISTRIBUTION OF FUNDS IN CERTAIN STATES; COMPETITION FOR FUNDS.**—Each State that receives the minimum allocation of amounts pursuant to the requirement under section 2302 shall be permitted to use such amounts to address statewide concerns, provided that such amounts are made available for an eligible use described under paragraphs (3) and (4) of subsection (c).”; and

(2) in subsection (c), by adding at the end the following:

“(4) **FORECLOSURE PREVENTION AND MITIGATION.**—

“(A) **IN GENERAL.**—Each State and unit of general local government that receives an allocation of any covered amounts, as such amounts are distributed pursuant to section 2302, may use up to 10 percent of such amounts for foreclosure prevention programs, activities, and services, foreclosure mitigation programs, activities, and services, or both, as such programs, activities, and services are defined by the Secretary.

“(B) **DEFINITION OF COVERED AMOUNTS.**—For purposes of this paragraph, the term ‘covered amount’ means any amounts appropriated—

“(i) under this section as in effect on the date of enactment of this section; and

“(ii) under the heading ‘Community Development Fund’ of title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 217).”

(b) **RETROACTIVE EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if enacted on the date of enactment of the Foreclosure Prevention Act of 2008 (Public Law 110-289).

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

SEC. 201. SERVICER SAFE HARBOR FOR MORTGAGE LOAN MODIFICATIONS.

(a) **CONGRESSIONAL FINDINGS.**—Congress finds the following:

(1) Increasing numbers of mortgage foreclosures are not only depriving many Americans of their homes, but are also destabilizing property values and negatively affecting State and local economies as well as the national economy.

(2) In order to reduce the number of foreclosures and to stabilize property values, local economies, and the national economy, servicers must be given—

(A) authorization to—

(i) modify mortgage loans and engage in other loss mitigation activities consistent

with applicable guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

(ii) refinance mortgage loans under the Hope for Homeowners program; and

(B) a safe harbor to enable such servicers to exercise these authorities.

(b) **SAFE HARBOR.**—Section 129A of the Truth in Lending Act (15 U.S.C. 1639a) is amended to read as follows:

“SEC. 129. DUTY OF SERVICERS OF RESIDENTIAL MORTGAGES.

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, whenever a servicer of residential mortgages agrees to enter into a qualified loss mitigation plan with respect to 1 or more residential mortgages originated before the date of enactment of the Helping Families Save Their Homes Act of 2009, including mortgages held in a securitization or other investment vehicle—

“(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors and parties, and not to any individual party or group of parties; and

“(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria:

“(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

“(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

“(C) The servicer reasonably determined, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures.

“(b) **NO LIABILITY.**—A servicer that is deemed to be acting in the best interests of all investors or other parties under this section shall not be liable to any party who is owed a duty under subsection (a)(1), and shall not be subject to any injunction, stay, or other equitable relief to such party, based solely upon the implementation by the servicer of a qualified loss mitigation plan.

“(c) **STANDARD INDUSTRY PRACTICE.**—The qualified loss mitigation plan guidelines issued by the Secretary of the Treasury under the Emergency Economic Stabilization Act of 2008 shall constitute standard industry practice for purposes of all Federal and State laws.

“(d) **SCOPE OF SAFE HARBOR.**—Any person, including a trustee, issuer, and loan originator, shall not be liable for monetary damages or be subject to an injunction, stay, or other equitable relief, based solely upon the cooperation of such person with a servicer when such cooperation is necessary for the servicer to implement a qualified loss mitigation plan that meets the requirements of subsection (a).

“(e) **REPORTING.**—Each servicer that engages in qualified loss mitigation plans under this section shall regularly report to the Secretary of the Treasury the extent, scope, and results of the servicer’s modification activities. The Secretary of the Treasury shall prescribe regulations or guidance

specifying the form, content, and timing of such reports.

“(f) **DEFINITIONS.**—As used in this section—

“(1) the term ‘qualified loss mitigation plan’ means—

“(A) a residential loan modification, workout, or other loss mitigation plan, including to the extent that the Secretary of the Treasury determines appropriate, a loan sale, real property disposition, trial modification, pre-foreclosure sale, and deed in lieu of foreclosure, that is described or authorized in guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

“(B) a refinancing of a mortgage under the Hope for Homeowners program;

“(2) the term ‘servicer’ means the person responsible for the servicing for others of residential mortgage loans (including of a pool of residential mortgage loans); and

“(3) the term ‘securitization vehicle’ means a trust, special purpose entity, or other legal structure that is used to facilitate the issuing of securities, participation certificates, or similar instruments backed by or referring to a pool of assets that includes residential mortgages (or instruments that are related to residential mortgages such as credit-linked notes).”

SEC. 202. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

(a) **PROGRAM CHANGES.**—Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—

(1) in subsection (c)—

(A) in the heading for paragraph (1), by striking “THE BOARD” and inserting “SECRETARY”;

(B) in paragraph (1), by striking “Board” inserting “Secretary, after consultation with the Board,”;

(C) in paragraph (1)(A), by inserting “consistent with section 203(b) to the maximum extent possible” before the semicolon; and

(D) by adding after paragraph (2) the following:

“(3) **DUTIES OF BOARD.**—The Board shall advise the Secretary regarding the establishment and implementation of the HOPE for Homeowners Program.”;

(2) by striking “Board” each place such term appears in subsections (e), (h)(1), (h)(3), (j), (l), (n), (s)(3), and (v) and inserting “Secretary”;

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

“(1) **BORROWER CERTIFICATION.**—

“(A) **NO INTENTIONAL DEFAULT OR FALSE INFORMATION.**—The mortgagor shall provide a certification to the Secretary that the mortgagor has not intentionally defaulted on the existing mortgage or mortgages or any other substantial debt within the last 5 years and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining the eligible mortgage to be insured and has not been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section.

“(B) **LIABILITY FOR REPAYMENT.**—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Secretary any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made by the mortgagor in the certifications and documentation required under this paragraph, subject to the discretion of the Secretary.

“(C) **CURRENT BORROWER DEBT-TO-INCOME RATIO.**—As of the date of application for a commitment to insure or insurance under this section, the mortgagor shall have had, or thereafter is likely to have, due to the terms of the mortgage being reset, a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Secretary determines appropriate).”;

(B) in paragraph (4)—

(i) in subparagraph (A), by striking “, subject to standards established by the Board under subparagraph (B),”; and

(ii) in subparagraph (B)(i), by striking “shall” and inserting “may”; and

(C) in paragraph (7), by striking “; and provided that” and all that follows through “new second lien”;

(D) in paragraph (9)—

(i) by striking “by procuring (A) an income tax return transcript of the income tax return of the mortgagor, or (B)” and inserting “in accordance with procedures and standards that the Secretary shall establish (provided that such procedures and standards are consistent with section 203(b) to the maximum extent possible) which may include requiring the mortgagee to procure”; and

(ii) by striking “and by any other method, in accordance with procedures and standards that the Board shall establish”;

(E) in paragraph (10)—

(i) by striking “The mortgagor shall not” and inserting the following:

“(A) **PROHIBITION.**—The mortgagor shall not”; and

(ii) by adding at the end the following:

“(B) **DUTY OF MORTGAGEE.**—The duty of the mortgagee to ensure that the mortgagor is in compliance with the prohibition under subparagraph (A) shall be satisfied if the mortgagee makes a good faith effort to determine that the mortgagor has not been convicted under Federal or State law for fraud during the period described in subparagraph (A).”;

(F) in paragraph (11), by inserting before the period at the end the following: “, except that the Secretary may provide exceptions to such latter requirement (relating to present ownership interest) for any mortgagor who has inherited a property”; and

(G) by adding at the end:

“(12) **BAN ON MILLIONAIRES.**—The mortgagor shall not have a net worth, as of the date the mortgagor first applies for a mortgage to be insured under the Program under this section, that exceeds \$1,000,000.”;

(4) in subsection (h)(2), by striking “The Board shall prohibit the Secretary from paying” and inserting “The Secretary shall not pay”; and

(5) in subsection (i)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(B) in the matter preceding subparagraph (A), as redesignated by this paragraph, by striking “For each” and inserting the following:

“(1) **PREMIUMS.**—For each”;

(C) in subparagraph (A), as redesignated by this paragraph, by striking “equal to 3 percent” and inserting “not more than 3 percent”; and

(D) in subparagraph (B), as redesignated by this paragraph, by striking “equal to 1.5 percent” and inserting “not more than 1.5 percent”;

(E) by adding at the end the following:

“(2) **CONSIDERATIONS.**—In setting the premium under this subsection, the Secretary shall consider—

“(A) the financial integrity of the HOPE for Homeowners Program; and

“(B) the purposes of the HOPE for Homeowners Program described in subsection (b).”;

(6) in subsection (k)—

(A) by striking the subsection heading and inserting “EXIT FEE”;

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking “such sale or refinancing” and inserting “the mortgage being insured under this section”; and

(C) in paragraph (2), by striking “and the mortgagor” and all that follows through the end and inserting “may, upon any sale or disposition of the property to which the mortgage relates, be entitled to up to 50 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with the holder of the existing senior mortgage on the eligible mortgage, the holder of any existing subordinate mortgage on the eligible mortgage, or both.”;

(7) in the heading for subsection (n), by striking “THE BOARD” and inserting “SECRETARY”;

(8) in subsection (p), by striking “Under the direction of the Board, the” and inserting “The”;

(9) in subsection (s)—

(A) in the first sentence of paragraph (2), by striking “Board of Directors of” and inserting “Advisory Board for”; and

(B) in paragraph (3)(A)(ii), by striking “subsection (e)(1)(B) and such other” and inserting “such”;

(10) in subsection (v), by inserting after the period at the end the following: “The Secretary shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section.”; and

(1) by adding at the end the following new subsections:

“(x) PAYMENTS TO SERVICERS AND ORIGINATORS.—The Secretary may establish a payment to the—

“(1) servicer of the existing senior mortgage for every loan insured under the HOPE for Homeowners Program; and

“(2) originator of each new loan insured under the HOPE for Homeowners Program.

“(y) AUCTIONS.—The Secretary, with the concurrence of the Board, shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis.”.

(b) REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.—Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting “, as such amount is reduced by \$2,316,000,000,” after “\$700,000,000,000”.

(c) TECHNICAL CORRECTION.—The second section 257 of the National Housing Act (Public Law 110-289; 122 Stat. 2839; 12 U.S.C. 17152-24) is amended by striking the section heading and inserting the following:

“SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.”
SEC. 203. REQUIREMENTS FOR FHA-APPROVED MORTGAGEES.

(a) MORTGAGEE REVIEW BOARD.—

(1) IN GENERAL.—Section 202(c)(2) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(A) in subparagraph (E), by inserting “and” after the semicolon;

(B) in subparagraph (F), by striking “; and” and inserting “or their designees.”; and

(C) by striking subparagraph (G).

(2) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE ACTION AGAINST MORTGAGEES.—Section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended by adding at the end the following new paragraph:

“(9) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE ACTION AGAINST MORTGAGEES.—No State or local law, and no Federal law (except a Federal law enacted expressly in limitation of this subsection after the effective date of this sentence), shall preclude or limit the exercise by the Board of its power to take any action authorized under paragraphs (3) and (6) of this subsection against any mortgagee.”.

(b) LIMITATIONS ON PARTICIPATION AND MORTGAGEE APPROVAL AND USE OF NAME.—Section 202 of the National Housing Act (12 U.S.C. 1708) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection:

“(d) LIMITATIONS ON PARTICIPATION IN ORIGINATION AND MORTGAGEE APPROVAL.—

“(1) REQUIREMENT.—Any person or entity that is not approved by the Secretary to serve as a mortgagee, as such term is defined in subsection (c)(7), shall not participate in the origination of an FHA-insured loan except as authorized by the Secretary.

“(2) ELIGIBILITY FOR APPROVAL.—In order to be eligible for approval by the Secretary, an applicant mortgagee shall not be, and shall not have any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the applicant mortgagee who is—

“(A) currently suspended, debarred, under a limited denial of participation (LDP), or otherwise restricted under part 25 of title 24 of the Code of Federal Regulations, 2 Code of Federal Regulations, part 180 as implemented by part 2424, or any successor regulations to such parts, or under similar provisions of any other Federal agency;

“(B) under indictment for, or has been convicted of, an offense that reflects adversely upon the applicant's integrity, competence or fitness to meet the responsibilities of an approved mortgagee;

“(C) subject to unresolved findings contained in a Department of Housing and Urban Development or other governmental audit, investigation, or review;

“(D) engaged in business practices that do not conform to generally accepted practices of prudent mortgagees or that demonstrate irresponsibility;

“(E) convicted of, or who has pled guilty or nolo contendere to, a felony related to participation in the real estate or mortgage loan industry—

“(i) during the 7-year period preceding the date of the application for licensing and registration; or

“(ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

“(F) in violation of provisions of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any applicable provision of State law; or

“(G) in violation of any other requirement as established by the Secretary.

“(3) RULEMAKING AND IMPLEMENTATION.—The Secretary shall conduct a rulemaking to

carry out this subsection. The Secretary shall implement this subsection not later than the expiration of the 60-day period beginning upon the date of the enactment of this subsection by notice, mortgagee letter, or interim final regulations, which shall take effect upon issuance.”; and

(3) by adding at the end the following new subsection:

“(h) USE OF NAME.—The Secretary shall, by regulation, require each mortgagee approved by the Secretary for participation in the FHA mortgage insurance programs of the Secretary—

“(1) to use the business name of the mortgagee that is registered with the Secretary in connection with such approval in all advertisements and promotional materials, as such terms are defined by the Secretary, relating to the business of such mortgagee in such mortgage insurance programs; and

“(2) to maintain copies of all such advertisements and promotional materials, in such form and for such period as the Secretary requires.”.

(c) PAYMENT FOR LOSS MITIGATION.—Section 204(a)(2) of the National Housing Act (12 U.S.C. 1710(a)(2)) is amended—

(1) by inserting “or faces imminent default, as defined by the Secretary” after “default”;

(2) by inserting “support for borrower housing counseling, partial claims, borrower incentives, preforeclosure sale,” after “loan modification,”; and

(3) by striking “204(a)(1)(A)” and inserting “subsection (a)(1)(A) or section 203(c)”.

(d) PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.—

(1) ADDITIONAL LOSS MITIGATION ACTIONS.—Section 230(a) of the National Housing Act (12 U.S.C. 1715u(a)) is amended—

(A) by inserting “or imminent default, as defined by the Secretary” after “default”;

(B) by striking “loss” and inserting “loan”;

(C) by inserting “preforeclosure sale, support for borrower housing counseling, subordinate lien resolution, borrower incentives,” after “loan modification,”;

(D) by inserting “as required,” after “deeds in lieu of foreclosure,”; and

(E) by inserting “or section 230(c),” before “as provided”.

(2) AMENDMENT TO PARTIAL CLAIM AUTHORITY.—Section 230(b) of the National Housing Act (12 U.S.C. 1715u(b)) is amended to read as follows:

“(b) PAYMENT OF PARTIAL CLAIM.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence that is in default or faces imminent default, as defined by the Secretary.

“(2) PAYMENTS AND EXCEPTIONS.—Any payment of a partial claim under the program established in paragraph (1) to a mortgagee shall be made in the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

“(A) the amount of the payment shall be in an amount determined by the Secretary, not to exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

“(B) the amount of the partial claim payment shall first be applied to any arrearage on the mortgage, and may also be applied to achieve principal reduction;

“(C) the mortgagor shall agree to repay the amount of the insurance claim to the

Secretary upon terms and conditions acceptable to the Secretary;

“(D) the Secretary may permit compensation to the mortgagee for lost income on monthly payments, due to a reduction in the interest rate charged on the mortgage;

“(E) expenses related to the partial claim or modification may not be charged to the borrower;

“(F) loans may be modified to extend the term of the mortgage to a maximum of 40 years from the date of the modification; and

“(G) the Secretary may permit incentive payments to the mortgagee, on the borrower's behalf, based on successful performance of a modified mortgage, which shall be used to reduce the amount of principal indebtedness.

“(3) PAYMENTS IN CONNECTION WITH CERTAIN ACTIVITIES.—The Secretary may pay the mortgagee, from the appropriate insurance fund, in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary.”.

(3) ASSIGNMENT.—Section 230(c) of the National Housing Act (12 U.S.C. 1715u(c)) is amended—

(A) by inserting “(1)” after “(c)”;

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (1)(B) (as so redesignated)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) in the matter preceding clause (i) (as so redesignated), by striking “under a program under this subsection” and inserting “under this paragraph”; and

(iii) in clause (i) (as so redesignated), by inserting “or facing imminent default, as defined by the Secretary” after “default”;

(D) in paragraph (1)(C) (as so redesignated), by striking “under a program under this subsection” and inserting “under this paragraph”; and

(E) by adding at the end the following:

“(2) ASSIGNMENT AND LOAN MODIFICATION.—

“(A) AUTHORITY.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of insurance benefits and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved by the mortgagee.

“(B) PAYMENT OF BENEFITS AND ASSIGNMENT.—In carrying out this paragraph, the Secretary may pay insurance benefits for a mortgage, in the amount determined in accordance with section 204(a)(5), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of section 204(a)(1)(A).

“(C) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, the Secretary may provide insurance under this title for the mortgage. The Secretary may subsequently—

“(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

“(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

“(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

“(D) LOAN SERVICING.—In carrying out this paragraph, the Secretary may require the existing servicer of a mortgage assigned to the Secretary to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage, provided that the Secretary compensates the existing servicer appropriately, as such compensation is determined by the Secretary consistent, to the maximum extent possible, with section 203(b). If the mortgage is resold pursuant to subparagraph (C)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.”.

(4) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this subsection through notice or mortgagee letter.

(e) CHANGE OF STATUS.—The National Housing Act is amended by striking section 532 (12 U.S.C. 1735f-10) and inserting the following new section:

“SEC. 532. CHANGE OF MORTGAGEE STATUS.

“(a) NOTIFICATION.—Upon the occurrence of any action described in subsection (b), an approved mortgagee shall immediately submit to the Secretary, in writing, notification of such occurrence.

“(b) ACTIONS.—The actions described in this subsection are as follows:

“(1) The debarment, suspension or a Limited Denial of Participation (LDP), or application of other sanctions, other exclusions, fines, or penalties applied to the mortgagee or to any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the mortgagee pursuant to applicable provisions of State or Federal law.

“(2) The revocation of a State-issued mortgage loan originator license issued pursuant to the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any other similar declaration of ineligibility pursuant to State law.”.

(f) CIVIL MONEY PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f-14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “or any of its owners, officers, or directors” after “mortgagee or lender”;

(ii) in subparagraph (H), by striking “title I” and all that follows through “under this Act.” and inserting “title I or II of this Act, or any implementing regulation, handbook, or mortgagee letter that is issued under this Act.”; and

(iii) by inserting after subparagraph (J) the following:

“(K) Violation of section 202(d) of this Act (12 U.S.C. 1708(d)).

“(L) Use of ‘Federal Housing Administration’, ‘Department of Housing and Urban Development’, ‘Government National Mortgage Association’, ‘Ginnie Mae’, the acronyms ‘HUD’, ‘FHA’, or ‘GNMA’, or any official seal or logo of the Department of Housing and Urban Development, except as authorized by the Secretary.”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “or” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(D) causing or participating in any of the violations set forth in paragraph (1) of this subsection.”; and

(C) by amending paragraph (3) to read as follows:

“(3) PROHIBITION AGAINST MISLEADING USE OF FEDERAL ENTITY DESIGNATION.—The Secretary may impose a civil money penalty, as adjusted from time to time, under subsection (a) for any use of ‘Federal Housing Administration’, ‘Department of Housing and Urban Development’, ‘Government National Mortgage Association’, ‘Ginnie Mae’, the acronyms ‘HUD’, ‘FHA’, or ‘GNMA’, or any official seal or logo of the Department of Housing and Urban Development, by any person, party, company, firm, partnership, or business, including sellers of real estate, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, and dealers, except as authorized by the Secretary.”; and

(2) in subsection (g), by striking “The term” and all that follows through the end of the sentence and inserting “For purposes of this section, a person acts knowingly when a person has actual knowledge of acts or should have known of the acts.”.

(g) EXPANDED REVIEW OF FHA MORTGAGEE APPLICANTS AND NEWLY APPROVED MORTGAGEES.—Not later than the expiration of the 3-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) expand the existing process for reviewing new applicants for approval for participation in the mortgage insurance programs of the Secretary for mortgages on 1- to 4-family residences for the purpose of identifying applicants who represent a high risk to the Mutual Mortgage Insurance Fund; and

(2) implement procedures that, for mortgagees approved during the 12-month period ending upon such date of enactment—

(A) expand the number of mortgagees originated by such mortgagees that are reviewed for compliance with applicable laws, regulations, and policies; and

(B) include a process for random reviews of such mortgagees and a process for reviews that is based on volume of mortgages originated by such mortgagees.

SEC. 204. ENHANCEMENT OF LIQUIDITY AND STABILITY OF INSURED DEPOSITORY INSTITUTIONS TO ENSURE AVAILABILITY OF CREDIT AND REDUCTION OF FORECLOSURES.

(a) TEMPORARY INCREASE IN DEPOSIT INSURANCE EXTENDED.—Section 136 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5241) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “December 31, 2009” and inserting “December 31, 2013”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “December 31, 2009” and inserting “December 31, 2013”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “December 31, 2009” and inserting “December 31, 2013”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “December 31, 2009” and inserting “December 31, 2013”; and

(b) EXTENSION OF RESTORATION PLAN PERIOD.—Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking “5-year period” and inserting “8-year period”.

(c) FDIC AND NCUA BORROWING AUTHORITY.—

(1) FDIC.—Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(A) by striking “\$30,000,000,000” and inserting “\$100,000,000,000”;

(B) by striking “The Corporation is authorized” and inserting the following:

“(1) IN GENERAL.—The Corporation is authorized”;

(C) by striking “There are hereby” and inserting the following:

“(2) FUNDING.—There are hereby”; and

(D) by adding at the end the following:

“(3) TEMPORARY INCREASES AUTHORIZED.—

“(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the \$100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$500,000,000,000.

“(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above \$100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.

“(C) RESTRICTION ON USAGE.—The Corporation may not borrow pursuant to subparagraph (A) to fund obligations of the Corporation incurred as a part of a program established by the Secretary of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008 to purchase or guarantee assets.”.

(2) NCUA.—Section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)) is amended to read as follows:

“(1) If, in the judgment of the Board, a loan to the insurance fund, or to the stabilization fund described in section 217 of this title, is required at any time for purposes of this subchapter, the Secretary of the Treasury shall make the loan, but loans under this paragraph shall not exceed in the aggregate \$6,000,000,000 outstanding at any one time. Except as otherwise provided in this subsection, section 217, and in subsection (e) of this section, each loan under this paragraph shall be made on such terms as may be fixed by agreement between the Board and the Secretary of the Treasury.”.

(3) TEMPORARY INCREASES OF BORROWING AUTHORITY FOR NCUA.—Section 203(d) of the Federal Credit Union Act (12 U.S.C. 1783(d)) is amended by adding at the end the following:

“(4) TEMPORARY INCREASES AUTHORIZED.—

“(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of

enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board (upon a vote of not less than two-thirds of the members of the Board) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the \$6,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$30,000,000,000.

“(B) REPORT REQUIRED.—If the borrowing authority of the Board is increased above \$6,000,000,000 pursuant to subparagraph (A), the Board shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.”.

(d) EXPANDING SYSTEMIC RISK SPECIAL ASSESSMENTS.—Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

“(ii) REPAYMENT OF LOSS.—

“(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

“(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

“(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall establish rates sufficient to cover the losses incurred as a result of the actions of the Corporation under clause (i) and shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions, the effects on the industry, and such other factors as the Corporation deems appropriate and relevant to the action taken or the assistance provided. Any funds so collected that exceed actual losses shall be placed in the Deposit Insurance Fund.”.

(e) ESTABLISHMENT OF A NATIONAL CREDIT UNION SHARE INSURANCE FUND RESTORATION PLAN PERIOD.—Section 202(c)(2) of the Federal Credit Union Act (12 U.S.C. 1782(c)(2)) is amended by adding at the end the following new subparagraph:

“(D) FUND RESTORATION PLANS.—

“(i) IN GENERAL.—Whenever—

“(I) the Board projects that the equity ratio of the Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (C); or

“(II) the equity ratio of the Fund actually falls below the minimum amount specified in subparagraph (C) without any determination under sub-clause (I) having been made,

the Board shall establish and implement a restoration plan within 90 days that meets the requirements of clause (ii) and such

other conditions as the Board determines to be appropriate.

“(ii) REQUIREMENTS OF RESTORATION PLAN.—A restoration plan meets the requirements of this clause if the plan provides that the equity ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (C) before the end of the 8-year period beginning upon the implementation of the plan (or such longer period as the Board may determine to be necessary due to extraordinary circumstances).

“(iii) TRANSPARENCY.—Not more than 30 days after the Board establishes and implements a restoration plan under clause (i), the Board shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.”.

(f) TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.—

(1) ESTABLISHMENT OF STABILIZATION FUND.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section: “SEC. 217. TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.

“(a) ESTABLISHMENT OF STABILIZATION FUND.—There is hereby created in the Treasury of the United States a fund to be known as the ‘Temporary Corporate Credit Union Stabilization Fund.’ The Board will administer the Stabilization Fund as prescribed by section 209.

“(b) EXPENDITURES FROM STABILIZATION FUND.—Money in the Stabilization Fund shall be available upon requisition by the Board, without fiscal year limitation, for making payments for the purposes described in section 203(a), subject to the following additional limitations:

“(1) All payments other than administrative payments shall be connected to the conservatorship, liquidation, or threatened conservatorship or liquidation, of a corporate credit union.

“(2) Prior to authorizing each payment the Board shall—

“(A) certify that, absent the existence of the Stabilization Fund, the Board would have made the identical payment out of the National Credit Union Share Insurance Fund (Insurance Fund); and

“(B) report each such certification to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

“(c) AUTHORITY TO BORROW.—

“(1) IN GENERAL.—The Stabilization Fund is authorized to borrow from the Secretary of the Treasury from time-to-time as deemed necessary by the Board. The maximum outstanding amount of all borrowings from the Treasury by the Stabilization Fund and the National Credit Union Share Insurance Fund, combined, is limited to the amount provided for in section 203(d)(1), including any authorized increases in that amount.

“(2) REPAYMENT OF ADVANCES.—

“(A) IN GENERAL.—The advances made under this section shall be repaid by the Stabilization Fund, and interest on such advance shall be paid, to the General fund of the Treasury.

“(B) VARIABLE RATE OF INTEREST.—The Secretary of the Treasury shall make the first rate determination at the time of the first advance under this section and shall reset the rate again for all advances on each anniversary of the first advance. The interest rate shall be equal to the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity equal to 12 months.

“(3) REPAYMENT SCHEDULE.—The Stabilization Fund shall repay the advances on a first-in, first-out basis, with interest on the amount repaid, at times and dates determined by the Board at its discretion. All advances shall be repaid not later than the date of the seventh anniversary of the first advance to the Stabilization Fund, unless the Board extends this final repayment date. The Board shall obtain the concurrence of the Secretary of the Treasury on any proposed extension, including the terms and conditions of the extended repayment.

“(d) ASSESSMENT TO REPAY ADVANCES.—At least 90 days prior to each repayment described in subsection (c)(3), the Board shall set the amount of the upcoming repayment and determine if the Stabilization Fund will have sufficient funds to make the repayment. If the Stabilization Fund might not have sufficient funds to make the repayment, the Board shall assess each federally insured credit union a special premium due and payable within 60 days in an aggregate amount calculated to ensure the Stabilization Fund is able to make the repayment. The premium charge for each credit union shall be stated as a percentage of its insured shares as represented on the credit union's previous call report. The percentage shall be identical for each credit union. Any credit union that fails to make timely payment of the special premium is subject to the procedures and penalties described under subsections (d), (e), and (f) of section 202.

“(e) DISTRIBUTIONS FROM INSURANCE FUND.—At the end of any calendar year in which the Stabilization Fund has an outstanding advance from the Treasury, the Insurance Fund is prohibited from making the distribution to insured credit unions described in section 202(c)(3). In lieu of the distribution described in that section, the Insurance Fund shall make a distribution to the Stabilization Fund of the maximum amount possible that does not reduce the Insurance Fund's equity ratio below the normal operating level and does not reduce the Insurance Fund's available assets ratio below 1.0 percent.

“(f) INVESTMENT OF STABILIZATION FUND ASSETS.—The Board may request the Secretary of the Treasury to invest such portion of the Stabilization Fund as is not, in the Board's judgment, required to meet the current needs of the Stabilization Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities, with maturities suitable to the needs of the Stabilization Fund, as determined by the Board, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

“(g) REPORTS.—The Board shall submit an annual report to Congress on the financial condition and the results of the operation of the Stabilization Fund. The report is due to Congress within 30 days after each anniversary of the first advance made under subsection (c)(1). Because the Fund will use advances from the Treasury to meet corporate stabilization costs with full repayment of borrowings to Treasury at the Board's discretion not due until 7 years from the initial advance, to the extent operating expenses of the Fund exceed income, the financial condition of the Fund may reflect a deficit. With planned and required future repayments, the Board shall resolve all deficits prior to termination of the Fund.

“(h) CLOSING OF STABILIZATION FUND.—Within 90 days following the seventh anni-

versary of the initial Stabilization Fund advance, or earlier at the Board's discretion, the Board shall distribute any funds, property, or other assets remaining in the Stabilization Fund to the Insurance Fund and shall close the Stabilization Fund. If the Board extends the final repayment date as permitted under subsection (c)(3), the mandatory date for closing the Stabilization Fund shall be extended by the same number of days.”

(2) CONFORMING AMENDMENT.—Section 202(c)(3)(A) of the Federal Credit Union Act (12 U.S.C. 1782(c)(3)(A)) is amended by inserting “, subject to the requirements of section 217(e),” after “The Board shall”.

SEC. 205. APPLICATION OF GSE CONFORMING LOAN LIMIT TO MORTGAGES ASSISTED WITH TARP FUNDS.

In making any assistance available to prevent and mitigate foreclosures on residential properties, including any assistance for mortgage modifications, using any amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008, the Secretary shall provide that the limitation on the maximum original principal obligation of a mortgage that may be modified, refinanced, made, guaranteed, insured, or otherwise assisted, using such amounts shall not be less than the dollar amount limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect, at the time that the mortgage is modified, refinanced, made, guaranteed, insured, or otherwise assisted using such amounts, for the area in which the property involved in the transaction is located.

SEC. 206. MORTGAGES ON CERTAIN HOMES ON LEASED LAND.

Section 255(b)(4) of the National Housing Act (12 U.S.C. 1715z–20(b)(4)) is amended by striking subparagraph (B) and inserting:

“(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.”

SEC. 207. SENSE OF CONGRESS REGARDING MORTGAGE REVENUE BOND PURCHASES.

It is the sense of the Congress that the Secretary of the Treasury should use amounts made available in this Act to purchase mortgage revenue bonds for single-family housing issued through State housing finance agencies and through units of local government and agencies thereof.

TITLE III—MORTGAGE FRAUD TASK FORCE

SEC. 301. SENSE OF CONGRESS ON ESTABLISHMENT OF A NATIONWIDE MORTGAGE FRAUD TASK FORCE.

(a) IN GENERAL.—It is the sense of the Congress that the Department of Justice establish a Nationwide Mortgage Fraud Task Force (hereinafter referred to in this section as the “Task Force”) to address mortgage fraud in the United States.

(b) SUPPORT.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Attorney General should provide the Task Force with the appropriate staff, administrative support, and other resources necessary to carry out the duties of the Task Force.

(c) MANDATORY FUNCTIONS.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of

the Congress that the Attorney General should—

(1) establish coordinating entities, and solicit the voluntary participation of Federal, State, and local law enforcement and prosecutorial agencies in such entities, to organize initiatives to address mortgage fraud, including initiatives to enforce State mortgage fraud laws and other related Federal and State laws;

(2) provide training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws;

(3) collect and disseminate data with respect to mortgage fraud, including Federal, State, and local data relating to mortgage fraud investigations and prosecutions; and

(4) perform other functions determined by the Attorney General to enhance the detection of, prevention of, and response to mortgage fraud in the United States.

(d) OPTIONAL FUNCTIONS.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Task Force should—

(1) initiate and coordinate Federal mortgage fraud investigations and, through the coordinating entities described under subsection (c), State and local mortgage fraud investigations;

(2) establish a toll-free hotline for—

(A) reporting mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports of mortgage fraud to the appropriate Federal, State, and local law enforcement and prosecutorial agency, including to the appropriate branch of the Task Force established under subsection (d);

(3) create a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States;

(4) make recommendations with respect to the need for and resources available to provide the equipment and training necessary for the Task Force to combat mortgage fraud; and

(5) propose legislation to Federal, State, and local legislative bodies with respect to the elimination and prevention of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

SEC. 401. SENSE OF THE CONGRESS ON FORECLOSURES.

(a) IN GENERAL.—It is the sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or a foreclosure sale on any homeowner until the foreclosure mitigation provisions, like the Hope for Homeowners program, as required under title II, and the President's “Homeowner Affordability and Stability Plan” have been implemented and determined to be operational by the Secretary of Housing and Urban Development and the Secretary of the Treasury.

(b) SCOPE OF MORATORIUM.—The foreclosure moratorium referred to in subsection (a) should apply only for first mortgages secured by the owner's principal dwelling.

(c) FHA-REGULATED LOAN MODIFICATION AGREEMENTS.—If a mortgage holder, institution, or mortgage servicer to which subsection (a) applies reaches a loan modification agreement with a homeowner under the

auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(d) **DUTY OF CONSUMER TO MAINTAIN PROPERTY.**—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(e) **DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.**—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

SEC. 402. PUBLIC-PRIVATE INVESTMENT PROGRAM; ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the “Public-Private Investment Program Improvement and Oversight Act of 2009”.

(b) **PUBLIC-PRIVATE INVESTMENT PROGRAM.**—

(1) **IN GENERAL.**—Any program established by the Federal Government to create a public-private investment fund shall—

(A) in consultation with the Special Inspector General of the Troubled Asset Relief Program (in this section referred to as the “Special Inspector General”), impose strict conflict of interest rules on managers of public-private investment funds to ensure that securities bought by the funds are purchased in arms-length transactions, that fiduciary duties to public and private investors in the fund are not violated, and that there is full disclosure of relevant facts and financial interests (which conflict of interest rules shall be implemented by the manager of a public-private investment fund prior to such fund receiving Federal Government financing);

(B) require each public-private investment fund to make a quarterly report to the Secretary of the Treasury (in this section referred to as the “Secretary”) that discloses the 10 largest positions of such fund (which reports shall be publicly disclosed at such time as the Secretary of the Treasury determines that such disclosure will not harm the ongoing business operations of the fund);

(C) allow the Special Inspector General access to all books and records of a public-private investment fund, including all records of financial transactions in machine readable form, and the confidentiality of all such information shall be maintained by the Special Inspector General;

(D) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(E) require each manager of a public-private investment fund to acknowledge, in writing, a fiduciary duty to both the public and private investors in such fund;

(F) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(G) require strict investor screening procedures for public-private investment funds; and

(H) require each manager of a public-private investment fund to identify for the Secretary each investor that, individually or together with its affiliates, directly or indirectly holds equity interests in the fund acquired as a result of—

(i) any investment by such investor or any of its affiliates in a vehicle formed for the purpose of directly or indirectly investing in the fund; or

(ii) any other investment decision by such investor or any of its affiliates to directly or indirectly invest in the fund that, in the aggregate, equal at least 10 percent of the equity interests in such fund.

(2) **INTERACTION BETWEEN PUBLIC-PRIVATE INVESTMENT FUNDS AND THE TERM-ASSET BACKED SECURITIES LOAN FACILITY.**—The Secretary shall consult with the Special Inspector General and shall issue regulations governing the interaction of the Public-Private Investment Program, the Term-Asset Backed Securities Loan Facility, and other similar public-private investment programs. Such regulations shall address concerns regarding the potential for excessive leverage that could result from interactions between such programs.

(3) **REPORT.**—Not later than 60 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General shall submit a report to Congress on the implementation of this section.

(c) **ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—Of amounts made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$15,000,000 shall be made available to the Special Inspector General, which shall be in addition to amounts otherwise made available to the Special Inspector General.

(2) **PRIORITIES.**—In utilizing funds made available under this section, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under the Public Private Investment Program established by the Secretary of the Treasury or the Term Asset Loan Facility established by the Board of Governors of the Federal Reserve System (including any successor thereto or any other similar program established by the Secretary or the Board), to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.

(d) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of law, nothing in this section shall be construed to apply to any activity of the Federal Deposit Insurance Corporation in connection with insured depository institutions, as described in section 13(c)(2)(B) of the Federal Deposit Insurance Act.

(e) **DEFINITION.**—In this section, the term “public-private investment fund” means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury or funds appropriated under the Emergency Economic Stabilization Act of 2008.

(f) **OFFSET OF COSTS OF PROGRAM CHANGES.**—Notwithstanding the amendment made by section 202(b) of this Act, paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting “, as such amount is reduced by \$2,331,000,000,” after “\$700,000,000,000”.

SEC. 403. REMOVAL OF REQUIREMENT TO LIQUIDATE WARRANTS UNDER THE TARP.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended by striking “shall liquidate warrants associated with such assistance at the current market price” and inserting “, at the market price, may liquidate warrants associated with such assistance”.

SEC. 404. NOTIFICATION OF SALE OR TRANSFER OF MORTGAGE LOANS.

(a) **IN GENERAL.**—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following:

“(g) **NOTICE OF NEW CREDITOR.**—

“(1) **IN GENERAL.**—In addition to other disclosures required by this title, not later than 30 days after the date on which a mortgage loan is sold or otherwise transferred or assigned to a third party, the creditor that is the new owner or assignee of the debt shall notify the borrower in writing of such transfer, including—

“(A) the identity, address, telephone number of the new creditor;

“(B) the date of transfer;

“(C) how to reach an agent or party having authority to act on behalf of the new creditor;

“(D) the location of the place where transfer of ownership of the debt is recorded; and

“(E) any other relevant information regarding the new creditor.

“(2) **DEFINITION.**—As used in this subsection, the term ‘mortgage loan’ means any consumer credit transaction that is secured by the principal dwelling of a consumer.”.

(b) **PRIVATE RIGHT OF ACTION.**—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended by inserting “subsection (f) or (g) of section 131,” after “section 125.”.

TITLE V—FARM LOAN RESTRUCTURING
SEC. 501. CONGRESSIONAL OVERSIGHT PANEL SPECIAL REPORT.

Section 125(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5233(b)) is amended by adding at the end the following:

“(3) **SPECIAL REPORT ON FARM LOAN RESTRUCTURING.**—Not later than 60 days after the date of enactment of this paragraph, the Oversight Panel shall submit a special report on farm loan restructuring that—

“(A) analyzes the state of the commercial farm credit markets and the use of loan restructuring as an alternative to foreclosure by recipients of financial assistance under the Troubled Asset Relief Program; and

“(B) includes an examination of and recommendation on the different methods for farm loan restructuring that could be used as part of a foreclosure mitigation program for farm loans made by recipients of financial assistance under the Troubled Asset Relief Program, including any programs for direct loan restructuring or modification carried out by the Farm Service Agency of the Department of Agriculture, the farm credit system, and the Making Home Affordable Program of the Department of the Treasury.”.

TITLE VI—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

SEC. 601. ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM.

Section 116 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226) is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iii), by striking “and” at the end;

(B) in clause (iv), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(v) public accountability for the exercise of such authority, including with respect to actions taken by those entities participating in programs established under this Act.”; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (F); and

(B) by striking subparagraphs (A) and (B) and inserting the following:

“(A) DEFINITION.—In this paragraph, the term ‘governmental unit’ has the meaning given under section 101(27) of title 11, United States Code, and does not include any insured depository institution as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 8113).

“(B) GAO PRESENCE.—The Secretary shall provide the Comptroller General with appropriate space and facilities in the Department of the Treasury as necessary to facilitate oversight of the TARP until the termination date established in section 5230 of this title.

“(C) ACCESS TO RECORDS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, and for purposes of reviewing the performance of the TARP, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, any entity established by the Secretary under this Act, any entity that is established by a Federal reserve bank and receives funding from the TARP, or any entity (other than a governmental unit) participating in a program established under the authority of this Act, and to the officers, employees, directors, independent public accountants, financial advisors and any and all other agents and representatives thereof, at such time as the Comptroller General may request.

“(ii) VERIFICATION.—The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by, among others, depositories, fiscal agents, and custodians.

“(iii) COPIES.—The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.

“(D) AGREEMENT BY ENTITIES.—Each contract, term sheet, or other agreement between the Secretary or the TARP (or any TARP vehicle, officer, director, employee, independent public accountant, financial advisor, or other TARP agent or representative) and an entity (other than a governmental unit) participating in a program established under this Act shall provide for access by the Comptroller General in accordance with this section.

“(E) RESTRICTION ON PUBLIC DISCLOSURE.—

“(i) IN GENERAL.—The Comptroller General may not publicly disclose proprietary or trade secret information obtained under this section.

“(ii) EXCEPTION FOR CONGRESSIONAL COMMITTEES.—This subparagraph does not limit

disclosures to congressional committees or members thereof having jurisdiction over a private or public entity referred to under subparagraph (C).

“(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or amend the prohibitions against the disclosure of trade secrets or other information prohibited by section 1905 of title 18, United States Code, section 714(c) of title 31, United States Code, or other applicable provisions of law.”.

TITLE VII—PROTECTING TENANTS AT FORECLOSURE ACT

SEC. 701. SHORT TITLE.

This title may be cited as the “Protecting Tenants at Foreclosure Act of 2009”.

SEC. 702. EFFECT OF FORECLOSURE ON PRE-EXISTING TENANCY.

(a) IN GENERAL.—In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1),

except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

(1) the mortgagor under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; or

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

(c) DEFINITION.—For purposes of this section, the term “federally-related mortgage loan” has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

SEC. 703. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting before the semicolon in subparagraph (C) the following: “and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the initial term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner—

“(i) will occupy the unit as a primary residence; and

“(ii) has provided the tenant a notice to vacate at least 90 days before the effective date of such notice.”; and

(2) by inserting at the end of subparagraph (F) the following: “In the case of any foreclosure on any federally-related mortgage loan (as that term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) or on any residential real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants.”.

SEC. 704. SUNSET.

This title, and any amendments made by this title are repealed, and the requirements under this title shall terminate, on December 31, 2012.

TITLE VIII—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

SEC. 801. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.

(a) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended—

(1) in subsection (a), by striking “Federal Reserve Board,” and inserting “Board of Governors of the Federal Reserve System (in this section referred to as the ‘Board’),”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Federal Reserve Board,” and inserting “Board”; and

(B) in paragraph (4), by striking “of Governors”.

(b) CONFIDENTIAL INFORMATION.—Section 714(c) of title 31, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) Except as provided under paragraph (4), an officer or employee of the Government Accountability Office may not disclose to any person outside the Government Accountability Office information obtained in audits or examinations conducted under subsection (e) and maintained as confidential by the Board or the Federal reserve banks.

“(4) This subsection shall not—

“(A) authorize an officer or employee of an agency to withhold information from any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee; or

“(B) limit any disclosure by the Government Accountability Office to any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee.”.

(c) ACCESS TO RECORDS.—Section 714(d) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting “The Comptroller General shall have access to the officers, employees, contractors, and other agents and representatives of an agency and any entity established by an agency at any reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.” after the first sentence;

(2) in paragraph (2), by inserting “, copies of any record,” after “records”; and

(3) by adding at the end the following:

“(3)(A) For purposes of conducting audits and examinations under subsection (e), the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things or property belonging to or in use by—

“(i) any entity established by any action taken by the Board described under subsection (e);

“(ii) any entity receiving assistance from any action taken by the Board described under subsection (e), to the extent that the access and request relates to that assistance; and

“(iii) the officers, directors, employees, independent public accountants, financial advisors and any and all representatives of any entity described under clause (i) or (ii); to the extent that the access and request relates to that assistance;

“(B) The Comptroller General shall have access as provided under subparagraph (A) at such time as the Comptroller General may request.

“(C) Each contract, term sheet, or other agreement between the Board or any Federal reserve bank (or any entity established by the Board or any Federal reserve bank) and an entity receiving assistance from any action taken by the Board described under subsection (e) shall provide for access by the Comptroller General in accordance with this paragraph.”.

(d) AUDITS OF CERTAIN ACTIONS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended by adding at the end the following:

“(e) Notwithstanding subsection (b), the Comptroller General may conduct audits, including onsite examinations when the Comptroller General determines such audits and examinations are appropriate, of any action taken by the Board under the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343); with respect to a single and specific partnership or corporation.”.

DIVISION B—HOMELESSNESS REFORM

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—HOMELESSNESS REFORM

Sec. 1001. Short title; table of contents.

Sec. 1002. Findings and purposes.

Sec. 1003. Definition of homelessness.

Sec. 1004. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

Sec. 1101. Definitions.

Sec. 1102. Community homeless assistance planning boards.

Sec. 1103. General provisions.

Sec. 1104. Protection of personally identifying information by victim service providers.

Sec. 1105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

Sec. 1201. Grant assistance.

Sec. 1202. Eligible activities.

Sec. 1203. Participation in Homeless Management Information System.

Sec. 1204. Administrative provision.

Sec. 1205. GAO study of administrative fees.

TITLE III—CONTINUUM OF CARE PROGRAM

Sec. 1301. Continuum of care.

Sec. 1302. Eligible activities.

Sec. 1303. High performing communities.

Sec. 1304. Program requirements.

Sec. 1305. Selection criteria, allocation amounts, and funding.

Sec. 1306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

Sec. 1401. Rural housing stability assistance.

Sec. 1402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. 1501. Repeals.

Sec. 1502. Conforming amendments.

Sec. 1503. Effective date.

Sec. 1504. Regulations.

Sec. 1505. Amendment to table of contents.

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) PURPOSES.—The purposes of this division are—

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 1003. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—For purposes of this Act, the terms ‘homeless’, ‘homeless individual’, and ‘homeless person’ means—

“(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

“(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

“(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

“(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

“(5) an individual or family who—

“(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

“(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

“(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

“(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

“(B) has no subsequent residence identified; and

“(C) lacks the resources or support networks needed to obtain other permanent housing; and

“(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

“(A) have experienced a long term period without living independently in permanent housing,

“(B) have experienced persistent instability as measured by frequent moves over such period, and

“(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

“(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.”.

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this division, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this division.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of “homeless”, “homeless individual”, or “homeless person” for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 1004. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following “whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness”;

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

“(16) The Commissioner of Social Security, or the designee of the Commissioner.

“(17) The Attorney General of the United States, or the designee of the Attorney General.

“(18) The Director of the Office of Management and Budget, or the designee of the Director.

“(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

“(20) The Director of USA Freedom Corps, or the designee of the Director.”;

(B) in subsection (c), by striking “annually” and inserting “four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year”;

(C) by adding at the end the following:

“(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.”;

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

“(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually”;

(C) in paragraph (5), as redesignated by subparagraph (A), by striking “at least 2, but in no case more than 5” and inserting “not less than 5, but in no case more than 10”;

(D) by inserting before paragraph (5), as so redesignated by subparagraph (A), the following:

“(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

“(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies’ identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experi-

encing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled ‘Homelessness: Coordination and Evaluation of Programs Are Essential’, issued February 26, 1999, and ‘Homelessness: Barriers to Using Mainstream Programs’, issued July 6, 2000;

“(8) conduct research and evaluation related to its functions as defined in this section;

“(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency”;

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking “and” at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

“(12) develop constructive alternatives to criminalizing homelessness and eliminate laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person’s property without due process, or are selectively enforced against homeless persons; and

“(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and Ranking Member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of ‘homeless’ under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 1003 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting.”;

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—

(A) by striking “Federal” and inserting “national”;

(B) by striking “; and” and inserting “and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made”;

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking “property.” and inserting “property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council.”; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

“SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$3,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011. Any amounts appropriated to carry out this title shall remain available until expended.”;

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this division.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS**SEC. 1101. DEFINITIONS.**

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle A—General Provisions”;

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

“SEC. 401. DEFINITIONS.

“For purposes of this title:

“(1) AT RISK OF HOMELESSNESS.—The term ‘at risk of homelessness’ means, with respect to an individual or family, that the individual or family—

“(A) has income below 30 percent of median income for the geographic area;

“(B) has insufficient resources immediately available to attain housing stability; and

“(C)(i) has moved frequently because of economic reasons;

“(ii) is living in the home of another because of economic hardship;

“(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

“(iv) lives in a hotel or motel;

“(v) lives in severely overcrowded housing;

“(vi) is exiting an institution; or

“(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.

“(2) CHRONICALLY HOMELESS.—

“(A) IN GENERAL.—The term ‘chronically homeless’ means, with respect to an individual or family, that the individual or family—

“(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

“(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

“(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable

substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

“(B) **RULE OF CONSTRUCTION.**—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

“(3) **COLLABORATIVE APPLICANT.**—The term ‘collaborative applicant’ means an entity that—

“(A) carries out the duties specified in section 402;

“(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

“(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

“(4) **COLLABORATIVE APPLICATION.**—The term ‘collaborative application’ means an application for a grant under subtitle C that—

“(A) satisfies section 422; and

“(B) is submitted to the Secretary by a collaborative applicant.

“(5) **CONSOLIDATED PLAN.**—The term ‘Consolidated Plan’ means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

“(6) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

“(7) **FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.**—The term ‘families with children and youth defined as homeless under other Federal statutes’ means any children or youth that are defined as ‘homeless’ under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

“(8) **GEOGRAPHIC AREA.**—The term ‘geographic area’ means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

“(9) **HOMELESS INDIVIDUAL WITH A DISABILITY.**—

“(A) **IN GENERAL.**—The term ‘homeless individual with a disability’ means an individual who is homeless, as defined in section 103, and has a disability that—

“(i)(I) is expected to be long-continuing or of indefinite duration;

“(II) substantially impedes the individual’s ability to live independently;

“(III) could be improved by the provision of more suitable housing conditions; and

“(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

“(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

“(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

“(B) **RULE.**—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

“(10) **LEGAL ENTITY.**—The term ‘legal entity’ means—

“(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

“(B) an instrumentality of State or local government; or

“(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

“(11) **METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.**—The terms ‘metropolitan city’, ‘urban county’, and ‘non-entitlement area’ have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

“(12) **NEW.**—The term ‘new’ means, with respect to housing, that no assistance has been provided under this title for the housing.

“(13) **OPERATING COSTS.**—The term ‘operating costs’ means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

“(A) the administration, maintenance, repair, and security of such housing;

“(B) utilities, fuel, furnishings, and equipment for such housing; or

“(C) coordination of services as needed to ensure long-term housing stability.

“(14) **OUTPATIENT HEALTH SERVICES.**—The term ‘outpatient health services’ means outpatient health care services, mental health services, and outpatient substance abuse services.

“(15) **PERMANENT HOUSING.**—The term ‘permanent housing’ means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

“(16) **PERSONALLY IDENTIFYING INFORMATION.**—The term ‘personally identifying information’ means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

“(A) a first and last name;

“(B) a home or other physical address;

“(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

“(D) a social security number; and

“(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

“(17) **PRIVATE NONPROFIT ORGANIZATION.**—The term ‘private nonprofit organization’ means an organization—

“(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

“(B) that has a voluntary board;

“(C) that has an accounting system, or has designated a fiscal agent in accordance with

requirements established by the Secretary; and

“(D) that practices nondiscrimination in the provision of assistance.

“(18) **PROJECT.**—The term ‘project’ means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

“(19) **PROJECT-BASED.**—The term ‘project-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an owner of a structure that exists as of the date the contract is entered into; and

“(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

“(20) **PROJECT SPONSOR.**—The term ‘project sponsor’ means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

“(21) **RECIPIENT.**—Except as used in subtitle B, the term ‘recipient’ means an eligible entity who—

“(A) submits an application for a grant under section 422 that is approved by the Secretary;

“(B) receives the grant directly from the Secretary to support approved projects described in the application; and

“(C)(i) serves as a project sponsor for the projects; or

“(ii) awards the funds to project sponsors to carry out the projects.

“(22) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(23) **SERIOUS MENTAL ILLNESS.**—The term ‘serious mental illness’ means a severe and persistent mental illness or emotional impairment that seriously limits a person’s ability to live independently.

“(24) **SOLO APPLICANT.**—The term ‘solo applicant’ means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

“(25) **SPONSOR-BASED.**—The term ‘sponsor-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an independent entity that—

“(I) is a private organization; and

“(II) owns or leases dwelling units; and

“(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

“(26) **STATE.**—Except as used in subtitle B, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

“(27) **SUPPORTIVE SERVICES.**—The term ‘supportive services’ means services that address the special needs of people served by a project, including—

“(A) the establishment and operation of a child care services program for families experiencing homelessness;

“(B) the establishment and operation of an employment assistance program, including providing job training;

“(C) the provision of outpatient health services, food, and case management;

“(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

“(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

“(F) the provision of mental health services, trauma counseling, and victim services;

“(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

“(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;

“(I) the provision of—

“(i) transportation services that facilitate an individual's ability to obtain and maintain employment; and

“(ii) health care; and

“(J) other supportive services necessary to obtain and maintain housing.

“(28) **TENANT-BASED.**—The term ‘tenant-based’ means, with respect to rental assistance, assistance that—

“(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

“(i) in a particular structure or unit for not more than the first year of the participation;

“(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

“(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

“(29) **TRANSITIONAL HOUSING.**—The term ‘transitional housing’ means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

“(30) **UNIFIED FUNDING AGENCY.**—The term ‘unified funding agency’ means a collaborative applicant that performs the duties described in section 402(g).

“(31) **UNDERSERVED POPULATIONS.**—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

“(32) **VICTIM SERVICE PROVIDER.**—The term ‘victim service provider’ means a private

nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

“(33) **VICTIM SERVICES.**—The term ‘victim services’ means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.”.

SEC. 1102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 1101(3) of this division) the following new section:

“SEC. 402. COLLABORATIVE APPLICANTS.

“(a) **ESTABLISHMENT AND DESIGNATION.**—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

“(1) submit an application for amounts under this subtitle; and

“(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

“(b) **NO REQUIREMENT TO BE A LEGAL ENTITY.**—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

“(c) **REMEDIAL ACTION.**—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

“(d) **CONSTRUCTION.**—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

“(e) **APPOINTMENT OF AGENT.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), a collaborative applicant may designate an agent to—

“(A) apply for a grant under section 422(c);

“(B) receive and distribute grant funds awarded under subtitle C; and

“(C) perform other administrative duties.

“(2) **RETENTION OF DUTIES.**—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

“(f) **DUTIES.**—A collaborative applicant shall—

“(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

“(A) to determine compliance with—

“(i) the program requirements under section 426; and

“(ii) the selection criteria described under section 427; and

“(B) to establish priorities for funding projects in the geographic area involved;

“(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

“(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as ‘HMIS’) that—

“(A) collects unduplicated counts of individuals and families experiencing homelessness;

“(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

“(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

“(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

“(i) encryption of data collected for purposes of HMIS;

“(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

“(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

“(iv) rights of persons receiving services under this title;

“(v) criminal and civil penalties for unlawful disclosure of data; and

“(vi) such other standards as may be determined necessary by the Secretary.

“(g) **UNIFIED FUNDING.**—

“(1) **IN GENERAL.**—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

“(A) the collaborative applicant—

“(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

“(ii) is selected to perform such responsibilities by the Secretary; or

“(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

“(i) a finding by the Secretary that the applicant—

“(I) has the capacity to perform such responsibilities; and

“(II) would serve the purposes of this Act as they apply to the geographic area; and

“(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

“(2) **REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.**—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

“(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

“(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

“(h) **CONFLICT OF INTEREST.**—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such

member or the organization that such member represents.”.

SEC. 1103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 1101(2) of this division) the following new sections:

“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

“(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

“(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

“(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

“(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

“SEC. 405. TECHNICAL ASSISTANCE.

“(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other non-governmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homelessness.

“(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).”.

SEC. 1104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

“In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall

be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.”.

SEC. 1105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.”.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 1201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle B—Emergency Solutions Grants Program”;

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373–6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

“SEC. 412. GRANT ASSISTANCE.

“The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

“SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

“(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

“(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.”; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking “amounts appropriated” and all that follows through “for any” and inserting “amounts appropriated under section 408 and made available to carry out this subtitle for any”.

SEC. 1202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 1201(3) of this division, and inserting the following new section:

“SEC. 415. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

“(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

“(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

“(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

“(B) the use of assistance under this subtitle would complement the provision of those essential services.

“(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

“(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

“(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

“(A) stabilizing individuals and families in their current housing; or

“(B) quickly moving such individuals and families to other permanent housing.

“(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

“(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

“(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.”.

SEC. 1203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 1201(3) of this division, is amended by adding at the end the following new subsection:

“(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.”.

SEC. 1204. ADMINISTRATIVE PROVISION.

Section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11378) is amended by striking “5 percent” and inserting “7.5 percent”.

SEC. 1205. GAO STUDY OF ADMINISTRATIVE FEES.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States shall—

(1) conduct a study to examine the appropriate administrative costs for administering the program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

(2) submit to Congress a report on the findings of the study required under paragraph (1).

TITLE III—CONTINUUM OF CARE PROGRAM

SEC. 1301. CONTINUUM OF CARE.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

**“Subtitle C—Continuum of Care Program”;
and**

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

“SEC. 421. PURPOSES.

“The purposes of this subtitle are—

“(1) to promote community-wide commitment to the goal of ending homelessness;

“(2) to provide funding for efforts by non-profit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

“(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

“(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

“(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

“(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

“(c) APPLICATIONS.—

“(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

“(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

“(B) to establish priorities for funding projects in the geographic area.

“(2) ANNOUNCEMENT OF AWARDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the

grants conditionally awarded under subsection (a) for that fiscal year.

“(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

“(1) REQUIREMENTS FOR OBLIGATION.—

“(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

“(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

“(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

“(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

“(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

“(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

“(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

“(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

“(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary

may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

“(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

“(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

“(h) APPEALS.—

“(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

“(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

“(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

“(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

“(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

“(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

“(3) TREATMENT OF CERTAIN POPULATIONS.—

“(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

“(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent

any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.”.

SEC. 1302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

“SEC. 423. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

“(1) Construction of new housing units to provide transitional or permanent housing.

“(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

“(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

“(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

“(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

“(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

“(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

“(A) are effective at moving homeless individuals and families immediately into housing; or

“(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

“(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

“(9) Operation of, participation in, and ensuring consistent participation by project

sponsors in, a community-wide homeless management information system.

“(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

“(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

“(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

“(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

“(c) USE RESTRICTIONS.—

“(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

“(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

“(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

“(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

“(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

“(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

“(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

“(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the ex-

piration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

“(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

“(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

“(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

“(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

“(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

“(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

“(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

“(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.”.

SEC. 1303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

“(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

“(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

“(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

“(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009,

the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

“(4) **EXCESS OF QUALIFIED APPLICANTS.**—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

“(5) **TIME LIMIT ON DESIGNATION.**—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

“(b) **APPLICATION.**—

“(1) **IN GENERAL.**—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

“(2) **CONTENT OF APPLICATION.**—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

“(A) a report showing how any money received under this subtitle in the preceding year was expended; and

“(B) information that such applicant can meet the requirements described under subsection (d).

“(3) **PUBLICATION OF APPLICATION.**—The Secretary shall—

“(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

“(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

“(c) **USE OF FUNDS.**—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

“(1) for any of the eligible activities described in section 423; or

“(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

“(d) **DEFINITION OF HIGH-PERFORMING COMMUNITY.**—For purposes of this section, the term ‘high-performing community’ means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

“(1) **TERM OF HOMELESSNESS.**—The mean length of episodes of homelessness for that geographic area—

“(A) is less than 20 days; or

“(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

“(2) **FAMILIES LEAVING HOMELESSNESS.**—Of individuals and families—

“(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

“(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

“(3) **COMMUNITY ACTION.**—The communities that compose the geographic area have—

“(A) actively encouraged homeless individuals and families to participate in homeless

assistance services available in that geographic area; and

“(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

“(4) **EFFECTIVENESS OF PREVIOUS ACTIVITIES.**—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

“(5) **FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.**—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

“(e) **COOPERATION AMONG ENTITIES.**—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.”.

SEC. 1304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

“(a) **SITE CONTROL.**—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

“(b) **REQUIRED AGREEMENTS.**—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

“(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

“(2) to monitor and report to the Secretary the progress of the project;

“(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

“(4) to require certification from all project sponsors that—

“(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

“(B) that the address or location of any family violence shelter project assisted

under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

“(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

“(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.); and

“(E) they will provide data and reports as required by the Secretary pursuant to the Act;

“(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

“(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

“(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education; and

“(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.”.

(2) by redesignating subsection (d) as subsection (c);

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this subsection), by striking “recipient” and inserting “recipient or project sponsor”;

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking “recipient” each place it appears and inserting “recipient or project sponsor”;

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 1305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

“SEC. 427. SELECTION CRITERIA.

“(a) **IN GENERAL.**—The Secretary shall award funds to recipients through a national

competition between geographic areas based on criteria established by the Secretary.

“(b) REQUIRED CRITERIA.—

“(1) IN GENERAL.—The criteria established under subsection (a) shall include—

“(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

“(i) the length of time individuals and families remain homeless;

“(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

“(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

“(iv) overall reduction in the number of homeless individuals and families;

“(v) jobs and income growth for homeless individuals and families;

“(vi) success at reducing the number of individuals and families who become homeless;

“(vii) other accomplishments by the recipient related to reducing homelessness; and

“(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

“(B) the plan of the recipient, which shall describe—

“(i) how the number of individuals and families who become homeless will be reduced in the community;

“(ii) how the length of time that individuals and families remain homeless will be reduced;

“(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

“(iv) the extent to which the recipient will—

“(I) address the needs of all relevant subpopulations;

“(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

“(III) set quantifiable performance measures;

“(IV) set timelines for completion of specific tasks;

“(V) identify specific funding sources for planned activities; and

“(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

“(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

“(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

“(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

“(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

“(iii) is based on objective criteria that have been publicly announced by the recipient; and

“(iv) is open to proposals from entities that have not previously received funds under this subtitle;

“(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

“(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

“(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

“(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

“(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

“(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

“(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

“(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

“(B) AMOUNT.—

“(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that

are appropriate to allocate funds to meet the goals and objectives of this subtitle.

“(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

“(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

“(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

“(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

“(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

“(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

“SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

“(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

“(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

“(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

“(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

“(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

“(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

“(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

“(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

“(d) INCENTIVES FOR PROVEN STRATEGIES.—

“(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

“(A) permanent supportive housing for chronically homeless individuals and families;

“(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

“(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

“(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

“(a) IN GENERAL.—Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

“(1) under the appropriations account for this title; or

“(2) the section 8 project-based rental assistance account.

“(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of ten-

ant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

“(1) there is a demonstrated need for the project; and

“(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

“(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

“SEC. 430. MATCHING FUNDING.

“(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

“(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

“(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

“(1) funding for any eligible activity described under section 423; and

“(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

“SEC. 431. APPEAL PROCEDURE.

“(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

“(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

“(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.”

SEC. 1306. RESEARCH.

There is authorized to be appropriated \$8,000,000, for each of fiscal years 2010 and

2011, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at 3 different sites to provide services for homeless families and evaluate the effectiveness of such services.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 1401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle G—Rural Housing Stability Assistance Program”; and

(2) in section 491—

(A) by striking the section heading and inserting “RURAL HOUSING STABILITY GRANT PROGRAM.”;

(B) in subsection (a)—

(i) by striking “rural homelessness grant program” and inserting “rural housing stability grant program”;

(ii) by inserting “in lieu of grants under subtitle C” after “eligible organizations”; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

“(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

“(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

“(3) improving the ability of the lowest-income residents of the community to afford stable housing.”;

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

“(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

“(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

“(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

“(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

“(H) payment of operating costs for housing units assisted under this title.”;

(D) in subsection (b)(2), by striking “appropriated” and inserting “transferred”;

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking “appropriated” and inserting “transferred”; and

(ii) in paragraph (3), by striking “appropriated” and inserting “transferred”;

(F) in subsection (d)—

(i) in paragraph (5), by striking “; and” and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking “an agreement” and all that follows through “families” and inserting the following: “a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization”; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

“(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

“(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.”;

(G) by striking subsections (f) and (g) and inserting the following:

“(f) MATCHING FUNDING.—

“(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants for leasing shall not be subject to any match requirement.

“(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

“(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

“(A) funding for any eligible activity described under subsection (b); and

“(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

“(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

“(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

“(2) the degree to which the project addresses the most harmful housing situations present in the community;

“(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

“(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

“(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

“(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

“(7) any other relevant criteria as determined by the Secretary.”;

(H) in subsection (h)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “The” and inserting “Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and

Rapid Transition to Housing Act of 2009, the”;

(ii) in paragraph (1)(A), by striking “providing housing and other assistance to homeless persons” and inserting “meeting the goals described in subsection (a)”;

(iii) in paragraph (1)(B), by striking “address homelessness in rural areas” and inserting “meet the goals described in subsection (a) in rural areas”; and

(iv) in paragraph (2)—

(I) by striking “The” and inserting “Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the”;

(II) by striking “, not later than 18 months after the date on which the Secretary first makes grants under the program,”; and

(III) by striking “prevent and respond to homelessness” and inserting “meet the goals described in subsection (a)”;

(I) in subsection (k)—

(i) in paragraph (1), by striking “rural homelessness grant program” and inserting “rural housing stability grant program”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “; or” and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking “rural census tract.” and inserting “county where at least 75 percent of the population is rural; or”; and

(III) by adding at the end the following:

“(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.”;

(J) in subsection (l)—

(i) by striking the subsection heading and inserting “PROGRAM FUNDING.—”; and

(ii) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under subtitle C for grants under this section. Any amounts so transferred and not used for grants under this section due to an insufficient number of applications shall be transferred to be used for grants under subtitle C.”; and

(K) by adding at the end the following:

“(m) DETERMINATION OF FUNDING SOURCE.—For any fiscal year, in addition to funds awarded under subtitle B, funds under this title to be used in a city or county shall only be awarded under either subtitle C or subtitle D.”.

SEC. 1402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States

shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to non-rural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among individuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and non-rural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Agriculture.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Education.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have

sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

(c) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this division

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 1501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 1502. CONFORMING AMENDMENTS.

(a) **CONSOLIDATED PLAN.**—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 1101(2) of this division), is amended—

(1) by striking “current housing affordability strategy” and inserting “consolidated plan”; and

(2) by inserting before the comma the following: “(referred to in such section as a ‘comprehensive housing affordability strategy’)”.

(b) **PERSONS EXPERIENCING HOMELESSNESS.**—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this division, is further amended by adding at the end the following new subsection:

“(e) **PERSONS EXPERIENCING HOMELESSNESS.**—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.”.

(c) **RURAL HOUSING STABILITY ASSISTANCE.**—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this division, as subtitle D.

SEC. 1503. EFFECTIVE DATE.

Except as specifically provided otherwise in this division, this division and the amendments made by this division shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this division, or

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 1504, whichever occurs first.

SEC. 1504. REGULATIONS.

(a) **IN GENERAL.**—Not later than 12 months after the date of the enactment of this division, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this division.

(b) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this division.

SEC. 1505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—General Provisions

“Sec. 401. Definitions.

“Sec. 402. Collaborative applicants.

“Sec. 403. Housing affordability strategy.

“Sec. 404. Preventing involuntary family separation

“Sec. 405. Technical assistance.

“Sec. 406. Discharge coordination policy.

“Sec. 407. Protection of personally identifying information by victim service providers.

“Sec. 408. Authorization of appropriations.

“Subtitle B—Emergency Solutions Grants Program

“Sec. 411. Definitions.

“Sec. 412. Grant assistance.

“Sec. 413. Amount and allocation of assistance.

“Sec. 414. Allocation and distribution of assistance.

“Sec. 415. Eligible activities.

“Sec. 416. Responsibilities of recipients.

“Sec. 417. Administrative provisions.

“Sec. 418. Administrative costs.

“Subtitle C—Continuum of Care Program

“Sec. 421. Purposes.

“Sec. 422. Continuum of care applications and grants.

“Sec. 423. Eligible activities.

“Sec. 424. Incentives for high-performing communities.

“Sec. 425. Supportive services.

“Sec. 426. Program requirements.

“Sec. 427. Selection criteria.

“Sec. 428. Allocation of amounts and incentives for specific eligible activities.

“Sec. 429. Renewal funding and terms of assistance for permanent housing.

“Sec. 430. Matching funding.

“Sec. 431. Appeal procedure.

“Sec. 432. Regulations.

“Sec. 433. Reports to Congress.

“Subtitle D—Rural Housing Stability Assistance Program

“Sec. 491. Rural housing stability assistance.

“Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.”.

Mr. DODD. Mr. President, I move to reconsider that vote and to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Presiding Officer, the floor staff, and others for their work. I thank my colleagues and the staff as well for the tremendous work on this bill over the last several days.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 454, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Weapon Systems Acquisition Reform Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Reports on systems engineering capabilities of the Department of Defense.

Sec. 102. Director of Developmental Test and Evaluation.

Sec. 103. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.

Sec. 104. Director of Independent Cost Assessment.

Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.

Sec. 202. Preliminary design review and critical design review for major defense acquisition programs.

Sec. 203. Ensuring competition throughout the life cycle of major defense acquisition programs.

Sec. 204. Critical cost growth in major defense acquisition programs.

Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.

Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

TITLE I—ACQUISITION ORGANIZATION

SEC. 101. REPORTS ON SYSTEMS ENGINEERING CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) **REPORTS BY SERVICE ACQUISITION EXECUTIVES.**—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report setting forth the following:

(1) A description of the extent to which such military department has in place development planning organizations and processes staffed by adequate numbers of personnel with appropriate training and expertise to ensure that—

(A) key requirements, acquisition, and budget decisions made for each major weapon system

prior to Milestones A and B are supported by a rigorous systems analysis and systems engineering process;

(B) the systems engineering strategy for each major weapon system includes a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development; and

(C) systems engineering requirements, including reliability, availability, maintainability, and sustainability requirements, are identified during the Joint Capabilities Integration Development System process and incorporated into contract requirements for each major weapon system.

(2) A description of the actions that such military department has taken, or plans to take, to—

(A) establish needed development planning and systems engineering organizations and processes; and

(B) attract, develop, retain, and reward systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department.

(b) **REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.**—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the system engineering capabilities of the Department of Defense. The report shall include, at a minimum, the following:

(1) An assessment by the Under Secretary of the reports submitted by the service acquisition executives pursuant to subsection (a) and of the adequacy of the actions that each military department has taken, or plans to take, to meet the systems engineering and development planning needs of such military department.

(2) An assessment of each of the recommendations of the report on Pre-Milestone A and Early-Phase Systems Engineering of the Air Force Studies Board of the National Research Council, including the recommended checklist of systems engineering issues to be addressed prior to Milestones A and B, and the extent to which such recommendations should be implemented throughout the Department of Defense.

SEC. 102. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.

(a) **ESTABLISHMENT OF POSITION.**—

(1) **IN GENERAL.**—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

“§139c. Director of Developmental Test and Evaluation

“(a) There is a Director of Developmental Test and Evaluation, who shall be appointed by the Secretary of Defense from among individuals with an expertise in acquisition and testing.

“(b)(1) The Director of Developmental Test and Evaluation shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

“(2) The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

“(3) The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

“(4)(A) The Under Secretary shall provide guidance to the Director to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development processes of the Department.

“(B) The guidance under this paragraph shall ensure, at a minimum, that—

“(i) developmental test and evaluation requirements are fully integrated into the Systems Engineering Master Plan for each major defense acquisition program; and

“(ii) systems engineering and development planning requirements are fully considered in the Test and Evaluation Master Plan for each major defense acquisition program.

“(c) The Director of Developmental Test and Evaluation shall—

“(1) develop policies and guidance for the developmental test and evaluation activities of the Department of Defense (including integration and developmental testing of software);

“(2) monitor and review the developmental test and evaluation activities of the major defense acquisition programs and major automated information systems programs of the Department of Defense;

“(3) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

“(4) supervise the activities of the Director of the Department of Defense Test Resource Management Center under section 196 of this title, or carry out such activities if serving concurrently as the Director of Developmental Test and Evaluation and the Director of the Department of Defense Test Resource Management Center under subsection (b)(2);

“(5) review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities; and

“(6) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

“(d) The Director of Developmental Test and Evaluation shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary in order to carry out the Director's duties under this section.

“(e)(1) The Director of Developmental Test and Evaluation shall submit to Congress each year a report on the developmental test and evaluation activities of the major defense acquisition programs and major automated information system programs of the Department of Defense. Each report shall include, at a minimum, the following:

“(A) A discussion of any waivers to testing activities included in the Test and Evaluation Master Plan for a major defense acquisition program in the preceding year.

“(B) An assessment of the organization and capabilities of the Department of Defense for test and evaluation.

“(2) The Secretary of Defense may include in any report submitted to Congress under this subsection such comments on such report as the Secretary considers appropriate.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

“139c. Director of Developmental Test and Evaluation.”

(3) **CONFORMING AMENDMENTS.**—

(A) Section 196(f) of title 10, United States Code, is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and all that follows and inserting “the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Developmental Test and Evaluation.”

(B) Section 139(b) of such title is amended—

(i) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(ii) by inserting after paragraph (3) the following new paragraph (4):

“(4) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense.”

(b) **REPORTS ON DEVELOPMENTAL TESTING ORGANIZATIONS AND PERSONNEL.**—

(1) **REPORTS BY SERVICE ACQUISITION EXECUTIVES.**—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Director of Developmental Test and Evaluation a report on the extent to which the test organizations of such military department have in place, or have effective plans to develop, adequate numbers of personnel with appropriate expertise for each purpose as follows:

(A) To ensure that testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs.

(B) To participate in the planning of developmental test and evaluation activities, including the preparation and approval of a test and evaluation master plan for each major defense acquisition program.

(C) To participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(2) **FIRST ANNUAL REPORT BY DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.**—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation under section 139c(e) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than one year after the date of the enactment of this Act, and shall include an assessment by the Director of the reports submitted by the service acquisition executives to the Director under paragraph (1).

SEC. 103. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) **ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.**—

(1) **IN GENERAL.**—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Director of Defense Research and Engineering shall periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(2) The Director shall submit to the Secretary of Defense and to Congress each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.”

(2) **FIRST ANNUAL REPORT.**—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to Congress not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) **REPORT ON RESOURCES FOR IMPLEMENTATION.**—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources, including

specialized workforce, that may be required by the Director, and by other science and technology elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code, as amended by section 202 of this Act.

(3) The requirements of Department of Defense Instruction 5000, as revised.

SEC. 104. DIRECTOR OF INDEPENDENT COST ASSESSMENT.

(a) DIRECTOR OF INDEPENDENT COST ASSESSMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, as amended by section 102 of this Act, is further amended by inserting after section 139c the following new section:

“§139d. Director of Independent Cost Assessment

“(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director.

“(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

“(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

“(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

“(3) establish guidance on confidence levels for cost estimates on major defense acquisition programs and require the disclosure of all such confidence levels;

“(4) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs; and

“(5) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

“(A) in advance of—

“(i) any certification under section 2366a or 2366b of this title;

“(ii) any certification under section 2433(e)(2) of this title; and

“(iii) any report under section 2445c(f) of this title; and

“(B) whenever necessary to ensure that an estimate or analysis under paragraph (4) is unbiased, fair, and reliable.

“(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

“(2) The Director shall consult closely with, but the Director and the Director's staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

“(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

“(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

“(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director's duties under this section.

“(e)(1) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its costs estimates and analyses.

“(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process.

“(3) The Secretary may comment on any report of the Director to Congress under this subsection.

“(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

“(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as so amended, is further amended by inserting after the item relating to section 139c the following new item:

“139d. Director of Independent Cost Assessment.”

(3) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

“Director of Independent Cost Assessment, Defense of Defense.”

(b) REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MDAPS.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than one year after the date of the enact-

ment of this Act, the Director of Independent Cost Assessment under section 139d of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS OF COST ANALYSIS IMPROVEMENT GROUP.—The personnel and functions of the Cost Analysis Improvement Group of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139d of title 10, United States Code (as so added), and shall report directly to the Director.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by inserting “the Director of Independent Cost Assessment,” before “and the Director”.

(2) Section 2306b(i)(1)(B) of such title is amended by striking “Cost Analysis Improvement Group of the Department of Defense” and inserting “Director of Independent Cost Assessment”.

(3) Section 2366a(a)(4) of such title is amended by striking “has been submitted” and inserting “has been approved by the Director of Independent Cost Assessment”.

(4) Section 2366b(a)(1)(C) of such title is amended by striking “have been developed to execute” and inserting “have been approved by the Director of Independent Cost Assessment to provide for the execution of”.

(5) Section 2433(e)(2)(B)(iii) of such title is amended by striking “are reasonable” and inserting “have been determined by the Director of Independent Cost Assessment to be reasonable”.

(6) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

“(A) be prepared or approved by the Director of Independent Cost Assessment; and”.

(7) Section 2445c(f)(3) of such title is amended by striking “are reasonable” and inserting “have been determined by the Director of Independent Cost Assessment to be reasonable”.

SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

Section 181 of title 10, United States Code, as amended by section 104(d)(1) of this Act, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by adding after subsection (d) the following new subsection (e):

“(e) INPUT FROM COMBATANT COMMANDERS ON JOINT MILITARY REQUIREMENTS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (f).”

TITLE II—ACQUISITION POLICY

SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement mechanisms to ensure that trade-offs between cost, schedule, and

performance are considered as part of the process for developing requirements for major weapon systems.

(2) **ELEMENTS.**—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost estimating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance requirements are established for major weapon systems; and

(B) consideration is given to fielding major weapon systems through incremental or spiral acquisition, while deferring technologies that are not yet mature, and capabilities that are likely to significantly increase costs or delay production, until later increments or spirals.

(3) **MAJOR WEAPONS SYSTEM DEFINED.**—In this subsection, the term “major weapon system” has the meaning given that term in section 2379(d) of title 10, United States Code.

(b) **DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.**—Section 181(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(C) in ensuring the consideration of trade-offs among cost, schedule and performance for joint military requirements in consultation with the advisors specified in subsection (d);”.

(c) **ANALYSIS OF ALTERNATIVES.**—

(1) **REQUIREMENT AT MATERIAL SOLUTION ANALYSIS PHASE.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires the Milestone Decision Authority to conduct an analysis of alternatives (AOA) during the Material Solution Analysis Phase of each major defense acquisition program.

(2) **ELEMENTS.**—Each analysis of alternatives under paragraph (1) shall, at a minimum—

(A) solicit and consider alternative approaches proposed by the military departments and Defense Agencies to meet joint military requirements; and

(B) give full consideration to possible trade-offs between cost, schedule, and performance for each of the alternatives so considered.

(d) **DUTIES OF MILESTONE DECISION AUTHORITY.**—Section 2366b(a)(1)(B) of title 10, United States Code, is amended by inserting “appropriate trade-offs between cost, schedule, and performance have been made to ensure that” before “the program is affordable”.

SEC. 202. PRELIMINARY DESIGN REVIEW AND CRITICAL DESIGN REVIEW FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **PRELIMINARY DESIGN REVIEW.**—Section 2366b(a) of title 10, United States Code, as amended by section 201(d) of this Act, is further amended—

(1) in paragraph (1), by striking “and” at the end;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) has received a preliminary design review (PDR) and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and”;

(4) in paragraph (3), as redesignated by paragraph (2) of this section—

(A) in subparagraph (D), by striking the semicolon and inserting “, as determined by the

Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and”;

(B) by striking subparagraph (E); and
(C) by redesignating subparagraph (F) as subparagraph (E).

(b) **CRITICAL DESIGN REVIEW.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires a critical design review and a formal post-critical design review assessment for each major defense acquisition program to ensure that such program has attained an appropriate level of design maturity before such program is approved for System Capability and Manufacturing Process Development.

SEC. 203. ENSURING COMPETITION THROUGHOUT THE LIFE CYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **ENSURING COMPETITION.**—The Secretary of Defense shall ensure that the acquisition plan for each major defense acquisition program includes measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level of such program throughout the life cycle of such program as a means to incentivize contractor performance.

(b) **MEASURES TO ENSURE COMPETITION.**—The measures to ensure competition, or the option of competition, utilized for purposes of subsection (a) may include, but are not limited to, measures to achieve the following, in appropriate cases where such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(4) Utilization of modular, open architectures to enable competition for upgrades.

(5) Periodic competitions for subsystem upgrades.

(6) Licensing of additional suppliers.

(7) Requirements for Government oversight or approval of make or buy decisions to ensure competition at the subsystem level.

(8) Periodic system or program reviews to address long-term competitive effects of program decisions.

(9) Consideration of competition at the subcontract level and in make or buy decisions as a factor in proposal evaluations.

(c) **COMPETITIVE PROTOTYPING.**—The Secretary of Defense shall modify the acquisition regulations of the Department of Defense to ensure with respect to competitive prototyping for major defense acquisition programs the following:

(1) That the acquisition strategy for each major defense acquisition program provides for two or more competing teams to produce prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority for such program waives the requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing competitive prototypes exceeds the potential life-cycle benefits of such competition, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(2) That if the milestone decision authority waives the requirement for prototypes produced by two or more teams for a major defense acquisition program under paragraph (1), the acquisition strategy for the program provides for the production of at least one prototype before Milestone B approval (or Key Decision Point B ap-

proval in the case of a space program) unless the milestone decision authority waives such requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing a prototype exceeds the potential life-cycle benefits of such prototyping, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(3) That whenever a milestone decision authority authorizes a waiver under paragraph (1) or (2), the waiver, the determination upon which the waiver is based, and the reasons for the determination are submitted in writing to the congressional defense committees not later than 30 days after the waiver is authorized.

(4) That prototypes may be required under paragraph (1) or (2) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(d) **APPLICABILITY.**—This section shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.**—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B); and

(3) by inserting after subparagraph (A) the following new subparagraphs (B) and (C):

“(B) terminate such acquisition program, unless the Secretary determines that the continuation of such program is essential to the national security of the United States and submits a written certification in accordance with subparagraph (C)(i) accompanied by a report setting forth the assessment carried out pursuant to subparagraph (A) and the basis for each determination made in accordance with clauses (I) through (IV) of subparagraph (C)(i), together with supporting documentation;

“(C) if the program is not terminated—

“(i) submit to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title, a written certification stating that—

“(I) such acquisition program is essential to national security;

“(II) there are no alternatives to such acquisition program which will provide equal or greater capability to meet a joint military requirement (as that term is defined in section 181(h)(1) of this title) at less cost;

“(III) the new estimates of the program acquisition unit cost or procurement unit cost were arrived at in accordance with the requirements of section 139d of this title and are reasonable; and

“(IV) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost;

“(ii) rescind the most recent Milestone approval (or Key Decision Point approval in the case of a space program) for such program and withdraw any associated certification under section 2366a or 2366b of this title; and

“(iii) require a new Milestone approval (or Key Decision Point approval in the case of a space program) for such program before entering into a new contract, exercising an option under an existing contract, or otherwise extending the scope of an existing contract under such program; and”.

(b) **TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MDAP.**—Section 2430(a)(2) of such title is amended by inserting “, including all planned increments or spirals,” after “an eventual total expenditure for procurement”.

SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) **REVISED REGULATIONS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.

(b) **ELEMENTS.**—The revised regulations required by subsection (a) shall, at a minimum—

(1) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major weapon systems from federally funded research and development centers or other sources independent of the prime contractor;

(2) require that a contract for the performance of systems engineering and technical assistance (SETA) functions with regard to a major weapon system contains a provision prohibiting the contractor or any affiliate of the contractor from having a direct financial interest in the development or construction of the weapon system or any component thereof;

(3) provide for an exception to the requirement in paragraph (2) for an affiliate that is separated from the contractor by structural mechanisms, approved by the Secretary of Defense, that are similar to those required under rules governing foreign ownership, control, or influence over United States companies that have access to classified information, including, at a minimum—

(A) establishment of the affiliate as a separate business entity, geographically separated from related entities, with its own employees and management and restrictions on transfers for personnel;

(B) a governing board for the affiliate that has organizational separation from related entities and governance procedures that require the board to act solely in the interest of the affiliate, without regard to the interests of related entities, except in specified circumstances;

(C) complete informational separation, including the execution of non-disclosure agreements;

(D) initial and recurring training on organizational conflicts of interest and protections against organizational conflicts of interest; and

(E) annual compliance audits in which Department of Defense personnel are authorized to participate;

(4) prohibit the use of the exception in paragraph (3) for any category of systems engineering and technical assistance functions (including, but not limited to, advice on source selection matters) for which the potential for an organizational conflict of interest or the appearance of an organizational conflict of interest makes mitigation in accordance with that paragraph an inappropriate approach;

(5) authorize waiver of the requirement in paragraph (2) in cases in which the agency head determines in writing that—

(A) the financial interest of the contractor or its affiliate in the development or construction of the weapon system is not substantial and does not include a prime contract, a first-tier subcontract, or a joint venture or similar relationship with a prime contractor or first-tier subcontractor; or

(B) the contractor—

(i) has unique systems engineering capabilities that are not available from other sources;

(ii) has taken appropriate actions to mitigate any organizational conflict of interest; and

(iii) has made a binding commitment to comply with the requirement in paragraph (2) by not later than January 1, 2011; and

(6) provide for fair and objective “make-buy” decisions by the prime contractor on a major weapon system by—

(A) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of the weapon system;

(B) providing for government oversight of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract;

(C) authorizing program managers to disapprove the determination by a prime contractor to conduct development or construction in-house rather than through a subcontract in cases in which—

(i) the prime contractor fails to give full and fair consideration to qualified sources other than the prime contractor; or

(ii) implementation of the determination by the prime contractor is likely to undermine future competition or the defense industrial base; and

(D) providing for the consideration of prime contractors “make-buy” decisions in past performance evaluations.

(c) **ORGANIZATIONAL CONFLICT OF INTEREST REVIEW BOARD.**—

(1) **ESTABLISHMENT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense a board to be known as the “Organizational Conflict of Interest Review Board”.

(2) **DUTIES.**—The Board shall have the following duties:

(A) To advise the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to organizational conflicts of interest in the acquisition of major weapon systems.

(B) To advise program managers on steps to comply with the requirements of the revised regulations required by this section and to address organizational conflicts of interest in the acquisition of major weapon systems.

(C) To advise appropriate officials of the Department on organizational conflicts of interest arising in proposed mergers of defense contractors.

(d) **MAJOR WEAPON SYSTEM DEFINED.**—In this section, the term “major weapon system” has the meaning given that term in section 2379(d) of title 10, United States Code.

SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) **ELEMENTS.**—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) **AWARD OF CASH BONUSES.**—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

Mr. LEVIN. Mr. President, on behalf of the Senate Armed Services Committee, we are pleased to bring S. 454, the Weapon Systems Acquisition Reform Act of 2009 to the Senate floor. I introduced this bill with Senator MCCAIN on February 23 to address problems in the performance of the major defense acquisition programs of the Department of Defense at a time when the cost growth on these programs has reached levels we simply cannot afford.

Five weeks later, the bill was unanimously approved by the Armed Services Committee, and just last week the President called on Congress to act quickly on the bill. Report after report has shown that there are fundamental problems with the way we buy major weapons systems. In the last month alone, we received three major reports documenting problems with the acquisition system.

First, the Government Accountability Office reported that the cost overruns of the Department's 97 largest acquisition programs now total almost \$300 billion over the original program estimates, and the programs are an average of 22 months behind schedule. That is true even though the Department has cut unit quantities and reduced performance expectations on many programs in an effort to expedite production and hold costs down.

Second, we got a report from the Business Executives for National Security, BENS. They reported:

We have an acquisition system at odds with the best practices in the business world: insufficient systems engineering capability [and] unrealistic cost estimating that injects too much optimism in early program execution. . . .

Then, thirdly, there was a Defense Science Board report that said:

Today, the defense acquisition process takes too long to produce weapons that are too expensive. . . .

As Secretary Gates pointed out in his testimony before our committee earlier this year:

The list of big-ticket weapons systems that have experienced contract or program performance problems spans the services.

Here are just a few examples of the kind of problems the Department of Defense's major acquisition programs have encountered. The Navy initially established a goal of \$220 million and a 2-year construction cycle for the two lead ships on the Littoral Combat Ship, the LCS program. Those goals ran counter to the Navy's historic experience in building new ships and were inconsistent with the complexity of the design required to make the program successful. As a result, program costs have tripled and the program is almost 4 years behind schedule.

Next, the Air Force initially estimated that commonality between the

three variants, threat varieties, of the Joint Strike Fighter would significantly reduce development costs. However, that level of commonality has proven impossible to achieve. Twelve years after the program started, three of the JSF's eight critical technologies are still not mature. Its production processes are not mature, and its designs are still not fully proven and tested.

As a result, the program is now expected to exceed its original budget by almost 40 percent. That is \$40 billion. The Army underestimated the lines of code needed to support the Future Combat System's software development by a factor of three. That led to an increase in software development costs that now approaches \$8 billion. So 8 years after the program started, only three of the Future Combat System's 44 critical technologies are fully mature. GAO tells us that the Army has not advanced the maturity of 11 critical technologies since 2003, and that 2 other technologies, which are central to the Army's plans, are now rated less mature than when the program began. As a result, the program is now expected to exceed its original budget by about 45 percent or \$40 billion. It is as much as 5 years behind schedule and is likely to be substantially restructured.

There is a set of common problems underlying all these program failures. As a general rule, when the Department of Defense acquisition program fails, it is because the Department relies on unreasonable costs and schedule estimates; establishes unrealistic performance expectations; insists on the use of immature technologies; and adopts costly changes to program requirements, production quantities and funding levels in the middle of ongoing programs.

The bill we bring before the Senate today is designed to address these problems and to help put major defense acquisition programs on a sound footing from the outset by addressing program shortcomings in the early phases of the acquisition process. Our bill is going to address problems with unreasonable performance requirements and immature technologies by requiring the Department of Defense to reestablish systems engineering organizations and developmental testing capabilities that were downsized or eliminated as a result of reductions in the acquisition workforce in the late 1990s; periodically review and assess the maturity of critical technologies; and make greater use of prototypes, including competitive prototypes, to prove that new technologies work before trying to produce them.

Our bill will address problems with unreasonable cost and schedule estimates by establishing an independent cost estimating office headed by a Senate-confirmed director of independent

cost assessment in an effort to ensure that the budget assumptions underlying acquisition programs are sound.

We deal with a similar problem in the Congress by using an independent office, the Congressional Budget Office, to tell us how much direct spending programs are really going to cost. Those of us who have tangled with the CBO over the years know how tough and independent that office can be in insisting on its estimates. We can decide to spend the money anyway, but we do so with our eyes wide open because the cost estimator is not going to back down.

The Department of Defense itself has a model for this type of independence in the Director of Operational Test and Evaluation, the DOT&E. For the last 25 years, that Director, who is appointed by the President, confirmed by the Senate, and reports directly to the Secretary of Defense, has ensured that weapons systems are adequately tested before they are deployed by providing independent certifications as to whether new military systems are effective and suitable for combat. Program officials and contractors may disagree with the Director, but they have discovered they cannot go around him.

Section 104 of our bill would ensure comparable discipline when it comes to cost estimating by establishing a new director of independent cost assessment. Like the DOT&E, a new director will be appointed by the President, confirmed by the Senate, and will report directly to the Secretary of Defense. Like the Director of Test and Evaluation, this official would have the independence and the clout within the Department to make objective determinations and stick to them. A truly independent cost estimating director will not be popular within the Department, as the DOT&E is not popular often, but he will make our acquisition system work better by forcing the Department to recognize the real cost of what our Secretary of Defense has called "exquisite requirements."

Only when the Department faces up to these costs will it become more realistic in its requirements and start to make the necessary tradeoffs between cost, schedule, and performance.

Section 104 makes the Director responsible for all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated systems programs in the Department of Defense. Under section 104, the Director is required to perform his own cost estimates at four separate points in the life of each program for which the Under Secretary is the milestone decision authority. On other programs, he may rely on an independent cost estimate produced by one of the military departments but only if he determines that the service's independent estimate is unbiased, fair, and reliable.

Our bill would also address problems with costly changes in the middle of a program by putting teeth in the Nunn-McCurdy requirements that currently exist for troubled acquisition programs.

We will establish a presumption that any program that exceeds its original baseline by more than 50 percent will be terminated unless it can be justified—be "justified;" and this is critically important—from the ground up.

Finally, our bill would address an inherent conflict of interest we see on a number of programs today, when a contractor hired to give us an independent assessment of an acquisition program is participating in the development or construction side of the same program.

We held a hearing back in March on S. 454, at which four witnesses, including two former Under Secretaries of Defense for Acquisition, Technology, and Logistics, endorsed the committee's acquisition reform effort. The new Under Secretary for Acquisition, Technology, and Logistics added his support at his March 26 nomination hearing. In addition, we have since received extensive comments on the bill from the Department of Defense, from the defense industry, and from independent experts on the acquisition system.

Senator McCain and I took those comments into consideration and we offered a number of modifications to the bill, which were adopted by the Armed Services Committee at our April 2 markup. We did not make all of the changes requested by the Department or the contractor community. For example, the Department would like to eliminate the provision on the Director of Independent Cost Assessment. Many contractors would prefer we not tighten the rules for organizational conflicts of interest. And both the Department and industry would like us to drop our Nunn-McCurdy amendments, which place tough new requirements on failing programs. We have not done that. These provisions are tough medicine, but the acquisition system needs tough medicine.

In January, Secretary Gates told our committee that we must work together to address the "repeated—and unacceptable—problems with requirements, schedule, cost, and performance" from which too many of our defense acquisition programs suffer. On March 4, the President endorsed the goals of the bill, telling the press that "It's time to end the extra costs and long delays that are all too common in our defense contracting." Last week, the President reiterated his position that the bill has his full support, and he urged us to act quickly.

I hope our colleagues will join us. Senator McCain has been instrumental in making this happen, and we and the Nation are appreciative to him for so many things, but we can add this now

to the list. Also, our full committee endorsed this bill. It was adopted unanimously in committee. It is a bipartisan bill.

We look forward to beginning consideration of this legislation. And to those Senators who have amendments, we hope they will let us know about them to see if we can work them out, and, if not, arrange a time for their consideration.

Again, I thank my friend from Arizona for all his work on this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to begin by thanking my friend from Michigan, the distinguished chairman of the committee, whom I have had the great honor of working with for many years. Senator LEVIN and I have not always agreed on every issue; we are of different parties. But we have had, in my view, a great opportunity to work together for the good of this Nation and its security and the men and women who serve it.

I again thank Senator LEVIN for his leadership in bringing this legislation quickly through our committee in a unanimous, bipartisan fashion, and bringing it to the floor.

As Senator LEVIN has mentioned, there may be some amendments or some modifications that our colleagues want to make, but I am confident we can get this bill done, into conference, and on the desk of the President. I am happy to say the President is very supportive. A meeting he and Senator LEVIN and I had with the leaders in the House Armed Services Committee indicates the President and the administration's commitment.

I also want to say Secretary Gates—a man who I believe is one of the outstanding Secretaries of Defense in the history of our country—has always been forcefully in support of this legislation. There obviously is more to do because we have a broken system, a system that is broken so badly that in our attempt to provide a replacement for the President's helicopter—which is some 30 years old, known as Marine One—we came to a point where the helicopter costs more than Air Force One.

You cannot make it up—where we have a future combat system with cost overruns of tens of billions of dollars; a joint strike fighter program that is completely out of control; and contracts—and there are many areas to place the blame and responsibility—but contracts that are let at certain cost estimates and then lose all touch with the original realities.

Is there anybody who is an expert on defense acquisition, weapons systems acquisition, who believes the final cost will be anything near what the initial cost was as presented to Congress and the American people? Of course not. Of course not.

So the title of this legislation is the "Weapon Systems Acquisition Reform Act of 2009"—perhaps not a very exciting title. But the fact is, we have out-of-control costs of our weapons systems, which we cannot afford. We are expanding our Army and Marine Corps. We have increased obligations in Afghanistan, which has certainly been highlighted by the recent events in Pakistan, as well as Afghanistan. We cannot afford it.

We cannot afford to take care of our obligations in at least two wars, and potential flashpoints all over the world, and continue the spending spree we are on on weapons systems acquisition. This is timely. It is needed.

I again thank the chairman of the committee, Senator LEVIN, for his leadership in seeing this bill from introduction through floor consideration today. It shows, I think—and I do not want to make too much of it, but it does show when there is an issue that cries out for bipartisan action, this one can be an example now and in the future.

I do not want to get into a lot of the details of how all this came about. But I would remind my colleagues that back some years ago, we used to have a thing called fixed-cost contracts. Those were the majority of the contracts that were let when we wanted to build a new weapons system: a new airplane, a new ship, a new tank. For many years, we were almost able to stay within those costs.

There were some dramatic exceptions. I can remember back in the 1970s the cost escalation associated with new nuclear submarines. And I can remember some others. But, generally speaking, we built weapons systems and gave them to the military at very close to their original cost estimates. That is not the case today.

Some will argue—as I have heard in the industry—well, there are technical changes that are ordered by the military which increase the cost. I think Secretary Gates pointed out some months ago: Are we allowing the perfect to be the enemy of the good? Are we getting a weapon system which achieves 80 to 90 percent of what we want—which, it seems to me, is under reasonable costs—or are we making all these technical changes, which cause the cost of these systems to go up in the most dramatic fashion?

We cannot afford to continue to do it. We cannot. I think this is an important step. I know the chairman would agree with me. This is not the only step that needs to be taken to bring an out-of-control system under some kind of control and accountability to the American taxpayer.

In its most recent assessment of the Department of Defense's major weapons systems, the General Accountability Office observed that "the overall performance of weapon system programs is poor [and] the time for change is now."

So I say to my colleagues, as they come to the floor with amendments and debate—and we need to discuss this—we should keep in mind the General Accountability Office's observation that "the time for change is now."

I would also remind my colleagues and the American people this legislation has to pass through the House. We have to then go to conference. We then have to have the President sign it. And then the changes have to be implemented. So we are not seeing even an immediate turnaround with the rapid consideration of this legislation, as I think we can achieve today.

I would ask my colleagues on this side of the aisle, if they have amendments, if they would notify the cloakroom, and we will make time for them. I know the chairman and I can enter into time agreements so we can dispense with the legislation in an expeditious way as possible, but also taking into consideration any concerns, amendments, our colleagues on both sides of the aisle have.

The chairman has described, I think, this bill very well, and I do not want to repeat his assessment. But I do want to point out a couple things or emphasize a couple points the chairman made.

The bill improves how the Department of Defense manages probably the single most significant driver of cost growth in our largest weapons procurement programs: technology risk. Basically, it does so by starting programs off right—with sound systems engineering, developmental testing, and independent cost estimates early in the program. We have seen these cost estimates particularly being unrealistic because we have not done the proper sound systems engineering and developmental testing that is necessary to get a correct assessment of costs.

The bill, among many other things, requires the Department of Defense to assess each department's ability to conduct early stage systems engineering and fill in any gaps in that important capability.

The bill provides for the creation or resumption of key oversight positions, including a Director of Independent Cost Assessment and a Director of Developmental Testing and Evaluation. I am not one who believes in creating new positions. I think our bureaucracy over on the other side of the river is big enough. But I do believe we need to create and resume key oversight functions, and those do require a Director of Independent Cost Assessment and a Director of Developmental Testing and Evaluation.

The relationship between those who are doing the contracting, other contractors, and the awardee is way too close today for us to get truly independent assessments and cost controls.

The bill requires that preliminary design and critical design reviews are

completed early in a program's acquisition cycle so as to inform go/no-go purchase decisions on major weapons systems.

The bill requires that the Department's budget, requirements, and acquisitions community consult with each other and make tradeoffs between cost, schedule, and performance early in the procurement process, and get combatant commanders more involved in the requirements process.

I want to emphasize that last point. The combatant commanders are the end users of the equipment we provide them with. Unfortunately, on many occasions, the combatant commanders have not been involved in the requirements process early enough on or too late, to the point where they cannot make significant changes. What we want to do is give the Department, under the leadership of our great Secretary of Defense and the Congress, a big stick—bigger than anything available under current law—to wield against the very worst performing programs.

On the broadest level, this bill recognizes that only when a program is predictable; that is, when milestones are being met, estimated costs are actual costs, and performance-to-contract specifications and "key performance parameters" are achieved, only then can we rely on the acquisition process to provide the joint warfighter with timely optimal capability at the most reasonable cost to the taxpayer.

The approach provided for in this bill, which allows the Department of Defense to manage technology risks effectively, should help it move away from cost-reimbursable contracts and instead maximize its use of fixed price-type contracts. When coupled with initiatives that subject programs to full and open competition, this approach could save taxpayers billions of dollars.

While we do not intend this bill as a panacea that will cure all that ails the defense procurement process, as it is, it constitutes an important next step in Congress's continuing effort to help the Department reform itself.

Two final points.

Since the chairman and I originally introduced the bill, the Department of Defense and others have raised various concerns about discrete elements of the bill. The bill now under consideration has benefited from that dialog as it addresses their reasonable concerns, without undermining the underlying intent of the bill, to put in place an evolutionary, knowledge-based acquisition process that metes out technology risks early in a program.

I note for the record that we received testimony on this bill in our March 3, 2009, hearing. A day later, the President came out in support of the bill's underlying principles. Just a few days ago, he offered an unqualified endorsement. In addition, Secretary Gates and

Dr. Ashton Carter, the new Under Secretary of Defense for Acquisition, Technology and Logistics, have spoken approvingly of the bill. Also, the General Accountability Office, two former Defense acquisition chiefs, and various taxpayer advocacy and think tank organizations, including the Center for American Progress, Business Executives for National Security, the Project on Government Oversight, known as POGO, the National Taxpayers Union, NTU, the U.S. Public Interest Research Group, PIRG, and Taxpayers for Common Sense, have also weighed in in support of the bill.

I ask unanimous consent to have their statements printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. CARL LEVIN,
Chairman, U.S. Senate Committee on Armed Services, Washington, DC.

Hon. JOHN MCCAIN,
Ranking Member, U.S. Senate Committee on Armed Services, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN, The undersigned groups applaud your commitment to reforming and improving the Department of Defense's (DoD's) acquisition system through the Weapons Acquisition Reform Act of 2009 (S. 454) and the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight (WASTE TKO) Act of 2009 (H.R. 2101). Both pieces of legislation include important provisions to restore discipline to DoD's procurement process. As the final legislation is worked out in conference, we believe that the following principles should be preserved:

Ensuring only programs with design maturity move forward—Programs that enter production before their designs are mature are vulnerable to gross schedule and cost overruns. The Senate bill advocates a strategy that would significantly improve programs by requiring design reviews to certify that programs have attained an appropriate level of design maturity before a program is approved for System Capability and Manufacturing Process Development. As a result of this reform, program and cost risk could be significantly reduced.

Elevating independent cost estimates—We support the establishment of a Director of Independent Cost Assessment to provide oversight and implement policies and procedures to make sure that the cost estimation process is reliable and objective. Creating this new, independent position is important to prevent the cycle of costs that exceed estimates due to insufficient knowledge of accurate requirements.

Increasing accountability for programs that experience critical cost growth—Both bills propose language that place additional and needed scrutiny on programs that experience critical cost growth. The House bill seeks to increase accountability by asking for an assessment of the root cause of growth, program validity, the viability of program strategy, and the quality of program management to determine whether a program should be terminated. But we believe the more aggressive strategy advocated by the Senate will do more to increase program discipline by requiring that a program be terminated unless the Secretary deter-

mines that it is essential to national security, and includes documentation that also states that 1) there are no alternatives to the acquisition program "which will provide equal or greater capability to meet a joint military requirement"; 2) the new acquisition cost or procurement unit costs are reasonable; and 3) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost. By also rescinding the most recent Milestone approval and requiring a new approval, we believe program management for programs that experience critical cost growth will be improved.

Reducing organizational conflicts of interest—Independent analysis is key to ensuring that DoD decision makers are given unbiased, accurate information upon which to base program decisions. While we applaud the House for calling for a study to examine how to eliminate or mitigate organizational conflicts of interest, we also strongly support preventing organizational conflicts. The Senate version of this bill would decrease conflicts of interest by mandating that DoD seek independent advice on systems architecture and systems engineering for major weapon systems. We also support the language initially proposed in S. 454 that would require that a contract for the performance of systems engineering and technical assistance (SETA) functions for major weapons systems contain a provision prohibiting the contractor or any affiliate of the contractor from having a direct financial interest in the development or construction of the weapon system or any component thereof. We urge you to include the "Organizational Conflict of Interest" provision that explicitly defines the minimum regulations to be enacted that will preclude contractors from advising the Department of Defense on weapons systems and then developing them.

Increasing competition in major weapons systems—Both bills enhance competition in the procurement process that will translate into the best value for taxpayers and also serves as an important tool to prevent waste, fraud, and abuse. We support language that would encourage programs to utilize methods such as competitive prototyping, periodic competitions for subsystem upgrades, licensing of additional suppliers, and periodic system or program reviews to address long-term competitive effects of program decisions. But we believe that competition, and with it benefits to taxpayers, will only be further enhanced by measures in the Senate bill to increase the use of government oversight or approval in make or buy decisions at every system level.

Increasing transparency in the waiver process—The answer to solving the problems with DoD's procurement process is not simply a matter of making new rules. We believe that many of the rules and controls are already in place for responsible procurement of weapons systems, but that these rules are too frequently ignored or otherwise not followed, resulting in a system that has been plagued by cost and schedule overruns. The House adopts an important strategy for this effort by forcing DoD to supply Congress with explanations for waivers to key provisions for Milestone decisions and follow-up annual reviews of these programs. This significantly increases Congress's ability to oversee DoD and make sure that taxpayers are getting the national security capabilities they need at a reasonable price.

We also support the proposed reforms to increase the emphasis on systems engineering, developmental testing, and technology

maturity assessments, along with confidence levels for cost estimates. All of these principles help programs to have a strong foundation.

As important as all of these provisions are, it's important to recognize that this legislation is only one step in reforming weapons acquisition. The defense procurement process is also in desperate need of discipline. Standards for appropriate levels of design maturity should be clearly defined to meet missions and requirements. Waivers from procurement rules should be used rarely, should be the exception, not the rule, and should be made available to both Congress and the public. Additionally, spiral acquisition contracts should not be used to push immature technologies back in the production process, where they can still endanger the program's cost and schedule. All technologies should be mature before committing to production.

In the short term, Defense Secretary Robert Gates has demonstrated his commitment to restoring discipline to the Pentagon's weapons acquisition by his aggressive program cuts, and Congress should follow his lead in putting the public good ahead of their parochial interests. But in order to achieve lasting, meaningful change, the Pentagon must follow the rules and controls in place, and Congress must conduct oversight to make sure that they do so. We look forward to working with you in the future to implement these changes.

DANIELLE BRIAN,
Project on Government Oversight.

PETE SEPP,
Vice President, National Taxpayers Union, U.S. Public Interest Research Group.

RYAN ALEXANDER,
Taxpayers for Common Sense.

BUSINESS EXECUTIVES
FOR NATIONAL SECURITY,
Washington, DC, March 31, 2009.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate.

DEAR SENATOR MCCAIN: We note with pleasure the introduction of your bill targeted towards improvement of the Defense Department's acquisition management process. At Business Executives for National Security (BENS), we believe—and have asserted for some time—that acquisition reform is one of the most important areas for achieving efficiencies and savings that can be redirected to the warfighter. In line with your proposals, research shows the keys to successful acquisition are to start programs with sound systems engineering, realism in cost-estimating and subsequent funding, and ensuring appropriate technology maturation

before entry into the program. Your proposal takes steps in the appropriate direction toward ensuring increased attention to these important areas.

For over twenty five years BENS has been the nation's pre-eminent conduit for bringing the best business practices and advice from the private sector to the world of national security. Through this engagement BENS has come to recognize that the Department of Defense and the Military Services are not businesses; they are organizations with an ethos and culture unique to their members and mission. Recognizing the difference has allowed BENS to help the Defense Department adopt relevant, proven practices that slash bureaucracy, streamline operations, and cut waste without violating those non-business characteristics which cannot be changed.

Therefore, we are particularly supportive of the Senate bill, Weapon Systems Acquisition Reform Act of 2009 (S. 454). We believe this bill, as good as it is, could go further in addressing many of the embedded processes that continue to detract from the overall effectiveness of the process. We fail sometimes in the basic recognition that the defense acquisition system is a national enterprise comprised of branches and agencies of the federal government on both sides of the Potomac River, and in the defense and private sectors nationally and globally. Based on the research of our Task Force on Acquisition Law and Oversight, BENS has concluded that it is time to fundamentally reset the expectations for what our nation wants from the defense acquisition enterprise and its processes. Congress is best suited to define and advocate these expectations. Too many studies and too many good recommendations have gone unheeded. If we are to reform, only Congress can lead it.

Your attention to this important issue is heartening. BENS recommends that Congress, as it continues to fashion this legislation, give careful consideration to the recommendations we make in our report, which is expected to be issued by April 30, 2009. We look forward to a successful outcome on the acquisition management issue, and to providing any further help as you negotiate the final bill. Please contact Chuck Boyd should you have any questions.

Sincerely,

JOSEPH E. ROBERT, Jr.
*Chairman, BENS
Board of Directors,
Chairman and CEO,
J.E. Robert Companies.*

CHARLES G. BOYD,
*President & CEO,
BENS.*

Mr. MCCAIN. Finally, I wish to say that there is another ongoing battle I will continue to engage in for as long as I am here, and that is the ear-

marking and porkbarreling that goes on in the Defense appropriations bill.

I am proud to have served for many years on the authorizing committee of the Armed Services Committee of the Senate. I see year after year, time after time, billions of dollars of unwanted, unnecessary porkbarrel-earmark spending, many of it having nothing to do with the defense of this Nation and the men and women who serve it. I see earmark-porkbarrel projects highlighted even as short a time ago as yesterday in the Washington Post, and the outrageous abuse of the taxpayers' dollars. When Members of Congress were put in Federal prison, it was the Defense appropriations bill that was the source of some of the corruption.

So I look forward to passing this to help reform the Pentagon. We still need to reform the way the Congress of the United States does business in porkbarreling and earmarking scarce taxpayers' dollars that should be used to defend this Nation and not for the sources of porkbarrel and earmark spending that has become rampant. The last Omnibus appropriations bill had 9,000 earmark-porkbarrel projects in it, thousands of them on the defense side of the appropriations. It is unacceptable. It is outrageous. The American people are sick and tired of it. I will continue that fight.

Again, I thank the distinguished chairman, Senator LEVIN, for his leadership on this legislation.

I yield the floor.

Mr. LEVIN. Mr. President, let me again thank Senator MCCAIN for all he has done to bring us to the floor today. This is a bipartisan bill. It is a major reform of the acquisition system. It is long overdue. It is genuinely and desperately needed.

Mr. MCCAIN. Mr. President, I wish to take just a couple minutes to discuss the kinds of overruns we are talking about.

I ask unanimous consent that this report by the GAO of 2009 on major weapons programs, changes in costs and quantities for 10 of the highest cost acquisition programs, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2009 GAO REPORT ON MAJOR WEAPONS PROGRAMS

TABLE 2: CHANGES IN COSTS AND QUANTITIES FOR 10 OF THE HIGHEST-COST ACQUISITION PROGRAMS

Program	Total cost (fiscal year 2009 dollars in millions)		Total quantity		Acquisition unit cost
	First full es- timate	Current es- timate	First full es- timate	Current es- timate	Percentage change
Joint Strike Fighter	206,410	244,772	2,866	2,456	*38
Future Combat System	89,776	129,731	15	15	*45
Virginia Class Submarine	58,378	81,556	30	30	*40
F-22A Raptor	88,134	73,723	648	184	*195
C-17 Globemaster III	51,733	73,571	210	190	57
V-22 Joint Services Advanced Vertical Lift Aircraft	38,726	55,544	913	458	*186
F/A-18E/F Super Hornet	78,925	51,787	1,000	493	33
Trident II Missile	49,939	49,614	845	561	50
CVN 21 Nuclear Aircraft Class Carrier	34,360	29,914	3	3	-13

TABLE 2: CHANGES IN COSTS AND QUANTITIES FOR 10 OF THE HIGHEST-COST ACQUISITION PROGRAMS—Continued

Program	Total cost (fiscal year 2009 dollars in millions)		Total quantity		Acquisition unit cost
	First full es- timate	Current es- timate	First full es- timate	Current es- timate	Percentage change
P-8A Poseidon Multi-mission Maritime Aircraft	29,974	29,622	115	113	1

*Enormous cost growth.

Source: GAO analysis of DOD data.

Mr. MCCAIN. For the Joint Strike Fighter, the first full estimate was that the cost would be \$2.866 billion. The current estimate and percentage change is a 38-percent increase.

The Future Combat System was first estimated to cost \$89-and-some billion. It is now up to \$129 billion, a 45-percent increase in cost.

The Virginia class submarine was originally estimated to be around \$58 billion. It is now \$81 billion, a 40-percent increase.

The F-22, which will be the subject of debate on the floor of the Senate, original cost estimate was \$88 billion, and the cost has increased by 195 percent.

The Globemaster has a 57-percent increase, the C-17.

The V-22 Joint Services Advanced Vertical Lift Aircraft, a 186-percent increase in cost.

The list goes on and on, with the exception of the nuclear aircraft carrier, which has a 13-percent decrease in cost. We ought to see what they are doing.

The programs GAO reviewed in 2008, the most used initial cost estimates from sources previously found to be unreliable, many still began with low levels of technical maturity. The promised capabilities continued to be delivered later than planned, and 10 of the Pentagon's largest programs equaling half of the Department's overall acquisition dollars are significantly over budget and under delivery in capability.

So these are the reasons we are absolutely in need of addressing weapons acquisition reform as early and quickly as possible.

Mr. LEVIN. Mr. President, our staffs have worked hard to try to clear some amendments. We have been able to do so. But in order for us to move these amendments be adopted, they are going to have to have their sponsors come to the floor.

The nine amendments which have been cleared on both sides and which we can accept if we can get the sponsors here would be three amendments of Senator MCCASKILL, one of Senator COLLINS, one of Senator COBURN, one of Senator WHITEHOUSE, one of Senator CARPER, one of Senator INHOFE, and one of Senator CHAMBLISS.

These amendments have not been filed yet. We have cleared them but they need to be filed by the Senators, and that is the reason we need them to come to the floor.

I will be happy to yield to my colleague.

Mr. MCCAIN. Mr. President, the Chairman explained what is necessary. I urge my colleagues to come to the floor, if they have additional amendments, so we can finish the bill. It seems to be remarkably free of controversy.

Mr. LEVIN. Mr. President, on a bipartisan basis our committee approved this bill unanimously, the Weapon Systems Acquisition Reform Act of 2009. We have a few minutes so I will just make a few points highlighting this bill.

The Government Accountability Office reported last month, as both Senator MCCAIN and I mentioned earlier, the cost overruns on the Department's 97 largest acquisition programs alone totaled almost \$300 billion over the original program estimates. That is true, even though the Department of Defense cut the quantities being purchased and they reduced the performance expectations on many of the programs in order to hold down costs.

Second, we know what the underlying problems are at the Department of Defense. The Department of Defense acquisition programs fail because the Department continues to rely on unreasonable cost and schedule estimates. They continue to establish unrealistic performance expectations. The Department continues to use immature technologies and to adopt costly changes to program requirements, to production quantities, and to funding levels right in the middle of these programs. When we do that we have unstable programs and costs that are going to rise.

Third, this bill contains a number of specific measures to address the problems I have just identified. The bill has the support of the President, Secretary of Defense, the Government Accountability Office, many independent experts on acquisition policy, and a number of public interest groups. There are many important provisions in this bill, but I want to highlight one of them this afternoon.

We are waiting for sponsors of amendments we have cleared, and those that we have not cleared, to come to the floor. We are open for business.

One of the most important provisions that is in this bill is the provision which establishes a director of independent cost assessment. It is the way to bring real discipline to the DOD's cost estimating process. At present,

there is an entity called Cost Assessment Improvement Group, or CAIG, for short. They are supposed to be producing independent cost estimates on DOD acquisition programs. That is their responsibility. However, the CAIG operation is too low down in the bureaucracy. It is not directly accountable and reporting to the Secretary of Defense. It is a committee and includes representatives of each of the Under Secretaries and a number of other senior officials in the Department, chaired by a civil servant in the Senior Executive Service who is the Deputy Director for Resource Analysis in the Office of Program Analysis and Evaluation.

Just almost by saying those words one can understand why it does not have the direct clout we need this person to have. We are going to establish an individual who is responsible, a person who directly reports to the Secretary of Defense just the way in which another critically important office now does, the one that evaluates the technologies.

We are also going to have this person be Senate confirmed. The person who now is Senate confirmed, who does this for a different role, is the Director of Program Analysis and Evaluation. That person, that Director, is—I misspoke. It is the Director of Operational Testing and Evaluation who now is directly accountable to the Secretary of Defense and is Senate confirmed. We want this person who is going to be responsible for cost analysis to be also in that same position and to have that same kind of clout.

Now, the CAIG staff does a terrific job at what they do. I am not, in any way, disparaging the work of the CAIG staff. But a career official in the Senior Executive Service who serves as the Deputy Director of an office that is not even headed by a Presidential appointee simply does not have the independence and the clout that is essential if the cost of these programs is going to be put under control.

By establishing a tough and an independent cost estimator who is Senate confirmed and reports directly to the Secretary of Defense, we believe our bill is going to go a long way toward ending the unrealistic, the overly optimistic cost assessments that are too often used in order to sell the new acquisition programs.

We have to reduce the unnecessary "gold plating" of weapon systems. We

have to bring the Department of Defense undisciplined requirements system under control.

As I indicated, we are ready to begin addressing amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

REPUBLIC OF GEORGIA SITUATION

Mr. MCCAIN. Mr. President, I thank my friend, the distinguished chairman of the Committee. I hope we can get these amendments filed as quickly as possible. In the meantime, I would like to make a comment about the recent situation in the Republic of Georgia.

It has been just 8 months since the world's attention was riveted by Russia's invasion of neighboring Georgia. In the midst of the fighting, the United States, the European Union, and the international community decried the violence and called on Russia to withdraw its troops from sovereign Georgian soil. There was talk of sanctions against Moscow, the Bush administration withdrew its submission to Congress of a nuclear cooperation agreement with Russia, and NATO suspended meetings of the NATO-Russia Council.

The outrage quickly subsided, however, and it seems that the events of last August have been all but forgotten in some quarters. A casual observer might guess that things have returned to normal in this part of the world, that the war in Georgia was a brief and tragic circumstance that has since been reversed.

But in fact this is not the case. While the stories have faded from the headlines, Russia remains in violation of the terms of the ceasefire to which it agreed last year, and Russian troops continue to be stationed on sovereign Georgian territory. I would like to spend a few moments addressing this issue. It bears remembering.

Last August, following months of escalating tension in the breakaway Georgian province of South Ossetia, the Russian military sent tanks and troops across the internationally recognized border into South Ossetia. It did not stop there, and Moscow also sent troops into Abkhazia, another breakaway province, dispatched its Black Sea Fleet to take up positions along the Georgian coastline, barred access to the port at Poti, and commenced bombing raids deep into Georgian territory. Despite an appeal from Georgian officials on August 10, noting the Georgian withdrawal from nearly all of South Ossetia and requesting a ceasefire, the Russian attacks continued.

Two days later, the Russian president met with French President Nicolas Sarkozy, and ultimately agreed to a six-point ceasefire requiring, among other things, that all parties to the conflict cease hostilities and pull back their troops to the positions they had

occupied before the conflict began. Despite this agreement, the Russian military continued its operations throughout Georgia, targeting the country's military infrastructure and reportedly engaging in widespread looting.

A follow-on ceasefire agreement signed on September 8 by French President Sarkozy and Russian President Medvedev required that all Russian forces would withdraw from areas adjoining South Ossetia and Abkhazia by October 10, but it took just 1 day for Moscow to announce that, while it would withdraw its troops to the two provinces, it intended to station thousands of Russian soldiers there, in violation of its commitment to return those numbers to preconflict levels. Russia also recognized the independence of South Ossetia and Abkhazia, the only country in the world to do so other than Nicaragua. The leaders of both provinces have suggested publicly that they may seek eventual unification with Russia.

Despite the initial international reaction to these moves, the will to impose consequences on Russia for its aggression quickly faded. To cite one example, the European Parliament agreed on September 3 to postpone its talks with Russia on a new partnership agreement until Russian troops had withdrawn from Georgia. Just 2 months later, the European Union decided to restart those talks. The U.N. Security Council attempted to move forward a resolution embracing the terms of the ceasefire, but Russia blocked action. The NATO allies suspended meetings of the NATO-Russia Council, then decided in March to resume them.

Yet today, Russia remains in violation of its obligations of the ceasefire agreement. Thousands of Russian troops remain in South Ossetia and Abkhazia, greatly in excess of the preconflict levels. Rather than abide by the ceasefire's requirement to engage in international talks on the future of the two provinces, Russia has recognized their independence, signed friendship agreements with them that effectively render them Russian dependencies, and taken over their border controls.

All of this suggests tangible results to Russia's desire to maintain a sphere of influence in neighboring countries, dominate their politics, and circumscribe their freedom of action in international affairs. Just last week, President Medvedev denounced NATO exercises currently taking place in Georgia, describing them as "provocative." These "provocative" exercises do not involve heavy equipment or arms and focus on disaster response, search and rescue, and the like. Russia was even invited to participate in the exercises, an invitation Moscow declined.

We must not revert to an era in which the countries on Russia's periph-

ery were not permitted to make their own decisions, control their own political futures, and decide their own alliances. Whether in Kyrgyzstan, where Moscow seems to have exerted pressure for the eviction of U.S. forces from the Manas base, to Estonia, which suffered a serious cyberattack some time ago, to Georgia and elsewhere, Russia continues its attempts to reestablish a sphere of influence. Yet such moves are in direct contravention to the free and open, rules-based international system that the United States and its partners have spent so many decades to uphold.

So let us not forget what has happened in Georgia, and what is happening there today. I would urge the Europeans, including the French President who brokered the ceasefire, to help hold the Russians to its terms. And in the United States, where there remain areas of potential cooperation with Moscow, from nuclear issues to ending the Iranian nuclear program, let us not sacrifice the full independence and sovereignty of countries we have been proud to call friends.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1045

Ms. COLLINS. Mr. President, the Weapon Systems Acquisition Reform Act of 2009, authored by Senators LEVIN and MCCAIN, would strengthen and reform the Department of Defense acquisition process.

The bill would bring increased accountability, more transparency, and cost savings to major defense acquisition programs. Simply put, the bill would build discipline into the planning and requirements process, keep projects focused, help to prevent cost overruns and schedule delays and ultimately save taxpayers' dollars.

I am very proud to join the chairman and ranking member of the Armed Services Committee in cosponsoring this important initiative. I applaud their continued efforts to improve procurement at the Pentagon.

In fiscal year 2008, DOD spending reached \$396 billion, approximately 74 percent of total Federal contract spending. The scope of the Department's contract spending is particularly startling when one examines closely Army procurement. The number of Army contract actions has grown by more than 600 percent since 2001, and contract dollars have increased by more than 500 percent.

In 2007, the Army put on contract one out of every four Federal contracting

dollars. These figures alone are overwhelming. But they actually understate the scope of the procurement challenges at the Department of Defense.

Research, development, testing, evaluation, and procurement of increasingly complex weapon systems challenge the Department's ability to ensure that taxpayer dollars are wisely spent. Let me give you an example: The National Polar Orbiting Operational Environmental Satellite System—there is a mouthful—is just one of several Defense programs that have been undermined by cost overruns and schedule delays.

This is a complicated program that is required to promote and provide a remote sensing capability that is used by the Department of Defense and by the National Oceanic and Atmospheric Administration.

A 2006 report by an inspector general indicated that this one program was more than \$3 billion over the initial life cycle cost estimates and nearly 17 months behind schedule. So here we have an essential program that is \$3 billion over the initial life cycle cost estimates and it is about a year and a half behind schedule. Unfortunately, this is not an isolated example. It is but one of many examples of defense procurements that have suffered from soaring cost increases and unacceptable delays.

The legislation introduced by Senators LEVIN and MCCAIN, which I am pleased to cosponsor, would improve the Defense Department's planning and program oversight in many ways.

First, the bill would create a new director of independent cost assessment to be the principal cost estimation official at the Department. The director would be responsible for monitoring and reviewing all cost estimates and cost analyses conducted in connection with the major defense acquisition programs. Having this set of independent eyes on critical but expensive programs would help to prevent wasteful spending. It would help to ensure that when we embark on a new defense acquisition, we truly have confidence in the cost estimates.

The bill also mandates that the Department carefully balance cost, schedule, and performance as part of the requirements development process. These reforms would build important discipline into the procurement process long before a request for proposals is issued and a contract is awarded. By carefully considering the needs of the program office, the associated requirements and estimated cost of a program, and the risks inherent in system development and deployment, the Department will be able to make much more rational decisions about its investments and use more effective contracting vehicles for procurements long before taxpayer dollars are committed to the project.

I also applaud the bright lines this legislation would establish regarding organizational conflicts of interest by defense contractors. These reforms would strengthen the wall between Government employees and contractors, helping to ensure that ethical boundaries are respected. While certainly private sector contractors are vital partners with military and civilian employees at the Department of Defense, their roles and responsibilities must be well defined and free of conflicts of interest as they undertake their critical work supporting our Nation's military.

What we are finding—and we have had oversight hearings in the Homeland Security Committee on this issue—is that in the Department of Homeland Security and the Department of Defense, in some cases we have defense contractors involved in setting requirements, defining requirements for projects on which subsidiaries of those defense contractors may well be bidding. We want to avoid those kinds of conflicts of interest which impair confidence in the integrity of the process.

We also want to make sure we are following current law as far as activities that should be done in-house because they are inherently governmental.

I note, too, that this legislation encourages the Department to reinvest personnel resources in systems engineers—a necessary element for any successful acquisition reform of the Department's major weapon systems programs. Without experienced, well-trained engineers, the Department will be unable to set definitive requirements during the planning process, incapable of effectively testing and evaluating the development of these systems, and ineffective in addressing systems defects in the incredibly complex programs in which the Department, of necessity, invests. The lack of systems engineers also prevents strong program oversight, as the limited number of engineers available simply cannot focus sufficient time and attention on the programs as they are constantly pulled in multiple directions.

Adding systems engineers is only one part of the overall personnel reforms necessary to improve the acquisition process. DOD must also invest significantly in its undermanned acquisition workforce.

The dramatic downsizing of the defense acquisition workforce during the 1990s was followed by an even more dramatic increase in workload. So at the time that the Defense Department's acquisition workforce was declining, the workload was increasing. In fiscal year 2001, the Department spent \$138 billion on contracts. Seven years later, DOD spending reached \$396 billion—a 187-percent increase. Of that amount, \$202 billion was for the procurement of serv-

ices. That requires labor-intensive acquisition management and oversight. Needless to say, these factors have greatly strained the defense acquisition workforce and greatly increased the risk of acquisition failure. At the same time, a significant increase in the use of contractor acquisition support personnel has added another layer of complexity as the Department must manage both organizational and personal conflicts of interest.

I commend Secretary Gates for recognizing just how important these workforce issues are. Under his leadership, the Department has set forth an aggressive program for strengthening the acquisition workforce, including increasing the number of acquisition personnel and improving their training. The Secretary has proposed increasing the workforce by 15 percent through 2015. That amounts to approximately 20,000 new employees. I also praise the Secretary for not only adding additional personnel but for thinking about what they should be doing. For example, he has proposed that some of these new employees take over tasks that are currently being performed by defense contractors. That is that conflict-of-interest issue I mentioned earlier. If the Secretary's plan goes through—and I am going to support him strongly in this regard—the acquisition workforce would increase to numbers not seen in a decade. That will save money and improve acquisition outcomes.

But this isn't just a numbers game. In addition to having a sufficient number of personnel, the Department must have the right mix. I am pleased that the Secretary has proposed 600 additional auditors for DCAA, the Defense Contract Audit Agency, and additional engineers and technical experts.

These acquisition changes will help to prevent contracting waste, fraud, abuse, and mismanagement. Most of all, they are absolutely essential to the effective implementation of the procurement reforms in this bill. We can write the best laws. We can impose the strongest reforms. But if we do not have sufficient personnel, well-trained employees to carry out these reforms, our efforts will be for naught.

I now call up an amendment I have at the desk. It is amendment No. 1045.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [MS. COLLINS], for herself and Mrs. McCASKILL, proposes an amendment numbered 1045.

Ms. COLLINS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1045

(Purpose: To require the Secretary of Defense to apply uniform earned value management standards to reliably and consistently measure contract performance, and to ensure that contractors establish and use approved earned value management systems)

On page 69, after line 2, add the following:
SEC. 207. EARNED VALUE MANAGEMENT.

(a) **ENHANCED TRACKING OF CONTRACTOR PERFORMANCE.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the existing guidance and, as necessary, prescribe additional guidance governing the implementation of the Earned Value Management (EVM) requirements and reporting for contracts to ensure that the Department of Defense—

(1) applies uniform EVM standards to reliably and consistently measure contract or project performance;

(2) applies such standards to establish appropriate baselines at the award of a contract or commencement of a program, whichever is earlier;

(3) ensures that personnel responsible for administering and overseeing EVM systems have the training and qualifications needed to perform this function; and

(4) has appropriate mechanisms in place to ensure that contractors establish and use approved EVM systems.

(b) **ENFORCEMENT MECHANISMS.**—For the purposes of subsection (a)(4), mechanisms to ensure that contractors establish and use approved EVM systems shall include—

(1) consideration of the quality of the contractors' EVM systems and the timeliness of the contractors' EVM reporting in any past performance evaluation for a contract that includes an EVM requirement; and

(2) increased government oversight of the cost, schedule, scope, and performance of contractors that do not have approved EVM systems in place.

Ms. COLLINS. Mr. President, this amendment, which I am offering along with my distinguished colleague, Senator MCCASKILL, who has brought great auditing skills to this body, would help to ensure that the Department is supplying certain critical principles consistently and reliably to all projects that use a specific management tool that is known as EVM, earned value management. The Department currently requires EVM tracking for all contracts that exceed \$20 million. This provides important visibility into the scope, schedule, and cost in a single integrated system. When properly applied, this system can provide an early warning of performance problems. The Government Accountability Office has observed, however, that contractor reporting on EVM often lacks consistency, leading to inaccurate data and faulty application of this metric. In other words, this is a garbage-in/garbage-out problem that we need to correct.

To address this challenge, our amendment would provide enforcement mechanisms to ensure that contractors establish and use approved EVM systems, and we would require the Department of Defense to consider the quality

of the contractor's EVM systems and reporting in the past performance evaluation for a contract. When a contractor is bidding, the contracting official looks at any past performance. With improved data quality, both the Government and the contractor will be able to improve program oversight, leading to better acquisition outcomes.

This is so important. Some of the provisions that are particularly important in the Levin-McCain bill would increase transparency and oversight so that if an acquisition process is going in the wrong direction, we know about it and are able to take action. We are able to decide whether the Nunn-McCurdy breaches, for example, warrant halting the project. We are improving the cost estimate system for weapons acquisition projects. We have a lot of reforms. This would increase our transparency, our ability to flag problems.

I believe this amendment Senator MCCASKILL and I offer would help to strengthen the Department's acquisition planning, increase and improve program oversight, and help to prevent contracting waste, fraud, and mismanagement.

Let me end my comments by reminding all of us why this bill and our amendment are so important.

Ultimately, these procurement reforms will help ensure that our brave men and women in uniform—our military personnel—have the equipment they need when they need it, that it performs as promised, and that our tax dollars are not wasted on programs that are doomed to fail.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Senator from Maine leaves the floor, let me congratulate her on this amendment. She has put her finger on a very significant point. There is a weakness in this system of contract oversight that the Department of Defense has not satisfactorily addressed.

As frequently happens, the Senator from Maine is willing to take on issues which are not necessarily the most glamorous and do not necessarily get the headlines but really get to the inside of what needs to be delved into, needs to be looked at, needs to be analyzed, and needs to be addressed.

This is an amendment which will require the Department of Defense to use a management tool which is called earned value management. They acknowledge it is an important tool, but they also acknowledge too often contractors are not using it and that Government officials who are responsible for overseeing this system and this management tool are inadequately trained, not qualified. There are inadequate mechanisms to enforce contractor compliance.

So the Senator from Maine, as she so often does, has put her finger on a crit-

ical issue and is willing to tackle it and make it understandable for the rest of us. I commend her and Senator MCCASKILL for this amendment, and we are delighted to support it.

The PRESIDING OFFICER. (Mr. BURRIS). The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the chairman for his thoughtful comments and for working with us on this amendment. I hope at the appropriate time it can be adopted. I believe it is acceptable to Senator MCCAIN. But I am unclear whether there is further clearance that needs to be done.

But, again, while the Senator is on the floor, I want to once again praise Senator LEVIN and Senator MCCAIN for tackling this critical issue. It is complex. And it is important that the reforms make a difference to our military—to those who need these weapon systems, who need the material and the supplies that the contracting is procuring. It is also important that taxpayers be protected. There have been far too many cost overruns and schedule delays that hurt those who are on the front lines, quite literally.

I praise and thank the chairman again for his leadership in this area.

Thank you, Mr. President.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I am informed that the amendment I have offered with Senator MCCASKILL, which is the pending amendment, No. 1045, has been cleared on our side.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we very strongly support the amendment and hope it will be acted upon immediately.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1045) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Thank you, Mr. President. And I thank the chairman.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I have come to the floor to speak about a couple of issues that relate to the Department of Defense and to defense issues, but I want to especially today talk about the work that has been done by my colleague, Senator LEVIN, and my colleague from Arizona. The work they have done on procurement reform is very important.

I listened to some of the presentations earlier today by Senator LEVIN and Senator MCCAIN about the overruns in various weapons programs, the cost overruns, and the significant dislocations with respect to decisions that have been made or not made with certain weapons programs.

I think there is real need for reform, and the bill they have brought to the floor of the Senate is a great service to the American taxpayer. I think it is also a great service to our defense structure. We have limited funds. We have to use them effectively. We have to fund weapons programs that are essential to the defense strength of this country. That is what both of my colleagues are saying. And they are saying, when we have a program that has outlived its usefulness, a program that has cost overruns that never stop and seem completely out of control, we have to address that and deal with it and respond to it.

So we have been going through a long period here of unbelievable cost overruns in some programs without much notice and without much action attending to it. I think my two colleagues are doing a great service. I hope, as I know the chairman does, we will be able to move quickly to address this legislation, perhaps without even amendments, and go forward and get it through the Senate. We will have done, I think, a great service to strengthen our defense capability and protect the American taxpayer at the same time.

DEFENSE DUPLICATION

Mr. President, I want to raise an issue that does not directly relate to this bill but relates to all the considerations of this bill because it is a follow-on and one I think we will deal with in the next bill, defense authorization. That bill will also be chaired on the floor of the Senate by my colleague, Senator LEVIN. It deals with the issue of duplication.

In addition to contract and procurement reform—in this case procurement reform—the issue of duplication of our services at the Department of Defense is a very important issue. Every service wants to do everything. That is just the way it is. I wish to give an example of something I have been working on, so far unsuccessfully, but I am going to raise it and push it during Defense authorization because it relates to the very same things that my colleagues have talked about today.

These are pictures of unmanned aerial vehicles; UAVs they are called. It is sort of the new way to fly, particularly over a battlefield for reconnaissance purposes and so on. Many of us are familiar with what is called the Predator B, which the Air Force refers to as the Reaper. That is this airplane. The Predator B is used extensively and has been used extensively in the war theater in Afghanistan and in Iraq and in that region. It is an unmanned aerial vehicle, unmanned aerial aircraft without a pilot. The pilot sits on the ground someplace in a little thing that looks almost like a trailer house, and they are flying this aircraft. In some cases, the pilot is 6,000, 8,000 miles away from where the aircraft is, flying it at a duty station perhaps at a National Guard base or somewhere else.

But, anyway, the Air Force has what is called the Predator. That is built by General Atomics, and it is a worthwhile program that has provided great service to us and to our country in terms of our defense capability.

This, by the way, is called the Sky Warrior. This is the Reaper. It is owned by the Air Force. This is the Sky Warrior. That is the U.S. Army.

Why does it look alike? Well, it is because it is made by the same company. It is made to different specifications because the Army wants a slightly different vehicle, but the Air Force has the Predator B, and the Army has the Sky Warrior.

Why does the Army have a Sky Warrior? Well, because they want to run their own reconnaissance. So what we have in these circumstances is, the Army, in the next 5 years, wants to spend \$800 million to buy more than 100 of the Sky Warriors, and eventually they want to have 500 Sky Warriors. The Air Force wants to spend \$1.5 billion to buy 150 more Predators, Predator Bs.

Here is what the Predator B and the Sky Warrior look like. As you can see, they are nearly identical. Both carry intelligence, surveillance, and reconnaissance sensors so they can find and track targets on the ground. Both can fire missiles so they can hit a target they might find, both can fly over 25,000 feet high for more than 30 hours which gives them range and endurance, but it seems to me a complete duplication of effort.

We are not talking about just the UAV mission itself; we are talking about the duplication of acquisition programs—engineering, contracting. I don't understand it.

For years, the Air Force used U-2s, F-15s, F-16s, even B-52s from time to time to provide surveillance, intelligence, reconnaissance, and close air support for the Army. They used manned aircraft to provide all of those services for the U.S. Army. It is not clear why that ought to be different just because we are using unmanned aircraft.

The Army says they plan to assign each set of 12 Sky Warriors to a specific combat unit. Of course, since most combat units in the Army are at their home base at any given time, most Sky Warriors will be based in the United States or perhaps Europe at any given time. The Air Force has a different approach. They have a streamlined operation concept. They have been working nearly 8 years in almost constant combat operations, and almost every single Air Force Predator is at this point in the Central Command of Operations—CENTCOM.

It seems to me the services ought to do what they do best. What the Army does best is fight a war on the ground. What the Air Force does best is to provide timely intelligence, surveillance, and reconnaissance for the troops on the ground and to attack ground targets from the air. That is what each does best.

However, the Army wants to do exactly what the Air Force does and have a separate acquisition program to do so.

So we ought to be asking the question: Does this make sense to send thousands of airmen to Iraq and Afghanistan to be truck drivers in Army convoys while the Army plans to have thousands of troops operating unmanned aircraft? Yes, that is happening. Putting all of our large UAVs under the Air Force will result, in my judgment, in streamlined and more efficient acquisition of UAVs and allow the Army to concentrate its manpower on Army tasks.

Let me be clear. There are some surveillance—at low-altitude, over-the-battlefield surveillance with unmanned aircraft—that are just fine at 500 feet, 1,000 feet with various kinds of unmanned devices. I understand why the Army would want to operate that, and should. However, I don't understand the Army flying at 25,000 or 30,000 feet, a duplicate mission for which the Air Force exists.

So given the budget problems we face, with nondiscretionary and discretionary spending, we can't afford duplication of effort.

A few years ago, the Air Force proposed that it be designated as the executive agent for all medium- and high-altitude unmanned aerial vehicles. That made sense to me. The Air Force is the logical choice. They already have the infrastructure to deliver that combat power.

In 2007, by the way, the Pentagon's Joint Requirements Oversight Council endorsed that proposal, but the proposal didn't go anywhere because of intense opposition from the Army and those who support the Army in this Congress.

I don't think this should be an intramural debate between supporting the Army and supporting the Air Force. I support both. I want the Army to be

equipped in an unbelievably important way to do its mission, and I want the Air Force to be similarly equipped. I just don't want the taxpayer to be paying for duplication of effort, and I don't want every service to believe it should do everything because that clearly is a duplication of effort.

The legislation that is before us today is about procurement reform, procurement reform itself. It does not address this specific issue of duplication, but this issue is certainly the second cousin to it. We will be discussing this when we get to the Defense authorization bill, and that, too, is a very important part of how we can strengthen our defense; how do we make certain the taxpayers are getting their money's worth; and how do we make certain the men and women who serve in defense of this country are equipped to do what they do best.

I raise this issue of duplication because I think it is so important that we find a way to begin to unravel the unmistakable duplication that exists in so many areas within the Pentagon. This is one that should be self-evident to virtually everyone.

I wish to mention as well today the issue that will also come up in Defense authorization that is the first or second cousin to procurement reform, and that is contracting reform. I know my colleague from Michigan and my colleague from Arizona are very concerned about this as well, and I look forward to working with them on the Defense authorization bill.

A couple of points about contract reform: I have held, I believe, 18 hearings in the Democratic Policy Committee that I chair on contracting issues over a good number of years now. I wish to show a couple of photographs that describe some of the unbelievable circumstances that have existed and that we must take steps to correct, and I know my colleagues, the chairman and ranking member, are already doing so.

This, by the way, deals with contracting. I understand during wartime there are going to be contracts sometimes that are let without a lot of scrutiny and somebody is going to make a lot of money, or perhaps somebody doesn't quite measure up, but this is different. I think we have seen some of the greatest waste, fraud, and abuse in the history of this country in contracting.

This is a picture of a couple million dollars wrapped in Saran wrap, a couple of million dollars in cash. Franklin Willis is the guy with the white shirt. He is holding one of these. This happens to be in a palace in Iraq, one of Saddam's palaces. I assume the chairman of the committee has been in one of Saddam's palaces. I have been in one of Saddam's palaces in Baghdad. So we took over all of those palaces for headquarters, or a good many of them. This happens to be a couple of million dol-

lars in cash put on a table because the contractor was coming to pick up the cash. Franklin Willis—a very respected guy, by the way, who went over from the Federal Government to work on these issues and testified in one of my hearings—said the word was to contractors: Bring a bag because we pay cash.

We were contracting for everything in Iraq. Just all kinds—they had over 130,000 contractors, I believe, at one point. So the company who was going to pick up this cash, by the way, was later indicted in criminal court. But Franklin Willis was showing us how reimbursements were made in Iraq. This is bills wrapped in Saran wrap. He would say from time to time he would see people playing football catch with 100-dollar bills wrapped in Saran wrap waiting for the contractors to bring a bag, to pick up a couple million dollars on this day.

It is not an isolated problem that the contractor that was going to show up to pick up this money was later convicted—indicted and convicted—in a U.S. court for stealing millions of taxpayers' dollars. Franklin Willis said it was just like the old Wild West. That is what he said to us: It was like the Wild West. Bring a bag. We have cash.

So during this period of time, in Baghdad, as they began to try to set up a provisional government—which was the U.S. Government trying to set up a government, and we sent Ambassador Bremer over to set up a government—during that time, we know that pallets of cash were shipped to Iraq. This cash left the Federal Reserve Bank in New York. This pallet, each pallet, contains 640 bundles of 1,000-dollar bills and weighs 1,500 pounds. They sent 484 of these pallets to Iraq on C-130s. That is more than 363 tons of cash that was sent to Iraq in C-130s, totaling \$12 billion. Think of that: \$12 billion with reports of distributing cash onto the back of pickup trucks. Do you wonder why we were stolen blind?

A woman who has had a substantial amount of experience who has never gotten her due, but one of the most courageous women I have met in Washington, DC, Bunny Greenhouse, and for her testimony and for her courage she lost her job. Here is what she said. She was the former chief contracting officer at the Corps of Engineers. She was the top civilian working for the Army Corps of Engineers, and she was in the room when the logcap project was negotiated.

Let me describe to you what she said. This is the top civilian official in the U.S. Army Corps of Engineers. She had 25 years of great service to our country with two masters degrees, unbelievable qualifications, and performance appraisals that said she was outstanding every single time—until she spoke publicly.

Here is what she said:

I can unequivocally state that the abuse related to the contracts awarded to Kellogg, Brown & Root—

A subsidiary of Halliburton—represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

For that, this woman was demoted and lost her job; for the courage to speak out, she lost her job. Pretty unbelievable. This is an extraordinary woman.

We have seen from all of these circumstances unbelievable waste in contracting. It is not just—it is what Bunnatine Greenhouse said, the way the contracts were negotiated. She said they were illegal and so on.

Let me give an example, and I could give 100 examples. This shows \$40 million spent on a prison in Iraq they called the whale. This is when most of the money had already been spent. You can see there is virtually nothing done. The Parsons Corporation got that money. This now sits empty, never having been used. A top floor was never finished. The U.S. Government says: Well, we gave it to the Iraqis.

The Iraqi Government says: Are you kidding me? We wouldn't take that in a million years. We don't want the prison. We would not use the prison. It was never given to us.

So \$40 million was spent of the taxpayers' money. Procurement reform and contractor reform are all related. I don't want to come and provide a message that steps in any way on anything that the chairman is doing on procurement reform because that is critically important.

We have to follow it with its first cousin, contract reform. The stories are so legend. In this photo is a young man who was killed. He was a Ranger and a Green Beret. He was electrocuted while taking a shower. This is his mother Cheryl. He was electrocuted because KBR got the contract for wiring facilities in Iraq and didn't do a good job. He was killed in a shower. Another man was power washing a Jeep or humvee and got electrocuted. The Army said: We think he took a radio or an electrical device into the shower. But he didn't.

It is not just this, but it is providing water to military bases that was more contaminated than the Euphrates River.

I will be on the floor when we come to defense authorization with a good number of amendments on contracting reform because we have to put a stop to this. It has gone on way too long.

Let me finish by coming back to where I started, and that is the issue of procurement reform. Our colleagues on the Defense Authorization Committee are trying to deal with virtually unlimited wants and resources. That is not new. We understand the problems that creates. So they have decided they have to put together procurement reform legislation. It is so important to

this country to get this done and to get it right. Procurement reform is essential. It is the foundation of fixing the problems that exist with respect to these major weapons programs.

Then, I hope we can segue into contracting reform and the issues of duplication, on which I wish to work with the chairman and ranking member. I thank Senators LEVIN and MCCAIN for their leadership. I requested that I be made a cosponsor of the procurement reform legislation. I look forward to visiting and working with them on amendments on contracting reform in the coming month or two, when we get to the defense authorization.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me very quickly thank Senator DORGAN for his extraordinary commitment to the issues he has outlined. I don't know of anybody in this body who has devoted anywhere near the time he has to these issues. He has a passion second to none, and I commend him for it. We look forward to working with him on amendments on the authorization bill, and we also more than welcome his cosponsorship of the pending bill. I thank him for the effort he made.

I assume all the materials he has produced will go to the Commission on Contracting Reform, which has been created on wartime contracting. That will probably give us an opportunity, with the power they have, to take some concrete steps. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I believe we have cleared some amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1044, 1053, 1046, 1051, 1049, 1050, 1047, AND 1048, EN BLOC

Mr. LEVIN. Mr. President, Senator MCCAIN and I now, with our staffs, have been able to clear eight amendments.

I ask unanimous consent that the following amendments be called up, considered, and approved en bloc: amendment No. 1044, by Senator INHOFE, which he will speak on; amendment No. 1053, Senator CHAMBLISS; Senator COBURN's amendment No. 1046; Senator MCCASKILL's amendments numbered 1051, 1049, and 1050; Senator WHITEHOUSE's amendment No. 1047; Senator CARPER's amendment No. 1048.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and are agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 1044

(Purpose: To require a report on certain cost growth matters following the termination of a major defense acquisition program for critical cost growth)

On page 59, line 25, strike "(D)" and inserting "(E)".

On page 60, strike line 3 and insert the following:

lowing new subparagraphs (B), (C), and (D):

On page 60, line 4, insert "and submit the report required by subparagraph (D)" after "terminate such acquisition program".

On page 61, strike like 24 and insert the following:

gram;

"(D) if the program is terminated, submit to Congress a written report setting forth—

"(i) an explanation of the reasons for terminating the program;

"(ii) the alternatives considered to address any problems in the program; and

"(iii) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program; and".

AMENDMENT NO. 1053

(Purpose: To clarify an exception to conflict of interest requirements applicable to contracts for systems engineering and technical assistance functions)

On page 63, line 11, insert "for special security agreements" after "to those required".

AMENDMENT NO. 1046

(Purpose: To require reports on the operation and support costs of major defense acquisition programs and major weapons systems)

On page 49, strike line 15 and all that follows through page 51, line 8, and insert the following:

view, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS OF COST ANALYSIS IMPROVEMENT GROUP.—The personnel and functions of the Cost Analysis Improvement Group of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139d of title 10, United States Code (as so added), and shall report directly to the Director.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by inserting "the Director of Independent Cost Assessment," before "and the Director".

(2) Section 2306b(i)(1)(B) of such title is amended by striking "Cost Analysis Improvement Group of the Department of Defense" and inserting "Director of Independent Cost Assessment".

(3) Section 2366a(a)(4) of such title is amended by striking "has been submitted" and inserting "has been approved by the Director of Independent Cost Assessment".

(4) Section 2366b(a)(1)(C) of such title is amended by striking "have been developed to execute" and inserting "have been approved by the Director of Independent Cost Assessment to provide for the execution of".

(5) Section 2433(e)(2)(B)(iii) of such title is amended by striking "are reasonable" and

inserting "have been determined by the Director of Independent Cost Assessment to be reasonable".

(6) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

"(A) be prepared or approved by the Director of Independent Cost Assessment; and".

(7) Section 2445c(f)(3) of such title is amended by striking "are reasonable" and inserting "have been determined by the Director of Independent Cost Assessment to be reasonable".

(e) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(3) MAJOR WEAPON SYSTEM DEFINED.—In this subsection, the term "major weapon system" has the meaning given that term in 2379(d) of title 10, United States Code.

AMENDMENT NO. 1051

(Purpose: To enhance the review of joint military requirements)

On page 53, between lines 17 and 18, insert the following:

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—

(1) JROC SUBMITTAL OF RECOMMENDED REQUIREMENTS TO UNDER SECRETARY FOR ATL.—Upon recommending a new joint military requirement, the Joint Requirements Oversight Council shall transmit the recommendation to the Under Secretary of Defense for Acquisition, Technology, and Logistics for review and concurrence or non-concurrence in the recommendation.

(2) REVIEW OF RECOMMENDED REQUIREMENTS.—The Under Secretary for Acquisition, Technology, and Logistics shall review each recommendation transmitted under paragraph (1) to determine whether or not the Joint Requirements Oversight Council has, in making such recommendation—

(A) taken appropriate action to solicit and consider input from the commanders of the combatant commands in accordance with the requirements of section 181(e) of title 10, United States Code (as amended by section 105);

(B) given appropriate consideration to trade-offs among cost, schedule, and performance in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as amended by subsection (b)); and

(C) given appropriate consideration to issues of joint portfolio management, including alternative material and non-material

solutions, as provided in Chairman of the Joint Chiefs of Staff Instruction 3170.01G.

(3) NON-CONCURRENCE OF UNDER SECRETARY FOR ATL.—If the Under Secretary for Acquisition, Technology, and Logistics determines that the Joint Requirements Oversight Council has failed to take appropriate action in accordance with subparagraphs (A), (B), and (C) of paragraph (2) regarding a joint military requirement, the Under Secretary shall return the recommendation to the Council with specific recommendations as to matters to be considered by the Council to address any shortcoming identified by the Under Secretary in the course of the review under paragraph (2).

(4) NOTICE ON CONTINUING DISAGREEMENT ON REQUIREMENT.—If the Under Secretary for Acquisition, Technology, and Logistics and the Joint Requirements Oversight Council are unable to reach agreement on a joint military requirement that has been returned to the Council by the Under Secretary under paragraph (4), the Under Secretary shall transmit notice of lack of agreement on the requirement to the Secretary of Defense.

(5) RESOLUTION OF CONTINUING DISAGREEMENT.—Upon receiving notice under paragraph (4) of a lack of agreement on a joint military requirement, the Secretary of Defense shall make a final determination on whether or not to validate the requirement.

On page 53, line 18, strike “(c)” and insert “(d)”.

On page 54, line 12, strike “(d)” and insert “(e)”.

AMENDMENT NO. 1049

(Purpose: To specify certain inputs to the Joint Requirements Oversight Council from the commanders of the combatant commands on joint military requirements)

On page 51, line 12, insert “(a) IN GENERAL.—” before “Section 181”.

On page 51, line 23, strike “of subsection (f).” and insert the following: “of subsection (f). Such input may include, but is not limited to, an assessment of the following:

“(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would justify a new joint military requirement.

“(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

“(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements.

“(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or to partner in using technologies developed to meet the joint military requirement.”.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of subsection (e) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands. The report shall include, at a minimum, an assessment of the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

AMENDMENT NO. 1050

(Purpose: To provide for a review by the Comptroller General of the United States of waivers of the requirement for competitive prototypes based on excessive cost)

On page 59, strike line 15 and insert the following:

(d) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a milestone decision authority authorizes a waiver of the requirement for prototypes under paragraph (1) or (2) of subsection (c) on the basis of excessive cost, the milestone decision authority shall submit a notice on the waiver, together with the rationale for the waiver, to the Comptroller General of the United States at the same time a report on the waiver is submitted to the congressional defense committees under paragraph (3) of that subsection.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notice on a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and
(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

(e) APPLICABILITY.—This section shall apply to any

AMENDMENT NO. 1047

(Purpose: To further improve the cost assessment procedures and processes of the Department of Defense)

On page 43, between lines 20 and 21, insert the following:

(c) TECHNOLOGICAL MATURITY STANDARDS.—For purposes of the review and assessment conducted by the Director of Defense Research and Engineering in accordance with subsection (c) of section 139a of title 10, United States Code (as added by subsection (a)), a critical technology is considered to be mature—

(1) in the case of a major defense acquisition program that is being considered for Milestone B approval, if the technology has been demonstrated in a relevant environment; and

(2) in the case of a major defense acquisition program that is being considered for Milestone C approval, if the technology has been demonstrated in a realistic environment.

On page 45, beginning on line 9, strike “programs and require the disclosure of all such confidence levels;” and insert “programs, require that all such estimates include confidence levels compliant with such guidance, and require the disclosure of all such confidence levels (including through Selected Acquisition Reports submitted pursuant to section 2432 of this title);”.

On page 47, line 16, add at the end the following: “The report shall include an assessment of—

“(A) the extent to which each of the military departments have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates; and

“(B) the overall quality of cost estimates prepared by each of the military departments.

On page 48, line 2, add at the end the following: “Each report submitted to Congress under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.”.

AMENDMENT NO. 1048

(Purpose: To require consultation between the Director of Defense Research and Engineering and the Director of Developmental Test and Evaluation in assessments of technological maturity of critical technologies of major defense acquisition programs)

On page 42, line 12, insert “, in consultation with the Director of Developmental Test and Evaluation,” after “shall”.

Mr. LEVIN. Mr. President, I move to reconsider the vote regarding the amendments agreed to en bloc.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, it is my understanding, and I believe also the chairman's understanding, that we may have one or two other amendments pending.

Mr. LEVIN. I thank the Senator for making that point. We want to see additional amendments if they are out there. We will do our best to clear them but, if not, debate them. We appreciate the cooperation of everybody.

I yield the floor.

AMENDMENT NO. 1044

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, my amendment was one of the eight amendments agreed to. I will be brief. I wish to get on record as to what it is I am trying to do.

First of all, though, I think my name may be on there as a cosponsor; if not, I ask unanimous consent that I be added at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, section 2094 of the bill requires the Secretary to submit written certification if a program is not terminated that states the acquisition program is essential to the national security, that no alternatives meet the joint military requirement, the new estimates are reasonable, and the management structure is adequate to manage and control the program acquisition cost. I concur with the certification process, but no similar requirement is there for the termination of an acquisition program. That is an area in which oversight is required and information critical as we continue to improve the acquisition process, which I believe this legislation will do.

My amendment requires the Secretary of Defense to submit a written report explaining the reasons for terminating the program, alternatives considered to address any problems in the program, and the course of action the Department of Defense plans to pursue to meet continuing joint military requirements intended to be met by the program being canceled. This report will provide Congress with historical documentation of the terminated or failed programs and why they are terminated.

Essentially, the language of the amendment is simply the requirement that if a program is terminated, submit to Congress a written report setting forth three things: One, an explanation of the reason for terminating the program; two, the alternatives considered to address any problems in the program; three, the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program.

In other words, it makes the same requirement on terminated programs as others. This has already been adopted en bloc, and I have no motion to make.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1049, 1050, AND 1051

Mrs. MCCASKILL. Mr. President, I rise to thank Chairman LEVIN and Ranking Member MCCAIN on a good bill to address a serious and expensive problem in our military. We have costs that have ballooned. As Senator LEVIN explained earlier today, in 2008 alone the portfolio of DOD's 97 major defense acquisition programs was nearly \$300 billion over cost and the average delay in terms of delivering these capabilities to the warfighter was 22 months. That is unacceptable to our warfighters and unacceptable to taxpayers.

There are obviously many examples of these systems that have been underestimated both on time of delivery and costs, but a good one is the Joint Strike Fighter. Right now, the JSF continues to rely on immature technologies and unrealistic cost schedules. We have a situation where DOD might actually procure these aircraft, these F-35s, costing \$57 billion, before we have even completed the developmental flight testing. That is just one, but it is a very good example of a program that is underperforming for the warfighter and for the taxpayer.

There are three amendments that have been added to this bill at my request, and I thank the Armed Services staff and particularly Senator LEVIN and Senator MCCAIN for accepting these three amendments. I would like to briefly explain the three amendments we have added.

The first is one that will provide some more teeth in a very critical area that is of huge importance in this process; that is, tightening up the process and procedures at JROC.

JROC is the military's Joint Requirements Oversight Council. Now, that sounds pretty good. JROC sounds like a

place where you are going to get oversight. But unfortunately, invariably, JROC has become a place where one branch of the military gets what it wants, and in return the other branch of the military gets what it wants, and in return the other branch of the military gets what it wants. It has been kind of a murky process. Based on hearings we have had and testimony and questions I have asked, it is clear to me that JROC has not been providing a lot of oversight—maybe a little too much back-scratching and not enough oversight. So two of these amendments are to deal with the JROC situation and hopefully improve it.

One is going to bring more input from combatant commands to the JROC process. The warfighter's perspective is very important, as this council makes decisions about requirements on systems the U.S. taxpayer is going to purchase. It is very important that the warfighters have input because they are the end user. Maybe what they are saying in that room is what is needed or it turns out that maybe it is not what is needed. We have had examples of where we have failed our warfighters in not anticipating what the needs actually are on the ground. The Iraq war is full of examples where we underestimated what we needed in some regards and overestimated what we needed in others. The warfighter being in the process is very important.

The other amendment that deals with the JROC—the Joint Requirements Oversight Council—is bringing another voice to this process. The Under Secretary of Defense for Acquisitions, Technology and Logistics will now be required to concur on the JROC requirements with an eye toward cost, utility, and policy considerations. So we have now added a referee of sorts—another voice. So it isn't just going to be about the Air Force or the Navy or the Army keeping each other happy but, rather, someone in a responsible position to look and concur that what they are doing is in the best interest of cost, utility, and overall policy considerations.

That critical layer of the Under Secretary of Defense for Acquisitions, Technology and Logistics will also bring into the process the Secretary of Defense, if necessary, because if there is not an agreement, then the Secretary of Defense will have to come in and provide that ultimate decision-making with an eye toward cost, utility, and policy. This will allow the kind of leadership from the top to make sure these decisions are in the best interests of all of the military as opposed to everybody getting what they want.

The final amendment that has been accepted that I believe will help is a little bit of looking over the shoulder on cost waivers. We have put into this

bill a number of situations where certain safeguards can be waived if they are going to be too expensive. The best example is the prototype. There is going to be no need for them to do a competitive prototype if they decide they need to waive that requirement based on the cost of producing that prototype. I don't disagree that there may be some circumstances where costs are going to be too high to do a prototype, but what I want to make sure is that we don't abuse the cost waiver. In order to avoid abusing the cost waiver, we need an auditor looking over their shoulders. So this amendment mandates the reporting of cost waivers to GAO—the Government Accountability Office, the overall auditor in the Federal Government—and it requires the GAO to provide a written review to the Senate Armed Services Committee and the House Armed Services Committee within 60 days of the receipt of that waiver. This will allow the GAO to look over the shoulder and make sure the cost waiver is one based on reliable, objective, and reasonable information. I don't think it is going to be necessary for GAO to do a lot of these analyses if the military knows that it can. Sometimes, just knowing somebody is looking over your shoulder brings about better behavior. That is the goal of this amendment, to make sure we don't abuse cost waivers because this bill is not going to do a lot of good if the military has the opportunity to drive in, around, and through it without appropriate oversight.

So I believe these amendments improve the bill. They are going to be helpful as we try to get a handle on the acquisition process.

I will continue to work with the chairman and the ranking member in any way I can, particularly on the Subcommittee on Contracting Oversight, which I chair, which is now part of the Homeland Security and Governmental Affairs Committee. We on that subcommittee are going to continue to look at contracting in DOD, particularly keeping an eye not just on the weapons acquisition but the acquisition of services at DOD. That has also been a huge growth industry as we have entered into contracting for support services such as never before in the American military, with, frankly, boxes and boxes of examples of waste, abuse, and fraud.

So I am pleased this bill is moving as quickly as it has, and I am particularly pleased there has been such a bipartisan effort in this body. It is refreshing when we can all come together and do the right thing, as we are doing on this bill.

Mr. President, I yield the floor.

Mr. UDALL of Colorado. Mr. President, I am pleased to rise in support of an amendment to this important bill, offered by my colleague Senator MCCASKILL. I am proud to be a cosponsor of this amendment, which adds to

good language in the bill requiring competitive prototyping. At its heart, this amendment is about our government wisely using taxpayer dollars.

Last year, the U.S. Department of Defense announced a new policy that DOD development programs in their early stages must involve at least two prototypes—to be developed by competing industry teams—before DOD can move forward into the system design and development phase, the longest and costliest part of the process.

The idea behind this policy makes sense: Technologies should be proven before contracts are awarded. Paper proposals alone do not always provide sufficient information on technical risk and cost estimates. But an investment in prototyping up-front can result in greater knowledge up-front, which in turn can lead to better cost and schedule assessments.

It seems to me that DOD had the right idea to resurrect competitive prototyping. The sponsors of this bill—Senators LEVIN and MCCAIN—agreed. The bill we are considering today would codify DOD's policy.

The bill would also authorize a waiver for competitive prototyping in the event of excessive cost. This was a change we made in the Senate Armed Services Committee, on which I sit. This change reflects DOD's concerns that it can sometimes be cost prohibitive to produce two or more prototypes of a system.

One of the goals of competitive prototyping is to try to reduce costs, not increase them. So I believe DOD should have authority to waive this requirement when producing two or more prototypes of a system would be cost prohibitive. However, we should ensure that this waiver authority is not abused, or casually used as a way to avoid prototyping.

So I support this amendment offered by my colleague today, which will add a layer of fiscal oversight to the sole-source nature of prototyping that can result from these waivers. It would require DOD to report cost waivers both to the Government Accountability Office and to congressional defense committees and require GAO to provide a written review to the congressional defense committees. This amendment is about good government, and I would hope that my colleagues in both parties would support it.

I want to close by addressing the larger issue we are considering today—acquisition reform. As a member of the Armed Services Committee and as a taxpayer, this issue concerns me greatly. There seems to be universal agreement that reform is necessary. The GAO reported this year that DOD's major defense acquisition programs are nearly \$300 billion over budget. At a time of economic crisis and uncertainty, we need to work much harder to get these costs under control.

But DOD's acquisition system is complex and there is no shortage of ideas on how to fix it. I am a cosponsor of this bill because I believe it takes important steps in the right direction. It does not try to fix the whole system, but instead focuses mainly on the early phases of the acquisition process, which can often start with "inadequate foundations." As Chairman LEVIN stated in our committee, the "bill is designed to help put major defense acquisition programs on a sound footing from the outset." I believe this bill will do that. I commend the authors of this bill for their important work and for building bipartisan support for this bill.

I urge support of this bill and of the McCaskill amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me thank Senator MCCASKILL for her great work on the amendments she has just described. These are significant amendments, important amendments. They reflect the kind of dogged determination the good Senator from Missouri shows every day.

These amendments are so important to the procurement process.

I thank Senator MCCASKILL for her three amendments, which have strengthened the bill by, No. 1, reinforcing requirements to make trade-offs between cost, schedule, and performance, by directing the Under Secretary of Defense for Acquisition, Technology and Logistics to review requirements and ensure that such trade-offs have been made; No. 2, enhancing the role of combatant commanders in developing requirements by spelling out issues on which their input should be solicited and considered; and No. 3, reinforcing competitive prototyping requirements in the bill by requiring a GAO review and assessment of any waiver on the requirement on the basis of excessive cost.

These amendments improve the bill and reflect Senator MCCASKILL's consistent dedication to acquisition reform in the best interests of the taxpayers.

I commend the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I also would express my appreciation to the Senator from Missouri for her hard work, not only on this amendment but on the committee. I thank her and I think it has improved the legislation.

In consultation, I think the chairman is going to talk about what we intend to do. I understand there are a couple of amendments that may require recorded votes, but we really need to have all amendments in so we can wrap up this legislation either tonight or tomorrow, depending on the wishes of the respective leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Senator from Arizona. What we are trying to do is see if we can't limit amendments. We think we know the amendments that are still out there, but we need people who want to pursue amendments to let us know that and give us an opportunity to look at them, to discuss the amendments with folks.

I have not had an opportunity to talk with the majority leader about whether there will be an opportunity to have votes tonight if we can't work out amendments, but I better not say anything until I have that opportunity to check it out with the majority leader. I know Senator CHAMBLISS is here to be recognized.

I yield the floor.

AMENDMENTS NOS. 1053 AND 1054

Mr. CHAMBLISS. Mr. President, I rise to call up two amendments that have been filed at the desk, No. 1053 and No. 1054. I want to start by recognizing the great work Senators LEVIN and MCCAIN have done on this issue. I have been extremely concerned about the acquisition process at the Department of Defense for years—during my House years as well as my Senate years. There have been no two greater champions on the issue than Senators LEVIN and MCCAIN.

They put together a piece of legislation that I think really does move us down the road in the right direction. We are dealing with less money in the defense budget than we have ever had. Yet the needs are greater. So I commend them for the great work they have done.

One of the amendments I am going to talk about has already been accepted. I am very appreciative of their support of that amendment.

Both of these amendments relate to the organizational conflict of interest—OCI—area of the bill.

The first amendment, No. 1053, deals with the ways in which contractors that have affiliates that provide systems engineering and technical assistance, or "SETA" services, must organize their SETA affiliates in order to mitigate conflict of interest.

In relation to large contractors having affiliates that perform SETA functions, this amendment would allow for a closer modeling of the arrangements that large U.S. companies that are foreign-owned or controlled currently have for their defense-related operations in order to protect classified information.

One aspect of these arrangements relates to how the corporate board for the U.S. company, or SETA affiliate in this case, is organized.

One model is "proxy board" which cannot communicate in any way with the parent company and prohibits any board member for the affiliate from

serving on the board of or having other responsibilities within the parent company.

The proxy board model requires all outside board members and removes all prerogatives of ownership for the parent company. It does not allow the parent company to exercise any management control or oversight over the separate entity and, as such, is a huge liability for the parent company. As such, it is not an attractive model in many cases.

The other approach is a "special security agreement" which is what BAE, Rolls Royce, and other large defense contractors who have a reputation for responsibility and trustworthiness use for their U.S. affiliates. This approach requires some board members to be totally independent of the parent company but also permits some communication between the board of the affiliate and the parent company.

This model allows for regulated discussions between the affiliate and the parent and protects sensitive—versus routine—information from being shared.

This model has other aspects to it that provide for independence and security, and it makes sense and is less onerous for the parent company.

My amendment specifies that the arrangements between large contractors and their SETA affiliates should be similar to the "special security agreement" I have discussed above.

I am pleased that the managers have agreed to accept the amendment. I thank them for that.

The second amendment which I have filed, No. 1054, relates to prime contractor "make-buy" decisions. These decisions relate to which aspects of a contract the prime contractor chooses to either make themselves or contract out to another company.

The current bill prescribes what I believe to be onerous procedures for regulating the prime contractors' decisions in this regard and provides for "government oversight of the process by which prime contractors consider such sources" and authorizes "program managers to disapprove the determination by a prime contractor to conduct development or construction in-house rather than through a subcontract."

In my opinion, this is an example of the Government interfering in a private company's legitimate business decisions and adds little value to the process.

Current acquisition regulations already provide for oversight of "make-buy" decisions by the Government. The "Acquisition Reform Working Group" composed of industry associations has strong language in their recent report on this bill opposing further Government intervention in "make-buy" decisions.

Prime contractors are already incentivized through the market to

make wise choices in this area and are held accountable to the Government for their choices, both through the terms of the contract in question and through future competitions for which past performance is always a consideration.

My amendment strikes much of the provision in the bill and is intended to account for the fact that there are already procedures in place to address this issue. My amendment also attempts to prohibit excessive Government involvement in private sector business decisions.

I would like to quote from the Acquisition Reform Working Group's, position paper they issued on this bill in relation to this issue.

The acquisition regulations already grant the government oversight of contractors' make/buy programs . . . The government has an appropriate oversight role, but that role must be managed to assure that the government is able to hold a contractor accountable for results. If the government is to determine which subcontractors will be part of a major program, the government will necessarily assume responsibility for that choice which will result in a corresponding reduction in the prime contractor's responsibility for the program.

Make-buy decisions are critical to program success. The prime contractor must consider the selection of a major subcontractor much as the government considers the selection of the prime contractor in the source selection process. The selection of the major subcontractors is made early in the proposal process . . . To have the government substitute an agency decision concerning these selections after award would likely put the prime contractor's performance against the contract awarded base-line at risk. Any additional emphasis on the make-buy process should take into account the program risk created by Government direction for contractor source selection decisions.

There is a fine balance that must be maintained to hold contractors accountable for performance and results while affording the government an appropriate oversight role. It is unreasonable to expect a contractor to be held accountable for results if the government does not both provide the responsibility and the right incentives for that performance. Better and earlier planning and program management by the Government will mitigate a contractor's performance risks more effectively than taking away a contractor's intellectual property rights, innovation incentives, and accountability. Taking away such rights will also render the Defense market less attractive for new companies, especially commercial companies, with high risk and little chance of reward.

That is a rather extensive quote from that report by the Acquisition Reform Working Group, but I thought it was important to rationalize the way of thinking related to how we look at this issue. Basically, what we are proposing is, not to change the way the situation works today with respect to make-buy contracts.

So if you have a major weapons system contractor that is awarded a contract, and under that contract, let's say for an automobile that obviously requires a steering wheel, then the con-

tractor ought to have the ability to decide whether to make that steering wheel themselves or whether to subcontract that steering wheel out to another contractor. If the contractor has a right to make those decisions then the numbers that were contained in their bid are going to reflect that and accurately reflect the ultimate price the Government pays. But if the Government has the right, as the bill says, to step in after the award and tell the prime contractor: You are not going to subcontract out, we are going to mandate that you make that steering wheel, then I think it does take away some of the flexibility and the ability on the part of the prime contractor to be able to adhere to the numbers and pricing that their bid contains.

This is a situation where, if we think contractors in the defense community are taking advantage of the system, the language in the bill is the direction in which we ought to go. But there are safeguards in every contract that the Department of Defense awards. I think what we need to do is focus more on making sure contractors are giving us the best possible buy we can get and the best quality of product we can get, and not hamstringing those contractors who are making these bids. This will allow us to take the most advantage of taxpayer dollars that we have to use in equipping our men and women who wear the uniform of the United States.

I understand the committee may have issues with this amendment, but I think it is a good amendment. I urge its adoption.

I want to close by saying again that Senator McCain and I have talked about this issue of acquisition reform a number of times during my years in the Senate. There is no stronger advocate for doing what is right related to proper expenditure of taxpayer money than Senator McCain. I applaud him and Senator Levin for taking this on, getting in the weeds on it, because the contracts for which the Pentagon solicits bids and that they award on a daily basis are extremely complex, they are very large in the amount of money they spend, and this type of reform is not easy to put together.

But I think Senators Levin and McCain have done an excellent job of coming up with what I think is a good product. I think with some of the amendments that have come forward today it is going to be an even better product.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend the Senator from Georgia for the amendment which we have adopted, amendment No. 1053, that makes a very useful clarification of the standard for the separate business unit definition on this original conflict-of-interest provision we have.

I wish to commend my friend from Georgia for doing that, for catching that, and for making that suggested change which we have now adopted in amendment No. 1053.

We would oppose amendment No. 1054, if it were offered, for the following reasons: There has been a report from the Defense Science Board Task Force that, because of consolidation in the defense industry, there has been a substantial reduction in innovation and competition.

In order to stimulate that, to make sure the avenues are open for small business, we have a provision in this bill which basically adopts the approach of the Defense Science Board Task Force and is consistent with the concerns they raise about the lack of competition resulting from consolidation.

But, equally important, we hear from small business owners consistently that they have been excluded by prime contractors from competing for subcontract work. When they do that, they, of course, are reserving the business for themselves, for the prime contractors themselves.

As the Senator from Georgia mentions, there is now some oversight. But the problem is, there is no ability to veto, in effect, the decision to keep the work in-house. We would not take over the competition or the contracting bidding process. But what we do provide for is the veto of a decision to keep work in-house, where we think it is anticompetitive or unfair.

It is kind of an in-between position. The Defense Science Board actually suggested we go further than we have. What we do in this bill is say that if a decision is made that the contractor is keeping work in-house, which should be put up to competition to allow small businesses to bid on it, the discretion would be available for the Department to override that decision.

We think that is kind of an appropriate thing to do to protect small businesses, to protect competition, and to make sure there is reasonable oversight of that decision of any prime contractor to keep the work for themselves instead of bidding it out, which, of course, would open it to smaller businesses and greater innovation.

So we would oppose this amendment should it be called up. On the other hand, we want to, again, commend the Senator from Georgia because he has gotten into issues such as this. While we disagree with him on this one, we do want to note he has been very deeply involved in this bill. He has worked with us on this bill, and we greatly appreciate his support for our bill.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, as has always been the case when our Nation attempts to improve its health care system, some people and some groups try to scare Americans into believing it would be better to cling to what we have than to strive for something better—the same old story, the same old song.

Those who are using anti-reform scare tactics are typically people who are doing just fine, thank you, under the current system and, frankly, could not care less about those who are not doing so well, along with industry groups that want to make sure they can keep squeezing as much profit out of the health care system as possible.

It is that lust for profits—not a desire to honestly inform the public—that leads industry groups to demonize any reform proposals they themselves did not write.

In this case, conservative pundits, who I would guess have excellent health care coverage for themselves—the people you see on TV, the writers you see in the newspapers, the commentators you hear on the radio—conservative pundits, who probably have excellent health coverage for themselves, are trying to convince Americans that the only alternative to the status quo is “socialized medicine.” And the health insurance industry is trying to convince Americans that if it has to coexist with a federally backed insurance plan; that is, as an option for people, the insurance industry will disappear.

The private insurance industry did not disappear when Medicare was established. The private insurance industry did not disappear when Medicaid was established, even though many insurance companies said they would. Why would it disappear when a federally backed option is created for working-age adults?

Improving our health care system is too important a topic to be co-opted by inflammatory, unfounded rhetoric—rhetoric about “socialized medicine,” rhetoric about “Medicare for all,” rhetoric about “single-payer systems,” rhetoric that at the end of the day is nothing more than a bunch of hot air coming from a bunch of hotheads.

The truth is, Congress is contemplating health care reform that would increase consumer choice—increase consumer choice—by improving access to private and public insurance alike.

We are not eliminating private plans. We are saying: OK, the private plans will be here. They will have rules. The public plan will be here as an option—only as an option. It will have the same

rules. Let them compete. If the private plans are so good, they will do well. The public plan is there, frankly, to keep the private plans honest so the private plans do not eliminate people because of community rating, do not eliminate people because they might have a preexisting medical condition.

As I said, the truth is, the Congress is contemplating health care reforms that would increase consumer choice. There are zero—count them, zero—health care proposals under consideration in this Senate that would eliminate the private insurance system. In fact, every single one of them embraces and strengthens the private health insurance system.

If you have employer-sponsored coverage, the reforms under consideration are designed to help you keep it. So understand, if you have insurance today, you can keep what you have. Under the legislation we will look at, if you want to choose a new insurance plan, you should have the full complement of choices: several private plans and a public plan, if you want to choose it. It is simply an option. It makes sense. It is not socialized medicine. It is simply good government. It is good health care.

What we have done in the past simply has not worked. It is time for a different approach. It is time for a public option for the American people.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1055

Mr. LEVIN. Mr. President, I would call up, on behalf of Senator BINGAMAN, amendment No. 1055. I understand this has been cleared now. It is a useful clarification of the relationship between the developmental testing requirements in the bill and the testing reforms that were enacted 6 years ago.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 1055.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the submittal of certifications of the adequacy of budgets by the Director of the Department of Defense Test Resource Management Center)

At the end of title I, add the following:

SEC. 106. CLARIFICATION OF SUBMITTAL OF CERTIFICATION OF ADEQUACY OF BUDGETS BY THE DIRECTOR OF THE DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) If the Director of the Center is not serving concurrently as the Director of Developmental Test and Evaluation under subsection (b)(2) of section 139c of this title, the certification of the Director of the Center under subparagraph (A) shall, notwithstanding subsection (c)(4) of such section, be submitted directly and independently to the Secretary of Defense.”.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1055) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that the following be the only first-degree amendments in order to S. 454, other than the committee-reported substitute amendment, that the listed first-degree amendments be subject to second-degree amendments which are relevant to the amendment to which offered; that with respect to any subsequent agreement which provides for a limitation of debate regarding an amendment on the list, then that time be equally divided and controlled in the usual form; that if there is a sequence of votes with respect to these amendments, then there be 2 minutes equally divided and controlled prior to a vote in relation thereto; that upon disposition of the listed amendments, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill.

The amendments I am including in this unanimous consent proposal are as follows:

The Snowe amendment No. 1056 regarding small business contracting; a Thune amendment regarding weapons systems; a Coburn amendment regarding financial management, which we think we may have worked out, by the way; the Chambliss amendment No. 1054 regarding “make buy;” the Bingaman amendment, which we have already adopted so I will not refer to that; and the Murray amendment No. 1052 regarding national security objectives.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair, and I thank my friend from Arizona and the staffs who worked this out. I think

these amendments then would be considered probably tomorrow morning, although I don't know that we have final word on that. We ought to probably doublecheck that with our leaders, and I would note the absence of a quorum while we do that.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators recognized to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE PROCUREMENT PROCESS

Mrs. MURRAY. Mr. President, there is no question that our country's defense procurement process is broken. At a time when the American people are tightening their personal budgets, making sacrifices, and focusing on essentials, our defense acquisition program continues to run up huge bills.

Just this year, the GAO reported that the major defense procurement program is \$296 billion over budget. Not only are they over budget, they are behind schedule. In fact, 95 percent of DOD's largest acquisition programs are now an average of 2 years behind schedule. Every extra day, every additional dollar spent on these systems is a step backward for our Nation's other priorities.

As we tackle the big challenges by getting our economy back on track or our health care system working again for all Americans or establishing a clean energy future, it is time that we focused on trimming the fat in our defense budget.

I applaud our Armed Services chairman, Senator LEVIN, and the ranking member, Senator MCCAIN, for introducing the bold plan that is now before the Senate, which will bring about reform. Their bill recognizes that making changes to acquisition starts at the beginning of the process, with the proper testing and the cost calculating and de-

velopment procedures. It also returns discipline to the process by making sure the rules limiting cost are enforced. Those and other badly needed steps are going to help reform our system and return Federal dollars to meet the challenges we have on the horizon.

Mr. President, that should be only the first step because the truth is that, while today's debate has been delayed for far too long, there is another hard conversation surrounding procurement that we have not yet even started, and that is the conversation about the future of the men and women who produce our tanks, our planes, and our boats. The skilled workforce our military depends on is a workforce that is disappearing today before our eyes.

Our Government depends on our highly skilled industries, our manufacturers, our engineers, our researchers, and our development and science base to keep the U.S. military stocked with the best and most advanced equipment and tools available. Whether it is scientists who are designing the next generation of military satellites or engineers who are improving our radar system or machinists who are assembling warplanes, these industries and their workers are one of our greatest strategic assets today. What if those weren't available? What if we made budgetary and policy decisions without talking about the future needs of our domestic workforce? It is not impossible. It is not even unthinkable. It is actually what is happening.

We need to have a real dialog about the ramifications of these decisions before we lose the capability to provide our military with the tools and equipment they need because once our plants shut down, once our skilled workforce and workers move to other fields, and once that infrastructure is gone, it is not going to be rebuilt overnight if we need it.

As a Senator from the State of Washington, representing five major military bases and many military contractors, I am very aware of the important relationship between our military and the producers that keep them protected with the latest technological advances. I have also seen the ramifications of the Pentagon's decisions on communities, workers, and families. As many here know, I have been sounding the alarm about a declining domestic aerospace industry for years.

This isn't just about one company or one State or one industry. This is about our Nation's economic stability. It is about our skill base. It is about our future military capability. We have watched as the domestic base has shrunk. We have watched as competition has disappeared and as our military has looked overseas for the products that we have the capability to produce right here at home.

Many in the Senate have spent a lot of time talking about how many American jobs are being shipped overseas in

search of cheaper labor. But we haven't focused nearly enough attention on the high-wage, high-skilled careers being lost to the realities of our procurement system. That is why, today, I am going to be introducing an amendment that will require the Pentagon to explain to us in Congress and to the American people how their decisions affect good-paying jobs and the long-term strength of our industrial base.

My amendment will help to ensure that our industrial base is capable of meeting our national security objectives. It took us a very long time to build our industrial base. We have machinists who have past experience and know-how down the ranks for more than 50 years. We have engineers who know our mission, know the needs of our soldiers, sailors, airmen, and marines. We have a reputation for delivering for our military. But once those plants shut down, those industries are gone. We not only lose the jobs, but we lose the skills and the potential ability to provide our military with the equipment to defend our Nation and project our might worldwide. Preserving a healthy domestic base also breeds competition. That is good for innovation and, ultimately, for our taxpayers.

So today, as we begin this very serious and necessary conversation on procurement reform, we cannot afford to forget the needs of our industrial base. We have to consider how we achieve reform while continuing to support the development of our industrial base here at home.

It calls for thoughtful planning and projection about who our future enemies might possibly be and how they might possibly try to defeat us in this Nation. It is critical that our country and our military maintain a nimble and dynamic base. Once a new threat is identified, a solution has to be close at hand.

The discussion we are having on procurement reform in the Senate is happening as our country faces two difficult but not unrelated challenges: winning an international war on terror and rebuilding a faltering economy. It would be irresponsible not to include the needs of our industrial base as we move forward because unless we begin to address this issue now, we are not only going to continue to lose some of our best paying American jobs, we are going to lose the backbone of our military might.

I will be offering this amendment, and I would love to have the support of our colleagues to make sure we have a strong nation in the future.

ACADEMIC EXCHANGE

Mr. LEAHY. Mr. President, in early April of 2003, a professor of engineering at United Arab Emirates University contacted an American professor at the Worcester, MA, Polytechnic Institute

about spending the summer in Worcester as a visiting professor. By late May his visit had been arranged—he would come for the months of July and August, the time when he was not teaching in the UAE, and they would collaborate on research on axiomatic design and fractal analysis of manufactured surfaces.

On June 7 the UAE professor applied for a nonimmigrant visa for June 27—August 26. Apart from being called back to the consulate for fingerprinting on June 22 and told that he would receive an answer in the next 2 to 3 weeks, he heard nothing in response to his inquiries other than a reminder to check his visa application status on the embassy Web site. On August 9, with still no sign of his record on the Web site and the beginning of his fall semester approaching, he cancelled his plans and stayed at home in the UAE.

Without any information about the reason for the delay it is impossible to determine whether it was due to some legitimate concern or more likely the result of a bureaucratic logjam. But at a minimum, the professor should have received a response informing him of the status of his application before June 27. Instead, he and his American colleague were left in the dark to wonder, and had no choice but to cancel their research plans which would have been mutually beneficial, as well as for their students.

This is one incident; however, it is illustrative of the larger problem of foreign scholars and teachers being denied entry into the United States not because of travel bans, but because of delays and inefficiencies in the visa application process, particularly in geographical regions of concern for the Department of Homeland Security.

Transnational academic collaboration is, if not politically blind, politically myopic. Diplomats sit across from each other, even when meeting in friendship, to resolve differences. To study, the parties sit on the same side of the table and, irrespective of national, religious, ethnic or political backgrounds, focus on what they have in common. Some fields of study are so universal that they transcend language—mathematics does not need a common tongue for collaboration to happen.

This is in no way meant to disparage diplomacy, which has been and will continue to be the keystone of how governments interact. It emphasizes differences because it addresses them—academic collaboration will never negotiate an arms reduction treaty. But neither should we be limited by thinking that diplomacy is the only way of working towards understanding between two societies.

Nor is this type of academic exchange limited to technical or scientific work. I am reminded of when,

after Robert Frost's visit to the Soviet Union in 1962, Siberian poet Yevgeny Yevtushenko wrote to him "I have read your poems again and again today, and I am glad you live on Earth." I picture Frost and Yevtushenko talking about the rural beauties of their homeland, Frost of Ripton, VT and Yevtushenko of Stantsiya Zima, Siberia.

It is not only relations that we damage and the resentment we create by limiting these partnerships. The United States and the world also lose the body of scholarship that would have been produced. In no academic discipline is anyone so bold as to suggest that knowledge lies only on one side of a fence or of an ocean.

To the foreign scholars who would study and do research here, I would say that in the post-9/11 world our immigration laws and procedures have indeed become more stringent, burdensome and time consuming. But do not interpret that as a sign that you are not welcome or that your presence is not desired. To the contrary, it is valuable—indispensable to you, to us and to the rest of the world.

It is also undeniable that during the Bush administration some of the immigration laws and regulations, enacted in haste to respond to 9/11, crossed the line between keeping a vigilant watch over our borders and creating unnecessary and illogical barriers to entry for those who pose no danger. The Department of Homeland Security and the Department of State deserve credit for their efforts to keep our borders secure, but I also urge them to continually review their policies and procedures to make sure they are keeping out those who need to be kept out, but facilitating the entry of those whose presence we want and need.

The case of the UAE professor is, again, one example. But it did not only inconvenience the two professors; such cases can have a compounding, ripple effect as family members, friends and colleagues conclude that it is pointless, and potentially humiliating, to apply for a visa to study, teach or conduct academic research in the United States. At a time when we should be doing everything possible to rebuild our image abroad, particularly in predominantly Muslim countries, this is not the message we should be sending.

As the Departments of Homeland Security, State and Justice continue to review their policies they should look closely at these issues. If existing laws regarding who and what constitute legitimate security risks need to be clarified, then the administration should come to Congress with a recommendation. If the problem is a lack of staff or other resources to process visa applications in a timely manner, we can allocate the funds necessary to ensure that legitimate visa applicants get the prompt and fair consideration they are due. But whatever the cause of the problem, it needs to be fixed.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Do not you think it is time to do something about the current price gouging on gasoline, even if it means leaning on the refineries in Utah? The price of oil has dropped about 27% off of the high point as of just a few moments ago, and has been hovering around the 23-25% drop for some time now, yet we do not see even a 10% drop in price at the pumps. I know that the retailers have taken advantage of the holiday weekend to make extra money, and hopefully now they will have the heart to drop the prices to levels that are fair.

Please move our country forward in domestic drilling so we may be less dependent on foreign oil. It would also help to curtail some of the terrorist activities, as we are funding some of that with each purchase of oil, maybe indirectly but funding just the same. I do not wish to finance terrorism or gold and diamond encrusted planes and autos for some Sheik. I would rather create jobs in America for Americans by utilizing our own resources. Thank you for reading this.

MONA.

I was employed [by a printing company] in Idaho Falls. I greatly enjoyed my job, and it helped give us the opportunity to purchase our first home in January 2008, which is located in the Ammon, Idaho area. We have been married for 15 years and have been working and saving for the day when we could purchase our first home. This has been my wife's dream to have a home of her own with a small garden. When we purchased this home, the first thing we did after the snow of winter had gone was to erect a 22-foot flag pole in the front yard. You see this has always been my dream to have a home of my own where I could display and show my love for this great country and its beautiful flag. It is also my way of paying respect and saying thank you to the many men and women that have fought to protect the freedoms I have been privileged to enjoy as a citizen of The United States of America.

On July 9, 2008, I was laid off from my employment because of slow business due to

high-energy cost. One of their main customers is [a meat packing company], which has in the past ordered thousands of labels for their meat packing lines and international markets. I have been searching for other employment, but it is hard if not impossible to find a company or business that has not been affected by the out-of-control gas and energy prices.

I am now 55 years old and have worked my whole life to have the so-called American Dream. I know from personal experience what it is like to go hungry or to have no place to lay your head at night or shelter from the cold of a January night. These were very hard times and I do not wish to repeat them. It is upsetting to realize that we could lose it all just because of the greed of a few and the unwillingness of [our leaders] to intervene on behalf of the American people. Instead it is like watching a bunch of kids fighting over a toy in a sandbox, [our elected leaders] need to stop fighting and start working together for the good of the American people. In the Williston oil basin which covers Montana, the Dakotas and Wyoming, there are oil wells that were capped in the 1970s. From studies, this oil could carry the U.S. for the next 100 years or more—that is if we used it to supply only the U.S. and not other nations. So I ask you just what are we waiting for, a rainy day? I find it most interesting that the United States is the greatest super power in the world, but yet we cannot work together in Congress to resolve the issues facing our nation for fear the other political party may take or get credit for it. As an American citizen and taxpayer my message is to forget political lines and yourselves and just go to work together. I, for one, am tired of losing everything we have worked so hard for including our future just because [partisan politics prevent solutions from being found.]

I now ask all the members of Congress to work to save this great nation and our economy from total collapse and to restore the United States of America to that grandeur this nation once enjoyed. A house, nation, government, or people, divided against itself cannot stand or long endure. Ladies and Gentlemen of the U.S. Congress, the Constitution of the United States of America and the future of this great nation and its citizens are now in your hands. Please respect the sacred trust you have been given and honor the integrity of the office in which you now stand.

WALTER.

I have been an Idahoan all my life. I would not want to live anywhere else, and I love my state. I saw on the news awhile back about you wanting input on the gas prices and such. Well, I have more than that that concerns me.

First, I cannot believe the prices of gas. I use a lot of gas. I am a caregiver and I drive to my work two times a day, five days a week. I have had to borrow money just to get there and back. I should let you know I make an average of \$400 a month; my husband makes around \$1,200 a month. I receive a mere \$6 in food stamps. The DHW say we make too much. We do not make enough to pay all our expenses. We cannot seem to get ahead of anything. I just got a ticket for no insurance. I cannot afford it. What am I to do? I have so many things to pay for. I could burden you with all my problems but I am not going to. Tell me, is there a low-income insurance agency around for people like me? I read about grants, but you have to pay just to get a little information. There are so

many families that are in the same situation as I am; we try to do right, but get punished in other ways. We should not have to worry about how to get back and forth to work. How am I going to feed my family? How am I going to pay for everything so I do not lose it! I want to go to school to get my GED so I can become a nurse of some kind. I really want to be a doctor's assistant but I cannot because I have to support my family with what little I make. I cannot afford to lose any hours. I have a lot more I can complain about but it would take me all day. But this sums it up to the shortest degree. Thank you for listening to me.

CHRYSTALYNN, Nampa.

As crude oil begins to express its omnipresence amongst the consumers of this nation as a relevant component, that has raised a multitude of concern as transportation energy is now being brought forth—even with the expectations of food consumption as mentioned and expressed. As Americans are being brought to maintain and conserve what is left of this planet, transportation energy assumptions are now being presented to becoming a considerable difference when considering crop production rather for the purpose of food or a new found energy material. It seems that we as a consumer nation are stuck at a losing crossroad when the expectation of cost efficiency is approached and considered. Will the current crop land begin to be used for this process as new innovative responses towards transportation energy is expressed amongst this nation of consumers?

I do not think that this question has been asked by any consumer as the efforts are being presented to align this nation into a position to have safe and environmental friendly responses to all considerations that may arise as trends and new found provisions are being considered and met.

What are the responses expected from bringing forth a theory that fuel for the purpose of energy with the regards of transportation is expressed, what other questions and responses will arise from what seems to be a Third World theory of effective enterprising?

AARON.

Thank you for this opportunity to voice my opinion about the rising energy costs. We are seeing the effects of the escalating gas prices in every aspect of our family finances. We feel like the high price of gas has made me more cautious about how we spend money in all areas of our life from groceries, to activities we choose to let our children participate in, vacation, entertainment, and home repair/new home purchases. Our family is thrifty, we look for deals, we are conservative in our spending and we are consistently building our savings, yet we are still seeing a constant and steady increase in prices that are causing us to be concerned.

We appreciate your efforts to vote on issues that will lower our energy costs. We support the idea of drilling here in the United States and would like to see that starting so that the benefits of on shore drilling can begin sooner than later. Thank you for representing Idaho well.

BOB and CHARLYNN.

As you requested I am responding to your request to itemize some ways that my family and I are adversely affected by the extreme increases in the cost of energy. I live in a rural area of southeast Idaho. We are about fifteen miles south of Idaho Falls. As you accurately mentioned, there is no public transportation available in this area. We are suffering with the cost of gas especially but not

just that. We heat our home, and water with propane, and the cost of that has gone through the roof also. The cost of electricity has doubled too. The bottom line is my income is not increasing at the rate the utility costs are increasing. This is becoming a real burden on my family.

DAVE, *Firth.*

You guys have got it all wrong: the problem is the consumption not the supply. We are not getting out of this mess by drilling for more oil. The only way is to use less oil. We need more hydro electric, solar power, nuclear energy, Stop building coal and gas power plants that only make our air worse. The air is getting so bad we are soon going to have air filtration systems for our homes and for our gas-guzzling cars so we can leave our homes. We will never have cheap gas again, so let us get on with something that makes sense for a change. I am amazed that the people of this country have not [protested], demanding some action. I do think there are enough concerned voters to crush the stalemate in Washington. The biggest problem is no one is listening to any of the experts on our problems. Everyone just blunders ahead whether anything makes sense or not. We are going to keep spending like there is no tomorrow and then turn around and give people tax refunds. Where did we find the math that makes that work? I could go on and on for days, [but it does not appear to make any difference to our political leaders.]

DAVE.

If it is not already in the works, please consider sponsoring a bill to raise the IRS mileage deduction. It is now at 50½ cents per mile, which is inadequate given the increases in gas, oil, tires, and other related auto products. I am a small business owner in Bonner County, and I travel nearly seven days per week to service clients. Some days I am all over this very large county! Though I usually drive a Honda Civic, even it is becoming expensive to drive. If I raise my prices, I will surely lose some business. Many other business owners are suffering, too.

LEXIE.

First, as for fuel prices. I am sure you have heard most all opinions on how to attempt to solve this issue. I believe there needs to be both short-term and long-range solutions. For the short term, off-shore and North Slope oil drilling needs to be allowed to provide some near-term relief on fuel prices. In addition, new refineries need to be allowed/encouraged in the U.S. as soon as possible. Long term—there needs to be an all-out funding of R&D to provide renewable energy for both transportation and to sustain our homes. I believe in this great nation we can harness the energy of the sun, etc. to provide unlimited renewable energy.

Also another issue close to home is jobs. It is very disturbing the rate at which we are losing jobs to India, etc. due to outsourcing. The corporate environment today is to save a buck at any cost, even sending jobs to under-developed countries. At my place of business, we have seen over the last seven years, many, many technology jobs go out of the country. In addition, just recently, it was announced that many clerical jobs are also to be outsourced. What is happening is that the better-paying jobs are being sent out of the country, and we are left with the lower-paying service industry jobs and are very quickly lowering the American standard of living. Also, this is also happening during tough economic times along with the rising energy costs.

It seems that Congress and our countries leadership is more concerned with everyone else around the world except our own citizens. In this area, there needs to be some kind of tax penalty/incentive to keep these jobs here, in America. If there is no economic benefit to outsource, the jobs will come back.

BEN, *Parma.*

Thanks for being interested in energy; our family sees the future as pretty bleak. Return to the Carter years, high energy prices, stagflation, no raises, general depression. We have upped our level pay on natural gas, expecting the price to double. We have rearranged our budget, less food and entertainment, etc. Far less travel. But I have to ask [if there are not some of our political leaders who want the U.S. economy to slow down. They view this as a way to stop lifestyles they consider wasteful.]

DAVE and MIEKE, *Pocatello.*

My biggest [worry is] fuel that we cannot afford. It is nice for our salary to go up, too. But if you only make \$8 an hour or less, it is really tough to go anywhere and even going to work, and if you have a gas-eating vehicle, the pay is gone. How can we afford to live and a smile on your face when you put all your paycheck for the gas? Our country has to do something about this situation. When my kids asked me to go to practice for tennis, I say no, I could not afford the gas. It is very sad to see the face of my kids. And I know that it is not just me suffering for this issue. There are many more that cannot afford to even get groceries for their families. I hope that our government will do something to help our country, too.

EDITH, *Nampa.*

I began my professional career as a Forester in 1961 and have witnessed a massive change in Forest management and the timber industry. Currently my closest job involves driving 100 miles roundtrip to my closest job. I must drive a four-wheel drive pickup due to forest roads and occasional seedlings, tools etc. I would love to drive a more fuel economic vehicle but as you can see this is not an option. In terms of my business, transportation is extremely costly and typically log and pulpwood haulers charge in excess of \$2/mile to haul their product. Today it is not uncommon for a surcharge to be added.

The big push in my business today is to remove forest waste as biomass to be used as an energy source and the biggest obstacle is the cost of transporting this material out of the woods economically.

The American people with the help of Congress must address this energy crisis immediately. The answer in my opinion is to commence exploration and oil recovery (drilling) immediately, build new refining capacity, and develop and utilize alternative sources such as nuclear, hydroelectric, wind, solar, tidal, etc. I do not see this as an "either/or" situation. We need a blend of all of the aforementioned to keep our ever-expanding population and economy healthy and vibrant.

I am involved with an invention that converts forest slash into a fine powder. This machine/process reduces weight and volume by roughly 40%, has fertilizer value, food value, and appears to be the breakthrough for the cellulosic production of ethanol. I have a report describing this invention that I would be willing and eager to share with you or your representative in Boise at your convenience.

LEWIS, *Eagle.*

My wife and I have recently started a small business in Idaho. Outrageous gas prices are making it hard to get this young company off the ground. My wife has quit her job of six years to finish school full-time at BSU. We figured we could live comfortably without her income but with the gas prices constantly rising we are getting a little uncomfortable about our decision. We feel that Congress needs to do something immediately to help the working people of this country.

SAM, *Nampa.*

I work in southern Idaho at the Idaho National Lab and the lab workers who work way out in the desert work a four-day work week. This helps keep the price to commute low. We here in town work a 9X80 schedule. It would behoove us to look at making the standard work week four days, possibly. I had seen on the news that a couple of the other states have enacted that legislation. Here in Idaho, where we have such wide open expanses and so far to drive in many cases, it could potentially save a lot of money.

MELISSA, *Ammon.*

I am a 68-year-old taxpaying American citizen, and military veteran. I work in Spokane, Washington. It is getting increasingly more difficult to afford the gas to drive to and from work. Carpooling or the use of public transportation is out of the question as I work in the construction industry on various jobs throughout the Spokane area. It appears that some elected people in Congress are letting the environmental lobbyists and their corrupt judges run our country.

The time has come to start drilling for oil in Alaska, Colorado, Wyoming, and offshore. From what has been in the news and from what we read in various publications, all from very intelligent engineers and scientists, we know the oil is there. We have shale deposits in several states that we could be using. We need to work harder on wind and nuclear power. The states want to drill, and we need to lift the federal bans.

We should either sell or give the abandoned military bases to companies willing to build refineries on them. The time has come to quit asking—it is time to demand that this be done. We have the resources, let us use them. The United States of America should not have to go begging to other countries for oil when we have it within our own shores.

We, the people, should not be suffering these exorbitant prices due to the incompetence in all areas of our government, and speculators in the stock market.

WAYNE, *Coeur d'Alene.*

ADDITIONAL STATEMENTS

RECOGNIZING WEST ANCHORAGE HIGH SCHOOL STUDENTS

• Mr. BEGICH. Mr. President, I am proud to announce a class from West Anchorage High School represented the State of Alaska by winning national distinction at the National We The People: The Citizen and the Constitution National Finals. These outstanding students, through their knowledge of the U.S. Constitution, won Alaska's statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

This competition involved a 3-day academic competition simulating a congressional hearing in which students demonstrate their knowledge and skills as they evaluate, take, and defend positions on historical and contemporary constitutional issues.

The students from West Anchorage High School were the Nation's top performers in the competition's unit on How the Values and Principles Embodied in the Constitution Shaped American Institutions and Practices. This year is the 50th year of Alaska's statehood and while we may be one of the youngest States, the performance of these students is indicative of the unique contributions Alaska has made to America's institutions and practices.

I had the distinction of meeting these students so it makes me even more proud to recognize them on behalf of the State of Alaska. The names of these outstanding students from West Anchorage High School are: Grace Abbott, Sinivevela Aho, Spencer Bailly, Gizelle Baylon, Colby Bleicher, Blake Young, Jacqueline Braden, Santina Chamberlain, Caitlin Cheely, Jon Derman Harris, Christa Eussen, Christina Hendrickson, Ryan Hunte, Terra Laughton, Logan Miller, Jasmine Neeno, Madeleine Overturf, Luke Park, Kassandra Smith, Krista Soderlund, Chelsea Thompson, Luicia Valencia, Stacy Wheeler, Sophie Wiekking-Brown, Amanda Xayasane, and Ethan Zinck.

I also commend the teacher of the class, Pamela Orme, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition are Maida Buckley, the State coordinator, and Todd Heuston, the district coordinator, who are responsible for implementing the We the People program in Alaska.

I congratulate these young "constitutional experts" on their outstanding achievement and for their proud representation of the State of Alaska.●

TRIBUTE TO LOUISIANA WWII VETERANS

● Ms. LANDRIEU. Mr. President, I am proud to honor a group of 120 World War II veterans from all over Louisiana who will travel to Washington, DC, on May 9 to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

Louisiana HonorAir, a group based in Lafayette, LA, sponsored this trip to the Nation's Capital. The organization is honoring each surviving World War II Louisiana veteran by giving them an opportunity to see the memorials dedicated to their service. The veterans will visit the World War II, Korea, Vietnam and Iwo Jima memorials.

They will also travel to Arlington National Cemetery.

This is the third of four flights Louisiana HonorAir is making to Washington, DC, this spring. It is the 16th flight to depart from Louisiana, which has sent more HonorAir flights than any other state to the Nation's Capital.

World War II was one of America's greatest triumphs but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 33,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. This group had 44 veterans who served in the U.S. Army, 27 in the U.S. Air Force, 42 in the Navy, 3 in the Coast Guard and 4 in the Marines.

Our heroes trekked the world for their country. They fought in Germany, France, Italy, Africa, Japan, Guam, Guadalcanal, China, Okinawa, the Philippines, New Guinea, Korea, Thailand, and Saipan. Their journeys included the invasions of North Africa, Sicily and Normandy, and the Battle of the Bulge. Their fight for freedom extended to New Caledonia and the Solomon Islands.

One of our Army Airborne veterans navigated a glider plane and became a prisoner of war. He also lost a brother during the D-day invasion and earned many awards, including the Purple Heart. One of our Army Air Corps veterans flew 50 European missions in a B-24 bomber as a flight engineer. Another of our Army Air Corps heroes flew 20 missions as a tail gunner in a B-17 Flying Fortress. And one of our Navy veterans fought at Pearl Harbor.

I ask the Senate to join me in honoring these 120 veterans, all Louisiana heroes, who will visit Washington, and Louisiana HonorAir for making these trips a reality.●

TRIBUTE TO CADILLAC MOUNTAIN SPORTS

● Ms. SNOWE. Mr. President, with the weather beginning to warm up, Mainers and tourists alike are preparing to once again head outdoors and enjoy the beauty that our State has to offer. I rise this week to highlight the work one small business—Cadillac Mountain Sports—is doing to ensure that outdoorsmen and women have the gear and tools they need to make the most of their outings.

Cadillac Mountain Sports was founded in May 1989 by Matthew Curtis. Mr. Curtis set up his small shop in busy downtown Bar Harbor, a summer haven for those visiting Acadia National Park. His intention, however, was to build a year-round sports store that served both members of the local community and the region's seasonal visitors. The store initially carried a wide variety of equipment for a host of individual sports and fitness activities, from swimming and tennis to running and aerobics. It soon widened its product line to include hiking, rock climbing, and backpacking equipment.

Immensely popular from the outset, the business soon needed to significantly increase its space. Mr. Curtis moved his business to a larger location across the street after just 2 years, doubling its size and allowing the company to grow its product line. Since then, the company has undergone several expansions and renovations. Additionally, over the years, Cadillac has expanded to become a five-store chain, with four locations in downtown Bar Harbor, and one in nearby Ellsworth. Its line includes Cadillac's Patagonia, Cadillac's The North Face, and Cadillac's Nike, which all sell those particular brands' products. Cadillac now employs 30 people during the slow season, a number that rises to 100 people during the summer months.

Cadillac Mountain Sports is grounded in the communities where it is located, and strives to improve the quality of living in those towns. Cadillac was recently instrumental in supporting the Ellsworth High Street Beautification Program to revamp its downtown area. Additionally, Cadillac utilizes a number of "green" business practices, including recycling programs. As a result of its considerable efforts to improve the town's well being, Cadillac Mountain Sports will be presented with the 2009 "Top Drawer" Award by the Ellsworth Area Chamber of Commerce at the organization's 54th annual meeting on Thursday, May 14, 2009.

The "Top Drawer" Award is presented annually to either a business or person that makes a lasting contribution to the development and improvement of the greater Ellsworth region. The award was founded in 1980 to commemorate the late Tom Caruso, who established Bar Harbor Airlines to "Link Maine With The World."

It is clear that Cadillac Mountain Sports, with its solid and intelligent commitment to the customer and the community, is highly worthy of this recognition. A small business that has grown to become a regional leader in the sale of sports equipment, Cadillac is a prime example of the success that comes with hard work, community involvement, and customer responsiveness. Congratulations to Matthew Curtis and everyone at Cadillac Mountain

Sports for winning the 2009 "Top Drawer" Award, and best wishes for continued success.●

TRIBUTE TO MATT GIRAUD

● Ms. STABENOW. Mr. President, today I pay tribute, on behalf of myself and Senator LEVIN, to Matt Giraud of Kalamazoo, MI.

Each week on "American Idol," Matt sang his heart out and inspired many throughout Michigan. Early on, the judges recognized his incredible talent. Despite nearly being eliminated in the early stages of the competition, Matt rebounded with grace, confidence, and poise. His songs were a moving reminder of the toughness and resilience of our State.

Matt was born and raised in Michigan. He went to high school in Ypsilanti and graduated from Western Michigan University. Before he went on "American Idol," he performed at a dueling piano bar in Kalamazoo. And on the show, he never forgot his roots.

He got the opportunity to work with Smokey Robinson, the "King of Motown," during the show's Motown episode. His rendition of "Let's Get it On" deeply impressed Robinson, the show's judges, and the audience.

When he was faced with elimination in April, the judges, for the first time in the show's history, intervened to save a contestant. He came back strong the next week, singing "Stayin' Alive." His enthusiasm in spite of adversity was a real inspiration to his fans across Michigan.

After his elimination, Matt remained graceful and thanked his fans back home for all of their support.

On behalf of myself and Senator LEVIN, and all the people of the great State of Michigan, we want to return the favor. We want to thank Matt for reaching for the stars, for pushing himself to the limit, and for showing America Michigan's creative and resilient spirit.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:26 p.m., a message from the House of Representatives, delivered by

Mr. Zapata, one of its reading clerks, announced that the House has passed the following resolutions, in which it requests the concurrence of the Senate:

H. R. 774. An act to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building".

H. R. 1271. An act to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building".

H. R. 1397. An act to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building".

At 5:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 386. An act to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 774. An act to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1271. An act to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1397. An act to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1510. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerances for Emergency Exemptions" (FRL-8409-8) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1511. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred at Fort Belvoir, Virginia, and has been assigned Army case number 06-07; to the Committee on Appropriations.

EC-1512. A communication from the Vice Director, Defense Logistics Agency, Department of Defense, transmitting, pursuant to law, a report relative to an interim response to the reporting requirement of the Strategic and Critical Materials Stockpiling Act; to the Committee on Armed Services.

EC-1513. A communication from the Vice Director, Defense Logistics Agency, Department of Defense, transmitting, pursuant to law, a report relative to the biennial report on stockpile requirements of the Strategic and Critical Materials Stockpiling Act; to the Committee on Armed Services.

EC-1514. A communication from the Deputy Under Secretary of Defense for Logistics and Materiel Readiness, transmitting, pursuant to law, a report relative to the percentage of funds that was expended during the preceding fiscal year and is projected to be expended during the current fiscal year for the Department's depot maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC-1515. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Robert J. Elder, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1516. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving exports to Canada, China, Panama, India, Ukraine and to other countries yet to be determined; to the Committee on Banking, Housing, and Urban Affairs.

EC-1517. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, (4) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC-1518. A communication from the Secretary of Transportation, transmitting, the Department's Fiscal Year 2008 Annual Report as required by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Environment and Public Works.

EC-1519. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program; to the Committee on Environment and Public Works.

EC-1520. A communication from the Acting Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3302-EM in the Commonwealth of Kentucky having exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Environment and Public Works.

EC-1521. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Extended Permit Terms for Renewal of Federally Enforceable State Operating Permits" (FRL-8899-3) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Environment and Public Works.

EC-1522. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky; Section 110(a)(1) Maintenance Plans for the 1997 8-Hour Ozone Standard for the Huntington-Ashland Area, Lexington Area and Edmonson County; Withdrawal of Direct Final Rule" (FRL-8900-4) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Environment and Public Works.

EC-1523. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone National Ambient Air Quality Standard; North Carolina and South Carolina" (FRL-8901-8) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Environment and Public Works.

EC-1524. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan; North Coast Unified Air Quality Management" (FRL-8780-1) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Environment and Public Works.

EC-1525. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, North Coast Unified Air Quality Management District" (FRL-8782-7) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Environment and Public Works.

EC-1526. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District" (FRL-8900-2) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Environment and Public Works.

EC-1527. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District Sacramento Metropolitan Air Quality Management District" (FRL-8783-9) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Environment and Public Works.

EC-1528. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Convention on Cultural Property Implementation Act, a report relative to action taken to enter into a Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China Concerning the Imposition of Import Restrictions on Categories of Archaeological Material; to the Committee on Finance.

EC-1529. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Convention on Cultural Property Implementation Act, a report relative to extending the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Hon-

duras Concerning the Imposition of Import Restrictions on Categories of Archaeological Material; to the Committee on Finance.

EC-1530. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2009 (RY 2010)" (RIN0938-AP50) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Finance.

EC-1531. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the website address of a report entitled "Country Report on Terrorism 2008"; to the Committee on Foreign Relations.

EC-1532. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Foreign Relations.

EC-1533. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's second FY 2009 quarterly report; to the Committee on Foreign Relations.

EC-1534. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Foreign Relations.

EC-1535. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of the Treasury, transmitting, the report of a draft bill "To authorize an amendment to the Articles of Agreement of the International Bank for Reconstruction and Development increasing the basic votes of members"; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled "Activities of the Committee on Banking, Housing, and Urban Affairs During the 110th Congress Pursuant to Rule XXVI of the Standing Rules of the United States Senate" (Rept. No. 111-17).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Ines R. Triay, of New Mexico, to be an Assistant Secretary of Energy (Environmental Management).

*Jo-Ellen Darcy, of Maryland, to be an Assistant Secretary of the Army.

*Michael Nacht, of California, to be an Assistant Secretary of Defense.

*Elizabeth Lee King, of the District of Columbia, to be an Assistant Secretary of Defense.

*Wallace C. Gregson, of Colorado, to be an Assistant Secretary of Defense.

*Air Force nomination of Col. Michael W. Miller, to be Brigadier General.

*Air Force nomination of Maj. Gen. Marc E. Rogers, to be Lieutenant General.

*Air Force nomination of Maj. Gen. Thomas J. Owen, to be Lieutenant General.

*Air Force nomination of Maj. Gen. Robert R. Allardice, to be Lieutenant General.

*Air Force nomination of Lt. Gen. Frank G. Klotz, to be Lieutenant General.

*Air Force nominations beginning with Brigadier General Thomas K. Andersen and ending with Brigadier General Janet C. Wolfenbarger, which nominations were received by the Senate and appeared in the Congressional Record on April 20, 2009. (minus 2 nominees: Brigadier General Richard T. Devereaux; Brigadier General Noel T. Jones)

*Air Force nomination of Maj. Gen. Larry O. Spencer, to be Lieutenant General.

*Navy nomination of Adm. Jonathan W. Greenert, to be Admiral.

*Navy nomination of Adm. Patrick M. Walsh, to be Admiral.

*Navy nomination of Vice Adm. John C. Harvey, Jr., to be Admiral.

*Navy nomination of Vice Adm. Samuel J. Locklear III, to be Vice Admiral.

*Navy nomination of Rear Adm. Richard W. Hunt, to be Vice Admiral.

*Navy nomination of Rear Adm. Mark D. Harnitchek, to be Vice Admiral.

*Navy nomination of Capt. Mark L. Tidd, to be Rear Admiral (lower half).

*Marine Corps nominations beginning with Brigadier General George J. Allen and ending with Brigadier General John E. Wissler, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2009.

*Marine Corps nominations beginning with Colonel John J. Broadmeadow and ending with Colonel Vincent R. Stewart, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2009.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Michael F. Adames and ending with Kathryn D. Vanderlinden, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Paul L. Cannon and ending with Cherri S. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Air Force nominations beginning with Richard Edward Alford and ending with Richard D. Younts, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Air Force nomination of George E. Loughran, to be Colonel.

Air Force nomination of Raymond B. Abarca, to be Lieutenant Colonel.

Air Force nomination of Ian C. B. Diaz, to be Major.

Air Force nominations beginning with William T. Houston and ending with David L.

Wells II, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2009.

Army nomination of Elizabeth M. Sherr, to be Major.

Army nomination of Erin T. Doyle, to be Major.

Army nomination of Scott A. Bier, to be Major.

Army nomination of Robert G. Young, to be Colonel.

Army nominations beginning with George R. Berry and ending with Perry W. Sarver, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2009.

Army nominations beginning with Michael G. Amundson and ending with Paul C. Thorn, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2009.

Army nominations beginning with Buster D. Akers, Jr. and ending with Michael T. Zell, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2009.

Marine Corps nominations beginning with John W. Hahn IV and ending with Stephanie L. Malmanger, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2009.

Navy nomination of Michael T. Echols, to be Commander.

Navy nomination of Gregory J. Hazlett, to be Lieutenant Commander.

Navy nomination of Brian J. Ellis, Jr., to be Lieutenant Commander.

Navy nomination of Jesus S. Moreno, to be Lieutenant Commander.

Navy nomination of Colleen L. Jackson, to be Lieutenant Commander.

Navy nomination of Gregory P. Mitchell, to be Lieutenant Commander.

Navy nominations beginning with Jonathan V. Ahlstrom and ending with Joel E. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. BINGAMAN):

S. 983. A bill to reform the essential air service program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mr. BOND, and Mr. KENNEDY):

S. 984. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. BUNNING, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERRY, and Ms. COLLINS):

S. 985. A bill to establish and provide for the treatment of Individual Development Ac-

counts, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. BAYH, and Mrs. LINCOLN):

S. 986. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

By Mr. DURBIN (for himself, Ms. SNOWE, Mr. WHITEHOUSE, Mr. BROWN, and Mrs. MURRAY):

S. 987. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. BOND, and Mr. BINGAMAN):

S. 988. A bill to amend the Internal Revenue Code of 1986 to allow small businesses to set up simple cafeteria plans to provide nontaxable employee benefits to their employees, to make changes in the requirements for cafeteria plans, flexible spending accounts, and benefits provided under such plans or accounts, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. LIEBERMAN, and Mr. SANDERS):

S. 989. A bill to amend the Public Utility Regulatory Policies Act of 1978 to promote energy independence, increase competition, democratize energy generation, and provide for the connection of certain small electric energy generation systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. LUGAR, and Mr. SANDERS):

S. 990. A bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 991. A bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a rule of naturalization under article I, section 8, of the Constitution; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INHOFE (for himself, Mr. ALEXANDER, Mr. ISAKSON, Mr. CHAMBLISS, Mr. BURR, Mr. SHELBY, Mr. VITTER, Mr. BUNNING, Mr. COBURN, Mr. WICKER, Mr. DEMINT, Mr. ENZI, Mr. THUNE, Mr. CORKER, and Mr. COCHRAN):

S. 992. A bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself, Mr. COCHRAN, Mr. ROBERTS, Mr. BROWNBACK, Mr. GRASSLEY, Mr. ISAKSON, Mr. CRAPO, Mr. CHAMBLISS, Mr. BUNNING, Mr. INHOFE, Mr. DEMINT, Mr. BURR, Mr. JOHANNIS, Mr. ENZI, Mr. WICKER, Mr. THUNE, Mr. RISCH, and Ms. MURKOWSKI):

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. CONRAD):

S. Res. 132. A resolution commending the heroic efforts of the people fighting the floods in North Dakota; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. THUNE):

S. Res. 133. A resolution designating May 1 through May 7, 2009, as "National Physical Education and Sport Week"; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. CARPER, Mr. BAYH, Mr. BURR, Mr. GREGG, and Mr. VITTER):

S. Res. 134. A resolution congratulating the students, parents, teachers, and administrators at charter schools across the United States for their ongoing contributions to education and supporting the ideas and goals of the 10th annual National Charter Schools Week, May 3 through May 9, 2009; considered and agreed to.

By Mr. BURR (for himself and Mrs. FEINSTEIN):

S. Res. 135. A resolution designating May 8, 2009, as "Military Spouse Appreciation Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 52

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 52, a bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a Federally-qualified health center or a Native Hawaiian health care system.

S. 144

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 407

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 407, a bill to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 417

At the request of Mr. LEAHY, the names of the Senator from Maryland

(Mr. CARDIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 417, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 421

At the request of Mr. SPECTER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 421, a bill to impose a temporary moratorium on the phase out of the Medicare hospice budget neutrality adjustment factor.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 449

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 449, a bill to protect free speech.

S. 454

At the request of Mr. LEVIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 454, *supra*.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 454, *supra*.

S. 468

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 561

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 561, a bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 581

At the request of Mr. BENNET, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 638

At the request of Mrs. MURRAY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 638, a bill to provide grants to promote financial and economic literacy.

S. 700

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 816

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 849

At the request of Mr. CARPER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 849, a bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 930

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 930, a bill to promote secure ferry transportation and for other purposes.

S. 934

At the request of Mr. HARKIN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 941

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 943

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 943, a bill to amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes.

S. 962

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 962, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 982

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

At the request of Mrs. SHAHEEN, her name was added as a cosponsor of S. 982, *supra*.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 982, *supra*.

S.J. RES. 14

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S.J. Res. 14, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 7

At the request of Mr. INOUE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 7, a resolution expressing the sense of the Senate regarding designation of the month of November as "National Military Family Month".

S. RES. 111

At the request of Mr. KOHL, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 111, a resolution recognizing June 6, 2009, as the 70th anniversary of the tragic date when the M.S. St. Louis, a ship carrying Jewish refugees from Nazi Germany, returned to Europe after its passengers were refused admittance to the United States.

AMENDMENT NO. 1036

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1036 proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. BINGAMAN):

S. 983. A bill to reform the essential air service program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator BINGAMAN, to introduce the bipartisan

Rural Aviation Improvement Act. I am proud to join the senior Senator from New Mexico, a steadfast and resolute guardian of commercial aviation service to all communities, particularly rural areas that would otherwise be deprived of any air service.

It has always been true that reliable air service to our Nation's rural areas is not simply a luxury or a convenience. It is an imperative. Ask any town manager or mayor of a small community how critical aviation is to economic development. All of us in the Senate who come from rural states understand the vital role aviation plays in the moving of people and goods to and from areas that would otherwise face a paucity of transportation options. Quite frankly, I have long held serious concerns about the impact deregulation of the airline industry has had on small cities and smaller towns in rural areas, like those in my home State of Maine. That fact is, since deregulation, many of these communities across the country have experienced a decline in flights and size of aircraft while seeing an increase in fares. More than 300 have lost air service altogether.

This legislation will serve to improve the long-underfunded Essential Air Service program. The additional commitment of resources will augment the ability of the program to achieve its desired goals, reducing the impact on the general fund while providing small communities with a greater degree of certainty when planning future improvements or bringing enhanced service to their airports. The bill also gives those same communities a greater role in retaining and determining the sort of air service which they receive, and assists in making that service sustainable.

Increasingly, the Essential Air Service program has been plagued with a decline in the number of airlines willing to provide this critical link to the national transportation network. Not only have we lost a rash of participants in the program due to wildly fluctuating fuel costs and the omnipresent economic downturn, but in addition, a few 'bad actors' have jeopardized commercial aviation for entire regions by submitting low-ball contracts to the Department of Transportation and then reneging on their commitment to the extent and quality of their service. Our bill will not only establish a system of minimum requirements for contracts to protect these small cities that rely on EAS, but it will also extend those contracts to 4 years from the current 2. This gives a heightened degree of stability in terms of air service, rather than having communities negotiating new contracts or receiving service from entirely new carriers every 18 months. Actively encouraging communities to get involved in the process, and build relationships with

the carriers who serve them, can only bolster the quality of the program.

In the final analysis, everyone benefits when our Nation is at its strongest economically. Most importantly in this case, greater prosperity everywhere will, in the long run, mean more passengers for the airlines. We cannot afford to ignore rural America—which contains nearly a quarter of the population—as we move forward with aviation policy and the next generation air traffic system. Therefore, it is very much in our national interests to ensure that every region has reasonable, consistent access to commercial air service. That is why I strongly believe the federal government has an obligation to fulfill the commitment it made to these communities when Congress deregulated the airlines in 1978; to safeguard their ability to continue commercial air service.

By Mrs. BOXER (for herself, Mr. BOND, and Mr. KENNEDY):

S. 984. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I am pleased to join Senator KENNEDY and Senator BOND in introducing the Arthritis Prevention, Control and Cure Act, which makes a national commitment to find new ways to prevent and treat arthritis, and care for the patients that suffer from it.

Many people do not know that arthritis is the leading cause of disability in the U.S. As many as 46 million Americans, including almost 300,000 children, live every day with the pain of arthritis. Not only does this disease affect the health and quality of life of millions of Americans, arthritis also costs our Nation's economy an estimated \$128 billion annually in visits to physicians, surgeries and missed work days.

By the year 2030, an estimated 67 million Americans will suffer from the debilitating pain and limited mobility caused by arthritis. It is past time that we came together to find a cure for arthritis and invest in the scientific research needed to conquer this disease.

Specifically, the Arthritis Prevention, Control and Cure Act would authorize the Secretary of Health and Human Services, HHS, to implement a National Arthritis Action Plan that includes grants for the coordination of research and training, education and outreach, and grants to States and Indian tribes to support comprehensive arthritis control and prevention programs.

I am especially pleased that this legislation would also increase support for efforts to address juvenile arthritis. While there are almost 300,000 children suffering from pediatric arthritis in the

U.S., there are only 200 pediatric rheumatologists in the country to treat them. There are 9 States that do not have even one doctor trained specifically to treat these children.

This legislation will provide loan repayment to physicians who agree to practice pediatric rheumatology in underserved areas—so children do not have to travel to another state just to see a doctor.

The bill would also allow the Centers for Disease Control and Prevention to coordinate and expand programs related to juvenile arthritis, collect data and develop a National Juvenile Arthritis Patient Registry.

I hope that my colleagues will join me, Senator BOND and Senator KENNEDY, as well as the Arthritis Foundation, the American College of Rheumatology, and the American Academy of Pediatrics in support of the Arthritis Prevention, Control and Cure Act, to take a critical step forward in helping millions of Americans living with this devastating disease.

By Mr. DURBIN (for himself, Ms. SNOWE, Mr. WHITEHOUSE, Mr. BROWN, and Mrs. MURRAY):

S. 987. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “International Protecting Girls by Preventing Child Marriage Act of 2009”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Child marriage, also known as “forced marriage” or “early marriage”, is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, “Marriage shall be entered into only with the free and full consent of intending spouses.”.

(3) According to the United Nations Children’s Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20–24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Child marriage “treats young girls as property” and “poses grave risks not only to women’s basic rights but also their health, economic independence, education, and status in society”, according to the Department of State in 2005.

(5) In 2005, the Department of State conducted a world-wide survey and found child

marriage to be a concern in 64 out of 182 countries surveyed, with child marriage most common in sub-Saharan Africa and parts of South Asia.

(6) In Ethiopia’s Amhara region, about ½ of all girls are married by age 14, with 95 percent not knowing their husbands before marriage, 85 percent unaware they were to be married, and 70 percent reporting their first sexual initiation within marriage taking place before their first menstrual period, according to a 2004 Population Council survey.

(7) In some areas of northern Nigeria, 45 percent of girls are married by age 15 and 73 percent by age 18, with age gaps between girls and the husbands averaging between 12 and 18 years.

(8) Between ½ and ¾ of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(9) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(10) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(11) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(12) In developing countries, girls 15 years of age are 5 times more likely to die in childbirth than women in their 20s.

(13) Child marriage can result in bonded labor or enslavement, commercial sexual exploitation, and violence against the victims, according to UNICEF.

(14) Out-of-school or unschooled girls are at greater risk of child marriage while girls in school face pressure to withdraw from school when secondary school requires monetary costs, travel, or other social costs, including lack of lavatories and supplies for menstruating girls and increased risk of sexual violence.

(15) In Mozambique 60 percent of girls with no education are married by age 18, compared to 10 percent of girls with secondary schooling and less than 1 percent of girls with higher education.

(16) According to UNICEF, in 2005 it was estimated that “about half of girls in Sub-Saharan Africa who drop out of primary school do so because of poor water and sanitation facilities”.

(17) UNICEF reports that investments in improving school sanitation resulted in a 17 percent increase in school enrollment for girls in Guinea and an 11 percent increase for girls in Bangladesh.

(18) Investments in girls’ schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

(19) Most countries with high rates of child marriage have a legally-established minimum age of marriage, yet child marriage

persists due to strong traditional norms and the failure to enforce existing laws.

(20) In Afghanistan, where the legal age of marriage for girls is 16 years, 57 percent of marriages involve girls below the age of 16, including girls younger than 10 years, according to the United Nations Children’s Fund (UNICEF).

(21) Secretary of State Hillary Clinton has stated that “child marriage is a clear and unacceptable violation of human rights, and that the Department of State denounces all cases of child marriage as child abuse”.

SEC. 3. CHILD MARRIAGE DEFINED.

In this Act, the term “child marriage” means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child marriage is a violation of human rights and the prevention, and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

SEC. 5. ASSISTANCE TO PREVENT THE INCIDENCE OF CHILDHOOD MARRIAGE IN DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries and to promote the educational, health, economic, social, and legal empowerment of girls and women as part of the strategy established pursuant to section 6 to prevent child marriage in developing countries.

(b) PRIORITY.—In providing assistance authorized under subsection (a), the President shall give priority to—

(1) areas or regions in developing countries in which 15 percent of girls under the age of 15 are married or 40 percent of girls under the age of 18 are married; and

(2) activities to—

(A) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(B) establish pilot projects to prevent child marriage; and

(C) share evaluations of successful programs, program designs, experiences, and lessons.

(c) COORDINATION.—Assistance authorized under subsection (a) shall be integrated with existing United States programs for advancing appropriate age and grade-level basic and secondary education through adolescence, ensure school enrollment and completion for girls, health, income generation, agriculture development, legal rights, and democracy building and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and to educate parents, community leaders, religious leaders, and adolescents of

the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) enrolling girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) reducing education fees, and enhancing safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) ensuring access to health care services and proper nutrition for adolescent girls, which is essential to both their school performance and their economic productivity;

(5) increasing training for adolescent girls and their parents in financial literacy and access to economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) supporting education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn help to increase the perceived value of girls;

(7) creating peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) supporting local advocacy work to provide legal literacy programs at the community level and ensure that governments and law enforcement officials are meeting their obligations to prevent child and forced marriage.

SEC. 6. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.

(a) **STRATEGY REQUIRED.**—The President, acting through the Secretary of State, shall establish a multi-year strategy to prevent child marriage in developing countries and promote the empowerment of girls at risk of child marriage in developing countries, including by addressing the unique needs, vulnerabilities, and potential of girls under age 18 in developing countries.

(b) **CONSULTATION.**—In establishing the strategy required by subsection (a), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(c) **ELEMENTS.**—The strategy required by subsection (a) shall—

(1) focus on areas in developing countries with high prevalence of child marriage; and

(2) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that includes—

(1) the strategy required by subsection (a);

(2) an assessment, including data disaggregated by age and gender to the extent possible, of current United States-fund-

ed efforts to specifically assist girls in developing countries; and

(3) examples of best practices or programs to prevent child marriage in developing countries that could be replicated.

SEC. 7. RESEARCH AND DATA COLLECTION.

The Secretary of State shall work through the Administrator of the United States Agency for International Development and any other relevant agencies of the Department of State, and in conjunction with relevant executive branch agencies as part of their ongoing research and data collection activities, to—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 8. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

“(i) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act and the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary for fiscal years 2010 through 2014.

By Ms. SNOWE (for herself, Mr. BOND, and Mr. BINGAMAN):

S. 988. A bill to amend the Internal Revenue Code of 1986 to allow small businesses to set up simple cafeteria plans to provide nontaxable employee benefits to their employees, to make changes in the requirements for cafeteria plans, flexible spending accounts, and benefits provided under such plans or accounts, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the SIMPLE Cafeteria Plan Act of 2009, which will increase the access to quality, affordable health care for millions of small business owners and their employees. I am pleased that my good friends, Senator BOND from Missouri and Senator BINGAMAN from New Mexico, have

agreed to cosponsor this critical, bipartisan piece of legislation. We have introduced this legislation together since 2005.

In order to help small businesses increase their employees' access to health insurance and other benefits, and help them compete for talented workers, we are introducing the SIMPLE Cafeteria Plan Act. This bill will enable small business employees to purchase health insurance with tax-free dollars in the same way that many employees of large companies already do—in their cafeteria plans. This legislation is modeled after the Savings Incentive Match Plan for Employees SIMPLE, Pension Plan enacted in 1996.

As former Chair and now Ranking Member of the Senate Small Business Committee, if there's one concern I've heard time and again—from small businesses in Maine and across the country—it's the exorbitant cost to small businesses of providing health insurance to their employees. Throughout America, health insurance premiums have increased by a staggering 89 percent since 2000—far outpacing inflation and wage gains. In Maine, the annual premium for the most heavily subscribed policy in the small group insurance market is \$5,400 for individual coverage, and over \$16,000 for a family plan.

Clearly our Nation's health care system is terribly broken—and the majority of the uninsured—52 percent—are either self-employed, work for a small business with 100 or fewer employees, or are dependent upon someone who does. I am pleased that the Congress is now in the midst of a serious reform effort that will result in a much better system of delivering health care. In order to address the problem of the working uninsured, we must address access and affordability in small businesses. The bill we are introducing today will do just that.

So why are our Nation's small businesses, which are our country's job creators and the true engine of our economic growth, not offering health insurance? Survey after survey tells us that the main reason is that they cannot afford to offer it, or other benefits. Still other small firms can only afford to pay a portion of their employees' health insurance premiums. As a result, countless employees of small business must try to obtain health insurance from the individual market rather than through their work place. As we debate reforming health insurance, we must consider cafeteria plans—Section 125 plans, as they are often known—which are a proven vehicle for access, and should be a key component to reform. I would like to add that another component to reform that must be considered is the SHOP Act, which I reintroduced yesterday with Senators DURBIN and LINCOLN, which

would also help to reverse the pernicious problems of access and affordability of health insurance.

Currently, many large employers, and even the Federal Government, allow employees to purchase health insurance, and other qualified benefits, with tax-free dollars. Cafeteria plans allow employers to offer health benefits with pre-tax dollars. As the name suggests, cafeteria plans are programs where employees can purchase a variety of qualified benefits. Specifically, cafeteria plans offer employees great flexibility in selecting their desired benefits while allowing them to disregard those benefits that do not fit their particular needs. Moreover, the employees are usually purchasing benefits at a lower cost because their employers are often able to obtain a reduced group rate prices.

Typically, in cafeteria plans, a combination of employer contributions and employee contributions are used to fund the accounts that employees used to buy specific benefits. Under current law, qualified benefits include health insurance, dependent-care reimbursement, life and disability insurance. Unfortunately, long term care insurance is not currently a qualified benefit available for purchase in cafeteria plans. I will come back to long term care insurance in a moment.

Again, cafeteria plans already have a proven record of providing good benefits to a wide group of employees. However, in order for companies to qualify for cafeteria plans they must satisfy the tax code's strict non-discrimination rules and these rules are a major impediment to small employers being able to offer benefits to employees. These rules exist to ensure that companies offer the same benefits to their low-wage employees along with their highly compensated employees.

Now, I want to be clear. I believe that these non-discrimination rules serve a legitimate purpose and are necessary employee protections. Indeed, we need to ensure that employers are not able to game the tax system to benefit only upper income employees or the business owners. As with the SIMPLE pension plan, a small business employer that is willing to make a minimum contribution for all employees, or who is willing to match contributions, will be permitted to waive the non-discrimination rules that currently prevent them from otherwise offering these benefits. This structure has worked extraordinarily well in the pension area with little risk of abuse. I am confident that it will be just as successful when it comes to broad-based benefits offered through cafeteria plans. The SIMPLE Cafeteria Plan Act requires the employer to either match contributions of 3 percent of an employee's income or contribute 2 percent without the employee's contribution.

An essential change allows small business owners themselves to partici-

pate in cafeteria plans generally. Current law punitively prohibits the owners of small businesses from participating in these benefit plans. As a result, if a business owner is unable to obtain any benefit for himself or his own family he is unlikely to undertake the time and financial commitment of offering the benefit. It is time to remove this punitive prohibition which I believe will expand access to this flexible platform for employee benefits.

Another improvement generally applicable to all cafeteria plan law updates the rules regarding dependent care flexible spending accounts, DCFSA. The bill increases the amount that can be excluded to \$7,500 for one dependent or \$10,000 for two or more dependents. Had the original \$5,000 limit for DCFSA been indexed for inflation when it was created in 1986, it would have risen to \$9,692. The bill also indexes these amounts for future inflation so that families will not see an erosion of their benefit in the future. In order for millions of working moms to be able to work outside of the home, they must have help in addressing child care costs. It is critical to note that it is not just working parents but an increasing number of baby-boom adults who need help caring for aging dependent parents. Increasing the dependent care exclusion in flexible spending accounts is an essential update to cafeteria plan law for working families.

Another provision of the bill generally revises the use it or lose it rule under current law, and permits participants to carry over up to \$500 left in a health-care or dependent-care flexible spending account to the next plan year. Such unused contributions could also be carried over to the employee's retirement account, such as a 401(k) plan, or to a Health Savings Account. In either case, any carried over contributions will reduce the amount that the employee could contribute to the flexible spending account or pension plan in the subsequent year. The bill indexes the carry-over amount for inflation.

Finally, the bill also works to address our aging populations' need for long-term care insurance which is also a probable component to the debate on health care reform. In the U.S., nearly half of all seniors age 65 or older will need long-term care at some point in their life. Unfortunately, most seniors have not adequately prepared for this possibility, just as many working age individuals have not given much thought to their eventual long-term care needs. With the cost of a private room in a nursing home averaging more than \$74,000 annually, many Americans risk losing their life savings—and jeopardizing their children's inheritance—by failing to properly plan for the long-term care services they will need as they grow older.

To address this problem, this bill would allow employees to purchase

long-term care insurance coverage through their cafeteria plans and flexible spending arrangements. Expanding eligibility of these benefits will make long-term care insurance more affordable and help Americans prepare for their future long-term care needs.

If more small business owners are able to offer their employees the chance to enjoy a variety of employee benefits these firms will be more likely to attract, recruit, and retain talented workers. This will ultimately make small enterprises more competitive. Therefore, I urge my colleagues to join Senator BOND and Senator BINGAMAN and me in cosponsoring this important legislation as we work together to achieve broader health care reform.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “SIMPLE Cafeteria Plan Act of 2009”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. ESTABLISHMENT OF SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

“(i) SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.—

“(1) IN GENERAL.—An eligible employer maintaining a simple cafeteria plan with respect to which the requirements of this subsection are met for any year shall be treated as meeting any applicable nondiscrimination requirement with respect to benefits provided under the plan during such year.

“(2) SIMPLE CAFETERIA PLAN.—For purposes of this subsection, the term ‘simple cafeteria plan’ means a cafeteria plan—

“(A) which is established and maintained by an eligible employer, and

“(B) with respect to which the contribution requirements of paragraph (3), and the eligibility and participation requirements of paragraph (4), are met.

“(3) CONTRIBUTIONS REQUIREMENTS.—

“(A) IN GENERAL.—The requirements of this paragraph are met if, under the plan—

“(i) the employer makes matching contributions on behalf of each employee who is eligible to participate in the plan and who is not a highly compensated or key employee in an amount equal to the elective plan contributions of the employee to the plan to the extent the employee's elective plan contributions do not exceed 3 percent of the employee's compensation, or

“(ii) the employer is required, without regard to whether an employee makes any elective plan contribution, to make a contribution to the plan on behalf of each employee who is not a highly compensated or

key employee and who is eligible to participate in the plan in an amount equal to at least 2 percent of the employee's compensation.

“(B) MATCHING CONTRIBUTIONS ON BEHALF OF HIGHLY COMPENSATED AND KEY EMPLOYEES.—The requirements of subparagraph (A)(i) shall not be treated as met if, under the plan, the rate of matching contribution with respect to any elective plan contribution of a highly compensated or key employee at any rate of contribution is greater than that with respect to an employee who is not a highly compensated or key employee.

“(C) SPECIAL RULES.—

“(i) TIME FOR MAKING CONTRIBUTIONS.—An employer shall not be treated as failing to meet the requirements of this paragraph with respect to any elective plan contributions of any compensation, or employer contributions required under this paragraph with respect to any compensation, if such contributions are made no later than the 15th day of the month following the last day of the calendar quarter which includes the date of payment of the compensation.

“(ii) FORM OF CONTRIBUTIONS.—Employer contributions required under this paragraph may be made either to the plan to provide benefits offered under the plan or to any person as payment for providing benefits offered under the plan.

“(iii) ADDITIONAL CONTRIBUTIONS.—Subject to subparagraph (B), nothing in this paragraph shall be treated as prohibiting an employer from making contributions to the plan in addition to contributions required under subparagraph (A).

“(D) DEFINITIONS.—For purposes of this paragraph—

“(i) ELECTIVE PLAN CONTRIBUTION.—The term ‘elective plan contribution’ means any amount which is contributed at the election of the employee and which is not includible in gross income by reason of this section.

“(ii) HIGHLY COMPENSATED EMPLOYEE.—The term ‘highly compensated employee’ has the meaning given such term by section 414(q).

“(iii) KEY EMPLOYEE.—The term ‘key employee’ has the meaning given such term by section 416(i).

“(4) MINIMUM ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—

“(A) IN GENERAL.—The requirements of this paragraph shall be treated as met with respect to any year if, under the plan—

“(i) all employees who had at least 1,000 hours of service for the preceding plan year are eligible to participate, and

“(ii) each employee eligible to participate in the plan may, subject to terms and conditions applicable to all participants, elect any benefit available under the plan.

“(B) CERTAIN EMPLOYEES MAY BE EXCLUDED.—For purposes of subparagraph (A)(i), an employer may elect to exclude under the plan employees—

“(i) who have less than 1 year of service with the employer as of any day during the plan year,

“(ii) who have not attained the age of 21 before the close of a plan year,

“(iii) who are covered under an agreement which the Secretary of Labor finds to be a collective bargaining agreement if there is evidence that the benefits covered under the cafeteria plan were the subject of good faith bargaining between employee representatives and the employer, or

“(iv) who are described in section 410(b)(3)(C) (relating to nonresident aliens working outside the United States).

A plan may provide a shorter period of service or younger age for purposes of clause (i) or (ii).

“(5) ELIGIBLE EMPLOYER.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘eligible employer’ means, with respect to any year, any employer if such employer employed an average of 100 or fewer employees on business days during either of the 2 preceding years. For purposes of this subparagraph, a year may only be taken into account if the employer was in existence throughout the year.

“(B) EMPLOYERS NOT IN EXISTENCE DURING PRECEDING YEAR.—If an employer was not in existence throughout the preceding year, the determination under subparagraph (A) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current year.

“(C) GROWING EMPLOYERS RETAIN TREATMENT AS SMALL EMPLOYER.—If—

“(i) an employer was an eligible employer for any year (a ‘qualified year’), and

“(ii) such employer establishes a simple cafeteria plan for its employees for such year, then, notwithstanding the fact the employer fails to meet the requirements of subparagraph (A) for any subsequent year, such employer shall be treated as an eligible employer for such subsequent year with respect to employees (whether or not employees during a qualified year) of any trade or business which was covered by the plan during any qualified year. This subparagraph shall cease to apply if the employer employs an average of 200 more employees on business days during any year preceding any such subsequent year.

“(D) SPECIAL RULES.—

“(i) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

“(ii) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person.

“(6) APPLICABLE NONDISCRIMINATION REQUIREMENT.—For purposes of this subsection, the term ‘applicable nondiscrimination requirement’ means any requirement under subsection (b) of this section, section 79(d), section 105(h), or paragraph (2), (3), (4), or (8) of section 129(d).

“(7) COMPENSATION.—The term ‘compensation’ has the meaning given such term by section 414(s).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2009.

SEC. 3. MODIFICATIONS OF RULES APPLICABLE TO CAFETERIA PLANS.

(a) APPLICATION TO SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Section 125(d) (defining cafeteria plan) is amended by adding at the end the following new paragraph:

“(3) EMPLOYEE TO INCLUDE SELF-EMPLOYED.—

“(A) IN GENERAL.—The term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(B) LIMITATION.—The amount which may be excluded under subsection (a) with respect to a participant in a cafeteria plan by reason of being an employee under subparagraph (A) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the cafeteria plan is established.”

(2) APPLICATION TO BENEFITS WHICH MAY BE PROVIDED UNDER CAFETERIA PLAN.—

(A) GROUP-TERM LIFE INSURANCE.—Section 79 (relating to group-term life insurance pro-

vided to employees) is amended by adding at the end the following new subsection:

“(f) EMPLOYEE INCLUDES SELF-EMPLOYED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(2) LIMITATION.—The amount which may be excluded under the exceptions contained in subsection (a) or (b) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the individual is so treated.”

(B) ACCIDENT AND HEALTH PLANS.—Subsection (g) of section 105 (relating to amounts received under accident and health plans) is amended to read as follows:

“(g) EMPLOYEE INCLUDES SELF-EMPLOYED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(2) LIMITATION.—The amount which may be excluded under this section by reason of subsection (b) or (c) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established.”

(C) CONTRIBUTIONS BY EMPLOYERS TO ACCIDENT AND HEALTH PLANS.—

(i) IN GENERAL.—Section 106, as amended by subsection (b), is amended by inserting after subsection (b) the following new subsection:

“(c) EMPLOYER TO INCLUDE SELF-EMPLOYED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(2) LIMITATION.—The amount which may be excluded under subsection (a) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established.”

(ii) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) is amended to read as follows:

“Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.”

(b) LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) (defining qualified benefits) is amended to read as follows: “Such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract.”

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 (relating to contributions by employer to accident and health plans) is amended by striking subsection (c).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 4. MODIFICATION OF RULES APPLICABLE TO FLEXIBLE SPENDING ARRANGEMENTS.

(a) **MODIFICATION OF RULES.**—

(1) **IN GENERAL.**—Section 125, as amended by section 2, is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

“(j) **SPECIAL RULES APPLICABLE TO FLEXIBLE SPENDING ARRANGEMENTS.**—

“(1) **IN GENERAL.**—For purposes of this title, a plan or other arrangement shall not fail to be treated as a flexible spending or similar arrangement solely because under the plan or arrangement—

“(A) the amount of the reimbursement for covered expenses at any time may not exceed the balance in the participant's account for the covered expenses as of such time,

“(B) except as provided in paragraph (4)(A)(ii), a participant may elect at any time specified by the plan or arrangement to make or modify any election regarding the covered benefits, or the level of covered benefits, of the participant under the plan, and

“(C) a participant is permitted access to any unused balance in the participant's accounts under such plan or arrangement in the manner provided under paragraph (2) or (3).

“(2) **CARRYOVERS AND ROLLOVERS OF UNUSED BENEFITS IN HEALTH AND DEPENDENT CARE ARRANGEMENTS.**—

“(A) **IN GENERAL.**—A plan or arrangement may permit a participant in a health flexible spending arrangement or dependent care flexible spending arrangement to elect—

“(i) to carry forward any aggregate unused balances in the participant's accounts under such arrangement as of the close of any year to the succeeding year, or

“(ii) to have such balance transferred to a plan described in subparagraph (E). Such carryforward or transfer shall be treated as having occurred within 30 days of the close of the year.

“(B) **DOLLAR LIMIT ON CARRYFORWARDS.**—

“(i) **IN GENERAL.**—The amount which a participant may elect to carry forward under subparagraph (A)(i) from any year shall not exceed \$500. For purposes of this paragraph, all plans and arrangements maintained by an employer or any related person shall be treated as 1 plan.

“(ii) **COST-OF-LIVING ADJUSTMENT.**—In the case of any taxable year beginning in a calendar year after 2010, the \$500 amount under clause (i) shall be increased by an amount equal to—

“(I) \$500, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘2009’ for ‘1992’ in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$100.

“(C) **EXCLUSION FROM GROSS INCOME.**—No amount shall be required to be included in gross income under this chapter by reason of any carryforward or transfer under this paragraph.

“(D) **COORDINATION WITH LIMITS.**—

“(i) **CARRYFORWARDS.**—The maximum amount which may be contributed to a health flexible spending arrangement or dependent care flexible spending arrangement for any year to which an unused amount is carried under this paragraph shall be reduced by such amount.

“(ii) **ROLLOVERS.**—Any amount transferred under subparagraph (A)(ii) shall be treated as an eligible rollover under section 219, 223(f)(5), 401(k), 403(b), or 457, whichever is applicable, except that—

“(I) the amount of the contributions which a participant may make to the plan under any such section for the taxable year including the transfer shall be reduced by the amount transferred, and

“(II) in the case of a transfer to a plan described in clause (ii) or (iii) of subparagraph (E), the transferred amounts shall be treated as elective deferrals for such taxable year.

“(E) **PLANS.**—A plan is described in this subparagraph if it is—

“(i) an individual retirement plan,

“(ii) a qualified cash or deferred arrangement described in section 401(k),

“(iii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

“(iv) an eligible deferred compensation plan described in section 457, or

“(v) a health savings account described in section 223.

“(3) **DISTRIBUTION UPON TERMINATION.**—

“(A) **IN GENERAL.**—A plan or arrangement may permit a participant (or any designated heir of the participant) to receive a cash payment equal to the aggregate unused account balances in the plan or arrangement as of the date the individual is separated (including by death or disability) from employment with the employer maintaining the plan or arrangement.

“(B) **INCLUSION IN INCOME.**—Any payment under subparagraph (A) shall be includible in gross income for the taxable year in which such payment is distributed to the employee.

“(4) **TERMS RELATING TO FLEXIBLE SPENDING ARRANGEMENTS.**—

“(A) **FLEXIBLE SPENDING ARRANGEMENTS.**—

“(i) **IN GENERAL.**—For purposes of this subsection, a flexible spending arrangement is a benefit program which provides employees with coverage under which specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions).

“(ii) **ELECTIONS REQUIRED.**—A plan or arrangement shall not be treated as a flexible spending arrangement unless a participant may at least 4 times during any year make or modify any election regarding covered benefits or the level of covered benefits.

“(B) **HEALTH AND DEPENDENT CARE ARRANGEMENTS.**—The terms ‘health flexible spending arrangement’ and ‘dependent care flexible spending arrangement’ means any flexible spending arrangement (or portion thereof) which provides payments for expenses incurred for medical care (as defined in section 213(d)) or dependent care (within the meaning of section 129), respectively.”

(2) **CONFORMING AMENDMENTS.**—

(A) The heading for section 125 is amended by inserting “and flexible spending arrangements” after “plans”.

(B) The item relating to section 125 in the table of sections for part III of subchapter B of chapter 1 is amended by inserting “and flexible spending arrangements” after “plans”.

(b) **TECHNICAL AMENDMENTS.**—

(1) Section 106 is amended by striking subsection (e) (relating to FSA and HRA Terminations to Fund HSAs).

(2) Section 223(c)(1)(B)(iii)(II) is amended to read as follows:

“(II) the individual is transferring the entire balance of such arrangement as of the end of the plan year to a health savings account pursuant to section 125(j)(2)(A)(ii), in

accordance with rules prescribed by the Secretary.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. RULES RELATING TO EMPLOYER-PROVIDED HEALTH AND DEPENDENT CARE BENEFITS.

(a) **HEALTH BENEFITS.**—Section 106, as amended by section 4(b)(1), is amended by adding at the end the following new subsection:

“(e) **LIMITATION ON CONTRIBUTIONS TO HEALTH FLEXIBLE SPENDING ARRANGEMENTS.**—

“(1) **IN GENERAL.**—Gross income of an employee for any taxable year shall include employer-provided coverage provided through 1 or more health flexible spending arrangements (within the meaning of section 125(j)) to the extent that the amount otherwise excludable under subsection (a) with regard to such coverage exceeds the applicable dollar limit for the taxable year.

“(2) **APPLICABLE DOLLAR LIMIT.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The applicable dollar limit for any taxable year is an amount equal to the sum of—

“(i) \$7,500, plus

“(ii) if the arrangement provides coverage for 1 or more individuals in addition to the employee, an amount equal to one-third of the amount in effect under clause (i) (after adjustment under subparagraph (B)).

“(B) **COST-OF-LIVING ADJUSTMENT.**—In the case of taxable years beginning in any calendar year after 2010, the \$7,500 amount under subparagraph (A) shall be increased by an amount equal to—

“(i) \$7,500, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘2009’ for ‘1992’ in subparagraph (B) thereof.

If any dollar amount as increased under this subparagraph is not a multiple of \$100, such dollar amount shall be rounded to the next lowest multiple of \$100.”

(b) **DEPENDENT CARE.**—

(1) **EXCLUSION LIMIT.**—

(A) **IN GENERAL.**—Section 129(a)(2) (relating to limitation on exclusion) is amended—

(i) by striking “\$5,000” and inserting “the applicable dollar limit”, and

(ii) by striking “\$2,500” and inserting “one-half of such limit”.

(B) **APPLICABLE DOLLAR LIMIT.**—Section 129(a) is amended by adding at the end the following new paragraph:

“(3) **APPLICABLE DOLLAR LIMIT.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The applicable dollar limit is \$7,500 (\$10,000 if dependent care assistance is provided under the program to 2 or more qualifying individuals of the employee).

“(B) **COST-OF-LIVING ADJUSTMENTS.**—In the case of taxable years beginning after 2010, each dollar amount under subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2009’ for ‘1992’ in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of \$100, such dollar amount shall be rounded to the next lowest multiple of \$100.”

(2) **AVERAGE BENEFITS TEST.**—

(A) **IN GENERAL.**—Section 129(d)(8)(A) (relating to benefits) is amended—

(i) by striking “55 percent” and inserting “60 percent”, and

(ii) by striking “highly compensated employees” the second place it appears and inserting “employees receiving benefits”.

(B) SALARY REDUCTION AGREEMENTS.—Section 129(d)(8)(B) (relating to salary reduction agreements) is amended—

(i) by striking “\$25,000” and inserting “\$30,000”, and

(ii) by adding at the end the following: “In the case of years beginning after 2010, the \$30,000 amount in the first sentence shall be adjusted at the same time, and in the same manner, as the applicable dollar amount is adjusted under subsection (a)(3)(B).”.

(3) PRINCIPAL SHAREHOLDERS OR OWNERS.—Section 129(d)(4) (relating to principal shareholders and owners) is amended by adding at the end the following: “In the case of any failure to meet the requirements of this paragraph for any year, amounts shall only be required by reason of the failure to be included in gross income of the shareholders or owners who are members of the class described in the preceding sentence.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

THE SIMPLE CAFETERIA PLAN ACT OF 2009

Small businesses face a crisis when it comes to securing affordable, quality health care and other benefits for their employees. Of the working uninsured, who make up a majority of the uninsured—52 percent—are either self-employed or work for a small business with 100 or fewer employees or are dependent upon someone who does. The SIMPLE Cafeteria Plan Act is modeled after the Savings Incentive Match Plan for Employees (SIMPLE) pension plan enacted in 1996 and it will address access and affordability for health insurance coverage and for other employee benefits. The legislation also updates current law for all cafeteria plans for dependent care flexible spending accounts (DCFSA) and long-term care insurance.

First, the SIMPLE Cafeteria Plan Act will increase access to quality, affordable health care for millions of small business owners and their employees by amending the non-discrimination rules so that the employer must either: (1) make a minimum 3% matching contribution to amounts contributed by non-highly compensated employees to the SIMPLE Cafeteria Plan; or (2) contribute a minimum of 2% of compensation on behalf of each non-highly compensated employee eligible to participate in the plan. The bill eliminates the prohibition against small business owners' participation in cafeteria plans.

For all flexible spending accounts, the bill revises the “use it or lose it” rule under current law, and permits participants to carry over up to \$500 left in a health-care or dependent-care flexible spending account to the next plan year. Such unused contributions could also be carried over to the employee's retirement account, such as a 401(k) plan, or to a Health Savings Account. In either case, any carried over contributions will reduce the amount that the employee could contribute to the flexible spending account or pension plan in the subsequent year. The bill indexes the carry-over amount for inflation.

The SIMPLE Cafeteria Act also updates DCFSA limits for any cafeteria plan by increasing the amount that can be excluded to \$7,500 for one dependent or \$10,000 for two or more dependents. Had the original \$5,000 limit for DCFSA been indexed for inflation

when it was created in 1986, it would have risen to \$9,692. The bill also indexes these amounts for future inflation so that families will not see an erosion of their benefit in the future.

Finally, the bill allows long-term care benefits to be provided under a cafeteria plan, thereby reversing the current law prohibition against such benefits.

By Mr. INHOFE:

S. 991. A bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a rule of naturalization under article I, section 8, of the Constitution; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, today I would like to introduce two pieces of legislation that I believe are of great importance to the unity of the American people—the National Language Act, S. 992, and the English Language Unity Act, S. 991.

The National Language Act recognizes the practical reality of the role of English as our national language and makes English the national language of the U.S. Government, a status in law it has not had before, and calls on government to preserve and enhance the role of English as the national language. It clarifies that there is no entitlement to receive Federal documents and services in languages other than English, unless required by statutory law, recognizing decades of unbroken court opinions that civil rights laws protecting against national origin discrimination do not create rights to Government services and materials in languages other than English. This is especially important considering the Office of Management and Budget has estimated that the annual cost of providing multilingual assistance required by Clinton Executive Order 13166 is \$1-\$2 billion annually.

The National Language Act is an attempt to legislate a common sense language policy that a nation of immigrants needs one national language. Our Nation was settled by a group of people with a common vision. When members of our society cannot speak a common language, individuals miss out on many opportunities to advance in society and achieve the American Dream. By establishing that there is no entitlement to receive documents or services in languages other than English, we set the precedent that English is a common to us all in the public forum of Government.

The Language Unity Act of 2009, the second piece of legislation that I am introducing today, incorporates all the ideas of the National Language Act, and requires the establishment of a

uniform language requirement for naturalization and sets the framework for uniform testing of English language ability for candidates for naturalization.

I want to empower new immigrants coming to our Nation by helping them understand and become successful in their new home. I believe that one of the most important ways immigrants can achieve success is by learning English.

There is enormous popular support for English as the National Language, according to polling that has taken place over the last few years. In polling reported only a few days ago, 86 percent of Oklahomans favor making English the official language; 87 percent of Americans support making English the official language of the U.S.; 77 percent of Hispanics believe English should be the official language of government operations; 82 percent of Americans support legislation that would require the Federal Government to conduct business solely in English; 74 percent of Americans support all election ballots and other government documents be printed in English. This polling data refers to making English an official language of the U.S., or further creating an affirmative responsibility on the part of Government to conduct its operations in English.

My colleagues who have followed this debate will remember that the National Language Act of 2009 is identical to S. 2715, legislation I introduced in the 110th Congress. Most importantly, this language is identical to the English amendments I authored which passed the Senate in 2007 as Senate Amendment 1151, and in 2006 as Senate Amendment 4064, each being part of the Comprehensive Immigration Reform Act of each respective Congress. Senate Amendment 1151 was agreed to in the Senate by a vote of 64-33. Senate Amendment 4064 was agreed to in the Senate by a vote of 62-35. As you can see, there is widespread and bipartisan support for legislation that empowers this nation's immigrants to learn English.

I am especially pleased to be introducing these bills today because just hours ago in my home State the Oklahoma State Legislature passed a joint resolution in support of English as the official language. This resolution, which passed the Oklahoma House of Representatives by an overwhelming vote of 89 to 8 and the Senate by a vote of 44 to 2, will allow the people of Oklahoma to vote on a statewide ballot for a constitutional amendment to make English the official language of Oklahoma. I am encouraged by the State Legislature's tireless efforts to affirm the importance of English as the unifying language in our society. I hope that the U.S. Congress will follow their lead and let the voice of the people be heard—a voice that overwhelmingly

supports English as the official language.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “English Language Unity Act of 2009”.

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The United States is comprised of individuals from diverse ethnic, cultural, and linguistic backgrounds, and continues to benefit from this rich diversity.

(2) Throughout the history of the United States, the common thread binding individuals of differing backgrounds has been the English language.

(3) Among the powers reserved to the States respectively is the power to establish the English language as the official language of the respective States, and otherwise to promote the English language within the respective States, subject to the prohibitions enumerated in the Constitution of the United States and in laws of the respective States.

SEC. 3. ENGLISH AS OFFICIAL LANGUAGE OF THE UNITED STATES.

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 6—OFFICIAL LANGUAGE

“§ 161. Official language of the United States
“The official language of the United States is English.

“§ 162. Preserving and enhancing the role of the official language

“Representatives of the Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

“§ 163. Official functions of Government to be conducted in English

“(a) OFFICIAL FUNCTIONS.—The official functions of the Government of the United States shall be conducted in English.

“(b) SCOPE.—For the purposes of this section, the term ‘United States’ means the several States and the District of Columbia, and the term ‘official’ refers to any function that (i) binds the Government, (ii) is required by law, or (iii) is otherwise subject to scrutiny by either the press or the public.

“(c) PRACTICAL EFFECT.—This section shall apply to all laws, public proceedings, regulations, publications, orders, actions, programs, and policies, but does not apply to—

“(1) teaching of languages;

“(2) requirements under the Individuals with Disabilities Education Act;

“(3) actions, documents, or policies necessary for national security, international relations, trade, tourism, or commerce;

“(4) actions or documents that protect the public health and safety;

“(5) actions or documents that facilitate the activities of the Bureau of the Census in compiling any census of population;

“(6) actions that protect the rights of victims of crimes or criminal defendants; or

“(7) using terms of art or phrases from languages other than English.

“§ 164. Uniform English language rule for naturalization

“(a) UNIFORM LANGUAGE TESTING STANDARD.—All citizens should be able to read and understand generally the English language text of the Declaration of Independence, the Constitution, and the laws of the United States made in pursuance of the Constitution.

“(b) CEREMONIES.—All naturalization ceremonies shall be conducted in English.

“§ 165. Rules of construction

“Nothing in this chapter shall be construed—

“(1) to prohibit a Member of Congress or any officer or agent of the Federal Government, while performing official functions, from communicating unofficially through any medium with another person in a language other than English (as long as official functions are performed in English);

“(2) to limit the preservation or use of Native Alaskan or Native American languages (as defined in the Native American Languages Act);

“(3) to disparage any language or to discourage any person from learning or using a language; or

“(4) to be inconsistent with the Constitution of the United States.

“§ 166. Standing

“A person injured by a violation of this chapter may in a civil action (including an action under chapter 151 of title 28) obtain appropriate relief.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 4, United States Code, is amended by inserting after the item relating to chapter 5 the following new item:

“CHAPTER 6. OFFICIAL LANGUAGE”.

SEC. 4. GENERAL RULES OF CONSTRUCTION FOR ENGLISH LANGUAGE TEXTS OF THE LAWS OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following new section:

“§ 8. General rules of construction for laws of the United States

“(a) English language requirements and workplace policies, whether in the public or private sector, shall be presumptively consistent with the Laws of the United States; and

“(b) Any ambiguity in the English language text of the Laws of the United States shall be resolved, in accordance with the last two articles of the Bill of Rights, not to deny or disparage rights retained by the people, and to reserve powers to the States respectively, or to the people.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, is amended by inserting after the item relating to section 7 the following new item:

“8. General Rules of Construction for Laws of the United States.”.

SEC. 5. IMPLEMENTING REGULATIONS.

The Secretary of Homeland Security shall, within 180 days after the date of enactment of this Act, issue for public notice and comment a proposed rule for uniform testing English language ability of candidates for naturalization, based upon the principles that—

(1) all citizens should be able to read and understand generally the English language text of the Declaration of Independence, the Constitution, and the laws of the United States which are made in pursuance thereof; and

(2) any exceptions to this standard should be limited to extraordinary circumstances, such as asylum.

SEC. 6. EFFECTIVE DATE.

The amendments made by sections 3 and 4 shall take effect on the date that is 180 days after the date of the enactment of this Act.

By Mr. INHOFE (for himself, Mr. ALEXANDER, Mr. ISAKSON, Mr. CHAMBLISS, Mr. BURR, Mr. SHELBY, Mr. VITTER, Mr. BUNNING, Mr. COBURN, Mr. WICKER, Mr. DEMINT, Mr. ENZI, Mr. THUNE, Mr. CORKER, and Mr. COCHRAN):

S. 992. A bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Language Act of 2009”.

SEC. 2. AMENDMENT TO TITLE 4.

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following:

“CHAPTER 6—LANGUAGE OF THE GOVERNMENT

“Sec.

“161. Declaration of national language.

“162. Preserving and enhancing the role of the national language.

“163. Use of language other than English.

“§ 161. Declaration of national language

“English shall be the national language of the Government of the United States.

“§ 162. Preserving and enhancing the role of the national language

“(a) IN GENERAL.—The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

“(b) EXCEPTION.—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

“(c) FORMS.—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

“§ 163. Use of language other than English

“Nothing in this chapter shall prohibit the use of a language other than English.”.

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

"6. Language of the Government 161".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 132—COMMENDING THE HEROIC EFFORTS OF THE PEOPLE FIGHTING THE FLOODS IN NORTH DAKOTA

Mr. DORGAN (for himself and Mr. CONRAD) submitted the following resolution; which was considered and agreed to:

S. RES. 132

Whereas 47 of the 53 counties in North Dakota have been declared Federal disaster areas;

Whereas wide swaths of North Dakota have faced unprecedented flooding crises, including cities along the Des Lacs, Heart, James, Knife, Missouri, Little Missouri, Park, Pembina, Red, Sheyenne, Souris, and Wild Rice Rivers and Beaver Creek;

Whereas the people of North Dakota have suffered tremendous damage to their homes, livelihoods, and communities;

Whereas the ranchers of North Dakota are estimated to have lost nearly 100,000 head of livestock;

Whereas many of the roads and bridges, and much of the other infrastructure, in North Dakota are in need of repair;

Whereas, despite terrible conditions, the people of North Dakota have shown the strength of their shared bond, coming together in large numbers to save their cities, towns, businesses, farms, and ranches;

Whereas stories of exceptional efforts abound, from people filling millions of sandbags on short notice, to people saving lives and effecting rapid emergency evacuations;

Whereas Federal, State, and local officials have provided outstanding leadership and effective service throughout the crisis in North Dakota; and

Whereas the response of the people of North Dakota to the disaster has shown the world how communities can unite, fight, and win in a crisis: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people of North Dakota for their heroic efforts in fighting the floods in North Dakota;

(2) commends the many people from around the United States who assisted the people of North Dakota during this time of need;

(3) expresses appreciation to the officials of the numerous Federal agencies working on the ground in North Dakota for their consistently rapid, efficient, and effective response to the disaster; and

(4) continues to stand with the communities of North Dakota in the efforts to recover from the flooding during 2009, and to improve protections against flooding in the future.

SENATE RESOLUTION 133—DESIGNATING MAY 1 THROUGH MAY 7, 2009, AS "NATIONAL PHYSICAL EDUCATION AND SPORT WEEK"

Ms. KLOBUCHAR (for herself and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 133

Whereas childhood obesity has reached epidemic proportions in the United States;

Whereas the Department of Health and Human Services estimates that, by 2010, 20 percent of children in the United States will be obese;

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity;

Whereas regular physical activity is necessary to support normal and healthy growth in children;

Whereas overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas Type II diabetes can no longer be referred to as "late in life" or "adult onset" diabetes because it occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas children spend many of their waking hours at school and therefore need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas teaching children about physical education and sports not only ensures that they are physically active during the school day, but also educates them on how to be physically active and its importance;

Whereas only 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education or its equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education at all;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which they live, and therefore this Nation shares a collective responsibility in reversing the childhood obesity trend; and

Whereas Congress strongly supports efforts to increase physical activity and participation of youth in sports: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2009, as "National Physical Education and Sport Week";

(2) recognizes "National Physical Education and Sport Week" and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(3) calls on school districts to implement local wellness policies as defined by the Child Nutrition and WIC Reauthorization Act of 2004 that include ambitious goals for physical education, physical activity, and other activities addressing the childhood obesity epidemic and promoting child wellness; and

(4) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

SENATE RESOLUTION 134—CONGRATULATING THE STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS AT CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION AND SUPPORTING THE IDEAS AND GOALS OF THE 10TH ANNUAL NATIONAL CHARTER SCHOOLS WEEK, MAY 3 THROUGH MAY 9, 2009

Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. CARPER, Mr. BAYH, Mr. BURR, Mr. GREGG, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 134

Whereas charter schools deliver high-quality education and challenge all students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that respond to the needs of communities, families, and students in the United States and promote the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas approximately 4,700 charter schools are now operating in 40 States and the District of Columbia, serving more than 1,400,000 students;

Whereas, during the last 14 years, Congress has provided more than \$2,478,288,000 in financial assistance to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas many charter schools improve the achievements of students and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools and often set higher and additional individual goals to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose public schools, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas more than 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill more than 1,100 average-sized charter schools;

Whereas the President has called for increased Federal support for replicating and expanding high-performing charter schools to meet the dramatic demand created by the more than 365,000 children on charter school waiting lists; and

Whereas the 10th annual National Charter Schools Week is May 3 through May 9, 2009: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for their ongoing contributions to education, especially their impressive results in closing the persistent achievement gap in the United States, and improving and strengthening the public school system in the United States;

(2) supports the ideas and goals of the 10th annual National Charter Schools Week, a week-long celebration to be held May 3 through May 9, 2009, in communities throughout the United States; and

(3) encourages the people of the United States to conduct appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

SENATE RESOLUTION 135—DESIGNATING MAY 8, 2009, AS “MILITARY SPOUSE APPRECIATION DAY”

Mr. BURR (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 135

Whereas the month of May marks National Military Appreciation Month;

Whereas military spouses provide vital support to men and women in the Armed Forces and help to make their service to the Armed Forces possible;

Whereas military spouses have been separated from their loved ones because of deployment in support of the Global War on Terrorism and other military missions carried out by the Armed Forces;

Whereas the establishment of Military Spouse Appreciation Day would be an appropriate way to honor the spouses of members of the Armed Forces; and

Whereas May 8, 2009, would be an appropriate date to establish as “Military Spouse Appreciation Day”: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 8, 2009, as “Military Spouse Appreciation Day”;

(2) honors and recognizes the contributions made by spouses of members of the Armed Forces; and

(3) encourages the people of the United States to observe Military Spouse Appreciation Day to promote awareness of the contributions of spouses of members of the Armed Forces and the importance of their role in the lives of members of the Armed Forces and veterans.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1044. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

SA 1045. Ms. COLLINS (for herself and Mrs. McCASKILL) submitted an amendment intended to be proposed by her to the bill S. 454, *supra*.

SA 1046. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 454, *supra*.

SA 1047. Mr. WHITEHOUSE (for himself, Mr. FEINGOLD, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 454, *supra*.

SA 1048. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 454, *supra*.

SA 1049. Mrs. McCASKILL (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 454, *supra*.

SA 1050. Mrs. McCASKILL (for herself, Mr. UDALL of Colorado, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 454, *supra*.

SA 1051. Mrs. McCASKILL (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 454, *supra*.

SA 1052. Mrs. MURRAY (for herself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 454, *supra*; which was ordered to lie on the table.

SA 1053. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 454, *supra*.

SA 1054. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 454, *supra*; which was ordered to lie on the table.

SA 1055. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 454, *supra*.

SA 1056. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 454, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1044. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

On page 59, line 25, strike “(D)” and insert “(E)”.

On page 60, strike line 3 and insert the following:

following new subparagraphs (B), (C), and (D):

On page 60, line 4, insert “and submit the report required by subparagraph (D)” after “terminate such acquisition program”.

On page 61, strike like 24 and insert the following:

gram;

“(D) if the program is terminated, submit to Congress a written report setting forth—

“(i) an explanation of the reasons for terminating the program;

“(ii) the alternatives considered to address any problems in the program; and

“(iii) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program; and”.

SA 1045. Ms. COLLINS (for herself and Mrs. McCASKILL) submitted an amendment intended to be proposed by her to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

On page 69, after line 2, add the following:

SEC. 207. EARNED VALUE MANAGEMENT.

(a) ENHANCED TRACKING OF CONTRACTOR PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the

existing guidance and, as necessary, prescribe additional guidance governing the implementation of the Earned Value Management (EVM) requirements and reporting for contracts to ensure that the Department of Defense—

(1) applies uniform EVM standards to reliably and consistently measure contract or project performance;

(2) applies such standards to establish appropriate baselines at the award of a contract or commencement of a program, whichever is earlier;

(3) ensures that personnel responsible for administering and overseeing EVM systems have the training and qualifications needed to perform this function; and

(4) has appropriate mechanisms in place to ensure that contractors establish and use approved EVM systems.

(b) ENFORCEMENT MECHANISMS.—For the purposes of subsection (a)(4), mechanisms to ensure that contractors establish and use approved EVM systems shall include—

(1) consideration of the quality of the contractors’ EVM systems and the timeliness of the contractors’ EVM reporting in any past performance evaluation for a contract that includes an EVM requirement; and

(2) increased government oversight of the cost, schedule, scope, and performance of contractors that do not have approved EVM systems in place.

SA 1046. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

On page 49, strike line 15 and all that follows through page 51, line 8, and insert the following:

view, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS OF COST ANALYSIS IMPROVEMENT GROUP.—The personnel and functions of the Cost Analysis Improvement Group of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139d of title 10, United States Code (as so added), and shall report directly to the Director.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by inserting “the Director of Independent Cost Assessment,” before “and the Director”.

(2) Section 2306b(i)(1)(B) of such title is amended by striking “Cost Analysis Improvement Group of the Department of Defense” and inserting “Director of Independent Cost Assessment”.

(3) Section 2366a(a)(4) of such title is amended by striking “has been submitted” and inserting “has been approved by the Director of Independent Cost Assessment”.

(4) Section 2366b(a)(1)(C) of such title is amended by striking “have been developed to execute” and inserting “have been approved by the Director of Independent Cost Assessment to provide for the execution of”.

(5) Section 2433(e)(2)(B)(iii) of such title is amended by striking "are reasonable" and inserting "have been determined by the Director of Independent Cost Assessment to be reasonable".

(6) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

"(A) be prepared or approved by the Director of Independent Cost Assessment; and".

(7) Section 2445c(f)(3) of such title is amended by striking "are reasonable" and inserting "have been determined by the Director of Independent Cost Assessment to be reasonable".

(e) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(3) MAJOR WEAPON SYSTEM DEFINED.—In this subsection, the term "major weapon system" has the meaning given that term in 2379(d) of title 10, United States Code.

SA 1047. Mr. WHITEHOUSE (for himself, Mr. FEINGOLD, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

On page 43, between lines 20 and 21, insert the following:

(c) TECHNOLOGICAL MATURITY STANDARDS.—For purposes of the review and assessment conducted by the Director of Defense Research and Engineering in accordance with subsection (c) of section 139a of title 10, United States Code (as added by subsection (a)), a critical technology is considered to be mature—

(1) in the case of a major defense acquisition program that is being considered for Milestone B approval, if the technology has been demonstrated in a relevant environment; and

(2) in the case of a major defense acquisition program that is being considered for Milestone C approval, if the technology has been demonstrated in a realistic environment.

On page 45, beginning on line 9, strike "programs and require the disclosure of all such confidence levels;" and insert "programs, require that all such estimates include confidence levels compliant with such

guidance, and require the disclosure of all such confidence levels (including through Selected Acquisition Reports submitted pursuant to section 2432 of this title);".

On page 47, line 16, add at the end the following: "The report shall include an assessment of—

"(A) the extent to which each of the military departments have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates; and

"(B) the overall quality of cost estimates prepared by each of the military departments.

On page 48, line 2, add at the end the following: "Each report submitted to Congress under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public."

SA 1048. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

On page 42, line 12, insert ", in consultation with the Director of Developmental Test and Evaluation," after "shall".

SA 1049. Mrs. MCCASKILL (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

On page 51, line 12, insert "(a) IN GENERAL.—" before "Section 181".

On page 51, line 23, strike "of subsection (f).," and insert the following: "of subsection (f). Such input may include, but is not limited to, an assessment of the following:

"(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would justify a new joint military requirement.

"(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

"(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements.

"(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or to partner in using technologies developed to meet the joint military requirement."

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of subsection (e) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands. The report shall include, at a minimum, an assessment of the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

SA 1050. Mrs. MCCASKILL (for herself, Mr. UDALL of Colorado, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

On page 59, strike line 15 and insert the following:

(d) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a milestone decision authority authorizes a waiver of the requirement for prototypes under paragraph (1) or (2) of subsection (c) on the basis of excessive cost, the milestone decision authority shall submit a notice on the waiver, together with the rationale for the waiver, to the Comptroller General of the United States at the same time a report on the waiver is submitted to the congressional defense committees under paragraph (3) of that subsection.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notice on a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and

(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

(e) APPLICABILITY.—This section shall apply to any

SA 1051. Mrs. MCCASKILL (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

On page 53, between lines 17 and 18, insert the following:

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—

(1) JROC SUBMITTAL OF RECOMMENDED REQUIREMENTS TO UNDER SECRETARY FOR ATL.—Upon recommending a new joint military requirement, the Joint Requirements Oversight Council shall transmit the recommendation to the Under Secretary of Defense for Acquisition, Technology, and Logistics for review and concurrence or non-concurrence in the recommendation.

(2) REVIEW OF RECOMMENDED REQUIREMENTS.—The Under Secretary for Acquisition, Technology, and Logistics shall review each recommendation transmitted under paragraph (1) to determine whether or not the Joint Requirements Oversight Council has, in making such recommendation—

(A) taken appropriate action to solicit and consider input from the commanders of the combatant commands in accordance with the requirements of section 181(e) of title 10, United States Code (as amended by section 105);

(B) given appropriate consideration to trade-offs among cost, schedule, and performance in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as amended by subsection (b)); and

(C) given appropriate consideration to issues of joint portfolio management, including alternative material and non-material solutions, as provided in Chairman of the Joint Chiefs of Staff Instruction 3170.01G.

(3) NON-CONCURRENCE OF UNDER SECRETARY FOR ATL.—If the Under Secretary for Acquisition, Technology, and Logistics determines that the Joint Requirements Oversight Council has failed to take appropriate action in accordance with subparagraphs (A), (B), and (C) of paragraph (2) regarding a joint military requirement, the Under Secretary shall return the recommendation to the Council with specific recommendations as to matters to be considered by the Council to address any shortcoming identified by the Under Secretary in the course of the review under paragraph (2).

(4) NOTICE ON CONTINUING DISAGREEMENT ON REQUIREMENT.—If the Under Secretary for Acquisition, Technology, and Logistics and the Joint Requirements Oversight Council are unable to reach agreement on a joint military requirement that has been returned to the Council by the Under Secretary under paragraph (4), the Under Secretary shall transmit notice of lack of agreement on the requirement to the Secretary of Defense.

(5) RESOLUTION OF CONTINUING DISAGREEMENT.—Upon receiving notice under paragraph (4) of a lack of agreement on a joint military requirement, the Secretary of Defense shall make a final determination on whether or not to validate the requirement.

On page 53, line 18, strike “(c)” and insert “(d)”.

On page 54, line 12, strike “(d)” and insert “(e)”.

SA 1052. Mrs. MURRAY (for herself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 207. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.”.

(b) CERTIFICATION OF COMPLIANCE OF TERMINATION OF MDAPS WITH NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

“(c) CERTIFICATION OF COMPLIANCE OF TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM WITH OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall certify to Congress that the termination of the program is consistent with the national security objectives for the national technology and industrial base set forth in subsection (a).

“(2) In this subsection, the term ‘major defense acquisition program’ has the meaning given that term in section 2430 of this title.”.

SA 1053. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

On page 63, line 11, insert “for special security agreements” after “to those required”.

SA 1054. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, strike line 16 and all that follows through page 66, line 17, and insert the following:

system by providing for the consideration of prime contractors “make-buy” decisions in past performance evaluations.

SA 1055. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 106. CLARIFICATION OF SUBMITTAL OF CERTIFICATION OF ADEQUACY OF BUDGETS BY THE DIRECTOR OF THE DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) If the Director of the Center is not serving concurrently as the Director of Developmental Test and Evaluation under subsection (b)(2) of section 139c of this title, the certification of the Director of the Center under subparagraph (A) shall, notwithstanding subsection (c)(4) of such section, be submitted directly and independently to the Secretary of Defense.”.

SA 1056. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 2, add the following:

SEC. 207. AMENDMENTS TO THE FEDERAL ACQUISITION REGULATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued pursuant to section 25 of such Act to clarify the relationship between certain programs of the Small Business Administration.

(b) CONTENT OF AMENDMENTS.—The amendments made pursuant to subsection (a) shall—

(1) reflect the interpretations of the Small Business Act (15 U.S.C. 631 et seq.) by the Administrator of the Small Business Administration relating to the order of precedence that applies when determining whether to satisfy a requirement under the Federal Acquisition Regulation through an award of a contract to—

(A) a small business concern, as that term is used in section 3 of the Small Business Act (15 U.S.C. 632);

(B) a HUBZone small business concern, within the meaning given that term under section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3));

(C) a small business concern owned and controlled by service-disabled veterans, as that term is defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)); or

(D) a small business concern that participates in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)); and

(2) include the amendments relating to socioeconomic program parity proposed by the Federal Acquisition Regulatory Council and published in the Federal Register on March 10, 2008 (73 Fed. Reg. 12699 et seq.).

(c) TECHNICAL CLARIFICATION.—Section 36(b) of the Small Business Act (15 U.S.C. 657f(b)) is amended by striking “may” and inserting “shall”.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 7, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate office building to conduct a hearing on the nomination of Larry J. Echo Hawk to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 6, 2009, at 9:30 a.m., to conduct a hearing entitled “Regulating and Resolving Institutions Considered ‘Too Big to Fail’.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 6, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 6, 2009, at 9:30 a.m., to hold a hearing entitled “Engaging Iran: Obstacles and Opportunities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 6, 2009, at 2:30 p.m., to hold a subcommittee hearing entitled "NATO Post-60: Institutional Challenges Moving Forward."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Oversight of the Department of Homeland Security," on Wednesday, May 6, 2009, at 10 a.m., in room SD-224 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, May 6, 2009, at 9 a.m. The Committee will meet in room 418 of the Russell Senate office building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 6, 2009, at 2:30 p.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 6, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate, on May 6, 2009, from 2 p.m.—4 p.m. in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Eric Cho, a detailee on my Homeland Security and

Governmental Affairs staff, be granted the privileges of the floor during the duration of the debate on this legislation S. 454.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that CAPT David Evans, of my staff, be granted the privilege of the floor for the remainder of the discussion of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 80, 85, 99, 100, 101, 102, 103, 104, 105, 106, 107, and all nominations on the Secretary's desk in the Foreign Service; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Ronald C. Sims, of Washington, to be Deputy Secretary of Department of Housing and Urban Development.

EXPORT-IMPORT BANK OF THE UNITED STATES

Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2013.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Yvette Roubideaux, of Arizona, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

DEPARTMENT OF HOMELAND SECURITY

Ivan K. Fong, of Ohio, to be General Counsel, Department of Homeland Security.

Timothy W. Manning, of New Mexico, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

DEPARTMENT OF THE TREASURY

Alan B. Krueger, of New Jersey, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

William V. Corr, of Virginia, to be Deputy Secretary of Health and Human Services.

EXECUTIVE OFFICE OF THE PRESIDENT

Demetrios J. Marantis, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF STATE

Johnnie Carson, of Illinois, to be an Assistant Secretary of State (African Affairs).

Ivo H. Daalder, of Virginia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Luis C. de Baca, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with rank of Ambassador at Large.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN273 FOREIGN SERVICE nominations (7) beginning Gregory D. Loose, and ending Gregory M. Wong, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 2, 2009.

PN274 FOREIGN SERVICE nominations (154) beginning Laszlo F. Sagi, and ending Daniel E. Harris, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 2, 2009.

PN275 FOREIGN SERVICE nominations (224) beginning John M. Kowalski, and ending Jeremy Terrill Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 2, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 55, which is H.R. 627, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the H.R. 627, the Credit Cardholders' Bill of Rights.

Patrick J. Leahy, Barbara Boxer, Mark Udall, Robert P. Casey, Jr., Kent Conrad, Patty Murray, Herb Kohl, Jeff Bingaman, Russell D. Feingold, Bernard Sanders, Ben Nelson, Ron Wyden, Debbie Stabenow, Bill Nelson, Richard Durbin, Jack Reed, Amy Klobuchar, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion, Mr. President.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING HEROIC EFFORTS OF PEOPLE FIGHTING FLOODS IN NORTH DAKOTA

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 132, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 132) commending the heroic efforts of the people fighting the floods in North Dakota.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 132) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 132

Whereas 47 of the 53 counties in North Dakota have been declared Federal disaster areas;

Whereas wide swaths of North Dakota have faced unprecedented flooding crises, including cities along the Des Lacs, Heart, James, Knife, Missouri, Little Missouri, Park, Pembina, Red, Sheyenne, Souris, and Wild Rice Rivers and Beaver Creek;

Whereas the people of North Dakota have suffered tremendous damage to their homes, livelihoods, and communities;

Whereas the ranchers of North Dakota are estimated to have lost nearly 100,000 head of livestock;

Whereas many of the roads and bridges, and much of the other infrastructure, in North Dakota are in need of repair;

Whereas, despite terrible conditions, the people of North Dakota have shown the strength of their shared bond, coming together in large numbers to save their cities, towns, businesses, farms, and ranches;

Whereas stories of exceptional efforts abound, from people filling millions of sandbags on short notice, to people saving lives and effecting rapid emergency evacuations;

Whereas Federal, State, and local officials have provided outstanding leadership and effective service throughout the crisis in North Dakota; and

Whereas the response of the people of North Dakota to the disaster has shown the world how communities can unite, fight, and win in a crisis: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people of North Dakota for their heroic efforts in fighting the floods in North Dakota;

(2) commends the many people from around the United States who assisted the

people of North Dakota during this time of need;

(3) expresses appreciation to the officials of the numerous Federal agencies working on the ground in North Dakota for their consistently rapid, efficient, and effective response to the disaster; and

(4) continues to stand with the communities of North Dakota in the efforts to recover from the flooding during 2009, and to improve protections against flooding in the future.

NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 133, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 133) designating May 1 through May 7, 2009, as "National Physical Education and Sport Week."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 133) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 133

Whereas childhood obesity has reached epidemic proportions in the United States;

Whereas the Department of Health and Human Services estimates that, by 2010, 20 percent of children in the United States will be obese;

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity;

Whereas regular physical activity is necessary to support normal and healthy growth in children;

Whereas overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas Type II diabetes can no longer be referred to as "late in life" or "adult onset" diabetes because it occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas children spend many of their waking hours at school and therefore need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas teaching children about physical education and sports not only ensures that

they are physically active during the school day, but also educates them on how to be physically active and its importance;

Whereas only 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education or its equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education at all;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which they live, and therefore this Nation shares a collective responsibility in reversing the childhood obesity trend; and

Whereas Congress strongly supports efforts to increase physical activity and participation of youth in sports: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2009, as "National Physical Education and Sport Week";

(2) recognizes "National Physical Education and Sport Week" and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(3) calls on school districts to implement local wellness policies as defined by the Child Nutrition and WIC Reauthorization Act of 2004 that include ambitious goals for physical education, physical activity, and other activities addressing the childhood obesity epidemic and promoting child wellness; and

(4) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

NATIONAL CHARTER SCHOOLS WEEK

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 134, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 134) congratulating the students, parents, teachers, and administrators at charter schools across the United States for their ongoing contributions to education and supporting the ideas and goals of the 10th annual National Charter Schools Week, May 3 through May 9, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 134

Whereas charter schools deliver high-quality education and challenge all students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that respond to the needs of communities, families, and students in the United States and promote the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas approximately 4,700 charter schools are now operating in 40 States and the District of Columbia, serving more than 1,400,000 students;

Whereas, during the last 14 years, Congress has provided more than \$2,478,288,000 in financial assistance to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas many charter schools improve the achievements of students and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools and often set higher and additional individual goals to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose public schools, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas more than 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill more than 1,100 average-sized charter schools;

Whereas the President has called for increased Federal support for replicating and expanding high-performing charter schools to meet the dramatic demand created by the more than 365,000 children on charter school waiting lists; and

Whereas the 10th annual National Charter Schools Week is May 3 through May 9, 2009; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for their ongoing contributions to education, especially their impressive results in closing the persistent achievement gap in the United States, and improving and strengthening the public school system in the United States;

(2) supports the ideas and goals of the 10th annual National Charter Schools Week, a week-long celebration to be held May 3 through May 9, 2009, in communities throughout the United States; and

(3) encourages the people of the United States to conduct appropriate programs,

ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

MILITARY SPOUSE APPRECIATION DAY

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 135, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 135) designating May 8, 2009, as "Military Spouse Appreciation Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 135) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 135

Whereas the month of May marks National Military Appreciation Month;

Whereas military spouses provide vital support to men and women in the Armed Forces and help to make their service to the Armed Forces possible;

Whereas military spouses have been separated from their loved ones because of deployment in support of the Global War on Terrorism and other military missions carried out by the Armed Forces;

Whereas the establishment of Military Spouse Appreciation Day would be an appropriate way to honor the spouses of members of the Armed Forces; and

Whereas May 8, 2009, would be an appropriate date to establish as "Military Spouse Appreciation Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates May 8, 2009, as "Military Spouse Appreciation Day";

(2) honors and recognizes the contributions made by spouses of members of the Armed Forces; and

(3) encourages the people of the United States to observe Military Spouse Appreciation Day to promote awareness of the contributions of spouses of members of the Armed Forces and the importance of their role in the lives of members of the Armed Forces and veterans.

ORDERS FOR THURSDAY, MAY 7, 2009

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, May 7; following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later

in the day, and there be a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; further, I ask that at 10:30 a.m. the Senate resume consideration of S. 454, the Weapon Systems Acquisition Reform Act of 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. MURRAY. Mr. President, roll-call votes in relation to the procurement bill are expected during tomorrow's session. Senators will be notified when the votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. MURRAY. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Thursday, May 7, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE INTERIOR

WILMA A. LEWIS, OF THE VIRGIN ISLANDS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE C. STEPHEN ALLRED, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CARMEN R. NAZARIO, OF PUERTO RICO, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE DIANE D. RATH.

DEPARTMENT OF STATE

ERIC P. SCHWARTZ, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION), VICE ELLEN R. SAUERBREY.

ANDREW J. SHAPIRO, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS), VICE MARK KIMMITT, RESIGNED.

ELLEN O. TAUSCHER, OF CALIFORNIA, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY, VICE ROBERT JOSEPH, RESIGNED.

DEPARTMENT OF LABOR

JANE OATES, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE EMILY STOVER DEROCO.

DEPARTMENT OF HOMELAND SECURITY

TARA JEANNE O'TOOLE, OF MARYLAND, TO BE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY, DEPARTMENT OF HOMELAND SECURITY, VICE JAY M. COHEN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HERBERT J. CARLISLE

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, May 6, 2009:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RONALD C. SIMS, OF WASHINGTON, TO BE DEPUTY SECRETARY OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

EXPORT-IMPORT BANK OF THE UNITED STATES

FRED P. HOCHBERG, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

YVETTE ROUBIDEAUX, OF ARIZONA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF HOMELAND SECURITY

IVAN K. FONG, OF OHIO, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY.

TIMOTHY W. MANNING, OF NEW MEXICO, TO BE DEPUTY ADMINISTRATOR FOR NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF THE TREASURY

ALAN B. KRUEGER, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

WILLIAM V. CORR, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES.

EXECUTIVE OFFICE OF THE PRESIDENT

DEMETRIOS J. MARANTIS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF STATE

JOHNNIE CARSON, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS).

IVO H. DAALDER, OF VIRGINIA, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

LUIS C. DE BACA, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH RANK OF AMBASSADOR AT LARGE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO RE-

QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH GREGORY D. LOOSE AND ENDING WITH GREGORY M. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 2, 2009.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LASZLO F. SAGI AND ENDING WITH DANIEL E. HARRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 2, 2009.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOHN M. KOWALSKI AND ENDING WITH JEREMY TERRILL YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 2, 2009.

HOUSE OF REPRESENTATIVES—Wednesday, May 6, 2009

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, ever faithful and mindful of all our deeds, the people of this country are truly grateful for the daily work of our Nation's Federal, State and local government employees. Their dedication and sacrifice are commemorated this week as we mark the 25th anniversary of Public Service Recognition Week.

Bless, protect and answer the prayers of all these public servants who provide service in every city and county across America. So often we take them for granted for keeping our streets and water supply clean and safe, delivering our mail, and other administrative and labor-intensive work for the benefit of our lives and the lives of our children.

As we lift them and their families in our prayers today, we prayerfully beg You to encourage others to commit themselves wholeheartedly to public service. Make our country strong by this work of the people, for the people, and by the people.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

HOUSING CRISIS

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, the current housing crisis has had devastating

consequences for homeowners in communities throughout New Jersey and the country. Our Nation is faced with the highest foreclosure rate in 25 years. Millions of families may lose their homes to foreclosure this year because too many lenders approved loans that homeowners could not afford to pay.

By passing H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act of 2009, we have an opportunity to curb abusive and predatory lending. Specifically, the bill outlaws many of the destructive industry practices that marked the subprime lending boom in the first place. It also establishes a simple standard for all home loans, ensuring that borrowers can repay loans they are sold. Finally, it protects tenants who rent homes that go into foreclosure.

This legislation marks a critical step in the rebuilding process of our economy while providing the American consumers with the protection they deserve. For these reasons, I urge my colleagues to support this bill.

HUMAN RIGHTS ABUSES IN NORTH KOREA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, last week, the Congressional Human Rights Commission met with defectors from North Korea and we heard firsthand how the people of North Korea continue to suffer terribly at the hands of the cruel dictatorship there.

It is vital that the international community and the United States take more specific, deliberate action aimed at helping the suffering people of North Korea. There are numerous reports of the suffering going on inside North Korea; prison camps, severe torture, slave labor, forced abortions, and almost certain death for those who have tried to escape and have been forced to return.

The U.S. Congress passed the North Korea Human Rights Act to provide a stronger foundation for the U.S. to help the North Korean people. Unfortunately, that act has not been implemented to the fullest extent possible.

The North Korean people need to hear the message that they are not alone, that they are not forgotten, and that there are many in the United States and around the world who deeply care about their plight and are working to help them.

We look forward to the day when we can visit a free North Korea and see the people living with human rights and dignity.

CONSUMERS UNION POLL

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Madam Speaker, a recent Consumers Union Poll states that 71 percent of Americans support health care reform that provides health care to all Americans. They also told us why. Sixty-four percent of those polled had concerns that they weren't able to afford a doctor in the last year. Sixty percent of them were afraid they were going to go into bankruptcy because of unforeseen medical expenses. And they also had a good idea as to the path forward because out of 66 percent of those polled, two-thirds supported the ability to choose a public insurance option, the ability to choose whether they want to stay on their private plan or whether they want to go on to a potentially better quality, more affordable public plan.

They have told us they don't want politicians making the choice for them, that they themselves want to choose whether they are better off in the private or public market.

CLEAN ENERGY WITHOUT TAX HIKES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I am grateful to be part of a bipartisan group in Congress that is putting forward new and innovative solutions to our energy needs.

The American Conservation and Clean Energy Independence Act introduced this week is spearheaded by Congressmen TIM MURPHY and NEIL ABERCROMBIE. It is legislation that would promote the energy sector to start creating jobs immediately. It does not raise taxes on American families.

This strategy promotes the development of cleaner energy and more efficiency. It encourages conservation. It utilizes the vast proven natural resources we have here in America to not only help address our current energy needs but help fund the development of the next generation of energy resources.

High gas prices and home heating costs threaten the budgets of American

families. With this comprehensive strategy, we address those high costs and our environmental concerns while creating jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

CONDITIONS ON AID TO AFGHANISTAN AND PAKISTAN

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, the Chairman of the House Appropriations Committee has come under some harsh criticism for suggesting the money we make available to Afghanistan and Pakistan be conditioned. Chairman OBEY is right. When you consider the fact that we have put \$33 billion into Afghanistan and \$12 billion into Pakistan without conditions, you have to ask "What has it gotten us?"

We seem to be losing the war in Afghanistan because the leadership of the enemy has a haven in Pakistan. Of all the money we have given to the military in Pakistan, they have 450,000 trained, equipped troops on the southern border with our ally India and one brigade on the north where we need them. Former members of the ISI affiliated with the Pak army located just south of Lahore, Pakistan trained and executed a massacre of 152 people in Mumbai, India.

They just released an extremist cleric that is arguing for sharia law across the land. They have just allowed the Swat Valley to be taken over by the Taliban. Of course we need our money conditioned. If they want American taxpayers' money, they need to start serving America's interests.

□ 1015

THE HIGH SEAS NEEDS THE SECOND AMENDMENT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, recently three boats of the Somali pirates gave chase on the high seas toward a lone ship of prey, ready once again to capture an unarmed vessel and the crew, and hold them hostage until the ransom is paid.

As the smiling armed outlaws sped toward the game and readied the attack, the target appeared to flee as it headed away into the horizon of the sun.

But to the dismay of the bold bandits, they were trapped. The supposed merchant ship dispatched two boats that headed directly for the malcontents of robbery. Aboard were French commandos. The alleged mer-

chant ship was a ship of the French Navy. Shots were fired over the criminals, and in minutes the 11 pirates of misfortune were captured and stowed away in the darkness of the French brig.

Madam Speaker, it defies reason that merchant ships are not armed. The international maritime community should arm their ships against the pirates of prey. The French and American Navies cannot save them every day. Let the philosophy of the Second Amendment, "right to bear arms", apply on the high seas.

And that's just the way it is.

THE CAPITOL POWER PLANT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, I know the Republican leadership has opposed, even mocked, the Speaker's determination that the House lead by example by greening the Capitol. Helping each office reduce its carbon footprint, eliminate waste, and save money is exactly what Americans want from their leaders.

But last night's attack on the floor of the House by my Republican colleagues on the conversion of the Capitol Power Plant from coal to natural gas was bizarre. That Capitol Power Plant is the number one source of pollution in the District of Columbia. We've reduced the carbon pollution 50 percent, 95 percent of the sulfur oxide, at least 50 percent of the carbon monoxide, reducing a serious problem for the respiratory health of the District of Columbia's children.

I hope that people in their zeal to score political points don't get unhinged. This is important business. We're moving in the right direction, and we ought to be able to understand these basic facts.

CAP-AND-TAX

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, we are learning that the Environmental Protection Agency is poised to declare any body or company or plant that emits more than 25,000 tons of carbon dioxide as a major emitter. A body of 435 adults all endlessly emitting hot air certainly will meet that annual threshold.

It appears that the EPA and Congress are literally in a race to see who can get there first. Are we going to tax the air we breathe, or are we going to regulate the air we breathe? If CO₂ and other greenhouse gases are so dangerous to our environment, the American people truly must be puzzled by the actions of the body this week.

While the details of a cap-and-tax system are negotiated behind closed doors, Congress has debated such staggeringly important work as supporting the goals of Public Service Recognition Week and National Train Day. If our environment were truly in serious peril that could only be effectively addressed by a cap-and-tax system, one would think we would be burning our carbon credits debating that bill, not the suspensions we have passed.

JUMP-STARTING THE CLEAN ENERGY SECTOR THROUGH ENERGY-EFFICIENT BUILDINGS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, after years of neglect, President Obama and the new Congress are taking on the Nation's energy crisis. This Congress is now making the tough decisions necessary to move the country in a new direction, create green jobs and build a clean energy economy.

Conserving energy by turning around our economy will require the help and participation of every American. The good news is that everyone can save money and help grow a clean energy economy. We can use less and save more by using energy-efficient weatherization technologies and appliances in our buildings. Consumers can save hundreds off their energy bills by using cost-saving, energy-efficient technology.

In my home State of Missouri, over \$128 million in recovery funds have been made available to help low-income families weatherize their homes, improving the environment around us and their pocketbooks during these challenging times. And on top of that, investments made into building more energy-efficient homes and public buildings create jobs right here at home that cannot be outsourced.

THANKING THE TROOPS WHO SERVE IN GUANTANAMO BAY

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Madam Speaker, this past Friday I had the opportunity and the honor to visit Guantanamo Bay to see the great work that our men and women are doing to protect and serve this country.

The discussions surrounding the detainees in Guantanamo Bay I understand is a contentious one, but let us first and foremost thank those men and women who serve a very important purpose. They are doing it with great honor.

As I visited with the admiral of the Navy who is in charge of taking care of

this facility, he said that their mission is to make sure that the facility is safe, humane, legal, and transparent. I find that they're meeting that mission.

I would encourage the President and I would encourage this body to support the notion that says we should not close that facility, nor should we bring those detainees to the United States of America. We should pursue the tribunal process. The process is set up to work. And I for one will support that.

May God bless the troops that are serving us in Guantanamo Bay, and may God bless the United States of America.

THE PUBLIC HEALTH EMERGENCY RESPONSE ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, we have a lot to be proud of in the way our Nation has responded to the H1N1 outbreak on a large scale, but we have also exposed some large gaps in our response capabilities.

The CDC's top recommendation to individuals experiencing flu-like symptoms is call your health provider. But 47 million Americans don't have regular access to a primary health care provider. And if our only recourse is to have these folks crowding the emergency departments, then we have a lot more to do to improve our response.

This week I was proud to reintroduce with Senator DURBIN the Public Health Emergency Response Act, legislation which will ensure health coverage for individuals during a public health emergency.

Until we achieve universal coverage, we must at least ensure that Americans have access to care during a public health emergency and that health professionals who treat them are compensated.

DEMOCRAT NATIONAL HEALTH PLAN WON'T WORK

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, as a physician, I am the first to say we need affordable health care access for all.

A new national health plan has been created by my colleagues on the other side of the aisle. They claim this plan will compete alongside private insurance to ensure that patients are getting the best deal.

This sounds great on the surface. However, this idea makes as much sense as Microsoft setting the rules for all technology companies, then competing with them.

Make no mistake about it: the net result of a national or public plan option will be the death of the private insur-

ance in this country. This crazy government versus private strategy is a first step toward a government-run health care for everyone, creating two levels of care, rationing of resources, and exploding government budgets.

Americans don't want Washington telling them what benefits they need and how much health care they deserve. But they do need access to affordable, high-quality health care that only private insurance competing honestly for business can provide, whether it is paid for by our government for the poor or paid for by the working citizens.

THE MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, the House this week will take the critical first step towards ending reckless and predatory lending practices and mortgage fraud in particular.

Since our economy fell off the cliff last fall, Vermonters and all Americans have been reeling from the mess created by those who engage in reckless lending and reckless borrowing.

The Mortgage Reform and Anti-Predatory Lending Act of 2009 will help ensure that the practices that helped foster this casino economy will end. The bill will restore responsibility to lending, holding creditors responsible for the loans they originate, requiring borrowers to have a reasonable ability to repay the loans, ban the practice of rewarding brokers and loan officers for steering homeowners towards mortgages they can't afford.

We won't be able to end years of irresponsible lending and borrowing overnight; not with one bill. But this legislation is the critical first step towards restoring responsibility and common sense to our financial system.

THE FAMILY-BASED METH TREATMENT ACCESS ACT

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Madam Speaker, I hope some day I can come to the floor of the House of Representatives to report that meth abuse is no longer a problem in rural America. I would like to say some day that our families and communities are no longer subject to the total devastation caused by methamphetamine addiction.

But we're not there yet. So today I urge my colleagues to join me in the fight against meth abuse. I have introduced the Family-Based Meth Treatment Access Act, a bill which would fund programs aimed at helping families recover together from the Nation's most dangerous drug.

Studies show that family-based treatment increases effectiveness of long-term recovery, employment, and educational enrollment, while decreasing crime. The Family-Based Treatment Access Act helps take back what meth has stolen from our families.

Please join me by cosponsoring the Family-Based Meth Treatment Access Act.

R&D TAX CREDIT BILL

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Madam Speaker, the American people have asked this Congress for solutions to act quickly in a bipartisan fashion and to get our economy moving again.

As a freshman Member, I'm happy to report that I have teamed up with a Republican colleague from Buffalo, New York, CHRIS LEE, to get our economy moving again. We know how many manufacturing jobs have been lost in the Midwest. So our bill would help empower the vision and innovation that has made this country so great by providing incentives for companies in America to do research and developments right here and give them a bonus if they are going to conduct those research and developments right here in America.

We have an opportunity to move this economy forward. We need to become not the movers of wealth but the producers of wealth. If we produce things here in America, we can make America continue on its path towards greatness.

ENFORCE IMMIGRATION LAWS TO PREVENT CRIMES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the director of "A Christmas Story," Bob Clark, was killed by an illegal immigrant drunk driver in Los Angeles. An illegal gang member shot three students in Newark, New Jersey, execution style. He was free on bail and was facing charges of aggravated assault and sexual abuse of a child at the time of the murders. Another illegal immigrant was arrested after DNA matched him to a series of rapes of teenage girls in Chandler, Arizona.

Sadly, I could go on and on, remembering thousands of victims of crimes committed by illegal immigrants. They are a reminder that we need to enforce all of our immigration laws to prevent these crimes from happening.

This means enforcing our work site laws against employers and illegal workers, supporting local law enforcement agencies who want to arrest illegal immigrants, and passing a long-

term reauthorization of E-Verify, the Federal Government's program that helps employers hire legal workers.

**ATTORNEY GENERAL ERIC
HOLDER**

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, Attorney General Eric Holder is about ready to make a decision to release violent terrorists who have trained in al Qaeda training camps who are now down in Guantanamo Bay into our neighborhoods—into our neighborhoods. Members of the Congress on both sides have asked the Attorney General to allow FBI agents and Department of Homeland Security personnel to come up and brief Members, and he will not allow it.

How does this Congress provide the oversight when they're about ready to release groups like ETIM? Go on the video and see what this group ETIM is. They're about ready to release individuals into our neighborhoods, and Eric Holder is prohibiting career people from coming to the Hill.

In some respects, Madam Speaker, this is a cover-up by the Attorney General of the United States.

□ 1030

**HONORING THE 100TH ANNIVERSARY
OF THE ETOWAH CHAPTER
OF THE DAR**

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Madam Speaker, I rise to recognize the 100th anniversary of the Etowah Chapter of the Daughters of the American Revolution in Bartow County's 11th Congressional District. The Etowah Chapter of DAR was formally organized April 20, 1909, in Cartersville, Georgia, as 24 enthusiastic and patriotic women were declared the charter members.

Over the past 100 years, the Etowah Chapter has been instrumental in promoting education and pride in the history of our county. In fact, during its first year, the Chapter placed a framed copy of the Declaration of Independence in each of the 50 schools in Bartow County and has since been instrumental in securing monuments for the graves of 13 local Revolutionary War soldiers, heroes.

Each year the Etowah Chapter sponsors an American History Essay Contest. It awards Good Citizen medals to the local students, and it supports DAR schools, such as Berry College in Rome, Georgia.

Furthermore, the members of the Etowah Chapter are proud of their heritage and patriotic service to

Cartersville and Bartow County. I ask that all my colleagues join me in recognizing the positive impact that the Etowah Chapter of the Daughters of the American Revolution have made upon their community.

**PROVIDING FOR CONSIDERATION
OF H.R. 1728, MORTGAGE REFORM
AND ANTI-PREDATORY LENDING
ACT**

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 400 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 400

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. PINGREE of Maine. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 400.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Madam Speaker, House Resolution 400 provides for initial consideration of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act. The rule provides for 1 hour of general debate to be controlled by the Chair and ranking member of the Committee on Financial Services. After the general debate, there will be no further consideration of the bill except pursuant to the subsequent rule.

Homeownership has always been a key part of the American Dream. Unfortunately, for hundreds of thousands of Americans, that dream has been shattered by predatory lenders that entice them to accept loans they could not afford.

Now, across this country, hard-working families are unable to pay loans they can't afford, and they are losing their homes to foreclosure in unprecedented numbers. On top of this, many would argue that the extreme problems in the mortgage industry have been one of the most serious causes of our current, economic problems.

This week we have the opportunity to rein in these lending practices. H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act of 2009 is a major step forward in curbing abusive and predatory lending. This Congress has already passed legislation aimed at invigorating the housing market, by helping new homebuyers purchase homes and dispensing of many of the toxic assets that have had our economy in a stranglehold.

The bill we take up today is the second and equally important step of building a stronger foundation. The regulations that are proposed will put a new face on the mortgage system that has become rife with fraud.

H.R. 1728 would outlaw many of the worst industry practices, while also preventing borrowers from deliberately misrepresenting their income to qualify for a loan. The message is simple: Lenders can't give loans to people who can't afford them and borrowers have to tell the truth about their finances when applying for a loan. If you can't play by the rules, you will be held accountable.

This bill draws upon everything that was once fundamentally sound about our banking system. It takes us back to a time when community bankers knew their consumers, to when they understood clearly what they could afford and to when they worked with them to offer loans that worked best for their families.

This is a far cry from some of the practices developed during the real estate boom, when mortgages became far more risky and terms like "no-doc lending" and "liars loans" became part of our language.

Madam Speaker, this bill sets minimum standards for mortgages requiring that consumers must have a reasonable ability to pay the loan back, and that mortgage refinancing must provide a net tangible benefit to the consumer.

All mortgage originators will be licensed and registered. Securitizers and other participants in the secondary mortgage market, for the first time, under Federal law, will be liable for supporting irresponsible lending.

The bill also prohibits financial incentives that encourage mortgage

originators to steer consumers to higher cost and more abusive mortgages. In other words, lenders can't sell consumers loans that aren't good for them.

Over the last decade, many subprime loans were made to borrowers who, due to their weak credit histories, were high credit risks. This bill will make sure that, instead of rewarding originators for pumping out high volumes of costly mortgage loans, there will be incentives for lenders to give borrowers the best possible price and stick with the borrower over the course of the loan.

And any creditor that violates the standard set forth in this bill will be liable to the consumer. They will be required to either rescind the loan and pay for all the legal fees or work with them in a timely fashion to modify or refinance the loan at no additional cost to the borrower.

Somewhere along the line, our mortgage system has lost its way at a great cost to our economy. The affordable, 30-year fixed rate mortgage that allowed generations to experience the American Dream of homeownership has been tragically replaced with a subprime loan, teaser rates, and unaffordable payments.

Commonsense principles, like having the ability to pay, were abandoned in favor of schemes that involved collateralized debt obligation and credit default swaps. And as this financial house of cards collapsed, it is now the American taxpayers that are left holding the bag.

Madam Speaker, I hope we have learned our lesson. It is time to bring responsibility and accountability back to mortgage lending and to make sure we don't face another crisis like this. This bill is essential if we are to stabilize the housing market, to end these abusive practices, and to get our economy back on track.

I commend my colleagues, Mr. MILLER, Mr. WATT, and Chairman FRANK for their determination to this critical issue and their hard work in bringing it to the floor today.

I reserve the balance of my time.

Mr. SESSIONS. I thank the gentleman.

As I rise today, before I begin my formal statements, I would like to acknowledge that the gentleman, Mr. FRANK, the chairman of the committee, has come to the floor, and I want to personally thank the gentleman for engaging with me and perhaps other members of the Republican Party on working on this bill. I want to personally thank the chairman for that engagement and believe that it will result in the opportunity for Republicans to have a better say on the bill that will be before the House today, and I want to personally thank the gentleman.

Madam Speaker, I do rise today, however, in opposition to H.R. 1728, which

is the majority's misled attempt to bring stability back into the mortgage market. As the American people will soon see, many provisions of the bill are a destructive force to both the lending industry and, in turn, the American homebuyer.

First, the new Federal Reserve regulations already exist and are about to be implemented in October of this year, which means that this work on predatory lending has already taken place.

Second, this bill establishes a new group of qualified mortgages, which limits consumer choice of mortgages and unduly burdens the mortgage industry.

Third, it establishes new credit risk retention rules, which dramatically limit the successful functioning of the secondary market, especially small, nonbank lenders.

And, fourth, it authorizes a \$140 million slush fund for legal defense funds.

Last July, the Federal Reserve issued new regulations under the Home Ownership and Equity Protection Act which implemented many provisions of the predatory lending legislation of Congress last year. As part of this implementation, new Federal rules have been developed which address predatory practices and products, bringing an end to a variety of issues which have haunted the subprime market, such as poor underwriting standards. These rules already are set to take effect in October of this year.

My colleagues from both sides of the aisle understand that these new regulations will soon be in effect, and certainly cleaning up the lending industry is important. Even Chairman FRANK has previous knowledge, and I quote, that "the Federal Reserve has adopted regulations so that the predatory and deceptive lending practices that led to the subprime crisis will be prohibited," already done.

But rather than allowing the Fed's carefully constructed regulations to take effect, this new majority has decided to draft their own mortgage reform bill with their own unique twist. Unfortunately, this twist includes new and untested mandates and duties, that even if they can be implemented, they may end up punishing the very consumers that this majority party is trying to protect.

My question is simple: Why is Congress meddling with regulations that will soon yield significant and expected benefits in combating mortgage fraud, eliminating the bad actors of the industry, and providing greater protection to the consumer?

While this legislation attempts to correct past excesses in the mortgage market by establishing new standards for mortgage origination, and imposing greater legal liability on the secondary market, this bill, in fact, injects legal uncertainty into the lending process,

thereby raising the cost and reducing the availability of mortgage credit to consumers. Allowing a slush fund for people to sue is a prime example of what we are talking about. I would like to say this is an unintended consequence. I think it's an intended consequence.

One of the primary provisions which contribute to the higher cost and reduced availability of loans is the misconstrued establishment of a new class of loans called qualified mortgages. Any loans deemed as qualified mortgages are, in theory, protected under the bill's limited safe harbor and are exempt from the new lending risk retention requirements.

All other nonqualified mortgages are excluded from this safe harbor and siphoned into the category of subprime mortgages. In turn, any lender can be sued for selling nonqualified mortgages.

The kicker, however, is that H.R. 1728 makes all real safe harbor mortgages rebuttable, meaning that borrowers can sue any creditor for any mortgage.

Under the terms of this bill, no mortgages are protected by safe harbor laws and all lenders can be sued. That is going to have a direct and devastating consequence on the marketplace.

When the bill was introduced in Congress, the last Congress, the bill appropriately filtered most mortgages into three types of loans. For the sake of explanation, let's call them green, yellow and red mortgages.

Green light mortgages are good, traditional, protected mortgages. Yellow light mortgages are potentially hazardous mortgages. In this case, the consumer has the right to sue for loss in the case of predatory lending, while the lender maintains the right to a fair defense.

□ 1045

Lastly, red mortgages are simply mortgages presumed bad and the law allows the consumer to sue for any loss.

Unfortunately, according to this year's version of the bill, the law will only allow for green and red light mortgages, and, most importantly, neither of them will have a real safe harbor because borrowers can sue any creditor for any mortgage. Regardless of how safe and affordable and how well an alternative mortgage may have served the borrower, lenders will begin making fewer and more expensive loans out of fear of being sued.

At the end of the day, what is the purpose of this mortgage reform? A government-mandated mortgage structure enforced by the very taxes paid by the American homeowner, or providing for consumer choice of loans which best suits the needs of responsible homebuyers with the assurance of meaningful customer protection? I think we can see what we are going to get.

Madam Speaker, I have a concern also with the new "credit risk retention" requirements. This provision will force any loan originator to hold 5 percent of any mortgage that does not fit the bill's narrow safe harbor, what is known as the "qualified mortgage." The "credit risk retention," as it is referred to, requirement is a far-reaching requirement that leaves my colleagues and me confused as to how certain groups, such as smaller lenders, will even survive.

The fact stands that many smaller nonbank lenders do not have the same reliable sources of funding as depository institutions. These lenders would be unable to compete, let alone to operate, at a competitive level. They simply cannot compete. Additionally, this provision will necessitate that larger lenders increase their capital. This is the wrong approach during a time when the government is concerned that lenders are insufficiently capitalized; moreover, during a time in which the government is making the taxpayer pay for these insufficiencies. David Kittle, chairman of the Mortgage Bankers Association, testified in front of the Financial Services Committee on April 23 of this year. And here is what he said, "at a time when policymakers are focusing so much of their efforts on injecting capital into the financial services sector, this provision would force an inefficient use of capital across all types of institutions and threaten to further impair their ability to lend at all." This will simply narrow choices, lessen credit and increase costs for borrowers and taxpayers, as well as increasing lawsuits.

While a critical element of mortgage reform should be giving incentives for greater accountability to lenders without damaging the mortgage market, H.R. 1728 imposes huge liability on all groups involved in issuing a loan while circumventing any investor liability. Unfortunately, the bill magnifies the already substantial legal risks faced by participants in the mortgage market, dramatically reducing any incentives for lenders to partake in the mortgage market.

And as if new litigation were not enough, this bill authorizes \$140 million for legal assistance grant funds to legal organizations to provide taxpayer-funded legal defenses for homeowners in default or facing eviction. Simply put, this bill sets up lenders for failure by burdening them with undue liabilities and funding trial lawyers. This bill lacks the key taxpayer and lender protections, opening the door to taxpayer-financed frivolous civil lawsuits which will ultimately ruin the mortgage industry. I'm sure it will empower a bigger Federal Government, however.

Additionally, this bill subjects the taxpayer to involuntarily funding groups like ACORN, who will be eligi-

ble for receiving grants from this legislation. My colleague from Minnesota was able to add a provision which sufficiently blocks any organization that has been indicted from receiving any funds—for example, ACORN. Unfortunately, the majority is actively making efforts to reopen groups like ACORN to taxpayer funds with no regard for past indiscretions.

Restructuring the mortgage industry is essential in returning safety and security to the housing industry. We don't debate that. Unfortunately, the majority party is choosing to streamline an overzealous mortgage bill without allowing the Federal Reserve regulations to first go into effect, not to mention the destructive nature of this bill on the lending industry and what the impact of this bill will have on every single American who is striving for the dream of homeownership, namely, making it more expensive and less available to those people who need it the most.

H.R. 1728 is a jackpot for trial lawyers, kryptonite for the mortgage industry, and ultimately crushes dreams of homeownership for many Americans. Therefore, Madam Speaker, I oppose the rule and the underlying legislation, and I hope my colleagues do the same. I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts, the Chair of the Committee on Financial Services, Mr. FRANK.

Mr. FRANK of Massachusetts. Madam Speaker, I am grateful for this very clear delineation of the Republican philosophy, "do nothing about subprime mortgages." Now, the gentleman from Texas did say, well, the Federal Reserve is doing it. Understand that in 1994, a Democratic Congress gave the power to the Federal Reserve to promulgate those regulations. Alan Greenspan refused to use them. From 1995 on, he refused to use them.

At some point in the late 1990s and the early part of this century, it became clear to many of us, led by my colleagues from North Carolina, Mr. MILLER and Mr. WATT, that we had problems in the subprime area. And people tried to get Mr. Greenspan to do it, and he wouldn't do it. So we then said, "okay, we had better act legislatively in the absence of the Federal Reserve doing it." We were blocked from doing it by the Republican leadership of the House.

The gentleman from North Carolina (Mr. WATT), the gentleman from North Carolina (Mr. MILLER) and I tried to get some legislation. Some Republican Members were ready to cooperate with us. But the decision came from the Republican leadership "no." So from 1994, when Congress voted authority to the Federal Reserve, until 2007, after the Democrats had come back into the majority, nothing was done to block

subprime mortgage abuses. Nothing. And not a single piece of legislation came forward when the Republicans were in control.

Now, I would add, by the way, that in 2007 we did a bill, we had some bipartisan cooperation, not a majority of Republicans, the bill passed the House but failed in the Senate. It didn't come up. Now we are doing it again. At no point have we seen a Republican alternative. The gentleman from Texas had some criticisms. We have never seen a Republican proposal to deal with subprime mortgages. Now they might say, "well, we are in the minority, what is the point?" But they were in the majority, Madam Speaker, from 1995 to 2006.

The gentleman from Texas (Mr. HENSARLING) submitted an amendment to the bill which talks about how subprime mortgages skyrocketed in percentage from 2002 to 2006 under the Bush administration and under Republican control of Congress. Members on the Democratic side said, "let's do something about it." The Republican answer was "no." So we have here the clearest demonstration of the Republican approach of "do nothing." But then the gentleman said, "oh, no, the Federal Reserve has done it." Well, first of all, understand the inconsistency between conservative attacks on the undemocratic nature of the Federal Reserve in some context and the decision to allow Congress to let them legislate instead of the Congress.

The notion, we heard it on credit cards and we heard it today, the notion that the elected officials of this country should not intrude when the Federal Reserve has proposed legislation turns democracy on its head and is wholly inconsistent with other arguments we get. Beyond that, while I appreciate what Mr. Bernanke has done—

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman 2 additional minutes.

Mr. FRANK of Massachusetts. Mr. Bernanke, to his credit, repudiated the no-regulation, extreme conservative philosophy of Mr. Greenspan and promulgated rules, but only after a Democratic Congress began to act on this. And I think he did a good job and deserves credit.

The problem is that there are things he cannot do. The Federal Reserve cannot change statute. So, yes, this bill goes beyond what the Federal Reserve did. I'm glad the Federal Reserve is doing it. I'm glad that Mr. Bernanke reversed the Greenspan position which had been supported by the Republicans to do nothing. We will debate individual cases of this. As to legal services, yes, we have had examples of individuals being evicted, being foreclosed inappropriately. What this does is to say that they can get some legal help.

This is a defensive measure for people who are going to be losing their homes. And we found that there were some problems there.

As to securitization, we will get into this. But, yes, I do agree we have people who have come to us and said, "you know what? We don't have any money. Why don't you let us make loans?" Well, we don't think people should be lending money they don't have and immediately selling the loans. Here is the point, Madam Speaker, we will get into it later. The extension of loans to people who shouldn't have gotten them, partly the fault of the borrowers, partly the fault of the lenders, whatever the reason, that was the single biggest cause of the subprime crisis.

And the record of the Republican Party, from taking office in 1995 until today, is to oppose overwhelmingly any effort to do anything about it, from Mr. Greenspan's refusal to use the authority he was given to the failure of the Republicans to this day to come forward with any constructive legislative alternative. So, yes, there might be room for debate, but as between doing something to prevent this and doing nothing, I believe "something" wins.

Mr. SESSIONS. Madam Speaker, I find myself in a position of making sure that this body does understand that lots of debates have taken place. I know the gentleman, Mr. FRANK, has been on the committee for a long time and has argued very vehemently for years that the crisis was not about to happen, that the crisis and the changes that were made to Fannie and Freddie and subprime mortgages and all these things, that there was no crisis that was getting ready to happen. And I would respectfully say to the gentleman, it seems like Mr. Greenspan agreed with that. Something did happen. And it is up to us as thoughtful Members to make sure that we appropriately then take action where necessary. This was done last year. The Federal Reserve understood it, went through a deliberative process, took feedback from the industry and took feedback from consumers. The damage had been done.

We are now talking about predatory lending. We are not talking about what got us in the problem in the first place. We are talking about now that people are in trouble, how do we help save them? How do we help work with them? How do we make sure that the system properly works not just for people who might be in trouble, but people who might be in the future? The Federal Reserve has already done this. We already know that those rules will take place in October.

What I would argue with the gentleman about is going then too far, not doing something. I wouldn't argue with the gentleman. The gentleman is really very thoughtful in much of what he

does. But the legislation will narrow choices, lessen credit and increase costs for borrowers and taxpayers. And at some point there has to be some balance. We are in agreement that we ought to move forward, that we ought to do things, that the laws that will take place through the regulation of the Fed are proper, necessary and needed. But we are not for making lawsuits a better part of what we are doing, providing money for people to sue, narrowing choices, lessening credit and increasing costs. And that is our decisionmaking point where we disagree with not only this legislation but perhaps moving this bill in the first place.

I reserve the balance of my time.

□ 1100

Ms. PINGREE of Maine. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, the gentleman from Texas is wrong to say we didn't want action. Yes, in the early part of the century we thought there wasn't a crisis. We tried to get Alan Greenspan to use the authority we gave him.

In 2003 I said that Fannie Mae and Freddie Mac were in crisis, as I didn't think they were, as Wachovia wasn't and Merrill Lynch.

In 2004, the Bush administration ordered Fannie Mae and Freddie Mac significantly to increase the subprime mortgages and low-interest mortgage rates. At about that time, and as Mr. HENSARLING's amendment shows, it was around that time that the Bush administration presided over a great increase in subprime mortgages.

Beginning in 2003, we tried to get legislation adopted, and the Republicans said no. The Republicans wouldn't do it. It wasn't until 2007 that there was any action at all. And it is not a coincidence that the Fed was given authority under a Democratic Congress in 1994 and didn't exercise it until a Democratic Congress came back in 2007. Yes, I was in the Congress. I was in the minority, and I was frustrated by the failure of the Republicans to do anything.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. PINGREE of Maine. I yield an additional minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Now under Mr. Oxley, he did try to amend the rules to regulate Fannie Mae and Freddie Mac, and a bill passed the House in 2005. I voted for it in committee, but opposed it on the floor because it restricted organizations like the Catholic Church from participating in affordable housing. But the bill failed after 2005. The bill to regulate Fannie Mae and Freddie Mac, which passed the House, where I served, it died later on in part because, as Mr.

Oxley has made clear, the Bush administration and he got into a disagreement.

So the Republicans had authority to pass bills on Fannie Mae and Freddie Mac and subprime lending for 12 years and did nothing. We, in 2007 when we came into the majority, very promptly passed a bill to regulate Fannie Mae and Freddie Mac and to regulate subprime lending over consistent Republican opposition.

Mr. SESSIONS. Madam Speaker, you know, two points: first of all, we are sitting here blaming each other. I hope I am not doing that about the past. We were talking about today's bill, the right way to balance what needs to be done now with the understanding that the Fed has already acted, notwithstanding whether the gentleman, Mr. FRANK, thinks that they should have acted or whether the chairman of the Fed should have done something. The bottom line is that the gentleman was right there with him the whole time. "There is no problem. There is no systemic risk." And that was the constant message that we heard from the gentleman, Mr. FRANK, about the same big issue.

But I would like to take issue with one point, and that is Republicans have done nothing. Well, I would like to say that there was Republican-authored legislation called the SAFE Act. And the SAFE Act which created licensing and registration for the mortgage industry was enacted last year.

The Conference of State Bank Supervisors had called ranking member, oh, yes, he is a Republican, SPENCER BACHUS' bill "the most significant mortgage reform in years."

So let's be a little bit clear: Republicans were not here doing nothing. Our friends, the majority party, were offering public comment about what was not going to happen, and the subprime mortgage effort did happen. And now what we are trying to do is work with a set of rules and regulations that have been agreed to by the Fed, well understood, and the industry as well down the line to make sure this October we know what those rules are. And now we are going to have our friends in the majority party to overlay new rules that empower trial lawyers that will narrow choices, lessen credit, and increase costs. There has got to be some balance.

Mr. Speaker, I would argue today that notwithstanding the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) and the gentleman from Texas (Mr. HENSARLING), who has been mentioned a couple of times, have been very active for 6 or 8 years on this issue. Doing nothing would not be an accurate description. Saying that Republicans blocked attempts would not be a correct assertion. But saying that there has been work in the aftermath

to try and do the right thing that is right on target already exists and we don't need to add to that would be equally true also.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first I reiterate, yes, I did say in 2003 I didn't think we had a crisis. As the Bush administration increased the number of subprime loans that it required Fannie Mae and Freddie Mac to take, and as we saw the subprime crisis, I said we did have one and pushed for legislation. But most importantly, the gentleman referred to what is called the SAFE Act. It did not pass as a standing bill. First of all, during the period when the Republicans controlled the House for 12 years, they passed no such legislation. It never even came up in committee. When the Democrats took power, we passed a subprime bill. The provision he is talking about was the section of the subprime bill that was passed over the objection of a majority of the Republicans.

My guess is that the gentleman from Texas probably voted against the bill he has just hailed. We can check the RECORD.

But, yes, there was an amendment offered by the gentleman from Alabama that we worked on. It became a part of the Democratic bill that was passed over the objections of a majority of Republicans, and the gentleman from Alabama was severely criticized by most Republicans for voting for the bill.

The SPEAKER pro tempore (Mr. ROSS). The gentleman's time has expired.

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. FRANK of Massachusetts. During the period of Republican rule, nothing happened. When the Democrats took over, we did pass a subprime bill of which the SAFE Act was a part. It was opposed in final passage by a majority of the Republicans. The author, Mr. BACHUS, was criticized by many Republicans for supporting the bill. And I would be interested in knowing whether the gentleman from Texas voted for the bill which he has just hailed.

Mr. SESSIONS. Mr. Speaker, I am very pleased to engage the gentleman, and I appreciate him doing this. But, Mr. Speaker, my point would be the gentleman is trying to get into a political argument especially about how I may or may not have voted. He supposes I would have voted against the bill because it was a reasonable bill. I think that is what he is trying to say. I don't know how I voted on the bill, this section of the bill, at all.

What I would say to you is that you can't have it both ways. You can't say Republicans did nothing and then say, oh, Republicans, a handful of Republicans did something, but the vast ma-

jority of Republicans voted against it. That is, Mr. Speaker, trying to take what we are attempting to do here today, making public policy wise choices in the open, and by the way, Republicans are for doing this on the floor to talk about every amendment, to talk about the processes, to talk about the expectations of performance, to talk about what we expect the laws to do; and now he is trying to have it both ways to say, I guess it was a Republican idea, but most Republicans opposed it. It was a Republican idea by the ranking member of Financial Services, SPENCER BACHUS, who is a Republican, and who moved forth in those responsibilities an opportunity for something to become law. And it is obvious the gentleman, Mr. FRANK, at the time was willing to engage in that, and that should make all of us feel good.

But I don't think we should turn around later and diminish that effort just because we want to make political points here today. And I don't mind making political points because here are the political points I would make: today we are going to narrow choices, lessen credit, and increase costs for borrowers and taxpayers. We are going to provide at a time when our country should be trying to lessen spending of money, we are going to provide an extra \$140 million for people to go sue in court to overload our courts when resolution should be done by the legislation, but in fact also by the rules that are already provided by the Federal Reserve.

Republicans aren't here just to say no and to come to fight. We are after good public policy. We are after public policy that will work for people and a marketplace so there are lenders in every single community.

This bill that we are here today on will lessen, take away the number of qualified lenders who are available because now the costs are going to go up, fewer consumers will be able to get the loans and will pay more money because now we are going to give from the Federal Government \$140 million to go sue somebody.

Legislation should be about finding a balance. I'm not opposed to remedies. I'm not opposed to courts and people litigating for the right reasons. I am simply not interested in now that it is over, trying to find a way to beat up people when resolution, keeping people in their homes, finding a way for that balance to work.

And today we will give full credit to Mr. FRANK. He wants political credit; let's give him full political credit. All the Democrats will get full political credit today for doing essentially two things: number one, reworking what is already laws that are going to begin in October by the Federal Reserve; and, secondly, we will give you credit for these principles, narrowing choices, lessening credit, and increasing costs

for borrowers and taxpayers. Making it more difficult at a time when America and Americans need the chance to go get a home loan, we are now going to add more rules and regulations to the mortgage industry.

This is exactly where Republicans do draw the line. We are for well-balanced, well-meaning, thoughtful articulation on this floor to make sure we understand what we are doing. We are not for suing people and not for adding costly rules and regulations. The industry has already told us that is exactly what the intended outcome of this bill will be.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK), the chairman of the Committee on Financial Services.

Mr. FRANK of Massachusetts. Mr. Speaker, the record is relevant because when you—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and rules of the House.

The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. FRANK of Massachusetts. Mr. Speaker, as I was saying, the notion that the differences between the parties is irrelevant, I understand why, given the Republican's record, they want to argue this.

The fact is, yes, the gentleman from Alabama had a good idea. He was chairman of the subcommittee during the 12-year period and could have brought it to the floor. But because of the Republican position that no regulation was appropriate, he couldn't do that. The gentleman from Texas said this was a very good idea. I agreed; that's why I supported it.

By the way, the gentleman from Texas voted against the bill, along with two-thirds of the Republicans that embodied it. So we wouldn't have had it if he had carried his way.

But the fact is that for 12 years after the subprime crisis broke, the Republican Party wouldn't allow the gentleman from Alabama, who was then chairman of the subcommittee, to bring his bill up. We did bring the bill up, yes, in a bipartisan way. Unfortunately, the gentleman from Alabama was then criticized by Members of his party on the conservative side and has been forced to withdraw it a little bit.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. PINGREE of Maine. I yield 15 seconds to the gentleman.

Mr. FRANK of Massachusetts. Differences between the parties are relevant. For 12 years, the Republicans wouldn't allow the gentleman from Alabama to bring his bill to the floor.

In our first year, we did and I was glad to work with him, but it was a minority position opposed by the great majority of the Republicans, including the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, I appreciate this one-sided debate about how bad Republicans are, how we did nothing; but I believe the gentleman has already well answered that question and heard it that Republicans in fact have been proactive during this entire time.

Mr. Speaker, I include for the RECORD a letter dated May 5, 2009, from the Mortgage Bankers Association whose title is "Investing in Communities."

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, May 5, 2009.

Hon. NANCY PELOSI,
Speaker of the House, U.S. House of Representatives, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the 2,400 members of the Mortgage Bankers Association (MBA), we are writing with regard to H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, a bill the House is scheduled to consider later this week.

Congress is facing a once-in-a-generation opportunity to improve the mortgage lending process. If carefully crafted, improved regulation is the best path to restoring investor and consumer confidence in the nation's lending and financial markets and assuring the availability and affordability of sustainable mortgage credit for years to come. At the same time, if regulatory solutions are not well conceived, they risk exacerbating the current credit crisis.

While we applaud the comprehensive nature of H.R. 1728, we believe this legislation misses the opportunity to replace the uneven patchwork of state mortgage lending laws with a truly national standard that protects all consumers, regardless of where they live.

MBA is also concerned with the bill's requirement that lenders retain at least five percent of the credit risk presented, by non-qualified mortgages. While this provision was improved by the Financial Services Committee, it will still make it highly problematic for many lenders to operate, particularly smaller non-depositories that lend on lines of credit. It will also necessitate that larger lenders markedly increase their capital requirements. Both results will narrow choices, lessen credit, and force an inefficient use of capital at the worst possible time for our economy.

Finally, MBA believes the bill's definition of "qualified mortgage" is far too limited and will result in the unavailability of sound credit options to many borrowers and the denial of credit to far too many others. We urge the House to expand the definition and to provide a bright line safe harbor so that if creditors act properly, they will not be dogged by lawsuits that increase borrower costs.

MBA would like to commend the House for the priority it has given to reforming our mortgage lending process. It is imperative that we continue to work together to stabilize the markets, help keep families in their homes and strengthen regulation of our industry to prevent future relapses.

Sincerely,

JOHN A. COURSON,
President and Chief
Executive Officer.

DAVID G. KITTLE, CMB
Chairman.

I would like to read from that letter signed by John Courson, president and chief executive officer, and David G. Kittle, chairman, and these are people who are in the business, and they say this bill will "narrow choices, lessen credit, and force an inefficient use of capital at the worst possible time for our economy."

□ 1115

So the argument that I'd make is that evidently the Fed—their rules were not accused of this. They were seen by the industry and by consumer groups as the right thing to do. We're worried about it.

So we'll give the gentleman full credit. The Democrats get full credit for bringing the bill to the floor today. I don't know who's going to vote for it and I don't know who's going to vote against it, but what I will say is let the facts of the case be very evident—narrow choices, lessening credit, and a force of an inefficient use of capital at the worst possible time for our economy.

Republicans are for balance. We are not for and would not support something that would be described by the industry as bad for consumers.

I reserve the balance of my time.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. SESSIONS. I want to thank not only the gentlewoman for extending the time, but also the gentleman, Mr. FRANK, for engaging in this issue.

Mr. Speaker, testifying to the Financial Services Subcommittee on behalf of a coalition of consumers, advocacy groups, and labor organizations from across the country, Margaret Saunders of the National Consumer Law Center, called this bill "convoluted and virtually impossible as a mechanism to solve the current problem." Convoluted and virtually impossible as a mechanism to solve the current problem.

We need to go back to the drawing table and remove many of the political provisions which will only cause further damage in the marketplace. It will further damage a fragile mortgage market that is in need of greater certainty, not more uncertainty.

This afternoon in the Rules Committee, my friends on the other side of the aisle will have an opportunity to allow for quality changes to the underlying legislation, opportunities for Members of this body to hear debate and vote on amendments. I encourage an open rule, which will be an open and honest discussion just like we've had here on the floor today, on the discussions that the House will handle tomorrow.

With respect to the 50-plus amendments to the legislation that were submitted to the Rules Committee yesterday morning, we'd like to see them all

be made in order. Congress has an opportunity to provide for quality, meaningful returns, and to help the current mortgage lending process, and it is my hope that my Democrat colleague friends will allow for that process.

With that, I oppose this rule and look forward to a better rule tomorrow. As always, I think that a better rule tomorrow, an open rule, will yield not only the intended results, but will help the American people to know what we intend to do with this legislation.

I yield back the balance of my time.

Ms. PINGREE of Maine. First, I once again want to thank Mr. MILLER and Mr. WAMP, my colleagues, for their excellent work on this bill, and to Chairman FRANK for his work as well and for being here on the floor with us today for some very lively and important debate that clearly emphasized the importance of this bill, how long we have waited for this reform, and the damage that has been done by not having this reform for this considerable length of time.

By ensuring borrowers only secure loans that they can afford, this legislation will give Americans the best opportunity to purchase and maintain a home.

This legislation is about accountability. It will reward people who play by the rules and guarantee hard consequences for those individuals and institutions that do not. It's good for borrowers, it's good for lenders, and it is very good for our economy as a whole.

I urge a "yes" vote on the previous question, and on the rule.

I yield back the balance of my time, and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1728, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

The SPEAKER pro tempore (Ms. PINGREE of Maine). Pursuant to House Resolution 400 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1728.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from North Carolina (Mr. WATT) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Thank you, Mr. Chairman. I yield myself 5 minutes.

Mr. Chairman, today could easily be a day toward a celebration for myself, as an original cosponsor of this bill, and Mr. MILLER of North Carolina, my colleague, who also is an original cosponsor of this bill, perhaps leading to a celebration of final passage.

But I approach this day with two rather major concerns about celebrating. First of all, I approach it asking: What if 6 years ago we had passed the legislation that Mr. MILLER and I proposed to the House of Representatives at that time? Isn't it likely that the major meltdown in our credit system would not have occurred, and there's the prospect that had that not occurred, the major economic crisis in which our country finds itself now, trying to dig our way out, may also have been avoided.

So the decisions that we make have consequences. They have had consequences to our credit markets and they have consequences going forward, and have had consequences to our economy.

So this is not a day for celebration. If we pass the bill and the Senate passes the bill and it gets signed into law, we will always wonder what if we had done this when we originally brought forward the bill and dealt with the issue when it should have been dealt with.

Second, my observation is that this has been a very difficult and delicate bill to balance because we have tried to, on the one hand, not to dry up the credit—the money that is out there to be in the market for lenders to make loans to potential homeowners and to current homeowners to refinance while, at the same time, cutting back on the abuses that took place in the marketplace that led to the credit crisis and the economic meltdown that I just described.

Balancing those two interests has been difficult and, unfortunately, those interests were balanced inappropriately in the past because credit obvi-

ously was made too readily available to too many people who could not afford to pay it back, who are now in foreclosure proceedings, now in bankruptcies, and we are seeing the negative consequences of an unrestrained market.

So, obviously, the balance was not drawn appropriately in the past, and now we face the argument from a number of my colleagues that, "Well, we can just leave this alone and let the market take care of itself and we shouldn't be doing anything." We're going to hear those arguments throughout today's general debate and, no doubt, on tomorrow when we start dealing with the amendment process.

That's a laissez-faire attitude that I would remind my colleagues is the same laissez-faire attitude that we faced 6 years ago when we first introduced this bill which, I would suggest to you, if we had acted then, we wouldn't be here.

I reserve the balance of my time.

Mr. NEUGEBAUER. I think we will have a good debate today because it is not about not doing nothing, but it's about a difference of opinion of what the right thing to do is, because that's really, bottom line, what the American people want us to do.

They want to have a good mortgage and they want the right to have a mortgage that works for them. I think that the Republicans will articulate that we want them to have those choices.

It is now my pleasure to yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman. A day of celebration for this bill? I don't think so. The gentleman from the other side of the aisle indicated that we are going to be advocating laissez-faire and do-nothing reform. I don't think so as well. And if you look back at the track record at committee, our side of the aisle, Republicans offered a number of amendments time and time again to try to improve this bill incrementally.

If I remember correctly, the chairman and yourself voted against every single one of those amendments which would have improved that bill.

Today is a day of uncertainty. It's uncertainty for the American family; the American worker, who can't pay their bills, uncertain whether they're going to pay their mortgage or their rent. They're uncertain whether they're going to have a job next week.

It's a day of uncertainty for small businesses, whether they're going to be able to make payroll. It's uncertainty for the American public as they look at the wanton spending and debt that's coming out of this Capitol of Washington, D.C.

It's a day of uncertainty for investors and Wall Street and business as they look at the rules being changed con-

stantly, almost on a weekly basis, and they don't even know which way to go. And so they don't invest, they don't try to grow the economy, and that's why we're continuing with the recession that we're in right now.

This underlying bill has a number of flaws in it. It has the right intent, and that's why we tried to amend it and make it better. But the flaws are egregious, and that's why I cannot support it.

The idea, for example, that banks should have skin in the game is something that we all agree on. How they're doing in it the bill, unfortunately, is problematic in two areas: First of all, that the rules constantly change even as we go forward in the bill itself; secondly, the point that the language in the bill basically says that the other side of the aisle, the Democrats, don't care that they effectively would be crowding out part of the market that we need to grow.

The small banks who may not be able to retain such a large portion on their balance sheet. They even testified in committee to that effect, that they don't know how this would apply to them and whether or not they might not be able to offer as many loans as they did in the past.

So point two was that we have heard testimony that language like this would make it harder for people to get home loans and refinance. The first point was that it's changing the rules constantly.

In the original draft of the bill, you said that we should set it all out in detail, that we should have 5 percent skin in the game and other criteria that was in there. But, at the last minute, they change it and say, "No. Maybe under certain circumstances the regulators can change that."

Well, which is it? Wall Street, the investors want to know which way we're going to go. Is it this parameter or that parameter? That's, again, why our side of the aisle, as the ranking member indicated, we didn't have "no ideas," or "no solutions"; we had a solution to it.

A number of us said let's strike that language. Let's turn it to the regulators. Let's actually do a little study here and see whether or not if we do these things, as some of us suggest, might actually do more harm than good.

Not only as we suggest, but some of the experts suggested as well. As a matter of fact, the Fed basically said there would be unforeseen consequences if we go through with some of the language that we have in here.

So it's not just this side of the aisle. It's not just us. It's the experts and Fed that say this bill is problematic and can cause real harm to the problem and the economy going forward.

Mr. WATT. Mr. Chairman, I yield 5 minutes to the lead sponsor of this bill,

the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. The financial industry's explanation for our financial crisis is it was a weird, unpredictable combination of forces, this perfect storm of macroeconomic forces that no one could have seen coming. Who could have known that all this would happen is the way that many economists mock that argument.

Mr. Chairman, I don't claim that I saw the whole financial crisis coming. I didn't know that these mortgages and subprime mortgages made in 2004 and 2006 would be as toxic as they have proven to be for the financial industry. But I knew that they were going to be toxic for homeowners, and I thought that was reason enough to do something.

In 2003, I introduced legislation that would have prohibited many of the practices that have led us to where we are. Mr. WATT joined me then. Two years later, we introduced it again as Miller-Watt-Frank.

So, yes, many on this side of the aisle have been worried about trying to do something about the toxic loans for a long time, perhaps not to protect Wall Street—it's pretty remarkable to hear the minority still defending or worrying about the poor, poor pitiful boys on Wall Street—but to protect consumers, to protect homeowners.

We know what caused this crisis. We know what was in the loans in 2004 to 2006. Subprime loans went in 2003 from being 8 percent of all mortgage loans to 28 percent in 2006. Many people should never have gotten any loan. They didn't qualify for any loan.

Actually, a clear majority of the people who got subprime loans, qualified for prime loans. They put their trust in the wrong person, and their trust was betrayed. Ninety percent of those loans had an adjustable rate, with a quick adjustment after just 2 or 3 years. They were 2/28s or 3/27s.

Typically, the teaser rate hovered around prime. It wasn't much of a bargain in the first place and, in many cases, was above prime, and then would go up with an average typical monthly increase in payment of 30 to 50 percent.

Seventy percent had prepayment penalties locking the borrowers in, 70 percent were originated by brokers that the borrowers thought were looking after their interest. There was a grotesque asymmetry of information. That's what economists call it. What it means is the lenders were writing all the fine print. Their lawyers wrote all that they gave the borrowers to sign and then the borrowers were stuck with it.

They were counting on someone who was actually being paid, the broker who was being paid by the lenders, to get them the worst loan possible, while they were telling the borrowers they're trying to find for them the best loan possible.

Now, throughout that period, we heard the same arguments then that we are still hearing after all that has happened. We're still hearing from the minority in opposition to this bill that all those terms that may look predatory were actually justifiably required to make loans available to people who otherwise would not qualify, to make homeownership available.

This is financial innovation. This is the market at its best. We should celebrate. And we know what really happened during that period.

Americans have heard a great deal about the vulgar compensation on Wall Street in the financial industry: the pay and the bonuses and all the perks, the million dollar-plus redecorations of the CEO offices, the corporate jets, and all the rest. Even after all of that, more than 40 percent of corporate profits in America were in the financial industry.

Mr. Chairman, their margins weren't really that tight. They really didn't have to put all those terms in mortgages in order to make them. The terms that appear predatory on their face really were predatory. They were not about making loans available to people who otherwise couldn't get credit. They were about making as much money as they could as quickly as they could make it.

We still hear the same arguments, the same parroted arguments from a discredited industry we have heard for years. We have heard letters from the mortgage bankers held up and read aloud as if they were brought down on stone tablets from Mount Sinai. We have heard the concerns of the Wall Street boys. Like everybody in America still believes what they have to say.

It is very clear that the members of the minority's view of the role of government is that government should hold the American people while industry goes through their pockets.

The mortgages that got us in this mess were shameful. It is shameful that this Congress, that this government ever allowed those mortgages to happen. This bill will begin to put an end to it, to make sure it never happens again. It limits the upfront costs that strip equity from mortgages. It prohibits a prepayment penalty that traps people in bad mortgages so they couldn't get out of them. It forbids compensation to brokers that creates the conflict of interest that many brokers betrayed the trust of borrowers.

The CHAIR. The time of the gentleman has expired.

Mr. WATT. I yield the gentleman an additional 2 minutes.

Mr. MILLER of North Carolina. The arguments on the other side remain the same that they have been: "Oh, this will narrow choices for consumers," like they are really protecting the rights of consumers to pick mortgages like that. Like borrowers

came into brokers or mortgage companies and said, "You know, can you get me an adjustable rate loan that goes up after 2 or 3 years and the monthly payment goes up 30 to 40 percent, with a prepayment penalty so it's harder for me to get out and have to pay something to get out, with an initial rate that's probably only about prime in the first place? And because I'm paying more at a higher interest rate than I qualify for, how about paying some extra money to the broker?"

Mr. Chairman, no one asked for these loans. They were duped into taking these loans.

Ned Gramlich, a member of the Federal Reserve Board's Board of Governors said that, "For all its work, subprime lending actually made sense and helped people get loans, but the practices were indefensible." He asked the rhetorical question, "Why is it that the most complicated loans, the most complex loan terms, end up in loans to the most unsophisticated borrowers?"

□ 1130

He said the question answers itself: They were duped into taking these mortgages. This bill will keep that from happening again. It should never have happened before. This will keep it from happening again.

Mr. NEUGEBAUER. Mr. Chairman, it is my pleasure now to yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), who has been a strong advocate of making sure that Americans have plenty of opportunities and plenty of choices when they look at their financial products.

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is a very, very serious topic. Unfortunately, it is being addressed with a very, very disappointing bill.

I heard several of my colleagues on the other side of the aisle say this is all about protecting consumers. It is a piece of legislation, Mr. Chairman, which will protect them right out of their homes. I don't think that is the type of protection that the consumers or America are looking for.

What this bill will do, if this Chamber passes this and ultimately if it is signed into law, it means the Federal Government will functionally be taking away homeownership opportunities from the American people. It will cause an increase in interest rates for people as they seek to either buy a home or keep the homes they have. It changes the rules to where once again those who follow the rules will end up having to bail out those who do not.

Now, in the previous debate on the rule I heard the distinguished chairman of the full committee and others give us a history lesson about the cause, and it is important to learn the lessons of history. They were a whole lot less focused upon how this bill will impact the future.

But if we actually look at our history lesson, there is no cause that looms larger—looms larger—in the mortgage crisis meltdown than the abuses of the government-sponsored enterprises, Fannie and Freddie, where government gave them a functional monopoly to go out, make profits that could not be achieved in a competitive market, and told them to finance loans to people who could not afford them.

The demand for the subprime mortgage skyrocketed when Fannie and Freddie, the government-sponsored enterprises, demanded them. Many on the other side of the aisle wanted to roll the dice. Yes, the dice were rolled, and the American people lost.

This is called the Mortgage Reform and Anti-Predatory Lending Act. There can be no mortgage reform, Mr. Chairman, without reforming Fannie and Freddie. And for those who claim that this has already been accomplished, well, now that they have been effectively nationalized, when their market share of new mortgages has gone from 50 percent to almost 90 percent, when the taxpayers are on the hook for hundreds and hundreds and hundreds of billions of dollars, which makes the bailout of AIG look cheap, I don't think this is reform, Mr. Chairman.

With respect to the title of "anti-predatory lending," the bill is almost completely silent on predatory borrowing. How can we take this as a serious piece of legislation, when we know that FinCEN, the Financial Crimes Enforcement Network, has said that over half of the mortgage fraud took place with borrowers, those who lied about their income, they lied about their wealth, they lied about their occupancy; yet, the bill is almost completely silent. It only says, oh, by the way, if you are caught defrauding your lender, we are not going to allow you to sue him.

Otherwise, there is a complete explosion of liability exposure on the lender side. And we know what happens in lawsuit abuse, Mr. Chairman. It gets poked into the price of every single mortgage. People will pay higher mortgages.

Right now, the plaintiffs' trial attorneys, I have no doubt, are licking their chops over this legislation. We have such nebulous terms as "net tangible benefit," "reasonable ability to repay." Well, what is the net tangible benefit? If somebody wants to refinance their home and update their kitchen, is that a net tangible benefit? Maybe it is. How about if they want to refinance their home to put in a swimming pool? Is that not a net tangible benefit?

If there is somebody on the other side of the aisle who would answer those questions, I would be happy to yield time.

Well, seeing none, I think that buttresses my point, Mr. Chairman, that nobody knows how to define these terms.

So, ultimately what we are going to have are fewer mortgages being made. This is Uncle Sam telling you, with a couple of exceptions, if you can't qualify for a 30-year fixed mortgage, then we are going to deny you the homeownership opportunity in America, because we are smarter than you. We know better than you. We have to protect you from yourself.

If we want true protection, we need effective disclosure. Mortgage fraud needs to be treated equally on the borrower's side and the lender's side. And at a time of a national credit crisis, we need to be finding ways to help the American families with more credit for their needs, not less.

This bill needs to be rejected.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I hope folks are watching and listening. We had a debate on credit cards. You heard the debate last week. Now you know who is on the side of the consumer and who is dealing in gibberish.

Secondly, we have a debate today on the Anti-Predatory Lending Act. There is no doubt about this. To insinuate that the primary problem is with those who borrow the money is outlandish and cannot be backed up with any data whatsoever. So I rise in strong support of H.R. 1728, which would curb the abusive and predatory lending that led directly to the subprime mortgage crisis and the recession we now face.

I want to thank Chairman FRANK for his hard work on this legislation. In my county of Passaic, New Jersey, one out of every 21 homes is in foreclosure.

□ 1145

In my hometown of Paterson, New Jersey, 2,700 mortgages are currently in default; that is one out of seven. And to hear the other side—or many on the other side, that is—is outlandish. You cannot support what you're talking about. My district office receives dozens of calls every day from my constituents who cannot pay their skyrocketing mortgages and fear imminent eviction.

For years, as the housing bubble grew, unscrupulous brokers, in a quest for higher commissions and higher profits, preyed on the American Dream of homeowners by signing borrowers, many of them unqualified, up for risky, adjustable rate, subprime mortgages. That is what we are talking about today. That is what we are going to correct.

Subprime, high-interest and high-fee mortgage lending grew from 8 percent of the total mortgage lending in 2003 to 28 percent in 2006. Additionally, of the subprime mortgages originating in just 2004 to 2006—

The CHAIR. The gentleman's time has expired.

Mr. WATT. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL.—in those 2 years, Mr. Chairman, 90 percent came with an exploding adjustable interest rate. How do you blame that on the borrowers? Seventy percent came with a prepayment penalty. How can you blame that on the borrowers? Seventy-five percent included no escrow for taxes and insurance, and over 40 percent were approved without fully documented income. They didn't ask it. They didn't even ask it. They are responsible to lenders.

By 2007, according to the Joint Economic Committee, these subprime mortgages were being foreclosed at the rate of 10 times more than fixed rate mortgages.

I hope we support this legislation, Mr. Chairman.

Mr. NEUGEBAUER. Mr. Chairman, it is my honor now to yield 3 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Chairman, this bill today has the word "reform" in it, the Mortgage "Reform" Act; but unfortunately, the reform that it is proposing would only further hurt the housing market and leave aspiring homebuyers with less choice, ultimately keeping them out of a new home. In short, this bill will do more harm than good.

Rather than helping revive the economy, this bill will tie the hands of mortgage lenders and will do nothing to jump-start a flailing housing market. How can we expect more people to purchase more homes when we make it harder for them to get the mortgages that they need?

Mr. Chairman, at a recent committee hearing on this bill I asked that very question to the director of consumer affairs at the Federal Reserve and also of the commissioner of banks for the Commonwealth of Massachusetts. Both of these expert testifiers said verbatim, they said unequivocally, that this legislation would in fact reduce the number of mortgages that are available to consumers.

It is time for Congress to do a much better job of considering any unintended consequences of the legislation that it passes. That is why I offered an amendment to this bill that would require the Comptroller General to study the effect that this legislation will certainly have on the financial institutions that provide mortgages.

But the reality is, this legislation here today, it still has too many problems. And the bill will now open up even safe mortgages to litigation by trial lawyers and activist groups. And now hardworking people that want to own a new home are going to have to pay the price in the form of higher mortgage interest rates. So this bill not only gives more opportunities for trial lawyers, it in fact is going to use

taxpayer money to subsidize those lawsuits, about \$140 million of taxpayer money subsidizing lawsuits.

Finally, this bill is called the Mortgage Reform bill, yet it contains no reform of Freddie Mac or Fannie Mae, which have left the taxpayers on the hook for billions and billions and billions of dollars because of bad mortgage underwriting practices.

We should oppose this legislation. We should get it right. We should do nothing that is going to hurt the availability of mortgages, especially to first-time homebuyers. And hopefully we will move in a direction that is going to help not increase costs, but also make credit more available. So I would urge opposition to the bill.

Mr. WATT. Mr. Chairman, I reserve the balance of my time in an effort to equalize the time.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself 3 minutes.

The example I would use here today, imagine taking your car to the repair shop and saying, you know, my car is not running very well, it is running rough. And immediately the service attendant reaches over, pulls up your hood, and starts taking the engine out. And you stop and you say, wait a minute, what are you doing? And they say we are going to put a new engine in, you said your engine wasn't running correctly. That is before we did any diagnostic work to maybe determine whether it needed new spark plugs, or maybe it needed a new valve, or something like that.

And, really, we have started down a road here. We have had one of the most robust housing finance systems in the world. It has been the envy of the world. It has allowed record levels of homeownership for American families. Yes, it is running a little rough right now and we will need to get to the bottom of that, we need to diagnose what those problems are. The Federal Reserve is going down that road; they have promulgated some new rules. We have said that now people who are going to originate mortgages are going to have to be registered.

But the problem here is that my friends are going down the road here without really determining all the places in the engine that could be causing the engine not to run correctly, they want to put a new engine in there—an untested engine.

Quite honestly, I spent a number of years in the housing business. I built houses, I made mortgage loans, I have borrowed money, I have originated mortgages. And one of the things I know is that not every mortgage fits every situation. A lot of people were able to enjoy the American Dream because they were able to get a mortgage tailored to their financial needs. What this bill does is says, you know what, the government is going to tell you what kind of mortgage you get. And if

you don't take the government mortgage, it might not allow you to get the house that you want. It is like, not only is the government going to put a new engine in your car, but, by the way, the government says, scoot over, now we are going to drive.

We have seen, in the last few months, a major government intervention into financial markets, into automobile companies, into insurance companies. Last week, we saw that the Federal Government is going to tell you what kind of credit card you get to have now. And now my colleagues on the other side want to tell you what kind of mortgage you get, which is going to tell you what kind of house you get. That is not the American Dream; that's the Government Dream. Quite honestly, my colleagues are dreaming if they think this is not going to increase the cost of mortgages for families all across the country.

And you know what happens when you increase the cost of the mortgage? It reduces the affordability for those American families. That means many of them have to buy smaller houses, or, in some cases, many people are priced out of the housing market because they can't get the mortgage that meets their needs.

Let's let the American people have a choice to do that. Let's stop and look and give the regulatory measures that have already been proposed by the Federal Reserve time to work. And let's make sure that we are fixing the things that are broken before we throw out the whole engine and leave Americans without the ability to be able to have affordable mortgages and afford the American Dream.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield 3 minutes to the Chair of the Capital Markets Subcommittee of Financial Services, the subcommittee that has responsibility for making sure that there is money available, the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I rise in support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act. This bill aims to significantly reform mortgage lending and better protect borrowers. I have worked on these issues for some time.

On that point, listening to the little debate before me, I am just absolutely amazed. Apparently, my friends on the other side of the aisle think we are rushing to judgment here and acting precipitously on a bill that is not quite ready to be completed or concluded. I would like to call their attention to the record.

I held hearings in the Poconos, in my congressional district, on predatory lending more than 5 years ago. We came back and prepared legislation—I may say bipartisan legislation—in

predatory lending 4 years ago. It didn't succeed in passing, but in 2007, we put together and introduced another piece of legislation, a predatory lending bill, that encompasses many of the issues that are encompassed in this bill. That failed to get any action in the Senate, but did pass the House.

I don't know how long we want to wait, in all honesty, on packaging and passing a new mortgage reform and antipredatory lending bill. Yes, we will stop too many loans that are bad from being made. Yes, we will discourage forms of loans that have caused us trouble in our system and have almost brought down our system. This is the beginning of many things that are necessary for this Congress to do to straighten out the economic woes of this country.

The predatory lending problems that we have encountered in my State of Pennsylvania convinced me that we need to update the Federal law, and they convince me of that fact today. I, therefore, previously introduced legislation and have participated. And today, I would like to focus my comments on that part of the bill that is taken from a bill that I prepared over the last 7 years, and that is primarily the appraisal package of this bill.

For the first time, we have established real standards. For the first time, we have geared up and provided payoff statements, we have provided information to the purchaser and to the entire market—and most of all to the lender—that we are not going to have favorite appraisers, we are not going to have preselected appraisers, we are going to have honest, independent appraisers. That is what this bill calls for.

I think that if you take the bill in its entirety—and none of us, including myself, agree with every element or every part of the bill, some of it is quite onerous, quite frankly, but the fact of the matter is what we have done here today for the first time is create a bill that those of us that do not want predatory lending in this country, who want to have fair and honest mortgaging in this country, and want to attend to the economic problems of this country should adopt and pass this bill.

Mr. NEUGEBAUER. Mr. Chairman, it is my pleasure now to yield 5 minutes to the ranking member of the full committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, and Members of the body, this discussion is a discussion that has been going on for 5 or 6 years. In fact, it predates that.

In 1999, this body discussed the fact that Freddie and Fannie were being pushed into making loans without a down payment. And the New York Times, in an article in September, 1999, actually quoted Peter Wallison as saying that you are not requiring a down payment, and now the Clinton administration is pushing Freddie and Fannie

to lower the credit standards. And he makes the statement in there that, if they fail, the government will have to step in and bail them out the way it stepped up and bailed out the thrift industry. In 2005, I made another statement that some people considered wild-eyed, and I said that if we don't reform the subprime lending market, we are going to have a similar situation that we faced with subprime lending.

Mr. KANJORSKI, listening to him reminded me that he and I pretty much, I thought, put together a bill—or he said bipartisan legislation, what he was talking about is, we were drafting it, and Chairman FRANK was working on it. And I actually made the statement in 2005, and I will read my statement: "Uniform standards in the marketplace are essential if the primary and secondary markets are to continue to serve as a vital source of liquidity to make mortgages available to homebuyers with less than perfect credit. I am committed to finding ways to end predatory lending while also preserving and promoting access for all homeowners to affordable credit." That was in May of 2005.

Chairman FRANK said—and I think said accurately—earlier on the floor that he and I came awfully close to a consensus in 2005 for a bill. I don't, quite frankly, know what happened. I am reading a Charlotte Observer statement, and I know Mr. MILLER was concerned about putting some things in the bill that even some Democrat legislators objected to and I felt would limit access to credit. It is striking that I look at this House bill, 1728, and I will say this, Mr. MILLER and Mr. WATT, this is essentially what you were advocating back in 2005. But at that time, I thought there was a bipartisan feeling—that I actually submitted in draft form—that didn't contain some of these things. Because I really sincerely believe that you will eliminate many worthy borrowers with this legislation because it is almost a one-size-fits-all.

□ 1200

There's going to be a lot of loans that could be made and people could buy a home, and that's a delicate balance. That's a balance we obviously violated throughout the 1990s by putting people in homes that shouldn't be there. And Mr. MILLER, I think, and Mr. WATT have argued that if they have to pay a certain price, it just won't work, and many of my Republican colleagues agree to that. And as I said, I submitted draft legislation for consideration, but we couldn't get there.

If you will recall, the other body said they were not going to take a provision on securitization. They weren't going to take it. And here we are today, 4 years later, and we all agree that there needs to be skin in the game, but this legislation before us is not the legislation that Mr. KANJORSKI has talked

about that I was ready to move in 2005 or 2006, that Mr. FRANK talked about, and it was essentially the legislation of Mr. WATT. I believe it was wrong then; I believe it's wrong now.

The Acting CHAIR (Mr. PASTOR of Arizona). The time of the gentleman has expired.

Mr. NEUGEBAUER. I yield the gentleman an additional minute.

Mr. BACHUS. Let me tell you what I believe, and I believe Mr. WATT and Mr. MILLER are sincere. According to the Charlotte Observer, we were close to an agreement. I have no idea what happened.

But let's talk about today. Let's talk about today, and let's assume and I assume, and I think I'm right, that we have all been very concerned about this. The legislation today, I think all the testimony in the hearings has been that poor origination standards plagued the mortgage industry and we need origination reform. We did something last year. We started proposing in 2005 registration of all brokers.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. NEUGEBAUER. I yield the gentleman an additional 2 minutes.

Mr. BACHUS. To register all mortgage originators, and that has been a tremendous success. We have got a lot of people committing fraud in starting those loans, and I think we are putting an end to that through legislation.

We need to work on something else, and I think we all agree. I have an amendment that I'm going to the Rules Committee to propose, and I think there are some Democratic amendments. There are now people coming in and promising people they'll work out these foreclosures, and they are defrauding people who are actually going through a foreclosure, which is outrageous; and this bill needs a strong provision on that.

But here's what it doesn't do: Chairman FRANK and I supported in the last Congress H.R. 3915. Look at that bill and look at this bill. That included licensing and registration of originators as the first title. That's what I had proposed. The Senator from California proposed a similar thing and introduced it in the Senate. I introduced it in the House. That's now passed. It was approved by a large bipartisan majority.

But H.R. 1728, the bill before us, it strikes a far different balance, and I believe it's one that will undermine the mortgage market at the worst possible time. We are just starting to see preliminary signs of a possible housing recovery. Look at the numbers. Loans are being made. But H.R. 1728, the bill before us, it lacks clarity needed to provide, I think, meaningful protection to consumers. That was the testimony in the hearings from a coalition of consumer advocacy groups and labor groups. It manages to punish both re-

sponsible industry participants and worthy borrowers at the same time.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. NEUGEBAUER. I yield the gentleman an additional minute.

Mr. BACHUS. I am going to go fairly quickly, Mr. Chairman.

Rather than focusing on basic underwriting standards we were doing in 2005 and 2006 and in Chairman FRANK's bill last year, we are not doing that anymore. Now, part of that is the Federal Reserve has adopted comprehensive antipredatory lending regulations. Mr. GARRETT mentioned that. And those are going forward, and it's almost like this bill doesn't realize what has happened over the last year or two. It will expose the mortgage financial industry to substantial litigation risk. There was plenty of testimony on that. The cost of these inevitable lawsuits are going to be passed on to consumers.

I actually proposed in my draft an individual right of action if people violated the standards that we were close to agreeing to. Many lenders have said they'll stop offering certain mortgage products that people are taking now. They're successful in paying them back.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. NEUGEBAUER. I yield the gentleman an additional 1 minute.

Mr. BACHUS. Consumer advocates, Federal regulators, Members on both sides of the aisle expressed reservation on the bill before us. Margot Saunders, and I'm going to quote here again, National Consumer Law Center, we worked with her, the gentleman from North Carolina and I, on trying to fashion a bill. She was for the bill last year. She says that this bill is "convoluted and virtually impossible as a mechanism to solve the current problem." Now, she was testifying on behalf of a coalition of consumer advocacy groups.

The administration is working out a plan right now to resolve troubled mortgages, and we shouldn't make it more difficult for worthy borrowers to get home loans while they're doing that. A "yes" vote will do exactly that. It will raise the cost of mortgage credit, limit the availability to millions of Americans. It won't give the certainty that our mortgage market needs. It's poorly crafted and ill defined.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding to me.

Mr. Chairman, I rise today in strong support of the Mortgage Reform and Anti-Predatory Lending Act.

According to a recent report, foreclosures in Chicago doubled from 2006 to 2008 and continue today. It was Chicago's 50th Ward, a solidly middle class community where I grew up, that saw

the highest increases in foreclosures, 360 percent in just 2 years.

When most people walk into a mortgage closing, they bring with them the hopes and dreams of their futures and those of their children and the full intention of being responsible homeowners. But actions by unscrupulous and downright predatory lenders put many Americans into loans that they couldn't afford, and the consequences are clear.

This bill offers protections for homebuyers that are long overdue. I'm one of many to have worked for years on this issue, including our late and beloved Stephanie Tubbs Jones. We wrote legislation that would stop predatory lending in the mortgage industry, including requiring certification of brokers and enactment of basic consumer protections. And this critical bill builds on those efforts to create standards for lenders and mortgagors.

I'm also pleased that this measure includes Mr. ELLISON's bill to provide additional protection for tenants of foreclosed property. The foreclosure crisis for renters has been mostly a hidden consequence, but in States like Illinois, New York, Nevada, foreclosures on rental properties have represented nearly half of all foreclosures, uprooting families and wreaking havoc on communities.

I want to thank Chairman FRANK and Mr. WATT and Mr. MILLER, and I urge all my colleagues to support swift passage of this measure.

Mr. NEUGEBAUER. Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois, a member of the committee, (Ms. BEAN).

Ms. BEAN. I thank the gentleman for yielding.

Mr. Chairman, I rise today to urge my colleagues to support H.R. 1728.

As an original cosponsor, I want to commend Chairman FRANK for his leadership and also thank Mr. WATT for working with Congressman CASTLE and me to refine the qualified mortgage safe harbor to ensure that traditionally safe, stable loans are included.

Today's bill follows up on the important work this House did early last Congress. Unfortunately, despite the strong bipartisan support of that bill, the Senate failed to act. I am hopeful that this year's bill will more swiftly move through the Senate and to the President's desk for signing into law.

H.R. 1728 brings mortgage lending back to reality. It will ensure that mortgages are fully underwritten, income is properly documented, and borrowers have the ability to make their payments.

The subprime mortgage crisis that we continue to deal with today wouldn't have happened if we had not relaxed bedrock principles of sound lending and underwriting. The bill re-

quires lenders to keep some skin in the game for the loans they originate by requiring them to retain 5 percent of the loan value when they seek to securitize a mortgage in the secondary market. This concept of risk retention was endorsed by the New Dem Coalition as part of our Reg Reform Principles in February of this year, and we're pleased to see it included in the bill.

I'm also pleased that it maintains a provision I wrote last Congress regarding the disclosure of negative amortization loans. Negative amortization occurs when unpaid interest gets added to the principal balance of a loan. Some borrowers enter into products with negative amortization not realizing that they're adding to the cost of their mortgage each month instead of paying principal down. The underlying bill requires lenders to disclose to borrowers if their loans allow the practice and requires credit counseling from a HUD-certified credit counseling agency for first-time borrowers considering such a loan.

All of our constituents want better consumer protections and simpler disclosure of mortgage terms. They want homeownership to mean qualified borrowers make their payments, build equity, and keep their homes.

I urge my colleagues to support it.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I don't think that there's any disagreement in this House, and certainly not on our side, that predatory lending is bad, and we have taken steps to do that. The Fed has taken steps to do that. We want to make sure that people have the right choice of mortgage to be able to take a mortgage out that allows them to own a home.

The problem with this bill is that it really starts to mess up the conduit of how mortgages are made. And a little bit of history on that is a mortgage is made in your local bank or a mortgage banking company. It is then sold into the secondary market. Investors buy those mortgages so that those banks and mortgage companies can originate more loans, and that's how we have built this great housing market in this country.

What this bill does is it begins to put liability and uncertainty at a time there's already a tremendous amount of uncertainty in the secondary market. In fact, the secondary market in this country right now is shut down because of uncertainty, and now we want to dump a whole bunch or more of contingent liability and uncertainty on the secondary market to the point where I'm not sure whether we'll ever be able to start that engine.

So what I think what our colleagues are trying to do is to say somehow that Republicans are not against the predatory lending. Of course we're against

predatory lending, and steps have been taken. But what we are for is making sure that there is a mortgage market left when this all blows over. Yes, the market has had a hiccup and people are now trying to ascertain what the new rules are going to be. They've seen the government take over banks and get involved in all kinds of businesses. So there is a lot of uncertainty out there. And the question is, was a lot of this a lack of oversight or was it a lack of a bunch of regulations? I would submit in many cases this was a case where there was not appropriate oversight.

The Acting CHAIR. The time of the gentleman has expired.

Mr. NEUGEBAUER. I yield myself an additional minute.

□ 1215

And so now worse, because before we really check and see whether the oversight was being done appropriately, we are going to dump a bunch of regulation on the marketplace, the very fragile marketplace, financial marketplace right now, which was the source of funds for mortgages that allowed many people to have homes.

Now, some of these loans, quote, that were subprime, were not all predatory. And I think one of the things that we have done, we have lumped two things in there. Some of those subprime loans were not to normal underwriting standards but they were tailored so that that person could buy a home. You know what, Mr. Chairman, a number of those people still are in those homes and making those payments.

And now we are going to take this category of a broad blanket, of throwing the big blanket over the whole mortgage market and saying, you know, it was predatory. But that's not the case.

We ought to take thoughtful consideration about what we are doing to this secondary market because we are going to dry up mortgage funds for American families.

I reserve the balance of my time.

Mr. WATT. Mr. Chairman, would you advise how much time remains on each side.

The Acting CHAIR. The gentleman from North Carolina has 9 minutes, and the gentleman from Texas has 3 minutes.

Mr. WATT. Mr. Chairman, I yield 2 minutes to a valued member of the Committee on Financial Services who has been involved in the process throughout, Mr. AL GREEN of Texas.

Mr. AL GREEN of Texas. I thank the chairpersons for the stellar job that they have done. I especially thank you, Mr. FRANK, for the fine work that you have done in leading us.

Mr. Chairman, this is not just a good deal, it really is a great piece of legislation. Because after the exotic products that were placed in the marketplace—3/27s, 3 years of fixed rates, 27

years of variable rates, 2/28s, prepayment penalties that coincided with teaser rates—after these exotic products, this bill is necessary. This bill addresses these exotic products. It makes sure that lenders are making loans to people who can afford the loans, they can afford to pay the loans back. A relationship between borrower and lender was fractured.

This bill seeks to restore that relationship, but it does something else that is exceedingly important, and it was mentioned very briefly. It addresses the concerns of people who are paying their rent. Their rent is paid and they find themselves being evicted because the property they are living in is being foreclosed on.

The foreclosure was no fault of the tenant, yet the tenant now has to move away from the school that the child attends. They have to move from the job where they work, the community that they reside in, simply because the owner was foreclosed on, and the tenant did not have anything to do with the foreclosure.

This bill addresses it. It gives either a fair amount of notice or it allows the tenant to continue with the lease that has been in place. This is a good piece of legislation.

I am going to ask that all of my colleagues please support it. Mr. WATT, I thank you for the fine job you have done. Chairwoman WATERS, I thank you for the fine job that you have done. I beg that that legislation pass.

Mr. NEUGEBAUER. I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentlelady from California, chairwoman of the Housing Subcommittee of Financial Services, Ms. WATERS.

Ms. WATERS. Mr. Chairman, I rise today in strong support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act of 2009. I would like to thank Financial Services Committee Chairman BARNEY FRANK for his commitment to bringing this legislation to the House floor.

I would also like to recognize the leadership of Representative MEL WATT and Representative BRAD MILLER, who wrote this bill and who have been working towards reform of predatory lending practices since the last Congress.

I am especially appreciative for them working on concerns that I had about prepayment penalties and the way that they have resolved them, targeting the subprime market and phasing out those even in the prime market.

I am also appreciative for the work that they have done scaling back on any State preemption that was in the bill.

My California attorney general now supports the bill, and we are very appreciative for that.

This bill before us today will ensure that the subprime meltdown, which is

causing 6,600 foreclosures each day, reducing the property values of 73 million homeowners, strangling the credit markets and crippling our largest financial institutions, will not happen again.

First, H.R. 1728 would ban the abusive compensation structures, such as yield-spread premiums, that create conflicts of interest or award originators that steer borrowers into loans that are not in their best interest. This protection is needed because many struggling homeowners, especially minority or low-income homeowners, were intentionally steered into high-cost mortgages by unscrupulous lenders and mortgage brokers.

Second, H.R. 1728 would require loan originators to hold at least 5 percent of the credit risk of each loan that is later sold or securitized by requiring lenders to have "skin in the game."

H.R. 1728 is a good bill. I would ask my colleagues to support this legislation.

Mr. NEUGEBAUER. It is my pleasure to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Chairman, I would like to thank Chairman FRANK and my colleagues from both sides of the aisle for working with me on this bill to improve it.

Too many Americans are losing their homes. Some fell victim to unscrupulous practices and fraudsters. Some got into a loan they couldn't afford, and others are subject to traditional reasons for foreclosure. But this bill attempts to get at some of the root causes of these nontraditional reasons homeowners get into trouble, but by no means is it a finished product.

For example, regulators testified that they don't know how the risk retention or "skin in the game" provision would work, so I think this provision needs to be better understood before becoming law. Also needing work is a provision that classifies new kinds of mortgages as subprime and unnecessarily replicates the Federal Reserve's new regulations set to take effect in October.

And yet a third provision of this bill perhaps too narrowly defines which mortgages qualify for a safe harbor, which could result in an uptick in unfounded lawsuits and fewer options for creditworthy borrowers. It's important that we "do no harm" and carefully craft provisions that won't hamper our efforts to jump-start and restore our confidence to the housing market.

At the same time, this bill does have some good provisions. Identical to a housing bill I have, title 4 expands HUD's coordination and capacity to offer grants to States and local agencies, which are at the forefront of helping homeowners.

Section 106, which I authored with Congressman HINOJOSA and Congress-

man NEUGEBAUER, temporarily suspends HUD's new RESPA regulations and requires HUD to coordinate with the Fed to update mortgage disclosure regulations. Last August, HUD ignored a letter signed by 244 Members of this body requesting that the two agencies work together, so section 106 will require it.

One of the major actors undermining the housing market is appraisal fraud. Titles 5 and 6, which I worked on with Congressman KANJORSKI, will improve the integrity.

Mr. WATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my colleague from North Carolina identified a whole list of things that had gone awry in the lending community that formed the basis for this bill, and we have tried to address them by requiring lenders to assess the borrower's ability to repay the loan by requiring borrowers to at least make sure that the lender is getting some kind of tangible benefit out of a loan that they make to them, by requiring lenders to verify the income of people that they are making loans to, and by setting up standards for appraisers to do responsible appraising and by creating broker responsibilities.

Nobody can argue with those things and nobody should argue with those things. And if you support them, you should be supporting this bill.

I reserve the balance of my time.

Mr. NEUGEBAUER. I would ask the gentleman, does he have any additional speakers?

Mr. WATT. We have a closing speaker. So if the gentleman is ready to close, he can go ahead, and we have one more speaker.

Mr. NEUGEBAUER. Thank you.

Mr. Chairman, Republicans are for good disclosure, open disclosure, easy-to-read disclosure. We are for responsible lending. We are also for making sure that the American people have low-cost mortgage choices.

What we are not for is a legislation that limits those choices, that chokes a very fragile credit market and increases the cost of credit for American families all across this country.

One of the things that is most important to American families today is, you know, the cash flow piece of it. And what we are going to do now is put so many restrictions on this market that people are going to build into that a cost for mortgages, and so mortgage rates are going to go up, choices are going to go down.

And with this legislation, I am afraid we may never see a secondary market that was as good and as fruitful for mortgage lending as the previous one we had. That's the reason I am going to encourage my colleagues to vote "no" on this legislation. We can do better than that. We do not have to shut down the mortgage market, but we can make for responsible lending.

Mr. WATT. Mr. Chairman, I recognize the chairman of the full Financial Services Committee for a closing statement and yield him the balance of our time.

Mr. FRANK of Massachusetts. Mr. Chairman, I would say this: I note my Republican friends tell me they are opposed to predatory lending. At no point, however, have they taken any initiative in bringing any legislation to the floor to deal with it or to urge that it be done in a regulatory way.

For 12 years they were in control, not a single bill came forward. My friend from Alabama did have a sincere interest here, and he had a good proposal. It wasn't until the Democrats were in the majority and we brought a bill to the floor that he was able to offer his bill, which we embraced. And even then, while he voted for the final bill, two-thirds of his colleagues voted "no."

Now, some have said this is going to do terrible damage to the mortgage market. I think Members would agree that no organization is more interested in having that well functioning than the National Association of Realtors.

Mr. Chairman, I submit for the RECORD a letter from the National Association of Realtors dated May 5, 2009.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, May 5, 2009.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.2 million members of the National Association of REALTORS® (NAR), their affiliates, and property owners, I strongly urge Congress to vote "yes" on H.R. 1728, the "Mortgage Reform and Anti-Predatory Lending Act of 2009".

REALTORS® are acutely aware that there is a need for mortgage reform, and NAR believes that H.R. 1728 strikes an appropriate balance between safeguarding the consumer and making sure consumers have access to mortgages at a reasonable cost. NAR is a strong advocate of protections for consumers in the mortgage transaction, and REALTORS® support the general principle that all mortgage originators should act in good faith and with fair dealings in a transaction, as well as treat all parties honestly.

REALTORS® have a strong stake in preventing abusive lending because it erodes confidence in the Nation's housing system, and citizens of communities, including real estate professionals, are harmed whenever abusive lending strips equity from homeowners. As consumer abuse in mortgage lending increased, REALTORS® sought to protect consumers and the housing market by establishing a set of "Responsible Lending Principles" that form the basis for our advocacy with Congress. Since their creation in 2005, REALTORS® have shared these principles with Congress during discussions of current and past anti-predatory lending legislation. NAR is extremely pleased that H.R. 1728 embodies the REALTORS "Responsible Lending Principles".

Therefore, NAR strongly supports H.R. 1728, and asks that you indicate to consumers and the housing market your support for them by voting "yes" for this legislation. I thank you for the opportunity to voice our support for H.R. 1728. And as always, NAR remains at the call of Congress, and our indus-

try partners, to help in the recovery of the housing market and the overall economy.

Sincerely,

CHARLES MCMILLAN, CIPS, GRI,
2009 President,
National Association of REALTORS®.

The National Association of Realtors strongly urges people to vote for this. The National Association of Realtors—knowledgeable and committed to homeownership—strongly supports this.

My friend from Alabama alluded to some consumer groups, labor groups that had some problems. They have since largely been alleviated. I must say, if we would alleviate them further, he would hate the bill more. But the fact is that the groups he alluded to are, on the whole, pleased with the bill now.

But, finally, I want to address the question of Fannie Mae and Freddie Mac. My colleagues have said, well, how can you do this without Fannie Mae and Freddie Mac legislation? Again, during the 12 years of the Republican rule, no bill passed for Fannie Mae and Freddie Mac and became law. In our 2 years, one did.

Yes, I think further action is needed there. Where is their bill, Mr. Chairman? No Republican has offered, in the 2 years that I am aware of, as an amendment to this—or in any way—that bill. So they say you can't do predatory until you do Fannie Mae and Freddie Mac. They offered no such amendment. So it simply becomes as an excuse not to do things.

Now let's talk about Fannie Mae and Freddie Mac and who is responsible for what. There have been some quotes. Let me quote from here.

"In 2004," Bush administration, Republicans in Congress, "the Department of Housing and Urban Development revised these goals, increasing them to 56 percent of their overall mortgage purchases by 2008, and additionally mandated that 12 percent of all mortgage purchases by Fannie Mae and Freddie Mac be 'special affordable' loans made to borrowers with incomes less than 60 percent of an area's median income."

In 2004, the Bush administration mandates this. This is under Republican control.

Then, let me go to line 20 on page 183. "After this authorization to purchase subprime securities," which had come from the Clinton administration in 1995, "subprime and near-prime loans increased from 9 percent of securitized mortgages in 2001 to 40 percent in 2006," during the Bush administration.

Yes, there was a great explosion in subprime mortgages brought by Fannie Mae and Freddie Mac and, in general, under the Bush administration. Earlier in that decade, I said I didn't think Fannie Mae and Freddie Mac were in crisis.

By 2004, I agreed that they were pushed, in part, by the Bush adminis-

tration. And in 2004, I criticized the decision that is mentioned here on lines 6 through 14 to increase what Fannie Mae and Freddie Mac did.

Let me say, Mr. Chairman, if people think I am quoting selectively, I want to pay tribute sincerely, because it works out good for me in this case, to the illogical integrity of the gentleman from Texas.

Because I am quoting from the amendment put in this bill by the gentleman from Texas, I urge people to read page 183 of the bill. It is language that was offered by the gentleman from Texas, Mr. HENSARLING—not Mr. GREEN, not Mr. HINOJOSA, Mr. HENSARLING—and we accepted it.

It clearly documents that the explosion in subprime loans came under Republican control. The increase in Fannie Mae and Freddie Mac subprime loans came then.

Yes, I was wrong to say earlier in the decade there wasn't a problem, because I didn't anticipate the extent to which the Republicans were going to push Fannie Mae and Freddie Mac into the hole. I then did join with Mr. Oxley in trying to get legislation through.

In 2005, I voted for a bill in committee that Mr. Oxley had.

□ 1230

My colleague, Mr. HENSARLING, voted against it in committee. Then we flipped on the floor because we had a disagreement about housing. And I got my way on housing in the committee, he got his way on housing in the floor, and we flipped. But the fact is that the bill then failed in 2005. Not until 2007, when we had the majority, was any legislation dealt with, in an effective way, on Fannie Mae and Freddie Mac and was any bill even considered on subprime lending.

Ms. JACKSON-LEE of Texas. Mr. Chair, I rise today in strong support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act. Additionally, I would like to extend my gratitude to my distinguished colleague, Representative BRAD MILLER from North Carolina for introducing this important legislation. This act is designed to prevent a recurrence of the problems in the subprime market that are responsible for harming many American homebuyers. If passed, this legislation will promote financially friendly terms throughout banking establishments and mortgage lenders which will help all American citizens in the current economic crisis. I urge my colleagues to support this important bill.

H.R. 1728 will prohibit steering incentives in connection with origination of mortgage loans; this act will also direct the federal banking agencies to prohibit or condition terms, acts, or practices relations to residential mortgages loans that are abusive, unfair, deceptive, predatory, inconsistent with reasonable underwriting standards, or not in the interest of the borrower. These stipulations will ensure the people are not lured into mortgage loans for the wrong reasons or when they cannot afford the loan. We must establish a system of accountability in our country, and H.R. 1728 will

enable a strong structure that will provide financial responsibility for both lenders and borrowers.

H.R. 1728 also includes a number of other rules and regulations to help the mortgage industry. Some of these stipulations include:

Permitting a consumer to assert a right to mortgage loan rescission as a defense to foreclosure

Prohibits specific practices such as (1) certain repayment penalties, (2) single premium credit insurance, (3) mandatory arbitration, and (4) mortgages with negative amortization.

Sets forth tenant protections in the case of foreclosure

Requires a six-month notice before a hybrid adjustable rate mortgage is reset

Establishes pre-loan mortgagor counseling as a prerequisite to a high-cost mortgages

Prescribes mandatory disclosures in monthly statements for residential mortgage loans

All these stipulations are set forth to protect the consumer from being uninformed and unknowledgeable and the process, procedures, and legal rules pertaining to their mortgage.

TEXAS

In 2007, Texas ranked fourth behind California, Florida, and Illinois in pre-foreclosures. Last year, Texas held the top seat for active foreclosures.

We cannot continue to stand by as things get worse. Texas reported 13,829 properties entering some stage of foreclosure in April, a 16% increase from the previous month and the most foreclosure filings reported by any state. The state documented the nation's third highest state combined foreclosure rate one foreclosure filing for every 582 households.

Many homeowners in my district are worried about missing their next house payment or their next home equity mortgage, or their interest rate going up. These families are under stress and in constant fear of losing their homes. While H.R. 1728 is not the last word in mortgage legislation, it is a great beginning.

Phil Fontenot and his wife, Kim Monroe, qualified for a \$436,000 dollar mortgage although they ran a small day care center. A mortgage broker approached the Fontenots and offered to get them a loan. They told the broker the most they could afford was \$2,500 a month, but with their adjustable mortgage it jumped to \$4,200, a price nearly twice their monthly budget. Without a lawyer, the Fontenot's failed to realize the complexity and precedence of their mortgage.

In contrast, Matt and Stephanie Valdez say they knew exactly what they were doing when they bought a small two-bedroom for \$355,000. They could afford the initial payments and planned to refinance the mortgage before the interest rate jumped to 11 percent. But they couldn't do it because the value of the house had fallen below what they owed on the mortgage. They say they can afford the higher payments, but see no point in making them.

One first-time home buyer, a Hispanic—minority, 760 credit score, which should make her eligible for the best loan products out there, got a subprime of 2/28, which is a loan that was fixed for two years, adjustable for twenty-eight, and with a balloon payment. 760 credit score should have the best product

available. She lives in an apartment, and not even in the house, because she can get an apartment cheaper and still have extra money to help pay the mortgage on the house that she owns. And she's hoping to refinance, to do something before it adjusts in 2008.

These are the atrocities that subprime mortgage crisis has brought upon the American public, and H.R. 1728 is a start towards alleviating these problems.

Americans are taught to work hard and make money and to buy a house, but we are never taught about financial literacy. In these tough economic times, it is imperative that Americans know about financial literacy; it is crucial to our survival. Americans need to be prepared to make informed financial choices. Indeed, we much learn how to effectively handle money, credit, debt, and risk. We must become better stewards over the things that we are entrusted. By becoming better stewards, Americans will become responsible workers, heads of households, investors, entrepreneurs, business leaders and citizens.

I am reminded of how important this issue is to American society, as I was invited to attend a financial literacy roundtable panel on Monday evening at the New York Stock Exchange. The panel was sponsored by the Hope Literacy Foundation. The panel was moderated by John Hope Bryant. I was surrounded by some of the great financial literacy experts in the nation. At the roundtable, I discussed the importance of financial literacy for college and university students. It is important that students be taught financial literacy. The facts about students and financial literacy are astounding.

Owning a home is the American Dream, but hundreds of thousands of people are on the brink of losing their homes and becoming the next victims of the housing crisis. Recently, I joined the Democratic Congress in passing the American Housing Rescue and Foreclosure Prevention Act of 2008, which will provide mortgage-refinancing assistance that will help keep families from losing their homes and protect neighboring home values.

Through vital legislation such as this, and providing key resources and tools to my constituents, I will continue to fight and save homes and promote fair and informative mortgage policies in Houston as well as across this nation.

Mr. HOYER. Mr. Chair, it is well-known by now that our economic crisis began as a foreclosure crisis. It began with homeowners across America signing up for mortgages they could not afford. And even though few of us knew it at the time, much of our financial system was riding on their ability to pay those mortgages off. When it became clear that many of them could not, the economic chain reaction affected every community in America. For a family, a foreclosure is traumatic enough—but we have also learned from this crisis that foreclosures can have wide public consequences, as well.

Of those who applied for mortgages they could not possibly pay back, some were simply irresponsible. But many others were hard-working, responsible homeowners who fell victim to predatory lending. Unfortunately, incentives in our financial system made that predatory lending possible: unscrupulous mortgage

brokers were not required to provide sufficient information to homeowners, and those who then sold the mortgages had little reason to see that they were sound.

This bill goes a long way toward correcting those flaws, protecting future homeowners, and cracking down on predatory lending. It helps consumers get full information—the information they need to decide wisely on what is one of the biggest financial commitments of their lives. It prevents lenders from steering borrowers into higher-cost loans and bans yield spread premiums and other compensatory incentives that lead brokers to push those loans on borrowers. It also establishes national standards for the protection of borrowers and ensures that those who entrap consumers in predatory loans are liable for adjusting the loan's terms and paying the borrower's costs, including attorneys' fees.

Finally, this bill requires those who securitize loans to third parties to put "skin in the game" and retain interest in at least 5% of the credit risk of each loan they sell or transfer. This provision will ensure that, at every link of the chain, there is an interest in seeing that the loan is repaid and that the homeowner does not go into foreclosure.

Mr. Chair, this is a strong, carefully deliberated response to the foreclosure crisis, one that rules out many of the unscrupulous practices that harmed so many responsible families—and helped put an entire economy at risk. I believe that if these provisions had been in place 10 years ago, the foreclosure crisis might have been averted. We cannot turn back time. But we can learn—and if we have learned anything, it is how much we need legislation like this. I urge my colleagues to support it.

Mr. VAN HOLLEN. Mr. Chair, I rise today in support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

This country is in the midst of a foreclosure crisis. After experiencing the effects of the first wave of foreclosures last year, we are now hearing warnings of a second, more harmful wave of subprime and predatory loan inspired foreclosures in the year ahead.

While everyone pays when a home is foreclosed upon, the people hit hardest are the elderly—who are easily deceived, the poor—who have few options, and people of color—who are often not informed fully about all their options. For decades, predatory lenders have targeted American borrowers of color with subprime and predatory loans. In a 2005 Federal Reserve study, it was shown that African Americans were 3.2 times more likely to receive a higher cost, subprime loan than Whites. Latinos were 2.7 times more likely.

This bill targets the harmful practice of unfairly issuing subprime loans or using predatory lending to take advantage of borrowers.

While the legislation is not perfect, it does have some key provisions that are desperately needed.

Among its many useful provisions, H.R. 1728 establishes an ability-to-repay standard whereby the lender must determine that the borrower has a reasonable ability to repay the loan, present a net tangible benefit to homeowners seeking to refinance, and ensure that the loan cannot have any predatory characteristics.

H.R. 1728 also establishes a safe harbor for qualified, 30 year fixed loans. Doing so will help shift the incentives away from exotic mortgages.

And, the bill establishes protections for tenants who can be made homeless if their landlord fails to pay the mortgage. This bill gives tenants the right to remain in their homes until the end of their lease. If they do not have a lease or if the property is purchased, then tenants must be given 90-day notice to vacate.

These are important and necessary protections for homeowners and renters. I encourage my colleagues to join me today in voting for H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

Ms. VELÁZQUEZ. Mr. Chair, across the country hundreds of thousands of hard-working families have fallen victim to predatory lending. Poor and minority communities have been targeted. Today, we are seeing the results. The foreclosure rate is the highest in a quarter century, and many others are burdened by debt.

That's why H.R. 1728 is needed. It enacts simple reforms that will level the playing field for consumers. The Mortgage Reform and Anti-Predatory Lending Act will help the nation move toward recovery. It will give consumers the confidence to purchase a new home by ensuring predatory lending practices become a thing of the past. The bill would make it illegal for lenders to make loans that homeowners cannot reasonably be expected to repay.

It not only sets guidelines for fair lending, but takes strides to empower the borrower. For years, I have said that one of the most effective ways to stop predatory lending is to give consumers knowledge. This legislation includes my initiative to provide increased access and information on the benefits of home inspections—and give homebuyers a leg up when dealing with lenders.

Last, but not least, when we think of homes going into foreclosure, we cannot forget those who live in apartment buildings. In New York, as in many urban areas, more than half of our city rents. And today, as many as 90,000 New Yorkers reside in buildings with debts too high to maintain. These families, at no fault of their own, could be out on the street if their buildings go into foreclosure.

The amendment I have proposed would protect tenants and keep multifamily buildings out of foreclosure. It establishes a new program to stabilize troubled buildings by refinancing them or facilitating their transfer to new responsible owners.

I urge you to protect renters, to protect homeowners, and to put a stop to the abusive lending practices that have hurt so many American families. I urge a "yes" vote.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act.

Our nation currently has the highest home foreclosure rate in a quarter century. Millions of families are facing the frightening prospect of foreclosure. Not only do these foreclosures cause great harm to individual families, but they result in declining property values for whole communities and huge disruptions in the overall housing market. This housing crisis has rippled through our economy and led to

the economic recession in which we find ourselves. H.R. 1728 makes the necessary reforms to prohibit many of the ill-advised practices that led to the housing crisis.

H.R. 1728 includes several provisions to end abusive or predatory lending. This bill ends compensation structures that incentivize mortgage originators to steer borrowers into more costly loans. It also calls for increased disclosure so that consumers know if loan originators are benefiting at their expense. This bill creates uniform standards to prevent mortgage abuse. In order to meet these new standards, consumers would have to have a "reasonable ability to repay." In addition, loan refinances would have to provide some "net tangible benefit" to the consumer. Meeting these new guidelines will help erase some of the riskier loans that have damaged our housing sector. Any lender that violates these standards would be liable for damages including attorney's fees. In addition, Federal financial regulators would also get new authority to address abusive mortgage practices by issuing joint regulations. Finally, H.R. 1728 protects tenants by providing them protections and increased notification if the house they rent falls into foreclosure.

Exotic derivatives markets based on mortgages were a primary contributor to our current economic downturn. This bill requires creditors retain at least five percent of the credit risk of each loan they transfer, or sell to a third party. Similarly, H.R. 1728 would ensure that the secondary market also comply with these new standards as they buy and trade these loans as securities. Sharing risk is an important part of ensuring safety in the marketplace.

These reforms will help us rebuild our economy now, and help us avoid future mistakes like those that contributed to our current economic crisis. I support the Mortgage Reform and Anti-Predatory Lending Act, and I urge my colleagues to join me in voting for its passage.

Ms. CLARKE. Mr. Chair, today I rise in strong support of H.R. 1728 The Mortgage Reform and Anti-Predatory Lending Act of 2009. This bill will finally put a stop to the abusive and predatory lending practices that have contributed to our nation's highest home foreclosure rate in 25 years. In recent years, some homeowners were deceived and some homeowners received more expensive loans than they could afford. In response, this bill would ensure that mortgage lenders make loans that benefit the consumer—and would bar lenders from steering borrowers into higher cost loans. Moreover, it will prohibit lenders from offering "reasonable sounding mortgages," only to hide huge fees, rising interest rates and junk insurance in the fine print. No longer will lenders be able to "get rich" at the borrower's expense. The Mortgage Reform and Anti-Predatory Lending Act prescribes a simple standard for all home loans: institutions must ensure that borrowers can repay the loans they are sold, before they sign on the dotted line. Under this measure, lenders and the secondary mortgage market who don't comply with these standards would be held liable by consumers for rescission of the loan and the consumer's costs for rescission, including attorney's fees. This would encourage the market to move back toward making fixed-rate, fully documented loans.

Although increased regulation of the lending market is crucial to the resurgence of our housing market and economy—the main reason why I stand today is because of this bill promises to bridge the financial information gap. For many people, especially in my district of Central Brooklyn, homeownership allows them to live independently and in relative comfort, while slowly accruing wealth simply by staying in one place. But predatory lending and mortgage fraud undermines a low-income homeowner's grasp on economic security, leaving the most vulnerable of our society with insurmountable debt. Thereby, continuing the cycle of poverty.

In the case of the 11th Congressional District, most foreclosure victims live in low and moderate income working class communities, where conventional financial services are not available. Corrupt lenders prey on these people, offering loans they know the borrower can't afford. Good lending advice should always be available to all. The Mortgage Reform and Anti-Predatory Lending Act directs the Secretary of Housing and Urban Development to establish a grant program to provide legal assistance to low income homeowners and tenants concerning home ownership preservation, foreclosure prevention, and tenancy associated with home foreclosure. These grants would be given out to qualifying state and local governments and nonprofit organizations offering homeownership or rental counseling. This would help level the playing field for those most susceptible to the corrupt dealings of predatory lenders.

Addressing the mortgage foreclosure crisis is one of my top priorities. This is why, the day after I was sworn into office, this year, I proudly voted for the Systematic Foreclosure Prevention Act which directed the FDIC to create a program that would provide incentives to loan servicers for mortgage mediation. Additionally, earlier this year—I introduced my own legislation, H.R. 1848, the Foreclosure Prevention Act—that authorizes an appropriation of \$100 million dollars to Neighbor Works America for foreclosure mitigation activities and mortgage counseling. I am very pleased that the principals of my bill were adopted into the Mortgage Reform and Anti-Predatory Lending Act.

Lastly, I am proud that we are doing what must be done to rebuild our economy in a way that is fair and consistent with our values. Again, I stand in strong support of H.R. 1728, and pledge to continue my fight for common sense reform and consumer protections.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chair, I offer my strong support for the Mortgage Reform and Anti-Predatory Lending Act.

Abusive and predatory lending practices have wreaked havoc upon the American economy, bringing it to its worst state since the Great Depression. What started as a subprime mortgage crisis has ballooned to affect everyone. Millions of families have lost their homes or face the prospect of foreclosure, and businesses large and small are laying-off employees in record numbers. Unemployment figures have risen to numbers unseen in decades.

Although Congress has made great strides to stabilize and rejuvenate the economy, we must regulate lenders so that a crisis like this

will never happen again. We must protect innocent home buyers from unscrupulous mortgage lenders eager to make a quick buck. Mortgage lenders should not steer borrowers into higher cost loans just to increase their commissions. Mortgage institutions should ensure that borrowers can repay the loans they are sold. Creditors should retain an economic interest in a portion of the loans they sell, which would help them to be more responsible about initiating loans.

Passing the Mortgage Reform and Anti-Predatory Lending Act is the right thing to do. The Mortgage Reform and Anti-Predatory Lending Act will outlaw many of the egregious lending practices that have multiplied in recent years and spark a return to more responsible lending methods.

These much-needed changes are long overdue and will protect vulnerable home buyers. That is why I urge my colleagues to support this critical legislation.

Mr. DINGELL. Mr. Chair, I rise in support of H.R. 1728, the "Mortgage Reform and Anti-Predatory Lending Act." Risky lending practices, combined with the consequent securitization of mortgages, ultimately brought a violent end to the housing bubble and left the United States with a constricted credit market not seen in generations. In short, simple avarice and an inexcusable disregard for the long-term health of the mortgage market gave rise to the economic crisis in which this Nation presently finds itself mired.

Just as our predecessors did in the wake of the Great Depression, we, too, must enact laws to ensure transparency in our economy and prevent the recurrence of practices that have left millions of Americans facing foreclosure. H.R. 1728 is but one of several essential means by which to achieve that end. This legislation, by requiring the licensing and registration of mortgage originators and proof of a borrower's ability to repay a home loan, will serve to impede—and hopefully altogether prevent—the irresponsible home lending practices that have in great part crippled the economy of my home state of Michigan, which, with one foreclosed home for every 136, has the sixth-highest foreclosure rate in the nation.

Although politically expedient to focus our ire over the current economic crisis on insalubrious actors in the financial services sector and making them the target of punitive legislation, we must not lose sight of the necessity of providing consumers adequate protection from predatory lenders. H.R. 1728 recognizes this by prohibiting any compensation structure that could cause a loan originator to steer applicants toward costlier mortgages, providing a grace period for tenants before eviction from their homes, and creating an Office of Housing Counseling within the Department of Housing and Urban Development to educate consumers about what some might term as the Byzantine inner-workings of the housing market.

I am proud to support passage of this legislation and urge my colleagues to do so as well.

Mr. HELLER. Mr. Chair, I support and would have voted for H.R. 1728, the Mortgage Fraud and Anti-Predatory Lending Act. Considering the serious situation in Nevada related to housing issues, I support and would have

voted for this bill to reform the mortgage and housing industry. H.R. 1728 reforms federal laws related to mortgage loan providers, those that buy or sell mortgages on the secondary securities markets, as well as appraisers. This bill will help reduce predatory lending practices and restrict lenders from making loans available to consumers that cannot afford them.

In the last Congress, I supported and voted for a similar bill, H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007. This bill passed the House by a vote of 291–127, on November 15, 2007, but was never considered by the Senate. Though this new version of the bill in the 111th Congress has a number of differences, and is not a perfect piece of legislation, I still would have voted in support of the legislation. I sincerely hope that some of the changes that need to be made will be achieved by the Senate or in a conference committee.

The economic downturn and housing situation in Nevada is dire. According to one leading foreclosure tracking service, foreclosures in Nevada were up 108% from February 2008 to February 2009. Nevada is the number one state, per capita, in foreclosures. Housing inventory is at an all-time high and construction and new starts are at a near standstill in both northern and southern Nevada. Clark County is one of the hardest hit counties in the nation.

Reforming mortgage fraud and predatory lending practices is critical to restoring confidence in the nation's housing market, helping get the economy back on track, and most importantly, helping keep Nevada families in their homes.

Ms. LEE of California. Mr. Chair, I rise in strong support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

I want to thank Mr. BRAD MILLER and Mr. MEL WATT for sponsoring this important legislation and for being a champion for consumers and borrowers. I also want to thank Chairman FRANK for his commitment to finally bringing real reform to our mortgage markets and ending predatory lending and misleading and abusive lending practices.

I served for 8 years on the House Financial Services Committee with my colleagues and we repeatedly warned the, then majority, Republicans, the Bush Administration, the Treasury and the Federal Reserve about the need for stronger oversight and critical reforms that would end the pattern and practice of predatory lending.

Our warnings fell on deaf ears.

They chose to allow kickback schemes like yield spread premiums which put the mortgage lender's financial incentives in direct conflict with the interests of the consumers they are supposed to serve.

They chose to allow the reprehensible act of "steering" lower income, senior and minority borrowers into higher rate sub-prime and alt-a loans than they qualify for.

They chose to blindly trust financial institutions to "regulate themselves".

And we and our entire nation know where that got us.

It is long past time that we bring sound, reasonable regulation and oversight to our mortgage markets.

And this bill will do that.

I am also very pleased that this bill will protect renters and tenants who have been si-

lently suffering due to the wave of foreclosures.

Too many renters who have paid their rent on time have been finding out for the first time that the property they live in is being foreclosed when the sheriff delivers an eviction notice.

Innocent tenants should be protected and let me thank Mr. ELLISON, Mr. MILLER, Mr. WATT and Mr. FRANK for acting on behalf of innocent renters.

I encourage my colleagues to vote yes on H.R. 1728.

Mr. HOLT. Mr. Chair, I rise today in support of the Mortgage Reform and Anti-Predatory Lending Act, H.R. 1728, and to commend my colleagues BRAD MILLER, MEL WATT and Chairman FRANK for their leadership and hard work on this measure. I note that Rep. MILLER has worked on this matter for years, long before it became such a consuming issue. I urge my colleagues to support it.

A host of factors contributed to the economic crisis we have been suffering from over the past year, and it is fitting that the term "perfect storm" has so often been used to describe it. But the abusive and predatory practices of certain mortgage lenders certainly are among the factors that top the list. Somewhere along the way, prudent business judgment and careful long-term risk assessment were muscled out of the way by short-term profit seeking, with no thought of the impact that would have on the broader economy in the long run. The end result: the highest rate of home foreclosures in a quarter of a century.

Today, we take another important step in guiding our economy back towards its once stable footing, by prohibiting predatory lending and abusive lending practices, holding banks responsible for the home mortgages they issue, and protecting tenants whose residences go into foreclosure despite their own timely payment of rent.

One of the most prevalent abuses by subprime loan originators has been the practice in which they steer prospective borrowers towards loans that will provide originators with the highest near-term payoff, sometimes through fees the broker or loan officer collects by directing borrowers towards those loans. The Mortgage Reform and Anti-Predatory Lending Act would prohibit mortgage brokers and bank officers from directing borrowers towards loans that will ultimately become more expensive than they can afford, and would mandate that lenders only issue loans that the borrowers can repay. In addition, it will require loan originators to disclose to borrowers any compensation they receive in connection with the mortgage transaction.

One of the reasons loan originators have been unconcerned about issuing loans that they know borrowers might not be able to pay off is because loan originators in recent years have tended immediately to resell, or securitize, the mortgage loans they originate. Therefore, they only retained the risk associated with issuing an unstable loan for a brief period, and then the risk was transferred elsewhere. The Mortgage Reform and Anti-Predatory Lending Act calls for new regulations to require loan originators to retain at least a five percent interest in every loan they issue. Once they are required to retain some of the long-

term risk of a borrower defaulting on the loan, the issuers should be expected to reinstate more prudent loan origination practices. In addition, the bill would hold the secondary mortgage market—the institutions that have been purchasing and securitizing mortgages—responsible for complying with the same standard when they purchase and package mortgages for resale.

And the Mortgage Reform and Anti-Predatory Lending Act also includes important protections for some of the most innocent and vulnerable victims of the foreclosure crisis—namely, tenants who reliably pay their rent on time, but wind up homeless when their landlords fail to do the same with their mortgage payments, and their properties go into foreclosure. The bill would require that tenants in such circumstances receive adequate advance notice and are provided with an opportunity to relocate before the foreclosure is completed.

The Mortgage Reform and Anti-Predatory Lending Act includes many important reforms and protections. I am pleased to support it and I urge my colleagues to do the same.

The Acting CHAIR (Mr. McDERMOTT). All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PAS-
TOR of Arizona) having assumed the chair, Mr. McDERMOTT, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

RECOGNIZING NATIONAL FOSTER CARE MONTH

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 391) recognizing May as “National Foster Care Month” and acknowledging that the House of Representatives should continue to work to improve the Nation’s foster care system.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 391

Whereas on average, the Nation’s foster care system provides for more than a half a

million children each day who are unable to live safely with their biological parents;

Whereas National Foster Care Month provides an opportunity to recognize the important role that foster care parents, workers, and advocates have in the lives of children in the foster care system throughout the United States;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children, while working to provide such children with a permanent, safe, and loving home;

Whereas foster parents give children the opportunity to live with families and make lasting attachments instead of living in institutions, where they face a reduced chance for permanency;

Whereas States, localities, and communities should be encouraged to invest available resources on reunification services and post-permanency supports designed to allow more children in the foster care system to safely return to their biological parents, or find permanent placements through adoption or guardianship;

Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas 293,000 children entered the foster care system during fiscal year 2007;

Whereas in fiscal year 2007, there was an average of 131,000 children in the foster care system each day who were waiting to be adopted;

Whereas while a majority of children in the foster care system have the goal of being reunited with their biological parents, more than 23 percent of children who were in the foster care system on the last day of fiscal year 2007 were seeking placement through the adoption process;

Whereas the overall reduction in the number of children in the foster care system in the last decade does not reflect a decline in the level of Federal assistance necessary to assist those living in foster care and the dedicated men and women in the child welfare workforce;

Whereas the number of children “aging out” of the foster care system without finding a permanent family increased to an all-time high of nearly 28,000 in fiscal year 2007;

Whereas children “aging out” of the foster care system lack the security of a biological or adoptive family to fall back on when struggling to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas the foster care system is intended to be a temporary solution, however, on average, children remain in the system for at least 2 years;

Whereas studies suggest that nearly 60 percent of children in the foster care system experience a chronic medical condition and 25 percent suffer from 3 or more chronic medical conditions;

Whereas while in the foster care system, children experience an average of 3 different placements, moves that often mean disrupting routines, changing schools, and moving away from brothers and sisters, extended family, and familiar surroundings;

Whereas the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) provided new investments and services to improve the outcomes of children and families in the foster care system; and

Whereas all children deserve a loving and stable family, regardless of age or special needs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of a “National Foster Care Month”;

(2) acknowledges the needs of children in the foster care system;

(3) honors the commitment and dedication of those individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(4) recognizes the need to continue work to improve outcomes of all children in the foster care system through the title IV program in the Social Security Act and other programs that are designed to help children in the foster care system reunite with their biological parents and, when children are unable to return to their biological parents, to find them a permanent, safe, and loving home.

The SPEAKER Pro Tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Georgia (Mr. LINDER) each will control 20 minutes. The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on this resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I might consume.

The month of May marks National Foster Care Month, which provides Congress with an opportunity to recognize the contributions of the unsung heroes who commit their lives to children in foster care, including foster parents who unselfishly open their homes to our most vulnerable children. On any given day, half a million children seek safety, comfort and assistance through our Nation’s foster care system. Roughly 130,000 of those children in foster care are unable to return safely to their parents and are now waiting for an adoptive home.

Sadly, in 2007, a record 28,000 of those children “aged out” of the foster care system at the age of 18 without finding a permanent home to call their own.

As the de facto parents or the real-life parents of the Nation’s foster children, we, the Congress, have a responsibility to ensure that they have the same opportunity to succeed that our children and our grandchildren have.

Congress recently passed landmark bipartisan legislation which represented the most significant reform in the child welfare system in more than a decade. The Fostering Connections to Success and Increasing Adoptions Act included numerous provisions that were designed to significantly improve the outcomes of all children and their families who are in the foster care system.

As a result of this bipartisan legislation, grandparents and other relatives who became the legal guardian of a child for whom they cared for as a foster parent now receive greater assistance in caring for these children. The legislation also provides additional support to older foster children, up to the age of 21, who are engaged in school, work or other productive activities. The new law also requires much greater oversight of the health care system and education needs of each of these children in the foster care system.

Mr. Speaker, while last year's bipartisan child welfare legislation provided greater resources and services aimed at improving the outcomes of children and families in the foster care system, additional investments and reform are still needed. The job is not done.

I ask my colleagues to join me in celebrating National Foster Care Month by recommitting themselves to continuing our bipartisan work to further improve the foster care system.

Finally, I want to recognize the children in the system that are waiting to be reunified with their families or waiting for an adoptive home. Many of these children have endured great pain and suffering at a very young age, but are able to overcome their grief and turmoil, and go on to succeed beyond anyone's expectation. I applaud these young children for the bravery and determination that they have shown. Behind each number is the face of a foster child who has the same hopes and aspirations as our very own children. We need to make these hopes and aspirations a reality.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, this Sunday, millions of American families will honor mom on Mother's Day. Next month, our Nation will celebrate Father's Day. So it is appropriate to also note the contribution of so many adults who step in as foster parents to care for children when biological moms and dads cannot do so.

This resolution recognizes those enormous contributions by foster parents. Every day they step in to care for hundreds of thousands of children across America who cannot safely remain with their own parents. For that, as this resolution expresses, our Nation says "thank you."

The children aided by foster care range in age from birth to 21 and come from a wide range of homes. In the congressional district I represent, they include the infant born to a drug-addicted mom, three boys taken in on Christmas Eve after their single mother died of pneumonia, and a little girl who lived in abandoned cars while her father was on drugs. Those are some stories relayed by Suzanne Geske, the executive director of the Foster Chil-

dren's Foundation based in Duluth, Georgia. The Foster Children's Foundation reflects the efforts of organizations nationwide that coordinate thousands of volunteers, all to better support foster kids and foster parents.

As Ms. Geske says of kids in foster care, "These children all experience the fear of their unknown futures. Thanks to the love and support they receive from foster parents, mentors and organizations that provide many services to them, there is hope. May is a time when we recognize these individuals and raise awareness so others can get involved to save our children. These children live in our own communities and need our help. Please encourage everyone you know to find out how they can reach out to make a difference in the lives of our children."

Sound advice.

This town often focuses on policy questions about where billions of dollars will be spent and where the money will come from. We have these discussions in foster care, too, including developing major reforms last year. We hope those reforms work as intended and improve the lives of children and families.

But children care little about policy discussions. What matters to them is if mom is there to see them in the school play or if dad can play catch after work, or if their birthday is remembered and they get their favorite dinner that night. If only that's where the concerns ended for children who suffer from abuse or neglect.

Through this resolution today, we remind all Americans of the role they can play in helping children who have already missed out on much in life and who need assistance. These children surely deserve to make progress in life, like any other child. Through the efforts of tens of thousands of dedicated foster parents, they often do, against great odds. We owe these dedicated individuals our thanks and continued support.

I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of House Resolution 391, which recognizes May as National Foster Care Month and calls for continued improvements in our foster care system. My parents welcomed many foster children into our family over the years, and I know firsthand the value, and the challenges, of the foster care system.

All children need love and support. And this is especially true for the more than half a million children currently in our foster care system, and many more who still need help. We also must address the issues affecting older youth as they transition out of foster care.

Unfortunately, research shows that current and former foster youth are more likely to have difficulty making the transition to adulthood and are more likely to forgo higher education, be in poor health, become homeless and rely on public support. They deserve better, and we can do better.

Further, let me thank the many compassionate individuals who take in foster children. Foster parenting is an act of true selflessness, requiring significant financial and emotional investment. Sadly, many foster children have been abused or neglected, treatment that leaves indelible scars for years, which foster parents lovingly attempt to heal.

Mr. Speaker, these foster children need our continued support, our care and our love, as do the foster families who take them in. And we need to re-dedicate ourselves to improving our foster care system.

I want to thank the gentleman for yielding and his hard work on this resolution.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, does the gentleman have any further speakers?

Mr. LINDER. I do not. Mr. Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I only would like to add that when you meet these youngsters, Lupe, Chris and Nichole, and get to know them, you realize what they have gone through and why we should have a month that helps people think about this, and we realize that these youngsters have tremendous potential.

Many of the youngsters I met yesterday are going to college. They went through the system, many of them with a dozen or more placements, and still were able to put it together and carry on their lives.

We need to have this month to make us aware of the needs of foster kids in this country.

Mr. MEEK of Florida. Mr. Speaker, I am pleased to be a cosponsor on this Resolution that recognizes May as "National Foster Care Month" and acknowledges that the House of Representatives should continue to work to improve the Nation's foster care system.

In FY 2007, the number of children in foster care was 496,000, a sharp decline from the number of foster children in 2002. However, over this same period, the number of older children in foster care increased. Children ages 13 through 17 comprised 34.7% of the children in foster care in FY 2006.

Our older youths who spend their teenage years in foster care and those who are likely to age out of foster care face challenges as they transition to adulthood that their counterparts in the general population might not. During their early adult years, these youth are much more likely than their peers to forego higher education, more likely to be in poor health, and more likely to become homeless.

Taking care of our foster care youths is a very important issue for me. I have just re-introduced legislation that I had filed in the last

Congress, which would help former foster youth find housing and guidance as they transition to becoming adults. Instead of celebrating their 18th birthday with family and friends, too many of our foster care youth are marking this milestone by aging out of the foster care system and abruptly losing their support system. Our responsibility to foster care youths should not expire when a young person reaches the age of majority.

Our most recent statistics from the U.S. Department of Health and Human Services show that each year about 26,500 youth age out of the foster care system. These foster care youth are vulnerable to becoming homeless. A national study of 21-year-olds who had aged out of foster care found the percentage of the population who experienced homelessness to be 25%. Of equal concern is the fact that these youths are very often without adult role models, and as such, have no one to guide or otherwise assist them as they transition to adulthood.

My legislation provides an incentive for individuals to mentor and house foster care youths who are no longer able to remain in the foster care system because they have attained the age of 18. We need to help these young adults, many of whom are homeless, jobless, and without any adult role model.

My bill allows a \$1,000 nonrefundable tax credit to individual adults who provide housing and mentoring to former foster care youths between the ages of 18 and 21 who have aged out of the foster care system.

We need to do more to provide incentives for families to take all of our foster care children in, whether they be under the age of 18 and still in the system, or over the age of 18 and have aged out of the system.

Mr. DAVIS of Illinois. Mr. Speaker, I join my colleagues in recognizing May as "National Foster Care Month". This occasion provides an opportunity to examine key issues affecting foster children. I am very pleased that Congress recently improved our child welfare laws greatly, extending coverage till the age of 21 and promoting kinship care. The Recovery Act also included additional funds for child welfare to support states in caring for vulnerable children during hard economic times.

As unemployment rates continue to rise, it is critical that we continue to invest in safety net programs that ensure our children are protected and are able to develop into healthy adults. Most children in the child welfare system are from low-income families. As policymakers, we must stand ready to provide the aid needed to help families so that child welfare supports are not needed. We must continue to promote all permanency options so that children do not remain in the foster care system longer than necessary. And, we must ensure to integrate the needs of foster care children in relevant policy areas. For example, there currently are federal protections for homeless youth to ensure that they have stability in their educational environments during elementary and high school. We should expand these protections to cover all foster children.

In the areas of health care reform, job training, and higher education, we must consider the needs of foster care children.

National Foster Care Month is a time for us to remember that it is crucial that we support

foster care families and children by making a national investment in our children. Our children are entitled to stable, caring homes; if we deny them what they truly deserve, we can anticipate a colder, more uncertain future for our nation.

Mr. RANGEL. Mr. Speaker, on any given day there are nearly a half million children in our nation's foster care system. These children have endured more pain and suffering in their short lives than many of us could ever imagine. Not only do they experience the physical and emotional trauma that is connected to their mistreatment, but they also face the grief of being separated from their siblings, extended family, friends, and their community. The foster care system serves as a safe sanctuary for these young people and provides services and support to help ease their suffering. It is in the foster care system that children find the help they need to address their pain, and where families can receive the services they need to safely restore their bond with their children. And when it is not possible to safely reunify a child with their parents, it is through the foster care system that a child finds a permanent home with a relative caregiver or an adoptive family.

The month of May is National Foster Care Month. It provides the nation with an opportunity to acknowledge the wonderful contributions of the countless men and women who dedicate their lives to assisting children and families, such as case workers and administrators, child and family advocates, researchers, volunteers, and community organizations such as the Child Welfare Organizing Project, which is doing fantastic work in my district. National Foster Care Month provides us with an opportunity to commend those individuals and families who open up their homes and lives to our most vulnerable children by becoming a foster parent. Foster parents step in to serve as a surrogate mom and dad to children when their parents are not there to comfort and care for them. Their services are invaluable in helping these children overcome their grief and move forward in their lives.

National Foster Care Month also provides us with an opportunity to evaluate our foster care system. Congress made great strides last fall in passing comprehensive, bipartisan legislation that strengthened the child welfare system. The Fostering Connections to Success and Increasing Adoptions Act provided new resources to the system and included policy changes aimed at improving the outcomes of children in care. The legislation has significantly improved the lives of foster children by facilitating their connection to extended family, supporting grandparents and other relative caregivers who care for these children, providing support to older youth in their transition to adulthood, ensuring the health care and educational needs of every child are met, ending the discriminatory practices against Native American children who are under the supervision of tribal governments, enhancing federal training assistance for child welfare workers and court personnel, and strengthening the federal adoption assistance program. The Fostering Connections to Success and Increasing Adoptions Act represented the most significant reform in the child welfare system in over a decade. I am proud of the bipartisan work that

the Committee on Ways and Means did in developing the underlying legislation that led to the comprehensive bill. Nevertheless, there is still a great deal of work that needs to be done.

Despite the success of last fall's legislation, Congress needs to remain committed to further strengthening the foster care system and addressing some of the problems that have plagued it for years. Children of color are disproportionately over-represented in foster care. African American and Native American children are removed from their homes and placed in foster care at much higher rates than their white peers. Tragically, once they are removed from their homes, they are more likely to remain in the system for longer periods of time. This problem transcends urban areas and occurs across our nation, affecting not only New York, Michigan and Illinois, but States such as Iowa, Washington State and Minnesota. Many of the provisions included in the Fostering Connections the Success and Increasing Adoptions Act will help to begin to address this problem, yet more reform is still needed.

I ask my colleagues to join me in celebrating National Foster Care Month by saluting the people who come to the aid of our most vulnerable children and families, as well as the men and women who are, or were formerly in, the foster care system. These individuals represent some of our bravest men and women who have overcome a level of grief and suffering that some will never experience in their lifetime. Yet, these remarkable people go on to lead successful lives, often exceeding their wildest expectations. Many of them now volunteer their time and expertise to efforts to improve the lives of those children who are currently in the system, championing their cause in State legislatures and throughout the halls of Congress. I salute these fine men and women for the example that they set for all Americans.

Mr. McDERMOTT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 391.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING JACK KEMP

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 401) honoring the life and recognizing the far-reaching accomplishments of the Honorable Jack Kemp, Jr.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 401

Whereas the Congress is greatly saddened by the passing of Jack Kemp on Saturday, May 2, 2009;

Whereas Jack Kemp's commitment to public service was an inspiration to millions of Americans;

Whereas Jack Kemp had an unwavering belief in the American dream, saying "There are no limits to our future if we don't put limits on our people";

Whereas prior to his election to Congress, Jack Kemp was a champion on the professional football field, leading the Buffalo Bills to 2 American Football League championships in 1964 and 1965 and earning Most Valuable Player honors in 1965, and was named as one of the top 50 quarterbacks of all time by the *Sporting News* in 2005;

Whereas Jack Kemp was elected to Congress in 1970 and honorably served the people of western New York as a Congressman for 18 years, during which time he served as Chairman of the House Republican Conference from 1981 through 1987 and was a member of the Republican Study Committee;

Whereas during his time in Congress, Jack Kemp pioneered innovative solutions for the American people, including the Kemp-Roth provisions of President Ronald Reagan's Economic Recovery Tax Act of 1981, which provided tax relief to the American people by reducing marginal income tax rates by 25 percent over 3 years;

Whereas Jack Kemp served for 4 years as Secretary of Housing and Urban Development and was a champion of efforts to encourage entrepreneurship and job creation in urban America;

Whereas Jack Kemp received the nomination of the Republican Party for Vice President in 1996;

Whereas at the conclusion of his service in the United States Government, Jack Kemp never ceased in his efforts to make the American dream a reality for everyone, including his efforts to cofound Empower America, a public policy and advocacy organization, and the Foundation for the Defense of Democracies, a nonpartisan think tank;

Whereas as Chairman of the National Commission on Economic Growth and Tax Reform, Jack Kemp wisely advocated for reform and simplification of the United States tax code that would unleash the American entrepreneurial spirit, increase capital growth, and expand access to capital for all people;

Whereas Jack Kemp believed that "real leadership is not just seeing the realities of what we are temporarily faced with, but seeing the possibilities and potential that can be realized by lifting up people's vision of what they can be"; and

Whereas while Jack Kemp will be remembered as a honorable and cherished public servant, he will more importantly be remembered by his wife as a loving husband, by his children as a wonderful father, and by his grandchildren as a doting grandparent: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation for the profound dedication and public service of Jack Kemp;

(2) tenders its deep sympathy to his wife, Joanne, to his children, Jeffrey, Jennifer, Judith, and James, and to the entire family, friends, and former staff of Jack Kemp; and

(3) directs the Clerk of the House to transmit a copy of this resolution to the family of Jack Kemp.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us today is in honor of a former colleague of the House of Representatives who served the House for 18 years, Jack Kemp. Kemp was elected to the House in 1970, serving the western part of New York for nine terms. He later served the public as United States Secretary of Housing and Urban Development.

Although he is best known for his position on tax cuts and supply side economics, he championed a variety of social causes supporting tax incentives for inner city enterprise zones to combat urban blight, speaking out in favor of affirmative action, expansion of home ownership to inner city poor, supporting D.C. voting rights and fighting to preserve cuts in education aid for magnet schools.

□ 1245

Kemp believed in a country where all people despite their differences were welcome and could succeed. He will be missed. I urge all Members to support this resolution.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the definition of bittersweet. Bitter because Jack Kemp was one of my best friends; sweet because we are here marking a remarkable person, a remarkable history, and a remarkable contribution to this House of Representatives.

Jack Kemp, yes, served with distinction in this House. But more than that, he gave this House life. As I was saying to another Member who served with him, as did I, when you talk about Jack Kemp, a smile comes to your lips, not because he walked with the swagger or arrogance of a former athlete, but because he walked with the grace of a former athlete who extended that grace to his public service.

Jack Kemp was a remarkable man. Jack used to say that he probably showered with more African-Americans than most Republicans had met. Jack was referring to his service as a member of the AFL, American Football League, and then a member of the AFC, where he gained the respect of his teammates no matter what their color.

As a candidate for Vice President of the United States, Jack became one of the very few people in the history of the United States to run for that office who had been the founder of a union and president of a union. He helped found the AFL Players' Association and worked with John Mackey, who was the president of the NFL Players' Association, to try and make more equal the bargaining position of players versus the owners and the league. Jack took great pride in that.

But more than anything else, Jack Kemp was a family man. His family never came second to him in anything he did. He told me one time that he was trying to inspire his children and he would leave notes on their pillows at night. One of the notes he would write would say "be a leader." I took that as an example for myself, and as my children were growing up, I would say to them as they went to bed "be a leader" or sometimes leave them a note that said that. That was something I got from Jack Kemp.

Jack was also a man of the House. If you listened to him in various settings, he would repeat that phrase. I remember it very well when I was privileged to be among those in the crowd in the Cannon caucus room when Jack launched his ultimately unsuccessful but nonetheless inspirational race for President of the United States. As he bid the House good-bye, he said, "I may be leaving the House, but I will for the rest of my life be a man of the House." And I believe he was to the very marrow of his bone, to his last breath.

Jack loved this House. He understood what this House represented. He understood that this place is, yes, an institution for the people of America. But he understood that it was populated by human beings. He understood that politics was not only policy, but it was people. He understood that in order to make a compromise, you had to know the person across the aisle. You had to have some empathy for them and the lives they lived and the families they had. And in a very real sense, Jack elevated this House because he understood the foundations of this House.

Jack, yes, became famous for his enunciation of the principles that underlie supply-side economics, but it was much more than that. If you knew Jack, you knew it wasn't about the theory, as the impact of the theory.

Jack believed fundamentally that in order to help our neighbor, we had to respect our neighbor. In order to try and bring people up from their bootstraps, you had to recognize their basic humanity. He understood that government, yes, stands for the purpose of helping people, but we needed to help people help themselves.

If you look at his ideas, his thoughts, his work on enterprise zones, it was rooted not in political philosophy; it was rooted in his love of his fellow

man. He actually believed every single person was in the image of God. He actually believed that, whether you were black or white or Hispanic, whatever you were, you were of equal value in the sight of God, and that was Jack Kemp to the core.

So if you listened to him argue on the floor, he would implicitly and explicitly articulate the vision that every single person was worthy. And that motivated his philosophy and that motivated his debate and that motivated the bills that he supported on the floor.

He was for enterprise zones because he thought that you could unleash the power of the individual. He thought that one way of elevating the down-trodden in our society was to give them opportunity. He believed in opportunity. He thought he was the embodiment of opportunity, and he wanted to extend opportunity to every single person in this society.

Jack was an inspiration to those who knew him. He wasn't perfect; he would tell you that. Sometimes he acted like a quarterback and you would have to tell him that we weren't in a huddle. And thank God for his wife, Joanne, because Joanne could tell him there wasn't a huddle going on, and he would get that half-crooked smile on his face and he would chuckle and listen. And he would incorporate your ideas and he would always be welcoming of them; and sometimes later you would hear him talking and you would hear one of your ideas being expressed by Jack Kemp in that vibrant way.

Mr. Speaker, you might get the idea that I thought a lot of my friend Jack Kemp, because I did. But it was more than just friendship; it was brotherhood. This place is a better place because Jack served here. This place would be a better place if we had more Jack Kemps here. This place is a greater institution because of his service here, and we will be an even greater institution if we don't just memorialize him, but we embody many of the traits that he brought forth to this floor.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield to the gentleman from New York (Mr. RANGEL) for 3 minutes.

Mr. RANGEL. I did something I rarely do and that is ask to go before the previous speakers that were here, only because I wanted some continuity in the remarks of my friend from California about my friend, Jack Kemp. I know that other people have other things to say about Jack, but I think my remarks are more consistent with yours, and so I asked my colleagues to forgive me for asking for this courtesy.

When the minority leader asked me to join on a resolution for Jack Kemp, me being for good cause suspicious, I just said yes because I knew that in my worst possible dreams if they wanted to distort something to catch me up in

a political thing, that they couldn't do it with Jack Kemp because Jack Kemp defies the political persuasion which our House finds itself in today with how we treat each other, how we lose respect for each other, and how the party vote seems sometimes more important than what we are going to tell our kids what contribution we made to this great body.

I was moved by what you said in terms of things that I don't normally think about, but when you said he really believed it was a religious, it was a spiritual thing, I take a look at and wonder if Jack was with us today, what would he really disagree with us about. Sure, we would have some problems in the tax system. We would have some problems believing that the free market system was going to remove so many of the problems that we face. And I get so sick and tired of people of the other persuasion saying that they are colorblind. Of course, when Bill Archer said it, I found out he really was colorblind.

But as a political statement, I can tell you that the things that I was privileged to work with Jack Kemp on were for people who were the lesser of our brothers and sisters, period. And they come in all different colors. That is what the empowerment zone was all about. It was not looking for Republicans or conservatives or blacks and whites. It was in this country, everyone should have an opportunity to dream and achieve. And every time he had a chance, he would make it abundantly clear.

What would the Republicans say today if he was running for Vice President and had his initial visit in Harlem U.S.A., in my congressional district? And who was there but me saying: he's a heck of a good guy. I just don't believe he and Dole are going to win.

Jack Kemp had a constituency when he was Secretary of HUD. I don't care what Republicans or Democrats want to say, if you were living in public housing, you knew that the Secretary of HUD was your friend.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BRADY of Pennsylvania. I yield the gentleman an additional minute.

Mr. RANGEL. I would just like to conclude by saying that he was snatched away so early. When you are 79, you think 73 is early. But I never saw him that he didn't ask about my wife, about my kids. And of course if you ever saw a Christmas card from Jack Kemp and looked at him and Joanne and looked at his father and then read his biography, you would know that he was a quarterback for justice, and no matter what the cause, what your color, what your religion, if in this country you thought there was hope for you to succeed, the guy you should have seen was Jack Kemp.

I hope that all of us would have a little bit of Kemp in us. During these dif-

ficult times, it is hard to get along; but if you can remember that maybe one day when you leave you will see people of all persuasions, of all parties saying you are a decent person, Jack Kemp has set an example for all of us.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would yield the gentleman from Virginia (Mr. WOLF) 30 seconds.

Mr. WOLF. Mr. Speaker, I thank the gentleman.

I rise in support of the resolution and offer my condolences to Joanne, their children, and their families. Jack Kemp was a good man, somebody who I admired, followed, and tried to emulate in many, many areas.

I would like to put two statements into the RECORD, one from the Weekly Standard that kind of spells out his life, and a eulogy by Chuck Colson who kind of sums Jack up better than anybody. Well done, our good and faithful servant. God bless Jack Kemp.

Mr. Speaker, I rise today in support of this resolution honoring the life and accomplishments of our former colleague Jack Kemp. Like so many, I was deeply saddened to learn of Jack's passing this past weekend.

I had the privilege and honor of serving in the House with Jack for eight years. He was one of the most genuinely optimistic and engaging persons I have ever known. He saw the best in people and believed with all his heart that every person on this earth deserved to be treated with dignity and respect. His work for human rights influenced me deeply.

To his wife Joanne, his children and grandchildren, I send my heartfelt sympathy. In Jack's memory, I say, "Well done, good and faithful servant."

Mr. Speaker, I ask that a column from the Weekly Standard by Mary Brunette Cannon as well as a BreakPoint commentary by Chuck Colson about Jack's life be inserted in the RECORD.

[From BreakPoint Commentaries, May 6, 2009]

My Friend Jack Kemp
(By Chuck Colson)
A MAN OF VIRTUE

My friend Jack Kemp died this past weekend at 73.

His obituaries list many accomplishments: seven-time all-star quarterback for the Buffalo Bills and the American Football League's most valuable player in 1965. Eight-term congressman from Buffalo, New York, Secretary of Housing and Urban Development, and the 1996 Republican vice-presidential candidate.

As our mutual friend Fred Barnes wrote in the Weekly Standard, it's hard to think of any congressman in recent memory who accomplished more, setting the stage for the Reagan Revolution and economic opportunity for all Americans.

But as remarkable as Jack's accomplishments were, Jack the man was even more so. He personified all of the classic virtues—temperance, prudence, courage, and justice. But today I want to focus on one especially—courage.

Jack was indomitable. "Too small" to play college football, never mind professional ball. He was cut five times before sticking

with the Chargers. He became a star despite often playing hurt. He suffered a dozen concussions over his career, two broken ankles, and a crushed hand.

Courage also marked his life after football. While he didn't hesitate to describe himself as a conservative Republican, many conservative Republicans were hesitant to call him one of their own. That's because his sense of justice sometimes put him at odds with his own party.

While much of the party was winning over white Democrats in the South, Jack was embracing civil rights. Whereas many Republicans saw labor unions as the "enemy," Jack, a co-founder and five-time president of the AFL Players' Association, fought hard for the interests of working Americans.

Then, in 1994, when the GOP in his native California appealed to fears about illegal immigration, Jack opposed them. That cost him dearly with the national party. Many split ways with him at that point.

Jack might well have been President—and would have been a great one—were it not for two things: He would never compromise his convictions, nor would he attack his opponents. Sadly, it's hard to resist those things and still get to the White House.

His courage was on display to the very end. During the times I visited him over the last months of his life, I was taken by how he kept his spirit up even as the cancer devastated his body.

Jack was a giant in our midst. He had a heart for the same kind of people Prison Fellowship serves—the poor, the oppressed, and the downtrodden. His wife, Joanne, has been a board member at Prison Fellowship for many years.

He also shared our Christian commitment to human life, telling the *New York Times* how a personal tragedy made him "more aware of the sanctity of human life, [and] how precious every child is."

This and more is why Jack's death is such a great loss to me personally. Joanne and his four beautiful children—all Christians—are in my prayers. How proud of them Jack was. This family's Christian witness has touched countless lives.

I've been humbled by being asked to give the eulogy at the National Cathedral this Friday. What a privilege to celebrate a life so richly lived in service to his Lord and nation. I thank God for my friend, whom I and a grieving nation will sorely miss.

[From the *Weekly Standard*, May 4, 2009]

JACK KEMP, MY TEACHER
(By Mary Brunette Cannon)

At the heart of everything Jack Kemp did was his unshakeable belief in the inherent worth and dignity of every human being.

In January 1981, at the dawn of the Reagan Revolution, I left my obscure college in upstate New York to spend a semester as an intern in Washington, D.C. working for the congressman from the neighboring district. At the time, I thought my days as a student would soon be over, but I learned quickly that my education was just beginning, and my teacher would be Jack Kemp.

I spent most of the next 11 years working for Jack, in his congressional office, his presidential campaign, and at the Department of Housing and Urban Development. Each day was an extended seminar in the liberal arts and sciences. Jack's interests were broad and his appetite for knowledge insatiable. Once he discovered something intriguing, his generous spirit compelled him to share it with everyone he met. Most congressmen pass out to their constituents a picture of themselves,

or a copy of one of their recent speeches. Visitors to the Kemp office were more likely to leave with a speech by Lech Walesa, or a picture of Winston Churchill. Staffers were sent off to the theater to see *Les Misérables*, and given books that not only had to be read, but discussed.

Jack is often called a man of ideas, and that is true. His ideas helped spur the economic recovery of the 1980s and pave the way for prosperity and growth. As a self-described "backbencher" in Tip O'Neill's House of Representatives, he was able to work with members of the Democratic party to achieve his goals without sacrificing even the tiniest bit of principle, something today's backbenchers would do well to emulate. Jack's vision was a Republican party with a message that speaks to the universal truths of human freedom and dignity is the roadmap to rebuilding a governing majority.

One of Jack's enduring legacies is the amendment he offered along with Senator Bob Kasten of Wisconsin to deny federal funding to organizations, like the U.N. Fund for Population Control (UNFPA), that supported China's use of coerced abortion as a method of enforcing its one-child per family rule. The Chinese government was taken aback by this initiative when it was first offered in the mid-1980s and sent its ambassador to meet with Jack in his office on Capitol Hill. The diplomat made some formal comments, and Jack listened quietly, a rare response. When he began to respond, he sought to engage the ambassador on a personal level, talking about his own family and background, and asking the ambassador about his. The ambassador seemed stunned by the personal nature of the conversation, but when Jack asked him, "how many children do you and your wife have?" he answered quietly that they had three, two more than the number allowed by his regime's population control policy. Jack said, "I know you must love them all very much, and believe they each have something unique to contribute. Could you imagine life without any one of them?"

At the heart of this exchange, and everything Jack did, was his unshakeable belief in the inherent worth and dignity of every human being. This is what inspired his passion for job creation and economic growth; his support for freedom fighters in every corner of the globe; his insistence on a strong defense as a deterrent to war; his work on behalf of the poor, the immigrant, the unborn, and the dispossessed. I traveled with him from the union halls in his district outside Buffalo, New York, to the small towns of Iowa and New Hampshire; from the most blighted and desperate slums in the United States to Prince Charles' private garden at his home, Highgrove. In every circumstance, his message was the same—each and every human being is a precious resource, to be nurtured and defended and given the freedom he needs to fulfill his destiny as, in Kemp's words, "a master carpenter or a prima ballerina—or even a pro quarterback."

Jack's destiny led him to do many extraordinary things, but nothing was more satisfying to him than his life at home with his wife Joanne, his children, and his grandchildren. Joanne once gave me a glimpse into the life they had at home, in what Jack called his "Shangri-la." She said that marriage was an "adventure," and that the most important thing parents can give their children is the knowledge that their mother and father love one another. Of all the lessons I learned from Jack Kemp and his family, that was the most important. And like the count-

less other students who have been privileged to have Jack Kemp as their teacher, I will miss him.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank Chairman BRADY for yielding.

I was not here when Jack Kemp was here. But of course I recall his football career. I recall his legislative career. But I knew him when he was Secretary of HUD. I represent a large area with low-income people and public housing.

Then when I did come here when J.C. Watts and Jim Talent and I introduced the American Community Renewal Act and New Market Initiatives, Jack Kemp was there. One of the most pleasant calls that I have had from anyone was when we were working on the Second Chance Act to provide opportunity for individuals who had been incarcerated to get assistance when they returned home, to try and successfully reintegrate themselves back into normal society, I got a call from Jack Kemp simply saying: I want you to know that I support this legislation. Anything that I can do to help make sure that it gets passed, give us a call.

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And so I agree that Jack Kemp was not only a quarterback on the football field, but he was indeed a quarterback for justice, quarterback for equality, and a quarterback for trying to make sure that each and every individual has the greatest opportunity to live a high quality of life.

I salute you, Jack Kemp.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I yield 1 minute to the Republican leader, the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I want to thank my colleague for yielding, and I want to thank Mr. RANGEL for cosponsoring this resolution with me. I would like to offer my condolences to Joanne and the family—a great American family—and I think they realize that we mourn with them.

In the 1980s, I was a State legislator, and I became this big fan of Jack Kemp, to the point that, in 1988, I went to Manchester, New Hampshire, one Saturday and knocked on doors when he was running for President.

There's not many people in America that were an all-star quarterback on a pro football team; not many people in America who have the chance to serve nine terms in the Congress.

So when you look at Jack Kemp, he was a big figure, and he did an awful lot for our institution and, frankly, did an awful lot for our country.

But two things that I'd like to point out about Jack Kemp: his belief in entrepreneurial capitalism; in other words, the fact that all Americans ought to have a chance at the American Dream, regardless of their stations in life. Jack was as enthusiastic

about this as any person alive. Regardless of where you were in life, what your station in life was, whether you're rich or you're poor, that everyone ought to have a real opportunity. He believed this to the core of who he was, especially when it came to visiting poor neighborhoods. Whether it was enterprise zones, community renewal projects, Jack Kemp understood that if, given a chance, anyone in America could succeed.

The other big point about Jack Kemp that often is not noticed was the fact that he was a great defender of human life. His defense of life went on during his 18 years here in Congress, but long after that as well.

And so I rise today, along with my colleagues, to honor our friend and former colleague, Jack Kemp. He will not be forgotten.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I want to share with my colleagues part of Mr. Kemp's life that they might not have been fully aware of. Jack Kemp loved Vail, Colorado, which I have the opportunity to represent, and also he loved to give back to Vail. He owned a home in the Cascade neighborhood of Vail for many years and served on the board of directors of the Vail Valley Foundation since 1995.

Kemp pushed towards getting the foundation more involved with educational programs and youth. He was a leading proponent of the foundation's Success by 6 program, which helped hundreds of children in Eagle County under age 6.

Jack Kemp was always an advocate for innovation and entrepreneurship, and he loved to spend time in Vail with his family, including his grandchildren, in both the summer and winter. One year, Kemp recited a speech by Abraham Lincoln at the annual Bravo! Fourth of July concert at Ford Amphitheater. And, most of all, Jack Kemp loved to ski.

My story about Jack Kemp is, growing up, every year around the holiday season my family would spend a week or two—we, the kids, had off from school—in Vail, and, every year, Jack Kemp would have a session at the local Vail library for free, for anybody who wanted to come, a breakfast session right before skiing. And it took a lot to get out of bed, but, even at that age, I was really interested in what he had to say.

He didn't have to do that. This is when he was a private citizen, living in Vail, skiing. Yet, every year, 7 to 9 in the morning, the last week of the year, he would take a morning and give back and make himself available to people in Vail to talk to him, to listen to them, to learn from him.

I attended those breakfast sessions 5 or 6 years and was inspired by the ex-

ample that Jack Kemp set, not only of public service but of making himself available and mentoring the next generation.

After his days of political office, Kemp remained active as a political advocate and commentator and served on corporate and nonprofit organization boards. He also authored, coauthored, and edited several books. He was a benefactor of Pepperdine University's Jack F. Kemp School of Political Economy.

Jack Kemp cared deeply about urban poverty issues. He championed enterprise zones, civil rights, and housing reform. Jack Kemp not only lived the American Dream, but he helped empower other people to live that dream as he did.

The loss of Jack Kemp is a loss not only to his family and friends, but to our country and our world. I extend my sincere condolences to his family. We are all thankful for the life that Jack Kemp has lived.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. I speak today in favor of H. Resolution 401, honoring the life of the honorable Jack Kemp. Jack Kemp was a friend of mine. His love of urban issues and love of those who government could help to achieve the American Dream was both admirable and something that many of us have attempted to follow.

With his recent passing, we have to remember his work not only here in this body, but as Secretary of Housing and Urban Development.

Jack Kemp is a guy who brought forth many concepts of how to appropriately size government, look to ways to lower tax burdens, and for economic development and moving the country forward. More importantly, he was also a guy who understood that the work of government was important, that it played an active role and held opportunity for people seeking the American Dream.

His work and efforts to advance some of those programs really made a difference in the lives of many and is something today that we can look to as a model.

He believed that tax cuts and economic growth would create benefits for everyone in the community, but also believed in trying to amass capital, bringing them to urban areas, assisting in redevelopment, assisting in enhancing educational programs, and looking to those neighborhoods where there were needs and ways which we can enhance their economic opportunity and the opportunity of those who live there.

Jack Kemp's legacy is a model that we should continue to strive for as we look to ways to take our government into our neighborhoods to assist those who are in need.

Thank you.

Mr. BRADY of Pennsylvania. May I inquire how much time is left on both sides?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 10½ minutes. The gentleman from California has 9 minutes.

Mr. BRADY of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. At this time, Mr. Speaker, I yield 2½ minutes to someone who had the privilege of serving with Jack Kemp on his staff, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I'd like to pay tribute to a great American, my friend and my personal mentor, Jack Kemp.

As a 23-year-old kid, Jack Kemp took a chance on me and had me come and serve as his personal economic policy analyst in a new thing he was starting called Empower America. As his aid and his speechwriter, I learned not only how he articulated his vision, but, more importantly, the philosophical underpinnings of this vision and the universal power of Jack Kemp's vision.

You see, Jack is the reason I ran for Congress. He saw something in me that I didn't even know was in me. He taught me how to approach people with that sort of infectious optimism that I strive for, and he reminds us that there is nothing more than uplifting the idea of America that we champion. I would consider myself blessed to have a mere thimbleful of his abilities and vision.

Jack Kemp had a transforming impact on the economic landscape of America. And, as true as that is, his impact on our Nation's political landscape may be even greater, though not in a partisan or a very narrow political sense. I mean in the way that America understands itself, in the way that we understood the great purpose of our system of self-government.

Jack Kemp was a self-taught man. He read the economic classics, beginning with Adam Smith's *Wealth of Nations*. He also read and studied the Declaration of Independence. Both, as it happens, were published in 1776, year 1 of our country's independence.

He mastered and spelled out for us the great insight that economic freedom and political freedom are intertwined in integrated parts of the order of human freedom. He reminded us that families, faith, and education, not government, are the true sources of the qualities of character without which there can be neither economic nor political freedom.

Jack wasn't interested in the details and the fine print or even the micro-managing policies that he promoted, nor were his policies merely short-term tinkering. Whether he was advancing his 30 percent across-the-board income tax or his enterprise zones, he was

never looking for just ways to add up points to gross domestic product.

What he promoted was America itself, the American idea, which, in the 1970s, had fallen on hard times. The American idea needed an American renaissance, and he was just the man to inspire that rebirth.

Two great leaders that Jack always talked about were Thomas Jefferson and Abraham Lincoln. He was a fine student of those two men.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman 20 additional seconds.

Mr. RYAN of Wisconsin. I simply want to close by saying that the life of Jack Kemp is a life where they broke the mold. Ronald Reagan motivated me; Jack Kemp inspired me.

May God bless Jack Kemp and the memory and the works of this fine man, and may He bless his family.

I'd like to pay tribute a great American—my friend and my personal mentor—Jack Kemp. As a 23-year-old kid, Jack took a chance on me, asking me to serve as his staff economic analyst at a new think tank, Empower America. As his aide and speechwriter, I learned not only how he articulated his vision, but more fundamentally the philosophical underpinnings and universal power of this vision.

Jack is the reason I ran for Congress. I was motivated by Ronald Reagan, but inspired by Jack Kemp. He saw something in me that I didn't even know existed. He taught me how to approach people with an infectious optimism, and reminds us all that there is nothing more uplifting than the idea of America. I would consider myself blessed to have a mere thimble full of his abilities and vision.

Jack Kemp had a transforming impact on the economic landscape of America. True as that is, his impact on our nation's political landscape may be greater, though not in a partisan or narrowly political sense. I mean in the way America understands itself and in the way we understand the great purposes of our system of self-government.

Kemp taught himself by reading the economic classics beginning with Adam Smith's *Wealth of Nations*, but he also read and studied the Declaration of Independence, both as it happens, were, published in 1776, year one of America's independence. Kemp mastered . . . and spelled out for us . . . the great insight that economic freedom and political freedom are intertwined and integrated parts of the order of human freedom. He reminded us that families, faith, and education—not government—are the true sources of the qualities of character without which there can be neither economic nor political freedom.

Jack was not that interested in details and fine print, even of the policies he promoted. Nor were his proposals mere short-term tinkering. Whether he was advancing his 30 percent across the board income tax strategy, or his enterprise zones, or lowering regulatory barriers to growth and homeownership, he was never just looking for ways to add a point or two to the GDP. What Jack promoted was

America itself . . . the "American idea" which in the 1970s had fallen on hard times. The "American idea" needed an "American Renaissance" and he was just the man to inspire that rebirth.

The driving passion of Jack's life was to bring every person to full participation in a society of opportunity and freedom, especially the poor and minorities who could not quite reach up to the first rung on that opportunity ladder. You might say that Jack's greatest indignation was reserved for programs and policies, intended or not, that cut away the bottom rungs on the ladder and left the poor in despair of improving their lives.

Jack's way to the boundless opportunities of the future led him through the past, to the American Revolution and the Civil War. The American statesmen who inspired him most were Thomas Jefferson and Abraham Lincoln.

He loved Mr. Jefferson particularly for the immortal words he carved into the Declaration of Independence—that by the Laws of Nature and of Nature's God, all men are created equal in their inalienable rights to life, liberty, and pursuit of happiness. "All men" meant all human beings, Jack used to say, not just males or whites or Anglo-Saxons or people from some specific background. The American idea, in other words, is freedom for all human beings everywhere in the world for all time to come.

The more Kemp studied Lincoln's statecraft, the more he embraced Lincoln's vision. The Great Emancipator's titanic struggle against the abomination of race-based slavery, of course, was tethered to the golden words of Jefferson's Declaration. "All honor to Jefferson," wrote Lincoln, "to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so embalm it there, that to-day, and in all coming days, it shall be a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression."

Lincoln's statecraft was intended to open the doors to citizenship, voting rights, work and ownership opportunities to the enslaved blacks just as much as anyone else. Kemp saw that Lincoln's struggle against black slavery was part and parcel of Lincoln's project to extend the benefits of self-government and free markets to all.

Jack could quote passage after passage from Lincoln's speeches and writings to illustrate that the opposite of slavery—where one person owns another person—is freedom and equal opportunity—where every human being has the right to own and acquire property. One of the most succinct Lincoln quotes that epitomized Kemp's perspective was from a speech Lincoln gave on his way to the White House:

I don't believe in a law to prevent a man from getting rich [Lincoln said]; it would do more harm than good. So while we do not propose any war upon capital, we do wish to allow the humblest man an equal chance to get rich with everybody else. When one starts poor, as most do in the race of life, free society is such that he knows he can better his condition; he knows that there is no fixed condition of labor . . . I want every

man to have the chance . . . and I believe a black man is entitled to it—in which he can better his condition, [and look forward with hope].

Kemp and Lincoln had the same principal concern: to open up a path for those at the bottom to rise as high as their abilities and imagination could take them. Jack never lost a night's sleep worrying about taxing the rich too much. He lost sleep over programs that foreclose opportunity by weakening incentives for the poor to become rich.

With due respect, no statesman of the last generation has made the spirit of Lincoln so much his own as Jack Kemp. Rare was the Kemp speech or essay that did not sooner or later recur to Lincoln for insights on democracy, whether in domestic or foreign policy.

In his effort to grow in his understanding of Lincoln, Jack met and corresponded with the best Lincoln scholars in America; occasionally he challenged them. He was pleased by the invitations to join Lincoln historical associations and was professionally recognized for his knowledge and interest. So vital was Lincoln's vision of equality and opportunity that Jack would debate and respond to those who saw Lincoln as a proponent of ever growing federal programs—for example, former New York Governor Mario Cuomo who co-edited a book of Lincoln speeches. Even so, Kemp had a good word for anyone, left or right, who recognized Lincoln's greatness, importance to the meaning of America, and relevance for the economic and political issues of our time. It was altogether fitting and proper that Jack's last syndicated column published in February was titled "Honoring Lincoln," in celebrating the bicentennial of the birth of our greatest President.

It is true that Jack was a fighter for his vision of the American idea, but Lincoln deepened Jack's natural inclination to rise above party to the love of country. Last November, across the political divide, Kemp wrote a touching letter to his 17 grandchildren rejoicing in the transformation of America that allowed an African-American to win the Presidency. But that wasn't all. Jack noted that Barack Obama, like himself, often referred to his Illinois predecessor, Abraham Lincoln. It was quintessential Kemp to praise Obama generously even as he reiterated his personal vision of America:

When President-elect Obama quoted Abraham Lincoln on the night of his election [Kemp wrote], he was acknowledging the transcendent qualities of vision and leadership that are always present, but often overlooked and neglected by pettiness, partisanship and petulance. . . . President-elect Obama's honoring of Lincoln in many of his speeches reminds us of how vital it is to elevate these ideas and ideals to our nation's consciousness and inculcate his principles at a time of such great challenges and even greater opportunities.

Kemp himself contested for the Presidency and like a number of other excellent statesmen in the past who were driven by ideas, he did not reach that goal. But I believe with all my heart that through his ideas and his passion, his unconventional thinking and dedication to the principles of equality, freedom, and opportunity, Kemp made us a better people and our country a nobler place.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DANIEL E. LUNGREN of California. I yield an additional 2 minutes to that, please.

Mr. DREIER. Mr. Speaker, when I was a kid, I grew up a rabid Kansas City Chiefs football fan. At that time, Jack Kemp was quarterback for the Buffalo Bills, and there was raging competition that existed then.

I admired Jack Kemp, and I also was very pleased when our quarterback, Len Dawson, successfully defeated the Buffalo Bills.

Shortly after that, when I saw Jack Kemp come to the Congress, I was on his team all the time. I was inspired by him, just as our friend Mr. RYAN had said, and I was inspired by Ronald Reagan. While Mr. RYAN mentioned Thomas Jefferson, who was an inspiration for Jack Kemp, I can't help but think about the fact that JFK, John F. Kennedy, was another inspiring figure for Jack Kemp.

One of the things that Jack Kemp did was regularly focus on the economic policies that John F. Kennedy implemented. And it's an interesting irony they share the same monogram, JFK.

Jack Kemp said that utilizing that vision that was put forward by John F. Kennedy was what we needed to do. And that's why I have been consistently arguing over the past few months, as we're dealing with the challenge of getting our economy back on track, what we need to do is use bipartisanship, the best of John F. Kennedy and Ronald Reagan. Obviously, Jack Kemp was the great implementer of so much of that policy.

Jack Kemp taught me that if you tax something, you get less of it. If you subsidize something, you get more of it. In America, we tax work, growth, savings, investment, productivity. We subsidize nonwork, welfare, consumption, debt, and leisure. And he was so right. That's why I believe that, in the name of Jack Kemp, we should be implementing pro-growth economic policies.

Just as I was coming upstairs, my California colleague, Mr. LUNGREN, said we need more Jack Kemps. What we need, Mr. Speaker, is more Members who will take the same kind of passion that Jack Kemp showed for people of every walk of life and that same passion for a commitment to pro-growth policies.

Everyone from both political parties likes to talk about pro-growth economic policies, but the empirical evidence that we have of the tax cuts of John F. Kennedy and the tax cuts of Ronald Reagan and the eloquence of Jack Kemp in putting that forward is so important for all of us to remember, especially today.

The American people are hurting, regardless of what their station in life is economically.

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That is why I think that today, as we remember Jack Kemp, we should do all that we can to pursue what works, and that is the Kemp-inspired pro-growth economic policies.

My thoughts and prayers go to Joanne Kemp and all of the family members. I have to say that Jack inspired me to run for Congress in the late 1970s, as he did DAN LUNGREN and many others, and we are very proud to continue carrying forth the great tradition of the passion, commitment, spirit and hard work that Jack Kemp taught all of us.

Mr. BRADY of Pennsylvania. Mr. Speaker, I would like to yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank Representative BRADY for the minute.

I was a freshman last year, and I got the opportunity to meet Jack Kemp on several occasions. He obviously was of a different party, but there wasn't a nicer person to meet and to welcome me into Congress and spend time with.

Congressman DREIER talked about being a Kansas City Chiefs fan. Well, I was the real deal. I was a Los Angeles Chargers and a San Diego Chargers fan, which is where Jack Kemp started his career, and we talked at length about different players with the Chargers and the Bills, Paul Lowe, Keith Lincoln, Elbert Dubenion, and on and on, and he was as nice a person as there was.

I went to his Web site, which if you do you will see letters he wrote. He wrote a letter in November to his grandchildren, and the letter is beautiful. It talks about segregation when he was with the Chargers playing the Houston Oilers and one of his teammate's father could not sit in the stands where his father did; he had to sit in the end zone. Jack Kemp was totally against segregation. He wanted a just society. He was for civil rights. He didn't see color. And he was a man who should be emulated by both sides of the aisle. We will miss him.

Mr. DANIEL E. LUNGREN of California. At this time, Mr. Speaker, I would like to yield 2½ minutes to the gentleman, Mr. SMITH from New Jersey, who served with Jack Kemp.

Mr. BRADY of Pennsylvania. Mr. Speaker, I would like to also yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

The SPEAKER pro tempore. The gentleman is recognized for 3½ minutes.

Mr. SMITH of New Jersey. Mr. Speaker, the country lost a great and extraordinary American on Saturday. Jack Kemp was a man of deep faith in Christ, husband to the equally remarkable Joanne, father of four, and grandfather of seventeen. And he was, for those of us who knew him so well, above all, a family man. He was also a former star quarterback, HUD Secretary and Congressman, and will be

deeply missed by all of us who knew, respected, admired, and loved this special person.

I first met Jack when he campaigned for me in Trenton back in 1978 in my first bid for Congress. A decade later, as HUD Secretary, he actually helped us get the first demonstration project for Trenton's Weed and Seed program, one of only four in the country. Twenty years later, Weed and Seed continues to help disadvantaged youth in Trenton.

By his contagious enthusiasm, balanced energy, personal integrity, dedication to high moral principles and sheer determination, Jack Kemp changed America and, in the process, changed the world.

Jack Kemp believed in the politics of inclusion and worked tirelessly to extend hope and opportunity to all, regardless of age, gender, creed, disability or dependence, including and especially unborn children.

In a 1993 speech, Jack Kemp said, "Every single year, there's a tragic silence of a million newborn cries that will never be heard. Talents that will never be developed. Potential we will never see. Books never authored. Inventions never made. The right to life is a gift of God, not a gift of the state." Jack Kemp was always proudly pro-life.

In the early 1980s, Jack Kemp wrote the Kemp-Kasten anti-coercion law to protect women everywhere, especially in China, from the horrific crime of coerced abortion and involuntary sterilization. He always cared for the weak disenfranchised and the vulnerable.

Jack Kemp's speech on the Martin Luther King holiday in 1983 was among his most remarkable and enduring. He eloquently spoke of Dr. King's courage and legacy and the necessity of healing and reconciliation, and that the King holiday, like the civil rights struggle itself, was a necessary continuation of the American Revolution.

Jack Kemp not only wrote landmark laws but was the quintessential ideas man as well, and his often outside-the-box thinking became the inspiration for innovative reforms, including urban enterprise zones, the Reagan tax cuts, and the realization of homeownership that had been denied to so many. Jack Kemp was truly one of a kind, one of the all-time greats.

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend the debate for 10 minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I would like to yield 1½ minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, the gentleman from California was

right when he said we needed more Jack Kemps.

When I was a child growing up in Montgomery, Alabama, as a shy young man who loved politics, I admired Jack Kemp because he was young, vigorous and looked a little like Jack Kennedy. For a shy kid from Alabama, that was enough to win me over.

I got to know him as a Member of this body several years ago when he came to Selma, Alabama, as part of a civil rights pilgrimage. He and I partnered to do a fundraiser together in New York to renovate 16th Street Baptist Church, where four young black girls were murdered by a bombing in 1963. I still remember Jack standing against a window opening up to the New York skyline and talking about how much he regretted not having said enough in the mid 1960s when the civil rights movement was generating its strongest energies.

And, finally, as someone who is a political practitioner, I admired Jack Kemp because he believed in the theory of politics, where all of us competed for the same votes. He wanted his Republican Party to compete for African American votes. He wanted my Democratic Party to compete for people of faith. He wanted one political ground in this country where everyone who wanted to hold power had to come and speak and share their values. Jack Kemp was right. I extend my condolences to Joanne Kemp and his wonderful family.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, could you tell me the balance of time on each side?

The SPEAKER pro tempore. The gentleman from California has 12¼ minutes. The gentleman from Pennsylvania has 15½ minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I want to thank the gentleman for extending the time on this. This is a valuable person, a valuable time, and I thank you.

At this time, I would extend 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from California.

I think probably the most extraordinary thing we are hearing here is not only the kind of intellectual inspiration and things you normally hear, but a very deep-felt personal kind of inspiration.

I remember years ago Governor Boehm of Indiana, I asked him when I was a college student with a political group, why he came up and spoke to us. He said, "Because we can only do so much. It's who we reach and who we inspire that really extends our influence." You're hearing all sorts of different stories today.

My own story is that in 1965 when I was 15 years old, I read in Sport Magazine something that suggested to me that he was a conservative. I was try-

ing to form the third High School YAF, Young Americans for Freedom, chapter in America, and I wrote him a letter. This is a kid from small-town Indiana and he was a big star football quarterback. I said, "Would you be an honorary adviser to my Leo High School YAF chapter?"

Now, my high school, I had 68 kids in my class. And he wrote back and said, "I would be honored to be an adviser to your Young Americans for Freedom chapter, but I won't be able to attend any meetings." I appreciated that. Then he became an inspiration and a close friend to my former boss, Dan Coats. His daughter Judith worked with me in Senator Coats' office, and we visited many urban areas, and there I saw another side.

Many of the things that my friend from California and others have said are true: He wasn't always totally realistic; he was very emotional, sometimes a little naive, was not perfect, but he had a commitment to opportunity and a commitment to economics. But somewhere along the line he also developed a deep personal passion for helping the underdog. He did this when he was a quarterback. He was offended by certain ways minorities were treated at the time. It clearly stuck with him. He battled this coming out of Occidental College and had to fight his way up, and something deep and visceral sided with the underdog, and he stood up in ways that we do not usually see in the Republican Party for minorities. And when Judith his daughter and I would visit different cities, you could see the love that Jack Kemp had for minorities coming back from the minorities. Of all Republicans, they knew Jack Kemp. They loved Jack Kemp. They didn't always understand exactly what he saying and certainly didn't understand the gold standard, but they knew that he cared about them; that if his philosophy didn't reach to everybody, there was a problem with his philosophy. And that inspiration and passion he sent through and rippled through the system in both parties, and I hope that we in his memory continue to do that, continue to defend the underdog, and, in the Republican Party, understand that a rising tide needs to lift all boats, and we need to make sure that we continue to address those minority issues, and that will be part of his legacy to us.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I could not help but be quite moved by the earlier comments made by our colleagues in this Chamber on both sides of the aisle. I was very touched.

I did not know Jack Kemp personally, but I did have the privilege of meeting him at the airport a couple of

years ago. I offered him my hand to say hello, and I felt his genuineness truly, truly extending his hand in friendship; and, knowing that, felt a close warmth in knowing that this was a real human being.

Mr. Speaker, I know that Jack Kemp was one of the great quarterbacks in the memory of the NFL. I just felt I wanted to share with my colleagues that in this NFL draft alone, we have 9 Polynesians making the NFL draft this year, the greatest number among my people that were drafted by the National Football League to play this great professional game called football in America.

Now, our first love actually, Mr. Speaker, was rugby. But now I tell my young people to play football because it pays more money.

I do want to say that in remembering that Jack Kemp was a quarterback and he became an economist, to the extent that a self-taught person that really understood the basics of economics, and I was very impressed with that. I do want to say that in line with what my colleagues have said, the gentleman from California and my good friend from New York (Mr. RANGEL), I could not help but say, yes, this was truly a man of character, and we ought to follow his example.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, do you see what I say? When you talk about Jack Kemp, you start smiling.

At this time, I would like to yield 1 minute to the gentleman from Florida (Mr. MICA) who also served with Jack.

Mr. MICA. I have known Jack Kemp for more than three decades.

First of all, I want to join the House and my colleagues and every Member of Congress in supporting this resolution to honor both Jack Kemp's life and accomplishments. We all have our stories about Jack Kemp. Anyone who met Jack Kemp cannot be left without the memory of the special sparkle in his eye.

□ 1330

All you had to do was see Jack Kemp and see that special sparkle.

There was also a special warmth in his greeting. When you met Jack Kemp, you met someone special. And he greeted you warmly whether you were just an average person on the street or held the highest office in this land.

We will all remember Jack Kemp for his sharp mind, and always with his new ideas. Jack Kemp was a man of his time and a man ahead of his time.

We have lost, Mr. Speaker, a great American. He cared about people. The quote in this resolution, as Jack Kemp said, and I quote from Jack, "There are no limits to our future!"

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DANIEL E. LUNGREN of California. I yield 30 additional seconds to the gentleman from Florida.

Mr. MICA. In conclusion, again, Jack Kemp's own words about people, "There are no limits to our future if we don't put limits on our people." He believed in people. He believed in this country. He will be missed by all of us.

It is fitting, again, that we celebrate and recognize the accomplishments of a great American's life. To Joanne and his family, we send our sympathies and condolences.

Mr. BRADY of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, it is my great honor to come to the floor in support of House Resolution 401, honoring the life and recognizing the far-reaching accomplishments of the Honorable Jack Kemp, Jr.

Mr. Speaker, I have a real fancy speech here, and I would like to have it included in the RECORD in its entirety because I am just going to wing it.

Jack Kemp was my hero who became my friend. I had the great privilege of serving as House Republican Conference chairman in the role he held when he left this body to run for President of the United States of America. Some people have accused me from time to time of actually dying my hair to look more like Jack Kemp, and he liked that line.

He was a great man. He stood for all the things that I believe in. In keeping with Congressman ARTUR DAVIS's sentiments expressed, I just thought I might rise and tell you a story about Jack, about who he really was.

He came to Indianapolis for me about a year and a half ago, Mr. Speaker. And I knew that when you bring Jack in for an event, you don't just meet with the local political people, you have got to go into the inner city, you have got to meet with the underserved community. So I took him down to a place called The Lord's Pantry, a soup kitchen in inner-city Indianapolis run by a now-deceased black pastor by the name of Lucius Newson.

And there we were, we walked into this little food pantry, and there was Jack Kemp, former quarterback, former candidate for President, former Secretary of HUD, whips off his jacket, rolls his sleeves up, and he regaled the poorest of the poor with his vision for entrepreneurial capitalism and the American Dream. And they loved him.

And then at the very end of that, Pastor Newson looks at him—this wonderful, inner-city black pastor, and he said, Mr. Kemp, I know you're a wealthy man, so I am not going to let you leave without asking you for money for a women's shelter we are trying to build down the street. I didn't know how Jack would respond to that because I didn't know him as well as

people like DAN LUNGREN. Not only did Jack pledge help right there on the spot, got a check out—they have a copy of it now up on the wall—Jack Kemp said to him, not only am I going to give money to that cause, but I am going to grab my friend, MIKE PENCE here, and I am going to grab Tony Dungy and Peyton Manning and Archie Manning, and we are going to come back here next summer and we are going to have a fundraiser and raise all the money you need to build that women's shelter. And doggone it if Jack Kemp didn't call me every 2 weeks for the next 3 months to make sure we set up that banquet. And that black pastor would die a month after that banquet took place, but it raised every penny they needed to build that shelter and Jack Kemp was there and Tony Dungy was there and hundreds of Hoosiers gathered and saw this good and decent man stand with people at the point of a need, which is where his heart was.

He called himself a "bleeding heart" conservative, and that is that to which I aspire as well. You know, I told Jack one time I could never imagine a future in America where Jack Kemp wasn't eventually President of the United States. And he looked at me and smiled and said he appreciated it. But you know, Mr. Speaker, I think maybe I was aiming too low. You know, sometimes there are giants among us, names like Benjamin Franklin; Booker T. Washington; in England, William Wilberforce. They are men who never held the highest office in the land, but they shaped their times by moral persuasion and political activism. Jack Kemp was such a man.

Our hearts are broken, but our gratitude is boundless. Our prayers go out to Joanne and his entire family—which really extends to the millions if you knew the man. The depth this Nation owes Jack Kemp can only be repaid by imitation of his example.

I will always be proud to have known this good and great man. And I will always, first and foremost, refer to myself as a "Jack Kemp Republican."

Mr. Speaker, I rise in support of H. Res. 401, honoring the life and recognizing the far-reaching accomplishments of the Honorable Jack Kemp, Jr. Along with millions of Americans, my family and I were deeply saddened to learn of the passing of Jack Kemp. Jack Kemp was a hero who became my friend and I will miss him dearly.

Jack Kemp was a great man whose character, optimism and compassion will shape his party and his nation for generations.

As a legislator and a thought leader, Jack Kemp shaped a rising generation of leaders in both parties with his ideas about entrepreneurial capitalism, enterprise zones and equality. Those ideals were the driving force behind the economies policies of President Ronald Reagan and the welfare reform of the Republican Congress.

His optimistic belief in American dream—in the power of free markets and entrepreneurial

capitalism—was a lodestar to millions of Americans. His devotion to ensuring equality of opportunity for every American regardless of race, creed or color helped ground the Republican Party in the true ideals of Lincoln. His integrity and personal Christian faith showed his colleagues how to build a career in public service without compromising the people and the values that matter most.

Speaking to the Concerned Women for America in 1993—a time when Republicans were running scared and some spoke of deserting the "social issues" platform—Jack Kemp said: "Every single year, there is a tragic silence of a million newborn cries that will never be heard. Talents that will never be developed. Potential that we will never see. Books never authorized. Inventions never made . . . The right to life is a gift of God, not a gift of the state. Abortion must never rest easy on the conscience of our nation." And Jack Kemp stood for the sanctity of life. Jack was a passionate advocate for life and the unborn of all races. His life and work had an enormous impact on U.S. foreign aid policy.

The Kemp-Kasten provision, which was in effect for more than two decades (first enacted in 1984 for the 1985 fiscal year), prohibits U.S. funding of any organization that "supports or participates in the management of a program of coercive abortion or involuntarily sterilization." Under this law, the United States cut off funding for the United Nations Population Fund (UNFPA) starting in 2002 because, in the words of Colin Powell, "UNFPA's support of, and involvement in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion. Therefore, it is not permissible to continue funding UNFPA at this time." In 2008, the State Department again determined that UNFPA continued to support the Chinese population control program through financial support for the very Chinese agencies that enforce the policy.

Tragically, Kemp-Kasten was gutted in the recently passed Omnibus to allow funding to again flow to the UNFPA which can resume using taxpayer dollars to assist the Chinese government with their coercive population control program.

On occasion, there are giants among us—men like Benjamin Franklin and Booker T. Washington—who never held the highest elective office in the land but shaped their times by strong moral persuasion and political activism. Jack Kemp was such a man.

Our hearts are broken but our gratitude is boundless. Our prayers go out to his beloved Joanne and his entire family. The debt this nation owes Jack Kemp can only be repaid by imitation of his example.

I will always be proud to have known this good and great man and I will always say that I am, first and foremost, a 'Jack Kemp Republican.'

Mr. BRADY of Pennsylvania. Mr. Speaker, I reserve the balance of my time. I only have one more speaker, if the gentleman would like to close.

Mr. DANIEL E. LUNGREN of California. I would like to close. Thank you very much.

Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, let's make one thing clear, Jack is becoming a greater and greater quarterback the more we speak. He threw a lot of interceptions, and he would be the first to admit it here.

As I said before, he is my friend. He was my great friend. He was my mentor. I used to kid him and say he was one of my childhood heroes, which would kind of drive him crazy, but it was true that I first got to know of Jack Kemp when he was a young quarterback with the then Los Angeles Chargers.

But I really got to know him in this place and thereafter. I got to know his family; Joanne—no better person you could meet; his children, Judith, Jennifer, Jeff—and in the resolution it says James, I know him by Jimmy. When Jimmy joined the Canadian Football League team that was actually located in Sacramento, Jack and Joanne called and said, we don't know anybody else in Sacramento, would you take Jimmy in? So Jimmy stayed with us for a number of weeks while he started his professional football career.

Jack was the ever-vigilant father. He had his ideas. Jimmy said not too long ago, as Jack was in some of his toughest times and was unable to talk, he said, "We've established a new relationship with dad; he has to listen to us now."

On the last chance I had to talk with Jack shortly before Christmas, we had a great discussion. And we talked a little bit about Christmas and about where we were going. And Jack said that we were family, but there are so many people that could say that. I say that Jack is one of my best friends, but I met a large group that could say that because once you met Jack, you were his friend forever.

I said before and I will say it again; there may be somebody out there who didn't like Jack Kemp, but there is no one in this world Jack Kemp did not like. That makes all the difference in the world, particularly when you're in this tough business called politics. When you understand someone who loves you because you are another son or daughter of God, you understand what it is like to be a true American. Jack was a true American.

Jack was someone who inspired, who led, at times infuriated, but all the time loved. He is someone who will always remain in the memory of those who knew him. He is someone who believed in those words inscribed above your head, Mr. Speaker, "In God We Trust." He did trust in his God. He trusted in his family. He trusted in his country. We will miss him. I know that God is embracing him now as Jack looks down on the work we do.

God bless you, Jack. And God bless this country.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield the remaining time to

the Speaker of the House, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding.

Mr. Speaker, it is indeed an honor and a personal privilege to join our colleagues on the floor of the House today to pay tribute to the life and celebrate all that we all knew and loved about Jack Kemp.

Our Members have spoken with great eloquence, with great emotion, with great knowledge of the contribution that Jack Kemp made to our country. He was a formidable Member of Congress. I, fortunately, came to Congress just in time to overlap with his leadership and service here, so I saw firsthand the leadership and skill and intellect that he brought to his work.

He was a gentleman. He was civil at all times. He commanded respect on both sides of the aisle by virtue of his character, his personality, and his commitment to what he believed in. And he was an articulate spokesperson for what he believed in and a respectful opponent of other views.

The story of his exploits on the football field are just incredible, and his first game with the Buffalo Bills is just historic and remarkable. In reading about that, it was said that what he lacked in size and weight on the field he made up for in intellect. He was a smart player and was able to pull off great victories right from the start as a Buffalo Bill.

I hear the emotion in Mr. LUNGREN's voice. And when I went over to thank our colleague yesterday for the moment of silence that PETER KING requested and that Mr. RANGEL spoke to, I went over to thank him and Mr. LUNGREN said, "Don't forget, he's a Californian." And I said, "I know, born in Los Angeles." We take great pride in that.

On both the gridiron and in the Halls of Congress, he was the voice for social equity—anybody that knew him knew that—from demanding that the American Football League integrate its All-Star game to insisting that his party remain true to the roots of the party of Lincoln.

We all know his commitment to supply side and his accomplishment of Kemp-Roth—imagine having his name on that. He was a very respected Secretary of HUD, Housing and Urban Development. When he was appointed, people across America knew that they had a friend at the Cabinet table, that they had a friend in the Secretary's office.

He leaves behind a legacy in the football record books, of course, and the history of our Nation. Any one of us who served with him—and I do believe that we all did because his legacy lives on here, and so that we all can have the privilege of calling him colleague—those of us who did have the privilege of serving with him know what a great honor that was.

And so I hope that is a comfort to his family, his wife Joanne, whom he adored—everybody who knew him knew that—his four children, Jeff, Jimmy, Jennifer and Judith—we had some J's going there—and his 17 grandchildren. Seventeen grandchildren. He had enough enthusiasm and love and personality to have raised 17 grandchildren. Not many people can make that claim. I hope it is a comfort to his entire family that so many people deeply, deeply, sincerely mourn their loss and are praying for him at this sad time.

Mr. RANGEL, at the request of Mr. BOEHNER, will have a bipartisan delegation attending the services on Friday to celebrate the life of Jack Kemp. He was a patriot. He loved America. And in his service and leadership to our country, God truly did bless America.

Mr. PAUL. Mr. Speaker, I support H. Res. 401, which honors the legacy of former Representative Jack Kemp. I became friends with Jack when we served together in the House of Representatives from 1976 to 1985. Our friendship was based on our shared conviction that low taxes and sound monetary policy are essential to liberty and prosperity.

Jack is probably best known for the key role he played in the "supply side revolution" that led to the tax rate reductions of the early eighties. However, what I most remember about Jack was that he was one of the few politicians I have met who understood how fiat money harms Americans. Jack was passionate about reforming monetary policy so America would again have, as Jack memorably put it, a "dollar as good as gold." It was largely due to Jack's efforts that the Republican Party platform of 1980 endorsed a return to the gold standard. Jack's support was instrumental in me being named to the U.S. Gold Commission in 1982. While I was not always in total agreement with Jack's views on monetary policy, I always appreciated his interest in the issue.

In his later years, Jack was critical of the idea that the best way to promote human liberty was through an aggressively militaristic foreign policy. In his 1996 campaign for Vice President, Jack attacked the Clinton Administration's aggressive foreign policy, famously quipping that the United States government should not "bomb before breakfast." In my last conversation with Jack, he shared with me his opposition to the Iraq war.

In conclusion, I urge my colleagues to support H. Res. 401 and honor the best of Jack Kemp's legacy by working for low taxes, sound money, and a sensible foreign policy.

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a great friend, Jack Kemp.

I had the honor and privilege of meeting Jack Kemp when he was a member of the U.S. House of Representatives in the mid-80s during the Iran-Contra Affair. I was deeply saddened to hear of his passing on Sunday, May 2, 2009.

He and I traveled with U.S. Rep. JACK MURTHA, then-U.S. Rep. Jim Wright, then-U.S. Rep. Bill Richardson and Alberto Bustamante to Central America during the Contra War.

I can say that Jack was a very decent man, who was committed and dedicated to representing not only the people in his district of New York, but all the people in this country.

In the late-80s, when Jack was named Secretary of Housing and Urban Development under President George H.W. Bush's administration, I had an opportunity to visit with him as we discussed policy and the development of housing in this nation, including South Texas. He was very receptive to what I had to say and took the time from his very busy schedule to hear me out, which made him one of a kind.

I clearly recall a very special moment in my life, when I, along with my staff, was flying on a commercial flight from Houston to Corpus Christi, Texas. We met Jack at the Houston airport and he noticed we were flying on a commercial plane. I remember him telling me, "You don't have to fly commercial—I have a chartered jet—come with me."

Jack was on his way to speak at a Republican Convention in Corpus Christi, and when we arrived there, other members of the Republican Party saw he was accompanied by a member of the Democratic Party and joked, "What are you doing with this guy?"

That was the type of person he was—a considerate individual. And although we were from opposite parties, he was very respectful of my views of the governmental system as I was respectful of his.

Long before Jack was ever elected to public office, I knew of him from Robert "Bobby" Smith, a former football player of the Buffalo Bills who was born in Corpus Christi. Jack, who also played for the Buffalo Bills, and Bobby were good friends.

I want to offer my sincere condolences to Jack's wife, Joanne, and his children, Jeff Jennifer, Judith, and Jimmy. You remain in my prayers as your husband and father goes on to be with the Lord.

Jack's passing leaves us all in mourning; however, I, as well as those who loved him, know he will forever remain in our hearts and spirit.

I ask my colleagues to join me in remembering Jack.

Mr. BRADY of Pennsylvania. I urge the adoption of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 401.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1345

AUTHORIZING USE OF EMANCIPATION HALL FOR KING KAMEHAMEHA CELEBRATION

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution

(H. Con. Res. 80) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 80

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 7, 2009, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes. The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution authorizes the use of Emancipation Hall in the Capitol Visitor Center for the birthday celebration of King Kamehameha.

King Kamehameha is credited with unifying all the islands of Hawaii into the Kingdom of Hawaii in 1810. During his rule, he established trade with other countries, promoted agriculture, and reigned in peace after the unification until his death in 1819.

In honor of his lasting legacy to the people of Hawaii, every year he is remembered in a statewide celebration for his accomplishments as King. The celebration will be on a Sunday so it won't disrupt the use of the CVC or tours of the Capitol.

I urge Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this resolution, which does authorize the use of the Capitol Visitor Center for the purpose of celebrating the birthday of King Kamehameha.

The ceremony, which will take place in Emancipation Hall in close proximity to his famed statue in the National Statuary Hall Collection, appropriately honors the birth of the legendary warrior. In addition to uniting and protecting the Hawaiian Islands, King Kamehameha established the principal Hawaiian law pertaining to the peaceful treatment of civilians during wartime, which today serves as a universal model for human rights.

I thank Chairman BRADY for taking up this resolution, and I urge my colleagues to join me in support.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentlewoman from Hawaii, the sponsor of the resolution, Ms. MAZIE HIRONO.

Ms. HIRONO. I thank the gentleman for yielding.

Aloha. Mr. Speaker, I rise today in support of H. Con. Res. 80, which would authorize the use of Emancipation Hall in the Capitol Visitor Center for the 40th Annual Kamehameha Day Lei Draping Ceremony. And, of course, I encourage and invite all my colleagues to join us in this ceremony.

I would like to thank Chairman BRADY for his leadership and for allowing this bill to be brought forward in an expeditious manner. I would also like to thank the cosponsors of this bill, my fellow Pacific Island delegation members: Congressman ABERCROMBIE, Congressman FALCOMA, Congressman BORDALLO, and Congressman SABLON, for their support.

The Kamehameha Day Lei Draping Ceremony has been hosted by the Hawaii congressional delegation and the Hawaii State Society of Washington, D.C. since 1969. The ceremony has been held on or about June 11 to coincide with the celebration of Kamehameha Day, a State holiday in Hawaii. This year the event in D.C. will be held on Sunday, June 7.

While the Kamehameha Day Lei Draping Ceremony has been held for decades, with the Kamehameha statue being moved to Emancipation Hall, a concurrent resolution must be passed to authorize the use of this space for this year's ceremony.

Why do we celebrate and acknowledge King Kamehameha I? He was the first monarch to unify the Hawaii Islands and was the living embodiment of a leader. Born in 1782, Kamehameha I was daring, visionary, strong, and courageous, not just the kind of courage you find on the field of battle but the courage to forgive others for the greater good of all.

As a young man on the Island of Hawaii, Kamehameha participated in a raid and surprised two local fishermen who then attacked him with a paddle, leaving him for dead. These same fishermen were presented to Kamehameha for judgment for this act 12 years later

as Kamehameha was then a young chief. He could have sent them to their deaths with the slightest utterance, but he did not. Instead, he blamed himself for attacking innocent people and, astonishingly, gave the fishermen gifts of land and set them free.

History records this act as the basis for the Law of the Splintered Paddle, a law which provided for the safety of noncombatants in wartime. It is a law that undoubtedly saved many lives during Kamehameha's later unification of all of the Hawaiian Islands. While this may have seemed like a simple gesture of kindness, this act took real courage and vision.

As King of all Hawaii, Kamehameha appointed Governors for each island, made laws for the protection of all his people, planted taro, built houses and irrigation ditches, restored important cultural sites, encouraged industries like farming and fishing, managed the island's natural resources, and entered into trading agreements with other nations. The flag design he ordered for his kingdom later became the Seal of the State of Hawaii. He would rule until 1819.

I would like to close by thanking the staff of the Committee on House Administration, the Office of the Architect of the Capitol, and the Office of the Sergeant At Arms, who have been real partners in making this annual event possible for these many decades. Mahalo nui loa.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. BRADY, thank you for yielding.

Mr. Speaker, Representative HIRONO has given an excellent history of Kamehameha and the reasoning behind the celebration of his birthday as a State holiday in Hawaii. For the benefit of the Members and those who may not be familiar with the question of the statue itself and what it represents in the broader context, for those who may not be familiar with it, I would like to perhaps give a little bit of perspective, a little history on it.

When people come from all over the world, not just the country itself, the Nation itself, to the Capitol, when they tour the Capitol, the most open capitol of any in the world, perhaps in the history of the world, we take pride, do we not, in the fact that this Capitol is open and available and accessible to all people, and we take some degree of pride, and rightfully so, that we are able to exhibit some of the history of this Nation for all to see and that each State has the opportunity to present for consideration of all of us two statues.

One, of course, for us is Father Damien, who has just been named as a

saint in the Roman Catholic Church. He came from Belgium to the United States to then, of course, the territory of Hawaii and ministered to those who had Hansen's disease, leprosy, on the Island of Molokai on the peninsula of Kalaupapa. His ministrations to those who had been abandoned, those who literally had been exiled to Kalaupapa resulted in the consideration by the Roman Catholic Church of miracles having been taken place in his name as a result of his dedication.

The other statue representative of what we feel Hawaii is all about, of course, is Kamehameha. He's a legendary figure. The things that Representative HIRONO cited, of course, are part of history. But when we use the word "legendary" to describe someone, it genuinely fits Kamehameha the Great.

In his youth as part of this legendary history, he was known as a courageous warrior. He was said to have overturned the Naha Stone in Hilo, Hawaii, which indicated his almost superhuman strength and foreshadowed his inevitable conquest of all of Hawaii. I suppose it is the equivalent or a parallel could be drawn to the seizure of the Excalibur sword from the ground by the legendary King Arthur. This is the stature of Kamehameha. He did, in fact, unify the islands. And when he passed away in 1819, the phrase that was used with his passing is that "only the stars know his final resting place." So the legend became even more of a tale to be told not only throughout the islands but throughout the world.

So when people see that statue, when they observe that statue, they're somewhat shocked. It's monumental. I recall very, very clearly that in the rather obscure corner in Statuary Hall where Kamehameha originally resided here in the Capitol, it was somewhat difficult to find. People were not quite sure why it was there. It was said that because of the great weight of the statue itself it had to go there in order to be supported by the flooring of the Capitol. So in that position, Mr. Speaker, the really triumphant power and grace of the statue was not necessarily fully available to those who came to Statuary Hall. As a result, the Architect of the Capitol said to me, when we were first discussing the question of the visitor center and what is now Emancipation Hall, that he wanted very much to have the statue of Kamehameha in a very prominent position when the new visitor center was opened. He was certain that it would occupy an enormous presence there. It does that today. And we are very, very grateful for the opportunity for all to come and to view it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I would like to yield 5 min-

utes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 80, authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha the Great.

First, I want to thank the chairman of the House Committee on House Administration, my colleague Mr. BRADY, for managing this important legislation, and I thank also my colleague and dear friend from the other side of the aisle from California for his support of the bill. I also want to commend my colleague, the gentlewoman from Hawaii, Congresswoman HIRONO, for her leadership as the author of this proposed legislation and, of course, my colleague Mr. ABERCROMBIE for his support as well.

Mr. Speaker, the Kamehameha Lei Draping Ceremony in Statuary Hall of the U.S. Capitol has been hosted by the Hawaii congressional delegation and Hawaii State Society of Washington, D.C. since 1969. For almost 40 years now we have conducted this ceremony each year on or about the second week of June to coincide with the celebration of King Kamehameha Day in the State of Hawaii. We do this every year.

Mr. Speaker, the King Kamehameha statue has now been moved to Emancipation Hall of the U.S. Capitol Visitor Center, and in doing so, section 103 of Public Law 110-437, it now requires the enactment of a congressional resolution to authorize this special ceremony to take place to honor King Kamehameha the Great.

Mr. Speaker, as my good friend, the gentleman from Hawaii, had commented, I didn't appreciate where the King Kamehameha statue was placed in Statuary Hall. It was somewhat behind the bus, so to speak. And somewhat, in my own personal opinion, it was demeaning. Sometimes I've come to see in Statuary Hall a bunch of chairs surrounding the statue. And in my personal opinion, Mr. Speaker, I'm so happy now it's being moved to Emancipation Hall.

Mr. Speaker, King Kamehameha was one of the greatest Hawaiian warrior kings known among the Polynesian people. After some 2,000 years of tremendous rivalries among the warring chiefs of the Hawaii Islands, it was prophesied among the Hawaiian priests that there will one day be born a high chief who will be a slayer of other high chiefs and he will unite all of the Hawaiian Islands under one rule.

□ 1400

King Kamehameha fulfilled that prophecy, after almost 10 years of fighting against other rival chiefs of the Hawaiian Islands. King Kamehameha was taught the ancient arts, the martial arts, known among the Hawaiian people as lua.

He also learned military tactics and the art of warfare from his warrior chief, Kekuhaupio. He was able to lift the ancient Naha Stone, as referred to by my colleague, Mr. ABERCROMBIE. This stone weighed 4,500 pounds and is still in the City of Hilo, if anybody wants to see how big this stone was.

Mr. Speaker, King Kamehameha was about 6 feet, 8 inches and weighed almost 300 pounds. So if you were a warrior, you better watch out if you see King Kamehameha coming at you.

King Kamehameha was a true warrior king, because he would always be in the front line leading his warriors in combat. And he was ferocious in battle, and he had no fear for his life.

One of his favorite sports to prove agility and combat readiness was the ability of a warrior to dodge spears thrown at you at the same time. King Kamehameha was able to do this with six spears thrown at him at the same time.

See if you can do that, my good friend from California.

He would grab two spears, parry the other two spears, and let the other two go by him. That's how you do it, Mr. Speaker.

Mr. Speaker, King Kamehameha unified the islands and established peace and stability. He was shrewd in building prosperity for his people by encouraging agricultural development and promoting commercial trade in Europe and even with the United States. While he was open to new ideas, he was cautious and circumspect in the old way.

At the time King Kamehameha instituted, as noted by my good friend Congresswoman HIRONO, the Law of the Splintered Paddle, or Mamalahoe, as among the Hawaiian people, which protected elderly men and women and children from any harm as they'd travel along the roadside.

Mr. Speaker, the first King Kamehameha Day was proclaimed on June 11, 1871, by his great grandson, King Kamehameha V. The proposed legislation recognizes the United States is built upon diversity, and we all share the same ideals of freedom and democracy and a commitment to justice for all people. These ideals embody the legacy of King Kamehameha the Great.

The SPEAKER pro tempore (Mr. ALTMIRE). The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. I yield the gentleman an additional 30 seconds.

Mr. FALEOMAVAEGA. It is only fitting that we honor, not only honor the birth date of this great Hawaiian warrior king, but we continue to have the special ceremony of draping hundreds of flower leis on his statue, on the statute that now stands prominently in the Emancipation Hall of the U.S. Capitol Visitor Center.

I urge my colleagues to support this legislation.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I urge all Members to support H. Con. Res. 80, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge Members to pass this resolution honoring King Kamehameha, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 80.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PUBLIC CONTRACT LAW TECHNICAL CORRECTIONS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1107) to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Purpose; conformity with original intent.
- Sec. 3. Enactment of Title 41, United States Code.
- Sec. 4. Conforming amendment.
- Sec. 5. Conforming cross-references.
- Sec. 6. Transitional and savings provisions.
- Sec. 7. Repeals.

SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.

(a) PURPOSE.—The purpose of this Act is to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

(b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws by this Act, the intent is to conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections, in accordance with section 205(c)(1) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93-554 (2 U.S.C. 285b(1)).

SEC. 3. ENACTMENT OF TITLE 41, UNITED STATES CODE.

Certain general and permanent laws of the United States, related to public contracts, are revised, codified, and enacted as title 41, United States Code, "Public Contracts", as follows:

TITLE 41—PUBLIC CONTRACTS

Subtitle	Sec.
I. FEDERAL PROCUREMENT POLICY	101
II. OTHER ADVERTISING AND CONTRACT PROVISIONS	6101
III. CONTRACT DISPUTES	7101
IV. MISCELLANEOUS	8101

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11. Establishment of Office and Authority and Functions of Administrator	1101
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DIVISION A—GENERAL

CHAPTER 1—DEFINITIONS

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102.	Commercial component.
103.	Commercial item.
104.	Commercially available off-the-shelf item.
105.	Component.
106.	Federal Acquisition Regulation.
107.	Full and open competition.
108.	Item and item of supply.
109.	Major system.
110.	Nondevelopmental item.
111.	Procurement.
112.	Procurement system.
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SUBCHAPTER II—DIVISION B DEFINITIONS

131.	Acquisition.
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SUBCHAPTER III—DIVISION C DEFINITIONS

151.	Agency head.
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SUBCHAPTER I—SUBTITLE DEFINITIONS

§ 101. Administrator

In this subtitle, the term "Administrator" means the Administrator for Federal Procurement Policy appointed under section 1102 of this title.

§ 102. Commercial component

In this subtitle, the term "commercial component" means a component that is a commercial item.

§ 103. Commercial item

In this subtitle, the term "commercial item" means—

(1) an item, other than real property, that—

(A) is of a type customarily used by the general public or by nongovernmental entities for purposes other than governmental purposes; and

(B) has been sold, leased, or licensed, or offered for sale, lease, or license, to the general public;

(2) an item that—

(A) evolved from an item described in paragraph (1) through advances in technology or performance; and

(B) is not yet available in the commercial marketplace but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Federal Government solicitation;

(3) an item that would satisfy the criteria in paragraph (1) or (2) were it not for—

(A) modifications of a type customarily available in the commercial marketplace; or

(B) minor modifications made to meet Federal Government requirements;

(4) any combination of items meeting the requirements of paragraph (1), (2), (3), or (5) that are of a type customarily combined and sold in combination to the general public;

(5) installation services, maintenance services, repair services, training services, and other services if—

(A) those services are procured for support of an item referred to in paragraph (1), (2), (3), or (4), regardless of whether the services are provided by the same source or at the same time as the item; and

(B) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government;

(6) services offered and sold competitively, in substantial quantities, in the commercial marketplace based on established catalog or market prices for specific tasks performed or specific outcomes to be achieved and under standard commercial terms and conditions;

(7) any item, combination of items, or service referred to in paragraphs (1) to (6) even though the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor; or

(8) a nondevelopmental item if the procuring agency determines, in accordance with conditions in the Federal Acquisition Regulation, that the item was developed exclusively at private expense and has been sold in substantial quantities, on a competitive basis, to multiple State and local governments.

§ 104. Commercially available off-the-shelf item

In this subtitle, the term “commercially available off-the-shelf item”—

(1) means an item that—

(A) is a commercial item (as described in section 103(1) of this title);

(B) is sold in substantial quantities in the commercial marketplace; and

(C) is offered to the Federal Government, without modification, in the same form in which it is sold in the commercial marketplace; but

(2) does not include bulk cargo, as defined in section 40102(4) of title 46, such as agricultural products and petroleum products.

§ 105. Component

In this subtitle, the term “component” means an item supplied to the Federal Government as part of an end item or of another component.

§ 106. Federal Acquisition Regulation

In this subtitle, the term “Federal Acquisition Regulation” means the regulation issued under section 1303(a)(1) of this title.

§ 107. Full and open competition

In this subtitle, the term “full and open competition”, when used with respect to a procurement, means that all responsible sources are permitted to submit sealed bids

or competitive proposals on the procurement.

§ 108. Item and item of supply

In this subtitle, the terms “item” and “item of supply”—

(1) mean an individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the system, including spare parts and replenishment spare parts; but

(2) do not include packaging or labeling associated with shipment or identification of an item.

§ 109. Major system

(a) **IN GENERAL.**—In this subtitle, the term “major system” means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. These elements may include hardware, equipment, software, or a combination of hardware, equipment, and software, but do not include construction or other improvements to real property.

(b) **SYSTEM DEEMED TO BE MAJOR SYSTEM.**—A system is deemed to be a major system if—

(1) the Department of Defense is responsible for the system and the total expenditures for research, development, testing, and evaluation for the system are estimated to exceed \$75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement exceeds \$300,000,000 (based on fiscal year 1980 constant dollars);

(2) a civilian agency is responsible for the system and total expenditures for the system are estimated to exceed the greater of \$750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a major system established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled “Major Systems Acquisitions”; or

(3) the head of the agency responsible for the system designates the system a major system.

§ 110. Nondevelopmental item

In this subtitle, the term “nondevelopmental item” means—

(1) a commercial item;

(2) a previously developed item of supply that is in use by a department or agency of the Federal Government, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;

(3) an item of supply described in paragraph (1) or (2) that requires only minor modification or modification of the type customarily available in the commercial marketplace to meet the requirements of the procuring department or agency; or

(4) an item of supply currently being produced that does not meet the requirements of paragraph (1), (2), or (3) solely because the item is not yet in use.

§ 111. Procurement

In this subtitle, the term “procurement” includes all stages of the process of acquiring property or services, beginning with the process for determining a need for property or services and ending with contract completion and closeout.

§ 112. Procurement system

In this subtitle, the term “procurement system” means the integration of the procurement process, the professional development of procurement personnel, and the management structure for carrying out the procurement function.

§ 113. Responsible source

In this subtitle, the term “responsible source” means a prospective contractor that—

(1) has adequate financial resources to perform the contract or the ability to obtain those resources;

(2) is able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and Government business commitments;

(3) has a satisfactory performance record;

(4) has a satisfactory record of integrity and business ethics;

(5) has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain the organization, experience, controls, and skills;

(6) has the necessary production, construction, and technical equipment and facilities, or the ability to obtain the equipment and facilities; and

(7) is otherwise qualified and eligible to receive an award under applicable laws and regulations.

§ 114. Standards

In this subtitle, the term “standards” means the criteria for determining the effectiveness of the procurement system by measuring the performance of the various elements of the system.

§ 115. Supplies

In this subtitle, the term “supplies”—

(1) means an individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the system, including spare parts and replenishment spare parts; but

(2) does not include packaging or labeling associated with shipment or identification of an item.

§ 116. Technical data

In this subtitle, the term “technical data”—

(1) means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including computer software documentation) relating to supplies procured by an agency; but

(2) does not include computer software or financial, administrative, cost or pricing, or management data or other information incidental to contract administration.

SUBCHAPTER II—DIVISION B DEFINITIONS

§ 131. Acquisition

In division B, the term “acquisition”—

(1) means the process of acquiring, with appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of an executive agency, from the point at which the requirements of the executive agency are established in consultation with the chief acquisition officer of the executive agency; and

(2) includes—

(A) the process of acquiring property or services that are already in existence, or that must be created, developed, demonstrated, and evaluated;

(B) the description of requirements to satisfy agency needs;

(C) solicitation and selection of sources;

(D) award of contracts;

(E) contract performance;

(F) contract financing;

(G) management and measurement of contract performance through final delivery and payment; and

(H) technical and management functions directly related to the process of fulfilling agency requirements by contract.

§ 132. Competitive procedures

In division B, the term “competitive procedures” means procedures under which an agency enters into a contract pursuant to full and open competition.

§ 133. Executive agency

In division B, the term “executive agency” means—

- (1) an executive department specified in section 101 of title 5;
- (2) a military department specified in section 102 of title 5;
- (3) an independent establishment as defined in section 104(1) of title 5; and
- (4) a wholly owned Government corporation fully subject to chapter 91 of title 31.

§ 134. Simplified acquisition threshold

In division B, the term “simplified acquisition threshold” means \$100,000.

SUBCHAPTER III—DIVISION C DEFINITIONS

§ 151. Agency head

In division C, the term “agency head” means the head or any assistant head of an executive agency, and may at the option of the Administrator of General Services include the chief official of any principal organizational unit of the General Services Administration.

§ 152. Competitive procedures

In division C, the term “competitive procedures” means procedures under which an executive agency enters into a contract pursuant to full and open competition. The term also includes—

- (1) procurement of architectural or engineering services conducted in accordance with chapter 11 of title 40;
- (2) the competitive selection of basic research proposals resulting from a general solicitation and the peer review or scientific review (as appropriate) of those proposals;
- (3) the procedures established by the Administrator of General Services for the multiple awards schedule program of the General Services Administration if—

(A) participation in the program has been open to all responsible sources; and

(B) orders and contracts under those procedures result in the lowest overall cost alternative to meet the needs of the Federal Government;

(4) procurements conducted in furtherance of section 15 of the Small Business Act (15 U.S.C. 644) as long as all responsible business concerns that are entitled to submit offers for those procurements are permitted to compete; and

(5) a competitive selection of research proposals resulting from a general solicitation and peer review or scientific review (as appropriate) solicited pursuant to section 9 of that Act (15 U.S.C. 638).

§ 153. Simplified acquisition threshold for contract in support of humanitarian or peacekeeping operation

(1) IN GENERAL.—In division C, the term “simplified acquisition threshold” has the meaning provided that term in section 134 of this title, except that, in the case of a contract to be awarded and performed, or purchase to be made, outside the United States in support of a humanitarian or peacekeeping operation, the term means an amount equal to two times the amount specified for that term in section 134 of this title.

(2) DEFINITION.—In paragraph (1), the term “humanitarian or peacekeeping operation”

means a military operation in support of the provision of humanitarian or foreign disaster assistance or in support of a peacekeeping operation under chapter VI or VII of the Charter of the United Nations. The term does not include routine training, force rotation, or stationing.

DIVISION B—OFFICE OF FEDERAL PROCUREMENT POLICY

CHAPTER 11—ESTABLISHMENT OF OFFICE AND AUTHORITY AND FUNCTIONS OF ADMINISTRATOR

SUBCHAPTER I—GENERAL

Sec.

1101. Office of Federal Procurement Policy.
1102. Administrator.

SUBCHAPTER II—AUTHORITY AND FUNCTIONS OF THE ADMINISTRATOR

1121. General authority.
1122. Functions.
1123. Small business concerns.
1124. Tests of innovative procurement methods and procedures.
1125. Recipients of Federal grants or assistance.
1126. Policy regarding consideration of contractor past performance.
1127. Determining benchmark compensation amount.
1128. Maintaining necessary capability with respect to acquisition of architectural and engineering services.
1129. Center of excellence in contracting for services.
1130. Effect of division on other law.
1131. Annual report.

SUBCHAPTER I—GENERAL

§ 1101. Office of Federal Procurement Policy

(a) ORGANIZATION.—There is an Office of Federal Procurement Policy in the Office of Management and Budget.

(b) PURPOSES.—The purposes of the Office of Federal Procurement Policy are to—

(1) provide overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies; and

(2) promote economy, efficiency, and effectiveness in the procurement of property and services by the executive branch of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—Necessary amounts may be appropriated each fiscal year for the Office of Federal Procurement Policy to carry out the responsibilities of the Office for that fiscal year.

§ 1102. Administrator

(a) HEAD OF OFFICE.—The head of the Office of Federal Procurement Policy is the Administrator for Federal Procurement Policy.

(b) APPOINTMENT.—The Administrator is appointed by the President, by and with the advice and consent of the Senate.

SUBCHAPTER II—AUTHORITY AND FUNCTIONS OF THE ADMINISTRATOR

§ 1121. General authority

(a) OVERALL DIRECTION AND LEADERSHIP.—The Administrator shall provide overall direction of procurement policy and leadership in the development of procurement systems of the executive agencies.

(b) FEDERAL ACQUISITION REGULATION.—To the extent that the Administrator considers appropriate in carrying out the policies and functions set forth in this division, and with due regard for applicable laws and the program activities of the executive agencies, the Administrator may prescribe Government-wide procurement policies. The policies shall be implemented in a single Govern-

ment-wide procurement regulation called the Federal Acquisition Regulation.

(c) POLICIES TO BE FOLLOWED BY EXECUTIVE AGENCIES.—

(1) AREAS OF PROCUREMENT FOR WHICH POLICIES ARE TO BE FOLLOWED.—The policies implemented in the Federal Acquisition Regulation shall be followed by executive agencies in the procurement of—

(A) property other than real property in being;

(B) services, including research and development; and

(C) construction, alteration, repair, or maintenance of real property.

(2) PROCEDURES TO ENSURE COMPLIANCE.—The Administrator shall establish procedures to ensure compliance with the Federal Acquisition Regulation by all executive agencies.

(3) APPLICATION OF OTHER LAWS.—The authority of an executive agency under another law to prescribe policies, regulations, procedures, and forms for procurement is subject to the authority conferred in this section and sections 1122(a) to (c)(1), 1125, 1126, 1130, 1131, and 2305 of this title.

(d) WHEN CERTAIN AGENCIES ARE UNABLE TO AGREE OR FAIL TO ACT.—In any instance in which the Administrator determines that the Department of Defense, the National Aeronautics and Space Administration, and the General Services Administration are unable to agree on or fail to issue Government-wide regulations, procedures, and forms in a timely manner, including regulations, procedures, and forms necessary to implement prescribed policy the Administrator initiates under subsection (b), the Administrator, with due regard for applicable laws and the program activities of the executive agencies and consistent with the policies and functions set forth in this division, shall prescribe Government-wide regulations, procedures, and forms which executive agencies shall follow in procuring items listed in subsection (c)(1).

(e) OVERSIGHT OF PROCUREMENT REGULATIONS OF OTHER AGENCIES.—The Administrator, with the concurrence of the Director of the Office of Management and Budget, and with consultation with the head of the agency concerned, may deny the promulgation of or rescind any Government-wide regulation or final rule or regulation of any executive agency relating to procurement if the Administrator determines that the rule or regulation is inconsistent with any policies, regulations, or procedures issued pursuant to subsection (b).

(f) LIMITATION ON AUTHORITY.—The authority of the Administrator under this division shall not be construed to—

(1) impair or interfere with the determination by executive agencies of their need for, or their use of, specific property, services, or construction, including particular specifications for the property, services, or construction; or

(2) interfere with the determination by executive agencies of specific actions in the award or administration of procurement contracts.

§ 1122. Functions

(a) IN GENERAL.—The functions of the Administrator include—

(1) providing leadership and ensuring action by the executive agencies in establishing, developing, and maintaining the single system of simplified Government-wide procurement regulations and resolving differences among the executive agencies in developing simplified Government-wide procurement regulations, procedures, and forms;

(2) coordinating the development of Government-wide procurement system standards that executive agencies shall implement in their procurement systems;

(3) providing leadership and coordination in formulating the executive branch position on legislation relating to procurement;

(4)(A) providing for and directing the activities of the computer-based Federal Procurement Data System (including recommending to the Administrator of General Services a sufficient budget for those activities), which shall be located in the General Services Administration, in order to adequately collect, develop, and disseminate procurement data; and

(B) ensuring executive agency compliance with the record requirements of section 1712 of this title;

(5) providing for and directing the activities of the Federal Acquisition Institute (including recommending to the Administrator of General Services a sufficient budget for those activities), which shall be located in the General Services Administration, in order to—

(A) foster and promote the development of a professional acquisition workforce Government-wide;

(B) promote and coordinate Government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

(C) collect data and analyze acquisition workforce data from the Office of Personnel Management, from the heads of executive agencies, and, through periodic surveys, from individual employees;

(D) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

(E) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

(F) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

(G) evaluate the effectiveness of training and career development programs for acquisition personnel;

(H) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

(I) facilitate, to the extent requested by agencies, interagency intern and training programs; and

(J) perform other career management or research functions as directed by the Administrator;

(6) administering section 1703(a) to (i) of this title;

(7) establishing criteria and procedures to ensure the effective and timely solicitation of the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms;

(8) developing standard contract forms and contract language in order to reduce the Federal Government's cost of procuring property and services and the private sector's cost of doing business with the Federal Government;

(9) providing for a Government-wide award to recognize and promote vendor excellence;

(10) providing for a Government-wide award to recognize and promote excellence in officers and employees of the Federal Government serving in procurement-related positions;

(11) developing policies, in consultation with the Administrator of the Small Business Administration, that ensure that small businesses, qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))), small businesses owned and controlled by socially and economically disadvantaged individuals, and small businesses owned and controlled by women are provided with the maximum practicable opportunities to participate in procurements that are conducted for amounts below the simplified acquisition threshold;

(12) developing policies that will promote achievement of goals for participation by small businesses, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))), small businesses owned and controlled by socially and economically disadvantaged individuals, and small businesses owned and controlled by women; and

(13) completing action, as appropriate, on the recommendations of the Commission on Government Procurement.

(b) **CONSULTATION AND ASSISTANCE.**—In carrying out the functions in subsection (a), the Administrator—

(1) shall consult with the affected executive agencies, including the Small Business Administration;

(2) with the concurrence of the heads of affected executive agencies, may designate one or more executive agencies to assist in performing those functions; and

(3) may establish advisory committees or other interagency groups to assist in providing for the establishment, development, and maintenance of a single system of simplified Government-wide procurement regulations and to assist in performing any other function the Administrator considers appropriate.

(c) **ASSIGNMENT, DELEGATION, OR TRANSFER.**—

(1) **TO ADMINISTRATOR.**—Except as otherwise provided by law, only duties, functions, or responsibilities expressly assigned by this division shall be assigned, delegated, or transferred to the Administrator.

(2) **BY ADMINISTRATOR.**—

(A) **WITHIN OFFICE.**—The Administrator may make and authorize delegations within the Office of Federal Procurement Policy that the Administrator determines to be necessary to carry out this division.

(B) **TO ANOTHER EXECUTIVE AGENCY.**—The Administrator may delegate, and authorize successive redelegations of, an authority, function, or power of the Administrator under this division (other than the authority to provide overall direction of Federal procurement policy and to prescribe policies and regulations to carry out the policy) to another executive agency with the consent of the head of the executive agency or at the direction of the President.

§ 1123. Small business concerns

In formulating the Federal Acquisition Regulation and procedures to ensure compliance with the Regulation, the Administrator, in consultation with the Small Business Administration, shall—

(1) conduct analyses of the impact on small business concerns resulting from revised procurement regulations; and

(2) incorporate into revised procurement regulations simplified bidding, contract performance, and contract administration procedures for small business concerns.

§ 1124. Tests of innovative procurement methods and procedures

(a) **IN GENERAL.**—The Administrator may develop innovative procurement methods and procedures to be tested by selected executive agencies. In developing a program to test innovative procurement methods and procedures under this subsection, the Administrator shall consult with the heads of executive agencies to—

(1) ascertain the need for and specify the objectives of the program;

(2) develop the guidelines and procedures for carrying out the program and the criteria to be used in measuring the success of the program;

(3) evaluate the potential costs and benefits which may be derived from the innovative procurement methods and procedures tested under the program;

(4) select the appropriate executive agencies or components of executive agencies to carry out the program;

(5) specify the categories and types of products or services to be procured under the program; and

(6) develop the methods to be used to analyze the results of the program.

(b) **APPROVAL OF EXECUTIVE AGENCIES REQUIRED.**—A program to test innovative procurement methods and procedures may not be carried out unless approved by the heads of the executive agencies selected to carry out the program.

(c) **REQUEST FOR WAIVER OF LAW.**—If the Administrator determines that it is necessary to waive the application of a provision of law to carry out a proposed program to test innovative procurement methods and procedures under subsection (a), the Administrator shall transmit notice of the proposed program to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and request that the Committees take the necessary action to provide that the provision of law does not apply with respect to the proposed program. The notification to Congress shall include—

(1) a description of the proposed program (including the scope and purpose of the proposed program);

(2) the procedures to be followed in carrying out the proposed program;

(3) the provisions of law affected and the application of any provision of law that must be waived in order to carry out the proposed program; and

(4) the executive agencies involved in carrying out the proposed program.

§ 1125. Recipients of Federal grants or assistance

(a) **AUTHORITY.**—With due regard to applicable laws and the program activities of the executive agencies administering Federal programs of grants or assistance, the Administrator may prescribe Government-wide policies, regulations, procedures, and forms that the Administrator considers appropriate and that executive agencies shall follow in providing for the procurement, to the extent required under those programs, of property or services referred to in section 1121(c)(1) of this title by recipients of Federal grants or assistance under the programs.

(b) **LIMITATION.**—Subsection (a) does not—

(1) permit the Administrator to authorize procurement or supply support, either directly or indirectly, to a recipient of a Federal grant or assistance; or

(2) authorize action by a recipient contrary to State and local law in the case of a program to provide a Federal grant or assistance to a State or political subdivision.

§ 1126. Policy regarding consideration of contractor past performance

(a) GUIDANCE.—The Administrator shall prescribe for executive agencies guidance regarding consideration of the past contract performance of offerors in awarding contracts. The guidance shall include—

(1) standards for evaluating past performance with respect to cost (when appropriate), schedule, compliance with technical or functional specifications, and other relevant performance factors that facilitate consistent and fair evaluation by all executive agencies;

(2) policies for the collection and maintenance of information on past contract performance that, to the maximum extent practicable, facilitate automated collection, maintenance, and dissemination of information and provide for ease of collection, maintenance, and dissemination of information by other methods, as necessary;

(3) policies for ensuring that—

(A) offerors are afforded an opportunity to submit relevant information on past contract performance, including performance under contracts entered into by the executive agency concerned, other departments and agencies of the Federal Government, agencies of State and local governments, and commercial customers; and

(B) the information submitted by offerors is considered; and

(4) the period for which information on past performance of offerors may be maintained and considered.

(b) INFORMATION NOT AVAILABLE.—If there is no information on past contract performance of an offeror or the information on past contract performance is not available, the offeror may not be evaluated favorably or unfavorably on the factor of past contract performance.

§ 1127. Determining benchmark compensation amount

(a) DEFINITIONS.—In this section:

(1) BENCHMARK COMPENSATION AMOUNT.—The term “benchmark compensation amount”, for a fiscal year, is the median amount of the compensation provided for all senior executives of all benchmark corporations for the most recent year for which data is available at the time the determination under subsection (b) is made.

(2) BENCHMARK CORPORATION.—The term “benchmark corporation”, with respect to a fiscal year, means a publicly-owned United States corporation that has annual sales in excess of \$50,000,000 for the fiscal year.

(3) COMPENSATION.—The term “compensation”, for a fiscal year, means the total amount of wages, salary, bonuses, and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

(4) FISCAL YEAR.—The term “fiscal year” means a fiscal year a contractor establishes for accounting purposes.

(5) PUBLICLY-OWNED UNITED STATES CORPORATION.—The term “publicly-owned United States corporation” means a corporation—

(A) organized under the laws of a State of the United States, the District of Columbia, Puerto Rico, or a possession of the United States; and

(B) whose voting stock is publicly traded.

(6) SENIOR EXECUTIVES.—The term “senior executives”, with respect to a contractor, means the 5 most highly compensated employees in management positions at each home office and each segment of the contractor.

(b) DETERMINING BENCHMARK COMPENSATION AMOUNT.—For purposes of section

4304(a)(16) of this title and section 2324(e)(1)(P) of title 10, the Administrator shall review commercially available surveys of executive compensation and, on the basis of the results of the review, determine a benchmark compensation amount to apply for each fiscal year. In making determinations under this subsection, the Administrator shall consult with the Director of the Defense Contract Audit Agency and other officials of executive agencies as the Administrator considers appropriate.

§ 1128. Maintaining necessary capability with respect to acquisition of architectural and engineering services

The Administrator, in consultation with the Secretary of Defense, the Administrator of General Services, and the Director of the Office of Personnel Management, shall develop and implement a plan to ensure that the Federal Government maintains the necessary capability with respect to the acquisition of architectural and engineering services to—

(1) ensure that Federal Government employees have the expertise to determine agency requirements for those services;

(2) establish priorities and programs, including acquisition plans;

(3) establish professional standards;

(4) develop scopes of work; and

(5) award and administer contracts for those services.

§ 1129. Center of excellence in contracting for services

The Administrator shall maintain a center of excellence in contracting for services. The center shall assist the acquisition community by identifying, and serving as a clearinghouse for, best practices in contracting for services in the public and private sectors.

§ 1130. Effect of division on other law

This division does not impair or affect the authorities or responsibilities relating to the procurement of real property conferred by division C of this subtitle and chapters 1 to 11 of title 40.

§ 1131. Annual report

The Administrator annually shall submit to Congress an assessment of the progress made in executive agencies in implementing the policy regarding major acquisitions that is stated in section 3103(a) of this title. The Administrator shall use data from existing management systems in making the assessment.

CHAPTER 13—ACQUISITION COUNCILS**SUBCHAPTER I—FEDERAL ACQUISITION REGULATORY COUNCIL**

Sec.

1301. Definition.

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SUBCHAPTER II—CHIEF ACQUISITION OFFICERS COUNCIL

1311. Establishment and membership.

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SUBCHAPTER I—FEDERAL ACQUISITION REGULATORY COUNCIL**§ 1301. Definition**

In this subchapter, the term “Council” means the Federal Acquisition Regulatory Council established under section 1302(a) of this title.

§ 1302. Establishment and membership

(a) ESTABLISHMENT.—There is a Federal Acquisition Regulatory Council to assist in the direction and coordination of Government-wide procurement policy and Govern-

ment-wide procurement regulatory activities in the Federal Government.

(b) MEMBERSHIP.—

(1) MAKEUP OF COUNCIL.—The Council consists of—

(A) the Administrator;

(B) the Secretary of Defense;

(C) the Administrator of National Aeronautics and Space; and

(D) the Administrator of General Services.

(2) DESIGNATION OF OTHER OFFICIALS.—

(A) OFFICIALS WHO MAY BE DESIGNATED.—Notwithstanding section 121(d)(1) and (2) of title 40, the officials specified in subparagraphs (B) to (D) of paragraph (1) may designate to serve on and attend meetings of the Council in place of that official—

(i) the official assigned by statute with the responsibility for acquisition policy in each of their respective agencies or, in the case of the Secretary of Defense, an official at an organizational level not lower than an Assistant Secretary of Defense within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; or

(ii) if no official of that agency is assigned by statute with the responsibility for acquisition policy for that agency, the official designated pursuant to section 1702(c) of this title.

(B) LIMITATION ON DESIGNATION.—No other official or employee may be designated to serve on the Council.

§ 1303. Functions and authority

(a) FUNCTIONS.—

(1) ISSUE AND MAINTAIN FEDERAL ACQUISITION REGULATION.—Subject to sections 1121, 1122(a) to (c)(1), 1125, 1126, 1130, 1131, and 2305 of this title, the Administrator of General Services, the Secretary of Defense, and the Administrator of National Aeronautics and Space, pursuant to their respective authorities under division C of this subtitle, chapters 4 and 137 of title 10, and the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), shall jointly issue and maintain in accordance with subsection (d) a single Government-wide procurement regulation, to be known as the Federal Acquisition Regulation.

(2) LIMITATION ON OTHER REGULATIONS.—Other regulations relating to procurement issued by an executive agency shall be limited to—

(A) regulations essential to implement Government-wide policies and procedures within the agency; and

(B) additional policies and procedures required to satisfy the specific and unique needs of the agency.

(3) ENSURE CONSISTENT REGULATIONS.—The Administrator, in consultation with the Council, shall ensure that procurement regulations prescribed by executive agencies are consistent with the Federal Acquisition Regulation and in accordance with the policies prescribed pursuant to section 1121(b) of this title.

(4) REQUEST TO REVIEW REGULATION.—

(A) BASIS FOR REQUEST.—Under procedures the Administrator establishes, a person may request the Administrator to review a regulation relating to procurement on the basis that the regulation is inconsistent with the Federal Acquisition Regulation.

(B) PERIOD OF REVIEW.—Unless the request is frivolous or does not, on its face, state a valid basis for the review, the Administrator shall complete the review not later than 60 days after receiving the request. The time for completion of the review may be extended if the Administrator determines that an additional period of review is required. The Administrator shall advise the requester

of the reasons for the extension and the date by which the review will be completed.

(5) **WHEN REGULATION IS INCONSISTENT OR NEEDS TO BE IMPROVED.**—If the Administrator determines that a regulation relating to procurement is inconsistent with the Federal Acquisition Regulation or that the regulation otherwise should be revised to remove an inconsistency with the policies prescribed under section 1121(b) of this title, the Administrator shall rescind or deny the promulgation of the regulation or take other action authorized under sections 1121, 1122(a) to (c)(1), 1125, 1126, 1130, 1131, and 2305 of this title as may be necessary to remove the inconsistency. If the Administrator determines that the regulation, although not inconsistent with the Federal Acquisition Regulation or those policies, should be revised to improve compliance with the Regulation or policies, the Administrator shall take action authorized under sections 1121, 1122(a) to (c)(1), 1125, 1126, 1130, 1131, and 2305 as may be necessary and appropriate.

(6) **DECISIONS TO BE IN WRITING AND PUBLICLY AVAILABLE.**—The decisions of the Administrator shall be in writing and made publicly available.

(b) **ADDITIONAL RESPONSIBILITIES OF MEMBERSHIP.**—

(1) **IN GENERAL.**—Subject to the authority, direction, and control of the head of the agency concerned, each official who represents an agency on the Council pursuant to section 1302(b) of this title shall—

(A) approve or disapprove all regulations relating to procurement that are proposed for public comment, prescribed in final form, or otherwise made effective by that agency before the regulation may be prescribed in final form, or otherwise made effective, except that the official may grant an interim approval, without review, for not more than 60 days for a procurement regulation in urgent and compelling circumstances;

(B) carry out the responsibilities of that agency set forth in chapter 35 of title 44 for each information collection request that relates to procurement rules or regulations; and

(C) eliminate or reduce—

(i) any redundant or unnecessary levels of review and approval in the procurement system of that agency; and

(ii) redundant or unnecessary procurement regulations which are unique to that agency.

(2) **LIMITATION ON DELEGATION.**—The authority to review and approve or disapprove regulations under paragraph (1)(A) may not be delegated to an individual outside the office of the official who represents the agency on the Council pursuant to section 1302(b) of this title.

(c) **GOVERNING POLICIES.**—All actions of the Council and of members of the Council shall be in accordance with and furtherance of the policies prescribed under section 1121(b) of this title.

(d) **GENERAL AUTHORITY WITH RESPECT TO FEDERAL ACQUISITION REGULATION.**—Subject to section 1121(d) of this title, the Council shall manage, coordinate, control, and monitor the maintenance of, issuance of, and changes in, the Federal Acquisition Regulation.

§ 1304. Contract clauses and certifications

(a) **REPETITIVE NONSTANDARD CONTRACT CLAUSES DISCOURAGED.**—The Council shall prescribe regulations to discourage the use of a nonstandard contract clause on a repetitive basis. The regulations shall include provisions that—

(1) clearly define what types of contract clauses are to be treated as nonstandard clauses; and

(2) require prior approval for the use of a nonstandard clause on a repetitive basis by an official at a level of responsibility above the contracting officer.

(b) **WHEN CERTIFICATION REQUIRED.**—

(1) **BY LAW.**—A provision of law may not be construed as requiring a certification by a contractor or offeror in a procurement made or to be made by the Federal Government unless that provision of law specifically provides that such a certification shall be required.

(2) **IN FEDERAL ACQUISITION REGULATION.**—A requirement for a certification by a contractor or offeror may not be included in the Federal Acquisition Regulation unless—

(A) the certification requirement is specifically imposed by statute; or

(B) written justification for the certification requirement is provided to the Administrator by the Council and the Administrator approves in writing the inclusion of the certification requirement.

(3) **EXECUTIVE AGENCY PROCUREMENT REGULATION.**—

(A) **DEFINITION.**—In subparagraph (B), the term “head of the executive agency” with respect to a military department means the Secretary of Defense.

(B) **WHEN CERTIFICATION REQUIREMENT MAY BE INCLUDED IN REGULATION.**—A requirement for a certification by a contractor or offeror may not be included in a procurement regulation of an executive agency unless—

(i) the certification requirement is specifically imposed by statute; or

(ii) written justification for the certification requirement is provided to the head of the executive agency by the senior procurement executive of the agency and the head of the executive agency approves in writing the inclusion of the certification requirement.

SUBCHAPTER II—CHIEF ACQUISITION OFFICERS COUNCIL

§ 1311. Establishment and membership

(a) **ESTABLISHMENT.**—There is in the executive branch a Chief Acquisition Officers Council.

(b) **MEMBERSHIP.**—The members of the Council are—

(1) the Deputy Director for Management of the Office of Management and Budget;

(2) the Administrator;

(3) the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(4) the chief acquisition officer of each executive agency that is required to have a chief acquisition officer under section 1702 of this title and the senior procurement executive of each military department; and

(5) any other senior agency officer of each executive agency, appointed by the head of the agency in consultation with the Chairman of the Council, who can effectively assist the Council in performing the functions set forth in section 1312(b) of this title and supporting the associated range of acquisition activities.

(c) **LEADERSHIP AND SUPPORT.**—

(1) **CHAIRMAN.**—The Deputy Director for Management of the Office of Management and Budget is the Chairman of the Council.

(2) **VICE CHAIRMAN.**—The Vice Chairman of the Council shall be selected by the Council from among its members. The Vice Chairman serves for one year and may serve multiple terms.

(3) **LEADER OF ACTIVITIES.**—The Administrator shall lead the activities of the Council on behalf of the Deputy Director for Management.

(4) **SUPPORT.**—The Administrator of General Services shall provide administrative and other support for the Council.

§ 1312. Functions

(a) **PRINCIPAL FORUM.**—The Chief Acquisition Officers Council is the principal inter-agency forum for monitoring and improving the Federal acquisition system.

(b) **FUNCTIONS.**—The Council shall perform functions that include the following:

(1) Develop recommendations for the Director of the Office of Management and Budget on Federal acquisition policies and requirements.

(2) Share experiences, ideas, best practices, and innovative approaches related to Federal acquisition.

(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Federal acquisition.

(4) Promote effective business practices that ensure the timely delivery of best value products to the Federal Government and achieve appropriate public policy objectives.

(5) Further integrity, fairness, competition, openness, and efficiency in the Federal acquisition system.

(6) Work with the Office of Personnel Management to assess and address the hiring, training, and professional development needs of the Federal Government related to acquisition.

(7) Work with the Administrator and the Federal Acquisition Regulatory Council to promote the business practices referred to in paragraph (4) and other results of the functions carried out under this subsection.

CHAPTER 15—COST ACCOUNTING STANDARDS

Sec.

1501. Cost Accounting Standards Board.

1502. Cost accounting standards.

1503. Contract price adjustment.

1504. Effect on other standards and regulations.

1505. Examinations.

1506. Authorization of appropriations.

§ 1501. Cost Accounting Standards Board

(a) **ORGANIZATION.**—The Cost Accounting Standards Board is an independent board in the Office of Federal Procurement Policy.

(b) **MEMBERSHIP.**—

(1) **NUMBER OF MEMBERS, CHAIRMAN, AND APPOINTMENT.**—The Board consists of 5 members. One member is the Administrator, who serves as Chairman. The other 4 members, all of whom shall have experience in Federal Government contract cost accounting, are as follows:

(A) 2 representatives of the Federal Government—

(i) one of whom is a representative of the Department of Defense appointed by the Secretary of Defense; and

(ii) one of whom is an officer or employee of the General Services Administration appointed by the Administrator of General Services.

(B) 2 individuals from the private sector, each of whom is appointed by the Administrator, and—

(i) one of whom is a representative of industry; and

(ii) one of whom is particularly knowledgeable about cost accounting problems and systems.

(2) **TERM OF OFFICE.**—

(A) **LENGTH OF TERM.**—The term of office of each member, other than the Administrator, is 4 years. The terms are staggered, with the terms of 2 members expiring in the same year, the term of another member expiring the next year, and the term of the last member expiring the year after that.

(B) **INDIVIDUAL REQUIRED TO REMAIN WITH APPOINTING AGENCY.**—A member appointed

under paragraph (1)(A) may not continue to serve after ceasing to be an officer or employee of the agency from which that member was appointed.

(3) **VACANCY.**—A vacancy on the Board shall be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy serves for the remainder of the term for which that member's predecessor was appointed.

(c) **SENIOR STAFF.**—The Administrator, after consultation with the Board, may—

(1) appoint an executive secretary and 2 additional staff members without regard to the provisions of title 5 governing appointments in the competitive service; and

(2) pay those employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates, except that those employees may not receive pay in excess of the maximum rate of basic pay payable under section 5376 of title 5.

(d) **OTHER STAFF.**—The Administrator may appoint, fix the compensation of, and remove additional employees of the Board under the applicable provisions of title 5.

(e) **DETAILED AND TEMPORARY PERSONNEL.**—For service on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities—

(1) the Board, with the consent of the head of a Federal agency, may use, without reimbursement, personnel of that agency; and

(2) the Administrator, after consultation with the Board, may procure temporary and intermittent services of personnel under section 3109(b) of title 5.

(f) **COMPENSATION.**—

(1) **OFFICERS AND EMPLOYEES OF THE GOVERNMENT.**—Members of the Board who are officers or employees of the Federal Government, and officers and employees of other agencies of the Federal Government who are used under subsection (e)(1), shall not receive additional compensation for services but shall continue to be compensated by the employing department or agency of the officer or employee.

(2) **APPOINTEES FROM PRIVATE SECTOR.**—Each member of the Board appointed from the private sector shall receive compensation at a rate not to exceed the daily equivalent of the rate for level IV of the Executive Schedule for each day (including travel time) in which the member is engaged in the actual performance of duties vested in the Board.

(3) **TEMPORARY AND INTERMITTENT PERSONNEL.**—An individual hired under subsection (e)(2) may receive compensation at a rate fixed by the Administrator, but not to exceed the daily equivalent of the rate for level V of the Executive Schedule for each day (including travel time) in which the individual is properly engaged in the actual performance of duties under this chapter.

(4) **TRAVEL EXPENSES.**—While serving away from home or regular place of business, Board members and other individuals serving on an intermittent basis under this chapter shall be allowed travel expenses in accordance with section 5703 of title 5.

§ 1502. Cost accounting standards

(a) **AUTHORITY.**—

(1) **COST ACCOUNTING STANDARDS BOARD.**—The Cost Accounting Standards Board has exclusive authority to prescribe, amend, and rescind cost accounting standards, and interpretations of the standards, designed to achieve uniformity and consistency in the cost accounting standards governing measurement, assignment, and allocation of costs to contracts with the Federal Government.

(2) **ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.**—The Administrator, after consultation with the Board, shall prescribe rules and procedures governing actions of the Board under this chapter. The rules and procedures shall require that any action to prescribe, amend, or rescind a standard or interpretation be approved by majority vote of the Board.

(b) **MANDATORY USE OF STANDARDS.**—

(1) **SUBCONTRACT.**—

(A) **DEFINITION.**—In this paragraph, the term "subcontract" includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor.

(B) **WHEN STANDARDS ARE TO BE USED.**—Cost accounting standards prescribed under this chapter are mandatory for use by all executive agencies and by contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing and administration of, and settlement of disputes concerning, all negotiated prime contract and subcontract procurements with the Federal Government in excess of the amount set forth in section 2306a(a)(1)(A)(i) of title 10 as the amount is adjusted in accordance with applicable requirements of law.

(C) **NONAPPLICATION OF STANDARDS.**—Subparagraph (B) does not apply to—

(i) a contract or subcontract for the acquisition of a commercial item;

(ii) a contract or subcontract where the price negotiated is based on a price set by law or regulation;

(iii) a firm, fixed-price contract or subcontract awarded on the basis of adequate price competition without submission of certified cost or pricing data; or

(iv) a contract or subcontract with a value of less than \$7,500,000 if, when the contract or subcontract is entered into, the segment of the contractor or subcontractor that will perform the work has not been awarded at least one contract or subcontract with a value of more than \$7,500,000 that is covered by the standards.

(2) **EXEMPTIONS AND WAIVERS BY BOARD.**—The Board may—

(A) exempt classes of contractors and subcontractors from the requirements of this chapter; and

(B) establish procedures for the waiver of the requirements of this chapter for individual contracts and subcontracts.

(3) **WAIVER BY HEAD OF EXECUTIVE AGENCY.**—

(A) **IN GENERAL.**—The head of an executive agency may waive the applicability of the cost accounting standards for a contract or subcontract with a value of less than \$15,000,000 if that official determines in writing that the segment of the contractor or subcontractor that will perform the work—

(i) is primarily engaged in the sale of commercial items; and

(ii) would not otherwise be subject to the cost accounting standards under this section.

(B) **IN EXCEPTIONAL CIRCUMSTANCES.**—The head of an executive agency may waive the applicability of the cost accounting standards for a contract or subcontract under exceptional circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of the standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

(C) **RESTRICTION ON DELEGATION OF AUTHORITY.**—The head of an executive agency may

not delegate the authority under subparagraph (A) or (B) to an official in the executive agency below the senior policymaking level in the executive agency.

(D) **CONTENTS OF FEDERAL ACQUISITION REGULATION.**—The Federal Acquisition Regulation shall include—

(i) criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B); and

(ii) the specific circumstances under which the waiver may be granted.

(E) **REPORT.**—The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.

(C) **REQUIRED BOARD ACTION FOR PRESCRIBING STANDARDS AND INTERPRETATIONS.**—Before prescribing cost accounting standards and interpretations, the Board shall—

(1) take into account, after consultation and discussions with the Comptroller General, professional accounting organizations, contractors, and other interested parties—

(A) the probable costs of implementation, including any inflationary effects, compared to the probable benefits;

(B) the advantages, disadvantages, and improvements anticipated in the pricing and administration of, and settlement of disputes concerning, contracts; and

(C) the scope of, and alternatives available to, the action proposed to be taken;

(2) prepare and publish a report in the Federal Register on the issues reviewed under paragraph (1);

(3)(A) publish an advanced notice of proposed rulemaking in the Federal Register to solicit comments on the report prepared under paragraph (2);

(B) provide all parties affected at least 60 days after publication to submit their views and comments; and

(C) during the 60-day period, consult with the Comptroller General and consider any recommendation the Comptroller General may make; and

(4) publish a notice of proposed rulemaking in the Federal Register and provide all parties affected at least 60 days after publication to submit their views and comments.

(d) **EFFECTIVE DATES.**—Rules, regulations, cost accounting standards, and modifications thereof prescribed or amended under this chapter shall have the full force and effect of law, and shall become effective within 120 days after publication in the Federal Register in final form, unless the Board determines that a longer period is necessary. The Board shall determine implementation dates for contractors and subcontractors. The dates may not be later than the beginning of the second fiscal year of the contractor or subcontractor after the standard becomes effective.

(e) **ACCOMPANYING MATERIAL.**—Rules, regulations, cost accounting standards, and modifications thereof prescribed or amended under this chapter shall be accompanied by prefatory comments and by illustrations, if necessary.

(f) **IMPLEMENTING REGULATIONS.**—The Board shall prescribe regulations for the implementation of cost accounting standards prescribed or interpreted under this section. The regulations shall be incorporated into the Federal Acquisition Regulation and shall require contractors and subcontractors as a condition of contracting with the Federal Government to—

(1) disclose in writing their cost accounting practices, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs; and

(2) agree to a contract price adjustment, with interest, for any increased costs paid to the contractor or subcontractor by the Federal Government because of a change in the contractor's or subcontractor's cost accounting practices or a failure by the contractor or subcontractor to comply with applicable cost accounting standards.

(g) **NONAPPLICABILITY OF CERTAIN SECTIONS OF TITLE 5.**—Functions exercised under this chapter are not subject to sections 551, 553 to 559, and 701 to 706 of title 5.

§ 1503. Contract price adjustment

(a) **DISAGREEMENT CONSTITUTES A DISPUTE.**—If the Federal Government and a contractor or subcontractor fail to agree on a contract price adjustment, including whether the contractor or subcontractor has complied with the applicable cost accounting standards, the disagreement will constitute a dispute under chapter 71 of this title.

(b) **AMOUNT OF ADJUSTMENT.**—A contract price adjustment undertaken under section 1502(f)(2) of this title shall be made, where applicable, on relevant contracts between the Federal Government and the contractor that are subject to the cost accounting standards so as to protect the Federal Government from payment, in the aggregate, of increased costs, as defined by the Cost Accounting Standards Board. The Federal Government may not recover costs greater than the aggregate increased cost to the Federal Government, as defined by the Board, on the relevant contracts subject to the price adjustment unless the contractor made a change in its cost accounting practices of which it was aware or should have been aware at the time of the price negotiation and which it failed to disclose to the Federal Government.

(c) **INTEREST.**—The interest rate applicable to a contract price adjustment is the annual rate of interest established under section 6621 of the Internal Revenue Code of 1986 (26 U.S.C. 6621) for the period. Interest accrues from the time payments of the increased costs were made to the contractor or subcontractor to the time the Federal Government receives full compensation for the price adjustment.

§ 1504. Effect on other standards and regulations

(a) **PREVIOUSLY EXISTING STANDARDS.**—All cost accounting standards, waivers, exemptions, interpretations, modifications, rules, and regulations prescribed by the Cost Accounting Standards Board under section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168)—

(1) remain in effect until amended, superseded, or rescinded by the Board under this chapter; and

(2) are subject to the provisions of this division in the same manner as if prescribed by the Board under this division.

(b) **INCONSISTENT AGENCY REGULATIONS.**—To ensure that a regulation or proposed regulation of an executive agency is not inconsistent with a cost accounting standard prescribed or amended under this chapter, the Administrator, under the authority in sections 1121, 1122(a) to (c)(1), 1125, 1126, 1130, 1131, and 2305 of this title, shall rescind or deny the promulgation of the inconsistent regulation or proposed regulation and take other appropriate action authorized under sections 1121, 1122(a) to (c)(1), 1125, 1126, 1130, 1131, and 2305.

(c) **COSTS NOT SUBJECT TO DIFFERENT STANDARDS.**—Costs that are the subject of cost accounting standards prescribed under this chapter are not subject to regulations

established by another executive agency that differ from those standards with respect to the measurement, assignment, and allocation of those costs.

§ 1505. Examinations

To determine whether a contractor or subcontractor has complied with cost accounting standards prescribed under this chapter and has followed consistently the contractor's or subcontractor's disclosed cost accounting practices, an authorized representative of the head of the agency concerned, of the offices of inspector general established under the Inspector General Act of 1978 (5 U.S.C. App.), or of the Comptroller General shall have the right to examine and copy documents, papers, or records of the contractor or subcontractor relating to compliance with the standards.

§ 1506. Authorization of appropriations

Necessary amounts may be appropriated to carry out this chapter.

CHAPTER 17—AGENCY RESPONSIBILITIES AND PROCEDURES

Sec.

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§ 1701. Cooperation with the Administrator

On the request of the Administrator, each executive agency shall—

(1) make its services, personnel, and facilities available to the Office of Federal Procurement Policy to the greatest practicable extent for the performance of functions under this division; and

(2) except when prohibited by law, furnish to the Administrator, and give the Administrator access to, all information and records in its possession that the Administrator may determine to be necessary for the performance of the functions of the Office.

§ 1702. Chief Acquisition Officers and senior procurement executives

(a) **APPOINTMENT OR DESIGNATION OF CHIEF ACQUISITION OFFICER.**—The head of each executive agency described in section 901(b)(1) (other than the Department of Defense) or 901(b)(2)(C) of title 31 with a Chief Financial Officer appointed or designated under section 901(a) of title 31 shall appoint or designate a non-career employee as Chief Acquisition Officer for the agency.

(b) **AUTHORITY AND FUNCTIONS OF CHIEF ACQUISITION OFFICER.**—

(1) **PRIMARY DUTY.**—The primary duty of a Chief Acquisition Officer is acquisition management.

(2) **ADVICE AND ASSISTANCE.**—A Chief Acquisition Officer shall advise and assist the head of the executive agency and other agency officials to ensure that the mission of the executive agency is achieved through the management of the agency's acquisition activities.

(3) **OTHER FUNCTIONS.**—The functions of each Chief Acquisition Officer include—

(A) monitoring the performance of acquisition activities and acquisition programs of the executive agency, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the head of the executive agency regarding the appropriate business strategy to achieve the mission of the executive agency;

(B) increasing the use of full and open competition in the acquisition of property and services by the executive agency by establishing policies, procedures, and practices that ensure that the executive agency receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Federal Government's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured;

(C) increasing appropriate use of performance-based contracting and performance specifications;

(D) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the executive agency;

(E) managing the direction of acquisition policy for the executive agency, including implementation of the unique acquisition policies, regulations, and standards of the executive agency;

(F) developing and maintaining an acquisition career management program in the executive agency to ensure that there is an adequate professional workforce; and

(G) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, and 9703 (added by section 5(a) of Public Law 103-62 (107 Stat. 289)) of title 31—

(i) assessing the requirements established for agency personnel regarding knowledge and skill in acquisition resources management and the adequacy of those requirements for facilitating the achievement of the performance goals established for acquisition management;

(ii) developing strategies and specific plans for hiring, training, and professional development to rectify a deficiency in meeting those requirements; and

(iii) reporting to the head of the executive agency on the progress made in improving acquisition management capability.

(c) **SENIOR PROCUREMENT EXECUTIVE.**—

(1) **DESIGNATION.**—The head of each executive agency shall designate a senior procurement executive.

(2) **RESPONSIBILITY.**—The senior procurement executive is responsible for management direction of the procurement system of the executive agency, including implementation of the unique procurement policies, regulations, and standards of the executive agency.

(3) **WHEN CHIEF ACQUISITION OFFICER APPOINTED OR DESIGNATED.**—For an executive agency for which a Chief Acquisition Officer has been appointed or designated under subsection (a), the head of the executive agency shall—

(A) designate the Chief Acquisition Officer as the senior procurement executive for the executive agency; or

(B) ensure that the senior procurement executive designated under paragraph (1) reports directly to the Chief Acquisition Officer without intervening authority.

§ 1703. Acquisition workforce

(a) **DESCRIPTION.**—For purposes of this section, the acquisition workforce of an agency

consists of all employees serving in acquisition positions listed in subsection (g)(1)(A).

(b) APPLICABILITY.—

(1) NONAPPLICABILITY TO CERTAIN EXECUTIVE AGENCIES.—Except as provided in subsection (i), this section does not apply to an executive agency that is subject to chapter 87 of title 10.

(2) APPLICABILITY OF PROGRAMS.—The programs established by this section apply to the acquisition workforce of each executive agency.

(c) MANAGEMENT POLICIES.—

(1) DUTIES OF HEAD OF EXECUTIVE AGENCY.—

(A) ESTABLISH POLICIES AND PROCEDURES.—After consultation with the Administrator, the head of each executive agency shall establish policies and procedures for the effective management (including accession, education, training, career development, and performance incentives) of the acquisition workforce of the agency. The development of acquisition workforce policies under this section shall be carried out consistent with the merit system principles set forth in section 2301(b) of title 5.

(B) ENSURE UNIFORM IMPLEMENTATION.—The head of each executive agency shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established are uniform in their implementation throughout the agency.

(2) DUTIES OF ADMINISTRATOR.—The Administrator shall issue policies to promote uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall coordinate with the Deputy Director for Management of the Office of Management and Budget to ensure that the policies are consistent with the policies and procedures established, and enhanced system of incentives provided, pursuant to section 5051(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355, 108 Stat. 3351). The Administrator shall evaluate the implementation of this section by executive agencies.

(d) AUTHORITY AND RESPONSIBILITY OF SENIOR PROCUREMENT EXECUTIVE.—Subject to the authority, direction, and control of the head of an executive agency, the senior procurement executive of the agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementing this section. The senior procurement executive shall ensure that the policies of the head of the executive agency established in accordance with this section are implemented throughout the agency.

(e) COLLECTING AND MAINTAINING INFORMATION.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition workforce related to implementing this section. To the maximum extent practicable, information requirements shall conform to standards the Director of the Office of Personnel Management establishes for the Central Personnel Data File.

(f) CAREER DEVELOPMENT.—

(1) CAREER PATHS.—

(A) IDENTIFICATION.—The head of each executive agency shall ensure that appropriate career paths for personnel who desire to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior acquisition positions. The head of each executive agency shall make available information on those career paths.

(B) CRITICAL DUTIES AND TASKS.—For each career path, the head of each executive agency shall identify the critical acquisition-related duties and tasks in which, at minimum, employees of the agency in the career path shall be competent to perform at full performance grade levels. For this purpose, the head of the executive agency shall provide appropriate coverage of the critical duties and tasks identified by the Director of the Federal Acquisition Institute.

(C) MANDATORY TRAINING AND EDUCATION.—For each career path, the head of each executive agency shall establish requirements for the completion of course work and related on-the-job training in the critical acquisition-related duties and tasks of the career path. The head of each executive agency also shall encourage employees to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities.

(2) PERFORMANCE INCENTIVES.—The head of each executive agency shall provide for an enhanced system of incentives to encourage excellence in the acquisition workforce that rewards performance of employees who contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—

(A) relate pay to performance (including the extent to which the performance of personnel in the workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs pursuant to section 3103(b) of this title); and

(B) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in the workforce contributes to achieving the cost goals, schedule goals, and performance goals.

(g) QUALIFICATION REQUIREMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall—

(A) establish qualification requirements, including education requirements, for—

(i) entry-level positions in the General Schedule Contracting series (GS-1102);

(ii) senior positions in the General Schedule Contracting series (GS-1102);

(iii) all positions in the General Schedule Purchasing series (GS-1105); and

(iv) positions in other General Schedule series in which significant acquisition-related functions are performed; and

(B) prescribe the manner and extent to which the qualification requirements shall apply to an individual serving in a position described in subparagraph (A) at the time the requirements are established.

(2) RELATIONSHIP TO REQUIREMENTS APPLICABLE TO DEFENSE ACQUISITION WORKFORCE.—The Administrator shall establish qualification requirements and make prescriptions under paragraph (1) that are comparable to those established for the same or equivalent positions pursuant to chapter 87 of title 10 with appropriate modifications.

(3) APPROVAL OF REQUIREMENTS.—The Administrator shall submit any requirement established or prescription made under paragraph (1) to the Director of the Office of Personnel Management for approval. The Director is deemed to have approved the requirement or prescription if the Director does not disapprove the requirement or prescription within 30 days after receiving it.

(h) EDUCATION AND TRAINING.—

(1) FUNDING LEVELS.—The head of an executive agency shall set forth separately the

funding levels requested for educating and training the acquisition workforce in the budget justification documents submitted in support of the President's budget submitted to Congress under section 1105 of title 31.

(2) TUITION ASSISTANCE.—The head of an executive agency may provide tuition reimbursement in education (including a full-time course of study leading to a degree) in accordance with section 4107 of title 5 for personnel serving in acquisition positions in the agency.

(3) RESTRICTED OBLIGATION.—Amounts appropriated for education and training under this section may not be obligated for another purpose.

(i) TRAINING FUND.—

(1) PURPOSES.—The purposes of this subsection are to ensure that the Federal acquisition workforce—

(A) adapts to fundamental changes in the nature of Federal Government acquisition of property and services associated with the changing roles of the Federal Government; and

(B) acquires new skills and a new perspective to enable it to contribute effectively in the changing environment of the 21st century.

(2) ESTABLISHMENT AND MANAGEMENT OF FUND.—There is an acquisition workforce training fund. The Administrator of General Services shall manage the fund through the Federal Acquisition Institute to support the training of the acquisition workforce of the executive agencies, except as provided in paragraph (5). The Administrator of General Services shall consult with the Administrator in managing the fund.

(3) CREDITS TO FUND.—Five percent of the fees collected by executive agencies (other than the Department of Defense) under the following contracts shall be credited to the fund:

(A) Government-wide task and delivery-order contracts entered into under sections 4103 and 4105 of this title.

(B) Government-wide contracts for the acquisition of information technology as defined in section 11101 of title 40 and multi-agency acquisition contracts for that technology authorized by section 11314 of title 40.

(C) multiple-award schedule contracts entered into by the Administrator of General Services.

(4) REMITTANCE BY HEAD OF EXECUTIVE AGENCY.—The head of an executive agency that administers a contract described in paragraph (3) shall remit to the General Services Administration the amount required to be credited to the fund with respect to the contract at the end of each quarter of the fiscal year.

(5) TRANSFER AND USE OF FEES COLLECTED FROM DEPARTMENT OF DEFENSE.—The Administrator of General Services shall transfer to the Secretary of Defense fees collected from the Department of Defense pursuant to paragraph (3). The Defense Acquisition University shall use the fees for acquisition workforce training.

(6) AMOUNTS NOT TO BE USED FOR OTHER PURPOSES.—The Administrator of General Services, through the Office of Federal Procurement Policy, shall ensure that amounts collected for training under this subsection are not used for a purpose other than the purpose specified in paragraph (2).

(7) AMOUNTS ARE IN ADDITION TO OTHER AMOUNTS FOR EDUCATION AND TRAINING.—Amounts credited to the fund are in addition to amounts requested and appropriated for education and training referred to in subsection (h)(1).

(8) **AVAILABILITY OF AMOUNTS.**—Amounts credited to the fund remain available to be expended only in the fiscal year for which they are credited and the 2 succeeding fiscal years.

(j) **RECRUITMENT PROGRAM.**—

(1) **SHORTAGE CATEGORY POSITIONS.**—For purposes of sections 3304, 5333, and 5753 of title 5, the head of a department or agency of the Federal Government (other than the Secretary of Defense) may determine, under regulations prescribed by the Office of Personnel Management, that certain Federal acquisition positions (as described in subsection (g)(1)(A)) are shortage category positions in order to use the authorities in those sections to recruit and appoint highly qualified individuals directly to those positions in the department or agency.

(2) **TERMINATION OF AUTHORITY.**—The head of a department or agency may not appoint an individual to a position of employment under this subsection after September 30, 2012.

(k) **REEMPLOYMENT WITHOUT LOSS OF ANNUITY.**—

(1) **ESTABLISHMENT OF POLICIES AND PROCEDURES.**—The head of each executive agency, after consultation with the Administrator and the Director of the Office of Personnel Management, shall establish policies and procedures under which the agency head may reemploy in an acquisition-related position (as described in subsection (g)(1)(A)) an individual receiving an annuity from the Civil Service Retirement and Disability Fund, on the basis of the individual's service, without discontinuing the annuity. The head of each executive agency shall keep the Administrator informed of the agency's use of this authority.

(2) **CRITERIA FOR CONTINUATION OF ANNUITY.**—Policies and procedures established under paragraph (1) shall authorize the head of the executive agency, on a case-by-case basis, to continue an annuity if any of the following makes the reemployment of an individual essential:

(A) The unusually high or unique qualifications of an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of the individual's service.

(B) The exceptional difficulty in recruiting or retaining a qualified employee.

(C) A temporary emergency hiring need.

(3) **SERVICE NOT SUBJECT TO CSRS OR FERS.**—An individual reemployed under this subsection shall not be deemed an employee for purposes of chapter 83 or 84 of title 5.

(4) **REPORTING REQUIREMENT.**—The Administrator shall submit annually to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the use of the authority under this subsection, including the number of employees reemployed under authority of this subsection.

(5) **SUNSET PROVISION.**—The authority under this subsection expires on December 31, 2011.

§ 1704. Planning and policy-making for acquisition workforce

(a) **DEFINITIONS.**—In this section:

(1) **ASSOCIATE ADMINISTRATOR.**—The term "Associate Administrator" means the Associate Administrator for Acquisition Workforce Programs as designated by the Administrator pursuant to subsection (b).

(2) **CHIEF ACQUISITION OFFICER.**—The term "Chief Acquisition Officer" means a Chief Acquisition Officer for an executive agency

appointed pursuant to section 1702 of this title.

(b) **ASSOCIATE ADMINISTRATOR FOR ACQUISITION WORKFORCE PROGRAMS.**—The Administrator shall designate a member of the Senior Executive Service as the Associate Administrator for Acquisition Workforce Programs. The Associate Administrator shall be located in the Federal Acquisition Institute (or its successor). The Associate Administrator shall be responsible for—

(1) supervising the acquisition workforce training fund established under section 1703(i) of this title;

(2) developing, in coordination with Chief Acquisition Officers and Chief Human Capital Officers, a strategic human capital plan for the acquisition workforce of the Federal Government;

(3) reviewing and providing input to individual agency acquisition workforce succession plans;

(4) recommending to the Administrator and other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce; and

(5) carrying out other functions that the Administrator may assign.

(c) **ACQUISITION AND CONTRACTING TRAINING PROGRAMS WITHIN EXECUTIVE AGENCIES.**—

(1) **CHIEF ACQUISITION OFFICER AUTHORITIES AND RESPONSIBILITIES.**—Subject to the authority, direction, and control of the head of an executive agency, the Chief Acquisition Officer for that agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of this subsection. The Chief Acquisition Officer shall ensure that the policies established by the head of the agency in accordance with this subsection are implemented throughout the agency.

(2) **REQUIREMENT.**—The head of each executive agency, after consultation with the Associate Administrator, shall establish and operate acquisition and contracting training programs. The programs shall—

(A) have curricula covering a broad range of acquisition and contracting disciplines corresponding to the specific acquisition and contracting needs of the agency involved;

(B) be developed and applied according to rigorous standards; and

(C) be designed to maximize efficiency, through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever those features can be applied without reducing the effectiveness of the training or negatively affecting academic standards.

(d) **GOVERNMENT-WIDE POLICIES AND EVALUATION.**—The Administrator shall issue policies to promote the development of performance standards for training and uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall evaluate the implementation of the provisions of subsection (c) by executive agencies.

(e) **INFORMATION ON ACQUISITION AND CONTRACTING TRAINING.**—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (c).

(f) **ACQUISITION WORKFORCE HUMAN CAPITAL SUCCESSION PLAN.**—

(1) **IN GENERAL.**—Each Chief Acquisition Officer for an executive agency shall develop, in consultation with the Chief Human Cap-

ital Officer for the agency and the Associate Administrator, a succession plan consistent with the agency's strategic human capital plan for the recruitment, development, and retention of the agency's acquisition workforce, with a particular focus on warranted contracting officers and program managers of the agency.

(2) **CONTENT OF PLAN.**—The acquisition workforce succession plan shall address—

(A) recruitment goals for personnel from procurement intern programs;

(B) the agency's acquisition workforce training needs;

(C) actions to retain high performing acquisition professionals who possess critical relevant skills;

(D) recruitment goals for personnel from the Federal Career Intern Program; and

(E) recruitment goals for personnel from the Presidential Management Fellows Program.

(g) **ACQUISITION WORKFORCE DEVELOPMENT STRATEGIC PLAN.**—

(1) **PURPOSE.**—The purpose of this subsection is to authorize the preparation and completion of the Acquisition Workforce Development Strategic Plan, which is a plan for Federal agencies other than the Department of Defense to—

(A) develop a specific and actionable 5-year plan to increase the size of the acquisition workforce; and

(B) operate a government-wide acquisition intern program for the Federal agencies.

(2) **ESTABLISHMENT OF PLAN.**—The Associate Administrator shall be responsible for the management, oversight, and administration of the Acquisition Workforce Development Strategic Plan in cooperation and consultation with the Office of Federal Procurement Policy and with the assistance of the Federal Acquisition Institute.

(3) **CRITERIA.**—The Acquisition Workforce Development Strategic Plan shall include an examination of the following matters:

(A) The variety and complexity of acquisitions conducted by each Federal agency covered by the plan, and the workforce needed to effectively carry out the acquisitions.

(B) The development of a sustainable funding model to support efforts to hire, retain, and train an acquisition workforce of appropriate size and skill to effectively carry out the acquisition programs of the Federal agencies covered by the plan, including an examination of interagency funding methods and a discussion of how the model of the Defense Acquisition Workforce Development Fund could be applied to civilian agencies.

(C) Any strategic human capital planning necessary to hire, retain, and train an acquisition workforce of appropriate size and skill at each Federal agency covered by the plan.

(D) Methodologies that Federal agencies covered by the plan can use to project future acquisition workforce personnel hiring requirements, including an appropriate distribution of such personnel across each category of positions designated as acquisition workforce personnel under section 1703(g) of this title.

(E) Government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce within the Federal agencies covered by the plan.

(F) If the Associate Administrator recommends as part of the plan a growth in the acquisition workforce of the Federal agencies covered by the plan below 25 percent over the next 5 years, an examination of each of the matters specified in subparagraphs (A) to (E) in the context of a 5-year

plan that increases the size of such acquisition workforce by not less than 25 percent, or an explanation why such a level of growth would not be in the best interest of the Federal Government.

(4) **DEADLINE FOR COMPLETION.**—The Acquisition Workforce Development Strategic Plan shall be completed not later than one year after October 14, 2008, and in a fashion that allows for immediate implementation of its recommendations and guidelines.

(5) **FUNDS.**—The acquisition workforce development strategic plan shall be funded from the acquisition workforce training fund under section 1703(i) of this title.

(h) **TRAINING IN THE ACQUISITION OF ARCHITECT AND ENGINEERING SERVICES.**—The Administrator shall ensure that a sufficient number of Federal employees are trained in the acquisition of architect and engineering services.

(i) **UTILIZATION OF RECRUITMENT AND RETENTION AUTHORITIES.**—The Administrator, in coordination with the Director of the Office of Personnel Management, shall encourage executive agencies to use existing authorities, including direct hire authority and tuition assistance programs, to recruit and retain acquisition personnel and consider recruiting acquisition personnel who may be retiring from the private sector, consistent with existing laws and regulations.

§ 1705. Advocates for competition

(a) **ESTABLISHMENT AND DESIGNATION.**—

(1) **ESTABLISHMENT.**—Each executive agency has an advocate for competition.

(2) **DESIGNATION.**—The head of each executive agency shall—

(A) designate for the executive agency and for each procuring activity of the executive agency one officer or employee serving in a position authorized for the executive agency on July 18, 1984 (other than the senior procurement executive designated pursuant to section 1702(c) of this title) to serve as the advocate for competition;

(B) not assign those officers or employees duties or responsibilities that are inconsistent with the duties and responsibilities of the advocates for competition; and

(C) provide those officers or employees with the staff or assistance necessary to carry out the duties and responsibilities of the advocate for competition, such as individuals who are specialists in engineering, technical operations, contract administration, financial management, supply management, and utilization of small and disadvantaged business concerns.

(b) **DUTIES AND FUNCTIONS.**—The advocate for competition of an executive agency shall—

(1) be responsible for challenging barriers to, and promoting full and open competition in, the procurement of property and services by the executive agency;

(2) review the procurement activities of the executive agency;

(3) identify and report to the senior procurement executive of the executive agency—

(A) opportunities and actions taken to achieve full and open competition in the procurement activities of the executive agency; and

(B) any condition or action which has the effect of unnecessarily restricting competition in the procurement actions of the executive agency;

(4) prepare and transmit to the senior procurement executive an annual report describing—

(A) the advocate's activities under this section;

(B) new initiatives required to increase competition; and

(C) remaining barriers to full and open competition;

(5) recommend to the senior procurement executive—

(A) goals and the plans for increasing competition on a fiscal year basis; and

(B) a system of personal and organizational accountability for competition, which may include the use of recognition and awards to motivate program managers, contracting officers, and others in authority to promote competition in procurement programs; and

(6) describe other ways in which the executive agency has emphasized competition in programs for procurement training and research.

(c) **RESPONSIBILITIES.**—The advocate for competition for each procuring activity is responsible for promoting full and open competition, promoting the acquisition of commercial items, and challenging barriers to acquisition, including unnecessarily restrictive statements of need, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses.

§ 1706. Personnel evaluation

The head of each executive agency subject to division C shall ensure, with respect to the employees of that agency whose primary duties and responsibilities pertain to the award of contracts subject to the provisions of the Small Business and Federal Procurement Competition Enhancement Act of 1984 (Public Law 98-577, 98 Stat. 3066), that the performance appraisal system applicable to those employees affords appropriate recognition to, among other factors, efforts to—

(1) increase competition and achieve cost savings through the elimination of procedures that unnecessarily inhibit full and open competition;

(2) further the purposes of the Small Business and Federal Procurement Competition Enhancement Act of 1984 (Public Law 98-577, 98 Stat. 3066) and the Defense Procurement Reform Act of 1984 (Public Law 98-525, title XII, 98 Stat. 2588); and

(3) further other objectives and purposes of the Federal acquisition system authorized by law.

§ 1707. Publication of proposed regulations

(a) **COVERED POLICIES, REGULATIONS, PROCEDURES, AND FORMS.**—

(1) **REQUIRED COMMENT PERIOD.**—Except as provided in subsection (d), a procurement policy, regulation, procedure, or form (including an amendment or modification thereto) may not take effect until 60 days after it is published for public comment in the Federal Register pursuant to subsection (b) if it—

(A) relates to the expenditure of appropriated funds; and

(B)(i) has a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form; or

(ii) has a significant cost or administrative impact on contractors or offerors.

(2) **EXCEPTION.**—A policy, regulation, procedure, or form may take effect earlier than 60 days after the publication date when there are compelling circumstances for the earlier effective date, but the effective date may not be less than 30 days after the publication date.

(b) **PUBLICATION IN FEDERAL REGISTER AND COMMENT PERIOD.**—Subject to subsection (c), the head of the agency shall have published in the Federal Register a notice of the proposed procurement policy, regulation, proce-

dures, or form and provide for a public comment period for receiving and considering the views of all interested parties on the proposal. The length of the comment period may not be less than 30 days.

(c) **CONTENTS OF NOTICE.**—Notice of a proposed procurement policy, regulation, procedure, or form prepared for publication in the Federal Register shall include—

(1) the text of the proposal or, if it is impracticable to publish the full text of the proposal, a summary of the proposal and a statement specifying the name, address, and telephone number of the officer or employee of the executive agency from whom the full text may be obtained; and

(2) a request for interested parties to submit comments on the proposal and the name and address of the officer or employee of the Federal Government designated to receive the comments.

(d) **WAIVER.**—The requirements of subsections (a) and (b) may be waived by the officer authorized to issue a procurement policy, regulation, procedure, or form if urgent and compelling circumstances make compliance with the requirements impracticable.

(e) **EFFECTIVENESS OF POLICY, REGULATION, PROCEDURE, OR FORM.**—

(1) **TEMPORARY BASIS.**—A procurement policy, regulation, procedure, or form for which the requirements of subsections (a) and (b) are waived under subsection (d) is effective on a temporary basis if—

(A) a notice of the policy, regulation, procedure, or form is published in the Federal Register and includes a statement that the policy, regulation, procedure, or form is temporary; and

(B) provision is made for a public comment period of 30 days beginning on the date on which the notice is published.

(2) **FINAL POLICY, REGULATION, PROCEDURE, OR FORM.**—After considering the comments received, the head of the agency waiving the requirements of subsections (a) and (b) under subsection (d) may issue the final procurement policy, regulation, procedure, or form.

§ 1708. Procurement notice

(a) **NOTICE REQUIREMENT.**—Except as provided in subsection (b)—

(1) an executive agency intending to solicit bids or proposals for a contract for property or services for a price expected to exceed \$10,000, but not to exceed \$25,000, shall post, for not less than 10 days, in a public place at the contracting office issuing the solicitation a notice of solicitation described in subsection (c);

(2) an executive agency shall publish a notice of solicitation described in subsection (c) if the agency intends to—

(A) solicit bids or proposals for a contract for property or services for a price expected to exceed \$25,000; or

(B) place an order, expected to exceed \$25,000, under a basic agreement, basic ordering agreement, or similar arrangement; and

(3) an executive agency awarding a contract for property or services for a price exceeding \$25,000, or placing an order exceeding \$25,000 under a basic agreement, basic ordering agreement, or similar arrangement, shall furnish for publication a notice announcing the award or order if there is likely to be a subcontract under the contract or order.

(b) **EXEMPTIONS.**—

(1) **IN GENERAL.**—A notice is not required under subsection (a) if—

(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

(i) using widespread electronic public notice of the solicitation in a form that allows

convenient and universal user access through a single, Government-wide point of entry; and

(ii) permitting the public to respond to the solicitation electronically;

(B) the notice would disclose the executive agency's needs and disclosure would compromise national security;

(C) the proposed procurement would result from acceptance of—

(i) an unsolicited proposal that demonstrates a unique and innovative research concept and publication of a notice of the unsolicited research proposal would disclose the originality of thought or innovativeness of the proposal or would disclose proprietary information associated with the proposal; or

(ii) a proposal submitted under section 9 of the Small Business Act (15 U.S.C. 638);

(D) the procurement is made against an order placed under a requirements contract, a task order contract, or a delivery order contract;

(E) the procurement is made for perishable subsistence supplies;

(F) the procurement is for utility services, other than telecommunication services, and only one source is available; or

(G) the procurement is for the services of an expert for use in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government in a trial, hearing, or proceeding before a court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify.

(2) CERTAIN PROCUREMENTS.—The requirements of subsection (a)(2) do not apply to a procurement—

(A) under conditions described in paragraph (2), (3), (4), (5), or (7) of section 3304(a) of this title or paragraph (2), (3), (4), (5), or (7) of section 2304(c) of title 10; or

(B) for which the head of the executive agency makes a determination in writing, after consultation with the Administrator and the Administrator of the Small Business Administration, that it is not appropriate or reasonable to publish a notice before issuing a solicitation.

(3) IMPLEMENTATION CONSISTENT WITH INTERNATIONAL AGREEMENTS.—Paragraph (1)(A) shall be implemented in a manner consistent with applicable international agreements.

(c) CONTENTS OF NOTICE.—Each notice of solicitation required by paragraph (1) or (2) of subsection (a) shall include—

(1) an accurate description of the property or services to be contracted for, which description—

(A) shall not be unnecessarily restrictive of competition; and

(B) shall include, as appropriate, the agency nomenclature, National Stock Number or other part number, and a brief description of the item's form, fit, or function, physical dimensions, predominant material of manufacture, or similar information that will assist a prospective contractor to make an informed business judgment as to whether a copy of the solicitation should be requested;

(2) provisions that—

(A)(i) state whether the technical data required to respond to the solicitation will not be furnished as part of the solicitation; and

(ii) identify the source in the Federal Government, if any, from which the technical data may be obtained; and

(B)(i) state whether an offeror or its product or service must meet a qualification requirement in order to be eligible for award; and

(ii) if so, identify the office from which the qualification requirement may be obtained;

(3) the name, business address, and telephone number of the contracting officer;

(4) a statement that all responsible sources may submit a bid, proposal, or quotation (as appropriate) that the agency shall consider;

(5) in the case of a procurement using procedures other than competitive procedures, a statement of the reason justifying the use of those procedures and the identity of the intended source; and

(6) in the case of a contract in an amount estimated to be greater than \$25,000 but not greater than the simplified acquisition threshold, or a contract for the procurement of commercial items using special simplified procedures—

(A) a description of the procedures to be used in awarding the contract; and

(B) a statement specifying the periods for prospective offerors and the contracting officer to take the necessary preaward and award actions.

(d) ELECTRONIC PUBLICATION OF NOTICE OF SOLICITATION, AWARD, OR ORDER.—A notice of solicitation, award, or order required to be published under subsection (a) shall be published by electronic means. The notice must be electronically accessible in a form that allows convenient and universal user access through the single Government-wide point of entry designated in the Federal Acquisition Regulation.

(e) TIME LIMITATIONS.—

(1) ISSUING NOTICE OF SOLICITATION AND ESTABLISHING DEADLINE FOR SUBMITTING BIDS AND PROPOSALS.—An executive agency required by subsection (a)(2) to publish a notice of solicitation may not—

(A) issue the solicitation earlier than 15 days after the date on which the notice is published; or

(B) in the case of a contract or order expected to be greater than the simplified acquisition threshold, establish a deadline for the submission of all bids or proposals in response to the notice required by subsection (a)(2) that—

(i) in the case of a solicitation for research and development, is earlier than 45 days after the date the notice required for a bid or proposal for a contract described in subsection (a)(2)(A) is published;

(ii) in the case of an order under a basic agreement, basic ordering agreement, or similar arrangement, is earlier than 30 days after the date the notice required for an order described in subsection (a)(2)(B) is published; or

(iii) in any other case, is earlier than 30 days after the date the solicitation is issued.

(2) ESTABLISHING DEADLINE WHEN NONE PROVIDED BY STATUTE.—An executive agency shall establish a deadline for the submission of all bids or proposals in response to a solicitation for which a deadline is not provided by statute. Each deadline for the submission of offers shall afford potential offerors a reasonable opportunity to respond.

(3) FLEXIBLE DEADLINES.—The Administrator shall prescribe regulations defining limited circumstances in which flexible deadlines can be used under paragraph (1) for the issuance of solicitations and the submission of bids or proposals for the procurement of commercial items.

(f) CONSIDERATION OF CERTAIN TIMELY RECEIVED OFFERS.—An executive agency intending to solicit offers for a contract for which a notice of solicitation is required to be posted under subsection (a)(1) shall ensure that contracting officers consider each responsive offer timely received from an offeror.

(g) AVAILABILITY OF COMPLETE SOLICITATION PACKAGE AND PAYMENT OF FEE.—An executive agency shall make available to a business concern, or the authorized representative of a concern, the complete solicitation package for any on-going procurement announced pursuant to a notice of solicitation under subsection (a). An executive agency may require the payment of a fee, not exceeding the actual cost of duplication, for a copy of the package.

§ 1709. Contracting functions performed by Federal personnel

(a) COVERED PERSONNEL.—Personnel referred to in subsection (b) are—

(1) an employee, as defined in section 2105 of title 5;

(2) a member of the armed forces; and

(3) an employee from State or local governments assigned to a Federal agency pursuant to subchapter VI of chapter 33 of title 5.

(b) LIMITATION ON PAYMENT FOR ADVISORY AND ASSISTANCE SERVICES.—No individual who is not an individual described in subsection (a) may be paid by an executive agency for services to conduct evaluations or analyses of any aspect of a proposal submitted for an acquisition unless personnel described in subsection (a) with adequate training and capabilities to perform the evaluations and analyses are not readily available in the agency or another Federal agency. When administering this subsection, the head of each executive agency shall determine in accordance with standards and procedures prescribed in the Federal Acquisition Regulation whether—

(1) a sufficient number of personnel described in subsection (a) in the agency or another Federal agency are readily available to perform a particular evaluation or analysis for the head of the executive agency making the determination; and

(2) the readily available personnel have the training and capabilities necessary to perform the evaluation or analysis.

(c) CERTAIN RELATIONSHIP NOT AFFECTED.—This section does not affect the relationship between the Federal Government and a Federally funded research and development center.

§ 1710. Public-private competition required before conversion to contractor performance

(a) PUBLIC-PRIVATE COMPETITION.—

(1) WHEN CONVERSION TO CONTRACTOR PERFORMANCE IS ALLOWED.—A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A76, as implemented on May 29, 2003, or any successor circular;

(C) includes the issuance of a solicitation;

(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Federal

Government over the life of the contract, including—

(i) the estimated cost to the Federal Government (based on offers received) for performance of the function by a contractor;

(ii) the estimated cost to the Federal Government for performance of the function by agency civilian employees; and

(iii) an estimate of all other costs and expenditures that the Federal Government would incur because of the award of the contract;

(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

(ii) \$10,000,000; and

(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

(2) NOT A NEW REQUIREMENT.—A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

(3) PROHIBITIONS.—In no case may a function being performed by executive agency personnel be—

(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

(b) CONSULTING WITH AFFECTED EMPLOYEES OR THEIR REPRESENTATIVES.—

(1) CONSULTING WITH AFFECTED EMPLOYEES.—Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A76 whether to convert to contractor performance any function of the executive agency—

(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of the employees on the development and preparation of that statement and that study; and

(B) may consult with the employees on other matters relating to that determination.

(2) CONSULTING WITH REPRESENTATIVES.—

(A) EMPLOYEES REPRESENTED BY A LABOR ORGANIZATION.—In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

(B) EMPLOYEES NOT REPRESENTED BY A LABOR ORGANIZATION.—In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

(3) REGULATIONS.—The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or

designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

(c) CONGRESSIONAL NOTIFICATION.—

(1) REPORT.—Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

(A) The function for which the public-private competition is to be conducted.

(B) The location at which the function is performed by agency civilian employees.

(C) The number of agency civilian employee positions potentially affected.

(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on agency civilian employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

(2) EXAMINATION OF POTENTIAL ECONOMIC EFFECT.—The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

(A) agency civilian employees who would be affected by such a conversion in performance; and

(B) the local community and the Federal Government, if more than 50 agency civilian employees perform the function.

(3) OBJECTIONS TO PUBLIC-PRIVATE COMPETITION.—

(A) GROUNDS.—A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public-private competition on the grounds that—

(i) the report required by paragraph (1) has not been submitted; or

(ii) the certification required by paragraph (1)(E) was not included in the report required by paragraph (1).

(B) DEADLINES.—The objection shall be in writing and shall be submitted within 90 days after the following date:

(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

(C) REPORT AND CERTIFICATION REQUIRED BEFORE SOLICITATION OR AWARD OF CONTRACT.—If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY DISABLED PEOPLE.—This section shall not apply to a commercial or industrial

type function of an executive agency that is—

(1) included on the procurement list established pursuant to section 8503 of this title; or

(2) planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely disabled people in accordance with chapter 85 of this title.

(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.

§ 1711. Value engineering

Each executive agency shall establish and maintain cost-effective procedures and processes for analyzing the functions of a program, project, system, product, item of equipment, building, facility, service, or supply of the agency. The analysis shall be—

(1) performed by qualified agency or contractor personnel; and

(2) directed at improving performance, reliability, quality, safety, and life cycle costs.

§ 1712. Record requirements

(a) MAINTAINING RECORDS ON COMPUTER.—Each executive agency shall establish and maintain for 5 years a computer file, by fiscal year, containing unclassified records of all procurements greater than the simplified acquisition threshold in that fiscal year.

(b) CONTENTS.—The record established under subsection (a) shall include, with respect to each procurement carried out using—

(1) competitive procedures—

(A) the date of contract award;

(B) information identifying the source to whom the contract was awarded;

(C) the property or services the Federal Government obtains under the procurement; and

(D) the total cost of the procurement; or

(2) procedures other than competitive procedures—

(A) the information described in paragraph (1);

(B) the reason under section 3304(a) of this title or section 2304(c) of title 10 for using the procedures; and

(C) the identity of the organization or activity that conducted the procurement.

(c) SEPARATE RECORD CATEGORY FOR PROCUREMENTS RESULTING IN ONE BID OR PROPOSAL.—Information included in a record pursuant to subsection (b)(1) that relates to procurements resulting in the submission of a bid or proposal by only one responsible source shall be separately categorized from the information relating to other procurements included in the record. The record of that information shall be designated “non-competitive procurements using competitive procedures”.

(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall—

(1) ensure the accuracy of the information included in the record established and maintained by the agency under subsection (a); and

(2) transmit in a timely manner such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 1122(a)(4) of this title, or any successor system.

§ 1713. Procurement data

(a) DEFINITIONS.—In this section:

(1) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—The term “qualified HUBZone small business concern” has the meaning

given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

(2) **SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.**—The term “small business concern owned and controlled by socially and economically disadvantaged individuals” has the meaning given that term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(3) **SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.**—The term “small business concern owned and controlled by women” has the meaning given that term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and section 204 of the Women’s Business Ownership Act of 1988 (Public Law 100–533, 102 Stat. 2692).

(b) **REPORTING.**—Each Federal agency shall report to the Office of Federal Procurement Policy the number of qualified HUBZone small business concerns, the number of small businesses owned and controlled by women, and the number of small business concerns owned and controlled by socially and economically disadvantaged individuals, by gender, that are first time recipients of contracts from the agency. The Office shall take appropriate action to ascertain, for each fiscal year, the number of those small businesses that have newly entered the Federal market.

CHAPTER 19—SIMPLIFIED ACQUISITION PROCEDURES

Sec.

- 1901. Simplified acquisition procedures.
- 1902. Procedures applicable to purchases below micro-purchase threshold.
- 1903. Special emergency procurement authority.
- 1904. Certain transactions for defense against attack.
- 1905. List of laws inapplicable to contracts or subcontracts not greater than simplified acquisition threshold.
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- 1908. Inflation adjustment of acquisition-related dollar thresholds.

§ 1901. Simplified acquisition procedures

(a) **WHEN PROCEDURES ARE TO BE USED.**—To promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors, the Federal Acquisition Regulation shall provide for special simplified procedures for purchases of property and services for amounts—

- (1) not greater than the simplified acquisition threshold; and
- (2) greater than the simplified acquisition threshold but not greater than \$5,000,000 for which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items.

(b) **PROHIBITION ON DIVIDING PURCHASES.**—A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts to use the simplified acquisition procedures required by subsection (a).

(c) **PROMOTION OF COMPETITION REQUIRED.**—When using simplified acquisition procedures, the head of an executive agency shall promote competition to the maximum extent practicable.

(d) **CONSIDERATION OF OFFERS TIMELY RECEIVED.**—The simplified acquisition proce-

dures contained in the Federal Acquisition Regulation shall include a requirement that a contracting officer consider each responsive offer timely received from an eligible offeror.

(e) **SPECIAL RULES FOR COMMERCIAL ITEMS.**—The Federal Acquisition Regulation shall provide that an executive agency using special simplified procedures to purchase commercial items—

- (1) shall publish a notice in accordance with section 1708 of this title and, as provided in section 1708(c)(4) of this title, permit all responsible sources to submit a bid, proposal, or quotation (as appropriate) that the agency shall consider;

(2) may not conduct the purchase on a sole source basis unless the need to do so is justified in writing and approved in accordance with section 2304(f) of title 10 or section 3304(e) of this title, as applicable; and

- (3) shall include in the contract file a written description of the procedures used in awarding the contract and the number of offers received.

§ 1902. Procedures applicable to purchases below micro-purchase threshold

(a) **DEFINITION.**—For purposes of this section, the micro-purchase threshold is \$2,500.

(b) **COMPLIANCE WITH CERTAIN REQUIREMENTS AND NONAPPLICABILITY OF CERTAIN AUTHORITY.**—

- (1) **COMPLIANCE WITH CERTAIN REQUIREMENTS.**—The head of each executive agency shall ensure that procuring activities of that agency, when awarding a contract with a price exceeding the micro-purchase threshold, comply with the requirements of section 8(a) of the Small Business Act (15 U.S.C. 637(a)), section 2323 of title 10, and section 7102 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355, 15 U.S.C. 644 note).

(2) **NONAPPLICABILITY OF CERTAIN AUTHORITY.**—The authority under part 13.106(a)(1) of the Federal Acquisition Regulation (48 C.F.R. 13.106(a)(1)), as in effect on November 18, 1993, to make purchases without securing competitive quotations does not apply to a purchase with a price exceeding the micro-purchase threshold.

(c) **NONAPPLICABILITY OF CERTAIN PROVISIONS.**—An executive agency purchase with an anticipated value of the micro-purchase threshold or less is not subject to section 15(j) of the Small Business Act (15 U.S.C. 644(j)) and chapter 83 of this title.

(d) **PURCHASES WITHOUT COMPETITIVE QUOTATIONS.**—A purchase not greater than \$2,500 may be made without obtaining competitive quotations if an employee of an executive agency or a member of the armed forces, authorized to do so, determines that the price for the purchase is reasonable.

(e) **EQUITABLE DISTRIBUTION.**—Purchases not greater than \$2,500 shall be distributed equitably among qualified suppliers.

(f) **IMPLEMENTATION THROUGH FEDERAL ACQUISITION REGULATION.**—This section shall be implemented through the Federal Acquisition Regulation.

§ 1903. Special emergency procurement authority

(a) **APPLICABILITY.**—The authorities provided in subsections (b) and (c) apply with respect to a procurement of property or services by or for an executive agency that the head of the executive agency determines are to be used—

- (1) in support of a contingency operation (as defined in section 101(a) of title 10); or
- (2) to facilitate the defense against or recovery from nuclear, biological, chemical, or

radiological attack against the United States.

(b) **INCREASED THRESHOLDS AND LIMITATION.**—For a procurement to which this section applies under subsection (a)—

- (1) the amount specified in section 1902(a), (d), and (e) of this title shall be deemed to be—

(A) \$15,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

(B) \$25,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States;

(2) the term “simplified acquisition threshold” means—

(A) \$250,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

(B) \$1,000,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States; and

(3) the \$5,000,000 limitation in sections 1901(a)(2) and 3305(a)(2) of this title and section 2304(g)(1)(B) of title 10 is deemed to be \$10,000,000.

(c) **AUTHORITY TO TREAT PROPERTY OR SERVICE AS COMMERCIAL ITEM.**—

(1) **IN GENERAL.**—The head of an executive agency carrying out a procurement of property or a service to which this section applies under subsection (a)(2) may treat the property or service as a commercial item for the purpose of carrying out the procurement.

(2) **CERTAIN CONTRACTS NOT EXEMPT FROM STANDARDS OR REQUIREMENTS.**—A contract in an amount of more than \$15,000,000 that is awarded on a sole source basis for an item or service treated as a commercial item under paragraph (1) is not exempt from—

(A) cost accounting standards prescribed under section 1502 of this title; or

(B) cost or pricing data requirements (commonly referred to as truth in negotiating) under chapter 35 of this title and section 2306a of title 10.

§ 1904. Certain transactions for defense against attack

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—The head of an executive agency that engages in basic research, applied research, advanced research, and development projects that are necessary to the responsibilities of the executive agency in the field of research and development and have the potential to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack may exercise the same authority (subject to the same restrictions and conditions) with respect to the research and projects as the Secretary of Defense may exercise under section 2371 of title 10, except for subsections (b) and (f) of section 2371.

(2) **PROTOTYPE PROJECTS.**—The head of an executive agency, under the authority of paragraph (1), may carry out prototype projects that meet the requirements of paragraph (1) in accordance with the requirements and conditions provided for carrying out prototype projects under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160, 10 U.S.C. 2371 note), including that, to the maximum extent practicable, competitive procedures shall be used when entering into agreements to carry out projects under section 845(a) of that Act and that the period of authority to carry out projects under section 845(a) of that Act terminates as provided in section 845(i) of that Act.

(3) **APPLICATION OF REQUIREMENTS AND CONDITIONS.**—In applying the requirements and

conditions of section 845 of that Act under this subsection—

(A) section 845(c) of that Act shall apply with respect to prototype projects carried out under paragraph (2); and

(B) the Director of the Office of Management and Budget shall perform the functions of the Secretary of Defense under section 845(d) of that Act.

(4) **APPLICABILITY TO SELECTED EXECUTIVE AGENCIES.**—

(A) **OFFICE OF MANAGEMENT AND BUDGET.**—The head of an executive agency may exercise authority under this subsection for a project only if authorized by the Director of the Office of Management and Budget.

(B) **DEPARTMENT OF HOMELAND SECURITY.**—Authority under this subsection does not apply to the Secretary of Homeland Security while section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is in effect.

(b) **REGULATIONS.**—The Director of the Office of Management and Budget shall prescribe regulations to carry out this section. No transaction may be conducted under the authority of this section before the regulations take effect.

(c) **ANNUAL REPORT.**—The annual report of the head of an executive agency that is required under section 2371(h) of title 10, as applied to the head of the executive agency by subsection (a), shall be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(d) **TERMINATION OF AUTHORITY.**—The authority to carry out transactions under subsection (a) terminates on September 30, 2008.

§ 1905. List of laws inapplicable to contracts or subcontracts not greater than simplified acquisition threshold

(a) **DEFINITION.**—In this section, the term “Council” has the meaning given that term in section 1301 of this title.

(b) **INCLUSION IN FEDERAL ACQUISITION REGULATION.**—

(1) **IN GENERAL.**—The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts or subcontracts in amounts not greater than the simplified acquisition threshold. A provision of law properly included on the list pursuant to paragraph (2) does not apply to contracts or subcontracts in amounts not greater than the simplified acquisition threshold that are made by an executive agency. This section does not render a provision of law not included on the list inapplicable to contracts and subcontracts in amounts not greater than the simplified acquisition threshold.

(2) **LAWS ENACTED AFTER OCTOBER 13, 1994.**—A provision of law described in subsection (c) that is enacted after October 13, 1994, shall be included on the list of inapplicable provisions of laws required by paragraph (1) unless the Council makes a written determination that it would not be in the best interest of the Federal Government to exempt contracts or subcontracts in amounts not greater than the simplified acquisition threshold from the applicability of the provision.

(c) **COVERED LAW.**—A provision of law referred to in subsection (b)(2) is a provision of law that the Council determines sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law that—

(1) provides for criminal or civil penalties; or

(2) specifically refers to this section and provides that, notwithstanding this section,

it shall be applicable to contracts or subcontracts in amounts not greater than the simplified acquisition threshold.

(d) **PETITION.**—A person may petition the Administrator to take appropriate action when a provision of law described in subsection (c) is not included on the list of inapplicable provisions of law as required by subsection (b) and the Council has not made a written determination pursuant to subsection (b)(2). The Administrator shall revise the Federal Acquisition Regulation to include the provision on the list of inapplicable provisions of law unless the Council makes a determination pursuant to subsection (b)(2) within 60 days after the petition is received.

§ 1906. List of laws inapplicable to procurements of commercial items

(a) **DEFINITION.**—In this section, the term “Council” has the meaning given that term in section 1301 of this title.

(b) **CONTRACTS.**—

(1) **INCLUSION IN FEDERAL ACQUISITION REGULATION.**—The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts for the procurement of commercial items. A provision of law properly included on the list pursuant to paragraph (2) does not apply to purchases of commercial items by an executive agency. This section does not render a provision of law not included on the list inapplicable to contracts for the procurement of commercial items.

(2) **LAWS ENACTED AFTER OCTOBER 13, 1994.**—A provision of law described in subsection (d) that is enacted after October 13, 1994, shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Council makes a written determination that it would not be in the best interest of the Federal Government to exempt contracts for the procurement of commercial items from the applicability of the provision.

(c) **SUBCONTRACTS.**—

(1) **DEFINITION.**—In this subsection, the term “subcontract” includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor.

(2) **INCLUSION IN FEDERAL ACQUISITION REGULATION.**—The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to subcontracts under a contract or subcontract for the procurement of commercial items. A provision of law properly included on the list pursuant to paragraph (3) does not apply to those subcontracts. This section does not render a provision of law not included on the list inapplicable to subcontracts under a contract for the procurement of commercial items.

(3) **PROVISIONS TO BE EXCLUDED FROM LIST.**—A provision of law described in subsection (d) shall be included on the list of inapplicable provisions of law required by paragraph (2) unless the Council makes a written determination that it would not be in the best interest of the Federal Government to exempt subcontracts under a contract for the procurement of commercial items from the applicability of the provision.

(4) **WAIVER NOT AUTHORIZED.**—This subsection does not authorize the waiver of the applicability of any provision of law with respect to any subcontract under a contract with a prime contractor reselling or distributing commercial items of another contractor without adding value.

(d) **COVERED LAW.**—A provision of law referred to in subsections (b)(2) and (c) is a provision of law that the Council determines sets forth policies, procedures, requirements,

or restrictions for the procurement of property or services by the Federal Government, except for a provision of law that—

(1) provides for criminal or civil penalties; or

(2) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercial items.

(e) **PETITION.**—A person may petition the Administrator to take appropriate action when a provision of law described in subsection (d) is not included on the list of inapplicable provisions of law as required by subsection (b) or (c) and the Council has not made a written determination pursuant to subsection (b)(2) or (c)(3). The Administrator shall revise the Federal Acquisition Regulation to include the provision on the list of inapplicable provisions of law unless the Council makes a determination pursuant to subsection (b)(2) or (c)(3) within 60 days after the petition is received.

§ 1907. List of laws inapplicable to procurements of commercially available off-the-shelf items

(a) **INCLUSION IN FEDERAL ACQUISITION REGULATION.**—

(1) **IN GENERAL.**—The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts for the procurement of commercially available off-the-shelf items. A provision of law properly included on the list pursuant to paragraph (2) does not apply to contracts for the procurement of commercially available off-the-shelf items. This section does not render a provision of law not included on the list inapplicable to contracts for the procurement of commercially available off-the-shelf items.

(2) **LAWS TO BE INCLUDED.**—A provision of law described in subsection (b) shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Administrator makes a written determination that it would not be in the best interest of the Federal Government to exempt contracts for the procurement of commercially available off-the-shelf items from the applicability of the provision.

(3) **OTHER AUTHORITIES OR RESPONSIBILITIES NOT AFFECTED.**—This section does not modify, supersede, impair, or restrict authorities or responsibilities under—

(A) section 15 of the Small Business Act (15 U.S.C. 644); or

(B) bid protest procedures developed under the authority of—

(i) subchapter V of chapter 35 of title 31;

(ii) section 2305(e) and (f) of title 10; or

(iii) sections 3706 and 3707 of this title.

(b) **COVERED LAW.**—Except as provided in subsection (a)(3), a provision of law referred to in subsection (a)(1) is a provision of law that the Administrator determines imposes Federal Government-unique policies, procedures, requirements, or restrictions for the procurement of property or services on persons whom the Federal Government has awarded contracts for the procurement of commercially available off-the-shelf items, except for a provision of law that—

(1) provides for criminal or civil penalties; or

(2) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercially available off-the-shelf items.

§ 1908. Inflation adjustment of acquisition-related dollar thresholds

(a) **DEFINITION.**—In this section, the term “Council” has the meaning given that term in section 1301 of this title.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the requirement for adjustment under subsection (c) applies to a dollar threshold that is specified in law as a factor in defining the scope of the applicability of a policy, procedure, requirement, or restriction provided in that law to the procurement of property or services by an executive agency, as the Council determines.

(2) **EXCEPTIONS.**—Subsection (c) does not apply to dollar thresholds—

(A) in chapter 67 of this title;

(B) in sections 3141 to 3144, 3146, and 3147 of title 40; or

(C) the United States Trade Representative establishes pursuant to title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq.).

(3) **RELATIONSHIP TO OTHER INFLATION ADJUSTMENT AUTHORITIES.**—This section supersedes the applicability of other provisions of law that provide for the adjustment of a dollar threshold that is adjustable under this section.

(c) **REQUIREMENT FOR PERIODIC ADJUSTMENT.**—

(1) **BASELINE CONSTANT DOLLAR VALUE.**—For purposes of paragraph (2), the baseline constant dollar value for a dollar threshold—

(A) in effect on October 1, 2000, that was first specified in a law that took effect on or before October 1, 2000, is the October 1, 2000, constant dollar value of that dollar threshold; and

(B) specified in a law that takes effect after October 1, 2000, is the constant dollar value of that threshold as of the effective date of that dollar threshold pursuant to that law.

(2) **ADJUSTMENT.**—On October 1 of each year evenly divisible by 5, the Council shall adjust each acquisition-related dollar threshold provided by law, as described in subsection (b)(1), to the baseline constant dollar value of that threshold.

(3) **EXCLUSIVE MEANS OF ADJUSTMENT.**—A dollar threshold adjustable under this section shall be adjusted only as provided in this section.

(d) **PUBLICATION.**—The Council shall publish a notice of the adjusted dollar thresholds under this section in the Federal Register. The thresholds take effect on the date of publication.

(e) **CALCULATION.**—An adjustment under this section shall be—

(1) calculated on the basis of changes in the Consumer Price Index for all-urban consumers published monthly by the Secretary of Labor; and

(2) rounded, in the case of a dollar threshold that on the day before the adjustment is—

(A) less than \$10,000, to the nearest \$500;

(B) not less than \$10,000, but less than \$100,000, to the nearest \$5,000;

(C) not less than \$100,000, but less than \$1,000,000, to the nearest \$50,000; and

(D) \$1,000,000 or more, to the nearest \$500,000.

(f) **PETITION FOR INCLUSION OF OMITTED THRESHOLD.**—

(1) **PETITION SUBMITTED TO ADMINISTRATOR.**—A person may request adjustment of a dollar threshold adjustable under this section that is not included in a notice of adjustment published under subsection (d) by submitting a petition for adjustment to the Administrator.

(2) **ACTIONS OF ADMINISTRATOR.**—On receipt of a petition for adjustment of a dollar threshold under paragraph (1), the Administrator—

(A) shall determine, in writing, whether the dollar threshold is required to be adjusted under this section; and

(B) on determining that it should be adjusted, shall publish in the Federal Register a revised notice of the adjustment dollar thresholds under this section that includes the adjustment of the dollar threshold covered by the petition.

(3) **EFFECTIVE DATE OF ADJUSTMENT BY PETITION.**—The adjustment of a dollar threshold pursuant to a petition under this subsection takes effect on the date the revised notice adding the adjustment under paragraph (2)(B) is published.

CHAPTER 21—RESTRICTIONS ON OBTAINING AND DISCLOSING CERTAIN INFORMATION

Sec.

2101. Definitions.

2102. Prohibitions on disclosing and obtaining procurement information.

2103. Actions required of procurement officers when contacted regarding non-Federal employment.

2104. Prohibition on former official's acceptance of compensation from contractor.

2105. Penalties and administrative actions.

2106. Reporting information believed to constitute evidence of offense.

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§ 2101. Definitions

In this chapter:

(1) **CONTRACTING OFFICER.**—The term “contracting officer” means an individual who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to the contract.

(2) **CONTRACTOR BID OR PROPOSAL INFORMATION.**—The term “contractor bid or proposal information” means any of the following information submitted to a Federal agency as part of, or in connection with, a bid or proposal to enter into a Federal agency procurement contract, if that information previously has not been made available to the public or disclosed publicly:

(A) Cost or pricing data (as defined in section 2306a(h) of title 10 with respect to procurements subject to that section and section 3501(a) of this title with respect to procurements subject to that section).

(B) Indirect costs and direct labor rates.

(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.

(D) Information marked by the contractor as “contractor bid or proposal information”, in accordance with applicable law or regulation.

(3) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given that term in section 102 of title 40.

(4) **FEDERAL AGENCY PROCUREMENT.**—The term “Federal agency procurement” means the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

(5) **OFFICIAL.**—The term “official” means—

(A) an officer, as defined in section 2104 of title 5;

(B) an employee, as defined in section 2105 of title 5; and

(C) a member of the uniformed services, as defined in section 2101(3) of title 5.

(6) **PROTEST.**—The term “protest” means a written objection by an interested party to the award or proposed award of a Federal agency procurement contract, pursuant to subchapter V of chapter 35 of title 31.

(7) **SOURCE SELECTION INFORMATION.**—The term “source selection information” means any of the following information prepared for use by a Federal agency to evaluate a bid or proposal to enter into a Federal agency procurement contract, if that information previously has not been made available to the public or disclosed publicly:

(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids, or lists of those bid prices before public bid opening.

(B) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices.

(C) Source selection plans.

(D) Technical evaluation plans.

(E) Technical evaluations of proposals.

(F) Cost or price evaluations of proposals.

(G) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.

(H) Rankings of bids, proposals, or competitors.

(I) Reports and evaluations of source selection panels, boards, or advisory councils.

(J) Other information marked as “source selection information” based on a case-by-case determination by the head of the agency, the head's designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

§ 2102. Prohibitions on disclosing and obtaining procurement information

(a) **PROHIBITION ON DISCLOSING PROCUREMENT INFORMATION.**—

(1) **IN GENERAL.**—Except as provided by law, a person described in paragraph (3) shall not knowingly disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

(2) **EMPLOYEE OF PRIVATE SECTOR ORGANIZATION.**—In addition to the restriction in paragraph (1), an employee of a private sector organization assigned to an agency under chapter 37 of title 5 shall not knowingly disclose contractor bid or proposal information or source selection information during the 3-year period after the employee's assignment ends, except as provided by law.

(3) **APPLICATION.**—Paragraph (1) applies to a person that—

(A)(i) is a present or former official of the Federal Government; or

(ii) is acting or has acted for or on behalf of, or who is advising or has advised the Federal Government with respect to, a Federal agency procurement; and

(B) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information.

(b) **PROHIBITION ON OBTAINING PROCUREMENT INFORMATION.**—Except as provided by law, a person shall not knowingly obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

§ 2103. Actions required of procurement officials when contacted regarding non-Federal employment

(a) **ACTIONS REQUIRED.**—An agency official participating personally and substantially in a Federal agency procurement for a contract in excess of the simplified acquisition threshold who contacts or is contacted by a person that is a bidder or offeror in that Federal agency procurement regarding possible non-Federal employment for that official shall—

(1) promptly report the contact in writing to the official's supervisor and to the designated agency ethics official (or designee) of the agency in which the official is employed; and

(2)(A) reject the possibility of non-Federal employment; or

(B) disqualify himself or herself from further personal and substantial participation in that Federal agency procurement until the agency authorizes the official to resume participation in the procurement, in accordance with the requirements of section 208 of title 18 and applicable agency regulations on the grounds that—

(i) the person is no longer a bidder or offeror in that Federal agency procurement; or

(ii) all discussions with the bidder or offeror regarding possible non-Federal employment have terminated without an agreement or arrangement for employment.

(b) **RETENTION OF REPORTS.**—The agency shall retain each report required by this section for not less than 2 years following the submission of the report. The reports shall be made available to the public on request, except that any part of a report that is exempt from the disclosure requirements of section 552 of title 5 under subsection (b)(1) of that section may be withheld from disclosure to the public.

(c) **PERSONS SUBJECT TO PENALTIES.**—The following are subject to the penalties and administrative actions set forth in section 2105 of this title:

(1) An official who knowingly fails to comply with the requirements of this section.

(2) A bidder or offeror that engages in employment discussions with an official who is subject to the restrictions of this section, knowing that the official has not complied with paragraph (1) or (2) of subsection (a).

§ 2104. Prohibition on former official's acceptance of compensation from contractor

(a) **PROHIBITION.**—A former official of a Federal agency may not accept compensation from a contractor as an employee, officer, director, or consultant of the contractor within one year after the official—

(1) served, when the contractor was selected or awarded a contract, as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board, or the chief of a financial or technical evaluation team in a procurement in which that contractor was selected for award of a contract in excess of \$10,000,000;

(2) served as the program manager, deputy program manager, or administrative contracting officer for a contract in excess of \$10,000,000 awarded to that contractor; or

(3) personally made for the Federal agency a decision to—

(A) award a contract, subcontract, modification of a contract or subcontract, or a task order or delivery order in excess of \$10,000,000 to that contractor;

(B) establish overhead or other rates applicable to one or more contracts for that contractor that are valued in excess of \$10,000,000;

(C) approve issuance of one or more contract payments in excess of \$10,000,000 to that contractor; or

(D) pay or settle a claim in excess of \$10,000,000 with that contractor.

(b) **WHEN COMPENSATION MAY BE ACCEPTED.**—Subsection (a) does not prohibit a former official of a Federal agency from accepting compensation from a division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in paragraph (1), (2), or (3) of subsection (a).

(c) **IMPLEMENTING REGULATIONS.**—Regulations implementing this section shall include procedures for an official or former official of a Federal agency to request advice from the appropriate designated agency ethics official regarding whether the official or former official is or would be precluded by this section from accepting compensation from a particular contractor.

(d) **PERSONS SUBJECT TO PENALTIES.**—The following are subject to the penalties and administrative actions set forth in section 2105 of this title:

(1) A former official who knowingly accepts compensation in violation of this section.

(2) A contractor that provides compensation to a former official knowing that the official accepts the compensation in violation of this section.

§ 2105. Penalties and administrative actions

(a) **CRIMINAL PENALTIES.**—A person that violates section 2102 of this title to exchange information covered by section 2102 of this title for anything of value or to obtain or give a person a competitive advantage in the award of a Federal agency procurement contract shall be fined under title 18, imprisoned for not more than 5 years, or both.

(b) **CIVIL PENALTIES.**—The Attorney General may bring a civil action in an appropriate district court of the United States against a person that engages in conduct that violates section 2102, 2103, or 2104 of this title. On proof of that conduct by a preponderance of the evidence—

(1) an individual is liable to the Federal Government for a civil penalty of not more than \$50,000 for each violation plus twice the amount of compensation that the individual received or offered for the prohibited conduct; and

(2) an organization is liable to the Federal Government for a civil penalty of not more than \$500,000 for each violation plus twice the amount of compensation that the organization received or offered for the prohibited conduct.

(c) **ADMINISTRATIVE ACTIONS.**—

(1) **TYPES OF ACTION THAT FEDERAL AGENCY MAY TAKE.**—A Federal agency that receives information that a contractor or a person has violated section 2102, 2103, or 2104 of this title shall consider taking one or more of the following actions, as appropriate:

(A) Canceling the Federal agency procurement, if a contract has not yet been awarded.

(B) Rescinding a contract with respect to which—

(i) the contractor or someone acting for the contractor has been convicted for an offense punishable under subsection (a); or

(ii) the head of the agency that awarded the contract has determined, based on a preponderance of the evidence, that the contractor or a person acting for the contractor has engaged in conduct constituting the offense.

(C) Initiating a suspension or debarment proceeding for the protection of the Federal

Government in accordance with procedures in the Federal Acquisition Regulation.

(D) Initiating an adverse personnel action, pursuant to the procedures in chapter 75 of title 5 or other applicable law or regulation.

(2) **AMOUNT GOVERNMENT ENTITLED TO RECOVER.**—When a Federal agency rescinds a contract pursuant to paragraph (1)(B), the Federal Government is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

(3) **PRESENT RESPONSIBILITY AFFECTED BY CONDUCT.**—For purposes of a suspension or debarment proceeding initiated pursuant to paragraph (1)(C), engaging in conduct constituting an offense under section 2102, 2103, or 2104 of this title affects the present responsibility of a Federal Government contractor or subcontractor.

§ 2106. Reporting information believed to constitute evidence of offense

A person may not file a protest against the award or proposed award of a Federal agency procurement contract alleging a violation of section 2102, 2103, or 2104 of this title, and the Comptroller General may not consider that allegation in deciding a protest, unless the person, no later than 14 days after the person first discovered the possible violation, reported to the Federal agency responsible for the procurement the information that the person believed constitutes evidence of the offense.

§ 2107. Savings provisions

This chapter does not—

(1) restrict the disclosure of information to, or its receipt by, a person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

(2) restrict a contractor from disclosing its own bid or proposal information or the recipient from receiving that information;

(3) restrict the disclosure or receipt of information relating to a Federal agency procurement after it has been canceled by the Federal agency before contract award unless the Federal agency plans to resume the procurement;

(4) prohibit individual meetings between a Federal agency official and an offeror or potential offeror for, or a recipient of, a contract or subcontract under a Federal agency procurement, provided that unauthorized disclosure or receipt of contractor bid or proposal information or source selection information does not occur;

(5) authorize the withholding of information from, nor restrict its receipt by, Congress, a committee or subcommittee of Congress, the Comptroller General, a Federal agency, or an inspector general of a Federal agency;

(6) authorize the withholding of information from, nor restrict its receipt by, the Comptroller General in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

(7) limit the applicability of a requirement, sanction, contract penalty, or remedy established under another law or regulation.

CHAPTER 23—MISCELLANEOUS

Sec.

2301. Use of electronic commerce in Federal procurement.

2302. Rights in technical data.

2303. Ethics safeguards related to contractor conflicts of interest.

2304. Conflict of interest standards for consultants.

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- 2311. Enhanced transparency on inter-agency contracting and other transactions.
- 2312. Contingency Contracting Corps.
- 2313. Database for Federal agency contract and grant officers and suspension and debarment officials

§ 2301. Use of electronic commerce in Federal procurement

(a) **DEFINITION.**—For the purposes of this section, the term “electronic commerce” means electronic techniques for accomplishing business transactions, including electronic mail or messaging, World Wide Web technology, electronic bulletin boards, purchase cards, electronic funds transfers, and electronic data interchange.

(b) **ESTABLISHMENT, MAINTENANCE, AND USE OF ELECTRONIC COMMERCE PROCEDURES AND PROCESSES.**—The head of each executive agency, after consulting with the Administrator, shall establish, maintain, and use, to the maximum extent that is practicable and cost-effective, procedures and processes that employ electronic commerce in the conduct and administration of the procurement system of the agency.

(c) **APPLICABLE STANDARDS.**—In conducting electronic commerce, the head of an executive agency shall apply nationally and internationally recognized standards that broaden interoperability and ease the electronic interchange of information.

(d) **REQUIREMENTS OF SYSTEMS, TECHNOLOGIES, PROCEDURES, AND PROCESSES.**—The head of each executive agency shall ensure that systems, technologies, procedures, and processes established pursuant to this section—

(1) are implemented with uniformity throughout the agency, to the extent practicable;

(2) are implemented only after granting due consideration to the use or partial use, as appropriate, of existing electronic commerce and electronic data interchange systems and infrastructures such as the Federal acquisition computer network architecture known as FACNET;

(3) facilitate access to Federal Government procurement opportunities, including opportunities for small business concerns, socially and economically disadvantaged small business concerns, and business concerns owned predominantly by women; and

(4) ensure that any notice of agency requirements or agency solicitation for contract opportunities is provided in a form that allows convenient and universal user access through a single, Government-wide point of entry.

(e) **IMPLEMENTATION.**—In carrying out the requirements of this section, the Administrator shall—

(1) issue policies to promote, to the maximum extent practicable, uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may require departures from uniform procedures and processes in appropriate cases, when warranted because of the agency mission;

(2) ensure that the head of each executive agency complies with the requirements of subsection (d); and

(3) consult with the heads of appropriate Federal agencies with applicable technical and functional expertise, including the Office of Information and Regulatory Affairs, the National Institute of Standards and Technology, the General Services Administration, and the Department of Defense.

§ 2302. Rights in technical data

(a) **WHERE DEFINED.**—The legitimate proprietary interest of the Federal Government and of a contractor in technical or other data shall be defined in regulations prescribed as part of the Federal Acquisition Regulation.

(b) **GENERAL EXTENT OF REGULATIONS.**—

(1) **OTHER RIGHTS NOT IMPAIRED.**—Regulations prescribed under subsection (a) may not impair a right of the Federal Government or of a contractor with respect to a patent or copyright or another right in technical data otherwise established by law.

(2) **LIMITATION ON REQUIRING DATA BE PROVIDED TO THE GOVERNMENT.**—With respect to executive agencies subject to division C, regulations prescribed under subsection (a) shall provide that the Federal Government may not require a person that has developed a product (or process offered or to be offered for sale to the public) to provide to the Federal Government technical data relating to the design (or development or manufacture of the product or process) as a condition of procurement by the Federal Government of the product or process. This paragraph does not apply to data that may be necessary for the Federal Government to operate and maintain the product or use the process if the Federal Government obtains it as an element of performance under the contract.

(c) **TECHNICAL DATA DEVELOPED WITH FEDERAL FUNDS.**—

(1) **USE BY GOVERNMENT AND AGENCIES.**—Except as otherwise expressly provided by Federal statute, with respect to executive agencies subject to division C, regulations prescribed under subsection (a) shall provide that—

(A) the Federal Government has unlimited rights in technical data developed exclusively with Federal funds if delivery of the data—

(i) was required as an element of performance under a contract; and

(ii) is needed to ensure the competitive acquisition of supplies or services that will be required in substantial quantities in the future; and

(B) the Federal Government and each agency of the Federal Government has an unrestricted, royalty-free right to use, or to have its contractors use, for governmental purposes (excluding publication outside the Federal Government) technical data developed exclusively with Federal funds.

(2) **REQUIREMENTS IN ADDITION TO OTHER RIGHTS OF THE GOVERNMENT.**—The requirements of paragraph (1) are in addition to and not in lieu of any other rights the Federal Government may have pursuant to law.

(d) **FACTORS TO BE CONSIDERED IN PRESCRIBING REGULATIONS.**—The following factors shall be considered in prescribing regulations under subsection (a):

(1) Whether the item or process to which the technical data pertains was developed—

(A) exclusively with Federal funds;

(B) exclusively at private expense; or

(C) in part with Federal funds and in part at private expense.

(2) The statement of congressional policy and objectives in section 200 of title 35, the

statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (Public Law 97-219, 15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

(3) The interest of the Federal Government in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

(e) **PROVISIONS REQUIRED IN CONTRACTS.**—Regulations prescribed under subsection (a) shall require that a contract for property or services entered into by an executive agency contain appropriate provisions relating to technical data, including provisions—

(1) defining the respective rights of the Federal Government and the contractor or subcontractor (at any tier) regarding technical data to be delivered under the contract;

(2) specifying technical data to be delivered under the contract and schedules for delivery;

(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the contract;

(4) establishing separate contract line items for technical data to be delivered under the contract;

(5) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the Federal Government to use the data;

(6) requiring the contractor to revise any technical data delivered under the contract to reflect engineering design changes made during the performance of the contract and affecting the form, fit, and function of the items specified in the contract and to deliver the revised technical data to an agency within a time specified in the contract;

(7) requiring the contractor to furnish written assurance, when technical data is delivered or is made available, that the technical data is complete and accurate and satisfies the requirements of the contract concerning technical data;

(8) establishing remedies to be available to the Federal Government when technical data required to be delivered or made available under the contract is found to be incomplete or inadequate or to not satisfy the requirements of the contract concerning technical data; and

(9) authorizing the head of the agency to withhold payments under the contract (or exercise another remedy the head of the agency considers appropriate) during any period if the contractor does not meet the requirements of the contract pertaining to the delivery of technical data.

§ 2303. Ethics safeguards related to contractor conflicts of interest

(a) **DEFINITION.**—In this section, the term “relevant acquisition function” means an acquisition function closely associated with inherently governmental functions.

(b) **POLICY ON PERSONAL CONFLICTS OF INTEREST BY CONTRACTOR EMPLOYEES.**—

(1) **DEVELOPMENT AND ISSUANCE OF POLICY.**—The Administrator shall develop and issue a standard policy to prevent personal conflicts of interest by contractor employees performing relevant acquisition functions (including the development, award, and administration of Federal Government contracts) for or on behalf of a Federal agency or department.

(2) **ELEMENTS OF POLICY.**—The policy shall—

(A) define “personal conflict of interest” as it relates to contractor employees performing relevant acquisition functions; and

(B) require each contractor whose employees perform relevant acquisition functions to—

(i) identify and prevent personal conflicts of interest for the employees;

(ii) prohibit contractor employees who have access to non-public government information obtained while performing relevant acquisition functions from using the information for personal gain;

(iii) report any personal conflict-of-interest violation by an employee to the applicable contracting officer or contracting officer's representative as soon as it is identified;

(iv) maintain effective oversight to verify compliance with personal conflict-of-interest safeguards;

(v) have procedures in place to screen for potential conflicts of interest for all employees performing relevant acquisition functions; and

(vi) take appropriate disciplinary action in the case of employees who fail to comply with policies established pursuant to this section.

(3) CONTRACT CLAUSE.—

(A) **CONTENTS.**—The Administrator shall develop a personal conflicts-of-interest clause or a set of clauses for inclusion in solicitations and contracts (and task or delivery orders) for the performance of relevant acquisition functions that sets forth—

(i) the personal conflicts-of-interest policy developed under this subsection; and

(ii) the contractor's responsibilities under the policy.

(B) **EFFECTIVE DATE.**—Subparagraph (A) shall take effect 300 days after October 14, 2008, and shall apply to—

(i) contracts entered into on or after that effective date; and

(ii) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which the task or delivery orders are awarded are entered before, on, or after October 14, 2008.

(4) APPLICABILITY.—

(A) **CONTRACTS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.**—This subsection shall apply to any contract for an amount in excess of the simplified acquisition threshold (as defined in section 134 of this title) if the contract is for the performance of relevant acquisition functions.

(B) **PARTIAL APPLICABILITY.**—If only a portion of a contract described in subparagraph (A) is for the performance of relevant acquisition functions, then this subsection applies only to that portion of the contract.

(C) **BEST PRACTICES.**—The Administrator shall, in consultation with the Director of the Office of Government Ethics, develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest in Federal contracting.

§ 2304. Conflict of interest standards for consultants

(A) **CONTENT OF REGULATIONS.**—The Administrator shall prescribe under this division Government-wide regulations that set forth—

(1) conflict of interest standards for persons who provide consulting services described in subsection (b); and

(2) procedures, including registration, certification, and enforcement requirements as may be appropriate, to promote compliance with the standards.

(B) **SERVICES SUBJECT TO REGULATIONS.**—Regulations required by subsection (a) apply to—

(1) advisory and assistance services provided to the Federal Government to the ex-

tent necessary to identify and evaluate the potential for conflicts of interest that could be prejudicial to the interests of the United States;

(2) services related to support of the preparation or submission of bids and proposals for Federal contracts to the extent that inclusion of the services in the regulations is necessary to identify and evaluate the potential for conflicts of interest that could be prejudicial to the interests of the United States; and

(3) other services related to Federal contracts as specified in the regulations prescribed under subsection (a) to the extent necessary to identify and evaluate the potential for conflicts of interest that could be prejudicial to the interests of the United States.

(C) INTELLIGENCE ACTIVITIES EXEMPTION.—

(1) **ACTIVITIES THAT MAY BE EXEMPT.**—Intelligence activities as defined in section 3.4(e) of Executive Order No. 12333 or a comparable definitional section in any successor order may be exempt from the regulations required by subsection (a).

(2) **REPORT.**—The Director of National Intelligence shall report to the Intelligence and Appropriations Committees of Congress each January 1, delineating the activities and organizations that have been exempted under paragraph (1).

(D) **PRESIDENTIAL DETERMINATION.**—Before the regulations required by subsection (a) are prescribed, the President shall determine if prescribing the regulations will have a significantly adverse effect on the accomplishment of the mission of the Defense Department or another Federal agency. If the President determines that the regulations will have such an adverse effect, the President shall so report to the appropriate committees of the Senate and the House of Representatives, stating in full the reasons for the determination. If such a report is submitted, the requirement for the regulations shall be null and void.

§ 2305. Authority of Director of Office of Management and Budget not affected

This division does not limit the authorities and responsibilities of the Director of the Office of Management and Budget in effect on December 1, 1983.

§ 2306. Openness of meetings

The Administrator by regulation shall require that—

(1) formal meetings of the Office of Federal Procurement Policy, as designated by the Administrator, for developing procurement policies and regulations be open to the public; and

(2) public notice of each meeting be given not less than 10 days prior to the meeting.

§ 2307. Comptroller General's access to information

The Administrator and personnel in the Office of Federal Procurement Policy shall furnish information the Comptroller General may require to discharge the responsibilities of the Comptroller General. For this purpose, the Comptroller General or his representatives shall have access to all books, documents, papers, and records of the Office of Federal Procurement Policy.

§ 2308. Modular contracting for information technology

(A) **USE.**—To the maximum extent practicable, the head of an executive agency should use modular contracting for an acquisition of a major system of information technology.

(B) **MODULAR CONTRACTING DESCRIBED.**—Under modular contracting, an executive

agency's need for a system is satisfied in successive acquisitions of interoperable increments. Each increment complies with common or commercially accepted standards applicable to information technology so that the increments are compatible with other increments of information technology comprising the system.

(C) **PROVISIONS IN FEDERAL ACQUISITION REGULATION.**—The Federal Acquisition Regulation shall provide that—

(1) under the modular contracting process, an acquisition of a major system of information technology may be divided into several smaller acquisition increments that—

(A) are easier to manage individually than would be one comprehensive acquisition;

(B) address complex information technology objectives incrementally in order to enhance the likelihood of achieving workable solutions for attaining those objectives;

(C) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments, each of which comprises a system or solution that is not dependent on a subsequent increment in order to perform its principal functions; and

(D) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occurs during conduct of the earlier increments;

(2) to the maximum extent practicable, a contract for an increment of an information technology acquisition should be awarded within 180 days after the solicitation is issued and, if the contract for that increment cannot be awarded within that period, the increment should be considered for cancellation; and

(3) the information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the solicitation resulting in award of the contract was issued.

§ 2309. Protection of constitutional rights of contractors

(A) **PROHIBITION ON REQUIRING WAIVER OF RIGHTS.**—A contractor may not be required, as a condition for entering into a contract with the Federal Government, to waive a right under the Constitution for a purpose relating to the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6701 et seq.) or the Chemical Weapons Convention (as defined in section 3 of that Act (22 U.S.C. 6701)).

(B) **PERMISSIBLE CONTRACT CLAUSES.**—Subsection (a) does not prohibit an executive agency from including in a contract a clause that requires the contractor to permit inspections to ensure that the contractor is performing the contract in accordance with the provisions of the contract.

§ 2310. Performance-based contracts or task orders for services to be treated as contracts for the procurement of commercial items

(A) **CRITERIA.**—A performance-based contract for the procurement of services entered into by an executive agency or a performance-based task order for services issued by an executive agency may be treated as a contract for the procurement of commercial items if—

(1) the value of the contract or task order is estimated not to exceed \$25,000,000;

(2) the contract or task order sets forth specifically each task to be performed and, for each task—

(A) defines the task in measurable, mission-related terms;

(B) identifies the specific end products or output to be achieved; and

(C) contains firm, fixed prices for specific tasks to be performed or outcomes to be achieved; and

(3) the source of the services provides similar services to the general public under terms and conditions similar to those offered to the Federal Government.

(b) **REGULATIONS.**—Regulations implementing this section shall require agencies to collect and maintain reliable data sufficient to identify the contracts or task orders treated as contracts for commercial items using the authority of this section. The data may be collected using the Federal Procurement Data System or other reporting mechanism.

(c) **REPORT.**—Not later than 2 years after November 24, 2003, the Director of the Office of Management and Budget shall prepare and submit to the Committees on Homeland Security and Governmental Affairs and on Armed Services of the Senate and the Committees on Oversight and Government Reform and on Armed Services of the House of Representatives a report on the contracts or task orders treated as contracts for commercial items using the authority of this section. The report shall include data on the use of the authority, both government-wide and for each department and agency.

(d) **EXPIRATION.**—The authority under this section expires 10 years after November 24, 2003.

§ 2311. Enhanced transparency on inter-agency contracting and other transactions

The Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on interagency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10 or similar authorities. The Director of the Office of Management and Budget shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued (other than transactions that are reported through the Federal Assistance Awards Data System).

§ 2312. Contingency Contracting Corps

(a) **DEFINITION.**—In this section, the term “Corps” means the Contingency Contracting Corps established in subsection (b).

(b) **ESTABLISHMENT.**—The Administrator of General Services, pursuant to policies established by the Office of Management and Budget, and in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall establish a Government-wide Contingency Contracting Corps.

(c) **FUNCTION.**—The members of the Corps shall be available for deployment in responding to an emergency or major disaster, or a contingency operation, both within or outside the continental United States.

(d) **APPLICABILITY.**—The authorities provided in this section apply with respect to any procurement of property or services by or for an executive agency that, as determined by the head of the executive agency, are to be used—

(1) in support of a contingency operation as defined in section 101(a)(13) of title 10; or

(2) to respond to an emergency or major disaster as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(e) **MEMBERSHIP.**—Membership in the Corps shall be voluntary and open to all Federal employees and members of the Armed Forces who are members of the Federal acquisition workforce.

(f) **EDUCATION AND TRAINING.**—The Administrator of General Services may, in consultation with the Director of the Federal Acquisition Institute and the Chief Acquisition Officers Council, establish educational and training requirements for members of the Corps. Education and training carried out pursuant to the requirements shall be paid for from funds available in the acquisition workforce training fund established pursuant to section 1703(i) of this title.

(g) **SALARY.**—The salary for a member of the Corps shall be paid—

(1) in the case of a member of the Armed Forces, out of funds available to the Armed Force concerned; and

(2) in the case of a Federal employee, out of funds available to the employing agency.

(h) **AUTHORITY TO DEPLOY THE CORPS.**—

(1) **DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.**—The Director of the Office of Management and Budget shall have the authority, upon request by an executive agency, to determine when members of the Corps shall be deployed, with the concurrence of the head of the agency or agencies employing the members to be deployed.

(2) **SECRETARY OF DEFENSE.**—Nothing in this section shall preclude the Secretary of Defense or the Secretary's designee from deploying members of the Armed Forces or civilian personnel of the Department of Defense in support of a contingency operation as defined in section 101(a)(13) of title 10.

(i) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—The Administrator of General Services shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Corps as of September 30 of each fiscal year.

(2) **CONTENT.**—Each report under paragraph (1) shall include the number of members of the Corps, the total cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.

§ 2313. Database for Federal agency contract and grant officers and suspension and debarment officials

(a) **IN GENERAL.**—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish and maintain a database of information regarding the integrity and performance of certain persons awarded Federal agency contracts and grants for use by Federal agency officials having authority over contracts and grants.

(b) **PERSONS COVERED.**—The database shall cover the following:

(1) Any person awarded a Federal agency contract or grant in excess of \$500,000, if any information described in subsection (c) exists with respect to the person.

(2) Any person awarded such other category or categories of Federal agency contract as the Federal Acquisition Regulation may provide, if any information described in subsection (c) exists with respect to the person.

(c) **INFORMATION INCLUDED.**—With respect to a covered person, the database shall in-

clude information (in the form of a brief description) for the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract or grant with the Federal Government with respect to the person during the period to the extent that the proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more.

(C) In an administrative proceeding, a finding of fault and liability that results in—

(i) the payment of a monetary fine or penalty of \$5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of \$100,000.

(D) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in the period due to default.

(3) Each Federal suspension and debarment of the person.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in the period to resolve a suspension or debarment proceeding.

(5) Each final finding by a Federal official in the period that the person has been determined not to be a responsible source under paragraph (3) or (4) of section 113 of this title.

(6) Other information that shall be provided for purposes of this section in the Federal Acquisition Regulation.

(7) To the maximum extent practicable, information similar to the information covered by paragraphs (1) to (4) in connection with the award or performance of a contract or grant with a State government.

(d) **REQUIREMENTS RELATING TO DATABASE INFORMATION.**—

(1) **DIRECT INPUT AND UPDATE.**—The Administrator of General Services shall design and maintain the database in a manner that allows the appropriate Federal agency officials to directly input and update information in the database relating to actions that the officials have taken with regard to contractors or grant recipients.

(2) **TIMELINESS AND ACCURACY.**—The Administrator of General Services shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) the timely notification of any covered person when information relevant to the person is entered into the database; and

(C) opportunities for any covered person to submit comments pertaining to information about the person for inclusion in the database.

(e) **USE OF DATABASE.**—

(1) **AVAILABILITY TO GOVERNMENT OFFICIALS.**—The Administrator of General Services shall ensure that the information in the database is available to appropriate acquisition officials of Federal agencies, other government officials as the Administrator of General Services determines appropriate, and, on request, the Chairman and Ranking Member of the committees of Congress having jurisdiction.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract or grant in excess of the simplified acquisition threshold under section 134 of this title, the Federal agency official responsible for awarding the contract or grant shall review the database and consider all information in the database with regard to any offer or proposal, and in the case of a contract, shall consider other past performance information available with respect to the offeror in making any responsibility determination or past performance evaluation for the offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of a Federal agency in excess of the simplified acquisition threshold shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—The Federal Acquisition Regulation shall require that persons with Federal agency contracts and grants valued in total greater than \$10,000,000 shall—

(1) submit to the Administrator of General Services, in a manner determined appropriate by the Administrator of General Services, the information subject to inclusion in the database as listed in subsection (c) current as of the date of submittal of the information under this subsection; and

(2) update the information submitted under paragraph (1) on a semiannual basis.

(g) RULEMAKING.—The Administrator of General Services shall prescribe regulations that may be necessary to carry out this section.

DIVISION C—PROCUREMENT CHAPTER 31—GENERAL

Sec.

- 3101. Applicability.
- 3102. Delegation and assignment of powers, functions, and responsibilities.
- 3103. Acquisition programs.
- 3104. Small business concerns.
- 3105. New contracts and grants and merit-based selection procedures.
- 3106. Erection, repair, or furnishing of public buildings and improvements not authorized, and certain contracts not permitted, by this division.

§ 3101. Applicability

(a) IN GENERAL.—An executive agency shall make purchases and contracts for property and services in accordance with this division and implementing regulations of the Administrator of General Services.

(b) SIMPLIFIED ACQUISITION THRESHOLD AND PROCEDURES.—

(1) SIMPLIFIED ACQUISITION THRESHOLD.—

(A) DEFINITION.—For purposes of an acquisition by an executive agency, the simplified acquisition threshold is as specified in section 134 of this title.

(B) INAPPLICABLE LAWS.—A law properly listed in the Federal Acquisition Regulation pursuant to section 1905 of this title does not apply to or with respect to a contract or sub-contract that is not greater than the simplified acquisition threshold.

(2) SIMPLIFIED ACQUISITION PROCEDURES.—Simplified acquisition procedures contained in the Federal Acquisition Regulation pursuant to section 1901 of this title apply in executive agencies as provided in section 1901.

(c) EXCEPTIONS.—

(1) IN GENERAL.—This division does not apply—

(A) to the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration; or

(B) except as provided in paragraph (2), when this division is made inapplicable pursuant to law.

(2) APPLICABILITY OF CERTAIN LAWS RELATED TO ADVERTISING, OPENING OF BIDS, AND LENGTH OF CONTRACT.—Sections 6101, 6103, and 6304 of this title do not apply to the procurement of property or services made by an executive agency pursuant to this division. However, when this division is made inapplicable by any law, sections 6101 and 6103 of this title apply in the absence of authority conferred by statute to procure without advertising or without regard to section 6101 of this title. A law that authorizes an executive agency (other than an executive agency exempted from this division by this subsection) to procure property or services without advertising or without regard to section 6101 of this title is deemed to authorize the procurement pursuant to the provisions of this division relating to procedures other than sealed-bid procedures.

§ 3102. Delegation and assignment of powers, functions, and responsibilities

(a) IN GENERAL.—Except to the extent expressly prohibited by another law, the head of an executive agency may delegate to another officer or official of that agency any power under this division.

(b) PROCUREMENTS FOR OR WITH ANOTHER AGENCY.—Subject to subsection (a), to facilitate the procurement of property and services covered by this division by an executive agency for another executive agency, and to facilitate joint procurement by executive agencies—

(1) the head of an executive agency may delegate functions and assign responsibilities relating to procurement to any officer or employee within the agency;

(2) the heads of 2 or more executive agencies, consistent with section 1535 of title 31 and regulations prescribed under section 1074 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355, 31 U.S.C. 1535 note), may by agreement delegate procurement functions and assign procurement responsibilities from one executive agency to another of those executive agencies or to an officer or civilian employee of another of those executive agencies; and

(3) the heads of 2 or more executive agencies may establish joint or combined offices to exercise procurement functions and responsibilities.

§ 3103. Acquisition programs

(a) CONGRESSIONAL POLICY.—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost, performance, and schedule goals established for major acquisition programs of the agency.

(b) ESTABLISHMENT OF GOALS.—

(1) BY HEAD OF EXECUTIVE AGENCY.—The head of each executive agency shall approve or define the cost, performance, and schedule goals for major acquisition programs of the agency.

(2) BY CHIEF FINANCIAL OFFICER.—The chief financial officer of an executive agency shall evaluate the cost goals proposed for each major acquisition program of the agency.

(c) IDENTIFICATION OF NONCOMPLIANT PROGRAMS.—When it is necessary to implement the policy set out in subsection (a), the head of an executive agency shall—

(1) determine whether there is a continuing need for programs that are significantly behind schedule, over budget, or not in compliance with performance or capability requirements; and

(2) identify suitable actions to be taken, including termination, with respect to those programs.

§ 3104. Small business concerns

It is the policy of Congress that a fair proportion of the total purchases and contracts for property and services for the Federal Government shall be placed with small business concerns.

§ 3105. New contracts and grants and merit-based selection procedures

(a) CONGRESSIONAL POLICY.—It is the policy of Congress that—

(1) an executive agency should not be required by legislation to award—

(A) a new contract to a specific non-Federal Government entity; or

(B) a new grant for research, development, test, or evaluation to a non-Federal Government entity; and

(2) a program, project, or technology identified in legislation be procured or awarded through merit-based selection procedures.

(b) NEW CONTRACT AND NEW GRANT DESCRIBED.—For purposes of this section—

(1) a contract is a new contract unless the work provided for in the contract is a continuation of the work performed by the specified entity under a prior contract; and

(2) a grant is a new grant unless the work provided for in the grant is a continuation of the work performed by the specified entity under a prior grant.

(c) REQUIREMENTS FOR AWARDED NEW CONTRACT OR NEW GRANT.—A provision of law may not be construed as requiring a new contract or a new grant to be awarded to a specified non-Federal Government entity unless the provision of law specifically—

(1) refers to this section;

(2) identifies the particular non-Federal Government entity involved; and

(3) states that the award to that entity is required by the provision of law in contravention of the policy set forth in subsection (a).

(d) EXCEPTION.—This section does not apply to a contract or grant that calls on the National Academy of Sciences to investigate, examine, or experiment on a subject of science or art of significance to an executive agency and to report on those matters to Congress or an agency of the Federal Government.

§ 3106. Erection, repair, or furnishing of public buildings and improvements not authorized, and certain contracts not permitted, by this division

This division does not—

(1) authorize the erection, repair, or furnishing of a public building or public improvement; or

(2) permit a contract for the construction or repair of a building, road, sidewalk, sewer, main, or similar item using procedures other than sealed-bid procedures under section 3301(b)(1)(A) of this title if the conditions set forth in section 3301(b)(1)(A) of this title apply or the contract is to be performed outside the United States.

CHAPTER 33—PLANNING AND SOLICITATION

Sec.

- 3301. Full and open competition.
- 3302. Requirements for purchase of property and services pursuant to multiple award contracts.
- 3303. Exclusion of particular source or restriction of solicitation to small business concerns.
- 3304. Use of noncompetitive procedures.
- 3305. Simplified procedures for small purchases.

- 3306. Planning and solicitation requirements.
- 3307. Preference for commercial items.
- 3308. Planning for future competition in contracts for major systems.
- 3309. Design-build selection procedures.
- 3310. Quantities to order.
- 3311. Qualification requirement.

§ 3301. Full and open competition

(a) IN GENERAL.—Except as provided in sections 3303, 3304(a), and 3305 of this title and except in the case of procurement procedures otherwise expressly authorized by statute, an executive agency in conducting a procurement for property or services shall—

(1) obtain full and open competition through the use of competitive procedures in accordance with the requirements of this division and the Federal Acquisition Regulation; and

(2) use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

(b) APPROPRIATE COMPETITIVE PROCEDURES.—

(1) USE OF SEALED BIDS.—In determining the competitive procedures appropriate under the circumstance, an executive agency shall—

(A) solicit sealed bids if—

(i) time permits the solicitation, submission, and evaluation of sealed bids;

(ii) the award will be made on the basis of price and other price-related factors;

(iii) it is not necessary to conduct discussions with the responding sources about their bids; and

(iv) there is a reasonable expectation of receiving more than one sealed bid; or

(B) request competitive proposals if sealed bids are not appropriate under subparagraph (A).

(2) SEALED BID NOT REQUIRED.—Paragraph (1)(A) does not require the use of sealed-bid procedures in cases in which section 204(e) of title 23 applies.

(c) EFFICIENT FULFILLMENT OF GOVERNMENT REQUIREMENTS.—The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Federal Government's requirements.

§ 3302. Requirements for purchase of property and services pursuant to multiple award contracts

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term “executive agency” has the same meaning given in section 133 of this title.

(2) INDIVIDUAL PURCHASE.—The term “individual purchase” means a task order, delivery order, or other purchase.

(3) MULTIPLE AWARD CONTRACT.—The term “multiple award contract” means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a to 2304d of title 10, or chapter 41 of this title; and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(4) SOLE SOURCE TASK OR DELIVERY ORDER.—The term “sole source task or delivery order” means any order that does not follow the competitive procedures in paragraph (2) or (3) of subsection (c).

(b) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(c) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (b) shall provide that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) to (4) of section 4106(c) of this title or section 2304c(b) of title 10 applies to the individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering the property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering the property or services under a multiple award contract as described in subsection (a)(3)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(d) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—

(1) PUBLIC NOTICE REQUIRED.—The Federal Acquisition Regulation shall require the head of each executive agency to—

(A) publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after the orders are placed, except in the event of extraordinary circumstances or classified orders; and

(B) disclose the determination required by subsection (c)(1) related to sole source task or delivery orders in excess of the simplified acquisition threshold placed against multiple award contracts through the same mechanism and to the same extent as the disclosure of documents containing a justification and approval required by section 2304(f)(1) of title 10 and section 3304(e)(1) of this title, except in the event of extraordinary circumstances or classified orders.

(2) EXEMPTION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.

(e) APPLICABILITY.—The regulations required by subsection (b) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after the effective date of the regulations, without regard to whether the multiple award contracts were entered into before, on, or after the effective date.

§ 3303. Exclusion of particular source or restriction of solicitation to small business concerns

(a) EXCLUSION OF PARTICULAR SOURCE.—

(1) CRITERIA FOR EXCLUSION.—An executive agency may provide for the procurement of property or services covered by section 3301 of this title using competitive procedures but excluding a particular source to establish or maintain an alternative source of supply for that property or service if the agency head determines that to do so would—

(A) increase or maintain competition and likely result in reduced overall cost for the procurement, or for an anticipated procurement, of the property or services;

(B) be in the interest of national defense in having a facility (or a producer, manufacturer, or other supplier) available for furnishing the property or service in case of a national emergency or industrial mobilization;

(C) be in the interest of national defense in establishing or maintaining an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a Federally funded research and development center;

(D) ensure the continuous availability of a reliable source of supply of the property or service;

(E) satisfy projected needs for the property or service determined on the basis of a history of high demand for the property or service; or

(F) satisfy a critical need for medical, safety, or emergency supplies.

(2) DETERMINATION FOR CLASS DISALLOWED.—A determination under paragraph (1) may not be made for a class of purchases or contracts.

(b) EXCLUSION OF OTHER THAN SMALL BUSINESS CONCERNS.—An executive agency may provide for the procurement of property or services covered by section 3301 of this title using competitive procedures, but excluding other than small business concerns in furtherance of sections 9 and 15 of the Small Business Act (15 U.S.C. 638, 644).

(c) NONAPPLICATION OF JUSTIFICATION AND APPROVAL REQUIREMENTS.—A contract awarded pursuant to the competitive procedures referred to in subsections (a) and (b) is not subject to the justification and approval required by section 3304(e)(1) of this title.

§ 3304. Use of noncompetitive procedures

(a) WHEN NONCOMPETITIVE PROCEDURES MAY BE USED.—An executive agency may use procedures other than competitive procedures only when—

(1) the property or services needed by the executive agency are available from only one responsible source and no other type of property or services will satisfy the needs of the executive agency;

(2) the executive agency's need for the property or services is of such an unusual and compelling urgency that the Federal Government would be seriously injured unless the executive agency is permitted to limit the number of sources from which it solicits bids or proposals;

(3) it is necessary to award the contract to a particular source—

(A) to maintain a facility, producer, manufacturer, or other supplier available for furnishing property or services in case of a national emergency or to achieve industrial mobilization;

(B) to establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a Federally funded research and development center;

(C) to procure the services of an expert for use, in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government, in any trial, hearing, or proceeding before a court, administrative tribunal, or agency, whether or not the expert is expected to testify; or

(D) to procure the services of an expert or neutral for use in any part of an alternative dispute resolution or negotiated rulemaking process, whether or not the expert is expected to testify;

(4) the terms of an international agreement or treaty between the Federal Government and a foreign government or an international organization, or the written directions of a foreign government reimbursing the executive agency for the cost of the procurement of the property or services for that government, have the effect of requiring the use of procedures other than competitive procedures;

(5) subject to section 3105 of this title, a statute expressly authorizes or requires that the procurement be made through another executive agency or from a specified source, or the agency's need is for a brand-name commercial item for authorized resale;

(6) the disclosure of the executive agency's needs would compromise the national security unless the agency is permitted to limit the number of sources from which it solicits bids or proposals; or

(7) the head of the executive agency (who may not delegate the authority under this paragraph)—

(A) determines that it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement concerned; and

(B) notifies Congress in writing of that determination not less than 30 days before the award of the contract.

(b) **PROPERTY OR SERVICES DEEMED AVAILABLE FROM ONLY ONE SOURCE.**—For the purposes of subsection (a)(1), in the case of—

(1) a contract for property or services to be awarded on the basis of acceptance of an unsolicited research proposal, the property or services are deemed to be available from only one source if the source has submitted an unsolicited research proposal that demonstrates a unique and innovative concept, the substance of which is not otherwise available to the Federal Government and does not resemble the substance of a pending competitive procurement; or

(2) a follow-on contract for the continued development or production of a major system or highly specialized equipment, the property may be deemed to be available only from the original source and may be procured through procedures other than competitive procedures when it is likely that award to a source other than the original source would result in—

(A) substantial duplication of cost to the Federal Government that is not expected to be recovered through competition; or

(B) unacceptable delay in fulfilling the executive agency's needs.

(c) **PROPERTY OR SERVICES NEEDED WITH UNUSUAL AND COMPELLING URGENCY.**—

(1) **ALLOWABLE CONTRACT PERIOD.**—The contract period of a contract described in paragraph (2) that is entered into by an executive agency pursuant to the authority provided under subsection (a)(2)—

(A) may not exceed the time necessary—

(i) to meet the unusual and compelling requirements of the work to be performed under the contract; and

(ii) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

(B) may not exceed one year unless the head of the executive agency entering into the contract determines that exceptional circumstances apply.

(2) **APPLICABILITY OF ALLOWABLE CONTRACT PERIOD.**—This subsection applies to any contract in an amount greater than the simplified acquisition threshold.

(d) **OFFER REQUESTS TO POTENTIAL SOURCES.**—An executive agency using procedures other than competitive procedures to procure property or services by reason of the application of paragraph (2) or (6) of subsection (a) shall request offers from as many potential sources as is practicable under the circumstances.

(e) **JUSTIFICATION FOR USE OF NONCOMPETITIVE PROCEDURES.**—

(1) **PREREQUISITES FOR AWARDED CONTRACT.**—Except as provided in paragraphs (3) and (4), an executive agency may not award a contract using procedures other than competitive procedures unless—

(A) the contracting officer for the contract justifies the use of those procedures in writing and certifies the accuracy and completeness of the justification;

(B) the justification is approved, in the case of a contract for an amount—

(i) exceeding \$500,000 but equal to or less than \$10,000,000, by the advocate for competition for the procuring activity (without further delegation) or by an official referred to in clause (ii) or (iii);

(ii) exceeding \$10,000,000 but equal to or less than \$50,000,000, by the head of the procuring activity or by a delegate who, if a member of the armed forces, is a general or flag officer or, if a civilian, is serving in a position in which the individual is entitled to receive the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5 (or in a comparable or higher position under another schedule); or

(iii) exceeding \$50,000,000, by the senior procurement executive of the agency designated pursuant to section 1702(c) of this title (without further delegation); and

(C) any required notice has been published with respect to the contract pursuant to section 1708 of this title and the executive agency has considered all bids or proposals received in response to that notice.

(2) **ELEMENTS OF JUSTIFICATION.**—The justification required by paragraph (1)(A) shall include—

(A) a description of the agency's needs;

(B) an identification of the statutory exception from the requirement to use competitive procedures and a demonstration, based on the proposed contractor's qualifications or the nature of the procurement, of the reasons for using that exception;

(C) a determination that the anticipated cost will be fair and reasonable;

(D) a description of the market survey conducted or a statement of the reasons a market survey was not conducted;

(E) a listing of any sources that expressed in writing an interest in the procurement; and

(F) a statement of any actions the agency may take to remove or overcome a barrier to competition before a subsequent procurement for those needs.

(3) **JUSTIFICATION ALLOWED AFTER CONTRACT AWARDED.**—In the case of a procurement permitted by subsection (a)(2), the justification and approval required by paragraph (1) may be made after the contract is awarded.

(4) **JUSTIFICATION NOT REQUIRED.**—The justification and approval required by paragraph (1) are not required if—

(A) a statute expressly requires that the procurement be made from a specified source;

(B) the agency's need is for a brand-name commercial item for authorized resale;

(C) the procurement is permitted by subsection (a)(7); or

(D) the procurement is conducted under chapter 85 of this title or section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(5) **RESTRICTIONS ON EXECUTIVE AGENCIES.**—

(A) **CONTRACTS AND PROCUREMENT OF PROPERTY OR SERVICES.**—In no case may an executive agency—

(i) enter into a contract for property or services using procedures other than competitive procedures on the basis of the lack of advance planning or concerns related to the amount available to the agency for procurement functions; or

(ii) procure property or services from another executive agency unless the other executive agency complies fully with the requirements of this division in its procurement of the property or services.

(B) **ADDITIONAL RESTRICTION.**—The restriction set out in subparagraph (A)(ii) is in addition to any other restriction provided by law.

(f) **PUBLIC AVAILABILITY OF JUSTIFICATION AND APPROVAL REQUIRED FOR USING NONCOMPETITIVE PROCEDURES.**—

(1) **TIME REQUIREMENT.**—

(A) **WITHIN 14 DAYS AFTER CONTRACT AWARDED.**—Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (a), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (e)(1) with respect to the procurement.

(B) **WITHIN 30 DAYS AFTER CONTRACT AWARDED.**—In the case of a procurement permitted by subsection (a)(2), subparagraph (A) shall be applied by substituting "30 days" for "14 days".

(2) **AVAILABILITY ON WEBSITES.**—The documents referred to in subparagraph (A) of paragraph (1) shall be made available on the website of the agency and through a Government-wide website selected by the Administrator.

(3) **EXCEPTION TO AVAILABILITY AND APPROVAL REQUIREMENT.**—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.

§ 3305. Simplified procedures for small purchases

(a) **AUTHORIZATION.**—To promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors, the Federal Acquisition Regulation shall provide for special simplified procedures for purchases of property and services for amounts—

(1) not greater than the simplified acquisition threshold; and

(2) greater than the simplified acquisition threshold but not greater than \$5,000,000 for

which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items.

(b) **LEASEHOLD INTERESTS IN REAL PROPERTY.**—The Administrator of General Services shall prescribe regulations that provide special simplified procedures for acquisitions of leasehold interests in real property at rental rates that do not exceed the simplified acquisition threshold. The rental rate under a multiyear lease does not exceed the simplified acquisition threshold if the average annual amount of the rent payable for the period of the lease does not exceed the simplified acquisition threshold.

(c) **PROHIBITION ON DIVIDING CONTRACTS.**—A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts to use the simplified procedures required by subsection (a).

(d) **PROMOTION OF COMPETITION.**—In using the simplified procedures, an executive agency shall promote competition to the maximum extent practicable.

(e) **COMPLIANCE WITH SPECIAL REQUIREMENTS OF FEDERAL ACQUISITION REGULATION.**—An executive agency shall comply with the Federal Acquisition Regulation provisions referred to in section 1901(e) of this title.

§ 3306. Planning and solicitation requirements

(a) **PLANNING AND SPECIFICATIONS.**—

(1) **PREPARING FOR PROCUREMENT.**—In preparing for the procurement of property or services, an executive agency shall—

(A) specify its needs and solicit bids or proposals in a manner designed to achieve full and open competition for the procurement;

(B) use advance procurement planning and market research; and

(C) develop specifications in the manner necessary to obtain full and open competition with due regard to the nature of the property or services to be acquired.

(2) **REQUIREMENTS OF SPECIFICATIONS.**—Each solicitation under this division shall include specifications that—

(A) consistent with this division, permit full and open competition; and

(B) include restrictive provisions or conditions only to the extent necessary to satisfy the needs of the executive agency or as authorized by law.

(3) **TYPES OF SPECIFICATIONS.**—For the purposes of paragraphs (1) and (2), the type of specification included in a solicitation shall depend on the nature of the needs of the executive agency and the market available to satisfy those needs. Subject to those needs, specifications may be stated in terms of—

(A) function, so that a variety of products or services may qualify;

(B) performance, including specifications of the range of acceptable characteristics or of the minimum acceptable standards; or

(C) design requirements.

(b) **CONTENTS OF SOLICITATION.**—In addition to the specifications described in subsection (a), each solicitation for sealed bids or competitive proposals (other than for a procurement for commercial items using special simplified procedures or a purchase for an amount not greater than the simplified acquisition threshold) shall at a minimum include—

(1) a statement of—

(A) all significant factors and significant subfactors that the executive agency reasonably expects to consider in evaluating sealed bids (including price) or competitive proposals (including cost or price, cost-related

or price-related factors and subfactors, and noncost-related or nonprice-related factors and subfactors); and

(B) the relative importance assigned to each of those factors and subfactors; and

(2)(A) in the case of sealed bids—

(i) a statement that sealed bids will be evaluated without discussions with the bidders; and

(ii) the time and place for the opening of the sealed bids; or

(B) in the case of competitive proposals—

(i) either a statement that the proposals are intended to be evaluated with, and the award made after, discussions with the offerors, or a statement that the proposals are intended to be evaluated, and the award made, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification) unless discussions are determined to be necessary; and

(ii) the time and place for submission of proposals.

(c) **EVALUATION FACTORS.**—

(1) **IN GENERAL.**—In prescribing the evaluation factors to be included in each solicitation for competitive proposals, an executive agency shall—

(A) establish clearly the relative importance assigned to the evaluation factors and subfactors, including the quality of the product or services to be provided (including technical capability, management capability, prior experience, and past performance of the offeror);

(B) include cost or price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals; and

(C) disclose to offerors whether all evaluation factors other than cost or price, when combined, are—

(i) significantly more important than cost or price;

(ii) approximately equal in importance to cost or price; or

(iii) significantly less important than cost or price.

(2) **RESTRICTION ON IMPLEMENTING REGULATIONS.**—Regulations implementing paragraph (1)(C) may not define the terms “significantly more important” and “significantly less important” as specific numeric weights that would be applied uniformly to all solicitations or a class of solicitations.

(d) **ADDITIONAL INFORMATION IN SOLICITATION.**—This section does not prohibit an executive agency from—

(1) providing additional information in a solicitation, including numeric weights for all evaluation factors and subfactors on a case-by-case basis; or

(2) stating in a solicitation that award will be made to the offeror that meets the solicitation's mandatory requirements at the lowest cost or price.

(e) **LIMITATION ON EVALUATION OF PURCHASE OPTIONS.**—An executive agency, in issuing a solicitation for a contract to be awarded using sealed bid procedures, may not include in the solicitation a clause providing for the evaluation of prices for options to purchase additional property or services under the contract unless the executive agency has determined that there is a reasonable likelihood that the options will be exercised.

(f) **AUTHORIZATION OF TELECOMMUTING FOR FEDERAL CONTRACTORS.**—

(1) **DEFINITION.**—In this subsection, the term “executive agency” has the meaning given that term in section 133 of this title.

(2) **FEDERAL ACQUISITION REGULATION TO ALLOW TELECOMMUTING.**—The Federal Acquisition Regulation issued in accordance with

sections 1121(b) and 1303(a)(1) of this title shall permit telecommuting by employees of Federal Government contractors in the performance of contracts entered into with executive agencies.

(3) **SCOPE OF ALLOWANCE.**—The Federal Acquisition Regulation at a minimum shall provide that a solicitation for the acquisition of property or services may not set forth any requirement or evaluation criteria that would—

(A) render an offeror ineligible to enter into a contract on the basis of the inclusion of a plan of the offeror to allow the offeror's employees to telecommute, unless the contracting officer concerned first determines that the requirements of the agency, including security requirements, cannot be met if telecommuting is allowed and documents in writing the basis for the determination; or

(B) reduce the scoring of an offer on the basis of the inclusion in the offer of a plan of the offeror to allow the offeror's employees to telecommute, unless the contracting officer concerned first determines that the requirements of the agency, including security requirements, would be adversely impacted if telecommuting is allowed and documents in writing the basis for the determination.

§ 3307. Preference for commercial items

(a) **RELATIONSHIP OF PROVISIONS OF LAW TO PROCUREMENT OF COMMERCIAL ITEMS.**—

(1) **THIS DIVISION.**—Unless otherwise specifically provided, all other provisions in this division also apply to the procurement of commercial items.

(2) **LAWS LISTED IN FEDERAL ACQUISITION REGULATION.**—A contract for the procurement of a commercial item entered into by the head of an executive agency is not subject to a law properly listed in the Federal Acquisition Regulation pursuant to section 1906 of this title.

(b) **PREFERENCE.**—The head of each executive agency shall ensure that, to the maximum extent practicable—

(1) requirements of the executive agency with respect to a procurement of supplies or services are stated in terms of—

(A) functions to be performed;

(B) performance required; or

(C) essential physical characteristics;

(2) those requirements are defined so that commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items may be procured to fulfill those requirements; and

(3) offerors of commercial items and nondevelopmental items other than commercial items are provided an opportunity to compete in any procurement to fill those requirements.

(c) **IMPLEMENTATION.**—The head of each executive agency shall ensure that procurement officials in that executive agency, to the maximum extent practicable—

(1) acquire commercial items or nondevelopmental items other than commercial items to meet the needs of the executive agency;

(2) require that prime contractors and subcontractors at all levels under contracts of the executive agency incorporate commercial items or nondevelopmental items other than commercial items as components of items supplied to the executive agency;

(3) modify requirements in appropriate cases to ensure that the requirements can be met by commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available,

nondevelopmental items other than commercial items;

(4) state specifications in terms that enable and encourage bidders and offerors to supply commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items in response to the executive agency solicitations;

(5) revise the executive agency's procurement policies, practices, and procedures not required by law to reduce any impediments in those policies, practices, and procedures to the acquisition of commercial items; and

(6) require training of appropriate personnel in the acquisition of commercial items.

(d) MARKET RESEARCH.—

(1) WHEN TO BE USED.—The head of an executive agency shall conduct market research appropriate to the circumstances—

(A) before developing new specifications for a procurement by that executive agency; and

(B) before soliciting bids or proposals for a contract in excess of the simplified acquisition threshold.

(2) USE OF RESULTS.—The head of an executive agency shall use the results of market research to determine whether commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items are available that—

(A) meet the executive agency's requirements;

(B) could be modified to meet the executive agency's requirements; or

(C) could meet the executive agency's requirements if those requirements were modified to a reasonable extent.

(3) ONLY MINIMUM INFORMATION REQUIRED TO BE SUBMITTED.—In conducting market research, the head of an executive agency should not require potential sources to submit more than the minimum information that is necessary to make the determinations required in paragraph (2).

(e) REGULATIONS.—

(1) IN GENERAL.—The Federal Acquisition Regulation shall provide regulations to implement this section, sections 102, 103, 105, and 110 of this title, and chapter 140 of title 10.

(2) CONTRACT CLAUSES.—

(A) DEFINITION.—In this paragraph, the term "subcontract" includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor.

(B) LIST OF CLAUSES TO BE INCLUDED.—The regulations prescribed under paragraph (1) shall contain a list of contract clauses to be included in contracts for the acquisition of commercial end items. To the maximum extent practicable, the list shall include only those contract clauses that are—

(i) required to implement provisions of law or executive orders applicable to acquisitions of commercial items or commercial components; or

(ii) determined to be consistent with standard commercial practice.

(C) REQUIREMENTS OF PRIME CONTRACTOR.—The regulations shall provide that the Federal Government shall not require a prime contractor to apply to any of its divisions, subsidiaries, affiliates, subcontractors, or suppliers that are furnishing commercial items any contract clause except those that are—

(i) required to implement provisions of law or executive orders applicable to subcontractors

furnishing commercial items or commercial components; or

(ii) determined to be consistent with standard commercial practice.

(D) CLAUSES THAT MAY BE USED IN A CONTRACT.—To the maximum extent practicable, only the contract clauses listed pursuant to subparagraph (B) may be used in a contract, and only the contract clauses referred to in subparagraph (C) may be required to be used in a subcontract, for the acquisition of commercial items or commercial components by or for an executive agency.

(E) WAIVER OF CONTRACT CLAUSES.—The Federal Acquisition Regulation shall provide standards and procedures for waiving the use of contract clauses required pursuant to subparagraph (B), other than those required by law, including standards for determining the cases in which a waiver is appropriate.

(3) MARKET ACCEPTANCE.—

(A) REQUIREMENT OF OFFERORS.—The Federal Acquisition Regulation shall provide that under appropriate conditions the head of an executive agency may require offerors to demonstrate that the items offered—

(i) have achieved commercial market acceptance or been satisfactorily supplied to an executive agency under current or recent contracts for the same or similar requirements; and

(ii) otherwise meet the item description, specifications, or other criteria prescribed in the public notice and solicitation relating to the contract.

(B) REGULATION TO PROVIDE GUIDANCE ON CRITERIA.—The Federal Acquisition Regulation shall provide guidance to ensure that the criteria for determining commercial market acceptance include the consideration of—

(i) the minimum needs of the executive agency concerned; and

(ii) the entire relevant commercial market, including small businesses.

(4) PROVISIONS RELATING TO TYPES OF CONTRACTS.—

(A) TYPES OF CONTRACTS THAT MAY BE USED.—The Federal Acquisition Regulation shall include, for acquisitions of commercial items—

(i) a requirement that firm, fixed price contracts or fixed price with economic price adjustment contracts be used to the maximum extent practicable;

(ii) a prohibition on use of cost type contracts; and

(iii) subject to subparagraph (B), authority for use of a time-and-materials or labor-hour contract for the procurement of commercial services that are commonly sold to the general public through those contracts and are purchased by the procuring agency on a competitive basis.

(B) WHEN TIME-AND-MATERIALS OR LABOR-HOUR CONTRACT MAY BE USED.—A time-and-materials or labor-hour contract may be used pursuant to the authority referred to in subparagraph (A)(iii)—

(i) only for a procurement of commercial services in a category of commercial services described in subparagraph (C); and

(ii) only if the contracting officer for the procurement—

(I) executes a determination and findings that no other contract type is suitable;

(II) includes in the contract a ceiling price that the contractor exceeds at its own risk; and

(III) authorizes a subsequent change in the ceiling price only on a determination, documented in the contract file, that it is in the best interest of the procuring agency to change the ceiling price.

(C) CATEGORIES OF COMMERCIAL SERVICES.—The categories of commercial services referred to in subparagraph (B) are as follows:

(i) Commercial services procured for support of a commercial item, as described in section 103(5) of this title.

(ii) Any other category of commercial services that the Administrator for Federal Procurement Policy designates in the Federal Acquisition Regulation for the purposes of this subparagraph on the basis that—

(I) the commercial services in the category are of a type of commercial services that are commonly sold to the general public through use of time-and-materials or labor-hour contracts; and

(II) it would be in the best interests of the Federal Government to authorize use of time-and-materials or labor-hour contracts for purchases of the commercial services in the category.

(5) CONTRACT QUALITY REQUIREMENTS.—Regulations prescribed under paragraph (1) shall include provisions that—

(A) allow, to the maximum extent practicable, a contractor under a commercial items acquisition to use the existing quality assurance system of the contractor as a substitute for compliance with an otherwise applicable requirement for the Federal Government to inspect or test the commercial items before the contractor's tender of those items for acceptance by the Federal Government;

(B) require that, to the maximum extent practicable, the executive agency take advantage of warranties (including extended warranties) offered by offerors of commercial items and use those warranties for the repair and replacement of commercial items; and

(C) set forth guidance regarding the use of past performance of commercial items and sources as a factor in contract award decisions.

§ 3308. Planning for future competition in contracts for major systems

(a) DEVELOPMENT CONTRACT.—

(1) DETERMINING WHETHER PROPOSALS ARE NECESSARY.—In preparing a solicitation for the award of a development contract for a major system, the head of an agency shall consider requiring in the solicitation that an offeror include in its offer proposals described in paragraph (2). In determining whether to require the proposals, the head of the agency shall consider the purposes for which the system is being procured and the technology necessary to meet the system's required capabilities. If the proposals are required, the head of the agency shall consider them in evaluating the offeror's price.

(2) CONTENTS OF PROPOSALS.—The proposals that the head of an agency is to consider requiring in a solicitation for the award of a development contract are the following:

(A) Proposals to incorporate in the design of the major system items that are currently available within the supply system of the Federal agency responsible for the major system, available elsewhere in the national supply system, or commercially available from more than one source.

(B) With respect to items that are likely to be required in substantial quantities during the system's service life, proposals to incorporate in the design of the major system items that the Federal Government will be able to acquire competitively in the future.

(b) PRODUCTION CONTRACT.—

(1) DETERMINING WHETHER PROPOSALS ARE NECESSARY.—In preparing a solicitation for the award of a production contract for a major system, the head of an agency shall consider requiring in the solicitation that an

offeror include in its offer proposals described in paragraph (2). In determining whether to require the proposals, the head of the agency shall consider the purposes for which the system is being procured and the technology necessary to meet the system's required capabilities. If the proposals are required, the head of the agency shall consider them in evaluating the offeror's price.

(2) **CONTENT OF PROPOSALS.**—The proposals that the head of an agency is to consider requiring in a solicitation for the award of a production contract are proposals identifying opportunities to ensure that the Federal Government will be able to obtain on a competitive basis items procured in connection with the system that are likely to be reprocured in substantial quantities during the service life of the system. Proposals submitted in response to this requirement may include the following:

(A) Proposals to provide to the Federal Government the right to use technical data to be provided under the contract for competitive reprocurement of the item, together with the cost to the Federal Government of acquiring the data and the right to use the data.

(B) Proposals for the qualification or development of multiple sources of supply for the item.

(C) **CONSIDERATION OF FACTORS AS OBJECTIVES IN NEGOTIATIONS.**—If the head of an agency is making a noncompetitive award of a development contract or a production contract for a major system, the factors specified in subsections (a) and (b) to be considered in evaluating an offer for a contract may be considered as objectives in negotiating the contract to be awarded.

§ 3309. Design-build selection procedures

(a) **AUTHORIZATION.**—Unless the traditional acquisition approach of design-bid-build established under sections 1101 to 1104 of title 40 or another acquisition procedure authorized by law is used, the head of an executive agency shall use the two-phase selection procedures authorized in this section for entering into a contract for the design and construction of a public building, facility, or work when a determination is made under subsection (b) that the procedures are appropriate for use.

(b) **CRITERIA FOR USE.**—A contracting officer shall make a determination whether two-phase selection procedures are appropriate for use for entering into a contract for the design and construction of a public building, facility, or work when—

(1) the contracting officer anticipates that 3 or more offers will be received for the contract;

(2) design work must be performed before an offeror can develop a price or cost proposal for the contract;

(3) the offeror will incur a substantial amount of expense in preparing the offer; and

(4) the contracting officer has considered information such as the following:

(A) The extent to which the project requirements have been adequately defined.

(B) The time constraints for delivery of the project.

(C) The capability and experience of potential contractors.

(D) The suitability of the project for use of the two-phase selection procedures.

(E) The capability of the agency to manage the two-phase selection process.

(F) Other criteria established by the agency.

(c) **PROCEDURES DESCRIBED.**—Two-phase selection procedures consist of the following:

(1) **DEVELOPMENT OF SCOPE OF WORK STATEMENT.**—The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Federal Government's requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals that meet the Federal Government's needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architectural and engineering services as defined by and in accordance with sections 1101 to 1104 of title 40.

(2) **SOLICITATION OF PHASE-ONE PROPOSALS.**—The contracting officer solicits phase-one proposals that—

(A) include information on the offeror's—

(i) technical approach; and

(ii) technical qualifications; and

(B) do not include—

(i) detailed design information; or

(ii) cost or price information.

(3) **EVALUATION FACTORS.**—The evaluation factors to be used in evaluating phase-one proposals are stated in the solicitation and include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction members of the team), and other appropriate factors, except that cost-related or price-related evaluation factors are not permitted. Each solicitation establishes the relative importance assigned to the evaluation factors and subfactors that must be considered in the evaluation of phase-one proposals. The agency evaluates phase-one proposals on the basis of the phase-one evaluation factors set forth in the solicitation.

(4) **SELECTION BY CONTRACTING OFFICER.**—

(A) **NUMBER OF OFFERORS SELECTED AND WHAT IS TO BE EVALUATED.**—The contracting officer selects as the most highly qualified the number of offerors specified in the solicitation to provide the property or services under the contract and requests the selected offerors to submit phase-two competitive proposals that include technical proposals and cost or price information. Each solicitation establishes with respect to phase two—

(i) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work, or both; and

(ii) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals in accordance with subsections (b) to (d) of section 3306 of this title.

(B) **SEPARATE EVALUATIONS.**—The contracting officer separately evaluates the submissions described in clauses (i) and (ii) of subparagraph (A).

(5) **AWARDING OF CONTRACT.**—The agency awards the contract in accordance with chapter 37 of this title.

(d) **SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE-TWO REQUESTS FOR COMPETITIVE PROPOSALS.**—A solicitation issued pursuant to the procedures described in subsection (c) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (c)(4). The maximum number specified in the solicitation shall not exceed 5 unless the agency determines with respect to an individual solicitation that a specified number greater than 5 is in the Federal Government's interest and is consistent with the purposes and objectives of the two-phase selection process.

(e) **REQUIREMENT FOR GUIDANCE AND REGULATIONS.**—The Federal Acquisition Regulation shall include guidance—

(1) regarding the factors that may be considered in determining whether the two-phase contracting procedures authorized by subsection (a) are appropriate for use in individual contracting situations;

(2) regarding the factors that may be used in selecting contractors; and

(3) providing for a uniform approach to be used Government-wide.

§ 3310. Quantities to order

(a) **FACTORS AFFECTING QUANTITY TO ORDER.**—Each executive agency shall procure supplies in a quantity that—

(1) will result in the total cost and unit cost most advantageous to the Federal Government, where practicable; and

(2) does not exceed the quantity reasonably expected to be required by the agency.

(b) **OFFEROR'S OPINION OF QUANTITY.**—Each solicitation for a contract for supplies shall, if practicable, include a provision inviting each offeror responding to the solicitation to state an opinion on whether the quantity of supplies proposed to be procured is economically advantageous to the Federal Government and, if applicable, to recommend a quantity that would be more economically advantageous to the Federal Government. Each recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.

§ 3311. Qualification requirement

(a) **DEFINITION.**—In this section, the term "qualification requirement" means a requirement for testing or other quality assurance demonstration that must be completed by an offeror before award of a contract.

(b) **ACTIONS BEFORE ENFORCING QUALIFICATION REQUIREMENT.**—Except as provided in subsection (c), the head of an agency, before enforcing any qualification requirement, shall—

(1) prepare a written justification stating the necessity for establishing the qualification requirement and specify why the qualification requirement must be demonstrated before contract award;

(2) specify in writing and make available to a potential offeror on request all requirements that a prospective offeror, or its product, must satisfy to become qualified, with those requirements to be limited to those least restrictive to meet the purposes necessitating the establishment of the qualification requirement;

(3) specify an estimate of the cost of testing and evaluation likely to be incurred by a potential offeror to become qualified;

(4) ensure that a potential offeror is provided, on request, a prompt opportunity to demonstrate at its own expense (except as provided in subsection (d)) its ability to meet the standards specified for qualification using—

(A) qualified personnel and facilities—

(i) of the agency concerned;

(ii) of another agency obtained through interagency agreement; or

(iii) under contract; or

(B) other methods approved by the agency (including use of approved testing and evaluation services not provided under contract to the agency);

(5) if testing and evaluation services are provided under contract to the agency for the purposes of paragraph (4), provide to the extent possible that those services be provided by a contractor that—

(A) is not expected to benefit from an absence of additional qualified sources; and

(B) is required in the contract to adhere to any restriction on technical data asserted by the potential offeror seeking qualification; and

(6) ensure that a potential offeror seeking qualification is promptly informed whether qualification is attained and, if not attained, is promptly furnished specific information about why qualification was not attained.

(C) APPLICABILITY, WAIVER AUTHORITY, AND REFERRAL OF OFFERS.—

(1) APPLICABILITY.—Subsection (b) does not apply to a qualification requirement established by statute prior to October 30, 1984.

(2) WAIVER AUTHORITY.—

(A) SUBMISSION OF DETERMINATION OF UNREASONABLENESS.—Except as provided in subparagraph (C), if it is unreasonable to specify the standards for qualification that a prospective offeror or its product must satisfy, a determination to that effect shall be submitted to the advocate for competition of the procuring activity responsible for the purchase of the item subject to the qualification requirement.

(B) AUTHORITY TO GRANT WAIVER.—After considering any comments of the advocate for competition reviewing the determination, the head of the procuring activity may waive the requirements of paragraphs (2) to (5) of subsection (b) for up to 2 years with respect to the item subject to the qualification requirement.

(C) NONAPPLICABILITY TO QUALIFIED PRODUCTS LIST.—Waiver authority under this paragraph does not apply with respect to a qualified products list.

(3) SUBMISSION AND CONSIDERATION OF OFFER NOT TO BE DENIED.—A potential offeror may not be denied the opportunity to submit and have considered an offer for a contract solely because the potential offeror has not been identified as meeting a qualification requirement if the potential offeror can demonstrate to the satisfaction of the contracting officer that the potential offeror or its product meets the standards established for qualification or can meet those standards before the date specified for award of the contract.

(4) REFERRAL TO SMALL BUSINESS ADMINISTRATION NOT REQUIRED.—This subsection does not require the referral of an offer to the Small Business Administration pursuant to section 8(b)(7) of the Small Business Act (15 U.S.C. 637(b)(7)) if the basis for the referral is a challenge by the offeror to either the validity of the qualification requirement or the offeror's compliance with that requirement.

(5) DELAY OF PROCUREMENT NOT REQUIRED.—The head of an agency need not delay a proposed procurement to comply with subsection (b) or to provide a potential offeror with an opportunity to demonstrate its ability to meet the standards specified for qualification.

(d) FEWER THAN 2 ACTUAL MANUFACTURERS.—

(1) SOLICITATION AND TESTING OF ADDITIONAL SOURCES OR PRODUCTS.—If the number of qualified sources or qualified products available to compete actively for an anticipated future requirement is fewer than 2 actual manufacturers or the products of 2 actual manufacturers, respectively, the head of the agency concerned shall—

(A) publish notice periodically soliciting additional sources or products to seek qualification, unless the contracting officer determines that doing so would compromise national security; and

(B) subject to paragraph (2), bear the cost of conducting the specified testing and evaluation (excluding the cost associated with

producing the item or establishing the production, quality control, or other system to be tested and evaluated) for a small business concern or a product manufactured by a small business concern that has met the standards specified for qualification and that could reasonably be expected to compete for a contract for that requirement.

(2) WHEN AGENCY MAY BEAR COST.—The head of the agency concerned may bear the cost under paragraph (1)(B) only if the head of the agency determines that the additional qualified sources or products are likely to result in cost savings from increased competition for future requirements sufficient to offset (within a reasonable period of time considering the duration and dollar value of anticipated future requirements) the cost incurred by the agency.

(3) CERTIFICATION REQUIRED.—The head of the agency shall require a prospective contractor requesting the Federal Government to bear testing and evaluation costs under paragraph (1)(B) to certify its status as a small business concern under section 3 of the Small Business Act (15 U.S.C. 632).

(e) EXAMINATION AND REVALIDATION OF QUALIFICATION REQUIREMENT.—Within 7 years after the establishment of a qualification requirement, the need for the requirement shall be examined and the standards of the requirement revalidated in accordance with the requirements of subsection (b). This subsection does not apply in the case of a qualification requirement for which a waiver is in effect under subsection (c)(2).

(f) WHEN ENFORCEMENT OF QUALIFICATION REQUIREMENT NOT ALLOWED.—Except in an emergency as determined by the head of the agency, after the head of the agency determines not to enforce a qualification requirement for a solicitation, the agency may not enforce the requirement unless the agency complies with the requirements of subsection (b).

CHAPTER 35—TRUTHFUL COST AND PRICING DATA

Sec.

3501. General.

3502. Required cost or pricing data and certification.

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3504. Cost or pricing data on below-threshold contracts.

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3506. Price reductions for defective cost or pricing data.

3507. Interest and penalties for certain overpayments.

3508. Right to examine contractor records.

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§ 3501. General

(a) DEFINITIONS.—In this chapter:

(1) COMMERCIAL ITEM.—The term “commercial item” has the meaning provided the term by section 103 of this title.

(2) COST OR PRICING DATA.—The term “cost or pricing data” means all facts that, as of the date of agreement on the price of a contract (or the price of a contract modification) or, if applicable consistent with section 3506(a)(2) of this title, another date agreed upon between the parties, a prudent buyer or seller would reasonably expect to affect price negotiations significantly. The term does not include information that is judgmental, but does include factual information from which a judgment was derived.

(3) SUBCONTRACT.—The term “subcontract” includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or a subcontractor.

(b) REGULATIONS.—

(1) MINIMIZING ABUSE OF COMMERCIAL SERVICES ITEM AUTHORITY.—The Federal Acquisition Regulation shall ensure that services that are not offered and sold competitively in substantial quantities in the commercial marketplace, but are of a type offered and sold competitively in substantial quantities in the commercial marketplace, may be treated as commercial items for purposes of this chapter only if the contracting officer determines in writing that the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for the services.

(2) INFORMATION TO SUBMIT.—To the extent necessary to make a determination under paragraph (1), the contracting officer may request the offeror to submit—

(A) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers; and

(B) if the contracting officer determines that the information described in subparagraph (A) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.

§ 3502. Required cost or pricing data and certification

(a) WHEN REQUIRED.—The head of an executive agency shall require offerors, contractors, and subcontractors to make cost or pricing data available as follows:

(1) OFFEROR FOR PRIME CONTRACT.—An offeror for a prime contract under this division to be entered into using procedures other than sealed-bid procedures shall be required to submit cost or pricing data before the award of a contract if—

(A) in the case of a prime contract entered into after October 13, 1994, the price of the contract to the Federal Government is expected to exceed \$500,000; and

(B) in the case of a prime contract entered into on or before October 13, 1994, the price of the contract to the Federal Government is expected to exceed \$100,000.

(2) CONTRACTOR.—The contractor for a prime contract under this division shall be required to submit cost or pricing data before the pricing of a change or modification to the contract if—

(A) in the case of a change or modification made to a prime contract referred to in paragraph (1)(A), the price adjustment is expected to exceed \$500,000;

(B) in the case of a change or modification made to a prime contract that was entered into on or before October 13, 1994, and that has been modified pursuant to subsection (f), the price adjustment is expected to exceed \$500,000; and

(C) in the case of a change or modification not covered by subparagraph (A) or (B), the price adjustment is expected to exceed \$100,000.

(3) OFFEROR FOR SUBCONTRACT.—An offeror for a subcontract (at any tier) of a contract under this division shall be required to submit cost or pricing data before the award of the subcontract if the prime contractor and each higher-tier subcontractor have been required to make available cost or pricing data under this chapter and—

(A) in the case of a subcontract under a prime contract referred to in paragraph (1)(A), the price of the subcontract is expected to exceed \$500,000;

(B) in the case of a subcontract entered into under a prime contract that was entered into on or before October 13, 1994, and that

has been modified pursuant to subsection (f), the price of the subcontract is expected to exceed \$500,000; and

(C) in the case of a subcontract not covered by subparagraph (A) or (B), the price of the subcontract is expected to exceed \$100,000.

(4) **SUBCONTRACTOR.**—The subcontractor for a subcontract covered by paragraph (3) shall be required to submit cost or pricing data before the pricing of a change or modification to the subcontract if—

(A) in the case of a change or modification to a subcontract referred to in paragraph (3)(A) or (B), the price adjustment is expected to exceed \$500,000; and

(B) in the case of a change or modification to a subcontract referred to in paragraph (3)(C), the price adjustment is expected to exceed \$100,000.

(b) **CERTIFICATION.**—A person required, as an offeror, contractor, or subcontractor, to submit cost or pricing data under subsection (a) (or required by the head of the procuring activity concerned to submit the data under section 3504 of this title) shall be required to certify that, to the best of the person's knowledge and belief, the cost or pricing data submitted are accurate, complete, and current.

(c) **TO WHOM SUBMITTED.**—Cost or pricing data required to be submitted under subsection (a) (or under section 3504 of this title), and a certification required to be submitted under subsection (b), shall be submitted—

(1) in the case of a submission by a prime contractor (or an offeror for a prime contract), to the contracting officer for the contract (or a designated representative of the contracting officer); or

(2) in the case of a submission by a subcontractor (or an offeror for a subcontract), to the prime contractor.

(d) **APPLICATION OF CHAPTER.**—Except as provided under section 3503 of this title, this chapter applies to contracts entered into by the head of an executive agency on behalf of a foreign government.

(e) **SUBCONTRACTS NOT AFFECTED BY WAIVER.**—A waiver of requirements for submission of certified cost or pricing data that is granted under section 3503(a)(3) of this title in the case of a contract or subcontract does not waive the requirement under subsection (a)(3) of this section for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the procuring activity granting the waiver determines that the requirement under subsection (a)(3) of this section should be waived in the case of those subcontracts and justifies in writing the reason for the determination.

(f) **MODIFICATIONS TO PRIOR CONTRACTS.**—On the request of a contractor that was required to submit cost or pricing data under subsection (a) in connection with a prime contract entered into on or before October 13, 1994, the head of the executive agency that entered into the contract shall modify the contract to reflect paragraphs (2)(B) and (3)(B) of subsection (a). All those modifications shall be made without requiring consideration.

(g) **ADJUSTMENT OF AMOUNTS.**—Effective on October 1 of each year that is divisible by 5, each amount set forth in subsection (a) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. Any amount, as so adjusted, that is not evenly divisible by \$50,000 shall be rounded to the nearest multiple of \$50,000. In the case of an amount that is evenly divisible by \$25,000 but not evenly di-

visible by \$50,000, the amount shall be rounded to the next higher multiple of \$50,000.

§ 3503. Exceptions

(a) **IN GENERAL.**—Submission of certified cost or pricing data shall not be required under section 3502 of this title in the case of a contract, a subcontract, or a modification of a contract or subcontract—

(1) for which the price agreed on is based on—

(A) adequate price competition; or

(B) prices set by law or regulation;

(2) for the acquisition of a commercial item; or

(3) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this chapter may be waived and justifies in writing the reasons for the determination.

(b) **MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.**—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception to the submission of certified cost or pricing data in paragraph (1) or (2) of subsection (a), submission of certified cost or pricing data shall not be required under section 3502 of this title if—

(1) the contract or subcontract being modified is a contract or subcontract for which submission of certified cost or pricing data may not be required by reason of paragraph (1) or (2) of subsection (a); and

(2) the modification would not change the contract or subcontract from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

§ 3504. Cost or pricing data on below-threshold contracts

(a) **AUTHORITY TO REQUIRE SUBMISSION.**—Subject to subsection (b), when certified cost or pricing data are not required to be submitted by section 3502 of this title for a contract, subcontract, or modification of a contract or subcontract, the data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that the data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires the data to be submitted under this section, the head of the procuring activity shall justify in writing the reason for the requirement.

(b) **EXCEPTION.**—The head of the procuring activity may not require certified cost or pricing data to be submitted under this section for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in section 3503(a)(1) or (2) of this title.

(c) **DELEGATION OF AUTHORITY PROHIBITED.**—The head of a procuring activity may not delegate the functions under this section.

§ 3505. Submission of other information

(a) **AUTHORITY TO REQUIRE SUBMISSION.**—When certified cost or pricing data are not required to be submitted under this chapter for a contract, subcontract, or modification of a contract or subcontract, the contracting officer shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract. Except in the case of a contract or subcontract covered by the exceptions in

section 3503(a)(1) of this title, the contracting officer shall require that the data submitted include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement.

(b) **LIMITATIONS ON AUTHORITY.**—The Federal Acquisition Regulation shall include the following provisions regarding the types of information that contracting officers may require under subsection (a):

(1) **REASONABLE LIMITATIONS.**—Reasonable limitations on requests for sales data relating to commercial items.

(2) **LIMITATION ON SCOPE OF REQUEST.**—A requirement that a contracting officer limit, to the maximum extent practicable, the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

(3) **INFORMATION NOT TO BE DISCLOSED.**—A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.

§ 3506. Price reductions for defective cost or pricing data

(a) **PROVISION REQUIRING ADJUSTMENT.**—

(1) **IN GENERAL.**—A prime contract (or change or modification to a prime contract) under which a certificate under section 3502(b) of this title is required shall contain a provision that the price of the contract to the Federal Government, including profit or fee, shall be adjusted to exclude any significant amount by which it may be determined by the head of the executive agency that the price was increased because the contractor (or any subcontractor required to make the certificate available) submitted defective cost or pricing data.

(2) **WHAT CONSTITUTES DEFECTIVE COST OR PRICING DATA.**—For the purposes of this chapter, defective cost or pricing data are cost or pricing data that, as of the date of agreement on the price of the contract (or another date agreed on between the parties), were inaccurate, incomplete, or noncurrent. If for purposes of the preceding sentence the parties agree on a date other than the date of agreement on the price of the contract, the date agreed on by the parties shall be as close to the date of agreement on the price of the contract as is practicable.

(b) **VALID DEFENSE.**—In determining for purposes of a contract price adjustment under a contract provision required by subsection (a) whether, and to what extent, a contract price was increased because the contractor (or a subcontractor) submitted defective cost or pricing data, it is a defense that the Federal Government did not rely on the defective data submitted by the contractor or subcontractor.

(c) **INVALID DEFENSES.**—It is not a defense to an adjustment of the price of a contract under a contract provision required by subsection (a) that—

(1) the price of the contract would not have been modified even if accurate, complete, and current cost or pricing data had been submitted by the contractor or subcontractor because the contractor or subcontractor—

(A) was the sole source of the property or services procured; or

(B) otherwise was in a superior bargaining position with respect to the property or services procured;

(2) the contracting officer should have known that the cost or pricing data in issue were defective even though the contractor or subcontractor took no affirmative action to bring the character of the data to the attention of the contracting officer;

(3) the contract was based on an agreement between the contractor and the Federal Government about the total cost of the contract and there was no agreement about the cost of each item procured under the contract; or

(4) the prime contractor or subcontractor did not submit a certification of cost or pricing data relating to the contract as required by section 3502(b) of this title.

(d) OFFSETS.—

(1) WHEN ALLOWED.—A contractor shall be allowed to offset an amount against the amount of a contract price adjustment under a contract provision required by subsection (a) if—

(A) the contractor certifies to the contracting officer (or to a designated representative of the contracting officer) that, to the best of the contractor's knowledge and belief, the contractor is entitled to the offset; and

(B) the contractor proves that the cost or pricing data were available before the date of agreement on the price of the contract (or price of the modification), or, if applicable, consistent with subsection (a)(2), another date agreed on by the parties, and that the data were not submitted as specified in section 3502(c) of this title before that date.

(2) WHEN NOT ALLOWED.—A contractor shall not be allowed to offset an amount otherwise authorized to be offset under paragraph (1) if—

(A) the certification under section 3502(b) of this title with respect to the cost or pricing data involved was known to be false when signed; or

(B) the Federal Government proves that, had the cost or pricing data referred to in paragraph (1)(B) been submitted to the Federal Government before date of agreement on the price of the contract (or price of the modification), or, if applicable, under subsection (a)(2), another date agreed on by the parties, the submission of the cost or pricing data would not have resulted in an increase in that price in the amount to be offset.

§ 3507. Interest and penalties for certain overpayments

(a) IN GENERAL.—If the Federal Government makes an overpayment to a contractor under a contract with an executive agency subject to this chapter and the overpayment was due to the submission by the contractor of defective cost or pricing data, the contractor shall be liable to the Federal Government—

(1) for interest on the amount of the overpayment, to be computed—

(A) for the period beginning on the date the overpayment was made to the contractor and ending on the date the contractor repays the amount of the overpayment to the Federal Government; and

(B) at the current rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1986 (26 U.S.C. 6621); and

(2) if the submission of the defective data was a knowing submission, for an additional amount equal to the amount of the overpayment.

(b) LIABILITY NOT AFFECTED BY REFUSAL TO SUBMIT CERTIFICATION.—Any liability under this section of a contractor that submits cost or pricing data but refuses to submit the certification required by section 3502(b) of this title with respect to the cost

or pricing data is not affected by the refusal to submit the certification.

§ 3508. Right to examine contractor records

For the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted by this chapter, an executive agency shall have the authority provided by section 4706(b)(2) of this title.

§ 3509. Notification of violations of Federal criminal law or overpayments

(a) DEFINITION.—In this section, the term "covered contract" means any contract in an amount greater than \$5,000,000 and more than 120 days in duration.

(b) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall include, pursuant to FAR Case 2007-006 (as published at 72 Fed. Reg. 64019, November 14, 2007) or any follow-on FAR case, provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

CHAPTER 37—AWARDING OF CONTRACTS

Sec.

3701. Basis of award and rejection.

3702. Sealed bids.

3703. Competitive proposals.

3704. Post-award debriefings.

3705. Pre-award debriefings.

3706. Encouragement of alternative dispute resolution.

3707. Antitrust violations.

3708. Protests.

§ 3701. Basis of award and rejection

(a) AWARD.—An executive agency shall evaluate sealed bids and competitive proposals, and award a contract, based solely on the factors specified in the solicitation.

(b) REJECTION.—All sealed bids or competitive proposals received in response to a solicitation may be rejected if the agency head determines that rejection is in the public interest.

§ 3702. Sealed bids

(a) OPENING OF BIDS.—Sealed bids shall be opened publicly at the time and place stated in the solicitation.

(b) CRITERIA FOR AWARING CONTRACT.—The executive agency shall evaluate the bids in accordance with section 3701(a) of this title without discussions with the bidders and, except as provided in section 3701(b) of this title, shall award a contract with reasonable promptness to the responsible source whose bid conforms to the solicitation and is most advantageous to the Federal Government, considering only price and the other price-related factors included in the solicitation.

(c) NOTICE OF AWARD.—The award of a contract shall be made by transmitting, in writing or by electronic means, notice of the award to the successful bidder. Within 3 days after the date of contract award, the executive agency shall notify, in writing or by electronic means, each bidder not awarded the contract that the contract has been awarded.

§ 3703. Competitive proposals

(a) EVALUATION AND AWARD.—An executive agency shall evaluate competitive proposals in accordance with section 3701(a) of this title and may award a contract—

(1) after discussions with the offerors, provided that written or oral discussions have been conducted with all responsible offerors

who submit proposals within the competitive range; or

(2) based on the proposals received and without discussions with the offerors (other than discussions conducted for the purpose of minor clarification), if, as required by section 3306(b)(2)(B)(i) of this title, the solicitation included a statement that proposals are intended to be evaluated, and award made, without discussions unless discussions are determined to be necessary.

(b) LIMIT ON NUMBER OF PROPOSALS.—If the contracting officer determines that the number of offerors that would otherwise be included in the competitive range under subsection (a)(1) exceeds the number at which an efficient competition can be conducted, the contracting officer may limit the number of proposals in the competitive range, in accordance with the criteria specified in the solicitation, to the greatest number that will permit an efficient competition among the offerors rated most highly in accordance with those criteria.

(c) CRITERIA FOR AWARING CONTRACT.—Except as otherwise provided in section 3701(b) of this title, the executive agency shall award a contract with reasonable promptness to the responsible source whose proposal is most advantageous to the Federal Government, considering only cost or price and the other factors included in the solicitation.

(d) NOTICE OF AWARD.—The executive agency shall award the contract by transmitting, in writing or by electronic means, notice of the award to that source and, within 3 days after the date of contract award, shall notify, in writing or by electronic means, all other offerors of the rejection of their proposals.

§ 3704. Post-award debriefings

(a) REQUEST FOR DEBRIEFING.—When a contract is awarded by the head of an executive agency on the basis of competitive proposals, an unsuccessful offeror, on written request received by the agency within 3 days after the date on which the unsuccessful offeror receives the notification of the contract award, shall be debriefed and furnished the basis for the selection decision and contract award.

(b) WHEN DEBRIEFING TO BE CONDUCTED.—The executive agency shall debrief the offeror within, to the maximum extent practicable, 5 days after receipt of the request by the executive agency.

(c) INFORMATION TO BE PROVIDED.—The debriefing shall include, at a minimum—

(1) the executive agency's evaluation of the significant weak or deficient factors in the offeror's offer;

(2) the overall evaluated cost and technical rating of the offer of the contractor awarded the contract and the overall evaluated cost and technical rating of the offer of the debriefed offeror;

(3) the overall ranking of all offers;

(4) a summary of the rationale for the award;

(5) in the case of a proposal that includes a commercial item that is an end item under the contract, the make and model of the item being provided in accordance with the offer of the contractor awarded the contract; and

(6) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

(d) INFORMATION NOT TO BE INCLUDED.—The debriefing may not include point-by-

point comparisons of the debriefed offeror's offer with other offers and may not disclose any information that is exempt from disclosure under section 552(b) of title 5.

(e) **INCLUSION OF STATEMENT IN SOLICITATION.**—Each solicitation for competitive proposals shall include a statement that information described in subsection (c) may be disclosed in post-award debriefings.

(f) **AFTER SUCCESSFUL PROTEST.**—If, within one year after the date of the contract award and as a result of a successful procurement protest, the executive agency seeks to fulfill the requirement under the protested contract either on the basis of a new solicitation of offers or on the basis of new best and final offers requested for that contract, the head of the executive agency shall make available to all offerors—

(1) the information provided in debriefings under this section regarding the offer of the contractor awarded the contract; and

(2) the same information that would have been provided to the original offerors.

(g) **SUMMARY TO BE INCLUDED IN FILE.**—The contracting officer shall include a summary of the debriefing in the contract file.

§ 3705. Pre-award debriefings

(a) **REQUEST FOR DEBRIEFING.**—When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes that offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within 3 days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award.

(b) **WHEN DEBRIEFING TO BE CONDUCTED.**—The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable but may refuse the request for a debriefing if it is not in the best interests of the Federal Government to conduct a debriefing at that time.

(c) **PRECONDITION FOR POST-AWARD DEBRIEFING.**—The contracting officer is required to debrief an excluded offeror in accordance with section 3704 of this title only if that offeror requested and was refused a pre-award debriefing under subsections (a) and (b).

(d) **INFORMATION TO BE PROVIDED.**—The debriefing conducted under this section shall include—

(1) the executive agency's evaluation of the significant elements in the offeror's offer;

(2) a summary of the rationale for the offeror's exclusion; and

(3) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

(e) **INFORMATION NOT TO BE DISCLOSED.**—The debriefing conducted pursuant to this section may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

(f) **SUMMARY TO BE INCLUDED IN FILE.**—The contracting officer shall include a summary of the debriefing in the contract file.

§ 3706. Encouragement of alternative dispute resolution

The Federal Acquisition Regulation shall include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest, prior to the award of a contract, of the exclusion of the

offeror from the competitive range (or otherwise from further consideration) for that contract.

§ 3707. Antitrust violations

If the agency head considers that a bid or proposal evidences a violation of the antitrust laws, the agency head shall refer the bid or proposal to the Attorney General for appropriate action.

§ 3708. Protests

(a) **PROTEST FILE.**—

(1) **ESTABLISHMENT AND ACCESS.**—If, in the case of a solicitation for a contract issued by, or an award or proposed award of a contract by, the head of an executive agency, a protest is filed pursuant to the procedures in subchapter V of chapter 35 of title 31, and an actual or prospective offeror requests, a file of the protest shall be established by the procuring activity and reasonable access shall be provided to actual or prospective offerors.

(2) **REDACTED INFORMATION.**—Information exempt from disclosure under section 552 of title 5 may be redacted in a file established pursuant to paragraph (1) unless an applicable protective order provides otherwise.

(b) **AGENCY ACTIONS ON PROTESTS.**—If, in connection with a protest, the head of an executive agency determines that a solicitation, proposed award, or award does not comply with the requirements of law or regulation, the head of the executive agency may—

(1) take any action set out in subparagraphs (A) to (F) of subsection (b)(1) of section 3554 of title 31; and

(2) pay costs described in paragraph (1) of section 3554(c) of title 31 within the limits referred to in paragraph (2) of section 3554(c).

CHAPTER 39—SPECIFIC TYPES OF CONTRACTS

Sec.

3901. Contracts awarded using procedures other than sealed-bid procedures.

3902. Severable services contracts for periods crossing fiscal years.

3903. Multiyear contracts.

3904. Contract authority for severable services contracts and multiyear contracts.

3905. Cost contracts.

3906. Cost-reimbursement contracts.

§ 3901. Contracts awarded using procedures other than sealed-bid procedures

(a) **AUTHORIZED TYPES.**—Except as provided in section 3905 of this title, contracts awarded after using procedures other than sealed-bid procedures may be of any type which in the opinion of the agency head will promote the best interests of the Federal Government.

(b) **REQUIRED WARRANTY.**—

(1) **CONTENT.**—Every contract awarded after using procedures other than sealed-bid procedures shall contain a suitable warranty, as determined by the agency head, by the contractor that no person or selling agency has been employed or retained to solicit or secure the contract on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for bona fide employees or bona fide established commercial or selling agencies the contractor maintains to secure business.

(2) **REMEDY FOR BREACH OR VIOLATION.**—For the breach or violation of the warranty, the Federal Government may annul the contract without liability or deduct from the contract price or consideration the full amount of the commission, percentage, brokerage, or contingent fee.

(3) **NONAPPLICATION.**—Paragraph (1) does not apply to a contract for an amount that

is not greater than the simplified acquisition threshold or to a contract for the acquisition of commercial items.

§ 3902. Severable services contracts for periods crossing fiscal years

(a) **AUTHORITY TO ENTER INTO CONTRACT.**—The head of an executive agency may enter into a contract for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

(b) **OBLIGATION OF FUNDS.**—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of this section.

§ 3903. Multiyear contracts

(a) **DEFINITION.**—In this section, a multiyear contract is a contract for the purchase of property or services for more than one, but not more than 5, program years.

(b) **AUTHORITY TO ENTER INTO CONTRACT.**—An executive agency may enter into a multiyear contract for the acquisition of property or services if—

(1) funds are available and obligated for the contract, for the full period of the contract or for the first fiscal year in which the contract is in effect, and for the estimated costs associated with a necessary termination of the contract; and

(2) the executive agency determines that—
(A) the need for the property or services is reasonably firm and continuing over the period of the contract; and

(B) a multiyear contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of the agency's programs.

(c) **TERMINATION CLAUSE.**—A multiyear contract entered into under the authority of this section shall include a clause that provides that the contract shall be terminated if funds are not made available for the continuation of the contract in a fiscal year covered by the contract. Funds available for paying termination costs shall remain available for that purpose until the costs associated with termination of the contract are paid.

(d) **CANCELLATION CEILING NOTICE.**—Before a contract described in subsection (b) that contains a clause setting forth a cancellation ceiling in excess of \$10,000,000 may be awarded, the executive agency shall give written notification of the proposed contract and of the proposed cancellation ceiling for that contract to Congress. The contract may not be awarded until the end of the 30-day period beginning on the date of the notification.

(e) **CONTINGENCY CLAUSE FOR APPROPRIATION OF FUNDS.**—A multiyear contract may provide that performance under the contract after the first year of the contract is contingent on the appropriation of funds and (if the contract does so provide) that a cancellation payment shall be made to the contractor if the funds are not appropriated.

(f) **OTHER LAW NOT AFFECTED.**—This section does not modify or affect any other provision of law that authorizes multiyear contracts.

§ 3904. Contract authority for severable services contracts and multiyear contracts

(a) **COMPTROLLER GENERAL.**—The Comptroller General may use available funds to enter into contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter into multiyear contracts for the acquisition of property and nonaudit-

related services to the same extent as executive agencies under sections 3902 and 3903 of this title.

(b) **LIBRARY OF CONGRESS.**—The Library of Congress may use available funds to enter into contracts for the lease or procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter into multiyear contracts for the acquisition of property and services pursuant to sections 3902 and 3903 of this title.

(c) **CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES.**—The Chief Administrative Officer of the House of Representatives may enter into—

(1) contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 3902 of this title; and

(2) multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 3903 of this title.

(d) **CONGRESSIONAL BUDGET OFFICE.**—The Congressional Budget Office may use available funds to enter into contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year and may enter into multiyear contracts for the acquisition of property and services to the same extent as executive agencies under the authority of sections 3902 and 3903 of this title.

(e) **SECRETARY AND SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE.**—Subject to regulations prescribed by the Committee on Rules and Administration of the Senate, the Secretary and the Sergeant at Arms and Doorkeeper of the Senate may enter into—

(1) contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent and under the same conditions as the head of an executive agency under the authority of section 3902 of this title; and

(2) multiyear contracts for the acquisition of property and services to the same extent and under the same conditions as executive agencies under the authority of section 3903 of this title.

(f) **CAPITOL POLICE.**—The United States Capitol Police may enter into—

(1) contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 3902 of this title; and

(2) multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 3903 of this title.

(g) **ARCHITECT OF THE CAPITOL.**—The Architect of the Capitol may enter into—

(1) contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 3902 of this title; and

(2) multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 3903 of this title.

(h) **SECRETARY OF THE SMITHSONIAN INSTITUTION.**—The Secretary of the Smithsonian Institution may enter into—

(1) contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year

under the authority of section 3902 of this title; and

(2) multiyear contracts for the acquisition of property and services under the authority of section 3903 of this title.

§ 3905. Cost contracts

(a) **COST-PLUS-A-PERCENTAGE-OF-COST CONTRACTS DISALLOWED.**—The cost-plus-a-percentage-of-cost system of contracting shall not be used.

(b) **COST-PLUS-A-FIXED-FEE CONTRACTS.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), the fee in a cost-plus-a-fixed-fee contract shall not exceed 10 percent of the estimated cost of the contract, not including the fee, as determined by the agency head at the time of entering into the contract.

(2) **EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK.**—The fee in a cost-plus-a-fixed-fee contract for experimental, developmental, or research work shall not exceed 15 percent of the estimated cost of the contract, not including the fee.

(3) **ARCHITECTURAL OR ENGINEERING SERVICES.**—The fee in a cost-plus-a-fixed-fee contract for architectural or engineering services relating to any public works or utility project may include the contractor's costs and shall not exceed 6 percent of the estimated cost, not including the fee, as determined by the agency head at the time of entering into the contract, of the project to which the fee applies.

(c) **NOTIFICATION.**—All cost and cost-plus-a-fixed-fee contracts shall provide for advance notification by the contractor to the procuring agency of any subcontract on a cost-plus-a-fixed-fee basis and of any fixed-price subcontract or purchase order which exceeds in dollar amount either the simplified acquisition threshold or 5 percent of the total estimated cost of the prime contract.

(d) **RIGHT TO AUDIT.**—A procuring agency, through any authorized representative thereof, has the right to inspect the plans and to audit the books and records of a prime contractor or subcontractor engaged in the performance of a cost or cost-plus-a-fixed-fee contract.

§ 3906. Cost-reimbursement contracts

(a) **DEFINITION.**—In this section, the term “executive agency” has the same meaning given in section 133 of this title.

(b) **REGULATIONS ON THE USE OF COST-REIMBURSEMENT CONTRACTS.**—The Federal Acquisition Regulation shall address the use of cost-reimbursement contracts.

(c) **CONTENT.**—The regulations promulgated under subsection (b) shall include guidance regarding—

(1) when and under what circumstances cost-reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost-reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost-reimbursement contracts.

(d) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—The Director of the Office of Management and Budget shall submit an annual report to Congressional committees identified in subsection (e) on the use of cost-reimbursement contracts and task or delivery orders by all executive agencies.

(2) **CONTENTS.**—The report shall include—

(A) the total number and value of contracts awarded and orders issued during the covered fiscal year;

(B) the total number and value of cost-reimbursement contracts awarded and orders issued during the covered fiscal year; and

(C) an assessment of the effectiveness of the regulations promulgated pursuant to subsection (b) in ensuring the appropriate use of cost-reimbursement contracts.

(3) **TIME REQUIREMENTS.**—

(A) **DEADLINE.**—The report shall be submitted no later than March 1 and shall cover the fiscal year ending September 30 of the prior year.

(B) **LIMITATION.**—The report shall be submitted from March 1, 2009, until March 1, 2014.

(e) **CONGRESSIONAL COMMITTEES.**—The report required by subsection (d) shall be submitted to—

(1) the Committee on Oversight and Government Reform of the House of Representatives;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committees on Appropriations of the House of Representatives and the Senate; and

(4) in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives.

CHAPTER 41—TASK AND DELIVERY ORDER CONTRACTS

Sec.

4101. Definitions.

4102. Authorities or responsibilities not affected.

4103. General authority.

4104. Guidance on use of task and delivery order contracts.

4105. Advisory and assistance services.

4106. Orders.

§ 4101. Definitions

In this chapter:

(1) **DELIVERY ORDER CONTRACT.**—The term “delivery order contract” means a contract for property that—

(A) does not procure or specify a firm quantity of property (other than a minimum or maximum quantity); and

(B) provides for the issuance of orders for the delivery of property during the period of the contract.

(2) **TASK ORDER CONTRACT.**—The term “task order contract” means a contract for services that—

(A) does not procure or specify a firm quantity of services (other than a minimum or maximum quantity); and

(B) provides for the issuance of orders for the performance of tasks during the period of the contract.

§ 4102. Authorities or responsibilities not affected

This chapter does not modify or supersede, and is not intended to impair or restrict, authorities or responsibilities under sections 1101 to 1104 of title 40.

§ 4103. General authority

(a) **AUTHORITY TO AWARD.**—Subject to the requirements of this section, section 4106 of this title, and other applicable law, the head of an executive agency may enter into a task or delivery order contract for procurement of services or property.

(b) **SOLICITATION.**—The solicitation for a task or delivery order contract shall include—

(1) the period of the contract, including the number of options to extend the contract and the period for which the contract may be extended under each option;

(2) the maximum quantity or dollar value of the services or property to be procured under the contract; and

(3) a statement of work, specifications, or other description that reasonably describes

the general scope, nature, complexity, and purposes of the services or property to be procured under the contract.

(c) **APPLICABILITY OF RESTRICTION ON USE OF NONCOMPETITIVE PROCEDURES.**—The head of an executive agency may use procedures other than competitive procedures to enter into a task or delivery order contract under this section only if an exception in section 3304(a) of this title applies to the contract and the use of those procedures is approved in accordance with section 3304(e) of this title.

(d) **SINGLE AND MULTIPLE CONTRACT AWARDS.**—

(1) **EXERCISE OF AUTHORITY.**—The head of an executive agency may exercise the authority provided in this section—

(A) to award a single task or delivery order contract; or

(B) if the solicitation states that the head of the executive agency has the option to do so, to award separate task or delivery order contracts for the same or similar services or property to 2 or more sources.

(2) **DETERMINATION NOT REQUIRED.**—No determination under section 3303 of this title is required for an award of multiple task or delivery order contracts under paragraph 1.(B).

(3) **SINGLE SOURCE AWARD FOR TASK OR DELIVERY ORDER CONTRACTS EXCEEDING \$100,000,000.**—

(A) **WHEN SINGLE AWARDS ARE ALLOWED.**—No task or delivery order contract in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single source unless the head of the executive agency determines in writing that—

(i) the task or delivery orders expected under the contract are so integrally related that only a single source can reasonably perform the work;

(ii) the contract provides only for firm, fixed price task orders or delivery orders for—

(I) products for which unit prices are established in the contract; or

(II) services for which prices are established in the contract for the specific tasks to be performed;

(iii) only one source is qualified and capable of performing the work at a reasonable price to the Federal Government; or

(iv) because of exceptional circumstances, it is necessary in the public interest to award the contract to a single source.

(B) **NOTIFICATION OF CONGRESS.**—The head of the executive agency shall notify Congress within 30 days after any determination under subparagraph (A)(iv).

(4) **REGULATIONS.**—Regulations implementing this subsection shall establish—

(A) a preference for awarding, to the maximum extent practicable, multiple task or delivery order contracts for the same or similar services or property under paragraph 1.(B); and

(B) criteria for determining when award of multiple task or delivery order contracts would not be in the best interest of the Federal Government.

(e) **CONTRACT MODIFICATIONS.**—A task or delivery order may not increase the scope, period, or maximum value of the task or delivery order contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

(f) **INAPPLICABILITY TO CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.**—Except as otherwise specifically provided in section 4105 of this title, this section does not apply to a task or delivery order contract for the

acquisition of advisory and assistance services (as defined in section 1105(g) of title 31).

(g) **RELATIONSHIP TO OTHER CONTRACTING AUTHORITY.**—Nothing in this section may be construed to limit or expand any authority of the head of an executive agency or the Administrator of General Services to enter into schedule, multiple award, or task or delivery order contracts under any other provision of law.

§ 4104. Guidance on use of task and delivery order contracts

(a) **GUIDANCE IN FEDERAL ACQUISITION REGULATION.**—The Federal Acquisition Regulation issued in accordance with sections 1121(b) and 1303(a)(1) of this title shall provide guidance to agencies on the appropriate use of task and delivery order contracts in accordance with this chapter and sections 2304a to 2304d of title 10.

(b) **CONTENT OF REGULATIONS.**—The regulations issued pursuant to subsection (a) at a minimum shall provide specific guidance on—

(1) the appropriate use of Government-wide and other multiagency contracts entered into in accordance with this chapter and sections 2304a to 2304d of title 10; and

(2) steps that agencies should take in entering into and administering multiple award task and delivery order contracts to ensure compliance with the requirement in—

(A) section 11312 of title 40 for capital planning and investment control in purchases of information technology products and services;

(B) section 4106(c) of this title and section 2304c(b) of title 10 to ensure that all contractors are afforded a fair opportunity to be considered for the award of task and delivery orders; and

(C) section 4106(e) of this title and section 2304c(c) of title 10 for a statement of work in each task or delivery order issued that clearly specifies all tasks to be performed or property to be delivered under the order.

(c) **FEDERAL SUPPLY SCHEDULES PROGRAM.**—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 152(3) of this title that is administered as the Federal Supply Schedules program. The assessment shall include examination of—

(1) the administration of the program by the Administrator of General Services; and

(2) the ordering and program practices followed by Federal customer agencies in using schedules established under the program.

§ 4105. Advisory and assistance services

(a) **DEFINITION.**—In this section, the term “advisory and assistance services” has the same meaning given that term in section 1105(g) of title 31.

(b) **AUTHORITY TO AWARD.**—

(1) **IN GENERAL.**—Subject to the requirements of this section, section 4106 of this title, and other applicable law, the head of an executive agency may enter into a task order contract for procurement of advisory and assistance services.

(2) **ONLY UNDER THIS SECTION.**—The head of an executive agency may enter into a task order contract for advisory and assistance services only under this section.

(c) **CONTRACT PERIOD.**—

(1) **CONTRACT NOT TO EXCEED 5 YEARS.**—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed

5 years unless a longer period is specifically authorized in a law that is applicable to the contract.

(2) **WAIVER AUTHORITY TO EXTEND CONTRACT.**—

(A) **WHEN WAIVER MAY BE ISSUED.**—The head of an executive agency may issue a waiver to extend a task order contract entered into under this section for a period not exceeding 10 years, through 5 one-year options, if the head of the agency determines in writing—

(i) that the contract provides engineering or technical services of such a unique and substantial technical nature that award of a new contract would be harmful to the continuity of the program for which the services are performed;

(ii) that award of a new contract would create a large disruption in services provided to the executive agency; and

(iii) that the executive agency would, through award of a new contract, endure program risk during critical program stages due to loss of program corporate knowledge of ongoing program activities.

(B) **DELEGATION.**—The authority of the head of an executive agency under subparagraph (A) may be delegated only to the Chief Acquisition Officer of the agency (or the senior procurement executive in the case of an agency for which a Chief Acquisition Officer has not been appointed or designated under section 1702(a) of this title).

(C) **REPORT.**—Not later than April 1, 2007, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on advisory and assistance services. The report shall include the following information:

(i) The methods used by executive agencies to identify a contract as an advisory and assistance services contract, as defined in subsection (a).

(ii) The number of advisory and assistance services contracts awarded by each executive agency during the 5-year period preceding October 17, 2006.

(iii) The average annual expenditures by each executive agency for advisory and assistance services contracts.

(iv) The average length of advisory and assistance services contracts.

(v) The number of advisory and assistance services contracts recompeted and awarded to the previous award winner.

(D) **PROHIBITION ON USE OF AUTHORITY BY EXECUTIVE AGENCIES IF REPORT NOT SUBMITTED.**—The head of an executive agency may not issue a waiver under subparagraph (A) if the report required by subparagraph (C) is not submitted by April 1, 2007.

(E) **TERMINATION OF AUTHORITY.**—A waiver may not be issued under this paragraph after December 31, 2011.

(d) **CONTENT OF NOTICE.**—The notice required by section 1708 of this title and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall reasonably and fairly describe the general scope, magnitude, and duration of the proposed task order contract in a manner that would reasonably enable a potential offeror to decide whether to request the solicitation and consider submitting an offer.

(e) **REQUIRED CONTENT OF SOLICITATION AND CONTRACT.**—

(1) **SOLICITATION.**—The solicitation shall include the information (regarding services) described in section 4103(b) of this title.

(2) **CONTRACT.**—A task order contract entered into under this section shall contain

the same information that is required by paragraph (1) to be included in the solicitation of offers for that contract.

(f) **MULTIPLE AWARDS.**—

(1) **AUTHORITY TO MAKE MULTIPLE AWARDS.**—On the basis of one solicitation, the head of an executive agency may award separate task order contracts under this section for the same or similar services to 2 or more sources if the solicitation states that the head of the executive agency has the option to do so.

(2) **CONTENT OF SOLICITATION.**—In the case of a task order contract for advisory and assistance services to be entered into under this section, if the contract period is to exceed 3 years and the contract amount is estimated to exceed \$10,000,000 (including all options), the solicitation shall—

(A) provide for a multiple award authorized under paragraph (1); and

(B) include a statement that the head of the executive agency may also elect to award only one task order contract if the head of the executive agency determines in writing that only one of the offerors is capable of providing the services required at the level of quality required.

(3) **NONAPPLICATION.**—Paragraph (2) does not apply in the case of a solicitation for which the head of the executive agency concerned determines in writing that, because the services required under the contract are unique or highly specialized, it is not practicable to award more than one contract.

(g) **CONTRACT MODIFICATIONS.**—

(1) **INCREASE IN SCOPE, PERIOD, OR MAXIMUM VALUE OF CONTRACT ONLY BY MODIFICATION OF CONTRACT.**—A task order may not increase the scope, period, or maximum value of the task order contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

(2) **USE OF COMPETITIVE PROCEDURES.**—Unless use of procedures other than competitive procedures is authorized by an exception in section 3304(a) of this title and approved in accordance with section 3304(e) of this title, competitive procedures shall be used for making such a modification.

(3) **NOTICE.**—Notice regarding the modification shall be provided in accordance with section 1708 of this title and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

(h) **CONTRACT EXTENSIONS.**—

(1) **WHEN CONTRACT MAY BE EXTENDED.**—Notwithstanding the limitation on the contract period set forth in subsection (c) or in a solicitation or contract pursuant to subsection (f), a contract entered into by the head of an executive agency under this section may be extended on a sole-source basis for a period not exceeding 6 months if the head of the executive agency determines that—

(A) the award of a follow-on contract has been delayed by circumstances that were not reasonably foreseeable at the time the initial contract was entered into; and

(B) the extension is necessary to ensure continuity of the receipt of services pending the award of, and commencement of performance under, the follow-on contract.

(2) **LIMIT OF ONE EXTENSION.**—A task order contract may be extended under paragraph (1) only once and only in accordance with the limitations and requirements of this subsection.

(i) **INAPPLICABILITY TO CERTAIN CONTRACTS.**—This section does not apply to a contract for the acquisition of property or services that includes acquisition of advisory and assistance services if the head of the ex-

ecutive agency entering into the contract determines that, under the contract, advisory and assistance services are necessarily incident to, and not a significant component of, the contract.

§ 4106. Orders

(a) **APPLICATION.**—This section applies to task and delivery order contracts entered into under sections 4103 and 4105 of this title.

(b) **ACTIONS NOT REQUIRED FOR ISSUANCE OF ORDERS.**—The following actions are not required for issuance of a task or delivery order under a task or delivery order contract:

(1) A separate notice for the order under section 1708 of this title or section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

(2) Except as provided in subsection (c), a competition (or a waiver of competition approved in accordance with section 3304(e) of this title) that is separate from that used for entering into the contract.

(c) **MULTIPLE AWARD CONTRACTS.**—When multiple contracts are awarded under section 4103(d)(1)(B) or 4105(f) of this title, all contractors awarded the contracts shall be provided a fair opportunity to be considered, pursuant to procedures set forth in the contracts, for each task or delivery order in excess of \$2,500 that is to be issued under any of the contracts, unless—

(1) the executive agency's need for the services or property ordered is of such unusual urgency that providing the opportunity to all of those contractors would result in unacceptable delays in fulfilling that need;

(2) only one of those contractors is capable of providing the services or property required at the level of quality required because the services or property ordered are unique or highly specialized;

(3) the task or delivery order should be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to a task or delivery order already issued on a competitive basis; or

(4) it is necessary to place the order with a particular contractor to satisfy a minimum guarantee.

(d) **ENHANCED COMPETITION FOR ORDERS IN EXCESS OF \$5,000,000.**—In the case of a task or delivery order in excess of \$5,000,000, the requirement to provide all contractors a fair opportunity to be considered under subsection (c) is not met unless all such contractors are provided, at a minimum—

(1) a notice of the task or delivery order that includes a clear statement of the executive agency's requirements;

(2) a reasonable period of time to provide a proposal in response to the notice;

(3) disclosure of the significant factors and subfactors, including cost or price, that the executive agency expects to consider in evaluating such proposals, and their relative importance;

(4) in the case of an award that is to be made on a best value basis, a written statement documenting—

(A) the basis for the award; and

(B) the relative importance of quality and price or cost factors; and

(5) an opportunity for a post-award debriefing consistent with the requirements of section 3704 of this title.

(e) **STATEMENT OF WORK.**—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

(f) **PROTESTS.**—

(1) **PROTEST NOT AUTHORIZED.**—A protest is not authorized in connection with the

issuance or proposed issuance of a task or delivery order except for—

(A) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

(B) a protest of an order valued in excess of \$10,000,000.

(2) **JURISDICTION OVER PROTESTS.**—Notwithstanding section 3556 of title 31, the Comptroller General shall have exclusive jurisdiction of a protest authorized under paragraph (1)(B).

(3) **EFFECTIVE PERIOD.**—This subsection shall be in effect for three years, beginning on the date that is 120 days after January 28, 2008.

(g) **TASK AND DELIVERY ORDER OMBUDSMAN.**—

(1) **APPOINTMENT OR DESIGNATION AND RESPONSIBILITIES.**—The head of each executive agency who awards multiple task or delivery order contracts under section 4103(d)(1)(B) or 4105(f) of this title shall appoint or designate a task and delivery order ombudsman who shall be responsible for reviewing complaints from the contractors on those contracts and ensuring that all of the contractors are afforded a fair opportunity to be considered for task or delivery orders when required under subsection (c).

(2) **WHO IS ELIGIBLE.**—The task and delivery order ombudsman shall be a senior agency official who is independent of the contracting officer for the contracts and may be the executive agency's advocate for competition.

CHAPTER 43—ALLOWABLE COSTS

Sec.

4301. Definitions.

4302. Adjustment of threshold amount of covered contract.

4303. Effect of submission of unallowable costs.

4304. Specific costs not allowable.

4305. Required regulations.

4306. Applicability of regulations to subcontractors.

4307. Contractor certification.

4308. Penalties for submission of cost known to be unallowable.

4309. Burden of proof on contractor.

4310. Proceeding costs not allowable.

§ 4301. Definitions

In this chapter:

(1) **COMPENSATION.**—The term “compensation”, for a fiscal year, means the total amount of wages, salary, bonuses, and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

(2) **COVERED CONTRACT.**—The term “covered contract” means a contract for an amount in excess of \$500,000 that is entered into by an executive agency, except that the term does not include a fixed-price contract without cost incentives or any firm fixed-price contract for the purchase of commercial items.

(3) **FISCAL YEAR.**—The term “fiscal year” means a fiscal year established by a contractor for accounting purposes.

(4) **SENIOR EXECUTIVE.**—The term “senior executive”, with respect to a contractor, means the 5 most highly compensated employees in management positions at each home office and each segment of the contractor.

§ 4302. Adjustment of threshold amount of covered contract

Effective on October 1 of each year that is divisible by 5, the amount set forth in section 4301(2) of this title shall be adjusted to

the equivalent amount in constant fiscal year 1994 dollars. An adjusted amount that is not evenly divisible by \$50,000 shall be rounded to the nearest multiple of \$50,000. If an amount is evenly divisible by \$25,000 but is not evenly divisible by \$50,000, the amount shall be rounded to the next higher multiple of \$50,000.

§ 4303. Effect of submission of unallowable costs

(a) **INDIRECT COST THAT VIOLATES FEDERAL ACQUISITION REGULATION COST PRINCIPLE.**—An executive agency shall require that a covered contract provide that if the contractor submits to the executive agency a proposal for settlement of indirect costs incurred by the contractor for any period after those costs have been accrued and if that proposal includes the submission of a cost that is unallowable because the cost violates a cost principle in the Federal Acquisition Regulation or an executive agency supplement to the Federal Acquisition Regulation, the cost shall be disallowed.

(b) **PENALTY FOR VIOLATION OF COST PRINCIPLE.**—

(1) **UNALLOWABLE COST IN PROPOSAL.**—If the executive agency determines that a cost submitted by a contractor in its proposal for settlement is expressly unallowable under a cost principle referred to in subsection (a) that defines the allowability of specific selected costs, the executive agency shall assess a penalty against the contractor in an amount equal to—

(A) the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted; plus

(B) interest (to be computed based on provisions in the Federal Acquisition Regulation) to compensate the Federal Government for the use of the amount which a contractor has been paid in excess of the amount to which the contractor was entitled.

(2) **COST DETERMINED TO BE UNALLOWABLE BEFORE PROPOSAL SUBMITTED.**—If the executive agency determines that a proposal for settlement of indirect costs submitted by a contractor includes a cost determined to be unallowable in the case of that contractor before the submission of that proposal, the executive agency shall assess a penalty against the contractor in an amount equal to 2 times the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted.

(c) **WAIVER OF PENALTY.**—The Federal Acquisition Regulation shall provide for a penalty under subsection (b) to be waived in the case of a contractor's proposal for settlement of indirect costs when—

(1) the contractor withdraws the proposal before the formal initiation of an audit of the proposal by the Federal Government and resubmits a revised proposal;

(2) the amount of unallowable costs subject to the penalty is insignificant; or

(3) the contractor demonstrates, to the contracting officer's satisfaction, that—

(A) it has established appropriate policies and personnel training and an internal control and review system that provide assurances that unallowable costs subject to penalties are precluded from being included in the contractor's proposal for settlement of indirect costs; and

(B) the unallowable costs subject to the penalty were inadvertently incorporated into the proposal.

(d) **APPLICABILITY OF CONTRACT DISPUTES PROCEDURE.**—An action of an executive agency under subsection (a) or (b)—

(1) shall be considered a final decision for the purposes of section 7103 of this title; and

(2) is appealable in the manner provided in section 7104(a) of this title.

§ 4304. Specific costs not allowable

(a) **SPECIFIC COSTS.**—The following costs are not allowable under a covered contract:

(1) Costs of entertainment, including amusement, diversion, and social activities, and any costs directly associated with those costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

(2) Costs incurred to influence (directly or indirectly) legislative action on any matter pending before Congress, a State legislature, or a legislative body of a political subdivision of a State.

(3) Costs incurred in defense of any civil or criminal fraud proceeding or similar proceeding (including filing of any false certification) brought by the Federal Government where the contractor is found liable or had pleaded nolo contendere to a charge of fraud or similar proceeding (including filing of a false certification).

(4) Payments of fines and penalties resulting from violations of, or failure to comply with, Federal, State, local, or foreign laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer authorizing in advance those payments in accordance with applicable provisions of the Federal Acquisition Regulation.

(5) Costs of membership in any social, dining, or country club or organization.

(6) Costs of alcoholic beverages.

(7) Contributions or donations, regardless of the recipient.

(8) Costs of advertising designed to promote the contractor or its products.

(9) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

(10) Costs for travel by commercial aircraft that exceed the amount of the standard commercial fare.

(11) Costs incurred in making any payment (commonly known as a "golden parachute payment") that is—

(A) in an amount in excess of the normal severance pay paid by the contractor to an employee on termination of employment; and

(B) paid to the employee contingent on, and following, a change in management control over, or ownership of, the contractor or a substantial portion of the contractor's assets.

(12) Costs of commercial insurance that protects against the costs of the contractor for correction of the contractor's own defects in materials or workmanship.

(13) Costs of severance pay paid by the contractor to foreign nationals employed by the contractor under a service contract performed outside the United States, to the extent that the amount of severance pay paid in any case exceeds the amount paid in the industry involved under the customary or prevailing practice for firms in that industry providing similar services in the United States, as determined under the Federal Acquisition Regulation.

(14) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a service contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a Federal Gov-

ernment facility in that country at the request of the government of that country.

(15) Costs incurred by a contractor in connection with any criminal, civil, or administrative proceeding commenced by the Federal Government or a State, to the extent provided in section 4310 of this title.

(16) Costs of compensation of senior executives of contractors for a fiscal year, regardless of the contract funding source, to the extent that the compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator under section 1127 of this title.

(b) **WAIVER OF SEVERANCE PAY RESTRICTIONS FOR FOREIGN NATIONALS.**—

(1) **EXECUTIVE AGENCY DETERMINATION.**—Pursuant to the Federal Acquisition Regulation and subject to the availability of appropriations, an executive agency, in awarding a covered contract, may waive the application of paragraphs (13) and (14) of subsection (a) to that contract if the executive agency determines that—

(A) the application of those provisions to that contract would adversely affect the continuation of a program, project, or activity that provides significant support services for employees of the executive agency posted outside the United States;

(B) the contractor has taken (or has established plans to take) appropriate actions within the contractor's control to minimize the amount and number of incidents of the payment of severance pay by the contractor to employees under the contract who are foreign nationals; and

(C) the payment of severance pay is necessary to comply with a law that is generally applicable to a significant number of businesses in the country in which the foreign national receiving the payment performed services under the contract or is necessary to comply with a collective bargaining agreement.

(2) **SOLICITATION TO INCLUDE STATEMENT ABOUT WAIVER.**—An executive agency shall include in the solicitation for a covered contract a statement indicating—

(A) that a waiver has been granted under paragraph (1) for the contract; or

(B) whether the executive agency will consider granting a waiver and, if the executive agency will consider granting a waiver, the criteria to be used in granting the waiver.

(3) **DETERMINATION TO BE MADE BEFORE CONTRACT AWARDED.**—An executive agency shall make the final determination whether to grant a waiver under paragraph (1) with respect to a covered contract before award of the contract.

(c) **ESTABLISHMENT OF DEFINITIONS, EXCLUSIONS, LIMITATIONS, AND QUALIFICATIONS.**—The provisions of the Federal Acquisition Regulation implementing this chapter may establish appropriate definitions, exclusions, limitations, and qualifications. A submission by a contractor of costs that are incurred by the contractor and that are claimed to be allowable under Department of Energy management and operating contracts shall be considered a proposal for settlement of indirect costs incurred by the contractor for any period after those costs have been accrued.

§ 4305. Required regulations

(a) **IN GENERAL.**—The Federal Acquisition Regulation shall contain provisions on the allowability of contractor costs. Those provisions shall define in detail and in specific terms the costs that are unallowable, in whole or in part, under covered contracts.

(b) **SPECIFIC ITEMS.**—The regulations shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

- (1) Air shows.
- (2) Membership in civic, community, and professional organizations.
- (3) Recruitment.
- (4) Employee morale and welfare.
- (5) Actions to influence (directly or indirectly) executive branch action on regulatory and contract matters (other than costs incurred in regard to contract proposals pursuant to solicited or unsolicited bids).
- (6) Community relations.
- (7) Dining facilities.
- (8) Professional and consulting services, including legal services.
- (9) Compensation.
- (10) Selling and marketing.
- (11) Travel.
- (12) Public relations.
- (13) Hotel and meal expenses.
- (14) Expense of corporate aircraft.
- (15) Company-furnished automobiles.
- (16) Advertising.
- (17) Conventions.
- (c) ADDITIONAL REQUIREMENTS.—

(1) WHEN QUESTIONED COSTS MAY BE RESOLVED.—The Federal Acquisition Regulation shall require that a contracting officer not resolve any questioned costs until the contracting officer has obtained—

(A) adequate documentation of those costs; and

(B) the opinion of the contract auditor on the allowability of those costs.

(2) PRESENCE OF CONTRACT AUDITOR.—The Federal Acquisition Regulation shall provide that, to the maximum extent practicable, a contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

(3) SETTLEMENT TO REFLECT AMOUNT OF INDIVIDUAL QUESTIONED COSTS.—The Federal Acquisition Regulation shall require that all categories of costs designated in the report of a contract auditor as questioned with respect to a proposal for settlement be resolved in a manner so that the amount of the individual questioned costs that are paid will be reflected in the settlement.

§ 4306. Applicability of regulations to subcontractors

The regulations referred to in sections 4304 and 4305(a) and (b) of this title shall require prime contractors of a covered contract, to the maximum extent practicable, to apply the provisions of those regulations to all subcontractors of the covered contract.

§ 4307. Contractor certification

(a) CONTENT AND FORM.—A proposal for settlement of indirect costs applicable to a covered contract shall include a certification by an official of the contractor that, to the best of the certifying official's knowledge and belief, all indirect costs included in the proposal are allowable. The certification shall be in a form prescribed in the Federal Acquisition Regulation.

(b) WAIVER.—An executive agency may, in an exceptional case, waive the requirement for certification under subsection (a) in the case of a contract if the agency—

(1) determines that it would be in the interest of the Federal Government to waive the certification; and

(2) states in writing the reasons for the determination and makes the determination available to the public.

§ 4308. Penalties for submission of cost known to be unallowable

The submission to an executive agency of a proposal for settlement of costs for any period after those costs have been accrued that

includes a cost that is expressly specified by statute or regulation as being unallowable, with the knowledge that the cost is unallowable, is subject to section 287 of title 18 and section 3729 of title 31.

§ 4309. Burden of proof on contractor

In a proceeding before a board of contract appeals, the United States Court of Federal Claims, or any other Federal court in which the reasonableness of indirect costs for which a contractor seeks reimbursement from the Federal Government is in issue, the burden of proof is on the contractor to establish that those costs are reasonable.

§ 4310. Proceeding costs not allowable

(a) DEFINITIONS.—In this section:

(1) COSTS.—The term "costs", with respect to a proceeding, means all costs incurred by a contractor, whether before or after the commencement of the proceeding, including—

(A) administrative and clerical expenses;

(B) the cost of legal services, including legal services performed by an employee of the contractor;

(C) the cost of the services of accountants and consultants retained by the contractor; and

(D) the pay of directors, officers, and employees of the contractor for time devoted by those directors, officers, and employees to the proceeding.

(2) PENALTY.—The term "penalty" does not include restitution, reimbursement, or compensatory damages.

(3) PROCEEDING.—The term "proceeding" includes an investigation.

(b) IN GENERAL.—Except as otherwise provided in this section, costs incurred by a contractor in connection with a criminal, civil, or administrative proceeding commenced by the Federal Government or a State are not allowable as reimbursable costs under a covered contract if the proceeding—

(1) relates to a violation of, or failure to comply with, a Federal or State statute or regulation; and

(2) results in a disposition described in subsection (c).

(c) COVERED DISPOSITIONS.—A disposition referred to in subsection (b)(2) is any of the following:

(1) In a criminal proceeding, a conviction (including a conviction pursuant to a plea of nolo contendere) by reason of the violation or failure referred to in subsection (b).

(2) In a civil or administrative proceeding involving an allegation of fraud or similar misconduct, a determination of contractor liability on the basis of the violation or failure referred to in subsection (b).

(3) In any civil or administrative proceeding, the imposition of a monetary penalty by reason of the violation or failure referred to in subsection (b).

(4) A final decision to do any of the following, by reason of the violation or failure referred to in subsection (b):

(A) Debar or suspend the contractor.

(B) Rescind or void the contract.

(C) Terminate the contract for default.

(5) A disposition of the proceeding by consent or compromise if the disposition could have resulted in a disposition described in paragraph (1), (2), (3), or (4).

(d) COSTS ALLOWED BY SETTLEMENT AGREEMENT IN PROCEEDING COMMENCED BY FEDERAL GOVERNMENT.—In the case of a proceeding referred to in subsection (b) that is commenced by the Federal Government and is resolved by consent or compromise pursuant to an agreement entered into by a contractor and the Federal Government, the costs incurred

by the contractor in connection with the proceeding that are otherwise not allowable as reimbursable costs under subsection (b) may be allowed to the extent specifically provided in that agreement.

(e) COSTS SPECIFICALLY AUTHORIZED BY EXECUTIVE AGENCY IN PROCEEDING COMMENCED BY STATE.—In the case of a proceeding referred to in subsection (b) that is commenced by a State, the executive agency that awarded the covered contract involved in the proceeding may allow the costs incurred by the contractor in connection with the proceeding as reimbursable costs if the executive agency determines, in accordance with the Federal Acquisition Regulation, that the costs were incurred as a result of—

(1) a specific term or condition of the contract; or

(2) specific written instructions of the executive agency.

(f) OTHER ALLOWABLE COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (3), costs incurred by a contractor in connection with a criminal, civil, or administrative proceeding commenced by the Federal Government or a State in connection with a covered contract may be allowed as reimbursable costs under the contract if the costs are not disallowable under subsection (b), but only to the extent provided in paragraph (2).

(2) AMOUNT OF ALLOWABLE COSTS.—

(A) MAXIMUM AMOUNT ALLOWED.—The amount of the costs allowable under paragraph (1) in any case may not exceed the amount equal to 80 percent of the amount of the costs incurred, to the extent that the costs are determined to be otherwise allowable and allocable under the Federal Acquisition Regulation.

(B) CONTENT OF REGULATIONS.—Regulations issued for the purpose of subparagraph (A) shall provide for appropriate consideration of the complexity of procurement litigation, generally accepted principles governing the award of legal fees in civil actions involving the Federal Government as a party, and other factors as may be appropriate.

(3) WHEN OTHERWISE ALLOWABLE COSTS ARE NOT ALLOWABLE.—In the case of a proceeding referred to in paragraph (1), contractor costs otherwise allowable as reimbursable costs under this subsection are not allowable if—

(A) the proceeding involves the same contractor misconduct alleged as the basis of another criminal, civil, or administrative proceeding; and

(B) the costs of the other proceeding are not allowable under subsection (b).

CHAPTER 45—CONTRACT FINANCING

Sec.

4501. Authority of executive agency.

4502. Payment.

4503. Security for advance payments.

4504. Conditions for progress payments.

4505. Payments for commercial items.

4506. Action in case of fraud.

§ 4501. Authority of executive agency

An executive agency may—

(1) make advance, partial, progress or other payments under contracts for property or services made by the agency; and

(2) insert in solicitations for procurement of property or services a provision limiting to small business concerns advance or progress payments.

§ 4502. Payment

(a) BASIS FOR PAYMENT.—When practicable, payments under section 4501 of this title shall be made on any of the following bases:

(1) Performance measured by objective, quantifiable methods such as delivery of acceptable items, work measurement, or statistical process controls.

(2) Accomplishment of events defined in the program management plan.

(3) Other quantifiable measures of results.

(b) **PAYMENT AMOUNT.**—Payments made under section 4501 of this title may not exceed the unpaid contract price.

§ 4503. Security for advance payments

Advance payments under section 4501 of this title may be made only on adequate security and a determination by the agency head that to do so would be in the public interest. The security may be in the form of a lien in favor of the Federal Government on the property contracted for, on the balance in an account in which the payments are deposited, and on such of the property acquired for performance of the contract as the parties may agree. This lien shall be paramount to all other liens and is effective immediately upon the first advancement of funds without filing, notice, or any other action by the Federal Government.

§ 4504. Conditions for progress payments

(a) **PAYMENT COMMENSURATE WITH WORK.**—The executive agency shall ensure that a payment for work in progress (including materials, labor, and other items) under a contract of an executive agency that provides for those payments is commensurate with the work accomplished that meets standards established under the contract. The contractor shall provide information and evidence the executive agency determines is necessary to permit the executive agency to carry out this subsection.

(b) **LIMITATION.**—The executive agency shall ensure that progress payments referred to in subsection (a) are not made for more than 80 percent of the work accomplished under the contract as long as the executive agency has not made the contractual terms, specifications, and price definite.

(c) **APPLICATION.**—This section applies to a contract in an amount greater than \$25,000.

§ 4505. Payments for commercial items

(a) **TERMS AND CONDITIONS FOR PAYMENTS.**—Payments under section 4501 of this title for commercial items may be made under terms and conditions that the head of the executive agency determines are appropriate or customary in the commercial marketplace and are in the best interests of the Federal Government.

(b) **SECURITY FOR PAYMENTS.**—The head of the executive agency shall obtain adequate security for the payments. If the security is in the form of a lien in favor of the Federal Government, the lien is paramount to all other liens and is effective immediately on the first payment, without filing, notice, or other action by the Federal Government.

(c) **LIMITATION ON ADVANCE PAYMENTS.**—Advance payments made under section 4501 of this title for commercial items may include payments, in a total amount not more than 15 percent of the contract price, in advance of any performance of work under the contract.

(d) **NONAPPLICATION OF CERTAIN CONDITIONS.**—The conditions of sections 4503 and 4504 of this title need not be applied if they would be inconsistent, as determined by the head of the executive agency, with commercial terms and conditions pursuant to this section.

§ 4506. Action in case of fraud

(a) **DEFINITION.**—In this section, the term “remedy coordination official”, with respect

to an executive agency, means the individual or entity in that executive agency who coordinates within that executive agency the administration of criminal, civil, administrative, and contractual remedies resulting from investigations of fraud or corruption related to procurement activities.

(b) **RECOMMENDATION TO REDUCE OR SUSPEND PAYMENTS.**—In any case in which the remedy coordination official of an executive agency finds that there is substantial evidence that the request of a contractor for advance, partial, or progress payment under a contract awarded by that executive agency is based on fraud, the remedy coordination official shall recommend that the executive agency reduce or suspend further payments to that contractor.

(c) **REDUCTION OR SUSPENSION OF PAYMENTS.**—The head of an executive agency receiving a recommendation under subsection (b) in the case of a contractor's request for payment under a contract shall determine whether there is substantial evidence that the request is based on fraud. On making an affirmative determination, the head of the executive agency may reduce or suspend further payments to the contractor under the contract.

(d) **EXTENT OF REDUCTION OR SUSPENSION.**—The extent of any reduction or suspension of payments by an executive agency under subsection (c) on the basis of fraud shall be reasonably commensurate with the anticipated loss to the Federal Government resulting from the fraud.

(e) **WRITTEN JUSTIFICATION.**—A written justification for each decision of the head of an executive agency whether to reduce or suspend payments under subsection (c), and for each recommendation received by the executive agency in connection with the decision, shall be prepared and be retained in the files of the executive agency.

(f) **NOTICE.**—The head of each executive agency shall prescribe procedures to ensure that, before the head of the executive agency decides to reduce or suspend payments in the case of a contractor under subsection (c), the contractor is afforded notice of the proposed reduction or suspension and an opportunity to submit matters to the executive agency in response to the proposed reduction or suspension.

(g) **REVIEW.**—Not later than 180 days after the date on which the head of an executive agency reduces or suspends payments to a contractor under subsection (c), the remedy coordination official of the executive agency shall—

(1) review the determination of fraud on which the reduction or suspension is based; and

(2) transmit a recommendation to the head of the executive agency whether the suspension or reduction should continue.

(h) **REPORT.**—The head of each executive agency who receives recommendations made by the remedy coordination official of the executive agency to reduce or suspend payments under subsection (c) during a fiscal year shall prepare for that year a report that contains the recommendations, the actions taken on the recommendations and the reasons for those actions, and an assessment of the effects of those actions on the Federal Government. The report shall be available to any Member of Congress on request.

(i) **RESTRICTION ON DELEGATION.**—The head of an executive agency may not delegate responsibilities under this section to an individual in a position below level IV of the Executive Schedule.

CHAPTER 47—MISCELLANEOUS

Sec.

4701. Determinations and decisions.

4702. Prohibition on release of contractor proposals.

4703. Validation of proprietary data restrictions.

4704. Prohibition of contractors limiting subcontractor sales directly to Federal Government.

4705. Protection of contractor employees from reprisal for disclosure of certain information.

4706. Examination of facilities and records of contractor.

4707. Remission of liquidated damages.

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4709. Implementation of electronic commerce capability.

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§ 4701. Determinations and decisions

(a) **INDIVIDUAL OR CLASS DETERMINATIONS AND DECISIONS AUTHORIZED.**—

(1) **IN GENERAL.**—Determinations and decisions required to be made under this division by the head of an executive agency or provided in this division or chapters 1 to 11 of title 40 to be made by the Administrator of General Services or other agency head may be made for an individual purchase or contract or, except for determinations or decisions made under sections 3105, 3301, 3303 to 3305, 3306(a)–(e), and 3308, chapter 37, and section 4702 of this title or to the extent expressly prohibited by another law, for a class of purchases or contracts.

(2) **DELEGATION.**—Except as provided in section 3304(a)(7) of this title, and except as provided in section 121(d)(1) and (2) of title 40 with respect to the Administrator of General Services, the agency head, in the discretion and subject to the direction of the agency head, may delegate powers provided by this division or chapters 1 to 11 of title 40, including the making of determinations and decisions described in paragraph (1), to other officers or officials of the agency.

(3) **FINALITY.**—The determinations and decisions are final.

(b) **WRITTEN FINDINGS.**—

(1) **BASIS FOR CERTAIN DETERMINATIONS.**—Each determination or decision under section 3901, 3905, 4503, or 4706(d)(2)(B) of this title shall be based on a written finding by the individual making the determination or decision. A finding under section 4503 or 4706(d)(2)(B) shall set out facts and circumstances that support the determination or decision.

(2) **FINALITY.**—Each finding referred to in paragraph (1) is final.

(3) **MAINTAINING COPIES OF FINDINGS.**—The head of an executive agency shall maintain for a period of not less than 6 years a copy of each finding referred to in paragraph (1) that is made by an individual in that executive agency. The period begins on the date of the determination or decision to which the finding relates.

§ 4702. Prohibition on release of contractor proposals

(a) **DEFINITION.**—In this section, the term “proposal” means a proposal, including a technical, management, or cost proposal, submitted by a contractor in response to the requirements of a solicitation for a competitive proposal.

(b) **PROHIBITION.**—A proposal in the possession or control of an executive agency may

not be made available to any person under section 552 of title 5.

(c) **NONAPPLICATION.**—Subsection (b) does not apply to a proposal that is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal.

§ 4703. Validation of proprietary data restrictions

(a) **CONTRACT THAT PROVIDES FOR DELIVERY OF TECHNICAL DATA.**—A contract for property or services entered into by an executive agency that provides for the delivery of technical data shall provide that—

(1) a contractor or subcontractor at any tier shall be prepared to furnish to the contracting officer a written justification for any restriction the contractor or subcontractor asserts on the right of the Federal Government to use the data; and

(2) the contracting officer may review the validity of a restriction the contractor or subcontractor asserts under the contract on the right of the Federal Government to use technical data furnished to the Federal Government under the contract if the contracting officer determines that reasonable grounds exist to question the current validity of the asserted restriction and that the continued adherence to the asserted restriction by the Federal Government would make it impracticable to procure the item competitively at a later time.

(b) **CHALLENGE OF RESTRICTION.**—If after a review the contracting officer determines that a challenge to the asserted restriction is warranted, the contracting officer shall provide written notice to the contractor or subcontractor asserting the restriction. The notice shall state—

(1) the grounds for challenging the asserted restriction; and

(2) the requirement for a response within 60 days justifying the current validity of the asserted restriction.

(c) **ADDITIONAL TIME FOR RESPONSES.**—If a contractor or subcontractor asserting a restriction subject to this section submits to the contracting officer a written request showing the need for additional time to comply with the requirement to justify the current validity of the asserted restriction, the contracting officer shall provide appropriate additional time to adequately permit the justification to be submitted.

(d) **MULTIPLE CHALLENGES.**—If a party asserting a restriction receives notices of challenges to restrictions on technical data from more than one contracting officer, and notifies each contracting officer of the existence of more than one challenge, the contracting officer initiating the earliest challenge, after consultation with the party asserting the restriction and the other contracting officers, shall formulate a schedule of responses to each of the challenges that will afford the party asserting the restriction with an equitable opportunity to respond to each challenge.

(e) **DECISION ON VALIDITY OF ASSERTED RESTRICTION.**—

(1) **NO RESPONSE SUBMITTED.**—The contracting officer shall issue a decision pertaining to the validity of the asserted restriction if the contractor or subcontractor does not submit a response under subsection (b).

(2) **RESPONSE SUBMITTED.**—Within 60 days of receipt of a justification submitted in response to the notice provided pursuant to subsection (b), a contracting officer shall issue a decision or notify the party asserting the restriction of the time within which a decision will be issued.

(f) **CLAIM DEEMED CLAIM WITHIN CHAPTER 71.**—A claim pertaining to the validity of the asserted restriction that is submitted in writing to a contracting officer by a contractor or subcontractor at any tier is deemed to be a claim within the meaning of chapter 71 of this title.

(g) **FINAL DISPOSITION OF CHALLENGE.**—

(1) **CHALLENGE IS SUSTAINED.**—If the contracting officer's challenge to the restriction on the right of the Federal Government to use technical data is sustained on final disposition—

(A) the restriction is cancelled; and

(B) if the asserted restriction is found not to be substantially justified, the contractor or subcontractor, as appropriate, is liable to the Federal Government for payment of the cost to the Federal Government of reviewing the asserted restriction and the fees and other expenses (as defined in section 2412(d)(2)(A) of title 28) incurred by the Federal Government in challenging the asserted restriction, unless special circumstances would make the payment unjust.

(2) **CHALLENGE NOT SUSTAINED.**—If the contracting officer's challenge to the restriction on the right of the Federal Government to use technical data is not sustained on final disposition, the Federal Government—

(A) continues to be bound by the restriction; and

(B) is liable for payment to the party asserting the restriction for fees and other expenses (as defined in section 2412(d)(2)(A) of title 28) incurred by the party asserting the restriction in defending the asserted restriction if the challenge by the Federal Government is found not to be made in good faith.

§ 4704. Prohibition of contractors limiting subcontractor sales directly to Federal Government

(a) **CONTRACT RESTRICTIONS.**—Each contract for the purchase of property or services made by an executive agency shall provide that the contractor will not—

(1) enter into an agreement with a subcontractor under the contract that has the effect of unreasonably restricting sales by the subcontractor directly to the Federal Government of any item or process (including computer software) made or furnished by the subcontractor under the contract (or any follow-on production contract); or

(2) otherwise act to restrict unreasonably the ability of a subcontractor to make sales described in paragraph (1) to the Federal Government.

(b) **RIGHTS UNDER LAW PRESERVED.**—This section does not prohibit a contractor from asserting rights it otherwise has under law.

(c) **INAPPLICABILITY TO CERTAIN CONTRACTS.**—This section does not apply to a contract for an amount that is not greater than the simplified acquisition threshold.

(d) **INAPPLICABILITY WHEN GOVERNMENT TREATED SIMILARLY TO OTHER PURCHASERS.**—An agreement between the contractor in a contract for the acquisition of commercial items and a subcontractor under the contract that restricts sales by the subcontractor directly to persons other than the contractor may not be considered to unreasonably restrict sales by that subcontractor to the Federal Government in violation of the provision included in the contract pursuant to subsection (a) if the agreement does not result in the Federal Government being treated differently with regard to the restriction than any other prospective purchaser of the commercial items from that subcontractor.

§ 4705. Protection of contractor employees from reprisal for disclosure of certain information

(a) **DEFINITIONS.**—In this section:

(1) **CONTRACT.**—The term “contract” means a contract awarded by the head of an executive agency.

(2) **CONTRACTOR.**—The term “contractor” means a person awarded a contract with an executive agency.

(3) **INSPECTOR GENERAL.**—The term “Inspector General” means an Inspector General appointed under the Inspector General Act of 1978 (5 U.S.C. App.).

(b) **PROHIBITION OF REPRISALS.**—An employee of a contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a Member of Congress or an authorized official of an executive agency or the Department of Justice information relating to a substantial violation of law related to a contract (including the competition for, or negotiation of, a contract).

(c) **INVESTIGATION OF COMPLAINTS.**—An individual who believes that the individual has been subjected to a reprisal prohibited by subsection (b) may submit a complaint to the Inspector General of the executive agency. Unless the Inspector General determines that the complaint is frivolous, the Inspector General shall investigate the complaint and, on completion of the investigation, submit a report of the findings of the investigation to the individual, the contractor concerned, and the head of the agency. If the executive agency does not have an Inspector General, the duties of the Inspector General under this section shall be performed by an official designated by the head of the executive agency.

(d) **REMEDY AND ENFORCEMENT AUTHORITY.**—

(1) **ACTIONS CONTRACTOR MAY BE ORDERED TO TAKE.**—If the head of an executive agency determines that a contractor has subjected an individual to a reprisal prohibited by subsection (b), the head of the executive agency may take one or more of the following actions:

(A) **ABATEMENT.**—Order the contractor to take affirmative action to abate the reprisal.

(B) **REINSTATEMENT.**—Order the contractor to reinstate the individual to the position that the individual held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the individual in that position if the reprisal had not been taken.

(C) **PAYMENT.**—Order the contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that the complainant reasonably incurred for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

(2) **ENFORCEMENT ORDER.**—When a contractor fails to comply with an order issued under paragraph (1), the head of the executive agency shall file an action for enforcement of the order in the United States district court for a district in which the reprisal was found to have occurred. In an action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(3) **REVIEW OF ENFORCEMENT ORDER.**—A person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this

subsection, and regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. A petition seeking review must be filed no more than 60 days after the head of the agency issues the order. Review shall conform to chapter 7 of title 5.

(e) SCOPE OF SECTION.—This section does not—

(1) authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (b); or

(2) modify or derogate from a right or remedy otherwise available to the employee.

§ 4706. Examination of facilities and records of contractor

(a) DEFINITION.—In this section, the term “records” includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether the items are in written form, in the form of computer data, or in any other form.

(b) AGENCY AUTHORITY.—

(1) INSPECTION OF PLANT AND AUDIT OF RECORDS.—The head of an executive agency, acting through an authorized representative, may inspect the plant and audit the records of—

(A) a contractor performing a cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable contract, or any combination of those contracts, the executive agency makes under this division; and

(B) a subcontractor performing a cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable subcontract, or any combination of those subcontracts, under a contract referred to in subparagraph (A).

(2) EXAMINATION OF RECORDS.—The head of an executive agency, acting through an authorized representative, may, for the purpose of evaluating the accuracy, completeness, and currency of certified cost or pricing data required to be submitted pursuant to chapter 35 of this title with respect to a contract or subcontract, examine all records of the contractor or subcontractor related to—

(A) the proposal for the contract or subcontract;

(B) the discussions conducted on the proposal;

(C) pricing of the contract or subcontract; or

(D) performance of the contract or subcontract.

(c) SUBPOENA POWER.—

(1) AUTHORITY TO REQUIRE THE PRODUCTION OF RECORDS.—The Inspector General of an executive agency appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) or, on request of the head of an executive agency, the Director of the Defense Contract Audit Agency (or any successor agency) of the Department of Defense or the Inspector General of the General Services Administration may require by subpoena the production of records of a contractor, access to which is provided for that executive agency by subsection (b).

(2) ENFORCEMENT OF SUBPOENA.—A subpoena under paragraph (1), in the case of contumacy or refusal to obey, is enforceable by order of an appropriate United States district court.

(3) AUTHORITY NOT DELEGABLE.—The authority provided by paragraph (1) may not be delegated.

(4) REPORT.—In the year following a year in which authority provided in paragraph (1) is exercised for an executive agency, the

head of the executive agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the exercise of the authority during the preceding year and the reasons why the authority was exercised in any instance.

(d) AUTHORITY OF COMPTROLLER GENERAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), each contract awarded after using procedures other than sealed bid procedures shall provide that the Comptroller General and representatives of the Comptroller General may examine records of the contractor, or any of its subcontractors, that directly pertain to, and involve transactions relating to, the contract or subcontract and to interview any current employee regarding the transactions.

(2) EXCEPTION FOR FOREIGN CONTRACTOR OR SUBCONTRACTOR.—Paragraph (1) does not apply to a contract or subcontract with a foreign contractor or foreign subcontractor if the executive agency concerned determines, with the concurrence of the Comptroller General or the designee of the Comptroller General, that applying paragraph (1) to the contract or subcontract would not be in the public interest. The concurrence of the Comptroller General or the designee is not required when—

(A) the contractor or subcontractor is—

(i) the government of a foreign country or an agency of that government; or

(ii) precluded by the laws of the country involved from making its records available for examination; and

(B) the executive agency determines, after taking into account the price and availability of the property and services from United States sources, that the public interest would be best served by not applying paragraph (1).

(3) ADDITIONAL RECORDS NOT REQUIRED.—Paragraph (1) does not require a contractor or subcontractor to create or maintain a record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to another law.

(e) LIMITATION ON AUDITS RELATING TO INDIRECT COSTS.—An executive agency may not perform an audit of indirect costs under a contract, subcontract, or modification before or after entering into the contract, subcontract, or modification when the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit that was conducted by another department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.

(f) EXPIRATION OF AUTHORITY.—The authority of an executive agency under subsection (b) and the authority of the Comptroller General under subsection (d) shall expire 3 years after final payment under the contract or subcontract.

(g) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section does not apply to the following contracts:

(1) Contracts for utility services at rates not exceeding those established to apply uniformly to the public, plus any applicable reasonable connection charge.

(2) A contract or subcontract that is not greater than the simplified acquisition threshold.

(h) ELECTRONIC FORM ALLOWED.—This section does not preclude a contractor from duplicating or storing original records in electronic form.

(i) ORIGINAL RECORDS NOT REQUIRED.—An executive agency shall not require a con-

tractor or subcontractor to provide original records in an audit carried out pursuant to this section if the contractor or subcontractor provides photographic or electronic images of the original records and meets the following requirements:

(1) PRESERVATION PROCEDURES ESTABLISHED.—The contractor or subcontractor has established procedures to ensure that the imaging process preserves the integrity, reliability, and security of the original records.

(2) INDEXING SYSTEM MAINTAINED.—The contractor or subcontractor maintains an effective indexing system to permit timely and convenient access to the imaged records.

(3) ORIGINAL RECORDS RETAINED.—The contractor or subcontractor retains the original records for a minimum of one year after imaging to permit periodic validation of the imaging systems.

§ 4707. Remission of liquidated damages

When a contract made on behalf of the Federal Government by the head of a Federal agency, or by an authorized officer of the agency, includes a provision for liquidated damages for delay, the Secretary of the Treasury on recommendation of the head of the agency may remit any part of the damages as the Secretary of the Treasury believes is just and equitable.

§ 4708. Payment of reimbursable indirect costs in cost-type research and development contracts with educational institutions

A cost-type research and development contract (including a grant) with a university, college, or other educational institution may provide for payment of reimbursable indirect costs on the basis of predetermined fixed-percentage rates applied to the total of the reimbursable direct costs incurred or to an element of the total of the reimbursable direct costs incurred.

§ 4709. Implementation of electronic commerce capability

(a) ROLE OF HEAD OF EXECUTIVE AGENCY.—The head of each executive agency shall implement the electronic commerce capability required by section 2301 of this title. In implementing the capability, the head of an executive agency shall consult with the Administrator.

(b) PROGRAM MANAGER.—The head of each executive agency shall designate a program manager to implement the electronic commerce capability for the agency. The program manager reports directly to an official at a level not lower than the senior procurement executive designated for the agency under section 1702(c) of this title.

§ 4710. Limitations on tiering of subcontractors

(a) DEFINITION.—In this section, the term “executive agency” has the same meaning given in section 133 of this title.

(b) REGULATIONS.—For executive agencies other than the Department of Defense, the Federal Acquisition Regulation shall—

(1) require contractors to minimize the excessive use of subcontractors, or of tiers of subcontractors, that add no or negligible value; and

(2) ensure that neither a contractor nor a subcontractor receives indirect costs or profit on work performed by a lower-tier subcontractor to which the higher-tier contractor or subcontractor adds no or negligible value (but not to limit charges for indirect costs and profit based on the direct costs of managing lower-tier subcontracts).

(c) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount

greater than the simplified acquisition threshold (as defined by section 134 of this title).

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as limiting the ability of the Department of Defense to implement more restrictive limitations on the tiering of subcontractors.

(e) **APPLICABILITY.**—The Department of Defense shall continue to be subject to guidance on limitations on tiering of subcontractors issued by the Department of Defense pursuant to section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364, 10 U.S.C. 2324 note).

§ 4711. Linking of award and incentive fees to acquisition outcomes

(a) **DEFINITION.**—In this section, the term “executive agency” has the same meaning given in section 133 of this title.

(b) **GUIDANCE FOR EXECUTIVE AGENCIES ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**—The Federal Acquisition Regulation shall provide executive agencies other than the Department of Defense with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(c) **ELEMENTS.**—The regulations under subsection (b) shall—

(1) ensure that all new contracts using award fees link the fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be “excellent” or “superior” and the percentage of the available award fee which contractors should be paid for the performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be “acceptable”, “average”, “expected”, “good”, or “satisfactory”;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate the data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(d) **GUIDANCE FOR DEPARTMENT OF DEFENSE.**—The Department of Defense shall continue to be subject to guidance on award and incentive fees issued by the Secretary of

Defense pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364, 10 U.S.C. 2302 note).

Subtitle II—Other Advertising and Contract Provisions

Chapter	Sec.
61. Advertising	6101
63. General Contract Provisions	6301
65. Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$10,000	6501
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CHAPTER 61—ADVERTISING

Sec.
6101. Advertising requirement for Federal Government purchases and sales.

6102. Exceptions from advertising requirement.

6103. Opening of bids.

§ 6101. Advertising requirement for Federal Government purchases and sales

(a) **DEFINITIONS.**—In this section—

(1) **APPROPRIATION.**—The term “appropriation” includes amounts made available by legislation under section 9104 of title 31.

(2) **FEDERAL GOVERNMENT.**—The term “Federal Government” includes the government of the District of Columbia.

(b) **PURCHASES.**—

(1) **IN GENERAL.**—Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Federal Government may be made or entered into only after advertising for proposals for a sufficient time.

(2) **LIMITATIONS ON APPLICABILITY.**—Paragraph (1) does not apply when—

(A) the amount involved in any one case does not exceed \$25,000;

(B) public exigencies require the immediate delivery of articles or performance of services;

(C) only one source of supply is available and the Federal Government purchasing or contracting officer so certifies; or

(D) services are required to be performed by a contractor in person and are—

(i) of a technical and professional nature; or

(ii) under Federal Government supervision and paid for on a time basis.

(c) **SALES.**—Except when otherwise authorized by law or when the reasonable value involved in any one case does not exceed \$500, sales and contracts of sale by the Federal Government are governed by the requirements of this section for advertising.

(d) **APPLICATION TO WHOLLY OWNED GOVERNMENT CORPORATIONS.**—For wholly owned Government corporations, this section applies only to administrative transactions.

§ 6102. Exceptions from advertising requirement

(a) **AMERICAN BATTLE MONUMENTS COMMISSION.**—Section 6101 of this title does not apply to the American Battle Monuments Commission with respect to leases in foreign countries for office or garage space.

(b) **BUREAU OF INTERPARLIAMENTARY UNION FOR PROMOTION OF INTERNATIONAL ARBITRATION.**—Section 6101 of this title does not apply to the Bureau of Interparliamentary Union for Promotion of International Arbitration with respect to necessary stenographic reporting services by contract.

(c) **DEPARTMENT OF STATE.**—Section 6101 of this title does not apply to the Department of State when the purchase or service relates to the packing of personal and household effects of Diplomatic, Consular, and Foreign Service officers and clerks for foreign shipment.

(d) **INTERNATIONAL COMMITTEE OF AERIAL LEGAL EXPERTS.**—Section 6101 of this title does not apply to the International Committee of Aerial Legal Experts with respect to necessary stenographic and other services by contract.

(e) **ARCHITECT OF THE CAPITOL.**—The purchase of supplies and equipment and the procurement of services for all branches under the Architect of the Capitol may be made in the open market according to common business practice, without compliance with section 6101 of this title, when the aggregate amount of the purchase or the service does not exceed \$25,000 in any instance.

(f) **FOREST PRODUCTS FROM INDIAN RESERVATIONS.**—Lumber and other forest products produced by Indian enterprises from forests on Indian reservations may be sold under regulations the Secretary of the Interior prescribes, without compliance with section 6101 of this title.

(g) **HOUSE OF REPRESENTATIVES.**—Section 6101 of this title does not apply to purchases and contracts for supplies or services for any office of the House of Representatives.

(h) **CONGRESSIONAL BUDGET OFFICE.**—The Director of the Congressional Budget Office may enter into agreements or contracts without regard to section 6101 of this title.

§ 6103. Opening of bids

Whenever proposals for supplies have been solicited, the parties responding to the solicitation shall be notified of the time and place of the opening of the bids, and be permitted to be present either in person or by attorney. A record of each bid shall be made at the time and place of the opening of the bids.

CHAPTER 63—GENERAL CONTRACT PROVISIONS

Sec.	
6301.	Authorization requirement.
6302.	Contracts for fuel made by Secretary of the Army.
6303.	Certain contracts limited to appropriated amounts.
6304.	Certain contracts limited to one-year term.
6305.	Prohibition on transfer of contract and certain allowable assignments.
6306.	Prohibition on Members of Congress making contracts with Federal Government.
6307.	Contracts with Federal Government-owned establishments and availability of appropriations.
6308.	Contracts for transportation of Federal Government securities.
6309.	Honorable discharge certificate in lieu of birth certificate.

§ 6301. Authorization requirement

(a) **IN GENERAL.**—A contract or purchase on behalf of the Federal Government shall not be made unless the contract or purchase is authorized by law or is under an appropriation adequate to its fulfillment.

(b) **EXCEPTION.**—

(1) **DEFINITION.**—In this subsection, the term “defined Secretary” means—

(A) the Secretary of Defense; or

(B) the Secretary of Homeland Security with respect to the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(2) **IN GENERAL.**—Subsection (a) does not apply to a contract or purchase made by a defined Secretary for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies.

(3) **CURRENT YEAR LIMITATION.**—A contract or purchase made by a defined Secretary

under this subsection may not exceed the necessities of the current year.

(4) **REPORTS.**—The defined Secretary shall immediately advise Congress when authority is exercised under this subsection. The defined Secretary shall report quarterly on the estimated obligations incurred pursuant to the authority granted in this subsection.

(c) **SPECIAL RULE FOR PURCHASE OF LAND.**—Land may not be purchased by the Federal Government unless the purchase is authorized by law.

§ 6302. Contracts for fuel made by Secretary of the Army

The Secretary of the Army, when the Secretary believes it is in the interest of the United States, may enter into contracts and incur obligations for fuel in sufficient quantities to meet the requirements for one year without regard to the current fiscal year. Amounts appropriated for the fiscal year in which the contract is made or amounts appropriated or which may be appropriated for the following fiscal year may be used to pay for supplies delivered under a contract made pursuant to this section.

§ 6303. Certain contracts limited to appropriated amounts

A contract to erect, repair, or furnish a public building, or to make any public improvement, shall not be made on terms requiring the Federal Government to pay more than the amount specifically appropriated for the activity covered by the contract.

§ 6304. Certain contracts limited to one-year term

Except as otherwise provided, an executive department shall not make a contract for stationery or other supplies for a term longer than one year from the time the contract is made.

§ 6305. Prohibition on transfer of contract and certain allowable assignments

(a) **GENERAL PROHIBITION ON TRANSFER OF CONTRACTS.**—The party to whom the Federal Government gives a contract or order may not transfer the contract or order, or any interest in the contract or order, to another party. A purported transfer in violation of this subsection annuls the contract or order so far as the Federal Government is concerned, except that all rights of action for breach of contract are reserved to the Federal Government.

(b) **ASSIGNMENT.**—

(1) **IN GENERAL.**—Notwithstanding subsection (a) and in accordance with the requirements of this subsection, amounts due from the Federal Government under a contract may be assigned to a bank, trust company, Federal lending agency, or other financing institution.

(2) **MINIMUM AMOUNT.**—This subsection applies only to a contract under which the aggregate amounts due from the Federal Government total at least \$1,000.

(3) **ACCORD WITH CONTRACT TERMS.**—Assignment may not be made under this subsection if the contract forbids the assignment.

(4) **FULL BALANCE DUE.**—Unless otherwise expressly permitted by the contract, an assignment under this subsection must cover the balance of all amounts due from the Federal Government under the contract.

(5) **SINGLE ASSIGNMENT.**—Unless otherwise expressly permitted by the contract, an assignment under this subsection may not be made to more than one party or be subject to further assignment, except that assignment may be made to one party as agent or trustee for 2 or more parties participating in the financing.

(6) **WRITTEN NOTICE.**—The assignee of an assignment under this subsection shall file written notice of the assignment and a true copy of the instrument of assignment with—

(A) the contracting officer or head of the officer's department or agency;

(B) the surety on any bond connected with the contract; and

(C) the disbursing officer, if any, designated in the contract to make payment.

(7) **VALIDITY.**—Notwithstanding any law to the contrary governing the validity of assignments, an assignment under this subsection is a valid assignment for all purposes.

(8) **NO REFUND TO COVER ASSIGNOR'S LIABILITY.**—The assignee of an assignment under this subsection is not liable to make any refund to the Federal Government because of an assignor's liability to the Federal Government, whether that liability arises from the contract or independently.

(9) **AVOIDING REDUCTION OR SETOFF WITH CERTAIN CONTRACTS.**—

(A) **CONTRACT PROVISION.**—A contract of the Department of Defense, the General Services Administration, the Department of Energy, or another department or agency of the Federal Government designated by the President may, on a determination of need by the President, provide or be amended without consideration to provide that payments made to an assignee under the contract are not subject to reduction or setoff. Each determination of need by the President under this subparagraph shall be published in the Federal Register.

(B) **CARRYING OUT CONTRACT PROVISION.**—When a "no reduction or setoff" provision as described in subparagraph (A) is included in a contract, payments to the assignee are not subject to reduction or setoff for an assignor's liability arising—

(i) independently of the contract;

(ii) on account of renegotiation under a renegotiation statute or under a statutory renegotiation article in the contract;

(iii) on account of fines;

(iv) on account of penalties; or

(v) on account of taxes, social security contributions, or the withholding or non-withholding of taxes or social security contributions, whether arising from or independently of the contract.

(C) **LIMITATION.**—Subparagraph (B)(iv) does not apply to amounts which may be collected or withheld from the assignor in accordance with or for failure to comply with the terms of the contract.

§ 6306. Prohibition on Members of Congress making contracts with Federal Government

(a) **IN GENERAL.**—A Member of Congress may not enter into or benefit from a contract or agreement or any part of a contract or agreement with the Federal Government.

(b) **EXEMPTIONS.**—

(1) **IN GENERAL.**—Subsection (a) does not apply to contracts that the Secretary of Agriculture may enter into with farmers.

(2) **CERTAIN ACTS.**—Subsection (a) does not apply to a contract entered into under—

(A) the Agricultural Adjustment Act (7 U.S.C. 601 et seq.);

(B) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); or

(C) the Home Owners' Loan Act (12 U.S.C. 1461 et seq.).

(3) **PUBLIC RECORD.**—An exemption under this subsection shall be made a matter of public record.

§ 6307. Contracts with Federal Government-owned establishments and availability of appropriations

An order or contract placed with a Federal Government-owned establishment for work, material, or the manufacture of material pertaining to an approved project is deemed to be an obligation in the same manner that a similar order or contract placed with a commercial manufacturer or private contractor is an obligation. Appropriations remain available to pay an obligation to a Federal Government-owned establishment just as appropriations remain available to pay an obligation to a commercial manufacturer or private contractor.

§ 6308. Contracts for transportation of Federal Government securities

When practicable, a contract for transporting bullion, cash, or securities of the Federal Government shall be awarded to the lowest responsible bidder after notice to all parties with means of transportation.

§ 6309. Honorable discharge certificate in lieu of birth certificate

(a) **IN GENERAL.**—An employer described in subsection (b) may not deny employment, on account of failure to produce a birth certificate, to an individual who submits, in lieu of the birth certificate, an honorable discharge certificate (or certificate issued in lieu of an honorable discharge certificate) from the Army, Air Force, Navy, Marine Corps, or Coast Guard of the United States, unless the honorable discharge certificate shows on its face that the individual may have been an alien at the time of its issuance.

(b) **EMPLOYERS TO WHICH SECTION APPLIES.**—An employer referred to in subsection (a) is an employer—

(1) engaged in—

(A) the production, maintenance, or storage of arms, armament, ammunition, implements of war, munitions, machinery, tools, clothing, food, fuel, or any articles or supplies, or parts or ingredients of any articles or supplies; or

(B) the construction, reconstruction, repair, or installation of a building, plant, structure, or facility; and

(2) engaged in the activity described in paragraph (1) under—

(A) a contract with the Federal Government; or

(B) any contract that the President, the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, or the Secretary of the Department in which the Coast Guard is operating certifies to the employer to be necessary to the national defense.

CHAPTER 65—CONTRACTS FOR MATERIALS, SUPPLIES, ARTICLES, AND EQUIPMENT EXCEEDING \$10,000

Sec.

6501. Definitions.

6502. Required contract terms.

6503. Breach or violation of required contract terms.

6504. Three-year prohibition on new contracts in case of breach or violation.

6505. Exclusions.

6506. Administrative provisions.

6507. Hearing authority and procedures.

6508. Authority to make exceptions.

6509. Other procedures.

6510. Manufacturers and regular dealers.

6511. Effect on other law.

§ 6501. Definitions

In this chapter—

(1) **AGENCY OF THE UNITED STATES.**—The term "agency of the United States" means

an executive department, independent establishment, or other agency or instrumentality of the United States, the District of Columbia, or a corporation in which all stock is beneficially owned by the Federal Government.

(2) **PERSON.**—The term “person” includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in cases under title 11, or receivers.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Labor.

§ 6502. Required contract terms

A contract made by an agency of the United States for the manufacture or furnishing of materials, supplies, articles, or equipment, in an amount exceeding \$10,000, shall include the following representations and stipulations:

(1) **MINIMUM WAGES TO BE PAID.**—All individuals employed by the contractor in the manufacture or furnishing of materials, supplies, articles, or equipment under the contract will be paid, without subsequent deduction or rebate on any account, not less than the prevailing minimum wages, as determined by the Secretary, for individuals employed in similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract, except that this paragraph applies only to purchases or contracts relating to industries that have been the subject matter of a determination by the Secretary.

(2) **MAXIMUM NUMBER OF HOURS TO BE WORKED IN A WEEK.**—No individual employed by the contractor in the manufacture or furnishing of materials, supplies, articles, or equipment under the contract shall be permitted to work in excess of 40 hours in any one week, except that this paragraph does not apply to an employer who has entered into an agreement with employees pursuant to paragraph (1) or (2) of section 7(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(b)(1) or (2)).

(3) **INELIGIBLE EMPLOYEES.**—No individual under 16 years of age and no incarcerated individual will be employed by the contractor in the manufacture or furnishing of materials, supplies, articles, or equipment under the contract, except that this section, or other law or executive order containing similar prohibitions against the purchase of goods by the Federal Government, does not apply to convict labor that satisfies the conditions of section 1761(c) of title 18.

(4) **STANDARDS OF PLACES AND WORKING CONDITIONS WHERE CONTRACT PERFORMED.**—No part of the contract will be performed, and no materials, supplies, articles, or equipment will be manufactured or fabricated under the contract, in plants, factories, buildings, or surroundings, or under working conditions, that are unsanitary, hazardous, or dangerous to the health and safety of employees engaged in the performance of the contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part of the work is to be performed is prima facie evidence of compliance with this paragraph.

§ 6503. Breach or violation of required contract terms

(a) **APPLICABLE BREACH OR VIOLATION.**—This section applies in case of breach or violation of a representation or stipulation included in a contract under section 6502 of this title.

(b) **LIQUIDATED DAMAGES.**—In addition to damages for any other breach of the contract, the party responsible for a breach or violation described in subsection (a) is liable to the Federal Government for the following liquidated damages:

(1) An amount equal to the sum of \$10 per day for each individual under 16 years of age and each incarcerated individual knowingly employed in the performance of the contract.

(2) An amount equal to the sum of each underpayment of wages due an employee engaged in the performance of the contract, including any underpayments arising from deductions, rebates, or refunds.

(c) **CANCELLATION AND ALTERNATIVE COMPLETION.**—In addition to the Federal Government being entitled to damages described in subsection (b), the agency of the United States that made the contract may cancel the contract and make open-market purchases or make other contracts for the completion of the original contract, charging any additional cost to the original contractor.

(d) **RECOVERY OF AMOUNTS DUE.**—An amount due the Federal Government because of a breach or violation described in subsection (a) may be withheld from any amounts owed the contractor under any contract under section 6502 of this title or may be recovered in a suit brought by the Attorney General.

(e) **EMPLOYEE REIMBURSEMENT FOR UNDERPAYMENT OF WAGES.**—An amount withheld or recovered under subsection (d) that is based on an underpayment of wages as described in subsection (b)(2) shall be held in a special deposit account. On order of the Secretary, the amount shall be paid directly to the underpaid employee on whose account the amount was withheld or recovered. However, an employee's claim for payment under this subsection may be entertained only if made within one year from the date of actual notice to the contractor of the withholding or recovery.

§ 6504. Three-year prohibition on new contracts in case of breach or violation

(a) **DISTRIBUTION OF LIST.**—The Comptroller General shall distribute to each agency of the United States a list containing the names of persons found by the Secretary to have breached or violated a representation or stipulation included in a contract under section 6502 of this title.

(b) **THREE-YEAR PROHIBITION.**—Unless the Secretary recommends otherwise, a contract described in section 6502 of this title may not be awarded to a person named on the list under subsection (a), or to a firm, corporation, partnership, or association in which the person has a controlling interest, until 3 years have elapsed from the date of the determination by the Secretary that a breach or violation occurred.

§ 6505. Exclusions

(a) **ITEMS AVAILABLE IN THE OPEN MARKET.**—This chapter does not apply to the purchase of materials, supplies, articles, or equipment that may usually be bought in the open market.

(b) **PERISHABLES AND AGRICULTURAL PRODUCTS.**—This chapter does not apply to any of the following:

(1) Perishables, including dairy, livestock and nursery products.

(2) Agricultural or farm products processed for first sale by the original producers.

(3) Contracts made by the Secretary of Agriculture for the purchase of agricultural commodities or products of agricultural commodities.

(c) **CARRIAGE OF FREIGHT OR PERSONNEL.**—This chapter may not be construed to apply to—

(1) the carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line where published tariff rates are in effect; or

(2) common carriers subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.).

§ 6506. Administrative provisions

(a) **IN GENERAL.**—The Secretary shall administer this chapter.

(b) **REGULATIONS.**—The Secretary may make, amend, and rescind regulations as necessary to carry out this chapter.

(c) **USE OF GOVERNMENT OFFICERS AND EMPLOYEES.**—The Secretary shall use Federal officers and employees and, with a State's consent, State and local officers and employees as the Secretary finds necessary to assist in the administration of this chapter.

(d) **APPOINTMENTS.**—The Secretary shall appoint an administrative officer and attorneys, experts, and other employees from time to time as the Secretary finds necessary for the administration of this chapter. The appointments are subject to chapter 51 and subchapter III of chapter 53 of title 5 and other law applicable to the employment and compensation of officers and employees of the Federal Government.

(e) **INVESTIGATIONS.**—The Secretary, or an authorized representative of the Secretary, may make investigations and findings as provided in this chapter and may, in any part of the United States, prosecute an inquiry necessary to carry out this chapter.

§ 6507. Hearing authority and procedures

(a) **RECORD AND HEARING REQUIREMENTS FOR WAGE DETERMINATIONS.**—A wage determination under section 6502(1) of this title shall be made on the record after opportunity for a hearing.

(b) **AUTHORITY TO HOLD HEARINGS.**—The Secretary or an impartial representative designated by the Secretary may hold hearings when there is a complaint of breach or violation of a representation or stipulation included in a contract under section 6502 of this title. The Secretary may initiate hearings on the Secretary's own motion or on the application of a person affected by the ruling of an agency of the United States relating to a proposal or contract under this chapter.

(c) **ORDERS TO COMPEL TESTIMONY.**—The Secretary or an impartial representative designated by the Secretary may issue orders requiring witnesses to attend hearings held under this section and to produce evidence and testify under oath. Witnesses shall be paid fees and mileage at the same rates as witnesses in courts of the United States.

(d) **ENFORCEMENT OF ORDERS.**—If a person refuses or fails to obey an order issued under subsection (c), the Secretary or an impartial representative designated by the Secretary may bring an action to enforce the order in a district court of the United States or in the district court of a territory or possession of the United States. A court has jurisdiction to enforce the order if the inquiry is being carried out within the court's judicial district or if the person is found or resides or transacts business within the court's judicial district. The court may issue an order requiring the person to obey the order issued under subsection (c), and the court may punish any further refusal or failure as contempt of court.

(e) **FINDINGS OF FACT.**—After notice and a hearing, the Secretary or an impartial representative designated by the Secretary shall make findings of fact. The findings are

conclusive for agencies of the United States. If supported by a preponderance of the evidence, the findings are conclusive in any court of the United States.

(f) DECISIONS.—The Secretary or an impartial representative designated by the Secretary may make decisions, based on findings of fact, that are considered necessary to enforce this chapter.

§ 6508. Authority to make exceptions

(a) DUTY OF THE SECRETARY TO MAKE EXCEPTIONS.—When the head of an agency of the United States makes a written finding that the inclusion of representations or stipulations under section 6502 of this title in a proposal or contract will seriously impair the conduct of Federal Government business, the Secretary shall make exceptions, in specific cases or otherwise, when justice or the public interest will be served.

(b) AUTHORITY OF THE SECRETARY TO MODIFY EXISTING CONTRACTS.—When an agency of the United States and a contractor jointly recommend, the Secretary may modify the terms of an existing contract with respect to minimum wages and maximum hours of labor as the Secretary finds necessary and proper in the public interest or to prevent injustice and undue hardship.

(c) AUTHORITY OF THE SECRETARY TO ALLOW LIMITATIONS, VARIATIONS, TOLERANCES, AND EXEMPTIONS.—The Secretary may provide reasonable limitations and may prescribe regulations to allow reasonable variations, tolerances, and exemptions in the application of this chapter to contractors, including with respect to minimum wages and maximum hours of labor.

(d) RATE OF PAY FOR OVERTIME.—When the Secretary permits an increase in the maximum hours of labor stipulated in a contract, the Secretary shall set a rate of pay for overtime. The overtime rate must be at least one and one-half times the basic hourly rate.

(e) AUTHORITY OF THE PRESIDENT TO SUSPEND.—The President may suspend any of the representations and stipulations contained in section 6502 of this title whenever, in the President's judgment, suspension is in the public interest.

§ 6509. Other procedures

(a) APPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—Notwithstanding section 553 of title 5, subchapter II of chapter 5 and chapter 7 of title 5 are applicable in the administration of sections 6501 to 6507 and 6511 of this title.

(b) JUDICIAL REVIEW IN GENERAL.—Notwithstanding the inclusion of representations and stipulations in a contract under section 6502 of this title, an interested person has the right of judicial review of any legal question which might otherwise be raised, including wage determinations and the interpretation of the terms "locality" and "open market".

(c) JUDICIAL REVIEW OF WAGE DETERMINATIONS.—A person adversely affected or aggrieved by a wage determination under section 6502(1) of this title has the right of judicial review of the determination, or of the applicability of the determination, within 90 days after the determination is made, in the manner provided by chapter 7 of title 5. A person adversely affected or aggrieved by a wage determination is deemed to include a person in an industry to which the determination applies that is a supplier of materials, supplies, articles, or equipment that are purchased or intended to be purchased by the Federal Government from any source.

§ 6510. Manufacturers and regular dealers

(a) PRESCRIBING STANDARDS.—The Secretary may prescribe, in regulations, stand-

ards for determining whether a contractor is a manufacturer or regular dealer with respect to materials, supplies, articles, or equipment to be manufactured or furnished under, or used in the performance of, a contract entered into by an agency of the United States.

(b) JUDICIAL REVIEW.—An interested person has the right of judicial review of any legal question relating to interpretation of the terms "regular dealer" and "manufacturer" as defined pursuant to subsection (a).

§ 6511. Effect on other law

This chapter may not be construed to modify or amend the following provisions:

- (1) Chapter 83 of this title.
- (2) Sections 3141 to 3144, 3146, and 3147 of title 40.
- (3) Chapter 307 of title 18.

CHAPTER 67—SERVICE CONTRACT LABOR STANDARDS

Sec.

6701. Definitions.
6702. Contracts to which this chapter applies.
6703. Required contract terms.
6704. Limitation on minimum wage.
6705. Violations.
6706. Three-year prohibition on new contracts in case of violation.
6707. Enforcement and administration of chapter.

§ 6701. Definitions

In this chapter:

(1) COMPENSATION.—The term "compensation" means any of the payments or fringe benefits described in section 6703 of this title.

(2) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(3) SERVICE EMPLOYEE.—The term "service employee"—

(A) means an individual engaged in the performance of a contract made by the Federal Government and not exempted under section 6702(b) of this title, whether negotiated or advertised, the principal purpose of which is to furnish services in the United States;

(B) includes an individual without regard to any contractual relationship alleged to exist between the individual and a contractor or subcontractor; but

(C) does not include an individual employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in part 541 of title 29, Code of Federal Regulations.

(4) UNITED STATES.—The term "United States"—

(A) includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, the outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (43 U.S.C. §1331 et seq.), American Samoa, Guam, Wake Island, and Johnston Island; but

(B) does not include any other territory under the jurisdiction of the United States or any United States base or possession within a foreign country.

§ 6702. Contracts to which this chapter applies

(a) IN GENERAL.—Except as provided in subsection (b), this chapter applies to any contract or bid specification for a contract, whether negotiated or advertised, that—

- (1) is made by the Federal Government or the District of Columbia;
- (2) involves an amount exceeding \$2,500; and
- (3) has as its principal purpose the furnishing of services in the United States through the use of service employees.

(b) EXEMPTIONS.—This chapter does not apply to—

(1) a contract of the Federal Government or the District of Columbia for the construction, alteration, or repair, including painting and decorating, of public buildings or public works;

(2) any work required to be done in accordance with chapter 65 of this title;

(3) a contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line or oil or gas pipeline where published tariff rates are in effect;

(4) a contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.);

(5) a contract for public utility services, including electric light and power, water, steam, and gas;

(6) an employment contract providing for direct services to a Federal agency by an individual; and

(7) a contract with the United States Postal Service, the principal purpose of which is the operation of postal contract stations.

§ 6703. Required contract terms

A contract, and bid specification for a contract, to which this chapter applies under section 6702 of this title shall contain the following terms:

(1) MINIMUM WAGE.—The contract and bid specification shall contain a provision specifying the minimum wage to be paid to each class of service employee engaged in the performance of the contract or any subcontract, as determined by the Secretary or the Secretary's authorized representative, in accordance with prevailing rates in the locality, or, where a collective-bargaining agreement covers the service employees, in accordance with the rates provided for in the agreement, including prospective wage increases provided for in the agreement as a result of arm's length negotiations. In any case the minimum wage may not be less than the minimum wage specified in section 6704 of this title.

(2) FRINGE BENEFITS.—The contract and bid specification shall contain a provision specifying the fringe benefits to be provided to each class of service employee engaged in the performance of the contract or any subcontract, as determined by the Secretary or the Secretary's authorized representative to be prevailing in the locality, or, where a collective-bargaining agreement covers the service employees, to be provided for under the agreement, including prospective fringe benefit increases provided for in the agreement as a result of arm's-length negotiations. The fringe benefits shall include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, costs of apprenticeship or other similar programs and other bona fide fringe benefits not otherwise required by Federal, State, or local law to be provided by the contractor or subcontractor. The obligation under this paragraph may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in cash under regulations established by the Secretary.

(3) WORKING CONDITIONS.—The contract and bid specification shall contain a provision specifying that no part of the services covered by this chapter may be performed in buildings or surroundings or under working

conditions, provided by or under the control or supervision of the contractor or any subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to provide the services.

(4) NOTICE.—The contract and bid specification shall contain a provision specifying that on the date a service employee begins work on a contract to which this chapter applies, the contractor or subcontractor will deliver to the employee a notice of the compensation required under paragraphs (1) and (2), on a form prepared by the Federal agency, or will post a notice of the required compensation in a prominent place at the worksite.

(5) GENERAL SCHEDULE PAY RATES AND PREVAILING RATE SYSTEMS.—The contract and bid specification shall contain a statement of the rates that would be paid by the Federal agency to each class of service employee if section 5332 or 5341 of title 5 were applicable to them. The Secretary shall give due consideration to these rates in making the wage and fringe benefit determinations specified in this section.

§ 6704. Limitation on minimum wage

(a) IN GENERAL.—A contractor that makes a contract with the Federal Government, the principal purpose of which is to furnish services through the use of service employees, and any subcontractor, may not pay less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) to an employee engaged in performing work on the contract.

(b) VIOLATIONS.—Sections 6705 to 6707(d) of this title are applicable to a violation of this section.

§ 6705. Violations

(a) LIABILITY OF RESPONSIBLE PARTY.—A party responsible for a violation of a contract provision required under section 6703(1) or (2) of this title or a violation of section 6704 of this title is liable for an amount equal to the sum of any deduction, rebate, refund, or underpayment of compensation due any employee engaged in the performance of the contract.

(b) RECOVERY OF AMOUNTS UNDERPAID TO EMPLOYEES.—

(1) WITHHOLDING ACCRUED PAYMENTS DUE ON CONTRACTS.—The total amount determined under subsection (a) to be due any employee engaged in the performance of a contract may be withheld from accrued payments due on the contract or on any other contract between the same contractor and the Federal Government. The amount withheld shall be held in a deposit fund. On order of the Secretary, the compensation found by the Secretary or the head of a Federal agency to be due an underpaid employee pursuant to this chapter shall be paid from the deposit fund directly to the underpaid employee.

(2) BRINGING ACTIONS AGAINST CONTRACTORS.—If the accrued payments withheld under the terms of the contract are insufficient to reimburse a service employee with respect to whom there has been a failure to pay the compensation required pursuant to this chapter, the Federal Government may bring action against the contractor, subcontractor, or any sureties in any court of competent jurisdiction to recover the remaining amount of underpayment. Any amount recovered shall be held in the deposit fund and shall be paid, on order of the Secretary, directly to the underpaid employee. Any amount not paid to an employee because of inability to do so within 3 years shall be covered into the Treasury as miscellaneous receipts.

(c) CANCELLATION AND ALTERNATIVE COMPLETION.—In addition to other actions in accordance with this section, when a violation of any contract stipulation is found, the Federal agency that made the contract may cancel the contract on written notice to the original contractor. The Federal Government may then make other contracts or arrangements for the completion of the original contract, charging any additional cost to the original contractor.

(d) ENFORCEMENT OF SECTION.—In accordance with regulations prescribed pursuant to section 6707(a)–(d) of this title, the Secretary or the head of a Federal agency may carry out this section.

§ 6706. Three-year prohibition on new contracts in case of violation

(a) DISTRIBUTION OF LIST.—The Comptroller General shall distribute to each agency of the Federal Government a list containing the names of persons or firms that a Federal agency or the Secretary has found to have violated this chapter.

(b) THREE-YEAR PROHIBITION.—Unless the Secretary recommends otherwise because of unusual circumstances, a Federal Government contract may not be awarded to a person or firm named on the list under subsection (a), or to an entity in which the person or firm has a substantial interest, until 3 years have elapsed from the date of publication of the list. If the Secretary does not recommend otherwise because of unusual circumstances, the Secretary shall, not later than 90 days after a hearing examiner has made a finding of a violation of this chapter, forward to the Comptroller General the name of the person or firm found to have violated this chapter.

§ 6707. Enforcement and administration of chapter

(a) ENFORCEMENT OF CHAPTER.—Sections 6506 and 6507 of this title govern the Secretary's authority to enforce this chapter, including the Secretary's authority to prescribe regulations, issue orders, hold hearings, make decisions based on findings of fact, and take other appropriate action under this chapter.

(b) LIMITATIONS AND REGULATIONS FOR VARIATIONS, TOLERANCES, AND EXEMPTIONS.—The Secretary may provide reasonable limitations and may prescribe regulations allowing reasonable variation, tolerances, and exemptions with respect to this chapter (other than subsection (f)), but only in special circumstances where the Secretary determines that the limitation, variation, tolerance, or exemption is necessary and proper in the public interest or to avoid the serious impairment of Federal Government business, and is in accord with the remedial purpose of this chapter to protect prevailing labor standards.

(c) PRESERVATION OF WAGES AND BENEFITS DUE UNDER PREDECESSOR CONTRACTS.—

(1) IN GENERAL.—Under a contract which succeeds a contract subject to this chapter, and under which substantially the same services are furnished, a contractor or subcontractor may not pay a service employee less than the wages and fringe benefits the service employee would have received under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for in a collective-bargaining agreement as a result of arm's-length negotiations.

(2) EXCEPTION.—This subsection does not apply if the Secretary finds after a hearing in accordance with regulations adopted by

the Secretary that wages and fringe benefits under the predecessor contract are substantially at variance with wages and fringe benefits prevailing in the same locality for services of a similar character.

(d) DURATION OF CONTRACTS.—Subject to limitations in annual appropriation acts but notwithstanding any other law, a contract to which this chapter applies may, if authorized by the Secretary, be for any term of years not exceeding 5, if the contract provides for periodic adjustment of wages and fringe benefits pursuant to future determinations, issued in the manner prescribed in section 6703 of this title at least once every 2 years during the term of the contract, covering each class of service employee.

(e) EXCLUSION OF FRINGE BENEFIT PAYMENTS IN DETERMINING OVERTIME PAY.—In determining any overtime pay to which a service employee is entitled under Federal law, the regular or basic hourly rate of pay of the service employee does not include any fringe benefit payments computed under this chapter which are excluded from the definition of "regular rate" under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).

(f) TIMELINESS OF WAGE AND FRINGE BENEFIT DETERMINATIONS.—It is the intent of Congress that determinations of minimum wages and fringe benefits under section 6703(1) and (2) of this title should be made as soon as administratively feasible for all contracts subject to this chapter. In any event, the Secretary shall at least make the determinations for contracts under which more than 5 service employees are to be employed.

Subtitle III—Contract Disputes

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CHAPTER 71—CONTRACT DISPUTES

Sec.
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§ 7101. Definitions

In this chapter:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator for Federal Procurement Policy appointed pursuant to section 1102 of this title.

(2) AGENCY BOARD OR AGENCY BOARD OF CONTRACT APPEALS.—The term "agency board" or "agency board of contract appeals" means—

- (A) the Armed Services Board;
- (B) the Civilian Board;

(C) the board of contract appeals of the Tennessee Valley Authority; or

(D) the Postal Service Board established under section 7105(d)(1) of this title.

(3) AGENCY HEAD.—The term "agency head" means the head and any assistant head of an executive agency. The term may include the chief official of a principal division of an executive agency if the head of the executive agency so designates that chief official.

(4) ARMED SERVICES BOARD.—The term "Armed Services Board" means the Armed Services Board of Contract Appeals established under section 7105(a)(1) of this title.

(5) CIVILIAN BOARD.—The term "Civilian Board" means the Civilian Board of Contract

Appeals established under section 7105(b)(1) of this title.

(6) **CONTRACTING OFFICER.**—The term “contracting officer”—

(A) means an individual who, by appointment in accordance with applicable regulations, has the authority to make and administer contracts and to make determinations and findings with respect to contracts; and

(B) includes an authorized representative of the contracting officer, acting within the limits of the representative's authority.

(7) **CONTRACTOR.**—The term “contractor” means a party to a Federal Government contract other than the Federal Government.

(8) **EXECUTIVE AGENCY.**—The term “executive agency” means—

(A) an executive department as defined in section 101 of title 5;

(B) a military department as defined in section 102 of title 5;

(C) an independent establishment as defined in section 104 of title 5, except that the term does not include the Government Accountability Office; and

(D) a wholly owned Government corporation as defined in section 9101(3) of title 31.

(9) **MISREPRESENTATION OF FACT.**—The term “misrepresentation of fact” means a false statement of substantive fact, or conduct that leads to a belief of a substantive fact material to proper understanding of the matter in hand, made with intent to deceive or mislead.

§ 7102. Applicability of chapter

(a) **EXECUTIVE AGENCY CONTRACTS.**—Unless otherwise specifically provided in this chapter, this chapter applies to any express or implied contract (including those of the non-appropriated fund activities described in sections 1346 and 1491 of title 28) made by an executive agency for—

(1) the procurement of property, other than real property in being;

(2) the procurement of services;

(3) the procurement of construction, alteration, repair, or maintenance of real property; or

(4) the disposal of personal property.

(b) **TENNESSEE VALLEY AUTHORITY CONTRACTS.**—

(1) **IN GENERAL.**—With respect to contracts of the Tennessee Valley Authority, this chapter applies only to contracts containing a clause that requires contract disputes to be resolved through an agency administrative process.

(2) **EXCLUSION.**—Notwithstanding any other provision of this chapter, this chapter does not apply to a contract of the Tennessee Valley Authority for the sale of fertilizer or electric power or related to the conduct or operation of the electric power system.

(c) **FOREIGN GOVERNMENT OR INTERNATIONAL ORGANIZATION CONTRACTS.**—If an agency head determines that applying this chapter would not be in the public interest, this chapter does not apply to a contract with a foreign government, an agency of a foreign government, an international organization, or a subsidiary body of an international organization.

(d) **MARITIME CONTRACTS.**—Appeals under section 7107(a) of this title and actions brought under sections 7104(b) and 7107(b) to (f) of this title, arising out of maritime contracts, are governed by chapter 309 or 311 of title 46, as applicable, to the extent that those chapters are not inconsistent with this chapter.

§ 7103. Decision by contracting officer

(a) **CLAIMS GENERALLY.**—

(1) **SUBMISSION OF CONTRACTOR'S CLAIMS TO CONTRACTING OFFICER.**—Each claim by a con-

tractor against the Federal Government relating to a contract shall be submitted to the contracting officer for a decision.

(2) **CONTRACTOR'S CLAIMS IN WRITING.**—Each claim by a contractor against the Federal Government relating to a contract shall be in writing.

(3) **CONTRACTING OFFICER TO DECIDE FEDERAL GOVERNMENT'S CLAIMS.**—Each claim by the Federal Government against a contractor relating to a contract shall be the subject of a written decision by the contracting officer.

(4) **TIME FOR SUBMITTING CLAIMS.**—

(A) **IN GENERAL.**—Each claim by a contractor against the Federal Government relating to a contract and each claim by the Federal Government against a contractor relating to a contract shall be submitted within 6 years after the accrual of the claim.

(B) **EXCEPTION.**—Subparagraph (A) of this paragraph does not apply to a claim by the Federal Government against a contractor that is based on a claim by the contractor involving fraud.

(5) **APPLICABILITY.**—The authority of this subsection and subsections (c)(1), (d), and (e) does not extend to a claim or dispute for penalties or forfeitures prescribed by statute or regulation that another Federal agency is specifically authorized to administer, settle, or determine.

(b) **CERTIFICATION OF CLAIMS.**—

(1) **REQUIREMENT GENERALLY.**—For claims of more than \$100,000 made by a contractor, the contractor shall certify that—

(A) the claim is made in good faith;

(B) the supporting data are accurate and complete to the best of the contractor's knowledge and belief;

(C) the amount requested accurately reflects the contract adjustment for which the contractor believes the Federal Government is liable; and

(D) the certifier is authorized to certify the claim on behalf of the contractor.

(2) **WHO MAY EXECUTE CERTIFICATION.**—The certification required by paragraph (1) may be executed by an individual authorized to bind the contractor with respect to the claim.

(3) **FAILURE TO CERTIFY OR DEFECTIVE CERTIFICATION.**—A contracting officer is not obligated to render a final decision on a claim of more than \$100,000 that is not certified in accordance with paragraph (1) if, within 60 days after receipt of the claim, the contracting officer notifies the contractor in writing of the reasons why any attempted certification was found to be defective. A defect in the certification of a claim does not deprive a court or an agency board of jurisdiction over the claim. Prior to the entry of a final judgment by a court or a decision by an agency board, the court or agency board shall require a defective certification to be corrected.

(c) **FRAUDULENT CLAIMS.**—

(1) **NO AUTHORITY TO SETTLE.**—This section does not authorize an agency head to settle, compromise, pay, or otherwise adjust any claim involving fraud.

(2) **LIABILITY OF CONTRACTOR.**—If a contractor is unable to support any part of the contractor's claim and it is determined that the inability is attributable to a misrepresentation of fact or fraud by the contractor, then the contractor is liable to the Federal Government for an amount equal to the unsupported part of the claim plus all of the Federal Government's costs attributable to reviewing the unsupported part of the claim. Liability under this paragraph shall be determined within 6 years of the commission of the misrepresentation of fact or fraud.

(d) **ISSUANCE OF DECISION.**—The contracting officer shall issue a decision in writing and shall mail or otherwise furnish a copy of the decision to the contractor.

(e) **CONTENTS OF DECISION.**—The contracting officer's decision shall state the reasons for the decision reached and shall inform the contractor of the contractor's rights as provided in this chapter. Specific findings of fact are not required. If made, specific findings of fact are not binding in any subsequent proceeding.

(f) **TIME FOR ISSUANCE OF DECISION.**—

(1) **CLAIM OF \$100,000 OR LESS.**—A contracting officer shall issue a decision on any submitted claim of \$100,000 or less within 60 days from the contracting officer's receipt of a written request from the contractor that a decision be rendered within that period.

(2) **CLAIM OF MORE THAN \$100,000.**—A contracting officer shall, within 60 days of receipt of a submitted certified claim over \$100,000—

(A) issue a decision; or

(B) notify the contractor of the time within which a decision will be issued.

(3) **GENERAL REQUIREMENT OF REASONABLENESS.**—The decision of a contracting officer on submitted claims shall be issued within a reasonable time, in accordance with regulations prescribed by the agency, taking into account such factors as the size and complexity of the claim and the adequacy of information in support of the claim provided by the contractor.

(4) **REQUESTING TRIBUNAL TO DIRECT ISSUANCE WITHIN SPECIFIED TIME PERIOD.**—A contractor may request the tribunal concerned to direct a contracting officer to issue a decision in a specified period of time, as determined by the tribunal concerned, in the event of undue delay on the part of the contracting officer.

(5) **FAILURE TO ISSUE DECISION WITHIN REQUIRED TIME PERIOD.**—Failure by a contracting officer to issue a decision on a claim within the required time period is deemed to be a decision by the contracting officer denying the claim and authorizes an appeal or action on the claim as otherwise provided in this chapter. However, the tribunal concerned may, at its option, stay the proceedings of the appeal or action to obtain a decision by the contracting officer.

(g) **FINALITY OF DECISION UNLESS APPEALED.**—The contracting officer's decision on a claim is final and conclusive and is not subject to review by any forum, tribunal, or Federal Government agency, unless an appeal or action is timely commenced as authorized by this chapter. This chapter does not prohibit an executive agency from including a clause in a Federal Government contract requiring that, pending final decision of an appeal, action, or final settlement, a contractor shall proceed diligently with performance of the contract in accordance with the contracting officer's decision.

(h) **ALTERNATIVE MEANS OF DISPUTE RESOLUTION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this chapter, a contractor and a contracting officer may use any alternative means of dispute resolution under subchapter IV of chapter 5 of title 5, or other mutually agreeable procedures, for resolving claims. All provisions of subchapter IV of chapter 5 of title 5 apply to alternative means of dispute resolution under this subsection.

(2) **CERTIFICATION OF CLAIM.**—The contractor shall certify the claim when required to do so under subsection (b)(1) or other law.

(3) **REJECTING REQUEST FOR ALTERNATIVE DISPUTE RESOLUTION.**—

(A) **CONTRACTING OFFICER.**—A contracting officer who rejects a contractor's request for alternative dispute resolution proceedings shall provide the contractor with a written explanation, citing one or more of the conditions in section 572(b) of title 5 or other specific reasons that alternative dispute resolution procedures are inappropriate.

(B) **CONTRACTOR.**—A contractor that rejects an agency's request for alternative dispute resolution proceedings shall inform the agency in writing of the contractor's specific reasons for rejecting the request.

§ 7104. Contractor's right of appeal from decision by contracting officer

(a) **APPEAL TO AGENCY BOARD.**—A contractor, within 90 days from the date of receipt of a contracting officer's decision under section 7103 of this title, may appeal the decision to an agency board as provided in section 7105 of this title.

(b) **BRINGING AN ACTION DE NOVO IN FEDERAL COURT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), and in lieu of appealing the decision of a contracting officer under section 7103 of this title to an agency board, a contractor may bring an action directly on the claim in the United States Court of Federal Claims, notwithstanding any contract provision, regulation, or rule of law to the contrary.

(2) **TENNESSEE VALLEY AUTHORITY.**—In the case of an action against the Tennessee Valley Authority, the contractor may only bring an action directly on the claim in a district court of the United States pursuant to section 1337 of title 28, notwithstanding any contract provision, regulation, or rule of law to the contrary.

(3) **TIME FOR FILING.**—A contractor shall file any action under paragraph (1) or (2) within 12 months from the date of receipt of a contracting officer's decision under section 7103 of this title.

(4) **DE NOVO.**—An action under paragraph (1) or (2) shall proceed de novo in accordance with the rules of the appropriate court.

§ 7105. Agency boards

(a) **ARMED SERVICES BOARD.**—

(1) **ESTABLISHMENT.**—An Armed Services Board of Contract Appeals may be established within the Department of Defense when the Secretary of Defense, after consultation with the Administrator, determines from a workload study that the volume of contract claims justifies the establishment of a full-time agency board of at least 3 members who shall have no other inconsistent duties. Workload studies will be updated at least once every 3 years and submitted to the Administrator.

(2) **APPOINTMENT OF MEMBERS AND COMPENSATION.**—Members of the Armed Services Board shall be selected and appointed in the same manner as administrative law judges appointed pursuant to section 3105 of title 5, with an additional requirement that members must have had at least 5 years of experience in public contract law. The Secretary of Defense shall designate the chairman and vice chairman of the Armed Services Board from among the appointed members. Compensation for the chairman, vice chairman, and other members shall be determined under section 5372a of title 5.

(b) **CIVILIAN BOARD.**—

(1) **ESTABLISHMENT.**—There is established in the General Services Administration the Civilian Board of Contract Appeals.

(2) **MEMBERSHIP.**—

(A) **ELIGIBILITY.**—The Civilian Board consists of members appointed by the Adminis-

trator of General Services (in consultation with the Administrator for Federal Procurement Policy) from a register of applicants maintained by the Administrator of General Services, in accordance with rules issued by the Administrator of General Services (in consultation with the Administrator for Federal Procurement Policy) for establishing and maintaining a register of eligible applicants and selecting Civilian Board members. The Administrator of General Services shall appoint a member without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Civilian Board member.

(B) **APPOINTMENT OF MEMBERS AND COMPENSATION.**—Members of the Civilian Board shall be selected and appointed to serve in the same manner as administrative law judges appointed pursuant to section 3105 of title 5, with an additional requirement that members must have had at least 5 years experience in public contract law. Compensation for the members shall be determined under section 5372a of title 5.

(3) **REMOVAL.**—Members of the Civilian Board are subject to removal in the same manner as administrative law judges, as provided in section 7521 of title 5.

(4) **FUNCTIONS.**—

(A) **IN GENERAL.**—The Civilian Board has jurisdiction as provided by subsection (e)(1)(B).

(B) **ADDITIONAL JURISDICTION.**—With the concurrence of the Federal agencies affected, the Civilian Board may assume—

(i) jurisdiction over any additional category of laws or disputes over which an agency board of contract appeals established pursuant to section 8 of the Contract Disputes Act exercised jurisdiction before January 6, 2007; and

(ii) any other function the agency board performed before January 6, 2007, on behalf of those agencies.

(c) **TENNESSEE VALLEY AUTHORITY BOARD.**—

(1) **ESTABLISHMENT.**—The Board of Directors of the Tennessee Valley Authority may establish a board of contract appeals of the Tennessee Valley Authority of an indeterminate number of members.

(2) **APPOINTMENT OF MEMBERS AND COMPENSATION.**—The Board of Directors of the Tennessee Valley Authority shall establish criteria for the appointment of members to the agency board established under paragraph (1), and shall designate a chairman of the agency board. The chairman and other members of the agency board shall receive compensation, at the daily equivalent of the rates determined under section 5372a of title 5, for each day they are engaged in the actual performance of their duties as members of the agency board.

(d) **POSTAL SERVICE BOARD.**—

(1) **ESTABLISHMENT.**—There is established an agency board of contract appeals known as the Postal Service Board of Contract Appeals.

(2) **APPOINTMENT AND SERVICE OF MEMBERS.**—The Postal Service Board of Contract Appeals consists of judges appointed by the Postmaster General. The judges shall meet the qualifications of and serve in the same manner as members of the Civilian Board.

(3) **APPLICATION.**—This chapter applies to contract disputes before the Postal Service Board of Contract Appeals in the same manner as it applies to contract disputes before the Civilian Board.

(e) **JURISDICTION.**—

(1) **IN GENERAL.**—

(A) **ARMED SERVICES BOARD.**—The Armed Services Board has jurisdiction to decide any

appeal from a decision of a contracting officer of the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, or the National Aeronautics and Space Administration relative to a contract made by that department or agency.

(B) **CIVILIAN BOARD.**—The Civilian Board has jurisdiction to decide any appeal from a decision of a contracting officer of any executive agency (other than the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, the United States Postal Service, the Postal Regulatory Commission, or the Tennessee Valley Authority) relative to a contract made by that agency.

(C) **POSTAL SERVICE BOARD.**—The Postal Service Board of Contract Appeals has jurisdiction to decide any appeal from a decision of a contracting officer of the United States Postal Service or the Postal Regulatory Commission relative to a contract made by either agency.

(D) **OTHER AGENCY BOARDS.**—Each other agency board has jurisdiction to decide any appeal from a decision of a contracting officer relative to a contract made by its agency.

(2) **RELIEF.**—In exercising this jurisdiction, an agency board may grant any relief that would be available to a litigant asserting a contract claim in the United States Court of Federal Claims.

(f) **SUBPOENA, DISCOVERY, AND DEPOSITION.**—A member of an agency board of contract appeals may administer oaths to witnesses, authorize depositions and discovery proceedings, and require by subpoena the attendance of witnesses, and production of books and papers, for the taking of testimony or evidence by deposition or in the hearing of an appeal by the agency board. In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a United States district court, the court, upon application of the agency board through the Attorney General, or upon application by the board of contract appeals of the Tennessee Valley Authority, shall have jurisdiction to issue the person an order requiring the person to appear before the agency board or a member of the agency board, to produce evidence or to give testimony, or both. Any failure of the person to obey the order of the court may be punished by the court as contempt of court.

(g) **DECISIONS.**—An agency board shall—

(1) to the fullest extent practicable provide informal, expeditious, and inexpensive resolution of disputes;

(2) issue a decision in writing or take other appropriate action on each appeal submitted; and

(3) mail or otherwise furnish a copy of the decision to the contractor and the contracting officer.

§ 7106. Agency board procedures for accelerated and small claims

(a) **ACCELERATED PROCEDURE WHERE \$100,000 OR LESS IN DISPUTE.**—The rules of each agency board shall include a procedure for the accelerated disposition of any appeal from a decision of a contracting officer where the amount in dispute is \$100,000 or less. The accelerated procedure is applicable at the sole election of the contractor. An appeal under the accelerated procedure shall be resolved, whenever possible, within 180 days from the date the contractor elects to use the procedure.

(b) **SMALL CLAIMS PROCEDURE.**—

(1) **IN GENERAL.**—The rules of each agency board shall include a procedure for the expedited disposition of any appeal from a decision of a contracting officer where the amount in dispute is \$50,000 or less, or in the case of a small business concern (as defined in the Small Business Act (15 U.S.C. 631 et seq.) and regulations under that Act), \$150,000 or less. The small claims procedure is applicable at the sole election of the contractor.

(2) **SIMPLIFIED RULES OF PROCEDURE.**—The small claims procedure shall provide for simplified rules of procedure to facilitate the decision of any appeal. An appeal under the small claims procedure may be decided by a single member of the agency board with such concurrences as may be provided by rule or regulation.

(3) **TIME OF DECISION.**—An appeal under the small claims procedure shall be resolved, whenever possible, within 120 days from the date the contractor elects to use the procedure.

(4) **FINALITY OF DECISION.**—A decision against the Federal Government or against the contractor reached under the small claims procedure is final and conclusive and may not be set aside except in cases of fraud.

(5) **NO PRECEDENT.**—Administrative determinations and final decisions under this subsection have no value as precedent for future cases under this chapter.

(6) **REVIEW OF REQUISITE AMOUNT IN CONTROVERSY.**—The Administrator, from time to time, may review the dollar amount specified in paragraph (1) and adjust the amount in accordance with economic indexes selected by the Administrator.

§ 7107. Judicial review of agency board decisions

(a) **REVIEW.**—

(1) **IN GENERAL.**—The decision of an agency board is final, except that—

(A) a contractor may appeal the decision to the United States Court of Appeals for the Federal Circuit within 120 days from the date the contractor receives a copy of the decision; or

(B) if an agency head determines that an appeal should be taken, the agency head, with the prior approval of the Attorney General, may transmit the decision to the United States Court of Appeals for the Federal Circuit for judicial review under section 1295 of title 28, within 120 days from the date the agency receives a copy of the decision.

(2) **TENNESSEE VALLEY AUTHORITY.**—Notwithstanding paragraph (1), a decision of the board of contract appeals of the Tennessee Valley Authority is final, except that—

(A) a contractor may appeal the decision to a United States district court pursuant to section 1337 of title 28, within 120 days from the date the contractor receives a copy of the decision; or

(B) the Tennessee Valley Authority may appeal the decision to a United States district court pursuant to section 1337 of title 28, within 120 days from the date of the decision.

(3) **REVIEW OF ARBITRATION.**—An award by an arbitrator under this chapter shall be reviewed pursuant to sections 9 to 13 of title 9, except that the court may set aside or limit any award that is found to violate limitations imposed by Federal statute.

(b) **FINALITY OF AGENCY BOARD DECISIONS ON QUESTIONS OF LAW AND FACT.**—Notwithstanding any contract provision, regulation, or rule of law to the contrary, in an appeal by a contractor or the Federal Government from the decision of an agency board pursuant to subsection (a)—

(1) the decision of the agency board on a question of law is not final or conclusive; but

(2) the decision of the agency board on a question of fact is final and conclusive and may not be set aside unless the decision is—

(A) fraudulent, arbitrary, or capricious;

(B) so grossly erroneous as to necessarily imply bad faith; or

(C) not supported by substantial evidence.

(c) **REMAND.**—In an appeal by a contractor or the Federal Government from the decision of an agency board pursuant to subsection (a), the court may render an opinion and judgment and remand the case for further action by the agency board or by the executive agency as appropriate, with direction the court considers just and proper.

(d) **CONSOLIDATION.**—If 2 or more actions arising from one contract are filed in the United States Court of Federal Claims and one or more agency boards, for the convenience of parties or witnesses or in the interest of justice, the United States Court of Federal Claims may order the consolidation of the actions in that court or transfer any actions to or among the agency boards involved.

(e) **JUDGMENTS AS TO FEWER THAN ALL CLAIMS OR PARTIES.**—In an action filed pursuant to this chapter involving 2 or more claims, counterclaims, cross-claims, or third-party claims, and where a portion of one of the claims can be divided for purposes of decision or judgment, and in any action where multiple parties are involved, the court, whenever appropriate, may enter a judgment as to one or more but fewer than all of the claims or portions of claims or parties.

(f) **ADVISORY OPINIONS.**—

(1) **IN GENERAL.**—Whenever an action involving an issue described in paragraph (2) is pending in a district court of the United States, the district court may request an agency board to provide the court with an advisory opinion on the matters of contract interpretation under consideration.

(2) **APPLICABLE ISSUE.**—An issue referred to in paragraph (1) is any issue that could be the proper subject of a final decision of a contracting officer appealable under this chapter.

(3) **REFERRAL TO AGENCY BOARD WITH JURISDICTION.**—A district court shall direct a request under paragraph (1) to the agency board having jurisdiction under this chapter to adjudicate appeals of contract claims under the contract being interpreted by the court.

(4) **TIMELY RESPONSE.**—After receiving a request for an advisory opinion under paragraph (1), an agency board shall provide the advisory opinion in a timely manner to the district court making the request.

§ 7108. Payment of claims

(a) **JUDGMENTS.**—Any judgment against the Federal Government on a claim under this chapter shall be paid promptly in accordance with the procedures provided by section 1304 of title 31.

(b) **MONETARY AWARDS.**—Any monetary award to a contractor by an agency board shall be paid promptly in accordance with the procedures contained in subsection (a).

(c) **REIMBURSEMENT.**—Payments made pursuant to subsections (a) and (b) shall be reimbursed to the fund provided by section 1304 of title 31 by the agency whose appropriations were used for the contract out of available amounts or by obtaining additional appropriations for purposes of reimbursement.

(d) **TENNESSEE VALLEY AUTHORITY.**—

(1) **JUDGMENTS.**—Notwithstanding subsections (a) to (c), any judgment against the

Tennessee Valley Authority on a claim under this chapter shall be paid promptly in accordance with section 9(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831h(b)).

(2) **MONETARY AWARDS.**—Notwithstanding subsections (a) to (c), any monetary award to a contractor by the board of contract appeals of the Tennessee Valley Authority shall be paid in accordance with section 9(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831h(b)).

§ 7109. Interest

(a) **PERIOD.**—

(1) **IN GENERAL.**—Interest on an amount found due a contractor on a claim shall be paid to the contractor for the period beginning with the date the contracting officer receives the contractor's claim, pursuant to section 7103(a) of this title, until the date of payment of the claim.

(2) **DEFECTIVE CERTIFICATION.**—On a claim for which the certification under section 7103(b)(1) of this title is found to be defective, any interest due under this section shall be paid for the period beginning with the date the contracting officer initially receives the contractor's claim until the date of payment of the claim.

(b) **RATE.**—Interest shall accrue and be paid at a rate which the Secretary of the Treasury shall specify as applicable for each successive 6-month period. The rate shall be determined by the Secretary of the Treasury taking into consideration current private commercial rates of interest for new loans maturing in approximately 5 years.

Subtitle IV—Miscellaneous

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CHAPTER 81—DRUG-FREE WORKPLACE

Sec.

8101. Definitions and construction.

8102. Drug-free workplace requirements for Federal contractors.

8103. Drug-free workplace requirements for Federal grant recipients.

8104. Employee sanctions and remedies.

8105. Waiver.

8106. Regulations.

§ 8101. Definitions and construction

(a) **DEFINITIONS.**—In this chapter:

(1) **CONTRACTOR.**—The term “contractor” means the department, division, or other unit of a person responsible for the performance under the contract.

(2) **CONTROLLED SUBSTANCE.**—The term “controlled substance” means a controlled substance in schedules I through V of section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812).

(3) **CONVICTION.**—The term “conviction” means a finding of guilt (including a plea of nolo contendere), an imposition of sentence, or both, by a judicial body charged with the responsibility to determine violations of Federal or State criminal drug statutes.

(4) **CRIMINAL DRUG STATUTE.**—The term “criminal drug statute” means a criminal statute involving manufacture, distribution, dispensation, use, or possession of a controlled substance.

(5) **DRUG-FREE WORKPLACE.**—The term “drug-free workplace” means a site of an entity—

(A) for the performance of work done in connection with a specific contract or grant described in section 8102 or 8103 of this title; and

(B) at which employees of the entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the Anti-Drug Abuse Act of 1988 (Public Law 100-690, 102 Stat. 4181).

(6) **EMPLOYEE.**—The term “employee” means the employee of a contractor or grantee directly engaged in the performance of work pursuant to the contract or grant described in section 8102 or 8103 of this title.

(7) **FEDERAL AGENCY.**—The term “Federal agency” means an agency as defined in section 552(f) of title 5.

(8) **GRANTEE.**—The term “grantee” means the department, division, or other unit of a person responsible for the performance under the grant.

(b) **CONSTRUCTION.**—This chapter does not require law enforcement agencies to comply with this chapter if the head of the agency determines it would be inappropriate in connection with the agency’s undercover operations.

§ 8102. Drug-free workplace requirements for Federal contractors

(a) **IN GENERAL.**—

(1) **PERSONS OTHER THAN INDIVIDUALS.**—A person other than an individual shall not be considered a responsible source (as defined in section 113 of this title) for the purposes of being awarded a contract for the procurement of any property or services of a value greater than the simplified acquisition threshold (as defined in section 134 of this title) by a Federal agency, other than a contract for the procurement of commercial items (as defined in section 103 of this title), unless the person agrees to provide a drug-free workplace by—

(A) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person’s workplace and specifying the actions that will be taken against employees for violations of the prohibition;

(B) establishing a drug-free awareness program to inform employees about—

(i) the dangers of drug abuse in the workplace;

(ii) the person’s policy of maintaining a drug-free workplace;

(iii) available drug counseling, rehabilitation, and employee assistance programs; and

(iv) the penalties that may be imposed on employees for drug abuse violations;

(C) making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by subparagraph (A);

(D) notifying the employee in the statement required by subparagraph (A) that as a condition of employment on the contract the employee will—

(i) abide by the terms of the statement; and

(ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction;

(E) notifying the contracting agency within 10 days after receiving notice under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of a conviction;

(F) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by section 8104 of this title; and

(G) making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A) to (F).

(2) **INDIVIDUALS.**—A Federal agency shall not make a contract with an individual unless the individual agrees not to engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the contract.

(b) **SUSPENSION, TERMINATION, OR DEBARMENT OF CONTRACTOR.**—

(1) **GROUND FORS FOR SUSPENSION, TERMINATION, OR DEBARMENT.**—Payment under a contract awarded by a Federal agency may be suspended and the contract may be terminated, and the contractor or individual who made the contract with the agency may be suspended or debarred in accordance with the requirements of this section, if the head of the agency determines that—

(A) the contractor is violating, or has violated, the requirements of subparagraph (A), (B), (C), (D), (E), or (F) of subsection (a)(1); or

(B) the number of employees of the contractor who have been convicted of violations of criminal drug statutes for violations occurring in the workplace indicates that the contractor has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a).

(2) **CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.**—A contracting officer who determines in writing that cause for suspension of payments, termination, or suspension or debarment exists shall initiate an appropriate action, to be conducted by the agency concerned in accordance with the Federal Acquisition Regulation and applicable agency procedures. The Federal Acquisition Regulation shall be revised to include rules for conducting suspension and debarment proceedings under this subsection, including rules providing notice, opportunity to respond in writing or in person, and other procedures as may be necessary to provide a full and fair proceeding to a contractor or individual.

(3) **EFFECT OF DEBARMENT.**—A contractor or individual debarred by a final decision under this subsection is ineligible for award of a contract by a Federal agency, and for participation in a future procurement by a Federal agency, for a period specified in the decision, not to exceed 5 years.

§ 8103. Drug-free workplace requirements for Federal grant recipients

(a) **IN GENERAL.**—

(1) **PERSONS OTHER THAN INDIVIDUALS.**—A person other than an individual shall not receive a grant from a Federal agency unless the person agrees to provide a drug-free workplace by—

(A) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violations of the prohibition;

(B) establishing a drug-free awareness program to inform employees about—

(i) the dangers of drug abuse in the workplace;

(ii) the grantee’s policy of maintaining a drug-free workplace;

(iii) available drug counseling, rehabilitation, and employee assistance programs; and

(iv) the penalties that may be imposed on employees for drug abuse violations;

(C) making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (A);

(D) notifying the employee in the statement required by subparagraph (A) that as a

condition of employment in the grant the employee will—

(i) abide by the terms of the statement; and

(ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction;

(E) notifying the granting agency within 10 days after receiving notice under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of a conviction;

(F) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by section 8104 of this title; and

(G) making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A) to (F).

(2) **INDIVIDUALS.**—A Federal agency shall not make a grant to an individual unless the individual agrees not to engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in conducting an activity with the grant.

(b) **SUSPENSION, TERMINATION, OR DEBARMENT OF GRANTEE.**—

(1) **GROUND FORS FOR SUSPENSION, TERMINATION, OR DEBARMENT.**—Payment under a grant awarded by a Federal agency may be suspended and the grant may be terminated, and the grantee may be suspended or debarred, in accordance with the requirements of this section, if the head of the agency or the official designee of the head of the agency determines in writing that—

(A) the grantee is violating, or has violated, the requirements of subparagraph (A), (B), (C), (D), (E), (F), or (G) of subsection (a)(1); or

(B) the number of employees of the grantee who have been convicted of violations of criminal drug statutes for violations occurring in the workplace indicates that the grantee has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a)(1).

(2) **CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.**—A suspension of payments, termination, or suspension or debarment proceeding subject to this subsection shall be conducted in accordance with applicable law, including Executive Order 12549 or any superseding executive order and any regulations prescribed to implement the law or executive order.

(3) **EFFECT OF DEBARMENT.**—A grantee debarred by a final decision under this subsection is ineligible for award of a grant by a Federal agency, and for participation in a future grant by a Federal agency, for a period specified in the decision, not to exceed 5 years.

§ 8104. Employee sanctions and remedies

Within 30 days after receiving notice from an employee of a conviction pursuant to section 8102(a)(1)(D)(ii) or 8103(a)(1)(D)(ii) of this title, a contractor or grantee shall—

(1) take appropriate personnel action against the employee, up to and including termination; or

(2) require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for those purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

§ 8105. Waiver

(a) **IN GENERAL.**—The head of an agency may waive a suspension of payments, termination of the contract or grant, or suspension or debarment of a contractor or grantee

under this chapter with respect to a particular contract or grant if—

(1) in the case of a contract, the head of the agency determines under section 8102(b)(1) of this title, after a final determination is issued under section 8102(b)(1), that suspension of payments, termination of the contract, suspension or debarment of the contractor, or refusal to permit a person to be treated as a responsible source for a contract would severely disrupt the operation of the agency to the detriment of the Federal Government or the general public; or

(2) in the case of a grant, the head of the agency determines that suspension of payments, termination of the grant, or suspension or debarment of the grantee would not be in the public interest.

(b) **WAIVER AUTHORITY MAY NOT BE DELEGATED.**—The authority of the head of an agency under this section to waive a suspension, termination, or debarment shall not be delegated.

§ 8106. Regulations

Government-wide regulations governing actions under this chapter shall be issued pursuant to division B of subtitle I of this title.

CHAPTER 83—BUY AMERICAN

Sec.

8301. Definitions.

8302. American materials required for public use.

8303. Contracts for public works.

8304. Waiver rescission.

8305. Annual report.

§ 8301. Definitions

In this chapter:

(1) **PUBLIC BUILDING, PUBLIC USE, AND PUBLIC WORK.**—The terms “public building”, “public use”, and “public work” mean a public building of, use by, and a public work of, the Federal Government, the District of Columbia, Puerto Rico, American Samoa, and the Virgin Islands.

(2) **UNITED STATES.**—The term “United States” includes any place subject to the jurisdiction of the United States.

§ 8302. American materials required for public use

(a) **IN GENERAL.**—

(1) **ALLOWABLE MATERIALS.**—Only unmanufactured articles, materials, and supplies that have been mined or produced in the United States, and only manufactured articles, materials, and supplies that have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States, shall be acquired for public use unless the head of the department or independent establishment concerned determines their acquisition to be inconsistent with the public interest or their cost to be unreasonable.

(2) **EXCEPTIONS.**—This section does not apply—

(A) to articles, materials, or supplies for use outside the United States;

(B) if articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and

(C) to manufactured articles, materials, or supplies procured under any contract with an award value that is not more than the micro-purchase threshold under section 1902 of this title.

(b) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the end of each of fiscal years 2009 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(2) **CONTENTS OF REPORT.**—The report required by paragraph (1) shall separately include, for the fiscal year covered by the report—

(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

(B) an itemized list of all waivers granted with respect to the articles, materials, or supplies under this chapter, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase the articles, materials, or supplies; and

(D) a summary of—

(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(3) **PUBLIC AVAILABILITY.**—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

(4) **EXCEPTION FOR INTELLIGENCE COMMUNITY.**—This subsection shall not apply to acquisitions made by an agency, or component of an agency, that is an element of the intelligence community as specified in, or designated under, section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

§ 8303. Contracts for public works

(a) **IN GENERAL.**—Every contract for the construction, alteration, or repair of any public building or public work in the United States shall contain a provision that in the performance of the work the contractor, subcontractors, material men, or suppliers shall use only—

(1) unmanufactured articles, materials, and supplies that have been mined or produced in the United States; and

(2) manufactured articles, materials, and supplies that have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(b) **EXCEPTIONS.**—

(1) **IN GENERAL.**—This section does not apply—

(A) to articles, materials, or supplies for use outside the United States;

(B) if articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and

(C) to manufactured articles, materials, or supplies procured under any contract with an award value that is not more than the

micro-purchase threshold under section 1902 of this title.

(2) **PARTICULAR ARTICLE, MATERIAL, OR SUPPLY.**—If the head of the department or independent establishment making the contract finds that it is impracticable to comply with subsection (a) for a particular article, material, or supply or that it would unreasonably increase the cost, an exception shall be noted in the specifications for that article, material, or supply and a public record of the findings that justified the exception shall be made.

(3) **INCONSISTENT WITH PUBLIC INTEREST.**—Subsection (a) shall be regarded as requiring the purchase, for public use within the United States, of articles, materials, or supplies manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, unless the head of the department or independent establishment concerned determines their purchase to be inconsistent with the public interest or their cost to be unreasonable.

(c) **RESULTS OF FAILURE TO COMPLY.**—If the head of a department, bureau, agency, or independent establishment that has made a contract containing the provision required by subsection (a) finds that there has been a failure to comply with the provision in the performance of the contract, the head of the department, bureau, agency, or independent establishment shall make the findings public. The findings shall include the name of the contractor obligated under the contract. The contractor, and any subcontractor, material man, or supplier associated or affiliated with the contractor, shall not be awarded another contract for the construction, alteration, or repair of any public building or public work for 3 years after the findings are made public.

§ 8304. Waiver rescission

(a) **TYPE OF AGREEMENT.**—An agreement referred to in subsection (b) is a reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived this chapter for certain products in that country.

(b) **DETERMINATION BY SECRETARY OF DEFENSE.**—If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country that is party to an agreement described in subsection (a) has violated the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of this chapter with respect to those types of products produced in that country.

§ 8305. Annual report

Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the amount of purchases by the Department of Defense from foreign entities in that fiscal year. The report shall separately indicate the dollar value of items for which this chapter was waived pursuant to—

(1) a reciprocal defense procurement memorandum of understanding described in section 8304(a) of this title;

(2) the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.); or

(3) an international agreement to which the United States is a party.

CHAPTER 85—COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Sec.

8501. Definitions.

8502. Committee for Purchase From People Who Are Blind or Severely Disabled.

8503. Duties and powers of the Committee.

8504. Procurement requirements for the Federal Government.

8505. Audit.

8506. Authorization of appropriations.

§ 8501. Definitions

In this chapter:

(1) **BLIND.**—The term “blind” refers to an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

(2) **COMMITTEE.**—The term “Committee” means the Committee for Purchase From People Who Are Blind or Severely Disabled established under section 8502 of this title.

(3) **DIRECT LABOR.**—The term “direct labor”—

(A) includes all work required for preparation, processing, and packing of a product, or work directly relating to the performance of a service; but

(B) does not include supervision, administration, inspection, or shipping.

(4) **ENTITY OF THE FEDERAL GOVERNMENT AND FEDERAL GOVERNMENT.**—The terms “entity of the Federal Government” and “Federal Government” include an entity of the legislative or judicial branch, a military department or executive agency (as defined in sections 102 and 105 of title 5, respectively), the United States Postal Service, and a non-appropriated fund instrumentality under the jurisdiction of the Armed Forces.

(5) **OTHER SEVERELY DISABLED.**—The term “other severely disabled” means an individual or class of individuals under a physical or mental disability, other than blindness, which (according to criteria established by the Committee after consultation with appropriate entities of the Federal Government and taking into account the views of non-Federal Government entities representing the disabled) constitutes a substantial handicap to employment and is of a nature that prevents the individual from currently engaging in normal competitive employment.

(6) **QUALIFIED NONPROFIT AGENCY FOR OTHER SEVERELY DISABLED.**—The term “qualified nonprofit agency for other severely disabled” means an agency—

(A)(i) organized under the laws of the United States or a State;

(ii) operated in the interest of severely disabled individuals who are not blind; and

(iii) of which no part of the net income of the agency inures to the benefit of a shareholder or other individual;

(B) that complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; and

(C) that in the production of products and in the provision of services (whether or not the products or services are procured under this chapter) during the fiscal year employs blind or other severely disabled individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services.

(7) **QUALIFIED NONPROFIT AGENCY FOR THE BLIND.**—The term “qualified nonprofit agency for the blind” means an agency—

(A)(i) organized under the laws of the United States or a State;

(ii) operated in the interest of blind individuals; and

(iii) of which no part of the net income of the agency inures to the benefit of a shareholder or other individual;

(B) that complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; and

(C) that in the production of products and in the provision of services (whether or not the products or services are procured under this chapter) during the fiscal year employs blind individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services.

(8) **SEVERELY DISABLED INDIVIDUAL.**—The term “severely disabled individual” means an individual or class of individuals under a physical or mental disability, other than blindness, which (according to criteria established by the Committee after consultation with appropriate entities of the Federal Government and taking into account the views of non-Federal Government entities representing the disabled) constitutes a substantial handicap to employment and is of a nature that prevents the individual from currently engaging in normal competitive employment.

(9) **STATE.**—The term “State” includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

§ 8502. Committee for Purchase From People Who Are Blind or Severely Disabled

(a) **ESTABLISHMENT.**—There is a Committee for Purchase From People Who Are Blind or Severely Disabled.

(b) **COMPOSITION.**—The Committee consists of 15 members appointed by the President as follows:

(1) One officer or employee from each of the following, nominated by the head of the department or agency:

(A) The Department of Agriculture.

(B) The Department of Defense.

(C) The Department of the Army.

(D) The Department of the Navy.

(E) The Department of the Air Force.

(F) The Department of Education.

(G) The Department of Commerce.

(H) The Department of Veterans Affairs.

(I) The Department of Justice.

(J) The Department of Labor.

(K) The General Services Administration.

(2) One member from individuals who are not officers or employees of the Federal Government and who are conversant with the problems incident to the employment of the blind.

(3) One member from individuals who are not officers or employees of the Federal Government and who are conversant with the problems incident to the employment of other severely disabled individuals.

(4) One member from individuals who are not officers or employees of the Federal Government and who represent blind individuals employed in qualified nonprofit agencies for the blind.

(5) One member from individuals who are not officers or employees of the Federal Government and who represent severely disabled individuals (other than blind individuals) employed in qualified nonprofit agencies for other severely disabled individuals.

(c) **TERMS OF OFFICE.**—Members appointed under paragraph (2), (3), (4), or (5) of subsection (b) shall be appointed for terms of 5 years and may be reappointed if the member meets the qualifications prescribed by those paragraphs.

(d) **CHAIRMAN.**—The members of the Committee shall elect one of the members to be Chairman.

(e) **VACANCY.**—

(1) **MANNER IN WHICH FILLED.**—A vacancy in the membership of the Committee shall be filled in the manner in which the original appointment was made.

(2) **UNFULFILLED TERM.**—A member appointed under paragraph (2), (3), (4), or (5) of subsection (b) to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of the term. The member may serve after the expiration of a term until a successor takes office.

(f) **PAY AND TRAVEL EXPENSES.**—

(1) **AMOUNT TO WHICH MEMBERS ARE ENTITLED.**—Except as provided in paragraph (2), members of the Committee are entitled to receive the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5 for each day (including travel-time) during which they perform services for the Committee. A member is entitled to travel expenses, including a per diem allowance instead of subsistence, as provided under section 5703 of title 5.

(2) **OFFICERS OR EMPLOYEES OF THE FEDERAL GOVERNMENT.**—Members who are officers or employees of the Federal Government may not receive additional pay because of their service on the Committee.

(g) **STAFF.**—

(1) **APPOINTMENT AND COMPENSATION.**—Subject to rules the Committee may adopt and to chapters 33 and 51 and subchapter III of chapter 53 of title 5, the Chairman may appoint and fix the pay of personnel the Committee determines are necessary to assist it in carrying out this chapter.

(2) **PERSONNEL FROM OTHER ENTITIES.**—On request of the Committee, the head of an entity of the Federal Government may detail, on a reimbursable basis, any personnel of the entity to the Committee to assist it in carrying out this chapter.

(h) **OBTAINING OFFICIAL INFORMATION.**—The Committee may secure directly from an entity of the Federal Government information necessary to enable it to carry out this chapter. On request of the Chairman, the head of the entity shall furnish the information to the Committee.

(i) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Committee, on a reimbursable basis, administrative support services the Committee requests.

(j) **ANNUAL REPORT.**—Not later than December 31 of each year, the Committee shall transmit to the President a report that includes the names of the Committee members serving in the prior fiscal year, the dates of Committee meetings in that year, a description of the activities of the Committee under this chapter in that year, and any recommendations for changes in this chapter which the Committee determines are necessary.

§ 8503. Duties and powers of the Committee

(a) **PROCUREMENT LIST.**—

(1) **MAINTENANCE OF LIST.**—The Committee shall maintain and publish in the Federal Register a procurement list. The list shall include the following products and services determined by the Committee to be suitable for the Federal Government to procure pursuant to this chapter:

(A) Products produced by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely disabled.

(B) The services those agencies provide.

(2) **CHANGES TO LIST.**—The Committee may, by rule made in accordance with the requirements of section 553(b) to (e) of title 5, add to and remove from the procurement list products so produced and services so provided.

(b) **FAIR MARKET PRICE.**—The Committee shall determine the fair market price of products and services contained on the procurement list that are offered for sale to the Federal Government by a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely disabled. The Committee from time to time shall revise its price determinations with respect to those products and services in accordance with changing market conditions.

(c) **CENTRAL NONPROFIT AGENCY OR AGENCIES.**—The Committee shall designate a central nonprofit agency or agencies to facilitate the distribution, by direct allocation, subcontract, or any other means, of orders of the Federal Government for products and services on the procurement list among qualified nonprofit agencies for the blind or qualified nonprofit agencies for other severely disabled.

(d) **REGULATIONS.**—The Committee—

(1) may prescribe regulations regarding specifications for products and services on the procurement list, the time of their delivery, and other matters as necessary to carry out this chapter; and

(2) shall prescribe regulations providing that when the Federal Government purchases products produced and offered for sale by qualified nonprofit agencies for the blind or qualified nonprofit agencies for other severely disabled, priority shall be given to products produced and offered for sale by qualified nonprofit agencies for the blind.

(e) **STUDY AND EVALUATION OF ACTIVITIES.**—The Committee shall make a continuing study and evaluation of its activities under this chapter to ensure effective and efficient administration of this chapter. The Committee on its own or in cooperation with other public or nonprofit private agencies may study—

(1) problems related to the employment of the blind and other severely disabled individuals; and

(2) the development and adaptation of production methods that would enable a greater utilization of the blind and other severely disabled individuals.

§ 8504. Procurement requirements for the Federal Government

(a) **IN GENERAL.**—An entity of the Federal Government intending to procure a product or service on the procurement list referred to in section 8503 of this title shall procure the product or service from a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely disabled in accordance with regulations of the Committee and at the price the Committee establishes if the product or service is available within the period required by the entity.

(b) **EXCEPTION.**—This section does not apply to the procurement of a product that is available from an industry established under chapter 307 of title 18 and that is required under section 4124 of title 18 to be procured from that industry.

§ 8505. Audit

For the purpose of audit and examination, the Comptroller General shall have access to the books, documents, papers, and other records of—

(1) the Committee and of each central nonprofit agency the Committee designates under section 8503(c) of this title; and

(2) qualified nonprofit agencies for the blind and qualified nonprofit agencies for

other severely disabled that have sold products or services under this chapter to the extent those books, documents, papers, and other records relate to the activities of the agency in a fiscal year in which a sale was made under this chapter.

§ 8506. Authorization of appropriations

Necessary amounts may be appropriated to the Committee to carry out this chapter.

CHAPTER 87—KICKBACKS

Sec.

8701. Definitions.

8702. Prohibited conduct.

8703. Contractor responsibilities.

8704. Inspection authority.

8705. Administrative offsets.

8706. Civil actions.

8707. Criminal penalties.

§ 8701. Definitions

In this chapter:

(1) **CONTRACTING AGENCY.**—The term “contracting agency”, when used with respect to a prime contractor, means a department, agency, or establishment of the Federal Government that enters into a prime contract with a prime contractor.

(2) **KICKBACK.**—The term “kickback” means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind that is provided to a prime contractor, prime contractor employee, subcontractor, or subcontractor employee to improperly obtain or reward favorable treatment in connection with a prime contract or a subcontract relating to a prime contract.

(3) **PRIME CONTRACT.**—The term “prime contract” means a contract or contractual action entered into by the Federal Government to obtain supplies, materials, equipment, or services of any kind.

(4) **PRIME CONTRACTOR.**—The term “prime contractor” means a person that has entered into a prime contract with the Federal Government.

(5) **PRIME CONTRACTOR EMPLOYEE.**—The term “prime contractor employee” means an officer, partner, employee, or agent of a prime contractor.

(6) **SUBCONTRACT.**—The term “subcontract” means a contract or contractual action entered into by a prime contractor or subcontractor to obtain supplies, materials, equipment, or services of any kind under a prime contract.

(7) **SUBCONTRACTOR.**—The term “subcontractor”—

(A) means a person, other than the prime contractor, that offers to furnish or furnishes supplies, materials, equipment, or services of any kind under a prime contract or a subcontract entered into in connection with the prime contract; and

(B) includes a person that offers to furnish or furnishes general supplies to the prime contractor or a higher tier subcontractor.

(8) **SUBCONTRACTOR EMPLOYEE.**—The term “subcontractor employee” means an officer, partner, employee, or agent of a subcontractor.

§ 8702. Prohibited conduct

A person may not—

(1) provide, attempt to provide, or offer to provide a kickback;

(2) solicit, accept, or attempt to accept a kickback; or

(3) include the amount of a kickback prohibited by paragraph (1) or (2) in the contract price—

(A) a subcontractor charges a prime contractor or a higher tier subcontractor; or

(B) a prime contractor charges the Federal Government.

§ 8703. Contractor responsibilities

(a) **REQUIREMENTS INCLUDED IN CONTRACTS.**—Each contracting agency shall include in each prime contract awarded by the agency a requirement that the prime contractor shall—

(1) have in place and follow reasonable procedures designed to prevent and detect violations of section 8702 of this title in its own operations and direct business relationships; and

(2) cooperate fully with a Federal Government agency investigating a violation of section 8702 of this title.

(b) **FULL COOPERATION REQUIRED.**—Notwithstanding subsection (d), a prime contractor shall cooperate fully with a Federal Government agency investigating a violation of section 8702 of this title.

(c) **REPORTING REQUIREMENT.**—

(1) **IN GENERAL.**—A prime contractor or subcontractor that has reasonable grounds to believe that a violation of section 8702 of this title may have occurred shall promptly report the possible violation in writing to the inspector general of the contracting agency, the head of the contracting agency if the agency does not have an inspector general, or the Attorney General.

(2) **SUPPLYING INFORMATION AS FAVORABLE EVIDENCE.**—In an administrative or contractual action to suspend or debar a person who is eligible to enter into contracts with the Federal Government, evidence that the person has supplied information to the Federal Government pursuant to paragraph (1) is favorable evidence of the person's responsibility for the purposes of Federal procurement laws and regulations.

(d) **INAPPLICABILITY TO CERTAIN PRIME CONTRACTS.**—Subsection (a) does not apply to a prime contract—

(1) that is not greater than \$100,000; or

(2) for the acquisition of commercial items (as defined in section 103 of this title).

§ 8704. Inspection authority

(a) **IN GENERAL.**—To ascertain whether there has been a violation of section 8702 of this title with respect to a prime contract, the Comptroller General and the inspector general of the contracting agency, or a representative of the contracting agency designated by the head of the agency if the agency does not have an inspector general, shall have access to and may inspect the facilities and audit the books and records, including electronic data or records, of a prime contractor or subcontractor under a prime contract awarded by the agency.

(b) **EXCEPTION.**—This section does not apply to a prime contract for the acquisition of commercial items (as defined in section 103 of this title).

§ 8705. Administrative offsets

(a) **DEFINITION.**—In this section, the term “contracting officer” has the meaning given that term in chapter 71 of this title.

(b) **OFFSET AUTHORITY.**—A contracting officer of a contracting agency may offset the amount of a kickback provided, accepted, or charged in violation of section 8702 of this title against amounts the Federal Government owes the prime contractor under the prime contract to which the kickback relates.

(c) **DUTIES OF PRIME CONTRACTOR.**—

(1) **WITHHOLDING AND PAYING OVER OR RETAINING AMOUNTS.**—On direction of a contracting officer of a contracting agency with respect to a prime contract, the prime contractor shall withhold from amounts owed to a subcontractor under a subcontract of the prime contract the amount of a kickback

which was or may be offset against the prime contractor under subsection (b). The contracting officer may order that amounts withheld—

(A) be paid over to the contracting agency; or

(B) be retained by the prime contractor if the Federal Government has already offset the amount against the prime contractor.

(2) NOTICE.—The prime contractor shall notify the contracting officer when an amount is withheld and retained under paragraph (1)(B).

(d) OFFSET, DIRECTION, OR ORDER IS CLAIM OF FEDERAL GOVERNMENT.—An offset under subsection (b) or a direction or order of a contracting officer under subsection (c) is a claim by the Federal Government for the purposes of chapter 71 of this title.

§ 8706. Civil actions

(a) AMOUNT.—The Federal Government in a civil action may recover from a person—

(1) that knowingly engages in conduct prohibited by section 8702 of this title a civil penalty equal to—

(A) twice the amount of each kickback involved in the violation; and

(B) not more than \$10,000 for each occurrence of prohibited conduct; and

(2) whose employee, subcontractor, or subcontractor employee violates section 8702 of this title by providing, accepting, or charging a kickback a civil penalty equal to the amount of that kickback.

(b) STATUTE OF LIMITATIONS.—A civil action under this section must be brought within 6 years after the later of the date on which—

(1) the prohibited conduct establishing the cause of action occurred; or

(2) the Federal Government first knew or should reasonably have known that the prohibited conduct had occurred.

§ 8707. Criminal penalties

A person that knowingly and willfully engages in conduct prohibited by section 8702 of this title shall be fined under title 18, imprisoned for not more than 10 years, or both.

SEC. 4. CONFORMING AMENDMENT.

Section 2410i(b)(1) of title 10, United States Code, is amended by striking “small purchase threshold” and substituting “simplified acquisition threshold”.

SEC. 5. CONFORMING CROSS-REFERENCES.

(a) TITLE 5.—Title 5, United States Code, is amended as follows:

(1) In section 504(b)(1)(C)(ii)—

(A) strike “section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605)” and substitute “section 7103 of title 41”; and

(B) strike “section 8 of that Act (41 U.S.C. 607)” and substitute “section 7105 of title 41”.

(2) In section 551(1)(H), strike “chapter 2 of title 41”.

(3) In section 701(b)(1)(H), strike “chapter 2 of title 41”.

(4) In section 3109(b)(3), strike “section 5” and substitute “section 6101(b) to (d)”.

(5) In section 3374(c)(2), strike “section 27 of the Office of Federal Procurement Policy Act” and substitute “chapter 21 of title 41”.

(6) In section 3704(b)(2)(G), strike “section 27 of the Office of Federal Procurement Policy Act” and substitute “chapter 21 of title 41”.

(7) In section 4105, strike “section 5” and substitute “section 6101(b) to (d)”.

(8) In section 5102(c)(30), strike “section 8 of the Contract Disputes Act of 1978” and substitute “section 7105(a)(2), (c)(2), or (d)(2) of title 41”.

(9) In section 5372a—

(A) in subsection (a)(1)—

(i) strike “section 8 of the Contract Disputes Act of 1978” and substitute “section 7105(a)(2), (c)(2), or (d)(2) of title 41”; and

(ii) strike “section 42 of the Office of Federal Procurement Policy Act” and substitute “section 7105(b)(2) of title 41”; and

(B) in subsection (a)(2), strike “section 8 of the Contract Disputes Act of 1978” and substitute “section 7105(a)(1), (c)(1), or (d)(1) of title 41”.

(10) In section 7342(e)(1), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(11) In section 8709(a), strike “section 5” and substitute “section 6101(b) to (d)”.

(12) In section 8714a(a), strike “section 5” and substitute “section 6101(b) to (d)”.

(13) In section 8714b(a), strike “section 5” and substitute “section 6101(b) to (d)”.

(14) In section 8714c(a), strike “section 5” and substitute “section 6101(b) to (d)”.

(15) In section 8902(a), strike “section 5” and substitute “section 6101(b) to (d)”.

(16) In section 8953(a)(1), strike “section 5” and substitute “section 6101(b) to (d)”.

(17) In section 8983(a)(1), strike “section 5” and substitute “section 6101(b) to (d)”.

(18) In section 9003—

(A) in subsection (a), strike “section 5” and substitute “section 6101(b) to (d)”;

(B) in subsection (c)(3), before subparagraph (A), strike “the Contract Disputes Act of 1978” and substitute “chapter 71 of title 41”;

(C) in subsection (c)(3)(A), strike “(after appropriate arrangements, as described in section 8(c) of such Act)”;

(D) in subsection (c)(3)(B), strike “section 10(a)(1) of such Act” and substitute “section 7104(b)(1) of title 41”.

(19) In section 9009, strike “section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f))” and substitute “section 1502(a) and (b) of title 41”.

(b) TITLE 10.—Title 10, United States Code, is amended as follows:

(1) In section 133(c)(1), strike “section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))” and substitute “section 1702(c) of title 41”.

(2) In section 2013(a), strike “section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “section 6101(b)–(d) of title 41”.

(3) In section 2194(b)(2), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(4) In section 2201—

(A) in subsection (b), strike “section 3732(a) of the Revised Statutes (41 U.S.C. 11(a))” and substitute “section 6301(a) and (b)(1)–(3) of title 41”; and

(B) in subsection (c), strike “section 3732(a) of the Revised Statutes (41 U.S.C. 11(a))” and substitute “section 6301(a) and (b)(1)–(3) of title 41”.

(5) In section 2207(b), strike “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” and substitute “section 134 of title 41”.

(6) In section 2225(f)—

(A) in paragraph (1), strike “section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))” and substitute “section 1702(c) of title 41”; and

(B) in paragraph (2), strike “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” and substitute “section 134 of title 41”.

(7) In section 2226(b), strike “section 4(12) of the Office of Federal Procurement Policy

Act (41 U.S.C. 403(12))” and substitute “section 103 of title 41”.

(8) In section 2302—

(A) in paragraph (3), strike “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and substitute “chapter 1 of title 41”; and

(B) in paragraph (6), strike “section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))” and substitute “section 1303(a)(1) of title 41”; and

(C) in paragraph (7), strike “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and substitute “section 134 of title 41”.

(9) In section 2302a—

(A) in subsection (a), strike “section 4(11) of the Office of Federal Procurement Policy Act” and substitute “section 134 of title 41”; and

(B) in subsection (b), strike “section 33 of the Office of Federal Procurement Policy Act” and substitute “section 1905 of title 41”.

(10) In section 2302b, strike “section 31 of the Office of Federal Procurement Policy Act” and substitute “section 1901 of title 41”.

(11) In section 2302c—

(A) in subsection (a)(1), strike “section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426)” and substitute “section 2301 of title 41”; and

(B) in subsection (b), strike “section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))” and substitute “section 1702(c) of title 41”.

(12) In section 2304—

(A) in subsection (f)(1)(B)(iii), strike “section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))” and substitute “section 1702(c) of title 41”; and

(B) in subsection (f)(1)(C), strike “section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416)” and substitute “section 1708 of title 41”;

(C) in subsection (f)(2)(D), strike “the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.)” and substitute “chapter 85 of title 41”;

(D) in subsection (g)(4), strike “section 31(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 427)” and substitute “section 1901(e) of title 41”; and

(E) in subsection (h)(1), strike “The Walsh-Healey Act (41 U.S.C. 35 et seq.)” and substitute “Chapter 65 of title 41”.

(13) In section 2304b—

(A) in subsection (c), strike “section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416)” and substitute “section 1708 of title 41”; and

(B) in subsection (f)(3), strike “section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416)” and substitute “section 1708 of title 41”.

(14) In section 2304c(a)(1), strike “section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416)” and substitute “section 1708 of title 41”.

(15) In section 2306a(h)(3), strike “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and substitute “section 103 of title 41”.

(16) In section 2314, strike “Sections 3709 and 3735 of the Revised Statutes (41 U.S.C. 5 and 13)” and substitute “Sections 6101(b)–(d) and 6304 of title 41”.

(17) In section 2318—

(A) in subsection (a)(1), strike “section 20(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(a))” and substitute “section 1705(a) of title 41”; and

(B) in subsection (a)(2), strike “sections 20(b) and 20(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(b), (c))” and substitute “section 1705(b) and (c) of title 41”.

(18) In section 2321(h), strike “the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)” and substitute “chapter 71 of title 41”.

(19) In section 2324—

(A) in subsection (d)(1), strike “section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605)” and substitute “section 7103 of title 41”;

(B) in subsection (d)(2), strike “section 7 of such Act (41 U.S.C. 606)” and substitute “section 7104(a) of title 41”;

(C) in subsection (e)(1)(P), strike “section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435)” and substitute “section 1127 of title 41”; and

(D) in subsection (e)(2)(C), strike “(41 U.S.C. 10b-1)” and substitute “(as added by section 7002(2) of the Omnibus Trade and Competitiveness Act of 1988)”.

(20) In section 2343, strike “section 3741 of the Revised Statutes (41 U.S.C. 22)” and substitute “section 6306 of title 41”.

(21) In section 2375(b), strike “section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430)” and substitute “section 1906 of title 41”.

(22) In section 2376(1), strike “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and substitute “chapter 1 of title 41”.

(23) In section 2384—

(A) in subsection (b)(2), strike “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and substitute “section 103 of title 41”; and

(B) in subsection (b)(3), strike “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” and substitute “section 134 of title 41”.

(24) In section 2393(d)—

(A) strike “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” and substitute “section 134 of title 41”; and

(B) strike “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and substitute “section 103 of title 41”.

(25) In section 2402—

(A) in subsection (c), strike “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” and substitute “section 134 of title 41”; and

(B) in subsection (d)(2), strike “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and substitute “section 103 of title 41”.

(26) In section 2408—

(A) in subsection (a)(4)(A), strike “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” and substitute “section 134 of title 41”; and

(B) in subsection (a)(4)(B), strike “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and substitute “section 103 of title 41”.

(27) In section 2410(c), strike “section 4(11) of the Office of Federal Procurement Policy Act” and substitute “section 134 of title 41”.

(28) In section 2410b(c), strike “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and substitute “section 103 of title 41”.

(29) In section 2410d—

(A) in subsection (b)(2)(A), strike “section 5(3) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(3))” and substitute “section 8501(7) of title 41”;

(B) in subsection (b)(2)(B), strike “handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4))” and substitute “disabled, as defined in section 8501(6) of title 41”; and

(C) in subsection (b)(2)(C), strike “section 2(c) of such Act (41 U.S.C. 47(c))” and substitute “section 8503(c) of title 41”.

(30) In section 2410g(d)(1), strike “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and substitute “section 103 of title 41”.

(31) In section 2410i(b)(1), strike “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” and substitute “section 134 of title 41”.

(32) In section 2410m—

(A) in subsection (a), before paragraph (1), strike “the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)” and substitute “chapter 71 of title 41”;

(B) in subsection (a)(2), strike “section 7 of such Act (41 U.S.C. 606)” and substitute “section 7104(a) of title 41”; and

(C) in subsection (b)(1)(A), strike “section 10(a) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a))” and substitute “section 7104(b) of title 41”.

(33) In section 2457(e), strike “section 2 of the Buy American Act (41 U.S.C. 10a)” and substitute “section 8302 of title 41”.

(34) In section 2461(c)(1), strike “section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47)” and substitute “section 8503 of title 41”.

(35) In section 2485(b)(1), strike “section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))” and substitute “section 107 of title 41”.

(36) In the chapter analysis for subchapter V of chapter 148, in the item for section 2533, strike “the Buy American Act” and substitute “chapter 83 of title 41”.

(37) In section 2533—

(A) in the section catchline, strike “**the Buy American Act**” and substitute “**chapter 83 of title 41**”; and

(B) in subsection (a), strike “section 2 of the Buy American Act (41 U.S.C. 10a)” and substitute “section 8302 of title 41”.

(38) In section 2533a(i), strike “section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430)” and substitute “section 1906 of title 41”.

(39) In section 2533b—

(A) in subsection (h), strike “section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430)” and substitute “section 1906 of title 41”; and

(B) in subsection (j), strike “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and substitute “section 105 of title 41”.

(40) In section 2534(g)(2), strike “section 33 of the Office of Federal Procurement Policy Act (41 U.S.C. 429)” and substitute “section 1905 of title 41”.

(41) In section 2562(a)(1), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(42) In section 2576(a), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(43) In section 2636(b)(3), strike “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” and substitute “section 134 of title 41”.

(44) In section 2667(f)(1), strike “Notwithstanding subsection (a)(3) or subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (to the extent subtitle I and title III are inconsistent with this subsection)” and substitute “Notwithstanding subtitle I of title 40 and division C of subtitle I of title 41 (to the extent those provisions are inconsistent with this subsection) or subsection (a)(2) of this section”.

(45) In section 2664(a), strike “title III of the Federal Property and Administrative

Services Act of 1949, as amended (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(46) In section 2691(b), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(47) In section 2696(a), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(48) In section 2836(g), strike “the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)” and substitute “chapter 71 of title 41”.

(49) In section 2854a(d)(1), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(50) In section 2878(d)(2), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(51) In the chapter analysis for chapter 633, in the item for section 7299, strike “Walsh-Healey Act” and substitute “chapter 65 of title 41”.

(52) In section 7299—

(A) in the heading, strike “Walsh-Healey Act” and substitute “chapter 65 of title 41”; and

(B) strike “the Walsh-Healey Act (41 U.S.C. 35 et seq.)” and substitute “chapter 65 of title 41”.

(53) In section 7305(d)—

(A) strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”; and

(B) strike “under subtitle I of title 40 and such title III” and substitute “under those provisions”.

(54) In section 9444(b)(1), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(55) In section 9781(g), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(c) TITLE 14.—Title 14, United States Code, is amended as follows:

(1) In section 92(d), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(2) In section 93(h), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(3) In section 641(a), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(4) In section 685(c)(1), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(d) TITLE 18.—Title 18, United States Code, is amended as follows:

(1) In section 3672, strike “section 3709 of the Revised Statutes of the United States” and substitute “section 6101(b) to (d) of title 41”.

(2) In section 4124(c), strike “section 6(d)(4) of the Office of Federal Procurement Policy

Act" and substitute "section 1122(a)(4) of title 41".

(e) TITLE 23.—Title 23, United States Code, is amended as follows:

(1) In section 140—

(A) in subsection (b), strike "section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)," and substitute "section 6101(b) to (d) of title 41"; and

(B) in subsection (c)—

(i) strike "section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)," and substitute "section 6101(b) to (d) of title 41"; and

(ii) strike "section 302(e) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e))" and substitute "section 3106 of title 41".

(2) In section 502(c)(5), strike "Section 3709 of the Revised Statutes (41 U.S.C. 5)" and substitute "Section 6101(b) to (d) of title 41".

(f) THE INTERNAL REVENUE CODE OF 1986.—Section 7608(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 7608(c)(1)) is amended—

(1) in subparagraph (A)(i)(II), by striking "sections 11(a) and 22" and substituting "sections 6301(a) and (b)(1)–(3) and 6306";

(2) in subparagraph (A)(i)(III), by striking "section 255" and substituting "chapter 45"; and

(3) in subparagraph (A)(i)(V), by striking "section 254(a) and (c)" and substituting "section 3901".

(g) TITLE 28.—Title 28, United States Code, is amended as follows:

(1) In the last sentence of section 524(c)(1), strike "section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 and following)" and substitute "division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, section 6101(b) to (d) of title 41".

(2) In section 604(a)(10)(C), strike "section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)" and substitute "section 6101(b) to (d) of title 41".

(3) In section 624(3), strike "section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)" and substitute "section 6101(b) to (d) of title 41".

(4) In section 753(g), strike "section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5)" and substitute "section 6101(b) to (d) of title 41".

(5) In section 1295—

(A) in subsection (a)(10), strike "section 8(g)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(g)(1))" and substitute "section 7107(a)(1) of title 41";

(B) in subsection (b), strike "section 10(b) of the Contract Disputes Act of 1978 (41 U.S.C. 609(b))" and substitute "section 7107(b) of title 41"; and

(C) in subsection (c), strike "section 10(b) of the Contract Disputes Act of 1978" and substitute "section 7107(b) of title 41".

(6) In section 1346(a)(2), strike "sections 8(g)(1) and 10(a)(1) of the Contract Disputes Act of 1978" and substitute "sections 7104(b)(1) and 7107(a)(1) of title 41".

(7) In section 1491(a)(2), strike "section 10(a)(1) of the Contract Disputes Act of 1978" and substitute "section 7104(b)(1) of title 41".

(8) In section 2401(a), strike "the Contract Disputes Act of 1978" and substitute "chapter 71 of title 41".

(9) In section 2412—

(A) in subsection (d)(2)(E), strike "the Contract Disputes Act of 1978" and substitute "chapter 71 of title 41"; and

(B) in subsection (d)(3), strike "the Contract Disputes Act of 1978" and substitute "chapter 71 of title 41".

(10) In section 2414, strike "the Contract Disputes Act of 1978" and substitute "chapter 71 of title 41".

(11) In section 2517(a), strike "the Contract Disputes Act of 1978" and substitute "chapter 71 of title 41".

(h) TITLE 31.—Title 31, United States Code, is amended as follows:

(1) In section 506, strike "section 5(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 404(a))" and substitute "section 1101(a) of title 41".

(2) In section 731(i)(7), strike "section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)" and substitute "chapter 21 of title 41".

(3) In section 781(c)(1), strike "section 3709 of the Revised Statutes (41 U.S.C. 5)" and substitute "section 6101(b) to (d) of title 41".

(4) Section 1344(h)(2)(A) is amended to read as follows:

"(A) a department—

"(i) including independent establishments, other agencies, and wholly owned Government corporations; but

"(ii) not including the Senate, House of Representatives, or Architect of the Capitol, or the officers or employees thereof;"

(5) In section 3567, strike "section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))" and substitute "section 133 of title 41".

(6) In section 3718(b)(1)(A), strike "title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 and following)" and substitute "division C of subtitle I of title 41".

(7) In section 3902(a), strike "section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611)" and substitute "section 7109(a)(1) and (b) of title 41".

(8) In section 3907—

(A) in subsection (a), strike "section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605)" and substitute "section 7103 of title 41";

(B) in subsection (b)(1)(A), strike "the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)" and substitute "chapter 71 of title 41";

(C) in subsection (b)(2)—

(i) strike "section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611)" and substitute "section 7109(a)(1) and (b) of title 41"; and

(ii) in the second sentence, strike "section 12" and substitute "section 7109(a)(1) and (b)"; and

(D) in subsection (c), strike "the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)" and substitute "chapter 71 of title 41".

(9) In section 6202(c)(2), strike "section 6(d)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(5))" and substitute "section 1122(a)(4) of title 41".

(10) In section 9703(b)(3), as added by section 638(b)(1) of the Act of October 6, 1992 (Public Law 102–393, 106 Stat. 1779), strike "section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)" and substitute "division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, section 6101(b) to (d) of title 41".

(i) TITLE 35.—Title 35, United States Code, is amended as follows:

(1) In section 2(b)(4)(A), strike "title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)" and substitute "division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41".

(2) In section 203(b), strike "the Contract Disputes Act (41 U.S.C. §601 et seq.)" and substitute "chapter 71 of title 41".

(j) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) In section 1720(c)(2), strike "section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1))" and substitute "section 6704(a) of title 41".

(2) In section 1966(a), strike "section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)" and substitute "section 6101(b) to (d) of title 41".

(3) In section 3720(b), strike "title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)" and substitute "division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41".

(4) In section 3717(f), strike "section 3709 of the Revised Statutes (41 U.S.C. 5)" and substitute "section 6101(b) to (d) of title 41".

(5) In section 7802(f), strike "section 3709 of the Revised Statutes (41 U.S.C. 5)" and substitute "section 6101(b) to (d) of title 41".

(6) In section 8122—

(A) in subsection (a)(1), strike "section 3709 of the Revised Statutes (41 U.S.C. 5)" and substitute "section 6101(b) to (d) of title 41"; and

(B) in subsection (c)—

(i) strike "(41 U.S.C. 252(c))"; and

(ii) strike "section 304 of that Act (41 U.S.C. 254)" and substitute "sections 3901 and 3905 of title 41".

(7) In section 8127—

(A) in subsection (b), strike "section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)" and substitute "section 134 of title 41"; and

(B) in subsection (c)(2), strike "section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)" and substitute "section 134 of title 41".

(8) In section 8153(a)—

(A) in paragraph (3)(B)(ii), strike "section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b)" and substitute "section 1707 of title 41"; and

(B) in paragraph (3)(D), strike "section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f))" and substitute "section 3304(e) of title 41".

(9) In section 8201(e), strike "section 3709 of the Revised Statutes (41 U.S.C. 5)" and substitute "section 6101(b) to (d) of title 41".

(k) TITLE 39.—Section 410(b) of title 39, United States Code, is amended by striking paragraph (5) and substituting—

"(5) chapters 65 and 67 of title 41";

(l) TITLE 40.—Title 40, United States Code, is amended as follows:

(1) In the chapter analysis for chapter 1, in item 111, strike "Federal Property and Administrative Services Act of 1949" and substitute "division C of subtitle I of title 41".

(2) In section 102, before paragraph (1), strike "title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)" and substitute "division C (except section 3302) of subtitle I of title 41".

(3) In section 111—

(A) in the section catchline, strike "**Federal Property and Administrative Services Act of 1949**" and substitute "**division C of subtitle I of title 41**"; and

(B) before paragraph (1), strike "title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)" and substitute "division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41".

(4) In section 113(b)—

(A) in the heading, strike "THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT" and substitute "DIVISION B OF SUBTITLE I OF TITLE 41"; and

(B) strike “the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)” and substitute “division B of subtitle I of title 41”.

(5) In section 311—

(A) in subsection (a), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”; and

(B) in subsection (b), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(6) In section 501(b)(2)(B), strike “the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)” and substitute “division B of subtitle I of title 41”.

(7) In section 502—

(A) in subsection (b)(1)(A)(i), strike “section 5(3) of the Javits-Wagner-O’Day Act (41 U.S.C. 48b(3))” and substitute “section 8501(7) of title 41”; and

(B) in subsection (b)(1)(A)(ii), strike “handicapped (as defined in section 5(4) of the Javits-Wagner-O’Day Act (41 U.S.C. 48b(4)))” and substitute “disabled (as defined in section 8501(6) of title 41)”;

(C) in subsection (b)(1)(B), strike “the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.)” and substitute “chapter 85 of title 41”; and

(D) in subsection (b)(2), strike “section 2 of the Javits-Wagner-O’Day Act (41 U.S.C. 47)” and substitute “section 8503 of title 41”.

(8) In section 503(b)—

(A) in paragraph (1), strike “the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)” and substitute “division B of subtitle I of title 41”; and

(B) in paragraph (3)—

(i) in the heading, strike “SECTION 3709 OF REVISED STATUTES” and substitute “SECTION 6101(b) TO (d) OF TITLE 41”; and

(ii) strike “Section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “Section 6101(b) to (d) of title 41”.

(9) In section 506(a)(1)(D), strike “the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)” and substitute “division B of subtitle I of title 41”.

(10) In section 545(f), strike “Section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “Section 6101(b)-(d) of title 41”.

(11) In section 593(a)(2), strike “the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.)” and substitute “chapter 85 of title 41”.

(12) In section 1305, strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(13) In section 1308, strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(14) In section 3148, strike “section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “section 6101(b) to (d) of title 41”.

(15) In section 3304(d)(2), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41”.

(16) In section 3305(a)—

(A) in paragraph (1), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”; and

(B) in paragraph (2), strike “title III of the Federal Property and Administrative Serv-

ices Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(17) In section 3308(a), strike “section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “section 6101(b) to (d) of title 41”.

(18) In section 3310(2), strike “section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253)” and substitute “sections 3105, 3301, and 3303 to 3305 of title 41”.

(19) In section 3701(b)(3)(A)(ii), strike “the Walsh-Healey Act (41 U.S.C. 35 et seq.)” and substitute “chapter 65 of title 41”.

(20) In section 3704(b)(1), strike “sections 4 and 5 of the Walsh-Healey Act (41 U.S.C. 38, 39)” and substitute “sections 6506 and 6507 of title 41”.

(21) In section 3707, strike “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and substitute “section 103 of title 41”.

(22) In section 6111(b)(2)(D), strike “section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “section 6101(b) to (d) of title 41”.

(23) In section 8711(d), strike “section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “section 6101(b) to (d) of title 41”.

(24) In section 11101—

(A) in paragraph (1), strike “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and substitute “section 103 of title 41”; and

(B) in paragraph (2), strike “section 4 of the Act (41 U.S.C. 403)” and substitute “section 133 of title 41”.

(m) TITLE 44.—Title 44, United States Code, is amended as follows:

(1) In the chapter analysis for chapter 3, in the item for section 311, strike “the Federal Property and Administrative Services Act” and substitute “subtitle I of title 40 and division C of subtitle I of title 41”.

(2) In section 311—

(A) in the section catchline, strike “**the Federal Property and Administrative Services Act**” and substitute “**subtitle I of title 40 and division C of subtitle I of title 41**”;

(B) in subsection (a), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41”; and

(C) in subsection (c), strike “section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “section 6101(b) to (d) of title 41”.

(n) TITLE 46.—Section 51703(b)(2) of title 46, United States Code, is amended by striking “section 3709 of the Revised Statutes (41 U.S.C. 5)” and substituting “section 6101(b) to (d) of title 41”.

(o) TITLE 49.—Title 49, United States Code, is amended as follows:

(1) In section 103(e), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.

(2) In section 1113(b)(1)(B) strike “section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “section 6101(b) to (d) of title 41”.

(3) In section 5334(j)(2), strike “Section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “Section 6101(b) to (d) of title 41”.

(4) In section 10721, strike “Section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “Section 6101(b) to (d) of title 41”.

(5) In section 13712, strike “Section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “Section 6101(b) to (d) of title 41”.

(6) In section 15504, strike “Section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “Section 6101(b) to (d) of title 41”.

(7) In section 40110—

(A) in subsection (d)(2)(A), strike “Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252-266)” and substitute “Division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41”;

(B) in subsection (d)(2)(B), strike “The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)” and substitute “Division B (except sections 1704 and 2303) of subtitle I of title 41”;

(C) in subsection (d)(2)(C), strike “, except for section 315 (41 U.S.C. 265). For the purpose of applying section 315 of that Act to the system,” and substitute “, However, section 4705 of title 41 shall apply to the new acquisition management system developed and implemented pursuant to paragraph (1). For the purpose of applying section 4705 of title 41 to the system,”; and

(D) in subsection (d)(3)—

(i) in the heading, strike “THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT” and substitute “DIVISION B OF SUBTITLE I OF TITLE 41”;

(ii) before subparagraph (A), strike “section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)” and substitute “chapter 21 of title 41”; and

(iii) in subparagraph (A), strike “Subsections (f) and (g)” and substitute “Sections 2101 and 2106 of title 41”.

(8) In section 40118(f)(2), strike “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and substitute “section 103 of title 41”.

(9) In section 47305(d), strike “Section 3709 of the Revised Statutes (41 U.S.C. 5)” and substitute “Section 6101(b) to (d) of title 41”.

SEC. 6. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) CUTOFF DATE.—This Act replaces certain provisions of law enacted on or before December 31, 2008. If a law enacted after that date amends or repeals a provision replaced by this Act, that law is deemed to amend or repeal, as the case may be, the corresponding provision enacted by this Act. If a law enacted after that date is otherwise inconsistent with this Act, it supersedes this Act to the extent of the inconsistency.

(b) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, the date of enactment of a provision enacted by this Act is deemed to be the date of enactment of the provision it replaced.

(c) REFERENCES TO PROVISIONS REPLACED.—A reference to a provision of law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(d) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a provision of law replaced by this Act continues in effect under the corresponding provision enacted by this Act.

(e) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a provision of law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(f) EFFECTIVE DATES FOR CERTAIN ACTIONS.—

(1) ISSUE POLICY.—The requirement in section 2303(b)(1) of title 41, United States Code,

to issue a policy shall be done not later than 270 days after October 14, 2008.

(2) REVISIONS IN FEDERAL PROCUREMENT DATA SYSTEM OR SUCCESSOR SYSTEM.—The requirement in section 2311 of title 41, United States Code, to direct appropriate revisions in the Federal Procurement Data System or any successor system shall be done not later than one year after October 14, 2008.

(3) ESTABLISH DATABASE.—The requirement in section 2313(a) of title 41, United States Code, to establish a database shall be done not later than one year after October 14, 2008.

(4) AMEND FEDERAL ACQUISITION REGULATION WITHIN ONE YEAR AFTER OCTOBER 14, 2008.—The Federal Acquisition Regulation shall be amended to meet the requirements of sections 2313(f), 3302(b) and (d), 4710(b), and 4711(b) of title 41, United States Code, not later than one year after October 14, 2008.

(5) AMEND FEDERAL ACQUISITION REGULATION WITHIN 270 DAYS AFTER OCTOBER 14, 2008.—The Federal Acquisition Regulation shall be amended to meet the requirements of section 3906(b) of title 41, United States Code, not later than 270 days after October 14, 2008.

SEC. 7. REPEALS.

(a) INFERENCE OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act.

SCHEDULE OF LAWS REPEALED

[Statutes at Large]

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 41 unless otherwise specified)	
			Volume	Page	Existing	Proposed
1875 Mar. 3	133	2	18	455	10	.....
1884 July 7	332	(words after “fifty five thousand dollars” in 3d par. under heading “Miscellaneous Objects Under the Treasury Department”).	23	204	24	6308
1920 June 5	240	(last par. under heading “Purchase of Articles Manufactured at Government Arsenals”).	41	975	23	6307
1921 June 30	33	1 (last proviso on p. 78)	42	78	11a	6302
1922 July 1	259	(1st proviso on p. 812)	42	812	23	6307
1926 May 13	294	(4th complete par. (related to R.S. §3741) on p. 547)	44	547	16c	.....
1927 Jan. 12	27	(2d complete par. (related to R.S. §3741) on p. 936)	44	936	16a	.....
1933 Mar. 3	212	title III, §1	47	1520	10c	8301
.....	.....	title III, §2	47	1520	10a	8302
.....	.....	title III, §3	47	1520	10b	8303
.....	.....	title III, §4 .....	.....	.....	10b-1	.....
June 16	101	5	48	305	24a	.....
1934 Jan. 25	5	(related to R.S. §3741)	48	337	22	6306
June 16	553	1-6	48	974	28-33	.....
1935 Aug. 29	815 .....	.....	49	990	34	.....
1936 June 30	881	1 (matter before subsec. (a) less words related to definition of “agency of the United States”).	49	2036	35	6502
.....	.....	1 (matter before subsec. (a) related to definition of “agency of the United States”).	49	2036	35	6501
.....	.....	1(a)-(d)	49	2036	35	6502
.....	.....	2	49	2037	36	6503
.....	.....	3	49	2037	37	6504
.....	.....	4	49	2038	38	6506
.....	.....	5	49	2038	39	6507
.....	.....	6	49	2038	40	6508
.....	.....	7	49	2039	41	6501
.....	.....	8	49	2039	42	6511
.....	.....	9	49	2039	43	6505
.....	.....	10(a) .....	.....	.....	43a	6509
.....	.....	10(b) (1st sentence) .....	.....	.....	43a	6507
.....	.....	10(b) (last sentence), (c) .....	.....	.....	43a	6509
.....	.....	11 .....	.....	.....	43b	6510
.....	.....	12	49	2039	44	.....
.....	.....	13	49	2039	45	6502
1938 June 25	697	1	52	1196	46	8502
.....	.....	2	52	1196	47	8503
.....	.....	3	52	1196	48	8504
.....	.....	4	52	1196	48a	8505
.....	.....	5	52	1196	48b	8501
.....	.....	6	52	1196	48c	8506
.....	.....	7 .....	.....	.....	46 note	.....
1939 Aug. 4	418	13 (related to R.S. §3744)	53	1197	16d	.....
1940 June 18	396	(last par. (related to R.S. §3709) under heading “Botanic Garden”).	54	474	6kk	.....
.....	.....	(last par. (related to R.S. §3744) under heading “Botanic Garden”).	54	474	16b	.....
June 24	412	2(a)	54	504	6b	6102
Oct. 10	851	2(f)	54	1110	6a	6102
.....	2(h)	54	1110	6a	6102
.....	2(j)	54	1110	6a	6102
.....	3(a)	54	1111	6b

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June 22	432	1	56	375	49	6309
		2	56	376	50	6309
July 2	472	(1st complete par. on p. 493)	56	493	6	
1944						
July 1	358	1, 2(a)	58	649	101, 102	
		3	58	650	103	
		4(b)–13(c)	58	651	104–113	
		13(d)	58	662	113	
		13(e)–15	58	662	113–115	
		17, 18(a)	58	665	117, 118	
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		20–25	58	668	120–125	
		26	58	671	101 note	
		27	58	671	101 note	
1946						
Mar. 8	80	1	60	37	51	
		2	60	37	52	8701
		3	60	37	53	8702
		4	60	37	54	8707
		5	60	37	55	8706
		6	60	37	56	8705
		7	60	37	57	8703
		8	60	37	58	8704
Aug. 2	744	9(c)	60	809	5	6101
		18	60	811	5a	6101
1949						
June 30	288	301	63	393	251	
		302(a)	63	393	252	3101
		302(b)	63	393	252	3104
		302(c)(1)	63	393	252	3106
		302(c)(2)			252	3301
		302A, 302B			252a, 252b	3101
		302C			252c	4709
		303(a)	63	395	253	3301
		303(b)	63	395	253	3303
		303(c)–(f)	63	395	253	3304
		303(g)	63	395	253	3305
		303(h)			253	3301
		303(i)			253	3105
		303(j)			253	3304
		303A			253a	3306
		303B(a), (b)			253b	3701
		303B(c)			253b	3702
		303B(d)			253b	3703
		303B(e)			253b	3704
		303B(f)			253b	3705
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		303B(h)			253b	3706
		303B(i)			253b	3707
		303B(j)			253b	3308
		303B(k), (l)			253b	3708
		303B(m)			253b	4702
		303C			253c	3311
		303D			253d	4703
		303F			253f	3310
		303G			253g	4704
		303H			253h	4103
		303I			253i	4105
		303J			253j	4106
		303K			253k	4101
		303L			253l	3902
		303M			253m	3309
		304(a)	63	395	254	3901
		304(b)	63	395	254	3905
		304A(a)			254b	3502
		304A(b)			254b	3503
		304A(c)			254b	3504
		304A(d)			254b	3505
		304A(e)			254b	3506
		304A(f)			254b	3507
		304A(g)			254b	3508
		304A(h)			254b	3501
		304B			254c	3903
		304C			254d	4706
		305(a)	63	396	255	4501
		305(b)			255	4502
		305(c)	63	396	255	4502
		305(d)	63	396	255	4503
		305(e)			255	4504
		305(f)			255	4505
		305(g)			255	4506
		306(a)–(d)			256	4303
		306(e)			256	4304
		306(f)			256	4305

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		306(l)(1)	256	4301
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		307	63	396	257	4701
		309(a)	63	397	259	151
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		309(c)(1)	259	111
		309(c)(2)	259	112
		309(c)(3)	259	114
		309(c)(4)	259	107
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		309(c)(6)	259	116
		309(c)(7)	259	109
		309(c)(8), (9)	259	108
		309(c)(10)	259	115
		309(c)(11)	259	103
		309(c)(12)	259	110
		309(c)(13)	259	102
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		310	63	397	260	3101
		311	261	3102
		312	262	4701
		313	263	3103
		314	264	3307
		314A ("commercial item")	264a ("commercial item")	103
		314A ("nondevelopmental item")	264a ("nondevelopmental item")	110
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		314A ("commercial component")	264a ("commercial component")	102
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Oct. 29	787	633	63	1024	10d	8303
1950						
Sept. 5	849	10(a)	64	591	256a	4707
1952						
July 14	739	66	627	113, 113 note
1954						
May 11	199	1	68	81	321
		2	68	81	322
1957						
July 1	85-75	(last par. on p. 251)	71	251	6a
1961						
Aug. 3	87-125	301	75	279	6b
1962						
Sept. 5	87-638	76	437	254a	4708
1965						
July 27	89-90	(2d par. on p. 276)	79	276	6a-1	6102
Oct. 22	89-286	1	79	1034	351 note
		2(a) (words before par. (1) related to applicability)	79	1034	351	6702
		2(a) (words before par. (1) related to required contract terms), (1)-(5).	79	1034	351	6703
		2(b)	79	1034	351	6704
		3	79	1035	352	6705
		4	79	1035	353	6707
		5(a)	79	1035	354	6706
		5(b)	79	1035	354	6705
		6	79	1035	355	6707
		7	79	1035	356	6702
		8	79	1036	357	6701
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		10	358	6707
1974						
Aug. 30	93-400	4(1)	88	797	403	133
		4(2)	88	797	403	111
		4(3)	88	797	403	112
		4(4)	88	797	403	114
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		4(10) ("item", "item of supply")	403	108
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		6(a)–(c)	88	797	405	1121
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		6(f)	88	797	405	1121
		6(g)	88	797	405	1122
		6(h)(1)	88	797	405	1130
		6(h)(2)	88	797	405	2305
		6(i)	88	797	405	1125
		6(j)	405	1126
		6(k)	405	1131
		7	88	798	406	1701
		9	88	799	408	1121
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		12	88	799	411	1122
		14(a)	88	800	412	2307
		14(b)	88	800	412	2306
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		16	414	1702
		16A(a)–(c)	414b	1311
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		19	417	1712
		20	418	1705
		21	418a	2302
		22	418b	1707
		23	419	1709
		25(a), (b)	421	1302
		25(c)–(f)	421	1303
		26(a)–(e)	422	1501
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		26(h)(2)–(4)	422	1503
		26(i)	422
		26(j)	422	1504
		26(k)	422	1505
		26(l)	422	1506
		27(a), (b)	423	2102
		27(c)	423	2103
		27(d)	423	2104
		27(e)	423	2105
		27(f)	423	2101
		27(g)	423	2106
		27(h)	423	2107
		29	425	1304
		30	426	2301
		31	427	1901
		32	428	1902
		32A	428a	1903
		33	429	1905
		34	430	1906
		35(a), (b)	431	1907
		35(c)	431	104
		35A	431a	1908
		36	432	1711
		37	433	1703
		38	434	2308
		39	435	1127
		40	436	2309
		41	437	2310
		42	438	7105
		43	439	1710
		44	440	2312
1978						
Oct. 24	95–507	222 (1st sentence)	92	1771	405a	1121
		222 (last sentence)	92	1771	405a	1123
Nov. 1	95–563	1	92	2383	601 note
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		6(a) (1st, 2d sentences)	92	2384	605	7103
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		8(a)–(e)	92	2385	607	7105
		8(f)	92	2386	607	7106
		8(g)	92	2387	607	7107
		9	92	2387	608	7106
		10(a)	92	2388	609	7104
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1984						
Oct. 30	98-577	502	98	3085	414a	1706
1988						
Oct. 1	100-463	8141	102	2270-47	405b	2304
Oct. 25	100-533	502	102	2697	417a	1713
Nov. 18	100-690	5151	102	4304	701 note	
		5152	102	4304	701	8102
		5153	102	4306	702	8103
		5154	102	4307	703	8104
		5155	102	4307	704	8105
		5156	102	4308	705	8106
		5157, 5158	102	4308	706, 707	8101
		5160	102	4308	701 note	
1992						
Oct. 29	102-572	907(a)(3)	106	4518	611 note	7109
1993						
Nov. 30	103-160	849(c), (d)	107	1725	10b-2	8304
1994						
Oct. 13	103-355	1054(b)	108	3265	253h note	4102
		8002	108	3386	264 note	3307
1996						
Sept. 23	104-201	827	110	2611	10b-3	8305
1997						
June 12	105-18	7004	111	192	253l-1	3904
1999						
Sept. 29	106-57	207	113	423	253l-2	3904
Oct. 5	106-65	804	113	704	253h note	4104
2000						
Dec. 21	106-554	1(a)(2) [title I, §101]	114	2763A-100	253l-3	3904
		1(a)(2) [title I, §110]	114	2763A-108	253l-4	3904
2003						
Feb. 20	108-7	div. H, title I, §5	117	350	253l-5	3904
		div. H, title I, §104	117	354	6a-3	6102
		div. H, title I, §1002	117	357	253l-6	3904
		div. H, title I, §1102	117	370	6a-4	6102
		div. H, title I, §1202	117	373	253l-7	3904
Aug. 15	108-72	4	117	889	253l-8	3904
Nov. 24	108-136	1412(a)	117	1664	433 note	1703
		1413	117	1665	433 note	1703
		1414	117	1666	433 note	1128
		1428	117	1670	253a note	3306
		1431(b)	117	1671	405 note	1129
		1441	117	1673	428a note	1904
2004						
Oct. 28	108-375	807(c)	118	2011	431a note	1908
2006						
Oct. 17	109-364	834(b), (c) (related to (b))	120	2333	253i note	4105
2008						
Jan. 28	110-181	855	122	251	433a	1704
June 30	110-252	6102, 6103	122	2386, 2387	251 note	3509
Oct. 14	110-417	[div. A], title VIII, 841(a)	122	4537	405c(a)	2303
		[div. A], title VIII, 841(c)	122	4539	405c(c)	2303
		[div. A], title VIII, 863(a)-(e)	122	4547	253h note	3302
		[div. A], title VIII, 864(a), (b), (d), (e), (f)(2), (g)	122	4549	254 note	3906
		[div. A], title VIII, 866	122	4551	254b note	4710
		[div. A], title VIII, 867	122	4551	251 note	4711
		[div. A], title VIII, 868	122	4552	254b note	3501
		[div. A], title VIII, 869	122	4553	433a note	1704
		[div. A], title VIII, 872	122	4555	417b	2313
		[div. A], title VIII, 874(a)	122	4558	405 note	2311

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3710	8	6103
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3735	13	6304
3736	14	6301
3737	15	6305
3741	22	6306

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee.

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

H.R. 1107 codifies into positive law as title 41, United States Code, certain general and permanent laws related to public contracts. It is a rather extensive bill, fairly dry bill, that doesn't do much in the way of substance but does many technical corrections.

It was prepared by the Office of Law Revision Counsel in coordination with our Judiciary Committee.

This bill is not intended to make substantive changes in the law, but as is typical with the codification process, a number of nonsubstantive revisions are made, including the reorganization of sections into a more coherent overall structure. But these changes are not intended in any way to have any substantive effect, simply procedural, and make the code more easily used.

The bill has been subject to extensive review in the previous two Congresses, by relevant congressional committees, agencies, and practitioners, as well as the public.

Accordingly, I urge my colleagues to support this legislation.

I reserve the balance of our time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I support H.R. 1107, a bill proposed by the Office of Law Revision Counsel to update, improve, and for clarification of title 41 of the U.S. Code.

Mr. Speaker, this, as the other speaker said, is, in fact, a very technical correction. The minority fully supports it, believes it is necessary.

It passed on March 14 out of the Judiciary Committee unanimously on a voice vote.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I would like to note a question that has come to our attention with respect to a reporting requirement found in 41 U.S.C. 405b(d) of the present law and restated as 41 U.S.C. 2304(c)(2) in the bill. There is a question whether that reporting requirement is still effective.

Section 3003 of the Federal Reports Elimination and the Sunset Act of 1995, 31 U.S.C. 1113 note, stated that each provision of law requiring the submission to Congress of any annual, semi-

annual, or other regular periodic report specified in a list that had been prepared by the House Clerk would cease to be effective as of May 15, 2000.

The provision in question is listed on page 156 of that document.

In this regard, it should be noted that, as positive law codification bills do not change substantive law, the restatement of a revision does not revive it if it has otherwise become ineffective.

Thus, the reporting requirement, as restated, is effective to the extent, and only to the extent, that it was effective under the underlying source law on the day before the restatement was enacted.

That is a matter for the agency and the committee of substantive jurisdiction to work out. If legislation removing that requirement from the text of the underlying law is enacted before final enrollment of this bill, that change can be reflected at that time, if and when it occurs.

Mr. Speaker, this is a bill that shows bipartisanship. Mr. ISSA has done a wonderful job representing his side of the aisle. I am proud to represent mine. Republicans and Democrats have come together on this bill. I would ask for a positive, unanimous vote on this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1107, to enact certain laws relating to public contracts as Title 41, United States Code, H.R. 1107. This important legislation was introduced jointly by Chairman CONYERS and Ranking Member SMITH.

H.R. 1107 is not intended to make any substantive changes in the law. H.R. 1107 is a simple codification. There are a myriad of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure.

Simply put, all H.R. 1107 does is codifies into positive law as title 41, United States Code, certain general and permanent laws related to public contracts. This bill was prepared by the Office of Law Revision Counsel, as part of its functions under 2 U.S.C. Sec. 285(b).

Lawyers run into public contract law in limited circumstances. Lawyers who represent firms that operate primarily in the commercial sector, but are tangentially active in the contracting community, often find that their clients have conflicts with the federal government.

Additionally, lawyers may run into public contract issues when they represent subcontractors to large Department of Defense (DOD) contractors, who have potential or ongoing disputes with the prime contractor that they want to avoid or resolve.

H.R. 1107 simplifies, codifies, and streamlines public contract law. H.R. 1107 has already been subject to extensive agency and public review in the last Congress, and the Congress before last. Given the extensive agency and public review and the simplicity of the bill, I urge my colleagues to support this bill and vote for it in the affirmative.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 1107.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE BORDER PATROL'S FIGHT AGAINST HUMAN SMUGGLING

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 14) recognizing the importance of the Border Patrol in combating human smuggling and commending the Department of Justice for increasing the rate of human smuggler prosecutions, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 14

Whereas human smuggling and trafficking in persons continue to threaten the United States as well as individuals in transport;

Whereas human smuggling and trafficking rings introduce numerous violent criminals to neighborhoods and communities in the United States;

Whereas human smuggling and trafficking rings expose the United States to further acts of terrorism by subverting the authority of, and safety provided by, U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement;

Whereas individuals voluntarily being smuggled are exposed to tragic and dangerous conditions, many times resulting in their injury or death;

Whereas countless individuals are abducted and trafficked against their will, continuing the grotesque practice of human slavery;

Whereas human smuggling and trafficking in persons are often conducted by organized crime rings, which expose Federal agents to increased danger in their enforcement efforts;

Whereas Department of Homeland Security personnel have, in the past, arrested many human smugglers and traffickers in persons, only to see them freed without prosecution;

Whereas many of these same human smugglers and traffickers in persons have been repeatedly arrested;

Whereas such repeated encounters have been extremely demoralizing to U.S. Customs and Border Protection at a time when the American public has been putting tremendous pressure on the agencies to do more to stop illegal border crossings;

Whereas Federal prosecutions of human smugglers and traffickers in persons have increased in recent months, resulting in decreased repeat offenses and arrests and improved morale;

Whereas U.S. Immigration and Customs Enforcement uses a global enforcement strategy to disrupt and dismantle domestic and international human smuggling and trafficking organizations;

Whereas U.S. Customs and Border Protection have worked cooperatively with U.S.

Immigration and Customs Enforcement, the Federal Bureau of Investigation, and local nonprofit service providers to identify and rescue victims of human trafficking and modern slavery and to ensure their safety and continued presence in the United States pursuant to the Trafficking Victims Protection Act of 2000; and

Whereas the 110th Congress of the United States unanimously adopted the bipartisan William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, providing U.S. Customs and Border Protection and its law enforcement partners with new tools to bring human traffickers to justice and new responsibilities to identify and protect victims of modern slavery and at-risk unaccompanied alien children: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its support for the role and importance of the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, in combating human smuggling and trafficking in persons;

(2) commends the Department of Justice for increasing the rate of prosecutions against human smugglers and traffickers in persons; and

(3) urges the Department of Justice to continue prosecuting smugglers and traffickers at a rate that will help eliminate the trade in human beings.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, this legislation, sponsored by the Honorable DARRELL ISSA of California, a member of our Judiciary Committee, and a most valuable one, recognizes the recent important steps taken by the Department of Justice and several agencies within the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, to fight human smuggling in all its forms, including human trafficking and slavery.

I am proud to say that last year the 110th Congress took decisive actions to renew the Nation's efforts against human trafficking and modern slavery. We also went so far as to issue an apology in this House for the slavery that this country condoned before 1865.

Both Houses of Congress unanimously adopted the bipartisan William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. It

bears repeating that this bill, this substantial bill of 129 pages that provides a myriad of tools to protect trafficking victims and to combat human trafficking at home and around the world, passed both Houses unanimously, once again, a bipartisan effort Mr. ISSA led.

This is a strong indication that we are really serious about eradicating human smuggling in all its forms.

Building on our efforts in Congress, the Department of Justice and the Department of Homeland Security, including Customs and Border Protection and Immigration and Customs Enforcement, have also renewed their efforts against smuggling and human trafficking. Recently, we have seen a substantial increase in the prosecutions of smugglers and traffickers.

We have seen the adoption of a global enforcement strategy to disrupt and dismantle domestic and international human smuggling and trafficking organizations. And we have seen strong interagency cooperation of identifying rescue victims of human trafficking and modern slavery. These agencies should be commended for their renewed commitment in these areas.

I further commend DARRELL ISSA for his leadership on this bill. And I commend my chairman, JOHN CONYERS, and I commend him on everything he has done. He has been a wonderful member and a mentor to me; and Ranking Member LAMAR SMITH, also a great mentor to me of the Judiciary Committee; and Chairman BENNIE THOMPSON and Ranking Member PETER KING of the Homeland Security Committee for their work in improving the bill and making it a consensus, bipartisan measure.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur with everything the gentleman from Tennessee just said. Mr. COHEN and I do enjoy working together on a bipartisan basis on a great many issues.

Today this bill, H. Res. 14, attempts to begin, if you will, a downpayment on thanking the men and women of the Border Patrol and of ICE and other portions of Homeland Security for their tireless efforts to defend America, and particularly on an issue that I find very personal, that of human smuggling.

Mr. Speaker, 5 years ago I wrote the U.S. Attorney for the Southern District of California expressing my concern after learning from a reporter that U.S. attorneys had refused to prosecute an alien smuggler apprehended while transporting a car loaded with undocumented immigrants.

The smuggler, Mr. Antonio Amparo-Lopez, had attempted to escape the arresting Border Patrol agents and, upon his recapture, the Border Patrol

learned that this smuggler had 21 known aliases, had been arrested and deported more than 20 times without ever having been prosecuted once.

Mr. Speaker, this is what the Border Patrol once faced, is something that the Border Patrol no longer faces, and we would hope, on a bipartisan basis, would no longer face.

As I dug deeper into this, I learned that this was, in fact, at that time a common problem, and that Border Patrol agents had been forced to accept the reality that no matter how many times they did their job, often with people with large amounts of drugs, often with people who they knew were guilty of more heinous crimes, and, in fact, sometimes when they knew that people who perhaps had abandoned the human beings they were trafficking in to die in the desert, they could not take action.

On a bipartisan basis, I want to recognize the men and women of the Border Patrol for their willingness to do this job with personal danger, having had rocks pummeled at them, having been shot at.

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The men and women of the Border Patrol and their allied agencies do what we ask them to do even when we do not fully support them.

The San Diego Border Patrol sector chief even told the House subcommittee in a hearing how the failure to prosecute the foot soldiers in alien smuggling organizations had created an opportunity in which "what would happen then, we would apprehend people that were guiding people across the country, many times at risk. And without meeting prosecution guidelines, they were simply voluntarily return back to Mexico where they could continue to conduct their illicit activity. There is no level of consequences."

Mr. Speaker, I'm glad to say that is no longer the case. I join with my colleagues on a bipartisan basis to say, human smuggling, whether illegal immigrants or in fact victims of kidnapping around the world for purposes of prostitution, cannot be tolerated. We must have a zero-tolerance policy, and we must support the men and women that protect our borders and our interior.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Arizona, a valuable new Member, Mrs. ANN KIRKPATRICK.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today in support of House Resolution 14, which recognizes the critical contributions that the Border Patrol and the Justice Department are making in the fight against human smuggling. Human smuggling is a serious threat to greater Arizona where country roads are targeted by cartels and smugglers. Smuggling cannot be

separated from the trafficking of drugs, guns, and money across our borders.

The people controlling the human smuggling trade are the same gangs and drug cartels who are spreading violence throughout northern Mexico and are now openly threatening our law enforcement. The increased efforts to target human smugglers by Border Patrol and the Justice Department are an important part of the plan to address violence along our border, and they should be praised for this crackdown. The department, along with the entire Federal Government, needs to commit to a sustained, comprehensive effort to secure our borders and keep our communities safe. And this is one valuable step in the right direction.

Mr. ISSA. Mr. Speaker, I would now yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I appreciate my friend from California bringing this to the House floor.

The Border Patrol that patrols our borders on the north and the south are many times in isolated areas. The vastness of the land makes it lonely. And for much of the time, all they are able to do is seek and find out those who wish to sneak into the United States at the hands of a human smuggler. We call those people "coyotes." I think that insults the coyote population of south Texas.

The deadliest human smuggling attempt took place in my home State of Texas not far from Houston when a coyote bringing 70 immigrants into the United States abandoned the tractor-trailer that they were in at a truck-stop, and 19 of the people in that vehicle died from dehydration and suffocation. And now we are learning that the drug cartels are working hand-in-hand with the human smugglers, and they are both making a profit off of these humans that wish to come into the United States.

This is a multibillion-dollar-a-year industry. And that money goes to criminals, coyotes and the drug cartels.

Last week in the Senate hearing, Arizona Attorney General Terry Goddard noted that in Arizona just last year, the cartels grossed \$2 billion from human smuggling alone. This billion-dollar industry is being stopped by the Border Patrol. And we need to applaud their work and their efforts in trying to keep the dignity and sovereignty of the United States intact and keeping out the drug cartels, the human smugglers and the outlaws that make a profit off of people who come into the United States.

Mr. COHEN. Mr. Speaker, may I inquire how many more speakers Mr. ISSA has.

Mr. ISSA. I have one more at this time.

Mr. COHEN. I reserve my time.

Mr. ISSA. At this time, I yield myself such time as I may consume.

I want to close on my side by thanking the gentleman from Tennessee. Memphis is a long way from the southern or the northern border, and yet he has helped us in moving this piece of legislation along because, in fact, our borders ultimately, once somebody is over our border in America, they can go anywhere virtually without ever being stopped. And so I thank all the Members who, whether they are a border district like myself or far inland, have seen that human trafficking is something we need to end.

And I again ask all of us to support this bipartisan legislation.

And I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I would just again like to thank Mr. ISSA for his work on this issue. And this is a very important issue. It is important for our security. But it is also important for the concept that people ought to have freedom. And they ought to have freedom in all ways. Many types of enslavement, unfortunately, have gone on in this world for a long time, and still it goes on today. And it is not just commercial slavery, there is slavery in other parts of the world where it is still something that has not been eliminated. It was only 200 years ago that we said we wouldn't import any more slaves, and 144 years ago that we ended the practice in this Nation. It was a long time that people used their power over others.

So this is an important concept and an important, substantive bill, and I thank Mr. ISSA. I ask everybody to vote for the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 14, "Recognizing the importance of the Border Patrol in combating human smuggling and commending the Department of Justice for increasing the rate of human smuggler prosecutions".

I have long been an advocate of human smuggler prosecutions. I have also worked on human trafficking. These issues particularly affect border States and Texas is no exception. I urge my colleagues to support this bill.

There are few, if any, crimes that are both more corrosive to our Nation's security and offensive to the fundamental moral impulses of its people, than the kidnapping and exploitation—whether it is for forced physical labor, for the sexual degradation, or anything else—of our fellow human beings. It is a practice formerly, and still largely, known as slavery; in recent years, it has reemerged in a world more interconnected than ever, under the title of "human trafficking".

Human smuggling is a terrible crime. This activity attracts and creates the worst sorts of criminal—it is often conducted by organized crime and exposes Federal agents to increased danger in their enforcement efforts. Despite this, United States Customs and Border Protection has in the past, repeatedly arrested many human smugglers only to see them freed by the Federal Government without prosecution. These repeated encounters are

extremely demoralizing to the Border Patrol, especially when under great pressure to do more to stop illegal border crossings.

But we are seeing signs of hope. Federal prosecutions of human smugglers have increased in recent months resulting in decreased repeat offenses and arrests and uplifted Border Patrol morale. Furthermore, the United States is one of the leaders in the fight against human trafficking, and this is reflected in a number of acts by this body that define and expand the U.S. Government's role in the war against human trafficking—laws like the Trafficking Victims Protection Act of 2000, the Trafficking Victims Protection Reauthorization Act of 2003, the Trafficking Victims Protection Reauthorization Act of 2005.

The interagency Human Smuggling and Trafficking Center, HSTC, brings together Federal agency representatives from policy, law enforcement, intelligence, and diplomatic sectors, so they can work together on a full-time basis to achieve increased effectiveness and to convert intelligence into effective law enforcement and other action. This includes the Department of State, DOS, the Department of Homeland Security, DHS, and the Department of Justice, DOJ. The HSTC also serves as a clearinghouse for trafficking information.

A week ago yesterday, in my city of Houston, a U.S. District judge passed the last sentence on one of eight defendants—a man by the name of Maximino Mondragon—in a case that illustrates much of what we condemn and commend here today. Mondragon and his conspirators lured the women to the United States with false promises of legitimate jobs. Once here, traffickers charged the women huge fees for their trip and expenses and held them as prisoners until they could work off what, for many, seemed to be impossible debts. The women were forced to wear skimpy clothes and sell high-priced drinks to men at local cantinas who were then allowed to touch them. And now many of them are beginning prison terms to last 13 or 15 years, and have been made to pay \$1.7 million in restitution, a small consolation for their ordeal.

I support this bill—praising the Department of Justice for increasing the rate of human smuggler prosecutions, urging the Department of Justice to continue to hunt down and prosecute men like Mondragon.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 14, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COHEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the amendments are as follows:

Amendments:

Strike out all after the enacting clause and insert:

S. 386

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fraud Enforcement and Recovery Act of 2009” or “FERA”.

SEC. 2. AMENDMENTS TO IMPROVE MORTGAGE, SECURITIES, COMMODITIES, AND FINANCIAL FRAUD RECOVERY AND ENFORCEMENT.

(a) DEFINITION OF FINANCIAL INSTITUTION AMENDED TO INCLUDE MORTGAGE LENDING BUSINESS.—Section 20 of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” after the semicolon;

(2) in paragraph (9), by striking the period and inserting “; or”; and

(3) by inserting at the end the following:

“(10) a mortgage lending business (as defined in section 27 of this title) or any person or entity that makes in whole or in part a federally related mortgage loan as defined in section 3 of the Real Estate Settlement Procedures Act of 1974.”.

(b) MORTGAGE LENDING BUSINESS DEFINED.—

(1) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting after section 26 the following:

“§ 27. Mortgage lending business defined

“In this title, the term ‘mortgage lending business’ means an organization which finances or refinances any debt secured by an interest in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate or foreign commerce.”.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“27. Mortgage lending business defined.”.

(c) FALSE STATEMENTS IN MORTGAGE APPLICATIONS AMENDED TO INCLUDE FALSE STATEMENTS BY MORTGAGE BROKERS AND AGENTS OF MORTGAGE LENDING BUSINESSES.—Section 1014 of title 18, United States Code, is amended by—

(1) striking “or” after “the International Banking Act of 1978,”; and

(2) inserting after “section 25(a) of the Federal Reserve Act” the following: “, or a mortgage lending business, or any person or entity that makes in whole or in part a federally related mortgage loan as defined in section 3 of the Real Estate Settlement Procedures Act of 1974”.

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after “or promises, in” the following: “any grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, including through the Troubled Asset Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government’s purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in”;;

(2) striking “the contract, subcontract” and inserting “such grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance”; and

(3) striking “for such property or services”.

(e) SECURITIES FRAUD AMENDED TO INCLUDE FRAUD INVOLVING OPTIONS AND FUTURES IN COMMODITIES.—

(1) IN GENERAL.—Section 1348 of title 18, United States Code, is amended—

(A) in the caption, by inserting “AND COMMODITIES” after “SECURITIES”;;

(B) in paragraph (1), by inserting “any commodity for future delivery, or any option on a commodity for future delivery, or” after “any person in connection with”; and

(C) in paragraph (2), by inserting “any commodity for future delivery, or any option on a commodity for future delivery, or” after “in connection with the purchase or sale of”.

(2) CHAPTER ANALYSIS.—The item for section 1348 in the chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting “and commodities” after “Securities”.

(f) MONEY LAUNDERING AMENDED TO DEFINE PROCEEDS OF SPECIFIED UNLAWFUL ACTIVITY.—

(1) MONEY LAUNDERING.—Section 1956(c) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking the period and inserting “; and”; and

(B) by inserting at the end the following:

“(9) the term ‘proceeds’ means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.”.

(2) MONETARY TRANSACTIONS.—Section 1957(f) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) the terms ‘specified unlawful activity’ and ‘proceeds’ shall have the meaning given those terms in section 1956 of this title.”.

(g) SENSE OF THE CONGRESS AND REPORT CONCERNING REQUIRED APPROVAL FOR MERGER CASES.—

(1) SENSE OF CONGRESS.—It is the sense of the Congress that no prosecution of an offense under section 1956 or 1957 of title 18, United States Code, should be undertaken in combination with the prosecution of any other offense, without prior approval of the Attorney General, the Deputy Attorney General, the Assistant Attorney General in charge of the Criminal Division, a Deputy Assistant Attorney General in the Criminal Division, or the relevant United States Attorney, if the conduct to be charged as “specified unlawful activity” in connection with the offense under section 1956 or 1957 is so closely connected with the conduct to be charged as the other offense that there is no clear delineation between the two offenses.

(2) REPORT.—One year after the date of the enactment of this Act, and at the end of each of the four succeeding one-year periods, the Attorney General shall report to the House and Senate Committees on the Judiciary on efforts undertaken by the Department of Justice to ensure that the review and ap-

proval described in paragraph (1) takes place in all appropriate cases. The report shall include the following:

(A) The number of prosecutions described in paragraph (1) that were undertaken during the previous one-year period after prior approval by an official described in paragraph (1), classified by type of offense and by the approving official.

(B) The number of prosecutions described in paragraph (1) that were undertaken during the previous one-year period without such prior approval, classified by type of offense, and the reasons why such prior approval was not obtained.

(C) The number of times during the previous year in which an approval described in paragraph (1) was denied.

SEC. 3. AUTHORIZATION OF ADDITIONAL FUNDING TO COMBAT MORTGAGE FRAUD, SECURITIES AND COMMODITIES FRAUD, AND OTHER FRAUDS INVOLVING FEDERAL ECONOMIC ASSISTANCE.

(a) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—There is authorized to be appropriated to the Attorney General, \$165,000,000 for each of the fiscal years 2010 and 2011, for the purposes of investigations and prosecutions and civil and administrative proceedings involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) ALLOCATIONS.—With respect to fiscal years 2010 and 2011, the amounts authorized to be appropriated under paragraph (1) shall be allocated as follows:

(A) Federal Bureau of Investigation: \$75,000,000 for fiscal year 2010 and \$65,000,000 for fiscal year 2011, an appropriate percentage of which amounts shall be used to investigate mortgage fraud.

(B) The offices of the United States Attorneys: \$50,000,000 for each fiscal year.

(C) The criminal division of the Department of Justice: \$20,000,000 for each fiscal year.

(D) The civil division of the Department of Justice: \$15,000,000 for each fiscal year.

(E) The tax division of the Department of Justice: \$5,000,000 for each fiscal year.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE POSTAL INSPECTION SERVICE.—There is authorized to be appropriated to the Postal Inspection Service of the United States Postal Service, \$30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE INSPECTOR GENERAL FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—There is authorized to be appropriated to the Inspector General of the Department of Housing and Urban Development, \$30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(d) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES SECRET SERVICE.—There is authorized to be appropriated to the United States Secret Service of the Department of Homeland Security, \$20,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to

which this Act and amendments made by this Act apply.

(e) **AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Securities and Exchange Commission, \$20,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) **INSPECTOR GENERAL.**—There is authorized to be appropriated to the Securities and Exchange Commission, \$1,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

(f) **USE OF FUNDS.**—

(1) **IN GENERAL.**—The funds appropriated pursuant to authorization under this section shall be limited to covering the costs of each listed agency or department for investigating possible criminal, civil, or administrative violations and for criminal, civil, or administrative proceedings involving financial crimes and crimes against Federal assistance programs, including mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs.

(2) **FUNDS FOR TRAINING AND RESEARCH.**—Funds authorized to be appropriated under this section may be used and expended for programs for improving the detection, investigation, and prosecution of economic crime including financial fraud and mortgage fraud. Funds allocated under this section may be allocated to programs which assist State and local criminal justice agencies to develop, establish, and maintain intelligence-focused policing strategies and related information sharing; provide training and investigative support services to State and local criminal justice agencies to provide such agencies with skills and resources needed to investigate and prosecute such criminal activities and related criminal activities; provide research support, establish partnerships, and provide other resources to aid State and local criminal justice agencies to prevent, investigate, and prosecute such criminal activities and related problems; provide information and research to the general public to facilitate the prevention of such criminal activities; and any other programs specified by the Attorney General as furthering the purposes of this Act.

(g) **ADDITIONAL NATURE OF AUTHORIZATIONS; AVAILABILITY.**—The amounts authorized under this section are in addition to amounts otherwise authorized in other Acts and shall remain available until expended.

(h) **REPORT TO CONGRESS.**—Following the final expenditure of all funds appropriated pursuant to authorization under this section, the Attorney General, in consultation with the United States Postal Inspection Service, the Inspector General for the Department of Housing and Urban Development, the Secretary of Homeland Security, and the Commissioner of the Securities and Exchange Commission, shall submit a report to Congress identifying—

(1) the amounts expended under each of subsections (a), (b), (c), (d), and (e) and a certification of compliance with the requirements listed in subsection (f); and

(2) the amounts recovered as a result of criminal or civil restitution, fines, penalties, and other monetary recoveries resulting

from criminal, civil, or administrative proceedings and settlements undertaken with funds authorized by this Act.

SEC. 4. CLARIFICATIONS TO THE FALSE CLAIMS ACT TO REFLECT THE ORIGINAL INTENT OF THE LAW.

(a) **CLARIFICATION OF THE FALSE CLAIMS ACT.**—Section 3729 of title 31, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **LIABILITY FOR CERTAIN ACTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), any person who—

“(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

“(B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

“(C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G);

“(D) has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;

“(E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

“(F) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

“(G) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104-410), plus 3 times the amount of damages which the Government sustains because of the act of that person.

“(2) **REDUCED DAMAGES.**—If the court finds that—

“(A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

“(B) such person fully cooperated with any Government investigation of such violation; and

“(C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

“(3) **COSTS OF CIVIL ACTIONS.**—A person violating this subsection shall also be liable to the United States Government for the costs

of a civil action brought to recover any such penalty or damages.”;

(2) by striking subsections (b) and (c) and inserting the following:

“(b) **DEFINITIONS.**—For purposes of this section—

“(1) the terms ‘knowing’ and ‘knowingly’—

“(A) mean that a person, with respect to information—

“(i) has actual knowledge of the information;

“(ii) acts in deliberate ignorance of the truth or falsity of the information; or

“(iii) acts in reckless disregard of the truth or falsity of the information; and

“(B) require no proof of specific intent to defraud;

“(2) the term ‘claim’—

“(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that—

“(i) is presented to an officer, employee, or agent of the United States; or

“(ii) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Government’s behalf or to advance a Government program or interest, and if the United States Government—

“(I) provides or has provided any portion of the money or property requested or demanded; or

“(II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

“(B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual’s use of the money or property;

“(3) the term ‘obligation’ means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment; and

“(4) the term ‘material’ means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.”;

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) in subsection (c), as redesignated, by striking “subparagraphs (A) through (C) of subsection (a)” and inserting “subsection (a)(2)”.

(b) **INTERVENTION BY THE GOVERNMENT.**—Section 3731(b) of title 31, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting the new subsection (c):

“(c) If the Government elects to intervene and proceed with an action brought under 3730(b), the Government may file its own complaint or amend the complaint of a person who has brought an action under section 3730(b) to clarify or add detail to the claims in which the Government is intervening and to add any additional claims with respect to which the Government contends it is entitled to relief. For statute of limitations purposes, any such Government pleading shall relate back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the Government arises out of the conduct,

transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.”

(C) CIVIL INVESTIGATIVE DEMANDS.—Section 3733 of title 31, United States Code, is amended—

(1) in subsection (a)—
(A) in paragraph (1)—
(i) in the matter preceding subparagraph (A)—

(I) by inserting “, or a designee (for purposes of this section),” after “Whenever the Attorney General”; and

(II) by striking “the Attorney General may, before commencing a civil proceeding under section 3730 or other false claims law,” and inserting “the Attorney General, or a designee, may, before commencing a civil proceeding under section 3730(a) or other false claims law, or making an election under section 3730(b),”; and

(ii) in the matter following subparagraph (D)—

(I) by striking “may not delegate” and inserting “may delegate”; and

(II) by adding at the end the following: “Any information obtained by the Attorney General or a designee of the Attorney General under this section may be shared with any qui tam relator if the Attorney General or designee determine it is necessary as part of any false claims act investigation.”; and

(B) in paragraph (2)(G), by striking the second sentence;

(2) in subsection (i)(2)—

(A) in subparagraph (B), by striking “, who is authorized for such use under regulations which the Attorney General shall issue”; and

(B) in subparagraph (C), by striking “Disclosure of information to any such other agency shall be allowed only upon application, made by the Attorney General to a United States district court, showing substantial need for the use of the information by such agency in furtherance of its statutory responsibilities.”; and

(3) in subsection (1)—

(A) in paragraph (6), by striking “and” after the semicolon;

(B) in paragraph (7), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(8) the term ‘official use’ means any use that is consistent with the law, and the regulations and policies of the Department of Justice, including use in connection with internal Department of Justice memoranda and reports; communications between the Department of Justice and a Federal, State, or local government agency, or a contractor of a Federal, State, or local government agency, undertaken in furtherance of a Department of Justice investigation or prosecution of a case; interviews of any qui tam relator or other witness; oral examinations; depositions; preparation for and response to civil discovery requests; introduction into the record of a case or proceeding; applications, motions, memoranda and briefs submitted to a court or other tribunal; and communications with Government investigators, auditors, consultants and experts, the counsel of other parties, arbitrators and mediators, concerning an investigation, case or proceeding.”

(d) RELIEF FROM RETALIATORY ACTIONS.—Section 3730(h) of title 31, United States Code, is amended to read as follows:

“(h) RELIEF FROM RETALIATORY ACTIONS.—

“(1) IN GENERAL.—Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted,

suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, or agent on behalf of the employee, contractor, or agent or associated others in furtherance of other efforts to stop 1 or more violations of this subchapter.

“(2) RELIEF.—Relief under paragraph (1) shall include reinstatement with the same seniority status that employee, contractor, or agent would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys’ fees. An action under this subsection may be brought in the appropriate district court of the United States for the relief provided in this subsection.”

(e) FALSE CLAIMS JURISDICTION.—Section 3732 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(c) SERVICE ON STATE OR LOCAL AUTHORITIES.—With respect to any State or local government that is named as a co-plaintiff with the United States in an action brought under subsection (b), a seal on the action ordered by the court under section 3730(b) shall not preclude the Government or the person bringing the action from serving the complaint, any other pleadings, or the written disclosure of substantially all material evidence and information possessed by the person bringing the action on the law enforcement authorities that are authorized under the law of that State or local government to investigate and prosecute such actions on behalf of such governments, except that such seal applies to the law enforcement authorities so served to the same extent as the seal applies to other parties in the action.”

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to conduct on or after the date of enactment, except that—

(1) subparagraph (B) of section 3729(a)(1) of title 31, United States Code, as added by subsection (a)(1), shall take effect as if enacted on June 7, 2008, and apply to all claims under the False Claims Act (31 U.S.C. 3729 et seq.) that are pending on or after that date; and

(2) section 3731(b) of title 31, as amended by subsection (b); section 3733, of title 31, as amended by subsection (c); and section 3732 of title 31, as amended by subsection (e); shall apply to cases pending on the date of enactment.

SEC. 5. FINANCIAL CRISIS INQUIRY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch the Financial Crisis Inquiry Commission (in this section referred to as the “Commission”) to examine the causes, domestic and global, of the current financial and economic crisis in the United States.

(b) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 3 members shall be appointed by the majority leader of the Senate, in consultation with relevant Committees;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, in consultation with relevant Committees;

(C) 2 members shall be appointed by the minority leader of the Senate, in consultation with relevant Committees; and

(D) 2 members shall be appointed by the minority leader of the House of Representatives, in consultation with relevant Committees.

(2) QUALIFICATIONS; LIMITATION.—

(A) IN GENERAL.—It is the sense of the Congress that individuals appointed to the Commission should be prominent United States citizens with national recognition and significant depth of experience in such fields as banking, regulation of markets, taxation, finance, economics, consumer protection, and housing.

(B) LIMITATION.—No person who is a member of Congress or an officer or employee of the Federal Government or any State or local government may serve as a member of the Commission.

(3) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to the requirements of subparagraph (B), the Chairperson of the Commission shall be selected jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives, and the Vice Chairperson shall be selected jointly by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson of the Commission may not be from the same political party.

(4) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—

(i) INITIAL MEETING.—The initial meeting of the Commission shall be as soon as possible after a quorum of members have been appointed.

(ii) SUBSEQUENT MEETINGS.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of its members.

(B) QUORUM.—6 members of the Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy on the Commission shall—

(i) not affect the powers of the Commission; and

(ii) be filled in the same manner in which the original appointment was made.

(c) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to examine the causes of the current financial and economic crisis in the United States, specifically the role of—

(A) fraud and abuse in the financial sector, including fraud and abuse towards consumers in the mortgage sector;

(B) Federal and State financial regulators, including the extent to which they enforced, or failed to enforce statutory, regulatory, or supervisory requirements;

(C) the global imbalance of savings, international capital flows, and fiscal imbalances of various governments;

(D) monetary policy and the availability and terms of credit;

(E) accounting practices, including, mark-to-market and fair value rules, and treatment of off-balance sheet vehicles;

(F) tax treatment of financial products and investments;

(G) capital requirements and regulations on leverage and liquidity, including the capital structures of regulated and non-regulated financial entities;

(H) credit rating agencies in the financial system, including, reliance on credit ratings by financial institutions and Federal financial regulators, the use of credit ratings in financial regulation, and the use of credit ratings in the securitization markets;

(I) lending practices and securitization, including the originate-to-distribute model for extending credit and transferring risk;

(J) affiliations between insured depository institutions and securities, insurance, and other types of nonbanking companies;

(K) the concept that certain institutions are “too-big-to-fail” and its impact on market expectations;

(L) corporate governance, including the impact of company conversions from partnerships to corporations;

(M) compensation structures;

(N) changes in compensation for employees of financial companies, as compared to compensation for others with similar skill sets in the labor market;

(O) the legal and regulatory structure of the United States housing market;

(P) derivatives and unregulated financial products and practices, including credit default swaps;

(Q) short-selling;

(R) financial institution reliance on numerical models, including risk models and credit ratings;

(S) the legal and regulatory structure governing financial institutions, including the extent to which the structure creates the opportunity for financial institutions to engage in regulatory arbitrage;

(T) the legal and regulatory structure governing investor and mortgagor protection;

(U) financial institutions and government-sponsored enterprises; and

(V) the quality of due diligence undertaken by financial institutions;

(2) to examine the causes of the collapse of each major financial institution that failed (including institutions that were acquired to prevent their failure) or was likely to have failed if not for the receipt of exceptional Government assistance from the Secretary of the Treasury during the period beginning in August 2007 through April 2009;

(3) to submit a report under subsection (h);

(4) to refer to the Attorney General of the United States and any appropriate State attorney general any person that the Commission finds may have violated the laws of the United States in relation to such crisis; and

(5) to build upon the work of other entities, and avoid unnecessary duplication, by reviewing the record of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, other congressional committees, the Government Accountability Office, other legislative panels, and any other department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the United States (to the fullest extent permitted by law) with respect to the current financial and economic crisis.

(d) POWERS OF THE COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this section—

(A) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(2) SUBPOENAS.—

(A) SERVICE.—Subpoenas issued under paragraph (1)(B) may be served by any person designated by the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evi-

dence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under the authority of this section.

(iii) ISSUANCE.—A subpoena may be issued under this subsection only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of a majority of the Commission, a majority being present.

(3) CONTRACTING.—The Commission may enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES AND OTHER ENTITIES.—

(A) IN GENERAL.—The Commission may secure directly from any department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this section, including information of a confidential nature (which the Commission shall maintain in a secure manner). Each such department, agency, bureau, board, commission, office, independent establishment, or instrumentality shall furnish such information directly to the Commission upon request.

(B) OTHER ENTITIES.—It is the sense of the Congress that the Commission should seek testimony or information from principals and other representatives of government agencies and private entities that were significant participants in the United States and global financial and housing markets during the time period examined by the Commission.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission—

(A) the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act; and

(B) other Federal departments and agencies may provide to the Commission any administrative support services as may be determined by the head of such department or agency to be advisable and authorized by law.

(6) DONATIONS OF GOODS AND SERVICES.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(8) POWERS OF SUBCOMMITTEES, MEMBERS, AND AGENTS.—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(e) STAFF OF THE COMMISSION.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(2) STAFF.—The Chairperson and the Vice Chairperson may jointly appoint additional personnel, as may be necessary, to enable the Commission to carry out its functions.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Com-

mission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any individual appointed under paragraph (1) or (2) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(4) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(5) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORT OF THE COMMISSION; APPEARANCE BEFORE AND CONSULTATIONS WITH CONGRESS.—

(1) REPORT.—On December 15, 2010, the Commission shall submit to the President and to the Congress a report containing the findings and conclusions of the Commission on the causes of the current financial and economic crisis in the United States.

(2) INSTITUTION-SPECIFIC REPORTS AUTHORIZED.—At the discretion of the chairperson of the Commission, the report under paragraph (1) may include reports or specific findings on any financial institution examined by the Commission under subsection (c)(2).

(3) APPEARANCE BEFORE THE CONGRESS.—The chairperson of the Commission shall, not later than 120 days after the date of submission of the final reports under paragraph (1), appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding such reports and the findings of the Commission.

(4) CONSULTATIONS WITH THE CONGRESS.—The Commission shall consult with the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and other relevant committees of the

Congress, for purposes of informing the Congress on the work of the Commission.

(i) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the final report is submitted under subsection (h).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding the activities of the Commission, including providing testimony to committees of the Congress concerning reports of the Commission and disseminating the final report submitted under subsection (h).

(j) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to cover the costs of the Commission.

Amend the title so as to read: "An Act to improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

The Fraud Enforcement and Recovery Act of 2009 is crafted to combat financial fraud that contributed to causing and worsening our Nation's current economic crisis. We are bringing to the floor a bill that represents a consensus of efforts for the House and Senate, each acting on a bipartisan basis, blending the Senate-passed bill with H.R. 1748, the Fight Fraud Act of 2009, which the House Judiciary Committee reported last week.

This bill amends the Federal criminal fraud statutes to reach the full range of fraud and other financial crimes that have come to light as the financial crisis has unfolded. The bill amends the definition of "financial institution" and fraud statutes to make it clear that financial institutions include mortgage lending businesses. It amends the securities fraud statute to make it clear that securities fraud includes commodities fraud. It makes it clear that it is a felony for a mortgage broker to knowingly make a materially false statement on a loan application or fraudulently overvalue property in order to influence any action by a mortgage lending business. Of course,

that is already a crime, and the bill clearly states this fact just in case anybody thought it was okay to cheat and defraud a mortgage lending business during the mortgage process.

It amends Federal money laundering statutes to make them more effective in the context of fraud prosecutions and to ensure their appropriate use. It also seeks to deter fraud from undermining the TARP and economic stimulus package efforts recently passed by explicitly making fraud in those cases a felony.

In addition to amending criminal statutes, S-386 clarifies key provisions of the False Claims Act in order to more effectively enlist private citizens in helping root out fraud against the government and bring its perpetrators to justice.

Now, Mr. Speaker, I think the most important part of the bill, in my judgment, is not the clarification of various fraud sections in the criminal code, but its authorization of resources to investigate and prosecute fraudulent activities. Additional authorization for the FBI, for example, would enable it to nearly double the size of its mortgage and financial fraud program. The U.S. Attorneys offices and other components of the Justice Department and other Federal agencies involved in investigating fraud would also receive increased authorizations. Additional funds provided pursuant to the new authorizations can be used not only for Federal investigations and enforcement, but also to support State and local law enforcement efforts in this area, including training, technical assistance, expertise and other support provided through programs such as the National White Collar Crime Center.

Mr. Speaker, many financial crimes today go unpunished because law enforcement agencies simply lack the resources to investigate and prosecute financial crimes such as ID theft, mortgage fraud or organized retail theft. This bill will empower Federal law enforcement officials to hold criminals accountable for their crimes.

And finally, Mr. Speaker, the bill incorporates legislation by the gentleman from Connecticut (Mr. LARSON) which will create an independent, bipartisan commission with subpoena power to examine more broadly the circumstances giving rise to the current financial crisis.

I would like to commend the Judiciary Committee's chairman, the gentleman from Michigan (Mr. CONYERS), the ranking member, the gentleman from Texas (Mr. SMITH), the ranking member of the subcommittee, the gentleman from Texas (Mr. GOHMERT) and others on the committee, as well as the gentlelady from Illinois (Mrs. BIGGERT) and our colleagues from the other body for their help in making this such a strong bipartisan bill. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. ISSA. At this time, I would like to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT) for her statement.

Mrs. BIGGERT. I thank the gentleman for yielding and thank him for managing the bill. I would also like to thank Chairman CONYERS, Ranking Member SMITH and their staffs, in particular Caroline Lynch, Allison Hallataei, Zachary Somers, Rob Reed, and my designee for the Financial Services, Nicole Austin, for their work on this bill, Senate 386, the Fraud Enforcement and Recovery Act.

I urge my colleagues to support this amended version.

I was pleased to be an original cosponsor of the House version of this bill, H.R. 1748, the Fight Fraud Act, which is the substitute language to the underlying bill. I am also pleased that the bill includes language from my bill, H.R. 78, the Stop Mortgage Fraud Act, to provide additional funds to the FBI and Department of Justice to investigate and prosecute mortgage fraud.

A couple of years ago, the Chicago Tribune published a series that revealed that gangs in the Chicago area were increasingly turning toward mortgage fraud. They found it more lucrative than selling drugs. It turns out the gangs were not alone. Everyone, it seems, was in on the act.

In March, the U.S. Attorney in Chicago, Patrick Fitzgerald, brought mortgage fraud indictments against two dozen players. They are brokers, accountants, loan officers and processors and attorneys.

Mortgage fraud comes in all shapes and sizes. Scam artists inflated appraisals, flipped properties and lied about information, including income and identity, on loan applications. Some used the identity of deceased people to obtain mortgages. And other desperate thieves bilked out of their homes and home equity the most vulnerable homeowners and seniors in dire financial straits.

Let's face it: This is just the tip of the iceberg, which is why H.R. 1728, the mortgage reform bill, also under consideration today, is an important bill. And as we in Congress work to get the economy back on track and credit flowing again, we have to address what was the root of the mortgage meltdown in the first place, mortgage fraud.

□ 1430

Mortgage fraud continues to rise in record numbers. The FBI has reported that in 5 years, the mortgage fraud caseload increased 237 percent, and investigations more than doubled in 3 years, reaching over 63,000 reports in 2008. For the fifth year in a row, Illinois secured a spot, number three this year, on the top 10 list of States with the most severe and prevalent incidents of mortgage fraud.

As a former real estate attorney and member of the House Financial Services Committee, I have seen firsthand the devastating effect of mortgage fraud. It has plagued our financial system and economy. Most tragically, it has cost millions of Americans families their homes and required taxpayers to commit trillions of their hard-earned dollars to prop up the financial industry. It is not fair to the good actors in the industry and the 90 percent of homeowners who are paying their mortgages on time.

Congress can help to inject certainty and fairness into the mortgage system—to restore investor, homeowner, and public confidence in the American Dream and our financial system.

As we work to modernize financial laws and regulations, it is our duty to supply Federal law enforcement with the tools and resources it needs to rapidly tackle fraud, particularly mortgage fraud. Fighting fraud must play a central role in solving the underlying problems that have undermined economic recovery.

With that, I urge my colleagues to support this amended version of Senate 386.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut, the chairman of the majority caucus, Mr. LARSON.

Mr. LARSON of Connecticut. I want to start by thanking Speaker PELOSI, Congressman FRANK, and Senator DODD for their tireless work on this effort, as well as Congressman CONYERS, and also thank and point out the work of Congressman ISSA and his staff in working in conjunction on this.

The American people have been demanding answers about the collapse of our financial system. Today, this House votes on legislation to finally get to those answers. Shortly after our financial system began to show signs of collapse back in September, like many Members here, I went home to my district. I stopped by Augie and Ray's, which for me is where it begins and ends in my hometown in East Hartford. People simply have one question: How did this happen?

The questions I heard were no doubt similar to what my colleagues heard all across this Nation. Unfortunately, the answer is not so simple. Most Americans do not know what a credit default swap is, what derivatives are, or what naked short selling is all about. I could go on.

But they do know that their savings are dwindling. They have lost their jobs, their homes, and in many cases their health care as well. And they rightly want and demand an explanation as to why. I knew then that we needed a commission to provide answers and a narrative for the American people, and one, frankly, for the Congress as we move ahead with common-

sense reforms to make sure this doesn't happen again.

Our economy has suffered through the bursting of three major economic bubbles: the savings and loan debacle of the 1980s, the dot.com bubble of the 1990s, and now the real estate bubble. It is time we learned something from these crises.

Our Nation faced a similar challenge after the stock market crash of 1929. Congress formed a panel, the Pecora Commission, that uncovered the fraudulent and unscrupulous activities that brought about the Great Depression and laid the groundwork for the regulation that has served this Nation for decades.

It is time in this century for a new commission to help develop the framework of a modern regulatory structure for the 21st-century global economy.

Americans have lost their homes, their jobs, their life savings. We owe them not only an explanation of how this happened, but a path forward that corrects the circumstances that created the crisis.

We have got to do this by looking back not just conveniently over the last 8 years, but at the last 28 years. And as Pecora said, "We must shed the fierce light of public scrutiny" on the dark markets, on the schemes and negligence, and the unintended consequences that have been perpetrated on our financial system. Why? So we can build a regulatory framework for this century that protects the American worker and that protects the American investor.

Mr. ISSA. Mr. Speaker, as I recognize the former chairman of the full Committee on the Judiciary, I would like to thank the gentleman from Connecticut for his bipartisan work on coming to an agreement between our two bills that I believe led to the suspension today on the Senate bill.

With that, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from California for yielding to me.

I rise in support today of S. 386, the Fraud Enforcement Recovery Act of 2009. I am particularly pleased that the bill amends certain provisions of the False Claims Act, which allows private individuals with knowledge of past or present fraud committed against the government to file claims against Federal contractors. We need the False Claims Act, as it is the principal tool of law enforcement to combat fraud against Federal programs.

The False Claims Act was originally passed at the behest of President Lincoln during the Civil War to combat fraud against the Union Army. The act has been amended several times since then, with President Reagan signing the most recent bill in 1986, and an update is overdue.

The False Claims Act has been successful for the Federal Government. It has returned more than \$20 billion in settlements and judgments to the U.S. Treasury over the past 20 years.

Although the False Claims Act has been successful, there is always room for improvement. Several Federal courts have applied and interpreted provisions of the FCA in ways that have substantially weakened the law. This bill changes that.

Congress recently approved a \$787 billion stimulus package. As many of us know, the Federal Government itself will not dole out all of this money, but will rely on government contractors, grantees, and other third parties to distribute a large portion of these funds.

With the U.S. Government relying on private contractors to disburse funds for everything from our Medicare prescription drug program to our war efforts in Iraq to the stimulus money, billions of Federal dollars are now in jeopardy. The bailouts that Congress is approving left and right, without proper transparency or accountability, only adds to the amount of government funds in jeopardy from the fraudsters.

It is my hope that the House passes additional false claims provisions this year so that fraudsters will no longer be able to hide behind judicially created qualifications and evade liability. Especially in these challenging times, there is no patience for individuals making false claims and benefiting from them.

Although all of the provisions of the False Claims Corrections Act, which I introduced with the gentleman from California (Mr. BERMAN), were not included in this legislation, I am pleased that some were added. This is a good start, and I look forward to working with my colleagues to enact the rest of those provisions.

Mr. SCOTT of Virginia. Mr. Speaker, I now yield such time as she may consume to a member of the Judiciary Committee, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished chairman and I thank the Speaker.

Mr. Speaker, whenever we attended to matters in our district over the last year, when many of our constituents are facing the most catastrophic time in their life, it may be a catastrophic illness or a personal matter that changes or skews their whole life-style. We are seeing the financial markets and the structure of financial calamity alter the lives of Americans.

I think it is important to note that this Congress, this new Congress, has made an effort step by step to respond to the needs of Americans. I thank Mr. ISSA for his work and that of our full committee and the leadership of the Senate to bring us S. 386 which amends the Federal criminal fraud statutes to reach the full range of fraud and other

financial crimes that have come to light as the financial crisis has unfolded.

It is important for America to know that we will hold those accountable for the malfeasance and the criminal acts that they have engaged in; for example, the Bernie Madoff issue, with so many people losing not only their sole possessions and resources, but in essence some would say losing their lives.

This amends the security fraud statute to include commodities fraud. It clarifies that it is a felony for a mortgage banker to knowingly make materially false statements on a loan application or overvalue property. We can attest to the fact that this has happened.

And in keeping with that, I am also supportive of H.R. 1728, that is, the Mortgage Reform and Anti-Predatory Lending Act.

For those of us at town hall meetings and who have listened to any number of those who are in foreclosure, they told us that they would see papers that they had signed come back with the altering of their rates, with the altering of their income, with the altering of certain vital points that would then, in essence, put this fraudulent document in a position for the individual to receive a loan on false premises. Therein lies the underpinnings, if you will, of this collapse; the overexerting, if you will, of the market by lending to people who could not afford the homes, by miswriting on the documents. All of this came about.

In the mortgage bill that we will be discussing over the next 24 hours, I was glad to argue on the point of language dealing with predatory lending which is also covered in S. 386, as we have indicated, and as well to provide an amendment that provides for an individual knowing how much their mortgage and interest would cost over a period of time. It is all right to be able to go in and fill out papers that indicate that you have a down payment of \$2,000, but it is another thing to know that you are buying a house for a million dollars or \$5 million, or more over a period of your lifetime, and whether or not that individual, that particular purchaser, understands the facts in the documents before them.

The bill that we have before us amends Federal money laundering statutes to make them more effective in the context of fraud, prosecutions and ensures their appropriate use, and explicitly made fraud against the TARP and economic stimulus programs also a felony.

There is a lot of money out there, Mr. Speaker, and there is certainly the possibility that all of those moneys can be used in a fraudulent manner.

I believe it is important for the Members of this body but also the American people to know that we are working. And I also add in conclusion, Mr.

Speaker, we are doing a lot of good work today. I also support the legislation, H. Res. 14, that acknowledges the importance of the Border Patrol in combating human trafficking. I am working to ensure that they have extra language to help them with additional Border Patrol agents and also to fight the guns and drugs that have a lot to do with human smuggling. The American people need to know the work that we are doing.

I am in support of S. 386 because it puts a pin in the balloon of fraud that has hurt so many people. I would ask my colleagues to support this legislation.

Mr. Speaker, I rise in strong support of S. 386, Fraud Enforcement and Recovery Act that was introduced in this Congress by the Chairman of the Judiciary Committee, Representative JOHN CONYERS from Michigan. This timely legislative initiative is aimed at fighting fraud and protecting taxpayers. If passed, this bill will help Americans recover from the present economic crisis. I urge my colleagues to support this bill.

This legislation is designed to combat fraud by increasing vigilance and accountability concerning the manner how American tax dollars are spent. The types of fraud covered by this legislation include financial fraud, corporate fraud, contracting fraud, and mortgage fraud.

Because recent history has demonstrated that large government outlays of money has attracted persons attempting to create fraud, this legislation provides the Congress with the opportunity to identify viable solutions to fraud and misuse.

Current federal law enforcement uses a number of criminal statutes to prosecute fraud. The criminal penalties for fraud are found in Title 18 of the United States Code. This bill extend the application of these penalties to new areas.

Specifically, this bill will increase accountability for corporate and mortgage fraud and will safeguard against future fraud on those programs that Congress recently developed to restore America's economy. This bill provides increased funding for the expanded role of the Department of Justice. Financial institutions, mortgage lenders, and other private entities are held accountable. This bill will target face statements made to financial institutions and false statements made by financial institutions, i.e. in the overvaluation of property.

H.R. 1292, To amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968, establishes a grant program to authorize funds to states to work with information sharing and training programs focused upon the prevention, investigation, and prosecution of terrorism, economic and high-tech crimes and will aid in the creation and maintenance of intelligence led police and information sharing.

The bill provides the FBI with additional funding to combat financial fraud and identity theft. This additional provision of funding is responsive to the role that fraud has played in the housing crisis. This bill provides the FBI with greater funding to combat fraud. Its purpose is to address the corrupt and fraudulent practices of "flippers", "scam artists", and "mortgage fraud rings."

President Obama has signaled that he will freeze releasing additional TARP funds to AIG because of its mismanagement (i.e., AIG was using TARP funds to pay for employees bonuses). The TARP bill proscribed the use of the TARP funds and specified that there would be repercussions if the TARP funds were used wrongly. There are many companies that used these funds inappropriately.

The first sign of the crisis that America presently finds itself in occurred in March 2008 when investment bank Bear Stearns turned to the federal government and competitor JP Morgan Chase for assistance in addressing a sudden liquidity crisis. At that time, the Federal Reserve provided JP Morgan with funds to complete the merger. Later, in July 2008, the Federal Deposit Insurance Company seized control of IndyMac, the nation's largest home lender.

In September, the federal government put Fannie Mae and Freddie Mac into conservatorship. Since August 2008, the federal government has invested billions of dollars into financial institutions. Much of this money was given directly to large banking institutions. Other money was distributed through the Troubled Asset Relief Program. This program was supposed to increase liquidity in the credit and lending markets. Some of this money, it was later found was mismanaged and was used to buy other banks.

On October 3, 2008, under the TARP, Congress authorized \$700 billion for the Treasury to buy troubled assets to prevent further disruption in the economy. After the Act was passed, the Administration decided to use a portion of the \$700 billion to recapitalize some of the nation's leading banks by buying their shares. Despite this purchase by the government, many banks had no intention of making new loans. In allocating the TARP fund, Treasury made a determination about which banks would survive and receive funds and which banks, usually smaller, would not. By the end of 2008, nine of the largest banks were participating in the TARP program. AIG, Bank of America, Citigroup all benefitted.

For some aspects of the present crisis, I believe that there were a number of conscious decisions undertaken by bankers, financial institutions, and other lenders that have had a direct and adverse effect on borrower.

I also understand that some Mr. and Mrs. Main Street Americans played a role. Many made false statements or exaggerated their income or engaged in other types of fraud in an effort to secure a mortgage that they could not afford. This bill is designed to take an evenhanded approach and to stamp out fraud, mismanagement, and false statements whether they occur on Main Street or Wall Street. I urge my colleagues to support it.

Mr. ISSA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Speaker, I am generally not in favor of commissions. I think Congress gives up too much of its power to commissions in my brief experience here. But this is one point that I think does call out for a commission. Certainly just as egregious as what happened to

this country on 9/11 was what happened to this country in September 2008 when we experienced a financial meltdown. And to date, we have not looked back into the causes of the crisis and held anyone accountable.

In fact, Congressman BRADY from Texas and myself introduced a bill earlier this year for just such a commission, H.R. 2111, that differs substantially from the bill under consideration today.

The bill that we are considering today creates a 10-member commission with subpoena power. It is going to be composed of six Democrats and four Republicans. When we did the 9/11 Commission, was that not a 50/50 split with some members being named by agreement amongst the commissioners who were already selected? Why would we unbalance this commission when, quite frankly, Mr. Speaker, there is just as much guilt on one side of the aisle as there is on the other.

Senate 386 allows the chairman of the Senate Banking Committee to select a commissioner. The chairman of the Senate Banking Committee may have been part of the problem.

The bill allows the chairman of the House Financial Services Committee to appoint a representative to the commission. Mr. Speaker, the chairman of the House Financial Services Committee may have been part of the problem.

Senate 386 creates an accountability commission focused on protecting the government. H.R. 2111 creates an accountability commission focused on protecting taxpayers and restoring public confidence, something that is critical at this juncture.

□ 1445

Importantly, Mr. Speaker, we do things like this all the time. We bring up an important concept and we pass it under suspension of the rules. This is an important commission that should be created with all due care and caution by this Congress, and then empowered to go out and do the work that we want it to do, not slipped in in the middle of a very quiet legislative day when Members don't even have any idea what they're coming to the floor to vote on.

I just want to end by quoting from the *Investors Business Daily*, an article entitled, *Probe Yourselves*, from April 16, 2009. The article says, "Regulators also deserve blame for lowering lending standards that then contributed to riskier home ownership and the housing bubble." Exactly correct."

Continuing to quote, "As such, Pelosi's proposed commission will be little more than a fig leaf to cover Congress' own multitude of sins—letting its Members, the true creators of this financial mess, bash business leaders as they pose as populist saviors of Main Street from Wall Street."

Continuing to quote, "On NPR Thursday, a reporter confronted Representative Frank, chairman of the Financial Services Committee, with the fact that his \$300 billion 'Hope for Homeowners' program"—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman 1 additional minute.

Mr. BURGESS. "Chairman Frank was asked about his \$300 billion 'Hope for Homeowners' program, passed with much fanfare a year ago that had so far helped one homeowner. One. Frank's response: 'It was the fault of the right.'"

Continuing to quote, "The truth is, Mr. Frank's party has been in charge since 2006. And during that time, Democrats have presided over one of the most disgraceful and least accomplished Congresses in history. This financial mess began on their watch, yet they pretend otherwise."

Further quoting from the *Investors Business Daily*, the commission that is outlined "won't get to the bottom of our financial crisis; it will carefully select scapegoats to be ritually shamed by the liberal media, stripped of their wealth, and exiled. The new rules will be imposed that will no doubt make things worse. And the cycle will begin again."

"Wall Street didn't create this subprime mess, Congress, through repeated interventions, did. When the whole thing failed, it was Congress' fault."

They conclude by saying, "We'd be happy to support a 9/11-style commission to look into the causes of the financial meltdown. But only if Congress agrees to put itself under the microscope. Anything less would be a sham."

[From *Investor's Business Daily*, Apr. 16, 2009]

PROBE YOURSELVES

Named for its chief counsel, Ferdinand Pecora, the 1932 congressional commission dragged influential bankers and stockbrokers before its members for rough questioning—both of their business practices and private lives.

The Pecora Commission led directly to the Securities Act of 1933, the Securities Exchange Act of 1934 and the creation of the Securities Exchange Commission in 1935 to oversee Wall Street.

Now Pelosi's calling for an encore. "People are very unhappy with these bailouts," she noted, especially the bonuses that went to executives. "Seventy five percent of the American people, at least, want an investigation of what happened on Wall Street."

No doubt, that's true. The problem is, what "happened on Wall Street" was a direct result of what happened on Capitol Hill. And we're not the only ones who believe that, by the way.

"Government policies, especially the Community Reinvestment Act, and the affordable housing mission that Fannie Mae and Freddie Mac were charged with fulfilling, are to blame for the financial crisis," wrote economist Peter Wallison, a fellow at the American Enterprise Institute, recently.

"Regulators also deserve blame for lowering lending standards that then contributed to riskier homeownership and the housing bubble." Exactly correct.

As such, Pelosi's proposed commission will be little more than a fig leaf to cover Congress' own multitude of sins—letting its members, the true creators of this financial mess, bash business leaders as they pose as populist saviors of Main Street from Wall Street predators.

Why do this now? Pelosi and her Democrat colleagues are feeling the heat from Tea Party demonstrations and growing voter anger over the massive waste entailed in the \$4 trillion (and rising) stimulus-bailout bonanza. Again, the Democrats created all this spending. Now, as it proves unpopular, they just walk away from it.

On NPR Thursday, a reporter confronted Rep. Barney Frank, chairman of the Financial Services Committee, with the fact that his \$300 billion "Hope for Homeowners" program, passed with much fanfare last fall, had so far helped just one homeowner. One.

Frank's response: It was the fault of the "right." And Bush.

Truth is, Frank's party has been in charge since 2006. And during that time, Democrats have presided over one of the most disgraceful and least accomplished Congresses in history. This financial mess began on their watch, yet they pretend otherwise.

What better way to take the heat off yourself than by pointing accusing fingers at those most unlikely of people—Wall Street bankers? That's what the Pelosi-Pecora Commission will do.

It won't get to the bottom of our financial crisis; it will carefully select scapegoats to be ritually shamed by the liberal media, stripped of their wealth, and exiled. Then new rules will be imposed that will no doubt make things worse. And the cycle will begin again.

We're not saying Wall Street has no blame for the financial meltdown. But Wall Street didn't create the subprime mess. Congress, through repeated interventions in healthy markets, did. And when the whole thing failed, it was Congress' fault.

We'd be happy to support a 9/11-style commission to look into the causes of the financial meltdown. But only if Congress agrees to put itself in the dock. Anything less would be a sham.

Mr. SCOTT of Virginia. I yield 4 minutes to a member of the Judiciary Committee, the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. The Fraud Enforcement Recovery Act of 2009 gives the Department of Justice the resources it needs to better combat and prevent the kind of financial fraud that has put our economy on its heels.

As I discussed with the bill's sponsors on this legislation in the House, however, I do have concerns about amendments like those included in this package that expand the reach of an already powerful weapon—the civil False Claims Act. Often enforced by whistleblowers and their private counsel when the Department of Justice steps aside, the civil False Claims Act reaches beyond traditional fraud to impose treble damages and per claim penalties of \$5,500 to \$11,000 on individuals, corporations, and other legal entities who submit false claims for government program funds, knowing or recklessly disregarding the falsity of those claims.

The power of the False Claims Act comes from its broad terms, low burden of proof, enabling the government to impose penalties and recoup funds lost not only to frauds, but to less culpable schemes that abuse government monies.

But there's also a danger in this. Not all whistleblowers and their lawyers have the same view of the statute as the Department of Justice and the risk of penalties, treble damages, and attorney fees. In many cases, the defense costs can cost some defendants to settle charges they would otherwise be able to defend.

One of the things this legislation does is expend that powerful weapon to reach schemes that defraud the government of money it pays by mistake—of “overpayments” that come into the possession of an entity, like a university or a research institution, through no fault of its own, that the entity keeps and maybe hides rather than notifying the government or returning it to the government.

Drafting language to pursue unlawful retention of an overpayment proved difficult, however. When we considered similar legislation in committee, I learned that hospitals, universities, and other research institutions are among various entities that function in government programs where the program rules do require those entities to account for overpayments.

They do so in the form of periodic reports prepared according to agency rules that account costs incurred and payments received. This allows them to reconcile overpayments and underpayments and, when appropriate, repay those overpayments.

But the drafting problem we faced was avoiding language that would impose liability on research institutions or hospitals for holding on to overpayments at a time when the applicable rules would allow them to do so pending repayment through the normal process.

This would include reconciliation processes established under statutes, regulations, and rules that govern Medicare, Medicaid, and all sorts of other various research grants and programs.

So, as a courtesy to my colleagues, I withdrew an amendment that addressed these issues and commenced negotiations to see that any amendments to the False Claims Act-protected entities that rely on those processes in good faith in handling their accounting, protecting them from unwarranted investigations and litigation concerning overpayments, they were, in effect, entitled to keep for at least a small period of time.

As reflected in the committee report, the Senate version of this bill was amended to afford that protection. A new subsection of the False Claims Act will not impose liability for the mere

retention of an overpayment over the course of the reconciliation period. Rather, the new subsection would require proof of a knowing false record or statement, of knowing concealment, or of knowing and improper acts to avoid or decrease an obligation to pay money to the government.

So, if a person or entity receives an overpayment from the United States and fails to return it immediately and instead takes steps to return the overpayment through an applicable reconciliation process, then liability would not attach. However, if a person falsifies information during a reconciliation period or otherwise acts knowingly and improperly to avoid the payment, liability would attach.

So it's vitally important that we pass this legislation to fight financial fraud. But it's also important that we not punish universities, hospitals, and other important research institutions when they're doing everything that they are supposed to do. We must have enforcement and also fairness.

Mr. ISSA. Mr. Speaker. It's now my privilege to yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I appreciate my friend yielding, and I appreciate all the good work that has gone into this bill. I do have concerns about a commission that would look into something as important as our financial situation, where it ends up being a political commission, 6-4, instead of, like, the 9/11 Commission, which was 5-5. That was a bipartisan commission that made those findings and were largely supported around the country.

If we're going to make this another political commission, 6-4, then aren't we going to get right back into the mess of: Can we trust this? Or is this another political report that we're going to spend millions and millions of dollars for?

There are many of us, I think, that can be objective about this. But when you have a commission that's 6-4, it's going to get political. There's no way around it.

There's nobody more upset, for example, with the bailout that the Republican administration proposed last September. It sure seemed to me that AIG should have gone to bankruptcy because they were bankrupt and we wouldn't have had the issue of bonuses. We should have let the car manufacturers, if they're bankrupt, then we have bankruptcy court.

And so I was not happy with our administration. I think it would be easy to have a commission that would be fair. But when it's 6-4, it's unavoidably going to end up political instead of giving us the fair analysis that this country really needs.

Mr. SCOTT of Virginia. I yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman. There are serious problems

with the way some mortgages were sold over this past decade. I have heard from constituents who were fully taken advantage of by lenders who used a variety of different techniques. Florida, my home State, was particularly hard hit by fraud and unscrupulous lenders, unfortunately. There's plenty of blame to go around.

However, on a going-forward basis, we must ensure that these problems never happen again, and it's essential that we reform the current mortgage underwriting legislation.

Senator LEAHY's legislation and my colleagues in the House here have put together an excellent bill, the Fraud Enforcement and Recovery Act, which is part of a comprehensive effort to reform mortgage underwriting standards and, most importantly, restore consumer and investor confidence in the system by expanding criminal penalties for fraudulent activity by mortgage brokers and lenders.

In addition, this bill expands the scope of securities fraud provisions and extends the prohibition against defrauding the Federal Government to the TARP program and to the stimulus bill.

The bill also authorizes additional appropriations to investigate and prosecute fraud, and creates a Senate Select Committee to examine the causes of our current economic crisis.

All these measures, when taken together, will help restore confidence in the American economy, and I urge my colleagues to support this legislation so we can get on with business.

Mr. ISSA. Mr. Speaker, can I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California has 9 minutes remaining.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, in closing, this legislation is a combination of two well thought-out compromises. First of all, the Fraud Enforcement and Recovery Act, in fact, is going to take the place of a piece of legislation that is far more reaching and, in my opinion, overreaching, that passed out of Judiciary just this past week. In fact, by making this narrower, what we do is help the whistleblowers and those who would support them, while not going too far as to cripple the legitimate enforcement by cities and States and the right for them to discover waste, fraud and abuse themselves, make those in corrections without seeing both punitive fines and perhaps 30 percent going to plaintiffs' trial lawyers.

The fact is, Mr. Speaker, this narrowing is a good compromise coming from the Senate, and I want to thank all of those in both parties who worked on this. I think it makes moot the legislation that was passed under Judiciary.

Secondly, another compromise, and one that I want to speak to, this 9/11-

style commission, something that, as you can see, many people on both sides of the aisle—on both sides of the Capitol—thought was necessary. Over the last period of months, we have seen the Speaker of the House going from not supporting, and supporting only that her committee chairmen do the work, to supporting the concept of a House committee, to then a House-Senate committee, and, finally, I believe today, support for something that gets it almost right.

Mr. Speaker, I believe that, on nearing the third anniversary of the 9/11 Commission, we should begin looking at what we did in the 9/11 Commission.

In 2007, on the third anniversary, Speaker PELOSI praised the bipartisan, independent commission for its work, calling the recommendations made by the commission earned and achievable, and, in fact, speaking to its bipartisan nature.

This year, as we pass legislation to make a similar-type commission to deal with the meltdown last year in our markets, I would call on Speaker PELOSI to help make the balance right.

As was previously stated, based on the current nominating system in the ordinary course, this would end up being a 6-4 split and be questioned by the American people as to whether or not it was Democratically led and Democratically dominated.

The Speaker has the ability, with her three appointments, to make this right, either by appointing one Republican and one Democrat, or, in this case, two; or I might suggest that even if she cannot find a Republican appropriate to be appointed from her allocation, that she could look to an independent or somebody independent of party politics.

I have previously supported, when asked, Sandra Day O'Connor, a retired Justice, or somebody of her stature who rises well above party politics, who may be considered to have some Republican background but who, clearly, in the eyes of the American people, would be a consensus-builder, able to look for the truth and look for compromise so as to reach the consensus, not a majority decision, but a consensus of this commission, as in almost every case—I believe in every case—the 9/11 Commission did.

□ 1500

I understand that this bill is the best bill we can get here today and I intend to vote for it, support it, and urge my colleagues to support it; not because I don't believe it should be above party politics and should be a 5-5 split, but because this is so much better than nothing at all and because I believe that the Speaker has it within her appointment powers to make this a perfectly good commission, one that we can all be proud of, and one that lives up to exactly what Speaker PELOSI

asked for when the shoe was on the other foot after September 11, when we were looking at the need to get above party politics and we were looking to find people of stature to appoint.

Mr. Speaker, I hope my suggestions over and above my support for this legislation will be heeded.

Mr. Speaker, S. 386, the Fraud Enforcement and Recovery Act of 2009, improves current criminal and civil fraud statutes to help the federal government bring predatory lenders and unscrupulous financial institutions to justice.

Judiciary Chairman CONYERS and Ranking Member SMITH sponsored the companion legislation in the House, H.R. 1748, the Fight Fraud Act of 2009. The bill before the House today is a true example of bipartisan, bicameral cooperation.

S. 386, as amended, merges these two important pieces of legislation together to provide comprehensive and effective solutions to combating mortgage fraud, securities fraud, and other financial crimes.

In times of crisis, crime often flourishes. Following the 9/11 terrorist attacks and Hurricane Katrina, unscrupulous people chose to exploit these tragedies to pad their pockets with money intended to help the victims.

The country's housing crisis is no exception. America's economic downturn, brought on by the housing crisis and other factors, exposed a significant amount of fraud and corruption within the mortgage, banking, and securities industries.

The drive for expanded homeownership along with unchecked lending practices and inflated property values, encouraged mortgage fraud, predatory lending, and institutional corruption.

Mortgage fraud comes in many forms, including deceptive practices by borrowers, predatory lending and institutional fraud.

And now, the fraud is spreading to schemes targeting homeowners who are facing foreclosure as a result of the plummeting housing market. Foreclosure scams are targeting cash-strapped consumers on the verge of losing their homes. Victims are lured into the fraud scheme with promises of financial assistance that never materializes.

S. 386 amends federal fraud statutes to specifically prohibit false statements by mortgage brokers and agents of mortgage lending businesses.

The bill also expands the major fraud statutes to include fraud against the Troubled Assets Relief Program, economic stimulus funds, or other federal rescue or recovery plans.

The Fight Fraud Act authorizes additional funds for federal law enforcement agencies, the Departments of Justice and Housing and Urban Development, and the Securities and Exchange Commission.

This legislation promotes the ongoing investigative partnerships between federal, state and local law enforcement agencies.

The bill also supports programs that provide critical training and investigative support services, intelligence services, research support and other resources necessary to investigating these financial crimes.

Additionally, this legislation will strengthen the liability provisions of the False Claims Act

as well as make some necessary technical changes to the Act.

The False Claims Act provisions in this bill will undoubtedly enhance the Federal government's ability to recover government money and property that would otherwise be lost to waste, fraud, or abuse.

What's more, these provisions do so in a responsible manner that will not encourage the filing of frivolous or unfounded False Claims Act cases.

Simply put, the False Claims Act provisions in this bill go the proper distance in ensuring that the Act remains a viable tool in the government's continuing fight to protect taxpayer dollars from fraud.

(COMMISSION)

The Fraud Enforcement and Recovery Act also contains provisions to create a bipartisan, independent "Financial Markets Commission."

This Commission will examine the questions of "Why?" and "How?" the current financial and economic crisis occurred.

We have seen the success of past blue-ribbon panels, such as the 9/11 Commission.

In 2007, on the 3rd anniversary of the 9/11 Commission report, Speaker PELOSI praised the bipartisan, independent Commission for its work—calling the recommendations made by the Commission "urgent and achievable" making the country more "unified" and "effective."

Speaker PELOSI is right. A bipartisan, independent commission can produce valuable results.

Which is why I proposed a similar bill last fall and again this Congress, H.R. 74.

I view the effort to create this commission as a vehicle for this Congress to demonstrate a willingness to set aside partisanship and put the interests of our country first.

As with the 9/11 Commission, the Financial Markets Commission report should be free of accusations of political showmanship and a partisan slant that have tainted current investigations.

This Commission is not the place for partisanship OR Congressional meddling.

It is a place for the American people to get answers.

Ideally, in today's bill, the composition of this Commission would have been bipartisan down the line, with a 5-5 split like the 9/11 Commission that was adopted by a Republican Congress instead of the 6-4 divide that has come to the floor today at the direction of the Democratic Leadership.

Speaker PELOSI said in 2005, when discussing a possible Commission to review Hurricane Katrina events, a "real commission" is bipartisan and independent.

The decision to depart from the 5-5 model of the 9/11 commission in favor of a commission whose composition has a partisan slant is disappointing.

But I believe the credibility of this commission's report will still depend on its ability to deliver conclusions and recommendations that all the members of the commission will embrace.

I am hopeful that the members of Congress who will be responsible for appointments to this Commission will ensure that the panel's composition is bipartisan, independent, and focused on producing a nonpartisan report—not scoring political points.

In closing, The Fraud Enforcement and Recovery Act of 2009 is a good government bill. I urge my colleagues to support this legislation.

I yield back the balance of my time. Mr. SCOTT of Virginia. Mr. Speaker, finally, in closing, I would remind the body that this is a bipartisan, bicameral consensus. We have worked together on a bipartisan basis in the House and the Senate.

The bill will prevent fraud by clarifying the fraud statutes and strengthen the False Claims Act. It will, I think very importantly, provide significant resources for fighting the fraud.

Finally, the value of the commission will be judged by its product, and we would all assume that the appointments would be people whose reputation is beyond reproach and we will get a good product from the commission.

With that, Mr. Speaker, I urge my colleagues to support the bill.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support S. 386, the Fraud Enforcement and Recovery Act of 2009.

The bursting of the housing bubble and the subsequent deterioration of the economy revealed fundamental weaknesses in our mortgage and financial industries. Predatory lending and discriminatory practices coupled with a lack of regulation and oversight resulted in many people being steered towards loans that they could not afford, or being given higher cost loans than they qualified for.

Fraud, by definition, is the crime or offense of deliberately deceiving another in order to damage them—usually to obtain property or services unjustly. The practices that I just discussed certainly fit this definition.

Mr. Speaker, during the height of the housing bubble, many were blinded by greed, and their actions played a large role in bringing about the economic hardships that we hear about on a daily basis. We must never allow such practices to happen again, and those guilty of mortgage fraud should be sought out and prosecuted.

This bill would do precisely that. It would expand the definition of “financial institution” to include mortgage lending businesses or any person who makes federally related mortgage loans. It also extends the prohibition of providing false information for mortgage documents to employees and agents of the mortgage lending business.

This bill also takes a comprehensive approach to investigating and enforcing mortgage fraud. It authorizes monies for a wide swath of government agencies to strengthen their individual efforts and therefore strengthening their collective efforts.

Mr. Speaker, much work remains to be done as we move forward, and while this piece of legislation is not the be-all-end-all solution, it is a meaningful first step, and I support it in full.

I thank my friend and colleague Representative JOHN CONYERS Jr. for introducing this legislation.

Mr. VAN HOLLEN. Mr. Speaker, today, I rise to support S. 386, the Fraud Enforcement and Recovery Act of 2009.

As the country continues to recover from the current economic crisis, we need to do every-

thing possible to understand all the factors that caused the financial meltdown and ensure that the appropriate laws and resources are in place to prevent a similar crisis in the future. We have also made an unprecedented investment of taxpayer dollars as part of our economic recovery effort, and we must ensure that this investment is spent wisely and efficiently.

We know that lax supervision of the financial industry contributed to the current economic conditions, and we must do everything we can to learn from these mistakes and prevent future economic meltdowns. This bill will help us understand the causes of the economic crisis by establishing a bipartisan commission to study the conditions that triggered the economic collapse. The Commission will also provide Congress with recommendations to prevent future economic problems.

The legislation also includes a clear commitment to fighting waste, fraud and abuse. It strengthens current law and increases funding to hire investigators and prosecutors so law enforcement agencies can effectively combat these issues. It will also help protect taxpayer dollars by amending current law to protect funds expended under the Troubled Asset Relief Program (TARP) and the economic stimulus package.

The Fraud Enforcement and Recovery Act of 2009 will help the government increase its understanding of the factors that caused the economic collapse, and provide the resources necessary to help prevent this from happening again. I urge my colleagues to join me in supporting this important legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 386, the Fraud Enforcement and Recovery Act. This legislation provides the Department of Justice with the tools it needs to fight fraud in the use of funds under the Troubled Asset Relief Program, TARP, and the American Recovery and Reinvestment Act. S.386 has a number of provisions that seek to protect Americans by ensuring the agencies tasked with investigating and prosecuting mortgage and financial fraud have the funding and personnel they need to do so. I am also pleased the House recognizes the need for increased accountability for mortgage lending businesses not directly regulated or insured by the Federal Government, an industry responsible for nearly half the residential mortgage market before the housing crash.

I am more hesitant to support other provisions of S. 386. This bill includes an amendment to establish a special commission to investigate the causes of the current financial crisis. I believe that any such commission should be comprised of members of this body, who are furthermore from the committees of jurisdiction relevant to the matter. I have introduced a resolution, H. Res. 345, to do precisely that. It is my long-held belief that the Congress should, contrary to the prevailing fashion of the times, conduct its own oversight work. For the simple fact that members of this body will ultimately write the legislation to reimpose a strict regulatory framework upon the financial services industry, they should be personally involved in vigorous efforts to expose the many and sundry causes of this country's recent economic collapse. In brief, well-informed members of Congress write more effective legislation.

With this in mind, I voice my support for aggressive oversight of the financial services industry, but respectfully object to the manner in which S. 386, as amended, mandates it be performed.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the Senate bill, S. 386, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Res. 367, by the yeas and nays;

S. 386, by the yeas and nays.

H. Res. 348, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SUPPORTING NATIONAL TRAIN DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 367, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 367.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 234]

YEAS—426

Abercrombie	Baird	Bishop (GA)
Ackerman	Baldwin	Bishop (NY)
Aderholt	Barrett (SC)	Bishop (UT)
Adler (NJ)	Barrow	Blackburn
Akin	Bartlett	Blunt
Alexander	Barton (TX)	Boccheri
Altmire	Bean	Boehner
Andrews	Becerra	Bonner
Arcuri	Berkley	Bono Mack
Austria	Berman	Boozman
Baca	Biggert	Boren
Bachmann	Bilbray	Boswell
Bachus	Bilirakis	Boucher

Boustany	Franks (AZ)	Loebsack	Rangel	Scott (GA)	Thornberry	Braley (IA)	Harper	Michaud
Boyd	Frelinghuysen	Lofgren, Zoe	Rehberg	Scott (VA)	Tiahrt	Bright	Hastings (FL)	Miller (MI)
Brady (PA)	Fudge	Lowe	Reichert	Sensenbrenner	Tiberi	Brown (SC)	Heinrich	Miller (NC)
Brady (TX)	Gallegly	Lucas	Reyes	Serrano	Tierney	Brown, Corrine	Heller	Miller, Gary
Braley (IA)	Garrett (NJ)	Luetkemeyer	Richardson	Sessions	Titus	Brown-Waite,	Herger	Miller, George
Bright	Gerlach	Lujan	Rodriguez	Sestak	Tonko	Ginny	Herseth Sandlin	Minnick
Broun (GA)	Giffords	Lummis	Roe (TN)	Shadegg	Towns	Buchanan	Higgins	Mitchell
Brown (SC)	Gingrey (GA)	Lungren, Daniel	Rogers (AL)	Shea-Porter	Tsongas	Butterfield	Hill	Mollohan
Brown, Corrine	Gohmert	E.	Rogers (KY)	Sherman	Turner	Buyer	Himes	Moore (KS)
Brown-Waite,	Gonzalez	Lynch	Rogers (MI)	Shimkus	Upton	Calvert	Hinchey	Moore (WI)
Ginny	Goodlatte	Mack	Rohrabacher	Shuler	Van Hollen	Cantor	Hinojosa	Moran (KS)
Buchanan	Gordon (TN)	Maffei	Rooney	Shuster	Velázquez	Cao	Hirono	Moran (VA)
Burgess	Granger	Maloney	Ros-Lehtinen	Simpson	Visclosky	Capito	Hodes	Murphy (CT)
Burton (IN)	Graves	Manzullo	Roskam	Sires	Walden	Capps	Hoekstra	Murphy (NY)
Butterfield	Grayson	Marchant	Ross	Slaughter	Walz	Capuano	Holden	Murphy, Patrick
Buyer	Green, Al	Markey (CO)	Rothman (NJ)	Smith (NE)	Wasserman	Cardoza	Holt	Murphy, Tim
Calvert	Green, Gene	Markey (MA)	Roybal-Allard	Smith (NJ)	Schultz	Carnahan	Honda	Murtha
Camp	Griffith	Marshall	Royce	Smith (TX)	Waters	Carney	Hoyer	Nadler (NY)
Campbell	Grijalva	Massa	Ruppersberger	Smith (WA)	Watson	Carson (IN)	Hunter	Napolitano
Cantor	Guthrie	Matheson	Rush	Snyder	Watt	Cassidy	Inglis	Neal (MA)
Cao	Gutierrez	Matsui	Ryan (OH)	Souder	Waxman	Castle	Inslee	Nunes
Capito	Hall (NY)	McCarthy (CA)	Ryan (WI)	Space	Weiner	Castor (FL)	Israel	Nye
Capps	Hall (TX)	McCarthy (NY)	Salazar	Spratt	Welch	Chandler	Issa	Oberstar
Capuano	Halvorson	McCaul	Sanchez, Linda	Stearns	Westmoreland	Childers	Jackson (IL)	Obey
Cardoza	Hare	McClintock	T.	Stupak	Wexler	Clarke	Jackson-Lee	Olver
Carnahan	Harman	McCollum	Sanchez, Loretta	Sullivan	Whitfield	Clay	(TX)	Ortiz
Carney	Harper	McCotter	Sarbanes	Sutton	Wilson (OH)	Cleaver	Jenkins	Pallone
Carson (IN)	Hastings (FL)	McDermott	Scalise	Tanner	Wilson (SC)	Clyburn	Johnson (GA)	Pascarell
Carter	Hastings (WA)	McGovern	Schakowsky	Tauscher	Wittman	Coble	Johnson (IL)	Pastor (AZ)
Cassidy	Heinrich	McHenry	Schauer	Taylor	Wolf	Coffman (CO)	Johnson, E. B.	Paulsen
Castle	Heller	McHugh	Schiff	Teague	Woolsey	Cohen	Jones	Payne
Castor (FL)	Hensarling	McIntyre	Schmidt	Terry	Wu	Connolly (VA)	Kagen	Perlmutter
Chaffetz	Herger	McKeon	Schock	Thompson (CA)	Yarmuth	Conyers	Kanjorski	Perriello
Chandler	Herseth Sandlin	McMahon	Schrader	Thompson (MS)	Young (AK)	Cooper	Thompson	Peters
Childers	Higgins	McMorris	Schwartz	Thompson (PA)	Young (FL)	Costa	Kennedy	Peterson
Clarke	Hill	Rodgers				Costello	Kildee	Petri
Clay	Himes	McNerney	Berry	Skelton	Wamp	Courtney	Kilpatrick (MI)	Pingree (ME)
Cleaver	Hinchey	Meek (FL)	Blumenauer	Speier		Crenshaw	Kilroy	Pitts
Clyburn	Hinojosa	Meeks (NY)	Fortenberry	Stark		Crowley	Kind	Platts
Coble	Hirono	Melancon				Cuellar	King (NY)	Polis (CO)
Coffman (CO)	Hodes	Mica				Cummings	Kirk	Pomeroy
Cohen	Hoekstra	Michaud				Dahlkemper	Kirkpatrick (AZ)	Posey
Cole	Holden	Miller (FL)				Davis (AL)	Kissell	Price (NC)
Conaway	Holt	Miller (MI)				Davis (CA)	Klein (FL)	Putnam
Connolly (VA)	Honda	Miller (NC)				Davis (IL)	Kosmas	Quigley
Conyers	Hoyer	Miller, Gary				Davis (TN)	Kratovil	Radanovich
Cooper	Hunter	Miller, George				DeFazio	Kucinich	Rahall
Costa	Inglis	Minnick				DeGette	Lance	Rangel
Costello	Inslee	Mitchell				Delahunt	Langevin	Rehberg
Courtney	Israel	Mollohan				DeLauro	Larsen (WA)	Reichert
Crenshaw	Issa	Moore (KS)				Dent	Larsen (CT)	Reyes
Crowley	Jackson (IL)	Moore (WI)				Diaz-Balart, L.	Latham	Richardson
Cuellar	Jackson-Lee	Moran (KS)				Diaz-Balart, M.	LaTourette	Rodriguez
Culberson	(TX)	Moran (VA)				Dicks	Lee (CA)	Roe (TN)
Cummings	Jenkins	Murphy (CT)				Dingell	Lee (NY)	Rogers (AL)
Dahlkemper	Johnson (GA)	Murphy (NY)				Doggett	Levin	Rogers (KY)
Davis (AL)	Johnson (IL)	Murphy, Patrick				Donnelly (IN)	Lewis (CA)	Rogers (MI)
Davis (CA)	Johnson, E. B.	Murphy, Tim				Doyle	Lewis (GA)	Rohrabacher
Davis (IL)	Johnson, Sam	Murtha				Driedhaus	Lipinski	Rooney
Davis (KY)	Jones	Myrick				Edwards (MD)	LoBiondo	Ros-Lehtinen
Davis (TN)	Jordan (OH)	Nadler (NY)				Edwards (TX)	Loebsack	Roskam
Deal (GA)	Kagen	Napolitano				Ellison	Lofgren, Zoe	Ross
DeFazio	Kanjorski	Neal (MA)				Ellsworth	Lowey	Rothman (NJ)
DeGette	Kaptur	Neugebauer				Emerson	Luetkemeyer	Roybal-Allard
Delahunt	Kennedy	Nunes				Engel	Lujan	Royce
DeLauro	Kildee	Nye				Eshoo	Lungren, Daniel	Ruppersberger
Dent	Kilpatrick (MI)	Oberstar				Etheridge	E.	Rush
Diaz-Balart, L.	Kilroy	Obey				Fallin	Lynch	Ryan (OH)
Diaz-Balart, M.	Kind	Olson				Farr	Maffei	Ryan (WI)
Dicks	King (IA)	Olver				Fattah	Maloney	Salazar
Dingell	King (NY)	Ortiz				Filner	Marchant	Sanchez, Linda
Doggett	Kingston	Pallone				Fleming	Markey (CO)	T.
Donnelly (IN)	Kirk	Pascarell				Forbes	Markey (MA)	Sanchez, Loretta
Doyle	Kirkpatrick (AZ)	Pastor (AZ)				Foster	Marshall	Sarbanes
Dreier	Kissell	Paul				Frank (MA)	Massa	Scalise
Driedhaus	Klein (FL)	Paulsen				Frelinghuysen	Matheson	Schakowsky
Duncan	Kline (MN)	Payne				Fudge	Matsui	Schauer
Edwards (MD)	Kosmas	Pence				Gallegly	McCarthy (CA)	Schiff
Edwards (TX)	Kratovil	Perlmutter				Gerlach	McCarthy (NY)	Schmidt
Ehlers	Kucinich	Perriello				Giffords	McCaul	Schock
Ellison	Lamborn	Peters				Gohmert	McClintock	Schrader
Ellsworth	Lance	Peterson				Gonzalez	McCollum	Schwartz
Emerson	Langevin	Petri				Goodlatte	McCotter	Scott (GA)
Engel	Larsen (WA)	Pingree (ME)				Gordon (TN)	McDermott	Scott (VA)
Eshoo	Larson (CT)	Pitts				Graves	McGovern	Sensenbrenner
Etheridge	Latham	Platts				Green, Al	McHugh	Serrano
Fallin	LaTourette	Poe (TX)				Green, Gene	McIntyre	Sestak
Farr	Latta	Polis (CO)				Griffith	McKeon	Shea-Porter
Fattah	Lee (CA)	Pomeroy				Grijalva	McMahon	Sherman
Filner	Lee (NY)	Posey				Guthrie	McMorris	Shimkus
Flake	Levin	Price (GA)				Gutierrez	Rodgers	Shuler
Fleming	Lewis (CA)	Price (NC)				Hall (NY)	McNerney	Shuster
Forbes	Lewis (GA)	Putnam				Hall (TX)	Meek (FL)	Simpson
Foster	Linder	Quigley				Halvorson	Meeks (NY)	Sires
Foxx	Lipinski	Radanovich				Hare	Melancon	Slaughter
Frank (MA)	LoBiondo	Rahall				Harman	Mica	Smith (NJ)

NOT VOTING—7

□ 1530

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 386, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the Senate bill, S. 386, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 59, answered “present” 1, not voting 6, as follows:

[Roll No. 235]

YEAS—367

Abercrombie	Baldwin	Bishop (NY)
Ackerman	Barrow	Blumenauer
Aderholt	Bartlett	Blunt
Adler (NJ)	Barton (TX)	Bocciari
Alexander	Bean	Bonner
Altmire	Becerra	Bono Mack
Andrews	Berkley	Boozman
Arcuri	Berman	Boren
Austria	Biggert	Boswell
Baca	Bilbray	Boucher
Bachus	Bilirakis	Boyd
Baird	Bishop (GA)	Brady (PA)

Smith (TX)	Tiahrt	Watson
Smith (WA)	Tiberi	Watt
Snyder	Tierney	Waxman
Souder	Titus	Weiner
Space	Tonko	Welch
Spratt	Towns	Wexler
Stearns	Tsongas	Whitfield
Stupak	Turner	Wilson (OH)
Sutton	Upton	Wilson (SC)
Tanner	Van Hollen	Wittman
Tauscher	Velázquez	Wolf
Taylor	Visclosky	Woolsey
Teague	Walden	Wu
Terry	Walz	Yarmuth
Thompson (CA)	Wasserman	Young (FL)
Thompson (MS)	Schultz	
Thompson (PA)	Waters	

NAYS—59

Akin	Dreier	Lummis
Bachmann	Duncan	Mack
Barrett (SC)	Ehlers	Manzullo
Bishop (UT)	Flake	McHenry
Blackburn	Fox	Miller (FL)
Boehner	Franks (AZ)	Myrick
Boustany	Garrett (NJ)	Neugebauer
Brady (TX)	Gingrey (GA)	Olson
Broun (GA)	Granger	Paul
Burgess	Hastings (WA)	Pence
Burton (IN)	Hensarling	Poe (TX)
Camp	Johnson, Sam	Price (GA)
Campbell	Jordan (OH)	Sessions
Carter	King (IA)	Shadegg
Chaffetz	Kingston	Smith (NE)
Cole	Kline (MN)	Sullivan
Conaway	Lamborn	Thornberry
Culberson	Latta	Westmoreland
Davis (KY)	Linder	Young (AK)
Deal (GA)	Lucas	

ANSWERED "PRESENT"—1

Grayson

NOT VOTING—6

Berry	Skelton	Stark
Fortenberry	Speier	Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1539

Mr. LATTA changed his vote from "yea" to "nay."

Mr. GRAYSON changed his vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING THE NATIONAL CHAMPION UNIVERSITY OF NORTH CAROLINA MEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 348.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 348.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. ISRAEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 10, as follows:

[Roll No. 236]

AYES—423

Abercrombie	Cohen	Harper
Ackerman	Cole	Hastings (FL)
Aderholt	Conaway	Hastings (WA)
Adler (NJ)	Connolly (VA)	Heinrich
Akin	Conyers	Heller
Alexander	Cooper	Hensarling
Altmire	Costa	Herger
Andrews	Costello	Herseth Sandlin
Arcuri	Courtney	Hill
Austria	Crenshaw	Himes
Baca	Crowley	Hinchey
Bachmann	Cuellar	Hinojosa
Bachus	Culberson	Hodes
Baird	Cummings	Hoekstra
Baldwin	Dahlkemper	Holden
Barrett (SC)	Davis (AL)	Holt
Barrow	Davis (CA)	Honda
Bartlett	Davis (IL)	Hoyer
Barton (TX)	Davis (KY)	Hunter
Bean	Davis (TN)	Inglis
Becerra	Deal (GA)	Inslee
Berkley	DeFazio	Israel
Berman	DeGette	Issa
Biggett	Delahunt	Jackson (IL)
Bilbray	DeLauro	Jackson-Lee
Bilirakis	Dent	(TX)
Bishop (GA)	Diaz-Balart, L.	Jenkins
Bishop (NY)	Diaz-Balart, M.	Johnson (GA)
Bishop (UT)	Dicks	Johnson (IL)
Blackburn	Dingell	Johnson, E. B.
Blumenauer	Doggett	Johnson, Sam
Blunt	Donnelly (IN)	Jones
Bocieri	Doyle	Jordan (OH)
Boehner	Dreier	Kagen
Bonner	Driehaus	Kanjorski
Bono Mack	Duncan	Kennedy
Boozman	Edwards (MD)	Kildee
Boren	Edwards (TX)	Kilpatrick (MI)
Boswell	Ehlers	Kilroy
Boucher	Ellison	Kind
Boustany	Ellsworth	King (IA)
Boyd	Emerson	King (NY)
Brady (PA)	Engel	Kingston
Brady (TX)	Eshoo	Kirk
Braley (IA)	Etheridge	Kirkpatrick (AZ)
Bright	Fallin	Kissell
Broun (GA)	Farr	Klein (FL)
Brown (SC)	Fattah	Kline (MN)
Brown, Corrine	Filner	Kosmas
Brown-Waite,	Flake	Kratovil
Ginny	Fleming	Kucinich
Buchanan	Forbes	Lamborn
Burgess	Foster	Lance
Burton (IN)	Fox	Langevin
Butterfield	Frank (MA)	Larsen (WA)
Buyer	Franks (AZ)	Larson (CT)
Calvert	Frelinghuysen	Latham
Camp	Fudge	LaTourette
Campbell	Gallely	Latta
Cantor	Garrett (NJ)	Lee (CA)
Cao	Gerlach	Lee (NY)
Capito	Giffords	Levin
Capps	Gingrey (GA)	Lewis (CA)
Capuano	Gohmert	Lewis (GA)
Cardoza	Gonzalez	Linder
Carnahan	Goodlatte	Lipinski
Carney	Gordon (TN)	LoBiondo
Carson (IN)	Granger	Loebach
Carter	Graves	Lofgren, Zoe
Cassidy	Grayson	Lowey
Castle	Green, Al	Lucas
Castor (FL)	Green, Gene	Luetkemeyer
Chaffetz	Griffith	Lujan
Chandler	Grijalva	Lummis
Childers	Guthrie	Lungren, Daniel
Clarke	Gutierrez	E.
Clay	Hall (NY)	Lynch
Cleaver	Hall (TX)	Mack
Clyburn	Halvorson	Maffei
Coble	Hare	Maloney
Coffman (CO)	Harman	Manzullo

Marchant	Payne	Shimkus
Markey (CO)	Pence	Shuler
Markey (MA)	Perlmutter	Shuster
Marshall	Perriello	Simpson
Massa	Peters	Sires
Matheson	Peterson	Slaughter
Matsui	Petri	Smith (NE)
McCarthy (CA)	Pingree (ME)	Smith (NJ)
McCarthy (NY)	Pitts	Smith (TX)
McCaul	Platts	Smith (WA)
McClintock	Poe (TX)	Snyder
McCollum	Polis (CO)	Souder
McCotter	Pomeroy	Space
McDermott	Posey	Spratt
McGovern	Price (GA)	Stearns
McHenry	Price (NC)	Stupak
McHugh	Putnam	Sullivan
McIntyre	Quigley	Sutton
McKeon	Radanovich	Tanner
McMahon	Rahall	Tauscher
McMorris	Rangel	Taylor
Costa	Rehberg	Teague
McNerney	Reichert	Terry
Meek (FL)	Reyes	Thompson (CA)
Meeks (NY)	Richardson	Thompson (MS)
Melancon	Rodriguez	Thompson (PA)
Mica	Roe (TN)	Thornberry
Michaud	Rogers (AL)	Tiahrt
Miller (FL)	Rogers (KY)	Tiberi
Miller (MI)	Rogers (MI)	Tierney
Miller (NC)	Rohrabacher	Titus
Miller, Gary	Rooney	Tonko
Miller, George	Ros-Lehtinen	Towns
Minnick	Roskam	Tsongas
Mitchell	Ross	Turner
Mollohan	Rothman (NJ)	Upton
Moore (KS)	Roybal-Allard	Van Hollen
Moore (WI)	Royce	Velázquez
Moran (KS)	Ruppersberger	Visclosky
Moran (VA)	Rush	Walden
Murphy (CT)	Ryan (OH)	Walz
Murphy (NY)	Ryan (WI)	Wasserman
Murphy, Patrick	Salazar	Schultz
Murphy, Tim	Sanchez, Loretta	Waters
Murtha	Sarbanes	Watson
Myrick	Scalise	Watt
Nadler (NY)	Schakowsky	Waxman
Napolitano	Schauer	Weiner
Neal (MA)	Schiff	Welch
Neugebauer	Schmidt	Westmoreland
Nunes	Schock	Wexler
Nye	Schrader	Whitfield
Oberstar	Schwartz	Wilson (OH)
Obey	Scott (GA)	Wilson (SC)
Olson	Scott (VA)	Wittman
Olver	Sensenbrenner	Wolf
Ortiz	Serrano	Woolsey
Pallone	Sessions	Wu
Pascarell	Sestak	Yarmuth
Pastor (AZ)	Shadegg	Young (AK)
Paul	Shea-Porter	Young (FL)
Paulsen	Sherman	

NOT VOTING—10

Berry	Kaptur	Speier
Fortenberry	Sánchez, Linda	Stark
Higgins	T.	Wamp
Hirono	Skelton	

□ 1547

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING TIM EVANS OF THE SOCIAL SECURITY ADMINISTRATION

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I just wanted to get up here for 1 minute and congratulate a gentleman named Tim Evans, who is from Owings Mills,

Maryland. He is a constituent of mine and today he was recognized by the Partnership for Public Service for his public service.

This is the week we celebrate public service across the country and, obviously, in the State of Maryland. Tim Evans is a policy analyst at the Social Security Administration who has figured out ways to upgrade the customer-friendly dimension of the Social Security Web site so that it can respond to inquiries from current beneficiaries and potential beneficiaries, and he has won awards for this.

I want to salute him for his work, for his innovation and creativity, which reflects the kind of energy and enterprise that we have inside of our Federal workforce. So, Tim Evans, congratulations to you for the work you do. We thank you for it.

CONGRATULATING STEVEN P. JOHNSON

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate a health care leader, Steven P. Johnson, President and CEO of the Susquehanna Health Systems in Williamsport, Pennsylvania, for winning a prestigious award and recognition.

The American Hospital Association named Mr. Johnson this year's recipient of the Grassroots Champion Award for the State of Pennsylvania. Mr. Johnson was nominated for this honor by the Hospital & Healthsystem Association of Pennsylvania because of his demonstrated leadership in generating grassroots support for the hospital community. There is no greater proponent for improved community health care than Steven Johnson.

Mr. Speaker, Mr. Johnson's leadership in health care is based on a commitment to caring for those who both deliver and those that receive health care services. I know firsthand the work and the care that Steven P. Johnson puts in to broadening the base of community support for the hospital and health care needs of the community, and this is a well-deserved award and recognition.

ENCOURAGE SMALL BUSINESS TO REINVEST

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, last week I held a small business roundtable discussion in my district. I heard from a dozen small business owners about the various challenges they are facing when it comes to growing jobs and investing in their business. During that discussion, one clear theme emerged, small businesses need help.

Unfortunately, the recently passed budget pours salt in the wound by raising taxes by over \$1 trillion, largely on the backs of small business. Rather than tax them, I believe that we should encourage them to reinvest in their business and create more jobs.

That's why I am introducing legislation that will allow small businesses to defer any income tax on any money that is reinvested in their business. This will provide additional incentives and resources for small businesses to grow and maintain their companies during these difficult economic times.

Small businesses have created two out of every three jobs in the United States since the 1970s. Let's help them do it again.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

POLITICALLY CORRECT JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the President has made it clear that his pick for Justice of the Supreme Court will be different than all others who have previously served. He has said that the new Justice "will have empathy and understanding for people," "that the person realizes justice isn't about some abstract law theory," but how decisions "will affect the daily reality of people's lives."

He has also seemed to indicate he wants someone that isn't so indoctrinated with constitutional thought or beholden to the technicalities of the Declaration of Independence.

The new President has said he wants a Justice with the "heart to recognize what it's like to be a young teenager mom, empathy to understand what it's like to be poor or a minority, gay or disabled or old."

Then he also said this week, "The quality of empathy of understanding and identifying with people's hopes and struggles is an essential ingredient for arriving at just doctrines and outcomes."

Sounds like, to me, a good career move for Dr. Phil or someone like him that deals only with emotions.

And why is this comment about outcome so important? Does the President think the new Justice should reach certain social activist decisions by any means necessary, regardless of the law and the evidence? Seems like the President wants a Justice that will treat people differently, depending on who they are, rather than treat them all equally.

I thought judges were to make judgments based on facts and the law; at least that's what I thought and did for 22 years as a judge in Texas. Judges are not to make decisions based on their own personal, social or political agenda for the masses.

Also, I haven't heard the President mention that it's an important requirement for him that the new Justice follow the spirit and the letter of the Constitution.

And, of course, rumors abound that the new pick will be a woman, someone from the President's hometown of Chicago, a minority, a liberal, or one with political loyalty to the President. Only the President knows this answer.

Also, does the President only want a politically correct judge or Justice that correctly judges the Constitution? It appears to me that the new Justice should be qualified as a constitutional scholar that believes in upholding the sanctity of the words of the Constitution, rather than someone that just has empathy or a social or political agenda they want impose on the whole Nation.

The new Justice should seek justice first and foremost, because justice is what we do in this country. After all, here is the oath the Supreme Court Justice will take: "I solemnly swear that I will administer justice without respect to persons and do equal right to poor and rich and I will faithfully and impartially discharge and perform all the duties incumbent upon me as a Justice of the Supreme Court—under the Constitution and laws of the United States. So help me God."

Sounds like the Justice takes an oath to uphold the Constitution and the law of the land. Hopefully the change in the Supreme Court will bring in a Justice that follows this oath and not someone who is a political operative that will use their position to impose outcome-based justice.

After all, the words of the Constitution still should mean something, even to Members of the Supreme Court, but we shall see.

And that's just the way it is.

□ 1600

THE SMART PLATFORM FOR THE 21ST CENTURY

The SPEAKER pro tempore (Mr. KRATOVIL). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, between September 11, 2001, and January, 2009, the United States relied on military force as the primary tool of foreign policy. Now we see the tragic results of this tragedy. We remain bogged down in Iraq, Afghanistan is in turmoil, Pakistan is on the brink of chaos, and the threat of nuclear weapons continues to haunt the world.

It is very clear, Mr. Speaker, that the military option hasn't worked. That is why I believe it is time for a new and better approach to our foreign policy. This new approach must focus on diplomacy, international cooperation, conflict prevention and ending the threat of nuclear weapons.

I have sponsored a comprehensive plan to achieve all of these goals. It is called the "Smart Security Platform For the 21st Century." I invite all of my colleagues to consider House Resolution 363, which describes this plan in detail.

The Smart Security Platform would help to eliminate the root causes of instability and violent conflict in the world by increasing development aid and debt relief to the poorest countries. It would further address the root causes of violence by supporting programs that promote conflict resolution, human rights and democracy building. It would also support educational opportunities for the girls and women who hardly ever see the inside of a classroom.

The Smart Security Platform, Mr. Speaker, also calls for the United States to work with the U.N. and NATO and other multilateral institutions to strengthen international institutions and international law. It calls for reducing the threat of weapons of mass destruction and conventional weapons by supporting the Comprehensive Test Ban Treaty, the Nonproliferation Treaty and the Biological and Chemical Weapons Convention. It calls for the adequate funding of the Cooperative Threat Reduction program to secure nuclear materials in Russia and to secure nuclear materials and other materials in other countries as well and to reduce nuclear stockpiles.

It calls upon the United States to set an example for the rest of the world by renouncing the development of new nuclear weapons and working towards achieving Ronald Reagan's vision of a world free of nuclear weapons. It would reduce our dependence on foreign oil by investing in renewable energy alternatives, thereby stopping the flow of hundreds of billions of American dollars to irresponsible regimes. It includes strategies to strengthen international intelligence and law enforcement operations to bring individuals involved in violent acts to justice, while respecting human and civil rights. And it supports civil organizations and programs in the developing world because they play a critically important role in preventing or resolving conflicts.

I want to thank the cosponsors of H. Res. 363, Chairman JOHN CONYERS, Chairman ED MARKEY, Congresswomen BARBARA LEE and MAXINE WATERS, co-founders of the Out of Iraq Caucus, and Congresswoman GWEN MOORE, a member of the Out of Iraq Caucus.

Mr. Speaker, the Smart Security Platform For the 21st Century is ambi-

tious, wide-ranging and tough. It uses the many national security tools that we have. It would make us safer here at home. It would cost less than what we are spending now on national security. And it isn't "soft" power, Mr. Speaker. It is real power. It is smart power. It is the kind of power we need to make America and the world more secure for ourselves and for our children.

BENJAMIN FRANKLIN'S REQUEST FOR PRAYERS AT THE CONSTITUTIONAL CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, on July 28, 1787, there was a real problem with the Constitutional Convention. They couldn't reach agreement on a Constitution. So Benjamin Franklin stood up in Constitution Hall and he said this. Let me read what was going on. I want to draw you a picture first.

The Constitutional Convention was on the verge of breaking apart completely over the issue of representation, a stalemate created by the concern of smaller States that they would be overpowered by the larger States, and the concern of larger States that smaller States would be given representation out of proportion to their relative size.

Tempers were short, and the ship of state seemed headed for the rocks before its maiden voyage had barely begun, when Benjamin Franklin rose and said these immortal words:

"In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of applying to the Father of lights to illuminate our understanding?"

"In the beginning of the Contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for Divine protection. Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in a struggle must have observed instances of superintending Providence in our favor.

"To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful Friend? Or do we imagine that we no longer need his assistance?"

And this is the part that I think every American remembers, when he said, "I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?"

Tomorrow is National Prayer Day. And I hope that everybody in this country during these perilous times with our economy and the problems around the world will join together, regardless of their faith, and pray that we solve these problems and that there is peace and prosperity in America and around the world. The President of the United States, President Obama, will be signing a proclamation tomorrow observing National Prayer Day. And we appreciate that he is going to do this. And if he has time tomorrow, I hope the President will manifest his support for this great day by showing publicly his support by praying with a number of his members at the White House. I think it would be a great example.

OBSERVING PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today to salute Public Service Recognition Week. This is a wonderful opportunity for us to recognize the contributions that so many who have gone into public service make. Whether it be government service or whether it be volunteering for nonprofits, serving in the Service Corps, working for a 501(c)(3) organization, there are so many ways that people across this country can commit themselves to public service. And it is important that we take a few moments out of the hectic demands of our day and our year to recognize the people that make these contributions.

I had a unique opportunity before I came to Congress to serve in the public sector and the private sector at the same time. I worked as a lawyer representing health care providers in my private sector position. But I also had the chance for 8 years to work with the State Department of Education in Maryland. And I did this simultaneously. So every day, I had the opportunity to go between the private sector and the public sector and to come to understand the perceptions and perspectives that each has of the other.

One of the things I was glad to be able to report to my colleagues in the private sector was that I had come to see the dedication, the hard work, the experience and the know-how, and just the pure smarts of people that serve in the public sector, who commit themselves to public service. It was a true inspiration for me to see that day in and day out. Then I came here to the Congress and had the opportunity in the first couple of years to serve on the Oversight and Government Reform Committee and on the subcommittee that deals with the Federal workforce. So every time we had a hearing, we would have panels of witnesses, of people, yes, the higher-up folks in these

Federal agencies, but often the rank-and-file, who could testify as to what they were doing, their commitment and their dedication. And I want to salute the members of the Federal workforce for what they do day in and day out.

We couldn't be living in a more important time, a more exciting time, when it comes to public service. And President Obama has issued a call for public service, and people are responding to that across the country. The most immediate opportunity that we have seen was with the passage last week of a new Service Corps bill, *Serve America*. Senator KENNEDY on the Senate side was very involved with this, GEORGE MILLER here in the House and many others. It upgrades the capacity of AmeriCorps and other Service Corps programs, increases the number of opportunities that are going to exist, and it creates new dedicated Service Corps programs. So on this week of recognizing public service, we ought to salute Members of this House and Members of the Senate and the President of the United States for putting that bill into place and for providing those opportunities.

It is so critical right now to encourage the next generation to come into public service. And there are many ways that we can do this. One is to talk about the very good benefits and opportunities that exist, particularly in the Federal workforce. And I tell that story every day to try to encourage people to make that decision. Secondly, we have strengthened the loan forgiveness opportunities that are available to people. I was pleased to be able to author, in the last session, the Education for Public Service Act, which now says that if you commit 10 years to public service, defined as government service or nonprofit service, during that 10-year period, you get reduced monthly payments on your Federal loans or federally guaranteed loan, and at the end of 10 years of public service, you get whatever is still owed forgiven. What a tremendous opportunity for people who want to go into public service and want to stay in public service. So that is another thing we can do to bring people in. A third thing is to increase flexibility in the workplace. I'm glad to have worked with many in the House to lead an effort on promoting telework within our Federal agencies to signal to people that we are willing to be flexible and work with those who are looking for these kinds of kind of job opportunities. That is another way to pull people in.

But the most important way is to emphasize the cutting-edge opportunities that exist in public service. I went to the Partnership For Public Service luncheon today, and the people they saluted and gave awards to, including Tim Evans from my district, from Owings Mills in Maryland, who works

at the Social Security Administration and has helped to upgrade the capacity of the Web site that serves beneficiaries, these are people who are on the cutting edge and providing cutting-edge services. And they are an example of the innovation that you can bring into the public service workplace. And so I want to salute all of those people that make that contribution every day and celebrate with others in this Chamber Public Service Recognition Week.

RECOGNIZING CHRIS ECONOMAKI AND THE 75TH ANNIVERSARY OF "NATIONAL SPEED SPORT NEWS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. POSEY) is recognized for 5 minutes.

Mr. POSEY. Mr. Speaker, I would just like to take a few moments today to recognize the 75th anniversary of "National Speed Sport News" and the man whose commitment to auto racing, journalism and broadcasting has not only kept this publication alive and thriving throughout all these years, but has kept racing fans glued to their seats during some of the biggest moments in motorsports history, Chris Economaki.

Born October 15, 1920, in Brooklyn, New York, Chris was the son of a very successful businessman whose family lived a very good life until the unfortunate crash of 1929, when they lost everything and were forced to move into his grandparents' home in New Jersey. As a kid he could hear the roar of the race car engines from a nearby track, and he often found himself sneaking in under the fence to watch the races.

At the age of 14, Chris started selling copies of "National Speed Sport News" on weekends to fans during races, and he wrote a regular column while he was still in high school. But he quickly noticed that the success of his paper depended largely on the event's announcer. So he started announcing at races and found that he had a real talent for that. Suddenly, Chris began getting requests to announce from all over and to deliver the commentary at the races. He became one of the most competent and respected announcers in the history of motorsports. Chris was later made editor and publisher of the paper he sold and wrote for as a kid.

On July 4, 1961, Chris did his first live telecast on ABC's "Wide World of Sports" for their Firecracker 250 at the new Daytona International Speedway. Since then he has announced for CBS, ESPN and the Indianapolis 500 to name just a few.

In 1993, Chris Economaki was inducted into the National Sprint Car Hall of Fame. In 1994, he was inducted into the Motorsports Hall of Fame of America.

□ 1615

He received both the NASCAR Award of Excellence and the NASCAR Lifetime Achievement Award, and he has come to be known as the dean of American motorsports.

Truly, Chris is one of the most influential journalists in the history of motorsports, and is the greatest ambassador for motorsports that has ever lived. His level of institutional knowledge is unparalleled. Not only is Chris most knowledgeable, he imparts or articulates his vast knowledge better than anyone else in the business ever has. And he does it with integrity, he does it with kindness, he does it with poise, he does it with aplomb, is a word that he has often used to describe people with a lot of class, and he has it.

In Florida, we recognize the day of the Daytona 500 every single year as Chris Economaki Day since the governor first declared it in 2005.

As a stock car racing fan and a participant, it is a great privilege to stand here and offer this salute to Chris Economaki, a man so many admire and who has done so much for a sport that has pushed the envelope in the advancement of automotive technology, brought families and friends together on weekends, and kept the American competitive spirit alive for decades, Chris Economaki.

TWO-STATE SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I want to talk about the events in the Middle East, particularly the Israeli-Palestinian conflict.

We all know what the end game should be: two states, two states living side by side in peace and security, a Palestinian Arab state and an Israeli Jewish state. But there is a problem. There is a problem because the Palestinians have a divided government. And in the West Bank, Mahmoud Abbas and his party runs the government. But in Gaza, the government is run by the terrorist group Hamas.

Hamas believes that terrorism will get them where they want to be. Hamas refuses to recognize Israel's right to exist. Now we are apparently going to appropriate \$900 million in funding for the West Bank in Gaza. I am glad that Secretary of State Clinton has confirmed that the United States will not provide funds to any Palestinian government that includes Hamas members who do not accept the three internationally backed principles of recognizing Israel's right to exist, number one; renouncing terrorism, number two; and committing to all of the agreements, previous agreements, signed by Palestinian leadership, number three.

Our chairwoman of the Foreign Ops Subcommittee, Congresswoman LOWEY, has said that in the future potential coalition government between Gaza and the West Bank, that any Hamas ministers would have to pledge that they support those three internationally recognized principles. But until that happens, Mr. Speaker, I have serious problems with the \$300 million we are apparently appropriating for Gaza.

The war in Gaza, and it is very interesting that Palestinians in Gaza talk about occupation, but there is no Israeli occupation in Gaza. Israel left Gaza several years ago without any preconditions. And instead of the Palestinians taking the land that Israel left and building on it and helping their people, they have decided instead to turn it into a terrorist camp raining rockets upon rockets in Israel, particularly upon the town of Sderot in the south of Israel. I have been there. Israel finally retaliated, and that is how the Gaza war began again.

There has been some criticism of Israel for retaliating. But imagine if we in the United States had terrorists launching missiles at us on U.S. territory from either Mexico or Canada, and then went across the border. Would we just sit there and take it? Israel took it for years and years and years and then finally retaliated. No, we would go over the border and we would try to destroy the terrorist cells.

So I am very concerned that \$300 million of aid is to go to Gaza while Hamas, a terrorist organization, runs that place. We don't want the people of Gaza to think that it is Hamas that got them the aid, that it is Hamas that goes on its terrorist ways and that terrorism brings some rewards.

So Ms. BERKLEY and I have written a letter to President Obama laying out these concerns. Hamas needs to recognize Israel's right to exist; and hopefully then one day we can have peace in the Middle East with two states side by side living in peace, a Palestinian Arab state and Israel, a Jewish state.

IN GOD WE TRUST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, on April 6 of this year the President of the United States traveled halfway around the globe, and in the nation of Turkey essentially proclaimed that the United States was not a Judeo-Christian nation.

Now, I don't challenge his right to do that, nor do I dispute the fact that is what he believes. But I wished that he had asked and answered two questions when he did that. The first question was whether or not we ever considered ourselves a Judeo-Christian nation; and the second one is if we did, what

was that moment in time where we ceased to be so?

If you ask the first question, you find that the very first act of the first Congress in the United States was to bring in a minister and have Congress led in prayer and afterwards read four chapters out of the Bible.

A few years later when we unanimously declared our independence, we made certain that the rights in there were given to us by our creator.

When the Treaty of Paris was signed in 1783 that ended the Revolutionary War and birthed this Nation, the signers of that document made clear that it began with this phrase: "In the name of the Most Holy and undivided Trinity."

When our Constitution was signed, the signers made sure that they punctuated the end of it by saying "in the year of our Lord, 1787."

And 100 years later in the Supreme Court case of *Holy Trinity Church v. The United States*, the Supreme Court indicated, after recounting the long history of faith in this country, that we were even a Christian nation.

President George Washington, John Adams, Thomas Jefferson, Andrew Jackson, Abraham Lincoln, William McKinley, Teddy Roosevelt, Woodrow Wilson, Herbert Hoover, Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, and Ronald Reagan all disagreed with the President's comments and indicated how the Bible and Judeo-Christian principles were so important in this Nation. And Franklin Roosevelt even led this Nation in a 6-minute prayer before the invasion of perhaps the greatest battle in history, the Invasion of Normandy and asked for God's protection. After that war when Congress came together and said where are we going to put our trust, it wasn't in our weapon systems, or our economy or our great decisions here, but it was "In God We Trust" which is emboldened directly behind you.

So if in fact we were a Nation that was birthed on those Judeo-Christian principles, what was that moment in time when we ceased to be so? It wasn't when a small group of people succeeded in taking prayer out of our schools, or when they tried to cover up the word referencing God on the Washington Monument, or they tried to stop our veterans from having flag-folding ceremonies at their funerals on a voluntary basis because they mentioned God, or even when they tried in the new visitor center to change that national motto and to refuse to put "In God We Trust" in there. No, it wasn't any of those times because they can rip that word off of all of our buildings, and still, those Judeo-Christian principles are so interwoven in a tapestry of freedom and liberty that to begin to unravel one is to unravel the other.

That's why we have filed the Spiritual Heritage resolution to help reaf-

firm that great history of faith that we have in this Nation and to say to those individuals who have yielded to the temptation of concluding that we are no longer a Judeo-Christian Nation to come back, to come back and look at those great principles that birthed this Nation and sustain us today because we believe if they do they will conclude, as President Eisenhower did and later Gerald Ford repeated, that without God, there could be no American form of government, nor an American way of life.

Recognition of the Supreme Being is the first, the most basic expression of Americanism. Thus, the Founding Fathers of America saw it, and thus with God's help it will continue to be.

BANKSTERS CAUSE ECONOMIC MELTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, one can sure ask: Is it more than coincidence that the very Wall Street banksters who are holding up our Republic are also causing the economic meltdown affecting community after community and millions upon millions of our fellow citizens? Is it any coincidence that these banksters are also the ones who are still being rewarded day after day by their acolytes in Washington?

In today's *Huffington Post*, filmmaker Michael Moore in a piece entitled "Bernie Madoff, Scapegoat" writes: "Why did we allow those same banks to create the scam of a subprime mortgage? Instead of putting the people responsible in the cell block in Lower Manhattan, where Bernie now resides, why did we give them huge sums of our hard-earned tax dollars to bail them out of their self-inflicted troubles? Bernie Madoff is nothing more than a scab on the wound. He's also a continental distraction. Where's the photo on the list of the ex-chairman of AIG, Merrill Lynch, Citigroup, JP Morgan Chase, Goldman Sachs, Bank of America, and the list goes on."

Michael Moore is exactly right.

Now the Center for Public Integrity reports the very list of the "Who's Who" of these exalted top bankster lenders responsible for the subprime loan fraud and our economic crisis.

Let me place their names into the *RECORD* tonight, and what we know so far of the extent of their damage. These 25 lenders are responsible for almost \$1 trillion of subprime loans, more than \$7.2 million high-interest loans made just from 2005 to 2007.

Together, these companies account for about 72 percent of the high-priced loans reported to the government at the peak of the subprime market.

But their Ponzi scheme had been cleverly set in place during the 1990s.

We need to follow their tracks back to the start of this trail of tears. Mr. Speaker, we need to go back to the roots of the subprime scam that, once established, just kept getting juiced more and more with each passing years. Securities created from these subprime loans have been blamed for the economic collapse from which the world's economies have yet to recover.

My question is this: When will these Wall Street wrong-doers be brought to justice rather than rewarded?

A couple of names on the list you'll probably recognize. Everyone has heard of Countrywide. Well, they floated about \$97.2 billion of subprime loans.

Chase Home Financial, JP Morgan Chase, they floated about \$30 billion.

Citi Financial, Citigroup, they floated \$26.3 billion that we know of.

American General Finance, AIG, at least \$21.8 billion and counting.

And Aegis Mortgage Corporation, they are number 25 on the list, at least \$11.5 billion.

Meanwhile, the special inspector general for oversight on the Wall Street bailouts being paid out by our Treasury through our taxpayers has now reported that the major institutions receiving tax dollars to cover their losses are none other than the very same group.

I wish to place their names on the RECORD tonight as just one part of the Treasury's report.

TABLE 1.1—TOTAL FUNDS SUBJECT TO SIGTARP OVERSIGHT, AS OF MARCH 31, 2009

(\$ Billions)

Program	Brief description or participant	Total projected funding	Projected TARP funding
Capital Purchase Program ("CPP")	Investments in 532 banks to date; 8 institutions total \$125 billion	\$218.0	\$218.0
Automotive Industry Financing Program ("AIFP")	GM, Chrysler, GMAC, Chrysler Financial	\$25.0	\$25.0
Auto Supplier Support Program ("ASSP")	Government-backed protection for auto parts suppliers	\$5.0	\$5.0
Unlocking Credit for Small Businesses ("UCSB")	Purchase of securities backed by SBA loans	\$15.0	\$15.0
Systemically Significant Failing Institutions ("SSFI")	AIG Investment	\$70.0	\$70.0
Targeted Investment Program ("TIP")	Citigroup, Bank of America Investments	\$40.0	\$40.0
Asset Guarantee Program ("AGP")	Citigroup, Bank of America, Ring-Fence Asset Guarantee	\$419.0	\$12.5
Term Asset-Backed Securities Loan Facility ("TALF")	FRBNY non-recourse loans for purchase of asset-backed securities	\$1,000.0	\$80.0
Making Home Affordable ("MHA") Program	Modification of mortgage loans	\$75.0	\$50.0
Public-Private Investment Program ("PPIP")	Disposition of legacy assets; Legacy Loans Program, Legacy Securities Program (expansion of TALF)	\$500.0—	\$75.0
		\$1,000.0	
Capital Assistance Program ("CAP")	Capital to qualified financial institutions; includes stress test	TBD	TBD
New Programs, or Funds Remaining for Existing Programs	Potential additional funding related to CAP; AIFP; Auto Warranty Commitment Program; other	\$109.5	\$109.5
Total		\$2,476.5—	\$700.0
		\$2,976.5	

Note: See Table 2.1 in Section 2 for notes and sources related to the information contained in this table.

TABLE 2.2—EXPENDITURE LEVELS BY PROGRAM, AS OF MARCH 31, 2008

(\$ BILLIONS)

	Amount	Percent (%)	Section Reference
Authorized Under EESA	\$700.0		
Released Immediately	\$250.0	35.7%	
Released Under Presidential Certificate of Need	\$100.0	14.3%	
Released Under Presidential Certificate of Need & Resolution to Disapprove Failed	\$350.0	50.0%	
TOTAL RELEASED	\$700.0	100.0%	
Less:			
Expenditures by Treasury Under TARP ^a			
Capital Purchase Program ("CPP"):			
Bank of America Corporation ^b	\$25.0	3.6%	
Citigroup, Inc.	\$25.0	3.6%	
JP Morgan Chase & Co.	\$25.0	3.6%	
Wells Fargo and Company	\$25.0	3.6%	
The Goldman Sachs Group Inc.	\$10.0	1.4%	
Morgan Stanley	\$10.0	1.4%	
Other Qualifying Financial Institutions ^c	\$78.8	11.3%	
CPP TOTAL	\$198.8	28.4%	
Systemically Significant Failing Institutions Program ("SSFI"):			
American International Group, Inc. ("AIG")	\$40.0	5.7%	
SSFI TOTAL	\$40.0	5.7%	"Institution-Specific Assistance"
Targeted Investment Program ("TIP"):			
Bank of America Corporation	\$20.0	2.9%	
Citigroup, Inc.	\$20.0	2.9%	
TIP TOTAL	\$40.0	5.7%	"Institution-Specific Assistance"
Asset Guarantee Program ("AGP"):			
Citigroup, Inc. ^d	\$5.0	0.7%	
AGP TOTAL	\$5.0	0.7%	"Institution-Specific Assistance"
Automotive Industry Financing Program ("AIFP"):			
General Motors Corporation ("GM")	\$14.3	2.0%	
General Motors Acceptance Corporation LLC ("GMAC")	\$5.0	0.7%	
Chrysler Holding LLC	\$4.0	0.6%	
Chrysler Financial Services Americas LLC ^e *	\$1.5	0.2%	
AIFP TOTAL	\$24.8	3.5%	"Automotive Industry Financing Program"
Term Asset-Backed Securities Loan ("TALF"):			
TALF LLC	\$20.0	2.9%	
TALF TOTAL	\$20.0	2.9%	"Term Asset-Backed Securities Loan Facility"
SUBTOTAL—TARP EXPENDITURES	\$328.6	47.0%	
TARP REPAYMENTS ^f	\$(0.4)	(0.1)%	
BALANCE REMAINING OF TOTAL FUNDS MADE AVAILABLE AS OF MARCH 31, 2009	\$371.8	53.1%	

Note: Numbers affected by rounding.

^a From a budgetary perspective, what Treasury has committed to spend (e.g., signed agreements with TARP fund recipients).

^b Bank of America's share is equal to two CPP investments totaling \$25 billion, which is the sum \$15 billion received on 10/28/2008 and \$10 billion received on 1/9/2009.

^c Other Qualifying Financial Institutions ("QFIs") include all QFIs that have received less than \$10 billion through CPP.

^d Treasury committed \$5 billion to Citigroup under AGP; however, this funding is conditional based on losses realized and may potentially never be expended.

^e Treasury's \$1.5 billion loan to Chrysler financial represents the maximum loan amount. This \$1.5 billion has not been expended because the loan will be funded incrementally at \$100 million per week. As of 3/31/2009, \$1,175 million out of the \$1.5 billion has been funded.

^f As of 3/31/2009, CPP repayments total \$353.0 million and AIFP loan principal payments (Chrysler Financial) total \$3.5 million.

Sources: EESA, P.L. 110–343, 10/3/2008; Library of Congress, "A joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008," 1/15/2009, www.thomas.loc.gov, accessed 1/26/2009; Treasury, Transactions Report, 4/2/2009; Treasury, responses to SIGTARP data call, 4/6/2009 and 4/8/2009.

So far, Bank of America has gotten \$25 billion from our taxpayers.

Citigroup got \$25 billion.

JP Morgan Chase got \$25 billion.

Wells Fargo and company got \$25 billion.

Goldman Sachs got a minimum of \$10 billion but probably more with their related interest in AIG which sat on their board, but of course they are not telling us about that. They got, AIG, over \$70 billion. The amounts are staggering.

Morgan Stanley got \$10 billion. And other financial institutions thus far have gotten \$78 billion as of the first quarter of this year. And what have our taxpayers gotten? We have gotten the bills, and we have gotten unemployment, home foreclosures, depleted 401(k)s.

And now let me ask a question, pretty please: Can Bank of America or Goldman Sachs or JP Morgan or Citigroup or Wells Fargo or Morgan Stanley tell us what they have spent the money on, because it is sure not shaking out to communities. In fact, our Realtors tell us that JP Morgan is the worst at trying to do loan workouts.

□ 1630

Just Ohio needs \$20 billion to refinance and restore neighborhoods struggling under the weight of this financial crisis.

So far, it's trillions for Wall Street and zero for Ohio. What is fair about that? What is just about that? It's truly a crying shame.

Mr. Speaker, I will place into the RECORD this report from the Special Inspector General, as well as the information from the Center for Public Integrity on these 25 institutions, and I will try to read in my remaining time: Countrywide Financial Corporation, Ameriquest Mortgage Company/ACC Capital Holdings Corporation, New Century Financial Corporation, and the list goes on, through Aegis Mortgage Corporation/Cerberus Capital Management, to the tune of \$11.5 billion of subprime loans, and still counting.

These top 25 lenders were responsible for nearly \$1 trillion of subprime loans, according to a Center for Public Integrity analysis of 7.2 million "high interest" loans made from 2005 through 2007. Together, the companies account for about 72 percent of high-priced loans reported to the government at the peak of the subprime market. Securities created from subprime loans have been blamed for the economic collapse from which the world's economies have yet to recover.

1. Countrywide Financial Corp.; Amount of Subprime Loans: At least \$97.2 billion.

2. Ameriquest Mortgage Co./ACC Capital Holdings Corp.; Amount of Subprime Loans: At least \$80.6 billion.

3. New Century Financial Corp.; Amount of Subprime Loans: At least \$75.9 billion.

4. First Franklin Corp./National City Corp./Merrill Lynch & Co.; Amount of Subprime Loans: At least \$68 billion.

5. Long Beach Mortgage Co./Washington Mutual; Amount of Subprime Loans: At least \$65.2 billion.

6. Option One Mortgage Corp./H&R Block Inc.; Amount of Subprime Loans: At least \$64.7 billion.

7. Fremont Investment & Loan/Fremont General Corp.; Amount of Subprime Loans: At least \$61.7 billion.

8. Wells Fargo Financial/Wells Fargo & Co.; Amount of Subprime Loans: At least \$51.8 billion.

9. HSBC Finance Corp./HSBC Holdings plc; Amount of Subprime Loans: At least \$50.3 billion.***

10. WMC Mortgage Corp./General Electric Co.; Amount of Subprime Loans: At least \$49.6 billion.

11. BNC Mortgage Inc./Lehman Brothers; Amount of Subprime Loans: At least \$47.6 billion.***

12. Chase Home Finance/JPMorgan Chase & Co.; Amount of Subprime Loans: At least \$30 billion.

13. Accredited Home Lenders Inc./Lone Star Funds V; Amount of Subprime Loans: At least \$29.0 billion.

14. IndyMac Bancorp, Inc.; Amount of Subprime Loans: At least \$26.4 billion.

15. CitiFinancial/Citigroup Inc.; Amount of Subprime Loans: At least \$26.3 billion.

16. EquiFirst Corp./Regions Financial Corp./Barclays Bank plc; Amount of Subprime Loans: At least \$24.4 billion.

17. Encore Credit Corp./ECC Capital Corp./Bear Stearns Cos. Inc.; Amount of Subprime Loans: At least \$22.3 billion.

18. American General Finance Inc./American International Group Inc. (AIG); Amount of Subprime Loans: At least \$21.8 billion.***

19. Wachovia Corp.; Amount of Subprime Loans: At least \$17.6 billion.

20. GMAC LLC/Cerberus Capital Management; Amount of Subprime Loans: At least \$17.2 billion.***

21. NovaStar Financial Inc.; Amount of Subprime Loans: At least \$16 billion.

22. American Home Mortgage Investment Corp.; Amount of Subprime Loans: At least \$15.3 billion.

23. GreenPoint Mortgage Funding Inc./Capital One Financial Corp.; Amount of Subprime Loans: At least \$13.1 billion.

24. ResMAE Mortgage Corp./Citadel Investment Group; Amount of Subprime Loans: At least \$13 billion.

25. Aegis Mortgage Corp./Cerberus Capital Management; Amount of Subprime Loans: At least \$11.5 billion.

NATIONAL DAY OF PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JORDAN) is recognized for 5 minutes.

Mr. JORDAN of Ohio. Mr. Speaker, I rise today in support of the National Day of Prayer, which will be observed tomorrow, which has been celebrated every year in this country since 1952. On this day, we give thanks and prayer to the blessings that God has bestowed on America. We take comfort in knowing that throughout American history, our Creator has not been neutral in our struggles.

For centuries, since America's earliest settlement, prayer and a vigorous faith have marked our national journey. Our Founding Fathers sought His

guidance during the early days of our young Republic. Other than Scripture, perhaps the greatest words ever written are from our Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

Founded on these trusts, our Nation's reliance on God and Judeo-Christian principles have allowed us to become the greatest force for good in history. Faith in God is the cornerstone of us being a good people and will continue to keep us a great Nation.

Tomorrow, millions of Americans will take time out of their day to celebrate the National Day of Prayer. As Americans, we have much to be thankful for. It is appropriate that we have set aside a day for public recognition that is not by our own hands, but by our Creator's, that our Nation has prospered and our people are free.

When we stray from our founding principles based on timeless Judeo-Christian truths and informed by centuries of Western thought, we become a Nation adrift, without purpose and without destination.

Tomorrow, we will affirm the importance of prayer in our national life. We will recognize that the institutions of family and marriage are foundational, and that God and prayer most certainly have a place in the public square.

It is a disappointment, then, that President Obama is choosing not to participate in the National Day of Prayer as his predecessors before him have done. This action sends the wrong message to the American people. Instead of publicly joining millions of Americans in praying for our Nation, President Obama has chosen to distance himself from this important event by merely issuing a proclamation from the White House. It is my hope that in the future, President Obama will take a more active role in the National Day of Prayer.

In conclusion, Mr. Speaker, I would like to thank the many people who make this event possible each year. I invite all of my colleagues to use this day to reflect on the need of prayer in their own lives and, just as importantly, the continuing need for prayers for our Nation.

Ronald Reagan said it best when he remarked that when we stop being one Nation under God, we will be a Nation gone under.

I pray that God will always continue to bless America.

THANK YOU TO OFFICER KEITH LEWIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, for 11 straight years, my city, the city of Cincinnati, has hosted the Cincinnati Flying Pig Marathon, and it's truly a great event. As a runner who has participated in all 11, I can tell you it's one of the finest in the Nation.

The brainchild of Bob Coughlin, this marathon hosts over 23,000 participants, including special events on Saturday that actually include young children and the disabled. There's 3,000-plus volunteers that make this effort happen, and hundreds of thousands of people along the sidelines watching us run. It's a great party. It's a great time.

On Sunday, something happened that I think merits some distinction in this great body, and that's the actions of a police officer, Officer Keith Lewis of the Mariemont Police Department.

You see, on Sunday, May 3, as we were running through the streets of Cincinnati, Officer Keith Lewis was on duty to control the traffic. It was in Mariemont. He saw a car with a woman slumped over the wheel, and he pulled into action.

He put his body over the top of the car, rolled onto the passenger door. An unknown bystander stood there, helped him get into the car, and pulled up the emergency brake. He dumped the woman over and drove the car away from the crowd of participants and the crowd of runners.

I have no idea how many potential lives Officer Lewis saved. It could have been me, it could have been my husband and my brother-in-law standing there cheering me on at that spot, or my dear friends that were there. Who knows?

It's interesting because, in a local news broadcast back in Cincinnati, Officer Keith Lewis refused to be called a hero—he is a hero in my book—because he said he was doing just what he was trained to do.

Mr. Speaker, I must respectfully disagree with Officer Lewis. That man is a hero, and the bystander that helped him is a hero, too. Their selfless actions possibly saved countless lives and injuries. Who knows?

I am honored, Mr. Speaker, and privileged to represent folks like Officer Lewis and that bystander in Cincinnati. Thank you, Officer Lewis, for your dedication and your outstanding commitment to public service. Thank you for protecting us, the runners, the bystanders, and the volunteers. You helped make the Cincinnati Flying Pig, once again, a great, great marathon. Thank you.

ETHICS AND NO-BID CONTRACTS

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Tomorrow, I plan to offer a privileged resolution regarding

earmarks and campaign contributions. This will be the eighth such resolution that has been offered.

The House leadership maintains that this privileged resolution is a blunt instrument and that the Ethics Committee is not designed to deal with issues of this magnitude. Let me be the first to concede the point. These resolutions are a blunt instrument, and the House Ethics Committee is not designed to deal with issues of this magnitude. But it's the only instrument we've got.

Here's the problem. Many of the earmarks that have been recently approved by the House represent no-bid contracts to private companies. In many cases, executives at the private companies and the lobbyists who represent them have turned around, have made large campaign contributions to the Members who secured these no-bid contracts for them.

It would seem to me that overly burdening the House Ethics Committee should be the least of our worries here.

We're informed that with the PMA investigation, the Justice Department is looking into the relationship between earmarks and campaign contributions. The Justice Department just indicted former Governor Blagojevich, in part, based on allegations of official acts promised in exchange for campaign contributions. And we're worried about overburdening the House Ethics Committee?

Let me repeat. The House just awarded hundreds of millions of dollars in the form of no-bid contracts to companies whose executives and their lobbyists turned around and contributed tens of thousands of dollars to Members of Congress who secured those no-bid contracts. It seems to me that concerns about overly burdening the Ethics Committee are misplaced.

I want to applaud members of the Democratic freshman class who have now been subjected to intense pressure from their leadership. These freshmen came to this body with the bright and untarnished respect for the institution. The curtain has now been pulled back and my guess is they don't like what they see. I know just how they feel.

I think that they know that the ability of Members of Congress to award no-bid contracts to private companies whose executives and lobbyists turn around and give them campaign contributions cannot be explained, let alone justified.

I think that these freshmen and other supporters of this resolution fully understand that these privileged resolutions are an unwieldy instrument, but that the process these resolutions are attempting to expose is not being addressed in any other substantive fashion.

As for myself, I have been asked why I don't just file an ethics complaint against an individual. This is not about

any one individual. This is not about any one party. The practice of awarding no-bid contracts to private companies whose executives turn around and make contributions to those Members who secured the no-bid contract or earmark goes on in both political parties. Consequently, the ethical cloud that hangs over this body rains on Republicans and Democrats alike.

This is not about retribution. I feel much the same about this issue as the President feels about enhanced interrogations or torture. Let's move on. But let's move on into a world in which we understand that awarding no-bid contracts to private companies whose executives and lobbyists turn around and make campaign contributions to the Member of Congress who secured the no-bid contract is neither right nor proper.

Now, some may say that these concerns are addressed in the earmark reforms that have already been adopted. This is simply untrue. Among the tens of thousands of earmark requests that have been made for the coming fiscal year are thousands of no-bid contracts for private companies.

I'm planning to give notice, as I mentioned, of another privileged resolution tomorrow, but I'm prepared to hold off asking for a vote on the resolution next week if the House leadership is willing to put a stop to the practice of awarding no-bid contracts for private companies.

The ball is in the court of the House leadership. If they want to continue to defend the practice of giving no-bid contracts to private companies whose executives and their lobbyists turn around and make campaign contributions to those Members who secure the no-bid contracts, then I suppose we'll have to continue to use this blunt instrument.

Mr. Speaker, we owe this institution far better than we're giving it. Let's treat this Congress with the same respect and reverence that it deserves.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1728, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-98) on the resolution (H. Res. 406) providing for further consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. It's a pleasure to be able to join you this nice spring afternoon. On a somewhat different subject than we have talked about in the last several weeks, the subject we're going to be dealing with for the next hour is the subject of missile defense.

It's a rather interesting story. It involves some history. It also involves some very interesting sort of political wheeling and dealing between various nations, and it is of particular interest to us because it is the subject of defending our homeland and our lives.

The story starts, at least as my memory allows, going back some years, back to a thing called the Antiballistic Missile, the ABM Treaty of 1972. That was an agreement between a number of different nations not to develop a missile defense.

Now what does that mean exactly? What it means is different nations were putting together two pieces of technology. The first was the ability to make missiles. That was started at my old alma mater, actually, by a guy by the name of Robert Goddard, who was an experimenter, and he was doing experiments like you might see kids do to make model rockets and things.

So people started to realize that you could put a weapon on the end of a missile and could shoot it at your enemy.

□ 1645

That idea had been done with sky-rockets before that with just black powder. The Chinese did that, to some degree, and they even used them on Fort McHenry. But this was a new development, and this was coupled with the idea of these nuclear warheads.

The nuclear warhead put a whole new different meaning on things, because it was such a powerful weapon that if you could put a nuclear warhead onto a missile and then shoot that at your enemy, you didn't even have to be too accurate, even, and it would cause tremendous damage.

So as I was just graduating from engineering school, what was going on was that we had negotiated a treaty with the Soviet Union called the ABM treaty in 1972, and what it said was that we were not going to defend ourselves from nuclear missiles.

Now, that is kind of a crazy idea in a way, because the job of a nation is to defend their own populace. The main job that we have in Congress, if you were to say, what is your main job? One of the main things needs to be to defend America, to defend our homeland. Yet this treaty said: We agree that we are not going to defend ourselves. In fact, the whole thing was

called MAD, and indeed it was mad, Mutually Assured Destruction. If you shoot a nuclear weapon at us, we'll shoot one back at you. Everybody melts down and everybody loses.

So the theory is that that will create stability. Well, it was not so clear it was going to create stability, because if one guy could shoot first and take the other guy down, then it was not such a good thing not to be able to defend yourself.

And so it was that we went through a number of decades from the early seventies with this philosophy of mutually assured destruction. And it was really challenged in 1983 by Ronald Reagan. Ronald Reagan started doing some thinking and saying there has got to be a better way to do this thing than to have the Soviets and the Chinese aiming all these missiles at us, and they could melt down our different cities. So he came up with the idea of what was called SDI, Strategic Defense Initiative. He spoke at some length and did a very good job selling the idea that America should be looking at defending ourselves from these weapons.

One of the things that most people didn't know and that he educated the American public on was the fact that a foreign nation could shoot a missile from one continent to the other. We could see it on the radar coming in. We would say: New York City, you have half an hour before you're turned into dust, into a nuclear cinder, and there wasn't a thing we could do about it.

So Ronald Reagan said, there has got to be a better way to skin the cat than that and so he came up with the Strategic Defense Initiative. His detractors called it Star Wars, which actually didn't hurt from a marketing point of view. So Ronald Reagan talked about the different technologies that could be deployed in order to try to stop one of these incoming missiles.

That became kind of a hallmark of one of the things that Republicans stood for was missile defense, and it was one of the things that the Democrats decided they were against. They didn't like missile defense. Well, why was it they didn't like it? They had two reasons: One, it wouldn't work. And, two, it was too expensive. Also, they said it would destabilize relations between the countries, as though they were so stable during the Cold War period.

So that is what happened in 1983. Ronald Reagan made that proposal. It wasn't until actually many years later when I got to Congress, in 2002, that President Bush decided that it was time to move forward on this thing and protect our country. So he proposed and actually initiated the changes to give notice to the different countries that were involved in the Anti-Ballistic Missile Treaty and said: You've got your 6 months' notice. We're going to start developing missile defense.

Now, that gives us a little bit of the background. I am joined here today and I am greatly honored to be able to have one of the outstanding experts in the U.S. Congress here on missile defense joining me on the floor, and that is my good friend, TRENT FRANKS from Arizona.

We are going to hear what TRENT has to say and kind of get into this subject. We are going to be joined by other Congressmen talking about something that is so fundamentally simple that it is very hard for me to understand how anybody could be opposed to our government defending our citizens from nuclear weapons.

I would now yield time to my friend from Arizona, Congressman FRANKS. Thank you for joining us.

Mr. FRANKS of Arizona. It is my honor to join you, Congressman AKIN. I thank my friend from Missouri for the work that you do not only on this area but so many others. You are a man committed to doing what is right for America and making sure that future generations have a little more time to walk in the sunlight of freedom. I have a great deal of respect and appreciation for all that you do and for who you are. It is my honor to be here with you.

I think that you stated so many things so effectively that it is hard for me to add to the fundamental premise. But as you said, there was once a time not so many years ago when America and the free world faced a Soviet Union that was armed with massive stockpiles of weapons that are the most dangerous weapons that have ever really entered the arsenal of mankind, ballistic missiles that can travel several thousand miles an hour and can deliver warheads that can decimate an entire city or even potentially interrupt the electrical systems of entire nations.

It is a very daunting challenge indeed. And you again laid out so well that we adopted this strategy of mutually assured destruction not because we really wanted to, but because we didn't have much alternative. We really embraced this grim equation that if the Soviet Union launched their missiles and killed our men, women, and children across our cities, that we could launch a counterstrike almost simultaneously, even before their missiles landed, that would do the same thing to their nation. And that was something that was so repugnant and so horrifying to all of us that it created this grim kind of an understanding between us that we wouldn't shoot each other because we knew that it meant sudden and horrifying death to both of our nations.

I suppose one could say, given the fact that we didn't blow each other to atoms, that there was some efficacy to the strategy. And, ironically, it still is the centerpiece of our own strategy to deter aggression on our homeland. A nation that knows that if they attack

the United States with nuclear missiles, that we can calculate that trajectory. We know where they live and that we have a response capability second to none, and that we can respond in ways that are totally unacceptable to them. It is such an important subject.

Mr. AKIN. Let me just interrupt a second because you've brought up a couple of really interesting points.

The first one, I remember starting to have some interest in politics, and I was really skeptical of the idea of even negotiating that treaty, because what we found was the Soviet Union cheated on all of their treaties. As we look now, as the Soviet Union has collapsed, we find they were busy cheating on this thing all the way along. So we were kind of really out there, weren't we, with this ABM treaty not having any defensive capability.

The second thing I would just mention is, now, the equation has changed, hasn't it? It is not just one or two nations. Now we are starting to look at a different scenario, aren't we?

Mr. FRANKS of Arizona. We really are. What has changed it so dramatically the fundamental aspect that Ronald Reagan put forward, that it is much better to defend our citizens than to avenge them. But what has changed so much, Congressman AKIN, is that now we are in a world where the coincidence of Jihadist terrorism and nuclear proliferation could change the concept of our freedom and of every calculation that we have made for homeland security, because they can no longer be deterred.

When we were dealing with the Soviet Union, we placed our security to some degree in their sanity. We recognized that they wanted to live, they wanted their nation to continue. And that was a tremendous impetus on their part to try to work with us, to try to keep it safe.

Mr. AKIN. Reclaiming my time, they had a nation-state; and they knew that if they launched at us, the thing was, we might launch back at them.

But now you're talking about a terrorist that may not have a nation-state. That is a different formula. Isn't it?

Mr. FRANKS of Arizona. It is absolutely a different formula. Not only do we have rogue states and, really, non-state players, as you say, that don't have that risk that a nation-state does, but we have a different mindset. That is the part that frightens me the most. A terrorist that will cut someone's head off, while they are tied down in front of a television camera while the victim screams for mercy, with a hacksaw blade, we had better be very thankful that that hacksaw blade is not a nuclear capability. Because that kind of intent, that kind of a mindset that literally has been demonstrated to be willing to kill their own children in

order to kill our children is the thing that frightens me the most, that intent.

Mr. AKIN. So what you are talking about is we are not only dealing with something that is not a nation-state, but we are also dealing with a different frame of mind, a different calculus on the value of life. You are talking about, if nuclear weapons fall into the hands of people that have this mindset, this whole thing is really a game changer.

Mr. FRANKS of Arizona. It really is, Congressman, because the reality is that this mindset cannot be deterred. This whole notion of mutually assured destruction was a deterrence strategy, and I am not sure that Jihad can be deterred.

There are really two factors to every threat to individuals or to nations, and that is the intent of your enemy and the capacity of your enemy. In this case, the Soviet Union had tremendous capacity, but their intent was tempered by their desire to survive themselves. You could even say that many of the Soviet people had a desire to see people live and let live. Their government wasn't quite of that mindset. But now we face an enemy that is committed to the destruction of the western world. And if they gain the capacity to proceed, I am afraid that my children and yours will potentially see the day of nuclear terrorism.

Mr. AKIN. Then is the only threat sort of the radical Islamic threat? Because it seems to me that North Korea also poses a threat.

Am I mistaken on that?

Mr. FRANKS of Arizona. North Korea, in my judgment, is the least free nation on Earth. This is a nation that has just a completely inhumane mindset in their government, and I am not sure that we recognize just how dangerous that country is.

Ironically, the Soviets—well, not the Soviets now. The Russians—I have to be careful; a lot has changed—the Soviet Union collapsed on itself. But there is still some remnants of that Cold War mentality. They assured America that it would be 20 years before Iran could launch an ICBM capability, and they assured us many years ago that North Korea was far from being able to produce a nuclear capability. But that happened much more quickly than we realized. And, as you know, North Korea just launched an additional test that went twice as far as their first one did. They have nuclear warheads now.

Mr. AKIN. You are giving us a lot of valuable information. You are saying North Korea now has conducted missile tests. The missile, of course, is a delivery system. And the most recent test that they shot just a couple weeks ago went all the way over Japan and went some considerable distance, twice as far as their previous test. So the range

of their missiles is going farther. Not only that, they are equipping the missile, or they can equip the missile, with a nuclear warhead, and our understanding is that they are busy developing that nuclear capability. Is that correct, to the best of our intelligence?

Mr. FRANKS of Arizona. You have got it exactly correct. One of the key technical challenges of an ICBM is the ability to keep the missile stable during staging, where one stage drops off, and the missile can become unstable in that situation. In this last test, North Korea demonstrated that capability, and that to me from a technical perspective was the most frightening aspect of it.

I will say this on the floor of the House of Representatives. I believe that North Korea represents a potential threat to the homeland of the United States and that when the next missile from North Korea gets over international waters, that the United States and its allies should do what they can to shoot that missile down for a couple of reasons: To demonstrate our resolve. But, more importantly, to keep them from being able to demonstrate to their potential customers that they now have perfected missile technology that they can sell to potential nations or even rogue states or just groups like al Qaeda that could use this in a way that would be very devastating to the country.

I am very concerned about that. We must not let them demonstrate to the world that kind of capacity. They have already shown that they are willing to sell this technology. They were the ones primarily who gave Iran their missile technology. Iran now has surpassed North Korea in missile capability, and yet they probably would not have been anywhere close to where they are had it not been for North Korea.

Mr. AKIN. So North Korea sold some of the technology to Iran. But Iran has then been able to develop it more rapidly even than North Korea, perhaps because they have more money to put into the project. I don't know.

So now you have got North Korea and Iran both that we consider that the leadership is highly unstable in those countries, and they have the capability, or are rapidly developing the capability, of projecting a missile either into Europe or even potentially onto the continental United States with a nuclear warhead on it.

□ 1700

Mr. FRANKS of Arizona. Well, that is correct. I believe that there is no greater danger to the peace of the human family today than a nuclear Iran—I think they are even more dangerous than North Korea. And ironically, if North Korea was able to give Iran missile technology, how is it that we would forget that they could certainly give them warhead technology if they need it, or even a warhead?

So I am really concerned that the world in general must recognize the danger that we face, both with a nuclear North Korea—which is already de facto now, this has happened—and with an Iran that is working with missile technology that, before long, they are working with solid propellants. And I believe that they can range parts of the United States even now. And I believe that an Iranian missile poses a profound threat to the country and to the world.

But even more so, probably the point I would make most strenuously is that an Iranian nuclear program means that an Islamist nation now has their finger on the nuclear button. And they have that technology in their hands where they could pass it along to terrorist groups where they don't even need a missile, where all they need is a Volkswagen to carry it across our border, or a small aircraft, anything. There is a lot of danger there.

Mr. AKIN. That is a scary thought. Thank you. And we will get back to the Congressman, as the expert.

We are also joined by some other wonderful patriots and people who have been paying some attention to this subject as well.

Congressman COFFMAN from Colorado. I would be happy to yield you some time. What is your thought on this? I want you to be part of our conversation here this afternoon.

Mr. COFFMAN of Colorado. Thank you, Congressman AKIN.

I was just in a discussion with the Armed Services Committee, which we both sit on. And it is interesting that the discussion today was on missile defense, and that those who were opposed to saying that missile defense is a strategy, wish to rely on the Cold War strategy of mutually assured destruction.

I think the problem with that strategy—

Mr. AKIN. Reclaiming my time, I want to be very direct here. This has really been a very partisan debate, hasn't it?

Mr. COFFMAN of Colorado. Yes. And it surprises me. I am not sure why or the origins of the partisanship.

Mr. AKIN. I think it was a Ronald Reagan thing. But this has been a straight Democrats one way, Republicans the other for many, many years. But that is starting to change some, isn't it?

Mr. COFFMAN of Colorado. Well, there is some thawing of that, some signals of change. But certainly the majority still fall, unfortunately, on the other side of this issue. And the thinking is that nation states will behave rationally and that they will not attack the United States because the United States could in fact retaliate in kind, and that their nation would be destroyed.

The difficulty, I think, with that is if we look at a nation state like Iran

gaining nuclear weapons capability, if we look at Pakistan, should the government be destabilized and fall into radical Islamist hands, will those nation states behave in a rational way? Will North Korea continue to behave in a rational way?

Mr. AKIN. It is hard to understand that mindset for me after September 11 to say that somebody is going to behave rationally, that you are going to assume, you are going to bet your city that somebody is going to behave rationally. And that is an interesting question.

We are also joined by a good friend of mine, Congressman BISHOP, who wants to be part of the conversation as well, from Utah. And I want to include you in the conversation, too.

Thank you for your good work on these questions and willingness to take on some areas that some people don't want to think about or debate or discuss, just want to say it won't work and these people will never be mean to us, they will never go after one of our cities. I yield time.

Mr. BISHOP of Utah. I thank the gentleman from Missouri for allowing me to be part of this.

I am probably the oldest guy here right now; I've got the white hair. I grew up in the era when our missile defense was "duck and cover." I was one of those elementary kids that had to hide under the desk, except I only lived a block and a half away from the school, so I got to run home as long as I could run home soon enough. And I was dumb enough to realize I should have just filled out my time so I could go play, but I didn't, I actually ran home.

Somehow, I think we have moved past the idea that our defense of this country is merely hiding under a desk. This is the defense of this country, as has been mentioned by my good friends from Colorado and Arizona, who know a whole lot more about this. And you have probably said some of the things I am going to say, so if I am repeating it, just nod your head and I will move on, but just know I am reinforcing and agreeing with the comments that happen to be here.

It is significant that the commission with former Defense Secretary Schlesinger and Perry both said the same thing, we still need a strong military defense for what North Korea can do. If Iran is already testing the ability of exploding something at the apex of the trajectory, we know we need some kind of defense system against that. It is common sense that we have. And for us to really talk about cutting \$1.4 billion from this defense system is a frightening concept.

Let me just go into the weeds with one last area. In my area, we do the solid rocket motors for the ICBM. This is the last year for the Minuteman III propulsion system that they will make

any more solid rocket motors. There will still be some maintenance to it, but it is the last time we do anything that is associated with that large-scale fleet.

This becomes a very specialized manufacturing line. Now, one of the problems is, as soon as you let go of that line, we no longer have the expertise if we wanted to bring it back. And the biggest problem we face in this country, especially with defense, is in our manufacturing base. In the sixties, when we started doing the F-16s and these missiles, and a whole bunch of other things, and our NASA space program, we had some exciting new things this country was doing that brought the best and the brightest into our manufacturing sector that thought these things through. If we only build one airplane every 20 years, if we decide not to try and improve on our system and simply maintain what we have, where are the best and the brightest going to go and where will that expertise and creativity when we need it take place? Because what we are doing is not for today. If the North Koreans attacked us, we have a defense today. I am talking about 15 years from now and 20 years from now. You don't just restart up again. Twenty years from now, our defense and our diplomacy options will be defined by the decisions we make today, this year in this bill with this particular area.

Mr. AKIN. Reclaiming my time, you are talking about the fact that we are going to be cutting missile defense. There are going to be cuts to this program. And the question is, is that a good strategy given the light of what's going on? Now, if the only people you are dealing with is the Soviet Union or the former Soviet Union, that is, Russia and China, that is one thing. But we are not dealing with that anymore.

I appreciate your perspective. I hope you will stick with us a little bit.

What I would like to do is get back to our technical expert here, Congressman FRANKS. And I would like to get into the weeds just a little bit further because people need to understand that every missile is not a missile, they have different ranges and they require a different response. And so when we start taking a look at our modern missile defense system, it basically is done in pieces and layers.

I would like to turn to my good friend from Arizona, and let's talk a little bit about the first way we break things down, which is the boost phase; the midcourse is that the missile is actually at times up in space; and then the reentry as it is coming down. And we treat those differently because there are different vulnerabilities. And we have actually started to build weapons that work—even though people said you can't do it and it won't work, we have these two missiles that have the capability now, which we have tested, where they are coming together,

going 15,000 miles an hour closing velocity. And we don't just have one missile hitting another missile, we have one missile hitting a spot on another missile.

One of those missiles is pictured here to my left. This is called the ground-based missile. This is our longest, most powerful missile. And it can stop a missile launch from another continent from more than 10,000 miles away. It can see it coming—not this missile, but the system that goes with it—see the missile coming, has time to casually get up to speed, go out across the ocean, and intercept that missile with no explosion whatsoever, closing velocities of 15,000 miles an hour. Now, some of you might consider what it's like to have a car accident; two cars going 100 miles an hour coming down a highway and hitting head to head. Now, that's a nasty car wreck. But that is just one-twentieth or less than what we are talking about here.

I would like to call my friend from Arizona to give us the logic of how these things work.

Mr. JOHNSON of Georgia. Would the gentleman yield?

Mr. AKIN. I would yield to the gentleman.

Mr. JOHNSON of Georgia. Thank you.

I couldn't help but overhear some of the comments that have been made here. And I am compelled to respond in support of the strength that we must continue to have in the air, on the ground, our ground troops, our naval, our cyberspace efforts, which have, by the way, not been as—we continue to have our systems penetrated by folks who are not authorized to do so. And so that is going to be a fight that we have to continue.

And lastly, but not least, the Star Wars issue, missile defense. I hear folks often mention that there is no need for certain things because the Cold War is over. A lot of folks really want that to be the case, but unfortunately in the annals of human history thus far, we have always had to prepare for Attila the Hun or someone who wants to take over the whole world and do it by force. America cannot assume that there will never be another Cold War or another situation like December 7, 1941, sneak attack that we weren't quite ready for.

And so I fully support our efforts to continue to engage in research and development because we have got to continue to be, for our freedom, as a Nation—we would be shirking our responsibilities.

Mr. AKIN. Well, reclaiming my time, I appreciate that common sense. We have just seen people who are too willing to use terrorism as a tool for us to assume that we can just relax and not defend ourselves. It just doesn't seem to make any common sense.

And I completely agree with your comments. But I had yielded to the

gentleman from Arizona to try to get a little bit of the technical thing. And we will also hear from a good friend of mine, Congressman LAMBORN, who is great on this subject, also, from Colorado. But I want to go to my friend from Arizona first just to get the mechanisms of how this works.

Mr. FRANKS of Arizona. Well, I appreciate, first of all, the gentleman's comments about history. Ever since mankind took up weapons against his fellow human beings, there has always been a defensive response to an offensive capability, whether it was the spear and the shield or whether it was bullets and armor; I mean, it has always happened that way. And yet there are those today that would debate whether we need a defense against the most dangerous weapon that has ever come into the arsenal of mankind, which is a ballistic nuclear missile.

As Mr. AKIN said, the primary divisions of missile defense are as follows; we have the boost phase, which is where potential enemy missile is coming off of the launch pad—or it doesn't have to be a launch pad, it is just where it is beginning its flight. This is the most vulnerable stage for an enemy missile. And this is, in my judgment, where we need to do everything that we can to make sure that we have the capability.

One of the tragic things about the defense budget—that looks like it is going to be put forth here, Mr. AKIN—is that they are cutting one of our main boost-phase systems, the airborne laser. I believe laser will some day be to missile defense what the computer chip was to the computer industry because it travels at Mach 870,000. It is very, very fast. It can reach anywhere on the globe, in the reflections are properly made, in a second.

Mr. AKIN. So just reclaiming my time, what you are talking about—and I am a little bit of one of these Popular Science-type guys, it is sort of interesting—one of the strategies that uses what I described, you shoot a missile at a missile, and both of them are traveling, and you have to wait until your missile gets there to do something. And the trouble with that is it takes time. And what you are talking about is boost phase. How many seconds is boost phase typically?

Mr. FRANKS of Arizona. Well, boost phase can be several seconds. To give you an example: Say a missile left—well, let's say Russia now, because they have the largest arsenal of missiles. I don't suggest that they are going to be our biggest danger. It would probably take somewhere between 28 and 31 minutes for that missile to arrive. And its longest stage is the boost stage. And this is the opportunity that if we have the airborne laser or if we have what we call the kinetic energy interceptor or, in some cases, in the future, where we are com-

ing up with faster missiles that could even be shot off of our ships, so we could potentially catch those missiles in their boost phase. With airborne laser, it could get six inches off the platform and we could destroy it.

Mr. AKIN. You are getting to the point. A laser is like a flashlight; if you could aim it at the right thing and hit it, you don't have to wait for anything; whereas a missile, even if it's a fast one, you still have to wait for it.

Mr. FRANKS of Arizona. Right. And the characteristics of the laser are that it has exactly parallel sides, and it can be a directed energy that you can increase almost without bound, depending on the focus of the energy.

□ 1715

Mr. AKIN. So then if you catch it in boost phase. The other thing is it's really fragile, isn't it? I mean, it's got all of these gadgets and tanks of pressurized fuel. You don't have to do much to it, and it gets it all confused. It just literally blows right over the enemy's territory and they get to do the clean-up.

Mr. FRANKS of Arizona. That's right. What you do is you use the fuel of the missile to blow it up.

Of course, there are other ways. Even if you're not shooting at a fuel tank on a missile, if you hit it with laser and damage the outer casing of the missile, you can cause it to become aerodynamically unstable and fly to pieces at that speed.

Mr. AKIN. So, now, that's the boost phase. But I want to jump over to the gentleman from Colorado here.

Congressman LAMBORN, I appreciate your work on this and also your concern for our country. Please jump in.

Mr. LAMBORN. Thank you, Mr. AKIN. I really appreciate what Representative FRANKS and what Representatives COFFMAN and BISHOP have also contributed to this important dialogue. Thank you for your leadership in setting up this time.

And I like what our friend across the aisle, Representative JOHNSON, was saying as well. We really have to use this technology in this day and age more than ever, and it's of a great concern to all of us here, I'm sure, that the Obama administration is proposing a \$1.4 billion cut in missile defense funding for the next fiscal year. And as Representative FRANKS has mentioned, airborne laser is one of the things that's on the chopping block. Two other things that are on the chopping block: one is the Multiple Re-Entry Kill Vehicle. That's where we send up a missile that has multiple kinetic interceptors on it that could take out even a decoy or several decoys if they're using countermeasures and take out multiple incoming rounds and get the warhead that's hidden among a number. That's the Multiple Kill Vehicle. And to cut the funding for the research

of that right now when we know that the bad guys are developing this capability is really a bad decision.

Mr. AKIN. Reclaiming my time, let's develop that a little bit and go back over to some of our other experts here on this.

The first thing is the airborne laser, and let's describe that a little bit. First of all, I actually was onboard the plane that's going to be the first plane that carries it. It's like Air Force One. It's a huge aircraft with these multiple, multiple tires on the landing gear and everything, and it's full of some very high-tech equipment. And the purpose of this thing is to shoot a laser, as I understand it, and it hits that fragile missile on the boost phase.

Now, Congressman FRANKS, is it true that that's what is being targeted in the budget that we are going to get rid of that thing that we've spent all of this money on? We're supposed to fire it for the first time this summer. Are they really going to cut that thing?

I yield.

Mr. FRANKS of Arizona. The airborne laser program is more than one aircraft, but they're doing everything they can to decimate the budget there. It is potentially possible even under the Obama administration budget that we will be able to maintain the one aircraft, which is a 747-400B aircraft with a chemical iodine laser aboard. And it has three different lasers. One's an aiming laser, one's a compensating laser, and one is a kill laser. And this is one of the most advanced mechanisms that we have in our entire arsenal, and it will do so much to build the entire technology if we can show that it's effective.

Mr. AKIN. Could you imagine if we had a bunch of those planes traveling around? Any nutcase that wants to shoot a missile with a nuclear device on it, we just poke a hole in it and plop it and it will just fall down. I mean, we could protect incredible numbers of human beings with that kind of technology. I don't understand why we would want to cut that.

But the gentleman from Colorado would like to jump in.

Mr. COFFMAN of Colorado. Thank you, Congressman AKIN. I think that Congressman FRANKS is right in discussing that this administration is de-emphasizing missile defense at the very time when we need it the most in the uncertain age, international environment, security environment that we're coming into. And I think to say that, well, if we develop it anyway, they will develop the capability to overwhelm the system I think presupposes that we're not going to be able to continue to improve technology as we always have been.

Mr. AKIN. We've heard that before, that you can't do it, and it turned out you can do it.

Congressman BISHOP.

Mr. BISHOP of Utah. I appreciate everything that has been said. And, Mr. AKIN, I appreciate your using this time especially with the expertise of those on the subcommittee to try to explain to the House exactly the details of what we are talking about because too often we slosh over this. I know I don't know the details as much as I can. What I do know, of course, is that Russia, even though it may not be our biggest threat, is driving much of our decisions and they're totally revamping their ICBM program: by 2016, 80 percent new missiles.

And the key element here by everything is still the concept of the deterrent. There are a lot of people asking why are we investing in this kind of stuff when we might not ever use it. And that's the wrong question. The right question is, When is that deterrent used? And the answer to that is, every day, whether we actually fire anything or not.

Mr. AKIN. Reclaiming my time, that is an incredibly important point you just made. People are asking the wrong question. It's not whether we're using it because, as a deterrent, every day we protect ourselves, we are using it. Is that what you said?

I yield.

Mr. BISHOP of Utah. Mr. AKIN, I appreciate that and I can't claim credit. I stole that line from the commission, who gave their report today. That is what they have said. A deterrent if it's effective is in use every day, and that's still important. I wish I could claim credit for having come up with it, but I stole it. It's still true.

Mr. AKIN. I am going to yield to my friend from Colorado, Congressman LAMBORN.

Mr. LAMBORN. Mr. AKIN, the other thing that's proposed to be cut by this \$1.4 billion slashing of our missile defense program by the Obama administration, unless Congress stands up and restores that funding, and I think we're going to work to try to get both sides of the aisle hopefully to accomplish that, but that is we are going to cut the number of interceptors. We're going to just stop where they're at now.

We have a couple of dozen interceptors in Alaska and California. And North Korea is testing intercontinental missiles they say for the purpose of putting up satellites, but no one believes them. And right when they're developing that capability, this is the wrong time to say we've made our last interceptor, we're not going to build any more. The timing is bad. And yet that's what this Obama budget cut will result in.

Mr. AKIN. Reclaiming my time, I am concerned at a number of different things as it relates to missile defense that the current administration is doing. One thing we are doing is cutting the airborne laser. Another thing

is this multiple warhead re-entry situation where we basically gave or sold the Chinese the technology of being able to send a missile up and then have the warhead split into parts and those parts targeting different things. So that's a more complicated target to stop, and we're giving up the technology to do that. But then we're also, in some sort of a diplomacy thing, going over to Putin and telling him we're not going to deploy missile defense in Europe to protect Europe and the eastern seaboard. That doesn't make sense to me either.

And I would like to go back to my friend from Arizona. Help us out with some of these things because this just doesn't add up, my friend.

Mr. FRANKS of Arizona. You mentioned two key things. Congressman LAMBORN mentioned the GBI, the Ground-Based Interceptors, with our GMD, our Ground-Based Midcourse system. This was meant to have 44 interceptors. The Obama administration said we will build no more than 30. And, of course, at that point then the system could atrophy and we may not even sustain it. But it is the only system that we have. I want to emphasize this. GMD is the only system that we have in the United States capable of defending us against incoming ICBMs.

Mr. AKIN. That's this missile right here. Am I correct in that?

Mr. FRANKS of Arizona. Yes, that's the GBI.

Mr. AKIN. We have how many silver bullets like this right now?

Mr. FRANKS of Arizona. Right now we're scheduled to build a total of 30. We have around, I think the Congressman is correct, around 26 or 28 in the ground now.

Mr. AKIN. I thought I remembered 24 but—

Mr. FRANKS of Arizona. But we're saying that we will build no more than—

Mr. AKIN. So that's it. We have got 26 or 28 silver bullets here, but that's about all we've got in case somebody shoots an intercontinental. That means more than 10,000 miles. It means it's going up pretty high. You have got to have a big missile to stop a big missile.

Mr. FRANKS of Arizona. Those are not only fast missiles and not only do they have a very complex DACS, they call it, which essentially what we do here is we take our sensors and we run them directly into the incoming missile and the kinetic energy destroys the incoming missile.

But the reality is that in many cases we would want to shoot more than one of our interceptors at an incoming missile to make sure that we have the best chance of hitting it. Sometimes it can be two or three to one or even more. So this is a capability of maybe stopping as many as 10 or 12 incoming missiles. And that's not that many. We have a

limited capability against a growing threat, and GMD is the only thing that we have that will protect our homeland against ICBMs at this time.

Mr. AKIN. I really appreciate having you here just to clarify and give us the detail on some of these points, Congressman FRANKS.

Congressman BISHOP, I thought I remembered that you were a little tight on time, and I would yield to you if you would like to clarify some points that you were making.

You were saying that some of these solid rocket motors are actually made in your district and that we're basically losing our industrial base capability to try to continue building some of these things, and that's, of course, worrisome as well.

I yield.

Mr. BISHOP of Utah. You're exactly right. They were made in our district. We are done with that phase right now. The problem is what do we do for the future?

And I actually would like to ask any of my colleagues right here, when Secretary Gates announced his blueprint for this budget, that was the very day that North Korea fired another long-range missile test that endangered Japan. And I would like somebody to express is this a legitimate fear for us. Is that something for which we should be concerned? And what approach is the best for this kind of future threat that comes from North Korea?

Mr. AKIN. I would go back to our resident expert, Congressman FRANKS.

Mr. FRANKS of Arizona. Well, in all the ways in the past, what we have tried to do is to say what is the capacity of our enemy, what is the intent? When we are talking about enemies like North Korea and enemies like Iran, we're not completely clear of their intent. Some of their goals are rather irrational and sometimes they've acted very irrationally. So the only wise thing for us to do for our people is to make sure that we have the capacity to meet that threat. They are now gaining the capacity to have missiles that can range the United States, and we need to make sure that we can meet that threat. We have a limited capability now, but if we back away now, we could be in a situation in the future where we will not have the ability to meet that threat.

Mr. AKIN. We're also joined by another good friend of mine, Congressman TURNER from Ohio.

I would like you to have a chance to be a part of our conversation and discussion because this is something that affects all Americans and it's something that apparently has not been given a high priority budget-wise; so we want to talk a little bit about that. And I think we could get into the budget a little bit and where we have been spending money if people want to do that.

But I yield to my friend Congressman TURNER, a fine Congressman and great reputation too in the House.

Mr. TURNER. Thank you, Mr. AKIN. I appreciate your leadership on this and your leadership on the Armed Services Committee, and I want to thank you for doing this this evening. This is such an important issue.

And, Congressman FRANKS, I appreciate his leadership in trying to highlight where we have been, what we've accomplished, and, of course, the threats that we have in front of us.

Many people are not necessarily aware that we have missile defense currently deployed to protect portions of the United States and to respond to some of the threats. It's not a complete shield for the area, and it's certainly something that we moved quickly to deploy in the face of the issue of the threats of North Korea. Our system currently has 26 Ground-Based Interceptors in Alaska and California, 18 Aegis Missile Defense ships, 13 Patriot battalions, and five Ground-Based Radars all supported by satellite-based systems and command and control systems.

The issue here is that this is deployed initially to respond to emerging threats, but it's an incomplete system. It's one we have not fully yet assembled, and it certainly is technology that is emerging. The more that we work with this, the more that we learn, the greater ingenuity that we have and the ability to respond to what are real threats to our country.

As we all look to what Iran is doing and what North Korea is doing, we know that there is a real threat to our country, a real threat to our allies, and a real threat to our interests. So we have to preserve in this budget round our ability to fund the deployment of these systems, the maintenance, the upgrade, the research and development that will help us look to the future as to how do we protect our country and our allies. This is a very important function, and I really appreciate your bringing this to light and all those who are participating.

□ 1730

Mr. AKIN. Well, I appreciate your joining us here and recognizing what we have got going on. You have also mentioned quite a number of other missiles.

And just for some of our colleagues that are involved watching our discussion, and I started at the beginning, there is all different kinds of missiles an enemy can shoot at you. Some of them are little ones, some of them are medium-sized, some of them are big ones, and some of them are really big.

They all have different trajectories. And so depending on the trajectory, we match that with whatever size missile that we need to be cost effective to try to stop something coming.

The picture that we had before is a ground base. This is the big daddy. This is the one for the missiles that are coming over 10,000 miles, but there are a lot of other kinds of missiles. Some of them are more in the 3,000- to 5,000-mile range, and that's where you have our ships, our Aegis-class cruisers and our Arleigh Burke destroyers, with missiles inside these destroyers that they can direct at what's called a ballistic missile, but not an intercontinental ballistic. That's sort of the 3,000 to 5,000 range.

And then you have got your Patriots, that literally we have batteries, those defending a particular area or something like in South Korea, where there is a military base. You have Patriot missiles just defending against short-range North Korea.

So there is quite a range of these different missiles, and I appreciate your bringing that very important point out, and also the fact that this technology is moving and we need to be putting money into it and keeping ahead of the power curve on this; otherwise, we are going to see some one of our cities paying a big price on this kind of thing.

I want to go back to my friend from Colorado, Congressman LAMBORN.

Mr. LAMBORN. Yes, if I could just step back a couple of steps and look at defense spending in general. It's the only department where there are massive cuts being proposed. Everything else in the budget is going up. Social programs are going up, entitlement programs are going up.

Anything you can shake a stick at in our budget is going up, except for defense, and we are living in an increasingly more dangerous world. It's the wrong time to be cutting defense.

We are cutting F-22s. After this next year, we are going to build a few more and they are done, even though the Air Force would love to have many more than the roughly 200 that would be built by then. They wanted close to 400. I know they are expensive per unit, and yet they don't get shot down because they are so much more advanced than anything else existing in the rest of the world.

We can't decide what to do on tankers. Our heavy lift capability is being questioned. Some of our naval ships, classes of naval ships are just being zeroed out completely.

So we have some major defense cuts that are being proposed when everything else is going up in the budget. I don't understand that priority.

The first responsibility of a government is to protect the safety of the citizens living within its territory. So the first responsibility of the U.S. is the defense of our country, and yet we are slashing defense budgets and yet everything else is going up. I just don't understand that way of thinking. It's hard to understand that.

Mr. AKIN. I don't understand it either, but I have got a chart. Unfortunately the printer was down so I couldn't put it up on the board, but I could just read some numbers off of it.

You go back to 1965, and in 1965 our entitlement spending was between 2 and 3 percent of the budget, of the gross domestic product. It was 2 or 3 percent of gross domestic product was entitlement.

Now that entitlement has gone from the high 2s to 8.4 percent in 2007. So it has gone from a little over 2 to 8.4 percent. That's the entitlement growth. And yet the defense spending, at about '68 or so, was almost 10 percent of GDP, and that's gone all the way down to 4 percent.

So what you are saying in terms of numbers is absolutely true, and that is we have been slashing defense spending over a period of a number of decades and increasing entitlement. Now, maybe there is a good reason to have entitlement spending, but the one thing is sure: If our country gets hit with nuclear weapons, there isn't any security at all if you don't have military security.

I wanted to defer to my friend from Utah, Congressman BISHOP.

Mr. BISHOP of Utah. I do just want to add one thing, and I am so appreciative of what the last comment by Mr. LAMBORN was, and what you have simply said. We have been talking a great deal in this Congress about jobs. Every one of these programs creates jobs. It creates a work line. It creates the knowledge that we need. Everything Mr. LAMBORN was talking about are jobs. These are critical jobs for our country, and we need to do it.

I appreciate so much the experts here, the ranking member on the committee, Mr. FRANKS, who knows so much about it, your input into this thing, because as I said originally, when I was growing up, our defense was duck and cover. I don't want to have to go back to that.

And if we are not ready to build this program and to multiply and expand what we are doing, I am back to going under desks. And you can see there are only four desks in this room and there are 435 of us, and I am big. There is not enough room for my cover right here. This is essential and important.

Mr. AKIN. That duck and cover and the idea that somehow you can kind of stick your head in a hole like some sort of an ostrich and hope that thing isn't going to land on you, that sort of thing just doesn't work when you start to talk about nuclear weapons.

So I think we have gotten into a little bit of this question about funding. And I find it somehow a little bit cynical when in the first 5 weeks that we met in this Chamber this year we passed this bill to spend \$840 billion, you put that in defense spending, that's equivalent of the average cost of an

aircraft carrier. We have 11 aircraft carriers. That would be like building 250 aircraft carriers end to end.

That's how much money we spent in the first 5 weeks, and we are saying that we can't defend ourselves against these kinds of missiles that are being developed by rogue nations. That, somehow, just doesn't seem to make sense.

And when you see that we have the capability of putting one of these systems into the air like this, and we can basically buy the lives of millions of people in a city for this kind of investment.

Now, I am going to ask my friend from Arizona here, you know, is this a big part of the defense? My understanding is we are only talking about 2 percent of the defense budget to be able to do this to protect our citizens. That doesn't seem like too much. Am I about right on the numbers?

Mr. FRANKS of Arizona. No, you are essentially correct. The budget was about \$9.4 billion. It is being cut about a \$1.5 billion and then some of the other systems are being moved around to where the total effective cuts are about \$1.8 billion.

But here's the bottom line. All of the money that we have spent on missile defense is just a little over \$100 billion since we started 25 years ago. And it took almost that much just to clean up after 9/11 hit New York, and 9/11 cost our economy about \$2 trillion.

So if we are talking about being cost-effective here, we should remember that if that attack on New York that morning had been an ICBM with, say, 100-kilo ton warhead, it would have killed maybe 120,000 people instantaneously and half a million more within a couple or 3 weeks.

I am just astonished that we are so shortsighted that now, in this kind of an age that we live in, that we would cut missile defense. And I pray that we don't have to, in some future date, look back on this debate and say how could we have forgotten? If we build a system and we don't need it, then it must have worked.

And I would just say in closing that I will be glad to apologize if we build one that we don't have to use, but I don't want to stand before the Nation and have to apologize to them for failing to building a system that could have protected them.

Mr. AKIN. My good friend from Ohio, Congressman TURNER, please fill in some more of the details here, because you are the person in the committee that's really paying attention to this and we really appreciate your leadership on this.

This is so important, a lot of times I am sure your constituents are on you to do all kinds of things, and they probably don't realize how much time and attention you have to give to some of these issues. But we appreciate you

and we are very thankful that the people of Ohio send you here.

Mr. TURNER. Again, I want to thank you for your focus on this because there is an information gap, I think, between our capability of what we are able to do and what the American people know that we can do. So many times when people talk about missile defense, they remember the past criticisms, that this is a system that would not work, it's an impossible task.

Well, this is a system that not only works, it's deployed. And many people are not aware that we actually have missile defense systems that are deployed for the purposes of protecting the United States from the threat of North Korea. Again, as you and I were discussing, it's an incomplete system in that we have not fully deployed all of the system that's necessary to protect the United States. But, again, this is a system that has not only been tested fully, responds to some of the threats that we have, but it's actually deployed.

Now, it is just the first phase of a system. We have to continue our research, continue the American ingenuity that is so great. The missiles that you have behind you that are able to intercept are so important, again, and technology that people said would not work.

We have other technologies that we need to explore; for example, the airborne laser, being able to take high directed energy and actually apply them to some of the missiles that threaten us. That's the technology that's so important to pursue.

Because as we pursue research and development, as we pursue testing and find out the ways in which we can utilize this, these technologies to protect ourselves, we are going to perfect it. We are going to find the American ingenuity that we all know and apply it in ways that protect our families and our communities and our cities.

Mr. AKIN. There is one thing I promised that I was going to toss in here, and this is something that I don't think people understand. We need to answer this question, and that is, if somebody could smuggle a nuclear weapon into our country, why do we care so much about something on a missile?

And the answer is that when a nuclear weapon is exploded high over a city, the amount of damage it does is hundreds of times what would happen if it were on the ground.

And I think that's something that people forget, that it's a combination of the missile getting the altitude and no problems with security, and then all of a sudden you have this tremendous burst in the air over a city, just wreaks absolute havoc and kills millions of people. I want to make sure you hit that point, because people say, oh, this is a waste because somebody could just

bring it in a suitcase. Not so simple. Please talk to that point.

Mr. TURNER. I think the real easy answer as to why we should have missile defense is because our adversaries are so interested in funding missiles, and they obviously see that missiles are a way that they put us at risk because they are investing so heavily in it, in research and technology. And we are seeing in the rogue nations, now North Korea and Iran and their capabilities, the fact that they are reaching for these shows that we need to reach for the defense.

One area that I wanted to raise and that I know that we need investment in is in the area of intelligence and our space capabilities that give us the eyes and ears and the ability to understand what some of the threats are, to be able see them, to be able to respond.

It is good to bring this information to light for the public, because people need to know what's out there, what we are capable of, but also what is left to do.

Mr. AKIN. It is such a treat for me tonight to be able to share this time with my colleagues, people who are patriots, good friends of mine, people who love this country, want to see our cities and our citizens defended, people who continue in the tradition of Ronald Reagan.

I am a little bit surprised that we want to be cutting these programs. I don't think it's the right thing to do.

I don't think if the American public knew about our vulnerability, knew about the development of North Korea being able to fire missiles from North Korea and actually hit parts of America, this is not something that we want to play around with. We want to have a robust capability, and we need to make that investment, and the idea that we don't have enough money is absolute foolishness.

PREDATORY MORTGAGES AND FORECLOSURES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. CLEAVER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CLEAVER. Mr. Speaker, when Barack Obama was sworn in as the 44th President of the United States, there were a number of statements that were subliminally made to the Nation and, indeed, to the world. And one of the statements was that we, as a Nation, had moved significantly from the days of not only chattel slavery but even the days of Jim Crow and the bitter segregation that enveloped the entire United States.

I can remember growing up in Texas, in Wichita Falls, Texas, and my father purchased a home in what was then, very clearly, what was known as a

white neighborhood. And when my father purchased the home across the street from, I think, a shopping center that was going to be built, a strip shopping center, he had to move the home from its location to the east side of the tracks, where the African American community lived.

He purchased the home, hired a moving company that moved homes, and the home in which my father lives in today, the home in which I and my three sisters grew up in now stands at 818 Gerald Street in Wichita Falls, Texas, and it has been moved, probably, 8 miles from where it was built, because in those days African Americans could not live on the other side of the tracks.

□ 1745

Now while I speak very clearly and experientially about Wichita Falls, Texas, please understand that was the case all over the length and breadth of the United States. We had problems where the banks would not lend money to purchase homes in certain neighborhoods. It was called "red-lining," where if a white homebuyer wanted a home, it was clear that the banks would not sell them a home or would not finance the home in certain areas, and they would only finance homes in certain areas for African Americans and to some degree to Hispanics. And this went on in our country for years and years and then decades and decades.

And then, finally, as our Nation began to experience what I like to call the "Great Awakening," we found that Martin Luther King, Jr. and Whitney Young really began to change things. And things began to change, really, in the 1950s with Brown v. Topeka Board of Education. And then with the movement, the Southern Christian Leadership Conference, Martin Luther King, Jr., when you look at what was going on with the NAACP, the Urban League, and I think a beginning of an awakening by all of the country, things began to change, albeit very slowly. And we had the Voting Rights Act approved. We had the Civil Rights Act of 1964, 1965.

And then by the 1970s, there was, for the first time, a very clear movement of the United States Congress toward creating some kind of a society that would allow all Americans to enjoy the benefits of America. And so, in 1977, the Congress of the United States put in place something called the Community Reinvestment Act. It is called CRA. And in this act, there was an attempt by Congress to address discrimination in loans made to individuals and businesses from low to moderate income neighborhoods.

Now, this is important because finally in 1977—and I know probably for young people who may be watching this broadcast on C-SPAN, they prob-

ably are having difficulty even grasping the fact that in 1977 the Congress of the United States had to pass a law that would stop the redlining that pretty much pushed African Americans and Hispanics in certain neighborhoods. They don't see that as much today, although we are still, unfortunately, still bitterly segregated in terms of housing. But in 1975, to reduce discrimination, Congress moved to pass the Community Reinvestment Act. That was a major piece of legislation.

And while many Americans probably don't even know what CRA is, this is an opportunity for you to understand what began to change the whole housing drama in the United States of America, the Community Reinvestment Act.

This act began to cancel out, to erase, the practice known as "red-lining." And in this Community Reinvestment Act, it required that appropriate Federal financial supervisory agencies would regulate financial institutions to meet the credit needs of the local community in which they were chartered, consistent with, I might add, safe and sound operations. And that is important, and I will get to that in just a moment.

The agencies that have been commissioned with the responsibility for regulating these agencies, I think most people would know who they are. They would be the FDIC, they would be the Federal Reserve, they would be the Office of the Comptroller of the Currency, the OCC, and the Office of Thrift Supervision, the OTS. And those agencies would have the responsibility to monitor what banks in the United States did to make sure that they did not arbitrarily and capriciously exclude entire segments of cities for loans both in terms of residential homes and in terms of businesses. And therein, Mr. Speaker, we began a new chapter in the United States.

At this time, Mr. Speaker, I would like to yield time to my friend and colleague from Houston, Congressman AL GREEN.

Mr. AL GREEN of Texas. Thank you so much, Congressman CLEAVER. I greatly appreciate the history that you have afforded us. It is meaningful for us to understand history, because in understanding history, we can understand the benefits that have been accorded by way of the CRA. The CRA has clearly been of great benefit to all Americans, because when you help some Americans, you really do help all Americans. Dr. King reminded us that "life is an inescapable network of mutuality tied to a single garment of destiny." Whatever impacts one directly impacts all indirectly. So by directly helping some, we have indirectly helped all Americans.

And I regret that there are many who contend that the current credit crisis is based upon some of the actions that

the CRA might have mandated, which is totally not true. It really is not. And there does come a time, there really does come a time when every woman and every man must on truth stand. So tonight, I appreciate what you have said because I think we have to take the ax of truth and slam it into the tree of circumstance. And we just have to let the chips fall wherever they may, because there really is some truth in the notion that the truth will set you free. So let us see if we can free some souls as it relates to the CRA and its benefits to all Americans.

You see, the truth is that the Community Reinvestment Act that Congressman CLEAVER has given us a great recitation of its history, of the history of the act itself, the Community Reinvestment Act did not cause the current credit crisis. Now if you don't believe me, perhaps you will believe the Honorable Mark Morial. I have in my hand a copy of his testimony before the Senate Banking Committee on Thursday, October 16, 2008. In his testimony, he indicates that the CRA is not the cause of the current crisis. This may not be enough for some people. If you don't believe Mark Morial and you don't believe me, then maybe you will believe the Honorable Ben Bernanke, who is, of course, the head of the Fed. He has a letter that he has written to the Honorable ROBERT MENENDEZ, who is a member of the United States Senate. And he indicates that the CRA is not the cause of the crisis and that there is no evidence to support this.

And if this is not enough, then perhaps a summary from the analysts over at the Board of Governors of the Federal Reserve system. They have indicated by way of a report that the CRA is not at the root of the current crisis.

So the truth, you see, is this, that the CRA has been of great benefit, that it does not regulate lending, that it does not legislate and that it does not mandate. The CRA does not even apply to all financial institutions. And I can really understand how some people might conclude, based on some of the propaganda that I have heard, that the CRA regulates lending worldwide. But it really does not. It doesn't apply to all institutions within this country. For example, it doesn't apply to financial institutions like the defunct Countrywide, which at one time was one of the largest lending institutions with reference to mortgages in this country. It does not apply to financial institutions like the ruined Bear Stearns. It doesn't apply to AIG. It did not apply to Lehman's.

The CRA has been an institution and, if you will, it requires lending institutions to lend money into areas that had been redlined, as you indicated, and had literally been locked out of receiving the financial bootstraps that many communities receive so as to lift themselves out of poverty by way of

wealth building through home purchases, as well as some other things that transform houses into worthwhile neighborhoods to live in.

Approximately 70 percent of the foreclosure filings from January 6 to September 8 took place in middle to high income, non-CRA-related neighborhoods. Now it is important to note that the CRA, while it does encourage lending, it doesn't mandate it. And the lending that did take place with reference to foreclosures, 70 percent of this lending that took place between September of 2008 and January of 2006 was in higher income neighborhoods, income neighborhoods that the CRA did not address. I will call them non-CRA neighborhoods.

The CRA doesn't regulate. It simply says that banking institutions are encouraged to cover and relate to and lend to all segments of the communities that they serve. And they are to do so without goals, they are to do so without targets, they are to do so without quotas. The CRA doesn't encourage bad lending. It doesn't mandate bad lending. It doesn't condone bad lending. It doesn't generate any loans. The CRA does not regulate nor does it create any of these exotic loans that we are aware of. And many of them are at the root of this subprime crisis.

So I'm honored to tell you, Mr. CLEAVER, and I thank you for your history, that the CRA has been of great benefit to us. And I regret that there is a distortion of the facts that relate to the CRA and what it has meant to us. I think that we have an opportunity tonight to clear up some of the confusion and to make clear what the benefits of the CRA are and to also talk about some of the areas wherein the other institutions, other than the CRA—and I call it an institution, it is really an act of Congress—but wherein other institutions have created products that have created a lot of the subprime crisis that we suffer from today.

So I will yield back to you and trust that as we go through this process tonight, we can talk about some of these products. And I'm prepared to talk about a few of them. I will go ahead and talk about just a couple if I may.

I will talk about the exploding ARMs that were not created by the CRA and not regulated by the CRA. You're aware of them, the 327s and the 228s wherein persons literally had 2 years of a fixed rate and 28 years of a variable rate. They had a teaser rate that would, at the end of 2 years, an entry level rate that was usually low, at the end of 2 years would increase to sometimes 30 to 40 percent of what that teaser rate was. And there were many other products like this that the CRA had nothing at all to do with that have helped to create this crisis that we have to contend with.

Mr. CLEAVER. Would the gentleman yield?

Congressman, it may be of some value for you to share with us the yield spread premium, which is one of the critical developments that we find that people suffer as they are losing their homes. And what has happened over the past year is that in the middle of a tidal wave of foreclosures, people have sought to place the blame on somebody or somebodies. And tragically and painfully, it has fallen on the poor and the minorities. They are being blamed for the crisis.

One of the people I really liked a lot, and we had a very good relationship, was former Congressman Jack Kemp, the former Secretary of the Department of Housing and Urban Development. He, of course, died, and I think all of Capitol Hill is mourning Jack Kemp. He was a former quarterback in the NFL, and he was a great guy.

□ 1800

He wrote a book where he talked about what happens to the poor and how the poor get blamed. I have that autographed book in my office in my basement in Kansas City. He lays out clearly how the poor always seem to get the blame. When we say that CRA caused this tidal wave of foreclosures, it is a way of blaming poor people because what that means is when the government passed the Community Reinvestment Act and said you cannot discriminate any more, what is being suggested from Capitol Hill, and you can hear it at night on the television and radio talk shows, is that banks and Fannie Mae and Freddie Mac were forced to make bad loans, and there were a lot of bad things happening, including the yield spread premium.

Mr. AL GREEN of Texas. You are exactly correct. Poor people did not create this crisis, and people living in areas covered by the CRA did not create this crisis. Let us take a look at the yield spread premium. The yield spread premium says that if you are a seeker of a loan for a home mortgage and your originator can qualify you for a 5 percent loan, by way of example, if that originator can get you to take a loan for 8 percent when you qualified for 5 percent, that originator will get a lawful kickback by causing you to go into a higher mortgage than you qualified for, and never have to tell you that you qualified for the 5 percent premium.

That premium that is paid to the originator is a part of this process which we now call the yield spread premium.

This was invidious, and it did cause a lot of persons to take out loans that were much higher than the loans that they qualified for. But to further evidence the fact that poor people didn't create this problem, negative amortization, many people received loans that were negative in the sense that you could pay your principal, pay your

interest, but if you didn't pay enough interest, you would find that that which you didn't pay would be tacked on to your principal.

So you had a loan where your principal was growing, and it was growing such that you could literally never pay for the loan and always owe more than you actually decided that you wanted to have as a mortgage amount.

We also had the situation with the no-document loans. Poor people didn't get a lot of no-document loans, loans wherein you didn't have to prove that you were working. Usually these were persons said to be associated with some sort of business and they had difficulty verifying income, but no-document loans were made and they were usually in the subprime market, they were either the Alt-A loans or subprime because they were said to be riskier. But these loans were not originated because of the CRA. They loans were not mandated because of the CRA.

I would also call to your attention prepayment penalties. There were loans that had prepayment penalties that coincided with these teaser rates. None of this was mandated by the CRA. The CRA did not require teaser rates. It did not require loans to have prepayment penalties at all. When these prepayment penalties coincided with the teaser rate, it simply meant that the person who wanted to refinance the loan when you were getting to that period or that time when the loan would adjust, would have to pay a large penalty just to get out of the loan into another loan. These teaser rates and prepayment penalties became a detriment to many people who were locked into these 327s and 228s.

I would call to your attention also the fact that there were loans that were interest only. The CRA did not mandate interest-only loans. These loans were loans created by mortgage companies. They were loans that were originated by entities that were not covered by the CRA for the most part. And these loans, if they were covered by the CRA, institutions that were regulated by the CRA, the CRA did not mandate an interest-only loan which means you would simply pay interest, not pay the principal and you would continually owe after some period of time what you started out with as your loan amount.

The CRA did not require credit default swaps wherein one party would agree to pay a second party if a third party defaulted. This is what AIG was infamous for, these notorious credit default swaps, not mandated by the CRA.

The CRA did not cause us to conclude that hedging was a good means of managing risk. The CRA didn't have any mandates with reference to hedging and hedge funds.

It did not require outsourcing as a risk management means.

Some of these large institutions were literally allowing credit rating agen-

cies to manage their risk because they would ask a credit rating agency to give them an opinion about a certain instrument, and they were relying on that as their risk management tool. The CRA did not mandate any of this.

One really important thing, CRA did not create the circumstance wherein the lender was no longer concerned about whether the borrower could repay his or her loan. This was not in any way mandated by the CRA. It wasn't regulated by the CRA. It had nothing to do with the CRA. When this occurred, lenders no longer had to concern themselves with the liability associated with the loan if there was a default.

So originators started simply originating loans so they could put them in the secondary market, and by getting them out in that market, they would get payment for the loan itself. Somebody else was now responsible for the loans, and the loans were bundled. The CRA did not mandate nor did it require that these loans be placed in these bundles called securities and sold to investors. The CRA had nothing to do with any of these things. The CRA simply said if you are a lending institution covered by the CRA, you must lend to all persons within your area of influence.

And thank God the CRA did this because there are many persons who but for the CRA wouldn't have homes. There are many communities that would not have been revitalized by dollars that were actually made available to communities to revitalize them. Nursing homes received CRA moneys by way of loan, and the elderly, homes for the elderly received CRA moneys. The CRA has been a benefit to all Americans, and I just regret there is this notion afoot by many that the CRA somehow created a crisis that it had absolutely nothing to do with. The empirical evidence is completely contrary to this notion that the CRA created the crisis.

Mr. CLEAVER. Mr. Speaker and Mr. GREEN, I flew into Washington on Monday of this week and sat next to a gentleman who serves on a board of a bank. When he found out that I was on the Financial Services Committee, we began to talk about the crisis, and I am sure that happens to you and all of us who end up on this committee at this particular time in history.

During the conversation he said to me that at a recent bank board meeting, one of his colleagues on the bank board said to him: CRA is going to ruin this bank. It is forcing us to give loans to people who don't qualify.

And he said no matter how he argued, the man would not release the notion that somehow the requirement that is placed on institutions to be fair caused the financial crisis.

I think that the Members of Congress in 1977 who had the vision of creating

or beginning the task of creating an America where people could live where they wanted would be pleased today to know that we have made significant progress. We have not made the ultimate progress, but we have made significant progress.

Imagine this, Minneapolis, Minnesota, having an entire section of the city where banks are not making loans. And then as that city goes into decay, people would drive back and say, You know, poor people don't take care of their property. See what is going on over there, not understanding that banks were not making loans to that area. That was supposed to stop in 1977.

Now there are banks in my hometown who are very active in making loans in the urban core. There are other banks that I think are prodded by the passage and the enforcement of the CRA.

I did not have this on the airplane, but I wanted to bring it here tonight. This comes from chapter 20 of the Community Reinvestment Act, section 2901, Congressional Findings and Statement of Purpose. It reads: "It is the purpose of this chapter to require each appropriate Federal financial supervisory agency," those are the agencies that I mentioned earlier, "to use its authority when examining financial institutions to encourage such institutions to help meet the credit needs of the local communities in which they are chartered consistent with the safe and sound operation of such institutions."

This is in the language of the law. And in spite of the clarity of this statement, there are people, even unfortunate and tragically who are part of this body, who are still going around on TV shows saying that CRA caused the financial crisis.

I would yield to my colleague KEITH ELLISON from Minnesota.

Mr. ELLISON. Mr. Speaker, what else are these purveyors of confusion supposed to say?

They have had an opportunity to spread deregulation all over. They have declined the opportunity for many years to pass an antipredatory lending bill. They have promoted tax breaks for the wealthiest among us. And now that they have had the opportunity to have a House and a Senate in which their particular caucus was in the majority, they have had a full opportunity to manifest their economic ideas, and what those ideas have come to has been the largest foreclosure crisis since the Great Depression. What these economic ideas that the poor have too much and the rich don't have enough is that we have had serious unemployment spikes higher than any that we have seen since the early eighties, which was the Reagan recession. What we have seen is record lows in consumer confidence.

The fact is you can't expect the people who are purveying confusion regarding the CRA to come clean because

then they would have to admit that it is their economic policies that have brought forth the economic malaise that America is in now.

In fact, the Community Reinvestment Act is good economics. The Community Reinvestment Act says that what we are going to do is we are going to ask banks who draw deposits from neighborhoods to also loan to that neighborhood.

The Community Reinvestment Act came about based on statistically documentable evidence of red-lining, which is a process whereby lenders and sometimes insurance companies systematically denied credit to certain communities, particularly low-income and minority communities. Importantly, the Community Reinvestment Act does not prescribe minimum targets nor dictate specific underwriting policies. It doesn't even set goals for lending or investment. Instead, it gives considerable discretion to bank regulators and examiners, and ensures that loans are made in a manner consistent, as you pointed out, Congressman CLEAVER, with safe and sound banking practices.

Let me just quote from somebody who ought to know a little bit about banking and the financial markets, and that is Fed Governor Elizabeth Duke. Fed Governor Elizabeth Duke is a person with a Ph.D. in economics who studied these issues, is not known for wild statements, and is essentially a paragon of reliability and stability.

Here is her analysis. She says that the claim that the CRA, the Community Reinvestment Act, caused the current crisis is a "misperception promulgated by many who either do not know much about the law or don't like it."

□ 1815

That's what Fed Governor Elizabeth Duke had to say.

Finally, Federal Reserve Chairman Ben Bernanke has indicated, "Our own experience with the CRA over more than 30 years and recent analysis of available data, including data on subprime loan performance, runs counter to the charge that the CRA was at the root of or otherwise contributed to in any substantive way the current mortgage difficulties."

So I have more to say, Congressman CLEAVER, but let me share the mic with others who have much more to say as well. Thank you.

Mr. AL GREEN of Texas. Thank you. I ask that you yield to me.

Mr. ELLISON. I will certainly yield to the gentleman from Texas, Congressman AL GREEN, who is a stalwart advocate of consumers, investors, and all Americans.

Mr. AL GREEN of Texas. Well, I thank you, my friend. I will pick up where you left off because I happen to have a copy of the letter that Chairman Bernanke sent to the Honorable ROBERT MENENDEZ. This ties into what

you said as well, Congressman CLEAVER.

In this letter he indicates, "A recent board staff analysis of the Home Mortgage Disclosure Act and data sources does not find evidence that CRA caused high default levels in the subprime market."

He also goes on to say, "The CRA statute and regulations have always emphasized that these lending activities be consistent with safe and sound operation of the banking institutions," clearly indicating that the CRA is not at fault.

I would like to do this just for a moment and then we will come back to more of why it's not at fault. But I'd just like to say this. Assume for just a moment for the sake of wholesome argument and helpful debate that the CRA is at fault, just for a moment.

Then we have to ask ourselves: As those who, by the way, have been saying and continue to say that it's at fault, we would have to ask ourselves if they had control of the U.S. House of Representatives, the U.S. Senate. They had control of the executive branch of the government, even had control of the Supreme Court, and they had all of this at the same time. If the CRA posed the hazard that they contend it poses, and they said that they made statements at the time that the CRA was not functioning as it should, then why didn't they do something when they had control of the House, the Senate, the executive branch of government as well as the Supreme Court?

It would have been easy to generate legislation that could have gone from one House to the other. It would have been very easy to get the President, who apparently would have been in agreement, to sign it. But the truth is that the CRA was functioning well and has functioned well.

In times of crisis, it is very unfortunate that the least among us will sometimes be blamed for what others have done. This is not the time to blame the CRA or the persons that the CRA might benefit for what has happened. Why? Because if we do this, we will allow ourselves to be distracted from the real causes—these exotic products.

And not all exotic products are bad, but many of them are harmful and hurtful. These exotic products like these 3/27s and 2/28s that we talk about, exotic products that allowed people to get into homes, but it didn't enure to their becoming homeowners.

We developed a society wherein people became homebuyers such that they could simply get into a home with no assurance that they could pay for the loan that they were purchasing.

So we cannot allow ourselves to be distracted with this CRA stalking horse, if you will. We must focus on the real causes so that we can come up with real solutions.

I would yield to you, Mr. CLEAVER.

Mr. CLEAVER. Thank you, Mr. Green. I think that those forward-thinking Members of this body who in 1977 approved the Community Reinvestment Act did a tremendous service for all of us. It provided us with opportunities to buy homes—and our children.

It is refreshing for me to know that the young pages who work here in the Capitol—we have two helping us tonight, Raven Tarrance and Jasmine Jennings. These pages will not have to suffer what my father had to experience and what our parents and grandparents had to experience because, in part, the Community Reinvestment Act will not allow banks to take deposits from people and then not make loans to them. And it's really so ludicrous that we have to argue this point because the law is so clear.

I just added another section of the law here with us. The bill text of section 2903, Financial Institutions Evaluation, reads thusly: "A, in general, in connection with its examination of a financial institution, the appropriate Federal financial supervisory agency shall, one, assess the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods consistent with the safe and sound operation of such institutions."

Now, according to recent data, we found out that 75 percent of the higher-priced loans during the peak years of the subprime boom were made by independent mortgage companies not operating under CRA, which means that it is absolutely ridiculous to blame CRA for the crisis when the institutions that ignited the crisis were not operating under CRA.

It is so sad that a Nation that is moving in many ways far beyond where most of us thought it would move, at least at this moment in time in history, is still, in part, dealing with those who are spreading divisive messages that CRA, or poor people, caused this crisis.

When you read about the Great Depression or when you read about recessions even in foreign countries, for some perverted reason, and maybe it's a part of human nature, people always look for a villain instead of us saying that we had a problem.

Housing prices in the United States rose precipitously for a 50-year period. There was not one year during the 50-year period that the housing prices did not rise. There was no way that they could continue to go as such. And so eventually they were ballooned, and the balloon burst, and what we have here is a result of creating a housing market that was never real.

In Washington, D.C., if you walk within a couple of blocks of our offices, you will find homes at \$450,000 to \$500,000. You go to California, we have

the jumbo loans out there, with \$750,000 homes that would probably cost, in the Midwest, \$200,000 or less.

And so we had this explosion of growth and everybody was getting their little piece. Everybody participated in it. People were making bad loans because money was plentiful and victims were plentiful. There were a lot of people who were steered into getting these loans. All of us had people in our own congressional district to tell us horror stories about how they ended up in a home underwater, where the mortgage owed on the home is far greater than the value.

What we find right now is that those mortgages, as my colleague Mr. Green mentioned, have been bundled, securitized, and then sold on Wall Street. When we passed the Toxic Asset Removal Program, known as TARP, it was designed to remove the toxic assets, mainly mortgages, bad mortgages. Toxic assets were bad mortgages. If we could move those out of the market, then there would be a higher level of confidence on the part of investors to invest their money. Unfortunately, at the time, Hank Paulson and President Bush used the money for something else.

It gives me an opportunity to say at this time, Mr. Speaker, that I spoke to a group of students in an MBA program from the University of Missouri-Kansas City a couple of hours ago on Capitol Hill. I asked them to raise their hands if they believed that the Congress had approved money to give to the banks. Two-thirds of the people raised their hands. I think the rest believed that they thought they might get a bad grade or something, or congressional punishment, if they raised their hands, so they didn't raise their hands. But probably most of the people looking at this program believed that we voted to give the money to the banks.

I would remind the public that we voted to approve the Toxic Asset Removal Program to buy the toxic assets. It was the Secretary of the Treasury, acting with the President of the United States, without consulting Congress, who decided to move the money from its intended purpose that was approved right here in this Chamber and give it to banks.

I think that they have been able to do that pretty much with impunity because most of the country probably still believes that we sat in here and voted to give the money to the banks. But the purpose of that was to remove the bad mortgages, and the bad mortgages did not come as a result of the Community Reinvestment Act.

I yield back to the gentleman from Minnesota.

Mr. ELLISON. Congressman and Mr. Speaker, let me just point out for our listeners that, today, about 30 percent of all homeowners are underwater. About 30 percent are underwater. That

means that the value of their home is lower than the debt owed on their home.

This is a very serious and catastrophic situation and obviously causing a tremendous amount of angst, consternation, fear, and frustration among people across our country. Obviously, when your house is underwater, it might be easier for you to just leave the keys and walk away. We urge people to try to work things out with their lending institution.

But there's no doubting that the American Congress must be attune to the tremendous pain, difficulty, and frustration people are facing. When people are suffering from frustration, sometimes what they need is people who are in leadership to help clarify what is really going on as opposed to people in leadership confusing what is really going on. Confusing the issue is a very dangerous thing to do.

I would submit to you that America that has done so much to overcome racial division and may be one of the only countries in the world to go from a slaveholding society to a society where a person who, based on color, would have been a slave himself but is now President, a person who would have been denied a cup of coffee 50 years before he became sworn in to be President, is President.

This is a tremendous thing and a great thing for America. The credit goes to people of all colors: black, white, red, yellow, brown, everybody. But at times like this, it's important to also not allow the racial progress America has made to slip back by allowing some people to use code language and say that people of color, poor whites, are responsible for the problem.

When people are frustrated, they need answers. When they need answers, they need clarity, not confusion from leaders, not fear-mongering tactics assigning blame that is not there. And I would submit to you that all of us, people of all colors, need to stand together to clarify what is really going on with the CRA because, in my opinion, people who say that the CRA is to blame, Fannie and Freddie are only to blame—of course, they do have some fault on them, but they are not, by any stretch of the imagination, the only one. I think it is very important that we say together as a unified racial community that we will not allow racial stereotyping as it relates to what caused this housing crisis.

In my opinion, saying that it's because of the CRA, knowing that the CRA was designed to promote racial harmony and opportunity, is a way of blaming people of color for the financial crisis. Now we can debate this issue, but I guarantee you, if you were to say, "What does the CRA do?" and you say, "It was in response to redlining, that's why it was passed," so

the question you might ask, "Well, you mean so it was to try to stop racism or antidiscrimination?"

□ 1830

And the answer would have to be yes, that is what it is for.

Mr. CLEAVER. I am so glad that you brought that issue up because, as I mentioned at the beginning, how I think this Nation is maturing with regard to the issue of race. It is unsettling then to see how there have been people—and I am not sure all the motivation and I am not sure it is important at this point, why they would continue to say day after day after day after day that CRA caused the crisis. It boggles the mind. Our colleague, Mr. GREEN from Texas, had mentioned earlier that the chairman of the Federal Reserve found it necessary to come out and declare that this was not a fact.

Sandra Bernstein, the director of the Federal Reserve's Consumer and Community Affairs Division, stated at a hearing before our committee, "I can state very definitely that, from research we have done, the Community Reinvestment Act is not one of the causes of the current crisis."

And then Alan Greenspan, the former Chair of the Fed, pointedly did not blame the Community Reinvestment Act or low-income borrowers. In fact, his statement was, "The evidence strongly suggests that without the excess demand for securitizers, subprime mortgage originators"—undeniably the original source of the crisis—"would have been far smaller and defaults accordingly far lower." Only 25 percent of these subprime loans were made by CRA regulated banks.

I yield to the gentleman from Minnesota.

Mr. ELLISON. So it sounds like, according to Mr. Greenspan, that he is saying that it was this excessive demand for collateralized debt obligations, for the credit default swaps, which a lot of people would take on more risk than they were able to really absorb. These things really accelerated the financial crisis, according to the experts. Is that right?

Mr. AL GREEN of Texas. Let me say, before I make my comment, Mr. ELLISON, I want to give you a note of appreciation for some legislation that you have recently introduced to help us cope with some of the problems that we are contending with as a result of this crisis, some of your work in the area with tenants and helping tenants who are being evicted, rent paid but still being evicted because a person who purchased property is in default. You are to be highly commended for the efforts that you are making to help out these tenants.

But I wanted to make this comment with reference to the evidence that is out there. The empirical evidence all supports the notion that the CRA is

not at fault. It is unfortunate, as has been indicated, that there are many who would contend that the CRA is at fault; that the CRA ought to somehow now be eliminated because it is at fault.

I think that what we should be doing, in addition to pointing this out, we should also point out that the banks that have been good stewards, that have been making good, decent loans using sound banking policies in areas where persons traditionally could not acquire loans, these banks ought to be commended. We should not allow the distractions from the other side to prevent us from giving kudos when they are deserved.

So to all of the banks, those who have been making these loans and doing so with a good degree of safety and soundness, we want to compliment you.

But we also have to remember as we do this that, in addition to making some of these loans, we had other things that were happening that were not in the best interest of good banking, and these are the things that the legislation that we passed today out of the House, or that we put before the House today, is going to address this predatory lending that took place. It was the predatory lending that was a part of the problem, people having to get the loans that they did not want. Because no one wants a 9 percent loan if you qualified for 7 percent or 5 percent. You want the loan that you are qualified for. Steering people into the higher loans, higher interest rates, so as to make more money for the originator. These are the kinds of things that we have to deplore. These are the kinds of things that happened chiefly with originators that were not regulated by the CRA.

I will yield back to the gentleman, and thank him again for yielding to me.

Mr. ELLISON. Certainly. And I just want to raise this issue, if either gentleman would care to comment. While it is obviously true that the CRA did not cause this financial crisis, I hope you don't fault me too much for straying away and talking about what I think did cause the crisis.

And what I think caused the crisis, clearly, when you have a mortgage originator—and many mortgage originators are good, and I thank the gentleman for pointing out that we are not here to indict an entire industry. But we are saying that the bad actors, there was no cop on the beat here for the people who would transgress. That when mortgage originators were given additional money in order to steer a homebuyer who was seeking a mortgage to a higher priced loan, that is the kind of thing that would get people into a whole lot of trouble, particularly when that same mortgage originator would say, "Oh, we'll just do stated income."

"Oh, you don't have to verify income."

"We're just going to underwrite your mortgage during the teaser rate period and not during the entire length of the loan."

These are the kind of things that got people in trouble. There is one of our colleagues that is fond of saying: Oh, predatory lending, predatory lending. What about predatory borrowing? Have you heard this term before?

Well, predatory borrowing, what happened is that people would get a financial incentive to steer you away from that lower interest rate loan to that higher interest rate loan and keep the cream, yield spread premium. This is what got people steered to the higher priced loans. So that is part of the problem.

The next part of the problem is that when those mortgage originators did that loan, they could sell it on the secondary market where it was almost never scrutinized as whether it was a good loan or bad, that it would just be sucked up and it would be packaged up into a mortgage-backed security. And those mortgage-backed securities would be packaged up into collateralized debt obligations. And some of these loans that were nonperforming, and there were large numbers of them, people would go out and buy insurance or, quote-unquote, insurance on these securities, but they were never required with these swaps to have enough money to cover if in fact the value of the security went down. So when they started going down and people said "pay me," the companies that wrote these swap agreements weren't able to cover; and when they couldn't cover, then some of them started going under.

Mr. AL GREEN of Texas. It is important to point out, also, that this credit default swap market was not regulated; that AIG had about \$440 billion plus of credit default swaps.

It is also important to point out that the AIGs of the world, in an effort to cover themselves, would go to bond rating agencies and they were paying those agencies to rate these bonds. And, in so doing, they were getting products that were not totally reliable because of the way the payment system was working.

Mr. ELLISON. So you mean to say, Congressman, that rating agencies would say that this is a AAA product, when in fact there were a lot of problems with the product. Is that right?

Mr. AL GREEN of Texas. That is exactly right.

It also promoted, as a result of this, this new industry that AIG became sort of the father of, in a sense, or at least the biggest benefactor of this credit default swap industry, such that they could capitalize on what became a form of gambling, if you want to know the truth. It really was a means by

which one person was willing to bet that a default wouldn't take place on something that a third party was ultimately going to have to pay for at some point in time. It really was a lot of confusion that was created.

I would like to say this and digress for just a moment, because I think it is important. Our chairperson, the Honorable BARNEY FRANK, has been wrongfully accused in this process. And I want to stand and say before the world that this is absolutely untrue that he is in any way associated with the ills that we find ourselves having to cope with.

I say this because at the time when all of this was taking place, the persons across the aisle who had the opportunity to do something about it, they had the House, they had the Senate, they had the Supreme Court, they had the executive branch of government, yet they didn't do anything about it. But now that the Honorable BARNEY FRANK happens to have some influence because he is the chairperson of Financial Services, but all of this took place before he became chairperson and, as a result, he is trying to clean up something that took place on someone else's watch.

He is dutiful and mindful of his watch, and I think we ought to let the world know that he has been a fine chairperson who has tried to clean up the problems that have been created.

Mr. CLEAVER. The three of us serve together on the Financial Services Committee with our chairman, BARNEY FRANK, who has been roundly beaten about the face and head by some of our colleagues and as well as some of the talk show folk around the Nation, and I think it is important to mention at this time that he is an unbending advocate for the Community Reinvestment Act. I also take a great deal of joy in saying that as a very clear sign that we are in fact moving in the right direction on issues of race in this country.

When you look at BARNEY FRANK, who is not, as the three of us, African American, and who has been as strong an advocate for equality of lending as I have ever seen in my life, and I count myself fortunate to have had the opportunity to serve with him. But I think it might be of some value for me to mention, and I think the two of you mentioned earlier, that BARNEY FRANK has been chair 2 years and a little more than 100 days, and so all of a sudden the blame has been pushed on him, and secondarily us, for causing a crisis and blaming a bill that was actually passed in 1977.

The truth of the matter is many people believed, and they were led to believe, that these were new homebuyers rushing out to buy homes. From 1998 to 2007, 50 percent of the subprime loans were refinancings. They were people who simply refinanced their homes and fell victim to an exotic product. So

these are people who already had loans and there were crooks out there ready to take advantage.

By the way, the three of us were in a hearing today trying to stop another problem from arising. There is no lack of ingenuity for wrongdoers, and there are people now ready to take advantage of people trying to get their mortgages modified and they are doing all kinds of tricks.

So I am pleased that we have this opportunity to stand before our colleagues and you, Mr. Speaker, to try to clear up the problems that have been created by people who have given the wrong information about the Community Reinvestment Act.

TESTIMONY OF HON. MARC H. MORIAL, PRESIDENT AND CEO, NATIONAL URBAN LEAGUE, OCTOBER 16, 2008

Chairman Dodd, Ranking Member Shelby, thank you for this opportunity to testify today to set the record straight about what I call the Financial Weapon of Mass Deception: the ugly and insidious and concerted effort to blame minority borrowers for the nation's current economic straits.

This Financial Weapon of Mass Deception—as false and outrageous as it is—has taken hold, thanks to constant and organized repetition and dissemination through the media and political circles.

This is not a harmless lie, an innocuous stretching of the truth for some fleeting political advantage. It is an enormously damaging and far-reaching smear designed to shift the blame for this crisis from Wall Street and Washington, where it belongs, onto middle class families on Main Street and Martin Luther King Boulevard who are most victimized by their excesses.

For years, the National Urban League and others in the civil rights community have raised the red flag and urged Congress and the Administration to address the predatory lending practices that were plaguing our communities. For example, in March of 2007, I issued the Homebuyers Bill of Rights in which I called upon government to clamp down on predatory lending and other practices that were undermining minority homebuyer. Unfortunately, my call went unheeded until disaster struck.

Now that disaster has struck, many of those who caused it are trying to blame the minority community and measures that helped to clear the way for qualified minorities to purchase homes—most notably the Community Reinvestment Act (CRA). In fact, it was the failure of regulatory policy and oversight that led to this debacle.

Let's start with the plain and simple facts: 1. Wall Street investors—not Fannie Mae and Freddie Mac—were the major purchasers/investors of subprime loans between 2004 and 2007, the period for which this data is available.

2. While minorities and low-income borrowers received a disproportionate share of subprime loans, the vast majority of subprime loans went to white and middle and upper income borrowers. The true racial dimensions of the housing crisis have been reported in a number of outlets, including the New York Times.

3. African-Americans and Hispanics were given subprime loans disproportionately compared to whites, according to ComplianceTech, leading experts in lending to financial services companies. Also, African-American borrowers are more than twice

as likely to receive subprime loans as white borrowers.

Furthermore, according to a detailed analysis by ComplianceTech:

In each year between 2004–2007, non-Hispanic whites had more subprime rate loans than all minorities combined;

In 2007, 37.3% of African American borrowers were given subprime loans, versus 14.21% of whites, according to ComplianceTech. More than 53% of African-American borrowers were given subprime loans compared with 21% of whites, according to the National Urban League's Equality Index published in our 2008 State of Black America report;

The vast majority of subprime rate loans were originated in largely white census tracts, i.e., census tracts less than 30% minority;

The volume of subprime rate loans made to non-Hispanic whites dwarfs the volume of subprime rate loans made to minorities;

In each year, the white proportion of subprime rate loans was lower than all minorities, except Asians;

Upper income borrowers had the highest share of subprime rate loans during each year except 2004, where middle income borrowers had the highest share;

Contrary to popular belief, low income borrowers had the lowest share of subprime rate loans;

It is becoming clearer everyday that a large number of people who ended up with subprime loans could have qualified for a prime loan. That's where the abuse lies;

Non-CRA financial services companies were major originators of subprime loans between 2004 and 2007, the period for which data is available.

These facts are unequivocal. They are clear. They are indisputable.

Yet these facts are being buried in an avalanche of false accusations, scapegoating and downright lies being spread by the purveyors of the Financial Weapon of Mass Deception. Conservative commentators from Fox News commentator Neil Cavuto to ABC News analyst George Will to Washington Post columnist Charles Krauthammer have fanned out across the airwaves, talking points in hand, telling the world that this crisis is NOT the result of a failure of regulation but the fault of minority borrowers who bit off more than they could chew.

Charles Krauthammer tells us that “[f]or decades, starting with Jimmy Carter's Community Reinvestment Act of 1977 . . . led to tremendous pressure to . . . extend mortgages to people who were borrowing over their heads. That's called subprime lending. It lies at the root of our current calamity.”

George Will tells us that regulation: “criminalize[d] as racism and discrimination if you didn't lend to unproductive borrowers. Fannie Mae and Freddie Mac existed to giber—to rig the housing market because the market would not have put people into homes they could not afford.”

And even right here in the halls of Congress, echoes this same, false refrain, as we heard from Rep. Michele Bachmann of Minnesota (R-Minn), who added Congressional weight to this myth when she quoted an Investor's Business Daily article from the floor of the House that said banks made loans “on the basis of race and little else.”

As seen in the attached internet blogs from highly trafficked sites, this baseless blame game has turned into vicious attacks on African-Americans, Hispanics, Jews and Gays and Lesbians.

In the last few weeks, I have undertaken an aggressive campaign directed at the na-

tion's financial leaders to dispel this myth. In letters to Treasury Secretary Henry Paulson and Federal Reserve Chairman, Benjamin Bernanke, I have asked that they both publicly refute claims by some conservative pundits and politicians that most of the defaulted subprime loans at the root of the crisis were made to African-Americans, Hispanics and other so-called “unproductive borrowers.”

On the basis of hearsay, rumors and misinformation, seeds of division are being sown all across the United States in a volatile political environment where Americans are terrified by the economic situation. History provides too many lessons on the consequences of singling out only certain segments of the population as culprits for a country's woes for us not to do all within our power to stop this ugly and insidious smear campaign in its tracks.

I urge you, in the strongest possible terms, to join me in standing up to this big lie, this Financial Weapon of Mass Deception. It is your duty to stop the precious waste of time and energy being spent on blaming the victims and force a healthy debate on what must be done to curb too much Wall Street greed and too little Washington oversight. This hearing is an important step toward that end and I applaud you for holding it.

I call upon you to join with me to ensure that innocent people in our community who look to you for protection are not further scapegoated, victimized and exploited by unscrupulous and greedy players and those who do their bidding.

I call upon you to not allow yourselves to be distracted by the attempts to undercut the Community Reinvestment Act and undermine regulatory reform.

I call upon you to stay focused and to take strong and positive steps to strengthen our communities and the nation's financial foundation through regulatory reform.

I call upon you to do your part to disarm this false and dangerous Financial Weapon of Mass Deception.

In this time of global crisis, we must bring Americans together and not continue to divide ourselves with false racial arguments.

Please enter my testimony into the record.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

DIVISION OF RESEARCH AND STATISTICS

Date: November 21, 2008.

To: Sandra Braunstein, Director, Consumer & Community Affairs Division.

From: Glenn Canner and Neil Bhutta.

Subject: Staff Analysis of the Relationship between the CRA and the Subprime Crisis.

Summary: As the financial crisis has unfolded, an argument that the Community Reinvestment Act (CRA) is at its root has gained a foothold. This argument draws on the fact that the CRA encourages commercial banks and savings institutions (banking institutions) to help meet the credit needs of lower-income borrowers and borrowers in lower-income neighborhoods. Critics of the CRA contend that the law pushed banking institutions to undertake high risk mortgage lending.

In this memorandum, we discuss key features of the CRA and present results from our analysis of several data sources regarding the volume and performance of CRA-related mortgage lending. In the end, our analysis on balance runs counter to the contention that the CRA contributed in any substantive way to the current crisis.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, DC, November 25, 2008.

Hon. ROBERT MENENDEZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Thank you for your letter of October 24, 2008, requesting the Board's view on claims that the Community Reinvestment Act (CRA) is to blame for the subprime meltdown and current mortgage foreclosure situation. We are aware of such claims but have not seen any empirical evidence presented to support them. Our own experience with CRA over more than 30 years and recent analysis of available data, including data on subprime loan performance, runs counter to the charge that CRA was at the root of, or otherwise contributed in any substantive way to, the current mortgage difficulties.

The CRA was enacted in 1977 in response to widespread concerns that discriminatory and often arbitrary limitations on mortgage credit availability were contributing to the deteriorating condition of America's cities, particularly lower-income neighborhoods. The law directs the four federal banking agencies to use their supervisory authority to encourage insured depository institutions—commercial banks and thrift institutions that take deposits—to help meet the credit needs of their local communities including low- and moderate-income areas. The CRA statute and regulations have always emphasized that these lending activities be “consistent with safe and sound operation” of the banking institutions. The Federal Reserve's own research suggests that CRA covered depository institutions have been able to lend profitably to lower-income households and communities and that the performance of these loans is comparable to other loan activity.

Further, a recent Board staff analysis of the Home Mortgage Disclosure Act and other data sources does not find evidence that CRA caused high default levels in the subprime market. A staff memorandum discussing the results of this analysis is included as an enclosure.

As the financial crisis has unfolded, many factors have been suggested as contributing to the current mortgage market difficulties. Among these are declining home values, incentives for originators to place loan quantity over quality, and inadequate risk management of complex financial instruments. The available evidence to date, however, does not lend support to the argument that CRA is to blame for causing the subprime loan crisis.

Sincerely,

BEN BERNANKE.

Mr. Speaker, I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 896. An act to prevent mortgage foreclosures and enhance mortgage credit availability.

The message also announced that pursuant to Public Law 110-229, the Chair, on behalf of the Republican Leader, announces the appointment of the following individual to be a non-

voting member of the Commission to Study the Potential Creation of a National Museum of the American Latino:

Sandy Colon Peltyn of Nevada.

The message also announced that pursuant to section 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Inter-parliamentary Group conference during the One Hundred Eleventh Congress:

The Senator from Alabama (Mr. SESSIONS).

The Senator from Maine (Ms. COLLINS).

The Senator from Ohio (Mr. VOINOVICH).

The message also announced that pursuant to Public Law 106-286, the Chair, on behalf of the President of the Senate, and after consultation with the Republican Leader, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Tennessee (Mr. CORKER).

The Senator from Wyoming (Mr. BARRASSO).

HEALTH CARE

The SPEAKER pro tempore (Mr. DRIEHAUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. I thank the Speaker for the recognition.

Mr. Speaker, I thought I would come to the House floor this evening and talk for just a little while about health care, because there is a lot of talk going on about health care in this Congress, a lot of talk about the bills that we will see, we haven't seen, and bills that we may not see.

I wanted to point out to the Members that yesterday I introduced a bill, H.R. 2249, which is a bill I had actually introduced in the previous Congress. It is the Health Care Price Transparency Promotion Act of 2009, updated from the last Congress and reintroduced this year. I urge Members on both sides to take a look at this because, after all, we hear a lot about the concept of transparency these days, and it is important for our constituents, for our consumers, for our patients in our districts to be able to access clear and timely information about physicians, hospitals, health care facilities in their areas, and understand and do some research on their own to find out which are the best facilities for them to use when they have occasion to need a doctor or a hospital.

□ 1845

So as we talk about health care—and it was, of course, all of the discussion

during the Presidential campaign last year—I would just point out that there are good ideas that are coming from both sides of this House of Representatives. Certainly, Democrats are not the only ones with ideas on health care. There are Republican ideas. There are Republican ideas that really should shape the debate of health care reform or the natural evolution of health care that we see going on in our country at the present time.

There are plenty of people working on health care reform. You know, when I take a step back and look at what should we be doing when we try to frame the debate, when we have our hearings in committee, when we mark up our bills in committee—really, when you look at the vast American medical machine, the widget that it produces, what we do on a daily basis in doctors' offices and hospitals across the country, it is that fundamental interaction that takes place between the doctor and the patient in the treatment room. That is the fundamental unit of production in American medicine. And when we look at it in that context, whether it be the treatment room, the emergency room, the operating room, that fundamental unit of interaction, are the things that we are doing here bringing value to that interaction or are they subtracting value from that interaction?

And to the extent that, whether it is a Republican or Democratic idea, if it brings value to that interaction, that is something that I am going to have to look at quite critically and quite favorably. If it is something that subtracts value from that interaction, that is something that is going to be very difficult for me to be for. So I try to always look at it through that lens of, ultimately, it is about doctors taking care of patients, it is about hospitals helping people get well. And to the extent that we can encourage and enhance that process, where there are places where we can help, certainly we should. If there are places where we don't belong—that is, between the doctor and the patient—maybe we ought not to do that.

Now, it comes to me frequently, not infrequently, when I'm sitting in committee—and I am fortunate enough to sit on a subcommittee that deals with health care, on the Committee on Energy and Commerce. In fact, in the last Congress I was the only physician to sit on that committee. And when we would deal with problems, when we would deal with issues that had to do with health care or the regulation of the Food and Drug Administration, I was always mindful, when I looked around the room, there is only one person in this room that has ever sat across from a patient, looked him in the eye, picked up a pen and written a prescription, counseled as to risks and benefits, torn off that prescription, and

sent the patient on the way. There is only one person in the room that has ever done that, and that was me. And yet here we were with a hearing or a bill that might have profound impact on how that doctor/patient interaction was going to be carried out from that day forward for the next generation or two, and there is only one person in the room who has ever actually been there and done that. So I feel a tremendous amount of responsibility as we go through this health care debate.

Yes, I have been joined by some other physicians on the committee. There are physicians on the Subcommittee on Health on Ways and Means. We all bear that special burden to ensure that the decisions that we make today do not negatively impact the next generation and the generation after that.

Think back just 44 short years ago when Medicare was enacted in this body. The men and women who sat in this body at the time were the ones who crafted that legislation. And we are dealing with the good aspects and the bad aspects that have been dealt to us because of decisions that were made in our committees, in Congress, and in this body in the House of Representatives. So it is in that sort of context that we need to look at what we are doing.

It is not about, and let me emphasize, it is not about the next election. It is not about who wins or loses seats in the great economy that goes on here in the House of Representatives or over in the other body on the other side of the Capitol. It is not about the next election; it is about the next generation. And that is why it is so important for us to get it right.

That is why the American people get so frustrated with us as a group here when they see us fight about things and never work together. It is difficult, I know. It was difficult when we were in charge. When the Democrats were in the minority, it was difficult for them to understand how to work with us in the majority, and it is difficult for us to understand in the minority how to work with the Democrats, but it our obligation. That is why we were sent here. That is why we were elected, to do that hard work, and to work with each other where we can, to oppose each other where we must, but to always have focused not on November of 2010, but what is life going to be like when our children are the age we are now, when our children's children are the age we are now? What is it going to look like to them?

What is health care going to look like in this country? Are they going to continue to be blessed with the stunning rate of advances that we have seen since the Second World War in the practice of medicine? And it has been stunning. The last 50 to 60 years has seen untold events. Think of the physician in practice right at the dawn of

the antibiotic age, when a patient comes into the hospital, significant infection, and there is just not much they can do but keep them comfortable, perhaps drain an abscess if one is available. But the medications that they had were—at best you hoped they didn't do any harm to the patient. Now we have a vast array, a huge armamentarium of medicines to fight infections, bacterial infections to be sure, but also fungal infections and some viral infections. It is an incredible armamentarium that today's physician has. When you think of the young physician sitting in a medical school or attending to a patient in a clinic at a residency program today, think of the things that they are going to have, the tools that they are going to have at their disposal if only we don't screw it up for them today.

So we always have to keep foremost in our minds and our imagination what that world is going to look like for the patients of tomorrow, for the young physicians and nurses, folks that work in the hospital that come after us. We have to keep them foremost in our minds.

And how great it would be if we didn't even need a health care system, if we had a way to keep people healthy throughout their lives. We're not there yet. But we always need to stay focused on that goal because, after all, I would much rather have my health than my health care. If I have my health, I don't have to worry about my health care. But we know it doesn't always work out. We know that people do have problems, we know that illnesses do strike, we know that problems and complications do occur. So when health care is necessary, to the extent we can make it more affordable and more accessible, sure, we need to do the things we can to make that happen.

Now, a lot of people are working on health care reform. A lot of people have been talking about it certainly throughout the last year or two on the floor of this House. I know I have come down several times a month to have this very discussion. Throughout the Presidential campaign last year I worked for the nominee of our party as a surrogate on the health care debates. I got to meet a great many of the surrogates on President Obama's team and heard their discussions for health care. And everyone talks about, well, where is the Republican plan? In fact, for that matter, where is the Democratic plan?

I have to say that as I watched the health care debates really from the inside last fall as a surrogate working for Senator McCain, I thought that when this Congress convened with a referendum that was likely to be on health care in November, that they would be much further along as far as the development of a bill—maybe not from the Republican side, but certainly from the Democratic side.

The Democratic chairman of the Senate Finance Committee last October convened a big group over at the Library of Congress one day, developed a white paper that really had all the look to it of a roadmap for legislation. I was fully prepared, after the election, for the chairman of the Finance Committee in the Senate to have a bill that would be sort of the model bill, if you will, that everyone in the Senate would support and then, likewise, everyone in the House. In fact, I counseled my colleagues to think in terms of having something, if there are things that concern you about that white paper, be certain you have your arguments all spiffed up and all toned up, because I thought we were going to see that perhaps even in the lame duck session last December.

So I was very surprised that we didn't see anything in November or December. Well, surely we are going to see a bill before the inauguration; but in fact we didn't. And then of course the story continued to unfold. The nominee for the Secretary of Health and Human Services ended up withdrawing his name and there was a several-month gap until Secretary Sebelius was confirmed last week.

So now we are near Mother's Day of 2009 and still no health care bill—from the Republicans, to be sure, but still no health care bill from the Democrats, either the Democrats in the House or the Democrats in the Senate.

Now, I know that there was a letter sent to the President from the Democratic leadership in the other body last week or the week before that said we will have a bill that will be marked up in the Senate the first week in June. But that is a pretty long timeline from a white paper in October to having a bill on the floor of the Senate perhaps in a month that is going to be debated. I think what that shows us, it underscores how difficult this process is.

There are many people in this body on both sides who have worked on this issue for years. There are many people in this body who have very set ideas of whatever this bill is when it comes forward—from whatever side that it comes from—they have very definite ideas of what it should look like. In fact, you stop and think; if you were to pick out six of us from either side of the aisle in this body, put us in a room by ourselves and say write the health care legislation that you would like to see, I have no question that there are six of us who could just sit down and do that really without any other help or any other input from anyone else. The problem is when you put all six of us in the room together and say now write a health care bill on which you all agree, that becomes much more difficult. And that is sort of the position that I know I see occur on my side of the aisle. I rather suspect that's the position we see on the other side of the aisle.

And then you add into the mix all of the other things that go on here in the course of a normal week or a normal month, notwithstanding the scare we had with the flu last week, the cap-and-trade bill that is out there that at some point is going to come through, it is going to come through my committee. So that is going to take resources and time that the majority, the leadership of the committee, the majority leadership of the committee has to devote their time and resources to that as well. So really working on two tracks in tandem, two parallel tracks, one on energy and one on health care. And it's a tall order. Either one of those bills by themselves is a tall order, but put both of them together.

And then you heard the discussion that just concluded from the last hour, what is going to happen as far as regulatory reform in the financial industry, in the banking industry? In fact, when President Obama gave his speech at Georgetown 2 or 3 weeks ago, he talked about how before the end of this year he will have a health care bill, he will have a climate change bill, and he will have a banking regulatory bill all signed before the end of December this year. That is an extremely tall order.

And of course many of these things, as their work is in process, one affects the other. Certainly, when you look at the way the budget was constructed, the health care part of the budget is likely to depend upon the energy part of the budget, as some of the costs for health care are going to be offset by some of the revenue that is raised on the energy side. One can't proceed without the other. And it becomes very, very difficult then to marshal these things through and keep everyone on track and everyone on task.

And then when you add to it the fact that, yes, by definition, the House of Representatives is a house that is divided between the two major political parties and we don't always work together, that just increases the amount of difficulty. It underscores to me why it is important for us to work together and why it is disappointing that sometimes we don't take those opportunities to work together. But a tall, tall order.

And then add to all of that, when you think of the timeline that stretches out ahead of us on health care, remember there was, in this body—I think it was September 23, 1993, when then-President Bill Clinton stood at this very podium and gave a beautiful, eloquent speech that had people weeping for joy about how the President was going to change the delivery of health care in this country. I was just a regular guy sitting in labor and delivery back in Louisville, Texas, monitoring a labor and watching the speech on television, but a beautiful speech delivered. And everyone left this House

thinking, oh, now we are well on the way to getting this done. But the reality hit that by the end of September of a nonelection year, you are very close to everyone getting ready for the next election. Because in the House of Representatives, we have 2-year terms. We really don't have an off year. Many of us are already thinking about the next election. So that is another consideration and another thing that makes it more difficult to get big things done because the time frame for getting those big things done between elections is relatively small. The off year, if you will, is condensed down to perhaps 6 months.

Certainly by the end of July, when we leave for the August recess from this House, my impression is that the health care bill, whatever it is, likely will have to pass the House before then or it may become very problematic to get something done before the end of the year. And then of course you know what happens next year, it is all election all the time.

□ 1900

So even as late as the end of September of 1993, it turned out to be too late for then-President Clinton to get his vision of health care reform through the House of Representatives and the Senate because at the end of September, we were already into the electoral process, and by the time things were finally prepared and ready for a vote, it actually came too late.

Look at the difference between 2009 and 1993, 15 to 16 years' difference. But you didn't have all the cable news shows back in 1993. You didn't have the instant analysis, the 24 hours of instant analysis, that we have today. So if anything, the time frame for development of a complex legislative issue like health care or energy or banking regulation, the time frame likely is even more condensed now than it was back in 1993.

But I think back to 1993 and 1994. Again, I was just a regular guy working as a physician in a small town in north Texas. It wasn't like nothing got done during that interval. True enough, it wasn't the vision that was articulated by the President that night. But we do have now an entirely different type of insurance product called a health savings account that was actually a by-product of having an alternative solution to offer to what the then-Democratic majority was offering in health care reform. So there are things that happen during the course of the normal evolution of things, and sometimes they work out to be good things. I would argue that the institution of a health savings account, the ability to buy a high-deductible insurance policy on the Internet, at least provides an option for insurance particularly for younger individuals just getting out of college but also people more in the

middle of life, like in their 50s, who may find themselves between jobs.

There are options out there for purchasing insurance. It actually didn't exist in 1994. And I know that because I tried to buy an insurance policy for a member of my family in 1994 and you couldn't do it at any price. Now you can go onto the Internet. You type "health savings account" into the search engine of choice, and you can get a variety of choices. The cost for a high-deductible health plan for someone in their mid-20s who's just getting out of college is very reasonable. It runs somewhere between \$75 and \$100 a month depending upon the policy that you select. These are reputable companies that are well recognized. Many of them are PPO plans with, again, a high deductible, but they are affordable and they are available. And it is not always necessary to go without insurance simply because we don't happen to be working for a company that provides insurance as one of its benefits.

You know, you want to see a plan. You want to see a plan come from the Democratic side. You want to see a plan come from the Republican side. You want to see the merits of each argued and debated here on the floor of the House. You want to see the strongest points articulated well and perhaps incorporated into whatever the final product is. And then, of course, the other body that has its opportunity to work on the legislation comes together in a conference. And in an ideal world, going through that regular order, in an ideal world, you would get the best possible legislative product. And I do worry that we will adhere to regular order throughout that process, but at the same time, as we sit here today, I'm going to profess to some optimism that we will adhere to regular order, mark the bills up in the appropriate subcommittees, have the full committee markup, as we are supposed to, bring the bill through the Rules Committee to the House floor, have ample opportunity for debate and amendment. Then it goes over to the other body. After passage of the bill, it goes to the other body, a similar process, and we have a real conference committee, not a made-up conference committee but a real conference committee of appointed conferees that get together and work out the differences between the House and Senate version and ultimately then get a product that will serve the American people well. We really do our best work when we go about it that way.

If we short-circuit the process, which we do—unfortunately, we do. We did it when we were in charge. And certainly the Democrats have done it in the last 2½ years since they have taken back the majority. When we short-circuit the process, that's when we get our less than perfect legislative products that are shoved out the door.

Now, if I were one of those people that sat in a room by myself, what would I envision as a plan? How would I make things better? And bear in mind that for 63, 65 percent of the country who has primarily employer-sponsored insurance, many people don't want to change from where they are now. So although people are concerned about where we are with what's happening in the health care system in America, those individuals who have employer-sponsored coverage or those individuals who have purchased their own coverage on their own may be quite satisfied with where they are today. So really it must be approached from building upon what is currently in place and working, building upon that platform, and making certain the problems that occur in the existing system today are mitigated or eliminated for the individuals who are feeling the effects of those problems.

Well, what are some of those problems? Well, I mentioned someone who perhaps owns their own insurance policy. And there are, depending upon what you read, for round numbers, 10 million people in this country who own their own insurance policy. They are discriminated against in the Tax Code, and that's unfortunate. That has the effect of actually raising their cost for insurance, and there are things we could do to correct that. I'm not sure I have all the answers there. I'm not sure that Republicans have all the answers there or Democrats, but we could fix that. We could fix that. That would be one of the relatively easy fixes we could do. And certainly that's something that I think has to be one of the pieces. That's one of the things that needs to be debated in subcommittee, full committee, here on the House floor, and in conference committee, but we could fix that problem. It is within our power to do that.

Now, one of the great fears that people have is that, yes, I've got health insurance now through my job, but I worry that if I get sick, I might lose it, or if I lose my job, I might lose my insurance and then I get sick, and then it will be difficult when I have a claims history, when I have got a preexisting condition. It will be difficult for me to get insurance after that. Again, we can fix that. There are things that could be done to address that segment of the population. We may not even necessarily need to change the whole structure to help that segment of the population that has a condition of medical fragility or a preexisting condition. Many of the States, 32 or 33 out of the 50 States, already have some system in place for helping an individual with preexisting conditions. Certainly we as a body can look at the best practices from those States.

Look at the States that are doing things well. North Carolina, Idaho come to mind. Look at the States that

are doing things well. Take from those best practices. Is it going to be necessary to ask there to be some contribution from the private sector? There may be. So there may be a level at which the premiums cannot increase above. There may need to be some help as far as a voucher or subsidization of the premium from the Federal Government, from the State government. But this can be fixed. This can be addressed. And it doesn't mean that we don't act upon it just because it's not everything we want. We can help those individuals who find themselves between jobs, between insurance companies, then with a significant diagnosis who then fear that they're not going to be able to get insurance past that point. That can be dealt with. That can be fixed.

Insurance reform, there's no question. Even the American Health Insurance Plan Organization admits that there is a need for insurance reform in this country.

One of the things that has concerned me is that if an individual works for a large corporation in this country, if that corporation does business in multiple States, that individual can move from location to location throughout the several States and their insurance never changes. It never varies. It's the same insurance policy in one State as it is in the other.

And think of the analogy of the National Football League. If there is a player that is traded from one city to another, their insurance goes with them. If they have a knee injury in one location, that knee injury is covered in their secondary location. But the fan, just the regular guy or woman who follows their favorite player from one city to the next, they've got to start all over again with their insurance policy. And that's one of the fundamental inequities. That inflexibility that we built into the system, that's one of the things people want to see us fix. So why not give the regular individual, why not give the little guy the same breaks we give the larger multi-State corporations? We can do that. That's within our power to do that.

One of the biggest issues that we hear about all the time is affordability. Well, there are things we can do as far as providing benefits packages that are affordable, and it is within our power to do that. And, quite frankly, I don't understand why we haven't done that. We have at different times agreed on what basic benefit packages are. We did that 35 years ago when we created the Federally Qualified Health Centers across the country. Anyone who goes into a Federally Qualified Health Center knows exactly the benefits that are going to be available to them in that facility. But why don't we get together and do the same thing for now, not necessarily a bricks-and-mortar facility, but do the same thing for a policy that

could follow a person from place to place, job to job, State to State, a policy that would be affordable that perhaps could build some longitudinal stability because it would be a policy that someone could keep throughout various phases of their life?

We can do all of that. We don't need to endanger the current system that's in existence. We can build upon what is good in our system and add more choices and more options and more flexibility and ultimately more security for people within their health care.

After all, that's what people are concerned about. They're concerned about if I lose my job, am I going to lose my health care? If I lose my job and lose my health care, there is no way I could afford a product out there. We can help with that. There are things that we can do. There are regulations that we can look at, that we can suspend, that we can pull back. There is flexibility we can build into the system if we only have the courage to do it. And there's the problem. We won't have the courage or we won't have the opportunity if one side won't talk to the other on this, if we craft our bills out of the public view, behind closed doors, committee staff rooms, Speaker's Office, wherever they are done, and don't do it in the light of day.

Politics is a full-contact sport. I understand that. I didn't begin my life to live it in public service, but in the last 6½ years I have, and I understand the nature of the beast. I understand that there are going to be people who take issue with what I say who want to attack me personally because of it. That's okay, as long as we do that debate here in the public arena, as long we do it in the light of day and that we don't do it behind closed doors and then roll out something at the last minute that the American people had just better like because that's what they are going to get.

It's wrong if we do it when we're in charge. It's wrong if they do it when they're in charge. That's not the type of legislative activity that the American people want to see. They want to see legislative activity that brings them peace of mind. They want to see legislative activity that saves them time and saves them money. And why wouldn't they? If we can deliver more care to more people at less cost with better quality, why wouldn't we do it? Why wouldn't we take that choice?

In short, as I look at this and I look at how to craft particular legislation, there's also room for common ground, I think, on both sides. On both sides. People talk about how we want to see an expanded role for information technology in health care. Some of the easy discussions that we can have. We may disagree on how it's to be apportioned or how it's to be structured. I don't think we should be writing the codes. I

don't think we should be telling doctors and hospitals what type of platform they need to buy. But certainly we ought to be encouraging people to evolve into that next arena, which would include electronic medical records and electronic prescribing.

What about things like medical homes? I don't think you would find a lot of disagreement throughout the body on whether or not this is a good thing. Care coordination, we talked about it when we were talking about the Medicare bill back in 2003 and 2004. Disease management care coordination, accountable care organizations, these are things that bring value to that doctor-patient interaction that I referenced at the beginning of this talk. So it's easy to be for that stuff, and I think you would find a good deal of common ground on both sides on that.

Where the arguments occur is who is to be the owner and are we going to micro-manipulate these aspects of health care from here or from the committee room or are we, in fact, going to let the people know what they are doing, the doctors, the nurses, the hospitals, are we going to let them be in charge of the system?

In short, the American people want everything but a Washington takeover. And that, I think, is the one place where the American people really draw the line, and they are concerned that Washington will overreach, that we will put that congressional committee between the doctor and the patient. We have no place between the doctor and the patient, that interaction in the treatment room. The doctor and the patient activity should be completely free from any congressional interference, and too often, too often, it is otherwise the case.

□ 1915

We hear about expanding a public program. We hear about perhaps expanding Medicaid, maybe expanding Medicare. Some of the more serious problems that we deal with in this body are problems that are brought to us because those two programs, for all the good that they do, they do have some problems.

Medicare and Medicaid are programs where, unfortunately, the inefficiency, the duplication of services and sometimes just the actual theft of services occurs, and we don't do a good enough job to keep that under control. No one wants us to be spending money inappropriately in any of those programs.

The problem is, with both of those programs, they do consume a lot of time, they do consume a lot of activity, and they consume a big portion of the budget every year, the so-called entitlement budget. And when Congress looks to control costs on those programs, the only lever we can pull is to restrain payments to doctors. The

other lever we can pull is to restrain payments to hospitals.

And the only problem there is you are going to be getting less, then, of the doctor's attention and less of the hospital's attention when you restrain those provider payments. And, unfortunately, we do that all the time.

Medicare is notorious for every year coming up and having to face a reduction in the reimbursement rate to physicians across the country. Medicaid reimbursements vary from State to State, but in many States the reimbursement for Medicaid is a fraction of what it is for Medicare.

And here is the hard truth of this. You can't run a medical practice off of what Medicare and Medicaid reimburse, at the levels where they reimburse. And you are sure not able to run a practice if we, in fact, restrain provider payments like we are scheduled to do later this year and like we are scheduled to do every year for the next several years.

We had a pediatrician come and testify in my committee last year in Energy and Commerce, and she testified and really got my attention because she started practice the same year I did, 1981. Her practice was 70 percent Medicaid in rural Alabama. She was having to borrow money from her retirement fund to keep her practice open.

That's a bad situation. If you are losing money on each patient, it's hard to make that up in volume, and that was the situation that she faced.

You know, a physician in that kind of crisis, they are not going to be able to keep their doors open. And if they can't keep their doors open, that entire patient population in rural Alabama, that pediatric population is going to be put at risk. Because she didn't talk about how many other providers are in the area, but you can only imagine, if it's that hard to make a practice go in that environment, there may not be many pediatrician practices.

If you don't have the private sector to cross-subsidize the public programs, the Medicare and Medicaid, a lot of practices just simply can't make it. Here was an individual who had cut expenses everywhere she could. She had let people go. She had reduced hours. She had reduced some of the services she provided, all in an effort to try to keep the doors open, but she was still unable to do that.

Therein is a problem. If we expand the public sector, and we depend upon cross-subsidization from the private sector to keep the public going, what's going to happen if you reduce the private sector? How are you going to get that money to cross-subsidize the public part of that?

And the amount of subsidization varies from study to study on what you read, but it's about 9 or 10 percent that it costs the private sector to support

the public sector to keep it going. So, on a 50/50 mix, Medicare, Medicaid, private pay, you will likely be able to make the cash flow, but when you get to 70/30, it just doesn't work any longer, and that's a physician who is at risk of not being in practice this time next year.

So those are some of the problems that we need to fix. We are obligated to fix those problems within our publicly administered health care plans before we expand them.

And that is my concern when I hear us talk in this body about how we want to have an expanded public option that competes with the private sector. Right now it doesn't really compete with the private sector. It depends on the private sector in order to keep those practices open. So I think we are obligated to look at the job we are doing now before we reward ourselves with an ever-increasing or an ever-larger segment of that.

You know, currently, we are close to about a 50/50 split in this country. About 50 cents out of every health care dollar that's spent comes from here, originates here in the House of Representatives. The other 50 cents of every dollar that's spent is self-pay private insurance or charitable gifting of a doctor who just doesn't expect to get reimbursed for what they do. Fifty percent comes from the Federal and State governments, 50 percent comes from the private. If we shift that balance, we are apt to find that we are no longer supporting the infrastructure we had hoped we would be able to continue to support.

So adding to the public sector may, in fact, be detrimental. For people who want to keep what they have now, we say you can, right up until the time we make it unprofitable for that to continue.

One of the things that concerns me greatly is, again, what we do with our provider payments. December 31 of this year, physicians across this country will face a reduction in reimbursement for Medicare patients of 20 percent, a little over 20 percent. That's a significant and stark reality that's facing every doctor that sees Medicare patients throughout the country. And doctors are concerned about it, patients are concerned about it.

Many patients will find they move locations, and finding a new doctor on Medicare becomes extremely difficult. There are stories in The Washington Post. I have seen stories in my hometown newspaper in Dallas and Fort Worth, extremely difficult to find a physician to take a new Medicare patient in many locations in the country.

And the reason for that is what Congress has done the last several years where we say we are spending so much money on Medicare, we would like to hold the costs back a little bit, we will just hold the cost down or we will hold

the price down by cutting payments to doctors a little bit each year. And that, over time, has become a very pernicious effect on people going into medicine, quite frankly.

There are concerns that the physician workforce will continue to erode over time, such that just the sheer numbers of doctors available may not be enough to treat the patient load as us baby boomers get older, may not be enough to treat the patient load that emerges on the other side. So it's a problem that this Congress, this Congress, the one that's seated here, really has to face up to, because by the end of December, there will be a 20 percent pay cut across the board. We did a big Medicare bill July of 2008, big, big hoopla here on the day we did it. Yeah, we solved the problem for a little while.

Every time we do that temporary fix, every single time we do that temporary fix, we make it harder, we dig the hole deeper and we make it harder to get out of that problem on the other end.

Now, every Congress that I have been here, I have introduced legislation to deal with what's called the sustainable growth rate formula that creates that 5 percent, 10 percent or now 20 percent reduction in rates to physicians. I will be reintroducing a bill next week that will deal with this problem. I had a similar bill last year. There have been some changes made because of some of the changes in legislation that have happened over the past 24 months, but ultimately we are going to have to deal with this problem.

We need to move physicians into the same type of payment formulas that we do for hospitals, that we do for insurance companies, that we do for drug companies, that we do for HMOs, and that's essentially a cost-of-living adjustment that occurs every year.

There is no magic to it. I didn't invent it. It's called the Medicare Economic Index. It's about a 1 or 1.5 percent update that occurs every year to account for the increased cost of delivering that care.

We haven't kept up with the cost of delivering that care. There are some years we have provided a zero percent update. There are some years we have allowed the cuts to go into effect. There are some years we have provided a 1 percent update, but it hasn't been enough.

And as a consequence, it now costs doctors more to actually do the work of seeing the patient. It costs them more. It costs them money to see every patient on Medicare.

We are not carrying our load. We are not paying our freight from Congress, and that has an extremely detrimental effect on the physician workforce, the morale of the physician workforce, and certainly the continued—it will lead to continued problems with physician—spot physician workforce shortages,

some patients not being able to get in to see a Medicare provider.

And it's up to us, up to us to address it. Doctors are seeing the patients we asked them to see, our Medicare patients. Congress in 1965 said we are going to take over the care of individuals over the age of 65 in this country, and we asked the doctors to see those patients.

They are arguably sometimes the most complex and complicated patients that will be in a physician's practice. They are complicated because they have multiple medical problems. They may be on multiple medications. They are not necessarily the easiest patients to take care of, but they are important, because they are our parents, they are our colleagues. In fact, many of us, in a few short years, will be in that Medicare age group.

It is critical that we provide the physicians the support they need to take care of those Medicare patients. And it's something I just frankly do not understand why this Congress is always so reluctant to deal with this problem and always pushes it off to the last minute.

We push physicians in this country up to the brink every year, every 6 months, every 12 months, every 18 months, whatever it is we decided to fix it for the last time. We don't even deal with it until we are right up against that problem again. Well, this time let's be different about it. We have 8 months till the end of the year, 7 months till the end of the year. Let's take that time to fix it and get it right and make certain that this time we don't leave our doctors waiting at the last minute to wonder if they are going to be able to keep their doors open January 1 or not.

One of the last things I want to touch on, a few weeks ago in March, I was invited down to the White House to participate in the White House forum. And, again, as alluded to earlier, I have been concerned that there is a bill that's already been done and the rest of this is just for show. At the appropriate time, the Speaker's door will fly open, the health care bill will come out. It will roll down here to the floor of the House. We will have a brief time to debate it, no time to read it, and off we will send it to the Senate.

I have been concerned about that. As I said, I am the eternal optimist, and I am going to be optimistic that we are going to go through regular order, but I also fear at some point there will be a bill that just comes crashing through with no time to read, evaluate or debate, and off it will go to the Senate and that will be that.

Now, the President, to his credit, said that that was not the case, that we would go through regular order. In fact, as we wrapped up after the break-out sessions that afternoon in the White House, the President stood in

the East Room and said that it will up to the congressional committees and congressional leadership to get this bill done through the regular order, that he would be glad to offer guideposts and guidelines, perhaps some budgetary boundaries, but he wanted that work done in the Congress, where it was supposed to be done.

Again, I will take him at his word. In fact, I applaud his courage for saying so. He said at one point, I just want to find out what works. Well, I want to help the President find out what works, and to that end, I will continue to be involved in this debate.

Now, let me just spend a few minutes talking about a caucus that is currently working in Congress to try to help inform on the health care debate. It's not a legislative caucus. It's not a legislative committee. It won't write legislation, but we do have forums. We do have hearings. We do have Member educational events. We do have educational events for staff, congressional staff, particularly on the communication side.

On occasion, we go outside of the confines of Washington and talk to groups of doctors, nurses, hospital administrators, again, the people who are involved in taking care of our patients on a day-to-day basis. We like to solicit their input, to receive their advice and criticism on things they see happening from Congress.

And the caucus is the congressional health care caucus, and it does have a Web site, www.healthcaucus.org, healthcaucus being all one word with no space or bar in between. I encourage people, Mr. Speaker, to look into this. It is a way for people to have their voices heard on this debate.

We have had several good forums. I try not to make them one-sided. We try to have people who represent, perhaps, a left-of-center view and a right-of-center view. We had one forum on the options for reform that was attended by people from the Commonwealth Fund, by people from the Galen Institute and the Council for Affordable Health Insurance. It was a very instructive forum. The Webcast for that is, in fact, archived on the Web site if anyone is interested in that.

We had another forum on improving affordability, listening to some of the people who have actually done the work of making health care affordable in their communities and for their groups of patients. We heard that time from Rick Scott, who runs a number of outpatient clinics in Florida. We heard from Greg Scandlen from the Consumers for Health Care Choices, and we heard from Dr. Nick Gettas, who is a chief medical officer at CIGNA. Again, on the Web site, the Webcast of that is archived and people are welcome to look at that and review that.

When we do these forums, we do Webcast them from the Web site, and

they are available live and broadcast live on the Web site when they are done, and through the magic of Twitter, we are able to take questions from people who are not actually in the physical audience. We do take questions from the physical audience. We take questions from the virtual audience.

□ 1930

This can, again, sometimes lead to some quite lively debate.

Upcoming within the balance of the month of May and into the month of June, we are going to be doing another forum, one dealing with the question of mandates and one dealing with the concept of health reform from the journalists' perspective. We have many good writers up here who write about this on a regular basis, and we want to bring them in, perhaps turn the tables and interview the interviewers for part of the morning on some of the aspects of the health care debate.

And then finally, in the month of June, we are going to have another forum on promoting quality. And we have got a number of good people lined up for that. Again, some left of center, some right of center, but designed to give a balance of opinion as we have these forums. And again, as I mentioned, Mr. Speaker, if anyone were interested, they are available live on the Web site when we hold those.

In short, Mr. Speaker, I did not leave a viable and active 25-year practice of medicine to come here and sit on the sidelines. I came here to be part of the debate as the debate was going on, and I intend to be fully engaged. I hope that both sides will stay lively and will stay engaged on this debate. I hope we can have this debate in the light of day and not in the dark of night. I hope we can have input from both sides when this bill ultimately comes forward from this and leaves the floor of this House and goes over to the Senate. Certainly I know the American people are depending upon Republicans and Democrats to work together. And it is my hope, my fervent hope and my prayer that that is indeed what happens.

Mr. Speaker, you have been very generous, and I'm going to yield back the balance of my time.

THE AMERICAN CLEAN ENERGY JOBS BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, I have come to the floor this evening to speak about a bill that we hope to have on the floor in the next couple of months that is going to be styled the "American Clean Energy Jobs" bill. It is the right name for the bill because it will

jump-start, kick-start and initiate an economic recovery based on the growth of clean energy jobs in this country. And it is timely, it is vital, and we believe it is possible this year to really give a boost to the American economy by helping create the millions, and I say that with an M, the millions, not hundreds, not thousands, but the millions of new jobs that we can create if America fulfills its destiny to become the arsenal of clean energy for the world. America is a country with a very special destiny. We have fulfilled the destiny to bring democracy to the world. And later we served as the arsenal of democracy during World War II. We armed the rest of the world with the tools they needed to defeat the powers of darkness during World War II.

And now we will have a bill on the floor shortly that will call on the American economy to produce the clean energy jobs and tools to essentially provide a new clean energy future for the world. And when we do that, we believe we will dramatically expand our economy, dramatically expand Americans' employment opportunities, and as an additional side benefit, dramatically reduce the pollution that today is threatening, in a very serious way, the way we live. We will also, at the same time, dramatically reduce our dependence on foreign oil. And as a side benefit, we will dramatically increase our national security, because we know that our addiction to foreign oil is a security risk to the United States.

I want to start talking about this bill from its first job, which is to create jobs for this country. In the current economic malaise we are in, we have got a couple of choices. We can sort of roll over and play dead and not take bold action to jump-start the American economy by seizing this opportunity to start new businesses in this country that can create employment. Some people in this Chamber still think that is what we should do, which is nothing. They are unwilling to make the investments both in governmental action or in the dollars that it is going to take to really create these clean energy jobs.

We think they are wrong. We think inaction is not the American way. We think America should take bold action to create clean energy jobs and that Congress has the responsibility to create the policies that are going to help create those jobs in this country.

So if I can, let me just start this discussion tonight by talking about just some very simple samples of the kind of jobs that we believe need to be jump-started in this country. I will start in Michigan, a State that has been so hard-hit right now with some difficult times in the auto industry. I will mention a couple of companies that if we do the right thing can really expand employment.

One is General Motors, which is going to bring out a car called the Volt in a year or two. The Volt is a plug-in electric car. The Volt is a car where you can plug it in at night and the next day run it on all electricity for about 40 miles, which is really cheap. It is about 1 cent a mile, maybe a little more to run, compared to 7 or 8 cents a mile for gasoline. And 60 percent of all the trips we take a day are less than 40 miles. But if you want to go more than 40 miles, then it will run on the internal combustion engine that is in the car as well. And you can drive it for 250, 300 miles, bring it home at night, plug it in again and you are off to the races the next morning on very inexpensive electricity, very quiet electricity and very nonpolluting electricity.

Now at some point, they may use some batteries by another company. It is a Massachusetts company called A123 Battery Company. And A123 Battery Company now, because of some policies we just adopted in the stimulus bill, we hope to be able to open a manufacturing plant in Michigan to provide the advanced lithium ion batteries that we think can be the backbone of an American electric car industry.

Now those two companies, General Motors, we know they are in difficult times, and A123 Battery Company, have the potential to employ thousands of Americans in high-paying manufacturing work if—if Congress takes a path of action to develop the clean energy policies we need to drive investment into those companies.

And that is what is at stake tonight. What we are talking about is making sure that those jobs of the future don't go just to China, where China has a very aggressive national policy to build electric cars. We need some national policies to make sure that they are done here.

I go to Washington State and I hail from Washington State. Take a look at the McKinstry Company, which is a little company that just started providing advice on how to do efficiency. And then they figured out that they could save corporations millions of dollars a year by teaching companies how not to waste energy, how to save energy. That company has now grown to hundreds of people who are working in Seattle, Washington, basically teaching companies around the world how to save energy. And that company is now probably the leading energy efficiency company in the world when it comes to teaching companies how to save energy. And hundreds of my neighbors and constituents are working there saving energy. That company needs policies that will continue to drive investment into efficiency and away from waste. And we need this clean energy jobs bill that we will be introducing on the floor shortly to make sure that that happens.

Right up the street from that company a few miles is the Bio Novartis Company. Bio Novartis has figured out a way to help an algae-based biofuels company make essentially gasoline and other automobile and other fuels out of algae. And they figured out a way to get light to the algae using a glass tube to provide light into these algae pools that one day will power our cars. And they are not the only company doing it. There are other companies. I met a guy in a ferry boat in Seattle who has a company called Sapphire Energy that does the same thing. They are doing their work in New Mexico and San Diego.

These companies need policies, though, that give them a level playing field viz-a-viz the old type of energy we had, which was gasoline. They don't have a level playing field right now because the deck is stacked in the law right now to favor gasoline, the old kind of gasoline, rather than the new kind of fuel. And we will talk tonight about how this bill will level the playing field.

The list goes on and on about the companies. About 4 miles from that other company is a company called AltaRock. It is in northern Seattle in the Greenwood district. And they have the potential of hiring hundreds and thousands of employees doing what is called "engineered geothermal." Engineered geothermal is a new type of way to produce electricity. What you do is you drill a hole down in the Earth. You pump water down. It picks up the heat that is in the Earth's crust. You bring it up hot, about 300 degrees, and you use that water to generate steam and then electricity. Zero pollution, all American energy, using pretty old technology. They have got to improve their pumps to make sure they can pump under high temperature positions. They have to do some geological testing to see where this works best. But drilling holes isn't totally rocket science. AltaRock has the potential to generate enormous job creation in this country.

You go about 5 miles from that company to downtown Seattle and there is a little company I met called Glosten Engineering. They are a marine architecture firm. It is a relatively small company now. They have about 65 employees. They are now starting to work on how to design offshore wind turbines, where we can put wind turbines off our shorelines, say 10 miles off our shorelines, where there is enormous wind potential where we might be able to provide 10 or more percent of our electricity from offshore wind. This company can grow and provide employment in the construction, not only the design, but the construction of these offshore wind turbines. They are going to design floating platforms for these 200-foot towers to be offshore. And that is going to require massive construc-

tion for cement, iron workers, steel workers, machinists and the like.

Now what do all these companies have in common? What they have in common is they have great ideas. They have the potential to create nonpolluting energy in America and grow thousands of new jobs in this country. But what these companies need is a kick-start. And they need some messages from Congress that we are going to treat them fairly. Now, right now they are not treated fairly. The cards are stacked against these small businessmen and women, these entrepreneurs who are creating these new technologies. And the reason they are stacked against them is that the laws essentially, right now, allow a cost to be imposed on Americans by polluters that the polluters don't have to pay but citizens do. Citizens today have to incur the costs of what is happening because of pollution.

Pollution is going to be costing Americans big-time in the next several decades. It is going to cost them in loss of jobs associated with the decline of our forests, because we are putting too much pollution, carbon dioxide, in the air. That is changing the weather. And the weather is killing our forests. And people are going to lose jobs in the forest products industry because of the deaths of our forests. And costs are being imposed on our citizens right now that the polluters aren't paying, citizens are paying, and loss of jobs and loss of revenue. Fishermen are going to lose their livelihoods, and costs are being imposed on them because we are going to lose our salmon stocks because of changes in precipitation. We are in a prolonged drought right now in the West. And we have already experienced some decline in salmon stocks associated with no water in the rivers during the summer months, plus the threat of ocean acidification because pollution goes into the atmosphere, goes back into the ocean and changes the acidity of the ocean. Costs are being imposed and not paid by polluters.

We are going to experience very substantial costs caused by polluters when we get sea level changes associated with melting that is going on right now with the Arctic and potentially Greenland that will be relatively slow but will require very significant expenditure of infrastructure improvements. So right now, costs are being imposed on citizens that the polluting industries are not paying.

We are going to do a couple of things in this clean energy jobs program. We are going to basically make sure that investment goes to these new companies to create these jobs and that the cost of this pollution is put where it should be, not on the citizen, but on the polluting industries. And we are going to do this in kind of a simple way. It sounds complex, but it is really

quite simple. We are going to do, right in this bill, a bill that will essentially do what we have already done in America for pollutants in several ways. In sulfur dioxide, for instance, several years ago, we had an acid rain problem.

□ 1945

So we decided and Congress passed a law that essentially limited the amount of acid that could be put in the atmosphere, sulfur dioxide, because sulfur dioxide went into the atmosphere and then made acid rain.

We are doing the same thing right now with carbon dioxide that is making acid oceans. It is doing the same only on a much, much larger scale. But there is a loophole in our law. This pollutant, carbon dioxide, is not covered by our antipollution laws. And as a result, citizens are going to have to pay for that unless we change that law.

So what this bill will do is exactly what we did for this other pollutant, sulfur dioxide, and it put a cap on the amount of pollution that is going into the atmosphere every year, and it will make the polluting industries pay for permits to be allowed to put that pollution into the atmosphere. And that money, significant parts of it, will then be recycled back to American consumers to help with their utility bills.

So three things will happen under this bill. And they all will result in what we want to achieve which is the creation of American jobs in these clean energy technologically driven companies. These three things that I am about to describe will all drive investment into these new jobs.

Number one, the creation of this cap once we limit the amount of pollution going into the atmosphere will immediately make these new jobs much more cost effective and much more attractive to investors because once there is a cap on some of these old polluting ways to use energy, now the new, clean energy companies become much more attractive because they are not subject to this cap.

The engineered geothermal jobs of the future will not have to buy a permit because they are not putting out pollution. The lithium ion battery producers in Michigan will not have to buy a permit because they are not polluting. The Bio Novartis Company with algae-based fuel is not going to have to buy a permit because they are not putting out pollution. And those jobs will immediately become much more economically tenable. That is the first way it will work.

The second way it will work is that it will put the cost of this problem where it belongs, which is on polluting industries. No longer will that be borne by citizens, John and Sally Citizen. It will be borne by the polluting industries. They will have to go out and they will have to buy permits from the government to be allowed to continue putting

acid into our ocean and pollutants into our atmosphere that is changing our planet. That seems fair to me; and it also seems fair to my constituents.

And the third thing that will happen is that the money that the polluters pay for these permits, some of it is going to go into research, some of these clean jobs; some of it will help industries clean up their act. But a bulk of it is going to go back to consumers. It is going to go back to citizens either in their paycheck or some tax credit, or perhaps a direct distribution to them.

So the bulk of the money that the polluters will have to pay will go back to citizens to help them with their utility bills. So this will mean that Americans in this bill will get more jobs. They are going to get help with their utility bills, and the polluters will pay for that.

What I am here to report to those who may be interested in this subject, and there are those here who still resist this idea because they are still fear mongering because they resist change. People who resist change, they try to create fear. They are going to try to create fear that this is going to drive people into bankruptcy for doing this.

But I will tell you, when you ask Americans do you think it might be a good deal for you to get a tax credit and the polluters have to pay for that and we increase our energy independence and decrease our pollution, we have asked Americans what they think and by margins of somewhere between 20 and 40 percent margins, people realize it is a good idea, even if it requires some up-front investment. And this will require some up-front investment. It will require some costs, but Americans' common sense understand that makes sense because Americans understand you don't get something for nothing.

What we are getting here is job creation, a clean future for our kids and our grandkids and our great grandkids, increased energy independence, and help with our utility bills. And Americans by huge margins favor that kind of an approach. We have asked them what they think.

Now, we have had some experience with this before. In the next several weeks, and already you are hearing the fear mongering that is going on. Some people in this Chamber are trying to scare Americans to think that the sky is falling if we take this approach. They have tried to drum up fear that this is going to cost Americans numbers that they pull out of the air that are pretty fantastic, thousands of dollars that are not substantiated by the economic analysis, and, secondly, are not substantiated by what America is about. What America is about fundamentally is innovation and optimism. What we have always learned through our experience in this country

is if we put our minds to it, we can innovate our way out of almost any challenge.

The best example of this is what happened when we have seen this movie before, and we have seen this movie before. This movie played out in the Clean Air Act where people said that if we did exactly what we are doing right now, if we put a limit on the amount of acid rain and sulfur dioxide going into the atmosphere, and if we charged polluters for permits to put that pollution out, people came to this Chamber and said if you do that, it will drive Americans across the country into bankruptcy because utility bills will skyrocket and you will be facing huge, double, triple prices of your utility bills because the utilities will have to increase their costs. They will pass it on to utility ratepayers, and there will be these desperate economic conditions. That is exactly what people said in this Chamber.

What happened in reality? What happened in reality was that good old tried and true character of Americans kicked in, which was to innovate, to invent new ways to reduce this pollution. And very bright American scientists went to work and invented ways to capture sulfur dioxide, make sure it did not go up the smokestacks, at half the cost or less than what was predicted by the fear-mongers.

The other thing that happened is that we cleaned up our lakes, and we saved our lakes for our grandkids, where there might be some fish in them. It was a hugely successful program at less than half the cost predicted. And why is that? It is not because Congressmen and Congresswomen are smart or even lucky. It is because American businessmen and American scientists are smart and ambitious and creative, and they created the technologies to solve this problem. That is what is going to happen when we pass this bill now. American businesses, some of which I talked about tonight, are going to get the investment and they are going to create these clean energy jobs. They will get out there and figure out a way to produce electricity in a cost-effective way to in fact have the potential over the long run to reduce our utility rates.

The reason I say this is we really have two choices that will be presented to Congress in the next month or so. One choice is the status quo. And, unfortunately, a lot of my friends on the other side of the aisle are going to advocate for the status quo. In the status quo, we remain addicted to oil from the Middle East. I can tell you over the long run that price is not going to go down. It is going to go up and down over time, but over the long run, we are facing limited supplies of oil and increasing demands on oil. When the Chinese start driving cars, as they are

starting to do, over the long run, with the limited supply of oil and an increasing demand in China and India and other places, don't predict that prices of gasoline are going to go down. They are going to go up over the long run.

The status quo, people who are against this bill who don't want to do anything about this problem, who just want to use fear to prevent people from acting, they want to remain hooked to oil. They want to remain slaves to the needle of oil addiction. We have to break that addiction. It is our only path to job creation in this country.

What we are saying is we have got to get out there and create new sources of energy. We are going to be burning oil for some time. There is no question, this is not going to happen overnight. But we have to start the transition where Americans can start to have their own energy sources that are beyond oil, frankly. And, fortunately, we now have the ability to do that.

By the way, those people who think electric cars are just some kind of Tonka toy, take a ride in a Tesla. I got in a Tesla in Seattle the other day. It is a little sporty thing. It goes zero to 60 in 3.9 seconds, which is faster than a Porsche. I rode in one and of course we obeyed the speed limit because I am a Congressman and I always do, but it was like getting into a rocket sled to feel that acceleration. I haven't been in a car that quick since I was 17 years old. That car is expensive right now, and not many Americans are going to be driving a Tesla. But a lot of Americans are going to be driving a Ford Focus, which is going to be all electric, and a lot of Americans are going to be driving a General Motors Volt, and a lot of Americans are going to be using electricity generated by wind power and solar power from the BrightSource Company.

By the way, we have this power all over the country. I talked to the BrightSource Company. I met them in California last weekend. They now have either hundreds or thousands of megawatts under contract. They do what is called concentrated solar energy, and they use mirrors to capture the sun's energy and they reflect the sun back up into a central tower that is about 100 feet tall. On top of this tower is a canister of oil or some product, it might be sodium, and they heat it up to terrific temperatures, and then they create steam and electricity from that. This company is going gang-busters, but what they need is fairness competing against some of the other technologies that are still allowed to put their junk in the air for free.

I have another company called Ramgen up in the State of Washington. They are building a compression technology that might allow us to burn coal and take the CO₂ from the coal and bury it underground and sequester

it. This is a compression technology that will decrease the cost of doing that.

But what they need is this bill that will create American jobs by creating a cap on the amount of CO₂ going in the atmosphere. This bill will do some other things to help the emergence of these companies.

It is going to create a promise to Americans that we are going to get a certain percentage of our electricity from clean energy sources. And 22 States or more have now adopted these laws. Every single one of them has worked. Every single one of these States that has set these goals for a percentage of their electricity is on target to meet those goals. We have one in the State that I am from, in the State of Washington, that was adopted by popular vote. Now we need a national goal that is called a renewable energy standard. We are talking amongst ourselves to figure out what that number should be right now, but it should be somewhere in the neighborhood of a fifth of our energy by 2025 to get from renewable sources, and this is eminently achievable.

The Department of Energy and various other entities have evaluated this, and this is an achievable goal. We know that, again, once we put these innovators to work and let them loose, we are going to get tremendous technological innovation to get this job done.

We are also going to create mechanisms to help these small businesses do this research. You know, we know what Uncle Sam can do. Uncle Sam is only going to play a part of this. Most of this will be driven by private enterprise. Most of it is going to be driven by private equity and lending from the private sector. But Uncle Sam does have a role to play in some of the over-the-horizon technologies.

Like in the original Apollo Project when we went to the Moon, Uncle Sam promoted the research and development, and we went to the Moon.

In World War II, Uncle Sam invented, with its nickel weapons systems that were incredibly powerful, and that was as a result of Uncle Sam's research and development.

Now Uncle Sam needs to step up to the plate and do the research and development that can now jump-start these clean energy jobs.

□ 2000

So who's going to pay for that research and development? Well, in this bill, the people who are going to pay for that research and development in the amount of about \$15 billion a year are the polluting industries that are putting the pollution in the atmosphere today, unchecked, unregulated, in infinite amounts, at zero cost. They're going to pay for this research and development, not the taxpayer, not the individual American citizen. Be-

cause when these permits are sold at auction for these pollution permits, that money is going to be taken and put into a fund that will go to research and development to help these companies develop these over-the-horizon technologies. Now, that's the way it should be because we know we can be creative and we know that's the place that should fund this.

So the long and the short of it is that, by creating this limit on pollution, we make these jobs more economically competitive, number one. Number two, we create a financing mechanism to help the companies that are going to hire these people in these new jobs paid by the polluters.

Number three, we create a standard, a legal standard that utilities will need to meet of at least a portion of our energy will be guaranteed to come from clean energy sources. Those are the first three things that we do.

Fourth, we create a thing called a low carbon fuel standard, which will create a standard which will call for Americans to have more cleaner fuels over time so that companies that sell transportation fuels will be able to have—they will be required basically to provide cleaner energy sources to America and put out less pollution over time on a transition period.

Fifth, we're going to create in this bill, I hope, and it's not a done deal yet, but I hope we will be creating a thing called a green bank, where Uncle Sam will provide a revolving fund that will provide lending for some of these businesses at what is called the "valley of death." A lot of these businesses, you get the people in a garage, they come up with a brilliant idea. They get some venture capital, create a prototype of their device. It works. They scale it up, but when it comes time to put it in the factory, to the build the first factory, they can't get a loan because banks just won't loan on sort of the first commercial-sized projects.

So in this bill financed by polluting industries, from these permits we will be creating a revolving fund. So in this credit crunch that we're now experiencing, these business will be able to, in fact, get access to capital.

This bill is going to be action-oriented. This is change. It is big change for our economy. And when you are in moments of crises, as we are, and when you think about it, we're sort of in a perfect storm of crises right now. We have had this enormous economic challenge that we're experiencing, huge reductions in capital so these businesses can't get capital—not just clean energy businesses, but any businesses right now—very high unemployment. So we have got an economic challenge.

We have a national security challenge. We're involved in two wars right now, and it is not accidental that one of those is in an area where the oil comes from. It's not accidental that a

lot of the threats this Nation faces are from oil-rich areas. It's not an accident. It's a fact. Until we wean ourselves from our addiction off that oil that comes from that region, we're always going to be embroiled in these security threats.

So we have got a national security threat. We have an environmental threat that is also a national security threat. We have got a letter from 20 generals who have told us that if we don't solve this problem of global warming, we're going to have a national security threat of mass migration, because as droughts continue to affect the areas south of us and in the northern and sub-Saharan areas of Africa, you're going to have mass migrations of people and you're going to have collapses of governments, and you will continue to see what we're seeing in North Africa right now, of governments that just don't function because their society has literally dried up and blown away with their topsoil.

These generals are telling us that global warming is a security risk to the United States over the long run and have urged us to take action to limit the amount of carbon dioxide going in the atmosphere. So we have these multiple crises right now that are all hitting us all at once.

Now, it seems to me that when you're in that kind of situation, Americans want action. And that is what this bill, the American Clean Energy Jobs bill, will give Americans, which is action. Inaction is not an option here.

Unfortunately, at the moment, and I hope this will change, my colleagues across the aisle have insisted, No, no. Things are good enough. We will just leave them the way they are. We don't need these clean energy jobs by the millions. We don't need clean energy. We don't need to address our national security threat of addiction to oil. We don't need to address global warming, and we don't need to address the Chinese.

I want to address this for a minute. We are also in an economic race with the rest of the world. I don't mean to single out China, but I will just start the discussion with China.

We are in a race today to create these clean energy jobs, and we're not really winning that race today because other countries around the globe have got the drop on us. They're out of the gate first with policies that will support the creation of clean energy jobs in their countries, not ours.

That's got to stop. I am tired of Germany leading America in the production of solar energy because Germany has adopted what's called a feed-in tariff, which essentially creates something like we're going to create, which is a demand for clean energy. We have a little different version. We call it a renewable electrical standard. And they're now leading America.

We created these technologies in our country using American capital and American smarts. We invented solar energy, but the Germans are commercializing it and leading the export market around the world because Congress has sat on the dime and hasn't created these policies like the German Government has. I'm tired of that. We need to change that.

I'm tired that the Danish Government, because they created policies to drive investment into wind turbines a decade and a half ago, that the little country of Denmark, with 45 million people, is outproducing us, until very recently, in wind power. Now, we just passed them a couple of months ago, but with 300 million people in America and the most brilliant people in America, we should not be allowing the Danish, who I love as a people—and a shout-out to Sven Auken, a friend of mine. He was the environmental minister who led this movement in Denmark. He saw something two decades ago coming, and they created some policies to help clean job creation in Denmark. But I want those jobs right here.

Now we're getting them back. The Clipper Wind Company in Iowa, the Gamesa Company in Pennsylvania. We have one of the largest wind farms in my State in Washington, but not fast enough. I'm not satisfied.

Take a look at what China is doing. I met in California last weekend a senior advisor to the Chinese Government. He told me just matter of fact, We're going to build electric cars. Unless you change in America, we're going to dominate this field. And the Chinese and Chinese Government are making massive investments now in developing the electric car.

We are going to be in a race with China to figure out whether we're going to make the electric cars in Michigan, Ohio, and Tennessee, and maybe the Carolinas, or whether they're going to be made in China, and we lose again to an Asian country that got the drop on us in technology.

I will not stand here and allow the Chinese to become dominant in the electric car industry. My side of the aisle is going to insist that we adopt policies to build those cars here.

Now we have started down that track. In our stimulus package, we put \$2 billion in to assist the development of the domestic electric battery companies so we can make those batteries and cars here. Yesterday, I was at the White House—time flies around here—meeting with President Obama about how we do this energy bill. He urged us to pass this energy bill. I agree with him on this.

We reached an agreement yesterday in a program called Cash for Clunkers. We, on my side of the aisle, are going to put a Cash for Clunkers provision in this bill, which will basically tell

Americans if you're driving kind of a clunker that gets substandard mileage, below 18 miles a gallon, if you turn in your car and buy a new car with higher gas mileage, at least the CAFE standard, you will get a \$2,500 voucher from Uncle Sam towards buying that new car. And that amount will go up the more fuel efficient the car is. I think it's up to \$4,000. Don't hold me to this, but I think that's the amount it goes up to.

So Uncle Sam is going to give Americans an incentive to buy a fuel-efficient car and get off the road some of these inefficient cars to create jobs in this country. And that's one way we're going to help Americans in this clean energy transition.

It's not the only way, because Americans are also going to get cash in their pockets, either through a tax credit or some other mechanism that we're designing right now.

So we're going to take measures that make sure that America gets in this game of creating clean energy jobs in this country, and we recognize that we don't have the luxury of time like some of my friends across the aisle think. They think we can wait another 20 or 30 years to do this. We cannot wait to do this. We have got to do this right now.

We have got to create clean energy jobs right now or the Chinese, the Germans, and the Danish are going to do it. I mean, again, no disrespect to these other countries. They're great countries. They're competitive. They're eager. But we should not allow our technology to be mastered by them.

I want to talk right now, because we have some very important people in the Chamber right now that have just entered the Chamber, about the ability to use coal in our future.

Right now, we have great Americans who are working in the coal industry, and they're working hard and they're producing huge amounts of energy for Americans today. The problem is, unfortunately, that we need to find a way that we can use coal in a way that will reduce the amount of pollution going into the atmosphere. To do this, we think that there's an opportunity to be able to find a way to burn coal in a way that doesn't put massive amounts of carbon dioxide into the atmosphere.

So what we are doing in this bill, in this Clean Energy Jobs bill, we will be taking money from polluting industries and creating a fund which will go to researching how we can find out a way to do what is called carbon sequestration. It's a fancy word for taking the carbon dioxide out of the coal-fired plants, electrical generating plants, and take that carbon dioxide and burying it in the Earth permanently.

If we can figure out a way to do this, we will find a way to use coal for decades. If we can't find a way to do this, it's going to be difficult to use all the

coal we have, because if we burn all the coal we have, it will be good, cheap power, but it will also essentially change life as we know it in this country based on climate change.

So what we're doing in this bill is we're creating a fund that will help the coal industry have a long-term survival in this country, and they will be able to have assistance in this bill to generate over a billion dollars a year for research into coal sequestration technology.

□ 2015

Now, the reason I point this out is I think some very good people here in Congress are being a little short-sighted, and they are not seeing the benefit of generating funds that can go to the research and development of this new technology, technology that we clearly need to solve this problem. If we don't generate this money to create this technology, people in the coal industry eventually are going to have difficulty because of the inevitability of the climate change that we face.

Now, if I can, just for a minute I would like to address that issue of why we can create jobs while simultaneously dealing with climate change. First, I want to address a little bit the problems we face on climate change.

Climate change is now a fact, not a theory or hypothesis. We have direct observational evidence that carbon dioxide in our atmosphere has skyrocketed during the industrial revolution. It has gone from about 250 to about 360, 370 parts per million. It will continue to rise to double the levels of carbon dioxide. This is simply a fact.

Now, the problem with carbon dioxide is you can't see it, you can't smell it, you can't taste it. But it has a nasty little attribute, and no scientist today anywhere who has a scientific degree will disagree with this statement: It has the attribute of trapping a certain spectrum of radiation that can go in as one spectrum of radiation but can't go out when it is reflected off the surface of the Earth. All scientists of any repute recognize that.

So we are now involved in this massive experiment where we are the guinea pigs of what happens when you double the amount of carbon dioxide in the atmosphere. Now, unfortunately, we are seeing what happens when you do that, and we are seeing it right now with our own eyes.

The Arctic is melting. The Arctic in the last several decades has decreased by 40 percent, and many scientists believe in the next decade or so it will disappear in the late summer months almost in total; it will just have a fringe of the Arctic.

We are seeing tundra melting rapidly in Alaska. We are experiencing droughts. We are experiencing by the millions of acres death of our forests because it doesn't get cold enough to

kill the beetles, and they then kill the trees.

We are seeing changes in patterns of migration of our animals. We are seeing off my coast in the State of Washington creatures we have never seen in the State of Washington before off our coastline.

And, importantly, we are seeing increases in the acidity of the ocean. The oceans are becoming more acidic. And this isn't related to temperature; this is related to carbon dioxide, which comes out of our smokestacks, drifts over our oceans, goes into solution; and, when carbon dioxide goes into solution it makes it more acidic. The oceans today have 30 percent more acidic ions in them than they did in pre-industrial times. So we know we have to deal with this problem. By the way, there is no debate about ocean acidification. And even if we could solve the global warming problem, unless we create these green collar jobs and green energy jobs, we won't solve this problem. So we intend in the next several months to succeed, as we have always done, and by innovating to create these clean energy jobs.

Now, people are going to talk about: If we do this, that this is going to cost Americans, this fear factor that people are going to try to scare people in, they are going to tell Americans it is going to cost thousands of dollars a year. It just doesn't hold up to any economic analysis, an analysis by MIT, which by the way has been incorrectly cited by some of my colleagues here. We have a letter from the MIT professor that basically said the total cost to the U.S. economy averages out to about 18 cents a day for the investments that will be involved in changing this. The EPA studies that have looked at this have concluded it will be in the \$200 to \$300 range a year of investment that will create millions of clean energy jobs.

These investments we know succeed because we have confidence in American businesses and American workers and American scientists to create these new clean energy jobs; and when we give them the investment they need, they will produce what we need, which is new technology. And this bill will be the largest jump-start of American technology since the original Apollo project.

Now the Democratic members of the Commerce Committee went to the White House to meet with President Obama yesterday, or the day before, and we talked about this bill. We are shaping this bill in a way that is fair to every region and takes into consideration the needs of certain industries.

By the way, I will point out something that is very important in the bill. We want to make sure that jobs don't go overseas as a result of this bill. And if some electrical rates go up as a result of this, we don't want to see

jobs in steel mills or cement plants or aluminum plants go overseas to places where electricity may be cheaper. So what we are doing is we have a provision that Congressman MIKE DOYLE of Pittsburgh and I have worked on which will give benefits, free permits, to the steel, aluminum, other energy intensive, trade sensitive businesses. They will get free permits. The reason we are doing this is so they will not have a disincentive for keeping those jobs in this country. We are designing this bill in a way that is sensitive to make sure we keep jobs in this country and this does not distort our job creation, and it is being carefully designed to achieve that.

What President Obama talked about, I just want to cite one thing he said. He said that Members of Congress come here for a reason, and that reason is to very rarely and infrequently have a chance to do something historic.

This is a truly historic moment for America. It is a moment where we have the opportunity to seize the destiny of this country, to create a clean energy future for the country, to reduce pollution, to increase our energy independence. And that only happens when men and women of good faith come together to find a consensus that will create clean energy jobs, will limit pollution, will require polluting industries to pay, and will in fact move this country with a great, great leap forward in technology.

You don't do that by doing nothing. Doing nothing is not an action. We will be doing something historic in this bill, and I look forward to working with my colleagues to pass this clean energy American jobs bill. I look forward to the many ribbon cuttings that we are going to have as a result of this bill when these companies start up and start hiring Americans and start manufacturing the electric cars and wind turbines and solar cells and engineered geothermal and all of the things we are going to do to help create job creation in this country. That is a future worthy of this country. That is a bill worth passing. I look forward to it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WAMP (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending his son Weston's college graduation in Tennessee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.
Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BRALEY of Iowa, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, today and May 7.

Mr. POE of Texas, for 5 minutes, May 13.

Mr. JONES, for 5 minutes, May 13.

Ms. FALLIN, for 5 minutes, today.

Mr. JORDAN of Ohio, for 5 minutes, today.

Mrs. SCHMIDT, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Thursday, May 7, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1623. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2009-2010 Marketing Year [Doc. No.: AMS-FV-08-0104; FV09-985-1 FR] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1624. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2 [Doc. No.: AMS-FV-08-0094; FV09-948-1 FR] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1625. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Decreased Assessment Rate [Docket No.: AMS-FV-08-0095; FV09-920-1 FIR] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1626. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Regulations Under the Perishable Agricultural

Commodities Act, 1930; Section 610 Review [Doc.: #AMS-FV-08-0013; FV08-379] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1627. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Partial Exemption to the Minimum Grade Requirements [Doc. No.: AMS FV-08-0090; FV09-966-1 FIR] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1628. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Change to Fiscal Period [Docket No. AMS-FV-08-0066; FV08-930-2 FIR] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1629. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian and Southeast Marketing Areas; Order To Terminate Proceeding on Proposed Amendments to Marketing Agreements and Orders [Doc. Nos.: AMS-DA-07-0133; AO-388-A15; AO-366-A44; DA-03-11-B] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1630. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2008-09 Crop Natural (Sun-Dried) Seedless Raisins [Doc. No.: AMS-FV-08-0114; FV09-989-1 IFR] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1631. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Regulatory Flexibility Regarding Ownership of Fixed Assets (RIN: 3133-AD53) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1632. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Occupational Radiation Protection; Correction [Docket No.: HS-RM-09-835] (RIN: 1901-AA95) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1633. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Procedural Rules for DOE Nuclear Activities (RIN: 1990-AA30) received March 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1634. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Battery Chargers and External Power Supplies (Standby Mode and Off Mode) [Docket No.: EERE-2008-BT-TP-0004] (RIN: 1904-AB75) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1635. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendment to Require-

ments for Providing Information on the Delegation of the Administrator's Authorities and Responsibilities for Certain States [EPA-RO4-OAR-2008-0904; FRL-8893-7] received April 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1636. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota [EPA-R05-OAR-2007-1045; FRL-8894-1] received April 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1637. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Update to Materials Incorporated by Reference [R08-ND-2008-0001; FRL-8892-7] received April 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1638. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonable Further Progress Plan, Motor Vehicle Emissions Budgets, and 2002 Base Year Emissions Inventory; Houston-Galveston-Bradford 1997 8-Hour Ozone Non-attainment Area [EPA-R06-OAR-2007-0528; FRL-8895-3] received April 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1639. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina; NOx SIP Call Phase II [EPA-R04-OAR-2005-SC-0002-200535 (a); FRL-8894-8] received April 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1640. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Approval of the Ventura County Air Pollution Control District — Reasonably Available Control Technology Analysis [EPA-R09-OAR-2008-0863; FRL-8784-2] received April 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1641. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Des Moines, Iowa) [MB Docket No.: 09-22 RM-11516] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1642. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Columbus, Georgia) [MB Docket No.: 08-100 RM-11437] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1643. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of the DTV Delay Act [MB Docket No.: 09-17]

received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1644. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — In the Matter of Reexamination of the Comparative Standards for Noncommercial Educational Applicants [MM Docket No.: 95-31] received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1645. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Version Two Facilities Design, Connections and Maintenance Reliability Standards [Docket No.: RM08-11-000; Order No. 722] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1646. A letter from the Chairman, International Trade Commission, transmitting the Commission's annual report for fiscal year 2005 on the category rating system, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

1647. A letter from the Acting Chairman, National Endowment for the Arts, transmitting the Endowment's annual report for fiscal year 2008 in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1648. A letter from the Deputy General Counsel for Operations, U.S. Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1649. A letter from the Deputy Chief, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Forwarding of Affirmative Asylum Applications to the Department of State [CIS No.: 2440-08; DHS Docket No.: USCIS 2008-0022] (RIN: 1615-AB59) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1650. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Nineteenth Annual Report describing the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 2008; jointly to the Committees on Armed Services and Energy and Commerce.

1651. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment on FEMA-1822-DR, pursuant to Public Law 110-239, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

1652. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1827-DR, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

1653. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1824-DR, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

1654. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for FEMA-1828-DR, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

1655. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for FEMA-1821-DR, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

1656. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for FEMA-1825-DR, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

1657. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for FEMA-1826-DR, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 406. Resolution providing for further consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes (Rept. 111-98). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H.R. 2265. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 2266. A bill to delay for 1 year the date for compliance with certain regulations prescribed by the Secretary of the Treasury and the Board of Governors of the Federal Reserve System under subchapter IV of chapter 53 of title 31, United States Code; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. GUTIERREZ, Mr. KING of New York, Mr. WATT, Mr. ACKERMAN, Mr. CAPUANO, Mr. CARSON

of Indiana, Mr. McDERMOTT, Mr. DELAHUNT, Mr. McGOVERN, Mr. WEXLER, Ms. BERKLEY, Mr. COHEN, Mr. PERRIELLO, and Mr. SABLON):

H.R. 2267. A bill to amend title 31, United States Code, to provide for the licensing of Internet gambling activities by the Secretary of the Treasury, to provide for consumer protections on the Internet, to enforce the tax code, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself and Mr. FRANK of Massachusetts):

H.R. 2268. A bill to amend the Internal Revenue Code of 1986 to regulate and tax Internet gambling; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. TAYLOR, Mr. CONYERS, Mr. STARK, Mr. CAO, Mr. LEWIS of Georgia, Ms. LEE of California, Mr. RANGEL, and Mr. MELANCON):

H.R. 2269. A bill to establish the Gulf Coast Civic Works Commission within the Department of Homeland Security Office of Federal Coordinator of Gulf Coast Rebuilding to administer the Gulf Coast Civic Works Project to provide job-training opportunities and increase employment to aid in the recovery of the Gulf Coast region; to the Committee on Education and Labor, and in addition to the Committees on Financial Services, Transportation and Infrastructure, Natural Resources, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. WALZ, and Ms. HERSETH SANDLIN):

H.R. 2270. A bill to amend title 38, United States Code, to provide for the establishment of a compensation fund to make payments to qualified World War II veterans on the basis of certain qualifying service; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. SHERMAN, Mr. WOLF, Mr. BURTON of Indiana, Mr. ROHRBACHER, and Mr. MCCOTTER):

H.R. 2271. A bill to prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Ms. LEE of California, Mr. WATT, Mr. SERRANO, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. COSTELLO, Ms. WOOLSEY, Mr. FARR, Ms. RICHARDSON, Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. ELLISON, Mr. BISHOP of Georgia, Ms. CLARKE, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. TOWNS, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Ms.

WATERS, Mr. JOHNSON of Georgia, Mr. FATTAH, Mr. CLYBURN, Mr. PAYNE, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. STUPAK, Mr. FILNER, Ms. VELAZQUEZ, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. CONYERS, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. DELAHUNT, Mr. KILDEE, Mr. COHEN, Ms. MATSUI, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. McDERMOTT, and Mr. LEWIS of Georgia):

H.R. 2272. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Oversight and Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, Mr. RANGEL, Mr. CONYERS, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, Mr. McGOVERN, Mr. SHERMAN, Ms. DELAURO, Mr. ELLISON, and Ms. BALDWIN):

H.R. 2273. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. HOEKSTRA, Mr. KLINE of Minnesota, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. BARTLETT, Mr. LINDER, Mrs. MYRICK, Mr. HENSARLING, Mr. CULBERSON, Mr. MARCHANT, Mrs. BACHMANN, Mr. LAMBORN, and Mr. CHAFFETZ):

H.R. 2274. A bill to repeal ineffective or unnecessary education programs in order to restore the focus of Federal programs on quality preschool, elementary, secondary, and postsecondary education programs for disadvantaged students and students with disabilities; to the Committee on Education and Labor.

By Mr. JACKSON of Illinois (for himself, Mr. CRENSHAW, and Mr. CASTLE):

H.R. 2275. A bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BONO MACK (for herself and Mrs. LOWEY):

H.R. 2276. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POMEROY (for himself, Mr. PITTS, Ms. SCHWARTZ, and Mr. BRADY of Texas):

H.R. 2277. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself and Mr. CROWLEY):

H.R. 2278. A bill to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle

East, and for other purposes; to the Committee on Foreign Affairs.

By Ms. CASTOR of Florida (for herself, Mr. GRIJALVA, Mr. HINCHEY, Mr. RUSH, Ms. BORDALLO, Ms. NORTON, Mr. KUCINICH, Ms. BALDWIN, Ms. LEE of California, and Ms. SUTTON):

H.R. 2279. A bill to amend title XVIII of the Social Security Act to eliminate contributing factors to disparities in breast cancer treatment through the development of a uniform set of consensus-based breast cancer treatment performance measures for a 6-year quality reporting system and value-based purchasing system under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HIRONO (for herself, Mr. TERRY, Mr. KISSELL, Mr. YOUNG of Alaska, Mr. MCINTYRE, Mrs. CAPPS, Mr. GONZALEZ, Mr. DICKS, Mr. COSTELLO, Mr. LARSEN of Washington, and Mr. SIREs):

H.R. 2280. A bill to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. KAGEN (for himself and Mr. EDWARDS of Texas):

H.R. 2281. A bill to establish a temporary program in the Small Business Administration to assist small business concerns by decreasing interest payments for certain loans, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 2282. A bill to amend the Immigration and Nationality Act to reauthorize the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:

H.R. 2283. A bill to amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAULSEN:

H.R. 2284. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer tax on income reinvested in a partnership or S corporation; to the Committee on Ways and Means.

By Mr. PETERS:

H.R. 2285. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for the acquisition of fleet vehicles; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 2286. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide that an employee whose employment for an employer is not otherwise covered for social security benefit purposes may irrevocably elect to have his or her employment with such employer treated as so covered and subject to social security taxes; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. SULLIVAN, Mr. GARY G. MILLER of California, Mr. PITTS, Mr. BARTLETT, Mr. BILIRAKIS, Ms. GINNY BROWN-

WAITE of Florida, Mr. BURTON of Indiana, Mr. JONES, Mr. KLINE of Minnesota, Mr. MARCHANT, Mr. MCHENRY, Mr. PLATTS, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. SIMPSON, and Mr. SMITH of Nebraska):

H.R. 2287. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. SALAZAR (for himself, Ms. MARKEY of Colorado, Mr. LUJÁN, Ms. DEGETTE, Mr. HEINRICH, Mr. POLIS of Colorado, Mrs. LUMMIS, and Mr. TEAGUE):

H.R. 2288. A bill to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023; to the Committee on Natural Resources.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 2289. A bill to establish a meaningful opportunity for parole or similar release for child offenders sentenced to life in prison, and for other purposes; to the Committee on the Judiciary.

By Mr. SHERMAN (for himself, Mr. ROYCE, and Ms. ROS-LEHTINEN):

H.R. 2290. A bill to provide for the application of measures to foreign persons who transfer to Iran, Syria, or North Korea certain goods, services, or technology that could assist Iran, Syria, or North Korea to extract or mill their domestic sources of uranium ore; to the Committee on Foreign Affairs.

By Mr. THOMPSON of California (for himself and Mr. REICHERT):

H.R. 2291. A bill to amend title XVIII of the Social Security Act to eliminate coinsurance for screening mammography and colorectal cancer screening tests in order to promote the early detection of cancer; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. BLUMENAUER):

H.R. 2292. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require coverage of preventive care for children; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself and Mr. DOGGETT):

H.R. 2293. A bill to amend the Trade Act of 1974 to require a Public Health Advisory Committee on Trade to be included in the trade advisory committee system, to require public health organizations to be included on the Advisory Committee for Trade Policy and Negotiations and other relevant sectoral or functional advisory committees, and for other purposes; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mrs. CAPPS, Mrs. BONO MACK, Ms. DELAURO, Mr. SHERMAN, Mr. NADLER

of New York, Mr. SCOTT of Virginia, Ms. BALDWIN, Mr. COBLE, Mrs. MALONEY, Mrs. NAPOLITANO, Ms. LEE of California, Ms. BERKLEY, Ms. SPEIER, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. BACA, Ms. BORDALLO, Ms. NORTON, Mr. FALEOMAVAEGA, Ms. KAPTUR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Mr. BOREN, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Mr. MORAN of Virginia, Mr. INSLEE, Ms. WASSERMAN SCHULTZ, Mrs. TAUSCHER, Mr. FILNER, Ms. CASTOR of Florida, Mr. SERRANO, Mr. MCDERMOTT, Ms. BEAN, Ms. SCHAKOWSKY, Ms. MATSUI, Ms. HERSETH SANDLIN, Ms. EDWARDS of Maryland, Mrs. DAVIS of California, Ms. SUTTON, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Ms. SCHWARTZ, Mr. GRIJALVA, Mr. DEFazio, Ms. HIRONO, Mr. KILDEE, Mr. BOSWELL, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. COOPER, Mr. DINGELL, Mr. WEINER, Mrs. CHRISTENSEN, Mr. GONZALEZ, Mr. ORTIZ, Mr. MURPHY of Connecticut, Ms. GRANGER, Mr. LOEBACK, Mr. SCHIFF, Ms. WOOLSEY, Mr. ARCURI, Ms. GIFFORDS, Mr. BISHOP of New York, Ms. KILROY, Ms. ROYBAL-ALLARD, Mr. MASSA, Ms. MCCOLLUM, Ms. DEGETTE, Mrs. DAHLKEMPER, Mr. PIERLUISI, Mr. FARR, Mr. ISRAEL, Ms. FUDGE, Mr. COHEN, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. TANNER, Mr. HALL of New York, Ms. ZOE LOFGREN of California, Mr. BRALEY of Iowa, Mr. DELAHUNT, Mr. CHANDLER, Mr. ROSS, Mr. HONDA, Mr. ABERCROMBIE, Mr. ROTHMAN of New Jersey, Mr. THOMPSON of California, Mr. CLYBURN, Mr. SIREs, Mr. ENGEL, Mr. LYNCH, Mr. PASTOR of Arizona, Ms. LORETTA SANCHEZ of California, Mr. HASTINGS of Florida, Ms. TSONGAS, Mr. JACKSON of Illinois, Mr. RANGEL, Ms. ESHOO, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, Mr. NYE, and Mr. HARE):

H. Con. Res. 120. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. SMITH of Texas, Mr. SOUDER, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. DENT, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. OLSON, and Mr. AUSTRIA):

H. Res. 404. A resolution directing the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of documents relating to the Department of Homeland Security Intelligence Assessment titled, "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment"; to the Committee on Homeland Security.

By Mr. POMEROY:

H. Res. 405. A resolution commending the heroic efforts of the people fighting the floods in North Dakota; to the Committee on Transportation and Infrastructure.

By Ms. CASTOR of Florida (for herself, Mr. KENNEDY, Ms. BERKLEY, Ms. BALDWIN, Mr. GRIJALVA, Ms. SHEAPORTER, Mr. HINCHEY, Mr. BISHOP of

Georgia, Mr. McDERMOTT, and Ms. BORDALLO):

H. Res. 407. A resolution expressing support for designation of May as "National Asthma and Allergy Awareness Month"; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. SKELTON, Mr. WILSON of South Carolina, Ms. BORDALLO, Ms. SHEA-PORTER, Mr. JONES, Mrs. MCMORRIS RODGERS, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. WALZ, Ms. GIFFORDS, and Mr. BARTLETT):

H. Res. 408. A resolution recognizing the vital role family readiness volunteers play in supporting service members and their families; to the Committee on Armed Services.

By Mr. EHLERS:

H. Res. 409. A resolution celebrating the life of President Gerald R. Ford on what would have been his 96th birthday; to the Committee on Oversight and Government Reform.

By Mr. KLEIN of Florida (for himself, Mr. BROWN of South Carolina, Mr. TAYLOR, and Mrs. MILLER of Michigan):

H. Res. 410. A resolution recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States; to the Committee on Transportation and Infrastructure.

By Mr. MCCARTHY of California (for himself, Mr. McKEON, and Mr. COSTA):

H. Res. 411. A resolution supporting the goals and ideals of the Intermediate Space Challenge in Mojave, California; to the Committee on Education and Labor.

By Mr. MURPHY of Connecticut (for himself, Mr. CASTLE, Ms. DEGETTE, Ms. SLAUGHTER, Mrs. BIGGERT, Ms. MCCOLLUM, Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. COHEN, Mr. MASSA, Mrs. MALONEY, Ms. DELAULO, Mr. MORAN of Virginia, Ms. BALDWIN, Mr. KENNEDY, and Mr. RYAN of Ohio):

H. Res. 412. A resolution supporting the goals and ideals of a National Day to Prevent Teen Pregnancy; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. GORDON of Tennessee, Mr. HALL of Texas, Mr. LIPINSKI, Mr. EHLERS, and Mr. ROHRBACHER):

H. Res. 413. A resolution supporting the goals and ideals of "IEEE Engineering the Future" Day on May 13, 2009, and for other purposes; to the Committee on Science and Technology.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

39. The SPEAKER presented a memorial of the State Legislature of Alaska, relative to Legislative Resolve No. 6 Certifying that the State of Alaska requests and will use any funds provided to the state, a state agency, a municipality, or a political subdivision of the state under the American Recovery and Reinvestment Act of 2009; to the Committee on Appropriations.

40. Also, a memorial of the State Senate of Nevada, relative to Senate Joint Resolution No. 5 urging the President and Congress to continue to support the participation of the

Republic of China on Taiwan in the World Health Organization. (BDR R-1013); to the Committee on Foreign Affairs.

41. Also, a memorial of the 61st State Legislature of Washington, relative to House Joint Memorial 4014 memorializing the United States Congress to enact House Resolution 6922 of 2008 or substantially similar legislation that amends the small business act, provides low-interest loans to small businesses providing transportation services, and assists these small businesses in dealing with high motor fuel prices; to the Committee on Small Business.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. BUTTERFIELD and Ms. SCHWARTZ.

H.R. 23: Ms. VELÁZQUEZ, Mr. KIND, Ms. DEGETTE, Mr. HALL of New York, Mr. DENT, Mr. WELCH, Mrs. CAPITO, Mr. MURPHY of Connecticut, Mr. NYE, Mr. ROONEY, Ms. HARMAN, Mr. FARR, and Mr. WAXMAN.

H.R. 147: Mr. PASTOR of Arizona.

H.R. 179: Mr. GONZALEZ, Mr. ORTIZ, Mr. REYES, Mr. SIRES, and Mr. HOLT.

H.R. 197: Mr. CANTOR and Mr. DUNCAN.

H.R. 205: Mr. POSEY.

H.R. 211: Ms. SHEA-PORTER, Mr. ANDREWS, Mr. AL GREEN of Texas, and Mr. MILLER of North Carolina.

H.R. 233: Mr. DOGGETT and Ms. GIFFORDS.

H.R. 270: Mr. BISHOP of New York and Mr. SCOTT of Georgia.

H.R. 275: Mr. WITTMAN, Mr. WILSON of South Carolina, Mr. BARTLETT, Mr. CHAFFETZ, Mr. MOORE of Kansas, Mr. ROTHMAN of New Jersey, Mr. VAN HOLLEN, Mr. AKIN, Mr. FLEMING, Mr. DONNELLY of Indiana, Mr. NYE, Mr. LEE of New York, and Mrs. BIGGERT.

H.R. 391: Mr. ROGERS of Kentucky, Mr. HENSARLING, and Mr. POE of Texas.

H.R. 422: Mr. SMITH of Texas.

H.R. 430: Mr. CHAFFETZ.

H.R. 442: Mr. ADERHOLT, Mr. CANTOR, Mrs. LUMMIS, Mr. DUNCAN, and Mrs. HALVORSON.

H.R. 468: Mr. SESTAK.

H.R. 574: Mr. HINCHEY.

H.R. 620: Ms. KOSMAS.

H.R. 626: Mr. NADLER of New York.

H.R. 636: Mr. CASSIDY.

H.R. 653: Ms. DEGETTE and Mr. RYAN of Wisconsin.

H.R. 667: Mr. MILLER of North Carolina and Ms. DEGETTE.

H.R. 668: Mr. SMITH of Nebraska.

H.R. 669: Mr. WALZ.

H.R. 697: Mr. FILNER.

H.R. 721: Mr. ANDREWS.

H.R. 745: Mr. PETERS.

H.R. 750: Mr. SIRES, and Ms. WATSON.

H.R. 759: Mr. ROTHMAN of New Jersey.

H.R. 782: Mr. SCHOCK.

H.R. 783: Mr. SMITH of Texas.

H.R. 874: Ms. RICHARDSON.

H.R. 904: Mr. HOLDEN and Mrs. DAHL-KEMPER.

H.R. 916: Mr. BISHOP of Georgia, Mr. COURTNEY, and Mr. PETERS.

H.R. 932: Mr. SPACE, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MAFFEI.

H.R. 939: Mrs. BONO MACK.

H.R. 949: Mr. BRADY of Pennsylvania and Mr. OBERSTAR.

H.R. 950: Mr. LOEBSACK.

H.R. 959: Mr. MAFFEI and Mr. MASSA.

H.R. 1016: Ms. JENKINS and Mr. LEE of New York.

H.R. 1018: Mr. KUCINICH.

H.R. 1021: Mr. FARR.

H.R. 1030: Ms. BORDALLO.

H.R. 1053: Mr. BARTLETT.

H.R. 1079: Mr. MINNICK, Mrs. NAPOLITANO, Mr. HALL of New York, Mr. HARPER, and Mr. BOCCIERI.

H.R. 1101: Mr. GUTIERREZ.

H.R. 1126: Mr. CASTLE, Ms. FOXX, Mr. SIMPSON, Mr. PAUL, and Mr. ROGERS of Alabama.

H.R. 1177: Mr. BOSWELL.

H.R. 1185: Mr. MEEKS of New York.

H.R. 1190: Mr. KISSELL.

H.R. 1207: Ms. SCHAKOWSKY, Mr. LINDER, Mr. ADERHOLT, Mr. DAVIS of Kentucky, Mr. DENT, Mr. RADANOVICH, Mr. SCHOCK, Ms. HERSETH SANDLIN, Mr. AUSTRIA, and Mr. ADLER of New Jersey.

H.R. 1211: Mrs. MCCARTHY of New York, Mr. TIM MURPHY of Pennsylvania, Ms. SLAUGHTER, Mr. MCGOVERN, Mr. MCNERNEY, Mr. WITTMAN, and Mr. CONNOLLY of Virginia.

H.R. 1231: Mr. MEEKS of New York.

H.R. 1294: Mr. GOODLATTE.

H.R. 1308: Mr. MAFFEI, Mrs. KIRKPATRICK of Arizona, Ms. EDWARDS of Maryland, Mr. GRIMALVA, and Mr. MICHAUD.

H.R. 1330: Ms. CASTOR of Florida.

H.R. 1378: Ms. SUTTON.

H.R. 1392: Mr. BOREN, Mr. CLAY, and Ms. NORTON.

H.R. 1405: Mr. COSTA.

H.R. 1430: Mr. WAMP.

H.R. 1454: Mr. INGLIS, Mr. STARK, Mr. ALEXANDER, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mr. PAYNE, and Mr. PASTOR of Arizona.

H.R. 1458: Ms. DEGETTE.

H.R. 1470: Mr. PETERS and Mr. DENT.

H.R. 1479: Mr. MORAN of Virginia, Ms. WATSON, and Mr. RUSH.

H.R. 1509: Mr. HIMES.

H.R. 1521: Mr. THOMPSON of Pennsylvania, Mr. BISHOP of New York, Mr. ROONEY, Mr. SHIMKUS, and Mr. MARCHANT.

H.R. 1544: Mr. COURTNEY.

H.R. 1550: Mr. MCCOTTER and Mr. ROGERS of Michigan.

H.R. 1551: Mr. NADLER of New York, Mr. SABLON, Mr. HASTINGS of Florida, and Ms. BALDWIN.

H.R. 1552: Mr. HUNTER, Mr. PITTS, Mr. LAMBORN, Mrs. LUMMIS, Mr. MARCHANT, and Mr. POLIS of Colorado.

H.R. 1581: Mr. SESTAK.

H.R. 1585: Mr. HINCHEY, Mr. PRICE of North Carolina, and Mr. SCHIFF.

H.R. 1594: Mr. LIPINSKI.

H.R. 1614: Mr. FARR and Mr. PLATTS.

H.R. 1622: Mr. LUCAS.

H.R. 1633: Ms. DEGETTE and Mr. SCOTT of Georgia.

H.R. 1640: Mr. KUCINICH and Mr. JACKSON of Illinois.

H.R. 1671: Mr. COURTNEY, Mr. MCCOTTER, and Mr. CARSON of Indiana.

H.R. 1678: Mr. MCCOTTER.

H.R. 1700: Ms. BALDWIN.

H.R. 1702: Mr. BLUMENAUER, Mr. FATTAH, and Mr. WEXLER.

H.R. 1708: Mr. RUSH.

H.R. 1721: Mr. DOYLE.

H.R. 1744: Mr. MCHENRY, Mr. ANDREWS, Ms. HERSETH SANDLIN, and Mr. SCOTT of Georgia.

H.R. 1764: Mr. STARK.

H.R. 1774: Mr. INSLEE.

H.R. 1775: Mr. LUJAN.

H.R. 1778: Mr. BISHOP of New York, Mr. HOLT, Mr. FILNER, Ms. BORDALLO, Mr. WEXLER, and Mr. ROSS.

H.R. 1787: Ms. ESHOO.

H.R. 1792: Mr. COURTNEY.

H.R. 1826: Mr. HINCHEY and Ms. DELAULO.

H.R. 1836: Mr. SIMPSON and Mr. KAGEN.

H.R. 1842: Mr. HARPER.
 H.R. 1847: Mr. TERRY.
 H.R. 1869: Mr. STARK, Mr. CONNOLLY of Virginia, Ms. MCCOLLUM, Mr. FILNER, and Mr. PETERS.
 H.R. 1870: Mr. COHEN and Mr. HOLT.
 H.R. 1877: Ms. SCHAKOWSKY and Mr. SIRES.
 H.R. 1879: Mr. FILNER and Mr. LOBIONDO.
 H.R. 1881: Mr. BRADY of Pennsylvania, Mr. LUJÁN, Mr. ACKERMAN, and Mr. ENGEL.
 H.R. 1903: Mr. SESSIONS.
 H.R. 1910: Mr. PIERLUISI.
 H.R. 1912: Mr. PIERLUISI.
 H.R. 1934: Mr. VAN HOLLEN, Ms. BORDALLO, Mr. SIMPSON, Mr. SARBANES, Mr. ISRAEL, Mr. RUPPERSBERGER, Mr. BISHOP of Utah, and Mr. LOBIONDO.
 H. R. 1941: Ms. GIFFORDS and Mrs. LUMMIS.
 H.R. 1944: Mr. DAVIS of Alabama.
 H.R. 1956: Mr. SMITH of Texas.
 H.R. 1967: Mr. MCCOTTER.
 H.R. 1980: Mr. GALLEGLY, Mr. LAMBORN, and Ms. CORRINE BROWN of Florida.
 H. R. 1989: Mr. DAVIS of Tennessee.
 H.R. 2001: Mr. GONZALEZ and Mr. MCHUGH.
 H.R. 2006: Mr. KIND.
 H.R. 2017: Mr. FILNER.
 H.R. 2026: Mr. CRENSHAW.
 H.R. 2028: Mr. GUTHRIE.
 H.R. 2036: Mr. CONNOLLY of Virginia.
 H.R. 2058: Mr. ROE of Tennessee and Mr. BRADY of Pennsylvania.
 H.R. 2060: Mr. POLIS of Colorado.
 H.R. 2077: Ms. SUTTON, Mr. COSTELLO, and Ms. DELAURO.
 H.R. 2083: Mr. MCCLINTOCK, Ms. FALLIN, Ms. FOXX, Mr. MCKEON, Mr. POSEY, Mrs. LUMMIS, Mr. BROUN of Georgia, and Mr. BISHOP of Utah.
 H.R. 2097: Mr. EDWARDS of Texas, Mr. RANGEL, and Ms. CORRINE BROWN of Florida.
 H.R. 2101: Mr. LOEBSACK and Ms. PINGREE of Maine.
 H.R. 2105: Mr. GERLACH.
 H.R. 2106: Mr. GERLACH.
 H.R. 2110: Mr. CHAFFETZ.
 H.R. 2123: Mr. SHUSTER, Mr. HOLDEN, Mr. HINCHEY, and Ms. SCHWARTZ.
 H.R. 2169: Mr. CHAFFETZ.
 H.R. 2172: Mr. CONNOLLY of Virginia and Mr. COBLE.
 H.R. 2182: Mr. LYNCH.
 H.R. 2192: Mr. INSLEE.
 H.R. 2194: Mr. GENE GREEN of Texas, Mr. LATOURETTE, Mr. MARCHANT, Mr. GERLACH, Mr. BISHOP of Utah, Mr. SOUDER, Mr. PAULSEN, Mr. SULLIVAN, Mr. GORDON of Tennessee,

Mr. TIBERI, Mr. CULBERSON, Mr. KING of New York, Mr. QUIGLEY, Mr. BACA, Mrs. MYRICK, Mr. POE of Texas, Mr. FILNER, Mr. MORAN of Kansas, Mr. BUCHANAN, Ms. FOXX, Mrs. MILLER of Michigan, Mr. LAMBORN, Mrs. SCHMIDT, Mr. LOBIONDO, Ms. FALLIN, Mr. SENSENBRENNER, Mr. BACHUS, Mr. DENT, Mr. COOPER, Mr. WAXMAN, and Mr. PALLONE.
 H.R. 2197: Ms. FALLIN.
 H.R. 2198: Mr. GERLACH and Mr. SOUDER.
 H.R. 2203: Mr. HINOJOSA and Mr. BURTON of Indiana.
 H.R. 2220: Mr. TOWNS.
 H.R. 2223: Mr. COSTA, Mr. MCHUGH, Mr. EDWARDS of Texas, and Mr. WEXLER.
 H.R. 2245: Mr. GORDON of Tennessee, Ms. GIFFORDS, Mr. HALL of Texas, Mr. OLSON, Ms. KOSMAS, and Mr. POSEY.
 H.R. 2251: Ms. SCHWARTZ.
 H. Con. Res. 48: Mr. HOLT.
 H. Con. Res. 84: Mr. MARSHALL.
 H. Con. Res. 102: Mrs. MCCARTHY of New York.
 H. Con. Res. 105: Ms. BORDALLO, Mr. BROWN of South Carolina, Mr. PIERLUISI, Mr. GRIJALVA, Mr. ROGERS of Kentucky, Mr. PAYNE, Ms. BERKLEY, and Mr. POSEY.
 H. Con. Res. 110: Mr. UPTON.
 H. Res. 57: Mr. PIERLUISI.
 H. Res. 81: Mr. SMITH of Washington.
 H. Res. 111: Mrs. EMERSON, Mr. GUTHRIE, Mr. GUTIERREZ, and Mr. MORAN of Kansas.
 H. Res. 185: Mr. NYE.
 H. Res. 192: Ms. DEGETTE, Mr. EHLERS, Mr. BILBRAY, Mr. HONDA, Mr. MILLER of North Carolina, Mr. HINOJOSA, Mr. COSTELLO, Mr. LEWIS of Georgia, Mr. YOUNG of Alaska, Ms. GRANGER, and Ms. JACKSON-LEE of Texas.
 H. Res. 196: Mr. WESTMORELAND, Ms. BORDALLO, Mrs. CAPITO, Mr. BROWN of South Carolina, Mr. SHUSTER, Mr. MACK, and Ms. DELAURO.
 H. Res. 232: Mr. SOUDER, Mr. FLEMING, Mr. GARRETT of New Jersey, Mr. EHLERS, and Mr. KLINE of Minnesota.
 H. Res. 259: Mr. BUCHANAN, Mr. BARRETT of South Carolina, Mr. MORAN of Kansas, Mr. POSEY, Mr. GARRETT of New Jersey, Mr. WALZ, Mr. STEARNS, Mrs. TAUSCHER, Mr. FILNER, Mr. BUYER, Mrs. McMORRIS RODGERS, Mr. ORTIZ, Mr. INGLIS, Ms. FALLIN, Mr. CONAWAY, and Mr. REICHERT.
 H. Res. 274: Mr. TERRY, Mr. BURGESS, Mr. PLATTs, Mr. EHLERS, Mr. CARSON of Indiana, Mr. FARR, and Ms. GRANGER.
 H. Res. 309: Mr. LAMBORN.
 H. Res. 350: Mr. FATTAH, Mrs. CAPITO, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. SOUDER, and Mr. AL GREEN of Texas.

H. Res. 362: Mr. GUTIERREZ, Mr. BLUMENAUER, Ms. BERKLEY, Mr. LUJÁN, Mr. McDERMOTT, Ms. MCCOLLUM, Mr. FATTAH, Mr. BOCCIERI, and Mrs. DAHLKEMPER.

H. Res. 374: Mr. THOMPSON of California, Mr. HARPER, Mr. BARTLETT, Mr. GERLACH, Mr. BURGESS, Mr. FORTENBERRY, Mrs. McMORRIS RODGERS, Mr. ARCURI, Mr. CONNOLLY of Virginia, Ms. NORTON, and Mr. JONES.

H. Res. 375: Mr. BISHOP of New York and Mr. SERRANO.

H. Res. 378: Mr. PIERLUISI, Mr. BURGESS, and Mr. LATTI.

H. Res. 387: Mr. CONNOLLY of Virginia and Mr. BOYD.

H. Res. 388: Mr. TIAHRT and Mr. CANTOR.

H. Res. 390: Mr. SHUSTER, Mr. ROONEY, Mr. TERRY, Mr. HENSARLING, Mr. BURTON of Indiana, Mr. SHIMKUS, Mr. MCCARTHY of California, Mr. BROUN of Georgia, Ms. FOXX, Mr. SESSIONS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MOORE of Kansas, Mr. ROGERS of Michigan, Mr. NADLER of New York, Mr. WESTMORELAND, Mr. ROHRBACHER, Mr. CANTOR, Mrs. LUMMIS, and Mr. POE of Texas.

H. Res. 397: Mr. CULBERSON, Mr. PAUL, Mr. WITTMAN, Mr. ALEXANDER, Mr. SOUDER, Ms. FALLIN, and Mr. TIAHRT.

H. Res. 399: Mr. BACA, Ms. KILPATRICK of Michigan, Ms. GIFFORDS, Ms. BORDALLO, and Ms. HIRONO.

H. Res. 401: Mr. ACKERMAN, Mr. TURNER, Mr. POLIS of Colorado, Mr. SCALISE, Mr. SMITH of New Jersey, and Mr. TOWNS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FRANK of Massachusetts, or a designee, to H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

HONORING THE CORAM FIRE DEPARTMENT ON ITS 80TH ANNIVERSARY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. BISHOP of New York. Madam Speaker, I rise today to honor the members of the Coram Fire Department on the 80th anniversary of its founding. Like all of Long Island's volunteer fire services, the Coram firefighters reflect the best of the American spirit: bravery, loyalty, and commitment to public service.

As Coram has grown over the past 80 years, its fire department has expanded and enhanced its services to meet the needs of the community. Operating from three firehouses, the department offers firefighting, EMS and rescue services to nearly 55,000 area residents.

Mr. Speaker, as my primary district office is located in Coram, I deeply appreciate the firefighters' commitment to protecting my second home. On behalf of my staff and the residents of Coram, I offer my thanks and best wishes as the department continues its tradition of service for many years to come.

HONORING JOHN BUCK OF NEW BLOOMINGTON, OHIO, 2009 ENVIRONMENTAL STEWARDSHIP AWARD RECIPIENT

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House John Buck of New Bloomington, Ohio. John is among this year's recipients of the Environmental Stewardship Award, given by the Ohio Livestock Coalition in partnership with the Ohio Pork Producers Council.

The Environmental Stewardship Award program acknowledges superior conservation techniques among our Nation's livestock producers, who already take the lead in responsible land use practices. For nearly twenty years, winners have been recognized for their dedication to promoting air and water quality and protecting fish and wildlife habitats while operating successful and profitable livestock businesses. This commitment is especially important in Ohio, where one in every seven jobs is directly linked to our state's \$100 billion agriculture industry.

John was recognized for his achievement at the 2009 Ohio Livestock Coalition's annual meeting on April 6. I am honored to add my congratulations to those of producers from throughout Ohio on this achievement. John's

commitment to responsible stewardship is a fine example to landowners across the State and Nation.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. JOHNSON of Illinois. Madam Speaker, on May 4, 2009, I was unable to cast my votes on H. Res. 230 and H. Con. Res. 111 and wish the record to reflect my intentions had I been able to vote.

Had I been present for Roll Call No. 229, on suspending the Rules and passing H. Res. 230, Recognizing the historical significance of the Mexican holiday of Cinco de Mayo, I would have voted "yea."

Had I been present for Roll Call No. 230, on suspending the Rules and passing H. Con. Res. 111, Recognizing the 61st anniversary of the Independence of the State of Israel, I would have voted "yea."

STATEMENT ON THE 100TH BIRTHDAY OF MARIE WILKINSON

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. FOSTER. Madam Speaker, today I rise today to acknowledge the 100th birthday of Mrs. Marie Wilkinson.

A true living legend, Marie Wilkinson has spent a lifetime giving to others and her community.

Today I thank Marie Wilkinson for all her service to the city of Aurora and wish her a very happy birthday. It is an honor to celebrate such a momentous day and a remarkable life.

For more than six decades Marie Wilkinson has fought injustice and given voice to those most in need. Her activism has reached well beyond the local level to benefit countless across the state. In the late 1940s Mrs. Wilkinson won a case before the Illinois State Appellate Court that resulted in the integration of area restaurants. Through the Human Relations Commission she founded in 1964, Mrs. Wilkinson is credited with enacting the first Fair Housing Ordinance in Illinois.

Unyielding determination and a deep love of people have kept Marie Wilkinson going. Her work has led to the founding of more than 60 charitable organizations including Hesed House Homeless Shelter, Feed the Hungry Program, Breaking Free Drug Program, Catholic Social Action Conference, Sci-Tech Youth Science Museum, and the Quad County Urban League.

I ask my colleagues to please join me in recognizing Marie Wilkinson's 100th birthday, and celebrating her commitment to the betterment of community and humanity.

RECOGNIZING NURSING STAFF AT EL RIO COMMUNITY HEALTH CENTER

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. GRIJALVA. Madame Speaker, I rise today to recognize the nursing staff at El Rio Community Health Center in Tucson, AZ.

This week, we celebrate National Nurses Week, to honor the men and women that care for us in some of our hardest moments. I am humbled to recognize the nurses of El Rio who endure so much for the health of our community.

From its beginning, El Rio has had a strong community base which comes from advocating and working to ensure that quality and affordable health care were provided to underrepresented communities in the late 1960s. Today, it is among the largest community health centers in Southern Arizona.

The legacy of quality and affordable health care continues at El Rio, because of the sacrifice and commitment of its nurses.

El Rio nurses are often the unsung heroes; they are protective of their patients, are selfless in the care they provide, and are in tune with the needs of the patient. This is just what we see as patients or family of loved ones.

Behind the scenes and off the clock, El Rio nurses are constantly training or researching the newest techniques, health trends, nurse education, or how to provide culturally and ethnically competent care. They do this so that their patients can have the most up-to-date and personal care.

This year, Congress is preparing to undertake health care reform, a debate that is decades old to which we will hopefully find solutions. The work by El Rio nurses are actions and principles that my colleagues and I should embrace as we move forward on this important debate. El Rio nurses are committed to the idea that each patient deserves respect, receives quality care, and is part of the community. If we could replicate their concern, passion, energy, and success, our country's system would provide the quality health care we all hope to attain.

Words are not strong enough to thank the nurses at El Rio on behalf of their dedication, sacrifice, and work for a better future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HARRY FRANCIS CUNNINGHAM,
JR.

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. TERRY. Madam Speaker, it is my honor today to recognize the 10th anniversary of the death of Harry Francis Cunningham, Jr., a patriotic American, a great Nebraskan and an unsung hero.

Harry Francis Cunningham devoted 31 years to the U.S. Foreign Service, serving in posts in Hungary, Spain, Germany, Vietnam, Sweden, Norway, Finland, and Canada during the tumultuous times of 1938–1969. During that time, Mr. Cunningham was personally responsible for the safety and survival of many families. At the tender age of 25, Mr. Cunningham was able to accomplish feats only achieved by real heroes, and through his noble actions, countless Jewish lives were saved.

One example of Mr. Cunningham's many accomplishments is the story of Mr. Zoltan Roth and Mrs. Elizabeth Foldes, two people that he helped escape Hungary just before the onslaught of World War II.

Both Zoltan and Elizabeth were graduate medical students seeking to escape Europe for America and facing dire circumstances. Both were brilliant students, but were banned by Hungarian medical school quotas against Jews. Instead, both graduated with honors from their respective schools, Zoltan from the University of Bologna in Italy and Elizabeth from Charles Medical University in Prague.

Upon her graduation, Elizabeth had been accepted at Columbia University in New York City to do graduate studies. She and Zoltan were about to be married, and wanted to come to America together. When she arrived at the American Embassy in Budapest, however, she learned for the first time that her student visa was unattainable. Six years before, her mother had, without Elizabeth's knowledge or consent, signed her up for permanent residency status and this had nullified the student visa process. A person applying for a student visa could not have signaled a desire to remain permanently. Their plight looked hopeless. They made an appointment, again at the American Embassy in Budapest, this time, fortuitously, being assigned to a Foreign Service Officer, who turned out to be Harry Francis Cunningham, Jr., 25 years old and on his first post. Creatively, Mr. Cunningham readjusted their visas giving Zoltan Roth, Elizabeth's permanent visa that she had not known about, as well as a quota number so he could leave Hungary within the next couple of months, freeing up her student visa application for her, and allowing them both entry into the United States.

Because of his kindness and creativity, Elizabeth and Zoltan came to the United States, each practicing medicine in Reading, Pennsylvania for over 50 years, they were generous philanthropists and community citizens. They raised three daughters who have been teachers, professors, authors, lecturers and leaders in the world-wide medical support community.

This was just one example of how Mr. Cunningham was able to assist refugees after

the war by providing them safe entry into America to start new and productive lives.

Mr. Cunningham received a bachelor's of arts degree from the University of Nebraska-Lincoln in 1933 and was awarded an UNL Alumni Achievement award in 1984. He was a former trustee of the Nebraska State Historical Society Foundation and the UNL Alumni Association. He served on the Bishop's committee and was a church warden at St. Mark's Campus Episcopal Church.

Mr. Cunningham comes from a strong Nebraskan family as well. His father, Col. Harry Cunningham, took over the Nebraska State Capitol project after the death of Bertram Grosvenor Goodhue. He is survived by 11 grand children and 8 great grand children, several of which are still living in Nebraska.

Many families owe their survival, and the lives of their children and grandchildren, to Mr. Cunningham. So it is my true honor to remember this unsung hero here today.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PASCRELL. Madam Speaker, I want to state for the record that on May 5th I was in my district attending the funeral of my Aunt Julia Taglibue Monda who recently passed away at the age of 96, and I therefore missed the three rollcall votes of the day.

Had I been present I would have voted "yea" on rollcall vote No. 231, on Motion to Suspend the Rules and Agree—H. Res. 299—Expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009, and throughout the year.

Had I been present I would have voted "yea" on rollcall vote No. 232, on Motion to Suspend the Rules and Agree—H. Res. 338—Supporting the goals and ideals of National Community College Month.

Lastly, had I been present I would have voted "aye" on rollcall vote No. 233, on Motion to Suspend the Rules and Agree—H. Res. 353—Supporting the goals and ideals of Global Youth Service Days.

BOSWELL ENGINEERING

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. ROTHMAN. Madam Speaker, I rise today to recognize the achievements of Boswell Engineering. In 1924, the late David C. Boswell recognized the need for engineering expertise in a world that was expanding and developing at a lightening-fast pace. It was then, in Ridgefield Park, NJ, that he founded Boswell Engineering. His leadership provided the solid foundation upon which the company is built.

Family ownership continued as both of David C. Boswell's sons—the late Howard L. Boswell, Sr. and David J. Boswell—became the second generation to own and operate the firm, each making his unique contribution toward establishing Boswell as a full-service engineering company. The company's third generation of family ownership and management headed by Stephen Boswell who together with his brothers Bruce and Kevin are presently providing the leadership for continuation and expansion of the superb quality of service and high standard of excellence Boswell is known for in the engineering community.

Through the company's fine history of engineering accomplishments—from a two-man field office concentrating on surveying and civil engineering to a 250 person multi-disciplined engineering firm serving numerous public sector clients at all levels of government, Boswell continues to play a major role in the structuring of the future and improving the quality of life for the cities, towns and counties with which it is associated.

Today, as the fourth generation is now actively engaged at the family owned business, Boswell Engineering, which has been headquartered in Bergen County since it's founding in 1924, looks forward to maintaining a reputation for excellence by continuing to provide superb engineering services envisioned by its founder 85 years ago.

STATEMENT IN SUPPORT OF THE
UNITED STATES PATENT AND
TRADEMARK OFFICE'S (USPTO)
NATIONAL TRADEMARK EXPO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to express my support of the United States Patent and Trademark Office's (USPTO's) National Trademark Expo. In a time of great challenges for the American and global economy, I want to join the USPTO in its efforts to recognize the vital role trademarks play in the economy.

The 2008 National Trademark Expo was a great success and was attended by more than 7,000 from the trademark community as well as the public at large. This year's 2-day event will be held on Friday, May 8th, from 10 a.m. to 6 p.m., and Saturday, May 9th, from 10 a.m. to 4 p.m. at the USPTO headquarters in Alexandria, Virginia. The purpose of the Expo is to educate the public about the value and important role trademarks play in our society and the global marketplace.

Trademarks are words, names, symbols, sounds, or colors that identify and distinguish the goods and services of one party from those of others. The Trademark Expo will highlight the different types of trademarks including trademarks that identify shapes and configurations of products, century-old registered trademarks, the historical evolution and transformation of trademarks, and the history of people behind certain trademarks.

The USPTO campus will turn into a "Trademark Theme Park" featuring company booths,

themed displays, costumed characters, and inflatables. Additions to this year's Trademark Expo include guided tours, activities for children, and educational lectures on anti-counterfeiting, how to file a trademark, and "Trademarks 101." A large cast of costumed characters masquerading to tunes played by the United States Air Force Band's brass quintet promise a festive introduction for speakers at this year's opening ceremony.

During the Trademark Expo, costumed trademarked characters that the public has come to associate with particular goods and services, including the Pillsbury Doughboy®, Sprout®, Hershey's Kisses®, Maisy®, Curious George®, Peter Rabbit®, Energizer Bunny®, Mr. Jelly Belly®, and The Grinch®, among others, will parade about the USPTO campus, and large inflatable characters, including The Cat in the Hat®, Thomas the engine from Thomas & Friends®, and Green Giant®, will decorate the grounds. Costumed characters in the shape of crayons from Crayola®, displayed in a spectrum of colors, will escort children through the educational activities including a story time featuring literary trademarked characters sponsored by Hooray for Books!, a local children's bookstore. The Hershey's Kissmobile® and a UPS® truck will help tell the story of the prevalence of trademarks in our daily lives and their value as source indicators.

On average, people are exposed to 1,500 trademarks each day and more than 30,000 if they make a trip to the grocery store. In a time of globalization, counterfeit goods pose an increasing threat to American businesses, and trademarks assist the public in discerning between authentic and counterfeit merchandise.

Some of America's leading large corporations, small businesses with unfolding success stories, governmental agencies, and non-profit corporations will highlight the various types of trademarks and the benefits of Federal trademark registration. The exhibitors include Bridgestone Corporation, Burberry Limited, Callaway Golf Company, CMG Worldwide, Inc., Fred Gretsche Enterprises/The Bigsby Company, Galaxy Systems, Inc., International Trademark Association (INTA), Internet Keep Safe Coalition, The Hershey Company/Hershey Chocolate & Confectionery Corporation, The Pepsom Group, Inc., The Travelers Companies, Inc., United Parcel Service of America, Inc., Urangatang Web Design, LLC, U.S. Air Force, and U.S. Department of Energy.

The Trademark Expo will emphasize the essential role the USPTO plays in reviewing applications for trademarks and issuing federal trademark registrations. An award-winning leader in handling electronic filings, the USPTO will also showcase its electronic trademark application system.

During these uncertain economic times, I applaud the USPTO for its continued efforts to educate the public on the role of trademarks through the National Trademark Expo. I urge my colleagues to join me in recognizing the USPTO, at this time when trademark protection and intellectual property rights play an increasingly important role in our global economy.

MOMMA HARRIS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. POE of Texas. Madam Speaker, in recognition of this Mother's Day, I rise to honor a special mother and grandmother, Sandra L. Harris—or Momma Harris as she is more affectionately known.

Sandra grew up in Cartersville, GA where she spent a good bit of time up on Red Top Mountain State Park. From a young age Sandra knew the value of a day's pay as she worked in the concession stand and as a life-guard at the park.

Sandra would later meet Charles Harris from Cassville, GA and the two would become married. Sandra relocated with him to San Antonio and Wichita Falls, TX while he served in the military. In her personal career Sandra has worked in various occupations through the years including a bank teller and salesperson, but her passion lies in the real estate business where she has been quite successful.

After leaving Texas and moving back to Georgia Sandra had two sons, Chuck and James Harris. Momma Harris has taught her boys work ethic, faith, and the strength and character only a southern woman can instill into her sons. In addition to her two sons, Sandra has a vibrant grandson who she loves deeply, Wyatt Harris, who calls her Granny Harris.

Momma Harris is a woman of deep love, faith, and generosity. She is the type of person that anyone could hope to have for a mother. You can just ask anyone in Cartersville, GA and they will tell you that Sandra Harris will leave a lasting impression on anyone that spends just a few minutes around her.

Madam Speaker, I would like to wish the best to Sandra Harris, and thank her for representing the ideals of a loving and supporting mother on this Mother's Day. Let her commitment to her family serve as an example to us all. Sandra is a great American and I wish her a very happy Mother's Day with many more to come.

And that's just the way it is.

COMMENDING THE MIDLAND
NORTHSTARS PEE HOCKEY TEAM
HOCKEY TEAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. CAMP. Madam Speaker, I rise today to commend the team members of the Midland Northstars Pee Wee AA hockey team on winning the USA Hockey Tier II 12-and-under Youth Nationals on Sunday, April 5, 2009. They have represented the state well with their perseverance and athleticism, and we are very proud of their national accomplishments.

The Northstars' 6-3 win over the East Coast Eagles of Raleigh, NC completed a six-game unbeaten run through the national tournament.

The Northstars—a travel team from the Midland Amateur Hockey League located in my district, outscored their opponents 36-7 in the five-day national tournament.

Team members include Turner Anderson, Tyler Angers, Samuel Brushaber, Drake Cernul, Cam Fisher, Andrew Healey, Matthew Lee, Michael Leslie, Jacob Mackie, Travis McNally, Zachary Paisley, Steven Roberts, Joshua Ruthig, Derek Striker, Jacob Swartz, Brandon Veihl, Colin Walters. The team is Coached by Gregory Walters, assisted by Scott Cernul, John Hollingsworth, Terry McNally, and James Roberts. The team manager is Kent Striker. The Northstars are also two-time Michigan state champions.

I am honored today to recognize the Midland Northstars Pee Wee AA team for their accomplishments, and congratulate them on their outstanding performance.

HONORING TAYLOR COURTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Taylor Courter a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 66, and in earning the most prestigious award of Eagle Scout.

Taylor has been very active with his troop participating in many scout activities. Over the many years Taylor has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Taylor Courter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING 100 YEARS OF
SERVICE BY THE BUFFALO AUDUBON SOCIETY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. HIGGINS. Madam Speaker, I rise to commend and congratulate the Buffalo Audubon Society on the occasion of their centennial of exemplary service to the communities of Western New York and New York State.

Established in 1909, the Buffalo Audubon Society is the oldest Audubon chapter in New York State and one of the four oldest Audubon Chapters in the United States serving the counties of Erie, Wyoming, Niagara, Orleans, Genesee and portions of Chautauqua, Cattaraugus and Allegany.

This outstanding organization is a membership-based not-for-profit that provides an invaluable contribution to our community as it continues to promote the enjoyment and appreciation of the natural world through education and stewardship.

Its educational experience credentials remain exemplary as The Buffalo Audubon Society provides nature and environmental education to as many as 35,000 children and adults each year through classroom presentations, field trips, workshops, festivals, and excursions and has inspired a deeper appreciation of nature among hundreds of thousands of children and adults over the last century.

The Buffalo Audubon Society's stewardship is best exemplified by its ownership and maintenance of six nature preserves in Western New York, whose total acreage exceeds 1,000 acres, including Beaver Meadow Audubon Center, the most active nature education center in upstate New York.

The Buffalo Audubon Society is and will remain a leader in building partnerships and collaborations with other environmental nonprofits, state and local governments, and businesses throughout the region to affect positive changes in the natural environment of Western New York.

Tonight, the community will come together for a Centennial Gala at the Buffalo Zoo celebrating a century of nature education, environmental advocacy and accomplishments. I am pleased and proud to ask that my colleagues join with me in adding the congratulations of the United States House of Representatives and extending our deepest appreciation for 100 years of caring for the environment.

We also add best wishes to the Buffalo Audubon Society for every success in its next century of service as it continues its dedication to work as a strong and effective voice for the protection of natural wonders and environmental quality in Western New York.

CONGRATULATIONS TO JACK
LEONHARDT, MAYOR OF THE
CITY OF WINDCREST

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. SMITH of Texas. Madam Speaker, today I want to congratulate Mayor Jack Leonhardt on the occasion of his retirement as Mayor of the City of Windcrest.

First elected Mayor of Windcrest on May 5, 2001, Mayor Leonhardt has been consecutively elected to four terms. He announced his retirement in May 2009. As Mayor, he served as Chairman of the Alamo Area Council of Governments, President of the Texas Municipal League Region 7, Treasurer of the Greater Bexar Council Council of Cities and was appointed by Mayor Phil Hardberger and Judge Nelson Wolff to the Transportation Task Force.

Mayor Leonhardt is a member of the Windcrest Lions Club, the Windcrest Optimist Club, the Northeast Partnership, the Greater Randolph Chamber of Commerce, and serves as an elder at John Calvin Presbyterian Church. He also served in the United States Air Force from 1966 until 1987 when he retired as Lieutenant Colonel.

He is married to Barbara and has two daughters, Jacqueline Denham and Joanne Brickson, as well as four grandchildren.

He has done an exceptional job as Mayor and we are all grateful for his service to his community.

ROBERT KNISELY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today in remembrance of Robert Knisely, a friend to all of Nebraska and a man whose philanthropy over the years—many times anonymous in nature—will be missed.

Born in Shubert, Nebraska, Bob served our country honorably during World War II, captaining B-17 and B-29 bombers in the U.S. Army Air Corps.

After the war, Bob founded Midwest Construction Company which became a nationally recognized heavy construction contractor for more than 56 years. He did not rest on his laurels, instead earning a reputation for a man who loved and lived his work. He returned this success to the State of Nebraska not only through private philanthropy, but also by working to make our State a better place.

Bob's strength was his ability to tap into the humor, empathy and charm which made him well-liked by everyone who knew him.

A driven man, a passionate Husker fan, and a loving husband, father and grandfather, Bob will be missed. My thoughts and prayers remain with his family.

ASIAN PACIFIC AMERICAN
HERITAGE MONTH

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. WU. Madam Speaker, I rise today to recognize May as Asian Pacific American Heritage Month, a time when we reflect on the contributions that Asian Pacific Americans have made to our country.

I would specifically like to take this opportunity today to speak briefly about the Asian Pacific American community and a topic close to my heart: organ donation. April was "Donate Life Month," and my colleague, Mr. COSTA, one of the co-chairs of the Congressional Organ and Tissue Caucus, spoke eloquently about the need for everyone, particularly those in ethnic minority communities, to become organ donors and to inform their families of this important decision.

Organ and tissue donation is a topic that requires specific, culturally sensitive information to be provided to the Asian Pacific American community in order to get past the fear and cultural stigma associated with donation.

According to the Department of Health and Human Service's Office of Minority Health, the need for transplants is unusually high among some ethnic minorities. Some diseases of the kidney, heart, lung, pancreas, and liver that can lead to organ failure are found more frequently in ethnic minority populations than in

the general population. For example, Asian and Pacific Islanders, along with African Americans and Hispanics, are three times more likely than Caucasians to suffer from kidney disease. Some of these diseases are best treated through transplantation; others can only be treated through transplantation.

Successful transplantation is often enhanced by using organs from members of the same racial and ethnic group. Generally, people are genetically more similar to people of their own ethnicity or race than to people of other races. Therefore, matches are more likely and timelier when donors and potential recipients are members of the same ethnic background.

Minority patients may have to wait longer for matched kidneys and therefore maybe be sicker at the time of transplant or may die waiting. Currently there are 7,108 Asian Pacific Americans on organ donor waiting lists. While Asians represent 6.4 percent of the current wait list, only 3.1 percent of organs donated in 2008 came from Asians. With more donated organs from minorities, matches will be found more quickly and the waiting time will be reduced.

I look forward to working with my colleagues to recognize the contributions of Asian Pacific Americans around the country who are addressing this problem. I am deeply grateful for people like Cammy Lee, who started the Cammy Lee Leukemia Foundation to help find matches for bone marrow transplants, and Dr. Samuel So of the Stanford Asian Liver Center and the Jade Ribbon Campaign, whose work addresses the high incidence of hepatitis B and liver cancer in Asians and Asian Americans through education and treatment.

Together as a country we recognize Asian Pacific American Heritage month, and together we can help increase the rate of organ and tissue donation within the Asian Pacific American community, as well as other ethnic minority communities.

INTRODUCING THE FAIR FUNDING
FOR SCHOOLS ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Ms. HIRONO. Madam Speaker, I rise today to reintroduce the Fair Funding for Schools Act, which reauthorizes and improves the Impact Aid program. Impact Aid benefits millions of American students attending elementary and secondary schools in every state in the country. Through this program, the federal government does the right thing by reimbursing local school districts for lost tax revenue due to federal lands within the borders of their districts and the number of military-connected students in the district.

The majority of public school funding in America comes from local property taxes. Unfortunately, this vital funding stream is drastically reduced in school districts where the federal government controls part of the land in the district. For instance, the many U.S. military bases located in Hawaii take up a vast amount of space and house large populations,

but these bases do not generate local property taxes. In other states, large national parks and forests, federal prisons, and Indian lands all similarly decrease local property tax revenue. Left uncorrected, this loss of revenue would leave the children living in these areas with a second class education, funded by substantially fewer dollars than their peers living in areas with no federally impacted land.

In 1950, Congress recognized the need to address this inequity and created Impact Aid, a program by which we provide additional federal dollars to school districts feeling this financial strain.

Impact Aid is one of the most effective programs run by the Department of Education because it sends money directly to local school districts with very few strings attached. Just like the property tax revenue it replaces, Impact Aid dollars can be used to fund the most essential needs identified by the school district—textbooks, computers, utilities, and salaries, for instance. Many districts rely heavily on this money, and without it their students would be shortchanged. Therefore, we must reauthorize this program.

Even great programs need to be tweaked every so often, and this Fair Funding for Schools Act makes necessary changes in Impact Aid. The bill addresses the effects of military base realignment and troop redeployment by allowing Impact Aid payments to be calculated using current student counts instead of prior year data. This change will allow districts receiving an influx of new military families to receive their Impact Aid dollars in a timely manner.

The Impact Aid law also has become overly complicated during its 59-year history. This bill simplifies the law by eliminating some outdated provisions that added unnecessary complications. It also maintains the program's traditional focus on need, whereby payments to school districts are calculated based on the percentage of the budget lost due to federal actions and on the number of federally connected children in a district.

Madam Speaker, this is a vitally important bill for Hawaii and for many school districts across the country. The students most impacted are often from families serving in our military. Given the sacrifices we ask of military families, they deserve nothing less than the best education for their children. This bill will take us in that direction, and I urge my colleagues to join me in supporting it.

RECOGNIZING THE 50TH ANNIVERSARY OF THE FOUNDING OF THE LONGWOOD SCHOOL DISTRICT

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. BISHOP of New York. Madam Speaker, I rise today to recognize the 50th anniversary of the founding of Longwood School District, which unites four central Long Island hamlets under a single purpose: providing a top quality education to the children of our community.

The first recorded area schoolhouse was established in Coram, New York, in 1811,

nearly a century after permanent European settlement in the area known as "The Plains" due to its inland location. Division of the area into separate school districts soon followed, and schoolhouses for primary education proliferated. In 1959, local school boards moved to consolidate the schools in order to better serve area students, selecting the name of Longwood from a centrally-located estate.

For the past 50 years, Longwood School District has educated students from the communities in my district of Coram, Middle Island, Yaphank, East Yaphank, Shirley, Ridge, Lake Panamoka, Gordon Heights and portions of Medford, Miller Place and Shoreham. The district has grown to include four primary schools: Charles E. Walters, Coram, Ridge and West Middle Island, with students graduating to Longwood Middle School, Junior High School and High School.

Madam Speaker, on behalf of the families served by the dedicated teachers, administrators, and staff of the school district, I congratulate Longwood on reaching this important milestone and offer best wishes for continued success in the classroom, on the playing fields, and in post-secondary pursuits.

CONGRATULATING CHICAGO COMMUNITY LOAN FUND, A 2009 RECIPIENT OF THE MACARTHUR AWARD FOR CREATIVE & EFFECTIVE INSTITUTIONS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Ms. SCHAKOWSKY. Madam Speaker, I rise today to congratulate the Chicago Community Loan Fund (CCLF) on receiving the 2009 MacArthur Award for Creative and Effective Institutions from the John D. and Catherine T. MacArthur Foundation.

I would also like to commend the John D. and Catherine T. MacArthur Foundation, another exemplary Chicago institution, for its ongoing investments in knowledge, the arts, public policy, conservation, and justice. Their grants support diverse areas with critical needs. For example, other recipients of the MacArthur Award for Creative and Effective Institutions included groups working on natural resource conservation in the Caribbean, defense of human rights in the Don Region of Russia, and the promotion of equal justice and the rule of law in Nigeria.

CCLF is one of three U.S. organizations, and just eight worldwide, to receive the prestigious award, which recognizes implementing creative, effective, and ultimately successful approaches to diverse challenges.

Through targeted lending to non-profit and for-profit community development organizations, CCLF works in low- and moderate-income Chicago neighborhoods to preserve and create affordable housing, develop social services infrastructure, and spur economic and commercial development. The Fund's presence is key for small and midsize real estate developers and non-profits in Chicago looking for low-cost, flexible financing. CCLF also offers technical assistance to its borrowers and works to promote sustainable building design.

CCLF and the other award-winning institutions are also notable for their ability to achieve substantial impact with limited resources. CCLF's borrowers have leveraged \$36 million in loans into \$808 million from public and private sources, resulting in the preservation or creation of over 1,000 jobs and 5,200 homes.

CCLF is also part of the Preservation Compact, an initiative supported by the MacArthur Foundation, which has the goal of preserving 75,000 affordable rental homes in Cook County by 2020. CCLF has created a revolving loan pool to help developers save up to 2,200 such units.

CCLF plans to use its \$500,000 award to enhance its lending activities and to promote sustainable building technologies in its community development initiatives.

I would like to offer my sincere congratulations to the Chicago Community Loan Fund for its exemplary and forward-looking strategies to preserve and build affordable housing, promote sustainable economic development in low- and moderate-income areas, and bring good jobs to Chicago.

ENDANGERED FISH RECOVERY PROGRAMS IMPROVEMENT ACT OF 2009

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. SALAZAR. Madam Speaker, I'd like to share with you and my esteemed colleagues the importance of the Upper Colorado River and San Juan River Basin Endangered Fish Recovery Program.

This program is a premier example of how to recover endangered fish species while also providing more than 3 million acre-feet of water per year to Federal, tribal and non-Federal water projects.

It has been cited as the most successful fish recovery program in the United States and is used as a model for other recovery programs developed across the country.

Today I am introducing the "Endangered Fish Recovery Programs Improvement Act of 2009" to ensure this program can finish the restoration projects identified for complete success.

This bill extends the authorization of programs until 2023. At that time the fish species of concern will be fully recovered and the infrastructure in place to ensure continued success.

The projects completed to date on the Upper Colorado and San Juan River Basins are examples of outstanding cooperation among a diverse group of local, state and federal governmental agencies, environmental groups, water users and utility consumers.

People ask why they've never heard of this recovery program and that's because it has been so successful. The fish identified as being under threat have been substantially maintained.

This bill is critical for the continued and final success of the projects necessary for recovery of the endangered fish.

RECOGNIZING POLICE UNITY TOUR

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to recognize the Police Unity Tour," which on May 9th will kick-off its 13th Anniversary bicycle tour to our nation's capitol.

The Police Unity Tour honors the memory and courage of law enforcement officers killed in the line of duty and raises money for the National Law Enforcement Officers Memorial in Washington, D.C. Over one thousand police officers from around the country will complete the tour, hundreds of whom will leave from northern New Jersey municipalities that I am proud to represent.

In May 1997, the first Police Unity Tour was organized by Officer Patrick P. Montuore of the Florham Park Police Department, with the hope of raising public awareness about police officers who have died in the line of duty and to honor their sacrifices. The tour started with 18 riders on a four day fund-raising bicycle ride and has grown to over 1,100 riders nationwide.

The Police Unity Tour honors the heroes who have lost their lives and reminds us that everyday our police officers, firefighters, and emergency service personnel, all brave men and women, devote their lives to protecting and serving our communities. Too many of these officers make the ultimate sacrifice and to them we are eternally grateful. We must never take their actions for granted and always remember the families and friends they leave behind.

Madam Speaker, I urge you and my colleagues to join me in congratulating the Police Unity Tour on their 13th Anniversary of honoring fallen law enforcement officers who have died in the line of duty.

RESOLUTION HONORING FAMILY READINESS VOLUNTEERS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mrs. DAVIS of California. Madam Speaker, I rise in support of military Family Readiness Volunteers and Ombudsmen.

This resolution honors the work of the Army's Family Readiness Volunteers, Air Force Key Spouse Volunteers, Navy Ombudsmen, Marine Corps Key Volunteers and Coast Guard Ombudsmen.

Each day, thousands of men and women volunteer their time and efforts to help improve the quality of life for military families by serving as a channel between deployed units and their loved ones at home. Frequently, these important volunteers are spouses themselves.

Family Readiness Volunteers and Ombudsmen help our families solve a variety of problems, and successfully meet the challenges service members and their families face before, during, and after deployments.

I firmly believe that the outstanding performance of our service members is a testament to

their efforts, and with today's high operational tempo, their services are as important as ever. They could not do their jobs and execute the missions at hand if they were constantly worried about their loved ones back home.

As a proud San Diegan, I am fortunate enough to be able to meet with Navy Ombudsman several times a year to discuss these important issues.

These Ombudsmen provide invaluable insight into the struggles and challenges our military families face every day. They truly serve as the voice and as an advocate of those who serve our country and provide emotional support to spouses of deployed service members.

Specifically, the Navy Ombudsmen I have met with in San Diego have reiterated the importance of ensuring our military families have a smooth deployment cycle, from when a family is preparing for a deployment to adjusting to life once the service member has returned home.

Family Readiness Volunteers and Ombudsmen can assist newly enlisted service members and spouses with a wide range of issues—from understanding their health and retirement benefits to serving as a conduit of information to the command.

They can also provide resources and support to families who are seeking support services, such as employment training, mental health counseling or where to find affordable day care services for their young children.

These men and women volunteer their time to selflessly take on the responsibility of helping other military families while they themselves are often coping with the deployment of a loved one.

Madam Speaker, since 2001, nearly two million members of the active duty and reserve force and the National Guard have deployed in support of overseas contingencies in Iraq and Afghanistan.

As we all know, deployments are a difficult time for service members and their families.

Inadequate communication between units abroad and families at home cause unnecessary stress on our service members and their families and can harm the overall readiness of our force. Family readiness equals mission readiness.

I have heard time and time again that when deployed service members know their families are being taken care of, that they can focus on the task at hand. Family Readiness Volunteers and Ombudsmen help reduce the uncertainty and ease anxiety around deployments by keeping families informed and our service members focused on their mission.

I hope you will help me recognize their important role to our national defense.

REMARKS HONORING SHARON WALDEN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. RAHALL. Madam Speaker, I rise before you today to honor a great West Virginian, Sharon Walden who will be inducted into the

West Virginia Affordable Housing Hall of Fame on Thursday, May 7th, 2009. Her lifelong commitment to affordable housing, coupled with her tremendous career of leadership, has forever changed the McDowell county community where she was raised and where she continues to make her home.

Sharon's leadership has led to housing and safety for many domestic violence victims, homeless women and their children in West Virginia. Since 1990, she has served as the Executive Director of Stop Abusive Family Environments, Inc. (SAFE). Under her leadership, SAFE went from a small Domestic Violence program with two employees to the first transitional housing facility in my home state of West Virginia that serves victims of domestic violence.

Sharon has truly battled Goliath as David did in 1 Samuel Chapter 17. She worked tirelessly to raise over two million dollars in grants and forgivable loans in order to renovate a former school building into SAFE's facility. Her perseverance to improve her community did not end there. Next, she established the SAFE permanent housing program which would help first-time, low-income homebuyers in her county. Since then, SAFE has completed 40 rental townhouses with a community center that has been noted as the best rental housing in all of McDowell county.

Under Sharon's leadership, SAFE has formed a non-profit section called SAFE Housing and Economic Development (SHED) which focuses on permanent housing development. In these times of economic uncertainty, when becoming a homeowner can seem like an impossible dream, SHED has helped more than 35 community members reach that goal and become first time homeowners.

Sharon's community work doesn't stop with helping those in need of housing. She helps further economic development as the Executive Director of Travel Beautiful Appalachia. Linking tourism from the rail system to local entrepreneurs, she helps spread local West Virginia treasures across the country.

Sharon's lifetime commitment to helping her neighbors has made a permanent impression on West Virginia. I bring her extraordinary efforts to the attention of the U.S. Congress and urge my colleagues to join me in recognizing Sharon Walden, a hero to her community and the countless families she has helped.

SUPPORTING THE CREDIT CARD-HOLDER'S BILL OF RIGHTS ACT OF 2009 (H.R. 627)

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. HOLT. Madam Speaker, I rise to express my strong support for the Credit Cardholder's Bill of Rights Act of 2009 (H.R. 627), which the House approved last week, and to commend my colleague Ms. MALONEY for her leadership in crafting and championing this measure.

As I am certain is true of all of my colleagues, I am inundated with calls and letters from constituents who are outraged by sudden

and arbitrary increases in their credit card interest rates. Their hard-earned taxpayer dollars were used to shore up financial institutions to prevent an economic collapse, and in return, some of the very same financial institutions turned right around and doubled the interest rate they charged their customers.

A letter I received from one constituent, whose interest rate was doubled from 15 to 30 percent, said: "[i]nterest rates such as these are confiscatory. . . . This starts to look like indentured servitude at best, and financial slavery at worst." A letter from another said: "given how much of my taxes are going to bail out these companies, these rates are beyond outrageous and smack of greed." And a letter from another, which was entirely in capital letters, said: "[t]he American people gave billions [in] bail out money because . . . the banks got themselves into trouble. Instead of helping the same taxpayers that helped them by lowering interest rates on credit cards they chose to raise the rates for no reason. . . . When people do the responsible thing it seems they get punished for it. There have to be more controls on what the banks can do to people who honor their commitments."

I share the outrage of my constituents, and I am pleased to support the Credit Cardholder's Bill of Rights. It will tackle not only usurious interest rates, but a host of other abuses. In 2008 alone, credit-card issuers imposed \$19 billion in penalty fees on families with credit cards according to an industry consultant for Consumer Reports. In 2009 it is estimated that credit card companies will break all records for late fees, over-limit charges, and other penalties, charging more than \$20.5 billion for such fees and penalties.

The Credit Cardholder's Bill of Rights would prevent credit card companies from unfairly increasing interest rates on existing card balances. Credit card holders would be allowed to set their own lower credit card limits, at levels they consider appropriate for their financial circumstances.

The bill would end "double cycle" billing, prohibiting credit card companies from charging interest on balances cardholders have already paid on time. If a cardholder pays on time and in full, the bill prevents card companies from charging additional fees on balances consisting solely of left-over interest.

The bill would also require card companies to provide 45 days advance notice of all interest rate increases or significant contract changes such as the addition of new fees or penalties, and would enact into law recently proposed Federal Reserve Board regulations protecting consumers from abusive credit practices.

This bill establishes many long-overdue protections for consumers and credit card holders, and I am pleased to support it.

IN MEMORY OF CORINNE CONTE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, I rise to honor the memory of Mrs.

Corinne Louise Conte, wife of our former colleague, the late Congressman Silvio Conte, who died on April 28, 2009.

Corinne was born on January 24, 1922, in Pittsfield, Massachusetts, to Charles and Kathleen Clemente Duval. As a teenager, she was a champion swimmer, winning the New England Championship for Breast Stroke Swimming at age 13. Following graduation from Pittsfield High School and St. Luke's School of Nursing in Pittsfield, Corinne served as a nurse in the Navy during World War II where she met her future husband, the late Congressman Silvio O. Conte when he was in the Seabees and recovering from an illness.

Corinne and Silvio were married in Pittsfield on November 8, 1947. After Silvio was elected to the U.S. Congress in 1958, Corinne moved to Bethesda, Maryland, where she raised their four children. While in the Washington, D.C. area, she worked as a real estate agent and was an active partner in her husband's political campaigns. Corinne met every U.S. President from Dwight D. Eisenhower to George H.W. Bush, and many of the world's leaders from the 1950s through the early 1990s. She also danced with Lyndon B. Johnson at his Inaugural Ball and served on President George H.W. Bush's special Committee on Mental Health in the late 1980s.

Corinne was an avid Red Sox fan and was very thankful that she lived to see the "Curse of the Bambino" broken. She was committed to her Catholic faith and was a daily communicant for years at Little Flower Roman Catholic Church in Bethesda, Maryland, as well as Notre Dame Roman Catholic Church and St. Joseph Roman Catholic Church, both in Pittsfield. In her younger years, she had a private pilot's license. But, most of all, Corinne loved to play cards on a daily basis while living with her daughter in Mill Valley. She enjoyed a last game with her children a few days before her death, which she won, decisively.

Corinne was a friendly and cheerful person who was loved by everyone who knew her. She had a remarkable and full life, and I extend my condolences to the family on her passing.

DEDICATION OF THE BRUCE W. CARTER DEPARTMENT OF VETERAN AFFAIRS MEDICAL CENTER IN MIAMI

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. MEEK of Florida. Madam Speaker, today I want to express my deep gratification and support as the Miami Veterans Affairs Medical Center dedicates their building to Pfc. Bruce W. Carter, USMC. Although we can never truly do enough to honor his sacrifice, Pfc. Bruce Carter, through the tireless efforts of his mother Georgi Carter Krell and so many others, will be remembered.

Pfc. Carter, a member of the 2nd Battalion 3rd Marines 3rd Marine Division, died in the Quang Tri Canyon Province in the Republic of Vietnam in 1969. His Medal of Honor Citation reads in part that "while pinned down by vi-

cious crossfire, with complete disregard for his safety, he stood in full view of the North Vietnamese Army soldiers to deliver a devastating volume of fire at their positions. The accuracy and aggressiveness of his attack caused several enemy casualties and forced the remainder of the soldiers to retreat from the immediate area. Shouting directions to the marines around him, Pfc. Carter then commenced leading them from the path of the rapidly approaching brush fire when he observed a hostile grenade land between him and his companions. Fully aware of the probable consequences of his action but determined to protect the men following him, he unhesitatingly threw himself over the grenade, absorbing the full effects of its detonation with his body. Pfc. Carter's indomitable courage, inspiring initiative and selfless devotion to duty upheld the highest traditions of the Marine Corps and the U.S. Naval Service. He gallantly gave his life in the service of his country."

The citation speaks volumes. In this time when we have two wars ongoing, it is such a good reminder of the kind of person who serves this country and commits him or herself to the protection of others, even until death. I am sure that Georgi would be the first to say that although this Center is named for Pfc. Carter, it is a testament to the legacy of all of our brave veterans. In her work as President of the Gold Star Mothers Inc, she knows better than most the toll that war can take on families and I also take this opportunity to thank her for her dedication and tireless work on behalf of our veterans.

SUPPORTING FINANCIAL LITERACY MONTH

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. HINOJOSA. Mr. Speaker, personal financial management skills and lifelong habits begin to develop during childhood. As such, it is essential that we begin preparing our youth as early as possible on how to make informed financial choices, manage money, credit, debt, and risk and eventually become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens.

We need to begin working closely with the Department of Education and states and localities to ensure that we begin the financial literacy learning process at least by the time a child enters Kindergarten.

Policymakers of both parties, at the local, state, and federal levels, recently have increased their focus on financial literacy and economic education issues because national surveys reveal troubling gaps in students' and the public's knowledge of these subjects. Economic competency and financial literacy skills are critical for individuals to make sound decisions regarding home ownership, savings, investment, credit and borrowing, and retirement planning. An educated and financially literate populace will strengthen the national economy, especially as individuals improve their own economic well-being.

Our government should lead by example. We should coordinate and communicate a unified message on financial literacy across this

Nation. We should authorize and appropriate such funds as necessary to create a broad-based public awareness campaign comprised of a substantial mass-market, multimedia effort in support of a national financial literacy initiative on the scale of the "truth" campaign, developed through the Public Education Fund to discourage smoking among young people.

I believe that the National Endowment on Financial Education and several other financial literacy nonprofits and community based groups would agree with me. My proposed financial literacy initiative would be in addition to the one recommended in the Office of Housing Counseling legislation as introduced by my fellow Financial and Economic Literacy Caucus Co-Chair, colleague and friend, Congresswoman JUDY BIGGERT. I am a proud cosponsor of her legislation and am pleased that it was incorporated into H.R. 1728, the "Mortgage Reform and Anti-Predatory Lending Act."

In 2004, Congress passed a bill known as the FACT Act. One of the provisions in that Act required Treasury and a Financial Literacy Education Commission to create a national financial literacy campaign. They failed miserably, and, consequently, I think we need to revisit Title V of the FACT Act to alter the composition and contributions and goals of the Financial Literacy and Education Commission housed at Treasury once the Deputy Assistant Secretary for the Office of Financial Education is selected.

Mr. Speaker, some disturbing facts.

A 2008 survey of high school seniors conducted by the Jump\$tart Coalition for Personal Financial Literacy revealed that students in 2008 answered correctly only 48.3 percent of the survey's questions, a decline from those posted by students in 2006, who correctly answered 52.4 percent of the questions;

Eighty-four percent of undergraduates had at least one credit card in 2008, up from 76 percent in 2004, with the average number of cards increasing to 4.6 according to Sallie Mae's National Study of Usage Rates and Trends 2009 entitled "How Undergraduate Students Use Credit Cards";

Personal saving as a percentage of disposable personal income was 4.2 percent in February, compared with 4.4 percent in January, and up from a 12-month average of 1.7 percent in 2008, according to the Bureau of Economic Analysis;

The average baby boomer has only \$50,000 in savings apart from equity in their homes, according to the Federal Reserve Board's Survey of Consumer Finances for 2007; and,

Studies show that as many as 10,000,000 households in the United States are "unbanked" or are without access to mainstream financial products and services.

These statistics are alarming.

All of us here in Congress and across the United States need to take actions necessary to address and improve upon these startling facts. I am pleased to announce that I am a proud cosponsor of Congresswoman CAROLYN MALONEY's Credit Cardholders' Bill of Rights. I supported it in Committee and voted for it when it passed the House.

One other way of addressing these alarming statistics is by increasing the number of Members of Congress dedicated to the financial literacy cause. By joining the Financial and Eco-

nomics Literacy Caucus my colleague and friend

Congresswoman JUDY BIGGERT and I co-founded in 2005 and currently co-chair, Members can take a giant step forward and help us find the ways and means to improve financial literacy across the United States for all individuals during all stages of life.

As members of the Caucus, my colleagues in the House can collaborate on events such as the National Consumer Protection Week Fair, America Saves Week, Financial Literacy Month, and the Financial Literacy Day Fair held every other year in the House of Representatives.

By joining the Caucus, Members can collaborate with us to increase funding for the Council for Economic Education's Excellence in Economic Education (EEE) program. Congress authorized the EEE as part of the No Child Left Behind Act "to promote economic and financial literacy of all students in kindergarten through grade 12." In 2004, the Department of Education selected from a competitive process the Council for Economic Education (formerly named the "National Council for Economic Education") to administer and implement the Excellence in Economic Education program authorized in the No Child Left Behind Act (P.L. 107-110), Subpart 13, Sections 5531-5537).

Educating students in grades K-12 is the best way to help them develop the knowledge and skills they will need for a lifetime of economic and financial decisions. The EEE program accomplishes this through sub-grants to state and local educational organizations for activities that include distribution of curricular materials, replication of best practices and teacher training.

EEE is a targeted, demand-driven, grass-roots program. Three quarters of the funding goes directly to ongoing state and local economic education and financial literacy initiatives with proven track records. The program also requires a thorough review and assessment of the use and effectiveness of the sub-grants. Finally, federal resources are leveraged through the requirement that sub-grant recipients match EEE funds dollar-for-dollar.

Since that time: 48 states and the District of Columbia have been served by Excellence in Economic Education (EEE) sub-grants in project years 2004-08; 495 sub-grants were awarded in that time-frame; \$5,418,539 has been awarded to grass-roots organizations nationwide; over 1,500 copies of the 2007 Survey of the States were distributed to individuals and agencies interested in improving economic and financial literacy.

During Financial Literacy Month 2009, the Jump\$tart Coalition for Personal Financial Literacy, Junior Achievement, and the Council for Economic Education hosted the Financial Literacy Day Fair on Capitol Hill in collaboration with myself and Congresswoman BIGGERT in our roles as co-chairs of the Caucus. Over 800 people attended this year's Financial Literacy Day Fair on April 30, 2009 in the Cannon Caucus Room, 345 Cannon, and more than 50 vendors participated presented their financial literacy pamphlets, brochures, DVDs, and more at the Fair. The youngest participant was an 11 week old baby girl named Juliana and a man in his late 80s/early 90s who has worked on Capitol Hill for quite some time.

Also during Financial Literacy Month 2009, bankers across the United States taught savings skills to young people on April 21, 2009, during Teach Children to Save Day. This Day was started by the American Bankers Association Education Foundation in April of 1997 and has now helped more than 72,000 bankers teach savings skills to nearly 3,200,000 young people.

Staff from America's credit unions made presentations to young people at local schools on financial topics such as student loans, balancing a checkbook, and auto loans during National Credit Union Youth Week, April 19-25, 2009;

More than 100 Federal agencies have collaborated on a website, www.consumer.gov, which helps consumers shop for a mortgage or auto loan, understand and reconcile credit card statements and utility bills, choose savings and retirement plans, compare health insurance policies, and understand their credit report and how it affects their ability to get credit and on what terms.

In my district, I've held four different financial literacy events at four different schools. I was able to host financial literacy programs at four different schools in the Beeville as well as the Edinburg area of my district. We provided financial literacy workshops to well over 400 high school students in three days. I hope to add even more events in my district during Financial Literacy Month 2010.

Mr. Speaker, there are hundreds of other financial literacy programs out there for us to tap and integrate into resolutions, legislation, authorizations and appropriations.

It is important that we support the goals and ideals of Financial Literacy Month, including raising public awareness about financial education; recognize the importance of managing personal finances, increasing personal savings, and reducing personal debt in the United States; and, that the President, the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

I am pleased to insert at the end of my remarks a Presidential Statement I received April 30, 2009 from President Barack Obama. In it, he states that he is "pleased to join all who are observing Financial Literacy Month." He goes on to state that "It is more important than ever to understand how to balance a checkbook, budget wisely, plan for retirement and avoid accumulating debts that could harm your financial future. A strong American economy depends on everyone . . . We must pass along such fundamental knowledge to our family and friends, because financial literacy empowers all of us."

I am personally thrilled that President Obama has issued this Financial Literacy Month Statement, and I look forward to working with him, his staff at the White House, staff at Treasury, and other federal agencies on financial literacy issues now and well into the future.

I am also inserting at the end of my remarks a list of the Members of Congress who are part of the Financial and Economic Literacy Caucus and have given permission that their

names be listed publicly as members of the Caucus.

Together we can improve our economy. Together, we can re-establish our prominence in the global marketplace, and together we can work to ensure that the United States remains at the top of the global economy by teaching our youth as early as possible how to manage their finances.

We need to act soon. We need to act fast, and we need to act prudently and decisively. Si, Se Puede!

CURRENT LIST OF MEMBERS OF THE FINANCIAL AND ECONOMIC LITERACY CAUCUS WHO HAVE AGREED TO MAKE THEIR NAMES PUBLIC

Joe Baca, Melissa Bean, Judy Biggert, Brian Bilbray, Dennis Cardoza, William "Lacy" Clay, Emanuel Cleaver, Tom Cole, Jim Costa, and Joseph Crowley.

Elijah Cummings, Geoff Davis, Eliot Engel, Scott Garrett, Al Green, Jim Himes, Rubén Hinojosa, Eddie Bernice Johnson, Patrick Kennedy, Sheila Jackson-Lee, Carolyn McCarthy, Earl Pomeroy, and Loretta Sanchez.

THE WHITE HOUSE,
Washington, April 2009.

Sound financial planning and responsibility are essential to our families and our economy, and I am pleased to join all who are observing Financial Literacy Month.

It is more important than ever to understand how to balance a checkbook, budget wisely, plan for retirement, and avoid accumulating debts that could harm your financial future. A strong American economy depends on everyone—from individuals and homeowners, to investors and entrepreneurs—practicing financial responsibility. We must pass along such fundamental knowledge to our family and friends, because financial literacy empowers all of us.

The emphasis on financial literacy awareness and education must extend beyond April. I hope the insights you have gained this month will continue to improve the quality of life for you, your family and community, and I wish you all the best.

BARACK OBAMA.

CONGRATULATING THE KEYSTONE ADVENTURE SCHOOL AND FARM FOR WINNING THE PRESIDENT'S ENVIRONMENTAL YOUTH AWARD

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Ms. FALLIN. Madam Speaker, I would like to congratulate and commend the Keystone Adventure School and Farm in Edmond, Oklahoma, which is in my congressional district. Through a dedicated school-wide effort the Keystone Adventure School and Farm has been awarded the President's Environmental Youth Award.

These hardworking and committed students have created an environmentally sustainable project called the Kid's Café. This Café is run entirely by the students and involves growing their own fruits and vegetables, maintaining bees to pollinate plants and create honey, and numerous other environmentally friendly enterprises. Much of the money brought in from these endeavors is used to help less fortunate

children in Thailand create their own green gardens to supplement their diet.

This student run Café enhances their educational experience at the Keystone Adventure School and Farm by exposing them to some of life's most important lessons and offering them a chance to help their community and the world.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the achievements of Keystone Adventure School and Farm. I believe that they have set an outstanding example for all of Oklahoma and the nation to follow.

RECOGNIZING THE 2009 RECIPIENTS OF THE MCGOWAN COURAGE AWARD

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. JORDAN of Ohio. Madam Speaker, seven high school students in my congressional district will be recognized on May 12 for their efforts to overcome physical, economic, and social adversities. I am pleased to join the Rotary Club of Mansfield in honoring the achievements of these McGowan Courage Award recipients:

Kelby Lunsford, Crestview High School—Kelby has worked through numerous autism-related difficulties stemming from his premature birth. His work ethic, determination, and passion for reading and historical studies are an inspiration to his parents, teachers, and fellow students.

Nathan Volz, Lexington High School—Faced at age 10 with the divorce of his parents, Nathan has worked been tasked with helping to raise his younger brothers and assisting with the family's finances. After attending a church youth retreat, he worked to overcome some of his own poor personal choices and become a model of integrity for others.

Josh Teetsel, Lucas High School—Placed in a foster home after the death of his mother, Josh struggled to make the right choices in the face of pressure from friends. He has since turned his life around, earning the respect of his teachers and volunteering at the local fire department. Josh will soon enroll at Ohio's Hocking College.

Joseph (Joey) Bennett, Madison Comprehensive High School—Coping with hearing and vision impairments and enduring several open-heart surgeries before age 2, Joey is an inspiration to everyone at his school, where he is an eager volunteer at sporting and other extracurricular activities. He recently completed Madison's auto tech training program.

Ian Kent, Mansfield Christian High School—Various sleep disorders and other medical problems have slowed Ian's academic work, but he continues to persevere in his home studies. He enjoys volunteering at his church and at Mansfield's Kingwood Center, and looks forward to attending North Central State College.

Leona Smith, Mansfield Senior High School—In just the last year, Leona has suffered from three collapsed lungs requiring sur-

gery. Despite these setbacks, she has maintained a 3.6 grade point average in college prep courses and is on course to graduate a year early—all while working two jobs to support herself financially.

Brandon O'Brian, Ontario High School—Brandon's positive attitude in working to overcome a cognitive disability is a model for his fellow students. In addition to his studies at Pioneer Career and Technology Center, he is an active member of the Mansfield Police Department's Explorer Post and works part-time at Ontario's Skyway Restaurant.

HONORING TRAVIS HOGLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Travis Hogle a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 66, and in earning the most prestigious award of Eagle Scout.

Travis has been very active with his troop participating in many scout activities. Over the many years Travis has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Travis Hogle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING CRAY HENRY AS A 2009 SERVICE TO AMERICA MEDAL FINALIST

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the tremendous contributions of Cray Henry, of Annandale, Va., to our nation and specifically to improving the safety of our deployed military personnel. Mr. Henry, as director of the High Performance Computing Modernization Program, led the effort to provide supercomputer support allowing the Department of Defense to improve body and vehicle armor for troops in the field. The work of his team also helped enhance overall military performance and saved billions of taxpayer dollars. In recognition of those achievements, Mr. Henry and his team have been named finalists for the 2009 Service to America Medal for National Security and International Affairs.

As my colleagues know, the Service to America Medals, or Sammys as they are more commonly known, are presented annually by the nonprofit, nonpartisan Partnership for Public Service to celebrate our dedicated federal workforce, highlighting their commitment and innovation, as well as the impact of

their work on addressing the needs of the nation.

The state-of-the-art supercomputing environment created by the High Performance Computing Modernization Program team, led by Mr. Henry, enabled DoD scientists and engineers to design and test innovative materials and weapons systems.

For example, the team helped speed the development and rapid deployment of the Hellfire missile that has been used to neutralize terrorists in buildings, bunkers and caves.

The team also was tapped to help the soldiers in Iraq, providing resources for complex modeling and simulations to develop new armor kits for Humvees to better adapt and protect against improvised explosive devices (IEDs) that were killing and wounding American soldiers.

In addition to its field applications, the supercomputing team has brought advances in weather forecasting to allow the U.S. Navy and Air Force to provide more accurate, up-to-the-minute and long-range information to ground forces anywhere in the world, which is a great asset in helping commanders plan military operations. Applying this capability to aircraft flight planning, the DoD anticipates saving \$1 billion in fuel costs over 10 years.

The DoD's hurricane prediction models are so accurate that the National Hurricane Center is now using them together with other models to predict hurricane paths. The team's modeling also has been a tremendous resource in rebuilding the levees in New Orleans in the wake of Hurricane Katrina.

I ask my colleagues to join me in thanking Mr. Henry and his team for their tremendous contribution to protecting our troops and improving our national preparedness. His 27 years of public service and his drive for innovation serve as an example to us all, and his recognition as finalists for the 2009 Service to America Medal for Homeland Security is well deserved.

TEACHER APPRECIATION WEEK

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, today I rise to recognize the more than 40,000 teachers from Broward and Miami-Dade Counties during National Teacher Appreciation Week, taking place this year from May 3 through May 9, 2009.

This week all across America, our Nation's schoolchildren, their parents, PTAs and others are gathering to show their appreciation for the professional educators who work every day to make their futures brighter. Teacher Appreciation Week is a great opportunity to stop and pay tribute to the profession that shapes the world of tomorrow. Madam Speaker, it gives me great pleasure to recognize the lasting contributions that these men and women make to the lives of thousands of students in South Florida.

Today, I am pleased to commend the efforts of two special teachers in my district: Tony

Dutra, a reading teacher from the Hallandale Community Center in Hallandale, Florida, teaches Extraordinary Student Education. When he was a student Mr. Dutra was learning disabled so he understands the challenges his student go through on a daily basis. Mr. Dutra was named Broward County's public school teacher of the year.

Patricia Fairclough, a second grade teacher from Airbase Elementary School in Homestead, Florida, was Miami-Dade County's public school teacher of the year. As a first-grader, Patricia struggled in class, but she was inspired by a caring teacher and now she is helping other children who need a little extra tough love.

I hope that you will all join me in thanking Mr. Dutra and Ms. Fairclough and all of our nation's teachers for everything they do each and every day to encourage, instruct and guide our students. All of America's teachers deserve more than a week of recognition for their investment in our country's most precious resource, our children.

Too often teachers are overworked and underpaid. They spend long hours in the classroom, many hours after the school day coaching our kids and leading their extracurricular groups, and then go home to spend more time grading papers.

Teachers invest their own lives in the lives of our children, and every day they empower young people with the knowledge and tools needed to be successful and confident. America's future is in the hands of our children and we owe our teachers a universe of thanks for their hard work.

ELIZABETH PORRAS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Elizabeth Porras who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Elizabeth Porras is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Elizabeth Porras is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Elizabeth Porras for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING THE LIFE AND SERVICES OF MICHAEL AND MARIAN ILITCH, UPON THE 50TH ANNIVERSARY OF THE FOUNDING OF LITTLE CAESARS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Michael and Marian Ilitch, entrepreneurs and pillars of the Michigan community, upon the 50th anniversary of the founding of Little Caesars.

On May 8, 1959, fifty years ago, Mike and Marian opened the first Little Caesars in Garden City, Michigan, under the name Little Caesars Pizza Treat. From this one store, Little Caesars would grow to include a pizza empire of many thousands of restaurants through franchising. The company eventually became widely known for its famous catchphrase, "Pizza! Pizza!" which was introduced in 1979. The phrase refers to two pizzas being offered for the comparable price of a single pizza from competitors. In 1998, Little Caesars filled what was then the current largest pizza order, filling an order of 13,386 pizzas from the VF Corporation of Greensboro, NC. Today, Little Caesars is the largest carry-out pizza chain in the world.

Mike was born in Detroit, Michigan in 1929. He is a first generation American of Macedonian descent. A graduate of Cooley High School, Mike also served his country in the United States Marine Corps for four years. After returning home from the Marine Corps, Mike was offered a contract by the Detroit Tigers baseball team and went on to play three years in the minor leagues before he was forced to prematurely end his promising career due to injury. In 1954 Mike met Marian on a blind date arranged by his father. Marian was born and raised in Dearborn, Michigan, a daughter of Macedonian immigrants. They were married a year later.

Over the course of their lives together Mike and Marian have expanded their business and personal partnership very successfully. Today, the family's entities remain privately held. In 1999, the Ilitches established Ilitch Holdings, Inc. to provide their various enterprises with professional and technical services. These enterprises include Little Caesars, the Detroit Red Wings, the Detroit Tigers, numerous property investments in and around Detroit, as well as the MotorCity Casino. They have been married for over 50 wonderful years and have seven children together: son Christopher Paul Ilitch (born June 1965) is CEO and President of Ilitch Holdings, Inc.; daughter Denise D. Ilitch (born November 1955) is an attorney and former co-President, with her brother, of Ilitch Holdings. Other children are Ronald "Ron" Tyrus Ilitch (born June 1957), Michael C. Ilitch, Jr., Lisa M. Ilitch Murray, Atanas Ilitch (born Thomas Ilitch) and Carole M. Ilitch Trepeck. Further, in Stanley Cup history, only 12 women have had their names engraved on the trophy including Marian and their three daughters.

The Ilitch family has also established a charitable foundation called Ilitch Charities for

Children (ICC). Among other things, the ICC sponsors Little Caesars AAA Hockey Scholarship to encourage amateur sports. The ICC in 2009, so far, has given a total of \$50,000 in grants to the Detroit Renaissance Foundation (\$25,000) and the United Way of Southeastern Michigan (\$25,000) for innovative community programs, demonstrating a broader scope for the charitable organization. Most recently, Ilitch Charities presented a total of \$200,000 to benefit the Greening of Detroit's Conservation Leadership Corps and the Guidance Center's Project CEO.

Madam Speaker for 50 years Little Caesars has stood as a tribute to the hard work of Michael and Marian Ilitch and their family. As they celebrate this enormous milestone, they personify a legacy of excellence, ingenuity, and the irrepressible spirit of the American entrepreneur. Today, I ask my colleagues to join me in congratulating the Ilitches and recognizing their years of loyal service to our community and country.

GABBY RIVERA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Gabby Rivera who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Gabby Rivera is an 8th grader at Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Gabby Rivera is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Gabby Rivera for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

RECOGNIZING SEAN P. DENNEHY
AS A 2009 SERVICE TO AMERICA
MEDAL FINALIST

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the tremendous contributions of Sean P. Dennehy, of Vienna, Va., to our nation and specifically to our intelligence community. Mr. Dennehy and his colleague Don Burke, of Alexandria, Va., led an innovative effort to create a sensitive-information sharing system for the Central Intelligence Agency. In recognition of that achievement, they have been named finalists for the 2009 Service to America Medal for Homeland Security.

As my colleagues know, the Service to America Medals, or Sammys as they are more commonly known, are presented annually by the nonprofit, nonpartisan Partnership for Public Service to celebrate our dedicated federal workforce, highlighting their commitment and innovation, as well as the impact of their work on addressing the needs of the nation.

Mr. Dennehy and Mr. Burke developed and implemented a Wikipedia-like clearinghouse of sensitive intelligence information known as "Intellipedia." The intelligence community has traditionally discouraged the wide sharing of intelligence for fear of compromising classified information, but the downsides of that strategy became apparent to us all after learning of how intelligence agencies failed to "connect the dots" in the months leading up to the September 11 attacks.

The pair spent four years developing the software, cobbling together financing and trying to overcome cultural resistance, but their persistence and dedication paid off.

Eric Haseltine, former chief technology officer of the intelligence community, said, "It's hard to overstate what they did. They made a major transformation almost overnight with no money after other programs failed to achieve these results with millions of dollars in funding."

Once they successfully created the web-based platform for sharing information, Mr. Dennehy and Mr. Burke then shifted their focus to recruiting their colleagues in the intelligence community to actually use it. They became "evangelists," educating analysts and spreading the word about the potential benefits of Intellipedia and other social media tools. The system now boasts more than 900,000 pages and 100,000 user accounts. In fact, leaders in the intelligence community say we are reacting more quickly and more intelligently to potential threats than we would be without Intellipedia.

This initiative has increased the flow of information among the nation's 16 intelligence agencies around the world, and it is still working to break down institutional stovepipes.

I ask my colleagues to join me in thanking Mr. Dennehy and Mr. Burke for their tremendous contribution to our national security. Their commitment to public service and innovation serve as an example to us all, and their recognition as finalists for the 2009 Service to America Medal for Homeland Security is well deserved.

JUSTUS REID

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Justus Reid who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Justus Reid is an 8th grader at Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Justus Reid is exemplary of the type of achievement

that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Justus Reid for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

MEGAN SCHELTINGA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Megan Scheltinga who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Megan Scheltinga, of Hope House, received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Megan Scheltinga is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Megan Scheltinga for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

NORMA RODRIGUEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Norma Rodriguez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Norma Rodriguez is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Norma Rodriguez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Norma Rodriguez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

OLGA REPNITSKAYA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Olga Repnitskaya who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Olga Repnitskaya is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Olga Repnitskaya is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Olga Repnitskaya for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

TANIA PRESCOTT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Tania Prescott who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Tania Prescott, of Hope House, received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tania Prescott is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Tania Prescott for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

VITALIY PSHICKENKO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Vitaliy Pshickenko who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Vitaliy Pshickenko is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Vitaliy Pshickenko is exemplary of the type of achievement that can be attained with hard

work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Vitaliy Pshickenko for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

JOHANNA SERRANO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Johanna Serrano who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Johanna Serrano is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Johanna Serrano is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Johanna Serrano for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

DEREK RIEMER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Derek Riemer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Derek Riemer is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Derek Riemer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Derek Riemer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a sys-

tem for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 7, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 8

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for April 2009.

SD-106

10 a.m.

Finance

To hold hearings to examine the nomination of Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury.

SD-215

MAY 12

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Andrew Charles Weber, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Paul N. Stockton, of California, to be Assistant Secretary for Homeland Defense and Americas' Security Affairs, Thomas R. Lamont, of Illinois, to be Assistant Secretary of the Army for Manpower and Reserve Affairs, and Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Air Force, all of the Department of Defense.

SH-216

9:45 a.m.

Environment and Public Works

To hold hearings to examine proposed budget request for fiscal year 2010 for the Environmental Protection Agency.

SD-406

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine pending nominations.

SR-253

Finance

To hold hearings to examine financing comprehensive health care reform.

SD-106

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

SD-342

- Judiciary
To hold hearings to examine helping state and local law enforcement.
SD-226
- 10:15 a.m.
Foreign Relations
Business meeting to consider the nominations of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State, and Susan Flood Burk, of Virginia, to be Special Representative of the President for nuclear non-proliferation; to be immediately followed by a hearing to examine the United States strategy toward Pakistan.
SD-419
- 11 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nomination of Julius Genachowski, of the District of Columbia, to be Chairman of the Federal Communications Commission.
SR-253
- 2 p.m.
Foreign Relations
To hold hearings to examine energy security, focusing on historical perspectives and modern challenges.
SD-419
- 2:30 p.m.
Energy and Natural Resources
To hold hearings to examine S. 967, to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and S. 283, to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account.
SD-366
- Environment and Public Works
To hold hearings to examine the nominations of Peter Silva Silva, of California, to be Assistant Administrator, and Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances, both of the Environmental Protection Agency, and Jo-Ellen Darcy, of Maryland, to be an Assistant Secretary of the Army, Department of Defense.
SD-406
- Health, Education, Labor, and Pensions
Business meeting to consider an original bill entitled, Family Smoking Prevention and Tobacco Control Act, and any pending nominations.
SD-430
- Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Robert M. Groves, of Michigan, to be Director of the Census, Department of Commerce.
SD-342
- Judiciary
To hold hearings to examine the nominations of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit, and Mary L. Smith, of Illinois, to be Assistant Attorney General, Tax Division, Department of Justice.
SD-226
- Appropriations
Military Construction and Veterans Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed budget request for fiscal year 2010 for military construction, Veterans Affairs, and related agencies.
SD-124
- Appropriations
State, Foreign Operations, and Related Programs Subcommittee
Business meeting to markup proposed budget request for fiscal year 2009 supplemental for the Department of State, foreign operations, and related programs.
SD-138
- Intelligence
To hold closed hearings to examine certain intelligence matters.
S-407, Capitol
- MAY 13
- 9:45 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Labor.
SD-138
- 10 a.m.
Commerce, Science, and Transportation
Competitiveness, Innovation, and Export Promotion Subcommittee
To hold hearings to examine tourism in troubled times.
SR-253
- Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine manufacturing and the credit crisis.
SD-538
- Homeland Security and Governmental Affairs
To hold hearings to examine the D.C. Opportunity Scholarship Program, focusing on preserving school choice for all.
SD-342
- Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine torture and the Office of Legal Counsel in the Bush Administration.
SD-226
- Rules and Administration
To hold hearings to examine problems for military and overseas voters, focusing on why many soldiers and their families cannot vote.
SR-301
- 2:15 p.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine reauthorization of the Federal Aviation Administration (FAA), focusing on perspectives of aviation stakeholders.
SR-253
- Small Business and Entrepreneurship
To hold hearings to examine small business financing, focusing on a progress report on Recovery Act implementation and alternative sources of financing.
SR-428A
- 2:30 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nomination of Peter M. Rogoff, of Virginia, to be Federal Transit Administrator, Federal Transit Administration, Department of Transportation.
SD-538
- 3 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Florence Y. Pan, of the District of Columbia, and Marisa J. Demeo, of the District of Columbia, both to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342
- MAY 14
- 2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
S-407, Capitol
- MAY 21
- 9:30 a.m.
Veterans' Affairs
Business meeting to mark up pending legislation.
SR-418

SENATE—Thursday, May 7, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Dr. Delman L. Coates from the Mount Ennon Baptist Church in Clinton, MD.

The guest Chaplain offered the following prayer:

Let us pray.

Eternal God our Holy Parent, You who are the Creator and the sustainer of life; we come to You today in humble adoration, thanking You for this day and for this occasion that brings us together. We ask that You would consecrate our hearts, anoint our minds, and commission our hands to serve the people of this great Nation.

We gather today in the midst of unique and unprecedented times, times of great challenge and times of tremendous difficulty. Help us to discern Your will and to seek Your direction as we endeavor to confront the fiscal and legislative challenges of our day.

Grant unto us clarity of thought and unity of purpose in our effort to make this Nation and this world a better place. Enable us to be a voice for the voiceless, hope to the hopeless, and help to the helpless. We pray for strength in both the public and the private affairs of our lives. We need You to be for us what we cannot be for ourselves. May we have the character and the fortitude to lead with integrity, to listen with clarity, and to serve with sincerity.

As we start this day, we ask that You would raise the crown of righteousness above our heads, and we pray that You would encourage us to grow tall enough to wear it. These and all blessings we ask in the name of Love, Hope, and Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

EXECUTIVE CALENDAR VITIATION

Mr. REID. Madam President, as if in executive session, I ask unanimous consent that the Senate action of May 6, 2009, with respect to Calendar No. 85 be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Following remarks of the leaders—I understand that the Republican leader will be a little bit late getting here; he had a meeting that is taking more time than he expected—there will be a period of morning business until 10:30, with the time equally divided and controlled between the two leaders or their designees. The majority will control the first half and the Republicans will control the second half.

Following morning business, the Senate will resume consideration of S. 454, the Weapon Systems Acquisition Reform Act.

Last night we were able to reach an agreement to limit the number of first-degree amendments to the bill. We hope to vote on the remaining amendments and on passage of the bill today. I am confident there will be votes throughout the day.

Last night cloture was filed on the motion to proceed to the credit card legislation. After having done that, I received a call from the chairman of the committee, Chairman DODD. He and Senator SHELBY have worked out language on the credit card legislation which would make it easier to proceed.

I am confident we will not have to have that vote tomorrow to invoke cloture on a motion to proceed, or at least I hope not.

The work done by Senators LEVIN and MCCAIN is exemplary. This is a complicated piece of legislation. They worked on it together. They worked with the White House, they worked with the minority staff, the majority staff, and they were able to get this agreement with exemplary work. I commend and applaud both of these fine Senators for allowing us to move to this extremely important legislation. As we heard from the opening statements of Senators LEVIN and MCCAIN, huge amounts of money have been wasted in years past. We all want to do the very best we can for the Pentagon and the U.S. military, but we have to be able to tell the American people that we are being as frugal as necessary. And this legislation will allow us to have the strongest military in the world, as has been the case in the past many years, but also to have one that is not wasting money.

So we, as I said, appreciate the work done by Senators LEVIN and MCCAIN.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

HEALTH CARE REFORM

Mr. NELSON of Nebraska. Madam President, 19 years ago, after narrowly winning my first statewide race for Governor in Nebraska, I was concerned about the significant budget challenges and economic downturn we faced. Today, the United States is confronted by financial troubles on a much larger scale.

Among them, we are suffering from the compounding economic impact of years of steadily rising health care

costs and millions of uninsured Americans. This crisis is strangling businesses and throwing sand in the gears of our economic engine, but the most troubling impact is on families.

From 2001 to 2007, premiums for family insurance coverage surged 78 percent while income increased just 19 percent. Wages are lagging behind not only premiums but also out-of-pocket costs which families must pay for health care services.

In my view, meaningful health care reforms are within reach and should be achieved in a bipartisan fashion without stifling minority views or using reconciliation.

Although there are signs of progress in the reform debate, some seem ready to stir partisan tensions. We should play down the divisions which ideologies present and focus instead on areas of consensus.

What could this middle ground look like?

I believe that two of the highest priorities should be reducing the cost of health care and improving efficiency in our delivery system.

Despite state-of-the-art treatment, some studies still show that Americans receive appropriate care just 55 percent of the time.

The American Recovery and Reinvestment Act Congress approved this year made a downpayment addressing health information technology and comparative effectiveness research. As a result, doctors and patients will receive access to improved health records and better evidence about which medical treatments may best serve a patient's needs.

Senator BAUCUS and the Finance Committee have laid out a series of additional delivery system reforms which I applaud them for. These cost-containment measures are the first order of business and a mission-critical component of reform which will immediately pay dividends on affordability and access.

In an additional sign of progress in covering the uninsured, America's health insurers have agreed to guarantee health care coverage to all Americans and transition away from charging higher premiums to those who are most ill, if Congress agrees to support a requirement to obtain coverage.

While I have an aversion to mandates, I recognize that we all have a responsibility to obtain health care coverage because we all pay higher premiums when providers are forced to write off expensive, uncompensated care.

We often focus on the 45 million or more Americans who are uninsured, a crucial problem to be sure. However, we also must make sure we are not destabilizing care for the 200 million Americans who have private health insurance.

Some have called for establishing a public plan, but I think it would undermine health care services for millions of Americans and squander this unique opportunity for substantial reform.

Here are some of my concerns about a public plan run by the Government:

Washington runs our Medicare system which is already on its way to insolvency.

Our delivery system could collapse if it had to rely more heavily on Medicare-like reimbursement rates. Today, one-third of physicians limit the number of new Medicare patients they see.

A Government-run plan would further limit payments to doctors, nurses, health care workers and hospitals, and they would over time refuse patients covered by this system.

That would worsen the current cost shift to private payers, which can run in the neighborhood of 30 to 40 percent.

The result? Patients would lose access to health care, services would decline for millions and competition would disappear.

In my State of Nebraska, uncompensated care and the cost-shift from low Government reimbursements account for 15 percent of the average health insurance premium.

In sum, a one-size-fits-all Washington-run health care plan expands Government but will not fix the main problems people face every day: affordability, access and high quality care.

Several years ago, we debated whether private competition could deliver affordable choices to cover seniors' prescription drugs. I was not convinced there would be enough competition.

Well, the jury is in. The verdict? A recent independent poll showed that 87 percent of Medicare beneficiaries are satisfied with their prescription drug coverage. And, vigorous competition among drug plans will save taxpayers \$243 billion over 10 years.

I believe private competition can work. I would suggest we empower consumers and demand that private insurers compete on service to restore a true marketplace for insurance. We need to make it easier for Americans to compare health plans and the co-pays, networks, provider quality measures and access to medical records the plans offer.

In fact, President Obama has said Americans deserve the same health insurance that their members of Congress receive. Well, Federal employees and Members of Congress choose between a wide array of coverage options offered by private health insurers, selecting the plan that best fits their needs.

Ultimately, I want consumers, not Washington, to be in charge of their health care and to give them the ability to demand more from insurers through the marketplace.

In the coming weeks, America will see a debate that tests our ability to

confront this enormous challenge yet still preserve bipartisanship and reason. We can meet in the center on a reform plan making major improvements in our health care system that puts us firmly on the path toward cost containment, universal coverage and, ultimately, fairness for all Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand now is the time for the majority. If somebody appears, I will be happy to yield the floor. I ask unanimous consent to proceed in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. I congratulate Senator NELSON for his excellent statement. His statement was very appropriate and on point on the issue of health care and health reform and the need for a bipartisan effort in this Chamber. He is one of the leaders in the ability to bring people together, and I congratulate him for a strong and thoughtful statement.

THE BUDGET

Mr. GREGG. Madam President, I wish to talk a little bit about the budget and specifically about the proposal sent by the President yesterday. Yesterday the President sent us his formal budget. We have already voted on a budget, of course. We passed a budget. The President doesn't have to sign the budget. That is one of the ironies of our system. But he does present us with an outline. Because this was a transition year, it is traditional that the President doesn't send us in-depth proposals. He sends sort of a topical approach in early February and then sends us in-depth proposals later in the year. In the last few days, he sent the in-depth proposals. Among the proposals, and what is being most obviously highlighted, is requested rescissions in about 120 programs representing approximately \$17 billion. I congratulate him for that. That is an attempt to reduce spending in those accounts and recover those dollars back into the Federal Treasury.

But that has to be put in context, the initiative to save \$17 billion. That is a lot of money. It could run the State of New Hampshire for at least 3 or 4 years. But in the context of the Federal budget, it is not a dramatic amount. In fact, it represents less than one-half of 1 percent of the Federal budget, which will be approximately \$3.5 trillion this year. So taking \$17 billion out of spending programs is not going to solve our overall problem, which involves the fact that we are headed into a nonsustainable government because of the size of spending we

are doing and because of the size of the debt we are running up. I do congratulate him for putting forward this initiative. I hope it will pass. I hope the \$17 billion will actually be passed by this Congress. But regrettably, most of the items he sent to be rescinded had already been sent by President Bush, not most but a significant amount. Forty percent had already been sent to us by President Bush and had been rejected by the Congress, which is too bad. It was unfortunate when they were rejected under President Bush. I hope the Congress will take a second look and accept them now that they have been given the imprimatur, the approval of President Obama, so we have a bipartisan effort to rescind at least 40 percent of the amount.

In the end, it doesn't change the out-year deficit figures at all. In fact, this amounts to less than an asterisk when it comes to the amount of debt and deficit which we will be running up as a government.

Even with this rescission of \$17 billion, assuming it was passed by the Senate and the House and signed by the President and these various programs were reduced, we would still run a deficit of 4 to 5 percent of gross national product over the next 10 years under the President's proposals. We would still run a deficit that would average \$1 trillion a year over the next 10 years. We would still run a deficit which would add to the debt at such a fast rate—in other words, deficits become debt—that we would end up with a Federal debt that would be approximately 80 percent of the gross national product or doubling of the Federal debt during the first 5 years of this Presidency. None of those numbers will be changed by these rescissions because they don't go to the core of the problem.

The core of the problem is, the Government is being expanded dramatically, even while these rescissions are occurring. The rate of growth of the Federal Government, as a result of expanded spending which has been initiated by this administration, in large part, will dwarf any savings that occur under this rescission proposal. It is as if we had a vast desert of sand. It is as if this was the Gobi Desert or the Sahara Desert and we came along and took a few pieces of sand off the desert. It will virtually have no impact on the deficit and the debt as we move forward into the outyears because of the fact that while we are taking these few dollars out, which I congratulate the President for trying to do, we are adding back massive amounts of spending: \$1.4 trillion in new discretionary spending compared to the \$17 billion rescission, \$1.2 trillion in new entitlement spending compared to this \$17 billion rescission. We are taking a little spoonful of water out of the ocean while we are dumping a whole river

into the ocean. So the water levels go up. The debt levels go up and the burden on our children goes up. The cost of the Government and the debt of the Government is and remains an unsustainable event for the Nation and for future generations.

If the President wishes to be serious about spending restraint—and I hope he is, though it doesn't appear that way from his budget—he would address the underlying problem, which is that we don't expand the Government to take up 23, 24, 25 percent of gross national product when it historically has been about 20 percent, that we don't radically expand spending programs until we have an economy that is generating enough revenues so we can pay for them and that we basically try to contain in the outyears the cost of entitlement spending by putting in place proposals which will lead to limiting the costs in the outyears.

The Senator from Nebraska was recently talking about health care. Health care is obviously at the core of issues of how we control costs around here and how we control the outyear growth of the Federal Government. We today spend 17 percent of the gross national product on health care. That is approximately 5 to 6 percent more than the next closest industrialized nation. Yet the President's proposals are to add another \$1.4 trillion on top of what we already spend in the area of health care. That makes no sense fiscally. It makes no sense from the standpoint of what the health care system needs. We already have enough funds in the health care system. We should agree that what we are going to try to do is stabilize the cost of health care as a percentage of our gross national product and use the dollars that are already in the system to reform it.

We know we have a huge amount of surplus money in the health care system compared to any other industrialized nation. Rather than throwing more money at the problem, adding to the debt and deficit, let's try to be responsible about a reform program, to live within our means—they are not even our means—to live within what we are already spending and spend those dollars more wisely. Those are the types of initiatives we need.

Obviously, it is helpful to reduce spending by \$17 billion. I hope we accomplish it. Congress has rejected 40 percent of these proposals in the past, but I hope we change our minds. Just yesterday, for example, this Senate passed a housing bill which spent \$11 billion outside and on top of the budget, new spending. So we have already spent almost all the money represented as being saved by the President's proposal. Fiscal discipline does not seem to be the order of the day around here. I appreciate at least the effort, but I think it does have to be put in the context of the overall problem.

It is akin to taking a teaspoon of water out of a bathtub while we keep the spigot on at full speed and the bathtub doesn't fill up. It is a spigot of spending, of Government growth. There is a belief, regrettably, in this Congress, because of the majority view and from the White House, that by grandly expanding the Federal Government, by moving it dramatically to the left in its size, by growing it significantly, we somehow create prosperity.

We can't do it that way. The only way we can create prosperity is if we have a government we can afford. If we are running up deficits at 4 to 5 percent of GDP, if we are taking the national debt up to 80 percent of the gross national product, we will not create prosperity. We will create significant hardship for the next generation which has to pay off all the debt.

I hope this proposal for rescission which has been sent up will be followed on with proposals that are serious in the area of controlling the spigot which is dumping all the spending into the Federal account. Turn that down. Let's put some controls on the spending side of the ledger that get to the broader problem of the size of the debt and the size of the deficit in real numbers, not just at the margins.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CREDIT CARD REFORM

Mr. TESTER. Madam President, I rise this morning to speak about an important plan to protect American consumers. Specifically, I call on the Senate to pass tough new reforms in the credit card industry. I have been working for months with my colleagues on the Senate Banking Committee to write this important new legislation. I am proud to have played a part in Chairman DODD's bill, the Credit CARD Act.

This bill includes legislation I introduced last year to outlaw what is called universal default. That is the term given when the credit card companies raise interest rates on customers if their credit scores fall for any reason—even if those customers pay their credit card bills on time. They may call that universal default, but where I come from in Montana, they call that a ripoff.

This reform legislation puts common sense and honesty back into the credit

card industry. It will establish a new set of standards at a time when hard-working, honest folks are getting squeezed in this tough economy.

Simply put, Montanans are not happy with the credit card companies. All of us are getting fed up with hidden fees, high interest rates, and confusing small print. Every day, I get calls and letters and e-mails from folks back home who want the Senate to take action to rein in these predatory practices of the credit card industry. I have here in my hand a few of those examples.

The first one is from a man from Belgrade, MT, in Gallatin County. He writes this—and I will quote him at length:

These institutions have bilked us. They took the bailout money and had no qualms about undertaking more irresponsible actions to loot the American taxpayers and consumers again. I will use myself—a small business owner so small you might call us a nano-business—as an example. Four or five months ago, we hit a bump in the road and got behind with [our credit card company]. Knowing that this was going to be a temporary situation pending the closing on the sale of some property we owned, I stayed in at least weekly contact with [our credit card company] to keep them informed and assured them that we had every intention of meeting our obligation, which we did. What happened then is almost unbelievable. My interest rate was increased to over 27%. I was charged various fees for being late that amounted to over \$1100.00. . . . What really made me feel ripped off is that I had been a card holder [with that company] FOR TWENTY-SIX YEARS!!!

Madam President, I am all about personal responsibility. Folks need to make good decisions on their purchase obligations. But plastic personal debt can be very dangerous and addictive. Ordinary Americans can get in over their heads very quickly, and that is why the Senate needs to pass commonsense legislation to protect consumers from abuse.

A lady wrote me from Glacier County, MT, and said this:

I hope you will be willing to stand up to the banks when it comes to credit card regulation and oversight. Consumers need protection. In our home, we just saw interest rates on many of our credit cards jump for no reason. . . . How are we supposed to be participating in an economic recovery when our cash is being siphoned off for these unfair charges? You have a chance to do something about that—

She went on to say—

I hope that you will.

I, too, hope that we will. I hope the Senate will pass the Credit CARD Act. This bill will ban universal default, the jacking up of interest rates even when the account in question is in good standing. It will protect consumers who pay their bills on time by outlawing interest charges on debt paid on time. It gives consumers another week to pay their monthly bills. It limits fees and penalties. It ensures that cardholders will know the small print. And

it protects young Americans, who are often most vulnerable, from predatory practices by the credit card companies.

I voted against the Wall Street bailout because handing bags of money to big Wall Street bankers and hoping the money would trickle down to Main Street small businesses and working families made no sense to me. Now we see some of the recipients of taxpayer bailouts jacking around the regular working folks who make this country run and who are having a hard time in this difficult economy, brought on by mismanagement here and by crooked deals on Wall Street.

It is important to note that not everyone in the banking industry is guilty of gross exploitation of the American consumer. But the bad actors on Wall Street and the credit card companies need to be reined in, and the rights of the regular public need to be protected.

I am pleased President Obama had the credit card executives down to the White House the other day to encourage them to treat consumers fairly. I call on the Senate to step to the plate and deliver meaningful legislation that will put in place commonsense consumer protections.

Thank you, Madam President. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GUANTANAMO: ANOTHER DAY OF UNANSWERED QUESTIONS

Mr. MCCONNELL. Madam President, for the past several weeks, Republicans in Congress have expressed serious concerns about the administration's insistence on closing Guantanamo before it has a safe alternative. These concerns are rooted, among other things, in the fact that roughly 10 percent of the detainees who have already been released from Guantanamo have returned to the field of battle. These concerns are rooted in the fact that the administration has talked about releasing some of these trained terrorists into the United States—not into detention facilities but directly into our communities. These concerns are rooted in the fact that Americans like the fact that we have not been attacked at

home here since 9/11, and they do not want the terrorists at Guantanamo back on the battlefield and certainly not in their backyards.

These concerns are real. Yet all we have gotten from the administration on this issue is silence.

Five weeks ago, Senator SESSIONS sent the Attorney General a letter asking what legal authority the administration has to release trained terrorists into the United States. He sent another letter asking the same question earlier this week. In response, he has gotten silence. Senator MCCAIN and Senator GRAHAM wrote an op-ed yesterday asking serious questions about what the administration plans to do with the detainees it releases or transfers from Guantanamo. We have not heard anything in reply.

These are not academic questions we are asking. When Americans hear about a former detainee named Said Ali al-Shihri, who was last seen serving as one of al-Qaida's top deputies in Yemen, calling on his Somali comrades to increase attacks on Americans ships, they have reason to be concerned. When Americans hear about a former detainee who was last seen serving as the Taliban's operational commander in southern Afghanistan, they have reason to be concerned. These are just a couple of the men previously deemed safe for transfer. They are living proof that the dangers of closing Guantanamo without a safe alternative are absolutely real. Yet all we get from the administration is a request for funds to close Guantanamo. Does the administration really think Congress will appropriate these funds before it presents us with a plan that keeps the American people as safe as Guantanamo has? The administration needs to explain its actions to the American people and their representatives in Congress. And Republicans will continue to ask these questions until they do.

THE BUDGET

Mr. MCCONNELL. Madam President, it is clear the budget the Democrats passed last week on a party-line vote spends too much, taxes too much, and borrows too much. As a result, the President has now proposed some modest spending reductions totaling a fraction—a fraction—of a percent of the trillions his budget would add to the debt.

Well, that is a start, but with Democrats in Congress adding to the national debt at a rate of more than \$100 billion every month already this year, and with a budget that triples the already unsustainable public debt over the next decade, it is clear there is not much more we can do to protect our children and grandchildren from the unprecedented trillions in additional debt proposed by this administration.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent to speak as in morning business—in fact, I think we are in morning business. I ask unanimous consent to be recognized for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUANTANAMO BAY

Mr. ROBERTS. Madam President, I wish to thank our Republican leader for so succinctly summing up the issue we face in regards to the terrorists—and, yes, they are terrorists—who are at Guantanamo Bay and for what I think is the almost unbelievable suggestion that we move these folks to a homeland, USA, and my remarks will continue in that regard. I thank the leader for raising the subject.

I rise today to speak about Guantanamo Bay, but I wish to point out that I am speaking about a Guantanamo Bay that some of my colleagues and some citizens of our great country might not recognize.

Obviously, the Guantanamo Bay I am speaking of houses “terrorists.” I have been there, and there are terrorists at Gitmo. I have seen them. As a matter of fact, I have seen interrogation procedures with the terrorists. They are not “enemy combatants” fighting an “overseas contingency operation,” but terrorists whom we must wage a war on terror against because they continually plan to launch attacks against us.

Senator MCCONNELL spoke of the 10 percent who have been released and who have shown back up on the battlefield. There is a wonderful picture—well, it isn’t a wonderful picture; it is a very telling picture—of one of these terrorists who was incarcerated at Gitmo and whom we released. He was treated and fitted with a prosthesis—with health care better than many of my small communities get.

There is a picture of him back on the battlefield waving his prosthesis in one hand and with an AK-47 in the other. If that doesn’t tell the story, I don’t know what would.

The reason I explain this is because we have seen a change in how those who are incarcerated at Gitmo are now being defined and described both in the media and in the administration, and as a consequence, by some Americans. I understand there is a poor perception of Guantanamo Bay, but to say there are no terrorists there, to say that there are not even enemy combatants there is doing a disservice to us all by trivializing the crimes committed by those who are incarcerated there.

I ask my colleagues: When did we start making terror politically correct? And why?

I understand this administration has great feelings about these issues, and many Americans have great feelings about these issues. Many Americans disagree very strongly with the past administration. I know this administration wants to draw a line of demarcation and say: This is not our policy, whether it is the war in Iraq, whether it is our operations in Afghanistan, whether it is our foreign policy, our national security policy, or whether it is intelligence. These are all very legitimate topics for debate and discussion, but in the process of this debate and this discourse, we should not ignore reality.

This same question as to why we would do this was asked by Daniel Pearl’s father, Judea Pearl, in an article that ran in the Wall Street Journal this past February. I have the article here. It is called “Daniel Pearl and the Normalization of Evil.” Every Senator and every American should read this article and should take it to heart.

As I think most people know—and we should all remember—Daniel Pearl was the American journalist captured and beheaded—beheaded on video—by the “nonterrorist, nonenemy combatant” Khalid Sheikh Mohammed in 2002. He was beheaded by Khalid Sheikh Mohammed, who is actually sitting at Guantanamo Bay right now.

Listen to what Professor Judea Pearl, who is a respected professor at UCLA, has to say about that act of terror when he and Danny’s mother looked at a picture of their son, Daniel:

Those around the world who mourned for Danny—

His son—

in 2002 genuinely hoped that Danny’s murder would be a turning point in the history of man’s inhumanity to man, and that the targeting of innocents to transmit any political message would quickly become, like slavery and human sacrifice, an embarrassing relic of a bygone era.

But somehow,—

And I continue to quote Professor Pearl—

barbarism, often cloaked in the language of resistance, has gained acceptance in the most elite circles of our society. The words “war on terror” cannot be uttered today without fear of offense. Civilized society, so it seems, is so numbed by violence that it has lost its gift to be disgusted by evil.

Well, I remain disgusted by evil, and more than that, I am fatigued by those who seemingly ignore it. I am disgusted by those who target innocent civilians as they spew their hatred, and I refuse to adopt what Danny’s father called “the mentality of surrender.” I think it is not too late. It is not too late for a wake-up call. We can all refuse to surrender to the idea that terrorism is somehow a tactic. To refuse to believe it is an acceptable tool of resistance.

There is still time for Americans to remember that there are men at Guantanamo Bay who cannot be released

and most certainly should not be on American soil. In fact, Americans must remember there are men at Gitmo who planned the September 11 attacks, the USS Cole attack prior to that—this was before we even connected the dots—and the attacks on American Embassies in Africa, causing great loss of human life. There are men at Gitmo who have perpetuated horrible crimes against humanity and would like to do so again because they don’t like who we are or the way we live.

Terrorist detainees should be held, as they are now, at Gitmo, in compliance with international law. That should be respected, of course.

Ask the Red Cross or our new Attorney General, Eric Holder. Guantanamo, despite what some might think, is a first-rate facility that safely keeps these men out of civilized societies, affords them human treatment, and gives them religious respect. Again, I know. I was there.

Certainly, Khalid Sheikh Mohammed did not afford Daniel Pearl those courtesies. No, Khalid Sheikh Mohammed and others like him were—and still are—on a jihad against every man, woman, and child in our country. Yet we should bring these terrorists to American soil? Not only is that just plain wrong, it is logistically a situation that will not work. We can’t do it without a tremendous infusion of funds and a lot of other problems.

In Dodge City, KS, at the coffee clatch that I attend, they call that flatout dumb. In fact, for those who would like to bring these nonterrorists, nonenemy combatants to hometown, USA, let me paint a picture.

Fort Leavenworth, KS, has been mentioned many times as a possible location for the 100 or so terrorists whom Defense Secretary Gates says can’t be released but can’t be tried. Leavenworth: where we educate all future Army officers, where we host foreign military officers every year to build relationships and foster military cooperation. Leavenworth: the intellectual center of the Army.

Do my colleagues think Army officers want to study at Fort Leavenworth if terrorists are there? Do they think they want to send their kids to school on the base minutes away from the most dangerous men in the world? Do they think foreign countries, especially friendly Muslim nations, will want to send their best and brightest officers to a place that houses men who we all agree are not appropriate for a civilized society? I don’t think so. Not a chance.

Even worse, I can’t believe we are asking the people of Leavenworth to hang out with the “welcome terrorists” banner or put out the welcome mat to terrorists or to share their community not only with terrorists but with every protestor who will inevitably show up or with every terrorist

who will view a facility on the mainland as a target, as they do. And before someone says Fort Leavenworth is secure, let me tell you it is secure all right; but for military prisoners who are compliant and for civilian prisoners who are not on a jihad against America.

Guantanamo Bay is a fortress, a humane, Red Cross-approved fortress, but a fortress nonetheless. Moving such a facility to hometown, USA, will require security beyond reality. I can't even begin to imagine what it would look like at Leavenworth, but I do know it is unrealistic to think a place such as Leavenworth, which has a railroad running through it and a river running next to it and highways all around it, would not be secure. No, it is not secure enough. In fact, the only place that is would have to be a fortress in the middle of nowhere—or Guantanamo Bay.

Let's also not forget the cost to taxpayers if such a thing would actually happen. We would not be able to mix these prisoners with the general prison population there, let alone the public. We would have to build a hospital and medical facilities, exercise and eating facilities, places for religious worship, and the list goes on and on and on. We have that at Gitmo. If anyone thinks that is crazy, I recommend they travel to Gitmo and take a look. They already have all of those facilities there. In fact, the medical facilities I saw are better than most in most of our small rural communities in this country.

Why we keep coming back to this ridiculous argument, why we keep trivializing the crimes committed by those at Gitmo, and why we keep offering up our American communities as a reasonable alternative is beyond me.

But I will say this: not in our backyard, not in Kansas, not on this Senator's watch, not on my watch. I don't know how many times I have to say or shout this on the Senate floor before this misbegotten idea is put to rest. But trust me—trust me—I will continue to do it until we come to our senses or until one of my colleagues who wants to close Gitmo offers a site in their State as a reasonable alternative.

One Senator has a lot of tools in his toolbox for keeping the Senate tied up in knots. If someone gets the bright idea of moving these prisoners to Kansas, we can all cancel our summer travel plans because we are going to be spending a lot of time here doing nothing. Come to think of it, that might be a better alternative as to where we are headed.

Thank you, Madam President. I yield the floor.

Madam President, it has come to my attention that I don't think we have a quorum, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WEAPON SYSTEMS ACQUISITION REFORM ACT

Mr. KAUFMAN. Madam President, I am pleased to cosponsor the Weapon Systems Acquisition Reform Act, which would overhaul our defense procurement system and improve mechanisms for identifying and eliminating waste. I thank Senators LEVIN and MCCAIN for introducing this critical piece of legislation and recognize them for their effort moving it through the Armed Services Committee.

This bill is an essential step toward eliminating wasteful inadequacies that have permeated the weapons procurement system. I am sure my colleagues share my deep concern about the Government Accountability Office's conclusion last year that "... DOD [acquisition] programs continue to be sub-optimal" resulting in "... lost buying power and [lost] opportunities to recapitalize the force."

This is unconscionable and unacceptable for the world's strongest military power, especially as we continue to have troops in harm's way.

Today, Senators LEVIN and MCCAIN will discuss some of the most egregious examples of a lack of oversight in the acquisition process and cost discrepancies that surfaced over time. This is why this bill requires the Secretary of Defense to implement mechanisms that guarantee consideration of the tradeoffs between major weapon systems cost, schedule, and performance at each phase of the procurement process.

This bill would give the Department of Defense the tools it needs to improve the acquisition process to avoid "sub-optimal" results, reduce waste, and ensure that the cost of developing specific weapon systems is commensurate with our defense needs.

According to Secretary Gates, this will require "... a holistic assessment of capabilities, requirements, risks and needs" which will entail, among other things, "... a fundamental overhaul of our approach to procurement, acquisition and contracting."

Both President Obama and Secretary Gates have indicated their strong support for this legislation because they want to do everything in their power to protect our troops, advance national security goals, and keep America safe.

Unfortunately, we will not get a refund from the mistakes of the past, but we can make better decisions today that will lay the foundation for more pragmatic decisionmaking in the future.

The military challenges we are facing today are unlike conventional wars of the past. Let me repeat. The military challenges we face today are unlike wars of the past and, therefore, require a reconfiguration of defense spending. I agree with the assessment of leading defense experts that we must better prepare to win the wars we are in, as opposed to those we may wish to be in.

Last month, I had the privilege of traveling with Senator JACK REED to Afghanistan, Pakistan, and Iraq, where it was abundantly clear that we must focus future spending on our growing counterinsurgency needs.

In Iraq and Afghanistan, we are engaged in a four-stage process of shaping the environment, clearing the insurgents with military power, holding the area with effective security forces and police, and building through a combination of governance and economic development.

The four stages, again, are shaping the environment, clearing the insurgents, holding the area, and building through a combination of governance and economic development.

In order to be successful in this complex process, we must ensure that our commanders have the necessary tools to effectively engage in counterinsurgency operations, and this requires a fundamental rebalancing of our defense priorities.

As we shift resources from Iraq to Afghanistan, we hear over and over, we are facing potential shortages of some of the high-demand equipment and "critical enablers," such as UAV operators, engineers, air traffic controllers, and road-clearing units.

The allocation of these scarce resources forces our military leadership to make difficult decisions as it balances competing needs in Afghanistan and Iraq. These shortages underscore—underscore—why we must eliminate waste and reshape our defense priorities.

It is in this regard that I wish to highlight section 105 of this bill which directs the Joint Requirements Oversight Council to seek and consider input from combatant commanders prior to identifying joint military requirements.

This provision is essential because it incorporates the views of our commanders on the ground to ensure they have the tools they need to better protect our troops, defeat militants, and succeed in our missions overseas.

As Secretary Gates wrote in "Foreign Affairs" earlier this year, we must build innovative thinking and flexibility into the procurement process,

and “the key is to make sure that the strategy and risk assessment drive the procurement, rather than the other way around.”

This is why we must institutionalize these changes into the procurement process which must be flexible enough to respond to developments on the ground and better equip our troops to engage in counterinsurgency.

I wish we had the procurement system set up under this bill years ago, but it is never too late to institute needed change. I thank the authors, Senator LEVIN and Senator MCCAIN, of this important initiative and encourage my colleagues to join me in supporting this bill.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

DOMESTIC AUTO INDUSTRY

Mr. FEINGOLD. Mr. President, it is critically important to the country and to my State of Wisconsin that we do everything we can to preserve an American auto manufacturing industry. The domestic auto industry has been vital to the economic development of Wisconsin for much of the last century, but that industry is undergoing a rapid restructuring right now, and I am very concerned about how this restructuring will affect communities in Wisconsin.

We need an American auto industry, but it can't be American in name only. American jobs must be protected. Unfortunately, the auto restructuring plans that have been put forward contain proposals that ship jobs overseas. That is not acceptable to me or to my constituents. The taxpayer dollars that are propping up the industry should be used to preserve family-supporting jobs in Wisconsin and around the country.

My State of Wisconsin has been hard hit by the troubles in the auto industry over the past year. There are two major auto plants located in my State—a General Motors plant in my hometown of Janesville, and a Chrysler engine plant in Kenosha. In addition, there are a dozen companies in Wisconsin that support these two plants, including supply companies and car dealers.

Both the Janesville and Kenosha plants have received grim news from GM and Chrysler over the past year, including last year's announcement that production would cease at the GM Janesville plant and this week's statement that the Kenosha engine plant would close at the end of 2010.

The Wisconsin community, including workers, economic development officials, technical colleges, workforce development groups, Governor Doyle, the Federal congressional delegation, and others have mobilized to assist these communities in the larger region in responding to this troubling news from both GM and Chrysler.

I supported carving out some of the Wall Street bailout funds to help U.S. automakers because unlike the money heading to Wall Street firms, the money provided to the automakers actually had a chance of preserving essential jobs in the United States. But that doesn't mean we should give auto companies a blank check, which is why I said that any Federal assistance provided to the automakers should come with requirements that the industry reform itself, including producing more fuel efficient cars that Americans are now demanding. When Congress failed to pass legislation to provide Federal loans to the auto industry, I applauded then-President Bush for stepping in and using some of the Wall Street bailout money to help the auto industry while also requiring that the companies submit restructuring plans.

Frankly, I am appalled that the automakers that received taxpayer assistance are not prioritizing the retention of American jobs, including jobs in Wisconsin. Over the past several months, I have heard concerns from the workers at the Chrysler Kenosha Engine Plant that work that Chrysler had promised to assign to the Kenosha plant might no longer actually be assigned to the Kenosha plant. At the same time, Kenosha's workforce told me that the same work would likely continue as scheduled at a plant in Mexico.

In response to these concerns, I led a letter in early April, cosigned by Senator KOHL, Representative RYAN, and Representative MOORE, to Secretary Geithner and National Economic Council Director Larry Summers. The letter urged the administration to consider including a priority for saving auto manufacturing jobs in the United States as the administration worked with the auto companies to craft restructuring plans. I received a response from Secretary Geithner that said it was the administration's hope that any Chrysler restructuring deal “will help ensure that we retain as many Chrysler jobs as possible in Wisconsin . . .”

Despite this assurance, the Kenosha community found out through media last week that in fact no Chrysler jobs would be retained at the Kenosha Engine Plant. Instead the Kenosha community was informed that the Kenosha plant would close by the end of 2010 while a Mexican plant slated to build the same product that has been promised to the Kenosha facility would remain open.

This news, which was not heard directly from the company itself, out-

raged the Kenosha community and other Wisconsinites who believe that their tax dollars should not be used to save jobs overseas, but should instead be used to save jobs in the United States and in Wisconsin—and rightly so. The Federal delegation, State and local officials, and the Kenosha workforce are united in working together to try to persuade the administration and Chrysler to reconsider this terrible decision.

I understand tough decisions need to be made as these companies restructure themselves. But both Chrysler and GM have received billions of American taxpayer dollars since December and the companies as well as the administration need to take steps to help ensure that those taxpayer dollars are being utilized for the purpose they were intended—to save American jobs. If Chrysler is going to close the Kenosha plant as well as other domestic plants while keeping its overseas facilities open, then we need to think seriously about whether it is in the interest of the American taxpayers to provide continued financial assistance to the company.

There may still be some hope for the Chrysler Engine Plant in Kenosha and the GM Assembly Plant in Janesville, and other American plants—if the administration steps up. The Janesville community is waiting to hear whether or not the incentive package it presented to GM will be accepted and the Kenosha community is waiting to hear whether Chrysler's decision to close the Kenosha plant will be reconsidered. Over the years, both the Kenosha and Janesville workers have been commended for their productivity, their creativity, and their willingness to negotiate fairly with the management at each plant and both communities are great locations for retooled auto companies to thrive in the future.

The first priority of any company receiving Federal taxpayer assistance should be to preserve jobs within the United States and I call upon the administration, Chrysler, and GM to reexamine their restructuring plans to make the preservation of U.S. jobs the top priority of these plans. I will continue to do all I can to support Wisconsin's workers and local communities in their efforts both to respond to these decisions and to ensure these auto companies prioritize saving auto manufacturing jobs in Wisconsin as the restructuring process moves forward in the coming days and weeks.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 454, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

AMENDMENT NO. 1052, AS MODIFIED

Mr. LEVIN. Mr. President, I now send a modified Murray amendment to the desk and ask that it be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. MURRAY and Mr. CHAMBLISS, proposes an amendment numbered 1052, as modified.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title II, add the following:

SEC. 207. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.”.

(b) NOTIFICATION OF CONGRESS UPON TERMINATION OF MDAPS OF EFFECTS ON NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

“(c) NOTIFICATION OF CONGRESS UPON TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM OF EFFECTS ON OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall notify Congress of the effects of such termination on the national security objectives for the national technology and industrial base set forth in subsection (a), and the measures, if any, that have been taken or should be taken to mitigate those effects.

“(2) In this subsection, the term ‘major defense acquisition program’ has the meaning given that term in section 2430 of this title.”.

Mr. LEVIN. Mr. President, Senator MURRAY introduced an important amendment yesterday and spoke about it last night. It is intended to make certain that when the Secretary of Defense looks at the question of cost and whether weapon systems should be continued, that at least the Secretary

looks into the impact on the industrial base.

The amendment has been modified now in a way that makes this acceptable. The Senator from Washington has put her finger on a very significant issue, which is the industrial manufacturing base of the country. But it has been modified in a way that would not make it difficult or impossible for us to do what we need to do relative to ending the production of weapon systems which, for instance, are no longer useful or have so outlived or outdone the expectations for the system and exceeded the expected expense that they are no longer practical in terms of their continued production.

So she has raised an important issue. It will be considered by the Secretary of Defense when these decisions are made. But the thrust of our bill is to make it possible to end the production of weapon systems if they are so costly that they no longer make sense or if they are not working effectively. That is the thrust of this bill, the heart of the matter. Her contribution does not detract or diminish that important point of our bill.

So we support that modified amendment and ask that the Senate adopt it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 1052), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1057

Mr. MCCAIN. Mr. President, I ask unanimous consent to call up amendment No. 1057, offered by the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. COBURN, proposes an amendment numbered 1057.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a plan for the elimination of weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on assets acquired under major defense acquisition programs)

At the end of title II, add the following:

SEC. 207. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

Mr. MCCAIN. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1057) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I believe there is a Senator coming over to speak, and I think that is the last speaker on this bill that I know of. So in the meantime, awaiting his arrival, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I agree with Senator MCCAIN that we know of no more amendments that are going to be offered. But there are one or two Senators who may want to speak on either their amendments which have been adopted or on the bill itself, and we will know that within the next few minutes.

What we are exploring in both our cloakrooms is whether we could possibly have a vote on final passage in about 10 or 15 minutes. We do not know if that is a possibility yet. If not, we would vote on final passage sometime probably early this afternoon. But we are trying now to identify what the time would be for a vote on final passage, and, hopefully, we will have more to say on that in the next few moments.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, first of all, let me relay my appreciation to both the chairman and the ranking member for this bill. It does a lot of things that needed to be done for a long time. I would also say it will not do anything unless the President puts in the right person who has the right character; that is, mean as all get out, thorough, and comprehensive in what they are going to do and plans on staying there for a long time.

The other points I wanted to make, and I will be brief—really there are two. I have listened to all of this debate, not necessarily here but from my office. There is one thing that is missing in the debate. We have had the problem with contractors, and there is a problem with the Pentagon. But not once did I hear there is a problem with us.

The real reason we have gotten into trouble to the degree we have is because we have not done the oversight. We have not done our job. So we are seeing a great response now by the leadership of the Armed Services Committee to do some of the right things. But had we been doing our job, much of what we see in terms of failed major procurement systems, lack of transparency, we could have had that trans-

parency had we been doing the oversight.

I will give you an example. Senator CARPER and I did the transparency on the C-5 retrofit, and we had a supposed Nunn-McCurdy breach when, in fact, there was not a Nunn-McCurdy breach. The people wanted there to be a Nunn-McCurdy breach. The fact is, we could in fact cut down costs, create transparency, not just with the effects of what this bill is going to do, but if we are much more aggressive.

The last point I will make is that there is no question that the earmarking process hampers us far more than it helps us in the Pentagon. When we see the amount of time that is spent on most projects versus oversight, the American taxpayers are getting short-changed. They are just getting short-changed.

I hope people will recognize that although sometimes earmarks turn out to be fantastic, the vast majority of times they do not, and we spend staff time doing that rather than managing what is happening there today.

Our No. 1 charge under the Constitution is the defense of this country, and we do not just spend \$500 billion on that or \$600 billion. When we add up everything we spend, it comes—if we count nuclear weapons maintenance and we count the research for nuclear warheads, if we count everything that goes through, we are about at \$1 trillion. When we add everything else, that comes to that. And we are highly inefficient.

I am very appreciative with what is happening within this bill. But I think the American public ought to recognize that the earmarking process in Congress has hurt the Defense Department because it has taken away from us doing our regular job.

No. 2, Congress has hurt our procurement and our ability to defend ourselves because we are not doing the work we need to be doing, the oversight on a monthly basis on major programs. We cannot depend on IGs and the GAO. We have to ask them: Are you on time? Are you meeting the schedule we need to do this because we are putting one-third of our assets that we expend every year into defense? It is rich. And when we pay out \$7, \$8 billion for performance contracts that the performance contractor did not make, did not meet the requirements, but we pay it anyhow, we are the ones who allow that to happen.

Finally, the last point I will make: Until we address the revolving door of working in the Pentagon and going to work for a contractor and how that impacts what people do in terms of procurement and major decisions, we are not going to solve this problem. Whether it is an ethical constraint or a positive statement of principles, somehow we have to address that issue because we cannot blame the people who are

looking for their next job to be less than perfectly independent in this job if, in fact, it is going to affect their future.

So we have not addressed that in this bill, but that is still one of the things that has to be addressed because it is problematic not only in terms of how well we do but what we get for what we actually pay out.

Again, I thank the chairman and ranking member. I appreciate their work. I appreciate them taking our amendment. My hope is that when we combine what we have put forward with a—I cannot use the word I want to use on the Senate floor—but someone of significantly tough demeanor to ramrod this through there, that, in fact, we will see great savings, better performance, and better procurement for the American taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me thank the Senator from Oklahoma for his amendment. It was just adopted. It is a very significant amendment, and what it reflects is the determination of the Senator from Oklahoma to get the Defense Department to do something that in law they are required to do, which is to give us a financial statement which receives a clean audit opinion.

They haven't done that for decades. We have tried various ways to do it. The voice of the Senator from Oklahoma is a welcome addition to this effort, and we appreciate his amendment and his willingness to work with us on the exact language thereof.

NUNN-MCCURDY

Ms. COLLINS. Mr. President, would the Senator yield for a question?

Some have expressed concerns that changes proposed by this bill could cause Nunn-McCurdy breaches even when a program is performing well and when the Department has provided well-defined requirements. In particular these experts have pointed to the potential for unit cost breaches that could be caused by policy decisions to reduce the number of units that would be purchased by the program. These policy decisions could originate in the executive branch or Congress and could be made regardless of past program performance. Do you believe this legislation will have that effect, and, if so, was that your intention?

Mr. LEVIN. I thank the Senator for her inquiry. This legislation would not change the existing Nunn-McCurdy thresholds for unit cost breaches. I do not believe that programs that are performing well have breached Nunn-McCurdy thresholds in the past as a result of changes in the quantity of units procured under a program, and I do not consider it likely in the future. In the

case of a program that is not performing well, a change in unit quantities may be sufficient to push a program over the thresholds. This is a factor that the Department may consider in deciding whether and how to continue with the program. For programs performing well, however, the likelihood of a breach is extremely small. Nonetheless, it is certainly not our intention to penalize programs performing well, and I look forward to continuing to work with the Senator as this bill proceeds through Congress to address these concerns.

NIP-FUNDED ACQUISITION PROGRAMS

Mrs. FEINSTEIN. Mr. President, S. 454, the Weapon Systems Acquisition Reform Act of 2009, is important legislation to improve the organization and procedures of the Department of Defense for the acquisition of major weapons systems and other major defense systems. Chairman LEVIN and Ranking Member MCCAIN are to be congratulated for reporting this bill from their committee with strong bipartisan support.

As my colleagues know, many of our most important, and costly, national intelligence programs are acquired by intelligence community agencies that are found within the Department of Defense. Like the Senate Armed Services Committee, the Select Committee on Intelligence, where the chairman and ranking member of the Armed Services Committee sit as *ex officio* members, has been concerned for many years about the need to improve the intelligence acquisition process and its oversight in order to ensure we are making maximum best use of intelligence resources.

The Congress looks to the Director of National Intelligence to manage and be accountable for major systems acquisitions funded by the National Intelligence Program, NIP, even though these acquisitions are executed in other departments and agencies of the Federal Government. While many of us have had concerns about the implementation of the Intelligence Reform and Terrorism Prevention Act, IRPTA, of 2004, the creation of the Office of the Director of National Intelligence, DNI, and the establishment of the roles and responsibilities of that office were important accomplishments that we on the Intelligence Committee wish to see strengthened through robust implementation of the provisions of that act.

The Intelligence Reform and Terrorism Prevention Act gave the DNI broad acquisition authorities over the NIP, but for NIP programs conducted within the DOD, the act required that the DNI and the Secretary of Defense share these authorities. Specifically, the act required: "For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall . . . serve

as exclusive milestone decision authority, except that with respect to the Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary."

Subsequently, Director of National Intelligence Michael McConnell and Secretary of Defense Robert Gates agreed in a memorandum of agreement, MOA, signed in March 2008 that this joint milestone decision authority would be extended to majority NIP-funded acquisition programs as well. They agreed that wholly and majority NIP-funded acquisition programs would be executed according to intelligence community acquisition policy. The MOA states that its purpose is to provide for "a single acquisition process" for programs covered by it. I am sure that we will all agree, as the DNI and the Secretary of Defense have done, that it is vitally important that these important intelligence acquisitions be governed by a clear process with clear lines of responsibility as provided for by the MOA.

The MOA of the DNI and Secretary of Defense was later implemented in DOD Instruction No. 5000.2 on December 8, 2008.

It should also be pointed out that in fact wholly and majority NIP-funded major system acquisitions executed in accordance with intelligence community acquisition policies are now usually deemed to be "highly sensitive classified programs" under title 10 U.S.C. 2430.

Because S. 454 would cover all "major defense acquisition programs" within the meaning of title 10 U.S.C. 2430, not just major weapons systems, I appreciate Chairman LEVIN agreeing to this colloquy to clarify the impact of the legislation on NIP-funded acquisition programs executed within the Department of Defense.

Mr. Chairman, is it the case that S. 454 would not extend DOD's jurisdiction to any programs over which it does not already have authority and that to the extent that NIP programs are outside the DOD acquisition system today, they would not be brought into the DOD acquisition system by this bill?

Mr. LEVIN. That is the case. This bill would neither extend nor contract DOD's jurisdiction or authority over the acquisition programs of DOD components that are a part of the intelligence community.

Mrs. FEINSTEIN. Mr. Chairman, do you further agree that this bill is not intended to change the DNI's roles and responsibilities under the Intelligence Reform and Terrorism Protection Act of 2004 or to require revision of the March 2008 memorandum of agreement between the DNI and Secretary of Defense concerning NIP-funded acquisition programs?

Mr. LEVIN. I agree with the chairman of the Intelligence Committee. S. 454 is not intended to amend IRTPA or to modify the respective authorities of the DNI and the Secretary of Defense under that statute. S. 454 does not address the March 2008 memorandum of agreement between the DNI and the Secretary of Defense concerning NIP-funded acquisition programs. It neither ratifies that memorandum of agreement nor requires any modification to the memorandum of agreement.

Mrs. FEINSTEIN. I thank the distinguished chairman of the Armed Services Committee and manager of this bill.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise with my colleague Senator COLLINS, to file this vital amendment to correct disparities among the Small Business Administration's, SBA, small business contracting programs and thus create a more equitable method for Federal agencies to fairly allocate Federal procurement dollars to small business contractors across the nation.

This targeted amendment reflects a proposed rule promulgated last year, March 2008, by the Department of Defense, DOD, the Government Services Administration, GSA, and the National Aeronautics and Space Administration, NASA, which requires the Federal Acquisitions Regulations, FAR, clearly reflect the SBA's interpretation of the Small Business Act and the SBA's analysis of its own regulations and provide an equal playing field for small business firms who participate in the Federal contracting marketplace. The SBA's own counsel asserts that parity legislation must be adopted because Federal agencies "must be afforded some discretion in determining which small business program to utilize." Parties agree that small business should be treated uniformly.

Our amendment would provide Federal agencies with the necessary flexibility to satisfy their Government-wide statutory small business contracting goals. It would provide these agencies with the ability to achieve their goaling requirements equally through an award to a small business, a historically underutilized business zone, HUBZone, small business concern, a service-disabled veteran-owned small business, SDVOSB, firm, or a small business participating in the 8(a) Business Development Program. Of course this list should also include the Women's Procurement Program once it finally becomes fully implemented by the SBA.

For years, it has been unclear to the acquisition community what, if any, is the true order of preference when determining which small business contracting program is at the top of the agency's priority list. This amendment will make clear to purchasing agencies

that contracting officers may award contracts to HUBZone, SDVOSB, 8(a) firms with equal deference to each program.

This amendment represents the essence of true parity—where each program has an equal chance of being selected for an award. And during these difficult economic times, it is imperative that small business contractors possess an equal opportunity to compete for Federal contracts on the same playing field with each other.

I urge my colleagues on both sides of the aisle to support this amendment.

Mr. CASEY. Mr. President, I rise to express my strong support for the Weapons System Acquisition Reform Act, introduced by the two leading military experts in the U.S. Senate today—Senators CARL LEVIN and JOHN MCCAIN. This rapid passage, after years of delay and inaction, has occurred in part because of the strong support demonstrated by President Obama. The President, in public remarks recently on this issue, reaffirmed his strong commitment to be a wise steward of the American taxpayer's dollars. That commitment to fiscal prudence and wise budgeting must apply equally to the Pentagon as it does any other Cabinet Department. Those who argue that it is acceptable to tolerate some waste and inefficiency in our military budgets because we are talking about our national security have it wrong. It is precisely because our security is at stake that we must ensure, as Secretary Gates has said, every dollar wasted on cost overruns or inefficient contracting is a dollar that cannot be spent on our men and women in service and making sure they have the right tools to succeed.

Defense acquisition reform is one of those perennial Washington issues that everyone talks about, but nobody ever seems to get around to solving. Many of my colleagues, in the debate over the past 2 days, have cited the GAO report last year chronicling \$296 billion in cumulative cost overruns in the 96 major acquisition programs currently maintained by the Pentagon. But I would like to quote from another report:

public confidence in the effectiveness of the defense acquisition system has been shaken by a spate of "horror stories"—overpriced spare parts, test deficiencies, and cost and schedule overruns. Unwelcome at any time, such stories are particularly unsettling when the Administration and Congress are seeking ways to deal with record budget deficits.

This other report was not published this year or last year. I am quoting from the legendary Packard Report, published in 1986, which offered a scathing indictment of the defense acquisition process. Unfortunately, little seems to have changed in the intervening 23 years, and in some respects, our procurement system has only deteriorated.

Year after year, we hear of cost overruns and schedule delays that cost the

American taxpayer billions of dollars. Yet we never seem to muster the political will to tackle the problem and crack down on the systemic flaws that produce these chronic poor results. So I am very pleased that this legislation has moved from introduction to committee markup to final Senate passage in a matter of months—after years of reports and blue ribbon commission of studies emphasizing the need for fundamental reform of the process by which the Pentagon purchases the weapons systems used every day by our brave men and women.

The Levin-McCain bill on the floor today seeks to address key deficiencies in the early stages of the acquisition process for a weapons system, where many of the problems first materialize. The legislation would support the Pentagon's efforts to rebuild its procurement workforce, which has been dismantled over the past fifteen years and contracted out. It would establish an independent office in the Pentagon to assess initial cost estimates provided for weapons systems, to ensure that rose-colored cost predictions are no longer permitted to pass muster. Finally, the bill reinforces so-called Nunn-McCurdy provisions to ensure that programs that go seriously off track are terminated unless there is a compelling reason not to do so.

I was also proud to serve as a cosponsor on a series of important amendments offered by my colleague from Missouri, Senator MCCASKILL. I applaud the Senator's single-minded determination to root out waste, fraud and abuse in our procurement and contracting systems, and I am very pleased to collaborate with her on these important amendments, all of which have been accepted by voice vote. Briefly, the amendments ensure that our war fighters in the field, as represented by the Combatant Commanders, provide input to the weapons acquisition process; offer an opportunity for the key Pentagon civilian official in charge of acquisition to sign off on all acquisition program decisions made something that oddly does not yet occur on a regular basis; and strengthen safeguards to ensure competitive prototyping for all major weapons systems before final purchase decisions are made.

What matters, at the end of the day, is not just the dollars we save. All of us have a fiduciary responsibility to safeguard the interests of our young men and women who serve our nation. We cannot continue paying excess dollars on out of control weapons acquisition programs while we shortchange our troops on time at home from extended deployments and the full range of benefits they and their families deserve. That is at the heart of why the Levin-McCain acquisition reform legislation must be enacted into law by Memorial Day, as called for by the President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we are approaching the end of our debate. I believe the Senator from Alabama wishes to speak for up to 5 minutes.

I ask unanimous consent that no further amendments be in order, that following the remarks of Senator SESSIONS, the Senate proceed as provided for under a previous order with respect to passage of S. 454.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object—and I will not object—I thank the chairman and all the staff for the hard work they have done on this legislation. Many hundreds of hours have been put in, as well as hours of hearings. I thank the chairman for his leadership and the kind of nonpartisanship these important issues require for the good of the country.

I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I join in thanking Senator MCCAIN and our staffs. The work that has gone into this bill has been extraordinary on the part of both staffs. I will get into that after passage of the bill and have perhaps further thoughts. The role of Senator MCCAIN has been absolutely invaluable and essential. We have worked together very closely; as he puts it, in a non-partisan way. I thank him and his staff as well as my own.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senators LEVIN and MCCAIN for their work. We do need to address wasteful spending. Both of these Senators understand it. Senator MCCAIN has always been willing to challenge programs he thinks are not justified for the warfighter.

I wish to note a few things before we vote on passage as well as urge support for the legislation. First, the legitimate concerns voiced by the Department of Defense about the implications of this bill have been listened to and have been reasonably accommodated. I wish to highlight a few points identified by a report last month by the Government Accountability Office, the independent GAO, titled "Defense Acquisitions, Assessments of Selected Weapon Programs."

Since 2003, the number of major defense acquisitions programs has grown from 77 to 96. All 96 programs were assessed by GAO. They found investment

in these programs had grown from \$1.2 trillion to \$1.6 trillion. Research and development costs are now 42 percent higher than originally expected. The cumulative cost growth was \$296 billion. I find that to be a stunning number. I almost have to believe that somehow they calculated it in an excessive way. Sometimes numbers can look misleading. But if it is a third of that, we have a major problem. They concluded the cost growth on these programs was almost \$300 billion. The average delay in delivering the initial capabilities has increased to 22 months. So we have an excessive delay in producing our capabilities. GAO found that only 28 percent of the programs were expected to be delivered on time or ahead of schedule.

To combat cost growth, they found that quantities; that is, the number of the weapon systems and vehicles and other things that were to be produced, had to be reduced by 25 percent or more for 15 of the programs in the 2008 portfolio, and 10 of the largest acquisition programs, which account for half the overall acquisition dollars in the portfolio, have seen quantities reduced by almost one-third.

When the price per item goes up significantly, often the compensating action is to reduce the numbers. But the net reality is, that the taxpayer hasn't received as much as they expected out of the program. So clearly these statistics are disturbing and underscore the need for this important legislation and reform.

In summary, our warfighters are receiving less capability at a higher cost than was originally agreed upon. I believe this bill will improve the acquisition process by ensuring the Department and industry are more thoughtful when estimating the production cost at the beginning and the total life cycle cost of these programs. While I am mindful that acquisition reforms can continue to be improved, I encourage colleagues to vote in favor of this legislation. It is clearly a step in the right direction.

I salute our chairman and our ranking member, Senators LEVIN and MCCAIN, for this accomplishment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, as amended, is agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on the passage of the bill.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-

SON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BOND).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—93

Akaka	Durbin	McConnell
Alexander	Ensign	Merkley
Barrasso	Enzi	Mikulski
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Begich	Gillibrand	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Pryor
Bingaman	Gregg	Reed
Boxer	Hagan	Reid
Brown	Harkin	Risch
Brownback	Hatch	Roberts
Bunning	Hutchison	Sanders
Burr	Inhofe	Schumer
Burriss	Inouye	Sessions
Byrd	Isakson	Shaheen
Cantwell	Johanns	Shelby
Cardin	Kaufman	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Tester
Coburn	Kyl	Thune
Cochran	Landrieu	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden

NOT VOTING—6

Bond	Kennedy	Menendez
Johnson	Lautenberg	Rockefeller

The bill (S. 454), as amended, was passed, as follows:

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Weapon Systems Acquisition Reform Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Reports on systems engineering capabilities of the Department of Defense.

Sec. 102. Director of Developmental Test and Evaluation.

Sec. 103. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.

Sec. 104. Director of Independent Cost Assessment.

Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.

Sec. 106. Clarification of submittal of certification of adequacy of budgets by the Director of the Department of Defense Test Resource Management Center.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.

Sec. 202. Preliminary design review and critical design review for major defense acquisition programs.

Sec. 203. Ensuring competition throughout the life cycle of major defense acquisition programs.

Sec. 204. Critical cost growth in major defense acquisition programs.

Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.

Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.

Sec. 207. Earned Value Management.

Sec. 208. Expansion of national security objectives of the national technology and industrial base.

Sec. 209. Plan for elimination of weaknesses in operations that hinder capacity to assemble and assess reliable cost information on acquired assets under major defense acquisition programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term "major defense acquisition program" has the meaning given that term in section 2430 of title 10, United States Code.

TITLE I—ACQUISITION ORGANIZATION

SEC. 101. REPORTS ON SYSTEMS ENGINEERING CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report setting forth the following:

(1) A description of the extent to which such military department has in place development planning organizations and processes staffed by adequate numbers of personnel with appropriate training and expertise to ensure that—

(A) key requirements, acquisition, and budget decisions made for each major weapon system prior to Milestones A and B are supported by a rigorous systems analysis and systems engineering process;

(B) the systems engineering strategy for each major weapon system includes a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development; and

(C) systems engineering requirements, including reliability, availability, maintainability, and sustainability requirements, are identified during the Joint Capabilities Integration Development System process and incorporated into contract requirements for each major weapon system.

(2) A description of the actions that such military department has taken, or plans to take, to—

(A) establish needed development planning and systems engineering organizations and processes; and

(B) attract, develop, retain, and reward systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department.

(b) REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the system engineering capabilities of the Department of Defense. The report shall include, at a minimum, the following:

(1) An assessment by the Under Secretary of the reports submitted by the service acquisition executives pursuant to subsection (a) and of the adequacy of the actions that each military department has taken, or plans to take, to meet the systems engineering and development planning needs of such military department.

(2) An assessment of each of the recommendations of the report on Pre-Milestone A and Early-Phase Systems Engineering of the Air Force Studies Board of the National Research Council, including the recommended checklist of systems engineering issues to be addressed prior to Milestones A and B, and the extent to which such recommendations should be implemented throughout the Department of Defense.

SEC. 102. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.

(a) ESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

“§ 139c. Director of Developmental Test and Evaluation

“(a) There is a Director of Developmental Test and Evaluation, who shall be appointed by the Secretary of Defense from among individuals with an expertise in acquisition and testing.

“(b)(1) The Director of Developmental Test and Evaluation shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

“(2) The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

“(3) The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

“(4)(A) The Under Secretary shall provide guidance to the Director to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development processes of the Department.

“(B) The guidance under this paragraph shall ensure, at a minimum, that—

“(i) developmental test and evaluation requirements are fully integrated into the Systems Engineering Master Plan for each major defense acquisition program; and

“(ii) systems engineering and development planning requirements are fully considered in the Test and Evaluation Master Plan for each major defense acquisition program.

“(c) The Director of Developmental Test and Evaluation shall—

“(1) develop policies and guidance for the developmental test and evaluation activities of the Department of Defense (including integration and developmental testing of software);

“(2) monitor and review the developmental test and evaluation activities of the major defense acquisition programs and major automated information systems programs of the Department of Defense;

“(3) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

“(4) supervise the activities of the Director of the Department of Defense Test Resource Management Center under section 196 of this title, or carry out such activities if serving concurrently as the Director of Developmental Test and Evaluation and the Director of the Department of Defense Test Resource Management Center under subsection (b)(2);

“(5) review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities; and

“(6) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

“(d) The Director of Developmental Test and Evaluation shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary in order to carry out the Director's duties under this section.

“(e)(1) The Director of Developmental Test and Evaluation shall submit to Congress each year a report on the developmental test and evaluation activities of the major defense acquisition programs and major automated information system programs of the Department of Defense. Each report shall include, at a minimum, the following:

“(A) A discussion of any waivers to testing activities included in the Test and Evaluation Master Plan for a major defense acquisition program in the preceding year.

“(B) An assessment of the organization and capabilities of the Department of Defense for test and evaluation.

“(2) The Secretary of Defense may include in any report submitted to Congress under this subsection such comments on such report as the Secretary considers appropriate.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

“139c. Director of Developmental Test and Evaluation.”

(3) CONFORMING AMENDMENTS.—

(A) Section 196(f) of title 10, United States Code, is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and all that follows and inserting “the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Developmental Test and Evaluation.”

(B) Section 139(b) of such title is amended—

(i) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(ii) by inserting after paragraph (3) the following new paragraph (4):

“(4) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense.”

(b) REPORTS ON DEVELOPMENTAL TESTING ORGANIZATIONS AND PERSONNEL.—

(1) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Director of Developmental Test and Evaluation a report on the extent to which the test organizations of such military department have in place, or have effective plans to develop, adequate numbers of personnel with appropriate expertise for each purpose as follows:

(A) To ensure that testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs.

(B) To participate in the planning of developmental test and evaluation activities, including the preparation and approval of a test and evaluation master plan for each major defense acquisition program.

(C) To participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(2) FIRST ANNUAL REPORT BY DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation under section 139c(e) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than one year after the date of the enactment of this Act, and shall include an assessment by the Director of the reports submitted by the service acquisition executives to the Director under paragraph (1).

SEC. 103. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(2) The Director shall submit to the Secretary of Defense and to Congress each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.”

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to Congress not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense

Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) **REPORT ON RESOURCES FOR IMPLEMENTATION.**—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources, including specialized workforce, that may be required by the Director, and by other science and technology elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code, as amended by section 202 of this Act.

(3) The requirements of Department of Defense Instruction 5000, as revised.

(c) **TECHNOLOGICAL MATURITY STANDARDS.**—For purposes of the review and assessment conducted by the Director of Defense Research and Engineering in accordance with subsection (c) of section 139a of title 10, United States Code (as added by subsection (a)), a critical technology is considered to be mature—

(1) in the case of a major defense acquisition program that is being considered for Milestone B approval, if the technology has been demonstrated in a relevant environment; and

(2) in the case of a major defense acquisition program that is being considered for Milestone C approval, if the technology has been demonstrated in a realistic environment.

SEC. 104. DIRECTOR OF INDEPENDENT COST ASSESSMENT.

(a) **DIRECTOR OF INDEPENDENT COST ASSESSMENT.**—

(1) **IN GENERAL.**—Chapter 4 of title 10, United States Code, as amended by section 102 of this Act, is further amended by inserting after section 139c the following new section:

“§ 139d. Director of Independent Cost Assessment

“(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director.

“(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

“(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

“(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense

acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

“(3) establish guidance on confidence levels for cost estimates on major defense acquisition programs, require that all such estimates include confidence levels compliant with such guidance, and require the disclosure of all such confidence levels (including through Selected Acquisition Reports submitted pursuant to section 2432 of this title);

“(4) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs; and

“(5) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

“(A) in advance of—

“(i) any certification under section 2366a or 2366b of this title;

“(ii) any certification under section 2433(e)(2) of this title; and

“(iii) any report under section 2445c(f) of this title; and

“(B) whenever necessary to ensure that an estimate or analysis under paragraph (4) is unbiased, fair, and reliable.

“(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

“(2) The Director shall consult closely with, but the Director and the Director's staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

“(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

“(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

“(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director's duties under this section.

“(e)(1) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its cost estimates and analyses. The report shall include an assessment of—

“(A) the extent to which each of the military departments have complied with poli-

cies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates; and

“(B) the overall quality of cost estimates prepared by each of the military departments.

“(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process. Each report submitted to Congress under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.

“(3) The Secretary may comment on any report of the Director to Congress under this subsection.

“(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

“(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 4 of such title, as so amended, is further amended by inserting after the item relating to section 139c the following new item:

“139d. Director of Independent Cost Assessment.”.

(3) **EXECUTIVE SCHEDULE LEVEL IV.**—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

“Director of Independent Cost Assessment, Defense of Defense.”.

(b) **REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MDAPS.**—

(1) **REPORT TO SECRETARY OF DEFENSE.**—Not later than one year after the date of the enactment of this Act, the Director of Independent Cost Assessment under section 139d of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) **TRANSMITTAL TO CONGRESS.**—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

(c) **TRANSFER OF PERSONNEL AND FUNCTIONS OF COST ANALYSIS IMPROVEMENT GROUP.**—

The personnel and functions of the Cost Analysis Improvement Group of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139d of title 10, United States Code (as so added), and shall report directly to the Director.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by inserting “the Director of Independent Cost Assessment,” before “and the Director”.

(2) Section 2306b(i)(1)(B) of such title is amended by striking “Cost Analysis Improvement Group of the Department of Defense” and inserting “Director of Independent Cost Assessment”.

(3) Section 2366a(a)(4) of such title is amended by striking “has been submitted” and inserting “has been approved by the Director of Independent Cost Assessment”.

(4) Section 2366b(a)(1)(C) of such title is amended by striking “have been developed to execute” and inserting “have been approved by the Director of Independent Cost Assessment to provide for the execution of”.

(5) Section 2433(e)(2)(B)(iii) of such title is amended by striking “are reasonable” and inserting “have been determined by the Director of Independent Cost Assessment to be reasonable”.

(6) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

“(A) be prepared or approved by the Director of Independent Cost Assessment; and”.

(7) Section 2445c(f)(3) of such title is amended by striking “are reasonable” and inserting “have been determined by the Director of Independent Cost Assessment to be reasonable”.

(e) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(3) MAJOR WEAPON SYSTEM DEFINED.—In this subsection, the term “major weapon system” has the meaning given that term in 2379(d) of title 10, United States Code.

SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

(a) IN GENERAL.—Section 181 of title 10, United States Code, as amended by section 104(d)(1) of this Act, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by adding after subsection (d) the following new subsection (e):

“(e) INPUT FROM COMBATANT COMMANDERS ON JOINT MILITARY REQUIREMENTS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (f). Such input may include, but is not limited to, an assessment of the following:

“(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would justify a new joint military requirement.

“(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

“(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements.

“(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or to partner in using technologies developed to meet the joint military requirement.”.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of subsection (e) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands. The report shall include, at a minimum, an assessment of the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

SEC. 106. CLARIFICATION OF SUBMITTAL OF CERTIFICATION OF ADEQUACY OF BUDGETS BY THE DIRECTOR OF THE DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) If the Director of the Center is not serving concurrently as the Director of Developmental Test and Evaluation under subsection (b)(2) of section 139c of this title, the certification of the Director of the Center under subparagraph (A) shall, notwithstanding subsection (c)(4) of such section, be submitted directly and independently to the Secretary of Defense.”.

TITLE II—ACQUISITION POLICY

SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement mechanisms to ensure that trade-offs between cost, schedule, and performance are considered as part of the process for developing requirements for major weapon systems.

(2) ELEMENTS.—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost esti-

imating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance requirements are established for major weapon systems; and

(B) consideration is given to fielding major weapon systems through incremental or spiral acquisition, while deferring technologies that are not yet mature, and capabilities that are likely to significantly increase costs or delay production, until later increments or spirals.

(3) MAJOR WEAPONS SYSTEM DEFINED.—In this subsection, the term “major weapon system” has the meaning given that term in section 2379(d) of title 10, United States Code.

(b) DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(C) in ensuring the consideration of trade-offs among cost, schedule and performance for joint military requirements in consultation with the advisors specified in subsection (d);”.

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—

(1) JROC SUBMITTAL OF RECOMMENDED REQUIREMENTS TO UNDER SECRETARY FOR ATL.—Upon recommending a new joint military requirement, the Joint Requirements Oversight Council shall transmit the recommendation to the Under Secretary of Defense for Acquisition, Technology, and Logistics for review and concurrence or non-concurrence in the recommendation.

(2) REVIEW OF RECOMMENDED REQUIREMENTS.—The Under Secretary for Acquisition, Technology, and Logistics shall review each recommendation transmitted under paragraph (1) to determine whether or not the Joint Requirements Oversight Council has, in making such recommendation—

(A) taken appropriate action to solicit and consider input from the commanders of the combatant commands in accordance with the requirements of section 181(e) of title 10, United States Code (as amended by section 105);

(B) given appropriate consideration to trade-offs among cost, schedule, and performance in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as amended by subsection (b)); and

(C) given appropriate consideration to issues of joint portfolio management, including alternative material and non-material solutions, as provided in Chairman of the Joint Chiefs of Staff Instruction 3170.01G.

(3) NON-CONCURRENCE OF UNDER SECRETARY FOR ATL.—If the Under Secretary for Acquisition, Technology, and Logistics determines that the Joint Requirements Oversight Council has failed to take appropriate action in accordance with subparagraphs (A), (B), and (C) of paragraph (2) regarding a joint military requirement, the Under Secretary shall return the recommendation to the Council with specific recommendations as to matters to be considered by the Council to address any shortcoming identified by the Under Secretary in the course of the review under paragraph (2).

(4) NOTICE ON CONTINUING DISAGREEMENT ON REQUIREMENT.—If the Under Secretary for Acquisition, Technology, and Logistics and the Joint Requirements Oversight Council

are unable to reach agreement on a joint military requirement that has been returned to the Council by the Under Secretary under paragraph (4), the Under Secretary shall transmit notice of lack of agreement on the requirement to the Secretary of Defense.

(5) **RESOLUTION OF CONTINUING DISAGREEMENT.**—Upon receiving notice under paragraph (4) of a lack of agreement on a joint military requirement, the Secretary of Defense shall make a final determination on whether or not to validate the requirement.

(d) **ANALYSIS OF ALTERNATIVES.**—

(1) **REQUIREMENT AT MATERIAL SOLUTION ANALYSIS PHASE.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires the Milestone Decision Authority to conduct an analysis of alternatives (AOA) during the Material Solution Analysis Phase of each major defense acquisition program.

(2) **ELEMENTS.**—Each analysis of alternatives under paragraph (1) shall, at a minimum—

(A) solicit and consider alternative approaches proposed by the military departments and Defense Agencies to meet joint military requirements; and

(B) give full consideration to possible trade-offs between cost, schedule, and performance for each of the alternatives so considered.

(e) **DUTIES OF MILESTONE DECISION AUTHORITY.**—Section 2366b(a)(1)(B) of title 10, United States Code, is amended by inserting “appropriate trade-offs between cost, schedule, and performance have been made to ensure that” before “the program is affordable”.

SEC. 202. PRELIMINARY DESIGN REVIEW AND CRITICAL DESIGN REVIEW FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **PRELIMINARY DESIGN REVIEW.**—Section 2366b(a) of title 10, United States Code, as amended by section 201(d) of this Act, is further amended—

(1) in paragraph (1), by striking “and” at the end;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) has received a preliminary design review (PDR) and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and”;

(4) in paragraph (3), as redesignated by paragraph (2) of this section—

(A) in subparagraph (D), by striking the semicolon and inserting “, as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and”;

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E).

(b) **CRITICAL DESIGN REVIEW.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires a critical design review and a formal post-critical design review assessment for each major defense acquisition program to ensure that such program has attained an appropriate level of design maturity before such program is approved for System Capability and Manufacturing Process Development.

SEC. 203. ENSURING COMPETITION THROUGHOUT THE LIFE CYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **ENSURING COMPETITION.**—The Secretary of Defense shall ensure that the acquisition plan for each major defense acquisition program includes measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level of such program throughout the life cycle of such program as a means to incentivize contractor performance.

(b) **MEASURES TO ENSURE COMPETITION.**—The measures to ensure competition, or the option of competition, utilized for purposes of subsection (a) may include, but are not limited to, measures to achieve the following, in appropriate cases where such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(4) Utilization of modular, open architectures to enable competition for upgrades.

(5) Periodic competitions for subsystem upgrades.

(6) Licensing of additional suppliers.

(7) Requirements for Government oversight or approval of make or buy decisions to ensure competition at the subsystem level.

(8) Periodic system or program reviews to address long-term competitive effects of program decisions.

(9) Consideration of competition at the subcontract level and in make or buy decisions as a factor in proposal evaluations.

(c) **COMPETITIVE PROTOTYPING.**—The Secretary of Defense shall modify the acquisition regulations of the Department of Defense to ensure with respect to competitive prototyping for major defense acquisition programs the following:

(1) That the acquisition strategy for each major defense acquisition program provides for two or more competing teams to produce prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority for such program waives the requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing competitive prototypes exceeds the potential life-cycle benefits of such competition, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(2) That if the milestone decision authority waives the requirement for prototypes produced by two or more teams for a major defense acquisition program under paragraph (1), the acquisition strategy for the program provides for the production of at least one prototype before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority waives such requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing a prototype exceeds the potential life-cycle benefits of such prototyping, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(3) That whenever a milestone decision authority authorizes a waiver under paragraph (1) or (2), the waiver, the determination upon

which the waiver is based, and the reasons for the determination are submitted in writing to the congressional defense committees not later than 30 days after the waiver is authorized.

(4) That prototypes may be required under paragraph (1) or (2) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(d) **COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF CERTAIN WAIVERS.**—

(1) **NOTICE TO COMPTROLLER GENERAL.**—Whenever a milestone decision authority authorizes a waiver of the requirement for prototypes under paragraph (1) or (2) of subsection (c) on the basis of excessive cost, the milestone decision authority shall submit a notice on the waiver, together with the rationale for the waiver, to the Comptroller General of the United States at the same time a report on the waiver is submitted to the congressional defense committees under paragraph (3) of that subsection.

(2) **COMPTROLLER GENERAL REVIEW.**—Not later than 60 days after receipt of a notice on a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and

(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

(e) **APPLICABILITY.**—This section shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.**—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (E);

(2) by striking subparagraph (B); and

(3) by inserting after subparagraph (A) the following new subparagraphs (B), (C), and (D):

“(B) terminate such acquisition program and submit the report required by subparagraph (D), unless the Secretary determines that the continuation of such program is essential to the national security of the United States and submits a written certification in accordance with subparagraph (C)(i) accompanied by a report setting forth the assessment carried out pursuant to subparagraph (A) and the basis for each determination made in accordance with clauses (I) through (IV) of subparagraph (C)(i), together with supporting documentation;

“(C) if the program is not terminated—

“(i) submit to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title, a written certification stating that—

“(I) such acquisition program is essential to national security;

“(II) there are no alternatives to such acquisition program which will provide equal or greater capability to meet a joint military requirement (as that term is defined in section 181(h)(1) of this title) at less cost;

“(III) the new estimates of the program acquisition unit cost or procurement unit cost were arrived at in accordance with the requirements of section 139d of this title and are reasonable; and

“(IV) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost;

“(ii) rescind the most recent Milestone approval (or Key Decision Point approval in the case of a space program) for such program and withdraw any associated certification under section 2366a or 2366b of this title; and

“(iii) require a new Milestone approval (or Key Decision Point approval in the case of a space program) for such program before entering into a new contract, exercising an option under an existing contract, or otherwise extending the scope of an existing contract under such program;

“(D) if the program is terminated, submit to Congress a written report setting forth—

“(i) an explanation of the reasons for terminating the program;

“(ii) the alternatives considered to address any problems in the program; and

“(iii) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program; and”.

(b) **TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MDAP.**—Section 2430(a)(2) of such title is amended by inserting “, including all planned increments or spirals,” after “an eventual total expenditure for procurement”.

SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) **REVISED REGULATIONS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.

(b) **ELEMENTS.**—The revised regulations required by subsection (a) shall, at a minimum—

(1) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major weapon systems from federally funded research and development centers or other sources independent of the prime contractor;

(2) require that a contract for the performance of systems engineering and technical assistance (SETA) functions with regard to a major weapon system contains a provision prohibiting the contractor or any affiliate of the contractor from having a direct financial interest in the development or construction of the weapon system or any component thereof;

(3) provide for an exception to the requirement in paragraph (2) for an affiliate that is separated from the contractor by structural mechanisms, approved by the Secretary of Defense, that are similar to those required for special security agreements under rules governing foreign ownership, control, or influence over United States companies that have access to classified information, including, at a minimum—

(A) establishment of the affiliate as a separate business entity, geographically separated from related entities, with its own employees and management and restrictions on transfers for personnel;

(B) a governing board for the affiliate that has organizational separation from related entities and governance procedures that require the board to act solely in the interest of the affiliate, without regard to the interests of related entities, except in specified circumstances;

(C) complete informational separation, including the execution of non-disclosure agreements;

(D) initial and recurring training on organizational conflicts of interest and protections against organizational conflicts of interest; and

(E) annual compliance audits in which Department of Defense personnel are authorized to participate;

(4) prohibit the use of the exception in paragraph (3) for any category of systems engineering and technical assistance functions (including, but not limited to, advice on source selection matters) for which the potential for an organizational conflict of interest or the appearance of an organizational conflict of interest makes mitigation in accordance with that paragraph an inappropriate approach;

(5) authorize waiver of the requirement in paragraph (2) in cases in which the agency head determines in writing that—

(A) the financial interest of the contractor or its affiliate in the development or construction of the weapon system is not substantial and does not include a prime contract, a first-tier subcontract, or a joint venture or similar relationship with a prime contractor or first-tier subcontractor; or

(B) the contractor—

(i) has unique systems engineering capabilities that are not available from other sources;

(ii) has taken appropriate actions to mitigate any organizational conflict of interest; and

(iii) has made a binding commitment to comply with the requirement in paragraph (2) by not later than January 1, 2011; and

(6) provide for fair and objective “make-buy” decisions by the prime contractor on a major weapon system by—

(A) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of the weapon system;

(B) providing for government oversight of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract;

(C) authorizing program managers to disapprove the determination by a prime contractor to conduct development or construction in-house rather than through a subcontract in cases in which—

(i) the prime contractor fails to give full and fair consideration to qualified sources other than the prime contractor; or

(ii) implementation of the determination by the prime contractor is likely to undermine future competition or the defense industrial base; and

(D) providing for the consideration of prime contractors’ “make-buy” decisions in past performance evaluations.

(c) **ORGANIZATIONAL CONFLICT OF INTEREST REVIEW BOARD.**—

(1) **ESTABLISHMENT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense a board to be known as the “Organizational Conflict of Interest Review Board”.

(2) **DUTIES.**—The Board shall have the following duties:

(A) To advise the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to organizational conflicts of interest in the acquisition of major weapon systems.

(B) To advise program managers on steps to comply with the requirements of the revised regulations required by this section

and to address organizational conflicts of interest in the acquisition of major weapon systems.

(C) To advise appropriate officials of the Department on organizational conflicts of interest arising in proposed mergers of defense contractors.

(d) **MAJOR WEAPON SYSTEM DEFINED.**—In this section, the term “major weapon system” has the meaning given that term in section 2379(d) of title 10, United States Code.

SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) **ELEMENTS.**—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) **AWARD OF CASH BONUSES.**—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

SEC. 207. EARNED VALUE MANAGEMENT.

(a) **ENHANCED TRACKING OF CONTRACTOR PERFORMANCE.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the existing guidance and, as necessary, prescribe additional guidance governing the implementation of the Earned Value Management (EVM) requirements and reporting for contracts to ensure that the Department of Defense—

(1) applies uniform EVM standards to reliably and consistently measure contract or project performance;

(2) applies such standards to establish appropriate baselines at the award of a contract or commencement of a program, whichever is earlier;

(3) ensures that personnel responsible for administering and overseeing EVM systems have the training and qualifications needed to perform this function; and

(4) has appropriate mechanisms in place to ensure that contractors establish and use approved EVM systems.

(b) **ENFORCEMENT MECHANISMS.**—For the purposes of subsection (a)(4), mechanisms to ensure that contractors establish and use approved EVM systems shall include—

(1) consideration of the quality of the contractors’ EVM systems and the timeliness of the contractors’ EVM reporting in any past performance evaluation for a contract that includes an EVM requirement; and

(2) increased government oversight of the cost, schedule, scope, and performance of contractors that do not have approved EVM systems in place.

SEC. 208. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.”.

(b) NOTIFICATION OF CONGRESS UPON TERMINATION OF MDAPS OF EFFECTS ON NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

“(c) NOTIFICATION OF CONGRESS UPON TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM OF EFFECTS ON OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall notify Congress of the effects of such termination on the national security objectives for the national technology and industrial base set forth in subsection (a), and the measures, if any, that have been taken or should be taken to mitigate those effects.

“(2) In this subsection, the term ‘major defense acquisition program’ has the meaning given that term in section 2430 of this title.”.

SEC. 209. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

Mr. LEVIN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, very briefly, we have done extremely well with this overwhelming vote for the passage of S. 454, the Weapon Systems Acquisition Reform Act. We have done it on a bipartisan basis, which is the way it should be done when it comes to matters of national defense and a whole host of other issues. I am deeply grateful to my friend, our ranking member, Senator MCCAIN.

Of course, a large share of this moment belongs to our hard-working and very talented staff, led on our side by Rick DeBobs and on the Republican side by Joe Bowab. Our special collective thanks must also be given to Peter Levine and Creighton Green on the majority staff and to Richard Fontaine, Chris Paul, and Pablo Corrillo on the minority staff. We thank them all for their hard work. It will bear fruit, we hope within the next month, when we work something out with the House. Then, over the coming years, we will not only save taxpayers' dollars, but we will provide the right equipment to our troops who deserve the best we can get. We will make sure we don't waste these defense dollars, because when we do that, we not only are hurting the taxpayer but we are depriving our troops of funds they need for needed weapon systems.

Mr. KYL. Madam President, the bill we passed contains provisions that I support and others that I oppose. I want to indicate why I voted aye. In the end, I think it is critical for Congress to increase the FDIC's borrowing authority to reduce a costly special assessment that the FDIC intends to impose on distressed banks, and therefore I supported the bill.

Over the last 2 years the FDIC has had to take over 41 different failed depository institutions and in the process has depleted its insurance fund. At its current level, the FDIC is required by

law to increase its insurance premiums on banks to recapitalize the fund. However, increasing banks' costs now would only worsen the current recession.

Congress can reduce the size of this assessment by 50 percent if it increases the FDIC's borrowing authority from \$30 billion to \$100 billion. Doing so will help banks hold onto capital that they can use to absorb future losses and make it through these difficult economic conditions.

Unfortunately, this bill would increase the FDIC's borrowing authority at the same time that it would expand the HOPE for Homeowners Program—a \$300 billion program designed to allow up to 400,000 borrowers to refinance into an FHA-backed loan. The FHA mortgage program has exploded with the decline of the subprime industry as borrowers have flocked to the Government program. FHA loans are attractive due to the high loan limits—up to \$729,250 in high cost areas—and only a 3.5-percent downpayment requirement. According to Inside Mortgage Finance, the FHA's market e jumped to nearly a third of all mortgages in the fourth quarter of 2008 from about 2 percent in early 2006.

At the same time, FHA mortgage defaults have increased sharply and are diminishing the FHA's reserve fund. Roughly 7.5 percent of FHA loans were seriously delinquent at the end of February, up from 6.2 percent a year earlier. The FHA's reserve fund fell to about 3 percent of its mortgage portfolio in fiscal year 2008, down from 6.4 percent in the previous year. By law, the reserve fund must remain above 2 percent. Recently, HUD Secretary Shaun Donovan told a Senate Appropriations subcommittee that he did not know whether the FHA would be able to continue to pay its obligations. Many believe that Congress will have to inject additional funding into the FHA.

The HOPE for Homeowners Program will sunset in 2011. I expect the Obama administration to do everything in its power to guarantee the solvency of the FHA mortgage program and will be watching how the Secretary of HUD implements HOPE the for Homeowners Program.

In the end, I believe the broader economy would benefit from an increase in the FDIC's borrowing authority. We cannot recover from this economic downturn until banks have the capital to lend freely to all borrowers. Therefore, I voted for S. 896 despite some reservations that I have with other provisions in the bill.

Mr. FEINGOLD. Madam President, I voted in favor of the Weapon Systems Acquisition Reform Act of 2009 but I am disappointed that it does not include key reforms of our defense procurement system. While President Obama and leaders in Congress deserve

credit for beginning to address the longstanding problem of wasteful and abusive defense contracting, we need to go further.

Secretary Gates has stated that we "must consistently demonstrate the commitment and leadership to stop programs that significantly exceed their budget or which spend limited tax dollars to buy more capability than the nation needs." Unfortunately, this bill falls short in this regard. It permits programs to continue even if they have experienced cost growth of over 25 percent. GAO has found that 42 percent of our programs have experienced cost growth and that, due in part to such cost overruns, we have scaled back the number of weapons we are buying in 10 major programs by 30 percent. Congress's failure to make tough choices and restructure troubled programs is therefore having a direct impact on our ability to deliver sufficient quantities to our fighting forces.

Secretary Gates has also stated that "we must ensure that requirements are reasonable and technology is adequately mature to allow the department to successfully execute the programs." This bill encourages such reforms, but unfortunately does not require them. For example, it requires additional reporting on the Department's reliance on immature, risky technologies but does not prohibit the Department from purchasing such equipment. GAO reported this year that of 40 programs that it has reviewed, the Department will decide to move to the production of nearly a fourth of them without requiring realistic testing of their critical technologies.

No company would buy a plane before they have flown it. I don't know why it should be any different for the U.S. Armed Forces. Indeed, given that our brave men and women in uniform are relying on these weapons systems, stricter standards should be enforced.

Unfortunately, these are not new issues. I first objected to inadequate testing of weapons systems in 1998 when the Navy sought to rush the F-18 through its tests, notwithstanding the fact that preliminary tests had discovered serious problems in the aircraft. I am disappointed that a decade has passed and we are still seeing the same problems over and over again.

I suggested that we should require higher level review of alternative acquisition strategies before purchasing systems that have not been tested in a realistic environment but was informed that this would be too strict of a requirement. While I am pleased that the committee at least accepted an amendment I cosponsored that will ensure that annual reports to the Congress identify programs moving into production without undergoing adequate testing, this is just a start.

Secretary Gates demonstrated his commitment to fixing these problems

when he recommended the cancellation of several programs that were over budget, were behind schedule, relied on immature technologies and were designed to combat a military-peer that does not exist. GAO had been reporting that these systems were in trouble for several years. If these systems had been restructured when it first became obvious that they were unnecessary and unrealistic, it would have saved the government tens of billions of dollars and sped up our efforts to replace our aging weapons systems.

It is my hope that Congress will eventually forgo the parochial interests that have prevented it from making the tough choices that need to be made and stop repeating the same mistakes of the past. I will continue to work with my colleagues until we have achieved this goal.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. LINCOLN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Senator LINCOLN pertaining to the introduction of S. 997 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. LINCOLN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, as in executive session, I ask unanimous consent that at 1:45 p.m. today, the Senate proceed to executive session to consider Calendar No. 64, the nomination of R. Gil Kerlikowske to be Director of National Drug Control Policy, with the time until 2 p.m. equally divided and controlled between the leaders or their designees; that at 2 p.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. REID. Madam President, I now ask unanimous consent that the Senate stand in recess until 1:45 p.m. today. We have the leaders of Afghanistan and Pakistan here today. They are important meetings. We have a number of things, and it would be better if we are not in session. I appreciate everyone allowing this consent to go forward.

There being no objection, the Senate, at 12:46 p.m., recessed until 1:45 p.m. and reassembled when called to order by the Presiding Officer (Mr. UDALL of New Mexico).

EXECUTIVE SESSION

NOMINATION OF R. GIL KERLIKOWSKA TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of R. Gil Kerlikowske of Washington to be Director of National Drug Control Policy.

The PRESIDING OFFICER. The time until 2 p.m. is equally divided.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, our Nation's next drug czar is going to face a number of key challenges. The Office of Drug Control Policy is going to play a leading role in addressing the drug-related violence in Mexico and along the southwest border—an area where, if we don't take the right steps to tackle problems today, we will most certainly see the spread of violence and drugs into towns and residences thousands of miles from the Mexican border.

We also know from history that as the economy falls, crime rises, and that crime is growing at the same time law enforcement agencies across the country face painful cutbacks and greater strains on their personnel and resources. It is, therefore, incumbent upon the next drug czar to ensure that law enforcement at all levels is working smarter, forging new relationships, and leveraging the resources they have. We will also have to address the rise in prescription drug abuse, the continued scourge of methamphetamine use, and the violence that affects so many of our communities due to drug trafficking.

Seattle Police Chief Gil Kerlikowske is the right man to address these big challenges. Chief Kerlikowske brings a fresh new perspective to the job as the

Nation's drug czar. He is a cop's cop, and his perspective was shaped patrolling the streets in Florida, New York, and Washington State. Along the way, he has helped thousands of people touched by violence and drugs. He and the law enforcement officials that he has led have been on the front lines of our Nation's war against illicit narcotics and in keeping our communities safe. And I know that he will bring this hands-on perspective to his job as our Nation's drug czar.

Chief Kerlikowske also understands the importance of partnerships between ONDCP and our State and local law enforcement communities, because he has been on the local level. As the head of the Major Cities Chiefs Organization, which represents the 63 largest police departments in the United States, he sees the common problems facing cities across the country. I have seen this firsthand in his work as Seattle police chief.

This past December, under Chief Kerlikowske's leadership, the Seattle Police Department, in cooperation with county, State, and Federal law enforcement agencies, he was able to bust a drug ring that stretched from Mexico to Idaho to Seattle.

Chief Kerlikowske worked cooperatively to create a regional response to gang violence in Seattle and in King County. He built a coalition with the King County Sheriff's Office and other King County police chiefs, with the Washington Department of Corrections, the ATF, and other community leaders to tackle persistent gang violence in our neighborhoods. These multiagency, Federal-local partnerships require cooperation and compromise, and they require a leader with Chief Kerlikowske's experience to bring them all together. Local police chiefs and sheriffs have told me they are sorry to see him go, but the Nation is gaining a true innovator in Gil Kerlikowske. I know he is going to continue to work on these relationships with State and local law enforcement across the country, and this approach will make all of our communities safer.

Chief Kerlikowske also understands that the drug war will not only be won on the streets but in our classrooms and in our homes. For the past 9 years, he has been the national board chairman for the group Fight Crime: Invest in Kids. Under the guidance of Chief Kerlikowske, this group has focused their efforts on the importance of prevention by fighting for early childhood intervention funding, afterschool programs, and efforts to prevent child abuse. Chief Kerlikowske knows the best way to end the use of drugs and spread of crime is to prevent it, and he will bring that commonsense approach to ONDCP.

Chief Kerlikowske has served the people of our State well, and he will serve the people of the Nation well

also. I am so proud to support his confirmation. In a few short minutes, the Senate will be voting on this confirmation, and I am very proud to stand here today to tell my colleagues they will be glad they voted with us to confirm this nomination.

Mr. President, I yield the floor.

Mr. COBURN. Mr. President, I would like to take a minute to briefly discuss my opposition to the nomination of Gil Kerlikowske to be Director of National Drug Control Policy. Chief Kerlikowske has had a long career in law enforcement, and he enjoys the support of many of his colleagues. However, the concerns I have about certain aspects of his record prevent me from being able to support his nomination to be Director of ONDCP.

The principal purpose of ONDCP is to establish policies, priorities, and objectives for the nation's drug control program. The office has arguably never been more important, as the United States seeks to deal with the violent drug cartels whose influence has begun to cross into our borders. Yet Chief Kerlikowske has no experience with international drug interdiction, which is among my chief concerns with this nomination.

Although I suppose my concerns about Chief Kerlikowske's lack of experience with international drug enforcement could be overcome by a strong record of domestic enforcement, I am afraid that Chief Kerlikowske lacks such a record. Instead, he has gained a reputation for being soft on marijuana enforcement, once stating that pursuing possession offenses was "not a priority." Despite local attitudes on this issue, as the top law enforcement officer in Seattle, Chief Kerlikowske has an obligation to make all crime a priority.

Chief Kerlikowske's lax record on marijuana enforcement has even led many pro-marijuana groups to endorse his nomination. In this country, marijuana remains a Schedule I drug and is known as the "gateway drug," because it can lead to the abuse of more dangerous substances. For this reason, the next ONDCP Director must be a strong opponent of marijuana and all illegal drugs, as well as act as an aggressive enforcer of the laws regulating these harmful narcotics. I am concerned that Mr. Kerlikowske does not have such a record or reputation.

I have other concerns about Chief Kerlikowske's record that I will not detail here. Those concerns include: his decision to withhold police from a riot that broke out in 2001, in which a 20-year-old college student was murdered; his direction for police not to check immigration status or take action on any such violations; and his record on gun control. With respect to the Second Amendment, at a time when facts about the influence of American guns in Mexican drug cartel violence are

being distorted—often with the intent to restrict the constitutional rights of American citizens—it is crucial that we have leaders who are ready to defend those rights. I am concerned that Chief Kerlikowske will not be such a defender.

In short, Chief Kerlikowske's lack of experience with international interdiction and his record of lax enforcement of domestic laws respecting drugs—particularly marijuana—and other crimes leaves me concerned that he is the wrong person to lead ONDCP at this crucial time. Therefore, I will oppose his nomination.

Mr. HATCH. Mr. President, in March, Gil Kerlikowske was tapped by the President to be the Director of the Office of National Drug Control Policy. Chief Kerlikowske is certainly qualified for this position. He is a 36-year veteran of law enforcement. He has been the chief of police of four police departments, and most recently chief of the Seattle Police Department. If confirmed, Chief Kerlikowske would be charged with the mission to develop and implement the Nation's drug control strategy. My hope is that he would be confirmed today.

The formal announcement of Seattle Chief Gil Kerlikowske as the new Director of the Office of National Drug Control Policy was heralded by none other than Vice President BIDEN. In 1982, Vice President BIDEN saw the need for a Cabinet-level position to coordinate the efforts of various agencies. He is credited with coining the term "Drug Czar." Then Senator BIDEN was always a champion for elevating this position to Cabinet-level status. During our time on the Senate Judiciary Committee we often collaborated on keeping the Office of National Drug Control Policy relevant in the country's efforts to curb illicit drug use and increase education. Unfortunately, Chief Kerlikowske will be assuming a position that was downgraded by the administration. The Obama administration has elected to downgrade the Director of the Office of National Drug Control Policy from a Cabinet-level position to a presidential appointment in the Executive Office. This is a major departure from the precedent which was set in 1993 under President Clinton.

As the Mexican drug cartel violence has been placed front and center by the media and this body, Cabinet-level executives deploy their personnel and weigh in on the illicit drug trade and violence that has consumed the southwest border. Mexico is the leading supplier of methamphetamine. Recent analysis suggests that meth manufacturers are adding chocolate flavoring so that their product will be more appealing to a younger customer base. The Office of National Drug Control Policy has an annual operating budget of over \$14 billion. Current estimates indicate that the cartel's profits exceed

what we spend on deterrence by more than a 2 to 1 ratio.

By downgrading this position, President Obama is not sending a vociferous message about the future of the national drug control strategy. A key element of the Office of National Drug Control Policy is its control over the High Intensity Drug Trafficking Area designation. Stabilization of the southwest border with Mexico needs all the resources of the U.S. Government to include the Federal and local task forces operated and funded by the HIDTA initiatives. The principal purpose of the Office of National Drug Control Policy, ONDCP, is to establish policies, priorities, and objectives for the Nation's drug control program. The goals of the program are to reduce illicit drug use, manufacturing, trafficking, and drug-related crimes of violence. The ONDCP also develops initiatives and campaigns that educate youths on the ill effects of drug abuse and drug-related health consequences. To achieve these goals, the Drug Czar is charged with producing the National Drug Control Strategy. This delegation of authority was established through previous Executive orders and legislative authority as crafted by Congress.

In some respects, I believe the President and I are on the same page when it comes to addressing our Nation's illicit drug problem. You cannot solely arrest your way out of this issue. I have always believed that everybody makes mistakes and is entitled to forgiveness. I believe in putting some emphasis on rehabilitation in conjunction with appropriate punishment. The Director of the National Office of Drug Control Policy is supposed to have the ear of the President on how the approaches of rehabilitation and the criminal justice system will meet to curtail this crime. I commend his choice of Gil Kerlikowske to head the ONDCP. However, I question the President's decision to downgrade this important position at a time when our Nation needs key leadership to form our strategy to combat our Nation's addiction to illicit drugs.

It is my sincere hope that this ill-advised decision by President Obama to downgrade the position of the Director of the National Office of Drug Control Policy, which Mr. Kerlikowske will hold, will not come back to haunt Americans for years to come with increased illicit drug use by our children, increased illicit drug manufacturing, increased trafficking, and increased drug-related crimes of violence. That would be a truly tragic mistake for all Americans. The ramifications of a vibrant illicit drug market in the U.S. will take lives, ruin families, destroy potential and leave us a much weaker nation.

I support Mr. Kerlikowske in his new post and I wish him the best. I offer him my support as he undertakes this

large assignment. Also, I encourage our President to return the Director's office back to a Cabinet level position where it belongs.

Mr. GRASSLEY. Mr. President, the next Director of the Office of National Drug Control Policy, ONDCP, has a tough job ahead of him.

The new drug czar will have to work hard to stem the rise in prescription and over-the-counter medicine abuse and the drug cartel violence crossing our southern borders, as well as the issues we have been combating for many years: traditional drug abuse.

The U.S. has a major drug problem. While we are leveraging law enforcement resources for interdiction and drug crime reduction, we also face an active movement to legalize dangerous drugs. I have long been an opponent of the legalizing cause, as I hear all the time how dangerous drugs are to our youth and families.

The new ONDCP Director must emphasize and invigorate the law enforcement community's efforts to stop illegal drug use. He must be a strong leader for all agencies and organizations that are stakeholders in the fight against illegal drugs. He must bring a respect to the office of ONDCP that has been lacking for some time. It is vital that the new Director is able to coordinate domestic and international drug strategy, including ensuring that the Merida Initiative is a success. The next Director must also be able to bring together and work with coalitions at the local level to combat meth, coordinate policy on the laws directed to eradicate meth and marijuana production, and be engaged in efforts to stop opium production in Afghanistan and Colombia. His drug strategy must produce results at the national and international level to address drug manufacturing, interdiction, prevention, and abuse.

I have some concerns about Chief Kerlikowske's nomination, given his record.

For instance, in 2003, Seattle voters passed Initiative 75, which made marijuana possession the lowest priority for the Seattle Police Department. During the debate, Chief Kerlikowske opposed the measure only because he disagreed with voters determining what laws a police force should enforce. In answers to my written questions, he merely noted marijuana was already low on the force's list. Chief Kerlikowske's lax record on marijuana enforcement concerns me because marijuana is still often the precursor to more dangerous drugs, and it only endangers those who use it. The next ONDCP Director must be a strong opponent of marijuana and all illegal drugs, as well as act as an aggressive enforcer of the laws regulating these harmful narcotics.

Additionally, Chief Kerlikowske apparently has no experience on international supply interdiction. We need someone who understands inter-

national drug problems and can help formulate a successful long-term strategy to address them. Chief Kerlikowske's lack of this experience, along with his lax record on marijuana crimes, raise questions for me on his ability to act as an effective Director of ONDCP. However, several organizations, such as the Major Cities Chief Association, the National Association of State Alcohol and Drug Abuse Directors, and the Community Anti-Drug Coalitions of America, have expressed support for this nominee. While I will not hold up his nomination, I put Chief Kerlikowske on notice that I expect him to provide strong leadership in producing and coordinating drug control strategy and to aggressively work to enforce our drug laws.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time during the quorum be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today, at last, the Senate considers President Obama's nomination of Chief R. Gil Kerlikowske to be Director of National Drug Control Policy. This highly qualified nominee has drawn widespread support, and I had hoped the Senate would confirm him before our last recess. I look forward to his being confirmed today with strong bipartisan support.

Chief Kerlikowske has almost 40 years of experience in law enforcement, including in his current role as chief of police for the Seattle Police Department. In his long career in public service, Chief Kerlikowske has demonstrated a comprehensive understanding of narcotics issues. He currently serves as the elected president of the Major Cities Chiefs Association, and he began his career as an Outstanding Military Police Officer Honor Graduate in the U.S. Military Police in 1970. He served as the police commissioner of Buffalo, NY, and as the police chief in two Florida cities, Fort Pierce and Port St. Lucie. He worked in the

Justice Department during the Clinton administration, where he served as the Deputy Director of the Office of Community Oriented Police Services.

I thank the Senators from Washington State, Senator MURRAY and Senator CANTWELL, for their strong endorsement of this outstanding nominee at our April 1 hearing and for their continued efforts in support of his confirmation.

Chief Kerlikowske's nomination has received numerous letters of support, including strong endorsements from Republican and Democratic public officials, State and local law enforcement officials, the National Center for Victims of Crime, the United States Conference of Mayors, the Community Anti-Drug Coalition of America, the Washington Association of Sheriffs and Police, and the National Council on Crime and Delinquency. General Barry R. McCaffrey, who led the Office of National Drug Control Policy during the Clinton administration, writes that Chief Kerlikowske "is known and highly respected internationally for his knowledge of crime and drugs."

Mary Lou Leary, the executive director of the National Center for Victims of Crime, describes Chief Kerlikowske as a "strong manager," who is "committed to crime prevention" and who "understands the connection between illegal drugs and crime." Arthur T. Dean, the chairman and CEO of the Community Anti-Drug Coalition of America, wrote that Chief Kerlikowske understands that drug policy "must be comprehensive and coordinated" and "recognizes that the perspectives of those closest to the ground—state and local enforcement, prevention, treatment, and recovery professionals—play a critical role in this strategy."

As a former prosecutor, I have always advocated vigorous enforcement and punishment of those who commit serious crimes. Along with others who serve in law enforcement, I also know that punishment alone will not solve the problems of drugs and violence in our rural communities. I am pleased that Mr. Kerlikowske supports combating drug use and crime with all the tools at our disposal, including enforcement, prevention, and treatment.

I congratulate Chief Kerlikowske and his family on his confirmation today, and I look forward to working with him in the years ahead.

Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is scheduled to vote at 2 p.m. on the nomination of Mr. Kerlikowske.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of R. Gil Kerlikowske to be Director of National Drug Control Policy? The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 1, as follows:

(Rollcall Vote No. 187 Ex.)

YEAS—91

Akaka	Ensign	Merkley
Alexander	Enzi	Mikulski
Barrasso	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Grassley	Pryor
Bennett	Gregg	Reed
Bingaman	Hagan	Reid
Boxer	Harkin	Risch
Brown	Hatch	Roberts
Brownback	Hutchison	Sanders
Bunning	Inhofe	Schumer
Burr	Inouye	Sessions
Burr	Isakson	Shaheen
Byrd	Johanns	Shelby
Cantwell	Kaufman	Snowe
Cardin	Kerry	Specter
Carper	Klobuchar	Stabenow
Casey	Kohl	Tester
Chambliss	Kyl	Thune
Cochran	Landrieu	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wicker
Dodd	McCain	Wyden
Dorgan	McCaskill	
Durbin	McConnell	

NAYS—1

Coburn

NOT VOTING—7

Bond	Lautenberg	Vitter
Johnson	Menendez	
Kennedy	Rockefeller	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and tabled. The President shall be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—H.R. 627

Mr. REID. Mr. President, I ask unanimous consent that at 3 p.m. Monday, May 11, the Senate proceed to Calendar No. 55, H.R. 627; and that once the bill is reported, Senator DODD or his designee be recognized to offer the Dodd-Shelby substitute; further that the cloture motion on the motion to proceed be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senators Dodd and Shelby have done very good work on this bill. This is a bill that passed the House with some 377 votes. It is a very important piece of legislation. It is bipartisan in nature. I had a press event this morning—actually it was 12:30—with Senator DURBIN, Senator SCHUMER, and Senator MURRAY.

There I made the best case I could to talk about how much we have been able to get done with the help of the Republicans. We have done some good work, and more indication of that is what we have been able to do with this piece of legislation. It is important that we get this done, that we finish it.

We are not going to go to tobacco until we come back. We are going to finish the work we have to do on the supplemental appropriations bill. We hope to get some nominations done. But we have had some real good work. I am very happy with the way we have worked together. We have a lot more work together we need to do, but this is certainly a step in the right direction.

MORNING BUSINESS

Mr. REID. I now ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

This will be the last vote of the week. We will not have another vote until Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

NATIONAL TRAIN DAY

Mr. BURRIS. Mr. President, many of my colleagues and citizens across the country recognize this Saturday as National Train Day, a celebration of 140 years of coast-to-coast rail travel in the United States.

I rise to commemorate the proud history of America's railways, but also to mark this as a time for more than celebration.

We must see this occasion as an opportunity to look ahead, to reinvest in our nation's infrastructure and begin a fresh chapter of high-speed rail service.

In May of 1869, the Central Pacific and Union Pacific Railroads were joined in the remote Utah desert, connecting the east and west coasts of the United States and completing the very first transcontinental railroad in our Nation's history.

For almost a century and a half since, trains have transformed the way goods are transported and intercity passengers reach their destinations.

From the moment of their birth, America's railroads have represented our efforts to meet the challenges and opportunities of living in a Nation that spans a continent.

The rails that connected Atlantic to Pacific became the backbone upon which we built American commerce and ingenuity. In many ways they defined the fabric of our culture, laying the foundation that allowed our civilization to push the American frontier ever westward.

Every year, Amtrak transports 38 million Americans between 500 communities in 46 States.

Intercity passenger rail is 18 percent more energy efficient than air travel and 25 percent more efficient than automobiles, making the modern locomotive one of the most refined and environmentally friendly technologies in American history.

I have seen this firsthand. My early life was shaped in part by the great American railway. I was raised in Centralia, IL, a small town that was very much centered around the railroad.

We lived along a major line originating in Chicago, a national transportation hub that ships goods, passengers and economic opportunity to every community it touches as the trains set out across the American heartland.

Like many in our town, my father, grandfather and four great uncles worked many years for the Illinois Central Railroad.

I am proud to be a part of the legacy that he and many others helped to create in Illinois and across the country, a legacy that continues to shape us even today.

But now the aging infrastructure that gave definition to this country is badly in need of repair. The time has come once again to invest in rail travel.

Throughout my career, I have supported high-speed rail technology, which will curb pollution and ease crowding on our roads and in the skies.

Now, under President Obama's leadership, we have the chance to make this dream a reality.

By making a substantial investment in clean, safe high-speed rail, we can renew the deep connections that bind our cities and states to one another and to our shared national identity.

We can create jobs, revitalize our economy, protect our environment, and continue the proud tradition of our national railways.

I ask my colleagues to join with me in reaffirming this commitment to modern rail service. I am glad that so many recognize the importance of railroads in shaping the past we share. But this year, on National Train Day, we should celebrate our past by looking to the future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WYDEN. Mr. President, the Senate Finance Committee, on which I serve, is about to take up the toughest issue in the debate about health care reform; that is, the question of how to pay for it.

To be credible, that means showing that you are not going to sit around and wait for years and years to start cutting costs but, in fact, you are going to start generating savings, in the \$2.5 trillion our country spends on health care, quickly. And you must do it in a bipartisan fashion that is acceptable to our people.

So, today, I offer the four pillars of immediate health care cost containment. Each one of these pillars is an idea that is supported by influential Democratic Senators and influential Republican Senators in the Senate.

The first pillar of immediate health care cost containment requires that there be tax relief for the middle class but no more tax subsidies for designer smiles. It sounds incredible, but today hard-working middle-class folks who are uninsured or underinsured—every day—watch their taxes go to subsidize designer smiles for the most affluent that would be worthy of Hollywood.

The first pillar of health care cost containment starts saving billions of dollars immediately by taking away unneeded tax breaks and beefing up health care tax relief for middle-class workers and their families.

The second pillar of immediate health care cost containment means taking an axe to health care administrative costs. Americans are drowning in health care rules and administrative hassles. Now you can junk the health

care bureaucracy by doing everything just once: signing up for the health care you want; paying for it through the withholding system you use with every paycheck; keeping what you have, if you leave your job, or your job leaves you; and easily finding out about the costs and quality of health care services that are near you, and doing it on line.

The third principle of immediate health care cost containment is everybody is in, and everyone has to be personally responsible. You cannot lower health care costs in this country without good, quality, affordable coverage for all. If you do not cover everyone, there is too much cost shifting and not enough prevention.

Personal responsibility is just as important. Americans cannot fix health care unless everyone secures basic coverage, with extra help for folks who would have difficulty affording that. More than 11 million people with incomes of well over \$60,000 do not buy basic health insurance, and that is part of the reason hospital emergency rooms are so busy in America. Cutting health care costs means getting everybody in the system, and it means everyone would be personally responsible.

Finally, the fourth principle of immediate health care cost containment is a revolution in health insurance. Today, health insurance is about cherry-picking. The private insurance companies scour your health history, and they want you if you are healthy and wealthy. Sick people, on the other hand, are sent to Government programs more fragile than they are.

Holding down costs soon means changing this, prohibiting the insurance companies from discriminating against those with illnesses and requiring a system that features real competition—real competition where the insurance industry does not compete to see who is the best at leaving out those who have health problems but competition that is based on benefit and quality and price. That is not Government-run health care. That is old-fashioned competition—the kind of bedrock principles of competition our country understands.

When insurance companies compete on the basis of price, benefit, and quality, that is about as pure a kind of competition as you could have in our country, and it would revolutionize the health insurance business in our country.

Each one of these four pillars of immediate health care cost containment is supported by influential Democrats and Republicans in the Senate. If these four principles were adopted, the Senate could go to the country and show our people that on the health issue they care about the most—which is containing costs—the Senate has a plan for cost containment that will kick in quickly, in the next few years—

not something for which you have to wait 10, 15, 20 years from now. And certainly there are a lot of changes in the health care system that ought to be made now because they will save money in 10 or 15 years.

But the four pillars of immediate health care cost containment I outlined this afternoon—tax relief for the middle class and no more tax breaks for designer smiles; taking an axe to health care administrative costs; everybody in the system, and everyone personally responsible; and a revolution in the health insurance business—those are ideas that are now sponsored by Democrats and Republicans in the Senate and will soon save health care costs. They will reduce health care costs, and do it quickly, so that the Senate can be credible with the country on this issue of health care reform.

There are other important principles to this question of getting health care on track. Chairman BAUCUS, in my view, has done yeoman work in terms of his sessions to look at the various issues—delivery and coverage.

I have made the case, with considerable passion, on the coverage question that I think Americans want on the coverage issue—coverage that is at least as good as Members of Congress have—and the Congressional Budget Office has said it is possible to pay for that, again, with the kinds of principles of cost containment I have outlined. Other colleagues, I am sure, will have other views with respect to what the basic benefit package ought to be about.

I also think it is going to be very important to send a straightforward message to those who have coverage that there are considerable benefits for them in reform as well. We have talked on this floor before—Democrats and Republicans—about making sure everybody can keep the coverage they have. That is something Senators hear about at every meeting they have when they discuss health care, and I think there are going to be 100 Senators voting in favor of the principle that all our people ought to be able to keep the coverage they have.

But there are two other words I think those people with coverage are looking for. I say to the Presiding Officer, you and I have had some discussion on this issue before. Those folks with coverage want to hear about how they are going to be wealthier and healthier with the health care reform legislation that would be passed in the Congress. On this issue, the fundamental question is going to be about increasing the choices that individuals have for their coverage.

I have not spoken about this on the floor of the Senate in the past, but I was flabbergasted to learn that those who are lucky enough to have employer-based coverage in this country—of that group, 85 percent of them get no

choice at all. They get one package, and that is it. So you have 85 percent of the people in this country who are lucky enough to have health care coverage who do not get what their elected officials from Colorado and Oregon and everywhere get.

We get a full menu of health care choices. Of course, that is a big factor in holding down health care costs for all because then you have some competition. And if one company does not do well in 2009, everybody is off in 2010 and choosing somebody else.

So it is going to be very important to show those with coverage—people who want to be healthier and wealthier after health care reform is passed—that one of the ways to get some additional money in your pocket is to have more choices. Because when you have only one choice, of course, there are not the kind of competitive juices at work in your health care system that even Members of Congress have.

So what I have been interested in is saying that if you want to stay with your employer's package—absolutely—Democrats and Republicans in the Senate are committed to doing that. But if you, for example, want to choose one of the private alternatives that would be established in health reform legislation, and would be certified by your State as protecting consumers, you ought to be able to make that choice. And if in making that choice you save money relative to what it might cost for your employer's package, you get to get those savings and—without offense to Colorado—you can use the money to go fishing in Oregon because we have created a marketplace.

So I wanted to come today and lay out the four immediate principles of health care cost containment. I think there will be other central questions, such as the issue of coverage and the question of how to make sure the Senate keeps faith with the 160 million people—it is about 160 million people, on any given day, who have employer-based coverage and wish to keep what they have—who would like to be healthier and wealthier, and, finally, if they want to leave their job or their job leaves them, their coverage ought to be portable and they can take it with them.

Finally, let me note that I think Chairman BAUCUS and Senator GRASSLEY, the leaders on the Finance Committee, are doing an exceptionally good and an exceptionally fair job in terms of tackling this issue. The fact is, health care reform, particularly financing it, is not a subject for the fainthearted. There is a reason this issue has been tough to tackle since the days of Harry Truman of 60 years ago. But under the leadership of Chairman BAUCUS and Senator GRASSLEY and the Finance Committee—and I think I can speak for Senators on both sides of the aisle that we are very ap-

preciative of what Chairman KENNEDY and Senator ENZI are doing in the HELP Committee. The four of them are our committee leaders, our chairs and our ranking minority members. I believe that this time, after 60 years of working on this issue, it can get done.

The fact is, for health reformers, the history of trying to fix health care is almost the story of unrequited love. If you look back on this issue, almost every 15 years reformers say: This is the time. I finally found the one. I am going to be able to have my dreams realized.

Of course, it has been exactly 15 years since the last effort in 1994, during the Clinton years. Harry and Louise pretty much soured that romance in 1993 and 1994. But I do think, largely because of the good work being done by Chairman BAUCUS and Senator GRASSLEY and Chairman KENNEDY and Senator ENZI, this year is different. A lot of colleagues on both sides of the aisle have moved toward an approach that I believe will allow us to come together.

There is a recognition that Democrats have been right on the proposition that if you fix this, you have to cover everybody. If you don't get all Americans high-quality, affordable coverage, you have that cost-shifting I spoke about and inadequate attention to prevention. I think there is a recognition that colleagues on the other side of the aisle in the Republican Party are making valid points as well. There ought to be private choices. It is important not to freeze innovation. We ought to stay clear of price controls. So there is an opportunity now, with the Senate being led by two very fine chairs and ranking minority members, to get this done.

I will close with an observation from a number of economists. Our country clearly is concerned about the cost of these bailouts and financial obligations in the banking and housing sector. Most of those folks believe that the astounding sums being spent on financial bailouts—they are going to look like a rounding error if health care is not fixed. So the stakes are very high. Fixing the economy means fixing health care.

With the principles I have outlined here today, the four immediate principles of health care and cost containment, I think the Senate can get off on the most important and most difficult issue of health care—containing costs—and do it in a bipartisan way.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRAIG FUGATE NOMINATION

Mr. NELSON of Florida. Mr. President, a couple of weeks ago, Senator MARTINEZ and I had the privilege of introducing Craig Fugate, President Obama's nominee for the head of FEMA, before the Senate Homeland Security and Governmental Affairs Committee. The committee promptly reported him right out. It is because he is so uniquely qualified.

Craig has served as the director of emergency management in our State since 2001, and he has overseen the response to 11 Presidentially declared disasters in our State. He is one of the most respected leaders in emergency management in the country, and he is the one—if you want a pro's pro—with the experience and the expertise FEMA needs at this time. Why? Look at how he came up: a former firefighter, a paramedic, a fire rescue lieutenant, an emergency manager. All of that was at the local government level, Alachua County, which is Gainesville, FL.

He spent 15 years working in local emergency management before he went up to the Emergency Operations Center at the State level. Since he has become the director of emergency management, he has handled the responses to the landfall of five major hurricanes in Florida, and that was within a 2-year time period.

I will never forget when Hurricane Charley came barreling up the southwest Florida coast headed straight for Tampa Bay. Suddenly, at the last minute, it took a right-hand turn and it went right up Charlotte Bay. Ground zero was Punta Gorda, FL.

By the way, people had evacuated Tampa and then come down to the hotels, especially the Holiday Inn Punta Gorda, and here they are right in the middle of the storm.

That storm was so intense that it blew the roof off of the Charlotte County Emergency Operation Center. They had to evacuate the CCEOC in the middle of the storm. I got there later that day, after the storm hit that morning, and I will never forget seeing Craig in the mobile emergency operation center that the State of Florida brought in as he was taking over and directing operations in the midst of that chaos. Our Florida emergency management response to disasters—with a sense of urgency and efficiency—has emerged as a role model for disaster preparation and disaster response. That, in large part, has been as a result of the leadership of Craig Fugate.

It is also very interesting, when you respond to these kinds of national disasters, that you have cooperation between the civilian emergency response and the National Guard. Of course, the Florida National Guard is the best in the business because they know how to take care of business when it comes to emergency response to hurricanes.

Under Craig's leadership, Florida has become the first State to receive full

accreditation for its emergency management program. Craig not only has creativity but a sense of humor. He judges things after a hurricane by the "Waffle House" test. He says if the Waffle House is open after the hurricane, that means there is power and water in there. If the Waffle House is closed, things are pretty bad, and a lot of things have been shut down. If the Waffle House is open and they have a limited menu, then it generally means the power has been out for quite a while because everything in their freezer has melted and has spoiled.

I think Craig's exemplary service speaks for itself.

Mr. President, I ask unanimous consent that a number of documents be printed in the RECORD, including a letter from Governor Crist, and a letter from a host of organizations, all the way from the Public Works Association, the American Red Cross—I will not list them all, but it goes through the National Wildlife Federation and the Reinsurance Association of America. Another one is by the Council of State Governments. Everybody is singing Craig Fugate's praises.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 17, 2009.

Hon. BILL NELSON,
U.S. Senate, Washington, DC.

Hon. MEL MARTINEZ,
U.S. Senate, Washington, DC.

DEAR SENATORS NELSON AND MARTINEZ: I would like to extend my most sincere appreciation to you for introducing Florida Division of Emergency Management Director Craig Fugate at his United States Senate confirmation hearing on Wednesday, April 22. Craig's nomination to be the Director of the Federal Emergency Management Agency instills a great sense of pride in all Floridians. Although his confirmation would mean that we are losing a great asset to our state, Craig's renowned expertise in disaster preparedness, response, recovery, and mitigation activities will, without a doubt, benefit our entire nation.

As you well know, Craig has consistently proven to be among the most respected leaders in emergency management through his outstanding work and vast experience. As the Director of the Florida Division of Emergency Management, Craig has dealt with every type of natural disaster ranging from wildfires to hurricanes, and he has managed them all effectively through his total commitment to ensuring the safety of Florida's citizens.

For Craig, success is not about personal glory. Instead, it is about building a great team that takes action to prepare for, and respond to, disasters and their impacts. I know we share the belief that Craig would utilize this same leadership philosophy as FEMA director.

In advance, thank you for helping to shepherd the nomination of Craig Fugate through the United States Senate. It is exciting to see the hard work and expertise of a great Floridian like Craig recognized at the national level. I am confident he will continue to make all of Florida proud of his leadership.

Please do not hesitate to contact me if there is anything else I can do to help expe-

dite the process of confirming Florida's Craig Fugate to this important post. He is the right person at the right time.

Sincerely,

CHARLIE CRIST,
Florida Governor.

MAY 5, 2009.

Hon. HARRY REID,
*Majority Leader, U.S. Senate,
Washington, DC.*

Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate,
Washington, DC.*

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL:

The undersigned organizations are members of the Stafford Act Coalition and are writing to ask for swift confirmation of William Craig Fugate as the Administrator of the Federal Emergency Management Agency (FEMA). The undersigned organizations and associations represent state and local officials, the nation's realtors, surveyors, conservation interests, and others with a stake in flood management and response, disaster mitigation and emergency response and recovery. The Stafford Act Coalition supports hazard mitigation programs and maintaining the intent of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

It is critical that FEMA leadership be put in place swiftly and not delayed. Currently, our nation is addressing the H1N1 flu and the response and recovery for multiple other disasters involving flooding, severe storms, tornadoes and wildfires. We encourage the Senate to confirm Mr. Craig Fugate as FEMA Administrator as swiftly as possible.

Thank you for your support of emergency management issues. If you or your staff has any questions, please contact Kristin Robinson in NEMA's Washington, D.C. Office at (202) 624-5459 or krabinson@csg.org.

Sincerely,

Peter King, American Public Works Association; Larry Decker, American Red Cross; Larry Larson, Association of State Flood Plain Managers; Chris Whatley, Council of State Governments; Martha Braddock, International Association of Emergency Managers; Dalen Harris, National Association of Counties; Amy Linehan, National Association of Development Agencies; Susan Gilson, National Association of Flood and Stormwater Management Agencies; Kristin Robinson, National Emergency Management Association; Laura Schepis, National Rural Electric Cooperative Association; David Conrad, National Wildlife Federation; Franklin Nutter, Reinsurance Association of America.

NATIONAL EMERGENCY MANAGEMENT
ASSOCIATION,
Washington, DC, April 29, 2009.

Hon. HARRY REID,
*Majority Leader, U.S. Senate,
Washington, DC.*

Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate,
Washington, DC.*

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: As the President of the National Emergency Management Association (NEMA), I am writing on behalf of the emergency management directors from the states, the U.S. territories, and the District of Columbia. We ask for the Senate's immediate action to confirm William Craig Fugate of Florida as the Administrator of the Federal Emergency Management Agency

(FEMA). It is critical that FEMA leadership be put in place swiftly and not delayed.

Currently, our nation is addressing the H1 N1 flu, preparing for the upcoming hurricane season, and continuing the response and recovery for multiple other disasters involving flooding, severe storms, tornadoes and wildfires. Mr. Fugate has been a leader in the emergency management community and in NEMA for years and he is widely respected by his peers across the nation. NEMA respectfully encourages the Committee to confirm Mr. Craig Fugate as FEMA Administrator as swiftly as possible.

Thank you for your support of emergency management. If you or your staff has any questions, please contact Kristin Robinson in NEMA's Washington, D.C. Office at (202) 624-5459 or krobinson@csg.org.

Sincerely,

NANCY DRAGANI,
NEMA President and Director of
the Ohio Emergency Management Agency.

Mr. NELSON of Florida. Mr. President, it is my hope the hold that is on Craig for an issue unrelated to Craig—related to the question of FEMA putting a flood zone declaration on some areas of New Orleans—it is my hope that we can resolve that and get on. After all, this is now 1 week into the month of May. Remember, hurricane season officially starts June 1.

We need to have Craig Fugate in place so that FEMA is ready to go at this particular time, when there is another challenge facing the gulf coast and the Atlantic coast, and potentially the Pacific coast. I hope the Senate is going to act quickly on his confirmation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. DURBIN. I ask consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF INEZ TENENBAUM AND ROBERT ADLER

Mr. DURBIN. Madam President, yesterday President Obama announced he would nominate Inez Tenenbaum as the new Chair of the Consumer Product Safety Commission, and Robert Adler as the new CPSC Commissioner. The President also announced he would restore this Commission from a three- to a five-commissioner body and provide \$107 million for the agency in its fiscal year 2010 budget, a 71-percent increase in that budget over President Bush's request for fiscal year 2007.

I share President Obama's commitment to consumer safety and his goal of restoring the CPSC to prominence as

our Nation's premier consumer watchdog agency. CPSC oversees the safety of over 15,000 consumer products, but for far too long it was hindered by a lack of funding, a lack of staff, outdated authorities and failed leadership. We all remember what happened after that. Faulty cribs that trapped and killed infants; toys coated in lead paint that endangered toddlers and children; magnetic toys that, when swallowed, caused serious injuries and even a child's death.

Most Americans were shocked when they read the stories. They assumed that if they put it on a shelf in a store in America, somebody took a look at it. That is not always the case. Sadly, this agency, which had a special responsibility for dangerous products, had fallen into a state of disrepair, not just in terms of adequate staffing and resources but, unfortunately, in the previous administration, not adequate commitment. There was a belief this had to continue to be a small and virtually unheard of agency at a time when exports into the United States were flooding the market. If there were ever a time when we needed a consumer watchdog, it was over the last 10 years, as more and more of these imports from foreign countries came onto our shores.

We learned the hard way. We learned with pet food from China that had been spiked with melamine for economic reasons and ended up killing a lot of dogs and cats that people dearly loved. We learned it with the toys with lead paint and the toys that were dangerous. We learned this agency was not up to the task.

I can remember meeting with some of the people who worked there. Some of them were good, hard-working people. But when I met with the man whose name was Bob, who was the toy tester, I found that his laboratory for testing toys exported to the United States looked about as bad as my workbench in my basement at home. Unfortunately, he didn't have any kind of technical equipment. What Bob had done was draw a couple marks on the wall, one was at about 4 feet, another at 6 feet, and Bob would take the toy and drop it from 4 feet to see if it fell apart into little pieces that the kids might swallow. If it made that test, Bob took it up to 6 feet and dropped it again. That was the Federal toy testing program for the United States of America.

We learned the hard way, when a lot of dangerous toys were sold and a lot of them went untested. That had to change. With the leadership of one of my colleagues from Arkansas, Senator MARK PRYOR, we embarked on a reauthorization of this agency and gave it new authorities and new powers. Sadly, some of the holdovers—one Commissioner from a previous administration—complained, said she didn't understand why we needed to do this,

that we were going too far in giving more power to this agency. It tells you a lot about the mindset of the agency in the old days.

Then we matched that with appropriations funds from an appropriations subcommittee that I chair to make sure they had enough money to hire testers and buy equipment and to make certain they could take a look at products before they arrived in the warehouses of America and on the store shelves to make certain they were safe before they came in.

It went along very slowly, when it should have gone quickly because the right leadership was not at the agency. When President Obama was sworn in, one of my first calls was to urge him to fill the slots at the Consumer Product Safety Commission with true consumer advocates. Our passage of the Consumer Product Safety Improvement Act—which President Bush had signed into law—by an overwhelming vote of 89 to 3 in the Senate was an indication this was a bipartisan issue, as it should have been. That law virtually eliminated lead from toys and children's products, made sure the products met national standards, authorized a doubling of the Consumer Product Safety Commission budget, and strengthened the Commission's ability to protect Americans.

Yesterday, President Obama's announcement of these two vacancies being filled builds on that effort to make sure the Commission has the right leadership in place to implement a law in a comprehensive, yet common-sense, manner.

Inez Tenenbaum is someone I know. She is a long-time advocate for children and families. She was the former superintendent of education in South Carolina. She oversaw an agency larger than the Consumer Product Safety Commission in both budget and staff, and under her tenure student achievement in that State improved the fastest in the Nation.

Robert Adler, consumer advocate and expert on the Consumer Product Safety Commission, was a professor at the University of North Carolina, where he worked extensively on consumer protection and product liability. He has also served as an attorney and advisor to previous CPSC Commissioners. I strongly support President Obama's nominees. I am glad he is going to bring about a new day at this agency. It is long overdue. Millions of Americans, millions of families and kids are counting on this agency to make sure that when products make the shelves in America, they are safe for American consumers.

AMERICA'S GLOBAL DEVELOPMENT CAPACITY ACT

Mr. DURBIN. Earlier this year, President Obama announced a new policy for Afghanistan and Pakistan beginning to really focus important resources and attention on those countries—resources that were, tragically, diverted during the war in Iraq.

I was honored today to be invited for a lunch with President Zardari of Pakistan and President Karzai of Afghanistan. They are now working together—and that was not always the case—to stop the spread of the Taliban and al-Qaida. They are starting to do things which I think should have been done a long time ago. For example, I was surprised to learn when I visited Afghanistan a little over a year ago that we had fewer than 10 agricultural experts in that country. We know that country, which was once a prolific exporter of agricultural products, has now descended to a point where the major export is poppy and heroin, which, of course, fuels the underground economy and fuels the Taliban in their efforts to bring terrorism to Afghanistan and Pakistan. Well, to learn that we have fewer than 10 agricultural experts working on the ground in Afghanistan to try to change this was disappointing. This administration, the new Obama administration, has made a commitment to raise that number to over 50 in a hurry, as they should, so that we will be able to counsel those in agriculture in Afghanistan about lucrative, profitable crops that will not be feeding terrorism. That is one of the things that needs to be done, not just the military side but the economic side as well.

We understand—and Secretary Clinton has said such—that if we are going to be successful in Afghanistan and Pakistan, we have to bring this effort down to ground level, not just to suppress the violence but to make certain we build a civil economy and a civil government that can sustain democratic and free growth in those two countries. I was glad to be part of that effort today. I believe there is a lot more to do. I join with Senators KIT BOND of Missouri, PATTY MURRAY of Washington, and CHRIS DODD of Connecticut, as well as SHELDON WHITEHOUSE of Rhode Island, in introducing a bill that is called the Increasing America's Global Development Capacity Act, to improve our Nation's capacity to undertake global development activities.

The bill would triple the number of USAID Foreign Service officers by 2012. If we implement this legislation, in 3 years USAID will have 3,000 talented, committed Americans serving in the world's most difficult locations, helping to improve the lives of others, and showing the world what America is all about. I would much rather beef up the USAID than run the risk of sending

more American soldiers to face the dangers of war in those foreign countries. I think we can help win over the hearts and minds of people around the world if we have the right American ambassador in a civilian capacity using diplomacy and development as major tools.

The President's strategy wisely emphasizes training the Afghan army and building up the police; a renewed effort to deal with the Taliban's safe havens in Pakistan; and a long overdue civilian surge in State Department and U.S. Agency for International Development personnel, with particular emphases on diplomacy, agriculture, good governance, and job creation.

It is unfortunate that more than 7 years after the war in Afghanistan began we are only now providing sufficient civilian resources and experts to help win the peace in Afghanistan.

The Bush administration neglected to focus on post-war needs in both Iraq and Afghanistan. Once our brave military men and women accomplished their early military goals, few if any plans existed for significant investments in strengthening critical economic, governance, and rule of law institutions.

The results have been sadly obvious. Our military has had to stay longer than anticipated while we play catch up on these basic building blocks that are needed for any true long-term stability.

This failure to invest in and deploy our civilian experts has placed an unfair burden on our military and their families.

Our military leaders have recognized the critical nature of the civilian development and diplomatic component of American engagement abroad.

Secretary of Defense Gates has said it clearly:

What is clear to me is that there is a need for a dramatic increase in spending on the civilian instruments of national security—diplomacy, strategic communications, foreign assistance, civic action, and economic reconstruction and development.

He continued;

One of the most important lessons of the wars in Iraq and Afghanistan is that military success is not sufficient to win: economic development, institution-building and the rule of law, promoting internal reconciliation, good governance, providing basic services to the people, training and equipping indigenous military and police forces, strategic communications, and more—these, along with security, are essential ingredients for long-term success.

Secretary Clinton has similarly said:

In order for us to pursue an ambitious foreign policy to both solve and manage problems, to address our interests and advance our values, we have to reform both State and USAID. And to do so, we have to create a Department and an agency that are funded the right way, where the people doing this work have the tools and authorities that they need. This is particularly important in dangerous regions like Iraq and Afghanistan.

Our Nation's ability to help others improve their lives is a critical component of American foreign policy. Development initiatives help stem HIV/AIDS and other global pandemics; provide food, clean water, and sanitation to the world's poor; strengthen democratic processes and institutions; and foster economic growth.

These efforts demonstrate our leadership and concern, foster goodwill and an appreciation of American values, and provide alternatives to the despair that can lead others to turn against us.

That is why a recent story in the New York Times about Afghanistan is so tragic. The article's title "G.I.'s Filling Civilian Gap to Rebuild Afghanistan" says it all.

We now have a President who has formed a sound policy for Afghanistan, but we simply do not have the civilian international development experts necessary to fill the civilian needs in Afghanistan.

This is tragic.

Think about after the attacks of September 11 how many Americans wanted to serve their country, whether in the military, in Americorps programs, or in the Foreign Service.

We should have taken advantage of that groundswell of American idealism and determination to bring some of our brightest minds into the State Department and U.S. Agency for International Development where they could use their talents and desire for public service to make a difference in the lives of others around the world and to help bring stability to faraway places.

The need is stark. Take USAID alone. In the 1960s when President Kennedy launched the agency, it had more than 5,000 Foreign Service officers. Today, with obvious needs around the world from Afghanistan to Iraq to Congo, it has just over 1,000.

Its budget in real dollars has shrunk by almost one quarter.

That is right. At a time when people on both sides of the aisle, as well as in the military and civilian leadership of our government, agree on the great need for such civilian engagement, our lead international development agency has seen its key staff cut by 80 percent and its funding by more than 25 percent.

We have this all backwards.

This increase in development professionals would be a first step towards rebalancing the three pillars of our foreign policy and national security—development, defense, and diplomacy, and would go a long way in helping face some of our country's biggest global challenges.

I urge support for this bill.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

NUCLEAR ENERGY

Mr. CHAMBLISS. Madam President, I rise this afternoon to discuss the benefits of nuclear power to our Nation.

Last week, I was fortunate enough to visit the Savannah River Site, along with three of our colleagues, Senator ISAKSON and our two South Carolina colleagues, Senator GRAHAM and Senator DEMINT, to watch the Department of Energy employees at the Savannah River Site carry out their mission.

This site has been safely operating since the 1950s refining materials for nuclear weapons. In more than fifty years, there has not been a single nuclear incident at the Savannah River Site, proving that it is possible to safely operate and maintain our nuclear facilities. But in the past decade, the place that has helped bolster America's standing in the atomic age and has been a watchword for America's nuclear might has also begun to harness spent forces for peaceful purposes—to bring light and heat into American homes.

The Savannah River Site has helped lead the way in disposing of nuclear material. For more than 6 years, the facility has blended weapons-grade, highly enriched uranium to make low-enriched uranium that is being converted into commercial reactor fuel. It recently expanded its mission to include converting excess weapons-grade plutonium from decommissioned nuclear weapons and will become a consolidation point for all weapons-grade plutonium in the United States. This will result in more fuel for commercial power reactors.

Materials that once tipped our arsenal of nuclear warheads are now being used to provide the light by which Georgians eat dinner, do their homework, and the power with which they heat their homes in winter and cool them in our hot summers. In fact, one-fifth of Georgia's total generating capacity comes from nuclear power—second only to coal.

The two nuclear plants in Georgia provide some of the lowest cost electricity in our State. The power they generate is safe, reliable, and, most significant in the midst of this national debate on climate change—emissions free and environmentally responsible.

Despite those clear advantages, in America at large, nuclear power produces some 20 percent of the Nation's energy. Compare that to France, where nuclear power sources provide nearly 80 percent of that country's power.

Intriguingly, in terms of national security, the Savannah River Site is playing a key role in America's nuclear nonproliferation efforts. The nuclear power generated from reducing our nuclear weapons stockpile at the Savannah River Site is coming full circle: In its conversion from weapons to commercial nuclear fuel, it is helping reduce America's dependance on foreign

energy sources, often from countries that do not like us and do not have our best interests at heart.

Additionally, the work conducted at the Savannah River Site helps maintain America's technical and scientific nuclear base, preserving the expertise to expand commercial nuclear energy as well as the expertise to modernize our existing nuclear weapons arsenal.

I was impressed by the talent and expertise of Savannah River Site employees I met who are some of the leading nuclear experts in the world. However, they are an endangered breed and will continue to be unless America commits to expanded nuclear energy and research and development.

We know America's energy consumption will increase. We know the increased demand will drive the need for more base-load capacity. Demographers predict that 40 percent of the total U.S. population will live in the Southeast by 2030. Georgia alone is slated to add 4 million new residents during that time frame. If we are to meet the growing energy needs of Georgia and of our Nation in keeping with America's national security interests, the ingenuity of employees at the Savannah River Site and other such facilities is key to such efforts. I applaud their great work. I look forward to many more years of expansion of the technology that is being developed to dispose of our nuclear waste as well as recycle our nuclear waste and to reuse that waste.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. MENENDEZ. Madam President, due to an official event in New Jersey, I was necessarily absent for rollcall votes 186 and 187. Had I been present, on rollcall No. 186, passage of S. 454, the Weapon Systems Acquisition Reform Act of 2009, I would have voted yea; rollcall No. 187, the confirmation of R. Gil Kerlikowske to be Director of National Drug Control Policy, I would have voted yea. •

RETIREMENT OF LIEUTENANT GENERAL CLYDE A. VAUGHN

Mr. LEAHY. Madam President, this week, LTG Clyde Vaughn, Director of the Army National Guard, retires after almost 35 years of excellent service to the Army National Guard and the U.S. Army. He has been an absolutely superb Army Guard Director.

Under General Vaughn's watch, the Guard has undertaken one of the most successful recruiting programs in history. The Army Guard has become more capable, ready, and better equipped than at any point over the past several decades. Under his watch, the Army Guard has helped make the

country stronger. General Vaughn leaves big shoes to fill.

The Army National Guard is a critically important part of the Army and the entire Armed Forces. Citizen-soldiers from the Army National Guard have comprised a high percentage of the forces on the ground in Iraq and Afghanistan. The members of the Army Guard also are our military first responders for emergencies at home, ready to quickly support our elected leaders and other civilian authorities in such emergencies as flooding and hurricanes. General Vaughn has brought an acute understanding of the Army National Guard, built from his experiences in the Missouri National Guard and from successful joint assignments in Washington and further afield.

During his time as Army Guard Director, the National Guard has racked up some extraordinary accomplishments. Soldiers—the proud citizen-soldiers from all the States and Territories—and families have remained foremost in General Vaughn's mind. In recent years, the Army Guard has reversed a downward trend in filling its ranks and boosted enlistments tremendously. We have a more educated and a healthier force with more full-time personnel. In his last months on the job, General Vaughn has laid out a sensible plan to build readiness within the Army Guard, ending the harmful practice of counting untrained and transient soldiers against the end-strength of various units.

Working closely with Congress, General Vaughn has also ensured that the Guard has more modern equipment. The Army Guard has much better gear today than it did 4 years ago.

Lieutenant General Vaughn is a leader who forthrightly lays out his views, whether to Congress or his counterparts in the active Army. It is this deep honesty and intelligence that has made him an inspiration to his subordinates and a close adviser to his superiors. Lieutenant General Clyde Vaughn knows and loves the Army National Guard, having lived and breathed with this force of citizen-soldiers for more than three decades. The country owes General Vaughn, as well as his wife Carol and kids Chad and Kristi, our thanks and hearty congratulations on a job, very well done.

NOMINATION OF DEMETRIOS JAMES MARANTIS

Mr. BAUCUS. Madam President, today I would like to recognize one of the finest members of my staff to ever work for me, the State of Montana, and the U.S. Senate. Demetrios James Marantis has served in the Senate since 2005, and on Wednesday, the Senate approved his nomination to be Deputy U.S. Trade Representative.

When Demetrios first joined my staff more than 4 years ago, he came with a

chorus of support and an impressive set of skills and experience. This week, he leaves the Senate for his next challenge with an even larger group of supporters and another impressive list of accomplishments.

Demetrios was at the center of the largest expansion and reform of trade adjustment assistance since its creation four decades ago. He was critical to our granting permanent normal trade relations to Vietnam, and instrumental in keeping U.S.-China economic ties on track in challenging times. Demetrios helped me and the Senate extend trade preference programs to the world's poorest nations, and worked to lay the groundwork for the important pending trade agreements that I hope that the Senate will consider in the coming months.

He did all of this with an unwavering commitment to this country, and an unassailable reputation for fairness and openness to supporters and opponents alike. And as many of my colleagues and their staff will always remember, Demetrios never failed to bring a little bit of fun and a good sense of humor to even the hardest job.

But what I will remember most about Demetrios is his commitment to the people that our economic policies affect. In Montana, Demetrios made a point to know the ranchers in Molt, the seed potato farmers in Manhattan, and the wheat farmers in Three Forks. Demetrios's intelligence and experience helped guide me and the Senate through the letter of our trade laws. But his good character and heart reminded us what those trade laws are really about America's workers, farmers, ranchers, and families.

I congratulate Demetrios on his nomination, thank him for his good work, and wish him the best of luck as Deputy U.S. Trade Representative.

Mr. GRASSLEY. Madam President, I wish to speak a few words about Demetrios Marantis, who was confirmed last night by the Senate to be a Deputy U.S. Trade Representative.

Demetrios is well known to all of us on the Finance Committee. For 4 years, he has very ably served Chairman BAUCUS—most recently as the Democratic chief international trade counsel. So he has played a central role in all of the committee's efforts on trade policy during this time.

Not only is Demetrios a very sharp trade lawyer and policy adviser, he is also a skilled negotiator. That will serve him well in his new position. I am grateful for the genuine spirit of bipartisanship that Demetrios brought to the Finance Committee, and I am sorry to see him depart. His energy and good nature will certainly be missed.

At the same time, I am comforted by the fact that our Nation will continue to benefit from Demetrios' commitment to public service. He assumes a very important portfolio at the Office

of the United States Trade Representative, as a trade Ambassador to Asia and Africa, and also with responsibility for the trade and development portfolio, as well as for labor and the environment.

I therefore look forward to engaging Demetrios in efforts to open up new market opportunities for U.S. exporters in the Asian region. I also look forward to working with him on a reform of our unilateral trade preference programs. We must address these key trade priorities in the 111th Congress, so I expect that we'll continue to see Demetrios on a regular basis for some time to come.

In closing, I commend Demetrios for his outstanding service to the Finance Committee, and I wish Ambassador Marantis every success in his new position.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am sending you this email in regards to our gas prices. I feel that the taxes that Idaho has on the gas should be dropped in our state.

So many people are already unemployed. People are suffering enough trying to keep the jobs that they have. Many people travel from Caldwell and Nampa to jobs in Boise. They are only making \$9, maybe \$10, an hour. That is just two gallons of gas. Because of this, we will only be adding to our unemployment line. This only takes away the money coming into our state from the taxes from their paychecks.

My daughter is trying to find work herself. Do you have any idea the hardship of this? She cannot find a job because she cannot put the \$8 for two gallons of gas into her car to find a job. If you removed the gas tax, she would have at least a fighting chance!

My son lives in Boise and works in Nampa. He had to leave his car on the freeway be-

cause he ran out of gas and had just put in the last of his money he had in his pocket.

What about our elderly and all the others on fixed income? We have to get a hold of this situation now. Thank you for your time and consideration in this important matter.

GERALD and TONIE, Nampa.

Thank you, Senator, for asking for input. Yes, we need to protect our planet from excess wrongful pollution; yes we need to have alternatives to the current fossil fuel dilemma. Yes, drilling here and drilling now needs to happen, although it will not give relief for many years to come and at what loss to business and individual Americans, prior to our becoming more energy independent?

It is time to steal a page from the Democrats play book of 2000 and dump oil from our strategic reserves, referenced http://schumer.senate.gov/SchumerWebsite/pressroom/press_releases/2004/PR02640.Gas051904.html, in the market place to lower prices at the pump.

This will have many-fold positive effect. It can boost the economy by helping business to maintain pricing at lower levels. It will cause a price lowering on the world market needed by many other nations, i.e., French truckers causing gridlock by blocking roadways. We replenish our reserves at a lower cost oil than today, and it ought have an adverse effect on those speculators that are driving the price of oil through the ceiling. How many of the speculators buying futures contracts for oil are foreign investors wanting to drive up the price of their oil? These positive reactions can only have positive impact.

For the future, alternative fuel sources other than our food, wheat, rice, corn ought to be developed, i.e., hydrogen which is in use presently in the East under controlled situations, work towards federal funding for a research facility to developed an economical solution/use for the shale that surrounds Idaho in Wyoming, Utah and Colorado. Partner with them. Build the research facility in Idaho.

JAMES, Nampa.

Your video interview on KTVB [seemed to be lacking in understanding. Why would you want to give sob stories to Congress?] The problem is the way you are approaching the matter. [The current] approach is to focus on an issue that has been allowed to spiral out of control, so it is now labeled as a significant emotional event that affects a large contingency of or state. You want input from constituents on a possible solution to this crisis.

You are way too late, Mr. Crapo. You should have approached this problem at the root cause, when it first started years ago. Nothing was ever done to formulate a plan.

Just what are your thoughts? Is this a lame issue strategically planned based on the emotions of the people, centered on a principal of difusionary tactics to point the crisis issue from your office to the bleeding heart consumers? Just what are we going to do?

In order to solve a problem, you need to lose the "ostrich mentality"; that is, bury your head in the sand until the danger passes by. As long as you do not see anything going on around you, then you assume all will be well once it passes; however, while your head is in the sand, your [backend] is hanging out in the air [in danger.]

This problem should have been breached months ago when gasoline prices were at \$2.50 a gallon, and needed to focus on how to hold them at this price.

What you have condoned is the allowance of gasoline to skyrocket out of control, and somehow scheme a plan that involves Idahoans to offer a solution.

React when the crisis surfaces because that is the way everyone does it. Any official, manager, analyst, physics engineer knows that you start by dissecting and analyzing the root problem that drove the event. Two great books to read on this management technique are *Crucial Conversations* and *Crucial Conversation*. Try them; they are great.

As for the bleeding heart letters, I do not buy them one bit. After all, what do we have at our disposal to influence members of Congress?

Much could have been done by the American people if we, the consumers, could be in on the ground floor of these fire-side chats and actively work on the problem.

We need to be a preventative society, not a panic-reactive, flavor of the month club.

GEORGE, *Boise*.

I saw in the news this morning that you are asking for comments about the current gas prices. I believe, like many others, that we need to end our dependency on foreign oil. If the government would end the moratoriums against off shore drilling, allow the states who are begging to drill to do so. Allow new refineries be built, I know the prices would begin to go down, just from the threat of competition alone. If our government would get out of the way, let the good old American ingenuity and capitalism take control, things would turn around in no time at all.

Thank you for the opportunity to voice my opinion.

KIM, *Moose*.

I am very concern that my country's Congress has paralyzed our ability to become energy-independent. To get to the point, I want to be free of terrorist oil. I want our own country to provide for our energy needs. Open up the coastlines to drilling; allow drilling in Alaska, Montana and other states. Allow the mining and processing of oil shale. Develop a national energy strategy with all parties involved. This does not take ten years. Remember World War II; the home-front converted to the war effort—one example, victory ships, I want that attitude in my Congress, my nation. Please express my concerns. (I retire in two days) Get 'er done! Thank you, sir.

ALAN, *Emmett*.

Very simple, Mike—we want alternative energy choices—sun, nuclear, wind, hydro, that do not further rape the earth. Can you lead the way on this issue? If not, get out of the way and we will elect someone who will!

RON, *Wilder*.

A short while ago I responded to your inquiry regarding the impact that the energy crisis has had on me and my family. After sending the message, it occurred to me that I had omitted what may be the largest financial and psychological impact of all. Forty years ago, my wife and I bought a small cabin near a lake in the mountains just south of Salmon. My family and I have enjoyed many pleasant hours every summer up there. At the time we bought it, our big concern was how much time will it take to travel up there from Malad. Now the time element is the least of our concerns. Now the question is how much is it going to cost us to make the trip. So far, this year, the an-

swer has been: Too much! We have not been able to work out a way to get there to even open it up for the season. We are seriously considering the possibility of selling it because transportation costs make it prohibitive to make the trip often enough to make it worthwhile keeping it! Having to sell it would be a blow to our entire family—as well as what would be an economic loss!

I really do not think Americans should be treated this way just because some political activists want to punish this country for being too successful. Please do not let them do it. The remedy is so obvious and attainable! Truly this is an economic crisis, not only for this nation, but for the world!

WESLEY, *Malad City*.

Being a resident of Idaho, I feel compelled to write to you regarding my perspective on energy cost and its effect on the economy. It may be felt, being single and a nurse in the State of Idaho, by many that my situation is secure and comfortable. I must stress, it is not. Gas/fuel prices (including electricity) is a huge concern to me and affects me in ways most may not recognize. I find, as others, filling at the tank is overwhelming at times, but what I find interesting is how it has affected so much more than just getting gas for a vehicle. It does make it more difficult to obtain the fuel for the vehicle that brings one to work, but the effect goes so much beyond that.

I find my grocery bill has increased from 10-30% on items I used to feel comfortable in purchasing previously. I find I am no longer looking at brands like I have before, and I find I am going without some items I would have thought to be necessary before.

We are a spoiled nation, there is no doubt; however, whenever I stop buying things and chipping away from those items I have enjoyed I think of those individuals who work for those companies that my meager dollar use to support no longer can, and in turn, causes an effect on their ability to continue their lifestyle endeavors.

I find an unusual event here in Idaho with regard to my career. I am an RN. I am told there is a huge shortage of nurses, but I am forced off from being able to work because, "census is down" at the major hospital I work at in Boise. My thinking on this, though there is no study I am aware of to support it, is that people have become very afraid of the economic situation. "Elective surgery" (even though necessary) is being held off, even declined. Why? People have a hard time with insurance coverage now even as before the crunch. I believe they would rather chance their well being over an additional concern of a medical bill, because they cannot afford to go to work that may possibly have coverage for them, or more than likely, probably do not. So, health becomes a secondary choice to them. This, in turn, affects me. I get laid off and I cannot pay the bills . . .

I am more fortunate, in that I do have options. Not necessarily pleasant ones, i.e., leave Idaho, but options all the same. Right now I am looking at supplemental work.

Basically what I am saying, the "gas issue" is obviously more than just filling the tank. It is food, it is housing, it is employment availability, it is health, and it is choices or lack of. Please, I plead that you approach those who can make a difference. Recognize, America should always be first, in their decision, not outside interests.

I am born and bred American. I am proud of what we are and what we can be, but I can see greed has taken over common sense.

Please do what you can do to stop the undermining of our strength. Let us be self-sufficient first and with good conscience let us use our ability to drill, invent, and create a new direction that will allow new jobs and strength.

Advice I give patients: You cannot help those you care for unless you have taken care of yourself and maintain your own strength. Be conscious to care for yourself so you can help those you love. I say the same to my country: Care for yourself.

BONNIEDDEE, *Boise*.

Living in a rural area of southeastern Idaho we have been hit particularly hard. Gas in our community is always higher than surrounding areas. I drive 120 miles roundtrip to work and 30 miles roundtrip to the grocery store. Many of my neighbors are trying to farm but the cost of putting fuel in the tractor is so high that to plow and plant a field it almost is not worth the effort anymore. We realize that, as a nation, we need to be prudent in oil drilling practices but to ignore the Alaskan oil fields and the offshore potential of our coastal regions is sheer folly. If we fail to claim and drill what is rightfully ours, the Chinese and the Cubans will find a way to do it right under our very noses. I ask you, what other country in the world is crazy enough to sit on such a resource and just let it go to waste? Regardless of whom drills for the oil we will still have the same potential environmental issues but we could easily not be the ones in control. I would like to see what would happen to the price of gas if congress woke up to the situation and opened our significant undeveloped oil fields to responsible drilling. Congress cannot continue to make the oil companies the "scapegoat" in this situation. Congress and the President, past and current, need to accept responsibility for their major part in the entire mess.

CLARE, *Preston*.

A couple of week ago you were a guest speaker on our local radio program and asked us voters to write you about what trouble and hard times have fallen upon us regular working stiffs. Well, I started this letter five times, but did not finish because of the way I was brought up, i.e., "Do not be a whiner, be a winner and a doer! Well, you asked, so here is my story.

I am a certificated flight instructor and had a very promising flight school in the Magic Valley (the only flight school in the valley) at the Jerome County Airport. Then 9/11. I learned two very good lessons after that: [there is little understanding of the real world among the bureaucrats who operate many agencies, and that too often the price for problems is paid by those who had nothing to do with the problem.]

While billions [were dumped] into the airline industry, [my business] went under. Just because I was grounded and held accountable for the actions of 9/11, my bills were not "grounded" and I ended up losing my airplanes, my business and every cent I had! Oh, well, no complaints, I was not in a rubble pile in D.C., or New York, New York, or dead at a crash site in Pennsylvania. My heart still hurts for those who lost their lives that day. Like I said, no complaints. I am a proud American that is used to pulling me up by the boot straps and, by the way, I was offered a low interest \$5,000 loan by the government; that would not have even covered my fuel bill! It has taken me years to pay off the losses, but I have. And I have been teaching flying lessons in student-owned planes. If

they come to me without an airplane I have to turn them away. That means out of the Magic Valley because there had been no other flight schools open. Flying is not a privilege like driving, it is a right put down on paper by the Congress and the Senate!

Now to end this story—you ask for \$5.50 a gallon aviation fuel! It has put me completely out of the teaching game! Thanks a lot! (Not you.) I have been doing this teaching thing for the last 18 years. I do not know anything else! I am 52 years old, too old to start over and become an expert at anything else, I will not be on this planet long enough! Sure, I could go to Dubai, India, China or some other enemy country and teach their students how to fly and probably make a lot of money, but that is not what it is about. It is about molding good, safe and better American pilots! Not going to the Middle East and teaching the bucks. No, I will never do that! Never! I live in Idaho and that is where I will be put into the good potato-growing earth of Idaho!

I feel [let down by my elected officials.] Please keep up your effort to help us no-accounts here in Idaho! I do know that you are trying.

JIM, *Jerome.*

My husband is on permanent Social Security Disability. The high gas prices make it impossible for us to leave our area, and it is more expensive for me to drive to work. We just try to buy less groceries; no extras. I am really worried about purchasing propane next winter. The minimum you can now have delivered is \$300, and that does not even last a month. I hate to see what it will cost next winter. If gas prices do not go down, many living in Idaho will eat less and heat less!

BARBARA, *Idaho Falls.*

First I want to thank you for all the good work you are doing to represent your Idaho constituents. It is so refreshing to have an honest, wise thinking, conservative congressman. We have lived in liberal states in the past and it can be very discouraging.

About the fuel prices, I just want to share that I am a hospice nurse which requires that I drive all over Canyon and some of Ada counties. We do get paid mileage for our trips to and from our patients, but the \$.43 a mile is quickly being eaten up by the rising fuel prices. Also my husband and I are private pilots and love to fly over our beautiful state, but again the cost of fuel is making it necessary to but back on those trips. What is so frustrating to us is knowing that we have plenty of oil in our own country, if our government would just allow production to increase. I also favor developing alternate energy. I especially think that nuclear energy can be developed safely and should be looked at very seriously.

LINDA and ALAN, *Nampa.*

It is very obvious that Russia is on an aggressive quest to control the global oil. The U.S. should have already been on top of this, but where are the leaders of the two Houses? They're on vacation (except for a few fighters) instead of attending to very important and critical issues. It is extremely important to deal with the energy issues as soon as possible. We have oil available in the Bakken Formation, Alaska and other areas, which contain the following estimates: 8 times as much oil as Saudi Arabia, 18 times as much oil as Iraq, 21 times as much oil as Kuwait, 22 times as much oil as Iran, 500 times as much oil as Yemen—all right here in the U.S.

The issues at hand are affecting the rapidly increasing day-to-day costs. Inflation is rising, not at .05%, rather more like 30%. For example, groceries are costing almost 50% more than in January. That is if one can afford the gasoline.

The COLA increase in the next budget for Social Security and the Military should be a minimum of 15%—just to stay even with rising costs.

This is not a time for partisan bickering. This is time for a conscience effort toward the business of American citizens.

GEORGE, *Craigmont.*

ADDITIONAL STATEMENTS

TRIBUTE TO HEATHER FONG

• Mrs. BOXER. Madam President, I am pleased to pay tribute to San Francisco Police Chief Heather Fong as she retires from the city and county of San Francisco's Police Department after 32 years of dedicated service.

A lifelong Californian, Chief Fong was born and raised in the city of San Francisco. She grew up in a small flat on Bannam Place, a tiny alley in North Beach just outside Chinatown, and attended St. Rose Academy in the western addition. It was there that Fong was first exposed to the idea that she could pursue a career in law enforcement, when a visiting officer was brought into the academy to speak with the students. Fong quickly joined the San Francisco Police Athletic League's cadet academy, where she served for 2 years, and attended classes one night a week at the Hall of Justice. Following her graduation from St. Rose Academy, Fong pursued her undergraduate education at the University of San Francisco, and later received a master's degree in social work from San Francisco State University.

Chief Fong formally entered the police service when she was sworn in as a San Francisco police officer in 1977. Just one month into the job, she played a crucial role in the investigation of the massacre in Chinatown's Golden Dragon restaurant; her work resulted in four convictions. Because of her dedication and strong work ethic, Fong was given a beat along Clement Street with a veteran police officer, where she quickly learned the ropes. Two years later, in 1979, Fong transferred to the Police Academy, where she became the first female instructor, an honor not usually given to young officers.

Fong has served the San Francisco Police Department in various capacities over her 32 years of service, working her way through the ranks of inspector, sergeant, lieutenant, captain, commander, deputy chief, assistant chief, acting chief, and finally, chief.

San Francisco Mayor Gavin Newsom appointed Fong acting chief of Police on January 22, 2004 and chief of police on April 14, 2004. Fong was the first woman to become chief of police for

San Francisco and the Nation's first Asian American woman to lead a major city's police department. Chief Fong is deserving of a very relaxing retirement—in her 5 years as police chief, she never took one vacation.

I admire Chief Fong's 32 years of dedicated service to the people of San Francisco. Along with her friends and admirers throughout the San Francisco Bay area, I thank her for her tireless efforts and wish her the best as she embarks on the next phase of her life.●

TRIBUTE TO DR. ANDREW MOORE

• Mr. BUNNING. Madam President, today I recognize Dr. Andrew Moore of Lexington, KY, for being the recipient of the Fayette County Hero of the Year presented by the Bluegrass Area Chapter of the American Red Cross.

The Hero of the Year award was presented to Dr. Moore on April 23, 2009. The Heroes campaign fosters community awareness and generates funds to support the mission and services of the American Red Cross.

Dr. Moore is the founder and president of the nonprofit organization Surgery on Sunday, which provides outpatient surgical services to income-eligible individuals and families who are without health insurance and are not eligible for Federal or State assistance. Patients are referred to the program by community organizations and receive medical procedures that range from general operations to dental work and reconstructive surgeries.

In its first year of operation, Surgery on Sunday provided services to more than 150 individuals without health insurance or the means to pay. By the end of its second year, the organization had performed more than 2,000 procedures. It is estimated that \$1.5 million worth of medical services has been donated by more than 600 volunteer surgeons, physicians, nurses, and other health professionals.

I would like to thank Dr. Moore and all of the volunteers for Surgery on Sunday for their contributions to the Commonwealth of Kentucky. Dr. Moore is truly an inspiration to all Kentuckians and I wish him the best of luck in his future endeavors.●

TRIBUTE TO OKLAHOMA NURSES

• Mr. INHOFE. Madam President, I wish to honor the men and women who have dedicated their lives to caring for others through the nursing profession. As you may know, National Nurses' Week is celebrated from May 6 through 12. Nurses play a crucial role in our health care system. The need for attention to detail, medical expertise, time management, critical thinking, and compassion shape a vocation that is more than a career. Professional nurses make enduring investments in their patients' lives.

Nursing is the largest health care occupation, with over 2.5 million nurses nationwide. In my State of Oklahoma, there are over 25,000 registered nurses alone. Nurses are found in a wide variety of settings, including hospitals, doctors' offices, schools, nursing homes, community clinics, and even the battlefield. Nurses do more than treat wounds and assist doctors. They help us all, regardless of age or standing, from the tiniest premature baby to the senior who has a life full of memories. They comfort those in pain, ease children's fears, educate students, attend deliveries, and offer assurance to worried parents. Nurses are trained to take care of the whole patient, sick or healthy.

It is no coincidence that the last day of National Nurses' Week, May 12, is also the birthday of Florence Nightingale, the founder of the modern nursing profession. Her work set an example of commitment to patients that can be seen and felt even today. The skill, dedication, and strength of our nurses are too often overlooked. Quality of life has increased for many Oklahomans, myself included, as a result of a nurse's actions and care. Nursing is among the noblest professions.

Madam President, I ask that you join me today in honoring nurses both in Oklahoma and all across the Nation.●

NEBRASKA ARMY CORPS OF ENGINEERS

● Mr. JOHANNIS. Madam President, today I wish to commemorate the 75th anniversary of the founding of the Omaha District of the Army Corps of Engineers in Omaha, NE.

From its original mission in the 1930s working on flood control projects on the Missouri River, including the building of the Fort Peck Dam, to its contemporary work in support of our Nation's military mission in Iraq and Afghanistan, the Omaha District has served the citizens of the State of Nebraska and the United States of America with pride and distinction.

I especially note the contribution that the Corps has made every day since its inception managing and protecting Nebraska's precious water resources. Without the dedicated efforts of all of the men and women of the U.S. Army Corps of Engineers Omaha District, citizens in the State of Nebraska would: (1) be vulnerable to extensive flooding, (2) lack abundant recreational opportunities and preservation of critical wildlife habitat, and (3) face much higher electric energy bills. It is estimated that as a result of the work of the Omaha District of the U.S. Army Corps of Engineers, more than \$25 billion of property damage due to flooding has been averted during its distinguished history.

I also note with extreme pride the important contribution that the

Omaha District has made over the years to the success of our Armed Forces. The Omaha District was responsible for the construction of what later became known as Offutt Air Force Base. Offutt Air Force Base was the home of the Glenn L. Martin Co. Bomber Plant, which manufactured the B-29 "Superfortress" and the B-26 "Marauder" airplanes. Other more recent noteworthy projects have included work on the North American Air Defense Command headquarters at Cheyenne Mountain, construction of various missile controls and launch facilities throughout the Midwest, building of hangar facilities for B-2 "Stealth" bombers, and other important projects for military purposes in Nebraska and for foreign deployments.

Again, I thank the thousands of Omaha District employees who have dedicated their careers to serving the military and civilian needs of the State of Nebraska and the United States of America.●

MILITARY FAMILIES APPRECIATION DAY

● Mr. WYDEN. Madam President, tomorrow, Oregon will be celebrating its first Military Families Appreciation Day.

All over my State, people will gather to recognize the sacrifice and service of military families and veterans throughout history.

It is a day set aside to bring people together, to learn from and support each other and to celebrate the families who serve on the home front while their wives, husbands, sons, daughters, and parents serve on the front lines.

America's military is the strongest in the world, and they draw their strength from families back home. Yet far too frequently, the sacrifices and dedication of military families have gone unacknowledged and unappreciated.

That is why Oregon will be proudly recognizing military families on this inaugural Military Families Appreciation Day.

In our Nation's recent history, millions of servicemembers have been placed in harm's way for our country, standing watch as freedom's guardian. But families, too, have stood watch at home, facing their own challenges, all too often alone.

Military families sacrifice so much—they are patriots cloaked in a quiet strength and they make all the difference to the success of each mission. They have faced the special challenges of long and repeated deployments, separations from loved ones, and frequent relocations with great courage and resolve. In doing so, their selfless dedication has directly contributed to the mission readiness of our soldiers, sailors, airmen, marines, Coast Guardsmen, and Merchant Marines.

So to every military family, I want to offer a nation's thanks.

For the times you have stood and watched a ship sail from the harbor, an aircraft disappear into the clouds, or a bus convoy pull out of sight, not sure when your loved one would return, we thank you.

For the anniversaries, birthdays, and holidays you have celebrated alone, we thank you.

For the helping hand you have extended to other military families when there was need—truly creating a military family—we thank you.

A country is not strong because of its armed services alone, rather the armed services draw strength from the civilians who support them. With military families setting a superior example of devotion, courage, and commitment, America will always be a nation of strength.●

REMEMBERING JOHANNA JUSTIN-JINICH

● Mr. BENNET. Madam President, on Wednesday, May 6, 2009, Johanna Justin-Jinich, a resident of Timnath, CO, was senselessly murdered in Middletown, CT. Johanna was a member of the Class of 2010 at Wesleyan University—my alma mater. Faculty and students alike describe a vibrant, intelligent, creative, and compassionate young woman. A young woman whose short life was full of exuberance and study—and public service. Johanna's friends note that her warmth, passion, and dedication to those she loved that defined her life to the very end. And these qualities are what they will miss the most.

Johanna's family and her friends have suffered an unspeakable loss and will no doubt continue to grieve for the loss of someone so compassionate, so dedicated, and so giving. Wesleyan University and the town of Timnath have witnessed the passing of one too young and with so much potential to serve the public good. She was particularly committed to helping women gain access to proper health care and resources, regardless of their means. Johanna's concern for public health can be traced back to her family. Her maternal grandmother, a Holocaust survivor, was a doctor, as are both of her parents.

As Wesleyan's president, Michael Roth, said "We return to the rhythms of our campus lives with the memory of our loss still very fresh. We turn again, and we remember. May Johanna's memory be a blessing to us all."●

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—PM 16

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget:

To the Congress of the United States:

I have the honor to transmit to you the *Budget of the United States Government for Fiscal Year 2010*

In my February 26th budget overview, *A New Era of Responsibility: Renewing America's Promise*, I provided a broad outline of how our Nation came to this moment of economic, financial, and fiscal crisis; and how my Administration plans to move this economy from recession to recovery and lay a new foundation for long-term economic growth and prosperity. This Budget fills out this picture by providing full programmatic details and proposing appropriations language and other required information for the Congress to put these plans fully into effect.

Specifically, this Budget details the pillars of the stable and broad economic growth we seek: making long overdue investments and reforms in education so that every child can compete in the global economy, undertaking health care reform so that we can control costs while boosting coverage and quality, and investing in renewable sources of energy so that we can reduce our dependence on foreign oil and become the world leader in the new clean energy economy.

Fiscal discipline is another critical pillar in this economic foundation. My Administration came into office facing a budget deficit of \$1.3 trillion for this year alone, and the cost of confronting the recession and financial crisis has been high. While these are extraordinary times that have demanded extraordinary responses, it is impossible to put our Nation on a course for long-term growth without beginning to rein in unsustainable deficits and debt. We no longer can afford to tolerate investments in programs that are outdated, duplicative, ineffective, or wasteful.

That is why the Budget I am sending to you includes a separate volume of terminations, reductions, and savings that my Administration has identified since we sent the budget overview to you 10 weeks ago. In it, we identify programs that do not accomplish the goals set for them, do not do so efficiently, or do a job already done by another initiative. Overall, we have targeted more than 100 programs that should be ended or substantially changed, moves that will save nearly \$17 billion next year alone.

These efforts are just the next phase of a larger and longer effort needed to change how Washington does business and put our fiscal house in order. To that end, the Budget includes billions of dollars in savings from steps ranging from ending subsidies for big oil and

gas companies, to eliminating entitlements to banks and lenders making student loans. It provides an historic down payment on health care reform, the key to our long-term fiscal future, and was constructed without commonly used budget gimmicks that, for instance, hide the true costs of war and natural disasters. Even with these costs on the books, the Budget will cut the deficit in half by the end of my first term, and we will bring non-defense discretionary spending to its lowest level as a share of GDP since 1962.

Finally, in order to keep America strong and secure, the Budget includes critical investments in rebuilding our military, securing our homeland, and expanding our diplomatic efforts because we need to use all elements of our power to provide for our national security. We are not only proposing significant funding for our national security, but also being careful with those investments by, for instance, reforming defense contracting so that we are using our defense dollars to their maximum effect.

I have little doubt that there will be various interests—vocal and powerful—who will oppose different aspects of this Budget. Change is never easy. However, I believe that after an era of profound irresponsibility, Americans are ready to embrace the shared responsibilities we have to each other and to generations to come. They want to put old arguments and the divisions of the past behind us, put problem-solving ahead of point-scoring, and reconstruct an economy that is built on a solid new foundation. If we do that, America once again will teem with new industry and commerce, hum with the energy of new discoveries and inventions, and be a place where anyone with a good idea and the will to work can live their dreams.

I am gratified and encouraged by the support I have received from the Congress thus far, and I look forward to working with you in the weeks ahead as we put these plans into practice and make this vision of America a reality.

BARACK OBAMA.

THE WHITE HOUSE, May 7, 2009.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004, WITH RESPECT TO THE BLOCKING OF PROPERTY OF CERTAIN PERSONS AND PROHIBITION OF EXPORTATION AND RE-EXPORTATION OF CERTAIN GOODS TO SYRIA—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004, and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, is to continue in effect beyond May 11, 2009.

The actions of the Government of Syria in supporting terrorism, pursuing weapons of mass destruction and missile programs, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency.

BARACK OBAMA.

THE WHITE HOUSE, May 7, 2009.

MESSAGE FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 1107. An act to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 80. A resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1107. An act to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts"; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-1536. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Pre-market Approval of Pediatric Uses of Devices—FY 2008"; to the Committee on Health, Education, Labor, and Pensions.

EC-1537. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, a performance report relative to the Animal Drug User Fee Act for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-1538. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Freight Intermodal Distribution Pilot Grant Program; to the Committee on Health, Education, Labor, and Pensions.

EC-1539. A communication from the Secretary of Education, transmitting the report of proposed legislation relative to limiting the application of the requirement to delay the effective date of certain student aid regulations; to the Committee on Health, Education, Labor, and Pensions.

EC-1540. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1541. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Second Quarter Fiscal Year 2009 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-1542. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received in the Office of the President of the Senate on May 1, 2009; to the Select Committee on Intelligence.

EC-1543. A communication from the Acting Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled "Annual Analysis of the Effectiveness of the National Youth Anti-Drug Media Campaign"; to the Committee on the Judiciary.

EC-1544. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Georgia Advisory Committee; to the Committee on the Judiciary.

EC-1545. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

EC-1546. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2008 - 2009 amendment cycle; to the Committee on the Judiciary.

EC-1547. A communication from the Secretary, Judicial Conference of the United

States, transmitting, a report of a draft bill entitled "Multidistrict Litigation Restoration Act of 2009"; to the Committee on the Judiciary.

EC-1548. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of a draft bill entitled "Federal Judgeship Act of 2009"; to the Committee on the Judiciary.

EC-1549. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, the 2008 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

EC-1550. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Lake Chelan Viticultural Area (2007R-103P)" (RIN1513-AB42) received in the Office of the President of the Senate on May 5, 2009; to the Committee on the Judiciary.

EC-1551. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Per Diem for Veterans in State Nursing Homes" (RIN2900-AM97) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 49. A resolution to express the sense of the Senate regarding the importance of public diplomacy.

S. Res. 84. A resolution urging the Government of Canada to end the commercial seal hunt.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 327. A bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 838. A bill to provide for the appointment of United States Science Envoys.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Cynthia J. Giles, of Rhode Island, to be an Assistant Administrator of the Environmental Protection Agency.

*Mathy Stanislaus, of New Jersey, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

*Michelle DePass, of New York, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. LEAHY for the Committee on the Judiciary.

*John Morton, of Virginia, to be an Assistant Secretary of Homeland Security.

William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 993. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the installation of residential micro-combined heat and power property; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Ms. SNOWE, Mrs. GILLIBRAND, Mr. SANDERS, Mr. BAYH, Mr. NELSON of Florida, Mr. MARTINEZ, Mrs. HAGAN, Mrs. FEINSTEIN, Ms. STABENOW, Ms. LANDRIEU, Mrs. MURRAY, Ms. MIKULSKI, and Mr. VITTER):

S. 994. A bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself and Mr. REID):

S. 995. A bill to amend the Energy and Policy Act of 2005 to reauthorize a provision relating to geothermal lease revenue, to direct the Secretary of the Interior to establish a pilot project to streamline certain Federal renewable energy permitting processes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. HATCH):

S. 996. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 997. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families, and for other purposes; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. LEAHY, and Mr. REED):

S. 998. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. COLLINS, and Ms. STABENOW):

S. 999. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mrs. LINCOLN):

S. 1000. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning

and child care for low-income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 1001. A bill to provide for increased research, coordination and expansion of health promotion programs through the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mrs. LINCOLN):

S. 1002. A bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 1003. A bill to increase immunization rates; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 1004. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management and coordination services, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mrs. BOXER, Mr. INHOFE, and Mr. CRAPO):

S. 1005. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 1006. A bill to require a supermajority shareholder vote to approve excessive compensation of any employee of a publicly-traded company; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN:

S. 1007. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for excessive compensation of any employee of an employer; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. SHAHEEN (for herself, Mr. GREGG, and Mr. KOHL):

S. 1008. A bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay; to the Committee on Armed Services.

By Mr. BENNET:

S. 1009. A bill to amend title XVIII of the Social Security Act to establish a Care Transitions Program in order to improve quality and cost-effectiveness of care for Medicare beneficiaries; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, and Mr. DURBIN):

S. 1010. A bill to establish a National Foreign Language Coordinator Council; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 1011. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. BAYH, Mr. BEGICH, Mr. NELSON of Nebraska, Mr. WHITEHOUSE, and Mr. LEVIN)):

S. 1012. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. DORGAN, Mr. TESTER, Mr. BAYH, Ms. LANDRIEU, and Mr. CASEY):

S. 1013. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. LUGAR):

S. Res. 136. A bill expressing the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with the country of Georgia; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. BURR, Mr. CORKER, and Mrs. HAGAN):

S. Res. 137. A resolution recognizing and commending the people of the Great Smoky Mountains National Park on the 75th anniversary of the establishment of the park; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. DURBIN, Mrs. MURRAY, Mr. BEGICH, Ms. MIKULSKI, Mr. TESTER, Mr. RISCH, Mrs. FEINSTEIN, Mr. DODD, and Mrs. BOXER):

S. Res. 138. A resolution honoring Concerns of Police Survivors for 25 years of service to family members of law enforcement officers killed in the line of duty; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 245

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 327

At the request of Mr. LEAHY, the names of the Senator from Utah (Mr. HATCH), the Senator from Delaware (Mr. KAUFMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 327, a bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual vio-

lence victims and provide for technical corrections.

S. 345

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2009", and for other purposes.

S. 440

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 440, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards.

S. 454

At the request of Mr. LEVIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 525

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 525, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 611

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Delaware (Mr. CARPER), the Senator from Virginia (Mr. WARNER), the Senator from Mississippi (Mr. WICKER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S.

645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 671

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 683

At the request of Mr. HARKIN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 701

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 749

At the request of Mr. COCHRAN, the names of the Senator from Colorado (Mr. BENNETT), the Senator from Vermont (Mr. LEAHY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the

Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 967

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 967, a bill to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and for other purposes.

S. 969

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act to ensure fairness in the coverage of women in the individual health insurance market.

S. 981

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 982

At the request of Mr. TESTER, his name was added as a cosponsor of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

At the request of Mr. CARDIN, his name was added as a cosponsor of S. 982, *supra*.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 122

At the request of Mr. UDALL of New Mexico, his name was withdrawn as a cosponsor of S. Res. 122, a resolution designating April 30, 2009, as "Día de los Niños: Celebrating Young Americans", and for other purposes.

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 122, *supra*.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 997. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise to highlight the greatest resource of Arkansas. It is our people. It is the working families and the small businesses in their valiant fight against the current economic crisis.

It is more important than ever before to give working families and businesses the tools they need to succeed in this world, to be competitive in the global marketplace and, more importantly, to be able to be successful on their own land. Hard work and entrepreneurship have fueled the Arkansas small business economy for decades, and we must ensure it remains that way in the future.

That is why I have designed a package of tax cuts and Tax Code simplification measures that I call the Arkansas Plan, to help move our State and hard-working families forward. Together, these tax measures will allow working families and small businesses to get ahead and emerge from this economic crisis stronger and more competitive than ever before. These measures will encourage innovation and entrepreneurship, create new jobs, and lessen our dependence on foreign oil; as well as reduce the burden on working families and small businesses by simplifying our ever-complicated Tax Code.

This week, I am focused on measures that will allow working families and small businesses to emerge from the economic crisis stronger and more competitive. I have reintroduced the Small Business Health Options Program, which would make health insurance more affordable, predictable, and accessible for small businesses and self-employed individuals. Our SHOP bill offers tax incentives to encourage States to reform the poorly functioning small group insurance market and encourages the development of State purchasing pools backstopped by a voluntary nationwide pool.

The majority of uninsured Americans are self-employed individuals and employees of small businesses. Small businesses are the No. 1 source for jobs in our great State of Arkansas. Yet only 29 percent of businesses with fewer than 50 employees offer health insurance coverage because it is simply too expensive. Of the total uninsured population of Arkansas—more than 56 percent—approximately 295,000 Arkansans are employed by a firm with 100 or fewer employees.

Our SHOP bill is a pragmatic model for larger health reform legislation that allows us to begin to address the needs of the millions of working uninsured Americans whose top priority is access to quality and affordable health care for their families. What we are

looking for is to be able to give small businesses, their employees, and self-employed individuals the access to the same kind of quality and affordable health insurance we enjoy as Members of Congress.

I think it is very doable. I am looking forward to continuing my work with Senator SNOWE and others on a plan we have worked on for years now. Whether it is done independently or in the context of a larger health care reform package, it is time to do something for small businesses, their employees, and the self employed because they are the largest component of the uninsured that we could really do something substantively for.

Another piece of my Arkansas plan is legislation to help Arkansas taxpayers who have seen their investments disappear as a result of the deteriorating economic conditions. My proposal would allow taxpayers to deduct up to \$10,000—up from the \$3,000 cap they have now—as the amount an individual can deduct annually for capital losses suffered.

More than 100,000 Arkansans count on such investments. Arkansas families have seen the value of investments plummet during the current economic crisis. The resulting losses from the dramatic downturn in the market have been felt by all investors, but probably the hardest hit are those taxpayers who are at or near retirement age, who are counting on such funds for their retirement security. This gives them a little bit of ease.

I have also introduced the Savings for Working Families Act, which would encourage low- and middle-income families to establish savings accounts for the purchase of a first home, a college education, or to start a business. These individual development accounts have a proven track record of success in Arkansas.

In addition, today I introduce the Family Tax Relief Act to help the families of more than 140,000 Arkansas children afford the cost of childcare. If you look around this Nation at the hard-working Americans—particularly in Arkansas—who are in need of childcare, good-quality childcare, to be able to pay for it, this is a substantial difference in these economic times that helps them achieve that goal.

Also, today I introduce a bill to update rules for S corporations so that businesses can access capital and have the opportunity to expand and create the much needed jobs Arkansans need.

Together, I believe these bills will equip the working families and small businesses in our great State of Arkansas with the resources needed to navigate the current crisis.

Next week, my Arkansas Plan will focus on encouraging American innovation and entrepreneurship to create new jobs here at home and lessen our dependence on foreign oil. I will intro-

duce a series of energy, research and development, and workforce training tax initiatives to accomplish this objective.

The following week, I will look forward to introducing reform measures to simplify the Tax Code and reduce the burden of Arkansas' working families and businesses by working to build a tax structure that is fair and equitable for all Americans.

I encourage my colleagues to look at these commonsense measures to see how they will benefit their own constituents in States across this great land.

Throughout my career in the Senate, I have made Arkansas' working families and small businesses my top priorities. From my seat on the Senate Finance Committee, I will continue to work to bring our families the relief they need and business owners the tools they require to invest and grow and become successful and continue to be competitive.

We have a great country, and each of us feels very particular about our State. I come from a seventh-generation Arkansas farm family. My home is precious to me. I reiterate what I started with, and that is that our greatest assets and resources in Arkansas are our people. They are hard working, innovative, and stalwart in coming together to help one another and help this country. Whether they are small business individuals or whether they serve in the armed services or whether they are teachers or whether they care for parents and the elderly, they are wonderful people, and they deserve our utmost attention, as do those in other States.

I am willing to bet my colleagues that the Arkansas Plan, which I put together to benefit Arkansas small businesses and working families, will also benefit the working families in each of their States. I challenge you all to take a look at this and help me to move these initiatives forward on behalf of our working families and small businesses across this country.

By Mr. BINGAMAN (for himself,
Ms. COLLINS, and Ms. STABENOW):

S. 999. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I am introducing legislation today with Ms. COLLINS and Ms. STABENOW entitled Child Health Care Crisis Relief Act of 2009.

This important legislation will address the national shortage of children's mental health professionals, including school-based professionals, by

encouraging more individuals to enter these critical fields. The landmark 1999 Surgeon General's report on mental health brought a hidden mental health crisis to the attention of the U.S. public. According to that report, 13.7 million children in our country—about one in five—suffer from a diagnosable emotional or behavioral disorder. Such disorders as Anxiety Disorders, Attention-Deficit/Hyperactivity Disorder, and Depression are among the most common in this age group. Yet more than ⅔ of these children do not receive any treatment. Long waiting lists for children seeking services, including those in crisis, are not uncommon. The primary reason is that severe shortages exist in qualified mental health professionals, including child and adolescent psychiatrists, psychologists, social workers, and counselors. The President's New Freedom Commission on Mental Health also found that “the supply of well-trained mental health professionals is inadequate in most areas of the country . . . particular shortages exist for mental health providers who serve children, adolescents, and older Americans.” The situation is no better in our public schools, where children's mental health needs are often first identified. According to the National Center for Education Statistics within the Department of Education, there are approximately 479 students for each school counselor in U.S. schools, nearly twice the recommended ratio of 250 students for each counselor.

The situation in my home State of New Mexico is a case in point. Estimates suggest that 56,000 children and adolescents in New Mexico have an emotional or behavioral disorder. Of these, roughly 20,000 have serious disturbances that impair their ability to fulfill the demands of everyday life. In 2009, there were a total of 55 child and adolescent psychiatrists in the entire State of New Mexico. The impact of this shortage on the affected children and their communities is disconcerting. Research shows that children with untreated emotional and behavioral disorders are at higher risk for school failure and dropping out of school, violence, drug abuse, suicide, and criminal activity. For New Mexico youth, the suicide rate is twice the national average, the fourth highest in the nation, and the third leading cause of death. By one estimate, roughly 1 in 7 youth in New Mexico detention centers are in need of mental health treatment that is just not available.

New Mexico is not alone in its struggle to address the needs of these children. Nationwide, over 1,600 urban, suburban, and rural communities have been designated Mental Health Professional Shortage Areas by the Federal Government due to their severe lack of psychiatrists, psychologists, social workers, and other professionals to serve children and adults. Rural areas

are especially hard hit. For example, in New Mexico there is one psychiatrist per 20,000 residents in rural areas, whereas in urban areas there is one per 3,000 residents. In rural and frontier counties, it is not unusual for the parents of a child in need of services to travel 60 to 90 miles to reach the nearest psychiatrist, psychologist, or other mental health provider.

Finally, graduate programs providing the vital pipeline for the child mental health workforce have not sufficiently increased their funding, class sizes, and training programs to meet the ever growing need for these specialists. In the U.S., only 300 new child and adolescent psychiatrists are trained each year, despite projections by the Bureau of Health Professions that the shortage of child and adolescent psychiatrist will grow to 4,000 by the year 2020. Federal grant funding for graduate psychology education has also been significantly reduced in the past 2 years, which could reduce the numbers of child and adolescent psychologists entering the profession.

Clearly something needs to be done to address this serious shortage in mental health professionals to meet the growing needs of our Nation's youth. It is for this reason that I rise today to offer the Child Health Care Crisis Relief Act of 2009. This bill creates incentives to help recruit and retain mental health professionals providing direct clinical care, and to help create, expand, and improve programs to train child mental health professionals. It provides loan repayments and scholarships for child mental health and school-based service professionals as well as internships and field placements in child mental health services and training for paraprofessionals who work in children's mental health clinical settings. The bill also provides grants to graduate schools to help develop and expand child and adolescent mental health programs. It restores the Medicare Graduate Medical Education Program funding for child and adolescent psychiatrists and extends the board eligibility period for residents and fellows from 4 years to 6 years. Across all mental health professions, priority for loan repayments, scholarships, and grants is given to individuals and programs serving children and adolescents in high-need areas.

Finally, the Child Health Care Crisis Relief Act of 2009 requires the Secretary to prepare a report on the distribution and need for child mental health and school-based professionals, including disparities in the availability of services, on a State-by-State basis. This report will help Congress more clearly ascertain the mental health workforce needs that are facing our Nation.

This important legislation has been endorsed by the following organiza-

tions: Alliance for Children and Families, American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American Association for Geriatric Psychiatry, American Association for Marriage and Family Therapy, American Counseling Association, American Group Psychotherapy Association, American Mental Health Counselors Association, American Orthopsychiatric Association, American Psychiatric Association, American Psychiatric Nurses Association, American Psychological Association, Anxiety Disorders Association of America, Association for the Advancement of Psychology, Association for Ambulatory Behavioral Healthcare, Association for Behavioral Health and Wellness, Bazelon Center for Mental Health Law, Children and Adults with Attention-Deficit/Attention Disorder, Child & Adolescent Bipolar Foundation, Child Welfare League of America, Children and Adults with Attention-Deficit/Hyperactivity Disorder, Children's Healthcare Is a Legal Duty, Depression and Bipolar Support Alliance, Eating Disorders Coalition for Research Policy & Action, Mental Health America, National Alliance to Advance Adolescent Health, National Alliance on Mental Illness, National Association for Children's Behavioral Health, National Association of Pediatric Nurse Practitioners, National Association of Psychiatric Health Systems, National Association of School Psychologists, National Association of Social Workers, National Council for Community Behavioral Healthcare, National Federation of Families for Children's Mental Health, National Mental Health Awareness Campaign, Suicide Prevention Action Network USA, Therapeutic Communities of America, U.S. Psychiatric Rehabilitation Association, Witness Justice.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Health Care Crisis Relief Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Center for Mental Health Services estimates that 20 percent or 13,700,000 of the Nation's children and adolescents have a diagnosable mental disorder, and about ⅓ of these children and adolescents do not receive mental health care.

(2) According to "Mental Health: A Report of the Surgeon General" in 1999, there are approximately 6,000,000 to 9,000,000 children and adolescents in the United States (accounting for 9 to 13 percent of all children and adolescents in the United States) who meet the definition for having a serious emotional disturbance.

(3) According to the Center for Mental Health Services, approximately 5 to 9 percent of United States children and adolescents meet the definition for extreme functional impairment.

(4) According to the Surgeon General's Report, there are particularly acute shortages in the numbers of mental health service professionals serving children and adolescents with serious emotional disorders.

(5) According to the National Center for Education Statistics in the Department of Education, there are approximately 479 students for each school counselor in United States schools, which ratio is almost double the recommended ratio of 250 students for each school counselor.

(6) According to the Bureau of Health Professions in 2000, the demand for the services of child and adolescent psychiatry is projected to increase by 100 percent by 2020.

(7) The development and application of knowledge about the impact of disasters on children, adolescents, and their families has been impeded by critical shortages of qualified researchers and practitioners specializing in this work.

(8) According to the Bureau of the Census, the population of children and adolescents in the United States under the age of 18 is projected to grow by more than 40 percent in the next 50 years from 70,000,000 to more than 100,000,000 by 2050.

(9) There are approximately 7,000 child and adolescent psychiatrists in the United States. Only 300 child and adolescent psychiatrists complete training each year.

(10) According to the Department of Health and Human Services, racial and ethnic minority representation is lacking in the mental health workforce. Although 12 percent of the United States population is African-American, only 2 percent of psychologists, 2 percent of psychiatrists, and 4 percent of social workers are African-American providers. Moreover, there are only 29 Hispanic mental health professionals for every 100,000 Hispanics in the United States, compared with 173 non-Hispanic white providers per 100,000.

(11) According to a 2006 study in the Journal of the American Academy of Child and Adolescent Psychiatry, the national shortage of child and adolescent psychiatrists affects poor children and adolescents living in rural areas the hardest.

(12) According to the Department of Health and Human Services, the "U.S. mental health system is not well equipped to meet the needs of racial and ethnic minority populations." This is quite evident in access to care issues involving racial and ethnic minority children. Studies have shown that there are striking racial and ethnic differences in the utilization of mental health services among children and youth. Overall, mental health services meet the needs of 31 percent of non-minority children, but only 13 percent of minority children.

(13) According to the National Center for Mental Health and Juvenile Justice, 70 percent of youth involved in State and local juvenile justice systems throughout the country suffer from mental disorders, with at least 20 percent experiencing symptoms so severe that their ability to function is significantly impaired.

(14) The Institute of Medicine, in Improving the Quality of Health Care for Mental and Substance-Use Disorders, Quality Chasm Series (2006) recommended that clinicians and patients communicate effectively and share information to ensure quality care, which is enhanced with education programs that allow families and consumers to share

information with mental health providers about the lived experience of mental illness.

SEC. 3. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

“Subpart 3—Child and Adolescent Mental Health Care

“SEC. 775. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

“(a) LOAN REPAYMENTS FOR CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program of entering into contracts on a competitive basis with eligible individuals under which—

“(A) the eligible individual agrees to be employed full-time for a specified period (which shall be not less than 2 years) in providing mental health services to children and adolescents; and

“(B) the Secretary agrees to make, during not more than 3 years of the period of employment described in subparagraph (A), partial or total payments on behalf of the individual on the principal and interest due on the undergraduate and graduate educational loans of the eligible individual.

“(2) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ‘eligible individual’ means an individual who—

“(A) is receiving specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling and has less than 1 year remaining before completion of such training or clinical experience; or

“(B)(i) has a license or certification in a State to practice allopathic medicine, osteopathic medicine, psychology, school psychology, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling; and

“(ii)(I) is a mental health service professional who completed (but not before the end of the calendar year in which this section is enacted) specialized training or clinical experience in child and adolescent mental health described in subparagraph (A); or

“(II) is a physician who graduated from (but not before the end of the calendar year in which this section is enacted) an accredited child and adolescent psychiatry residency or fellowship program in the United States.

“(3) ADDITIONAL ELIGIBILITY REQUIREMENTS.—The Secretary may not enter into a contract under this subsection with an eligible individual unless—

“(A) the individual is a United States citizen or a permanent legal United States resident; and

“(B) if the individual is enrolled in a graduate program (including a medical residency or fellowship), the program is accredited, and the individual has an acceptable level of academic standing (as determined by the Secretary).

“(4) PRIORITY.—In entering into contracts under this subsection, the Secretary shall give priority to applicants who—

“(A) are or will be working with high-priority populations for mental health in a Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP);

“(B) have familiarity with evidence-based methods and cultural and linguistic competence in child and adolescent mental health services;

“(C) demonstrate financial need; and

“(D) are or will be working in the publicly funded sector, particularly in community mental health programs described in section 1913(b)(1).

“(5) MEANINGFUL LOAN REPAYMENT.—If the Secretary determines that funds appropriated for a fiscal year to carry out this subsection are not sufficient to allow a meaningful loan repayment to all expected applicants, the Secretary shall limit the number of contracts entered into under paragraph (1) to ensure that each such contract provides for a meaningful loan repayment.

“(6) AMOUNT.—

“(A) MAXIMUM.—For each year that the Secretary agrees to make payments on behalf of an individual under a contract entered into under paragraph (1), the Secretary may agree to pay not more than \$35,000 on behalf of the individual.

“(B) CONSIDERATION.—In determining the amount of payments to be made on behalf of an eligible individual under a contract to be entered into under paragraph (1), the Secretary shall consider the eligible individual’s income and debt load.

“(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2010 through 2014.

“(b) SCHOLARSHIPS FOR STUDENTS STUDYING TO BECOME CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to award scholarships on a competitive basis to eligible students who agree to enter into full-time employment (as described in paragraph (4)(C)) as a child and adolescent mental health service professional after graduation or completion of a residency or fellowship.

“(2) ELIGIBLE STUDENT.—For purposes of this subsection, the term ‘eligible student’ means a United States citizen or a permanent legal United States resident who—

“(A) is enrolled or accepted to be enrolled in an accredited graduate program that includes specialized training or clinical experience in child and adolescent mental health in psychology, school psychology, psychiatric nursing, behavioral pediatrics, social work, school social work, marriage and family therapy, school counseling, or professional counseling and, if enrolled, has an acceptable level of academic standing (as determined by the Secretary); or

“(B)(i) is enrolled or accepted to be enrolled in an accredited graduate training program of allopathic or osteopathic medicine in the United States and, if enrolled, has an acceptable level of academic standing (as determined by the Secretary); and

“(ii) intends to complete an accredited residency or fellowship in child and adolescent psychiatry or behavioral pediatrics.

“(3) PRIORITY.—In awarding scholarships under this subsection, the Secretary shall give—

“(A) highest priority to applicants who previously received a scholarship under this subsection and satisfy the criteria described in subparagraph (B); and

“(B) second highest priority to applicants who—

“(i) demonstrate a commitment to working with high-priority populations for mental health in a Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP) and to students from high-priority populations;

“(ii) have familiarity with evidence-based methods in child and adolescent mental health services;

“(iii) demonstrate financial need; and

“(iv) are or will be working in the publicly funded sector, particularly in community mental health programs described in section 1913(b)(1).

“(4) REQUIREMENTS.—The Secretary may award a scholarship to an eligible student under this subsection only if the eligible student agrees—

“(A) to complete any graduate training program, internship, residency, or fellowship applicable to that eligible student under paragraph (2);

“(B) to maintain an acceptable level of academic standing (as determined by the Secretary) during the completion of such graduate training program, internship, residency, or fellowship; and

“(C) to be employed full-time after graduation or completion of a residency or fellowship, for not less than the number of years for which a scholarship is received by the eligible student under this subsection, in providing mental health services to children and adolescents.

“(5) USE OF SCHOLARSHIP FUNDS.—A scholarship awarded to an eligible student for a school year under this subsection may be used only to pay for tuition expenses of the school year, other reasonable educational expenses (including fees, books, and laboratory expenses incurred by the eligible student in the school year), and reasonable living expenses, as such tuition expenses, reasonable educational expenses, and reasonable living expenses are determined by the Secretary.

“(6) AMOUNT.—The amount of a scholarship under this subsection shall not exceed the total amount of the tuition expenses, reasonable educational expenses, and reasonable living expenses described in paragraph (5).

“(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Scholarship Program established in subpart III of part D of title III.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010 through 2014.

“(c) CLINICAL TRAINING GRANTS FOR PROFESSIONALS.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to accredited institutions of higher education or accredited professional training programs to establish or expand internships or other field

placement programs for students receiving specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling.

“(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

“(A) have demonstrated the ability to collect data on the number of students trained in child and adolescent mental health and the populations served by such students after graduation;

“(B) have demonstrated familiarity with evidence-based methods in child and adolescent mental health services;

“(C) have programs designed to increase the number of professionals serving high-priority populations and to applicants who come from high-priority communities and plan to serve in Health Professional Shortage Areas (HPSA), Medically Underserved Areas (MUA), or Medically Underserved Populations (MUP); and

“(D) offer curriculum taught collaboratively with a family on the consumer and family lived experience or the importance of family-professional partnership.

“(3) REQUIREMENTS.—The Secretary may award a grant to an applicant under this subsection only if the applicant agrees that—

“(A) any internship or other field placement program assisted under the grant will prioritize cultural and linguistic competency;

“(B) students benefitting from any assistance under this subsection will be United States citizens or permanent legal United States residents;

“(C) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

“(D) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

“(4) APPLICATION.—The Secretary shall require that any application for a grant under this subsection include a description of the applicant's experience working with child and adolescent mental health issues.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2010 through 2014.

“(d) PROGRESSIVE EDUCATION GRANTS FOR PARAPROFESSIONALS.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to State-licensed mental health nonprofit and for-profit organizations (including accredited institutions of higher education) to enable such organizations to pay for programs for preservice or in-service training of paraprofessional child and adolescent mental health workers.

“(2) DEFINITION.—For purposes of this subsection, the term ‘paraprofessional child and adolescent mental health worker’ means an individual who is not a mental health service professional, but who works at the first stage of contact with children and families who are seeking mental health services.

“(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

“(A) have demonstrated the ability to collect data on the number of paraprofessional child and adolescent mental health workers trained by the applicant and the populations served by these workers after the completion of the training;

“(B) have familiarity with evidence-based methods in child and adolescent mental health services;

“(C) have programs designed to increase the number of paraprofessional child and adolescent mental health workers serving high-priority populations; and

“(D) provide services through a community mental health program described in section 1913(b)(1).

“(4) REQUIREMENTS.—The Secretary may award a grant to an organization under this subsection only if the organization agrees that—

“(A) any training program assisted under the grant will prioritize cultural and linguistic competency;

“(B) the organization will provide to the Secretary such data, assurances, and information as the Secretary may require; and

“(C) with respect to any violation of the agreement between the Secretary and the organization, the organization will pay such liquidated damages as prescribed by the Secretary by regulation.

“(5) APPLICATION.—The Secretary shall require that any application for a grant under this subsection include a description of the applicant's experience working with paraprofessional child and adolescent mental health workers.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010 through 2014.

“(e) CHILD AND ADOLESCENT MENTAL HEALTH PROGRAM DEVELOPMENT GRANTS.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to increase the number of well-trained child and adolescent mental health service professionals in the United States by awarding grants on a competitive basis to accredited institutions of higher education to enable the institutions to establish or expand accredited graduate child and adolescent mental health programs.

“(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

“(A) demonstrate familiarity with the use of evidence-based methods in child and adolescent mental health services;

“(B) provide experience in and collaboration with community-based child and adolescent mental health services;

“(C) have included normal child development curricula; and

“(D) demonstrate commitment to working with high-priority populations.

“(3) USE OF FUNDS.—Funds received as a grant under this subsection may be used to establish or expand any accredited graduate child and adolescent mental health program in any manner deemed appropriate by the Secretary, including by improving the course work, related field placements, or faculty of such program.

“(4) REQUIREMENTS.—The Secretary may award a grant to an accredited institution of higher education under this subsection only if the institution agrees that—

“(A) any child and adolescent mental health program assisted under the grant will prioritize cultural and linguistic competency;

“(B) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

“(C) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$15,000,000 for each of fiscal years 2010 through 2014.

“(f) DEFINITIONS.—In this section:

“(1) SPECIALIZED TRAINING OR CLINICAL EXPERIENCE IN CHILD AND ADOLESCENT MENTAL HEALTH.—The term ‘specialized training or clinical experience in child and adolescent mental health’ means training and clinical experience that—

“(A) is part of or occurs after completion of an accredited graduate program in the United States for training mental health service professionals;

“(B) consists of not less than 500 hours of training or clinical experience in treating children and adolescents; and

“(C) is comprehensive, coordinated, developmentally appropriate, and of high quality to address the unique ethnic and cultural diversity of the United States population.

“(2) HIGH-PRIORITY POPULATION.—The term ‘high-priority population’ means—

“(A) a population in which there is a significantly greater incidence than the national average of—

“(i) children who have serious emotional disturbances; or

“(ii) children who are racial, ethnic, or linguistic minorities; or

“(B) a population consisting of individuals living in a high-poverty urban or rural area.

“(3) MENTAL HEALTH SERVICE PROFESSIONAL.—The term ‘mental health service professional’ means an individual with a graduate or postgraduate degree from an accredited institution of higher education in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family counseling, school counseling, or professional counseling.”

SEC. 4. AMENDMENTS TO SOCIAL SECURITY ACT TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

(a) INCREASING NUMBER OF CHILD AND ADOLESCENT PSYCHIATRY RESIDENTS PERMITTED TO BE PAID UNDER THE MEDICARE GRADUATE MEDICAL EDUCATION PROGRAM.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended by adding at the end the following new clause:

“(iii) INCREASE ALLOWED FOR TRAINING IN CHILD AND ADOLESCENT PSYCHIATRY.—In applying clause (i), there shall not be taken into account such additional number of full-time equivalent residents in the field of allopathic or osteopathic medicine who are residents or fellows in child and adolescent psychiatry as the Secretary determines reasonable to meet the need for such physicians as demonstrated by the 1999 report of the Department of Health and Human Services entitled ‘Mental Health: A Report of the Surgeon General.’”

(b) EXTENSION OF MEDICARE BOARD ELIGIBILITY PERIOD FOR RESIDENTS AND FELLOWS IN CHILD AND ADOLESCENT PSYCHIATRY.—Section 1886(h)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(G)) is amended—

(1) in clause (i), by striking “and (v)” and inserting “(v), and (vi)”; and

(2) by adding at the end the following new clause:

“(vi) CHILD AND ADOLESCENT PSYCHIATRY TRAINING PROGRAMS.—In the case of an individual enrolled in a child and adolescent psychiatry residency or fellowship program approved by the Secretary, the period of board eligibility and the initial residency period shall be the period of board eligibility for the specialty of general psychiatry, plus 2 years for the subspecialty of child and adolescent psychiatry.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residency training years beginning on or after July 1, 2010.

SEC. 5. CHILD MENTAL HEALTH PROFESSIONAL REPORT.

(a) STUDY.—The Administrator of the Health Resources and Services Administration (in this section referred to as the “Administrator”) shall study and make findings and recommendations on—

(1) the distribution and need for child mental health service professionals, including with respect to specialty certifications, practice characteristics, professional licensure, racial and ethnic background, practice types, locations, education, and training; and

(2) a comparison of such distribution and need, including identification of disparities, on a State-by-State basis.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Congress and make publicly available a report on the results of the study required by subsection (a), including with respect to findings and recommendations on disparities among the States.

SEC. 6. REPORTS.

(a) TRANSMISSION.—The Secretary of Health and Human Services shall transmit a report described in subsection (b) to Congress—

(1) not later than 3 years after the date of enactment of this Act; and

(2) not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The reports transmitted to Congress under subsection (a) shall address each of the following:

(1) The effectiveness of the amendments made by, and the programs carried out under, this Act in increasing the number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

(2) The demographics of the individuals served by such increased number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

By Mr. REED:

S. 1003. A bill to increase immunization rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Immunization Improvement Act of 2009. The recent outbreak of H1N1 influenza makes this legislation timelier than ever before. While a vaccine has not yet been developed to protect us against this flu strain, one is currently in the works. This outbreak is a reminder of the important role that immunizations provide in protecting us against harmful or even deadly viruses, like the measles, polio, and seasonal human influenza.

Vaccinations have been proven to be clinically effective in improving

health, and providing population-based immunity. Routine childhood immunizations, for example, prevent over 14 million individual cases of disease and over 33,500 deaths over the lifetime of children born in any given year.

However, significant and persistent gaps in public and private health insurance coverage of immunizations remain. Approximately 11 percent of young children and 21 percent of adolescents are underinsured for immunizations. Nearly 2/3 of adults are underinsured for immunizations—17 percent are uninsured. Each year, vaccine-preventable diseases cause the deaths of more than 42,000 people and hundreds of thousands of cases of illness.

Congress will soon embark upon meaningful health care reform. This debate will provide the opportunity for us to eliminate the obstacles—lack of insurance and high cost-sharing—to accessing routine immunizations. We must shift to a system that will make routine preventive care, like immunizations, affordable.

In fact, it is in the best interest of Government and society to ensure coverage of routine vaccinations, as these preventive vaccinations currently result in an annual cost savings of \$10 billion in direct medical costs and over \$40 billion in indirect societal costs. Expanding immunization coverage will enhance these savings over the long term.

The Immunization Improvement Act would remove barriers to immunization. First, it would enable states to access routine vaccinations for adults at a discount negotiated by the Federal Government. Currently, 36 States and New York City are able to buy vaccines using the Federal discount, but these contracts are about to expire. The Immunization Improvement Act would ensure that states can continue to purchase adult vaccines under CDC contracts. It would also provide for Medicaid coverage of adult immunizations that are recommended for routine use and prohibit any cost-sharing for them.

There are a host of routinely recommended vaccinations for the Medicare population, as well. Unfortunately, Medicare Part B only covers influenza, pneumonia, and hepatitis B vaccines. Medicare beneficiaries are eligible for additional vaccines that are covered by Part D, but few of these vaccines are covered by prescription drug plans. Moreover, physicians have difficulties billing plans for the incurred costs. As such, the Medicare Payment Advisory Commission, MedPAC, has recommended that all immunizations recommended for routine use among the Medicare population be covered under Part B. The Immunization Improvement Act would codify that recommendation.

Inadequate reimbursement for administering immunizations also prevents children, adolescents, and adults

from receiving necessary vaccinations. According to the National Vaccine Advisory Committee, the Centers for Medicare and Medicaid Services, CMS, and CDC should review and update the maximum allowable fees for administering routine vaccinations, and publish and update the actual fees for vaccination administration paid by each State—in an effort to encourage consistency across state lines. This legislation would also reimburse providers for administering vaccines to children who are eligible for vaccination through the Vaccines for Children program, but not Medicaid. This would enable both uninsured and underinsured children to become vaccinated in an effort to get all children vaccinated.

Finally, as we look to reform our health care system, we must also hold private health insurers accountable for covering vaccinations recommended for routine use—without any cost-sharing. The Immunization Improvement Act would require this coverage upon the enactment of health reform.

Given the current circumstances, it is evident that vaccinations can and truly do eradicate the spread of preventable diseases. However, we must do more to ensure comprehensive coverage of immunizations. It is my hope that my colleagues will join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Immunization Improvement Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. State authority to purchase recommended vaccines for adults.
- Sec. 4. Demonstration program to improve immunization coverage.
- Sec. 5. Reauthorization of immunization program.
- Sec. 6. Inclusion of recommended immunizations under part B of the Medicare program with no beneficiary cost-sharing.
- Sec. 7. Medicaid coverage of recommended adult immunizations.
- Sec. 8. Vaccine administration fees.
- Sec. 9. Health insurance coverage for recommended immunizations.
- Sec. 10. Immunization information systems.
- Sec. 11. Reports.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Immunizations recommended for routine use have been proven to be clinically effective in improving health and preventing the spread of disease. Routine childhood immunizations prevent over 14,000,000 cases of disease and over 33,500 deaths over the lifetime of children born in any given year. In

addition to protecting individuals from disease, immunization provides population-based (herd) immunity.

(2) An economic evaluation of the impact of seven vaccines routinely given as part of the childhood immunization schedule found that the vaccines are cost-effective. Over the lifetime of children born in any given year, these immunizations result in an annual cost savings of \$10,000,000,000 in direct medical costs and over \$40,000,000,000 in indirect societal costs.

(3) There are significant and persistent gaps in public and private health insurance coverage of immunizations. About 11 percent of young children and 21 percent of adolescents are underinsured for immunizations. Among adults, 59 percent are underinsured and 17 percent are completely uninsured for immunizations. According to the Institute of Medicine, even those with insurance increasingly have to pay higher deductibles and copayments for immunizations.

(4) Each year, vaccine-preventable diseases cause the deaths of more than 42,000 people and hundreds of thousands cases of illness.

(5) In 2003, the Institute of Medicine's Committee on the Evaluation of Vaccine Purchase Financing made the following conclusions:

(A) Current public and private financing strategies for immunization have had substantial success, especially in improving immunization rates for young children. However, significant disparities remain in assuring access to recommended vaccines across geographic and demographic populations.

(B) Many young children, adolescents, and high-risk adults have no or limited insurance for recommended vaccines. Gaps and fragmentation in insurance benefits create barriers for both vulnerable populations and clinicians that can contribute to lower immunization rates.

SEC. 3. STATE AUTHORITY TO PURCHASE RECOMMENDED VACCINES FOR ADULTS.

Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended by adding at the end the following:

“(1) AUTHORITY TO PURCHASE RECOMMENDED VACCINES FOR ADULTS.—

“(1) IN GENERAL.—The Secretary may negotiate and enter into contracts with manufacturers of vaccines for the purchase and delivery of vaccines for adults otherwise provided vaccines under grants under this section.

“(2) STATE PURCHASE.—A State may obtain adult vaccines (subject to amounts specified to the Secretary by the State in advance of negotiations) through the purchase of vaccines from manufacturers at the applicable price negotiated by the Secretary under this subsection.”.

SEC. 4. DEMONSTRATION PROGRAM TO IMPROVE IMMUNIZATION COVERAGE.

Section 317 of the Public Health Service Act (42 U.S.C. 247b), as amended by section 3, is further amended by adding at the end the following:

“(m) DEMONSTRATION PROGRAM TO IMPROVE IMMUNIZATION COVERAGE.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a demonstration program to award grants to States to improve the provision of recommended immunizations for children, adolescents, and adults through the use of evidence-based, population-based interventions for high-risk populations.

“(2) STATE PLAN.—To be eligible for a grant under paragraph (1), a State shall submit to the Secretary an application at such time, in such manner, and containing such informa-

tion as the Secretary may require, including a State plan that describes the interventions to be implemented under the grant and how such interventions match with local needs and capabilities, as determined through consultation with local authorities.

“(3) USE OF FUNDS.—Funds received under a grant under this subsection shall be used to implement interventions that are recommended by the Task Force on Community Preventive Services (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) or other evidence-based interventions, including—

“(A) providing immunization reminders or recalls for target populations of clients, patients, and consumers;

“(B) educating targeted populations and health care providers concerning immunizations in combination with one or more other interventions;

“(C) reducing out-of-pocket costs for families for vaccines and their administration;

“(D) carrying out immunization-promoting strategies for participants or clients of public programs, including assessments of immunization status, referrals to health care providers, education, provision of on-site immunizations, or incentives for immunization;

“(E) providing for home visits that promote immunization through education, assessments of need, referrals, provision of immunizations, or other services;

“(F) providing reminders or recalls for immunization providers;

“(G) conducting assessments of, and providing feedback to, immunization providers; or

“(H) any combination of one or more interventions described in this paragraph.

“(4) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall consider any reviews or recommendations of the Task Force on Community Preventive Services.

“(5) EVALUATION.—Not later than 3 years after the date on which a State receives a grant under this subsection, the State shall submit to the Secretary an evaluation of progress made toward improving immunization coverage rates among high-risk populations within the State.

“(6) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Immunization Improvement Act of 2009, the Secretary shall submit to Congress a report concerning the effectiveness of the demonstration program established under this subsection together with recommendations on whether to continue and expand such program.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2010 through 2014.”.

SEC. 5. REAUTHORIZATION OF IMMUNIZATION PROGRAM.

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking “for each of the fiscal years 1998 through 2005”; and

(2) in paragraph (2), by striking “after October 1, 1997.”.

SEC. 6. INCLUSION OF RECOMMENDED IMMUNIZATIONS UNDER PART B OF THE MEDICARE PROGRAM WITH NO BENEFICIARY COST-SHARING.

(a) IN GENERAL.—Paragraph (10) of section 1861(s) of the Social Security Act (42 U.S.C. 1395x(s)) is amended to read as follows:

“(10) vaccines recommended for routine use by the Advisory Committee on Immuniza-

tion Practices (an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration;”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended, in each of subsections (a)(1)(B), (a)(2)(G), (a)(3)(A), (b)(1), by striking “1861(s)(10)(A)” or “1861(s)(10)(B)” and inserting “1861(s)(10)” each place it appears.

(2) Section 1842(o)(1)(A)(iv) of the Social Security Act (42 U.S.C. 1395u(o)(1)(A)(iv)) is amended by striking “subparagraph (A) or (B) of”.

(3) Section 1847A(c)(6) of the Social Security Act (42 U.S.C. 1395w-3a(c)(6)) is amended by striking subparagraph (G).

(4) Section 1860D-2(e)(1) of the Social Security Act (42 U.S.C. 1395w-102(e)(1)) is amended by striking “a vaccine” and all that follows through “its administration) and”.

(5) Section 1861(ww)(2)(A) of the Social Security Act (42 U.S.C. 1395x(ww)(2)(A)) is amended by striking “Pneumococcal, influenza, and hepatitis B” and inserting “Any”.

(6) Section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by striking “1861(s)(10)(A)” and inserting “1861(s)(10)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vaccines administered on or after January 1, 2010.

SEC. 7. MEDICAID COVERAGE OF RECOMMENDED ADULT IMMUNIZATIONS.

(a) MANDATORY COVERAGE OF RECOMMENDED IMMUNIZATIONS FOR ADULTS.—Section 1905(a)(4) of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(1) by striking “and” before “(C)”; and

(2) by inserting after the semicolon the following: “and (D) with respect to an adult individual, vaccines recommended for routine use by the Advisory Committee on Immunization Practices (an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration;”.

(b) PROHIBITION ON COST-SHARING.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o), as amended by section 5006(a)(1)(A) of division B of Public Law 111-5, is amended—

(A) in subsection (a), by striking “and (j)” and inserting “, (j), and (k)”; and

(B) by adding at the end the following:

“(k) The State plan shall require that no provider participating under the State plan may impose a copayment, cost sharing charge, or similar charge for vaccines or their administration that the State is required to provide under sections 1902(a)(10)(A) and 1905(a)(4)(D).”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The second sentence of section 1916A(a)(1) of such Act (42 U.S.C. 1396o-1(a)(1)) is amended by striking “or (i)” and inserting “(i), (j), or (k)”.

(c) ALLOWING FOR MEDICAID REBATES.—Section 1927(k)(2)(B) of such Act (42 U.S.C. 1396r-8(k)(2)(B)) is amended by striking “, other than a vaccine” and inserting “(including vaccines described in section 1905(a)(4)(D) but excluding qualified pediatric vaccines under section 1928)”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section take effect on October 1, 2010.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the

Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(3) **MEDICAID REBATES.**—The amendment made by subsection (c) takes effect on October 1, 2010, and applies to rebate agreements entered into under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) on or after that date.

SEC. 8. VACCINE ADMINISTRATION FEES.

(a) **REVIEW OF FEDERALLY ESTABLISHED MAXIMUM ALLOWABLE ADMINISTRATIVE FEES.**—Not later than October 1, 2010, the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Centers for Disease Control and Prevention, jointly shall—

(1) review the regional maximum charge for vaccine administration for each State established under the Vaccines for Children program under section 1928 of the Social Security Act (42 U.S.C. 1396s) to determine the appropriateness and adequacy of such rates; and

(2) update such rates, as appropriate, based on the results of such review and taking into account all appropriate costs related to the administration of vaccines under that program.

(b) **FEDERAL REIMBURSEMENT FOR VACCINE ADMINISTRATION FOR NON-MEDICAID VACCINE-ELIGIBLE CHILDREN.**—

(1) **IN GENERAL.**—Section 1928 of the Social Security Act (42 U.S.C. 1396s) is amended—

(A) in subsection (a)(1)(B), by inserting “and is entitled to receive reimbursement for any fee imposed by the provider for the administration of such vaccine consistent with subsection (c)(2)(C) (not to exceed the amount applicable under clause (iv) of such subsection) to a federally vaccine-eligible child who is described in clause (ii), (iii), or (iv) of subsection (b)(2),” after “delivery to the provider;”;

(B) in subsection (a)(2), by adding at the end the following new subparagraph:

“(d) **REIMBURSEMENT FOR VACCINE ADMINISTRATION FOR NON-MEDICAID ELIGIBLE CHILDREN.**—The Secretary shall pay each State such amounts as are necessary for the State to reimburse each program-registered provider in the State for an administration fee imposed consistent with subsection (c)(2)(C) (not to exceed the amount applicable under clause (iv) of such subsection) for the administration of a qualified pediatric vaccine to a federally vaccine-eligible child who is described in clause (ii), (iii), or (iv) of subsection (b)(2).”;

(C) in subsection (c)(2)(C), by adding at the end the following new clause:

“(IV) In the case of a federally vaccine-eligible child who is described in clause (ii), (iii), or (iv) of subsection (b)(2), the State shall pay the provider an amount equal to the administration fee established under the State plan approved under this title for the administration of a qualified pediatric vaccine to a medicaid-eligible child.”; and

(D) by striking subsection (g).

(2) **CONFORMING AMENDMENTS.**—Section 1928 of such Act (42 U.S.C. 1396s), as amended by paragraph (1), is amended—

(A) by redesignating subsection (h) as subsection (g);

(B) in subsection (a)(1)(A), by striking “(h)(8)” and inserting “(g)(8)”;

(C) in subsection (b)(2)(A)(iv), by striking “(h)(3)” and inserting “(g)(3)”.

SEC. 9. HEALTH INSURANCE COVERAGE FOR RECOMMENDED IMMUNIZATIONS.

(a) **AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.**—

(1) **GROUP HEALTH COVERAGE.**—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

“SEC. 2708. COVERAGE OF RECOMMENDED IMMUNIZATIONS.

“A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for coverage, without the application of deductibles, coinsurance, or copayments, of vaccines recommended for routine use by the Advisory Committee on Immunization Practices (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration.”.

(2) **INDIVIDUAL HEALTH INSURANCE COVERAGE.**—Subpart 2 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following:

“SEC. 2754. COVERAGE OF RECOMMENDED IMMUNIZATIONS.

“The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as such provisions apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.”.

(b) **AMENDMENTS TO ERISA.**—

(1) **IN GENERAL.**—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“SEC. 715. COVERAGE OF RECOMMENDED IMMUNIZATIONS.

“A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for coverage, without the application of deductibles, coinsurance, or copayments, of vaccines recommended for routine use by the Advisory Committee on Immunization Practices (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration.”.

(2) **TECHNICAL AMENDMENTS.**—

(A) Section 732(a) of such Act (29 U.S.C. 1191a(a)) is amended by striking “section 711” and inserting “sections 711 and 715”.

(B) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 713 the following new item:

“Sec. 715. Coverage of recommended immunizations.”.

(c) **INTERNAL REVENUE CODE AMENDMENTS.**—

(1) **IN GENERAL.**—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(A) in the table of sections, by inserting after the item relating to section 9813 the following new item:

“Sec. 9814. Coverage of recommended immunizations.”;

and

(B) by inserting after section 9813 the following:

“SEC. 9814. COVERAGE OF RECOMMENDED IMMUNIZATIONS.

“A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for coverage, without the application of deductibles, coinsurance, or copayments, of vaccines recommended for routine use by the Advisory Committee on Immunization Practices (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration.”.

(d) **EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.**—Nothing in this section shall be construed to preempt any provision of a collective bargaining agreement that is in effect on the date of enactment of this section.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning with the first plan year during which the Congressional Budget Office determines that any health reform legislation enacted by Congress will provide health insurance coverage to 95 percent or more of the population of the United States.

SEC. 10. IMMUNIZATION INFORMATION SYSTEMS.

(a) **HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.**—Section 3011(a) of the Public Health Service Act (as added by section 13301 of the American Recovery and Reinvestment Act of 2009) is amended by adding at the end the following:

“(8) Improvement and expansion of immunization information systems (as defined in section 3000), including activities to—

“(A) support the integration and linkage of such systems with electronic birth records, health care providers, other preventive health services information systems, and health information exchanges;

“(B) support interstate data exchange;

“(C) ensure that such systems are interoperable with electronic health record systems;

“(D) provide technical support, such as training, data reporting, data quality and completeness review, and decision support, to immunization providers to integrate the use of such systems;

“(E) develop, in consultation with manufacturers, vendors, and specialty professional organizations, continuing education materials relating to the use of such systems;

“(F) ensure that such systems can provide complete and accurate data to monitor immunization coverage, uptake, and the impact of shortages in the population served within their jurisdiction; and

“(G) ensure the privacy, confidentiality, and security of all data and data exchanges with such systems.”.

(b) **STATE GRANTS.**—Section 3013(d) of the Public Health Service Act (as added by section 13301 of the American Recovery and Reinvestment Act of 2009) is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9), the following:

“(10) improving and expanding immunization information systems (as defined in section 3000); and”.

(c) **DEFINITION.**—Section 3000 of the Public Health Service Act (as added by section 13301 of the American Recovery and Reinvestment Act of 2009) is amended—

(1) by redesignating paragraphs (9) through (14) as paragraphs (10) through (15), respectively; and

(2) by inserting after paragraph (8), the following:

“(9) IMMUNIZATION INFORMATION SYSTEM.—The term ‘immunization information system’ means an immunization registry or a confidential, population-based, computerized information system that collects vaccination data within a geographic area, consolidates vaccination records from multiple health care providers, generates reminder and recall notifications, and is capable of exchanging immunization information with health care providers.”.

SEC. 11. REPORTS.

(a) COSTS OF PUBLIC AND PRIVATE VACCINE ADMINISTRATION.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Director of the Centers for Disease Control and Prevention jointly with the Administrator of the Centers for Medicare & Medicaid Services shall collect and publish data relating to the costs associated with public and private vaccine administration, including the costs associated with the delivery of vaccines, activities such as reporting data to immunization registries, and maintenance of appropriate storage requirements for vaccines.

(b) SECTION 317 IMMUNIZATION PROGRAM.—Not later than February 1, 2010, and each February 1 thereafter, the Director of the Centers for Disease Control and Prevention shall submit to Congress a report concerning the size and scope of the appropriations needed for each fiscal year for vaccine purchases, vaccination infrastructure, vaccine administration, and vaccine safety under section 317 of the Public Health Service Act (42 U.S.C. 247b).

(c) ANNUAL PUBLICATION OF STATE-ESTABLISHED ADMINISTRATIVE FEES UNDER MEDICAID.—Beginning October 1, 2009, and annually thereafter, the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Centers for Disease Control and Prevention, jointly shall make publicly available the administrative fee established under each State Medicaid program for administering a qualified pediatric vaccine to a vaccine-eligible child under the Vaccines for Children program under section 1928 of the Social Security Act (42 U.S.C. 1396s) with the State and Federal contribution for such fee separately identified.

By Mr. DURBIN:

S. 1006. A bill to require a supermajority shareholder vote to approve excessive compensation of any employee of a publicly-traded company; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, Americans have every right to be outraged over the recent bonuses given to employees of the group within AIG that led to that company's collapse. American taxpayers have provided \$185 billion—and counting—to save a firm that has been deemed “too interconnected to fail.”

It is unacceptable that millions of those taxpayer dollars have been handed over to some of the executives who caused this disaster in the first place. If there is a constitutional way to reclaim those bonuses, I support it.

But it is important to remember that executive compensation practices have been out of control for many years. While the wages and benefits of middle class workers have stagnated, CEO compensation has exploded.

According to the Economic Policy Institute's “State of Working America,” in 1965 U.S. CEOs at major companies made 24 times the pay of an average worker. By 2005, CEOs earned 262 times the pay of an average worker.

The comparison between CEOs and minimum wage workers is even starker. In 1965 U.S. CEOs at major companies made 51 times the pay of workers earning the minimum wage. By 2005, CEOs earned 821 times the pay of workers earning the minimum wage.

These comparisons are important not because they could be used to incite calls for class warfare, but because the American people deserve an honest accounting of the activities of the corporations that touch their lives in so many ways. Every American deserves an honest wage for honest work. And every American, from the top of the corporate ladder to the bottom, deserves to know whether they are being compensated fairly—whether they are sharing in the rewards of the company's work or whether their labors are mainly fueling ever more extravagant pay for the top executives.

We have lost the balance we once had in America. Executive pay has soared, while pay for many has not even kept pace with their productivity increases. It's not surprising that there is widespread fury when CEOs get it wrong. After all, they have a hand in setting their own salaries. But recently, the anger of the average American worker has boiled over because so many CEOs have gotten it so wrong. That outcome is not healthy for our economy, and it's not healthy for our society.

If companies want to pay their executives handsomely for excellent performance, they should be able to do that. They should be able to compete for top talent. But the shareholders should be looking over their shoulders as they adopt excessive pay structures, and the taxpayers shouldn't be subsidizing the resulting income disparities.

To restore some balance, the shareholders of a corporation should have to approve lucrative compensation packages. And, the companies shouldn't receive a tax deduction for handing out excessive pay.

That is why today I am introducing two bills—the Excessive Pay Shareholder Approval Act S. 1006, and the Excessive Pay Capped Deduction Act, S. 1007.

The Excessive Pay Shareholder Approval Act would require a supermajority—60 percent—vote of the shareholders to approve a compensation structure in which any employee receives more than 100 times more than the average employee of that company. Corporations could pay executives whatever they think is appropriate, but shareholders would have to OK packages that are 100 times as large as the average worker earns. This bill

would require greater transparency in compensation and would encourage companies to think about how they pay their lower-paid workers, not just how they reward the people at the top.

Similarly, the Excessive Pay Capped Deduction Act would limit the normal tax deduction for compensation for executives to 100 times the compensation of the average worker at that company. Again, corporations could pay executives whatever they decide is appropriate, but they could not claim limitless tax benefits for doing so. This bill also would encourage companies to look at their entire compensation structure, and it would protect taxpayers.

Here is an example. If the average worker at a company earned, including wages, paid leave, supplemental pay, and retirement, the same amount as the average worker nationwide in December of 2008, that worker would have earned around \$50,000. At that company, a supermajority of shareholders would be required to approve pay packages larger than \$5 million and that company could not deduct compensation in excess of \$5 million.

How many companies would this affect? According to the research firm The Corporate Library, in 2007 the median compensation for CEOs of S&P 500 companies was \$8.8 million. Therefore, if these companies are only paying average wages across the rest of the company, many of them would be affected by this legislation. Many would not.

From our founding, this country has benefitted from a sense of unity and balance that has brought Americans together in good times and in bad. If the rewards handed out by our leading corporations flow excessively to the very wealthy while leaving middle-class families behind, we risk losing that sense of common purpose. The uproar over AIG bonuses showed very clearly the corrosive effects of compensation packages that appear to be disconnected from the reality that the average family faces day in and day out.

The two bills I am introducing today would help to restore some of the balance we have lost, by ensuring greater accountability for the disparities in compensation for corporate leaders and the average workers they employ, and by protecting taxpayers when a company's compensation packages reach extreme levels.

I urge my colleagues to support both bills.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Excessive Pay Shareholder Approval Act”.

SEC. 2. AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934.

(a) IN GENERAL.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

“(h) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—

“(1) IN GENERAL.—The compensation for an employee of an issuer in any single taxable year may not exceed an amount equal to 100 times the average compensation for services performed by all employees of that issuer during such taxable year, unless not fewer than 60 percent of the shareholders have voted to approve such compensation (through a proxy or consent or authorization for an annual or other meeting of the shareholders, occurring within the preceding 18 months).

“(2) PROXY CONTENTS.—Proxy materials for a shareholder vote required by paragraph (1) shall include—

“(A) the amount of compensation paid to the lowest paid employee of the issuer;

“(B) the amount of compensation paid to the highest paid employee of the issuer;

“(C) the average amount of compensation paid to all employees of the issuer;

“(D) the number of employees of the issuer who are paid more than 100 times the average amount of compensation for all employees of the issuer; and

“(E) the total amount of compensation paid to employees who are paid more than 100 times the average amount of compensation for all employees of the issuer.

“(3) DEFINITION OF COMPENSATION.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘compensation’ includes wages, salary, fees, commissions, fringe benefits, deferred compensation, retirement contributions, options, bonuses, property, and any other form of remuneration that the Commission determines is appropriate, in consultation with the Secretary of the Treasury.

“(B) PART-TIME AND PART-YEAR EMPLOYEES.—In the case of any employee which is a part-time employee of the issuer, or which is not employed by the issuer for a full taxable year, the compensation of such employee shall be calculated for purposes of this subsection on an annualized basis.”.

(b) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall issue any final rules and regulations required to carry out section 16(h) of the Securities Exchange Act of 1934, as added by this section.

By Mr. DURBIN:

S. 1007. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for excessive compensation of any employee of an employer; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Excessive Pay Capped Deduction Act of 2009”.

SEC. 2. DENIAL OF DEDUCTION FOR PAYMENTS OF EXCESSIVE COMPENSATION.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 is amended by inserting after subsection (h) the following new subsection:

“(i) EXCESSIVE COMPENSATION.—

“(1) IN GENERAL.—No deduction shall be allowed under this chapter for any excessive compensation for any employee of the taxpayer.

“(2) EXCESSIVE COMPENSATION.—For purposes of this subsection, the term ‘excessive compensation’ means, with respect to any employee, the amount by which the compensation for services performed by such employee during the taxable year exceeds the amount which is equal to 100 times the amount of the average compensation for services performed by all employees of the taxpayer during the taxable year.

“(3) OTHER DEFINITIONS AND SPECIAL RULES.—

“(A) COMPENSATION.—

“(i) IN GENERAL.—For purposes of this subsection, the term ‘compensation’ includes wages, salary, fees, commissions, fringe benefits, deferred compensation, retirement contributions, options, bonuses, property, and any other form of remuneration that the Secretary determines is appropriate.

“(ii) PART-TIME AND PART-YEAR EMPLOYEES.—In the case of any employee which is a part-time employee of the taxpayer or which is not employed by the taxpayer for a full taxable year, the compensation of such employee shall be calculated for purposes of this subparagraph on an annualized basis.

“(B) EMPLOYER.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single taxpayer for purposes of this subsection.

“(4) REPORTING.—Each employer that provides any excessive compensation to any employee during a taxable year shall file a report with the Secretary with respect to such taxable year including—

“(A) the amount of compensation of the employee of the taxpayer receiving the lowest amount of compensation during such taxable year,

“(B) the amount of compensation of the employee of the taxpayer receiving the highest amount of compensation during such taxable year,

“(C) the average compensation of all employees of the taxpayer during such taxable year,

“(D) the number of employees of the taxpayer who are receiving compensation that is more than 100 times the average compensation of all employees of the taxpayer during such taxable year, and

“(E) the amounts of compensation of the employees described in subparagraph (D) during such taxable year.

Such report shall be filed at such time and in such manner as the Secretary may require.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mrs. SHAHEEN (for herself,
Mr. GREGG, and Mr. KOHL):

S. 1008. A bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separa-

tion incentive from members of the Armed Forces subsequently receiving retired or retainer pay; to the Committee on Armed Services.

Mrs. SHAHEEN. Mr. President, I rise today to introduce the Military Retirement Pay Fairness Act of 2009. I want to thank my colleague, Senator GREGG, for cosponsoring this important legislation.

The Military Retirement Pay Fairness Act addresses a critical issue that impacts our nation's veterans. Certain service members who receive special separation pay must have that benefit recouped if they later re-enlist and become eligible for a pension. Under current law, the Department of Defense, DOD, is bound by a statutory formula for recouping that benefit and cannot change the amount it recoups each month, even if it results in severe financial hardship for our nation's veterans. In fact, many veterans are currently in dire financial straits because of this unnecessarily harsh formula. This legislation will fix the formula and provide these veterans with much needed financial relief.

I would like to talk about one particular veteran who brought this issue to my attention. Sgt. Wayne Merritt of Dover, New Hampshire served in the Air Force for nearly 14 years until the end of the Cold War, when the Defense Department began to draw down its forces. At DOD's encouragement, Mr. Merritt took a one-time Special Separation Benefit, and then started working in the private sector.

But in 1996, Sgt. Merritt decided to serve his country once again, joining the New Hampshire Air National Guard. When Sgt. Merritt retired in 2006, he became eligible for a pension that provided him and his family with enough to help pay the bills, especially his monthly mortgage payments.

However, just a couple of months ago, Sgt. Merritt had his life turned upside down when he got a letter in the mail from the Defense Department. The letter said that, within a few weeks, DOD would begin recouping his separation benefit by withholding more than half of his pension each month until the full amount is paid back.

Sgt. Merritt was shocked. He planned his family budget around a pension payment he had been receiving each month for nearly 2 years, only to get a letter saying that, in a few weeks, it would be reduced by more than half. Sgt. Merritt suddenly found himself in a position where he couldn't make ends meet and make his mortgage payments. In fact, he was so concerned that he contacted a real estate agent to talk about selling his home.

Sgt. Merritt contacted DOD, asking if there was anything that could be done to work out a manageable monthly payment plan. Sgt. Merritt did not ask for the amount to be forgiven, but simply asked DOD to be flexible and

work out a payment plan that he could afford. DOD told him that there was nothing it could do to help, citing a statute that tied its hands.

On behalf of Sgt. Merritt, I contacted DOD and spoke to Undersecretary Robert Hale. He told me that DOD doesn't have a choice—it must recoup over half of his income because the formula in the statute dictates the rate. The result is that Sgt. Merritt, and over 1,000 veterans in similar situations across the country, face financial hardship as a result of an unfair rule. As each month goes by, DOD has to garnish over half of Sgt. Merritt's pension payments.

I do not believe that Congress intends to treat our Nation's veterans this way. That is why I am introducing legislation today that would provide a simple and straightforward solution. Instead of an unnecessarily harsh formula, our bill will provide DOD with the flexibility it needs to develop manageable monthly payment plans that do not impose undue financial hardship on service members. In addition, DOD would be required to consult with the service member to create a monthly payment plan, taking into account a veteran's financial situation when determining how much should be recouped each month. To make sure these payment plans are manageable, DOD would only be able to recoup, at the most, 25 percent of the veteran's monthly pension check until the benefit is repaid.

This legislation would also address other problems with pension recoupment.

It would provide service members with adequate notice of the recoupment so that they have time to prepare for the loss of income. Sgt. Merritt received his letter just weeks before DOD garnished over half of his pension pay. This legislation ensures that service members have at least 90 days notice before recoupment begins.

Finally, the legislation would also give the Secretary of Defense the flexibility to ensure that no veteran will be left destitute from this recoupment. We need to recognize that financial circumstances change over time. If recouping the benefit would cause a severe financial hardship, the Secretary of Defense should be able to waive that amount.

This legislation is critical. Each month, over 1,000 veterans face circumstances similar to Sgt. Merritt's. Undersecretary Robert Hale told me that while he sympathizes with these veterans, he has no legal recourse to change the amount it recoups every month. This legislation provides DOD with the flexibility it needs to ensure that we do not punish veterans who have made the courageous decision to serve their country again.

I'm glad that this effort has the support of DOD, as well as veterans orga-

nizations like the Veterans of Foreign Wars, VFW, and the Military Officers Association of America, MOAA.

I want to thank Senator GREGG for his support of this important, common sense legislation. I also want to thank my fellow New Hampshire delegation member, CAROL SHEA-PORTER, for introducing companion legislation in the House. I urge my colleagues to join me in addressing these important issues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Retired Pay Fairness Act of 2009".

SEC. 2. LIMITATIONS ON RECOUPMENT OF SEPARATION PAY, SPECIAL SEPARATION BENEFITS, AND VOLUNTARY SEPARATION INCENTIVE FROM MEMBERS SUBSEQUENTLY RECEIVING RETIRED OR RETAINER PAY.

(a) SEPARATION PAY AND SPECIAL SEPARATION BENEFITS.—Section 1174(h)(1) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(1)";

(2) in subparagraph (A), as so designated, by striking "so much of such pay as is based on the service for which he received separation pay under this section or separation pay, severance pay, or readjustment pay under any other provision of law" and inserting "an amount, in such schedule of monthly installments as the Secretary of Defense shall specify taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents,"; and

(3) by adding at the end the following new subparagraphs:

"(B) The amount deducted under subparagraph (A) from a payment of retired or retainer pay may not exceed 25 percent of the amount of the member's retired or retainer pay for that month unless the member requests or consents to deductions at an accelerated rate. The Secretary concerned shall consult with the member regarding the repayment rate to be imposed, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents.

"(C) The deduction of amounts from the retired or retainer pay of a member under this paragraph may not commence until the date that is 90 days after the date on which the Secretary concerned notifies the member of the deduction of such amounts under this paragraph. Any notice under this subparagraph shall be designed to provide clear and comprehensive information on the deduction of amounts under this paragraph, including information on the determination of the amount and period of installments under this paragraph.

"(D) The Secretary concerned may waive the deduction of amounts from the retired or retainer pay of a member under this paragraph if the Secretary determines that deduction of such amounts would result in a financial hardship for the member."

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 1175(e)(3) of such title is amended—

(1) in subparagraph (A), by striking "so much of such pay as is based on the service for which he received the voluntary separation incentive" and inserting "an amount, in such schedule of monthly installments as the Secretary of Defense shall specify taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents,";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) The amount deducted under subparagraph (A) from a payment of retired or retainer pay may not exceed 25 percent of the amount of the member's retired or retainer pay for that month unless the member requests or consents to deductions at an accelerated rate. The Secretary concerned shall consult with the member regarding the repayment rate to be imposed, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents,"; and

(4) by adding at the end the following new subparagraphs:

"(D) The deduction of amounts from the retired or retainer pay of a member under this paragraph may not commence until the date that is 90 days after the date on which the Secretary concerned notifies the member of the deduction of such amounts under this paragraph. Any notice under this subparagraph shall be designed to provide clear and comprehensive information on the deduction of amounts under this paragraph, including information on the determination of the amount and period of installments under this paragraph.

"(E) The Secretary concerned may waive the deduction of amounts from the retired or retainer pay of a member under this paragraph if the Secretary determines that deduction of such amounts would result in a financial hardship for the member."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and apply to deductions made from the retired or retainer pay of members of the uniformed services for that month and subsequent months.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, and Mr. DURBIN):

S. 1010. A bill to establish a National Foreign Language Coordinator Council; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I am pleased to reintroduce the National Foreign Language Coordination Act with my colleagues Senators COCHRAN, DODD, and DURBIN. Through sustained leadership and a coordinated plan of action, our bill aims to increase the number of individuals with foreign language skills and cultural understanding.

Globalization has made the world smaller and Americans must be better equipped, with language skills and cultural knowledge, not only to survive in it, but to prosper. Whether it is: competing on the world market to provide goods and services, cross cultural exchanges between educators and business people of different countries, or

allied military or diplomatic operations to make the world more secure and peaceful, all of these efforts require communication to succeed.

It took the tragic events of 9-11 to bring attention to our shortage of foreign language speakers. Many of you know about the emergency call for linguists following the attacks. Unfortunately, this was not surprising. The fact that only 9.3 percent of all Americans speak both their native languages and another language fluently, compared with 56 percent of people in the European Union, is cause for alarm.

Our national security continues to be at risk without enough foreign language proficient individuals. Counterterrorism intelligence will go untranslated, or be so late as to lose its usefulness, if we do not have more foreign language experts. Foreign language skills are also vitally important to preserve the economic competitiveness of the U.S. Globalization forces some Americans to compete for jobs in a marketplace no longer limited by borders. According to the Committee for Economic Development, the lack of foreign language skills and international knowledge results in embarrassing and costly cultural blunders for companies. In fact, the Committee reports that American companies lose an estimated \$2 billion a year due to inadequate cultural understanding.

Many of the Federal Government's efforts to address language needs in the U.S. over the past 40 years have come in reaction to international events. We do not have a proactive policy.

In 1958, the National Defense Education Act was passed in response to the Soviet Union's first space launch. We were determined to win the space race and make certain that the U.S. never came up short again in math, science, technology, or foreign languages. That act was a great success, but in the late 70s its foreign language programs merged into larger education reform measures and lost their prominence. The results are clear. In 1979, the President's Commission on Foreign Language and International Studies said that "Americans' incompetence in foreign languages is nothing short of scandalous, and it is becoming worse."

After 9-11, Congress and the administration once again took action to address language shortfalls, but I fear that these efforts will prove to be only a band-aid and not a complete cure to the Nation's recurring foreign language needs. Despite the administration's efforts to implement new programs and policies to address our language shortfalls, I fear that without sustained leadership and a coordinated effort among all Federal agencies, state and local governments, the private sector, and academia, we will remain where we are today: scrambling to find linguists after another major international event. We must be prepared to avoid another 9-11 type shortage.

Together we must commit to build and maintain language expertise and relationships with people from all across the world—whether or not the languages they speak are considered critical at the time—and to ensure that we have the infrastructure in place to prevent catastrophic events—or at least be prepared to respond to them. To this end, there needs to be one person in the Executive Branch who will lead the cross-agency efforts to better understand America's language needs for the next 5, 15, or 20 years, and to figure out how to address those needs. This leadership must be comprehensive, as no one sector—Government, industry, or academia—has all of the needs for language and cultural competency, or all of the solutions.

The Bush administration's National Security Language Initiative was a good first step at coordinating efforts among the Intelligence Directorate and the Departments of Defense, Education, and State to address our national security language needs. However, we must ensure that this effort will continue, bring in the advice of all Federal agencies and stakeholders, and address our economic security needs.

The legislation we introduce today would set us on the right course by implementing a key recommendation of the 2004 Department of Defense, DOD, National Language Conference and echoed by Department of Defense sponsored State language roadmap summits which is to establish a National Foreign Language Coordination Council, chaired by a National Language Advisor. An integrated foreign language strategy and sustained leadership within the Federal Government is needed to address the lack of foreign language proficient speakers in government, academia and the private sector. Just as I have advocated the need for deputy secretaries for management at the Departments of Defense and Homeland Security to direct and sustain management leadership, I envision a National Language Advisor to be responsible for maintaining and leading a cooperative effort to strengthen our foreign language capabilities. Without such a coordinated strategy in the world in which we live, I fear that the country's national and economic security will be at greater risk.

Specifically, our bill ensures that the key recommendations of the DOD National Language Conference be implemented by having strong leadership that will develop policies and programs that build the Nation's language and cultural understanding capability; engage Federal, State, and local agencies and the private sector in solutions; develop language skills in a wide range of critical languages; strengthen our education system, programs, and tools in foreign languages and cultures; and, integrate language training into career fields and increasing the number of language professionals.

To strengthen the role of the U.S. in the world, our country must ensure that there are sufficient numbers of individuals who are proficient in languages other than English. Increasing foreign language skills enhances national security and economic prosperity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Foreign Language Coordination Act of 2009".

SEC. 2. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President a National Foreign Language Coordination Council (in this Act referred to as the "Council"), directed by a National Language Advisor (in this Act referred to as the "Advisor") appointed by the President.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

- (1) The Advisor, who shall serve as the chairperson of the Council.
- (2) The Secretary of Education.
- (3) The Secretary of Defense.
- (4) The Secretary of State.
- (5) The Secretary of Homeland Security.
- (6) The Attorney General.
- (7) The Director of National Intelligence.
- (8) The Secretary of Labor.
- (9) The Secretary of Commerce.
- (10) The Secretary of Health and Human Services.

(11) The Director of the Office of Personnel Management.

(12) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) overseeing, coordinating, and implementing continuing national security and education language initiatives;

(B) not later than 18 months after the date of enactment of this Act, developing a national foreign language strategy, building upon efforts such as the National Security Language Initiative, the National Language Conference, the National Defense Language Roadmap, the Language Continuum of the Department of State, and others, in consultation with—

- (i) State and local government agencies;
- (ii) academic sector institutions;
- (iii) foreign language related interest groups;
- (iv) business associations, including industry;
- (v) heritage associations; and
- (vi) other relevant stakeholders;

(C) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and

(D) monitoring the implementation of such strategy through—

- (i) application of current and recently enacted laws; and
- (ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) recommendations for amendments to title 5, United States Code, in order to improve the ability of the Federal Government to recruit and retain individuals with foreign language proficiency and provide foreign language training for Federal employees;

(B) the long term goals, anticipated effect, and needs of national security language initiatives;

(C) identification of crucial priorities across all sectors;

(D) identification and evaluation of Federal foreign language programs and activities, including—

(i) any duplicative or overlapping programs that may impede efficiency;

(ii) recommendations on coordination;

(iii) program enhancements; and

(iv) allocation of resources so as to maximize use of resources;

(E) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(F) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(G) recommendations for incentives for related educational programs, including foreign language teacher training;

(H) coordination of cross-sector efforts, including public-private partnerships;

(I) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;

(J) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and

(K) recommendations for overcoming barriers in foreign language proficiency.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Council shall prepare and submit to the President and the relevant committees of Congress the strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session not less than 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—

(1) IN GENERAL.—The Advisor may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Advisor considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Advisor may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Advisor) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this Act.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Advisor, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this Act, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Council shall

prepare and transmit to the President and the relevant committees of Congress a report that describes—

(1) the activities of the Council;

(2) the efforts of the Council to improve foreign language education and training; and

(3) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.

(j) ESTABLISHMENT OF A NATIONAL LANGUAGE ADVISOR.—

(1) IN GENERAL.—The National Language Advisor appointed by the President shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The Advisor shall—

(A) develop and monitor the implementation of a national foreign language strategy, built upon the efforts of the National Security Language Initiative, across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) CONGRESSIONAL NOTIFICATION.—The Council shall provide to Congress such information as may be requested by Congress, through reports, briefings, and other appropriate means.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this Act.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. BAYH, Mr. BEGICH, Mr. NELSON, of Nebraska, Mr. WHITEHOUSE, and Mr. LEVIN)):

S. 1012. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Mother's Day Centennial Coin Commemorative Coin Act. I am proud to have the senior Senator from West Virginia, Senator

BYRD, as an original cosponsor given that this is a special event for our state. We are joined by Senators BAYH, BEGICH, BEN NELSON, WHITEHOUSE and LEVIN.

In 1908, a West Virginian woman by the name of Anna Jarvis petitioned her local church to declare May 9th as Mother's Day. Within 6 years, the holiday became nationally recognized. Now, more than 100 years after that first Mother's Day, we have the opportunity to commemorate the centennial of this great holiday and further recognize the millions of American mothers whose essential role in life cannot be overstated.

The legislation I am introducing today would recognize the centennial of Mother's Day by authorizing the Treasury to mint commemorative Mother's Day coins. Profits generated from the sale of the coins would be donated to Susan G. Komen for the Cure and The National Osteoporosis Foundation. Susan G. Komen for the Cure has raised more than \$1 billion for breast cancer research since 1982, and the National Osteoporosis Foundation is considered our Nation's leading voluntary health organization. Thousands of women have benefited from the efforts of these organizations and they are well deserving of our support.

These coins will not only raise awareness of the proud history of Mother's Day, but will help improve the health of thousands of our Nation's mothers. Therefore, I encourage my colleagues to reflect upon their relationships with the mothers in their lives, and join me in supporting this legislation to recognize the past century's worth of noble women and help ensure the health of those to come in the next century.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. DORGAN, Mr. TESTER, Mr. BAYH, Ms. LANDRIEU, and Mr. CASEY):

S. 1013. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to have been able to introduce the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009, S. 1013, along with Sens. BARRASSO, DORGAN, TESTER, UDALL, BAYH, LANDRIEU, CASEY, and VOINOVICH. It is critical that we work towards reducing our greenhouse gas footprint while producing safe and secure, clean energy here in America. I believe this bill will go far to incentivize early project developers to start reducing their carbon dioxide emissions through carbon capture and geologic sequestration.

This bipartisan bill establishes a national indemnity program through the Department of Energy for up to 10 commercial-scale carbon capture and sequestration projects. There is a clear need for liability treatments and adequate project financing for early mover projects. An indemnity program is a strong step to building confidence for project developers and demonstrates that the projects will be conducted safely while addressing the growing concerns of reducing greenhouse gas emissions from industrial facilities, such as coal and natural gas fired utilities, cement plants, refineries and other carbon intensive industrial processes.

In addition, the legislation maps out a clear framework for closing down a geological storage site. It is essential to consider the issue of safe, long-term storage of carbon dioxide and take the steps needed for site stewardship during the injection phase, directly following closure and for long-term preventative maintenance of the geologic storage site. Many stakeholders associate maintenance issues with liability concerns, however they should be viewed as two separate entities. Maintenance is essential for reducing risk and limiting liabilities at a storage site, and it is critical to have robust monitoring and verification of an injected carbon dioxide plume at each of the storage sites that would continue well past site closure. With a proper site maintenance program developed for each project, risk will be minimized and developers will have greater confidence that liabilities will not be incurred. This legislation will require science-based monitoring and verification of the injected carbon dioxide plume throughout the life of the project to well beyond the closure phase.

Also, as carbon capture and sequestration projects grow in both scale and number, there will be an increasing need to train qualified regulators to oversee the permitting, operation, and closure of geologic storage sites. This bill creates a grant program whose goal is to train State agencies and personnel who oversee the regulatory aspects of geologic storage of carbon dioxide.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009".

SEC. 2. LARGE-SCALE CARBON STORAGE PROGRAM.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291

et seq.) is amended by inserting after section 963 (42 U.S.C. 16293) the following:

"SEC. 963A. LARGE-SCALE CARBON STORAGE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

"(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide each year from industrial sources into a geological formation.

"(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

"(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

"(b) PROGRAM.—In addition to the research, development, and demonstration program authorized by section 963, the Secretary shall carry out a program to demonstrate the commercial application of integrated systems for the capture, injection, monitoring, and long-term geological storage of carbon dioxide from industrial sources.

"(c) AUTHORIZED ASSISTANCE.—In carrying out the program, the Secretary may enter into cooperative agreements to provide financial and technical assistance to up to 10 demonstration projects.

"(d) PROJECT SELECTION.—The Secretary shall competitively select recipients of cooperative agreements under this section from among applicants that—

"(1) provide the Secretary with sufficient geological site information (including hydrogeological and geophysical information) to establish that the proposed geological storage unit is capable of long-term storage of the injected carbon dioxide, including—

"(A) the location, extent, and storage capacity of the geological storage unit at the site into which the carbon dioxide will be injected;

"(B) the principal potential modes of geomechanical failure in the geological storage unit;

"(C) the ability of the geological storage unit to retain injected carbon dioxide; and

"(D) the measurement, monitoring, and verification requirements necessary to ensure adequate information on the operation of the geological storage unit during and after the injection of carbon dioxide;

"(2) possess the land or interests in land necessary for—

"(A) the injection and storage of the carbon dioxide at the proposed geological storage unit; and

"(B) the closure, monitoring, and long-term stewardship of the geological storage unit;

"(3) possess or have a reasonable expectation of obtaining all necessary permits and authorizations under applicable Federal and State laws (including regulations); and

"(4) agree to comply with each requirement of subsection (e).

"(e) TERMS AND CONDITIONS.—The Secretary shall condition receipt of financial assistance pursuant to a cooperative agreement under this section on the recipient agreeing to—

"(1) comply with all applicable Federal and State laws (including regulations), including a certification by the appropriate regulatory authority that the project will comply with

Federal and State requirements to protect drinking water supplies;

“(2) in the case of industrial sources subject to the Clean Air Act (42 U.S.C. 7401 et seq.), inject only carbon dioxide captured from industrial sources in compliance with that Act;

“(3) comply with all applicable construction and operating requirements for deep injection wells;

“(4) measure, monitor, and test to verify that carbon dioxide injected into the injection zone is not—

“(A) escaping from or migrating beyond the confinement zone; or

“(B) endangering an underground source of drinking water;

“(5) comply with applicable well-plugging, post-injection site care, and site closure requirements, including—

“(A)(i) maintaining financial assurances during the post-injection closure and monitoring phase until a certificate of closure is issued by the Secretary; and

“(ii) promptly undertaking remediation activities for any leak from the geological storage unit that would endanger public health or safety or natural resources; and

“(B) complying with subsection (f);

“(6) comply with applicable long-term care requirements;

“(7) maintain financial protection in a form and in an amount acceptable to—

“(A) the Secretary;

“(B) the Secretary with jurisdiction over the land; and

“(C) the Administrator of the Environmental Protection Agency; and

“(8) provide the assurances described in section 963(d)(4)(B).

“(f) POST INJECTION CLOSURE AND MONITORING ELEMENTS.—In assessing whether a project complies with site closure requirements under subsection (e)(5), the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall determine whether the recipient of financial assistance has demonstrated continuous compliance with each of the following over a period of not less than 10 consecutive years after the plume of carbon dioxide has come into equilibrium with the geologic formation that comprises the geologic storage unit following the cessation of injection activities:

“(1) The estimated location and extent of the project footprint (including the detectable plume of carbon dioxide and the area of elevated pressure resulting from the project) has not substantially changed.

“(2) There is no leakage of either carbon dioxide or displaced fluid in the geologic storage unit that is endangering public health and safety, including underground sources of drinking water and natural resources.

“(3) The injected or displaced fluids are not expected to migrate in the future in a manner that encounters a potential leakage pathway.

“(4) The injection wells at the site completed into or through the injection zone or confining zone are plugged and abandoned in accordance with the applicable requirements of Federal or State law governing the wells.

“(g) INDEMNIFICATION AGREEMENTS.—

“(1) DEFINITION OF LIABILITY.—In this subsection, the term ‘liability’ means any legal liability for—

“(A) bodily injury, sickness, disease, or death;

“(B) loss of or damage to property, or loss of use of property; or

“(C) injury to or destruction or loss of natural resources, including fish, wildlife, and drinking water supplies.

“(2) AGREEMENTS.—The Secretary may agree to indemnify and hold harmless the recipient of a cooperative agreement under this section from liability arising out of or resulting from a demonstration project in excess of the amount of liability covered by financial protection maintained by the recipient under subsection (e)(7).

“(3) EXCEPTION FOR GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT.—Notwithstanding paragraph (1), the Secretary may not indemnify the recipient of a cooperative agreement under this section from liability arising out of conduct of a recipient that is grossly negligent or that constitutes intentional misconduct.

“(4) COLLECTION OF FEES.—

“(A) IN GENERAL.—The Secretary shall collect a fee from any person with whom an agreement for indemnification is executed under this subsection in an amount that is equal to the net present value of payments made by the United States to cover liability under the indemnification agreement.

“(B) AMOUNT.—The Secretary shall establish, by regulation, criteria for determining the amount of the fee, taking into account—

“(i) the likelihood of an incident resulting in liability to the United States under the indemnification agreement; and

“(ii) other factors pertaining to the hazard of the indemnified project.

“(C) USE OF FEES.—Fees collected under this paragraph shall be deposited in the Treasury and credited to miscellaneous receipts.

“(5) CONTRACTS IN ADVANCE OF APPROPRIATIONS.—The Secretary may enter into agreements of indemnification under this subsection in advance of appropriations and incur obligations without regard to section 1341 of title 31, United States Code (commonly known as the ‘Anti-Deficiency Act’), or section 11 of title 41, United States Code (commonly known as the ‘Adequacy of Appropriations Act’).

“(6) CONDITIONS OF AGREEMENTS OF INDEMNIFICATION.—

“(A) IN GENERAL.—An agreement of indemnification under this subsection may contain such terms as the Secretary considers appropriate to carry out the purposes of this section.

“(B) ADMINISTRATION.—The agreement shall provide that, if the Secretary makes a determination the United States will probably be required to make indemnity payments under the agreement, the Attorney General—

“(i) shall collaborate with the recipient of an award under this subsection; and

“(ii) may—

“(I) approve the payment of any claim under the agreement of indemnification;

“(II) appear on behalf of the recipient;

“(III) take charge of an action; and

“(IV) settle or defend an action.

“(C) SETTLEMENT OF CLAIMS.—

“(i) IN GENERAL.—The Attorney General shall have final authority on behalf of the United States to settle or approve the settlement of any claim under this subsection on a fair and reasonable basis with due regard for the purposes of this subsection.

“(ii) EXPENSES.—The settlement shall not include expenses in connection with the claim incurred by the recipient.

“(h) FEDERAL LAND.—

“(1) IN GENERAL.—The Secretary concerned may authorize the siting of a project on Federal land under the jurisdiction of the Secretary concerned in a manner consistent with applicable laws and land management plans and subject to such terms and condi-

tions as the Secretary concerned determines to be necessary.

“(2) FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.—In determining whether to authorize a project on Federal land, the Secretary concerned shall take into account the framework for geological carbon sequestration on public land prepared in accordance with section 714 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1715).

“(i) ACCEPTANCE OF TITLE AND LONG-TERM MONITORING.—

“(1) IN GENERAL.—As a condition of a cooperative agreement under this section, the Secretary may accept title to, or transfer of administrative jurisdiction from another Federal agency over, any land or interest in land necessary for the monitoring, remediation, or long-term stewardship of a project site.

“(2) LONG-TERM MONITORING ACTIVITIES.—After accepting title to, or transfer of, a site closed in accordance with this section, the Secretary shall monitor the site and conduct any remediation activities to ensure the geological integrity of the site and prevent any endangerment of public health or safety.

“(3) FUNDING.—There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, such sums as are necessary to carry out paragraph (2).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(B) by inserting before subsection (b) (as so redesignated) the following:

“(a) DEFINITIONS.—In this section:

“(1) INDUSTRIAL SOURCE.—The term ‘industrial source’ means any source of carbon dioxide that is not naturally occurring.

“(2) LARGE-SCALE.—The term ‘large-scale’ means the injection of over 1,000,000 tons of carbon dioxide from industrial sources over the lifetime of the project.”;

(C) in subsection (b) (as so redesignated), by striking “IN GENERAL” and inserting “PROGRAM”;

(D) in subsection (c) (as so redesignated), by striking “subsection (a)” and inserting “subsection (b)”;

(E) in subsection (d)(3) (as so redesignated), by striking subparagraph (D).

(2) Sections 703(a)(3) and 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3), 17252) are amended by striking “section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3))” each place it appears and inserting “section 963(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(d)(3))”.

SEC. 3. TRAINING PROGRAM FOR STATE AGENCIES.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall establish a program to provide grants for employee training purposes to State agencies involved in permitting, management, inspection, and oversight of carbon capture, transportation, and storage projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section \$10,000,000 for each of fiscal years 2010 through 2020.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 136—A BILL EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH THE COUNTRY OF GEORGIA

Mr. KERRY (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 136

Whereas Georgia has been developing its democratic and market-economy institutions for over a decade;

Whereas the pace of democratic and economic reforms has accelerated dramatically since the Rose Revolution of 2003;

Whereas the democratically-elected government of Georgia has worked aggressively to combat corruption and increase transparency and accountability in government institutions, and should continue to do so;

Whereas Georgia has implemented a number of economic reforms, particularly in its tax and regulatory regimes;

Whereas such reforms were designed to encourage entrepreneurship and small business development;

Whereas Georgia's economic reforms have spurred strong economic growth and foreign direct investment;

Whereas the August conflict with Russia nearly halted Georgia's economic growth, depleted public resources, drove up unemployment, and left a severe humanitarian crisis in its wake;

Whereas the global financial crisis has further hindered growth and investment in Georgia;

Whereas strong economic growth and investment would provide the necessary resources for Georgia to recover quickly from the devastation of the August conflict, as well as to further strengthen democratic institutions and solidify public support for democratic governance;

Whereas a vibrant, stable democracy in the Caucasus region is in the interest of the United States;

Whereas Georgia's position along energy transit routes is of strategic importance to the United States;

Whereas Georgia has aggressively sought integration into Euro-Atlantic institutions; Whereas closer engagement with Georgia through trade negotiations would encourage even greater reform in Georgia and build its capacity to further modernize and liberalize its economy;

Whereas Georgia is a member of the World Trade Organization; and

Whereas pursuant to an agreement between Congress and the Bush Administration reached on May 10, 2007, the United States is committed to assisting its trading partners in efforts to improve standards of environmental and labor protections: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with Georgia.

SENATE RESOLUTION 137—RECOGNIZING AND COMMENDING THE PEOPLE OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK ON THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE PARK

Mr. ALEXANDER (for himself, Mr. BURR, Mr. CORKER, and Mrs. HAGAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 137

Whereas, in the 1920s, groups of citizens and officials in Western North Carolina and Eastern Tennessee displayed enormous foresight in recognizing the potential benefits of a national park in the Southern Appalachian Mountains;

Whereas the location of the park that became the Great Smoky Mountains National Park was selected from among the finest examples of the most scenic and intact mountain forests in the Southeastern United States;

Whereas the creation of the Great Smoky Mountains National Park was the product of more than 2 decades of determined effort by leaders of communities across Western North Carolina and Eastern Tennessee;

Whereas the State legislatures and Governors of North Carolina and Tennessee exercised great vision in appropriating the funding that was used, along with funding from the Laura Spelman Rockefeller Memorial Fund, to purchase more than 400,000 acres of private land that became part of the Great Smoky Mountains National Park;

Whereas the citizens of communities surrounding the Great Smoky Mountains National Park generously contributed funding for land acquisition to bring the Great Smoky Mountains National Park into being;

Whereas more than 1,100 families and other property owners were called upon to sacrifice their farms and homes for the benefit and enjoyment of future generations that would visit the Great Smoky Mountains National Park;

Whereas the Great Smoky Mountains National Park was established as a completed park by the Act entitled "An Act to establish a minimum area for the Great Smoky Mountains National Park, and for other purposes", approved June 15, 1934 (16 U.S.C. 403g);

Whereas the Great Smoky Mountains National Park covers approximately 521,621 acres of land in the States of Tennessee and North Carolina, making it the largest protected area in the Eastern United States;

Whereas the Great Smoky Mountains National Park provides sanctuary for the most diverse flora and fauna of any national park in the temperate United States, and preserves an unparalleled collection of historic structures as a "time capsule" of Appalachian culture during the 19th and early 20th centuries;

Whereas, on September 2, 1940, President Franklin D. Roosevelt dedicated the Great Smoky Mountains National Park;

Whereas the Great Smoky Mountains National Park has been the most popular national park in the United States since it opened, and attracts between 9,000,000 and 10,000,000 visitors each year, making it the most visited of the 58 national parks in the United States; and

Whereas visitors to the Great Smoky Mountains National Park contribute more than \$700,000,000 to the local economy each year, resulting in more than 14,000 jobs in

North Carolina and Tennessee: Now, therefore, be it

Resolved, That the Senate—

(1) commends the citizens of Western North Carolina and Eastern Tennessee for their vision and sacrifice;

(2) commends the people of the Great Smoky Mountains National Park and the National Park Service for 75 years of successful management and preservation of the park land;

(3) congratulates the people of the Great Smoky Mountains National Park on the 75th anniversary of the park; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the headquarters of the Great Smoky Mountains National Park.

SENATE RESOLUTION 138—HONORING CONCERNS OF POLICE SURVIVORS FOR 25 YEARS OF SERVICE TO FAMILY MEMBERS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY

Ms. MURKOWSKI (for herself, Mr. DURBIN, Mrs. MURRAY, Mr. BEGICH, Ms. MIKULSKI, Mr. TESTER, Mr. RISCH, Mrs. FEINSTEIN, Mr. DODD, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 138

Whereas May 14, 2009, marks the 25th anniversary of the founding of Concerns of Police Survivors;

Whereas, for 25 years, Concerns of Police Survivors has answered one of the highest and most noble calls to service by providing compassionate care and support to family members of law enforcement officers killed in the line of duty;

Whereas, for 25 years, Concerns of Police Survivors has been a bedrock of strength for those family members in helping them rebuild their shattered lives;

Whereas, for 25 years, Concerns of Police Survivors has showed the highest amount of concern and respect for the tens of thousands of family members of law enforcement officers killed in the line of duty;

Whereas those family members bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors facilitates healing and provides love and renewed life to those family members far from the eye of the media and the general public;

Whereas it is essential that the people of the United States are made aware of the good works of Concerns of Police Survivors and recognize the contributions of Concerns of Police Survivors to so many families; and

Whereas National Police Week, observed in 2009 from May 10 to May 16, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

Resolved, That the Senate—

(1) honors Concerns of Police Survivors for 25 years of service to the family members of law enforcement officers killed in the line of duty across the United States;

(2) recognizes and thanks Concerns of Police Survivors for assisting in rebuilding the shattered lives of those family members through the organization's invaluable programs;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors on behalf of the Nation; and

(4) recognizes with great appreciation the sacrifices made by the families of law enforcement officers killed in the line of duty in providing essential support to one another.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1057. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

TEXT OF AMENDMENTS

SA 1057. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 207. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Manage-

ment Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, May 7, 2009 at 10:30 a.m. in room 106 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING HOUSING, AND URBAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2009 at 2:30 p.m., to conduct a hearing entitled "Strengthening the S.E.C.'s Vital Enforcement Responsibilities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FEINGOLD. Mr. President, I would like to ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, May 7, 2009, to conduct a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Auctioning under Cap and Trade: Design, Participation and Distribution of Revenues".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on May 7, 2009, to conduct a hearing. The hearing will commence at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on May 7, 2009. The hearing will commence at 2 p.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 7, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate to conduct a hearing on Thursday, May 7, 2009, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on

Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 2:30 p.m. to conduct a hearing entitled, "Uncle Sam Wants You!: Recruitment in the Federal Government."

The PRESIDING OFFICER. Without objection, it is so ordered.

URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 57, S. Res. 84.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 84) urging the Government of Canada to end the commercial seal hunt.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 84

Whereas the Government of Canada permits an annual commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas, in recent years, the Minister of Fisheries and Oceans of Canada has authorized historically high quotas for harp seals;

Whereas more than 1,000,000 seals have been killed during the past 4 years;

Whereas harp seal pups can legally be hunted in Canada as soon as they have begun to molt their white coats, at approximately 12 days of age;

Whereas 97 percent of the seals killed are pups between just 12 days and 12 weeks of age;

Whereas, in 2007, an international panel of experts in veterinary medicine and zoology was invited by the Humane Society of the United States to observe the commercial seal slaughter in Canada;

Whereas the report by the panel noted that sealers failed to comply with sealing regulations in Canada and that officials of the Government of Canada failed to enforce such regulations;

Whereas the report also concluded that the killing methods permitted during the commercial seal hunt in Canada are inherently inhumane and should be prohibited;

Whereas many seals are shot in the course of the hunt and escape beneath the ice where they die slowly and are never recovered;

Whereas such seals are not properly counted in official kill statistics, increasing the likelihood that the actual kill level is far higher than the level that is reported;

Whereas the few thousand fishermen who participate in the commercial seal hunt in Canada earn, on average, only a tiny fraction of their annual income from killing seals;

Whereas members of the fishing and sealing industries in Canada continue to justify the seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas the consensus in the international scientific community is that culling seals will not assist in the recovery of fish stocks and that seals are a vital part of the fragile marine ecosystem of the Northwest Atlantic;

Whereas polling consistently shows that the overwhelming majority of people in Canada oppose the commercial seal hunt;

Whereas the vast majority of seal products are exported from Canada, and the sealing industry relies on international markets for its products;

Whereas 10 countries have prohibited trade in seal products in recent years, and the European Union is now considering a prohibition on trade in seal products; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of Canada to prohibit the commercial hunting of seals; and

(2) strongly supports an unconditional prohibition by the European Union on trade in seal products.

NATIONAL TRAIN DAY

Mr. REID. Madam President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 125.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 125) in support and recognition of National Train Day, May 9, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 125) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 125

Whereas, in May 1869, the "golden spike" was driven into the final tie at Promontory

Summit, Utah to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

Whereas, Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option and reducing congestion on roads and in the skies;

Whereas, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas, passenger trains provide a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security;

Whereas, intercity passenger rail was 18 percent more energy efficient than airplanes and 25 percent more energy efficient than automobiles on a per-passenger-mile basis in 2006;

Whereas, Amtrak annually provides intercity passenger rail travel to over 28 million Americans residing in 46 states;

Whereas, an increasing number of people are using trains for travel purposes beyond commuting to and from work; and

Whereas, community railroad stations are a source of civic pride, a gateway to over 500 of our Nation's communities, and a tool for economic growth: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Train Day, as designated by Amtrak.

HONORING CONCERNS OF POLICE SURVIVORS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 138 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 138) honoring Concerns of Police Survivors for 25 years of service to family members of law enforcement officers killed in the line of duty.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Madam President, I am honored once again to submit this resolution to the Senate commemorating our Nation's law enforcement officers and National Peace Officers Memorial Day. The Senate's official recognition of National Peace Officers Memorial Day and Police Week is a tradition I am proud to carry out each year, and I look forward to the Senate taking up and passing this resolution.

In 2008, 133 law enforcement officers died while serving in the line of duty. We honor their memory. Though this is a decrease from 2007, it is no less tragic a loss to our Federal and state law enforcement community and to their families and friends. The fact that we commemorate the loss and bravery of so many in law enforcement each year should remove any doubts in Congress that it is necessary to give our peace officers everything they need to stay safe and to do their jobs as effectively as they can.

Currently, more than 900,000 men and women work tirelessly to protect our communities, our schools, and our children. They investigate and apprehend the most violent criminals and do more than we know in keeping our communities safe and secure. Since the first recorded police death in 1792, the names of 18,274 law enforcement officers who have made the ultimate sacrifice have been added to the National Law Enforcement Officers Memorial.

I also take this opportunity to recognize that the names of 387 fallen officers will be added to the National Law Enforcement Officers Memorial on May 13 during a candlelight vigil that will be held in their honor. These are officers from the past and present whose memory will be preserved for all time at the memorial, ensuring that their bravery and sacrifice will not be forgotten.

National Peace Officers Memorial Day provides the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, with the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by those members of our police forces. More than 20,000 peace officers are expected to gather in Washington in the days leading up to May 15, to join with the families of their fallen comrades. It is right that the Senate show its respect on this occasion, and I am proud to honor their service and their memory. I urge all Senators to join me in approving this resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The resolution (S. Res. 138) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 138

Whereas May 14, 2009, marks the 25th anniversary of the founding of Concerns of Police Survivors;

Whereas, for 25 years, Concerns of Police Survivors has answered one of the highest and most noble calls to service by providing compassionate care and support to family members of law enforcement officers killed in the line of duty;

Whereas, for 25 years, Concerns of Police Survivors has been a bedrock of strength for those family members in helping them rebuild their shattered lives;

Whereas, for 25 years, Concerns of Police Survivors has showed the highest amount of concern and respect for the tens of thousands of family members of law enforcement officers killed in the line of duty;

Whereas those family members bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors facilitates healing and provides love and renewed life to those family members far from the eye of the media and the general public;

Whereas it is essential that the people of the United States are made aware of the

good works of Concerns of Police Survivors and recognize the contributions of Concerns of Police Survivors to so many families; and

Whereas National Police Week, observed in 2009 from May 10 to May 16, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

Resolved, That the Senate—

(1) honors Concerns of Police Survivors for 25 years of service to the family members of law enforcement officers killed in the line of duty across the United States;

(2) recognizes and thanks Concerns of Police Survivors for assisting in rebuilding the shattered lives of those family members through the organization's invaluable programs;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors on behalf of the Nation; and

(4) recognizes with great appreciation the sacrifices made by the families of law enforcement officers killed in the line of duty in providing essential support to one another.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101-509, the appointment of Steve Zink, of Nevada, to the Advisory Committee on the Records of Congress.

ORDERS FOR MONDAY, MAY 11, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 2 p.m., Monday, May 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of H.R. 627, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 1010 to and including 128, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that all the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action,

and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Michael Nacht, of California, to be an Assistant Secretary of Defense.

Elizabeth Lee King, of the District of Columbia, to be an Assistant Secretary of Defense.

Wallace C. Gregson, of Colorado, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Michael W. Miller

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Marc E. Rogers

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas J. Owen

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert R. Allardice

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Frank G. Klotz

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Thomas K. Andersen
Brigadier General Salvatore A. Angelella
Brigadier General Gregory A. Biscone
Brigadier General Andrew E. Busch
Brigadier General Timothy A. Byers
Brigadier General Susan Y. Desjardins
Brigadier General Judith A. Fedder
Brigadier General Eric E. Fiel
Brigadier General Craig A. Franklin
Brigadier General David L. Goldfein
Brigadier General Blair E. Hansen
Brigadier General Susan J. Helms
Brigadier General Mary K. Hertog
Brigadier General John W. Hesterman, III
Brigadier General Darrell D. Jones
Brigadier General Jan Marc Jouas
Brigadier General Robert C. Kane
Brigadier General James M. Kowalski
Brigadier General Stanley T. Kresge
Brigadier General Susan K. Mashiko
Brigadier General Michael R. Moeller
Brigadier General Clyde D. Moore, II
Brigadier General Douglas H. Owens
Brigadier General James O. Poss

Brigadier General Mark F. Ramsay
 Brigadier General Robin Rand
 Brigadier General Joseph Reynes, Jr.
 Brigadier General Suzanne M. Vautrinot
 Brigadier General Lawrence L. Wells
 Brigadier General Janet C. Wolfenbarger

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Larry O. Spencer

IN THE NAVY

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Adm. Jonathan W. Greenert

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Patrick M. Walsh

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. John C. Harvey, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Samuel J. Locklear, III

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard W. Hunt

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Mark D. Harnitchek

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Mark L. Tidd

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General George J. Allen
 Brigadier General Raymond C. Fox
 Brigadier General Charles M. Gurganus
 Brigadier General David R. Heinz
 Brigadier General Steven A. Hummer
 Brigadier General David G. Reist
 Brigadier General John A. Toolan, Jr.
 Brigadier General John E. Wissler

The following named officers for appointment in the United States Marine Corps to

the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel John J. Broadmeadow
 Colonel John W. Bullard, Jr.
 Colonel Steven W. Busby
 Colonel Herman S. Clardy, III
 Colonel Lewis A. Craparotta
 Colonel Robert F. Hedelund
 Colonel Frederick M. Padilla
 Colonel Michael A. Rocco
 Colonel Richard L. Simcock, II
 Colonel Vincent R. Stewart

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN157 AIR FORCE nominations (18) beginning MICHAEL F. ADAMES, and ending KATHRYN D. VANDERLINDEN, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN236 AIR FORCE nominations (4) beginning PAUL L. CANNON, and ending CHERRI S. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN237 AIR FORCE nominations (64) beginning RICHARD EDWARD ALFORD, and ending RICHARD D. YOUNTS, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN335 AIR FORCE nomination of George E. Loughran, was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN336 AIR FORCE nomination of Raymond B. Abarca, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN337 AIR FORCE nomination of Ian C. B. Diaz, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN338 AIR FORCE nominations (3) beginning WILLIAM T. HOUSTON, and ending DAVID L. WELLS II, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

IN THE ARMY

PN339 ARMY nomination of Elizabeth M. Sherr, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN340 ARMY nomination of Erin T. Doyle, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN341 ARMY nomination of Scott A. Bier, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN342 ARMY nomination of Robert G. Young, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN343 ARMY nominations (3) beginning GEORGE R. BERRY, and ending PERRY W. SARVER JR., which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN344 ARMY nominations (9) beginning MICHAEL G. AMUNDSON, and ending PAUL THORN, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN345 ARMY nominations (79) beginning BUSTER D. AKERS JR., and ending MICHAEL T. ZELL, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

IN THE MARINE CORPS

PN346 MARINE CORPS nominations (2) beginning JOHN W. HAHN IV, and ending

STEPHANIE L. MALMANGER, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

IN THE NAVY

PN347 NAVY nomination of Michael T. Echols, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN348 NAVY nomination of Gregory J. Hazlett, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN349 NAVY nomination of Brian J. Ellis Jr., which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN350 NAVY nomination of Jesus S. Moreno, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN351 NAVY nomination of Colleen L. Jackson, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN352 NAVY nomination of Gregory P. Mitchell, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN353 NAVY nominations (40) beginning JONATHAN V. AHLSTROM, and ending JOEL E. YODER, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PROGRAM

Mr. REID. Madam President, there will be no rollcall votes on Monday. The next vote is expected to occur on Tuesday, May 12. The managers of the bill on credit cards will be here Monday afternoon to start the opening statements on this matter. Anybody who wishes to speak on the credit card legislation would be advised to come and do that sometime Monday night.

As we get into the legislation itself, the time for opening statements may not be appropriate or timely. So I hope some will consider doing that on Monday to get it out of the way.

ORDER TO ADJOURN

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order following the remarks of the distinguished Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JACK KEMP

Mr. McCONNELL. Madam President, the Nation says its last farewell to Jack Kemp tomorrow afternoon. But Americans will long remember the tremendous impact he has had on our lives and on our politics. So today I would like to add my voice to the many others who have spoken well of this good man.

The arc of Jack's life is well known: middle-class son of a small businessman and his social worker wife. Jack never wanted to be anything but a professional football player, and he worked very hard at it. Good enough to get drafted by the Lions but not quite good enough to make the team, Jack dug in, passing briefly through a few football teams before being sidelined by an injury and ending up with the Buffalo Bills, where he became one of the great quarterbacks of all time. Jack showed his skills early on with the Bills. In his very first game, he completed 21 of 35 passes, including 2 touchdowns for 230 yards. By the time he retired in 1969, he would rank first in passes, completions, and passing yardage among all American Football League quarterbacks.

But Jack's restless mind was stirring even before he left the field. Teammates would later recall that on long plane rides, while they would be reading playbooks, Jack would be reading economic theory or the latest "National Review." During the off season, Jack volunteered on political campaigns, including the gubernatorial campaign of Ronald Reagan. It was all the training he would need.

After retiring from pro football, his path to politics was as sure as his 10-yard pass. And so was his path to success. Armed with a kinetic personality, a sharp mind, and a passion for ideas and for people, Jack set about with the zeal of a preacher to spread his convictions about the economic benefits of sharp tax cuts. He was so convincing that tax cuts became the centerpiece of his party's platform in 1980, the basis of its revival and, most importantly, the cause of the unprecedented prosperity of the next two decades.

Growing up, Jack was the captain of every team for which he ever played. That didn't change when he came to Washington. He was calling the plays here now, and people were eager to follow. He was as likable as he was persuasive, all the more so because he didn't seek out popularity.

He was always driven by something else. At his core, Jack was motivated by nothing more than a deep desire to see America live up to its founding promise of equality for everyone, regardless of color, religion, or background. The fight for equality was Jack's consuming passion.

Like everyone who grew up playing sports, he knew firsthand that winning ball games had nothing to do with color. But as a quarterback, he appreciated this more than most. The crowds may have cheered for Jack, but he knew that every time he threw a pass or ran for a touchdown, an offensive line stood guard, many of them African American. These were his teammates, his friends, and he witnessed the discrimination they encountered many times. But there was one moment from those days that always lived in Jack's memory. It was in 1960. Jack was playing for the Chargers at the time. They were in Houston for the AFL Championship, and during the playing of the "National Anthem," Jack looked over toward his father at the 50-yard line. The father of his co-captain, Charlie McNeil, was not there. He later found out that Mr. McNeil had been forced to sit in a section of the end zone that was roped off for Blacks. It was one of many terrible indignities that would make Jack a restless promoter of equality throughout his life.

A self-described bleeding heart conservative, Jack's childlike love for America and all it promised was evident until the end. In a letter to his grandchildren just this past November, Jack said his first thought upon learning that an African American had won the Presidency was: "Is this a great country or not?" "Just think," he wrote, "a little over 40 years ago, Blacks in America had trouble even voting in our country, much less thinking about running for the highest office in the land."

Jack was not your average politician, but he was a necessary one, constantly challenging the establishment. He was a political entrepreneur, restless to get things done. Colleagues remember how Cabinet meetings were always livelier with Jack there—whether he was rolling his eyes in disagreement or squirming in his chair. No room ever seemed big enough to contain him. Sometimes when congressional leadership would meet over in the White House, Jack's former colleague and ours, Trent Lott, would have to kick him under the table to keep him from saying something he might regret later on. Convention just never suited him, and the Nation and our party was always a lot better because of it.

We will miss Jack's insistence, his passion, his energy, and we will miss seeing him, the broad smile, the snow-white hair, plowing into a crowd, bounding up on a stage, and hurling an imaginary football off into the distance.

Jack was a happy, raspy-voiced evangelist for the ideas that shaped a generation and revived a political party. He believed, rightly, that conservative ideas were universal—that if they applied to one group, they applied to all groups. And he rolled up his sleeves to

prove it, whether as a candidate for Vice President, a Cabinet Secretary spending a night in a Philadelphia housing project, or in these last years as an advocate for many of the causes he believed in, a speaker, a wise party elder and, above all, a devoted husband to his beloved Joanne, father, and grandfather.

It is hard to imagine someone of Jack's energy and enthusiasm succumbing to anything; he was always so full of life, the vital center of every room he entered and every debate. We will miss his passion. We are all grateful for his goodness. And as we say our final goodbye to Jack French Kemp, we are consoled by the thought that after a painful illness, he has broken away now like a wide receiver from the pack, into the welcoming embrace of a loving God.

ADJOURNMENT UNTIL MONDAY, MAY 11, 2009, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m., Monday, May 11.

Thereupon, the Senate, at 5:24 p.m., adjourned until Monday, May 11, 2009, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, May 7, 2009:

DEPARTMENT OF DEFENSE

MICHAEL NACHT, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

ELIZABETH LEE KING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

WALLACE C. GREGSON, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL W. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARC E. ROGERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS J. OWEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT R. ALLARDICE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK G. KLOTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL THOMAS K. ANDERSEN
 BRIGADIER GENERAL SALVATORE A. ANGELELLA
 BRIGADIER GENERAL GREGORY A. BISCONI
 BRIGADIER GENERAL ANDREW E. BUSCH
 BRIGADIER GENERAL TIMOTHY A. BYERS
 BRIGADIER GENERAL SUSAN Y. DESJARDINS
 BRIGADIER GENERAL JUDITH A. FEDDER
 BRIGADIER GENERAL ERIC E. FIEL
 BRIGADIER GENERAL CRAIG A. FRANKLIN
 BRIGADIER GENERAL DAVID L. GOLDFEIN
 BRIGADIER GENERAL BLAIR E. HANSEN
 BRIGADIER GENERAL SUSAN J. HELMS
 BRIGADIER GENERAL MARY K. HERTOOG
 BRIGADIER GENERAL JOHN W. HESTERMAN III
 BRIGADIER GENERAL DARRELL D. JONES
 BRIGADIER GENERAL JAN MARC JOUAS
 BRIGADIER GENERAL ROBERT C. KANE
 BRIGADIER GENERAL JAMES M. KOWALSKI
 BRIGADIER GENERAL STANLEY T. KRESGE
 BRIGADIER GENERAL SUSAN K. MASHKO
 BRIGADIER GENERAL MICHAEL R. MOELLER
 BRIGADIER GENERAL CLYDE D. MOORE II
 BRIGADIER GENERAL DOUGLAS H. OWENS
 BRIGADIER GENERAL JAMES O. POSS
 BRIGADIER GENERAL MARK F. RAMSAY
 BRIGADIER GENERAL ROBIN RAND
 BRIGADIER GENERAL JOSEPH REYNES, JR.
 BRIGADIER GENERAL SUZANNE M. VAUTRINOT
 BRIGADIER GENERAL LAWRENCE L. WELLS
 BRIGADIER GENERAL JANET C. WOLFENBARGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY O. SPENCER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 6035:

To be admiral

ADM. JONATHAN W. GREENERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. PATRICK M. WALSH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JOHN C. HARVEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. SAMUEL J. LOCKLEAR III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD W. HUNT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARK D. HARNITCHEK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK L. TIDD

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL GEORGE J. ALLEN
 BRIGADIER GENERAL RAYMOND C. FOX
 BRIGADIER GENERAL CHARLES M. GURGANUS
 BRIGADIER GENERAL DAVID R. HEINZ
 BRIGADIER GENERAL STEVEN A. HUMMER
 BRIGADIER GENERAL DAVID G. REIST
 BRIGADIER GENERAL JOHN A. TOOLAN, JR.
 BRIGADIER GENERAL JOHN E. WISSLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOHN J. BROADMEADOW
 COLONEL JOHN W. BULLARD, JR.
 COLONEL STEVEN W. BUSBY
 COLONEL HERMAN S. CLARDY III
 COLONEL LEWIS A. CRAPAROTTA
 COLONEL ROBERT F. HEDELUND
 COLONEL FREDERICK M. PADILLA
 COLONEL MICHAEL A. ROCCO
 COLONEL RICHARD L. SIMCOCK II
 COLONEL VINCENT R. STEWART

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

R. GIL KERLIKOWSKA, OF WASHINGTON, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL F. ADAMES AND ENDING WITH KATHRYN D. VANDERLINDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL L. CANNON AND ENDING WITH CHERRI S. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD EDWARD ALFORD AND ENDING WITH RICHARD D. YOUNTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

AIR FORCE NOMINATION OF GEORGE E. LOUGHRAN, TO BE COLONEL.

AIR FORCE NOMINATION OF RAYMOND B. ABARCA, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF IAN C. B. DIAZ, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM T. HOUSTON AND ENDING WITH DAVID L. WELLS II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

IN THE ARMY

ARMY NOMINATION OF ELIZABETH M. SHERR, TO BE MAJOR.

ARMY NOMINATION OF ERIN T. DOYLE, TO BE MAJOR.

ARMY NOMINATION OF ROBERT G. YOUNG, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH GEORGE R. BERRY AND ENDING WITH PERRY W. SARVER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL G. AMUNDSON AND ENDING WITH PAUL C. THORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

ARMY NOMINATIONS BEGINNING WITH BUSTER D. AKERS, JR. AND ENDING WITH MICHAEL T. ZELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN W. HAHN IV AND ENDING WITH STEPHANIE L. MALMANGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

IN THE NAVY

NAVY NOMINATION OF MICHAEL T. ECHOLS, TO BE COMMANDER.

NAVY NOMINATION OF GREGORY J. HAZLETT, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF BRIAN J. ELLIS, JR., TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JESUS S. MORENO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF COLLEEN L. JACKSON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF GREGORY P. MITCHELL, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JONATHAN V. AHLSTROM AND ENDING WITH JOEL E. YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

HOUSE OF REPRESENTATIVES—Thursday, May 7, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

May 7, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

PRAYER

Rev. Michael Cummings, Burnt Swamp Association, Pembroke, North Carolina, offered the following prayer:

Blessed God and Father, eternal in majesty and glory, we are humbled to come before You in this moment of prayer. It is You that has made America a great Nation, established it in a glorious heritage of faith and freedom and compassion. We are privileged by Your presence among us.

Restore us to love and loyalty to You first. Give us the unambiguous view of Your desire that we might embrace it.

And may it please You to grant our esteemed leaders, these in whom America believes, throughout this Chamber, may they have wisdom and moral insight for complex decisionmaking in these uncertain days. May mutual respect abound among them. Bless them with agreement and solidarity in their quest for the well-being of all people. Lead us all to do what is right in Your eyes.

And may we together with these our leaders, honor You throughout this day and days without end. In the name of Christ, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. BACA) come forward and lead the House in the Pledge of Allegiance.

Mr. BACA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. MICHAEL CUMMINGS

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 1 minute.

There was no objection.

Mr. MCINTYRE. Madam Speaker, I have the high honor today of introducing the gentleman that just spoke as our guest chaplain, the Reverend Dr. Michael Cummings of Pembroke, North Carolina. And what an honor it is to have him open Congress on this National Day of Prayer.

Born and reared in rural Robeson County, which is also my home county, Dr. Cummings has spent a lifetime sharing the positive and powerful word of God with many. And through his ministry, Mike Cummings has made a difference in changing hearts and building a better community.

He is a graduate of Campbell University, Southeastern Theological Seminary, and a recipient of an Honorary Doctor of Divinity degree from Campbell. He has served multiple churches in southeastern North Carolina and is an instructor also at the Southern Baptist Seminary Extension Program, and now is director of missions at Burt Swamp Baptist.

Madam Speaker, truly the Nation today has had the opportunity to hear eloquent words and the keen insight of not only one of Robeson County's most respected citizens, but also a gentleman who has led the State Baptist convention. Through his words, he has left his mark here in the U.S. House, just as he has left his mark on North Carolina and our beloved home and county.

We are thrilled today also to have his family join us. We are thrilled today to have him lead us on this National Day of Prayer.

I hope also that all Members of Congress will join us for the National Day of Prayer events that are occurring as we speak in the Cannon Caucus Room today until noon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

MAKING IMMIGRATION REFORM A PRIORITY

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, this Sunday, many of us will be celebrating Mother's Day with our mothers, wives, daughters and all the wonderful women in our lives.

As we celebrate Mother's Day, let us not forget that there are thousands of children who will not be celebrating this day with their mothers. We must fix our broken immigration system that does not work, that fails our families, that leaves our children to fend for themselves.

Every day there are thousands of heartbreaking stories of how families are torn apart due to the broken system. We must pass comprehensive immigration reform that doesn't tear children from their parents and respects all families. We must remember that immigration reform is not just about statistics and numbers, it is about families.

I urge my colleagues, the House leadership and President Obama to make immigration a priority and to work with the CHC towards comprehensive immigration reform.

I wish all mothers a happy Mother's Day this Sunday.

ETHANOL AND THE EPA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, in 1994, the EPA enacted a regulation requiring additives derived from renewable sources for our Nation's fuel supplies. This policy caused problems as corn ethanol pushed up food prices and turned out to be far less beneficial for the environment than originally thought, with some studies even concluding ethanol may be worse for the environment than gasoline.

Now, over a decade later, the EPA has ruled that Congress tasked it with regulating greenhouse gases when it passed the Clean Air Act. Without action by Congress, regulations are soon to follow. This fact is being held over our heads by some who claim it is better to let Congress regulate emissions than unelected bureaucrats. This is a false choice. The act was never intended to regulate carbon, and we can pass legislation to make that clear.

Congress should stop unelected, unaccountable bureaucrats from hurting

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

our economy further through draconian emissions regulations without doing harm itself. There is a better way.

SUPPORT THE MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, I rise today in support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

My State of Ohio is one of the hardest hit States by foreclosures, so I know how important it is for us to pass this bill. Ohio is projected to lose 87,000 homes to foreclosure just this year. That means that more than 291,000 homes over the next 4 years will be lost. Ohio's economy will be affected by over \$10.7 billion.

H.R. 1728 will help Ohio and America begin to heal. This legislation has been a long time coming. The bill will provide much-needed relief to hard-working families. It will stop bad subprime loans from being made in the first place by making sure that consumers get mortgages that they can repay. It will strengthen consumer protection against reckless and abusive lending practices.

I would like to thank Congressmen FRANK and KANJORSKI and also Congresswoman WATERS for their hard work and perseverance on this issue.

AMERICAN CONSERVATION AND CLEAN ENERGY INDEPENDENCE ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, our Nation needs an energy renaissance. We must develop a wide range of energy sources with a shared goal of reducing emissions and leaving our planet cleaner. We must have clean coal, efficient renewable energy, clean nuclear energy, and responsible use of fossil fuels.

It is time for an energy renaissance that uses American resources to create American jobs and stop spending hundreds of billions of dollars each year to OPEC. We know that building this bridge to America's clean energy future will require the largest commitment this Nation has ever seen. It is expensive, it is necessary, and it is time.

Over the past few months, I worked with my colleague, Representative ABERCROMBIE, and other Democrats and Republicans, with no members of leadership or special interests involved with us, but wrote a plan for American energy independence focusing on exploration, conservation and innovation to

build this bridge to America's clean energy future. We introduced H.R. 2227, the American Conservation and Clean Energy Independence Act, which uses American resources to cut our dependence on foreign oil, clean up our air, land and water, dramatically improve energy efficiency and conservation, create millions of new jobs, fuel our economy, and do all this without raising taxes. I urge my colleagues to sign on as cosponsors of this bill.

GOOD NEWS REGARDING THE AMERICAN RECOVERY AND REINVESTMENT ACT

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. I rise today to share good news from my district about the American Recovery and Reinvestment Act. The recovery act that Congress passed just 2 months ago is creating jobs and making smart investments.

On Monday of this week, I stood with Fox Chase Cancer Center officials in my district to announce a grant that will fund critical cancer research. Last month, the Federal Aviation Administration provided \$1 million to Philadelphia's Northeast Airport. And along with Senator CASEY and Mayor Michael Nutter, I announced \$13.5 million in funding to be used to better enable the Philadelphia Police Department to fight crime in the city.

Most recently, a newspaper in my district, The Northeast Times, acknowledged that the Recovery and Reinvestment Act made "a significant addition" by giving homeowners a \$1,500 tax credit for making energy efficient home improvements. As a member of the Committee on Ways and Means, I worked to include this tax benefit.

It is good to know that enabling homeowners in my district to save energy and save money is happening today. These stories from my district show that the Democratic Recovery and Reinvestment Act is working. It is just the beginning of initiatives that we are taking with President Obama's leadership to put people back to work and invest in America's future.

FRANK BUCKLES AND THE DOUGHBOYS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, as we approach Memorial Day, we remember our military who served our Nation. And here is one of those. This is Frank Buckles, Jr. This was recently taken.

Frank Buckles just turned 108 years old. The reason I mention Frank Buckles is because he lied to get into the

Army in World War I at 15. He served in Europe. In World War II, he spent 3 years in a prisoner-of-war camp in Japan. And, today, here he is, 108.

I mention him because he is the last doughboy of World War I. Of the 4.4 million that served, Frank Buckles is it.

We have monuments on our Mall for World War II, Korea and Vietnam. But, Madam Speaker, we have no monument for those that served in World War I. America never got around to it.

It is time America gets around to building a memorial for Frank Buckles and the 4.4 million that served, and the 116,000 that never came home from World War I.

And that's just the way it is.

RECOGNIZING THE GADSDEN HIGH SCHOOL JUNIOR ROTC

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Madam Speaker, I rise today for the purpose of honoring the Gadsden High School Junior Reserve Officer Training Corps.

On April 18, 2009, the Gadsden JROTC competed against 32 other teams from across the great State of New Mexico at Pedro Vista High School in Farmington, New Mexico. The competition consisted of the corps participating in air rifle, physical fitness and drill tests. Due to their discipline and commitment and dedication to their program, the Gadsden cadets bested their competition from across New Mexico for the second year in a row.

I am proud and honored today to stand on the floor of the United States House of Representatives and say something that those students certainly deserve to hear: you are again the pride of your State, and congratulations on a job well done.

SEEKING THE BLESSING AND PROTECTION OF ALMIGHTY GOD

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, the Father of our Country, George Washington, said on the occasion of the 9th of July 1776: "The blessing and protection of Heaven are at all times necessary, but especially so in times of public distress and danger."

Today is the 58th celebration of our National Day of Prayer. It is the day that Americans from coast to coast will set aside time to pray for this Nation, our soldiers, public safety officials and public servants, from the President of the United States to the city council.

Since first called to prayer in 1775 when the Continental Congress asked the Colonies to pray for wisdom forming the Nation, prayer has been at the

center of our national life, including President Lincoln's famous proclamation for humility, fasting and prayer in 1863, through when in 1952 President Truman signed a joint resolution of Congress creating this day.

It is said in the Old Book that the effective and fervent prayer of a righteous man availeth much. What is true of man, I would say, is also true of nations.

During this National Day of Prayer, during these challenging times, let it be said again, we are a Nation of prayer.

□ 1015

The 30TH ANNUAL BLUES MUSIC AWARDS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, my hometown of Memphis is known for music, the home of rock and roll and the birthplace of the blues. Tonight the Blues Foundation will celebrate the 30th awarding of the Blues Foundation International Awards for the greatest blues performers. B.B. King will be there, and he'll give the first B.B. King International Entertainer of the Year Award. Other performers include Bonnie Raitt, Maria Muldaur, Taj Mahal and others. In the category for Best Blues Performer of the Year, Bobby Rush is nominated, not our Bobby Rush but the Bobby Rush of blues fame also from Chicago.

Memphis is proud to have a great musical heritage and we will celebrate it and enjoy it tonight. I encourage everybody to enjoy the blues. In this economy, they are more relevant than ever, unfortunately, Madam Speaker.

ISRAEL THREATENED BY IRAN

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, as Congress commemorates the 61st anniversary of the independence of Israel, I rise to express my deep concern that the future of this nation is gravely threatened by Iran's pursuit of nuclear weapons.

Iran's radical regime only desires the demise of Israel and longs for regional dominance. It is now on the cusp of acquiring the weapons needed to potentially achieve both.

Nations that value liberty and peace must stand strongly against Iran's dangerous behavior. The United States must confront this looming crisis with resolve and strength.

I have cosponsored the Iran Sanctions Enabling Act, which would significantly undermine Iran's lucrative energy sector. Congress should pass

this legislation and show our steadfast support for Israel.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1728, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 406 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 406

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes. No general debate shall be in order pursuant to this resolution. The bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 406.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

House Resolution 406 provides for consideration of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, under a structured rule. The rule makes in order 14 amendments, which are listed in the Rules Committee report accompanying the resolution. Five Republican amendments, eight Democratic amendments, and one bipartisan amendment have been made in order. Each amendment is debatable for 10 minutes, except the manager's amendment, which is debatable for 30 minutes. The rule also provides for one motion to recommit with or without instructions.

Finally, I would like to take a moment to make a clarification regarding the description of one of the amendments that has been made in order under the rule, specifically amendment No. 2 by Chairman FRANK. The Rules Committee report inadvertently listed a description from an earlier version of this amendment. The amendment was later modified, but the change to the description was not updated. I want to emphasize that the actual amendment text which was made in order is correct.

Madam Speaker, I ask unanimous consent to submit for the RECORD the correct description for the Frank amendment listed as No. 2 in the Rules Committee report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Corrected description for the Frank amendment No. 2 listed in the Rules Committee report:

2. Frank—would provide that no funds in this bill for legal assistance or housing counseling grants may be distributed to any organization which has been or which employs an individual who has been convicted for a violation under Federal law relating to an election for Federal office,

Mr. CARDOZA. Madam Speaker, as we all know, our country is at a significant crossroads, the likes of which we have never known. Businesses continue to shed payroll, job losses continue to mount, and hardworking families across America continue to struggle.

Many economists have correctly stated that the foreclosure crisis is the root of our economic meltdown, and I firmly believe that until the housing market is stabilized, the economy will continue to worsen and people will continue to spend less, more businesses

will shut their doors, and mass layoffs will further spread.

Until that happens, however, more and more American families are at risk of losing their homes. In the first quarter of 2009, more than 800,000 mortgage loans entered into the foreclosure process, with over 340,000 in March alone. Both are record highs, which goes to show that the foreclosure crisis is far from over.

I can personally attest to the damage the foreclosure crisis has left in its wake and the long effects it will have into the future. I have the honor of representing California's 18th Congressional District, which encompasses the San Joaquin Valley, but today my district is suffering like no other. My district has the highest rates of foreclosure in the Nation and a loss of 70 percent of home equity over the last 3 years. And with each passing month, it seems that the numbers are worsening.

As a result of the rampant foreclosures in my district, once vibrant neighborhoods have become vacant yards overgrown with weeds, and houses are crumbling from vandalism and disrepair. Swimming pools are abandoned at these houses and have become havens for mosquitos. Crime and vandalism are on the rise in what were previously safe neighborhoods.

Yet that's not all. Home values in surrounding areas are also beginning to plummet, and what started out as a foreclosure crisis in my district is quickly spinning out of control, creating economic disasters. In many parts of my district, they now face unemployment rates of over 20 percent. Small businesses and neighborhood restaurants which were once packed with customers are now almost empty and are shutting their doors at alarming rates. Our longest-serving community bank was swept up in the foreclosure crisis and recently closed. On top of that, my dairy farmers are in crises and we have one of the worst droughts in the country.

Madam Speaker, as I have been saying for quite some time, the devastation that has hit my district is massive and widespread and is somewhat similar to what Katrina left behind, only it was not caused on a single day by an extreme event but over the course of weeks, months, and years.

Long after the foreclosure crisis has come and gone, the Central Valley will continue to cope with the aftermath of this economic devastation for many years to come. My district and our Nation will not overcome this crisis overnight, and it will take unprecedented action to help us rebuild and recover.

Congress has taken several important steps and actions not just to combat this crisis but to ensure a housing crisis of this magnitude will never happen again. The bill before us today is one more step in that direction.

Some say the foreclosure crisis can be traced back to the rapid increase in

subprime mortgages and risky underwriting practices, most of which were made with no Federal supervision. Many of the families targeted by subprime lenders were, in fact, low-income families with poor credit histories who felt this was the only opportunity for them to achieve the American Dream. They were lured into low "teaser" introductory interest rates which morphed into loans which they had little chance of repaying once rates increased, starting the uptick in the foreclosure market.

H.R. 1728 is aimed at preventing these predatory practices in the future. Among other things, H.R. 1728 requires lenders to prove borrowers can actually repay their loans in order to ensure that vulnerable consumers aren't pressured into loans at terms that they can't meet. It eliminates incentives to steer consumers into high-cost loans. It also provides much-needed regulation of the lending industry.

H.R. 1728 is not a cure for the foreclosure crisis, but it is an important component in eliminating the unscrupulous practices that ran amok and helped lead the collapse of the housing market.

I want to thank Chairman FRANK for once again bringing this bill forward and for his continued commitment to turning the tide on our Nation's foreclosure crisis. I want to take this opportunity to thank Chairman FRANK for working with me to insert language into the manager's amendment of this bill that would create and make publicly available a national database of foreclosure and default statistics, which we don't currently have. The Federal Government keeps track of many economic indicators, including home price declines and unemployment, but right now there is no government agency that keeps tabs on defaults and foreclosure rates.

As the foreclosure crisis has taught us, foreclosure and default rates are critical statistics not only for monitoring the Nation's economy but also for determining which areas of the country have been hardest hit in the downturn. My amendment calls on the Secretary of HUD to create this database so that the Federal Government and Congress can better detect and assess the housing crisis so that we can respond in a timely and targeted manner.

Again, I thank Chairman FRANK for incorporating my amendment, and I ask my colleagues on both sides of the aisle to support the manager's amendment and the underlying billing so we can stop predatory lending and establish a federally maintained database on foreclosures and defaults.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

I rise today in opposition to this rule and to the underlying legislation. This structured rule does not call for the open, honest debate that has been promised by my Democrat colleagues time and time again; yet here we are again discussing the mortgage reform bill for the second day.

It is essential to provide for more transparency and accountability in the lending process, but there is also a laundry list of important issues that face this Congress. And all this week we will have but one bill on the floor of the House of Representatives to debate. I think that's unfair to the American taxpayer when there is much work to be done.

Today not only will we be discussing the flawed underlying legislation, which is already addressed in Federal statute, as we spoke about yesterday being on the floor, that Federal Reserve has already issued the rules and regulations as a result of feedback from industry last year, but what we are here to do is to try to redo that to put the majority's mark on that legislation, which already takes care of the problem.

But this legislation that we're going to handle again today limits choice, reduces credit, and increases costs to consumers and taxpayers at a time when the effort should be about making home mortgages more reliable, least cost conscious, and making sure that consumers would be able to have an opportunity to have a chance to have a home. But what we are going to do is, by allowing a patchwork of State laws to confuse the system, we are going to now create qualified mortgages which require lenders to hold 5 percent credit and creates a \$140 million slush fund for trial lawyers. So what we are going to do is limit choice, reduce credit, and increase costs, and make sure now there is a slush fund for trial lawyers to sue the same companies that we were trying to encourage to lend to the marketplace so people could have money.

□ 1030

Madam Speaker, you will also hear about the amendments that our Democrat majority has made in order and failed to make in order today, no matter how substantive those amendments were.

We have heard the number of amendments that were made in order. My good friend knows that there were about 20 Democrat amendments that were put into the manager's amendment. So the 8-5 ratio is a little bit deceptive. It should be 8 plus 20, it's 28 versus 5 Republican amendments.

I offered two amendments in the Rules Committee last night, and both were struck down on party line vote—I guess that's no surprise. One was to limit trial lawyers access to taxpayer funds, and one was to ensure organizations like ACORN or any organization

that receives money from the Federal Government, are more transparent and accountable with any government funds they receive.

At the end of 2007, the Board of Governors of the Federal Reserve undertook careful review of the abuses in the mortgage process system, and they took public comments, held public hearings across the country. And after careful deliberations, they finalized new comprehensive mortgage rules. These rules are going to take effect 5 months from now in October.

So not only are we spending all of 1 week on one piece of legislation, but the necessary regulations already exist in Federal statutes, and companies all across this country are already aiming at implementing those rules and regulations being ready for October.

This legislation fails to address the uneven patchwork of state mortgage lending laws and leaves lenders and consumers with unfair and confusing laws where the costs will ultimately be borne by customers. While this legislation attempts to establish is a new class of loans called qualified mortgages which will enjoy safe harbor and exemption from further restrictions in this bill, this will ultimately limit consumer choice on mortgages and unduly burden the mortgage industry, essentially excluding numerous safe and affordable mortgage products that serve and have been good to borrowers as well.

Madam Speaker, the Democrats are here today to say that they are on the side of the consumer and the borrower, even if it limits choices and raises interest rates for every single consumer that chooses to use this avenue to buy a home. Mr. Michael Menzies, on behalf of the Independent Community Bankers Association, in committee hearings on April 23, 2009, stated, "Lots of this legislation simply increases our cost of doing business rather than helping us do a better job with our customers."

Another regulation that will narrow choice, lessen credit and increase costs for borrowers and taxpayers is the lender risk retention provisions requiring lenders to retain at least 5 percent of the credit risk presented by all loans that are not deemed qualified mortgage. While I do believe that it is important to have some ownership in your investments, these far-reaching requirements would make it impossible for many lenders to operate, especially small and local lenders.

With the current economic crisis and all the efforts to inject capital into the financial services sector, why would we want to limit the use of capital and threaten to further impair banks' abilities to lend? Madam Speaker, this is not a solution for the ailing economy.

In addition, this legislation directs HUD to establish a brand-new \$140 million slush fund for legal organizations to provide a full range of foreclosure-

related services. Madam Speaker, my friends on the other side of the aisle actually take these steps simply to fund trial lawyers in this legislation.

If this doesn't force a flood of litigation, I really don't know what will. And Margot Saunders of the National Consumer Law Center, a consumer-advocate organization, said on April 23, 2009, in the Financial Services hearing, "We have tried to propose repeatedly that you draft a simple bill that creates market-based incentives for enforcement rather than litigation opportunities," and I might say, which is full in this bill.

In other words, what we are doing is looking for paying lawyers to come and do what we should do here in this body with thoughtful, honest, straightforward legislation, which is why I offered an amendment in the Rules Committee last night, that of course was defeated on a party-line vote.

Madam Speaker, I include the amendment in the RECORD.

AMENDMENT TO H.R. 1728, AS REPORTED
OFFERED BY MR. SESSIONS OF TEXAS

After section 220 insert the following new section:

SEC. 221. LIMITATION ON ATTORNEY'S FEES.

Section 130 of the Truth in Lending Act (as amended by section 211) is further amended by adding at the end the following new subsection:

"(1) **CERTAIN ATTORNEY'S FEES.**—With respect to any action brought under this section based on a right of action created by amendments made to this title by the Mortgage Reform and Anti-Predatory Lending Act—

"(1) the award of attorney's fees shall be limited to a reasonable hourly fee, as determined by the court; and

"(2) a person may not enter into a contingency fee agreement with an attorney to bring such an action."

This amendment would limit attorneys' fees for filing a right of action created by this legislation to ensure the borrower or victim of predatory lending, not trial lawyers, are fairly compensated for their hassle.

Madam Speaker, a month ago Congress took great strides to protect taxpayers from executives getting bonuses from TARP money. Yet today here we are allowing trial lawyers to seek compensation from the same banks that received TARP funding. I stand here today for the American taxpayer, not the trial lawyers or special interest groups, like my friends, obviously, on the other side.

Madam Speaker, I offered a second amendment in the Rules Committee yesterday, which I would submit for the RECORD.

AMENDMENT TO H.R. 1728, AS REPORTED
OFFERED BY MR. SESSIONS OF TEXAS

After section 407, insert the following new section:

SEC. 408. ACCOUNTABILITY AND TRANSPARENCY FOR CERTAIN GRANT RECIPIENTS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this

title, is further amended by adding at the end the following:

"(i) **ACCOUNTABILITY FOR COVERED ORGANIZATIONS.**—

"(1) **TRACKING OF FUNDS.**—The Secretary shall—

"(A) develop and maintain a system to ensure that any covered organization (as such term is defined in paragraph (3)) that receives any grant or other financial assistance provided under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(B) require any covered organization, as a condition of receipt of any such grant or assistance, to agree to comply with such requirements regarding assistance under this section as the Secretary shall establish, which shall include—

"(i) appropriate periodic financial and grant activity reporting, record retention, and audit requirements for the duration of the assistance to the covered organization to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(ii) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

"(2) **MISUSE OF FUNDS.**—If any covered organization that receives any grant or other financial assistance under this section is determined by the Secretary to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided—

"(A) the Secretary shall require that, within 12 months after the determination of such misuse, the covered organization shall reimburse the Secretary for such misused amounts and return to the Secretary any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law; and

"(B) such covered organization shall be ineligible, at any time after such determination, to apply for or receive any further grant or other financial assistance under this section.

"(3) **ORGANIZATIONS.**—For purposes of this subsection, the term 'covered organization' means—

"(A) the Association of Community Organizations for Reform Now (ACORN); or

"(B) any entity that is under the control of such Association, as demonstrated by—

"(i)(I) such Association directly owning or controlling, or holding with power to vote, 25 percent or more the voting shares of such other entity;

"(II) such other entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association; or

"(III) a third entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association and such other entity;

"(ii)(I) such Association controlling, in any manner, a majority of the board of directors of such other entity;

"(II) such other entity controlling, in any manner, a majority of the board of directors of such Association; or

"(III) a third entity controlling, in any manner, a majority of the board of directors of such Association and such other entity;

"(iii) individuals serving in a similar capacity as officers, executives, or staff of both such Association and such other entity;

“(iv) such Association and such other entity sharing office space, supplies, resources, or marketing materials, including communications through the Internet and other forms of public communication; or

“(v) such Association and such other entity exhibiting another indicia of control over, control by, or common control with, such other entity or such Association, respectively, as may be set forth in regulation by the Corporation.”.

This amendment would have ensured that ACORN and any organization affiliated with ACORN would need to provide more transparency with the Federal funds they received through this legislation and all housing and urban development grants. The amendment would have required them to submit a report on what they spent those taxpayer dollars on and, if they were used improperly, they would be forced to repay funds and would be banned from any future grants in the future. Yet, my friends on the other side of the aisle, once again, chose to side with special interests instead of the American taxpayer, and the amendment failed.

After a conversation with Chairman FRANK and his statement to the Rules Committee Tuesday afternoon, my impression was that the chairman supported transparency and would be inclined to support and include any disclosure amendments in the manager's amendment. Unfortunately, since my amendment was too specific, it was not included, even though it simply asked for the same transparency with government funds that Congress has asked our financial institutions to provide.

Even with the recent news reports of two senior employees of ACORN in Nevada that were charged in 26 counts of voter fraud, my Democratic colleagues still voted against my amendments.

Madam Speaker, I have an Associated Press article dated May 5, 2009, of this week, which I submit for the RECORD.

[From the Associated Press, May 5, 2009]

NEVADA CHARGES ACORN ILLEGALLY PAID TO SIGN VOTERS

(By Ken Ritter)

LAS VEGAS—Nevada authorities filed criminal charges Monday against the political advocacy group ACORN and two former employees, alleging they illegally paid canvassers to sign up new voters during last year's presidential campaign.

ACORN denied the charges and said it would defend itself in court.

Nevada Attorney General Catherine Cortez Masto said the Association of Community Organizations for Reform Now had a handbook and policies requiring employees in Las Vegas to sign up 20 new voters per day to keep their \$8- to \$9-per-hour jobs.

Canvassers who turned in 21 new voter registrations earned a “blackjack” bonus of \$5 per shift, Masto added. Those who didn't meet the minimum were fired.

“By structuring employment and compensation around a quota system, ACORN facilitated voter registration fraud,” Masto said. She accused ACORN executives of hiding behind and blaming employees, and

vowed to hold the national nonprofit corporation accountable for training manuals that she said “clearly detail, condone and . . . require illegal acts.”

Nevada Secretary of State Ross Miller emphasized the case involved “registration fraud, not voter fraud,” and insisted that no voters in Nevada were paid for votes and no unqualified voters were allowed to cast ballots.

Law enforcement agencies in about a dozen states investigated fake voter registration cards submitted by ACORN during the 2008 presidential election campaign, but Nevada is the first to bring charges against the organization, ACORN officials said.

ACORN has said the bogus cards listing such names as “Mickey Mouse” and “Donald Duck” represented less than 1 percent of the 1.3 million collected nationally and were completed by lazy workers trying to get out of canvassing neighborhoods. The organization has said it notified election officials whenever such bogus registrations were suspected.

ACORN spokesman Scott Levenson denied the Nevada allegations on behalf of ACORN, which works to get low-income people to vote and lists offices in 41 states and the District of Columbia. He blamed former rogue employees for the alleged wrongdoing.

“Our policy all along has been to pay workers at an hourly rate and to not pay employees based on any bonus or incentive program,” he said. “When it was discovered that an employee was offering bonuses linked to superior performance, that employee was ordered to stop immediately.”

Levenson said the two former ACORN organizers named in Monday's criminal complaint—Christopher Howell Edwards and Amy Adele Busefink—no longer work for ACORN and would not be represented by the organization.

Edwards, 33, of Gilroy, Calif., and Busefink, 26, of Seminole, Fla., could not immediately be reached for comment.

Masto identified Edwards as the ACORN Las Vegas office field director in 2008, and said timesheets indicate that ACORN corporate officers were aware of the “blackjack” bonus program and failed to stop it. The attorney general said Busefink was ACORN's deputy regional director.

The complaint filed in Las Vegas Justice Court accuses ACORN and Edwards each of 13 counts of compensation for registration of voters, and Busefink of 13 counts of principle to the crime of compensation for registration of voters. Each charge carries the possibility of probation or less than 1 year in jail, Masto said.

A court hearing was scheduled June 3 in Las Vegas, prosecutor Conrad Hafen said.

This article states that ACORN has been investigated by dozens of States regarding fake voter registration cards. Nevada is the first State to bring charges against ACORN for illegally paying canvassers. Nevada's attorney general states that not only was ACORN's field director intimately involved, but the time sheets indicate that ACORN corporate officers were aware of the bonus programs and failed to stop it. Since the beginning of Congress, it has been a congressional priority to provide for the appropriate accountability and transparency in all aspects of the private markets, but my friends in the Democrat majority refused the same accountability for ACORN.

Madam Speaker, I strongly believe that the American public deserves more and better from elected officials. This legislation falls extremely short of providing any positive outcomes to our current economic problems. In fact, I believe that this will only hurt future borrowers in finding a product that fits their needs.

Americans pride themselves on the availability of free market and choice, and yet, today, Congress will pass legislation that limits choice, raises interest rates and increases costs for all Americans, while endorsing special interests and rewarding trial lawyers and irresponsible groups like ACORN.

Madam Speaker, I encourage my colleagues to vote against this rule.

I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would just respond briefly on a couple of points and say that the gentleman continues to advocate for the policies that got us into this crisis. And, in fact, we need to regulate this industry, not because all mortgage bankers are evil; they are not. There are some very good ones. But the few have caused significant pain to both the economy, to our Federal Treasury and to individual homeowners.

Mr. FRANK has designed a 5 percent solution that, in fact, I believe keeps the mortgage bankers with having skin in the game, so that they can't just sell off these loans, give bad ones and absolve themselves of responsibility and let the problem fall on the taxpayers.

Madam Speaker, I yield 3 minutes to the gentlewoman from California, my colleague on the Rules Committee, Ms. MATSUI.

Ms. MATSUI. I thank the gentleman from California for yielding me time.

Madam Speaker, I rise today in support of the rule and the underlying legislation, the Mortgage Reform and Anti-Predatory Lending Act of 2009.

The subprime housing crisis is the root cause of the current economic recession. It has led to the collapse of our financial system, increasing unemployment, and a housing and credit crisis. Even more so, it has had a devastating effect on our families, our neighbors and our communities.

My home district of Sacramento ranks among the hardest-hit areas in the country. I have heard countless stories from my constituents who have been victims of predatory lending and were steered into high-cost bad loans.

Now, many of these homeowners are seeking assistance and modifying their loans to more affordable loan terms. Yet many of these individuals are now being tripped by scam artists posing as so-called foreclosure consultants.

As such, I have an amendment that has been included in the manager's amendment, and I thank the chairman very much for including this. This amendment directs the GAO to conduct a study of current government efforts

to combat fraudulent foreclosure rescue and loan modification scams and to educate consumers of these scams.

I will also soon be introducing legislation to direct the FTC to use its authority to initiate a rulemaking process relating to unfair or deceptive practices and foreclosure rescue. Madam Speaker, these harmful activities must end. This bill is a step in the right direction.

The bill establishes standards for home loans, while holding lenders and brokers accountable. It also prevents lenders and brokers from steering future homeowners to high cost, subprime loans just to make a quick extra buck.

Madam Speaker, Congress needs to be a partner with the communities in which we serve. We must continue to work together to find a comprehensive strategy that will protect our homeowners.

Mr. SESSIONS. Madam Speaker, we began this debate and discussion yesterday where we were trying to talk about the impact of this bill and what feedback would come as a result of hearings that Chairman FRANK did have, and one of them, one of the outcomes of that, was a letter dated May 5, 2009. The letter comes from the Mortgage Bankers Association, one of the primary impacting organizations and, certainly, they are there in communities to serve on behalf of the American people for people's housing needs.

Madam Speaker, I would submit for the RECORD a letter that was sent to Speaker PELOSI and Leader BOEHNER about their feedback about this legislation.

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, May 5, 2009.

Hon. NANCY PELOSI,
Speaker of the House, U.S. House of Representatives, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the 2,400 members of the Mortgage Bankers Association (MBA), we are writing with regard to H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, a bill the House is scheduled to consider later this week.

Congress is facing a once-in-a-generation opportunity to improve the mortgage lending process. If carefully crafted, improved regulation is the best path to restoring investor and consumer confidence in the nation's lending and financial markets and assuring the availability and affordability of sustainable mortgage credit for years to come. At the same time, if regulatory solutions are not well conceived, they risk exacerbating the current credit crisis.

While we applaud the comprehensive nature of H.R. 1728, we believe this legislation misses the opportunity to replace the uneven patchwork of state mortgage lending laws with a truly national standard that protects all consumers, regardless of where they live.

MBA is also concerned with the bill's requirement that lenders retain at least five percent of the credit risk presented by non-

qualified mortgages. While this provision was improved by the Financial Services Committee, it will still make it highly problematic for many lenders to operate, particularly smaller non-depositories that lend on lines of credit. It will also necessitate that larger lenders markedly increase their capital requirements. Both results will narrow choices, lessen credit, and force an inefficient use of capital at the worst possible time for our economy.

Finally, MBA believes the bill's definition of "qualified mortgage" is far too limited and will result in the unavailability of sound credit options to many borrowers and the denial of credit to far too many others. We urge the House to expand the definition and to provide a bright line safe harbor so that if creditors act properly, they will not be dogged by lawsuits that increase borrower costs.

MBA would like to commend the House for the priority it has given to reforming our mortgage lending process. It is imperative that we continue to work together to stabilize the markets, help keep families in their homes and strengthen regulation of our industry to prevent future relapses.

Sincerely,

JOHN A. COURSON,
President and Chief
Executive Officer.
DAVID G. KITTLE, CMB,
Chairman.

Madam Speaker, what this says is that not only are they concerned about this legislation, but they say that this will result in narrow choices, lessening credit and force an inefficient use of capital at the worst possible time for our economy.

So the feedback that came directly to Members of Congress from people representing those that are in the business that have come face-to-face with consumers every day and who understand the needs of the marketplace, point blank have said narrow choices, which means fewer people will have fewer choices that are available to them, lessen credit, which means that there will be less money that is available in the marketplace for people to come and get a loan, and it will force an inefficient use of capital at the worst possible time for our economy.

□ 1045

Madam Speaker, I do understand that in Washington we're smarter than everybody else on a regular basis, but it seems like, to me, that the people who are providing the feedback, who really are with consumers and are trying to provide a product, that we would listen to them and attempt to change the bill. That's not what happened.

So the mortgage bankers are here saying, We have got a problem with the legislation that we're trying to pass today. One would think that Members of Congress would listen and reject this bill.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentlewoman from California (Ms. MATSUI) will control the time.

There was no objection.

Ms. MATSUI. Madam Speaker, I yield 3 minutes to my colleague on the

Rules Committee, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I rise in support of the rule, and ask my colleagues to join me in voting "yes" on the rule and the underlying bill.

I'd like to thank my colleagues, Representative MILLER, Representative WATT, and Representative FRANK, for their instrumental role in bringing this package on mortgage lending reforms to the floor, as well as the committee staff that worked tirelessly on this bill.

In Colorado and across the country, we have seen the house of cards built by Wall Street collapse onto Main Street. Hungry commodities traders needed a constant supply of raw materials—namely, new mortgages—to be cut up, bundled together, and shipped out to keep Wall Street executives flush in commissions. But these exotic loans turned into a very common problem for our communities, as risk was outsourced.

"Volume and profit at all cost" became the paradigm, and production, regardless of quality, was rewarded handsomely. With the knowledge that someone else would be responsible, lenders abandoned prudent underwriting standards, knowing they could sell the loan to someone else before the ink even had a chance to dry.

We frequently hear about homeowners who bought more than they could afford, but predatory lenders set their sights on a wide range of prey, including low-income families, minorities, and the elderly. People who had considerable equity in their home were deceived into refinancing with an "offer you can't refuse."

As these poisonous loans reset, families lost a lifetime of equity to foreclosures. In Adams County, which I have the honor of representing, predatory lenders preyed on minorities and low-income families and turned once-thriving working class communities into a sea of foreclosure signs.

Clearly, losing a home is a traumatic experience for a family, but foreclosure has a broader negative impact on the entire community. Foreclosures drive down the value of other properties, resulting in declining revenues for local governments. Municipalities are forced to provide fewer services and even take police off the streets or teachers out of the classroom.

A mortgage is a private agreement between a borrower and a lender. However, the potential for disastrous and systemic impacts on communities when these deals go bad is, unfortunately, all too clear. Therefore, it is the obligation of Congress to ensure that these loans are made with the highest ethical standard.

The Mortgage Reform and Anti-Predatory Lending Act will give consumers the confidence to return to the marketplace and bring much needed stability to the lending industry.

Madam Speaker, the majority of the lending industry has learned that being on the side of customers is best for the bottom line. Lenders who are doing the right thing by their customers need more than recognition; they need tools to do more.

I would like to thank the committee and Chairman FRANK for accepting my amendment that will allow lenders to give additional weight to their customers' mortgage payment history when refinancing loans.

If a family is struggling due to reduced income, unexpected health care costs, or the rising cost of education for their children, the last thing they need is to add foreclosure to the list of their problems.

Too often, hardworking American families who pay their mortgages are turned away because credit blemishes in other areas prevent them from refinancing their hybrid loan. My amendment would give banks the option of considering their payment history with their bank in establishing the terms for resetting a mortgage.

Lenders know that preventing foreclosure is in their best interest. Allowing lenders to refinance hybrid loans would help families stay in their homes.

I urge a "yes" vote on the bill and the rule.

Mr. SESSIONS. Madam Speaker, at this hearing that was held about this bill, a lot of feedback was provided by the marketplace—people who were impacted the most; people who every day are in front of lenders and trying to get people in homes.

Part of the feedback was provided from the American Bankers Association. I'd like to insert into the RECORD a letter related to that meeting and this legislation.

AMERICAN BANKERS ASSOCIATION,
Washington, DC May 6, 2009.

To: Members of the House of Representatives.

From: Floyd E. Stoner, Executive Vice President, Government Relations and Public Policy.

Re: H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act of 2009.

I am writing on behalf of the members of the American Bankers Association regarding H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act of 2009, which the House of Representatives is scheduled to consider beginning on Wednesday, May 6, 2009.

H.R. 1728 is far-reaching legislation designed to prevent a recurrence of the problems in the subprime market that have harmed many American homebuyers. We appreciate that this legislation seeks to address the source of most of these problems, the loosely regulated and largely unexamined mortgage originators operating outside of the regulatory structure within which federally insured depository institutions function.

However, we are concerned that this major legislation can have a negative impact on both insured depository institutions and credit-worthy borrowers seeking to buy

homes—impacts which have the potential to impair economic recovery. In considering any new legislation, it is critical to recognize the significant regulatory and structural changes that are already underway in the mortgage industry that will provide much greater protections to consumers. It is essential to recognize that the further changes proposed in H.R. 1728 will be cumulative to the changes already being implemented under revisions to Truth in Lending Act, Real Estate Settlement Procedures Act, and Home Mortgage Disclosure Act regulations.

We have worked with the Financial Services Committee and are pleased that a number of concerns were addressed either prior to, or during, Committee consideration of the legislation.

While we greatly appreciate the comprehensive, inclusive consultation that has gone into the drafting process so far, and the desire to avoid unduly restricting credit, we remain concerned that the bill still, in our view, needs serious work.

We plan to work with the Congress as the legislation moves forward to clarify additional areas of concern. To that end, we offer the following comments.

Safe harbor: The legislation creates a category of "qualified mortgages" which are given a safe harbor from the expanded liability of the legislation. "Qualified mortgages" are also exempt from certain other key restrictions in the bill, including the risk retention requirements. While the very narrow safe harbor included in the original bill has been expanded beyond just 30 year fixed rate loans, we are concerned that it is still far too narrow. An amendment adopted during Committee consideration of the bill expanded the safe harbor to include fixed rate loans of terms other than 30 years, as well as some adjustable rate mortgages. However, the language on adjustable rate mortgages (ARMs) remains too restrictive. To qualify for the safe harbor, ARMs would have to be underwritten to the maximum rate possible during the first seven years of the loan.

Consider the example of a five year ARM with the initial rate set at 5 percent and with caps on increases in later years set at 2 percent per year. Under the pending bill, this loan would have to be underwritten at a rate of 9 percent (because in the seventh year of the loan the rate could—but by no means is likely—to go to 9 percent for that year). In this instance, even though the borrower could not pay more than 5 percent for the first five years of the loan, and not more than 7 percent in the sixth year, they would have to be able to afford the loan at 9 percent for all seven years in order to qualify. This will shut the door to affordability to many borrowers. We strongly recommend that this provision be altered to reflect a more realistic underwriting standard.

Similarly, we are concerned that to be included in the safe harbor, loan points and fees must be limited to not more than 2 percent of the loan amount. The bill should be clarified to ensure that bona fide discount points paid by a borrower to reduce the interest rate on a loan are not included in this calculation. The relevant threshold in this instance should be the annualized percentage rate (APR) as currently defined in regulation implemented pursuant to the Truth in Lending Act. We also believe that the 2 percent cap should not be statutory, but instead should be determined by the federal bank regulators to accommodate small dollar loans which may carry fixed fees taking the loan beyond a 2 percent cap. The bank regu-

lators are better suited to determining the appropriate cap on fees paid in association with different loan products.

Risk retention: We are pleased that the bill was modified during Committee consideration to provide the bank regulatory agencies with the authority to exempt loans (beyond those exempted under the safe harbor) from the 5 percent credit risk retention provisions of the bill. While this expanded regulatory discretion is a step in the right direction, we remain firm in our conviction that federally regulated and examined insured depository institutions should be exempt from risk retention requirements. Insured depositories already have significant risk retention—and the capital to back that risk. Loans sold by insured depositories into the secondary market frequently include recourse agreements, so that if there is an underwriting or other error or omission, the depository can be forced to buy the loan back. Again, because insured depositories have strong capital positions, they can and do buy back recourse loans. The same cannot be said of other lenders who lack capital. For these lenders, greater risk retention is needed. For insured depositories, it is not. We recommend excluding insured depositories from the risk retention provisions of the bill.

Uniform national standards: We are gravely concerned with the enforcement provisions of the bill, especially in light of an amendment adopted in Committee which would grant state attorneys general enforcement authority over the Truth in Lending Act provisions added by the bill. The current language of the bill will lead to conflicting enforcement actions between state attorneys general and federal banking regulators. It will cause confusion to consumers and lenders alike and will generally undermine the regulatory framework for mortgage lending in the nation. A confusing enforcement scheme is likely to harm borrowers and provide the unscrupulous with new opportunities. At a minimum, we urge you to adopt clarifying provisions which would give the federal banking regulators notice of a state attorney general's intention to act, and allow the federal regulator a reasonable time to act before the state is allowed to do so. Such a framework is needed to bring order and clarity to the process.

We anticipate a number of amendments during floor consideration. As a general rule, we oppose amendments which would increase regulatory burden on banks and their employees, and support amendments which recognize the role that regulated, insured, and examined institutions play in protecting consumers' interests and in providing products and services which benefit our national marketplace.

We appreciate the working relationship that has been established between the Members of the Committee and all interested parties, and we shall continue working with Members of Congress as this legislation moves through the legislative process.

This letter goes to all Members of the House of Representatives. So each of my colleagues openly received a copy of this. It is from Floyd Stoner, executive vice president with the American Bankers Association.

Here is what their conclusions are after seeing the legislation. They are "concerned that this major legislation can have a negative impact on both insured depository institutions and credit-worthy borrowers seeking to buy homes—impacts which have the potential to impair our economic recovery."

So what the American Bankers are saying is that the answer, the antidote, the medicine that now-Speaker PELOSI is coming up with will actually have the potential to impair economic recovery.

So every single Member of Congress got this letter. We will find out today what their views are. But the American Bankers Association also said, and pretty much ends their letter by saying: "The bill still, in our view, needs serious work."

We should reject this bill. We should understand that the people who are engaged in trying to make sure people have loans and are worried about our economy are saying it not only has the potential to impair economic recovery, but the bill needs serious work.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. CARDOZA) controls the time again.

There was no objection.

Mr. CARDOZA. I would just reply to the gentleman from Texas that I anticipate that this bill will get wide bipartisan support. So we will in fact see if it does and see who comes forward and supports this bill further today.

Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Thank you to the chairman of the committee and the sponsor of the bill for this very important piece of legislation.

I hear with dismay, Madam Speaker, the other side, the Republican minority, suggest that we are moving too quickly on this bill. Now, predatory lending legislation was introduced in this House in 2000, and in 2001 and 2002, and a version of this bill was introduced in 2003. And then they failed to consider it in 2004, in 2005, in 2006—all years when the Republican majority controlled this body.

They decided that it wasn't necessary to address predatory lending legislation, that everything was just fine; that the markets would regulate themselves; that, for some reason, these individuals that were preying upon our poorest citizens, these individuals that were preying upon our low-income neighborhoods and our minority communities, that would regulate itself; that they would stop that behavior.

This chart, Madam Speaker, shows the results of that inaction. We could have acted in 2003. We could have acted in 2004. We could have prevented the meltdown of the financial industry. We could have prevented this recession. But the Republicans still suggest that we are acting too quickly.

The American people understand. They understand that it is the inaction of the Republican majority in these past years that has gotten us to the situation we are in today.

This is a critically important piece of legislation that puts us on the right path. We have a choice today as Members of Congress. We can stand with homebuyers, we can stand with the communities that have been impacted by predatory lending, we can stand with those schools and those small businesses who are feeling the impact every day of vacancies in their neighborhoods, or we can stand with the sharks. We can stand with the predatory lenders. We can remain silent and pretend like the problem doesn't exist.

This is an important step in the right direction, and I am proud to support the rule and the underlying bill. I appreciate the work of the chairman and the sponsor.

Mr. SESSIONS. I yield myself such time as I may consume.

I appreciate the gentleman coming down and talking about how Republicans are to blame for all this mess, but I'd like to harken back to September 25, 2003, at a hearing that was held back in the Financial Services Committee.

Our current chairman, Barney Frank, who's a very thoughtful and diligent chairman, thoughtful on the ideas of the entire industry, said, "I don't think we face a crisis." This is 2003. "I don't think we face a crisis. I don't think that we have an impending disaster. We have a chance to improve regulation of two entities I think that, on the whole, are working well."

So perhaps the most thoughtful person in the country, certainly in this Congress, back on September 25, 2003, is saying, "I don't think we face a crisis, and I don't think we have an impending disaster."

Further, he said, "I don't see any financial crisis. You can always make things better, but I do think we should dispel the notion that we are here today because something rotten has gone on." That was Barney Frank. That was Barney Frank at the hearings.

So the gentleman wants to blame Republicans. And yet, here we had the lead, very thoughtful and articulate, Democratic ranking member, arguing that there was nothing wrong and nothing was about to happen. Yet, today, what we have is another answer: Oh, I'm sorry. We forgot to say, and we know that the Fed has already taken care of this problem with rules and regulations that are already known and will be in place in October.

Here we have now legislation to re-address that issue. And the answer that comes back from the marketplace is, This legislation limits choice, reduces credit, and increases cost to consumers and taxpayers.

I would have assumed that if there was nothing wrong in 2003, and now we corrected it with a series of hearings, including the Federal Reserve, that we would want to help the marketplace—

not limit its ability, its choices, and put exposure to taxpayers. That's why we're opposed to this.

We're opposed to it not because we're trying to stop it, but because we're trying to make it better. We think what should have been made better has already been done by the Fed. This Congress knows it.

Every single Member of Congress got a letter to their office directly from the American Bankers Association saying serious flaws in this legislation.

I reserve the balance of my time.

Mr. CARDOZA. I'd like to inquire at this time how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from California has 14 minutes remaining; the gentleman from Texas has 10½ minutes remaining.

Mr. CARDOZA. Thank you, Madam Speaker. I would at this time yield 3 minutes to the chairman of the Financial Services Committee, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Yes, in 2003, I said I didn't see a crisis. What I didn't see was at that time the Bush administration was engaging in activity that helped us get to a crisis.

I refer Members again to page 183 of the bill, the amendment authored by the gentleman from Texas (Mr. HENSARLING), which notes that in 2004, the year after I made the statement, the Bush administration ordered Fannie Mae and Freddie Mac substantially to increase the number of mortgages it bought from low-income people. It went from 42 percent to 56 percent—a very significant increase in mortgages of people below median income—and set up a special category for low-income mortgages.

As Mr. HENSARLING's amendment also shows, from 2001 until 2006 there was an enormous increase in subprime mortgages.

So, yes, in 2003, I was not aware of what was going on in that context, and I certainly didn't predict what was going to happen in 2004. When the Bush administration made that decision in 2004, according to the amendment from the gentleman from Texas (Mr. HENSARLING), I objected to it. I said they were going to put Fannie Mae and Freddie Mac in danger and give people mortgages they couldn't pay back.

I then decided that we did need to do legislation. So I joined the chairman of the committee, Mr. Oxley, in trying to regulate Fannie Mae and Freddie Mac more.

In 2005, I voted with him for a bill that passed the committee to regulate Fannie Mae and Freddie Mac. I disagreed with the version on the floor because it cut affordable rental housing, not homeownership.

□ 1100

But the bill passed the House. It then died because, according to Mr. Oxley,

the Bush administration opposed it for ideological reasons.

So, yes, in 2003 I didn't see a crisis, because I didn't see what was happening in the subprime market; by 2004, I did; and, in 2005, I joined in trying to restrain that. It is also the case that, in 2003, two of my colleagues, Mr. MILLER and Mr. WATT of North Carolina, began pushing for subprime reform because they were informed about what was happening. I joined them. So we did try to legislate. So the answer is yes, in 2003 we didn't see what was happening.

I commend Members again to page 183 of the bill. Mr. HENSARLING from Texas had given you the statistics. Subprime mortgages were skyrocketing in that period. Fannie Mae was being pushed by the Bush administration to do something, and we then tried to deal with it.

The last point that I find very surprising is that conservatives say here, as some of them said on credit cards: Oh, no, do not have the elected representatives of America decide this; let the Federal Reserve make public policy. I had thought there was some concern about undemocratic decisions by the Federal Reserve.

The gentleman from Texas has said today, as others said last week: Oh, the Federal Reserve has done it. There is no need for the elected officials to do it. Well, in fact the Federal Reserve hasn't done anything because they cannot change statute. But even if they had, they could change it in the future. But the notion that we should defer on major policy decisions, not technical monetary policy issues but major policy decisions about credit cards or about what kind of mortgages we issue to the Federal Reserve, and not legislate is surprising.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARDOZA. I yield the gentleman an additional 30 seconds.

Mr. FRANK of Massachusetts. I admire the people at the American Bankers Association, and they do some useful things. But I am surprised that Members would think that, on the question of mortgage relief and regulating the mortgage market, the bankers of America are the ones to listen to. I am pleased that the Realtors, who do not have an economic interest in what kind of mortgages are there but have a genuine interest in promoting home ownership, are on our side and strongly support this bill.

So I would say to my friends and the American bankers, I understand that there are things here that we are telling you that you can't keep doing, but I think the answer is that they were things you shouldn't have done in the first place.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman. By the way, the gentleman and I are friends. We are

speaking about policy here, disagreements.

I would say to the speakers that have come on the Democratic side today, it sounds like an argument they are having within their own party. Everybody is trying to blame the Republican party and George Bush for what happened; yet, if the gentleman didn't like 2003, I will go to the end of 2004, December 16, 2004, if we need to get more current. And I will quote the gentleman, the chairman of the committee:

"The SEC's finding that Fannie Mae used incorrect accounting is serious and disturbing. While these improper decisions by Fannie Mae do not threaten the financial soundness of the corporation, and should have been used by anyone in an effort to cut back on Fannie Mae's housing efforts, they do not reveal troubling deficiencies in its corporate governance."

All of these signals that came to Members of Congress from people who were on the committee, including one of the most distinguished members of the committee, said: We don't have a problem. There is no soundness problem. There is no weakness problem. I don't see a financial crisis. Sure, we can always do things better, but I think we should dispel the notion that we are here today because there is something that is rotten that has gone on.

Well, why are we trying to extend blame? Why don't we just talk about the problem that we are in today? And if we are going to do that, my notion would be that what we should do is listen to the people who are in the banking business saying this is a problem. This bill has serious flaws.

Madam Speaker, I yield 5 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank the gentleman from Texas for his work and also for yielding to me this morning. Madam Speaker, I rise in opposition to this rule and to the underlying bill.

H.R. 1728 is far-reaching legislation, and it will significantly restrict access to credit for consumers and it will ultimately hurt consumers across the Nation, the very people that this bill seeks to help.

At a time when the financial markets are still fragile and they are working so hard to recover, I want to caution my colleagues on both sides of the aisle who support this bill and hope that they will think about the potential, even if unintended, consequences that this legislation could provoke. It sounds good and it makes a great sound bite, but I am afraid that it will deliver a very dramatic blow to consumers all across our very fragile economy.

The bill imposes harsh penalties on lenders for violations of vaguely defined and, some would even say, undefined lending standards. For instance,

how does one truly define what a net tangible benefit to the consumer is or what a reasonable ability to pay really means? The bill leaves it up to banking regulators to determine answers to these questions. But we all know, and we should be concerned about how they might define such vague terms and what criteria they might choose to apply. Every person's financial circumstances are different, and they don't lend themselves to a broad rule-making process.

During the committee consideration of this bill, I asked these questions to Sara Braunstein. She is the Director of the Division of Consumer and Community Affairs over at the Federal Reserve. And I asked her how the Fed and others would define these terms, and it wasn't surprising, really. She stressed how challenging it would be to define them, but promised that the Fed would try.

It is not hard to see how their trying would simply open the door to a barrage of lawsuits. That is how this works. And that outcome will ultimately restrict access to credit for families all across our country. But even more troubling is that the bill would take this lack of clarity just one step further, and it would say that assignees and securitizers must also comply with these same standards when they purchase or assign loans.

So let's remember that these are parties that were not at the table when the loan originated. Think about that. The last thing our economy and our housing markets need as they struggle to recover is an unknown, widespread shadow of liability cast over them, and one that their government puts over them, by the way.

The uncertainties that will stem from this provision pose serious threats to liquidity and our already fragile financial marketplace. We should be looking for ways to help ease liquidity pressures, not forge greater obstacles. And, on principle, how can we expect those who had nothing to do with the loan origination to be held responsible for it later on? It goes against the very principles of law that our Nation is founded on. And I fear the chilling effect this would have on the housing market, and this is not a good time to do more harm than good to the housing market.

I would also like to point out that during our committee markup of the bill I offered an amendment to prevent organizations that have been indicted for voter fraud or who employ people who have been indicted for such crimes from being eligible for housing counseling grants and foreclosure legal assistance grants authorized by the underlying bill. I was very pleased when the gentleman from Massachusetts and our committee Chair accepted the amendment right in front of the whole committee and the amendment was passed unanimously by voice vote.

I assumed the easy passage was because my amendment used the very same language that this body approved last year as part of the Housing and Economic Recovery Act of 2008. So you can imagine, I was quite surprised when later in that markup, during the day, the committee chairman flipped his position and said he wanted to strip down the amendment and that he would move to amend the language himself during House consideration.

Apparently, the intention might be to lower the bar so that organizations continue to have access to taxpayer money even after they have been involved with defrauding the American people and violating the American trust not just once, not just twice, but repeatedly, after almost every election cycle.

So make no mistake about it. The Chair will talk today about the bedrock legal principle of innocence until proven guilty, but that is not what this is about. The language in the bill today doesn't jeopardize that principle at all. Decisions on criminal guilt will remain in the capable hands of a jury of peers. That is where it should. But it is not only legitimate for Congress to decide the threshold for accessing taxpayer funds, it is incumbent upon us to do so. We have a fiduciary duty to the taxpayers of this country, and for too long Congress has cavalierly distributed taxpayer money.

Today, each and every one of us can go on record saying we will no longer set the bar so low; that we will require organizations that want to use taxpayer funds to prove that they are worthy of the taxpayers' trust.

There's a saying: Fool me once, shame on you. Fool me twice, shame on me. ACORN and organizations like it have fooled us not once, not twice, but over and over again. The stories of their indictments for voter fraud for violating their tax status, for voter registration improprieties abound. Grand juries across the nation have found them and their employees lacking. Yet, we continue to funnel millions of dollars into their coffers.

Just this week, in fact, the headlines out of Nevada were 39 counts of voter registration fraud against ACORN and two of its former employees.

How many felony charges does it take to see that this organization has violated the public trust? Congress is not the arbiter of guilt or innocence; but Congress does decide how to spend the people's money. At what point do we say that this organization is not worthy of the hard-earned bucks of the American taxpayer?

The amendment offered by the gentleman from Massachusetts has been made in order under today's rule and if passed it will eviscerate the taxpayer protections in the underlying bill.

I look forward to further debating this issue later today and I urge my colleagues to make clear today that they stand with the people, not with ACORN.

Mr. CARDOZA. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the gentleman from California for his leadership and his personal commitment to these issues.

It is interesting to hear a good friend on the other side of the aisle talk about protecting the taxpayers' money. In fact, this week, this Congress, this new leadership has done just that. Last week, we passed the Credit Card Bill of Rights. As a member of the House Judiciary Committee, I was very pleased that we passed a judiciary bill dealing with protecting taxpayers against fraud prospectively, and now we stand on the floor today protecting taxpayers and future homeowners and homeowners again with mortgage lending reform in 1728.

I wonder if any of us can recall the peaking of the crisis dealing with mortgage foreclosures. Those of us who represent our constituents certainly can. I can pointedly in a hearing about 3 or 4 years ago in the lower end of Manhattan when I listened near Wall Street in a church to homeowners in that community or in New York speaking about this thing called subprime and adjustable rate, a transit worker who had purchased a home and was paying a \$3,000 a month mortgage and all of a sudden it jumped to \$6,000 a month. How many stories like that?

And how many times can Members or others point to the actual beneficiary of the mortgagee as at fault? How many times can we blame the hard-working American taxpayer who simply tried to get a home? How many times can we blame them for papers that they signed that were then altered, ultimately? How many times can we blame the innocent who has paid over and over again? The cafeteria worker who had been in an apartment for 20 years, but the particular financial entity that she dealt with said, yes, you can get into this home. And she had been making payments, but with the economy she fell on hard times. Or the person who was divorced or catastrophic illness? But because their mortgage was fraudulently done, they suffered the consequences.

So I support this rule and the underlying bill, because it will protect this structure of buying a house. Borrowers can repay the loans they are sold. Mortgage lenders make loans that benefit the consumer and prohibit them from steering borrowers into higher costs. Why isn't that protecting the taxpayer? All mortgage refinancing provides a net tangible benefit in the consumer.

The secondary mortgage market, for the first time ever, is responsible for complying with commonsense standards, and so we don't have this horrible grid that shows us that it has been going up and up and up.

Madam Speaker, I think it is important to acknowledge that we have made this bill better, and I am glad that my amendment is in the manager's amendment that indicates in the case of a residential mortgage—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CARDOZA. I yield the gentlelady an additional 15 seconds.

Ms. JACKSON-LEE of Texas. The total amount of interest that the consumer will pay over the life of the loan as a percentage of the principle loan, this will help the consumer know better about what they are paying. I had hoped my financial literacy amendment would get in and also the predatory lending, but I support the underlying bill and the amendment. We are trying to work to help the taxpayer and the American consumer.

Madam Speaker, I rise today in strong support of the rule for H.R. 1728. I would also like to thank Chairman FRANK of the Financial Services Committee for his hard work on this issue and for sponsoring this timely and important piece of legislation. I am also pleased to have worked with Chairman FRANK and the staff of the Financial Services Committee. Lastly, I would like to give a special thanks to my Legislative Director, Arthur D. Sidney, for his work on this issue.

I offered three amendments to this bill. My first amendment was included in the Chairman FRANK'S manager's amendment.

FIRST AMENDMENT

My first amendment would require a change to the Truth in Lending Act to allow for the disclosure of the following:

"In the case of a residential mortgage loan, the total amount of interest that the consumer will pay over the life of the loan as a percentage of the principal of the loan. Such amount shall be computed assuming the consumer makes each monthly payment in full and on-time, and does not make any over-payments."

This last point is related to a concept called actual cost of credit, where the annual percentage rate of a loan is disclosed to the public. Currently, the annual percentage rate is required to be disclosed on all mortgages. However, in certain instances disclosure of the annual percentage rate alone is not accurate.

For example, the mere disclosure of the annual percentage rates for loans under 12 months or those over 12 months it is not an accurate reflection of the total cost of the mortgage or the actual cost of credit. Under my amendment—the actual cost of credit—the annual percentage rate would be disclosed and the total loan cost would be included in the disclosure.

My amendment would require an additional disclosure informing the consumer of the actual amount of interest paid by the borrower over the life of the loan. The additional disclosure required by my amendment is best explained by an example.

Take for example a \$200,000 fixed mortgage. On a \$200,000, 30 year fixed mortgage at 5% annual percentage rate, you would pay roughly \$600,000 on the house, which is actually about 300 percent interest. It is important that the real cost of borrowing, the true cost of

credit be disclosed to the consumer. My amendment will certainly do this. This language is included in the Manager's amendment. I urge my colleagues to vote affirmatively for this amendment.

ADDITIONAL AMENDMENTS OFFERED

I offered the following two amendments but they were not accepted into the bill.

SECOND AMENDMENT

My second amendment will provide financial literacy training to persons seeking a mortgage and will require a minimum of 4 hours of counseling. Counseling will include the fundamentals of basic checking and savings accounts, budgeting, types of credit and their appropriate uses, the different forms of mortgages, repayment options, credit scores and ratings, as well as investing.

THIRD AMENDMENT

My third amendment would exclude foreclosures that resulted from a default on predatory subprime mortgages from being included in the calculation of a consumer's credit score.

Often the credit crisis has been wrongfully blamed on the unscrupulous borrowing practices of the consumer. The reality is that mortgage lenders were unscrupulous in their dealings with consumers.

This amendment would prevent those most unscrupulous and predatory lenders from benefiting or causing harm to consumer. Therefore, any foreclosures that result from predatory, subprime mortgage lending should not be included in the consumer's credit score.

MANAGER'S AMENDMENT

I support the Manager's Amendment. Specifically, it would add additional prohibitions on mortgage originator conduct within the anti-steering section of the bill; would provide that regulations proposed or issued pursuant to the requirements of Section 106 shall include "model" disclosure forms, and would also provide that the relevant financial regulators (HUD/Fed) may develop "standardized" disclosure forms, and may require their use, when they jointly determine that use of a standardized form would be of substantial benefit to consumers.

The Manager's Amendment would require a study into how shared appreciation mortgages could be used to strengthen housing markets and provide opportunities for affordable homeownership; would allow creditors to consider a consumer's good standing with them above other credit history considerations in refinancing of hybrid loans.

Further, the Manager's would require lenders who are subject to the Federal Truth in Lending Act or the Homeowners Equity Protection Act to disclose to borrowers that the anti-deficiency protections of the initial residential mortgage loan may be lost when a non-purchase money loan is received.

The Manager's Amendment provides greater disclosure requirements. Specifically, it would require creditors to disclose their policy regarding the acceptance of partial payments for a residential mortgage loan and it would modify preemption language in section 208(b) to include any state that has a law at the time of enactment.

Another important disclosure in the Manager's Amendment would require that mortgage disclosures for each billing cycle include

contact information for local mortgage counseling agencies or programs.

The bill before us today provides the following key benefits. Simply put, to help rebuild the American economy, the House is taking additional steps to bring common sense reform and consumer protection to the financial markets and mortgage lending. This legislation to stop the kinds of predatory and irresponsible mortgage loan practices that played a major role in the current financial and economic meltdown and prevent borrowers from deliberately misstating their income to qualify for a loan.

These long overdue reforms, which Democrats have been advocating since 1999, perhaps could have prevented the current crisis. A similar measure (H.R. 3915) passed the House in 2007 by a vote of 291–127.

To restore the integrity of mortgage lending industry, this bipartisan bill will make sure that the mortgage industry follows basic principles of sound lending, responsibility, and consumer protection, ensuring that: borrowers can repay the loans they are sold; mortgage lenders make loans that benefit the consumer and prohibit them from steering borrowers into higher cost loans; all mortgage refinancing provides a net tangible benefit to the consumer; the secondary mortgage market, for the first time ever, is responsible for complying with these common sense standards when they buy loans and turn them into securities; there are incentives for the mortgage market to move back toward making safe, fully documented loans; and tenants renting homes that are foreclosed would receive notification and time to relocate.

These crucial efforts to restore accountability in the housing and financial markets are needed to rebuild our economy in a way that's consistent with our values: an economy that rewards hard work and responsibility, not high-flying finance schemes; an economy that's built on a stable foundation, not propelled by overheated housing markets and maxed-out credit cards. As Members of Congress, we want to build an economy that offers a broadly shared prosperity for the long run.

Texas ranks 17th in foreclosures. Texas would have fared far worse but for the fact that homeowners enjoy strong constitutional protections under the state's home-equity lending law. These consumer protections include a 3 percent cap on lender's fees, 80 percent loan-to-value ratio (compared to many other states that allow borrowers to obtain 125 percent of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Still, in the last month, in Texas alone there have been 30,720 foreclosures and sadly 15,839 bankruptcies. Much of this has to do with a lack of understanding about finance—especially personal finance.

Last year, Americans' personal income decreased \$20.7 billion, or 0.2 percent, and disposable personal income (DPI) decreased \$11.8 billion, or 0.1 percent, in November, according to the Bureau of Economic Analysis. Personal consumption expenditures (PCE) decreased \$56.1 billion, or 0.6 percent. In India, household savings are about 23 percent of their GDP.

Even though the rate of increase has showed some slowing, uncertainties remain.

Foreclosures and bankruptcies are high and could still beat last year's numbers.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping \$400 billion worth of defaults and \$100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight has affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent.

One in six homeowners owes more on a mortgage than the home is worth, raising the possibility of default. Home values have fallen nationwide from an average of 19 percent from their peak in 2006 and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than \$34,000.

Recently, the Congress set aside \$100 billion to address the issue of mortgage foreclosure prevention. I have long championed that money be a set aside to address this very important issue. I believe in homeownership and will do all within my power to ensure that Americans remain in their houses.

A record amount of commercial real estate loans coming due in Texas and nationwide the next three years are at risk of not being renewed or refinanced, which could have dire consequences, industry leaders warn. Texas has approximately \$27 billion in commercial loans coming up for refinancing through 2011, ranking among the top five states, based on data provided by research firms Foresight Analytics LLC and Trepp LLC. Nationally, Foresight Analytics estimates that \$530 billion of commercial debt will mature through 2011. Dallas-Fort Worth has nearly \$9 billion in commercial debt maturing in that time frame.

Most of Texas' \$27 billion in loans maturing through 2011—\$18 billion—is held by financial institutions. Texas also has \$9 billion in commercial mortgage-backed securities, the third-largest amount after California and New York, according to Trepp.

For the foregoing reasons, I support the final passage of this legislation. I urge my colleagues to support the bill and vote it out of the Congress.

Mr. SESSIONS. Madam Speaker, at this time I yield 2 minutes to the gentleman from Egan, Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, I rise in opposition to this bill.

If you take a look at the different lock-in periods, add to that the additional cost for appraisals that are necessitated by a flawed system in this

bill, it is going to cost the industry close to \$3 billion, or an extra \$700 per loan. That is the hidden cost of this bill, and that is why the bill should be defeated.

I had offered in the Rules Committee an amendment which, unfortunately, is not allowed to come to the floor. And I know that the taxpayers are greatly distressed that this body is supposed to be for free and open debate, and yet Members cannot freely allow amendments to come to the floor.

There is an agreement that is signed between the Attorney General of New York and the people who regulate Fannie Mae and Freddie Mac on something called the Home Evaluation Code of Conduct. It is supposed to regulate the mischief that took place between the big lenders and the appraisers to cook the books in order to make the loans.

The problem is this: The agreement still allows that collusion or the opportunity for collusion. In fact, the banks of this country can own appraisal management companies, which are supposed to be third-party, independent agents to find an independent appraiser in order to make sure that the property is valued correctly. And I asked that that agreement be put on hold for a year so that the collusion and the opportunity to stop the collusion could be studied and better safeguards put into effect.

I was denied that opportunity. The American people were denied the opportunity to be heard on the floor because of the constrictive nature that the majority has placed upon us.

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Most Americans think that if a Member of Congress has an amendment, that amendment could easily come to the floor and be heard. That did not happen in this case. And because of that, it could cost the taxpayers an extra \$3 billion a year because of this fatally flawed bill.

Mr. CARDOZA. Madam Speaker, I yield 2 minutes to my friend and colleague from North Carolina (Mr. MILLER), a sponsor of the bill.

Mr. MILLER of North Carolina. Madam Speaker, I rise to respond to what several on the other side have said, Mrs. BACHMANN, Mr. SESSIONS and others, that now is not the time to do this. Madam Speaker, I introduced this legislation or legislation like it in 2003, in 2005, in 2007 and now again in 2009. It has never been the time by the likes of the members of the minority party and by the likes of the lending industry.

Now their arguments have been a little different. In 2003 and in 2005, they said, "are you kidding? These loans are great. This is the unfettered market at its best, creating these innovative loans so people can get credit that they otherwise couldn't get. And those Democrats like MILLER, who want to

restrict it, they just don't know a good thing when they see it." In 2007, especially now, they are saying, "isn't it terrible that all those liberals made the poor lenders make these loans? But now is not the time. Now is not the time to restrict credit."

Madam Speaker, they will never think it is the right time to protect the American people from abusive lending practices. We need, when credit starts flowing again, when the housing market revives again, we need to make sure there are rules in place so people can make an honest living by making reasonable loans to people who need to borrow money to buy a house. We don't need to go back to letting people make a killing by cheating people out of the equity in their home by predatory mortgages.

Mr. SESSIONS. Madam Speaker, I am really down to no speakers and just my closing statement. So I would encourage my friends to go ahead and utilize their time, and then I will close as appropriate.

Mr. CARDOZA. Madam Speaker, I thank my colleague from Texas.

At this time, I would like to yield 2 minutes to the gentleman from North Carolina, a member of the Financial Services Committee, Mr. WATT.

Mr. WATT. Madam Speaker, I thank the gentleman for yielding time.

I just want to take the opportunity to thank some people. This actually has been the most challenging piece of legislation I have been involved in since I have been in Congress because we have been walking a very delicate balance between the various considerations that we have heard on the floor, making sure that consumers, borrowers, are protected from terrible loans without, at the same time, on the other hand, drying up the availability of capital to fund loans. And it has been inordinately difficult. And a number of people have been working aggressively to try to find that appropriate balance.

The Chair of the Financial Services Committee has been absolutely wonderful to work with. But there are players in all segments of this industry who recognize that change needs to be made so that we don't get back into the situation that we ended up in and we are in right now. They have been working constructively. I have heard some reference to the fact that there are a number of people who oppose this bill. I really haven't seen any letters that say, "I oppose the bill," because we have been in constructive dialogue with all of the players involved in this process trying to find the right balance.

There are some people who are saying, "look, I have some concerns about this provision. I want to continue to work with you as this process moves forward." And this is not the end of the

process. We have assured everybody that we will continue to work to find the right balance in this bill. This is not the end of the game.

I just want to thank everybody.

Mr. CARDOZA. Madam Speaker, I am the last person to speak, and I would like to reserve to close.

The SPEAKER pro tempore. The gentleman from Texas has 1½ minutes remaining.

Mr. SESSIONS. Madam Speaker, in closing, I would like to thank the gentleman from California and each of the Members from his side who have participated today, including the gentleman, Mr. FRANK. I would like to stress that while my friends on the other side of the aisle claim to be protecting consumers and have said that people want to delay this legislation, that is not true. It has already taken place. Whatever we need, the Federal Reserve has already done.

What we will say is that what this legislation is doing is benefiting trial lawyers with tax dollars. And perhaps more importantly, it is causing this circumstance to be aggravated and to be worsened.

We already understand there will be less credit that will be available. This will raise the costs of loans and mortgages that people will want to receive. At a time, especially, when the economy needs help, this will harm the economy. And that is directly what the American Bankers Association has said in a letter to every single Member of Congress. So I hope every single Member should hear this. They need to be talking to their staff, "hey, did that letter come in on this legislation that we are handling today?" And that letter says, "serious flaws, serious flaws, bigger problem."

We need to be providing for jobs. We need to be encouraging economic growth. We need to encourage investment. And this legislation does not accomplish that.

Mr. CARDOZA. Madam Speaker, I would like to thank the gentleman from Texas for engaging with us this morning on a very constructive debate. However, we have serious disagreements on what this bill should look like.

Madam Speaker, in the last 18 months, the foreclosure crisis has not improved in our districts. And in most places, in fact, it has become significantly worse. In 2009, millions of Americans will default on their mortgages, and millions more will see their home equity drop precipitously. All of us know the potential consequences of this crisis. And for far too many of us, including those in my district, we are well acquainted with the depths of despair and destruction the foreclosure crisis has been inflicting on us.

Still, in spite of all the signs, small businesses that have closed on Main Street, foreclosure signs lining the

neighborhoods, the unmistakable despair in the neighborhood coffee shops, I do believe there is reason for hope. The fundamentals of our economy and the spirit of the American people are simply too strong to throw in the towel because it may be an easier path. It is not time to give up. Rather it is time to redouble our efforts, strengthen our resolve, and focus not on what we have done, but what we will do to turn this economy around. If we do just that, I have no doubt we will overcome whatever challenges we may face, and we will fix this problem of foreclosures with the economy and the mortgage crisis.

I urge all my colleagues to support taking another step forward to stabilizing our housing market and helping our economy recover once and for all.

Madam Speaker, I urge a “yes” vote on the rule and on the previous question.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The vote was taken by electronic device, and there were—yeas 247, nays 174, not voting 12, as follows:

[Roll No. 237]

YEAS—247

Abercrombie	Conyers	Griffith
Ackerman	Cooper	Grijalva
Adler (NJ)	Costa	Gutierrez
Altmire	Costello	Hall (NY)
Andrews	Courtney	Halvorson
Arcuri	Crowley	Hare
Baca	Cuellar	Harman
Baird	Cummings	Hastings (FL)
Baldwin	Dahlkemper	Heinrich
Barrow	Davis (AL)	Herseth Sandlin
Bean	Davis (CA)	Higgins
Becerra	Davis (IL)	Himes
Berkley	Davis (TN)	Hinchey
Berman	DeFazio	Hinojosa
Bishop (GA)	DeGette	Hirono
Bishop (NY)	Delahunt	Hodes
Blumenauer	DeLauro	Holden
Boccheri	Dicks	Honda
Boren	Dingell	Hoyer
Boswell	Doggett	Inslee
Boucher	Donnelly (IN)	Israel
Boyd	Doyle	Jackson (IL)
Brady (PA)	Driehaus	Jackson-Lee
Braley (IA)	Edwards (MD)	(TX)
Bright	Edwards (TX)	Johnson (GA)
Brown, Corrine	Ellison	Johnson, E. B.
Butterfield	Ellsworth	Kagen
Capuano	Eshoo	Kanjorski
Cardoza	Etheridge	Kaptur
Carnahan	Farr	Kennedy
Carney	Fattah	Kildee
Carson (IN)	Filner	Kilpatrick (MI)
Castor (FL)	Foster	Kilroy
Chandler	Frank (MA)	Kind
Childers	Fudge	Kirkpatrick (AZ)
Clarke	Giffords	Kissell
Clay	Gonzalez	Klein (FL)
Cleaver	Gordon (TN)	Kosmas
Clyburn	Grayson	Kratovil
Cohen	Green, Al	Kucinich
Connolly (VA)	Green, Gene	Langevin

Larsen (WA)	Nye	Shea-Porter
Larson (CT)	Oberstar	Sherman
Lee (CA)	Obey	Shuler
Levin	Olver	Sires
Lewis (GA)	Ortiz	Skelton
Lipinski	Pallone	Slaughter
Loebsock	Pascrell	Smith (WA)
Lofgren, Zoe	Pastor (AZ)	Snyder
Lowe	Payne	Space
Lujan	Perlmutter	Speier
Lynch	Perriello	Spratt
Maffei	Peters	Stupak
Maloney	Peterson	Sutton
Markey (CO)	Pingree (ME)	Tanner
Markey (MA)	Polis (CO)	Tauscher
Marshall	Pomeroy	Taylor
Massa	Price (NC)	Teague
Matheson	Quigley	Thompson (CA)
Matsui	Rahall	Thompson (MS)
McCarthy (NY)	Rangel	Tierney
McColum	Reyes	Titus
McDermott	Richardson	Tonko
McGovern	Rodriguez	Towns
McIntyre	Ross	Tsongas
McMahon	Rothman (NJ)	Van Hollen
McNerney	Roybal-Allard	Velázquez
Meek (FL)	Ruppersberger	Visclosky
Meeks (NY)	Rush	Walz
Melancon	Ryan (OH)	Wasserman
Michaud	Salazar	Schultz
Miller (NC)	Sánchez, Linda	T.
Minnick	T.	Sanchez, Loretta
Mitchell	Sanchez, Loretta	Sarbanes
Mollohan	Sarbanes	Watt
Moore (KS)	Schakowsky	Waxman
Moore (WI)	Schauer	Weiner
Moran (VA)	Schiff	Welch
Murphy (CT)	Schrader	Wexler
Murphy (NY)	Schwartz	Wilson (OH)
Murphy, Patrick	Scott (GA)	Woolsey
Murtha	Scott (VA)	Wu
Napolitano	Serrano	Yarmuth
Neal (MA)	Sestak	

NAYS—174

Aderholt	Dreier	Lummis
Akin	Duncan	Lungren, Daniel
Alexander	Ehlers	E.
Austria	Emerson	Mack
Bachmann	Fallin	Manzullo
Bachus	Flake	Marchant
Barrett (SC)	Fleming	McCarthy (CA)
Bartlett	Forbes	McCaul
Barton (TX)	Fox	McClintock
Biggert	Franks (AZ)	McCotter
Bilbray	Frelinghuysen	McHenry
Bilirakis	Gallegly	McHugh
Bishop (UT)	Garrett (NJ)	McKeon
Blackburn	Gerlach	McMorris
Blunt	Gingrey (GA)	Rodgers
Boehner	Gohmert	Mica
Bonner	Goodlatte	Miller (FL)
Bono Mack	Granger	Miller (MI)
Boozman	Graves	Miller, Gary
Boustany	Guthrie	Moran (KS)
Brady (TX)	Hall (TX)	Murphy, Tim
Broun (GA)	Harper	Myrick
Brown (SC)	Hastings (WA)	Neugebauer
Brown-Waite,	Hensarling	Nunes
Ginny	Herger	Olson
Buchanan	Hill	Paul
Burgess	Hoekstra	Paulsen
Burton (IN)	Hunter	Pence
Buyer	Inglis	Petri
Calvert	Issa	Pitts
Camp	Jenkins	Platts
Campbell	Johnson (IL)	Poe (TX)
Cantor	Johnson, Sam	Posey
Cao	Jones	Price (GA)
Capito	Jordan (OH)	Putnam
Carter	King (NY)	Radanovich
Cassidy	Kingston	Rehberg
Castle	Kirk	Reichert
Chaffetz	Kline (MN)	Roe (TN)
Coble	Lamborn	Rogers (AL)
Coffman (CO)	Lance	Rogers (KY)
Cole	Latham	Rogers (MI)
Conaway	LaTourette	Rohrabacher
Crenshaw	Latta	Rooney
Culberson	Lee (NY)	Ros-Lehtinen
Davis (KY)	Lewis (CA)	Roskam
Deal (GA)	Linder	Royce
Dent	LoBiondo	Ryan (WI)
Diaz-Balart, L.	Lucas	Schmidt
Diaz-Balart, M.	Luetkemeyer	Schock

Sensenbrenner	Souder	Upton
Sessions	Stearns	Walden
Shadegg	Sullivan	Westmoreland
Shimkus	Terry	Whitfield
Shuster	Thompson (PA)	Wilson (SC)
Simpson	Thornberry	Wittman
Smith (NE)	Tiahrt	Wolf
Smith (NJ)	Tiberi	Young (AK)
Smith (TX)	Turner	Young (FL)

NOT VOTING—12

Berry	Heller	Nadler (NY)
Capps	Holt	Scalise
Engel	King (IA)	Stark
Fortenberry	Miller, George	Wamp

□ 1153

Mr. OLSON and Ms. GINNY BROWN-WAITE of Florida changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 237, the adoption of the rule on H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted “nay.”

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 237, I was not able to reach the House floor to cast my vote before the vote was closed. Had I been able to cast my vote, I would have voted “nay.”

RECOGNIZING THE BORDER PATROL'S FIGHT AGAINST HUMAN SMUGGLING

The SPEAKER pro tempore (Mr. CARNAHAN). Pursuant to clause 8, rule XX, the unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 14, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 14, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: “Resolution recognizing the importance of the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, in combating human smuggling and trafficking in persons, and commending the Department of Justice for increasing the rate of human smuggling and trafficking prosecutions.”

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUES- TION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a "federal investigation into potentially corrupt political contributions," has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti "set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks back to his clients."

Whereas, a guest columnist recently highlighted in Roll Call that "... what the firm's example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system."

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to "straw man" contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees the firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters and passage of a spending bill."

Whereas, the Associated Press highlighted the "huge amounts of political donations" from the firm and its clients to select members and noted that "those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests."

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that "the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash."

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of this institution.

Now, therefore, be it: Resolved, that

(a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its

members appointed by the chairman and ranking member, shall immediately begin investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

MORTGAGE REFORM AND ANTI- PREDATORY LENDING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 406 and Article XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1728.

□ 1200

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, May 6, 2009, all time for general debate, pursuant to House Resolution 400, had expired.

Pursuant to House Resolution 406, no further general debate is in order. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Mortgage Reform and Anti-Predatory Lending Act".

(b) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION STANDARDS

Sec. 101. Definitions.

Sec. 102. Residential mortgage loan origination.

Sec. 103. Prohibition on steering incentives.

Sec. 104. Liability.

Sec. 105. Regulations.

Sec. 106. RESPA and TILA disclosure improvement.

TITLE II—MINIMUM STANDARDS FOR MORTGAGES

Sec. 201. Ability to repay.

Sec. 202. Net tangible benefit for refinancing of residential mortgage loans.

Sec. 203. Safe harbor and rebuttable presumption.

Sec. 204. Liability.

Sec. 205. Defense to foreclosure.

Sec. 206. Additional standards and requirements.

Sec. 207. Rule of construction.

Sec. 208. Effect on State laws.

Sec. 209. Regulations.

Sec. 210. Amendments to civil liability provisions.

Sec. 211. Lender rights in the context of borrower deception.

Sec. 212. Six-month notice required before reset of hybrid adjustable rate mortgages.

Sec. 213. Credit risk retention.

Sec. 214. Required disclosures.

Sec. 215. Disclosures required in monthly statements for residential mortgage loans.

Sec. 216. Legal assistance for foreclosure-related issues.

Sec. 217. Effective date.

Sec. 218. Report by the GAO.

Sec. 219. State Attorney General enforcement authority.

Sec. 220. Tenant protection.

TITLE III—HIGH-COST MORTGAGES

Sec. 301. Definitions relating to high-cost mortgages.

Sec. 302. Amendments to existing requirements for certain mortgages.

Sec. 303. Additional requirements for certain mortgages.

Sec. 304. Regulations.

Sec. 305. Effective date.

TITLE IV—OFFICE OF HOUSING COUNSELING

Sec. 401. Short title.

Sec. 402. Establishment of Office of Housing Counseling.

Sec. 403. Counseling procedures.

Sec. 404. Grants for housing counseling assistance.

Sec. 405. Requirements to use HUD-certified counselors under HUD programs.

Sec. 406. Study of defaults and foreclosures.

Sec. 407. Definitions for counseling-related programs.

Sec. 408. Updating and simplification of mortgage information booklet.

Sec. 409. Home inspection counseling.

TITLE V—MORTGAGE SERVICING

Sec. 501. Escrow and impound accounts relating to certain consumer credit transactions.

Sec. 502. Disclosure notice required for consumers who waive escrow services.

Sec. 503. Real Estate Settlement Procedures Act of 1974 amendments.

Sec. 504. Truth in Lending Act amendments.
 Sec. 505. Escrows included in repayment analysis.

TITLE VI—APPRAISAL ACTIVITIES

Sec. 601. Property appraisal requirements.
 Sec. 602. Unfair and deceptive practices and acts relating to certain consumer credit transactions.
 Sec. 603. Amendments relating to appraisal subcommittee of FIEC, appraiser independence, and approved appraiser education.
 Sec. 604. Study required on improvements in appraisal process and compliance programs.
 Sec. 605. Equal Credit Opportunity Act amendment.
 Sec. 606. Real Estate Settlement Procedures Act of 1974 amendment relating to certain appraisal fees.

TITLE VII—SENSE OF CONGRESS REGARDING THE IMPORTANCE OF GOVERNMENT SPONSORED ENTERPRISES REFORM

Sec. 701. Sense of Congress regarding the importance of Government-sponsored enterprises reform to enhance the protection, limitation, and regulation of the terms of residential mortgage credit.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION STANDARDS

SEC. 101. DEFINITIONS.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:

“(cc) DEFINITIONS RELATING TO MORTGAGE ORIGINATION AND RESIDENTIAL MORTGAGE LOANS.—

“(1) COMMISSION.—Unless otherwise specified, the term ‘Commission’ means the Federal Trade Commission.

“(2) FEDERAL BANKING AGENCIES.—The term ‘federal banking agencies’ means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.

“(3) MORTGAGE ORIGINATOR.—The term ‘mortgage originator’—

“(A) means any person who, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain—

“(i) takes a residential mortgage loan application;

“(ii) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

“(iii) offers or negotiates terms of a residential mortgage loan;

“(B) includes any person who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such person can or will provide any of the services or perform any of the activities described in subparagraph (A);

“(C) does not include any person who is (i) not otherwise described in subparagraph (A) or (B) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such subparagraph, or (ii) an employee of a retailer of manufactured homes who is not described in clause (i) or (iii) of subparagraph (A);

“(D) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless such person or entity is compensated for performing such brokerage activities by a lender, a mortgage broker, or other mortgage originator or by any agent of such lender, mortgage broker, or other mortgage originator; and

“(E) does not include, with respect to a residential mortgage loan, a person, estate, or trust that provides mortgage financing for the sale of 1 property in any 36-month period, provided that such loan—

“(i) is fully amortizing;

“(ii) is with respect to a sale for which the seller determines in good faith and documents that the buyer has a reasonable ability to repay the loan;

“(iii) has a fixed rate or an adjustable rate that is adjustable after 5 or more years, subject to reasonable annual and lifetime limitations on interest rate increases; and

“(iv) meets any other criteria the Federal banking agencies may prescribe.

“(4) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term ‘Nationwide Mortgage Licensing System and Registry’ has the same meaning as in the Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

“(5) OTHER DEFINITIONS RELATING TO MORTGAGE ORIGINATOR.—For purposes of this subsection, a person ‘assists a consumer in obtaining or applying to obtain a residential mortgage loan’ by, among other things, advising on residential mortgage loan terms (including rates, fees, and other costs), preparing residential mortgage loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

“(6) RESIDENTIAL MORTGAGE LOAN.—The term ‘residential mortgage loan’ means any consumer credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real property that includes a dwelling, other than a consumer credit transaction under an open end credit plan or a reverse mortgage or, for purposes of sections 129B and 129C and section 128(a) (16), (17), and (18), 128(a)(f) and 128(b)(4) and any regulations promulgated thereunder, an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.

“(7) SECRETARY.—The term ‘Secretary’, when used in connection with any transaction or person involved with a residential mortgage loan, means the Secretary of Housing and Urban Development.

“(8) SECURITIZATION VEHICLE.—The term ‘securitization vehicle’ means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

“(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

“(B) holds such loans.

“(9) SECURITIZER.—The term ‘securitizer’ means the person that transfers, conveys, or assigns, or causes the transfer, conveyance, or assignment of, residential mortgage loans, including through a special purpose vehicle, to any securitization vehicle, excluding any trustee that holds such loans solely for the benefit of the securitization vehicle.

“(10) SERVICER.—The term ‘servicer’ has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974.”

SEC. 102. RESIDENTIAL MORTGAGE LOAN ORIGINATION.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129A the following new section:

“§ 129B. Residential mortgage loan origination

“(a) FINDING AND PURPOSE.—

“(1) FINDING.—The Congress finds that economic stabilization would be enhanced by the protection, limitation, and regulation of the

terms of residential mortgage credit and the practices related to such credit, while ensuring that responsible, affordable mortgage credit remains available to consumers.

“(2) PURPOSE.—It is the purpose of this section and section 129C to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive or abusive.

“(b) DUTY OF CARE.—

“(1) STANDARD.—Subject to regulations prescribed under this subsection, each mortgage originator shall, in addition to the duties imposed by otherwise applicable provisions of State or Federal law—

“(A) be qualified and, when required, registered and licensed as a mortgage originator in accordance with applicable State or Federal law, including the Secure and Fair Enforcement for Mortgage Licensing Act of 2008;

“(B) with respect to each consumer seeking or inquiring about a residential mortgage loan, diligently work to present the consumer with a range of residential mortgage loan products for which the consumer likely qualifies and which are appropriate to the consumer’s existing circumstances, based on information known by, or obtained in good faith by, the originator;

“(C) make full, complete, and timely disclosure to each such consumer of—

“(i) the comparative costs and benefits of each residential mortgage loan product offered, discussed, or referred to by the originator;

“(ii) the nature of the originator’s relationship to the consumer (including the cost of the services to be provided by the originator and a statement that the mortgage originator is or is not acting as an agent for the consumer, as the case may be); and

“(iii) any relevant conflicts of interest between the originator and the consumer;

“(D) certify to the creditor, with respect to any transaction involving a residential mortgage loan, that the mortgage originator has fulfilled all requirements applicable to the originator under this section with respect to the transaction; and

“(E) include on all loan documents any unique identifier of the mortgage originator provided by the Nationwide Mortgage Licensing System and Registry.

“(2) CLARIFICATION OF EXTENT OF DUTY TO PRESENT RANGE OF PRODUCTS AND APPROPRIATE PRODUCTS.—

“(A) NO DUTY TO OFFER PRODUCTS FOR WHICH ORIGINATOR IS NOT AUTHORIZED TO TAKE AN APPLICATION.—Paragraph (1)(B) shall not be construed as requiring—

“(i) a mortgage originator to present to any consumer any specific residential mortgage loan product that is offered by a creditor which does not accept consumer referrals from, or consumer applications submitted by or through, such originator; or

“(ii) a creditor to offer products that the creditor does not offer to the general public.

“(B) APPROPRIATE LOAN PRODUCT.—For purposes of paragraph (1)(B), a residential mortgage loan shall be presumed to be appropriate for a consumer if—

“(i) the mortgage originator determines in good faith, based on then existing information and without undergoing a full underwriting process, that the consumer has a reasonable ability to repay and, in the case of a refinancing of an existing residential mortgage loan, receives a net tangible benefit, as determined in accordance with regulations prescribed under subsections (a) and (b) of section 129C; and

“(ii) the loan does not have predatory characteristics or effects (such as equity stripping and excessive fees and abusive terms) as determined

in accordance with regulations prescribed under paragraph (4).

“(3) **RULES OF CONSTRUCTION.**—No provision of this subsection shall be construed as—

“(A) creating an agency or fiduciary relationship between a mortgage originator and a consumer if the originator does not hold himself or herself out as such an agent or fiduciary; or

“(B) restricting a mortgage originator from holding himself or herself out as an agent or fiduciary of a consumer subject to any additional duty, requirement, or limitation applicable to agents or fiduciaries under any Federal or State law.

“(4) **REGULATIONS.**—

“(A) **IN GENERAL.**—The Federal banking agencies, in consultation with the Secretary, the Chairman of the State Liaison Committee to the Financial Institutions Examination Council, and the Commission, shall jointly prescribe regulations to—

“(i) further define the duty established under paragraph (1);

“(ii) implement the requirements of this subsection;

“(iii) establish the time period within which any disclosure required under paragraph (1) shall be made to the consumer; and

“(iv) establish such other requirements for any mortgage originator as such regulatory agencies may determine to be appropriate to meet the purposes of this subsection.

“(B) **COMPLEMENTARY AND NONDUPLICATIVE DISCLOSURES.**—The agencies referred to in subparagraph (A) shall endeavor to make the required disclosures to consumers under this subsection complementary and nonduplicative with other disclosures for mortgage consumers to the extent such efforts—

“(i) are practicable; and

“(ii) do not reduce the value of any such disclosure to recipients of such disclosures.

“(5) **COMPLIANCE PROCEDURES REQUIRED.**—The Federal banking agencies shall prescribe regulations requiring depository institutions to establish and maintain procedures reasonably designed to assure and monitor the compliance of such depository institutions, the subsidiaries of such institutions, and the employees of such institutions or subsidiaries with the requirements of this section and the registration procedures established under section 1507 of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129 the following new items:

“129A. Fiduciary duty of servicers of pooled residential mortgages.

“129B. Residential mortgage loan origination.”.

SEC. 103. PROHIBITION ON STEERING INCENTIVES.

Section 129B of the Truth in Lending Act (as added by section 102(a)) is amended by inserting after subsection (b) the following new subsection:

“(c) **PROHIBITION ON STEERING INCENTIVES.**—

“(1) **IN GENERAL.**—For any mortgage loan, the total amount of direct and indirect compensation from all sources permitted to a mortgage originator may not vary based on the terms of the loan (other than the amount of the principal).

“(2) **REGULATIONS.**—The Federal banking agencies, in consultation with the Secretary and the Commission, shall jointly prescribe regulations to prohibit—

“(A) mortgage originators from steering any consumer to a residential mortgage loan that—

“(i) the consumer lacks a reasonable ability to repay (in accordance with regulations prescribed under section 129C(a));

“(ii) in the case of a refinancing of a residential mortgage loan, does not provide the con-

sumer with a net tangible benefit (in accordance with regulations prescribed under section 129C(b)); or

“(iii) has predatory characteristics or effects (such as equity stripping, excessive fees, or abusive terms);

“(B) mortgage originators from steering any consumer from a residential mortgage loan for which the consumer is qualified that is a qualified mortgage (as defined in section 129C(c)(3)) to a residential mortgage loan that is not a qualified mortgage;

“(C) abusive or unfair lending practices that promote disparities among consumers of equal credit worthiness but of different race, ethnicity, gender, or age; and

“(D) mortgage originators from assessing excessive points and fees (as such term is described under section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4))) to a consumer for the origination of a residential mortgage loan based on such consumer's decision to finance all or part of the payment through the rate for such points and fees.

“(3) **RULES OF CONSTRUCTION.**—No provision of this subsection shall be construed as—

“(A) permitting yield spread premiums or other similar incentive compensation;

“(B) affecting the mechanism for providing the total amount of direct and indirect compensation permitted to a mortgage originator;

“(C) limiting or affecting the amount of compensation received by a creditor upon the sale of a consummated loan to a subsequent purchaser;

“(D) restricting a consumer's ability to finance, including through rate or principal, any origination fees or costs permitted under this subsection, or the mortgage originator's ability to receive such fees or costs (including compensation) from any person, so long as such fees or costs were fully and clearly disclosed to the consumer earlier in the application process as required by 129B(b)(1)(C)(i) and do not vary based on the terms of the loan (other than the amount of the principal) or the consumer's decision about whether to finance such fees or costs; or

“(E) prohibiting incentive payments to a mortgage originator based on the number of residential mortgage loans originated within a specified period of time.”.

SEC. 104. LIABILITY.

Section 129B of the Truth in Lending Act is amended by inserting after subsection (c) (as added by section 103) the following new subsection:

“(d) **LIABILITY FOR VIOLATIONS.**—

“(1) **IN GENERAL.**—For purposes of providing a cause of action for any failure by a mortgage originator to comply with any requirement imposed under this section and any regulation prescribed under this section, subsections (a) and (b) of section 130 shall be applied with respect to any such failure by substituting ‘mortgage originator’ for ‘creditor’ each place such term appears in each such subsection.

“(2) **MAXIMUM.**—The maximum amount of any liability of a mortgage originator under paragraph (1) to a consumer for any violation of this section shall not exceed the greater of actual damages or an amount equal to 3 times the total amount of direct and indirect compensation or gain accruing to the mortgage originator in connection with the residential mortgage loan involved in the violation, plus the costs to the consumer of the action, including a reasonable attorney's fee.”.

SEC. 105. REGULATIONS.

(a) **DISCRETIONARY REGULATORY AUTHORITY.**—Section 129B of the Truth in Lending Act is amended by inserting after subsection (d) (as added by section 104) the following new subsection:

“(e) **DISCRETIONARY REGULATORY AUTHORITY.**—

“(1) **IN GENERAL.**—The Federal banking agencies shall, by regulations issued jointly, prohibit or condition terms, acts or practices relating to residential mortgage loans that the agencies find to be abusive, unfair, deceptive, predatory, inconsistent with reasonable underwriting standards, necessary or proper to effectuate the purposes of this section and section 129C, to prevent circumvention or evasion thereof, or to facilitate compliance with such sections, or are not in the interest of the borrower.

“(2) **APPLICATION.**—The regulations prescribed under paragraph (1) shall be applicable to all residential mortgage loans and shall be applied in the same manner as regulations prescribed under section 105.

“(f) Section 129B and any regulations promulgated thereunder do not apply to an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.”.

(b) **EFFECTIVE DATE.**—The regulations required or authorized to be prescribed under this title or the amendments made by this title—

(1) shall be prescribed in final form before the end of the 12-month period beginning on the date of the enactment of this Act; and

(2) shall take effect not later than 18 months after the date of the enactment of this Act.

(c) **TRUTH IN LENDING FINAL RULE.**—Notwithstanding any other provision of this Act, the regulations adopted by the Board concerning Truth in Lending, 73 Fed. Reg. 44522 (July 30, 2008), shall take effect as decided by the Board with such exceptions or revisions as the Board determines necessary.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 129(l)(2) of the Truth in Lending Act (15 U.S.C. 1639(l)(2)) is amended by inserting “referred to in section 103(aa)” after “loans” each place such term appears.

SEC. 106. RESPA AND TILA DISCLOSURE IMPROVEMENT.

(a) **COMPATIBLE DISCLOSURES.**—The Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve shall, not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, jointly issue for public comment proposed regulations providing for compatible disclosures for borrowers to receive at the time of mortgage application and at the time of closing.

(b) **REQUIREMENTS.**—Such disclosures shall—

(1) provide clear and concise information to borrowers on the terms and costs of residential mortgage transactions and mortgage transactions covered by the Truth in Lending Act (12 U.S.C. 1601 et seq.) and the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);

(2) satisfy the requirements of section 128 of the Truth in Lending Act (12 U.S.C. 1638) and section 4 and 5 of the Real Estate Settlement Procedures Act of 1974; and

(3) comprise early disclosures under the Truth in Lending Act and the good faith estimate disclosures under the Real Estate Settlement Procedures Act of 1974 and final Truth in Lending Act disclosures and the uniform settlement statement disclosures under Real Estate Settlement Procedures Act of 1974 and provide for standardization to the greatest extent possible among such disclosures from mortgage origination through the mortgage settlement.

(4) shall include, with respect to a residential home mortgage loan, a written statement of—

(A) the principal amount of the loan;

(B) the term of the loan;

(C) whether the loan has a fixed rate of interest or an adjustable rate of interest;

(D) the annual percentage rate of interest under the loan as of the time of the disclosure;

(E) if the rate of interest under the loan can adjust after the disclosure, for each such possible adjustment—

(i) when such adjustment will or may occur; and

(ii) the maximum annual percentage rate of interest to which it can be adjusted;

(F) the total monthly payment under the loan (including loan principal and interest, property taxes, and insurance) at the time of the disclosure;

(G) the maximum total estimated monthly maximum payment pursuant to each such possible adjustment;

(H) the total settlement charges in connection with the loan and the amount of any downpayment and cash required at settlement; and

(I) whether or not the loan has a prepayment penalty or balloon payment and the terms, timing, and amount of any such penalty or payment.

(c) **SUSPENSION OF 2008 RESPA RULE.**—

(1) **REQUIREMENT.**—The Secretary of Housing and Urban Development shall, during the period beginning on the date of the enactment of this Act and ending upon issuance of proposed regulations pursuant to subsection (a), suspend implementation of any provisions of the final rule referred to in paragraph (2) that would establish and implement a new standardized good faith estimate and a new standardized uniform settlement statement. Any such provisions shall be replaced by the regulations issued pursuant to subsections (a) and (b).

(2) **2008 RULE.**—The final rule referred to in this paragraph is the rule of the Department of Housing and Urban Development published on November 17, 2008, on pages 68204–68288 of Volume 73 of the Federal Register (Docket No. FR–5180–F–03; relating to “Real Estate Settlement Procedures Act (RESPA): Rule to Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs”).

(d) **IMPLEMENTATION.**—The regulations required under subsection (a) shall take effect, and shall provide an implementation date for the new disclosures required under such regulations, not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act.

(e) **FAILURE TO ISSUE COMPATIBLE DISCLOSURES.**—If the Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve System cannot agree on compatible disclosures pursuant to subsections (a) and (b), the Secretary and the Board shall submit a report to the Congress, after the 6-month period referred to in subsection (a), explaining the reasons for such disagreement. After the 15-day period beginning upon submission of such report, the Secretary and the Board may separately issue for public comment regulations providing for disclosures under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, respectively. Any final disclosures as a result of such regulations issued by the Secretary and the Board shall take effect on the same date, and not later than the expiration of the 12-month period beginning on the date of the enactment of this Act. If either the Secretary or the Board fails to act during such 12-month period, either such agency may act independently and implement final regulations.

TITLE II—MINIMUM STANDARDS FOR MORTGAGES

SEC. 201. ABILITY TO REPAY.

(a) **IN GENERAL.**—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129B (as added by section 102(a)) the following new section:

“§ 129C. Minimum standards for residential mortgage loans

“(a) **ABILITY TO REPAY.**—

“(1) **IN GENERAL.**—In accordance with regulations prescribed jointly by the Federal banking agencies, in consultation with the Commission,

no creditor may make a residential mortgage loan unless the creditor makes a reasonable and good faith determination based on verified and documented information that, at the time the loan is consummated, the consumer has a reasonable ability to repay the loan, according to its terms, and all applicable taxes, insurance, and assessments.

“(2) **MULTIPLE LOANS.**—If the creditor knows, or has reason to know, that 1 or more residential mortgage loans secured by the same dwelling will be made to the same consumer, the creditor shall make a reasonable and good faith determination, based on verified and documented information, that the consumer has a reasonable ability to repay the combined payments of all loans on the same dwelling according to the terms of those loans and all applicable taxes, insurance, and assessments.

“(3) **BASIS FOR DETERMINATION.**—A determination under this subsection of a consumer’s ability to repay a residential mortgage loan shall include consideration of the consumer’s credit history, current income, expected income the consumer is reasonably assured of receiving, current obligations, debt-to-income ratio, employment status, and other financial resources other than the consumer’s equity in the dwelling or real property that secures repayment of the loan.

“(4) **NONSTANDARD LOANS.**—

“(A) **VARIABLE RATE LOANS THAT DEFER REPAYMENT OF ANY PRINCIPAL OR INTEREST.**—For purposes of determining, under this subsection, a consumer’s ability to repay a variable rate residential mortgage loan that allows or requires the consumer to defer the repayment of any principal or interest, the creditor shall use a fully amortizing repayment schedule.

“(B) **INTEREST-ONLY LOANS.**—For purposes of determining, under this subsection, a consumer’s ability to repay a residential mortgage loan that permits or requires the payment of interest only, the creditor shall use the payment amount required to amortize the loan by its final maturity.

“(C) **CALCULATION FOR NEGATIVE AMORTIZATION.**—In making any determination under this subsection, a creditor shall also take into consideration any balance increase that may accrue from any negative amortization provision.

“(D) **CALCULATION PROCESS.**—For purposes of making any determination under this subsection, a creditor shall calculate the monthly payment amount for principal and interest on any residential mortgage loan by assuming—

“(i) the loan proceeds are fully disbursed on the date of the consummation of the loan;

“(ii) the loan is to be repaid in substantially equal monthly amortizing payments for principal and interest over the entire term of the loan with no balloon payment, unless the loan contract requires more rapid repayment (including balloon payment), in which case the contract’s repayment schedule shall be used in this calculation; and

“(iii) the interest rate over the entire term of the loan is a fixed rate equal to the fully indexed rate at the time of the loan closing, without considering the introductory rate.

“(5) **FULLY-INDEXED RATE DEFINED.**—For purposes of this subsection, the term ‘fully indexed rate’ means the index rate prevailing on a residential mortgage loan at the time the loan is made plus the margin that will apply after the expiration of any introductory interest rates.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129B (as added by section 102(b)) the following new item:

“129C. Minimum standards for residential mortgage loans.”

SEC. 202. NET TANGIBLE BENEFIT FOR REFINANCING OF RESIDENTIAL MORTGAGE LOANS.

Section 129C of the Truth in Lending Act (as added by section 201(a)) is amended by inserting after subsection (a) the following new subsection:

“(b) **NET TANGIBLE BENEFIT FOR REFINANCING OF RESIDENTIAL MORTGAGE LOANS.**—

“(1) **IN GENERAL.**—In accordance with regulations prescribed under paragraph (3), no creditor may extend credit in connection with any residential mortgage loan that involves a refinancing of a prior existing residential mortgage loan unless the creditor reasonably and in good faith determines, at the time the loan is consummated and on the basis of information known by or obtained in good faith by the creditor, that the refinanced loan will provide a net tangible benefit to the consumer.

“(2) **CERTAIN LOANS PROVIDING NO NET TANGIBLE BENEFIT.**—A residential mortgage loan that involves a refinancing of a prior existing residential mortgage loan shall not be considered to provide a net tangible benefit to the consumer if the costs of the refinanced loan, including points, fees and other charges, exceed the amount of any newly advanced principal without any corresponding changes in the terms of the refinanced loan that are advantageous to the consumer.

“(3) **NET TANGIBLE BENEFIT.**—The Federal banking agencies shall jointly prescribe regulations defining the term ‘net tangible benefit’ for purposes of this subsection.”

SEC. 203. SAFE HARBOR AND REBUTTABLE PRESUMPTION.

Section 129C of the Truth in Lending Act is amended by inserting after subsection (b) (as added by section 202) the following new subsection:

“(c) **PRESUMPTION OF ABILITY TO REPAY AND NET TANGIBLE BENEFIT.**—

“(1) **IN GENERAL.**—Any creditor with respect to any residential mortgage loan, and any assignee or securitizer of such loan, may presume that the loan has met the requirements of subsections (a) and (b), if the loan is a qualified mortgage.

“(2) **DEFINITIONS.**—For purposes of this subsection, the following definitions shall apply:

“(A) **QUALIFIED MORTGAGE.**—The term ‘qualified mortgage’ means any residential mortgage loan—

“(i) that does not allow a consumer to defer repayment of principal or interest, or is not otherwise deemed a ‘non-traditional mortgage’ under guidance, advisories, or regulations prescribed by the Federal Banking Agencies;

“(ii) that does not provide for a repayment schedule that results in negative amortization at any time;

“(iii) for which the terms are fully amortizing and which does not result in a balloon payment, where a ‘balloon payment’ is a scheduled payment that is more than twice as large as the average of earlier scheduled payments;

“(iv) which has an annual percentage rate that does not exceed the average prime offer rate for a comparable transaction, as of the date the interest rate is set—

“(I) by 1.5 or more percentage points, in the case of a first lien residential mortgage loan having a original principal obligation amount that does not exceed the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)); and

“(II) by 2.5 or more percentage points, in the case of a first lien residential mortgage loan having a original principal obligation amount

that exceeds the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2));

“(v) for which the income and financial resources relied upon to qualify the obligors on the loan are verified and documented;

“(vi) in the case of a fixed rate loan, for which the underwriting process is based on a payment schedule that fully amortizes the loan over the loan term and takes into account all applicable taxes, insurance, and assessments;

“(vii) in the case of an adjustable rate loan, for which the underwriting is based on the maximum rate permitted under the loan during the first seven years, and a payment schedule that fully amortizes the loan over the loan term and takes into account all applicable taxes, insurance, and assessments;

“(viii) that does not cause the consumer's total monthly debts, including amounts under the loan, to exceed a percentage established by regulation of the consumer's monthly gross income or such other maximum percentage of such income as may be prescribed by regulation under paragraph (4), and such rules shall also take into consideration the consumer's income available to pay regular expenses after payment of all installment and revolving debt;

“(ix) for which the total points and fees payable in connection with the loan do not exceed 2 percent of the total loan amount, where ‘points and fees’ means points and fees as defined by Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)); and

“(x) for which the term of the loan does not exceed 30 years, except as such term may be extended under paragraph (4).

“(B) AVERAGE PRIME OFFER RATE.—The term ‘average prime offer rate’ means an annual percentage rate that is derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage transactions that have low risk pricing characteristics.

“(3) PUBLICATION OF AVERAGE PRIME OFFER RATE.—The Board—

“(A) shall publish, and update at least weekly, average prime offer rates; and

“(B) may publish multiple rates based on varying types of mortgage transactions.

“(4) REGULATIONS.—

“(A) IN GENERAL.—The Federal banking agencies shall jointly prescribe regulations to carry out the purposes of this subsection.

“(B) REVISION OF SAFE HARBOR CRITERIA.—

“(i) IN GENERAL.—The Federal banking agencies may jointly prescribe regulations that revise, add to, or subtract from the criteria that define a qualified mortgage upon a finding that such regulations are necessary and appropriate to effectuate the purposes of this section and section 129B, to prevent circumvention or evasion thereof, or to facilitate compliance with such sections.

“(ii) LOAN DEFINITION.—The following agencies shall prescribe rules defining the types of loans they insure, guarantee or administer, as the case may be, that are Qualified Mortgages for purposes of subsection (c)(1)(A) upon a finding that such rules are consistent with the purposes of this section and section 129B, to prevent circumvention or evasion thereof, or to facilitate compliance with such sections—

“(I) The Department of Housing and Urban Development, with regard to mortgages insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

“(II) The Secretary of Veterans Affairs, with regard to a loan made or guaranteed by the Secretary of Veterans Affairs;

“(III) The Secretary of Agriculture, with regard to loans guaranteed by the Secretary of Agriculture pursuant to 42 U.S.C. 1472(h);

“(IV) The Federal Housing Finance Agency, with regard to loans meeting the conforming loan standards of the Federal National Mortgage Corporation or the Federal Home Loan Mortgage Corporation; and

“(V) The Rural Housing Service, with regard to loans insured by the Rural Housing Service.”.

SEC. 204. LIABILITY.

Section 129C of the Truth in Lending Act is amended by inserting after subsection (c) (as added by section 203) the following new subsection:

“(d) LIABILITY FOR VIOLATIONS.—

“(1) IN GENERAL.—

“(A) RESCISSION.—In addition to any other liability under this title for a violation by a creditor of subsection (a) or (b) (for example under section 130) and subject to the statute of limitations in paragraph (9), a civil action may be maintained against a creditor for a violation of subsection (a) or (b) with respect to a residential mortgage loan for the rescission of the loan, and such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

“(B) CURE.—A creditor shall not be liable for rescission under subparagraph (A) with respect to a residential mortgage loan if, no later than 90 days after the receipt of notification from the consumer that the loan violates subsection (a) or (b), the creditor provides a cure.

“(2) LIMITED ASSIGNEE AND SECURITIZER LIABILITY.—Notwithstanding sections 125(e) and 131 and except as provided in paragraph (3), a civil action which may be maintained against a creditor with respect to a residential mortgage loan for a violation of subsection (a) or (b) may be maintained against any assignee or securitizer of such residential mortgage loan, who has acted in good faith, for the following liabilities only:

“(A) Rescission of the loan.

“(B) Such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

“(3) ASSIGNEE AND SECURITIZER EXEMPTION.—No assignee or securitizer of a residential mortgage loan that has exercised reasonable due diligence in complying with the requirements of subsections (a) and (b) shall be liable under paragraph (2) with respect to such loan if, no later than 90 days after the receipt of notification from the consumer that the loan violates subsection (a) or (b), the assignee or securitizer provides a cure so that the loan satisfies the requirements of subsections (a) and (b).

“(4) ABSENT PARTIES.—

“(A) ABSENT CREDITOR.—Notwithstanding the exemption provided in paragraph (3), if the creditor with respect to a residential mortgage loan made in violation of subsection (a) or (b) has ceased to exist as a matter of law or has filed for bankruptcy protection under title 11, United States Code, or has had a receiver, conservator, or liquidating agent appointed, a consumer may maintain a civil action against an assignee to cure the residential mortgage loan, plus the costs and reasonable attorney's fees incurred in obtaining such remedy.

“(B) ABSENT CREDITOR AND ASSIGNEE.—Notwithstanding the exemption provided in paragraph (3), if the creditor with respect to a residential mortgage loan made in violation of subsection (a) or (b) and each assignee of such loan have ceased to exist as a matter of law or have filed for bankruptcy protection under title 11, United States Code, or have had receivers, conservators, or liquidating agents appointed, the

consumer may maintain the civil action referred to in subparagraph (A) against the securitizer.

“(5) CURE DEFINED.—For purposes of this subsection, the term ‘cure’ means, with respect to a residential mortgage loan that violates subsection (a) or (b), the modification or refinancing, at no cost to the consumer, of the loan to provide terms that satisfy the requirements of subsections (a) and (b) and the payment of such additional costs as the obligor may have incurred in connection with obtaining a cure of the loan, including a reasonable attorney's fee.

“(6) DISAGREEMENT OVER CURE.—If any creditor, assignee, or securitizer and a consumer fail to reach agreement on a cure with respect to a residential mortgage loan that violates subsection (a) or (b), or the consumer fails to accept a cure proffered by a creditor, assignee, or securitizer—

“(A) the creditor, assignee, or securitizer may provide the cure; and

“(B) the consumer may challenge the adequacy of the cure during the 6-month period beginning when the cure is provided.

If the consumer's challenge, under this paragraph, of a cure is successful, the creditor, assignee, or securitizer shall be liable to the consumer for rescission of the loan and such additional costs under paragraph (2).

“(7) INABILITY TO PROVIDE OR OBTAIN RESCISSION.—If a creditor, assignee, or securitizer cannot provide, or a consumer cannot obtain, rescission under paragraph (1) or (2), the liability of such creditor, assignee, or securitizer shall be met by providing the financial equivalent of a rescission, together with such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

“(8) NO CLASS ACTIONS AGAINST ASSIGNEE OR SECURITIZER UNDER PARAGRAPH (2).—Only individual actions may be brought against an assignee or securitizer of a residential mortgage loan for a violation of subsection (a) or (b).

“(9) STATUTE OF LIMITATIONS.—The liability of a creditor, assignee, or securitizer under this subsection shall apply in any original action against a creditor under paragraph (1) or an assignee or securitizer under paragraph (2) which is brought before—

“(A) in the case of any residential mortgage loan other than a loan to which subparagraph (B) applies, the end of the 3-year period beginning on the date the loan is consummated; or

“(B) in the case of a residential mortgage loan that provides for a fixed interest rate for an introductory period and then resets or adjusts to a variable rate or that provides for a nonamortizing payment schedule and then converts to an amortizing payment schedule, the earlier of—

“(i) the end of the 1-year period beginning on the date of such reset, adjustment, or conversion; or

“(ii) the end of the 6-year period beginning on the date the loan is consummated.

“(10) POOLS AND INVESTORS IN POOLS EXCLUDED.—In the case of residential mortgage loans acquired or aggregated for the purpose of including such loans in a pool of assets held for the purpose of issuing or selling instruments representing interests in such pools including through a securitization vehicle, the terms ‘assignee’ and ‘securitizer’, as used in this section, do not include the securitization vehicle, the pools of such loans or any original or subsequent purchaser of any interest in the securitization vehicle or any instrument representing a direct or indirect interest in such pool.

“(e) OBLIGATION OF SECURITIZERS, AND PRESERVATION OF BORROWER REMEDIES.—

“(1) OBLIGATION TO RETAIN ACCESS.—Any securitizer of a residential mortgage loan sold or

to be sold as part of a securitization vehicle shall, in any document or contract providing for the transfer, conveyance, or the establishment of such securitization vehicle, reserve the right and preserve the ability—

“(A) to identify and obtain access to any such loan;

“(B) to acquire any such loan in the event of a violation of subsections (a) or (b) of this section; and

“(C) to provide to the consumer any and all remedies provided for under this title for any violation of this title.

“(2) **ADDITIONAL DAMAGES.**—Any creditor, assignee, or securitizer of a residential mortgage loan that is subject to a remedy under subsection (d) and has failed to comply with paragraph (1) shall be subject to additional exemplary or punitive damages not to exceed the original principal balance of such loan.

“(3) **CONTACT INFORMATION NOTICE.**—The servicer with respect to a residential mortgage loan shall provide a written notice to a consumer identifying the name and contact information of the creditor or any assignee or securitizer who should be contacted by the consumer for any reason concerning the consumer's rights with respect to the loan. Such notice shall be provided—

“(A) upon request of the consumer;

“(B) whenever there is a change in ownership of a residential mortgage loan; or

“(C) on a regular basis, not less than annually.

“(f) **RULES TO ESTABLISH PROCESS.**—The Board shall promulgate rules to govern the rescission process established for violations of subsections (a) and (b) of this section. Such rules shall provide that notice given to a servicer or holder is sufficient notice regardless of the identity of the party or the parties liable under this title.”.

SEC. 205. DEFENSE TO FORECLOSURE.

Section 129C of the Truth in Lending Act is amended by inserting after subsection (f) (as added by section 204) the following new subsections:

“(g) **DEFENSE TO FORECLOSURE.**—Notwithstanding any other provision of law—

“(1) when the holder of a residential mortgage loan or anyone acting for such holder initiates a judicial or nonjudicial foreclosure—

“(A) a consumer who has the right to rescind under this section with respect to such loan against the creditor or any assignee or securitizer may assert such right as a defense to foreclosure or counterclaim to such foreclosure against the holder, or

“(B) if the foreclosure proceeding begins after the end of the period during which a consumer may bring an action for rescission under subsection (d) and the consumer would have had a valid basis for such an action if it had been brought before the end of such period, the consumer may seek actual damages incurred by reason of the violation which gave rise to the right of rescission, together with costs of the action, including a reasonable attorney's fee against the creditor or any assignee or securitizer; and

“(2) such holder or anyone acting for such holder or any other applicable third party may sell, transfer, convey, or assign a residential mortgage loan to a creditor, any assignee, or any securitizer, or their designees, to effect a rescission or cure.”.

SEC. 206. ADDITIONAL STANDARDS AND REQUIREMENTS.

(a) **IN GENERAL.**—Section 129C of the Truth in Lending Act is amended by inserting after subsection (g) (as added by section 205) the following new subsections:

“(h) **PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.**—

“(1) **PROHIBITED ON CERTAIN LOANS.**—A residential mortgage loan that is not a ‘qualified

mortgage’ may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated. For purposes of this subsection, a ‘qualified mortgage’ may not include a residential mortgage loan that has an adjustable rate.

“(2) **PHASED-OUT PENALTIES ON QUALIFIED MORTGAGES.**—A qualified mortgage (as defined in subsection (c)) may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated in excess of the following limitations:

“(A) During the 1-year period beginning on the date the loan is consummated, the prepayment penalty shall not exceed an amount equal to 3 percent of the outstanding balance on the loan.

“(B) During the 1-year period beginning after the period described in subparagraph (A), the prepayment penalty shall not exceed an amount equal to 2 percent of the outstanding balance on the loan.

“(C) During the 1-year period beginning after the 1-year period described in subparagraph (B), the prepayment penalty shall not exceed an amount equal to 1 percent of the outstanding balance on the loan.

“(D) After the end of the 3-year period beginning on the date the loan is consummated, no prepayment penalty may be imposed on a qualified mortgage.

“(3) **PROHIBITED AFTER INITIAL PERIOD ON LOANS WITH A RESET.**—A qualified mortgage with a fixed interest rate for an introductory period that adjusts or resets after such period may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the beginning of the 3-month period ending on the date of the adjustment or reset.

“(4) **OPTION FOR NO PREPAYMENT PENALTY REQUIRED.**—A creditor may not offer a consumer a residential mortgage loan product that has a prepayment penalty for paying all or part of the principal after the loan is consummated as a term of the loan without offering the consumer a residential mortgage loan product that does not have a prepayment penalty as a term of the loan.

“(i) **SINGLE PREMIUM CREDIT INSURANCE PROHIBITED.**—No creditor may finance, directly or indirectly, in connection with any residential mortgage loan or with any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer (other than a reverse mortgage), any credit life, credit disability, credit unemployment or credit property insurance, or any other accident, loss-of-income, life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that—

“(1) insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor; and

“(2) this subsection shall not apply to credit unemployment insurance for which the unemployment insurance premiums are reasonable, the creditor receives no direct or indirect compensation in connection with the unemployment insurance premiums, and the unemployment insurance premiums are paid pursuant to another insurance contract and not paid to an affiliate of the creditor.

“(j) **ARBITRATION.**—

“(1) **IN GENERAL.**—No residential mortgage loan and no extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer, other than a reverse mortgage, may include terms which require arbitration or any other nonjudicial procedure

as the method for resolving any controversy or settling any claims arising out of the transaction.

“(2) **POST-CONTROVERSY AGREEMENTS.**—Subject to paragraph (3), paragraph (1) shall not be construed as limiting the right of the consumer and the creditor, any assignee, or any securitizer to agree to arbitration or any other nonjudicial procedure as the method for resolving any controversy at any time after a dispute or claim under the transaction arises.

“(3) **NO WAIVER OF STATUTORY CAUSE OF ACTION.**—No provision of any residential mortgage loan or of any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer (other than a reverse mortgage), and no other agreement between the consumer and the creditor relating to the residential mortgage loan or extension of credit referred to in paragraph (1), shall be applied or interpreted so as to bar a consumer from bringing an action in an appropriate district court of the United States, or any other court of competent jurisdiction, pursuant to section 130 or any other provision of law, for damages or other relief in connection with any alleged violation of this section, any other provision of this title, or any other Federal law.

“(k) **MORTGAGES WITH NEGATIVE AMORTIZATION.**—No creditor may extend credit to a borrower in connection with a consumer credit transaction under an open or closed end consumer credit plan secured by a dwelling or residential real property that includes a dwelling, other than a reverse mortgage, that provides or permits a payment plan that may, at any time over the term of the extension of credit, result in negative amortization unless, before such transaction is consummated—

“(1) the creditor provides the consumer with a statement that—

“(A) the pending transaction will or may, as the case may be, result in negative amortization; “(B) describes negative amortization in such manner as the Federal banking agencies shall prescribe;

“(C) negative amortization increases the outstanding principal balance of the account; and

“(D) negative amortization reduces the consumer's equity in the dwelling or real property; and

“(2) in the case of a first-time borrower with respect to a residential mortgage loan that is not a qualified mortgage, the first-time borrower provides the creditor with sufficient documentation to demonstrate that the consumer received homeownership counseling from organizations or counselors certified by the Secretary of Housing and Urban Development as competent to provide such counseling.”.

(b) **CONFORMING AMENDMENT RELATING TO ENFORCEMENT.**—Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)) is amended by inserting after paragraph (6) the following new paragraph:

“(7) sections 21B and 21C of the Securities Exchange Act of 1934, in the case of a broker or dealer, other than a depository institution, by the Securities and Exchange Commission.”.

SEC. 207. RULE OF CONSTRUCTION.

Except as otherwise expressly provided in section 129B or 129C of the Truth in Lending Act (as added by this Act), no provision of such section 129B or 129C shall be construed as superseding, repealing, or affecting any duty, right, obligation, privilege, or remedy of any person under any other provision of the Truth in Lending Act or any other provision of Federal or State law.

SEC. 208. EFFECT ON STATE LAWS.

(a) **IN GENERAL.**—Except as provided in subsection (b), section 129C(d) of the Truth in Lending Act (as added by section 204) shall supersede any State law to the extent that it provides additional remedies against any assignee,

securitizer, or securitization vehicle for a violation of subsection (a) or (b) of section 129C of such Act or any other State law the terms of which address the specific subject matter of subsection (a) (determination of ability to repay) or (b) (requirement of a net tangible benefit) of section 129C of such Act, and the remedies described in section 129C(d) shall constitute the sole remedies against any assignee, securitizer, or securitization vehicle for such violations.

(b) **RULES OF CONSTRUCTION.**—No provision of this section shall be construed as limiting—

(1) the application of any State law, or the availability of remedies under such law, against a creditor for a particular residential mortgage loan regardless of whether such creditor also acts as an assignee, securitizer, or securitization vehicle for such loan;

(2) the application of any State law, or the availability of remedies under such law, against an assignee, securitizer, or securitization vehicle under State law, other than a provision of such law the terms of which address the specific subject matter of subsection (a) (determination of ability to repay) or (b) (requirement of a net tangible benefit) of section 129C of such Act;

(3)(A) the application of any State law, or the availability of remedies under such law, against an assignee, securitizer or securitization vehicle for its participation in or direction of the credit or underwriting decisions of a creditor relating to the making of a residential mortgage loan; or

(B) the ability of a consumer to assert any rights against or obtain any remedies from an assignee, securitizer or securitization vehicle with respect to a residential mortgage loan as a defense to foreclosure under section 129C(g); or

(4) the availability of any equitable remedies, including injunctive relief, under State law.

SEC. 209. REGULATIONS.

Regulations required or authorized to be prescribed under this title or the amendments made by this title—

(1) shall be prescribed in final form before the end of the 12-month period beginning on the date of the enactment of this Act; and

(2) shall take effect not later than 18 months after the date of the enactment of this Act.

SEC. 210. AMENDMENTS TO CIVIL LIABILITY PROVISIONS.

(a) **INCREASE IN AMOUNT OF CIVIL MONEY PENALTIES FOR CERTAIN VIOLATIONS.**—Section 130(a)(2) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)) is amended—

(1) by striking “\$100” and inserting “\$200”;

(2) by striking “\$1,000” and inserting “\$2,000”; and

(3) by striking “\$500,000” and inserting “\$1,000,000”.

(b) **STATUTE OF LIMITATIONS EXTENDED FOR SECTION 129 VIOLATIONS.**—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended—

(1) in the first sentence, by striking “Any action” and inserting “Except as provided in the subsequent sentence, any action”; and

(2) by inserting after the first sentence the following new sentence: “Any action under this section with respect to any violation of section 129 may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 3-year period beginning on the date of the occurrence of the violation.”.

SEC. 211. LENDER RIGHTS IN THE CONTEXT OF BORROWER DECEPTION.

Section 130 of the Truth in Lending Act is amended by adding at the end the following new subsection:

“(k) **EXEMPTION FROM LIABILITY AND RESCIS- SION IN CASE OF BORROWER FRAUD OR DECEP- TION.**—In addition to any other remedy avail- able by law or contract, no creditor, assignee, or securitizer shall be liable to an obligor under

this section, nor shall it be subject to the right of rescission of any obligor under 129B, if such obligor, or co-obligor, knowingly, or willfully and with actual knowledge furnished material information known to be false for the purpose of obtaining such residential mortgage loan.”.

SEC. 212. SIX-MONTH NOTICE REQUIRED BEFORE RESET OF HYBRID ADJUSTABLE RATE MORTGAGES.

(a) **IN GENERAL.**—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 128 the following new section:

“§ 128A. Reset of hybrid adjustable rate mort- gages

“(a) **HYBRID ADJUSTABLE RATE MORTGAGES DEFINED.**—For purposes of this section, the term ‘hybrid adjustable rate mortgage’ means a con- sumer credit transaction secured by the con- sumer’s principal residence with a fixed interest rate for an introductory period that adjusts or resets to a variable interest rate after such pe- riod.

“(b) **NOTICE OF RESET AND ALTERNATIVES.**— During the 1-month period that ends 6 months before the date on which the interest rate in ef- fect during the introductory period of a hybrid adjustable rate mortgage adjusts or resets to a variable interest rate or, in the case of such an adjustment or resetting that occurs within the first 6 months after consummation of such loan, at consummation, the creditor or servicer of such loan shall provide a written notice, sepa- rate and distinct from all other correspondence to the consumer, that includes the following:

“(1) Any index or formula used in making ad- justments to or resetting the interest rate and a source of information about the index or for- mula.

“(2) An explanation of how the new interest rate and payment would be determined, includ- ing an explanation of how the index was ad- justed, such as by the addition of a margin.

“(3) A good faith estimate, based on accepted industry standards, of the creditor or servicer of the amount of the monthly payment that will apply after the date of the adjustment or reset, and the assumptions on which this estimate is based.

“(4) A list of alternatives consumers may pur- sue before the date of adjustment or reset, and descriptions of the actions consumers must take to pursue these alternatives, including—

“(A) refinancing;

“(B) renegotiation of loan terms;

“(C) payment forbearances; and

“(D) pre-foreclosure sales.

“(5) The names, addresses, telephone num- bers, and Internet addresses of counseling agen- cies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Re- covery, and Enforcement Act of 1989).

“(6) The address, telephone number, and Internet address for the State housing finance authority (as so defined) for the State in which the consumer resides.”.

(b) **CLERICAL AMENDMENT.**—The table of sec- tions for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 128 the following new item:

“128A. Reset of hybrid adjustable rate mort- gages.”.

SEC. 213. CREDIT RISK RETENTION.

Section 129C of the Truth in Lending Act is amended by inserting after subsection (k) (as added by section 206) the following new sub- section:

“(l) **CREDIT RISK RETENTION.**—

“(1) **IN GENERAL.**—The Federal banking agen- cies shall prescribe regulations jointly to require

any creditor that makes a residential mortgage loan that is not a qualified mortgage (as defined in section 129C(c)(2)(A)), to retain an economic interest in a material portion of the credit risk for any such loan that the creditor transfers, sells or conveys to a third party.

“(2) **STANDARDS FOR REGULATIONS.**—Regula- tions prescribed under paragraph (1) shall—

“(A) apply only to residential mortgage loans that are not qualified mortgages (as so defined);

“(B) prohibit creditors from directly or indi- rectly hedging or otherwise transferring the credit risk creditors are required to retain under the regulations with respect to any residential mortgage loan;

“(C) require creditors to retain at least 5 per- cent of the credit risk on any non-qualified mortgage that is transferred, sold or conveyed; and

“(D) specify the permissible forms of the re- quired risk retention (for example, first loss posi- tion or pro rata vertical slice) and the minimum duration of the required risk retention.

“(3) **EXCEPTIONS AND ADJUSTMENTS.**—

“(A) **IN GENERAL.**—The Federal banking agen- cies shall have authority to provide exceptions or adjustments to the requirements of this sub- section, including exceptions or adjustments re- lating to the 5 percent risk retention threshold and the hedging prohibition.

“(B) **APPLICABLE STANDARDS.**—Any exceptions or adjustments granted by the Federal banking agencies shall—

“(i) be consistent with the purpose of this sub- section to help ensure high quality underwriting standards for mortgage lenders; and

“(ii) facilitate appropriate risk management practices by mortgage lenders, improve access of consumers to mortgage credit on reasonable terms, or otherwise serve the public interest.

“(4) **ALTERNATIVE RISK RETENTION FOR SECURITIZATION SPONSORS.**—The Federal bank- ing agencies shall have discretion to apply the risk retention requirements of this subsection to securitizers of non-qualified mortgages in addition to or in place of creditors that make non- qualified mortgages if the agencies determine that applying the requirements to securitization sponsors rather than originators would—

“(A) be consistent with the purpose of this subsection to help ensure high quality under- writing standards for mortgage lenders; and

“(B) facilitate appropriate risk management practices by mortgage lenders, or improve access of consumers to mortgage credit on reasonable terms.

“(m) Section 129C and any regulations prom- ulgated thereunder do not apply to an exten- sion of credit relating to a plan described in sec- tion 101(53D) of title 11, United States Code.”.

SEC. 214. REQUIRED DISCLOSURES.

(a) **ADDITIONAL INFORMATION.**—Section 128(a) of Truth in Lending Act (15 U.S.C. 1638(a)) is amended by adding at the end the following new paragraphs:

“(16) In the case of a variable rate residen- tial mortgage loan for which an escrow or impound account will be established for the payment of all applicable taxes, insurance, and assess- ments—

“(A) the amount of initial monthly payment due under the loan for the payment of principal and interest, and the amount of such initial monthly payment including the monthly pay- ment deposited in the account for the payment of all applicable taxes, insurance, and assess- ments; and

“(B) the amount of the fully indexed monthly payment due under the loan for the payment of principal and interest, and the amount of such fully indexed monthly payment including the monthly payment deposited in the account for the payment of all applicable taxes, insurance, and assessments.”.

“(17) In the case of a residential mortgage loan, the aggregate amount of settlement charges for all settlement services provided in connection with the loan, the amount of charges that are included in the loan and the amount of such charges the borrower must pay at closing, the approximate amount of the wholesale rate of funds in connection with the loan, and the aggregate amount of other fees or required payments in connection with the loan.

“(18) In the case of a residential mortgage loan, the aggregate amount of fees paid to the mortgage originator in connection with the loan, the amount of such fees paid directly by the consumer, and any additional amount received by the originator from the creditor.”.

(b) **TIMING.**—Section 128(b) of the Truth in Lending Act (15 U.S.C. 1638(b)) is amended by adding at the end the following new paragraph:

“(4) **RESIDENTIAL MORTGAGE LOAN DISCLOSURES.**—In the case of a residential mortgage loan, the information required to be disclosed under subsection (a) with respect to such loan shall be disclosed before the earlier of—

“(A) the time required under the first sentence of paragraph (1); or

“(B) the end of the 3-business-day period beginning on the date the application for the loan from a consumer is received by the creditor.”.

SEC. 215. DISCLOSURES REQUIRED IN MONTHLY STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following new subsection:

“(f) **PERIODIC STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.**—

“(1) **IN GENERAL.**—The creditor, assignee, or servicer with respect to any residential mortgage loan shall transmit to the obligor, for each billing cycle, a statement setting forth each of the following items, to the extent applicable, in a conspicuous and prominent manner:

“(A) The amount of the principal obligation under the mortgage.

“(B) The current interest rate in effect for the loan.

“(C) The date on which the interest rate may next reset or adjust.

“(D) The amount of any prepayment fee to be charged, if any.

“(E) A description of any late payment fees.

“(F) A telephone number and electronic mail address that may be used by the obligor to obtain information regarding the mortgage.

“(G) Such other information as the Board may prescribe in regulations.

“(2) **DEVELOPMENT AND USE OF STANDARD FORM.**—The Federal banking agencies shall jointly develop and prescribe a standard form for the disclosure required under this subsection, taking into account that the statements required may be transmitted in writing or electronically.”.

SEC. 216. LEGAL ASSISTANCE FOR FORECLOSURE-RELATED ISSUES.

(a) **ESTABLISHMENT.**—The Secretary of Housing and Urban Development (hereafter in this section referred to as the “Secretary”) shall establish a program for making grants for providing a full range of foreclosure legal assistance to low- and moderate-income homeowners and tenants related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure.

(b) **COMPETITIVE ALLOCATION.**—The Secretary shall allocate amounts made available for grants under this section to State and local legal organizations on the basis of a competitive process. For purposes of this subsection “State and local legal organizations” are those State and local organizations whose primary business or mission is to provide legal assistance.

(c) **PRIORITY TO CERTAIN AREAS.**—In allocating amounts in accordance with subsection

(b), the Secretary shall give priority consideration to State and local legal organizations that are operating in the 100 metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates.

(d) **LEGAL ASSISTANCE.**—

(1) **IN GENERAL.**—Any State or local legal organization that receives financial assistance pursuant to this section may use such amounts only to assist—

(A) homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure; and

(B) tenants at risk of or subject to eviction as a result of foreclosure of the property in which such tenant resides.

(2) **COMMENCE USE WITHIN 90 DAYS.**—Any State or local legal organization that receives financial assistance pursuant to this section shall begin using any financial assistance received under this section within 90 days after receipt of the assistance.

(3) **PROHIBITION ON CLASS ACTIONS.**—No funds provided to a State or local legal organization under this section may be used to support any class action litigation.

(4) **LIMITATION ON LEGAL ASSISTANCE.**—Legal assistance funded with amounts provided under this section shall be limited to mortgage-related default, eviction, or foreclosure proceedings, without regard to whether such foreclosure is judicial or nonjudicial.

(5) **EFFECTIVE DATE.**—Notwithstanding section 217, this subsection shall take effect on the date of the enactment of this Act.

(e) **LIMITATION ON DISTRIBUTION OF ASSISTANCE.**—

(1) **IN GENERAL.**—None of the amounts made available under this section shall be distributed to—

(A) any organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(B) any organization which employs applicable individuals.

(2) **DEFINITION OF APPLICABLE INDIVIDUAL.**—In this subparagraph, the term “applicable individual” means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been indicted for a violation under Federal law relating to an election for Federal office.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary \$35,000,000 for each of fiscal years 2009 through 2012 for grants under this section.

SEC. 217. EFFECTIVE DATE.

The amendments made by this title shall apply to transactions consummated on or after the effective date of the regulations specified in section 209.

SEC. 218. REPORT BY THE GAO.

(a) **REPORT REQUIRED.**—The Comptroller General shall conduct a study to determine the effects the enactment of this Act will have on the availability and affordability of credit for homebuyers and mortgage lending, including the effect—

(1) on the mortgage market for mortgages that are not within the safe harbor provided in the amendments made by this title;

(2) on the ability of prospective homebuyers to obtain financing;

(3) on the ability of homeowners facing resets or adjustments to refinance—for example, do they have fewer refinancing options due to the unavailability of certain loan products that were available before the enactment of this Act;

(4) on minorities’ ability to access affordable credit compared with other prospective borrowers;

(5) on home sales and construction;

(6) of extending the rescission right, if any, on adjustable rate loans and its impact on litigation;

(7) of State foreclosure laws and, if any, an investor’s ability to transfer a property after foreclosure;

(8) of expanding the existing provisions of the Home Ownership and Equity Protection Act of 1994;

(9) of prohibiting prepayment penalties on high-cost mortgages; and

(10) of establishing counseling services under the Department of Housing and Urban Development and offered through the Office of Housing Counseling.

(b) **REPORT.**—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress containing the findings and conclusions of the Comptroller General with respect to the study conducted pursuant to subsection (a).

(c) **EXAMINATION RELATED TO CERTAIN CREDIT RISK RETENTION PROVISIONS.**—The report required by subsection (b) shall also include an analysis by the Comptroller General of the effect on the capital reserves and funding of lenders of credit risk retention provisions for non-qualified mortgages.

SEC. 219. STATE ATTORNEY GENERAL ENFORCEMENT AUTHORITY.

Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by striking “section 129 may also” and inserting “section 129, 129B, or 129C of this Act, section 219 of the Mortgage Reform and Anti-Predatory Lending Act, or any amendment made by section 219 of the Mortgage Reform and Anti-Predatory Lending Act may also”.

SEC. 220. TENANT PROTECTION.

(a) **TENANT PROTECTION GENERALLY.**—

(1) **IN GENERAL.**—In the case of any foreclosure on any dwelling or residential real property, after the date of the enactment of the Mortgage Reform and Anti-Predatory Lending Act, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(A) except as provided in paragraph (2), the rights of any bona fide tenant, as of the date of foreclosure under any bona fide lease entered into before the date of foreclosure, to occupy the premises until the end of the remaining term of the lease; and

(B) the rights of any bona fide tenant, as of the date of foreclosure, without a lease or with a lease terminable at will under State law, subject to the provision by the immediate successor in interest and the receipt by the tenant in the unit, of a notice to vacate at least 90 days before the effective date of such notice.

(2) **EXCEPTION FOR SUBSEQUENT OWNER-OCCUPANT.**—Notwithstanding paragraph (1), if the immediate successor in interest of any dwelling or residential real property that is otherwise subject to paragraph (1) is a purchaser who will occupy a unit of the dwelling or residential real property as a primary residence, or such successor in interest sells the dwelling or residential real property to a purchaser who will occupy a unit of the dwelling or residential real property, as a primary residence—

(A) such purchaser may terminate a lease relating to such unit on the effective date of a notice to vacate; and

(B) such notice to vacate shall be provided by the purchaser to the tenant in such unit at least 90 days before the effective date of such notice.

(3) **BONA FIDE LEASE OR TENANCY.**—For purposes of this subsection, a lease or tenancy shall be considered bona fide only if—

(A) the mortgagor under the contract is not the tenant;

(B) the lease or tenancy was the result of an arms-length transaction; and

(C) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized due to a Federal, State, or local subsidy.

(4) **RULE OF CONSTRUCTION.**—Except for the specific provisions of this subsection, no provision of this subsection shall be construed as affecting the requirements for termination of any Federal- or State-subsidized tenancy. The provisions of this subsection shall not be construed to limit any State or local law that provides longer time periods or other additional protections for tenants.

(b) **CORRESPONDING PROVISION RELATING TO EFFECT OF FORECLOSURES ON SECTION 8 TENANCIES.**—Paragraph (7) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) in subparagraph (C), by inserting before the semicolon at the end the following: “, and in the case of an owner who is an immediate successor in interest pursuant to foreclosure—

“(i) during the initial term of the tenant's lease, having the property vacant prior to sale shall not constitute good cause; and

“(ii) in subsequent lease terms of the tenant's lease, who will occupy the unit as a primary residence, who sells the property to a purchaser who will occupy a unit of the property as a primary residence, or if the unit is unmarketable while occupied, such owner may terminate a lease relating to such unit for good cause on the effective date of the notice to vacate, where such notice is provided by the owner to the tenant in such unit at least 90 days before the effective date of such notice.”.

(2) in subparagraph (E), by striking “and” at the end;

(3) by redesignating subparagraph (F) as subparagraph (G); and

(4) by inserting after subparagraph (E) the following:

“(F) shall provide that in the case of any foreclosure on any residential real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit; if a public housing agency is unable to make payments under the contract to the immediate successor in interest after foreclosure, due to action or inaction by the successor in interest, including the rejection of payments or the failure of the successor to maintain the unit in compliance with paragraph (8) or an inability to identify the successor, the agency may use funds that would have been used to pay the rental amount on behalf of the family—

“(i) to pay for utilities that are the responsibility of the owner under the lease or applicable law, after taking reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment; or

“(ii) for the family's reasonable moving costs, including security deposit costs;

except that this subparagraph and the provisions related to foreclosure in subparagraph (C) shall not affect any State or local law that pro-

vides longer time periods or other additional protections for tenants.”.

(c) **EFFECTIVE DATE.**—Notwithstanding section 217, this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE III—HIGH-COST MORTGAGES

SEC. 301. DEFINITIONS RELATING TO HIGH-COST MORTGAGES.

(a) **HIGH-COST MORTGAGE DEFINED.**—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended by striking all that precedes paragraph (2) and inserting the following: “(aa) **HIGH-COST MORTGAGE.**—

“(1) **DEFINITION.**—

“(A) **IN GENERAL.**—The term ‘high-cost mortgage’, and a mortgage referred to in this subsection, means a consumer credit transaction that is secured by the consumer's principal dwelling, other than a reverse mortgage transaction, if—

“(i) in the case of a credit transaction secured—

“(I) by a first mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 6.5 percentage points (8.5 percentage points, if the dwelling is personal property and the transaction is for less than \$50,000) the average prime offer rate, as defined in section 129C(c)(2)(B), for a comparable transaction; or

“(II) by a subordinate or junior mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 8.5 percentage points the average prime offer rate, as defined in section 129C(c)(2)(B), for a comparable transaction;

“(ii) the total points and fees payable in connection with the transaction exceed—

“(I) in the case of a transaction for \$20,000 or more, 5 percent of the total transaction amount; or

“(II) in the case of a transaction for less than \$20,000, the lesser of 8 percent of the total transaction amount or \$1,000 (or such other dollar amount as the Board shall prescribe by regulation); or

“(iii) the credit transaction documents permit the creditor to charge or collect prepayment fees or penalties more than 36 months after the transaction closing or such fees or penalties exceed, in the aggregate, more than 2 percent of the amount prepaid.

“(B) **INTRODUCTORY RATES TAKEN INTO ACCOUNT.**—For purposes of subparagraph (A)(i), the annual percentage rate of interest shall be determined based on the following interest rate:

“(i) In the case of a fixed-rate transaction in which the annual percentage rate will not vary during the term of the loan, the interest rate in effect on the date of consummation of the transaction.

“(ii) In the case of a transaction in which the rate of interest varies solely in accordance with an index, the interest rate determined by adding the index rate in effect on the date of consummation of the transaction to the maximum margin permitted at any time during the transaction agreement.

“(iii) In the case of any other transaction in which the rate may vary at any time during the term of the loan for any reason, the interest charged on the transaction at the maximum rate that may be charged during the term of the transaction.”.

(b) **ADJUSTMENT OF PERCENTAGE POINTS.**—Section 103(aa)(2) of the Truth in Lending Act (15 U.S.C. 1602(aa)(2)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

“(B) An increase or decrease under subparagraph (A)—

“(i) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(I)

being less than 6 percentage points or greater than 10 percentage points; and

“(ii) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(II) being less than 8 percentage points or greater than 12 percentage points.”.

(c) **POINTS AND FEES DEFINED.**—

(1) **IN GENERAL.**—Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)) is amended—

(A) by striking subparagraph (B) and inserting the following:

“(B) all compensation paid directly or indirectly by a consumer or creditor to a mortgage broker from any source, including a mortgage originator that originates a loan in the name of the originator in a table-funded transaction;”;

(B) in subparagraph (C)(ii), by inserting “except where applied to the charges set forth in section 106(e)(1) where a creditor may receive indirect compensation solely as a result of obtaining distributions of profits from an affiliated entity based on its ownership interest in compliance with section 8(c)(4) of the Real Estate Settlement Procedures Act of 1974” before the semicolon at the end;

(C) in subparagraph (C)(iii), by striking “; and” and inserting “, except as provided for in clause (ii);”;

(D) by redesignating subparagraph (D) as subparagraph (G); and

(E) by inserting after subparagraph (C) the following new subparagraphs:

“(D) premiums or other charges payable at or before closing for any credit life, credit disability, credit unemployment, or credit property insurance, or any other accident, loss-of-income, life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor;

“(E) except as provided in subsection (cc), the maximum prepayment fees and penalties which may be charged or collected under the terms of the credit transaction;

“(F) all prepayment fees or penalties that are incurred by the consumer if the loan refinances a previous loan made or currently held by the same creditor or an affiliate of the creditor; and”.

(2) **CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.**—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph:

“(5) **CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.**—In the case of open-end consumer credit plans, points and fees shall be calculated, for purposes of this section and section 129, by adding the total points and fees known at or before closing, including the maximum prepayment penalties which may be charged or collected under the terms of the credit transaction, plus the minimum additional fees the consumer would be required to pay to draw down an amount equal to the total credit line.”.

(d) **BONA FIDE DISCOUNT LOAN DISCOUNT POINTS AND PREPAYMENT PENALTIES.**—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by inserting after subsection (cc) (as added by section 101) the following new subsection:

“(dd) **BONA FIDE DISCOUNT POINTS AND PREPAYMENT PENALTIES.**—For the purposes of determining the amount of points and fees for purposes of subsection (aa), either the amounts described in paragraph (1) or (4) of the following paragraphs, but not both, may be excluded:

“(1) **EXCLUSION OF BONA FIDE DISCOUNT POINTS.**—The discount points described in 1 of the following subparagraphs shall be excluded from determining the amounts of points and fees with respect to a high-cost mortgage for purposes of subsection (aa):

“(A) Up to and including 2 bona fide discount points payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 1 percentage point (i) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater, or (ii) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title 1 of the National Housing Act (12 U.S.C. 1702 et seq.).

“(B) Unless 2 bona fide discount points have been excluded under subparagraph (A), up to and including 1 bona fide discount point payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 2 percentage points (i) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater, or (ii) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title 1 of the National Housing Act (12 U.S.C. 1702 et seq.).

“(2) **DEFINITION.**—For purposes of paragraph (1), the term ‘bona fide discount points’ means loan discount points which are knowingly paid by the consumer for the purpose of reducing, and which in fact result in a bona fide reduction of, the interest rate or time-price differential applicable to the mortgage.

“(3) **EXCEPTION FOR INTEREST RATE REDUCTIONS INCONSISTENT WITH INDUSTRY NORMS.**—Paragraph (1) shall not apply to discount points used to purchase an interest rate reduction unless the amount of the interest rate reduction purchased is reasonably consistent with established industry norms and practices for secondary mortgage market transactions.”.

SEC. 302. AMENDMENTS TO EXISTING REQUIREMENTS FOR CERTAIN MORTGAGES.

(a) **PREPAYMENT PENALTY PROVISIONS.**—Section 129(c)(2) of the Truth in Lending Act (15 U.S.C. 1639(c)(2)) is hereby repealed.

(b) **NO BALLOON PAYMENTS.**—Section 129(e) of the Truth in Lending Act (15 U.S.C. 1639(e)) is amended to read as follows:

“(e) **NO BALLOON PAYMENTS.**—No high-cost mortgage may contain a scheduled payment that is more than twice as large as the average of earlier scheduled payments. This subsection shall not apply when the payment schedule is adjusted to the seasonal or irregular income of the consumer.”.

SEC. 303. ADDITIONAL REQUIREMENTS FOR CERTAIN MORTGAGES.

(a) **ADDITIONAL REQUIREMENTS FOR CERTAIN MORTGAGES.**—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended—

(1) by redesignating subsections (j), (k) and (l) as subsections (n), (o) and (p) respectively; and

(2) by inserting after subsection (i) the following new subsections:

“(j) **RECOMMENDED DEFAULT.**—No creditor shall recommend or encourage default on an existing loan or other debt prior to and in connection with the closing or planned closing of a high-cost mortgage that refinances all or any portion of such existing loan or debt.

“(k) **LATE FEES.**—

“(1) **IN GENERAL.**—No creditor may impose a late payment charge or fee in connection with a high-cost mortgage—

“(A) in an amount in excess of 4 percent of the amount of the payment past due;

“(B) unless the loan documents specifically authorize the charge or fee;

“(C) before the end of the 15-day period beginning on the date the payment is due, or in the case of a loan on which interest on each installment is paid in advance, before the end of the 30-day period beginning on the date the payment is due; or

“(D) more than once with respect to a single late payment.

“(2) **COORDINATION WITH SUBSEQUENT LATE FEES.**—If a payment is otherwise a full payment for the applicable period and is paid on its due date or within an applicable grace period, and the only delinquency or insufficiency of payment is attributable to any late fee or delinquency charge assessed on any earlier payment, no late fee or delinquency charge may be imposed on such payment.

“(3) **FAILURE TO MAKE INSTALLMENT PAYMENT.**—If, in the case of a loan agreement the terms of which provide that any payment shall first be applied to any past due principal balance, the consumer fails to make an installment payment and the consumer subsequently resumes making installment payments but has not paid all past due installments, the creditor may impose a separate late payment charge or fee for any principal due (without deduction due to late fees or related fees) until the default is cured.

“(l) **ACCELERATION OF DEBT.**—No high-cost mortgage may contain a provision which permits the creditor, in its sole discretion, to accelerate the indebtedness. This provision shall not apply when repayment of the loan has been accelerated by default, pursuant to a due-on-sale provision, or pursuant to a material violation of some other provision of the loan documents unrelated to the payment schedule.

“(m) **RESTRICTION ON FINANCING POINTS AND FEES.**—No creditor may directly or indirectly finance, in connection with any high-cost mortgage, any of the following:

“(1) Any prepayment fee or penalty payable by the consumer in a refinancing transaction if the creditor or an affiliate of the creditor is the noteholder of the note being refinanced.

“(2) Any points or fees.”.

(b) **PROHIBITIONS ON EVASIONS.**—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (p) (as so redesignated by subsection (a)(1)) the following new subsection:

“(q) **PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.**—A creditor may not take any action in connection with a high-cost mortgage—

“(1) to structure a loan transaction as an open-end credit plan or another form of loan for the purpose and with the intent of evading the provisions of this title; or

“(2) to divide any loan transaction into separate parts for the purpose and with the intent of evading provisions of this title.”.

(c) **MODIFICATION OR DEFERRAL FEES.**—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (q) (as added by subsection (b) of this section) the following new subsection:

“(r) **MODIFICATION AND DEFERRAL FEES PROHIBITED.**—A creditor may not charge a consumer any fee to modify, renew, extend, or amend a high-cost mortgage, or to defer any payment due under the terms of such mortgage, unless the modification, renewal, extension or amendment results in a lower annual percentage rate on the mortgage for the consumer and then only if the amount of the fee is comparable to fees imposed

for similar transactions in connection with consumer credit transactions that are secured by a consumer's principal dwelling and are not high-cost mortgages.”.

(d) **PAYOFF STATEMENT.**—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (r) (as added by subsection (c) of this section) the following new subsection:

“(s) **PAYOFF STATEMENT.**—

“(1) **FEES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), no creditor or servicer may charge a fee for informing or transmitting to any person the balance due to pay off the outstanding balance on a high-cost mortgage.

“(B) **TRANSACTION FEE.**—When payoff information referred to in subparagraph (A) is provided by facsimile transmission or by a courier service, a creditor or servicer may charge a processing fee to cover the cost of such transmission or service in an amount not to exceed an amount that is comparable to fees imposed for similar services provided in connection with consumer credit transactions that are secured by the consumer's principal dwelling and are not high-cost mortgages.

“(C) **FEE DISCLOSURE.**—Prior to charging a transaction fee as provided in subparagraph (B), a creditor or servicer shall disclose that payoff balances are available for free pursuant to subparagraph (A).

“(D) **MULTIPLE REQUESTS.**—If a creditor or servicer has provided payoff information referred to in subparagraph (A) without charge, other than the transaction fee allowed by subparagraph (B), on 4 occasions during a calendar year, the creditor or servicer may thereafter charge a reasonable fee for providing such information during the remainder of the calendar year.

“(2) **PROMPT DELIVERY.**—Payoff balances shall be provided within 5 business days after receiving a request by a consumer or a person authorized by the consumer to obtain such information.

“(3) **SERVICES CONSIDERED ASSIGNEE.**—For the purposes of this subsection, a servicer shall be considered an assignee under the Truth in Lending Act.”.

(e) **PRE-LOAN COUNSELING REQUIRED.**—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (s) (as added by subsection (d) of this section) the following new subsection:

“(t) **PRE-LOAN COUNSELING.**—

“(1) **IN GENERAL.**—A creditor may not extend credit to a consumer under a high-cost mortgage without first receiving certification from a counselor that is approved by the Secretary of Housing and Urban Development, or at the discretion of the Secretary, a State housing finance authority, that the consumer has received counseling on the advisability of the mortgage. Such counselor shall not be employed by the creditor or an affiliate of the creditor or be affiliated with the creditor.

“(2) **DISCLOSURES REQUIRED PRIOR TO COUNSELING.**—No counselor may certify that a consumer has received counseling on the advisability of the high-cost mortgage unless the counselor can verify that the consumer has received each statement required (in connection with such loan) by this section or the Real Estate Settlement Procedures Act of 1974 with respect to the transaction.

“(3) **REGULATIONS.**—The Board may prescribe such regulations as the Board determines to be appropriate to carry out the requirements of paragraph (1).”.

(f) **FLIPPING PROHIBITED.**—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (t) (as added by subsection (e)) the following new subsection:

“(u) **FLIPPING.**—

“(1) **IN GENERAL.**—No creditor may knowingly or intentionally engage in the unfair act or practice of flipping in connection with a high-cost mortgage.

“(2) **FLIPPING DEFINED.**—For purposes of this subsection, the term ‘flipping’ means the making of a loan or extension of credit in the form of a high-cost mortgage to a consumer which refinances an existing mortgage when the new loan or extension of credit does not have reasonable, net tangible benefit (as determined in accordance with regulations prescribed under section 129C(b)) to the consumer considering all of the circumstances, including the terms of both the new and the refinanced loans or credit, the cost of the new loan or credit, and the consumer’s circumstances.

“(v) **CORRECTIONS AND UNINTENTIONAL VIOLATIONS.**—A creditor or assignee in a high cost loan who, when acting in good faith, fails to comply with any requirement under this section will not be deemed to have violated such requirement if the creditor or assignee establishes that either—

“(1) within 30 days of the loan closing and prior to the institution of any action, the consumer is notified of or discovers the violation, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—

“(A) make the loan satisfy the requirements of this chapter; or

“(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial to the consumer so that the loan will no longer be a high-cost mortgage; or

“(2) within 60 days of the creditor’s discovery or receipt of notification of an unintentional violation or bona fide error as described in subsection (c) and prior to the institution of any action, the consumer is notified of the compliance failure, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—

“(A) make the loan satisfy the requirements of this chapter; or

“(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial so that the loan will no longer be a high-cost mortgage.”.

SEC. 304. REGULATIONS.

(a) **IN GENERAL.**—The Board of Governors of the Federal Reserve System shall publish regulations implementing this title and the amendments made by this title in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

(b) **CONSUMER MORTGAGE EDUCATION.**—

(1) **REGULATIONS.**—The Board of Governors of the Federal Reserve System may prescribe regulations requiring or encouraging creditors to provide consumer mortgage education to prospective customers or direct such customers to qualified consumer mortgage education or counseling programs in the vicinity of the residence of the consumer.

(2) **COORDINATION WITH STATE LAW.**—No requirement established by the Board of Governors of the Federal Reserve System pursuant to paragraph (1) shall be construed as affecting or superseding any requirement under the law of any State with respect to consumer mortgage counseling or education.

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall take effect at the end of the 6-month period beginning on the date of the enactment of this Act and shall apply to mortgages referred to in section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) for which an application is received by the creditor after the end of such period.

TITLE IV—OFFICE OF HOUSING COUNSELING

SEC. 401. SHORT TITLE.

This title may be cited as the “Expand and Preserve Home Ownership Through Counseling Act”.

SEC. 402. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

“(g) **OFFICE OF HOUSING COUNSELING.**—

“(1) **ESTABLISHMENT.**—There is established, in the Department, the Office of Housing Counseling.

“(2) **DIRECTOR.**—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by, and shall report to, the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

“(3) **FUNCTIONS.**—

“(A) **IN GENERAL.**—The Director shall have primary responsibility within the Department for all activities and matters relating to homeownership counseling and rental housing counseling, including—

“(i) research, grant administration, public outreach, and policy development relating to such counseling; and

“(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

“(B) **SPECIFIC FUNCTIONS.**—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—

“(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

“(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

“(iii) contributing to the preparation and distribution of home buying information booklets pursuant to section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604);

“(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));

“(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

“(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 6 of the Expand and Preserve Home Ownership Through Counseling Act;

“(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

“(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

“(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services.

“(4) **ADVISORY COMMITTEE.**—

“(A) **IN GENERAL.**—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

“(B) **MEMBERS.**—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent the mortgage and real estate industry, including consumers and housing counseling agencies certified by the Secretary.

“(C) **TERMS.**—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

“(D) **TERMS OF INITIAL APPOINTEES.**—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

“(E) **PROHIBITION OF PAY; TRAVEL EXPENSES.**—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(F) **ADVISORY ROLE ONLY.**—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

“(5) **SCOPE OF HOMEOWNERSHIP COUNSELING.**—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.”.

SEC. 403. COUNSELING PROCEDURES.

(a) **IN GENERAL.**—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

“(g) **PROCEDURES AND ACTIVITIES.**—

“(1) **COUNSELING PROCEDURES.**—

“(A) **IN GENERAL.**—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

“(B) **HOMEOWNERSHIP COUNSELING.**—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term ‘homeownership counseling’ means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

“(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

“(ii) in the United States Housing Act of 1937—

“(I) section 9(e) (42 U.S.C. 1437g(e));

“(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

“(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

“(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

“(V) section 32(e)(4) (42 U.S.C. 1437z-4(e)(4));

“(VI) section 33(d)(2)(B) (42 U.S.C. 1437z-5(d)(2)(B));

“(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa-1(b)(6), 1437aaa-2(b)(7)); and

“(VIII) section 304(c)(4) (42 U.S.C. 1437aaa-3(c)(4));

“(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

“(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

“(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

“(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

“(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

“(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

“(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

“(x) in the National Housing Act—

“(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

“(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z-2); and

“(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z-20);

“(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)); and

“(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-7).

“(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term ‘rental housing counseling’ means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

“(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

“(ii) in the United States Housing Act of 1937—

“(I) section 9(e) (42 U.S.C. 1437g(e));

“(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

“(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

“(IV) section 32(e)(4) (42 U.S.C. 1437z-4(e)(4));

“(V) section 33(d)(2)(B) (42 U.S.C. 1437z-5(d)(2)(B)); and

“(VI) section 302(b)(6) (42 U.S.C. 1437aaa-1(b)(6));

“(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

“(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

“(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

“(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

“(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

“(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

“(2) STANDARDS FOR MATERIALS.—The Secretary, in consultation with the advisory com-

mittee established under subsection (g)(4) of the Department of Housing and Urban Development Act, shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

“(3) MORTGAGE SOFTWARE SYSTEMS.—

“(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

“(i) the consumer’s financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

“(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan; and

“(iii) such other factors as the Secretary considers appropriate to assist the consumer in evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary’s specifications.

“(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).

“(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental housing assistance vouchers, and housing counseling centers.

“(D) BUDGET COMPLIANCE.—This paragraph shall be effective only to the extent that amounts to carry out this paragraph are made available in advance in appropriations Acts.

“(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

“(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, minorities, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable source and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

“(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and website of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying

a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed \$3,000,000 for fiscal years 2009, 2010, and 2011, for the development, implementation, and conduct of national public service multimedia campaigns under this paragraph.

“(D) FORECLOSURE RESCUE EDUCATION PROGRAMS.—

“(i) IN GENERAL.—Ten percent of any funds appropriated pursuant to the authorization under subparagraph (C) shall be used by the Director of Housing Counseling to conduct an education program in areas that have a high density of foreclosure. Such program shall involve direct mailings to persons living in such areas describing—

“(I) tips on avoiding foreclosure rescue scams;

“(II) tips on avoiding predatory lending mortgage agreements;

“(III) tips on avoiding for-profit foreclosure counseling services; and

“(IV) local counseling resources that are approved by the Department of Housing and Urban Development.

“(ii) PROGRAM EMPHASIS.—In conducting the education program described under clause (i), the Director of Housing Counseling shall also place an emphasis on serving communities that have a high percentage of retirement communities or a high percentage of low-income minority communities.

“(iii) TERMS DEFINED.—For purposes of this subparagraph:

“(I) HIGH DENSITY OF FORECLOSURES.—An area has a ‘high density of foreclosures’ if such area is one of the metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates.

“(II) HIGH PERCENTAGE OF RETIREMENT COMMUNITIES.—An area has a ‘high percentage of retirement communities’ if such area is one of the metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest percentage of residents aged 65 or older.

“(III) HIGH PERCENTAGE OF LOW-INCOME MINORITY COMMUNITIES.—An area has a ‘high percentage of low-income minority communities’ if such area contains a higher-than-normal percentage of residents who are both minorities and low-income, as defined by the Director of Housing Counseling.

“(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, minorities, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, and home repair loans.”.

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking “and” at the end;

(2) in subclause (IV) by striking the period at the end and inserting “; and”; and

(3) by inserting after subclause (IV) the following new subclause:

“(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).”.

SEC. 404. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by adding at the end the following new paragraph:

“(4) **HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.**—

“(A) **IN GENERAL.**—The Secretary shall make financial assistance available under this paragraph to HUD-approved housing counseling agencies and State housing finance agencies.

“(B) **QUALIFIED ENTITIES.**—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph, in accordance with subparagraph (D).

“(C) **DISTRIBUTION.**—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs.

“(D) **LIMITATION ON DISTRIBUTION OF ASSISTANCE.**—

“(i) **IN GENERAL.**—None of the assistance made available under this paragraph shall be distributed to—

“(I) any organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

“(II) any organization which employs applicable individuals.

“(ii) **DEFINITION OF APPLICABLE INDIVIDUAL.**—In this subparagraph, the term ‘applicable individual’ means an individual who—

“(I) is—

“(aa) employed by the organization in a permanent or temporary capacity;

“(bb) contracted or retained by the organization; or

“(cc) acting on behalf of, or with the express or apparent authority of, the organization; and

“(II) has been indicted for a violation under Federal law relating to an election for Federal office.

“(E) **GRANTMAKING PROCESS.**—In making assistance available under this paragraph, the Secretary shall consider appropriate ways of streamlining and improving the processes for grant application, review, approval, and award.

“(F) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$45,000,000 for each of fiscal years 2009 through 2012 for—

“(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

“(ii) the responsibilities of the Director of Housing Counseling under paragraphs (2) through (5) of subsection (g); and

“(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.”

SEC. 405. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

“(1) **REQUIREMENT FOR ASSISTANCE.**—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.”;

(2) in paragraph (2)—

(A) by inserting “and for certifying organizations” before the period at the end of the first sentence; and

(B) in the second sentence by striking “for certification” and inserting “, for certification

of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,”;

(3) in paragraph (3), by inserting “organizations and” before “individuals”;

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

“(3) **REQUIREMENT UNDER HUD PROGRAMS.**—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

“(4) **OUTREACH.**—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).”

SEC. 406. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 407. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

“(h) **DEFINITIONS.**—For purposes of this section:

“(1) **NONPROFIT ORGANIZATION.**—The term ‘nonprofit organization’ has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

“(2) **STATE.**—The term ‘State’ means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

“(3) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term ‘unit of general local government’ means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.

“(4) **HUD-APPROVED COUNSELING AGENCY.**—The term ‘HUD-approved counseling agency’ means a private or public nonprofit organization that is—

“(A) exempt from taxation under section 501(c) of the Internal Revenue Code of 1986; and

“(B) certified by the Secretary to provide housing counseling services.

“(5) **STATE HOUSING FINANCE AGENCY.**—The term ‘State housing finance agency’ means any public body, agency, or instrumentality specifically created under State statute that is authorized to finance activities designed to provide housing and related facilities throughout an entire State through land acquisition, construction, or rehabilitation.”

SEC. 408. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking “SPECIAL” and inserting “HOME BUYING”;

(2) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) **PREPARATION AND DISTRIBUTION.**—The Secretary shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. The Secretary shall prepare the booklet in various languages and cultural styles, as the Secretary determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Secretary shall distribute such booklets to all lenders that make federally related mortgage loans. The Secretary shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.

“(b) **CONTENTS.**—Each booklet shall be in such form and detail as the Secretary shall prescribe and, in addition to such other information as the Secretary may provide, shall include in plain and understandable language the following information:

“(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—

“(A) balloon payments;

“(B) prepayment penalties; and

“(C) the trade-off between closing costs and the interest rate over the life of the loan.

“(2) An explanation and sample of the uniform settlement statement required by section 4.

“(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.

“(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.

“(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.

“(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled ‘Consumer Handbook on Adjustable Rate Mortgages’, published by the Board of Governors of the Federal Reserve System pursuant to section 226.19(b)(1) of title 12, Code of Federal Regulations, or to any suitable substitute of such booklet that such Board of Governors may subsequently adopt pursuant to such section.

“(7) A brief explanation of the nature of a home equity line of credit and a reference to the

pamphlet required to be provided under section 127A of the Truth in Lending Act.

“(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.

“(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.

“(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.

“(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.

“(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.

“(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.

The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.”;

(3) in subsection (c), by inserting at the end the following new sentence: “Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender.”; and

(4) in subsection (d), by inserting after the period at the end of the first sentence the following: “The lender shall provide the HUD-issued booklet in the version that is most appropriate for the person receiving it.”.

SEC. 409. HOME INSPECTION COUNSELING.

(a) PUBLIC OUTREACH.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) shall take such actions as may be necessary to inform potential homebuyers of the availability and importance of obtaining an independent home inspection. Such actions shall include—

(A) publication of the HUD/FHA form HUD 92564-CN entitled “For Your Protection: Get a Home Inspection”, in both English and Spanish languages;

(B) publication of the HUD/FHA booklet entitled “For Your Protection: Get a Home Inspection”, in both English and Spanish languages;

(C) development and publication of a HUD booklet entitled “For Your Protection—Get a Home Inspection” that does not reference FHA-insured homes, in both English and Spanish languages; and

(D) publication of the HUD document entitled “Ten Important Questions To Ask Your Home Inspector”, in both English and Spanish languages.

(2) AVAILABILITY.—The Secretary shall make the materials specified in paragraph (1) available for electronic access and, where appropriate, inform potential homebuyers of such availability through home purchase counseling public service announcements and toll-free telephone hotlines of the Department of Housing and Urban Development. The Secretary shall

give special emphasis to reaching first-time and low-income homebuyers with these materials and efforts.

(3) UPDATING.—The Secretary may periodically update and revise such materials, as the Secretary determines to be appropriate.

(b) REQUIREMENT FOR FHA-APPROVED LENDERS.—Each mortgagee approved for participation in the mortgage insurance programs under title II of the National Housing Act shall provide prospective homebuyers, at first contact, whether upon pre-qualification, pre-approval, or initial application, the materials specified in subparagraphs (A), (B), and (D) of subsection (a)(1).

(c) REQUIREMENTS FOR HUD-APPROVED COUNSELING AGENCIES.—Each counseling agency certified pursuant by the Secretary to provide housing counseling services shall provide each of their clients, as part of the home purchase counseling process, the materials specified in subparagraphs (C) and (D) of subsection (a)(1).

(d) TRAINING.—Training provided the Department of Housing and Urban Development for housing counseling agencies, whether such training is provided directly by the Department or otherwise, shall include—

(1) providing information on counseling potential homebuyers of the availability and importance of getting an independent home inspection;

(2) providing information about the home inspection process, including the reasons for specific inspections such as radon and lead-based paint testing;

(3) providing information about advising potential homebuyers on how to locate and select a qualified home inspector; and

(4) review of home inspection public outreach materials of the Department.

TITLE V—MORTGAGE SERVICING

SEC. 501. ESCROW AND IMPOUND ACCOUNTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129C (as added by section 201) the following new section:

“SEC. 129D. ESCROW OR IMPOUND ACCOUNTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

“(a) IN GENERAL.—Except as provided in subsection (b), (c), or (d), a creditor, in connection with the formation or consummation of a consumer credit transaction secured by a first lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, shall establish, before the consummation of such transaction, an escrow or impound account for the payment of taxes and hazard insurance, and, if applicable, flood insurance, mortgage insurance, ground rents, and any other required periodic payments or premiums with respect to the property or the loan terms, as provided in, and in accordance with, this section.

“(b) WHEN REQUIRED.—No impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property may be required as a condition of a real property sale contract or a loan secured by a first deed of trust or mortgage on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, except when—

“(1) any such impound, trust, or other type of escrow or impound account for such purposes is required by Federal or State law;

“(2) a loan is made, guaranteed, or insured by a State or Federal governmental lending or insuring agency;

“(3) the transaction is secured by a first mortgage or lien on the consumer's principal dwell-

ing and the annual percentage rate on the credit, at the date the interest rate is set, will exceed the average prime offer rate for a comparable transaction by 1.5 percentage points or more; or

“(4) so required pursuant to regulation.

“(c) DURATION OF MANDATORY ESCROW OR IMPOUND ACCOUNT.—An escrow or impound account established pursuant to subsection (b), shall remain in existence for a minimum period of 5 years, beginning with the date of the consummation of the loan, and until such borrower has sufficient equity in the dwelling securing the consumer credit transaction so as to no longer be required to maintain private mortgage insurance, or such other period as may be provided in regulations to address situations such as borrower delinquency, unless the underlying mortgage establishing the account is terminated.

“(d) LIMITED EXEMPTIONS FOR LOANS SECURED BY SHARES IN A COOPERATIVE AND FOR CERTAIN CONDOMINIUM UNITS.—Escrow accounts need not be established for loans secured by shares in a cooperative. Insurance premiums need not be included in escrow accounts for loans secured by condominium units, where the condominium association has an obligation to the condominium unit owners to maintain a master policy insuring condominium units.

“(e) CLARIFICATION ON ESCROW ACCOUNTS FOR LOANS NOT MEETING STATUTORY TEST.—For mortgages not covered by the requirements of subsection (b), no provision of this section shall be construed as precluding the establishment of an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property—

“(1) on terms mutually agreeable to the parties to the loan;

“(2) at the discretion of the lender or servicer, as provided by the contract between the lender or servicer and the borrower; or

“(3) pursuant to the requirements for the escrowing of flood insurance payments for regulated lending institutions in section 102(d) of the Flood Disaster Protection Act of 1973.

“(f) ADMINISTRATION OF MANDATORY ESCROW OR IMPOUND ACCOUNTS.—

“(1) IN GENERAL.—Except as may otherwise be provided for in this title or in regulations prescribed by the Board, escrow or impound accounts established pursuant to subsection (b) shall be established in a federally insured depository institution.

“(2) ADMINISTRATION.—Except as provided in this section or regulations prescribed under this section, an escrow or impound account subject to this section shall be administered in accordance with—

“(A) the Real Estate Settlement Procedures Act of 1974 and regulations prescribed under such Act;

“(B) the Flood Disaster Protection Act of 1973 and regulations prescribed under such Act; and

“(C) the law of the State, if applicable, where the real property securing the consumer credit transaction is located.

“(3) APPLICABILITY OF PAYMENT OF INTEREST.—If prescribed by applicable State or Federal law, each creditor shall pay interest to the consumer on the amount held in any impound, trust, or escrow account that is subject to this section in the manner as prescribed by that applicable State or Federal law.

“(4) PENALTY COORDINATION WITH RESPA.—Any action or omission on the part of any person which constitutes a violation of the Real Estate Settlement Procedures Act of 1974 or any regulation prescribed under such Act for which the person has paid any fine, civil money penalty, or other damages shall not give rise to any additional fine, civil money penalty, or other damages under this section, unless the action or omission also constitutes a direct violation of this section.

“(g) DISCLOSURES RELATING TO MANDATORY ESCROW OR IMPOUND ACCOUNT.—In the case of any impound, trust, or escrow account that is subject to this section, the creditor shall disclose by written notice to the consumer at least 3 business days before the consummation of the consumer credit transaction giving rise to such account or in accordance with timeframes established in prescribed regulations the following information:

“(1) The fact that an escrow or impound account will be established at consummation of the transaction.

“(2) The amount required at closing to initially fund the escrow or impound account.

“(3) The amount, in the initial year after the consummation of the transaction, of the estimated taxes and hazard insurance, including flood insurance, if applicable, and any other required periodic payments or premiums that reflects, as appropriate, either the taxable assessed value of the real property securing the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction) or the replacement costs of the property.

“(4) The estimated monthly amount payable to be escrowed for taxes, hazard insurance (including flood insurance, if applicable) and any other required periodic payments or premiums.

“(5) The fact that, if the consumer chooses to terminate the account at the appropriate time in the future, the consumer will become responsible for the payment of all taxes, hazard insurance, and flood insurance, if applicable, as well as any other required periodic payments or premiums on the property unless a new escrow or impound account is established.

“(6) Such other information as the Federal banking agencies jointly determine necessary for the protection of the consumer.

“(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) FLOOD INSURANCE.—The term ‘flood insurance’ means flood insurance coverage provided under the national flood insurance program pursuant to the National Flood Insurance Act of 1968.

“(2) HAZARD INSURANCE.—The term ‘hazard insurance’ shall have the same meaning as provided for ‘hazard insurance’, ‘casualty insurance’, ‘homeowner’s insurance’, or other similar term under the law of the State where the real property securing the consumer credit transaction is located.”.

(b) IMPLEMENTATION.—

(1) REGULATIONS.—The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, (hereafter in this Act referred to as the “Federal banking agencies”) and the Federal Trade Commission shall prescribe, in final form, such regulations as determined to be necessary to implement the amendments made by subsection (a) before the end of the 180-day period beginning on the date of the enactment of this Act.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall only apply to covered mortgage loans consummated after the end of the 1-year period beginning on the date of the publication of final regulations in the Federal Register.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129C (as added by section 201) the following new item:

“129D. Escrow or impound accounts relating to certain consumer credit transactions.”.

SEC. 502. DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.

(a) IN GENERAL.—Section 129D of the Truth in Lending Act (as added by section 501) is amended by adding at the end the following new subsection:

“(i) DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.—

“(1) IN GENERAL.—If—

“(A) an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to real property securing a consumer credit transaction is not established in connection with the transaction; or

“(B) a consumer chooses, and provides written notice to the creditor or servicer of such choice, at any time after such an account is established in connection with any such transaction and in accordance with any statute, regulation, or contractual agreement, to close such account,

the creditor or servicer shall provide a timely and clearly written disclosure to the consumer that advises the consumer of the responsibilities of the consumer and implications for the consumer in the absence of any such account.

“(2) DISCLOSURE REQUIREMENTS.—Any disclosure provided to a consumer under paragraph (1) shall include the following:

“(A) Information concerning any applicable fees or costs associated with either the non-establishment of any such account at the time of the transaction, or any subsequent closure of any such account.

“(B) A clear and prominent notice that the consumer is responsible for personally and directly paying the non-escrowed items, in addition to paying the mortgage loan payment, in the absence of any such account, and the fact that the costs for taxes, insurance, and related fees can be substantial.

“(C) A clear explanation of the consequences of any failure to pay non-escrowed items, including the possible requirement for the forced placement of insurance by the creditor or servicer and the potentially higher cost (including any potential commission payments to the servicer) or reduced coverage for the consumer in the event of any such creditor-placed insurance.

“(D) Such other information as the Federal banking agencies jointly determine necessary for the protection of the consumer.”.

(b) IMPLEMENTATION.—

(1) REGULATIONS.—The Federal banking agencies and the Federal Trade Commission shall prescribe, in final form, such regulations as such agencies determine to be necessary to implement the amendments made by subsection (a) before the end of the 180-day period beginning on the date of the enactment of this Act.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall only apply in accordance with the regulations established in paragraph (1) and beginning on the date occurring 180-days after the date of the publication of final regulations in the Federal Register.

SEC. 503. REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 AMENDMENTS.

(a) SERVICER PROHIBITIONS.—Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsections:

“(k) SERVICER PROHIBITIONS.—

“(1) IN GENERAL.—A servicer of a federally related mortgage shall not—

“(A) obtain force-placed hazard insurance unless there is a reasonable basis to believe the borrower has failed to comply with the loan contract’s requirements to maintain property insurance;

“(B) charge fees for responding to valid qualified written requests (as defined in regulations

which the Secretary shall prescribe) under this section;

“(C) fail to take timely action to respond to a borrower’s requests to correct errors relating to allocation of payments, final balances for purposes of paying off the loan, or avoiding foreclosure, or other standard servicer’s duties;

“(D) fail to respond within 10 business days to a request from a borrower to provide the identity, address, and other relevant contact information about the owner assignee of the loan; or

“(E) fail to comply with any other obligation found by the Secretary, by regulation, to be appropriate to carry out the consumer protection purposes of this Act.

“(2) FORCE-PLACED INSURANCE DEFINED.—For purposes of this subsection and subsections (l) and (m), the term ‘force-placed insurance’ means hazard insurance coverage obtained by a servicer of a federally related mortgage when the borrower has failed to maintain or renew hazard insurance on such property as required of the borrower under the terms of the mortgage.

“(l) REQUIREMENTS FOR FORCE-PLACED INSURANCE.—A servicer of a federally related mortgage shall not be construed as having a reasonable basis for obtaining force-placed insurance unless the requirements of this subsection have been met.

“(1) WRITTEN NOTICES TO BORROWER.—A servicer may not impose any charge on any borrower for force-placed insurance with respect to any property securing a federally related mortgage unless—

“(A) the servicer has sent, by first-class mail, a written notice to the borrower containing—

“(i) a reminder of the borrower’s obligation to maintain hazard insurance on the property securing the federally related mortgage;

“(ii) a statement that the servicer does not have evidence of insurance coverage of such property;

“(iii) a clear and conspicuous statement of the procedures by which the borrower may demonstrate that the borrower already has insurance coverage; and

“(iv) a statement that the servicer may obtain such coverage at the borrower’s expense if the borrower does not provide such demonstration of the borrower’s existing coverage in a timely manner;

“(B) the servicer has sent, by first-class mail, a second written notice, at least 30 days after the mailing of the notice under subparagraph (A) that contains all the information described in each clause of such subparagraph; and

“(C) the servicer has not received from the borrower any demonstration of hazard insurance coverage for the property securing the mortgage by the end of the 15-day period beginning on the date the notice under subparagraph (B) was sent by the servicer.

“(2) SUFFICIENCY OF DEMONSTRATION.—A servicer of a federally related mortgage shall accept any reasonable form of written confirmation from a borrower of existing insurance coverage, which shall include the existing insurance policy number along with the identity of, and contact information for, the insurance company or agent.

“(3) TERMINATION OF FORCE-PLACED INSURANCE.—Within 15 days of the receipt by a servicer of confirmation of a borrower’s existing insurance coverage, the servicer shall—

“(A) terminate the force-placed insurance; and

“(B) refund to the consumer all force-placed insurance premiums paid by the borrower during any period during which the borrower’s insurance coverage and the force-placed insurance coverage were each in effect, and any related fees charged to the consumer’s account with respect to the force-placed insurance during such period.

“(4) **CLARIFICATION WITH RESPECT TO FLOOD DISASTER PROTECTION ACT.**—No provision of this section shall be construed as prohibiting a servicer from providing simultaneous or concurrent notice of a lack of flood insurance pursuant to section 102(e) of the Flood Disaster Protection Act of 1973.

“(m) **LIMITATIONS ON FORCE-PLACED INSURANCE CHARGES.**—All charges for force-placed insurance premiums shall be bona fide and reasonable in amount.”.

(b) **INCREASE IN PENALTY AMOUNTS.**—Section 6(f) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(f)) is amended—

(1) in paragraphs (1)(B) and (2)(B), by striking “\$1,000” each place such term appears and inserting “\$2,000”; and

(2) in paragraph (2)(B)(i), by striking “\$500,000” and inserting “\$1,000,000”.

(c) **DECREASE IN RESPONSE TIMES.**—Section 6(e) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(e)) is amended—

(1) in paragraph (1)(A), by striking “20 days” and inserting “5 days”; and

(2) in paragraph (2), by striking “60 days” and inserting “30 days”; and

(3) by adding at the end the following new paragraph:

“(4) **LIMITED EXTENSION OF RESPONSE TIME.**—The 30-day period described in paragraph (2) may be extended for not more than 15 days if, before the end of such 30-day period, the servicer notifies the borrower of the extension and the reasons for the delay in responding.”.

(d) **PROMPT REFUND OF ESCROW ACCOUNTS UPON PAYOFF.**—Section 6(g) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(g)) is amended by adding at the end the following new sentence: “Any balance in any such account that is within the servicer’s control at the time the loan is paid off shall be promptly returned to the borrower within 20 business days or credited to a similar account for a new mortgage loan to the borrower with the same lender.”.

SEC. 504. TRUTH IN LENDING ACT AMENDMENTS.

(a) **REQUIREMENTS FOR PROMPT CREDITING OF HOME LOAN PAYMENTS.**—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129E (as added by section 602) the following new section (and by amending the table of contents accordingly):

“SEC. 129F. REQUIREMENTS FOR PROMPT CREDITING OF HOME LOAN PAYMENTS.

“(a) **IN GENERAL.**—In connection with a consumer credit transaction secured by a consumer’s principal dwelling, no servicer shall fail to credit a payment to the consumer’s loan account as of the date of receipt, except when a delay in crediting does not result in any charge to the consumer or in the reporting of negative information to a consumer reporting agency, except as required in subsection (b).

“(b) **EXCEPTION.**—If a servicer specifies in writing requirements for the consumer to follow in making payments, but accepts a payment that does not conform to the requirements, the servicer shall credit the payment as of 5 days after receipt.”.

(b) **REQUESTS FOR PAYOFF AMOUNTS.**—Chapter 2 of such Act is further amended by inserting after section 129F (as added by subsection (a)) the following new section (and by amending the table of contents accordingly):

“SEC. 129G. REQUESTS FOR PAYOFF AMOUNTS OF HOME LOAN.

“A creditor or servicer of a home loan shall send an accurate payoff balance within a reasonable time, but in no case more than 7 business days, after the receipt of a written request for such balance from or on behalf of the borrower.”.

SEC. 505. ESCROWS INCLUDED IN REPAYMENT ANALYSIS.

(a) **IN GENERAL.**—Section 128(b) of the Truth in Lending Act (15 U.S.C. 1638(b)) is amended by adding at the end the following new paragraph:

“(5) **REPAYMENT ANALYSIS REQUIRED TO INCLUDE ESCROW PAYMENTS.**—

“(A) **IN GENERAL.**—In the case of any consumer credit transaction secured by a first mortgage or lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, for which an impound, trust, or other type of account has been or will be established in connection with the transaction for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property, the information required to be provided under subsection (a) with respect to the number, amount, and due dates or period of payments scheduled to repay the total of payments shall take into account the amount of any monthly payment to such account for each such repayment in accordance with section 10(a)(2) of the Real Estate Settlement Procedures Act of 1974.

“(B) **ASSESSMENT VALUE.**—The amount taken into account under subparagraph (A) for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property shall reflect the taxable assessed value of the real property securing the transaction after the consummation of the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction), if known, and the replacement costs of the property for hazard insurance, in the initial year after the transaction.”.

TITLE VI—APPRAISAL ACTIVITIES

SEC. 601. PROPERTY APPRAISAL REQUIREMENTS.

Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (v) (as added by section 303(f)) the following new subsection:

“(u) **PROPERTY APPRAISAL REQUIREMENTS.**—

“(1) **IN GENERAL.**—A creditor may not extend credit in the form of a subprime mortgage to any consumer without first obtaining a written appraisal of the property to be mortgaged prepared in accordance with the requirements of this subsection.

“(2) **APPRAISAL REQUIREMENTS.**—

“(A) **PHYSICAL PROPERTY VISIT.**—An appraisal of property to be secured by a subprime mortgage does not meet the requirement of this subsection unless it is performed by a qualified appraiser who conducts a physical property visit of the interior of the mortgaged property.

“(B) **SECOND APPRAISAL UNDER CERTAIN CIRCUMSTANCES.**—

“(i) **IN GENERAL.**—If the purpose of a subprime mortgage is to finance the purchase or acquisition of the mortgaged property from a person within 180 days of the purchase or acquisition of such property by that person at a price that was lower than the current sale price of the property, the creditor shall obtain a second appraisal from a different qualified appraiser. The second appraisal shall include an analysis of the difference in sale prices, changes in market conditions, and any improvements made to the property between the date of the previous sale and the current sale.

“(ii) **NO COST TO APPLICANT.**—The cost of any second appraisal required under clause (i) may not be charged to the applicant.

“(C) **QUALIFIED APPRAISER DEFINED.**—For purposes of this subsection, the term ‘qualified appraiser’ means a person who—

“(i) is, at a minimum, certified or licensed by the State in which the property to be appraised is located; and

“(ii) performs each appraisal in conformity with the Uniform Standards of Professional Appraisal Practice and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the regulations prescribed under such title, as in effect on the date of the appraisal.

“(3) **FREE COPY OF APPRAISAL.**—A creditor shall provide 1 copy of each appraisal conducted in accordance with this subsection in connection with a subprime mortgage to the applicant without charge, and at least 3 days prior to the transaction closing date.

“(4) **CONSUMER NOTIFICATION.**—At the time of the initial mortgage application, the applicant shall be provided with a statement by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor, and that the applicant may choose to have a separate appraisal conducted at their own expense.

“(5) **VIOLATIONS.**—In addition to any other liability to any person under this title, a creditor found to have willfully failed to obtain an appraisal as required in this subsection shall be liable to the applicant or borrower for the sum of \$2,000.

“(6) **SUBPRIME MORTGAGE DEFINED.**—For purposes of this subsection, the term ‘subprime mortgage’ means a residential mortgage loan with an annual percentage rate that exceeds the average prime offer rate for a comparable transaction, as of the date the interest rate is set—

“(A) by 1.5 or more percentage points for a first lien residential mortgage loan; and

“(B) by 3.5 or more percentage points for a subordinate lien residential mortgage loan.”.

SEC. 602. UNFAIR AND DECEPTIVE PRACTICES AND ACTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

(a) **IN GENERAL.**—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129D (as added by section 501(a)) the following new section:

“SEC. 129E. UNFAIR AND DECEPTIVE PRACTICES AND ACTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

“(a) **IN GENERAL.**—It shall be unlawful, in extending credit or in providing any services for a consumer credit transaction secured by the principal dwelling of the consumer, to engage in any unfair or deceptive act or practice as described in or pursuant to regulations prescribed under this section.

“(b) **APPRAISAL INDEPENDENCE.**—For purposes of subsection (a), unfair and deceptive practices shall include—

“(1) any appraisal of a property offered as security for repayment of the consumer credit transaction that is conducted in connection with such transaction in which a person with an interest in the underlying transaction compensates, coerces, extorts, colludes, instructs, induces, bribes, or intimidates a person conducting or involved in an appraisal, or attempts, to compensate, coerce, extort, collude, instruct, induce, bribe, or intimidate such a person, for the purpose of causing the appraised value assigned, under the appraisal, to the property to be based on any factor other than the independent judgment of the appraiser;

“(2) mischaracterizing, or suborning any mischaracterization of, the appraised value of the property securing the extension of the credit;

“(3) seeking to influence an appraiser or otherwise to encourage a targeted value in order to facilitate the making or pricing of the transaction; and

“(4) withholding or threatening to withhold timely payment for an appraisal report or for appraisal services rendered.

“(c) **EXCEPTIONS.**—The requirements of subsection (b) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage

banker, real estate broker, appraisal management company, employee of an appraisal management company, consumer, or any other person with an interest in a real estate transaction from asking an appraiser to provide 1 or more of the following services:

“(1) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

“(2) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.

“(3) Correct errors in the appraisal report.

“(d) PROHIBITIONS ON CONFLICTS OF INTEREST.—No certified or licensed appraiser conducting, and no appraisal management company procuring or facilitating, an appraisal in connection with a consumer credit transaction secured by the principal dwelling of a consumer may have a direct or indirect interest, financial or otherwise, in the property or transaction involving the appraisal.

“(e) MANDATORY REPORTING.—Any mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person involved in a real estate transaction involving an appraisal in connection with a consumer credit transaction secured by the principal dwelling of a consumer who has a reasonable basis to believe an appraiser is failing to comply with the Uniform Standards of Professional Appraisal Practice, is violating applicable laws, or is otherwise engaging in unethical or unprofessional conduct, shall refer the matter to the applicable State appraiser certifying and licensing agency.

“(f) NO EXTENSION OF CREDIT.—In connection with a consumer credit transaction secured by a consumer's principal dwelling, a creditor who knows, at or before loan consummation, of a violation of the appraisal independence standards established in subsections (b) or (d) shall not extend credit based on such appraisal unless the creditor documents that the creditor has acted with reasonable diligence to determine that the appraisal does not materially misstate or misrepresent the value of such dwelling.

“(g) RULEMAKING PROCEEDINGS.—The Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission—

“(1) shall, for purposes of this section, jointly prescribe regulations no later than 180 days after the date of the enactment of this section, and where such regulations have an effective date of no later than 1 year after the date of the enactment of this section, defining with specificity acts or practices which are unfair or deceptive in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer or mortgage brokerage services for such a transaction and defining any terms in this section or such regulations; and

“(2) may jointly issue interpretive guidelines and general statements of policy with respect to unfair or deceptive acts or practices in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer and mortgage brokerage services for such a transaction, within the meaning of subsections (a), (b), (c), (d), (e), and (f).

“(h) PENALTIES.—

“(1) FIRST VIOLATION.—In addition to the enforcement provisions referred to in section 130, each person who violates this section shall forfeit and pay a civil penalty of not more than \$10,000 for each day any such violation continues.

“(2) SUBSEQUENT VIOLATIONS.—In the case of any person on whom a civil penalty has been imposed under paragraph (1), paragraph (1) shall be applied by substituting ‘\$20,000’ for ‘\$10,000’ with respect to all subsequent violations.

“(3) ASSESSMENT.—The agency referred to in subsection (a) or (c) of section 108 with respect to any person described in paragraph (1) shall assess any penalty under this subsection to which such person is subject.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129D (as added by section 501(c)) the following new item:

“129E. Unfair and deceptive practices and acts relating to certain consumer credit transactions.”

SEC. 603. AMENDMENTS RELATING TO APPRAISAL SUBCOMMITTEE OF FIEC, APPRAISER INDEPENDENCE, AND APPROVED APPRAISER EDUCATION.

(a) CONSUMER PROTECTION MISSION.—

(1) PURPOSES.—Section 1101 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331) is amended by inserting “and to provide the Appraisal Subcommittee with a consumer protection mandate” before the period at the end.

(2) FUNCTIONS OF APPRAISAL SUBCOMMITTEE.—Section 1103(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3332(a)) is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “;”;

(C) by adding at the end the following new paragraph:

“(5) monitor the efforts of, and requirements established by, States and the Federal financial institutions regulatory agencies to protect consumers from improper appraisal practices and the predations of unlicensed appraisers in consumer credit transactions that are secured by a consumer's principal dwelling; and”

(3) THRESHOLD LEVELS.—Section 1112(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3341(b)) is amended by inserting before the period the following: “, and that such threshold level provides reasonable protection for consumers who purchase 1–4 unit single-family residences. In determining whether a threshold level provides reasonable protection for consumers, each Federal financial institutions regulatory agency shall consult with consumer groups and convene a public hearing”.

(b) ANNUAL REPORT OF APPRAISAL SUBCOMMITTEE.—

(1) IN GENERAL.—Section 1103(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3332(a)) is amended at the end by inserting the following new paragraph:

“(6) transmit an annual report to the Congress not later than January 31 of each year that describes the manner in which each function assigned to the Appraisal Subcommittee has been carried out during the preceding year. The report shall also detail the activities of the Appraisal Subcommittee, including the results of all audits of State appraiser regulatory agencies, and provide an accounting of disapproved actions and warnings taken in the previous year, including a description of the conditions causing the disapproval and actions taken to achieve compliance.”

(c) OPEN MEETINGS.—Section 1104(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3333(b)) is amended by inserting “in public session after notice in the Federal Register” after “shall meet”.

(d) REGULATIONS.—Section 1106 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3335) is amended—

(1) by inserting “prescribe regulations after notice and opportunity for comment,” after “hold hearings”; and

(2) at the end by inserting “Any regulations prescribed by the Appraisal Subcommittee shall (unless otherwise provided in this title) be limited to the following functions: temporary practice, national registry, information sharing, and enforcement. For purposes of prescribing regulations, the Appraisal Subcommittee shall establish an advisory committee of industry participants, including appraisers, lenders, consumer advocates, and government agencies, and hold meetings as necessary to support the development of regulations.”

(e) FIELD APPRAISALS AND APPRAISAL REVIEWS.—Section 1113 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended—

(1) by striking “In determining” and inserting “(a) IN GENERAL.—In determining”;

(2) in subsection (a) (as designated by paragraph (1)), by inserting before the period the following: “, where a complex 1-to-4 unit single family residential appraisal means an appraisal for which the property to be appraised, the form of ownership, the property characteristics, or the market conditions are atypical”; and

(3) by adding at the end the following new subsection:

“(b) APPRAISALS AND APPRAISAL REVIEWS.—All appraisals performed at a property within a State shall be prepared by appraisers licensed or certified in the State where the property is located. All appraisal reviews, including appraisal reviews by a lender, appraisal management company, or other third party organization, shall be performed by an appraiser who is duly licensed or certified by a State appraisal board.”

(f) APPRAISAL MANAGEMENT SERVICES.—

(1) SUPERVISION OF THIRD PARTY PROVIDERS OF APPRAISAL MANAGEMENT SERVICES.—Section 1103(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3332(a)) (as previously amended by this section) is further amended—

(A) by amending paragraph (1) to read as follows:

“(1) monitor the requirements established by States—

“(A) for the certification and licensing of individuals who are qualified to perform appraisals in connection with federally related transactions, including a code of professional responsibility; and

“(B) for the registration and supervision of the operations and activities of an appraisal management company;”;

(B) by adding at the end the following new paragraph:

“(7) maintain a national registry of appraisal management companies that either are registered with and subject to supervision of a State appraiser certifying and licensing agency or are operating subsidiaries of a Federally regulated financial institution.”

(2) APPRAISAL MANAGEMENT COMPANY MINIMUM QUALIFICATIONS.—Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) is amended by adding at the end the following new section (and amending the table of contents accordingly):

“SEC. 1124. APPRAISAL MANAGEMENT COMPANY MINIMUM QUALIFICATIONS.

“(a) IN GENERAL.—The Appraiser Qualifications Board of the Appraisal Foundation shall establish minimum qualifications to be applied by a State in the registration of appraisal management companies. Such qualifications shall include a requirement that such companies—

“(1) register with and be subject to supervision by a State appraiser certifying and licensing agency in each State in which such company operates;

“(2) verify that only licensed or certified appraisers are used for federally related transactions;

“(3) require that appraisals coordinated by an appraisal management company comply with the Uniform Standards of Professional Appraisal Practice; and

“(4) require that appraisals are conducted independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the Truth in Lending Act.

“(b) EXCEPTION FOR FEDERALLY REGULATED FINANCIAL INSTITUTIONS.—The requirements of subsection (a) shall not apply to an appraisal management company that is a subsidiary owned and controlled by a financial institution and regulated by a federal financial institution regulatory agency. In such case, the appropriate federal financial institutions regulatory agency shall, at a minimum, develop regulations affecting the operations of the appraisal management company to—

“(1) verify that only licensed or certified appraisers are used for federally related transactions;

“(2) require that appraisals coordinated by an institution or subsidiary providing appraisal management services comply with the Uniform Standards of Professional Appraisal Practice; and

“(3) require that appraisals are conducted independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the Truth in Lending Act.

“(c) REGISTRATION LIMITATIONS.—An appraisal management company shall not be registered by a State if such company, in whole or in part, directly or indirectly, is owned by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any State. Additionally, each person that owns more than 10 percent of an appraisal management company shall be of good moral character, as determined by the State appraiser certifying and licensing agency, and shall submit to a background investigation carried out by the State appraiser certifying and licensing agency.

“(d) REGULATIONS.—The Appraisal Subcommittee shall promulgate regulations to implement the minimum qualifications developed by the Appraiser Qualifications Board under this section, as such qualifications relate to the State appraiser certifying and licensing agencies. The Appraisal Subcommittee shall also promulgate regulations for the reporting of the activities of appraisal management companies in determining the payment of the annual registry fee.

“(e) EFFECTIVE DATE.—

“(1) IN GENERAL.—No appraisal management company may perform services related to a federally related transaction in a State after the date that is 36 months after the date of the enactment of this section unless such company is registered with such State or subject to oversight by a federal financial institutions regulatory agency.

“(2) EXTENSION OF EFFECTIVE DATE.—Subject to the approval of the Council, the Appraisal Subcommittee may extend by an additional 12 months the requirements for the registration and supervision of appraisal management companies if it makes a written finding that a State has made substantial progress in establishing a State appraisal management company registration and supervision system that appears to conform with the provisions of this title.”.

(3) STATE APPRAISER CERTIFYING AND LICENSING AGENCY AUTHORITY.—Section 1117 of the Fi-

ancial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3346) is amended by adding at the end the following: “The duties of such agency may additionally include the registration and supervision of appraisal management companies.”.

(4) APPRAISAL MANAGEMENT COMPANY DEFINITION.—Section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350) is amended by adding at the end the following:

“(11) APPRAISAL MANAGEMENT COMPANY.—The term ‘appraisal management company’ means, in connection with valuing properties collateralizing mortgage loans or mortgages incorporated into a securitization, any external third party authorized either by a creditor of a consumer credit transaction secured by a consumer’s principal dwelling or by an underwriter of or other principal in the secondary mortgage markets, that oversees a network or panel of more than 10 certified or licensed appraisers in a State or 25 or more nationally within a given year—

“(A) to recruit, select, and retain appraisers;

“(B) to contract with licensed and certified appraisers to perform appraisal assignments;

“(C) to manage the process of having an appraisal performed, including providing administrative duties such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for services provided, and reimbursing appraisers for services performed; or

“(D) to review and verify the work of appraisers.”.

(g) STATE AGENCY REPORTING REQUIREMENT.—Section 1109(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3338(a)) is amended—

(1) by striking “and” after the semicolon in paragraph (1);

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

“(2) transmit reports on sanctions, disciplinary actions, license and certification revocations, and license and certification suspensions on a timely basis to the national registry of the Appraisal Subcommittee;

“(3) transmit reports on a timely basis of supervisory activities involving appraisal management companies or other third-party providers of appraisals and appraisal management services, including investigations initiated and disciplinary actions taken; and”.

(h) REGISTRY FEES MODIFIED.—

(1) IN GENERAL.—Section 1109(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3338(a)) is amended—

(A) by amending paragraph (4) (as modified by section 603(g) of this Act) to read as follows:

“(4) collect—

“(A) from such individuals who perform or seek to perform appraisals in federally related transactions, an annual registry fee of not more than \$40, such fees to be transmitted by the State agencies to the Council on an annual basis; and

“(B) from an appraisal management company that either has registered with a State appraiser certifying and licensing agency in accordance with this title or operates as a subsidiary of a federally regulated financial institution, an annual registry fee of—

“(i) in the case of such a company that has been in existence for more than a year, \$25 multiplied by the number of appraisers working for or contracting with such company in such State during the previous year, but where such \$25 amount may be adjusted, up to a maximum of

\$50, at the discretion of the Appraisal Subcommittee, if necessary to carry out the Subcommittee’s functions under this title; and

“(ii) in the case of such a company that has not been in existence for more than a year, \$25 multiplied by an appropriate number to be determined by the Appraisal Subcommittee, and where such number will be used for determining the fee of all such companies that were not in existence for more than a year, but where such \$25 amount may be adjusted, up to a maximum of \$50, at the discretion of the Appraisal Subcommittee, if necessary to carry out the Subcommittee’s functions under this title.”; and

(B) by amending the matter following paragraph (4), as redesignated, to read as follows:

“Subject to the approval of the Council, the Appraisal Subcommittee may adjust the dollar amount of registry fees under paragraph (4)(A), up to a maximum of \$80 per annum, as necessary to carry out its functions under this title. The Appraisal Subcommittee shall consider at least once every 5 years whether to adjust the dollar amount of the registry fees to account for inflation. In implementing any change in registry fees, the Appraisal Subcommittee shall provide flexibility to the States for multi-year certifications and licenses already in place, as well as a transition period to implement the changes in registry fees. In establishing the amount of the annual registry fee for an appraisal management company, the Appraisal Subcommittee shall have the discretion to impose a minimum annual registry fee for an appraisal management company to protect against the underreporting of the number of appraisers working for or contracted by the appraisal management company.”.

(2) INCREMENTAL REVENUES.—Incremental revenues collected pursuant to the increases required by this subsection shall be placed in a separate account at the United States Treasury, entitled the “Appraisal Subcommittee Account”.

(i) GRANTS AND REPORTS.—Section 1109(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3348(b)) is amended—

(1) by striking “and” after the semicolon in paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon;

(3) by adding at the end the following new paragraphs:

“(5) to make grants to State appraiser certifying and licensing agencies to support the efforts of such agencies to comply with this title, including—

“(A) the complaint process, complaint investigations, and appraiser enforcement activities of such agencies; and

“(B) the submission of data on State licensed and certified appraisers and appraisal management companies to the National appraisal registry, including information affirming that the appraiser or appraisal management company meets the required qualification criteria and formal and informal disciplinary actions; and

“(6) to report to all State appraiser certifying and licensing agencies when a license or certification is surrendered, revoked, or suspended.”.

Obligations authorized under this subsection may not exceed 75 percent of the fiscal year total of incremental increase in fees collected and deposited in the “Appraisal Subcommittee Account” pursuant to subsection (h).

(j) CRITERIA.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended—

(1) in subsection (c), by inserting “whose criteria for the licensing of a real estate appraiser currently meet or exceed the minimum criteria issued by the Appraiser Qualifications Board of The Appraisal Foundation for the licensing of real estate appraisers” before the period at the end; and

(2) by striking subsection (e) and inserting the following new subsection:

“(e) **MINIMUM QUALIFICATION REQUIREMENTS.**—Any requirements established for individuals in the position of ‘Trainee Appraiser’ and ‘Supervisory Appraiser’ shall meet or exceed the minimum qualification requirements of the Appraiser Qualifications Board of The Appraisal Foundation. The Appraisal Subcommittee shall have the authority to enforce these requirements.”.

(k) **MONITORING OF STATE APPRAISER CERTIFYING AND LICENSING AGENCIES.**—Section 1118 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3347) is amended—

(1) by amending subsection (a) to read as follows:

“(a) **IN GENERAL.**—The Appraisal Subcommittee shall monitor each State appraiser certifying and licensing agency for the purposes of determining whether such agency—

“(1) has policies, practices, funding, staffing, and procedures that are consistent with this title;

“(2) processes complaints and completes investigations in a reasonable time period;

“(3) appropriately disciplines sanctioned appraisers and appraisal management companies;

“(4) maintains an effective regulatory program; and

“(5) reports complaints and disciplinary actions on a timely basis to the national registries on appraisers and appraisal management companies maintained by the Appraisal Subcommittee.

The Appraisal Subcommittee shall have the authority to remove a State licensed or certified appraiser or a registered appraisal management company from a national registry on an interim basis pending State agency action on licensing, certification, registration, and disciplinary proceedings. The Appraisal Subcommittee and all agencies, instrumentalities, and Federally recognized entities under this title shall not recognize appraiser certifications and licenses from States whose appraisal policies, practices, funding, staffing, or procedures are found to be inconsistent with this title. The Appraisal Subcommittee shall have the authority to impose sanctions, as described in this section, against a State agency that fails to have an effective appraiser regulatory program. In determining whether such a program is effective, the Appraisal Subcommittee shall include an analyses of the licensing and certification of appraisers, the registration of appraisal management companies, the issuance of temporary licenses and certifications for appraisers, the receiving and tracking of submitted complaints against appraisers and appraisal management companies, the investigation of complaints, and enforcement actions against appraisers and appraisal management companies. The Appraisal Subcommittee shall have the authority to impose interim actions and suspensions against a State agency as an alternative to, or in advance of, the derecognition of a State agency.”.

(2) in subsection (b)(2), by inserting after “authority” the following: “or sufficient funding”.

(l) **RECIPROCITY.**—Subsection (b) of section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351(b)) is amended to read as follows:

“(b) **RECIPROCITY.**—A State appraiser certifying or licensing agency shall issue a reciprocal certification or license for an individual from another State when—

“(1) the appraiser licensing and certification program of such other State is in compliance with the provisions of this title; and

“(2) the appraiser holds a valid certification from a State whose requirements for certification or licensing meet or exceed the licensure

standards established by the State where an individual seeks appraisal licensure.”.

(m) **CONSIDERATION OF PROFESSIONAL APPRAISAL DESIGNATIONS.**—Section 1122(d) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351(d)) is amended by striking “shall not exclude” and all that follows through the end of the subsection and inserting the following: “may include education achieved, experience, sample appraisals, and references from prior clients. Membership in a nationally recognized professional appraisal organization may be a criteria considered, though lack of membership therein shall not be the sole bar against consideration for an assignment under these criteria.”.

(n) **APPRAISER INDEPENDENCE.**—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by adding at the end the following new subsection:

“(g) **APPRAISER INDEPENDENCE MONITORING.**—The Appraisal Subcommittee shall monitor each State appraiser certifying and licensing agency for the purpose of determining whether such agency’s policies, practices, and procedures are consistent with the purposes of maintaining appraiser independence and whether such State has adopted and maintains effective laws, regulations, and policies aimed at maintaining appraiser independence.”.

(o) **APPRAISER EDUCATION.**—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by inserting after subsection (g) (as added by subsection (l) of this section) the following new subsection:

“(h) **APPROVED EDUCATION.**—The Appraisal Subcommittee shall encourage the States to accept courses approved by the Appraiser Qualification Board’s Course Approval Program.”.

(p) **APPRAISAL COMPLAINT HOTLINE.**—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351), as amended by this section, is further amended by adding at the end the following new subsection:

“(i) **APPRAISAL COMPLAINT NATIONAL HOTLINE.**—If, 1 year after the date of the enactment of this subsection, the Appraisal Subcommittee determines that no national hotline exists to receive complaints of non-compliance with appraisal independence standards and Uniform Standards of Professional Appraisal Practice, including complaints from appraisers, individuals, or other entities concerning the improper influencing or attempted improper influencing of appraisers or the appraisal process, the Appraisal Subcommittee shall establish and operate such a national hotline, which shall include a toll-free telephone number and an email address. If the Appraisal Subcommittee operates such a national hotline, the Appraisal Subcommittee shall refer complaints for further action to appropriate governmental bodies, including a State appraiser certifying and licensing agency, a financial institution regulator, or other appropriate legal authorities. For complaints referred to State appraiser certifying and licensing agencies or to Federal regulators, the Appraisal Subcommittee shall have the authority to follow up such complaint referrals in order to determine the status of the resolution of the complaint.”.

(q) **AUTOMATED VALUATION MODELS.**—Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.), as amended by this section, is further amended by adding at the end the following new section (and amending the table of contents accordingly):

“SEC. 1125. AUTOMATED VALUATION MODELS USED TO VALUE CERTAIN MORTGAGES.

“(a) **IN GENERAL.**—Automated valuation models shall adhere to quality control standards designed to—

“(1) ensure a high level of confidence in the estimates produced by automated valuation models;

“(2) protect against the manipulation of data;

“(3) seek to avoid conflicts of interest; and

“(4) require random sample testing and reviews, where such testing and reviews are performed by an appraiser who is licensed or certified in the State where the testing and reviews take place.

“(b) **ADOPTION OF REGULATIONS.**—The Appraisal Subcommittee and its member agencies shall promulgate regulations to implement the quality control standards required under this section.

“(c) **ENFORCEMENT.**—Compliance with regulations issued under this subsection shall be enforced by—

“(1) with respect to a financial institution, or subsidiary owned and controlled by a financial institution and regulated by a federal financial institution or regulatory agency, the federal financial institution regulatory agency that acts as the primary federal supervisor of such financial institution or subsidiary; and

“(2) with respect to other persons, the Appraisal Subcommittee.

“(d) **AUTOMATED VALUATION MODEL DEFINED.**—For purposes of this section, the term ‘automated valuation model’ means any computerized model used by mortgage originators and secondary market issuers to determine the collateral worth of a mortgage secured by a consumer’s principal dwelling.”.

(r) **BROKER PRICE OPINIONS.**—Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.), as amended by this section, is further amended by adding at the end the following new section (and amending the table of contents accordingly):

“SEC. 1126. BROKER PRICE OPINIONS.

“(a) **GENERAL PROHIBITION.**—Broker price opinions may not be used as the sole basis to determine the value of a piece of property for the purpose of a loan origination of a residential mortgage loan secured by such piece of property.

“(b) **EXCEPTIONS.**—Subsection (a) shall not apply to—

“(1) those transaction as may be designated by the federal financial institutions regulatory agencies or the Federal Housing Finance Agency; or

“(2) real estate brokers who produce broker price opinions or competitive market analyses solely for the purposes of the real estate listing process.

“(c) **BROKER PRICE OPINION DEFINED.**—For purposes of this section, the term ‘broker price opinion’ means an estimate, done in lieu of a written appraisal, prepared by a real estate broker, agent, or sales person that details the probable selling price of a particular piece of real estate property and provides a varying level of detail about the property’s condition, market, and neighborhood, and information on comparable sales, but does not include an automated valuation model, as defined in section 1125(c).”.

(s) **AMENDMENTS TO APPRAISAL SUBCOMMITTEE.**—Section 1011 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3310) is amended—

(1) in the first sentence, by adding before the period the following: “and the Federal Housing Finance Agency”; and

(2) by inserting at the end the following: “At all times at least one member of the Appraisal

Subcommittee shall have demonstrated knowledge and competence through licensure, certification, or professional designation within the appraisal profession.”.

(t) **TECHNICAL CORRECTIONS.**—

(1) Section 1119(a)(2) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3348(a)(2)) is amended by striking “council,” and inserting “Council.”.

(2) Section 1121(6) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(6)) is amended by striking “Corporations,” and inserting “Corporation.”.

(3) Section 1121(8) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(8)) is amended by striking “council” and inserting “Council”.

(4) Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended—

(A) in subsection (a)(1) by moving the left margin of subparagraphs (A), (B), and (C) 2 ems to the right; and

(B) in subsection (c)—

(i) by striking “Federal Financial Institutions Examination Council” and inserting “Financial Institutions Examination Council”; and

(ii) by striking “the council’s functions” and inserting “the Council’s functions”.

SEC. 604. STUDY REQUIRED ON IMPROVEMENTS IN APPRAISAL PROCESS AND COMPLIANCE PROGRAMS.

(a) **STUDY.**—The Comptroller General shall conduct a comprehensive study on possible improvements in the appraisal process generally, and specifically on the consistency in and the effectiveness of, and possible improvements in, State compliance efforts and programs in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. In addition, this study shall examine the existing exemptions to the use of certified appraisers issued by Federal financial institutions regulatory agencies. The study shall also review the threshold level established by Federal regulators for compliance under title XI and whether there is a need to revise them to reflect the addition of consumer protection to the purposes and functions of the Appraisal Subcommittee. The study shall additionally examine the quality of different types of mortgage collateral valuations produced by broker price opinions, automated valuation models, licensed appraisals, and certified appraisals, among others, and the quality of appraisals provided through different distribution channels, including appraisal management companies, independent appraisal operations within a mortgage originator, and fee-for-service appraisals. The study shall also include an analysis and statistical breakdown of enforcement actions taken during the last 10 years against different types of appraisers, including certified, licensed, supervisory, and trainee appraisers. Furthermore, the study shall examine the benefits and costs, as well as the advantages and disadvantages, of establishing a national repository to collect data related to real estate property collateral valuations performed in the United States.

(b) **REPORT.**—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report on the study under subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, together with such recommendations for administrative or legislative action, at the Federal or State level, as the Comptroller General may determine to be appropriate.

SEC. 605. EQUAL CREDIT OPPORTUNITY ACT AMENDMENT.

Subsection (e) of section 701 of the Equal Credit Opportunity Act (U.S.C. 1691) is amended to read as follows:

“(e) **COPIES FURNISHED TO APPLICANTS.**—

“(1) **IN GENERAL.**—Each creditor shall furnish to an applicant a copy of any and all written appraisals and valuations developed in connection with the applicant’s application for a loan that is secured or would have been secured by a first lien on a dwelling promptly upon completion, but in no case later than 3 days prior to the closing of the loan, whether the creditor grants or denies the applicant’s request for credit or the application is incomplete or withdrawn.

“(2) **WAIVER.**—The applicant may waive the 3 day requirement provided for in paragraph (1), except where otherwise required in law.

“(3) **REIMBURSEMENT.**—The applicant may be required to pay a reasonable fee to reimburse the creditor for the cost of the appraisal, except where otherwise required in law.

“(4) **FREE COPY.**—Notwithstanding paragraph (3), the creditor shall provide a copy of each written appraisal or valuation at no additional cost to the applicant.

“(5) **NOTIFICATION TO APPLICANTS.**—At the time of application, the creditor shall notify an applicant in writing of the right to receive a copy of each written appraisal and valuation under this subsection.

“(6) **REGULATIONS.**—The Board shall prescribe regulations to implement this subsection within 1 year of the date of the enactment of this subsection.

“(7) **VALUATION DEFINED.**—For purposes of this subsection, the term ‘valuation’ shall include any estimate of the value of a dwelling developed in connection with a creditor’s decision to provide credit, including those values developed pursuant to a policy of a government sponsored enterprise or by an automated valuation model, a broker price opinion, or other methodology or mechanism.”.

SEC. 606. REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 AMENDMENT RELATING TO CERTAIN APPRAISAL FEES.

Section 4 of the Real Estate Settlement Procedures Act of 1974 is amended by adding at the end the following new subsection:

“(c) The standard form described in subsection (a) shall include, in the case of an appraisal coordinated by an appraisal management company (as such term is defined in section 1121(11) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(11))), a clear disclosure of—

“(1) the fee paid directly to the appraiser by such company; and

“(2) the administration fee charged by such company.”.

TITLE VII—SENSE OF CONGRESS REGARDING THE IMPORTANCE OF GOVERNMENT SPONSORED ENTERPRISES REFORM

SEC. 701. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF GOVERNMENT-SPONSORED ENTERPRISES REFORM TO ENHANCE THE PROTECTION, LIMITATION, AND REGULATION OF THE TERMS OF RESIDENTIAL MORTGAGE CREDIT.

(a) **FINDINGS.**—The Congress finds as follows:

(1) The Government-sponsored enterprises, Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), were chartered by Congress to ensure a reliable and affordable supply of mortgage funding, but enjoy a dual legal status as privately owned corporations with Government mandated affordable housing goals.

(2) In 1996, the Department of Housing and Urban Development required that 42 percent of Fannie Mae’s and Freddie Mac’s mortgage financing should go to borrowers with income levels below the median for a given area.

(3) In 2004, the Department of Housing and Urban Development revised those goals, increas-

ing them to 56 percent of their overall mortgage purchases by 2008, and additionally mandated that 12 percent of all mortgage purchases by Fannie Mae and Freddie Mac be “special affordable” loans made to borrowers with incomes less than 60 percent of an area’s median income, a target that ultimately increased to 28 percent for 2008.

(4) To help fulfill those mandated affordable housing goals, in 1995 the Department of Housing and Urban Development authorized Fannie Mae and Freddie Mac to purchase subprime securities that included loans made to low-income borrowers.

(5) After this authorization to purchase subprime securities, subprime and near-prime loans increased from 9 percent of securitized mortgages in 2001 to 40 percent in 2006, while the market share of conventional mortgages dropped from 78.8 percent in 2003 to 50.1 percent by 2007 with a corresponding increase in subprime and Alt-A loans from 10.1 percent to 32.7 percent over the same period.

(6) In 2004 alone, Fannie Mae and Freddie Mac purchased \$175,000,000,000 in subprime mortgage securities, which accounted for 44 percent of the market that year, and from 2005 through 2007, Fannie Mae and Freddie Mac purchased approximately \$1,000,000,000,000 in subprime and Alt-A loans, while Fannie Mae’s acquisitions of mortgages with less than 10 percent down payments almost tripled.

(7) According to data from the Federal Housing Finance Agency (FHFA) for the fourth quarter of 2008, Fannie Mae and Freddie Mac own or guarantee 75 percent of all newly originated mortgages, and Fannie Mae and Freddie Mac currently own 13.3 percent of outstanding mortgage debt in the United States and have issued mortgage-backed securities for 31.0 percent of the residential debt market, a combined total of 44.3 percent of outstanding mortgage debt in the United States.

(8) On September 7, 2008, the FHFA placed Fannie Mae and Freddie Mac into conservatorship, with the Treasury Department subsequently agreeing to purchase at least \$200,000,000,000 of preferred stock from each enterprise in exchange for warrants for the purchase of 79.9 percent of each enterprise’s common stock.

(9) The conservatorship for Fannie Mae and Freddie Mac has potentially exposed taxpayers to upwards of \$5,300,000,000,000 worth of risk.

(10) The hybrid public-private status of Fannie Mae and Freddie Mac is untenable and must be resolved to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive, or abusive.

(b) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that efforts to enhance by the protection, limitation, and regulation of the terms of residential mortgage credit and the practices related to such credit would be incomplete without enactment of meaningful structural reforms of Fannie Mae and Freddie Mac.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-98. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-98.

Mr. FRANK of Massachusetts. I offer amendment No. 1.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

In section 103(cc)(2) of the Truth in Lending Act (as added by section 101 of the bill), insert at the end the following: "All rule writing by the 'Federal banking agencies' as designated by the Mortgage Reform and Anti-Predatory Lending Act will be coordinated through the Financial Institutions Examination Council in consultation with the Chairman of the State Liaison Committee."

In section 103(cc)(3)(C) of the Truth in Lending Act (as added by section 101 of the bill), insert before the semicolon the following: "and who does not advise a consumer on loan terms (including rates, fees, and other costs)".

In section 103(cc)(3) of the Truth in Lending Act (as added by section 101 of the bill)—

(1) in subparagraph (D), strike the final "and";

(2) in subparagraph (E), strike the period at the end and insert "; and"; and

(3) add at the end the following:

"(F) does not include a servicer or servicer employees, agents and contractors, including but not limited to those who offer or negotiate terms of a residential mortgage loan for purposes of renegotiating, modifying, replacing and subordinating principal of existing mortgages where borrowers are behind in their payments, in default or have a reasonable likelihood of being in default or falling behind."

In section 103(cc)(6) of the Truth in Lending Act (as added by section 101 of the bill), strike "128(a)(f) and 128(b)(4)" and insert "and 128(f)".

In section 129B(b)(4)(A) of the Truth in Lending Act (as added by section 102 of the bill), strike ", the Chairman of the State Liaison Committee to the Financial Institutions Examination Council,".

In section 129B(c) of the Truth in Lending Act (as added by section 103 of the bill), insert after paragraph (1) the following (and redesignate succeeding paragraphs accordingly):

"(2) RESTRUCTURING OF FINANCING ORIGINATION FEE.—

"(A) IN GENERAL.—For any mortgage loan, a mortgage originator may not arrange for a consumer to finance through rate any origination fee or cost except bona fide third party settlement charges not retained by the creditor or mortgage originator.

"(B) EXCEPTION.—Notwithstanding paragraph subparagraph (A), a mortgage originator may arrange for a consumer to finance through rate an origination fee or cost if—

"(i) the mortgage originator does not receive any other compensation from the consumer except the compensation that is financed through rate; and

"(ii) the mortgage is a qualified mortgage."

In section 129B(c)(2) of the Truth in Lending Act (as added by section 103 of the bill)—

(1) in subparagraph (C), strike the final "and";

(2) in subparagraph (D), strike the period and insert "; and"; and

(3) add at the end the following new subparagraph:

"(E) mortgage originators from—

"(i) mischaracterizing the credit history of a consumer or the residential mortgage loans available to a consumer;

"(ii) mischaracterizing or suborning the mischaracterization of the appraised value of the property securing the extension of credit; or

"(iii) if unable to suggest, offer, or recommend to a consumer a loan that is not more expensive than a loan for which the consumer qualifies, discouraging a consumer from seeking a home mortgage loan secured by a consumer's principal dwelling from another mortgage originator."

In section 129B(c)(3)(D) of the Truth in Lending Act (as added by section 103 of the bill), strike "rate or".

In section 129B(e)(1) of the Truth in Lending Act (as added by section 105 of the bill), insert after "standards" the following: "necessary or proper to ensure that responsible, affordable mortgage credit remains available to consumers in a manner consistent with the purposes of this section and section 129B,".

Section 106 is amended by inserting after subsection (e) the following new subsection:

(f) STANDARDIZED DISCLOSURE FORMS.—

(1) IN GENERAL.—Any regulations proposed or issued pursuant to the requirements of this section shall include model disclosure forms.

(2) OPTION FOR MANDATORY USE.—In issuing proposed regulations under subsection (a), the Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve System shall include regulations for the mandatory use of standardized disclosure forms if they jointly determine that it would substantially benefit the consumer.

At the end of title I, add the following new section:

SEC. 107. STUDY OF SHARED APPRECIATION MORTGAGES.

(a) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Secretary of the Treasury and other relevant agencies, shall conduct a comprehensive study to determine prudent statutory and regulatory requirements sufficient to provide for the widespread use of shared appreciation mortgages to strengthen local housing markets, provide new opportunities for affordable homeownership, and enable homeowners at-risk of foreclosure to refinance or modify their mortgages.

(b) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress on the results of the study, which shall include recommendations for the regulatory and legislative requirements referred to in subsection (a).

In paragraph (4) of section 129C(a) of the Truth in Lending Act (as added by section 201(a) of the bill), insert after subparagraph (D) the following new subparagraph:

"(E) REFINANCE OF HYBRID LOANS WITH CURRENT LENDER.—In considering any application for refinancing an existing hybrid loan by the creditor into a standard loan to be made by the same creditor in any case in which the sole net-tangible benefit to the mortgagor would be a reduction in monthly payment and the mortgagor has not been delinquent on any payment on the existing hybrid loan, the creditor may—

"(i) consider the mortgagor's good standing on the existing mortgage;

"(ii) consider if the extension of new credit would prevent a likely default should the original mortgage reset and give such concerns a higher priority as an acceptable underwriting practice; and

"(iii) offer rate discounts and other favorable terms to such mortgagor that would be available to new customers with high credit ratings based on such underwriting practice."

In section 129C(a)(4)(D)(ii) of the Truth in Lending Act (as added by section 201 of the bill), strike "the contract's repayment schedule shall be used in this calculation" and insert the following: "the calculation shall be made (I) in accordance with regulations prescribed by the Federal banking agencies, with respect to any loan which has an annual percentage rate that does not exceed the average prime offer rate for a comparable transaction, as of the date the interest rate is set, by 1.5 or more percentage points for a first lien residential mortgage loan; and by 3.5 or more percentage points for a subordinate lien residential mortgage loan; or (II) using the contract's repayment schedule, with respect to a loan which has an annual percentage rate, as of the date the interest rate is set, that is at least 1.5 percentage points above the average prime offer rate for a first lien residential mortgage loan; and 3.5 percentage points above the average prime offer rate for a subordinate lien residential mortgage loan".

In section 129C(c)(2)(A)(iv)(I) of the Truth in Lending Act (as added by section 203 of the bill)—

(1) strike "does not exceed" and insert "is equal to or less than"; and

(2) strike the final "and".

In section 129C(c)(2)(A)(iv)(II) of the Truth in Lending Act (as added by section 203 of the bill)—

(1) strike "exceeds" and insert "is more than"; and

(2) strike the semicolon on the end and insert "; and".

In section 129C(c)(2)(A)(iv) of the Truth in Lending Act (as added by section 203 of the bill), add at the end the following:

"(III) by 3.5 or more percentage points, in the case of a subordinate lien residential mortgage loan;"

In section 129C(c) of the Truth in Lending Act (as added by section 203 of the bill), in the header of paragraph (3), after "rate" insert the following: "and APR thresholds".

In section 129C(c)(3) of the Truth in Lending Act (as added by section 203 of the bill)—

(1) in subparagraph (A), strike the final "and";

(2) in subparagraph (B), strike the period and insert "; and"; and

(3) add at the end the following:

"(C) shall adjust the thresholds of 1.50 percentage points in paragraph (2)(A)(iv)(I), 2.50 percentage points in paragraph (2)(A)(iv)(II), and 3.50 percentage points in paragraph (2)(A)(v)(III), as necessary to reflect significant changes in market conditions and to effectuate the purposes of the Mortgage Reform and Anti-Predatory Lending Act."

In section 129C(c)(4)(B)(i) of the Truth in Lending Act (as added by section 203 of the bill), after "are" insert the following: "necessary or proper to ensure that responsible, affordable mortgage credit remains available to consumers in a manner consistent with the purposes of this section,".

In section 129C(c)(4)(B)(ii) of the Truth in Lending Act (as added by section 203 of the bill), after "shall" insert the following: ", in

consultation with the Federal banking agencies.”.

In section 129C(d)(1)(B) of the Truth in Lending Act (as added by section 204 of the bill), strike “creditor provides” and insert “creditor, acting in good faith.”.

In section 129C(d)(3) of the Truth in Lending Act (as added by section 204 of the bill), strike “and (b) shall” and insert “and (b), consistent with reasonable due diligence practices prescribed by the Federal banking agencies, shall”.

In section 129C(d)(10) of the Truth in Lending Act (as added by section 204 of the bill)—

(1) in the header, strike “Pools and” and insert “Trustees, pools, and”; and

(2) insert before “the pools of such loans” the following: “any trustee that holds such loans solely for the benefit of the securitization vehicle.”.

In section 129C(g)(2) of the Truth in Lending Act (as added by section 205 of the bill), after “designees,” insert the following: “subject to the rights of the consumer described in this subsection.”.

In section 129C(h) of the Truth in Lending Act (as added by section 206 of the bill), strike paragraph (3) (and redesignate succeeding paragraphs accordingly).

In section 206, insert at the end the following new subsections:

(c) **PROTECTION AGAINST LOSS OF ANTI-DEFICIENCY PROTECTION.**—Section 129C of the Truth in Lending Act is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection (and designated succeeding subsections accordingly):

“(1) **PROTECTION AGAINST LOSS OF ANTI-DEFICIENCY PROTECTION.**—

“(1) **DEFINITION.**—For purposes of this subsection, the term ‘anti-deficiency law’ means the law of any State which provides that, in the event of foreclosure on the residential property of a consumer securing a mortgage, the consumer is not liable, in accordance with the terms and limitations of such State law, for any deficiency between the sale price obtained on such property through foreclosure and the outstanding balance of the mortgage.

“(2) **NOTICE AT TIME OF CONSUMMATION.**—In the case of any residential mortgage loan that is, or upon consummation will be, subject to protection under an anti-deficiency law, the creditor or mortgage originator shall provide a written notice to the consumer describing the protection provided by the anti-deficiency law and the significance for the consumer of the loss of such protection before such loan is consummated.

“(3) **NOTICE BEFORE REFINANCING THAT WOULD CAUSE LOSS OF PROTECTION.**—In the case of any residential mortgage loan that is subject to protection under an anti-deficiency law, if a creditor or mortgage originator provides an application to a consumer, or receives an application from a consumer, for any type of refinancing for such loan that would cause the loan to lose the protection of such anti-deficiency law, the creditor or mortgage originator shall provide a written notice to the consumer describing the protection provided by the anti-deficiency law and the significance for the consumer of the loss of such protection before any agreement for any such refinancing is consummated.”.

(d) **POLICY REGARDING ACCEPTANCE OF PARTIAL PAYMENT.**—Section 129C of the Truth in Lending Act is amended by inserting after subsection (l) the following new subsection (and redesignating subsequent subsections of such section accordingly):

“(m) **POLICY REGARDING ACCEPTANCE OF PARTIAL PAYMENT.**—In the case of any resi-

dential mortgage loan, a creditor shall disclose prior to settlement or, in the case of a person becoming a creditor with respect to an existing residential mortgage loan, at the time such person becomes a creditor—

“(1) the creditor’s policy regarding the acceptance of partial payments; and

“(2) if partial payments are accepted, how such payments will be applied to such mortgage and if such payments will be placed in escrow;”.

In section 208(b)—

(1) in paragraph (3)(B), strike the final “or”;

(2) in paragraph (4), strike the period on the end and insert “; or”; and

(3) add at the end the following new paragraph:

(5) notwithstanding paragraph (2), the availability of any remedies under State law against any assignee, securitizer or securitization vehicle that—

(A) are in addition to those remedies provided for in section 129C; and

(B) were in effect on the date of enactment of this Act.

In section 129C(l)(1) of the Truth in Lending Act (as added by section 213 of the bill), strike “in section” and insert “under section”.

In section 129C(1)(2)(B) of the Truth in Lending Act (as added by section 213 of the bill)—

(1) strike “prohibit creditors” and insert “prohibit a creditor”; and

(2) strike “creditors are required” and insert “such creditor is required”.

In section 129C(1)(2)(C) of the Truth in Lending Act (as added by section 213 of the bill)—

(1) strike “require creditors” and insert “require a creditor”; and

(2) insert before the semicolon the following: “by such creditor”.

In section 129C(1)(3)(A) of the Truth in Lending Act (as added by section 213 of the bill), after “authority to” insert the following: “jointly”.

In section 129C(1)(3)(B)(i) of the Truth in Lending Act (as added by section 213 of the bill), strike “mortgage lenders” and insert “creditors that make residential mortgage loans that are not qualified mortgages”.

In section 129C(1)(3)(B)(ii) of the Truth in Lending Act (as added by section 213 of the bill), strike “mortgage lenders” and insert “such creditors”.

In section 129C(1)(4) of the Truth in Lending Act (as added by section 213 of the bill)—

(1) in the heading, strike “securitization sponsors” and insert “securitizers”;

(2) strike “agencies shall have discretion to” and insert “agencies may jointly, in their discretion,”;

(3) strike “non-qualified mortgages in addition to or in place of creditors that make non-qualified mortgages if the agencies determine that applying the requirements to securitization sponsors rather than originators” and insert “residential mortgages (or particular types of residential mortgages) that are not qualified mortgages in addition to or in substitution for any or all of the requirements that apply to creditors that make such mortgages if the agencies jointly determine that applying the requirements to such securitizers”;

(4) in subparagraph (A), strike “mortgage lenders” and insert “creditors of residential mortgage loans that are not qualified mortgages”; and

(5) in subparagraph (B)—

(A) strike “mortgage lenders, or” and insert “such creditors,”; and

(B) before the period, insert “, or otherwise serve the public interest”.

After section 128(a)(18) of the Truth in Lending Act (as added by section 214(a) of the bill) add the following:

“(19) In the case of a residential mortgage loan, the total amount of interest that the consumer will pay over the life of the loan as a percentage of the principal of the loan. Such amount shall be computed assuming the consumer makes each monthly payment in full and on-time, and does not make any over-payments.”.

Strike section 214(b).

In subsection (f)(1) of section 128 of the Truth in Lending Act (as added by section 215 of the bill), insert after subparagraph (F) the following new subparagraph (and redesignate the subsequent subparagraph accordingly):

“(G) The names, addresses, telephone numbers, and Internet addresses of counseling agencies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989).”.

In subsection (c) of section 218, insert “, including an analysis of the exceptions and adjustments authorized in section 129C(1)(3)(A) of the Truth in Lending Act and a recommendation on whether a uniform standard is needed” before the period at the end.

At the end of section 218, insert the following new subsection:

(d) **ANALYSIS OF CREDIT RISK RETENTION PROVISIONS.**—The report required by subsection (b) shall also include—

(1) an analysis by the Comptroller General of whether the credit risk retention provisions have significantly reduced risks to the larger credit market of the repackaging and selling of securitized loans on a secondary market; and

(2) recommendations to the Congress on adjustments that should be made, or additional measures that should be undertaken.

In section 130(e) of the Truth in Lending Act (as amended by section 219 of the bill), strike “section 219” and insert “section 220”.

In section 220 of the bill, insert after subsection (b) the following new subsection (and redesignate succeeding subsections accordingly):

(c) **LANDLORD NOTICE TO TENANTS.**—Notwithstanding the law of any State or the terms of any consumer residential lease, each person who owns a dwelling or residential real property—

(1) which is leased to a bona fide tenant (including a tenancy terminable at will), or which the landlord offers to lease to a prospective tenant; and

(2) which, pursuant to the terms of a valid loan to such person which is secured by such dwelling or property, is or becomes subject to foreclosure or with respect to which the person is in default,

shall promptly notify any such tenant or prospective tenant of the circumstances prevailing with respect to such property and the effect of any such default or foreclosure. The requirements of this subsection shall have no effect on any State or local law that provides additional notice or other additional protections for tenants.

In section 103(aa)(4)(B) of the Truth in Lending Act (as amended by section 301(c) of the bill)—

(1) strike “broker” and insert “originator”; and

(2) strike "the originator" and insert "the creditor".

In section 103(dd) of the Truth in Lending Act (as added by section 301(d) of the bill)—

(1) in the header, strike "and prepayment penalties";

(2) in the matter preceding paragraph (1)—

(A) strike "(4)" and insert "(2)"; and

(B) strike "may" and insert "shall";

(3) redesignate paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(4) in paragraph (4), as redesignated by paragraph (3), strike "paragraph (1)" and insert "paragraphs (1) and (2)"; and

(5) strike paragraph (1) and insert the following:

"(1) Up to and including 2 bona fide discount points payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 1 percentage point—

"(A) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater; or

"(B) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title I of the National Housing Act (12 U.S.C. 1702 et seq.).

"(2) Unless 2 bona fide discount points have been excluded under paragraph (1), up to and including 1 bona fide discount point payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 2 percentage points—

"(A) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater; or

"(B) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title I of the National Housing Act (12 U.S.C. 1702 et seq.)."

In subsection (r) of section 129 of the Truth in Lending Act, as added by section 303(c) of the bill, strike "DEFERRAL FEES PROHIBITED.—A creditor" and insert "DEFERRAL FEES PROHIBITED.—

"(1) CREDITORS.—A creditor".

At the end of paragraph (1) of subsection (r) of section 129 of the Truth in Lending Act, (as so designated by the preceding amendment) insert the following new paragraphs:

"(2) THIRD PARTIES.—A third-party may not charge a consumer any fee to—

"(A) modify, renew, extend, or amend a high-cost mortgage, or defer any payment due under the terms of such mortgage;

"(B) negotiate with a creditor on behalf of a consumer, the modification, renewal, extension, or amendment of a high-cost mortgage; or

"(C) negotiate with a creditor on behalf of a consumer, the deferral of any payment due under the terms of such mortgage,

unless the modification renewal, extension or amendment results in a significantly lower annual percentage rate on the mortgage, or a significant reduction in the amount of the outstanding principal on the mortgage, for the consumer and then only if the amount of the fee is comparable to fees imposed for similar transactions in connection with consumer credit transactions that

are secured by a consumer's principal dwelling and are not high-cost mortgages.

"(3) ENFORCEMENT.—Section 130 shall be applied for purposes of paragraph (2) by—

"(A) substituting 'third party' for 'creditor' each place such term appears; and

"(B) substituting 'any fee charged by a third party' for 'finance charge' each place such term appears."

In subsection (g)(3)(B)(ix) of section 4 of the Department of Housing and Urban Development Act (as added by section 402) insert ", including underdeveloped areas that lack basic water and sewer systems, electricity services, and safe, sanitary housing" before the period at the end.

In the matter proposed to be inserted by the amendment made by section 403(a) of the bill, in subsection (g)(1)(B)(xi), strike "and" after the semicolon.

In the matter proposed to be inserted by the amendment made by section 403(a) of the bill, in subsection (g)(1)(B)(xii), strike the period at the end and insert "; and".

In the matter proposed to be inserted by the amendment made by section 403(a) of the bill, after clause (xii) of subsection (g)(1)(B) add the following:

"(xiii) section 106 of the Energy Policy Act of 1992 (42 U.S.C. 12712 note)."

In the matter proposed to be inserted by the amendment made by section 403(a) of the bill, in subsection (g)(5), strike "and home repair loans" and insert the following: "home repair loans, and where appropriate by region, any requirements and costs associated with obtaining flood or other disaster-specific insurance coverage".

In subparagraph (C) of paragraph (4) of the matter proposed to be inserted by the amendment made by section 404 of the bill, before the period at the end insert the following: "and that ensures adequate distribution of amounts for rural areas having traditionally low levels of access to such counseling services, including areas with insufficient access to the Internet".

In section 406, insert ", and the role of computer registries of mortgages, including those used for trading mortgage loans" before the period at the end of the 2nd sentence.

After section 406, insert the following new section (and redesignate succeeding sections in title IV accordingly):

SEC. 407. DEFAULT AND FORECLOSURE DATABASE.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in consultation with the Federal agencies responsible for regulation of banking and financial institutions involved in residential mortgage lending and servicing, shall establish and maintain a database of information on foreclosures and defaults on mortgage loans for one- to four-unit residential properties and shall make such information publicly available.

(b) CENSUS TRACT DATA.—Information in the database shall be collected, aggregated, and made available on a census tract basis.

(c) REQUIREMENTS.—Information collected and made available through the database shall include—

(1) the number and percentage of such mortgage loans that are delinquent by more than 30 days;

(2) the number and percentage of such mortgage loans that are delinquent by more than 90 days;

(3) the number and percentage of such properties that are real estate-owned;

(4) number and percentage of such mortgage loans that are in the foreclosure process;

(5) the number and percentage of such mortgage loans that have an outstanding principal obligation amount that is greater than the value of the property for which the loan was made; and

(6) such other information as the Secretary considers appropriate.

In section 6(1)(1)(B) of the Real Estate Settlement Procedures Act of 1974 (as added by section 503 of the bill), strike "clauses" and insert "clause".

In section 129D(b) of the Truth in Lending Act (as added by section 501 of the bill), amend paragraph (3) to read as follows:

"(3) the transaction is secured by a first mortgage or lien on the consumer's principal dwelling having an original principal obligation amount that—

"(A) does not exceed the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), and the annual percentage rate will exceed the average prime offer rate for a comparable transaction by 1.5 or more percentage points; or

"(B) exceeds the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), and the annual percentage rate will exceed the average prime offer rate for a comparable transaction by 2.5 or more percentage points; or".

Redesignate section 128(b)(5) of the Truth in Lending Act (as added by section 505 of the bill) as section 128(b)(4) of the Truth in Lending Act.

Section 601 is amended to read as follows:

SEC. 601. PROPERTY APPRAISAL REQUIREMENTS.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after 129G (as added by section 504) the following new section:

"SEC. 129H. PROPERTY APPRAISAL REQUIREMENTS.

"(a) IN GENERAL.—A creditor may not extend credit in the form of a subprime mortgage to any consumer without first obtaining a written appraisal of the property to be mortgaged prepared in accordance with the requirements of this section.

"(b) APPRAISAL REQUIREMENTS.—

"(1) PHYSICAL PROPERTY VISIT.—An appraisal of property to be secured by a subprime mortgage does not meet the requirement of this section unless it is performed by a qualified appraiser who conducts a physical property visit of the interior of the mortgaged property.

"(2) SECOND APPRAISAL UNDER CERTAIN CIRCUMSTANCES.—

"(A) IN GENERAL.—If the purpose of a subprime mortgage is to finance the purchase or acquisition of the mortgaged property from a person within 180 days of the purchase or acquisition of such property by that person at a price that was lower than the current sale price of the property, the creditor shall obtain a second appraisal from a different qualified appraiser. The second appraisal shall include an analysis of the difference in sale prices, changes in market conditions, and any improvements made to the property between the date of the previous sale and the current sale.

“(B) NO COST TO APPLICANT.—The cost of any second appraisal required under subparagraph (A) may not be charged to the applicant.

“(3) QUALIFIED APPRAISER DEFINED.—For purposes of this section, the term ‘qualified appraiser’ means a person who—

“(A) is, at a minimum, certified or licensed by the State in which the property to be appraised is located; and

“(B) performs each appraisal in conformity with the Uniform Standards of Professional Appraisal Practice and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the regulations prescribed under such title, as in effect on the date of the appraisal.

“(C) FREE COPY OF APPRAISAL.—A creditor shall provide 1 copy of each appraisal conducted in accordance with this section in connection with a subprime mortgage to the applicant without charge, and at least 3 days prior to the transaction closing date.

“(d) CONSUMER NOTIFICATION.—At the time of the initial mortgage application, the applicant shall be provided with a statement by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor, and that the applicant may choose to have a separate appraisal conducted at their own expense.

“(e) VIOLATIONS.—In addition to any other liability to any person under this title, a creditor found to have willfully failed to obtain an appraisal as required in this section shall be liable to the applicant or borrower for the sum of \$2,000.

“(f) SUBPRIME MORTGAGE DEFINED.—For purposes of this section, the term ‘subprime mortgage’ means a residential mortgage loan secured by a principal dwelling with an annual percentage rate that exceeds the average prime offer rate for a comparable transaction, as of the date the interest rate is set—

“(1) by 1.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that does not exceed the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2));

“(2) by 2.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that exceeds the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)); and

“(3) by 3.5 or more percentage points for a subordinate lien residential mortgage loan”.

In section 603, amend the header to read as follows: “Amendments relating to Appraisal Subcommittee of FIEC, Appraiser Independence Monitoring, Approved Appraiser Education, Appraisal Management Companies, Appraiser Complaint Hotline, Automated Valuation Models, and Broker Price Opinions”.

Strike section 603(a)(2)(B) (and redesignate succeeding subparagraphs accordingly).

In section 1103(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as amended by sections 603(a) and 603(b) of the bill)—

(1) in paragraph (5), strike “; and” and insert a period; and

(2) strike paragraph (4) and redesignate paragraph (6) as paragraph (4).

In the header of section 603(e), strike “Field”.

In section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as added by section 603(e)(4) of the bill), strike “10 certified” and insert “15 certified”.

In section 1125(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as added by section 603(q) of the bill), after “member agencies” insert the following: “, in consultation with the Appraisal Standards Board of the Appraisal Foundation and other interested parties.”.

In section 1125(c)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as added by section 603(q) of the bill), strike “institution or regulatory” and insert “institution regulatory”.

In section 1126 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as added by section 603(r) of the bill), strike subsections (a), (b), and (c), and insert the following:

“(a) GENERAL PROHIBITION.—In conjunction with the purchase of a consumer’s principal dwelling, broker price opinions may not be used as the primary basis to determine the value of a piece of property for the purpose of a loan origination of a residential mortgage loan secured by such piece of property.

“(b) BROKER PRICE OPINION DEFINED.—For purposes of this section, the term ‘broker price opinion’ means an estimate prepared by a real estate broker, agent, or sales person that details the probable selling price of a particular piece of real estate property and provides a varying level of detail about the property’s condition, market, and neighborhood, and information on comparable sales, but does not include an automated valuation model, as defined in section 1125(c).”.

In section 604, add at the end the following:

(c) ADDITIONAL STUDY REQUIRED.—The Comptroller General shall conduct an additional study to determine the effects that the changes to the seller-guide appraisal requirements of Fannie Mae and Freddie Mac contained in the Home Valuation Code of Conduct have on small business, like mortgage brokers and independent appraisers, and consumers, including the effect on the—

(1) quality and costs of appraisals;

(2) length of time for obtaining appraisals;

(3) impact on consumer protection, especially regarding maintaining appraisal independence, abating appraisal inflation, and mitigating acts of appraisal fraud;

(4) structure of the appraisal industry, especially regarding appraisal management companies, fee-for-service appraisers, and the regulation of appraisal management companies by the states; and

(5) impact on mortgage brokers and other small business professionals in the financial services industry.

(d) ADDITIONAL REPORT.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit an additional report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the findings and conclusions of the Comptroller General with respect to the study conducted pursuant to subsection (c). Such additional report shall take into consideration the Small Business Administration’s views on how small businesses are affected by the Home Valuation Code of Conduct.

Insert after title VII the following new title (and conform the table of contents accordingly):

TITLE VIII—REPORTS

SEC. 801. GAO STUDY REPORT ON GOVERNMENT EFFORTS TO COMBAT MORTGAGE FORECLOSURE RESCUE SCAMS AND LOAN MODIFICATION FRAUD.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the current inter-agency efforts of the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Attorney General, and the Federal Trade Commission to crackdown on mortgage foreclosure rescue scams and loan modification fraud in order to advise the Congress to the risks and vulnerabilities of emerging schemes in the loan modification arena.

(b) REPORT.—

(1) IN GENERAL.—The Comptroller General shall submit a report to the Congress on the study conducted under subsection (a) containing such recommendations for legislative and administrative actions as the Comptroller General may determine to be appropriate in addition to the recommendations required under paragraph (2).

(2) SPECIFIC TOPICS.—The report made under paragraph (1) shall include—

(A) an evaluation of the effectiveness of the inter-agency task force current efforts to combat mortgage foreclosure rescue scams and loan modification fraud scams;

(B) specific recommendations on agency or legislative action that are essential to properly protect homeowners from mortgage foreclosure rescue scams and loan modification fraud scams; and

(C) the adequacy of financial resources that the Federal Government is allocating to—

(i) crackdown on loan modification and foreclosure rescue scams; and

(ii) the education of homeowners about fraudulent scams relating to loan modification and foreclosure rescues.

Insert after title VIII the following new title (and conform the table of contents accordingly):

TITLE IX—MULTIFAMILY MORTGAGE RESOLUTION

SEC. 901. MULTIFAMILY MORTGAGE RESOLUTION PROGRAM.

(a) ESTABLISHMENT.—Subject to subsection (e), the Secretary of the Treasury, in consultation with the Secretary of Housing and Urban Development, shall develop a program to stabilize multifamily properties which are delinquent, at risk of default or disinvestment, or in foreclosure.

(b) FOCUS OF PROGRAM.—The program developed under this section shall be used to ensure the protection of current and future tenants of at risk multifamily properties, where feasible, by—

(1) creating sustainable financing of such properties that is based on—

(A) the current rental income generated by such properties; and

(B) the preservation of adequate operating reserves;

(2) maintaining the level of Federal, State, and city subsidies in effect as of the date of enactment of this Act; and

(3) facilitating the transfer, when necessary, of such properties to responsible new owners.

(c) COORDINATION.—The Secretary of the Treasury shall in carrying out the program developed under this section coordinate with the Secretary of Housing and Urban Development, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Agency, and any other Federal Government agency that the Secretary considers appropriate.

(d) DEFINITION.—For purposes of this section, the term “multifamily properties” means a residential structure that consists of 5 or more dwelling units.

(e) AUTHORITY.—This section shall not limit the ability of the Secretary of the Treasury to use any existing authority to carry out the program under this section.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, this is a somewhat bigger than usual manager's amendment because, frankly, we are responding to the interest of the Members in trying to leave. I prevailed on some Members who had amendments to put them in the manager's amendment. They are not 100 percent agreed to, I think, in every case, but none of them are major changes. There are some major changes that we will be dealing with separately. So my intention during the time that I have will be to yield to those Members who very graciously have agreed to have their amendments put in the manager's amendment.

Mr. Chairman, I will begin by yielding 1½ minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, I rise in support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

I want to express my thanks to Chairman FRANK for incorporating into the manager's amendment a proposal we developed to fight back against a new class of predators which is emerging right now. These are third-party consultants that see the chance to make fast money promising to help people on their loan modifications.

I want to emphasize that not all counseling services by third parties are bad and not all middlemen are bad, but there is a group that is always ready to take advantage of people. They're like sharks that are circling, and in Maryland we've seen the Department of Licensing Labor and Regulation has 70 open cases right now looking into fraudulent mortgage modifications.

What has been incorporated in the manager's amendment that we put forward would prohibit third parties from charging fees to consumers for providing or negotiating on a consumer's behalf a modification to a high-cost mortgage unless these actions result in a benefit to the consumer through a significant reduction in principal or a significantly lower annual percentage rate on the mortgage. This will protect a lot of people, and I thank Chairman FRANK for including this in the manager's amendment.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 15 minutes.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

There are some provisions in this amendment that I support and there are some that I don't.

One of the parts of it that I do support is the amendment does call for a GAO study to analyze the effectiveness of the risk-retention provisions of this bill and make recommendations to Congress. My only regret is I wish we could have done a study before we implement this particular piece of legislation.

As you know, section 213 of the bill requires creditors to retain an economic interest in at least 5 percent of the credit risk of each loan that is not a qualified mortgage that the creditor transfers, sells, or conveys to a third party.

I think a lot of people feel that this skin in the game may be a good provision. I think the question that arises is what will be the impact on small lenders and small community banks across the country? One of the things that we want to make sure is that the bill is not really clear about the mechanism or the mechanics of how this provision would be implemented, and we're going to have to have regulatory clarification on that. I wish that, again, we could have had a study in advance of that so that we could then make sure that, as we are implementing this bill, that the regulators have some direction of how to go to make sure we implement this provision without causing major disruption in the mortgage process. Again, I wish we could have done that before.

There are concerns that I have about the manager's amendment as well, Mr. Chairman. First of all, rather than clarifying provisions related to broker compensation, yield-spread premiums, and ensuring all types of mortgage creditors are covered by equal antisteering provisions, this amendment adds further inequity and confusion.

Congressman MILLER offered an amendment during the Financial Services Committee markup that would have preserved the careful balance of banning steering while preserving a consumer's ability to finance the closing costs and origination fees associated with their loan.

In committee, Chairman FRANK said he felt that he and Mr. MILLER had agreed in principle about only banning incentivized compensation and not direct compensation. Mr. MILLER withdrew his amendment, given the agreement by the chairman to work with him on details of the language. The manager's amendment does not reflect that agreement, and the Rules Committee did not make in order an amendment submitted by Mr. MILLER. Really instead of clarifying the ability of consumers to finance closing costs

and origination fees through rate or principal, the manager's amendment removes that option to finance through the rate completely.

Additionally, the manager's amendment says all origination fees must be collected either up front or all fees shall be in the rate. This means consumers, again, will no longer have the option of paying some closing costs up front and some through the rate.

Consumers should be able to finance closing costs and origination fees as they deem appropriate for their individual circumstances. Clarifications were expected to ensure the preservation of this option, but the only clarification made was that the bill will now only prohibit this option in the manager's amendment.

What does that mean? Well, that means when an individual goes to their mortgage lender or to their local community bank, in the past they have had an option to say, you know, I would need to put a certain amount of my closing costs in the loan and maybe that would be reflected in the rate. Maybe part of it would be reflected in the principal balance. But now we're going to take away the option for the banker to offer that to the individuals. And I think that's what our opposition has been to this bill from the very beginning, that while we are trying to prevent predatory lending, and everybody is against predatory lending, at the same time we've started down a road where we are going to limit the available products to individuals. We're going to raise the cost of these mortgages to individuals, and, more importantly, we're going to cause mass confusion in the marketplace.

There are some very punitive things in this bill that if someone is “steering,” that could result in a lawsuit. And steering could be, well, I think this mortgage, if I offered you this one, it would be beneficial to you but I also think if I offered you this mortgage. But I think it's going to deter a lot of mortgage bankers and community bankers from offering two different options to individuals because they're going to be afraid that somehow they are steering.

I have some other concerns which I will express further into the debate here.

At this time, Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Texas is correct. I did tell my friend Mr. MILLER from California we will work on it. It slipped. But I have spoken to him. The gentleman presented things very accurately. As I talked to Mr. MILLER, I think what we have to do, and we will do this before this bill becomes law, is spell out exactly what's allowed. I think we have conceptual agreement

on what should be banned and what should be allowed. Sometimes people want to leave too much implicit. I'm a great believer that redundancy is better than ambiguity. So I have given the gentleman from California my commitment that before this bill becomes law, if it does, we will spell out what is permitted, much of what the gentleman said.

Mr. Chairman, I submit the following correspondence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, May 7, 2009.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 1728, the "Mortgage Reform and Anti-Predatory Lending Act," that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by foregoing further consideration of H.R. 1728 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We appreciate your continued willingness to consider further clarifications and refinements to the provisions in our jurisdiction as the legislation moves forward. Finally, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 6, 2009.

Hon. JOHN CONYERS, Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: Thank you for your letter concerning H.R. 1728, the "Mortgage Reform and Anti-Predatory Lending Act." This bill will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill. I acknowledge that portions of the bill as reported fall within the jurisdiction of the Committee on the Judiciary and I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision to not to proceed with a markup on this bill will not prejudice the Committee on the Judiciary with respect to its prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction in the event of a House-Senate conference.

I will include a copy of this letter and your response in the Congressional Record. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

With that, Mr. Chairman, I will now yield 1½ minutes to a very diligent member of the committee who has an amendment in the manager's amendment, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the Chair for his shepherding this critically important piece of legislation to the floor and getting us to this point.

Mr. Chairman, I am very grateful that the Chair and all the members of the committee were able to include in the manager's amendment what I believe is almost the very heart of the problem here, and that is that people who qualified for certain kinds of loans were steered to loans that made certain other folks more wealthy and other people who were out to seek loans had their credit ratings mischaracterized. Sometimes people had appraisals that were false and not true, and then, of course, people who were eligible for certain loans were literally discouraged from shopping around to get a better loan.

This type of steering is not ambiguous; it's not middle-of-the-road stuff. It is just wrong. And I am glad that the manager's amendment is going to direct the Secretary to promulgate rules that will put certain no-nos into the bill that would prevent steering.

I think if we had not had the level of steering that we had, we would not have the number of exotic subprime loans that we had, predatory loans. And if we didn't have that, we very likely would not be at the depth of trouble that we're in right now.

So I'm very happy that this is included in the manager's amendment, that we will have some clear don'ts that we will ask rules to be promulgated on, prohibiting mischaracterizing of appraisals, prohibiting discouraging shopping around, prohibiting mischaracterization of credit scores and others.

Mr. NEUGEBAUER. Mr. Chairman, I appreciate the chairman's sensitivity to this because I think it is a very important issue that we need to resolve in this legislation before it becomes law.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. NEUGEBAUER. I yield to the gentleman.

Mr. FRANK of Massachusetts. It's my fault it wasn't done. I guarantee to you it will be done before the bill, and I appreciate the indulgence. And I have apologized to Mr. MILLER.

Mr. NEUGEBAUER. Thank you.

Mr. Chairman, at this time it's my privilege to yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I would like to thank the gentleman for yielding to me.

I would like to talk about the bill in general, Mr. Chairman. This legislation was just introduced on March 23, and less than a month later, which included

our 2-week District Work Period, we had one hearing and then it was followed by a 2-week markup, and we're hearing now where things are still needing to be clarified, which I think goes to my first point. I think it's important for my colleagues to realize that this legislation has the potential to forever change the mortgage market, and I have concerns that, while changes are indeed needed, maybe we may be moving too briskly on broad legislation that could have some serious unintended consequences.

The credit risk-retention provision, the skin-in-the-game provision, while it's supported in concept by most, it's still being worked out. There is no consensus on whom the scope of this provision would encompass or what the effect would be on the liquidity in the market. According to the Mortgage Bankers Association, a record number of borrowers are delinquent, the housing market is still very fragile, and what is needed is a sense of certainty that we can accept a floor in the market. We don't need constant tinkering and changing so that that stability is not there.

A glaring omission in this legislation, also, is it does nothing to address the future of the GSEs Fannie and Freddie. These two entities provide the lion's share of liquidity in the mortgage market, and any mortgage reform legislation should include provisions defining the future role of GSEs in the market.

I supported this legislation last week in the Financial Services Committee and I will support it again today, but I do have real concerns about some of the provisions that are still left in limbo. I don't believe, and I don't think anybody does, we should be cutting off dollars to homebuyers and homeowners while trying to prevent a problem from happening again.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield 1½ minutes to one of the Members of the House who has been most concerned with stopping this abuse, the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Chairman, I rise today in support of Chairman FRANK's manager's amendment, and I want to thank the chairman, with whom I worked diligently to modify the preemption language in section 208 in a way that would allow the preservation of State laws that provide for "additional remedies against any assignee, securitizer, or securitization vehicle," which is the case in my home State of Maryland.

My home State of Maryland has been very aggressive at addressing the foreclosure crisis to protect consumers from fraud and predatory lenders. Maryland was one of the first States to enact an ability to repay mortgage law and has worked closely with the Department of Justice in these efforts on behalf of consumers.

□ 1215

This important amendment would respect States like Maryland that already have stringent laws to address some of these issues.

I would like to thank Chairman FRANK and particularly Mr. MILLER and Mr. WATT for their years of work on behalf of consumers.

I urge all of my colleagues to support Chairman FRANK's manager's amendment and the underlying bill. Many of these mortgage products should never have been on the market in the first place, and now we will get it right on behalf of consumers.

Mr. NEUGEBAUER. I want to speak to the gentlewoman's provision in this bill, and one of the concerns I have, I mean, there is a lot of people that want to debate States' rights versus Federal rights. One of the concerns I have about the provision in the manager's amendment is that it says yes. It says, yes, there is Federal jurisdiction and, yes, there is State jurisdiction.

What I am concerned about is that could cause some potential conflicts, and that States would think they had jurisdiction, the Federal Government would think they have jurisdiction, and that States might get the opinion that they might have jurisdiction on some of the other provisions in this bill.

And so one of the things that I think we need to make sure of, as we move forward on this legislation, is we have, maybe, clearer lines on this preemption statute to make sure that everybody understands what the rules of engagement are, as this particular piece of legislation is being implemented.

So one of the other pieces of opposition that we have to this is that we need a clear, I think a clearer preemption wording in this bill to make sure that we understand what the States' jurisdiction is over this bill and what the Federal jurisdiction is over this bill.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, first I would say to my friend from Texas that we wanted some protection to States that don't have the option of seceding. States that could secede don't need this protection. But those that plan to stay in the Union, we thought we would try to recognize it to try to protect them.

I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 1718, the Mortgage Reform and Anti-Predatory Lending Act and the manager's amendment that's before us today, which I know will bring greater transparency to lending practices nationwide.

Unconventional mortgages have left countless Americans facing foreclosure, and this is especially true in

my home state of Rhode Island, with one of the highest foreclosure rates in the country.

With this bill, we will combat unscrupulous lending practices and bring transparency to the process by requiring mortgage originators to be licensed and mandating full disclosure of loan terms. Perhaps, most importantly, mortgage originators would certify that consumers have a reasonable ability to pay back the loans that they were applying for and that they are not predatory in nature.

We have seen too many lenders steer consumers into loans that they cannot afford. We cannot allow that practice to continue or to ever happen again. I am also pleased that this measure includes protections to renters of foreclosed property.

H.R. 1728 will address persistent problems in the housing market, bring financial stability to families and ensure that the appropriate measures are in place to prevent this kind of mortgage foreclosure crisis from ever happening again in the future.

I want to thank and commend the gentleman from Massachusetts, Chairman FRANK, for his outstanding leadership on this important measure. I urge support of this bill and the manager's amendment before us today.

Mr. NEUGEBAUER. Mr. Chairman, another provision in this that has caused concern is the tenant provisions.

This amendment would require property owners to promptly notify any tenants or potential tenants upon becoming subject to foreclosure or defaulting on their mortgage loan. This language requires the owner to provide information on the circumstances with respect to the property and the effect of the default or foreclosure.

Notice to tenants is important. However, in multifamily projects such as apartments, a receiver is typically put in place to manage the property so that residents can remain in their apartments with no disruption. Mandating a notice to residents, if not done correctly, could cause alarm and maybe not even needed alarm.

I have a letter from the National Apartment Association where they have concerns about this very issue, that if you have got an apartment complex, the owner may be temporarily in default. You give notice to the tenants that you are temporarily in default. The tenants get scared, they start looking for other places to live, and, basically, creating vacancies, and, in fact, maybe making the default permanent by the fact that there will not be sufficient revenues to make the payments. So I have very large concerns about that.

Additionally, the amendment allows HUD to step in to troubled properties, transfer a multiproperty project, if delinquent, at the risk of fault or disinvestment or foreclosure.

This is a fairly major expansion of HUD's authority and could be considered to be a property taking. Property of this type may not be in foreclosure as yet, yet the provision would force properties into foreclosure or over into government control, again, a major expansion, quite honestly, a move away from what the original intent of this legislation was.

The original intent of this legislation was to prevent predatory lending. And now we are prescribing how tenants are going to be treated, whether we are going to force property owners to make disclosures about their financial condition, a major diversion from what I think is the intent of this legislation, and, again, one of the reasons that I do not support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I, again, rise in opposition to this amendment. One of the purposes of this legislation, again, we said, was to prevent predatory lending. But, unfortunately, the consequences of this legislation are going to be to increase the cost of mortgage financing for consumers.

It's going to raise the monthly payments for many consumers over what their choices would have originally been. It's going to limit the choices that are available to them. It's going to force lenders to provide maybe only one choice. It's also, I think, going to continue to cause a major disruption in the mortgage system.

As one of the speakers originally said, the market is very fragile right now, and some of the provisions in this amendment, I think, contribute to that.

With that, I encourage Members to vote against this.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from Massachusetts has 8 minutes remaining.

Mr. FRANK of Massachusetts. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. PERLMUTTER) assumed the Chair.

MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

The Committee resumed its sitting.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-98.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer amendment No. 2.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

Strike section 216(e) and insert the following:

(e) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

(1) IN GENERAL.—None of the amounts made available under this section shall be distributed to—

(A) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

(B) any organization which employs applicable individuals.

(2) DEFINITION OF APPLICABLE INDIVIDUALS.—In this subsection, the term “applicable individual” means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been convicted for a violation under Federal law relating to an election for Federal office.

Strike section 106(a)(4)(D) of the Housing and Urban Development Act of 1968 (as added by section 404 of the bill) and insert the following:

“(D) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

“(i) IN GENERAL.—None of the amounts made available under this paragraph shall be distributed to—

“(I) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

“(II) any organization which employs applicable individuals.

“(i) DEFINITION OF APPLICABLE INDIVIDUALS.—In this subparagraph, the term ‘applicable individual’ means an individual who—

“(I) is—

“(aa) employed by the organization in a permanent or temporary capacity;

“(bb) contracted or retained by the organization; or

“(cc) acting on behalf of, or with the express or apparent authority of, the organization; and

“(II) has been convicted for a violation under Federal law relating to an election for Federal office.”.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I am here to correct a mistake I made in my haste to get the markup concluded so we could have

plenty of time to get the reports done, the bill on the floor. I agreed to an amendment that I had not read carefully.

The amendment would ban any organization, any organization in America, from receiving housing counseling funds if anybody in that organization is indicted by any prosecutor anywhere for Federal election or voter fraud.

So I rise to vindicate an important principle of American law that indictment should not be a cause of serious penalty, that people should continue to be presumed innocent until proven guilty.

To allow any prosecutor, anywhere in America, to tell any organization that it is ineligible for these funds, simply by an indictment, is, it seems to me, inappropriate.

I would point out that while there is an effort to claim that somehow this is specific to one organization, that may be the intent, but this bill earmarks no funds for any organization.

And it says, here is what it says about the funds: The Secretary shall make financial assistance available to HUD-approved housing counseling agencies and State housing finance agencies. So we have HUD-approved counseling agencies—these are approved now on the list from the last administration—and State housing finance agencies.

I have some confidence in them and those who are worried, my amendment says if there is a conviction and the person isn’t fired, you cut off the funds.

But to cut off funds that were given by an approved HUD counseling agency because once persons anywhere in America were indicted by some prosecutor, is a violation of the basic principle of fairness.

I reserve the balance of my time.

Mrs. BACHMANN. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. I rise in opposition to this amendment, which strips down language in the bill designed to keep tax dollars from falling into the hands of organizations indicted for voter fraud or its related crimes.

It was last week during our Financial Services Committee markup of the underlying bill, I offered a straightforward amendment to limit eligibility for the housing counseling grants and the legal assistance grants authorized by the bill to exclude organizations indicted for voter fraud or that employed people indicted for such crimes.

Plain and simple, Mr. Chair, it should sound familiar to everyone here in this Chamber, because the exact same language was passed as part of the Housing and Economic Recovery Act of 2008 to prohibit groups, such as ACORN, from obtaining taxpayer-funded grants.

272 Members of this body, including the gentleman from Massachusetts who

just spoke, voted for that legislation, which became law last July. But not only is it legitimate for Congress to decide the threshold for accessing taxpayer funds, it’s incumbent upon this body to do so in our fiduciary capacity to the taxpayers of this great country. And for far too long Congress has cavalierly distributed taxpayer money.

Every day we can go on record saying we will no longer set the bar this low. We are all saying, fool me once, shame on you; fool me twice, shame on me. But ACORN and organizations like it have fooled us not once, not twice, but seemingly after every election. The stories of their indictments for voter fraud for violating their tax status for voter registration improprieties abound. Grand juries across the Nation have found them and their employees lacking. Yet we continue to funnel millions of dollars to their coffers.

Just last week, on Monday, the headlines out of Nevada read “39 counts of voter registration fraud against ACORN and two of its former employees.” It was just several hours ago, hot off the presses, that the Pittsburgh Post-Gazette reported breaking news, an Allegheny County district attorney charged seven employees with ACORN “with forgery and election law violations, saying they filed hundreds of fraudulent voter registrations during last year’s general election.”

Can’t this body do something about this, Mr. Chairman? How many felony charges does it take to see that this organization has violated the public trust?

Congress isn’t the arbitrator of guilt or innocence. Congress does decide to spend the people’s money. At what point do we finally say that this organization is simply not worthy of the hard-earned money of the American people.

According to recent testimony at the House Judiciary Committee, ACORN has been under investigation in States, for, among other things, violations of the Tax Code, 501(c)(3); violations of the Federal Election Campaign Act of 1971; fraudulent voter registration activities; and failure to comply with State law in voter registration drives.

And here are just a few more headlines of late: January, 2009, a voter registration worker for ACORN in East Saint Louis was indicted on two counts of voter fraud for submitting forged cards for residents at nursing homes without their knowledge.

According to the AP in October of 2008, “a suburban Philadelphia man was charged with forgery, allegedly altering 18 voter-registration applications during his employment with an organization [ACORN] whose voter-outreach efforts have become a flash point in the presidential campaign.”

CNN reported October 28 about an ACORN worker who helped register nearly 2,000 voters for the community

group ACORN, not one of them actually existing, and he was convicted last year and spent nearly 3 months in prison.

The gentleman from Massachusetts says that his amendment is about due process. But I am sorry, Mr. Chairman, the American people are smarter than that. They deserve better than such an oratory sleight of hand. His amendment is about our duty as stewards of the taxpayers' dollar and mine.

Others say this is about the importance of the underlying grant program. But there are plenty of legitimate law-abiding nonprofits who have never seen an indictment that could still apply for these grants.

□ 1230

The bottom line is this: either you're against allowing organizations that engage in or employ individuals under investigation for voter fraud to receive tax dollars, or you aren't.

Mr. Chair, our votes on this amendment make our positions crystal clear to the people we serve. Are we on the people's side or are we on ACORN's side? We owe it to our constituents who are already tired, frustrated, and outraged by this cycle of spending and bailout and taxing and borrowing to at least show them that we aren't going to pick their pockets to fund groups that are about abusing their trust over and over again.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I reserve the balance of my time.

Mrs. BACHMANN. Mr. Chair, I would just end by saying I urge the people of this body to oppose this amendment, because as we stand in our fiduciary duty before the taxpayers, we need to make our vote clear—and our vote will say we either stand with the taxpayers of this great country, or we stand with ACORN.

Mr. Chair, I would yield 15 seconds to the gentleman from Alabama.

Mr. BACHUS. First of all, I want to acknowledge that the funding for this bill is a good thing for mortgage foreclosure efforts. I would point out that I think the Bachmann amendment is the same amendment we adopted in the GSE Affordable Housing Fund. So we did adopt that in that legislation. So her amendment would be consistent with what this body did last year.

Mr. FRANK of Massachusetts. How much time remains to me, Mr. Chairman?

The CHAIR. The gentleman from Massachusetts has 3½ minutes remaining.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume. The gentleman from Minnesota said, "Do we want to allow funding for people who employ people who are under investigation?" Yes. I don't want to live in a society where the mere insti-

tuting of an investigation by any prosecutor anywhere shuts down lawful activities.

Now, she said an organization that's under indictment, but the amendment goes far beyond that. Any individual member of an organization, no matter how far flung, apparently, according to the gentlewoman from Minnesota, if an investigation begins of anybody, you shut them down.

The gentlewoman from Minnesota mentioned someone who has been convicted. Under the amendment I offered, that would end it. We would either have to fire that person or lose the funding.

Mrs. BACHMANN. Will the gentleman yield?

Mr. FRANK of Massachusetts. No. The conviction triggers it. No question. That's what is in the amendment. My amendment says if you are convicted, it's triggered. But to say that any individual who works for any organization who's indicted, shuts it down. The gentlewoman said, Are you on the side of ACORN?

Mrs. BACHMANN. Will the gentleman yield to answer your point?

Mr. FRANK of Massachusetts. No.

The CHAIR. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. The issue is this: the gentlewoman, I think, inaccurately says, Are you for ACORN or the American people? This bill says nothing about ACORN. This bill says that approved HUD counseling agencies and State financing agencies can make the choice.

What I think the amendment says is this: Are you for the principle of American justice that says the mere institution of an indictment by any prosecutor anywhere, at any level?

Mrs. BACHMANN. Would the gentleman yield?

Mr. FRANK of Massachusetts. Mr. Chair, I have told the gentlewoman I would not yield. Could she be instructed that that is the answer that she's going to get, and to stop interrupting?

The CHAIR. It is apparent the gentleman is not going to yield. When a Member has asked a Member under recognition to yield several times, and it becomes apparent that the Member under recognition is not going to yield, the Member shouldn't continue to ask him to yield or otherwise interrupt him.

Mr. FRANK of Massachusetts. There are some basic rules like the ones of debate. Also, the fact that I said that to empower any prosecutor anywhere, at any level. And this isn't about ACORN. We don't sit here to judge on this or that organization. The gentlewoman said we don't judge guilt or innocence. Well, the amendment tries to do that.

The amendment says: a guilty finding by statute; in the absence of a

guilty finding, in a court of law. Because if there's a guilty finding in a court of law, under my amendment, then this denies funding to people.

There are a lot of prosecutors. And it's not just ACORN. There are a lot of organizations, including political parties in the State of New Hampshire, near me. The Republican Party operatives were convicted of election fraud. I don't think that means you go after everybody else. It certainly didn't mean pending indictment you do this. There ought to be a bright line between penalties for indictment and for conviction.

Now if the amendment had said a pattern of indictments, that's a different story. It might have been a better argument. But this says a single indictment of any individual by any prosecutor for any organization anywhere in American has these negative consequences.

I think we have seen enough of prosecutorial misconduct, whether it was Senator Stevens or whether it was Members on both sides of the aisle, whether it has been organizations that have been prosecuted. I don't think we want to set that principle. Remember, this is precedential. Once we set as a body the legal principle—apparently, it was in the earlier bill. It shouldn't have been. If I missed that, I apologize.

I want to now repudiate the notion that the action of a single prosecutor who may be politically motivated to indict anybody anywhere for election fraud, disables that organization, forces the organization to fire an individual who may later be vindicated.

Yes, the gentlewoman said one of the employees of the organization that has motivated her amendment was convicted. My amendment says: in that case, you either fire the person or you lose the money.

Conviction ought to be the standard. But a single indictment by a single prosecutor anywhere, I do not think that is the rule of law under which Americans want to live.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mrs. BACHMANN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. BACHUS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-98.

Mr. BACHUS. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BACHUS:

At the end of title IV, add the following new section:

SEC. 410. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) ASSISTANCE TO NRC.—Notwithstanding any other provision of law, of any amounts made available for any fiscal year pursuant to section 106(a)(4)(F) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)(F)) (as added by section 404 of this Act), 10 percent shall be used only for assistance to the Neighborhood Reinvestment Corporation for activities, in consultation with servicers of residential mortgage loans, to provide notice to borrowers under such loans who are delinquent with respect to payments due under such loans that makes such borrowers aware of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE.—The Neighborhood Reinvestment Corporation, in consultation with servicers of residential mortgage loans, shall use the amounts provided pursuant to subsection (a) to carry out activities to inform borrowers under residential mortgage loans—

(1) that the foreclosure process is complex and can be confusing;

(2) that the borrower may be approached during the foreclosure process by persons regarding saving their home and they should use caution in any such dealings;

(3) that there are Federal Government and nonprofit agencies that may provide information about the foreclosure process, including the Department of Housing and Urban Development; and

(4) that they should contact their lender immediately, contact the Department of Housing and Urban Development to find a housing counseling agency certified by the Department to assist in avoiding foreclosure, or visit the Department's website regarding tips for avoiding foreclosure; and

(5) of the telephone number of the loan servicer or successor, the telephone number of the Department of Housing and Urban Development housing counseling line, and the Uniform Resource Locators (URLs) for the Department of Housing and Urban Development websites for housing counseling and for tips for avoiding foreclosure.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Alabama (Mr. BACHUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Before I discuss my amendment, I'd like to thank Chairman FRANK and really, first of all, acknowledge his efforts over the past few years to combat predatory lending practices. I think as early as 2005, he was aggressively trying to stop some of these practices.

I also appreciate the chairman working with me to bring this amendment to the floor. Originally, my amendment funded foreclosure rescue scam awareness and prevention efforts. And that's what the amendment is about. It's about so-called foreclosure rescue scams. I had proposed using money from the legal assistance fund and, after consultation with Chairman FRANK, I revised my amendment to use

the bill's counseling authorization as a funding source.

Although the chairman and I disagree on the underlying merits of the bill, I do appreciate the spirit of bipartisanship which the chairman has shown in our discussions on this amendment and the bill as a whole.

I earlier acknowledged your efforts since I think at least 2005 to come up with a bipartisan bill. I don't think we were successful this year, but I think had our efforts been successful in prior years, we could have avoided some of this. And I'm sorry the other body didn't show the urgency that we did.

Mr. FRANK of Massachusetts. If the gentleman would yield, he said he is sorry the other body didn't move. There's a lot of that going around.

Mr. BACHUS. That's right. There is. But I'd say to the Members, there's an unprecedented number of homeowners that are delinquent on their mortgages and entering foreclosures. In fact, the Mortgage Bankers Association estimates that at least 11 percent of the mortgages now are delinquent and will probably go into foreclosure. This is creating really a desperate situation across the country.

Unfortunately, as all desperate situations, this situation has created opportunities for scam artists to take advantage of homeowners in desperate situations through so-called foreclosure rescue schemes. My amendment is designed to at least offer some protection to those homeowners from being victimized in this way.

It's just amazing that, whether it was in Katrina or other natural disasters or gas shortages, that people seem to take advantage and act their worst during times of struggle and crisis.

This amendment allows mortgage servicers to work together with the Neighborhood Reinvestment Corporation, which is a congressionally chartered organization, to make delinquent borrowers aware that they may be targets of fraud and inform them on how best to protect themselves.

The amendment is funded by dedicating 10 percent of the funds authorized under section 404 to this much needed form of housing counseling.

Many scam artists use publicly available information about defaults and foreclosures starts to contact troubled borrowers. In States with judicial foreclosures, lenders file a foreclosure action in a local court. In States where there's nonjudicial foreclosure regimes, lenders file a notice of default with the county recorder. All these records are available to the public and provide raw material for fraud artists to prey upon troubled borrowers.

In a classic loan modification scam, borrowers are duped into paying upfront fees for a loan modification that never occurs. In some cases, borrowers are told that in order to complete a mortgage refinancing needed to avoid

foreclosure, they must sign over the title of the property. Another scam promises homeowners they can stay in their home as renters and buy back their properties at a later date.

On February 10, 2009, the administration released the Home Affordable Refinance Program and a Home Affordable Modification Program. Unfortunately, with the introduction of these new programs, unscrupulous persons or companies have yet again found new opportunities to defraud unsuspecting borrowers.

In fact, April 6, about a month ago, Treasury's FinCEN announced guidance to financial institutions on filing suspicious activity reports regarding loan modification and foreclosure rescue scams.

The CHAIR. The time of the gentleman has expired.

□ 1245

Mr. FRANK of Massachusetts. Mr. Chairman, in the absence of anyone else, I will claim this time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from Alabama has very accurately stated this. He worked with us until we got an amendment that did some good, that avoided some problems we thought we would have. So I hope the amendment is agreed to.

Mr. BACHUS. If the gentleman would yield me 30 seconds?

Mr. FRANK of Massachusetts. I yield to the gentleman for 30 seconds.

Mr. BACHUS. Mr. Chairman, I think this is a very good amendment. I want to close and thank the gentleman for that time.

Mr. FRANK and I both agree, and I think most Members of this body, we must stop these outrageous mortgage fraud rescue scams. Congress shuts off one avenue for fraud, and we did that with the National Mortgaging Licensing and Registration System now being instituted by the Conference of State Banking Supervisors. But every time you shut one door, these innovative crooks find a back door, and now they have moved into the fertile field of foreclosure.

We must protect unsuspecting and vulnerable homeowners from being cheated by these rogues and frauds.

I close by urging my colleagues to vote "yes."

Mr. FRANK of Massachusetts. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PERLMUTTER

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-98.

Mr. PERLMUTTER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PERLMUTTER:

In section 220(a)(2)(B)—

(1) insert “(i)” before “such notice to vacate”; and

(2) insert before the period the following: “; and (ii) with respect to a single-family residence for which the borrower rented the unit in violation of the mortgage contract, such notice to vacate shall be provided by the purchaser to the tenant in such unit at least 30 days before the effective date of such notice, and shall include a copy of the mortgage contract prohibiting the rental of the unit”.

Amend section 129(1) of the Truth in Lending Act (as added by section 303 of the bill) to read as follows:

“(1) ACCELERATION OF DEBT.—No high-cost mortgage may contain a provision which permits the creditor to accelerate the indebtedness, except when repayment of the loan has been accelerated by default in payment, or pursuant to a due-on-sale provision, or pursuant to a material violation of some other provision of the loan document unrelated to payment schedule.”.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Chairman, the amendment that I propose to the House today is twofold. The first part deals with a section of the bill that provides 90 days for tenants to stay in a home or an apartment house that has been foreclosed upon.

The purpose of this amendment, and it is very narrowly drawn, is only as to those properties that are owner-occupied homes where the owner has covenanted with the lender that they are going to occupy the house. What happens is often the owner moves out, leases the property to someone, foreclosure begins. The lender has no chain of title, no connection with this particular tenant, nor is there any expectation that there would be a tenant because the owner said “I am going to live there.”

Under the law today, there is no additional time beyond the foreclosure for a tenant to remain in that owner-occupied house. Under the bill that is proposed, that timeline is extended to 90 days beyond the foreclosure. My amendment shrinks that back to 30 days. So it is 30 days more than the law allows today, but less than what is proposed in the bill, because the lender has never had any dealings with that particular tenant. This is not like a multifamily apartment house where the lender expects that there are going to be tenants or an investor type of a loan where the lender expects a tenant to be in place. Ninety days is probably a reasonable amount in that situation, but not here, so I have asked to shrink

it down to 30 days. That is the first part of the amendment.

The second part of the amendment is something I talked to Mr. MILLER about, which is to clarify the language about when acceleration of a loan can occur. Now what we have said is acceleration occurs upon a default in payment or a due-on-sale clause or a material violation in the contract. So those are the two sections of this amendment.

I reserve the balance of my time.

Mr. ELLISON. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. ELLISON. Let me first thank my friend from Colorado who has worked diligently. He is an excellent legislator and was a fine lawyer and I think still is licensed to practice law, and so it is a pleasure working with him. On this issue, unfortunately, we don't quite see it the same.

I think that the 90-day provision is fine and should remain in the bill as it exists now. To cut down by 60 days the opportunity for a renter to find a new place to live after they may have done nothing wrong, made every payment, paid every penny on time, really is not fair and is not good for public policy.

The fact is that, when a house goes into foreclosure, that neighborhood and that home are best preserved by keeping that occupant in there. If they are required to leave just after 30 days, which is very, very fast, that means that we could end up with an empty building where it is subject to copper strippers. It will be an attractive nuisance for people who want to commit, perhaps, crime. It will be a very difficult and bad situation. And we know that once a house goes into foreclosure and then is not occupied, that is a direct blow to the property values of people who live everywhere in the neighborhood.

So this provision, this 90 days actually makes a lot of sense. It should stay in harmony with the bill as it exists and not be reduced. I will acknowledge appreciation that the author of this amendment does allow for 30 days. I appreciate that, but I think it should be more. It should be the 90 days that is already there.

This amendment, if adopted, would work to penalize the one person who has not had anything to do with the foreclosure crisis. They were not party to the foreclosure. They were not party to the mortgage in the beginning. They weren't party to the securitization, nor did they engage in any derivatives or anything like that which have brought us to this very difficult point.

The fact is that the tenant who may have been paying every rent every month, month after month, has no control or responsibility over the owner who may have violated certain conditions of the mortgage agreement, and

this extra 60 days that the existing bill provides is not a major detriment to the lender.

Let me just also say, the fact is this is not just an individual problem. To take a very legalistic view of this problem and say they are not in the chain of title, therefore, they are out, ignores the fact that this problem of foreclosures has spread across the Nation, is a community problem, is a problem of everyone, not just a narrow, fixed party-to-party agreement. Therefore, there needs to be a solution that takes into consideration the broader interests as well.

Again, I thank the gentleman from Colorado for his diligent work on this issue.

I reserve the balance of my time.

Mr. PERLMUTTER. I would ask my friend from Minnesota whether he has any other speakers? If not, I have the right to close on my amendment.

Mr. ELLISON. Mr. Chair, I thought I had the right to close.

The CHAIR. The gentleman from Minnesota actually has the right to close. The gentleman is the manager opposed to the amendment.

Mr. PERLMUTTER. Well, I would say to my friend from Minnesota that I appreciate your comments, although I would disagree with you.

When it comes to a situation where tenants are expected to be in a property, whether it is a multifamily apartment house or something where there is this expectation on the lender, I would agree with my friend's points. But not here, not where there has been a covenant that it is going to be owner occupied. And often, that covenant comes along with a reduction in the interest rate, so there is consideration for it.

So I appreciate your point about not being too narrow and legalistic, but this is an important point, and it is one that deals with the contract itself and the certainty of the contract.

Secondly, the lender may have somebody else who is ready to come in and buy, and there are a lot of people who want to buy these homes, too. I would say to my friend from Minnesota, and they shouldn't be deprived of the opportunity to purchase them. The lender also may want to continue to lease the property out to the individual who is occupying the home.

So there are a number of reasons why, at 30 days, I think we are giving substantial time to these individuals to vacate the premises. That should be the cutoff date.

I would also remind my friend that, in the manager's amendment, Mr. FILLNER has an amendment that is part of it that gives notice to the tenant at the outset of the foreclosure that something is going on with the property so that there is not a surprise. So I would urge a “yes” vote on the Perlmutter amendment.

I yield back the balance of my time.

Mr. ELLISON. Let me just point out that tenants are hard hit by this foreclosure crisis even though the mortgage is not their responsibility.

As of February 2009, at least 20 percent of the properties in foreclosure were rental properties, and roughly 40 percent of the families facing eviction due to foreclosure are tenants. Only seven States and the District of Columbia provide clear protection for tenants.

The fact is that, if this amendment is adopted, it will add to the pain of some tenants when we don't have to do it. The 90 days in the bill is more than adequate, and 30 days is too short. We will put pressure on our homeless shelters if we adopt this amendment. We will put pressure on families who really had no part in making this foreclosure crisis occur.

I thank my friend from Colorado.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING
The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-98.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HENSARLING:

In section 129C(d) of the Truth in Lending Act (as added by section 204 of the bill), strike paragraphs (2) and (3) and insert the following (and redesignate succeeding paragraphs accordingly):

“(2) ASSIGNEE AND SECURITIZER EXEMPTION.—No assignee or securitizer of a residential mortgage loan shall be liable under this subsection.”

In section 129C(d)(6) of the Truth in Lending Act (as added by section 204 of the bill), strike “, assignee, or securitizer” each place it appears.

In section 129C(d)(7) of the Truth in Lending Act (as added by section 204 of the bill), strike “, assignee, or securitizer” each place it appears.

Strike section 129C(d)(8) of the Truth in Lending Act (as added by section 204 of the bill) (and redesignate succeeding paragraphs accordingly).

In section 129C(d)(9) of the Truth in Lending Act (as added by section 204 of the bill)—

(1) strike “, assignee, or securitizer”; and

(2) strike “or an assignee or securitizer under paragraph (2)”.

In section 129C(d)(10) of the Truth in Lending Act (as added by section 204 of the bill), strike “the terms ‘assignee’ and ‘securitizer’, as used in this section, do not include”.

In section 129C(e) of the Truth in Lending Act (as added by section 205 of the bill), strike “or any assignee or securitizer” each place it appears.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, the subject of mortgage reform is a very serious subject. And although there are certain laudable aspects of the underlying legislation, I fear that although it is a serious subject, it is difficult to take the legislation seriously.

How can you have mortgage reform when you leave out the single biggest root cause of the economic debacle we find ourselves in, and that is reform of Fannie and Freddie? How can you seriously deal with mortgage reform and be absolutely silent to at least half of the fraud equation, and that is those who lied about their income, lied about their occupancy, lied about their net worth?

The underlying legislation, Mr. Chairman, unfortunately, is going to ensure that consumers lose their choices. It will make interest more expensive. It will protect—“protect,” a term we hear from our friends on the side of the aisle—protect people out of their homes and effectively take away the American Dream from millions and millions of Americans.

Now, we need effective disclosure. We need effective policing of fraud and misrepresentation. We also need some personal responsibility, and we need to quit bailing out failed institutions, and we shouldn't force people who are struggling to pay their own mortgages to pay their neighbors' as well.

Now, Mr. Chairman, one particularly bad and onerous aspect of this legislation is something called assignee liability. What this means is that once the mortgage is entered into, that those who securitize the mortgage, those who may invest in the mortgage, that all of a sudden new legal liability will attach to them as well.

The bill introduces legal liability for the originator. It doesn't introduce any new legal liability on behalf of the borrower, but introduces new legal liability saying that, with respect to refinancing, that there must be a “net tangible benefit”; and, if the lender fails this standard, he has legal liability. On all financing, there must be a “reasonable ability to pay.”

Well, what do these standards mean? Net tangible benefit. So if somebody decides to refinance, take equity out of their home and start a small business, is that a net tangible benefit? Or does it depend on how successful the small business is?

How about if an individual refinances their home, they take out equity, and they decide to put a swimming pool in the backyard? Well, maybe that is not a net tangible benefit. Maybe it is, maybe it isn't. I don't know.

Maybe they refinance, because in their particular situation they need a lower monthly payment but yet they are willing to pay a larger sum. Is that a net tangible benefit?

I would be happy to yield to anybody on the other side of the aisle who could tell me if those examples constitute net tangible benefits. Hearing nobody on the other side of the aisle take me up on it, it kind of proves my point: We don't know what these terms mean, nor do we know about reasonable ability to pay.

So all of a sudden, if a lender figures out that there is a tragic divorce going on in a family, does he have a legal obligation now to deny homeownership opportunity because maybe there is no longer a reasonable ability to pay?

How about if somebody has the tragic discovery that they have breast cancer? All of a sudden, is there a legal obligation that maybe this person can no longer have a reasonable ability to pay?

We don't know what these legal standards are, Mr. Chairman. And so now they are getting passed on to the assignees, these fuzzy, muddy, cloudy, amorphous terms. It is a plaintiff's lawyer's dream, and so we will have an explosion of liability exposure. Why would people want to invest? Why would people want to securitize?

You know, when people invested in the stock of Enron, they were the victims. They weren't the victimizers. And now, all of a sudden, we are turning this on their head, and at the end of the day there is going to be less mortgage money available to anybody who wants to have their American Dream realized.

I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, I keep waiting on the gentleman to address his proposed amendment. I haven't heard anything about the proposed amendment, but I want to address the points that he addressed since he wants to have a general debate.

First of all, he says he can't support this bill because we didn't deal with Fannie and Freddie. That is kind of like me saying I am not going to vote for the earned income tax credit because it doesn't deal with all of what caused poverty in America.

You can't deal with every subject in every bill. We passed a bill that has dealt with Fannie and Freddie, and it has been over there in the Senate for a long time. And we are going to pass some other legislation to deal with Fannie and Freddie at some point, but it is not addressed in this bill, just like the whole totality of poverty is not addressed when we passed an earned income tax credit or when we passed health care. That is just a non sequitur, as far as I am concerned.

□ 1300

He talks about, we didn't deal with disclosure so I'm not going to vote for the bill.

Everybody in America that got a loan that is in foreclosure now, everybody who is in default now got full disclosures of what the terms of their loans were. And they were ineffective to prevent the kind of predatory lending and policies that this bill addresses. So I don't know what the gentleman is talking about when he says "we didn't deal with disclosure."

We intentionally didn't deal with disclosure because we acknowledge that disclosure and telling people that we are giving you a bad loan is not enough to protect them any more than disclosure that a doctor may not be the best doctor in America is going to stop people from going to the doctor.

So now that I have dealt with those, maybe he will want to address the amendment itself.

And I will reserve the balance of my time to address the amendment.

Mr. HENSARLING. I yield myself such time as I may consume.

To my friend from North Carolina, there are many reasons not to support the bill. I didn't say I wasn't supporting it for these reasons. I said it was hard to take a mortgage reform bill seriously that didn't treat this.

At the end of the day, Mr. Chairman, again, what is going to happen is that we are functionally outlawing certain types of loans here, and we know particularly subprime, with these amorphous legal standards, applying them to securitizers, applying them to investors, functionally, you are outlawing this.

Well, that hurts people. It hurts the Taylor family of Forney, Texas, that wrote to me, "If it hadn't been for subprime lending, I wouldn't have my house now. My credit was destroyed because of a divorce. I worked hard for 5 years to clean up bad credit."

These people still ought to have an opportunity to realize their American Dream, and we ought to quit protecting them out of their homes.

I urge adoption of the amendment.

Mr. WATT. Would the Chair advise me how much time remains.

The CHAIR. The gentleman from North Carolina has 2½ minutes remaining.

Mr. WATT. I will yield 1 minute to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, on two successive days now, Mr. HENSARLING has said in the course of addressing the body, "Can anyone over there tell me what 'net tangible benefit' is?" And then a second later saying, "Hearing nothing, they must not have an answer." I don't believe anybody watching on C-SPAN is under the impression that we are all paying rapt attention to every word that comes out of Mr. HENSARLING's mouth. And the reason we didn't hop up isn't because we didn't know what the answer is. It is more the case that we

kind of lean over to each other and say, What did he just say?

"Net tangible benefit" is based very closely on a rule of law in securities law called, that gets at churning or making transactions in a stock market account just to generate fees for the broker. The problem this gets at is flipping of loans, of coming back to a homeowner and persuading them to refinance just to create more fees for everyone involved in the mortgage system, to refinance so they can get the home owner deeper and deeper in debt. Rather than trying to delineate every possible net tangible benefit, the bill gives the regulatory authorities, the banking agencies, the authority to say exactly what a net tangible benefit is.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to direct their remarks to the Chair.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

I would now like to address the gentleman's amendment which he still never has addressed. I acknowledged from the very beginning that we walked a delicate balance between protecting consumers and protecting the availability of funds. But the balance that the gentleman would have us address says this, "no assignee or securitizer of a residential mortgage loan shall be liable under this subsection."

Let me tell you what that would lead to. I will close a loan one day, I will assign it to somebody the next day, and we will be right back where we are right now because nobody in the chain of custody of that loan, other than the original lender, will have any liability. That would be as irresponsible as not passing any bill or not doing anything, which is exactly what a number of my colleagues would like to have us do, but which is not an option in this posture at this moment.

So I want my colleagues to be clear. This is a destructive amendment and should be opposed.

With that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. MOORE OF KANSAS

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-98.

Mr. MOORE of Kansas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MOORE of Kansas:

In section 129C(a) of the Truth in Lending Act (as added by section 201(a) of the bill), insert after paragraph (3) the following (and redesignate succeeding paragraphs accordingly):

"(4) INCOME VERIFICATION.—In order to safeguard against fraudulent reporting, any consideration of a consumer's income history in making a determination under this subsection shall include the verification of such income by the use of—

"(A) Internal Revenue Service transcripts of tax returns provided by a third party; or

"(B) such other similar method that quickly and effectively verifies income documentation by a third party as the Federal banking agencies may jointly prescribe."

The CHAIR. Pursuant to House Resolution 406, the gentleman from Kansas (Mr. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. MOORE of Kansas. Mr. Chairman, I yield myself as much time as I may consume.

The CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. MOORE of Kansas. I rise today with my colleagues from Maryland and Ohio, Congressman FRANK KRATOVIL and Congresswoman MARY JO KILROY, in offering this income verification amendment to H.R. 1728.

It is well known that the misrepresentation and the unverified nature of a borrower's income was a contributing factor to the mortgage crisis. Some borrowers purposely misstated or altered their incomes on documents in order to qualify for loans they couldn't afford, and some lenders either ignored or encouraged that practice.

Columnist Gretchen Morgenson wrote last year: "While borrowers may have misrepresented their incomes, either on their own or at the urging of their mortgage brokers, lenders had the tools to identify these fibs before making the loans. All they had to do was ask the IRS."

Our amendment would require lenders to do this by simply verifying the borrower's income documentation with the IRS. They already have a program to do this, the Income Verification Express Service. This program utilizes IRS tax transcripts to verify a borrower's income within 2 business days, often the same day, for less than \$5. This simple step will help catch fraudulent behavior before a lender closes on a loan that a borrower may not be able to afford.

In his recent report to Congress, the special investigator inspector general for TARP recommended third-party verification of income like this IRS tax transcript program to prevent fraud. Income verification will strengthen the integrity of our mortgage system by ensuring borrowers receive a loan they can repay, lenders underwrite loans

that are less likely to default, investors regain their confidence in the securitization process, and in the case of government-supported loans, taxpayers are protected.

I urge my colleagues to support our income verification amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I appreciate the gentleman offering this amendment. I think it does make the underlying bill better. Income verification is an important criteria in determining whether somebody qualifies for a mortgage or not and has the ability to repay. Providing a low-cost way to be able to do that, I think, is an important step in this process. And I commend the gentleman.

With that, I yield back my time.

Mr. MOORE of Kansas. Mr. Chairman, I yield 1 minute to Congressman FRANK KRATOVIL of Maryland.

Mr. KRATOVIL. Mr. Chairman, studies suggest that almost 50 percent of all subprime loans were accepted by lenders without verification of stated income. In some cases, borrowers provided their lenders with fraudulent information in order to qualify for a mortgage and deceive the lenders. In other cases, the lenders actually encouraged the borrowers to do so, or simply looked the other way despite obvious questions of credibility. How can we avoid this from happening again?

Mr. Chairman, we can do this by passing the Moore-Kratovil-Kilroy amendment to H.R. 1728, which can appropriately be referred to, as a prosecutor might say, a "trust but verify" amendment.

The Moore-Kratovil-Kilroy amendment to H.R. 1728 would help stabilize the mortgage markets and help protect against fraud by requiring mortgage lenders to verify the income history of each home loan applicant by obtaining a IRS tax return transcript from a third-party provider prior to closing a loan. IRS tax transcripts can be used to verify income and avoid possible fraud or eventual foreclosure. Verification of stated income through IRS tax transcripts will protect the taxpayers, investors, and mortgage market by discouraging fraud, reducing foreclosures and strengthening the market.

This past April, as was mentioned, the TARP special inspector—

The CHAIR. The time of the gentleman has expired.

Mr. MOORE of Kansas. I yield the gentleman 30 additional seconds.

Mr. KRATOVIL. This past April, the TARP Special Inspector General recommended the Treasury use third-

party income verification to prevent fraud in the newly announced mortgage modification system. As a former prosecutor, I certainly had experience prosecuting fraud in the courtroom. What this amendment does is stop fraud before it even gets there by eliminating the ability to misrepresent or encourage a misrepresentation of income.

I urge my colleagues to support it.

Mr. MOORE of Kansas. Mr. Chairman, I yield 2 minutes to Congresswoman MARY JO KILROY from Ohio.

Ms. KILROY. Thank you, Chairman MOORE and Chairman FRANK, for your leadership on these issues.

I'm glad to join with my colleague, Mr. KRATOVIL, on this commonsense amendment that provides a cost-effective and simple way to verify income to address the issue of mortgage fraud.

It is well known that misrepresentation and the unverified nature of a borrower's income was a contributing factor to the mortgage crisis and the foreclosure crisis that we find ourselves in. Lenders either routinely ignored or encouraged this practice, leading to a higher risk of default, delinquency and foreclosure for borrowers and for America's families. In fact, according to the Comptroller of the Currency, nearly 50 percent of all subprime mortgages relied on stated income, no verification. And the Mortgage Asset Research Institute found that 90 percent of the borrowers reported incomes higher than those found in the IRS files. And even more disturbing, almost 60 percent of the income amounts were exaggerated by more than 50 percent.

In my district, foreclosure is a very serious issue. There were over 79,000 foreclosure filings in 2006, compared to 15,000 in 1995. One in seven of these homes was subprime lending.

A quick, reliable and confidential income verification process will improve things so much. It will catch fraudulent behavior before the lender closes on a loan or before a borrower gets involved in a loan that he or she can't afford, strengthening the integrity of the mortgage market. And one of the things that this amendment will accomplish will help to restore integrity and confidence to the mortgage lending process, and in the case of the government-supported loans, give more support and confidence to the American taxpayer as well.

This third-party income verification can be obtained simply and quickly. And it is affordable and confidential.

The CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Kansas (Mr. MOORE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PRICE OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-98.

Mr. PRICE of Georgia. I have an amendment made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PRICE of Georgia:

Add at the end the following:

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, titles I, II, and III of this Act shall not take effect until 90 days after the Board of Governors of the Federal Reserve System provides written certification to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that such titles will not reduce the availability or increase the price of credit for qualified mortgages (as defined in section 129C(c)(2) of the Truth in Lending Act).

The CHAIR. Pursuant to House Resolution 406, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, we all agree that we want to increase credit and get the housing market moving again. My amendment is a simple amendment and addresses that specific issue. It simply says that the Federal Reserve ought to be able to provide written certification to the appropriate committees in the House and the Senate that this bill will not reduce the availability or increase the price of credit for qualified mortgages.

As we are considering ways to free up credit in the market, this legislation may just be the wrong thing at the wrong time. When the Federal Reserve testified before our committee on the impact of this legislation, the witnesses had reservations regarding the impact of this bill on access to credit. In fact, they felt that there was a significant possibility that the adoption of this bill would actually decrease the availability of credit.

□ 1315

My amendment would ensure that prime borrowers will not be punished with increased rates. It simply requires that the Federal Reserve certify that the provisions of this bill will not reduce the availability or increase the price of credit for qualified mortgages. This certification will protect responsible borrowers that played no role whatsoever in the meltdown of the mortgage market.

It is clear to me and others from the language in this bill that a routine, vanilla, 30-year fixed-rate mortgage is being put forward as the mortgage of choice. If that is going to be the case moving forward, and originators are not going to be comfortable offering other types of mortgage products because of the narrowness of the safe harbor provisions and the risk-retention

provisions, then we need to ensure that qualified borrowers will have access to those types of mortgages.

Many of us are concerned because of the other provisions in this bill that it is going to become more difficult for qualified borrowers to have access to affordable credit. So if the proponents of this bill don't believe it will restrict credit or raise the cost on borrowers, then they shouldn't have any trouble voting for this amendment. The amendment simply stipulates that the Federal Reserve will certify that that would be the case.

But if they don't think that the bill will pass this review from the Federal Reserve with flying colors, then I think it would be time for them to reconsider whether or not this legislation is what we need at this time.

I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. First, Mr. Chairman, the gentleman's description of the safe harbor refers to an earlier version of the bill. In the committee, a bipartisan amendment offered by the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Illinois (Ms. BEAN) significantly increased the safe harbor so it is not a 30-year fixed mortgage only that is allowed. Variants of time, certain ARMs, it is much more flexible.

The gentleman's comments apply accurately to a provision that is no longer in the bill; but it does not apply to what is in the bill.

My second point is that I am surprised at the back-and-forth attitude some of my most conservative colleagues have toward the Federal Reserve system. On the one hand, there has been a great deal of concern, which I share, about the unlimited power of the Federal Reserve in some areas. But time and again we are being told, as in this amendment, we should yield to the Federal Reserve our constitutional power to legislate.

This amendment says we will vote, but the bill will not go into effect until the Federal Reserve gives us permission. Now I have a good deal of confidence in Mr. Bernanke, but the notion that we would cede to the Federal Reserve the power to enact legislation, where is Ron Paul when we need him? When did the Federal Reserve become the constitutional equal of the Congress of the United States?

So on that ground alone, I would oppose this amendment.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I want to thank the chairman of the committee for requesting from the Rules Committee that amendments be

made in order. I appreciate that because I think these are getting to important issues.

The gentleman talks about the expansion of the safe harbor provisions, and they are. But that doesn't have anything to do with whether or not the Federal Reserve, or some entity, ought to stipulate that the cost of credit won't be greater, or the availability of credit won't be less, if this bill is adopted. That is the heart of the amendment.

My friend from Massachusetts talks about being surprised by various protestations about the role of the Federal Reserve. Well, I would be the first to stand with him if in fact he wants to support maintaining, or returning the Federal Reserve to stipulating only about monetary policy. But the fact of the matter is that the Federal Reserve has jurisdiction over this area. In fact, the Federal Reserve has put forward particular rules regarding mortgages. And, in fact, many of them address the very issues that are being addressed in this bill today.

So again, the heart of my amendment says if in fact this bill will not decrease the availability of credit or will not increase the cost of credit, then it's fine. Just move it on forward. But if it will decrease the availability of credit, or increase the cost of credit to folks out there across this land, then we ought not move forward with it. We ought not punish those individuals who, through no fault of their own, find themselves in a challenging situation finding credit. I once again urge adoption of the amendment.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, first I guess I have to apologize to the gentleman from Georgia after listening to what he said. He chided me, mildly, in a friendly manner, for mentioning the dimensions of the safe harbor, he said it wasn't part of the bill, but I was only responding to his description of it. So I listened to him; he said the safe harbor was too narrow, it would push people into a 30-year. I responded. I thought when he raised it that it was relevant.

Beyond that, though, we do have this issue: do you tell the Federal Reserve that it will decide whether or not this goes forward? It also says, and there is a lack of balance here. If it says it will reduce the availability by any amount. Well, to some extent the purpose of this bill is to reduce the availability of credit.

If Members believe that people got mortgages who shouldn't have been able to get them, then they ought to support a bill that will reduce the availability of credit. Frankly, the profligate availability of credit is a major reason for the current problem. So, yes, there are people who used to get mortgages who won't get them under this bill. Some lenders don't like

that. There are lenders who made loans and they won't be able to make the loans under this bill, but that is precisely the point. The point is not to allow credit to be as loosely granted as it was even for qualified mortgages. People got mortgages who shouldn't have gotten them.

Now if you believe that not everyone who got a mortgage in the past should get a mortgage now, then it would seem to me you want to reduce the availability of credit. The question is: how do you do it? Do you do it in a sensible way? What is the balance? That is what we think is achieved in this bill.

I reserve the balance of my time.

Mr. PRICE of Georgia. May I inquire as to the time available on each side?

The CHAIR. The gentleman from Georgia has 1 minute remaining. The gentleman from Massachusetts has 90 seconds.

Mr. PRICE of Georgia. Thank you, Mr. Chairman.

I appreciate the comments of my friend, the chairman of the committee. But I would point out that the heart of this amendment gets to whether or not through this bill we are going to increase the availability of credit and decrease the cost of credit. If we are not going to do those things, then it seems to me that the American people ought to be very suspect about the nature of the bill.

The amendment simply says that the Federal Reserve, the entity in the Federal Government that has jurisdiction over this area, would simply have to say that we will not decrease the availability of credit and we will not increase the cost of credit, especially at this time, at this time when so many of our fellow citizens across this land are having extreme difficulty finding credit, realizing their dream and being able to either stay in their home or find a home in which they will be able to gain credit to purchase.

It is a simple amendment, Mr. Chairman. It gets to the heart of the matter. Are we as a Congress going to increase the availability of credit and decrease the cost? Or are we going to simply decrease the availability of credit and, therefore, decrease the ability of the American people to realize their dream? I urge adoption of the amendment.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. I yield myself the balance of my time.

Yes, that is exactly the issue. The gentleman says, surprisingly to me, we want to increase the availability of credit.

Let's understand the problem. Too many loans were made to people who shouldn't have gotten them. In some cases it was the fault of the borrower; in some cases it was the fault of the lender; and in some cases the fault lies elsewhere. Yes, one of the important purposes of this bill is to reduce the

pattern of people getting loans who shouldn't have gotten them because they couldn't repay them.

So to say that the purpose of this bill is to increase the availability of credit, is it to have more subprime loans, more borrowers who can't pay back?

Now you want to do it with balance and you want to do it in a reasonable way. I believe we deal with that. If there are questions do we go too far one way or the other, those are legitimate. We discussed a lot of those in committee. There were a lot of amendments that were adopted.

But I accept my colleague from Georgia's definition as the heart of the matter: Does this bill, if it is enacted, mean that fewer mortgage loans will be granted going forward than were granted in that period from 2002 to 2006, as the gentleman from Texas' amendment shows, when subprime mortgages shot up? I hope so. I hope that we will have fewer mortgages granted to people who couldn't have paid them.

Now other people, we hope things will go better. With the FHA piece, we hope to do even more in making credit available.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. PRICE of Georgia. My amendment addresses qualified borrowers.

Mr. FRANK of Massachusetts. No, it says "qualified mortgages." But part of the problem has been that people got mortgages with bad judgments by the people who made them.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. MCNERNEY

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-98.

Mr. MCNERNEY. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. MCNERNEY:

In the matter proposed to be inserted by the amendment made by section 404 of the bill, after the period at the end of paragraph (4)(C) insert the following: "In distributing such assistance, the Secretary may give priority consideration to entities serving areas with the highest home foreclosure rates."

The CHAIR. Pursuant to House Resolution 406, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud to offer this amendment to the Mortgage Reform and Anti-Predatory Lending Act. This important bill will crack down on many of the most common predatory lending practices that have contributed to the housing crisis. H.R. 1728 also includes essential provisions to establish an office of housing counseling to provide consumers with the information they need to make informed mortgage decisions.

I am proud to represent the city of Stockton, California, a city that unfortunately suffers from one of the Nation's highest foreclosure rates. Back home, I have hosted several foreclosure assistance workshops where mortgage counselors approved by the Department of Housing and Urban Development provided unbiased advice to struggling homeowners. I have seen firsthand how effective these counselors are. But counseling resources remain very stretched.

The amendment I offer today simply helps counseling agencies serving areas with high rates of foreclosures to get their fair share of grant funding. I am proud to support the bill we are considering today, and I would ask all of my colleagues to join me in making sure that the areas most hard hit by the housing crisis receive the counseling resources they need.

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. I rise in support of the gentleman from California's amendment, which gives the HUD Secretary the option of prioritizing funding for HUD-certified housing counseling entities located in areas experiencing high foreclosure rates.

As was said, we really have to look at the resources that we have and make sure that they are going to be used in a very well-thought-out way. I support the amendment.

I would also like to thank Ranking Member BACHUS for his earlier amendment to title IV, to dedicate housing counseling funds to help homeowners avoid fraudulent foreclosure rescue scams.

Both amendments strengthen title IV. As the author of title IV of the bill, which is the same as my bill, H.R. 47, I cannot emphasize enough the importance of housing counseling, especially when it comes to helping homeowners in trouble.

In my congressional district, HUD-certified housing counselors have the

patience, expertise, and experience to help homeowners who are at the end of their rope. These counselors have been a lifeline to struggling families, often helping families get their budget in order, improve communications with the lender or servicer, and most importantly, help save their homes.

So many of the problems out there could have been avoided if consumers secured this kind of financial literacy before signing on the dotted line for a mortgage. They would be armed with the ability to make better decisions about a mortgage. However, many homeowners did not secure this advice and are in dire straits today.

Therefore, I ask my colleagues to support this amendment.

I yield back the balance of my time.

□ 1330

Mr. MCNERNEY. Mr. Chairman, I just want to say I thank the gentlewoman from Illinois for her leadership on this issue for housing counseling. Again, I have seen too many families that are in trouble and could have used help early on in the process or that are in trouble and could use help now to salvage the best of a bad situation.

With that, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. MCHENRY

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-98.

Mr. MCHENRY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 Offered by Mr. MCHENRY: Strike title III (relating to high-cost mortgages).

The CHAIR. Pursuant to House Resolution 406, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, in 2007 this bill passed the House with no subsequent action in the Senate. Since then, the Federal Reserve has finalized rules establishing a new category of "high-priced mortgages" under HOEPA that will virtually eliminate all subprime lending.

When the Fed released these new regulations, Chairman FRANK described the Fed's response to tighten the HOEPA restrictions as a "very strong consumer protection position." I have heard the arguments made by my colleagues on the other side of the aisle that the Fed's regulations eliminating all subprime lending don't go far enough, that even more lending in the marketplace needs to be eliminated.

Now, I say “eliminated” instead of “prohibited” because by defining a class of loans under HOEPA, you are essentially killing that class of loans, never mind the fact that they may be a reasonable option for a number of consumers.

Now, I say “eliminate” because these loans under HOEPA are simply not originated, financed, or securitized in a normal marketplace, much less the severely restricted marketplace we currently have in lending that is very clear to the American people. The reason why there is not lending under HOEPA is due to the significant risk of loss on the holder of these loans.

In 2006, when we had a normal functioning mortgage marketplace, of the 10 million loans made, less than 1 percent were HOEPA loans. By expanding the loans that would fall under HOEPA even further than the Fed has already done, we would be killing options for millions of people to get future lending and ensuring that in an already restricted marketplace, things will become even more restricted.

Mr. Chairman, Members need to ask themselves, if the marketplace for mortgages is going to become so heavily regulated, further regulated with so many new protections included in the rest of this bill, then why in the world do we need title III of this bill? My amendment strikes title III.

During the committee hearing earlier this month, Massachusetts Bank Supervisor Steven Antonakes expressed his concern that the dramatic expansion of HOEPA will result in much fewer loans being made. Is this really the direction the Congress wants to take right now, further restricting the mortgage marketplace?

Mr. Chairman, I ask support of my colleagues for striking title III of this bill.

I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I rise to claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, Mr. MCHENRY and other opponents of this bill have said that the bill will have the effect of outlawing certain kinds of loans and limiting choices. Yes, Mr. Chairman, we do intend to limit choices. They say they would defend to the death the right of consumers to choose to get cheated blind, to get cheated out of their income, to get cheated out of their life savings. And we want to limit that choice because we don't think that consumers really choose that. When someone needs to borrow money to buy a house or borrow money against their house or get a credit card or on overdraft fees, or whatever else, they shouldn't have to swim in waters filled with fins. There should be some protections.

This amendment changes, in a fairly modest way, the protections of HOEPA for high-cost loans, which are highly regulated loans. And because they are highly regulated, they are fairly rarely made. But it allows loans up to 6.5 percent higher interest rate than prime—that is well more than twice prime—on subordinate loans, 8.5 percent above prime. And it raises the up-front cost that triggers a HOEPA loan, a high-cost loan, from 8 percent to 5 percent and closes some of the triggers. Do we want fewer loans like that made? Yes, Mr. Chairman, we do. That is exactly what we intend.

North Carolina did something very much like this in 1999. The Commissioner of Banks of North Carolina has testified repeatedly before Congress. There was a study at the University of North Carolina at Chapel Hill Business School. At least one business publication, industry publication, looked into it and found there was no change, there was no diminution in the availability or terms of mortgage credit in North Carolina. Did people make fewer loans like this? Yes. That was the whole point; they got better loans. That is the point, making sure that people get better loans.

Mr. Chairman, I reserve the balance of my time.

Mr. MCHENRY. As a proponent of the legislation, do I have the right to close?

The CHAIR. The gentleman from North Carolina (Mr. MILLER) has the right to close because he is the manager in opposition to the amendment and a member of the committee.

Mr. MCHENRY. Mr. Chairman, in summation, my colleague from North Carolina has made the argument why you should strike section III. His quote is, “Yes, we intend to limit choices, Mr. Chairman.” I think that is the wrong attitude this Congress should take.

The fact is, for those that have less than perfect credit, this section of the legislation will hamper their ability to get mortgages and purchase homes. That is the simple fact. In fact, my colleague from North Carolina says that, yes, they intend to limit choices, they want to eliminate choices in the marketplace for lending and for further restricting lending. I think that is the wrong path, Mr. Chairman. I think that is the wrong attitude this Congress should take. I think it limits choices for our consumers.

Mr. Chairman, when this becomes law, if we do not strike this section, Members will have to go home and answer to their constituents, Why can't I get the lending I need to purchase a home? And we can point to this very vote on whether or not they are in favor of more options in the marketplace or fewer, restricting choices, restricting opportunities, eliminating certain types of mortgages in the mar-

ketplace. I think we should eliminate section III.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I am happy to go home to North Carolina and explain to voters that I did vote against allowing loans that would be more than 6.5 percent higher than prime, except very highly regulated loans in very unusual circumstances. These loans were made, they are rare, they should be rare. We need better loans.

Does anyone really think there were not enough bad loans made in the last few years? It has been in the papers. We have had a foreclosure crisis. We now have a financial crisis. We need better loans. Those loans were not about making credit available to people who couldn't get it otherwise; it was people being taken advantage of and cheated, and we need to do better by the American people.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 10 OFFERED BY MRS. DAHLKEMPER

The CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-98.

Mrs. DAHLKEMPER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 Offered by Mrs. DAHLKEMPER:

In section 5(b)(1) of the Real Estate Settlement Procedures Act of 1974 (as amended by section 408 of the bill)—

- (1) in subparagraph (B), strike “and”; and
- (2) insert after subparagraph (B) the following (and redesignate succeeding subparagraphs accordingly):

“(C) the advantages of prepayment; and”.

The CHAIR. Pursuant to House Resolution 406, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Mrs. DAHLKEMPER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, legislation that will curb predatory lending and other egregious industry practices that caused the subprime

lending boom and the Nation's highest home foreclosure rate in 25 years.

My amendment in this crucial legislation adds a financial literacy component to the underlying bill. Especially during this period of economic recession, it is critical that borrowers have all the necessary information to make smart financial decisions when purchasing a home.

H.R. 1728 requires that the Department of Housing and Urban Development publish a guide for prospective borrowers at least every 5 years. This guide explains the concepts of balloon payments, prepayment penalties, and the tradeoff between paying up-front closing costs and the resulting interest rate over the life of the loan.

Prepayment penalties are limited in many circumstances under the base bill and even prohibited in others. Prepayment penalties often limit a consumer's choice to refinance when interest rates become more favorable or make partial payments when the consumer has the means and the desire to do so.

My amendment adds a requirement that the advantages of loan prepayment also be included in the HUD consumer education guide. I believe it is important to provide prospective borrowers with an advance explanation of the substantial and positive economic impact that even modest prepayments during the early years of a loan term may have. Having this knowledge prior to committing to a mortgage will allow borrowers to weigh the pros and cons of the prepayment penalty clause that are often found in mortgage documents before they lose the opportunity to either bargain them out of their loan document or seek out other options.

I urge my colleagues to join me in supporting my amendment to promote greater financial literacy as well as the underlying legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. The gentleman offers a thoughtful amendment. Prepayment is an important option for mortgage holders. I appreciate her amendment, and we support that.

Mr. Chairman, I yield back the balance of my time.

Mrs. DAHLKEMPER. I want to thank my colleague from Texas, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mrs. DAHLKEMPER).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-98.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 Offered by Ms. GINNY BROWN-WAITE of Florida:

In section 218(a), strike "homebuyers and mortgage lending" and insert "consumers, small businesses, homebuyers, and mortgage lending".

The CHAIR. Pursuant to House Resolution 406, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, in the face of continuing economic uncertainty, I rise today in support of careful consideration, reasoned reluctance, and above all, the need for due diligence.

As we have seen over the last 18 months, rapid changes in the structure of mortgage lending can have a profound consequence for the broader economy. No matter how one feels about the underlying legislation or its implications, we can all agree that this bill is designed to change the structure of lending.

Among other things, H.R. 1728 will require lenders who make and sell non-qualified mortgages to retain a 5-percent stake in those mortgages if they choose to securitize or sell them. All other things being equal, that policy will increase banks' risk exposure. And given the close proximity between banks' risk exposure and the capital that they are required to hold in reserve, any significant change in one piece will clearly have an effect on the other. In other words, if mortgage risk increases, financial institutions will either have to hold more capital in reserve, or they will have to reduce their risk exposure elsewhere. That includes consumer loans and small business lending.

While the underlying bill addresses the impact on lenders' capital reserves, the study required under this bill stops a little bit short of directing GAO to monitor and report on any changes in other types of lending, such as consumer or small business loans.

Mr. Chairman, while it is not at all clear what the effects of this legislation will be, it is certainly reasonable to expect that there will be consequences—hopefully some good, and perhaps some not so good. The availability of small business loans may well increase as creditors shift away from nonqualified mortgage lending

and into other forms of lending. Then again, it may not. The point is that we just don't know.

This amendment acknowledges that there are uncertainties inherent in any major reform, and that affects people's lives and businesses. And it makes certain then that if there are any unanticipated consequences, those consequences will be quantified and reported so that Congress can make any adjustments, as necessary.

In closing, I would like to ask my colleagues to remember that hundreds of billions of taxpayer dollars have either been loaned or invested in banks precisely to ensure that those financial institutions remain sound, that they meet their regulatory capital requirements, and that they regain their ability to loan to those who need it most.

I urge adoption of the amendment.

I reserve the balance of my time.

□ 1345

Mr. WATT. Mr. Chairman, I rise to claim the time in opposition, although I do not intend to oppose the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WATT. I want to just thank the gentlewoman for offering the amendment. We have been saying throughout this process that there are uncertainties and we need to know if we've made the balance the wrong way, and this study would help us determine that in a constructive way.

Mr. Chairman, I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman from North Carolina. I enjoyed serving with him while I was on the Financial Services Committee.

At this point I would urge the adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. TITUS

The CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-98.

Ms. TITUS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. TITUS:

In that portion of subparagraph (C) of section 129B(b)(1) of the Truth in Lending Act (as added by section 102(a) of the bill) that appears before clause (i) of such subparagraph, insert "in writing, the receipt and understanding of which shall be acknowledged by the signature of the mortgage originator and the consumer," after "timely disclosure to each such consumer".

In clause (i) of section 129B(b)(1)(C) of the Truth in Lending Act (as added by section 102(a) of the bill) insert “(and such comparative costs and benefits for each such product shall be presented side by side and the disclosures for each such product shall have equal prominence)” before the semicolon at the end.

The CHAIR. Pursuant to House Resolution 406, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today with an amendment that's offered along with my friend from California (Mr. CARDOZA) to H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

As currently written, H.R. 1728 requires mortgage originators to diligently work to present the consumer with a range of mortgage products for which the consumer likely qualifies. These products must be appropriate to the consumer's existing circumstances.

The originator must disclose the comparative costs and benefits of these options.

Our amendment simply specifies how this new disclosure must be made. The amendment requires that the costs and benefits of each option are presented side by side in a simple fashion like this chart, side by side, and that the disclosures for each product have equal prominence. It would further require that this disclosure be made in writing, the understanding of which will be acknowledged by the signature of the mortgage originator and the consumer.

This amendment would add further transparency to the process of securing a residential mortgage loan and ensure that information is presented to consumers in a way that will give them the ability to easily and clearly compare all the options that are available to them. By requiring the disclosure to be presented in writing and requiring the signature of both the originator and the consumer on the document, we will ensure that the importance of this

information is highlighted for the consumer.

The Las Vegas area is ground zero of the home foreclosure crisis. It is projected that just this year there will be nearly 75,000 homes lost to foreclosure in my State. The vast majority of these are in southern Nevada and in my district. It is more than likely that many of these foreclosures could have been avoided from the start if important rules such as those set forth in this bill had been implemented earlier. I believe that this amendment will help facilitate discussions about what's good for a family and, together with the underlying bill with its elimination of incentive payments and antisteering provisions, will help curb predatory lending and prevent future foreclosures in Nevada and across the country.

I would like to thank Chairman FRANK, Mr. WATT, and Mr. MILLER for their dedication and persistence on this important piece of legislation and Chairwoman SLAUGHTER for accepting our amendment as part of the order.

COMPARISON OF SAMPLE MORTGAGE FEATURES

(For illustrative and educational purposes only—does not represent actual terms of loans available from any particular lender.)

A Typical Mortgage Transaction					
Loan Amount \$180,000—30-Year Term					
	Mortgage with a Fixed Interest Rate		Mortgage with an Adjustable Interest Rate (ARM)		
	Principal and Interest	Interest Only	5/1 ARM	Interest Only	Option Payment
	Fixed Rate (6.7%)	Fixed Rate (6.7%) Interest Only for First 5 Years.	Fixed Rate for First 5 Years; Adjustable Each Year After First 5 Years (Initial rate for years 1 to 5 is 6.5%; Maximum Rate is 11.5%)	Interest Only and Fixed Rate for First 5 Years; Adjustable Rate Each Year After First 5 Years (Initial rate for years 1 to 5 is 6.6%; Maximum Rate is 11.6%)	Adjustable Rate for Entire Term of the Mortgage (Rate in month 1 is 1.25%; Rate in month 2 through year 5 is 6.4%; Maximum Rate is 11.4%)
Minimum Monthly Payment Years 1–5, except as noted	\$1,162*	\$1,005	\$1,138	\$990	\$600*** (1st year only)
Monthly Payment Year 6—no change in rates	\$1,162	\$1,238**	\$1,138	\$1,227	\$1,324
Monthly Payment Year 6—2% rise in rates	\$1,162	\$1,238	\$1,357	\$1,462	\$1,581
Maximum Monthly Payment Year 8—5% rise in rates	\$1,162	\$1,238	\$1,702	\$1,832	1,985
How Much Will You Owe after 5 Years?	\$168,862	\$180,000	\$168,500	\$180,000	\$197,945
Have You Reduced Your Loan Balance after 5 Years of Payments?	Yes	No	Yes	No	No
	Your loan balance was reduced by \$11,118	You did not reduce your loan balance	Your loan balance was reduced by \$11,500	You did not reduce your loan balance	Your loan balance increased by \$17,945

* This illustrates an interest rate and payments that are fixed for the life of the loan.

** This illustrates payments that are fixed after the first 5 years of the loan at a higher amount because they cover both principal and interest.

*** This illustrates minimum monthly payments that are based on an interest rate that is in effect during the first month only. The payments required during the first year will not be sufficient to cover all of the interest that's due when the rate increases in the second month of the loan. Any unpaid interest amount will be added to the loan balance. Minimum payments for years 2–5 are based on the higher interest rate in effect at the time, subject to any contract limits on payment increases. Minimum payments will be recast (recalculated) after 5 years, or when the loan balance reaches a certain limit, to cover both principal and interest at the applicable rate.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, I appreciate the spirit by which the gentlewoman is introducing this amendment, but what we are all trying to do with disclosure, I think, is simplify it in a way that consumers actually understand the terms and conditions of the contract.

I have worked with Representative BIGGERT and Congressman HINOJOSA to ensure that HUD, for example, and the Fed work together to have a simple disclosure that is uniform and universal so that when people are taking credit out, they understand the terms and conditions of that and it's the

same terms and conditions that they're presented when they get to closing.

Now, what the gentlewoman's amendment says is that all products offered or discussed or referred by the originator must be put in this spreadsheet. What does that mean? Well, that means that in order to cut down on the amount of paperwork that an originator is going to want to do, they're not going to discuss very many options and they're going to be asked to make assumptions of what are the benefits of a particular product over the other product.

One of the things that this bill does is it moves in a direction to begin to simplify that disclosure process, and now we're kind of truncating that with this new disclosure; so now we are going to add another piece of paper.

I would submit to you that a lot of people took on mortgages that they

didn't understand the terms and conditions of. I don't know that there was any predatory lending necessarily going on. In some cases there may have been. But in many cases the disclosures are very hard to read, they're multipages, and the terms and conditions, unless you read many, many pages, you didn't understand.

One of the things that I believe is the best way to do that is that on a one-page form you have all of the more important conditions of this loan so that the person that's taking out that mortgage understands what they are getting. But I think we are going down a road here of what's going to happen in this legislation, if this amendment is passed is, we are going to tell the American people the government knows best what mortgage you should take out because we're going to make it so onerous for originators to display

their products and to sit down and counsel with their prospective borrowers that they are going to only give them one choice. And, in fact, I think in many ways that's what this bill does.

It begins to say, you know what, the Federal Government is going to tell you what kind of mortgage that you should have. That's not the role of the Federal Government. The role of the Federal Government here is to make sure there are fair and ethical practices going on and not for the Federal Government to force originators of mortgages to be telling borrowers what kind of mortgages they should take out because they're afraid that they will fall under some of the provisions of this bill.

So I am very much opposed to this. I think it goes down the wrong direction. We are working in a bipartisan way to simplify disclosure for mortgages and we should stay that course.

Mr. Chairman, I reserve the balance of my time.

Ms. TITUS. Mr. Chairman, just briefly, I would present this simple chart of side by side. With all due respect, I think it's easy to draw up and even easier for an individual to understand. This is in the best interest of the banks so they can make good loans and the families so they can take out good loans to stay in their homes. Buying a house is a big decision, and people deserve all the information in a simple form.

Mr. Chairman, I now yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, this is a simplified disclosure. Ms. TITUS's amendment is good work. It is a helpful clarification.

The bill elsewhere already requires disclosure at the outset in a timely way. It requires the originator to present the consumer, the homebuyer, the homeowner with an array of mortgage products that are suitable to that consumer, mortgages that the consumer likely qualifies for and are appropriate to the consumer's existing circumstances, and requires a disclosure of comparative costs and benefits of each of the mortgage products offered. This simply requires that it be in a form. It doesn't bring down the thumb on one side of the scale. It really lets the consumer make the decision and make the decision based upon good information.

Elsewhere in the bill, we also require standardized forms designed by the bank regulators, not by the lenders, so we make sure that this is being presented in a way that's designed so that consumers can understand it, not designed in a way so consumers won't understand it.

This amendment is a helpful clarification. It will help consumers understand what they're doing. I support Ms. TITUS's amendment.

Mr. NEUGEBAUER. Mr. Chairman, somehow adding more forms doesn't sound simpler to me, and basically that's what we are doing here.

In the underlying legislation, we're working together for a simple, uniform form. And by the way, what would happen in that case is, as the lender is talking about different products, they would have that simplified one-page disclosure for this product and that product, and then it's up to the consumer to be able to say, I'm going to look through this information and make a determination.

And if the gentleman would like to answer this question: Do you believe that a lender that maybe has 15 or 20 products available to him for an individual borrower is going to display 15 or 20 products to you if he's going to have to do a spreadsheet that's 15 or 16 columns wide?

I yield to the gentleman.

Mr. MILLER of North Carolina. The bill elsewhere requires a full, complete, and timely disclosure to each consumer of the comparative costs and benefits of each residential mortgage loan product.

Mr. NEUGEBAUER. That wasn't the question. The question was, do you think that someone is going to offer 15 choices if they're going to have to do a spreadsheet that's 15 columns wide?

Mr. MILLER of North Carolina. Well, if it's done on a standardized form, it probably is very helpful if it's on a standardized form. What's the disadvantage of putting it in writing rather than its being oral?

Mr. NEUGEBAUER. Reclaiming my time, Mr. Chairman, the answer to that question is going to be "no," because the people that are offering those are going to offer one or two choices because now they've got additional paperwork and they're going to have to be drawing assumptions of the cost/benefits.

If we go back to the underlying bill, which says you've got to make a disclosure, and it's going to be in a simplified form hopefully, and with government that's a stretch to simplify anything, but if we do get HUD and the Fed together to come up with one form, then we're going to be able to offer them products where we have a uniform disclosure. So they're going to be able to draw their own conclusions and not rely on the lender or the originator to make some kind of assumptions on a spreadsheet.

The CHAIR. The gentleman's time has expired.

Ms. TITUS. Mr. Chairman, I would just still say that the banks want to make good loans and families want to get loans so they can stay in their homes. And the paperwork is just a simple chart, side by side, that a second grader could make, and I show that to you again.

I would like to once again thank Chairman FRANK, Mr. WATT, and Mr.

MILLER for their assistance on this legislation. I would urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Nevada (Ms. TITUS).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. MARIO DIAZ-BALART OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-98.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MARIO DIAZ-BALART of Florida:

At the end of the bill add the following new title:

TITLE VIII—STUDY OF EFFECT OF DRYWALL PRESENCE ON FORECLOSURES
SEC. 801. STUDY OF EFFECT OF DRYWALL PRESENCE ON FORECLOSURES.

(a) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Secretary of the Treasury, shall conduct a study of the effect on residential mortgage loan foreclosures of—

(1) the presence in residential structures subject to such mortgage loans of drywall that was imported from China during the period beginning with 2004 and ending at the end of 2007; and

(2) the availability of property insurance for residential structures in which such drywall is present.

(b) REPORT.—Not later than the expiration of the 120-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a report on the study conducted under subsection (a) containing its findings, conclusions, and recommendations.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Florida (Mr. MARIO DIAZ-BALART) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Before anything else, I want to thank the chairman and also I want to thank Mr. WEXLER. Mr. WEXLER has been a leader on this issue from day one, and he's a leader also on this amendment, but it's more than just this amendment. He has done an incredible job on this issue. And I want to explain the issue and the amendment.

Mr. Chairman, we have all heard about this problem, I'm sure, with the Chinese drywall. Recent reports are that about 100,000 homes could be affected. This imported drywall from China contains sulfuric gas, which actually has corroded copper electrical wiring. It's corroded air conditioning units and copper pipes, including to the

point where there have been fire hazards. It's also a health issue. It has created sinus problems, created bloody noses, headaches. It has created bronchitis and pneumonia in children, and now we hear that it's also harmful to pregnant women. As a matter of fact, Mr. Chairman, on April 17, the Wall Street Journal stated that the University of Southern California's School of Medicine, a professor there, stated "that sulfur compound gasses, even at low levels, have been found to cause respiratory problems such as asthma."

So here's the problem. There is this drywall that has been imported from China that has been installed in a number of homes, again maybe up to 100,000. Homeowners are stuck with these homes. It's more than just smell. It's potentially dangerous, and, again, it eats even wiring and copper.

□ 1400

Individuals, homeowners, are stuck with these homes. They can't sell them. They can't live in them, and they are stuck with them.

So what this amendment does, very simply, is the following. It authorizes a study by the Secretary of HUD, in consultation with the Secretary of the Treasury, on the effects of Chinese drywall on residential mortgage loan foreclosures and the availability of property insurance. And, again, then, it's to report to Congress within 120 days. It's critical that we have all the information, that we have the actual information in a timely fashion.

I want to thank, again, the chairman for his consideration. And, as I said before, I want to thank Mr. WEXLER for his leadership. There are dozens and hundreds of homeowners who are desperately seeking relief, and this is one more way to try to do that.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise, in the absence of any other claimant, to claim the time in opposition.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I commend this bipartisan effort to address an issue that is particularly important in their district.

I yield back the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I would like to yield as much time as he would consume to the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. I want to thank the gentleman for yielding.

I rise in support of this important bipartisan amendment.

Defective Chinese drywall has taken a toll on thousands of homeowners. Many, including my constituent, John Medico of Bradenton, are now finding their homes uninhabitable.

John left his new home and now rents a place. He is forced to not only to pay the mortgage, but he is paying rent on his new place. And this has happened to a lot of people in my area in southwest Florida.

Earlier this year I wrote the U.S. Trade Representative and the Federal Trade Commission asking them to take the appropriate steps to confront this problem.

I am concerned about the public health effects of the problem. Anecdotal evidence points to the Chinese drywall being responsible for the chronic respiratory problems in our region. Also, pregnant women have been advised to move out of their homes for the safety of the unborn.

I am grateful to the gentleman for bringing this amendment forward. I look forward to working with my colleagues on both sides of the aisle of Florida on this important issue and helping our constituents resolve this problem.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent to reconsider my hasty action and take back my time.

The CHAIR. Without objection, the gentleman from Massachusetts may reclaim his remaining time.

There was no objection.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. I especially thank the chairman, and I want to point out the extraordinary effort that Congressman DIAZ-BALART has made to push this issue forward. I rise in strong support of this amendment, because my constituents in Florida and citizens throughout our Nation are facing a real and a growing emergency from dangerous and harmful drywall imported from China.

The level of threat to the health and homes of our citizens is akin to a natural disaster. This danger is much more like a silent hurricane, and it is touching down not just in Florida, but in Louisiana, Mississippi, Texas, Virginia and a growing list of other States.

The Federal Government must take immediate steps to protect Americans whose homes are afflicted with defective drywall. This amendment is an important step forward.

I again want to thank Mr. DIAZ-BALART for his leadership on this crucial issue.

The affected drywall emits a foul odor. It produces gases that corrode copper, electrical wiring, and is likely responsible for chronic health problems for the occupants of the homes. This is an acute and growing crisis with an estimated 35,000 homes in Florida affected and tens of thousands more throughout the country.

Over the past few weeks, I have had the opportunity to meet parents and

visit with them in their homes, where young children have developed bronchitis, pneumonia and other respiratory illnesses that have required hospitalization and surgery. Pregnant women in my district have been advised by their physicians to move out of their homes, and children have been waking up regularly to bloody noses and sinus infections.

It is in this vein that I, along with Mr. DIAZ-BALART, under his leadership, have introduced H.R. 1977, the Drywall Safety Act of 2009, which would require the Consumer Product Safety Commission to ban dangerous drywall, study drywall imported from China and make recommendations on new safety standards.

Currently the Consumer Product Safety Commission, the Centers for Disease Control and Prevention and the EPA are conducting tests. While these tests are essential, the current timeframe for completion is unacceptable and results may not be known for months, especially considering the problem is expected to grow during the hot and humid summer months.

We are, therefore, urging the EPA and CDC to exhaust all possible resources to expedite drywall testing. Furthermore, we have requested critical emergency funding that would allow relevant agencies to conduct the necessary investigations into the health and safety impacts of this drywall, as well as provide public information resources to alert those impacted about the risks they may be facing.

I want to applaud the efforts of Governor Charlie Crist and the Florida Department of Public Health for their leadership. This is a complex and growing problem. We still don't know the extent.

I want to thank the chairman, thank Mr. DIAZ-BALART, and please support this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Again, I do want to thank the chairman of the committee, Mr. FRANK; again, Mr. WEXLER in particular for his leadership.

This is a critical issue not only for Florida, but for thousands and thousands of other homeowners. With that, I would urge a "yes" vote.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MARIO DIAZ-BALART).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. WEINER, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-98.

Mr. WEINER. Mr. Chairman, I offer the said amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. WEINER:
At the end of the bill, add the following new title:

TITLE VIII—FANNIE MAE GUIDELINES FOR PURCHASE OF CONDOMINIUM AND COOPERATIVE HOUSING MORTGAGES

SEC. 801. GUIDELINES FOR PURCHASE OF CONDOMINIUM AND COOPERATIVE HOUSING MORTGAGES.

The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall take actions as are appropriate to establish and revise fee schedules, occupancy and pre-sale guidelines, and other relevant underwriting standards in order to ensure the availability of affordable mortgage credit for condominium and cooperative housing, consistent with appropriate levels of credit risk. In setting such fees, guidelines, and standards, each association may consider factors such as the relative health of the local or regional housing market in which such housing is located, and whether the housing is in a new or existing development.

The CHAIR. Pursuant to House Resolution 406, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Mr. Chairman, I request unanimous consent to modify the amendment with the version that is at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 14 offered by Mr. WEINER, as modified:

At the end of the bill, add the following new title:

TITLE VIII—FANNIE MAE GUIDELINES FOR PURCHASE OF CONDOMINIUM AND COOPERATIVE HOUSING MORTGAGES

SEC. 801. GUIDELINES FOR PURCHASE OF CONDOMINIUM AND COOPERATIVE HOUSING MORTGAGES.

The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall take actions as are appropriate to establish and revise fee schedules, occupancy and pre-sale guidelines, and other relevant underwriting standards for the purchase of condominium and cooperative housing, consistent with appropriate levels of credit risk. In setting such fees, guidelines, and standards, each association may consider factors such as the relative health of the local or regional housing market in which such housing is located, and whether the housing is in a new or existing development.

Mr. WEINER (during the reading). I request unanimous consent that the modification be considered as read.

The CHAIR. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIR. Is there objection to the modification?

Mr. NEUGEBAUER. I do not object, but I would like for the gentleman to clarify what his amendment does.

The CHAIR. Without objection, the amendment is modified.

There was no objection.

Mr. WEINER. First, I want to begin by offering my gratitude to the chairman of the committee and the minority, including their staff: Scott Olson, majority staff; and Dave Oxner on the minority staff.

I don't intend to take the full time. You know, we have a phenomenon going on that we are trying, at the same time, to get people the credit that they want in order to be able to make purchases.

We also want Fannie and Freddie not to take unnecessary risks. We are trying to strike that balance. This legislation does it, I believe.

One of the challenges we have in some parts of the country, though, we have a large number of co-ops and condos that are in the stock that are now starting to find buyers. People are saying, you know what, the prices have come down, we want to make these purchases.

At the same time, the standards have been raised by Fannie and Freddie such that, according to the regulation, that you need to have 70 percent of the units in any co-op or condo purchased before the first one will be financed and guaranteed by Fannie and Freddie.

The problem is that you create this dynamic that people say I am interested, I am interested, I am interested. In order to reach that 70 percent threshold it's very, very difficult and you wind up chasing away people who simply don't want to wait that long. They leave with their deposits in hand, and, frankly we get into this cycle where these units remain on the markets.

We need to clear out the stock. We also want to give credit where it's due.

So what my amendment does is, it says listen, taking a look at the guidelines, taking a look at our desires not to have unnecessary risk taken, if you want to change, based on regional consideration, say, the gentleman from Florida, me from New York, Las Vegas, places that have a disproportionate number of these condos and co-ops on the market, we encourage Fannie and Freddie with this amendment to make those regional changes and requirements.

Let me stress we are not saying we want them to make bad loans. That doesn't do that in this amendment, and I don't think we want to do that in this Congress. But we do want them to be flexible to say, you know what, if you have communities like New York, where people are saying I want to get involved in that market, I want to buy co-ops and condos, to make the limit, the threshold so high you wind up putting a damper on the investment that we want to see happen.

I encourage a "yes" vote.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I am sorry I didn't make the question clear to the gentleman, in his UC, he was trying to fix a PAYGO issue.

Could you explain how your unanimous consent request addressed that PAYGO issue?

Mr. WEINER. I will do that the best I can, although it was a fairly obscure thing. I was commenting to the chairman earlier, we have outsourced so much of our authority to bureaucrats at the CBO, but they apparently were concerned that language in my bill would have required them to make loans or make certain changes in regulations.

So what we did is we dialed down some of the language, and we said take actions that are appropriate to establish and revise schedules. I think we made some changes to make it clear we weren't requiring any specific action that might trigger a budget implication.

I think the Parliamentarian has told us that this new language doesn't trigger PAYGO. And I didn't want—even at the thought that it might happen, I didn't want it to drag down the whole bill, so we made the changes they recommended.

Mr. NEUGEBAUER. Thank you.

I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman is correct. This does resolve the PAYGO issue. It makes it clear that this is not mandating, it's encouraging and that solves the problem.

Mr. NEUGEBAUER. So instead of being mandatory, it's discretionary.

Mr. FRANK of Massachusetts. The gentleman is correct.

Mr. SKELTON. Madam Chair, let me take this opportunity to express my support for an amendment offered by my good friend and colleague from New York, Congressman ANTHONY WEINER.

Like the gentleman, I have heard concerns about how Fannie Mae and Freddie Mac have established new, nationwide requirements relating to the guarantee of mortgages for condominiums. These new rules require condominium buildings to place 70 percent of the units under contract before any one mortgage will be guaranteed. Fannie and Freddie had previously required 51 percent of condo units to be under contract.

In areas of the country experiencing a severe glut in the condominium market and large numbers of foreclosures, restrictive requirements may be appropriate. But in parts of our nation that have not experienced the same degree of foreclosures, like rural Missouri, this one-size-fits-all approach is hindering the sale of condominiums to creditworthy borrowers.

Congressman WEINER's amendment would give Fannie and Freddie the flexibility to consider the health of a local or regional housing market when determining pre-sale thresholds. This flexibility is very important to realtors, bankers, and prospective homeowners in Missouri and especially those near the Lake of the Ozarks.

I would ask that letters from Central Bank of Lake of the Ozarks and from Lake Ozark Property, which explain how the rules are hindering business in Missouri, be submitted.

I commend Congressman WEINER for offering this amendment and look forward to working with him and with Financial Services Committee Chairman FRANK to ensure the language can be retained in a conference with the Senate.

I urge my colleagues to support passage of this amendment.

CENTRAL BANK
OF LAKE OF THE OZARKS,
Osage Beach, MO, April 20, 2009.

Re Legislative appeal

Hon. IKE SKELTON,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CONGRESSMAN SKELTON: I would like to bring your attention to a couple of issues that have negatively impacted the economy and the lives of thousands of condominium owners at Lake of the Ozarks. These issues have to do with the changes concerning the financing of condominiums implemented by two of the GSEs (Government-Sponsored Enterprise): Freddie Mac and Fannie Mae.

For as long as we can remember, we have been operating under a Master Agreement that contained special waivers approved by Freddie Mac and Fannie Mae, which allowed us to make condominium loans on new condo projects. These waivers had been predicated on the resiliency of our condominium market at the Lake of the Ozarks and Central Bank of Lake of the Ozarks' history of quality underwriting on loans sold to Freddie Mac and Fannie Mae. While our condominium sales have slowed too in response to economic conditions, neither Fannie Mae nor Freddie Mac have incurred any significant losses on the portfolio of condominium loans our bank has sold them. In spite of this stellar performance, both Freddie Mac and Fannie Mae have now eliminated the waiver that allowed us to finance condominiums in new projects already under construction and for condominium projects that have an on-site nightly rental desk. By taking these actions without regard to the specific performance of local markets they are sure to make the issues of a handful of states a national crisis.

While it is undeniable that Fannie Mae and Freddie Mac have incurred unprecedented losses in the so called "sand states" of Florida, California, Nevada and Arizona, our market has remained stable but that stability is now being threatened by these shortsighted, "one size fits all" restrictions.

Freddie Mac and Fannie Mae have implemented presale requirements of 70 percent on new condominium developments. This single change in midstream for many projects that are in various stages of development will cause catastrophic damage to an otherwise stable market. You talk about changing the rules in the middle of the game and tanking a segment of the real estate market. This means that consumers who want to purchase a new condo in a new development cannot get 30 year fixed rate financing. If the con-

sumer cannot purchase, then a developer cannot sell, and if a developer cannot sell, then a bank cannot be repaid for the commercial loan, and everyone involved loses. This change will work to make a regional crisis a national crisis. The Freddie and Fannie Account Representative abilities to negotiate agreements that are common and customary to local markets have been eliminated. Freddie Mac and Fannie Mae have removed the ability to lend in established condominium projects where there are nightly rental desks that are diminutive in size and impact the project very little. This will decrease the marketability and value of the units in those projects where consumers cannot get 30 year fixed-rate financing.

The consumers, condominium owners, and developers are losing out on the opportunity to purchase, refinance, and sell condominiums in a very favorable interest rate environment. We think the President of the United States, Department of the Treasury, Federal Reserve, and Congress are working hard to create a favorable market to sell real estate and stabilize the market. Freddie Mac and Fannie Mae policy changes, as they pertain to the condominium market at the Lake of the Ozarks, have done just the opposite. They have managed to take a market segment of the real estate market at the Lake of the Ozarks and bring it to a standstill.

The primary reason we have been given for the removal of these waivers by Freddie Mac and Fannie Mae is because of problems they have experienced with condos in the "sand states". This is a prime example of Freddie Mac and Fannie Mae painting every market and bank (underwriter) with a broad brush and then making decisions that have a negative impact on good markets and banks (underwriters) with a long history of outstanding performance.

We need your help. Please contact the people in charge at Freddie Mac and Fannie Mae and ask them to get in touch with us to address these issues.

Thank you for your time and help in this matter.

Very truly yours,

GREGORY J. GAGNON,
President & CEO.

RUSSELL CLAY,
Vice President, Mortgage Department
Head

LAKE OZARK PROPERTY,
Gravois Mills, MO, March 31, 2009.

Re Regulation Changes for Freddie Mac and Fannie Mae

Congressman IKE SKELTON,
4th District of Missouri, N. Adams Street, Lebanon, Missouri.

DEAR CONGRESSMAN SKELTON: I am a real estate broker with my own company here at Lake of the Ozarks. My main source of business is the sale of new condominiums.

Just today I spoke to Mr. Russ Clay from Central Bank. He informed me that the regulations for Freddie Mac will follow along with Fannie Mae by changing from the newly imposed 51 percent sold to 70 percent sold on any new condominium project.

As the Lake of the Ozark is a large portion of your district, you are aware that our economy is based on resort and vacation visitors. Many people come to the lake to purchase second homes and spend their discretionary income.

The area directly around the lake has not suffered with the foreclosure problems like Florida and California and yet Freddie and Fannie have decided to paint a broad stroke

to include our area in these newly imposed restrictions.

The economic problems they are trying to dig out of in those areas will be created here by these new changes. The very tools they are using to stop the bleeding in other areas will create problems right here in our area. Many of our condominium projects are new and have not yet reached the 52 percent mark let alone the 70 percent mark and yet they are selling and are successful.

I am asking you to speak out for us here at the Lake. Freddie and Fannie should create criteria based on the needs of the area. Surely they have enough employees available to prepare market reports on the main districts within each state and create programs based on how well or how poorly we have preformed in the past.

Also, as you meet regarding the regulations of appraisals for boat slips and dock values, please keep in mind that we are, basically, a community of water. Our area was created from the lake, therefore, for two-thirds of the year a place to park our boat is the same as a place to park our cars.

Thank you for reading this letter through. Please let me know what I can do to make Freddie Mac or Fannie Mae more aware of our plight here at Lake of the Ozarks.

Regards,

VICKI BROWN,
Broker/Owner.

Mr. NEUGEBAUER. I yield back the balance of my time

Mr. WEINER. I yield back the balance of my time.

The Acting CHAIR (Ms. DEGETTE). The question is on the amendment offered by the gentleman from New York (Mr. WEINER), as modified.

The amendment, as modified, was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-98 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. FRANK of Massachusetts.

Amendment No. 5 by Mr. HENSARLING of Texas.

Amendment No. 7 by Mr. PRICE of Georgia.

Amendment No. 9 by Mr. MCHENRY of North Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 176, not voting 18, as follows:

[Roll No. 238]

AYES—245

Abercrombie Green, Gene
Ackerman Griffith
Adler (NJ) Grijalva
Altmire Gutierrez
Andrews Hall (NY)
Arcuri Halvorson
Baca Hare
Baird Harman
Baldwin Hastings (FL)
Barrow Heinrich
Bean Herseth Sandlin
Becerra Higgins
Berkley Hill
Berman Himes
Bishop (GA) Hinchey
Bishop (NY) Hirono
Blumenauer Hodes
Bocieri Holden
Bordallo Honda
Boren Hoyer
Boswell Inslee
Boucher Israel
Boyd Jackson (IL)
Brady (PA) Jackson-Lee
Braley (IA) (TX)
Brown, Corrine Johnson, E. B.
Butterfield Kagen
Capuano Kanjorski
Cardoza Kaptur
Carnahan Kennedy
Carney Kildee
Carson (IN) Kilpatrick (MI)
Castor (FL) Kilroy
Chandler Kind
Childers Kirkpatrick (AZ)
Christensen Kissell
Clarke Klein (FL)
Clay Kosmas
Cleaver Kratochvil
Clyburn Kucinich
Cohen Langevin
Connolly (VA) Larsen (WA)
Conyers Larson (CT)
Cooper Lee (CA)
Costa Levin
Costello Lewis (GA)
Courtney Lipinski
Crowley Loeb sack
Cuellar Lofgren, Zoe
Cummings Lowey
Dahlkemper Lujan
Davis (AL) Lynch
Davis (CA) Maffei
Davis (IL) Maloney
Davis (TN) Markey (CO)
DeFazio Markey (MA)
DeGette Marshall
Delahunt Massa
DeLauro Matheson
Dicks Matsui
Dingell McCarthy (NY)
Doggett McCollum
Donnelly (IN) McDermott
Doyle McGovern
Driehaus McMahon
Edwards (MD) McNerney
Edwards (TX) Meek (FL)
Ellison Meeks (NY)
Ellsworth Melancon
Engel Michaud
Eshoo Miller (NC)
Etheridge Miller, George
Faleomavaega Moore (WI)
Farr Moran (VA)
Fattah Murphy (CT)
Filner Waxman
Foster Murphy, Patrick
Frank (MA) Murtha
Fudge Napolitano
Gonzalez Neal (MA)
Gordon (TN) Norton
Grayson Nye
Green, Al Oberstar

NOES—176

Aderholt Austria
Akin Bachmann
Alexander Bachus

Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perrillo
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Conaway
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Fallin
Flake
Fleming
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Nadler (NY)
Pierluisi
Scalise
Stark
Thompson (MS)
Wamp
NOT VOTING—18

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1445

Ms. MARKEY of Colorado changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. HELLER. Madam Chair, on rollcall No. 238, the Frank Amendment No. 2 to H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted “no.”

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings

were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 252, not voting 16, as follows:

[Roll No. 239]

AYES—171

Aderholt Franks (AZ)
Akin Frelinghuysen
Alexander Gallegly
Austria Garrett (NJ)
Bachmann Gerlach
Bachus Gingrey (GA)
Barrett (SC) Gohmert
Bartlett Goodlatte
Barton (TX) Granger
Biggert Graves
Bilbray Guthrie
Bilirakis Hall (TX)
Bishop (UT) Harper
Blackburn Hastings (WA)
Boehner Hensarling
Bonner Herger
Bono Mack Hoekstra
Boozman Hunter
Boustany Inglis
Brady (TX) Issa
Bright Jenkins
Broun (GA) Johnson, Sam
Brown (SC) Jordan (OH)
Brown-Waite, King (IA)
Ginny King (NY)
Buchanan Kingston
Burgess Kirk
Burton (IN) Kirkpatrick (AZ)
Buyer Kline (MN)
Calvert Kratochvil
Camp Lamborn
Campbell Lance
Cantor Latham
Cao LaTourette
Capito Latta
Carter Lee (NY)
Cassidy Lewis (CA)
Castle Linder
Chaffetz LoBiondo
Coble Lucas
Coffman (CO) Luetkemeyer
Cole Lummis
Conaway Lungren, Daniel
Crenshaw E.
Culberson Mack
Davis (KY) Manzullo
Deal (GA) Marchant
Dent McCarthy (CA)
Diaz-Balart, L. McCaul
Diaz-Balart, M. McClintock
Dreier McCotter
Duncan McHenry
Emerson McHugh
Fallin McKeon
Flake McMahon
Fleming McMorris
Forbes Rodgers
Foxy Mica

NOES—252

Abercrombie Berman
Ackerman Bishop (GA)
Adler (NJ) Bishop (NY)
Altmire Blumenauer
Andrews Bocieri
Arcuri Bordallo
Baca Boren
Baird Boswell
Baldwin Boucher
Barrow Boyd
Bean Brady (PA)
Becerra Braley (IA)
Berkley Brown, Corrine

Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Soudier
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseeth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.

Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
DeLauro
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCormack
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Payne
Pastor (AZ)
Payne
Perlmutter
Perrillo
Peterson
Pingree (ME)

Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

Stated for:
Mr. HELLER. Madam Chair, on rollcall No. 239, the Hensarling Amendment No. 5 to H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 259, not voting 13, as follows:

[Roll No. 240]

AYES—167

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes

Whitfield
Wilson (SC)

Wittman
Wolf

Young (AK)
Young (FL)

NOES—259

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bocciari
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al

Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseeth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCormack
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)

Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perrillo
Peters
Peterson
Pingree (ME)
Platts
Hodes
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Lowey
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velazquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Berry
Blunt
Capps
DeFazio
Edwards (TX)
Fortenberry

Heller
Hinojosa
Holt
Nadler (NY)
Pierluisi
Scalise

Stark
Thompson (MS)
Velazquez
Wamp

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes remain on this vote.

□ 1453

Mrs. MALONEY changed her vote from "aye" to "no."

Mr. MCMAHON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

NOT VOTING—13

Berry	Hinojosa	Stark
Blunt	Holt	Thompson (MS)
Capps	Nadler (NY)	Wamp
Fortenberry	Pierluisi	
Heller	Scalise	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
Two minutes are remaining.

□ 1503

Ms. WATSON changed her vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Madam Chair, on rollcall No. 240, the Price (GA) Amendment No. 7 to H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted “aye.”

AMENDMENT NO. 9 OFFERED BY MR. MCHENRY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 255, not voting 13, as follows:

[Roll No. 241]

AYES—171

Aderholt	Castle	Herger
Akin	Chaffetz	Hoekstra
Alexander	Coble	Hunter
Austria	Coffman (CO)	Inglis
Bachmann	Cole	Issa
Bachus	Conaway	Jenkins
Barrett (SC)	Crenshaw	Johnson (IL)
Bartlett	Culberson	Johnson, Sam
Barton (TX)	Davis (KY)	Jordan (OH)
Biggert	Deal (GA)	King (IA)
Blibray	Dent	King (NY)
Bilirakis	Diaz-Balart, L.	Kingston
Bishop (UT)	Diaz-Balart, M.	Kirk
Blackburn	Dreier	Kirkpatrick (AZ)
Boehner	Duncan	Kline (MN)
Bonner	Ehlers	Lamborn
Bono Mack	Emerson	Lance
Boozman	Fallin	Latham
Boustany	Flake	LaTourette
Brady (TX)	Fleming	Latta
Bright	Forbes	Lee (NY)
Broun (GA)	Foxx	Lewis (CA)
Brown (SC)	Franks (AZ)	Linder
Brown-Waite,	Frelinghuysen	LoBiondo
Ginny	Gallely	Lucas
Buchanan	Garrett (NJ)	Luetkemeyer
Burgess	Gerlach	Lummis
Burton (IN)	Gingrey (GA)	Lungren, Daniel
Buyer	Gohmert	E.
Calvert	Goodlatte	Mack
Camp	Granger	Manzullo
Campbell	Graves	Marchant
Cantor	Guthrie	McCarthy (CA)
Cao	Hall (TX)	McCaul
Capito	Harper	McClintock
Carter	Hastings (WA)	McCotter
Cassidy	Hensarling	McHenry

McHugh	Price (GA)
McKeon	Putnam
McMorris	Radanovich
Rodgers	Rehberg
Mica	Roe (TN)
Miller (FL)	Rogers (AL)
Miller (MI)	Rogers (KY)
Miller, Gary	Rogers (MI)
Moran (KS)	Rohrabacher
Myrick	Rooney
Neugebauer	Ros-Lehtinen
Nunes	Roskam
Olson	Royce
Paul	Ryan (WI)
Paulsen	Schmidt
Pence	Schock
Petri	Sensenbrenner
Pitts	Sessions
Platts	Shadeg
Poe (TX)	Shimkus
Posey	Shuster

NOES—255

Abercrombie	Faleomavaega
Ackerman	Farr
Adler (NJ)	Fattah
Altmire	Filner
Andrews	Foster
Arcuri	Frank (MA)
Baca	Fudge
Baird	Giffords
Baldwin	Gonzalez
Barrow	Gordon (TN)
Bean	Grayson
Becerra	Green, Al
Berkley	Green, Gene
Berman	Griffith
Bishop (GA)	Grijalva
Bishop (NY)	Gutierrez
Blumenauer	Hall (NY)
Boccheri	Halvorson
Bordallo	Hare
Boren	Harman
Boswell	Hastings (FL)
Boucher	Heinrich
Boyd	Hereth Sandlin
Brady (PA)	Higgins
Braley (IA)	Hill
Brown, Corrine	Himes
Butterfield	Hinchey
Capuano	Hirono
Cardoza	Hodes
Carnahan	Holden
Carney	Honda
Carson (IN)	Hoyer
Castor (FL)	Inslee
Chandler	Israel
Childers	Jackson (IL)
Christensen	Jackson-Lee
Clarke	(TX)
Clay	Johnson (GA)
Cleaver	Johnson, E. B.
Clyburn	Jones
Cohen	Kagen
Connolly (VA)	Kanjorski
Conyers	Kaptur
Cooper	Kennedy
Costa	Kildee
Costello	Kilpatrick (MI)
Courtney	Kilroy
Crowley	Kind
Cuellar	Kissell
Cummings	Klein (FL)
Dahlkemper	Kosmas
Davis (AL)	Kratovil
Davis (CA)	Kucinich
Davis (IL)	Langevin
Davis (TN)	Larsen (WA)
DeFazio	Larson (CT)
DeGette	Lee (CA)
Delahunt	Levin
DeLauro	Lewis (GA)
Dicks	Lipinski
Dingell	Loebsack
Doggett	Lofgren, Zoe
Donnelly (IN)	Lowey
Doyle	Lujan
Driehaus	Lynch
Edwards (MD)	Maffei
Edwards (TX)	Maloney
Ellison	Markey (CO)
Ellsworth	Markey (MA)
Engel	Marshall
Eshoo	Massa
Etheridge	Matheson

Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Sestak	Tanner	Walz
Shea-Porter	Tauscher	Wasserman
Sherman	Taylor	Schultz
Shuler	Teague	Waters
Sires	Thompson (CA)	Watson
Skelton	Tierney	Watt
Slaughter	Titus	Waxman
Smith (WA)	Tonko	Weiner
Snyder	Towns	Welch
Space	Tsongas	Wexler
Speier	Turner	Wilson (OH)
Spratt	Van Hollen	Woolsey
Stupak	Velázquez	Wu
Sutton	Visclosky	Yarmuth

NOT VOTING—13

Berry	Hinojosa	Stark
Blunt	Holt	Thompson (MS)
Capps	Nadler (NY)	Wamp
Fortenberry	Pierluisi	
Heller	Scalise	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
Two minutes are remaining.

□ 1511

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Madam Chair, on rollcall No. 241, the McHenry Amendment No. 9 to H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted “aye.”

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Ms. DEGETTE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, pursuant to House Resolution 406, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SESSIONS. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SESSIONS. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sessions moves to recommit the bill, H.R. 1728, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

After section 407, insert the following new section:

SEC. 408. ACCOUNTABILITY AND TRANSPARENCY FOR GRANT RECIPIENTS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this title, is further amended by adding at the end the following:

“(i) **ACCOUNTABILITY FOR RECIPIENTS OF COVERED ASSISTANCE.**—

“(1) **TRACKING OF FUNDS.**—The Secretary shall—

“(A) develop and maintain a system to ensure that any organization or entity that receives any covered assistance uses all amounts of covered assistance in accordance with this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations issued under this section or such section 216, as applicable, and any requirements or conditions under which such amounts were provided; and

“(B) require any organization or entity, as a condition of receipt of any covered assistance, to agree to comply with such requirements regarding covered assistance as the Secretary shall establish, which shall include—

“(i) appropriate periodic financial and grant activity reporting, record retention, and audit requirements for the duration of the covered assistance to the organization or entity to ensure compliance with the limitations and requirements of this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations issued under this section or such section 216, as applicable, and any requirements or conditions under which such amounts were provided; and

“(ii) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

“(2) **MISUSE OF FUNDS.**—If any organization or entity that receives any covered assistance is determined by the Secretary to have used any covered assistance in a manner that is materially in violation of this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations issued under this section or such section 216, as applicable, or any requirements or conditions under which such assistance was provided—

“(A) the Secretary shall require that, within 12 months after the determination of such misuse, the organization or entity shall reimburse the Secretary for such misused amounts and return to the Secretary any such amounts that remain unused or uncommitted for use; and

“(B) such organization or entity shall be ineligible, at any time after such determination, to apply for or receive any further covered assistance.

The remedies under this paragraph are in addition to any other remedies that may be available under law.

“(3) **COVERED ASSISTANCE.**—For purposes of this subsection, the term ‘covered assistance’ means any grant or other financial assistance provided under—

“(A) this section; or

“(B) section 216 of the Mortgage Reform and Anti-Predatory Lending Act.”.

Mr. SESSIONS (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Madam Speaker, yesterday in the Rules Committee I offered two amendments to this legislation. My first amendment asked for the courts to limit fees for attorneys filing lawsuits created by this legislation to reasonable levels to ensure that real victims of predatory lending, not trial lawyers, are fairly compensated for wrongdoing.

□ 1515

Unsurprisingly, this amendment was rejected by the committee Democrats on a party-line vote of 9–4. In rejecting this amendment, my Democrat colleagues chose to put trial lawyer fees over victims’ compensation in cases where homeowners have been defrauded.

My second amendment would require that ACORN meet the same transparency and reporting requirements that Democrats demanded from any financial institutions receiving TARP funds. My amendment would have ensured accountability and transparency for any taxpayer funds distributed as a result of this legislation. I will repeat that: my amendment would have ensured accountability and transparency for any taxpayer funds distributed as a result of this legislation, just like TARP funding that we have already passed in this body. But, once again, my colleagues in the Rules Committee decided to vote against this and in favor of special interests, and the amendment failed.

Madam Speaker, the main component of this amendment really was not received because it singled out ACORN as a group. And I note that it has a well-documented history of deceit and fraud, which, just again this week, ACORN has been accused in 26 counts of breaking the law in the State of Nevada, and today, seven more counts brought against them by a Democratic prosecutor in Pennsylvania.

So to answer this criticism, I am offering this motion to recommit to extend transparency and good government provisions from my original amendment to any group that is receiving government grants for legal or housing counseling.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. FRANK of Massachusetts. I appreciate the gentleman accommodating my objection. I support the recommit, and I hope it is adopted.

Mr. SESSIONS. I appreciate the gentleman doing that, for him accepting this, in the spirit of what you have done. I appreciate that because it lives up to the gentleman’s word of accepting. It is my hope that by what I am going to do now, it will ensure it will be in the final bill. Madam Speaker, I will ask for a recorded vote.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I believe it was premature to ask for a recorded vote because I had not yet been given my time and maybe cooler heads will prevail.

The SPEAKER pro tempore. Does the gentleman seek time in opposition?

Mr. FRANK of Massachusetts. Yes, in the absence of any other Member, I will seek the time in opposition.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. We are going to support the amendment. I am puzzled as to what a rollcall would accomplish, except some missed planes.

So I will now yield back the balance of my time and promise to vote “yes” very loudly.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Members will record their vote by electronic device.

This is a 15-minute vote.

Without objection, the premature proceedings on passage are vacated and the Chair will entertain a forthwith report from the manager of the bill.

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 1728, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts:

After section 407, insert the following new section:

SEC. 408. ACCOUNTABILITY AND TRANSPARENCY FOR GRANT RECIPIENTS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this title, is further amended by adding at the end the following:

“(i) ACCOUNTABILITY FOR RECIPIENTS OF COVERED ASSISTANCE.—

“(1) TRACKING OF FUNDS.—The Secretary shall—

“(A) develop and maintain a system to ensure that any organization or entity that receives any covered assistance uses all amounts of covered assistance in accordance with this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations issued under this section or such section 216, as applicable, and any requirements or conditions under which such amounts were provided; and

“(B) require any organization or entity, as a condition of receipt of any covered assistance, to agree to comply with such requirements regarding covered assistance as the Secretary shall establish, which shall include—

“(i) appropriate periodic financial and grant activity reporting, record retention, and audit requirements for the duration of the covered assistance to the organization or entity to ensure compliance with the limitations and requirements of this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations under this section or such section 216, as applicable, and any requirements or conditions under which such amounts were provided; and

“(ii) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

“(2) MISUSE OF FUNDS.—If any organization or entity that receives any covered assistance is determined by the Secretary to have used any covered assistance in a manner that is materially in violation of this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations issued under this section or such section 216, as applicable, or any requirements or conditions under which such assistance was provided—

“(A) the Secretary shall require that, within 12 months after the determination of such misuse, the organization or entity shall reimburse the Secretary for such misused amounts and return to the Secretary any such amounts that remain unused or uncommitted for use; and

“(B) such organization or entity shall be ineligible, at any time after such determination, to apply for or receive any further covered assistance.

The remedies under this paragraph are in addition to any other remedies that may be available under law.

“(3) COVERED ASSISTANCE.—For purposes of this subsection, the term ‘covered assistance’ means any grant or other financial assistance provided under—

“(A) this section; or

“(B) section 216 of the Mortgage Reform and Anti-Predatory Lending Act.”.

Mr. FRANK of Massachusetts (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 300, nays 114, not voting 19, as follows:

[Roll No. 242]

YEAS—300

Abercrombie	Davis (IL)	Johnson, E. B.
Ackerman	Davis (TN)	Jones
Adler (NJ)	DeFazio	Kagen
Altmire	DeGette	Kanjorski
Andrews	Delahunt	Kaptur
Arcuri	DeLauro	Kennedy
Austria	Dent	Kildee
Baird	Diaz-Balart, L.	Kilpatrick (MI)
Baldwin	Diaz-Balart, M.	Kilroy
Barrow	Dicks	King (NY)
Bartlett	Dingell	Kirk
Bean	Doggett	Kissell
Becerra	Donnelly (IN)	Klein (FL)
Berkley	Doyle	Kosmas
Berman	Dreier	Kratovil
Biggert	Driehaus	Kucinich
Bilbray	Edwards (MD)	Lance
Bilirakis	Edwards (TX)	Langevin
Bishop (GA)	Ehlers	Larsen (WA)
Bishop (NY)	Ellison	Larson (CT)
Blumenauer	Ellsworth	Latham
Boccheri	Emerson	LaTourette
Bono Mack	Engel	Lee (CA)
Boren	Eshoo	Levin
Boswell	Etheridge	Lewis (GA)
Boucher	Farr	Lipinski
Brady (PA)	Fattah	LoBiondo
Brale (IA)	Filner	Loebach
Brown, Corrine	Forbes	Lofgren, Zoe
Brown-Waite,	Foster	Lowey
Ginny	Frank (MA)	Lujan
Buchanan	Fudge	Lungren, Daniel
Burgess	Gerlach	E.
Burton (IN)	Giffords	Lynch
Butterfield	Gonzalez	Maffei
Buyer	Goodlatte	Maloney
Calvert	Gordon (TN)	Markey (CO)
Capito	Grayson	Markey (MA)
Capuano	Green, Al	Marshall
Cardoza	Griffith	Massa
Carnahan	Grijalva	Matheson
Carney	Gutierrez	Matsui
Carson (IN)	Hall (NY)	McCarthy (NY)
Castle	Halvorson	McCollum
Castor (FL)	Hare	McCotter
Chandler	Harman	McDermott
Childers	Hastings (FL)	McGovern
Clarke	Heinrich	McHugh
Clay	Herseth Sandlin	McIntyre
Cleaver	Higgins	McMahon
Clyburn	Hill	McNerney
Cohen	Himes	Meek (FL)
Connolly (VA)	Hinchey	Meeks (NY)
Conyers	Hirono	Melancon
Cooper	Hodes	Michaud
Costa	Holden	Miller (MI)
Costello	Honda	Miller (NC)
Courtney	Hoyer	Miller, Gary
Crowley	Inslee	Miller, George
Cuellar	Israel	Minnick
Culberson	Jackson (IL)	Mitchell
Cummings	Jackson-Lee	Mollohan
Dahlkemper	(TX)	Moore (KS)
Davis (AL)	Johnson (GA)	Moore (WI)
Davis (CA)	Johnson (IL)	Moran (VA)

Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney

Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak

Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—114

Aderholt	Gingrey (GA)	Miller (FL)
Akin	Gohmert	Moran (KS)
Alexander	Granger	Myrick
Bachmann	Graves	Neugebauer
Bachus	Guthrie	Nunes
Barrett (SC)	Hall (TX)	Olson
Barton (TX)	Harper	Paul
Bishop (UT)	Hastings (WA)	Paulsen
Blackburn	Hensarling	Pence
Boehner	Herger	Pitts
Bonner	Hoekstra	Poe (TX)
Boozman	Hunter	Posey
Boustany	Inglis	Price (GA)
Brady (TX)	Issa	Putnam
Bright	Jenkins	Radanovich
Broun (GA)	Johnson, Sam	Rehberg
Brown (SC)	Jordan (OH)	Roe (TN)
Camp	King (IA)	Rogers (KY)
Cantor	Kingston	Roskam
Cao	Kirkpatrick (AZ)	Royce
Carter	Kline (MN)	Ryan (WI)
Cassidy	Lamborn	Schmidt
Chaffetz	Latta	Schrader
Coble	Lee (NY)	Sensenbrenner
Coffman (CO)	Lewis (CA)	Sessions
Cole	Lucas	Shadegg
Conaway	Luetkemeyer	Shuster
Crenshaw	Lummis	Smith (NE)
Davis (KY)	Mack	Smith (TX)
Deal (GA)	Manzullo	Sullivan
Duncan	Marchant	Thompson (PA)
Fallin	McCarthy (CA)	Thornberry
Flake	McCaul	Tiahrt
Fleming	McClintock	Westmoreland
Foxx	McHenry	Whitfield
Franks (AZ)	McKeon	Wilson (SC)
Frelinghuysen	McMorris	Young (AK)
Gallegly	Rodgers	
Garrett (NJ)	Mica	

NOT VOTING—19

Baca	Green, Gene	Scalise
Berry	Heller	Slaughter
Blunt	Hinojosa	Stark
Boyd	Holt	Thompson (MS)
Campbell	Kind	Wamp
Capps	Linder	
Fortenberry	Nadler (NY)	

□ 1543

Messrs. BROUN of Georgia and REHBERG changed their vote from “yea” to “nay.”

Messrs. PERLMUTTER and BURTON of Indiana changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for

Mr. HELLER. Mr. Speaker, on rollcall No. 242, final passage of H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted "yea."

Mr. BOYD. Mr. Speaker, due to personal reasons, I was unable to attend a vote. Had I been present, my vote would have been "yea" on rollcall 242 for final passage of H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act.

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 242. Had I been present, I would have voted "aye" on rollcall No. 242.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes on May 7, 2009 and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 237: "yea"; rollcall No. 238: "aye"; rollcall No. 240: "no"; rollcall No. 241: "no"; rollcall No. 242: "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1728, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 1728, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore (Mr. GRIFFITH). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 454. An act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

□ 1545

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF THE GOVERNMENT OF SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-38)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004, and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, is to continue in effect beyond May 11, 2009.

The actions of the Government of Syria in supporting terrorism, pursuing weapons of mass destruction and missile programs, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency.

BARACK OBAMA.
THE WHITE HOUSE, May 7, 2009.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will meet in pro forma session at 2 p.m. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30. On Wednesday and Thursday, the House will meet at 10

a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. A complete list of those bills will be provided by the end of business tomorrow.

In addition, we will consider H.R. 2187, the 21st Century Green High-Performing Public Schools Facilities Act; H.R. 2101, the Weapons Acquisition Systems Reform Through Enhancing Technical Knowledge and Oversight Act; and the fiscal 2009 war supplemental appropriations bill.

Mr. CANTOR. I would ask the gentleman what days he would think that the measures he discussed would come to the floor next week.

Mr. HOYER. I think that the 21st Century Green High-Performing Public Schools Facility Act will probably be on the floor on Wednesday. The weapons acquisition system and supplemental, I would expect the supplemental on Thursday or Friday, depending upon how our business proceeds.

Mr. CANTOR. Mr. Speaker, as the gentleman has discussed next week's schedule, I would like to ask the gentleman if he could give the House and the public a sense of what to expect for the following week as well.

Mr. HOYER. Well, we have a number of pieces of legislation. We have done a lot over this work period. We did the National Water Research Development and Initiative Act, credit card legislation, hate crimes, budget conference report, Mortgage Reform and Anti-Predatory Lending Act, which we passed, and the Fight Fraud Act, which we passed yesterday, and we did the predatory lending.

In addition to the items that I already mentioned for next week, we will be keeping, obviously, in touch with the Senate as to what they are passing. We get a number of these items at conference before we have a break on Memorial Day. We hope that will happen as well.

But we have a number of items that will be pending.

I hope to be able to move the D.C. vote bill, we are working on that, before the Memorial Day break, and we will see what the committees are able to report out in the coming week that we can put on the floor the last week.

Mr. CANTOR. I would ask the gentleman to follow up on the prospect of a vote on the D.C. bill and ask whether he could assure the Members on, frankly, both sides of the aisle who are concerned about the Second Amendment, whether there will be the necessary protections for the Second Amendment rights in that measure.

Mr. HOYER. I think all of us are concerned about the Second Amendment. I hope all of us are also concerned about 600,000 citizens in the United States of America who have a Representative in this House who can't vote. Unfortunately, too many people, in my view, voted against that bill.

So what we have now done is undermine the home rule rights of the District of Columbia, as well as preventing them from voting on this floor. I think that is very unfortunate.

As the gentleman is well aware, there are, obviously, significant differences on the amendment that was offered in the Senate. We are going to be considering how we can try to get this bill through. Because the reality is, neither position might enjoy a majority in the final analysis, either in the Senate or perhaps here.

So I am trying to figure out how we can give 600,000 of our citizens—an awful lot of us get up on this floor and we talked about how important it is, in the 1980s, behind the Iron Curtain, to get people free. We talk about, in Cuba, how it's important to get people free. We talk about how it's important, in some Middle East states, to give people a vote.

But here, in the Nation's capital, the center of freedom and democracy, we do not have a representative. Unlike any other capital of any other democratic nation in the world, their representative cannot vote in this parliament.

I think that's a tragedy. I think it's a diminishment of our democracy. And I will tell the gentleman that I would hope that this House would rise up as one voice saying this is not right, and we will pass the D.C. voting rights. We can deal with other issues that are very important, but it certainly seems to me that we ought to deal with that issue directly.

Unfortunately, as you know, when Mr. DAVIS introduced that bill, a majority of your party, an overwhelming majority of your party, Mr. DAVIS being of your party, a leader in your party, did not support that bill.

There is no doubt that the amendment that was added in the Senate complicates its consideration here, which is why it hasn't come to the floor a long time ago. But we are trying to figure it out.

Mr. CANTOR. My question was not to get into the substance of the D.C. bill, but just to make sure that those of us who are ardent supporters of the Second Amendment rights would see that actually the citizens of the District of Columbia could enjoy those rights as well.

Mr. Speaker, I would ask the gentleman about the omission of the cap-and-trade bill in his discussion for the schedule for the next several weeks. The reports have indicated that Chairman WAXMAN has now committed to bringing that bill that has been debated, at least, in subcommittee, forward, or at least beyond that subcommittee, to the full committee instead of the discussion in the subcommittee.

It has given some of our Members some cause for alarm because, you

know, this is a significant shift in policy. Some of us are very opposed to what this bill would do and have the consequences in mind of what this bill would do.

If we look, Mr. Speaker, at Members on our side of the aisle who are on that subcommittee who would like to have a say in the crafting of any legislation, especially in the area of energy, somebody like JOHN SHIMKUS who has a district that is very rich with coal, very, very concerning to him in terms of the economy and jobs. People like, on your side of the aisle, the gentleman from Louisiana, CHARLIE MELANCON on that subcommittee, very interested in industry; BARON HILL of Indiana, who also has big concerns on the coal issue; RICK BOUCHER, from my own State of Virginia. Southwest Virginia is abundant with coal and natural resources. It would devastate that region if such a bill were to go forward.

All of these Members, Mr. Speaker, do have a desire, I am sure, to be a part of the debate.

I would ask, is it the leader's intention that this is a good move? He is the leader. And his chairmen, one of them has decided to move the bill beyond the subcommittee. Is that something he supports?

And then is it the intention, I would ask of the leader, to bring the bill directly to the floor once, I assume, it passes the full committee?

Mr. HOYER. First of all, I want to say to the gentleman, the reason it's not on the calendar for the next 2 weeks, it was never intended to be on the calendar over the next 2 weeks. The intention, as I have articulated all along, and the chairman's intention, was to have a target of marking up the bill in committee prior to the Memorial Day break. So there was never any intention that a bill would be on the floor prior to the Memorial Day break.

Secondly, I would tell the gentleman, I don't know that the chairman has made a decision on whether to mark it up in subcommittee or mark it up in full committee.

I do know that it's going to be marked up in committee and open to an amendment in committee, open to debate and open to a vote. Now, whether it's in subcommittee or full committee, that determination, as I understand it, has not been made. But it will be, certainly, marked up in committee and subject to full debate.

Mr. CANTOR. Returning to next week's agenda, Mr. Speaker, for a moment, he mentions that the war supplemental will be coming to the floor, and it provides us with a chance, I know he agrees, to accomplish one of the most important things that we have to do here as a Member of Congress, which is to provide for the national defense of our country.

And as the gentleman knows, many of us, most of us, if not all Repub-

licans, stand with this President in support of his strategy in Afghanistan and the general region, and Pakistan, Iraq, and we stand with the President in his support of our troops there.

I know that there have been, Mr. Speaker, some agreements on the gentleman's side of the aisle as far as the issues having to do with timetables, the issues of having to do with cutting off funding, of transfer of detainees from the Guantanamo Bay detention center facility.

So I assume, and maybe it's an improper assumption, Mr. Speaker, and I would ask the gentleman if he could comment, if he believes that he will need the help and bipartisan support to pass this bill that we are interested on this side in helping pass for our troops, is it his intention that we will have an opportunity to address some of these concerns on the floor, specifically if he could tell us whether an amendment such as that proposed by Mr. TIAHRT from Kansas and the Appropriations Committee banning any further appropriations being allowed in the area of transferring detainees from the Guantanamo Bay facility?

Mr. HOYER. The markup was just concluded. I have not reviewed the Tiahrt amendment, nor have I had discussions with the chairman regarding the rule and what amendments would be asked for or what amendments would be made in order.

Very frankly, I will tell my friend, it's not the majority that needs your help in passing this bill; our troops need your help in passing this bill, our country needs your help. And I appreciate your comments that you support the President in his efforts in Afghanistan and Pakistan.

□ 1600

We are confronted with an extraordinarily difficult situation, destabilizing situation, dangerous situation, and this supplemental obviously is directed at making sure that our troops have the resources they need to pursue the objectives that we and the President have given to them. We look forward to having that bill passed with bipartisan support.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, I would say that, just to reiterate my point, my sense is—and I'm not the one that counts votes on his side of the aisle, but as a former whip, I know he knows that there is some difficulty, and it is my hunch that without the support of Republicans that the American people wouldn't see the money flow to their troops.

But I'd like to at this time, Mr. Speaker, if I could, yield to my colleague from Illinois (Mr. KIRK).

Mr. KIRK. The majority leader is correct: the committee just finished consideration of this legislation and the Tiahrt amendment. During our debate, Congressman WOLF highlighted

reports that he had received from law enforcement that three terrorists from the East Turkmenistan Islamist movement were scheduled to be released in McLean, Virginia, last Friday. But for his objection, that might have happened.

And so it gave an urgency to the Tiahrt amendment, since former Chairman WOLF, now Ranking Member WOLF, had received this report from local law enforcement in his district and was concerned that things were moving much quicker than otherwise we would have thought.

Mr. CANTOR. I thank the gentleman. Again, I would say to the majority leader, I think that that underscores the importance of a bipartisan effort here on this bill and, frankly, if he were to see coming forward a rule that would allow for us to have the disposition of these issues on the floor, I do believe the American people would be better served, and certainly our men and women in uniform.

With that, Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, MAY 11, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 12, 2009, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I have the honor to transmit to you the *Budget of the United States Government for Fiscal Year 2010*.

In my February 26th budget overview, *A New Era of Responsibility: Renewing America's Promise*, I provided a broad outline of how our Nation came to this moment of economic, financial, and fiscal crisis; and how my Administration plans to move this economy from recession to recovery and lay a new foundation for long-term economic growth and prosperity. This Budget fills out this picture by providing full programmatic details and proposing

appropriations language and other required information for the Congress to put these plans fully into effect.

Specifically, this Budget details the pillars of the stable and broad economic growth we seek: making long overdue investments and reforms in education so that every child can compete in the global economy, undertaking health care reform so that we can control costs while boosting coverage and quality, and investing in renewable sources of energy so that we can reduce our dependence on foreign oil and become the world leader in the new clean energy economy.

Fiscal discipline is another critical pillar in this economic foundation. My Administration came into office facing a budget deficit of \$1.3 trillion for this year alone, and the cost of confronting the recession and financial crisis has been high. While these are extraordinary times that have demanded extraordinary responses, it is impossible to put our Nation on a course for long-term growth without beginning to rein in unsustainable deficits and debt. We no longer can afford to tolerate investments in programs that are outdated, duplicative, ineffective, or wasteful.

That is why the Budget I am sending to you includes a separate volume of terminations, reductions, and savings that my Administration has identified since we sent the budget overview to you 10 weeks ago. In it, we identify programs that do not accomplish the goals set for them, do not do so efficiently, or do a job already done by another initiative. Overall, we have targeted more than 100 programs that should be ended or substantially changed, moves that will save nearly \$17 billion next year alone.

These efforts are just the next phase of a larger and longer effort needed to change how Washington does business and put our fiscal house in order. To that end, the Budget includes billions of dollars in savings from steps ranging from ending subsidies for big oil and gas companies, to eliminating entitlements to banks and lenders making student loans. It provides an historic down payment on health care reform, the key to our long-term fiscal future, and was constructed without commonly used budget gimmicks that, for instance, hide the true costs of war and natural disasters. Even with these costs on the books, the Budget will cut the deficit in half by the end of my first term, and we will bring non-defense discretionary spending to its lowest level as a share of GDP since 1962.

Finally, in order to keep America strong and secure, the Budget includes critical investments in rebuilding our military, securing our homeland, and expanding our diplomatic efforts because we need to use all elements of our power to provide for our national security. We are not only proposing significant funding for our national se-

curity, but also being careful with those investments by, for instance, reforming defense contracting so that we are using our defense dollars to their maximum effect.

I have little doubt that there will be various interests—vocal and powerful—who will oppose different aspects of this Budget. Change is never easy. However, I believe that after an era of profound irresponsibility, Americans are ready to embrace the shared responsibilities we have to each other and to generations to come. They want to put old arguments and the divisions of the past behind us, put problem-solving ahead of point-scoring, and reconstruct an economy that is built on a solid new foundation. If we do that, America once again will team with new industry and commerce, hum with the energy of new discoveries and inventions, and be a place where anyone with a good idea and the will to work can live their dreams.

I am gratified and encouraged by the support I have received from the Congress thus far, and I look forward to working with you in the weeks ahead as we put these plans into practice and make this vision of America a reality.

BARACK OBAMA.

THE WHITE HOUSE, May 7, 2009.

JASON'S LAW

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. As I have previously stated on this House floor, tragically, on March 5, 2009, one of Schoharie County's citizens from my district, Jason Rivenburg, pulled his truck into an abandoned gas station frequently used by truckers in South Carolina as a rest stop, and was then and there violently and senselessly shot and murdered, robbed of a meager \$7.

At the time of his death, Jason was a mere 12 miles from the destination that he was to arrive at, but was unable to make his delivery because he was too early.

Jason Rivenburg was 35 years old, leaving his wife Hope and son Josh behind. They had just moved into a new home. As if that stress was not enough, shortly after his death, Jason's widow delivered two healthy twins—a boy named Hezekiah, after his grandfather, and a girl named Logan.

Rivenburg's death sparked outrage and an outpouring of support for the family across our country. Truckers and family members are demanding that the government do more to protect truckers who risk their lives following rules that require that they pull over and rest after a certain amount of driving time.

There are few resources telling truck drivers, who are often unfamiliar with the local area, where a safe place to

rest might be. Moreover, there are few safe places to rest in the first place.

Mr. Speaker, we must do more to support these incredibly important men and women. That is why trade groups such as the American Truckers Association, the Owner-Operator Independent Drivers Association, the Commercial Vehicle Safety Alliance, and the American Moving and Storage Association, and so many more, support H.R. 2156, Jason's Law.

Moving freight and goods is essential to keeping this country and our economy progressive. We must ensure that we move on H.R. 2156, Jason's Law, and support this measure by honoring a great man.

SUPPORTING THE GOALS AND IDEALS OF JEWISH AMERICAN HERITAGE MONTH

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. I'm honored today to be here to celebrate May as National Jewish American Heritage Month. A little history lesson: in 1654, 23 Jewish refugees traveled from Brazil to present-day New York and founded the first Jewish communal settlement in North America. It really wasn't until 100 years earlier that the Spanish Inquisition descended upon the inhabitants of New Spain, where Jews decided to flee to Arizona, New Mexico, and Texas, and that really marked the beginning of a rich heritage of Jews in the Southwest.

The Jewish community in southern Arizona today is strong and vibrant and we have a tremendous amount of history. During Arizona's territorial years, Henry Lesinsky, a Jewish immigrant from Europe, immigrated to southern Arizona and spearheaded the copper mining business in southern Arizona, and really, Bisbee of today is a legacy of his. Another pioneer, Isadore Solomon, a Jewish banker, founded Valley National Bank, which today is known as BankOne.

This week we are also recognizing the 61st anniversary of the State of Israel. In my trips to Israel, I have had a chance to witness the resiliency and resolve of its citizens.

So I'm proud, Mr. Speaker, to join with Jews of the Southwest to celebrate our heritage around the world, as well as to recognize Israel's 61st anniversary.

NATIONAL TEACHER DAY

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Today, I rise in recognition of the National Education Association's National Teacher Day. Few professionals touch as many

lives as teachers do. They provide us with the knowledge and skills we need to succeed in life, and their dedication deserves national recognition.

That is why I have introduced legislation again this year calling for the establishment of an officially recognized National Teacher Day.

The education of our children is critical to the future success of our country, and despite limited compensation and increasingly high expectation, our teachers rise to the challenge each and every day.

Teachers are a critical component to increasing our global competitiveness and once again establishing our country as a world leader in science, math, and other fields.

My mother was a public school teacher, and I know the hard work that she put in to ensure that every one of her students was prepared to success in the classroom and in life.

To all the teachers of south Florida and across the country, thank you.

□ 1615

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes.

JEWISH AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to commemorate the fourth annual Jewish American Heritage Month, which takes place in communities across the country each May.

Jewish American Heritage Month promotes awareness of the contributions American Jews have made to the fabric of American life, from technology and literature to entertainment, politics, and medicine.

As we are all well aware, the foundation of our country is built upon the strengths of our unique cultures and backgrounds. Yet, while our diversity is America's strength, ignorance and intolerance about the culture, traditions, and accomplishments of the Jewish people are still prevalent. Jews make up only 2 percent of our Nation's population, and, therefore, most Americans have had few interactions with Jews and our traditions.

I personally experienced this lack of knowledge when I was a student in the dorms at the University of Florida. While at school, a fellow student noticed my name and said, "Wow, you're Jewish? I've seen pictures, but I've never met a real one."

Now, this girl did not mean any harm, but the limited understanding of

the Jewish people and our historical role in the Nation's development leads to ignorance, which contributes to stereotypes and prejudices.

According to the Federal Bureau of Investigation's most recent Hate Crimes Statistics report, 68.4 percent of criminal incidents motivated by religious bias stemmed from anti-Jewish prejudice. Additionally, due to a lack of understanding, some Americans perceive Judaism as only a religion, when, in reality, Judaism is a religion, a rich tradition, and a culture that dates back 4,000 years. Mr. Speaker, this is why communities across the country have come together to celebrate Jewish American Heritage Month.

A few years ago, the Jewish community in South Florida approached me with the idea to honor the contributions of American Jews with a designated month each year. As the concept gained momentum, 250 of my colleagues joined me as original cosponsors of a resolution urging the President to issue a proclamation for this month. Senator ARLEN SPECTER led the effort in the Senate, and together the House and Senate unanimously passed a resolution supporting the creation of Jewish American Heritage Month. In May of 2006, we celebrated this important occasion for the first time and have been celebrating each May since then.

Now, the month of May introduces Jewish culture to the entire country and dispels harmful prejudices. Like Black History Month and Women's History Month, Jewish American Heritage Month recognizes the abundance of contributions American Jews have made to the United States over the last 353 years. It is my hope that by providing the framework for the discussion of Jewish culture and contributions to our Nation, we will be able to reduce the ignorance that ultimately leads to anti-Semitism.

One way Jewish American Heritage Month counters these prejudices is by providing educators the opportunity to include American Jews in discussions of history, as well as highlighting the leadership of members of the Jewish community in significant historical events.

For example, it might surprise many to learn that it was an American Jew, Irving Berlin, who wrote the lyrics to the song, "God Bless America." Even the very foundations of our country were impacted by Jews. Haym Salomon, a Jewish man, was one of the largest financiers of the American Revolution War. And Rabbi Joachim Prinz was a passionate civil rights activist, appearing on the podium just moments before Dr. Martin Luther King delivered his "I Have a Dream" speech. And the list goes on.

This year's Jewish American Heritage Month has been packed with programs celebrating the contributions of

American Jewry to our countries with movies, cultural exhibitions, speakers, and innovative educational curricula. Right here in Washington, the United Jewish Communities and the Jewish Historical Society of Greater Washington will be hosting a reception for Members of Congress and members of the Jewish community. J Street will also be hosting a reception to celebrate May as Jewish American Heritage Month with Members of Congress, their staff, and the Jewish community.

But that is not all. The Library of Congress and the National Archives and Records Administration will be hosting lectures, exhibits, and discussions about Jewish contributions to America. In my home State of Florida, there will be a celebration of Jewish contributions to the civil rights movement, and the major league Florida Marlins baseball team will host a Jewish Heritage game, with kosher food and Jewish music in between innings. Cincinnati will be hosting lectures, including one on President Lincoln's solid relationship with American Jews. And Wyoming will host a festival celebrating Jewish food, and we all know how much we love food! Events are also scheduled to occur in New York, California, Texas, and other States around the country.

Mr. Speaker, we have come a long way in recent years to promote appreciation for the multicultural fabric of the United States of America. It is our responsibility to continue this education.

If we, as a Nation, are to prepare our children for the challenges that lie ahead, then teaching diversity is a fundamental part of that promise. Together, we can help achieve this goal of understanding with the celebration of Jewish American Heritage Month.

I thank my colleagues for their support, and call on all Americans to observe this special month by celebrating the many contributions of Jewish culture throughout our Nation's history.

RECOGNIZING THE SUDAN NETTES GIRLS BASKETBALL 2009 STATE CHAMPIONSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, I am proud to rise today to congratulate some champions in the 19th Congressional District of Texas. I proudly congratulate the Sudan Nettes girls basketball team of Sudan High School in Sudan, Texas, for winning the Class 1A, Division I State championship in 2009.

The Nettes finished the 2008-2009 season with 35 wins and only five losses. The championship squad includes seniors Whitney Robertson, Skylar Sowder, Amy Tiller, and Brittany Williams; juniors Lacey Logan and CeCe

Williams; sophomores Emylee Gonzales, Desiree King, Chelsea Locke, and Mariah Steinbock; and freshmen Baylee Black and Danielle Logan. Led by head coach Jason Cooper, the coaching staff includes assistant coaches Lisa Logan and Mark Scisson.

Following a frustrating loss in this last year's State finals, the Nettes demonstrated their hard work and determination during the off-season. In this year's final, their focus on teamwork paid off in a 71-38 victory over the Roscoe Plowgirls, the third largest margin of victory in Class 1A history. With this win, Sudan earns its fourth State title and its first since 1994.

I applaud the Nettes' hard work and tradition of success. With great support from the community, the team proved itself as the best basketball team in Class 1A. The Sudan Nettes continue to exemplify the principles of competitive spirit and success on and off the court.

Also, Mr. Speaker, I proudly congratulate the Muleshoe Mules high school football team for defeating Kirbyville on the way to winning the Class 2A, Division I State football championship in 2008.

Establishing a tradition of success, the Mules have made their State playoffs 9 out of the last 10 years under Head Coach David Woods. In 2008, the Mules demonstrated their talent and determination by ending the football season with a perfect 15-0 record. This is the first State football championship for Muleshoe.

Quarterback Wes Wood passed for 4,532 yards for this season, with 230 of those yards in this year's championship game.

In another exceptional championship performance, Lane Wood ran for 160 yards and two touchdowns. The Mules scored four consecutive touchdowns in the second half to achieve a final score of 48-26.

I applaud the Mules' hard work and resilience through the 2008-2009 season. With great support from the community, the team proved itself as the best 2A football team in the State of Texas and an inspiration to all of us. The Muleshoe Mules continue to exemplify the principles of competitive spirit and success on and off the field.

HONORING DEWEY SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I rise today to pay tribute to Dewey Smith, a young man who tragically lost his life on Tuesday, May 5, this past Tuesday, in the course of his duties at the Aquarius Undersea Research Station. He will be greatly missed by his friends, his family, and his colleagues.

Dewey's life was tied to the sea from his childhood growing up on the Gulf

Coast in Panama City, Florida. As a young man, he served his country as a United States Navy hospital corpsman. For 5 years, he cared for the health and well-being of his fellow sailors. After leaving the Navy and attending college, he found himself at home back in the water, training at Florida State University's underwater crime scene investigation program focusing on scientific and surface supply diving. Eventually, his path led him to NOAA's Undersea Research Center, Aquarius.

Aquarius combined the elements of Dewey's passion for science and the sea. Located 3½ miles off the coast of Key Largo, Florida, the underwater laboratory is dedicated to scientific research and training missions. It is the only permanent underwater laboratory in the world, and its facilities are used in partnership with NASA, the Navy, and countless scientists around the world to train astronauts, divers, and develop new technology. Since it began operation in 1993 at its current location, Aquarius and its team have safely conducted more than 90 missions with no significant prior accidents.

The contribution to ocean science by Dewey Smith and his fellow aquanauts is immeasurable. The Aquarius Reef Base supports a long-term coral reef monitoring platform, an ocean observation platform, and surface-based research.

Since its inception, the team at Aquarius has employed a coral reef and fish monitoring assessment program to track the devastating impacts of climate change on marine ecosystems.

Aquanauts such as Dewey Smith have also successfully reached out to the world beyond the scientific community, successfully educating school children, environmental activists, and government agencies on the changes occurring in the world's oceans. Employing state-of-the-art communication technology, the aquanauts correspond with students and the public while underwater on long-term missions. Dewey's response to school children's questions reveal not only his expertise and eloquence, but his sincere desire to share that knowledge gained at Aquarius in the hopes of saving the marine ecosystem he worked with.

The work done at Aquarius by brave aquanauts such as Dewey Smith improves the lives of many Americans, from astronauts, whose health and safety are ensured through technology developed underwater, to fishermen, whose livelihoods depend on understanding the effects of climate change on the world's marine ecosystems.

Mr. Speaker, this Monday, quite rightfully, our Nation will gaze in wonder and admiration at the astronauts who will lift off yet again in the space shuttle. As courageous and important as the work those astronauts do, I believe that the work done by the

aquanuts at Aquarius is no less courageous and no less essential to our understanding of our world and the well-being of civilization.

Dewey Smith, along with the other Aquarius aquanuts, risked and committed his life daily not only for his love of the sea but for the cause of research, education, and conservation, which benefits us all.

In a few short minutes on Tuesday afternoon, a dedicated aquanaut was suddenly lost in the course of an otherwise standard mission. Let us not risk losing the work, however, that he was so passionate about. I stand today not only to mourn the death of a beloved friend, son, brother, and colleague, but to urge that this mission continue.

Looking forward, I hope that Dewey's life will continue to inspire the important work of preserving the world's oceans. I offer my sincere condolence to Dewey Smith's family, to the entire Aquarius team, and ask that this House honor him as a man who died serving his country in pursuit of scientific progress.

Mr. Speaker, I ask the House observe a moment of silence in honor of this courageous government employee and researcher.

HONORING JOHN A. GARRETT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ADERHOLT) is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, today I rise to congratulate, pay tribute, and honor a great American on the occasion of his 100th birthday.

John A. Garrett turns 100 years old this Sunday, May 10th. The Governor of Alabama has declared this Sunday John A. Garrett Day in the State, and the mayor of Montgomery has done the same in our State's capital city.

I want to join in sharing my best wishes with those loved ones and friends who will be sharing in this, celebrating the milestone on Sunday in Snowdon, Alabama.

John A. Garrett, born on May 10, 1909, was the fourth from the oldest of 10 children. He is the last surviving sibling in his family.

John A., as he is affectionately called by his friends, attended Auburn University, which was then called the Alabama Polytech Institute. He graduated with a degree in civil engineering in 1936. There, he met the love of his life, Ms. Katherine Stowers, whom he married that same year. They have two daughters, Mary John, and Kitty Walter.

□ 1630

John A. is one of those type individuals that when you meet him, you can't help but like him. He has received numerous awards and acclamations throughout his career. John A.

was quite a multitasker during his career, which spanned many decades, in various lines of work, whether it was during the Second World War as he served in the Corps of Civil Engineers or as the State director of the Farmers Home Administration, where he served both during President Nixon's and President Ford's administrations.

John A. was also a gentleman farmer and served at the Alabama Farm Bureau. He also did work in construction. And at the age of 76, he founded the Alabama Rural Water Administration, which he served for 17 years. But of all the things John A. is known for, probably his great storytelling ranks among the top.

So, Mr. Speaker, on this momentous occasion of reaching a century mark, which very few people get the opportunity to celebrate, I wish this great American all the best, many more years to come, and happiness and God's blessing to him and his family.

MOTHER'S DAY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. MOORE) is recognized for 5 minutes.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to mark the upcoming celebration of Mother's Day this weekend, Sunday, May 10. Mother's Day is a joyous occasion. And one of the reasons that Mother's Day is just such a celebration is that we all recognize the important role that mothers play not only in the lives of their biological children, but in the life of the entire community. It has been astutely observed that the hand that rocks the cradle rules the world.

However, for too many women in our world, the journey to motherhood, pregnancy and childbirth is a death sentence rather than a reason for celebration. For every woman who dies, another 20 survive but must suffer from the illnesses or injuries incurred during pregnancy or childbirth. Maternal mortality is the highest health inequity on the planet Earth, with more than 99 percent of deaths in pregnancy and childbirth occurring in the developing world. And we don't really have to look that far to find those inequities right here in our own hemisphere. Haiti has the highest maternal mortality rate in the Western Hemisphere.

Women in the world's least developed countries are 300 times more likely to die in childbirth or from pregnancy-related complications than women in the developed world. And this is a tragedy that is compounded by the fact that these maternal deaths are preventable. When a woman dies after giving birth, the mortality rate for the now motherless newborns can be as high as 90 percent in poor countries.

Fortunately, there are known interventions, proven interventions that

can be implemented to reduce maternal mortality. However, we need to invest more in the programs to fund these interventions. By one estimate, the U.S. would need to increase its investment in global maternal health efforts up to \$1.3 billion a year in order to help achieve the Millennium Development Goal of reducing global maternal mortality by three-quarters by 2015. And out of eight Millennium Development Goals—eight—the goal to reduce maternal deaths has had the least progress being made on it.

Additional funds would help increase access to prenatal care, neonatal care and postpartum periods. It would provide up to 4 million health professionals who are needed in developing countries. Six of the seven countries with the highest levels of maternal mortality have less than one doctor for every 10,000 people. The severe shortage of health care workers and the poor quality of care must be addressed to achieve reductions in maternal mortality.

This week, President Obama unveiled a new global health initiative that will call for increased U.S. investment in global health programs. And I am thrilled that one of the identified goals for this new initiative is to reduce the mortality of mothers and children under 5 to save millions of lives. As a mother, I know that being a mother is one of the greatest joys and blessings ever enjoyed on this planet.

Again, I wish all of you, all my colleagues and their constituents, a happy Mother's Day. And I would hope that we would spend a moment thinking about all the mothers-to-be, a half-million women a year in the world, who never, ever, ever enjoy motherhood because they die in pregnancy needlessly.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, over the last weeks, I have spent hundreds of hours helping craft a moderate, centrist bill on health care.

Our country should work on lowering the costs of health insurance. And while a nationalized government HMO could prompt tax increases, inflation and a decline in quality, we could instead enact policies that lower the costs of health insurance for Americans.

When we reform health care, we should follow key principles. First, reforms should defend your relationship with your doctor. Insurance companies already interfere with much of our care, and a government HMO would do worse. Second, reforms should reward the development of better treatments and cures. Americans support treating

diseases like diabetes, but they are passionate about a cure. And finally, reforms should be sustainable because so many senior citizens depend on them. The worst thing we could do is enact a program that we cannot afford.

In considering health care reforms, Americans look to Canada and Britain as models. Canadians have a different view. While over 60 percent of Americans are actually satisfied with their health care plan, only 55 percent of Canadians are happy. Over 90 percent of Americans facing breast cancer are treated in less than 3 weeks, while only 70 percent of Canadians get such quick treatment. Meanwhile, thousands of Canadians seek treatment in U.S. hospitals. The average Briton waits even longer, 62 days. Britain has fewer oncologists than any other Western European country. It is no wonder Britain ranks 17 out of 17 industrialized countries in surviving lung cancer.

The most dramatic differences come in the field of cancer, where Britain's most respected medical journal, *The Lancet*, published results on a review of European and American survival rates. In short, *The Lancet* reported, American men have a 66 percent chance of surviving cancer, European men 47 percent, American women 63 percent, European women 56. In short, you are more likely to live if you are treated in America.

Newborns, most at risk, need the care of a neonatal specialist. In the United States, we have six neonatologists per 10,000 live births. In Canada, they have fewer than four, in Britain fewer than three. In this country, we have more than three neonatal intensive care beds per 10,000, just 2.6 in Canada, less than one in Britain. It is no wonder babies in Britain are 17 percent more likely to die compared to just 13 percent a decade ago.

The starkest difference appears when you are sickest. In Britain, government hospitals maintain nine intensive care beds per 100,000 people. In America, we have three times that number, at 31 per 100,000. In sum, Britain has less than two doctors per 1,000 people, ranking it next to Mexico, South Korea and Turkey.

Stories of poor care under government-only systems are common in Britain. Last February, the *Daily Mail* reported on the case of Ms. Dorothy Simpson, age 61, who had an irregular heartbeat. Officials of the National Health Service denied her care, telling her that she was "too old."

The *Guardian* reports in June that one in eight NHS hospital patients have waited more than 1 year for treatment. In Congress, we have proposals to create a new option for Americans to sign on to a government health care plan. Proponents claim that this will offer a choice between their current health insurance and the government plan. That is what proponents say.

What they do not say is that under many of the major pieces of legislation under consideration, the government health care plan is funded by ending the tax break employers receive for providing health care insurance. This tax break supports health insurance plans for most families, 165 million Americans. Do they know that the legislation being considered will trigger a tax decision by their employer to cancel health insurance for their family, leaving them actually no choice but an untested, brand new, government-only HMO attempting to care for their family?

The new legislation also depends on funding from a climate change bill that press reports indicate a number of majority Members will not support. Without funding from a climate change bill, there is little revenue except borrowing or printing more money to support new government health care.

Seniors and low-income Americans depend on the promises we make. The worst thing we can do is make commitments that are too expensive and pull the rug out from those who can least afford to cope. We should back reforms that the government can afford to keep. And we will be putting forward new legislation on that in the coming days.

There are a number of steps that Congress should take to bring down the cost of medicine.

First, we should expand the number of Americans with access to employer-provided health care. One of the best ways to do this is by allowing small businesses to band together to form larger pools of insurable employees.

Second, the Congress should expand access to care for millions of self-employed Americans without insurance. A refundable tax credit for individuals equal in value to the same tax breaks large employers get would help them to buy insurance.

Third, as jobs become more portable, so should health insurance. We should protect Americans who lose their jobs and families excluded from coverage by pre-existing conditions. Congress can remove the current 18-month time limit on COBRA continuing coverage, giving family members the option of always sticking with the insurance plan they currently have.

Fourth, we must pass common-sense measures to bring down health care costs. The VA already uses fully electronic medical records to care for 20 million patients while saving lives and cutting wasteful spending. We also need lawsuit reform. We need federal lawsuit reforms to lower malpractice insurance premiums and retain doctors in high-risk professions.

In sum, I working with Congressman CHARLES DENT, my co-chair of the Moderate Tuesday Group of 32 moderates on a health care bill. We will have a detailed plan by the May recess that makes, insurance less expensive . . . and therefore covering more Americans without burdening our treasury with new borrowing needed from China or any other country.

GLOBAL WARMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, it is great to have this opportunity to come down to the floor once again to get the floor and the country ready for the debate on global warming. And I just want to put a couple of things in perspective. What the whole global warming bill intends to do is to monetize, which means put a cost, for carbon emissions. Now everyone knows that when you add a cost, it will be passed on, so hence the debate that we have been dealing with in the committee over the last couple weeks about raising energy costs. And it has mostly been on the premise of monetizing carbon, either by putting on a carbon tax, or monetizing carbon through what is called a cap-and-trade regime where you have marketeers purchase carbon credits. That is only one aspect of the rise of energy costs, because we do know that the producers will pass that on to the end users. And who are the end users? That is us. That is individual consumers, that is manufacturing, that is the service sector and that is the government. It will be passed back on to us in higher costs for us.

There are other additional costs involved in this whole program, in this whole plan. And the other aspect of costs is the energy it will take for utilities to capture carbon dioxide. At a power plant that is being built that I just visited, 40 percent of the electricity that it was going to sell on the open market would now go internally to try to capture the carbon. So if they were going to sell 1600 megawatts of power, now they are only going to be able to sell about 950 megawatts of power because they are going to have to internally use that.

Now if they have done the investment, doing a cost-benefit analysis and return on that, not only will they have less power to sell on the market if the demand is the same, the supply is less and the cost will go up. But they will also have to have a second cost increase, which will be buying the carbon credits. Now those are two areas by which electricity costs will increase.

Well there is another area where electricity costs will increase because we are going to push an efficiency standard on utilities, which is another aspect that they are going to have to make major capital investments. So we have three times a burden on utilities, which they will pass on to the consumer.

□ 1645

Now, the concern many of us have, if we want to maintain our jobs and we want to maintain our competitive force in the world economy, we have to have

low-cost power. The other thing that is really hard to understand is why would we unilaterally raise the cost to produce goods and services when the major emitters of the world today will not be forced to comply.

Here is a chart of the important transmissions and emitting countries. It would surprise a lot of people to notice here at the bottom is the United States. We have had very little growth in emissions. Where has all of the growth come: Africa, the Middle East, Latin America, Southeast Asia, India, China, Korea, Eastern Europe. This is the increase in the emissions.

So as we come to this debate if we just want to be straightforward, we are going to say if we are going to enforce all this pain on the U.S. economy at a time when this economy really can't accept the pain because of the job losses, shouldn't we have some gain? The reality is we could stop our carbon emissions today and put it to zero. And what will happen to worldwide carbon emissions? They will go up. We could go to zero. They would go up. That is no way to address a problem.

We have declining carbon emissions in our economy today, and the reason why we have it is because of the recession we are facing. So job loss, manufacturing loss creates lower emissions which is what my friends on the other side of the aisle would like to see. We are going to fight to defeat it.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Thank you, Mr. Speaker.

I am here to tonight to claim the time on behalf of the Progressive Caucus. The Progressive Caucus come to the floor every week to talk about a progressive vision for America, to discuss what America is and could be, to embrace the idea that everyone does better when everyone does better, to embrace the idea that we should look at the world with courage, not with fear, that we believe in dialogue, we believe in discussion. We believe in people doing well, and we believe in radical abundance, not fear of scarcity, a progressive vision; yes, even a liberal vision of an America which is doing well because everybody is working. We are promoting broad-based economic policies that allow for a higher quality of life for all Americans.

Yes, the Progressive Caucus comes to the floor every week to talk to the American people and with our colleagues about these critical issues.

Tonight we have a great topic, but before I announce tonight's topic, I just want to say we are very, very

happy and pleased to be joined by a dynamic advocate for the cause of human justice, none other than Congresswoman GWEN MOORE of the great State of Wisconsin.

Ms. MOORE of Wisconsin. Thank you, Mr. ELLISON.

I would start out by acknowledging all of the tremendous work that the 9 to 5 Organization, founded in Milwaukee, Wisconsin, has done around the issue of the importance of providing sick pay to workers.

People may not realize it, but workers nationwide have no sick pay. That is particularly relevant right now when you consider the beginning of this global pandemic, the swine flu. We had school closings all across the country. Parents were forced to take off work to take care of their children because of the quarantine conditions that were ordered by health departments. Not only did they do it because they were responding to a potential health crisis, but families living on a budget now have to deal with the decreased wages they are experiencing.

And, of course, when children become ill, parents can't afford to miss work so they go to work anyway and infect other people at work. They send their kids to day-care and infect other children. And, of course, employers suffer, many of them who are small businesses because they find that there is a loss of productivity.

One of the greatest losses of productivity for an employer are employees who are sick. And they become sick because other workers are unwilling to lose a day's pay because of a little cold that turns out to be either the swine flu or maybe even worse, the regular flu that is quite deadly and quite contagious.

This drives up medical costs, and God forbid that a spouse or a child falls gravely ill or is seriously injured because that worker then has no choice but to immediately seek medical help and take the loved ones to a doctor or hospital, and more absenteeism occurs and they maybe end up losing their jobs because small businesses cannot really afford to have their businesses shuttered while people are ill.

In my district, 51 percent of the African American male population is jobless, and it is the largest racial disparity in unemployment and poverty in the country. Forty-three percent of the city's workers earn less than \$20,000 a year, and many are among the 122,230 Milwaukeeans, which make up 47 percent of the private workforce, who do not have sick days.

Last year in my district, the city of Milwaukee approved a binding referendum on the 2008 ballot that called for private employers in the city to provide paid sick leave for all workers, and this was due in part to the diligent effort of the unions and the community groups led by the National Association

of Working Women, 9 to 5. And so now, Milwaukee, Wisconsin, is one of only three cities in the country to require private employers to provide paid sick days.

It is smart economically because the lack of paid sick days is hurting Milwaukee's economic development.

Mr. ELLISON. Congresswoman MOORE, is that why it might be a good idea to support the Healthy Families Act, which is H.R. 1542, which is critical to guarantee workers up to 7 paid sick days a year?

I yield to the gentlelady.

Ms. MOORE of Wisconsin. Thank you for yielding.

This is a very important piece of legislation offered by the gentlewoman from Connecticut (Ms. DELAURO). I am so proud to be an original cosponsor. This makes so much sense.

Let me tell you what happens. The reality is when people don't have paid sick time, they cheat. They lie. When they are really sick, they don't come to work anyway. And worse, they neglect basic health care needs. They don't get their kids vaccinated. They don't take care of their teeth. They don't catch diseases and get basic health care like mammograms. They don't get them and catch these diseases early when they don't have built-in sick days. There is no employer on this planet that would wittingly deny someone basic health care knowing that an early detection of cancer would have saved their lives but for the fact that they didn't have paid sick days.

Mr. ELLISON. I quite agree with the gentlelady from Wisconsin who pointed out that the Healthy Families Act is a great piece of legislation, something that is progressive, something that makes sense for America, much like legislation of the past which supported workers' rights. What this piece of legislation would do for Americans, it would allow Americans to recover from short-term illness, it would allow Americans to care for a sick family member, it would allow Americans to seek routine medical care, or to seek assistance related to domestic violence.

Some people might think, "Oh, my God, that's going to cost us a lot of money." If people are that sick or in serious dire straits, they're taking the time off anyway. You're not planning for it, it's not in the schedule and there's no accommodation. If somebody can come in and say, look, straight up, I've got to take the day off because I'm sick and I have 7 days I can take, then what happens is you have greater productivity because workers are taking the time off they need to get well; workers are taking their kids to get the immunizations they need; workers are now actually engaging in preventive health care which means that they are not going to have to take extended periods of time off and thereby cut productivity.

By expending the money that it would take to provide the 7 sick days that are called for under the Healthy Families Act, businesses would save money. Businesses would be better off because we would have greater productivity and a healthier workforce over time. It's what my mother would call being penny wise and pound foolish to deny this legislation. But it would also be what my mother would call an ounce of prevention is worth a pound of cure if we were to have a great piece of legislation like the Healthy Families Act.

As you pointed out, as fear of the missed and inaccurately called swine flu is going around, and it should be called the H1N1 virus—not as catchy but it's more accurate—the fact is that such legislation at this time, so people could get the flu shots and checkups that they need, in times like this would be a great idea.

As you pointed out in your original 5-minute, it would help moms out, wouldn't it?

Ms. MOORE of Wisconsin. Absolutely. There is also a class issue here. Seventy-nine percent of low-income workers, nearly half of our private sector workers, have no paid work sick leave. I think it is something that we take for granted as we move up the hierarchy that we can go to the dentist or we can have good prenatal care when we expand our families.

A University of Chicago survey in 2008 found that one in six workers were fired for taking personal time off for illness for themselves or a sick relative. That is absolutely egregious. Like you said, it is penny wise and pound foolish. Say you own a small business, a small dry cleaners and someone has the flu and they come to work and infect everyone, then you have to shutter the business because you can't run a business like that yourself, instead of allowing that person to stay home during that infectious period of time. You are absolutely correct.

Mr. ELLISON. I do thank the gentlelady for nailing this point. It is so important. It is part of the progressive vision that we would have an important piece of legislation that would really help Americans like the Healthy Families Act. At a time when we are concerned about illness and sickness, this kind of bill would be embraced by a progressive vision. A bill that says, hey, look, you guys, let's give 7 paid sick days to workers. This is not unusual when you compare it to what workers get in Europe, for example.

□ 1700

It actually makes a lot of sense. You would have healthy workers, more productive workers, and as you pointed out, the gentlelady from Wisconsin, Congresswoman MOORE, we would have people who go to the doctor rather than come in while they're sick.

Let me just point out a few other important facts; you already hit a number of them already. But according to that University of Chicago study that you referred to, one in six workers report that they or a family member have been fired, suspended, punished, or threatened with being fired for taking time off because of personal illness or to take care of a sick relative. The lack of paid sick days is a major public health concern.

As we try to prevent the spread of the H1N1 virus, the Centers for Disease Control and Prevention, the CDC, has issued important guidelines that are sound and prudent: if you get sick, stay home; if you get sick, don't go to work or school; limit contact with other people. But how can you do this, I ask the gentlelady from the great State of Wisconsin, if it is going to cost you economically, if you are already close to the edge economically, if that job that you're on says that you don't have health insurance? You are paid by the hour, and you know that if you don't work, you don't get no money, you don't get paid. What, then, do you do if you do not have a bill like the Healthy Families Act? I think it is important that we get such legislation.

I yield back to the gentlelady.

Ms. MOORE of Wisconsin. Well, you know, gentleman from Minnesota—thank you for yielding—it's human nature: people make economic decisions and they prioritize, unfortunately, those economic decisions over health decisions.

I think people feel lucky, that maybe they won't spread disease, that maybe if they give their kid a couple of aspirin they will feel better and they can just send them on to school anyway, because the consequences of taking off work are very imminent, that they won't be able to make this month's rent. Remember, I said 79 percent of those folks who have no paid sick time are low-wage workers, they can't risk losing that money, that \$80 that day, that \$65 that day, they can't afford to do it. They don't have a relative or a neighbor or a friend who can stay home with their children while they are sick so they can go to work. And so they just roll the dice, they roll the dice. And again, that lump that just didn't feel quite right in their breast, you know, they ignore it.

And it shows up in so many other data in statistics. You find poor people who succumb to illnesses and die of diseases that could be cured, not because they are more susceptible to diseases, but because they don't catch them early enough. And of course that raises the cost of health care.

We heard our colleagues talking about the high cost of health care earlier. Well, of course health care costs more once your kidneys fail and you end up on dialysis because you didn't have a simple high blood pressure pill

that could have been diagnosed earlier. Of course it costs more when you don't catch cancer at its earlier stages. Of course it costs more when diseases are allowed to fester to a point that you wind up in a very expensive ambulance and an emergency room instead of a sensible doctor's visit.

We have had children in this country who have died from what started out to be an abscessed tooth, something that could have been prevented with regular visits to the dentist. We have so much proof that when you increase copayments, when there are any economic consequences of seeking health care—and not having paid sick days is an economic consequence—when there are economic consequences, people delay health care until it becomes a fire.

Mr. ELLISON. If the gentlelady would yield.

Ms. MOORE of Wisconsin. I will yield.

Mr. ELLISON. Well, I think what you are saying is so very important. It is part of a progressive vision for America. It is part of the idea that, hey, we all do better when we all do better. You are not a sucker or you are not a person who is gullible if you believe that it is a good idea to look out for your fellow Americans. You are a person who may be a very savvy business person because you know that by supporting the Healthy Families Act, it may cost you a little bit to give paid sick leave days for some of your low- and medium-income workers, but it will allow you to keep that dry cleaners going over the long term; it will allow you to keep your small business moving, your store, whatever it is that you may be doing, your lawn care business. You may be able to stay out there because you know you have workers who can take the day off and go get that checkup, who can take the day off and look after that child so that when they are at work, you have an alert, healthy worker. It makes so much sense.

And as we began this health care debate, I noticed that one of our colleagues was doing a 5-minute speech, talking about how he is against a public plan. Well, I want to tell everybody, and I think it's important to note that when you talk about comprehensive health care reform, part of it has got to be giving low-income and medium- and moderate- workers paid sick days. Let's face it, if you are an executive, if you are at the top of the food chain economically and you are sick, you can take a day off. But what if you are a line worker, what if you are at the front desk, what if you are a low-wage worker, what if you are a minimum-wage worker? That's when you don't see many of the bennies going around. Or you could take a day off, but you're not getting paid for it. And in that case, you are forcing the worker into a terrible choice: lack of income or

health. Which do you want to pick today? And that is something that people are too close to the edge to make a decision on.

I yield back to the gentlelady.

Ms. MOORE of Wisconsin. All right. Thank you for yielding, gentleman.

Senator EDWARD KENNEDY and ROSA DELAURO have worked collaboratively on this bill, and they have actually calculated, through their studies, the cost of what they call "presentee-ism"—I guess that's the opposite of absenteeism—at work.

Mr. ELLISON. Will the gentlelady yield?

Ms. MOORE of Wisconsin. I will yield.

Mr. ELLISON. What is presenteeism? Is it anything like absenteeism? I yield back.

Ms. MOORE of Wisconsin. Presenteeism is the opposite of absenteeism: when you show up to work sick, knowing you're sick—because of your own self-interests of not losing a day's pay—infecting everyone at work. This costs our national economy \$180 billion annually. Showing up sick costs \$180 billion annually. And so for employers, this cost averages \$255 per employee per year and exceeds the cost of absenteeism and medical and disability benefits.

I yield back.

Mr. ELLISON. Well, thank you for that important statistic because we have got to count up the bill.

The real difficulty in a bill like the Healthy Families Act is that we know that some people who are just looking to the next quarter, the next minute, the next moment, and if they are going to have to spend a little bit of money in the short term, they are going to say, well, that is going to cost money. Well, you know what? Not doing it is going to cost way, way, way more money.

So the Healthy Families Act is a part of a progressive vision. It is just like the Wagner Act, which guaranteed workers the right to organize, just like Social Security, just like Workers' Compensation, just like a number of important programs and pieces of legislation passed in America that may have been considered liberal—or even radical at one time—but Americans have come to rely on and expect from our government. It is part of what we do as Americans together: we share. We allow in the marketplace that you can do your own thing, you are free to come up with your idea and make your money, but certain things we do together. We defend the Nation together. We defend our streets with the police together. We provide justice through our courts together. We make sure our elderly are not eating dog food through Social Security. We do this together. We make sure that people whose parents die have survivor benefits through Social Security. We build infrastruc-

ture together. And this is another thing we should do together. We should come together and say that 7 days of paid sick leave a year is a very modest request, particularly for low- and moderate-income workers. And it pays tremendous dividends down the line.

If the gentlelady would allow me, I just want to share a couple of stories from my own State of Minnesota.

Chrissy from Minnesota. Chrissy says, "I am currently a stay-at-home mom"—happy Mother's Day, Chrissy—"however, prior to that I worked as a natural foods manager in a conventional grocery store for 6 years. This company offered no sick leave at all to any of its employees. Many people often work sick out of necessity."

Chrissy, we are trying to do something about it.

Amanda from Minnesota: "I am fortunate enough to have sick time at my job at the University of Minnesota. When I was in my early 30s, I was totally healthy, exercised regularly, was at a healthy weight, and suddenly developed a rare kidney disease requiring multiple trips to multiple clinics to get multiple diagnostics. This took a lot of time away from work. Thankfully, I was able to get paid for this time. If I didn't have any income, in addition to the stress of the condition, it would have been unbearable.

"I am not so naive to believe that this is a reality of every workplace. I am very much aware of the fact that many people face struggles similar to mine on a daily basis. It is time to guarantee workers paid time to care for themselves so they are able to get their work done efficiently at no risk to themselves or their coworkers."

Or what about the situation that Cindy is in. Cindy from Minnesota: "I work a part-time job for a university as a researcher. In my category, sick leave is all discretionary and flexible; however, no paid vacation days accrue ever for me. The only way I feel legit in scheduling a week's vacation is if I am never sick and make up those hours pre and post." That's from Cindy.

I offer these stories because I think it is important to point out that the Healthy Families Act is going to help Americans all over the United States. Real people are suffering because of a lack of paid sick days. This is in keeping with the protection for workers' right to organize, Social Security, workers' compensation. This is right in line with every important and progressive step Americans have made in order to improve the quality of life for your average Americans. This is like the minimum wage; this is like workers' rights; this is like civil rights; this is like women's rights. This is what we should do at this time. It is part of a progressive vision that we are going to work to make a reality for Americans.

I yield back to the gentlelady.

Ms. MOORE of Wisconsin. Thank you for yielding.

Those are very compelling stories, and I have some here, too. But before I talk about individuals' testimonies from Wisconsin, I just want to make a point that this legislation recognizes the importance of not hamstringing small businesses. All businesses with under 15 employees would be exempt. So perhaps my example of the dry cleaners wasn't appropriate, but certainly when you have under 15 employees, those employers are exempt from providing the 7 days of sick leave.

Mr. ELLISON. Will the gentlelady yield for just a moment?

Ms. MOORE of Wisconsin. Yes.

Mr. ELLISON. I just want to say that if we were to pass the Healthy Families Act, then the medium to larger businesses would provide these 7 days. Now, Big Business has a way of setting a trend for small business. So if big businesses did this, perhaps small businesses with fewer than 15 employees would say, hey, it's working for them, it's the industry standard, it makes sense, we might just do it voluntarily.

I yield back to the gentlelady.

Ms. MOORE of Wisconsin. Well, actually, data is conclusive that our national economy would experience a net savings of \$8.1 billion a year with just providing employees with these 7 days of sick time. Because as you pointed out, gentleman, productivity is extremely important. I can remember at the time when my mother died, I was showing up at work and just staring at the wall. I was not well because of the extreme grief I was experiencing, and I was at work. And my bosses told me to get up and go home, please. And so when I came back, I was much more focused on my job. You know, that loss of productivity is not good.

The other thing is that we are human beings. And employers experience a lot of turnover because they don't have employee loyalty because they don't have a basic sense of empathy in humanity. There is no way in the world that I would want to work for an employer who couldn't empathize with my grief over having lost my mother and wouldn't give me a day or two to pull myself together. So productivity is what is lost when we don't provide sick days.

I yield back to the gentleman from Minnesota.

Mr. ELLISON. I thank the gentlelady for yielding.

Let me tell you about Leslie from Minnesota. Leslie says: "I used to wait tables full time. And there are rare occasions where you can get paid sick days, like when I worked for a large chain hotel. However, most people don't realize that you will be paid your hourly minimum wage, but not any compensation for lost tips, which is the vast majority of your money earned as a wait person. In fact, most servers barely seek a paycheck; it is eaten up with taxes taken for declared tips—yes,

you are required to declare tips. It is a myth that you can conceal this information.

"So even if you do get paid sick leave or paid vacation—which is unlikely—it is not in your interest to use it. Servers basically cannot get paid unless they are physically at work. And restaurants are such hectic places that if you are short staff, the quality of service suffers everywhere. Customers in restaurants are notoriously unsympathetic to details like this."

□ 1715

Just another quick one, Kari from Minnesota: "My kids are ages 2 and 3, and the child care center doesn't take them when they're sick. Neither my husband nor I have paid sick days. Please pass the Healthy Families Act."

And I yield to the gentlewoman.

Ms. MOORE of Wisconsin. I can tell you, gentleman from Minnesota, I have to wonder what the legal ramifications are of folks coming to work knowingly, knowing that they are sick. I mean, there's a chorus of public officials who give directives to people, saying that if you have symptoms of a pandemic, for example, the H1N1 flu virus, that you should stay at home. We hear the Centers for Disease Control say that if you're sick, if you have symptoms, stay home. We hear Dr. Richard Besser, the Acting Director of the Centers for Disease Control elaborate that you don't go to school, you shouldn't get on airplanes or other large public transportation systems if you're ill. We hear from the White House, the Press Secretary's saying clearly we all have individual responsibility for dealing with this situation, and we should all be practicing good hygiene practices and stay at home. We hear the Secretary of the Department of Homeland Security, Janet Napolitano, telling us, again, the government can't solve this alone. We need everybody in the United States to take some responsibility. If you are sick, stay at home. We hear President Barack Obama in his 100 Days press conference saying that the key now is to make sure that we maintain good vigilance and that everybody responds appropriately and stays at home. If your child is sick, keep them out of school. We hear this over and over and over again.

So in my final words here, I would just ask you, as an attorney, as a member of the Judiciary Committee, what are the implications of knowing that you're ill and showing up at work because you don't have a paid sick day?

Mr. ELLISON. Well, you might end up being charged with negligence. Knowing that you're sick, knowing that you're contagious and still going to work, potentially some smart lawyer might figure out a way to sue you for negligence because you exposed them to an illness. Of course, it could be taken up by workers' compensation,

but somebody's going to have to pay something somewhere. And the fact is, clearly, if you've got an on-the-job illness or injury, it would be a workers' comp claim. So the bottom line is it is something that we all need to be concerned about.

I want to thank the gentlewoman from Wisconsin. As she knows, she is one of my very favorite Members of this House of Representatives, and I want to wish the gentlewoman, GWEN MOORE, a Happy Mother's Day, and I also want to thank her for her very important presentation on global health for mothers.

I just want to say that we have a duty and obligation to present a progressive vision for America. Which way forward? Well, the way forward is to be more inclusive, to bring more people into the warm embrace of the American people's generosity. The way forward is peace and dialogue. The way forward is to have a better America, a higher quality of life for everybody because everybody does better when everybody does better, as the late great Senator Paul Wellstone said.

So, with that, it has been another progressive message, and I want to thank the gentlewoman.

ENERGY AND HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, thank you so much for giving me the opportunity to spend some time on the floor this evening with our colleagues.

I am going to talk about two different issues. We are going to talk about energy, and particularly the scheme of carbon tax or cap-and-trade and renewable energy, renewable quotas, if you will, because that's a hugely important issue that's facing the Nation and the Congress is dealing with at the present time, and particularly through the committee on which I serve, Energy and Commerce, and the other big issue also coming through the Energy and Commerce and a couple of other committees is the issue of health care reform.

Now, President Obama, when he was sworn in and shortly after that when he spoke to a joint session of Congress here in this House Chamber, he talked about the importance, in his opinion, despite the economic downturn and the need for stimulus bills—hundreds of billions of dollars' worth, in fact, of stimulus bills, spending on projects and hopefully will get the economy going again, the TARP money, the money that went to banks, continuing to go to banks, and that's expanded, of course,

to include insurance companies and the domestic automobile industry. We have spent literally hundreds of billions, if not trillions, of dollars trying to stimulate the economy. But the President still feels very strongly, as does this majority party, the Democratic Party, Mr. Speaker, of pushing ahead with this idea of solving the global warming issue by limiting the amount of carbon that can be produced and released into the atmosphere as we go through the process, and always have for 100 or more years, of producing electricity mainly from coal. So that is on the front burner, no pun intended, Mr. Speaker, of issues that we are dealing with right now in the House and in the Senate. And then, of course, the other issue is reforming health care.

I would like to start by talking about health care. I feel I have a little bit more expertise in that area. I darn well should, having spent 30 years practicing medicine, but I will allow to you, Mr. Speaker, and to my other colleagues that just practicing medicine, seeing patients and not being in a research environment doesn't necessarily give you all the answers in regard to how we go about funding health care for 300 million people, how we deal with the massive expense of government programs like Medicare and Medicaid and still make sure that everyone in this country has access to health care and that it is affordable, that it is affordable even for those who have more than one serious medical condition that they're dealing with.

So we all, on both sides of the aisle, Mr. Speaker, realize that this is a problem. It's not something that we ought to be burying our heads in the sand and just hoping it will go away. It won't. It will only get worse, just like the Social Security crisis. As we get more and more of our baby boomers reaching that magic age of 65, we don't have enough people working really to pay into the payroll tax to provide the benefit that has been promised. And I know that scares our seniors and it should, although every reform that we have talked about in regard to Social Security has assured and will continue to assure, I think, no matter who is in the majority up here or what administration—it has been Republican under President Bush. It's now Democratic under President Obama. It was Democratic under President Clinton, and these things go back and forth. But I think that people, seniors, need to be comforted by the fact that if you're over 55, as an example, there are not going to be any changes in Social Security for those of you who are within 10 years of receiving that benefit.

But that doesn't mean that we don't fix the system, that we don't try to fix the system for our sons and daughters and our grandchildren as they come forward, because if we do nothing, then clearly there will be a time when people will not get the benefit that their

parents and grandparents have received under this program of Social Security. And the same thing is true of Medicare, and that, of course, is our health care system for our seniors, 65 and older, and for those people who are younger but are disabled, totally disabled, and need that help. So we all recognize that there's a problem, and we have recognized it for a while and agree that something needs to be done.

Now, the timing of that, I think, is in question when you talk to both sides of the aisle. Some, quite honestly, on our side of the aisle feel that we need to get the economy back on its feet before we spend hundreds of billions of dollars trying to reform our health care system while we are still in a deep, deep recession and people can't get loans. Businesses in particular can't get loans. People are still having a very difficult time getting a mortgage on their home. And 401(k)s are down, 401(k)s and IRAs, which are the savings that people have for their retirement, along with Social Security.

I am kind of of the opinion, Mr. Speaker, that we don't need to move too quickly for fear that the economy will worsen and not get better and also for fear that in our haste to do something even if it's wrong, it might well be wrong. So that adage of "do something even if it's wrong" is a wrong-headed adage.

But in any regard, we do agree that if the statistics are correct that 47 million people in the great country of the United States go every day without health insurance, there's something wrong with our system, and we can do better in that regard. We should do better, as I will talk about over the next 45 minutes or so. We can and we will do better.

Now, Mr. Speaker, I would like to make sure that all of our colleagues understand something. I think intuitively they know this, that statistics can be often misleading. The 47 million uninsured statistic was obtained by the Census Bureau. And what does the Census Bureau do? You're sitting there at home watching television or whatever, reading a book preferably, and you get a call from the Census Bureau and they probably just ask this question: Are you employed? Yes or no? Do you have health insurance? Are you an adult, head of household? End of story. And the response from 47 million is "No, I don't have health insurance."

Now, the question that is not asked is, are you a citizen of the United States? Are you a permanent legal resident though not a citizen, in other words, a green cardholder? Are you here legally on a temporary worker program? Are you an illegal immigrant? I think at that point, Mr. Speaker, you would hear a loud click, because I'm sure if someone were here illegally, they're not likely to give that to anybody, especially a census worker.

□ 1730

But the question that is not asked is how long, if you do not have health insurance, what are the circumstances regarding that? How long have you gone without health insurance? And then you would find that many of these people, maybe just a couple of months.

And they might say, yes, well, actually, I do have insurance. I have this COBRA, this temporary health insurance that's allowed, when you lose your job, that you can continue with that company. If the company were providing the health insurance, then they would let you continue.

But you would have to pay more, because you would be outside the group rate. But you could be covered hopefully, you would be, long before that, reemployed and into another group policy at a reasonable rate. So a lot of these people that say I don't have health insurance, and they add to that, up to that magic number of 47 million, they are going to get insurance when they go back to work and, probably, within a short period of time.

Probably 10 million of the 47 million are the ones that clicked the phone down when they were asked if they were legal immigrants, about 10 million.

So now you are down to 37 million. And it has been estimated that 40 percent of the rest make at least \$50,000 a year. Now, you might say, well, gee, if you make \$50,000 a year, even if you are a family of three, you probably ought to be able to afford health insurance. You are not going to be eligible for Medicaid, or you may probably not be eligible, at least in my State of Georgia. You are not going to be eligible for the SCHIP problem, PeachCare, we call it, for your children. And I am assuming that you are not 65 and you are not disabled, so you are not eligible for that.

So why do these people that are not eligible for anything else, and they make at least \$50,000 a year, why do they choose not to have health insurance?

I would guess that most of these people are in the workforce, maybe they are single, they are probably between the ages of 21 and 40. Many of them are athletes, not professional athletes—I don't mean to imply that—but athletic, engage in sports, work out and have good genes, grandparents lived to late eighties, maybe even early nineties. They've got the Methuselah gene, where their relatives live into the hundreds.

And they think, golly, why should I take \$250, \$300 a month, whatever it costs, maybe \$400 a month and buy health insurance when I don't even go to the doctor every year. I don't even get a cold. I don't take any prescription medications, I might take a One a Day vitamin. So a lot of people like that would roll the dice and say I don't need it.

And they say, I am a very disciplined person, and I will take that \$350 a month and put it into—not a passbook savings, but invest in a mutual fund. And every month, you know, I put into it, the mutual fund, when it goes up in value, my money doesn't buy as many shares. But when it goes down in value, it buys more shares.

That's what we call dollar-cost-averaging. And, gee, you know, over a 10-year period of time I am going to have a ton of money. And over a 30-year period of time I am going to have a quarter of a million dollars that I will have saved by not taking out a health insurance policy.

I don't recommend it. As a physician Member, I think it's a bad bet. You are rolling the dice, you might get lucky, but you could crap out, in other words, come down with cancer, or, at age 35 have a heart attack, and then, of course, you would be out of luck in today's market in regard to getting it insured. Or, if you had access to insurance, it would be so expensive, because now you are a preferred risk, and it's only appropriate then that the insurance would cost you more. If you look at our Medicare program on part B, the voluntary part A, of course, 65 or disabled, you are automatically in part A, the hospital part, or the part that covers nursing home care.

But for seeing a doctor and paying surgical fees and having outpatient diagnostic tests done, you don't have to take the part B of Medicare, nor do you have to take the part D, the prescription drug part of Medicare. That's optional. You might decide to, because you are still working, to continue to get your health insurance from your company. Or you might decide, well, here again, I'm healthy, and I never bought insurance before I got eligible for Medicare, I'll take the part A, because that's kind of given. I get that free, so to speak. Somebody else is paying for it, and I'm not going to take this part B.

You have that option. Nobody forces anybody to sign up for part A or part B. And, of course, here again, if you get sick, 2 years later, now you are 67, let's say, and you call up Social Security and you say, oh, I've decided now, I think I want to sign up for Medicare part B and part D because now, I had a heart attack, and I'm on five medications, something to lower my cholesterol, something to make my heart beat stronger, I'm on a water pill, a diuretic, so I don't build up too much fluid. And, oh, by the way, I've come down with the gout.

Well, you can sign up at that point for Medicare part B and part D. But the Federal Government says it's going to cost you more because now you are at much higher risk.

Well, that's the way private insurance works as well. So, I mean, what's good for the goose is good for the gander. It would be inappropriate for us to

say to the private market, insurance companies, who are insuring younger people, that if someone decides they don't want health insurance until they get sick then, clearly, they are going to have to pay more.

So those people that make more than \$50,000 a year and elect not to take health insurance that they could afford to pay for, they are taking a chance, they are rolling the dice. But in this country, thank God, you can do that. You are free to do that.

So a lot of the people that are included, when the Census Bureau calls and says, do you have insurance, they are in that group. It is also estimated that as many as 10 million of the 47 million, guess what, are eligible for Medicaid. They didn't know it. They didn't bother to inquire. Or maybe somebody gave them some misinformation. They thought they were making too much money, and their children are eligible for the SCHIP program, the Children's Health Insurance Program, which is very generous on the part of the Federal Government, Federal-State partnership, even more generous than Medicaid.

So you take those people, subtract them from the number, and you probably end up, Mr. Speaker, with, I am going to be generous here and say 15 to 20 million that don't have insurance over an extended period of time.

It is important that all of us listen to what I said about that number not being 47 million. Because statistics, if they are not accurate, can cause us, from a policy perspective, even from a political perspective, to make some huge mistakes. Spending \$2 billion or more, \$3, \$3.5 billion, maybe, because we still have some money left over from the \$6 billion that we put in the Treasury, took out of the Treasury, put in Health and Human Services and the CDC for combating bird flu, which never really occurred in this country.

And now we are probably going to put another \$2 billion in this supplemental bill coming up to treat the influenza type A H1N1, forgive me if I say it at least one time, swine flu. And I hope and pray that I don't have to eat these words. It's probably going to turn out to be a fairly mild type of flu, not as severe, Mr. Speaker, as your seasonal flu, which on a yearly basis, over many years, we have lost 35,000 people, 35,000 people dying from the regular seasonal flu, even though we have developed a vaccine every year.

We try to anticipate what next year's flu is going to look like. The CDC does a great job on that, by the way. I think the flu vaccine is good and certainly it's good for the elderly and the immune compromised and the very young. I am not opposed to that at all. I commend the CDC.

But, again, we tend to react to the latest crisis. Sometimes it's media driven, this media frenzy, literally cre-

ating a pandemic, yes. Not a pandemic of the flu, but a pandemic, a panic.

So what's the President to do? He doesn't want to get Katrina'ed over this thing, so we throw a lot of money at it that may well not be necessary. So as I talk about health care and the need for reform and bring up some of these statistics and peel the layers of the onion back and get to the real facts so that we know what the real problem is, how can you know what the response is if you don't really define the problem? So that's what the loyal opposition, the minority party, in this case the Republican Party, has the responsibility to do. That's what makes our system work, that's what makes it great, unless we don't go through regular order and don't get an opportunity to weigh in.

And maybe the only opportunity we get to weigh in on the minority side is these late afternoon and late evening after-school's-out opportunities to talk on the House floor and inform. And you hope everybody is listening, but maybe not.

So as I stand here this evening and talk about health care reform and also the energy bill, it's not to be partisan or political; it's to take whatever opportunity, Mr. Speaker, that I, as a member of the minority party, can grab onto on behalf of our leadership, JOHN BOEHNER and ERIC CANTOR and other leaders on the Republican side, to put the message out.

And they trust me on certain issues, other Members on other issues because of the background that I have, in this case, a background of 30 years of practicing medicine, as an OB/GYN specialist in northwest Georgia. And I don't have the last word on this. Maybe the last word comes from somebody like Sanjay Gupta for CNN or Isadore Rosenfeld for Fox News.

I commend any one of those great doctors on Sunday morning where they do 30-minute shows and talk about issues like how should we reform health care, how should we respond to this latest flu crisis? What do you do when your child gets a little bit sick and you're worried? Those folks do a great job. But we have a responsibility here to share our knowledge as well.

So as I talk about that 47 million, I wanted to make sure that to the best of my knowledge, I think I am giving accurate information to say that truly only 15 to 20 million people in this country are falling through the cracks in regard to not having the ability financially and maybe not having the access to health insurance and having no choice but to show up in the emergency room late at night and getting very expensive care and probably substandard care only because the doctors, the health care providers there, don't know them. They don't know their medical history.

And we don't have electronic medical records now, as we should have, as

President Bush has called for, as President Obama has called for, as I totally agree with, by 2014, if not even sooner. You ought to be able to, in a situation like that—or even if it's somebody that's well insured and they are just on vacation, and they get this great opportunity to go to Russia or somewhere. And, obviously, most people don't speak the language there, and the doctors don't speak English, and you show up in an emergency room, and they don't know what's wrong with you and what your past history is and what medications you are on.

□ 1745

But if you had a radio frequency-identified card, a health care card, smaller, maybe, than even an American Express card, that you could just swipe, maybe like one of these Clear cards that some of us use to go through security at the airport, read your iris scan, whatever, and it has got every bit of medical information—every operation that you have ever had, every allergy, every prescription that you're on—and the language is immediately transferred from English to Russian or Russian to English, or whatever, and that's what we call fully-integrated electronic medical records.

And the Federal Government, thank goodness, is working on that, and working very hard on it. In fact, President Obama put \$19 billion in the Recovery Act of 2009. I think that's a good thing. I'm glad he did that. I think we definitely need to do it. We need to give loans and grants to doctors and hospitals, and encourage them. But every system has to be certified because the Federal Government with Medicare and Medicaid and the CHIP program and the VA program and TRICARE and our military health care system accounts for maybe 65 percent—I'd say at least 60 percent—of every health care dollar that's spent every year, Mr. Speaker. We're totaling I think now about \$2.3 trillion. Seventeen percent of our Gross Domestic Product is health care dollars.

So when people say to me, Well, why should the Federal Government have anything to do with what vendor I buy my software and hardware and maintenance program from that's very specific to my specialty—OB/GYN or general surgery or pediatrics or psychiatry, the answer is, Well, you don't just want to be able to communicate with the other doctors in the neighborhood or the two hospitals in the county, because the world doesn't end at the county line.

That's true in regard to countries as well, as we talk about our borders, north and south, and you think about over in Europe. You have so many small countries and the borders are so porous. People move and travel and vacation. So you want all that connectivity. And I think it's usually important.

So we on this side of the aisle would say to you, Mr. Speaker, and your Democratic colleagues on the other side of the aisle and to the current administration, Hey, we agree with that. We agree that let's spend some money. Let's work toward a fully integrated electronics medical system.

What it would do, the Rand Corporation says, is save \$160 billion a year. I don't know if it would do that. That would be quite a cut in that \$2.3 trillion. But even if it's \$100 billion a year, that is a significant savings.

Maybe more important than saving money with that, though, is it saves lives, because people on Plavix are not going to inadvertently, because they show up with a transient ischemic attack, and it seems that maybe they're on the verge of having a stroke, some emergency room doctor who doesn't know them, who doesn't know that they have been on Plavix for years, and they decide they need some Coumadin right away—Coumadin, a much stronger blood thinner—and while trying to prevent this person from having a stroke, they cause them to have a hemorrhage in the brain. It's kind of like a stroke, but it's different. But the results are the same. They're catastrophic, and they can lead to instant death.

So that's why we need to do this, and I think that it would save lives and save money. I think doctors in fact, Mr. Speaker, would ultimately be reimbursed better. Now they are very reluctant. At least 300,000 physicians in this country don't have much in the way of electronic medical records. They might send their bill electronically. They may even prescribe electronically.

But the records of the patient would literally be secure, very secure, and we have to make sure of that. You don't give that information out to anybody that has no business looking at it. Other physicians, of course, as long as the patient is comfortable with that.

But we will continue to work on it. I think you will have less lawsuits because doctors would be less likely to make an error in prescribing. We would have lower health care costs because a doctor would not automatically order an MRI or a CAT scan, or somebody who presents to the emergency room with a headache, if he or she, the health care provider, knew that a week ago, by looking at those electronic records, the patient just had that done. They might not do an echocardiogram if that was just done yesterday in the cardiologist's office.

And then, lastly, in regard to electronic medical records, doctors are reimbursed under Medicare based on the amount of time that they spend with a patient. Now, if it's a surgical procedure or the delivery of a baby, these things are fairly easy to have a standardized reimbursement for that degree

of service. But when most of the visit is cognitive—it involves the time and thinking and physical exam on the part of the health care provider, then the code that you submit is what determines the reimbursement.

I will submit to you, Mr. Speaker, and to my colleagues, that most doctors are afraid that if they submit a code that is too high and then some inspector general—certainly, Medicare and Social Security has a right to do that if you're seeing Medicare patients, and look at your charts. And if you're over-coding, gaming the system, then not only would you have to give the money back and you may get kicked out of the Medicare program, but you could go to jail. You could go to jail. So doctors have a tendency to code lower rather than higher.

Well, with electronic medical records, it's all done for you. There's no question about how much time you spent with a patient, what you talked about, what you did, what tests you ordered. And then it's just sort of like a neon sign. It pops up there and says this is the evaluation and management code. I think, ultimately, the doctors would be reimbursed more fairly.

I didn't want to spend too much time on electronic medical records, but I will tell you, Mr. Speaker, it is important to talk about that and to understand why it's important and why we should, on both sides of the aisle, come together on this one. If we can't come together on anything else, we ought to come together on this one.

I see that I have been joined by one of my classmates. I always like to see him on the House floor. I see him everyday on the House floor, but to hear him speak on the House floor—and you will too, Mr. Speaker—as I present to you the gentleman from Utah, Representative ROB BISHOP. I don't even know what he is going to talk about. Well, when he talks, it's worth listening. And I yield to my friend from Utah.

Mr. BISHOP of Utah. Congressman GINGREY, I appreciate that introduction. You know there's no way I can possibly live up to that now. But I did want to come down here and talk not about health care specifically, but about some of the things we're doing differently and uniquely with energy.

I realize there is somewhat of a connection because what Dr. GINGREY was talking about is a vision of another approach to try and solve the energy crisis. What we are talking about as Republicans is trying to give options to individuals and choices to individuals. And when it comes to energy, it is the same kind of concept. We are talking about a vision for America and a road or option that can be taken. It's not just simply one.

So I appreciate very much the concept of health care. In fact, when I leave, I expect Dr. GINGREY will come

back again to that area and show once again how these are all the concepts that have to be in there.

But I did want to take just a moment, if I could, because today the Western Caucus as well as the Republican Study Committee did introduce a new bill that deals with energy. And it is, once again, with the same purpose or overall vision that Dr. GINGREY was talking about, because our goal is to say there are two competing visions of where America is ready to go. It's kind of like the Frost poem of two paths in the woods that are diverging. We have to choose which one we want to go.

The Democrats have already offered a proposal of cap-and-tax. And the Republicans are now coming up with a different proposal of trying to take the cap off our energy development so that we have the choice of which of these two paths Americans want to take.

If we go with what the Democrats are already proposing, there will be an increase in the energy costs of every individual. It can be as high as \$3,000, which is a legitimate number. But the problem is it is also disproportionate. There are some parts of the country that will have a bigger hit than others. And it is worse on the poor than any other segment.

If you're rich, this is an inconvenience. If you're poor, this is a decision on whether you can celebrate with Hamburger Helper that evening or not.

The Republican option, on the other hand, the Republican road, is to try and increase and grow our energy supply so we reduce the cost because there is more available. It also recognizes that energy has always been the vehicle for those in the lower classes and poverty to raise themselves up. Their ability to increase our gross domestic product and our wealth has been based on the concept of having affordable energy.

The Democratic approach, once again, will cut jobs. The greatest estimate, most conservative estimate, is at least 3 million jobs will be taken. The Republican one is not to increase jobs, it's not to increase taxes, but rather, instead, to create increased royalties we will get from increasing production, and put that into a trust fund to attack the deficit that this country has and take the cap off of our production so that we can actually succeed as a country.

The Democrats would have us go down the approach where there is no real reward for conservation; only mandates. The Republican option that will be before that is to reward people for their efforts at personal conservation, which is what we should be doing.

The Democrat road would take us down to the approach in which government starts telling people how to live their lives. We will harken back to the era of Jimmy Carter, where the government told you how fast to drive, how

warm your house could be, and when you could buy gasoline, unless you're like the one family we knew about who had two different license plates—one odd, one even—so he could buy gasoline whenever he wanted to fill up his car.

The Republican approach, though, is different. It is trying to reward innovations, giving prizes for ingenuity. What we realize in this country is there is within Americans the spark of creativity, the ingenuity, the ability to come up with new solutions. We don't need the government to pick winners and losers and tell us how we shall live. Open up the options for individuals and reward them for taking the risk to come up with those options, and we can create a better world.

There are ideas that are out there—new ideas in this particular bill which gives incentives for every kind of energy, from solar to new algae production, and some old ideas that have been around which have never been done. And they are going to be new ideas until we actually do it—and there is no better time to do it.

In fact, the Democrat approach is simply saying: We can't do it, so why try? The Republican option is saying: There is limitless opportunity in this country. We should do it, and we should simply do it now.

It's kind of like the tale of two cities: one city where the lights are off; the Republican city, where the lights can be turned on. Actually, a better one is if you remember the sequel to "Back to Future" where there were two options in which civilization could develop. The Republican one takes you down to where the McFly family is happy; the Democrat option takes us down to where Biff is still ruling the world.

□ 1800

We have a chance of making the choice between those particular options.

The bill is basically about all the energy that we can create. It says that there is, in this country, a better dream and a better vision of what the future can be. The Republicans want to take us down a better road for America's future, a better vision, by creating a bill that, once again, does three things:

It rewards Americans for efforts of conservation. We are talking about a lot of mandates, but not allowing Americans to voluntarily conserve and be rewarded for it. And for every gallon that we can conserve, it is a gallon that we don't have to try to import from a country that basically doesn't like us.

To increase significantly the amount of production we have so there is more energy, it is more affordable, it is more useable, it is more helpful, and, that it can be that type of thing that will allow those in the lower classes economically to rise above their situation right now.

And, third, reward Americans for innovation. Prizes for innovation have always been the way the world has made quantum leaps forward. When the British were trying to become the maritime power, they didn't know how to map the waters, so they offered a 20,000 pound reward for anyone who could solve the problem, and a London clock maker came up with the concept of latitude and longitude we still use today.

When Napoleon needed to have his troops fed, he offered a 14,000 franc award for the first person who could come up and solve his problem, and the result was the concept of vacuum packing that we still use today.

When Lindbergh flew across the Atlantic Ocean, he was responding to a prize offered by a newspaper.

The ability of Americans to solve our problems and come up with creativity and new ideas and new solutions far and beyond what we are thinking about today is something that has never been driven by Washington. It has been driven by giving Americans the opportunity to use their native abilities, expand the horizons, be creative, and then be rewarded for that kind of creativity.

We are talking about two potential roads: one road which leads to more control of government; one road that leads to greater innovation and acceptance, and the ability of Americans to dream new dreams and create new visions.

Dr. GINGREY was talking about that same concept in the field of health care, that what we need is to look at the two roads that we are taking, and perhaps even look at—I think the word in the vernacular in the medical community would be trying to come up with a second opinion of where we should be moving and where we should be going.

I do thank Dr. GINGREY for allowing me to intervene here, because, like I say, there is a new energy bill that has been produced. It is an energy bill that I think is positive. It is one I want Americans to deal with, because what we are trying to say is there is a better path, there is a better future for this country, and we want this out here as an option so people can understand it.

On the issue of health care, I think the good representative from Georgia will also admit there has got to be a better path and a better option that is out here, one that ennobles and empowers Americans. I think he has some great ideas on how you can steer this country down to that correct path.

Mr. GINGREY of Georgia. Reclaiming my time, and if the gentleman from Utah can stay with us and engage me in a colloquy as we continue the time talking about these issues, I really appreciate Representative BISHOP's expertise on energy and our second opinion, the Republican alternative, a second opinion.

Forgive me, my colleagues, if I utilize medical terminology, but it seems to work for me. And as we developed a caucus on our side of the aisle, as our health care provider membership grows—I think we have 11 medical doctors now on the Republican side and I think there are four or five on the Democratic side. We have psychologists, we have dentists, we have nurses. We have some medical expertise, Mr. Speaker, in this Chamber, and we want to utilize it. But this GOP Doctors Caucus is working very hard to develop a second opinion on health care reform.

ROB BISHOP and JOHN SHIMKUS, who leads the coalition on a second opinion for energy reform, market driven, these are Republican ideas. I get a little weary when people suggest that we are just standing in the way of progress and, what is our plan? Well, these are our plans.

Unfortunately, Mr. Speaker, as I said at the outset of the hour, we don't get many, if any, opportunities under the leadership, I am sad to say, of the first female Speaker of this great body serving in her second Congress in that capacity. It was supposed to be the most open opportunity to get away from these Republicans who all they wanted to do was shut the place down. We were going to open the doors and open the windows and bring in some sunshine and have transparency and give everybody an opportunity to represent their 675,000 constituents, whether they were Republican or Democrat, whether you were in the minority or the majority.

So what has happened? I don't know what happened. Mr. Speaker, I don't know what led the Speaker—you are the designated Speaker, but I don't know what led the Speaker to change her mind, but I, for one, am saddened by it. So we have to convince our colleagues and hopefully the American people that we do have opinions. We just don't get to express them. We are not the party of "no." We are not the party of "no" on health care reform. We are not the party of "no" on having a better comprehensive energy reform bill. These are second opinions.

I yield back to my colleague from Utah.

Mr. BISHOP of Utah. If I could ask to interrupt for just a second with my good friend from Georgia, because I do have to leave in a moment or two, but I think you were talking about something that is very significant. There have been over 950 bills introduced by Republicans so far this session; 59 of them have been allowed to be discussed on the floor, most of them suspensions.

It is not that we are wanting for ideas. It is we are wanting for a vehicle in which they can be debated and discussed and be presented to the American people.

I have one other analogy. I have grayer hair than you do. I am older. But when we were growing up, remember those old records you had to buy? If

I wanted a song, I had to buy the entire album or the entire 8-track. We won't even go how far back that has to be. My kids, though, have these little iPods, which I still don't know how to work. But if they want a song, they don't have to buy the entire album. They can download their song on their iPod. They get to pick and choose.

Every aspect of American life now, we have been given Americans' options. The business world gives Americans options. The American Government, the Federal Government is the only place where we are still talking about one-size-fits-all mandates on people. What we need to be doing is giving Americans choices and allowing Americans to choose for themselves how they wish to live their lives. And that is the message. That is the Republican option that happens to be out there. That is the vision that we are trying to present.

And I appreciate it, as I am going to have to leave the gentleman from Georgia, especially with his expertise in the field of health care, that he recognizes this is the same solution: not telling the Americans how to live, but giving them options and allowing Americans to choose their own future. They get to buy the song they want and put it on their personal iPod.

I appreciate him for allowing me to join him here this evening as part of this hour, and I appreciate Madam Speaker's consideration and toleration in us taking this time to try and give a new vision, another road, another option for Americans. I appreciate the gentleman's time, and I return back what is left to him.

Mr. GINGREY of Georgia. Madam Speaker, I appreciate very much the gentleman from Utah joining us this evening. If he is going to have the opportunity to get to his district in Utah, it is not easy every week. It is pretty easy for me to go home, Madam Speaker, to Atlanta, Georgia, Marietta and Cobb County. It takes about 1 hour, 45 minutes. But our Members west of the Mississippi, I really feel sorry for them in a way, because it is tough. I wish him Godspeed and a safe trip home.

But we are here to make sure that people do understand, and I think our Members do. I think Members on both sides of the aisle. And, look, I am not saying that we are above reproach on the Republican side. When we were in the leadership and controlled this body, maybe we were a little heavy-handed. Maybe we didn't keep everything open and transparent and make amendments in order from the minority.

But when you campaign and say, as we are doing now, please give us another chance and you will see that we have learned our lesson, that is what the current Democratic majority said when they were campaigning in 2006: Give us an opportunity. Let's throw

those bums out and we will show you, John Q. Public, what we can do in the people's House and how much better it will be for everybody.

So, yes, I am disappointed, Madam Speaker, that it hasn't turned out that way. But still, we do have an opportunity, as Representative BISHOP and I take this hour and talk about these two hugely important issues and let people know that we do have a second opinion. I started the hour talking about the physical health of the Nation. We talked about it last night on the swine flu discussion. And then Representative BISHOP came as I yielded time to him, Madam Speaker, and he talked about the fiscal, the economic health of the country. Our country cannot be healthy without both fiscal health and physical health.

So, yes, these are hugely important issues. Don't ignore the brainpower on this side of the aisle just for purely partisan reasons or, well, you did it to us and we are going to stick it to you. That is not what the American people need at the Federal or State level. I hope we can give them better, and I think most of my colleagues feel the same way.

I will stay on the energy side for a few minutes, Madam Speaker. This issue in the energy bill that is coming through the committee, which I am honored to serve on under Chairman WAXMAN and Ranking Member BARTON, Energy and Commerce, this energy bill that has this strong emphasis on a carbon tax, or cap-and-trade you might call it, Representative BISHOP talked about the fact that that ultimately will end up being a hidden tax, a hidden tax on mostly middle class Americans. Lower-income Americans will be, as he pointed out, hit hard. For rich people, it will be an inconvenience. For people with marginal incomes, it will be devastating. And it is up to \$3,000 a family. As these producers of electricity are penalized because they are producing too much carbon or releasing too much carbon dioxide into the atmosphere, then they will pass those costs right on to the consumer, to John Q. Public.

Madam Speaker, I was at a breakfast this morning, and I guess there were maybe 25 House Members in attendance. We were privileged to have a doctor, a Ph.D. doctor from Spain—his name, Gabriel Calzada—talk to us. He is an associate professor of applied economics at the King Juan Carlos University in Madrid, and he talked about how this cap-and-trade, cap-and-tax, following the Kyoto Protocol of 1991 to the fullest extent of the letter, that is what Spain has done. Their current President is determined for Spain to be the poster child for abiding by the Kyoto Protocol, and they do.

This professor, this Ph.D. doctor told us that it is an economic disaster in Spain, that they are losing jobs, that these companies that are trying to

produce electricity with alternative sources such as wind and solar and geothermal, they are losing money. Many of them are going out of business. And also, a lot of the factories in Spain that produce things, but they can only produce these things by using electricity to keep the lights on and to keep the turbines or the robotics running, the machines running, the workers working, they are packing up shop and going to other countries in this global economy.

Now, we have been hearing about all these green jobs that this is going to create. Well, he said in Spain they call those jobs subprime.

□ 1815

I will repeat it. They call them subprime jobs because they are not going to last very long. They are not lasting very long.

We have got a situation where Chairman WAXMAN and Chairman MARKEY want a bill where every part of this country has to abide by these renewable standards so that 25 percent of your electric power generation by the year 2025—think “25 by 25”—25 percent has to be produced by renewables, wind, solar, geothermal. But guess what? In my beloved area of the United States in the southeast, we don't have a constant source of wind. We don't even have a constant source of sun. We have very little geothermal. But do you know what we do have? We have lots of coal. We have lots of water. We have the ability to produce, to turn these turbines and produce electricity by just letting water fall. We pump it back uphill and let it fall again. If that is not renewable, I guess some of it evaporates, but it seems pretty renewable to me.

We are not able to count nuclear power. We haven't had a new nuclear reactor go online, Madam Speaker, since 1976. And it is clean. It is efficient. And it is safe. It is expensive. Yes, it is expensive. But when you have these nations, these “rogue” nations I will call them, or near rogue nations, even if they are not rogue nations, they don't like us very much, charging us \$140 a barrel for petroleum and strangling us with the cost of natural gas. You know, we need to become independent of that. But you can't do that if you are not going to be allowed to burn coal. And in the United States, I think we have something like 240,000 tons, enough coal to last us 150 years. I think these folks are misguided. I know they are smart people, but I think they are misguided. For them to shut all that down just because the Greenpeace folks and the environmentalists run amok, they just don't understand this global economy and how you lose jobs and you have countries like China and India with almost 3 billion people, almost half the world's population, they can do anything they

want to. And they are bringing on a coal-fired power plant once a week, a new one every week. And yet we are going to do what we are doing. It just doesn't make sense.

I have talked to the committee, to the powers that be, and explained the situation we have got in the southeast. And sometimes it makes you wonder, Madam Speaker, when you use the word "scheme," that can be just a plan, but that word also can be interpreted in a pejorative way, a real scheme, like somebody is scheming.

Lots of jobs came to my part of the United States almost 100 years ago. We had textile plants everywhere. Where was the corporate office of those plants? New York City. But they came south for one reason, because of inexpensive labor. And they could make their products, make a profit and pay well. And times were good. My dad was born in Graniteville, South Carolina, built by the Graniteville Company, a company from New York traded on the New York Stock Exchange. And that company built everything in town and employed every worker in town.

Well, those jobs came from the Northeast. Now, if we follow through and pass a bill that penalizes the southeast by raising utility prices, then these factories will say, well, we will just stay up north with all these expensive union workers, because if we go down South, we will get cheaper labor, but we will have to pay out the wazoo for electricity. It is the same thing with California.

So I would say to all my colleagues and everybody listening and men and women across this country, they are connecting the dots. They are figuring this thing out. There is, indeed, in my opinion, Madam Speaker, a scheme going on here. And it makes no sense. It makes no sense at any time, especially in a time of severe economic recession in which we almost are reduced to the point now of hoping and praying that we will come out of it. Bail out this one, bail out that one, stimulate this, stimulate that. But when we go back home, Mr. BISHOP to Utah, I to Georgia, and you start talking to people and they are about to lose their home, and the banks are about to close, small community banks, and they are saying, Congressman GINGREY, why couldn't you get me any of that TARP money? We made loans to builders because we were literally forced to by the Homeowners Reinvestment Act or what Fannie and Freddie forced us to do because of wanting more diversification in homeownership. We knew that you don't lend money to people that can't verify that they have got a job or what the income is and they have no down payment and their annual salary is \$50,000 and they want to get a loan on a \$600,000 house, and it should be no more than one to three. But, we were literally forced to make

these loans. And now we are about to go under. All these senior citizens who invested in the bank and the local community, they are about to lose their investment. Where is our help from the Federal Government? No. We forced the big banks to take money, and then won't even let them give the money back. Well, that is what I call "socialization," "socialism."

And I don't know how much time we have got, but I'm going to maybe utilize a few more minutes, Madam Speaker, and if you need to gavel me down, you go right ahead, and I will just shut up immediately. But I'm going to switch back a little bit to the health care part now.

As a physician, I don't want to see that socialized. I don't think men and women want the government in the examination room standing between the doctor and the patient.

And it sounds like the good Speaker is letting me know that the magic hour has expired. When you are having fun, time flies. Thank you for your indulgence, my colleagues, and we will continue to talk about the Republican second opinion on many issues.

CELEBRATING ALL OF THE MOTHERS IN OUR NATION

The SPEAKER pro tempore (Ms. TITUS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Allow me to thank the distinguished gentleman for his kindness.

Madam Speaker, I didn't want to leave and return to my district without acknowledging how humbled America is in honoring the Nation's mothers. I believe it was a great idea to set aside a day to honor our mothers and to honor our fathers. And so this weekend is a nationally declared day to celebrate motherhood.

I rise today to be able to celebrate the mothers all over this Nation who link arms with those around the world who are, in fact, special. For mothers are, in fact, the nurturers and caregivers that prepare our Nation's young for the challenges that life may hold. Their work may be inside or outside of the home or both, and their contributions to this society can never be fully appreciated or valued. Jane Sellman definitely hit the needle on the head when she said, "The phrase 'working mother' is redundant," for obviously a mom, a mommy, a mother works.

In this day and time, we find that mothers come in many shapes and sizes. Today our First Lady spoke eloquently about the challenges of being a working mother. But as we have come to understand, a mom works at home, she works in the workplace, she is a volunteer. She does many things that constitute work but are her daily duties.

Our mothers are our first teachers, and they should be celebrated every day. However, like many things, sometimes we take this whole idea of motherhood for granted. Yes, we sometimes have teenage mothers, or grandmothers as mothers nurturing children of their children. We have ailing mothers. We have mothers who have passed. And there will be many in our Nation who will be celebrating or commemorating Mother's Day without their beloved mom. They will be mourning the loss. Maybe they will be at grave sites. But what I will say to them is that they will have the wonderful memories.

I want the fact that this is Mother's Day to have us remember that being a mom is not easy. Motherhood is not for those who might want to give up. But many times, it is important that we encircle our moms, give them the strength to be able to carry on, be reminded that in addition to making dinner, they are reading bedtime stories. But maybe there are mothers who don't have the capabilities, don't have the time, are not able to get home before 12 midnight, work the night shift, work around the clock; we should be sympathetic to them.

I'm proud that this Congress has recognized the importance of mothers. One of the first bills that we signed was the equal pay bill. We also provided and signed the SCHIP bill that provided for 11 million more children to have health care. That helps the mothers of America. We also recognize that 47 million Americans are uninsured. Many of them are mothers with young children. Many of them are mothers with ailments who have catastrophic illnesses or chronic illnesses. We want to say to them "thank you" by providing those mothers with full comprehensive health care.

We know that mothers are caring and courageous women who make a difference in the lives they touch. As a Jewish proverb said, "God could not be everywhere, and therefore He made mothers." And so this Mother's Day is a celebration for grandmothers, mothers-in-law, stepmothers, foster mothers, godmothers, mothers who take in children, mothers of all ethnicities, all backgrounds, all economic levels. We are to celebrate them.

Today thousands of mothers in this country have become active and effective participants in public life and public service, promoting change and improving the quality of life for men, women and children throughout the Nation. I cannot find the words to thank all of these mothers who may be legislators, mayors, judges, doctors, lawyers and administrators. And yet I also thank those mothers who are waitresses, as I said, who are nurses aides, who drive buses, who are out on the construction sites, who are poets, who are authors. They are all part of our life.

I want to pay tribute to my own mother, Ivalita Jackson, strong, determined, elderly and frail now; but having raised us, I thank her for the integrity, the determination, the spirit and the love she gave. I'm grateful for my grandmothers, Vany Bennett and Olive Jackson, my Aunt Valrie Bennett and my Aunts Audrey and Vicky. I'm grateful for my Aunt Sarah. I'm grateful for the extended family members. I'm grateful for the future mothers, my daughter Erica Lee.

And so I am thankful today that we know that a mother is the truest friend we have when trials are heavy and sudden and fall upon us, when adversity takes the place of prosperity, when friends who rejoiced with us in our sunshine desert us, when trouble thickens around us, still will she cling to us and endeavor by her precepts and counsels to dissipate the clouds of darkness and cause peace to return to our hearts. A mother is the truest friend, and we know that through an American author, Washington Irving.

And today as I finish my remarks, I want to particularly say to those mothers who may be listening, to our colleagues who are likewise mothers, to the Asian Pacific mothers, as we celebrate Asian Pacific Month, wherever they might be, we want to give them a helping hand. And through a mother, I want to be able to say, I want no child to ever go to bed hungry. We want no child to ever not have an education. And we want you to have the fullest opportunity to raise children to be healthy and productive.

I close, Madam Speaker, by saying simply this, in the words of Jackie Kennedy Onassis, "If you bungle raising your children, I don't think whatever else you do well matters very much." We want our mothers not to bungle. God bless them and God bless America.

Madam Speaker, I stand before you today in order to recognize and celebrate all of the mothers in our Nation.

They are the nurturers, and caregivers that prepare our Nation's young for the challenges that life may hold. Their work may be inside or outside of the home, or both, and their contributions to this society can never be fully appreciated or valued. Jane Sellman definitely hit the needle on the head when she said, "The phrase 'working mother' is redundant".

Our mothers are our first teachers and they should be celebrated everyday. However, like many things we can take them for granted. This Mothers Day, take a moment to call your mother or to visit with her if you can.

Remember that being a mom is no easy feat. Motherhood is not for the faint of heart. Motherhood is not for women with weak stomachs or strict routines. A mother must be able to juggle three things at once and still manage to make dinner and read bedtime stories. No doctor can take away all the ailments of a sick child or even an adult for that matter, like a mother can. Mothers are caring and courageous women who make a difference in the

lives they touch. As the Jewish proverb says, "God could not be everywhere and therefore he made mothers."

Mother's Day is also a celebration for grandmothers, mother-in-laws, stepmothers, foster mothers, godmothers, mothers who take in children, mothers who adopt, those who act as mothers, for those women who have no relations by blood but who give the gift of mothering to children.

Mothers bring a unique and valuable perspective to all aspects of American life. Today, thousands of mothers in this country have become active and effective participants in public life and public service, promoting change and improving the quality of life for men, women and children throughout the Nation. They serve with distinction as legislators, mayors, judges, doctors, lawyers, and administrators, and their impact in these areas has proved to be monumental.

I could not find words descriptive enough to fully express the depth of admiration that I feel for women who fill this important role in our society. They are committed to their families and community not for public acclaim, but for love. As American author Washington Irving put it best, "A mother is the truest friend we have, when trials heavy and sudden, fall upon us; when adversity takes the place of prosperity; when friends who rejoice with us in our sunshine desert us; when trouble thickens around us, still will she cling to us, and endeavor by her kind precepts and counsels to dissipate the clouds of darkness, and cause us to return to our hearts."

My heart goes out to those mothers with children who are away at war, I cannot even imagine the fear that they must feel daily. I want to recognize the First Lady, Michelle Obama, who is striking a balance ALL between motherhood and her duties as the First Lady. I want to congratulate and praise all of the mothers in America for all of their hard work. Another former First Lady, Jacqueline Kennedy Onassis once said, "If you bungle raising your children, I don't think whatever else you do well matters very much."

I hope that we can all reflect on all the sacrifices our mothers made for us throughout the years. A mother's love is unending and her arms are always open. I wish all mothers a Happy Mothers Day this weekend.

HOUSE RESOLUTION 402

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today on behalf of myself and my good friend and colleague, the gentleman from New Jersey, Mr. CHRISTOPHER SMITH, as we have introduced a resolution condemning the transport of certain types of nuclear waste, commonly known as mixed oxide fuel, containing plutonium and uranium, through international waters. And we urge the countries that produce the waste to keep such nuclear waste within their borders.

□ 1830

Madam Speaker, last month two British-flagged vessels left France with 1.8 tons of plutonium bound for Japan. They are scheduled to arrive in port at some point this month. From what has been made public, the shipment is to travel via the Cape of Good Hope, across the southern Indian Ocean, then through the Tasman Sea between Australia and New Zealand, and then through the southwest Pacific Ocean, and finally to Japan.

The plutonium itself is contained within what is commonly known as MOX fuel, a toxic mixture of plutonium and uranium oxide. The MOX will be used by Japanese electric utilities to power their nuclear energy plants.

Madam Speaker, mixed oxide fuel containing plutonium and uranium is legal. The release of even a small amount of it during transport over thousands of miles of open sea, whether as a result of accidents or malicious intent, would cause serious health and environmental harm to surrounding areas. That has always been made clear.

But MOX poses a far more ominous threat. With the right technology, it can be reprocessed into weapons-grade material. And according to reputable estimates, enough plutonium is contained in the MOX currently headed towards Japan to produce more than 200 nuclear bombs. Every Member of this Chamber, Madam Speaker, knows that al Qaeda and its networks would like nothing better than to get their hands on enough fissile material to build a nuclear explosive device or a radiological bomb, however crude, and to detonate it where it can do the most harm. We and our allies around the world have committed our best intelligence, military and civilian officials, to work around the clock to eliminate the possibility of that ever happening.

And yet by permitting the transport of MOX over open seas, obviously we are providing terrorists one more avenue of attack for getting access to the nuclear materials they have so long coveted.

Indeed, the OECD Nuclear Energy Agency said that the risk of hijacking a ship carrying nuclear materials, while small, could not be ruled out.

Madam Speaker, piracy has become an obvious problem around the globe. So far this year just in the waters of Somalia alone, pirates have attacked 61 ships. More than a dozen of those vessels remain in the pirates' hands to this very day. One of them, a Ukrainian cargo ship, actually contained military equipment—33 battle tanks.

Madam Speaker, I have no doubt that everyone here remembers the recent hijacking of the Maersk Alabama off the Somali coast, and the heroic actions of Captain Richard Phillips and his crew of 21 members. The ship was captured by four Somali pirates on

April 8 last month. The captain surrendered himself to ensure the safety of his crew, only to end up in a lifeboat with the pirates for 4 days while the FBI attempted to negotiate his release.

Thankfully, Captain Richard Philips was rescued on April 12, but our Navy SEALs, justifiably, had to kill three of the hostage-takers. In the aftermath of that event, Somali pirates have issued threats to specifically target American interests in this region.

We know that it doesn't cost much to hire a band of Somali pirates and that they are not fussy about their clientele. While the ships in question may not sail over Somali waters, they will likely pass through the Straits of Malacca, the vital link between the Indian and Pacific Oceans.

But make no mistake, those straits are plied by their own bands of pirates. Indeed, according to the International Maritime Bureau, these and nearby waters have been ranked the world's most dangerous sea routes. In the year 2004, 40 percent of all pirate attacks in the world took place in the Straits of Malacca and nearby Indonesian waters.

Of course, terrorists need not hire pirates to do their dirty work. In the year 2002, al Qaeda operatives rammed a boat rigged with explosives into a French oil tanker off the coast of Yemen.

The two particular vessels transporting the MOX from France to Japan, the Pacific Pintail and the Pacific Heron, are not without protection. They are armed with five 30 millimeter Naval cannons. In addition, a group of armed police officers from the United Kingdom Office of Civil Nuclear Security is on board.

However, a study done by the U.S. Department of Energy concludes that due to the risk of attack on nuclear shipments, there is a need to provide "continuous backup support for the vessel by military security assets."

In 1992, a shipment of 1.7 tons of MOX nuclear material from France to Japan was escorted by a Japanese Coast Guard vessel. This time, the public does not know what sort of a dedicated Naval vessel or vessels are escorting the ships.

The Pentagon concluded in its own assessment of sea shipments of plutonium that "even if the most careful precautions are observed, no one could guarantee the safety of the cargo from a security incident, such as an attack on the vessel by small, fast craft, especially armed with modern anti-ship missiles."

Madam Speaker, thus the transport of this nuclear waste poses not only the environmental hazard we have long been concerned about, but also a non-trivial terrorist or even nuclear danger as well.

I ask my colleagues, is the practice of transporting these lethal nuclear waste materials across international

waters worth the risk? I say absolutely not.

It's time for the countries of the world that produce nuclear waste to keep it within their own borders. That will be a first step.

Madam Speaker, make no mistake, transport of nuclear materials even within a country's borders poses serious risks. Nuclear fuel is dangerous stuff. According to the Nuclear Information and Resource Service, "A person standing 3 feet from unshielded irradiated fuel would receive a lethal radiation dose in 10 seconds." Moreover, the shipping containers in which radioactive waste are transported over land typically are designed to withstand, at most, a 30-mile per hour crash into an immovable object.

I am certain that every Member of this Chamber studiously obeys the speed limits, but I am not aware of too many highways with a speed limit of 30 miles an hour. What I find particularly disconcerting is that the Nuclear Regulatory Commission has not tested these shipping casks. Instead, the commission depends on the reliability of computer simulations.

A Nuclear Information and Resource Service fact sheet also states, "The more severe an accident, the more likely that radioactive material would be released into the environment." A low-speed accident could unseat a valve or damage a seal, releasing radioactive particulates into the environment. The same event could crack the brittle metal tubing around the fuel."

In response to a 2001 Baltimore rail accident involving dangerous chemicals, Senate Majority Leader HARRY REID of Nevada said, "Everyone needs to recognize that transporting dangerous materials is very difficult. The leaking hydrochloric acid in Baltimore is nothing compared to the high-level radioactive waste proposed for the Yucca Mountain site 100 miles northwest of Las Vegas. A speck the size of a pinpoint would kill a person. What we should do with nuclear waste is leave it where it is."

Madam Speaker, even just within our own domestic borders, we have become a deeply divided nation concerning the storage of nuclear waste materials within our own country. Years ago in its so-called infinite wisdom, Congress decided to build a multibillion-dollar storage facility at Yucca Mountain in the State of Nevada. Were the people or the residents of Nevada ever given an opportunity to have a say in the process, despite strong objections from its congressional delegation and State government officials?

If I were a resident of Nevada, I would certainly object to the whole idea of other States shipping their nuclear waste and materials into my backyard. The question that comes to mind, Madam Speaker, what town, what city, what rural farm areas are

going to be used or designated for shipments by truck, by train, by car, by airplanes? What guarantees are there that these shipments are not going to be subjected to terrorist attacks or even by accident?

Remember the oil spill of Valdez in Alaska, Madam Speaker? Everybody said it was absolutely safe to conduct such shipments of oil. Well, it happened, and the same thing can also be said if nuclear waste materials were shipped from other States to Yucca Mountain in the State of Nevada.

Madam Speaker, I could not agree more with our majority leader, Senator HARRY REID, expressing his concerns. I urge my colleagues to join me and Congressman SMITH in calling for an end to this even more dangerous and in my opinion needless practice of shipping MOX nuclear waste materials over the open oceans. I ask my colleagues to support House Resolution 402.

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate being recognized and joining my colleagues here on the floor of the House of Representatives and for an opportunity to address you and an opportunity to convey some thoughts that are going on in my mind that I think it is important for you and the American people to hear.

One of the pieces of subject matter that has been very little debated in this Congress, at least in this new 111th Congress, and was not debated in any kind of depth whatsoever in the Presidential race after the nominations came from both the Democrat and Republican Party is the issue of immigration.

As we move along here complacently, I am aware there are pieces being moved behind the scenes to arrange a situation so this Congress could potentially be taking up, I call it a comprehensive amnesty bill. And if anyone doubts where I stand, I am opposed to amnesty in all of its forms. I lived through the amnesty bill in 1986. I revered Ronald Reagan, and I still do. There were very few times I disagreed with him. But the day he signed the amnesty bill in 1986 was a day I disagreed.

At that time I was operating a business that I had founded over a decade earlier. I was compelled to comply with the Federal directive that came from the 1986 amnesty bill. It was the INS at the time, the Immigration and Naturalization Service, and the requirement was this. There were about a million people in the United States illegally that would be granted amnesty, and President Reagan was straight up honest with us. He called it amnesty, and

it was. It was amnesty for about a million people. And the trade-off was this: the conclusion that the Congress had come to and President Reagan had come to was we really couldn't enforce the law effectively enough to clean up the problem of the people that were illegally in the United States, and so because we couldn't clean that mess up by enforcing the law, we would just solve the problem by legalizing those million people that were here illegally, grant them a permanent status here in the United States, grandfather them in, so to speak. But from that point forward, Madam Speaker, from the point forward from when Ronald Reagan signed the amnesty bill of 1986, there was to be a major commitment on the part of the Federal Government to enforce our immigration laws under the idea that in order to pass amnesty out of this Congress, there needed to be a commitment to, from that point forward, enforcing the rule of law.

The argument that came was this. It was that we can't make it work because we have a million people here, but from here on we're going to enforce the law, and we're going to enforce the law aggressively. So the amnesty of 1986 was to be the amnesty to end all amnesties.

President Reagan signed the bill with that in mind, that there would be enforcement. And his administration was responsible for the duration of his term in office, a couple of years, to do the enforcement. And I, sitting there as an employer in 1986, am thinking a promise to enforce the law does not equate into enforcing the law.

□ 1845

But I think INS will come in, and they will enforce it against me as an employer.

And so I complied with the law because, first, I believe in the rule of law. I think it is an obligation to adhere to the rule of law. If you don't like the law, it isn't something that Americans should be doing by ignoring it; we should comply with it. But if we don't like it, we should set about trying to change it. That is the process. That is the system, Madam Speaker.

And I did comply with it. In fact, I agreed with the component of it of the enforcement side. And so when we had job applicants come in my office, from that point on after the 1986 amnesty bill was signed, I took a copy of their drivers license, I took their other data. I brought out the I-9 file and had them fill out an I-9 form. And we took the copies of their identification material and we attached it to the I-9 form and put that in a file. And to this day—I'm not sure that I can, but I think I can go back and find some of those original records, however dusty they might be. I kept those records. I kept it right because I believed in the rule of law. I believed in the Federal law. I believed the

government, when the Federal Government told Americans—and that means those who are here legally and illegally and those who might come here—that they were going to enforce immigration law to the letter, I believed them. And I adhered to that immigration law to the letter.

But since that time, the immigration enforcement was, I will say, as high then, from a concentrated basis, as it has been since. And since 1986, the enforcement of American immigration law has diminished incrementally over that period of time. I think it was more effective under Ronald Reagan than it was under the first George Bush. I think it was more effective under the first George Bush than it was under Bill Clinton. And I think it was more effective under Bill Clinton than it was under George W. Bush as President, Madam Speaker. And I think George W. Bush's enforcement at this point has been more effective than it has been under this current administration of President Obama, under the direction of the Secretary of the Department of Homeland Security, Janet Napolitano.

I think if you would graph on a chart the worksite raids, the actual interdiction of people that are unlawfully in the United States, the deportations, the prosecutions, the data that's there on a proportional basis, I think you would find what I have described. Immigration enforcement has declined over the last 20-something years, perhaps 23 years. And I don't know that it has reached a bottom at this point. I hope it has; I hope it turns around and goes the other way.

But we have learned a lesson from the 1986 Amnesty Act, the amnesty to end all amnesties. It would be the last time we would ever do this. And now, from that point forward, we were going to enforce immigration law so that we controlled who comes into the United States and who stays out of the United States. Madam Speaker, you can't be a Nation without borders. You can't call them borders if you don't enforce borders. You can't have borders that you can claim are enforced unless you decide who comes in and who stays out, unless you decide what products and materials come in and which products stay out.

But we are, today, a Nation that has had such a flood of illegal immigration. And we have actually had at least six more amnesties since then, and smaller ones, than the large 1986 Amnesty Act. And they were generally designed to provide amnesty to the people that we missed or forgot in 1986. And by the way, the 1 million people in 1986 actually turned out to be over 3 million people from the Amnesty Act of '86 because, one is, we have always underestimated the numbers of illegals that we have in the United States. And the other is that, even though there was a

direct line cutoff date—if you were in the United States before a particular date you would qualify, if you arrived here illegally after that date, you did not—well, there was a massive amount of fraud. There was an entire industry that was developed that came about in order to defraud the '86 Amnesty Act. So our 1 million—which maybe was too low a number estimate in the first place—grew to 3 million because it was underestimated, and it certainly didn't consider how much fraud there would be.

Well, today, we have a large body of people in the United States, Madam Speaker, that are looking simply at this Nation from the standpoint of what affects their bottom line, what affects their life, what affects the safety and security of them and their own households, how does it affect their investments, their profitability, and their futures. And we have a large group of people here in this Congress that are doing a political calculation on what kind of political power does it give them if we would just grant amnesty to the 12 or 20 or more million that are here in the United States today—some of those that promised they would come to the streets to demonstrate last Sunday, and not very many of them showed up, and those that promise they will go to the streets next Sunday, and we will see how many of them will show up.

But once you grant amnesty and you say you will never do it again, Madam Speaker, you lose your virtue. When you lose your virtue, you can't get it back. You can't say in 1986, well, I don't know how to solve this problem of 1 million illegal people in the United States, so I am just going to legalize them and that solves the problem, I no longer have any illegals in America. But I am never doing it again. And I guess I'm thinking of some images of how virtue gets compromised and never reclaimed. It's like someone goes into a store and shoplifts a candy bar and they get caught. Do they say, well, I'll never do it again? What do you think the odds are that they will do it again? Once they've lost their virtue, if they tell a lie, how likely is it that someone who has told lies habitually all of a sudden will decide, no, I am going to be virtuous now? People do have epiphanies, but classes of people, nationalities and cultures don't have epiphanies. They react to real external stimuli. They react to enforcement at the border. They react to enforcement at a worksite. They react to a culture and a civilization that either adheres to the rule of law or it doesn't.

One of the great strengths of America has always been that we had great respect for the rule of law and that everyone was subject to equal justice under the law and that we enforce the law without regard to whether you were a prince or a pauper. In fact, we

rejected princes and royalty here in this country. We want everyone to have an equal opportunity, but we have to decide who comes in and who doesn't come in.

We have the most generous immigration policy anywhere in the world. There is no country out there that can match their immigration policy up to the United States and argue that their borders are more open, that they are more accommodating. No one takes in more refugees. No one provides more asylum. No one allows in more raw numbers of legal immigrants and no one does so in a greater percentage of their population than we do here in the United States of America. That is just the legal side. No one is better than we are. The rest of the world criticizes us, but none of them can match up to the United States for being generous in providing legal access to this great Nation of liberty, the United States of America.

And while that is going on, legal immigration in the United States, it runs about 1.1 to 1.3 million a year—a huge number, 1.1 to 1.3 million a year legal immigration. And the argument that I hear is, well, the lines are too long. There are people that have been in line for 10 or 12 years wanting to come into the United States legally, and we have to do something to shorten these lines. Well, there are some solutions to that, I presume, Madam Speaker. If your idea was only to shorten the line so people didn't have to wait to come into the United States, you could just open up the door wider and in would come the people that are in the line. If you do that, more people will get in the line.

But let's just think of a line of, let's say, 1.2 million people lined up to come into the United States, all through, say, this door, Madam Speaker. And we process their paperwork, we do background checks on them, we evaluate whether they're the kind of people we want to come here or not—by formula, not so much by analysis—and they get to bring in people on the family reunification plan. And one person might bring in more than 250 in the family reunification plan, and that formula goes on and on and on ad infinitum.

But let's just imagine that there are 1.2 million people lined up outside this door, and once a year we open the door and let them all in and then we close the door when we get to 1.2 million. That is a lot of people to bring into the United States of America. And it is a huge endeavor to seek to assimilate and adapt our economy to that many people coming into this country. By the way, our birth rate is a little bit to the plus side. So every time we lose somebody, there is more than one baby born. And that's a good thing; I want to see our population grow on a natural basis.

So 1.2 million people coming into the United States legally, but there is an-

other lineup out there that, every year we open the door, in come 1.2 million, but a few more people get into the line that's outside. And so there are, not in real numbers, but practically speaking, roughly a decade-supply of people out there lined up wanting to come into the United States legally.

While this is going on, we have approximately 11,000 illegal border-crossers sneaking into the United States on average on a given night, 11,000—roughly 4 million a year coming into the United States. That's 4 million, 11,000 a night, twice the size of Santa Anna's Army that invaded Texas, twice the size, every single night, coming into the United States. Some go back on their own; some stay. And so the raw net numbers is something that we have a little trouble agreeing on what that might be. But 4 million illegal border-crossers coming into the United States, 1.2 million legal entrants into the United States. That is the ratio that we are working with.

If we can shut off the bleeding at the border, shut off the bleeding into the United States that is coming in through all of the ports of entry that we have in the United States and seal that down, we have already created slots for other folks to assimilate into this society and assimilate into this culture. Four million people a year illegally coming into the United States, 1.2 million coming in legally, and the argument is, well, let's go ahead and legalize all of these people. So maybe there are 12—the other side will allow 12 million as an estimate, but they've been using 12 million illegals in America every year since I have been in this Congress and this is the seventh. Now, you do not have to be, I will call it a "rocket surgeon" to figure this out—and that's not a mistake—you don't have to be a rocket surgeon to figure out that if you have 4 million people coming into the United States illegally every year and you do that for 7 years in a row, the math on that turns out to be about 28 million—some go back home, some die, yes. But for 12 million illegals to have been here in 2002 and only 12 million illegals to be here in 2009 and having 4 million of them coming in every single year defies anybody's logic to think that that 12 million is a static number. It has to have grown. Or if for some reason that I don't understand it's not growing, I would like to have somebody explain to me how we got to the 12 million in the first place. When did they come, at what ratio?

The reality is we know, Madam Speaker, the number is more than 12 million. It is very likely more than 20 million. It could be 30 million. But I am hearing people—on the other side of the aisle, in particular—argue, well, we can solve this illegal immigration problem, we will just grant them—don't call it amnesty, we'll redefine it, we'll call it something else.

That, Madam Speaker, was an intense debate that I had with Karl Rove. I advised him, you will not be able to redefine the term amnesty. It is amnesty if you reduce the penalty. It's amnesty if you don't apply the penalty that applies at the time they committed the crime. But his argument was, well, what if we require them to pay a fine and learn English? If they paid a \$1,000 fine—I think we're up to a \$1,500 fine—and if they learned English or if they took English classes—that we pay for with taxpayer dollars—wouldn't you then say it's not amnesty? Because, after all, some of them would actually even pay some of their back taxes by the legislation that they offered. They would be able to choose 3 out of the last 5 years that they pay their back taxes. What American citizen wouldn't want to have that opportunity to look back over the last 5 years and skip the best 2 years you had and decide not to pay your taxes in those 2 years and put the cash in the bank? Stick it into this giant ATM that they view America as and just select the 3 worst years out of the last 5 and pay the tax on that, have somebody pay for your classes to learn English. And then the tax savings that you get you could pay a \$1,500 fine in order to get amnesty. So you wouldn't call it amnesty because there was a penalty involved.

Madam Speaker, this is a breathtaking concept for me. I can't get there. I can't get my logical mind around the idea either that we could solve this illegal problem and the crime and the drug smuggling that is associated with it if we would just legalize people. And they keep making this argument. And I have yet to find anybody that can sustain the argument past the opening statement of, well, we can solve this problem; at least if we legalize them, we will know who's coming and who's going, we'll know who's here. They can't get to the second phase of that analysis; how would you know who's here? How would you know they told you the truth in the first place when you granted them amnesty? If you said, all of you come through this turnstile and we will take your identification and give us your birth certificate from Mexico or El Salvador, or wherever it might be, Guatemala perhaps, and we will give you an identity here in the United States of America, how will we know that that's their real identity? Many don't have birth certificates in their home country, they don't maybe know where they were born, they can't prove it if they do know. And so we would grant an identification to 12 or 20 or 30 million people, give them a path to citizenship, and all they would need to do is attest that they were someone. Now, why would we imagine they would attest that they were only one of someone? Wouldn't they also walk through that

turnstile two or three times to get multiple identities?

Many of them are doing it now. Many of them are taking on the identity of some American. The identity theft side of this thing—and by the way, when somebody steals your identity, you are never done. You never can come back to be the person you were again because you never know, when out there in society, your Social Security, your driver's license, those IDs that are breeder documents that are paths to the equivalency of citizenship aren't being used. You might catch the person that stole your identity, but you never know how many people picked up your identity and transferred it along the way; how many people might be working underneath your Social Security number.

□ 1900

But if we would grant this amnesty, and I have actually forgotten the term that they use because "amnesty" is the most descriptive term. If we would grant this, we would see 12, 20, maybe 30 million people line up and ask for their path to citizenship. Now, we don't know who they are but we've given them identification. We can't do a background check on them because we can't verify who they are in the first place. So now we have into our system, let's say, 20 million, 20 million people into our system who have been granted some kind of a legal status, and this legal status isn't indexed into anything they did in the past because, after all, nobody is going to come forward and say, "Oh, yeah, I was a felon in Guadalajara." The criminals will not come forward and identify themselves. So we will have purified the ID of people that would come here and accessed the identification through this amnesty program. We'd given them legitimate identification that allows them to travel anywhere they want to anytime they want to. And the crooks are not going to line up and tell us that they are crooks. So the idea that we could keep track of them is a false and specious dream because the people we want to keep track of are not going to step up and volunteer to be tracked.

So what we have today are 4 million illegal border crossings a year pouring across the southern border, an accumulation of 20 to 30 million illegals in America. And in that huge human haystack are the needles that are the criminals, the drug dealers, the murderers that are hidden within that huge human haystack of humanity. And the idea on the part of this administration and the previous administration and, by the way, the idea on the part of the Republican nominee for President as well, was we're going to grant them amnesty and then when we legitimize all of this huge human haystack, then we will be able to sort the needles out of the haystack.

That, Madam Speaker, is an impossibility. Conceptually, it's an impossibility to take the idea that you're going to let people have a path to citizenship and you're going to give them documents that allow them to legally travel back and forth between the United States and any other country. The US-VISIT program is only half operational. We keep track of who comes into America, but we don't keep track of who goes out of America.

I tested this one evening down on a border crossing on the Mexican border and just simply was there observing what was going on. And I can recall people coming through there that our Border Patrol knew, our Customs and border protection people knew. So they would say, yes, and they'd take their card, swipe it through the US-VISIT computer, and it would register the identity that was on the card. That identity matched the face of the driver. The driver took off. I stood there a while longer, and maybe an hour or an hour and a half later, the same car came back, the same individual in it, drove right on south out back into Mexico. And so I said, "You swiped her card coming in, checked her ID, showed me how that worked. You didn't swipe her card going out?"

"No, we don't keep track of that."

In a few places I understand we do pilot programs, but we don't keep track of that. So we don't have a system. We can't get a system up to deal with the people that have proper documentation today to keep the computer database of who came into the United States, who left out of the United States, and then the balance in the middle, those that came in minus those that left will be the list of names of people that are here. We can't even get that done. So instead we would legitimize 20 or 30 million people, give them that path to citizenship, tell ourselves that somehow out of this haystack of humanity we'll be able to ferret out the criminals and the drug dealers and the violent people that are there. All the while in this stream of humanity comes 90 percent of the illegal drugs in America, Madam Speaker, 90 percent coming into the United States across our southern border and all the human carnage that goes with that, the damage to our families, the damage to our productivity, the loss in lives, the children that are abused, the wives and sometimes less often the husbands that are violently assaulted by their spouse, their boyfriend, their significant other, whatever arrangement it might be, the children that are abused that come because of methamphetamines and because of marijuana and because of heroin and because of crack cocaine and because of cocaine itself. Those drugs, the marijuana, which often is a gateway drug to the drugs that incite a higher level of violence, this damage to America's society is high. It's high in

terms of dollars and lost productivity. It's high in terms of human suffering. It's high in terms of human life.

And, Madam Speaker, I will be continuing to press our Drug Enforcement Agency and all of the relevant agencies to give me the numbers on what the cost is to this economy, what is the street value of the illegal drugs in the United States of America. They can give me a number that tells me about how much is profit that goes south, but they don't seem to want to be able to give me a number on how much is spent on illegal drugs in the United States of America.

I can tell you about how much money is wired out of the United States into the rest of this hemisphere, almost all of it south, and it works out to be this: \$60 billion a year ago, \$60 billion wired from the United States into points south. Half of it into Mexico, \$30 billion into Mexico, \$50 billion into Mexico over the last 2 years. That's billion with a "b," not trillion with a "t." Billion with a "b." But \$30 billion, and another \$30 billion that went into the Caribbean and into South America. So \$60 billion out of this economy. A lot of it came from wages that were earned, some by legal immigrants that are here, and they have a perfect right to wire their earned money wherever they want to wire their earned money, and I will defend that. But it's a drain out of this economy. And coupled with that are the billions of dollars that are wired out of the United States in wages that are earned illegally, and coupled with that are the billions of dollars that are laundered and wired out of the United States of America that are being paid for by illegal drugs that are the street value of illegal drugs in the United States of America. That's the number I don't have. That's the number I'm going to press until I get, Madam Speaker, because we can then start to make some decisions on the broader parameters of having a knowledge base of the big picture.

So the big picture, with blanks in it, is our economy loses \$60 billion a year that's wired south, much of it from wages, and I think a significant portion legitimate, legal wages, people's choices, \$60 billion going that way. There's a profit margin of around \$25 billion on illegal drugs in the United States of America. About 90 percent of those illegal drugs come across the border with Mexico. Many of those drugs originate in countries south of Mexico and travel through Mexico. The magnet for those illegal drugs is the market here. The market here is allowed and created because we have drug abusers in America, and lots of them, and they spend a lot of money in a year. The Drug Enforcement people tell me they don't know that answer. I say they've got the data and they can figure it out. If they can't, I will.

But in any case, the loss to this economy is huge. And when the Mexican

Members of Congress sit down in my office and they begin to talk to me about the violence in Mexico that's brought about by the drug trade, I have to concede to them the point that it is the demand for illegal drugs in the United States that brings about the violence because of the profit that's associated with smuggling drugs into the United States.

Now, we also know that the methamphetamine production in the United States has been reduced to a minimum because we have passed some legislation that could have been better, and some of the States have made it better, that shuts down the pseudoephedrine that are the feedstock to make methamphetamines. So, in Iowa, we have a good law that has taken a lot of that out of the local drug labs. It's not perfect yet. We make them jump through a lot of hoops. They still make some meth in Iowa, not as much as they used to. Now maybe that number is 95 percent of the methamphetamine in Iowa comes from Mexico, a higher number than 90 because we make it harder for them to make it in Iowa. They have made it harder to make it in some of the other States, including Oregon and, I believe, Oklahoma and other States.

But another piece of information that I gather is that Mexico, and they advised me down there that they have done this, that it's a matter of public policy, and I applaud them for it, and that is for the beginning of the year 2008, they outlawed the importation of pseudoephedrine in Mexico so that there would not be a feedstock coming into Mexico for them to manufacture methamphetamines with. They allowed people that had it in their possession to use it or market it, get rid of it by the end of 2008. And by the beginning of 2009, it's now illegal to possess pseudoephedrine in Mexico because it is a feedstock that they use to produce methamphetamines. That's a couple of big pieces of legislation and a strong commitment on the part of the Mexicans to reduce the production of methamphetamines in Mexico, much of which comes into the United States.

Now, the gap becomes orders that are ginned up in size, overblown in their volume. They come into the United States through various means, and I won't speak to those means. Then the pseudoephedrine that are illegal in Mexico that can't be imported into Mexico any longer get smuggled into Mexico from the United States, converted into methamphetamines there, and brought back into the United States to be distributed in my neighborhood, across all neighborhoods in America. These things are going on at a huge price in American lives, blood, and treasure altogether. And the price that we pay here in this country is high, but the price that they have paid in Mexico, at least as published in the

news, is perhaps higher yet. And we do not have a full approach to what we need to do about illegal drugs in America.

We talk about comprehensive immigration reform. Madam Speaker, what about comprehensive illegal drug reform? When we look at this thing from a broader basis, first of all, I will suggest that as long as we have people coming across our border legally and illegally to the tune of 4 million illegals a year, and I don't know the legal crossing numbers, but 4 million illegal crossings a year, and of that number roughly 11,000 a night, drugs being smuggled in in that stream, and the stream itself, whether they are involved in other illegal activity other than the crime of coming into the United States, they become a shield, a habitat, a way of protecting the stream of illegal drug smugglers that are operating all over the United States. And when I ask the Drug Enforcement people what would happen if magically tomorrow morning everyone woke up in their own country, a place where they were legal, what if we had no illegals in America magically tomorrow morning, what would happen to the illegal drug distribution system in the United States? And their answer has consistently been that will suspend immediately illegal drug distribution in America because it's at least one link, and every distribution chain is a link that's forged by an illegal in the United States. Sometimes every link is an illegal link, but they're forging these links. At least one link in every illegal drug distribution chain is an illegal immigrant that's here transferring drugs.

And I won't argue this, so I will say this first hypothetically: If we had full enforcement of our immigration laws overnight, we would shut off illegal drug distribution overnight, Madam Speaker. Now, that's not to say that those distribution chains wouldn't be reconstructed, that there wouldn't be illegal drug distribution manufacturing entrepreneurs that would fill that demand, because the demand does exist. It exists here in the United States, but the profit is going to Mexico.

So we have about two choices on this, or I will say there are three choices: We can ramp up the interdiction to the point where it raises the transaction costs so high that bringing it into the United States would get so costly that it would cease. That's one thing that we can do.

And another thing that we could do would be to turn up the drug testing in the United States, thinking of it in these terms: If every employer had a drug-free workplace, if every employer enforced a drug-free workplace policy, if the employers actually initiated drug testing within their workforce in four different categories, if they had

preemployment testing—so let's just say at the H.R. department if one sits down for a job interview and the employer interviews them and they come to this conclusion that they'd like to hire them and they say, all right, I want you to come to work for me on Monday morning, but conditional to this I am going to have to run your numbers and your data through E-Verify to make sure that you're legal.

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And the second thing that you will have to do is to comply with the drug test. So I will set you up. We have got this little clinic here that works with us, and we will run over there, you can do the test. You pass the test, you pass the E-Verify, you can come in Monday morning and punch the time clock. Congratulations.

That would be a good process. Some companies do this. In fact many companies in Iowa do this, with the exception of the E-Verify component, they have to actually hire them before they can use E-Verify. And that needs to change, Madam Speaker, but the preemployment drug test is an important tool, and employers can with that screen their employees so they are hiring drug-free employees at least at the moment that they hire them.

Three other categories of drug testing need to fall into this. Post-accident testing, if you have an employee, and he is involved in an accident of any kind, whether it's his fault or not. If there is a personal injury, if there is a property damage, then an employer needs to have a policy, a workplace drug-testing policy, that will test that employee on the basis that if there is an accident, there is a sign there that's an indicator.

So you would have preemployment testing, you would have post-accident testing, you would have to have reasonable suspicion testing, and that is when you have trained supervisory personnel that are qualified, that can watch the behavior patterns of the employees. And under that legitimate evaluation, send those employees off for a drug test that are showing the signs of drug abuse. That's the third way.

And the fourth way, and I think it's most effective, is random drug testing, where it's the same system we have for our certified, our certified driver's licenses, our CDLs, of which I carry one. And if you are going to drive an over the road truck today you have to have an up-to-date physical, and you have to have a logbook, and you also have to be in the random drug testing pool so that when they pull your number, when the random generator number kicks your number out, you go in and you give a sample, and you get tested.

So you have four ways of workplace drug testing, they have preemployment, post accident, reasonable suspicion and random drug testing; those

four components are the tools that all employers should have and do need to guarantee a drug-free workplace. Now think of a world that instead of \$25 billion in profit going to drug lords south of the border, wherever they might be south of the border, if all of this human carnage of the death and the violence that comes from the drug abuse itself, of the crime and the death and the violence that comes with the struggle, fighting over whose drug turf, whose profit, whose illegal border crossing is going to be controlled, instead of that, all that could go away.

All of that could go away if we re-stigmatize drug abuse in America, if we increase the testing in these categories that I have said, preemployment, post accident, reasonable suspicion, random drug testing, if we did all four of those, and if private sector employers chose to do so, to clean up their worksite and to lower their insurance premiums, and to improve the work area so that they hired a better class of employees. If that happened, if government tested in a random fashion so that we were subject, that would be a deterrent for many people who might otherwise be experimenting with drugs. So if we test employment, all employment, and I am not talking about a Federal mandate, I am talking about setting a scenario up where we provide the right incentives so this can actually happen, so workplace drug testing, welfare drug testing—why would we be granting people the benefit of someone else's labor through handing tax dollars out to welfare benefits, to people who are enabled to take the day off and do drugs all day because they are not working? And so we give them rent subsidy, heat subsidy, food stamps, the whole list of title 19. The list goes on, allows them to abuse drugs all day, and they don't have to work.

Why wouldn't we say, as a condition to our help that is to be a safety net for those that are in need, and, hopefully, a transition into the workforce is where we want them, we are going to require that you submit yourself to a random drug test. There would be a lot of people that would no longer be on welfare. For a couple of reasons. One of them is we wouldn't provide them that welfare if they were on drugs. We would pull the plug and send them off to rehab if they failed that. That's another equation.

Or many of them will just decide I can't live this illegal drug life any longer, I am going to have to get a job because they are going to test me eventually, and they will transition off of welfare and into work. So if we test in the workplace, we test in welfare, the other place to test is in educational institutions. Yes, that includes our colleges and universities, includes our schools to almost every degree, and it includes the employees that are there as well if we had a random drug testing system set up.

And we think of the three large universes of this society, the workforce, the welfare rolls, the educational institutions and the students and faculty there. We have covered everyone in America and given them a random risk, I am not talking about doing this as putting them all in the same pool, I am talking about on a voluntary basis for the employers to do that, especially in the private sector, move through this, build this institutionally, and at a point we then, we have cleaned up the workforce, we have cleaned up the welfare roles. We have cleaned up the educational institution, three huge universes of this society and civilization, and the result of it, who would be left? Who would be left to be on drugs?

And the answer is nobody except those who are dealing and those who are stealing. It's a lot easier for law enforcement to focus on the dealers and stealers if we provide the deterrent for everybody else in those huge spheres in this society, this culture, this economy. That would, this proposal that I have laid out here, would shut down dramatically the demand for illegal drugs in the United States.

If we did that, then we would see fewer illegal border crossings. We wouldn't see the death and the destruction in Mexico as they fight over who is going to sell drugs, because the market would be drying up here in the United States. We have got to dry this market up and if we can't dry the market up on illegal drugs in America, then we get to William F. Buckley's solution, which is capitulate and legalize.

I am not there yet, and I say yet because I think it's worth establishing the rule of law, it's worth reestablishing it. It's worth enforcing on the border. It's worth enforcing in our worksite. It's worth enforcing across the streets of America and the highways of America. We ought to have efforts that are effective, and we should reward the people that enforce the law.

But if we should fail to do that, and if we are unable to implement a policy that would be workplace drug testing, then at some point all the violence that comes with this, drugs that we have today, is a mirror of what happened back during the prohibition era of the Roaring Twenties, when this country came to a conclusion they couldn't enforce a prohibition on alcohol, and that the violent crime that was coming with it, and then the non-violent crime, was so great that they would rather tolerate the alcohol than tolerate the violence.

I am not there. We have a tolerance level built into this civilization that's the United States of America that accepts the idea that if we don't see it in front of us every day, we are not going to score the carnage. But the carnage is high. The loss in lives is high. The loss of lives even at the hands of illegal aliens to Americans is very, very high.

We have had a number of witnesses come before the Immigration subcommittee that are surviving family members who have lost a loved one at the hands of illegal, criminal aliens who had been interdicted by law enforcement. Law enforcement had encountered them, perhaps knew they were illegal or chose not to determine, and released them back on the streets.

A good number of these perpetrators that took the lives of Americans had been arrested a number of times before. That average is a high number that's part of a GAO study that was released in May of 2005. And, yet, we still have local law enforcement that's told on a continual basis that they really don't have the right to enforce illegal immigration or U.S. immigration law.

I, Madam Speaker, I reject that philosophy. It is a solid position for local law enforcement to enforce immigration law. We passed a 287g program that sets it up so that local law enforcement can receive training and work in direct cooperation of ICE; in fact, step into the shoes of ICE. That's a 287g program.

That needs to be expanded. It needs to be moved forward, as does the E-Verify program. And E-Verify needs to be expanded, expanded so that an employer can use it to run his current employees through it to verify that the people that are working there for him now are lawfully there, not just on the new hires.

That will be helpful with this. But we need to do much, much more. We need to enforce our immigration laws, we need to stop the bleeding at the border. We need to beef up our ports of entry.

We need to use all technology down there at all locations and continually get better because they are playing a chess game against us. They are bringing contraband illegal drugs and other products into the United States, even through the legal ports of entry and through the illegal ports of entry.

And yet, yet, as I listen and read the news and have discussions with the administration at the Cabinet level, I see a shift in priority from the interdiction of illegal drugs and people coming into the United States across our southern border to a pivot, almost a full pivot. Instead of lining our folks up on the border and guarding against what's coming from the south, but a turnaround and look to the north, to be in a position to intercept legal, Second Amendment-defended American guns that are going south, that become illegal when they are struggled across the border into New Mexico.

Now, I have heard some high-profile individuals talk about this particular issue and one of those individuals would be General Wesley Clark, who used to command NATO and is a sometime presidential candidate.

So I listened to him talk. He argued that we were smuggling assault weapons, illegal assault weapons into Mexico and smuggling machine guns into Mexico.

Madam Speaker, neither one of those statements are true. There is no such thing as an assault weapon in the United States, at least by a legal definition. That was a legal definition that expired a few years ago, rightfully so, because you cannot define an assault weapon without defining what it looks like.

You can't define an assault weapon simply by defining its functionality. Because the functionality of the things that Wesley Clark and others, those who want to take away our Second Amendment rights, those weapons that they declare to be an assault weapon, when you define them by functionality, they become deer rifles.

In fact, the most popular gun to use, hunting the varmints in the United States, the coyotes, is an AR-16, M-16, M-16 model .223 in caliber. It's the most popular gun there is. It's a semi-automatic.

It functions just like anybody's deer rifle, although it's a little low in caliber to be effective as a deer rifle. It's just right for hunting coyote.

So that's the kind of weapon that Wesley Clark would declare to be an assault weapon, and it's the kind of weapon that was included in the list of guns that were described by this administration, including the Secretary of State herself, that 90 percent of the guns used to commit violence in Mexico are smuggled in from the United States, come from the United States.

That was never a truthful number. It was never an accurate number. The number is actually not 90 percent, but much closer to 17 percent, of the guns used in crimes in Mexico are smuggled into Mexico from the United States.

Most of these guns are legal in the United States. Mexico has different laws.

So, we can't hardly outlaw guns in America by following a Mexican law. We have got to defend the Constitution, the Second Amendment, the right to keep and bear arms.

The Heller decision, which I would have preferred would have been broader, gives an individual a right to personal protection, not to be denied in an effective fashion by a local jurisdiction.

But 17 percent, not 90 percent of the illegal guns, of the guns used in Mexico came from the United States. The 90 percent number came from an evaluation of running a database off of a small segment of guns that were gathered up and confiscated that had been involved, at least picked up with, some people that were committing crimes.

And because in the United States we put a serial number on guns, then you can track those guns.

But a lot of the guns that are in Mexico don't have serial numbers. They came from other countries and other continents from around the globe, can't be traced.

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So if you take the universe of the guns that have been gathered up in this battle with the drug cartels and you take a look at them, of those that you could trace, a small unit—90 percent came from the United States—but of all the guns, about 17 percent did.

My point is, Madam Speaker, that American guns are not the major problem that Mexico has. The major problem Mexico has is the violent drug cartels' vicious attacks on their competitors and the law enforcement in Mexico and spilling over into the United States. And that violence is rooted in the extremely high profitability of selling drugs to the United States.

The source of that is the demand here in the United States. We're doing nothing about the demand for illegal drugs. We're doing something about the smuggling of illegal drugs into the United States, very little about the smuggling of illegal people into the United States.

And I will say today, Madam Speaker, that effectively this administration has suspended worksite enforcement and there has not been a high-profile illegal immigration rate on an employer in the United States since that one in the early part of the Obama administration that took place on the engine factory in Washington State.

When that happened, the Secretary of Homeland Security said she didn't know about it in advance. She ordered an investigation—an investigation of her own people—because she was concerned that they might be not following through with the right kind of investigation.

I actually have no idea. I just don't think she liked the idea of the raid going off and people being deported. And I'm told—and I think this information is accurate—that at least 28 of those illegal employees got work permits to go back to work in the same factory, and that work permit was directed or issued by the Department of Homeland Security.

So what was that raid worth? Perhaps we will get some prosecution of the employers. But I say this, Madam Speaker, to you for everyone in America to hear. You can not conduct raids on employers, prosecute employers, and do so effectively, punish them for knowingly and willfully hiring illegals, without identifying the people it is that are working illegally for the employer. That part of the raid is essential in building the case against the employers.

They're all part and parcel of the same problem. You have to start at the base of it. And let's just say that there

are 1,000 people working in a factory and 350 of them are working there illegally. Can you go in and pick up the employers and allege that they have illegal employees without some information, without some proof, without some data?

You go in and you line up the employees and you run them through the check and you verify, You're illegal, you're illegal. Fine. We're going to let you go back to work. But those of you that we suspect or essentially confirm, we're not. We'll build a case against you. If you want to voluntarily go back home, here's your ticket. Go back home and stay there. But don't come back here again because you'll be facing a 20-year penalty in a Federal penitentiary for having once been deported for coming into the United States illegally. But it happens every day because we're not enforcing the law effectively enough, Madam Speaker.

But of those that we would gather in to that kind of a roundup, those that are here illegally, working illegally, that are guilty of document fraud, also bring the case against them, and in the process of the case, you gather information, you get depositions, you get court testimony that tells you how an employer is complicit in hiring illegals.

And then, Madam Speaker, we need to pass the new IDEA Act. The new IDEA Act. This is actually the best part of the entire hour because it brings to bear a logical approach to a problem that has been befuddling Congress for a long time. Congress is only befuddled because we have conflicting interests—political power over here; more illegals that one day will be voters, but will be counted in the 2010 census anyway; and over on this side and on this side, those that have a vested interest in cheap labor that think they can lay the costs or the maintenance off that cheap labor off onto the taxpayers in the form of welfare that goes to those people that are here illegally. All of that goes on, Madam Speaker. But the real solution, the most important component, the real solution is the new IDEA Act.

The new IDEA does this. It reestablishes, it clarifies that wages and benefits paid to illegals are not deductible for Federal income tax purposes. It denies that write-off as a business expense. It allows the IRS to come in and take the Social Security numbers that are there on the form that you file with your income tax, run those Social Security numbers through the E-Verify program. If they don't come back than that's the person who can lawfully work in the United States, then the IRS can deny the write-off of that business expense.

And so let's just say you're an employer and you're paying an illegal \$10 an hour. And if they work 2,000 hours a year—and these are numbers I can do the math in my head, maybe, as we go.

So you have paid them \$20,000 to do their work, written it off, and your payroll calculation—Social Security, Medicare, Medicaid, 0765 times 2, 15.3 percent added on that, so that's \$306 on \$1,000 would be—I should actually back this number up.

In any case, you pay Social Security and Medicare and Medicaid. There may or not be withholding for State and Federal income tax. But that write-off that you would have for the business expense would be the \$10 an hour, plus the 15.3 percent of that \$10 an hour. So that's \$1.53 an hour that goes on for Social Security, Medicare, and Medicaid. You can write that all off as a business expense.

But when the IRS comes in, runs the numbers through the data base and the E-Verify kicks them out and says, "Can't accept that," then they can look at your income tax report and say you can't write off this \$10 an hour plus another \$1.53 for Social Security.

So your \$11.53 an hour goes from the expense side of your ledger, where it's a tax deduction, presumably over to the profit side of your ledger, where it is taxable income.

So, in simple terms, a \$10 an hour employee denied as an expense by an IRS audit because they are illegal becomes a \$16 an hour employee when the IRS attaches to that the interest and the penalty, and by the time you pay about a 34 percent corporate income tax on that fund.

So an employer would make a rational decision. They would look at: do I want to pay \$10 an hour with an illegal employee that I'm confident is illegal, or I at least strongly suspect is, on the chance the IRS will come in and it's going to be a \$16 an hour back charge for him and the rest of the illegals that are working for me, or do I want to transition my employees over to a legal workforce?

Most employers would decide they would like to pay somebody \$12 or \$13 or \$14 an hour who is legal than they would someone \$10 an hour who is illegal.

That's how new IDEA works. It uses the IRS to come in and enforce the illegal immigration laws that we have in the United States, and it requires the IRS to set up a cooperative exchange of information with the data that they gather in their audits with the Social Security Administration, who has a whole list of no-work Social Security numbers, no-match Social Security numbers, and require those two entities, IRS and Social Security, to cooperate with the Department of Homeland Security, who also has a data base of those who come into the United States illegally, those who have stolen IDs and documents, et cetera.

So we would have not only—you always hear the right hand doesn't know what the left hand is doing, but when we put new IDEA in place, it will be

the right hand of the IRS making sure that the left hand of the Social Security Administration knows what the middle hand of the Department of Homeland Security is doing. That's a three-way; that's a three-fer.

And that brings together three huge American agencies that would be working in cooperation to give a financial incentive through denying tax deductibility, interest penalty, the risk of the penalties that come from the Department of Homeland Security once they have been notified of the IRS's information.

So the risk gets greater and greater and greater. And employers would purge themselves. They would clean up their workplace roles. We would do this almost administratively, and we could do this with positive cash flow.

Furthermore, Madam Speaker, if we do this, as we see people volunteer to self-deport because we've enforced our laws, we will have taken at least the 7 million working illegals and moved them on out and made room for 7 million who are legal to work in the United States.

There are over 11 million looking for jobs today. I think the number of working illegals is greater than 7 million. I think it's greater than 11 million. But a Nation that has 11.5 million people that are looking for work, a Nation that has 69 million Americans that are simply not in the workforce altogether, that are of working age, we can find a way to solve this problem.

We have to have the determination, we have to have the leadership, we have to have the clarity, and we have to have the political will. And the only way for the political will to come to this Congress is if the American people contact their Members of Congress; they turn up the heat. If they say, "Pass the new IDEA Act, turn the IRS loose." They love enforcing their job. Let them help with the immigration part of this because they're in the process of collecting the tax liabilities that are due the United States government anyway, and just cooperate with the Social Security Administration, just cooperate with the Department of Homeland Security. You will solve a lot of this internally without having to do very many of the worksite raids.

And, while that's going on, we can turn the pivot back the other way at the border. Let's intercept the illegal drugs and people coming into the United States. Let's not have our number one focus be trying to intercept things that are being smuggled into Mexico that are legally in the United States—guns and cash. Let's intercept illegal drugs and illegal people.

If we do all of this, Madam Speaker, we can solve this drug problem in the United States. We can solve the illegal immigration problem in the United States. It is a comprehensive solution. I advocate for it.

I call upon this Congress to take action on it, or at least have a legitimate debate. If there's a flaw in my logic, I'm standing here waiting for that criticism. I don't hear it.

So I will yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. HOYER) for today on account of fires burning in district.

Mr. HOLT (at the request of Mr. HOYER) for today.

Mr. HELLER (at the request of Mr. BOEHNER) for today on account of family obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WASSERMAN SCHULTZ) to revise and extend their remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. MOORE of Wisconsin, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. PINGREE of Maine, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 14.

Mr. JONES, for 5 minutes, May 14.

Mr. NEUGEBAUER, for 5 minutes, today.

Mr. ADERHOLT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, May 12, 13 and 14.

Mr. KIRK, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, May 12, 13 and 14.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until, Monday, May 11, 2009, at 2 p.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1658. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Penoxsulam; Pesticide Tolerances [EPA-HQ-OPP-2008-0526; FRL-8411-9] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1659. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Minor Amendments to the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8405-3] (RIN: 2070-AJ48) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1660. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; [EPA-R05-OAR-2008-0239; FRL-8896-3] April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1661. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; [EPA-R05-OAR-2008-0240; FRL-8896-5] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1662. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Finding of Attainment for 1-Hour Ozone for the Milwaukee-Racine, WI Area [EPA-R05-OAR-2008-0683; FRL-8895-8] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1663. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans, Texas; Revisions to Particulate Matter Regulations [EPA-R06-OAR-2005-TX-0028; FRL-8897-3] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1664. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Montana: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R08-RCRA-2009-0212; FRL-8895-7] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1665. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — New Source Performance Standards Review for Nonmetallic Mineral Processing Plants; and Amendment to Subpart UUU Applicability [EPA-HQ-OAR-2007-1018; FRL-8896-7] (RIN: 2060-AO41) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1666. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites Offshore of the Umpqua River, Oregon [EPA-R10-OW-2008-0826; FRL-8893-1] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1667. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2008-0502; FRL-8783-5] April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1668. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Toxics Release Inventory Form A Eligibility Revisions Implementing the 2009 Omnibus Appropriations Act [TRI-2009-0216; FRL-8897-4] (RIN: 2025-AA25) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1669. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Augusta, Georgia) [MB Docket No.: 08-103 RM-11441] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1670. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1671. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1672. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Parent Locator Service; Safeguarding Child Support Information (RIN: 0970-AC01) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1673. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also: Part I, 280F; 1.280F-7.) (Rev. Proc. 2009-24) received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1674. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — TAX EFFECTS OF THE ACQUISITION OF INSTRUMENTS BY THE TREASURY DEPARTMENT UNDER CERTAIN PROGRAMS PURSUANT TO THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008 [Notice 2009-38] received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1675. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and

claims for refund, credit or abatement; determination of correct tax liability. (Also Part I, 860D, 860F, 860G, 1001; 1.860G-2, 1.1001-3, 301.7701-2, 301.7701-3, 301.7701-4.) (Rev. Proc. 2009-23) received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1676. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement determination of correct tax liability. (Also: Part I, 911, 1.911-1.) (Rev. Proc. 2009-22) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1677. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Non-conventional Source Fuel Credit, Section 45K Inflation Adjustment Factor, and Section 45K Reference Price [Notice 2009-32] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1678. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 48 A&B Audit Techniques Guide Advanced Coal and Gasification Project Credits General Statement and Description of IMD Document [LMSB-4-0209-005] received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1679. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualifying Advanced Coal Project Program [Notice 2009-24] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1680. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2009 Calendar Year Resident Population Estimates [Notice 2009-21] received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1681. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Election and Notice Procedures for Multi-employer Plans under Sections 204 and 205 of WREIRA [Notice: 2009-31] received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1682. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements — received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1683. A letter from the Commissioner, Social Security Administration, transmitting the Administration's plan for recovery payments, pursuant to the American Recovery and Reinvestment Act of 2009; to the Committee on Ways and Means.

1684. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report on the Fiscal Year 2006 Low Income Home Energy Assistance Program in accordance with section 2610 of the Omnibus Budget Reconciliation Act (OBRA) of 1981, as amended; jointly to the Committees on Energy and Commerce and Education and Labor.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 23. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; with an amendment (Rept. 111-99). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself, Mr. CANTOR, Mr. PENCE, Mr. MCCOTTER, Mrs. McMORRIS RODGERS, Mr. CARTER, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. DREIER, Mr. BLUNT, Mr. McHUGH, Mr. HOEKSTRA, Mr. SMITH of Texas, Mr. KING of New York, Ms. ROS-LEHTINEN, Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. WOLF, Ms. GRANGER, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. FLEMING, Mr. SIMPSON, Mr. COLE, Ms. FALLIN, and Mr. AUSTRIA):

H.R. 2294. A bill to require the approval of the relevant State governor and legislature and the President's notification and certification before the transfer or release of an individual currently detained at Guantanamo Bay, Cuba, to a location in the United States, and for other purposes; to the Committee on Armed Services.

By Mr. FARR (for himself, Ms. GRANGER, Ms. PINGREE of Maine, and Mr. DELAHUNT):

H.R. 2295. A bill to assist local communities with closed and active military bases, and for other purposes; to the Committee on Armed Services.

By Mr. KING of Iowa (for himself and Mr. SPACE):

H.R. 2296. A bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H.R. 2297. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH (for himself, Mr. SAM JOHNSON of Texas, Ms. LINDA T. SANCHEZ of California, and Mr. ROSKAM):

H.R. 2298. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Ms. CORRINE BROWN of Florida, Mr. COHEN, Mr. ISRAEL, Mr. CLAY, Mr. ORTIZ, Ms.

FUDGE, Mr. MOORE of Kansas, Mr. BARROW, Mr. CROWLEY, Mr. ROSS, Ms. LEE of California, Mr. CLYBURN, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Ms. CLARKE, Mr. CUMMINGS, Mr. CLEAVER, Mr. WEINER, Mr. McDERMOTT, Ms. EDWARDS of Maryland, Mrs. TAUSCHER, Mr. PERLMUTTER, Ms. KAPTUR, and Mr. LANGEVIN):

H.R. 2299. A bill to amend the Small Business Act to enhance services to small business concerns that are disadvantaged, and for other purposes; to the Committee on Small Business.

By Mr. BISHOP of Utah (for himself, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. SCALISE, Mr. CONAWAY, Mr. SULLIVAN, Mr. BROWN of Georgia, Mr. CHAFFETZ, Ms. FALLIN, Mr. FLEMING, Mr. YOUNG of Alaska, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mrs. LUMMIS, Mr. MARCHANT, Mr. MCKEON, Mr. NEUGEBAUER, Mr. PITTS, Mr. SIMPSON, Mr. HELLER, Mr. POE of Texas, Mr. LEE of New York, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. REHBERG, Mr. ALEXANDER, Mr. GOODLATTE, Mr. CASSIDY, Mr. RADANOVICH, Mr. LATTA, Mr. MCCAUL, Mr. SESSIONS, Mr. BOOZMAN, and Mr. THORNBERRY):

H.R. 2300. A bill to provide the United States with a comprehensive energy package to place Americans on a path to a secure economic future through increased energy innovation, conservation, and production; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, Energy and Commerce, Science and Technology, Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH (for himself, Mr. BOUSTANY, Mr. CROWLEY, Ms. SCHWARTZ, and Mr. KING of New York):

H.R. 2301. A bill to amend title XVIII of the Social Security Act with respect to treatment of didactic and scholarly activities and training in outpatient settings for purposes of payment for graduate medical education under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER (for herself, Mr. HODES, and Mrs. KIRKPATRICK of Arizona):

H.R. 2302. A bill to amend title 10, United States Code, to limit recoupments of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself, Mr. RANGEL, and Mr. FALEOMAVAEGA):

H.R. 2303. A bill to amend the Internal Revenue Code of 1986 to eliminate the restriction on reducing Federal income tax refunds for past-due State income tax obligations of out-of-state residents in the case of States with reciprocal agreements with the Federal Government to reduce State income tax refunds for Federal income tax obligations; to the Committee on Ways and Means.

By Mr. BOREN (for himself, Mr. BOUSTANY, Mr. TAYLOR, Mr. SKELTON, and Mr. CONAWAY):

H.R. 2304. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces; to the Committee on Armed Services.

By Mr. GOODLATTE (for himself, Ms. HERSETH SANDLIN, Mr. SMITH of Texas, Mr. BOUCHER, Mr. GALLEGLY, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. POE of Texas, Mr. HARPER, Mr. BLUNT, Mr. CONAWAY, Mrs. BLACKBURN, Mr. ROHRBACHER, Mrs. MILLER of Michigan, Mr. BURTON of Indiana, Mrs. MYRICK, Mr. BILBRAY, Mr. LAMBORN, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. HELLER, Mr. NEUGEBAUER, Mr. SHERMAN, Mr. SENSENBRENNER, Mr. BARTLETT, Mr. SULLIVAN, and Mr. CANTOR):

H.R. 2305. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 2306. A bill to provide for the establishment of a National Climate Service, and for other purposes; to the Committee on Science and Technology.

By Mr. GENE GREEN of Texas (for himself and Mr. UPTON):

H.R. 2307. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management and coordination services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. WHITFIELD, and Mr. SHERMAN):

H.R. 2308. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals and certain computer-assisted remote hunting, and for other purposes; to the Committee on the Judiciary.

By Mr. RUSH (for himself, Ms. SCHAKOWSKY, and Ms. MATSUI):

H.R. 2309. A bill to provide authority to the Federal Trade Commission to expedite rulemakings concerning consumer credit or debt and to direct the Commission to examine and promulgate rules with regard to debt settlement and automobile sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington (for himself, Mr. KIRK, Mrs. DAVIS of California, and Mr. ISRAEL):

H.R. 2310. A bill to authorize assistance to small- and medium-sized businesses to promote exports to the People's Republic of China, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mrs. DAVIS of California, and Mr. ISRAEL):

H.R. 2311. A bill to provide for increased funding and support for diplomatic engagement with the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. ISRAEL (for himself, Mr. LARSEN of Washington, Mr. KIRK, and Mrs. DAVIS of California):

H.R. 2312. A bill to authorize the Secretary of Energy to make grants to encourage cooperation between the United States and China on joint research, development, or commercialization of carbon capture and sequestration technology, improved energy efficiency, or renewable energy sources; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. KIRK, Mr. LARSEN of Washington, and Mr. ISRAEL):

H.R. 2313. A bill to support programs that offer instruction in Chinese language and culture, and for other purposes; to the Committee on Education and Labor.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H.R. 2314. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Natural Resources.

By Mr. AUSTRIA (for himself, Mr. LATTA, Mr. TIBERI, Mr. JORDAN of Ohio, and Mrs. SCHMIDT):

H.R. 2315. A bill to prohibit the use of funds to transfer enemy combatants detained at Naval Station, Guantanamo Bay, Cuba, to facilities in Ohio or to construct facilities in Ohio for such enemy combatants; to the Committee on Armed Services.

By Mr. BACA (for himself and Mrs. NAPOLITANO):

H.R. 2316. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of California, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN (for herself, Mr. OBEY, Mr. KAGEN, Ms. MOORE of Wisconsin, Mr. RYAN of Wisconsin, Mr. KIND, Mr. SENSENBRENNER, and Mr. PETRI):

H.R. 2317. A bill to authorize the President to posthumously award a gold medal on behalf of the Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. OBEY, Mr. KAGEN, Ms. MOORE of Wisconsin, Mr. RYAN of Wisconsin, Mr. KIND, Mr. SENSENBRENNER, and Mr. PETRI):

H.R. 2318. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself, Mr. FILNER, Mrs. DAVIS of California, Mr. SCHRADER, Mr. WALDEN, Mr. DEFAZIO, Mr. WU, Mr. KIND, Mr. KAGEN, Mr. AL GREEN of Texas, and Mr. YOUNG of Alaska):

H.R. 2319. A bill to amend the Internal Revenue Code of 1986 to make all veterans eligible for home loans under the veterans mortgage revenue bond program; to the Committee on Ways and Means.

By Mr. BOREN:

H.R. 2320. A bill to authorize the Secretary of the Army to retain funds collected from recreation fees at Lake Texoma to repair flood-damaged recreation facilities; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mrs. BLACKBURN, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. LAMBORN, Mrs. LUMMIS, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mrs. SCHMIDT, Mr. SHADEGG, and Mr. SHIMKUS):

H.R. 2321. A bill to continue the application of certain procedures in the House of Representatives applicable to Medicare funding legislation, and for other purposes; to the Committee on Rules.

By Mr. BRALEY of Iowa (for himself, Mr. COURTNEY, Mr. LOEBSACK, and Mr. HARE):

H.R. 2322. A bill to amend section 18 of the Richard B. Russell National School Lunch Act to establish a pilot program that requires schools to post nutritional content information regarding foods served at schools and to teach students how to make healthy food selections, and for other purposes; to the Committee on Education and Labor.

By Mrs. CAPPS (for herself, Ms. MATSUI, and Ms. BALDWIN):

H.R. 2323. A bill to direct the Secretary of Health and Human Services to develop a national strategic action plan to assist health professionals in preparing for and responding to the public health effects of climate change, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. KIRK, Mr. CONNOLLY of Virginia, and Mr. SMITH of New Jersey):

H.R. 2324. A bill to require criminal background checks on all firearms transactions occurring at gun shows; to the Committee on the Judiciary.

By Mr. CUELLAR (for himself, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. EDWARDS of Texas, Mr. GONZALEZ, Mr. MCCAUL, Mr. AL GREEN of Texas, Mr. DOGETT, Mr. SESSIONS, Mr. BRADY of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, Mr. CULBERSON, Ms. JACKSON-LEE of Texas, Mr. REYES, Mr. POE of Texas, Mr. THORNBERRY, Mr. HENSARLING, Mr. OLSON, Mr. NEUGEBAUER, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. MARCHANT, Ms. GRANGER, and Mr. SMITH of Texas):

H.R. 2325. A bill to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself and Mr. BARTLETT):

H.R. 2326. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on foreign oil, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HENSARLING (for himself, Mr. BURGESS, Mr. BISHOP of Utah, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. SHADEGG, Mr. PITTS, Mr. GARRETT of New Jersey, Mr. BRADY of

Texas, Mr. MCKEON, Mr. GINGREY of Georgia, Mr. OLSON, Mr. GOHMERT, Mr. POE of Texas, Mr. FLEMING, Mrs. LUMMIS, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. POSEY, and Ms. FOX):

H.R. 2327. A bill to preserve consumer choice and access to credit and enhance consumer disclosures; to the Committee on Financial Services.

By Mr. HIGGINS (for himself, Mr. REICHERT, Mr. ARCURI, and Mr. MCHUGH):

H.R. 2328. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the installation of residential micro-combined heat and power property; to the Committee on Ways and Means.

By Mr. KISSELL:

H.R. 2329. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. LAMBORN:

H.R. 2330. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. LATTA:

H.R. 2331. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty on distributions from qualified retirement plans for mortgage payments on qualified residences and in respect of unemployment and to increase the age at which distributions from qualified retirement plans are required to begin from 70 1/2 to 75; to the Committee on Ways and Means.

By Mr. McMAHON (for himself, Mr. SARBANES, and Mr. CONNOLLY of Virginia):

H.R. 2332. A bill to amend the Peace Corps Act and the National and Community Service Trust Act to increase the affordability of medical education; to the Committee on Education and Labor, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2333. A bill to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Armed Services.

By Ms. NORTON:

H.R. 2334. A bill to extend to the Mayor of the District of Columbia the same authority over the National Guard of the District of Columbia as the Governors of the several States exercise over the National Guard of those States with respect to administration of the National Guard and its use to respond to natural disasters and other civil disturbances, while ensuring that the President retains control of the National Guard of the District of Columbia to respond to homeland defense emergencies; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Mr. THOMPSON of Mississippi):

H.R. 2335. A bill to amend title 49, United States Code, to direct the Secretary of Homeland Security to carry out a program to ensure fair treatment in the security screening of individuals with metal implants traveling in air transportation; to the Committee on Homeland Security.

By Mr. PERLMUTTER (for himself, Mrs. BIGGERT, Mr. BLUMENAUER, Mr. ELLISON, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HODES, Mr. ISRAEL, Mr. MARKEY of Massachusetts, Mrs. MCCARTHY of New York, Mr. MCNERNEY, Mr. SHERMAN, Mr. SIREs, Ms. TSONGAS, and Mr. HIMES):

H.R. 2336. A bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; to the Committee on Financial Services.

By Mr. TEAGUE (for himself and Mr. REYES):

H.R. 2337. A bill to direct the Secretary of Transportation to make grants for certain transportation feasibility studies for southern New Mexico and west Texas; to the Committee on Transportation and Infrastructure.

By Mr. TIAHRT (for himself, Mr. HERGER, Mr. ROGERS of Michigan, and Mr. BURTON of Indiana):

H.R. 2338. A bill to prohibit any alien formerly detained at the Department of Defense detention facility at Naval Station, Guantanamo Bay, Cuba, and brought into the United States from receiving any Federal, State, or local public benefit; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY:

H.R. 2339. A bill to establish a program that supports the efforts of States to provide partial or full wage replacement to new parents, so that the new parents are able to spend time with a new infant or newly adopted child, and to other employees, and for other purposes; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 2340. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Natural Resources.

By Mr. BROUN of Georgia (for himself, Mr. CANTOR, Mr. NEUGEBAUER, Mr. TAYLOR, Mr. WESTMORELAND, Mr. JORDAN of Ohio, Mr. BURTON of Indiana, Mr. ALEXANDER, Mr. SOUDER, Mr. MCHEENRY, Mr. FLEMING, Mr. PITTS, Mrs. BLACKBURN, Mr. MARCHANT, Mr. MCKEON, Mr. GINGREY of Georgia, Ms. FALLIN, Mr. HUNTER, Mr. PENCE, Mr. SCALISE, Mr. SHUSTER, Mr. WHITFIELD, Mr. TIAHRT, and Mr. ROGERS of Alabama):

H.J. Res. 50. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. GOHMERT (for himself, Mr. ROONEY, Mr. CANTOR, Mr. JORDAN of Ohio, Mr. HUNTER, Mr. POE of Texas, Mr. BROUN of Georgia, Mr. FLEMING, Mrs. LUMMIS, Mr. PITTS, Mr. LAMBORN, Mr. MARCHANT, Mr. BRADY of Texas, Mr. POSEY, and Mr. GINGREY of Georgia):

H.J. Res. 51. A joint resolution proposing an amendment to the Constitution of the United States to permit the penalty of death for the rape of a child; to the Committee on the Judiciary.

By Mr. BROUN of Georgia (for himself, Mr. WESTMORELAND, Mr. FORBES, Mr. PENCE, Mr. GINGREY of Georgia, Mr. FRANKS of Arizona, Mr. JORDAN of Ohio, Mr. WAMP, Mr. LAMBORN, Mr. GOHMERT, Mr. MARCHANT, Mr. CARTER, Mr. AKIN, and Mr. MCCOTTER):

H. Con. Res. 121. Concurrent resolution encouraging the President to designate 2010 as "The National Year of the Bible"; to the Committee on Oversight and Government Reform.

By Mr. PAYNE (for himself and Mr. BILIRAKIS):

H. Con. Res. 122. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on Foreign Affairs.

By Mr. DREIER (for himself, Mr. PRICE of North Carolina, Mr. CONAWAY, Mr. SHUSTER, and Ms. SCHWARTZ):

H. Res. 414. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a free trade agreement with the country of Georgia; to the Committee on Ways and Means.

By Mr. POMEROY:

H. Res. 415. A resolution commending the heroic efforts of the people fighting the floods in North Dakota and Minnesota; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Mr. MARKEY of Massachusetts, Ms. BORDALLO, Ms. LEE of California, Mr. DAVIS of Illinois, Mr. HONDA, Ms. MATSUI, Mr. MORAN of Virginia, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, and Mr. RANGEL):

H. Res. 416. A resolution expressing the sense of the House of Representatives that the United States should become an international human rights leader by ratifying and implementing certain core international conventions; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H. Res. 417. A resolution expressing the sense of the House of Representatives that President Barack Obama should immediately work to reverse damaging and illegal actions taken by the Bush/Cheney Administration and collaborate with Congress to proactively prevent any further abuses of executive branch power; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. YARMUTH, Mr. ROGERS of Kentucky, Mr. ALEXANDER, Mr. FLEMING, Mr. CAO, Mr. JONES, Mr. CASSIDY, Mr. DAVIS of Kentucky, Mr. WHITFIELD, Mr. BOSWELL, Mr. CHANDLER, Mr. GUTHRIE, Mr. SCALISE, Mr. WESTMORELAND, Mr. SULLIVAN, Mr. ROSS, and Mr. WALZ):

H. Res. 418. A resolution congratulating Jockey Calvin Borel for his victory at the

135th Kentucky Derby; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, and Ms. LEE of California):

H. Res. 419. A resolution fostering resilience in African American youth; to the Committee on Energy and Commerce.

By Mr. LATTA:

H. Res. 420. A resolution celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; to the Committee on Oversight and Government Reform.

By Mr. ROE of Tennessee (for himself and Mr. DUNCAN):

H. Res. 421. A resolution recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary; to the Committee on Natural Resources.

By Ms. SUTTON (for herself, Mr. KUCINICH, Ms. FUDGE, Mr. RYAN of Ohio, Ms. KILROY, Mr. WILSON of Ohio, Mr. SPACE, and Mr. BOCCIERI):

H. Res. 422. A resolution congratulating LeBron James for being named the 2009 Most Valuable Player in the National Basketball Association; to the Committee on Oversight and Government Reform.

By Mr. WAMP:

H. Res. 423. A resolution expressing support for a national day of remembrance for the workers of the nuclear weapons program of the United States; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

42. The SPEAKER presented a memorial of the State Senate of Michigan, relative to Senate Resolution No. 31 TO URGE CONGRESS TO ENACT A WAIVER OR EXCLUSION FOR YOUTH MOTORCYCLES, ALL-TERRAIN VEHICLES, AND SNOWMOBILES FROM THE LEAD REQUIREMENTS OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT AND TO ENCOURAGE THE CONSUMER PRODUCT SAFETY COMMISSION TO EXCLUDE THOSE PRODUCTS UNDER THEIR REGULATORY AUTHORITY; to the Committee on Energy and Commerce.

43. Also, a memorial of the State Senate of Michigan, relative to Senate Resolution No. 21 TO MEMORIALIZE THE UNITED STATES CONGRESS AND THE U.S. ARMY CORPS OF ENGINEERS TO FULLY FUND THE EXPANSION OF THE SHIPPING LOCKS AT SAULT STE. MARIE; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FRANK of Massachusetts introduced a bill (H.R. 2341) for the relief of Paul Green; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 21: Mr. PIERLUISI.
H.R. 23: Mr. PERLMUTTER, Mr. KING of Iowa, Mr. PASTOR of Arizona, Mr. LEWIS of Georgia, Mr. ADLER of New Jersey, Mr. DELAHUNT, and Ms. SPEIER.
H.R. 24: Ms. TSONGAS, Mr. SNYDER, Mr. PIERLUISI, Mr. HOEKSTRA, Mr. KRATOVIL, Ms. NORTON, Mr. COSTA, Ms. EDWARDS of Maryland, Mr. KENNEDY, Mr. JOHNSON of Georgia, Ms. BALDWIN, and Mr. MATHESON.
H.R. 26: Mr. CONNOLLY of Virginia.
H.R. 29: Mr. MOORE of Kansas.
H.R. 43: Ms. ZOE LOFGREN of California and Mr. DEFAZIO.
H.R. 144: Ms. ROYBAL-ALLARD and Ms. BALDWIN.
H.R. 197: Mrs. HALVORSON, Mr. BROUN of Georgia, Mr. GENE GREEN of Texas, and Mr. CHAFFETZ.
H.R. 213: Mr. GORDON of Tennessee.
H.R. 235: Mr. MEEK of Florida and Ms. BEAN.
H.R. 303: Mr. COSTELLO and Mr. BERRY.
H.R. 450: Mr. FLAKE.
H.R. 560: Mr. MOORE of Kansas.
H.R. 574: Ms. SCHWARTZ.
H.R. 578: Ms. LEE of California and Mr. FALEOMAVAEGA.
H.R. 606: Mr. STARK.
H.R. 610: Mrs. TAUSCHER.
H.R. 658: Ms. SHEA-PORTER.
H.R. 668: Mrs. DAHLKEMPER.
H.R. 699: Ms. PINGREE of Maine.
H.R. 745: Ms. JACKSON-LEE of Texas.
H.R. 775: Mr. SCOTT of Georgia, Mrs. LUMMIS, Mr. ADLER of New Jersey, and Mr. FLEMING.
H.R. 805: Mr. ENGEL.
H.R. 816: Mr. BROWN of South Carolina, Mr. FATTAH, Mr. SPACE, Mr. BOREN, Mr. ROGERS of Michigan, and Mr. HILL.
H.R. 836: Mr. AUSTRIA, Mr. FLEMING, Mr. GUTHRIE, Mr. PENCE, Mrs. CAPITO, Mr. CASTLE, and Mr. MORAN of Kansas.
H.R. 847: Mr. BRADY of Pennsylvania and Mr. SCHAUER.
H.R. 848: Mr. INSLEE.
H.R. 870: Mr. RUSH, Mr. MCGOVERN, and Mr. LEVIN.
H.R. 874: Mr. INSLEE, Ms. HERSETH SANDLIN, Mr. TAYLOR, Mr. BOUCHER, Mr. WATT, Mr. BISHOP of Georgia, Mr. RUPPERSBERGER, Mr. HOLDEN, Mr. MURTHA, Mr. GUTIERREZ, and Mr. KANJORSKI.
H.R. 886: Mr. WITTMAN, Mr. HOLT, Mr. BLUMENAUER, Mr. SARBANES, and Mr. WOLF.
H.R. 893: Mr. KUCINICH.
H.R. 916: Mr. FLEMING.
H.R. 930: Mr. KISSELL.
H.R. 981: Mr. ROTHMAN of New Jersey and Mr. PRICE of North Carolina.
H.R. 997: Mr. GARRETT of New Jersey.
H.R. 1021: Mr. FLEMING, Mr. BRADY of Texas, Mr. YOUNG of Florida, and Mr. RAHALL.
H.R. 1024: Mr. RUSH.
H.R. 1034: Mr. PITTS.
H.R. 1053: Mr. PLATTS.
H.R. 1054: Mr. PITTS, Mr. SMITH of Nebraska, Mr. KLINE of Minnesota, Mr. CHAFFETZ, and Mr. DEAL of Georgia.
H.R. 1055: Mr. DEAL of Georgia.
H.R. 1064: Mr. THOMPSON of Mississippi, Ms. FUDGE, Ms. RICHARDSON, Mr. DOYLE, Mr. HARE, Mr. SHERMAN, and Mr. TOWNS.
H.R. 1067: Mr. FLEMING and Mr. ALTMIRE.
H.R. 1074: Mr. CANTOR, Mrs. LUMMIS, Mr. DUNCAN, Mr. GUTHRIE, and Mr. CHAFFETZ.
H.R. 1077: Ms. ROYBAL-ALLARD and Mr. LATHAM.
H.R. 1093: Mr. DUNCAN, Mr. TERRY, and Mr. RODRIGUEZ.
H.R. 1132: Mr. KISSELL and Mr. LARSEN of Washington.
H.R. 1144: Mr. HINOJOSA, Ms. KOSMAS, and Mr. HONDA.
H.R. 1177: Mr. ISRAEL, Mr. BRADY of Pennsylvania, Mr. KINGSTON, and Ms. BORDALLO.
H.R. 1179: Mr. CARNEY, Mr. CUMMINGS, Mr. MCGOVERN, and Mr. COURTNEY.
H.R. 1180: Ms. FOXF and Mr. LINDER.
H.R. 1205: Mr. BISHOP of Georgia, Ms. BALDWIN, and Mr. SCHOCK.
H.R. 1207: Mr. SENSENBRENNER, Mr. DANIEL E. LUNGREN of California, Mr. WALZ, Mr. SHUSTER, Mr. MICHAUD, Mr. CONAWAY, Mr. SHADEGG, Mr. BOOZMAN, and Mr. GUTHRIE.
H.R. 1220: Mr. BISHOP of Utah.
H.R. 1237: Mr. THOMPSON of Mississippi and Mr. DELAHUNT.
H.R. 1240: Mr. MASSA, Mr. PETERSON, and Mr. GRAYSON.
H.R. 1242: Mr. MCCAUL, Mr. MARCHANT, and Mr. TERRY.
H.R. 1247: Ms. FUDGE, Mr. COHEN, and Mr. KENNEDY.
H.R. 1249: Ms. SCHWARTZ and Ms. WASSERMAN SCHULTZ.
H.R. 1250: Mr. BOCCIERI.
H.R. 1313: Mr. CARTER and Mr. WITTMAN.
H.R. 1324: Ms. NORTON, Mrs. DAHLKEMPER, Ms. DELAURO, and Ms. HERSETH SANDLIN.
H.R. 1327: Mr. FOSTER, Mr. CAMP, Mr. CAO, Mr. CHILDERS, Mr. RANGEL, Mr. ISSA, Mrs. LUMMIS, Mr. SHADEGG, Ms. MATSUI, Mr. BILLIRAKIS, Ms. LINDA T. SANCHEZ of California, Mr. SARBANES, Mr. BOCCIERI, Mr. PASCRELL, Mr. BILBRAY, Ms. FUDGE, Mr. COSTELLO, Mr. POLIS, Ms. SCHWARTZ, Mr. CARNEY, Ms. SCHAKOWSKY, Mr. BOREN, Mr. FRELINGHUYSEN, Mr. LANGEVIN, Mr. BRIGHT, and Mr. WAXMAN.
H.R. 1329: Mr. GRIJALVA.
H.R. 1330: Mr. CLEAVER and Mr. GRAYSON.
H.R. 1346: Ms. ROYBAL-ALLARD.
H.R. 1351: Mr. LINDER.
H.R. 1352: Ms. BALDWIN and Mr. DAVIS of Kentucky.
H.R. 1362: Mr. PETERSON, Mr. GENE GREEN of Texas, Mr. DAVIS of Illinois, Mr. DICKS, and Mr. HOLT.
H.R. 1380: Ms. RICHARDSON and Mr. INSLEE.
H.R. 1392: Mr. GONZALEZ.
H.R. 1396: Mr. CONAWAY.
H.R. 1398: Mr. BURGESS, Mr. ARCURI, Mr. GRAYSON, Mr. ROONEY and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1402: Mr. HOLT.
H.R. 1410: Mr. COURTNEY.
H.R. 1412: Mr. PIERLUISI, Ms. RICHARDSON and Mr. STARK.
H.R. 1414: Mr. GARRETT of New Jersey.
H.R. 1431: Mr. REHBERG, Mr. THORNBERRY, Mr. KINGSTON and Mr. SCALISE.
H.R. 1442: Mr. BISHOP of Utah.
H.R. 1443: Mr. BOYD.
H.R. 1449: Mrs. HALVORSON.
H.R. 1454: Mr. OBERSTAR, Mrs. TAUSCHER, and Mr. BLUNT.
H.R. 1457: Mr. GRAYSON.
H.R. 1458: Mr. WILSON of Ohio and Mr. YOUNG of Florida.
H.R. 1459: Mr. MORAN of Virginia.
H.R. 1460: Mrs. CAPPS.
H.R. 1470: Mr. HOLT.
H.R. 1476: Mr. BERMAN.
H.R. 1479: Mr. GRIJALVA and Mr. COHEN.
H.R. 1485: Mr. MITCHELL.
H.R. 1490: Mr. BERRY and Ms. DEGETTE.
H.R. 1521: Mr. ROSS, Mr. BOEHNER, Mr. POE of Texas, and Mr. ROYCE.
H.R. 1523: Ms. WOOLSEY.
H.R. 1528: Mr. KIND.
H.R. 1530: Mr. KIND.
H.R. 1545: Mr. PAULSEN, Mr. FLEMING, Mr. MANZULLO, Mr. LANCE, Mr. TIBERI, Mr. LATOURETTE, Mr. GERLACH, Mr. REICHERT, Mr. CAO, Mr. BARTLETT, Mr. DENT, Mr. KIRK, Mr. CHAFFETZ, Mr. HUNTER, and Mr. WILSON of Ohio.
H.R. 1547: Mr. CUMMINGS, Mr. CONNOLLY of Virginia, Mr. ALEXANDER, Mr. TERRY, Mr. MINNICK, Mr. GEORGE MILLER of California, and Mr. LUETKEMEYER.
H.R. 1549: Ms. MCCOLLUM and Mr. HOLT.
H.R. 1550: Mr. SHULER.
H.R. 1551: Mr. GONZALEZ and Mr. WELCH.
H.R. 1557: Mr. FORBES.
H.R. 1558: Ms. FUDGE, Mr. ALTMIRE, Mr. HOLT, and Mr. BERMAN.
H.R. 1570: Ms. BALDWIN, Mr. BOUCHER, and Mr. LEWIS of Georgia.
H.R. 1585: Mr. WEXLER, Mr. BOSWELL, and Mrs. DAHLKEMPER.
H.R. 1587: Ms. FALLIN and Mr. KLINE of Minnesota.
H.R. 1588: Mr. NEUGEBAUER and Mr. GARRETT of New Jersey.
H.R. 1596: Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Mr. NADLER of New York, Mr. MICHAUD, and Mr. GRAYSON.
H.R. 1612: Mr. SNYDER.
H.R. 1615: Mr. RAHAL and Mr. DINGELL.
H.R. 1618: Mrs. NAPOLITANO and Mr. HOLDEN.
H.R. 1643: Ms. DEGETTE, Mr. SARBANES, Mr. NADLER of New York, Mr. PLATTS, Ms. VELÁZQUEZ, and Mr. HOLT.
H.R. 1670: Ms. JENKINS and Mr. BISHOP of Georgia.
H.R. 1684: Mr. ADERHOLT and Mr. BOOZMAN.
H.R. 1685: Mr. GRAYSON.
H.R. 1686: Mr. GORDON of Tennessee and Ms. SHEA-PORTER.
H.R. 1695: Mr. BRADY of Pennsylvania, Mr. GOODLATTE, Mr. COURTNEY, Mr. MARSHALL, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. FILNER, Mr. KAGEN, and Mr. COFFMAN of Colorado.
H.R. 1708: Ms. MCCOLLUM.
H.R. 1709: Mr. COSTELLO, Mr. LUJÁN, Mr. TONKO, Ms. FUDGE, Mr. SMITH of Nebraska, and Mr. SMITH of Texas.
H.R. 1721: Mr. SARBANES and Mr. HOLT.
H.R. 1725: Mr. CONYERS.
H.R. 1751: Mr. LANGEVIN, Mr. KENNEDY, Mr. DAVIS of Illinois, Mr. CROWLEY, Ms. WATSON, Mr. CLAY, Ms. HARMAN, Ms. CLARKE, and Mr. OLVER.
H.R. 1774: Mr. SARBANES.
H.R. 1790: Mr. MORAN of Virginia.
H.R. 1807: Mr. PITTS, Mr. CONNOLLY of Virginia, and Mr. LUETKEMEYER.
H.R. 1828: Mr. LUJÁN.
H.R. 1829: Ms. LORETTA SANCHEZ of California, Mr. MARIO DIAZ-BALART of Florida, Ms. MARKEY of Colorado, and Mr. SARBANES.
H.R. 1831: Mr. WILSON of South Carolina, Mr. SMITH of Nebraska, Ms. JENKINS, Mr. GRIJALVA, Mr. ARCURI, Mr. RADANOVICH, Mr. DEAL of Georgia, and Mr. BROWN of South Carolina.
H.R. 1835: Mr. LUCAS, Mr. FLEMING, Mr. CALVERT, and Mr. SCALISE.
H.R. 1855: Mr. DENT and Mr. EHLERS.
H.R. 1869: Mr. MICHAUD, Ms. KAPTUR, Mr. CUELLAR, Ms. ROYBAL-ALLARD, and Mr. BACA.
H.R. 1872: Mr. DONNELLY of Indiana and Mr. BOCCIERI.
H.R. 1881: Mr. CROWLEY, Mr. HALL of New York, Ms. CLARKE, Mr. COURTNEY, Mr. PAYNE, and Ms. WASSERMAN SCHULTZ.
H.R. 1886: Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. MCMAHON, Mr. MCDERMOTT, and Mr. CONNOLLY of Virginia.
H.R. 1894: Mr. BOOZMAN, Mr. COHEN, and Mr. MARCHANT.
H.R. 1895: Mr. MORAN of Virginia.
H.R. 1944: Mr. MCDERMOTT.
H.R. 1964: Ms. EDWARDS of Maryland, Ms. LEE of California, Mr. BISHOP of Georgia, and Mr. LEWIS of Georgia.
H.R. 1974: Mr. SPACE, Mr. JONES, and Ms. TITUS.

H.R. 1977: Mr. FORBES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CAO, Mr. MELANCON, and Mr. DOGGETT.

H.R. 1978: Mr. RYAN of Ohio.

H.R. 1981: Mr. BISHOP of Utah, Mr. PAUL, Mr. JORDAN of Ohio, Mr. BROUN of Georgia, Mr. CANTOR, Mr. McKEON, Mr. BARTLETT, Mr. SHIMKUS, Mr. BRADY of Texas, Mrs. BLACKBURN, Mr. PITTS, Mr. HUNTER, Mr. FLEMING, and Mr. GOHMERT.

H.R. 1985: Mr. HASTINGS of Florida.

H.R. 2006: Mr. HASTINGS of Florida, Ms. KAPTUR, Mr. OBERSTAR, and Mr. YARMUTH.

H.R. 2017: Mr. HINOJOSA and Mr. KAGEN.

H.R. 2020: Mr. TONKO, Ms. FUDGE, and Mr. SMITH of Nebraska.

H.R. 2021: Mr. SIMPSON, Mr. NEUGEBAUER, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 2030: Mr. SERRANO, Ms. McCOLLUM, and Mr. LEWIS of Georgia.

H.R. 2036: Mr. GRAYSON.

H.R. 2052: Mr. TIAHRT.

H.R. 2054: Mr. REYES, Mr. PASTOR of Arizona, Mr. LANGEVIN, Mr. WEXLER, Mr. PRICE of North Carolina, and Ms. KILPATRICK of Michigan.

H.R. 2061: Mr. AKIN, Mr. LATTA, Mr. McCAUL, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. SOUDER, Mr. JORDAN of Ohio, Mr. BURTON of Indiana, Mr. HOEKSTRA, and Mrs. BACHMANN.

H.R. 2063: Ms. FOX, Mr. KLINE of Minnesota, and Mr. BURTON of Indiana.

H.R. 2068: Mr. BLUMENAUER and Ms. NORTON.

H.R. 2095: Mr. NADLER of New York.

H.R. 2099: Mr. PIERLUISI.

H.R. 2101: Mr. ABERCROMBIE.

H.R. 2103: Mr. LATOURETTE, Mr. GRIJALVA, Mr. MARKEY of Massachusetts, Ms. DEGETTE, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. WAXMAN, Mr. QUIGLEY, Mr. DOGGETT, Mr. HALL of New York, Mr. SIRE, Mr. KIRK, and Ms. SHEA-PORTER.

H.R. 2110: Mr. HELLER and Mr. LARSON of Connecticut.

H.R. 2111: Mr. KLINE of Minnesota and Mrs. LUMMIS.

H.R. 2112: Mr. KANJORSKI and Ms. NORTON.

H.R. 2118: Mr. BOOZMAN.

H.R. 2119: Mr. BOOZMAN.

H.R. 2123: Mr. CAMPBELL and Mr. BRADY of Pennsylvania.

H.R. 2132: Mr. ACKERMAN and Mrs. CAPPS.

H.R. 2139: Ms. JACKSON-LEE of Texas and Ms. LEE of California.

H.R. 2141: Mr. CONNOLLY of Virginia.

H.R. 2142: Ms. HERSETH SANDLIN, Mr. WILSON of Ohio, Mr. BOREN, Mr. BISHOP of Georgia, Mr. CARDOZA, Mr. COSTA, Mr. BOYD, Mr. HILL, and Mr. CONNOLLY of Virginia.

H.R. 2143: Mr. ANDREWS.

H.R. 2150: Ms. MOORE of Wisconsin.

H.R. 2163: Ms. GIFFORDS.

H.R. 2164: Ms. GIFFORDS.

H.R. 2172: Mr. BISHOP of New York.

H.R. 2176: Mr. GERLACH and Mr. SMITH of New Jersey.

H.R. 2187: Ms. SHEA-PORTER, Mrs. DAVIS of California, Mr. CARNAHAN, Mr. DINGELL, Mr. VAN HOLLEN, Mr. SESTAK, Mr. AL GREEN of Texas, and Ms. JACKSON-LEE of Texas.

H.R. 2201: Mr. POE of Texas.

H.R. 2203: Mr. LAMBORN.

H.R. 2219: Mr. MORAN of Virginia.

H.R. 2233: Mr. HONDA.

H.R. 2246: Mr. PASTOR of Arizona and Mr. WALZ.

H.R. 2261: Mr. WEXLER.

H.R. 2267: Mr. HASTINGS of Florida.

H.R. 2279: Mr. SERRANO.

H.R. 2288: Mr. CHAFFETZ and Mr. COFFMAN of Colorado.

H. J. Res. 11: Mr. GARRETT of New Jersey and Mr. BURTON of Indiana.

H. J. Res. 42: Mrs. McMORRIS RODGERS, Mr. CALVERT, Mr. TIBERI, Mr. ISSA, Mr. JONES, Mrs. MYRICK, and Mr. CULBERSON.

H. Con. Res. 16: Mr. SAM JOHNSON of Texas.

H. Con. Res. 49: Mr. PAUL, Mr. MOORE of Kansas, Mr. GALLEGLY, Mr. HINOJOSA, Ms. ROS-LEHTINEN, Mr. MILLER of North Carolina, and Mr. WALZ.

H. Con. Res. 84: Mr. HOLT.

H. Con. Res. 87: Mr. FORTENBERRY, Mr. CONNOLLY of Virginia, and Ms. WATSON.

H. Con. Res. 102: Mr. WALZ.

H. Con. Res. 105: Mr. GRAYSON, Mr. BOYD, Ms. HIRONO, Mr. CONAWAY, Mr. HINOJOSA, Mr. HONDA, Mr. KLEIN of Florida, Ms. LEE of California, Mr. ORTIZ, Mr. RUPPERSBERGER, Ms. WATSON, Mr. RUSH, Mr. MORAN of Virginia, Mr. RAHALL, and Mr. SPRATT.

H. Con. Res. 108: Mrs. DAHLKEMPER.

H. Con. Res. 109: Mr. ROGERS of Alabama, Mr. HASTINGS of Florida, Mr. BACA, Ms. KAPTUR, Mr. QUIGLEY, Mrs. MALONEY, Ms. WATSON, Ms. NORTON, Mr. KENNEDY, Mr. PLATTS, Mr. CUMMINGS, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. SNYDER, Ms. CLARKE, Ms. FUDGE, Mr. CARSON of Indiana, Mr. SIRE, Mr. TEAGUE, Mrs. CAPPS, Mr. PIERLUISI, Mr. LUJÁN, Mr. HONDA, Mr. PERRIELLO, Mr. KAGEN, Mr. BISHOP of New York, Mr. TONKO, Mr. CUELLAR, Mr. KIND, Mr. MORAN of Virginia, Mr. HINOJOSA, Mr. PAYNE, Mr. COHEN, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MASSA, Mr. MCGOVERN, Mr. LEVIN, Mrs. DAHLKEMPER, Mrs. HALVORSON, Mr. KLEIN of Florida, Ms. TITUS, Mr. SCHAUER, Ms. MATSUI, Mr. LARSON of Connecticut, Ms. EDWARDS of Maryland, and Mr. McMAHON.

H. Con. Res. 112: Ms. BORDALLO, Mr. KIND, and Mr. CAO.

H. Con. Res. 116: Mr. SHADEGG, Mrs. LUMMIS, Mr. PITTS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. McKEON, Ms. FOX, and Ms. FALLIN.

H. Con. Res. 117: Mr. OLSON, Mr. HALL of Texas, and Mr. SMITH of Texas.

H. Con. Res. 120: Mr. TONKO, Mr. CROWLEY, Ms. GINNY BROWN-WAITE of Florida, Mr. WELCH, Mr. MATHESON, and Mr. KIRK.

H. Res. 57: Mr. GRAYSON.

H. Res. 192: Mr. GONZALEZ, Mr. KLEIN of Florida, Mr. PALLONE, Mr. FLEMING, Ms. ZOE LOFGREN of California, Ms. KILPATRICK of Michigan, and Mr. SALAZAR.

H. Res. 196: Mr. MATHESON, Mr. HILL, Mr. MELANCON, Mr. GUTHRIE, and Mr. NEAL of Massachusetts.

H. Res. 204: Mrs. McMORRIS RODGERS and Mr. MEEK of Florida.

H. Res. 209: Mr. PASCRELL, Mr. LEVIN, Mrs. CAPPS, Mr. DUNCAN, and Mr. ISRAEL.

H. Res. 232: Mr. CAO.

H. Res. 236: Mr. McCOTTER.

H. Res. 248: Mr. DRIEHAUS and Mr. HODES.

H. Res. 252: Mr. KUCINICH, Mr. ADLER of New Jersey, Mr. SCHAUER, Mr. QUIGLEY, and Ms. ZOE LOFGREN of California.

H. Res. 260: Mr. CONNOLLY of Virginia, Ms. SUTTON, and Mr. HINCHEY.

H. Res. 278: Mr. MORAN of Virginia.

H. Res. 297: Mr. LANCE.

H. Res. 319: Mr. ROGERS of Alabama.

H. Res. 349: Ms. HARMAN.

H. Res. 366: Mr. SOUDER.

H. Res. 373: Mrs. BLACKBURN and Mr. LANCE.

H. Res. 385: Ms. HIRONO and Ms. KOSMAS.

H. Res. 386: Mr. NYE.

H. Res. 389: Mr. MOLLOHAN and Mr. RYAN of Ohio.

H. Res. 390: Mr. KANJORSKI, Mr. McHUGH, and Mr. SULLIVAN.

H. Res. 397: Mrs. BACHMANN, Mr. BROWN of South Carolina, and Mr. BOOZMAN.

H. Res. 407: Ms. WASSERMAN SCHULTZ, Mr. WOLF, and Mr. SERRANO.

H. Res. 412: Mr. WAXMAN.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 3, May 7, 2009, by Mr. STEVEN C. LATOURETTE on House Resolution 251, was signed by the following Members: Steven C. LaTourette, Mario Diaz-Balart, Patrick J. Tiberi, Thaddeus G. McCotter, Devin Nunes, Lincoln Diaz-Balart, John M. McHugh, Michael K. Simpson, and John Abney Culbertson.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 1, by Mr. LATTA on H.R. 581: Jim Jordan.

EXTENSIONS OF REMARKS

MOURNING THE PASSING OF
RUSSELL DUNHAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to mourn the passing of an American hero.

Russell Dunham passed away on April 6, 2009, at his home in Jerseyville, Illinois. He is survived by his daughter, Mary Lee Neal and her husband Kerry, his stepdaughter Annette Wilson and her husband Glenn, and his stepson, David Bazzell. Mr. Dunham had three grandchildren, nine great-grandchildren, three brothers and three sisters. Today they have my condolences, those of this House and those of a grateful nation. He was preceded in death by his wife, Wilda, two granddaughters, five brothers and two sisters.

Mr. Dunham served our nation in the Army's 3rd Infantry Division, part of General Patton's Third Army during World War II. In January 1945, near Kayserberg, France, Technical Sergeant Dunham single-handedly silenced three German machine guns. Leading his platoon forward through the snow, Sergeant Dunham raced 75 yards through heavy fire to assault a well-emplaced enemy position. Attacking the first gun, Sergeant Dunham was seriously wounded by machine gun fire, but he kept up his assault, silencing first one, then another, and then the third and final enemy emplacement, using his 175 rounds from his carbine and 11 grenades.

Despite his wounds, Sergeant Dunham kept moving forward from one position to the next, risking his life above and beyond the call of duty. For his "conspicuous gallantry and intrepidity," Technical Sergeant Russell Dunham, earned the Medal of Honor from the grateful nation he helped to save.

After the war, Mr. Dunham spent more than three decades helping area veterans through his work with the Department of Veterans Affairs. He raised a family, and was an active member of the VFW and AMVETS. He will be dearly missed by his family and his community, and his service and sacrifice will continue to earn the gratitude of all Americans.

TRIBUTE TO MS. TERRY
TYBOROWSKI

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to the work of Terry Tyborowski, Professional Staff for the House Energy and Water Development Appropriations Subcommittee. Unfortunately, Terry will soon be

leaving the House of Representatives for a new job at the Department of Energy, but the positive impact of her work will be felt in this House, and across this nation, for many years to come.

As a member of the Energy and Water Development Subcommittee for over 6 years, I have had the opportunity to work with Terry on a number of vitally important energy issues. I have seen firsthand the professionalism she brings to the job and the respect she has earned from Members, staff, and stakeholders alike. That respect derives not from her position or title, but from the hard work, honesty, reliability, and deep knowledge that are so prominent in Terry's character.

Perhaps the most impressive thing about Terry is her commitment to doing that which is right for the nation and its energy future. The Energy and Water Development Subcommittee is one of the most bipartisan, or non-partisan, in Congress and the staff that work there demonstrate it daily—particularly Terry. Her opinions didn't change when David Hobson yielded the Subcommittee's gavel to Peter Visclosky and neither did her approach toward Members, staff, or issues. She remains committed to good policy and providing wise counsel while always being loyal to the Chairman for whom she worked. What more could any of us ask of the professionals who work in this body?

I have been in Congress for over 10 years and was a member of the Idaho State legislature for 14 years. I have worked with hundreds of staff members and met with thousands of policy experts over the years. Much like the rest of my colleagues, I have seen the good and bad, the loud and quiet, the effective and ineffective, and those that are honest or not. I can say with certainty that Terry is one of the finest professionals with whom I have worked and a person from whom I have learned a great deal.

Her presence here on the Hill, and in the Subcommittee, will be deeply missed by me and by all of my colleagues who work with Terry. At the same time, her expertise, fairness, and good judgment will be put to good use at the Department of Energy and those of us who represent DOE sites are looking forward to continuing our work with Terry in her new capacity.

In closing, I would simply like to thank Terry for her hard work, her tenacity, her good counsel, and most of all, her friendship.

HONORING LIEUTENANT ROGER
"CHIP" WEBSTER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor Lieutenant

Roger "Chip" Webster for being selected as the Bartlett Fire Department's 2008 Officer of the Year.

Since joining the Bartlett Fire Department on August 16, 1998, Lieutenant Webster is known around the fire station for his leadership abilities that have become a trademark throughout his career. After being hired as a front line firefighter, Lieutenant Webster began his ascent through the ranks of the Bartlett Fire Department serving first as a Driver and then promoted to Fire Lieutenant. As a testament to his character and determination, Lieutenant Webster challenges himself to keep his personal level of training, education and certification above all recognized standards in the fire profession. With his "can do" attitude in tact, Lieutenant Webster motivates other fire professionals to aspire to higher standards through his leadership and inspiration.

I am pleased to know that experienced public servants like Lieutenant Webster are hard at work each day keeping the citizens of Bartlett, Tennessee safe. With his broad knowledge of the various facets of the fire department, Lieutenant Webster is a valuable asset not only to the Bartlett Fire Department but to the entire Shelby County community. Lieutenant Webster has my deepest gratitude and respect as he selflessly protects our neighborhoods each day with courage under fire.

Please join me in honoring Lieutenant Chip Webster on receiving this truly well-deserved award as the Bartlett Fire Department's 2008 Officer of the Year.

HONORING THE PASSING OF CHIEF
WARRANT OFFICER BERNARD C.
WEBBER, UNITED STATES COAST
GUARD, RET.

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. DELAHUNT. Madam Speaker, it is my esteemed honor to rise today to commemorate the passing on January 24, 2009, of Bernard C. Webber, a truly great member of the maritime community and a genuine hero of the 1952 Pendleton rescue off Chatham, Cape Cod, Massachusetts.

As a teenager from Milton, Massachusetts, young Webber demonstrated his service to his country by serving with the U.S. Merchant Marines in the Pacific during World War II. On February 26, 1946, Webber enlisted in the U.S. Coast Guard. He quickly rose through the ranks and was eventually assigned to Coast Guard Station Chatham as a First Class Boat-swains Mate.

After just six years in the service, he distinguished himself on the night of February 18, 1952, by executing the greatest small-boat rescue in Coast Guard history. Webber and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

his crew of three crossed the treacherous Chatham Bar and made their little 36-foot lifeboat, the CG 3600, famous. After Webber and his crew crossed the bar, they immediately faced 70-knot horizontal blinding snow and 60-foot waves en route to the floundering 503-foot tanker Pendleton, a T-2 fuel tanker that had broken in half the same night. With the windshield all but destroyed, all means of navigation—including the compass—obliterated by seas and winds, and with limited-to-no visibility, Webber nonetheless found the stern of the tanker where thirty-three were huddled in the wet and freezing night.

Webber skillfully guided his small boat powered only by a single 90-horsepower gasoline engine and rescued all but one of the crew from the stern of the stricken tanker. Moments after the last crewman was rescued, the hulk of the Pendleton rolled over and sank. Webber then skillfully navigated his grossly-overloaded boat toward safe refuge, but had to cross the Chatham bar again before reaching the safety of Chatham Harbor.

For their actions, Webber and his crew received the coveted Gold Lifesaving Medal, reserved for extreme heroism, and a place in Coast Guard history for having executed the Greatest Small Boat Rescue of all time. In 2007, the Coast Guard acknowledged the enormity of the rescue by declaring it their third most significant rescue of all time, ranking behind only the 1980 rescue of 520 people from the Dutch liner *Prinsendam* off Alaska and the service's phenomenal performance in the aftermath of Hurricane Katrina, during which 33,545 people were saved. In 2002, I had the great and distinct privilege of overseeing the re-issuance of the Gold Lifesaving Medals to Warrant Officer Webber and his crew at ceremonies honoring them in Boston and on Cape Cod.

Webber's life was not solely defined by the Pendleton rescue or his time in the Coast Guard. He served in the Coast Guard until 1966 after serving a tour in Viet Nam and at several other stations and lightships. He went on to serve as the Town of Wellfleet, Massachusetts' harbor master; a charter boat captain out of Orleans; the Warden-head Boatman for the National Audubon Society; and part of the Hurricane Island Outward Bound School in Maine—all told, spending more than half his life on New England waters. In his later life, he continued to make contributions to his former service's proud heritage with his summer visits to local Coast Guard stations, and by educating Coast Guard Academy cadets and others about his time in the Coast Guard.

Warrant Officer Bernard C. Webber leaves a legacy of quiet strength and dignity that is a loss to Massachusetts and the United States. As we honor his memory with a service this weekend, I encourage my colleagues in the House of Representatives to please join me in acknowledging the passing of an American icon and Coast Guard hero.

CONGRATULATIONS TO THE DANIEL TORRES HISPANIC CENTER OF READING, PA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Daniel Torres Hispanic Center of Reading and Berks County on its 40th Anniversary and to honor the non-profit organization for its commitment to serving the region's growing Latino population.

Thanks to an extremely dedicated and hard-working staff, the Center serves more than 15,000 people in the community each year and offers about 20 diverse, high-quality programs.

These programs range from providing hot meals for students after school in the Kid's Café to cultivating future community leaders through the Leadership Institute to a thriving Senior Center where older members of the community socialize, share a meal and receive other important services. All of the programs strengthen the character of the participants as well as the fabric of the community.

The Club will celebrate its 40th Anniversary on Friday, May 8th, 2009 during a dinner at the Reading Crowne Plaza Hotel in Wyomissing.

Madam Speaker, I ask that my colleagues join me today in recognizing the Daniel Torres Hispanic Center of Reading and Berks County for reaching this special milestone and in recognizing the valuable contributions of the Center's staff to improving the quality of life for the region's Latino community.

CONGRATULATING TROJANS OF JAMES MADISON HIGH SCHOOL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to congratulate the Trojans of James Madison High School on their first state basketball championship since 1997. These outstanding young men have come a long way this past season and have made their community in South Dallas so very proud.

Winning a state championship is something that will last a lifetime. It is a remarkable achievement that few teams ever experience, and it is a legacy that will live with the 2008–09 Trojans forever. The Trojans and Coach Damien Mobley know what brought this state title back to Dallas—hard work. It is doing that one extra sprint, that extra drill, shooting that extra free throw after practice that helped make the Trojans champions. Nobody outworked the Trojans and nobody could beat them in the state tournament. And nobody had a greater following or more community support than the Trojans of Madison High.

It is an honor to pay tribute to the entire Trojan squad and on behalf of all the residents of Texas, congratulations again to the Trojans

of Madison High School and Coach Damien Mobley and the entire Madison community—you are an inspiration to us all. It is Trojan Pride at its finest. Go Trojans.

NATO SUMMIT

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. TANNER. Madam Speaker, from April 2–9, 2009, in my capacity as President of the NATO Parliamentary Assembly (NATO PA), I spoke at the 60th Anniversary Summit of NATO in Strasbourg/Kehl; chaired the NATO PA Standing Committee meeting and conducted bilateral meetings in Vilnius, Lithuania; traveled to Kiev, Ukraine and Tbilisi, Georgia on NATO PA Presidential visits; and addressed the EAPC Ambassadors in Brussels, Belgium. The Honorable JO ANN EMERSON (R-MO), who chairs the NATO PA's Civil Dimension of Security Committee and serves on the Standing Committee of the NATO PA, and NATO PA Secretary General David Hobbs, joined and worked with me to make this a successful trip.

In the NATO PA, parliamentarians from NATO member and partner states gather to discuss NATO issues and as elected officials, have a close working relationship with the Alliance. In addition to my role as the Assembly's President, I chair the U.S. delegation to the NATO PA. The U.S. delegation is always bipartisan, actively and regularly participates in the NATO PA sessions, and several of our delegates hold elected offices within the Assembly. The NATO PA meetings afford an opportunity to sound out parliamentarians from allied states on public opinion, defense and foreign policy, and trends in strategic thinking. These meetings also allow us to come to know members of parliaments who play important roles in shaping the security agenda that their governments debate at NATO headquarters. These relationships can last a lifetime and enhance mutual understanding of issues in the different member countries.

NATO SUMMIT IN STRASBOURG/KEHL

The NATO Summit was held April 3–4 in Strasbourg/Kehl, which is situated on the German-French border. There is great symbolism in the Alliance's 60th Anniversary being celebrated on this border, given what has transpired over the last century in those two countries which drew the United States into both World War I and World War II.

On behalf of the alliance parliamentarians, I addressed the Heads of State and Government at the NAC (North Atlantic Council), the Alliance's decision-making body. I outlined three serious challenges facing NATO at this time in its 60th year which we, as parliamentarians, believe are critical to the Alliance: the mission in Afghanistan, our relationship with Russia, and the need for a new Strategic Concept.

At the beginning of the NAC, NATO Secretary General Jaap de Hoop Scheffer welcomed Albania and Croatia as new members of the Alliance. He noted that their membership comes as the result of long years of hard

work and that both countries have shown dedication and drive in completing the necessary reforms of their governing structures and their militaries. Since the United States is the depository country of the Washington Treaty, President Obama handed over copies of the Washington Treaty to the Presidents of Albania and Croatia, signifying the two countries' admission to the Alliance. Additionally, the 28 NATO Heads of State and Government unanimously agreed to appoint Danish Prime Minister Anders Fogh Rasmussen as NATO's next Secretary General. He will officially take up his duties on August 1 of this year, when the term of Secretary General Jaap de Hoop Scheffer expires after over five years of leading the Alliance.

For the first time, the NATO PA was mentioned in the NATO Summit Declaration. In paragraph 17 it states: "We welcome the role of the NATO Parliamentary Assembly in promoting the Alliance's principles and values."

LITHUANIA

On April 5 in Vilnius, I chaired the Standing Committee meeting of the NATO PA. The Standing Committee consists of the heads of the Member delegations, chairs of the five NATO PA Committees, and the Bureau of the Assembly. In a productive session, we approved Bulgarian MP Assen Yordanov Agov as the Assembly's new Vice President. Mr. Agov will replace outgoing NATO PA Vice President Rasa Juknevičienė, who vacated the post to serve as Lithuania's Defense Minister. Among other agenda items, the Committee discussed relations with the Russian delegation to the NATO PA, increasing the profile of our relationship with Georgia, relations with Belarus, cost cutting measures for NATO PA meetings in light of the current economic climate, and the Assembly's contribution to a future NATO Strategic Concept. I took the opportunity of the Standing Committee forum to emphasize my presidency theme of teamwork and a "Team NATO" concept, and that keeping a critical mass of public support to maintain the Afghanistan mission is essential. 2009 is a critical year for the Alliance in Afghanistan, and I stressed a sense of urgency with this timeline.

Also in Vilnius, Ms. Emerson and I attended a working dinner hosted by the Speaker of the Seimas (Lithuania's Parliament), Arunas Valinskas. We were joined by Seimas Members Juozas Olekas and Emanuelis Zingeris and the Director of the Seimas's International Relations Department, Sigita Trainauskiene. Our Ambassador to Lithuania, John Cloud, also participated. We thanked the Lithuanians for their contributions in Afghanistan, highlighting that their per capita contribution to the effort is impressive. In turn, the MP's thanked the U.S. for its support throughout the Soviet occupation and its role in regional NATO initiatives such as Baltic Air Policing. We discussed energy issues, mainly Lithuania's concern regarding the requirement to close their nuclear power plant by the end of this year (an EU membership condition they agreed to eight years ago). We encouraged them to amend Lithuania's residency law which currently requires Americans (and other non-EU nationals) who are working in Lithuania to live in the country for two years before their family members can receive residency permits to join

them. They reassured us it would be resolved by this summer. We also encouraged them to address Jewish property restitution issues.

We enjoyed a warm reception from our Lithuanian counterparts and the visit underscored the strong working relationship between our two countries. This year marks five years of NATO Membership for Lithuania. The bilateral visit and the NATO PA meetings, particularly on the heels of the NATO Summit, received positive attention from the local media.

UKRAINE AND GEORGIA

Immediately following our participation in the Strasbourg/Kehl Summit and the Assembly's Standing Committee meeting in Vilnius, the delegation traveled to Ukraine and Georgia on April 6–7. The purpose of the visits was to underline the Assembly's continuing commitment to Ukraine and Georgia's Euro-Atlantic integration and to obtain firsthand views on progress in the reform process. The two governments provided an opportunity to discuss a variety of security-related topics ranging from Afghanistan to the Russian occupation of Abkhazia and South Ossetia. I emphasized to the Ukrainians and Georgians that this being my first official trip as NATO PA President was meant to send a signal of their importance to NATO and to Europe. We thanked Georgia and Ukraine for their contribution to NATO activities, encouraged them to continue pursuing NATO membership, and reassured them that we are here to help them achieve this goal.

UKRAINE

In Kiev, we were greeted by our Ambassador to Ukraine, William Taylor, and hosted by the Verkhovna Rada (Ukrainian Parliament). We met with MP's from BYuT (Block of Yulia Tymoshenko): Andriy Shkil (Head of Ukrainian delegation to the NATO PA), Ostap Semyrak, and Vadym Korotuk; Party of the Regions: Yurhoriy Illiashov; Our Ukraine: Ivan Zaiats, Yuriy Samoilenko, and Borys Tarasuk (Chairman of the Committee on European Integration). We also met with Speaker Volodymyr Lytvyn, Deputy Prime Minister Oleksandr Turchynov, had a particularly informative briefing from Deputy Defense Minister Ivanschenco, and spent over an hour in a private meeting with President Viktor Yushchenko. We did not meet with Prime Minister Yulia Tymoshenko, as other events required her to cancel all of her meetings that day. While at the Rada, we observed a session of Parliament with Hans-Gert Pottering, President of the European Parliament.

Ukraine's political leaders readily acknowledged the harm caused by instability in parliamentary coalitions and friction between governmental factions. Most agree that the constitution should be amended to reduce the scope for political instability, and a constitutional commission is likely to be established to develop possible solutions. The need for stability has recently been underlined by the financial crisis which has hit Ukraine particularly hard. The various factions do seem to be working together to ensure the delivery of IMF support and to adopt an economic program.

President Yushchenko's popularity ratings are low. On April 1, the Rada voted to hold presidential elections on October 25, much earlier than the anticipated January 2010 date, which would mark the end of Yushchenko's five year mandate.

Ukraine is vigorously striving for NATO membership. Indeed, Ukraine's intention to join NATO was declared in 2002 and subsequently written into national legislation when the current main opposition party was in power.

Regarding the outcome of NATO's Strasbourg/Kehl Summit, Ukraine welcomed the reiteration of NATO's "Bucharest message"—that NATO's door remains open, and that Ukraine and Georgia will become members of NATO. The Annual National Program—a framework intended to help Ukraine plan and continue to implement political, economic, defense and security sector reforms is being prepared. The view was expressed that the Annual National Program is seen as a Membership Action Plan in all but name.

Ukraine is the only NATO partner participating in all NATO-led operations. The current financial crisis is necessitating a review of commitments and transformation efforts, and some reductions in the scale of contributions to operations might have to take place. However, it was not felt that Ukraine would withdraw from any operations and strenuous efforts are being made to sustain those particular commitments. The Ukrainian officials explained that even Ukraine's peacekeeping operation in Afghanistan is a delicate issue, as 15,000 Ukrainians were killed in the Soviet's Afghanistan campaign, and those wounds still have not healed.

Public support for NATO membership remains relatively low but it is rising, particularly among the younger population. The government believes that the more is known about NATO, the more support should increase. Over the past decade, it has been important that candidate state governments take the lead in persuading public opinion of the value of NATO membership. Representative Emerson offered that instead of using terms such as "NATO", "MAP", etc., government officials could relate and appeal to the people on a more direct level by talking about personal security and how that affects them.

Ukraine's aspirations to NATO membership is but one source of friction with its neighbor, Russia. Others include energy, the expiration in 2017 of the agreement under which Russia leases naval bases in the Crimea for its Black Sea Fleet, and even the demarcation of borders.

It was stressed that Ukraine does not seek to antagonize Russia, but only to pursue its own independent course. It was pointed out that Russia has itself a more extensive list of areas of cooperation with NATO than has Ukraine, and that the NATO PA could seek to help the Ukrainian public realize that Russia is actually very actively cooperating with NATO on certain key issues. The Ukrainians pointed out that there are six working groups in Ukraine-NATO and 19 working groups in Russia-NATO.

We took the opportunity in the meetings in Kiev to thank Ukrainian governmental and parliamentary representatives for their country's contributions to NATO's operations, and to underline the Assembly's support for Ukraine's process of Euro-Atlantic integration. We underlined the strong relationship between the Assembly and the delegation from the Verkhovna Rada, and I reiterated the sentiments I expressed at the Strasbourg/Kehl

Summit regarding NATO enlargement: that this process enhances Euro-Atlantic security, threatens no one, and is not subject to a veto by any other country.

GEORGIA

In Georgia, we were greeted by our Ambassador, John Tefft, and hosted by the Georgian Parliament. We met with the Speaker of the Georgian Parliament David Bakradze; met with the official opposition (Levan Vepkhvadze, Gia Tortladze of Powerful Georgia Party, Nikolz Laliashvili of the Christian Democratic Party, and Rati Maisuradze of the Christian Democratic Party); had lunch with the Georgian delegation to the NATO PA headed by Giorgi Kandelaki; met with the Minister for European and Euro-Atlantic Integration Giorgi Baramidze (former head of the Georgian NATO PA delegation); had a very informative discussion with Prime Minister Nika Gilauri; met with President Mikheil Saakashvili; attended a dinner hosted by Speaker Bakradze which members of the opposition were invited to and attended; and lastly, met with Nino Burjanadze of the radical opposition (former Speaker of Parliament and driving force behind the April 9 protests). Georgia is seeking to make considerable progress with internal reform. For instance, it is looking at various forms of constitutional reform to strengthen parliament and to improve election practices. It is pursuing the recommendations of the Council of Europe and the OSCE, and seeking to build public trust in the system. It is noteworthy that although opposition figures within Parliament feel that democratic processes could be improved, they nevertheless believe that the overall situation is good.

Georgia must continue to reform its economy, build a free press, and establish an independent judiciary.

Despite the financial crisis, Georgia still expects modest economic growth in 2009. It has a balanced budget and a stable economy with relatively low inflation. The economy is attracting a high level of foreign investment. The economy is also diversified in terms of products and markets, so Georgia is not dependent on any particular geographical region or any single commodity. Furthermore, Georgia had been fortunate in not having substantially de-regulated the banking sector.

Representative EMERSON was impressed with Georgia's agricultural development and the positive role agriculture can continue to play in Georgia's economic future.

There is a very broad political consensus on joining NATO. This view was expressed by both government and opposition representatives. The government contends that over 70 percent of the population and nearly all of the political parties support NATO integration.

Georgia is developing its Annual National Program, and in that context it was stated that "the 'Membership Action Plan' route was not the only road to NATO membership."

NATO—and especially United States—support is seen as crucial to Georgia. Governmental and parliamentary representatives expressed their gratitude for the Assembly's particularly strong support following the events of August last year. Russia's continuing occupation of South Ossetia and Abkhazia was unacceptable, as was its recognition of the two regions' independence. Russia remains in viola-

tion of the EU-brokered ceasefire agreement. There has, for instance, been no draw down of Russian forces in South Ossetia and Abkhazia. On the contrary, new military facilities are under construction, tens of thousands of people remain displaced (in addition to the hundreds of thousands displaced in the 1990s), and international monitors can still not cross the administrative boundaries. Georgian officials believe that a continuing international presence remains vital.

Russia has made no secret of its opposition to Georgian membership in the Alliance and its desire to see "regime change" in Georgia. There is a widespread belief that tensions with Russia will persist until Georgia becomes a member of the Alliance. Russia's goal in fomenting such tension, Georgian officials contend, is simply to present an obstacle to Georgia's membership.

Even so, Georgian officials said they have no desire to see Russia isolated from the international community. Russia, NATO and NATO aspirants have common interests in some areas, in their view.

The European Union's Monitoring Mission (EUMM) provided us with a detailed briefing.

EUMM's mandate is to monitor the implementation of the EU-brokered ceasefire agreement, in particular the withdrawal of Russian and Georgian armed forces to the positions held prior to the outbreak of hostilities. It is also tasked to contribute to the stabilization and normalization of the situation in the areas affected by the war, to monitor the deployment of Georgian police forces, and to observe compliance with human rights and rule of law. The Mission covers three functional areas: Internally Displaced People (IDP)/Humanitarian, Police/Justice/Human Rights, and Military.

Regarding Georgian IDPs, there are more than 230,000 IDPs from conflicts in the 1990s, and a further 130,000 from the war in August 2008. Of that latter category, some 100,000 have been able to return to their homes since Russian forces have pulled back—with some important exceptions—to within the administrative boundary lines of South Ossetia and Abkhazia. The EUMM has been able to provide substantial assistance in collective data on IDPs. On the Police/Justice/Human Rights part of the mission, there is good cooperation with the Georgian authorities which has, for instance, helped to clarify the distinctions between Georgian police and armed forces. The EUMM's work is limited, however because it cannot obtain access to South Ossetia or Abkhazia. In the military area, Georgia has agreed to limits on the numbers and nature of weapons within a zone around the administrative boundary lines. This is seen as a substantial confidence-building measure.

Although much has been achieved, several key challenges remain. These include the continuing presence of Russian forces at Pervai and Akhagori, the lack of clear dialogue with Russian, South Ossetian, and Abkhazian representatives, unsolved shootings, persistent acts of provocation, the reinforcement of defensive positions on either side of the administrative boundary lines, and the EUMM's lack of access to South Ossetia and Abkhazia.

Representative EMERSON chairs the NATO PA's Civil Dimension of Security Committee and is considering taking her committee to the border area, possibly sometime next year.

Our visit took place two days before demonstrations were planned outside the Georgian Parliament (for April 9). The purpose of the demonstrations was to demand the removal from office of Georgia's President Mikheil Saakashvili. Naturally, the demonstrations were the subject of considerable discussion with government leaders, parliamentary supporters, and opposition representatives from within and outside the parliament.

Government and parliamentary representatives upheld the right to demonstrate and protest, but there was concern that protests might become violent. Officials also shared concern about how such demonstrations would be perceived internationally. Some opposition figures in parliament expressed fear that the demonstrations might get out of hand. They argued that if the demonstrations concerned the pace or nature of certain reforms, this could be the basis for legitimate protest.

In the various discussions on this matter, we urged restraint by all parties. Many observers had felt that the response to demonstrations in 2007 had been "heavy handed," and this too had harmed Georgia's reputation. It is in Georgia's national interest that the demonstrations remain peaceful. We encouraged Georgian officials to allow the protests to happen, and indeed, there was no violence during the demonstrations, due in large part to the appropriate way the government handled the demonstrations, which has earned them goodwill internationally.

Representative EMERSON and I spoke at length with the Georgians (and the Ukrainians) about the importance of peaceful transitions of power, peaceful reform, the rule of law, and functional bipartisan relations being essential to a stable country and democracy. We reassured them that opposition is to be expected in a democracy, that the majority has an obligation to take into account the ideas of the minority in deliberations, and that the minority in turn has an obligation to participate in a responsible way and accept that whoever has the majority at a given time, will end up making most of the decisions. We also stressed the importance of the opposition marginalizing the extreme opposition factions. Representative EMERSON and I shared our experiences of being in both the minority and the majority. We also relayed that, although members of opposite parties, we are able to effectively work together, especially when it comes to important issues.

We also applauded Georgia's progress in the implementation of reforms, and reiterated the Assembly's support for that process. Representative EMERSON commended the younger generation for stepping up and taking responsibility for leadership and the future course of their country. We also welcomed the government's decision to increase its force commitment to the International Security Assistance Force (ISAF) in Afghanistan.

We underlined that—as I stated in my speech at the Strasbourg/Kehl Summit—NATO enlargement threatens no one. Allied nations make good neighbors, and new members promote regional and Euro-Atlantic stability—ends that serve everyone's interests—and Russia has no veto over the sovereign decisions of its neighbors.

The NATO Parliamentary Assembly does not wish to interfere in Georgia's internal affairs, nor provide support for any particular party or faction. It supports Georgia, the Georgian people, and Georgia's right to determine its own future.

BELGIUM

On April 8 in Brussels at NATO Headquarters, I addressed the EAPC (Euro-Atlantic Partnership Council) Ambassadors. The meeting was chaired by NATO Deputy Secretary General Claudio Bisogniero. The EAPC brings together 50 NATO Partnership countries (28 NATO countries and 22 Partner countries) for dialogue on political and security-related issues, and provides the overall political framework for NATO's cooperation with Partner countries and the bilateral relationships between NATO and individual Partner countries with the Partnership for Peace Program.

I delivered an overview of the Strasbourg/Kehl Summit and several Partners gave their thoughts on the Summit conclusion, including Russia and Georgia.

There was a vigorous discussion among the Russian, Moldovan, and Romanian ambassadors at the EAPC meeting about the uneasy political situation in Moldova.

My speech to the EAPC ambassadors mentioned the work of the NATO PA and its role in building NATO partnerships. I noted Jan Peterson's (of Norway's NATO PA delegation) work on the Strategic Concept and welcomed suggestions from NATO PA associate members.

The brief was well received around the table and several Allies and Partners were very complimentary of the work done by the NATO PA and the NATO PA Secretariat staff in Brussels, led by David Hobbs.

Immediately following the EAPC meeting, we (joined by the Deputy Chief of the U.S. Mission to NATO, Walter Andrusyszyn) met with Russian Ambassador to NATO Dmitry Rogozin, per Rogozin's request. Rogozin offered that parliamentary diplomacy through the auspices of the NATO PA could help alleviate the deep mistrust in Russia regarding engagement with the Alliance, and advocated an ambitious set of meetings. Noting that he is a former parliamentarian, Rogozin said he is willing to use his contacts in the Russian Duma to encourage this. We agreed that parliamentary diplomacy and the NATO PA have a positive role to play in the NATO-Russia context, but warned that practical constraints would make the scale of Rogozin's proposals difficult to implement. We also emphasized that enhanced engagement with Russia would require a more constructive approach than had been seen in the past from Russian participants in NATO PA events; that engagement needs to be a two-way street, but that nevertheless we would discuss Russia with Administration officials upon our return to Washington.

Raising Afghanistan, Rogozin noted that Moscow intended to continue to allow the transit of non-lethal goods bound for NATO forces in Afghanistan. He also said he expects resistance from the Taliban to increase in response to the U.S. troop increase in Afghanistan. Rogozin also offered that the crisis in NATO-Russian relations over the August 2008 Russia-Georgia war could turn out to be useful.

Noting that the decisions taken at the April 3-4 Summit provided a way ahead on resumption of the NATO-Russia Council (NRC), Rogozin said he hopes to get the relationship to a qualitatively new level.

We reiterated our hope that we can have open dialogue with the Russians on the issues and threats we have in common, such as nuclear proliferation and radical fundamentalism, and that our differences will not preclude us from having discussions on these common interests.

This was a very tightly choreographed trip, which depended on exact timing and movement in order to achieve the results that it did; therefore, the support of the United States military was again essential to its successful planning and execution. Our aircrew was from F Company, 52nd Aviation Regiment, Wiesbaden Army Airfield, Germany. We could not have made our intense schedule work without their professional efforts and dedication to duty. Also, I must mention our military escort, Col. Tom Shubert, USAF (Ret.). He was the facilitator in the various air movements and air space clearance. His work was extraordinary.

HONORING PROFESSOR ED DEPETERS OF DAVIS, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Professor Ed DePeters, the 2009 recipient of the University of California, Davis Prize for Undergraduate Teaching and Scholarly Achievement. This \$40,000 prize, first awarded in 1987, is believed to be the largest undergraduate teaching award in the nation. The prize is awarded to scholars who are successful not only in their research, but convey their excitement and love of scholarship to their students.

Professor DePeters, or "Dr. D" as students call him, is an animal scientist and expert in dairy cow nutrition, but his hallmark at UC Davis is imparting his knowledge and passion for these subjects to his students.

Growing up on a farm in upstate New York, Professor DePeters developed an interest in animal agriculture that led him to Cornell University for a bachelor's degree in animal science. He went on to Penn State for a master's degree in dairy science, but instead of returning home as he had planned, he continued his studies and earned his doctoral degree in dairy science, which led him to a faculty position at UC Davis.

Professor DePeters' research focuses on how the composition of milk, particularly the fatty-acid content, can be modified by changes in the cow's diet, and how agricultural byproducts such as almond hulls and cottonseed can be converted into nutritious feeds. His research has resulted in more than 120 scientific publications and is widely influential in the industry.

Notwithstanding his research achievements, Professor DePeters' energy and personal concern have stood out in the minds of his stu-

dents. Their reviews are peppered with comments like "very enthusiastic" . . . "really knows his material" . . . "very approachable" . . . "incredible teacher" . . . "funny and gifted" . . . "the most motivated and dedicated teacher" . . . "a great guy and awesome professor" . . . "I love this class; it's top priority." He teaches a lower-division course in livestock production and upper-division courses in dairy cattle production and animal feeds and nutrition.

Professor DePeters makes a point of learning students' names, and he takes pictures of each student and carries the pictures around with him until he has learned them all.

Madam Speaker, it is appropriate at this time for us to acknowledge and thank Professor Ed DePeters for his years of exemplary work as a scholar and educator, and to congratulate him on receiving this well-deserved award. His commitment to inspiring and educating students has been unwavering, and he deserves our congratulations.

CELEBRATING THE 61ST ANNIVERSARY OF THE FOUNDING OF THE NATION OF ISRAEL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. COSTELLO. Madam Speaker, I rise today to congratulate Israel on the 61st anniversary of its founding on May 14, 1948.

Israel is a true friend to the United States. For the past 61 years, Israel and the United States have been linked on many levels. We have sustained a strong partnership, sharing not only a commitment to peace and security in the Middle East, but also common democratic ideals and principles.

Israel is a nation founded by people seeking refuge from religious persecution. It has developed into a thriving democracy proud of its achievements, building a strong and vibrant society committed to the rule of law and sustaining a robust economy.

While Israelis continue to contribute a great deal to society, the state of Israel exists in a dangerous neighborhood. It has weathered continued attacks by Hamas and Hezbollah and faces an increasing threat from Iran. These are real obstacles to peace that threaten the safety of Israeli men, women, and children, and affect the stability of the region. Despite these challenges, Israel still works toward peace and security with its neighbors.

Israel has taken meaningful, unilateral steps toward this end. It has fostered an amicable, working relationship with Egypt and Jordan, removed troops from Gaza and Lebanon, and has participated in open negotiations with the Palestinian government to work toward a productive peace agreement for both sides. While the United States will remain an active player in the Middle East peace process, true peace can only be achieved through a pragmatic and faithful approach constructed by regional authorities.

Madam Speaker, Israel wants peace, and the United States must remain committed to helping its friend achieve this goal. I stand

here today to affirm my commitment to the nation of Israel and to congratulate our friend and partner on its 61st anniversary.

CONGRATULATING EAGLES OF
DESOTO HIGH SCHOOL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Ms. EDDIE BERNICE JOHNSON of Texas, Madam Speaker, I rise today to congratulate the Eagles of DeSoto High School on their victory over neighboring Cedar Hill High School. This "Battle of Belt Line" has been played many times over the years, but this was the first time the state title was on the line. With the Eagles win, DeSoto can now claim their second state basketball championship. These outstanding young men have come a long way this past season and have made their community in Dallas County so very proud.

Winning a state championship is something that will last a lifetime. It is a remarkable achievement that few teams ever experience, and it is a legacy that will live with the 2008–09 Eagles forever. The Eagles and Coach Chris Dyer know what brought this state title back to DeSoto—hard work. It is doing that one extra sprint, that extra drill, shooting that extra free throw after practice that helped make the Eagles champions. Nobody outworked the Eagles and nobody could beat them in the state tournament. And nobody had a greater following or more community support than the Eagles of DeSoto High.

It is an honor to pay tribute to the entire Eagles squad and on behalf of all the residents of Texas, congratulations again to the Eagles of DeSoto High School and Coach Chris Dyer and the entire DeSoto community—you are an inspiration to us all. It is Eagles Pride at its finest. Go Eagles!

HONORING THE ST. CLOUD AREA
CHAMBER OF COMMERCE AWARD
RECIPIENTS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor three people and companies that embody both the spirit of American entrepreneurship and the heart of American public service: John W. McDowall, owner of the McDowall Company, The Mahowald Insurance Agency, and Byron Bjorklund, owner of Short Stop Custom Catering. Today, they will be honored by the St. Cloud Area Chamber of Commerce for their outstanding success and positive contributions to the St. Cloud community.

I want to congratulate John W. McDowall, this year's recipient of the Chamber's Entrepreneurial Success Award. Mr. McDowall joined the family business after graduating high school in 1973 and worked his way up the ladder until being named President in

1999. Today, this construction company employs 130 individuals and continues to earn an impressive profit despite unexpected price increases and a sluggish economy. In addition to running a successful business, Mr. McDowall contributes to the community through his involvement on numerous boards, including Bremer, St. Cloud Technical College, St. Cloud Opportunities, and the Boys and Girls Club.

I also want to recognize The Mahowald Insurance Agency for earning the Chamber's Mark of Excellence Award. The family-owned business, which has been passed to four generations, began in 1930 when Anthony Mahowald started going door to door every week collecting premiums for life insurance policies he sold. When Tony's son, Robert Mahowald, took over in 1956, he expanded the agency beyond personal insurance coverage. The Mahowald Insurance Agency serves people, businesses, and even the schools of the St. Cloud area—and hopefully for many generations to come.

Last but not least, I want to recognize Byron Bjorklund, owner of the Short Stop Custom Catering and the 2009 St. Cloud Area Small Business Person on the Year. Beginning his career at the young age of 11, Mr. Bjorklund started in the fast food industry and in 1995, his business evolved into a catering service. He has experienced a nearly 25 percent growth by establishing solid relationships with a variety of businesses and organizations. And thanks to his entrepreneurship, more than 100 people have full-or part-time employment.

Madam Speaker, I applaud these outstanding individuals and businesses who have worked hard to achieve the American dream of free enterprise and serve our community by ensuring small businesses remain the job engine of America.

HONORING REVEREND DR. LEROY
SHELTON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. KILDEE. Madam Speaker, it is with great sadness that I arise today and pay tribute to the life of Reverend Dr. LeRoy Shelton. Dr. Shelton passed away suddenly on Monday, May 4th. The Flint community has lost one of its greatest leaders and I have lost a dear friend. His funeral is scheduled for Tuesday, May 12th at Christ Fellowship Missionary Baptist Church in Flint.

Dr. Shelton became the pastor of Christ Fellowship Missionary Baptist Church in 1987. During this time the congregation grew in numbers and strength. A committed member of Concerned Pastors for Social Change, he was a vocal activist for those in need. He understood the challenges faced by individuals and advocated at all levels of government to improve the lives of our citizens. He served as a delegate to the 1992 Democratic Convention and attended the Inauguration of Bill Clinton to the Presidency. In 1995 President Clinton invited Dr. Shelton to dinner at the White House.

He viewed his political involvement as an extension of his ministry to be Christ's representative in a needy world. His love and concern for others knew no bounds. Dr. Shelton loved his congregation and they loved him. He said about being the pastor of Christ Fellowship Missionary Baptist Church:

To have shared twenty-three years in the life of the 80 years of this church . . . Canaan to Christ Fellowship Missionary Baptist Church. In the interim before my pastoring began, I was impressed with the commitment, dedication, and love the members demonstrated towards one another. My mentor, the late Alfred L.C. Robbs afforded me every opportunity to grow, develop, and above all study formally to prepare myself spiritually.

Fortunately, I earned the opportunity to become his successor. Realizing that no one can ever fill the shoes of anyone, not even by following in the path trod before, the congregation enveloped me and has worked with me in a Christian manner. In the midst of hills and valleys, there has been much love. As great as the past has been, we have not ceased. We are striving to make the next years a journey upon which our Lord will be able to place a stamp of approval and say: "Well done, my good and faithful servants." It is our hope that you will have an opportunity to visit our church, "Where Christian Fellowship Is Real."

Madam Speaker, Reverend Dr. LeRoy Shelton has traveled home to be with Our Lord, Jesus Christ. During his time with us, Dr. Shelton touched lives, healed spirits, empowered the poor, and brought Christ's abundance to disheartened. He traveled the road to salvation with many people. My life is better for having known him and I share in the sorrow felt by the Christ Fellowship family. My condolences go out to his wife, Claudia, his children and to the members of Christ Fellowship. Dr. Shelton was a truly great Christian. I ask the House of Representatives to stand with me and applaud the life, charity and legacy of Reverend Dr. LeRoy Shelton.

HONORING BRYAN STONE

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. WESTMORELAND. Madam Speaker, I rise today to honor Bryan Stone, named the 2009 Small Business Person of the Year by the Small Business Council of America. To win this prestigious award one must possess entrepreneurial spirit, creativity, vision and managerial acumen as well as a profound commitment to community service.

As the owner of Columbus Gourmet, Bryan Stone has grown his business while becoming an integral part of Muscogee County.

In 2004, Stone acquired a "mom and pop" business called Kendrick Pecan and in just five years he has expanded rapidly into a thriving specialty food operation that now also includes La Piccolina, Dodge City Steaks and Aunt Pearl's. His products now enjoy strong regional brand recognition and the company now employs up to 30 people at a time.

Stone's gourmet products line the shelves of more than 900 grocery stores and he has licensing agreements for specialties and commemorative items with the Kentucky Derby, Coca-Cola, the PGA Tour, the National Infantry Foundation and Hank Aaron's Chasing the Dream Foundation.

Columbus Gourmet always cuts a slice for the local community, too. It provides vital resources to Partners in Education of Greater Columbus, which funds after-school programs, and it supplies Gourmet products that Rotary Clubs sell to raise money for charity projects.

The 3rd Congressional District resident supplements his company's philanthropic work with his own. Though he's lived there only a short time, he's already a member of the Board of Directors of the Columbus Chamber of Commerce and he's served in a leadership with the local Republican Party.

Madam Speaker, we're justifiably proud in Georgia of our strong small business culture and the entrepreneurial spirit of our people who have helped our state grow and thrive. Bryan Stone exemplifies the hard work, risk-taking and perseverance that has made our economy the greatest in the world.

I ask the House to join me in congratulating Bryan Stone on winning the Small Business Person of the Year award. On behalf of the people of Georgia's 3rd Congressional District, we're proud to have Bryan Stone as our neighbor.

PERSONAL EXPLANATION

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. SMITH of Nebraska. Madam Speaker, on rollcall No. 211 on the Family Self-Sufficiency Program, H.R. 46, had I been present, I would have voted "yea."

WELCOMING THE ROMANIAN MINISTER OF FOREIGN AFFAIRS

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. WEXLER. Madam Speaker, I rise today as Chairman of the Subcommittee on Europe in the House Committee on Foreign Affairs, to welcome Romanian Foreign Minister Cristian Diaconescu to the United States. It is an honor to meet with Foreign Minister Diaconescu and highlight his extraordinary role, and that of our North Atlantic Treaty Organization (NATO) and European Union (EU) ally and partner Romania, in addressing pressing international challenges including NATO-Russian relations, the Balkans, Iraq, Afghanistan and Iran's developing nuclear program. It is clear to members of Congress and the Administration that Romania is integral to American, European Union and international efforts to promote democracy, rule of law and human rights.

As many of my colleagues know, Foreign Minister Diaconescu assumed his current role

at the head of Romania's Ministry of Foreign Affairs in December 2008. He has repeatedly expressed a strong commitment to enhancing transatlantic relations and has been unwavering in championing the values our two nations share. To that end, the Foreign Minister has been vocal in promoting political and economic reform in Eastern Europe by strengthening democratic institutions and structures, and working to end conflict in Europe through the framework of the Organization for Security and Cooperation in Europe (OSCE).

I also want to praise Romania's efforts in supporting the EU's Eastern Partnership efforts that will bolster democratic transformation in this region and hopefully lead to closer EU and Western relations with Belarus, Ukraine, Moldova, Georgia, Armenia and Azerbaijan.

It is my understanding while in Washington, Foreign Minister Diaconescu will meet with Obama Administration officials and members of Congress to discuss issues of importance to both the United States and Romania, including economic, political and security conditions in Eastern Europe, the Balkans, the Caucasus and Black Sea regions. I welcome the discussion of these important and timely issues and the opportunity to highlight Romania's strong military and security commitments in Afghanistan and Iraq alongside U.S. and NATO forces. I know I share the sentiments of all Americans in expressing our gratitude for the sacrifice of brave Romanian troops, including those killed in the line of duty.

As a member of Congress who has strongly supported expansion of the Visa Waiver Program (VWP) to critical allies such as Romania, I look forward to discussing Bucharest's progress with the Foreign Minister and his nation's future participation in this program.

Madam Speaker, Romania is a strategic partner of the United States, and in its fifth year as a NATO member Romania has contributed at the highest levels in several missions worldwide. In April 2008, Bucharest hosted the largest NATO Summit in history and was recently praised by NATO Secretary General Jaap de Hoop Scheffer for its commitment to NATO missions. I join all of my colleagues in applauding Romania's pledge to maintain its troops in Kosovo, as well as in Afghanistan, where it already has approximately 860 troops deployed. We are also grateful that the Romanian government has pledged to send additional trainers and medical personnel to the mission in Afghanistan.

Madam Speaker, it is essential that Congress continue to support and enhance cooperation between the U.S. and our ally Romania. As a staunch supporter of American-Romanian relations, I urge my colleagues to join me in welcoming Foreign Minister Diaconescu and the Romanian delegation to the United States, and I thank the Foreign Minister for his efforts and unwavering commitment to this unbreakable bond between our two nations.

HONORING THE LIFE AND WORK OF BART ANDERSON

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. MATHESON. Madam Speaker, southern Utah has lost a local treasure with the passing of Bart Anderson of St. George, Utah.

Bart Anderson was often described by people who meet him for the first time as "bear-sized Bart Anderson". He loomed large in the community life of Washington County. He was a retired St. George hematologist, historian and folklorist. Everyone knew him as "Ranger Bart" because he devoted his golden years to giving slide shows at nearby national parks—including Zion National Park—as well as at state parks.

I knew Bart Anderson as a man with a passion for the stories of this part of the West, known as Utah's Dixie—so named because cotton was one of the crops grown by the Mormon settlers here at the time of the Civil War.

One of Bart's most popular presentations was one on the outlaw Butch Cassidy. It featured vintage photos of Butch Cassidy, who Bart often pointed out, could charm the locals and even the lawmen of that era.

Bart was a talented and versatile man, who turned down a number of more lucrative business offers because they would take him away from Dixie and he said he had too much red dirt running through his veins to leave.

As a child, he contracted polio and when doctors said he wouldn't walk again, his father threw him in the swimming pool to help make him strong. When he was 11, Bart's father arranged for him to work for the Boy Scouts as a guide into the back country. He developed a great love of hiking, including the Grand Canyon.

As an adult, he merged his love of hiking with his passion for story-telling by giving walking tours in downtown St. George. That morphed into a series of history lectures for which he developed over 100 slide programs that communicated his love of place to residents and visitors alike.

He married his sweetheart—Delorice—whom he called "the wind beneath my wings." She was often in the audience during his lectures and performances. Whether he was reciting "The Ballad of Sam McGee" around a campfire with a troop of Boy Scouts, or researching history at the Washington County Historical Society, Bart Anderson was happiest when he was immersed in folklore. He received many local state and national honors, including an award as Outstanding Volunteer from former First Lady Hillary Clinton.

One of his close friends—Lyman Hafen—told the local newspaper that Anderson was one-of-a-kind—with a heart as big as Zion Canyon. I was very proud to be his friend and while he will be missed, he will never be forgotten.

FIRST AID SQUAD OF
WEEHAWKEN, NEW JERSEY

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. SIRES. Madam Speaker, I rise today in honor of the Volunteer First Aid Squad of Weehawken, New Jersey, which is celebrating its 40th Anniversary on May 8, 2009. This organization has provided 40 years of free emergency medical service to the Township of Weehawken and the North Hudson Community.

In 1969, the Weehawken Volunteer First Aid Squad was the first volunteer squad to form in Hudson County. It is now only one of two remaining volunteer squads still operating in the County. Over the last forty years, the squad has responded to over 75,000 calls for help, providing initial medical treatment and transportation to the appropriate medical facility at no charge to the patient.

The squad primarily covers the Township of Weehawken, and for the last twenty years, the Town of Guttenberg, it has been directly involved in all of the most serious incidents that have struck the metropolitan area. In 1993 the squad responded to Manhattan to provide assistance to the World Trade Center when it was first attacked by terrorists. It then coordinated treatment of tens of thousands of the victims that were evacuated to New Jersey after the second terrorist attack in 2001.

Two years later the volunteer squad provided comfort to thousands of commuters who were stranded in New York City during the blackout of 2003. Most recently, the squad coordinated the response of over 50 emergency medical service units who responded to the Weehawken Ferry Terminal to assist treating passengers of the "Miracle on the Hudson" plane crash.

The squad has been a training ground for many residents who have chosen careers in the medical profession. Over the years, the volunteer squad has been honored to have six members who have gone on to become medical doctors, and hundreds who have chosen careers as nurses, paramedics and emergency medical technicians.

Please join me in congratulating the Weehawken Volunteer First Aid Squad and all members of the squad for providing the residents of Weehawken, Guttenberg and North Hudson with excellent emergency health care.

PAYING TRIBUTE TO THE CHURCH
OF OUR LORD JESUS CHRIST OF
THE APOSTOLIC FAITH OF HAR-
LEM ON THEIR 90TH FOUNDERS
DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to congratulate Chief Apostle Bishop William L. Bonner and the Church of Our Lord Jesus Christ

of the Apostolic Faith of Harlem for organizing its 90th Pre-Centennial Founders Day at the Greater Refuge Temple in honor of founder, Bishop Robert Clarence Lawson.

To speak of the Church of Our Lord Jesus Christ as an organization is to speak of its illustrious and dynamic founder, the late apostle, Bishop Robert C. Lawson, D.D., LL.D. We can safely say that God made His choice to use this dedicated man to work His divinely inspired plan for this great organization. For it was by his Herculean effort and prolific preaching and the mastery of the inspired scriptures that Bishop Lawson, with tenacity and determination hewed from the villages, cities, towns and hamlets, the dynamic organization known as the Church of Our Lord Jesus Christ of the Apostolic Faith Inc.

It was in the year of 1914 when Mr. Lawson accepted the word of God and was baptized in the name of Jesus and received the Holy Ghost. A supernatural event took place in his life, namely the miraculous healing of his body from consumption. This occurrence was stamped indelibly upon him and played a major part in the shaping of his inspired faith healing ministry.

By his own testimony we learned that Bishop Lawson was divinely called by the Lord through a whirlwind, hearing the voice of God saying "Go Preach My Word! I mean you! I mean you! I mean you! Go preach My Word."

The Church of Our Lord Jesus Christ had its inception in the year 1919. Bishop Lawson, then Elder Lawson was invited to a prayer meeting, which was in progress in a basement in the 40th Street area of New York City. So energetic was his service to the Lord, that his fame spread abroad and reached the ears of Mr. and Mrs. James Burleigh and Mr. and Mrs. Edward Anderson. These two blessed couples opened their homes to Elder Lawson and their home today is affectionately thought of as the "Cradle of the Church of Our Lord Jesus Christ".

Within a short period of time, the congregation outgrew its place of worship, having approximately 200 members, and larger quarters had to be sought. Bishop Lawson purchased the site at 52-54-56 West 133 Street and relocated his thriving church. It was there that his vision was enlarged and the Lord laid upon his heart to conduct a tent revival and great numbers were added to the church.

The clarion call for our illustrious leader came on Sunday, July 2, 1961, and Bishop Lawson a prince of preachers, the Bible Answer man, God's shining star departed this life. The words of our famed pioneer and Apostle are still resounding in our ears: "Add Thou To It, Add Thou To It," and the answer comes from the Church of Our Lord Jesus Christ, we will, we shall, we have.

HONORING MEMBERS IN THE 547TH
TRANSPORTATION COMPANY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Ms. NORTON. Madam Speaker, today I also introduce a second bill in honor of mem-

bers of the 547th Transportation Company, who deployed to Iraq last Saturday. The District of Columbia Executive Guard Act would give the Mayor of the District of Columbia some additional authority over the District of Columbia National Guard (DCNG). In circumstances constituting local emergencies, including natural disasters and civil disturbances unrelated to national or homeland security, but not homeland security matters, the mayor of the District of Columbia should have the same authority as governors. The National Guards in the 50 states operate under similar dual federal and local jurisdiction. Yet, the President of the United States alone has the authority to call up the DC National Guard for any purpose here, local or national. Each governor, however, as the head of state, has the authority to mobilize the National Guard to protect the local jurisdiction, just as local militia did historically. Today, the most likely need for the National Guard would be because of natural disasters or to restore order in the wake of civil disturbances. The mayor, who knows the city better than any federal official and works closely with federal security officials, should be able to call on the DCNG to cover local natural disasters or civil disturbances without relying on the President, who should be preoccupied with national matters, including homeland security, which would remain the sole province of the President, along with the existing power to nationalize the D.C. National Guard at will. As it is, the President must rely on a delegated official with little familiarity of the city to call up the National Guard to duty here for any purpose. It does no harm to give the mayor the authority for civil and natural disasters. However, it could do significant harm to leave him or her powerless to act quickly. If it makes sense that a governor would have control over the mobilization and deployment of the state National Guard, it makes the same sense for the mayor of the District of Columbia, with a population the size of that of small states, to have the same authority.

The mayor of the District of Columbia, acting as head of state, should have the authority to call upon the D.C. National Guard in instances that do not rise to the level of federal importance necessary to implicate the authority of the President. Today, requiring action by the President of the United States could endanger the life and health of D.C. residents, visitors and federal employees. Procedures that require the mayor to request the needed assistance from the commander in chief for a local National Guard matter are as old as the republic, and as dangerously obsolete today. Moreover, this bill merely delegates the President's authority in specific circumstances and would not deprive the President of his authority over the D.C. National Guard at will, as the Congress can do in making laws for the District despite delegated home rule. This bill is another important step necessary to complete the transfer of full self-government powers to the District of Columbia that Congress itself began with the passage of the Home Rule Act of 1973. Congress delegated most if its authority to the District of Columbia. The District of Columbia Executive National Guard Act follows this model.

I urge my colleagues to support this bill.

IN RECOGNITION OF IRAN'S
NUCLEAR THREAT**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. GALLEGLY. Madam Speaker, I rise to recognize the threat Iran's potential nuclear weapon capabilities have on the Middle East, the world, and particularly Israel.

In March, President Obama offered to open a dialogue with Iran. His olive branch was immediately met with scorn by Iranian President Mahmoud Ahmadinejad. Iran has not cooled its international animosity since then, as noted by Defense Secretary Robert Gates as recently as Tuesday.

Talk is fine if it is premised in achieving realistic goals, but the Iranian regime has used past efforts at negotiation to delay and divide the United States and our allies in our efforts to turn Tehran from a nuclear enrichment program that clearly could be used for nuclear bombs.

Time for an open hand policy is running out. I believe it is time to up the stakes on Iran.

One way to accomplish that would be to pass the Iran Threat Reduction Act, H.R. 1208, which was introduced by Foreign Affairs Committee Ranking Member ILEANA ROS-LEHTINEN. H.R. 1208, of which I am an original cosponsor, would extend current U.S. sanctions until the president certifies Iran has dismantled its weapons of mass destruction program and ceased its support for international terrorism. It also would significantly increase U.S. pressure on Tehran to do both.

The bill would sharply increase U.S. efforts to stop the shipment of refined petroleum and natural gas products to Iran, as well as materials needed for building or maintaining oil and gas pipelines. Furthermore, the bill completely prohibits U.S. importation of most Iranian products. It also denies U.S. foreign tax credits to Americans engaged in business activity with Iran that is prohibited by U.S. law.

March 17 marked the 17th anniversary of the bombing by Iranian proxies of the Israeli Embassy in Buenos Aires that killed 29 and wounded 242. It is but one of hundreds of attacks Iran has made against Israel and the United States in a war Iran seems committed to continue.

Without direct Iranian support, Tehran's proxies, llamas in Gaza and Hezbollah in Lebanon, would be far less formidable foes for Israel. Without Iranian Revolutionary Guards and Iranian weapons, the United States would have suffered hundreds of fewer casualties in Iraq.

Madam Speaker, the time for talk has ended. The United States should increase the pressure on Iran immediately. I therefore urge my colleagues to cosponsor the Iran Threat Reduction Act and I urge leadership to bring it to the floor for quick passage.

RECOGNIZING THE 17TH ANNUAL
LETTER CARRIERS NATIONAL
FOOD DRIVE**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Ms. DELAURO. Madam Speaker, it is with great pleasure I rise to recognize and show my support for the 17th Annual Letter Carriers National Food Drive.

The Letter Carriers National Food Drive is being conducted in more than 10,000 cities and towns, in every congressional district in all 50 states and jurisdictions. On May 9th, letter carriers will collect food from their postal customers along their route. This is the largest one-day food drive in the country with nearly one billion pounds of food being donated to food banks and pantries since its inception.

The Annual Letter Carriers National Food Drive is made possible by the letter carriers represented by the National Association of Letter Carriers (AFL-CIO), rural letter carriers, other postal employees and volunteers, as well as the countless citizens who donate. To participate, all someone has to do is place a box or can of non-perishable food next to the mailbox on May 9th and a letter carrier will collect it and bring it back to the postal station to be sorted before it is delivered to a local food bank.

To nearly 35.5 million people in our country, hunger is a daily struggle. During this troubling economic time, many families are finding it increasingly difficult to put food on the table. This year, more than ever, donations are needed.

I urge my colleagues to stand with me and recognize and support the 17th Annual Letter Carriers National Food Drive.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. CAPUANO. Madam Speaker, on Monday, May 4, 2009, and Tuesday, May 5, 2009, I was unable to be in attendance and missed several rollcall votes as a result of an illness. I wish to state for the record how I would have voted had I been present: Rollcall No. 229—"yes"; Rollcall No. 230—"yes"; Rollcall No. 231—"yes"; Rollcall No. 232—"yes"; Rollcall No. 233—"yes."

RECOGNIZING RIVERDALE HIGH
SCHOOL**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. NUNES. Madam Speaker, I rise today to honor and congratulate the faculty and students of Riverdale High School for a truly remarkable achievement.

On May 12, Riverdale High will be awarded the National College Board's Inspiration Award—an award that recognizes America's three most improved secondary schools.

As many of my colleagues will recall, the National College Board's Inspiration Award seeks out schools with high academic standards, as well as schools that encourage students to prepare for college. Once selected, recipients are afforded national recognition and a check for \$25,000.

Madam Speaker, Riverdale High School has approximately 1,500 students. More than 80 percent are on free or reduced lunch. Almost half of the school's students are migrants and a quarter of the population is learning English for the first time. Despite these challenges, Riverdale High offers an academically rigorous environment, including 12 AP courses, a choral and music program, as well as ROP, and drama and agriculture curriculum.

With this academic rigor has come great academic achievement. Riverdale High School has achieved a graduation rate of 98 percent over the past three years. Of these young men and women, 90 percent are continuing their education.

Simply put, they are doing amazing work in this small community. You cannot argue with results and I would like to extend my congratulations to all of the people who have made this honor for Riverdale High possible.

IT'S TIME TO FIND OUT WHAT
CAUSED THE ECONOMIC MELT-
DOWN**HON. WILLIAM D. DELAHUNT**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. DELAHUNT. Madam Speaker, I rise today as the current economic crisis continues to take a devastating toll on families and businesses across this nation, and the world.

Never before have we witnessed so much economic turmoil. Within a matter of months, Americans saw much of their life savings and their home equity disappear. Nest eggs evaporated literally overnight. Plans for a college education dashed. The dream of homeownership turned into a nightmare of foreclosure.

Today, unemployment continues to rise, credit markets are in a shambles, and businesses large and small are closing. The problems in our banking and financial system have infected the global economy, undermining confidence in our own markets.

To boost sagging demand in our economy, the federal government is now spending hundreds of billions of dollars at a pace that is unprecedented in our history. As the Congress and the new administration put in place measures to resolve this crisis, it is time for the Congress to provide the American people with a clear assessment on how we got into this mess and what ought to be done to prevent it from happening again.

Frankly speaking, given all the money that's been spent, the American people deserve a full accounting. They deserve an honest and unvarnished assessment of the causes of this crisis. Because, without a thorough diagnosis,

how can we make sure that a crisis like this never happens again?

That is why I am joining with Congressman STEVEN LATOURETTE in calling for the establishment of an independent, bipartisan commission, charged with examining the root causes of the current global financial crisis.

It would resemble the 9/11 Commission in its objectivity and independence and have one year to investigate the crisis. It would have the authority to refer to law enforcement any evidence that institutions or individuals may have violated existing laws. At the end of its investigation, the Commission will report to the President and to the Congress its recommendations for statutory or regulatory changes necessary to protect our country from a repeat of this financial collapse.

I voted against the Wall Street bailout proposals last fall, because, as I said back then, they did not deal with the root causes of the crisis; they failed to give the American people a full and fair accounting of what happened; and they failed to hold accountable those who caused the crisis.

Today, I still believe we must do this and unless we take these actions, we will be failing in our responsibility as an institution to fully serve the people who elected us. I urge my colleagues and all Americans to support this proposal.

CODY TURNBULL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cody Turnbull of Weston, Missouri. Cody is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in many Scout activities. Over the many years Cody has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cody Turnbull for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS AND THE OHIO STATE ASSOCIATION OF LETTER CARRIERS ANNUAL FOOD DRIVE TO "STAMP OUT HUNGER"

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. TIBERI. Madam Speaker, I rise today to honor and recognize the dedication and

achievements of the National Association of Letter Carriers and the Ohio State Association of Letter Carriers. May 9th, 2009 marks the 17th annual NALC National Food Drive to "Stamp Out Hunger." On that day, letter carriers will collect non-perishable donations from homes as they deliver mail along postal routes.

Letter carriers from over 10,000 cities and towns in all 50 states, the District of Columbia, Puerto Rico, and Guam collected a record setting 73.1 million pounds in last year's drive. The drive is held annually on the second Saturday in May. Donations will be collected by more than 1,400 local branches of the 300,000-member postal union and delivered to food banks, pantries and shelters in the communities where they are collected.

I am honored to have the opportunity to recognize the National Association of Letter Carriers and the Ohio State Association of Letter Carriers for their dedication and hard work in the communities to help provide food for the growing number of American families facing hunger in these difficult economic times.

A TRIBUTE TO SISTER JULIA MARY FARLEY, C.S.J. ON THE OCCASION OF THE 25TH ANNIVERSARY OF HER WORK AS FOUNDING DIRECTOR OF GOOD SHEPHERD CENTER FOR HOMELESS WOMEN & CHILDREN IN LOS ANGELES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to Sister Julia Mary Farley, an extraordinary and dedicated woman who has been providing care and shelter for homeless women and children in the 34th District in Los Angeles for the last quarter of a century. On May 15, 2009, friends and supporters of the Good Shepherd Center for Homeless Women & Children will celebrate the center's 25th anniversary and honor Sister Julia Mary for her years of service to the homeless.

A native of Chicago, Sister Julia Mary has been a member of the Sisters of St. Joseph of Carondelet since 1951. She has a Master's Degree in Health Administration from the University of California, Los Angeles, and an honorary Doctor of Humane Letters degree from Loyola Marymount University. As a hospital administrator, Sister Julia Mary worked in hospitals in Lewiston, Idaho, and Pasco, Washington, St. Mary's Hospital in Tucson, Arizona, and Daniel Freeman Hospitals in Inglewood and Marina del Rey, California. She also taught at Mount St. Mary's College and several elementary schools in Los Angeles. In 1983, Sister Julia Mary joined the staff of Angels Flight, a crisis intervention center for runaway teenagers operated by Catholic Charities of Los Angeles, Inc.

The following year, Cardinal Timothy Manning noticed that the number of homeless women on the street around St. Vibiana's Cathedral in downtown Los Angeles was increas-

ing dramatically. To address this disturbing trend, he initiated the establishment of a program to provide emergency services to homeless women. He named Sister Julia Mary as the new program's director.

Since 1984, the Good Shepherd Center has empowered women to move from homelessness to self-sufficiency through its housing, employment, and support services. Under Sister Julia Mary's leadership, the center has grown from an emergency shelter and drop-in center to five residential facilities offering a broad spectrum of employment and support services a quarter of a century later.

Following the opening of the emergency shelter and drop-in center on May 6, 1984, Good Shepherd Center expanded its services over the next eight years. The center added a Mobile Outreach Program to take food, clothing, offers of shelter and words of hope to women on the street. In 1988, the center's Belmont Avenue shelter expanded to provide transitional housing for 30 single homeless women, and four years later, the center established a transitional residence serving nine mothers and 20 children in an old Craftsman house.

In 1998, fulfilling Sister Julia Mary's dream, the center opened the first phase of the "Women's Village." The Hawkes Transitional Residence provides transitional and affordable housing for homeless women and their children as well as facilities to train the women for jobs. Two years later, in 2000, the second phase of the "Women's Village" was completed with the Angel Guardian Home. It provides 12 apartments that offer long-term housing in a supportive community setting for homeless mothers with disabilities and their children. In June 2008, the final piece of the Women's Village was completed, with the opening of the Sister Julia Mary Farley Women's Village. This facility provides transitional housing in one-bedroom apartments for 21 employed homeless women. It also includes an employment and client services center that serves all Good Shepherd Center residents, and The Village Kitchen—a bakery and cafe in which residents receive job training and experience in the culinary arts.

With the completion of the Women's Village, Sister Julia Mary and Good Shepherd Center now serve more than 1,100 homeless women and children annually, and house 150 women and children each night.

I have had the privilege of visiting with Sister Julia Mary and the residents of Good Shepherd Center, and I must say the determination of the women to make better lives for themselves and their children is truly inspiring.

Madam Speaker, on the occasion of the 25th anniversary of Sister Julia Mary Farley's founding of Good Shepherd Center for Homeless Women and Children, I ask my colleagues to please join me in commending Sister Julia Mary for her vision and tireless efforts to provide daily inspiration to the center's residents, friends, generous donors, skilled staff, and caring volunteers, and in thanking her for a lifetime of dedicated service to homeless women and their children.

RECOGNIZING THE SERVICE AND
ACHIEVEMENTS OF COLONEL
JANE HELTON, UNITED STATES
ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Colonel Jane Helton, United States Army, who is retiring after thirty-five years of dedicated service to our nation. Colonel Helton currently serves as the Chief of the Sexual Assault Prevention and Response Office for the Joint Staff of the National Guard Bureau in Arlington, Virginia. She is the principal advisor to the Chief and senior National Guard leaders for all sexual assault prevention matters.

Colonel Helton enlisted in the Army in August, 1974. After departing active duty she served as a Noncommissioned Officer with the 143d Evacuation Hospital in the California National Guard. In 1980 she graduated from Officer's Candidate School and was commissioned as a Medical Service Corps officer. She served as a Health Services officer in the 175th Medical Brigade and commanded the 980th MEDSOM and the 308th Medical Company. Colonel Helton was activated and served in Kuwait during Desert Storm in the 3d Medical Command as a medical logistics officer and as the Director of Medical Redeployment. After returning to the United States she returned to active duty and served as an Operations Officer and Special Events Officer in the Army G3's Office of Military Support to Civilian Authorities. She helped coordinate and provide medical support during several natural disasters, including New York City immediately after the terrorists' attacks on September 11, 2001. Colonel Helton served as the Chief of the Wounded Warrior Program for the 27th Infantry Brigade at Fort Drum, NY where she helped develop the model wounded warrior program for the entire Army. She also served as the Chief of Command Policy and Programs in the Army G1, responsible for Army policies which included Women in Combat, Suicide Prevention, Religious Accommodation, "Don't Ask, Don't Tell" and other high profile Army policies.

Colonel Helton's military education includes the AMEDD Officer basic and advanced courses, Medical Logistics Management Course, Contracting Officers Course, Movement Officers Course, Mobilization Officer Planners Course, Military Support to Civil Authorities Course, Command and General Staff College, Army Management Staff College, Risk Communication Course, Georgetown University Congressional Liaison Course, and Advanced Crisis Incident Stress Management Course. She also earned a Bachelor of Science degree in Management from the California Coast University and a Master of Science degree in Quality Systems Management from the National Graduate School.

Madam Speaker, few can match the dedication and professionalism of Colonel Jane Helton. On behalf of Congress and the United States of America, I express our appreciation of Colonel Helton for her tireless service and

support of the warfighter. She has been a compassionate leader and professional staff officer whose expertise and sacrifice showcase her patriotism and selfless commitment to our great nation. She is a woman of honor and principle. I would like to thank Colonel Helton for her years of dedicated service, and I wish her, her husband Ray, their children and grandchildren the best wishes for continued success.

RECOGNIZING THE NATIONAL DAY
OF PRAYER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mrs. BLACKBURN. Madam Speaker, I rise today to ask my colleagues to join the millions of Americans who will participate in the National Day of Prayer on Thursday, May 7, 2009.

Since the earliest days of our republic, our nation's leaders have seen fit to formally acknowledge the value and power of our people's prayers by designating specific times where we encourage prayer for the future of our country. President Truman declared the first National Day of Prayer in 1952, and in 1988 President Reagan signed a law declaring that the first Thursday in May would be an annual National Day of Prayer.

I can think of no greater calling than for people of all ages, races, and religious creeds to join together and raise their prayers and petitions to the Almighty.

To that end, the YMCA of Middle of Tennessee and the Operation Andrew Group are organizing National Day of Prayer events all across Middle Tennessee. These events will encourage citizens to pray for the future of our communities and our nation, to pray for those placed in positions of societal leadership, and to thank God for the many blessings we enjoy.

At the Maryland Farms YMCA, in the City of Brentwood, individuals will gather to lift up prayers and participate in this wonderful occasion.

I invite all Members of Congress to please join me in praying for the City of Brentwood, the State of Tennessee, and the United States of America during the National Day of Prayer.

HONORING LT. MATTHEW JOHN
GORDON

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant in Chester County, Pennsylvania who has retired after more than 20 years of loyal service in law enforcement.

Lieutenant Matthew John Gordon started his law enforcement career with the Parkesburg Police Department and has faithfully served the City of Coatesville Police Department since 1989.

Lieutenant Gordon earned the respect of fellow officers and elected officials with his outstanding work ethic and exemplary police work throughout his distinguished career.

In addition to protecting the citizens of Coatesville, he also served as Commander of the Chester County Emergency Response Team since its inception in 2002.

Colleagues and friends will celebrate Lieutenant Gordon's career accomplishments and wish him well in retirement on May 8, 2009 during a dinner at St. Anthony's Lodge in Downingtown, Pennsylvania.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service and dedication of Lieutenant Matthew John Gordon, and all those who take an oath to serve and protect their communities.

IN CELEBRATION OF NATIONAL
NURSING WEEK

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. LATOURETTE. Madam Speaker, in honor and in celebration of National Nursing Week, I'd like to recognize the achievements of Francis Payne Bolton and the impact of the Bolton Act on the field of nursing.

Madam Speaker, the Bolton Act of 1943, introduced by Congresswoman Frances Payne Bolton, created the Cadet Nurse Corps. The Corps provided Federal funds to nearly 125,000 nurses during World War II to facilitate their training and greatly increase the wartime supply of nurses and care for American citizens on both the home and war fronts. It also significantly improved post-World War II nursing education, replacing the apprenticeship-type training approach in nursing schools with an academic approach and encouraging nurses to study related areas of public health, pediatrics, psychiatric care, and convalescent care. It further benefitted the nursing field by prompting attention and Federal financial aid to graduate nursing degrees, and contributed to the integration of African-Americans into the nursing field.

Madam Speaker, Francis Payne Bolton was the first woman in Ohio elected to the House of Representatives. She served fourteen consecutive terms and later served as trustee of Lakeside Hospital (Cleveland, OH), Lake Erie College (Painesville, OH), and the Central School of Practical Nursing (Cleveland). Trustees at Case Western Reserve University in Cleveland, Ohio, named their School of Nursing in her honor. She died in Lyndhurst, OH, on March 9, 1977.

Madam Speaker, last year, I introduced legislation with the late-Stephanie Tubbs Jones (D-OH) recognizing the 65th anniversary of the Bolton Act. Frances Payne Bolton single-handedly made sure we had enough nurses at home and overseas during World War II, and helped elevate nursing as an important and critical profession. I am honored to recognize her and her contributions during National Nursing Week, and I yield back.

INTRODUCTION OF THE DISTRICT OF COLUMBIA NATIONAL GUARD RETENTION AND COLLEGE ACCESS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Ms. NORTON. Madam Speaker, I told the District of Columbia National Guard 547th Transportation Company, who deployed to Iraq last Saturday, that I would introduce two D.C. National Guard bills this week in their honor. Therefore, today I first introduce the District of Columbia National Guard Retention and College Access Act, NGRCA, a bill to permanently authorize funding for a program to provide grants for secondary education tuition to the members of the D.C. National Guard. I also introduce the District of Columbia Executive National Guard Act to give the mayor of the District of Columbia authority to call the D.C. National Guard for assistance with natural disasters and non-security civil disturbances. NGRCA authorizes an education incentive program, recommended by former Major General David Wherley and his successor, Major General Errol Schwartz, who suggested that education grants would be useful in stemming the troublesome loss of members of the D.C. Guard to units, in part, because surrounding states offer such educational benefits. I am grateful that the Appropriations Committee has allocated appropriation funds in some years, with smaller contribution from the District, in the Defense Authorization bill. An authorization is necessary to assure that the D.C. National Guard members receive equal treatment and benefits to other National Guard members on a regular basis, especially with surrounding states that do, in fact, have the higher education benefits we seek for D.C. National Guard members. The Guard for the Nation's Capital is severely under-competing for members from the pool of regional residents, who find membership in the Maryland and Virginia Guards more beneficial. A competitive tuition assistance program for the D.C. National Guard will provide significant incentive and leverage to help counteract declining enrollment and level the field of competition.

The D.C. National Guard, a federal instrument that is not under the control of the mayor of the District of Columbia (but see District of Columbia Executive National Guard Act), is losing personnel to other Guards, partly because it is not able to offer the same level of benefits that adjacent National Guards provide. The federal government supports most other D.C. National Guard functions and should support this small benefit as well.

The small education incentives in my bill would not only encourage high quality recruits, but would have the important benefit of helping the D.C. National Guard to maintain the force necessary to protect the federal presence, including Members of Congress, the Supreme Court, and visitors, if an attack on the Nation's Capital should occur. I am pleased to introduce this bill on the advice of Guard personnel who know best what is necessary.

A strong D.C. National Guard able to attract the best soldiers is especially important given

the unique mission of the D.C. National Guard to protect the federal presence in addition to D.C. residents. This responsibility distinguishes the D.C. National Guard from any other National Guard. The D.C. National Guard is specially and specifically trained to meet its unique mission.

I urge my colleagues to support this bill.

HONORING ALL SAINTS ACADEMY 8TH GRADE VOLLEYBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor an exceptional group of young ladies from Breese, Illinois.

The All Saints Academy 8th grade girls volleyball team dominated this year's Southern Illinois Junior High School Athletic Association's Class M state tournament, sweeping through the field to earn the state title. Competing against some of the top teams in Southern Illinois, the ASA team won all three matches in straight sets, knocking off Goreville in the quarterfinals and Pinckneyville in the semifinals, then defeating St. Peter/Paul for the title. The trophy-clinching win was a thrilling 25-22 squeaker.

I want to congratulate Coaches Tricia Winter and Don Bedard on this year's success. I especially want to congratulate the members of the state championship volleyball team from All Saints Academy: Jade Beckmann, Rachel Boeckmann, Chelsea Crocker, Julie Deiters, Holland Hempen, Haley Johnson, Bailey Kampwerth, Merideth Kloeckner, Abby Luebbers, Maddie Mensing, Shannon Mensing, Jessica Peters, Gabrielle Schnieder, Kari Wiegmann and Megan Zurliene. They have achieved great things for their school and their community, and I want to wish them all the best in the future, both on the court and in the classroom.

FOSTERING RESILIENCE IN AFRICAN AMERICAN YOUTH

HON. ALCEE L. HASTINGS

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. HASTINGS of Florida. Madam Speaker, as today is National Children's Mental Health Awareness Day, I rise to introduce a resolution highlighting the importance of identifying and nurturing the factors that contribute to the healthy development of African American youth, and their ability to achieve equal levels of physical and mental development enjoyed by their peers.

Throughout my life and tenure in Congress, I have always advocated protecting the rights of minorities. I stand before you today to promote the strength, health and well-being of African American youth, who are faced with many adversities.

African American youth are disproportionately exposed to many risk factors such as

poverty, neighborhood violence, and a wide range of health conditions. These risk factors coupled with continued cultural oppression limit resilience in African American youth. Resilience is a dynamic, multidimensional practice involving the interaction between individuals and their environments within the context of family, peers, school, community, and society, across space and time.

It is our responsibility to acknowledge and understand the legacy of cultural oppression and racial discrimination that African American youth encounter in their daily lives. In doing so, we must also research how these components relate to resilience and various types of behavioral and emotional development.

Madam Speaker, this resolution is not only meant to seek support in this matter but also to generate awareness and collaboration toward resilience research among federal agencies and non-governmental organizations, such as the American Psychological Association, American Academy of Child and Adolescent Psychiatry, Bazelon Center for Mental Health Law, and Mental Health America which have endorsed this resolution.

It is vital that we provide the necessary tools to chart a path to success for African American youth.

I urge my colleagues to join with me in taking a stand against the cultural oppression and racial discrimination that many African American youth encounter by supporting this resolution.

CONGRATULATING TOKAY HIGH SCHOOL FOR COMPETING IN THE NATIONAL SCIENCE BOWL

HON. JERRY MCNERNEY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. MCNERNEY. Madam Speaker, I am proud to rise today to congratulate the students of Tokay High School in Lodi, California for winning their regional Science Bowl competition, hosted by the Department of Energy. The National Science Bowl is an academic competition testing students' skills in math and science. Only 67 high schools from around the country are asked to participate in this National Competition, and Tokay students recently visited Washington, DC to compete in the national finals. Math, science, and technology education are keys to our nation's future, and Tokay's students are an example of excellence. I hope that Tokay students continue to participate in the National Science Bowl and that I see them back next year.

IN TRIBUTE TO DANNY GOKEY

HON. GWEN MOORE

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize Mr. Danny Gokey, who over the past several months has captured the hearts and minds of the entire country—especially the people of the Fourth Congressional District of Wisconsin.

Danny's quest to be the next "American Idol" is a love story. In a sense, it is even magical. His wife, Sophia, encouraged him to audition for Idol. Ironically, shortly after his audition he suffered the tragic loss of his beautiful wife, Sophia, at the age of 27. In memory of his wife, he established Sophia's Heart Foundation, whose mission is to make a positive impact on students' lives through a Music and Arts Program. Musical instruments will be donated to students that otherwise would be unable to afford them. The Sophia L. Gokey Scholarship Fund will donate \$1,000 scholarships to high school students who face challenges in pursuing their dreams. In spite of Danny's loss, he has continued to perform courageously and professionally each week while confronting both physical and mental challenges presented by this competition.

Danny has been singing since childhood. Prior to "American Idol", he served as Praise and Worship Director for Faith Builders International Ministries, Milwaukee, Wisconsin. I have been told that Danny's favorite quote is "unshakeable faith is faith that has been shaken". He has overcome obstacles, personal tragedies and still continues to work toward his dream. His love for the church, family, music and life are an inspiration to all of us. His musical gifts along with his desire to find new hope, after experiencing such loss, is inspiring.

Madam Speaker, in Milwaukee, there is an enormous amount of enthusiasm and support for our 28-year-old "hometown hero". I am honored to pay tribute to this very impressive young man who Milwaukee views as their very own "idol". Go, Danny go!

MINORITY BUSINESS ENHANCEMENT ACT OF 2009 SUMMARY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. RUSH. Madam Speaker, this bill breaks down barriers for minority and women owned businesses through amending the Small Business Act to allow for greater participation in the Disadvantaged Business Assistance Program. It also makes permanent increases made by the Obama Administration for greater bonding capacity in addition to broadening the definition of contract bundling so that small businesses are better able to compete for and secure government contracts.

Modify the Small Business Administration's Disadvantaged Business Program to allow for greater minority participation by raising the personal net worth (PNW) threshold and allowing firms to complete a federal contract before losing the assistance of the program.

Make permanent the Surety Bonding Guarantee increase made in H.R. 1.

Broaden the definition of contract bundling to force contracting officers to break up large contracts to increase small business participation.

Increase oversight of contract bundling by allowing the SBA Administrator to review any contract they feel is bundling and allow OMB to mediate any disputes between parties.

Increase the government wide small business procurement goal to 25%.

Prohibit contracting officers from coding a minority business in any more than one other minority category to make reporting numbers more accurate.

IN RECOGNITION OF DR. GEORGE VANDE WOUDE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. EHLERS. Madam Speaker, I rise today to honor the achievements of Dr. George Vande Woude. After a long and successful career in cancer research, Dr. Vande Woude has recently decided to retire from his administrative post, and I appreciate the opportunity to recognize him and his body of work.

Dr. Vande Woude earned his Master of Science degree and doctorate from Rutgers University. Early in his career, he served the federal government as a research virologist for the United States Department of Agriculture at Plum Island Animal Disease Center, and shortly after began a long tenure at the National Institutes of Health. Initially, he joined the National Cancer Institute as Head of the Human Tumor Studies and Virus Tumor Biochemistry Sections. Thereafter, he served in a variety of different organizations within the Institute from 1972 until 1999, when he was selected to be the first Director of the newly created Van Andel Research Institute in Grand Rapids, Michigan.

Dr. Vande Woude's commitment to public service and improving the health of our nation has undoubtedly saved many lives. His pioneering research has resulted in new ways to isolate and detect cancer cells, and has led to earlier treatments and interventions. By identifying the biological players in cancer tumor progression and development, Dr. Vande Woude and his laboratory have supported expansive research which was instrumental in finding innovative strategies to eliminate harmful cancer cell precursors.

Dr. Vande Woude has made significant and substantial contributions to our current understanding of the molecular biology of cancer. His career is peppered with many firsts, including being the first to use recombinant DNA technology to isolate certain retroviruses and compare their behavior. He was first to determine the structure and sequence of DNA precursors which are instrumental in the development of cancer. His laboratory was first to demonstrate that a normal gene could be activated as a cancerous gene. These findings provided a foundation for the search for active cancerous cells (oncogenes) in tumors. His long-term studies of the *mos* oncogene have led to the first direct connection between cancer cells and the enzymes which regulate cell cycles. Equally important was his discovery of the human *met* oncogene that is involved in a wide range of cancers and has become a leading candidate for new cancer therapies. There are numerous other advancements which have emerged from Dr. Vande Woude's laboratory, all of which have helped the

healthcare community understand how to combat cancerous tumors and address their risks even prior to development.

His efforts have gone beyond personal excellence. Over the years, Dr. Vande Woude has mentored more than 70 postdoctoral fellows, students, and visiting scientists. By investing in future generations, he has inspired countless researchers, and his legacy will last far beyond his personally prolific research.

Dr. Vande Woude has been honored as an elected Fellow of both the American Academy of Arts and Sciences and the National Academy of Sciences, and is a recipient of the National Institutes of Health Merit Award, the Robert J. and Claire Pasarow Foundation Award for Cancer Research, and a Lifetime Achievement Award in Technology Transfer from the National Aeronautics and Space Administration. He has also served on advisory panels too numerous to name and authored and edited hundreds of research articles and other publications.

Undoubtedly, "retirement" for Dr. Vande Woude will be in name only, as he continues to keep a fierce pace of life and contribute in a variety of ways to the advancement of science and the education of future generations. He will maintain a role at the Van Andel Institute as a Distinguished Scientific Fellow and head of the Laboratory of Molecular Oncology. Grand Rapids has been blessed by his leadership at the Van Andel Institute, and the world will note and remember his contributions to science and education for generations to come.

HONORING CHRISTI MORSE GILBERT

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to congratulate Christi Morse Gilbert for receiving the National Childcare Provider Award. Christi was honored today in the nation's capital for her unwavering commitment in providing high quality childcare services to needy children.

As an educator, Christi was keen on understanding the disparities that existed amongst young children who struggled when they began grade school. To address this problem, she quit her job as an elementary school teacher to become a childcare services provider for children under the age of five. Her work focuses on preparing her charges with the cognitive, social, emotional and physical skills that they need to be productive.

In order to achieve this goal, Christi has designed a dynamic curriculum that introduces children to the basics of mathematics and the sciences through fun experiments and hands-on activities. She has exposed her pupils to the different cultures around the world through music and other extracurricular activities.

Christi is an accomplished woman who has opened her home and her heart to Indianapolis area families, so that our children are able to grow and learn in a nurturing environment. I applaud her for her dedication to ensuring that the needs of young children are met.

Madam Speaker and esteemed colleagues, I urge you to join me in thanking Christi Morse Gilbert for her ceaseless efforts as an educator and childcare provider.

TAIWAN

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Ms. FOXX. Madam Speaker, I am delighted to learn that the Republic of China (Taiwan) has now been invited to participate in this year's World Health Assembly meetings in Geneva. With the rapid spread of infectious diseases around the globe, Taiwan should have been included in the global health network a long time ago. Also, my best wishes to President Ma Ying-jeou on his first anniversary in office this May 20th.

I hope that Taiwan will soon be able to participate meaningfully in the activities of all United Nations specialized agencies. Taiwan's international participation will most certainly encourage even faster cross-strait dialogue and permanent peace in the Asia-Pacific region.

Madam Speaker, congratulations to the people of Taiwan and to their president Mr. Ma Ying-jeou on this important diplomatic breakthrough. This is Taiwan's first participation in a formal United Nations activity since 1971 when it withdrew from the United Nations.

INTRODUCTION OF THE "SECURITY AND FAIRNESS ENHANCEMENT (SAFE) FOR AMERICA ACT"

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. GOODLATTE. Madam Speaker, I rise today to introduce the bipartisan "Security and Fairness Enhancement (SAFE) for America Act." This much-needed legislation eliminates the controversial visa lottery program, through which 50,000 aliens are chosen at random to come and live permanently in the United States based on pure luck. The visa lottery program threatens national security, results in the unfair administration of our nation's immigration laws, and encourages a cottage industry for fraudulent opportunists.

Because winners of the visa lottery are chosen at random, the visa lottery program presents a serious national security threat. A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

The State Department's Inspector General has even weighed in on the national security threat posed by the visa lottery program. During testimony before the House Committee on the Judiciary, the Office of Inspector General

stated that the Office "continues to believe that the diversity visa program contains significant risks to national security from hostile intelligence officers, criminals, and terrorists attempting to use the program for entry into the United States as permanent residents."

Even if improvements were made to the visa lottery program, nothing would prevent terrorist organizations or foreign intelligence agencies from planting members in the U.S. by having those members apply for the program. As long as those individuals do not have previous criminal backgrounds, these types of organized efforts would never be detected, even if significant background checks and counter-fraud measures were enacted within the program.

Usually, immigrant visas are issued to foreign nationals that have existing connections with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States' immigration laws. The visa lottery program does not expressly prohibit illegal aliens from applying to receive visas through the program. Thus, the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws. In addition, most family-sponsored immigrants currently face a wait of years to obtain visas, yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family and employer-sponsored immigrants each year with relatively no wait. This sends the wrong message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the lottery program multiple times using many different aliases. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the "guarantee" of lawful permanent resident status in the U.S.

The State Department's Office of Inspector General confirms these allegations of widespread fraud in a September 2003 report. Specifically, the report states that the visa lottery program is "subject to widespread abuse" and that "identity fraud is endemic, and fraudulent documents are commonplace." Furthermore, the report also reveals that the State Department found that 364,000 duplicate applications were detected in the 2003 visa lottery alone.

In addition, the visa lottery program is by its very nature discriminatory. The complex formula for assigning visas under the program arbitrarily disqualifies natives from countries that send more than 50,000 immigrants to the

U.S. within a five-year period, which excludes nationals from countries such as Mexico, Canada, China and others.

The visa lottery program represents what is wrong with our country's immigration system. My legislation would eliminate the visa lottery program. The removal of this controversial program will help ensure our nation's security, make the administration of our immigration laws more consistent and fair, and help reduce immigration fraud and opportunism.

S. 386, THE FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. TANNER. Mr. Speaker, I rise today in support of S. 386, the Fraud Enforcement and Recovery Act of 2009, particularly language strengthening the provisions of the False Claims Act. At a time when the U.S. Government is spending hundreds of billions of dollars to jump start our faltering economy, we need to reassure the American people that we will have a "zero tolerance" approach to fraud. It is important that we honor taxpayer dollars as if they were our own.

In January of this year, the House passed H. Res. 40, which I sponsored. This resolution, now part of the House rules, requires each House committee to conduct at least three hearings a year on the topic of waste, fraud, abuse and mismanagement in the agencies under the committee's jurisdiction. It puts in place a systematic mechanism for regular oversight.

S. 386 complements and parallels the intent of H. Res. 40, with key provisions to bolster the False Claims Act. The False Claims Act was first signed into law in 1863, as President Lincoln sought to combat fraud against the United States during the Civil War. It allows private individuals to bring lawsuits on behalf of the United States, in order to recover funds that were wrongfully obtained through fraud. In 1986, the statute was amended.

In the 20-plus years since the False Claims Act was last amended, however, many federal courts around the country have misinterpreted and weakened the statute, making it more difficult for private citizens and the government to expose and prosecute fraud against the United States. Today, as our country is in the midst of two wars and faces the worst economic crisis that most of us have ever lived through, fraud against the government is again on the rise; the time has come to strengthen the False Claims Act once more. S. 386 does just that.

Mr. Speaker, the False Claims Act is the Federal Government's most effective tool to combat fraud. At a time when additional government funds are exposed to potential fraud, the American taxpayers need to be assured that their money is not being mismanaged.

I urge my colleagues to support this bill and reaffirm their commitment to the American taxpayers.

CELEBRATING THE 100TH ANNI-
VERSARY OF THE VILLAGE OF
OAK LAWN, ILLINOIS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor the Village of Oak Lawn, Illinois as it celebrates its centennial. Throughout its history, the Village of Oak Lawn has strived to embody the best qualities of its residents, and in doing so has served commendably as a great place to work, shop, raise a family, and retire.

Beginning with its first settler in 1842, the Village of Oak Lawn has prospered through the years. Symbolic of the ever-expanding United States, 1881 saw the laying of the railroad tracks that connected the area to the world. The railroad and the subsequent railway stations, telegraph office, and post office laid the groundwork for a population that grew to include churches, schools, and 300 residents by the early 1900's. Oak Lawn's growing population, coupled with concerns about autonomy from the City of Chicago and the promise of a much-desired gas pipe, motivated the Village to incorporate in 1909. The hard work of the men and women of Oak Lawn led to the development of a fire department, library, park district and more schools by the mid 1940's. Village population boomed to 27,000 by the 1960's, only to have Oak Lawn rocked by a major tornado in 1967. Undeterred by that devastating event, Oak Lawn grew to its current size of 57,000 by the 1970's.

Today, the Village of Oak Lawn is a successful, bustling community well-positioned to continue its prosperity in the 21st century. The Village employs 400 people in an official capacity and boasts a fantastic parks system, a state of the art library, and over 300 acres of parks and recreational facilities. Oak Lawn's excellent education system lays the groundwork for the success and development of future generations, boasting many excellent public schools and five Catholic grammar schools. Advocate Christ Medical Center and Hope Children's Hospital are located in Oak Lawn, providing some of the most acclaimed pediatrics, cardiology, surgical services, oncology, women's services and emergency medicine in the area. And the Children's Museum in Oak Lawn serves countless children from across the region who come to learn, grow, and have fun.

From the first resident in 1842 to the current 57,000 residents, citizens of the Village of Oak Lawn have shown grit, determination, and a commitment to excellence and have continued to grow a vibrant community in suburban Cook County.

I am proud to have in the 3rd District of Illinois such a strong example of what makes the United States great. May these first one hundred years be only the beginning. I ask my colleagues to rise with me to recognize the history and achievements of the residents of Oak Lawn as the Village celebrates its centennial anniversary.

HONORING DANIEL AND KIM
IRWIN FOR THEIR WORK WITH
THE FAISON SCHOOL—AUTISM
CENTER OF VIRGINIA

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. CANTOR. Madam Speaker, I rise today to honor Daniel and Kim Irwin and their work with the Faison School—Autism Center of Virginia.

This month Mr. and Mrs. Irwin were honored with a CARE Award honoring the significant contributions they have made in the education of America's youth. Their dedication to children with autism and to the Faison School can be seen in their ongoing professional growth and the tremendous success of their students.

Dan and Kim both started at the Faison School over 5 years ago. During this time they both obtained teacher certifications, board certifications in behavior analysis, and even master's degrees. Over the course of this time they became engaged, then married, and are now expecting their first child.

The Irwins have been an integral part of the school's growth and have helped to teach many children with autism to become successful learners, better communicators, and independent thinkers. In fact, the work they are doing goes a long way in making a difference in the lives of children with autism.

Madam Speaker, I ask you to join me in congratulating the Irwins and wishing them all the best in their future.

INTRODUCTION OF THE VETERANS
HOME LOAN IMPROVEMENT ACT
OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. BLUMENAUER. Madam Speaker, today I am introducing the bipartisan "Veterans Home Loan Improvement Act of 2009" along with Reps. BOB FILNER (CA), SUSAN DAVIS (CA), KURT SCHRADER (OR), GREG WALDEN (OR), PETER DEFAZIO (OR), DAVID WU (OR), RON KIND (WI), STEVE KAGEN (WI), AL GREEN (TX), and DON YOUNG (AK). Together we represent each of the states that would benefit from an expansion of the Qualified Veterans Mortgage Bond program.

This program was originally created after World War II to promote homeownership among our returning troops. Together, our states offer veterans mortgage loans at more favorable interest rates as a reward for their service to our nation. As part of a comprehensive review of veterans' services in the state of Oregon, the Oregon Governor's Veterans Task Force recommended a further expansion of this highly effective program.

This Act is based on one particularly timely recommendation to expand eligibility for our state programs and bring affordable mortgages to an additional 264,000 veterans. I look forward to continuing to work on behalf of

Oregon and the nation's veterans to ensure that we provide the best possible quality of care and service.

TUCSON CITIZEN

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. GRIJALVA. Madam Speaker, I rise to pay tribute to the Tucson Citizen which is closing after 138 years.

The Arizona Citizen was founded in 1870, by John Wasson, a newspaper man from California, with help from Richard McCormick, the territory's governor and later territorial delegate to Congress. In 1976, Gannett Co., Inc. bought the newspaper and changed its name from the Arizona Citizen to the Tucson Citizen.

The closure of the Tucson Citizen is a great loss for the community of Southern Arizona. As the state's oldest newspaper, the Tucson Citizen has been a part of Arizona's history. During its existence, the Citizen reported on Arizona's biggest stories, among them the 1881 gunfight at the OK Corral and the 1934 arrest of bank robber John Dillinger.

The Tucson Citizen has been a place that Tucsonans turned to for local news. The stories published reflected the diverse community and the stories that impacted multiple generations.

Losing the Tucson Citizen is losing a piece of history and losing a bit of family.

For the past several decades, the Tucson Citizen has been a family affair. Many a reporter, assignment editor and publisher worked in the same newsroom as their previous relatives. This newspaper worked hard to connect our present with our past and another voice will be lost when the doors finally shut forever.

From the beginning, there have been individuals dedicated to keeping the public informed, communities educated, and discourse alive and well. Throughout its existence, the Tucson Citizen has worked to provide our community with accurate information. A desire for good journalism is vital to fostering a more enlightened public. I ask to recognize the Tucson Citizen for its contribution to Southern Arizona.

TRIBUTE TO MR. KEVIN COOK

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to Mr. Kevin Cook, former Clerk of the House Appropriations Subcommittee on Energy and Water Development, who recently retired after ten years of honorable service for the U.S. Congress and over thirty years of service with the federal government. During my time serving as a Member of this Subcommittee, I had the distinct pleasure of working with Mr. Cook and benefiting from his knowledge and counsel on budgetary, policy and oversight matters.

Mr. Cook devoted his career to serving in the federal government and spent almost three decades working for various federal agencies and for Congress. Mr. Cook started his career as a geologist for the U.S. Forest Service before spending over 20 years as a hydrologist, water resources planner, project manager and physical scientist for the Army Corps of Engineers. Mr. Cook came to the House of Representatives in 1998, where he served as Science Advisor and Counsel for the House Energy and Commerce Committee and then as a Professional Staff Member, the Majority and then the Minority Clerk for the House Energy and Water Development Subcommittee on Appropriations, where I had the honor of working closely with him.

As clerk for the Subcommittee, Mr. Cook oversaw appropriations for the Department of Energy, the Civil Works programs of the Army Corps of Engineers, the Bureau of Reclamation, as well as a number of related agencies. In this role, he oversaw appropriations and conducted oversight of these programs and worked diligently to uphold the interest of the taxpayer to ensure that our taxpayer dollars were spent efficiently and effectively. I was a frequent beneficiary of his guidance and expertise, as I know were the Chairman, Ranking Member and the other members of the Subcommittee.

Madam Speaker, I believe that we owe much of our effectiveness as Members to the hard work and dedication of the staff. Kevin Cook exemplifies the highest ideals of public service and served the Committee and the federal government with honor, integrity and enthusiasm. We will miss his expertise and counsel greatly—his knowledge and understanding of the issues at hand will be difficult to match. Thank you, Kevin, for your many years of service to the federal government, the United States Congress and our nation.

RESTORE BALANCE TO TAX TREATMENT OF CHARITABLE VEHICLE DONATIONS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. DELAHUNT. Madam Speaker, in 2004, the Congress enacted changes in the federal tax code intended to address real and perceived abuses related to charitable donations of vehicles. Those changes, while well-intended, have had unanticipated and serious consequences. Over the last four years, charitable vehicle donations have plummeted. The steep decrease in revenue has forced many charities—in my state and across the country—to reduce services to their beneficiaries.

The adverse impact on charities is especially alarming in the context of the recession currently gripping the nation. The economic downturn has exacerbated demand for charitable services. But the changes enacted in 2004 are strangling the charitable contributions on which those services depend.

I have introduced legislation to refine those changes in ways that restore better balance to this provision of the tax code and fulfill the

original intent of Congress: to promote charitable donations. Every car and truck donated to charity, moreover, would help stimulate sales of new automobiles—at a fraction of the per-transaction cost of any auto bailout proposal.

Before 2005, a taxpayer could deduct the fair market value (FMV) of vehicles donated to charity. Under Section 170 of Title 26 of the U.S. Code, a donor could claim the FMV as determined by well-established used car pricing guides, as long as the FMV was under \$5000. However, there was concern that some taxpayers were gaming the system by claiming excessive deductions, and that there was insufficient IRS oversight to detect or police these problems.

In its FY2005 budget request, the Administration proposed reforming the rules governing vehicle donations by allowing a deduction only if the taxpayer obtained a qualified appraisal for the vehicle. However, the Congress rejected that proposal and went much further. The tax code changes included in the American Jobs Creation Act of 2004 (P.L. 108–357) limited deductions over \$500 to the actual proceeds of sale of the vehicle by the charity—regardless of appraised value. Only if the charity actually keeps and uses the car (rather than sells it for the resulting revenue) can the donor deduct its FMV.

The rules took effect for tax year 2005. Today, a taxpayer with an older used car in poor condition can call many charities nationwide to have the vehicle towed at no cost and then claim a \$500 deduction. However, a taxpayer with a newer-model car in good condition has no idea what deduction will be allowed until the vehicle is actually sold. That sale may not occur until months later, forcing the donor to roll the dice on the final deduction amount.

During congressional debate, proponents argued that the changes would not add new burdens on vehicle donors or adversely impact charitable giving. To the contrary, evidence abounds that the changes have seriously disrupted charitable giving and forced many charities to curtail services to low-income beneficiaries.

Two recent government reports have concluded that charitable vehicle donations have dropped significantly since federal tax law changed four years ago. In March 2008, a Government Accountability Office (GAO) study of 10 national charities over the two years after the law changed found that vehicle donations had dropped by 39 percent and that the resulting charitable revenues decreased by 25 percent. In May 2008, the Internal Revenue Service documented that the number of vehicles donated in 2005, the first year after the rules changed, decreased by 67 percent and that their value fell by over 80 percent.

To feel informed enough to decide whether to donate a vehicle, taxpayers need a reasonable degree of certainty about the resulting deduction. Otherwise, alternatives such as a private sale or dealer trade-in become more attractive. This is clearly not what the Congress intended.

The objective of the original 1986 car donation provision in the federal tax code was to encourage charitable donations and to help charities develop new ways to generate con-

tributions. The 2004 amendments have undermined that goal without improving IRS enforcement. As a result, charities and their beneficiaries are suffering.

The change has affected not only the number of donations, but also the quality of donated vehicles. News articles from across the country reflect plummeting donation rates and the precipitous decline in revenue of non-profit community organizations. The news coverage itself has exacerbated the problem. Potential donors concerned about the changes are discouraged further by the perception of the new burdens associated with the amended rules.

Charities that had operated successful vehicle donation programs, either independently or through third-party fundraisers, have been hit hard. Those unable to cover overhead costs have eliminated vehicle donation programs and resolved to forego the resulting revenue stream. It appears that no charities have initiated or expanded vehicle donation programs over the past two years.

Contrary to reassurances offered during the congressional debate, the tax law changes constituted a classic example of the baby being thrown out with the bathwater. This overreach has had serious ramifications for social services provided by non-profit groups across the country. Modest tax incentives are critical to sustaining charitable contributions, including in-kind gifts. The decline in vehicle donations since 2004 could be addressed by minor legislative refinements that would also address potential abuses and buttress IRS enforcement.

Following are the text and technical analysis of my proposed legislation, which I view as a starting point for new congressional debate on this important issue.

A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF QUALIFIED VEHICLE DONATIONS.

(a) IN GENERAL.—Paragraph 12 of subsection (f) of section 170 of title 26 (relating to disallowance of deduction in certain cases and special rules), as amended by this Act, is amended to read as follows:

“(12) CONTRIBUTIONS OF USED MOTOR VEHICLES, BOATS, AND AIRPLANES.—

“(A) IN GENERAL.—In the case of a contribution of a qualified vehicle paragraph (8) shall not apply and no deduction shall be allowed under subsection (a) for such contribution unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgement of the contribution by the donee organization that meets the requirements of subparagraph (B) and includes the acknowledgement with the taxpayer's return of tax which includes the deduction.

“(B) CONTENT OF ACKNOWLEDGEMENT.—An acknowledgement meets the requirements of this subparagraph if it includes the following information:

“(i) The name and taxpayer identification number of the donor.

“(ii) The vehicle identification number or similar number.

“(iii) In the case of a qualified vehicle that is not sold by the organization

“(I) a certification of the intended use or material improvement of the vehicle and the intended duration of such use, and

“(II) a certification that the vehicle would not be transferred in exchange for money, other property, or services before completion of such use or improvement, and

“(iv) In the case of any qualified vehicle the claimed value of which does not exceed \$2500—

“(I) the fair market value of the vehicle as determine in accordance with regulations prescribed by the Secretary,

“(II) a statement that the deductible amount may not exceed the fair market value of the vehicle, and

“(III) if the organization sells the vehicle without any significant intervening use or material improvement a certification that the vehicle was sold in an arm's length transaction between unrelated parties.

“(v) In the case of any qualified vehicle the claimed value of which exceeds \$2500—

“(I) a qualified appraisal as defined in (E) of paragraph (1) of this section,

“(II) a statement that the deductible amount may not exceed the appraised value of the vehicle, and

“(III) if the organization sells the vehicle without any significant intervening use or material improvement a certification that the vehicle was sold in an arm's length transaction between unrelated parties.

“(C) CONTEMPORANEOUS.—For purposes of subparagraph (A), an acknowledgement shall be considered to be contemporaneous if the donee organization provides it within 30 days of the contribution of the qualified vehicle.

“(D) INFORMATION TO SECRETARY.—A donee organization required to provide an acknowledgement under this paragraph shall provide to the Secretary the information contained in the acknowledgement. Such information shall be provided at such time and in such manner as the Secretary may prescribe.

“(E) QUALIFIED VEHICLE.—For purposes of this paragraph, the term ‘qualified vehicle’ means any—

“(i) motor vehicle manufactured primarily for use on public streets, roads, and highways,

“(ii) boat, or

“(iii) airplane.

Such term shall not include any property which is described in section 1221(a)(1).

“(F) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this paragraph.”

(b) PENALTY FOR FRAUDULENT ACKNOWLEDGMENTS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by this Act, is amended by inserting after section 6719 the following new section:

“SEC. 6720. FRAUDULENT ACKNOWLEDGMENTS WITH RESPECT TO DONATIONS OF MOTOR VEHICLES, BOATS, AND AIRPLANES.

“Any donee organization required under section 170(f)(12)(A) to furnish a contemporaneous written acknowledgment to a donor which knowingly furnishes a false or fraudulent acknowledgment, or which knowingly fails to furnish such acknowledgment in the manner, at the time, and showing the information required under section 170(f)(12), or regulations prescribed thereunder, shall for each such act, or for each such failure, be subject to a penalty equal to—

“(1) the product of the highest rate of tax specified in section 1 and the claimed value of the vehicle, or

“(2) \$5,000.”

(2) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter

68, as amended by this Act, is amended by inserting after the item relating to section 6719 the following new item:

“Sec. 6720. Fraudulent acknowledgments with respect to donations of motor vehicles, boats, and airplanes.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2006.

IN HONOR OF JOHN TSUKASA TANIMURA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. FARR. Madam Speaker, I rise today to honor the passing of a great American that you may have never heard of. John Tsukasa Tanimura, known to all as Johnny, recently passed away at the age of eighty-eight. He was a farmer's farmer. As one of the founders of the Tanimura & Antle produce company, he helped build it into the nation's largest private lettuce producer. So while you may have never heard of Johnny Tanimura, I can guarantee that every member of this House has eaten something that Johnny and his family grew. As an integral part of the Salinas Valley's agricultural and cultural fabric, he will be missed tremendously. However, the legacy that he planted and nurtured will produce a crop for generations to come.

Born November 21, 1920 in San Juan Bautista, California to Eijiro Kimoto and Yukino Tanimura, he was the sixth of 13 children in a farming family. Johnny graduated from Salinas High School and served in the Army as a guard in Germany, while his family was interned in Poston, Arizona, during World War II.

After relocating to Gilroy, Johnny along with his siblings rebuilt their living in the farming business with harvesting jobs. Through hard work, Johnny, his brothers and their families commenced a farming enterprise that grew from the seeds of love, respect and cooperation. The Tanimura family created ties with Bud Antle and his family in 1948, and the two families jointly established the formation of Tanimura & Antle in 1982, a successful and dynamic family farming enterprise in the Salinas Valley.

His dedication to the lettuce farming was tireless, as he worked throughout his life without ever retiring. He and his brothers were an ever present sight in their ubiquitous white pickup inspecting and tending to their various ranches up and down the Salinas Valley. Even when he was unable to get around without a walker or wheelchair, he had someone take him into the fields multiple days a week to make sure the farming went smoothly.

He is survived by his wife, Sakako (Sachi); daughters Jeannie, Susan and June Tanimura; grandchildren Brian Cobb and Jennifer Caro; great grandchildren Desiree and Mateo Caro, Draven Cobb, Jake Esqueda and MacKenzie Wright; brothers and sisters-in-law, George and Masaye Tanimura, and Tommy and Hisako Tanimura; sister-in-law, Fumiko Tanimura, wife of his late brother Charles (Charlie); and sisters Alice Sato, Rose Yuki and Betty Furisho.

Madam Speaker, Johnny Tanimura's life was filled with impactful accomplishments. He leaves behind a footprint on the agricultural business of the Salinas Valley through hard work and a loving and dedicated heart, and touched the lives of those around him. I am certain I speak for the entire House when I extend our heartfelt sympathy to his family, friends and colleagues.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. WESTMORELAND. Madam Speaker, on May 4, 2009 I stayed at home due to an ongoing medical condition. As a result, I missed two votes. Had I been present, I would have voted the following:

“Yea” on Motion to Suspend the Rules and Pass H. Res 230, a bill Recognizing the historical significance of the Mexican holiday of Cinco de Mayo (Rollcall No. 229); and

“Yea” on Motion to Suspend the Rules and Pass H. Con. Res 111, a bill Recognizing the 61st anniversary of the Independence of the State of Israel (Rollcall No. 230).

ON THE ENDORSEMENT OF “ONE SECOND AFTER” BY WILLIAM R. FORSTCHEN

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. BARTLETT. Madam Speaker, I rise today to bring up the book *One Second After*, which was written by historian and novelist William R. Forstchen. It lays out a fact-based scenario of what life would be like after an EMP attack. I think that the American people should read this book. It tells the story of a ballistic missile EMP attack on our country. The weapon was launched from a ship off our shore, and then the ship was sunk so that there were no fingerprints. It was launched about 300 miles high over Nebraska, and it shut down our infrastructure country-wide. This book is a realistic assessment of what a really robust EMP lay-down could do to our country.

As a scientist and engineer now serving my 17th year on the House Armed Services Committee, I have studied the threat of EMP with the world's experts and it is real. I find it very disturbing that EMP is well understood and its capability is actively pursued by America's potential foes, but it is virtually unknown to the American public. Imagine a world where the only person you could talk to is the person next to you, the only way you could go anywhere is to walk and the electronic grid is destroyed. This is only the beginning of the impact from an EMP attack.

Glen Reynolds, who is a law professor at the University of Tennessee, a contributing editor at *Popular Mechanics*, and the author of various law review articles, writes as the editor

of Instapundit.com how much he enjoyed the book and how he hopes that this book will draw attention to the threat of an EMP. I want to take this opportunity to share it with all of my colleagues.

"So I finished William Forstchen One Second After, and it's pretty good—sort of an Alas, Babylon for the 21st Century. Forstchen hopes to attract attention to the danger of an EMP attack, and I hope he does. I'm somewhat less positive about whether that will produce any actual, useful preparation."

HONORING DETECTIVE JEFFREY
K. SWINDOL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor Detective Jeffrey Swindol for being selected as the Bartlett Police Department's 2008 Officer of the Year.

Since joining the Bartlett Police Department in 1998, Detective Swindol has made an immediate impact in a police force through his professionalism and loyalty to the Bartlett community. It is through Detective Swindol's chosen career path that is a testament of the values that were instilled in him by his parents and family members. Detective Swindol displays his leadership that is expected during investigations for illegal sales, distribution of narcotics as well as other substances.

On April 1, 2007, Detective Swindol was promoted and began utilizing his talents on the Bartlett Police Department's Narcotic Unit. Detective Swindol has displayed his ability to adapt, overcome obstacles, and thrive under pressure. His dedication and diligent work with the unit even led to the seizure of \$62,000.00 cash as well as the suspect. Detective Swindol was an integral part in this investigation, which deserves the credit for one of the largest cash seizures in the department's history. I can proudly say that all of this hard work paid off. I commend Detective Swindol for his exemplary example of dedication and service. I have no doubt that Detective Swindol's hard work has improved the lives of everyone that calls the City of Bartlett their home.

Please join me in honoring Jeffrey Swindol and wishing him and his family the best on this well-deserved award.

IN MEMORIAM: CORRINE CONTE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. OLVER. Madam Speaker, I rise to honor the life of Corrine Louise Conte, a beloved neighbor and community member in western Massachusetts and Washington, DC.

Corrine was a woman of many talents. A native of Pittsfield, she was a star swimmer at Pittsfield High School, and she later became an accomplished pilot. Once, while flying near

her home, her plane's engine failed, but she steered the descending plane into an open field and escaped with only a fractured rib, an injury she dismissed as trifling.

During World War II, Corrine served as a nurse in the Navy, where she met her future husband, the late, great Congressman Silvio O. Conte. The couple married after the war, and Corrine continued to serve as a nurse while raising their four children. When Silvio was elected to the House of Representatives, she moved their family to Bethesda, Maryland, where she became a successful real estate agent.

Ever-welcoming, Corrine opened her family's home in Bethesda to ambassadors and politicians, regardless of political party. Her gatherings were known for being intimate and down-to-earth. When a Russian delegation once came to dinner, they were surprised to find that Corrine had done all the cooking herself.

She was a friend to several Presidents, meeting each Chief Executive from Dwight Eisenhower to George H.W. Bush, and even dancing with Lyndon Johnson at his inaugural ball. True to form, she made all of her White House gowns herself, working from a sewing table in her basement. In the late 1980s, she served on President Bush's Special Committee on Mental Health.

Despite remarkable talents and powerful friends, Corrine never lost touch with her community or shrank from the rigors of public service. The phone number to her family's Pittsfield home was listed publicly, and, during the three decades her husband served in Congress, she fielded calls from constituents and often followed up on requests herself. She was an active campaigner, regularly putting in long days on the campaign trail, and a favorite with voters, who appreciated her practicality and command of the issues. After her husband's death in 1991, she dedicated herself to preserving his extensive and important legacy.

Away from the public eye, Corrine was known to be a loving mother and a woman of great faith. She was also a life-long Boston Red Sox fan and reportedly was elated to see her team finally reverse the "Curse of Bambino" by sweeping the World Series in 2004.

Corrine Conte's strength, warmth and charm were legendary. The friends she made and the people she touched throughout her remarkable life will miss her dearly.

CONGRATULATING SAUNDERS
YACHTWORKS ON ITS 50TH ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. BONNER. Madam Speaker, today I rise to honor Saunders Yachtworks with facilities in Orange Beach and Gulf Shores, Alabama, on its 50th anniversary.

In 1959, the Saunders Engine & Equipment Company, Inc. was founded by Andrew Saunders Sr. in Mobile, and today members of the second and third generation represent the majority of the company's ownership. The com-

pany's "can do" attitude has set it apart as a premier marine service provider along the central Gulf Coast.

In 1993, Saunders Yachtworks opened as a mechanical service facility in Orange Beach, and in 2007, Saunders Yachtworks became the sole focus of the corporation. This year, the company expanded its operations to Gulf Shores with the opening of its new corporate headquarters and mechanical service shop.

This new facility features one of the largest boat lifts on the central Gulf Coast allowing Saunders to work on boats up to 115 feet. There is no doubt this new expansion will bring yachtsmen from around the world to Alabama's Gulf Coast.

Throughout its 50 years of operations, the company has received numerous awards and accolades. In 1990, Saunders Engine & Equipment was named "Small Business of the Year" by the Mobile Area Chamber of Commerce. Earlier this year, Saunders Yachtworks was named Boatyard of the Year by the American Boat Builders and Repairers Association. This award is given to the boatyard that "demonstrates excellence in all facets of business through commitment to customer service, quality management and positive vendor and employee relations."

Madam Speaker, I ask my colleagues to join with me in congratulating Saunders Yachtworks on its 50th anniversary and for being recognized as the Boatyard of the Year. I know John Fitzgerald, the company president, Andrew Saunders Jr., chairman of the board, along with the company employees, their friends, families, and members of the community also join with me in praising Saunders Yachtworks for their many accomplishments and for extending thanks for their continued service to the Alabama business community and the First Congressional District.

TRIBUTE TO TYLER CLARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual who possesses the talent, athleticism and dedication of an Olympic athlete. University of Michigan Sophomore Tyler Clary is turning heads and breaking records in the swimming world; and he's ready for the next step—the Olympics. Tyler grew up in Riverside, California, where his parents still reside. Our entire community is very proud of this young man and his accomplishments.

Tyler graduated from Poly High School in 2007 where he was a CIF champion in swimming. Tyler is now flourishing at the University of Michigan. He recently captured his first NCAA title and his time of 3:35.98 broke the American Record of 14-time Olympian gold medalists Michael Phelps by 28 hundredths of a second. Tyler received a congratulatory text message from Michael Phelps, who Tyler trained with at Michigan. The next night Tyler captured the 200-yard backstroke title and broke another NCAA record of Olympian gold medalists Ryan Lochte.

Tyler's coaches are not only impressed by his pure athleticism but by his great attitude. A recruiting coach from Cal said that he knew Tyler "was going to be one of the greats." Tyler intends to prove that correct as he sets his sights on the 2012 Olympics. He was just shy of making the cut for the 2008 Olympics and Tyler doesn't intend to let anything get in his way the next time around. He has begun preparation for this year's world championships, which will be held this summer in Rome.

Tyler is also a five-time All American Athlete, the 2009 Swimmer of the Year, the 2009 Big Ten (Conference) Swimmer of the Year, and holds the University of Michigan's records in the 200 Individual Medley (IM), 400 IM, 200 Backstroke and 800 Free Relay. Tyler was the 2006 Fédération Internationale de Natation (FINA) World Youth Top Male Performer. In 2007, Tyler was the Silver Medalist in the 200 Backstroke at the Pan American Games.

Madam Speaker, it is a rare honor to be able to speak about an athlete who is expected to break records and possibly become a future Olympic champion. Tyler Clary has everything it takes and I believe that three years from now I will be on the House floor congratulating Tyler on a successful return from the 2012 Summer Olympics being hosted in London. Tyler exemplifies the best of our future generations and I look forward to watching him in the years to come.

FREE MEDIA UNDER PRESSURE IN THE OSCE REGION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. HASTINGS of Florida. Madam Speaker, as Co-Chairman of the Helsinki Commission I can attest to the fact that freedom of the press is only a cherished dream for many today in the OSCE region. Vibrant independent media are an essential element of any democracy. Leaders the world over who are determined to remain in office by any means necessary understand perfectly the power of the press. That is precisely why they and their associates strive so vigorously to control the media. Indeed, there are a variety of means commonly used by those attempting to harass or intimidate journalists.

Physical attacks on journalists have become commonplace in many part of the OSCE region along with police raids, spurious court cases, arrests, and forcible psychiatric hospitalization. In recent days those attacked included Argishti Kivirian, editor of the independent news Web site Armenia Today, Vyacheslav Yaroshenko, editor of Corruption and Crime, a weekly in the southwestern Russian city of Rostov-na-Donu, and Anastasia Akopyan, a young journalist assaulted following circulation of an interview she did with an opposition mayoral candidate in the Russian city of Sochi.

The situation in several other OSCE countries remains mixed. While the Belarusian regime allowed two independent newspapers to distribute through state-controlled outlets, the

overall media environment remains repressive. Independent journalists continue to be harassed. A new media law entered into force in February contains provisions that toughen state control over the media as the Belarusian government seeks to maintain a virtual monopoly over the country's information space, especially television. In Armenia, the independent A1+ television station, forced off the air by the authorities, remains silent despite a ruling on the case by the European Court of Human Rights nearly a year ago. While the release of some imprisoned journalists in Azerbaijan is a positive development, the authorities have yet to repeal criminal defamation provisions. In Georgia, the government should take decisive action on promised reforms on media liberalization.

In the Balkans, media outlets are commonly targeted for harassment and occasional violence. In Serbia, several journalists were reportedly attacked earlier this year by a radical group organizing a commemoration of the 10-year anniversary of NATO bombing. Investigative media in Kosovo have come under pressure for their attempts to expose corruption. Independent media in Montenegro are frequently the target of trumped-up defamation and libel charges. In Albania, the magazine Tema was reportedly forced to cease operations under government pressure, while TV News 24 was apparently assessed a large fine for ridiculing another station's promotion of the country's prime minister. This year marks the tenth anniversary of the murder of Serbian journalist and editor, Slavko Curuvija, who testified before the Helsinki Commission shortly before his death, a case which authorities have yet to resolve.

Meanwhile, in Kazakhstan, the opposition weekly Taszharghan has reportedly been forced to cease publication following the imposition of a \$200,000 fine for damaging the honor and dignity of a member of the Kazakh parliament. According to the Committee to Protect Journalists, at least half a dozen independent outlets and their staffers faced more than 60 such defamation lawsuits in 2008 alone, with many involving claims by senior government officials.

Madam Speaker, nearly two decades after the breakup of the U.S.S.R., Soviet-era censorship survives in places like Uzbekistan and Turkmenistan, which, not coincidentally, ban all political opposition.

THE U.S.-CHINA COMPETITIVENESS AGENDA OF 2009

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. KIRK. Madam Speaker, today I am proud to join my good friend, the gentleman from Washington (Mr. LARSEN), in unveiling the bipartisan U.S.-China Competitiveness Agenda of 2009. This agenda includes four legislative priorities to expand America's influence in China and increase American competitiveness in the global marketplace.

As co-chairs of the bipartisan House U.S.-China Working Group, we are working in Con-

gress to elevate the sophistication of our debate on U.S.-China issues. The U.S.-China Competitiveness Agenda provides Congress with a constructive legislative package to expand U.S. engagement with China while supporting key domestic and foreign policy objectives.

Along with two other Working Group members, Congresswoman SUSAN DAVIS (D-Calif.) and Congressman STEVE ISRAEL (D-N.Y.), we are introducing bipartisan legislation to expand America's diplomatic infrastructure in China, boost support to small- and medium-sized businesses exporting to the China market, increase funds for domestic Chinese language instruction and build new cooperative energy ties between the U.S. and China.

The U.S. has one embassy and five consulates in China, leaving more than 200 cities with a population greater than one million people with little to no American representation. Additionally, while 60 percent of U.S. exports go to the Asia-Pacific market, the U.S. contributes 100 times more dollars to Europe's Organization for Economic Cooperation and Development than to the Asia Pacific Economic Cooperation Forum.

My legislation, the U.S.-China Diplomatic Expansion Act of 2009, authorizes the construction of a new consulate in Fuzhou and 10 smaller diplomatic posts in cities with more than a million people. The bill triples funding for public diplomacy, boosts funding for a range of language, student and teacher exchange programs, increases funding for rule of law initiatives and more than triples the U.S. contribution to Asia Pacific Economic Cooperation.

If we are serious about expanding export promotion services, defending intellectual property rights, improving consumer product safety and enhancing economic competitiveness, we need a diplomatic infrastructure in China that reflects those priorities.

I am proud to co-sponsor three other bipartisan bills in the U.S.-China Competitiveness Agenda, including Mr. LARSEN's U.S.-China Market Engagement and Export Promotion Act of 2009, Ms. DAVIS's U.S.-Chinese Language Engagement Act of 2009 and Mr. ISRAEL's U.S.-China Energy Cooperation Act of 2009.

Mr. LARSEN's bill would help states establish export promotion offices in China and create a new China Market Advocate program at U.S. Export Assistance Centers around the nation. The bill provides assistance to small businesses for China trade missions and authorizes grants for Chinese business education programs.

I strongly support the U.S.-China Market Engagement and Export Promotion Act because we need innovative programs that support our small business exports and arm them with the tools they need to succeed in China.

Roughly 200 million students are learning English in China today. By contrast, only about 50,000 primary and secondary school students study Chinese in America. Ms. DAVIS's bill increases Chinese cultural studies and language acquisition for elementary, high school and college-age students. Grants would be available to fund university joint venture programs, virtual cultural exchanges with Chinese schools and intensive summer language instruction programs.

We have more than just a trade deficit with China—we also have a knowledge deficit. That is why I strongly support the U.S.-Chinese Language Engagement Act. We need additional funding for domestic Chinese language programs, educational exchanges and Chinese teacher exchanges to fix this knowledge imbalance.

To create green jobs in America and fight global climate change, we must expand energy cooperation between the U.S. and China. Mr. ISRAEL's bill authorizes new grants to fund U.S.-China energy and climate change education programs, along with joint research and development of carbon capture, sequestration technology, improved energy efficiency, and renewable energy sources.

In my view, China's connections to unstable energy markets like Iran, Sudan and Venezuela could set a foreign policy collision course with the United States. I strongly support the U.S.-China Energy Cooperation Act. To protect our environment and avoid future conflict, we need creative programs to boost U.S.-China energy cooperation.

I want to thank my colleagues for their hard work on this bipartisan agenda. I urge my colleagues to cosponsor all four bills and move quickly to enact this legislation into law.

INTRODUCTION OF U.S.-CHINA LANGUAGE ENGAGEMENT ACT OF 2009

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the U.S.-China Language Engagement Act of 2009—a bill to close the knowledge deficit when it comes to our relationship with China.

It is little news to anyone that China is on the rise. With a population of over 1.3 billion people and the second largest economy in the world when measured by domestic purchasing power parity, China is poised to become a world power, economically, diplomatically, and militarily.

Yet at a time when China's influence on the world stage is increasing, our national understanding of the "Middle Kingdom" has not kept pace.

While an estimated 200 million Chinese school children are studying our language and culture, less than 50,000 American elementary and secondary students are studying Chinese.

The goal of the U.S.-China Language Engagement Act is to provide our schools with the resources they need to offer Chinese language instruction and cultural studies classes.

This important legislation would instruct the Department of Education to offer competitive grants to Local Education Agencies (LEAs) to develop and implement innovative Chinese language and cultural studies programs.

LEAs, in collaboration with institutions of higher education, may use grant funds to carry out intensive summer Chinese language instruction, link bilingual Chinese and English speakers with students and conduct virtual cultural exchanges with educational institutions in China.

This bill is part of a broader legislative package seeking to improve our competitive edge and relationship with China.

Some may view China's resurgence as a threat. But today, Madam Speaker, I ask you to turn China's rise into an opportunity for United States citizens.

Through careful diplomacy, I believe China can become not only a competitor but also a partner. But we cannot have this dialogue if we cannot understand the Chinese people.

This is why I come before you today: to ask for your help in ensuring that the lines of communication between the United States and China stay open. Please support the U.S.-China Language Engagement Act and help bridge the language barrier and cross the cultural gap between future generations of Americans and the Chinese.

NATIONAL DAY OF PRAYER

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. CANTOR. Madam Speaker, I rise today to call special attention to an activity Americans engage in throughout every day—prayer. Today is the National Day of Prayer, an observance established by Congress and President Truman in 1952.

Our Nation was founded on Judeo-Christian principles, which continue to permeate our daily lives—and need to be preserved. In recent times, these principles and the demonstration of them has come under attack by certain segments of society. From the very beginning of our Nation's history, our Nation's leaders have relied heavily on their faith, a fact that led our Founders to include the constitutional right to freely exercise one's religion in the very beginning of our Bill of Rights. This right is every bit as fundamentally important—and deserving of protection—today as it was in the 18th century.

Since the first call to prayer in 1775, when the Continental Congress called on the colonies to pray for wisdom in forming the Nation, the leaders of our Nation have continued to pray for that wisdom to shape our Nation. We look to God to provide us with the direction to act in accordance with His will, on behalf of the Americans who have sent us here to represent them. The one thing we know for certain is that there's nothing we can't accomplish—here in Congress or anywhere in the world—with God's help and blessing.

HONORING ST. ROSE LADY WILDCATS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor an exceptional group of young ladies from Clinton County, Illinois.

The St. Rose Lady Wildcats volleyball team captured the Southern Illinois Junior High

School Athletic Association Class S state tournament, defeating the squad from Lick Creek in straight sets. St. Rose swept through the tournament, not losing a single set on the way to the title. They knocked off Ewing in the opener and Centralia Trinity Lutheran in the second round, going on a 15–0 tear to come from behind and win game one.

I want to congratulate coaches Colette Huelsmann and Brian Holtgrave on leading this group of young ladies to this victory. Most of all, I want to congratulate the members of the state champion St. Rose Lady Wildcats: Abby Holtgrave, Amanda Gall, Brooke Buehne, Erika VonBokel, Lauren Willis, Ellie Detmer, Elizabeth Marcus, Lydia Rehkemper, Larissa Jacob, Maddie Timmermann, Avoyinna Kampwerth and Jamie Voss.

These young ladies have represented themselves, their school and their community in an exemplary fashion, and I congratulate them, and wish them all the best for continued success in the classroom and on the court.

IN REMEMBRANCE OF FATHER DAVID FRANCIS FALLON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Father David Francis Fallon, founding Pastor of La Sagrada Familia Parish. His love, kindness and faithful service on behalf of the people of our community will always be remembered, especially in the hearts and memories of those whose lives he impacted the most—the poor and disenfranchised of our society.

Father Fallon was born and raised in Cleveland as the second oldest of thirteen children, where he learned at a young age the significance of family, faith, hard work and connection to community. Following his graduation from Borromeo College, then Saint Mary Seminary, Father Fallon was ordained into the priesthood on May 30, 1970. His first assignment was at Holy Family Parish and later as Associate Pastor at Saint John Bosco Parish. In 1975, Father Fallon was transferred to Saint Clement Parish in Lakewood. He served for two years before joining a mission team in El Salvador, where he brought faith, hope and a sense of security to his parish there.

Though not of Hispanic heritage, Father Fallon became fluent in its customs, language and culture, and he became warmly embraced as a true son of the people of Cleveland's Hispanic community. He celebrated Masses in Spanish, and began bilingual services for young churchgoers. Reflecting a generous heart, joy for life and humble demeanor, Father Fallon easily drew others to him and his leadership became a guiding light that brought people and organizations together. His diplomacy and commitment to community was evident in the 1998 merging of two Hispanic parishes, San Juan Bautista and Cristo Rey, to form La Sagrada Familia parish.

Under the direction of Father Fallon, La Sagrada Familia has risen as a foundation of strength, support and resources for people of

all ethnic and religious backgrounds who seek guidance and support. Father Fallon initiated numerous programs, including a food pantry and clothing outlet where individuals and families in need can obtain free food, clothing and furniture. He organized church volunteers to serve the community in social service, employment and education.

Additionally, Father Fallon inspired others to empower themselves and take pride in their community. He was an active attendee and member of various neighborhood, civic and municipal organizations, and he led numerous efforts in organizing voter registration drives in the Hispanic neighborhood.

Moreover, Father Fallon's commitment to ministering to those who suffered emotional or physical hardships never wavered. He never missed his weekly visits to those who were homebound or those living in the neighboring nursing home. He brought each person the sacrament of communion, a compassionate presence and kind and calming words, comfort, faith and hope to our most vulnerable citizens.

Madam Speaker and Colleagues, please join me in honor and remembrance of Father David Francis Fallon, whose immeasurable service to others, compassion, faith, and a true belief in community has brought healing, hope and restored faith in all of us. I extend my deepest condolences to the family and friends of Father David Francis Fallon. Though he will be deeply missed by everyone who knew and loved him well, Father Fallon's compassionate service to others will continue to serve as an example and as a source of hope at La Sagrada Familia parish

MAI YANG

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Mai Yang who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Mai Yang is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Mai Yang is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Mai Yang for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

DR. MELINDA O'ROURKE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Dr. Melinda O'Rourke who has received the Golden Ethics in Business award. Dr. Melinda O'Rourke is an ophthalmologist and Vision Health International volunteer and received this award because of her sense of global and local volunteerism and dedication to bettering the lives of those from all social classes and nations through health care.

The devotion demonstrated by Dr. Melinda O'Rourke directly benefits her community and many throughout the world, and is exemplary of high personal and professional standards. She serves as a leader who inspires those around her to continually strive for better health care, both for those who can afford it and for those who cannot.

I extend my deepest congratulations once again to Dr. Melinda O'Rourke for winning the Golden Ethics in Business award. I have no doubt she will continue to exhibit the same dedication she has shown in her volunteer career to all future undertakings.

MAY: WORLD TRADE MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. REICHERT. Madam Speaker, May is World Trade Month, and events around the country will highlight the vital role that trade plays in creating jobs and growing our economy.

World Trade Month is the perfect reminder of the need to pass pending free trade agreements that have languished for far too long. As Americans confront economic uncertainty, Congress must act now to advance our trade agenda. We cannot allow important agreements with Panama, Colombia, and Korea to remain on hold while Europe, China, and others continue to knock down trade barriers and become more competitive in the global economy.

Opening new global markets gives employers incentives to improve their products, produce more goods, and employ more American workers. I have seen these job-creating effects first-hand, with trade accounting for 1 out of every 3 jobs in my State of Washington.

Let's recognize World Trade Month by implementing these trade agreements and pursuing these proven measures of job creation at a time when they are badly needed.

COST/PRODUCTIVITY
IMPROVEMENT PROGRAM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud the Cost/Productivity Improvement Program at the Rocky Mountain Arsenal, a former chemical manufacturing site being cleaned up by the U.S. Army near Denver, CO. The Cost/Productivity Improvement Program is an innovative effort instituted by the Army and Shell Oil Company, who are responsible for the cleanup of the site. The Program encourages employees to be proactive in improving the efficiency, safety, and quality of the transition of the Rocky Mountain Arsenal into a premier urban national wildlife refuge.

Construction and fieldwork are due to be completed in 2010, one year ahead of schedule and within budget. This achievement is due in no small part to cost savings suggestions by employees that were implemented through the Cost/Productivity Program under the leadership of the Army, Shell and their contractors. Not only has the program resulted in a savings of \$67 million dollars over 10 years, with \$4.5 million saved last year alone, it is an innovative example of a successful public-private partnership. The program has resulted in the promotion of "green" practices, including recycling and native vegetation re-seeding.

I extend my deepest congratulations once again to the Cost/Productivity Improvement Program and the Army, Shell and their employees and contractors at the Rocky Mountain Arsenal. I have no doubt this program will continue to improve practices, while continuing to inspire employees and workers as they complete the environmental restoration and transformation of the site into a national wildlife refuge for generations of Americans to enjoy.

SUPPORT FOR THE STEM CELL
RESEARCH ENHANCEMENT ACT
OF 2009 IN HONOR OF DR.
XIANGZHONG "JERRY" YANG

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to declare my support for the Stem Cell Research Enhancement Act of 2009. I intend to cast this vote in honor of the efforts of Dr. Xiangzhong "Jerry" Yang, a pioneer in cloning and stem cell research, who died of cancer three weeks ago at the age of 49. Dr. Yang left a great legacy of hard work, dedication, and success on the front lines of stem cell research. His work has led to a series of breakthroughs that have taken us closer to the dream of cloning stem cells to match an individual and cure the individual's disease, a breakthrough that would bring hope to countless men, women, and children who are suffering from otherwise untreatable illnesses.

The Yang laboratory, stationed at the University of Connecticut, is the world's leading laboratory in animal cloning and stem cell technology. Dr. Yang and his team provided critical insights into the previously mysterious mechanisms of how germ cells are programmed to form embryos, and how these embryos form distinct types of tissue. He was instrumental in working with then-Connecticut State Senator CHRIS MURPHY (now my colleague Representative MURPHY) to establish the Connecticut State Stem Cell Research Program, one of the very few such programs in the Nation. Because of the program's existence, Connecticut was one of the few states that would fund human embryonic stem cell research that could not be funded by the Federal Government. Just this year, the University of Connecticut announced the derivation of two new human embryonic stem cell lines as a result of these research funds. This breakthrough, along with many others, would not have happened without Jerry's influence and guidance.

Dr. Yang's ultimate dream to tailor stem cell cloning to specific people, organs, and diseases has not yet been realized, but with the help of the Stem Cell Research Enhancement Act, we may yet reach the world he envisioned: One in which organ damage from cancer, heart attacks, spinal disorders, or any other conceivable illness can be reversed with stem cell therapy. I ask that my distinguished colleagues join me in applauding the work of Dr. Yang: he will be sorely missed, but the important work he has done deserves all the recognition and support this body can offer.

KWYN PAVEY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kwyn Pavey who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kwyn Pavey is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kwyn Pavey is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kwyn Pavey for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

THE REINTRODUCTION OF RECOMMITMENT TO INTERNATIONAL HUMAN AND CIVIL RIGHTS RESOLUTION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. LEWIS of Georgia. Madam Speaker, I rise to reintroduce my resolution urging the United States to ratify and implement certain fundamental international conventions.

This resolution is supported by a variety of organizations including Free the Slaves, Human Rights Watch, AFL-CIO, Amnesty International USA, Global Rights, Citizens for Global Solutions, Oxfam America, the National Alliance of HUD Tenants, the National Law Center on Homelessness and Poverty, and the Robert F. Kennedy Memorial Center for Justice and Human Rights.

This year marks the 60th anniversary of the UN Declaration on Universal Rights. It is the foundation of the current human rights movement. Americans, led by First Lady Eleanor Roosevelt, helped craft this historic convention, and next week, the United States will again seek a seat on the United Nations Human Rights Council.

Last week, I joined my colleagues to protest the genocide in Darfur at the Sudanese Embassy in Washington, D.C. Three years ago, many of us were arrested doing the same thing; three years later, millions continue to suffer.

Our case against this and other humanitarian crises would be so much stronger if the United States had ratified the U.N. Conventions that address the rights of women, children, and forced disappearance. How can we ask for our global trading partners to respect international labor standards, when we ourselves have not ratified ILO standards on the right to organize and bargain collectively, or against forced child labor, or age discrimination? How can we fight poverty and homelessness if we do not support UN Covenant on Economic, Social and Cultural Rights? How can we stand up for civil rights when we do not support hemispheric efforts to recognize historic struggles of marginalized communities?

Our country was founded on the principles of civil and human rights. Many, many people—men, women, and even children—have sacrificed their lives for the freedoms we enjoy today. Madam Speaker, this is a time of war. This is a time when the global economy is struggling. This is a time when access to food, water, shelter, and resources impacts every person on this planet. It is during periods like these when it is most important to protect our values and our commitment to universal human and civil rights.

Simply said, this resolution is our recommitment to our own American principles and to our neighbors and friends around the world. We must always be vigilant. We must be vocal. But we must remember—actions speak louder than words.

LEAH M. VARNELL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Leah M. Varnell who has received the Golden Ethics in Business award. Leah Varnell is the executive director of Court Appointed Special Advocates of Jefferson and Gilpin Counties and received this award because of her vision, bravery, and sense of social responsibility to those children who face the worst of all situations.

The dedication demonstrated by Leah Varnell directly benefits her community, and is exemplary of high personal and professional standards. She serves as a leader who inspires those around her to continually strive for a safer environment for America's children.

I extend my deepest congratulations once again to Leah Varnell for winning the Golden Ethics in Business award. I have no doubt she will continue to exhibit the same dedication she has shown in her career to all future undertakings.

INTRODUCING THE FAIR TREATMENT FOR METAL IMPLANTEES ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. OBERSTAR. Madam Speaker, today I would like to introduce the "Fair Treatment for Metal Implants Act", which creates a program within the Department of Homeland Security that incorporates biometric technology or other applicable technologies to verify the identity of an individual who has a metal implant, so as to limit disruptions for such individuals while traveling by air transportation, in a manner consistent with aviation security.

According to the Joint Implant Surgery & Research Foundation, there are approximately 500,000 total hip and knee replacements performed in the United States each year. An estimated 11 million people in the United States have a medical implant and this number is growing as the population receiving implants increases.

In a 2007 study, researchers at the Harvard Medical School found that 100 percent of hip replacements and 90 percent of knee replacements cause commercial airport metal detectors to alert. Whenever a passenger alarms the walk-through metal detector, additional screening must be conducted to locate and resolve the source of hand-held metal detector and, first, conducts a pat-down inspection of any area that alarms; then conducts a whole-body pat-down. This additional screening consumes an average five minutes more of a passenger's time at security checkpoints.

This excess screening of metal implantees is not an efficient use of a TSO's time, which could be more efficiently used elsewhere. H.R. _____ would develop a travel credential or system that incorporates biometric or other applicable technologies to verify the identity of an

individual who has a metal implant to ensure that such individuals can travel by air with greater ease, consistent with current security regulations. The bill would require the program to include verification of the individual with a metal implant, resolution for false matches and non-matches, determination of travel credential or system, and validation of a credential or system issued to an individual under the program that is lost, stolen, or no longer authorized for use.

Madam Speaker, I would like to thank the Chairman of the Homeland Security Committee, Mr. Thompson, for introducing this legislation with me. H.R. _____, the "Fair Treatment for Metal Implants Act", will direct more resources to secure our skies and help metal implantees negotiate through airport security.

KRISTIAN YEAGER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kristian Yeager who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kristian Yeager is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kristian Yeager is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kristian Yeager for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING ALICE T. MOSINIAK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Ms. KAPTUR. Madam Speaker, I rise today to recognize the passing from this life of Alice T. Mosiniak, the founder of Toledo Seagate Food Bank, which over the years has helped countless people in need. Alice was Toledo office director in the 1970s of the National Association for Human Development, which trained senior citizens who were jobless and often alone. "I took it for granted that everyone ate," Mrs. Mosiniak, who lived in South Toledo, told the Toledo Blade in 1993. She asked 50 seniors to bring a lunch to a meeting. "Only two brought a lunch and one of those was a mashed potato sandwich, and the other person brought a bean sandwich. And that's how I found out they were all hungry." She

scrounged and bought food for them. "Her heart was compassion and caring for others," said her daughter, Deborah Vas, food bank executive director since 1998. "She just truly believed and taught us you need to care about your neighbors"

The Toledo Seagate Food Bank began in 1980 after Alice saw what seniors ate—or didn't eat. Migrant farm workers in Lucas County were among the first fed, said Virginia Ortega, a member of the Ohio advisory committee to the U.S. Civil Rights Commission. "Her life enhanced the quality of life of many northwest Ohioans in ways many people I don't think even realize," she said.

Mrs. Mosiniak enlisted local officials and business leaders in the project. "She'd tell them exactly what she needed and wanted and say, 'Either you're going to help or you're not.' And who's not going to help a neighbor or friend?" Ms. Debbie Vas said. Added Harvey Savage, Jr.: "When she set her mind on getting something, she was able to get it. We have people who are chronically underemployed, who are always going to need help." Mr. Savage is board president of the Martin Luther King, Jr. Kitchen for the Poor, founded by his father, the Rev. Harvey Savage. "She saw it at a time when we were trying to sweep that under the rug."

When I first encountered Alice more than 25 years ago, she was passionately piecing together the elements of what would become the Toledo Seagate Food Bank. Her enthusiasm and deep commitment to those who had fallen on hard times was unforgettable, and infectious. She was indefatigable. Enlisting the most unlikely coalition of supporters—from pugnacious property owners to willing donors to amazed farmers to selfless volunteers and grassroots supporters, from all walks of life—she built a vanguard institution from scratch, one that had never existed before. Year by year, its reputation earned respect and admiration across our region, Ohio, and the nation. Millions of meals, and other household necessities, have been made possible for three decades precisely because this incredible, inspired woman reached beyond herself to help others, at no cost to them. She sought no recognition. So let America acclaim her now and express its gratitude and acclaim for her noble efforts, truly a citizen of extraordinary proportion.

She grew up at Detroit Avenue and Vance Street in Toledo. She attended Libbey High School, the former Harriet Whitney Vocational High School, and the former Mary Manse College. She and her husband, Alphonse "Bill" Mosiniak, formed a company that built houses in South Toledo and Perrysburg. They married May 25, 1945. He died July 8, 1966. Surviving are her daughters, Debbie Vas and Mindy Rapp; son, Douglas; brother, Richard Williams, and six grandchildren.

It is with the deepest admiration that I pay tribute to the exemplary life of this pioneering woman. She dedicated her life in service to her family, friends, and the poor and hungry of our region. May her family be comforted by the loving memories they hold and may Alice Mosiniak be blessed with a loving peace.

IN HONOR OF DELAWARE
GREENWAY'S 20TH ANNIVERSARY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to celebrate and pay tribute to the 20th anniversary of Delaware Greenways. Preserving Delaware's scenic corridors and back country roads, getting children and their families out on the greenways, and promoting responsible and environmentally sensitive growth are some of the tenets of Delaware Greenways.

Greenways are linear corridors of open space that can be used for conservation or recreation. They may include stream corridors, abandoned railroad rights of way, scenic highways like Route 52 in Wilmington, greenbelts around cities or towns and riverfront walks like we see today along the Christina River. A greenway is capable of providing individuals and families an opportunity to experience the outdoors in a safe and enjoyable fashion while also giving them good exercise and educational opportunities close to home.

Programs supported by Delaware Greenways, such as No Child Left Inside, help children at a very early age understand the importance of exercise and provide them with a hands-on opportunity to learn about nature and our community. Trail Days provide families with experiences they will cherish for generations. Many of the projects Delaware Greenways either initiated or supported have had great success. Examples include: Blue Ball Greenway and Barn restoration, East Coast Greenways, Rail-to-trail, Northern Delaware Greenway, Junction & Breakwater Trail, and the Hockessin and Mill Creek Greenway. Each of these projects has helped connect communities and provide thousands of families with a remarkable opportunity to experience the outdoors.

I express my heartfelt thanks to all those who have supported Delaware Greenways, and to those who have been fortunate enough to utilize these facilities. I hope you will continue to support and use these facilities while enjoying the outdoors.

ECHO VAUGHN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Echo Vaughn who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Echo Vaughn is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Echo Vaughn is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

May 7, 2009

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I extend my deepest congratulations once again to Echo Vaughn for winning the Arvada award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HOUSE OF REPRESENTATIVES—Monday, May 11, 2009

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. MCGOVERN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 11, 2009.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Eugene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

An esteemed saint once said, "The glory of God is a human being fully alive."

May the work of Congress be alive with debate, minus life-threatening strife; by a desire for spirited unity rather than life-threatening divisions that deflate the human spirit; by undying service to others rather than succumbing to destructive self-service; by reaching out to the disadvantaged rather than seeking personal self-advantage.

O Lord, may the work of Congress generate awesome kindness and sacrifice that inspires Americans and their neighbors, reflecting God's moving love at its best.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned

until 12:30 p.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 2 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 12, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1685. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Readiness and Emergency Management for Schools — received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1686. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-65, "View 14 Economic Development Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1687. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-62, "Practice of Nursing Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1688. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-66, "Fire Alarm Notice and Tenant Fire Safety Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1689. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-54, "NoMa Residential Development Tax Abatement Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1690. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-64, "Continuation of Health Coverage Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1691. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-67, "Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1692. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-63, "Practices of Medicine and Naturopathic Medicine Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1693. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-68, "Unemployment Compensation Extended Benefits Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1694. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-55, "Practice of Occupational Therapy Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1695. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-69, "Woodland Tigers Funding Clarification Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1696. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-56, "Practice of Polysomnography Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1697. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-57, "Practice of Professional Counseling and Addiction Counseling Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-70, "Jury and Marriage Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-59, "Practice of Dentistry Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1700. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-61, "Massage Therapy Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-58, "Practice of Psychology Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1702. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-60, "Practice of Podiatry Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1703. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-31; Introduction [Docket FAR 2009-0001, Sequence 2] received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1704. A letter from the Chairman, International Trade Commission, transmitting the Commission's Annual Report on Category Rating for 2006, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

1705. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska-2009-10 and 2010-11 Subsistence Taking of Fish Regulations [FWS-R7-EA-2007-0025; 70101-1335-0064L6] (RIN: 1018-AV72) received April 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1706. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Revision of Expiration Dates for Double-Crested Cormorant Depredation Orders [FWS-R9-MB-2008-0109] [91200-1231-9BPP] (RIN: 1018-AW11) received April 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1707. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-152-FOR; Docket ID: OSM-2008-0019] received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1708. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule To Identify the Western Great Lakes Populations of Gray Wolves as a Distinct Population Segment and To Revise the List of Endangered and Threatened Wildlife [FWS-R3-ES-2008-0120] [92220-1113-000; ABC Code: C6] (RIN: 1018-AW41) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1709. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XN91) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1710. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XN85) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1711. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XN92) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1712. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic

Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XO07) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1713. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XN82) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1714. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Reduction of Winter I Commercial Possession Limit [Docket No.: 0809251266-81485-02] (RIN: 0648-XN60) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1715. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XN84) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1716. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No.: 0401120010-4114-02] (RIN: 0648-XN66) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1717. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2008-09 Main Hawaiian Islands Bottomfish Total Allowable Catch [Docket No.: 0811281532-9086-02] (RIN: 0648-XL64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1718. A letter from the Director, Office Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XN18) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1719. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XN77) re-

ceived April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1720. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska; Seabird Avoidance Requirements Revisions for International Pacific Halibut Commission Regulatory Area 4E [Docket No.: 080612764-8801-01] (RIN: 0648-AW94) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1721. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; 2009 and 2010 Final Harvest Specifications for Groundfish [Docket No.: 0910091344-9056-02] (RIN: 0648-XL23) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1722. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation [Docket No.: 080408542-8615-01] (RIN: 0648-XM20) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1723. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye Salmon Fisheries; Inseason Orders (RIN: 0648-XM03) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1724. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 071106673-8011-02] (RIN: 0648-XN23) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1725. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2009 Scup and Black Sea Bass Specifications; Correction [Docket No.: 090311306-9309-01] (RIN: 0648-XN88) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1726. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0809251266-81485-02] (RIN: 0648-XM86) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1727. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National

Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2009-2010 Biennial Specifications and Management Measures [Docket No.: 0809121213-9221-02] (RIN: 0648-AX24) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1728. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 feet (18.3 m) Length Overall Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area [Docket No.: 071106673-8011-02] (RIN: 0648-XN00) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1729. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 071106671-8010-02] (RIN: 0648-XM88) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1730. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No.: 071106673-8011-02] (RIN: 0648-XM83) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1731. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Reduction of the Landing Limit for Eastern Georges Bank Cod in the U.S./Canada Management Area [Docket No.: 071004577-8124-02] (RIN: 0648-XN46) received March 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1732. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Emergency Rule [Docket No.: 090206152-9249-01] (RIN: 0648-AX61) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1733. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0809251266-81485-02] (RIN: 0648-XN33) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1734. A letter from the Acting Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting

the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Swordfish Quotas [Docket No.: 080404529-81598-02] (RIN: 0648-AW61) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1735. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Scallop Access Area to General Category Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XN68) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1736. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendment 15, Correction [Docket No.: 071003556-81194-02] (RIN: 0648-AW08) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1737. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; American Samoa Pelagic Longline Limited Entry Program (RIN: 0648-XM69) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1738. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 071106673-8011-02] (RIN: 0648-XM81) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1739. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XM85) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1740. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No.: 0812101578-81580-01] (RIN: 0648-XM23) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1741. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No.: 090115024-9027-01] (RIN: 0648-XM80) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1742. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XN69) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1743. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XN55) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1744. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No.: FAA-2008-0657; Directorate Identifier 2007-NM-296-AD; Amendment 39-15787; AD 2009-01-08] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1745. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Posttraumatic Stress Disorder (RIN: 2900-AN04) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 2187. A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes; with an amendment (Rept. 111-100). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. MICHAUD introduced a bill (H.R. 2342) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a family caregiver program to furnish support services to family members certified as family caregivers who provide personal care services for certain disabled veterans, and for other purposes; which was referred to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. GRAYSON.

H.R. 450: Mrs. MYRICK.

H.R. 621: Mr. LINDER, Mr. JORDAN of Ohio, Mr. DELAHUNT, and Mr. WESTMORELAND.

H.R. 622: Mr. HODES, Mr. CASSIDY, and Mr. ROGERS of Kentucky.

H.R. 658: Mr. HODES.

H.R. 868: Mrs. NAPOLITANO.

H.R. 914: Ms. SCHWARTZ and Mr. CRENSHAW.

H.R. 927: Mr. ROGERS of Kentucky.

H.R. 1050: Mr. ELLSWORTH and Mr. CASSIDY.

H.R. 1190: Mr. MORAN of Kansas.

H.R. 1207: Mr. FLAKE, Mr. HASTINGS of Washington, Mr. LANCE, Mr. GERLACH, Mr. HARPER, and Mr. HARE.

H.R. 1210: Mr. CARNAHAN and Mr. ELLSWORTH.

H.R. 1238: Mr. ROGERS of Michigan.

H.R. 1452: Mr. CARNAHAN.

H.R. 1470: Mr. CALVERT.

H.R. 1548: Mr. WALDEN.

H.R. 1552: Mr. ALTMIRE, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. TITUS, and Mr. PAULSEN.

H.R. 1716: Mr. ELLSWORTH.

H.R. 1721: Mr. CARSON of Indiana.

H.R. 1727: Mr. CALVERT.

H.R. 1799: Mr. SCHOCK and Mr. MINNICK.

H.R. 1802: Mr. FRANKS of Arizona.

H.R. 1826: Mr. MASSA.

H.R. 1844: Mr. GOODLATTE, Mr. RAHALL, and Mr. LOBIONDO.

H.R. 1934: Mr. CONNOLLY of Virginia, Mr. BLUNT, Mr. RYAN of Wisconsin, Mr. LARSEN of Washington, and Ms. BERKLEY.

H.R. 2017: Mr. OBERSTAR, Mr. TEAGUE, Mr. EDWARDS of Texas, Mr. WALZ, and Mrs. MYRICK.

H.R. 2035: Mr. CASSIDY.

H.R. 2150: Mr. CARNAHAN.

H.R. 2156: Mr. HINCHEY, Mr. KAGEN, Mr. MURPHY of Connecticut, Ms. LORETTA SANCHEZ of California, and Ms. WASSERMAN SCHULTZ.

H.R. 2187: Mr. CUELLAR.

H.R. 2251: Mr. HIGGINS, Ms. JACKSON-LEE of Texas, and Mr. KIND.

H.R. 2296: Mr. SMITH of Texas, Mr. CANTOR, Mr. GENE GREEN of Texas, Mr. FRANKS of Arizona, and Mr. MILLER of Florida.

H.J. Res. 11: Mr. BILBRAY.

H. Con. Res. 105: Mr. PUTNAM, Mr. GORDON of Tennessee, Mr. BOOZMAN, and Mr. REICHERT.

H. Con. Res. 108: Mr. KIRK and Ms. DELAURO.

H. Con. Res. 120: Mr. KAGEN.

H. Res. 370: Mr. GRAYSON.

H. Res. 378: Mr. CAO and Mr. GUTHRIE.

H. Res. 397: Mr. POE of Texas and Mr. STEARNS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows;

The amendment to be offered by Representative GEORGE MILLER of California or a designee to H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SENATE—Monday, May 11, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, without You, we are but disappearing dust. Draw near to our Senators, for in Your presence, they find their dignity and destiny. Breathe into them an awareness of Your presence and the saving knowledge that they belong to You. May this awareness inspire them to walk the days of their years in service to You and humanity. Lord, help them to remember that You are changeless, nor is there any variableness in Your judgment and mercy. Remind them also that they can depend on You for the vindication of every just cause and the forgiveness of every confessed sin. May they trust You to give them strength to work today, free of fretting and frustration.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we extend morning business until 3:30 rather than 3 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. After leader remarks, if there are any, we will be in a period of morning business until 3:30. Following morning business, the Senate will proceed to the consideration of the credit card legislation. Under a previous order, Senators DODD and SHELBY will be recognized. Senator DODD will offer the Dodd-Shelby substitute amendment. There will be no rollcall votes today.

While we are talking about the schedule, I haven't had the opportunity yet to speak to the Republican leader, but I will as soon as we can work out a time to visit today. It appears that we have no alternative but to have votes next Monday. We have a number of nominations. I have to file cloture on all of them. It doesn't work out otherwise. There are certain things we have to do before we go. We have the credit card legislation. We need to do the supplemental appropriations bill. I am confident we can work something out on that. That should go fairly quickly. The only thing that I see that could cause some concern is the closing of Guantanamo. Senator MCCAIN, Senator Obama, during the campaign, indicated they thought it should be closed. I agree with them. The issue is what we do with the prisoners who are there.

What the House has done is just have nothing in the bill. What Senator INOUE and Senator COCHRAN have done, or they will do—I guess they will mark it up Thursday—Senator INOUE told me they were going to fence the money so it wouldn't be available until the President came up with a plan and that there be no prisoners brought to the United States during this fiscal year. But that looks like an issue that could cause a little bit of debate.

I have laid out what the two issues are and how we are trying to resolve them, but we are going to have to have votes next Monday. We have a number of nominations. I have tried lots of different ways to get them done. But it appears the only thing we can do is file cloture. There are three we have to do.

There is legislation that we need to complete because of what is happening in the financial world that deals with

the Federal Deposit Insurance Corporation and calls for setting up a bipartisan 9/11-type commission to take a look at what has happened, what caused the financial breakdown. It is offered by Senators CONRAD and ISAKSON. We need to finish that legislation before we go. That would just be a message from the House, which is amendable, but it would only require one cloture vote.

So, anyway, I just wanted to alert everyone that unless we work something out in the next little bit, we will have to have votes on Monday. It was originally announced to be a no-vote day.

HAPPY BIRTHDAY JIM JEFFORDS

Mr. REID. Mr. President, a former colleague of ours celebrates a milestone today. Jim Jeffords, who served his country in the military for many decades and the people of Vermont and Congress for 32 years—and he did so on both sides of the aisle, over there and over here—was born 75 years ago today.

Jim Jeffords, of course, was a lifelong Vermonter. His father was the chief justice of the Vermont Supreme Court, and Jim Jeffords graduated from Vermont public schools, Yale University, and Harvard school. He was a very smart man, as indicated with his academic background.

He served for 35 years in the U.S. Navy and Naval Reserve until he retired as captain while still sitting as a Senator. During Jim Jeffords' time in the Senate, he did much to ensure children could get a good education, that they could get a job when they graduated from school. He cared deeply for the environment and for people with disabilities. He served during his last years in the Senate as chairman of the Environment and Public Works Committee. He was one of the leaders who pushed the United States to lead a humanitarian mission to Rwanda during the country's terrible genocide. Of course, Senator Jeffords also single-handedly shifted the balance of power in this body when, in 2001, he became an Independent and caucused with Democrats. It was a very courageous thing for Jim to do.

As we have read in the history books, it wasn't easy for him to do this. It cost him friends, supporters, even some of his own staff. When he announced his decision, Senator Jeffords said:

The weight that has been lifted from my shoulders now hangs heavy on my heart.

He knew the impact his decision would have on the people around him, and he cared deeply about that. At the time that he did this, it was a very

popular thing with the American people to do. When Senator Jeffords was here in Washington and other places in the country, they would recognize him; people would stand and applaud.

Jim has been very ill since he retired from the Senate. He is in extremely bad health. We wish him well. Senator Jeffords' family threw him a small birthday party this past weekend. His son Leonard, his daughter Laura, his grandson Patrick, and his granddaughter Hazel were all there.

I don't have nearly the voice in any way that Senator Jeffords had. For many years he was a member of our very own barbershop quartet, the Singing Senators. So I will not break out in song, but on behalf of the entire Senate, we wish our friend Jim Jeffords a very happy 75th birthday.

CREDIT CARD REFORM

Mr. REID. Mr. President, when I was just a boy—as I look back, I really don't know how old I was, probably 10, maybe 11—one of my older brothers, 10 years older—a wonderful man; he died at age 47; he was a young man, not long out of high school—worked for the Standard station in Ash Fork, AZ, which was quite a ways from Searchlight. I had never really been anyplace. My brother, being the great big brother he was, wanted me to see someplace other than Searchlight. So I went and spent a couple weeks with him in Ash Fork, AZ. For me, it was a real eye-opening thing. I had never really traveled anyplace. He drove us over there.

The one thing he didn't bother to tell me is that he had a girlfriend, and so he spent a lot of time when he was not working with his girlfriend. He still kept an eye on me and took good care of me, but I spent most of my time with his girlfriend's brother. His girlfriend's brother was older than I was. We would play games. There wasn't much he could do better than me. But I rarely won anything because he kept changing the rules in the middle of the game. I have always remembered that. It is hard to win a game when the rules keep changing.

The reason I mention that little personal vignette is, what do you do when you play by the rules but the rules change in the middle of the game? There is a woman in Nevada named Shelley. Like millions of Americans, she pays her credit card bill in full every month. She has never been late. Whatever they say is the minimum payment, she at least makes that payment and sometimes more. She is the model of what credit card companies call "in good standing."

But Shelley recently was told that the interest rate on her card was going up from 9.5 percent to 17.5 percent; her rate was almost doubling. For reasons unknown to her, she could not understand this. So Shelley asked to close

the account. But the bank told her the time to opt out of her contract had ended before she even knew it had started.

She played by the rules, Shelley did. But the rules changed in the middle of the game.

If we are truly to get our economy back on its feet, we must protect people like Shelley and the millions of Americans who use credit cards for everything from buying a sandwich to paying for college. Chairman DODD and ranking member SHELBY have drafted a bill that puts fairness and common sense back into credit cards and protects consumers from excessive fees, ever-changing interest rates, and complex contracts seemingly designed to do one thing above all—to keep people in the dark and in debt.

In short, this bill we will be taking up this afternoon at 3:30 cleans up the fine print so consumers can't get blindsided by the credit card companies.

More and more Americans sign for and use credit cards every day. Three out of five credit card users carry a balance on their card. There is nothing wrong with that. That balance averages more than \$7,000. That is what the average is. But they are using credit cards that have misleading terms and confusing conditions.

A recent study by the Pew Trust Foundation found that 100 percent of credit cards came with policies that the Federal Reserve has determined cause harm to consumers—not 50 percent, not 60 percent, not 75 percent, 100 percent. And 93 percent of those contracts said the credit card company could raise the interest rate anytime for any reason. Here are just a few of the things the legislation that will soon be before the Senate does to fix that.

First, it protects consumers by establishing fair and sensible rules for how and when credit card companies can raise interest rates. Credit card companies must give a 45-day notice before increasing rates and can no longer do so on existing balances.

Second, it cracks down on abusive fees. For example, consumers no longer will have to pay a fee just to pay a bill. That happens. And credit card companies must mail statements 21 days before the bill is due so cardholders can avoid these hefty late charges.

Third, it protects young consumers such as college students from predatory marketers.

It strengthens oversight of the credit card industry to keep it in line.

For every greedy executive and devious con artist, there are millions of honest, hardworking Americans who struggle every day to simply make ends meet. They worry every morning about how much longer their job will be there and every night about how to keep their families healthy and keep a

roof over their heads. They worry about troubles they did not create; and even though they are stunned about these troubles they did not create, they cannot cure them.

Too many hardworking Americans have already lost too much in this recession. It is our job to protect them from losing even more.

This legislation will not only level the playing field and keep the rules consistent from beginning to end, it can also save families thousands of dollars a year.

Shelley, the woman I told the story about—the Nevada woman who told me about her frustrations with her credit card company, wrote:

I feel like I am being robbed by a company that my tax dollars are trying to bail out.

Mr. President, I do not remember much from my trip to Ash Fork, AZ, other than my brother's future brother-in-law kept changing the rules in the middle of the game. That is what the credit card companies are doing, and that is what we have to stop. We must protect those who play by the rules because it is not just their credit at stake, it is our country's credibility. I think at this stage, it is the Senate's credibility. The bill that passed the House arrived over here with 377 votes. This is a bipartisan bill. It is something we need to do. We need to do it as quickly as possible.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Tennessee.

WISHING SENATOR JIM JEFFORDS HAPPY BIRTHDAY

Mr. ALEXANDER. Mr. President, I would like to join the majority leader in wishing happy birthday to Jim Jeffords. Jim is a friend of all of ours. I see the Senator from Arizona in the Chamber. We all served together. I served with Senator Jeffords when I was Education Secretary and he was ranking member of the Education Committee. We all know his deep concern for education, especially for children with disabilities. We wish him the very best on his 75th birthday.

INVESTIGATING INTERROGATION TACTICS

Mr. ALEXANDER. Mr. President, even though President Obama has said

we should look forward, some in Congress insist on looking backward to a broader investigation of interrogation tactics that were used against 9/11 terrorists to find out whether even more airplanes were on their way to kill even more Americans.

These interrogation tactics are now well known. They had been approved by the National Security Council, approved by the Department of Justice, were known to senior Democratic and Republican Members of Congress who, CIA records now show, were briefed some 40 times. The CIA has not used the tactics in question for several years. They are not being used today. The Congress has since enacted laws that make clear that interrogation tactics used by the military are limited to those contained in the Army Field Manual. The President extended those same limitations to intelligence agencies this year by Executive order.

The President is following his own advice about looking forward by asking the National Security Council to review what tactics would be appropriate when terrorists are captured who might have information about imminent attacks on Americans. The Senate Intelligence Committee is conducting its own review of tactics and is considering expanding the briefing process for interrogation tactics.

Despite these investigations, some still say, let's have "a full-blown criminal" investigation.

That raises these questions: Investigation of whom? Where do we draw the line? Where is the logical place to stop?

On Thursday, I asked these questions of the Attorney General, Eric Holder, at a Senate Appropriations Committee hearing. He found it difficult to give me specific answers.

To begin with, the Attorney General did not answer my question about what directions he had received from the White House concerning interrogations.

Then, he would only answer "hypothetically" when I asked if we are going to investigate lawyers for giving their opinions, shouldn't we also investigate intelligence agents who created the interrogation techniques and asked for the opinions, or officials who approved the techniques, or Members of Congress who knew about or approved or even encouraged the interrogation tactics?

The Attorney General could not remember whether he knew or approved of renditions that occurred during the Clinton administration when he was Deputy Attorney General—renditions that took captured terrorists to other countries, for example, perhaps to Egypt, for custody, maybe for interrogation. He did not say what precautions he took to make sure these renditions followed the law.

The Attorney General's unresponsive answers and poor memory suggest

what a difficult path it will be if the Government continues to publicize and expand its investigation of interrogation tactics.

This is not a pleasant subject. When we debated it in the Senate in 2005, I was among those Senators, including Senator MCCAIN, who disagreed with the administration. We believed it was Congress's constitutional responsibility to set the rules for dealing with detainees and we helped enact a law requiring that techniques used by the military should be limited to those in the Army Field Manual. But showing videotapes of even those techniques will not be a pretty sight.

Public officials, of course, should follow the law. But it is not necessary to have a circus to determine whether the law was followed.

If there is to be a broader investigation than currently is underway, it must be fair and evenhanded and lead wherever it may lead—perhaps to intelligence officers, perhaps to administration officials, perhaps to Members of Congress. The Attorney General himself needs to be willing to say what he knew and when he knew it and what he did about renditions during the Clinton administration when he was Deputy Attorney General.

Obsessively looking in the rear view mirror could consume our Nation's every waking moment. There is plenty about America's history that, in retrospect, we wish had not happened: Supreme Court decisions barring Blacks from public facilities, Congress filibustering anti-lynching laws, excluding Jews from major institutions, denying women the right to vote, incarcerating Japanese Americans during World War II.

We have dealt with those instances best by acknowledging and correcting them, not wallowing in them by recognizing that the United States has always been a work in progress toward great goals, rarely achieving them, often falling back, but always trying. In fact, the late political scientist Samuel Huntington has written that most of our political debates are about dealing with the disappointment of not meeting great goals we have set for ourselves.

Then there is the thoroughly practical question of who will want to serve in public life in Washington, DC, if the first thing a newly elected administration does is to try to discredit, disbar, or indict all those with whom it disagrees in the last administration. Some of that damage already has been done.

For all these reasons, I would hope the President will follow his first instinct and insist that we go forward as a country—focus on the economy, on the banks and the auto companies, on health care and energy, on a Supreme Court Justice, and two wars in which our men and women are serving.

Mr. President, I ask unanimous consent to have printed in the RECORD the questions I asked Attorney General Holder on Thursday, along with his answers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALEXANDER-HOLDER EXCHANGE ON INVESTIGATION OF INTERROGATION TACTICS

HEARING OF THE APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE, AND SCIENCE TRANSCRIPT, MAY 7, 2009

Senator ALEXANDER: I have a few questions about the interrogation of enemy combatants. I thought President Obama's first instinct was a good one when he said that we should look forward, but apparently not everyone agrees with that. I notice that a member of the House of Representatives yesterday said that she wanted a full, top-to-bottom, criminal investigation. These are my questions: 1) What directions or guidance have you received from the President or his representatives or anyone in the White House concerning the interrogation of enemy combatants?

Attorney General HOLDER: Well, as we have indicated, for those people who were involved in the interrogation and relied upon, in good faith and adhered to the memoranda created by the Justice Department's Office of Legal Counsel, it is our intention not to prosecute and not to investigate those people. I have also indicated that we will follow the law and the facts and let that take us wherever it may. A good prosecutor can only say that. So, I think those are the general ways in which we view this issue.

Senator ALEXANDER: My second question would be: Should you follow these facts and continue in an investigation if you're investigating lawyers at the Department of Justice who wrote legal opinions authorizing certain interrogations, wouldn't it also be appropriate to investigate the CIA employees or contractors or other people from intelligence agencies who asked or created the interrogation techniques or officials in the Bush Administration who approved them or what about members of Congress who were informed of them or knew about them or approved them or encouraged them? Wouldn't they also be appropriate parts of such an investigation?

Attorney General HOLDER: Well, there is, as has been publicly reported, an OPR inquiry into the work of the attorneys who prepared those OLC memoranda. It is not in final form yet and I have not reviewed that report. I will look at that report and make a determination as to what we want to do with it. It deals, I suspect, not only with the attorneys, but people that they interacted with, so I think we will gain some insights by reviewing that report. Our desire is not to do anything that would be perceived as political or partisan. We do want to report, to the extent that we can do that, but as I said, my responsibility is to enforce the laws of this nation and to the extent that we see violations of those laws, we will take the appropriate action.

Senator ALEXANDER: If you're going to investigate the lawyers whose opinion was asked about whether this is legal or not, I would assume you could also go to the people who created the techniques, the officials who approved them, and the members of Congress who knew about them and may have encouraged them.

Attorney General HOLDER: Hypothetically that might be true, I don't know. What I

want to do is look at, in a very concrete way, what that OPR report says and get a better sense from that report about what it says about the interaction of those lawyers with people in the administration and see from there whether further action is warranted.

Senator ALEXANDER: My last question is, once we begin this process, where is the line drawn? According to former intelligence officials, renditions, and by renditions we mean moving captured people from our country to another country where they might be interrogated or even worse. Those renditions were used by the Clinton Administration beginning in the mid-1990s to investigate and disrupt al-Qaeda. That's the testimony before Congress by Michael Shoyer. He said they began in the late summer of 1995, "I authored it, I ran it, I managed it against al-Qaeda leaders." The Washington Post says the former director of the Central Intelligence Agency, George Tenet, said there were about seventy renditions carried about before Sept. 11, 2001; most of them during the Clinton years. Mr. Attorney General, you were the Deputy Attorney General from 1997–2001. Did you know about these renditions? Did you or anyone else at the Department of Justice approve them? What precautions were taken to ensure these renditions, any interrogations of such detainees on by or behalf of the US Government complied with the law?

Attorney General HOLDER: I think the concern that we have with renditions is renditions to countries that would not treat suspects in a way that's consistent with the laws and treaties that we have signed. If there is a rendition taking a person to a place where that person might be tortured? That's the kind of rendition that I think is inappropriate. My memory of my time in the Clinton Administration, I don't believe that we did that—that we had renditions where people were taken to places where we had any reasonable belief that they were going to be tortured. That would be the concern that I would have. I wouldn't want to restrict the ability of our government to use all the techniques that we can to keep the American people safe, but in using those tools, we have to do so in a way that's consistent with our treaty obligations and values as a nation.

Senator ALEXANDER: But I think you can see the line of my inquiry which is that if we're going to ask lawyers who were asked their legal opinions, if we're going to investigate them, jeopardize their career, second guess them, look back, then where does that stop? Do we not also have to look at the people who asked for those techniques, people who approved those techniques, the members of Congress who knew about and encouraged those techniques perhaps, or in your case, in the Clinton Administration, we don't know what the interrogations were then. Perhaps you do and perhaps the question would be whether you approved them. I prefer President Obama's approach. I think it's time to look forward and I hope he sticks to that point of view.

Attorney General HOLDER: Well, I will note that the OPR inquiries we've done in the prior administration, and also note that I'm a prosecutor. I've been a career prosecutor and I hope a good one. A good prosecutor uses the discretion that he or she has in an appropriate way and has the ability to know how far an inquiry needs to go to satisfy the obligations that that prosecutor has without needlessly dragging into an investigation at great expense, both personal and professional, people who should not be there and that will be the kind of judgment that I hope

I will bring to making the determinations that you express concern about.

Mr. ALEXANDER. Mr. President, I also ask unanimous consent to have printed in the RECORD the statement before the House Committee on Foreign Affairs of Michael F. Scheuer, former Chief of the CIA's Bin Laden Unit, in which he says:

The CIA's rendition program began in late summer, 1995. I authored it, and then ran and managed it against al-Qaeda leaders and other Sunni Islamists from August 1995 until June 1999.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS, AND OVERSIGHT SUBCOMMITTEE ON EUROPE EXTRAORDINARY RENDITION IN U.S. COUNTER TERRORISM POLICY: THE IMPACT ON TRANS-ATLANTIC RELATIONS

(Statement by Michael F. Scheuer, Former Chief, Bin Laden Unit, CIA, Apr. 17, 2007)

THE RENDITION PROGRAM

The CIA's Rendition Program began in late summer, 1995. I authored it, and then ran and managed it against al-Qaeda leaders and other Sunni Islamists from August, 1995, until June, 1999.

(A) There were only two goals for the program:

(1) Take men off the street who were planning or had been involved in attacks on U.S. or its allies.

(2) Seize hard-copy or electronic documents in their possession when arrested; Americans were never expected to read them.

(3) Interrogation was never a goal under President Clinton. Why?

—Because it would be a foreign intelligence or security service without CIA present or in control.

—Because the take from the interrogation would be filtered by the service holding the individual, and we would never know if it was complete or distorted.

—Because torture might be used and the information might be simply what an individual thought we wanted to hear.

(B) The Rendition Program was initiated because President Clinton, and Messrs. Lake, Berger, and Clarke requested that the CIA begin to attack and dismantle AQ. These men made it clear that they did not want to bring those captured to the U.S. and hold them in U.S. custody.

(1) President Clinton and his national security team directed the CIA to take each captured al-Qaeda leader to the country which had an outstanding legal process for him. This was a hard-and-fast rule which greatly restricted CIA's ability to confront al-Qaeda because we could only focus on al-Qaeda leaders who were wanted somewhere. As a result many al-Qaeda fighters we knew were dangerous to America could not be captured.

(2) CIA warned the president and the National Security Council that the U.S. State Department had and would identify the countries to which the captured fighters were being delivered as human rights abusers.

(3) In response, President Clinton et. al asked if CIA could get each receiving country to guarantee that it would treat the person according to its own laws. This was no problem and we did so.

—I have read and been told that Mr. Clinton, Mr. Burger, and Mr. Clarke have said since 9/11 that they insisted that each receiving country treat the rendered person it received according to U.S. legal standards. To the best of my memory that is a lie.

(C) After 9/11, and under President Bush, rendered al-Qaeda operatives have most often been kept in U.S. custody. The goals of the program remained the same, although Mr. Bush's national security team wanted to use U.S. officers to interrogate captured al-Qaeda fighters.

(1) This decision by the Bush administration allowed CIA to capture al-Qaeda fighters we knew were a threat to the United States without on all occasions being dependent on the availability of another country's outstanding legal process. This decision made the already successful Rendition Program even more effective.

(D) The following particulars about the Rendition Program may be of interest to you.

(1) From its start until today, the Program was focused on senior al-Qaeda leaders and not aimed at the rank-and-file members. With only limited manpower to conduct the Rendition Program, CIA wanted to inflict as much damage on al-Qaeda as possible and therefore focused on senior leaders, financiers, terrorist operators, field commanders, strategists, and logisticians.

(2) To the best of my knowledge, not a single target of rendition has ever been kidnapped by CIA officers. The claims to the contrary by the Swedish government regarding Mr. Aghiza and his associate, and those by the Italian government regarding Abu Omar, are either misstatements or lies by those governments.

—Indeed, it is passing strange that European leaders are here today to complain about very successful and security enhancing U.S. Government counterterrorism operations, when their European Union (EU) presides over the earth's single largest terrorist safe haven, and has done so for a quarter century. The EU's policy of easily attainable political asylum and its prohibition against deporting wanted or convicted terrorists to country's with the death penalty have made Europe a major, consistent, and invulnerable source of terrorist threat to the United States.

(3) Each and every target of a rendition was vetted by a battery of lawyers at CIA and not infrequently by lawyers at the National Security Council and the Department of Justice. For each rendition target, I, and then my successors as the chief of the bin Laden/al-Qaeda operations, had to prepare and present a written brief citing and explaining the intelligence information that made the rendition target a threat to the United States and/or its allies. If the brief persuaded the lawyers, the operation went ahead. If the brief was insufficient, the lawyers disapproved and no operation was conducted against that target until additional reliable evidence was collected.

—Let me be very explicit and precise on this point. Not one single al-Qaeda leader has ever been rendered on the basis of any CIA officer's "hunch" or "guess" or "caprice." These are scurrilous accusations that became fashionable after the Washington Post's correspondent Dana Priest revealed information that damaged U.S. national security and, as result, won a journalism prize for abetting America's enemies, and when such lamentable politicians as Senators McCain, Rockefeller, Graham, and Levin followed Ms. Priest's lead and began to attack

the men and women of CIA who had risked their lives to protect America under the direct orders of two U.S. presidents and with the full knowledge of the intelligence committees of the United States Congress. Both Ms. Priest and the gentlemen just mentioned have behaved disgracefully, and ought to publicly apologize to the CIA's men and women who have executed the Rendition Program.

(4) To proceed, the Rendition Program has been the single most effective counterterrorism operation ever conducted by the United States government. Americans are safer today because of the program, but that degree of safety will ebb as the Senators just mentioned slowly but surely destroy the program. If there are those in this Congress, in the media, in this country, or in Europe who believe that we would be safer if Khalid Shaykh Muhammed, Abu Zubaydah, Mr. Hambali, Ibn Shaykh al-Libi, Khalid bin Attash, and several dozen other senior al-Qaeda leaders were still free and on the street, then the educational systems and the reservoirs of common sense on both sides of the Atlantic are in much more dilapidated shape than I thought.

(5) On the issue of how rendered al-Qaeda leaders have been treated in prison, I am unable to speak with authority about the conditions these men found in the Middle Eastern prisons they were delivered to at President Clinton's direction. I would not, however, be surprised if their treatment was not up to U.S. standards, but this is a matter of no concern as the Rendition Program's goal was to protect America and the rendered fighters delivered to Middle Eastern governments are now either dead or in places from which they cannot harm America. Mission accomplished, as the saying goes.

Under President Bush, the rendered al-Qaeda fighters held in U.S. custody have been treated according to guidelines that were crafted by U.S. government lawyers, approved by the Executive Branch, and briefed to and permitted by at least the four senior members of the two congressional intelligence oversight committees.

(6) Finally, I will close by saying that mistakes may well have been made during my tenure as the chief of CIA's bin Laden operations, and, if there were errors, they are my responsibility. Intelligence information is not the equivalent of court-room-quality evidence, and it never will be. But I will again stress that no rendition target was ever approved or captured without a written brief composed of intelligence information that persuaded competent U.S. government legal authorities. If mistakes were made, I can only say that that is tough, but war is a tough and confusing business, and a well-supported chance to take action and protect Americans should always trump other considerations, especially pedantic worries about whether or not the intelligence data is air tight.

—To destroy the Rendition Program because of a mistake or two or more would be to sacrifice the protection of Americans to venal and prize-hungry reporters like Ms. Priest, grandstanding politicians like those mentioned above, and effete sanctimonious Europeans who take every bit of American protection offered them while publicly damning and seeking jail time for those who risk their lives to provide the protection. If the Rendition Program is halted, we will truly be able to say, by paraphrasing the late film actor John Wayne, that: War is tough, but it is a lot tougher if you are deliberately stupid.

Mr. ALEXANDER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

TAX BURDEN AND BAILOUTS

Mr. KYL. Mr. President, first, I would like to ask unanimous consent that two op-eds be printed in the RECORD. Let me identify them both.

The first is a piece in the Washington Post of today by Robert Samuelson, titled "Tax Dodge Myths." I think he is one of the best economists and writers in this country. He always has something very useful to say, and his column today made the point that it would be folly for the United States to add a tax burden on American corporations such as Coca-Cola, IBM, Microsoft, Caterpillar—companies like that—that are multinational in the sense that they do business here but also do business in other countries.

It simply makes no sense to add a tax burden onto them as if they are doing something unpatriotic by selling our products in other countries as well as in the United States.

The other is a piece called "The Chrysler Power Grab." It was carried in the Arizona Republic on May 6 of this year and was written by the finest columnist in Arizona. His name is Bob Robb.

In this column, he notes the irony of the fact that the United States has been bailing out two American companies—Chrysler and General Motors—for the purpose of saving American jobs, when in point of fact it looks as though a lot of the results of this action are going to be to transfer jobs to other countries and ironically to compete with companies that may be owned abroad, such as Toyota, but have a lot of American workers. He talks about the fact that Fiat, an Italian company, is hard to distinguish from Toyota, a Japanese company, but we are apparently saving the jobs for Fiat but not those for Toyota.

In any event, I think these are two interesting columns, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 11, 2009]

TAX DODGE MYTHS

(By Robert J. Samuelson)

The U.S. tax code is "full of corporate loopholes that makes it perfectly legal for companies to avoid paying their fair share."—President Obama, May 4.

Like it or not, ours is a world of multinational companies. Almost all of America's brand-name firms (Coca-Cola, IBM, Microsoft, Caterpillar) are multinationals, and the process works both ways. In 2006, the U.S. operations of foreign firms employed 5.3 million workers. Fiat's looming takeover of Chrysler reminds us again that much business is transnational.

For most people, the multinational company is a troubling concept. Loyalty matters. We like to think that "our companies" serve the broad national interest rather than just scouring the world for the cheapest labor, the laxest regulations and the lowest taxes. And the tax issue is especially vexing: How should multinationals be taxed on the profits they make outside their home countries?

Listen to President Obama, and the status quo seems a cesspool. Pervasive "loopholes" engineered by "well-connected lobbyists" allow U.S. multinationals to skirt American taxes and outsource jobs to low-tax countries. So the president proposes plugging loopholes. Some jobs will return to the United States, he said, and U.S. tax coffers will grow by \$210 billion over the next decade.

Sounds great—and that's how the story played. "Obama Targets Overseas Tax Dodge," headlined The Post. But the reality is murkier; the president's accusatory rhetoric perpetuates many myths.

Myth: Aided by those overpaid lobbyists, American multinationals are taxed lightly—less so than their foreign counterparts.

Reality: Just the opposite. Most countries don't tax the foreign profits of their multinational firms at all. Take a Swiss multinational with operations in South Korea. It pays a 27.5 percent Korean corporate tax on its profits and can bring home the rest tax-free. By contrast, a U.S. firm in Korea pays the Korean tax and, if it returns the profits to the United States, faces the 35 percent U.S. corporate tax rate. American companies can defer the U.S. tax by keeping the profits abroad (naturally, many do), and when repatriated, companies get a credit for foreign taxes paid. In this case, they'd pay the difference between the Korean rate (27.5 percent) and the U.S. rate (35 percent).

Myth: When U.S. multinationals invest abroad, they destroy American jobs.

Reality: Not so. Sure, many U.S. firms have shut American factories and opened plants elsewhere. But most overseas investments by U.S. multinationals serve local markets. Only 10 percent of their foreign output is exported back to the United States, says Harvard economist Fritz Foley. When Wal-Mart opens a store in China, it doesn't close one in California. On balance, all the extra foreign sales create U.S. jobs for management, research and development (almost 90 percent of American multinationals' R&D occurs in the United States), and the export of components. A study by Foley and economists Mihir Desai of Harvard and James Hines of the University of Michigan estimates that for every 10 percent increase in U.S. multinationals' overseas payrolls, their American payrolls increase almost 4 percent.

Myth: Plugging overseas corporate tax loopholes will dramatically improve the budget outlook as multinationals pay their "fair" share.

Reality: Dream on. The estimated \$210 billion revenue gain over 10 years—money already included in Obama's budget—represents only six-tenths of 1 percent of the decade's tax revenue of \$32 trillion, as projected by the Congressional Budget Office. Worse, the CBO reckons that Obama's endless deficits over the decade will total a gut-wrenching \$9.3 trillion.

Whether Obama's proposals would create any jobs in the United States is an open question. In highly technical ways, Obama would increase the taxes on the foreign profits of U.S. multinationals by limiting the use

of today's deferral and foreign tax credit. Taxing overseas investment more heavily, the theory goes, would favor investment in the United States.

But many experts believe his proposals would actually destroy U.S. jobs. Being more heavily taxed, American multinational firms would have more trouble competing with European and Asian rivals. Some U.S. foreign operations might be sold to tax-advantaged foreign firms. Either way, supporting operations in the United States would suffer. "You lose some of those good management and professional jobs in places like Chicago and New York," says Gary Hufbauer of the Peterson Institute.

Including state taxes, America's top corporate tax rate exceeds 39 percent; among wealthy nations, only Japan's is higher (slightly). However, the effective U.S. tax rate is reduced by preferences—mostly domestic, not foreign—that also make the system complex and expensive. As Hufbauer suggests, Obama would have been better advised to cut the top rate and pay for it by simultaneously ending many preferences. That would lower compliance costs and involve fewer distortions. But this sort of proposal would have been harder to sell. Obama sacrificed substance for grandstanding.

[From the Arizona Republic]

THE CHRYSLER POWER GRAB

The proposed end games for General Motors and particularly Chrysler illustrate why government shouldn't have gotten involved in the first place.

It's worthwhile to begin with the broader picture. Americans used to buy about 17 million new cars and trucks a year. Now, we're buying less than 10 million. That, of course, puts considerable stress on manufacturers with weaker products or financial structures.

How many new cars Americans will want to purchase in the future is unknown. But there can be a high degree of confidence in this: however many it is, someone will sell them to us.

Moreover, they are likely to be produced in the United States. A majority of cars sold by foreign manufacturers in the U.S. are actually built here.

So, why should the federal government care who it is that sells us our cars? There are two rationales offered. First, to preserve an "American" auto industry. Second, to preserve "American" jobs.

The proposed Chrysler restructuring gives the lie to both rationales.

Under the Obama administration's proposal, Chrysler would, in essence, be given to Fiat, an Italian company, to operate.

So, how is an Italian car manufacturer operating in Michigan any more "American" than a Japanese manufacturer operating in Kentucky?

And why should the federal government give a market preference—through taxpayer financing and warrantee guarantees to Italian cars produced by American workers in Michigan over Japanese cars produced by American workers in Kentucky?

The Obama administration's proposed restructuring is more than just unjustified, however. It dangerously undermines the rule of law, as explicated so beneficially by Friedrich Hayek in his classic, "The Road to Serfdom."

The essence of the rule of law, according to Hayek, is that what the government will do is known to all economic actors in advance. That government will not act arbitrarily in specific circumstances to favor some economic actors over others.

Chrysler has \$6.9 billion in secured debt. Under the law, secured lenders have the first claim on the assets of the debtor in the event of non-payment.

The Obama administration is attempting to muscle past this law. Under its proposal, the health care trust of the auto workers' union, an unsecured creditor, would forgive 57 percent of what Chrysler owes it, and receive 55 percent of the company's equity in exchange. The federal government would forgive about a third of what it would loan Chrysler and receive 8 percent of the company's equity. Fiat would pay nothing for its 20 percent initial ownership.

The secured creditors, with the first claim on Chrysler's assets, were asked to forgive 70 percent of what they are owed and receive nothing in equity. When they refused and forced the company into bankruptcy, they were excoriated by Obama—a shameful act by a president who pledged to uphold the law, not make it up as he went along.

The purported GM restructuring is equally lopsided. The union trust would forgive half of what it is owed and receive 39 percent of the company. The government would forgive half of what it is owed and receive 50 percent of the company. The other private lenders, in this case unsecured, would forgive 100 percent of what they are owed and receive just 10 percent of the company.

In his recent press conference, Obama said he had no interest in owning or operating car companies. Until this point, I was willing to accept Obama at his word, while fundamentally disagreeing with his economic policies.

Given his actions, however, it's hard to credit his disclaimer in this instance.

These proposed restructurings are power grabs, pure and simple. The positions of lenders are eviscerated to give control to the union trust and the government. The emergent companies are given market preference through taxpayer financing and government warrantee guarantees. All to serve no true national purpose.

CONDUCTING U.S. GOVERNMENT BUSINESS

Mr. KYL. Mr. President, let me commend my colleague from Tennessee. I thought his remarks were right on the spot. When we start looking backward instead of forward, we want to be careful what we ask for because we just might get it, and it might be more than we bargained for.

There have been a lot of mistakes the United States has made, a lot we are not very proud of, and my colleague mentioned a couple of those. There were certainly things in the last Democratic administration for which, had some of the officials there had it to do over again, I am sure they would do over. There were things the Republican administration that succeeded the Clinton administration undoubtedly disagreed with, but it seems to me that President Bush has acquitted himself very well as a former President, not criticizing the administration he succeeded, and certainly not suggesting those disagreements should take the form of political trials or even criminal trials. It would be very unseemly for that to occur with respect to the Bush administration now that we have a new Obama administration.

But people who served previously in the Clinton administration, obviously those who served in the Congress and knew something about what went on, would certainly have to be prepared to defend themselves under these circumstances as well. It is just an unseemly way, it seems to me—and I agree with my colleague from Tennessee—for the U.S. Government to be conducting its business. So I commend my colleague, Senator ALEXANDER, for his statement.

GUANTANAMO BAY

Mr. KYL. Mr. President, on a related matter, the Guantanamo Bay detention facility and what we do about that—as everyone knows, our President fulfilled a campaign promise when he issued an Executive order to close the Guantanamo Bay detention facility.

Both President Bush and Secretary Gates had wanted to close it, but they were confronted with a very difficult problem: what to do with the prisoners at the facility.

President Obama now faces that same dilemma. Campaign rhetoric, it turns out, is one thing; governing is quite another.

There are far more questions than answers about what the administration will do with the prisoners at Guantanamo. Will it hold them? Where will it hold them? Will they be sent to the United States? Will they be kept in military facilities or in Federal prisons here in the United States? How will it guarantee that those who are released do not return to the battlefield?

We don't have answers, of course, to these questions. Yet the administration has asked Congress for \$80 million, some of which, as is quite clearly stated in the language of the request, could be used to transfer these detainees to the United States.

Last week, during the House Appropriations Committee's markup of the President's supplemental appropriations request, the chairman struck the \$80 million, noting that he could not defend the request because the administration does not have a plan for closure. As the Senate Appropriations Committee prepares to mark up the supplemental request this week, I urge the committee to follow the example of the House of Representatives. Majority Leader REID has just informed us that the Senate committee would "fence" the \$80 million, meaning that it would release it only when there is a plan, but the plan could be almost anything. Nor is there any assurance in the statement that no prisoners could come to the United States until October 1. That is not the kind of assurance that will get the Senate to support this request. As the majority leader said in his classically understated way: "That looks like an issue that could cause a little

bit of debate." I am sure he is absolutely correct about that. Surely, we can all agree that the Congress should not approve significant funding requests when we have no idea how the administration will use the funding. Moreover, the stakes are huge. The terrorist population at Guantanamo is dangerous. These are the worst of the worst, some of the most dangerous people in the world.

The 241 terrorists at Guantanamo include 27 members of al-Qaida's leadership, 95 lower level al-Qaida operatives, 9 members of the Taliban's leadership, 12 Taliban fighters, and 92 foreign fighters. Among their ranks are Khalid Shaikh Mohammed, who is the mastermind of the 9/11 attacks and who, in the aftermath of those attacks, was planning a followup to attack a west coast skyscraper.

Another is Ali Abd al-Aziz Ali, who served as a key lieutenant for KSM—Khalid Shaikh Mohammed—during the planning for 9/11, and he, in fact, transferred money to the United States-based operative for that plan.

Ramzi bin al-Shibh helped to organize the 9/11 attacks and he was a lead operative in the post-9/11 plot to hijack aircraft and crash them into Heathrow airport.

There is also a terrorist named Hambali, who helped plan the 2002 Bali bombings that killed more than 200 people and who facilitated the al-Qaida financing for the Jakarta Marriott attack in 2004. Abd al Rahim Al Nashire masterminded the attack on the USS Cole which claimed the lives of 17 U.S. sailors in October of 2000.

The prior administration has stated that 110 of these detainees should never be released because of the danger to the United States.

What about those who are considered safe for release? We have been undergoing a review of the prisoners from the time they have been taken, and occasionally we release some because we think they no longer represent a threat. The Department of Defense stated in January that 61 former Guantanamo detainees whom we had released returned to the battlefield against the United States and allied forces in Afghanistan, Iraq, and elsewhere. This represents in our criminal terms an 11-percent recidivism rate, and who knows how many of the rest of them may also be engaged in acts of terror. One of these recidivists, Said al-Shihri, who was returned to his home in Saudi Arabia after his release from Guantanamo, went to Yemen and he is now the No. 2 in Yemen's al-Qaida branch.

So what are we to do with these people? More than 100 days into the administration, we don't know what their plan is. According to press reports, part of the plan may be to allow one group of these detainees, 17 Uighurs from China, to have residence in the United States.

As the Senator from Alabama, Mr. SESSIONS, noted in two letters to the Attorney General, such an action appears to be prohibited under United States law. Senator SESSIONS stated in his letter to Mr. Holder:

Just 4 years ago, Congress enacted into law a prohibition on the admission of foreign terrorists and trained militants into this country. Accordingly, Congress is entitled to know what legal authority, if any, you believe the administration has to admit into the United States Uighurs and/or any other detainee who participated in terrorist-related activities covered by section 1182(a)(3)(B).

Congress obviously must have the answer to this question before it considers funding that could possibly be used to bring these and other terrorists and detainees to the United States.

What of the rest of the terrorists? Will the administration bring them to the United States to stand trial? If so, according to what rules? We have been told that the administration was shutting down the military commissions process set up by Congress, but now it appears that that process may be brought back. Will all of the remaining Guantanamo terrorists be tried in that system or will civilian courts be used? And if civilian courts, which ones?

If you can't imagine these terrorists actually being tried in U.S. civilian courts, you might try to imagine a little harder. The most likely locations of trials are in Manhattan or Alexandria, VA—both very high population areas. The 2006 death penalty trial of Zacarias Moussaoui turned Alexandria into a virtual encampment, with heavily armed agents, rooftop snipers, bomb-sniffing dogs, blocked streets, identification checks, and a fleet of television satellite trucks.

And where will these detainees be held while awaiting trial? Federal prisons, which are already overcrowded, would be overburdened with the obligation of housing terrorist suspects. Zacarias Moussaoui, who spent 23 hours a day inside his 80-square-foot cell, was constantly monitored and never saw other inmates. An entire unit of six cells and a common area was set aside just for him.

If not in Federal prisons, perhaps military prisons. Well, not so fast. Former Deputy Assistant Secretary of Defense for Detainee Affairs noted that extensive work would have to be done on existing military brigades before Guantanamo detainees could be held there:

You can't commingle them with military detainees, so you'd have to set up a separate wing or clear out the facility.

The structures would have to be reinforced so that they wouldn't be vulnerable to terrorist attacks. He concludes by saying:

And you would have to address secondary and tertiary—

in other words, security—concerns with the town, the county and the State.

The reality of the situation is that there is simply no better place for these terrorists than the state-of-the-art facility at Guantanamo.

This is why the Senate went on record voting against the proposition that these detainees be brought to the United States. In fact, the Senate agreed to the amendment offered by the senior Senator from Kentucky by a vote of 94 to 3. Among the people voting in support of this resolution were the Secretary of State, the Secretary of the Interior, and the Vice President himself while they were Members of this body. So key members of the Obama administration have agreed with the language of the amendment which was that Guantanamo detainees—and I am quoting now—"should not be . . . transferred stateside into facilities in American communities and neighborhoods."

If the administration has a plan, I will listen to it, but with approximately 8 months to go before the President's arbitrary deadline, I see no good answers to the complicated questions of what to do with the world's most dangerous terrorists.

Before the President asks for appropriations to shut down the Guantanamo facility, appropriations which could be spent to bring these terrorists to the United States, the least he could do is to provide Congress with a plan that explains how Americans will be safer having Khalid Shaikh Mohammed and his partners as neighbors.

Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL DEBT

Mr. KYL. Mr. President, we are soon going to be debating a bill that would place limits on the interest rate increases that credit card companies can levy on their debtholders. I look forward to debating the effects this bill will have on American families.

But before we do that, I wish to consider the debt that the Federal Government is accruing—via the budget and stimulus spending—on the Nation's credit card. That is the debt that all American families will be responsible for repaying because, as it turns out, the comparisons between what you owe on your own credit card—the kind of bills you run up on your family credit card—are actually not very different from the debt we are running up on the Federal credit card, except, of course, that the Federal debt is much bigger.

But the reality is that you owe both: your family credit card debt and your portion of the national debt.

President Obama's budget puts us on a course to acquire debt that will reach 82.4 percent of the gross domestic product by the year 2019. What does that mean? The first point is that the debt is not interest free. There is debt interest charged on that just the same as on our personal credit cards. In fact, from Sunday's Washington Post, there is an article called "The President's Budget" and in it the Post says the following:

The budget relies on so much borrowing that it will cost taxpayers more than \$4 trillion just to cover interest payments for the next 10 years—more than twice what the federal government will spend on education, energy, homeland security, and veterans combined.

Mr. President, \$4 trillion in interest on this debt—just for the next 10 years.

The Government will begin—as a result of the need to pay this back, starting in 2013 we will be paying more than \$1 billion per day on finance charges to the people who hold this Federal debt.

Imagine a billion dollars a day in interest payments. I meant U.S. debt. A billion dollars a day in interest payments equates to \$3.3 million a day for every American. Think about that—\$3.3 million a day to finance the debt for every American citizen.

Can a family play by these same rules and get away with debt that would creep up to 84.2 percent of their total income? Let's use a specific, typical example. A family in my State of Arizona earns an average income of \$47,215 a year. Following the example of the President's budget, this family would accrue nearly \$38,000 in credit card debt to pay for the things it wants. Again, that is a \$47,000 income and \$38,000 in credit card debt. That is the same percentage of the family's income that the Federal Government is acquiring as a percent of the Federal income, our national income.

What would that family's situation be like? First, let's focus on these hefty interest payments that I talked about. Say that the family's credit card has a typical annual rate of 10 percent, which would cost \$3,800 a year or \$316 a month. If the family misses a payment or two, the interest rate can shoot up to 20 or 30 percent a year. That means the family could be spending as much as \$11,200 a year just on interest. That is nearly a third of its total debt and nearly a quarter of its total income—just on interest alone. That is owed in addition to the monthly minimum payments for the principal borrowed. Just as the Government has to, the family probably would need to borrow more to get by, and the downward spiral would get worse and worse.

Needless to say, this kind of debt is not sustainable—not for the family or the Federal Government. It would rapidly lower the family's standard of liv-

ing. In most cases, it would bankrupt them. Beginning to chip away at that kind of debt would require real sacrifice—not just giving up nonessential spending, such as going to the movies or going out to dinner or going to the zoo but fundamental choices that would significantly lower the family's standard of living.

A family with such massive debt would also be considered a big risk for other lenders, so it would be very difficult to go out and get more credit or a loan. This is the situation we are getting into with China, which currently holds almost 10 percent of our Nation's debt. The Chinese are saying to us: We are not sure you are a good credit risk in the future or that we want to lend you any more money. We are relying on the Chinese to continue buying that debt. But in mid-March, Chinese Premier Wen Jiabao voiced concerns about U.S. Government bond holdings. He said:

We have lent huge amounts of money to the United States. Of course we are concerned about the safety of our assets. To be honest, I am a little bit worried, and I would like to . . . call on the United States to honor its word and remain a credible nation and ensure the safety of Chinese assets.

Of course, this is exactly how credit works. Borrow massive amounts of money, and you are in over your head. A huge chunk of your income is reserved for debt repayments and interest, leaving you with little money to get by or for discretionary spending. You continue to borrow more, and your creditors probably get very nervous. Pretty soon, they may cease lending to you or hike up your interest rates to hedge their additional risk. The only way to get back on track is to stop spending—and that is if you can afford to get back on track by just stopping spending and not having to borrow more or taking bankruptcy.

That is a choice the U.S. Government doesn't have. Yet there are no plans in Washington to halt the out-of-control spending. The massive amount of debt we are accumulating in entitlement obligations alone is more than can be sustained. These are things such as Social Security, Medicaid, and Medicare. We say that is an obligation we cannot default on. Yet we also know we cannot continue to fund that obligation. As the President's head of the Office of Management and Budget has said, continued debts of the kind we are talking about are unsustainable. There have been some minor reductions in spending noted in the budget. Some are in the area of defense, which is perhaps not the best area to cut back. But the minor amount of spending reduction doesn't go nearly far enough when we are talking about multiple trillions of dollars in spending and debt—\$4 trillion just in debt service in the next 10 years alone.

The overwhelming majority of American families, of course, don't engage

in this kind of reckless borrowing and spending. They cannot. They have to make hard decisions to determine what they can afford to do.

Washington needs to do the same. These are hard choices. We need to make hard choices. The editorial in the Washington Post from last Sunday made the same point. Again, the title was: "The President's budget, Leaving the hard choices for the next one." It notes that when the President was campaigning, he said:

"We can no longer afford to leave the hard choices for the next budget, the next administration, or the next generation," declared President Barack Obama last week as he unveiled his budget.

As the Post notes:

We, yes, but that is exactly what he does.

They conclude that:

We just hope that it is only until the next budget rather than the next administration.

The bottom line is, the budget sent to us by the President doesn't tackle the big issues, it doesn't reduce spending, it doesn't even cut existing programs substantially, with the net result that we are going to be taking on debt that will require financing of \$4 trillion over the next 10 years. As was noted, that is not sustainable. We cannot pay for that, just as a family who makes \$47,000 a year cannot afford to take on \$38,000 in debt. That is the relative proportion.

One more time, the amount of debt we are taking on compared to our national income is the same ratio as a family making \$47,000 taking on \$38,000 of debt on their credit card. I am not talking about a 30-year mortgage on the house but something that has to be paid back at the end of the month. And if you don't pay it, your interest rate goes up to 25 or 30 percent. That is simply not sustainable.

I hope that by putting this into the context of a real family budget, it is clear to people this isn't some hypothetical, unrealistic comparison. When we take on this much debt at the Federal Government level, there are real consequences. When you talk about \$3.3 million a day for each citizen of the United States to repay in interest alone, you see the magnitude of what we are taking on. We have never done this before in the history of the country. There is no experience of how we would possibly deal with this. This one budget, during this one 10-year window, accumulates more debt than all the debt in the United States in our entire history, from George Washington all the way through George W. Bush. In that 220-year history, we have less debt than is represented in this one budget. That is unsustainable.

The American people cannot make enough money to repay that amount of money. Our standard of living will be diminished substantially. The only way out of it is to reduce the amount of spending in the future. We can start

with that right now. We don't have to start after next year. We can actually start with it this year.

I ask my colleagues, as we talk about the budget the President has announced, as we start working on the appropriations bills that will be coming from the Appropriations Committee, that we stop and think about the amount of debt we are imposing on ourselves, our kids, and our grandkids. That debt will come due more quickly than we think. The consequences could be dire.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUANTANAMO BAY

Mr. MCCONNELL. Mr. President, for weeks, Republicans in Congress have been saying what Democrats are finally beginning to acknowledge: that the administration has no plan for closing Guantanamo and that closing this secure facility without a safe alternative is irresponsible, dangerous, and, frankly, unacceptable.

Over the years, Guantanamo has housed some of the most hardened terrorists ever captured alive, and many of those who remain are the worst of the worst. Some have already killed innocent Americans, and many are outspoken about their desire to kill more Americans. These men are exactly where they belong: locked up in a safe and secure prison and isolated from the American people where they can do no harm.

America has not been attacked at home since 9/11 because of the hard work of our Armed Forces, dedicated intelligence officials, the men and women at the Department of Homeland Security, and State and local law enforcement officials. But another reason we have not been attacked is because some of those most likely to do so are locked up down at Guantanamo. These inmates are not spectators. They are the enemy. They are the plotters, the planners, the funders, the ones who pull the trigger.

The administration says our country would be safer if Guantanamo is closed and its inmates are transferred overseas or onto U.S. soil. If people knew who was down there, I think they would disagree.

One of the men who is locked away safely at Guantanamo is Khalid Shaikh Mohammed, the man who actually organized the 9/11 attacks. We captured him while he was planning followup at-

tacks to 9/11, including a plot to destroy a west coast skyscraper. If we had not captured Khalid Shaikh Mohammed, he may very well have succeeded in carrying out the same kind of attack on the west coast that he carried out on the east coast. This is a man who boasts about using his "blessed right hand" to decapitate the American journalist Daniel Pearl. And he is unrepentant. Earlier this year, Khalid Shaikh Mohammed joined a number of detainees at Guantanamo in declaring themselves "terrorists to the bone" and proclaiming September 11, 2001, as a "blessed" day.

Another inmate who still declares himself a "terrorist to the bone" is Ali Abd al-Aziz Ali, who served as a key lieutenant for KSM on several plots against the United States and the United Kingdom, including the 9/11 attacks. During what he described as the "blessed 11 September operation," Ali transferred money to U.S.-based operatives and served as a sort of travel agent for some of the hijackers. This man is responsible for the deaths of thousands of Americans.

Another terrorist at Guantanamo who is responsible for the deaths of Americans is Abd al-Rahim al-Nashiri, who masterminded the attack on the USS Cole which killed 17 U.S. sailors in 2000. When he was arrested, Nashiri was planning new terrorist attacks, including a plot to crash an airplane into a Western naval vessel and a plan targeting a U.S. housing compound in Riyadh in Saudi Arabia.

These are just three of the men locked up safely and securely on an island miles from the United States in a facility that even the administration acknowledges to be humane and well run. Americans want these men kept out of our neighborhoods and off the battlefield, and Guantanamo guarantees that. Closing this facility by an arbitrary deadline without an alternative is irresponsible and it is dangerous. It is unacceptable to the American people and unacceptable to an increasing number of lawmakers on both sides of the aisle.

The Attorney General has said that when it comes to Guantanamo, his chief concern is the safety of the American people. Yet, at the moment, the safest option is clearly the one we are exercising. If safety is our top concern, then the administration will rethink its arbitrary deadline for closing Guantanamo until it presents us with an equally safe alternative.

NATIONAL POLICE WEEK

Mr. MCCONNELL. Mr. President, this week we commemorate National Police Week, recognizing the service and sacrifice of the men and women across America in law enforcement. We especially honor those peace officers who have been tragically killed in the line

of duty while protecting our communities and safeguarding our democracy.

Over 25 years ago, I served as a county executive in Jefferson County, KY, which includes my hometown of Louisville. I got to work with the county's police force and witnessed up close their dedication and their professionalism. In Jefferson County, we pioneered new techniques for tracking down abducted children that met with much success—enough success that other jurisdictions adopted these techniques, eventually leading to Congressional establishment of the National Center for Missing and Exploited Children.

Decades later, peace officers in Louisville are still proud to protect and serve, even with their lives in the balance. And those we have lost are not forgotten. I was moved to read in my hometown paper recently an article about a memorial ceremony in Louisville coinciding with National Police Week. Fellow officers and family members of fallen officers gathered to remember them and thank them for their service. Police forces across Kentucky reverently marked National Police Week as well. At a service in Richmond, Gov. Steve Beshear watched 120 police cadets march at the State Law Enforcement Officers Memorial, while flags were presented to family members of those lost in the performance of their duties. This Friday in Covington, officers will honor their fallen brothers at the northern Kentucky law enforcement memorial.

This Senate has the deepest admiration and respect for police officers in every community in the Nation. We recognize their work is both an honorable job and a dangerous one. They bravely risk their lives for ours, and America is grateful.

Mr. President, I ask unanimous consent to have printed in the RECORD the full articles about the recent ceremonies in both Louisville and Richmond.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, May 8, 2009]

FALLEN POLICE OFFICERS HONORED AT JEFFERSON SQUARE SERVICE: COURAGE, COMMITMENT TO DUTY ARE HONORED

(By Jessie Halladay)

Sue Wells' eyes filled with tears as she stood next to a wreath she helped lay at the law enforcement memorial in Jefferson Square yesterday.

Her husband, Forest Hills Police Chief Randy Wells, was killed in October 2007 while working an off-duty traffic detail.

Yesterday, Wells joined other family members and friends of officers killed in the line of duty to remember and pay their respects during a service at Jefferson Square downtown.

"It's wonderful that they remember," Wells said. "It's very heartwarming, but it's heart-wrenching too."

Members of the city's fraternal order of police lodges for several agencies helped plan

the event, for which the University of Louisville police union was host.

"When their duty called, they laid down their life for their community, for us," U of L Officer Russell Fuller said during the ceremony. "We will not let their actions fade into history."

Memorials of this type mean a lot to those families left behind, said Jennifer Thacker, who spoke during the service. Thacker's husband, Brandon, was shot in April 1998 while working as an investigator for the Kentucky Department of Alcoholic Beverage Control. Thacker now serves as national president of the group Concerns of Police Survivors, or COPS.

She spoke to those attending about the value of always being a member of the law enforcement family.

"I found hope and courage through the support of others," she said.

Louisville Metro Police Chief Robert White attended yesterday's ceremony because he said it's important to pay respects and keep the memories alive of those who have died in the service of their community.

He said these annual ceremonies serve not only as reminders but as a renewed pledge of the commitment officers make to their fellow officers and those officers' families.

"It really reiterates the importance of maintaining honor and respect for those men and women who have lost their lives in the line of duty," White said.

Wells said while the service brings up many painful memories, she is grateful for the support she has received during her loss, which continues today.

"If I need anything I know I could call in the wee hours of the morning," she said.

[From the Richmond Register, Apr. 28, 2009]
STATE ADDS 28 NAMES TO LAW ENFORCEMENT
MEMORIAL

(By Bill Robinson)

As a kilted bagpiper played and Gov. Steve Beshear watched Monday morning, 120 Kentucky law enforcement cadets marched in military fashion to a ceremony honoring two law officers who died in the line of duty last year.

A bright spring sun flooded the state's Law Enforcement Officers Memorial at Eastern Kentucky University with light for the ceremony attended by officers and family members from across the state.

In addition to the names of Harlan County Constable Joe Howard and Bell County Deputy Sean Pursifull, the names of 26 other officers who died in the line of duty between 1862 and 1993 were added to the memorial's wall of honor.

American flags were presented to the families or departments of each officer whose name was added this year.

Pursifull and his K-9 partner were killed Jan. 10, 2008, when a vehicle driven by a fleeing suspect hit their car.

Howard suffered a fatal heart attack while serving a warrant on April 1, 2008.

Howard's son, Tim, an 11-year veteran of the Harlan County Sheriff's Department, attended the ceremony with his wife and 8-year-old daughter.

In addition to eulogizing the fallen officers, Beshear praised the cadets who "knowing the dangers, marched with their heads held high, undeterred from their goal of becoming a peace officer."

Today's law officers must be better trained than ever, Beshear said, because criminals in the 21st century are more sophisticated, methodical and organized.

However, "The heart and soul required of you, our protectors, never change," he said.

"I pray we never have to engrave any of your names, or any other peace officer, on this memorial."

The 120 cadets who took part in the ceremony included members of the current Kentucky State Police Academy class.

"I'm proud to have protected this KSP Academy class from budget cuts," the governor said, "because I know how important they will be to our state."

The ceremony concluded with a 21-gun salute as a squad of seven officers fired three rifle volleys and a bugler played "Taps."

AUNG SAN SUU KYI

Mr. MCCONNELL. Mr. President, word has reached me that the health of Peace Prize laureate Aung San Suu Kyi has taken a turn for the worse and that the Burmese Government is not allowing her to get the medical attention she needs. I join the administration in calling for Burmese officials to allow her doctor the access he needs to treat her. The Obama administration is currently reviewing our Nation's policies toward Burma.

It is important for the international community to press for Suu Kyi's unconditional release. We also need to continue to call for an end to the attacks against ethnic minorities.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEW YORK FED CHAIRMAN

Mr. SESSIONS. Mr. President, I wish to briefly discuss an issue that I think is important and at one time would probably have been worthy of front-page news articles around the country. Instead, I notice it is just another piece of news in the middle of a paper.

Last Thursday, Mr. Stephen Friedman announced his resignation, effective immediately, as Chairman of the Federal Reserve Bank of New York, considered a central reserve bank in the country, the one that now-Secretary Geithner used to serve as president. As Chairman, Mr. Friedman stepped down only after a Wall Street Journal story questioned his ties to Goldman Sachs, a banking institution, at the same time he was serving on the New York Fed's board. Unfortunately, his bad judgment is just another example in a long line of examples demonstrating the tangled web we have woven in allowing so prominent a government role in private businesses, involving hundreds of billions of dollars.

Let me read what the Wall Street Journal reported last Monday, May 4:

The Federal Reserve Bank of New York shaped Washington's response to the financial crisis late last year, which buoyed Goldman Sachs . . . and other Wall Street firms. Goldman received speedy approval to become a bank holding company in September [of last year] and a \$10 billion capital injection soon after. That is a \$10 billion capital injection after they redefined themselves as a bank holding company. Prior to that they were not eligible.

It goes on to say:

During that time, the New York Fed's chairman, Stephen Friedman, sat on Goldman's board and had a large holding in Goldman's stock, which because of Goldman's new status as a bank holding company was a violation of Federal Reserve policy. The New York Fed asked for a waiver, which, after about 2½ months, the Fed granted. While it was weighing the request, Mr. Friedman bought 37,300 more Goldman shares in December. They've since risen \$1.7 million in value.

This is a troubling matter. Members of the Senate cannot even allow a lobbyist to buy our lunch. Yet this man can be on a board and can buy stock while he is asking for approval to do something he wants to do—and they eventually gave him that approval—and he continues to buy stock and it goes up in value \$1.7 million.

According to the article:

[Mr. Friedman] says he checked with a Goldman lawyer to make sure there was no timing issue with such a purchase. He says he didn't check with the Fed. New York Fed lawyers say they didn't learn about his share purchase until the Journal raised questions about them in April. . . . [The day after receiving a waiver.] Mr. Friedman purchased 15,300 more Goldman shares. . . . That million-dollar purchase brought his holdings to 98,600 shares, according to the filings.

I find this unacceptable behavior. There is a reason the Federal Reserve has a policy prohibiting a chairman of any regional Fed bank from having any connections with regulated financial institutions. You do not want the regulator to have a personal financial interest in those being regulated.

I appreciate Mr. Friedman doing the right thing now and resigning. That is a good thing. However, too many officials have been acting in a way that suggests an erosion of propriety and the proper separation of interest.

Recently, we learned from the New York attorney general that Government officials may have threatened Bank of America CEO Ken Lewis to continue a merger with Merrill Lynch or lose his job. After he figured out it was going to be very bad for his stockholders and indicated he was not going through with it, they told him they would fire him if he didn't go through with it.

Some of the stories are unclear about how that all happened, but the issue does remain, and I will be interested to see what more we learn about this troubling matter when the House Committee on Oversight and Government Reform holds a hearing with Mr. Lewis and top Government officials, who will testify under oath.

Since last year, when then-Secretary Paulson told us we must act or the economy would go into collapse—and we heard those dire warnings repeatedly—we have seen more and more of these instances of impropriety and lack of wisdom.

Through TARP—the \$700 billion bailout—a blank check with no accountability was given to the Government to do basically as it pleased. The money was given to the Secretary of the Treasury, and he met in private with many of these banks. Many of them were people he knew and were friends and buddies with, and he started allocating this \$700 billion. It has continued now under Mr. Geithner, a man who previously was president of the Federal Reserve Bank of New York.

Last month, Neil Barofsky, the special inspector general overseeing this \$700 billion bailout, issued a report stating he has opened 20 criminal investigations and 6 audits into whether tax dollars are being misused or wasted.

I think we have entered a time in American history where the line between Government and free enterprise has become muddled more than ever. During good times and bad—but particularly during times such as today—the American system of capitalism and free enterprise should not be manipulated for the benefit of insiders. We expect the people who are setting policy to be independent and above that kind of action.

I will note that the reports concerning how the AIG bailout was handled remain unchallenged. This is what the report is indicating: that Mr. Paulson, who was Secretary of the Treasury and who had been the CEO of Goldman Sachs, was in and out of a meeting—a very important meeting—involving the insurance company AIG. Also, in that meeting, as I recall, was Mr. Kashkari, Mr. Paulson's assistant, who was also from Goldman Sachs. But who else was in that meeting? The chairman of the board of Goldman Sachs—the current, immediate chairman at that time—and they were talking about an insurance company, AIG, and they decided to pump \$80 billion into that company. Now we have pumped in \$170 billion. Of course, we now know that of the money that went to AIG, \$20 billion went to Goldman Sachs.

So these are the kinds of things that are causing me great difficulty. I am a lawyer. I know how things are supposed to work. When you ask for money, you raise your hand under oath. People ought to be asking you questions. If you are in bankruptcy, you have to be cross-examined by lawyers. The judge gets to ask questions. You have to submit certified financial statements before you get money. We cannot just allow a handful of people to meet in secret, decide we are in an

emergency, and pass out hundreds of billions of dollars without the kind of accountability that I think is necessary.

I will say to my colleagues in the Senate, that when we passed the TARP bill, I opposed it, and I said it was far too much a grant of power to one man—the Secretary of the Treasury—to allocate money that Congress should be appropriating. I raised that point, and it was one of my top objections. I believe history has shown the language in that bill was even more broad than we thought. Because, originally, we were told the money would be used to buy toxic mortgages from banks that were in trouble. That is what Mr. Paulson told us. That is what everybody thought they were voting on—except the language was much broader than that, if anybody took the time to read it.

As soon as he got the money, within a week or so, he had decided not to buy toxic assets but to buy stock in the banks. He bought stock in the banks. Then, pretty soon, he was buying stock in an insurance company—AIG—pumping half the money into one insurance company, and \$40 billion of the money that went into AIG went to foreign banks to pay the claims those banks had against AIG, as it did with other banks. We, the taxpayers, became the guarantor of an insurance company's responsibilities, which was never discussed with the Senate, the House or the American people. They just did it.

The amount of money they committed was tremendous—I believe \$170 billion; whereas, the Federal highway budget for the whole United States is just \$40 billion, and the education budget for the United States, the Federal Government, is \$100 billion.

I don't like this process. I am seeing too many stories such as this one involving Mr. Friedman, and it is time for Congress to get serious about it. I hope the Obama administration will stand and be counted. Mr. Friedman came in, I believe, under the Bush administration, so I am not being partisan. But it is time for the Obama administration to take a stand too. Mr. Geithner was in the middle of most of this; he helped write the proposal and was, what many called, the brains behind the Paulson proposal—the \$700 billion bailout.

This is a continuing problem in both administrations. It is time for Congress to reassert its constitutional responsibility to monitor the purse and to not allow money to be distributed in these kinds of sums without direct approval of the people through their elected representatives.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 627, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, this is the Credit Card Accountability, Responsibility, and Disclosure Act. That is what we are going to talk about over the next few days, about credit cards, about interest rates, penalty fees, and other matters.

Let me call up the amendment.

AMENDMENT NO. 1058

(Purpose: In the nature of a substitute)

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 1058.

Mr. DODD. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DODD. For the purpose of my colleagues, this is the substitute amendment that Senator SHELBY and I have worked on over the last number of days. I want to begin by expressing, first, my gratitude to the majority leader, Senator REID, for his leadership and support in the effort to get this matter to the point we are this afternoon. Of course I express my gratitude to Senator SHELBY and his staff as well as my own staff, who worked all through the weekend to try to resolve outstanding differences to bring us to the point where we have the bipartisan proposal to offer reform of the credit card laws in our country that most Americans do not need much of a

speech about. Many times we are involved in a discussion and we are informing the public for the first time about a problem, or at least a very limited number of people are aware of it. In this case, the public is probably more aware than many about problems with interest rates and fees and penalties and the like. Every single day people go through this. This afternoon I want to talk about this bill. I want to tell my colleagues what is in this credit card reform bill.

I thank the Presiding Officer, a member of the Banking Committee, along with other members of the committee who worked with us over the last number of weeks to try to complete a product here that can enjoy, I hope, as we go through this over the next day or two, broad bipartisan support.

Let me take, if I can, the next few minutes and talk about the bill specifically, what the provisions are and why we have worked so hard to pull this bill together.

This is not a new issue for me. I have been at credit card reform issues for actually more than 20 years. In the past I have not succeeded, candidly, reforming the credit card laws of our Nation. But in light of what has occurred over the last number of months and years, I think there is a greater indication of the need to step up and create some real changes, given the conditions our constituents are living with, the number of people unemployed, the obvious problem of foreclosure rates, and the like.

This issue is finding a tipping point. I believe we have a wonderful opportunity to create some meaningful reforms, and nothing would please me more than to have that kind of strong bipartisan support for these changes.

I rise in strong support of the Credit Card Accountability, Responsibility, and Disclosure Act of 2009. The substitute amendment, I have offered on behalf of myself and Senator SHELBY of Alabama, the former chairman of the Banking Committee. I thank him and his staff, and, of course, my own staff, who worked very hard on this issue—I will make specific reference to them during the debate—and who have done a terrific job in bringing this together in this bipartisan fashion.

The bill before us addresses an issue of critical importance to millions of American consumers and their families and to the stability of our financial system; that is, the need to reform the practices of our Nation's credit card companies and provide a comprehensive regime of tough new protections for consumers.

I begin by thanking Senator SHELBY for his diligence throughout this process. I also acknowledge the hard work his staff has put in negotiating this important bill, along with my own staff who have worked very hard as well.

Americans know they have a responsibility to live within their means and

to pay what they owe. But they also have a right not to be deceived, misled, or ripped off by unfair and arbitrary practices that have become all too common within the credit card industry. Banning these practices is especially critical today.

Since the recession began in December of 2007, 5.1 million jobs have been lost in our Nation, with almost two-thirds of those losses occurring in the last 5 months alone. It is clear the financial crisis is hitting American families very hard indeed. But precisely at a time when our economy is in crisis and consumers are struggling to live within their means, credit card companies too often are gouging them with hidden fees and sudden interest rate hikes that for many make the task nearly impossible.

With the average outstanding credit card debt for households with a credit card now nearly \$10,700, credit card companies are making an already difficult economic downturn suffocating for far too many millions of our American citizens.

The range of abusive practices is as long as it is appalling: retroactive rate increases on existing balances; double-cycle billing that charges interest on balances the consumers have already paid; deceptive marketing to young people; changing the terms of the credit card agreement at any time, for any reason, on any balance; skyrocketing penalty interest rates, some as high as 32 percent.

My colleague from New York, Senator SCHUMER, has called this "tripwire pricing," saying the whole business model of the credit card industry is not designed to extend credit but to induce mistakes and trap consumers into debt. I think he is absolutely right, unfortunately. This is an industry that has been thriving on misleading its consumers and its customers.

If you need any evidence of that, just look at how they even hike interest rates on consumers who pay on time and consistently meet the terms of their credit card agreements. Take Phil Sherwood of my State, who always paid his bills on time, who had a credit score in the 700s. He is an upstanding member of his community; in fact, a city councilman in New Britain, CT. One day recently he received a notice from his credit card company informing him that his interest rate was nearly doubling, and the associated fees on his account were going up as well. He had done nothing wrong, not been late, no changes whatsoever, just an arbitrary increase.

A recent survey of the country's 12 largest credit card issuers by the Pew Charitable Trust found that Phil Sherwood was not alone. Pew reported that 93 percent of surveyed cards allowed the issuer to raise interest rates at any time, for any reason.

Between March of 2007 and February of 2008, credit card companies raised interest rates on nearly one out of every four accounts, nearly 70 million cardholders who were charged \$10 billion in extra interest rates. That is within an 11-month period.

That \$10 billion is not paying for college tuition; it is not paying for groceries or for safe, affordable shelter in the midst of a housing crisis. It is going straight into the pockets of credit card companies; and they are doing it for one reason—because they can.

Little wonder that we have seen a tenfold increase in the penalty fees customers have been charged in the last decade alone. Even the Federal financial regulators who dropped the ball terribly, in my view, during the subprime mortgage crisis have recognized the harm these sinister practices pose not only to consumers but also to our economy as a whole.

Recently, in fact, the Federal Reserve, the Office of Thrift Supervision, and the National Credit Union Administration finalized rules aimed at curbing some of these practices. These rules are a good first step. I want to commend them for it. They deserve commendation for having stepped up and proposed these regulations. These rules make a difference already.

But with our economy hanging in the balance, layoffs mounting, and consumers struggling to pay for basic necessities, I think the moment is right for more comprehensive reform, despite the good first step of the Federal Reserve and others.

I first began waging this fight to reform credit card company practices more than 20 years ago. Back then it was difficult to get anyone to pay much attention to what was clearly becoming a slippery slope toward more abusive and deceptive practices by these card issuers. It was a lonely fight in those days.

But today we have an American President, President Obama, on our side. He recognizes that credit card reform is not incidental to our economic recovery. As he has stated over and over again, it is essential to it. He has pledged to get credit card reform "done in short order" to quote him exactly, and said this weekend that he wants us to send him a bill by Memorial Day.

I intend to do everything I can, and I am sure my colleagues will, to ensure we meet that challenge—not for the President, not for the White House, but for the consumers and customers out there who are waiting to see whether we will step up on this side of the ledger and do something on their behalf.

We have spent a lot of time in this body, a lot of time over the past weeks and months, to help the financial institutions, to stabilize them, to get them on their feet, to get credit flowing again. I believe those decisions, by and large, we have made have been the

right ones, although clearly we could have started earlier.

But now it is time to do something for the other side of that ledger; that is, for consumers out there who deserve a break, particularly with practices, as I mentioned: 70 million accounts having their rates raised in the last year alone, and people such as Phil Sherwood having them raised for no reason whatsoever, solely because the issuer can do so.

So it is time we do this—not for the President, not for the White House, not because the President would like it but, more importantly, because the American consumers deserve it in these times to get the help they need in this area.

So today as the Senate takes up the credit card legislation, we stand up for the people in this country who want no more of these practices, no more tricking customers into taking on more debt than they agreed to, no more taking advantage of financially responsible credit card users, and no more abuse of consumers that goes unpunished.

The time has come to insist on consumer protections that are strong and reliable, rules that are transparent and fair, and statements that are clear and informative. Those principles are the very essence of the Credit Card Act.

Allow me to take, if I can, just a few minutes to explain how the provisions of this bill will work. First and foremost, this legislation prevents unfair and arbitrary increases in interest rates and changes in the terms of credit card contracts.

Why is this so important? I recently met Kristina Jorgensen, a graphic designer from Southbury, CT. She transferred her student loans to a credit card to take advantage of the low “fixed rate” offer, only to have the interest rates on that debt increase from 5 percent to 24 percent.

Her monthly payments increased by \$260. She had to cash in her retirement IRAs to pay off the credit card debt, all because she paid 1 day late by phone. Let me repeat that: never in trouble before, saw an opportunity to pay off her student loans, she sent out, with that 5-percent rate she had because of her good record over the years, and all of a sudden, because she is 2 days late—one of them a Sunday, by the way, because she paid by phone, not through the mail—her rates went from 5 percent to 24 percent, thereby crippling her ability, draining off that IRA. She did not graduate from college a year or two ago. I will tell you she is far closer to my age than a high school senior or a college graduate’s normal age.

So here she is at a point of retirement in her life where her IRA, her individual retirement account, now has been drained of a good part of its value because her rates went from 5 to 24 percent.

What happened to Ms. Jorgensen is wrong. Having one’s retirement security wiped out is frightening under any circumstances. But it is positively terrifying in a recession.

Samantha Moore and her husband, a small business operator—Samantha is a paralegal from Guilford, CT—experienced a similar situation. She had her credit card interest rate raised from 12 percent to 27 percent. Why? Because she was 3 days late on a credit card payment for the first time in 18 years. She and her husband, who own a small business, saw their credit card limit drop from \$31,000 to just over \$4,000—the credit limits from \$31,000 to just over \$4,000, a small business, 3 days late, first time in 18 years, and they watched the rate jump to 27 percent, and their credit limits plummet to a point which pushes that business into jeopardy.

So I would ask my colleagues: What is a family in this economy supposed to do if they are counting on that credit card to help them through a medical crisis. That one patently unfair decision could mean the difference between scraping by during a recession and a financial catastrophe.

The legislation Senator SHELBY and I have put together prevents credit card companies from unjustifiable “anytime, any reason” rate increases on existing balances for people such as Samantha and Kristina.

Our bill also prohibits credit card issuers from increasing rates on a cardholder in the first year after a credit card account is opened and requires promotional rates to last at least 6 months.

Our bill prohibits issuers from changing the terms governing the repayment of an outstanding balance. For the first time ever we put provisions in place that ensure that risk-based pricing will not always work against the consumer and drive up rates.

This legislation says, if your issuer has raised your rate since the beginning of the year, they have to review your account within 6 months and bring the rate back down if the review warrants it, thus putting an end to the kind of risk-based pricing that always costs the consumer more and never less.

Secondly, our bill puts an end to the exorbitant and unnecessary fees that drive families further into debt. Not that long ago, if you were over your credit card limit, your card was declined at the store. I am old enough to remember when that could happen—it happened to me—that awkward moment when you have gone to purchase something, and you are standing in line, and all of a sudden that clerk says, “I am sorry, but you have been rejected.”

That is always an awkward moment, particularly if people are standing behind you in that line, and you take

your purchases and sheepishly walk away and put them back on the shelf because you went over your limit.

It was not comfortable, but it protected you against going over the limit. In those days you did not have to ask for it, it happened automatically. Well, that has all changed, of course, in recent days. In fact, the issuers enjoy that moment because when you walk up and purchase something, despite the fact that you may want a fixed limit, at that point you go over, of course, then the penalty fees and other charges pour in. Of course, that becomes a bonanza on additional penalties collected.

Now, I am not suggesting the consumer does not bear a responsibility. But in the past there was a responsibility exercised on both sides of that equation, a borrower and lender. Here lately, of course, that equation has been disrupted. Today we have repeatedly heard about cardholders being charged enormous fees for unknowingly going a few dollars over their credit limit.

Our bill prohibits issuers from charging hidden over-the-limit fees. It says if cardholders want to go over their card limit, they have to “opt in” with their issuer, putting the choice of going over the credit card limit and paying extra fees squarely in the hands of consumers, not the banks.

Our bill also requires penalty fees to be reasonable and proportional to the violation. Further, our bill prevents companies from charging fees for customers making payments by mail, telephone, or electronically, and strengthens protections against excessive fees on low-credit, high-fee credit cards. The days of issuers unreasonably jacking up these fees to unreasonably high levels to make money on the backs of consumers will be over.

Third, our bill protects the rights of financially responsible credit card users. Say last month, for instance, you had a credit card debt of \$1,000, and since then you have paid \$900 of that debt off. It is not uncommon for some credit card companies to keep charging interest not on the remaining \$100 of debt but on the full previous \$1,000 of debt. Our bill puts an end to this so-called “double-cycle billing,” and says if the credit card company delayed crediting your payment, you will not be charged for their mistake.

Our bill also requires the credit card statement to be mailed 21 days before the bill is due rather than the current 14. The bill also encourages transparency in credit card pricing, requiring the Government Accountability Office to study the effect that interchange fees have on our merchants and consumers.

I thank a number of my colleagues who expressed a strong interest in that subject matter. There will be a study done on this issue. It is a complicated

area, the interchange fees, but a lot of retail stores are deeply concerned about these fees, the excessive charges they believe exist. They would like to see some changes.

I have promised my colleagues who expressed an interest that we will take this up. I believe it is Senator CORKER of Tennessee who has written a stronger study provision than the one we had originally crafted. I thank him. I know he has a strong interest in this subject, as do other Members. We will get to the interchange fees at a later date. Certainly, a study would give us a better framework in which to consider legislation.

Fourth, our bill provides far better disclosure of card terms and conditions. One member of the credit card industry recently told *Time* magazine, "The American people cannot manage their credit." Well, it is not hard to understand why. A quarter of a century ago, a typical credit card contract was about a page in length. Today, it is 30 times as long and 100 times more incomprehensible. You practically need a microscope to read what it says and a law degree to understand what it means. If this financial crisis has taught us anything, it is that consumers can only make responsible decisions if they have all the necessary information. The American consumer should not have to live in fear that a clause buried in the fine print of their credit card contract might someday be their financial undoing.

Our legislation also requires credit card issuers to provide far better disclosure of terms and conditions. The bill says cardholders must be given 45 days' notice of an interest rate increase. The bill mandates that issuers disclose to consumers when the card terms have changed, and it forces issuers to disclose how long it will take to pay off a card balance if you only make minimum payments, something our colleague from Hawaii, Senator DAN AKAKA, has led the fight for over many years.

The bill also requires the Federal Reserve Board to post consumer credit card agreements on its Web site.

Fifth, our bill insists on a fair allocation of payments. Many cardholders hold multiple credit card balances with multiple interest rates. If you send an extra thousand dollars along, for example, with your minimum payment, that amount should be credited to the account with the highest interest rate first. Our legislation ensures that it will be.

Our bill also prohibits issuers from setting early-morning deadlines for credit card payments. We all understand that we have to pay our credit card bills on a specific date, but what too many card companies don't tell you is that it isn't just the date the payment is due but often a specific time in the day. In too many cases, it

is in the morning rather than at the end of business for that day. So, for example, if you pay your bill—call the company or make an online payment—before the close of business on the due date, sometimes you will get penalized for a late payment because the credit card deadline, unbeknownst to the cardholder, was at 10 a.m. that morning on the due date. This legislation puts a stop to that as well.

I should add that for the very first time the Federal Government will provide new protections for recipients of gift cards, and we thank our colleague from New York, Senator SCHUMER, for his leadership on this issue. This legislation will make it easier for recipients of gift cards to cash them in. Under the Schumer provision, if you receive a gift card, your balance won't disappear before you have a chance to spend it.

Sixth, this legislation includes robust protections for young people and students. Recently, my 7-year-old daughter received a credit card solicitation in the mail. We laughed it off, but it brings up a serious point. Young people—and ultimately their parents—are faced with an onslaught of credit card offers, often years before they turn 18, usually as soon as they set one foot on a college campus. Just as we saw in the mortgage crisis with lenders and borrowers, too often issuers offer cards to young people without verifying any ability to repay whatsoever. This is particularly true for students. According to Sallie Mae, college students graduate with an average credit card debt of more than \$4,000. That is up from \$2,900 just 4 years ago. Nearly 20 percent of college students have credit card balances of over \$7,000.

Our bill requires issuers soliciting anyone under the age of 21 to obtain the signature of a parent or guardian or someone else who will take responsibility for the debt or proof that the applicant, as many are capable of doing under the age of 21, has some independent means of repayment. It prohibits increases in credit card limits unless that person who is a cosponsor or is jointly liable approves of the increase in writing. Our bill limits the kinds of prescreened offers that get so many young people into trouble.

I thank our colleague from New Jersey, Senator MENENDEZ, for his leadership on this issue. It is time to insist that credit card companies take into account a young person's ability to repay before allowing them to take on what is all too often a lifetime worth of debt. Very little we do in our legislation will be more important than these provisions. Many of my colleagues on the Banking Committee expressed a strong interest in these provisions. I don't have the statistics in front of me, but a significantly high percentage of students drop out of school because of the debt they have incurred. A lot of it is credit card debt, not just the student loans but the credit card debt.

That is also why the final component of our bill is so critical as well. That involves tougher penalties and enforcement. Credit card companies need to understand that if they violate the terms of an agreement with a cardholder, there will be serious consequences.

With this legislation, if your credit card company wrongly raises your rate, the company could pay as much as \$5,000 per violation—even higher if the company is found to engage in a pattern or practice of violations. Our goal is not to be punitive, although I can understand why someone might want to be, given some of the practices that have gone on over the last number of years. Rather, we need to put in place strong incentives that will encourage these companies to act more responsibly in the first place.

Every one of these provisions I have mentioned is rooted in simple common sense; no more tricks, no more strings attached. Over and over, we have heard that consumers should act responsibly when it comes to credit cards. I agree completely. We all need to act more responsibly. But it is time the credit card companies were held to that same standard, and with this legislation they will be.

I thank Senators SCHUMER, AKAKA, MENENDEZ, TESTER, and KOHL on the committee, who have strongly supported the fight to protect consumers against predatory credit card practices. Senator CARL LEVIN of Michigan has been a champion of credit card protections for many years as well and generated some important ideas that are included in the bill Senator SHELBY and I are offering. For decades, their efforts have fallen on deaf ears but not this time.

Today, with practices so brazen and widespread, as our economy quite literally hangs in the balance, one thing is clear: This is the moment for credit card reform. Our economy will not recover if we allow practices such as those I am talking about today that drive so many families deeper and deeper into debt. Americans do not deserve and cannot afford to be pushed down this economic ladder by credit card issuers any longer. This is a once-in-a-generation opportunity. In my view, we will never have a better opportunity to protect consumers than we do today with what we propose.

This legislation has been worked on extensively over the last number of weeks. We listened to a lot of people, including the issuers, to make sure what we are doing is fair and balanced and gets to the heart of the matter; that is, to cut out these excessive increases, without warrant, in rates and fees and penalties that I have mentioned.

Forty-six years ago, President John Kennedy delivered his special message to Congress on protecting consumer interest. In that speech, he established

four very simple rights: the right to safety, the right to be informed, the right to choose, and, above all, the right to be heard, to be assured that consumer interests would receive full and sympathetic consideration in the formulation of Government policy. I cannot think of a single issue or moment where the need to act on principles articulated nearly half a century ago—and embraced by our current President and many in this Chamber of both political parties—was clearer or more urgently needed than those articulated by President Kennedy more than four decades ago.

I urge my colleagues to support this legislation, to stand up for American families who are already facing tremendous difficulties on a daily basis, with rising costs in energy and health care, the difficulty of holding on to their homes. All of these issues are confronting them. At the very least, having spent as much time as we have on dealing with stabilizing financial institutions, to take out a few days in all of the debate and stabilize American families by reducing outrageous and egregious practices that have added so many financial burdens to them is long overdue.

Senator SHELBY and I are proud of this substitute. We thank our colleagues who helped us work on it. We look forward to the debate on amendments that may be offered. Some may strengthen what we have suggested. Others may try to undo it. But we need to have a full and open debate. Then my hope is that, by an overwhelming vote, my colleagues will support this legislation.

The House has already acted—I commend them—under the leadership of BARNEY FRANK and others on the Financial Services Committee in that Chamber. Our intention is to follow with this legislation. Congresswoman CAROLYN MALONEY deserves credit, having authored the legislation in the House.

We think we have a good bill, a strong bill. We think we have made some improvements on what the House recommended. I look forward to the debate that is forthcoming.

Amy Friend and Lynsey Graham, who are sitting here next to me, did a remarkable job in negotiating, working with other Members, with outside interests, including the issuers and consumer groups, on putting this bill together. Charles Yi, as well, worked on this, and Colin McGinnis. A lot of people worked on this. But these three—Charles Yi, Lynsey Graham, and Amy Friend—did a great job.

Our staffs do so much hard work and don't get the credit they deserve for the work they do. I am deeply grateful to them for their tremendous leadership as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

75TH BIRTHDAY OF SENATOR JAMES JEFFORDS

Mr. SANDERS. Madam President, today we celebrate the 75th birthday of Senator James Merrill Jeffords of Vermont, who was born in Rutland, VT, on May 11, 1934.

He is the son of Marion Hausman and Olin Jeffords. His father served as chief justice of the Vermont Supreme Court.

Jim Jeffords went to college at Yale University and thereafter got a law degree from Harvard Law School. He served 3 years of Active Duty in the U.S. Navy and was in the Naval Reserves until he retired as captain in 1990.

In 1966, he entered the political world and was elected to the Vermont State Senate. Two years later, he ran for Vermont attorney general and was elected to that position. In 1974, he ran for Vermont's seat in the U.S. House of Representatives and served for 14 years. In 1988, Jim Jeffords was elected to the Senate of the United States. He was reelected in 1994 and 2000. In 2006, he retired from public life.

Jim Jeffords' mother was a music teacher. Her work had a profound impact on his life. While in Congress, he cofounded the Congressional Arts Caucus. He also began the Congressional High School Art Competition, a bipartisan program that celebrates the talents of local high school students in congressional districts all across America. That program still exists and flourishes.

Jim Jeffords' work in both the House and the Senate was centered on education, on job training, and on individuals with disabilities, culminating in his strong support for the Individuals with Disabilities Education Act. He will be long remembered as a champion of education, and especially for providing new and rich educational opportunities for those millions of Americans with disabilities who in too many instances were ignored by our schools.

Jim Jeffords continued a long Vermont tradition, in the footsteps of his predecessors Senator Robert Stafford and Senator George Aiken, of serving on the Environment and Public Works Committee. When he assumed the chair of that committee, he provided early and courageous leadership on an emergent problem, which today we recognize as the central environmental issue of our time: global warming.

Early on, Jim Jeffords recognized that the buildup of greenhouse gases would change the climate of our entire planet. He said about it:

The climate is warming, it is due to human activity, and only a change in human behavior

will ensure that my grandson, Patton Henry Jeffords, will not suffer the consequences.

But he not only recognized the problem, he set about finding a solution, drafting far-reaching cap-and-trade legislation which even today represents the single most important Federal route to reducing greenhouse gases and to lessening and hopefully reversing global warming. As we consider cap-and-trade legislation in this session, we will be continuing the work Jim Jeffords helped begin and which his foresight set on the national agenda.

In 2001, Jim Jeffords, in a move of great courage, left the Republican Party and became an Independent. This action changed control of the Senate, won widespread support in Vermont, and thrust this normally reserved and quiet man into the national spotlight.

On October 1, 2002, Jim Jeffords was 1 of 23 Senators to vote against authorizing the use of military force in Iraq.

I, personally, have known Jim Jeffords for 37 years, and I can attest to the warmth and affection with which he is held to this day in the State of Vermont. Unassuming, straightforward, and honest, he is respected not only by those who agreed with his views but by those who disagreed. His service has been a beacon of Vermont independence and vision, and so I join the rest of my fellow citizens in Vermont and the Senators in this body in wishing Jim a very happy 75th birthday.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I understand there is a unanimous consent agreement that needs to be proposed, and I yield for that purpose.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUESTS—H.R. 131

Mr. KYL. Madam President, I appreciate the courtesy of my colleague from Michigan.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 131, the Ronald Reagan Centennial Commission Act. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

Mr. DODD. Madam President, as a counter to that proposal, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 49, H.R. 131, the Reagan Commission bill; that a Feingold amendment, which is at the desk—the text of S. 564, the Wartime Treaty Study Act—be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Madam President, I would note that the objection I registered was on behalf of Senator FEINGOLD, and I wish the RECORD to reflect that.

The PRESIDING OFFICER. The RECORD will so reflect.

The Senator from Michigan.

Mr. LEVIN. Madam President, I am here today to strongly support the Dodd-Shelby substitute to the House bill on credit card reform. Before I proceed with my statement, I wish to say how appreciative I am, and the country will be, for the efforts of CHRIS DODD and Senator SHELBY. This has been an effort on the part of Senator DODD which has been ongoing for a long time. It is a very difficult, complex effort that he has taken under his wing and mastered. When we can get this passed—and hopefully we will by the end of May, as the President has requested—there will be a very strong feeling across this country that, hallelujah, the Congress has finally acted to correct some of the abuses which have cost our consumers so many hundreds of billions of dollars in unfair charges by some credit card companies.

Millions of Americans today are facing the worst economic crisis of their lifetime. Their hardship is being compounded by unfair credit card fees and interest charges. It is long past time for us to do something about it. The Credit Card Accountability, Responsibility, and Disclosure Act of 2009, which is 414, introduced earlier this year by Senator DODD, myself, and a number of our colleagues to combat credit card abuses, is the best chance we have to do just that. With this substitute, we are going to be able, I believe, on a bipartisan basis, with hopefully enough support in the Senate, to accomplish our goal.

With home prices falling and unemployment rising, millions of Americans who are still managing to pay their credit card bills on time have nonetheless been subjected to hiked interest rates. They have been hit with a double whammy—hard economic times and abusive credit card interest rates and fees. It is simply wrong for America's banking giants to try to dig themselves

out of the hole they put themselves in by putting American families into a deeper hole with fees and sky-high interest charges that are often retroactively applied. Even as the prime rate of interest has gone down, some credit card companies have hiked interest rates on millions of customers who play by the rules. To add insult to injury, banks that received bailouts are frequently the ones that are punishing the very taxpayers they came to for financial rescue.

Credit card companies have used a host of unfair practices. They unilaterally hike the interest rates of cardholders who pay on time and comply with the credit card agreements they entered into. They impose interest rates as high as 32 percent, and they apply higher interest rates retroactively to existing credit card debt. They pile on excessive fees and then charge interest on those fees, and they engage in a number of other unfair practices that are burying American consumers in a mountain of debt.

I have received thousands of letters from people who have been treated unfairly by their credit card companies and feel they are powerless to do anything about it. The letters come from people from all over the country, from all walks of life; letter after letter, each more poignant than the next.

The President has also heard those voices. He has made clear his support for ending abusive practices which cause so much pain and financial damage to American families, and he has called on Congress to send him a bill by the end of this month.

We can and we should meet that deadline. The House has acted. Their version of this bill passed the House on April 30 by a vote of 357 to 70, garnering support from a majority from both parties. A similar vote in the Senate on the CARD Act will send a strong message that standing up for the American taxpayer and consumer is a bipartisan priority.

Under this bill, card issuers will no longer be able to engage in the abusive business practice of first extending credit at one interest rate, and then unilaterally jacking up the interest rate after the money is owing. Our bill doesn't restrict fair lending; it only affects credit card companies that engage in irresponsible lending practices that bury people unfairly in debt, the sort of debt that the companies often don't even expect to fully recover, but profit from nonetheless, through the extraction of fees and interest.

Some argue that it is the role of regulators, not Congress, to combat unfair lending practices. But for years Federal regulators have not taken up that task. Instead, they stood largely by silently while deceptive and unfair practices became entrenched in the credit card industry. The Federal Reserve, in particular, charged with issuing credit

card regulations, failed to take action until congressional hearings and public outrage forced attention on credit card abusers.

Six months ago, the Federal Reserve and other bank regulators finally acted, issuing a regulation last December to stop some of the unfair practices. For example, the new regulation prohibits banks from retroactively raising interest rates on cardholders who meet their obligations, requires banks to mail credit card bills at least 21 days before the payment due date, and forces banks to more fairly apply consumer payments.

But the regulation, regrettably, leaves in place blatantly unfair credit card practices that mire families in debt. It fails to stop, for example, abuses such as charging interest on debt that was paid on time, charging people a fee simply to pay their bills, and hiking interest rates on a credit card because of a misstep on another unrelated debt, a practice known as universal default. It doesn't stop the charging of interest on fees. Legislation is needed not only to end those abusive practices that are not prohibited by the Federal Reserve regulation, but also to provide a statutory foundation for the new credit card regulation so that it cannot be weakened or withdrawn in the future.

The Dodd-Levin bill, as introduced, banned each of these unfair practices that were still allowed by the Federal Reserve rules. The substitute introduced today would not go as far as the Dodd-Levin bill, but offers a good compromise with strong consumer protections that ought to attract widespread support in the Senate. The substitute remains stronger, for example, than both the Federal Reserve credit card regulations and the House credit card bill in a number of ways. For example, it would prohibit retroactive interest hikes for cardholders who pay their bills on time and would allow them only for those who pay more than 60 days late. Even then, it would require banks to restore a lower interest rate for persons who had paid 60 days late but then made 6 months of on-time payments. The bill would also prohibit interest charges for debt that is paid on time, a key consumer protection for which I have been fighting for years. In addition, the bill would put its consumer protections in place 9 months from now instead of the longer regulatory deadline of July 2010 or the 1-year delay in the House bill.

The bill, of course, will not only help protect consumers and ensure their fair treatment, but it will also make certain that credit card companies that are willing to do the right thing are not put at a competitive disadvantage by companies continuing unfair practices.

In 2006, Americans used 700 million credit cards to buy about \$2 trillion in

goods and services. The average family has five credit cards. Credit cards are being used to pay for groceries, mortgage payments, and even taxes. And they are saddling U.S. consumers, from college students to seniors, with a mountain of debt. The latest figures show that U.S. credit card debt is now approaching a trillion dollars. Credit cardholders are routinely being subjected to unfair practices that squeeze them for ever more money, sinking them further and further into debt.

I strongly commend Senator DODD, chairman of the Banking Committee, for taking action to move our credit card bill through the committee, despite some opposition. I also commend Senator SHELBY for joining him in this substitute. Now is the time for the full Senate to act so that we can then resolve any differences with the House, and send the bill to President Obama, who has said he is ready to sign credit card legislation.

For years now, we have been combating abusive credit card practices on our Permanent Subcommittee on Investigations, which I chair. The subcommittee held two investigative hearings in 2007, exposing those practices. I introduced legislation that same year, S. 1395, the Stop Unfair Credit Practices in Credit Cards Act. I am pleased that at that time we had so many cosponsors, including Senators McCASKILL, LEAHY, DURBIN, BINGAMAN, CANTWELL, WHITEHOUSE, KOHL, BROWN, KENNEDY, and SANDERS. We followed that by introducing the Dodd-Levin bill in this Congress. It incorporated much of the previous Senate bill that I referred to, and it added other important protections as well. The Dodd-Levin bill then provided the foundation for the Dodd-Shelby substitute.

Senator DODD already outlined most of the important provisions in the CARD Act. I want to highlight three provisions that I believe are critical to delivering relief to American families and returning common sense to the credit card business.

First, the bill will prohibit interest charges on any portion of a credit card debt which the cardholder paid on time during a grace period. Virtually all credit cards provide a grace period, so called, in which a credit card debt can be repaid without incurring interest charges. But what most people don't realize is that the credit card industry restricts this grace period to people who pay off their entire balance in full. If a cardholder repays only part of the balance during the grace period, even though it is more than the minimum amount, the issuer charges interest on the entire balance—even the portion that was repaid on time.

If I charge \$5,000 in a month and pay off \$2,500 by the due date—again, an amount far more than the minimum payment required—I will still be charged interest on the full \$5,000 bal-

ance, starting with the first day of the billing period. That policy is unfair, counterintuitive, and it is unknown to a vast majority of cardholders who pay the added interest. The CARD Act will return a commonsense interpretation of the grace period and simply prohibit the charging of interest on debt that is paid on time.

Another key provision would limit the circumstances under which a credit card company can hike the interest rate applicable to a cardholder's existing debt. Right now, credit cards are the only type of loan I know of whose terms can be unilaterally changed after the loan is incurred. Even in the toughest market conditions, for example, car companies cannot increase the interest rate on a car loan, even if a borrower pays late. The credit card companies can unilaterally hike a cardholder's interest rate at any time, for just about any reason, or no reason at all. This patently unfair practice violates accepted practice in the lending field outside of credit cards, and the bill will put an end to that. The substitute will ban retroactive rate hikes for existing balances except in limited circumstances, the most important of which is that it would ban such interest hikes for cardholders who pay on time and would allow them only for cardholders who pay more than 60 days late. Even then, it will require banks to restore the prior lower rate if the cardholder follows with 6 months of on-time payments. While our Dodd-Levin bill would have gone even further and banned retroactive rate hikes, period, the substitute offers a reasonable compromise that will provide greater protection in this area than the Federal Reserve regulation, or the House bill, both of which would allow retroactive interest rate hikes if a person paid more than 30 days late.

Finally, while the substitute before us does not go as far as our Dodd-Levin bill did to prohibit universal default, the substitute does place important limits on how card companies can raise rates when cardholders have met their obligations and pay their credit card bills on time. Right now, credit card companies can unilaterally hike a cardholder's interest rate if the company receives information indicating that the cardholder is an increased risk of not paying his or her debts, even if the cardholder has a years-long record of on-time payments and has never paid a bill late to that company. The companies can apply the new higher rate to the cardholder's existing debt, as well as future debt.

The substitute would put an end to that practice as it applies to existing balances. It provides that if a cardholder meets the obligation of the card agreement by paying on time and staying under the credit limit, the credit card company must hold its end of the bargain and honor the terms of the

agreement. In other words, it cannot raise the interest rate applicable to the cardholder's existing debt. The substitute would, however, allow the credit card company to increase the interest rate applicable to future debt—meaning debt not yet incurred. In addition, under the substitute, if a card company increased an interest rate on a cardholder because of credit risk, or market condition, the company would be required to review the increase after 6 months and reverse it if conditions warrant. While my preference would be to prohibit unilateral rate increases entirely, the compromise is a significant improvement over current law. It would ban unilateral interest rate hikes on existing debt for consumers who play by the rules.

To understand why these protections are needed, here are some examples of the credit card abuses we uncovered and some of the stories that American consumers shared with us during the course of the inquiries carried out by my Permanent Subcommittee on Investigations.

The first case history we examined illustrates the fact that major credit card issuers today impose a host of fees on their cardholders, including late fees and over-the-limit fees that are not only substantial in themselves but can contribute to years of debt for families unable to immediately pay them.

Wesley Wannemacher of Lima, OH, testified at our March 2007 hearing. In 2001 and 2002, Mr. Wannemacher used a new credit card to pay for expenses mostly related to his wedding. He charged a total of about \$3,200, which exceeded the card's credit limit by \$200. He spent the next 6 years trying to pay off the debt, averaging payments of about \$1,000 per year. As of February 2007, he had paid about \$6,300 on his \$3,200 debt, but his billing statement showed he still owed \$4,400.

How is it possible that a man pays \$6,300 on a \$3,200 credit card debt, but still owes \$4,400? Here's how. On top of the \$3,200 debt, Mr. Wannemacher was charged by the credit card issuer about \$1,100 in late fees, \$1,500 in over-the-limit fees, and about \$4,900 in interest. He was hit 47 times with over-limit fees, even though he went over the limit only 3 times and exceeded the limit by only \$200. Altogether, these fees and the interest charges added up to \$7,500, which, on top of the original \$3,200 credit card debt, produced total charges to him of \$10,700.

In other words, the interest charges and fees more than tripled the original \$3,200 credit card debt, despite payments by the cardholder averaging \$1,000 per year. Unfair? Clearly, but our investigation has shown that exorbitant interest charges and fees are not uncommon in the credit card industry.

The week before our March hearing, his credit card company decided to forgive the remaining debt on the

Wannemacher account, and while that was great news for the Wannemacher family, that decision didn't begin to resolve the problem of excessive credit card fees and sky-high interest rates that trap too many hard-working families in a downward spiral of debt.

These high fees are made worse by the industry-wide practice of including fees in a consumer's outstanding balance in a manner that would also incur interest charges. Those interest charges magnify the cost of the fees and can quickly drive a family's credit card debt far beyond the cost of their initial purchases. It is one thing for a bank to charge interest on funds lent to a consumer; charging interest on penalty fees goes too far.

Another troubling case history involves Charles McClune, a 51-year-old Michigan resident who is married with one child. Mr. McClune had a credit card account which he closed in 1998, and has been trying to pay off for more than 10 years. Due to excessive fees and interest rates, and despite paying more than four times his original credit card debt of less than \$4,000, Mr. McClune still owes thousands on his credit card, with no end in sight.

Mr. McClune first opened his credit card account while in college, in 1986, through a student-targeted credit promotion at a Michigan bank. After leaving college, the credit limit on his card was increased to \$4,000. By 1993, although he had not exceeded the credit limit through purchases, Mr. McClune had missed some payments and was assessed interest and fees that pushed his balance over the \$4,000 limit. From 1993 to 1996, he exceeded his limit again, on several occasions, due to interest and fee charges. He stopped making purchases on the credit card in 1995.

In 1996, Mr. McClune's credit card account was purchased by Chase Bank. In 1998, Mr. McClune asked Chase to close the account, and Chase did so. Although he never made a single purchase on his credit card while the account was with Chase, Chase repeatedly increased the interest rate on his account, including after the account was closed. In 2002, for example, his interest rate was about 21 percent; by October 2005, it had climbed to 29.99 percent where it remained for more than two years until March 2008; it then dropped slightly to 29.24 percent. The higher interest rates were applied retroactively to Mr. McClune's closed account balance, increasing the size of his minimum payments and his overall debt.

Chase also assessed Mr. McClune repeated over-the-limit and late fees, which began at \$29 and increased over time to \$39 per fee. Chase cannot locate statements for Mr. McClune's account prior to February 2001, so there is no record of all the fees he has paid. The records in existence show that, since February 2001, he has paid 64 over-the-

limit fees totaling \$2,200. Those fees stopped after the March 2007 hearing before my subcommittee, in which Chase promised to stop charging more than three over-the-limit fees for a single violation of a credit card limit. In addition to the 64 over-the-limit fees, since February 2001, Chase has charged Mr. McClune nearly \$2,000 in late fees.

The records also show that since 2001, Mr. McClune was contacted on several occasions by Chase representatives seeking payment on his account. If he agreed to make a payment over the telephone, Chase charged him—without notifying him at the time—a fee of \$12 to \$15 per telephone payment. When asked about these fees, Chase told the subcommittee that the fees were imposed, because on each occasion Mr. McClune had spoken with a "live advisor." Since 2001, he has paid a total of \$160 in these pay-to-pay fees.

Altogether, since 2001, Mr. McClune has paid nearly \$4,400 in fees on a debt of less than \$4,000. If the more than 4 years of missing credit card bills were available from 1996 to 2000, this fee total would be even higher. In addition, each fee was added to Mr. McClune's outstanding credit card balance, and Chase charged him interest on the fee amounts, thereby increasing his debt by thousands of additional dollars.

In February 2001, Chase records show that Mr. McClune's credit card debt totaled nearly \$5,200. For the next 7 years, although he did not pay every month, Mr. McClune paid nearly \$2,000 per year toward his credit card debt, but was unable to pay it off. At one time, he paid \$150 every 2 weeks for several weeks. Those payments did not bring his debt under the \$4,000 credit limit, or reduce his interest rate.

In January 2007, Mr. McClune received a letter from Chase stating that if he made his next payment on time, he would receive a \$50 credit on his debt. Mr. McClune cashed out his IRA and paid \$4,000 on his credit card debt. Because he made this payment in February, however, he did not receive the \$50 credit for an on-time payment. Instead, he was assessed a \$39 late fee, a \$39 over-the-limit fee, and a \$14.95 payment fee for making the \$4,000 payment over the telephone.

Mr. McClune was never offered a payment plan or a reduced interest rate by Chase to help him pay down his debt. His credit card bills show that from February 2001 to June 2008, he paid Chase a total of \$15,800. If the 4 years of missing credit card bills from 1996 to 2000 were available, his total payments would likely exceed \$20,000. In June 2008, his credit card bill showed he was charged 29 percent interest and a \$39 late fee on a balance of \$3,300.

How could Mr. McClune pay \$15,000 to \$20,000 on credit card purchases of less than \$4,000, and still owe \$3,300? His credit card statements since 2001 show that he was socked with over \$9,700 in

interest charges, \$2,200 in over-the-limit fees, \$2,000 in late fees, and \$160 in pay-to-pay fees. All of these interest charges and fees were assessed by Chase while the account was closed and without a single purchase having been made since 1995. Despite his lack of purchases and payments totaling \$15,800, Chase records show that, from February 2001 until June 2008, Mr. McClune was able to reduce his credit card balance by only about \$1,850.

Mr. McClune is not trying to avoid his debt. He has made years of payments on a closed credit card account that he has not used to make a purchase in 13 years. He has paid thousands and thousands of dollars—four and possibly five times what he originally owed—in an attempt to pay off his credit card account. He is still paying. But his thousands of dollars in payments are not enough for his credit card issuer which is squeezing him for every cent it can, fair or not, for years on end.

Tragically, Mr. McClune and Mr. Wannemacher have a lot of company in their credit card experiences. The many case histories investigated by my subcommittee show that responsible cardholders across the country are being squeezed by unfair credit card lending practices involving excessive fee and interest charges. The current regulatory regime—even with the new Federal Reserve regulation—is insufficient to prevent these ongoing credit card abuses. Legislation is clearly needed.

Another galling practice featured in our hearings involves the fact that credit card debt that is paid on time routinely accrues interest charges, and credit card bills that are paid on time and in full are routinely inflated with what I call "trailing interest." Every single credit card issuer contacted by the Subcommittee engaged in both of these unfair practices which squeeze additional interest charges from responsible cardholders.

Here's how it works. Suppose a consumer who usually pays his account in full, and owes no money on December 1st, makes a lot of purchases in December, and gets a January 1 credit card bill for \$5,020. That bill is due January 15. Suppose the consumer pays that bill on time, but pays \$5,000 instead of the full amount owed. What do you think the consumer owes on the next bill?

If you thought the bill would be the \$20 past due plus interest on the \$20, you would be wrong. In fact, under industry practice today, the bill would likely be twice as much. That is because the consumer would have to pay interest, not just on the \$20 that wasn't paid on time, but also on the \$5,000 that was paid on time. In other words, the consumer would have to pay interest on the entire \$5,020 from the first day of the new billing month, January 1, until the day the bill was paid on January 15, compounded daily. So much for

a grace period! In addition, the consumer would have to pay the \$20 past due, plus interest on the \$20 from January 15 to January 31, again compounded daily. In this example, using an interest rate of 17.99 percent, which is the interest rate charged to Mr. Wannamacher, the \$20 debt would, in 1 month, rack up \$35 in interest charges and balloon into a debt of \$55.21.

You might ask—hold on—why does the consumer have to pay any interest at all on the \$5,000 that was paid on time? Why does anyone have to pay interest on the portion of a debt that was paid by the date specified in the bill—in other words, on time? The answer is, because that's how the credit card industry has operated for years, and they have gotten away with it.

There is more. You might think that once the consumer gets gouged in February, paying \$55.21 on a \$20 debt, and pays that bill on time and in full, without making any new purchases, that would be the end of it. But you would be wrong again. It is not over.

Even though, on February 15, the consumer paid the February bill in full and on time—all \$55.21—the next bill has an additional interest charge on it, for what we call “trailing interest.” In this case, the trailing interest is the interest that accumulated on the \$55.21 from February 1 to 15, which is the time period from the day when the bill was sent to the day when it was paid. The total is 38 cents. While some issuers will waive trailing interest if the next month's bill is less than \$1, if a consumer makes a new purchase, a common industry practice is to fold the 38 cents into the end-of-month bill reflecting the new purchase.

Now 38 cents isn't much in the big scheme of things. That may be why many consumers don't notice these types of extra interest charges or try to fight them. Even if someone had questions about the amount of interest on a bill, most consumers would be hard pressed to understand how the amount was calculated, much less whether it was incorrect. But by nickel and diming tens of millions of consumer accounts, credit card issuers reap large profits. I think it is indefensible to make consumers pay interest on debt which they pay on time. It is also just plain wrong to charge trailing interest when a bill is paid on time and in full.

My subcommittee's hearings also focused on another set of unfair credit card practices involving fair interest rate increases. Cardholders who had years-long records of paying their credit card bills on time, staying below their credit limits, and paying at least the minimum amount due, were nevertheless socked with substantial interest rate increases. Some saw their credit card interest rates double or even triple. At the hearing, three consumers described this experience.

Janet Hard of Freeland, MI, had accrued over \$8,000 in debt on her Discover card. Although she made payments on time and paid at least the minimum due for over 2 years, Discover increased her interest rate from 18 percent to 24 percent in 2006. At the same time, Discover applied the 24 percent rate retroactively to her existing credit card debt, increasing her minimum payments and increasing the amount that went to finance charges instead of the principal debt. The result was that, despite making steady payments totaling \$2,400 in 12 months and keeping her purchases to less than \$100 during that same year, Janet Hard's credit card debt went down by only \$350. Sky-high interest charges, inexplicably increased and unfairly applied, ate up most of her payments.

Millard Glasshof of Milwaukee, WI, a retired senior citizen on a fixed income, incurred a debt of about \$5,000 on his Chase credit card, closed the account, and faithfully paid down his debt with a regular monthly payment of \$119 for years. In December 2006, Chase increased his interest rate from 15 percent to 17 percent and in February 2007, hiked it again to 27 percent. Retroactive application of the 27 percent rate to Mr. Glasshof's existing debt meant that, out of his \$119 payment, about \$114 went to pay finance charges and only \$5 went to reducing his principal debt. Despite his making payments totaling \$1,300 over 12 months, Mr. Glasshof found that, due to high interest rates and excessive fees, his credit card debt did not go down at all. Later, after the subcommittee asked about his account, Chase suddenly lowered the interest rate to 6 percent. That meant, over a 1-year period, Chase had applied four different interest rates to his closed credit card account: 15 percent, 17 percent, 27 percent and 6 percent, which shows how arbitrary those rates are.

Then there is Bonnie Rushing of Naples, FL. For years, she had paid her Bank of America credit card on time, providing at least the minimum amount specified on her bills. Despite her record of on-time payments, in 2007, Bank of America nearly tripled her interest rate from 8 to 23 percent. The Bank said that it took this sudden action because Ms. Rushing's credit score had dropped. When we looked into why it had dropped, it was apparently because she had taken out Macy's and J. Jill credit cards to get discounts on purchases. Despite paying both bills on time and in full, the automated credit scoring system run by the Fair Issac Corporation had lowered her credit rating, and Bank of America had followed suit by raising her interest rate by a factor of three. Ms. Rushing closed her account and complained to the Florida attorney general, my Subcommittee, and her card sponsor, the American Automobile Association.

Bank of America eventually restored the 8 percent rate on her closed account.

In addition to these three consumers who testified at the hearing, the Subcommittee presented case histories for five other consumers who experienced substantial interest rate increases despite complying with their credit card agreements.

I would also like to note that, in each of these cases, the credit card issuer told our Subcommittee that the cardholder had been given a chance to opt out of the increased interest rate by closing their account and paying off their debt at the prior rate. But each of these cardholders denied receiving an opt-out notice, and when several tried to close their account and pay their debt at the prior rate, they were told they had missed the opt-out deadline and had no choice but to pay the higher rate. Our subcommittee examined copies of the opt-out notices that the companies claimed to have sent, and found that some were filled with legal jargon, were hard to understand, and contained procedures that were hard to follow. When we asked the major credit card issuers what percentage of persons offered an opt-out actually took it, they told the Subcommittee that 90 percent did not opt out of the higher interest rate—a percentage that is contrary to all logic and strong evidence that current opt-out procedures do not provide fair notice.

The case histories presented at our hearings illustrate only a small portion of the abusive credit card practices going on today. Since early 2007, our subcommittee has received letters and emails from thousands of credit cardholders describing sometimes unbelievable credit card practices and asking for help to stop it. These are more complaints than I have received in any other investigation that we have conducted in that subcommittee, or an earlier subcommittee which I chaired, in more than 30 years now in Congress. The complaints stretch across all income levels, all ages, and all areas of the country.

The bottom line is that these abuses have gone on for far too long. In fact, these practices have been around for so many years that they have, in many cases, become the industry norm. Our investigations have shown that many of the practices are too entrenched, too profitable, and too immune to consumer pressures for us to have confidence that the companies will change them on their own. For these reasons, I hope our colleagues will pass the substitute before us. It is time to return common sense, responsibility, and fairness to the credit card industry.

With thanks and gratitude to the leaders in the Banking Committee, Senators DODD and SHELBY, for the initiative they have taken and the courage they are showing in taking on

some very difficult and entrenched practices.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RENEWABLE ENERGY PERMITTING ACT

Mr. REID. Madam President, I am proud to once again have joined my friend, Senator ENSIGN, in introducing legislation that is good for Nevada and will help create jobs and contribute to rebuilding Nevada's economy.

The Federal Government owns 87 percent of Nevada's land. Nevada reaps tremendous benefits from this land—we have some of the most scenic areas and clearest skies in the country. This land is also blessed with some of the most valuable clean energy resources America has to offer—these resources alone could power the entire Nation with the right investments in our transmission grid.

I could not be prouder that President Obama and Secretary Salazar are committed to using our public lands to develop solar, wind, geothermal and biomass energy resources, and without harming sensitive areas. A week ago Saturday, Secretary Salazar came to Nevada to announce over \$26 million in Recovery funding for Nevada—a large portion for expediting renewable energy projects on BLM land. This commitment is invaluable to Nevada's future as the Nation's leader in clean renewable energy.

To continue helping this very effort and to ensure that solar and wind projects on Federal land provide maximum value to the State, Senator ENSIGN and I have introduced the Renewable Energy Permitting Act, REPA. This legislation is very similar to provisions I included in the Clean Renewable Energy and Economic Development Act, S. 539, that I introduced in March of this year.

REPA will help solar and wind projects receive BLM approval more quickly so these projects can begin generating clean energy and creating jobs sooner, rather than later and sus-

tainable economic development opportunities

It will also set aside a portion of the rental fees that are collected by the Government for the use of Federal lands by providing 50 percent of these revenues to the State and 25 percent to the county in which a project is located. Additionally, 20 percent will be placed into a renewable energy permit processing improvement fund for Nevada, Wyoming, Arizona, and California. The last 5 percent will be responsibly set aside to augment the restoration and reclamation that will be needed if and when these facilities are removed from our public lands. Portions of this money will also be available to acquire and protect other sensitive lands. This is an important step since, during the operation of these beneficial renewable energy facilities, the American people will lose access to hundreds of thousands of acres of incredible open space and wildlife habitat.

Our goal, is to do this right from the beginning. That means responsibly developing our vast renewable energy resources and to give States and communities new economic development opportunities that will create sustainable growth and grow the clean energy industry locally.

Senator ENSIGN and I have a long history of working together to overcome the challenges Nevada faces because of the significant presence of Federal land in our State. Our efforts have made those lands work for Nevadans from all walks of life.

I look forward to continuing these efforts with my friend Senator ENSIGN.

SILVER STAR RECIPIENTS

Mr. DORGAN. Madam President, on Thursday I was privileged to host a bipartisan lunch of the Senate Democratic and Republican policy committees, in honor of a team of Green Berets who earned the Silver Star for extraordinary bravery in combat operations in Afghanistan. These are true American heroes, and their actions were in the proudest traditions of our Armed Forces in general, and of our Special Operations forces in particular.

On April 6, 2008, this team's mission was to capture or kill several very high-ranking members of the Hezb-e-Islami Gulbuddin, HIG, militant group. The insurgents were in their stronghold, a village perched in Nuristan's Shok Valley that is normally accessible only by pack mule.

During a harrowing, nearly 7-hour battle on a mountainside, this team and a few dozen Afghan commandos they had trained took fire from all directions. Outnumbered, the Green Berets fought on even after half of them were wounded—and managed to kill an estimated 150 to 200 enemy fighters.

For their heroism in battle, 10 members of Operational Detachment Alpha

3336 from the 3rd Special Forces Group received the Silver Star, one of the highest awards for valor in the U.S. Military. This was the highest number of such awards for a single engagement since the Vietnam war.

The men who earned these Silver Stars were CPT Kyle Walton, SFC Scott Ford, SSG Luis Morales, SSG Seth Howard, SSG Ronald Shurer, SSG John Walding, SSG Dillon Behr, SGT David Sanders, SGT Matthew Williams, and SPC Michael Carter.

I will ask to have printed in the RECORD a copy of their Silver Star citations. I will also ask to have printed in the RECORD a copy of a Washington Post report describing the battle on that Afghan mountainside.

Mr. President, as I mentioned earlier, it was our privilege to honor these heroic Green Berets, who were joined at the lunch by SSG Robert Gutierrez, Jr., an Air Force special tactics combat controller who targeted airstrikes during the mission. For his actions, he was awarded the Bronze Star Medal with "V" device for valor.

No words can truly express the depth of our gratitude to these men and all the other members of our Armed Forces who have answered their country's call.

Madam President, I ask unanimous consent to have the materials to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Dec. 12, 2008]
10 GREEN BERETS TO RECEIVE SILVER STAR
FOR AFGHAN BATTLE
(By Ann Scott Tyson)

After jumping out of helicopters at day-break onto jagged, ice-covered rocks and into water at an altitude of 10,000 feet, the 12-man Special Forces team scrambled up the steep mountainside toward its target—an insurgent stronghold in northeast Afghanistan.

"Our plan," Capt. Kyle M. Walton recalled in an interview, "was to fight downhill."

But as the soldiers maneuvered toward a cluster of thick-walled mud buildings constructed layer upon layer about 1,000 feet farther up the mountain, insurgents quickly manned fighting positions, readying a barrage of fire for the exposed Green Berets.

A harrowing, nearly seven-hour battle unfolded on that mountainside in Afghanistan's Nuristan province on April 6, as Walton, his team and a few dozen Afghan commandos they had trained took fire from all directions. Outnumbered, the Green Berets fought on even after half of them were wounded—four critically—and managed to subdue an estimated 150 to 200 insurgents, according to interviews with several team members and official citations.

Today, Walton and nine of his teammates from Operational Detachment Alpha 3336 of the 3rd Special Forces Group will receive the Silver Star for their heroism in that battle—the highest number of such awards given to the elite troops for a single engagement since the Vietnam War.

That chilly morning, Walton's mind was on his team's mission: to capture or kill several

members of the Hezb-e-Islami Gulbuddin (HIG) militant group in their stronghold, a village perched in Nuristan's Shok Valley that was accessible only by pack mule and so remote that Walton said he believed that no U.S. troops, or Soviet ones before them, had ever been there.

But as the soldiers, each carrying 60 to 80 pounds of gear, scaled the mountain, they could already spot insurgents running to and fro, they said. As the soldiers drew closer, they saw that many of the mud buildings had holes in the foot-thick walls for snipers. The U.S. troops had maintained an element of surprise until their helicopters turned into the valley, but by now the insurgent leaders entrenched above knew they were the targets, and had alerted their fighters to rally.

Staff Sgt. Luis Morales of Fredericksburg was the first to see an armed insurgent and opened fire, killing him. But at that moment, the insurgents began blasting away at the American and Afghan troops with machine guns, sniper rifles and rocket-propelled grenades—shooting down on each of the U.S. positions from virtually all sides.

"All elements were pinned down from extremely heavy fire from the get-go," Walton said. "It was a coordinated attack." The insurgent Afghan fighters knew there was only one route up the valley and "were able to wait until we were in the most vulnerable position to initiate the ambush," said Staff Sgt. Seth E. Howard, the team weapons sergeant.

Almost immediately, exposed U.S. and Afghan troops were hit. An Afghan interpreter was killed, and Staff Sgt. Dillon Behr was shot in the hip.

"We were pretty much in the open, there were no trees to hide behind," said Morales, who with Walton pulled Behr back to their position. Morales cut open Behr's fatigues and applied pressure to his bleeding hip, even though Morales himself had been shot in the right thigh. A minute later, Morales was hit again, in the ankle, leaving him struggling to treat himself and his comrade, he said. Absent any cover, Walton moved the body of the dead Afghan interpreter to shield the wounded.

Farther down the hill in the streambed, Master Sgt. Scott Ford, the team sergeant, was firing an M203 grenade launcher at the fighting positions, he recalled. An Afghan commando fired rocket-propelled grenades at the windows from which they were taking fire, while Howard shot rounds from a rocket launcher and recoilless rifle.

Ford, of Athens, Ohio, then moved up the mountain amid withering fire to aid Walton at his command position. The ferocity of the attack surprised him, as rounds ricocheted nearby every time he stuck his head out from behind a rock. "Typically they run out of ammo or start to manage their ammo, but . . . they held a sustained rate of fire for about six hours," he said.

As Ford and Staff Sgt. John Wayne Walding returned fire, Walding was hit below his right knee. Ford turned and saw that the bullet "basically amputated his right leg right there on the battlefield."

Walding, of Groesbeck, Tex., recalled: "I literally grabbed my boot and put it in my crotch, then got the boot laces and tied it to my thigh, so it would not flop around. There was about two inches of meat holding my leg on." He put on a tourniquet, watching the blood flow out the stump to see when it was tight enough.

Then Walding tried to inject himself with morphine but accidentally used the wrong tip of the syringe and put the needle in his

thumb, he later recalled. "My thumb felt great," he said wryly, noting that throughout the incident he never lost consciousness. "My name is John Wayne," he said.

Soon afterward, a round hit Ford in the chest, knocking him back but not penetrating his body armor. A minute later, another bullet went through his left arm and shoulder, hitting the helmet of the medic, Staff Sgt. Ronald J. Shurer, who was behind him treating Behr. An insurgent sniper was zeroing in on them.

Bleeding heavily from the arm, Ford put together a plan to begin removing the wounded, knowing they could hold out only for so long without being overrun. By this time, Air Force jets had begun dropping dozens of munitions on enemy positions precariously close to the Green Berets, including 2,000-pound bombs that fell within 350 yards.

"I was completely covered in a cloud of black smoke from the explosion," said Howard, and Behr was wounded in the intestine by a piece of shrapnel.

The evacuation plan, Ford said, was that "every time they dropped another bomb, we would move down another terrace until we basically leapfrogged down the mountain." Ford was able to move to lower ground after one bomb hit, but insurgent fire rained down again, pinning the soldiers left behind.

"If we went that way, we would have all died," said Howard, who was hiding behind 12-inch-high rocks with bullets bouncing off about every 10 seconds. Insurgents again nearly overran the U.S. position, firing down from 25 yards away—so near that the Americans said they could hear their voices. Another 2,000-pound bomb dropped "danger close," Howard said, allowing the soldiers to get away.

Finally, after hours of fighting, the troops made their way down to the streambed, with those who could still walk carrying the wounded. A medical evacuation helicopter flew in, but the rotors were immediately hit by bullets, so the pilot hovered just long enough to allow the in-flight medic to jump off, then flew away.

A second helicopter came in but had to land in the middle of the icy, fast-moving stream. "It took two to three guys to carry each casualty through the river," Ford said. "It was a mad dash to the medevac." As they sat on the helicopter, it sustained several rounds of fire, and the pilot was grazed by a bullet.

By the time the battle ended, the Green Berets and the commandos had suffered 15 wounded and two killed, both Afghans, while an estimated 150 to 200 insurgents were dead, according to an official Army account of the battle. The Special Forces soldiers had nearly run out of ammunition, with each having one to two magazines left, Ford said.

"We should not have lived," said Walding, reflecting on the battle in a phone interview from Fort Bragg, N.C., where he and the nine others are to receive the Silver Stars today. Nine more Green Berets from the 3rd Special Forces Group will also receive Silver Stars for other battles. About 200 U.S. troops serving in Iraq and Afghanistan have received the Silver Star, the U.S. military's third-highest combat award.

MASTER SERGEANT SCOTT E. FORD, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Team Sergeant, Special Forces Operational Detachment Alpha 3336, in support of Operation Enduring Freedom. His personal

courage and commitment to mission accomplishment are a testament to his bravery under fire. Master Sergeant Ford exposed himself to insurgent fire in order to provide precision fire against insurgent fighting positions. Master Sergeant Ford, although injured, never stopped leading his men and continued to organize forces to assist his comrades until he was physically incapable of fighting. Master Sergeant Ford's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

STAFF SERGEANT LUIS G. MORALES, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Intelligence Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force—33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Staff Sergeant Morales, although wounded, heroically ran back into the line of fire to retrieve wounded comrades and administered treatment to the wounded. His selfless acts in the face of enemy fire saved numerous lives. Staff Sergeant Morales' actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

STAFF SERGEANT JOHN W. WALDING, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while serving as Senior Communications Sergeant, Special Forces Operational Detachment Alpha, Special Operations Task Force—33, in support of Operation Enduring Freedom. Staff Sergeant Walding acted without regard for his personal safety in leading an assault element up over 500 meters of uphill terrain under intense enemy fire in order to reinforce his detachment's beleaguered position. Once reaching the position, he was critically wounded by sniper fire, but continued to lay down suppressing fire so his unit could organize casualty retrieval. His extreme courage and selfless devotion to his fellow Soldiers in the face of a life-threatening injury inspired the entire assault force over the course of the six-hour firefight. Staff Sergeant Walding's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, the Combined Joint Special Operations Task Force—Afghanistan, and the United States Army.

STAFF SERGEANT SETH E. HOWARD, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Junior Weapons Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force—33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Staff Sergeant Howard bravely defended his comrades and refused to withdraw from his position until everyone was safe. His courageous efforts prevented the position from being overrun on two separate occasions, and his counter sniper fires helped save the lives of his fellow Soldiers and Afghan commandos.

Staff Sergeant Howards' actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

SPECIALIST MICHAEL D. CARTER, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Combat Cameraman, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force-33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Specialist Carter exposed himself to insurgent fire in order to recover a critically wounded comrade, as well as a Satellite Communications Radio. Specialist Carter's actions aided in the re-establishment of communication with higher headquarters. He also shielded casualties from falling debris and assisted in an extremely dangerous and courageous rescue of more than six casualties. Specialist Carter's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

STAFF SERGEANT DILLON L. BEHR, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while serving as a communications sergeant, Special Forces Operational Detachment Alpha, Special Operations Task Force-33, in support of Operation Enduring Freedom. After insurgent forces ambushed his combined raid element, Staff Sergeant Behr acted with total disregard for his own safety, holding his position as bullets impacted within inches of him, even after sustaining a life-threatening wound to his leg and later after receiving a second critical wound. Over the course of the more-than-six-hour battle, Staff Sergeant Behr continued to engage and kill multiple enemies until he was no longer physically capable of holding his weapon. His tremendous courage and selfless devotion to his fellow Soldiers inspired his unit to continue to fight against overwhelming odds until relief arrived. Staff Sergeant Behr's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, the Combined Joint Special Operations Task Force—Afghanistan, and the United States Army.

SERGEANT MATTHEW O. WILLIAMS, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Weapons Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force-33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. His actions directly attributed to the suppression of enemy combatants. Sergeant Williams' bravery allowed the patrol to evacuate the other soldiers without further casualties. Sergeant Williams' actions are in keeping with the finest traditions of military service and reflect great credit upon himself. Combined Joint Special Operations Task Force—Afghanistan, Operation Command Central, and the United States Army.

STAFF SERGEANT RONALD J. SHURER, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008 while under intense enemy fire as Senior Medical Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force-33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Staff Sergeant Shurer rendered life saving aid to wounded casualties under his care. His ingenious actions saved the lives of numerous teammates. Staff Sergeant Shurer's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

CAPTAIN KYLE M. WALTON, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as the Team Commander, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force-33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. He continued to maintain effective command and control of five different maneuver elements while repeatedly engaging enemy combatants. His unwavering combat leadership and poise under fire was directly responsible for saving the lives of United States and Afghan Soldiers. Captain Walton's leadership and bravery are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

SERGEANT DAVID J. SANDERS, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Engineer Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force-33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. His heroic efforts to mark insurgent fighting positions with his grenade launcher was crucial for the delivery of on target ordinance that destroyed insurgent fighting positions and made possible the withdrawal of his element. His bravery, poise under fire, determination against a numerically superior force, and concern for his fallen comrades, were integral to the successful medical evacuation and movement of the rest of the force to the extraction point. Sergeant Sanders' actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

CITATION TO ACCOMPANY THE AWARD OF THE BRONZE STAR MEDAL (WITH VALOR) TO ROBERT GUTIERREZ, JR.

Staff Sergeant Robert Gutierrez, Jr., distinguished himself by heroism as a Special Tactics Combat Controller, 21st Expeditionary Special Tactics Squadron, Combined Joint Special Operations Air Component while engaged in ground combat against an enemy of the United States in Afghanistan

on 6 April 2008. On that day, Sergeant Gutierrez was attached to Army Special Forces Operational Detachment-Alpha 3312 as a Joint Terminal Attack Controller, in support of Operation COMMANDO WRATH. He provided critical Airmanship skills during a violent 6 and a half hour battle against heavily armed and entrenched enemy fighters. While approaching the objective, while climbing near-vertical terrain, the assault force was ambushed by anti-Coalition forces which pinned down the lead team on a 60-foot high rock cliff and produced several friendly casualties. Sergeant Gutierrez coordinated with the engaged element and directed lethal gun, missile, and bomb attacks from AH-64s and F-15Es. Despite these strikes, the attack intensified onto his team's position. Despite being struck twice by 7.62 millimeter bullets in the helmet, Sergeant Gutierrez maintained his calm demeanor and continued to prosecute targets. As the fight continued, the insurgents shifted their efforts toward arriving helicopters and engaged them with heavy fire. Sergeant Gutierrez coordinated with the ground force commander to delay friendly force extraction until the enemy positions could be suppressed. Enabled his systematic control of air power during the fight, all 17 friendly casualties were safely evacuated and 40 enemy fighters were killed. By his heroic actions and unselfish dedication to duty, Sergeant Gutierrez has reflected great credit upon himself and the United States Air Force.

REMEMBERING JACK KEMP

Mr. HATCH. Madam President, I wish to pay tribute to a great American and friend, former Congressman Jack Kemp. I was deeply saddened to learn of his passing and offer my sincerest condolences to his sweet wife Joanne; their four children, Jeffrey, Jennifer, Judith, and James; and 17 grandchildren. Jack has left a lasting impression and legacy that will be honored and long remembered by a grateful nation.

Jack came to Congress after 13 years as a professional football quarterback. His career in professional football demonstrates the value of persistence, self-confidence, and courage. Jack began his football career slowly and without much success. However, he was fiercely competitive and eventually led the Buffalo Bills to 33 victories and 2 league championships. He was selected All-League quarterback, AFL Player of the Year, Most Valuable Player, and appeared in five AFL championship games and seven AFL All-Star games. Jack was also recognized by Sporting News as one of the top 50 quarterbacks of all time. Sports taught him that the only real failure is not trying again and that out of adversity comes strength, determination, and ultimate victory.

When asked if being a football star helped him get elected to Congress, Jack responded, "Yes, to the extent that I had name recognition and people knew who I was. That kind of identification cuts two ways. On the one hand, it was harmful because some people consider professional football to be

anti-intellectual and an inadequate training ground for political leadership. To the contrary, I believe pro football is great training for leadership. In fact, I hope more athletes choose politics as a profession so that we don't leave the field to attorneys."

Jack made the transition from athlete to politician in 1971, when he was elected to represent the 31st Congressional District of New York. He was an enthusiastic speaker, especially when the topic was tax revision, and was once told he talks "as though somebody had pulled the trigger of a machine gun." I can certainly attest to that. However, it wasn't the way Jack talked that had everyone's attention; it was what he was saying. I would dare argue that much of what he was fighting for in the seventies and eighties still holds true today. For example, Jack argued that the U.S. Government should shoulder the burden of international leadership by becoming "an active exporter of the American idea." In his view, the "greatest weapon in our arsenal is the prospect of general well-being that results from the embrace of American ideas about opportunity, initiative, and enterprise."

During his time as Congressman, Jack was probably best known as a champion of tax cuts. He became a fervent supply-side evangelist who believed that tax cuts would not only spur economic growth but also bring in more revenue for the Government. Jack coauthored the Kemp-Roth tax bill, which became the blueprint for what became known as "Reaganomics." Jack referred to his comprehensive Federal tax-cut package as "the number one offensive play in the country." Reagan biographer Lou Cannon said Jack, as much as anybody, helped persuade Reagan to embrace an economic policy of supply-side economics, stimulating economic growth through reducing taxes.

"Generally speaking," Jack said, "if you tax something, you get less of it. If you subsidize something, you get more of it. In America, we tax work, growth, investment, employment, savings, and productivity. We subsidize nonworking, consumption, welfare, and debt." How true that is.

Jack served as a Congressman for 18 years, until 1989 when he became the U.S. Secretary of Housing and Urban Development under President George H.W. Bush. Jack was the author of the Enterprise Zones legislation to encourage entrepreneurship and job creation in urban America and continued to advocate the expansion of home ownership among the poor through resident management and ownership of public and subsidized housing.

Jack received the Republican Party's nomination for Vice President in August of 1996 and afterward continued a career of public service by campaigning nationally to reform the tax system, Social Security, and education.

Jack was always uplifting and optimistic. He consistently distinguished himself by exhibiting the rare ability to see real opportunity in the seemingly mundane. He seized those opportunities to demonstrate qualities of judgment, character, and commitment. Jack once said, "I do not believe there is any future for the Republican Party in trying to defeat Democrats. You don't run to fight opponents. You run to promote ideas. Ideas are what rule the world. We, the Republicans, haven't been offering an alternative. We need more positive ideas."

When asked about his political ideals, Jack was quick to reply: "After going into the highly competitive business of pro football, I gained an even deeper appreciation of the competitive free-enterprise system to which this country owes its past, present, and future progress and freedom. I believe competition breeds the best, and the system of free enterprise has brought about the greatest society ever known." He also praised the American political system as "the greatest experience in human dignity and human freedom that mankind has ever known."

In a sweet and endearing letter to his grandchildren, Jack talked about the future of America. The letter was written days after Barack Obama secured the Presidency. Jack wrote, "My advice for you all is to understand that unity for our nation doesn't require uniformity or unanimity; it does require putting the good of our people ahead of what's good for mere political or personal advantage. You see, real leadership is not just seeing the realities of what we are temporarily faced with, but seeing the possibilities and potential that can be realized by lifting up peoples' vision of what they can be."

I would suggest that Jack is one of the greatest political leaders the world has ever seen. We all appreciate his efforts and service but none so more than me. My dear friend, you will be sorely missed. May God bless you and keep you.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved,

but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My husband and I live in Grand View on a cowboy's wages plus my disability. We were having a hard time just making it because of my medical bills. Now, with the cost of fuel, I have had to cut back on how many visits I make to doctors. It is a huge drain on our budget just getting to Mountain Home to buy the few groceries that we can afford, let alone go to Boise every month. We have horses to feed so our hay costs have more than doubled and the idea of just letting them loose on the desert is abhorrent to us. There are lots of people doing that because they cannot feed their animals anymore.

You know what is really sad? It is sad that all of these prices are based upon what might happen. A hurricane might hit the Gulf. I watch the stock market and wonder how they sleep at night when most of the decisions are based upon what might be or could happen. I understand paying more when there is a shortage or cost is high but why is it that in July/Aug we are being punished for what might happen in November? Maybe these people need to spend a year living off a cowboy's wage before they are allowed to make decisions that affect people they have nothing in common with?

KIM and LISA.

My husband and I are on fixed incomes and are having a very hard time making ends meet. My husband is 69 years old and is still having to work as I had to take a disability from my job with [the local] school district. I have worked in the special needs program for 22 of those years and have just worn my body out. I am on Social Security, but with them taking out almost \$95 a month for medical which does not cover vision or dental. I had to have a hip replaced besides all the other things that are wrong. If they keep up trying to take away or just quit having Social Security, what are we supposed to do? I have tried to get my disability from PERSI and they keep telling me if I can help my daughter with her kids two weeks out of the month, then I should be able to continue my job. I told them that there is quite a difference in lifting a 20-pound child who can help you to helping lift kids that weigh from 90 to 150 pounds and cannot help you. I dropped my granddaughter when she was six months old on her head because of my shoulders. I cannot afford to hurt a child at school or one of the other aides and be sued.

We do not have much as it is but we cannot start over again trying to if someone sued us because they will not settle for what the union would pay; they would want everything we owned. Most of us are in this desperate kind of situation and need the people back in Washington to understand that we do not have a retirement system like they do and need to be able to keep as much of what we have as we can. Please help us to at least keep what we are getting, it is not great but it is better than nothing which is what they

seem to want for the working people. God bless you in your efforts to help all of us that are struggling and have worked all our lives to get nothing much and have those who get it all want to take it away from us. Thank you.

NANCY.

My view

No thanks to all of the Oil Companies.

1. The oil and housing speculators have impaired the logical pricing soundness of gasoline and diesel oil, now causing all wholesale and retail price of goods and services to rise, offsetting this rising cost in the national economy used in the economic activity through the business establishments as energy in and for mobility.

2. This mobility for the time and motion factor to create productivity and profitability through transportation and distribution in the gathering and production and supply within the GNP.

3. This use correlated to the employment of money capital and mankind capital used in the profit and loss sheets to generate business revenue through sales that maintains the national economy, and provides the base for the ultimate consumer for all of the desires and demands put upon it and is the base for private side revenue.

4. Private side revenue from money capital labor and mankind labor to be taxed by direct and indirect taxes for the revenue to maintain government for all desires and demands put upon it.

5. The government sector through the private sector depends upon maximum investment, maximum employment, maximum income, maximum spending thus maximum sales through all the profit and loss sheets to generate maximum revenue for governments operation to tax and for cost and expenses, profit, earnings and income.

6. [This will all combine to] destroy the United States of America, [simply] by consuming the very thing that gives the people the wherewithall by working the nation's capital to produce a viable national economy to support the nation's needs through business in the private sector and the government sector.

7. We the people have given you trillions of dollars in money, subsidies, and [yet Congress has not acted to resolve the problem].

A. This has put the economy in disarray, and capital through instability is not now productive enough to generate economic activity through all of the profit and loss sheets, to generate revenue to be taxed to [provide tax breaks for oil companies], along with all of the government operations (federal, city, county, states) for things the people cannot afford individually, only collectively through tax revenue. Then we also cannot afford for FEMA, the military, flood, fire protection, police protection, education, weather, all and any government agency to operate as they derive tax revenue, due to the inefficacy, lack of productivity within thru GNP through the economic system.

B. The people are not addicted to fuel as energy (gasoline and diesel); the people are dependent upon fuel (gasoline and diesel) to maximize productivity through mobility of and in the use of asset money as money capital and asset labor as labor capital invested and risked within all of the profit and loss sheets.

C. Gasoline and diesel creating a more efficient source in supply, manufacturing, and in use and consumption to maximize productivity through mobility are separate sources of energy, used in a completely different

function within the GNP by the economic system for the purpose of and function from wind power, coal, oil for electrical power generators, yet dependent upon mobility.

D. The oil companies will destroy this nation's economic system and the nation itself by their glut pricing for profits as the use of oil in the economic system is for mobility to create productivity for money capital, mankind labor capital for revenue from sales to create and maximize income and profits.

E. The use of oil in plant and equipment and mobility for production and supply are two separate entities but dependent upon each other as sales always leads production.

The national economy depends upon stability and responsibility and is relative to geographical location, environment, resources, man and money as capital invested in the domestic economy. (One P&L sheet to generate taxes will not pay government debt, it takes a collective million and more through the GNP.)

"1929" "The Starvation, the silent factories, the goods thrown away, the men standing idle, were the result of irresponsible human financial and economic activities."

"The whole class of people living on investments with fixed interest and annuities were pauperized and driven to the most abject expedients to live, all scientific, literary and educational activities endowments stopped. Officials, teachers, professional men and such-like living on fixed salaries or fixed fees were never able to increase stipends in proportion to the rise in prices. There was in fact a massacre of the poor educated."

A nation that cannot feed itself, maintain physical health and mental health and strength through the labor of capital and mankind for its survival of its people, maintain the viability, continuity of the economic system through all of the collective profit and loss sheets of Private enterprise is at a great disadvantage in social and economic stability in the international power field.

JOHN, Emmett.

[P.S.] Sales create revenue.

The national economy is what pays the nation's way, its government's way and debt through and by the people in the private sector through the collective profit and loss sheets of the Entrepreneurial interest. GNP is not a Perpetual Motion Machine: one has to work in order to have work done: thus motion.

1. The GNP is what the people produce as durables, non durables and service. (PRIME): The left-hand side is the supply side WORK; (+y -x -y), dependent upon mobility for productivity: This creating employment and income in the process of production, producing the Economic Goods or Service to satisfy human wants creating the demand object. When you put people to work one automatically puts money to work.

2. The GNP: (PUMP) to buy, durables, non durables and service, dependent upon mobility for productivity is the right-hand side and is the consumption side WORK DONE; (+y +x -y):

3. The left side and right-hand side reciprocating within the GNP through all of the collective Profit and Loss sheets from the -X to +X time line through +Y (revenue earnings, income, direct and indirect taxes) by -Y sales (cost, value, expenses) then back to -X from +X.

The price of fuel has been affecting my family tremendously. I am currently enrolled in college classes and I live about 30 miles from my school. I have to live here be-

cause living in a college town means the price of the home is considerably too high. I drive 60 miles a day, and spend at least \$60 a week on gas for my vehicle alone. I am married and my spouse is in a carpenters' union. This requires he drive to wherever the employment is. Please do something, Congress. I have never had to reach my hand out for help before. My family believes in taking care of ourselves, but the food bank is becoming more and more of an option. I do not have a solution, but something needs to be done. Thank you for your time.

DIANE.

Thank you for your newsletter regarding the energy problem facing our nation. People are [frustrated with the inaction from Congress], and those of us in Idaho recognize how much harder this makes your work which is greatly appreciated.

Regarding the impact of gasoline prices upon me: I am a retired widow living on my Social Security income. As to my driving habits, they have practically come to a standstill. My car sits for days at a time, not driven due to the cost of gasoline, driven only for necessities. My tracking of the daily oil commodity prices does not paint a pretty picture.

Then there [are politicians who do] not favor drilling in ANWR or offshore. I agree with you that we must do all the things possible to provide sufficient energy for our own use. To think that Americans historically are known for innovation, one ponders "What has become of our ingenuity?" Is it politics as usual? Those more astute than I will figure out how to handle the problem of drilling for oil, the building of nuclear power facilities, the construction of windmills, the development of biofuels, the use of oil shale. The use of corn for ethanol is one of the crazier ideas put forth. Anyone suggesting penalizing oil companies or suggesting that they are making obscene profits needs to look at the dollar amount of taxes put on gasoline. The lack of understanding by some of business economics is sad. Stop putting restrictions on energy companies so that they can proceed without government red tape. Work with, not against, companies to proceed post haste.

There is no reason that America cannot move forward with programs to make us energy self-sufficient. It is embarrassing to read that France has nuclear power while we are sitting on our hands. It is upsetting to read that foreign countries have leases to drill for oil in the Gulf of Mexico. It is maddening to hear people say we are becoming a Third World nation. I am proud of my country but I am disgusted with [partisan politics]. It would seem that earmarks come ahead of doing what is right for our country.

Needless to say, the energy problem has impacted our food prices. This makes it hard for those of us on limited income. Families with children should not be limited when it comes to buying food for growing children.

In closing, we are at the crossroads of history. By not looking ahead in the past, we are suffering the consequences now. Now is the time to do something besides talk. The American public wants action now. Americans have spoken. Why is not Congress listening?

LAVERGNE, Hayden.

I appreciate your desire to at least try to find answers to this energy debacle. I am greatly concerned over the attitude of our lawmakers and their passive attitude toward this vital issue. There is a great feeling of

uncertainty as to whether we will be able to afford visiting families, harvesting crops, and the myriad of other activities that are vital to our livelihood. I believe environmentalism is accomplishing what communism could not. It has brought our economy to its knees. It is destroying our way of life, and most disturbing it is denying us access to our own resources, which then makes us hostages to foreign nations for our hand-to-mouth existence. I fear the next step they will take will be the nationalization of the oil industry as they try to make the people feel they have the answers instead of letting private enterprise and the free market, the very principle that has made us great, have free reign. The American people have been sold a socialistic bill of goods in the name of saving the environment. They have been conditioned to think that man has no place in nature, that their meat comes from a package and their shoes from a box, with no realistic understanding of the realities of production. These are very trying times. Failure to properly address this issue could destroy our status as the hope of nations and a light to all free thinking people of the world.

DELL, *Idaho Falls.*

Over 63 years ago, Japan was using all electric cars/taxis/buses/street cars because they had no oil—duh!

UNSIGN.

I am responding to your request for specific impacts the cost of energy is having on individual families in Idaho. In my view, targeting individuals is something like fiddling while Rome is burning. As usual, [politicians do] not seem to understand that inaction over the past 20 to 30 years in regards to a realistic energy policy will at some point destroy the country's way of life. Everything we have achieved in the past 100 years is tied to energy in one way or another. Farming, manufacturing, healthcare, transportation, building, etc. could not have been achieved without energy. [There has been a dramatic lack of leadership in] addressing the energy problems. They, like you, are focusing on how gas prices affect individuals while you should be looking at how the energy situation could shut down our whole economy. Our enemies have long ago determined that they could not defeat us and destroy our country in a traditional war, but they can destroy us from within. A few hundred people acting as environmentalists have been able to lock up our abundant natural resources. We have spent hundreds of billions of dollars for oil purchased from some of our most dangerous enemies, some who preach our death and destruction. We have with our oil purchases enabled these enemy countries to arm themselves and at some point in time our young grandsons will probably need to stand up to the use of these arms.

No one says we do not want to protect the environment because we can. The technology and proven performance is being demonstrated all over the world. The Congress must remove the road blocks to our own natural resources—now! Atomic energy must be allowed to develop and be an integral part of the solution. Some say we cannot drill our way out of this mess, which should have been done 25 years ago. If the road blocks were removed, oil prices would drop like a rock, because the speculators would need to consider the eventual increase and volume of marketable oil. There are so many things that could be done, however based on the performance of our government nothing will be done.

[I do not believe our Congress will address this problem effectively and that politicians will continue to profit from this disaster for the American people.]

GARY, *Meridian.*

This fuel price is out of hand. I do think Congress needs to step in and do something. I think we need to drill for oil where they know it is. I am like another person who wrote in and said that it should be up to the U.S. citizens. Let us vote on whether we should be drilling in the U.S. and its coastal waters. It should be our choice.

My husband and I own a big rig and he hauls potatoes into [a processing plant] in Nampa. He gets a fuel surcharge but it does not come close to covering the amount that the fuel has gone up. We are slowly going under. We own our rig and do not have payments so I do not know how anyone could survive with making payments. My husband hopes to retire in the next couple of years and we do not even know if we can make it until that time. Then when we do retire how are we going to afford to do anything? We would like to do some traveling but with fuel so high, we will not be able to do so.

Our Senators and Representatives need to represent the people!

MARY.

ADDITIONAL STATEMENTS

CONGRATULATING RIVERDALE HIGH SCHOOL

• Mrs. BOXER. Madam President, I ask my colleagues to join me in congratulating Riverdale High School, a school in West Fresno County with an enrollment of 540 students, for earning the prestigious College Board Inspiration Award. Riverdale High School is the first California school to receive the College Board Inspiration Award in 5 years.

Each year, the College Board presents Inspiration Awards to three secondary schools nationwide in recognition of their college preparation programs and the partnerships among the schools' teachers, parents, and community organizations that foster students' academic achievements and advancement.

Riverdale High School has consistently strived to provide its students with a challenging and rigorous curriculum. Despite its location in a traditionally underserved portion of the San Joaquin Valley in central California, Riverdale High School, where 76 percent of the students receive free or reduced lunches and 38 percent of its student body is comprised of migrant students, is an all college preparatory high school that offers 12 advance placement and honors classes. Riverdale High School's 2008 graduating class produced a 91 percent acceptance rate to a 2 or 4-year college. The school has averaged an impressive 98 percent graduation rate over the past 3 years.

As the administrators, teachers, parents, and students of Riverdale High School gather to celebrate this out-

standing and well-deserved achievement, I thank them for their commitment to education and academic excellence and wish them continued success.●

TRIBUTE TO HERBERT BRUCE CLEVELAND

• Mr. JOHNSON. Madam President, I wish today to recognize Herbert Bruce Cleveland of Rapid City, SD, on the occasion of his 50th anniversary of ordination in the Lutheran ministry. Herb has developed a distinguished career in the ministry, both as a local pastor ministering to the needs of South Dakotans dating back to the 1950s and on a national level, having been appointed to numerous capacities in the Department of Veterans Affairs by three Presidents.

Born in North Dakota and a graduate of the University of North Dakota and University of Michigan, Herb joined the U.S. Army in October 1952 and completed various stateside and international duty assignments. Shortly after becoming ordained as a Lutheran pastor, Herb came to western South Dakota in 1959 and immediately developed a close working relationship with the families in the Homestake Gold Mine in Lead. After ministering to the needs of hospitalized parishioners at the nearby veterans hospital at Fort Meade, he served veterans at the VA Hospital in a full-time capacity in the early 1960s, a relationship with veterans that continues today. Herb has witnessed the impacts of war on soldiers and their families, and he has met these challenges with professionalism, commitment, and dedication.

He led local and national efforts to develop a system to address post traumatic stress disorder, substance abuse, and psycho-social issues. He established the first substance abuse treatment center at the Fort Meade VA Chapel. He developed a strong bond with Native American veterans, working to add a Lakota chaplain to the VA staff and the initiation of Lakota worship services and events such as powwows and sweat lodge experiences.

He worked tirelessly to address the evolving needs of veterans and their families while continuing a strong presence in Black Hills communities, assisting in youth and community events and fundraisers. In 1983, the Veterans' Administration established new leadership in the chaplains service in Washington, DC, and summoned Herb, who had been working with South Dakota veterans for 20 years, to become the new Deputy Chief of Chaplains. In this position, he served as Human Resource Director and Educational Development Director and became increasingly involved in the ecumenical relations with all the faiths that were held by members of the Armed Forces. He recruited minority chaplains to serve

the increasing number of minorities serving in the Armed Forces and veterans in the VA system.

He developed numerous institutes of training to address the needs of disabled veterans and worked to educate and identify the unique issues impacting young veterans, older veterans, and women veterans. Until his term in Washington, the chaplaincy had been exclusively male, and Herb recruited a number of women chaplains to serve the growing numbers of women veterans. He helped create the Chaplains School, which among its many missions was providing professional training to women chaplains.

President Reagan appointed Herb as Chief of Chaplains in 1988, becoming the first Lutheran and first clergy member from South Dakota named to such a capacity. He served in this position during President George Herbert Walker Bush's Presidential term.

As national VA chaplain, Herb and his wife Connie participated in the international exchange of choral and symphonic music, which helped foster better cultural and artistic understanding among numerous nations. Herb would oversee the largest single trip of a choir of 150 voices that accompanied the national VA symphony that performed with the Russian Army Chorus in Moscow and St. Petersburg on the first anniversary of freedom.

Chaplain Cleveland was then appointed by President Bill Clinton as Director of Ethics for Health Care Management, where he would continue to address the health and faith challenge and issues affecting our Nation's veterans.

After a decade of valued service in Washington, DC, Chaplain Cleveland and his wife returned to South Dakota in retirement. As a volunteer, Herb continues to service funerals, memorial services, weddings, and reunions. During 3 years of peak deployment to Iraq and Afghanistan, Herb served as chaplain to the National Guard and Army Reserve cadets at the Fort Meade officers training facility.

Also in retirement, he has established mission tours to Southeast Asia with trips to China, Korea, Japan, Thailand, Laos, Vietnam, and Myanmar. These people-to-people visits emphasize and foster understanding of different cultures. He was recognized by the president of Payap University in Thailand with the Distinguished Alumni Award for his missionary work. This award is among numerous important recognitions for Chaplain Cleveland. These honors include the Point of Light Award from President George H. W. Bush for his work with homeless veterans; the Exceptional Service Award from the VA Secretary for service to the Nation's veterans; the National Black Chaplains of America Award for Exceptional Service to America's Veterans, and he was nomi-

nated by Coretta Scott King to serve on the National Steering Committee for Chaplains at the Martin Luther King, Jr., Center in Atlanta in 1986. He also received the ELCA Award for Exceptional Service while serving the Lutheran Church and the Chaplaincy in America. His most recent honor was notification of induction into the South Dakota Hall of Fame with ceremonies this September.

Over the years, Chaplain Cleveland has maintained a steadfast commitment to his faith and God and has continued to fulfill a lifelong mission to address the emotional and spiritual needs of veterans and their families. He remains firmly rooted in his family and his community and understands the importance of service. I consider myself very fortunate and blessed to have known and worked with him in various endeavors during my years in Congress.

I want to wish Chaplain Cleveland a heartfelt congratulations on the occasion of his 50 years of service in the Lutheran ministry and for his many years of great service to veterans, their families, and to this Nation. I also wish him many more years of continued service in his many endeavors in the Black Hills region.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING THREE VOLUMES COMPLETING THE BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010: UPDATED SUMMARY TABLES MAY 2009, ANALYTICAL PERSPECTIVES, AND HISTORICAL TABLES—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on the Budget; and Appropriations:

To the Congress of the United States:

I transmit herewith the following volumes, which together complete my

Fiscal Year 2010 Budget: Analytical Perspectives, Historical Tables, and Updated Summary Tables.

BARACK OBAMA.
THE WHITE HOUSE, May 11, 2009.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1014. A bill to amend the Water Resources Development Act of 2007 to make technical corrections to a provision relating to project deauthorizations; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. ISAKSON, and Mr. DURBIN):

S. 1015. A bill to amend title 38, United States Code, to enhance disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURR:

S. 1016. A bill to amend title 38, United States Code, to modify the commencement of the period of payment of original awards of compensation for veterans who are retired or separated from the Uniformed services for disability; to the Committee on Veterans' Affairs.

By Ms. LANDRIEU:

S. 1017. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 1018. A bill to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1019. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself, Mr. BURRIS, Mr. SPECTER, Mr. DURBIN, Mr. VOINOVICH, Mr. INHOFE, Mr. SCHUMER, Mr. BROWNBACK, Mr. LEVIN, and Mr. CARDIN):

S. Res. 139. A resolution commemorating the 20th anniversary of the end of communist rule in Poland; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. SESSIONS, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. KOHL, Mrs. BOXER, Mr. WHITEHOUSE, Mr.

FEINGOLD, Mr. KAUFMAN, and Mr. MERKLEY):

S. Res. 140. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; considered and agreed to.

By Mr. JOHNSON (for himself and Mr. BENNETT):

S. Res. 141. A resolution recognizing June 2009 as the first National Hemorrhagic Telangiectasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. BURR, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 255

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 255, a bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes.

S. 259

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 301

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 301, a bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 473

At the request of Mr. DURBIN, the name of the Senator from New York

(Mrs. GILLIBRAND) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 475

At the request of Mr. BURR, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New Hampshire (Mr. GREGG), the Senator from Colorado (Mr. UDALL) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Colorado (Mr. BENNETT), the Senator from New Mexico (Mr. UDALL), the Senator from Arizona (Mr. MCCAIN), the Senator from Nevada (Mr. ENSIGN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 629

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 629, a bill to facilitate the part-time reemployment of annuitants, and for other purposes.

S. 632

At the request of Mr. BAUCUS, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 646

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 646, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 700

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 717

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 762

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 762, a bill to promote fire safe communities and for other purposes.

S. 763

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 763, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments.

S. 764

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from

California (Mrs. BOXER) were added as cosponsors of S. 764, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to increase the maximum amount of assistance to individuals and households.

S. 788

At the request of Ms. SNOWE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 788, a bill to prohibit unsolicited mobile text message spam.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 846

At the request of Mr. DURBIN, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 900

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 900, a bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes.

S. 908

At the request of Mr. BAYH, the names of the Senator from Mississippi (Mr. WICKER), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Colorado (Mr. BENNET), the

Senator from Wisconsin (Mr. KOHL), the Senator from Idaho (Mr. CRAPO) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 935

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 952

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 952, a bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events.

S. 962

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 962, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

At the request of Mr. CASEY, his name was added as a cosponsor of S. 962, *supra*.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 970, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing

pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 982

At the request of Mr. KENNEDY, the names of the Senator from Texas (Mr. CORNYN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. BAYH) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 984

At the request of Mrs. BOXER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1008

At the request of Mrs. SHAHEEN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1008, a bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1013

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 1013, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 1017. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce two bills, S. 1017 and S. 1018, one that will help to protect and preserve Louisiana's rich cultural and historic legacy, and one that will contribute to historic research and preservation throughout the country.

The first bill will protect and preserve an important and treasured part of our historical legacy—the Cane River National Heritage Area. This breathtaking region in northwestern Louisiana is known for its historic plantations, its distinctive Creole architecture, and its rich cultural legacy. Historically, this region was where the French and Spanish realms intersected as they explored the “New World.” Both the Spanish and the French left an indelible imprint on the area's people, on its architecture, and ultimately on the U.S. as a whole.

Congress recognized this lasting legacy when it created the Cane River National Heritage Area in 1994. Today I ask that Congress reaffirm its commitment to this rich legacy and act to reauthorize the Cane River National Heritage Area Commission until 2025.

The central corridor of the heritage area begins just south of Natchitoches, the oldest permanent settlement in the Louisiana Purchase, and extends along both sides of Cane River Lake for approximately 35 miles. The heritage area includes Cane River Creole National Historical Park, seven National Historic Landmarks, three State Historic Sites, and a dense area of historic plantations, homes, and churches. While much of the roughly 116,000-acre heritage area is privately owned, many sites are open to the public.

The community's pride in its history and traditions is legendary. The residents of Northwest Louisiana stand united in their interest and involvement in preserving their traditions and their landscape for future generations. The Heritage Area offers residents a collaborative approach to conservation that does not compromise traditional local control over and use of the landscape.

The landscape of Cane River is an American treasure—one that we must preserve. The Cane River region has been the focal point for American Indian settlements, colonial forts, and Creole plantations. The river itself was a major trade route, one that sparked alliances with American Indians and brought European colonial powers to the area.

To protect their interests, the French established Fort Saint Jean

Baptiste in 1714. Shortly thereafter, the Spanish responded by building the presidio known as Los Adaes 15 miles to the west. Settlements spread from these early outposts, and the town of Natchitoches grew up around Fort Saint Jean Baptiste to become the most prosperous town in the region.

As countries came together in this place, so did cultures. American Indians were joined by European settlers, who imported large numbers of enslaved Africans to farm the land. The interaction of these groups led to the development of a distinctive Creole culture, a culture that cut across racial categories and drew from many traditions but remained grounded in French colonialism and Catholicism.

A thriving agricultural economy developed along the banks of the river by the time the region was joined to the United States in 1803, by the Louisiana Purchase. Natchitoches was the region's commercial center. Downriver from the town, in the areas known as Côte Joyeuse “Joyous Coast” and Isle Brevelle, large and small plantations produced indigo, tobacco, and later cotton.

The Civil War and its aftermath brought great economic devastation and cultural change to the residents of the Cane River region. Tenant farming and sharecropping replaced slavery, exchanging one labor-intensive system for another. After World War II, mechanized farming permanently supplanted the old agricultural practices that depended on human labor in the fields. As a result, many people migrated to urban centers, leaving the fields behind.

This is the complex past that Congress acted to honor, preserve, and protect when it established the Cane River National Heritage Area in 1994. Today I call upon my colleagues to continue their recognition of the history and culture of this unique region.

The next bill I would like to call up and introduce is related to the Heritage Area, but the entire Nation will benefit from its prompt passage. This bill simply authorizes the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University. These institutions emerged in the Cane River region because its beauty and rich historical legacy have attracted some of the Nation's finest historians and experts in historical preservation from the world over.

Cane River Creole National Historical Park has a veritable treasure trove in its museum collection—boasting more than 1,000,000 objects. Unfortunately, this valuable cultural storehouse has been granted short shrift in terms of Federal funding. Today it is

housed in leased space that fails to meet National Park Service museum standards, since there is no land in the area which is above the 500-year floodplain.

But the historical park has a long-standing partnership with Northwestern State University. In 1992, the National Center for Preservation Technology and Training was established at Northwestern University. The National Center for Preservation Technology and Training requires additional space to house equipment and workspace connected with the development and dissemination of preservation and conservation skills and technologies. The University is willing to make available land suitable for the National Park Service to construct a facility for curatorial and workspace needs. This bill simply allows that to happen. Since this Center facilitates the training and research of experts nationwide, I submit that this bill will do much to aid historical preservation efforts in every State, and I ask my colleagues to support its prompt passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cane River National Heritage Area Reauthorization Act of 2009”.

SEC. 2. CANE RIVER NATIONAL HERITAGE AREA.

(a) BOUNDARIES.—Section 401 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc-21) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

“(4) fostering compatible economic development;

“(5) enhancing the quality of life for local residents; and”; and

(2) in subsection (c), by striking paragraphs (1) through (6) and inserting the following:

“(1) the area generally depicted on the map entitled ‘Revised Boundary of Cane National Heritage Area Louisiana’, numbered 494/80021, and dated May 2008;

“(2) the Fort Jesup State Historic Site; and

“(3) as satellite site, any properties connected with the prehistory, history, or cultures of the Cane River region that may be the subject of cooperative agreements with the Cane River National Heritage Area Commission or any successor to the Commission.”.

(b) CANE RIVER NATIONAL HERITAGE AREA COMMISSION.—Section 402 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc-22) is amended—

(1) in subsection (b)—
 (A) by striking “19” and inserting “23”;
 (B) in paragraph (4), by inserting “the Natchitoches Parish Tourist Commission and other” before “local”;
 (C) in paragraph (7), by striking “Concern Citizens of Cloutierville” and inserting “Village of Cloutierville”;
 (D) in paragraph (13), by striking “are landowners in and residents of” and inserting “own land within the heritage area”;
 (E) in paragraph (16)—
 (i) by striking “one member” and inserting “2 members”; and
 (ii) by striking “and” at the end; and
 (F) by redesignating paragraph (17) as paragraph (19); and
 (G) by inserting after paragraph (16) the following:

“(17) 2 members, 1 of whom represents African American culture and 1 of whom represents Cane River Creole culture, after consideration of recommendations submitted by the Governor of Louisiana;

“(18) 1 member with knowledge of tourism, after consideration of recommendations by the Secretary of the Louisiana Department of Culture, Recreation and Tourism; and”.

(2) in subsection (c)(4), by striking “, such as a non-profit corporation,”;

(3) in subsection (d)—

(A) in paragraph (5), by striking “for research, historic preservation, and education purposes” and inserting “to further the purposes of title III and this title”;

(B) in paragraph (6), by striking “the preparation of studies that identify, preserve, and plan for the management of the heritage area” and inserting “carrying out projects or programs that further the purposes of title III and this title”; and

(C) by striking paragraph (8) and inserting the following:

“(8) develop, or assist others in developing, projects or programs to further the purposes of title III and this title”; and

(4) in the third sentence of subsection (g), by inserting “, except that if any of the organizations specified in subsection (b) ceases to exist, the vacancy shall be filled with an at-large member” after “made”.

(c) PREPARATION OF THE PLAN.—Section 403 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc-23) is amended by adding at the end the following:

“(d) AMENDMENTS.—

“(1) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the heritage area shall be reviewed by the Secretary and approved or disapproved in the same manner as the management plan.

“(2) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds made available under this title to implement an amendment to the management plan until the Secretary approves the amendment.”.

(d) TERMINATION OF HERITAGE AREA COMMISSION.—Section 404 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc-24) is amended—

(1) in subsection (a), by striking “the day occurring 10 years after the first official meeting of the Commission” and inserting “August 5, 2025”; and

(2) in the third sentence of subsection (c), by striking “, including the potential for a nonprofit corporation.”.

By Ms. LANDRIEU:

S. 1018. A bill to authorize the Secretary of the Interior to enter into an

agreement with Northwestern State University of Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Park Service and Northwestern State University Collections Conservation Center Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Cane River Creole National Historical Park has a nationally significant museum collection of more than 1,000,000 objects that is housed in leased space that fails to meet National Park Service museum standards;

(2) there is no land within the boundary of the historical park in Natchitoches Parish that is above the 500-year floodplain, which is the level required for constructing curatorial facilities under National Park Service policies;

(3) the historical park has a longstanding partnership with Northwestern State University, with which the historical park is required under the enabling legislation for the historical park to coordinate a Cane River region comprehensive research program, including a program for curation methods;

(4) in 1992, the National Center for Preservation Technology and Training, which is administered by the National Park Service, was established at Northwestern State University under section 403 of the National Historic Preservation Act (16 U.S.C. 470x-2);

(5) the National Center for Preservation Technology and Training requires additional space to house equipment and workspace connected with the development and dissemination of preservation and conservation skills and technologies; and

(6) contingent on the approval by the Board of Supervisors for the University of Louisiana System, Northwestern State University is willing to make available land suitable for the National Park Service to construct a facility for curatorial and workspace needs of the National Center for Preservation Technology and Training if the University is able to use space in the facility for educational purposes relating to the Williamson Museum collection of the University.

SEC. 3. COLLECTIONS CONSERVATION CENTER.

Section 304 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc-2) is amended by adding at the end the following:

“(f) COLLECTIONS CONSERVATION CENTER.—

“(1) IN GENERAL.—The Secretary may enter into an agreement with Northwestern State University (referred to in this subsection as the ‘University’) to construct a facility on land owned by the University to be used—

“(A) to house the museum collection of the historical park;

“(B) to provide additional space for use by the National Center for Preservation Technology and Training; and

“(C) to provide space to the University for educational purposes relating to the Williamson Museum collection, if the University pays an appropriate rental fee to the National Park Service, as determined in the agreement entered into under this paragraph.

“(2) USE OF FEE.—Proceeds from the rental fees collected under paragraph (1)(C) shall be available, without further appropriation, for the historical park.”.

SEC. 4. TECHNICAL CORRECTIONS.

The Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc et seq.) is amended—

(1) in the third sentence of section 304(e) (16 U.S.C. 410ccc-2(e)), by striking “of Technology” and inserting “Technology”; and

(2) in section 305(a) (16 U.S.C. 41ccc-3(a)), by striking “interest” and inserting “interests”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 139—COMMEMORATING THE 20TH ANNIVERSARY OF THE END OF COMMUNIST RULE IN POLAND

Ms. MIKULSKI (for herself, Mr. BURRIS, Mr. SPECTER, Mr. DURBIN, Mr. VOINOVICH, Mr. INHOFE, Mr. SCHUMER, Mr. BROWNBACK, Mr. LEVIN, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 139

Whereas in January 1947, the communist Democratic Bloc party seized control of the Polish Parliament in a rigged election orchestrated by the Government of the Soviet Union;

Whereas from 1947 to 1952, the communist Government of Poland prosecuted, imprisoned, and executed many individuals who fought as part of the wartime Underground Resistance, an organization that valiantly supported the Allied struggle against Nazi Germany as part of the largest resistance movement in occupied Europe;

Whereas in July 1952, the passage of a new constitution formally created the communist People's Republic of Poland and outlawed any non-communist candidate from seeking office to represent the people of Poland;

Whereas during the ensuing years of communist rule, the people of Poland suffered severe hardships because of the communist-led government's failure to provide for the basic economic needs of its people;

Whereas under communist rule, Polish intellectuals, religious leaders, labor officials, students, and reformers were imprisoned and exiled for speaking out against a succession of increasingly corrupt, inefficient, and repressive pro-Soviet puppets;

Whereas despite the harsh repression of the communist-led government and the great personal risk they faced, the Polish people struggled for freedom by staging strikes, publishing underground newspapers, organizing street protests, and speaking out against the economic and political failures of the communist regime;

Whereas in August 1980, in the wake of a shipyard workers' strike in Gdansk, the Solidarity Movement was created as the first free trade union in the Soviet Bloc nations;

Whereas ultimately 1 in 4 Polish citizens became members of the Solidarity movement, which served as the driving force for Poland's liberation from communist rule;

Whereas on June 4, 1989, the Solidarity Party secured an overwhelming victory over the existing communist government in the first open election in Poland since the end of World War II, marking the fall of pro-Soviet rule in Poland; and

Whereas this victory inspired a succession of similarly peaceful transitions from communism to democracy in other former Soviet Bloc nations: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 20th anniversary of the end of communist rule in Poland;

(2) expresses its admiration for the people of Poland for their bravery and resolve in the face of economic hardship and political oppression under communist rule;

(3) congratulates the people of Poland for their accomplishments in the years since the end of pro-Soviet communist rule in building a free democracy, and for their contributions as international partners;

(4) expresses its appreciation for the close friendship between the Government of the United States and the Government of Poland; and

(5) urges the Government of the United States to continue to seek new ways to enhance its partnership with the Government of Poland.

SENATE RESOLUTION 140—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. LEAHY (for himself, Mr. SESSIONS, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. KOHL, Mrs. BOXER, Mr. WHITEHOUSE, Mr. FEINGOLD, Mr. KAUFMAN, and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 140

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas 133 peace officers across the United States were killed in the line of duty during 2008;

Whereas Congress should strongly support initiatives to reduce violent crime and to increase the factors that contribute to the safety of law enforcement officers, including—

(1) equipment of the highest quality and modernity;

(2) increased availability and use of bullet-resistant vests;

(3) improved training; and

(4) advanced emergency medical care;

Whereas there are recorded 18,274 Federal, State, and local law enforcement officers who lost their lives in the line of duty while protecting their fellow citizens, and whose names are engraved upon the National Law Enforcement Officers Memorial in Washington, District of Columbia;

Whereas in 1962, President John F. Kennedy designated May 15th as National Peace Officers Memorial Day;

Whereas on May 15, 2009, more than 20,000 peace officers are expected to gather in Washington, District of Columbia, to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2009, as "National Peace Officers Memorial Day", in honor of the Federal, State, and local law enforcement officers that have been killed or injured in the line of duty; and

(2) calls on the people of the United States to observe that day with appropriate ceremony, solemnity, appreciation, and respect.

SENATE RESOLUTION 141—RECOGNIZING JUNE 2009 AS THE FIRST NATIONAL HEMORRHAGIC TELANGIECTASIA (HHT) MONTH, ESTABLISHED TO INCREASE AWARENESS OF HHT, WHICH IS A COMPLEX GENETIC BLOOD VESSEL DISORDER THAT AFFECTS APPROXIMATELY 70,000 PEOPLE IN THE UNITED STATES

Mr. JOHNSON (for himself and Mr. BENNETT) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 141

Whereas Hereditary Hemorrhagic Telangiectasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 worldwide;

Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and artery-vein malformations that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;

Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;

Whereas 20 percent of those with HHT, regardless of age, suffer death and disability;

Whereas due to widespread lack of knowledge of the disorder among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

Whereas it is estimated that 20 to 40 percent of complications and sudden death due to these "vascular time bombs" are preventable;

Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome systemically;

Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and diagnosis with suitable tests, and there are acceptable treatments available in already-established facilities such as the 8 HHT Treatment Centers of Excellence in the United States; and

Whereas adequate Federal funding is needed for education, outreach, and research to prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;

(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;

(3) supports the designation of June 2009 as National Hereditary Hemorrhagic Telangiectasia (HHT) month, to increase awareness of HHT;

(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;

(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;

(7) recognizes severe hemorrhages in the nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatments;

(8) recognizes that a leading medical and academic institution estimated that \$6,600,000,000 of 1-time health care costs can be saved through aggressive management of HHT in the at-risk population; and

(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1058. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

SA 1059. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1060. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1058. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Credit Card Accountability Responsibility and Disclosure Act of 2009” or the “Credit CARD Act of 2009”.

(b) **TABLE OF CONTENTS.**—

The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Regulatory authority.
- Sec. 3. Effective date.

TITLE I—CONSUMER PROTECTION

- Sec. 101. Protection of credit cardholders.
- Sec. 102. Limits on fees and interest charges.
- Sec. 103. Use of terms clarified.
- Sec. 104. Application of card payments.
- Sec. 105. Standards applicable to initial issuance of subprime or “fee harvester” cards.
- Sec. 106. Rules regarding periodic statements.
- Sec. 107. Enhanced penalties.
- Sec. 108. Clerical amendments.

TITLE II—ENHANCED CONSUMER DISCLOSURES

- Sec. 201. Payoff timing disclosures.
- Sec. 202. Requirements relating to late payment deadlines and penalties.
- Sec. 203. Renewal disclosures.
- Sec. 204. Internet posting of credit card agreements.

TITLE III—PROTECTION OF YOUNG CONSUMERS

- Sec. 301. Extensions of credit to underage consumers.
- Sec. 302. Protection of young consumers from prescreened credit offers.
- Sec. 303. Issuance of credit cards to certain college students.

TITLE IV—GIFT CARDS

- Sec. 401. General-use prepaid cards, gift certificates, and store gift cards.
- Sec. 402. Relation to State laws.
- Sec. 403. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Study and report on interchange fees.
- Sec. 502. Board review of consumer credit plans and regulations.

SEC. 2. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System (in this Act referred to as the “Board”) may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 9 months after the date of enactment of this Act, except as otherwise specifically provided in this Act.

TITLE I—CONSUMER PROTECTION

SEC. 101. PROTECTION OF CREDIT CARD-HOLDERS.

(a) **ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.**—

(1) **AMENDMENT TO TILA.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(i) **ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.**—

“(1) **ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.**—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of an increase in an annual percentage rate (other than an increase due to the expi-

ration of an introductory annual percentage rate, or due solely to a change in another rate of interest to which such rate is indexed) not later than 45 days prior to the effective date of the increase.

“(2) **ADVANCE NOTICE OF OTHER SIGNIFICANT CHANGES REQUIRED.**—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of any significant change, as determined by rule of the Board, in the terms (including an increase in any fee or finance charge, other than as provided in paragraph (1)) of the cardholder agreement between the creditor and the obligor, not later than 45 days prior to the effective date of the change.

“(3) **NOTICE OF RIGHT TO CANCEL.**—Each notice required by paragraph (1) or (2) shall be made in a clear and conspicuous manner, and shall contain a brief statement of the right of the obligor to cancel the account pursuant to rules established by the Board before the effective date of the subject rate increase or other change.

“(4) **RULE OF CONSTRUCTION.**—Closure or cancellation of an account by the obligor shall not constitute a default under an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full or through a method that is less beneficial to the obligor than one of the methods described in section 171(c)(2), or the imposition of any other penalty or fee.”.

(2) **EFFECTIVE DATE.**—Notwithstanding section 3, section 127(i) of the Truth in Lending Act, as added by this subsection, shall become effective 90 days after the date of enactment of this Act.

(b) **RETROACTIVE INCREASE AND UNIVERSAL DEFAULT PROHIBITED.**—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended—

(1) by redesignating section 171 as section 173; and

(2) by inserting after section 170 the following:

“SEC. 171. LIMITS ON INTEREST RATE, FEE, AND FINANCE CHARGE INCREASES APPLICABLE TO OUTSTANDING BALANCES.

“(a) **IN GENERAL.**—In the case of any credit card account under an open end consumer credit plan, no creditor may increase any annual percentage rate, fee, or finance charge applicable to any outstanding balance, except as permitted under subsection (b).

“(b) **EXCEPTIONS.**—The prohibition under subsection (a) shall not apply to—

“(1) an increase in an annual percentage rate upon the expiration of a specified period of time, provided that—

“(A) prior to commencement of that period, the creditor disclosed to the consumer, in a clear and conspicuous manner, the length of the period and the annual percentage rate that would apply after expiration of the period;

“(B) the increased annual percentage rate does not exceed the rate disclosed pursuant to subparagraph (A); and

“(C) the increased annual percentage rate is not applied to transactions that occurred prior to commencement of the period;

“(2) an increase in a variable annual percentage rate, fee, or finance charge in accordance with a credit card agreement that provides for changes according to an index or formula;

“(3) an increase due to the failure of the obligor to comply with the terms of a workout or temporary hardship arrangement, provided that the annual percentage rate, fee, or finance charge applicable to a category of transactions following any such increase

does not exceed the rate, fee, or finance charge that applied to that category of transactions prior to commencement of the arrangement; or

“(4) an increase due solely to the fact that a minimum payment by the obligor has not been received by the creditor within 60 days after the due date for such payment, provided that the creditor shall—

“(A) include, together with the notice of such increase required under section 127(i), a clear and conspicuous written statement of the reason for the increase and that the increase will terminate not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments from the obligor during that period; and

“(B) terminate such increase not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments during that period.

“(c) **REPAYMENT OF OUTSTANDING BALANCE.**—

“(1) **IN GENERAL.**—The creditor shall not change the terms governing the repayment of any outstanding balance, except that the creditor may provide the obligor with one of the methods described in paragraph (2) of repaying any outstanding balance, or a method that is no less beneficial to the obligor than one of those methods.

“(2) **METHODS.**—The methods described in this paragraph are—

“(A) an amortization period of not less than 5 years, beginning on the effective date of the increase set forth in the notice required under section 127(i); or

“(B) a required minimum periodic payment that includes a percentage of the outstanding balance that is equal to not more than twice the percentage required before the effective date of the increase set forth in the notice required under section 127(i).

“(d) **OUTSTANDING BALANCE DEFINED.**—For purposes of this section, the term ‘outstanding balance’ means the amount owed on a credit card account under an open end consumer credit plan as of the end of the 14th day after the date on which the creditor provides notice of an increase in the annual percentage rate, fee, or finance charge in accordance with section 127(i).”.

(c) **INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.**—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended by adding at the end the following:

“SEC. 148. INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.

“(a) **IN GENERAL.**—If a creditor increases the annual percentage rate applicable to a credit card account under an open end consumer credit plan, based on factors including the credit risk of the obligor, market conditions, or other factors, the creditor shall consider changes in such factors in subsequently determining whether to reduce the annual percentage rate for such obligor.

“(b) **REQUIREMENTS.**—With respect to any credit card account under an open end consumer credit plan, the creditor shall—

“(1) maintain reasonable methodologies for assessing the factors described in subsection (a);

“(2) not less frequently than once every 6 months, review accounts as to which the annual percentage rate has been increased since January 1, 2009, to assess whether such factors have changed (including whether any risk has declined);

“(3) reduce the annual percentage rate previously increased when a reduction is indicated by the review; and

“(4) in the event of an increase in the annual percentage rate, provide in the written notice required under section 127(i) a statement of the reasons for the increase.

“(c) **RULE OF CONSTRUCTION.**—This section shall not be construed to require a reduction in any specific amount.

“(d) **RULEMAKING.**—The Board shall issue final rules not later than 9 months after the date of enactment of this section to implement the requirements of and evaluate compliance with this section, and subsections (a), (b), and (c) shall become effective 15 months after that date of enactment.”.

(d) **INTRODUCTORY AND PROMOTIONAL RATES.**—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended by inserting after section 171, as amended by this Act, the following:

“SEC. 172. ADDITIONAL LIMITS ON INTEREST RATE INCREASES.

“(a) **LIMITATION ON INCREASES WITHIN FIRST YEAR.**—Except in the case of an increase described in paragraph (1) or (2) of section 171(b), no increase in any annual percentage rate, fee, or finance charge on any credit card account under an open end consumer credit plan shall be effective before the end of the 1-year period beginning on the date on which the account is opened.

“(b) **PROMOTIONAL RATE MINIMUM TERM.**—No increase in any annual percentage rate applicable to a credit card account under an open end consumer credit plan that is a promotional rate (as that term is defined by the Board) shall be effective before the end of the 6-month period beginning on the date on which the promotional rate takes effect, subject to such reasonable exceptions as the Board may establish, by rule.”.

(e) **CLERICAL AMENDMENT.**—The table of sections for chapter 4 of the Truth in Lending Act is amended by striking the item relating to section 171 and inserting the following:

“171. Limits on interest rate, fee, and finance charge increases applicable to outstanding balances.

“172. Additional limits on interest rate increases.

“173. Applicability of State laws.”.

SEC. 102. LIMITS ON FEES AND INTEREST CHARGES.

(a) **IN GENERAL.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(j) **PROHIBITION ON PENALTIES FOR ON-TIME PAYMENTS.**—

“(1) **PROHIBITION ON DOUBLE-CYCLE BILLING AND PENALTIES FOR ON-TIME PAYMENTS.**—Except as provided in paragraph (2), a creditor may not impose any finance charge on a credit card account under an open end consumer credit plan as a result of the loss of any time period provided by the creditor within which the obligor may repay any portion of the credit extended without incurring a finance charge, with respect to—

“(A) any balances for days in billing cycles that precede the most recent billing cycle; or

“(B) any balances or portions thereof in the current billing cycle that were repaid within such time period.

“(2) **EXCEPTIONS.**—Paragraph (1) does not apply to—

“(A) any adjustment to a finance charge as a result of the resolution of a dispute; or

“(B) any adjustment to a finance charge as a result of the return of a payment for insufficient funds.

“(k) **OPT-IN REQUIRED FOR OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.**—

“(1) **IN GENERAL.**—In the case of any credit card account under an open end consumer

credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, no such fee shall be charged, unless the consumer has expressly elected to permit the creditor, with respect to such account, to complete transactions involving the extension of credit under such account in excess of the amount of credit authorized.

“(2) **DISCLOSURE BY CREDITOR.**—No election by a consumer under paragraph (1) shall take effect unless the consumer, before making such election, received a notice from the creditor of any over-the-limit fee in the form and manner, and at the time, determined by the Board. If the consumer makes the election referred to in paragraph (1), the creditor shall provide notice to the consumer of the right to revoke the election, in the form prescribed by the Board, in any periodic statement that includes notice of the imposition of an over-the-limit fee during the period covered by the statement.

“(3) **FORM OF ELECTION.**—A consumer may make or revoke the election referred to in paragraph (1) orally, electronically, or in writing, pursuant to regulations prescribed by the Board. The Board shall prescribe regulations to ensure that the same options are available for both making and revoking such election.

“(4) **TIME OF ELECTION.**—A consumer may make the election referred to in paragraph (1) at any time, and such election shall be effective until the election is revoked in the manner prescribed under paragraph (3).

“(5) **REGULATIONS.**—The Board shall prescribe regulations—

“(A) governing disclosures under this subsection; and

“(B) that prevent unfair or deceptive acts or practices in connection with the manipulation of credit limits designed to increase over-the-limit fees or other penalty fees.

“(6) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to prohibit a creditor from completing an over-the-limit transaction, provided that a consumer who has not made a valid election under paragraph (1) is not charged an over-the-limit fee for such transaction.

“(1) **LIMIT ON FEES RELATED TO METHOD OF PAYMENT.**—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means, unless such payment involves an expedited service by a service representative of the creditor.”.

(b) **REASONABLE PENALTY FEES.**—

(1) **IN GENERAL.**—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.), as amended by this Act, is amended by adding at the end the following:

“SEC. 149. REASONABLE PENALTY FEES ON OPEN END CONSUMER CREDIT PLANS.

“(a) **IN GENERAL.**—The amount of any penalty fee or charge that a card issuer may impose with respect to a credit card account under an open end consumer credit plan in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over the limit fee, or any other penalty fee or charge, shall be reasonable and proportional to such omission or violation.

“(b) **RULEMAKING REQUIRED.**—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Di-

rector of the Office of Thrift Supervision, and the National Credit Union Administration Board, shall issue final rules not later than 9 months after the date of enactment of this section, to establish standards for assessing whether the amount of any penalty fee or charge described under subsection (a) is reasonable and proportional to the omission or violation to which the fee or charge relates. Subsection (a) shall become effective 15 months after the date of enactment of this section.

“(c) **CONSIDERATIONS.**—In issuing rules required by this section, the Board shall consider—

“(1) the cost incurred by the creditor from such omission or violation;

“(2) the deterrence of such omission or violation by the cardholder;

“(3) the conduct of the cardholder; and

“(4) such other factors as the Board may deem necessary or appropriate.

“(d) **DIFFERENTIATION PERMITTED.**—In issuing rules required by this subsection, the Board may establish different standards for different types of fees and charges, as appropriate.

“(e) **SAFE HARBOR RULE AUTHORIZED.**—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, may issue rules to provide an amount for any penalty fee or charge described under subsection (a) that is presumed to be reasonable and proportional to the omission or violation to which the fee or charge relates.”.

(2) **CLERICAL AMENDMENTS.**—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended—

(A) in the chapter heading, by inserting **“AND LIMITS ON CREDIT CARD FEES”** after **“ADVERTISING”**; and

(B) in the table of sections for the chapter, by adding at the end the following:

“148. Interest rate reduction on open end consumer credit plans.

“149. Reasonable penalty fees on open end consumer credit plans.”.

SEC. 103. USE OF TERMS CLARIFIED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(m) **USE OF TERM ‘FIXED RATE’.**—With respect to the terms of any credit card account under an open end consumer credit plan, the term ‘fixed’, when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period specified clearly and conspicuously in the terms of the account.”.

SEC. 104. APPLICATION OF CARD PAYMENTS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking the section heading and all that follows through **“Payments”** and inserting the following:

“§ 164. Prompt and fair crediting of payments

“(a) **IN GENERAL.**—Payments”;

(2) by inserting “, by 5:00 p.m. on the date on which such payment is due,” after “in readily identifiable form”;

(3) by striking “manner, location, and time” and inserting “manner, and location”; and

(4) by adding at the end the following:

“(b) **APPLICATION OF PAYMENTS.**—

“(1) **IN GENERAL.**—Upon receipt of a payment from a cardholder, the card issuer shall

apply amounts in excess of the minimum payment amount first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted.

“(2) CLARIFICATION RELATING TO CERTAIN DEFERRED INTEREST ARRANGEMENTS.—A creditor shall allocate the entire amount paid by the consumer in excess of the minimum payment amount to a balance on which interest is deferred during the last 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.”

“(c) CHANGES BY CARD ISSUER.—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.”

SEC. 105. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ‘FEE HARVESTER’ CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as amended by this Act, is amended by adding at the end the following new subsection:

“(n) STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ‘FEE HARVESTER’ CARDS.—

“(1) IN GENERAL.—If the terms of a credit card account under an open end consumer credit plan require the payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) by the consumer in the first year during which the account is opened in an aggregate amount in excess of 25 percent of the total amount of credit authorized under the account when the account is opened, no payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) may be made from the credit made available under the terms of the account.

“(2) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.”

SEC. 106. RULES REGARDING PERIODIC STATEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(o) DUE DATES FOR CREDIT CARD ACCOUNTS.—

“(1) IN GENERAL.—The payment due date for a credit card account under an open end consumer credit plan shall be the same day each month.

“(2) WEEKEND OR HOLIDAY DUE DATES.—If the payment due date for a credit card account under an open end consumer credit plan is a day on which the creditor does not receive or accept payments by mail (including weekends and holidays), the creditor may not treat a payment received on the next business day as late for any purpose.”

(b) LENGTH OF BILLING PERIOD.—

(1) IN GENERAL.—Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended to read as follows:

“SEC. 163. TIMING OF PAYMENTS.

“(a) TIME TO MAKE PAYMENTS.—A creditor may not treat a payment on an open end consumer credit plan as late for any purpose, unless the creditor has adopted reasonable procedures designed to ensure that each peri-

odic statement including the information required by section 127(b) is mailed or delivered to the consumer not later than 21 days before the payment due date.

“(b) GRACE PERIOD.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part, unless a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.”

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 163 of the Truth in Lending Act, as amended by this subsection, shall become effective 90 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 4 of the Truth in Lending Act is amended—

(1) by striking the item relating to section 163 and inserting the following:

“163. Timing of payments.”; and

(2) by striking the item relating to section 171 and inserting the following:

“171. Universal defaults prohibited.

“172. Unilateral changes in credit card agreement prohibited.

“173. Applicability of State laws.”.

SEC. 107. ENHANCED PENALTIES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended by striking “or (iii) in the” and inserting the following: “(iii) in the case of an individual action relating to an open end consumer credit plan that is not secured by real property or a dwelling, twice the amount of any finance charge in connection with the transaction, with a minimum of \$500 and a maximum of \$5,000, or such higher amount as may be appropriate in the case of an established pattern or practice of such failures; or (iv) in the”.

SEC. 108. CLERICAL AMENDMENTS.

Section 103(i) of the Truth in Lending Act (15 U.S.C. 1602(i)) is amended—

(1) by striking “term” and all that follows through “means” and inserting the following: “terms ‘open end credit plan’ and ‘open end consumer credit plan’ mean”; and

(2) in the second sentence, by inserting “or open end consumer credit plan” after “credit plan” each place that term appears.

TITLE II—ENHANCED CONSUMER DISCLOSURES

SEC. 201. PAYOFF TIMING DISCLOSURES.

(a) IN GENERAL.—Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

“(11)(A) A written statement in the following form: ‘Minimum Payment Warning: Making only the minimum payment will increase the amount of interest you pay and the time it takes to repay your balance.’, or such similar statement as is established by the Board pursuant to consumer testing.

“(B) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

“(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

“(ii) the total cost to the consumer, including interest and principal payments, of

paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made;

“(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 36 months; and

“(iv) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

“(C)(i) Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

“(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

“(D) All of the information described in subparagraph (B) shall—

“(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and

“(ii) be placed in a conspicuous and prominent location on the billing statement.

“(E) In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

“(i) contains clear and concise headings for each item of such information; and

“(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

“(F) In prescribing the form of the table under subparagraph (E), the Board shall require that—

“(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

“(ii) the items required to be included in the table shall be listed in the order in which such items are set forth in subparagraph (B).

“(G) In prescribing the form of the table under subparagraph (D), the Board shall employ terminology which is different than the terminology which is employed in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.”

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: “In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or any of paragraphs (4) through (13) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the

terms or items referred to in section 127(a), or any of paragraphs (4) through (13) of section 127(b).”.

(c) **GUIDELINES REQUIRED.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury (in this section referred to as the “Secretary”) through the Office of Finance Education, in consultation with the Board, shall, by rule, regulation, or order, issue guidelines for the establishment and maintenance by creditors of a toll-free telephone number for purposes of the disclosures required under section 127(b)(11)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) **APPROVED AGENCIES.**—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those agencies certified by the Secretary as meeting the criteria under this section.

(3) **CRITERIA.**—The Secretary shall only certify a nonprofit budget and credit counseling agency for purposes of this subsection that—

(A) demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides; and

(B) at a minimum—

(i) is registered as a nonprofit entity under section 501(c) of the Internal Revenue Code of 1986;

(ii) has a board of directors, the majority of the members of which—

(I) are not employed by such agency; and

(II) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

(iii) if a fee is charged for counseling services, charges a reasonable and fair fee, and provides services without regard to ability to pay the fee;

(iv) provides for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

(v) provides full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, any costs of such program that will be paid by the client, and how such costs will be paid;

(vi) provides adequate counseling with respect to the credit problems of the client, including an analysis of the current financial condition of the client, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

(vii) provides trained counselors who—

(I) receive no commissions or bonuses based on the outcome of the counseling services provided;

(II) have adequate experience; and

(III) have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in clause (vi);

(viii) demonstrates adequate experience and background in providing credit counseling;

(ix) has adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan; and

(x) is accredited by an independent, nationally recognized accrediting organization.

SEC. 202. REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b)(12) of the Truth in Lending Act (15 U.S.C. 1637(b)(12)) is amended to read as follows:

“(12) **REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.**—

“(A) **LATE PAYMENT DEADLINE REQUIRED TO BE DISCLOSED.**—In the case of a credit card account under an open end consumer credit plan under which a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment, the periodic statement required under subsection (b) with respect to the account shall include, in a conspicuous location on the billing statement, the date on which the payment is due or, if different, the date on which a late payment fee will be charged, together with the amount of the fee or charge to be imposed if payment is made after that date.

“(B) **DISCLOSURE OF INCREASE IN INTEREST RATES FOR LATE PAYMENTS.**—If 1 or more late payments under an open end consumer credit plan may result in an increase in the annual percentage rate applicable to the account, the statement required under subsection (b) with respect to the account shall include conspicuous notice of such fact, together with the applicable penalty annual percentage rate, in close proximity to the disclosure required under subparagraph (A) of the date on which payment is due under the terms of the account.

“(C) **PAYMENTS AT LOCAL BRANCHES.**—If the creditor, in the case of a credit card account referred to in subparagraph (A), is a financial institution which maintains branches or offices at which payments on any such account are accepted from the obligor in person, the date on which the obligor makes a payment on the account at such branch or office shall be considered to be the date on which the payment is made for purposes of determining whether a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment.”.

SEC. 203. RENEWAL DISCLOSURES.

Section 127(d) of the Truth in Lending Act (15 U.S.C. 1637(d)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (1), by striking “Except as provided in paragraph (2), a card issuer” and inserting the following: “A card issuer that has changed or amended any term of the account since the last renewal that has not been previously disclosed or”.

SEC. 204. INTERNET POSTING OF CREDIT CARD AGREEMENTS.

(a) **IN GENERAL.**—Section 122 of the Truth and Lending Act (15 U.S.C. 1632) is amended by adding at the end the following new subsection:

“(d) **ADDITIONAL ELECTRONIC DISCLOSURES.**—

“(1) **POSTING AGREEMENTS.**—Each creditor shall establish and maintain an Internet site on which the creditor shall post the written agreement between the creditor and the consumer for each credit card account under an open-end consumer credit plan.

“(2) **CREDITOR TO PROVIDE CONTRACTS TO THE BOARD.**—Each creditor shall provide to the Board, in electronic format, the consumer credit card agreements that it publishes on its Internet site.

“(3) **RECORD REPOSITORY.**—The Board shall establish and maintain on its publicly available Internet site a central repository of the

consumer credit card agreements received from creditors pursuant to this subsection, and such agreements shall be easily accessible and retrievable by the public.

“(4) **EXCEPTION.**—This subsection shall not apply to individually negotiated changes to contractual terms, such as individually modified workouts or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

“(5) **REGULATIONS.**—The Board, in consultation with the other Federal banking agencies (as that term is defined in section 603) and the Federal Trade Commission, may promulgate regulations to implement this subsection, including specifying the format for posting the agreements on the Internet sites of creditors and establishing exceptions to paragraphs (1) and (2), in any case in which the administrative burden outweighs the benefit of increased transparency, such as where a credit card plan has a de minimis number of consumer account holders.”.

TITLE III—PROTECTION OF YOUNG CONSUMERS

SEC. 301. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

“(8) **APPLICATIONS FROM UNDERAGE CONSUMERS.**—

“(A) **PROHIBITION ON ISSUANCE.**—No credit card may be issued to, or open end consumer credit plan established by or on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

“(B) **APPLICATION REQUIREMENTS.**—An application to open a credit card account by a consumer who has not attained the age of 21 as of the date of submission of the application shall require—

“(i) the signature of a cosigner, including the parent, legal guardian, spouse, or any other individual who has attained the age of 21 having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

“(ii) submission by the consumer of financial information, including through an application, indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

“(C) **SAFE HARBOR.**—The Board shall promulgate regulations providing standards that, if met, would satisfy the requirements of subparagraph (B)(ii).”.

SEC. 302. PROTECTION OF YOUNG CONSUMERS FROM PRESCREENED CREDIT OFFERS.

Section 604(c)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(c)(1)(B)) is amended—

(1) in clause (ii), by striking “and” at the end; and

(2) in clause (iii), by striking the period at the end and inserting the following: “; and

“(iv) the consumer report does not contain a date of birth that shows that the consumer has not attained the age of 21, or, if the date of birth on the consumer report shows that the consumer has not attained the age of 21, such consumer consents to the consumer reporting agency to such furnishing.”.

SEC. 303. ISSUANCE OF CREDIT CARDS TO CERTAIN COLLEGE STUDENTS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following new subsection:

“(p) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—No increase may be made in the amount of credit authorized to be extended under a credit card account for which a parent, legal guardian, or spouse of the consumer, or any other individual has assumed joint liability for debts incurred by the consumer in connection with the account before the consumer attains the age of 21, unless that parent, guardian, or spouse approves in writing, and assumes joint liability for, such increase.”.

TITLE IV—GIFT CARDS

SEC. 401. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 915 through 921 as sections 916 through 922, respectively; and

(2) by inserting after section 914 the following:

“SEC. 915. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) DORMANCY FEE; INACTIVITY CHARGE OR FEE.—The terms ‘dormancy fee’ and ‘inactivity charge or fee’ mean a fee, charge, or penalty for non-use or inactivity of a gift certificate, store gift card, or general-use prepaid card.

“(2) GENERAL USE PREPAID CARD, GIFT CERTIFICATE, AND STORE GIFT CARD.—

“(A) GENERAL-USE PREPAID CARD.—The term ‘general-use prepaid card’ means a card or other payment code or device issued by any person that is—

“(i) redeemable at multiple, unaffiliated merchants or service providers, or automated teller machines;

“(ii) issued in a requested amount, whether or not that amount may, at the option of the issuer, be increased in value or reloaded if requested by the holder;

“(iii) purchased or loaded on a prepaid basis; and

“(iv) honored, upon presentation, by merchants for goods or services, or at automated teller machines.

“(B) GIFT CERTIFICATE.—The term ‘gift certificate’ means an electronic promise that is—

“(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

“(ii) issued in a specified amount that may not be increased or reloaded;

“(iii) purchased on a prepaid basis in exchange for payment; and

“(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

“(C) STORE GIFT CARD.—The term ‘store gift card’ means an electronic promise, plastic card, or other payment code or device that is—

“(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

“(ii) issued in a specified amount, whether or not that amount may be increased in value or reloaded at the request of the holder;

“(iii) purchased on a prepaid basis in exchange for payment; and

“(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

“(D) EXCLUSIONS.—The terms ‘general-use prepaid card’, ‘gift certificate’, and ‘store

gift card’ do not include an electronic promise, plastic card, or payment code or device that is—

“(i) used solely for telephone services;

“(ii) reloadable and not marketed or labeled as a gift card or gift certificate;

“(iii) a loyalty, award, or promotional gift card, as defined by the Board;

“(iv) not marketed to the general public; or

“(v) issued in paper form only (including for tickets and events).

“(3) SERVICE FEE.—

“(A) IN GENERAL.—The term ‘service fee’ means a periodic fee, charge, or penalty for holding or use of a gift certificate, store gift card, or general-use prepaid card.

“(B) EXCLUSION.—With respect to a general-use prepaid card, the term ‘service fee’ does not include a one-time initial issuance fee.

“(b) PROHIBITION ON IMPOSITION OF FEES OR CHARGES.—

“(1) IN GENERAL.—Except as provided under paragraphs (2) through (4), it shall be unlawful for any person to impose a dormancy fee, an inactivity charge or fee, or a service fee with respect to a gift certificate, store gift card, or general-use prepaid card.

“(2) EXCEPTIONS.—A dormancy fee, inactivity charge or fee, or service fee may be charged with respect to a gift certificate, store gift card, or general-use prepaid card, if—

“(A) there has been no activity with respect to the certificate or card in the 12-month period ending on the date on which the charge or fee is imposed;

“(B) the disclosure requirements of paragraph (3) have been met;

“(C) not more than one fee may be charged in any given month; and

“(D) any additional requirements that the Board may establish through rulemaking under subsection (d) have been met.

“(3) DISCLOSURE REQUIREMENTS.—The disclosure requirements of this paragraph are met if—

“(A) the gift certificate, store gift card, or general-use prepaid card clearly and conspicuously states—

“(i) that a dormancy fee, inactivity charge or fee, or service fee may be charged;

“(ii) the amount of such fee or charge;

“(iii) how often such fee or charge may be assessed; and

“(iv) that such fee or charge may be assessed for inactivity; and

“(B) the issuer of such certificate or card informs the purchaser of such charge or fee before such certificate or card is purchased, regardless of whether the certificate or card is purchased in person, over the Internet, or by telephone.

“(4) EXCLUSION.—The prohibition under paragraph (1) shall not apply to any gift certificate—

“(A) that is distributed pursuant to an award, loyalty, or promotional program, as defined by the Board; and

“(B) with respect to which, there is no money or other value exchanged.

“(c) PROHIBITION ON SALE OF GIFT CARDS WITH EXPIRATION DATES.—

“(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any person to sell or issue a gift certificate, store gift card, or general-use prepaid card that is subject to an expiration date.

“(2) EXCEPTIONS.—A gift certificate, store gift card, or general-use prepaid card may contain an expiration date if—

“(A) the expiration date is not earlier than 5 years after the date on which the gift cer-

tificate was issued, or the date on which card funds were last loaded to a store gift card or general-use prepaid card; and

“(B) the terms of expiration are prominently disclosed in all capital letters that are presented in at least 10-point type.

“(d) ADDITIONAL RULEMAKING.—

“(1) IN GENERAL.—The Board shall prescribe regulations to carry out this section, in addition to any other rules or regulations required by this title, including such additional requirements as appropriate relating to the amount of dormancy fees, inactivity charges or fees, or service fees that may be assessed and the amount of remaining value of gift certificate, store gift card, or general-use prepaid card below which such charges or fees may be assessed.

“(2) CONSULTATION.—In prescribing regulations under this subsection, the Board shall consult with the Federal Trade Commission.

“(3) TIMING; EFFECTIVE DATE.—The regulations required by this subsection shall be issued in final form not later than 9 months after the date of enactment of the Credit CARD Act of 2009.”.

SEC. 402. RELATION TO STATE LAWS.

Section 920 of the Electronic Fund Transfer Act (as redesignated by this title) is amended by inserting “dormancy fees, inactivity charges or fees, service fees, or expiration dates of gift certificates, store gift cards, or general-use prepaid cards,” after “electronic fund transfers,”.

SEC. 403. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 15 months after the date of enactment of this Act.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. STUDY AND REPORT ON INTERCHANGE FEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States (in this section referred to as the “Comptroller”) shall conduct a study on use of credit by consumers, interchange fees, and their effects on consumers and merchants.

(b) SUBJECTS FOR REVIEW.—In conducting the study required by this section, the Comptroller shall review—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, whether merchants are restricted from disclosing interchange or merchant discount fees, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the ways in which the interchange system affects the ability of merchants of varying size to negotiate pricing with card associations and banks;

(3) the costs and factors incorporated into interchange fees, such as advertising, bonus miles, and rewards, how such costs and factors vary among cards;

(4) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services;

(5) how merchant discount fees compare to the credit losses and other costs that merchants incur to operate their own credit networks or store cards;

(6) the extent to which the rules of payment card networks and their policies regarding interchange fees are accessible to merchants;

(7) other jurisdictions where the central bank has regulated interchange fees and the impact on retail prices to consumers in such jurisdictions;

(8) whether and to what extent merchants are permitted to discount for cash; and

(9) the extent to which interchange fees allow smaller financial institutions and credit unions to offer payment cards and compete against larger financial institutions.

(c) **REPORT REQUIRED.**—Not later than 180 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study required by this section, together with such recommendations for legislative or administrative actions as may be appropriate.

SEC. 502. BOARD REVIEW OF CONSUMER CREDIT PLANS AND REGULATIONS.

(a) **REQUIRED REVIEW.**—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review of the consumer credit card market, including—

(1) the terms of credit card agreements and the practices of credit card issuers;

(2) the effectiveness of disclosures of terms, fees, and other expenses of credit card plans;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans;

(4) the cost and availability of credit, particularly with respect to non-prime borrowers;

(5) the safety and soundness of credit card issuers;

(6) the use of risk-based pricing; and

(7) credit card product innovation.

(b) **SOLICITATION OF PUBLIC COMMENT.**—In conducting the review required by subsection (a), the Board shall solicit comment from consumers, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) **REGULATIONS.**—Following the review required by subsection (a), the Board shall publish notice in the Federal Register that—

(1) summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board, such as through consumer testing or other research, and

(2) proposes new or revised regulations or interpretations to update or revise disclosures and protections for consumer credit cards, as appropriate; or

(3) states the reasons for any determination of the Board that new or revised regulations are not proposed under paragraph (2).

SA 1059. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 112. EFFECTS OF HIGH COST CREDIT ON BANKRUPTCY PROCEEDINGS.

(a) **DEFINITIONS.**—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27B) as paragraph (27C); and

(2) by inserting after paragraph (27A) the following:

“(27B) The term ‘high cost consumer credit transaction’ means an extension of credit by a ‘creditor’ (as defined in section 103 of the

Truth in Lending Act (15 U.S.C. 1602(f))), resulting in a consumer debt that has an applicable annual percentage rate (as determined in accordance with section 107(a) of the Truth in Lending Act (15 U.S.C. 1606(a)), and including costs and fees incurred in connection with the extension of such credit) that exceeds, at any time while the credit is outstanding, the lesser of—

“(A) the sum of 15 percent and the yield on United States Treasury securities having a 30-year period of maturity; or

“(B) 36 percent.”.

(b) **DISALLOWANCE OF CLAIMS.**—Section 502 of title 11, United States Code, is amended by adding at the end the following:

“(1) Notwithstanding subsections (a) and (b) of this section, the court shall disallow any claim arising from a high cost consumer credit transaction for the purpose of distribution under this title.”.

(c) **EXCLUSION.**—Section 707(b) of title 11, United States Code, is amended by adding at the end the following:

“(8) Paragraph (2) shall not apply in the case of a debtor who has any debts arising from a high cost consumer credit transaction.”.

SA 1060. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 112. LIMITS ON ANNUAL PERCENTAGE RATES.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

“SEC. 141. LIMITS ON ANNUAL PERCENTAGE RATES.

“Notwithstanding any other provision of law, the annual percentage rate applicable to any consumer credit transaction (other than a residential mortgage transaction), including any fees associated with such a transaction, may not exceed the maximum rate permitted by the laws of the State in which the consumer resides.”.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, May 13, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations and pending energy legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 14, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony on S. 1013, the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov

For further information, please contact Allyson Anderson at (202) 224-7143 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, May 13, 2009, at 10 a.m., to hear testimony on “Problems for Military and Overseas Voters: Why Many Soldiers and Their Families Can’t Vote.”

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on 202-224-6352.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Monday, May 11th, 2009 at 1 p.m. to conduct a hearing entitled, “Making the Census Count in Urban America.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DODD. I ask unanimous consent that members of my staff, Deborah Katz and Joe Valenti, be granted the privileges of the floor for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF DAVID J. HAYES
TO BE DEPUTY SECRETARY OF
THE INTERIOR

Mr. REID. Madam President, I now move that the Senate go to executive session to consider Calendar No. 31, the nomination of David J. Hayes to be Deputy Secretary of the Interior.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination. The legislative clerk read the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

CLOTURE MOTION

Mr. REID. Madam President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

Harry Reid, Mark Begich, Jeff Merkley, Max Baucus, Patty Murray, Jon Tester, Jack Reed, Jeanne Shaheen, Barbara A. Mikulski, Debbie Stabenow, Tom Harkin, Robert Menendez, Byron L. Dorgan, Mark Pryor, Bernard Sanders, Sherrod Brown, Barbara Boxer.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Madam President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING AND ACKNOWLEDGING
DEDICATION AND SACRIFICE OF LAW ENFORCEMENT
OFFICERS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 140.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 140) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Madam President, today the Senate will act unanimously in

support of our Nation's law enforcement officers by passing a resolution to honor their service and sacrifice. I am pleased the Senate will take this action at the start of National Police Week and I thank all Senators for their strong support. I thank Senator SESSIONS, as ranking member of the Judiciary Committee, for joining me in the introduction of this resolution.

This week we will reflect on the extraordinary service and sacrifice given year after year by the men and women of our police forces. We do not thank them enough. And as thousands of law enforcement officers arrive in Washington this week to pay tribute to those whose lives were lost in the line of duty, I hope they all know that the Senate stands with them and honors their service and their sacrifice. We welcome these men and women and their families and friends to the Nation's Capital.

This week, the Judiciary Committee will hold a hearing to get the perspective from the field as to how funds provided through the American Recovery and Reinvestment Act have been assisting with law enforcement efforts at the State and local level. I look forward to hearing from the Department of Justice and law enforcement officials on Congress and the administration's efforts to assist law enforcement across the country. Along with our respect, America's law enforcement officers deserve Congress's strong support.

Once again, I am proud that the Senate will unanimously approve this resolution and formally recognize National Police Week and National Peace Officers Memorial Day.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 140

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas 133 peace officers across the United States were killed in the line of duty during 2008;

Whereas Congress should strongly support initiatives to reduce violent crime and to increase the factors that contribute to the safety of law enforcement officers, including—

(1) equipment of the highest quality and modernity;

(2) increased availability and use of bullet-resistant vests;

(3) improved training; and

(4) advanced emergency medical care;

Whereas there are recorded 18,274 Federal, State, and local law enforcement officers who lost their lives in the line of duty while protecting their fellow citizens, and whose names are engraved upon the National Law Enforcement Officers Memorial in Washington, District of Columbia;

Whereas in 1962, President John F. Kennedy designated May 15th as National Peace Officers Memorial Day;

Whereas on May 15, 2009, more than 20,000 peace officers are expected to gather in Washington, District of Columbia, to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2009, as "National Peace Officers Memorial Day", in honor of the Federal, State, and local law enforcement officers that have been killed or injured in the line of duty; and

(2) calls on the people of the United States to observe that day with appropriate ceremony, solemnity, appreciation, and respect.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senator as a member of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the First Session of the 111th Congress: the Honorable CHARLES E. GRASSLEY of Iowa.

ORDERS FOR TUESDAY, MAY 12,
2009

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow morning, Tuesday, May 12; that following the prayer and the Pledge of Allegiance, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half. Further, I ask that following morning business, the Senate resume consideration of H.R. 627, the Credit Cardholders' Bill of Rights legislation. I further ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

Madam President, before that is approved, I hope that Senators who wish to make opening statements or statements regarding this legislation would

do so. I also hope that people who wish to offer amendments would offer amendments. We are going to move this bill as quickly as possible. This is a bill that has wide support. The two managers will be Senators DODD and SHELBY. They have worked long and hard to come up with their amendment that is now pending. We have the example set by the House of Representatives, where 377 Members voted for this totally bipartisan bill, and it is something that is badly needed.

It is interesting, Madam President. Senator DODD, the manager of this bill, was talking to the pages today. These young boys and girls, who are juniors in high school, have received numerous preapproved credit cards. So I think this legislation is necessary. I think this has gotten way out of hand, just as subprime lending for houses got out of hand. We are not trying to punish any of the people who offer credit cards. This is something that has become a way of life. But there has to be some control over the way they are handled.

So I have a unanimous consent request pending.

The PRESIDING OFFICER. Is there objection?

There being no objection, it is so ordered.

Mr. REID. Madam President, in short, I would hope people with amendments to offer would do so. We need to

get this done as quickly as we can. We have important things to do before the Memorial Day recess.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:12 p.m., adjourned until Tuesday, May 12, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

J. RANDOLPH BABBITT, OF VIRGINIA, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE MARION C. BLAKEY, TERM EXPIRED.

DEPARTMENT OF LABOR

LORELEI BOYLAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECAMP.

CENTRAL INTELLIGENCE AGENCY

STEPHEN WOOLMAN PRESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE SCOTT W. MULLER, RESIGNED.

DEPARTMENT OF DEFENSE

JAMIE MICHAEL MORIN, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE JOHN H. GIBSON, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. WILLIAM M. FRASER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM L. SHELTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DANIEL J. DARNELL

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. RICHARD K. GALLAGHER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TERRY G. ROBLING

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr. KIND. Madam Speaker, I was unable to have my vote recorded on the House floor on Thursday, May 7, 2009, due to a family commitment. Had I been present, I would have voted in favor of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act (Roll No. 242).

JEWISH AMERICAN HERITAGE MONTH

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr. ARCURI. Madam Speaker, I am proud to rise today in recognition of Jewish American Heritage Month. This month provides an important opportunity to reflect on the diverse ways in which Jewish Americans have contributed to the vitality of our nation and the preservation of our values.

The history of the Jewish American community begins in 1654, the year that 23 Jewish refugees from Recife, Brazil, fleeing persecution by the Portuguese Inquisition, arrived in the harbor of New Amsterdam, now known as New York. Although not the first Jews to come ashore in North America, they were the first to attain rights afforded to other settlers, including the right to own property, to erect a house of worship and to engage fully in the political process.

Free to worship and participate in civic life, the Jewish community in the United States has since thrived. Over the past 355 years, the achievements of Jewish Americans in areas such as science, law, literature, entertainment and public service have enriched our country and helped to propel our nation into the 21st century. Their deep devotion to faith and family has strengthened the fabric of our nation and set an example for all.

Madam Speaker, I call on all Americans to join this month in celebrating the history, culture and contributions of the Jewish American community.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr. HINOJOSA. Madam Speaker, on Thursday, May 7, 2009, I was unavoidably detained

from voting on several amendments to, and final passage of, H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

Had I been present for those votes on the floor of the House of Representatives, I would have voted the following way: on Rollcall No. 238, I would have voted "aye"; on Rollcall No. 239, I would have voted "nay"; on Rollcall No. 240, I would have voted "nay"; on Rollcall No. 241, I would have voted "nay"; and on Rollcall No. 242, I would have voted "aye."

HONORING THE HILL HEALTH CENTER ON THEIR 40TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join all of those gathered in celebration of the 40th Anniversary of the Hill Health Center—a private, non-profit community health center—the first of its kind in the State of Connecticut—which provides some of our most vulnerable citizens with the medical, dental, and behavioral health services. This is a very special milestone for this outstanding institution.

Too often, those children, families, and individuals most in need do not have access to critical healthcare programs and services. Now operating in eighteen locations and serving eight cities and towns, the Hill Health Center has become an irreplaceable asset to our community. Affiliated with both Yale-New Haven Hospital and the Hospital of Saint Raphael, the Center's staff includes internists, pediatricians, OB/GYNs, psychiatrists, psychologists, nurse practitioners, physician assistants, nurse midwives, registered nurses, LPNs, certified medical technologists, certified phlebotomists, social workers, nutritionists, registered dietitians, dentists and dental hygienists. The Center also operates six school-based health and dental centers. The Hill Health Center provides comprehensive, affordable care to hundreds of children and families—helping to ensure that every resident, regardless of age, income, or insurance coverage, has access to quality health care.

As we gather to celebrate this remarkable milestone, we also take a moment to reflect on the history of the Center and pay tribute to a man who was the driving force behind its success for more than thirty years; my dear friend and one of New Haven's most respected community leaders, the late Cornell Scott. His tireless efforts literally changed the face of healthcare in our community and across the nation. I had the privilege of working with Scotty over the years and I was in constant awe of his endless energy. Though he is no longer with us, Scotty continues to be

an inspiration to so many and his vision, through the good work at the Hill Health Center—continues to make a real difference in the lives of others.

The Hill Health Center has and continues to be an invaluable resource to our community. Providing programs ranging from outreach to the homeless to Birth-to-Three services for developmentally disabled children and from school-based health centers to a child and family guidance clinic, the Center's many services significantly increase the quality of life for countless individuals and families. As the first of its kind in Connecticut and one of the first in the country, the Hill Health Center has provided a model for care that has been successfully replicated and built upon across Connecticut and the nation.

The Center and its remarkable staff have made all the difference in our community and I have no doubt that they will continue in their good work for many years to come. I could not be more proud to rise today to extend my sincere congratulations to the Hill Health Center and all of its staff and supporters—both past and present—as they celebrate their 40th Anniversary.

HONORING THE DISTINGUISHED PRIESTLY AND SACRAMENTAL SERVICE OF REVEREND MONSIGNOR EDWIN JAMES PETERSEN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished priestly and sacramental service of Reverend Monsignor Edwin James Petersen. After 50 years, Reverend Monsignor Petersen is retiring as Monsignor with the Diocese of Fresno, California.

Edwin James Petersen was born on November 8, 1933 in Los Angeles, California to Edwin Clarence Petersen and Maryellen A. Underwood. As a young man, Rev. Msgr. Petersen attended Randsburg Elementary School in Randsburg, California. His high school and college education was obtained at the Pontifical College Josephinum in Worthington, Ohio. Between 1961 and 1963, he attended Fresno State College in Fresno, California where he obtained his Masters of Art degree. In 1970, Edwin James Petersen was invited to study at the prestigious American College in Louvain, Belgium where he received his Masters of Art in Theology.

Rev. Msgr. Petersen has been appointed to serve many of our Valley churches beginning as early as June 1959 at St. Mary's in Cutler, California as an administrator. Shortly thereafter, he was appointed as an assistant at the Shrine of St. Therese's in Fresno where he

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

spent several years working with the parishioners. Over the course of the next decade, Rev. Msgr. Petersen spent time as an administrator at Our Lady of Sorrows in Parlier, and then became a part of the parish families of St. Patrick's, Our Lady of Mercy, and Sacred Heart, all located in the community of Merced. Between 1974 and 2000 he was a valued and revered Pastor at Our Lady of Mercy, St. Anthony's of Padua and the Shrine of St. Therese.

Always an advocate on behalf of those in need, Rev. Msgr. Petersen was appointed by all of the California Bishops to work as a Public Policy Advocate with the California Catholic Conference in our great State's capital of Sacramento. This work allowed him to effectively provide a strong compassionate voice for the traditionally underserved on a wide variety of issues.

Throughout his lifetime of service, Reverend Monsignor James Petersen has become a highly respected leader who has always demonstrated sincere commitment to the Diocese of Fresno. As he prepares to retire and embark upon new endeavors of interest to him, we thank him for his unselfish service and wish him the best of luck for the future.

TRIBUTE TO DR. HELEN GRAVES

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr. KENNEDY. Madam Speaker, I rise to pay tribute to Dr. Helen Graves, an extraordinary woman who passed away April 21, 2009 at the age of 84. She was a noted and celebrated innovator in the field of experiential education and a devoted, civic-minded citizen of humanity.

Born February 21, 1925 in Pittsburgh, IL, Dr. Graves grew up in Southern Illinois, later deciding to study social science at Southern Illinois University. Upon receipt of a bachelors degree, she acquired a masters degree from the University of Minnesota and later a Ph.D. from Wayne State University, at age 50.

During her career, Dr. Graves was instrumental in the development of young minds, preparing them for future civic duty and awareness. She established the first comparative political internship program in the Canadian House of Commons in 1984 and established the Washington Internship program, which she oversaw for 20 years. At the University of Michigan Dearborn, where she served as a professor from 1975–2006, she helped found the Women's Commission, which celebrated its thirtieth anniversary in 2006. She also earned the university's 1980 Distinguished Junior Faculty Award, 1989 Sara G. Power Award, and 1993 Outstanding Service Award. Dr. Graves established a number of new courses in the curriculum, including Women's Politics and the Law and Canadian Politics. From 1992–1995, she sat on the Screening Committee of the Fulbright Program for Canadian Awards.

Dr. Graves was recognized by the Canadian House of Commons in 1993, elected delegate to the Democratic Convention 1998, and ap-

pointed in 1984 and reappointed in 1986 by Governor James Blanchard to the Michigan Women's Commission. She was the first woman president of the Michigan Conference of Political Scientists 2004 and the Washington Center for Civic Education 2003. Dr. Graves' Michigan Internship Program was recognized by the Michigan House and Senate, and she nominated to the Michigan's Women Hall of Fame 2003.

The legacy that Dr. Graves leaves is an eternal reminder of the great work one is capable of accomplishing when answering the call of service to the fellow man. Her endless commitment will be remembered, and her legacy lives on.

60TH ANNIVERSARY OF THREE BROTHERS BAKERY

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr. CULBERSON. Madam Speaker, I rise to honor a Houston institution, Three Brothers Bakery, on the occasion of its 60th anniversary. On this day in 1949, brothers Sigmund, Sol, and Max Jucker opened Three Brothers Bakery on Holman Street in Houston, Texas. They started with nothing but their hands to mix the dough—a literal interpretation of the term “handmade.” Eventually word spread around Houston about their delicious baked goods, and their hard work and determination paid off when they moved the bakery to its current location on South Braeswood in May of 1960.

The story of Sigmund, Sol, and Max Jucker is a tribute to the qualities that make America great. In 1941, the brothers and their family were sent to Nazi concentration camps. The three brothers and older sister survived the Nazi atrocities and on their liberation day, May 8th, 1945, the three brothers were actually all together in the same camp due to the ingenuity of their older sister, Jennie. Later they all immigrated to America, where their entrepreneurial spirit took hold and they continued the family tradition of baking which began around 1825. The three brothers were the fourth generation of bakers in the Jucker family. Using the family recipes to make rye, pumpernickel, challa, strudels and other Eastern European style baked goods, the brothers were soon rewarded with the a large and loyal customer base at Three Brothers Bakery.

Three Brothers Bakery continued to serve the Houston area until it was forced to close temporarily after Hurricane Ike, the third most costly storm in American history. The family—Sigmund, Sol's widow Estelle, and the fifth generation of Juckers, Robert and his wife Janice—could have taken the insurance money and closed the bakery permanently, but their deep commitment to the community and the family's baking history compelled them to rebuild and continue using the recipes passed down by their family for nearly 200 years, in addition to all the other pastries and beautiful, delicious cakes created for Americans.

Congratulations to Three Brothers Bakery for the last 60 years, and best wishes for the years to come.

A BLANK CHECK FOR MUBARAK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr. WOLF. Madam Speaker, I would like to bring to the attention of my colleagues an editorial that appeared in The Washington Post last week. The United States should not continue to give unconditional foreign military financing to the Egyptian government, as long as the regime continues to disregard the fundamental principles of human dignity. This undermines not only our values as a nation, but our credibility as a global leader on issues such as human rights and democracy.

[From the Washington Post, May 7, 2009]

NO QUESTIONS ASKED

Defense Secretary Robert M. Gates earned modest headlines in the United States this week for playing down the possibility of a “grand bargain” with Iran after a meeting with Egyptian President Hosni Mubarak. But al-Jazeera, the leading media outlet of the Arab Middle East, focused on an entirely different piece of news out of Mr. Gates' Cairo news conference. Asked whether U.S. aid to Egypt would be linked in the future to democracy or human rights, the Pentagon chief answered that “foreign military financing” for Mr. Mubarak's autocracy “should be without conditions. And that is our sustained position.”

The Obama administration, which has rushed to embrace Egypt's 81-year-old strongman, would do well to consider why al-Jazeera—not known for pro-American sympathies—would choose to trumpet that report. The Obama administration's policy assumes that the Bush administration's attempts to promote democratic reforms in Egypt produced yet another case of damaged ties and bad public relations to remedy, such as Guantanamo Bay or the war in Iraq. So Mr. Gates, like Secretary of State Hillary Rodham Clinton before him, heaped praise on Mr. Mubarak while making clear that the new administration will not trouble him about his systematic and often violent repression of the country's liberal politicians, bloggers and human rights activists.

Yet, as al-Jazeera well understands, Mr. Mubarak and his fellow Arab autocrats are widely despised across the region—and the United States is blamed for unconditionally propping them up. In fact, Mr. Bush won credit from many Egyptians for pressing for democratic change; he was criticized because he failed to follow through. Now, Arabs around the region are learning that the Obama administration is returning to the old U.S. policy of ignoring human rights abuses by Arab dictators in exchange for their cooperation on security matters—that is, the same policy that produced the Middle East of Osama bin Laden, Hamas and Saddam Hussein.

The pullback is not only rhetorical. Funding for democracy promotion in Egypt has been slashed from \$50 million to \$20 million this year. The State Department has agreed to Egyptian demands not to use economic aid to fund civil society organizations not approved by the government. As a result, U.S. funding for pro-democracy and human rights groups will drop by about 70 percent. Meanwhile, Democrats on the House Appropriations Committee this week inserted \$260 million in fresh security assistance for Egypt

into a supplemental appropriations bill, along with \$50 million for border security. No conditions were attached.

What will all this appeasement buy from Mr. Mubarak? The Egyptian ruler continues to pledge to stop arms trafficking to Hamas in Gaza, and to fail to do so. He keeps a cold peace with Israel, withholds an ambassador from Iraq and, as Mr. Gates tacitly acknowledged, opposes any broad rapprochement between the United States and Iran. He is grooming his son to succeed him, a step that could entrench Egypt's autocracy for decades more—or maybe produce an Islamic revolution. Does all that really merit unconditional U.S. support?

IN TRIBUTE TO PERRY LUNTZ

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mrs. MALONEY. Madam Speaker, with great sadness and affection, I rise to pay tribute to a dear friend, Perry Luntz, who passed away in April. Perry was an author, journalist and marketer who served on his community board, became President of his local political club and actively participated in numerous political campaigns. I was privileged to have known him, and I will miss him deeply.

Perry was a lifelong civic activist. He served for many years as a member of Community Board 6 in Manhattan, and was President of the Eleanor Roosevelt Democratic Club. Perry was actively involved in numerous political campaigns, including Freddy Ferrer's two unsuccessful runs for Mayor of the City of New York and Eugene Nickerson's campaign for county executive in Nassau County (Nickerson served from 1962 to 1970 and was the only Democrat to win that office until 2001). Perry was also a volunteer literacy teacher. During the Vietnam War, he participated in several protests and had the misfortune to be tear-gassed at a rally in Washington, DC.

Public service was Perry's passion, but his career was as a journalist and marketing specialist. In one way or another, Perry was involved with the beverage alcohol business for most of his adult life. For more than a decade, he served as Director of Marketing Communications (a term he coined) for Seagram Distillers, and subsequently worked on the creative side of several advertising agencies, including a stint as a creative director of a Young & Rubicam division. For several years he headed his own marketing communications agency. For more than 20 years Perry was publisher and editor of "Beverage Alcohol Market Report," an international e-letter for beer, wine, and spirits executives. He was Senior Editor and columnist for the Beverage Media groups of trade magazines.

Perry believed in moderation, maintaining that spirits should be appreciated for their gustatory delights. When he was interviewed about Irish whiskey he admonished: "It's supposed to be enjoyed, to be savored. It's not meant to be guzzled." Perry served as Chair of The Wine Media Guild and was a member of the Society of Professional Journalists. At age 80, in November 2007, Perry published his first book, *Whiskey and Spirits for Dum-*

mies, which has been translated into both German and Spanish. The book takes readers on a journey into the rich heritage and diverse taste profiles of different spirits from around the globe, tracing the origins of whiskey, rum, brandy, vodka, gin and tequila, among others, explaining how they are made, and showing the reader how to evaluate, serve and enjoy them.

Tragically, while suffering from lung cancer and a broken hip, Perry contracted Legionnaire's Disease at a skilled nursing/subacute rehabilitation facility where he was recuperating. As required by law, the New York City Department of Health has reported his illness to the New York State Department of Health, which oversees such facilities. When I first met Perry, he was deeply involved in efforts to improve conditions at a variety of facilities in my district, and he always had a profound sense of empathy for the disadvantaged. It would, therefore, be particularly fitting for so dedicated an activist if his last illness were to become the impetus for improved conditions at nursing homes in general.

Born in Brooklyn in 1927, Perry graduated from Boys High (now known as Boys and Girls High) and went on to earn a degree in marketing from New York University. Perry served with the 473rd Air Service Group in Berlin at the end of World War II and was awarded the Army of Occupation Medal and the World War II Victory Medal. Perry is survived by his wife Carol Ann Rinzler, two sons, Ira and Russell, and two grandchildren, Eli and Ari. His son, Lloyd, predeceased him.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the many achievements of Perry Luntz, an informative author and journalist, creative ad man, committed community activist and exceptional human being who cared deeply about his community and sought to improve the world around him. He will be profoundly missed.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr FLEMING. Madam Speaker, I rise today to recognize and honor a very special group from Northwest Louisiana.

On April 11, 2009 a group of 104 veterans and their guardians flew to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these Louisiana veterans to visit Washington, DC on a chartered flight, free of charge. For many, this will be the first and only opportunity to visit the memorials created in their honor. These brave men and women, from my home state of Louisiana, deserve the thanks of a grateful nation for everything they have sacrificed for our freedom.

Today I ask my colleagues to join me in honoring these great Americans and thank them for their unselfish service.

James L. Adams, William P. Atkins, Joe B. Aulds, Fred Winston Baily, Charles Baird, Howard G. Barnett, Ed J. Barras, John E.

Blanchard, Charles E. Brister, Joseph J. Brocato, Chester C. Bums, Billy G. Cantrell, J. C. Carlin, C. C. Carpenter, Edmond H. Chandler, Jr., LaVon E. Chandler, Waylon H. Chandler, Fred L. Cheek, Steve K. Cheek, Ralph J. Cooper, Luther R. Couch, William R. Cutler, Golan A. Davis, Heuy G. Davis, William E. Davis; and

George W. Davison, Lee Day, Ellison DeMoss, Donald R. Downs, Herschel M. Downs, George Forrest Dunn, Herman H. Edwards, Ray C. Ellerd, John M. Farrar, Theodor Finkbeiner, Noble E. Flenniken, James M. Gatner, Clyde E. Gilber, Challie Bruce Griggs, August E. Hayden, Raymond L. Heck, Clem V. Henderson, Sr., Marvin Higginbotham, Eugene L. Hill, Harry J. Hilman, Fahy E. Hodge, Howard Holder, Joseph F. Hood, John L. Horton, Gordon M. Hughes; and

James M. Hunter, William F. Hunter, W.E. Jacobs, Robert Johnson, Emmett F. Jones, Gaston V. Jones, Dudley J. Kemper, Raymond Kleeman, William T. Knowles, Douglas E. Lane, Vernon Y. Leach, S.E. Lee, Elmer C. Lolley, C.W. Loyd, Hilton Lytle, Elzie R. Mains, Horace H. Maxwell, Harold L. McBeth, William McElroy, Dan B. McKay, James H. McQuiller, Jesse L. Means, Floyd S. Mercer, Anthony John Miciotto, Roy A. Miciotto; and

Ollie Mitchell, Charles B. Moore, Danny R. Moore, Howard E. Morris, Calvin E. Morrison, Miles G. Murphy, James M. Newsom, George G. Nolan, Charles F. North, Raymond L. Odom, John S. Palmer, John Parker, Billy B. Parks, George M. Pearce, Felix P. Pinnix, Francis A. Plauche, Eileen Rahm, Wallace T. Rascoe, James O. Rawls, James L. Revells, John M. Rust, Gerald D. Sanderson, Frank P. Sartori, Paul Sartori, Orvis U. Sigler; and

Joe D. Simpson, Lonell L. Smith, William H. Smith, Leroy Solice, James C. Spencer, Jackson W. Stine, James H. Stronger, Garrard M. Stump, Terry B. Trammell, Henry G. Ward, Billy R. Weeks, Thomas R. Wells, Arvis L. Wiley, Otis Wilkerson, Roger C. Wilkinson, Kenneth C. Wood, Neil A. Yarrowborough.

MICHAEL A. MAZELLA, JR.

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr. McMAHON. Madam Speaker, I rise today to honor Michael A. Mazella, Jr., a principal, teacher, and alumnus of the St. Ann School in the Dongan Hills community of Staten Island, New York who has touched the lives of thousands of Staten Island children.

Born and raised in Dongan Hills by his mother Lee Mazella and his father, the late Michael Mazella, Michael Mazella, Jr. was a member of the first graduating class of the St. Ann School, the former Augustinian Academy on Grymes Hill and St. John's University.

Mr. Mazella taught 7th and 8th grade classes at St. Ann School for over 17 years before becoming its first principal who was not a member of the clergy. He has served as principal for the past 22 years. Besides his work as principal and classroom teacher, Mr. Mazella has also served as a gym instructor for St. Ann's 6th, 7th and 8th grade students, the boys' varsity basketball coach, and a moderator of the St. Ann's Parish Christian Youth Organization sports program.

As principal, Mr. Mazella has worked hard to bolster St. Ann's academic programs, spearheading efforts to re-establish the school's kindergarten program and institute requirements for foreign language, art and music appreciation, and computer science. He also played a central role in the effort to secure and maintain the school's Middle States accreditation.

Principal Mazella has also supervised two major renovation projects at the St. Ann School. In 1992, the school added a wing to house a new pre-school, the computer center, a library, and a faculty room. And in 2005, in commemoration of the school's Golden Jubilee, Principal Mazella oversaw a key modernization effort that provided St. Ann students with state of the art lighting, Smart Boards, new desks and chairs, and air-conditioning.

Mike Mazella's achievements as a principal and teacher have been widely recognized far beyond the confines of St. Ann's Parish. He is the recipient of numerous awards including: Outstanding Elementary Teacher of America in 1975, the Jack Anglin Memorial Trophy, the Maurice Wollin Award, Staten Island Teacher of the Year in 1984, the Distinguished Graduate Award in 1991 from the N.C.E.A., and the Medal of Honor from the Catechetical Office of the Archdiocese of New York.

In addition to his lifetime of dedication and 40 years of service to St. Ann School, Mike Mazella has been a positive influence on the lives of countless Dongan Hills public school children, serving as a CCD program coordinator for over 30 years.

Outside of his professional life, Michael Mazella is a devoted family man, married to Pamela Smith of West Brighton for almost 40 years. He is the father of three children, Michael, Julie and Jessica and the beloved grandfather of Ryan, Justin, Erik, Georgia, and Keira.

Michael Mazella will retire from his role as principal of the St. Ann School this June when the academic year comes to a close. He will leave behind a legacy of service to St. Ann's and the larger Staten Island community, having improved the lives of thousands of children through his work as teacher, coach, principal, mentor, and role model. Madam Speaker, I ask that my colleagues join me in commending Michael A. Mazella, Jr. and his extraordinary contributions to Staten Island and the St. Ann School.

HONORING THE CENTRAL CONNECTICUT COAST YMCA ON THEIR 150TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Ms. DELAURO. Madam Speaker, I am honored to have this opportunity to rise and extend my sincere congratulations to the Central Connecticut Coast YMCA as they celebrate their 150th Anniversary—a remarkable milestone for an outstanding organization.

The Central Connecticut Coast YMCA has become an institution in the Greater New Haven community. What began as the effort of

a small group of local businessmen has today grown into an organization with twelve branches, serving more than 75,000 people in twenty-five communities. The Central Connecticut Coast YMCA offers a myriad of programs for children, families, as well as adults—continuing in their founders' vision of identifying and addressing unmet needs within the community. Although the work of the YMCA has changed over the years, from teaching English to immigrants at the turn of the 20th century to teaching values to modern day youth, they continue to provide programs and services that enrich the community and enhance the quality of life for all.

The Central Connecticut Coast YMCA has a vision for the community—to advocate for those whose voices are seldom heard, improve neighborhoods, and build strong kids, strong families, and strong communities. From after-school childcare to summer camp and preschool programs to year-round swim lessons for all ages, the CCC YMCA offers our young people programs designed to help them develop strong foundations on which to build their future success. The CCC YMCA has created parent-child fitness classes to encourage families to exercise together, youth sports programs with parents interacting as coaches as well as cheering from the sidelines, and have most recently begun programs promoting and supporting healthy family lifestyles. The Central Connecticut Coast YMCA has created an environment where families have the opportunity to spend quality time together.

The Central Connecticut Coast YMCA is also a strong partner in providing a continuum of care to individuals and families who have become homeless. It is the largest provider of supportive housing in Fairfield County and operates the only family emergency shelter in the City of Bridgeport. In just this past year alone, they provided housing to 892 individuals, including more than 400 children. And they are providing so much more than simply shelter from the elements and a place to lay one's head. Their supportive services include case management, job training, and continuing education classes. It is through this holistic approach that so many in need are finding the resources necessary to rebuild their lives, provide for their families, and contribute to the community.

For one hundred-fifty years, the Central Connecticut Coast YMCA has been there for our children and families. Its great success would not be possible without the dedication and commitment of its Board of Directors, Managers, Trustees, staff and volunteers—past and present—who remain vigilant in their mission. Their compassion, generosity, and vision have guided this organization and I am proud to have this opportunity to extend my deepest thanks and appreciation to them for all of their good work.

Today, as the Central Connecticut Coast YMCA celebrates its 150th Anniversary, I am pleased to rise not only congratulate the organization on this remarkable milestone, but thank them for the many invaluable contributions they have made which have gone a long way in shaping the very character of our community. Congratulations and best wishes for many more years of continued success!

COMMENDING SISTER M. THERESE ANTONE

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 2009

Mr. KENNEDY. Madam Speaker, on behalf of the constituents of the State of Rhode Island and the students of Salve Regina University, I would like to acknowledge and commend Sister M. Therese Antone. She is currently fulfilling a fifteen-year tenure as the sixth president of Salve Regina University in Newport, and she will assume a role as the first Chancellor of the University on July 1.

Under the direction of Sister Therese Antone, Salve Regina University has impacted and improved the academic and economic vigor of the State of Rhode Island. Sister Therese has brought the issues of higher education, business ethics, healthcare and social justice to the forefront as a community leader and statewide representative. Sister Therese has been invaluable to Salve Regina University and the State of Rhode Island.

The diligent work of Sister Therese has had a profound impact on the lives of thousands. Her continued involvement and leadership at Salve Regina University will remain a paramount asset to the further development of higher education. I hereby recognize Sister M. Therese Antone for her service, achievement and dedication to the dynamic advancement of academia.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 12, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 13

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider any pending nominations.

Room to be announced

9 a.m.

Foreign Relations

To hold hearings to examine the nominations of Philip J. Crowley, of Virginia,

- to be Assistant Secretary for Public Affairs, and Judith A. McHale, of Maryland, to be Under Secretary for Public Diplomacy, both of the Department of State. SD-419
- 9:45 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Labor. SD-138
- 10 a.m.
Commerce, Science, and Transportation
Competitiveness, Innovation, and Export Promotion Subcommittee
To hold hearings to examine tourism in troubled times. SR-253
- Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine manufacturing and the credit crisis. SD-538
- Energy and Natural Resources
Business meeting to consider pending calendar business. SD-366
- Homeland Security and Governmental Affairs
To hold hearings to examine the D.C. Opportunity Scholarship Program, focusing on preserving school choice for all. SD-342
- Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine torture and the Office of Legal Counsel in the Bush Administration. SD-226
- Rules and Administration
To hold hearings to examine problems for military and overseas voters, focusing on why many soldiers and their families cannot vote. SR-301
- 10:30 a.m.
Foreign Relations
To hold hearings to examine the nomination of Daniel Benjamin, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large. SD-419
- Appropriations
Interior, Environment, and Related Agencies Subcommittee
To hold hearings to examine proposed budget request for fiscal year 2010 for the Environmental Protection Agency. SD-124
- 2 p.m.
Appropriations
Homeland Security Subcommittee
To hold hearings to examine proposed budget request for fiscal year 2010 for the Department of Homeland Security. SD-192
- 2:15 p.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine reauthorization of the Federal Aviation Administration (FAA), focusing on perspectives of aviation stakeholders. SR-253
- Small Business and Entrepreneurship
To hold hearings to examine small business financing, focusing on a progress report on Recovery Act implementation and alternative sources of financing. SR-428A
- 2:30 p.m.
Foreign Relations
African Affairs Subcommittee
International Operations and Organizations, Human Rights, Democracy and Global Women's Issues Subcommittee
To hold joint hearings to examine confronting rape and other forms of violence against women in conflict zones. SD-419
- Banking, Housing, and Urban Affairs
To hold hearings to examine the nomination of Peter M. Rogoff, of Virginia, to be Federal Transit Administrator, Federal Transit Administration, Department of Transportation. SD-538
- Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Florence Y. Pan, of the District of Columbia, and Marisa J. Demeo, of the District of Columbia, both to be an Associate Judge of the Superior Court of the District of Columbia, and David Heyman, of the District of Columbia, to be Assistant Secretary of Homeland Security. SD-342
- MAY 14
- Time to be announced
Indian Affairs
Business meeting to consider pending calendar business. SD-628
- 9:30 a.m.
Armed Services
To hold hearings to examine proposed defense authorization request for fiscal year 2010 for the Future Years Defense Program. SD-106
- 9:45 a.m.
Foreign Relations
To hold hearings to examine the nominations of Jeffrey D. Feltman, of Ohio, to be Assistant Secretary for Near Eastern Affairs, and Robert Orris Blake, Jr., of Maryland, to be Assistant Secretary for South Asian Affairs, both of the Department of State. SD-419
- 10 a.m.
Environment and Public Works
Business meeting to consider S. 1005, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States, S. 849, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions, H.R. 80, to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, H.R. 388, to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes, S. 529, to assist in the conservation of rare fields and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations, H.R. 813, to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse", H.R. 837, to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building"; and Army Corps of Engineers Study Resolution: Miles City and Vicinity, Montana. SD-406
- Health, Education, Labor, and Pensions
To hold hearings to examine delivery reform, focusing on the roles of primary and specialty care in innovative new delivery models. SD-430
- 10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine the proposed budget request for fiscal year 2010 for national intelligence program and military intelligence program. SVC-217
- 2 p.m.
Appropriations
Business meeting to markup proposed budget request for fiscal year 2009 supplemental for Iraq, Afghanistan, Pakistan, and the pandemic flu. SD-106
- Foreign Relations
To hold hearings to examine the Middle East, focusing on the road to peace. SD-419
- 2:30 p.m.
Energy and Natural Resources
To hold hearings to examine S. 1013, the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009. SD-366
- Intelligence
To hold closed hearings to examine certain intelligence matters. S-407, Capitol
- MAY 15
- 9:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Robert M. Groves, of Michigan, to be Director of the Census, Department of Commerce. SD-342
- MAY 19
- 9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Army proposed defense authorization request for fiscal year 2010 and the Future Years Defense Program. SH-216
- 10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider S. 982, to protect the public health by providing the Food and Drug Administration

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with certain authority to regulate tobacco products, and any pending nominations.

2:30 p.m.

Homeland Security and Governmental Affairs

SD-430

Oversight of Government Management, the
Federal Workforce, and the District of
Columbia Subcommittee

To hold hearings to examine public health challenges in our nation's capital.

SD-342

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending legislation.

SR-418

MAY 21

SENATE—Tuesday, May 12, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who alone rules the raging of the sea, we bow in awe and reverence before You. Even as we bow, we rejoice that Your mercy enables us to not be consumed in Your presence.

Strengthen our Senators for today's journey. In all the changing scenes of their lives, help them to bear in mind that You are an ever-present help for all their challenges. Lord, give to them the abiding awareness that nothing that disturbs their peace is too insignificant to bring to You. May these lawmakers live in the sure faith that Your love is stronger than all human rebellion and that You can empower them to live worthy of Your grace. At the end of this day, may they feel they have done their best and that You are pleased with their labors.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 12, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, we will be in a period of morning business for up to 1 hour. Senators will be allowed to speak for up to 10 minutes each during that time. The Republicans will control the first 30 minutes, the majority will control the second 30 minutes. Following morning business, the Senate will resume consideration of the credit card legislation. We will be in recess from 12:30 until 2:15 to allow for our weekly caucus luncheons.

One of the things I want to clear up, I announced yesterday that we would be having votes on Monday. To say I got a few phone calls is an understatement. When we announce that there will be no votes, people schedule things. It is very difficult to undo those. By popular demand, we will not have any votes this Monday. I have spoken to the Republican leader. We think we can work together to accomplish what we need to anyway. We have a few things we need to do before we leave here next Thursday or Friday. I want everyone to know that the no-vote day is reestablished this coming Monday.

I filed cloture last evening on David Hayes to be Deputy Secretary of Interior. Under rule XXII, that vote will occur tomorrow morning. We may be able to work on an agreement to work around that in some way. We will certainly work with all colleagues to find out what we can do to work through that issue.

I have asked the Republican leader to speak first. I have something I have to do off the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NO VOTE MONDAY

Mr. McCONNELL. Mr. President, I say to my good friend the majority

leader, I am sure his decision to stick with not voting on Monday was greeted with great pleasure on this side of the aisle as well.

GUANTANAMO

Mr. McCONNELL. Mr. President, for the past several weeks, I have repeatedly expressed my concerns about the administration's decision to fix an arbitrary deadline on closing Guantanamo before it has a plan for the detainees. In my view, it was irresponsible for the administration to announce the closure of this safe and secure facility before it could assure the American people that the alternative would be no less safe.

So far the administration's response to these concerns has been to simply assure people that any future transfer will not endanger Americans. Attorney General Holder says that detainees from Guantanamo would only be sent to American prisons if he is convinced that doing so won't impact the safety of the communities they are sent to. National Security Adviser Jim Jones has said the same thing. On Sunday, he said nothing would be done to make Americans, "less safe."

These assurances may be consoling to some. But Americans deserve more than vague assurances. They want to know which communities are being considered, and they want to know how the people who live in these communities would be affected by the arrival of terrorists. In short, Americans want the kind of assurances and specifics the Attorney General has evidently shared with foreign governments like he did recently on a trip to Europe, but not with the U.S. Congress.

News reports indicate that Alexandria, VA is a possible destination for some detainees from Guantanamo. A few years ago, when one of the 9/11 conspirators, Zacharias Moussaoui, was held in Alexandria, the jail had to set aside a unit of six cells and a common area just for him. Every time Moussaoui was moved to a nearby courthouse, he was transferred in a heavily armed convoy and the entire prison was locked down. And whenever Moussaoui was transferred to the courthouse, traffic was stopped due to security concerns, a major inconvenience to locals and local businesses.

These were the security requirements for just one terrorist. Now imagine duplicating these procedures many times over for multiple detainees from Guantanamo.

Based on its own past experience with Moussaoui, local officials in Alexandria are extremely concerned. The

mayor of Alexandria said recently that he is "absolutely opposed" to detainees from Guantanamo going to Alexandria and that he would do everything in his power to stop it. Alexandria's sheriff is also unconvinced by the administration's claims. He said that if multiple detainees were sent to Alexandria, they could "overwhelm the system."

Congressman JIM MORAN, who represents Alexandria, is one of the few people who is open to the idea of domestic transfers. But even he admits the strain would be intense.

Yet what is even more worrisome to some officials at the local level is the prospect that any city which houses these detainees could become the target of a terrorist attack. The residents of Alexandria are concerned about it, and so are the residents of communities all across the country. I can assure you that Kentuckians don't want detainees from Guantanamo living anywhere within our borders, and I know that communities all over the country share the same concerns.

Already, State and local officials in places like Louisiana, California, and Mississippi have been introducing resolutions to stop these terrorists from being sent to their communities. In Virginia, the Stafford County Board of Supervisors has passed a resolution opposing the transfer of Guantanamo prisoners to the Marine base at Quantico. In Missouri, the legislature passed a resolution urging Congress to keep detainees out of the State.

Similar measures have been introduced or approved in other States, including California where Camp Pendleton is considered a candidate to receive detainees. Here in Washington, lawmakers on both sides of the aisle are also raising concerns. When one Democratic Senator was asked about the possibility of detainees being sent to his State, he was blunt: "No way," he said, "not on my watch." Other Democrats have voiced serious concerns about the impact transferring detainees would have on their communities. They know about the experience of Alexandria during the Moussaoui trial, and they don't want it duplicated many times over in their own communities.

So there is strong bipartisan opposition to this proposal. I can't think of a congressional district in America that would welcome terrorists. Local communities want the administration to explain how transferring or releasing detainees won't make them, quote, "less safe". And the American people want the administration to explain its plans to their elected representatives in Congress.

Senator SESSIONS, the ranking member of the Judiciary Committee, has now sent the Attorney General two letters asking what legal authority the administration has to release trained terrorists into the United States. He

has yet to receive the courtesy of a response. Imagine that. The ranking member of the Judiciary Committee sent the Attorney General a letter pointing out that the law prohibits the transfer of terrorists to the U.S. soil, and he has not received a reply after two letters. Virginia Congressman FRANK WOLF sent a letter to the Attorney General in March regarding concerns he had with transferring Guantanamo detainees to Alexandria. He has since sent two more letters. The Attorney General has not responded to any of these requests.

Democrats are also demanding that the administration provide details for how it plans to deal with the terrorists at Guantanamo. Senior Democrats are now acknowledging that the administration simply doesn't have a plan and are asking the administration to provide one. Members of Congress have a responsibility to ensure the administration is not taking any actions that endanger the American people, and we have a responsibility to protect our constituents.

It is unacceptable that the Attorney General is willing to discuss details about his plans for Guantanamo with foreign countries—foreign countries—but not with the American people or their elected representatives. Members of Congress deserve, and the American people expect, the administration to provide us with answers.

TRUSTEES ANNUAL REPORT

Mr. MCCONNELL. Mr. President, later today the trustees of the Social Security and Medicare trust funds will release their annual report which will give us an idea of the current and projected financial health of these programs. We do not know exactly what they will say, but we know the news will not be good. Everyone knows these programs are unsustainable under current conditions, and the problem is only getting worse.

Unfortunately, it is a problem the Democrats' budget does not address. Despite repeated calls from our side of the aisle, entitlement spending has been overlooked for far too long, and now it is completely—completely—out of control.

This is a fiscal crisis of the first order, and it is a crisis that cannot wait any longer to be addressed. Nearly 7 out of \$10 the Federal Government spends every year goes directly to mandatory spending on programs such as Medicare, Medicaid, Social Security, and the interest on the national debt. Soon enough, Social Security, Medicare, and other entitlements will consume about twice the percentage of the Federal budget they did four decades ago. If we do not get control over this spending soon, we will only have a fraction left for vital priorities such as defense, health care, transportation, and other job creators.

We must address the issue of entitlement spending now before it is too late. As I have said many times before, the best way to address the crisis is the Conrad-Gregg proposal, which would provide an expedited pathway for fixing these profound long-term challenges. This plan would force us to get debt and spending under control. It deserves support from both sides of the aisle.

The administration has expressed a desire to take up entitlement reform, and given the debt that its budget would run up, the need for reform has never been greater. So I urge the administration, once again, to support the Conrad-Gregg proposal. This proposal is our best hope for addressing the out-of-control spending and debt levels that are threatening our Nation's fiscal future. More than 800,000 Kentuckians receive Social Security benefits, and we need to make sure the program remains solvent not only for them but for their children and their grandchildren.

Today's report will underscore the urgent need for action, and Republicans stand ready to work with Democrats and the administration to meet that challenge.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL POLICE WEEK

Mr. REID. Mr. President, as a young man, I came to Washington, DC, to go to school. I came back here to go to school, and I went to law school during the daytime. I worked at night as a police officer here in this Capitol complex. I was a Capitol police officer. I had a badge. I still have that as my souvenir. It has a very low number. I was one of the early police officers, I guess. I worked the night shift. I worked from 3 to 11. Now, I did not do anything very dangerous, and that is an understatement. I watched the doors, helped with the crowds sometimes. The most dangerous thing I did—and the thing I disliked the most—was directing traffic. That was kind of dangerous because in those days they had these streetcar tracks in the middle of Constitution Avenue and Independence Avenue, and trucks, vehicles, would bounce around on those. But anyway, I did not do anything very dangerous.

Every year for decades now, police officers and their families have come to Washington about this time of the year to honor those who have risked their lives and to remember those who gave their lives. Having had a little experience as a police officer, I recognize the sacrifice these men and women who come here have made.

As I said, this is the time of year we honor those who have risked their lives and remember those who have given their lives during the past year. Three

of those fearless officers we recognize this year serve in the Las Vegas Metropolitan Police Department. It is an outstanding organization. The work they do is intense, and I am very proud of the work they do. Three of these officers are here in the Capitol today.

Last June, police officer Blake Penny was chasing another vehicle, thinking perhaps the person was armed. But the suspect's car flipped over, end over end, and landed on its side. Officer Penny did what any good police officer would do: He went to the car to see if everyone was OK. The passenger came out with gun blazing and shot Officer Penny. Fortunately, he did not kill him. He shot him just above the knee. The other bullets did not hit Officer Penny at all.

It was then that Officer Penny's fellow patrolmen—Sergeant Steve Custer and Officer Christian Jackson—heard those frightening words over the radio that police officers hate to hear but hear them more often than they would like: "Shots fired, officer down." They, of course, raced to the scene because one of theirs was down. In the meantime, even though he was unable to walk, Officer Penny courageously continued to exchange fire with the suspect.

When Sergeant Custer and Officer Jackson got there, they threw themselves into the line of fire to administer first aid to Officer Penny and pull him into their patrol car. Officer Jackson drove his wounded partner to the hospital, and Sergeant Custer—a police officer for 36 years—stayed on the scene until backup arrived. Sadly, the suspect was killed in the exchange of fire.

That is the work these brave police officers do every day.

This week, the National Association of Police Organizations is honoring these brave officers with what is called the Top Cops Award. Custer, Jackson, and Penny are Top Cops. They have been designated so by their fellow police officers. This is a tribute given to just a select few of the countless men and women who each year go above and beyond the call of duty.

Today, it is we who are honored to have them here in the Capitol with us. To Officer Blake Penny and his wife Marcia, Sergeant Steve Custer and his wife Marcela, and Officer Christian Jackson and his wife Barbara—they are Nevadans and Americans—Nevadans and Americans everywhere thank you brave police officers for your service and your sacrifice. We are fortunate to have people just like you protecting us every day, not only in the metropolitan area of Las Vegas but all over the country.

We also remember the brave officers who tragically lost their lives this past year.

In Nevada, last February, State trooper Kara Borgognone—a wife and

mother of two—was investigating a bomb threat at a gas station in Spanish Springs, NV, when her car crashed. She died from her injuries. She was only 33 years old. Trooper Borgognone will be honored here in Washington this week at the annual National Police Week candlelight vigil for officers killed in the line of duty.

Just last week, in Las Vegas, Las Vegas police officer James Manor—a husband and a brandnew father—was responding to a call in the same community where he grew up. With red lights blaring, he was going to a place where a woman was allegedly being beaten. He was struck by a drunk driver and killed. Officer Manor was 28 years old.

This week, we pause to think of the selfless police officers who have fallen in the line of duty this past year and in years past and their loved ones who have lost a father, a mother, a son or a daughter, a husband or a wife, or even a friend. And we pause to thank those—just like these three brave officers who are here this morning—who each day go to work with a simple job—a simple job, Mr. President—to put their lives on the line to protect people they do not know.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. President. Will the Chair please let me know when I have consumed 10 minutes?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. ALEXANDER. I thank the Chair.

EDUCATION REPORT CARD

Mr. ALEXANDER. Mr. President, after 100 days, there have been a lot of report cards on the Obama administration. I would like, with respect, to offer one on a subject both the President and I think is of crucial importance: the education of the American people.

As a good teacher would—or as my late friend Alex Haley used to say: Find the good and praise it—I would like to start with the good grades on

this report card. So to begin with, I give President Obama an A-plus for recruiting. His best appointee, in my opinion, is the new Education Secretary, Arne Duncan from Chicago. The Acting President pro tempore might agree with that. The new Education Secretary grew up, as I did, in a family where the mom was a preschool teacher—my mother in the mountains of Tennessee, his on the South Side of Chicago. He has a background for leadership. He has an agenda for rewarding outstanding teaching, an agenda for encouraging the largest number of charter schools possible, an agenda for encouraging States to set higher standards. He has a close relationship with the President. He is truly a blue-chip recruit. On the subject of rewarding outstanding teaching and charter schools, if he succeeds with that in 4 years or 8 years, it could be a Nixon to China exercise in education. So an A-plus for recruiting.

Then, here is another A-plus: for rewarding outstanding teaching. This is the greatest need we have in kindergarten through the 12th grade in America. Every problem we are faced with—after you deal with the question of having a good parent—has to do with a good teacher. Whether we are talking about a gifted child or the needs of a child with a disability or of a child who has come from a home where a book has never been read to them or whether they are in the mountains of Tennessee or on the South Side of Chicago, put a child with the best possible teacher, and the child almost always succeeds.

In 1983, when Tennessee became the first State to pay teachers more for teaching well, not one teacher was being paid more for being a good teacher. Many good people have worked hard on that: Governor Jim Hunt, Governor Bob Graham, Senator BENNET of Colorado, Senator CORKER of Tennessee when he was mayor of Chattanooga. But it is hard to do, to find ways to reward outstanding school leadership and outstanding teaching, to pay some teachers more than others. But if we do not, we will not be able to attract and keep the best men and women in our classrooms and in our schools.

The President's new budget increases from about \$100 million to \$500 million the Teacher Incentive Fund, which has been a big success across this country. Thirty-four grantees—cities, school districts—across the country are experimenting with different ways of rewarding outstanding teaching. There is not necessarily one way to do it. It almost always has to be worked out locally. Most of these cities are working with their unions to make this happen. Memphis city schools are using their funds to train principals. Philadelphia's grant application was co-written by the local teachers union. The Northern New Mexico Network for Rural Education is working with four school districts.

As I said earlier, if Secretary Duncan and the President can leave a legacy of dozens or hundreds of school districts, or even States, where outstanding teachers are paid more for their skills—not just for being there a long time or for going back to school—that would be the single most important legacy they could leave.

Then, here is one more good grade: an A-minus for charter schools. Charter schools also have a little history behind them. They began in Minnesota. The last act I took as Education Secretary, in 1992, was to write every school superintendent in the country and encourage them to start charter schools. Albert Shanker, the head of the American Federation of Teachers, asked “If we can have a Saturn plant, why not a Saturn school?”

What he meant was, why not start from scratch and take the union rules and the Government regulations off teachers and let them use their own good judgment to deal with the children who are assigned to them. The charter school is a pro-teacher idea. It has greatly expanded over the years, but it still runs into substantial opposition, usually from the National Education Association or other educators who do not like it. But these are public schools. These are designed to free teachers so they can use their judgment to help children. Secretary Duncan and the President are committed to them.

The Secretary and I cowrote an op-ed for a Tennessee newspaper 2 weeks ago, which apparently helped to influence the vote of the legislature to begin to move along raising the cap on charter schools in Tennessee. I hope it did. I thank the Secretary for his bipartisan support and commitment. Again, if he is able to succeed, working with the President, and leaves a large number of public charter schools in our country when he leaves office, it will again be a “Nixon to China” experience and the country will be deeply grateful. The only reason why it is an A-minus is there is not much support in the budget for the major obstacle in creating more charter schools, which is support for financing for new facilities.

Now for the bad news. Every parent has had this experience with the child’s report card. Here is a D. That is for spending \$80 billion over the next 2 years for more of the same in the Department of Education without even asking the question: Is what we are doing working? That is hard for me to imagine.

The budget for the Department of Education would be at about \$70 billion, so we are adding \$40 billion to it this year and \$40 billion next year for more of the same. Is everybody delighted with the way our K–12 grade system is working in America? I don’t think so. We are challenged by it. We need to change it. So then why in the

world would we put more money in for more of the same?

The only thing that saves the grade from being an F is that there is \$5 billion for the Secretary’s Race to the Top, which is a good idea based on the agenda I described.

What would we have done with the money? Well, I would have suggested we give a Pell Grant for Kids to every middle- and low-income child in the country and \$500 for a state-approved afterschool program. Let the parents choose: for music, for art, for catchup, for academic improvement. It would have poured billions into the school districts. It would have created some competition and middle- and lower income children would be given more options. That would be what we could have done.

Here is another unfortunate grade: D-minus. That is for the DC voucher program. I see the Senator from Illinois. I had this all prepared. I had no idea he would be here. He has been a major participant in this. What keeps this from being an F is that the President and the Secretary have said they will continue funds for the 1,700 children in the District of Columbia who are now in high school and who are continuing, but after that, it is gone. This is a death sentence for the program. This is a death sentence for the model of giving low-income parents choices of better schools—schools such as middle- and higher income parents have. It is the model that made our higher education system the best in the world.

Senator LIEBERMAN has said he will have a hearing on this DC voucher program. I hope he does.

Mr. DURBIN. Would the Senator yield for a question?

Mr. ALEXANDER. I will after I am finished. Well, of course, I will. I will be glad to do that as a courtesy to my friend.

I would say, first, the Senator from Illinois missed my first two grades, which were A-pluses to the President for recruiting—for blue chip recruiting of Arne Duncan and for the teacher incentive program, so he may have come in as I was giving the bad news.

Mr. DURBIN. Mr. President, I would say the Senator from Tennessee, as always, has been fair and balanced. I wish to ask him a question. Is he aware of the Department of Education’s analysis of the DC voucher program and the results in terms of student achievement?

Mr. ALEXANDER. I am aware there are—the answer is yes.

Mr. DURBIN. If I could ask a further question: Is the Senator from Tennessee aware that when they surveyed the 1,700 students after 3 years in that DC voucher program, they found there was no measurable improvement among male students?

Mr. ALEXANDER. Well, I am not going to get into a detailed analysis

with the Senator. I would say this: My view of American education is that we should give parents and students the opportunity to choose among the schools they go to. If there are four times as many children and parents who apply for this program than can be accepted, that would indicate to me that these parents and these families and these children think this is an opportunity they would like to have to improve their lives and improve their future.

Mr. DURBIN. I wish to ask the Senator from Tennessee if he feels we should hold those voucher schools accountable in terms of whether they are improving the education of the students who are sent to them with Federal support?

Mr. ALEXANDER. Oh, of course we should.

Mr. DURBIN. I would ask the Senator from Tennessee if he is aware of the fact that there was no improvement of math scores of the students in the DC voucher schools over a 3-year period of time?

Mr. ALEXANDER. I thank the Senator for his questions. I know he is the most ardent supporter of the idea of not using Federal dollars to give poor children the same choices that middle- and higher income children have. I respect that difference of opinion. I am going to go on with my remarks. But I believe it is a wise—

The ACTING PRESIDENT pro tempore. The Senator has spoken for 10 minutes.

Mr. ALEXANDER. Thank you very much. I am going to continue with the time on the Republican side, if I may. I look forward to a longer discussion with the Senator from Illinois on this subject. I would hope that when Senator LIEBERMAN holds his hearing, we will have a full discussion of why it is a good idea to say to poor kids and poor families: You can’t have a choice of a better school, but people with money can. That is not the way we operate our college system.

This is our Nation’s Capital. We are 3 years into a program. I have met with many of the children. Their lives are not going to be instantly changed in 3 years. There was much in the analysis that was completed by the Department of Education that showed the choices they made were helping the students academically and otherwise, and I will be glad to come back to the floor and discuss that when I have more time.

But let me go on to my concern beyond the DC voucher program to the bad news. I regret to say this, but the bad news has to do with Pell Grants and student loans. Pell Grants, of course, are the 5 million grants or scholarships that were made to low-income students this year to help them pay for college, with \$19 billion that we have appropriated for that purpose this

last year. Almost on the day it was announced that we had a \$1.8 trillion deficit for this 1 year—four times bigger than it was last year—the President's budget wants to add \$293 billion over 10 years to entitlement spending. That is automatic spending. That is the reason the country's debt is so high. Sixty percent of our spending is entitlement spending. I think the punishment for the administration should be that they should all be made to stay after school and write on the blackboard, each, 100 times: I will never, ever again add to entitlement spending, even for a worthy purpose. It is no gift to students to give them a scholarship to live in a country they can't afford to live in because it has an interest payment of \$800 billion a year, which it would in the 10th year of the President's budget.

It is not as if the Congress has been stingy with Pell grants. They have gone from \$7.7 billion 10 years ago to \$19 billion today, and 5 million students are getting them. All we say today is if we don't have the money we have appropriated, we can't spend it on scholarships.

The President's proposal would say we are going to spend it whether we have it or not. Spend it whether we have it, despite the fact that our debt has grown to such levels that we couldn't even qualify to be admitted to the European Union, which is a huge embarrassment. That deserves an F and a stay after school and detention, as far as I am concerned.

Here is another F, and it is for student loans. There are 15 million of those student loans—about \$75 billion—and what the President's budget proposes to do is turn this great recruit—this blue chip recruit, who I think has a good chance of being "Educator of the Year," into "Banker of the Year." He wants another Washington takeover, this time of student loans. Instead of letting 12 million students decide they would prefer to borrow from 2,000 institutions on 4,400 campuses all across America, they are saying: No—everybody just line up at the U.S. Department of Education to get your student loan.

The only justification for that, that I can see, is the administration says it might save the taxpayers money because the Federal Government can borrow cheaper than the banks can. Well, if that is true, then we ought to not have any private financial institutions in America; we ought to turn every financial institution into a national bank and let the President run them. Andrew Jackson, the founder of the Democratic Party, would turn over in his grave because he ran against the national bank during his whole political career.

It makes no sense to turn the U.S. Department of Education into a national bank for student loans. It should not be done. The savings are illusory.

In the President's budget they say \$94 billion is what will be saved, but they leave out the administrative costs which could go as high as \$32 billion, and they leave out the fact that what they are doing is borrowing money at one-quarter of 1 percent and loaning it to the students at 6.8 percent.

So they are taking money from the students and using it to pay somebody else a scholarship, with the Congressman taking the credit. There needs to be some truth in lending here so that when students line up to get their student loans, somebody says: Did you know that the interest you are paying by working an extra job or by going at night is being used to pay somebody else's scholarship? If we take that part out of it, we could leave the program just like it is.

Twelve million out of fifteen million students prefer to have a private choice. They have had 15 years to choose either the public option or the private choice, and they have consistently decided they would rather deal with the community bank than a Federal agency.

Well, I am about through with the report card. The rest I would put under "incomplete." There is still a lot of good-faith effort: Deregulating higher education is a goal of mine and Senator MIKULSKI's as well, and the new Secretary of Education has said he will work on that. More flexibility in No Child Left Behind is a goal of mine; it may be of the Secretary's as well. We can work on that.

My respectful suggestion to the President would be, instead of trying to make a tackle out of this wide receiver you recruited, instead of making Banker of the Year out of your Education Secretary, why don't you let him work on the education agenda? Why don't you let him focus on paying teachers more for teaching well and charter schools? If he runs out of things to do, to help parents, he could work on a tax system that is more favorable to parents with children; we used to have that in this country.

He could work on encouraging perinatal care so every child has a medical home or helping nurses to help parents in their homes so children can grow up healthy or to make sure we do nothing to discourage home schooling for dedicated parents or helping adults learn English. There are lines in Nashville and in Boston and in other cities of adults who wish to learn English.

He could encourage worksite daycare for parents who work and might take their child to work with them so they would be closer together. All that would be to help better parenting or to help create better teachers or better school leaders.

The Pell Grant for Kids I mentioned for afterschool programs or higher standards in data collection, I know the Secretary is interested in that.

Teach for America, that is an important part of new energy in our schools. The Secretary, instead of trying to be "Banker of the Year," could take on the teachers colleges which have had a hard time spending their time on such things as how to give parents more choices, how to reward outstanding teaching, how to make charter schools successful, or how to help newly arrived children learn English. He could expand the UTeach Program started at the University of Texas and which our America COMPETES legislation put into national law. That needs to be implemented.

Then, the summer academies, to help outstanding teachers and outstanding students of U.S. history so our children can grow up learning what it means to be an American. That would be a good thing to do.

I look forward to working with this new Secretary of Education. I give the President credit. I give him an A-plus for his recruiting. I give him an A-plus for his agenda for rewarding outstanding teaching and a high grade for his focus on charter schools. I am grateful for that. I stand ready to work with him.

I give him horrible grades for stopping the DC voucher program and another Government takeover, this one of student loans, and of taking money away from students who are getting loans to pay for scholarships for other students. That is not right. I think, in this day and age, when we are adding \$1.8 trillion to the debt in 1 year, it is certainly no time to add \$293 billion in entitlement spending to the budget over 10 years. The whole administration ought to write on the blackboard: I will never, ever again add to entitlement spending.

I look forward to working with the President and his outstanding new Secretary on that incomplete agenda. Many of the items I mentioned are things in which they are interested in as well and things which all of us in the Senate would want to do to help improve our system of elementary and secondary education, as well as our excellent colleges and universities.

I thank the President, and I yield the floor.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak in morning business on the Democratic time and that the Republican time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CARD ACT

Mr. MERKLEY. Mr. President, I rise today to encourage all to join me in recognizing the nurses of America and their commitment to addressing the needs of patients and their families.

Today, on the birthday of Florence Nightingale, we celebrate National

Nurses Day. This is appropriate since Florence Nightingale is known as the pioneer of modern nursing. National Nurses Week, which expands May 6 through May 12, focuses on recognizing the integral role nurses play in promoting public health and also highlights the work nurses are doing to improve health care for all Americans.

I know firsthand the critical role that nurses play in providing safe, high quality, and preventive health care. My wife Mary is a bedside nurse, and I am delighted that she has been able to join me today to help put a spotlight on the critical role nurses play in health care.

Whether they work in a hospital, community health center, physician practice, school, home health care, a skilled nursing facility, or other health care setting, nurses create better outcomes for patients.

Nurses are the cornerstone of our country's health care system. Nearly 3 million registered nurses work today in the United States. But even so, our country is facing an 11-year nursing shortage, and that shortage is projected to extend for at least a decade longer. Nurse faculty shortages and a huge and growing burden of tuition debt for nurse training are contributing to the shortage, even as new vacancies for nurse positions open every single day.

The nationwide nursing shortage has caused dedicated nurses to have to work longer hours and care for more patients at the same time. That does not contribute to quality nursing, and we need to address that shortage.

Quality nursing education is critical to ensuring that we have a sufficient number of qualified professionals joining the field. We need to ensure we are training not only the best and brightest to help out our patients but also bringing those nurses to join the ranks of nurse educators.

Providing adequate Federal funding for nursing workforce development programs authorized under title 8 of the Public Health Service Act is critical to ensure a sufficient nurse workforce to meet the growing demand. I am pleased to join a bipartisan group of colleagues in supporting an increased investment in title 8 which has been an effective solution with past nurse shortages. These programs support the education of registered nurses, advanced practice registered nurses, nurse faculty, and nurse researchers.

Additionally, title 8 programs focus on recruitment and retention, two other distinct areas impacting this shortage.

Over the last 3 years, flat title 8 funding, combined with rising educational and administrative costs, as well as inflation, has significantly decreased the programs' purchasing power. Subsequently, the number of grantees supported by the programs has decreased 43 percent over the past 4 years.

As Congress works to improve our health care system and ensure that every American has access to quality, affordable health care, we must ensure that we have a stable and well-trained nursing force.

We have an obligation to create a health care system that not only works for patients but also works for people at the heart of our patient care—our nurses.

In closing, I want to note that I am soliciting my fellow Senators to join me to form a Senate nursing caucus. The caucus will provide a forum to address issues affecting the nursing community and recognize and advance the important role of nurses in delivering high quality health care.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, mounting debt is taking a big toll on families throughout this Nation. That is why over the past few weeks we have passed bills to stop mortgage scams and to prosecute corporate fraud and to lower fees for homeowners and help them into stable mortgages. Today we have an opportunity to continue to put Main Street first.

Over the last several months, I have heard credit card horror stories from my families all over the State of Washington. I have heard from people who paid their cards on time but saw their supposedly fixed rates skyrocket unexpectedly or who had their minimum required payment doubled with no notice.

I have heard from families who are 1 day late on their minimum payment, so the card company hiked up their rate and charged them a late fee, which put their card over their credit limit and that incurred another fee.

I have heard from people who say their credit card company raised their minimum payment, and when they called to complain, they were offered their lower minimum payment back but only if they accepted a dramatic increase in the rate.

With so many of our families struggling to make ends meet today, it is especially important that we stand up to protect families from excessive credit card fees from unexpected hikes in interest rates and minimum required payments and constantly changing credit card agreements that are designed to make a profit by keeping families in debt. That is why we need to implement the Credit Card Accountability, Responsibility and Disclosure Act, or CARD Act, to help protect consumers from predatory and misleading lending practices.

The CARD Act we are going to be considering in the Senate today requires credit card issuers to give 45 days' notice of rate increases and to provide clear disclosure of term changes when accounts are renewed. It

prohibits the so-called double-cycle billing where interest is assessed on the whole debt even when one portion was paid on time. It prevents card companies from using a contract clause to raise consumers' rates at any time for any reason that they choose. And it prohibits companies from issuing credit cards to anyone under the age of 21 unless the application is cosigned by a parent or guardian or the underage consumer completes a certified financial literacy course.

We are going to bring fairness back to the system by stopping financial institutions from taking advantage of consumers with hidden charges and misleading terms. No one should have to be surprised by changes to interest rates or their minimum payments. These steps are going to help us level the playing field and are going to save families thousands of dollars a year.

This bill addresses a number of things that are keeping credit card users in debt, and it is a good start. But at the same time we strengthen protections for credit card users, we have to make sure that people are empowered to make responsible decisions about their own financial future. Put another way, it is not enough to prevent credit card companies from changing the rules when too many Americans don't even know the rules in the first place.

The reality is that over the last several years, too many Americans have made poor or very often uninformed decisions about their finances. Too many overestimated their resources, didn't read the fine print, and didn't grasp the terms of their financial responsibilities before they signed on that dotted line. In fact, we have to recognize that too many Americans, from college students all the way to senior citizens, are financially illiterate.

I recently heard from a constituent of mine in Spokane County whose daughter had applied for credit cards shortly after she turned 18 years old. She, of course, didn't have much income and had difficulty making some of those payments on time. Her mom said one of those cards had a \$500 limit. But instead of the bank declining purchases that would exceed that limit, each purchase she made went through and the bank charged a \$37 fee for each and every one of them. Another bank charged her \$7 every day because she had a \$20 overdraft. Of course, she didn't have any hope of paying down those debts on her own.

Those are problems that could have been avoided if she had simply understood her financial responsibilities and the terms of her financial agreements. That is exactly why I have introduced bipartisan legislation to make sure we help people develop the skills they need to make sound, informed financial decisions, from signing up for credit cards to taking out a mortgage to planning for your retirement.

The Financial and Economic Literacy Improvement Act of 2009 will require the Federal Government to step to the plate and become a real partner in helping Americans manage their finances and make good, informed financial decisions. It is a bipartisan bill. Senator COCHRAN has cosponsored it with me.

The purpose of the bill is to give young people the tools to make informed decisions about credit cards or student loans, to help them understand the importance of saving, and to have the knowledge to plan a comfortable and dignified retirement down the road.

We used to say the three Rs of school were "reading, writing, and arithmetic." I think we need to add a fourth R: resource management.

Under our financial literacy bill, the Federal Government will become a strong supporter of making financial literacy education a core part of our K-12 education. The bill would authorize \$125 million annually for our State and our local education agencies and their partnerships with organizations experienced in providing high quality financial literacy and economic instruction. That funding will help make financial literacy a part of our core academic classes. It will help to develop financial literacy standards and testing benchmarks and, importantly, provide teacher training. It will also help schools weave financial concepts into some of their basic classes, such as math or social studies.

The training will not end in high school. This bill makes the same investment in teaching financial literacy in our 2- and 4-year schools. Whether it is skyrocketing interest rates on credit cards or an adjustable rate mortgage you can no longer afford or a retirement plan they do not understand, I often hear the same thing from people: I wish they had taught me this in school.

Our financial literacy bill will ensure that we are teaching it in school and will help people learn those basic skills that are so necessary that will give them a leg up when they deal with their banks or credit card companies.

Let me be clear, credit is not a bad thing. When used correctly, credit can be a lifeline to the American dream. It can provide our entrepreneurs with the startup funds to become small business owners. It can help small business owners with the capital to grow into bigger businesses. And it provides families with the financial security to plan for their future.

But at this important time in our history, as we reflect on financial practices, it is very important that we work to restore our credit card responsibility for lenders and for consumers. That is why I am working to support this bill and my financial literacy legislation.

Just as families and consumers cannot afford unforeseen rate hikes and exorbitant card fees, we cannot afford for our young people today to not understand their own finances.

I congratulate Chairman DODD on crafting the CARD Act, and I hope the Senate passes it quickly this week. I look forward to continuing to put priorities of Main Street first and following through with that next step that is so important: passing the Financial and Economic Literacy Improvement Act.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, in our home State of Illinois, we are losing about 2,000 jobs a day. It is an indication of the economy going through a recession and the hardships that are being created across this country. There is some good news, in the sense that perhaps we are turning a corner. I hope that is true. But let's not forget the victims and those who are casualties in this economic recession.

I recently received a letter, which I would like to read into the RECORD, from one of my constituents in Illinois—from Hodgkins. This is what she wrote:

DEAR SENATOR DURBIN: I am a 61 year old female. I have raised 6 children without the benefit of welfare, except for 6 months. The State of Illinois was unable to collect court ordered child support. At one time I was working three jobs to support us. I am not bragging but stating a fact that I am not afraid to work. My children are now adults and I was, up to August able to support just myself and finally live on my own. For the last 23 years I have worked full time at a dry cleaners. I now find myself downsized to part-time, hourly instead of salary and in a position of real fear. I do not have a pension. I no longer can afford health insurance. My question to you is, "What is going to happen to me and those like me?" Thank you for letting me vent and for listening.

I read this letter and saw my response. The staff prepared a good response about the issues of health insurance and the President's stimulus package and what we are trying to do. And I thought it just isn't enough. I handwrote a response to her and let her know I had not only read her letter, but I was moved by this letter.

Many of the issues we debate on the floor of the Senate relate directly to this woman who has struggled through her entire life to provide for her children and take care of herself without leaning on the Government, and now she finds herself, at 61 years of age, in a very vulnerable position. She has to

wait 4 more years before she qualifies for Medicare. She has no health insurance. She is totally vulnerable to an accident or a diagnosis that can literally wipe out any meager savings she has put together and put her in a terrible position.

People who face this do desperate things trying to keep things going. Many of them turn to credit cards, if they are lucky to have one. Too often they get too deeply into debt to those credit cards, and the outcome is not good. That is why the debate we are starting today on the floor of the Senate about credit card reform is one that is very timely. People across America are using these credit cards in an effort to try to stay afloat when they face a recession.

I receive countless letters, in addition to the one I just read into the RECORD from Illinois, with stories about credit card companies specifically. One woman wrote that she opened her statement recently to find her credit card rate had jumped from 3.9 percent interest to 26.9 percent interest. She phoned her credit card company, and she was told her last payment had been posted 2 days late because of a technical problem at her bank, which automatically pays her credit card bill each month. She did nothing wrong. Yet she was treated on the phone like a criminal, in her words, and faced this dramatic increase in the interest rate she had to pay on her credit card.

Another gentleman wrote that he paid \$7 less than his minimum payment 1 month and was immediately fined an \$85 fee. Another wrote that his credit card interest rate was increased from 8½ percent to 22½ percent. Yet he had never made a late payment or done anything else to justify the rate increase.

These people who wrote to me are totally at the mercy of the banks and these credit card companies. President Obama was right to call on the credit card companies to stop this sort of outrageous behavior. Chairman DODD reported a very good credit card bill out of the Banking Committee, and I am pleased the Senate is going to take up a version of that bill this week.

The bill would bar many of the most abusive credit card practices that banks have dreamed up over the years, including harmless sounding policies such as universal default and double-cycle billing, which in fact are terrible for credit card borrowers.

The bill includes a provision that I have been promoting for nearly 10 years. The bill would require that each credit card statement include, in clear terms, the cost of paying only the minimum amount due each month. Credit card statements would have to include two things: how many months it would take to pay off the full balance if no more purchases were made on the card

and if you just made the monthly payment, and how much interest the borrower would need to pay during that period. If people better understood just how expensive it is to pay only the minimum amount due each month, many people would save huge amounts of money over the long term by paying a bit more on their balances.

There are many good provisions in the bill such as the one I just mentioned, and I might add this is not a new idea. This is an idea I brought to the Senate 8 or 9 years ago during the debate on bankruptcy reform. I said we are talking about people getting in debt and ending up in bankruptcy court and that they should at least be given fair notice on their monthly credit card statements about what a minimum monthly payment means. Tell them how much interest they would pay and how long it would take to pay them off.

The banks and the credit card companies came back and said: DURBIN, it is impossible to calculate; too difficult to calculate; we just can't do it. They fought me and defeated my amendment. That was about 9 years ago. Thank goodness we hung in there, and thank goodness Chairman CHRIS DODD on the Banking Committee took this provision which I had offered so many years ago, put it back in the bill, and this time the banks have had to accept it.

I also wish to make this bill a little better, if I can, by setting limits on the credit card industry going forward. I plan to file three amendments this week. One would establish a new regulator, whose sole purpose would be to look out for the best interest of the consumers of financial products.

Understand what happens: If you go to the store today and buy a toy for your child, you fully expect that somewhere, someone is taking a look at it to make sure it is safe. You don't expect it to have lead paint that an infant or toddler might chew on, swallow, and have a negative health outcome. You wouldn't expect the toaster you bought to be faulty and catch fire in your kitchen. You wouldn't expect the television set to blow up when you take it home. These are things you assume somewhere along the way someone has done some basic inspection of the product.

Well, we found a few years ago that our inspection services were not good enough. The Consumer Product Safety Commission was not doing its job effectively. Those lead-based painted toys were coming in, and other dangerous toys, and so now we have completely reformed the law governing that commission, given them more authority and more power and more staff to protect American consumers. It is a minimum that we expect as consumers in America, that somebody is keeping an eye on these products before they hit

the shelves so that we can go ahead and shop with some confidence.

But what about financial instruments? How many Federal agencies keep an eye on credit cards to see if they are doing something with their new practices which are abusive and shouldn't be allowed in this country? How many of them are taking a look at mortgage instruments to see if there is a provision in the mortgage instrument that is being offered in America that is dangerous for consumers?

Let me give an example of one: prepayment penalty. Know what that means? You enter into a mortgage agreement, and if you are not careful, and you don't have somebody helping you, you might miss in one paragraph in that stack of papers you get at closing which says, if you decide to prepay the mortgage, there is a penalty. It turns out that started in 2004. And because of a prepayment penalty, which many consumers weren't even aware of, they were hooked into mortgages where the interest rates exploded. So instead of being able to say, oops, I am going to push this old mortgage aside and get a new one at a lower interest rate, you can't do it without paying a significant penalty—a prepayment penalty. So people were trapped into expensive high-interest mortgages.

You would think that somewhere along the way someone would have waved the red flag and said to consumers across America, watch for this; prepayment penalties can become a hardship on you if you have one of these adjustable mortgages. But that wasn't done. Despite the fact there were Federal agencies that had the responsibility to keep an eye out for it, they didn't blow the whistle, and of course didn't have the authority to stop it from happening.

What we are creating here is the Financial Product Safety Commission—a commission which would play the same role when it comes to financial instruments that the Consumer Product Safety Commission does when it comes to the toys and appliances and cars and other things we buy, so we would have an agency not only with the authority to look at what is happening out there but to do something about it.

Trust me, as good as this credit card reform bill is—and I am hoping we can pass it, and I am hoping the banks won't stop it when it gets to conference committee, and I am hoping the President will be able to sign it—the next day the people in this industry will sit down and say, how do we get around it? What is the next thing we can do that they didn't cover? Trust me, that is what is going to happen. You know it. So wouldn't it be good to have a watchdog agency that keeps an eye on the financial industry and credit card industries on behalf of consumers?

There are 10 different Federal agencies which are supposed to have that

responsibility, but few, if any, actually exercise it. Few, if any, say there are certain practices that are unacceptable, illegal, and we are going to stop them.

The second amendment I will file will be a Federal usury cap at a very high level. What is a usury law? It is a limit on interest rates. There was a time in America when that was considered normal; States would have usury caps. The Federal government had a usury cap. But then they went away in the interest of competition and free markets. We decided we were not going to put a cap on interest rates, and so it has reached the point where there are very few usury caps left. What I have established, as the maximum, is 36 percent.

Nobody in their right mind would pay 36 percent on a mortgage, or 36 percent on a credit card. I mean, you would have to be out of your head to get into that kind of a predicament—a 36-percent annual interest rate. But the fact is Americans right and left are paying much higher interest rates today and don't know it—payday loans, title loans, installment loans. Sit down and do the math and figure out to borrow a hundred dollars and what you end up paying, whether you are going to one of those places and putting up the title of your car or letting them have access to your checking account, which is a deadly thing to do from a credit point of view. You end up paying interest rates that go through the roof. I have actually had people sit in my office and say, Senator, this 36-percent cap on interest rates will put us out of business. I said: Well, how much do you charge? Well, somewhere between 58 percent and 400 percent a year. I said: I hope you do go out of business, because, quite frankly, they used to call that a juice loan when the syndicate and gangs were involved in it, but now it is legitimate. It is legal.

So this 36-percent cap on interest is something which I know will be resisted by banks and title loans and payday loans and all the rest of these folks, but it is about time we got real here. If we are not going to protect the American consumers when it comes to some of these interest rates, they are going to be very vulnerable to some bad practices.

The third amendment would allow retailers—the department stores, convenience stores, restaurants—to offer consumers discounts if they use less expensive methods of payment. For example, they would say: If you give us a credit card, here is your bill; but if you pay in cash, if you pay by check, or if you pay by a debit card, we will give you a discount. I don't think that is unreasonable. Because when it gets down to it, the extra charges the establishment has to pay for the use of a credit card are kind of hidden inflators in the cost of the product you buy. If you can get a discount, I think it would be very helpful.

Ultimately, I believe these three amendments would move us toward a better bill. We are going to work with the sponsors of the legislation to see the best time and place to consider these amendments, and I am certainly open to any good-faith effort to give us our day in court, as we say here in the Senate, to debate these issues.

I might say that when it comes to the Financial Product Safety Commission, it has the support of the Consumer Federation of America, the Center for Responsible Lending, Leadership Conference on Civil Rights, and a wide array of groups that try to look out for the average person in America who can't afford high-paid lobbyists to try to protect them against some abuses and exploitations.

I think this is a move in the right direction. I commend this bill to my colleagues. I hope we can add some significant amendments to it and I hope at the end of the day we will do something for the lady who wrote me, who now has seen her hours at the dry cleaners reduced, faces some of the hardships of this economy, and is hoping that somewhere, someone on Capitol Hill will be keeping her interests in mind when we consider this significant and historic legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. DODD. Madam President, I am told we can yield back all time in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is now closed.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 627, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

Pending:

Dodd/Shelby amendment No. 1058, in the nature of a substitute.

Mr. DODD. Madam President, I see my friend from Oklahoma is here and I

gather has an amendment. I would be happy to entertain that amendment at this hour, if he cares to offer it.

Mr. COBURN. It was my understanding the Senator was going to put down a substitute bill?

Mr. DODD. It is already submitted.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, it is my understanding the substitute is open for amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1067 TO AMENDMENT NO. 1058

Mr. COBURN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1067 to amendment No. 1058.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect innocent Americans from violent crime in national parks and refuges)

At the appropriate place, insert the following:

SEC. ____ . PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia

granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

AMENDMENT NO. 1068

Mr. COBURN. Madam President, I send another amendment to the underlying bill to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Let me suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent the order for the quorum call be rescinded to ask a question of the Chair, a parliamentary inquiry.

The PRESIDING OFFICER. Is there objection to terminating the quorum call?

Mr. DODD. Reserving the right to object, is this just a parliamentary inquiry?

The PRESIDING OFFICER. The Senator cannot reserve the right to object. Is there an objection to terminating the quorum call?

Mr. DODD. I do object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. DODD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1068.

Mr. DODD. Madam President, I ask unanimous consent the amendment be

considered as read, and I suggest the absence of a quorum.

The amendment is as follows:

(Purpose: To protect innocent Americans from violent crime in national parks and refuges)

At the appropriate place in the bill, insert the following:

SEC. ____ . PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COBURN. Madam President, I have a cloture motion.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Madam President, I rise in support of the Dodd-Shelby substitute amendment.

Nearly every adult American has at least one credit card. They provide convenience, access, and service. They have become an essential tool for conducting financial transactions in this country and all over the world.

The existing rules governing credit cards, however, no longer strike the right balance between the interests of credit card companies and the consumer.

Credit card contracts are unclear at best, and thoroughly confusing at worst. Card issuers raise rates for unclear reasons, use billing methods that consumers do not understand, and assign fees and charges without warning. The bill seeks to remedy this by providing consumers with greater transparency, fairer terms, and more certainty in their dealings with the card issuers.

During the committee markup before the Banking Committee, I made it clear that I shared many of Chairman DODD's goals with respect to this issue. For example, I supported prohibiting double-cycle billing, banning the practice of universal default, limiting certain fees, and placing some restrictions on credit cards issued to young adults in this country.

I also thought consumers deserved more and clearer disclosure regarding the terms of their agreements. Finally, I expressed to Senator DODD the view that we should codify the Federal Reserve rules in a statute to ensure that they become permanent and not subject to the whims of future regulators.

At the markup before the Banking Committee, however, I indicated there were some areas where Chairman DODD and I disagreed at that point. Most notably, the original draft would have prohibited card issuers from using risk-based pricing for existing cardholders, both retrospectively and prospectively. I did not think it was wise to abandon the concept of risk-based pricing.

Without the means to price for risk, the credit card companies would be forced to impose significant costs to all—all—users of credit because they would be unable to account for the particular risk of an individual borrower. It would also be much more difficult

for card issuers to innovate and create new products and services.

I believe credit should be priced according to the risk profile of each individual. Consumers who prudently manage their use of credit deserve to be rewarded with lower prices and better terms. Moreover, they should not be forced to subsidize the bad habits of others. I also believe markets must have the freedom to adapt to new circumstances and consumer demands.

In the weeks that followed the Banking Committee markup, I worked with Senator DODD to craft a compromise that allowed for the use of risk-based pricing. The Dodd-Shelby amendment before us allows card issuers to price risk but requires that they consider both positive and negative changes in the consumer's risk profile when setting rates and terms. This means that consumers will pay more when their credit risk goes up and can have their rates reduced when it comes down.

In total, the Dodd-Shelby substitute amendment reflects a broad, bipartisan compromise on many of the issues I raised in the committee. It prohibits double-cycle billing, the practice of universal default, and places restrictions on credit cards issued to young adults. It limits certain fees, provides more robust disclosure, and provides consumers with statutory certainty. It also preserves the fundamental concept of risk-based pricing, which is vital to the ongoing function of the credit card market.

I am hopeful this legislation has struck a better balance between the needs of consumers and the credit card companies. I am also hopeful this balance in design ultimately results in a balance in fact. To ensure this, I asked that we include a provision in this substitute we have offered that requires the Federal Reserve to track the impact this legislation has on the cost and the availability of credit and to report its findings to the Congress. Over time, if the Federal Reserve finds we have not achieved that balance, in fact, we will be made aware and we should not then hesitate to make the necessary changes.

This legislation addresses some practices that are simply unnecessary. It gives consumers the chance to have a more equitable relationship with the credit card companies. It also preserves the basic framework necessary to maintain the function of a very important marketplace.

I look forward to working with Senator DODD, the chairman of the committee, on the floor of the Senate on this bill, and I urge my colleagues on both sides of the aisle to support the substitute amendment offered by Senator DODD and myself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I wish to take a moment to thank my good

friend and colleague from Alabama, Senator SHELBY, the former chairman of the committee and a very good partner to work with. I wish to thank Bill Duhnke, Mark Oesterle, and Jim Johnson, as well as Amy Friend and Charles Yi and Lindsey Graham of my office who did a terrific job of working together over long hours, including up and through a good part of this weekend, to reach an agreement on the substitute.

Senator SHELBY and I have worked closely together over a number of years, but during the last 2½ years of my chairmanship of the committee, I could not have asked for a better partner on this issue of trying to develop whatever we can in terms of bipartisan solutions to problems. This is an example. I suspect many people thought it would not be possible. This is an issue that has divided people in the past—dealing with credit card reform and the needs of consumers—but because of the hard work and because of the determination to try and reach that agreement, we are proud to announce today that we have a substitute to offer to our colleagues.

It is not everything everyone would like. There are certainly people who will oppose this legislation because they think we have gone too far. There are others who think we should be going much further. They will make cases for that, I presume, in an amendment process. But this is a body of 100 Members. We deal with the other side of this building as well, not to mention the White House and other interests, in trying to meld those together. Major steps forward are not an easy task, but it is made easier when you have people you can work with who understand the legislative process and who are willing to sit down and try and compromise where we can on behalf of the people we represent.

This is a bill we are going to try to pass, not because the President wants it, not because Senator SHELBY wants it, and not because I want it but because the American people need it. They are paying outrageous fees. They are watching exorbitant interest rates go up. Seventy million accounts over an 11-month period and one out of four families watched credit card interest rates go up, in many cases at any time and for any reason; not because they were late on payments, not because they failed to pay but because the industry has the right, under their contracts, to change those terms for any reason, at any time. That is unfair.

There is no other contractual relationship that I know of—when you buy an automobile, when you buy a home, when you buy appliances, there is a contract. You don't change the terms of the contract after awhile because you don't like them or because you want to raise the rates. There is an understanding there is a responsibility.

Consumers have it but lenders have it, too, in this case the issuers. But with 70 million accounts going up, interest rates going up, affecting 1 out of 4 families at a very difficult time: when 10,000 families are losing their homes every day and 20,000 losing their jobs, the idea that the card companies will raise those rates and add on fees is outrageous, and it affects every demographic group. It doesn't affect just one income group; it is across the country. All of us hear, on a daily basis, stories from our constituents about these egregious behaviors. So our bill is designed to deal with this.

We like credit cards. They are a wonderful vehicle. They are a valuable vehicle for many people. This is not to be punitive. It is certainly not an expression of our opposition to the use of these vehicles. It is when these vehicles are being abused by the issuers at the expense of consumers when we must step in and change the rules, and that is what we are doing with this legislation.

I am pleased to be able to stand here, once again, with my friend from Alabama and thank him on the floor of the Senate for his cooperation in pulling this together. We urge our colleagues to take a look at the bill, come on over, ask us and our staffs about it. We will be glad to have a conversation with you. We are grateful as well that groups such as the Consumer Federation of America and others are strongly supporting this legislation.

This is a unique moment and opportunity. We spent the last 6 or 7 or 8 months talking about financial institutions and getting them stabilized. We talked about TARP money, automobile bailouts, and all of those sides of the equation. How about taking a week out to do something on behalf of the consumer, the average citizen who is suffering terribly in this economic time and paying outrageous fees, outrageous interest rates; taking 1 week out to do something on their behalf, while we have tried to do some of these other things. It is long overdue. My hope is we can do it this week and send a bill to the President of the United States that accomplishes the goals we have outlined with this legislation.

With that, I see my colleague from Florida and I yield the floor.

Mr. NELSON of Florida. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN JOURNALIST RELEASED

Mr. NELSON of Florida. Madam President, the morning's newspapers chronicle the happy fact that the American journalist Roxana Saberi was released from prison in Iran. This is a happy occasion, certainly for her and for her family, as she has been in Iran since 2003. She has been a journalist for National Public Radio and

the BBC. She ostensibly was arrested by virtue of having bought a bottle of wine and the charges were later elevated to working without press credentials and espionage.

The fact is the U.S. Government weighed in on this. Secretary Clinton, in a meeting with one of the high Iranian officials that had been called to a conference on Afghanistan in the Hague, the United States handed the Iranian diplomats a letter calling for the release of Ms. Saberi and, along with that, in that letter, calling for the release of Bob Levinson and Esha Momeni. Bob Levinson is from Florida. He has a wife and seven children. He disappeared from the island of Kish over 2 years ago. We have reason to believe he is being held in a prison, perhaps the very same prison where Ms. Saberi was held. Each time his name is brought up to any Iranian officials, be it by me, be it by any other representative of the United States, the standard line is: We don't know anything about him, but usually that Iranian official will then change the subject to the three Iranians being held by the Americans in Irbil, Iran.

If they are suggesting some kind of exchange by consistently doing this—whether it is with American officials or whether it is with the Swiss officials who represent us in Tehran; whatever it is—the release of Ms. Saberi is certainly a good first step. If the Iranians want a better relationship with the United States, clearly the new administration has offered that. Now it is up to the Iranian officials. They did the right thing by releasing Ms. Saberi yesterday. If they want to additionally show a humanitarian gesture of returning a father and a husband to his wife and seven children, what better chance than to release Bob Levinson.

This Senator has met with the Iranian Ambassador to the United Nations and, of course, received no information, even though the Iranian Ambassador was very gracious in his hospitality. Perhaps he did not even know, because in some of the information I expressed to him, he expressed surprise. Whoever knows about it, whatever compartmented part of the Iranian Government knows about it, it is now time. If Iran wants to have a better relationship with the United States, this would be the next humanitarian gesture: release Bob Levinson.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009—Continued

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from the State of Illinois, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 5 minutes on an amendment I intend to offer but I will not offer at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I have an amendment which I intend to offer at the proper time. I understand there is a bit of a parliamentary issue right now relative to amendments.

I intend to offer an amendment dealing with the issue of debt. Obviously, this is a credit card bill, and debt is the topic of the day. But I am talking about the debt of the United States. One may say: How does this affect the credit card bill? The interest on credit cards is driven in large part by what it costs to get money, and what it costs to get money is driven in large part by how much debt the United States has to finance every year.

We are, unfortunately, in a situation where we are financing a massive amount of debt. Regrettably, a lot of that debt is the result of the fact that the Government has had to move in and basically be the force for liquidity in our economy, and thus the deficit has been driven up dramatically.

The President estimated the deficit this year to be \$1.8 trillion. This is a massive number, almost incomprehensible for most people to understand. It represents four times more than the highest deficit I have ever seen. More importantly, it reflects the fact that for every dollar we are spending in the Government today, 50 cents of it is borrowed, essentially. So we are borrowing half the money we are spending. That is a lot of debt. That adds to what is known as the national debt. Right now, the national debt is about 40 percent of the gross national product. That is a survivable event, but after this deficit this year, it is going to move up significantly.

Unfortunately, under the budget the President brought forward, it is projected that there will be \$1 trillion of new deficit every year for the next 10 years. The practical implication of that is the national debt grows astronomically. In fact, it doubles in 5 years, triples in 10 years, and at the end of 10 years, we will have a national debt which is 80 percent of the gross national product.

To try to put that in context, because those are all just numbers, if we as a nation wanted to get into the European Union, they have certain standards where they say you have to be a responsible country in your spending, how much you are spending and how much you are borrowing. Two of the standards are that you cannot run a deficit that is more than 3 percent of your gross national product, and the second is, you cannot have a national debt that exceeds 60 percent of your gross national product. This year, we will run a deficit that is 12.5 percent of our gross national product and we will have a national debt that is 40 percent and going up. It will become 80 percent in a brief period of time. So under the rules of engagement for joining the European Union, we would not be allowed in. Can you imagine, the United States could not get into the European Union, but Latvia or Lithuania could? Obviously, we do not want to be in the European Union, but when the industrialized part of the world sets a standard for responsibly governing and we don't meet it, then something is fundamentally wrong.

What is wrong is we are passing on to our children a deficit and a debt which is unsustainable, which means essentially they will not have the type of prosperity we have had. It means they will have to pay so much in the way of maintaining the cost of the debt that they will be unable to afford buying a home, sending their kids to college, or living the quality of lifestyle our generation has had. It is not fair for one generation to do that to another generation, and it is especially not fair to do it in the dark of the night where the American people do not know what is happening, where they do not have the information needed to make intelligent, thoughtful decisions on how fast they want this debt on their children to go up.

This amendment is an attempt to basically have full and fair disclosure of what is happening with our national debt, how big it is getting, how much it is going to cost, and who is going to have to pay it—the American people. It has three basic elements.

The first one is that there is a point of order created in this bill against any spending, any revenues or any appropriations legislation which doesn't have as part of its statement what effect that has on the national debt—in other words, how much it is going to add to the national debt—and what effect it has on every American in responsibility for that debt. For example, the budget that was passed—the President's budget, which I didn't vote for but which was passed anyway, the President's budget will increase the debt on every American household by \$133,000—\$133,000—and it will increase the interest which each American has to pay on that debt by \$6,000.

People should know that, in my opinion. That should be fully disclosed. If we are going to have full and fair disclosure, and we should, of what a person's credit card obligations are and what a bank requires in the area of interest payments and what a bank requires in the area of payment standards and how they can change interest payments, we should have full and fair disclosure to the American people of how much their debt is because they are American citizens and how much interest they have to pay on that debt because they are American citizens. Because in many instances, \$6,000 of annual interest cost to pay off the Federal debt will exceed a lot of people's payments on their credit cards, and \$130,000 of debt per household exceeds, in many instances, the mortgage on a lot of people's homes. People should know the type of debt and deficit that is being loaded onto them by this Government, which is massively expanding the spending of the Federal Government.

The first item says there will be a point of order, and unless a bill comes to this floor and is open and transparent on the issue of how much debt it creates per household and how much gross debt it creates on the American people, it will take 60 votes to pass that bill. It will be subject to a point of order.

The second amendment will be to formally disclose this information by using the IRS, by putting in place a system where in the IRS instructions for your 1040 form you will be informed of how much debt is owed and what the debt is per person in this country. You will be kept posted as a citizenry to suggest what is happening to you and your country relative to debt and deficits for which you have to pay.

The third item, in order to keep people informed and have transparency, will require that every home page of every Federal agency must have what is known as the debt clock, which shows how much the debt is going up on a daily basis. So that if you are trying to find some program at HUD or trying to find some program at the SBA or trying to find some program at transportation, when you go on that site, you will be informed immediately as to what the debt of the United States is and how much it is going up. This is fair and transparent and it is appropriate.

Remember what is driving all this debt, and I think that is important for people to understand. This debt is being driven primarily by a massive expansion in spending. The President said—and I admire him for his forthrightness—that he believes you can create prosperity by dramatically growing the size of the Federal Government, by increasing the spending of the Federal Government. In his proposal, under his budget, it will take the

spending of the Federal Government from 20 percent of gross national product up to 23, 24, 25 percent of gross national product. Those are huge numbers in the way of increase. We have never had that type of spending level in this country, except during World War II. Historically, the spending of the Federal Government has been about 20 percent of GDP, not 21, not 22, not 23, and not 24.

But that is the proposal of this administration because they generally believe in and they have stated it and they put out a budget which has called for this massive expansion in spending. I don't happen to agree that is the way you create prosperity. I believe the way you create prosperity is having a government you can afford, having a government which you pass on to our children which is affordable to them, and giving individuals the opportunity to take risk and go out and create jobs.

It is very hard, for example, for a small businessperson to invest in their small business—whether it be a restaurant or a small software company or a repair shop—if their taxes are going to have to go up at such a rate in order to pay this debt that the money they would have used to invest for the purpose of creating jobs is skimmed off by the Government for the purposes of funding this massive expansion. That is not the best way to create prosperity. It makes much more sense to have a manageable government.

We are not talking about cutting the size of Government. Nobody is suggesting that. It doesn't happen around here. We are talking about having it be a reasonable size, something that is affordable, something our children can pay for, not something that creates a debt and a deficit that is so high it is unaffordable.

Here is another number that is important or interesting. At the end of President Obama's budget cycle here, the interest on the debt will be over \$800 billion a year. That is interest. Interest on the Federal debt will almost be \$1 trillion a year. That will be more than we spend on national defense. It will be, by a factor of five or six times, more than we spend on education, more than we spend on roads. That is not right. We shouldn't be spending all this money on interest. We should be spending it on real programs that do real things to benefit real people. But you can't do that if you run up the debt so much.

It seems reasonable that we should have full and fair disclosure to the American people not only about their credit cards and how they are being treated by their banks or the issuer of the credit cards, but we should also have full and fair disclosure to the American people about what the Government is doing to them, about what this Congress is doing to them, about the amount of deficit and debt that is

being put on their back on a daily basis as we spend money around here as if there is no tomorrow.

That is all this amendment does. It shouldn't be all that controversial because these are fairly reasonable things. We should inform people, when we have a bill as to how much that bill is going to cost in the way of added debt, not only to the national debt but to each citizen who is going to have to pay for that bill. We should send out with your IRS forms a summary of how much debt is owed and how it will affect you as an individual. When you go on a Federal site, you should be able to find out fairly easily—and it should be set right out there so it is transparent and clear—what the national debt is and how quickly it is going up.

Believe me, credit cards are an important issue in people's lives. The way they are handled is important. But equally important, especially for our children, is going to be how much deficit and how much debt we run up as a government.

I appreciate the courtesy of the majority side in allowing me to speak at this time.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time until 5:45 p.m. be for debate with respect to Coburn amendment No. 1067, with the time equally divided and controlled between the leaders or their designees; that no amendment be in order to the amendment prior to a vote; that adoption of the amendment require an affirmative 60-vote threshold; further, that if the amendment achieves that threshold, then the amendment be agreed to and the motion to reconsider be laid upon the table; that if the amendment does not achieve that threshold, then it be withdrawn; provided that amendment No. 1068 be withdrawn upon disposition of amendment No. 1067; that no further amendments on the subject of these amendments be in order to H.R. 627; and that at 5:45 p.m. today the Senate proceed to vote in relation to amendment No. 1067, and that of the time of the Republicans, Senator COBURN be given 20 minutes, and of the Democratic time, Senator FEINSTEIN be given 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, would you advise me when I have 10 minutes remaining?

The PRESIDING OFFICER. I will.

Mr. COBURN. Let me say to the majority leader before he leaves, I want to thank him for his good-faith effort in working with us on this amendment. I appreciate the manner in which he has done that.

I want everybody to know what my motivation is. This is not about a political vote. I know it seems that way, but that is further from the truth than anything that I know. This is about the U.S. Constitution.

We have two agencies within the Federal Government that, through bureaucratic means, not a vote of Congress, have limited severely the second amendment rights of individuals in this country, both on National Park and Fish and Wildlife Service land. That is 190 million acres—190 million acres.

So the motivation is for the Congress to decide when we are going to take away rights guaranteed under the Constitution. We have had a recent Supreme Court ruling that has upheld the second amendment in a strong fashion for what it really is, and this is reserved to citizens of this country.

This is not about hunting. This is not about having a gun to go hunting. A lot of people are going to make statements about, this is going to increase poaching. It does not have anything to do with that. It will not affect that at all.

In fact, on U.S. Forest Service land, the second amendment reigns as a right guaranteed under the Constitution. Under Bureau of Land Management land, the second amendment reigns. They do not have any significant increase in poaching versus the areas where we do not have guns. So the point is that people who are going to break the law are going to break the law. So we see no difference.

The second point I would make is that this is about States rights. Senator FEINSTEIN is going to come down and talk about this. But if California decides they do not want guns in their State parks, they do not have to have them. If they decide that, then this amendment would say they do not have to have them in the Federal parks.

What it says is that we are going to allow the States the right to determine, under their gun laws, who can have a gun and where, as long as it passes the muster of the U.S. Constitution.

So this amendment has two key points. One is to protect the second amendment; and if we are to choose to eliminate somebody's second amendment rights, the Congress ought to be onboard as affirmatively limiting those rights rather than bureaucrats.

The second point is to say that States should reign supreme in terms of their parks and the national parks in their jurisdiction so that they have coverage over what their State gun laws would have in terms of application.

Let me reveal data, talking about national parks, that I don't believe many people are aware of. The latest year for which we have statistics is 2006. There were 16 homicides, 41 rapes, and multiple attempted rapes, 92 robberies, 16 kidnappings, 333 aggravated assaults, and 5,094 other felony violations. We have 1 park ranger for every 100,000 visitors, and we have 1 park ranger for every 180,000 acres. What we know is that if in your State you have the right to carry on to public lands or if you have conceal carry laws, that ought to have application to your State, not to the Federal Government's predominance over your State.

The numbers I cited only reflect what the Park Service has investigated. They do not reflect all the other offenses of the Drug Enforcement Agency, which are thousands. It doesn't reflect the Federal Bureau of Investigations or local law enforcement investigations in these areas. So even though parks are relatively safe, the fact is that oftentimes the best deterrent is for the criminal to know that if they have a gun, somebody else might also have a gun.

As a physician, I hate what guns do. I don't want guns to be used. But the fact is, the second amendment to the Constitution is real. What we have is a situation before us where bureaucrats have said: We will take your rights away. It may be that the Congress says we should do that. But if we do it, it ought to be us doing it, not unelected bureaucrats through redtape fiat to truly limit your ability and your rights guaranteed under the Constitution.

What does this amendment do? This amendment restores the second amendment rights as outlined in each individual State back to the national parks and Fish and Wildlife Service. It says if States want to change their laws with regard to those, they can. But it leaves it to the government at the closest level to the people rather than the one farthest away from the people.

We will have a lot of claims that this will have an impact on poaching. It won't have any impact. But even if it does, tell me how poaching, the unauthorized killing of animals, is a higher value order than a right guaranteed under the Constitution. You can't find it. If we are that upside down in our country about guaranteed rights and the Bill of Rights and the underlying Constitution, then we are in a lot more severe trouble than most of us would recognize.

What we also know is that on Forest Service lands, we see a certain amount of poaching, but we have a certain amount of poaching now on parklands. So we are not going to see a corresponding increase. And if we do, it is still illegal.

This amendment doesn't apply to national monuments. It preserves States' rights. That means no national monu-

ment does this amendment apply to. It preserves a State's right to do what it should do. In fact, it makes Congress responsible for the limiting of our rights under the Constitution rather than bureaucrats.

The consequences of the rules that we have today are bizarre. Not long ago on the Blue Ridge Parkway, a gentleman was convicted who had a Virginia right to carry. But because he drove through the national park with his gun not broken down and not in his trunk, he was convicted of a violation of national park policy. He was traveling from one place in Virginia to another and went through a park, as he did that on the roadway. So he was found liable under a Federal law which was never intended by us and never intended under the Constitution. Yet he was compliant with his own State's gun laws.

The whole purpose of this amendment is not a gotcha amendment. It is to say: Does the second amendment mean something? If we are going to limit it, it ought to be us who do it. Do States rights mean anything and should we have bureaucrats limiting individual rights versus the Congress? If it is going to happen, the Congress has to be the body that does it.

For decades, regulations enacted by unelected bureaucrats at the National Park Service, NPS, and the U.S. Fish and Wildlife Service, FWS, have prohibited law-abiding citizens from possessing firearms on some Federal lands. The enactment of these rules preempted State laws, bypassed the authority of Congress, and trampled on the constitutional rights of law-abiding Americans guaranteed by the second amendment of the U.S. Constitution.

This legislation enables Congress to belatedly weigh in on this important matter.

The Protecting Americans from Violent Crime Act of 2009 would ensure State gun laws and citizens' constitutional rights are honored on Federal lands by prohibiting the Department of Interior from creating or enforcing any regulations prohibiting an individual, not otherwise prohibited by law, from possessing a firearm in national parks and wildlife refuges in compliance with and as permitted by State law.

This legislation would prohibit Federal bureaucrats, activist judges, and special interest groups from infringing on the right for law-abiding Americans to defend themselves and their families in national parks and refuges. This legislation does not affect current hunting and poaching rules in national parks and refuges.

This legislation is still needed.

While the Department of the Interior, DOI, finalized regulations permitting the possession of firearms in national parks and refuges in accordance with State law over a 2-year time period, several anti-gun groups have suc-

cessfully sued the Department of the Interior to prevent this rule from being implemented for the time being.

An activist judge blocked the final gun-in-parks rule because the Bush administration did not conduct an environmental impact analysis of the rule change. Such an analysis was not conducted because the rule change neither authorized the discharging of conceal carry weapons, nor the poaching of animals.

DOI decided not to appeal this ruling, and is, instead, conducting a lengthy environmental review before it makes a final determination on the rule change.

Even if this rule, allowing visitors to carry concealed firearms in accordance with State law, is reinstated, future administrations or activist judges could repeal these regulations without congressional approval. Unelected bureaucrats and judges should not continue to have the ability to revoke a constitutional right of law-abiding Americans. Passing this legislation will help ensure that such a comprehensive gun ban may never again be enacted by unelected officials.

Congressional leadership inappropriately blocked consideration of this measure repeatedly.

Members of Congress have repeatedly attempted to bring up this measure for a clean, fair vote. Unfortunately, congressional leadership has gone to extreme lengths to avoid having a straight up-and-down vote on this measure.

On December 19, 2007, Majority Leader REID entered into the record the following unanimous consent agreement:

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 546, S. 2483, the energy lands bills, at a time to be determined by the majority leader, following consultation with the Republican leader, and that when considered, it be considered under the following limitations: that the only amendments in order be five related amendments to be offered by Senator Coburn; that upon disposition of all amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

This agreement permitted five related amendments to an omnibus bill that included dozens of bills that modified National Park Service lands. The Parliamentarian ruled legislation allowing for firearm possession in national parks in accordance with State and Federal law was related and in compliance with Senator REID's requirement. Instead of honoring this agreement, however, they majority leader pulled the entire bill from the floor and reintroduced a nearly identical measure to technically "honor" the unanimous consent agreement without allowing for a vote on related firearm legislation.

Repeated attempts to bring this bill to the new bill were thwarted. Consequently, a version of this bill was included at a Senate Energy and Natural

Resources Committee markup along with a package of lands bill. This amendment was adopted as a stand-alone measure by an 18–5 vote with the understanding that this bill would be included with the package of lands bill approved during the same markup. Despite a letter signed by five Senators on the committee asking the chairman of the committee, “to honor this agreement and the bipartisan will of the Committee by including S. 3499 in the Omnibus Public Land Management Act of 2008,” this measure was excluded yet again.

When Members of the House of Representatives were close to forcing consideration of the Protecting Americans from Violent Crime Act as an amendment to this year’s Omnibus Public Land Management Act of 2009, almost identical to the 2008 bill, Democratic leadership in the House and Senate coordinated to pull the bill from the floor in the House and add the entire bill in the Senate as a replacement to a previously passed House bill on designating a battlefield as a historic site. While Democratic leadership in the Senate had already managed to block a vote on the Protecting Americans from Violent Crime Act, by enacting this maneuver, the House leadership was also able to block any amendments from being considered in the House.

Last attempts to add firearm legislation to the Omnibus Public Land Management Act of 2009 proved unsuccessful.

Gun bans on Federal property were enacted by unelected bureaucrats without the authority of Congress.

In 1936 the National Park Service established regulations banning firearms in national parks. These regulations were updated in 1983 to allow for guns to be transported through national parks if they were unloaded and stored in the trunk of cars.

In 1976 the U.S. Fish and Wildlife Service established similar regulations for Federal refuges. These regulations were last updated in 1981.

Congress has never endorsed or debated these gun bans.

Unfortunately, however, State laws permitting concealed carry of firearms were not recognized on Federal land managed by NPS and FWS. Americans on these lands could not possess a loaded firearm in or on a motor vehicle, a boat or vessel except in specific circumstances. Firearms could only be transported in or on a motor vehicle, boat or horse if they were rendered temporarily inoperable, or packed, stored or cased in a manner that prevented their ready use. The penalties for violating the gun prohibition included a fine of \$5,000 and 6 months in prison.

In addition to criminalizing law-abiding citizens for exercising their constitutional rights, these regulations exposed the great threat of bureaucrats

overstepping their authority—a threat that still exists.

These regulations and the corresponding penalties were established without any congressional mandate or legislative approval.

It is troubling that Government bureaucrats, single-interest groups, and activist judges could take away the rights of law-abiding citizens guaranteed by the Federal Constitution on Federal property and without the consideration of the Federal representatives of the people. The Supreme Court recently ruled that a complete ban on firearms is unconstitutional, yet Federal bureaucrats have managed to completely ban firearms for over 70 years on all 83.6 million acres of national park lands and for over 30 years on all 90.79 million acres of FWS lands, except for hunting purposes.

Recently, a judge also repealed the new regulations governing firearm possession in national parks and refuges on the grounds that no environmental review was completed prior to the promulgation of the rule.

It is unclear how allowing conceal carry has a significant impact on the environment, or how the National Environmental Protection Act supersedes the second amendment rights of law-abiding Americans on more than 170 million acres of Federal lands.

While the activist judge ruled administration officials “abdicated their congressionally mandated obligation” to evaluate environmental impacts and “ignored, without sufficient explanation, substantial information in the administrative record concerning environmental impacts” of the rule, she failed to consider the constitutional obligation to protect the right to bear arms.

A handful of unelected and unaccountable bureaucrats and judges should not possess the ability to overstep the authority of the U.S. Congress, the Supreme Court, or the U.S. Constitution. “There was no legislative process—[NPS and FWS] bureaucrats arbitrarily terminated this Constitutional right.”

Given the fact that a recent investigator general report of the FWS Office of Law Enforcement found that this agency has been unable to even account for firearms under their own management, it also seems inappropriate for these agencies to concern themselves with regulating the second amendment rights of law-abiding citizens.

It is clear that Congress should address this issue, and many in Congress have already expressed their opposition to these regulations, including 18 of the 23 members of the Senate Committee on Energy and Natural Resources in the 110th Congress who voted for this amendment—including the current Secretary of the Interior. Fifty Senators, including 9 Democrats and 41 Re-

publicans, also signed two letters to former Secretary of the Interior Dirk Kempthorne asking him to remove these regulations. Several additional Senators have indicated their support for allowing State laws to govern firearm possession on public lands and 25 Senators sponsored similar legislation last Congress.

Even the Department of the Interior—the agency that oversaw the creation of these regulations—commented in 2008 that “It’s appropriate to look at updating these regulations, to bring them into conformity with state laws [on guns use]. Following the release of the final regulations, a spokesman for the Department of the Interior pointed out, “This is the same basic approach adopted by the Bureau of Land Management and the United States Forest Service, both of which allow visitors to carry weapons consistent with applicable federal and state laws. . . . Federal agencies have a responsibility to recognize the expertise of the states in this area, and Federal regulations should be developed and implemented in a manner that respects state prerogatives and authority.”

No other federal land agency has enacted anti-gun rules similar to the National Park Service and Fish and Wildlife Service.

As a spokesman for the Department of the Interior pointed out in a press release, both the Bureau of Land and Management and the U.S. Forest Service allow for the law of the State in which the Federal property is located to govern firearm possession.

FS and the BLM have not experienced any difficulties as a result of allowing firearm possession.

According to the BLM, “Laws and regulation[s] pertaining to concealing and carrying firearms are within [states’] jurisdiction and we only enforce them on public land if we have state authority by way of a local agreement. The BLM has some regulations on the use of firearms that pertain to specific areas, such as recreation sites and other areas that may be closed to shooting (but that does not make it illegal to possess a firearm in those areas).”

If other land preservation agencies never had to enact regulations infringing on the second amendment—including one agency within the Department of the Interior—why did NPS and FWS, which are both within the Department of the Interior?

This legislation will protect law-abiding citizens without threatening natural resources or wildlife.

These anti-gun regulations were intended to “ensure public safety and maximum protection of natural resources,” according to Scot McElveen, the president of the Association of National Park Rangers.

According to NPS and FWS, prohibiting citizens to carry legally owned

and registered firearms was necessary to prevent the poaching of animals living on NPS and FWS lands. Anti-gun groups sued the Department of the Interior to repeal the implementation of the finalized rule change, claiming in part that overturning the gun ban will compromise the safety of humans and animals.

The Department of Justice argued against the lawsuit, pointing out that the new rule “does not alter the environmental status quo, and will not have any significant impacts on public health and safety.”

This legislation will likewise not enable or permit illegal hunting of animals on these lands. Other NPS and FWS regulations specifically governing illegal hunting will remain in place, ensuring that poaching will still be illegal.

It will also not authorize the discharging of firearms or target practice in these natural reserves.

Proponents of these extreme gun restrictions have also claimed that the unconstitutional regulations are a necessary law enforcement tool against poaching and other crimes. They reason that if guns are outlawed in parks and refuges, law enforcement can use the possession of a firearm to prosecute would-be poachers.

In addition to the fact that the second amendment was not recognized by our founders to give law enforcement officers in national parks and refuges an additional tool to eliminate poaching, the fact that both BLM and FS have not “required” these additional regulations further proves these anti-gun regulations are unnecessary.

As the former Department of the Interior Secretary Dirk Kempthorne points out, “Since the [proposed federal regulations similarly] maintain existing prohibitions on poaching and target shooting, and carrying weapons in federal buildings, [it] would not cause a detrimental impact on visitor safety and resources.”

Crime rates on Federal lands are rising.

National parks, while still generally safe for visitors, have seen an increase in crime.

According to the National Park Service and the Fish and Wildlife Service, in 2006 there were 16 homicides, including one manslaughter charge, 41 rape cases, including two attempted rapes, 92 robberies, 16 kidnappings, and 333 aggravated assaults out of 5094 part I offenses. In national parks there were a total of 116,588 offenses. These offenses only include homicides and other crimes handled by national park and refuge law enforcement, but don't account for the homicides and crimes other law enforcement agencies processed—e.g. the Federal Bureau of Investigations, Drug Enforcement Agency, local law enforcement.

Overriding State laws that give its residents the ability to defend them-

selves may increasingly place NPS and FWS visitors in unnecessary danger.

NPS and FWS anti-gun regulations disarm individuals and leave them and their families vulnerable to crime on public lands.

In a Seattle Times article titled “Crime Slowly Creeps Into Parks, Forests,” Captain John Klaasen of the U.S. Forest Service states, “If you see [a crime] happening in the city, it happens in the forest.” Whether it is meth labs hidden amid lush forests or car prowls at trailheads, park rangers and forest officers are seeing an increasing amount of criminal behavior.

Following the grisly murders of four women at Yosemite National Park in 1999, Elaine Sevy with the National Park Service stated, “You're not escaping society when you come to the parks. Understand that parks are a microcosm of society.”

For many criminals, parks and forests offer a safe haven. Consequently, visitors enjoying some of our Nation's natural treasures are increasingly vulnerable to harm and personal injury.

According to a San Francisco Chronicle article, “National Parks' Pot Farms Blamed on Cartels; Mexican Drug Lords Find it Easier to Grow in State Than Import;”

Hikers in national parks such as Yosemite and Sequoia-Kings Canyon are encountering a danger more hazardous than bears: illegal marijuana farms run by Mexican drug cartels and protected by booby traps and guards carrying AK-47s. . . . Park service officials said the drug cartels took extreme measures to protect their plants, which can be worth \$4,000 each. Growers have been known to set up booby traps with shotguns. Guards armed with knives and military-style weapons have chased away hikers at gunpoint. In 2002, a visitor to Sequoia was briefly detained by a drug grower, who threatened to harm him if he told authorities the pot farm's secret location.”

A more recent news story also highlighted this dilemma. Special agent eradication teams heavily armed are needed to clear thousands of pot plants in State and national parks and other public lands. Many of the marijuana fields are located next to popular trails. However, “The folks who are growing the marijuana are not your peace hippies from the 60s . . . These are armed members of the Mexican drug trafficking organizations, who utilize assault style weapons, assault rifles to protect their cash crops.”

A February 2005 report, “Marijuana and Methamphetamine Trafficking on Federal Lands Threat Assessment,” concluded that already high levels of cultivation of cannabis and methamphetamine production by Mexican drug-trafficking organizations are likely to increase.

“Cannabis cultivators and methamphetamine producers on federal lands often are armed, and cannabis grow sites and methamphetamine laboratories frequently are booby-trapped.

Law enforcement officers have seized shotguns, handguns, automatic weapons, pipe bombs, grenades, and night vision equipment from drug producers and smugglers on federal lands.”

With one law enforcement officer for about every 110,000 visitors and 118,000 acres of national park land, park police may not always be close by and individuals may be left to defend themselves. While park rangers now use bullet-proof vests and automatic weapons to enforce the law, regular Americans in States where carry laws exist, are denied the opportunity for self-defense because of these NPS and FWS regulations.

Drug and human smuggling across the U.S. Mexico border has made it impossible and dangerous for scientists to continue their research and for visitors to frequent “well-marked but unofficial trails” in a national park.

“Organ Pipe Cactus National Monument stopped granting most new research permits because of increasing smuggling activity. Scientists must sign a statement acknowledging that the National Park Service cannot guarantee their safety from “potentially dangerous persons entering the park from Mexico.”

Land managed by the Department of the Interior lands make up more than 39 percent of our border with Mexico. Mexican drug trafficking organizations smuggling operations rely on back routes and private roads through these lands to transport marijuana and methamphetamine. These drugs are primarily smuggled through NPS and FWS lands.

A report by the National Parks Conservation Association in 2007 titled “Perilous Parkland: Homeland Security and the National Parks” detailed how over the past 2 years at Organ Pipe Cactus National Monument, “park rangers have arrested and indicted 385 felony smugglers, seized 40,000 lbs. of marijuana, and intercepted 3,800 illegal aliens. The Border Patrol estimated that 500 people per day (180,000 per year) and 700,000 pounds of drugs entered the U.S. illegally through the monument in the year 2000.” It is no wonder the law enforcement staff of 11 park rangers is encountering difficulties in managing a 330,000-acre park with numerous activities initiated by Mexican drug cartels.

This park was ranked by the Fraternal Order of Police as the most dangerous national park in 2003. While two other parks on the Mexico-U.S. border were listed in top 10 most dangerous national parks in 2003, other parks included on this list were in States such as New Jersey, Florida, Virginia and Wyoming—Yellowstone National Park.

The Government Accountability Office, in a report entitled a “Actions Needed to Better Protect National Icons and Federal Office Buildings from Terrorism,” additionally expressed concern with the ability of the

Interior Department to maintain adequate security in the post-9/11 world of heightened alerts due to potential terrorist attacks. According to a survey by the National Park Service, safety concerns have played a significant role in the decreasing number of National Park visitors.

Another result of this surge is that, "National Park Service officers are 12 times more likely to be killed or injured as a result of an assault than FBI agents."

According to the group Public Employees for Environmental Responsibility, "National Park Service commissioned law-enforcement officers were victims of assaults 111 times in 2004, nearly a third of which resulted in injury. This figure tops the 2003 total of 106 assaults and the 2002 total of 98."

Because of this threat, rangers in higher crime areas often carry automatic weapons and wear bullet-proof vests.

In a CBS News article titled "Crime Rates Up in National Parks—More Rangers Find Themselves Battling Lawlessness," former executive director of the U.S. Park Rangers Lodge of the Fraternal Order of Police and 30-year park ranger, Randall Kendrick noted that "The National Park Service has an astoundingly poor safety record for its officers . . . If anything, these assaults against park rangers are undercounted. If there is not a death or injury, pressures within a national park can cause the incident to be reported as being much more minor than it is in reality, and it is not unheard of for an assault to go unreported altogether."

FWS refuges have also experienced significant crime and law enforcement concerns. The Cooperative Alliance for Refuge Enhancement released a report this past May that pointed out that refuges are also becoming increasingly dangerous to visitors. According to the report "Restoring America's Wildlife Refuges," there is one law enforcement officer for every 555,000 acres of refuges.

President of the National Wildlife Refuge Association and chairman of C.A.R.E., Evan Hirsche, said the following:

A decrease in law enforcement has left the refuges vulnerable to criminal activity, including prostitution, torched cars and illegal immigrant camps along the Potomac River in suburban Washington, methamphetamine labs in Nevada and pot growing operations in Washington state. . . In some cases, we find that drug operations have set up shop in refuges.

The C.A.R.E. report finds that, "On many wildlife refuges, drugs are a serious problem. These aren't small-time marijuana gardens; drug operators on refuges frequently defend their plots with armed guards . . . A 2005 report by the International Association of Chiefs of Police (IACP) detailed the urgent need for additional law enforcement to

respond to commercial-scale drug production and trafficking, wildlife poaching, vandalism, assaults, and a host of other crimes.

For example, according to C.A.R.E., because of staffing cuts, Tishomingo National Wildlife Refuge located in Oklahoma, will now share one law enforcement officer with a refuge in Texas—one law enforcement officer for 200,000 annual visitors.

While better prioritization of Federal funds may be needed to increase law enforcement efforts in our public parks, refuges, and forests, allowing visitors to national parks and refuges to possess guns provides responsible gun owners the ability to defend themselves in the event that other protection is not available.

Gun regulations were confusing, burdensome and ineffective.

The contradictory patchwork of Federal regulations within different agencies created the scenario where a law-abiding gun owner traveling from public land managed by BLM to an adjacent NPS or FWS unit was subject to a \$5,000 fine and a 6 month prison sentence for violating Federal regulations.

In many States, people have to pass through designated Federal lands every day. They should be able to do so without having to worry about which laws apply on what type of public land, if they are authorized to carry firearms under State law.

A man driving along the Blue Ridge parkway in Virginia was stopped for failing to obey a stop sign by a national park ranger. Upon further inspection, the ranger found two loaded firearms in the car. The defendant was licensed to conceal carry under Virginia State law and did not know he was in violation of National Park Service regulations and had not observed any signs prohibiting the possession or transportation of loaded and operational firearms. The road he was on also serves as highway between routes 460 and 220 in the Roanoke area. The defendant was found guilty, even though he was in his car and permitted under State law to possess firearms because of an administrative rule.

The bureaucrats seemingly well intended goal of "protecting" the public and natural resources holds the same flaws of other anti-gun efforts: It ensures that only criminals possess firearms and makes law abiding citizens subject to criminal penalties for exercising their constitutional rights.

An editorial in the Colorado Spring Gazette pointed out that "Armed law-abiding citizens aren't the source of violence, criminals are."

Likewise, John Stossel commented that:

[L]aws that make it difficult or impossible to carry a concealed handgun do deter one group of people: law-abiding citizens who might have used a gun to stop crime. Gun laws are laws against self-defense.

Criminals have the initiative. They choose the time, place and manner of their crimes, and they tend to make choices that maximize their own, not their victims', success. So criminals don't attack people they know are armed, and anyone thinking of committing mass murder is likely to be attracted to a gun-free zone, such as schools and malls [or national parks].

If you are the target of a crime, only one other person besides the criminal is sure to be on the scene: you. There is no good substitute for self-responsibility.

Individuals who are already willing to break the law to illegally hunt on public lands, after all, are no more likely to obey Federal regulations that disallow the use firearms on public lands.

Federal law enforcement in parks and refuges is ineffective and incompetent.

According to the inspector general of the Department of the Interior, NPS law enforcement agents and rangers are ineffectively managed by "non-law enforcement managers."

In a statement before the Senate Committee on Finance, inspector general Earl E. Devaney remarked that various superintendents of a number of dangerous parks opposed increasing law enforcement staff to combat rising crime levels for a variety of reasons.

Some superintendents ordered rangers not to carry firearms because they thought it would "offend park visitors."

Other superintendents assigned law enforcement staff non-law enforcement work to prevent them from becoming "too much like cops" or because "the public does not want park rangers with the same edge as FBI agents but instead what the public wants is the park ranger to be cut from the same cloth as a boy scout." One assistant Park Police chief sought to address safety concerns with the statement that terrorists "are not incredibly sophisticated."

According to the Washington Post, a February 2008 assessment of the U.S. Park Police by Mr. Devaney concluded that:

The U.S. Park Police have failed to adequately protect [] national landmarks [] and are plagued by low morale, poor leadership and bad organization . . . The force is understaffed, insufficiently trained and woefully equipped . . .

The International Association of Chiefs of Police also described law enforcement staffing at the Park Service as "patently illogical and erratic."

This legislation will enable law-abiding citizens to defend themselves in national parks and refuges.

This legislation would not void State and local laws that prohibit the possession of fire arms and do not provide State residents with conceal and carry permits. National monuments would still be governed by U.S. law that prohibits the possession of firearms at Federal facilities, and visitors to national parks in States with no conceal and carry laws would be required to follow State law.

This legislation, similarly to the recently implemented rule change, does, however, require the National Park Service and any other agency under the Department of the Interior to promulgate regulations regarding firearm possession that do not conflict with state and local laws—including conceal and carry laws.

An aggressive black bear was shot and killed in the Denali National Park in Alaska. Luckily one of the three park employees threatened by this bear was authorized to carry a gun. "An attempt to divert the bear with pepper spray was ineffective," and the bear was shot and killed. Typical Americans would not have been permitted to defend themselves with anything besides "ineffective" bear spray.

A boy celebrating his tenth birthday in Tonto National Forest in Arizona was attacked by a rabid mountain lion. The lion made two attempts to attack the boy, but was shot both times by the boy's uncle with a pistol. The second shot killed the mountain lion. If this event had occurred in a national park or refuge, the uncle would not have been allowed to even have brought an unloaded pistol along with him.

Additionally, a 38-year-old man hiking in British Colombia was attacked and mauled by a grizzly bear in June and would have been killed had he not managed to shoot the bear twice. Even though he was able to shoot the bear, he still needed 40 stitches and suffered a broken hand and multiple puncture wounds. In national parks and refuges, this story would have most likely ended tragically.

The Washington Post also featured a two-part story recounting a double murder in 1981 and an attempted double murder earlier this year on the Appalachian Trail. Many of the 2,175 miles that make up this trail are under the jurisdiction of NPS. Adopting this amendment would ensure all law-abiding citizens would be able to protect themselves from rare, but dangerous, four- and two-legged predators on this trail and other NPS and FWS lands.

By passing this bill, the Senate will be voting to increase the safety of families and discourage criminals from taking advantage of vulnerable families on Federal lands managed by the Department of the Interior. Congress will also finally ensure that elected representatives, instead of federal bureaucrats, determine second amendment policies in this instance.

It is claimed that gun restrictions enacted by the National Park Service, NPS, and the U.S. Fish and Wildlife Service, FWS, are different than those of Bureau of Land Management, BLM, and U.S. Forest Service lands, FS, because the roles of the agencies are different.

The fact is all four agencies have generally similar responsibilities to manage and protect Federal properties and national resources.

The NPS mandate is to "[preserve] unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations."

The FWS mandate is to "[work] with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

BLM's mission is to "[sustain] the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations." According to the FS Web site, "the mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations."

Besides the fact that the missions of all four agencies are similar, because additional regulations prohibit the inappropriate use of firearms in non-designated areas, allowing for State conceal and carry laws will not compromise these agency missions. Instead, by allowing for State firearm laws to be recognized, visitors will feel safer and more protected in areas where there is limited or no law enforcement.

It is claimed that animals will be poached and not adequately protected if visitors are permitted to carry guns in Federal parks.

The fact is that separate regulations already outlaw such behavior. This legislation will not void those regulations.

This legislation is necessary to enable law-abiding Americans to defend themselves and their families—not to permit more hunting.

Additionally, officials from FS also have poaching regulations and, just like FWS, also have the option of enforcing Federal Wildlife crimes under a criminal code called the Lacey Act.

It is claimed that it would be impractical to enforce State-by-State conceal and carry laws on NPS lands.

The fact is that both the BLM and the Forest Service have not expressed any difficulties or frustration in recognizing State laws.

As it currently stands, the NPS does not enforce NPS regulations that void State concealed carry laws, except if violations are found inadvertently according to NPS congressional liaison. Even then, rangers will normally only give a warning to visitors that NPS regulations do not recognize State conceal and carry permits.

This bill would actually simplify rules for national park and refuge visitors by requiring them to abide by State and local laws regardless of what type of Federal land they are visiting. Currently, visitors in some States may carry operational firearms in State parks, BLM and FS lands but not in national parks and refuges.

It is claimed that recognizing concealed carry State permits would com-

promise the effectiveness of NPS law enforcement.

The fact is that concealed carry permits exist for the protection of individuals—not law enforcement by regular citizens.

Current police forces are spread far too thin as it is and are not sufficient. According to GAO, for every one law enforcement officer there are about 10,000 visitors and 118,000 acres of land. According to a report, FWS only employs one law enforcement officer for every 550,000 acres of national refuge land.

Both FS and BLM do not believe their effectiveness has been compromised because State laws governing firearms are followed on their lands. Additionally, thousands of Americans with concealed carry permits in 48 States have not compromised the effectiveness of our law enforcement in States. Why should allowing concealed carry in national parks produce a different outcome?

It is claimed that poaching has decreased as a result of these regulations.

The fact is that according to CRS, there is no way of determining such a conclusion because poaching data is not maintained on a national basis throughout national parks and refuges for a variety of reasons. Attempts by both NPS and FWS to keep poaching statistics have not succeeded for a variety of reasons. Additionally, NPS, up until recently, did not even differentiate between different types of poaching when reporting any instances of poaching—including poaching archaeological relics, trees and plants, and animals.

According to DOI's limited record-keeping of poaching incidents, there has actually been a 10 percent increase in these incidents between 2003 and 2006—a jump from 365 incidents in 2003 to 405 in 2006. In contrast there were 16 homicides; including one manslaughter charge, 41 rape cases, including two attempted rapes, 92 robberies, 16 kidnappings, and 33 aggravated assaults out of 5094 part I offenses.

It is claimed that hunting is already allowed in a number of specially designated areas.

The fact is that this bill is not about hunting but concerns the right for Americans to protect themselves and their families from criminals and rabid and dangerous animals. This legislation will not overturn hunting regulations.

It is claimed that 7 former NPS directors have spoken out against changing the current regulations along with organizations such as the Association of National Park Rangers, the Coalition of National Park Service Retirees, and the U.S. Park Rangers Lodge. This legislation directly contradicts the opinions of those most knowledgeable of law enforcement in national parks and refuges and thus should not be endorsed.

The fact is that many of the concerns listed by these organizations have to do with poaching, not self-defense. The current situation in our national parks and refuges does not afford many visitors the benefits of adequate law enforcement protection—a fact that is emphasized by the increasing level of crime and violence experienced by law enforcement officers of these public lands.

The Association of National Park Rangers has requested that Congress weigh in on these Federal regulations concerning the possession of firearms in these public lands. This amendment gives Congress, representing all Americans, instead of unelected bureaucrats the opportunity to do so.

It is claimed that the regulatory process improperly did not include a full environmental impact study.

The fact is that both the current and previous administrations agreed that this rule change does not significantly impact the “environmental status quo, and . . . public health and safety.” This bill does not authorize poaching or illegal gun use.

With that, I reserve the remainder of my time, suggest the absence of a quorum, and ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent to reserve for me 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I wish to speak in support of the Coburn amendment.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield time?

Mr. COBURN. I am happy to yield 5 minutes to the Senator from Virginia.

Mr. WEBB. I thank the Senator.

Mr. President, there is, rightfully so, a great deal of varied opinions among our body about the issue of gun control, gun rights, the second amendment, who, where, what. We have seen it debated many times in the now 2½ years since I have been here in the Senate. I think it reflects the diversity of our country. I think it affects the different challenges that different regions, different urban and nonurban environments have when it comes to the use of weapons, and I respect that.

I respect the fact that many on our side of the aisle have a great deal of concern about amendments such as this amendment. It just depends on what you are reading into it, in many cases.

The other part of that is that I believe this particular amendment ad-

resses those differences, and it does so in a way that attempts to bring some fairness to people who live in States that have a different view of the right to bear arms than in other areas. So I think we need to calm down a little bit in terms of what the intent of this amendment is and what its application would actually bring about.

This amendment is very clear. It basically says that if you are authorized to possess a firearm in your State and if the possession of that firearm is in compliance with the laws of your State and if there is a national park or a national wildlife refuge system in that State, then you would be authorized to possess a firearm in your State in those areas.

If you look at Virginia, there are a lot of national parks and wildlife areas that intermingle, even along our roadways. So we have a State that permits individuals to not only possess firearms but also to carry them, and potentially they could be at legal risk if they are driving down the same highway and they get pulled over because they have crossed into areas that are now national park areas. If you go along the mountain areas in the western part of our State, that is true. It is actually true right across the river. If you are driving down the George Washington Memorial Parkway from Arlington to Alexandria, you can suddenly enter an area that is a national park area. So that places a burden on a lot of people who are obeying the law and who are carrying out the standards that have been placed on people in Virginia, and this amendment helps to clarify that. That is all it does.

If you live in a State where you can legally possess a firearm and if you meet the standards to legally possess a firearm, then in a national park inside that State, or a national wildlife refuge, you can continue to possess a firearm. It doesn't mean you can go hunting. It does not mean a 12-year-old can have a weapon inside a national park. It simply means that there is a consistency inside that State. If you live in a different State that doesn't want to allow people to possess firearms to the extent that the second amendment would allow that sort of State legislation, then you can't bring a weapon or a firearm inside one of those jurisdictions.

So, to me, as someone who believes in all of the amendments in our Bill of Rights, as one who believes very passionately in the first amendment and the fourth amendment and the fifth amendment as well as, in this case, the second amendment, I believe this amendment is proper, and I intend to support it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, following up on what the Senator from

Virginia said, there actually was an event in his State on the Blue Ridge Parkway where a gentleman who was licensed to carry failed to stop completely at a stop sign and was stopped. Under his law, the laws of the State of Virginia, he was licensed to legally carry, but the park ranger found that he had guns in his car—all within the laws of the State of Virginia. Yet he was convicted because he drove through an edge of a national park, carrying a gun in a national park.

Senator WEBB has described it well. This is about establishing clarity. You still can't go out and target shoot. You can't hunt. But what you can do is be within the law. So by protecting the second amendment and by protecting States rights, we will have common sense.

I would make the other point—the Senator from Connecticut is here—if your State says: We don't want to do these things, you can under this amendment. So if you have a national park and you don't allow guns in the State park, you can say you don't allow guns in the national park. So it follows completely. When the Senator from Connecticut asked me about this today, I went back to my staff, and, in fact, that is the case, that State law will reign supreme as long as there is consistency within the State and the park that is part of that State.

So I also agree with what Senator WEBB said, which is the natural reaction is, this is nuts. It is not nuts. It is about commonsense application of the second amendment. It is about States rights, and it is about not putting people in jeopardy who are in jeopardy today because they are lawfully carrying out the laws of their own State.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I did not intend to comment on all of this, but as the manager of the underlying bill dealing with the credit card legislation, let me first of all thank my colleague from Oklahoma for that clarification I raised because it is an important point, and it is one raised by others as well about whether a State statute that would have prohibited someone from carrying a licensed weapon in a State park would apply as well to the national park located in that State, and I appreciate very much his answer to that question. And the point raised by Senator WEBB is worthy as well.

I come from a State that I believe is still the largest manufacturer of weapons in the United States, Connecticut. Not many people are aware of that fact. But we have lost a lot of that employment over the last number of years. A lot of it has gone offshore, regrettably, but for a number of years

Connecticut led the Nation in the production of rifles, shotguns, and handguns. So I have more than a familiarity with the issue.

My concern here is about the amendment, on one hand, but I respect what my friend from Oklahoma said. My concern is about the underlying bill and what happens to it, having watched the fate of other legislation where it has been the case that it moves to the other body and what happens to the underlying bill. I suspect, based on what I have heard, that it may carry, and if that is the case, my hope is that we will be able to still move forward with the other body, resolve these matters favorably one way or the other, and still deal with the underlying issue of credit cards. I hate to see us lose this opportunity to make a difference with credit card reform. I am not anticipating that to be the case, but there is always that risk we run, and I would be remiss if I didn't raise that concern I have as the manager of the bill.

Senator SHELBY and I have worked very hard to put together a credit card reform bill that we hope enjoys broad bipartisan support. It is a balanced bill that will allow an industry to continue to profit, to move forward, but not at the expense of consumers with unnecessary rate increases or exorbitant fees and the like that we have watched too many Americans face over the last number of years. We make major changes in how credit cards are handled under this bill. I know millions of Americans will benefit from this if we are able to pass it into law.

I believe the interest of my friend and colleague from Oklahoma is not in undermining that effort, but he has a strong interest in the amendment he has raised, and I believe he has raised it on any number of bills over the past weeks or months.

I see my colleague standing, and I yield.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, as I told the Senator from Connecticut, the underlying bill has many things I am in favor of. I don't want to see it fail on this, but nor should we want to see the second amendment trampled, nor should we want common sense to go out the window as we apply laws in this country.

The fact is, we have had very many good commonsense amendments come out of the Senate that don't come out of conference committee. I am not sure I would expect a different result on this one.

The fact still remains that we have an incoherent policy that takes away a right that has been done by bureaucrats. If we decide we don't want to do that, then that is the Congress speaking that we are not going to do that,

and that is fine. But to have bureaucrats eliminate some of these second amendment rights and do so in a way that causes people confusion and puts people at risk is wrong.

So I thank the Senator for his comments. I hope he can support the amendment because it is a common-sense amendment. He has supported many other of my amendments. What you do in conference will determine whether it comes back out with that on it.

I yield back the remainder of my time.

Mr. DODD. Mr. President, I yield back all time at this point and ask for the yeas and nays on the Coburn amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 188 Leg.]
YEAS—67

Barrasso	Enzi	Nelson (NE)
Baucus	Feingold	Nelson (FL)
Bayh	Graham	Pryor
Begich	Grassley	Reid
Bennet	Gregg	Risch
Bennett	Hagan	Roberts
Bond	Hatch	Sanders
Brownback	Hutchison	Sessions
Bunning	Inhofe	Shaheen
Burr	Isakson	Shelby
Byrd	Johanns	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Tester
Coburn	Kyl	Thune
Cochran	Landrieu	Udall (CO)
Collins	Leahy	Vitter
Conrad	Lincoln	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Crapo	McCain	Wicker
DeMint	McConnell	Wyden
Dorgan	Merkley	
Ensign	Murkowski	

NAYS—29

Akaka	Durbin	Lieberman
Alexander	Feinstein	McCaskill
Bingaman	Gillibrand	Menendez
Boxer	Harkin	Murray
Brown	Inouye	Reed
Burr	Johnson	Schumer
Cantwell	Kaufman	Stabenow
Cardin	Kerry	Udall (NM)
Carper	Lautenberg	Whitehouse
Dodd	Levin	

NOT VOTING—3

Kennedy	Mikulski	Rockefeller
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The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 29. Under the previous order requiring 60

votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 1068 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendment No. 1068 is withdrawn.

The majority leader.

Mr. REID. Madam President, for Members of the Senate, we have spent all day on the Coburn amendment. We tried to work something out. We could not. We took the vote. The Senate has spoken.

I hope that Senators who have amendments to offer would do so. We have to complete this legislation. It is no one's fault they have not been able to offer amendments because the floor was blocked and they could not do that. But I hope tonight we can have some amendments laid down. I hope people will do that. We are not going to have a lot of amendments pending, but if somebody wants to lay down some amendments, a reasonable number of amendments, that is fine. There is going to come a time when we are going to have to move on. This is a bill literally supported by 90 percent of the American public. This bill received almost 380 votes in the House. We are going to have to move on.

I am not going to file cloture tonight. It is only Tuesday. But we will see what happens tomorrow. We have a lot of other business we need to complete before we leave here. This has been a long work period. We have accomplished a lot of things. We have a lot more to do. We would like to be able to complete our work by next Thursday. I don't know that we can do that, but we certainly need to try. We have things we are going to have to do before the work period ends. Monday is a nonvote day.

I am not criticizing anyone, but I repeat, let's not be tied up in the mornings and say: I can't offer my amendment in the morning; I am too busy; I have appointments. The most important thing a Senator can do is to legislate. We need to start legislating. This bill is very important. The managers have worked very hard. Senators DODD and SHELBY worked the weekend to come up with the agreement they got to get a bipartisan bill we can work on. I applaud each of them for their work together. This sends a good message to the American public that we can do something very important.

I repeat, there will be no more votes tonight, but we need to have some amendments laid down so we can start voting tomorrow.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I thank the majority leader for those words, and let me just say, on behalf of Senator SHELBY and myself, if Members have amendments, please bring them over. In many cases, we might be able to accept them; others to modify.

In some cases we may have to reject them, but we can't make those decisions unless we know what they are. We can move this along pretty quickly if Members will let us know what they want to offer, and we will see if we can work those out.

So I appreciate the majority leader making that point. We will stay as late as possible to have Members come by with their amendments, to meet with staff and others to see if we can't move forward with the bill. We have an opportunity this week to do something for millions and millions of our fellow constituents and citizens around this country. There is nothing that plagues our constituents more than these outrageous fees and rates that are being increased on their accounts, and we can make a difference this week in that matter. But we need to know the amendments.

Senator SHELBY and I put together a good bill, but we always know our colleagues can offer ideas as well to improve it. So we would like that opportunity, and I appreciate the majority leader making that point.

Mr. REID. I say to my friend, the manager of this bill, we both want amendments to be offered, if in fact people want to offer amendments. But we hope they would be related to the bill. If we have a few more nongermane amendments, it is going to wind up that the banks win again because we will not be able to proceed on this legislation if we have more amendments dealing with unrelated matters, such as guns or whatever else somebody else dreams up.

In the morning, we have a cloture vote on one of Secretary Salazar's assistants. It is very important we have that vote. We will have it an hour after we come in, unless we work out another time with our colleagues. We have to complete that. I hope that we can get that done. Based on what we have been through in years passed, I can't imagine that we would have to invoke cloture on a Cabinet nomination, someone who is going to work for one of our Cabinet officers. That is what I thought we debated with the nuclear option. But it appears there are a lot of people not willing to even allow a vote on David Hayes.

It seems a little unusual for me that people who were wanting to invoke the nuclear option are now saying: Well, we are not sure we were right about that, and we are not even going to allow you to have a vote on someone whom Secretary Salazar has worked very hard on, getting him to help him work on the many issues he has to work on in the Department of the Interior. So I hope we can get that over with in the morning and that we would not have to have a cloture vote. But it appears we might have to do that. I wish I didn't have to file cloture on any nominees, but we have had to do it many times already this Congress.

Mr. DODD. I thank the majority leader, and I would say that we are open for business, Senator SHELBY and I are. So if there are amendments, let us hear them. Bring them over and we will try to move things along.

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 1085 TO AMENDMENT NO. 1058

Mr. MCCONNELL. Madam President, on behalf of Senator GREGG, I call up amendment No. 1085 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], on behalf of Senator GREGG, proposes an amendment numbered 1085.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance public knowledge regarding the national debt by requiring the publication of the facts about the national debt on IRS instructions, Federal websites, and in new legislation)

At the appropriate place, insert the following:

SEC. ____ . ENHANCED TAXPAYER DISCLOSURE.

(a) IN GENERAL.—It shall not be in order to consider any appropriations, direct spending, or revenue bill or joint resolution reported by any committee unless the measure contains a debt disclosure section setting forth debt disclosures in the following form:

"SEC. ____ . DEBT DISCLOSURE.

"(a) CURRENT DEBT.—The level of the current gross Federal debt of the Nation is \$ ____.

"(b) PER PERSON.—The level of the current gross Federal debt of the Nation per citizen is \$ ____.

"(c) DEBT INCREASE WITH PASSAGE OF THIS ACT.—Enactment of this Act would cause the gross Federal debt of the Nation to rise or fall to \$ _____. The new level of gross Federal debt per citizen would equal \$ _____. "

"(d) DEFINITIONS.—In this section, the term 'gross Federal debt' means the nominal levels of gross Federal debt (debt subject to limit as set forth in the Budget Resolution) as determined by the Bureau of Public Debt and published in latest Monthly Treasury Statement, not debt as a percentage of gross domestic product, and not levels relative to baseline projections."

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. ____ . ANNUAL NOTIFICATION OF PER TAXPAYER SHARE OF FEDERAL PUBLIC DEBT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 7529. ANNUAL NOTIFICATION OF PER TAXPAYER SHARE OF FEDERAL PUBLIC DEBT.

"In the case of any booklet of instructions for Form 1040, 1040A, or 1040EZ prepared by the Secretary for filing individual income tax returns for taxable years beginning in any calendar year, the Secretary shall include in a prominent place the per individual taxpayer share of the Federal public debt determined on the last day of the preceding fiscal year and using the most recent census data. The information regarding such share of the Federal public debt shall also be placed prominently on the Internal Revenue Service Internet website."

(b) CONFORMING AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

"Sec. 7529. Annual notification of per taxpayer share of Federal public debt."

SEC. ____ . NATIONAL DEBT CLOCK DISPLAYED ON GOVERNMENT WEBSITES.

(a) DEFINITION.—In this section:

(1) AGENCY.—The term "agency" has the meaning given under section 551(1) of title 5, United States Code.

(2) CONGRESSIONAL WEBSITE.—The term "congressional website" means—

(A) the website relating to the Senate maintained by the Secretary of the Senate; and

(B) the website relating to the House of Representatives maintained by the Clerk of the House of Representatives.

(b) NATIONAL DEBT CLOCK.—The website of each agency and each congressional website shall include a national debt clock that displays the national debt and the rate of the increase in the national debt on a continuous basis.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1066 TO AMENDMENT NO. 1058

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment and call up the Vitter amendment, No. 1066.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1066 to amendment No. 1058.

Mr. VITTER. I ask unanimous consent to waive the reading of the whole.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To specify acceptable forms of identification for the opening of credit card accounts)

At the end of the bill, add the following:

SEC. ____ . FORMS OF ACCEPTABLE IDENTIFICATION FOR CREDIT CARD ISSUERS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 127A the following new section:

"SEC. 127B. IDENTIFICATION AND VERIFICATION OF ACCOUNTHOLDERS.

"(a) IN GENERAL.—Subject to the requirements of this section, the Board shall prescribe regulations setting forth the minimum standards for card issuers under open end credit plans and cardholders regarding

the identity of the consumer, that shall apply in connection with the opening of such a credit card account.

“(b) MINIMUM REQUIREMENTS.—The regulations required under subsection (a) shall, at a minimum, require card issuers to implement, and cardholders (after being given adequate notice) to comply with, reasonable procedures for—

“(1) verifying the identity of any person seeking to open a credit card account, to the extent reasonable and practicable;

“(2) maintaining records of the information used to verify a person's identity, including name, address, and other identifying information; and

“(3) consulting lists of known or suspected terrorists or terrorist organizations provided to the card issuer by any government agency, to determine whether a person seeking to open a credit card account appears on any such list.

“(c) FORMS OF ACCEPTABLE IDENTIFICATION.—A card issuer may not accept, for the purpose of verifying the identity of an individual seeking to open an account in accordance with this subsection, any form of identification of the individual, other than—

“(1) a social security card, accompanied by a photo identification card issued by the Federal Government or a State government;

“(2) a driver's license or identification card issued by a State, in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (49 U.S.C. 30301 note);

“(3) a passport issued by the United States or a foreign government; or

“(4) a photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Service).”

(b) EFFECTIVE DATE.—Section 127B of the Truth in Lending Act, as added by this section, shall become effective 6 months after the date of enactment of this Act.

Mr. VITTER. Madam President, this is a very straightforward but important amendment. It would grant rulemaking authority to the Federal Reserve to set forth minimum standards for credit card issuers to establish a consumer's identity in order to prevent illegal immigrants—folks in the country illegally, breaking Federal law, including terrorists, in some cases, and including many others here illegally—from obtaining credit cards.

Madam President, we have all read numerous accounts of how this is actually a growth industry for some very large financial institutions. Not so long ago, in February 2007, the Wall Street Journal reported:

In the latest sign of the U.S. banking industry's aggressive pursuit of the Hispanic market, Bank of America Corp. has quietly begun offering credit cards to customers without Social Security numbers—typically illegal immigrants.

The same Wall Street Journal article detailed how Bank of America abused loopholes in customer identification rules to provide illegal immigrants with credit cards.

The new Bank of America program is open to people who lack both a Social Security number and a credit history, as long as they have held a checking account with the bank for 3 months without an overdraft. Most adults in the U.S. who don't have a Social Security number are undocumented immigrants.

Now, as we have a major credit crisis in this country, and particularly when we are throwing billions upon billions of taxpayer dollars at these same large financial institutions, I don't think it is too much to ask that they help us enforce our law, not to be a willing co-conspirator with lawbreakers, and to actually go after the illegal alien market as a new niche market or a new profit center. I think that is offensive because we do have a serious illegal immigration problem that we are trying to get our hands around in this country.

So again, my amendment is very simple. It doesn't say exactly what all of the detailed rules have to be. It simply gives the experts in the Federal system—in this case the Federal Reserve—rulemaking authority to set forth minimum standards for credit card issuers to establish a consumer's identity, and specifically to prevent illegal immigrants and terrorists from obtaining credit cards. It shouldn't be too much to ask, curtailing a little bit of the big banks and big credit card companies' business to do that, to at least be that careful. It isn't asking very much, and I believe this would be an important step forward in the proper enforcement of our immigration laws.

I thank my colleagues for their attention. I urge all of my colleagues, Democrats and Republicans, to support this commonsense, simple, but important amendment, and I look forward to a vote tomorrow.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I rise on behalf of consumers in Colorado and across this country who work hard every day, pay their bills on time, and struggle to stay ahead in the midst of an economic recession. In the face of these challenges, the last thing Colorado families need is credit card companies that arbitrarily change terms and charge fees, offering only legalese and print so small you need a magnifying glass to read it.

Some credit card companies have been taking advantage of consumers for years. This bipartisan bill would give cardholders some much needed relief, and I am very glad we are taking it up this week. Why, Madam President? Because after the near financial collapse last year, Congress has worked to meet the needs of banks and financial institutions. I think it is time working families also had someone in their corner. This bill is about them. It

is about making sure that families who pay their bills on time and stay within their means can't get charged excessive fees or see their interest rates jacked up without clear notice.

I have come to the floor, as many of my colleagues have today, to urge our other colleagues to support this important legislation.

We know how important short-term credit is to families, and we have all heard stories of people who have been victimized by the kind of unfair dealing that I am talking about tonight. As a longtime supporter of credit card reform, I have met with countless victims of the abusive practices of credit card companies. One of them was a wonderful woman by the name of Susan Wones, and I want to take a minute to share her experience with you tonight.

I met Susan in person last year when she flew from Denver to Washington to testify before Congress about the unfair treatment she received from a credit card company. She has a classic story. She has always maintained a high FICO score, never exceeded her card's limit, and always paid the amount required on time. In short, she is a good customer who plays by the rules and lives within her means. But despite Susan's good standing, one of her credit card issuers doubled her interest rate to 25 percent without notice.

When she later asked why, she was told the rate had been increased, not because she had missed a payment but because this particular credit card company decided her balance on another card was too high. This practice, known as universal default, will no longer be allowed if this legislation passes and is signed into law.

Unfortunately for Susan, this kind of treatment did not stop there. Just before she was prepared to testify in the House of Representatives, the powerful lobbying interests of the banks and credit card issuers insisted she sign a waiver relinquishing her privacy rights to her personal financial information. Then, a month later, after deals were worked out to have Susan return to Washington and finally tell her story without fearing her personal information would be released to the press, that information was released anyway.

While Susan had nothing to hide, the treatment she received is indicative of the abusive treatment American consumers have been subject to at the hands of credit card companies. This kind of treatment has to stop, and that is why we need this bill.

The bill will put in place some commonsense rules that will protect honest, hard-working Americans from unfair and downright abusive practices by credit card issuers. I first introduced similar legislation to protect individual consumers from this kind of unfair treatment by credit card companies back in 2006, as a Member of the

House of Representatives. I reintroduced this bill in the House in 2007, and last year I worked with Representative CAROLYN MALONEY, from New York, to incorporate the principles of my bill in the Credit Cardholders' Bill of Rights.

I thank and acknowledge Congresswoman MALONEY for her hard work and dedication in working on that legislation, which passed the House last year and then again just a few weeks ago.

This year, one of my first steps as a freshman Senator was to join with Senator SCHUMER in introducing the Credit Cardholders' Bill of Rights in the Senate. The legislation we are considering today overlaps in every critical category with a bill Senator SCHUMER and I introduced. I did wish to acknowledge Chairman DODD for his leadership on this important issue.

Here is what the bill does, in short. It protects against arbitrary interest rate increases, No. 1. No. 2, it prevents cardholders who pay on time from being unfairly penalized. No. 3, it bars excessive fees and will require more fairness in the way payments are handled. Finally, it will prohibit the use of universal default clauses, as I mentioned earlier in my remarks.

With all due respect, we know how important the credit card industry is to modern America. For many Americans, consumer credit is more than a convenience, it is a necessity. You have the parent who uses short-term credit to buy groceries, the small business owner who uses credit to cover expenses. In that regard, a well-functioning credit card industry is absolutely essential to our economy. But this influence should not give the credit card industry the right to abuse customers with an "anything goes in the name of profit" approach.

For far too long, the Federal Government has placed the blame of individual's overbearing debts solely at the feet of the American consumer. Most notably, in 2005, the laws governing bankruptcy were fundamentally changed to prevent abuse. But while we passed laws to hold the consumer accountable, too much emphasis was placed on borrowers alone. Just as Congress has cracked down on the predatory lending that spurred the subprime mortgage crisis, Congress must also do more to promote responsibility by the credit card companies that provide this important consumer credit.

In the last several months, the Federal Government has taken extraordinary steps to respond to a financial crisis that has paralyzed the credit markets. This crisis was brought on, as we know all too well, by excessive leverage and risk-taking on the part of the very banks that have treated credit card customers such as Susan Wones so unfairly.

I supported many of those steps to rescue the financial industry, as many in the Senate have done as well—des-

pite my distaste for doing so—because I believed they were necessary to stabilize our economy and get credit flowing again. It is now time we start working to level the playing field for American families who are being asked to pick up the tab.

As I close, I wish to underline that this is a commonsense bill whose time has come. It is time to stand for working families again. This legislation is a big step in that direction, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 1062 TO AMENDMENT NO. 1058

Mr. SANDERS. Madam President, I move to set aside the pending amendment so I can call up amendment No. 1062, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows.

The Senator from Vermont [Mr. SANDERS], for himself, Mr. HARKIN, Mr. LEAHY, and Mr. WHITEHOUSE, proposes an amendment No. 1062 to an amendment numbered 1058.

The amendment is as follows:

(Purpose: To establish a national consumer credit usury rate)

At the appropriate place, insert the following:

SEC. ____ NATIONAL CONSUMER CREDIT USURY RATE.

(a) IN GENERAL.—Section 107 of the Truth in Lending Act (15 U.S.C. 1606) is amended by adding at the end the following new subsection:

“(f) NATIONAL CONSUMER CREDIT USURY RATE.—

“(1) LIMITATION ESTABLISHED.—Notwithstanding subsection (a) or any other provision of law, but except as provided in paragraph (2), the annual percentage rate applicable to an extension of credit obtained by use of a credit card may not exceed 15 percent on unpaid balances, inclusive of all finance charges. Any fees that are not considered finance charges under section 106(a) may not be used to evade the limitations of this paragraph, and the total sum of such fees may not exceed the total amount of finance charges assessed.

“(2) EXCEPTIONS.—

“(A) BOARD AUTHORITY.—The Board may establish, after consultation with the appropriate committees of Congress, the Secretary of the Treasury, and any other interested Federal financial institution regulatory agency, an annual percentage rate of interest ceiling exceeding the 15 percent annual rate under paragraph (1) for periods of not to exceed 18 months, upon a determination that—

“(i) money market interest rates have risen over the preceding 6-month period; or

“(ii) prevailing interest rate levels threaten the safety and soundness of individual lenders, as evidenced by adverse trends in liquidity, capital, earnings, and growth.

“(B) TREATMENT OF CREDIT UNIONS.—The limitation in paragraph (1) does not apply with respect to any extension of credit by an insured credit union, as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

“(3) PENALTIES FOR CHARGING HIGHER RATES.—

“(A) VIOLATION.—The taking, receiving, reserving, or charging of an annual percentage rate or fee greater than that permitted by paragraph (1), when knowingly done, shall be deemed a violation of this title, and a forfeiture of the entire interest which the note, bill, or other evidence of the obligation carries with it, or which has been agreed to be paid thereon.

“(B) REFUND OF INTEREST AMOUNTS.—If an annual percentage rate or fee greater than that permitted under paragraph (1) has been paid, the person by whom it has been paid, or the legal representative thereof, may, by bringing an action not later than 2 years after the date on which the usurious collection was last made, recover back from the lender in an action in the nature of an action of debt, the entire amount of interest, finance charges, or fees paid.

“(4) CIVIL LIABILITY.—Any creditor who violates this subsection shall be subject to the provisions of section 130.”.

(b) CIVIL LIABILITY CONFORMING AMENDMENT.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended by inserting “section 107(f)” before “this chapter”.

Mr. SANDERS. Madam, this amendment, No. 1062, is being cosponsored by Senator HARKIN, Senator DURBIN, Senator LEVIN, Senator LEAHY, and Senator WHITEHOUSE. Before I speak on this amendment, let me begin by commending the chairman of the Banking Committee, Senator DODD, and Ranking Member SHELBY, for introducing the underlying bill we are debating today that, for the first time, would seriously begun to crack down on big banks and credit card issuers that are ripping off millions of American consumers by charging outrageously high interest rates and sky-high fees. The American people are saying loudly and clearly: Enough is enough. This legislation begins—begins—to move us in the right direction.

I also commend President Obama for his leadership on this issue. Without his tenacious support for this bill, it is doubtful we would have the necessary votes to pass this important piece of legislation—and we will have the necessary votes to do that.

Under the Dodd-Shelby bill, credit card companies will no longer be payable to raise interest rates at any time for any reason. Credit card companies will be banned from retroactively raising interest rates on consumers who are less than 60 days late in paying their credit card bills.

This bill also prohibits credit card issuers from increasing interest rates on consumers during the first year after a credit card account is opened, and it requires teaser rates to last at least 6 months, among many other things.

When I was the ranking member of the Financial Institutions and Consumer Credit Subcommittee in the House, I fought to end the “bait and switch” practices of the credit card companies for years. It is something we

worked on for a long time in the House. I applaud Chairman DODD for putting a stop to some of the most egregious practices being perpetrated by the credit card companies today.

But while Chairman DODD and Ranking Member SHELBY deserve strong credit for standing up to the big banks and credit card issuers that oppose this legislation, in my view, this bill, as good as it is, does not go far enough. That is why I am introducing this amendment today. At a time when banks are receiving the largest taxpayer bailout in the history of the world, at a time when the Federal Reserve is providing banks with zero interest loans, those same banks are now charging consumers outrageous fees and sky-high interest rates on credit cards and other loans.

In other words, after taking \$700 billion from the taxpayers, after getting zero interest loans from the Fed, what these banks are now saying is: Thank you very much, chump, we are going to take your money, and then we are going to charge you 25 or 30 percent interest rates.

All over this country, people are saying: Sorry, that cannot be allowed to continue.

That is why we are here tonight. Today one-third of all credit cardholders in this country are paying interest rates above 20 percent and as high as 41 percent—more than double what they paid in interest in 1990. Nineteen years later, people are now paying double what they paid in 1990. According to a recent *Business Week* article:

Bank of America sent letters notifying some responsible cardholders that it would more than double their rates to as high as 28 percent, without giving an explanation for the increase. What's striking is how arbitrary the Bank of America rate increases appear.

In other words, they are doing it, and I know many people in Vermont call and they say: I paid my bills every month on time. Why are you doubling my interest rates? Essentially, what the bank is saying is: We are doing it because we can do it.

That is not acceptable.

Citigroup, Bank of America, Wells Fargo, and other banks should not be permitted to charge consumers 25 to 30 percent interest on their credit cards while they are getting bailed out by the middle-class taxpayers of this country. The amendment I am proposing with Senators HARKIN, DURBIN, LEVIN, LEAHY, and WHITEHOUSE would cap credit card interest rates at 15 percent, the same interest rate cap that Congress imposed on credit unions almost 30 years ago. Under our amendment, the Federal Reserve would have the authority to allow credit card lenders to charge higher rates if the Fed determines this cap would threaten the safety and soundness of financial institutions.

In other words, the time is now—not tomorrow, not next year, but now—to have a national usury rate. As a nation, what we must say is banks cannot charge people 25 percent or 30 percent. As I mentioned, this is not a new idea I pulled out of my ear. This, in fact, is what credit unions have been living under for the last 30 years. Do you know what. Credit unions are doing fine. I don't see them crawling in here asking for hundreds of billions of dollars of bailout money. They are doing fine with that regulation, and we should impose that same regulation on the private banks as well.

Establishing a national usury law is not a radical concept. Up until 1978, about half the States in our country had usury laws on the books capping credit card interest rates. While the State usury laws remain on the books in several States, they were effectively eradicated by a 1978 Supreme Court decision *Marquette National Bank v. First of Omaha Service Corporation*, which concluded that national banks could charge whatever interest rate they wanted if they moved to a State without a usury law, which is, of course, what they did. South Dakota, Delaware, other States do not have usury laws, and that is where these companies moved.

Our amendment simply applies the same statutory interest rate cap on credit cards that Congress imposed on credit unions in 1980, capping interest rates at 15 percent.

The National Credit Union Administration has the authority to raise interest rates if it determines the 15-percent cap threatens the safety and soundness of credit unions.

It is also important to know that the concept I am bringing forth tonight is one that former Senator Al D'Amato, Republican of New York—who was then chairman of the Banking Committee, by the way—advocated for in 1991, when he offered an amendment to cap credit card interest rates. The D'Amato amendment would have capped all credit card interest rates at 14 percent. Do you know what. That amendment won on the floor of the Senate by an overwhelming vote of 74 to 19. That was back in 1991. If that amendment received 74 votes in 1991, the truth is our amendment should receive even more because the situation today is more egregious than it was in 1991.

Here is what the Republican Senator, then chairman of the Banking Committee, Al D'Amato said in 1991:

Fourteen percent is certainly a reasonable rate of interest for banks to charge customers for credit card debt. It allows a comfortable profit margin but keeps banks in line so that interest rates rise and fall with the health of the economy.

He was right then. We are right now.

The Bible has a term for what we are seeing today. I see a lot of my friends

coming to the floor and quoting the Bible. I don't often do it, but let me do it at this moment.

In the Bible quite often we see the term "usury." Usury. It appears very often in the Bible. Because not only in Christianity, but in Judaism, in the Muslim world, there is a reprehension against people who lend money out at outrageously high rates. There is a strong sense that that type of activity is not moral.

In Dante's "Divine Comedy" there was a special place reserved in the seventh circle of hell for sinners who charged people usurious interest rates. So that is a warning for our friends in the credit card companies. Beware.

Today we do not need the hellfire and pitchforks, we do not need the rivers of boiling blood, but we do need a national usury law capping credit card interest rates. That is why I am proposing this amendment today.

I am not under any illusion that this amendment will easily pass. After all, the financial services industry has spent over \$5 billion on campaign contributions and lobbying activities over the past 10 years in support of deregulation, and they are spending even more money today trying to prevent Congress from seriously regulating their industry. They are a very powerful force here in Washington. In many ways all of that money has got us to where we are today with the collapse of major banking institutions.

Let me conclude by saying this: On April 24, a few weeks ago, I sent an e-mail to my Senate mailing list, and I simply said: Tell me how credit card companies are treating you. We did not know what kind of response we would get. But 3 days later, I had almost 1,000 responses, many from obviously the State of Vermont, but from people all over this country.

I took some of these responses and I put them into a booklet. Let me conclude by reading a few of those e-mails that I received.

Donna from Neptune, NJ, writes:

I want to know why consumers are not protected in any way from these predatory lenders who were bailed out with my taxpayer dollars and then turn around and raise my interest rates from 7 percent to 27 percent because of "difficult economic times" for the credit industry. This is outrageous. I have not missed a payment and my credit rating is in the high 800s. How can they keep getting away with this?

And Steven from St. Johnsbury, VT, wrote:

A couple of weeks ago, Bank of America sent us a letter saying they were going to raise our interest rate from 7.3 percent to 24 percent. The letter stated we could get our credit report to find out why. We received our credit report and I still have no reason why they wanted to raise our rate. We did opt out, kept the 7.3 percent and we destroyed our card, but we do know what was wrong with our credit report.

On and on it goes, arbitrary acts on the part of credit card companies, raising rates to outrageous levels. There is

a lot of frustration on the part of the American people as to what has gone on in Wall Street, and the fact of what has gone on here in Congress.

The American people want to know that we are fulfilling our constitutional responsibilities and representing the needs of ordinary people and not just major financial institutions that may make lots of campaign contributions and have their lobbyists out lining the Halls of Congress.

The time is now to say there must be a limit on credit card rates. The time is now to pass a national usury law. I hope very much we will have the support of our colleagues in going forward on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1084 TO AMENDMENT NO. 1058

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 1084.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND] proposes an amendment numbered 1084 to amendment No. 1058.

The amendment is as follows:

(Purpose: To amend the Fair Credit Reporting Act to require reporting agencies to provide free credit reports in the native language of certain non-English speaking consumers)

At the end of title V, add the following:

SEC. 503. CREDIT REPORTS IN CONSUMER'S NATIVE LANGUAGE.

Section 612(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)(1)) is amended by adding at the end the following:

“(D) NATIVE LANGUAGE REQUIREMENT FOR NON-ENGLISH SPEAKERS.—The disclosures required under this paragraph shall be provided, upon request, to the extent possible, in the native language of any consumer having limited ability to read, write, speak, and understand English, subject to such limitations and in accordance with such guidelines as shall be established by the Commission, in consultation with the Federal Interagency Working Group on Limited English Proficiency.”.

Mrs. GILLIBRAND. Madam President, my amendment is very simple. It basically says that the Fair Credit Reporting Act will require rating agencies to make available credit reports in languages other than English. This is very important, because we have 22 million Americans who have limited English proficiency, and so this basic requirement will make sure that these translations are made available so folks have the opportunity to understand what their credit report is.

When we have a serious economic downturn, as we have today, where we have 3.5 million jobs lost, more than half in the last few months alone, we need to do everything we can to get our families back in the fight to make sure that we have good jobs to make sure they can provide for their families.

Being able to understand your credit rating is very much part of that process. So this very simple amendment will make sure those 22 million Americans have access to their credit report in a form they can fully understand.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The Senator from Oregon.

Mr. WYDEN. Mr. President, in the last Congress there was a Wyden-Obama amendment to better protect the rights of those who have credit cards in our country. My original cosponsor has obviously moved on and is doing important work for our country at 1600 Pennsylvania where he continues to advocate for the rights of consumers.

But I am very hopeful, and discussions are now taking place with Chairman DODD and Ranking Minority Member SHELBY, that it will be possible to get a bipartisan agreement here in the next day or so to advance the legislation that I and then Senator Obama originally proposed the last Congress.

I am very pleased that my original cosponsor this session is my new colleague from Oregon, Senator JEFF MERKLEY, who has a long record of advocating for the rights of consumers as well.

What Senator Obama and I originally proposed in the last Congress would direct the Federal Reserve to establish a safety rating system for credit cards. What then-Senator Obama and I sought to do was to make sure that cards with terms that are consumer friendly would be rated up, and cards with the tricky terms, the terms that are larded with qualifiers and exceptions and waivers, the legal mumbo jumbo that is so deceptive in the marketplace, those cards would be rated down. Under our legislation, credit cards with five stars would be deemed the safest; those with one star would be considered the least safe.

For example, credit card agreements that state that terms can be changed at any time for any reason would automatically get a one-star rating, because clearly that is the kind of consumer practice that has caused great difficulty for American consumers and is plain wrong.

I see our proposal operating much like the five-star crash rating system works for new cars. That system has worked. Americans have become better educated about how their car will protect them in a crash, and the rating system has helped incentivize the car industry as far as basic safety measures. When that rating system first came out, a lot of the cars only received one or two stars. But then the basic principles of competition and free enterprise kicked in, and now you have got many of those cars receiving four or five stars.

I am very confident that what then-Senator Obama and I sought to do 2

years ago will accomplish exactly the same thing with credit cards. Similarly, the safety star rating will increase competition between credit card companies over the fairness of the terms in their contracts, which will create an incentive for them to use fairer terms for more credit cards.

Credit card companies would have to display the rating on all of their marketing materials, billing statements, agreement materials, and on the back of the card itself. Consumers would be able to see the ratings for their card and how their card got that rating on a stand-alone Web site that was created and operated by the Federal Reserve. The Federal Reserve would be responsible for updating the star system and making sure that if new terms or practices come to market, those terms or practices would be assigned an appropriate rating.

Card issuers currently compete on their ability to advertise, mostly advertising their interest rates and annual fees, but not on the fairness of their credit card contract. Card issuers advertise their great interest rates and their great rewards, and then try to tell the consumers that their cards will cost less to use. But too often the important information is buried, the information about early deadlines and arbitrary rules, and what happens is that these cards end up costing millions of consumers more.

I believe—and Senator MERKLEY and I continue to advocate this cause, a cause that began in the last Congress—we believe that consumers deserve to have the tools that are needed to make informed choices about what they buy. That, of course, is what the marketplace is all about, getting information to consumers so they can make the choices that make sense for them. We believe our legislation empowers consumers to better make the marketplace work in this critical area of our economy.

I want to close by saying I have always felt that in a free society, Americans have a right to make decisions that, by perhaps someone else's assessment, would be wasteful or ill advised. In effect, we have in our country a constitutional right to be pretty foolish with our money. The problem with credit cards is that too often the marketplace fails the millions and millions of Americans who want to manage their money responsibly. Too often the major provisions of these credit card agreements require that you have an advanced legal degree—not just a basic law degree but an advanced legal degree—in order to sort out the terms. I do not think it is right to say that you ought to, in effect, be someone who spends their free time reading the Uniform Commercial Code in order to make sense out of these credit card agreements.

I am very hopeful that now with millions of our people walking on an economic tightrope, it will be possible to use classic free market principles to encourage better behavior. This is not heavy-handed regulation. This is not run-from-Washington micromanagement that is going to jack up somebody's credit card rates. This is about disclosure. This is about making sure that people in the marketplace understand what is in front of them, and that they are in a better position with objective information, in this case supplied by the Federal Reserve, overseen in a system operated by the Federal Reserve.

Consumers would be able to make better choices while forcing the credit card companies to compete not on who can best craft these technical legalistic terms of legal mumbo jumbo, but instead who best informs the public about their credit card choices and who addresses the rights of consumers with responsible practices.

I will continue to talk with Chairman DODD and the ranking minority member Senator SHELBY. They are familiar with what Senator Obama and I sought to do in the last Congress. I am glad this bill is on the floor. It is high time the rights of credit card consumers were addressed, that credit card consumers got a fair shake.

I think I have got the best possible partner, somebody who has been a long-standing advocate of consumers' rights, in Senator MERKLEY. We are hopeful in the next day or so that we will be able to forge an agreement with the chairman and the ranking minority member.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MITCHELL SCHOLARSHIP PROGRAM

Mr. DODD. Mr. President, I rise today in support of the George J. Mitchell Scholarship program. On May 19, 2009, the Taoiseach will meet with the current 12 American Scholars, and congratulate them on their impressive achievements.

For nearly 10 years, this important program has allowed exceptional young Americans to engage in a rigorous, intellectually stimulating course of study in some of Ireland's most renowned institutes of higher learning. The Mitchell Scholarship has allowed America to deepen its strategic, political, and cultural ties with Ireland and helps prepare future American leaders for an increasingly globalized world. I can think of no better way to honor Senator George Mitchell and his pivotal role in bringing peace to Northern Ireland than through this valuable program dedicated to deepening our ties to Ireland.

I fondly remember meeting the inaugural class of scholars in late 2000 when I visited Ireland with President Clinton, and I have proudly watched the Mitchell Scholarship program grow to become one of America's most respected overseas scholarships. I look forward to watching the Mitchell Scholarship program continue to prosper and further enrich U.S.-Irish relations.

PRESIDENT OBAMA'S FIRST 100 DAYS

Mr. HATCH. Mr. President, in recent days, the White House, the news media, and many in this Chamber have taken the opportunity to reflect on the first 100 days of President Barack Obama's administration. I rise today to offer my comments and evaluation in light of this milestone.

Admittedly, it is somewhat arbitrary to use the 100-day point in a Presidency as a time for evaluation.

Indeed, success in the first 100 days doesn't guarantee success in the next 100 days or for the rest of a Presidential term. Likewise, struggles and failures in the first 100 days do not necessarily predicate similar troubles in the future. It is certainly the case that, as with most administrations, the defining moments of this current Presidency are yet to be written.

That said, President Obama's first 100 days have provided us with some unique insight into this President and how he intends to govern. It is this insight that informs my comments here today.

The President came into office facing unprecedented expectations. While some of these expectations may have been unfairly placed upon him by some starry-eyed supporters who believed him to be a politician, a movie star, and a religious figure all in one, he brought much of the pressure upon himself. President Obama campaigned on a platform of big promises, not the least of which was a promise to change the tone here in Washington and move the country past the bitter partisan divides that has kept us polarized in recent years.

But as any reasonable person observing U.S. politics will concede, we are not on that path yet.

The supporters of the President will argue that he cannot accomplish such a daunting task alone and I tend to agree with them. However, so far, the President has done very little on his end to make good on that promise and that has been his biggest failing during the first 100 days.

The problems began right out of the gate when the Congress debated the SCHIP reauthorization language. I was an original author of the SCHIP program and had been one of its strongest supporters. In fact, over the years, a number of Republicans in this Chamber—including myself and Senator GRASSLEY—had endured a lot of criticism among our more conservative constituents over our support for the SCHIP program.

During the 110th Congress, we worked with the Democratic majority to forge a bipartisan compromise in order to ensure widespread support for reauthorizing this program. This included some common-sense proposals to ensure the program was an efficient use of taxpayer funds. Yet, when the 111th Congress convened, the President and his supporters in Congress left that compromise on the side of the road and instead chose to push through a more expansive and liberal version of the bill. In the end, the bill passed on a vote divided on partisan lines.

So, in the earliest days of his administration, the President was presented an easy opportunity to place unity and bipartisanship ahead of a far-left Democratic agenda and, unfortunately for the SCHIP program, he balked and, in doing so, he set the tone for the early months of his Presidency.

Shortly thereafter, the President came to Congress with a proposed "stimulus package" at a pricetag of nearly a \$1 trillion. Although it was eventually reduced to \$790 billion, the "stimulus package" basically read like a wish-list of long-time Democratic policy priorities and had very little to do with actually stimulating the economy. For example, small businesses, which create 70 percent of the new jobs in this country, went virtually unnoticed in the President's "stimulus" bill, which focused more on expanding the Federal Government and providing "tax credits" for millions of Americans who don't pay any taxes.

The President had an opportunity to work with Republicans on the "stimulus" and include ideas that are proven to have immediate economic impacts—like reducing the highest corporate tax rates in the industrialized world to keep businesses in the U.S. or tax credits to address the housing crisis.

Instead, he chose to cut Republicans almost entirely out of the negotiations and was content to have the support of only three members of the minority

voting in favor, one of whom officially joined the majority earlier this week.

Almost as disappointing as the substance of the bill was the President's tactics in debating the "stimulus." Rather than acknowledging sincere policy differences between Democrats and Republicans, he accused the Republicans of wanting to do nothing, which was anything but the truth. This too has become an unfortunate, yet commonly used, tactic used by the Obama administration.

The partisan recklessness continued into the debate over the President's budget. I have been in the Senate now for 33 years and I can say without reservation that President Obama's first budget is the most poorly crafted budget I have ever seen. In 1 year, the President's budget will quadruple the Federal deficit—That is the case even if you use the President's own estimates. Following the President's budget will create more debt than was created under every President from George Washington through George W. Bush combined. It also contains the largest tax increase in history of our union. And, under the Obama budget, government spending could end up as high as 40 percent of the GDP within the space of only a few years.

In order to assuage such concerns—or at least in order to pretend to do so—the President has claimed that his budget will cut the deficit in half over 5 years. So, he will quadruple the deficit in 1 year—but we don't have worry because, 5 years from now, he will cut that deficit in half? Does anyone really think the President was considering his promises of bipartisanship when drafting this budget?

It is not only the size of the budget, but its priorities. Like the stimulus bill, the President's budget reads like a policy manifesto for far-left Democrats. Worse still, the President and congressional majority have declared their intentions to use the budget reconciliation process in order to enact major pillars of their domestic policy platform, including an expansive government-run health care program and an energy tax euphemistically referred to as "cap and trade." These are bills the President couldn't get passed through regular order, even with the large Democratic majorities. So, instead, he seems willing and able to force them through with little substantive debate, leaving the minority completely out of the equation.

Once again, it appears that the President's promise of increased bipartisanship came with an expiration date.

I wish this was all, but unfortunately it is not. The President's failure to live up to his promises of bipartisanship extends into the national security sphere. One of his very first actions as President was to order the closure of the Guantanamo Bay prison facility. Of course, he didn't have an alternative

plan in place, only the stated desire to close the prison and to cast aspersions on his predecessor's efforts to protect our country's national security. Such insane details—like what we will do with these dangerous captives once the facility closes—could wait until later, the President had a political statement to make.

Just 2 weeks ago, President Obama opted to selectively declassify memos drafted by the Office of Legal Counsel during the Bush administration relating to CIA interrogation tactics. Instead of providing the American people real context about these tactics—their successes and failures—the President opted to placate those on the far left who want nothing less than an indictment and trial of our former President. He did this for the stated purpose of clearing the air and moving forward, yet he left open the possibility of prosecuting former Bush officials whose only alleged crimes were to offer legal opinions. One would think that a President who is truly interested in bipartisanship and moving forward would avoid further politicizing such contentious issues. Yet, as a result of the President's lack of leadership, we may be looking at months and years of show trials in order to pacify those on the far left who would criminalize policy differences in order to exact political vengeance on the Bush administration. I hope that this will not be the case and that the President will change course on these issues.

Now, to be fair, the President has made some good decisions during his first 100 days and I am not unwilling to give him credit where it is due. For example, he ended the ban on Federal funding for embryonic stem cell research. I have supported taking such measures for many years as I believe that this research has the potential to revolutionize medicine in this country. This was, in my view, a wise decision on the part of the President and I have commended him for it.

Likewise, the President exercised true leadership in helping Congress to pass the Edward M. Kennedy Serve America Act, a new law that will revolutionize volunteer service in this country. This bill was a long-time coming and had the support of a bipartisan coalition here in the Senate. Beginning with his address before Congress in February, President Obama got involved in helping this legislation move forward and, as a result, many people throughout the country will be given more opportunity to serve in their neighborhoods and to do much of the heavy lifting in fixing our Nation's problems. I have both publicly and privately thanked the President for his support of the Serve America Act.

Sadly, such instances of true bipartisanship have been few and far between.

Some may believe I am being too hard on the President or that my con-

cerns are just sour grapes over my own partisan disagreements with the President's agenda. But, from the day he was inaugurated, I have continually expressed my willingness to work with President Obama. After all, this is my country too and I want him to succeed. My record in being willing and able to work with Members of both parties speaks for itself. But, in my opinion, success in addressing the major issues facing our country—including health care, energy, and our crippling entitlement programs—will require the work and ideas of both parties. So far, with very few exceptions, the President seems all too willing to keep his own counsel and that of his fellow Democrats on how to address these issues. This is not the type of government he promised on the campaign trail and, quite frankly, I think it has led to policy results that, at best, have to be considered questionable.

Going forward, I hope that, instead of cursory gestures and empty statements encouraging bipartisanship, President Obama makes a real effort to listen to and accept ideas from both sides of the aisle. That will take real courage and leadership and, thus far, I don't know that he has demonstrated much of either.

FREE MEDIA IN THE OSCE REGION

Mr. CARDIN. Mr. President, earlier this month we marked World Press Freedom Day, a timely opportunity to draw attention to the plight of journalists and others involved in the press and media in the OSCE—Organization for Security and Co-operation in Europe—region. While all 56 OSCE countries have accepted specific commitments on media and working conditions for journalists, the difficulty remains translating words on paper into deeds in practice. Today, many courageous journalists are working under tremendously difficult conditions, often at great personal risk, with some paying the ultimate price for their journalistic pursuits.

According to the U.S.-based Committee to Protect Journalists, CPJ, nearly a dozen journalists and their colleagues have been killed in the OSCE region since last year's observance. Among those slain in Russia were Anastasiya Baburova, of Novaya Gazeta; Shafiq Amrakhov, of RIA 51; Telman Alishaya, of TV-Chirkei; and Magomed Yevloyev, owner of the popular Web site Ingushetiya, who was killed while in police custody. Scores of journalists have been murdered in Russia alone since the early 1990s.

Others slain over the past 12 months included Ivo Pukanic and Niko Franjic, both of Nacional, in Croatia; and freelance journalists Alexander Klimchuk and Grigol Chikhladze, with Caucasus Images, as well as Dutch RLTV veteran cameraman Stan Storimans,

killed in the conflict zone during the war in Georgia last August. Besides war correspondents, victims often include investigative journalists covering politics, corruption, and human rights.

We are approaching the fifth anniversary of the slaying of American journalist Paul Klebnikov in Moscow. I call upon the Russian authorities to bring to justice all of those responsible in any way for his murder.

As chairman of the Helsinki Commission, I note the vital work undertaken by the OSCE Representative on Freedom of the Media, Miklos Haraszti, a tireless advocate for freedom of expression and the courageous journalists who pursue their profession, sometimes at great personal risk. The reports of the OSCE Representative on Freedom of the Media are available at: <http://www.osce.org/fom/>. Freedom of expression, free media, and information has been selected as a special focus topic for the OSCE's annual Human Dimension Implementation Meeting, scheduled to be held in Warsaw, Poland, this fall.

NOMINATION OF DAVID HAYES

Mr. INHOFE. Mr. President, I would like to speak on the nomination of David Hayes to be Deputy Secretary of the Interior. The Department of Interior has made some key decisions in the past few months that I think warrant special attention and discussion before we vote on this nominee. I also want to note that several issues surrounding this nominee fall under the jurisdiction of the Environment and Public Works Committee, on which I serve as ranking member. As Deputy Secretary at the Department of Interior, Mr. Hayes would oversee the implementation of the Endangered Species Act, a law that the EPW Committee oversees.

As chairman of the EPW Committee for 4 years, and now in my third year as ranking member, I have worked a considerable amount with the Department of Interior, specifically the Fish and Wildlife Service, and its implementation of the Endangered Species Act. As ranking member, one of my roles is to exercise rigid oversight of executive branch actions under EPW jurisdiction. In the past, I have seen many good things come from the Department of Interior, such as the Partners for Fish and Wildlife Program, which conserves habitat by leveraging Federal funds through voluntary private landowner participation, as well as the delisting of the Bald Eagle, showing what good the ESA can accomplish. However, recent actions to reverse rules related to ESA have bothered me.

Through my role as ranking member on the EPW Committee, I have become concerned with the possibility of the ESA being used as a backdoor for

greenhouse gas regulation following the listing of the polar bear as a threatened species. In April, I joined other Senators in a letter to Commerce Secretary Locke urging him not to reverse regulations preventing the Endangered Species Act from regulating carbon dioxide. Now as we move to debate the David Hayes nomination this week, we must again carefully consider the motives of this administration in using the Endangered Species Act. ESA should be used as a tool for protecting truly threatened and endangered species, not for controlling the emissions of greenhouse gases from potentially every source, big or small, in America.

Two weeks ago, I voted for Tom Strickland to become the new Assistant Secretary for Fish, Wildlife, and Parks, after he was reported out of our committee. As with David Hayes, I took issue with the nomination of Assistant Secretary Strickland, raising questions concerning the administration's decision to reverse rules on the listing of the polar bear and modifications to the section 7 consultation process. Thankfully, just last week, Assistant Secretary Strickland and Secretary Salazar upheld the polar bear rule. While the decision by Interior to retain this rule shows good judgment by this administration, potential lawsuits by radical environmental groups still threaten to undermine the original intent of the Endangered Species Act.

What is most troublesome, however, is the decision by Interior to overturn the section 7 consultation rule in complete disregard of the Administrative Procedures Act. That is in direct contrast to President Obama's commitment to transparency and public process. Moreover, revoking this rule forces Federal agencies to consult with the Fish and Wildlife Service for each new Federal action that may result in the emission of greenhouse gases. Under the ESA, a Federal action agency is required to initiate consultation with the Fish and Wildlife Service or the National Marine Fisheries Service if it determines that the effects of its action are anticipated to result in the "take"—including potential harm—of any listed species, or the destruction or adverse modification of designated critical habitat. This includes actions the agency takes itself, actions that are federally funded, as well as the issuance of a Federal permit or license for a private party.

The final rule as published last December exempted from consultation actions which are "manifested through global processes and (i) cannot be reliably predicted or measured at the scale of a listed species' current range, or (ii) would result at most in an extremely small, insignificant impact on a listed species or critical habitat, or (iii) are such that the potential risk of harm to a listed species or critical habitat is re-

mote." Unfortunately, after Interior's recent decision to reverse this rule, Federal agencies are again subjected to consulting Fish and Wildlife Services in these areas. This is a very costly process, which would cover any number of highway and construction projects, including, among others, those under the jurisdiction of the Army Corps of Engineers.

Senator MURKOWSKI, the ranking member of the Senate Energy Committee, has made her position very clear on Mr. Hayes by placing a hold on his nomination until her questions to Secretary Salazar are fully answered. The Department, and environmental groups, could manipulate the Endangered Species Act and the polar bear listing for purposes never intended by Congress. Moreover, repealing regulations without public hearings or public comment is a bad way to start an administration, as it signals to the public that its views on important regulatory matters are irrelevant. It is my hope that Mr. Hayes will fully explain his position on these important issues, and that the Department of Interior will practice openness and transparency, as President Obama has promised, by including the views of stakeholders and the public when it makes decisions.

TRIBUTE TO KENT WELLS

Mr. ROBERTS. Mr. President, I rise today to offer a special tribute to Kent Wells, a Kansan and longtime friend, who has turned his own battle with multiple myeloma into a fight for continued research to benefit the Multiple Myeloma Research Foundation, MMRF.

Multiple myeloma is an incurable cancer of the plasma cell. It is the second most common blood cancer. There are approximately 50,000 people in the United States living with multiple myeloma and an estimated 15,000 new cases of the disease are diagnosed each year.

The Multiple Myeloma Research Foundation, which was established in 1998 as a nonprofit organization, has a unique mission to urgently and aggressively invest in research that will result in the development of effective treatments and, ultimately, a cure.

Today, MMRF has raised over \$100 million to support the world's most cutting-edge myeloma research. The foundation is widely recognized as the driving force behind progress made against the disease and one of the Nation's most groundbreaking cancer research organizations.

When Kent received his diagnosis in 2007, he began working with the foundation, personally benefiting from the research and the clinical drugs that have been established. But he understands all too well that much more must be done, and Kent has chosen to fight for his own health and for the

health of others by further supporting the work of MMRF.

This week, on Kent's behalf, dozens of his friends and colleagues are sponsoring an event that will raise money for the Multiple Myeloma Research Foundation so that it can continue the efforts to develop the necessary research to conquer this disease.

It should come as no surprise to Kent that his friends and colleagues from all walks of life have come together to share this fight with him and his wife Debbie and their sons, Trevor and Bryan.

I first met Kent in 1975. Kent was a young man from Garden City, KS, interning in Washington for my predecessor, Congressman Keith Sebelius. I was the Congressman's chief of staff at that time.

I would like to take a little credit for giving Kent his start in public service, hiring him for that internship. "Potomac Fever" must have bit Kent because after he finished law school at George Washington University, he became a legislative assistant for Senator Nancy Kassebaum. And our friendship continued.

Yes, I admit to omitting one small part of his biography here. Kent did receive his undergraduate degree from the University of Kansas in Lawrence. He is a proud Jayhawk, something that he never lets this Wildcat forget.

Truth be told, I think that Kent would have chosen Jayhawk basketball over Washington internships, but he didn't make the team. Kent, I never told you that we would have welcomed you with open arms to the K-State team. Instead, Kent had to settle for pickup games in Washington when he came to work for Senator Kassebaum.

One of the genuinely nice things about working in Washington is that staff for the Kansas delegation get to know one another and actually become family—not on every occasion or in every instance—but often in sharing a common experience.

I could get into quite a laundry list of mutual experiences I have enjoyed with Kent, his brother Kim, and the Wells family, great supporters and friends. Not to embarrass Kent, but with his smile and personality he could brighten up any room regardless of the occasion. Kent Wells is just one of those people you like to be around, and that genuine personality plus a lot of talent has served him, and those he has worked for, well.

That is, of course, with the exception of the pickup basketball games I mentioned before. It was at a local gym that the Dole, Kassebaum, Roberts staffers and other hangers-on would play Saturday mornings.

My role, given my athletic career had sunset years previous, was to pass the ball to the players like Kent and set blind-side picks. Kent is a slasher but really prefers an outside set shot.

Somehow, we ended up on opposing teams.

My team would be composed of big Bill Taggart, who simply walked around the gym for exercise and would occasionally kick the out of bounds ball back; Rich, "The Mule" Armitage—enough said; a couple of pickup players who simply ran with the ball as fast as they could.

Kent and Randy Miller, another staffer and good basketball player, had their own handpicked team that, for the most part, scored at will with absolutely no respect for an elder Member of Congress except to call fouls.

The trash talk would go something like:

"All he does is foul people, stay at one end of the court and try that old flat hook shot."

"I know, but we have to have five people, just stay out of his way or if we get him, tell him to pass you the ball."

You would think one would expect a little more respect, especially since I would bring my young son David to shoot baskets on another court. But not these guys. The Jayhawk crimson and blue was running in their veins and they pretty much ran me off the court. But I did set some hellish blind side picks, hit 1 out of every 10 flat hook shots, and had great times that are wonderful memories.

Kent's career goes well beyond Capitol Hill. Today he is a successful telecommunications executive, but one of his joys is that he has passed the love of KU basketball to Trevor and Bryan, both of whom proudly sport KU attire on campus at USC and Wisconsin.

Now we have come full circle with the Wells family. Thanks to his Dad's passion for public service, Bryan Wells begins an internship with my office this summer. He is clearly a chip off the old block.

I stand today with all of the Wells family and friends in support of Kent's efforts to promote increased awareness and research for the Multiple Myeloma Foundation. He and others facing this disease are not alone.

Mr. BROWNBACK. Mr. President, I would like to take this opportunity and discuss a former resident of my home State of Kansas and a disease that is affecting millions of Americans and honor him today on a special occasion that is occurring to benefit the Multiple Myeloma Research Foundation.

Multiple myeloma is an incurable cancer of the plasma cell. It is the second most common blood cancer. There are approximately 50,000 people in the United States living with multiple myeloma and an estimated 15,000 new cases of the disease diagnosed each year. The 5-year survival rate for multiple myeloma remains only 32 percent.

Multiple Myeloma Research Foundation, MMRF, was established in 1998 as a nonprofit organization with a unique

mission to urgently and aggressively invest in research that would result in the development of effective treatments and, ultimately, a cure. Today, MMRF has raised over \$100 million to support the world's most cutting-edge myeloma research. The MMRF is widely recognized as the driving force behind progress made against the disease and one of the Nation's most groundbreaking cancer research organizations.

Guided by an innovative scientific plan, the MMRF supports one of the world's most strategic and aggressive research drug and development portfolios. This diverse portfolio is comprised of cutting-edge programs in three paths—basic science, validation, and clinical trials—that represent the MMRF's research strategy. Taken together, these research programs will accelerate the pace of scientific discovery, rapidly transform scientific progress into lifesaving treatments, and ultimately lead to a faster cure for multiple myeloma.

I ask Congress to continue to look at ways that we can assist the research and health communities to fight this disease and help treat myeloma patients.

I would like to take a few minutes and tell you about a special Kansan whom I know quite well and who is currently battling multiple myeloma.

Kent Wells was born and raised in Garden City, KS. Kent's first job was working at the radio station in Garden City. His family moved to Washington, DC, in 1970 while Kent was in high school because his dad was appointed as an FCC Commissioner. Kent attended Jeb Stuart High School for 1½ years before returning to Garden City to complete his senior year and graduate with his class.

Kent attended college at the University of Kansas from 1972 to 1976, interning for Representative Keith Sebelius in 1975, who at the time was the chief of staff of my current Senate colleague from Kansas, PAT ROBERTS. Kent attended law school at George Washington University from 1976 to 1979. Kent's first job after law school was as a legislative assistant to former Senator Nancy Kassebaum from Kansas from 1979 to 1982.

Kent then went to work for Southwestern Bell in 1985, shortly after divestiture and the opening of the Washington offices for the Baby Bells. He moved to the Cingular office in February 2001 and back to AT&T in January 2007.

Kent has kept close ties to Kansas through his love of sports. He follows the Kansas City Chiefs and the Royals closely, but as anyone who knows him will tell you, he is crazy about Kansas basketball and rarely misses a Jayhawks' game. One of his joys is that he has passed the love of KU basketball to his two boys, Trevor and

Bryan, both of whom proudly sport KU attire on campus at USC and Wisconsin. Kent's parents moved from Garden City to Lawrence several years ago, which gives him lots of chances to visit Lawrence and Allen Field House just to get another look at that championship trophy. He also is always for a trip to Hutchinson, KS, to play golf at Prairie Dunes Golf Club.

Kent was diagnosed in 2007 with multiple myeloma and has been benefited from the work of MMRF in the research and the clinical drugs that have been established. But as Kent and thousands of other Americans face this disease, there is more work to do.

Colleagues of Kent's and his wonderful wife Debbie are sponsoring an upcoming event on May 13, 2009, that will raise money for Multiple Myeloma Research Foundation and continue the efforts to develop the necessary research to fight this disease.

ADDITIONAL STATEMENTS

COMMUNITY BANK OF RAYMORE'S 30TH ANNIVERSARY

• Mr. BOND. Mr. President, on behalf of my fellow Missourians, I extend my warmest congratulations to the Community Bank of Raymore for their 30 years of service to the community.

Community Bank of Raymore opened its doors on May 15, 1979. As the first chartered bank in Cass County, MO, in 45 years, Community Bank of Raymore takes pride in being an independent community owned bank and is committed to serving its customers financial needs.

Starting out in a temporary facility at the current location, Raymore's population was only 3,138 consisting of mostly farm ground.

The first bank building was completed in March 1980. The entire community celebrated the open house and accounts began to grow. It was estimated by an FDIC investigator that total deposits would reach 2 million in 1½ years. This milestone was passed in the first 6 months. Slogans were used such as "Drive a Mile—Get a Smile" in 1980 and later as area housing developed the slogan became "The U in CommUnity is You."

William R. McDaniel purchased Community Bank of Raymore on October 26, 1992, and immediately became part of the community by hosting Customer Appreciation Days, Open House Celebrations and Chamber Coffees.

By 1994 it was time to expand. A new facility was built adding 2,800 square feet to the existing building. In 1998 expansion accompanied the addition of Trust Services in January and the opening of the Peculiar Branch in June.

Community Bank of Raymore doubled in size in 2003 going through a 14-

month remodel while continuing to serve the needs of their customers. The bank also acquired a mortgage lending officer allowing them to serve area residents with their long-term home financing needs.

Many of their employees, directors and customers have been with the Community Bank of Raymore from the very start. The Community Bank of Raymore should be commended for the dedication and loyalty they have earned from the community in which they serve.

I am pleased to honor the Community Bank of Raymore on its 30th anniversary.●

2009 ACADEMIC DECATHLON

• Mrs. BOXER. Mr. President, I wish to recognize the great work and remarkable accomplishments of Moorpark High School's Academic Decathlon team for winning the 2009 Academic Decathlon and becoming back-to-back national champions. Members of the National Championship team include: Scott Buchanan, Michael Fantauzzo, Danielle Hagglund, Zyed Ismailjee, Sol Moon, Neil Paik, Marlena Sampson, Kris Sankaran, Sarah Thiele, and team coach Larry Jones.

With this win, Moorpark High School has earned the distinction of becoming a four-time Academic Decathlon National Champion, previously winning in 1999, 2003, and 2008. The fourth and most recent championship was won by earning an overall score of 51,289.5, 309.6-points higher than their closest competitor.

Competing in an academic decathlon is a daunting task. Students spend many hours studying, practicing, and competing, often away from their family and friends. However, I know that families across Moorpark are now celebrating the accomplishments of their home team. I invite all of my colleagues to join me in congratulating California's Moorpark High School Academic Decathlon team for becoming 2009 National Academic Decathlon Champions.●

TRIBUTE TO JIM MCCOMB

• Mr. CARDIN. Mr. President, today I pay special tribute to the outstanding accomplishments of Jim McComb, executive director of the Maryland Association of Resources for Families and Youth—MARFY—since 1989. I have known Jim for many years and I have the utmost respect for him and what he has been able to accomplish for children in Maryland and across the Nation.

Jim McComb is known as one of our Nation's leading child advocates. He was among the first in the country to call for the elimination of restraints and seclusion in the treatment of children. He led the effort that made Mary-

land one of the first States in the country to ensure that college tuition would be available for young students in foster care.

During his tenure as executive director, MARFY greatly expanded its role in advocating for disadvantaged children and youth, those with disabilities, and their families. Under his leadership, the association played a prominent role in forming several advocacy coalitions including the Maryland Juvenile Justice Coalition and the Coalition to Protect Maryland's Children.

Jim McComb began his career in the early 1960s as a part-time childcare worker at Edgemeade, a residential treatment center and school for adolescents with mental illness and severe emotional disturbances in Prince George's County, MD. By the end of the 1960s, he had become the director of residential services for Edgemeade of Virginia.

In 1970, Jim went to Ironton, OH, to become the administrator of the Ohio Center for Youth and Family Development, a residential treatment center for adolescents. From 1975 through 1979 he was administrator for contracts and services with Youth Resources Centers, Inc., Roanoke VA. In 1979, he returned to Maryland as the chief executive officer for Edgemeade and in 1989 he became the executive director of MARFY.

I had the distinct pleasure of working with Jim on the Foster Care Independence Act that was enacted into law in 1999. The bill increased education and support services for foster care children between ages 18 and 21, an age group that had previously been tremendously underserved.

In the next phase of his life, Jim will serve on the board of directors of the Maryland Foster Youth Resource Center, which provides a variety of supportive resources for both youth in foster care and alumni of the foster care system.

I ask my colleagues to join me in applauding the many accomplishments of Jim McComb and in wishing him success in his future endeavors.●

CONGRATULATING THE MINNESOTA NATIONAL GUARD

• Ms. KLOBUCHAR. Mr. President, today I wish to congratulate Battery D of the 216th Air Defense Artillery on receiving the U.S. Army's Valorous Unit Award for extraordinary heroism against an armed enemy while deployed in support of Operation Iraqi Freedom.

This is the second highest unit decoration in the Army and a proud achievement. Our State and our country are grateful to have these brave men and women serving in the Minnesota National Guard.

America's National Guard and Reserve Forces are playing an increasingly important role in today's military, and time and again the Minnesota National Guard has answered the call of duty. Delta Battery answered the call by serving in Iraq during a time of great need, and their actions helped make the formation of an Iraqi government possible. It is stories like theirs that have made the Minnesota National Guard such a well-known and well-respected organization at the highest levels of our Nation's military and Government.

As Minnesota's Senator, I will continue to do my part to make sure that our Government serves our men and women in uniform as well as they have served our country. This includes doing more to make sure that members of the Guard and Reserve Forces who have been called to Active Duty are not treated any differently than their Active Duty counterparts when they return home. There wasn't a waiting line when our National Guard troops signed up to serve, and there shouldn't be a waiting line when they need access to the services and support they have earned through their service.

Every day I feel honored to represent the members of the Minnesota National Guard in the Senate. We owe our thanks to Adjutant General Larry Shellito for his steady leadership and to our troops for what they do every day. It does not go unnoticed.●

CONGRATULATING THE MINNESOTA NATIONAL GUARD

● Ms. KLOBUCHAR. Mr. President, today I wish to congratulate the 1st Battalion, 125th Field Artillery Regiment on receiving the U.S. Army's Meritorious Unit Commendation for exceptionally meritorious conduct while deployed in support of Operation Iraqi Freedom. I join the U.S. Army in recognizing this unit for their outstanding devotion and superior performance in military operations against an armed enemy.

Our State and our country are grateful to have these brave men and women serving in the Minnesota National Guard.

America's National Guard and Reserve Forces are playing an increasingly important role in today's military, and time and again the Minnesota National Guard has answered the call of duty. The 1-125th Regiment answered the call by serving in Iraq during a time of great need, and their actions helped reduce violence in that country. It is stories such as theirs that have made the Minnesota National Guard such a well-known and well-respected organization at the highest levels of our Nation's military and Government.

As Minnesota's Senator, I will continue to do my part to make sure that

our Government serves our men and women in uniform as well as they have served our country. This includes doing more to make sure that members of the Guard and Reserve Forces who have been called to Active Duty are not treated any differently than their Active-duty Counterparts when they return home. There wasn't a waiting line when our National Guard troops signed up to serve, and there shouldn't be a waiting line when they need access to the services and support they have earned through their service.

Every day I feel honored to represent the members of the Minnesota National Guard in the Senate. We owe our thanks to Adjutant General Larry Shellito for his steady leadership and to our troops for what they do every day. It does not go unnoticed.●

REMEMBERING RAMÓN M. BARQUÍN

● Mr. MARTINEZ. Mr. President, it gives me great pleasure to honor an individual who lived in pursuit of a free Cuba and a better America—Colonel Ramón M. Barquín, who died at the age of 93 on March 3, 2008. Colonel Barquín was an accomplished military leader, an educator, a diplomat, and an entrepreneur. Although Cuba was his native home, he made our Nation a better place during the years he lived in exile.

Ramón was born in Cienfuegos, Cuba, on May 12, 1914. At the age of 19, he joined the Cuban Army, served his country, and graduated from the Cuban Military Academy in 1941. During his years of military service, Colonel Barquín attended the U.S. Strategic Intelligence School here in the U.S. Following a distinguished career in the military, Colonel Barquín found his passion in teaching. In the classroom, he worked to instill a culture of civic awareness within the military's ranks and eventually was promoted as director of Cuba's military schools.

Following his career in Cuban military education, Barquín was selected to serve as Chief of Intelligence of the Cuban Army. As an attaché to the United States, Colonel Barquín was honored in 1955 with the Legion of Merit for his military acumen. While serving as an attaché, he learned of the shifting political winds in Cuba and conspired to prevent freedom from losing its foothold in his native home. I can remember as a young boy living through tumultuous times, my father often remarking that in Colonel Barquín, Cuba had the best hope for democracy. His concerns led him to participate in a failed military revolt against the Batista dictatorship and actively work against Castro's totalitarian regime. When Castro came to power, he asked Barquín to serve in the regime's army. Knowing the regime's repressive nature, Colonel Barquín instead chose to serve in an ambassa-

dorial post in Europe, where he was able to flee to the United States to live in exile.

After briefly living in Miami, Barquín rekindled his passion for education by establishing a consortium of schools in Puerto Rico. The consortium consists of several educational institutions, including a K-12 military school, summer camps and an institute for civic education now known as Instituto de Formación Democrática. He was recognized for his hard work and entrepreneurship by the Puerto Rican government as the 1995 Educator of the Year.

Graduates of the K-12 academy he founded had kind words of appreciation for the Colonel's work and character. According to one student, "with the Colonel, I learned to love my country and he taught me the values that lead my life today."

As a Cuban-American, a Floridian, and a U.S. Senator, it gives me great pleasure to pay tribute to an individual with a legacy as awe-inspiring as that of Colonel Ramón M. Barquín. His unwavering commitment to freedom and democracy, his generosity, and his zeal for serving others is sorely missed.●

SOUTH DAKOTA HONOR FLIGHT

● Mr. THUNE. Mr. President, today I recognize a group of 122 South Dakota World War II veterans who traveled to Washington, DC, on May 1 and 2 to visit the World War II Memorial. This trip was made possible by the Honor Flight Network, a nonprofit organization dedicated to bringing World War II veterans to Washington, DC, to visit the World War II Memorial at no cost to the veterans.

South Dakota's veterans have played an important role in making our Nation great. Through their sacrifices, America has triumphed, remained a free and vibrant nation, and helped others obtain their own freedom. I was honored to welcome these American heroes to our Nation's Capital to see the symbols of the freedoms they have protected around the world. I am humbled by their sacrifice and appreciated the opportunity to meet with them and thank them for their service. We cannot thank our veterans enough for putting their lives on the line when America's security demanded it.

The Honor Flight veterans, in alphabetical order, are as follows: Robert Anderson, Ray Anderson, Arlie Asmussen, Robert Bailey, Albert Barber, Raymond Baumgart, Rudolph Becker, Robert Benz, Edmund Bouvette, Tom Brady, Mark Breuer, Thomas Briggs, Don Brommer, Robert Camp, Robert Carlson, Ralph Christensen, Maynard Christiansen, Elmer Cohlman, Hobart Cole, Leonard Conrad, Cloyd Conroy, Burdell Coplan, Stanley Dahl, Earl Dains, Harland Danielsen, Howard Daugaard, Lyle

Davis, Charles Dawes, William Degler, Mildred Diekman, Dale Dieltz, Delmer Dooley, Merle Driggs, Clair Ellingson, Harry Erickson, Edward Erlandson, Gerald Erlandson, John Erlandson, Orwin Fodness, Howard Franey, Kenneth Freeman, Harvey Glover, Fred Gorter, Peter Gortmaker, Kenneth Gregersen, Emmett Guthmiller, Donald Haan, Keith Hagerman, Glen Hansen, Paul Harris, James Harris, Kenneth Harthorn, Harold Hatting, Raymond Heger, Richard Hempel, Dale Hendricks, Fay Hendricks, Noel Henrichs, Orville Hill, Verlyn Hill, Eugene Hoekman, Walter Holtkamp, Claude Hone, George Huizenga, Harry Irwin, Albert Jager, Louis Jarding, Roland Jensen, Arden Jensen, Ervin Jensen, Ralph Johnshoy, Billy Jones, Erland Juntunen, John Kagel, William Kerr, Alfred Knaack, Ralph Kock, Hampton Lane, Fred Lassle, Cleone Lauer, Eugene Lauer, Howard Lee, John Lewis, Howard Livingston, Richard Luther, Duane Lyman, Morris Magnuson, William Merrill, Norbert Miles, Quentin Miles, Duane Miller, John Miller, Kareen Millis, David Moore, James Moore, James Morton, Harold Muetzel, Howard Opheim, Arnold Pederson, Delbert Petersen, Wayne Pool, Wade Pringle, Roy Radloff, Vernon Ramesbotham, Carl Renz, Kenneth Salisbury, Gerald Sanborn, Ray Schmitz, Ronald Scott, Lloyd Seger, Thomas Simpson, Lowell Stagebert, Herman Ulrich, Robert Van Ningen, Frances Vanderbush, Ivan Vitek, Steven Wachtel, George Wagner, Eugene Weidenbach, John Wilds, Robert Williams, and Ernest Zimbelman.

It gives me great pleasure to honor those who have defended our freedom and to recognize the service and sacrifice of these courageous South Dakotans who served during World War II. I am proud that they were able to see the memorial that was built in their honor.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by

Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1728. An act to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1728. An act to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 515, a bill to amend title 35, United States Code, to provide for patent reform (Rept. No. 111-18).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*John U. Sepulveda, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources).

*Jose D. Riojas, of Texas, to be an Assistant Secretary of Veterans Affairs (Operations, Security, and Preparedness).

*William A. Gunn, of Virginia, to be General Counsel, Department of Veterans Affairs.

*Roger W. Baker, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WHITEHOUSE (for himself, Mr. CRAPO, and Mr. GRAHAM):

S. 1020. A bill to optimize the delivery of critical care medicine and expand the critical care workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN:

S. 1021. A bill to amend the Internal Revenue Code of 1986 to provide an enhanced

credit for research and development by companies that manufacture products in the United States; to the Committee on Finance.

By Mr. BAYH (for himself, Ms. MURKOWSKI, Mr. DURBIN, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. BEGICH, Mr. INOUE, Mr. NELSON of Nebraska, Mr. WARNER, Mr. LIEBERMAN, Mr. LEVIN, Mr. BURRIS, and Mr. LEAHY):

S. 1022. A bill to amend the Public Health Service Act to establish a graduate degree loan repayment program for nurses who become nursing school faculty members; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. ENSIGN, Mr. INOUE, Mr. MARTINEZ, Ms. KLOBUCHAR, Mr. BEGICH, Ms. MIKULSKI, Mr. BENNET, Mr. UDALL of New Mexico, Mr. VITTER, Mr. UDALL of Colorado, and Mr. REID):

S. 1023. A bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, and Mr. SCHUMER):

S. 1024. A bill to authorize appropriations for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 1025. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies or major disasters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. INHOFE, Mr. WYDEN, Mrs. HUTCHISON, and Mr. BEGICH):

S. 1026. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. BARASSO, Mrs. MURRAY, Mr. BAUCUS, Mr. COBURN, Mr. BINGAMAN, Mr. HATCH, Mr. JOHNSON, and Mr. REID):

S. Res. 142. A resolution designating July 25, 2009, as "National Day of the American Cowboy"; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. FEINGOLD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. CONRAD, Mr. BURR, Mr. DORGAN, Mr. CHAMBLISS, Ms. MURKOWSKI, and Ms. COLLINS):

S. Res. 143. A resolution designating May 15, 2009, as "National MPS Awareness Day"; considered and agreed to.

By Mr. FEINGOLD (for himself, Ms. SNOWE, Mrs. GILLIBRAND, Mr. KERRY, Mr. DODD, Mr. SANDERS, Ms. STABENOW, and Mr. BEGICH):

S. Res. 144. A resolution supporting the goals and ideals of National Women's Health Week; considered and agreed to.

By Mrs. BOXER (for herself and Mr. INHOFE):

S. Res. 145. A resolution designating the week of May 17 through May 23, 2009, as "National Public Works Week"; considered and agreed to.

By Mr. BYRD:

S. Res. 146. A resolution commending South Charleston, West Virginia, for celebrating its 50th annual Armed Forces Day on May 16, 2009; to the Committee on Armed Services.

By Ms. KLOBUCHAR (for herself and Mr. MARTINEZ):

S. Res. 147. A resolution to designate the week beginning on the second Saturday in May as National Travel and Tourism Week; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 141

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 141, a bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 144

At the request of Mr. KERRY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 369

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 451

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 491

At the request of Mr. THUNE, his name was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr.

LIEBERMAN) was added as a cosponsor of S. 491, *supra*.

S. 535

At the request of Mr. THUNE, his name was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 581

At the request of Mr. BENNET, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 597

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 597, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 632

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 696

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 696, a bill to amend the

Federal Water Pollution Control Act to include a definition of fill material.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 819

At the request of Mr. DURBIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 850

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 883

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of

S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 922

At the request of Ms. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 922, a bill to amend the Internal Revenue Code of 1986 to modify the term "5-year property".

S. 923

At the request of Ms. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 923, a bill to promote the development and use of marine renewable energy technologies, and for other purposes.

S. 936

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 936, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn Jr.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 970, a bill to promote and enhance the operation of local building

code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 982

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 985

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 985, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 987

At the request of Mr. DURBIN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1013

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1013, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S.J. RES. 10

At the request of Mr. THUNE, his name was added as a cosponsor of S.J. Res. 10, a joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Ms. COLLINS):

S. 1025. A bill to prohibit termination of employment of volunteer firefighters and emergency medical per-

sonnel responding to emergencies or major disasters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join Senator CARPER in introducing a bill that would provide reasonable job protections for our Nation's volunteer firefighters and emergency medical personnel who save thousands of lives across this country every year.

This bill is a matter of simple fairness. It recognizes that volunteer firefighters and emergency medical personnel not only serve their own towns and offer mutual assistance to other communities on a day-to-day basis, but also that they are a key component in State and Federal plans for responding to catastrophic natural disasters and terrorist attacks.

Across the Nation, our emergency planning relies on the ready availability of these brave first responders. Indeed, volunteers are absolutely critical to mounting a response to disasters, both large and small. My home State of Maine, for example, has slightly more than 10,000 firefighters in 492 departments. Because Maine is a mostly rural State, fully 88 percent of those firefighters are volunteers.

Yet, even if they are called up in a major disaster or a Presidentially declared emergency under the Stafford Act, these volunteers have no official protection for their jobs while they are answering the call to duty.

We should protect volunteer firefighters and EMS personnel who put their lives on the line.

The current lack of job protection is troubling. If large numbers of volunteer firefighters and EMS personnel were terminated or demoted after being called away to a disaster or a series of disasters, recruitment and retention of volunteers could be devastated.

The Volunteer Firefighter and EMS Personnel Job Protection Act would correct the injustice and mitigate the danger in a measured and responsible way. It would protect the volunteer first responders against termination or demotion by employers if they are called upon to respond to a Presidentially declared emergency or a major disaster for up to 14 work days.

Most employers are strong supporters of our volunteer firefighters and EMS personnel, and this bill imposes no unreasonable burdens on employers. They are not obligated to pay the volunteers during their absence, and they are entitled to receive official documentation that an absent employee was in fact summoned to and served in a disaster response.

Finally, I would note that the bill would facilitate the work of emergency managers. Having this job protection in force would allow them to make operational and contingency plans with

greater confidence, knowing that volunteer responders would not be forced to withdraw in short order for fear of losing their jobs.

By extending some peace of mind to these brave men and women, we can strengthen the protection and life-saving response that they provide to many millions of Americans. I believe this bill merits the support of every Senator, and I am proud to be an original cosponsor.

By Mr. CORNYN (for himself, Mr. INHOFE, Mr. WYDEN, Mrs. HUTCHISON, and Mr. BEGICH):

S. 1026. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, today I am reintroducing the Military Voting Protection Act—a bipartisan bill to support our troops and protect their right to vote. In every Federal election in recent memory, American Soldiers, Sailors, Airmen, and Marines have encountered substantial roadblocks in the voting process, especially those who are deployed to Iraq and Afghanistan. This is a national disgrace.

Our military service members put their lives on the line to protect the rights and freedoms of all Americans. In return, it is our responsibility to do everything we can to support them. The nature of the Global War on Terror and the high tempo of U.S. military operations—including our surge into Afghanistan—will necessitate overseas service by our troops for the foreseeable future. It is imperative that we put in place a system to ensure that American service members serving abroad can participate in the democratic process even as they simultaneously fight to defend our democracy, its institutions, and the American way of life. Surely, these brave men and women have earned at least that much through their blood, sweat, and tears.

Yet the country they defend has repeatedly denied our troops one of our most sacred rights—the right to vote. The U.S. Election Assistance Commission, in studying the 2006 election, found that only 47.6 percent of the military voters who requested absentee ballots were actually successful in casting those ballots. That means that less than half of those troops who wanted to vote were able to do so, which is appalling. Overall participation rates among military and overseas voters in the November 2006 election were also extremely low. Looking at the big picture, there were roughly 6 million eligible military and overseas U.S. voters at that time, but only 16.5 percent of them were able to request an absentee ballot for the election. Ac-

cording to a 2006 DoD Inspector General report, only 59 percent of surveyed service members even knew where to obtain voting information on their installation, and only 40 percent had actually received assistance from their designated Voting Assistance Officer. Though the official data from the 2008 election is not yet available, the preliminary evidence indicates that our military voters faced the same array of problems in trying to cast their ballots as in previous elections.

Our troops report many procedural hurdles when trying to participate in federal, state, and local elections. States have inadequate processes and unreasonable timelines in place for transmitting blank absentee ballots to our troops, and the methods available to these service members for returning completed ballots to local election officials are both slow and antiquated. Moreover, there are a myriad of absentee voting rules and regulations that are extremely confusing and vary widely with each state. The process is clearly broken, and there is no excuse for not stepping up to challenge the status quo and streamline the process. We ask so much of our troops, and in return we have given them a voting system that is perplexing, frustrating, slow, and often dysfunctional. They deserve better.

The bill I introduce today can help address some of these procedural hurdles. The Military Voting Protection, MVP, Act will give our troops a louder and clearer voice at the polls by ensuring their absentee ballots are delivered back home in time to be counted and do not get lost on the way. It will reduce delays in the absentee voting process by requiring the Department of Defense to take a more active role in the process. The MVP Act will require the DoD to be responsible for collecting completed absentee ballots from overseas troops and then express-shipping them back to the U.S. in time to be counted, allowing troops to track their ballots while they are in transit and confirm their delivery after they arrive at local election offices.

I am pleased that Senators WYDEN and INHOFE have joined me in this effort; it is a testament to their unwavering support for the members of our Armed Forces.

We should pass this bipartisan bill quickly so that elections officials have time to prepare for the 2010 election cycle. Meaningful reform will not come overnight, but now is the time to take up the cause of military voters. There are 18 months until the next election, which is enough time to implement significant improvements. If we fail, further disenfranchisement of military voters will likely result. We must avoid a repeat of 2004, 2006, and 2008.

This bill does not solve all the problems with our current military voting system, but it is an important first

step. The Americans who answer the call to serve are a national treasure, and I remain in awe of their selfless sacrifice and commitment to the defense of freedom. In what is now the 8th year of the Global War on Terror, they continue to voluntarily step forward to defend our Nation and our freedom—often requiring immeasurable personal sacrifice by them and their loved ones. The members of this next “greatest generation” deserve nothing less than the same constitutional rights and individual liberties that they safeguard for their fellow citizens back home. It is the responsibility of Congress to ensure that they get them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Military Voting Protection Act of 2009”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the defense of freedom, members of the United States Armed Forces are routinely deployed to overseas theaters of combat, assigned to overseas locations, and assigned to ocean-going vessels far from home.

(2) As the United States continues to fight the Global War on Terror, the substantial need for overseas service by members of the Armed Forces will continue, as we live in what senior Army leaders have referred to as an “era of persistent conflict”.

(3) The right to vote is one of the most basic and fundamental rights enjoyed by Americans, and one which the members of the Armed Forces bravely defend both at home in the United States and overseas.

(4) The decisions of elected officials of the United States Government directly impact the members of the Armed Forces who are often called to deploy or otherwise serve overseas as a result of decisions made by such elected officials.

(5) The ability of the members of the Armed Forces to vote while serving overseas has been hampered by numerous factors, including inadequate processes for ensuring their timely receipt of absentee ballots, delivery methods that are typically slow and antiquated, and a myriad of absentee voting procedures that are often confusing and vary among the several States.

(6) The Uniformed and Overseas Citizens Absentee Voting Act, which requires the States to allow absentee voting for members of the Armed Forces and other specified groups of United States citizens, was intended to protect the voting rights of members of the Armed Forces.

(7) The current system of absentee voting for overseas members of the Armed Forces could be greatly improved by decreasing delays in the process, and certain steps by the Department of Defense, including utilization of express mail services for the delivery of completed absentee ballots, would address the major sources of delay.

SEC. 3. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

“(a) COLLECTION.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering the ballots to the appropriate election officials.

“(b) ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.—

“(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

“(2) UTILIZATION OF EXPRESS MAIL DELIVERY SERVICES.—The Presidential designee shall carry out this section by utilizing the express mail delivery services of the United States Postal Service.

“(3) DEADLINE DESCRIBED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the fourth day preceding the date of the election.

“(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

“(c) TRACKING MECHANISM.—Under the procedures established under this section, the Presidential designee, working in conjunction with the United States Postal Service, shall implement procedures to enable any individual whose marked absentee ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the Presidential designee may provide.

“(d) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submission of marked absentee ballots in the election.

“(e) REPORTS ON UTILIZATION OF PROCEDURES.—

“(1) REPORTS REQUIRED.—Not later than 180 days after each regularly scheduled general election for Federal office to which this section applies, the Presidential designee shall submit to the relevant committees of Congress a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section during such general election.

“(2) ELEMENTS.—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons therefor).

“(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

“(f) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.

“(h) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”.

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL RESPONSIBILITIES.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”.

(2) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)) is amended—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”.

(c) REPORT ON STATUS OF IMPLEMENTATION.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Presidential designee under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act shall submit to the relevant committees of Congress a report on the status of the implementation of the program for the collection and delivery of

marked absentee ballots established pursuant to section 103A of such Act, as added by subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include a status of the implementation of the program and a detailed description of the specific steps taken towards its implementation for November 2010.

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘relevant committees of Congress’ has the meaning given such term in section 103A(e)(3) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

SEC. 4. PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.

Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by section 3(b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to the greatest extent practicable, take such actions as may be required to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the Presidential designee’s jurisdiction are able to do so in a private and independent manner, and take such actions as may be required to protect the privacy of the contents of absentee ballots cast by absent uniformed services voters and overseas voters while such ballots are in the Presidential designee’s possession or control.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 142—DESIGNATING JULY 25, 2009, AS “NATIONAL DAY OF THE AMERICAN COWBOY”

Mr. ENZI (for himself, Mr. BARRASSO, Mrs. MURRAY, Mr. BAUCUS, Mr. COBURN, Mr. BINGAMAN, Mr. HATCH, Mr. JOHNSON, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 142

Whereas pioneering men and women, recognized as “cowboys”, helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the Nation who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, and rodeo is one of the most-watched sports in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 25, 2009, as “National Day of the American Cowboy”; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I am proud to introduce a resolution today to designate Saturday, July 25, 2009 as “National Day of the American Cowboy.” My late colleague, Senator Craig Thomas, began the tradition of honoring the men and women known as “Cowboys” five years ago when he introduced the first resolution to designate the fourth Saturday of July as National Day of the American Cowboy. I’m proud to carry on Senator Thomas’s tradition.

The national day celebrates the history of Cowboys in America and recognizes the important work today’s Cowboys are doing in the United States. The Cowboy Spirit is about honesty, integrity, courage, and patriotism, and Cowboys are models of strong character, sound family values, and good common sense.

Cowboys were some of the first men and women to settle in the American West and they continue to make important contributions to our economy, Western culture and my home state of Wyoming today. This year’s resolution designates July 25, 2009 as the National Day of the American Cowboy. I hope my colleagues will join me in recognizing the important role Cowboys play in our country.

SENATE RESOLUTION 143—DESIGNATING MAY 15, 2009, AS “NATIONAL MPS AWARENESS DAY”

Mr. GRAHAM (for himself, Mr. FEINGOLD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. CONRAD, Mr. BURR, Mr. DORGAN, Mr. CHAMBLISS, Ms. MURKOWSKI, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 143

Whereas mucopolysaccharidosis (referred to in this resolution as “MPS”) is a genetically determined lysosomal storage disease that renders the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to such cells;

Whereas such cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disease is usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS diseases;

Whereas promising advancements in the pursuit of treatments for additional MPS diseases are underway;

Whereas, despite the creation of newly developed remedies, the blood-brain barrier continues to be a significant impediment to effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS diseases;

Whereas the lack of awareness about MPS diseases extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for the study of many other degenerative genetic diseases;

Whereas the development of effective therapies and a potential cure for MPS diseases can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution that can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS diseases: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2009, as “National MPS Awareness Day”; and

(2) supports the goals and ideals of “National MPS Awareness Day”.

SENATE RESOLUTION 144—SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN’S HEALTH WEEK

Mr. FEINGOLD (for himself, Ms. SNOWE, Mrs. GILLIBRAND, Mr. KERRY, Mr. DODD, Mr. SANDERS, Ms. STABENOW, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 144

Whereas women of all backgrounds should be encouraged to greatly reduce the risk of common diseases through preventive measures such as a healthy lifestyle that includes engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with

disabilities, African-American women, Asian-Pacific Islander women, Latinas, American-Indian women, and Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas the Offices on Women’s Health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital to providing critical services in supporting women’s health research, education, and other necessary services that benefit women of any age, race, or ethnicity;

Whereas National Women’s Health Week begins on Mother’s Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women’s health issues;

Whereas May 11, 2009, is National Women’s Check-Up Day; and

Whereas in 2009, the week of May 10 through May 16 is dedicated as National Women’s Health Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women’s Health Week;

(3) calls on the people of the United States to use National Women’s Health Week, which begins on May 10, 2009, as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women’s Check-Up Day by receiving preventive screenings from their health care providers; and

(5) recognizes the importance of federally-funded programs that provide research and collect data on common diseases in women.

SENATE RESOLUTION 145—DESIGNATING THE WEEK OF MAY 17 THROUGH MAY 23, 2009, AS “NATIONAL PUBLIC WORKS WEEK”

Mrs. BOXER (for herself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 145

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas those facilities and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas those individuals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens and communities of the United States; and

Whereas it is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of

life of every community of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 17 through May 23, 2009, as “National Public Works Week”;

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

SENATE RESOLUTION 146—COM-MENDING SOUTH CHARLESTON, WEST VIRGINIA, FOR CELEBRATING ITS 50TH ANNUAL ARMED FORCES DAY ON MAY 16, 2009

Mr. BYRD submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 146

Whereas Americans appreciate the courage, loyalty, and sacrifice of every individual who serves in the Armed Forces of the United States;

Whereas Armed Forces Day is celebrated on the third Saturday in May to honor those Americans serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard;

Whereas Armed Forces Day was established on August 31, 1949, following the consolidation of the military services of the United States into the Department of Defense;

Whereas Armed Forces Day is celebrated with parades, open houses, receptions, and air shows around the Nation; and

Whereas on May 16, 2009, South Charleston, West Virginia, will observe its 50th annual Armed Forces Day with a parade, music, and other entertainment: Now, therefore, be it

Resolved, That the Senate commends South Charleston, West Virginia, for conducting Armed Forces Day celebrations for 50 consecutive years and for honoring the selfless dedication and bravery of the men and women of the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

SENATE RESOLUTION 147—TO DESIGNATE THE WEEK BEGINNING ON THE SECOND SATURDAY IN MAY AS NATIONAL TRAVEL AND TOURISM WEEK

Ms. KLOBUCHAR (for herself and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 147

Whereas business and leisure travel are vital to the United States, enhancing our economic prosperity, healthcare, education, cultural understanding, and public diplomacy;

Whereas the travel industry is the fifth largest employer in the United States, supporting 7.7 million American workers and creating one of every eight non-farm jobs across the country;

Whereas domestic and international travel last year generated an estimated \$740 billion in direct expenditures and \$115 billion in Federal, State and local tax revenues;

Whereas international travel to the United States is a critical tool for enhancing America's image abroad and has significantly benefited the nation's balance of trade for over 20 years;

Whereas overseas visits to the United States are still 633,000 below pre-September 11 levels;

Whereas the U.S. must keep better pace with the expanding global travel market starting with a nationally-coordinated travel promotion program to attract millions of new international visitors;

Whereas meetings, events, and incentive travel programs are core business functions that help companies to strengthen business relationships, align and educate employees and customers, and reward business performance;

Whereas travel and tourism can serve as a catalyst to help stimulate the national economy;

Whereas the Congress designated the first National Tourism Week in 1984 and encouraged celebrations in all 50 States and the Territories; and

Whereas National Tourism Week has been observed and celebrated each May since: Now, therefore, be it

Resolved, by the Senate That—

(1) the week beginning on the second Saturday in May of each year will be designated as National Travel and Tourism Week;

(2) Governors, mayors, and other elected officials from across the country are invited on such week to issue proclamations to raise awareness of the value of travel to the welfare of the nation; and

(3) the President is requested each year to issue a proclamation encouraging the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1061. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table.

SA 1062. Mr. SANDERS (for himself, Mr. HARKIN, Mr. LEAHY, Mr. WHITEHOUSE, Mr. DURBIN, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1063. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1064. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1065. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1066. Mr. VITTER submitted an amendment intended to be proposed to amendment

SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1067. Mr. COBURN proposed an amendment to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1068. Mr. COBURN proposed an amendment to the bill H.R. 627, supra.

SA 1069. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1070. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1071. Mrs. FEINSTEIN (for herself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1072. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1073. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1074. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1075. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1076. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1077. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1078. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1079. Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. CARDIN, Mrs. SHAHEEN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1080. Mrs. FEINSTEIN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1081. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1082. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1083. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1084. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1085. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1086. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1087. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1088. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1089. Mr. DURBIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1090. Mr. DURBIN (for himself, Mr. KENNEDY, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1091. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1061. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ____. PUBLIC ACCESS TO GOVERNMENT PURCHASE CARD INFORMATION.

(a) IN GENERAL.—Each executive agency that issues and uses credit cards or purchase cards shall post on its public website, in a searchable format, an itemized list of all charges made to credit cards or purchase cards not less frequently than every 6 months, except that charges directly related to national security, defense, and homeland security may be redacted.

(b) DEFINITION OF EXECUTIVE AGENCY.—In this section, the term “executive agency” has the same meaning as in section 4(l) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

SA 1062. Mr. SANDERS (for himself, Mr. HARKIN, Mr. LEAHY, Mr. WHITE-

HOUSE, Mr. DURBIN, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL CONSUMER CREDIT USURY RATE.

(a) IN GENERAL.—Section 107 of the Truth in Lending Act (15 U.S.C. 1606) is amended by adding at the end the following new subsection:

“(f) NATIONAL CONSUMER CREDIT USURY RATE.—

“(1) LIMITATION ESTABLISHED.—Notwithstanding subsection (a) or any other provision of law, but except as provided in paragraph (2), the annual percentage rate applicable to an extension of credit obtained by use of a credit card may not exceed 15 percent on unpaid balances, inclusive of all finance charges. Any fees that are not considered finance charges under section 106(a) may not be used to evade the limitations of this paragraph, and the total sum of such fees may not exceed the total amount of finance charges assessed.

“(2) EXCEPTIONS.—

“(A) BOARD AUTHORITY.—The Board may establish, after consultation with the appropriate committees of Congress, the Secretary of the Treasury, and any other interested Federal financial institution regulatory agency, an annual percentage rate of interest ceiling exceeding the 15 percent annual rate under paragraph (1) for periods of not to exceed 18 months, upon a determination that—

“(i) money market interest rates have risen over the preceding 6-month period; or

“(ii) prevailing interest rate levels threaten the safety and soundness of individual lenders, as evidenced by adverse trends in liquidity, capital, earnings, and growth.

“(B) TREATMENT OF CREDIT UNIONS.—The limitation in paragraph (1) does not apply with respect to any extension of credit by an insured credit union, as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

“(3) PENALTIES FOR CHARGING HIGHER RATES.—

“(A) VIOLATION.—The taking, receiving, reserving, or charging of an annual percentage rate or fee greater than that permitted by paragraph (1), when knowingly done, shall be deemed a violation of this title, and a forfeiture of the entire interest which the note, bill, or other evidence of the obligation carries with it, or which has been agreed to be paid thereon.

“(B) REFUND OF INTEREST AMOUNTS.—If an annual percentage rate or fee greater than that permitted under paragraph (1) has been paid, the person by whom it has been paid, or the legal representative thereof, may, by bringing an action not later than 2 years after the date on which the usurious collection was last made, recover back from the lender in an action in the nature of an action of debt, the entire amount of interest, finance charges, or fees paid.

“(4) CIVIL LIABILITY.—Any creditor who violates this subsection shall be subject to the provisions of section 130.”.

(b) CIVIL LIABILITY CONFORMING AMENDMENT.—Section 130(a) of the Truth in Lend-

ing Act (15 U.S.C. 1640(a)) is amended by inserting “section 107(f)” before “this chapter”.

SA 1063. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—CREDIT CARD SAFETY STAR PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the “Credit Card Safety Star Act of 2009”.

SEC. 602. FINDINGS.

Congress finds that—

(1) competition in the credit card market is severely hindered by a lack of transparency, which results in inefficient consumer choices;

(2) such lack of transparency is largely due to confusing terms and overwhelming information for consumers;

(3) the marketplace has not increased competition based on the merits of credit cards;

(4) a Government rating system that would use market forces by encouraging better transparency would increase such competition and assist consumers in making better credit card choices; and

(5) such a rating system would not preclude additional regulation or legislation that may eliminate certain practices considered unfair or abusive.

SEC. 603. TRUTH IN LENDING ACT AMENDMENTS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 127A the following new section:

“SEC. 127B. CREDIT CARD SAFETY STAR RATING SYSTEM.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agreement’ means the terms and conditions applicable to an open end credit plan offered by an issuer of credit;

“(2) references to a reading grade level shall be as determined by the Board, using available measurements for assessing such reading levels, including those used by the Department of Education;

“(3) the term ‘Safety Star System’ means the credit card safety star rating system established under this section; and

“(4) the term ‘junk mail’ means a form of disclosure that does not inform the consumer in a meaningful and significant way about changes in the contract, including small type, using separate pieces of paper for separate disclosures, and mixing disclosure materials with product advertisements.

“(b) RULEMAKING.—

“(1) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Board shall issue final rules to implement the Safety Star System established under this section, to allow consumers to quickly and easily compare the levels of safety associated with various open end credit plan agreements.

“(2) CONSULTATION.—The Board shall consult with the Comptroller of the Currency, the Office of Thrift Supervision, and the Federal Deposit Insurance Corporation in issuing rules to implement the Safety Star System.

“(c) ELEMENTS OF SAFETY STAR SYSTEM.—The Safety Star System shall consist of a 5-

star system for rating the terms and conditions of each open end credit plan agreement between a card issuer and a cardholder, in accordance with this section.

“(d) SAFETY STAR RATINGS.—

“(1) ONE-STAR RATING.—The lowest level of safety for an open end credit plan shall be indicated by a 1-star rating.

“(2) FIVE-STAR RATING.—The highest level of safety in an open end credit plan shall be indicated by a 5-star rating.

“(e) POINT STRUCTURE FOR SAFETY STAR SYSTEM.—

“(1) VALUES.—Each variation of a term in an agreement shall be worth 1 point or –1 point, as applicable.

“(2) STAR SYSTEM.—For purposes of the Safety Star System—

“(A) 5-star credit cards are those with points totaling 7 points or greater;

“(B) 4-star credit cards are those with between 3 points and 6 points;

“(C) 3-star credit cards are those with between –1 point and 2 points;

“(D) 2-star credit cards are those with between –6 points and –2 points; and

“(E) 1-star credit cards are those with –7 points or fewer.

“(f) POINT AWARDS.—One point shall be awarded for each of the terms in an agreement under which—

“(1) no binding or nonbinding arbitration clause applies;

“(2) at least 90 days notice is provided to the cardholder if the card issuer wants to change the terms of the agreement, with the option for the consumer to opt out of the changes, while paying off their previous balance according to the original terms;

“(3) changes are disclosed in a manner that highlights the differences between the current terms and the proposed terms;

“(4) the original card agreement and all original supplementary materials are in 1 document at 1 time, and, when the card issuer discloses changes to the card agreement—

“(A) those materials are not in junk mail form; and

“(B) the changes are disclosed conspicuously, together with the next billing cycle statement, before the changes becomes effective;

“(5) no over-the-limit fees are imposed for the transactions approved at the time of transaction by the card issuer;

“(6) no fees are imposed to pay credit card bills using any method, including over the phone;

“(7) payments are applied to the highest interest rate principal first, regardless of whether the consumer only makes the minimum payment;

“(8) interest is not accrued on new purchases between the end of the billing cycle and the due date when a balance is outstanding;

“(9) security deposits and fees for credit availability (such as account opening fees or membership fees)—

“(A) are limited to 10 percent of the initial credit limit during the first 12 months; and

“(B) at account opening, are limited to 5 percent of the initial credit limit, and requires any additional amounts (up to 10 percent) to be spread evenly over at least the next 5 billing cycles;

“(10) the terms of the agreement are disclosed in a form that requires at or below an 8th grade reading level;

“(11) any secondary disclosure materials meant to supplement the terms of the agreement are disclosed in a form that requires at or below an 8th grade reading level;

“(12) no late fee may be imposed when a payment is received, whether processed by the issuer or not, within 2 days of the payment due date;

“(13) a copy of the agreement and all supplementary materials are easily available to the cardholder online; or

“(14) a substantial positive financial benefit would be provided to the consumer, as determined by the Board in accordance with subsection (h).

“(g) NEGATIVE POINTS.—One point shall be subtracted for each of the terms in an agreement under which—

“(1) binding or nonbinding arbitration is required to resolve disputes;

“(2) fewer than 30 days notice before the billing statement for which changes in terms take effect are provided to the cardholder when the card issuer wants to change the terms of the card agreement (which shall be assumed if notice of such changes is undisclosed in the agreement materials);

“(3) junk mailer disclosures are used to inform cardholders of changes in their agreements;

“(4) over-the-limit fees are imposed more than once based on the same transaction;

“(5) interest is accrued on new purchases between the end of the billing cycle and the due date when a balance is outstanding;

“(6) the terms of the agreement are disclosed in a form that requires a reading level that is above a 12th grade reading level;

“(7) any secondary disclosure materials meant to supplement the terms of the agreement are written in a form that requires a reading level above the 12th grade reading level;

“(8) a late fee may be imposed within 2 days of the payment due date;

“(9) the issuer may unilaterally change the terms in the agreement without written consent from the consumer, or the issuer may unilaterally make adverse changes to the terms in the agreement without written consent from the consumer and written notice to the consumer of the precise behavior that provoked the adverse change;

“(10) the issuer charges interest on transaction fees, including late fees; or

“(11) there would be a negative financial impact on the interests of the consumer, as determined by the Board in accordance with subsection (h).

“(h) BOARD CONSIDERATIONS.—For purposes of subsections (f)(14) and (g)(11), the Board may consider—

“(1) the level of difficulty in understanding terms of the subject agreement by an average consumer;

“(2) how such terms will affect consumers who are close to the edge of their credit limits;

“(3) how such terms will affect consumers who do not have a good credit score, history, or rating, using commonly employed credit measurement methods (if it creates greater access to credit by reducing safety, or by other means);

“(4) whether such terms create what would appear to a reasonable consumer to be an arbitrary deadline or limit that may frustrate consumers and result in excess fees or worse financial outcomes for the consumer;

“(5) whether such terms, or the severity of such terms, is not based on the credit risks created by a particular consumer behavior, but rather is designed to solely increase revenue through lack of transparency;

“(6) whether any State has sought to limit such terms or terms that are similar thereto;

“(7) whether provisions of State law relating to unfair and deceptive practices would

prohibit any such terms, but for the national bank exclusion from non-home State banking laws;

“(8) whether such terms have an anti-competitive or procompetitive effect on the marketplace; and

“(9) such additional terms or concepts that are not specified in paragraphs (1) through (8) that the Board deems difficult for an average consumer to manage, such as terms that are confusing to the typical consumer or that create a greater risk of negative financial outcomes for the typical consumer, and terms that promote transparency or competition.

“(i) LIMITATIONS.—For purposes of subsection (h), the Board may not consider, with respect to the terms of an open end credit plan agreement, the profitability or impact on the success of any particular business model of such terms.

“(j) AUTOMATIC RATING.—Notwithstanding any other provision of this section, or any other provision of State or Federal law, any open end credit plan that allows the card issuer or a designee thereof to modify the terms of the agreement at any time or periodically for unspecified or unstated reasons, shall automatically give rise to a 1-star rating for such open end credit plan.

“(k) NO POINTS IF TERMS ARE REQUIRED BY LAW.—If a particular term in an agreement becomes required by law or regulation, no points may be awarded under the Safety Star System for that term.

“(l) PROCEDURES FOR RATINGS.—

“(1) CERTIFICATION TO THE BOARD.—Each issuer of credit under an open end credit plan shall certify in writing to the Board, the number of stars to be awarded, separately for each of the card issuer's agreements. Each such certification shall specify which terms in each agreement are subject to the Safety Star System, and how the issuer arrived at the star rating for each agreement based on the Safety Star System in accordance with paragraph (2).

“(2) SUBMISSIONS TO THE BOARD.—Each agreement that is subject to a Safety Star System rating shall be submitted electronically to the Board, together with a written explanation of whether the agreement has or does not have each of the terms specified in subsections (f) and (g), before issuing or marketing a credit card under that agreement.

“(3) BOARD VERIFICATION.—

“(A) IN GENERAL.—The Board shall verify that the terms in the submitted agreement and supporting materials (such as examples of future disclosures or examples of websites with cardholder agreements) comply with the certification submitted to the Board by the issuer under this subsection, not later than 30 days after the date of submission.

“(B) AVOIDING DUPLICATIVE VERIFICATIONS.—A card issuer may certify to the Board, in writing, that all agreements that it markets include a particular term, or that the issuer will use certain practices (with supporting documents, including showing how future disclosures will be made) so that the Board is required to determine only once, with respect to that term or practice, how that term or practice affects the star ratings of the credit card agreements of the issuer.

“(4) MISREPRESENTATIONS AS VIOLATIONS.—Any certification to the Board under this section that the issuer knew, or should have known, was false or misrepresented to the Board or to a consumer the terms or conditions of a card agreement or of a Safety Star System rating under this section shall be treated as a violation of this title, and shall

be subject to enforcement in accordance with section 108.

“(5) MODIFICATIONS BY CARD ISSUERS.—

“(A) IN GENERAL.—After the first annual review by the Board, mentioned in subsection (o), before implementing any new term or concept, or new way of approaching a term or concept, with respect to an open end credit plan, the card issuer shall submit the new term or concept and any supporting materials to the Board, other than with respect to an adjustment to the applicable rate of interest in an existing agreement that clearly specifies that such rate would be adjustable and under what conditions such adjustments could occur.

“(B) DETERMINATION OF THE BOARD.—Not later than 30 days after the date of a submission under subparagraph (A), the Board shall complete a review of the effects on safety of the subject new concept or term, and shall issue a decision on whether it affects the Safety Star System rating for the open end credit plan that will include the term or concept.

“(m) DISPLAY OF AND ACCESS TO RATINGS.—

“(1) DISPLAY OF RATING REQUIRED.—The Safety Star System rating for each credit card shall be clearly displayed on all marketing material, applications, billing statements, and agreements associated with that credit card, as well as on the back of each such credit card, including a brief explanation of the system displayed below each rating (other than on the back of the credit card).

“(2) NEW CARDS REQUIRED FOR LOWER RATINGS.—In any case in which the Safety Star System rating for a credit card is lowered for any reason, the card issuer shall provide new cards to account holders displaying the new rating in accordance with paragraph (1).

“(3) GRAPHIC DISPLAY.—The Safety Star System rating for a credit card shall be represented by a graphic that demonstrates not only the number of stars that the credit card has received, but also the number of stars that the card did not receive.

“(4) DEVELOPMENT OF GRAPHIC BY THE BOARD.—The Board shall determine the graphic and description of the Safety Star System for display on materials and the back of cards for purposes of this section.

“(n) CONSUMER ACCESS TO RATINGS.—

“(1) IN GENERAL.—The Board shall engage in an extensive campaign to educate consumers about the Safety Star System ratings for credit cards, using commonly used and accessible communications media.

“(2) WEBSITE.—Not later than 12 months after the date of enactment of this section, the Board shall establish and shall maintain a stand-alone website—

“(A) to provide easily understandable, in-depth information on the criteria used to assign the ratings, as provided in subsections (f) and (g); and

“(B) to include a listing of the Safety Star System ratings for each open end consumer credit plan, information on how the issuer arrived at that rating, and the number of consumers that have that plan with the issuer.

“(o) ANNUAL REVIEW BY THE BOARD.—

“(1) IN GENERAL.—The Board shall conduct a thorough annual review (of not longer than 6 months in duration) of the Safety Star System, to determine whether the point system is effectively aiding consumers, and shall promptly implement any regulatory changes as are necessary to ensure that the System protects consumers and encourages transparent competition and fairness to consumers, including implementing a system in

which terms are weighted to distinguish between different levels of safety, in accordance with the purposes of this section.

“(2) AVAILABILITY OF RESULTS.—Results of the review conducted under this subsection shall be submitted to Congress, and shall be made available to the public.

“(p) PERIODIC REVIEW OF STANDARDS.—Once every 2 years, the Board shall determine whether the requirements to satisfy 2-star standards and above should be raised on the grounds that card issuers have abandoned the most unfair practices. In making such determination, the Board may not consider the profitability of business models, but may consider whether competition in the credit industry will improve consumer protection, and how the change in standards will affect such competition.”

SEC. 604. SAFETY STAR ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established the Credit Card Safety Star Advisory Commission (in this section referred to as the “Commission”).

(b) DUTIES.—

(1) REVIEW OF THE CREDIT CARD SAFETY STAR SYSTEM AND ANNUAL REPORTS.—The Commission shall—

(A) review the effectiveness of the credit card Safety Star System under this section, including the topics described in paragraph (2);

(B) make recommendations to Congress concerning such system;

(C) study whether it would better protect consumers to ban some practices by creditors rather than use a rating system for those practices, including universal default, unilateral changes without consumer consent, allowing interest charges on fees, or allowing interest rate increases to apply to past debt; and

(D) by not later than March 1 of each calendar year following the date of enactment of this Act, submit a report to Congress containing the results of such reviews and its recommendations concerning such system.

(2) SPECIFIC TOPICS TO BE REVIEWED.—The Commission shall review—

(A) with respect to all credit card users—

(i) the methodology for awarding stars to credit cards under the Safety Star System, and whether there may be a better way to award stars that takes into account unfair or unsafe practices that remain uncaptured in the Safety Star System;

(ii) the consumer awareness of the Safety Star System and what may make the system more useful to consumers; and

(iii) other major issues in implementation and further development of the Safety Star System;

(B) with respect to credit card users who are at or close to their credit limits, whether such consumers are being specifically targeted in credit card agreements, and whether the Safety Star System should incorporate more terms or be revised to encourage more fair terms for such consumers; and

(C) the effects of the Safety Star System on the availability and affordability of credit and the implications of changes in credit availability and affordability in the United States and in the general market for credit services due to the Safety Star System.

(3) COMMENTS ON CERTAIN BOARD REPORTS.—

(A) TRANSMITTAL TO COMMISSION.—If the Board submits to Congress (or a committee of Congress) a report that is required by law and that relates to the Safety Star System, the Board shall transmit a copy of the report to the Commission.

(B) INDEPENDENT REVIEW.—The Commission shall review any report received under sub-

paragraph (A) and, not later than 6 months after the date of submission of the report to Congress, shall submit to the appropriate committees of Congress written comments on such report. Such comments may include such recommendations as the Commission determines appropriate.

(4) AGENDA AND ADDITIONAL REVIEWS.—The Commission shall consult periodically with the chairperson and ranking minority members of the appropriate committees of Congress regarding the agenda of the Commission and progress towards achieving the agenda. The Commission may conduct additional reviews, and submit additional reports to the appropriate committees of Congress, from time to time on such topics relating to the Safety Star System as may be requested by such chairpersons and members, and as the Commission determines appropriate.

(5) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Board a copy of each report submitted under this subsection, and shall make such reports available to the public in an easily accessible format, including operating a website containing the reports.

(6) APPROPRIATE COMMITTEES OF CONGRESS.—For purposes of this subsection, the term “appropriate committees of Congress” means the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(7) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of the Commission shall vote on the recommendation, and the Commission shall include, by member, the results of that vote in the report containing the recommendation. The Commission may file a minority report.

(8) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendation that is likely to have a Federal budgetary impact, the Commission shall examine the budget consequences of such recommendation, directly or through consultation with appropriate expert entities.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed by the Congress, in accordance with this section.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The membership of the Commission shall include individuals—

(i) who have achieved national recognition for their expertise in credit cards, debt management, economics, credit availability, consumer protection, and other credit card-related issues and fields; or

(ii) who provide a mix of different professions, a broad geographic representation, and a balance between urban and rural representatives.

(B) MAKEUP OF COMMISSION.—The Commission shall be made up of 15 members, of whom—

(i) 4 shall be representatives from consumer groups;

(ii) 4 shall be representatives from credit card issuers or banks;

(iii) 7 shall be representatives from non-profit research entities or nonpartisan experts in banking and credit cards; and

(iv) no fewer than 1 of the members described in clauses (i) through (iii) shall represent each of—

(I) the elderly;

(II) economically disadvantaged consumers;

(III) racial or ethnic minorities; and

(IV) students and minors.

(C) **ETHICS DISCLOSURES.**—The Commission shall establish a system for public disclosure by members of the Commission of financial and other potential conflicts of interest relating to such members. Members of the Commission shall be treated as employees of Congress whose pay is disbursed by the Secretary of the Senate for purposes of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

(3) **TERMS.**—

(A) **IN GENERAL.**—The terms of members of the Commission shall be for 5 years except that the Congress shall designate staggered terms for the members first appointed.

(B) **VACANCIES.**—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) **COMPENSATION.**—

(A) **MEMBERS.**—While serving on the business of the Commission (including travel time), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the regular place of business of the member, the member may be allowed travel expenses, as authorized by the Chairperson.

(B) **OTHER EMPLOYEES.**—For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all employees of the Commission shall be treated as if they were employees of the United States Senate.

(5) **CHAIRPERSON; VICE CHAIRPERSON.**—The Congress shall, at the time of appointment of the member as Chairperson and a member as Vice Chairperson for that term of appointment, except that in the case of vacancy in the position of Chairperson or Vice Chairperson of the Commission, the Congress may designate another member for the remainder of that member's term.

(6) **METINGS.**—The Commission shall meet at the call of the Chairperson.

(d) **DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.**—The Commission may, as necessary to assure the efficient administration of the Commission—

(1) employ and fix the compensation of an Executive Director and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 55));

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as it determines necessary with respect to the internal organization and operation of the Commission.

(e) **POWERS.**—

(1) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

(2) **DATA COLLECTION.**—In order to carry out its functions, the Commission shall—

(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

(B) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

(C) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

(3) **ACCESS OF GAO TO INFORMATION.**—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request for the purposes of periodic audits by the Comptroller General.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission, not more than \$10,000,000 for each fiscal year to carry out this section.

SA 1064. Mr. UDALL of Colorado submitted an amendment intended to be proposed to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. DISCLOSURE OF CREDIT SCORES.

Section 612(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)(1)) is amended by adding at the end the following:

“(D) **INCLUSION OF CREDIT SCORES.**—Each consumer reporting agency described in subparagraph (A) that develops or uses a credit score with respect to any consumer shall include the information described in section 609(f) with the disclosures required by subparagraph (A) of this paragraph, free of charge.”.

SA 1065. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. COLLEGE CREDIT CARD AGREEMENTS.

(a) **IN GENERAL.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

“(q) **COLLEGE CARD AGREEMENTS.**—

“(1) **DEFINITIONS.**—For purposes of this subsection, the following definitions shall apply:

“(A) **COLLEGE AFFINITY CARD.**—The term ‘college affinity card’ means a credit card issued by a credit card issuer under an open end consumer credit plan in conjunction

with an agreement between the issuer and an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, under which such cards are issued to college students who have an affinity with such institution, organization and—

“(i) the creditor has agreed to donate a portion of the proceeds of the credit card to the institution, organization, or foundation (including a lump sum or 1-time payment of money for access);

“(ii) the creditor has agreed to offer discounted terms to the consumer; or

“(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols readily identified with such institution, organization, or foundation.

“(B) **COLLEGE STUDENT CREDIT CARD ACCOUNT.**—The term ‘college student credit card account’ means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

“(C) **COLLEGE STUDENT.**—The term ‘college student’ means an individual who is a full-time or a part-time student attending an institution of higher education.

“(D) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(2) **REPORTS BY CREDITORS.**—

“(A) **IN GENERAL.**—Each creditor shall submit an annual report to the Board containing the terms and conditions of all business, marketing, and promotional agreements and college affinity card agreements with an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, with respect to any college student credit card issued to a college student at such institution.

“(B) **DETAILS OF REPORT.**—The information required to be reported under subparagraph (A) includes—

“(i) any memorandum of understanding between or among a creditor, an institution of higher education, an alumni association, or foundation that directly or indirectly relates to any aspect of any agreement referred to in such subparagraph or controls or directs any obligations or distribution of benefits between or among any such entities;

“(ii) the amount payments from the creditor to the institution, organization, or foundation during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

“(iii) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

“(C) **AGGREGATION BY INSTITUTION.**—The information reported under subparagraph (A) shall be aggregated with respect to each institution of higher education or alumni organization or foundation affiliated with or related to such institution.

“(3) **REPORTS BY BOARD.**—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements submitted to the Board under paragraph (2) by each institution of higher education, alumni organization, or foundation.”.

(b) **STUDY AND REPORT BY THE COMPTROLLER GENERAL.**—

(1) **STUDY.**—The Comptroller General of the United States shall from time to time review the reports submitted by creditors and the marketing practices of creditors to determine the impact that college affinity card agreements and college student card agreements have on credit card debt.

(2) **REPORT.**—Upon completion of any study under paragraph (1), the Comptroller General shall periodically submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines to be appropriate.

(c) **EFFECTIVE DATE FOR INITIAL CREDITOR REPORTS.**—The initial reports required under paragraph (2)(A) of the amendment made by subsection (a) shall be submitted to the Board before the end of the 90-day period beginning on the date of enactment of this Act.

SA 1066. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. ____ FORMS OF ACCEPTABLE IDENTIFICATION FOR CREDIT CARD ISSUERS.

(a) **IN GENERAL.**—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 127A the following new section:

“SEC. 127B. IDENTIFICATION AND VERIFICATION OF ACCOUNTHOLDERS.

“(a) **IN GENERAL.**—Subject to the requirements of this section, the Board shall prescribe regulations setting forth the minimum standards for card issuers under open end credit plans and cardholders regarding the identity of the consumer, that shall apply in connection with the opening of such a credit card account.

“(b) **MINIMUM REQUIREMENTS.**—The regulations required under subsection (a) shall, at a minimum, require card issuers to implement, and cardholders (after being given adequate notice) to comply with, reasonable procedures for—

“(1) verifying the identity of any person seeking to open a credit card account, to the extent reasonable and practicable;

“(2) maintaining records of the information used to verify a person's identity, including name, address, and other identifying information; and

“(3) consulting lists of known or suspected terrorists or terrorist organizations provided to the card issuer by any government agency, to determine whether a person seeking to open a credit card account appears on any such list.

“(c) **FORMS OF ACCEPTABLE IDENTIFICATION.**—A card issuer may not accept, for the purpose of verifying the identity of an individual seeking to open an account in accordance with this subsection, any form of identification of the individual, other than—

“(1) a social security card, accompanied by a photo identification card issued by the Federal Government or a State government;

“(2) a driver's license or identification card issued by a State, in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (49 U.S.C. 30301 note);

“(3) a passport issued by the United States or a foreign government; or

“(4) a photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Service).”.

(b) **EFFECTIVE DATE.**—Section 127B of the Truth in Lending Act, as added by this section, shall become effective 6 months after the date of enactment of this Act.

SA 1067. Mr. COBURN proposed an amendment to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) **CONGRESSIONAL FINDINGS.**—Congress finds the following:

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) **PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.**—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1068. Mr. COBURN proposed an amendment to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____ PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) **CONGRESSIONAL FINDINGS.**—Congress finds the following:

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land

under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) **PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.**—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1069. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FREEZE ON CONSUMER CREDIT CARD RATES.

(a) **IN GENERAL.**—Notwithstanding any other provision of this Act or the amendments made by this Act, during the period beginning on the date of enactment of this Act and ending on December 31, 2010, no creditor which extends credit to any consumer through a credit card account under an open end consumer credit plan may increase the annual percentage rate applicable to any outstanding balance as of such date of enactment on any such account for any reason, except as provided in any agreement between the consumer and a creditor in effect on the date of enactment of this Act.

(b) **DEFINITIONS.**—For purposes of this subsection—

(1) the terms “consumer”, “credit”, “creditor”, “credit card”, and “open end credit plan” have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602); and

(2) the term “annual percentage rate” means the annual percentage rate, as determined in accordance with section 107 of the Truth in Lending Act (15 U.S.C. 1606).

SA 1070. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 205. LIMITATION ON CONSIDERATIONS FOR RATE INCREASES.

Section 127 of the Truth in Lending Act (12 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

“(q) **CONSIDERATIONS FOR RATE INCREASES.**—Notwithstanding any other provision of this title, no card issuer may reduce a credit limit or raise the interest rate applicable to a credit card account under an open end consumer credit plan based on—

“(1) whether the geographic location of the consumer is in an area experiencing a high rate of home foreclosures or significant declines in property values;

“(2) the identity of the holder of the home mortgage of the consumer; or

“(3) employment or involvement by the consumer in a business or industry that is economically distressed.”.

SA 1071. Mrs. FEINSTEIN (for herself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 305. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

“(f) **CREDIT CARD PROTECTIONS FOR COLLEGE STUDENTS.**—

“(1) **DISCLOSURE REQUIRED.**—A covered educational institution shall publicly disclose any contract or other agreement made with a card issuer or creditor for the purpose of marketing a credit card.

“(2) **GIFTS PROHIBITED.**—No card issuer or creditor may offer any gift or other item to a student of a covered educational institution to induce such student to apply for or participate in an open end credit plan offered by such card issuer or creditor.

“(3) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that each covered educational institution should consider adopting the following policies relating to credit cards:

“(A) That any card issuer that markets a credit card on the campus of such institution notify the administration of such institution of the location at which such marketing will take place.

“(B) That the number of locations on the campus of such institution at which the marketing of credit cards takes place be limited.

“(C) That credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students of such institution.”.

SA 1072. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 7, insert “and small business owners” after “borrowers”.

SA 1073. Mr. MENENDEZ submitted an amendment intended to be proposed

to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. LIMIT ON PENALTY INTEREST RATE.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(p) **LIMIT ON PENALTY INCREASES.**—A creditor may not apply, as a penalty with respect to a credit card account under an open end consumer credit plan, an increase in the annual percentage rate in excess of 7 percentage points above the interest rate that was in effect with respect to the credit card account of the consumer on the date immediately preceding the first such penalty increase for such account.”.

On page 36, line 21, strike “(p)” and insert “(q)”.

SA 1074. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

“(f) **GIFTS TO STUDENTS PROHIBITED.**—No card issuer or other creditor may offer any gift or other item to a student of a covered educational institution to induce such student to apply for or participate in an open end consumer credit plan offered by such card issuer or creditor.”.

SA 1075. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. COLLEGE CREDIT CARD AGREEMENTS.

(a) **IN GENERAL.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(q) **COLLEGE AFFINITY CARD AGREEMENTS.**—

“(1) **DEFINITIONS.**—For purposes of this subsection, the following definitions shall apply:

“(A) **COLLEGE AFFINITY CARD.**—The term ‘college affinity card’ means a credit card issued by a card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, under which such cards are issued to college students who have

an affinity with such institution, organization, or foundation and—

“(i) the creditor has agreed to donate a portion of the proceeds of the credit card (including a lump sum or 1-time payment of money for access) to the institution;

“(ii) the creditor has agreed to offer discounted terms to the consumer; or

“(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols that are identified with such institution.

“(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term ‘college student credit card account’ means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

“(C) COLLEGE STUDENT.—The term ‘college student’ means an individual who is a full-time or a part-time student attending an institution of higher education.

“(D) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’—

“(i) has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002); and

“(ii) includes an alumni organization or foundation affiliated with or related to such institution.

“(2) REPORTS BY CREDITORS.—

“(A) IN GENERAL.—Each creditor shall submit an annual report to the Board that contains—

“(i) the terms and conditions of any business, marketing, promotional, or college affinity card agreement with an institution of higher education, with respect to any college student credit card issued to a college student at such institution;

“(ii) any memorandum of understanding between a creditor and an institution of higher education that directly or indirectly relates to any aspect of an agreement described in clause (i) or controls or directs any obligations or distribution of benefits between such entities;

“(iii) the amount of any payments from the creditor to an institution of higher education during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

“(iv) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

“(B) AGGREGATION BY INSTITUTION.—The information required to be reported under subparagraph (A) shall be aggregated with respect to each institution of higher education.

“(C) FIRST REPORT.—Each creditor shall make the first report required under this paragraph not later than 90 days after the date of enactment of the Credit CARD Act of 2009.

“(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements required to be submitted to the Board under paragraph (2) for each institution of higher education.”.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall, from time to time, review the reports submitted by creditors under section 127(q) of the Truth in Lending Act (15 U.S.C. 1637), as added by this Act, and the marketing practices of creditors, to de-

termine the impact that college affinity card agreements and college student card agreements (as those terms are defined in that section 127(q)) have on credit card debt.

(2) REPORT.—Upon completion of a study under paragraph (1), the Comptroller General shall submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines are appropriate.

SA 1076. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

“(f) PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.—A covered educational institution may not sell or otherwise provide to a card issuer or consumer reporting agency, as that term is defined in section 603, any information about a student or prospective student of such institution.”.

SA 1077. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. FIRM OFFER OF CREDIT OR INSURANCE.

Section 603(1) of the Fair Credit Reporting Act (15 U.S.C. 1681a(1)) is amended to read as follows:

“(1) FIRM OFFER OF CREDIT OR INSURANCE.—

“(1) DEFINITION.—The term ‘firm offer of credit or insurance’ means any offer of credit or insurance to a consumer that specifies all material terms, and will be honored if the consumer is determined to meet the specific criteria used to select the consumer for the offer, based on information in a consumer report on the consumer.

“(2) REQUIRED DISCLOSURES IN OFFERS OF CREDIT.—In the case of a firm offer of credit, the offer shall set forth the specific annual percentage rate, fees, and amount of credit or credit limit applicable to the offer.

“(3) ACCEPTABLE CONDITIONS.—A firm offer of credit or insurance to a consumer may be further conditioned on—

“(A) verification that the consumer continues to meet the specific criteria used to select the consumer for the offer, by using information in a consumer report on the consumer, information in the application of the consumer for the credit or insurance, or other information bearing on the credit worthiness or insurability of the consumer;

“(B) the consumer furnishing any collateral that is a requirement for the extension of the credit or insurance that was—

“(i) established before selection of the consumer for the offer of credit or insurance; and

“(ii) disclosed to the consumer in the offer of credit or insurance; or

“(C) any combination of the criteria in subparagraphs (A) and (B).”.

SA 1078. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. VERIFICATION OF ABILITY TO PAY.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(p) VERIFICATION OF ABILITY TO PAY.—

“(1) IN GENERAL.—A card issuer may not open any credit card account for any consumer under an open end consumer credit plan, or increase any credit limit applicable to such an account, unless the card issuer has determined, at the time at which the account is opened or the credit limit increased, as applicable, that the consumer will be able to make the scheduled payments under the terms of the transaction, based on a consideration of the current and expected income, current obligations, and employment status of the consumer.

“(2) REGULATIONS.—The Board shall prescribe, by regulation, the appropriate formula for determining the ability of a consumer to pay, and the criteria to be considered in making any such determination, for purposes of this subsection.”.

On page 36, line 21, strike “(p)” and insert “(q)”.

SA 1079. Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. CARDIN, Mrs. SHAHEEN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. EXTENDING TILA CREDIT CARD PROTECTIONS TO SMALL BUSINESSES.

(a) DEFINITION OF CONSUMER.—Section 103(h) of the Truth in Lending Act (15 U.S.C. 1602(h)) is amended—

(1) by inserting “(1)” after “(h)”;

(2) by adding at the end the following:

“(2) For purposes of any provision of this title relating to a credit card account under an open end credit plan, the term ‘consumer’ includes any business concern having 50 or fewer employees, whether or not the credit account is in the name of the business entity or an individual, or whether or not a subject credit transaction is for business or personal purposes.”.

(b) AMENDMENT TO EXEMPTIONS.—

(1) IN GENERAL.—Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended—

(A) in paragraph (1), by inserting after “agricultural purposes” the following: “(other

than a credit transaction under an open end credit plan in which the consumer is a small business having 50 or fewer employees); and

(B) in paragraph (4), by striking "\$25,000" and inserting "\$50,000".

(2) **BUSINESS CREDIT CARD PROVISION.**—Section 135 of the Truth in Lending Act (15 U.S.C. 1645) is amended by inserting after "does not apply" the following: "with respect to any provision of this title relating to a credit card account under an open end credit plan in which the consumer is a small business having 50 or fewer employees or".

SA 1080. Mrs. FEINSTEIN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 503. STUDY AND REPORT ON EMERGENCY PIN TECHNOLOGY.

(a) **IN GENERAL.**—The Federal Trade Commission, in consultation with the Attorney General of the United States and the United States Secret Service, shall conduct a study on the cost-effectiveness of making available at automated teller machines technology that enables a consumer that is under duress to electronically alert a local law enforcement agency that an incident is taking place at such automated teller machine, including—

(1) an emergency personal identification number that would summon a local law enforcement officer to an automated teller machine when entered into such automated teller machine; and

(2) a mechanism on the exterior of an automated teller machine that, when pressed, would summon a local law enforcement to such automated teller machine.

(b) **CONTENTS OF STUDY.**—The study required under subsection (a) shall include—

(1) an analysis of any technology described in subsection (a) that is currently available or under development;

(2) an estimate of the number and severity of any crimes that could be prevented by the availability of such technology;

(3) the estimated costs of implementing such technology; and

(4) a comparison of the costs and benefits of not fewer than 3 types of such technology.

(c) **REPORT.**—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report on the findings of the study required under this section that includes such recommendations for legislative action as the Commission determines appropriate.

SA 1081. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. FINANCIAL EDUCATION COURSES AT COLLEGES AND UNIVERSITIES.

Section 140 of the Truth in Lending Act is amended by adding at the end the following:

"(f) **FINANCIAL EDUCATION COURSES AT COVERED EDUCATIONAL INSTITUTIONS.**—

"(1) **COURSES REQUIRED.**—Any financial institution that markets a credit card on the campus of a covered educational institution, or at an event sponsored by a covered educational institution, shall provide not fewer than 2 financial education courses each academic year that are open to any student of such institution.

"(2) **GUIDELINES FOR COURSES.**—The Deputy Assistant Secretary for Financial Education shall issue guidelines for financial institutions regarding the content of the financial education courses required under paragraph (1).

"(3) **AGREEMENTS TO PROVIDE COURSES.**—The Deputy Assistant Secretary for Financial Education may approve any agreement between a financial institution and a non-profit organization for the purpose of providing the financial education courses required under paragraph (1), as the Deputy Assistant Secretary determines appropriate.

"(4) **REPORT REQUIRED.**—Each financial institution required to provide financial education courses under paragraph (1) shall submit an annual report to the Deputy Assistant Secretary for Financial Education that contains the date, location, and time at which each such course was provided."

SA 1082. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. STUDY AND REPORT ON THE MARKETING OF PRODUCTS WITH CREDIT OFFERS.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study on the terms, conditions, marketing, and value to consumers of products marketed in conjunction with credit card offers, including—

- (1) debt suspension agreements;
- (2) debt cancellation agreements; and
- (3) credit insurance products.

(b) **AREAS OF CONCERN.**—The study conducted under this section shall evaluate—

- (1) the suitability of the offer of products described in subsection (a) for target customers;
- (2) the predatory nature of such offers; and
- (3) specifically for debt cancellation or suspension agreements and credit insurance products, loss rates compared to more traditional insurance products.

(c) **REPORT TO CONGRESS.**—The Comptroller shall submit a report to Congress on the results of the study required by this section not later than December 31, 2010.

SA 1083. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end

consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALL BUSINESS INFORMATION SECURITY TASK FORCE.

(a) **DEFINITIONS.**—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term "task force" means the task force established under subsection (b).

(b) **ESTABLISHMENT.**—The Administrator shall establish a task force, to be known as the Small Business Information Security Task Force, to address the information technology security needs of small business concerns and to help small business concerns prevent the loss of credit card data.

(c) **DUTIES.**—The task force shall—

(1) identify—

(A) the information technology security needs of small business concerns; and

(B) the programs and services provided by the Federal Government, State Governments, and nongovernment organizations that serve those needs;

(2) assess the extent to which the programs and services identified under paragraph (1)(B) serve the needs identified under paragraph (1)(A);

(3) make recommendations to the Administrator on how to more effectively serve the needs identified under paragraph (1)(A) through—

(A) programs and services identified under paragraph (1)(B); and

(B) new programs and services promoted by the task force;

(4) make recommendations on how the Administrator may promote—

(A) new programs and services that the task force recommends under paragraph (3)(B); and

(B) programs and services identified under paragraph (1)(B);

(5) make recommendations on how the Administrator may inform and educate with respect to—

(A) the needs identified under paragraph (1)(A);

(B) new programs and services that the task force recommends under paragraph (3)(B); and

(C) programs and services identified under paragraph (1)(B);

(6) make recommendations on how the Administrator may more effectively work with public and private interests to address the information technology security needs of small business concerns; and

(7) make recommendations on the creation of a permanent advisory board that would make recommendations to the Administrator on how to address the information technology security needs of small business concerns.

(d) **INTERNET WEBSITE RECOMMENDATIONS.**—The task force shall make recommendations to the Administrator relating to the establishment of an Internet website to be used by the Administration to receive and dispense information and resources with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B). As part of the recommendations, the task force shall identify the Internet sites of appropriate programs, services, and organizations, both

public and private, to which the Internet website should link.

(e) **EDUCATION PROGRAMS.**—The task force shall make recommendations to the Administrator relating to developing additional education materials and programs with respect to the needs identified under subsection (c)(1)(A).

(f) **EXISTING MATERIALS.**—The task force shall organize and distribute existing materials that inform and educate with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B).

(g) **COORDINATION WITH PUBLIC AND PRIVATE SECTOR.**—In carrying out its responsibilities under this section, the task force shall coordinate with, and may accept materials and assistance as it determines appropriate from, public and private entities, including—

(1) any subordinate officer of the Administrator;

(2) any organization authorized by the Small Business Act to provide assistance and advice to small business concerns;

(3) other Federal agencies, their officers, or employees; and

(4) any other organization, entity, or person not described in paragraph (1), (2), or (3).

(h) **APPOINTMENT OF MEMBERS.**—

(1) **CHAIRPERSON AND VICE-CHAIRPERSON.**—The task force shall have—

(A) a Chairperson, appointed by the Administrator; and

(B) a Vice-Chairperson, appointed by the Administrator, in consultation with appropriate nongovernmental organizations, entities, or persons.

(2) **MEMBERS.**—

(A) **CHAIRPERSON AND VICE-CHAIRPERSON.**—The Chairperson and the Vice-Chairperson shall serve as members of the task force.

(B) **ADDITIONAL MEMBERS.**—

(i) **IN GENERAL.**—The task force shall have additional members, each of whom shall be appointed by the Chairperson, with the approval of the Administrator.

(ii) **NUMBER OF MEMBERS.**—The number of additional members shall be determined by the Chairperson, in consultation with the Administrator, except that—

(I) the additional members shall include, for each of the groups specified in paragraph (3), at least 1 member appointed from within that group; and

(II) the number of additional members shall not exceed 13.

(3) **GROUPS REPRESENTED.**—The groups specified in this paragraph are—

(A) subject matter experts;

(B) users of information technologies within small business concerns;

(C) vendors of information technologies to small business concerns;

(D) academics with expertise in the use of information technologies to support business;

(E) small business trade associations;

(F) Federal, State, or local agencies engaged in securing cyberspace; and

(G) information technology training providers with expertise in the use of information technologies to support business.

(4) **POLITICAL AFFILIATION.**—The appointments under this subsection shall be made without regard to political affiliation.

(i) **MEETINGS.**—

(1) **FREQUENCY.**—The task force shall meet at least 2 times per year, and more frequently if necessary to perform its duties.

(2) **QUORUM.**—A majority of the members of the task force shall constitute a quorum.

(3) **LOCATION.**—The Administrator shall designate, and make available to the task

force, a location at a facility under the control of the Administrator for use by the task force for its meetings.

(4) **MINUTES.**—

(A) **IN GENERAL.**—Not later than 30 days after the date of each meeting, the task force shall publish the minutes of the meeting in the Federal Register and shall submit to Administrator any findings or recommendations approved at the meeting.

(B) **SUBMISSION TO CONGRESS.**—Not later than 60 days after the date that the Administrator receives minutes under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives such minutes, together with any comments the Administrator considers appropriate.

(5) **FINDINGS.**—

(A) **IN GENERAL.**—Not later than the date on which the task force terminates under subsection (m), the task force shall submit to the Administrator a final report on any findings and recommendations of the task force approved at a meeting of the task force.

(B) **SUBMISSION TO CONGRESS.**—Not later than 90 days after the date on which the Administrator receives the report under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the full text of the report submitted under subparagraph (A), together with any comments the Administrator considers appropriate.

(j) **PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—Each member of the task force shall serve without pay for their service on the task force.

(2) **TRAVEL EXPENSES.**—Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) **DETAIL OF SBA EMPLOYEES.**—The Administrator may detail, without reimbursement, any of the personnel of the Administration to the task force to assist it in carrying out the duties of the task force. Such a detail shall be without interruption or loss of civil status or privilege.

(4) **SBA SUPPORT OF THE TASK FORCE.**—Upon the request of the task force, the Administrator shall provide to the task force the administrative support services that the Administrator and the Chairperson jointly determine to be necessary for the task force to carry out its duties.

(k) **NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(l) **STARTUP DEADLINES.**—The initial appointment of the members of the task force shall be completed not later than 90 days after the date of enactment of this Act, and the first meeting of the task force shall be not later than 180 days after the date of enactment of this Act.

(m) **TERMINATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the task force shall terminate at the end of fiscal year 2013.

(2) **EXCEPTION.**—If, as of the termination date under paragraph (1), the task force has not complied with subsection (i)(4) with respect to 1 or more meetings, then the task force shall continue after the termination date for the sole purpose of achieving com-

pliance with subsection (i)(4) with respect to those meetings.

(n) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$300,000 for each of fiscal years 2010 through 2013.

SA 1084. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. CREDIT REPORTS IN CONSUMER'S NATIVE LANGUAGE.

Section 612(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)(1)) is amended by adding at the end the following:

“(D) **NATIVE LANGUAGE REQUIREMENT FOR NON-ENGLISH SPEAKERS.**—The disclosures required under this paragraph shall be provided, upon request, to the extent possible, in the native language of any consumer having limited ability to read, write, speak, and understand English, subject to such limitations and in accordance with such guidelines as shall be established by the Commission, in consultation with the Federal Interagency Working Group on Limited English Proficiency.”.

SA 1085. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . ENHANCED TAXPAYER DISCLOSURE.

(a) **IN GENERAL.**—It shall not be in order to consider any appropriations, direct spending, or revenue bill or joint resolution reported by any committee unless the measure contains a debt disclosure section setting forth debt disclosures in the following form:

“SEC. . DEBT DISCLOSURE.

“(a) **CURRENT DEBT.**—The level of the current gross Federal debt of the Nation is \$_____.

“(b) **PER PERSON.**—The level of the current gross Federal debt of the Nation per citizen is \$_____.

“(c) **DEBT INCREASE WITH PASSAGE OF THIS ACT.**—Enactment of this Act would cause the gross Federal debt of the Nation to rise or fall to \$_____. The new level of gross Federal debt per citizen would equal \$_____.

“(d) **DEFINITIONS.**—In this section, the term ‘gross Federal debt’ means the nominal levels of gross Federal debt (debt subject to limit as set forth in the Budget Resolution) as determined by the Bureau of Public Debt and published in latest Monthly Treasury Statement, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.”.

(b) **SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.**—

(1) **WAIVER.**—This section may be waived or suspended only by the affirmative vote of

three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. ____ . ANNUAL NOTIFICATION OF PER TAX-PAYER SHARE OF FEDERAL PUBLIC DEBT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 7529. ANNUAL NOTIFICATION OF PER TAX-PAYER SHARE OF FEDERAL PUBLIC DEBT.

“In the case of any booklet of instructions for Form 1040, 1040A, or 1040EZ prepared by the Secretary for filing individual income tax returns for taxable years beginning in any calendar year, the Secretary shall include in a prominent place the per individual taxpayer share of the Federal public debt determined on the last day of the preceding fiscal year and using the most recent census data. The information regarding such share of the Federal public debt shall also be placed prominently on the Internal Revenue Service Internet website.”.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

“Sec. 7529. Annual notification of per taxpayer share of Federal public debt.”.

SEC. ____ . NATIONAL DEBT CLOCK DISPLAYED ON GOVERNMENT WEBSITES.

(a) DEFINITION.—In this section:

(1) AGENCY.—The term “agency” has the meaning given under section 551(1) of title 5, United States Code.

(2) CONGRESSIONAL WEBSITE.—The term “congressional website” means—

(A) the website relating to the Senate maintained by the Secretary of the Senate; and

(B) the website relating to the House of Representatives maintained by the Clerk of the House of Representatives.

(b) NATIONAL DEBT CLOCK.—The website of each agency and each congressional website shall include a national debt clock that displays the national debt and the rate of the increase in the national debt on a continuous basis.

SA 1086. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. EFFECTIVE DATE.

Except as provided in sections 101(a)(2) and 106(b)(2), and notwithstanding section 3 or any other provision of this Act or the amendments made by this Act, this title and the amendments made by this title shall become effective 9 months after the date on which the Board provides written certification to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that the provisions of this title and the amendments made by this title will not reduce the availability or

increase the price of credit for consumers or small businesses.

SA 1087. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike lines 13 through 21 and insert the following:

“(1) LIMIT ON FEES RELATED TO METHOD OF PAYMENT.—

“(1) IN GENERAL.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge if such repayment is made by mail, electronic transfer, or other means, unless such payment involves an expedited service by a service representative of the creditor.

“(2) SPECIAL RULE FOR TELEPHONE SERVICE.—

“(A) IN GENERAL.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge if such repayment is made by telephone authorization, unless such payment involves an expedited service by a service representative of the creditor.

“(B) ALTERNATIVE TO EXPEDITED SERVICE.—Any creditor that imposes a fee for repayment of an extension of credit by telephone authorization involving expedited service by a service representative of the creditor shall provide an alternative method that allows repayment by telephone authorization by the obligor without a separate fee.”.

SA 1088. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 15, strike “unless a statement” and all that follows through line 20 and insert “unless—

“(1) a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge; and

“(2) a payment by the obligor was not—

“(A) postmarked at least 3 business days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge; or

“(B) made by means of an electronic fund transfer initiated on or before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.”.

SA 1089. Mr. DURBIN (for himself and Mrs. BOXER) submitted an amend-

ment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 503. USURIOUS CREDIT RATES.

(a) FINDINGS.—Congress finds that—

(1) attempts have been made to prohibit usurious interest rates in America since colonial times;

(2) at the State level, 15 States and the District of Columbia have enacted broadly applicable usury laws that protect borrowers from payday loans and many other forms of high-cost credit, while 34 States and the District of Columbia have limited annual interest rates to 36 percent or less for 1 or more types of consumer credit;

(3) at the Federal level, in 2006, Congress enacted a Federal 36 percent annualized usury cap for service members and their families for covered credit products, as defined by the Department of Defense, which curbed payday, car title, and tax refund lending around military bases;

(4) notwithstanding such attempts to curb predatory lending, high-cost lending persists in all 50 States due to loopholes in State laws, safe harbor laws for specific forms of credit, and the exportation of unregulated interest rates permitted by preemption;

(5) due to the lack of a comprehensive Federal usury cap, consumers annually pay approximately \$17,500,000,000 for high-cost overdraft loans, as much as \$8,600,000,000 for storefront and online payday loans, and nearly \$900,000,000 for tax refund anticipation loans;

(6) cash-strapped consumers pay on average 400 percent annual interest for payday loans, 300 percent annual interest for car title loans, up to 3,500 percent for bank overdraft loans, 50 to 500 percent annual interest for loans secured by expected tax refunds, and higher than 50 percent annual percentage interest for credit cards that charge junk fees;

(7) a national maximum interest rate that includes all forms of fees and closes all loopholes is necessary to eliminate such predatory lending; and

(8) alternatives to predatory lending that encourage small dollar loans with minimal or no fees, installment payment schedules, and affordable repayment periods should be encouraged.

(b) NATIONAL MAXIMUM INTEREST RATE.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

“SEC. 140A. MAXIMUM RATES OF INTEREST.

“(a) IN GENERAL.—Notwithstanding any other provision of law, no creditor may make an extension of credit to a consumer with respect to which the fee and interest rate, as defined in subsection (b), exceeds 36 percent.

“(b) FEE AND INTEREST RATE DEFINED.—

“(1) IN GENERAL.—For purposes of this section, the fee and interest rate includes all charges payable, directly or indirectly, incident to, ancillary to, or as a condition of the extension of credit, including—

“(A) any payment compensating a creditor or prospective creditor for—

“(i) an extension of credit or making available a line of credit, including fees connected with credit extension or availability such as numerical periodic rates, annual fees, cash advance fees, and membership fees; or

“(ii) any fees for default or breach by a borrower of a condition upon which credit was extended, such as late fees, creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, overdraft fees, and over limit fees;

“(B) all fees which constitute a finance charge, as defined by rules of the Board in accordance with this title;

“(C) credit insurance premiums, whether optional or required; and

“(D) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

“(2) TOLERANCES.—

“(A) IN GENERAL.—With respect to a credit obligation that is payable in at least 3 fully amortizing installments over at least 90 days, the term ‘fee and interest rate’ does not include—

“(i) application or participation fees that in total do not exceed the greater of \$30 or, if there is a limit to the credit line, 5 percent of the credit limit, up to \$120, if—

“(I) such fees are excludable from the finance charge pursuant to section 106 and regulations issued thereunder;

“(II) such fees cover all credit extended or renewed by the creditor for 12 months; and

“(III) the minimum amount of credit extended or available on a credit line is equal to \$300 or more;

“(ii) a late fee charged as authorized by State law and by the agreement that does not exceed either \$20 per late payment or \$20 per month; or

“(iii) a creditor-imposed not sufficient funds fee charged when a borrower tenders payment on a debt with a check drawn on insufficient funds that does not exceed \$15.

“(B) ADJUSTMENTS FOR INFLATION.—The Board may adjust the amounts of the tolerances established under this paragraph for inflation over time, consistent with the primary goals of protecting consumers and ensuring that the 36 percent fee and interest rate limitation is not circumvented.

“(c) CALCULATIONS.—

“(1) OPEN END CREDIT PLANS.—For an open end credit plan—

“(A) the fee and interest rate shall be calculated each month, based upon the sum of all fees and finance charges described in subsection (b) charged by the creditor during the preceding 1-year period, divided by the average daily balance; and

“(B) if the credit account has been open less than 1 year, the fee and interest rate shall be calculated based upon the total of all fees and finance charges described in subsection (b)(1) charged by the creditor since the plan was opened, divided by the average daily balance, and multiplied by the quotient of 12 divided by the number of full months that the credit plan has been in existence.

“(2) OTHER CREDIT PLANS.—For purposes of this section, in calculating the fee and interest rate, the Board shall require the method of calculation of annual percentage rate specified in section 107(a)(1), except that the amount referred to in that section 107(a)(1) as the ‘finance charge’ shall include all fees, charges, and payments described in subsection (b)(1).

“(3) ADJUSTMENTS AUTHORIZED.—The Board may make adjustments to the calculations in paragraphs (1) and (2), but the primary goals of such adjustment shall be to protect consumers and to ensure that the 36 percent fee and interest rate limitation is not circumvented.

“(d) DEFINITION OF CREDITOR.—As used in this section, the term ‘creditor’ has the same

meaning as in section 702(e) of the Equal Credit Opportunity Act (15 U.S.C. 1691a(e)).

“(e) NO EXEMPTIONS PERMITTED.—The exemption authority of the Board under section 105 shall not apply to the rates established under this section or the disclosure requirements under section 127(b)(6).

“(f) DISCLOSURE OF FEE AND INTEREST RATE FOR CREDIT OTHER THAN OPEN END CREDIT PLANS.—In addition to the disclosure requirements under section 127(b)(6), the Board may prescribe regulations requiring disclosure of the fee and interest rate established under this section in addition to or instead of annual percentage rate disclosures otherwise required under this title.

“(g) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

“(h) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 130(a), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder of the obligation shall promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction. Notwithstanding any statute of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or setoff to an action to collect such debt or repossess related security at any time.

“(i) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, up to 1 year in prison and a fine of not more than the greater of—

“(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

“(2) \$50,000.

“(j) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and such attorney general may obtain injunctive relief.”

(c) DISCLOSURE OF FEE AND INTEREST RATE FOR OPEN END CREDIT PLANS.—Section 127(b)(6) of the Truth in Lending Act (15 U.S.C. 1637(b)(6)) is amended by striking “the total finance charge expressed” and all that follows through the end of the paragraph and inserting “the fee and interest rate, displayed as ‘FAIR’, established under section 140A.”

SA 1090. Mr. DURBIN (for himself, Mr. KENNEDY, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 503. ESTABLISHMENT OF FINANCIAL PRODUCT SAFETY COMMISSION.

(a) FINDINGS.—Congress finds that—

(1) the Nation’s multiagency financial services regulatory structure has created a dispersion of regulatory responsibility, which in turn has led to an inadequate focus on protecting consumers from inappropriate consumer financial products and practices;

(2) the absence of appropriate oversight has allowed excessively costly or predatory consumer financial products and practices to flourish; and

(3) the creation of a regulator whose sole focus is the safety of consumer financial products would help address this lack of consumer protection.

(b) DEFINITIONS.—For purposes of this section—

(1) the terms “Commission”, “Chairperson”, and “Commissioner” mean the Financial Product Safety Commission established under this section and the Chairperson and any Commissioner thereof, respectively;

(2) the term “consumer financial product” includes—

(A) any extension of credit, deposit account, payment mechanism, or other product or service within the scope of—

(i) the Truth in Savings Act (12 U.S.C. 4301 et seq.);

(ii) the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.); or

(iii) article 3 (relating to negotiable instruments) or article 4 (relating to bank deposits) of the Uniform Commercial Code, as in effect in any State;

(B) any other extension of credit, deposit account, or payment mechanism; and

(C) any ancillary product, practice, or transaction;

(3) the term “appropriate committees of Congress” means the Committee on Banking, Housing, and Urban Affairs and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the Senate, and the Committee on Financial Services and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the House of Representatives, and any successor committees, as may be constituted;

(4) the term “consumer” means any natural person and any small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

(5) the term “credit” has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

(c) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT; CHAIRPERSON.—

(A) ESTABLISHMENT.—There is established the “Financial Product Safety Commission” which shall be an independent establishment, as defined in section 104(1) of title 5, United States Code.

(B) MEMBERSHIP.—

(i) IN GENERAL.—The Commission shall be comprised of 5 commissioners, appointed by the President, by and with the advice and consent of the Senate.

(ii) CONSIDERATIONS.—In making appointments to the Commission, the President shall consider individuals who, by reason of their background and expertise in areas related to consumer financial product safety, are qualified to serve as members of the Commission.

(C) CHAIRPERSON.—The Chairperson of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from among the members of the Commission.

(D) REMOVAL.—Any Commissioner may be removed by the President for neglect of duty or malfeasance in office, but for no other cause.

(2) TERM; VACANCIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B)—

(i) the Commissioners first appointed under this section shall be appointed for terms ending 3, 4, 5, 6, and 7 years, respectively, after the date of enactment of this Act, the term of each to be designated by the President at the time of nomination; and

(ii) each of their successors shall be appointed for a term of 5 years from the date of the expiration of the term for which the predecessor was appointed.

(B) LIMITATIONS.—Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor thereof was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of such term until a successor has taken office, except that such Commissioner may not continue to serve more than 1 year after the date on which the term of that Commissioner would otherwise expire under this subsection.

(3) RESTRICTIONS ON OUTSIDE ACTIVITIES.—

(A) POLITICAL AFFILIATION.—Not more than 3 Commissioners may be affiliated with the same political party.

(B) CONFLICTS OF INTEREST.—No individual may serve as a Commissioner if that individual—

(i) is in the employ of, holding any official relation to, or married to any person engaged in selling or devising consumer financial products;

(ii) owns stock or bonds of substantial value in a person so engaged;

(iii) is in any other manner pecuniarily interested in a person so engaged; or

(iv) engages in any other business, vocation, or employment.

(4) VACANCIES; QUORUM; SEAL; VICE CHAIRPERSON.—

(A) VACANCIES.—No vacancy on the Commission shall impair the right of the remaining Commissioners to exercise all of the powers of the Commission.

(B) QUORUM.—Three members of the Commission shall constitute a quorum for the transaction of business, except that—

(i) if there are only 3 members serving on the Commission because of vacancies on the Commission, 2 members of the Commission shall constitute a quorum for the transaction of business; and

(ii) if there are only 2 members serving on the Commission because of vacancies on the Commission, 2 members shall constitute a quorum for the 6-month period (or the 1-year period, if the 2 members are not affiliated with the same political party) beginning on the date of the vacancy which caused the number of Commissioners to decline to 2.

(C) SEAL.—The Commission shall have an official seal, of which judicial notice shall be taken.

(D) VICE CHAIRPERSON.—The Commission shall annually elect a Vice Chairperson to act in the absence or disability of the Chairperson or in case of a vacancy in the office of the Chairperson.

(5) OFFICES.—The Commission shall maintain a principal office and such field offices as it determines necessary, and may meet and exercise any of its powers at any other place.

(6) FUNCTIONS OF CHAIRPERSON; REQUEST FOR APPROPRIATIONS.—

(A) DUTIES.—The Chairperson shall be the principal executive officer of the Commission, and shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to—

(i) the appointment and supervision of personnel employed by the Commission (and the Commission shall fix their compensation at a level comparable to that for employees of the Securities and Exchange Commission);

(ii) the distribution of business among personnel appointed and supervised by the Chairperson and among administrative units of the Commission; and

(iii) the use and expenditure of funds.

(B) GOVERNANCE.—In carrying out any of the functions of the Chairperson under this subsection, the Chairperson shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may, by law, be authorized to make.

(C) REQUESTS FOR APPROPRIATIONS.—Requests or estimates for regular, supplemental, or deficiency appropriations on behalf of the Commission may not be submitted by the Chairperson without the prior approval of a majority vote of the serving members of the Commission.

(7) AGENDA AND PRIORITIES; ESTABLISHMENT AND COMMENTS.—Not later than 30 days before the beginning of each fiscal year, the Commission shall establish an agenda for Commission action under its jurisdiction and, to the extent feasible, shall establish priorities for such actions. Before establishing such agenda and priorities, the Commission shall conduct a public hearing on the agenda and priorities, and shall provide reasonable opportunity for the submission of comments.

(d) OBJECTIVES AND RESPONSIBILITIES.—

(1) OBJECTIVES.—The objectives of the Commission are—

(A) to minimize unreasonable consumer risk associated with buying and using consumer financial products;

(B) to prevent and eliminate practices that lead consumers to incur unreasonable, inappropriate, or excessive debt, or make it difficult for consumers to repay existing debt, including practices or product features that are abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise inconsistent with consumer protection;

(C) to promote practices that assist and encourage consumers to use credit and consumer financial products responsibly, avoid excessive debt, and avoid unnecessary or excessive charges derived from or associated with consumer financial products;

(D) to ensure that providers of consumer financial products provide credit based on the ability of the consumer to repay the debt incurred;

(E) to ensure that consumer credit history is maintained, reported, and used fairly and accurately;

(F) to maintain strong privacy protections for consumer transactions, credit history, and other personal information associated with the use of consumer financial products;

(G) to collect, investigate, resolve, and inform the public about consumer complaints regarding consumer financial products;

(H) to ensure a fair resolution of consumer disputes regarding consumer financial products; and

(I) to take such other steps as are reasonable to protect users of consumer financial products.

(2) RESPONSIBILITIES.—The Commission shall—

(A) promulgate consumer financial product safety rules that—

(i) ban abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise anticonsumer practices, products, or product features;

(ii) place reasonable restrictions on consumer financial products, practices, or product features to reduce the likelihood that they may be provided in a manner that is inconsistent with the objectives specified in paragraph (1); and

(iii) establish requirements for such clear and adequate warnings or other information, and the form and manner of delivery of such warnings or other information, as may be appropriate to advance the objectives specified in paragraph (1);

(B) establish and maintain a best practices guide for all providers of consumer financial products;

(C) conduct such continuing studies and investigations of consumer financial products and industry practices as it determines necessary;

(D) award grants or enter into contracts for the conduct of such studies and investigations with any person (including a governmental entity), as necessary to advance the objectives specified in paragraph (1);

(E) following publication of a rule, assist public and private organizations or groups of consumer financial product providers, administratively and technically, in the development of safety standards or guidelines that would assist such providers in complying with such rule;

(F) comment on selected rulemakings of departments and agencies designated in subsection (e)(4) affecting consumer financial products; and

(G) establish and operate a consumer financial product customer hotline which consumers can call to register complaints and receive information on how to combat anticonsumer products or practices.

(e) COORDINATION OF ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any concurrent or similar authority of any other agency, the Commission shall enforce the requirements of this section.

(2) RULE OF CONSTRUCTION.—The authority granted to the Commission to make and enforce rules under this section shall not be construed to impair the authority of any other Federal department or agency to make and enforce rules under any other provision of law, provided that any portion of any rule promulgated by any other such department or agency that conflicts with a rule promulgated by the Commission and that is less protective of consumers than the rule promulgated by the Commission shall be superseded by the rule promulgated by the Commission, to the extent of the conflict. Any portion of any rule promulgated by any other such department or agency that is not superseded by a rule promulgated by the Commission shall remain in force without regard to this section.

(3) AGENCY AUTHORITY.—Any department or agency designated in paragraph (4) may exercise, for the purpose of enforcing compliance with any requirement imposed under this section, any authority conferred on such department or agency by any other Act.

(4) DESIGNATED DEPARTMENTS AND AGENCIES.—The departments and agencies designated in this subsection are—

(A) the Board of Governors of the Federal Reserve System;

(B) the Federal Deposit Insurance Corporation;

(C) the Office of the Comptroller of the Currency;

(D) the Office of Thrift Supervision;

(E) the National Credit Union Administration;

(F) the Federal Housing Finance Authority;

(G) the Federal Housing Administration;
(H) the Department of Housing and Urban Development;

(I) the Federal Home Loan Bank Board;
(J) the Federal Trade Commission; and
(K) any successor to any department or agency referred to in subparagraphs (A) through (J) as may be constituted.

(5) COORDINATION OF RULEMAKING.—Any department or agency designated in paragraph (4) that engages in a rulemaking affecting consumer financial products shall consult with the Commission in the promulgation of such rules.

(f) AUTHORITIES.—

(1) AUTHORITY TO CONDUCT HEARINGS OR OTHER INQUIRIES.—

(A) IN GENERAL.—The Commission may, by one or more of its members, or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States.

(B) MEMBER PARTICIPATION.—A Commissioner who participates in a hearing or other inquiry described in subparagraph (A) shall not be disqualified solely by reason of such participation from subsequently participating in a decision of the Commission in the same matter.

(C) NOTICE REQUIRED.—The Commission shall publish notice of any proposed hearing in the Federal Register, and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(2) COMMISSION POWERS; ORDERS.—The Commission shall have the power—

(A) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe to carry out a specific regulatory or enforcement function of the Commission, and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine, and such order shall contain a complete statement of the reasons that the Commission requires the report or answers specified in the order to carry out a specific regulatory or enforcement function of the Commission;

(B) to administer oaths;

(C) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(D) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under subparagraph (C);

(E) to pay witnesses the same fees and mileage costs as are paid in like circumstances in the courts of the United States;

(F) to accept voluntary and uncompensated services relevant to the performance of the duties of the Commission, notwithstanding the provisions of section 1342 of title 31, United States Code, and to accept voluntary and uncompensated services (but not gifts) relevant to the performance of the duties of the Commission, provided that any such services shall not be from parties that have or are likely to have business before the Commission;

(G) to—

(i) issue an order requiring compliance with applicable legal requirements;

(ii) issue a civil penalty order in accordance with subsection (i)(2);

(iii) initiate, prosecute, defend, intervene in, or appeal (other than to the Supreme Court of the United States), through its own legal representative and in the name of the Commission, any civil action, if the Commission makes a written request to the Attorney General of the United States for representation in such civil action and the Attorney General does not, within the 45-day period beginning on the date on which such request was made, notify the Commission in writing that the Attorney General will represent the Commission in such civil action; and

(iv) whenever the Commission obtains evidence that any person has engaged in conduct that may constitute a violation of Federal criminal law, including a violation of subsection (h), transmit such evidence to the Attorney General of the United States; and

(H) to delegate any of its functions or powers, other than the power to issue subpoenas under subparagraph (C), to any officer or employee of the Commission.

(3) NONCOMPLIANCE WITH SUBPOENA OR COMMISSION ORDER.—If a person refuses to obey a subpoena or order of the Commission issued under paragraph (2), the Commission (subject to paragraph (2)(G)) or the Attorney General of the United States may bring an action in the United States district court for the district and division in which the inquiry is carried out or any other appropriate United States district court seeking an order requiring compliance with the subpoena or order.

(4) DISCLOSURE OF INFORMATION.—No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information to the Commission.

(5) CUSTOMER AND REVENUE DATA.—The Commission may, by rule, require any provider of consumer financial products to provide to the Commission such customer and revenue data as may be required to carry out this section.

(6) PURCHASE OF CONSUMER FINANCIAL PRODUCTS BY COMMISSION.—For purposes of carrying out this section, the Commission may purchase any consumer financial product and it may require any provider of consumer financial products to sell the product to the Commission at cost.

(7) CONTRACT AUTHORITY.—The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this section.

(8) BUDGET ESTIMATES AND REQUESTS; LEGISLATIVE RECOMMENDATIONS; TESTIMONY; COMMENTS ON LEGISLATION.—

(A) BUDGET COPIES TO CONGRESS.—Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the appropriate committees of Congress.

(B) LEGISLATIVE RECOMMENDATION.—Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the appropriate committees of Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the appropriate committees of Congress.

(g) COLLABORATION WITH FEDERAL AND STATE ENTITIES.—

(1) PREEMPTION.—Nothing in this section or any rule promulgated under this section may be construed to annul, alter, affect, or exempt any person from complying with the laws of any State, except to the extent that those laws are inconsistent with a consumer financial product safety rule promulgated by the Commission, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this section or a consumer financial product safety rule, or the purposes of this section or such rule, if the protection afforded by such State law to any consumer is greater than the protection provided by this section or such consumer financial product safety rule. Nothing in this section or any rule promulgated under this section precludes any remedy under State law to or on behalf of a consumer.

(2) PROGRAMS TO PROMOTE FEDERAL-STATE COOPERATION.—

(A) IN GENERAL.—The Commission shall establish a program to promote cooperation between the Federal Government and State governments for purposes of carrying out this section.

(B) AUTHORITIES.—In implementing the program under subparagraph (A), the Commission may—

(i) accept from any State or local authority engaged in activities relating to consumer protection assistance in such functions as data collection, investigation, and educational programs, as well as other assistance in the administration and enforcement of this section which such States or local governments may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance; and

(ii) commission any qualified officer or employee of any State or local government agency as an officer of the Commission for the purpose of conducting investigations.

(3) COOPERATION OF FEDERAL DEPARTMENTS AND AGENCIES.—The Commission may obtain from any Federal department or agency such statistics, data, program reports, and other materials as it may determine necessary to carry out its functions under this section. Each such department or agency shall cooperate with the Commission and, to the extent permitted by law, furnish such materials to the Commission. The Commission and the heads of other departments and agencies engaged in administering programs relating to consumer financial product safety shall, to the maximum extent practicable, cooperate and consult in order to ensure fully coordinated efforts.

(h) PROHIBITED ACTS.—It shall be unlawful for any person—

(1) to advertise, offer, or attempt to enforce any agreement, term, change in term, fee, or charge in connection with any consumer financial product, or engage in any practice, that is not in conformity with this section or an applicable consumer financial product safety rule under this section; or

(2) to fail or refuse to permit access to or copying of records, or fail or refuse to establish or maintain records, or fail or refuse to make reports or provide information to the Commission, as required under this section or any rule under this section.

(i) ENFORCEMENT.—

(1) CRIMINAL PENALTIES.—

(A) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully violates subsection (h) shall be fined not more than \$500,000, imprisoned not more than 1 year, or both for each such violation.

(B) EXECUTIVES AND AGENTS.—Any individual director, officer, or agent of a business entity who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of subsection (h) shall be subject to penalties under this section, without regard to any penalties to which that person may otherwise be subject.

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person who violates subsection (h) shall be subject to a civil penalty in an amount established under subparagraph (B). A violation of subsection (h) shall constitute a separate civil offense with respect to each consumer financial product transaction involved.

(B) PUBLICATION OF SCHEDULE OF PENALTIES.—Not later than December 1, 2009, and December 1 of each fifth year thereafter, the Commission shall prescribe and publish in the Federal Register a schedule of the maximum authorized civil penalty that shall apply for any violation of subsection (h) that occurs on or after January 1 of the year immediately following the date of such publication.

(C) RELEVANT FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of any civil penalty in an action for a violation of subsection (h), the Commission—

(i) shall consider—

(I) the nature of the consumer financial product;

(II) the severity of the unreasonable risk to the consumer;

(III) the number of products or services sold or distributed;

(IV) the occurrence or absence of consumer injury; and

(V) the appropriateness of such penalty in relation to the size of the business of the person charged; and

(ii) shall ensure that penalties in each case are sufficient to induce compliance by all regulated entities.

(D) COMPROMISE OF PENALTY; DEDUCTIONS FROM PENALTY.—

(i) IN GENERAL.—Any civil penalty under this section may be compromised by the Commission.

(ii) CONSIDERATIONS.—In determining the amount of such penalty or whether it should be remitted or mitigated and in what amount, the Commission—

(I) shall consider—

(aa) the nature of the consumer financial product;

(bb) the severity of the unreasonable risk to the consumer;

(cc) the number of offending products or services sold;

(dd) the occurrence or absence of consumer injury; and

(ee) the appropriateness of such penalty to the size of the business of the person charged; and

(II) shall ensure that compromise penalties remain sufficient to induce compliance by all regulated entities.

(iii) AMOUNT.—The amount of a penalty compromised under this paragraph, when finally determined, or the amount agreed on compromise, may be deducted from any sums owing by the United States to the person charged.

(3) COLLECTION AND USE OF PENALTIES.—

(A) ESTABLISHMENT OF FUND.—There is established within the Treasury of the United States a fund, into which shall be deposited all criminal and civil penalties collected under this section.

(B) USE OF FUND.—The fund established under this subsection shall be used to defray

the costs of the operations of the Commission or, where appropriate, provide restitution to harmed consumers.

(4) PRIVATE ENFORCEMENT.—

(A) IN GENERAL.—A person may bring a civil action for a violation of subsection (h) for equitable relief and other charges and costs in an amount equal to the sum of—

(i) any actual damages sustained by such person as a result of such violation, if actual damages resulted;

(ii) twice the amount of any finance charge in connection with the transaction, except that such liability shall not be less than \$1,000, such minimum to be adjusted on an annual basis by the Commission based upon the consumer price index; and

(iii) reasonable attorney fees and costs.

(B) STATUTE OF LIMITATIONS.—Any action under this paragraph may be brought in any appropriate United States district court, or in any other court of competent jurisdiction, not later than 2 years after the date of the discovery of the violation.

(5) RULES OF CONSTRUCTION.—Nothing in this subsection bars a person from asserting a violation of this section in an action to collect a debt, or if foreclosure has been initiated, as a matter of defense by recoupment or set-off. An action under this subsection shall not be the basis for removal of an action to a United States district court. Neither this subsection nor any other provision of this section preempts or otherwise displaces claims and remedies available under State law, except as otherwise specifically provided in this section.

(6) STATE ACTIONS FOR VIOLATIONS.—

(A) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating subsection (h), the State—

(i) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

(ii) may bring an action on behalf of the residents of the State to recover—

(I) damages for which the person is liable to such residents under paragraph (4) as a result of the violation; and

(II) civil penalties, as established under paragraph (2); and

(iii) in the case of any successful action under clause (i) or (ii), shall be awarded the costs of the action and reasonable attorney fees, as determined by the court.

(B) RIGHTS OF FEDERAL REGULATORS.—

(i) NOTICE OF STATE ACTION.—A State shall serve prior written notice of any action under subparagraph (A) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(ii) COMMISSION AUTHORIZATION.—Upon notice of an action under clause (i), the Commission shall have the right—

(I) to intervene in the action;

(II) upon so intervening, to be heard on all matters arising therein;

(III) to remove the action to the appropriate United States district court; and

(IV) to file petitions for appeal.

(C) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection or in any other provision of Federal law shall prevent the chief law enforcement officer of a State, or an official or agency designated by a State,

from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(D) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Commission has instituted a civil action or an administrative action for a violation of subsection (h), a State may not, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of subsection (h) that is alleged in that complaint.

(j) REPORTS.—

(1) REPORTS TO THE PUBLIC.—The Commission shall determine what reports should be produced and distributed to the public on a recurring and ad hoc basis, and shall prepare and publish such reports on a website that provides free access to the general public.

(2) REPORT TO THE PRESIDENT AND CONGRESS.—

(A) IN GENERAL.—The Commission shall prepare and submit to the President and the appropriate committees of Congress, at the beginning of each regular session of Congress, a comprehensive report on the administration of this section for the preceding fiscal year.

(B) REPORT CONTENT.—The reports required by this subsection shall include—

(i) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence and effects of practices associated with the provision of consumer financial products that are inconsistent with the objectives specified in subsection (d)(1), with a breakdown, insofar as practicable, among the various sources of injury, as the Commission finds appropriate;

(ii) a list of consumer financial product safety rules prescribed or in effect during such year;

(iii) an evaluation of the degree of observance of consumer financial product safety rules, including a list of enforcement actions, court decisions, and compromises of civil penalties, by location and company name;

(iv) a summary of outstanding problems confronting the administration of this section, in order of priority;

(v) an analysis and evaluation of public and private consumer financial product safety research activities;

(vi) a list, with a brief statement of the issues, of completed or pending judicial actions under this section;

(vii) the extent to which technical information was disseminated to the research and consumer communities and consumer information was made available to the public;

(viii) the extent of cooperation between Commission officials, representatives of the consumer financial products industry, and other interested parties in the implementation of this section, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(ix) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission;

(x) such recommendations for additional legislation as the Commission deems necessary to carry out this section; and

(xi) the extent of cooperation with, and the joint efforts undertaken by, the Commission in conjunction with other regulators with whom the Commission shares responsibilities for consumer financial product safety.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for purposes of carrying out this section such sums as may be necessary.

SA 1091. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . BOARD REVIEW OF SMALL BUSINESS CREDIT PLANS AND REGULATIONS.

(a) **REQUIRED REVIEW.**—Not later than 6 months after the effective date of this Act, the Board shall to conduct a review of the use of credit cards by businesses with not more than 500 employees (in this section referred to as “small businesses”) and the credit card market for small businesses, including—

(1) the terms of credit card agreements for small businesses and the practices of credit card issuers relating to small businesses;

(2) the adequacy of disclosures of terms, fees, and other expenses of credit card plans for small businesses;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans for small businesses;

(4) the cost and availability of credit for small businesses, particularly with respect to non-prime borrowers;

(5) the use of risk-based pricing for small businesses; and

(6) credit card product innovation relating to small businesses.

(b) **SOLICITATION OF PUBLIC COMMENT.**—In conducting the review required by subsection (a), the Board shall solicit comment from owners of small businesses, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) **REGULATIONS.**—Following the review required by subsection (a), the Board shall publish notice in the Federal Register—

(1) that summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board, such as through consumer testing or other research; and

(2) that—

(A) proposes new or revised regulations or interpretations to update or revise disclosures and protections for credit cards for small businesses, as appropriate; or

(B) states the reasons for any determination of the Board that new or revised regulations are not proposed under subparagraph (A).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be au-

thorized to meet during the session of the Senate to conduct a hearing on Tuesday, May 12, 2009, at 2:30 p.m., in room SD-336 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 9:45 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, in 106 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 10:15 a.m., to hold a hearing entitled “U.S. Strategy Toward Pakistan.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 2 p.m., to hold a hearing entitled “Energy Security: Historical Perspectives and Modern Challenges.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental

Affairs be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 4 p.m. to conduct a hearing entitled “The Homeland Security Department’s Budget Submission for Fiscal Year 2010.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled “Helping State and Local Law Enforcement” on Tuesday, May 12, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled “Nominations” on Tuesday, May 12, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Tuesday, May 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 12, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Agriculture Committee be discharged en bloc from further consideration of PN230, PN268, PN356, and PN367; that the Senate then proceed en bloc to their consideration; that the nominations be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order, and any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Dallas P. Tonsager, of South Dakota, to be Under Secretary of Agriculture for Rural Development.

Krysta Harden, of Virginia, to be an Assistant Secretary of Agriculture.

Rajiv J. Shah, of Washington, to be Under Secretary of Agriculture for Research, Education, and Economics.

Pearlie S. Reed, of Arkansas, to be an Assistant Secretary of Agriculture.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 79, 129, 130, 131, and 133; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order, and any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOMELAND SECURITY

William Craig Fugate, of Florida, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

ENVIRONMENTAL PROTECTION AGENCY

Cynthia J. Giles, of Rhode Island, to be an Assistant Administrator of the Environmental Protection Agency.

Mathy Stanislaus, of New Jersey, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

Michelle DePass, of New York, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF HOMELAND SECURITY

John Morton, of Virginia, to be an Assistant Secretary of Homeland Security.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 38 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 38) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and

any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 38) was agreed to.

DESIGNATING MAY 15, 2009, AS "ENDANGERED SPECIES DAY"

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 121.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 121) designating May 15, 2009 as "Endangered Species Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 121

Whereas, in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas $\frac{3}{4}$ of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2009, as "Endangered Species Day";

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private land-

owners and private stewardship in the protection and recovery of species;

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe the day with appropriate ceremonies and activities.

DESIGNATING MAY 15, 2009, AS "NATIONAL MPS AWARENESS DAY"

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 143 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 143) designating May 15, 2009 as "National MPS Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 143) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 143

Whereas mucopolysaccharidosis (referred to in this resolution as "MPS") is a genetically determined lysosomal storage disease that renders the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to such cells;

Whereas such cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disease is usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS diseases;

Whereas promising advancements in the pursuit of treatments for additional MPS diseases are underway;

Whereas, despite the creation of newly developed remedies, the blood-brain barrier continues to be a significant impediment to

effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS diseases;

Whereas the lack of awareness about MPS diseases extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for the study of many other degenerative genetic diseases;

Whereas the development of effective therapies and a potential cure for MPS diseases can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution that can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS diseases: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2009, as “National MPS Awareness Day”; and

(2) supports the goals and ideals of “National MPS Awareness Day”.

Mr. REID. Mr. President, the reason we say “MPS” is the word is hard to pronounce. It is spelled M-U-C-O-P-O-L-Y-S-A-C-C-H-A-R-I-D-O-S-I-S. I commend the Senators for moving this forward. It is a very complex problem many people have. More awareness should be made of this condition. As a result, we are confident and hopeful that because this resolution passes, there will be more medical research about this condition, MPS.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HEALTH WEEK

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 144.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 144) supporting the goals and ideals of National Woman's Health Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 144) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 144

Whereas women of all backgrounds should be encouraged to greatly reduce the risk of common diseases through preventive measures such as a healthy lifestyle that includes engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian-Pacific Islander women, Latinas, American-Indian women, and Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas the Offices on Women's Health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital to providing critical services in supporting women's health research, education, and other necessary services that benefit women of any age, race, or ethnicity;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues;

Whereas May 11, 2009, is National Women's Check-Up Day; and

Whereas in 2009, the week of May 10 through May 16 is dedicated as National Women's Health Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week, which begins on May 10, 2009, as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers; and

(5) recognizes the importance of federally-funded programs that provide research and collect data on common diseases in women.

DESIGNATING THE WEEK OF MAY 17 THROUGH MAY 23, 2009, AS “NATIONAL PUBLIC WORKS WEEK”

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 145.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 145) designating May 17 through May 23, 2009, as “National Public Works Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be

agreed to, the preamble be agreed to; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 145) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 145

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas those facilities and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas those individuals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens and communities of the United States; and

Whereas it is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 17 through May 23, 2009, as “National Public Works Week”; and

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

ORDERS FOR WEDNESDAY, MAY 13, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 tomorrow morning, Wednesday, May 13; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session, with 1 hour for debate, equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of the time,

the Senate vote on the motion to invoke cloture on the Hayes nomination. The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate recess from 12:30 until 1:30 tomorrow afternoon for a Democratic caucus.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we are going to come in tomorrow morning, and we will vote at approximately 10:30 on whether we are going to invoke cloture on the motion to close debate on the Hayes nomination. It is a very important nomination for Secretary Salazar. We are going to recess from 12:30 to 1:30 for a caucus, where a number of the President's people will be giving us information that we and they feel is important.

Tomorrow night, at 6:30, everybody should be reminded there is a Senate spouses' dinner—both Democrats and Republicans with their spouses. We will have a nice dinner at the Botanic Garden. This is done every year following the First Lady's luncheon. It is a good night for us to meet in a nonadversarial role. The Botanic Garden at this time of year is a remarkably beautiful place.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:36 p.m., adjourned until Wednesday, May 13, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

WILLIAM J. WILKINS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF COUNSEL FOR THE INTERNAL REVENUE SERVICE AND AN ASSISTANT GENERAL COUNSEL IN THE DEPARTMENT OF THE TREASURY, VICE DONALD KORB, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

CHRISTINE M. GRIFFIN, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE HOWARD CHARLES WEIZMANN, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JEFFREY D. ZIENTS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF

MANAGEMENT AND BUDGET, VICE CLAY JOHNSON, III, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM T. LORD

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. JOSEPH J. TALUTO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DENNIS L. VIA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

To be major general

BRIGADIER GENERAL HAROLD G. BUNCH
BRIGADIER GENERAL STUART M. DYER
BRIGADIER GENERAL GLENN J. LESNIAK
BRIGADIER GENERAL CHARLES D. LUCKEY
BRIGADIER GENERAL JEFFREY W. TALLEY
BRIGADIER GENERAL LUIS R. VISOT

To be brigadier general

COLONEL MARK C. ARNOLD
COLONEL LAWRENCE W. BROCK III
COLONEL DWAYNE R. EDWARDS
COLONEL STEVEN J. FELDMANN
COLONEL FERNANDO FERNANDEZ
COLONEL JONATHAN G. IVES
COLONEL BUD R. JAMESON, JR.
COLONEL BRYAN R. KELLY
COLONEL JON D. LEE
COLONEL MARK T. MCQUEEN
COLONEL THERESE M. O'BRIEN
COLONEL LUCAS N. POLAKOWSKI
COLONEL PETER T. QUINN
COLONEL ROBERT L. WALTER, JR.
COLONEL JAMES T. WILLIAMS

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL JAMES W. KWIATKOWSKI
BRIGADIER GENERAL JEFFREY S. LAWSON
BRIGADIER GENERAL DEBORAH S. ROSE
BRIGADIER GENERAL EDWIN A. VINCENT, JR.

To be brigadier general

COLONEL STEPHEN M. ATKINSON
COLONEL PAUL L. AYERS
COLONEL DANIEL S.V. BADER
COLONEL DARYL L. BOHAC
COLONEL JOSEPH J. BRANDEMUEHL
COLONEL TIMOTHY T. DEARING
COLONEL SHARON S. DIEFFENDERFER
COLONEL JONATHAN S. FLAUGHER
COLONEL ROBERT M. GINNETTI
COLONEL JOHNATHAN H. GROFF
COLONEL JAMES D. HILL
COLONEL ZANE R. JOHNSON
COLONEL JOSEPH K. KIM
COLONEL KEITH I. LANG
COLONEL ROBERT W. LOVELL
COLONEL JOHN P. MCGOFF
COLONEL GUNTHER H. NEUMANN
COLONEL PAUL A. POCOPANNI, JR.
COLONEL CHRISTOPHER A. POPE
COLONEL CAROLYN J. PROTZMANN
COLONEL CARLOS E. RODRIGUEZ
COLONEL JOSE J. SALINAS
COLONEL WAYNE M. SHANKS

COLONEL WILLIAM H. SHAWVER, JR.
COLONEL JAMES C. WITHAM
COLONEL SALLIE K. WORCESTER
COLONEL WANDA A. WRIGHT
COLONEL WAYNE A. WRIGHT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JAMES G. STAVRIDIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ANN E. RONDEAU

DISCHARGED NOMINATIONS

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.

KRYSTA HARDEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

RAJIV J. SHAH, OF WASHINGTON, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

PEARLIE S. REED, OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, May 12, 2009:

DEPARTMENT OF HOMELAND SECURITY

WILLIAM CRAIG FUGATE, OF FLORIDA, TO BE ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

ENVIRONMENTAL PROTECTION AGENCY

CYNTHIA J. GILES, OF RHODE ISLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

MATHY STANISLAUS, OF NEW JERSEY, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY.

MICHELLE DEPASS, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF HOMELAND SECURITY

JOHN MORTON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted Committee of the Senate.

DEPARTMENT OF AGRICULTURE

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.

KRYSTA HARDEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

RAJIV J. SHAH, OF WASHINGTON, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

PEARLIE S. REED, OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

HOUSE OF REPRESENTATIVES—Tuesday, May 12, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. COSTA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 12, 2009.

I hereby appoint the Honorable JIM COSTA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

REPAYMENT OF TARP FUNDS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. Mr. Speaker, my speech builds on two themes.

The first is the continuing effort of administrations of both political parties to turn Congress into a mere advisory body. One of the more effective ways of doing this is to embrace those statutory sections that they like and to ignore those statutory sections that they don't like.

The second theme is, it's not illegal if Wall Street wants it.

Now let us illustrate these two themes on the TARP legislation, the legislation that provided \$700 billion to bail out Wall Street and provided the Secretary of the Treasury with enormous authority and discretion as to how that money would be used.

Now I thought \$700 billion was more than enough. For many reasons I voted against this bill. But there was at least one code section in the bill that seemed to make sense, and that was a provision that stated clearly and unequivocally that whatever money came back from whatever investments were made by the Secretary of the Treasury would

go to the general fund, would pay down the national debt, would go into the same fund that our money went into on April 15 when we mailed in our tax returns.

And that's why section 106(d) of the bill that created the act states very simply, "Revenues of, and proceeds from the sale of troubled assets purchased under this Act, or from the sale, exercise, or surrender of warrants or senior debt instruments acquired under section 113"—and here are the key words—"shall be paid into the general fund of the Treasury for the reduction of the public debt."

How is this code section relevant? How does it fit into the overall statute? Well, the statute envisions the idea that the Secretary of the Treasury would use our \$700 billion to purchase certain investment assets defined in the bill as troubled assets, and then at some subsequent point those assets would be sold. Whatever money we got from that sale or from the redemption, when we traded in those assets, whatever we got would go into the general fund.

It is being widely accepted in the press, in Washington and on Wall Street that whatever the Secretary of the Treasury gets back from the banks will instead be part of some revolving fund from which the Secretary of the Treasury may make additional bailouts in addition to the first \$700 billion of expenditures.

Well, the statute is very clear to the contrary. Whatever is returned to the Treasury goes into the general fund.

Now one thing to keep in mind is this statute uses the term "troubled assets" so that the Secretary of the Treasury might say, well, what we're selling is the preferred stock that Secretary Paulson originally invested in. These aren't troubled assets. They're happy assets, and therefore, section 106(d) would not apply.

This is a complete misreading of the statute because if you turn to section 3(9)(B) of the statute, "troubled assets" is defined as, "any other financial instrument that the Secretary, after consultation with the Chairman of the Board of Governors of the Federal Reserve System, determines the purchase of which is necessary to promote financial market stability, but only upon transmittal of such determination, in writing, to the appropriate committees of Congress."

The preferred stock that we are about to sell or that the companies are about to repurchase from us is exactly

this kind of troubled asset. It was purchased by the Secretary of the Treasury after a determination that doing so was necessary to promote financial stability, and to make it very clear that they were relying on section 3(9)(B), which defines troubled assets, the Secretary of the Treasury sent the appropriate committees a written determination.

So when we bought the assets, they were defined by the Treasury Department as being troubled assets. They are clearly subject to this code section.

But one more thing, if for some reason the preferred stock wasn't within the ambit of the definition of troubled assets when it was purchased, then the purchase was illegal to begin with because the only code section in the bailout bill that allows for that purchase is section 101(a)(1), which authorizes only the purchase of troubled assets.

Make sure when we get back the money, it's not a revolving fund, that it goes into the general Treasury to pay off the national debt.

PRESIDENT OBAMA'S ENERGY TAX

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from West Virginia (Ms. FOXX) for 5 minutes.

Ms. FOXX. Thank you, Mr. Speaker. Americans are very concerned about our economy right now, and one of the things that gives them a lot of concern is where we are in terms of price for energy.

The Republicans have a group called the American Energy Solutions Group that has been working on this issue, and I want to share some information that they have put together. Republicans, despite what our colleagues on the other side have said, have alternatives to the problems that we're facing in this country, but often these alternatives are not getting the attention from the majority party they deserve.

Despite the President's campaign promise not to raise taxes on 95 percent of Americans, his energy plan is nothing more than a \$646 billion national energy tax on every American family and small business. As families and businesses struggle in these difficult times, it's unconscionable to make the pain worse by forcing taxpayers to pay ever-higher energy bills.

The President's energy plan will force family energy costs to rise by more than \$3,100 per year and will pull \$860 billion out of family budgets and put it into the Federal budget. And

this is being optimistic. The non-partisan Congressional Budget Office estimates the real cost to be as high as \$3 trillion over the next 10 years. That means \$1,000 in energy tax hikes for every man, woman and child.

The President's own budget director, Peter Orszag, has testified that a tax on carbon emissions would "impose costs on the economy," and that consumers will pay these costs through higher energy prices. The President himself has admitted that his plan will cause energy prices to skyrocket.

The poor will be hit the hardest by this national energy tax. Experts agree that poor families spend a larger portion of their income on energy costs. Not even the President's modest Make Work Pay tax credit is enough to cover the high energy costs that will be forced on American families.

Instead of providing solutions to keep energy costs low, the President and Democrats in Washington are proposing a national energy tax that will hit every worker, family and business across our country. Republicans support helping American families through these difficult times through immediate tax relief, not increased taxes.

Since the current economic recession began in December of 2007 with the Democrats in charge of Congress, more than 5 million jobs have been lost. Yet the President proposes an energy plan that could result in anywhere between 1.8 and 7 million additional jobs being lost. The only jobs that are going to be created are for more government bureaucrats.

Republicans support keeping energy prices low at home and at the pump through American energy by American workers. Instead of creating American energy made by American workers, the President's energy plan keeps us dependent on foreign oil.

Republicans support more American-made energy through the creation of new and renewable energy sources, conservation and more domestic energy production. Giving American workers the resources to create American-made energy will keep the cost of energy low for American consumers.

The President and the Democrat-controlled Congress are using this economic crisis as an opportunity to force dramatic change on the American people. As the President's own chief of staff has said, "You never let a crisis go to waste."

As Robert Samuelson noted in March, the President says he is focused on the economy, "but he's also using the crisis to advance an ambitious long-term agenda." One thing is certain, it's an agenda that will lead to more taxes, fewer jobs and less energy.

The Republicans have an alternative. It's called all of the above. We should develop all the resources that we have in the United States. We should con-

serve, we should look for alternatives, and we should use this opportunity to create more jobs and grow the economy, not kill jobs and slow the economy down even more.

Mr. Speaker, we need the Republican plan to be paid attention to. The American people want it, and they deserve it.

TIME TO PASS CLEAN ENERGY LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Thank you, Mr. Speaker.

Americans have not faced this level of economic stress since the Great Depression. Nearly a decade of ideologically driven deregulation sent the foundation of financial market regulation asunder and enabled the housing market bubble and subsequent financial crash. The same deregulators created an energy market that rewarded old polluting technologies while increasing greenhouse gas emissions and other kinds of pollution. The same Gilded Age politics that wreaked our financial system laid waste to our environment.

Today the same people who let Wall Street run amok claim that we cannot afford to make investments in energy independence or create new jobs with renewable energy generation. In fact, we just heard such remarks. They claim that economic and environmental renewal is somehow too costly to undertake at this critical juncture in our Nation's history. In reality, with a contracting economy and expanding global warming pollution, we cannot afford inaction.

The Energy and Commerce Committee is considering draft legislation that would make historic investments in clean energy and job creation while dramatically reducing global warming and pollution. According to the Nobel Prize-winning economist Paul Krugman, this legislation would help spur economic growth by creating powerful incentives to invest in renewable energy.

This legislation also presents Congress with an opportunity to make polluters pay while directing money to consumers who have suffered as a result of the economic policies of the prior administration.

Although the committee's bill is in discussion draft with some details still unresolved, let us consider the economic math for American families.

If Congress enacted this legislation, the American Clean Energy and Security Act, and made polluters pay through a 100 percent auction of carbon credits for all of their greenhouse gas emissions, we could write a check in theory to every American for \$2,150 per year.

□ 1245

Due to inaction by the previous administration, polluters do not have to pay for the impacts of greenhouse gas pollution and its impacts on communities all across the United States. From rising sea levels to increased incidence of severe weather, the costs of global warming are increasing each year.

The minority party seems to believe that average Americans should bear that cost, not those who create the pollution in the first place.

The business community understands we cannot bear the economic costs of inaction. Companies including eBay, Nike, Starbucks, Levi Strauss, Symantec, Johnson & Johnson and others have formed a Business for Climate and Innovative Energy Policy Coalition, known as BICEP, to advocate for clean energy legislation that reduces greenhouse gas pollution. It auctions 100 percent of pollution permits, establishes a renewable electricity standard and invests in job creation. Those businesses support clean energy jobs legislation both to spur economic growth and to avoid the costs associated with global warming, which will reach at least \$271 billion, it is estimated, by 2025 if we do not act.

Now is the time to pass legislation that spurs jobs creation, reduces greenhouse gas pollution and puts money back in the pockets of the people who are suffering as a result of the failed economic policies of the Republican administration that just left town.

Mr. Speaker, as we consider the American Clean Energy and Security Act, we must ensure that we will make polluters pay and use the revenue to invest in job creation here at home and give a climate rebate to all Americans.

INFORMED CONSUMER CHOICE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

Ms. DELAURO. Mr. Speaker, as we work to ensure every American has access to affordable choices of public or private health care coverage, we must also give them the tools to make informed choices about that coverage, to make sure that we will truly provide adequate protection in case they ever get sick.

We have all heard stories, sometimes tragic stories, about Americans who thought their health care coverage was comprehensive, only to realize that it had huge gaps once they actually got sick. Take the story of Jim Stacey, from Fayetteville, North Carolina. In 2000, Mr. Stacey and his wife bought a plan with a lifetime maximum payout of up to \$1 million per person. Then he learned he had prostate cancer. But the policy paid only \$1,480 of the more than \$17,000 in treatment costs.

The simple fact is that right now, what you see is not what you get as a customer trying to decide on a health care plan. According to one recent study from Georgetown University, health insurance plans that look similar up front with similar copays, deductibles and so-called "out-of-pocket limits" can actually result in drastically different out-of-pocket expenses at the end of the day. And yet because that information is buried in legalese, or simply left out altogether, the consumer cannot tell the difference before it is too late.

Mr. Speaker, when we buy cars, computers, even cereal, we know what we are getting and how much it will cost. And yet when it comes to purchasing health care coverage today, families are too often kept in the dark about what kind of care their plan covers or what out-of-pocket costs they may face in the case of a serious illness.

Health insurance is one of the most expensive products Americans buy. Consumers and employers pay on average over \$12,000 for it every single year. And yet we still expect them to make critical decisions about their health and well-being without all the information they need. You or I would never buy a car without first looking at its crash test ratings or knowing what kind of safety features it had. It is all laid out right on the sticker. Yet when it comes to health insurance, the most important information is simply not there.

And in a system where costs continue to skyrocket, the consequences have been devastating. Bad coverage and hidden exclusions can bankrupt people. Sixty-one percent of working age adults who had problems paying medical bills or were paying off medical debt in 2007 actually had health insurance at the time the care was provided.

That is why I plan to introduce the Informed Consumer Choices in Health Care Act to promote transparency in coverage and to provide crucial data to consumers and health care providers.

The American Cancer Society Cancer Action Network, the American Heart Association, Families USA, and the Campaign For America's Future endorse this legislation to promote consistent information standards, provide long-overdue data and resources for consumers and create a new Office of Health Insurance Oversight within the Department of Health and Human Services to administer accountability and transparency initiatives in coordination with State insurance regulators.

It is a simple idea that better information makes better consumers, and in the end, healthier families as well. That is what the Informed Consumer Choices in Health Care Act is all about. I hope you will join me in empowering consumers to make the right choices for themselves and their families to

make sure that they can truly count on their health care coverage.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

For us to approach You in prayer, Lord, does not mean we have exhausted all of our own energies and so now are forced to turn to You. You do not exist only on the edge of our outer limits.

Rather, Lord, You are at the very center of all existence. In prayer we simply become more aware of Your presence at every moment and in everything we do.

Lord, through our prayer, all reality and all our responsibilities take on new dimensions. In the midst of everything we discover the joy of Your creative presence and faithful love.

You bless the day. You bless Congress and this Nation both now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. RICHARDSON) come forward and lead the House in the Pledge of Allegiance.

Ms. RICHARDSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THOU SHALT NOT ASK

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. With the rash of crime by foreign nationals in the city of Houston, coupled with the recent

shooting of two Houston police officers by illegals that were previously deported, the Houston Police Officers Union wants to end the archaic, absurd policy of not questioning people about their immigration status.

President Gary Blankenship of the union bluntly says, "My guys are tired of dealing with criminal aliens. The severity of the crime is escalating". He advocates weeding out dangerous criminals from the illegal community. He clearly says he doesn't want to round up the 400,000 illegals in the Greater Houston sanctuary community—just capture criminal illegals.

But whoa there! You can't do that, saith the mayor and the open border crowd. That's insulting. That's probably racial profiling. The nerve of the police to ask people their legal status. That might scare them. And that's the Federal Government's job.

So Houston will continue the policy of "Thou Shalt Not Ask", and, for political expediency, prefer the desires of the illegal community over the safety of the police, the citizens, and the legal immigrants.

And that's just the way it is.

NO RAISE FOR SENIORS, BUT THE ONE FOR CONGRESS STAYS?

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. For the first time in more than 30 years, Social Security recipients will not get a cost of living adjustment in 2010 or in 2011, yet most will pay increasing premiums for part B and D of Medicare. This is the first Social Security check cut since 1975!

So let me get this straight—no raise for seniors on a fixed income, but an automatic pay raise for Congress. What's wrong with this picture?

We're telling our seniors to make it on less while we are shelling out millions to protect animals such as the Brolga crane and the Iberian lynx—species not even found in the United States.

We're forcing our seniors to choose between food and medicine, but we are approving \$3 trillion in spending and budgets that will double the national deficit in 5 years and triple it in 10 years. On top of this Social Security pay cut, we are raising utility costs to seniors by an average of \$250 a month through cap-and-trade.

Where are the priorities among the liberals in this country? Certainly not with the elderly and disabled on fixed incomes.

A REAL DISCUSSION ON HEALTH CARE

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. The American people want both sides of the aisle working together to help lower the cost of health care. However, according to a story in today's New York Times, even all but a few Democrats, in addition to Republicans, are being left out of the talks.

Some Washington Democrats are more concerned with implementing a government-run, bureaucratic health care system than achieving real solutions. Working together, we can lower the cost of health care in America while increasing access to a doctor and high-quality care.

Both sides have good answers, which we should consider. However, a silver bullet does not exist to solve all the problems. Compromise and common sense could produce results—such as lower costs, better access to a doctor, and coverage for all. And that's what we should be working toward.

Health care is a complex issue that affects individuals and businesses, young and old—everyone. And that's why it's more important than ever to work together to come up with good policies that will help the American people. They want us to work together to achieve real solutions—and that's what we should be working to, Madam Speaker.

THE STIMULUS PACKAGE

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Across the country, we're seeing problems with the so-called "stimulus package." When I voted against this bill, I warned that time would reveal its inherent flaws.

While Americans were told that spending almost \$1 trillion would create jobs, unemployment continues to rise. It would make sense to spend stimulus money in the hardest hit counties, but the Associated Press reports that's not what's happening.

Instead, the massive and inflexible bill is causing waste. The Billings Gazette reported that a new Federal courthouse in Billings, Montana, will cost taxpayers an additional \$45 million as a result of the stimulus rules.

And now, Americans are denied the transparency we were promised. USA Today reports that the Web site meant to allow us to track every dime of stimulus spending won't be up and running for another 5 months. How many more jobs will we lose while we're waiting? How much more money will we waste? We can't afford any more of these flawed policies.

□ 1415

NEWS REPORTERS JOIN THE OBAMA ADMINISTRATION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, the news industry faces a new threat to its job force—the Obama administration.

A senior producer at CNN announced last week that she will take a press secretary position in the Obama administration. She joins at least nine other reporters from such news outlets as The Washington Post, Los Angeles Times, Time magazine, CBS, ABC News and CNN who have left their jobs to join the administration.

It will be an easy transition for these former journalists since their primary job responsibility, supporting the Obama administration, remains essentially the same.

The bad news for Americans is that the line between objective journalism and partisan politics continues to be blurred. If the media wants to restore their credibility, they should act as objective observers, not seek jobs in the Obama administration.

MISSILE DEFENSE FUNDING CUTS

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Madam Speaker, missile defense is critical to the protection of our Nation. It requires constant improvement and innovation in order to meet the growing challenges by those who may wish to destroy us.

Iran is currently focused on developing nuclear weapons, and North Korea is hard at work, extending its military capability into space and, correspondingly, achieving a status where they can pose a threat to the security of the United States.

Some 25 countries and counting are acquiring domestic missiles, many capable of carrying weapons of mass destruction. Despite all this, the Obama administration plans to cut the Missile Defense Agency's budget for fiscal year 2010 by \$1.4 billion.

The reduction in missile defense should be of concern to all Americans. Without an investment in missile defense today, given the complexity of the science and engineering involved in developing new systems, we will not be able to respond to the threats to the United States of tomorrow.

TARP FRAUD

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, with \$590 billion or 84 percent of the authorized troubled asset relief funds having already been handed out to Wall Street, the TARP Inspector General, Neil Barofsky, issued a 250-page report that recommended transparency and

that all TARP recipients be made to detail how they will use bailout dollars and safeguard a new mortgage rescue effort against scams.

But 84 percent of the funds have already been given away. To call for greater transparency at this stage in the game is well beyond a day late and a dollar short.

However, what is encouraging is that the Inspector General, amid reports of rampant fraud, has realized and embraced his legal power and has instituted 20 criminal investigations and six audits.

In addition, he has begun to ask tough questions and look into who, quote, sought to influence decision-making by Treasury or bank regulators. Bold and encouraging words as The New York Times reported that Secretary Geithner has more than cordial relationships with many of the TARP recipient CEOs.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. RICHARDSON) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 11, 2009 at 2:33 p.m. and said to contain a message from the President whereby he submits the Updated Summary Tables, the Analytical Perspectives, and the Historical Tables to his Fiscal Year 2010 Budget.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

TRANSMITTAL OF ADDITIONAL FISCAL YEAR 2010 BUDGET DOCUMENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I transmit herewith the following volumes, which together complete my Fiscal Year 2010 Budget: Analytical Perspectives, Historical Tables, and Updated Summary Tables.

BARACK OBAMA.
THE WHITE HOUSE, May 11, 2009.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SUPPORTING IEEE ENGINEERING THE FUTURE DAY

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 413) supporting the goals and ideals of "IEEE Engineering the Future" Day on May 13, 2009, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 413

Whereas IEEE is the world's largest technical professional society, with more than 375,000 members, including more than 210,000 members in the United States;

Whereas IEEE members are engineers, scientists, and other professionals whose technical interests are rooted in electrical and computer sciences, engineering, and related disciplines;

Whereas IEEE's core purpose is to foster technological innovation and excellence for the benefit of humanity;

Whereas IEEE traces its roots to the founding of the American Institute of Electrical Engineers (AIEE) on May 13, 1884;

Whereas renowned inventor and entrepreneur Thomas Alva Edison was a founder of AIEE;

Whereas notable presidents of the IEEE and its founding organizations include Alexander Graham Bell, Charles Proteus Steinmetz, Lee De Forest, William R. Hewlett, and Ivan Gettling;

Whereas AIEE merged with the Institute of Radio Engineers in 1963 to form IEEE;

Whereas IEEE maintains a vast library of technical publications;

Whereas more than 100,000 technical professionals attend the more than 300 conferences sponsored or cosponsored by IEEE each year;

Whereas IEEE is a leader in the development of international standards that support many of today's products and services, with an active portfolio of nearly 1,300 standards and projects under development;

Whereas IEEE provides learning opportunities within the engineering sciences with the goal of ensuring the growth of skill and knowledge among the technical profession;

Whereas IEEE provides a forum for professionals to interact, collaborate, and generate new ideas and concepts;

Whereas IEEE seeks to attract the best and brightest to use their skills and experience and apply technology to benefit society and help solve humanitarian issues;

Whereas "IEEE Engineering the Future" Day will be held by IEEE on May 13, 2009, to recognize the contributions and impact that IEEE, its members, and engineering and technology professionals have made and to raise public awareness of the diverse oppor-

tunities available in different technology fields;

Whereas revolutionary advances in information technology, biotechnology, nanotechnology, and other fields are reshaping the global economy; and

Whereas the United States must continue its efforts to maintain its leadership in science, technology, and innovation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of engineering and technology to meeting our Nation's most pressing challenges;

(2) congratulates IEEE on its 125th anniversary; and

(3) supports the goals and ideals of "IEEE Engineering the Future" Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 413, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself as much time as I may consume.

I rise today in support of H. Res. 413, supporting the goals and ideals of IEEE Engineering the Future Day on May 13, 2009.

I want to thank my good friend from Florida (Mr. STEARNS) for working with me to introduce this resolution. Mr. STEARNS holds a degree in electrical engineering and served in the Air Force as an aerospace engineer. So I think his sponsorship of this resolution is very appropriate.

The IEEE is the world's largest technical professional society, with more than 375,000 members worldwide, including 210,000 in the United States. It is made up primarily of engineers, scientists, engineering professors, computer and technical professionals. The organization's core purpose is to foster technological innovation and excellence for the benefit of humanity.

IEEE supports programs that improve K-12 science, technology, engineering and mathematics education and technical literacy. Its vast library of technical publications, worldwide conferences and global standards make it a powerful force for technological leadership.

To celebrate its 125th anniversary, IEEE will hold the IEEE Engineering the Future Day tomorrow, May 13, 2009, to recognize the contributions and impact that IEEE, its members, and the engineering and technological profes-

sions have made, and to raise public awareness of the diverse opportunities available in different technological fields.

I ask my colleagues to help pass H. Res. 413, to recognize the importance of engineering and technology in meeting our Nation's most pressing challenges; congratulate IEEE on its 125th anniversary; and support the goals and ideas of the IEEE Engineering the Future Day on May 13.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I would yield myself as much time as I may consume.

I rise today to support House Resolution 413, supporting the goals and ideals of IEEE Engineering the Future Day on May 13, 2009.

IEEE, as the Chairman has said, is a nonprofit organization and the world's leading professional association for the advancement of technology. It's a leading authority on areas ranging from aerospace systems, computers, telecommunications, biomedical engineering, electrical power and consumer electronics, just among many.

Today IEEE has more than 375,000 members, including nearly 80,000 student members in more than 160 countries around the world. These members rely on IEEE as a source of technical and professional information. They rely on them for resources and also for a number of different services.

IEEE Engineering the Future Day will be held by IEEE tomorrow, May 13, 2009, to recognize the contributions and impact that that organization, its members, and engineering and technology professionals have made over the last 125 years, and to raise public awareness, Madam Speaker, of the diverse opportunities available in many, many different technological fields.

Madam Speaker, I would then ask my colleagues to join me in supporting this resolution, honoring this special day and anniversary.

At this time I will reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield such time as he may consume to my friend from Florida (Mr. STEARNS), a cosponsor of this resolution.

Mr. STEARNS. Madam Speaker, let me thank the gentleman from Tennessee, the Chairman of the Committee on Science and Technology, for his hard work and his kindness and for letting me have this bill on the floor so promptly.

I also thank my colleague from Florida for his introduction and kind words.

This legislation, which I introduced with my good friend Chairman GORDON, obviously congratulates the IEEE on its 125th anniversary and recognizes May 13, 2009, as the IEEE Engineering the Future Day.

My colleagues, IEEE is a renowned international not-for-profit professional organization whose core purpose

is to foster technological innovation and excellence for the benefit of humanity.

As mentioned, with more than 210,000 members in the United States and more than 375,000 members in over 160 countries, the IEEE is the world's largest professional society for the advancement of technology. Their membership includes engineers, scientists and other professionals whose technical interests are rooted in electrical and computer sciences, engineering and related disciplines.

The IEEE as we know it today was formed by the merger of the Institute of Radio Engineers, which was founded in 1912, and the American Institute of Electrical Engineers, which was founded on May 13, 1884 by renowned inventor and distinguished entrepreneur Thomas Edison. Other notable past presidents of the IEEE and its founding institutions include well-known scientists Alexander Graham Bell, Charles Steinmetz, Lee De Forest, William Hewlett and Ivan Gettling.

The IEEE's name was originally an acronym for the Institute of Electrical and Electronic Engineers. Today the organization's scope of interest has expanded into so many related fields that it is simply referred to as the letters IEEE.

Through its global membership, IEEE is a leading authority on areas ranging from aerospace systems, computers and telecommunications to biomedical engineering, electric power and consumer electronics, among others. Most IEEE members are electrical engineers, computer engineers and computer scientists, but the organization's wide scope of interest has attracted engineers in a lot of other disciplines, including mechanical and civil engineering as well as biologists, physicists and mathematicians.

The IEEE's constitution defines the purpose of this organization as, quote, scientific and educational, directed toward the advancement of the theory and practice of electrical, electronics, communications and computer engineering, as well as computer science, the allied branches of engineering and the related arts and sciences, all encompassing.

□ 1430

My colleagues, in pursuing these goals, the IEEE serves as a major publisher of some 144 scientific journals and magazines and a sponsor of more than 300 conferences annually. It is also a leading developer of industrial standards that support many of today's products and services, with an active portfolio of nearly 1,300 standards and projects under development in a broad range of disciplines, including electric power and energy, biomedical technology and health care, information technology, information assurance, telecommunications, consumer elec-

tronics, transportation, aerospace, and most importantly, nanotechnology, the wave of the future.

IEEE also develops and participates in educational activities such as accreditation of electrical engineering programs in all of our institutes of higher learning in this country. To foster an interest in the engineering profession, IEEE serves student members in colleges and universities around the world with more than 1,600 student branches in almost 500 student branch chapters at colleges and universities in 80 countries.

The goal of the IEEE educational program is to ensure the growth, the skill and knowledge in the electricity-related technical professions and to foster individual commitment to continuing education among IEEE members, the engineering and scientific communities, and, of course, the general public.

As mentioned by the distinguished chairman, I am an electrical engineer. I was a member of IEEE in college, and I'm now presently a member. I was an aerospace engineer in the Air Force, a captain in the Air Force during launching of satellites from Vandenberg Air Force Base. I'm very proud of the background I have. It sometimes helps me in trying to understand the intricacies in analysis here in Congress.

So I urge my colleagues to join me and recognize the simple and powerful contributions and impact the IEEE has in this country and its members and engineering and technology professionals who have made accomplishments here in the United States and continue to support their goals and ideals of IEEE engineering, the future day, on May 13, 2009.

Thank you, Mr. Chairman.

Mr. GORDON of Tennessee. We have no further speakers. I reserve the time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, after listening to the words of the sponsor, I don't think anything else needs to be said, so I will yield back the remaining part of my time.

Mr. GORDON of Tennessee. Madam Speaker, I will conclude by thanking Mr. STEARNS, my friend from Florida, for introducing this resolution. 125 years is a long time in the history of this country, and certainly to originate out of Thomas Edison demonstrates this is a very important organization. I thank Mr. STEARNS for bringing this to our attention.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to support this resolution put forth by my colleague Representative CLIFF STEARNS. H. Res. 413, "Supporting the goals and ideals of 'IEEE Engineering Future' Day on May 13, 2009" will recognize the importance of engineering and technology in meeting the nation's most pressing challenges.

This institution has a rich history, which traces its roots to the founding of the Amer-

ican Institute of Electrical Engineers (AIEE) on May 13, 1884. The renowned inventor and entrepreneur Thomas Alva Edison was the founder of AIEE. Other notable presidents of the IEEE and its founding organizations include Alexander Graham Bell, Charles Proteus Steinmetz, Lee De Forest, William R. Hewlett, and Ivan Gettling.

Through its global membership, IEEE is a leading authority on areas ranging from aerospace systems, computers and telecommunications to biomedical engineering, electric power, and consumer electronics among others.

As technologies and the industries increasingly transcended national boundaries, IEEE kept pace and became a truly global institution. Over the years, IEEE used the innovations of the practitioners it represented to enhance its own excellence in delivering products and services to members, industries, and the public at large. Publications and educational programs were delivered online. IEEE's member services such as renewal and elections were also delivered online.

The IEEE publishes nearly a third of the world's technical literature in electrical engineering, computer science and electronics. This includes about 130 journals, transactions and magazines and over 400 conference proceedings published annually. In cooperation with John Wiley and Sons, Inc., the IEEE also produces technical books, monographs, guides and textbooks. IEEE journals are consistently among the most highly cited in electrical and electronics engineering, telecommunications and other technical fields.

IEEE is the world's largest technical professional society. By 2008, IEEE had 375,000 members in 160 countries and more than 210,000 members in the United States. The United States must continue its efforts to maintain its leadership in science, technology, and innovation as revolutionary advances in information technology, biotechnology, nanotechnology, and other fields are reshaping the global economy.

IEEE's core purpose is to foster technological innovation and excellence for the benefit of humanity. As a leader in the development of international standards that support many of today's products and services, with an active portfolio of nearly 1,300 standards and projects under development, this non profit organization attracts the best and brightest to use their skills and experience and apply technology to benefit society and help solve humanitarian issues. In addition, IEEE provides learning opportunities within the engineering sciences with the goal of ensuring the growth of skill and knowledge among the technical profession as well as a forum for professionals to interact, collaborate, and generate new ideas and concepts.

This Congress should recognize that IEEE is essential to the global technical community and to technical professionals everywhere. The IEEE is universally recognized for the contributions of technology and of technical professionals in improving global conditions. I congratulate IEEE on its 125th anniversary and support the goals and ideals of 'IEEE Engineering the Future' Day and I urge my colleagues to support them as well.

Mr. HOLT. Madam Speaker, I rise today in support of H. Res. 413, which recognizes the

goals and ideals of IEEE Engineering the Future Day. IEEE traces its roots to the founding of the American Institute of Electrical Engineers (AIEE) on May 13, 1884, at a time when the ability to harness electricity for useful purposes was in its infancy. Since then, electrical power has become central to our way of life, and technologies based on electronics have become ubiquitous. The AIEE evolved to reflect these changes, first by joining with the Institute of Radio Engineers to become the Institute of Electrical and Electronics Engineers and later by shortening the organization's official name to IEEE in recognition of the fact that technical fields were transcending traditional definitions and boundaries. Still, the overarching goal of the organization—to apply technology and innovation for the benefit of humanity—has remained constant from the beginning. IEEE has become a global professional organization with 375,000 members in 160 countries. It sponsors hundreds of conferences and professional meetings annually, maintains an electronic library of technical publications, develops international technical standards, hosts educational and professional development programs, and provides a forum for professional interactions and collaborations. As we look to the future, we will rely increasingly on science, engineering, and technology to help us meet our energy challenges, safeguard our environment, grow our economy, and improve our quality of life. I hope that IEEE's Engineering the Future Day will raise awareness about how science and technology affects our daily lives and about the many opportunities available to technical professionals. I congratulate IEEE and its members on the organization's 125th anniversary and past achievements, and I look forward to all of its future contributions.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 413.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING NATIONAL HURRICANE PREPAREDNESS WEEK

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 387) supporting the goals and ideals of National Hurricane Preparedness Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 387

Whereas the Atlantic and central Pacific hurricane season begins June 1, 2009, and ends November 30, 2009, and the eastern Pacific hurricane season runs from May 15, 2009, through November 30, 2009;

Whereas an average of 11 tropical storms develop per year over the Atlantic Ocean, the Caribbean Sea, and the Gulf of Mexico, and an average of 6 of these storms become hurricanes;

Whereas in an average 3-year period, roughly 5 hurricanes strike the coastlines of the United States, sometimes resulting in multiple deaths, and 2 of these hurricanes are typically labeled "major" or "intense" category 3 hurricanes, as measured on the Saffir-Simpson Hurricane Scale;

Whereas millions of Americans face great risks from tropical storms and hurricanes, as 50 percent of Americans live along the coast and millions of tourists visit the oceans each year;

Whereas the 2008 Atlantic hurricane season included 16 named storms, including 8 hurricanes, 5 of which were category 3 or higher;

Whereas during a hurricane, homes, businesses, public buildings, and infrastructure may be damaged or destroyed by heavy rain, strong winds, and storm surge;

Whereas damage from a hurricane is usually substantial, as debris can break windows and doors, roads and bridges can be washed away, homes can be flooded, and destructive tornadoes can occur well away from the storm's center;

Whereas experts at the National Oceanic and Atmospheric Administration's National Hurricane Center and the National Weather Service agree that it is critical for all people to know if they live in an area prone to hurricanes, to figure out their home's vulnerability in the event of a storm surge, flooding, and heavy winds, and to develop a written family disaster plan based on this knowledge;

Whereas the National Hurricane Center recommends that people in areas prone to hurricanes prepare a personal evacuation plan that identifies ahead of time several options of places to go in the event of evacuation, the telephone numbers of these places, and a local road map;

Whereas the National Hurricane Center recommends that people in areas prone to hurricanes prepare a disaster supply kit before hurricane season begins that includes a first aid kit with essential medications, canned food, a can opener, at least 3 gallons of water per person per day for 3 to 7 days, protective clothing, rain gear, bedding or sleeping bags, a battery-powered radio, a flashlight, extra batteries, special items for infants, elderly, or disabled family members, and written instructions on how to turn off electricity, gas, and water in the event authorities advise these actions;

Whereas the National Hurricane Center recommends that citizens know that a "hurricane watch" means conditions are possible in the specified area, usually within 36 hours, and a "hurricane warning" means hurricane conditions are expected in the specified area, usually within 24 hours;

Whereas in the event of a hurricane warning, the National Hurricane Center recommends people listen to the advice of local officials, evacuate if told to do so, complete preparedness activities, stay indoors and away from windows, be alert for tornadoes, and be aware that the calm "eye" of the storm does not mean the storm is over;

Whereas in the 1970s, 1980s, and 1990s, inland flooding was responsible for more than

half the deaths associated with tropical storms and hurricanes in the United States;

Whereas the National Weather Service recommends that when a hurricane threatens the United States, people in potential flood zones evacuate if told to do so, keep abreast of road conditions through the news media, move to a safe area before access is cut off by flood water, develop a flood emergency action plan, and do not attempt to cross flowing water in an automobile, because as little as 6 inches of water may cause one to lose control of the vehicle;

Whereas the National Oceanic and Atmospheric Administration provides more detailed information about hurricanes and hurricane preparedness via its website, <http://www.nhc.noaa.gov/HAW2/>; and

Whereas National Hurricane Preparedness Week will be the week of May 24 through 30, 2009: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Hurricane Preparedness Week;

(2) encourages the staff of the National Oceanic and Atmospheric Administration, especially the National Weather Service and the National Hurricane Center, and other appropriate Federal agencies, to continue their outstanding work of educating people in the United States about hurricane preparedness; and

(3) urges the people of the United States to recognize such a week as an opportunity to learn more about the work of the National Hurricane Center in forecasting hurricanes and educating citizens about the potential risks of the storms.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 387, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on June 1, hurricane season begins in the Atlantic Ocean. Noted hurricane forecasters at Colorado State University have predicted an above-average year for tropical storms and hurricanes for 2009. It is, therefore, very timely to consider this resolution recognizing the importance of Hurricane Preparedness Week. As the tragedy of Katrina in 2005 showed us, it is not just the strength of the storm that determines the destruction on the ground. Just as important is the preparedness of the communities that are impacted.

Katrina took almost 1,500 lives and caused damages totaling \$81 billion. It

was the one of the costliest natural disasters in the Nation's history. However, Katrina, a category 3 storm at landfall, was not an especially powerful storm. In fact, there were three other category 3 storms that struck the U.S. in 2005, but none of them caused the same level of damage and destruction.

This is a sobering lesson in the importance of hurricane preparedness. It is vitally important that Federal, State and local governments work together to better prepare the coastal communities for these powerful storms. And I want to thank my friend from Florida who has firsthand knowledge of these problems, Mr. DIAZ-BALART, for introducing this important resolution.

I urge my colleagues to support it.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, before I talk about this issue, I would like to thank Chairman GORDON, once again, and also Ranking Member HALL and also their staffs for allowing this timely resolution to move forward so quickly. As the chairman has just said, the time is right for this resolution once again.

I rise today in support of House Resolution 387, which is to support the goals and ideals of National Hurricane Preparedness Week as established by the National Hurricane Center. Hurricane Preparedness Week begins on the 24th of May and lasts through the 30th of May of 2009. Now, in less than 2 weeks, Madam Speaker, on the 1st of June, unfortunately, we mark the beginning of yet another hurricane season in the Atlantic and central Pacific Oceans. Hurricane season lasts a long, long 6 months until November 30.

The goal of Hurricane Preparedness Week is to inform the public about hurricanes, their hazards, and to provide knowledge that, frankly, we can use and that hopefully all of us can use to take action now, to be ready now before the hurricanes hit. We must be ready. This information can be used to save property and, most importantly, it can be used to save lives. As the chairman himself said, we have too often seen what these storms can do.

Now, although the Federal Government plays a critical role before and after a storm, we have to do our part. We have to be ready ourselves. And it is the hope that the residents, particularly in areas that are hurricane prone, will prepare themselves and their families for this before this hurricane season starts.

History teaches us that a lack of hurricane awareness and preparation are, unfortunately, common threads among all hurricanes and major disasters. For instance, one of the biggest lessons learned from the recent wave of hurricanes is that the residents need to have enough supplies to take care of them-

selves and their families for at least 3 days after one of these storms makes landfall. Oftentimes, local governments are trying to keep order. They are trying to take care of really basic essentials right after a storm, so, therefore, it is important that each and every one of us have a plan, that we prepare and that we can be self-sufficient for those 3 days. Again, millions of Americans face great risk from tropical storms and hurricanes. More than 50 percent of all Americans live along the coast, which again just shows you how grave that risk can be.

Now, the statistics associated with hurricanes are staggering. An average of 11 tropical storms develop each year over the Atlantic Ocean or the Caribbean or the Gulf of Mexico. Six of these storms will, unfortunately, become hurricanes. Now, look, we just hope that they don't make landfall, and they can just slide by, and we can just kiss them goodbye. But we can't be sure that will happen, so we have to be ready.

Last year, unfortunately, several storms made landfall along the eastern and gulf coast, including Tropical Storm Fay, Hurricanes Gustav, Hanna and Ike. And as we have learned in the past few years, hurricanes pose, again, a serious, serious threat to our country. These massive storms can result in casualties and millions of dollars or, frankly, billions of dollars in economic damage and destruction.

During a hurricane, homes and businesses and other buildings can be damaged by heavy rain, by strong winds and by storm surge, which is one of the worst problems and a real killer. Tornadoes can strike after these storms or during the storms, and oftentimes power can be wiped out for days, if not weeks.

Experts at the NOAA's National Hurricane Center agree that there are some critical things that have to be done. Obviously, first, is to determine if you live in a hurricane-prone area, then know your home's vulnerabilities to either storm surge or flooding or wind and develop a written, a real family disaster plan based on this knowledge. And make sure that everybody in the family knows how to make that plan work and knows about it.

Once you determine, again, how vulnerable you really are to a hurricane, the National Hurricane Center recommends that people in hurricane-prone areas assemble a disaster supply kit before the hurricane season, not before a storm comes, but now before the hurricane season is even upon us; a first aid kit and essential medications, nonperishable food items such as canned goods, at least 3 gallons of water per person per day, again for at least 3 to 7 days, at least 3 days, preferably more; obviously, a battery-powered radio, a flashlight, extra batteries, special items including medications if

you need them for infants, for the elderly or for disabled family members, and also making sure that you take care of pets, as well.

As we have learned in south Florida, the forecasters, the meteorologists and the hurricane specialists at National Hurricane Center who become, frankly, every year, heroes to all of us who are in hurricane-prone areas are often the source of the most valuable information on hurricane preparedness. They spend countless hours and days providing valuable information and warnings to all those Americans located in a potential path of a hurricane. Millions of Americans have come to rely on their steady advice and counsel, on their skill, and we thank them for their vital services.

Madam Speaker, I urge all Americans living in hurricane-prone areas to use this Hurricane Preparedness Week as an opportunity to learn more about the approaching hurricane season, to prepare before—before, I repeat—a storm threatens.

Once again, I need to thank the chairman for allowing this resolution to come here quickly, timely. It is important, and I want to thank him for his cooperation, as well as the ranking member and both staffs.

And with that, I do not think I have another speaker. I yield back the remaining part of my time.

Mr. GORDON of Tennessee. Madam Speaker, in conclusion, I want to again thank Mr. DIAZ-BALART for introducing this legislation. He understands this in a very personal way. This resolution can help save lives.

I urge adoption of the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 387.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT ACT OF 2009

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2020) to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Networking and Information Technology Research and Development Act of 2009”.

SEC. 2. PROGRAM PLANNING AND COORDINATION.

(a) **PERIODIC REVIEWS.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following new subsection:

“(d) **PERIODIC REVIEWS.**—The agencies identified in subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee established under subsection (b); and

“(2) ensure that the Program includes large-scale, long-term, interdisciplinary research and development activities, including activities described in section 104.”.

(b) **DEVELOPMENT OF STRATEGIC PLAN.**—Section 101 of such Act (15 U.S.C. 5511) is amended further by adding after subsection (d), as added by subsection (a) of this Act, the following new subsection:

“(e) **STRATEGIC PLAN.**—

“(1) **IN GENERAL.**—The agencies identified in subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the National Coordination Office established under section 102, shall develop, within 12 months after the date of enactment of the Networking and Information Technology Research and Development Act of 2009, and update every 3 years thereafter, a 5-year strategic plan to guide the activities described under subsection (a)(1).

“(2) **CONTENTS.**—The strategic plan shall specify near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, the metrics to be used for assessing progress toward the objectives, and how the Program will—

“(A) foster the transfer of research and development results into new technologies and applications for the benefit of society, including through cooperation and collaborations with networking and information technology research, development, and technology transition initiatives supported by the States;

“(B) encourage and support mechanisms for interdisciplinary research and development in networking and information technology, including through collaborations across agencies, across Program Component Areas, with industry, with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)), and with international organizations;

“(C) address long-term challenges of national importance for which solutions require large-scale, long-term, interdisciplinary research and development;

“(D) place emphasis on innovative and high-risk projects having the potential for substantial societal returns on the research investment;

“(E) strengthen all levels of networking and information technology education and training programs to ensure an adequate, well-trained workforce; and

“(F) attract more women and underrepresented minorities to pursue postsecondary degrees in networking and information technology.

“(3) **NATIONAL RESEARCH INFRASTRUCTURE.**—The strategic plan developed in accordance with paragraph (1) shall be accompanied by milestones and roadmaps for establishing and maintaining the national research infrastructure required to support the Program, including the roadmap required by subsection (a)(2)(E).

“(4) **RECOMMENDATIONS.**—The entities involved in developing the strategic plan under

paragraph (1) shall take into consideration the recommendations—

“(A) of the advisory committee established under subsection (b); and

“(B) of the stakeholders whose input was solicited by the National Coordination Office, as required under section 102(b)(3).

“(5) **REPORT TO CONGRESS.**—The Director of the National Coordination Office shall transmit the strategic plan required under paragraph (1) to the advisory committee, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives.”.

(c) **ADDITIONAL RESPONSIBILITIES OF DIRECTOR.**—Section 101(a)(2) of such Act (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the strategic plan under subsection (e) is developed and executed effectively and that the objectives of the Program are met;”.

(d) **ADVISORY COMMITTEE.**—Section 101(b)(1) of such Act (15 U.S.C. 5511(b)(1)) is amended by inserting after “an advisory committee on high-performance computing,” the following: “in which the co-chairs shall be members of the President’s Council of Advisors on Science and Technology and with the remainder of the committee”.

(e) **REPORT.**—Section 101(a)(3) of such Act (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year;” and

(B) by striking “each Program Component Area;” and inserting “each Program Component Area and research area supported in accordance with section 104;”.

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and research area supported in accordance with section 104;”.

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year;” and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following new subparagraphs:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan required under subsection (e);

“(F) include—

“(i) a description of the funding required by the National Coordination Office to perform the functions specified under section 102(b) for the next fiscal year by category of activity;

“(ii) a description of the funding required by such Office to perform the functions specified under section 102(b) for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program; and”.

(f) **DEFINITION.**—Section 4 of such Act (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;”;

(3) in paragraph (4), as so redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(4) in paragraph (6), as so redesignated, by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments;”;

(5) in paragraph (7), as so redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

SEC. 3. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

Title I of such Act (15 U.S.C. 5511) is amended by adding at the end the following new section:

“SEC. 104. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

“(a) **IN GENERAL.**—The Program shall encourage agencies identified in section 101(a)(3)(B) to support large-scale, long-term, interdisciplinary research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. Such activities, ranging from basic research to the demonstration of technical solutions, shall be designed to advance the development of research discoveries. The advisory committee established under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(b) **CHARACTERISTICS.**—

“(1) **IN GENERAL.**—Research and development activities under this section shall—

“(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) involve collaborations among researchers in institutions of higher education and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

“(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

“(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development.

“(2) **COST-SHARING.**—In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) **AGENCY COLLABORATION.**—If 2 or more agencies identified in section 101(a)(3)(B), or other appropriate agencies, are working on large-scale research and development activities in the same area of national importance, then such agencies shall strive to collaborate through joint solicitation and selection of applications for support and subsequent funding of projects.

“(4) **INTERDISCIPLINARY RESEARCH CENTERS.**—Research and development activities under this section may be supported through interdisciplinary research centers that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing interdisciplinary centers, including those authorized under section

7024(b)(2) of the America COMPETES Act (Public Law 110-69; 42 U.S.C. 1862o-10)."

SEC. 4. CYBER-PHYSICAL SYSTEMS AND INFORMATION MANAGEMENT.

(a) **ADDITIONAL PROGRAM CHARACTERISTICS.**—Section 101(a)(1) of such Act (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking "and" after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

"(K) provide for research and development on human-computer interactions, visualization, and information management."

(b) **TASK FORCE.**—Title I of such Act (15 U.S.C. 5511) is amended further by adding after section 104, as added by section 3, the following new section:

"SEC. 105. UNIVERSITY/INDUSTRY TASK FORCE.

"(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of the Networking and Information Technology Research and Development Act of 2009, the Director of the National Coordination Office established under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems, including the related technologies required to enable these systems, through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

"(b) **FUNCTIONS.**—The task force shall—

"(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

"(2) propose a process for developing a research and development agenda for such entity, including objectives and milestones;

"(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

"(4) propose guidelines for assigning intellectual property rights and for the transfer of research results to the private sector; and

"(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

"(c) **COMPOSITION.**—In establishing the task force under subsection (a), the Director of the National Coordination Office shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, of which 2 may be selected from Federal laboratories.

"(d) **REPORT.**—Not later than 1 year after the date of enactment of the Networking and Information Technology Research and Development Act of 2009, the Director of the National Coordination Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force."

SEC. 5. NATIONAL COORDINATION OFFICE.

Section 102 of such Act (15 U.S.C. 5512) is amended to read as follows:

"SEC. 102. NATIONAL COORDINATION OFFICE.

"(a) **ESTABLISHMENT.**—The Director shall establish a National Coordination Office with a Director and full-time staff.

"(b) **FUNCTIONS.**—The National Coordination Office shall—

"(1) provide technical and administrative support to—

"(A) the agencies participating in planning and implementing the Program, including such support as needed in the development of the strategic plan under section 101(e); and

"(B) the advisory committee established under section 101(b);

"(2) serve as the primary point of contact on Federal networking and information technology activities for government organizations, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

"(3) solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan required under section 101(e) through the convening of at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

"(4) conduct public outreach, including the dissemination of findings and recommendations of the advisory committee, as appropriate; and

"(5) promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry.

"(c) **SOURCE OF FUNDING.**—

"(1) **IN GENERAL.**—The operation of the National Coordination Office shall be supported by funds from each agency participating in the Program.

"(2) **SPECIFICATIONS.**—The portion of the total budget of such Office that is provided by each agency for each fiscal year shall be in the same proportion as each such agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 101(a)(3)."

SEC. 6. IMPROVING NETWORKING AND INFORMATION TECHNOLOGY EDUCATION.

Section 201(a) of such Act (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields, including by women and underrepresented minorities;"

SEC. 7. CONFORMING AND TECHNICAL AMENDMENTS.

(a) **SECTION 3.**—Section 3 of such Act (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking "high-performance computing" and inserting "networking and information technology";

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking "high-performance computing" and inserting "networking and information technology";

(3) in subparagraphs (A) and (F) of paragraph (1), by striking "high-performance computing" each place it appears and inserting "networking and information technology"; and

(4) in paragraph (2)—

(A) by striking "high-performance computing and" and inserting "networking and information technology and"; and

(B) by striking "high-performance computing network" and inserting "networking and information technology".

(b) **TITLE I.**—The heading of title I of such Act (15 U.S.C. 5511) is amended by striking "**HIGH-PERFORMANCE COMPUTING**" and inserting "**NETWORKING AND INFORMATION TECHNOLOGY**".

(c) **SECTION 101.**—Section 101 of such Act (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking "HIGH-PERFORMANCE COMPUTING" and inserting "NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT";

(2) in subsection (a)—

(A) in the subsection heading, by striking "NATIONAL HIGH-PERFORMANCE COMPUTING" and inserting "NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT";

(B) in paragraph (1) of such subsection—

(i) in the matter preceding subparagraph (A), by striking "National High-Performance Computing Program" and inserting "networking and information technology research and development program";

(ii) in subparagraph (A), by striking "high-performance computing, including networking" and inserting "networking and information technology"; and

(iii) in subparagraphs (B), (C), and (G), by striking "high-performance" each place it appears and inserting "high-end"; and

(C) in paragraph (2) of such subsection—

(i) in subparagraphs (A) and (C)—

(I) by striking "high-performance computing" each place it appears and inserting "networking and information technology"; and

(II) by striking "development, networking," each place it appears and inserting "development,"; and

(ii) in subparagraphs (F) and (G), as redesignated by section 2(c)(1) of this Act, by striking "high-performance" each place it appears and inserting "high-end";

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "high-performance computing" both places it appears and inserting "networking and information technology"; and

(4) in subsection (c)(1)(A), by striking "high-performance computing" and inserting "networking and information technology".

(d) **SECTION 201.**—Section 201(a)(1) of such Act (15 U.S.C. 5521(a)(1)) is amended by striking "high-performance computing" and all that follows through "networking;" and inserting "networking and information research and development;"

(e) **SECTION 202.**—Section 202(a) of such Act (15 U.S.C. 5522(a)) is amended by striking "high-performance computing" and inserting "networking and information technology".

(f) **SECTION 203.**—Section 203(a)(1) of such Act (15 U.S.C. 5523(a)(1)) is amended by striking "high-performance computing and networking" and inserting "networking and information technology".

(g) **SECTION 204.**—Section 204(a)(1) of such Act (15 U.S.C. 5524(a)(1)) is amended—

(1) in subparagraph (A), by striking "high-performance computing systems and networks" and inserting "networking and information technology systems and capabilities"; and

(2) in subparagraph (C), by striking "high-performance computing" and inserting "networking and information technology".

(h) **SECTION 205.**—Section 205(a) of such Act (15 U.S.C. 5525(a)) is amended by striking "computational" and inserting "networking and information technology".

(i) **SECTION 206.**—Section 206(a) of such Act (15 U.S.C. 5526(a)) is amended by striking "computational research" and inserting "networking and information technology research".

(j) **SECTION 208.**—Section 208 of such Act (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking "**HIGH-PERFORMANCE COMPUTING**" and inserting

“NETWORKING AND INFORMATION TECHNOLOGY”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”;

(D) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 2020, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

H.R. 2020 is a good bipartisan bill which I and Mr. HALL introduced along with a number of our committee colleagues. H.R. 2020 continues to improve and update a program that was originally created in the High-Performance Computing Act of 1991.

The NITRD program, as it is known, involves a collaboration of more than one dozen Federal research and development agencies for a current total Federal investment of approximately \$3.5 billion. This may sound like a lot, but the European Union is investing \$7 billion over the next 5 years in cyberphysical systems alone.

To ensure we make the most effective use of our own resources and to remain a leader in these fields, it is critical that these many agencies come together to develop common goals and well-defined strategies.

H.R. 2020 strengthens the interagency planning, coordination and prioritization for NITRD by requiring the development and periodic update of the strategic plan, informed by both industry and academia. This plan is meant to create a vision for networking and information technology, R&D, across the Federal Government, and provides specific metrics for measuring progress toward that vision.

Next, the bill calls for an increased support of large-scale, long-term interdisciplinary research in networking and information technology that will help us tackle national challenges. These large-scale, long-term invest-

ments can provide substantial benefits to society, such as improving the effectiveness and efficiency of our health care and energy delivery systems.

Finally, H.R. 2020 promotes partnerships between the Federal Government, academia, and industry to foster technological transfer. It makes certain that the existing independent advisory committee will have the technical knowledge necessary to guide the program, and it ensures that the education of the future NITRD force remains an important component of the program.

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Many organizations support this legislation, including IBM, Association of Computing Machinery, Computing Research Association, IEEE-USA, and Society for Industrial and Applied Mathematics.

Our nearly 20-year investment in the NITRD program has helped create jobs across all sectors of our economy and contributed immeasurably to our economic and national security.

Given how rapidly these fields evolve, a comprehensive look at the NITRD program by Congress is timely. I urge my colleagues to support H.R. 2020.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to support H.R. 2020, the Network and Information Technology Research and Development Act of 2009. The NITRD program is the main Federal R&D investment portfolio in unclassified networking, computing, software, cybersecurity, and related information technology.

Networking and information technology, that technology that is vital but obviously sometimes drives us all crazy, sometimes outright batty, but it plays a critical role in our everyday lives, often in ways we do not even realize. Federal R&D investment in NIT has produced such computer breakthroughs as ARPAnet, the forerunner of the modern Internet, communications protocols to transmit data over networks, supercomputing, the Web browser, and the computer mouse, just to name a few. Multidisciplinary innovations include the decoding of the human genome, modeling and simulation of complex physical systems for aircraft, automobiles, power grids and pharmaceuticals, near real-time weather forecasting and climate models, and unmanned aerial vehicles and search and rescue robots.

Cybersecurity is one of the biggest security challenges facing our Nation today. It goes throughout all of our Federal agencies and even onto our private computer systems. This is just one area that the NITRD program helps to coordinate our Federal R&D, but it indicates just how imperative it

is that we continue to support critical and collaborative research efforts such as this.

This bipartisan bill, and I again thank the chairman and also the ranking member for this, this bill authorizes one of the few formal interagency R&D activities within the Federal Government and one that has been viewed as a model of interagency cooperation and coordination. It is a culmination of recommendations from the 2007 PCAST Report on the program, feedback from numerous organizations, and hearing witness testimony. Technology has changed since this program was initiated in the early 1990s. This legislation updates the underlying statute to reflect those changes and helps prepare us for future innovative opportunities in NIT.

I want to thank the chairman for working on this important measure in such a bipartisan manner. Madam Speaker, he tends to do that. He is one of those Members that always tries to listen to all members of his committee.

I encourage my colleagues to join me, along with Chairman GORDON, Ranking Member HALL, and other members of the Science and Technology Committee in supporting H.R. 2020.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, we have no further speakers.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I thank the gentleman from Florida for his kind remarks and associating with his description of this very good bill.

I also want to say a special thanks to a former staff member of our committee, Jim Wilson, who was the staff director for the Research, Science and Education Committee. One of his last pieces of work before he left our committee was to put the framework for this bill together, and then working together with the good bipartisan staff that we have now, we have even a better bill. I thank him and I thank our current staff.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of H.R. 2020: the Networking and Information Technology Research and Development Act of 2009.

Advanced computer networks are the wave of the future.

As technology has improved, we are better able to predict the paths of hurricanes, the force of tsunamis, or even the trajectory of comets.

Advanced computing is a broad area of active research. The Texas Advanced Computing Center, in Austin, has scientists who are using supercomputers to simulate airflow and manage shock waves for next-generation, hypersonic aircraft.

Other researchers there have been working to understand the process by which enzymes

convert plant matter into energy, with the goal of creating more efficient enzymes. Then we could more quickly convert waste to energy.

High speed computers have also enabled scientists to develop realistic models of the human lung.

Teams of Texas researchers are working to develop a new tool to image, understand, and diagnose how air flows through the thousands of branching passageways of the lung, and how abnormalities can lead to illness.

There are so many useful applications for high speed computers and advanced networks.

The federal government invests more than \$3 billion on the Networking and Information Technology Research and Development (NITRD) program.

It is essential that such a large investment is spent wisely.

The President's Council of Advisors on Science and Technology recently provided recommendations on how to improve our federal efforts in computer network research.

A key recommendation was to support high-risk, multi-disciplinary research. I support this suggestion.

For far too long, federal investments have been made in "safe research," or research that has a certainty of getting a result.

The negative consequence is that science moves along at an incremental snail's pace.

Investments in high-risk research may never come to fruition or payoff. However we must support research of this nature.

Scientists must be unfettered to think more creatively. Then, they have the freedom to tackle big questions that sometimes take more time and more experimentation to answer.

As a previous chair of the Research and Science Education Subcommittee, I have long been a strong supporter of this kind of research.

I support H.R. 2020 and urge my colleagues to support it also.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 2020, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL NURSES WEEK

Mrs. CHRISTENSEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 192) recognizing National Nurses Week on May 6 through May 12, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 192

Whereas since 1999, National Nurses Week is celebrated annually from May 6, also

known as National Recognition Day for Nurses, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is a time of year to reflect on the important contributions that nurses make to provide safe, high-quality healthcare;

Whereas nurses are known to be patient advocates, acting fearlessly to protect the lives of those under their care;

Whereas nurses represent the largest single component of the healthcare profession, with an estimated population of 2,900,000 registered nurses in the United States;

Whereas nurses are experienced researchers, and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses provide culturally and ethnically competent care and are increasingly being educated to be sensitive to regional and community customs of persons needing care;

Whereas nurses are best positioned to provide leadership to eliminate healthcare disparities that exist in our Nation;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas the American Association of Colleges of Nursing (AACN) released preliminary survey data showing that enrollment in entry-level baccalaureate nursing programs increased by only 2 percent from 2007 to 2008, and though this marks the eighth consecutive year of enrollment growth, the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003 when enrollment was up by 16.6 percent;

Whereas United States nursing programs were forced to reject almost 100,000 qualified applications to nursing programs according to the National League for Nursing's most recent survey of all prelicensure nursing programs;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurse educators work on average more than 57 hours per week in order to ensure that each and every new registered nurse receives an excellent education, advancing excellence among the next generation of nurses;

Whereas nurses are strong allies to Congress as they help inform, educate, and work closely with legislators to improve the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas increased Federal and State support is needed to enhance existing programs and create new programs to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, to create clinical sites and have the appropriately prepared nurses to teach and train at those sites, to create educational opportunities to retain nurses in the profession, and to educate and train more nurse research scientists who can discover new nursing care models to improve the health status of the Nation's diverse population: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant contributions of nurses to the healthcare system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Idaho (Mr. SIMPSON) each will control 20 minutes. The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Res. 192, a resolution that honors the important contributions of nurses in the United States health care system.

There are nearly 3 million registered nurses nationwide. Nurses represent the single largest group of health care professionals. They are involved in every aspect of care. They are researchers. They help inform and educate the public, and they also help educate doctors, especially those freshly out of medical schools or residencies. They monitor the health and safety of their patients. They work to provide culturally competent care.

Earlier this spring at an Energy and Commerce hearing, witnesses highlighted the important role that nurses play in improving access to primary care, particularly among the underserved populations.

I would like to thank Representative EDDIE BERNICE JOHNSON, a nurse, for her leadership on this issue. I would also like to thank Representative CAPPS, who is also a nurse, for her continued support of nursing issues and for her work on this bill, and I urge my colleagues to join me in supporting this resolution that observes the important role that nurses play in the lives of their patients.

I reserve the balance of my time.

Mr. SIMPSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 192 recognizing National Nurses Week from May 6 through May 12, 2009. Not only is today the last day of National Nurses Week, but it is also the birthday of Florence Nightingale, the founder of modern nursing. I hope that my colleagues here at the House of Representatives have had an opportunity to reflect over the last week on

all of the contributions that nurses have made to ensure safe and high-quality health care to those under their care.

In each of our communities, nurses work collaboratively with patients and other health professionals to improve the safety of patients and advance care in a myriad of settings. Nurses represent the largest single component of the health care profession with nearly 2.9 million registered nurses in the United States who are dedicated to improving the health outcomes of millions of patients under their care.

I applaud the work that nurses have contributed and because of the ailing economy, we are seeing more nurses filling the shortage that exists. Many are going back to work, or putting off planned retirement to help maintain their family income during tough economic times. Many of those jobs are also being filled by better recruiting tactics by hospitals that have increased wages, offered potential hires signing bonuses, and efforts have been made to retain older nurses by making their jobs less strenuous. But as past economic indicators have shown, nurses shortages occur in times of healthy economic expansion and as baby boomers get older, we hope that hospitals will continue to provide incentives for nurses to fill vacant health care positions.

I would like to thank Ms. EDDIE BERNICE JOHNSON of Texas, the sponsor of this resolution, and the American Nurses Association for raising public awareness about the contributions that nurses give to our communities. I encourage all of my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I would like to yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I thank my friend and colleague and physician from the Virgin Islands for yielding to me. I rise in strong support of H. Res. 192, a resolution in recognition of National Nurses Week.

I too would like to thank Representative EDDIE BERNICE JOHNSON for introducing this bill, along with Representative LOIS CAPPs and Representative CAROLYN MCCARTHY, all nurses in this body, for sponsoring this resolution and for their steadfast commitment to honoring nurses and highlighting the importance of estimated 2.9 million nurses to our health care system.

As we move forward with health care reform discussions, we must continue to listen to nurses. Nurses will fight for improving patient access to quality care. And it is nurses who will advocate for more preventive and primary care providers to help reduce the need for costly inpatient care. And it is nurses who will fight for appropriate nurse staffing ratios to reduce medical

error and to cut down on the number of readmissions to hospitals.

We all know about the shortages in primary care professionals, especially nurses right now; and as we move toward health care reform and bring more people into the system, we certainly are going to need more nurses.

There are about 500,000 nurses out there who have left the profession for many, many reasons, but one of them is because they have very stressful working conditions.

So as we celebrate National Nurses Week, we need to think about that. One of those issues is to reduce the number of patients that each nurse has to take care of these days. The patient/nurse ratio is so high, there are so many patients that they have to take care of, that many have just said, Can't do it.

And so I think the best way we honor nurses is to look at ways we make conditions in the hospitals, in their workplace, much more amenable to them because they are the frontline people.

Right now when our loved ones have to go to the hospital, many feel they need to have an advocate with them because when the button is pushed calling for the nurse, sometimes they are not there, not because they don't want to be there, but because they are in the next room or the next room and not able to get to their patients.

Madam Speaker, it is important that Congress recognize and celebrate our nurses during National Nurses Week and throughout the year, and throughout the years to come. Our nurses stand up for us, and I am honored to stand up for them.

Mr. SIMPSON. Madam Speaker, I have no other speakers, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, it is my pleasure to yield to the sponsor of the resolution, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, let me thank my colleagues who are managing this bill today.

It really is a delight and a privilege to offer a resolution recognizing National Nurses Week, which is May 6 through today, the 12th.

I began my professional career as a nurse and as a registered nurse with a master's degree; I have 15 years of hands-on patient-care experience. I served as the chief psychiatric nurse at the VA Hospital in Dallas. During times of war, we see so many men and women suffering from post-traumatic stress disorder. They need prompt and compassionate care.

Just yesterday, the New York Times reported that an American soldier in Baghdad shot five of his fellow comrades. The attack took place in a clinic for soldiers who were seeking help for stress. Another such incident occurred last September.

I have great empathy for our brave members of our military who suffer from emotional distress, and I admire the nurses and other health care professionals who work to assist them. Nurses are a key component of our health care system; and whether on the battlefield, at sea, in a skilled nursing facility or in a hospital, the care that a nurse provides is very, very valuable.

□ 1500

Nurses are the patient's primary advocate. They are intelligent people who most often have to make quick decisions in an effort to save the life of a patient. Nurses are tough guardians. They often do their work under duress and under difficult conditions.

My colleagues, Congresswoman LOIS CAPPs and Congresswoman CAROLYN MCCARTHY, are also nurses. They have worked with me to promote this resolution, and they are champions in the nursing profession.

I want to thank my many congressional colleagues who cosponsored this resolution honoring nurses. We recognize that although more than 2.9 million registered nurses work in the United States, our Nation continues to suffer from a nursing shortage. Congress should invest in the title VIII Nursing Workforce Development Program to help address this challenge. We cannot do health care reform without addressing the shortage of nursing.

Congress must also increase support for nurse faculty education, particularly for advanced practice nurses and advanced education in nursing. Further, hospitals need to establish valid, reliable and adjustable unit-by-unit nurse staffing plans. These plans should link staff to quality outcomes and should involve direct input of nursing staff based on each area's unique characteristics and needs. The nursing community has provided valuable recommendations on policies to support the nursing profession, and I encourage my colleagues to review these suggestions.

Several nursing organizations were engaged in developing this resolution, and I would like to thank them. They are the American Nurses Association, the Emergency Nurses Association, the National Black Nurses Association, and the National League for Nurses.

Today's resolution honors the good work that all nurses do, the profession that has more patient support than any other. Along with my many supportive colleagues, I want to thank the House leadership for bringing up this important resolution and I urge support for the resolution.

Mrs. CHRISTENSEN. Madam Speaker, I want to recognize the American Nurses Association and the National Black Nurses Association, as well as the other nursing associations, for the leadership that they provide on behalf of nurses, and to take this opportunity

to congratulate all the new nurses who will be receiving their pins and their caps later this month and joining this noble profession.

Mr. CONYERS. Madam Speaker, I rise today in order to thank my colleague EDDIE BERNICE JOHNSON for sponsoring National Nurses Week.

Nurses are America's national heroes. Day after day, they deliver life saving health care in nursing homes, hospitals, community clinics, and public schools across this nation. They deliver our babies, take care of the disabled, and make sure that senior citizens receive the tender loving care and attention they need when they are sick and infirm.

Sadly, too many nurses are working in hospitals, clinics and other health care work settings that are stressful, inhumane, and not conducive to safe patient care. Many nurses experience painful and debilitating work related injuries from lifting patients—injuries that could be avoided if there were mechanical lift devices in hospitals which could safely assist nurses in the lifting of patients.

Nurses across the nation rightfully complain of working too many hours, supervising too many patients at one time, and having to spend endless hours filling out paper work. Much of the paper work is related to private insurance billing.

Many nurses leave the profession early because of stressful and difficult work conditions. This is contributing to a growing nursing shortage in America. Unfortunately, patients across this nation are getting less quality care from nurses because there are simply not enough nurses to provide the care that patients need and deserve. America must address the nursing crisis now, especially as we move towards major health reform.

We must thank President Obama for having the vision and courage to address our dysfunctional health care system by calling for passage of a major health reform bill this year. I believe that creating a national health insurance system would be the most cost effective and humane way to achieve universal health care in America. This is why I have introduced HR 676, "The United States National Health Insurance Act," in every Congress since 2003.

We as a nation must ensure that we have the best trained and optimal number of nurses possible. However, if we are to achieve this very important goal, the President and the Congress must have a "federal national nurse policy" that reflects the needs of the nursing profession.

This can be best accomplished by having members of Congress and the President listen to the many challenges that our over worked nurses experience every day, and then passing meaningful federal nurse reform legislation that can substantively address the nursing shortage in this country, and improve their work conditions.

Our nurses deserve the best work conditions possible, and so do the millions of patients they care for in America.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 192, recognizing national nurses week on May 6 through May 12, 2009. I thank Congresswoman EDDIE BERNICE JOHNSON for introducing this important resolution which recog-

nizes and acknowledges the dedication of our nursing community across America.

This resolution is important because nurses represent the largest single component of the healthcare profession, with an estimated 2.9 million registered nurses in the United States. In Texas alone, according to the Texas Board of Nursing, there are 162,163 registered nurses through out the state.

In Harris County, the county encompassing my district, there are 24,480 registered nurses. Nurses are patient advocates and act fearlessly to protect the lives of those under their care. Nurses care for patients, but participate in a wide range of needed scientific research, and fight cultural and ethnic disparities, and treat all patients as equals. Nurses are also teachers, not only to future generations of nurses, but to the public, educating us on health and safety.

It is necessary that we acknowledge the outstanding contribution to society by nurses because nurses can be strong allies to Congress as they help inform, educate and work closely with legislators to improve the education, retention, recruitment and practice of all nurses and, more importantly, the health and safety of the patients they care for.

Federal and State support is needed to enhance existing programs to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, to create clinical sites and have the appropriately prepared nurses to teach and train at those sites, to create educational opportunities to retain nurses in the profession, and to educate and train more nurse research scientists who can discover new nursing care models to improve the health status of the Nation's diverse population. The services nurses can provide are linked directly to the availability, cost and quality of healthcare services, which are at the center of health reform discussions.

In a year where health care reform is a top priority, it is significant to acknowledge that 33 national nursing organizations have endorsed a consensus statement from the Nursing Community that complement five of President Obama's tenets outlined in his Transforming and Modernizing America's Health Care System plan. Nurses protect families and financial health and make health care coverage affordable by providing cost-effective care at all levels of nursing practice. Nurses play a key role in the success of the President's aim for universality. Without a strong investment in the nursing workforce, the goal of reaching universality will be unattainable, particularly for rural communities and underserved populations. When the Administration and Congress invest in prevention and wellness, existing practice and care models, such as the Nurse Family Partnership, derived from nursing science will serve as national exemplars for wellness and prevention. The strength of the nursing profession lies in its contribution to improve patient safety and quality care. Nursing care is critical to improving healthcare quality and safety to ensure better patient outcomes.

Unfortunately, there is a continuing shortage of professional Registered Nurses. The American Association of Colleges of Nursing released preliminary survey data showing that

enrollment in entry level baccalaureate nursing programs increased by only 2 percent from 2007 to 2008. While this makes the eighth consecutive year of enrollment growth, the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003 which enrollment was up 16.6 percent. Due to a lack of nurse educators over 100,000 qualified nursing candidates have been rejected to nursing programs across the U.S. according to the National League for Nursing most recent survey. These shortages have caused the current nurse educators to work on average more than 57 hours per week as well as dedicated nurses to work longer hours and care for more acutely ill patients. The nursing field needs more money invested in its future.

It is only fitting that the end of National Nurses Week is the birthday of Florence Nightingale. She once said "I attribute my success to this—I never gave or took any excuse." So today in her honor we must give no excuse to keep from honoring the noble and important profession of nursing, if anything we should fight to improve its condition because with improved nursing, and funds for nurses, we get a better health care system. I urge my colleagues to pass this resolution and acknowledge and support our country's nurses.

Mrs. CAPPS. Madam Speaker, I rise in support of H. Res. 192 and in support of National Nurses Week. I commend my friend and fellow nurse, Ms. JOHNSON, for introducing this resolution.

As we observe Nurses Week, we have a perfect opportunity to highlight the importance of addressing nursing issues in the context of health reform.

Nurses must have a seat at the table for the discussions and nurses must be part of the solutions. After all, nurses are the best advocates for their patients.

I would like to propose that we use National Nurses Week 2009 to not only thank the nurses who have helped us in our own lives, but to learn more about the roles that they play in our community at-large.

Whether it is the nurse at a patient's hospital bedside, the nurse tending to children at an elementary school, the nurse midwife delivering a baby or the nurse faculty instructing a new generation of nurses, they all play an important part in our health care delivery system.

As we proceed with comprehensive health reform, we need to take into account the various roles that nurses perform so that we can ensure a viable nurse workforce well into the future.

Health reform will be impossible without a nursing workforce to support the primary and acute care needs of all Americans and I encourage my colleagues to join me in making a commitment during Nurses Week to advocate for nurses during our health reform debate.

Ms. WATERS. Madam Speaker, I rise in support of House Resolution 192—Recognizing National Nurses Week. I'd like to particularly thank my colleague Representative EDDIE BERNICE JOHNSON of Texas for offering this resolution, and to honor my colleagues Representative LOIS CAPPS of California and Representative CAROLYN MCCARTHY of New York, three Members of Congress who worked as nurses before holding public office and who continue to be strong advocates for nurses and patients.

The men and women who work as nurses in the United States are some of the most important—but also some of the most unsung—heroes who serve in our communities. We all probably have a personal story about a nurse who either cared for us or a close family member or friend during a time of need. They are superb in their skill sets; tender in the care they provide; and deserving of our utmost respect.

When you become a nurse, the conventional wisdom and continuing tradition is that you go into the field because you have a genuine interest in and passion for helping those in need. You don't do it for the money; you don't do it for the glamour; and you certainly don't do it for the hours.

But it's time to encourage men and women to pursue a career in nursing by showing them that we respect and value the careers of the approximate 3 million nurses across America. We can do this by increasing pay for nurses and by making nursing education more affordable and more accessible.

We're facing an unprecedented nursing shortage across this country that could lead to a shortfall of up to 500,000 nurses by 2025. And nursing isn't a job that can be downsized or outsourced. That is why I support the inclusion of \$215 million for the Nursing Workforce Development program in the Fiscal Year 2010 budget and why I worked to help secure \$500 million in the stimulus package for training programs for primary care providers, including nurses.

In my own district in California I fought to keep the Registered Nursing Program alive and funded at L.A. Southwest College, and am happy to announce that this year they will receive a \$285,000 appropriation to improve nursing education through state-of-the-art technology.

Nurses are a precious asset we cannot afford to be without.

With major health care reform on the horizon, we must remember that nurses will be at the center of any meaningful reform. Let us honor their service, their dedication, and their profession by passing this resolution.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 192.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING AMERICAN DENTAL ASSOCIATION ON ITS 150TH ANNIVERSARY

Mrs. CHRISTENSEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 204) congratulating the American Dental Association for its 150th year of working to improve the public's oral health and promoting dentistry, supporting

initiatives to improve access to oral health care services for all Americans, and emphasizing the benefits of prevention of disease through support of community prevention initiatives and promotion of good oral hygiene.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 204

Whereas access to good oral health care is a vital element of overall health;

Whereas the American Dental Association works to improve access to oral health care services that are essential to help ensure the health of the American public;

Whereas the American Dental Association supports community prevention initiatives and promotion of good oral hygiene;

Whereas the American Dental Association continually works to improve dental technologies and therapies through research and adherence to sound scientific principles;

Whereas "The Journal of the American Dental Association" is recognized internationally as a leader in peer-reviewed dental science;

Whereas the American Dental Association encourages its membership of more than 157,000 dentists to donate their time, resources, and services to providing charitable and uncompensated care;

Whereas dental practices provide over \$2,000,000,000 in charitable and uncompensated care to specific underserved populations annually; and

Whereas the American Dental Association advocates sufficient funding for Federal dental research and military readiness programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the American Dental Association for its 150th anniversary;

(2) commends the American Dental Association's work to improve the public's oral health as well as access to oral health care for all Americans, especially low-income children;

(3) recognizes the tens of thousands of dentists who volunteer their time and resources to provide charitable and uncompensated oral health care to millions of Americans; and

(4) commends the American Dental Association's efforts to keep American dentistry the best in the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Idaho (Mr. SIMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend and revise their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 204, a resolu-

tion that congratulates the American Dental Association on its 150th anniversary.

The American Dental Association is the largest and oldest professional association for dental providers. Its more than 157,000 members play a vital role in improving access to oral health services.

Former Surgeon General David Satcher has noted that oral health is integral to general health. The American Dental Association has been a lead advocate in ensuring that these important health services are not forgotten.

I would like to thank and applaud my colleague, Representative SIMPSON, for his leadership on this issue. I urge my colleagues to join me in supporting this resolution that commends the American Dental Association for its important work to promote good oral hygiene and community prevention strategies.

Madam Speaker, I reserve the balance of my time.

Mr. SIMPSON. Madam Speaker, I yield myself such time as I may consume.

I rise today to offer this resolution congratulating the American Dental Association on its 150th year of advancing the art and science of dentistry and advocating on behalf of the oral health of the American people. I know many of you join me in offering those congratulations, as the resolution before the House today has 104 cosponsors.

The ADA is the professional association of dentists committed to the public's oral health, ethics, science, and the advancement of the dental profession.

The ADA traces its origins to the mid-19th century, when representatives of eight regional dental societies and two dental colleges came together in Niagara Falls, New York, to establish a representative body of stability and character. They called their fledgling organization the American Dental Association. Today, seven out of 10 U.S. dentists belong to the ADA, with membership of more than 157,000 dentists. The ADA has 53 State and territorial and 545 local dental societies. It is the largest and oldest national dental association in the world.

The association has long been a leader, advocating for improved health care and access for underprivileged Americans. Even today, as Congress wrestles with the issue of health care reform, the ADA is continually reminding us that oral health is an integral part of overall health. The ADA's health care reform principles focus on three things; prevention and wellness, fixing Medicaid, and improving the public oral health infrastructure.

The Association is active in cutting-edge dental research. At the Paffenbarger Research Center, housed on the National Institute of Standards and Technology campus just outside of

Washington, D.C., ADA scientists are working on improving dental materials, tissue engineering, and cavity-repairing therapies. Some of Paffenbarger's research accomplishments include the development of modern high-speed dental drills, panoramic x-ray machines, protective tooth sealants, tooth-colored composite filling material, calcium phosphate, bone cements, and more.

The ADA's Give Kids A Smile is an annual centerpiece to the National Children's Dental Health Month. It is observed every year on the first Friday in February. At more than 1,600 sites nationwide this year, some 45,000 dental professionals provided free services to more than 450,000 children. I can tell you, the spirit behind that one-day event carries over throughout the year. The ADA encourages its members to donate time and services to the underserved. In fact, dentists provide more than \$2 billion in charitable and uncompensated care to specific underserved populations each year. That's \$2 billion worth of free dental work.

I congratulate them on this 150th year of their founding of the American Dental Association. I hope that Members will join me in congratulating the ADA by voting in favor of this resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I reserve the balance of my time.

Mr. SIMPSON. Madam Speaker, I yield such time as he may consume to my good friend from Indiana, who has been a supporter of the dental profession for many years, Representative BUYER.

Mr. BUYER. I thank my dentist friend for yielding, and I thank him for bringing this resolution to the floor.

I come from a family of dentists. My grandfather is a dentist, my father is a dentist, my brother is a dentist, my sister is a dentist, my uncle is a dentist. I chose not to follow halitosis, so I became a lawyer, which means that I sit in the kitchen with the children at Christmas and Thanksgiving.

I come to the floor to honor my grandfather, Dr. Clarence Cornelius Buyer, my father, Dr. John Buyer, Sr., who on February 24 turned 80 and 4 days later retired from his dental practice. That's a lot of years, isn't it, practicing dentistry?

My deceased uncle, Dr. Earl Moore, was an orthodontist in Indianapolis. My sister, Dr. Diane Buyer, practices dentistry on the north side in Indianapolis. And my brother, Dr. John Buyer, Jr., is a periodontist and recently retired in January from the United States Army.

One thing I note about growing up in a family of dentists that has helped me is when you mention the words "prevention" and "wellness," when I think of the professions in health that are

out there, dentists take the lead. It is almost to the point where I believe that anthropologists, a thousand years from now, are going to dig us up, and they are going to look at our bones and say, look at the stress on those bones, but look at those teeth. They've got to be Americans. Because, see, Americans, what has happened to us? I will eat what I want, I will drink whatever I want; by golly, the health system better be there to take care of my body, but I'm going to take care of my teeth because my smile means everything to me. I just wish the people would put the same focus they have in their teeth that they also place in their bodies. If we were to do that, how much better in wellness as a society would we be?

The contribution that dentistry has had to me, as a leader in health policy for the country, even goes back to the 1990s, when we began to examine Medicare, for example, and we noted that one-third of our Medicare expenditures was diabetes-related. Well, I spoke up and said, I come from a family of dentists, and we focus on preventive medicine. If we spent billions of dollars on the front end, we wouldn't be spending the multibillion dollars on the back end. So it's about wellness of the whole body. So I want to compliment the dentists.

Now I want to pause and talk about military dentistry, too, for a second. If we are going to compliment the ADA, it is not only in their contributions to our society, but also to military dentists. Military dentists are combat multipliers because there are so many non-battlefield casualties, individuals who are taken off the battlefield because of what happens with regard to the deterioration of their dental hygiene. It is those dentists that put them back in, and I want to truly applaud them.

Let me close with the infinite wisdom of the United States Army. I came out of The Citadel. I received my commission as a second lieutenant in the Medical Service Corps. My first assignment in the United States Army was with a dental clinic. I did everything I could, dad, to get away from dentistry, but for whatever reason, it totally consumes me, even in my life today.

Let me say congratulations to the ADA and to all the dentists and the dental assistants and the dental hygienists and the specialties for which the ADA represents. Thank you, and good job.

Mr. SIMPSON. I appreciate the gentleman's comment. I should note that I also come from a family of dentists; I just couldn't escape. I ended up going into the dental profession where he went into the law profession. We will argue for some time who made the better choice. But I appreciate everyone's support and would encourage their positive vote on this resolution.

Mr. CONYERS. Madam Speaker, I rise in support of H. Res. 204, which honors our

nation's oldest African-American medical professional organizations, the National Dental Association. For nearly 150 years, the NDA has committed itself to opening the doors to the dental profession—a profession that has traditionally been dominated by the privileged few who could afford dental training—to men and women of color.

Even more importantly, the NDA has been a voice for the under-served in our society, often speaking out about disparities in access to dental care when others in the provider community would not. The dentists who make up the NDA, like I, believe that the right to dental care must be a fundamental human and civil right—not a privilege. In the wealthiest nation in the history of the world, there is no reason that some Americans lack access to a dentist or oral surgeon.

We all mourn the loss of Demonte Driver, a young African-American boy who died in 2007 as the result of not getting timely and medically necessary dental care because his family was uninsured. I am committed to working with the NDA and all other provider groups to ensure that our country reaches a point where stories like Demonte's will become increasingly rare and, eventually, cease to exist. We must work to ensure that young dental students who wish to practice in communities served by Medicaid have the fiscal flexibility to do so. This necessarily means addressing the \$145,000 debt the average dental student incurs during the course of his or her education.

To this end, I will soon introduce legislation that expands funding for the National Health Service Corps. The program provides for medical and dental students' reasonable educational expenses and a monthly stipend for room and board. After school, the student must apply for pre-approved positions in underserved areas. By increasing the funding levels between 2009 and 2019 by \$100 million each year, my bill will ensure that every citizen in every community has access to the doctor and dentist of their choice.

I applaud the NDA for their 150 years of excellence and compassionate advocacy and I wish them 150 more. Together, we will end dental access disparity once and for all. I encourage my colleagues to support the resolution.

Mr. SIMPSON. Madam Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 204.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CHRISTENSEN. Madam Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

BELATED THANK YOU TO THE MERCHANT MARINERS OF WORLD WAR II ACT OF 2009

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 23) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States Merchant Marine (including the Army Transport Service and the Naval Transport Service) during World War II, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Belated Thank You to the Merchant Mariners of World War II Act of 2009”.

SEC. 2. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.

(a) **ESTABLISHMENT OF COMPENSATION FUND.**—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

“§533. Merchant Mariner Equity Compensation Fund

“(a) **COMPENSATION FUND.**—(1) There is in the general fund of the Treasury a fund to be known as the ‘Merchant Mariner Equity Compensation Fund’ (in this section referred to as the ‘compensation fund’).

“(2) Subject to the availability of appropriations for such purpose, amounts in the compensation fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

“(b) **ELIGIBLE INDIVIDUALS.**—(1) An eligible individual is an individual who—

“(A) during the one-year period beginning on the date of the enactment of the Belated Thank You to the Merchant Mariners of World War II Act of 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

“(B) has not received benefits under the Servicemen’s Readjustment Act of 1944 (Public Law 78-346); and

“(C) has engaged in qualified service.

“(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

“(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

“(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

“(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

“(iii) under contract or charter to, or property of, the Government of the United States; and

“(iv) serving the Armed Forces; and

“(B) while so serving, was licensed or otherwise documented for service as a crewmember of

such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

“(c) **AMOUNT OF PAYMENTS.**—The Secretary shall make a monthly payment out of the compensation fund in the amount of \$1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

“(A) For fiscal year 2010, \$120,000,000.

“(B) For fiscal year 2011, \$108,000,000.

“(C) For fiscal year 2012, \$97,000,000.

“(D) For fiscal year 2013, \$85,000,000.

“(E) For fiscal year 2014, \$75,000,000.

“(2) Funds appropriated to carry out this section shall remain available until expended.

“(e) **REPORTS.**—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President’s budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

“(f) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section.”.

(b) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 532 the following new item:

“533. Merchant Mariner Equity Compensation Fund.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 23, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 23, the Belated Thank You to the Merchant Mariners of World War II Act of 2009, a measure, frankly, whose passage is six decades overdue.

I think today we are on the verge of doing a great deed, providing a way to finally give the heroic Merchant Mariners of World War II the belated compensation they so richly deserve. Congress has a responsibility to correct the wrongs of the past, and this is one of the grave injustices that deserve rectifying.

I thank all the cosponsors of the resolution, including some 40 Republicans. I know that many of you were trying to be added as cosponsors after the report was filed. I just would like to name for the record Mr. TIERNEY, Mr. MEEK, Ms. JENKINS and Mr. KILDEE.

□ 1515

For the remaining Members of the House who are not cosponsors of the amended version which passed unanimously out of the Committee on Veterans’ Affairs, let me tell you the sad history of these forgotten heroes.

The merchant mariners of World War II traversed the dangerous U-boat-laden waters of the Atlantic and the Pacific, faced down fierce attacks from enemy aircraft, and were instrumental in every theater of war by carrying 95 percent of all the tanks, supplies, and troops during World War II.

As a result, they suffered the highest casualty rate of any of the military branches. It is indisputable that the Allied Forces would not have been able to begin, sustain, or end World War II without their valiant and selfless service. It is also indisputable that these men now are entitled to be compensated for that service. After the war, they did not receive recognition as veterans that they deserved or the benefits of the unprecedented GI Bill of 1944, which they had earned and were promised. Eight million military families were able to take advantage of that GI Bill, entering the middle class, but the merchant mariners were not.

When the GI Bill was signed in 1944, as I said, which gave unprecedented education, housing, small business loans, and health benefits to World War II servicemen, President Roosevelt declared, after losing the fight to have the merchant mariners included in the original bill, “I trust Congress will soon provide similar opportunities to members of the Merchant Marine who have risked their lives time and time again for the welfare of their country.” Congress never did. My friends, promises made should be promises kept.

Their fight for equity continued for over 40 years when they finally attained veteran status after a lengthy court battle, Schumacher, Willner, et al. v. Secretary of the Air Force Edward C. Aldridge, Jr. By then, over 125,000 mariners had died. As the judge ruled in that case, the mariners had “every reasonable expectation that they would be treated as veterans” entitled to the benefits of the GI Bill of Rights of 1944, based on the service they performed, not happened to perform. History supports this conclusion.

I had the distinct privilege of receiving the heart-wrenching testimony, during a full committee hearing, of one of the named parties to this lawsuit, a merchant mariner named Stanley Willner. Stanley was captured, interned, beaten, starved, and tortured as

a POW for 3 years. He was actually one of the unfortunate groups of Allied Forces forced to build the infamous bridge over the River Kwai. Upon release, he weighed 74 pounds, and when he returned home, even his wife did not recognize him. And neither did his country. He received just 2 weeks of medical care and little else for his service. What a miscarriage of justice.

Madam Speaker, it was only due to a sad confluence of powerful events after the war that this country did not bestow the brave men of the World War II Merchant Marine with veteran status until 1988. I think that if the mariners would be on the floor today, they would say they should not have been subject to a "process" to determine whether they were veterans.

The mariners and many others thought that they would get these benefits since many thought they were enlisting for duty. They were denied this status unjustly and in violation of the assurances that they would partake in the GI Bill of 1944. Their valiant service was recognized by all the leaders of the Allied Forces from Generals MacArthur to Eisenhower.

Madam Speaker, I include in the RECORD a list of quotes by President Roosevelt regarding their courageous service.

RELEVANT HISTORICAL QUOTES ON THE ROLE OF UNITED STATES MERCHANT MARINE DURING WORLD WAR II

QUOTES FROM PRESIDENT FRANKLIN D. ROOSEVELT

May, 1942: "The war is now five months old and we have had our answer. Two million men have been called to the colors. In far places and near, our soldiers, our sailors, our air pilots, the beleaguered men of the Merchant Marine, have shown the stuff of heroes. Everything we have asked of them they have delivered. Everything—and more."

December 12, 1942: "It is with a feeling of great pride that I send my heartiest congratulations and best wishes to the officers and men of the new U.S. Maritime Service Training Station at Sheephead Bay, New York. Ten thousand apprentice seamen in training at one station is a magnificent achievement, and the entire country joins me in wishing you every success and in paying tribute to you men of the Merchant Marine who are so gallantly working and fighting side by side with our Army and Navy to defend the way of life which is so dear to us all."

1943: "The men of our American Merchant Marine have pushed through despite the perils of the submarine, the dive bomber and the surface raider. They have returned voluntarily to their jobs at sea again and again, because they realized that the life-lines to our battle fronts would be broken if they did not carry out their vital part in this global war. . . . In their hands, our vital supply lines are expanding. Their skill and determination will keep open the highway to victory and unconditional surrender."

September 19, 1944: "It seems to me particularly appropriate that Victory Fleet Day this year should honor the men and management of the American Merchant Marine. The operators in this war have written one of its most brilliant chapters. They have delivered

the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult and dangerous transportation job ever undertaken. As time goes on, there will be greater public understanding of our merchant fleet's record during this war."

June 22, 1944 (during signing of GI Bill): "I trust Congress will soon provide similar opportunities to members of the merchant marine who have risked their lives time and time again during war for the welfare of their country."

QUOTES FROM DWIGHT D. EISENHOWER, GENERAL OF THE ARMY

Date Unknown: "Every man in this Allied command is quick to express his admiration for the loyalty, courage, and fortitude of the officers and men of the Merchant Marine. We count upon their efficiency and their utter devotion to duty as we do our own; they have never failed us yet and in all the struggles yet to come we know that they will never be deterred by any danger, hardship, or privation. When final victory is ours there is no organization that will share its credit more deservedly than the Merchant Marine."

May 8, 1945 (From his Tribute on V-E Day): "The truly heroic man of this war is GI Joe and his counterpart of the Air, Navy, and Merchant Marine."

1945: "The officers and men of the merchant marine, by their devotion to duty in the face of enemy action, as well as the natural dangers of the sea, have brought us the tools to finish the job. Their contribution to final victory will be long remembered."

QUOTES FROM DOUGLAS MACARTHUR, GENERAL OF THE ARMY

Date Unknown: "I wish to commend to you the valor of the merchant seamen participating with us in the liberation of the Philippines. With us they have shared the heaviest enemy fire. On this island I have ordered them off their ships and into fox holes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and in death. The caliber of efficiency and the courage they displayed in their part of the invasion of the Philippines marked their conduct throughout the entire campaign in the southwest Pacific area. They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine."

October 14, 1945: "They have brought us our lifeblood and they had paid for it with some of their own. I saw them bombed off the Philippines and in New Guinea ports. When it was humanly possible, when their ships were not blown out from under them by bombs or torpedoes, they have delivered their cargoes to us who needed them so badly. In war it is performance that counts."

FLEET ADMIRAL CHESTER W. NIMITZ, U.S. NAVY, CHIEF OF NAVAL OPERATIONS

War Shipping Administration Press Release PR 1839, April 23, 1944: "The Merchant Marine Service has repeatedly proved its right to be considered as an integral part of our fighting team. Its efforts have contributed in great part to our success. Well done."

There is one quote that is particularly telling of the broken promise, made by then General Dwight D. Eisenhower, delivered on May 8, 1945, during his tribute on V-E Day: "The truly heroic man of this war is GI Joe and his counterpart of the Air, Navy, and Merchant Marine."

Madam Speaker, how do you measure the loss of the GI Bill benefits that

helped build the middle class of the United States, the missed opportunities and the dreams unrealized? That is what H.R. 23 will do, create a semblance of equity for the mariners of World War II. Undo this broken promise and unmitigated travesty of justice by providing this monthly benefit to the remaining 10,000 qualifying mariners.

Madam Speaker, I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

I rise in opposition. I rise in opposition, and I would say to the chairman, as a history professor, I know that you must embrace history and not be a revisionist of history.

I'm greatly disappointed with regard to this legislation. I'm disappointed because this is an attempt to say that he wants to resolve an inequity through discrimination so that your bias towards one specific group is so strong among the veterans community that you will discriminate against others. And I will even use your example of your friend with regard to his service as a merchant mariner, as a prisoner of war building the bridge over the River Kwai. It means that other POWs who served with him would not be entitled to the special monthly payment, that you believe that that merchant mariner is so special that all other prisoners of war should not receive such payment.

You see, there's a reason that those of us who have worn the uniform do not do this. The only time we have provided a service pension, a service pension, are for Medal of Honor recipients. We do not provide service pensions, and that's exactly what this is. So we're paying \$1,100 to Medal of Honor recipients, and you want to pay now \$1,000 to merchant mariners. Yet there are 28 groups of whom are similarly situated, individuals of whom were contractor status during the war.

Now, we need to stop and pause and think about what we are doing here. Ever since the American Revolution, our government has utilized contractors as our combatants go to war. Whether it was in the Revolution, whether it was the War of 1812, the Mexican-American War, the Civil War, the Spanish-American War, World War I, World War II, Korea, Vietnam, the first Gulf War, and, in fact, the present wars in Iraq and Afghanistan, we all used contractors. So after World War II, we created a process whereby these contractors then could be granted that "veteran status." So for merchant mariners, the question of their valor, even the question of their status has now been resolved.

What's before the House is now with regard to a particular group of veterans that we're going to treat them differently, that we're going to say that you have such unique status that

we are going to give you a \$1,000-a-month payment, a service pension, when, in fact, we don't even do that for anyone else.

So I am greatly disappointed that this type of legislation is brought to the floor. This is legislation that should never have been done. Members are just flying back now, so they aren't even sure about this legislation or what it's about, and they're thinking that, well, because it came out of the committee, it must be great legislation. It must be veterans legislation. We all must be arm in arm and let's go ahead and pass it. Time out. I think we should be very cautious and careful.

Like I said, we don't even give a specialty payment to prisoners of war, and we're going to select a particular group of individuals to give them.

Madam Speaker, I reserve the balance of my time because I have further comments I would like to make.

Mr. FILNER. Madam Speaker, I would like to yield such time as he may consume to one of our new Members who has been very active on our committee, the gentleman from Virginia (Mr. NYE).

Mr. NYE. Madam Speaker, I rise today to honor the service of our merchant mariners from World War II and to urge this House to provide them with the compensation that is many years overdue.

I would first like to thank Chairman FILNER for his tireless work and his commitment to this issue. As a representative from an area with a long maritime tradition, it means a lot to me personally.

The Merchant Marines were an integral part of our fighting forces during the Second World War. Just like our war fighters, they answered the country's call. And just like those brave soldiers, sailors, airmen, and marines, many of our merchant mariners made the ultimate sacrifice.

Over 1,500 Merchant Marine ships were sunk during the war, many of them by German U-boats during the perilous crossing of the North Atlantic. By the end of the war, our merchant mariners had suffered the highest casualty rate of any service. Of the approximately 250,000 Americans who served on our Merchant ships, more than one out of every 26 was killed.

But despite these sacrifices, they were not granted the same benefits that other veterans received. They were promised benefits by President Roosevelt, but they were systematically cut out of the GI Bill, health care, loans, and the other tools that our grateful Nation provided to our "Greatest Generation."

Even though many of our merchant marines were eventually granted veteran status many years later, the effects of their unequal treatment put them at a disadvantage that continues to this day.

That is why I am proud to be a co-sponsor of H.R. 23. This bill will provide each qualifying merchant mariner with a \$1,000 monthly stipend, a small step in the right direction of acknowledging the great sacrifices that these brave men made.

Madam Speaker, this is an injustice that should never have happened. It should have been fixed long ago. But with every year that passes, there are fewer and fewer of these men left among us. It is now 2009, over 63 years after the end of World War II, and it is long past time for us to right this wrong.

I urge my colleagues to join me in supporting this bill.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

This conversation we are having here on the floor with regard to degrees of valor is off the mark. Merchant mariners exhibited valor. They have been granted their veteran status. The question is whether we should now give them a service pension, which we do not do for any other veterans groups except the most highly decorated veterans, our Medal of Honor recipients.

The argument being made is that merchant mariners were shortchanged because they did not receive GI Bill benefits, unlike the members of the Armed Forces who then served in World War II. However, 28 other groups that also provided military-related service in the U.S. during World War II have received veteran status in the same manner as merchant mariners and, likewise, did not qualify for GI Bill benefits.

If equity were really the issue, this bill would help these groups, too. But H.R. 23, as amended, does not. This bill unfairly ignores them and, thus, does not provide full equity. It creates an inequity among veterans, distinguishing the value of one group over and above someone else, something that we don't do in the military. We're very cautious and very careful not to do that type of thing, to say that, well, if you're a combatant and you're on the front line, then your service is more important than someone who is in a rear echelon, or, gosh, if you were back in the home States or in the National Guard, then your service isn't as important as somebody who is on the battlefield. Time out. We don't do that in the military.

The reason we don't do that is we look at everybody as a team, as one team. So when we go to a theater of operations, it may take seven to actually put one combatant on the field of battle because everybody is important, from the theater Army all the way to the actual combatants. And as a matter of fact, when they fall on the battlefield, maybe when they go to Landstuhl, Germany, they come back to the States. Everybody is an important part of the team, and we don't

then make discriminatory judgments that someone's military service is more important than another and, thereby, Congress then awards a service pension.

I'm just appealing to the Members do not do this. It will have consequences among the ranks and the services of our military.

I would like to talk about the other 28 groups. One of these other groups of veterans of whom are being discriminated here against if this legislation passes is the American all-volunteer group famously known as the Flying Tigers. They were American P-40 pilots and ground crews who worked for the Chinese Government in the air defense of Rangoon and other parts of China before and after the attack on Pearl Harbor. The Flying Tigers are credited with destroying an impressive 297 enemy aircraft and had one of the best kill ratios of any air group in the Pacific theater. There were approximately 80 pilots that flew for the Flying Tigers, of which 21 died in service.

□ 1530

An amazing 19 of them were credited with five or more air-to-air victories, making them aces. Nineteen out of the 80 pilots were aces. But they are not worthy for this service pension, okay, because we are not going to do that. Of the over 300 original members of the Flying Tigers, 18 of them are still alive today.

Another one of the groups that is being discriminated against here today I would like to highlight is the Women Airforce Service Pilots, the WASPS. There is even a colleague of mine who has legislation to get them the Congressional Medal of Honor. Yet a vote in favor of this legislation today discriminates against the Women Airforce Service Pilots. These were female pilots who flew every type of mission that an Army Air Force male pilot flew during World War II, except combat missions.

They freed up their male pilots for combat by flying planes from factories to air fields and flew over 60 million miles in every type of aircraft in the Army Air Force arsenal, from the fastest of fighters to heaviest of bombers. More than 25,000 women applied for WASPS service and less than 1,900 were accepted. After completing months of military flight training, 1,078 of them earned their wings and became the first women in history to fly American military aircraft. Thirty-eight of these brave women died while serving their country.

Madam Speaker, these are just some of the stories of two of these groups out of the 28 who all served loyally, selflessly, and courageously. Yet their service also contributed directly to victory in 1945, but they are being ignored and discriminated against by the legislation before us.

In May 11 of this year, a letter to all Members opposing H.R. 23, as amended, the Veterans of Foreign Wars stated with respect to the Merchant Mariners of World War II that "singling out this group, no matter how valiant their service, will create inequities. Congress should not single them out for special benefits when they are not provided to other groups."

Madam Speaker, I offered an amendment at the full committee of H.R. 23, as amended, to include these other 28 groups, who are similarly situated. It was rejected on a 15-14 vote.

I would like to insert the May 11, 2009, letter from the VFW and the names of the other 28 groups who have been granted veteran status of World War II to be placed into the RECORD.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington DC, May 11, 2009.

DEAR REPRESENTATIVE: This week, the House of Representatives is expected to take action on H.R. 23, the Belated Thank You to the Merchant Marines of World War II Act. This legislation would grant a \$1,000 monthly benefit to individuals who served in the Merchant Marines between December 7, 1941 and December 31, 1946. The Veterans of Foreign Wars of the U.S. has serious concerns with

the equity of this bill, and we urge you to oppose it.

The VFW has no doubt about the dedication and bravery the Merchant Marines demonstrated during World War II. Their contributions to the war effort in transporting cargo to keep forces supplied enabled the Allied forces to win the War. They suffered heavy casualties, with nearly one-in-26 dying in the Atlantic theater. We value and salute their efforts.

However, the VFW cannot support a special monthly benefit for this single group. Merchant Marines are just one of 28 civilian groups that have been awarded Veterans status by virtue of their military-related service. Not one of these other 28 groups receives a special monthly benefit such as this. In fact, the only group of veterans that receives a special monthly benefit is Medal of Honor recipients.

Singling this group out—no matter how valiant their service—would create inequities. Congress should not single them out for special benefits when they are not provided to other groups, such as the Women's Air Force Service Pilots (WASPs) or those honorably discharged members of "The Flying Tigers." Further, many World War II veterans who served on the front lines are not receiving any form of compensation, and certainly not a \$1,000 monthly benefit. We cannot put one group ahead of all others.

The VFW is also concerned about the funding for this proposal. The special monthly

benefit would consume almost \$500 million of the VA's budget over the next five years. With waves of service members returning from Iraq and Afghanistan and presenting challenges for the entire VA health care system, especially for those who are grievously wounded, taking away money to give a special bonus to one segment of veterans is not right. This is especially true because the vast majority of the Merchant Marines covered under this bill are already entitled to VA health care and most veterans' benefits.

The VFW greatly respects their bravery and their dedication, but we cannot support legislation that singles them out above other deserving groups. We ask you to keep these issues in mind, and to oppose this bill's passage.

Very truly yours,

ROBERT E. WALLACE,
Executive Director.

WORLD WAR II SERVICE BY PARTICULAR
GROUPS

A number of groups who provided military-related service to the United States can receive VA benefits. A discharge by the Secretary of Defense is needed to qualify. Service in the following groups has been certified as active military service for benefits purposes:

RECOGNIZED GROUPS UNDER PUBLIC LAW 95-202

	Date of recognition	Recognized group
1	8 Mar 79	Women's Air Force Service Pilots (WASPs) (WWII).
2	18 Mar 80	Women's Army Auxiliary Corps (WAAC) (WWII).
3	22 Jan 81	Civilian Employees, Pacific Naval Air Bases, Who Actively Participated in the Defense of Wake Island during WWII.
4	17 Jul 81	Male Civilian Ferry Pilots (WWII).
5	7 Apr 82	Wake Island defenders from Guam (WWII).
6	27 Dec 82	Civilian Personnel Assigned to the Secret Intelligence Element of the OSS. (WWII).
7	10 May 83	Guam Combat Patrol (WWII).
8	7 Feb 84	Quartermaster Corps Keswick Crew on Corregidor (WWII).
9	7 Feb 84	U.S. Civilian Volunteers Who Actively Participated in the Defense of Bataan (WWII).
10	18 Oct 85	U.S. Merchant Seamen Who Served on Blockships in Support of Operation Mulberry in the World War II invasion of Normandy (WWII).
11	19 Jan 88	American Merchant Marine in Ongoing Service during the Period of Armed Conflict, December 7, 1941 to August 15, 1945 (WWII).
12	2 Aug 88	Civilian U.S. Navy IFF Technicians Who Served in the Combat Areas of the Pacific during World War II (December 7, 1941 to August 15, 1945) (WWII).
13	30 Aug 90	U.S. Civilians of the American Field Service (AFS) Who Served Overseas Under U.S. Armies and U.S. Army Groups in World War II During the Period December 7, 1941 through May 8, 1945 (WWII).
14	5 Oct 90	U.S. Civilian Flight Crew and Aviation Ground Support Employees of American Airlines Who Served Overseas as a result of American Airlines' Contract with Air Transport Command during the Period December 14, 1941 through August 14, 1945 (WWII).
15	8 Apr 91	Civilian Crewmen of the United States Coast and Geodetic Survey vessels who performed their service in areas of immediate military hazard while conducting cooperative operations with and for the United States Armed Forces within a time frame of December 7, 1941 to August 15, 1945 (WWII) (Qualifying vessels are: the Derickson, Explorer, Gilber, Hilgard, E. Lester Jones, Lydonia Patton, Surveyor, Wainwright, Westdahl, Oceanographer, Hydrographer and Pathfinder).
16	3 May 91	Honorably Discharged Members of the American Volunteer Group (Flying Tigers) Who Served During the Period December 7, 1941 to July 18, 1942 (WWII).
17	12 May 92	U.S. Civilian Flight Crew and Aviation Ground Support Employees of United Air Lines (UAL), Who Served Overseas as a Result of UAL's Contract With the Air Transport Command During the Period December 14, 1941 through August 14, 1945 (WWII).
18	12 May 92	U.S. Civilian Flight Crew and Aviation Ground Support Employees of Transcontinental and Western Air (TWA), Inc., Who Served Overseas as a Result of TWA's Contract with the Air Transport Command during the Period December 14, 1941 through August 14, 1945 (WWII).
19	29 Jun 92	U.S. Civilian Flight Crew and Aviation Ground Support Employees of Consolidated Vultee Aircraft Corporation (Convair Division), Who Served Overseas as a Result of a Contract with the Air Transport Command during the Period (WWII) U.S. Civilian Flight Crew and Aviation Ground Support during the Period December 7, 1941 through August 14, 1945 (WWII).
20	17 Jul 92	U.S. Civilian Flight Crew and Aviation Ground Support Employees of Pan American World Airways and its subsidiaries and affiliates, Who Served Overseas as a Result of Pan American's Contract with the Air Transport Command and Naval Air Transport Service during the Period December 14, 1941 through August 14, 1945 (WWII).
21	29 Jun 92	Honorably Discharged Members of the American Volunteer Guard, Eritrea Service Command during the Period June 21, 1942 to March 31, 1943 (WWII).
22	13 Dec 93	U.S. Civilian Flight Crew and Aviation Ground Support Employees of Northwest Airlines, Who Served Overseas as a Result of Northwest Airlines' Contract with the Air Transport Command during the Period December 14, 1941 through August 14, 1945 (WWII).
23	13 Dec 93	U.S. Civilian Female Employees of the U.S. Army Nurse Corps While Serving in the Defense of Bataan and Corregidor During the Period January 2, 1942 to June 12, 1945 (WWII).
24	2 Jun 97	U.S. Civilian Flight Crew and Aviation Ground Support Employees of Northeast Airlines Atlantic Division, who served overseas in the result Northeast Airlines' contract with the Air Transport Command during the Period December 7, 1941, to August 14, 1945 (WWII).
25	2 Jun 97	U.S. Civilian Flight Crew and Aviation Ground Support Employees of Braniff Airways, who served overseas in the North Atlantic or under the jurisdiction of the North Atlantic Wing as a result of a contract with Air Transport Command during the period February 26, 1942, to August 14, 1945 (WWII).
26	30 Sep 99	Approximately 50 Chamorro and Carolinian policemen, who received military training and under the command of the 6th Provisional Military Police Battalion, to accompany U.S. Marines in combat patrol activity from August 19, 1945, to September 2, 1945.
27	27 Aug 99	Operational Analysis Group of the Office of Scientific Research and Development, who served overseas from December 7, 1941, through August 15, 1945.
28	9 Aug 00	Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged under section 8147 of the Department of Defense Appropriations Act of 2001 (P.L. 106-259).

Now, while I am disappointed with regard to the outcome, I am encouraged that when the vote was concluded that Chairman FILNER had agreed to

consider separate legislation with regard to these groups. Immediately following the markup, I introduced H.R. 2270, the Benefits of Qualified World

War II Veterans Act of 2009, which provides equity to those other groups by providing them the same type of payment as sought here today.

Now that this whole issue is becoming better understood, it is my hope that other Members will join me in supporting H.R. 2270 to ensure fair treatment for all of these groups equally deserving.

H.R. 23, as amended, much like the legislation that comes to the floor, is certainly well meaning, but I must oppose it. I oppose it because you cannot resolve an inequity through discrimination, and that's exactly what this bill does.

Madam Speaker, H.R. 23, as amended, would provide an unprecedented \$1,000 monthly payment to World War II Merchant Mariners.

There is no dispute that these mariners braved great danger and suffered great loss in their service to the Allies.

This service has been recognized. These Merchant Mariners were given veteran status in 1988 and have VA healthcare and benefits. This bill would grant them a non-service connected pension unlike anything Congress has authorized, with one exception: the service pension of \$1,100 for recipients of the Medal of Honor.

Thus, the conversation about the Merchant Marines' degree of valor is off the mark. They were valorous. They have been granted veterans' status. The question is whether we should now give them a service pension, which we do not do for other groups of veterans except our most highly decorated veterans, our Medal of Honor recipients.

The argument begin made is that the Merchant Mariners were shortchanged because they did not receive G.I. Bill benefits, unlike the members of the Armed Forces who served in World War II. However, twenty-eight other Veterans groups who were also contractors and mercenaries that also provided military-related service to the U.S. in World War II have also received veteran status as the Merchant Mariners, and likewise did not qualify for the G.I. Bill.

If equity was really the issue, this bill should help these groups, too; but H.R. 23, as amended, unfairly ignores them and thus does not provide full equity. It creates an inequity among veterans, diminishing the value of one group's service about others'. It is not possible to resolve an inequity through bias to Merchant Marines by discriminating against similarly situated veterans groups.

Madam Speaker, I ask unanimous consent that the names of these 28 groups be inserted into the RECORD with my statement so that the discriminations against these veterans by this Congress will be noted.

One of those other groups of similarly situated veterans are members of the American Volunteer Group, famously known as the Flying Tigers. They were American P-40 pilots and ground crews who worked for the Chinese government in the air defense of Rangoon and other parts of China before and after the attack on Pearl Harbor.

The Flying Tigers are credited with destroying an impressive 297 enemy aircraft and had one of the best kill ratios of any air group in the Pacific theater. There were approximately 80 pilots that flew for the Flying Tigers, of which 21 died in service.

An amazing 19 of them were credited with five or more air to air victories, making them aces.

Of the over 300 original members of the Flying Tigers only 18 of them are still with us today—yet the chairman has chosen to discriminate against them.

Another one of these groups that I would like to highlight are the Women Air Force Service Pilots (WASPs). These were female pilots who flew every type of mission that any Army Air Force male pilot flew during World War II, except combat missions.

They freed up male pilots for combat by flying planes from factories to airfields and overall flew 60 million miles in every type aircraft in the Army Air Force arsenal—from the fastest fighters to the heaviest bombers.

More than 25,000 women applied for WASP service, and fewer than 1,900 were accepted. After completing months of military flight training, 1,078 of them earned their wings and became the first women in history to fly American military aircraft. Thirty-eight of these brave pilots died while serving their country—yet the chairman has chosen to discriminate against them.

Madam Speaker, these are just the stories of two of these groups who all served loyally, selflessly, and courageously.

Their service contributed directly to victory in 1945 and yet they are ignored by this bill.

In their May 11th letter to all members opposing H.R. 23, as amended, the Veterans of Foreign Wars agreed with this argument and stated with respect to the Merchant Mariners of World War II that, "Singling out this group—no matter how valiant their service—would create inequities. Congress should not single them out for special benefits when they are not provided to other groups . . .".

Madam Speaker I offered an amendment at the Full Committee markup of H.R. 23, as amended, to include these other 28 groups but it was rejected by a vote of 15–14.

I am very disappointed by this outcome.

Immediately following the markup, I introduced H.R. 2270, the Benefits for Qualified World War II Veterans Act of 2009, which provides equity to these other groups by providing them the same \$1,000 a month pension that H.R. 23, as amended, would provide to Merchant Mariners. Now that this whole issue is becoming better understood, it is my hope that other members will join me in supporting H.R. 2270 to ensure fair treatment for all of these groups who are equally deserving.

H.R. 23, as amended, like much of the legislation that comes to this floor, is certainly well-meaning. It may well pass the House, although I have opposed it. And if it does, then it will behoove us to also provide full equity and pass H.R. 2270 as soon as it can be brought to the floor. I urge all members to oppose H.R. 23, as amended.

I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I reserve the balance of my time.

Mr. BUYER. I urge all Members to oppose this legislation before us, and I appeal to them, do not create a service pension that will differentiate members' service from others. This is the wrong approach.

I yield back the balance of my time.

Mr. FILNER. Madam Speaker, without a doubt these men, now octogenarians, average age almost 85, fought the good fight and gave our country their all. And H.R. 23 will provide them with the compensation they earned or was promised them and has been denied for decades, not just in words but in deeds.

Madam Speaker, I ask that letters of support from the American Maritime Officers, the International Organization of Masters, Mates & Pilots, the Marine Engineers' Beneficial Association, and the Seafarers International Union expressing their strong support for H.R. 23, as amended, be included in the RECORD.

MAY 5, 2009.

Hon. BOB FILNER,
Chairman, House Veterans' Affairs Committee,
Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing on behalf of the undersigned American maritime labor organizations to express our strong support for H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act of 2009" and to urge your Committee to favorably report this legislation. The organizations we represent have the privilege of including among our retired members individuals who served our country with honor and distinction during World War II. These World War II merchant mariners are truly representative of the "Greatest Generation", and we are extremely proud of them and the example they have set for all merchant mariners who continue to respond to our Nation's call whenever and wherever they are needed.

General Colin Powell, following the Persian Gulf War, said that: "Since I became Chairman of the Joint Chiefs of Staff, I have come to appreciate first-hand why our Merchant Marine has long been called our Nation's fourth arm of defense. The American seafarer provides an essential service to the well-being of our Nation as was demonstrated so clearly during Operation Desert Shield and Desert Storm . . .".

We agree wholeheartedly with you that the enactment of H.R. 23 is necessary "to correct an injustice that has been inflicted upon a group of World War II veterans, the World War II United States merchant mariners." We sincerely thank you, Mr. Chairman, for your initiative in working to address this injustice by sponsoring legislation to provide long-overdue recognition and benefits to World War II merchant mariners. We are also grateful to your colleagues who have cosponsored H.R. 23 and for their decision to add their names to the bipartisan supporters who are committed to working with you and with us for the enactment of H.R. 23 this year.

There is not, nor should there be, any debate as to the invaluable service given by American merchant mariners during World War II. In fact, World War II merchant mariners suffered the highest casualty rate of any of the branches of the Armed Forces other than the United States Marine Corps, as they delivered troops, tanks, food, fuel and other needed equipment and material to every theater of World War II. Enemy forces sank more than 800 merchant vessels between 1941 and 1944 alone.

As General of the Army, Allied Expeditionary Forces in Europe, Dwight David Eisenhower stated, "When final victory is ours there is no organization that will share its credit, more deservedly than the Merchant

Marine." Fleet Admiral Chester W. Nimitz, Commander in Chief, Pacific Theater, said that "The Merchant Marine . . . has repeatedly proved its right to be considered as an integral part of our fighting team."

General of the Army Douglas MacArthur, speaking of the merchant seamen who supported the liberation of the Philippines, stated that "With us, they have shared the heaviest enemy fire. On these islands I have ordered them off their ships and into foxholes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and death . . . They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine Service."

Finally, President Franklin Roosevelt eloquently and accurately summed up the contributions of World War II merchant mariners, telling the country and the world that they "have written one of the most brilliant chapters. They have delivered the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult and most dangerous job ever taken."

Yet, despite this record of exemplary, indispensable service to America's war efforts, merchant mariners were not given the formal recognition and benefits granted other services by the Congress through the GI Bill of Rights in 1945. In fact, no legislation to recognize the contributions made by World War II merchant mariners was enacted until Congress extended limited veterans' status to these gallant American citizens in 1988.

We believe, as you have stated Mr. Chairman, that it is time to correct this injustice. We believe our country has an obligation to the remaining World War II merchant mariners, to fully acknowledge their service and to give them the measure of benefit called for in H.R. 23. We ask you and your Committee to take the first step in righting this wrong by favorably reporting H.R. 23 to the House of Representatives for its consideration.

We note that during the consideration of H.R. 23 in the last Congress, changes were made to the legislation that would, among other things, reduce its overall cost. For example, it no longer provides any payment of benefits to survivors' spouses and revised the legislation so that it is no longer self-funded. Rather, it sets up a Merchant Mariner Equity Compensation Fund and leaves it to Congress to later determine funding within its spending caps. Finally, those who have received benefits under the Servicemen's Readjustment Act of 1944 (the GI Bill—PL 78-346) are not eligible for benefits under H.R. 23. The bill, with these changes, is the legislation that was adopted by the House of Representatives on July 7, 2007 and we continue to support H.R. 23 with these changes.

We again thank you and your colleagues for the support you have shown for the World War II merchant mariners and we stand ready to work with you for its enactment this year.

Sincerely,

Thomas Bethel, President, American Maritime Officers; Timothy Brown, President, International Organization of Masters, Mates & Pilots; Don Keefe, President, Marine Engineers' Beneficial Association; Anthony Poplawski, President, Marine Firemen's Union; Gunnar Lundberg, President, Sailors' Union of the Pacific; Michael Sacco, President, Seafarers International Union.

NATIONAL ASSOCIATION
FOR UNIFORMED SERVICES®,
Springfield, VA, May 11, 2009.

DEAR MEMBER OF CONGRESS:

On behalf of the National Association for Uniformed Services (NAUS), celebrating its 41st year representing all ranks, branches and components of the uniformed services, their spouses and survivors, I write to ask you to approve H.R. 23, the Belated Thank You to Merchant Mariners of World War II Act of 2009. NAUS strongly urges you to recognize finally, completely, and honorably, the service given in harm's way during World War II by members of the U.S. Merchant Marines.

Despite recent arguments against this bill, H.R. 23 does not, repeat, not put one group ahead of all others nor does it take funding away from any other veterans groups or programs. History shows that the Merchant Mariners of World War II had every reasonable expectation that they would be treated as veterans for their service in World War II.

When President Roosevelt signed the GI Bill in 1944, he said, "I trust Congress will soon provide similar opportunities to members of the Merchant Marine who risked their lives time and again during the War for the welfare of their country." Unfortunately, Congress did not act until 44 years later, long after other war veterans had used the generous benefits our nation provided and had received the medical care necessary to treat their wounds.

For all those years, the U.S. Merchant Marine Combat Veterans received no help from the Government they served and little to no recognition for wartime service to our country. They missed out on the GI Bill for their education, the GI Home Loan Program for purchase of their family home, and related earned benefits, not to mention the cost of the medical care they underwent for the wounds, injuries and illnesses they experienced. Their service was shelved and taken for granted.

Nearly 300,000 men answered the call to train and serve in the U.S. Merchant Marine during WWII. Many never returned home and many others who did return came back with both physical and mental wounds. These men put their lives on the line for their country with 9,521 killed (or died from wounds), 12,000 wounded, 663 taken as Prisoner of War, and 66 who died in POW camps.

Fewer than 10,000 of these brave men, who challenged our enemy at sea and willingly risked life to help win the war, survive today. We ask you to support those now almost-ancient mariners whose heroic contribution as members of the ocean-going Merchant Mariners struggled to help secure the American victory in World War II.

On behalf of a grateful nation, I urge you to honor these brave men with your vote for H.R. 23, The Belated Thank You to the Merchant Mariner Combat Veterans of World War II. Time is running short for a final thanks to the Merchant Mariner of World War II. Let us not squander this opportunity. As always, thank you for your leadership and continued support of America's veterans.

Sincerely,

WILLIAM M. MATZ, JR.,
Major General, U.S. Army, Retired,
President.

NATIONAL ASSOCIATION
FOR UNIFORMED SERVICES®,
Springfield, VA, May 5, 2009.

Hon. BOB FILNER,
Chairman, Veterans' Affairs Committee, House
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Association for Uniformed Services

(NAUS), I write to offer our support for H.R. 23, The Belated Thank You to the Merchant Mariners of World War II Act of 2009, a bill to recognize the honorable service these brave and courageous individuals gave in wartime to their country.

By establishing a Merchant Mariners Equity Compensation Fund, the bill would provide monthly payments of \$1,000 to qualifying members of the United States Merchant Marines who, motivated by a deep love of country and personal sense of patriotism, faced enemy action and contributed decisively to the war's final victory.

NAUS commends your strength of leadership in recognition of the heroic service put forth during World War II by the thousands of young men who volunteered for service in the U.S. Merchant Marine. These forgotten heroes have struggled for more than six decades for honorable recognition by the nation they proudly served and their recognition is long overdue.

Once again, the National Association for Uniformed Services fully supports The Belated Thank You to the Merchant Mariners of World War II Act. We appreciate working with you and thank you for your leadership in recognizing the vital role these brave men served in helping to win the war.

Sincerely,
WILLIAM M. MATZ, JR.,
Major General, U.S. Army, Retired,
President.

Madam Speaker, William Matz, Jr., major general of the U.S. Army, retired, who is president of the National Association for Uniformed Services, wrote to all Members of Congress that "on behalf of NAUS celebrating its 41st year representing all ranks, branches and components of the uniformed services, their spouses and survivors, I write to ask you to approve H.R. 23, the Belated Thank You to Merchant Mariners of World War II Act of 2009. NAUS strongly urges you to recognize finally, completely, and honorably, the service given in harm's way during World War II by members of the U.S. Merchant Marines."

"Despite recent arguments against this bill, H.R. 23 does not, repeat, not put one group ahead of all others nor does it take funding away from any other veterans group or programs. History shows that the Merchant Mariners of World War II had every reasonable expectation that they would be treated as veterans for their service in World War II."

"When President Roosevelt signed the GI Bill in 1944, he said, 'I trust Congress will soon provide similar opportunities to members of the Merchant Marine who risked their lives time and time again during the War for the welfare of their country.' Unfortunately, Congress did not act until 44 years later, long after other war veterans had used the generous benefits our Nation provided and had received the medical care necessary to their wounds."

"For all those years, the U.S. Merchant Marine Combat Veterans received no help from the government they served and little to no recognition for wartime service to our country. They missed out on the GI Bill for

their education, the GI Home Loan Program for purchase of their family home, and related earned benefits, not to mention the cost of the medical care they underwent for the wounds, injuries and illnesses they experienced. Their service was shelved and taken for granted.

"Nearly 300,000 men answered the call to train and serve in the U.S. Merchant Marine during World War II. Many never returned home and many others who did return came back with both physical and mental wounds. These men put their lives on the line for their country with 9,521 killed (or died from wounds) 12,000 wounded, 663 taken as prisoner of war, and 66 who died in POW camps.

"Fewer than 10,000 of these brave men, who challenged our enemy at sea and willingly risked life to help win the war, survive today. We ask you to support these now almost-ancient mariners whose heroic contribution as members of the ocean-going merchant mariners struggled to help secure the American victory in World War II.

"On behalf of a grateful Nation, I urge you to honor these brave men with your vote for H.R. 23, the Belated Thank You to the Merchant Mariner Combat Veterans of World War II. Time is running short for a final thanks to the merchant mariner of World War II. Let us not squander this opportunity."

Madam Speaker, that was the letter from the president of the National Association for Uniformed Services, Major General William Matz of the U.S. Army, Retired.

I can say it no better, and I urge my colleagues to unanimously support H.R. 23, as amended.

Mr. ISSA. Madam Speaker, I rise in support of the Merchant Mariners who served during World War II. Tasked with delivering troops, tanks, food, airplanes, fuel and other supplies to war theaters, Merchant Mariners suffered the highest casualty rate of any of the branch of the service. Their bravery for our country deserves recognition.

I am a proud cosponsor of H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act of 2009." This legislation will provide certain honorably discharged U.S. Merchant Marine veterans with a monthly \$1,000 benefit.

With each passing year, there are fewer surviving Merchant Marine veterans. I urge my colleagues in the House and the Senate to join me in supporting H.R. 23 to give these veterans their recognition.

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and honor the service the U.S. Merchant Marines and the sacrifice each gave for our country. The merchant seamen of World War II were volunteers and a civilian a military corps serving the United States in the war. They were denied veterans' benefits comparable to those provided to World War II era military veterans. By most reports, the World War II merchant marines suffered the greatest casualties of any of the fighting branches—with nearly 1-in-26 dying in battle.

H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act of 2009 will provide benefits for an estimated 38,000 individuals in the first year of the enactment of this legislation. I believe this legislation is long overdue. I am eager to see them receive all the benefits they deserve.

I am proud and grateful for the opportunity to nominate constituents to the U.S. Merchant Marine Academy. There they receive an education for a future in this field. I applaud the hard work and dedication of the merchant mariners and the sacrifices they have made for our country.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 23, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GAO STUDY OF CIVIL AIR PATROL IN HOMELAND SECURITY MISSIONS

Mr. WALZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1178) to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CIVIL AIR PATROL STUDY.

(a) *STUDY.*—The Comptroller General of the United States shall conduct a study of the functions and capabilities of the Civil Air Patrol to support the homeland security missions of State, local, and tribal governments and the Department of Homeland Security. In conducting the study, the Comptroller General shall review the process by which the Civil Air Patrol may provide assistance to the Secretary of Homeland Security, other Federal agencies, and States to support homeland security missions by—

(1) providing aerial reconnaissance or communications capabilities for border security;

(2) providing capabilities for collective response to an act of terrorism, natural disaster, or other man-made event by assisting in damage assessment and situational awareness, conducting search and rescue operations, assisting in evacuations, transporting time-sensitive medical or other materials;

(3) providing assistance in the exercise and training of departmental resources responsible for the intercept of aviation threats to designated restricted areas; and

(4) carrying out such other activities as may be determined appropriate by the Comptroller General in the conduct of this review.

(b) *REPORT.*—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Home-

land Security, the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the findings of the review conducted under subsection (a). The report shall include—

(1) an assessment of the feasibility and cost effectiveness of using Civil Air Patrol assets for the purposes described in subsection (a); and

(2) an assessment as to whether the current mechanisms for Federal agencies and States to request support from the Civil Air Patrol are sufficient or whether new agreements between relevant Federal agencies and the Civil Air Patrol are necessary.

(c) *REPORT TO CONGRESS.*—Not later than 90 days after the date of receipt of the report under subsection (b), the Secretary of Homeland Security shall review and analyze the study and submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on such review and analysis, which shall include any recommendations of the Secretary for further action that could affect the organization and administration of the Department of Homeland Security.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Minnesota (Mr. WALZ) and the gentleman from Pennsylvania (Mr. DENT) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. WALZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on H.R. 1178.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Madam Speaker, I would like to insert into the RECORD an exchange of letters between Chairman OBERSTAR and Chairman THOMPSON regarding H.R. 1178.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
WASHINGTON, DC, MAY 7, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you regarding H.R. 1178, a bill "To direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes," introduced on February 25, 2009, by Congressman Charles W. Dent. This legislation was initially referred to the Committee on Transportation and Infrastructure and, in addition, to the Committee on Homeland Security.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation, I will waive further consideration of H.R. 1178. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during floor consideration of this bill.

I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, WASHINGTON, DC,
MAY 7, 2009.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
Ford House Office Building, Washington, DC.*

DEAR CHAIRMAN THOMPSON: Thank you for your May 7, 2009 letter regarding H.R. 1178, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions.

I agree that provisions in H.R. 1178 are of jurisdictional interest to the Committee on Homeland Security. I appreciate your willingness to waive rights to further consideration of H.R. 1178 to ensure the timely consideration of this legislation, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction over this legislation or similar language. Further, I will support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 1178.

This exchange of letters will be placed in the Congressional Record as part of the consideration of H.R. 1178 in the House.

I value your cooperation and look forward to working with you as we move ahead with this legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.
Chairman.

Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in support of the gentleman from Pennsylvania's legislation, H.R. 1178. It does direct the Comptroller General to do a smart study of the Civil Air Patrol's ability to support the Nation's Homeland Security and emergency response activities.

Specifically, H.R. 1178 requires the Government Accountability Office to issue a report within 180 days of enactment that will describe the current functions and capabilities of the Civil Air Patrol to support emergency response and Homeland Security missions.

GAO is required to assess how the Civil Air Patrol may provide assistance for border security and a variety of threats and hazards, such as damage assessment, search and rescue operations, evacuations and transporting time-sensitive medical materials.

In addition, the report must focus on the cost-effectiveness of using the Civil Air Patrol to support a security mission, as well as whether mechanisms and agreements are sufficient, or

whether new agreements between Federal agencies and the Civil Air Patrol are necessary to request support. The report must be reviewed and analyzed by the Secretary of Homeland Security and presented to Congress within 90 days with any recommendations for further action.

I urge my colleagues to join me in supporting H.R. 1178.

Madam Speaker, I reserve the balance of my time.

Mr. DENT. I thank my good friend, the gentleman from Minnesota, for his kind comments about my legislation.

Madam Speaker, I rise today in support of H.R. 1178. This bill, which I introduced in February of this year, is similar to the Civil Air Patrol legislation that was passed by this House during the 110th Congress with overwhelming bipartisan support. I am pleased to have the opportunity to bring this bill before the House for consideration once again.

I would like to thank Chairman OBERSTAR and Ranking Member MICA of the Committee on Transportation and Infrastructure for their cooperation and support in bringing this legislation to the floor today. I would also like to extend my gratitude to Chairman BENNIE THOMPSON and Ranking Member PETER KING and the Committee on Homeland Security for their continued support for this initiative. Additionally, I would also like to thank Chairwoman SHEILA JACKSON-LEE of the Subcommittee on Transportation Security and Infrastructure Protection, on which I serve as ranking member, for her support as a cosponsor of H.R. 1178.

This bill, H.R. 1178, directs the Comptroller General of the Government Accountability Office to conduct a study to determine how the Civil Air Patrol or CAP can help support Homeland Security missions. The GAO will generate a report based on the findings of the study. Once complete, the report will be reviewed by both the Homeland Security Committee and the Transportation and Infrastructure Committee.

Specifically, this study will examine the ways in which the Civil Air Patrol may assist State, local and tribal governments and the Department of Homeland Security by providing aerial reconnaissance or communications assistance for border security, augmenting the Department's situational awareness in search and rescue capabilities in the aftermath of an act of terrorism, natural disaster or other catastrophic event, and providing other assistance deemed appropriate by the Comptroller General.

Once the study is completed and the GAO publishes its report, DHS must review and analyze that report, and within 90 days submit recommendations to Congress for further action. Aviation assets traditionally have played an important role in border security, in the

interdiction of contraband and in search and rescue operations, evacuations and after-action analysis that must be performed in the wake of a catastrophic event.

We watch as communities continue to deal with fires or tornados, hurricanes, and floods that turn families' lives upside down. We continue to witness drug cartel violence on the Mexican border.

H.R. 1178 will allow for further explanation into the use of the Civil Air Patrol capabilities for delivering needed relief in such situations. The Civil Air Patrol has a long history of service to this Nation. The organization was founded at the outbreak of the Second World War, during which it served as a vital watchdog along the coastlines of America, protecting us from the threat of German U-boats that patrolled our shores. I even believe they got a few back then.

Since that time, the Civil Air Patrol has regularly assisted States in search and rescue operations and emergency response, including action during Hurricanes Katrina and Rita. The Civil Air Patrol deployed 1,800 members to the devastated areas, logging more than 50,000 volunteer hours and distributing over 30,000 pounds of relief supplies.

Today our Civil Air Patrol force of approximately 57,000 volunteers from varying professional backgrounds, with over 500 aircraft across the country, stands ready to assist in the aforementioned missions. In the Commonwealth of Pennsylvania alone, we have over 2,300 volunteers, over 1,000 of which are cadets between the ages of 12 and 18.

I urge my colleagues to support this piece of legislation as we help to ensure the effective use of all available resources for securing our Homeland Security. Madam Speaker, I am pleased to say here today that the Civil Air Patrol enthusiastically supports this legislation.

Mr. PETRI. Madam Speaker, I rise in support of H.R. 1178 originally introduced by my colleague from Pennsylvania, Mr. DENT. The bill directs the Comptroller General of the Government Accountability Office (GAO) to conduct a study to determine how the Civil Air Patrol (CAP) can help support homeland security missions and to report to Congress on his findings.

The Civil Air Patrol (CAP) is a Congressionally-chartered, federally-supported, non-profit corporation that serves as the official auxiliary of the United States Air Force (USAF). First organized over sixty years ago at the beginning of World War II, the Civil Air Patrol is a 57,000-member volunteer cadre that flies 500 planes nationwide.

In addition to its aerospace education mission for youth and the general public, the Civil Air Patrol handles 90 percent of inland search and rescue missions. Its members are responsible for approximately 75 lives saved each year.

Civil Air Patrol planes have been among the first to survey the aftermath of such disasters

as the attacks of September 11, 2001, Hurricane Katrina, Texas and Oklahoma wildfires, and North Dakota flash flooding. The Civil Air Patrol has also assisted in humanitarian missions along the U.S. and Mexican border.

Border security, drug interdiction, search and rescue are just a few missions in which airborne reconnaissance and tracking would give homeland security officials valuable information critical to carrying out their objective.

The Civil Air Patrol is eager to further assist in Homeland Security missions. This bill will help better define how the Civil Air Patrol may be used more extensively to aid in homeland security missions.

Mr. GINGREY of Georgia. Madam Speaker, I rise today to express my support for H.R. 1178, legislation that would direct the Comptroller General to conduct a study on the use of Civil Air Patrol personnel to support homeland security missions.

Since its inception in 1941, the Civil Air Patrol has been vital in emergency services and disaster relief operations across the United States. As the official civilian auxiliary to the United States Air Force, the Civil Air Patrol contains over 56,000 of America's finest volunteers and owns several thousand aircraft and vehicles to complete its missions.

Furthermore, the Civil Air Patrol has provided the nation's youth and general public with aerospace education and created numerous cadet programs for young people ages 12–18. These cadet programs help supply the necessary skills and resources for our nation's future leaders. Two such leaders, Barry and Christiana Loudermilk, reside in the 11th District of Georgia, which it has been an honor and privilege to represent for the last six years in this great body.

Despite a very busy and demanding career as both a State Legislator and a businessman, Barry Loudermilk is an active officer in the Rome Civil Air Patrol Squadron. He also serves as the Squadron Commander of the Georgia Civil Air Patrol Legislative Squadron and is a Government Affairs Officer for the Georgia Wing Civil Air Patrol. Additionally, Barry has been active in his community as a Volunteer Search and Rescue Ground Team Leader and a Volunteer Search and Rescue Pilot.

His daughter, Christiana, has distinguished herself as a leader throughout her career in the Civil Air Patrol. Christiana holds the rank of Cadet Captain and is a certified ground search and rescue specialist. She served as the Cadet Commander of the Rome Composite Squadron and attended the 2007 Cadet Officers School at Maxwell Air Force Base. For her tireless efforts, Christiana has received the Georgia Air Wing Commander's "Coin of Excellence," and was awarded the Civil Air Patrol's "Community Service Award" for her volunteer works in a local hospital.

In 2008, Christiana served as the Alpha Flight Commander at the Georgia Wing encampment and her flight was named the encampment's "Honor Flight." In addition to serving as Alpha Flight Commander, she was selected to attend the "Specialized Undergraduate Pilot Training Course" at Columbus Air Force Base in Columbus, Mississippi. I want to publicly thank Christiana for her service and thank the Civil Air Patrol for providing

this type of quality leadership training to our young people.

Madam Speaker, it is my firm belief that the Civil Air Patrol will provide an extraordinary addition to the Department of Homeland Security (DHS) if the Comptroller General finds it worthwhile for such an endeavor. The Civil Air Patrol has displayed volunteer leadership for over 60 years in working with the United States Air Force, and it is a leader for developing our nation's youth. I applaud both Barry and Christiana Loudermilk for their accomplishments in this organization, and I support expanding the mission of the Civil Air Patrol so that they can assist DHS in defending the United States. We must use every resource necessary to keep America safe, and I am positive that the Civil Air Patrol will add to and continue the remarkable job our military has provided in defending our nation at home and abroad.

Mr. DENT. I yield back the balance of my time.

Mr. WALZ. I thank the gentleman for his thoughtful piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, H.R. 1178, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1545

COMMENDING FLOOD FIGHTING EFFORTS IN NORTH DAKOTA AND MINNESOTA

Mr. WALZ. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 415) commending the heroic efforts of the people fighting the floods in North Dakota and Minnesota.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 415

Whereas 47 of the 53 counties in North Dakota and 28 of the 87 counties in Minnesota have been declared Federal disaster areas;

Whereas wide swaths of North Dakota and Minnesota have faced unprecedented flooding crises, including cities along the Des Lacs, Heart, James, Knife, Missouri, Little Missouri, Park, Pembina, Red, Sheyenne, Souris, and Wild Rice Rivers and Beaver Creek;

Whereas the people of North Dakota and Minnesota have suffered tremendous damage to their homes, livelihoods, and communities;

Whereas the ranchers of North Dakota and Minnesota are estimated to have lost nearly 100,000 head of livestock;

Whereas many of the roads and bridges, and much of the other infrastructure, in North Dakota and Minnesota are in need of repair;

Whereas, despite terrible conditions, the people of North Dakota and Minnesota have

shown the strength of their shared bond, coming together in large numbers to save their cities, towns, businesses, farms, and ranches;

Whereas stories of exceptional efforts abound, from people filling millions of sandbags on short notice, to people saving lives and effecting rapid emergency evacuations;

Whereas Federal, State, and local officials have provided outstanding leadership and effective service throughout the crisis in North Dakota and Minnesota; and

Whereas the response of the people of North Dakota and Minnesota to the disaster has shown the world how communities can unite, fight, and win in a crisis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of North Dakota and Minnesota for their heroic efforts in fighting the floods in North Dakota and Minnesota;

(2) commends the many people from around the United States who assisted the people of North Dakota and Minnesota during this time of need;

(3) expresses appreciation to the officials of the numerous Federal agencies, including the Federal Emergency Management Agency, working on the ground in North Dakota and Minnesota for their consistently rapid, efficient, and effective response to the disaster; and

(4) continues to stand with the communities of North Dakota and Minnesota in the efforts to recover from the flooding during 2009, and to improve protections against flooding in the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. WALZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Madam Speaker, I yield myself such time as I may consume.

I rise in the strongest support of H. Res. 415, a resolution to commend the heroic efforts of the people fighting the recent floods in North Dakota and Minnesota.

In October of 2007, the House passed H. Res. 657 to express sympathy for the victims of the devastating flooding that occurred in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin. I spoke on the House floor then to commend our fellow citizens in the wake of Mother Nature's wrath, and to thank the men and women who serve this Nation as National Guardsmen, police officers, firefighters, emergency medical personnel, and others, who put themselves in danger every day to protect us. These dedicated professionals were once again called in the wake of the Red River floods.

In April 2009, several counties in Minnesota were greatly affected by flooding along the Red River. The Red River flows between North Dakota and Minnesota. Flooding along the Red River, combined with extremely cold weather, caused severe ice damage. Flooding conditions along the river were the result of one of the wettest springs, where winter stream flows were 300 percent above normal.

Twenty-four hours a day, every day of the year, all over this country, when any type of tragedy enters our lives, from a medical emergency facing a neighbor to a large-scale national disaster, terrorist attack, or other incident, our Nation's emergency responders and charitable organizations are the first on the scene to provide professional services, expert help, aid and comfort. These well-trained, highly skilled individuals are truly on the front lines in preparing for, responding to, and mitigating damages from a variety of hazards.

In addition to the heroic acts of neighbors and friends, we rise today to also acknowledge and praise the support of local businesses and many charitable organizations whose boundless generosity and caring are just one of the pillars of recovery on which we come to rely. I strongly support this resolution and urge its passage.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Madam Speaker, in March, both Minnesota and North Dakota, as the gentleman just said, began experiencing severe storms and flooding. As a result, major disaster declarations were issued for a number of counties in those States pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for Federal assistance.

But the numbers are staggering. Forty-seven of 53 counties in North Dakota and 28 of 87 counties in Minnesota have been declared Federal disaster areas. That just tells you the scope and the size of these floods.

As a Member representing a State that has seen, unfortunately, its fair share of storms, I can tell you that there are so many people that really allow the people of these States to move forward and to, frankly, survive this and, hopefully, prosper from it.

There's so many people not only from North Dakota and Minnesota, but from around the Nation, who assisted in fighting these floods, and hundreds of volunteers chipped in to help one another to fill sandbags and to do whatever it takes to make sure that they can help their fellow citizens.

Demolition crews freed up ice jams and ice dams to get water moving up the Missouri River to minimize flooding—to try to minimize flooding after, obviously, so much had already taken place.

Reportedly, there were so many volunteers who offered to help, some of them actually had to be turned away. That says a lot about the greatness of the American people.

So this resolution commends the people of North Dakota and Minnesota for their heroic actions, as the gentleman just said, along with those volunteers from around the country who also came to assist. It also expresses appreciation to FEMA—the Federal Emergency Management Agency—and other Federal agencies for their work with the State and local officials.

Again, I want to thank the gentleman for this resolution. People are hurting and struggling, but the American people have a way to come together to help each other. This is just one more example.

I urge the approval and passage of this resolution.

I reserve the balance of my time.

Mr. WALZ. I thank the gentleman from Florida for those kind words. At this time I yield such time as he may consume to the author, the gentleman who introduced this, the gentleman from North Dakota, who, along with his constituents, we share a common border, and we share far more than that—a culture and a friendship—and his leadership of making sure that all possible steps were taken is a real great example.

So with that I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman, my friend, for yielding, and appreciate very much the kind comments of Mr. DIAZ-BALART as well. Maybe sometime we can get the gentleman from southern Florida up for one of our ice storms. In turn, we can go down for a hurricane. We will all have kind of a better understanding one with another. It certainly does underscore the national dimension of how we hang together as a country. You get hit, we help; we get hit, you help. That's how it works. I want to speak to that for a moment or two in my remarks today.

The entire country, Madam Speaker, watched the compelling news coverage of the massive record flooding in North Dakota and Minnesota this spring that resulted from huge accumulations of snow and dangerous spring ice.

Having witnessed this flood fight firsthand, I understand what made these television images so compelling. From all walks of life, neighbors were helping neighbors. The Nation got to see the character of North Dakota and Minnesota as our communities responded to this disaster.

In my entire life, I have never seen a time when so many of our North Dakota communities faced disaster threats—from one end of the State to the other, and so many places in between.

Take a look at this picture. This is rural Cass County, actually outside of

the city limits of Fargo. The next picture, a city a couple hundred miles north, Pembina, North Dakota.

These images are like so many small towns across North Dakota where all you see is water. Water, water everywhere. One of the operating heads of the disaster programs in the State observed to me that it has become a place where our ditches are streams, our streams are rivers, and our rivers are lakes. That's certainly what it felt like during much of the ordeal of this spring.

Record snow, in the end, wasn't the only threat. This next picture illustrates what happens when, as the gentleman illustrated, we had ice jams on the Missouri River, backing water into the southern part of Bismarck, known as Fox Island. It required, as we mentioned, demolition to blow up that ice jam to move this flood out of a place that has not had a flood threat since the construction of the Garrison Dam 60 years ago.

In the middle of all these fights, Fargo Mayor Denny Walaker observed, If we go down, we're going to go down swinging. That absolutely captured the determination of local leadership and the citizens that responded as they fought like crazy to keep their city from becoming inundated by rampaging waters.

Federal, State, and local officials came together with folks from all walks of life. And we're very grateful to President Obama for moving swiftly to declare North Dakota and Minnesota Federal disaster areas, unleashing the help that comes with that designation.

Acting FEMA administrator Nancy Ward stood with our local leaders, ensuring they had the Federal disaster assistance to respond to community flood threats. Governor Hoeven ended calling up more than 2,000 National Guardsmen to respond to the threats. We observed many times that it was good having him work in our sand instead of desert sand, as threats this spring unfolded.

The Corps of Engineers were present—and even senior leadership present in our communities time and time again. We could not have built the kind of emergency levees that were required without the Corps' expertise. They are true partners in this fight.

Throughout these ongoing flood fights I have had the opportunity and the honor of working with local, city, and community officials as they led the battle against the rising waters. While I have always been impressed with the caliber and commitment of our local leadership, I'm now in complete awe after witnessing these individuals lead their communities in times of real crisis.

Make no bones about it, city leaders have been instrumental, instrumental in keeping their residents and their communities safe.

When Federal agency heads came to North Dakota in the middle of all of this, seeking to provide advice and direction, what they got back was an understanding of just how thorough the planning had been and how competent the local response was as leaders led the fight against this. I think it underscores a lesson we need to keep in mind in terms of disaster—Federal support, subject to local leadership, because no one knows the ground better than local leaders.

But we all know the heart of our flood fighting efforts comes down to the people themselves. And our people stepped up, bore down, and worked furiously—neighbor helping neighbor in this struggle to save their homes and communities.

This is a picture of the Fargodome. Now that's an indoor football facility where Division I North Dakota State University Bison play their football games. It was turned into sandbag central. In a town of 90,000, over the course of this ordeal, more than 80,000 volunteers came forward, built millions and millions of sandbags around the clock at the Fargodome. I was there. I've never seen anything like it.

In addition to that, National Guard, local volunteers shown here took those sandbags in the middle of blizzards and everything else, built dikes, sometimes on top of snow banks, sometimes through some of the toughest snow storms we have had in the winter.

Having lived this flood fight for several weeks, I have seen more examples of heroism than I can begin to recount, but the impressions will be with me always. We will never be able to adequately thank the thousands of National Guard, tens of thousands of volunteers, and all the countless government agencies who brought to bear their assistance to fight this record fight.

I think President Obama put it best in his radio address which featured our State's disaster and response in our region, because there's lessons we can learn from all this. The President said, "At moments like these we're reminded of the power of nature to disrupt lives and endanger communities. But we're also reminded of the power of individuals to make a difference."

"In the face of incredible challenge, the people of these communities have rallied in support of one another. And their service isn't just inspirational—it's integral to our response. It's also a reminder of what we can achieve when Americans come together to serve their communities."

"In facing sudden crises, or more stubborn challenges, the truth is we are all in this together as neighbors and fellow citizens. That is what brought so many to help in North Dakota and Minnesota and other areas affected by the flooding."

Some may see these images of snow and rain and sand and mud and water

and say to themselves, Why would anyone want to live there? But to each of us who played our respective part in this fight, experienced the strength of our community, mobilized together, shoulder to shoulder, helping one another, we say, Why would someone want to live anywhere else?

This congressional resolution is a well-deserved way to express our deep appreciation as a Congress and recognize North Dakotans and Minnesotans publicly for their courage and resilience. They are a true inspiration, and I am committed to standing with them during the long recovery process that now lies ahead. I thank you very much for allowing me this kind of time.

Mr. MARIO DIAZ-BALART of Florida. I want to thank the gentleman for that great illustration of what the people are facing. I recall that after Hurricane Andrew, I ran into a number of—obviously—volunteers. And something that really struck me was, I ran into two people who were there on vacation, and they were actually helping in a day care center for children that had lost their homes, because the gentleman just talked about how we all need to see that and how we all here need to come together as well.

□ 1600

But because of that experience, I did go to Missouri in the nineties after some floods. I had some days off. I was in the State legislature in those days. I volunteered, and I went down there. I spent a few days sandbagging. And you really see the best of the country when people are really hurting and the people are really struggling.

Again, we've received the kindness of the American people in Florida multiple times. You also see how heroic the American people are. You are seeing it now with these storms.

I want to, again, thank the gentleman for bringing up this resolution. It's timely. It's so important to make sure that we recognize that tough times are to be had, but the American people do step up.

In both of those States, they're going to do better than they ever were. They're going to be stronger, and the people are going to survive and prosper.

With that, Madam Speaker, I would yield back the remainder of my time.

Mr. WALZ. I thank the gentleman from Florida for his words, and I thank the gentleman from North Dakota for his inspirational description. Both of them did a wonderful job of explaining, when we come out of these most difficult situations, it's the best that we have.

I think, as the gentleman from North Dakota mentioned, when we saw Hurricanes Katrina and Rita, we all became Floridians. And when the Red River was flooding, we were all Minnesotans and North Dakotans. A commonality

in this Nation and the ability to pull together is truly inspirational.

Madam Speaker, I encourage my colleagues to support this resolution.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H. Res. 415, a resolution to commend the heroic efforts of the people fighting the floods in North Dakota and Minnesota.

In October of 2007, the House passed H. Res. 657, to express sympathy for the victims of the devastating flooding that occurred in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin in August of 2007. I spoke on the House floor then to commend our fellow citizens in the wake of Mother Nature's wrath, and to thank the men and women who serve this nation as police officers, firefighters, and emergency medical personnel and who place themselves in great danger every day in order to protect each one of us. These dedicated professionals were once again called to duty last month in the wake of the Red River floods.

In April of 2009, in my district in Minnesota, the counties of Cook and Lake were greatly affected by flooding along the Red River. The Red River flows north between North Dakota and Minnesota. Flooding along the Red River, combined with extremely cold weather, caused severe ice damage in Cook and Lake counties. Wadena county was declared a disaster area and a small section of Beltrami county was declared eligible for individual and public assistance. Flooding conditions along the river were the result of one of the wettest springs where winter stream flows were up to 300 percent above normal.

Twenty-four hours a day, every day of the year, all over this country, when any type of tragedy enters our lives, from a medical emergency facing a neighbor to a large-scale natural disaster, terrorist attack, or other incident, our Nation's emergency responders and charitable organizations are the first on the scene to provide professional services, expert help, aid and comfort. These well-trained, highly-skilled individuals are truly on the front lines in preparing for, responding to, and mitigating damages from a variety of hazards.

In addition to the heroic acts of our neighbors and friends, we rise today to also acknowledge and praise the support of local businesses, and many charitable organizations whose boundless generosity and caring are just one of the pillars of recovery on which we have come to rely.

I strongly support this resolution and urge its passage.

Mr. PETERSON. Madam Speaker, I rise today to commend the people of Minnesota and North Dakota for the hard work and community spirit they displayed fighting last month's Red River flooding. When the water started to rise, people came from all around to feed the volunteers and help out in any way they could. Now, these communities are continuing to work together all across my district to rebuild, recover, and get life back to normal.

When I've been back home, I've seen the recovery effort firsthand. Neighbors all over my district, in Clay County, Fargo-Moorhead, and throughout the Red River Valley are working with one another to repair the damage. Schools, businesses, and towns are getting back on their feet.

It's impressive, Madam Speaker, but things aren't back to normal yet in North Dakota or Minnesota. Although we've come a long way since the flood crested a little over a month ago, we still have a ways to go.

Floods don't do many good things, but this flood has shown just how strong our communities are in the Midwest. In the face of the toughest odds, Minnesotans and North Dakotans united to fight for our community.

I would also like to take this opportunity to thank the Minnesota and North Dakota National Guards. They were mobilized to assist in the flood relief efforts and did a great job. Their readiness to help out their neighbors is what the National Guard is all about. In addition, 300 soldiers from the Minnesota Guard were deployed to North Dakota to provide additional support for its flood fighting efforts.

We aren't out of the woods yet. There is much more to do, and even when we recover from this flood, we'll need to start thinking long-term to prepare for the next one. I commend the people of Minnesota and North Dakota for what they've done in the recovery efforts. They deserve our thanks.

Mrs. BACHMANN. Madam Speaker, as the House considers H. Res. 415, I rise to honor the members of the Civil Air Patrol's Minnesota Wing for their response efforts to the flooding in the Fargo-Moorhead communities this spring. The area saw some of the worst flooding in decades and the fact that so many homes and families were protected is a direct result of courageous and caring volunteers like those of the Civil Air Patrol.

The Minnesota Wing sent 122 volunteers into the area to fill and place thousands of sandbags in an unprecedented protection effort. These volunteers also flew aerial damage assessment missions and staffed a mission base in Fargo just when the worst flooding fears were coming true. As the Red River rose higher than anyone expected, these men, women and teenage cadets stepped up their efforts to help their neighbors in their most desperate time of need.

I rise today, Madam Speaker, to support H. Res. 415 and to honor the members of the Minnesota Wing of the Civil Air Patrol who crossed flooded and snow-covered roads to answer their neighbors' call for help. The motto of the Civil Air Patrol is "Citizens Serving Communities: Above and Beyond" and I can think of no group that embodies this slogan better.

Mr. WALZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 415.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL HEALTHY SCHOOLS DAY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the

resolution (H. Res. 370) expressing support for designation of April 27, 2009, as "National Healthy Schools Day," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 370

Whereas there are approximately 54,000,000 children and 7,000,000 adults who spend their days in the Nation's 120,000 public and private schools;

Whereas over half of schools in the United States have problems linked to indoor air quality;

Whereas children are more vulnerable to environmental hazards as they breathe in more air per pound of body weight due to their developing systems;

Whereas children spend an average of 30 to 50 hours per week in school;

Whereas poor indoor environmental quality is associated with a wide range of problems that include poor concentration, respiratory illnesses, learning difficulties, and cancer;

Whereas an average of 1 out of every 13 school-age children has asthma, the leading cause of school absenteeism, accounting for approximately 14,700,000 missed school days each year;

Whereas the Nation's schools spend approximately \$8,000,000,000 a year on energy costs, causing officials to make very difficult decisions on cutting back much needed academic programs in efforts to maintain heat and electricity;

Whereas healthy and high performance schools designed to reduce energy and maintenance costs, provide cleaner air, improve lighting, and reduce exposures to toxic substances provide a healthier and safer learning environment for children and improved academic achievement and well-being;

Whereas new building construction, especially new school buildings, should be designed to optimize energy efficiency, lower energy costs, and reduce carbon dioxide emissions;

Whereas Congress has demonstrated its interest in this compelling issue by including the Healthy High-Performance Schools Program in the No Child Left Behind Act and the Energy Independence and Security Act of 2007;

Whereas our schools have the great responsibility of guiding the future of our children and our Nation; and

Whereas April 27, 2009, would be an appropriate date to designate as "National Healthy Schools Day"; Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of National Healthy Schools Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Nebraska (Mr. FORTENBERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself as much time as I may consume.

Madam Speaker, in the coming months we will address critical problems in the areas of education, energy and health care. National Healthy Schools Day promotes positive changes in all three areas.

I'm pleased to present the amended version of House Resolution 370 for consideration. This legislation expresses the support of Congress for the goals and ideals of National Healthy Schools Day.

House Resolution 370 was introduced by my colleague and friend Representative PAUL TONKO from the Empire State of New York on April 27, which is actually the day that National Healthy Schools Day is annually commemorated.

The measure has the support of over 50 Members of Congress and has met requisite criteria for approval by the Committee on Oversight and Government Reform.

Madam Speaker, I am sure you will agree that it is important to ensure that our public schools are places that advance intellectual growth and provide healthy environments for our children to learn and to thrive.

The Environmental Protection Agency estimates that only 22 percent of public schools in America have effective indoor air quality management programs. More stringent regulation of indoor air quality in public schools would protect students against dangerous environmental hazards such as carbon dioxide, radon and even asbestos.

The National Healthy Schools Day initiative encourages new efforts to combat these hazards and limits the prevalence of indoor environmental asthma triggers that have been reported to account for more than 14 million missed school days each year.

Steps to improve the indoor air quality of our public schools should work in conjunction with efforts to make our schools more energy efficient. Through the use of new ventilation systems and the construction of high-performance so-called green schools, we can make certain that our educational facilities are using less energy while providing a healthier environment for our students.

Through efforts to enhance healthy environments within our school systems, we can improve educational environments as well. Improved energy efficiency in our schools will reduce energy costs and allow more resources to be devoted to other areas, such as hiring new teachers and the acquisition of new educational tools.

Madam Speaker, the health and well-being of all American students is paramount. Therefore, let us take one step

forward in providing a high-quality learning environment for our children by expressing our support for the goals and ideals of National Healthy Schools Day.

I urge my colleagues to vote in favor of House Resolution 370, as amended.

I reserve the balance of my time.

Mr. FORTENBERRY. Madam Speaker, I yield myself as much time as I may consume.

Some 54 million children and 7 million adults, Madam Speaker, spend a large part of their day in our 120,000 public and private schools. These hard-working teachers and students deserve a healthy school environment.

We share a great responsibility in shaping the future for our children, and it is critical that it is done in a clean and safe environment.

When these elements are in place, everyone's performance improves, test scores rise, and attendance levels increase. Our Nation's children, parents and educators deserve to know that their schools provide the safest and healthiest environment possible.

A National Healthy Schools Day will help promote school environments that are conducive to learning and protect student health.

In order to express support for the goals and ideals of National Healthy Schools Day, I also urge my colleagues to support H. Res. 370.

Madam Speaker, I reserve the balance of my time.

Mr. LYNCH. I appreciate the gentleman's words.

At this time I would like to yield 5 minutes to the chief sponsor of this resolution, the one who has brought it to the floor, the gentleman from New York (Mr. TONKO).

Mr. TONKO. Madam Speaker, I thank my colleague from Massachusetts.

I rise today in support of House Resolution 370, a resolution I was proud to introduce to recognize National Healthy Schools Day.

National Healthy Schools Day recognizes the importance of having a clean, healthy and safe indoor environment for our Nation's schools.

Fifty-four million children, Madam Speaker, and 6 million adults spend their days in our Nation's schools. The EPA estimates that up to one-half of those schools have problems, problems with indoor air quality. Some 32 million students attend schools that have self-reported environmental problems with their facilities that can affect students' health and certainly students' learning.

Some of the hazards common to schools include overcrowding, indoor air pollution, mold infestation, airborne fiberglass particles, lead and copper-contaminated drinking water, playgrounds and classrooms with high levels of pesticides, unchecked furnaces and buses leaking carbon monoxide, chemical spills, renovation fumes,

demolition dust, exhaust from gasoline-powered equipment and emissions from hazardous facilities next door to their school campus.

These problems can contribute to absenteeism, the need for medication use amongst students and can contribute also to learning difficulties, sick building syndrome, staff turnover and liability issues for our school districts across this great country.

Children are more vulnerable than adults to environmental hazards in their schools simply because of their developing immune systems and small bodies. Poor indoor environmental quality has been linked to asthma and other illnesses in our children. With one out of every 13 children suffering from asthma, the number one cause of missed school days, it is very important that we address these issues and address them boldly.

Research shows that simple steps can be taken to make our Nation's schools healthier. Heating and ventilation equipment can be improved upon to enhance indoor air quality. New schools can be built with a healthy design and can be located at nonpolluted sites. Nontoxic products can be used for cleaning, for maintenance and for teaching. The use of natural light should be encouraged. Certainly we can improve on that dynamic heavily.

Many States have adopted guidelines for building healthy high-performing schools that incorporate these steps and more. H.R. 2187, the 21st Century Green High-Performing Public Schools Facilities Act, which we will be considering in this body later this week, would do just that. It would require States to adopt similar guidelines.

I was very proud to work with my colleagues at the New York State Energy Research and Development Authority to develop New York State's High Performance Schools Guidelines. I would suggest that they are some of the most effective and most rigid guidelines in the country and will score wonderful opportunities for our students.

National Healthy Schools Day draws attention to the importance of having a safe and a healthy school environment for all of our Nation's children.

National Healthy Schools Day is supported by the Healthy Schools Network, the EPA, the National Educational Association and many more organizations.

I am proud to be counted as a supporter of National Healthy Schools Day and look forward to working with my colleagues here to ensure that every student has a healthy environment in which to learn. Our students require that, and our students deserve that.

Mr. FORTENBERRY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, again, let us join with the gentleman from New York (Mr. TONKO) and send a strong message to the public that we are committed to ensuring the development and growth of healthy learning environments and schools for our children by supporting House Resolution 370.

With that, I ask my colleagues to join us.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 370, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution expressing the support of the House of Representatives for the goals and ideals of National Healthy Schools Day."

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL MILITARY APPRECIATION MONTH

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 84) supporting the goals and objectives of a National Military Appreciation Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 84

Whereas the vigilance of the members of the Armed Forces has been instrumental to the preservation of the freedom, security, and prosperity enjoyed by the people of the United States;

Whereas the success of the Armed Forces depends on the dedicated service of its members, their families, and the civilian employees of the Department of Defense and the Coast Guard;

Whereas the role of the United States as a world leader requires a military force that is well-trained, well-equipped, and appropriately sized;

Whereas the Federal Government has a responsibility to raise awareness of and respect for this aspect of the heritage of the United States and to encourage the people of the United States to dedicate themselves to the values and principles for which Americans have served and sacrificed throughout the history of the Nation;

Whereas service in the Armed Forces entails special hazards and demands extraordinary sacrifices from service members and their families;

Whereas the support of the families of service members enhances the effectiveness and capabilities of the Armed Forces;

Whereas the observance of events recognizing the contributions of the Armed Forces is a tangible and highly effective way of sustaining morale and improving quality of life for service members and their families;

Whereas, on April 30, 1999, the Senate passed S. Res. 33 (106th Congress), entitled

"Designating May 1999 as 'National Military Appreciation Month'", calling on the people of the United States, in a symbolic act of unity, to observe a National Military Appreciation Month in May 1999, to honor the current and former members of the Armed Forces, including those who have died in the pursuit of freedom and peace;

Whereas, on March 24, 2004, the House of Representatives passed H. Con. Res. 328 (108th Congress), entitled "Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month", and on April 26, 2004, the Senate passed H. Con. Res. 328 by unanimous consent; and

Whereas it is important to emphasize to the people of the United States the relevance of the history and activities of the Armed Forces through an annual National Military Appreciation Month that includes associated local and national observances and activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and objectives of a National Military Appreciation Month; and

(2) urges the President to issue a proclamation calling on the people of the United States, all Federal departments and agencies, States, localities, organizations, and media to annually observe a National Military Appreciation Month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Nebraska (Mr. FORTENBERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of House Concurrent Resolution 84, sponsored by my friend and colleague from Tennessee (Mr. WAMP), a resolution supporting the goals and objectives of National Military Appreciation Month.

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Each May since 1999, Congress has taken the time to honor our Nation's bravest men and women serving in the Armed Forces. Throughout our history, they have put themselves in harm's way all over the world in order to protect and defend our country. They continue to do so today, and they deserve our gratitude.

In the wake of the tragic shooting yesterday at Camp Victory in Baghdad, we are reminded of the perils and the stress that our Armed Forces face constantly during periods of deployment. It is important, I think, that we always show our appreciation for their service, but as we continue to face two long

wars, they need and deserve our support now more than ever. I am glad we are taking the time today to thank them for their service, and I know that all my colleagues keep them and their families in our thoughts and prayers.

This measure was introduced this year on March 26 by Representative WAMP of Tennessee and was referred to the Committee on Oversight and Government Reform. The committee reported the bill by unanimous consent on May 6, and it comes to the House floor today with the bipartisan support of over 75 cosponsors.

Mr. Speaker, every single day our soldiers, sailors, airmen and air women, marines, and their families, make tremendous sacrifices in service to our country. I have seen this firsthand on many, many deployments by these soldiers during my regular visits to Iraq and Afghanistan.

Our country is at war, and our military is certainly deserving of our support now more than ever. Today I ask my colleagues to join all Americans in giving thanks to our men and women in uniform.

Mr. Speaker, House Concurrent Resolution 84 gives us the opportunity to show our appreciation and respect to members and veterans of the armed services, men and women that hail from all walks of life but are bound together by one noble characteristic and take one simple but profound act. They have put on the uniform of our country, and they are together committed to protecting Americans and their liberties that we hold so dear.

Thus, to the military personnel from my own congressional district and to those of every congressional district represented in this body, we sincerely thank you, our men and women in uniform, for your service to our country.

With that, Mr. Speaker, I reserve the balance of our time.

Mr. FORTENBERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this year marks the 11th anniversary of National Military Appreciation Month, which was first passed as Senate Resolution 33, designating May 1999 the first National Military Appreciation Month.

Although it is important that we recognize our servicemembers every year, it is during times of conflict when one can truly put their sacrifices into greater perspective. These outstanding men and women sacrifice much so that we may continue to reap the many benefits of freedom in our land. While we enjoy the comfort of our homes and families, these brave soldiers are stationed far from home across our country and throughout the entire world.

Those who serve are our mothers, fathers, aunts, uncles, cousins and closest friends. These are the individuals who comprise our Nation's Army, Navy, Marine Corps, Air Force and

Coast Guard, and we salute them and pledge to them our gratitude. While expressing our gratitude to the military, it is also important to recognize the thousands of families who often endure hardship and loneliness while their loved ones are serving our country. They must relocate, often putting additional strain on the family.

On this day, we must also remember and show appreciation for those who served our country in the past and have played a critical role in making America the great country that it is today.

Mr. Speaker, we live in the greatest Nation in the world, and we owe much of our success to the men and women in uniform who answered the ultimate call of duty to serve and protect our Nation's citizens. Although this concurrent resolution serves to honor and support the goals and objectives of National Military Appreciation Month during the month of May, I hope our soldiers realize that their service is appreciated each and every day of the entire year.

I ask all Members, therefore, to join me in unwavering support of our military by supporting House Concurrent Resolution 84.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I have no further speakers at this time; however, I will continue to reserve.

Mr. FORTENBERRY. Mr. Speaker, I have no further requests for time, so I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, again, I would like to urge my colleagues to join with Mr. WAMP, the gentleman from Tennessee, who is the chief sponsor of this resolution, to show our support for our men and women in uniform by supporting this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today, I rise in support of H. Con. Res. 84, "Supporting the goals and objectives of a National Military Appreciation Month." I would like to thank Representative ZACH WAMP of Tennessee for introducing this resolution. We often take our National Military for granted, and I welcome this opportunity to reach out and recognize the importance of the National Military in the United States.

I do not believe there is a person in this body, or a person in this building, who does not feel a remarkable pride in the presence of the men and women who serve in our nation's military. The success of the Armed Forces depends on the dedicated service of its members, their families, and the civilian employees of the Department of Defense and the Coast Guard. Their incredible sacrifices and courage in the face of innumerable hazards have been critical to the preservation of the freedom, security, and prosperity enjoyed that we as Americans have come to love, enjoy, and even expect.

In the Iraq War, Texas has suffered over 222 resident casualties, second only to California. As a Representative for the 18th District of Texas, H. Con. Res. 84 is very close to the hearts of those I represent. Many Texans hold a passion for protecting the integrity

and strength of their nation, and as the recruitment numbers show, they often exercise their passion, by joining the military. In past studies, Texas has been the number one state for military recruitment; therefore, recognition of military involvement is an important issue in Texas and in Houston.

Texas is home to more than 194,965 military personnel including a number of Army, Navy and Marine, Air Force, and Coast Guard bases. H. Con. Res. will encourage the citizens of Texas to reach out to those whom are involved with the military and extend their gratitude for all that they do for our nation. Because there is a large population of military personnel in Texas, it is critical that we show them the support of their nation and their state for all the positive contributions they have brought. I firmly believe that H. Con. Res. 84 is a positive step for the recognition, acknowledgement, and gratitude that should be given to our military personnel, and I hope to see the National Military Appreciation Month become a special time for the state of Texas to recognize the national contributions.

My City of Houston stands as an example of America's relationship with its military. Just outside the city stands Ellington Air Force Base, which has recently been renamed Ellington Airport. It was established in 1917 during the height of World War I, when aviation was in its infancy. In World War II, it served as a pilot training center. In the Cold War, the base proved useful in a number of pilot training programs and for a number of famous NASA missions, as well as serving briefly as a naval base for antisubmarine aircraft.

As my city works with our active military, so do we do our part in the aid of our Nation's veterans. Within city limits stands the Michael E. DeBakey VA Medical Center. It was awarded the Robert W. Carey Organizational Excellence Award in 2005, the Robert W. Carey Circle of Excellence Quality Award in 2007, and re-designation for Magnet Recognition for Excellence in Nursing Services in 2008.

The MEDVAMC serves as the primary health care provider for more than 120,000 veterans in southeast Texas and over 13,000 from Houston. Veterans from around the country are referred to the MEDVAMC for countless medical services, and their outpatient clinics logged nearly 900,000 outpatient visits in fiscal year 2008 alone. All this in a state with over 1.7 million veterans, 247,000 of which are disabled and over 25,000 buried in her soil.

Because of this undeniable fact of our Nation's existence, the Federal Government has a responsibility to raise awareness of and respect for this aspect of the heritage of the United States and to encourage the people of the United States to dedicate themselves to the values and principles for which Americans have served and sacrificed throughout the history of the Nation—the ultimate sacrifice of paying for our freedom and expectation of freedom with their lives.

Beyond helping to make Americans more aware of something so central to our country's liberty and prosperity, the observance of events recognizing the contributions of the Armed Forces is a tangible and highly effective way of sustaining morale and improving quality of life for service members and their

families. Given that the support of the families of service members enhances the effectiveness and capabilities of the Armed Forces, this is more than enough reason for us to act today.

It is for these reasons that this Congress has made this resolution many times before. Ten years ago, on April 30, 1999, the Senate passed S. Res. 33, designating May 1999 as "National Military Appreciation Month". For that month, Congress called on the people of the United States, in a symbolic act of unity, to observe this remembrance, and to honor the current and former members of the Armed Forces, including those who have died in the pursuit of freedom and peace.

Less than 5 years later, on March 24, 2004, the House of Representatives passed H. Con. Res. 328, "Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month", a bill I gladly supported. Less than a month later, on April 26, 2004, the Senate passed H. Con. Res. 328 by unanimous consent.

I have sought to do my part as well; earlier this year, I introduced to this body H.R. 228, a bill to direct the Secretary of Veterans Affairs to establish and carry out a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility.

And so I join once again in not only giving my support for the goals and objectives of National Military Appreciation Month, but in urging the President to issue a proclamation calling on the people of the United States, all Federal departments and agencies, States, localities, organizations, and media to annually observe a National Military Appreciation Month with appropriate ceremonies and activities.

Mr. WAMP. Mr. Speaker, I would like to call your attention to H. Con. Res. 84, a bipartisan resolution I authored, supporting the goals and objectives of a National Military Appreciation Month. First, I would like to thank my colleague, Congressman CHET EDWARDS, for being the lead cosponsor of this resolution and for his efforts in helping move this resolution forward. Congressman EDWARDS is a strong advocate on Military Quality of Life issues in Congress and I am pleased to have the opportunity to work with him on the vital issue of raising awareness of National Military Appreciation Month. In addition, I would like to thank the National Military Appreciation Month organization for their grassroots efforts in building support for the resolution. It truly has been a collaborative effort for an important cause. It is one of the highest honors of my career to pay tribute and recognize these great patriots who serve and defend our Nation.

National Military Appreciation Month provides a period encompassing both the history and recognition of our armed services with an in-depth look at the diversity of its individuals and achievements. It allows Americans to educate each generation on the historical impact of our military through the participation of the community with those who serve encouraging patriotism and love for America.

This month gives the nation a time and place on which to focus and draw attention to our many expressions of appreciation and rec-

ognition of our armed services via numerous venues and also to recall and learn about our vast American history.

It recognizes those on active duty in all branches of the services, the National Guard and Reserves plus retirees, veterans, and all of their families—well over 90 million Americans and more than 230 years of our nation's history.

Congress and the American people continue to stand by our service men and women. These brave warriors are working nonstop to protect our freedom and to keep every American safe. We should be grateful for their sacrifices and that of their families. We must do everything we can for the men and women who are put in harm's way for the sake of our nation. Let us celebrate them just as we celebrate the other important entities that make up this wonderful country of ours.

Mr. Speaker, I urge all Members to support the passage of this important resolution.

Mr. LYNCH. I yield back the balance of our time.

The SPEAKER pro tempore (Mr. TONKO). The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 84.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING THE GOALS OF MOTHER'S DAY

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 388) celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 388

Whereas Mother's Day is celebrated on the second Sunday of each May;

Whereas the first official Mother's Day was observed on May 10, 1908, in Grafton, West Virginia, and Philadelphia, Pennsylvania;

Whereas 2009 is the 101st anniversary of the first official Mother's Day observation;

Whereas in 1908, Elmer Burkett, a U.S. senator from Nebraska, proposed making Mother's Day a national holiday;

Whereas in 1914, Congress passed a resolution designating the second Sunday of May as Mother's Day;

Whereas it is estimated that there are more than 82,000,000 mothers in the United States;

Whereas mothers have made immeasurable contributions toward building strong families, thriving communities, and ultimately a strong Nation;

Whereas the services rendered to the children of the United States by their mothers have strengthened and inspired the Nation throughout its history;

Whereas we honor ourselves and mothers in the United States when we revere and emphasize the importance of the role of the home and family as the true foundation of the Nation;

Whereas mothers continue to rise to the challenge of raising their families with love, understanding, and compassion, while overcoming the challenges of modern society; and

Whereas May 10, 2009, is recognized as Mother's Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the role of mothers in the United States and supports the goals and ideals of Mother's Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Nebraska (Mr. FORTENBERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are fewer great honors, I think, in Congress than to stand in support of this bill which affirms the goals of Mother's Day and celebrates the role of mothers in the United States. I first would like to thank Mr. FORTENBERRY, the gentleman from Nebraska, for his courage in going out on a limb here and introducing this legislation. I would also like to commend Chairman TOWNS and my colleagues on the House Committee on Oversight and Government Reform for bringing this resolution to the floor by unanimous consent in their infinite wisdom.

On Sunday, we celebrated the 101st Mother's Day. It may come as a surprise to some, particularly our own mothers, that it took our country over 130 years to officially designate a day praising motherhood. Nevertheless, it is important to annually pause and recall that our lives and our country's history would have been much different but for the contributions of our mothers to our families and to our country.

I would not presume, nor am I brave enough, to speak on behalf of America's 82 million mothers; instead, I would simply like to speak to their importance in shaping our society and our future.

Mothers are indeed the backbone of the American family. With great love

and compassion, they lay the foundation for all children to grow into honorable citizens. It is no stretch to say that our sustained national character of goodwill and moral strength is the result of dedicated motherhood.

Many of our greatest national heroes attribute their own successes to the guidance of their mothers. While examples are numerous, I will quote President Abraham Lincoln who once said of his own angel mother, "I remember my mother's prayers, and they have always followed me. They have clung to me all my life."

I am sure that similar thanks and acknowledgements are appropriate for the mothers of every American. I am sure of that.

Mr. Speaker, I am sure my colleagues would agree that it is inadequate to spend just 1 day a year celebrating the contributions of America's mothers, but as our small measure of gratitude, I urge this body to join its 56 cosponsors and agree to House Resolution 388.

And I reserve our time.

Mr. FORTENBERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from Massachusetts for his poignant remarks about motherhood. We appreciate that. And, Mr. Speaker, I also have the pleasure of rising today to call attention to this time-honored celebration of Mother's Day.

This past Sunday, I, along with millions of Americans, paused to uplift the women who have shaped our lives and our country because, as the House of Representatives declared in 1914, the service rendered to the United States by the American mother is the greatest source of the country's strength and inspiration. Mothers have been celebrated throughout history in many languages, religions, and cultures.

Few traditions have withstood the test of time as the social celebration of motherhood. From its earliest roots in Egyptian society to our modern American holiday, the commemoration of mothers is timeless. On May 10, we celebrated the 101st anniversary of the first observance of the modern American Mother's Day when a woman from Grafton, West Virginia, named Anna M. Jarvis, held an observance in her mother's honor at St. Andrew's Methodist Church.

Afterward, when the junior Senator from Nebraska, Elmer Burkett, rose before Congress in 1908 to propose the establishment of Mother's Day at the request of Ms. Jarvis and the Young Men's Christian Association, he, interestingly, was originally met with opposition due to sensitivities concerning the role of women in society and the role of the Federal Government in honoring them.

It took until 1914, but Congress eventually passed a resolution declaring the second Sunday in May as Mother's

Day. President Woodrow Wilson then issued a proclamation directing the flying of the flag as a "public expression of the love and reverence for the mothers of our country."

Mr. Speaker, we now honor all mothers for their immeasurable contribution to the very core of our society. Mothers sustain and strengthen our Nation through their leadership in the family and community. And despite the dynamics of modern society, the ability of mothers to meet the challenge of raising their families with love, understanding and compassion remains constant. As we commemorate mothers for the integral role they play in shaping the course of our Nation's past, present and future, we also revere and emphasize the importance of the role of the family and the home as the true and ever-present foundation of our country.

Mr. Speaker, some may question why Congress is considering this matter at all, but I would like to say that each day here we tirelessly debate the challenges and nuances of modernity becoming mired in such a dizzying array of interventions that it is easy to lose sight of our ever-enduring core values. We don't often take the time to reflect on the essential philosophical foundations that have guided this Nation through many turbulent times, so I think it is refreshing that we now take time to pause and consider a resolution such as this that is timeless.

So I encourage my colleagues, Mr. Speaker, to join in support of this resolution today honoring the 101st celebration of the modern Mother's Day.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I join and support the gentleman's words.

We have no further speakers on our side at this time, so I will continue to reserve.

Mr. FORTENBERRY. Mr. Speaker, I have no further requests for time, so I will yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time, I just want to ask all Members to join with Mr. FORTENBERRY, the gentleman from Nebraska, in support of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 388 "Celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day." I would like to thank my distinguished colleague Representative FORTENBERRY from Nebraska for introducing this resolution, and today, I rise today in order to recognize and celebrate all of the mothers in our nation.

Mothers are the nurturers, and caregivers that prepare our Nation's young for the challenges that life may hold. Their work may be inside or outside of the home, or both, and their contributions to this society can never be fully appreciated or valued. Jane Sellman definitely hit the needle on the head when she said, "The phrase 'working mother' is redundant."

Our mothers are our first teachers and they should be celebrated everyday. However, like many things we can take them for granted. This Mothers Day, take a moment to call your mother or to visit with her if you can. I must pay special tribute to my mother Ivalita Jackson and my late aunt Valrie Bennett who was like a mom.

Remember that being a mom is no easy feat. Our mothers are strong, determined, with big hearts and always loving. A mother must be able to juggle three things at once and still manage to make dinner and read bedtime stories. No doctor can take away all the ailments of a sick child or even an adult for that matter, like a mother can. Mothers are caring and courageous women who make a difference in the lives they touch. As the Jewish proverb says, "God could not be everywhere and therefore he made mothers."

Mother's Day is also a celebration for grandmothers, mother-in-laws, stepmothers, foster mothers, godmothers, mothers who take in children, mothers who adopt, those who act as mothers, for those women who have no relations by blood but who give the gift of mothering to children.

Mothers bring a unique and valuable perspective to all aspects of American life. Today, thousands of mothers in this country have become active and effective participants in public life and public service, promoting change and improving the quality of life for men, women, and children throughout the Nation. They serve with distinction as legislators, mayors, judges, doctors, lawyers, and administrators, and their impact in these areas has proved to be monumental.

I could not find words descriptive enough to fully express the depth of admiration that I feel for women who fill this important role in our society. They are committed to their families and community not for public acclaim, but for love. As American author Washington Irving put it best, "A mother is the truest friend we have, when trials heavy and sudden, fall upon us; when adversity takes the place of prosperity; when friends who rejoice with us in our sunshine desert us; when trouble thickens around us, still will she cling to us, and endeavor by her kind precepts and counsels to dissipate the clouds of darkness, and cause peace to return to our hearts."

My heart goes out to those mothers with children who are away at war, I cannot even imagine the fear that they must feel daily. I want to recognize the First Lady, Michelle Obama, who is striking a balance between motherhood and her duties as the First Lady. I want to congratulate and praise all of the mothers in America for all of their hard work. Another former First Lady, Jacqueline Kennedy Onassis once said, "If you bungle raising your children, I don't think whatever else you do well matters very much."

I hope that we can all reflect on all the sacrifices our mothers made for us throughout the years. A mother's love is unending and her arms are always open. This resolution will ensure that Mothers throughout this nation are formally recognized, and the United States House of Representatives will acknowledge their importance and all that Mothers contribute to our society. I urge my colleagues to support H. Res. 388 as well. There are few

things more important than celebrating the gift of having a mother. Finally to my mom—I love you for giving me my foundation.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of House Resolution 388, celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day.

House Resolution 388 enumerates not only the "immeasurable contributions toward building strong families, thriving communities, and ultimately a strong Nation" made by mothers but also the importance of Mother's Day in recognition of these contributions.

From hallowed chambers to corporate boardrooms to classrooms to assembly lines, none of us would be the individuals we are without our mothers. While every family, every relationship is unique, we know that the bond between a child and a maternal figure—whether a mother, a grandmother, a stepmother, or a foster mother—is so very important. Strong families are the backbone of our nation. It is therefore very appropriate that we take this time today to celebrate and recognize the contributions of our nation's mothers to the strength and prosperity of America.

Mr. Speaker, I would also like to take a moment of personal privilege, as I have done before on the floor of this House, to talk a little bit about a very special woman—my Mother, Mrs. Helen Cecelia Gannon Gingrey.

Born in New York City in 1918, my mother has lived and continues to live life to its fullest. From the hustle and bustle of Manhattan to the serenity and beauty of South Carolina, my mother—grounded in her deep faith and her love for her husband, her children, her grandchildren, and her great grandchildren—has never stopped, never strayed from her commitment to God and to family.

Mr. Speaker, at 91 years young, my mother has also refused to let time and its effects keep her down, so much so that at the end of last year, she opted for a second knee replacement—with full knowledge of the inherent risks—because of her commitment to living life and making the most of every opportunity that God has given her. She faced this challenge as she does everything—with a big smile and an abiding faith.

I am happy to report that in the months following the surgery, she has recovered very well and hasn't missed a beat. As this House honors our nation's mothers, I would like to say a special thank you to my mother, not just for the blessing that she has been to me and our family, but for being a shining example of a life well-lived.

Mr. Speaker, I urge my colleagues to support this Resolution for mothers everywhere, and I yield back.

Mr. LYNCH. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 388.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HERBERT A LITTLETON POSTAL STATION

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2162) to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A. Littleton Postal Station".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HERBERT A LITTLETON POSTAL STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, shall be known and designated as the "Herbert A. Littleton Postal Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Herbert A. Littleton Postal Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Nebraska (Mr. FORTENBERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1630

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 2162 for consideration. This legislation will designate the United States postal facility located at 123 11th Avenue South in Nampa, Idaho, as the Herbert A. Littleton Postal Station.

Introduced by my colleague, Representative WALTER MINNICK, on April 29, 2009, and reported out of the Oversight and Government Reform Committee on May 6, 2009, by unanimous consent, H.R. 2162 enjoys the support of both members of the Idaho House delegation.

Marine Private First Class Herbert A. Littleton was born on July 1, 1930, in Mena, Arkansas, to his loving parents, Paul and Maude Littleton. He attended high school in Sturgis, South Dakota, where he played both football and basketball and was subsequently employed by the Electrical Appliance Corporation in Rapid City, South Dakota.

On July 29, 1948, Private First Class Littleton enlisted in the United States

Marine Corps at the age of 18. He completed boot camp in San Diego, California, before receiving additional training at nearby Camp Pendleton, which was then responsible for training the country's fighting force for the Korean War.

Private First Class Littleton was deployed to Korea in December of 1950, bravely serving with the U.S. Marine Corps Reserve, Artillery Forward Observation Team, Company C, 1st Battalion, 7th Marines. His distinguished service and tremendous bravery during the conflict quickly earned him the admiration of his comrades and eventually resulted in his posthumous receipt of the Medal of Honor, the United States military's highest decoration. Private First Class Littleton also posthumously received the Purple Heart, the Korean Service Medal with one bronze star, and the United Nations Service Medal.

As recounted by the citation accompanying Private First Class Littleton's Congressional Medal of Honor, the young soldier exhibited conspicuous gallantry and intrepidity at the risk of his life and above and beyond the call of duty, in action against enemy aggressor forces on April 22, 1951, in Chungchon, Korea.

Specifically, in response to a violent night attack against his company, Private First Class Littleton quickly alerted his forward observation team and immediately moved into an advantageous position in order to assist in calling down artillery fire on the hostile force. Shortly after the arrival of other team members, an enemy hand grenade was thrown into PFC Littleton's vantage point. Without hesitation, the 21-year-old private sacrificed his life by hurling himself on the grenade and absorbing its full impact. PFC Littleton's Medal of Honor citation goes on to recognize that through his prompt action, he not only saved the other members of his team from serious injury or death, but also enabled them to carry on their vital mission which resulted in their ability to resist the hostile attack.

Mr. Speaker, Private First Class Littleton's dedicated service is a testament to all of the brave men and women in the United States Armed Forces who have offered this Nation the ultimate sacrifice. It is for this reason that the community of Nampa, Idaho, Private First Class Littleton's residence at the time of his death, marks every April 22 by holding a flag ceremony at the city's Herbert A. Littleton flag pole in remembrance of his brave act. And it is for this reason that the city of Nampa has also named the road adjacent to PFC Littleton's grave in his honor.

Mr. Speaker, let us further this brave soldier's remembrance by passing this legislation to rename the Nampa postal facility after him. I urge my colleagues to join me in supporting H.R. 2162.

I reserve the balance of my time.

Mr. FORTENBERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in strong support of H.R. 2162, a bill designating the facility of the United States Postal Service located at 123 11th Avenue in Nampa, Idaho, as the Herbert A. Littleton Postal Station.

Mr. Speaker, many of my words here will repeat the commemoration the gentleman from Massachusetts (Mr. LYNCH) just gave, but I think it is worth repeating because today we are honoring a man who paid the ultimate sacrifice on behalf of his fellow soldiers and on behalf of a grateful Nation.

Herbert Littleton was a private first class in the U.S. Marine Corps Reserve, Company C, 1st Battalion, 7th Marines, 1st Marine Division. He was born in 1930 in Mena, Arkansas, and attended high school in Sturgis, South Dakota, where he played basketball and football. He enlisted in the Marine Corps Reserve on July 29, 1948.

Upon joining the Marines, he trained in San Diego and at Camp Pendleton before he was shipped out to Korea on December 17, 1950, fighting in South and Central Korean operations.

Serving as a radio operator with an artillery forward observation team, he was in action against enemy aggressor forces. Private First Class Littleton was standing watch when a well-concealed and numerically superior enemy force launched a violent night attack from nearby positions against his company. He quickly alerted the forward observation team and immediately moved into an advantageous position to assist in calling down artillery fire onto the hostile force.

It was during this fierce battle that an enemy hand grenade was thrown into his vantage point shortly after the arrival of the remainder of his fellow soldiers. As Mr. LYNCH pointed out, Private First Class Littleton unhesitatingly hurled himself on the grenade, absorbing its full, shattering, and explosive impact. Because of his quick action and heroic spirit of self-sacrifice, he saved the other members of his team from serious injury or death and enabled them to carry on the vital mission which culminated in the repulse of that hostile attack. His unflinching valor in the face of almost certain death reflects the highest credit upon Private First Class Littleton and the United States Naval Service. He gallantly gave his life for his country.

In addition to being awarded the Medal of Honor for "conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty," Private First Class Littleton was awarded the Purple Heart, Korean Service Medal with one bronze star, and the United Nations Service Medal.

Mr. Speaker, I urge my colleagues to support this bill in which a grateful

Nation honors a man who courageously traded his life for the lives of his fellow soldiers and in service to our country.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I reserve the balance of my time to close.

Mr. FORTENBERRY. Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I do want to say on behalf of WALTER MINNICK, who is the lead sponsor of this resolution who is flying in right now and did not have an opportunity to speak on the floor, on his behalf I ask all Members to join with us. It is fitting, I think, that in this month of May, which marks Military Appreciation Month, let us join together once again to show our appreciation for all men and women in uniform by voting in favor of this resolution which would name this post office in memory of Private First Class Herbert A. Littleton and pass H.R. 2162.

Mr. MINNICK. Mr. Speaker, I rise today to ask our nation to honor the ultimate sacrifice made by Idahoan and American hero Herbert A. Littleton. I offer today H.R. 2162, a bill to rename Littleton's hometown post office in his honor. Private First Class Littleton, or "Herbie", as he was known by his fellow soldiers, was killed in Korea on April 22, 1951, when he hurled himself without hesitation on a deadly grenade, absorbing its full impact and thereby saving the lives of his fellow soldiers.

Littleton's actions enabled them to carry out their vital mission and repel an enemy attack. For that act, Littleton was posthumously awarded the Medal of Honor by President Harry S. Truman. It is my hope that my colleagues will support today H.R. 2162 and the efforts of my constituents to remember Private First Class Herbert A. Littleton and all those heroes who serve our nation in uniform.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2162.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-105) on the bill

(H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

RECOGNIZING 30TH ANNIVERSARY OF THE ELECTION OF MARGARET THATCHER

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 378) recognizing the 30th anniversary of the election of Margaret Thatcher as the first female Prime Minister of Great Britain, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 378

Whereas May 4, 2009, marks the 30th anniversary of the first woman sworn in as the Prime Minister of the United Kingdom, Margaret Hilda Thatcher;

Whereas Margaret Thatcher was Prime Minister of the United Kingdom from 1979 to 1990 and at the time of her resignation, was the longest continuously serving Prime Minister since 1827;

Whereas Prime Minister Thatcher was Leader of the Conservative Party from 1975 to 1990 and the only woman to ever hold that post;

Whereas Margaret Thatcher is the only woman to have ever held the post of Prime Minister of the United Kingdom;

Whereas Margaret Thatcher is the only Prime Minister of the United Kingdom in the 20th century to win three consecutive terms;

Whereas Margaret Thatcher gave birth to a new distinctive ideology known as "Thatcherism" which emphasized individual responsibility in the United Kingdom's monetary and social policies;

Whereas Time Magazine named Margaret Thatcher one of the 20 most influential leaders of the 20th century;

Whereas the strong, cooperative stances held by Prime Minister Thatcher, President Ronald Reagan, and Pope John Paul II are widely acknowledged to have been key forces in the collapse of communism in the former Soviet Union;

Whereas the special relationship between the United States and the United Kingdom was greatly strengthened under the tenure of Prime Minister Thatcher;

Whereas, on January 19, 1976, Prime Minister Thatcher delivered a bold speech against the communist regime of the Soviet Union, which prompted the Soviet Union Army's newspaper, the Red Star, to coin her the "Iron Lady";

Whereas in 1990, Margaret Thatcher was honored by Queen Elizabeth II with the Order of Merit, one of the United Kingdom's highest distinctions; and

Whereas in 1992, Queen Elizabeth II bestowed a life peerage upon Margaret Thatcher, conferring upon her the title of Baroness and providing a lifetime seat in the House of Lords: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges the 30th anniversary of the election of Margaret Thatcher as the

first female Prime Minister of the United Kingdom;

(2) pays tribute to the remarkable professional achievements of Margaret Thatcher;

(3) recognizes Prime Minister Thatcher's dedicated work in promoting individual rights and free markets around the world; and

(4) appreciates the strong diplomatic relationship between the United States and the United Kingdom fostered by Prime Minister Thatcher.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in support of H. Res. 378, which pays tribute to the distinguished political career of former British Prime Minister Margaret Thatcher, and I yield myself such time as I may consume. I thank the gentleman from Texas (Mr. POE) for introducing this measure that enables the House to acknowledge the 30th anniversary of her election as the first female Prime Minister of the United Kingdom.

On May 4, 1979, Margaret Thatcher was sworn in as Prime Minister. Holding this position until 1990, she became the U.K.'s longest continuously serving Prime Minister since 1827, and the only Prime Minister in the 20th century to win three consecutive elections.

The special relationship between the United Kingdom and the United States was strengthened during her tenure, particularly through her cooperative working relationship with President Ronald Reagan in addressing the threat of the Soviet Union.

Prime Minister Thatcher spoke in this House to a joint session of Congress on February 20, 1985. In her remarks, she cited the three occasions on which Prime Minister Winston Churchill addressed Congress. Those were worth remembering, she said, "because they serve as lamps along a dark road which our people trod together, and they remind us what an extraordinary period of history the world has passed through between that time and ours; and they tell us what later generations in both our countries sometimes find hard to grasp: why past associations bind us so closely."

Her words are as true today as they were during the height of the Cold War and World War II. We again find ourselves living in extraordinary times.

And, thankfully, the United States and the United Kingdom stand shoulder to shoulder as we confront today's challenges together, just as we did throughout the last century.

I ask my colleagues to join me in acknowledging the 30th anniversary of Margaret Thatcher's historic election and paying tribute to her professional achievements. We should also use this occasion to reaffirm the enduring friendship and partnership between our two nations.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate Chairman BERMAN bringing this before the House for consideration today. Time Magazine named Margaret Thatcher one of the 20 most influential leaders of the 20th century, and for good reason. She is the only woman to have ever held the post of Prime Minister of the United Kingdom. She is a fearless leader, an advocate for democracy around the world, and a steadfast friend of the United States.

This resolution recognizes the 30th anniversary of her election as the first female Prime Minister of the United Kingdom. Margaret Thatcher served as Prime Minister of Great Britain for 11 years, from 1979 to 1990. At the time of her resignation, she was the longest continuously serving Prime Minister of the United Kingdom since 1827.

This resolution pays tribute to her remarkable professional achievements. In addition to being the only woman to have ever held the post of Prime Minister of the United Kingdom, she was also leader of the Conservative Party for 15 years, from 1975 to 1990, and was the only woman to ever hold that post.

In the 20th century, she was the only Prime Minister to win three consecutive terms, a testament to her bold and tenacious leadership. This resolution also recognizes Prime Minister Thatcher's dedicated work in promoting individual rights and free markets throughout the world.

□ 1645

During her time in office, Prime Minister Thatcher fostered the dawning of a new distinctive type of politics called "Thatcherism," which emphasized individual responsibility and fiscal and social policies.

When she came into office, the state of the United Kingdom's economy was in deep despair. There were pickets; there were strikes; there were food shortages; pregnant women were denied medical services and the country had double-digit inflation. Margaret Thatcher represented a literal end to socialized government and the re-institution of the free market philosophy.

Through plain speaking and sheer determination, she persuaded city after

city to contract out public services to private companies, saving taxpayers \$30 billion every year. Company by company, she denationalized the entire economy. Family by family, she taught the nation the importance of living within their means. What a novel concept.

During her tenure, 3 million families moved from public housing and became homeowners under her Right-to-Buy program. Homeownership under her administration jumped from 53 percent to 71 percent.

This resolution also recognizes Margaret Thatcher's robust and principled approach to foreign policy during the long Cold War. Prime Minister Thatcher and President Ronald Reagan were key forces in the collapse of communism under the former Soviet Union. As a matter of fact, in 1976, Prime Minister Thatcher delivered such a bold speech against communism in the Soviet Union that the Soviet Union Army's newspaper started calling her the "Iron Lady," and it stuck. The Iron Lady helped bring down the Iron Curtain, Mr. Speaker.

Finally, this resolution acknowledges the special relationship between the United States and the United Kingdom fostered by Prime Minister Thatcher. Under her direction, the United States and the United Kingdom worked to overcome communism, encourage free markets around the world, curb terrorism, and promote democratic and individualistic values.

My grandmother used to tell me that "there was nothing more powerful than a woman who had made up her mind," and my grandmother was right. Margaret Thatcher is one of those remarkable women who has led a remarkable life, characterized by courage, determination, intellectual integrity, and she had made up her mind.

She has not only inspired women all over the world to aspire towards positions of leadership, she has inspired an entire generation to promote policies that value economic freedom and individual responsibility.

I am proud to be the sponsor of this resolution today.

And that's just the way it is.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LYNCH). The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 378, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

EXPRESSING NEED FOR CONSTITUTIONAL REFORM IN BOSNIA

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 171) expressing the sense of the House of Representatives on the need for constitutional reform in Bosnia and Herzegovina and the importance of sustained United States engagement in partnership with the European Union (EU), as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 171

Whereas a brutal conflict marked by aggression and ethnic cleansing, including the commission of war crimes, crimes against humanity, and genocide, was brought to an end by the General Framework Agreement for Peace in Bosnia and Herzegovina (commonly referred to as the "Dayton Peace Accords"), which was agreed to at Wright-Patterson Air Force Base near Dayton, Ohio, on November 21, 1995, and signed in Paris, France, on December 14, 1995;

Whereas in the 13 years since the signing of the Dayton Peace Accords, the people of Bosnia and Herzegovina have worked in partnership with the international community to achieve considerable progress in building a peaceful and democratic society based on the rule of law, respect for human rights, and a free market economy;

Whereas political leaders of Bosnia and Herzegovina have agreed to significant reforms of public administration and broadcasting, the creation of state-level law enforcement and judicial institutions, the establishment of a unified armed services and Ministry of Defense, and the creation of an Indirect Taxation Authority;

Whereas the United States has continued to support the sovereignty, legal continuity, and territorial integrity of Bosnia and Herzegovina within its internationally recognized borders as well as the equality of the three constituent peoples and others within a united, multi-ethnic country in accordance with the Dayton Peace Accords;

Whereas the full incorporation of Bosnia and Herzegovina into the Euro-Atlantic community is in the national interest of the United States and important for the stabilization of southeastern Europe;

Whereas Bosnia and Herzegovina committed to the shared values of democracy, security, and stability by joining the Partnership for Peace program of the North Atlantic Treaty Organization (NATO) in December 2006;

Whereas NATO recognized Bosnia and Herzegovina's progress in achieving political and defense reforms by inviting the country to begin an Intensified Dialogue at the Bucharest Summit in April 2008;

Whereas Bosnia and Herzegovina took the first step on the road toward European Union (EU) membership by signing a Stabilization and Association Agreement (SAA) in June 2008;

Whereas NATO successfully preserved peace and stability in Bosnia and Herzegovina after the signing of the Dayton Peace Accords through its Stabilization Force (SFOR), which was succeeded by a Eu-

ropean Union Force (EUFOR) in December 2004;

Whereas the Office of the High Representative (OHR) has similarly promoted peace and stability by facilitating implementation of the civilian aspects of the Dayton Peace Accords, including through use of the extensive powers given it by the international Peace Implementation Council (PIC), with the goal of transitioning to a European Union Special Representative (EUSR) at the appropriate time;

Whereas, these notable accomplishments notwithstanding, the citizens of Bosnia and Herzegovina continue to face significant challenges in their efforts to progress toward Euro-Atlantic integration;

Whereas the Dayton Peace Accords included many compromises imposed by the need for quick action to preserve human life that have hindered efforts to develop efficient and effective political institutions;

Whereas the Council of Europe's Venice Commission has concluded that the current constitutional arrangements of Bosnia and Herzegovina are neither efficient nor rational, and that the state-level institutions need to become more effective and democratic if the country is to move toward EU membership;

Whereas the "April package" of reforms, agreed upon by five major political parties in 2006, failed to achieve the requisite two-thirds majority in parliament;

Whereas in February 2008, the PIC stipulated five objectives (resolution of state property, resolution of defense property, completion of Brcko Final Award, fiscal sustainability, and entrenchment of rule of law) and two conditions (signing of SAA with the EU and a "positive assessment" by the PIC) that must be met before the OHR is closed; and

Whereas in March 2009, the PIC determined that Bosnia and Herzegovina has not yet met the five objectives and two conditions that will determine when the OHR should be closed and oversight power transferred to the EUSR: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) it is increasingly urgent that Bosnia and Herzegovina work toward the creation of an efficient and effective state able to meet its domestic and international obligations with more functional institutions, including a state government capable of making self-sustaining reforms and fulfilling European Union (EU) and North Atlantic Treaty Organization (NATO) requirements;

(2) any agreement on constitutional reform in Bosnia and Herzegovina should take as its basis the Dayton Peace Accords, advance the principles of democracy and tolerance, rectify provisions that conflict with the European Charter of Human Rights, include the general public in the process, provide the conditions to enable economic development and the creation of a single economic space, and be consistent with the goal of EU membership;

(3) continued efforts should be made domestically and at the International Criminal Tribunal for Yugoslavia (ICTY) to achieve justice for victims of war crimes, crimes against humanity, and genocide, as well as to promote reconciliation among ethnic groups;

(4) the United States should continue to provide assistance to Bosnia and Herzegovina to build effective state-level law enforcement and judicial institutions that can combat and investigate international terrorism, organized crime, and corruption;

(5) the United States should appoint a Special Envoy to the Balkans who can work in partnership with the EU and political leaders in Bosnia and Herzegovina to facilitate reforms at all levels of government and society, while also assisting the political development of other countries in the region;

(6) the Office of the High Representative (OHR) should not be closed until the Peace Implementation Council (PIC) can definitively determine that Bosnia and Herzegovina has met the five objectives and two conditions;

(7) the EU should carefully consider any future plans for the reduction or redeployment of the European Union Force (EUFOR) given the psychological reassurance of security and deterrence of violence provided by its continued presence in Bosnia and Herzegovina; and

(8) the United States should work closely with and support the EU in the transition to a European Union Special Representative (EUSR) to ensure that the EUSR has the authority and tools to manage effectively post-OHR Bosnia and Herzegovina, including a clear set of EU candidacy and membership conditions with explicit and objective yardsticks and a precise list of benchmarks to increase the functionality of the Bosnian state to be achieved by constitutional reform.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 171, which calls for constitutional reform in Bosnia and Herzegovina as well as sustained American engagement in partnership with the European Union.

In the 13 years since the signing of the Dayton Peace Accords brought an end to a brutal conflict, the people of Bosnia and Herzegovina have worked closely with the international community to make considerable progress in building a peaceful and democratic society that is built upon the rule of law, respect for human rights, and a free market economy.

Within the last year, the country has taken important steps along the path to Euro-Atlantic integration, beginning an intensified dialogue with NATO and signing a Stabilization and Association Agreement with the European Union.

Notwithstanding these notable milestones, there are troubling signs of backsliding as political rhetoric grows confrontational, reforms unravel, and ethnic tensions increase. Bosnia seem-

ingly faces the prospect of stagnation at best, and a return to violent conflict at worst.

While Bosnia's future clearly lies in the Euro-Atlantic community, the country must first develop an efficient and effective state with functioning institutions that are capable of making self-sustaining reforms and managing the responsibilities of EU and NATO membership. H. Res. 171 does not prescribe the types of constitutional reforms that are required. Indeed, such decisions can only be made by the people of Bosnia and Herzegovina. However, the United States and the European Union can help create conditions that are conducive to efforts by Bosnian citizens to develop a functional political system.

First, the Peace Implementation Council should remain firm in its commitment to maintain the Office of the High Representative until Bosnia has definitively met the five conditions and two principles. Only then should the office be closed and responsibility transitioned to the EU Special Representative. The recent dialogue among some political leaders that led to the adoption of an agreement on the status of Brcko District was a helpful development. Hopefully, similar progress can be made on state property and other issues.

Second, the European Union should provide Bosnia with a clear set of EU candidacy and membership conditions. These should include explicit and objective benchmarks regarding constitutional reforms that will increase the functionality of the Bosnian state. The EU should also carefully reconsider its plans for the drawdown or redeployment of its 2,500 European Union force, as the continued presence of those troops deters violence and provides citizens with a psychological reassurance of security.

And, finally, there is a need for sustained, high-level U.S. engagement with the EU on the development and implementation of common policies that will stabilize and strengthen Bosnia and Herzegovina. H. Res. 171 advocates the appointment of a Special Envoy for the Balkans which would signal American commitment to the region. In addition to working directly with political leaders on the ground, this official could seek to develop a consensus among the EU and its member states about the way forward in southeastern Europe.

The visit by Vice President BIDEN to Bosnia, Serbia, and Kosovo next week is an encouraging sign of renewed American interest in the Balkans. As he and other senior officials in the Obama administration were personally involved in efforts to establish peace in the Balkans 13 years ago, they know firsthand the importance of preserving this hard-won stability and the considerable cost of letting it slip away.

Although the United States and the European Union are consumed by other foreign policy priorities, we must not lose sight of our unfinished business in the Balkans or waiver from our commitment to consolidating peaceful progress across Europe.

I strongly support this resolution. I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for bringing House Resolution 171 to the floor. This resolution expresses support for the progress made by the state of Bosnia and Herzegovina toward stability and greater international cohesion.

Bosnia has come a long way in the 14 years since the signing of the so-called "Dayton Accords" that ended the terrible ethnic-based conflict there.

While this short resolution speaks to much that has been accomplished in Bosnia, much work needs to still be done. Some would suggest, for example, that greater constitutional reform within Bosnia is necessary for its future growth and its stability for the progress of democracy and tolerance in that country.

Another important issue confronting the state of Bosnia and Herzegovina is the burden placed on its economic progress by its extensive bureaucracy that is now in place in that country. That bureaucracy reportedly consumes a great deal of that small country's revenues, confronting its economy with serious obstacles to growth.

This measure, as considered on the floor today, does include a short statement that was added after agreement by the majority and the minority that I believe makes an important point. Among its resolved clauses, H. Res. 171 now specifically calls for continued assistance to Bosnia to help it investigate al Qaeda activities and those of related networks. That is an important point when we consider the reported increase of Islamic militant extremism in the broader Balkan region. Such reports should serve as a warning that Islamic extremists may be looking at the Balkan region as a potential launching platform for future attacks somewhere else.

I am pleased that the Bosnian Government is working to address important issues such as the reports of the use of Bosnian passports by Islamic militants. I am also pleased by reports that some leaders within the Bosnian Muslim community are combating Islamic extremism and have been strong advocates for peace and reconciliation.

The call for continued support for Bosnia and such important efforts enhances the other important statements this resolution makes with regard to our policy toward Bosnia.

Mr. Speaker, many of us would like to ensure that Bosnia becomes a greater anchor for stability in the Balkans region. This resolution is an important message of encouragement and support for all the people of Bosnia as they seek to promote stability, peace, and prosperity. I support its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri (Mr. CARNAHAN) will control the time of the gentleman from California.

There was no objection.

Mr. CARNAHAN. Mr. Speaker, I yield myself 2 minutes.

I rise today in strong support of H. Res. 171. I, too, want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN and their staffs for their time and efforts in bringing this bill to the floor.

I have advocated for increased attention in the Balkans, and especially to the needs of Bosnia Herzegovina, a country with a long, rich tradition of multiethnic communities living and working together. I asked Secretary Clinton about this just a few weeks ago when she appeared before the House Committee on Foreign Affairs, and I think she, too, agrees that there needs to be renewed attention to this country. I hope this resolution is another step toward U.S. reengagement in the region and offering Bosnia the support that it needs.

This resolution recognizes the need for constitutional reform in Bosnia and Herzegovina and highlights the importance of sustained U.S. engagement in partnership with the European Union.

As a founding member and co-chairman of the Congressional Caucus on Bosnia with my colleague, CHRIS SMITH from New Jersey, and having the distinct pleasure of representing a growing, vibrant community of Bosnian-Americans in the St. Louis, Missouri, region, one of the largest communities of Bosnian-Americans in the country, I am pleased to support this resolution.

I especially want to highlight two clauses in this resolution that I think are of particular importance. First, we need to continue our efforts, both here and at the ICTY, to achieve justice for victims of war crimes, crimes against humanity, genocide, as well as to promote reconciliation among ethnic groups.

Secondly, that the appointment of a Special Envoy to the Balkans who can work in partnership with the EU, Bosnia, and other leaders will help redirect the U.S. commitment to the region.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), ranking member of the Subcommittee on Africa and Global Health

of the Helsinki Commission and co-Chair of the House Bosnia Caucus.

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Mr. Speaker, I rise in strong support of H. Res. 171, a powerful statement calling for meaningful constitutional reform and strengthened U.S. engagement in Bosnia. I want to thank Chairman BERMAN for authoring this legislation, and I am very proud to be one of the cosponsors.

Mr. Speaker, this resolution makes all the important points on the need for real constitutional reform. It notes that the Dayton Accords, notwithstanding their merits in stopping the war and the genocide, "included many compromises imposed by the need for quick action to preserve human life that have hindered efforts to develop efficient and effective political institutions."

Everyone involved in the Dayton Accords understood that they were not intended to be more than a tourniquet designed to halt the genocide and to act as a bridge towards good governance and a workable constitution. And the time for meaningful, sustainable and just reform has come.

Importantly the resolution notes the progress Bosnia has made since 1995. And by almost all accounts, that progress is truly remarkable. I visited Bosnia again in July of 2007 and was deeply impressed by the economic and social recovery that has taken place within the past 12 years.

□ 1700

On the constitutional arrangements, Mr. Speaker, the resolution points to the history of strong U.S. support for the "legal continuity and territorial integrity of Bosnia-Herzegovina" and notes that the current Dayton-based constitutional arrangements are "neither efficient nor rational." The resolution praises the value of a "united multiethnic country" and "full incorporation into the Euro-Atlantic community" in stabilizing the Balkans.

Mr. Speaker, efficient and rational arrangements to unite the multiethnic country and enable it to be fully incorporated into NATO and the EU can only mean a major reform that abolishes the "entity" voting system so that the vote of every Bosnian citizen will be of equal weight. Under the current Dayton-based system, only 22 percent of the deputies can block any proposed legislation. And, in fact, this happens all the time. In the past 13 years such a "super-minority" has blocked over 260 bills. To put this number in context, in the same period, the national legislature passed less than 150 laws. Mr. Speaker, this is a serious problem. It is the reason that we are here today talking about constitutional reform in Bosnia.

Mr. Speaker, as chairman or co-chairman for 12 years of the Commis-

sion on Security and Cooperation in Europe, known around here as the Helsinki Commission, and co-chairman of the Bosnia Caucus with my friend and colleague from Missouri, and chairman of the House Human Rights Committee for 8 years, I've had the opportunity to chair numerous Bosnia hearings and author congressional resolutions on Bosnia, including H. Res. 199 on the Srebrenica genocide.

My most recent trip to Bosnia was in July of 2007, and I joined relatives of those killed, murdered—massacred—in the Srebrenica genocide in a ceremony interring hundreds of the approximately 8,000 Bosnian Muslims who were killed in what the U.N. euphemistically designated to be a "safe haven." It wasn't. The ceremony was solemn, it was holy, and it was numbing. Reis Cerić, the Grand Mufti, gave a very powerful talk, a sermon, to all of those who had gathered. Reis Cerić is a great man of peace and faith, and, I'm honored to say, a good friend. Dr. Haris Silajdzic, the President of Bosnia, is likewise a good friend, and spoke very eloquently about the huge loss of life, the importance of justice as well as about the future. Seeing hundreds of caskets with exhumed victims left an indelible impression on me.

During that visit and after meeting here as well as in Europe with members of the Bosnian community, it has become abundantly clear that while Bosnia needs to move forward, that there needs to be an accounting for the atrocities committed. And to move ahead they need constitutional reform.

Sometimes we get reports or hear that ethnic tensions are rising in Bosnia and that, therefore, the constitutional reform process has to be slowed for a while—put on the back burner. That would be a big mistake. Bosnia is in a position similar to that of Poland, Romania, and other countries of Eastern Europe in the 1990s. When we debated their admission to NATO, for example, some said that their admission would destabilize the region. They were flat wrong. What could have dangerously destabilized Eastern Europe was continuing uncertainty about whether these countries would join the West or whether they might remain in the Russian sphere of influence. We resolved that uncertainty and further stabilized Eastern Europe by welcoming them to the West.

Likewise, with Bosnia, it's long past time to send a strong, unambiguous signal that Bosnia does not have to remain a country forever preserved in the amber of the Dayton Accords. With this resolution, we invite the Bosnians to reform their constitution, become a one-person, one-vote democracy, and join the Euro-Atlantic community.

Mr. Speaker, our country has played a constructive role in Bosnia through

both Democrat and Republican administrations, and I know the Bosnians appreciate that very much. The great majority of them will welcome strengthening our engagement to complete the American legacy of spreading democracy and security in Bosnia.

This is a good resolution, and I urge its passage by all Members of the House.

Mr. HASTINGS of Florida. Mr. Speaker, I want to state my strong support for House Resolution 171, expressing our support for constitutional reform in Bosnia-Herzegovina, as well as for U.S. engagement in the Western Balkans region. I want to thank my colleague from California and the Chairman of the House Foreign Affairs Committee, Mr. BERMAN, for introducing this resolution, inviting me to be an original co-sponsor, and working the text through the committee.

This resolution is timely and important. The international community, under U.S. leadership, has invested heavily in Bosnia-Herzegovina. We did so not just for that country's sake, nor just to end the tremendous suffering faced by its people. We did so because the threat it faced in the mid-1990s constituted war crimes, crimes against humanity and genocide. To have acquiesced to the realities presented on the ground in 1995 would have been to abandon the very principles on which the world is expected to operate. We had the ability to stop that from happening in the Balkans and to make a difference, so we did, through NATO intervention and the negotiation of the Dayton Agreement.

Bosnia's considerable recovery a decade after the conflict has been stalled in recent years, as the additional reforms necessary for Bosnia's European integration are perceived to be a threat to the outdated notions of ethnic exclusivity which were resurrected during the war. It is also a threat to some who currently rely on these notions as the basis for their power and authority.

I believe this resolution makes clear that all the people of Bosnia-Herzegovina—Bosniaks, Serbs, Croats and others—must find a common agreement on how to move forward, but it opposes efforts to block a broad consensus in order to maintain the status quo. The reforms supported by this resolution are critical to making Bosnia a functional, modern, European state.

This resolution also calls for greater U.S. engagement in Bosnia and throughout the Balkans. European integration is the goal for Bosnia and all the countries of the region. It is not enough, however, to say "here's your goal now find your own way to it." The European Union has done tremendous work in the Balkans, but its own lack of decisiveness leads to mixed signals in the region and undercuts more vigorous efforts to resolve outstanding issues. The United States has a high degree of credibility in the Balkans that can help influence developments in the region but we also must make sure the EU itself stays on course.

This does not mean going back to the days of a heavy U.S. troop presence in the Balkans and significant aid to the countries of the region. The resolution does not call for going back to the 1990s. Instead, the resolution reflects what seems to be an obvious piece of

wisdom—namely that a bit more attention now can actually preclude a situation where greater involvement might become a necessity later. This will allow the United States to maintain its strong focus on other regions of the world, as it should, while Europe and its full integration moves forward.

I think the Vice President's current plans to visit Sarajevo, Pristina and Belgrade reflect this wisdom, and I wish his trip to be a successful one that will lead to additional efforts in the future.

As the Co-Chairman of the U.S. Helsinki Commission, I have continued to follow the situation in the Western Balkans closely. In early April, the Commission held a hearing on the challenges to the United States and Europe in the region. I would commend to my colleagues the transcript of that hearing, which can be found on the Commission's website, because it makes clear the challenges we face in the Balkans today. While there is little chance of going back to the days of horrific conflict in the Balkans that we saw in the 1990s, there continues to be a need for the peoples of the region to find a way to put the 1990s behind them. That's easier said than done, and we cannot expect people to erase what was obviously such a traumatic period in their lives just because we tell them to do so. With U.S. and European support, however, we can give them the confidence and hope that will enable them to move forward. That benefits everyone. For this reason, I support this resolution.

Mr. POMEROY. Mr. Speaker, I rise today in support of this resolution.

Over 13 years ago, the U.S. brought an end to Bosnia's war through the Dayton Peace Agreement. This conflict lasted over three years, and was marked by brutal ethnic cleansing and genocide. As a result of this tragic conflict, at least 97,000 people perished, and over 2.3 million people were driven from their homes, creating the greatest flow of refugees in Europe since World War II.

Since this time, the people of Bosnia and Herzegovina have painstakingly worked with the international community to make progress towards building a peaceful, democratic, and multi-ethnic society based on the rule of law and respect for human rights.

I congratulate Bosnia for joining the Partnership for Peace program of the North Atlantic Treaty Organization (NATO) in December 2006 and for taking the first step on the road toward European Union (EU) membership by signing a Stabilization and Association Agreement (SAA) in June 2008.

However, despite these important steps forward, challenges remain. The Dayton agreement did its job by ending the war, but left a governmental structure in place that is bloated with bureaucracy and multiple layers of government. To be a functioning state, Bosnia needs to build functional institutions, including state-level institutions that are capable of self-sustaining reforms and fulfilling European Union (EU) and North Atlantic Treaty Organization (NATO) requirements.

The success of Bosnia is essential to the stability of the region, and the United States cannot afford to ignore this strategically important country. This work must be done in concert with the international community, who should continue to play a role in Bosnia. To

this end, the international body charged with implementing the Dayton Peace agreements, known as the Peace Implementation Council or the "PIC", should ensure that the Office of the High Representative (OHR) remains open until the objectives and the conditions set forth by the PIC are met.

As in 1995, resolve and U.S. and European Union involvement are needed in Bosnia and Herzegovina if we are to ensure that we do not get involved in another crisis in the Balkans. I urge my colleagues to support this important resolution.

Mr. POE of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CARNAHAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 171, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 5 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 6 o'clock and 30 minutes p.m.

AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JUDICIARY TO INQUIRE WHETHER THE HOUSE SHOULD IMPEACH SAMUEL B. KENT, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that the Committee on Rules be discharged from further consideration of H. Res. 424 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the resolution is as follows:

H. RES. 424

Resolved, That the Committee on the Judiciary shall inquire whether the House should

impeach Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas.

SEC. 2. The Committee on the Judiciary or any subcommittee or task force designated by the Committee may, in connection with the inquiry under this resolution, take affidavits and depositions by a member, counsel, or consultant of the Committee, pursuant to notice or subpoena.

SEC. 3. (a) For the purpose of the inquiry under this resolution, the Committee on the Judiciary is authorized to require by subpoena or otherwise—

(1) the attendance and testimony of any person (including at a taking of a deposition by counsel or consultant of the Committee); and

(2) the production of such things; as it deems necessary to such inquiry.

(b) The Chairman of the Committee on the Judiciary, after consultation with the Ranking Member, may exercise the authority of the Committee under subsection (a).

(c) The Committee on the Judiciary may adopt a rule regulating the taking of depositions by a member, counsel, or consultant of the Committee, including pursuant to subpoena.

Mr. DREIER. Madam Speaker, as you know this resolution authorizes the Committee on the Judiciary to undertake an investigation to determine whether Samuel Kent should be impeached. I know that we are all appalled by the behavior that led to Judge Kent's guilty plea, and can agree that moving forward with an eye to removing him from the bench is the right thing to do.

While we have no objection to most of the resolution, I note that section 3(c) authorizes staff deposition authority, something we have been consistently concerned about due to the potential for abuse. My understanding is that the Judiciary Committee intends tomorrow to adopt a resolution putting in place the same safeguards on staff deposition authority that they currently have in place for their investigation into Judge Porteous. Those rules follow the model rules suggested by the Rules Committee and contain adequate protections for the Minority.

I am inserting the text of the relevant resolutions for the RECORD.

Our agreement to this unanimous consent request is dependent on the commitment from the Judiciary Committee that they will extend their existing rules on staff deposition authority to this investigation before engaging in staff depositions. Without similar assurances in the future, we will oppose efforts to grant unelected staff unfettered deposition authority.

RESOLUTION

Resolved,

SECTION 1. ESTABLISHMENT OF TASK FORCE.

There is hereby established in the House Committee on the Judiciary (hereinafter referred to as the "Committee") a task force (hereinafter referred to as the "Task Force") to conduct an inquiry into whether United States District Judge G. Thomas Porteous should be impeached.

SEC. 2. FUNCTIONS.

The Task Force shall conduct such hearings and investigations relating to the inquiry described in section 1 as the Chairman of the Committee, in consultation with the Ranking Minority Member of the Committee, determines to be warranted.

SEC. 3. MEMBERSHIP.

The members of the Task Force shall be chosen from among the members of the Committee as follows:

(1) 7 members shall be chosen by the Chairman of the Committee.

(2) 5 members shall be chosen by the Ranking Minority Member of the Committee.

SEC. 4. CHAIRMAN; RANKING MINORITY MEMBER.

The Chairman of the Committee shall designate one member of the Task Force to be the Chair of the Task Force. The Ranking Minority Member of the Committee shall designate one member of the Task Force to be the Ranking Minority Member of the Task Force.

SEC. 5. AUTHORITY AND PROCEDURES.

(a) IN GENERAL.—Except as otherwise provided in this resolution, the Rules of the House of Representatives applicable to standing committees and the rules of the Committee shall govern the Task Force.

(b) DEPOSITION AUTHORITY.—

(1) CHAIRMAN MAY ORDER.—The Chairman of the Committee, upon consultation with the Ranking Minority Member of the Committee, may order the taking of depositions, under oath and pursuant to notice or subpoena. Consultation with the Ranking Minority Member shall include three business days written notice before any deposition is taken. All members of the Task Force shall also receive three business days written notice that a deposition has been scheduled.

(2) MODE FOR TAKING.—Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member of the Task Force or a person otherwise authorized to administer oaths. The individual administering the oath, if other than a member, shall certify that the witness was duly sworn. Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members of the Task Force, Committee staff or consultants designated by the Chairman or Ranking Minority Member of the Committee, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons may not attend.

(3) CONDUCT OF DEPOSITION.—A deposition shall be conducted by a member of the Task Force or by Committee staff or consultants designated by the Chairman or Ranking Minority Member of the Committee. Questions in the deposition shall be propounded in rounds, unless the Chairman and Ranking Minority Member of the Committee otherwise agree. A single round shall not exceed 60 minutes per side, unless the persons conducting the deposition agree to a different length of questioning. When depositions are conducted by staff or consultants, there shall be no more than two persons permitted to question a witness per round, one to be designated by the Chairman of the Committee and the other by the Ranking Minority Member of the Committee. Other Committee staff or consultants designated by the Chairman or Ranking Minority Member of the Committee may attend, but may not pose questions to the witness during that round. In each round, the person designated by the Chairman of the Committee shall ask questions first, and the person designated by the Ranking Minority Member shall ask questions second.

(4) OBJECTIONS.—The Chairman of the Committee may rule on any objections raised during a deposition, either during the deposition or after the deposition has been concluded. If a member of the Task Force ap-

peals in writing the ruling of the Chairman, the appeal shall be preserved for Committee consideration. A witness that refuses to answer a question after being directed to answer by the Chairman may be subject to sanction, except that no sanctions may be imposed if the ruling of the Chairman is reversed on appeal.

(5) TRANSCRIPTION OF TESTIMONY.—Committee staff and designated consultants shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the Chairman of the Committee. Committee staff or designated consultants may make any typographical and technical changes requested by the witness. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the Committee in Washington, DC. The Chairman and the Ranking Minority Member of the Committee shall be provided with a copy of the transcripts of the deposition at the same time. The Chairman and Ranking Minority Member shall consult regarding the release of depositions. If either objects in writing to a proposed release of a deposition or a portion thereof, the matter shall be promptly referred to the Committee for resolution.

(6) DEEMED PLACE OF TAKING.—Depositions shall be considered to have been taken in Washington, DC, as well as the location in which actually taken, once filed there with the clerk of the Committee for the Committee's use.

(7) REQUIREMENT TO PROVIDE COPY OF RESOLUTION TO WITNESS.—A witness shall not be required to testify unless the witness has been provided with a copy of this resolution and the resolution of the House of Representatives authorizing and directing the Committee to make the inquiry described in section 1.

SEC. 6. EXPIRATION.

The Task Force shall expire at the end of the 111th Congress.

SEC. 7. EFFECTIVE DATE.

This resolution shall take effect on January 22, 2009.

RESOLUTION

Resolved, That the resolution adopted in the Committee January 22, 2009, establishing the task force to conduct an inquiry regarding the impeachment of Judge Porteous, is amended as follows:

(1) Section 1 is amended to read as follows: "**SECTION 1. ESTABLISHMENT OF TASK FORCE**

"There is hereby established in the House Committee on the Judiciary (hereinafter referred to as the "Committee") a task force (hereby referred to as the "Task Force") to conduct—

"(1) an inquiry into whether United States District Judge G. Thomas Porteous should be impeached; and

"(2) an inquiry into whether United States District Judge Samuel B. Kent should be impeached."

(1) Section 5(a) is amended to read as follows:

“(a) IN GENERAL.—Except as otherwise provided in this resolution, the Rules of the House of Representatives applicable to the Committee on the Judiciary, the rules of the Committee, and the authorities provided in House Resolution 15 and House Resolution _____, shall govern the inquiries conducted by the Task Force.”

The resolution was agreed to.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Madam Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 425

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a “federal investigation into potentially corrupt political contributions,” has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti “set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks back to his clients.”

Whereas, a guest columnist recently highlighted in Roll Call that “. . . what the firm’s example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system.”

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to “straw man” contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees, the firm and its clients when it reported that they “have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters and passage of a spending bill.”

Whereas, the Associated Press highlighted the “huge amounts of political donations” from the firm and its clients to select members and noted that “those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests.”

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm’s offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that “the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash.”

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of this institution. Now, therefore, be it:

Resolved, that

(a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Ms. SLAUGHTER. Madam Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Madam Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on tabling the resolution will be followed by 5-minute votes on motions to suspend the rules and agree to House Resolution 413 and House Resolution 378.

The vote was taken by electronic device, and there were—yeas 215, nays 182, answered “present” 15, not voting 21, as follows:

[Roll No. 243]

YEAS—215

Abercrombie	Brown, Corrine	Davis (CA)
Ackerman	Capps	Davis (IL)
Adler (NJ)	Capuano	Davis (TN)
Altmire	Cardoza	DeFazio
Andrews	Carnahan	DeGette
Arcuri	Carney	Delahunt
Baca	Carson (IN)	DeLauro
Baldwin	Clarke	Dicks
Barrow	Clay	Dingell
Bean	Cleaver	Doggett
Becerra	Clyburn	Doyle
Berkley	Coble	Driehaus
Berman	Cohen	Edwards (MD)
Berry	Connolly (VA)	Edwards (TX)
Bishop (GA)	Conyers	Ellison
Bishop (NY)	Cooper	Engel
Blumenauer	Costa	Eshoo
Boren	Costello	Etheridge
Boswell	Courtney	Farr
Boucher	Crowley	Fattah
Boyd	Cuellar	Filner
Brady (PA)	Dahlkemper	Frank (MA)
Braley (IA)	Davis (AL)	Fudge

Gonzalez	Marshall	Salazar
Gordon (TN)	Massa	Sanchez, Linda
Grayson	Matsui	T.
Green, Al	McCarthy (NY)	Sanchez, Loretta
Green, Gene	McCollum	Sarbanes
Griffith	McDermott	Schakowsky
Grijalva	McGovern	Schauer
Gutierrez	McMahon	Schiff
Hall (NY)	Meek (FL)	Schrader
Hare	Meeks (NY)	Schwartz
Harman	Melancon	Scott (GA)
Hastings (FL)	Michaud	Scott (VA)
Heinrich	Miller (NC)	Serrano
Higgins	Miller, George	Sestak
Hinojosa	Moore (KS)	Shea-Porter
Hirono	Moore (WI)	Sherman
Holden	Murphy (CT)	Shuler
Holt	Murphy, Patrick	Skelton
Honda	Murphy, Tim	Slaughter
Hoyer	Murtha	Snyder
Inslee	Nadler (NY)	Space
Jackson (IL)	Napolitano	Speier
Jackson-Lee	Neal (MA)	Spratt
(TX)	Nye	Stupak
Johnson, E. B.	Oberstar	Sutton
Jones	Obey	Tauscher
Kagen	Olver	Taylor
Kanjorski	Ortiz	Thompson (CA)
Kaptur	Pallone	Thompson (MS)
Kennedy	Pascarella	Tierney
Kildee	Pastor (AZ)	Titus
Kilroy	Payne	Tonko
Kissell	Perlmutter	Towns
Klein (FL)	Peters	Tsongas
Kratovil	Peterson	Van Hollen
Kucinich	Pingree (ME)	Velázquez
Langevin	Polis (CO)	Wasserman
Larsen (WA)	Pomeroy	Schultz
Larson (CT)	Price (NC)	Waters
Lee (CA)	Rahall	Watson
Levin	Rangel	Watt
Lewis (GA)	Reyes	Waxman
Lipinski	Richardson	Weiner
Lowey	Rodriguez	Wexler
Lujan	Ross	Wilson (OH)
Lynch	Rothman (NJ)	Woolsey
Maffei	Roybal-Allard	Wu
Maloney	Ruppersberger	Yarmuth
Markey (CO)	Rush	Young (AK)
Markey (MA)	Ryan (OH)	

NAYS—182

Aderholt	Diaz-Balart, M.	King (IA)
Akin	Donnelly (IN)	King (NY)
Alexander	Dreier	Kingston
Austria	Duncan	Kirk
Bachmann	Ehlers	Kirkpatrick (AZ)
Bachus	Ellsworth	Kosmas
Bartlett	Emerson	Lamborn
Barton (TX)	Fallin	Lance
Biggert	Flake	LaTourette
Billray	Fleming	Latta
Bilirakis	Forbes	Lee (NY)
Bishop (UT)	Fortenberry	Lewis (CA)
Blackburn	Foster	Linder
Blunt	Fox	LoBiondo
Boccheri	Franks (AZ)	Loeb
Boehner	Frelinghuysen	Lucas
Bono Mack	Galleghy	Luetkemeyer
Boozman	Garrett (NJ)	Lummis
Boustany	Gerlach	Lungren, Daniel
Brady (TX)	Giffords	E.
Bright	Gingrey (GA)	Mack
Broun (GA)	Gohmert	Manzullo
Brown (SC)	Goodlatte	Marchant
Brown-Waite,	Granger	Matheson
Ginny	Graves	McCarthy (CA)
Buchanan	Guthrie	McCaul
Burgess	Hall (TX)	McClintock
Burton (IN)	Halvorson	McCotter
Buyer	Harper	McHenry
Calvert	Heller	McHugh
Camp	Hensarling	McIntyre
Cantor	Herger	McKeon
Capito	Herseth Sandlin	McMorris
Carter	Hill	Rodgers
Cassidy	Himes	McNerney
Castle	Hodes	Mica
Chaffetz	Hunter	Miller (FL)
Childers	Inglis	Miller (MI)
Coffman (CO)	Issa	Miller, Gary
Cole	Jenkins	Minnick
Crenshaw	Johnson (GA)	Mitchell
Davis (KY)	Johnson, Sam	Moran (KS)
Deal (GA)	Kind	Murphy (NY)

Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)

Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder

Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Visclosky
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED "PRESENT"—15

Barrett (SC) Dent Lofgren, Zoe
Butterfield Diaz-Balart, L. Myrick
Castor (FL) Hastings (WA) Poe (TX)
Chandler Kline (MN) Walden
Conaway Latham Welch

NOT VOTING—21

Baird Hoekstra Rogers (KY)
Bonner Israel Rohrabacher
Campbell Johnson (IL) Shuster
Cao Jordan (OH) Sires
Culberson Kilpatrick (MI) Stark
Cummings Mollohan Stearns
Hinchey Moran (VA) Tanner

□ 1900

Messrs. UPTON, KIND, GARY G. MILLER of California, CALVERT, GARRETT of New Jersey, MCINTYRE, BRIGHT and BUYER changed their vote from "yea" to "nay."

Mr. YOUNG of Alaska and Ms. MCCOLLUM changed their vote from "nay" to "yea."

Messrs. CHANDLER and BUTTERFIELD changed their vote from "yea" to "present."

Mr. WALDEN changed his vote from "nay" to "present."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. STEARNS. Madam Speaker, on rollcall No. 243 I was unavoidably detained. Had I been present, I would have voted "nay."

SUPPORTING IEEE ENGINEERING
THE FUTURE DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 413, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 413.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 244]
YEAS—409

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Dahlkemper
Davis (AL)
Davis (CA)

Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones

Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer

Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)

Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan

Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Baird Hinchey Moore (KS)
Bonner Hoekstra Moran (VA)
Campbell Israel Murtha
Cao Johnson (IL) Rogers (KY)
Culberson Jordan (OH) Rohrabacher
Cummings Kilpatrick (MI) Sires
Grijalva Kirk Stark
Gutierrez Mollohan Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IN HONOR OF REV. ROBERT CORNELL, FORMER MEMBER OF CONGRESS

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, I would respectfully ask that all House Members rise and observe a moment of silence on the passing of our former colleague, Congressman Rev. Robert Cornell, who passed away on Sunday, May 10. Father Cornell represented the Eighth District of Wisconsin in this House from 1975 to 1979. He was a lifelong advocate for the betterment of

mankind, a deep-thinking educator, and a keeper of his faith.

The SPEAKER pro tempore. Members will rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

RECOGNIZING 30TH ANNIVERSARY OF THE ELECTION OF MARGARET THATCHER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 378, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 378, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 339, nays 64, answered “present” 6, not voting 24, as follows:

[Roll No. 245]

YEAS—339

Aderholt	Butterfield	Edwards (TX)
Adler (NJ)	Buyer	Ehlers
Akin	Calvert	Ellison
Alexander	Camp	Ellsworth
Altmire	Campbell	Emerson
Andrews	Cantor	Engel
Austria	Capito	Eshoo
Baca	Capps	Etheridge
Bachmann	Carnahan	Fallin
Bachus	Carson (IN)	Farr
Baldwin	Carter	Fattah
Barrow	Cassidy	Filner
Bartlett	Castle	Flake
Barton (TX)	Castor (FL)	Fleming
Bean	Chaffetz	Forbes
Becerra	Chandler	Fortenberry
Berkley	Childers	Foster
Berman	Clay	Foxx
Berry	Cleaver	Franks (AZ)
Biggert	Clyburn	Frelinghuysen
Bilbray	Coble	Fudge
Bilirakis	Coffman (CO)	Gallegly
Bishop (GA)	Cole	Garrett (NJ)
Bishop (NY)	Conaway	Gerlach
Bishop (UT)	Cooper	Giffords
Blackburn	Costa	Gingrey (GA)
Blunt	Crenshaw	Gohmert
Boccieri	Cuellar	Gonzalez
Bono Mack	Dahlkemper	Goodlatte
Boozman	Davis (AL)	Gordon (TN)
Boren	Davis (CA)	Granger
Boswell	Davis (IL)	Graves
Boucher	Davis (KY)	Grayson
Boustany	Davis (TN)	Green, Al
Boyd	Deal (GA)	Green, Gene
Brady (TX)	DeGette	Griffith
Bright	Dent	Guthrie
Brown (GA)	Diaz-Balart, L.	Hall (NY)
Brown (SC)	Diaz-Balart, M.	Hall (TX)
Brown, Corrine	Dicks	Halvorson
Brown-Waite,	Dingell	Harman
Ginny	Doggett	Harper
Buchanan	Dreier	Hastings (FL)
Burgess	Driebeaus	Hastings (WA)
Burton (IN)	Duncan	Heinrich

Heller	McDermott	Salazar
Hensarling	McHenry	Sanchez, Loretta
Hirger	McHugh	Scalise
Herseth Sandlin	McIntyre	Schakowsky
Hill	McKeon	Schauer
Himes	McMorris	Schiff
Hinojosa	Rodgers	Schmidt
Hirono	Meek (FL)	Schock
Holt	Melancon	Schrader
Honda	Mica	Schwartz
Hoyer	Michaud	Scott (GA)
Hunter	Miller (FL)	Scott (VA)
Inglis	Miller (MI)	Sensenbrenner
Inlee	Miller (NC)	Sessions
Issa	Miller, Gary	Sestak
Jackson (IL)	Minnick	Shadegg
Jackson-Lee	Mitchell	Shea-Porter
(TX)	Moore (KS)	Sherman
Jenkins	Moore (WI)	Shimkus
Johnson (GA)	Moran (KS)	Shuler
Johnson, Sam	Murphy, Tim	Shuster
Jones	Myrick	Simpson
Kagen	Nadler (NY)	Skelton
Kanjorski	Napolitano	Slaughter
Kennedy	Neugebauer	Smith (NE)
Kildee	Nunes	Smith (TX)
Kind	Nye	Smith (WA)
King (IA)	Oberstar	Snyder
Kingston	Olson	Souder
Kirk	Ortiz	Space
Kirkpatrick (AZ)	Pallone	Speier
Kissell	Pastor (AZ)	Spratt
Klein (FL)	Paul	Stearns
Kline (MN)	Paulsen	Stupak
Kosmas	Pence	Sullivan
Kratovil	Perlmutter	Tauscher
Kucinich	Perriello	Taylor
Lamborn	Peters	Teague
Lance	Peterson	Terry
Larsen (WA)	Petri	Thompson (CA)
Latham	Pitts	Thompson (MS)
LaTourette	Platts	Thompson (PA)
Latta	Poe (TX)	Thornberry
Lee (NY)	Polis (CO)	Tiahrt
Lewis (CA)	Pomeroy	Tiberi
Linder	Posey	Titus
Lipinski	Price (GA)	Tonko
LoBiondo	Price (NC)	Towns
Loeb sack	Putnam	Tsongas
Lofgren, Zoe	Quigley	Turner
Lowe y	Radanovich	Upton
Lucas	Rahall	Van Hollen
Luetkemeyer	Rangel	Visclosky
Lujan	Rehberg	Walden
Lummis	Reichert	Walz
Lungren, Daniel	Reyes	Wamp
E	Richardson	Wasserman
Mack	Rodriguez	Schultz
Maffei	Roe (TN)	Watt
Marchant	Rogers (AL)	Waxman
Markey (CO)	Rogers (MI)	Westmoreland
Marshall	Rooney	Wexler
Massa	Ros-Lehtinen	Whitfield
Matheson	Roskam	Wilson (OH)
Matsui	Ross	Wilson (SC)
McCarthy (CA)	Roybal-Allard	Wittman
McCaull	Royce	Wolf
McClintock	Ruppersberger	Young (AK)
McCollum	Rush	Young (FL)
McCotter	Ryan (WI)	

NAYS—64

Abercrombie	Gutierrez	Neal (MA)
Ackerman	Hare	Obey
Arcuri	Higgins	Olver
Blumenauer	Hodes	Pascrell
Brady (PA)	Holden	Payne
Braley (IA)	Johnson, E. B.	Pingree (ME)
Capuano	Kilroy	Ryan (OH)
Cardoza	Langevin	Sánchez, Linda
Carney	Larson (CT)	T.
Clarke	Lee (CA)	Sarbanes
Cohen	Levin	Serrano
Connolly (VA)	Lewis (GA)	Sutton
Conyers	Lynch	Tierney
Costello	Markey (MA)	Velázquez
Courtney	McGovern	Waters
Crowley	McMahon	Watson
DeFazio	McNerney	Weiner
Delahunt	Meeks (NY)	Welch
DeLauro	Miller, George	Woolsey
Doyle	Murphy (CT)	Wu
Edwards (MD)	Murphy (NY)	Yarmuth
Frank (MA)	Murphy, Patrick	

ANSWERED “PRESENT”—6

Donnelly (IN)	King (NY)	McCarthy (NY)
Kaptur	Maloney	Rothman (NJ)

NOT VOTING—24

Baird	Hinchey	Moran (VA)
Barrett (SC)	Hoekstra	Murtha
Boehner	Israel	Rogers (KY)
Bonner	Johnson (IL)	Rohrabacher
Cao	Jordan (OH)	Sires
Culberson	Kilpatrick (MI)	Smith (NJ)
Cummings	Manzullo	Stark
Grijalva	Mollohan	Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

Ms. WATERS and Mr. GUTIERREZ changed their vote from “yea” to “nay.”

Mrs. MALONEY changed her vote from “nay” to “present.”

□ 1922

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Madam Speaker, I was unable to attend several votes today. Had I been present, I would have voted “yea” on the Motion to Table the Flake Privileged Resolution; “yea” on H. Res. 413—Supporting the goals and ideals of “IEEE Engineering the Future” Day on May 13, 2009; and “yea” on H. Res. 378—Recognizing the 30th anniversary of the election of Margaret Thatcher as the first female Prime Minister of Great Britain.

GENERAL LEAVE

Mr. PERLMUTTER. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on the subject of the resolution (H. Res. 424) earlier adopted.

The SPEAKER pro tempore (Mrs. HALVORSON). Is there objection to the request of the gentleman from Colorado?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2187, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-106) on the resolution (H. Res. 427) providing for consideration of the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes, which was

referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2110

Ms. HIRONO. Madam Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 2110.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

WAKE UP, AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Yesterday, health care executives indicated to the White House that they were going to slow the rate of growth over a period of 10 years, thereby saving \$2 trillion. Wake up, America. You have to look at the underlying numbers here.

What it means is that their share of revenue for our health care spending is going to rise to \$12.8 trillion by 2020. At 1.5 percent, slowing the rate of growth times 10 years—15 percent. You multiply that times your \$12.8 trillion, you get about \$2 trillion.

This is a hoax. It is a swindle. They're trying to tell the American people that these insurance companies that make money—not providing health care—are suddenly going to give the American people a break, when in fact the rate at which we're going to be paying is going to be 35 percent more than it is now.

Wake up, America. The only plan that we can have that can work is universal, single-payer, not-for-profit health care. Break the chains, the shackles that these insurance companies have on our political process.

RENEWABLE ENERGY PART OF AN ALL-OF-THE-ABOVE STRATEGY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I am grateful that despite all the debate over our Nation's energy future, there's a general consensus that America should be the world's leader in the development of the next generation of cleaner, affordable, and renewable energy.

America has a grand tradition of innovation. We have been at the forefront of great technological advances throughout our short history because we have attracted and promoted scientists and entrepreneurs. We have dreamed big and succeeded.

As the debate over a comprehensive strategy for energy moves forward, we

must ensure public and private support for strong renewable energy industry. The Congressional Renewable Energy Caucus, which I'm proud to be a member of, will continue to be a part of that support by raising awareness among our colleagues about the enormous potential of renewable energy.

With the threat of rising gas prices and utility costs, the time to promote renewable energy is now.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

TRIBUTE TO REGISTERED NURSES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. I rise today to pay tribute to the Nation's registered nurses and to congratulate them for the impossible job—but remarkable job—that they do in nurturing and serving and healing America's sick.

In Harris County, Texas, the county that I represent, the county presents 24,480 registered nurses. Nurses are patient advocates and act fearlessly to protect the lives of those under their care.

Nurses care for patients but participate in a wide variety of needed scientific research, and fight cultural and ethnic disparities and treat all patients as equal. Nurses are also teachers not only to future generations of nurses, but to the public, educating us on health and safety.

In a year where health care reform is a top priority, it is significant to acknowledge that 33 national nursing organizations have endorsed a consensus statement for the nursing community that complements five of President Obama's tenets.

The real issue is that they have come together to organize around good health care. I celebrate the fact that nurses are in Washington, D.C., speaking on behalf of those who cannot speak for themselves. It is important to respect the contributions that our nurses make.

RENEWABLE ENERGY AND ENERGY EFFICIENCY CAUCUS ON ALGAE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. During the height of last summer, gas prices hit an all-time high. Thirty years ago, in the midst of another energy crisis, our country began to explore turning algae into fuel. The microscopic, single-celled plant has the potential to be a tremendous resource.

Algae grow very quickly, as anyone with a backyard garden or a watering

tank in their pasture knows. It ingests carbon dioxide—releasing oxygen in the process—and is laden with oils which can be used to produce biodiesel.

My friends, we need to continue to explore any and all viable forms of research and development in this renewable energy.

On Thursday, Members of Congress will have the chance to see what the future may hold for our Nation's energy resources at the Congressional Renewable Energy and Energy Efficiency Expo. There are still hurdles to overcome, but now is the time to begin working for a strong and diverse renewable energy portfolio.

□ 1930

SOLAR AND THE RENEWABLE ENERGY EXPO

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Madam Speaker, many Members tonight are speaking on energy efficiency and renewable energy because they represent tremendous sources of barely tapped potential to help our Nation save money, increase energy independence and reduce greenhouse gas emissions.

This week the House Renewable Energy & Energy Efficiency Caucus is drawing attention to these important opportunities by sponsoring the annual Renewable Energy and Energy Efficiency Expo. The event will run all day on Thursday in the Cannon Caucus room. It will feature over 50 companies and advocacy groups explaining the latest and greatest in energy.

Coming from southern Arizona, it's no surprise that my favorite type of renewable energy, of course, is the sun. And this is an exciting time for solar power. Technologies are rapidly improving, and costs are falling.

Solar power is already cost-competitive with peak power in many areas of the country. Many experts believe that it is on track to be competitive all day long within just a few years.

I urge my colleagues to stop by the expo on Thursday and learn more about these exciting contributions that energy efficiency and renewable energy will make to our future.

ENERGY EFFICIENCY

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. President Obama has outlined a bold vision for a significant change in our Nation's energy policy. In keeping with the theme this evening of energy efficiency, I share with you a vision that the President has borne that will take and highlight energy efficiency.

Energy efficiency should be our fuel of choice, a fuel we need to drill and mine like we currently drill for oil and mine for coal. We must invest in demand-side energy solutions as well as supply-side.

Madam Speaker, we must diversify our energy portfolio and achieve efficient outcomes.

For example, this summer in New York State, almost 45 percent of a homeowner's utility bill will go for heating and cooling. For every degree the thermostat is set below 78 degrees, the customer will use 3 to 5 percent more electricity.

When government implements rate-based or taxpayer-funded demand-side management programs, the public policy is clear—the kilowatt saved is the cheapest, cleanest and the quickest kilowatt we can produce.

Madam Speaker, as we move to create legislation that focuses on clean energy jobs, we must remember the important role that energy efficiency has to play.

CLEAN ENERGY JOBS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, later this week or next week, the House Energy and Commerce Committee will advance President Obama's clean energy jobs program, and we will do that by maximizing the job creation potential of renewable clean energy and energy efficiency.

I saw the enormous potential of job creation this weekend in Seattle, Washington, where I went to the MacDonald-Miller Company, a company that installs highly efficient energy efficiency heating and cooling systems, where they have found they can reduce energy usage by 12 percent simply by putting in a system that will adjust the energy depending on what the temperature is outside.

Now if we could get huge efficiency measures like that and put hundreds of people to work, like they are doing at MacDonald-Miller, we're going to find that we can grow our economy while solving global climate change as well.

The energy bill we will do will require 15 percent clean energy and 5 percent efficiency. That's a vision for the future. We're going to pass President Obama's clean energy jobs plan. That's a good thing for the U.S. economy.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WE MUST CREATE, NOT DESTROY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Thank you, Madam Speaker.

The recent news from Afghanistan is particularly troubling. American bombs killed Afghan civilians last week. Of course our troops are doing what they can to avoid civilian casualties, but bombs have a large footprint, and innocent people are being killed and injured along with the enemy.

Last week's incident has angered the people of Afghanistan, as it would, and some are demanding the withdrawal of American troops from their country. Anti-American sentiment is spreading.

This terrible tragedy, Madam Speaker, proves once again that war is not the way to win hearts and minds, and it proves that violence is the least effective way to achieve our national security goals and to keep our country safe.

That's why I've called upon President Obama to change our mission in Afghanistan. Instead of military solutions, I've asked him to focus on reconciliation, on economic development, humanitarian aid and diplomatic efforts.

President Obama is under a great deal of pressure to expand our military involvement in Afghanistan, but I also know that he is a man of peace, not war. So I'm hopeful that he will begin to rely more and more on peaceful solutions to the situation in Afghanistan and Pakistan as well before things get out of hand.

The President has already taken some important steps towards peace. He is encouraging civilians and military reservists to go to Afghanistan and to Pakistan to help with development projects.

He's also announced that he will go to Egypt next month to deliver a speech to the Muslim world. This will be an important opportunity for the President to hold out the hand of friendship and to spread good will.

The speech in Egypt will be the second time that President Obama has spoken directly to the Muslim people because last month he addressed the Turkish Parliament where he declared, and I quote him, "The United States is not and will never be at war with Islam." He promised to "seek broader engagement with the Muslim people based on mutual interests and mutual respect."

He then quoted an old Turkish proverb that says, "You cannot put out fire with flames." And he said, "The future must belong to those who create, not those who destroy."

I agree with the end of destruction wholeheartedly. That's why I propose a comprehensive new national security plan called the SMART Security Plat-

form for the 21st Century. Instead of violence and destruction, it emphasizes diplomacy, international cooperation, conflict prevention and nuclear non-proliferation.

This SMART Security Platform would eliminate the root causes of violence by supporting democracy building, global health, better educational opportunities, particularly for girls and women, and development aid and debt relief for countries.

It calls for a broad range of policies to stop the spread of conventional, biological, chemical and nuclear weapons. It would deny hundreds of billions of dollars every year to irresponsible regimes by ending our Nation's addiction to foreign oil. And it strengthens international intelligence and law enforcement so we can track down and stop individuals involved in violence while still respecting human and civil rights.

These are the steps that will put America back on the moral high ground, where we will be in a much better position to lead the world toward peace.

Madam Speaker, the Turkish proverb is right. You cannot put out fire with flames. That's what we learned in Iraq, and that's what we're learning again in Afghanistan.

It's time for a new strategy that recognizes that creating, not destroying, is the best way to make our future safe and to make the future of our children safe and the future of our world as well.

SINALOA DRUG CARTEL WANTS OLD WEST SHOOT-OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, according to the Los Angeles Times, the Mexican Attorney General's office has informed U.S. authorities that the Sinaloa drug cartel of Mexico has been ordered by its leader Joaquin "El Chapo" Guzman, also known as Shorty, to use guns and shoot it out, if necessary, with American law enforcement. This has been ordered by the drug kingpin to protect his drugs from seizure and capture by U.S. authorities.

Law enforcement officials in Arizona have received two alerts that the Guzman smugglers have been told to, quote, use their weapons to defend their loads at all costs.

The threat of escalated violence is for several reasons. One, El Chapo no longer can afford to lose drugs because of his connections and partnerships with Colombian drug cartels that are making greater demands on him for successful smuggling into the United States. Also, El Chapo is competing with rival drug cartels and attempting to take their business, their territory

and their drugs. Thus, he wants to make sure his smugglers outgun the competition old west style.

Another reason for more violence is the drug smugglers no longer will get paid unless they deliver the goods to a U.S. destination. Therefore, they are becoming more trigger happy.

A few weeks ago a shoot-out between two drug smuggling groups took place on a road leading to Phoenix, Arizona. The criminals were trying to hijack each other's loads.

United States Border Patrol in Tucson has stated that confrontation between law enforcement and suspected traffickers has grown more violent. The L.A. Times reports weapons-related assaults against U.S. border agents rose 24 percent last year as compared to 2007.

Besides using weapons, the criminals throw rocks at our Border Patrol and ram their vehicles into agent vehicles.

Recently, again, according to the Times, agents stopped a vehicle in Douglas, Arizona, and drug traffickers on the Mexican side of the border laid down suppressive gunfire to pin the U.S. border agents down, which allowed the smugglers to retreat to the Mexican side of the border with their drugs intact.

The Tucson sector alone reports about 25 assaults a month on border patrol agents.

□ 1945

Madam Speaker, there seems to be an all-out border war between the drug cartels and the Mexican-U.S. law enforcement personnel. But not much is being said about this border war.

Madam Speaker, this border war is real. Our government should protect our Nation from these gun-toting drug smugglers. Our border protectors should be given enough personnel and equipment to fight these violent cartels, including being able to use the National Guard. Our border protectors should also know that our government will support them in their lawful protection of our border, and when a violent conflict occurs, be more concerned about our border protectors than the outlaw drug smugglers.

In other words, we must not let more agents suffer an unjust fate like Border Agents Ramos and Compean, who were persecuted and prosecuted for political reasons for shooting a drug smuggler they believed to be armed.

The violence on the border will continue to grow unless the likes of Joaquin "El Chapa"—"Shorty"—Guzman and his border bandits know the United States will not go away into the darkness of the desert night and simply surrender our border to them by silently doing nothing to prevent their unlawful invasion into the United States.

And that's just the way it is.

AMERICA'S TRADE DEFICIT IS AGAIN ON THE RISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, today the United States announced that America's trade deficit is back on the rise. The 2008 annual trade deficit topped \$677 billion. That is three-quarters of \$1 trillion, knocking several points off of economic growth in our country, and yet in response to today's announcement of the growing deficit, U.S. Trade Representative KIRK said we need to work more on new and pending free trade agreements. But trade agreements based on the NAFTA job outsourcing model are what helped get us into this mess of rising unemployment and heavy borrowing in the first place.

Take Mexico, for example, which is the red on this chart. When NAFTA was signed back in 1993, the United States had a trade surplus with Mexico of \$1.3 billion. But in 2008, our deficit with that country had surged to more than \$367 billion. This year, in only 3 months, we have already seen a \$9.7 billion deficit with Mexico.

Indeed, in every single year of NAFTA since 1993, more imports have come in here from Mexico than our exports there. The biggest U.S. export to Mexico has actually been our jobs. Good jobs.

In an article published in 1993 in Fortune Magazine, the self-proclaimed economic geniuses who urged NAFTA's passage, including Gary Hufbauer and economist Jeffrey Schott, said at that time that if that treaty passed, the United States would maintain, and I quote them, "an annual current account surplus with Mexico of about \$10 billion throughout the 1990s." Boy, were they wrong. Could they have been more wrong? Dead wrong. Consistently wrong.

Since NAFTA was enacted, the United States has accumulated more than \$1.2 trillion in trade deficits to both Mexico and Canada. The orange is the Canadian deficit. And this means lost jobs in our country and lost income to both Mexico and Canada. That \$1.2 trillion of lost wealth in this country could pay for better health care. It could pay for better roads and bridges. It could pay for a better-protected soldier abroad and for police forces here at home. But instead, we shift these dollars and hundreds of thousands of jobs across our borders every single year leaving our home communities devastated and costing our taxpayers ever more.

People ask: Why is President Obama spending money to try to re-engage our economy? And the answer is: What other choice does he have? Doing nothing in an economy with double-digit unemployment numbers is absolutely cruel. At a time when our home dis-

tricts are straining to make ends meet, millions of people are facing foreclosure and pink slips are coming day after day, why would we want to send more of our jobs and dollars abroad working on new, and I quote the trade ambassador, "new and pending free trade agreements," as Ambassador Kirk suggests, instead of focusing our time and energy on remedying the broken banking and economic system of our country? We have to fix that. We have to fix the foreclosure crisis. And we have to create well-paying jobs right here in our own neighborhoods rather than weakening America further by shipping out more jobs and wealth abroad.

Congress needs to stop making it easier for U.S. jobs to go to these far-flung, slave-wage havens, as in China, in Mexico, and in Panama. And by the way, countries like Panama are corporate tax havens as well.

We need banking reform. We need help for homeowners. We need modern infrastructure, and we need lots more good jobs right here at home. Ambassador Kirk, won't you join us in the fight for America's economic prosperity? Why send more of our jobs away from our communities that need them most, particularly when you are staring in the face of reality, which is \$1.3 trillion of trade deficit since NAFTA's inception, both with Mexico and with Canada, and not a single year in the black? Invest in the United States. We can leave Panama and Mexico to another day. It is time to reclaim our wealth and bring it back home where it belongs.

I think the American people intuitively know something is really wrong, and they are trying to figure out why all this has happened. And I would say to some of the very institutions on Wall Street that have caused the deep harm to this economy, you are the very institutions that have helped to finance the outsourcing of these jobs.

H.R. 1701, THE PTSD/TBI GUARANTEED REVIEW FOR HEROES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, almost 2 million American servicemembers have served our Nation in Afghanistan and Iraq. Unfortunately, many are returning home with symptoms of posttraumatic stress disorder and traumatic brain injuries. An April 2008 study by the RAND Corporation found that nearly 20 percent of Iraq and Afghanistan veterans had symptoms of PTSD or major depression.

The study also found that many servicemembers do not seek treatment for psychological illnesses because they fear it will harm their careers. Of those

who do seek help for PTSD or major depression, only about half receive treatment that researchers consider minimally adequate for their illness. If our government and the military fail to address problems associated with PTSD, the situation will only grow worse in future years.

Tragically, the worst cases can result in a servicemember causing harm to themselves or others. Most recently, a United States Army sergeant who had done at least three tours in Iraq had been charged with murdering five of his fellow servicemembers at Camp Liberty in Baghdad. A defense official confirmed that the sergeant had been a patient at the stress treatment center where the shooting occurred. When some servicemembers suffering from PTSD or TBI are not properly treated, they end up self-medicating or experiencing other changes in behavior. This can lead to serious legal issues and a threat of separation from their service without benefits or treatment.

One marine stationed at Camp Lejeune, in my district, fell victim to this problem and has been pending involuntary administrative separation due to misconduct. His fitness report shows that he was an outstanding marine prior to his deployments. His medical board report states, and I quote the board, "His service in the Marine Corps caused his PTSD and indirectly his incidents and legal problems. The Marine Corps' failure to treat him in the past and treat him appropriately has done nothing but worsen the problem."

Madam Speaker, that is not my comment. That is the comment by the Navy doctors at Camp Lejeune. If this marine would be administratively separated from service, he would have no chance of being eligible for TRICARE benefits. He would have difficulty attaining a job, and it is unlikely that a university would accept him as a student. Luckily, the Marine Corps has decided to give this marine another chance, and he will be transferred to a naval hospital for PTSD treatment.

However, this is not an isolated problem. Many servicemembers may have already lost their benefits due to an administrative separation from the service. For this reason, I have introduced H.R. 1701, the PTSD/TBI Guaranteed Review for Heroes Act. This legislation attacks this issue from two angles. First, it creates a special review board at the Department of Defense for servicemembers who were less than honorably discharged. And secondly, the bill would mandate a physical evaluation board prior to an administrative separation proceeding if the servicemember has been diagnosed with PTSD or TBI by a medical authority.

Ultimately, this bill will help preserve the benefits of the servicemembers upon leaving service. H.R. 1701 has already been endorsed by the National

Association for Uniformed Services, the National Military Family Association, the Military Officers Association of America, the Air Force Sergeants Association, Veterans of Foreign Wars, the Military Order of the Purple Heart, and the Marine Corps League.

Madam Speaker, this is a very impressive group of American service people who endorse this bill, H.R. 1701. I am grateful to have Congressman GENE TAYLOR as a lead cosponsor as well as BILL PASCRELL and TODD PLATTS, both cochairmen of the Congressional Brain Injury Task Force. I hope that many of my House colleagues will join as cosponsors of this important legislation for our Nation's military heroes, and I look forward to working with the leadership of the House Armed Services Committee to advance this much-needed change.

And, Madam Speaker, before I leave, I have done this so many times over the past few years, I ask God to please bless our men and women in uniform, and ask God to please bless the families of our men and women in uniform, and ask God in His arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I close three times, Madam Speaker, by asking God, please God, please God, please God, continue to bless America.

A TRIBUTE TO BILL HOLM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. WALZ) is recognized for 5 minutes.

Mr. WALZ. Madam Speaker, every time I get the privilege to speak on this floor, I am truly humbled. I am humbled by the knowledge of what we, as a Nation, have done. Each one of us in this body realizes that the strength of this Nation and our democracy lies in the extraordinary nature of our people.

I come from the heartland of this great Nation, the places where the Great Plains begin and the Mississippi River begins to flow. Mankato, Minnesota, is my home town. That was the "big town" where the Ingalls family went to shop for school clothes in Laura Ingalls Wilder's "Little House on the Prairie." My congressional office is located at 227 Main Street in Mankato. That is just a couple of blocks down from where America's first Nobel laureate, Sinclair Lewis, lived when he wrote his novel "Main Street." Minnesota is also the home of F. Scott Fitzgerald. And I feel truly blessed to have the friendship of Garrison Keillor and his iconic "Prairie Home Companion."

Each of these writers had a special gift to describe a place. As a child of the prairie and a geographer, place is something I have spent my entire life trying to understand. I teach high

school geography, and invariably whenever I tell people that, they flash back to some really bad memories of having to memorize capitals. And I explain to them, that is location, and it is only a very small part of geography. Place, on the other hand, is knowing the people and what is in their heart.

Minnesota recently lost another great writer. He was one of the most thoughtful and insightful tellers of place I have ever seen. Bill Holm was born in Minneota, Minnesota, in 1943. Minneota is a small town in southwest Minnesota where my father-in-law, Valgene Norwood Whipple, is still the high school boys basketball coach.

Bill was of Icelandic descent, and he never lost his love for his proud ancestral home, spending his summer in Iceland. He went to college in St. Peter, Minnesota, at the great Swedish College of Gustavus Adolphus, named for the Swedish King and patron of literature and learning.

Bill went on to the University of Kansas, became a Fulbright Scholar in Reykjavik, as well as a Bush Foundation fellow. He taught at Southwest Minnesota State University in Marshall, Minnesota, and he wrote several books and volumes of poetry. That is his biography. What Bill truly did was tell the soul of a northern people, a proud stoic people, who not only settled the harsh prairies of Minnesota, but built the vibrant culture and strong unique communities.

One of Bill's works that touched me the most was a small volume called "The Music of Failure." It is a journey of place and people that leaves one feeling incredibly thankful for family, friends, neighbors and this Nation, and puts into perspective what is truly important.

I would like to spend a minute or so and let Bill's own words from "The Music of Failure" tell a little of his place.

□ 2000

"Farmers go to bed early, or at least they used to when I was a boy. Small towns in Minnesota close by 6, the cafes frequently by 4. People eat at home where you can save money. By 10, the streets are silent, only the liquor store is open, its lonesome Hamm's sign proclaiming a few that are still up. Nothing but blue flickering TVs behind drawn blinds, and a random pattern of yard lights stretching off into the prairies. By midnight, nothing. Drive on these county roads, and you can imagine that trolls have kidnapped the entire human race, leaving only electricity behind. Your headlights are a ship's beacon, lighting up a few breakers on the grass ocean, as the car rocks along toward whatever port you have business in. I like driving late at night on these roads without traffic. It provides me with a valuable corrective against human arrogance."

Bill understood place and he understood what made this Nation so strong: it was the people and their resilience.

He also understood that not all of us saw the world the same way.

There are two eyes in the human head—the eye of mystery, and the eye of harsh truth—the hidden and the open. The woods eye and the prairie eye. The prairie eye looks for distance, clarity and light; the woods eye for closeness, complexity, and darkness. The prairie eye looks for usefulness and plainness in art and architecture; the woods eye for the baroque and ornamental. Dark old brownstones on Summit Street in St. Paul, they were created by the woods eye; the square white farmhouses and the red barn are the prairies eye. Sherwood Anderson wrote his stories with a prairie eye, plain and awkward, told in the voice of a man almost embarrassed to be telling them, but bull-headedly persistent to get the meaning of the events. Faulkner, whose endless complications of motive and language take the reader miles behind the simple facts of an event. He had a woods eye. One eye is not superior to another, just different.

When he wrote his book and the book I am reading from today, “The Music of Failure,” he was trying to get at the heart of what this Nation was about, what the soul was about, and he talked often about when he was a young man trying to understand how we judged failure.

One sentence summed it up for many of us: At 15, I could define failure in Minnesota by dying here and going nowhere.

What Bill Holm understood was this Nation had a way to make itself great, reinvent itself and move to the future.

Bill, rest in peace. Yours was not failure.

TRIPLE PLAY OF AMERICAN CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. ING-LIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, it is interesting to see and troubling to see gas prices rising again. I have talked to several colleagues here tonight in fact about gas prices going up. I noticed today on the Wal-Mart sign in Travelers Rest, South Carolina, that the price has gone up here recently. But I am here to say, Madam Speaker, that gas at \$2 a gallon or so is a sleeper cell waiting to detonate in the United States. I am also here to predict for you that within 2 years, I will make the bold prediction, within 2 years gas will once again be \$4 a gallon. So the question is: What do we do about that? Do we wait for it to happen and just sit here and assume that we have to absorb that kind of hit, gas at \$4 a gallon, or do we start taking action now to

prepare for the energy security of the United States?

Madam Speaker, I hear a lot of our colleagues saying we need to do other things. We need to, for example, in the case of electricity generation, we need to do nuclear. I think it is a great way to make electricity. But the problem is there are some economic challenges there. Others say let's move away from gasoline and move towards alternatives. But there is a problem there. There are economic barriers, and the economic barriers are in both of those cases the liquid transportation fuel; and in electricity generation, the challenge is that the incumbent technologies have some freebies that they get. And as long as those freebies continue to distort the marketplace, the free market system, as long as those distortions are there, we won't move to alternatives for gasoline. We won't move to alternatives to coal. What we will do is just stick with the incumbent technologies. As long as the incumbent technologies get these freebies, and economists call them negative externalities. They are basically bad things that come with those products that aren't recognized by the market, and as a result the market doesn't respond.

So, for example, take the national security risk that we run by being dependent on gasoline, on oil. Right now on the Straits of Hormuz we have some very heavy metal going up and down the Straits of Hormuz protecting a supply line of a product that we must have because we are dependent, we are addicts, addicted to oil.

If you attributed some of those costs to the price per gallon of gasoline, it wouldn't be the \$2.09 that I saw on the marquee in Travelers Rest, South Carolina, today; it would be a lot higher than that. If there were proper cost accounting, if you will, and that were really attributed to the price of gasoline, right now we would be moving more rapidly toward alternatives.

We would be having plug-in hybrids coming very quickly to the market. We would be having the Chevy Volt make its way to the market. We would be having hydrogen coming much closer and faster than it is coming now.

Madam Speaker, we have to figure out a way to change the underlying economics because I believe the solution here is not us in Washington coming up with grant programs and maybe doling out some money here and there, but rather in harnessing the power of American free enterprise, entrepreneurship, to deliver these solutions. The way that they are delivered is if we come together as a Nation and say listen, no more freebies, no more of these negative externalities that are unrecognized because as long as they are unrecognized, there is a market distortion. We attach those to the prices of the products, and I think the

way to do that, by the way, is a revenue-neutral carbon tax where you reduce taxes elsewhere, say on payroll, and in an equal amount impose a transparent tax on carbon.

The result would be no additional take of tax revenue to the government; but rather, a price signal to the marketplace that says the incumbent technologies aren't going to get their freebies any more. If they are not going to have their freebies, then those of us who have alternatives can make a buck selling them.

When that happens, Madam Speaker, we will change American energy dependence on the Middle East and we will be able to say to them we just don't need you like we used to. We can improve the national security of the United States, we can create jobs with those new technologies, and we can clean up the air. It is the triple play of this American century. Madam Speaker, I say let's get about it.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. MAFFEI). Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, those of us who came to Washington to pass comprehensive and revolutionary, potentially transformational health care reform are emboldened by the realization that we now, for the first time in almost a decade, have a President and an administration who are as committed as any advocate in this country to the premise that this country must reform its health care system. We are reminded almost weekly of President Obama's commitment to health care reform that happens this year.

This week we saw the President bring together varying and diverse groups that over the course of the history of health care have normally been at each other's throats, coming together to say that the first premise of health care reform has to be lowering of cost in the system. The health insurance community, the hospital association, the medical association, PhRMA and SCIU, one of the Nation's biggest unions, all coming together and saying, listen, let's take cost out of this system. And it is the right way to first approach health care reform. We can talk all we want about coverage, but if we don't start to dramatically slow the growth of health care at a pace now that stands at 7 or 8 percent a year, if we don't bring it down to something that more resembles the general inflationary rate in this country, there will be no room, never mind to expand coverage, there will be no room to just cover the people with health care now. We have gone over the numbers over and over again: \$7,400 per person that we spend on

health care in this country, \$2.2 trillion across the spectrum of our health care system. Twice as much of our GDP is spent on health care as we spent in 1970, and twice as much of our GDP is spent on health care than many other similarly situated industrialized nations.

Health insurance premiums over the last 10 years have gone up 119 percent, while earnings have risen only 34 percent. We know there are savings because we look out across the country and we see dramatically diverse experiences with regard to cost.

In my home market of Hartford, Connecticut, we are spending on average about \$8,000 a person to treat a Medicare patient. Well, you go down the eastern seaboard to Miami, and they are spending twice that amount, \$16,000 to treat a similar Medicare patient.

Now, I am sure we can come up with a list of reasons why that care is going to be marginally more expensive give the client base and the provider costs, but not twice as expensive.

As we saw in some recent work at Dartmouth University, there is no correlation between what you spend and the quality you get. In fact, it tends to be the reverse: the better you are at coordinating care and keeping costs down, the healthier your patients are. So there is an enormous amount of savings that we can achieve just by better coordinating care and learning from the areas of the country and the health care communities that have figured out that you can reduce costs and preserve quality.

But ultimately, Mr. Speaker, I don't think we can really take a whack at costs until we understand the important role that a public insurance model can play in our health reform system. I want to talk about this for 1 minute.

We have looked at comparative models, for instance on the purchase of prescription drugs via a government program like the veterans health care system and private models like the Medicare prescription drug benefit programs, and we see example after example on how the ability of the United States Government or entities acting on its behalf can bring down the cost of health care. We have seen examples of how a government-sponsored health care initiative that has no interest in returning value to shareholders, that has no interest in paying its CEOs massive salaries, that does not have a profit motivation can get more humane and less expensive care to its recipients. That is the theory behind those that want a government-run single payer system, and I think we all acknowledge we are not going to get there.

But we are not going to achieve the savings that we hope to achieve unless we can have a robust, completely competitive market where individuals and businesses that are purchasing insur-

ance get to choose not only between private insurance companies that might offer them the best deal, but also from a public option as well.

This is fundamentally about creating real market-based choice for consumers. If we have a diverse array of private insurance products and a public option, that more than anything we do with regard to changing reimbursement from volume to outcomes, can bring down the cost of health care.

IN MEMORY OF SPECIALIST RYAN CHARLES KING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, today the residents of northwest Georgia are saying good-bye to a native son who died while bravely serving his Nation in Afghanistan. Specialist Ryan Charles King was killed in action on May 1, 2009, in Afghanistan when his unit came under enemy fire while on a night mission.

Last evening, Mr. Speaker, I joined Specialist King's family, his friends and supporters at his visitation to honor the life of this brave soldier. In speaking with Specialist King's parents, I found out that he and I have a history together. When I was an obstetrician-gynecologist, I delivered Ryan King a little over 22 years ago on Veteran's Day in 1986. How fitting that this brave soldier who made the ultimate sacrifice for his country was born on such a special day.

We remember Ryan as a man of the highest character whose receipt of the Army Commendation Medal, the Army Achievement Medal, the Army Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and NATO Medal are testament to the supreme sense of duty he felt to his country and to his comrades.

Born in Marietta, Georgia, at WellStar Kennestone Hospital, Ryan attended Faith Lutheran Church for many years.

□ 2015

He was a talented and a spirited baseball player, leaving his mark on the diamonds throughout Canton, Powder Springs, and Dallas, Georgia.

A few months after graduating from East Paulding County High School, Ryan King fulfilled a lifelong dream and he enlisted in the United States Army. He went to basic training at Fort Sill in Oklahoma, followed by advanced individual training at Fort Huachuca in Arizona. After completing his training, Specialist King was stationed in Korea for 1 year, and it was there that he met his wife, Sergeant Rachel Nicole Smith King.

As a member of the Special Troops Battalion, 3rd Brigade, 1st Infantry, he left for deployment in eastern Afghanistan in July of 2008 and, sadly, was scheduled to return to Fort Hood in Texas in June, 2009, just 1 month from now.

Specialist King leaves behind his wife, Sergeant King, his father, Charles King of Temple, Georgia, his mom, Candice R. King of Decatur, Georgia, younger brothers Tyler King of Temple and Dante Moore of Decatur, grandparents, Dorothea King of Temple and Tommy and Nancy Roberts of Dallas, Georgia, as well as many aunts, uncles and cousins.

Mr. Speaker, my prayers go out to his family. And my deepest gratitude goes out to Specialist King for his selfless sacrifice for our Nation. I ask all Members to join me in honoring the distinguished memory of Specialist Ryan Charles King.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ENERGY AND COMMERCE, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

Mr. WAXMAN. Madam Speaker, pursuant to rule XI, clause 2 of the Rules of the House of Representatives, I respectfully submit the rules for the Committee on Energy and Commerce in the 111th Congress for publication in the CONGRESSIONAL RECORD. The Committee adopted the following rules in open session by a voice vote, a quorum being present, at our organizational meeting on January 14, 2009:

RULES OF THE COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, ADOPTED JANUARY 14, 2009, 111TH CONGRESS

Rule 1. General Provisions. (a) Rules of the Committee. The Rules of the House are the rules of the Committee on Energy and Commerce (hereinafter the "Committee") and its subcommittees so far as is applicable.

(b) Rules of the Subcommittees. Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

Rule 2. Meetings. (a) Regular Meeting Days. The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the ranking minority member.

(b) Additional Meetings. The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or

resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(c) Notice. The date, time, place, and subject matter of any meeting of the Committee or its subcommittees scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session shall be announced at least 36 hours (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in advance of the commencement of such meeting. The date, time, place, and subject matter of other meetings shall be announced at least 72 hours in advance of the commencement of such meeting.

(d) Agenda. The agenda for each Committee or subcommittee meeting, setting out all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

(e) Availability of Texts. No bill, recommendation, or other matter reported by a subcommittee shall be considered by the Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation.

(f) Waiver. The requirements of subsections (c), (d), and (e) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, or by the chairman with the concurrence of the ranking member, as the case may be.

Rule 3. Hearings. (a) Notice. The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one week in advance of the commencement of such hearing, unless a determination is made in accordance with clause 2(g)(3) of Rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(b) Memorandum. Each member of the Committee or subcommittee shall be provided, except in the case of unusual circumstances, with a memorandum at least 48 hours before each hearing explaining (1) the purpose of the hearing and (2) the names of any witnesses.

(c) Witnesses. (1) Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or of a subcommittee, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a nongovernmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received

during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(d) Questioning. (1) The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee or subcommittee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5 minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(2) The chairman with the concurrence of the ranking minority member, or the Committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side. The chairman with the concurrence of the ranking minority member, or the Committee by motion, may also permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) Each member may submit to the chairman of the Committee or the subcommittee additional questions for the record, to be answered by the witnesses who have appeared. Each member shall provide a copy of the questions in an electronic format to the clerk of the Committee no later than ten business days following a hearing. The chairman shall transmit all questions received from members of the Committee or the subcommittee to the appropriate witness and include the transmittal letter and the responses from the witnesses in the hearing record.

Rule 4. Vice Chairmen; Presiding Member. The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

Rule 5. Open Proceedings. Except as provided by the Rules of the House, each meeting and hearing of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public, including to radio, television, and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House.

Rule 6. Quorum. Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. A majority of the members of the Committee or subcommittee shall con-

stitute a quorum for those actions for which the House rules require a majority quorum. For the purposes of taking any other action, one-third of the members of the Committee or subcommittee shall constitute a quorum.

Rule 7. Official Committee Records. (a)(1) Journal. The proceedings of the Committee and its subcommittees shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member.

(2) Record Votes. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a record vote shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each record vote in any meeting of the Committee and its subcommittees shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House. The Chairman also shall make the record of the votes on any question on which a record vote is demanded available on the Committee's website not later than 2 business days after such vote is taken. Such record shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(b) Archived Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3 (b)(3) or clause 4 (b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

Rule 8. Subcommittees. (a) Establishment. There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

(b) Powers and Duties. Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

(c) Ratio of Subcommittees. The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority

than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

(d) Selection of Subcommittee Members. Prior to any organizational meeting held by the Committee, the majority and minority caucuses shall select their respective members of the standing subcommittees.

(e) Ex Officio Members. The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees. The chairman emeritus shall be an ex officio member without voting privileges of each subcommittee of which the chairman emeritus is not assigned as a member and may not be counted for purposes of establishing a quorum on any such subcommittee.

(f) Subcommittee on Witness Inquiry. There shall also be established a Subcommittee on Witness Inquiry that may examine witnesses in executive session pursuant to House Rule XI, clause 2(g)(2) and 2(k)(5). The subcommittee shall be comprised of two members of the majority party appointed at the discretion of the chairman and one member of the minority party appointed at the discretion of the ranking minority member. Subsections (a), (b), (c), (d), and (e) shall not apply to the Subcommittee.

Rule 9. Opening Statements. (a) Written Statements. All written opening statements at business meetings conducted by the committee or any of its subcommittees shall be made part of the permanent record.

(b) Length. Statements shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members. At any business meeting of the full Committee, the chairman may limit opening statements for Members (including, at the discretion of the Chairman, the chairman and ranking minority member) to one minute.

Rule 10. Reference of Legislation and other Matters. All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks of the date of receipt by the Committee unless action is taken by the full Committee within those two weeks, or by majority vote of the members of the Committee, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 11. Managing Legislation on the House Floor. The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

Rule 12. Committee Professional and Clerical Staff Appointments. (a) Delegation of

Staff. Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 9 of Rule X of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Minority Professional Staff. Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the ranking minority member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) Additional Staff Appointments. In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) Sufficient Staff. The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) Fair Treatment of Minority Members in Appointment of Committee Staff. The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) Contracts for Temporary or Intermittent Services. Any contract for the temporary services or intermittent service of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 13. Supervision, Duties of Staff. (a) Supervision of Majority Staff. The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) Supervision of Minority Staff. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

Rule 14. Committee Budget. (a) Preparation of Committee Budget. The chairman of

the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 111th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) Approval of the Committee Budget. The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the Committee on House Administration unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) Monthly Expenditures Report. Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 15. Broadcasting of Committee Hearings. Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by such member in accordance with the Rules of the House.

Rule 16. Subpoenas. The chairman of the Committee may, after consultation with the ranking minority member, authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House. If the ranking minority member objects to the proposed subpoena in writing, the matter shall be referred to the Committee for resolution. The chairman of the Committee may authorize and issue subpoenas without referring the matter to the Committee for resolution during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

Rule 17. Travel of Members and Staff. (a) Approval of Travel. Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman.

Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) Approval of Travel by Minority Members and Staff. In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

Rule 18. The chairman shall maintain an official Committee website for the purposes of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other members of the House. The ranking minority member may maintain an official website for the purpose of carrying out official responsibilities, including communicating information about the activities of the minority members of the Committee to Committee members and other members of the House.

Rule 19. The chairman of the Committee is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the chairman considers it appropriate.

CARBON POLLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUMENAUER. Mr. Speaker, in every great problem there is a great opportunity. We are now facing the most severe economic crisis in a generation. At the same time, the scientists are telling us clearly that our inaction dealing with carbon pollution is threatening the planet that is our only home. Fortunately, the same actions that will fix the economy will also help save the planet. In an economic downturn, we want to put people to work and help them manage costs. Energy efficiency does both and reduces carbon emissions at the same time.

The United States finally shook off the great economic depression of the thirties by mobilizing the economy to fight World War II. We can fight off this recession, deep as it is, by mobilizing our fight against global warming.

Mr. Speaker, President Obama, from the rostrum before you, laid out an am-

bitious agenda in his first speech to the Members of Congress, recognizing that as Americans we can do great things when we come together to work for the common good, as we did dealing with the challenges of World War II and the Great Depression.

The President has presented us with a clean energy jobs plan, a plan that will create new jobs that can't be shipped overseas, a proposal that will protect existing jobs while it reduces our dependence on foreign oil. It will avoid tax increases on working families as we all work to reduce carbon pollution. This plan starts by regulating carbon polluters and making them pay for the pollution that they've been allowed to spew out for free into the sky, damaging the atmosphere and threatening the water and land without regard to the cost to the rest of us.

Then the President's plan will create new jobs through research and development and deployment of new clean energy technologies such as wind, solar and biomass. It is exciting to see in the President's economic recovery package that we have already taken decisive action, investing billions of dollars across America to do something about it.

His plan further provides the support and the incentives needed to help the American spirit of innovation and creativity to build the new clean technologies of the future. Just as we led the world in developing the automobile and the computer, we can, and if we follow the plans that have been set forth that have been articulated by President Obama and the Democratic leadership, we will be able to lead the world in developing the new cheaper, cleaner energy technologies that will power this century in America and around the world.

These new technologies are already resulting in clean energy jobs that are forming the basis of our new economic security. Change is difficult under the best of circumstances, but I think there is growing recognition at this point that we have no choice. But we want to be thinking about the future, not planning the economy through the rear-view mirror.

The proposals that we are working on will provide all Americans with clean energy tax credits so that they will have money to buy clean energy technologies so that they personally can join in America's clean energy future. This will allow them to be stewards of the family budget while we are all stewards of the planet. In this way, the actions of millions of Americans to reduce their energy bills and to protect the planet will create even more jobs and lead to that prosperity that is so important to us all.

There are any number of examples, Mr. Speaker, about how what we have already done in energy efficiency has made a difference. Researchers at the University of California calculate that

the gas and electric energy efficiency measures for the past 30 years in California have saved the residents of that State \$56 billion while producing 1.5 million new jobs.

They have projected that the savings in jobs for meeting California's new carbon cap-and-trade law, and by projecting it forward just to the year 2020, that Californians will save an additional \$76 billion in energy costs just at current rates. And I heard my good friend from South Carolina on the floor just a few minutes ago predicting that energy costs are going to be going up. I personally agree with him, I think he is right. But even at current rates, Californians would save \$76 billion and create an additional 400,000 new net jobs.

I'm from the Pacific Northwest, where we've been working very hard on energy efficiency over the course of almost 30 years. My hometown of Portland, Oregon, was the first city in the United States with a comprehensive energy policy that has made a difference for us in terms of saving money on energy, while we've created new economic opportunities and have reduced our carbon footprint.

In the Pacific Northwest, our Power Planning Council has estimated the work that we've done just in the Northwest alone between 1980 and 2000, where we invested almost \$2.5 billion in energy efficiency, our region earned that total investment back about once every 18 months. This is a rate of return of about 67 percent, annual rate of return on investment. An extraordinary record when we think about how our 401(k)s are turning into 301(k)s and 201(k)s. Watch the gyrations in the stock market and uncertainty in housing prices. Looking at what has happened with a very solid year-in, year-out rate of return on energy efficiency is truly encouraging and inspirational.

Mr. Speaker, the time to act is now. We have heard the warnings from the vast majority of scientists developing a consensus about the threats to the planet. We are already feeling the effects of changing climate as we watch large quantities of polar ice disappear, as we watch snowpacks rise, when we watch the shift of patterns of migration of birds, where the permafrost in Alaska is no longer perma, and the roads are buckling and coastal villages washing away.

The realities of climate change effects are being visited upon Americans across this country in all 50 States, and they are gathering momentum in terms of a sense of urgency and public awareness. We are watching groups in the evangelical arena, scientific arena, civic organizations, American business, labor, environmental organizations coming together to be part of this consensus. Leadership is being exhibited on college campuses and at synagogues across the country. Over 900 cities have

made the decision that they weren't going to wait for the Bush administration; they were starting ahead with their own efforts to reduce pollution from carbon.

Well, we ignored the warnings of experts, for example, with the risks in the financial sector and, sadly, we've seen the consequences. We have learned the dangers and added costs of trying to move after the fact, after a disaster or after some sort of natural catastrophe occurs. It is very expensive cleaning up after Katrina, after flooding, after wildfires, as opposed to taking action to try and prevent it.

We, once again, need to act as good stewards of the Earth, protecting our children and grandchildren. We must remember that there will be great costs associated with dealing with impacts once they have occurred. Mr. Speaker, Mother Nature doesn't do bailouts.

We need to focus on the big picture. The economy is the task at hand. The next step to create millions of American jobs in renewable energy, energy efficiency, and modernization of a smart electric grid is going to make a difference now. Clean energy can provide an engine to drive the Nation out of a recession and sustain our economy for years to come.

It is time for us to step forward, investing seriously in energy innovation. We invest about one-tenth of 1 percent of our annual energy bill in research. It is absolutely ludicrous to have an area that is so central to our economy and our way of life, where we see costs escalating around the globe, and that we have neglected to invest in ways to drive technological innovation. Luckily, as part of the economic recovery package and legislation that is working its way through the House and the Senate, we will be addressing this issue of greater investment in innovation.

I see I have been joined by my colleague from the great State of Washington, Congressman INSLEE, who has focused a great deal of time and attention on this question of innovation as it relates to energy. He has sponsored legislation in this regard. He has been a champion in speaking out in forums large and small around the country and is hard at work now on the Commerce Committee in the formulation of legislation that will codify these opportunities and bring them to fruition.

I am pleased to yield to my friend if he would care to share some of his thoughts in this area.

Mr. INSLEE. Well, I come to the floor with some good news tonight, and that is that the Energy and Commerce Committee will be working to produce a bill starting either late this week or early next week to really jump-start President Obama's vision for a transition to a clean energy future for the country.

□ 2030

And we reached today some very important milestones to reach consensus in our committee to move this vision forward. And I'm very optimistic about that, contentious as this is, for a couple of reasons. One, I just was being briefed by some findings about what Americans' beliefs are about this issue from a fellow named Mark Mellman, who basically looks and asks questions of people and what they think of America. And it was amazing how optimistic Americans are and how much they embrace this idea that we can innovate and create millions of new, clean energy jobs. In fact, the research showed that by two-to-one margins, over two-to-one margins, Americans believe that if we act in Congress to promote the creation of clean energy technology, to do the research and development to create these high-tech, energy-efficient sources of energy, if we create limits on the amount of pollution that polluters can put in the air, by two-to-one margins, Americans believe this will create jobs, clean energy jobs. And that fundamental belief is the thing that will allow the U.S. Congress this year to pass a bill to move us down the clean energy future.

And I would suggest there's a reason Americans believe by two-to-one margins that action on clean energy will create jobs, and that is that we're the most innovative, creative, dynamic, entrepreneurial society ever. And with all due respect to the Egyptians and the Romans, we are the most innovative society, and I think that this optimistic view by two to one that we can create jobs by moving forward in clean energy, it's really consistent with the American character. That's the first reason.

The second reason I feel excited tonight about the Commerce Committee's now advancing President Obama's clean energy vision is the same things that I've seen happen. I went home to Seattle, the Seattle region where I represent, and I just met such exciting people in the State of Washington who are creating these new jobs today.

Yesterday, I went to a company called MacDonald-Miller, a company in Seattle, and they install heating and cooling equipment and energy efficiency equipment. And a few years ago, they started to try to figure out how can they boost their sales. They were having some tough times. They actually went through a restructuring, and they asked themselves, how can we boost our sales and build our company? And they decided to really pursue energy efficiency. And they decided to build a model, a business model, around selling efficiency services, and they showed me one thing they're doing. It's pretty amazing.

It seems so simple, but they are employing hundreds of people at this company by selling a product that will sim-

ply adjust your thermostat. If you've got an office building, it will adjust the thermostat dependent on the outside air temperature. And what they found is, and I know this sounds simple, but what they found is that people's comfort level varies on the outside temperature. So they might want it at 73 on a hot day, but they're comfortable at maybe 69 or 70 on a cold day. So they found out people's comfort level varies; so they basically are selling a product that will adjust the temperature of the office building to be consistent with that comfort level depending on the outside temperature. And they had an average reduction of energy of, I think, about 12 percent when they did that. And that's astronomical.

I mean, if you reduced everybody's energy 12 percent in your buildings, it would be incredible in your heating and cooling expenses. But most importantly, by doing that, they're creating jobs and wealth, and their sales have gone up dramatically in the last 4 or 5 years because they are adopting that strategy.

So what we are doing here in Congress in this bill, we will be adopting a provision that will call for Americans to have a higher level of renewable energy, 15 percent, and an additional 5 percent of efficiency gains that will help boost these companies that are now hiring so many people around the country.

Another company in my area called McKinstry, President Obama mentioned them when we were at the White House last week. They have similarly sold efficiency services.

So everywhere you look, you can find opportunities for this job creation. But what these companies need are policies that will level the playing field, because right now our policies just favor some of the older industries, and now we need some policies that will really level the playing field and allow this transition to take place.

Now, in this bill where we're going to be doing it, there are some costs associated, of course, as there always are. We don't usually expect something for nothing. But in our bill it's the polluters and the polluters' industries that will pay. They will be the ones that will be required to purchase and pay for permits associated with this pollution. And, generally, I think it's fairly well understood that in a society that favors responsibility, it ought to be the polluters who are responsible for costs, not citizens. In fact, there will be some assistance to citizens with their utility bills associated with this project.

So the good news that I'm hearing from across the country is Americans believe that we will create jobs if we act on clean energy, number one. And, number two, I'm seeing with my own eyes my constituents getting hired in these new emerging industries.

I went to the 3 Tier Corporation the other day. They essentially manage electricity in large corporations, manage server farms and manage the like, and they're hiring people. The AltaRock Company is doing engineered geothermal in the North Seattle area. That's where you poke a hole down, you pump water down it, it comes up hot, you make steam and generate electricity.

I went to a company called Ausra Engineering. It's a marine architecture firm in Seattle. You don't normally associate marine architectural firms with job creation and clean energy, but they are potentially working on platforms to build floating platforms for offshore wind turbines, and they are in the preliminary work of looking at particular designs to do that because we have enormous capacity for wind off of our shorelines.

So the basic American belief in the innovative spirit of the country is now being matched by these real businesses in real time, hiring real people with real paychecks, and that's what this bill is going to do that we are going to pass here out of the committee hopefully late next week to really jumpstart, kick-start this job creation.

So I appreciate the gentleman's letting me join him in this discussion.

Mr. BLUMENAUER. I, likewise, appreciate your comments and observations and bringing it down to real-life examples.

One of the nice things about being a Member of Congress is that we have a chance to see these products emerge. We have a chance to hear. We both serve on the Global Warming and Energy Independence Committee that the Speaker has set up, and for 30 months we have seen a parade of witnesses come before us with new and emerging technologies in wind and solar and transportation that are already putting Americans to work while they're working to save Americans money. But that is just, I think, a hint of what we can do in the future.

I'm watching in my hometown of Portland, Oregon, where we reintroduced a modern streetcar to the landscape. We just received approval from the Obama administration to move forward with a streetcar extension that's going to not only create nearly 1,300 jobs for construction and not only will we be manufacturing the first streetcar built in America in 58 years, but I know in your area in the Puget Sound you already have the South Lake Union Trolley that is in operation. You're looking to expand that. Every one of these projects not only represents an economic opportunity, but it dramatically changes the carbon footprint.

Servicing 240 units along a trolley line instead of a suburban subdivision is a million pounds of carbon a year that is saved. A trip not taken. Being able to

extend things like modern streetcars to communities large and small across America, like they were a hundred years ago, provides an opportunity for thousands of construction jobs, changing the carbon footprint, changing the technological and manufacturing advances in ways that are going to affect millions of lives.

It is so important for us to be thinking about that big picture because we are exporting overseas over a billion dollars a day for oil and we're watching that probably starting up again. Last year it was \$700 billion that was lost. And this is money that is taken out of our economy. In my community, the difference between just the fact that we drive 20 percent less keeps \$800 million a year circulating in that local economy that isn't sent to Venezuela or to Saudi Arabia.

Mr. INSLEE. Will the gentleman yield?

Mr. BLUMENAUER. I will be happy to.

Mr. INSLEE. I think that's a very important point is that the portfolio of these new renewable energy sources that are going to provide the electricity for both our toasters and for these train systems that Mr. BLUMENAUER talked about, when you generate this electricity using renewable sources, it's, by necessity, a domestic product. If you are using renewable energy to generate your electricity, you know you're using an all-American energy source, because that means the wind is right in eastern Washington or eastern Oregon.

By the way, Washington just had the biggest wind farm in America, became the largest producer of wind power in the world last year. There are actually as many people working in the wind power industry today as the coal mining industry. We're rapidly increasing the number of jobs, but we are using domestic energy when we use wind power.

I went to a company in Tri-Cities, Washington, a couple of months ago. The Infinia Company has developed a sterling engine. It's a solar energy system using a sterling engine, and that's a system where you have these concave dishes that look like large satellite dishes and they concentrate the sun's energy on a little engine about the size of a couple of pop cans, and that turns out pressure differences into mechanical energy and generates electricity. Now, when you use the Infinia system, you are getting a job creation in the Northwest, in Washington State, and you are using a domestic supply of energy, namely the sunshine that's falling on us right now.

Mr. BLUMENAUER. May I just elaborate on that point. I think that is a very important point to make, that this is 100 percent American energy, but also in terms of what happens with the net economic impact. There are

some who claim that, well, we should deal with the fossil fuels, the oil and coal, because they create jobs. Well, they do create jobs, but I think the evidence is clear that the investment in the alternative energies of the future that you're talking about, in wind and solar, the clean energy economy creates about four times the jobs for each million dollars invested as in the traditional fossil fuels. And when you consider that we are also avoiding some of the most negative consequences of burning dirty coal on the health of individuals and of the larger ecosystem, it is a multiple benefit to the economy and the environment.

You know, on the floor, and this was incredible to me, last week I heard my Republican friends being upset that the Speaker, with the initiative to green the Capitol, had replaced dirty coal with natural gas, which has half the carbon emissions. It doesn't have the other problems in terms of sulfur dioxide, in terms of carbon monoxide.

□ 2045

The Capitol Heating Plant was the number one source of pollution in our Nation's Capital, threatening the lives and health of people who work around the capitol. Children in our schools and the opponents of responsible action for a clean economy were saying that was somehow an attack on coal.

Mr. INSLEE. I think it's really important you have brought up the issue of coal. I think it's very important to note that when this bill comes out of our committee, it comes to the floor of the House. It is not going to ignore the potential of coal to remain part of our energy future.

We have huge amounts of coal reserves in this country that could power us for hundreds of years. But we need to find a way to burn it more cleanly, to take the carbon dioxide, which is now going into the atmosphere and making our oceans more acidic and contributing to global warming, to take that carbon dioxide and bury it in the Earth for 10,000 years so it's not going to be a problem. Now, in our bill we are not ignoring that issue. We are, in fact, contributing about a billion dollars a year in an effort to find a way to bury that carbon dioxide so we can continue to use coal.

Now, this is an important point, because we feel that we all need to move together, including the regions of the country that are very heavily coal dependent, and we intend to have a very well-balanced research program where we don't favor any one energy source. We are going to be doing work on solar, we are going to be doing work on wind, we are going to be doing work on geothermal, and we are going to be doing work to find a way, hopefully, to sequester carbon dioxide when it comes out of the coal-fired plants.

So I think that's an important point that all areas of the country you are

going to have some benefit to find ways to use their energy sources.

Mr. BLUMENAUER. I appreciate your clarification of that. As it stands now, the way that we are using coal indiscriminately, not dealing with the consequences of not just the carbon pollution, but, frankly, there are other pollutants that we have been struggling with for years because of the hazards to human health and to the environment, but the willingness to focus on ways to truly try and make it possible to use coal in a way that is environmentally sensitive. I think it's very important. It is important not just because the United States has vast amounts of coal, but it would be nice if we could use them in a way that was safe and environmentally sound; but we are also facing a situation where there is still heavy reliance on coal in China, in India.

We, in the Pacific Northwest, are breathing Chinese coal pollution in the Puget Sound area, in metropolitan Portland every day. So your work on the Commerce Committee, to be able to have some resources to try and move this research forward dealing with ways to truly make it environmentally benign, I think it's very important, establishing standards and sticking by them.

I will be coming to the floor soon to talk about another methodology that has been employed in the past, which is an underground gasification process, where you never bring the coal to the surface, that the process of conversion takes place in the actual coal seam. There are projects under way right now in Wyoming. It was actually a technology that was developed by Nazi Germany and in the Soviet Union in an earlier era dealing with gasification of coal, but has tremendous potential for being able to use coal in a way that is environmentally responsible.

I appreciate the work that is being done to help advance these technologies and others.

Mr. INSLEE. You mentioned China, or meant to, one of the two. I wanted to comment on this too.

We are also, in this bill, dealing with, when we are advancing clean energy, we want to make sure we don't lose jobs in competition for some of these other countries, even if they don't move as rapidly as we do and try to move away from this pollution of CO₂.

And one of the things we are going to have in our bill is a provision that will protect our jobs and protect our industries against job leakage going overseas to countries that may not have some CO₂ regime to reduce pollution. We have now reached agreement, essentially, that we will essentially have a cushion for industry-intensive industries—steel, aluminum, cement—a cushion so they will be insulated from increases in energy costs associated with this so that we won't lose jobs,

having these plants move to China or India or some other country that may not have a regulation on CO₂ as we do. This is a very important resolution.

I worked with Mike Doyle, a Representative from Pittsburgh, on this, and we can now legitimately tell folks in these industries that we have this protection against job leakage. And it is a message, an important message, to countries around the world that all countries are going to have to enter into some action plan to reduce carbon dioxide.

We know we can't solve this problem without China's participation, and that's why in this bill we will also have a provision that in the event there is not progress made, that there could be trade adjustment at the border for imports from China if, in fact, China is unable to move forward with this. Now, we hope it will succeed on that and that won't be necessary.

But the point is we are designing a bill that will capture the innovation, allow us to make the electric car here rather than China, and not lose jobs in the steel industry. And I think we have designed a bill that's going to accomplish that.

Mr. BLUMENAUER. We are following, on the Ways and Means, these provisions, closely. We are looking forward to having the bill out of your committee and on to our jurisdiction, one of the areas that Ways and Means jurisdiction deals with trade provisions. And we are quite confident that we can work with you in this area to make sure that people are not able to export their carbon pollution overseas or that other countries can import their carbon pollution into the United States.

I am looking forward to seeing the refinement that comes from your committee and working with my colleagues on Ways and Means to make sure that there are strong border protection provisions to make sure this is neutral. It is not anti-trade; it is not pro-trade. It is simply preserving the integrity of the carbon pollution regulation, and I am quite confident that these tools can be employed to accomplish precisely that.

Mr. INSLEE. I think, too, when we think about this clean energy future, it has to be in relationship with what other countries are doing as well. And when we pass this bill next year, it is going to be because we believe we are not going to cede these markets to countries who could steal these markets from us.

You know, we are in a race right now to see who is going to be dominant making electric cars and electric batteries. China has an interest in doing that, and they are making enormous investments to do that.

We are in a race today to decide who is going to dominate the solar-power industry. China is making enormous

investments in their solar cells. In fact, I met a fellow from, I believe it was from, Indiana who had a solar cell manufacturing plant. And he had a guy walk in from China and plunk down \$300 million and try to get him to move his plant to China, lock, stock and barrel.

And the fellow said, I am a red, white, and blue American, and I am not leaving. But that's what we are up against, and that's one of the reasons we intend to take an aggressive position here with research and development dollars, with limits on CO₂ that will spur investment and kick start the businesses here that we need so we can regain these markets.

You know, we invented solar energy in this country, but the Germans sort of commercialized it because they saw this a little before we did. We need to get in that game today and see to it that the companies like Infinia Companies and Nanosolar that's doing thin-cell photovoltaics and Bright Source.

By the way, I want to mention this one source of solar energy that people may not have heard about, the Bright Source Company and the Ausr Energy Company, two companies doing what's called concentrated solar power. What they do is they use mirrors in various fashions to concentrate radiant energy, heat up a liquid, make steam and then create electricity from it with zero pollution associated with it.

Bright Source has now signed contracts for thousands of megawatts of crystal pure solar energy in various places in the United States, and it would surprise you, it's not just Nevada. They have places in the Southeast where they can do this as well.

And it is this type of technological breakthrough that if we put our minds to it and pass this bill, we are going to jump-start jobs in this country.

Mr. BLUMENAUER. I appreciate the context that you have provided, and your unrelenting interest in understanding and acknowledging and advancing American technology, but, sadly, we are not—you mentioned having fallen behind the Germans, for example, in technologies that we developed in terms of the commercial application.

China is spending six times more than we spend on clean energy, \$12.5 million every hour of Chinese expenditure. We can't afford to be complacent about this. We need a sense of urgency.

While we are pleased with what's happening in the Pacific Northwest, you referenced the large wind farm in southeastern Washington. Portland, Oregon, is competing with Denver and Houston to be the wind energy capital and a couple of international companies have located their American headquarters there. And there are many technologies that we helped initiate, but we are falling behind.

We rank below Spain, Denmark and Portugal in the use of wind power. We

watched what happened where little Denmark, what, about the size of the State of Washington, set its sight on being a wind energy leader, being the wind energy leader 30 years ago and have accomplished amazing feats, both in terms of their own energy production and the dominance of world wind energy activity, that one of those leading companies I mentioned that has its American headquarters in Portland, is Vestas, a Danish company.

So we watch what countries that we think are less developed than in the United States, like the Chinese, or small countries, like Denmark, really making significant advancement and putting the pressure on us to step up and do what we know we can do.

Mr. INSLEE. The gentleman has mentioned wind. Some people think of wind as kind of a toy you get under a Christmas tree or something. In fact, wind energy, according to the Department of Energy, and this was under the previous President's Department of Energy, concluded that we could have 20 percent of all of our electricity generated by wind in the next couple of decades, just using existing technology.

Now, we believe there are going to be some advances in technology. We think there is a good shot at having good storage. One of the issues of wind, of course, is the wind doesn't blow all the time. It's an intermittent source. So there is two ways to get around that problem: one, have multiple wind sites that are tied together in an advanced transmission grid so if the wind is not blowing in one place, it will be blowing in another; or to have a storage system.

And I have talked to these companies now that are developing batteries that are as large as a semi-trailer, and these now have the potential of actually being grid connected to store wind and solar when we have excess power generation. So we think there is a reasonable chance to get to 20 percent, which is very significant, just on one technology alone. Then we have so many options, of course, including efficiency, which can be done everywhere, day or night.

Mr. BLUMENAUER. And even problems of the intermittency dealing with wind energy, if it is coupled with other areas of innovation, like plug-in hybrids and using storage capacity in vehicles to be able to help balance some of the loads, we have tremendous opportunities to have these work together.

I must say, we are both from the Pacific Northwest, the issue of wind integration and how we are going to do that is something that is looming large on my agenda. I know you are concerned. We have our regional power marketing authority, the Bonneville Power Administration, which has been a leader in helping facilitate wind en-

ergy, but now it's looking at really rather dramatic cost increases for wind integration, which I am hopeful that we can look at very hard and help them find ways to not provide disincentives for wind energy production right at the point where all of the incentives that we have put in place are starting to kick in.

□ 2100

It would be unfortunate if somehow they are priced out of the market at just the time we want to engage them.

Mr. INSLEE. We appreciate the gentleman's leadership on that. I want to thank you. I must excuse myself, but I want to thank Mr. BLUMENAUER for being such a stalwart champion of these causes. We know there's going to be thousands of jobs created in this clean energy revolution, and I hope a lot of them are going to be in Oregon, which is a great State.

Thank you for letting me join you, Mr. BLUMENAUER.

Mr. BLUMENAUER. Thank you, Congressman INSLEE, for joining us, and for your leadership and comments.

Mr. Speaker, I hope that this Chamber will be able to reject the arguments of people who are looking at the smallest possible elements of the puzzle; people who are seeking to politicize it for short-term electoral gain at the expense of the long-term interests of our children.

I, frankly, have been embarrassed by some of the argumentation that we have heard; the misrepresentation of just basic factual information.

One of the things that we are hearing, sadly, from Republican leadership, is consistent misrepresentation, for instance, of the MIT study that you will hear referred to. The St. Petersburg Times had an editorial of late saying, "The GOP is full of hot air about Obama's light-switch tax. If the Republicans had simply misstated the results of the MIT study, the Truth-O-Meter would have been content giving this one a False. But for them to keep repeating the claim after the author of the study told them it was wrong means we have to set the meter ablaze. Pants on Fire," was their evaluation.

In the Wall Street Journal: "For starters, the figures cited by Republican House leadership is almost 10 times higher than the cost estimate provided in the study" by Professor Reilly of MIT.

The Boston Globe: "One particular issue is Republicans' assertion that a cap-and-trade system on greenhouse gases would mean a 'light switch tax.' 'It's just wrong,' Reilly said. 'Wrong in so many ways, it's hard to begin.'"

I would hope, particularly when we still have not had the actual provisions of the legislation put in place, for people to make wild misrepresentations about costs and consequences does a disservice to what is one of the most important debates of our generation.

Being able to protect the planet, to restore our economy, to regain our position of technological leadership, and be able to put us on the path of sustainability environmentally and economically for the future, the stakes are too high to have misrepresentation, to have an inability for people to engage in reasonable discussion.

I know the Republican leader has said that his members shouldn't be legislators; they should be communicators. They should be talkers instead of doers. I hope—I fervently hope—that many of our colleagues on the other side of the aisle will reject the leadership's marching orders to politicize, to talk, and to not engage; but, instead, to deal with the facts; instead, deal with opportunities to restore our economy; to create millions of clean energy jobs—some in a whole new industry; that we take important steps to reduce the tragic dependence on imported oil.

Even if we weren't concerned about the pollution, even if we weren't concerned about global warming and the damage that is attendant thereto, just in terms of the strategic interests of the United States, we should stop wasting more oil than anyone in the world. We should stop using more oil per capita for transportation than anybody in the world. We should reduce our strategic vulnerability to actions of people who don't like us very much in unstable or hostile parts of the world. And, of course, the damage that is done to our economy by shipping over a billion dollars a day overseas.

I'm hopeful that we will be able to reduce the carbon pollution that causes global warming, that will enable us to be good stewards of the land now, because the effects of global warming are going to cost a lot more than the consequences of reducing it.

As we have discussed this evening, this is in fact an opportunity for us to put our economy back on track, create millions of jobs, strengthen our strategic position, while we make a contribution to the future of humankind.

Mr. Speaker, I appreciate the opportunity to spend some time this evening dealing with this issue. I look forward to continuing the discussion about the new technologies, about the facts of science and economy on the floor as we prepare to move this legislation forward. Thank you.

THE HIDDEN HAND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATOURETTE. Tonight, I return to talk about an old topic and also to talk about something that's just happened in the last couple of weeks.

The Speaker may recall that a number of weeks ago there was outrage at

both ends of Pennsylvania Avenue when it was determined that located within the \$792 billion stimulus bill there was a provision that authorized \$173 million in bonuses to executives at the insurance company AIG. At the time, a number of us thought, Well, how could that happen?

It seems, just to review, Mr. Speaker, that when the stimulus package was considered on the other side of the Capitol in the United States Senate, two Senators, in a rare display of bipartisanship—Senator SNOWE, a Republican of Maine, and Senator WYDEN, a Democrat of Oregon—authored an amendment that would have put restrictions and basically indicated that if you were a firm like AIG that has received billions and billions of dollars in bailout money, perhaps there should be some restrictions on executive compensation and what people should make.

Well, a funny thing happened, however, on the way to the conference committee. The Snowe-Wyden language was removed and instead this paragraph was inserted.

Now this paragraph, if you read it carefully, Mr. Speaker, indicates that rather than placing restrictions on the bonuses, it specifically authorizes and exempts any bonus at AIG or any other Wall Street giant that received billions and billions of taxpayer money. Any executive compensation scheme that was entered into before February 11 of this year, which happened to be the date that the stimulus package was considered, would be exempt and the bonuses would be paid.

Now I have indicated a number of times on the floor that I know that a lot of people were embarrassed by that. I would suggest that that's what happens when you legislate in a sloppy, rushed, haphazard, nonpartisan fashion.

The Speaker will recall the week of the consideration of the stimulus bill, the members of the Republican Party—the minority party—put forward sort of a novel proposition, and that was since we were talking about spending \$792 billion in the stimulus bill, it might be a good idea if Members had 48 hours to read the bill, and further suggested it should be put on the Internet so anybody in America could take a look at this over a thousand pages of legislation.

Well, that proposal passed. It came to a vote here in the House, and every Member who was present that day, Republican or Democrat, voted and agreed that that was a good idea. That we should have 48 hours to read the bill. That was Tuesday.

On Thursday, apparently the majority leadership forgot about the vote on Tuesday. And the bill was filed about midnight on Thursday.

The next morning—and I have apologized to my constituents that I didn't

read the thousand pages at midnight. It didn't come to my attention that we had a thousand-page bill that we were going to consider on that Friday until I arrived at the office that morning.

But the debate was 90 minutes and, basically, Members, both Republican and Democrat, had 90 minutes to digest a thousand pages and determine whether or not that piece of legislation deserved an up or a down vote.

It was a bipartisan vote, in that every member of the Republican Conference voted against the stimulus bill, together with some Democrats. But the overriding majority of the Democratic Party voted in favor of it. And it passed and went on to be signed by the President of the United States.

What is strange is that everyone who voted for the stimulus bill voted for this paragraph that authorized the bonuses to AIG. Yet, the next day or days after the bonuses were announced, everybody was coming to the floor beating their chest and pulling out their hair and saying, I'm shocked. I can't believe it. I don't know how this happened. We want our money back.

Well, nobody should have been surprised, nobody should have been shocked, because anyone who supported the stimulus package in the House or the Senate voted—the final conference report—voted to specifically allow AIG and anybody else that had received billions of dollars of taxpayer money and bailouts to receive those bailout payments.

But people were shocked. And so they came up with—I will call them goofy—they came up with goofy pieces of legislation in an attempt to cover their political rear ends.

And so the first one was, Let's tax those bonuses at 90 percent. Well, what a dumb piece of legislation that was, Mr. Speaker. So tomorrow we decide we're mad at somebody else. Maybe tomorrow we're mad at the oil companies so let's tax them at 90 percent. Day after that, we're really not happy with the airlines so let's tax them at 90 percent.

To use the Tax Code to punish a small group of people when the mistake was made when this paragraph was inserted in the stimulus package is inappropriate and, thankfully, the President of the United States—President Obama—expressed his opinion that it wasn't a worthy piece of legislation, and it has died a natural death over in the United States Senate, where it exactly should have.

The next dumb idea that people came up with was, Well, I know. Let's not tax these bonuses at 90 percent. Let's have the United States Treasury—the government—tell people how much money they can make. What a dumb idea that is.

So, today it's the AIG guys. Again, tomorrow, let's say that we are not so crazy about the amount of money that

bus drivers make. Well, why doesn't the Department of Transportation—Secretary LaHood—just figure out what the bus drivers in the country should make? Another cover-your-rear-end piece of legislation.

So in response to all this we have been coming to the floor on a semiregular basis to try and determine, because even though everybody was outraged, no one will say how the first language was removed from the bill and how this paragraph was placed in the bill.

And so we have devised a game that most Americans are familiar with—the game of Clue. A great game, and I recommend that everyone think about running out to Hasbro to get either the original edition or this edition.

This is the case of "The Hidden Hand." And that is: Who took out the Snowe-Wyden amendment and who wrote that paragraph that I had displayed on the chart before?

Now there are a number of suspects. We have taken some out, we have put some in. But if you read the news reports of the final negotiations on the stimulus bill, we know that it either happened in the Speaker's office or the conference room, and there was this shuttle diplomacy going back and forth as to what the final bill was going to look like.

As a matter of fact, the distinguished chairman of the Ways and Means Committee, Mr. RANGEL of New York, was quoted in the paper the next day words to the effect that, It's difficult to get stuff done when only three people run the institution. So we excluded a couple of weeks ago Chairman RANGEL. He's not the hidden hand. He didn't do it.

So, like the game of Clue, we know that it happened in the Speaker's office or the conference room, and we know that the weapon that was used was a pen. What we can't figure out and what people haven't owned up to at this moment in time is: Who did it? It's pretty simple. Quite frankly, somebody did it. The thing didn't appear from nowhere.

□ 2115

Someone had to actually say to the drafters of the document, take out Snowe-Wyden, and put in what's commonly been now referred to as the Dodd amendment. Put in the Dodd amendment.

Now we have asked repeatedly, and we have asked everybody we can find, Did you do it? And no one has answered the question, I did it or why.

So because we couldn't finish the game of Clue on our own, we embarked on another tack. About a month ago I filed what's called a resolution of inquiry. It was directed to the Secretary of the Treasury, and it basically asked the Treasury to provide to the United States Congress all of the documents and communications with AIG and others to try to figure out who the hidden

hand was, how the Dodd amendment had got into the stimulus package.

Well, I want to recognize a champion, somebody who's been more than good to his word, the chairman of the full Committee on Financial Services, BARNIE FRANK of Massachusetts, after it was filed came to me and said, I'll do whatever you want me to do with this resolution. If you want me to not consider it, I won't consider it. If you want me to consider it, we'll consider it. And I said, I would like you to consider it.

So Chairman FRANK took it before the Financial Services Committee. Everybody would have 48 hours to read the bill. The resolution of inquiry was called up, and everybody on the Committee on Financial Services, every Republican and every Democrat voted for this resolution of inquiry.

And I'm thinking to myself, Now we're going to get someplace. Now we're going to figure out who the hidden hand is. Now we are going to figure out who sought to protect the \$173 million of bonuses paid to AIG.

And right before we broke a couple weeks ago, Chairman FRANK came to the floor, good to his word. He filed the report and recommended that the Financial Services Committee report the bill favorably to the House.

Now I thought surely we would have a debate on that. Again, this wasn't a party-line vote. It wasn't close. It was 63-0 or 64-0. And I thought for sure we could get this resolved so we could go down to the Treasury, and the Treasury could hand over the documents and we could be done with the game of Clue, and we could solve whether or not it was the Speaker, did she want to do it? Whether it was HARRY REID, the majority leader in the Senate. Whether it was Mr. Geithner, who is the new Secretary of the Treasury. Whether it was the chief of staff to the President of the United States, Mr. Emanuel, because some press accounts indicated that before it could be removed, they had to get the approval of the White House. Well, who in the White House approved it? We've cleared Chairman RANGEL, and a lot of fingers were pointed at Senator DODD, the distinguished Chairman of the Senate Banking Committee, that perhaps he had inserted it.

But what people have said to this moment in time, Mr. Speaker, is that Secretary Geithner called the head guy at AIG, and the head guy said, Well, we've got some legal problems with the bonuses. So we need to go forward.

But nobody yet has come forward and said, I took the language out, and I put the language in, and here's why.

So I was happy when Chairman FRANK reported the bill. And I thought, I know that the distinguished leader, majority leader of the House, Mr. HOYER of Maryland, is going to call that bill up. We're going to debate it. We're going to vote on it.

Again, 63-0, all the Democrats, all the Republicans voted for it. I was sure it would sail through the House. But I've been waiting, and I've been waiting a month.

I know you know this, Mr. Speaker. But legislation can only come to the floor here in the House of Representatives when it is authorized and called up by the majority leader, in this case, Mr. HOYER of Maryland.

There is an exception to that. So I waited for the bill to be called up. I waited for a debate. It never happened, and so I filed, about 2 weeks ago, a rule and today at the Speaker's desk is a discharge petition to discharge that rule so we can have a debate, so we can finally get down to brass tacks, and we can figure out who the hidden hand is, and we can figure out who decided that we should protect the AIG bonuses when these companies have gotten billions of dollars of bailout money and why. That's a pretty simple question.

Now I'm optimistic—there's a meeting tomorrow at 4 o'clock with the Treasury Department, and they've been pretty cooperative. They're going to come over, and hopefully we'll be able to resolve what it is that we are seeking through the resolution of inquiry. I hope so.

If not, I really hope that the distinguished majority leader would call up this piece of legislation so that we can have a debate, and we can get on with it. And we can solve this problem that outraged the President of the United States, it outraged Members of Congress, it outraged the public. This would help us figure out how to solve the problem.

Now what we hear a lot of times around here is, well, we have so many important things to do that you're looking backwards.

I mean, okay. We gave away billions of dollars in TARP money. We gave away and authorized \$173 million, and somehow somebody in the dead of night inserted this language into the bill with a hidden hand. But get over it because we have important work to do in the House of Representatives. Sadly, Mr. Speaker, we have heard that a lot since the beginning of the 110th Congress, the last Congress.

I will tell you, I mean, we voted today. I think every person in the United States needs to feel comfortable because they will not go in and buy a new 44 cent stamp at a post office that hasn't been named by the House of Representatives over the last 2 years.

We spent a lot of time naming Federal buildings. We spent a lot of time naming post offices, and this happened to us last year too.

The Speaker may remember that last summer everybody was talking about not AIG and bailouts, but everybody was talking about gas prices. And in many parts of the country, gas—for the first time in my lifetime, a gallon of

gasoline went over \$4 a gallon. At that time we asked the new majority party, could we have a debate and come up with an energy bill and relieve some of the pain that people are experiencing at the pump? And they said, Well, we're really too busy to get to that.

So a lot of Republicans took to the floor during our August recess and talked about the fact that we needed to do something. We needed to do all of the above. We needed to have clean coal technology. We needed to look at the renewables, wind, solar, geothermal. We needed to determine whether or not we were going to explore for more oil and natural gas in the United States.

But again, because it is the majority party that calls the tune in the House of Representatives. They're the only people, with some exceptions, that can call up legislation. That never happened.

And they said, you know what, we're really busy, and we really don't have time to talk about gasoline. And a lot of us said, you know, okay, when gasoline was \$2.22 on January 29, 2007, which was about the beginning of the 110th Congress when the voters—because we, Republicans, had done such a great job—threw us out and installed the Democrats as the majority party in the House of Representatives, gas was \$2.22. And rather than talking about energy, we passed a resolution congratulating the University of California Santa Clara soccer team.

Now, Mr. Speaker, I'm sure that every parent and every player on that soccer team is proud of what it is that they accomplished, but not as important as the pain that our constituents were beginning to feel at the pump.

But you could say, hey, it's only \$2.22. What's the big deal? So maybe it's not a crisis. Well, then on September 5 of that year, gasoline goes up to \$2.84. And you would say, oh, you know, I'll bet we're going to talk about gasoline prices and the national energy policy. That has to be something that we're going to consider on the floor of the House of Representatives.

Well, when gas hits \$2.84, the most important issue that the majority can bring up is National Passport Month. Now I like passports. I think passports should be honored. But gas is creeping up to \$2.84.

Well, it begins to get a little more serious. In February of 2008 it hits \$3.03. You know that we're going to begin talking and take this problem seriously. But on the day that the national average reached \$3.03 a gallon, the most important piece of legislation that the majority could bring to the floor was to commend the Houston Dynamo soccer team for what they did.

Now, you know, those of us in elected office know the new buzzword, we have to look at the soccer moms. So apparently we had to get the soccer moms

not once, we had to get them twice because our two resolutions, when gas was \$3.03 and when we started, they honor soccer folks.

But then a big jump happens. In the spring of 2008, gas goes to \$3.77 a gallon. And you say, well, listen, you know, we're going to talk about gas now because my phone was ringing off the hook. I assume the Speaker's phone was ringing off the hook. And you know that we're going to have a national energy bill that we were going to discuss because they are honest disagreements. Some people were saying, Drill, baby, drill. Some people were saying conserve. All we wanted to have was a debate.

So gas hits \$3.77, and you know we're going to have that debate in the House, but not yet.

On that day, gas hits \$3.77, and the most important thing we can do here in the Congress is to commemorate National Train Day. Now, again, I think trains—we've made a big mistake in this country by not investing in rail transportation, passenger rail transportation. But when gas is \$3.77, maybe we could come up with something better than National Train Day.

Gas continues to climb. We're out to almost Memorial Day last year, where we are about this year. \$3.84 a gallon. And the most important thing that the majority can give us is the Great Cats and Rare Canids Day Act. Now, I have to tell you, I know what a great cat is. Those are lions and tigers and things like that. But I didn't know what a canid was. And if you don't know, Mr. Speaker, it's a dog.

So on that day when our constituents were paying \$3.84 a gallon to fill up their cars, we were recognizing dogs and cats on the House floor.

It continues to go up as we get to June, \$4.09. It crests \$4, as I said, for the first time in my lifetime. You know we're going to talk about gas in the greatest deliberative body in the world.

But no. On that day when the national average was \$4.09, we declared 2008 the International Year of Sanitation.

Now some of the people back in my district were not understanding this. They're saying, are you kidding me? We're paying \$4.09 a gallon, and you are declaring this the International Year of Sanitation?

But it peaks out there on June 17, 2008, \$4.14 a gallon. Now clearly everybody in the country is screaming about energy. All you have to do is turn on the television and see the talking heads. They're all talking about energy, why is gas so expensive? Well, you know now, we're going to get it. Now we're going to understand. We've got to have a national energy debate. What direction are we going to go in to reduce our reliance on foreign oil? Seventy percent of the oil that we use in

this country is brought in from other countries. Surely we're going to do something about that.

And I'll bet when I take this sticky note off of June 17, the day that gas hits \$4.14, I know we had a debate on energy that day.

□ 2130

No. It wasn't an energy debate on that particular day. We passed the Monkey Safety Act. Now, Mr. Speaker, I don't know anybody that wants unsafe monkeys. We should want safe monkeys in the United States of America. But on the day that our constituents are paying \$4.14 a gallon for gas, do you think that the most important issue facing the United States Congress, this august body, is the Monkey Safety Act? Well, it was to those who schedule the floor. So, sadly, we thought maybe people got it, that that probably wasn't the best use of our time when gas was going through the roof.

Well, this year, Mr. Speaker, as the gentleman knows, we have had a big problem with unemployment. Our Nation is hurting. There are people that have lost their jobs, and there are people that continue to lose their jobs. And so on January 6, which was the opening day of this 111th Congress, we all got together, and it is before President Obama took the oath of office, because we all know that that historic day was January 20, you have an unemployment rate that is beginning to climb. But as you see at the outside, by the time we get to the end, it is pretty significant.

Well, so January 6 is the opening day of the United States Congress. January 20 is the day that President Obama was inaugurated, and there you see unemployment has inched up a little bit. You certainly can't blame President Obama. He was not even the President of the United States then, but the Congress was in session since January 6. That is when the new Congress started. We elected Speaker PELOSI again to be the Speaker of the House.

So we get along to February 3. Again, the Congress has been working hard for 1 month, and you know that we are going to have some economic package to help alleviate the pain that is going on in this country with people that have lost their jobs. But on February 3, the most important thing that we could do here in the House was to pass a resolution supporting the goals and ideals of National Teen Dating. Now, I don't know whether that means that teens are dating nationally or it is a national day of teen dating, but rather than talking about the pain that was being experienced in communities all across the country, we recognized teen dating. Now, again, like with the monkeys, I want teen dating to be safe.

Well, unemployment continues to rise. We get to February 10. Hundreds

of thousands of more people lost their jobs, and on that day, the best we can do here in the House is to commend Sam Bradford for winning the Heisman Trophy. And just like the soccer moms, I'm sure that the Bradford family is more than pleased, and they should be. They should be proud of what their son has accomplished. But again, unemployment continues to rise, hundreds of thousands of people are losing their jobs, but we are too busy to talk about that. We are going to do that.

Now, February 24, you will notice a theme here, Mr. Speaker, unemployment continues to go up. And I know we are going to deal with this situation and that we are going to find a way to help people who have lost their jobs. But because the United States Senate didn't enact the Monkey Safety Act last year, we called up the Monkey Safety Act again. And so for the second time in 2 years, we didn't have time to do an energy policy, we didn't have time to talk about unemployment, but we did have time in the House to pass the Monkey Safety Act not once but twice.

Unemployment continues to go up on March 3. And just in case anybody is confused about the United States Congress' commitment to animals, we pass the Shark Conservation Act.

And as unemployment continues to arc out, and I apologize for only going to March 12, because it has continued to rise since then, I bet we are going to talk about unemployment and how we help people back home. But on that day, we passed the resolution supporting "Pi Day." Now, I was excited when I got the whip notice, because I thought it was p-i-e, pie. And I like pie a lot. But this pi is the mathematical 3.14. And rather than discussing a lot of things that are going on in the United States, we felt it was necessary and that the most important thing was to recognize pi and support "Pi Day," and we all did, and we are all really happy that we did, because the country is a better place because we recognize pi on March 11.

So, coming back to the game of Clue, I think that we have demonstrated that maybe we weren't too busy to get to the resolution of inquiry. Maybe we weren't too busy to figure out who put that offending paragraph in. Maybe we weren't too busy to explain to our constituents how folks on Wall Street who have sucked up billions and billions of taxpayer dollars that are paid into the Treasury by hardworking people all across the country, how through a drafting, it wasn't an oversight, somebody intentionally put it in there, how they rewarded these people with \$173 million of bonuses.

Now, all we want is for people to say, "I did it, and here is why I did it," and then we can move on to do something else. But to indicate that we are too busy to get to that question I think is not okay.

Now, Mr. Speaker, the second issue that brings me to the floor is last week and the week before, the country was rocked with the announcement of the bankruptcy filing of Chrysler. And a lot of people deserve credit. The President of the United States deserves credit. His auto task force deserves credit. The workers at the Chrysler plants across the country, the ownership, the employees, the white collar employees all deserve credit for making concessions and attempting to work it out. The Italian automaker Fiat had been courted. The President said, You have 30 days to work out a deal with Fiat or bad things are going to happen. Fiat stepped up to the plate. And 1 week ago Wednesday, and this is where, really, it is baffling to me, 1 week ago Wednesday, United Auto Worker members all across the country, and there are about 38, 39,000 of them that work for Chrysler, went to their local union halls to determine whether or not to ratify an agreement making these concessions so that the Chrysler deal could move forward either in or out of bankruptcy, and Fiat could purchase those assets out of bankruptcy if that is the way it went.

And you may remember that there were a number of bondholders, people that held the paper for Chrysler, and most of them agreed to negotiate what it is they were owed. There were some that did not. And so the only route left was to go into bankruptcy, and Fiat now will purchase Chrysler's assets out of bankruptcy. But all of the auto-workers that worked for Chrysler went to the union hall and voted whether or not to accept these pretty big concessions, and it passed.

As a matter of fact, I have a Chrysler facility in my district, the 14th District of Ohio. It is the Twinsburg stamping plant. And those approximately 1,200 union workers went to vote on Wednesday, and 88 percent of them voted to approve the concessions that were being asked of them.

And a couple of things. The paragraph, Mr. Speaker, that is on the easel now behind me is, if you look at the agreement reached between the auto-workers and Chrysler, there was a specific provision. And as a matter of fact, the president of local 122 in Twinsburg, Doug Rice, deserves a lot of credit, because if you look at the stamping plant in Twinsburg, what you saw was they were stamping parts for an assembly facility in Newark that was not going to be utilized anymore. So recognizing that there may be a downturn and that people may use that downturn as an excuse to shutter the facility, Doug Rice specifically negotiated a paragraph that is labeled, "Twinsburg Stamping Plant." And, Mr. Speaker, I will insert page 4 of the UAW agreement into the RECORD.

SOURCING, PRODUCT AND INVESTMENT COMMITMENTS SOURCING

The UAW strengthened our involvement in early product sourcing decisions. Annually, the company will review its five-year global assembly and powertrain cycle plan with the union.

In addition, sourcing-related activities have been identified in which the UAW will participate to accomplish early and direct involvement for our members.

CURRENT AND FUTURE PRODUCT COMMITMENT AND FUTURE INSOURCING OPPORTUNITIES

The 2007 Product Commitment and Investment Letter reflects the company's plans. It is understood that additional confidential dialogue has been exchanged with respect to the favorable effect of a Chrysler/Fiat alliance on Chrysler's operations. The effect could result in incremental product loading in the company's assembly and powertrain operations.

UNION INVOLVEMENT AND SUPPLIER RELATIONS

The UAW and Chrysler agree that there are ways in which a seat supplier and its union can achieve a competitive labor cost structure that enables the supplier to provide a competitive bid to the company.

To advance those opportunities the union will explore a variety of means to ensure a competitive, fully fringed labor rate.

During these negotiations the UAW and Chrysler agreed that a fully fringed labor rate of \$35 per hour for seat assembly when the work is being done at a supplier is considered by the company to be competitive.

SUPPLIER MEETINGS

The parties will continue ongoing dialogue to review the supply base and review opportunities to improve the company's supplier base. Discussions will include the quarterly Distressed Supplier Roundtable meetings with senior management from Procurement and Supply, Union Relations and the National Committee, and UAW Chrysler Department leadership.

PRODUCT LOADING REVIEW

The UAW and Chrysler LLC will meet to review vehicle plans for assembly, stamping, powertrain and components operations in the United States, Canada and Mexico. The meetings also provide an opportunity to discuss long-term plans for the company.

SOURCING ADDENDUM

As stipulated in the 2007 CBA, the current Roundtable and Powertrain meetings will continue to provide an avenue for union involvement in the Chrysler product decision-making process.

Roundtable Meeting

The UAW-Chrysler Roundtable Meeting will continue on an annual basis and will include comprehensive vehicle plans for the United States, Canada and Mexico assembly, stamping, powertrain and components.

Powertrain Meeting

The UAW-Chrysler Powertrain meeting will continue each year and include a comprehensive review of the United States, Canada and Mexico Powertrain Long Range Plan and Powertrain Plant product loading.

The UAW will continue to participate in the Product Team Sourcing, Pre-Program Start and Program Start meetings, giving us the opportunity to focus on information provided throughout the Chrysler Development System process and Supplier Selection Period. The National and Local Job Security Operational Effectiveness and Sourcing Com-

mittees provide an additional avenue for UAW input on sourcing decisions.

UAW, CHRYSLER AND SUPPLIER PARTNERSHIPS

The company has agreed to a quarterly meeting between the UAW Vice President and Director of the UAW Chrysler Department and Chrysler Purchasing Directors for commodities and supplied parts, to foster partnership between the UAW, Chrysler and key suppliers.

TWINSBURG STAMPING PLANT

During these discussions the company agreed to review the long-term utilization plan for the Twinsburg Stamping Plant and to share those plans with the UAW. The company will consider investment costs and current market demand in determining the plant's suitability for placing non-stamping work in the facility, at tier-11 rates, to keep TSP viable.

FIAT INVESTMENT AND PRODUCT COMMITMENT

Your UAW leadership has been in intense negotiations with representatives of Fiat and Chrysler over the past several months to arrive at a partnership arrangement that will secure Chrysler's long-term viability. As a result of these discussions, the term sheet establishing the Chrysler/Fiat alliance includes a commitment from Fiat to manufacture a small car in one of Chrysler's U.S. facilities.

In addition, Fiat will share key technology with Chrysler, (such as the 3.0 liter diesel and 1.4 liter gas engines) and all its product platforms. This is equivalent to an investment by Fiat amounting to more than \$8 billion and will create approximately 4,000 new UAW jobs in the United States.

So this paragraph indicates that during these discussions, and this was Wednesday again when they were asked to vote on it, Chrysler agreed to review the long-term utilization plan. The company will consider investment costs and current market demand in determining the plant's suitability for placing nonstamping work at the facility at tier 2 rates to keep the stamping plant viable. So what the people at 122 think that their president negotiated, and he did, was a provision that, okay, we have tough times here in Twinsburg, but now the company has agreed that we are going to look at ways to bring other work to Twinsburg.

So they went to vote 1 week ago Wednesday, and 88 percent of local 122 voted to approve the contract. Well, then sadly for those folks, the sun came up 1 week ago Thursday, and my day was a lot like the day of other Members of Congress who have Chrysler facilities in their district. The first thing that happened was that we had a conference call, if you wanted to participate, with President Obama's automobile task force. And on the phone was Ron Bloom, who is the head of it, Larry Summers, who is the President's financial adviser, and maybe a couple more. And Members of Congress, Governors and other people who were interested were in on the call.

The notes that I took contemporaneously with that telephone call, it began with, "This is a good day for Chrysler and the people that work

there.” They went on to describe how the bankruptcy was going to work and basically what I described before, that because some of these bondholders wouldn’t come to the table, we had to go the bankruptcy route, but the good news was, on the other side, Fiat was going to purchase Chrysler out of bankruptcy and we were going to move on.

I thought I—I know that I understood that that meant that the plants were going to stay open. We did hear that there was going to be some idling, which they said at 1 o’clock, when you talk to Chrysler, Chrysler will tell you what the idling is, but no indication of plant closures, no indication of job losses, and so we moved on.

So then at noon, at the White House, and it is a pretty famous picture now, the President of the United States, President Obama, made the announcement at 12 o’clock 1 week ago Thursday about Chrysler. And like many Americans, and certainly many people who work at Chrysler, this is what the President of the United States said on April 30 of this year at the White House: “No one should be confused about what a bankruptcy process means. It will not disrupt the lives of the people who work at Chrysler or live in communities that depend on it.”

Now, that is a pretty clear observation. I understood it. And then at 1 o’clock, the former CEO of Chrysler, Mr. Nardelli, had another conference call in which anybody who had questions or wanted to hear from the head of Chrysler could participate in that conference call. And you could ask questions. I asked a question about the supply chain, would the suppliers be paid?

The first question during that call came from the Governor of the State of Michigan, Mrs. Granholm, and I thought that she asked a really great question. She said that when the President made this announcement, he said, it is a great day, words to that effect, we are going to be able to save 30,000 jobs. And Governor Granholm asked Mr. Nardelli, This is great work, nicely done. We are very proud of you, but I just want to ask a question. I want to make sure that when the President of the United States said 30,000 jobs, he wasn’t speaking in code, because there are about 39,000 people that work for the Chrysler car company in the United States of America. And after a lot of discussion about how many people were worldwide and all this other business, no, the President wasn’t speaking in code. The jobs are safe. The plants are safe.

Now, I left that phone call feeling pretty good. And as a matter of fact, I called my communications director and I said, Hey, put out a press release praising President Obama, praising his task force, and praising all the people that made sacrifices at Chrysler, be-

cause this was a pretty good day. No plants are closing. Nobody is losing their jobs, and we are going to move on.

Let me just go back to that phone call and express the disappointment, because I know that the folks at Chrysler are under a great deal of pressure today. But that phone call, when we got on the phone call, you had to agree and understand that the phone call was being taped. And so what I just referenced about Governor Granholm would have been tape-recorded on that telephone call.

We also had a Democratic Member of Congress on the phone from Wisconsin, and it was Representative GWEN MOORE of Milwaukee. She asked directly about the future of the Kenosha, Wisconsin, engine plant which employs 800 people. But for some reason, and Mr. Nardelli now says that he made a mistake and he confused Kenosha with another plant in Trenton, but in responding to Congresswoman MOORE, he said, I mistakenly conveyed the status of the Phoenix investment in Trenton, Michigan. It is not even in the same State. I thought Trenton was in Wisconsin. So you have got Kenosha, Wisconsin, and you got Trenton, Michigan.

The facts that I described were accurate, and he basically told Congresswoman MOORE they loved the plant, everything was good, everything was going to be okay. And like my folks in Twinsburg, Ohio, I assumed that the 800 autoworkers in Kenosha, Wisconsin, that went to the ballot box to determine whether or not they would voluntarily reduce their compensation and benefits thought that meant they would continue to have jobs.

□ 2145

But that turned out not to be the case. Later that afternoon, buried in the voluminous bankruptcy filing by Chrysler, which was anticipated, was the fact that the first five, and then erstwhile reporters dug out eight Chrysler plants across the country were scheduled to be closed on a sliding schedule. In the case of Twinsburg in 2010, and roughly 9,000 auto workers who worked for Chrysler were going to be out of jobs and their plants were going to be closed.

Imagine my surprise, among other people, and the fellow from Chrysler called and apologized. He said, We are sorry to have communicated that in that way. We wish we could have done it in another way.

I said, Listen, who knew that these plants were going to be closed? If you were an auto worker in Twinsburg, Ohio, why would you vote for a contract that meant you wouldn’t have a job? Why would you vote for a contract that meant that you weren’t going to have a job any more? It didn’t make sense.

Although the apologies are nice, we have a situation where 39,000 auto

workers went into the ballot box believing that by approving this new contract and these concessions, they were going to save the company and they were going to save their jobs.

So I issued a second release saying that is not what I heard on the conference calls, it is not what I heard from Chrysler, it is not what I heard from the President’s Auto Task Force, and it is not what I heard the President of the United States say on Thursday.

Well, the first response to my local newspaper, Cleveland Plain Dealer, was that I was confused. And so I immediately went out and I bought one of those new Miracle Ears, and I now have the Miracle Ear so I can understand things a little more clearly than I did before. But I began checking with other people on the call, and their recollections were the same as mine.

I called Chrysler and said, You know what, I don’t think I misunderstood, but I know this telephone call was taped because your contractor said at the beginning of the call the call is going to be taped, and if you don’t want to be on a taped call, hang up and don’t participate in the call.

I said to really prove this, Why don’t you just give me the tape. And then I said, Well, okay, not the tape, give me the transcript.

They called back. They said there is a transcript; the lawyers have to figure out whether or not you can have the transcript. This was last Wednesday. And today, I got kind of a terse letter that has a question that was asked by a representative of my Governor, Governor Strickland, on the phone call, and they have been kind enough to give me those two paragraphs, but no transcript, no observations, no words that I know that they have that were spoken by Governor Granholm, no words that were spoken by Representative GWEN MOORE of Wisconsin either.

So I have to tell you, it is a difficult conversation that we are having.

The mayor of Twinsburg, Kathy Procop, who is a wonderful mayor, sent Mr. Bloom, the head of the President’s Auto Task Force, a note; and I have to tell you, he was very prompt in responding to her on May 6 and basically she was saying, I don’t understand. I don’t understand how we went from Twinsburg is open and people popping champagne corks celebrating to Twinsburg is now closed. So Mr. Bloom in the operative section of the letter, which is the second full paragraph, writes: While the original February 17 plan submitted by Chrysler was not deemed viable by the task force, the more recently proposed Fiat-Chrysler alliance plan has been approved. This plan included the same plant closure schedule as the one originally proposed by Chrysler, and the President’s comments were meant to convey the message that the bankruptcy of Chrysler had in no way changed these plans.

So when the President spoke at noon a week ago Thursday and said no one should be confused about a bankruptcy or what the process means, it will not disrupt the lives of people who work at Chrysler or live in communities who depend on it, it is kind of like in baseball where they put an asterisk next to the record, that "except." I mean, it would have been a simple thing for him to go on to say except for the eight plants that have been identified but not revealed to anybody in the February 17 plan which we rejected. Then everybody would have understood. Everybody would have known.

But when the leader of the Free World stands up and says, It is not going to disrupt the lives of people who work for Chrysler or the communities that depend on it, I can just tell you, Mr. Speaker, that 1,200 people work at the Twinsburg stamping plant. It is disrupting every one of their lives. And the city of Twinsburg, where it is located, the Chrysler plant is 13 percent of their tax base. And it is clearly not only the pain of individual families and individual employees, but it is clearly going to affect the schools, the police department, the fire service, the garbage pickup. So I have trouble accepting this paragraph from Mr. Bloom that the President was just saying, Listen, no lives are going to be disrupted unless we have already determined you are going to get the ax.

The problem with that is they all point to this document that was rejected by the President's Auto Task Force that was filed on February 17. The problem with that argument, and when people were saying I was confused, it was a simple misunderstanding, we went out and I read and my staff read the agreement, or the proposal, that was filed by Chrysler on February 17 that was rejected.

Nowhere in this document, nowhere in the 177 pages is there any indication that the stamping plant in Twinsburg was going to be closed; that the plant in Kenosha was going to be closed; that the plant in Fenton, Missouri, was going to be closed; that the plant in Sterling Heights, Michigan, was going to be closed.

So I guess when people say that the workers who voted for the contract and then were told the next day that they were going to lose their jobs should have known, the only way they could have known, because everybody says we didn't make it public, we couldn't make it public, the only people who would have known are people with ESP, people who can read the minds of the President's task force and the minds of people at Chrysler, because clearly nobody else could have contemplated that these 9,000 people who voted in good faith to ratify a contract that reduced their benefits, reduced their pay, could have said, Listen, I'm voting to end my job. As a matter of

fact, the president of Local 122 who I mentioned earlier, Mr. Rice, will be here this week. But in conversations with me on the telephone he said, Look, we are shocked. I specifically negotiated this paragraph into the UAW-Chrysler agreement that said that we were going to bring more work to Twinsburg. So to go from voting for an agreement that you think will not only preserve your job, and you are getting additional work, to not having a job, I don't understand why people are surprised that people are surprised.

So, clearly, Mr. Speaker, we have a problem. So in the spirit of the theme, since we have almost concluded The Case of the Hidden Hand as to how the AIG bonuses got into the stimulus package, we have developed Clue, The Travel Edition. And this is one that you can play in a car with your kids. It is called The Travel Edition because we are talking about Chrysler. In this case we don't have a pen. The perpetrator didn't alter the stimulus package with a pen. Instead, he or she used an ax. They basically used that ax to stop the employment of 9,000 people who work in this country making automobiles.

And as you see around the edge, of course in the top right you recognize the President of the United States, President Obama; and his economic adviser, Mr. Lawrence Summers; Robert Nardelli, the former CEO of Chrysler; Mr. Geithner, the Secretary of the Treasury; and Ron Bloom who was the head of President's task force. I also, just for the benefit of the Speaker, I put a picture of President George W. Bush up there, and you may ask why did I put President Bush up there, and I would just tell you there are some people in this country who blame President Bush for everything, and so we wanted to make sure that we had him as a potential suspect.

But, again, in this group, and I really don't think it was the President of the United States, President Obama, but in this group between the President's Automobile Task Force and Mr. Nardelli and others at Chrysler, somebody knew, and I would suggest more than somebody knew, that the bankruptcy filing which was going to be filed a week ago Thursday afternoon had a provision in it to cease the livelihood over time of eight Chrysler plants employing about 9,000 people. The only problem with that is they forgot to tell the 9,000 people. They forgot to tell the people who were thinking that they were being good employees, good Americans, and agreeing voluntarily to a reduction in the amount of money they make, but the trade-off was Chrysler was going to survive and they would have jobs.

So hopefully at the 4 p.m. meeting tomorrow with the Department of the Treasury, we will solve the Case of the Hidden Hand and figure out how the AIG bonuses were protected. We now

embark on a new mission, and that is where, we go the ax, we got the weapon out of the way, we just need to identify what room it took place in and which one of these gentlemen, and I would remove the 43rd and 44th President of the United States who knew, and why didn't you tell anybody? And why did you let 9,000 people vote to end their jobs?

Now, we are going to continue to ask Chrysler for a copy of that telephone call from 1 p.m. in the afternoon. We are going to, if necessary, file another resolution of inquiry directed at the White House. But we will, I think, get to the bottom of this.

Again, Mr. Speaker, I know, sadly, that what we will hear is, Let's look forward; let's talk about rebuilding. Let's talk about doing wonderful things.

But before you can look forward, you need to look back and you need to find out what happened to these 9,000 hard-working Americans that have manufactured American-made cars in some cases for many, many years.

But I fear based upon our debate on energy prices and gasoline prices last summer, and based upon our experience with the AIG bonuses this year, that we will again be told we are too busy. We have post offices to name. We have to honor pi, 3.14, the mathematical formula.

This is my last chart and the last observations I will make. This chart indicates the number of people who work for Chrysler who have lost their jobs from January 12 of this year to this week.

And so in January, 4,000 people at Chrysler lost their jobs. Again, rather than figuring this thing out, we passed a resolution here in the House of Representatives honoring the life of Claiborne Pell who was a wonderful and great former United States Senator; but we didn't talk about Chrysler.

Then in February, and by then about 9,500 people from Chrysler have lost their jobs. And for a reprise, a surprise revisit, we again, because the Senate apparently didn't take it up last year, we again passed supporting the goals and ideals of national teen dating. So while people are losing their jobs at Chrysler by the thousands, at least teen dating has been covered here in the Congress.

We get to the middle of March, and you are now up to about 11,000 people at Chrysler have lost their jobs all across the country, and the Monkey Safety Act makes a return appearance. This time there was a tragic accident where a pet monkey attacked a woman and really injured her, and so I don't make light of the fact that she will need serious medical attention and the Monkey Act is probably a decent piece of legislation, but when you have 11,000 Chrysler workers out of work, what are we doing passing the Monkey Safety Act again?

□ 2200

In April, we got up to about 13,000 jobs, and, you know, we'll do something for Chrysler, but the Great Cats and Rare Canids Act comes back to the floor. And, again, when 13,000 people are out of work, we talk about cats and dogs.

But then it gets up to 16,000, and, you know, just like with gas prices, just like with the AIG bonuses, I know that the United States Congress will not sit still while 16,000 of their countrymen have lost their jobs. But the most important piece of legislation that the majority can schedule on the day that 16,000 people were now unemployed at Chrysler, we awarded a Gold Medal to Arnold Palmer, the golfer. Now, I think Arnold Palmer is a great American. I think Arnold Palmer deserved the Gold Medal. I don't know, when you have 16,000 Chrysler workers out of work, why that's the most important issue that the majority can bring to the table.

And now this week, that number is up to 18,000. That 18,000 does not include the 9,000 people that voted the other day to terminate their jobs. But, again, we have a repeat, 18,000 people at Chrysler out of work, and the most important issue on the House floor, National Train Day.

Madam Speaker, we are not too busy to do this, as these charts clearly indicate, and the 9,000 workers and the people in communities all across America that will now see their tax bases decrease, people out of work, deserve to know which one of these gentlemen, or do we have to add another suspect, which one of these gentlemen knew, as they sent those people into the polling place to approve a concession contract, which one of these people knew that they were going to terminate their jobs, close their plants, and decimate their communities.

So, Madam Speaker, I look forward to returning to another day and continuing the adventure of Clue, the Travel Edition. I thank the Speaker for her courtesy.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for half the time until midnight.

Mr. RYAN of Ohio. Madam Speaker, I appreciate the opportunity, and it's always a pleasure to follow my good friend from northeast Ohio (Mr. LATOURETTE), who is not only a good advocate, I think, for his congressional district but also a very good friend and a fellow Lebron James fan. So we want to congratulate the Cavaliers, and I want to thank Mr. LATOURETTE.

Madam Speaker, we are representing the 30-Something Group here tonight, a

group that was started several years ago by then Minority Leader NANCY PELOSI when the Democrats were in the minority, and we were talking about issues that were facing the men and women of this country in their thirties and began to frame some of the Republican agenda at that point as it affected the 30-somethings and also used it as an opportunity to talk about the young people in this country, how the decisions that were being made by then—the then Bush administration would not only have a short-term effect on the young people of our country but also have long-term consequences. And unfortunately today, Madam Speaker, we are dealing with many of those consequences that were laid at the plate of now President Obama, laid at the plate of the now Democratic Congress and, quite frankly, laid at the plate of the American people.

So as we speak here tonight, and I will be joined later by Congressman BOCCIERI and Congressman ALTMIRE, we're going to discuss where we are today in our country and in our congressional districts and also some of the approaches that we need to make over the course of the next several months and over the course of the next several years.

I represent a district, Madam Speaker, that is just south of Mr. LATOURETTE's district. I represent Akron, Youngstown, Warren, Niles, and the Mahoning Valley. And over the course of the last several months and over the course of the last year, for example, in Trumbull County, our unemployment rate has doubled. And this has not been just a short-term problem; this has been a 30-year problem that our communities have been dealing with. And if you look and you see what has happened in communities like ours where companies, longtime companies in this country like Delphi, like General Motors, steel mills like WCI are near closure. We have Delphi retirees who are both salaried and union who are now joining together to figure out what they're going to do with their families, what they're going to do with their kids, their house payment, their mortgages, their college tuition that they have to pay, their daughters' weddings that they have to pay for, over the course of the next several weeks, months, and years. So, Madam Speaker, we need a strong agenda here in Congress and a strong agenda coming from the President as to what exactly we are going to be able to do.

Madam Speaker, the President has approached this, I think, in a very comprehensive way, and the Congress and Speaker PELOSI and Senator REID have approached this in a very comprehensive way. We are trying to address this on all fronts. We are dealing with a credit crisis. We are dealing with a manufacturing crisis. We are dealing with a foreclosure crisis. We

are dealing with home equity problems. We are dealing with lost wages. We are dealing with all of these issues all at the same time. So, Madam Speaker, we see the President of the United States has taken a comprehensive approach, and I think it's been a good one.

Now, on the backs of 8 years of the Bush administration, some people say, you know, we shouldn't go back and we shouldn't talk about the past, that we should just move on. But we are getting criticized on our side of the aisle for the decisions that we have made based on the problems that were left for us to deal with, and the criticism is coming from the same group of people who put us in the exact same position that we are in and then criticize the solutions that we are presenting because those solutions in some way may be different than the philosophies that got us to where we are. So tonight, Madam Speaker, we are going to talk about some of those solutions.

Now, recently in Congress we have done a couple of different things. We have passed the supplemental appropriations bill to deal with some of the defense concerns. But I think more importantly one of the things that we have done, one of the first things that President Obama pushed for over the course of the first few days in office and between the time he got elected to the time he got sworn in, is the American Recovery and Reinvestment Act. So, Madam Speaker, although the supplemental is not passed and signed into law, it is on its way and it does reflect, I think, the priorities of not only this administration but the priorities of the Congress.

So let's look at how things are different. Over the 8 years of the Bush administration, we saw the wealthiest in our country get tax cuts. We saw the wealthiest in our country, the top 1 percent, gain all of the income. And it's interesting if you look, and I think it goes back to 1990, and it may be 1980, but I think it was 1990, since 1990 where 80 percent of the income growth went to the top 10 percent of the people in this country.

□ 2210

And since 2000, 90 percent of all income growth went to the top 10 percent of the people in this country. And that means that the middle class has been squeezed. So they are not getting the income growth, their energy costs are going up, gas was \$4 a gallon, health care costs were going up by 15 percent. The Congress and the President both, both controlled by the Republican Party, had a very laissez faire attitude, not only for the economy, but for everything, that the government had no role, and it should be parsed off and given to the highest bidder.

And that's what happened in the war in Iraq, that's what happened with health care. And I think it's important

for us to remember as we are dealing in these difficult economic times, as tensions are being wiped out, as 401(k)s are being halved, that it was the Republican Party who stood on this floor and wanted to privatize Social Security.

The only thing that many people have left is Social Security. And can you imagine if our friends on the other side had the opportunity to take the Social Security system and put it into the stock market, where this country would be, imagine where our retirees would be, imagine where our grandparents would be, and imagine where this country would be if we had to bail out the Social Security system in this country.

And so when we are receiving criticism for what we are trying to do, I think it's important for the American people to remember the big picture and to remember how we got here and to remember that there are two different governing philosophies in this country. And one of the philosophies, as sad as it is to say, Madam Speaker, got us to the position we are in. And we are going to move on, and we are going to talk about our response to this.

But it is critical for everyone to recognize and everyone to know that the Republican, conservative, extreme right-wing agenda was implemented in the United States of America. From the year 2000 to the year 2006, they controlled every branch of government: the House, the Senate, the White House, the Supreme Court. Many of the State legislatures, like the ones that Congressman BOCCIERI and I come from in Ohio, all were controlled by Republicans.

So they implemented their agenda. They implemented Chicago-style economics. They implemented the shock doctrine. They implemented supply-side economics. And, today, because of a lack of regulation, because Wall Street was run like the wild, wild west, because there were no cops on the beat, here we are today, billions of dollars in debt, borrowing the money from China, a middle class getting squeezed, energy costs going up, increased reliance on the Middle East for our energy, health care costs going up, insurance companies hiring more people and knocking more people off the rolls, any kind of income growth in our country going to the top 10 percent of our people, where everybody else is left behind, school funding problems all over the country, mental health issues, soldiers coming back with PTSD not getting the proper treatment. Walter Reed was falling apart, and on and on and on. So the issues that President Obama is dealing with today and the Democratic Congress were issues that were laid on this table left for us to try to deal with.

And so President Obama came with a plan, a stimulus plan, because there was a \$3 trillion hole, gap in our econ-

omy. And all the economists were telling us that we had to somehow fill this hole or we would have a continual slide for our country.

And so President Obama, his economists, JOHN MCCAIN's economists, on both sides of the aisle, we are in agreement that we needed to do something. We needed a stimulus package.

And the stimulus package was going to be something different that Washington hadn't seen for a long, long time. This stimulus package was going to go to the middle class. It was going to go for those programs that were going to lift people up, where the middle class would be able to spend money and fill this hole. We were going to invest in education. We were going to invest in energy research. We were going to fund NIH, National Institutes of Health, so that we could increase cancer research.

And now all over the country we have Relay for Lives, all over the country, my congressional district, and I am sure yours, where thousands and thousands and thousands of people are walking for a day, at night and through the night for 24 hours straight to raise money for cancer research. It was President Obama's stimulus package that increased funding for cancer research, because it was a national priority. And we can talk about a lot of the different investments in the research and into energy research, weatherization, tax cuts for 95 percent of the American people.

But I just want to talk for a second about the investments that he made in education. Because there is no greater investment we could make in this country than to invest in the young people in our country and to make sure that they get the kind of education that they need, that they deserve, because they are the next leaders that will be in this body. They are the next teachers. They are the next astronauts, the next scientists that are going to keep America strong in the future.

And so the difference in priorities from the last administration to President Obama can be summed up, and there are a lot of different examples, but I think they could be summed up in this, a \$2,500 opportunity tax credit to go to college, where the same parents that we had, growing up, middle class, northeast Ohio, Italian, were working hard to send their kids to school, and that was the number one priority. And President Obama recognizes that and makes sure that that tax credit was in this stimulus bill.

And he made sure that there was an increase in the Pell Grant so that people could get grant money to go to school and then stood up at that podium and challenged the American people, all of us, to go one more year to school and contribute, that it was in the national interest for that to happen. This is a much different approach

than President Bush saying after 9/11 the greatest thing you can do for this country is to go shopping. That is a tremendous difference in leadership styles, and, I think, approaches.

And I think the focus on education, as we will continue to talk about it through the next hour, I think is something that is very critical. I think this is the first time we have shared the floor together. Congressman BOCCIERI and I started our careers together, I want to say a long time ago, but it wasn't that long ago.

So I yield to my friend.

Mr. BOCCIERI. Congressman RYAN, thank you for allowing me to be a part of this discussion, and the zeal and the passion that you display on this House floor I remember watching a few years ago when I was serving in the legislature. Congressman RYAN and I both came up through the legislature in Ohio, and he cut his teeth earlier in the Congress.

And it's an honor to be here with you today. Because we do share the same vision about what it's going to take to move our State and, more importantly, our country forward. And Congressman RYAN and I have similar backgrounds. I hail from a working-class family. My grandparents were coal miners, carpenters and steel workers. My parents were one of the first in their families to go to college, respectively, and two successful brothers, one is a pharmacist and a chemist, and the other is working in the military and working in the defense industry.

□ 2220

I can tell you that my family is not unlike thousands, perhaps millions across this country. Congressman RYAN, who worked hard, played by the rules, punched the time clock, went to work every day, carried that lunch pail, because they believed in America; they believed in the spirit of America; that when you work hard, you play by the rules, you give back to your country and your community, that America is a place where your hopes and dreams and desires can be fulfilled.

More than ever, we find that that dream of that American spirit is being challenged—challenged by some of the decisions of previous administrations, challenged by the fact that we have got to put our own house in order and move our country forward and invest in things that really matter—invest in our greatest asset, which is our people. And, as Congressman RYAN has so eloquently said many, many times on this House floor, that we have an opportunity to change the direction of this country and move it in a direction and trajectory that is going to be about prosperity and sharing the ideals and values that brought my grandparents from a country so far away to settle here on the shores of America because they believed in this experiment in democracy, and that was where hopes and dreams could be realized.

Now I tell you this because in the spirit of our discussion tonight we're going to talk about some of our problems, but we're going to talk about solutions, more importantly.

We're going to talk about the fact that Ohio has been hemorrhaging with manufacturing job loss. In fact, in 2008 alone, the United States itself lost 149,000 manufacturing jobs, and many of those jobs, as Congressman RYAN had said, were from Ohio.

Ohio is a place where we built things. We helped build America. Some of the great thinkers of our country hailed from Ohio—innovators like Thomas Edison and a variety of astronauts like John Glenn. We had success stories across the board because we had such diversity.

He comes from an Irish and Slovak background. And I have great respect for the Irish because I married one. But I have to tell you that Ohio is not unlike many States in the heartland of America that have experienced such job loss, such movement of manufacturer's jobs out of this country—and because of some of the policies that we have enacted here in Congress.

Now you have spoken often and loudly about the fact that we need a manufacturing policy in this country that protects jobs, that protects innovators, and that protects people who want to build and start their own business. But what we have seen is a whole host of failed policies that have allowed our jobs to move overseas.

Now I tell the American people here tonight that America cannot sustain itself by being movers of wealth. We have to produce wealth in this country. We have to build things—like we have always done.

And I heard on some of our district work periods about, Why are we giving loans to the automotive industry? Well, let's be clear about this. Are we going to depend on Fiat to build our tanks and weapons that we need to defend this country if we were ever attacked? Are we going to depend on some other foreign-owned or foreign-born company to produce the things that we're going to need to defend our country?

It is important that we maintain the Big Three, not only as a matter of our economic security, but our national security. And the supply lines that go into the Big Three through Ohio and into Michigan and from Pennsylvania, the heartland of our country, we have got to be the producers of wealth, not just the movers of wealth. And that is why this Congress moved to protect and defend American jobs and American security, Congressman RYAN. And I was proud to support some of those initiatives because we cannot tolerate policy that is going to make our country weaker.

I hear oftentimes that if we could only just be like countries like China,

or just be like countries like India. Now as an Air Force air crew and pilot, I have been over the world. It only takes one trip outside the borders of our country to understand how good we have it. We have a robust economy. We have a workforce that works hard. It is unmatched and unparalleled in the rest of the world, in my opinion. And we have a country that sustained itself throughout generations because we invested in our people—our greatest asset.

But when we allow jobs to pack up and move overseas, when we allow a little bit of who we are—the identity that has created America—to slip away by allowing those jobs, and those manufacturing jobs in particular to leave our country, we are making America weaker and not stronger.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. BOCCIERI. Absolutely.

Mr. RYAN of Ohio. I think coming from our area—and you can go to Wisconsin, you can go to Indiana, you can go to Pennsylvania—you can go all throughout the industrial Midwest and you read statistics that say, Hey, for every manufacturing job, there are five spinoff jobs, and for every service job, there's two spinoff jobs.

So if you go to get a massage, you have the masseuse and then you have somebody that's going to wash your feet and put a warm towel around your neck or clean the towels. If you have a manufacturing job where you're working in a car plant, you have the suppliers of that and the people around the one manufacturing job that support it.

I read this a lot in economics classes and everything else, but it hit me a few months ago when we lost a third and then a second shift at a General Motors plant in Lordstown, because they said that the second shift was going to go, and then about a couple of days later the local seat manufacturer—the second shift was maybe 800 or 900 people.

A couple days later, the seat manufacturer laid off a couple hundred. Then, a couple days later, the logistics company that did all the logistics for coming in and out of the General Motors plant laid off another hundred people. Just the spinoff.

So when we say we need to make things in the United States, it's important to recognize the ripple effect. Ross Perot said in the early campaign in the early nineties, You can't run an economy on back rubs. You just can't do it.

That's something that I think we're staring right in the eye. If you look at the history of the world with the Dutch and the Spaniards and the Brits, when 20 to 25 percent of their GDP became finance, that was the beginning of the end for those countries. Because, like you said when you first started, all you start doing is moving money around. You're not making anything. You're not adding value to a product. And you

start these Ponzi schemes like we just ended up having here in the United States.

So I think it's important that we do focus on this manufacturing policy.

I yield back.

Mr. BOCCIERI. The gentleman from Ohio could not be more correct in his assertion that we have got to focus on producing things in this country. I don't know about you, Congressman RYAN, but I have heard you speak many times, eloquently at that, because we cannot have this race to the bottom.

I hear many people say, If we were just like China, like India, in terms of—our standard of living is much higher than countries like China and India. Why would we ever want to have a race to the bottom? Let's embolden them and bring them up so we can have an equal transfer of goods and services and products that are going to make both of our countries stronger. That's what we need to enact in trade policies right here on this floor and make sure that our trade policies are in concert with making a manufacturing sector of our economy robust.

I don't know if you know this, but two-thirds of our outsourced jobs in the United States have come from our manufacturing sector. Two-thirds. Two-thirds.

We're in a dangerous position right now with respect to what we're doing with our military-industrial complex. We cannot continue to allow those manufacturing jobs to leave our country if we don't protect and defend the economic security and the national security of our country by producing things right here. I know that you have fought hard for a policy that emboldens.

You know, Ohio has been bleeding factory jobs. More than 257,000 factory positions have evaporated since the beginning of 2000; 257,000 families have been handed pink slips and notices that their jobs are going to be leaving the country. I think that we have got to do a better job, Congressman RYAN.

I want to work with you on this House floor to come up with real solutions; tangible solutions that are going to protect our workers and protect our national security.

I know that you and I have been championing many of the things that are going to make our country stronger—research and development tax credits, making sure that we do research here in America.

When I was in the State legislature with you, we talked about the fact that for every \$1 that the State of Ohio spends, we can leverage \$10 from the Federal Government to help spur innovation and entrepreneurship and the intuitiveness that's going to help create and produce the minds that are going to produce the cures to cancer. They're going to produce the new energy sectors for our economy in years

to come. It's this type of research, it's this type of investment that is going to make our country stronger.

□ 2230

Now I'm a freshman Congressman. You've been here for several terms. When I was going through my orientation this year at the John F. Kennedy School of Public Policy, they were telling us that only 16 percent of what we spend in this country is for investment back into the country, 16 percent.

Now our 16 percent is much larger than most countries because of our economic prowess. But at the end of the day, 16 percent is far too little to sustain us for years to come.

I know you've championed that at your local universities, and I'm going to talk about some of mine.

Mr. RYAN of Ohio. Well, we need it I think from the perspective of investing in research and development, but I want to go back to the point you were making about the defense industrial base that we have.

Right outside your district and in my district is Goodyear. Goodyear is the last American tire manufacturer in the United States, and there's a huge movement within the city of Akron, within Summit County, State of Ohio, Federal officials to keep Goodyear's headquarters in Akron.

One of the problems is—and Goodyear is actually doing fairly well now—trying to get Goodyear, the only American tire manufacturer, to be a supplier of military tires. I mean, it's like you've got to beg people at the Pentagon to have Goodyear supply. It's hard to get them as a second source sometimes, to back up Michelin, who is a French company.

Now I was against the war. I thought it was one of the worst geopolitical decisions in the history of our country, and we are going to pay for it for many, many years to come.

But when our country goes to war, you'd better be able to supply our own military. And we are getting dangerously close to losing our defense industrial base in this country. It's tires. And we have the same issue with RTI, a titanium company in our region, both in your district and in mine. There used to be 10 titanium companies in the United States. Now there's two, and one of them is in Niles in Weathersfield Township and one of them is in Canton I think.

And the problem is, there's an amendment called the Berry amendment, which says the military has to buy their specialty metals from American companies. But there's a waiver, and there's this process that always gets waived. So the RTIs of the world have to struggle to get military spending to go to their companies.

So it went from 10 titanium companies to two.

We're getting dangerously close to not being able to supply our own mili-

tary because the titanium comes from Russia, our tires are coming from France. This is getting dangerous here.

We've got to be very, very careful with that. And I think part of it is the investment, what we did in the stimulus package with transportation, infrastructure, research to rebuild the country in many, many ways.

But if we don't have that defense industrial base, it's going to put us in a real predicament to try to supply our own military.

I yield back to my friend.

Mr. BOCCIERI. Congressman RYAN, you bring up several valid points. And the question is—and I'm sure the American people out there listening to us tonight, our 30-something group here, they're asking, So what do we do? What can we do to make certain that we are the producers of wealth and not just the movers of wealth?

Well, you and I have championed legislation that is going to invest directly, as I said earlier, into our greatest asset.

When we center our centers of excellence and pin them down with research and development, our universities and the great research that we're doing in Ohio is tremendous.

I mean, in my district alone, the Rolls-Royce company is actually researching fuel cell technology at Stark State Community College. We also have the EPO Group that's researching plug-in hybrids. And at the Ohio State Agriculture Research and Development Center in Wayne County, they're actually researching anaerobic digesters to use as energy, compressed natural gas. They are actually selling this gas back to the grid. This is the type of research that we need to champion and hone around our centers of excellence.

Not only are we going to use taxpayer dollars to create the next innovators and the great thinkers from Ohio, but we're going to help create a sustainable industry around these different types of investments.

If we invest in our greatest asset, our people, we can help spur the innovation that has helped put Ohio on the map.

I'm going to read a list here of some of the great innovators that have come from our State. Charles Kettering who was the inventor of the first electronic starter motor ignition system. Jim Spangler invented the portable electronic vacuum cleaner. And we all know about Thomas Alva Edison who was a prolific inventor and certainly helped with the incandescent lightbulb. Lester Pelton invented a type of free-jet water turbine and was from Vermilion.

These are the type of innovators that if we invest in our higher education, in our institutions of higher learning, Congressman RYAN, we're going to have the next viable industry. And hopefully that will be a green energy industry that will blanket northeast Ohio.

From Cleveland to Canton, from Canton to Youngstown, we have a triangle of success, and we have the opportunity to invest in things that are going to put our State forward.

Mr. RYAN of Ohio. If you look at the difference between the past philosophy that got us here where if you cut taxes for the top 1 percent and hope they maybe invest into whatever it is that they invest in, and it hopefully will trickle down to the middle class, cut research funding, fail to invest into higher education, fail to invest into research, fail to invest into health care research, health care technology, you get what we've got. And you end up where we are.

But if you look at the dramatic change in the stimulus package—and we can go through the whole thing. For example, increases in NIH and all the different energy research, weatherization to try to create markets for all these new alternative energy projects, \$7.2 billion to increase broadband access in usage to unserved and underserved areas of the Nation, which will better position us for economic growth so that all of our kids, not just the ones that happen to be in a nice school district where there's a good property tax base, and they have good schools and good jobs, but all our kids can have access to the Internet, and all communities could access broadband, and all hospitals could be plugged into this.

If you look at the billion dollars for prevention and wellness programs, \$10 billion to conduct biomedical research for cancer, Alzheimer's, heart disease, stem cells, to improve NIH facilities, if you have a family member who has cancer, Alzheimer's, MS, Lou Gehrig's disease, ALS—they're on the Hill today—this President and this Congress are backing you up.

We're saying, this is a priority. Your family members being sick and the government not putting in the proper resources to do the investment is wrong.

President Obama came in and said, We're going to put science back on the table, and 70 to 80 percent of the American people agree.

And that creates jobs at the Cleveland Clinic, at the University of Pittsburgh Medical Center, in the Stark County hospitals, Summit County hospitals, hospitals in Youngstown, all of the information technology to make sure that our doctors and nurses and health care technicians aren't making mistakes so that people who go to the hospital don't get hurt because of miscommunications.

This President and this Congress are saying, We've got your back. We're going to make these investments. You can't have a strong country and just wish and hope it may happen.

There are very strategic investments that were made in the stimulus package. And I love some of these people

saying, Yeah, but it's one-time money. Well, how about no-time money? No-time money means a bunch of teachers get laid off. That's what no-time money means. And in our State, some of the Republicans are telling Governor Strickland, you know, this is one-time money. What are you going to do next year? Well, we've got to deal with this year.

□ 2240

And we are plugging holes, and we are making sure we are not laying people off, at least as many as we can, prevent as many layoffs as we can. And we have infrastructure money that President Obama made sure was included in here, \$2 billion in grant funding for the manufacturing of advanced batteries.

We are now ceding the battery industry to China. President Obama, Speaker PELOSI, Majority Leader REID, the Democratic caucuses, probably 70 percent of the American people thinks that is probably a pretty bad idea. So we can sit here and say, Oh, my God, the Chinese are taking—we are going to have all these new cars, plug-ins, and the battery is going to be made in China. And we will be sitting here, Congressman, 10, 20 years from now, how are they going to let that happen? We are saying put money into helping companies and universities research this stuff so we can make it in Youngstown, Ohio, we can make it in Canton, Ohio. That is the goal here. And we cannot wish this to happen, and there are difficult decisions that need to be made.

Leadership is lonely, and you've got to make some difficult decisions. But I love the fact that President Obama is coming up and saying, This is what we have got to do. The American people elected me, and this is what I talked about, and this is what we are doing. And in 4 years, I will run again on that record. But let's not sit around and hope good things may happen and our friends on the other side vote against everything.

They borrowed more money from China. President Bush and the Republican Congress, Madam Speaker, borrowed more money from China and from foreign interests than all the other Presidents and Congresses before them combined. They lay this on the table, and we have got to borrow some money to make sure that the economy doesn't completely collapse, and all of a sudden we are the bad guys.

These investments that we are making are critical: Head Start, Early Start, child care development, block grants, supplemental nutrition assistance programs so that our kids can eat, community health centers so that people who can't access health care now can go and get some preventive care before they end up in the emergency room costing everybody billions of dollars.

So these are very strategic investments. These aren't things that we just picked out of the air to throw money at to just say we are doing something. We are going to look back on this time, and we are going to thank President Obama. And we are going to thank the Democratic Congress for making these investments because they will pay great, great dividends for thousands in the long run.

Mr. BOCCIERI. Congressman RYAN, you can't be more correct. Can you imagine a novel idea, that this Congress is taking bold action to actually invest in America, to invest in our country, our people, our way of life? Can you imagine? How arrogant can some be who suggest that we should not do this for our people, that we should not take their money and invest back in our country? We are going to be judged by two measures. We are going to be judged by two measures in this great recession we find ourselves in, by action or inaction. And Congressman RYAN, when I was going through the orientation courses of the freshman Members, they told us that if we sat on our hands and watched thousands of jobs evaporate, more factories pack up and go overseas, that we would see unemployment in the first quarter of 2010 perhaps as high as 18 percent. Eighteen percent.

So we have to take action. We have to have movement. And to invest in the things that are going to make our country stronger is not only prudent, it is necessary. After years and years of rebuilding a country that I had so many visits to, we were building roads and bridges in Iraq, building brand new hospitals and schools in Iraq, making sure that every man, woman and child in Iraq had universal health care coverage, how dare us think about the American people for once here? How dare us think about the American people? And all we hear is stiff arms and noes and enough is enough, and this country has got to be put back at the tier that we need to put and we need to set in this Congress, and that is by investing in the things that were in this recovery package.

Now imagine this, the Democratic Congress of the United States House of Representatives that is controlled by the Democrats now obviously enacted the largest tax reduction in our Nation's history and the largest investment in capital in our Nation's history to make our country stronger, to make our country and our people stronger. I think that spells scores of success stories and future innovators that have helped Ohio become the great State that she is. But we can make a difference by investing and putting the parameters out there, putting the goalposts, putting the out-of-bounds markers for our market to act in a way that is responsible to its people, that is responsible to its people, and to help us

forge a way on the path toward prosperity. That is what this Congress has done in just a few short months.

Mr. RYAN of Ohio. If you look at what all these investments are, infrastructure and science, \$120 billion. Now I think you hit the nail on the head. We are at \$1 trillion that we have spent in Iraq. One trillion. Now, I don't know about how anyone else feels, and I don't think I'm actually going out on a limb here to say we have a lot of projects in our communities that could use a little bit of that money.

Sewer overflow. My goodness gracious, these cities that are dealing with combined sewer overflow issues is in the hundreds of millions of dollars. Sewer lines, septic tanks that need to be cleaned up and sewer lines put in, water lines, roads, bridges, schools, hospitals, health care for our citizens, these are basic investments that our country needs to be making. And this stimulus package is a step in that direction.

And when you look at it, I mentioned the broadband, if you look at \$27.5 billion for highway construction, \$16.5 billion to modernize Federal and public infrastructure to save energy costs in the long run, \$19 billion for clean water, flood control, environmental restoration investments, \$17.7 billion for transit and rail to reduce traffic congestion and gas consumption, these are all programs and investments to help reduce our dependency on foreign oil so we are not in this morass that we get involved in and all these little political situations that we get in because we have to pull oil out of some of these countries to run our country.

Thirty billion dollars to transform the Nation's energy transmission distribution and production systems so we can have a smart grid. Those are good investments. Five billion dollars to weatherize modest income homes. These are investments that we need to make.

Lower health care costs, education, helping workers. Twenty billion dollars to increase the food stamp benefit by over 13 percent. Look at what the Democrats have done even when we got in and had to fight to get a couple of these things done.

We raised the minimum wage for the first time since 1997 when Democrats got in and basically had to jam it down the White House's throat in order to get it signed into law. The largest increase in veterans' spending in the 77-year history of the VA, and we had a lot of people running around this town in 2001, 2002, 2003, 2004 and 2005, who is more patriotic? And it was all red, white and blue when the lights were on and cutting the veterans' health care budget and benefits in the back room.

And when we got in, the largest increase in the 77-year history of the VA. And you see it again with our budget this year. You saw it in the 2009 budget

that President Obama signed. You are going to see it again now. You saw it in the supplemental, which we can go over some of the investments that were made. But this is a commitment to our Nation's veterans who served this country so well. Again, an investment in our people. You serve our country, you will be rewarded. Four years of free education if you served in Iraq and Afghanistan. Benefits have increased. We reduced and got rid of a lot of the fees and assessments that were put on by the other side. These are steps.

Have we done enough? Not even close. I'm not here to say, and I don't think anyone else is, to say that we have been in for however long, 110, 112, 114 days, whatever, and things are great now. They are not.

And before you came in, I stated the economic distress of the 17th Congressional District, but these are steps in the right direction. These are steps that are lifting up people that need help. This is not a handout, but a little bit of help along the way to where they can get themselves back on their feet and this economy can get moving again, and then these green jobs, the investments in science, investments in infrastructure, rail and all of these things we are talking about, Rolls Royce, which they are doing in your district which is phenomenal, these are the kinds of things that will grow. But they take some seed corn. They take a little water, a little fertilizer, and the government now, I think, is responsible for doing a lot of that.

□ 2250

So we are making these investments. We will continue to make these investments, and we will continue to, I think, strategically invest the taxpayers' money prudently, judiciously invest the money.

Mr. BOCCIERI. I have to tell you, Congressman RYAN, after being in the Air Force 15 years and flying our wounded soldiers in and out of Baghdad, and whether we agree with this war or not, we have to give every degree of respect to the men and women who serve in uniform because they fought in Iraq and Afghanistan only because our country asked them to. As far as I am concerned, when they come back, when their boots hit the ground here in America, they should not have one hospital bill, any expenses that are required to go to college, get a degree and advance themselves. We should be investing in them and rewarding them for the sacrifice that they have made for our country.

Let me tell you about a soldier who was in my State legislative district when I was serving in the State House. He was injured with an IED and will be disfigured for the rest of his life. A piece of shrapnel hit him in the jaw, and he had surgeries at Walter Reed to try to put his face back together. After

he was discharged with a Purple Heart, a Bronze Star and let go back into the civilian world. Two weeks after discharge from the military, his jaw broke again. This 22-year-old soldier with a young child had \$15,000 in medical expenses that he couldn't weed through the VA to get paid to make sure that he could put bread on the table for his family.

A soldier like that who almost gave everything for this country should not have to pay for his bills for injuries that he sustained while overseas. It took swift action by this Congress in the last 2 years to make certain that our soldiers were not forgotten.

And the Wounded Warriors Program that we have right now that acknowledges the sacrifice, the great sacrifice of those men and women, we cannot forget and we should never forget. As long as I am a Congressman and have the ability to speak publicly about this, we will champion those soldiers and tell them what we are doing to put their lives back in order and to invest in them.

Mr. ALTMIRE. I have been listening to what the two Ohio Members have been saying. To put this in perspective for our colleagues and for the American people, I would like to talk with regard to the stimulus and the budget. People talk about the fact that we are running up a tremendous deficit this year, \$1.8 trillion. It is an inconceivable amount for a 1-year deficit. We are reducing the deficit over the course of 5 years by two-thirds, from 12 percent of GDP to 3 percent of GDP. People in my district when I tell that story will say that is great, but you need to do more. Why can't we do more? Why is that a great feat that we have cut it by two-thirds? Going to what the gentleman said with the VA, let's look at the budget that we have control over, what is the discretionary control that we have.

If you look at \$3.5 trillion in budget, the entire Federal budget for this year that we passed, most of that Social Security, Medicare, Medicaid, interest on the national debt, Federal employee pensions, veterans retirement benefits and pensions, those are mandatory accounts. That money goes out without Congress having year-to-year control over that amount.

So what Congress actually has control over, the discretionary account, is about \$1 trillion; \$1.1 trillion. It is a very high amount of money, but compared to \$3.5 trillion, not nearly enough to make a dent in that deficit that we are talking about.

Now, half of that trillion dollars that Congress has control over is defense. Nobody thinks we should cut defense. We increase spending for defense by 4 percent. It is what we need to do to keep us safe and secure. We all agree, Republican and Democrat, that is what we need to do. So you take that \$530

billion out of the equation, and you are left with about \$500 billion. Now, that is what we have discretionary control over. That is the post office, that is scientific and medical research, that is the national parks, that's student loans. That is our embassies overseas. That is Federal law enforcement, border security, FBI, CIA. And as the gentleman talks about, that is the VA hospitals in this country, funding for veterans health care. That is keeping the lights on at every Federal building in the country. That is our Federal roads and highways. That is everything that the Federal Government does. When you think about the Federal Government on an annual basis, that is what we have discretionary control over.

If we were to say, you know what, American people, people in our district, the Fourth Congressional District of Pennsylvania, the people in Ohio, we are so committed to deficit reduction and we are so committed to cutting the budget this year, we are going to shut down the government. We are going to shut down everything that we have discretionary control over this year. We are not going to deliver the mail this year. We are going to lay off every Federal employee in the country for 1 year. We are not going to do student loans and Federal law enforcement. We are going to close every Federal office building in the country, no scientific research, no national parks, close our embassies overseas, bring everybody back home, shut down the Congress and the White House, everything that we have control over. If we did that for 1 year, we would cut the Federal deficit for this year from \$1.8 trillion to \$1.3 trillion. That's how deep a hole we are in.

So when I say to the gentleman from Ohio, Madam Speaker, that we cut the deficit by two-thirds over 5 years, a 1.9 percent growth over a 4-year period, the slowest projected growth rate in the history of the country, that is a monumental achievement. And we do it all while preserving our commitment to our Nation's veterans, as the gentleman talks about, making sure every veterans hospital in this country is adequately funded, and that every veteran in this country has access to the highest quality health care available anywhere in the world. We preserve that commitment while we do the best job we can at reducing the deficit that this President inherited, because we are not starting from zero. I think everybody realizes that. And it is pointless to talk about the past and to point fingers, but it is instructive to take a look at how we got here, why we are here, and the fact that we have very difficult decisions to make moving forward.

The only way we are going to bring down these costs and bring down the deficit and bring down the debt is by making the difficult choices, and that

is what this Congress is going to continue to do.

Mr. RYAN of Ohio. I think the other point there with the stimulus is because credit locked up, that clearly shut down, and still is, we are still getting calls in our office that people still can't get loans. So the TARP money and all of this other help that we have given to the banks has not yet kicked in. If there was not even the stimulus package, imagine what the economy would be doing, if there wasn't a little bit of money in everybody's paycheck. I ran into an operating engineer the other day who was finally getting himself back to work because of some road projects that were happening. All over Ohio, the Governor just made a tour around the State with different infrastructure projects that he was spreading around from the stimulus money. So we are filling this gap. There would be a complete shutdown.

And, yes, we are taking some of this money and, yes, we are borrowing money to make investments now. But imagine the tax loss we would have in this country if we weren't making any investments. And who knows what the yield will be from the investments we are making into energy and the NIH for the Cancer Institute.

I mean, what is the value in the long term of reducing the cost of cancer to our health care system, of Alzheimer's to our health care system? What benefits will stem cell research yield for our country in terms of health care? How many accidents will be prevented because of better communication with the investments into the health care information technology?

These are things that you can't put a price on. And it is the old saying, some people know the price of everything and the value of nothing. And you can't always pinpoint what piece of research yielded the best benefits because all of this research tends to build onto itself.

□ 2300

And we are making these investments now, and we are going to find out in the long run that these were good decisions that we made, courageous decisions that the President has made.

I yield to my friend.

Mr. BOCCIERI. Let's make no question that we want to show, and I am a 30-something here on the floor of the House of Representatives telling you and the American people that we will recover. We will recover. We will grow out of this recession, and we will be stronger for it at the end of the day.

And for those who suggest that we are spending a lot of money in this great recession that we find ourselves in, the worst economic downturn since the Great Depression, in 1946 when the United States came out of the Great Depression and World War II, the gov-

ernment was spending more and borrowing more than the economy could produce, spending more and borrowing more than the economy could produce as a percentage of GDP and what the government debt was. Right now we are at about 50 percent of what the economy can produce.

And once we start growing this economy again, investing in the things that are going to make our country and our people stronger, we will see the difference. We will see the investments realized. We will see the tangible results coming back to us as we have a stronger workforce, a workforce that can critically think, multitask, problem solve, and be competitive with the Indians and Chinas of the world that have already begun investing in their workforce.

And I will tell you that the gentleman from Ohio is correct in his assumption that by making these strategic investments in our country, in our people, and in our way of life, we're going to be the producers of wealth once again, not just the movers of wealth. Investing in green energy, investing in the things that are going to transform our economy so that we have diversity. Can you imagine rolling into the gas station one day and having a choice between using traditional gasoline, biomass, ethanol, maybe even plug in our electric hybrid, or drive by the gas station altogether because we have a fuel cell that was researched right here in the 16th Congressional District of Ohio that allows you to get 100 miles to a gallon? Can you imagine how that would be transformational for our economy? These investments that we have in the American recovery package and the stimulus package are going to be what are going to make the difference and transcend our economy for years to come. And I say that in confidence as a 30-something.

And I want you to know that these challenges that confront all of us as leaders are not Democrat or Republican challenges but American challenges, and we will recover with prudent investment.

Mr. RYAN of Ohio. And I would be remiss if I didn't talk a little bit about what we are doing locally here in the last minute between Congressman BOCCIERI's district in Canton and my district in Akron to Youngstown and also Cleveland, all the way over to Congressman ALTMIRE's district over in the Pittsburgh area, creating a technology belt in which all of the health care and green energy and the legacy manufacturing that we have in this area can help stimulate this mega-region from Cleveland to Akron, Canton, through Youngstown, Warren, over into Pittsburgh, to try to plug into all of this because if areas like ours aren't benefiting from these investments, then really it's all for naught. It's the heartland of our country.

So with that I want to thank the gentleman from Pennsylvania. I want to thank the gentleman from Ohio.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. HOYER) for today on account of family medical situation.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Mr. CUMMINGS (at the request of Mr. HOYER) for today on account of illness.

Mr. STARK (at the request of Mr. HOYER) for today and the balance of the week on account of illness.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

Mr. ROGERS of Kentucky (at the request of Mr. BOEHNER) for today on account of severe flooding and storms throughout eastern Kentucky.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WALZ, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Ms. PINGREE of Maine, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, May 15.

Mr. POE of Texas, for 5 minutes, May 15, 18 and 19.

Mr. INGLIS, for 5 minutes, today and May 18.

Mr. JONES, for 5 minutes, May 15, 18 and 19.

Mr. GINGREY of Georgia, for 5 minutes, today and May 13.

Mr. FORTENBERRY, for 5 minutes, May 13.

ADJOURNMENT

Mr. RYAN of Ohio. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 13, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2008 and the first quarter of 2009, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Glenn Thompson	2/27	2/27	Kuwait				(³)				
	2/27	2/28	Iraq				(³)				
	3/1	3/2	Afghanistan		25.00		(³)				25.00
	3/2	3/3	Hungary		229.43		(³)				229.43
Committee total					254.43						254.43

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. COLLIN C. PETERSON, Chairman, Apr. 22, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Nita M. Lowey	1/28	2/1	Switzerland		1,858.14		(³)				1,858.14
Misc. Embassy costs									4,149.86		4,149.86
Michele Sumilas	2/17	2/20	Democratic Republic of Congo		1,310.00						1,310.00
	2/20	2/22	Rwanda		634.00						634.00
Commercial airfare							10,853.06		(³)		10,853.06
Misc. Embassy costs									782.00		782.00
Hon. Steven LaTourette	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
Hon. Nita M. Lowey	2/13	2/16	Mexico		1,050.00		(³)				1,050.00
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,837.83		(³)				1,837.83
Misc. Embassy costs									4,602.57		4,602.57
Hon. Betty McCollum	2/18	2/22	Peru		1,837.83						1,837.83
Part commercial airfare							4,481.10				4,481.10
Misc. Embassy costs									2,289.33		2,289.33
Hon. Marion Berry	2/13	2/16	Mexico		1,050.00		(³)				1,050.00
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,771.83		(³)				1,771.83
Misc. Embassy costs									4,602.57		4,602.57
Hon. Adam Schiff	2/13	2/16	Mexico		1,050.00		(³)				1,050.00
Part commercial airfare							4,540.70				4,540.70
Misc. Embassy costs									996.00		996.00
Hon. Kay Granger	2/13	2/14	Mexico		700.00		(³)				700.00
	2/16	2/16	Mexico				(³)				
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,771.83		(³)				1,771.83
Misc. Embassy									4,603.47		4,603.47
Hon. Ben Chandler	2/13	2/16	Mexico		1,050.00		(³)				1,050.00
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,771.83		(³)				1,771.83
Misc. Embassy costs									4,602.57		4,602.57
Hon. Ander Crenshaw	2/15	2/16	Mexico		350.00		(³)				350.00
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,771.83		(³)				1,771.83
Part commercial airfare							4,937.01				4,937.01
Misc. Embassy costs									3,606.57		3,606.57
Nisha Desai Biswal	2/13	2/16	Mexico		1,050.00		(³)				1,050.00
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,771.83		(³)				1,771.83
Misc. Embassy costs									4,603.47		4,603.47
Steve Marchese	2/13	2/16	Mexico		1,050.00		(³)				1,050.00
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,771.83		(³)				1,771.83
Misc. Embassy costs									4,603.47		4,603.47
Clelia Alvarado	2/13	2/16	Mexico		1,050.00		(³)				1,050.00
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,771.83		(³)				1,771.83
Misc. Embassy costs									4,603.47		4,603.47
Mike Ringle	2/13	2/16	Mexico		1,050.00		(³)				1,050.00
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,771.83		(³)				1,771.83
Misc. Embassy costs									4,603.47		4,603.47
Anne Marie Chotvac	2/13	2/16	Mexico		1,050.00		(³)				1,050.00
	2/16	2/18	Colombia		861.00		(³)				861.00
	2/18	2/22	Peru		1,771.83		(³)				1,771.83
Misc. Embassy costs									4,603.47		4,603.47
Gregory Lankler	2/22	2/26	Kuwait		996.00						996.00
Part commercial airfare							4,805.57				4,805.57
Misc. trans. costs					155.00						155.00
Hon. John Salazar	2/16	2/18	Mexico		699.50		(³)				699.50
	2/18	2/20	Nicaragua		407.73		(³)				407.73
	2/20	2/22	Jamaica		775.68		(³)				775.68
	2/19	2/23	Israel		1,900.00						1,900.00
Commercial airfare							7,809.00				7,809.00
Adam Harris	2/19	2/23	Israel		1,900.00						1,900.00
Commercial airfare							7,809.00				7,809.00
Misc. trans. costs								105.00			105.00
Hon. Zach Wamp	2/20	2/20	Israel				362.90				362.90
Committee total					50,941.18		41,106.34		53,252.29		145,299.81

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.
⁴ Part military air transportation.

HON. DAVID R. OBEY, Chairman, Apr. 29, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED
 BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Donald G. Fulwider	3/7	3/11	England		1,528.50		1,015.16		456.12		2,999.78
Rodney L. Propst	3/7	3/11	England		1,528.50		1,015.16		357.14		2,900.80
Committee total					3,057.00		2,030.32		813.26		5,900.58

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID R. OBEY, Chairman, Apr. 29, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND
 MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Iraq, Kuwait, Germany, January 7–15, 2009:											
David Kildee	1/8	1/11	Kuwait		348.00						348.00
	1/9	1/10	Iraq								
	1/12	1/16	Germany		554.00						554.00
Commercial airfare							10,491.02				10,491.02
Debra Wada	1/8	1/11	Kuwait		348.00						348.00
	1/9	1/10	Iraq								
Commercial airfare							10,521.00				10,521.00
Loren Dealy	1/8	1/11	Kuwait		348.00						348.00
	1/9	1/10	Iraq								
Commercial airfare							8,153.63				8,153.63
Alexandra Rogers	1/8	1/11	Kuwait		348.00						348.00
	1/9	1/10	Iraq								
	1/12	1/16	Germany		554.00						554.00
Commercial airfare							10,491.00				10,491.00
Visit to Afghanistan, United Arab Emirates, January 24–25, 2009:											
Timothy McClees	1/22	1/23	United Arab Emirates		143.00						143.00
	1/24	1/25	Afghanistan								
	1/25	1/26	United Arab Emirates								
Commercial airfare							8,576.87				8,576.87
John Wason	1/22	1/23	United Arab Emirates		143.00						143.00
	1/24	1/25	Afghanistan								
	1/25	1/26	United Arab Emirates								
Commercial airfare							8,576.87				8,576.87
Kevin Gates	1/22	1/23	United Arab Emirates		143.00						143.00
	1/24	1/25	Afghanistan								
	1/25	1/26	United Arab Emirates								
Commercial airfare							8,576.87				8,576.87
Delegation expenses	1/22	1/26	United Arab Emirates					1,339.36			1,339.36
Visit to Israel, Syria, Kuwait, Iraq, Belgium, January 28–03 February, 2009:											
Hon. Adam Smith	1/29	1/30	Israel		461.00						461.00
	1/30	1/31	Syria		462.50						462.50
	1/31	2/1	Kuwait		413.21						413.21
	2/1	2/1	Iraq								
	2/2	2/3	Belgium		404.00						404.00
Hon. Susan Davis	1/29	1/30	Israel		461.00						461.00
	1/30	1/31	Syria		462.50						462.50
	1/31	2/1	Kuwait		413.21						413.21
	2/1	2/1	Iraq								
	2/2	2/3	Belgium		404.00						404.00
Hon. Gabrielle Giffords	1/29	1/30	Israel		461.00						461.00
	1/30	1/31	Syria		462.50						462.50
	1/31	2/1	Kuwait		413.21						413.21
	2/1	2/1	Iraq								
	2/2	2/3	Belgium		404.00						404.00
Hon. Glenn Nye	1/29	1/30	Israel		461.00						461.00
	1/30	1/31	Syria		462.50						462.50
	1/31	2/1	Kuwait		413.21						413.21
	2/1	2/1	Iraq								
	2/2	2/3	Belgium		404.00						404.00
Hon. Frank Kratovil	1/29	1/30	Israel		461.00						461.00
	1/30	1/31	Syria		462.50						462.50
	1/31	2/1	Kuwait		413.21						413.21
	2/1	2/1	Iraq								
	2/2	2/3	Belgium		404.00						404.00
William Natter	1/29	1/30	Israel		461.00						461.00
	1/30	1/31	Syria		462.50						462.50
	1/31	2/1	Kuwait		413.21						413.21
	2/1	2/1	Iraq								
	2/2	2/3	Belgium		404.00						404.00
Alexander Kugajevsky	1/29	1/30	Israel		461.00						461.00
	1/30	1/31	Syria		462.50						462.50
	1/31	2/1	Kuwait		413.21						413.21
	2/1	2/1	Iraq								
	2/2	2/3	Belgium		404.00						404.00
Visit to Kuwait, Bahrain, Qatar, January 27–February 2, 2009:											
Vickie Plunkett	1/28	1/31	Kuwait		348.00						348.00
	1/31	2/2	Bahrain		248.00						248.00
	2/2	2/4	Qatar		228.00						228.00
Commercial airfare							8,410.54				8,410.54
Cathleen Garman	1/28	1/31	Kuwait		348.00						348.00
	1/31	2/2	Bahrain		248.00						248.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Commercial airfare	2/2	2/4	Qatar		228.00		8,410.54				228.00
Lynn Williams	1/28	1/31	Kuwait		348.00						8,410.54
	1/31	2/2	Bahrain		248.00						348.00
	2/2	2/4	Qatar		228.00						248.00
Commercial airfare							8,410.54				228.00
Jenness Simler	1/31	2/2	Bahrain		248.00						8,410.54
Commercial airfare							8,893.21				248.00
Delegation expenses	1/28	1/31	Kuwait					2,999.49			8,893.21
	1/31	2/2	Bahrain					1,543.45			2,999.49
	2/2	2/4	Qatar					1,359.24			1,543.45
Visit to Germany With CODEL McCain, February 2–8, 2009:											1,359.24
Hon. Loretta Sanchez	2/6	2/8	Germany		394.00						394.00
Hon. Ellen Tauscher	2/6	2/8	Germany		394.00						394.00
Visit to Kuwait, Iraq, Bahrain, Afghanistan, February 13–19, 2009:											
Hon. Chellie Pingree	2/14	2/15	Kuwait		448.00						448.00
	2/15	2/16	Iraq								
	2/16	2/17	Bahrain		396.00						396.00
	2/17	2/18	Afghanistan		25.00						25.00
	2/18	2/20	Kuwait		1,046.00						1,046.00
Commercial airfare							8,083.56				8,083.56
Hon. Bobby Bright	2/14	2/15	Kuwait		448.00						448.00
	2/15	2/16	Iraq								
	2/16	2/17	Bahrain		396.00						396.00
	2/17	2/18	Afghanistan		25.00						25.00
	2/18	2/20	Kuwait		1,046.00						1,046.00
Commercial airfare							8,083.56				8,083.56
Hon. Duncan Hunter	2/14	2/15	Kuwait		448.00						448.00
	2/15	2/16	Iraq								
	2/16	2/17	Bahrain		396.00						396.00
	2/17	2/18	Afghanistan		25.00						25.00
	2/18	2/20	Kuwait		1,046.00						1,046.00
Commercial airfare							8,083.56				8,083.56
Douglas Bush	2/14	2/15	Kuwait		448.00						448.00
	2/15	2/16	Iraq								
	2/16	2/17	Bahrain		396.00						396.00
	2/17	2/18	Afghanistan		25.00						25.00
	2/18	2/20	Kuwait		1,046.00						1,046.00
Commercial airfare							8,083.56				8,083.56
Kari Bingen Tytler	2/14	2/15	Kuwait		448.00						448.00
	2/15	2/16	Iraq								
	2/16	2/17	Bahrain		396.00						396.00
	2/17	2/18	Afghanistan		25.00						25.00
	2/18	2/20	Kuwait		1,046.00						1,046.00
Commercial airfare							8,083.56				8,083.56
Visit to Colombia, February 13–17, 2009:											
Hon. Gene Taylor	2/13	2/17	Columbia		235.00						235.00
Commercial airfare							4,065.61				4,065.61
Visit to Hawaii, Guam, Japan, South Korea, February 14–22, 2009:											
Hon. Ike Skelton	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. Roscoe Barlett	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. Madeleine Bordallo	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. K. Michael Conaway	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. Hank Johnson	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. Howard “Buck” McKeon	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. Solomon Ortiz	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. Carol Shea-Porter	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. Chellie Pingree	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. Joe Wilson	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Hon. Doug Lamborn	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Ms. Erin Conaton	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Andrew Hunter	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Paul Arcangeli	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Thomas Hawley	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Kyle Wilkens	2/18	2/18	Iwo Jima								
	2/18	2/20	Korea		340.00						340.00
	2/20	2/21	Okinawa		125.00						125.00
Delegation expenses	2/18	2/20	Korea					7,588.77			

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Germany, Morocco, Burkina Faso, Mauritania, February 18–25, 2009:											
William Natter	2/19	2/20	Germany		316.00						316.00
	2/20	2/21	Morocco		305.00						305.00
	2/21	2/23	Mauritania		437.00						437.00
	2/23	2/24	Burkina Faso		216.00						216.00
Commercial airfare							16,632.05				16,632.05
Mark Lewis	2/19	2/20	Germany		316.00						316.00
	2/20	2/21	Morocco		305.00						305.00
	2/21	2/23	Mauritania		437.00						437.00
	2/23	2/24	Burkina Faso		216.00						216.00
Commercial airfare							16,632.05				16,632.05
Alexander Kugajevsky	2/19	2/20	Germany		316.00						316.00
	2/20	2/21	Morocco		305.00						305.00
	2/21	2/23	Mauritania		437.00						437.00
	2/23	2/24	Burkina Faso		216.00						216.00
Commercial airfare							16,632.05				16,632.05
Roger Zakheim	2/19	2/20	Germany		316.00						316.00
	2/20	2/21	Morocco		305.00						305.00
	2/21	2/23	Mauritania		437.00						437.00
	2/23	2/24	Burkina Faso		216.00						216.00
Commercial airfare							10,907.87				10,907.87
Visit to Afghanistan, India, March 18–24, 2009:											
Erin Conaton	3/19	3/20	India		106.00						106.00
	3/20	3/22	Afghanistan		56.00						56.00
Commercial airfare							7,994.55				7,994.55
Paul Oostburg Sanz	3/19	3/20	India		66.00						66.00
	3/20	3/22	Afghanistan		32.00						32.00
Commercial airfare							8,024.55				8,024.55
Michael Casey	3/19	3/20	India		106.00						106.00
	3/20	3/22	Afghanistan		56.00						56.00
Commercial airfare							8,024.55				8,024.55
Robert Simmons	3/19	3/20	India		106.00						106.00
	3/20	3/22	Afghanistan		56.00						56.00
Commercial airfare							8,024.55				8,024.55
Visit to Belgium with CODEL Casey, March 20–22, 2009:											
Hon. Ellen Tauscher	3/20	3/22	Belgium		1,273.14						1,273.14
Hon. Michael Turner	3/20	3/22	Belgium		1,273.14						1,273.14
Visit to Mexico with CODEL Reyes, March 26–27, 2009:											
Hon. Ike Skelton	3/26	3/27	Mexico		300.00						300.00
Paul Oostburg Sanz	3/26	3/27	Mexico		270.00						270.00
John Philip MacNaughton	3/26	3/27	Mexico		300.00						300.00
Committee total					44,968.25		236,867.74		14,830.31		289,077.53

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. IKE SKELTON, Chairman, Apr. 30, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Staff Del. Tico Almeida	2/2	2/5	Colombia		306.00		⁴ 769.30		⁵ 716.35		1,791.65
CODEL Tierney	1/30	2/3					⁽³⁾		⁽⁵⁾		
Hon. George Miller	1/30	1/31	Qatar		164.00		⁽³⁾				164.00
	1/31	2/2	Afghanistan		150.00		⁽³⁾				150.00
	2/2	2/2	Pakistan				⁽³⁾				
	2/2	2/3	Hungary		131.00		⁽³⁾				131.00
Committee total					751.00		769.30		716.35		2,236.65

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Commercial airfare.⁵ Hotel accommodations paid by U.S. Embassies, only information State Department has provided at this time.

HON. GEORGE MILLER, Chairman, Apr. 30, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Melissa Bartlett	2/14	2/21	Tanzania		1,938.00		10,529.64				12,467.64
							⁴ 125.12		⁴ 125.12		
Hon. Peter Welch	1/29	1/30	Kuwait		166.00						166.00
	1/30	1/31	Quatar		164.00		⁽³⁾				164.00
	1/31	2/02	Afghanistan		150.00		⁽³⁾				150.00
	2/02	2/03	Hungary		131.00		⁽³⁾				131.00
Hon. Phil Gingrey	2/18	2/20	Korea		242.84		⁽³⁾		340.00		582.84
	2/20	2/21	Japan		144.00		⁽³⁾		125.00		269.00
Hon. Henry Waxman ⁵	2/19	2/23	Israel		528.00						528.00
Hon. Jane Harman ⁵	2/19	2/23	Israel		528.00						528.00
Committee total					3,991.84		10,654.76		339.88		14,986.48

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

⁴ Flight: Dar es Salaam to Zanzibar (reimbursed to UN/AIDS)

⁵ Amended report may be done when transportation costs are reported.

HON. HENRY A. WAXMAN, Chairman, May 1, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND
MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Jasmeet Ahuja	2/16	2/21	India		2,142.00		8,869.30				11,011.30
David Beraka	2/14	2/16	Egypt		891.00						891.00
	2/16	2/17	Jordan		304.00						304.00
	2/17	2/22	Israel		2,139.00						2,139.00
	2/14	2/22					4,074.97				10,511.15
Hon. Howard L. Berman	2/19	2/22	Syria		1,563.00						5,637.97
	3/26	3/27	Mexico		285.00		(³)				285.00
Paul Berkowitz	2/20	2/21	Japan		494.00		11,139.75				11,633.75
Hon. William D. Delahunt	3/19	3/20	Venezuela		153.00		3,026.46				3,179.46
Howard Diamond	2/14	2/16	Egypt		891.00						891.00
	2/16	2/17	Jordan		304.00						304.00
	2/17	2/22	Israel		2,139.00						2,139.00
	2/14	2/22					4,074.97				10,511.15
Hon. Keith Ellison	2/14	2/17	Qatar		1,187.00						1,187.00
	2/17	2/18	Jordan		321.00						321.00
	2/18	2/20	Israel		1,114.00						1,114.00
	2/14	2/20					4,983.39				8,983.39
Hon. Eliot L. Engel	2/16	2/18	Mexico		699.50		(³)				699.50
	2/18	2/20	Nicaragua		337.32		(³)				337.32
	2/20	2/22	Jamaica		650.32		(³)				650.32
Hon. Eni F.H. Faleomavaega	1/9	1/10	Vietnam		328.00						328.00
	1/10	1/15	Laos		970.00						970.00
	1/9	1/15					4,12,407.30				4,12,407.30
	2/14	2/18	Kuwait		1,992.00						1,992.00
	2/18	2/22	Italy		2,131.00						2,131.00
	2/14	2/22					4,7,762.40				7,762.40
	3/1	3/3	Micronesia		508.00						508.00
	3/3	3/7	Marshall Islands		828.00						828.00
	3/1	3/7					4,6,561.28				6,561.28
	3/20	3/24	Norway		2,513.00		8,436.84		3,634.60		14,584.44
Dennis Halpin	1/10	1/11	Thailand		218.00						218.00
	1/11	1/15	Laos		576.00						576.00
	1/10	1/15					4,6,008.70				6,008.70
Hon. Sheila Jackson-Lee	1/30	1/31	Pakistan		126.00		10,936.25				11,062.25
Eric Jacobstein	2/16	2/18	Mexico		699.50		(³)				699.50
	2/18	2/20	Nicaragua		337.32		(³)				337.32
	2/20	2/22	Jamaica		650.32		(³)				650.32
Nurjadi Jasin	3/8	3/10	Indonesia		545.46						545.46
	3/10	3/14	Timor-Leste		837.50						837.50
	3/8	3/14					4,731.75				731.75
Jonathan Katz	2/17	2/20	Turkey		1,149.00		7,970.63				9,119.63
Richard Kessler	3/26	3/27	Mexico		285.00		(³)				285.00
Julie Kim	1/26	1/30	Kosova		596.00						596.00
	1/30	1/31	Austria		311.00						311.00
	1/26	1/31					4,10,063.73				10,063.73
Jonathan Lis	1/26	1/30	Kosova		596.00						596.00
	1/30	1/31	Austria		311.00						311.00
	1/26	1/31					4,10,063.73				10,063.73
	2/16	2/20	Peru		1,214.00		5,855.95				7,069.95
Alan Makovsky	2/17	2/19	Turkey		766.00						766.00
	2/19	2/22	Syria		1,513.00						1,513.00
	2/22	2/24	Lebanon		150.00						150.00
	2/17	2/24					4,8,898.19				8,898.19
Mark Milosch	2/5	2/9	Brazil		1,583.00		8,446.70				10,029.70
	2/15	2/18	United Kingdom		1,305.00		6,778.96				8,083.96
Jonathan Cobb Mixer	1/6	1/11	Vietnam		1,446.00						1,446.00
	1/11	1/15	Laos		576.00						576.00
	1/15	1/16	Thailand		218.00						218.00
	1/6	1/16					4,9,367.80				9,367.80
Hon. Ted Poe	1/29	1/30	Israel		461.00		(³)				461.00
	1/30	1/31	Syria		462.50		(³)				462.50
	1/31	2/1	Kuwait		413.21		(³)				413.21
	2/1	2/1	Iraq				(³)				
	2/2	2/3	Belgium		404.00		(³)				404.00
Peter Quilter	3/26	3/27	Mexico		285.00		(³)				285.00
David Richmond	1/9	1/10	Vietnam		328.00						328.00
	1/10	1/15	Laos		970.00						970.00
	1/9	1/15					4,12,407.30				12,407.30
	2/14	1/18	Kuwait		1,992.00						1,992.00
	2/18	1/22	Italy		2,131.00						2,131.00
	2/14	1/22					4,12,834.40				12,834.40
	3/1	3/3	Micronesia		508.00						508.00
	3/3	3/7	Marshall Islands		828.00						828.00
	3/1	3/7					4,6,500.82				6,500.82
Ava Rogers	2/17	2/21	DRC		1,184.00		10,163.68				11,347.68
Joshua Rogin	2/17	2/20	Turkey		1,149.00		7,970.63				9,119.63
Hon. Dana Rohrabacher	2/14	2/15	Kuwait		483.00		(³)				483.00
	2/15	2/16	Iraq		0.00		(³)				0.00
	2/16	2/17	Bahrain		526.00		(³)				526.00
	2/17	2/18	Afghanistan		75.00		(³)				75.00
	2/18	2/19	Kuwait		483.00		(³)				483.00
	2/20	2/21	Japan		494.00		6,823.05				7,317.05
Julie Schoenthaler	2/16	2/18	Mexico		699.50		(³)				699.50
	2/18	2/20	Nicaragua		337.32		(³)				337.32
	2/20	2/22	Jamaica		650.32		(³)				650.32
Margarita Seminario	1/26	1/30	Kosova		596.00						596.00
	1/30	1/31	Austria		311.00						311.00
	1/26	1/31					4,10,063.73				10,063.73
	2/16	2/20	Peru		1,214.00		4,779.95				5,993.95
Amanda Sloat	2/15	2/18	Moldova		615.00						615.00
	2/18	2/21	Belarus		1,179.00						1,179.00
	2/15	2/21					4,10,669.89				10,669.89
Hon Christopher Smith	2/5	2/9	Brazil		1,583.00		8,446.70				10,029.70
	2/15	2/18	United Kingdom		1,305.00		6,778.96				8,083.96
Cliff Stammerman	1/6	1/10	Vietnam		1,168.00		10,229.00				11,397.00

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Jason Steinbaum	2/16	2/18	Mexico		699.50		(³)				699.50
	2/18	2/20	Nicaragua		337.32		(³)				337.32
	2/20	2/22	Jamaica		650.32		(³)				650.32
Mark Sullivan	2/16	2/18	Mexico		699.50		(³)				699.50
	2/18	2/20	Nicaragua		337.32		(³)				337.32
	2/20	2/22	Jamaica		650.32		(³)				650.32
Maureen Taft-Morales	2/16	2/20	Peru		1,214.00		5,855.95				7,069.95
William Tuchrello	3/7	3/10	Indonesia		99.00						99.00
	3/10	3/13	Timor Leste		642.00						642.00
	3/7	3/13					4,731.75				731.75
Kristin Wells	2/16	2/21	India		1,857.50		11,261.75				13,119.25
Hon. Robert Wexler	2/17	2/20	Turkey		1,149.00		7,970.63				9,119.63
Lisa Williams	1/9	1/10	Vietnam		328.00						328.00
	1/10	1/15	Laos		970.00						970.00
	1/9	1/15					4,12,407.30				12,407.30
	3/20	3/24	Norway		2,351.00		9,395.84				11,746.84
Shanna Winters	2/16	2/19	India		1,380.00		7,697.17				9,077.17
Committee total											421,122.35

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Round-trip airfare.⁵ Indicates Delegation costs.

HON. HOWARD L. BERMAN, Chairman, Apr. 30, 2009.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Chuck Atkins	10/12	10/16	China		1,117.02		4,13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,916.00						1,916.00
Alisa Ferguson	10/12	10/16	China		1,117.02		4,13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,916.00						1,916.00
Richard Obermann	10/12	10/16	China		1,117.02		4,13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,696.00						1,696.00
Dahlia Sokolov	10/12	10/16	China		1,117.02		4,13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,696.00						1,696.00
Janet Poppleton	10/12	10/16	China		1,117.02		4,13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,696.00						1,696.00
Edward Feddeman	10/10	10/11	Russia		446.00		4,10,444.73		552.00		11,442.73
	10/11	10/12	Kazakhstan		474.00		1,830.00				2,304.00
	10/12	10/14	Russia		992.00						992.00
	10/14	10/18	Germany		1,702.00						1,702.00
Ken Monroe	10/10	10/11	Russia		446.00		4,10,444.73		552.00		11,442.73
	10/11	10/12	Kazakhstan		474.00		1,830.00				2,304.00
	10/12	10/14	Russia		992.00						992.00
	10/14	10/20	Germany		1,702.00						1,702.00
Jean Fruci	12/7	12/15	Poland		4,544.00		4,3,668.68				8,212.68
Chris King	12/8	12/15	Poland		3,626.00		4,3,641.68				7,267.00
Margaret Caravelli	12/8	12/12	Poland		1,472.00		4,9,434.86				10,906.86
	12/12	12/14	Czech Republic		(⁵)						
Bart Forsyth	12/8	12/13	Poland		3,976.00		4,9,099.45				13,075.45
Tara Rothschild	12/8	12/12	Poland		1,472.00		4,9,434.86				10,906.86
	12/12	12/14	Czech Republic		(⁵)						
Hon. Brian Baird	12/2	12/3	Qatar		373.00		4,8,219.27				8,592.27
	12/3	12/4	Afghanistan		75.00		(³)		96.73		171.73
	12/4	12/5	Bahrain		446.25		(³)		61.50		507.75
	12/5	12/6	Qatar		373.00		(³)		220.96		593.96
	12/6	12/7	Kuwait		324.50		75.00		1,315.14		1,714.64
	12/7	12/8	Iraq		(³)						
	12/8	12/9	Kuwait		324.50						324.50
Amended with State Dept. info:											
Hon. Randy Neugebauer	12/3	12/4	Nigeria		414.14		(³)		101.23		515.37
	12/4	12/4	Rwanda				(³)				
	12/4	12/5	Ethiopia		7,478.21		(³)		348.62		826.83
	12/5	12/5	Uganda				(³)				
	12/5	12/6	Qatar				(³)				
	12/6	12/6	Afghanistan				(³)				
	12/6	12/6	Kuwait				(³)				
	12/6	12/7	United Kingdom		(⁸)		(³)				
Committee total											177,126.66

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Round-trip commercial air.⁵ Two nights at personal expense.⁶ Round-trip Russia-Kazakhstan-Russia.⁷ Includes United Kingdom.⁸ Included with Ethiopia.

HON. BART GORDON, Chairman, Apr. 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Brian Baird ⁴	1/29	2/1	Switzerland		2,022.00		(³)				2,022.00
	2/14	2/17	Qatar		506.00						506.00
	2/17	2/18	Jordan		321.00		96.13		60.95		477.18
	2/18	2/20	Israel		1,114.00		144.66		2,092.44		3,351.10
Commercial airfare							8,609.39				8,609.39
Nicholas Palarino ⁴	2/14	2/17	Qatar		506.00						506.00
	2/17	2/18	Jordan		321.00		96.13		60.95		477.18
	2/18	2/20	Israel		1,114.00		144.66		2,092.44		3,351.10
Commercial airfare							8,609.39				8,609.39
Hon. Bart Gordon	2/15	2/19	France		3,018.00		22.01		605.00		3,690.01
Commercial airfare							8,059.98				8,059.98
Julie Eubank	2/15	2/19	France		3,018.00		22.01		605.00		3,690.01
Commercial airfare							8,059.98				8,059.98
Committee total											51,409.32

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Complete financial data not yet received from the State Department.

HON. BART GORDON, Chairman, Apr. 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Andrew Su	2/27	2/27	Kuwait				(³)				
	2/27	2/28	Iraq				(³)				
	3/1	3/2	Afghanistan		25		(³)				25
	3/2	3/3	Hungary		229.43		(³)				229.43
John Arlington	2/27	2/27	Kuwait				(³)				
	2/27	2/28	Iraq				(³)				
	3/1	3/2	Afghanistan		25		(³)				25
	3/2	3/3	Hungary		229.43		(³)				229.43
John Cuaderes	2/27	2/27	Kuwait				(³)				
	2/27	2/28	Iraq				(³)				
	3/1	3/2	Afghanistan		25		(³)				25
	3/2	3/3	Hungary		229.43		(³)				229.43
Hon. Steve Driehaus	2/27	2/27	Kuwait				(³)				
	2/27	2/28	Iraq				(³)				
	3/1	3/2	Afghanistan		25		(³)				25
	3/2	3/3	Hungary		229.43		(³)				229.43
Hon. Gerald Connolly	2/27	2/27	Kuwait				(³)				
	2/27	2/28	Iraq				(³)				
	3/1	3/2	Afghanistan		25		(³)				25
	3/2	3/3	Hungary		229.43		(³)				229.43
Hon. Todd Russell Platts	2/27	2/27	Kuwait				(³)				
	2/27	2/28	Iraq				(³)				
	3/1	3/2	Afghanistan		25		(³)				25
	3/2	3/3	Hungary		229.43		(³)				229.43
Hon. Stephen Lynch	2/27	2/27	Kuwait				(³)				
	2/27	2/28	Iraq				(³)				
	3/1	3/2	Afghanistan		25		(³)				25
	3/2	3/3	Hungary		229.43		(³)				229.43
Thomas Alexander	1/29	1/30	Kuwait		166.00		(³)				166
	1/30	1/31	Qatar		164.00		(³)				164
	1/31	2/2	Afghanistan		150.00		(³)				150
	2/2	2/2	Pakistan				(³)				
	2/2	2/3	Hungary		131.00		(³)				131
Kevin McDermott	1/29	1/30	Kuwait		166.00		(³)				166
	1/30	1/31	Qatar		164.00		(³)				164
	1/31	2/2	Afghanistan		150.00		(³)				150
	2/2	2/2	Pakistan				(³)				
	2/2	2/3	Hungary		131.00		(³)				131
Andrew Wright	1/29	1/30	Kuwait		166.00		(³)				166.00
	1/30	1/31	Qatar		164.00		(³)				164.00
	1/31	2/2	Afghanistan		150.00		(³)				150.00
	2/2	2/2	Pakistan				(³)				
	2/2	2/3	Hungary		131.00		(³)				131.00
Hon. Christopher Van Hollen	1/29	1/30	Kuwait		166.00		(³)				166.00
	1/30	1/31	Qatar		164.00		(³)				164.00
	1/31	2/2	Afghanistan		150.00		(³)				150.00
	2/2	2/2	Pakistan				(³)				
	2/2	2/3	Hungary		131.00		(³)				131.00
Hon. Christopher Murphy	1/29	1/30	Kuwait		166.00		(³)				166.00
	1/30	1/31	Qatar		164.00		(³)				164.00
	1/31	2/2	Afghanistan		150.00		(³)				150.00
	2/2	2/2	Pakistan				(³)				
	2/2	2/3	Hungary		131.00		(³)				131.00
Dave Turk	1/29	1/30	Kuwait		166.00		(³)				166.00
	1/30	1/31	Qatar		164.00		(³)				164.00
	1/31	2/2	Afghanistan		150.00		(³)				150.00
	2/2	2/2	Pakistan				(³)				
	2/2	2/3	Hungary		131.00		(³)				131.00
Hon. John Tierney	1/29	1/30	Kuwait		166.00		(³)				166.00
	1/30	1/31	Qatar		164.00		(³)				164.00
	1/31	2/2	Afghanistan		150.00		(³)				150.00
	2/2	2/2	Pakistan				(³)				
	2/2	2/3	Hungary		131.00		(³)				131.00
Pakistan—other support costs									263.88		263.88
Qatar—other support costs									1,212.14		1,212.14
Kabul—other support costs									696.42		696.42
Bruce Fernandez	4/4	4/6	Syria		702.00		13,577.21				14,279.21

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Brien Beattie	4/6	4/7	Israel		461.00						461.00
	4/8	4/10	India		1,073.38						1,073.38
	4/10	4/11	Morocco		276.60						276.60
	4/4	4/6	Syria		702.00		13,577.21				14,279.21
	4/6	4/7	Israel		461.00						461.00
Leah Perry	4/8	4/10	India		1,073.38						1,073.38
	4/10	4/11	Morocco		276.60						276.60
	4/4	4/6	Syria		702.00		13,577.21				14,279.21
	4/6	4/7	Israel		461.00						461.00
	4/8	4/10	India		1,073.38						1,073.38
Hon. Stephen Lynch	4/10	4/11	Morocco		276.60						276.60
	4/4	4/6	Syria		702.00		14,220.26				14,922.26
	4/6	4/7	Israel		461.00						461.00
	4/8	4/10	India		1,073.38						1,073.38
	4/10	4/11	Morocco		276.60						276.60
Other delegation expenses Morocco							911.00				911.00
Hon. Darrell Issa	3/20	3/22	Belgium		412.00						412.00
Kurt Bardella	3/20	3/22	Belgium		412.00						412.00
Committee total					16,933.93		55,862.89		2,172.44		74,969.26

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON EDOLPHUS TOWNS, Chairman, Apr. 29, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Steve Cohen	2/14	2/15	Kuwait		639.58		(³)				639.58
	2/15	2/16	Iraq				(³)				
	2/16	2/17	Bahrain		624.38		(³)				624.38
	2/17	2/18	Afghanistan		15.00		(³)				15.00
	2/18	2/20	Kuwait		1,284.32		(³)				1,284.32
Hon. Mario Diaz-Balart	2/14	2/15	Kuwait		639.58		(³)				639.58
	2/15	2/16	Iraq				(³)				
	2/16	2/17	Bahrain		624.38		(³)				624.38
	2/17	2/18	Afghanistan		15.00		(³)				15.00
	2/18	2/20	Kuwait		1,284.32		(³)				1,284.32
Hon. Jean Schmidt	2/16	2/18	Mexico		290.00		(³)				290.00
	2/18	2/19	Nicaragua		174.00		(³)				174.00
	2/19	2/20	Jamaica		402.00		(³)				402.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
Hon. John Duncan	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
Hon. E.B. Johnson	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
Hon. Solomon Ortiz	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
Hon. Tim Holden	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
Hon. Steve LaTourette	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
Hon. Henry Brown	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
Hon. Dan Lipinski	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
John Cullather	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
Christa Fornarotto	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
Laurie Bertenthal	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
Holly Woodruff Lyons	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
Suzanne Newhouse	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
	2/1	2/3	Panama		592.00		(³)				592.00
	1/29	1/30	Brazil		438.00		(³)				438.00
	1/30	2/1	Argentina		698.00		(³)				698.00
Committee total					30,184.56						30,184.56

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. JAMES L. OBERSTAR, Chairman, Apr. 29, 2009.

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Ron Kind	1/29	1/30	Kuwait		166.00						166.00
	1/30	1/31	Qatar		164.00						164.00
	1/31	2/2	Afghanistan		150.00						150.00
	2/2	2/2	Pakistan								
Hon. Jim McDermott	2/2	2/3	Hungary		131.00						131.00
	2/27	2/27	Kuwait								
	2/27	2/28	Iraq								
	3/1	3/2	Afghanistan		25.00						25.00
Hon. Ron Kind	3/2	3/3	Hungary		229.00						229.00
	3/19	3/23	Belgium		312.00						312.00
Committee total					1,177.00						1,177.00

HON. CHARLES B. RANGEL, Chairman, May 1, 2009.

	Date			Per diem ¹		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Dutch Ruppersberger	Middle East	468.51
			Middle East		462.25						
			Middle East		461.00						
			Europe		404.00						
											³ 1,795.76
Robert Minehart	Middle East	468.51
			Middle East		462.25						
			Middle East		461.00						
			Europe		404.00						
											³ 1,795.76
Hon. Mike Rogers	2/5	2/8	England	1,560.00
Commercial airfare							4,264.98				5,824.98
George Pappas, Professional Staff Member	2/5	2/8	England	1,560.00
Commercial airfare							4,264.98				5,824.98
Mark Young, Professional Staff Member	2/5	2/8	England	1,560.00
Commercial airfare							8,969.08				10,529.08
Linda Coben, Professional Staff Member	2/4	2/7	Mexico	1,050.00
Commercial airfare							1,050.58				2,100.58
Miguel Diaz, Professional Staff Member	2/4	2/7	Mexico	1,050.00
Commercial airfare							1,015.00				2,065.00
Christopher Donesa, Professional Staff Member ...	2/4	2/7	Mexico	1,050.00
Commercial airfare							1,055.58				2,105.58
James Lewis, Professional Staff Member	2/15	2/17	Europe	404.00
Commercial airfare							6,793.91				7,197.91
Brian Morrison, Professional Staff Member	2/15	2/17	Middle East	534.00
			Middle East		174.00						
			Middle East		164.00						
			Middle East		390.65						
Commercial airfare							9,881.22				11,143.87
Iram Ali, Professional Staff Member	2/15	2/17	Middle East	534.00
			Middle East		174.00						
			Middle East		164.00						
			Middle East		390.65						
Commercial airfare							10,243.22				11,505.87
Joshua Kirshner, Professional Staff Member	2/15	2/17	Middle East	534.00
			Middle East		174.00						
			Middle East		164.00						
			Middle East		390.65						
Commercial airfare							9,881.22				11,143.87
Chelsey Campbell, Professional Staff Member	2/15	2/17	Middle East	534.00
			Middle East		174.00						
			Middle East		164.00						
			Middle East		390.65						
Commercial airfare							9,851.22				11,113.87
Christopher Donesa, Professional Staff Member ...	2/15	2/17	Middle East	534.00
			Middle East		174.00						
			Middle East		164.00						
			Middle East		390.65						
Commercial airfare							9,881.22				11,143.87
Donald Vieira, Professional Staff											

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Committee total											153,500.12

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. SILVESTRE REYES, Chairman, Mar. 30, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1746. A letter from the Secretary, Department of the Treasury, transmitting the Department's third monthly Lending and Intermediation Survey and Snapshot, covering the month of February; to the Committee on Financial Services.

1747. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1748. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's annual report for 2008 on Voting Practices in the United Nations, pursuant to Public Law 101-246, section 406; to the Committee on Foreign Affairs.

1749. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on assistance to Azerbaijan, pursuant to Public Law 107-115; to the Committee on Foreign Affairs.

1750. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting correspondence from the Haitian Parliament; to the Committee on Foreign Affairs.

1751. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-014, Amendments to Incorporate New Wage Determinations [FAC 2005-31; FAR Case 2008-014; Item III; Docket 2009-0006; Sequence 1] (RIN: 9000-AL17) received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1752. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-012, Clarification of Submission of Cost or Pricing Data on Non-Commercial Modifications of Commercial Items [FAC 2005-31; FAR Case 2008-012; Item II; Docket 2008-0001, Sequence 10] (RIN: 9000-AL12) received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1753. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-032, Small Business Size Rerepresentation [FAC 2005-31; FAR Case 2006-032; Item I; Docket 2007-0002; Sequence 11] (RIN: 9000-AK78) received March 19, 2009, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1754. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-31; Item VI; Docket FAR-2009-0003; Sequence 2] received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1755. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-017, Federal Food Donation Act of 2008 [FAC 2005-31; FAR Case 2008-017; Item V; Docket 2009-0007, Sequence 1] (RIN 9000-AL15) received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1756. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-32; Docket 2009-0003; Sequence 3] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1757. A letter from the Acting, Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-013, Employment Eligibility Verification [FAC 2005-29, Amendment-3; FAR Case 2007-013; Docket 2008-0001; Sequence 18] (RIN: 9000-AK91) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1758. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1759. A letter from the Acting Executive Secretary, U.S. Agency for International Development, Bureau for Legislative and Public Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1760. A letter from the Acting Executive Secretary, U.S. Agency for International Development, Bureau for Legislative and Public Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1761. A letter from the U.S. Department of Transportation — Federal Railroad Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1762. A letter from the U.S. Department of Transportation — Office of the Secretary,

transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1763. A letter from the U.S. Department of Transportation — Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1764. A letter from the Acting Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf [Docket ID: MMS-2008-OMM-0012] (RIN: 1010-AD30) received April 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1765. A letter from the Deputy Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; U.S. Navy Training in the Southern California Range Complex [Docket No.: 0808061069-81583-02] (RIN: 0648-AW91) received April 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1766. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; U.S. Navy's Atlantic Fleet Active Sonar Training (AFAST) [Docket No.: 080724897-81621-02] (RIN: 0648-AW90) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1767. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; U.S. Navy Training in the Hawaii Range Complex [Docket No.: 080519680-81530-02] (RIN: 0648-AW86) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1768. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XN53) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1769. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of

Alaska [Docket No.: 09100091344-0956-02] (RIN: 0648-XN71) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1770. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XN42) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1771. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report on applications for orders authorizing or approving the interception of wire, oral, or electronic communications and the number of orders and extensions granted or denied during calendar year 2008, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

1772. A letter from the Chair, NASA Aerospace Safety Advisory Panel, transmitting the Panel's Annual Report for 2008, pursuant to Public Law 109-155, section 106(b); to the Committee on Science and Technology.

1773. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a determination that Agency real estate holdings located at the Santa Susana Field Laboratory (SSFL) in Ventura County, California, are no longer needed for mission requirements, pursuant to 42 U.S.C. 2476a, section 207; to the Committee on Science and Technology.

1774. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Haw River Valley Viticultural Area (2007R-179P) [Docket No.: TTB-2008-0001; T.D. TTB-74; Re: Notice No. 81] (RIN: 1513-AB45) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1775. A letter from the Chief Counsel (Acting), Department of the Treasury, transmitting the Department's final rule — Regulations Governing Securities Held in TreasuryDirect—received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1776. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Federal Disability Insurance Trust Funds, transmitting the 2009 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 13951(b)(2), and 1395t(b)(2); (H. Doc. No. 111-41); to the Committee on Ways and Means and ordered to be printed.

1777. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 2009 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 13951(b)(2), and 1395t(b)(2); (H. Doc. No. 111-40); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. H.R. 2101. A bill to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense; with an amendment (Rept. 111-101). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 2020. A bill to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes; with an amendment (Rept. 111-102). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 31. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; with an amendment (Rept. 111-103). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1385. A bill to extend Federal recognition to the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; with an amendment (Rept. 111-104). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. H.R. 2346. A bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes (Rept. 111-105). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEWIS of Georgia (for himself and Mr. BOUSTANY):

H.R. 2343. A bill to amend the Internal Revenue Code of 1986 to repeal the partial payment requirement on submissions of offers-in-compromise; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. CONYERS, Mr. BOUCHER, Ms. ZOE LOFGREN of California, and Ms. ESHOO):

H.R. 2344. A bill to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters; to the Committee on the Judiciary.

By Mr. ADLER of New Jersey (for himself, Mr. SIMPSON, and Mr. BROWN of Georgia):

H.R. 2345. A bill to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for health care practices with 20 or fewer employees; to the Committee on Financial Services.

By Mr. HOYER:

H.R. 2347. A bill to encourage the manufacture and use of efficient and advanced electric transmission cables, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER:

H.R. 2348. A bill to amend the Internal Revenue Code of 1986 to encourage investment in electric transmission technologies that im-

prove the efficiency of power delivery; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. BOCCIERI, Ms. SUTTON, Mr. KUCINICH, and Ms. KILROY):

H.R. 2349. A bill to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. SCHWARTZ (for herself, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CARNAHAN, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mr. CROWLEY, Mr. CUELLAR, Mr. DAVIS of Illinois, Ms. DELAUNO, Mr. DOGGETT, Mr. DRIEHAUS, Mr. EDWARDS of Texas, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Ms. GIFFORDS, Mr. GUTIERREZ, Mrs. HALVORSON, Mr. HARE, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KENNEDY, Ms. KILROY, Mr. KIND, Mr. KUCINICH, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBBACH, Mr. MAFFEI, Ms. MATSUI, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURTHA, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE of Maine, Mr. SALAZAR, Mr. SCHRADER, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Ms. SHEA-PORTER, Mr. SIREN, Mr. SNYDER, Mr. VAN HOLLEN, Ms. WATERS, Ms. WATSON, Mr. WEINER, Mr. WILSON of Ohio, Mr. YARMUTH, Mr. MEEKS of New York, Ms. LINDA T. SANCHEZ of California, Mr. HONDA, Mr. ETHERIDGE, Ms. SUTTON, Mr. HOLDEN, Mr. KANJORSKI, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. DOYLE, Mr. WEXLER, and Ms. DEGETTE):

H.R. 2350. A bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and primary care providers and to improve patient access to primary care services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. GUTIERREZ, Mr. ROYCE, Mr. SCOTT of Georgia, and Mr. LATOURETTE):

H.R. 2351. A bill to amend the Federal Credit Union Act to increase the borrowing authority of the National Credit Union Administration, establish a National Credit Union Share Insurance Fund restoration plan period, assess insured credit unions for

the costs associated with the corporate credit union stabilization effort on an anti-cyclical basis, and for other purposes; to the Committee on Financial Services.

By Mr. SHULER (for himself, Mr. LUTKEMEYER, Ms. VELÁZQUEZ, Mr. THOMPSON of Pennsylvania, Mrs. DAHLKEMPER, Mr. BUCHANAN, Mr. NYE, Mr. SCHOCK, Mr. SESTAK, Mr. MOORE of Kansas, Ms. CLARKE, Mr. ALTMIRE, Mr. MICHAUD, Mrs. HALVORSON, and Mr. SCHRADER):

H.R. 2352. A bill to amend the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. CHAFFETZ (for himself, Mr. SENSENBRENNER, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. FLEMING, Mr. SCHOCK, Mr. BISHOP of Utah, and Mr. BOOZMAN):

H.R. 2353. A bill to require electric utilities to notify electric consumers of the cost of emission allowances associated with the electricity delivered to such consumers, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself, Mr. BURGESS, and Mr. GENE GREEN of Texas):

H.R. 2354. A bill to provide for increased research, coordination, and expansion of health promotion programs through the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Ms. RICHARDSON (for herself, Mr. CUMMINGS, Mr. CONYERS, Mr. MEEK of Florida, Mr. McDERMOTT, Ms. LEE of California, Mr. ROHRBACHER, Mr. SCOTT of Virginia, and Mrs. TAUSCHER):

H.R. 2355. A bill to establish a National Goods Movement Improvement Fund to provide funding for infrastructure projects that will improve the movement of goods, mitigate environmental damage caused by the movement of goods, and enhance the security of transported goods; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 2356. A bill to amend section 1119 of the Elementary and Secondary Education Act of 1965 to require each State educational agency receiving assistance under part A of title I of such Act to consider a teacher highly qualified if the teacher is (or was) highly qualified in at least 1 other State and has at least 5 years of teaching experience; to the Committee on Education and Labor.

By Mrs. BONO MACK:

H.R. 2357. A bill to amend the Communications Act of 1934 to facilitate number portability in order to increase consumer choice of voice service provider; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. BILIRAKIS, Mrs. CAPPES, and Mr. WITTMAN):

H.R. 2358. A bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself and Mr. BARTLETT):

H.R. 2359. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. GERLACH, Mr. BARROW, Mr. YOUNG of

Florida, Mr. ADLER of New Jersey, Mrs. EMERSON, Ms. KOSMAS, Mr. BARTLETT, Mrs. HALVORSON, Mr. SCHOCK, Mr. ALTMIRE, Ms. GINNY BROWN-WAITE of Florida, Mr. PETERS, Ms. GRANGER, Mr. MCMAHON, Mr. DENT, Ms. BEAN, Mr. JOHNSON of Illinois, Ms. SCHWARTZ, Mr. COURTNEY, and Mr. CARNAHAN):

H.R. 2360. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself and Mr. SMITH of Texas):

H.R. 2361. A bill to require the accreditation of English language training programs, and for other purposes; to the Committee on the Judiciary.

By Mr. HELLER (for himself, Ms. BERKLEY, and Ms. TITUS):

H.R. 2362. A bill to amend the Energy and Policy Act of 2005 to reauthorize a provision relating to geothermal lease revenue, to direct the Secretary of the Interior to establish a pilot project to streamline certain Federal renewable energy permitting processes, and for other purposes; to the Committee on Natural Resources.

By Mr. FARR (for himself, Ms. SCHAKOWSKY, Ms. LEE of California, Mr. SHERMAN, Mr. ACKERMAN, Mr. SIREN, Ms. HIRONO, Mr. GRIJALVA, Mrs. CAPPES, Mr. GENE GREEN of Texas, Mr. BILBRAY, Ms. MCCOLLUM, Mr. WEXLER, Mr. STARK, Ms. LORETTA SANCHEZ of California, Mr. BLUMENAUER, Mr. DELAHUNT, Mr. HONDA, Mr. SENSENBRENNER, Ms. ROYBAL-ALLARD, Mr. ISRAEL, Ms. ESHOO, and Mr. FILLNER):

H.R. 2363. A bill to require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. RAHALL, Mr. MINNICK, Mr. SCHRADER, Mr. DICKS, and Mr. WU):

H.R. 2364. A bill to amend section 211(o) of the Clean Air Act to change the definition of renewable biomass in the renewable fuel program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. DUNCAN, Mr. WAXMAN, Mr. McHUGH, Mr. OBERSTAR, Mrs. EMERSON, Mr. BOREN, Mr. PLATTS, Ms. DELAURO, Mr. MCGOVERN, Mr. HALL of New York, Mr. KILDEE, Mr. RODRIGUEZ, Mr. HINCHAY, Mr. WILSON of Ohio, Mr. COSTELLO, Mr. CARNEY, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. KUCINICH, and Mr. STARK):

H.R. 2365. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Edu-

cation and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS:

H.R. 2366. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide for coverage of oral cancer drugs on terms no less favorable than the coverage provided for intravenously administered anticancer medications; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES:

H.R. 2367. A bill to amend the Internal Revenue Code of 1986 to allow a credit to employers for reimbursing the expenses of employees who provide carpooling; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, Mr. MASSA, Ms. BORDALLO, Mrs. TAUSCHER, Mr. BLUMENAUER, Mr. MCNERNEY, Mr. LOBIONDO, Mr. SESTAK, Mr. CALVERT, Mr. CARDOZA, Mrs. NAPOLITANO, Mr. HONDA, Ms. ZOE LOFGREN of California, and Mr. COSTA):

H.R. 2368. A bill to encourage water efficiency; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself and Mrs. BONO MACK):

H.R. 2369. A bill to improve mental and substance use health care; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself and Mr. PETRI):

H.R. 2370. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting phone banks during campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. MURPHY of Connecticut (for himself, Mr. MARKEY of Massachusetts, and Mr. WELCH):

H.R. 2371. A bill to use tradable greenhouse gas emission allowances under the American Clean Energy and Security Act of 2009 to provide assistance to residential and commercial consumers of home heating oil and propane in reducing the effective costs of such fuels through State programs to deliver cost-effective efficiency programs and other consumer assistance; to the Committee on Energy and Commerce.

By Mr. PAULSEN:

H.R. 2372. A bill to amend the Nuclear Waste Policy Act of 1982 to require the President to certify that the Yucca Mountain site remains the designated site for the development of a repository for the disposal of high-level radioactive waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PRICE of Georgia (for himself and Mr. SHULER):

H.R. 2373. A bill to amend part B of title XVIII of the Social Security Act to restore

payments for home oxygen therapy through the beneficiary's period of medical need; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ:

H.R. 2374. A bill to amend the Fair Credit Reporting Act to make credit scores available to consumers once each year free of charge and to allow consumers to see the credit score used in connection with any particular lending or credit decision, and for other purposes; to the Committee on Financial Services.

By Mr. SHERMAN (for himself, Ms. ROS-LEHTINEN, Mr. KLEIN of Florida, Mr. BURTON of Indiana, and Mr. KIRK):

H.R. 2375. A bill to require the application of sanctions against affiliates of the Iran Revolutionary Guard Corps, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 2376. A bill to withhold United States funding from the United Nations Human Rights Council; to the Committee on Foreign Affairs.

By Ms. TITUS (for herself and Ms. WOOLSEY):

H.R. 2377. A bill to direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education; to the Committee on Education and Labor.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. HOLDEN, Mr. PITTS, Mr. ALTMIRE, Mr. SHULER, Mr. BROWN of Georgia, Mr. ROGERS of Alabama, Mr. MURTHA, Mr. GINGREY of Georgia, Mr. COLE, and Mr. GERLACH):

H. Con. Res. 123. Concurrent resolution recognizing the historical and national significance of the many contributions of John William Heisman to the sport of football; to the Committee on Education and Labor.

By Mr. MACK (for himself, Mr. BILIRAKIS, Mrs. BONO MACK, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CANTOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. KIRK, Mr. LAMBORN, Mr. McCAUL, Mr. MCCOTTER, Mr. ROHRBACHER, Mr. ROONEY, Mr. SHIMKUS, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. ROYCE, Mr. GARRETT of New Jersey, Mrs. MYRICK, Mr. SCHOCK, Mr. MANZULLO, Mr. BROWN of Georgia, Mr. POE of Texas, Mr. PENCE, and Mr. WOLF):

H. Con. Res. 124. Concurrent resolution expressing the support of Congress for the Jewish community in Venezuela; to the Committee on Foreign Affairs.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H. Res. 424. A resolution authorizing and directing the Committee on the Judiciary to inquire whether the House should impeach Samuel B. Kent, a judge of the United States District Court for the Southern District of

Texas; to the Committee on Rules; considered and agreed to.

By Mr. FLAKE:

H. Res. 425. A resolution raising a question of the privileges of the House.

By Mr. MCNERNEY (for himself and Mr. SCHIFF):

H. Res. 426. A resolution honoring police officers and law enforcement professionals during Police Week; to the Committee on the Judiciary.

By Mr. MCINTYRE (for himself, Mr. WILSON of South Carolina, Mr. FORBES, Mr. GOHMERT, Mr. BOOZMAN, Mr. KANJORSKI, Ms. RICHARDSON, Ms. FOOX, Mr. HALL of Texas, Mr. PITTS, Mr. MILLER of Florida, and Mr. REBERG):

H. Res. 428. A resolution recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and Labor.

By Mr. MELANCON:

H. Res. 429. A resolution congratulating Jockey Calvin Borel for his victory at the 135th Kentucky Derby; to the Committee on Oversight and Government Reform.

By Mr. PASCRELL (for himself, Mr. TIBERI, Mr. ACKERMAN, Mr. SIREs, Mr. BROWN of South Carolina, Mr. MAFFEI, Mrs. MILLER of Michigan, Mr. CAPUANO, Mr. MCGOVERN, Ms. VELÁZQUEZ, Mr. LEWIS of Georgia, Mr. DELAHUNT, Ms. TITUS, Mr. WEXLER, Mr. CONNOLLY of Virginia, Mr. MCCOTTER, and Mr. FILNER):

H. Res. 430. A resolution expressing condolences to the citizens of Italy and support for the Government of Italy in the aftermath of the devastating earthquake that struck the Abruzzo region of central Italy; to the Committee on Foreign Affairs.

By Mr. SENSENBRENNER:

H. Res. 431. A resolution impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. GUTHRIE and Mr. CAPUANO.
H.R. 43: Mr. CARNAHAN, Mr. WELCH, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. MCCOTTER, Mr. CONAWAY, and Mr. KANJORSKI.

H.R. 61: Mr. HASTINGS of Florida.
H.R. 67: Mr. HASTINGS of Florida.
H.R. 82: Mr. BOYD, Mr. PLATTS, Mr. ROONEY, Mr. CARNEY, and Ms. KILPATRICK of Michigan.

H.R. 144: Mr. CARSON of Indiana.
H.R. 147: Mr. MAFFEI, Mr. GUTIERREZ, and Mr. RODRIGUEZ.

H.R. 179: Mr. CLEAVER and Mr. AL GREEN of TEXAS.

H.R. 181: Mr. GRAYSON and Mr. CUMMINGS.
H.R. 197: Mrs. MYRICK, Mr. BACA, Mr. SESSIONS, Mr. WAMP, and Mr. SHUSTER.

H.R. 205: Mr. HALL of Texas.

H.R. 275: Mr. LUCAS, Mr. PAULSEN, Mr. ELLSWORTH, Mrs. SCHMIDT, Ms. ROS-LEHTINEN, Mr. GERLACH, and Mr. YARMUTH.

H.R. 305: Mr. TAYLOR, Ms. TITUS, and Mr. MICHAUD.

H.R. 333: Mr. PETERS, Mr. ADLER of New Jersey, Mr. MINNICK, and Mr. KILDEE.

H.R. 347: Mr. HIGGINS.

H.R. 391: Mr. WILSON of South Carolina, Mr. RADANOVICH, and Mr. BOEHNER.

H.R. 422: Mr. NUNES, Mr. McDERMOTT, and Mr. NEAL of Massachusetts.

H.R. 442: Mr. HODES, Ms. TITUS, Mr. GARY G. MILLER of California, Mr. HOLDEN, Mr. SMITH of Texas, Mr. SESSIONS, Mr. BACA, Mr. WAMP, Mr. SHUSTER, and Mr. SCHOCK.

H.R. 467: Mr. ELLISON.

H.R. 509: Mr. FARR, and Mr. KILDEE.

H.R. 520: Mr. CARSON of Indiana.

H.R. 560: Mr. WILSON of South Carolina.

H.R. 578: Ms. JACKSON-LEE of Texas.

H.R. 593: Mr. RAHALL.

H.R. 616: Mr. SMITH of Nebraska, and Mr. MCINTYRE.

H.R. 626: Ms. SUTTON.

H.R. 684: Ms. DEGETTE.

H.R. 690: Mr. HIGGINS, Mr. MOORE of Kansas, and Mr. HILL.

H.R. 699: Mr. GONZALEZ.

H.R. 716: Ms. ROS-LEHTINEN.

H.R. 734: Mr. GENE GREEN of Texas, Mr. MICHAUD, Mr. HEINRICH, Mr. DELAHUNT, and Mr. ELLSWORTH.

H.R. 745: Mr. BOYD, Mr. YARMUTH, and Mr. DICKS.

H.R. 775: Mr. MINNICK, Mr. HARPER, Mrs. MYRICK, and Mr. CULBERSON.

H.R. 795: Mr. RODRIGUEZ.

H.R. 874: Mr. SCOTT of Virginia, Ms. TSONGAS, and Mr. SARBANES.

H.R. 877: Mr. CASSIDY.

H.R. 881: Mr. HALL of Texas and Mr. PENCE.

H.R. 886: Mr. RUSH.

H.R. 930: Mr. MURPHY of Connecticut.

H.R. 952: Mr. MAFFEI, Mr. SIREs, Mr. CONNOLLY of Virginia, Mr. AL GREEN of Texas, Ms. KOSMAS, Mr. NADLER of New York, Mr. SERRANO, Mr. TAYLOR, Mr. LEWIS of Georgia, Mr. MURTHA, Mr. WEINER, Mrs. LOWEY, Ms. HIRONO, Mr. ROTHMAN of New Jersey, Mr. HODES, Mr. ABERCROMBIE, Mr. KENNEDY, Mr. JACKSON of Illinois, Mr. PERLMUTTER, Mr. YARMUTH, Mr. ACKERMAN, Ms. CASTOR of Florida, Mr. JOHNSON of Georgia, Mr. ADLER of New Jersey, Mr. SARBANES, and Mr. SPACE.

H.R. 980: Mr. CASTLE, Ms. BERKLEY, Mr. SABLAN, Mr. ANDREWS, Mr. BAIRD, and Mr. TONKO.

H.R. 988: Mr. INSLEE, Ms. DEGETTE, Mr. FLEMING, and Mr. WELCH.

H.R. 1016: Mrs. BLACKBURN.

H.R. 1017: Mr. COURTNEY.

H.R. 1054: Mr. MANZULLO and Mr. PAULSEN.

H.R. 1055: Mr. MANZULLO.

H.R. 1062: Mr. LANCE.

H.R. 1064: Mr. BERMAN, Mr. GUTIERREZ, Mr. LANGEVIN, Mr. GEORGE MILLER of California, Mr. MEEK of Florida, and Ms. EDWARDS of Maryland.

H.R. 1066: Mr. BISHOP of New York, Mr. LOEBSACK, and Mr. GORDON of Tennessee.

H.R. 1074: Mr. BOOZMAN, Mr. FRANKS of Arizona, Mr. HOLDEN, Mr. SESSIONS, Mr. BACA, Mrs. MYRICK, Mr. WAMP, Mr. BISHOP of Utah, and Mr. GINGREY of Georgia.

H.R. 1101: Ms. NORTON, Mr. MOORE of Kansas, and Ms. ZOE LOFGREN of California.

H.R. 1126: Mr. BOOZMAN and Mr. BOUCHER.

H.R. 1137: Ms. WASSERMAN SCHULTZ.

H.R. 1188: Mr. ELLSWORTH, Mr. GUTHRIE, Ms. HERSETH SANDLIN, Mr. LEWIS of Georgia, Mr. GINGREY of Georgia, Mr. BOOZMAN, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. NUNES, and Mr. RUPPERSBERGER.

H.R. 1193: Mr. CARNAHAN.

H.R. 1207: Mr. ROYCE, Mr. FORTENBERRY, Mr. MACK, Mr. BARROW, Mr. MICA, Mr. MAFFEI, and Mr. INSLEE.

H.R. 1215: Mr. HONDA, Mr. CAPUANO, and Mr. PAYNE.

- H.R. 1240: Ms. FUDGE.
H.R. 1265: Mr. WEXLER.
H.R. 1298: Mr. MURTHA.
H.R. 1308: Mr. VAN HOLLEN and Mr. DONNELLY of Indiana.
H.R. 1322: Mr. BOUCHER, Mr. ABERCROMBIE, Mr. MCINTYRE, Ms. SCHAKOWSKY, and Mr. CONYERS.
H.R. 1339: Mr. WITTMAN, Mr. MILLER of Florida, Mr. FLEMING, and Mr. WELCH.
H.R. 1354: Mr. SIMPSON.
H.R. 1361: Mr. CONNOLLY of Virginia.
H.R. 1362: Mr. HIMES.
H.R. 1378: Mr. GENE GREEN of Texas, Mr. KENNEDY, and Ms. SCHAKOWSKY.
H.R. 1398: Ms. KOSMAS, Mr. STEARNS, Ms. GINNY BROWN-WAITE of Florida, and Mr. COHEN.
H.R. 1415: Mr. MURPHY of Connecticut, Mr. COURTNEY, Mr. COOPER, Mr. HARPER, Mr. TIM MURPHY of Pennsylvania, Mr. LEWIS of Georgia, and Mr. BROWN of Georgia.
H.R. 1428: Mr. CARNAHAN, Mr. HARE, Mr. BISHOP of Georgia, and Mr. MORAN of Virginia.
H.R. 1441: Mr. PRICE of North Carolina and Mr. CARNAHAN.
H.R. 1443: Mr. QUIGLEY.
H.R. 1454: Mr. SCHIFF, Mr. JONES, Mr. CANTOR, Mr. FILNER, and Mr. SPRATT.
H.R. 1460: Mr. CARNAHAN.
H.R. 1466: Mr. WATT and Mr. RUSH.
H.R. 1474: Mr. ORTIZ and Mr. VAN HOLLEN.
H.R. 1476: Mr. CARSON of Indiana.
H.R. 1508: Mr. GRIJALVA.
H.R. 1523: Mrs. NAPOLITANO and Mrs. MALONEY.
H.R. 1526: Mr. FOSTER, Mr. COHEN, and Mr. RANGEL.
H.R. 1547: Mr. PIERLUISI, Mr. MASSA, Mr. CARNAHAN, Mr. ORTIZ, and Mrs. LOWEY.
H.R. 1548: Mr. NEUGEBAUER, Mr. ALTMIRE, and Mr. ADLER of New Jersey.
H.R. 1551: Mr. CARNAHAN and Ms. WATSON.
H.R. 1608: Ms. WATERS.
H.R. 1615: Mr. CARNAHAN.
H.R. 1618: Ms. WASSERMAN SCHULTZ, Ms. LINDA T. SANCHEZ of California, Mr. INSLEE, and Mr. GEORGE MILLER of California.
H.R. 1625: Mr. EHLERS, Mr. SHIMKUS, Mr. GONZALEZ, Ms. DELAULO, and Mr. BOSWELL.
H.R. 1628: Mr. HOEKSTRA.
H.R. 1645: Mr. CAPUANO.
H.R. 1646: Mr. COHEN, Mr. BACHUS, Mr. BOUCHER, Mr. RAHALL, and Mr. LYNCH.
H.R. 1666: Ms. SCHWARTZ.
H.R. 1670: Mr. YOUNG of Alaska, Mr. ELLSWORTH, and Ms. NORTON.
H.R. 1684: Mr. HOLDEN, Mr. SESSIONS, Mr. BACA, Mr. FRANKS of Arizona, and Mr. SMITH of Washington.
H.R. 1685: Mr. SIRES.
H.R. 1686: Mr. HODES.
H.R. 1688: Mr. HARPER and Mr. SPACE.
H.R. 1691: Mr. JONES.
H.R. 1692: Mr. GORDON of Tennessee.
H.R. 1693: Mr. LATHAM, Ms. BALDWIN, Mr. SOUDER, Mr. COSTELLO, and Mr. CARNAHAN.
H.R. 1700: Mr. GRAYSON and Ms. WOOLSEY.
H.R. 1707: Mr. TERRY.
H.R. 1740: Mr. LUETKEMEYER, Mr. NUNES, Mr. DAVIS of Illinois, Mr. BROWN of South Carolina, Mr. MICHAUD, and Mr. JACKSON of Illinois.
H.R. 1742: Mr. INSLEE.
H.R. 1761: Mr. CARNAHAN.
H.R. 1799: Mr. PERLMUTTER.
H.R. 1802: Mr. GINGREY of Georgia.
H.R. 1826: Mr. FILNER and Mrs. DAHLKEMPER.
H.R. 1846: Ms. RICHARDSON and Ms. JACKSON-LEE of Texas.
H.R. 1869: Mr. INSLEE, Mr. DOYLE, Mr. NEAL of Massachusetts, Mr. JACKSON of Illinois, Ms. CLARKE, Mr. ELLISON, Ms. WATSON, and Mr. FRANK of Massachusetts.
H.R. 1884: Mr. PETERSON, Mr. GRIJALVA, Mr. ROSS, Mr. KING of Iowa, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WILSON of Ohio, Mr. BARROW, Mr. GRAYSON, Mr. HEINRICH, and Ms. WOOLSEY.
H.R. 1919: Mr. LINDER.
H.R. 1930: Mr. JONES.
H.R. 1932: Mr. MORAN of Virginia and Mr. KILDEE.
H.R. 1939: Mr. GOODLATTE.
H.R. 1941: Mr. BILBRAY.
H.R. 1956: Mr. KLINE of Minnesota.
H.R. 1976: Mr. SESTAK.
H.R. 1977: Mr. BUCHANAN and Mr. VAN HOLLEN.
H.R. 1985: Mr. LANCE and Mr. UPTON.
H.R. 1995: Mr. LEWIS of Georgia.
H.R. 2002: Mr. WEXLER and Ms. GINNY BROWN-WAITE of Florida.
H.R. 2014: Mr. ROSS, Mr. GORDON of Tennessee, Mr. POSEY, Mr. HOEKSTRA, Mr. THOMPSON of Pennsylvania, Mr. MURTHA, Ms. HIRONO, Mr. COHEN, Mr. BOCCIERI, Mr. FRANKS of Arizona, Mr. MCHUGH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MURPHY of Connecticut, and Mr. HONDA.
H.R. 2017: Mr. SMITH of Washington.
H.R. 2038: Mr. KIND.
H.R. 2049: Mr. HALL of Texas, Mr. KLEIN of Florida, Mr. MARCHANT, Mr. PAUL, and Mrs. BLACKBURN.
H.R. 2053: Mr. CARTER.
H.R. 2057: Ms. CLARKE and Mr. BERMAN.
H.R. 2058: Mr. LOBIONDO, Mr. FALOMAVAEGA, and Mr. HALL of New York.
H.R. 2067: Mr. HALL of New York.
H.R. 2081: Mr. GRAYSON.
H.R. 2083: Mr. LAMBORN, Mr. HELLER, and Mr. LINDER.
H.R. 2085: Mr. PAUL and Mr. SERRANO.
H.R. 2132: Mr. LEWIS of Georgia.
H.R. 2134: Mr. SIRES, Mr. MEEKS of New York, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. CUELLAR, Mr. SHERMAN, Ms. CLARKE, Mr. HONDA, Mr. DAVIS of Illinois, Mr. ROHRBACHER, Ms. GIFFORDS, Mr. REYES, Mr. FARR, Mr. TANNER, and Ms. ROYBAL-ALLARD.
H.R. 2149: Mr. YOUNG of Florida, Mr. WOLF, Mr. SESTAK, and Mr. FLEMING.
H.R. 2161: Ms. CLARKE and Mr. HODES.
H.R. 2194: Mr. GARRETT of New Jersey, Mr. SCHIFF, Mr. SCALISE, Mr. GRAYSON, Mr. HOLDEN, Ms. SCHWARTZ, Mr. INGLIS, Mr. MITCHELL, Mr. BLUNT, Mr. GALLEGLY, Mrs. NAPOLITANO, Mr. BARROW, Mr. JACKSON of Illinois, Mr. REICHERT, Mr. MACK, Mr. KAGEN, Mr. NADLER of New York, Mr. ALEXANDER, Mr. HIGGINS, Mr. COLE, and Ms. BEAN.
H.R. 2214: Ms. WOOLSEY.
H.R. 2239: Mr. CONYERS.
H.R. 2243: Mr. BROWN of South Carolina, Mr. HINOJOSA, Ms. GIFFORDS, Mr. WILSON of South Carolina, Mr. MCCAUL, Mr. KAGEN, Ms. SCHWARTZ, Mr. SPACE, Ms. ROS-LEHTINEN, Mr. MASSA, and Ms. PINGREE of Maine.
H.R. 2254: Mr. NYE.
H.R. 2261: Ms. TSONGAS.
H.R. 2269: Mr. GONZALEZ, Mr. THOMPSON of Mississippi, Mr. ALEXANDER, and Mr. HASTINGS of Florida.
H.R. 2270: Mr. BILBRAY, Mr. MICHAUD, and Mr. BOOZMAN.
H.R. 2280: Mr. GRAYSON.
H.R. 2283: Mr. LUETKEMEYER, Mr. ROGERS of Alabama, and Ms. HERSETH SANDLIN.
H.R. 2294: Mr. CHAFFETZ, Mr. CALVERT, Mrs. EMERSON, Mr. GERLACH, Ms. JENKINS, Mr. POE of Texas, Mr. THORNBERRY, Mr. CULBERSON, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. HERGER, Mr. OLSON, Mr. MCCAUL, Mr. MACK, Mr. ROONEY, Mr. MANZULLO, Mr. WITTMAN, Mr. BACHUS, Mrs. BACHMANN, Mr. PITTS, Mr. REHBERG, Ms. FOX, Mr. SAM JOHNSON of Texas, Mr. HASTINGS of Washington, Mr. ALEXANDER, Mr. ROGERS of Alabama, Mr. MARCHANT, Mr. KLINE of Minnesota, Mr. PLATTS, Mr. GRAVES, and Mr. LUETKEMEYER.
H.R. 2321: Mrs. MYRICK.
H.J. Res. 37: Mr. GRAVES, Mr. TIAHRT, and Mr. SCALISE.
H.J. Res. 50: Mr. BILBRAY, Mr. MARSHALL, and Mr. KLINE of Minnesota.
H. Con. Res. 49: Mr. THORNBERRY, Mr. POMEROY, Mr. CALVERT, Mr. CARNAHAN, and Mr. PERRIELLO.
H. Con. Res. 84: Mr. CALVERT.
H. Con. Res. 89: Mr. DOGGETT.
H. Con. Res. 102: Mr. CUMMINGS.
H. Con. Res. 105: Mr. LUETKEMEYER, Mr. BILBRAY, Mr. RANGEL, Mr. GONZALEZ, Mr. SOUDER, Mr. KENNEDY, Ms. DELAULO, Mr. RODRIGUEZ, and Mr. VAN HOLLEN.
H. Con. Res. 107: Ms. SCHAKOWSKY.
H. Con. Res. 108: Ms. HIRONO.
H. Con. Res. 109: Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. CAO, Mr. MARKEY of Massachusetts, Ms. JACKSON-LEE of Texas, and Mr. SERRANO.
H. Con. Res. 112: Mr. COSTA, Mr. ELLISON, and Mr. WOLF.
H. Con. Res. 117: Mr. SCHIFF and Mr. CALVERT.
H. Con. Res. 120: Ms. WATSON, Mr. CUMMINGS, Mr. BERRY, and Ms. SHEA-PORTER.
H. Con. Res. 121: Mrs. BACHMANN and Mr. GOODLATTE.
H. Res. 156: Mr. JONES, Mr. GALLEGLY, Mr. PENCE, and Mr. ROYCE.
H. Res. 192: Mr. MEEK of Florida.
H. Res. 193: Mr. FLEMING and Mr. MCCOTTER.
H. Res. 196: Mr. LIPINSKI, Mr. PIERLUISI, Mr. ADERHOLT, and Mr. BILBRAY.
H. Res. 208: Mr. BILBRAY.
H. Res. 209: Mr. RYAN of Ohio and Mr. HONDA.
H. Res. 225: Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mr. BLUNT, Mr. MCCAUL, Mr. MCHENRY, Mrs. SCHMIDT, Mr. WESTMORELAND, Mr. BISHOP of Utah, Mr. ROSKAM, Mr. BURTON of Indiana, Mr. LINDER, Mrs. BLACKBURN, Mrs. LUMMIS, Mr. SHADEGG, Mr. MCKEON, Mr. BRADY of Texas, Mr. LATTA, Mr. LAMBORN, Mr. PITTS, Mr. FLEMING, Mr. BILIRAKIS, Ms. FALLIN, Mr. BILBRAY, Mr. SHIMKUS, Mrs. MYRICK, Ms. FOX, Mr. KLINE of Minnesota, Mr. OLSON, Mr. MARCHANT, Mr. CONAWAY, Mr. GOHMERT, and Mr. MCCLINTOCK.
H. Res. 241: Mr. LEWIS of Georgia.
H. Res. 245: Mr. BRIGHT, Mr. TANNER, and Mr. PENCE.
H. Res. 271: Mr. KILDEE and Mr. DAVIS of Illinois.
H. Res. 278: Ms. BORDALLO.
H. Res. 297: Mr. POE of Texas.
H. Res. 311: Mrs. DAHLKEMPER and Mr. CARSON of Indiana.
H. Res. 327: Mr. KING of New York and Ms. BORDALLO.
H. Res. 362: Mr. OLVER, Mr. CARNAHAN, and Mr. ORTIZ.
H. Res. 366: Mr. RYAN of Ohio and Mr. SESTAK.
H. Res. 377: Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. DREIER, and Mr. KLINE of Minnesota.
H. Res. 378: Mrs. BLACKBURN.
H. Res. 387: Mr. MILLER of North Carolina, Mr. OLSON, Mr. SESTAK, and Mr. BRADY of Texas.
H. Res. 388: Mr. LAMBORN and Mr. SESTAK.
H. Res. 390: Mr. ALEXANDER, Mr. CAMP, Mr. HARPER, Mr. PETERSON, Mr. WILSON of South

Carolina, Mr. WOLF, Mr. COLE, and Mr. ROSKAM.

H. Res. 397: Mr. PRICE of Georgia and Mr. PENCE.

H. Res. 398: Mr. SMITH of New Jersey, Mr. RODRIGUEZ, Mr. COLE, and Mr. BRADY of Pennsylvania.

H. Res. 399: Mr. MCGOVERN, Mr. KENNEDY, and Mr. SCHIFF.

H. Res. 403: Mrs. MCCARTHY of New York, Mr. CHANDLER, Mr. SNYDER, and Mrs. HALVORSON.

H. Res. 407: Ms. LEE of California, Mr. BRALEY of Iowa, Mr. KIRK, Mr. REICHERT, Mr. LAMBORN, Mr. SESTAK, and Mr. GENE GREEN of Texas.

H. Res. 413: Mr. PALLONE.

H. Res. 415: Mr. PETERSON, Mr. OBERSTAR, Mr. WALZ, Mr. KLINE of Minnesota, Mr. PAULSEN, Ms. MCCOLLUM, Mrs. BACHMANN, and Mr. ELLISON.

H. Res. 416: Ms. MOORE of Wisconsin, Mr. GUTIERREZ, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. MCGOVERN, and Ms. SCHAKOWSKY.

H. Res. 419: Mr. GRAYSON, and Ms. EDWARDS of Maryland.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2110: Ms. HIRONO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2346

OFFERED BY: MR. ROGERS OF KENTUCKY

AMENDMENT No. 1: In chapter 10 of title II, in the item relating to "Global Health and Child Survival", after the first and third dollar amounts, insert "(reduced by \$50,000,000)".

In chapter 10 of title II, in the item relating to "Economic Support Fund", after the first and last dollar amounts, insert "(reduced by \$126,500,000)".

In chapter 10 of title II, in the item relating to "Nonproliferation, Anti-Terrorism, Demining and Related Programs", after the first and second dollar amounts, insert "(reduced by \$23,500,000)".

After title II, insert the following new title (and redesignate the subsequent title and sections accordingly):

TITLE III—COMBATING DRUG CARTELS AND BORDER VIOLENCE

CHAPTER 1—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

DETENTION TRUSTEE

For an additional amount for "Detention Trustee", \$15,000,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$5,000,000, to remain available until September 30, 2010.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For an additional amount for "Interagency Crime and Drug Enforcement", \$75,000,000, to remain available until September 30, 2010.

CHAPTER 2—THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$5,000,000, to remain available until September 30, 2010.

CHAPTER 3—DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$12,200,000, of which \$4,000,000 shall remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for "Construction" for infrastructure costs related to out-bound inspections at ports of entry, \$15,000,000, to remain available until expended.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$52,800,000, of which \$16,320,000 shall remain available until September 30, 2010.

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for immediate cutter maintenance needs, \$10,000,000, to remain available until September 30, 2010.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs" for Operation Stonegarden, \$10,000,000.

H.R. 2346

OFFERED BY: MR. WOLF

AMENDMENT No. 2: At the end of the bill (before the short title), insert the following:

RESTRICTIONS AND REQUIREMENTS REGARDING THE TRANSFER OR RELEASE OF GUANTANAMO BAY DETAINEES INTO THE UNITED STATES

SEC. _____. (a) None of the funds made available in this or any other Act may be used to transfer or release prior to October 1, 2009, an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, for the purposes of detaining, releasing, or prosecuting such individual.

(b) Not later than August 22, 2009, the President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (c). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis carried out by the President describing any risk to the national security of the United States or the residents of the United States that is posed by the transfer or release of the individual.

(2) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the President's plan for such mitigation.

(3) A certification by the President that the President has submitted to the Governor and legislature of the State to which the President intends to transfer or release the individual and certification in writing (to-

gether with supporting documentation and justification) that the individual does not pose a security risk to the United States, and that the Governor and State legislature of that State consent to the transfer or release of the individual.

(4) A certification by the President that the transfer of the individual into the continental United States, Alaska, Hawaii, or the District of Columbia will not have an adverse affect on the United States Government's ability to further detain or prosecute such individual, in accordance with the laws of the United States, for any offenses the individual may have committed.

(c) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Forces of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

(d) Not later than August 22, 2009, the President shall submit to the Congress, in writing, a detailed analysis of the total estimated direct costs of closing the detention facility at Naval Station, Guantanamo Bay, Cuba, and any related costs, including the estimated costs of detention, prosecution, security, and incarceration in the United States of the individuals detained at such facility as of April 30, 2009, and the estimated costs of transferring or releasing such individuals to other countries.

(e) The plan required by subsection (b) and the information required by subsections (c) and (d) shall be submitted in unclassified form, but shall include a classified annex if necessary.

H.R. 2346

OFFERED BY: MR. LEWIS OF CALIFORNIA

AMENDMENT No. 3: In title I, in the item relating to "Pakistan Counterinsurgency Fund"—

(1) in the account heading, insert "Capability" after "Counterinsurgency";

(2) in the matter preceding the first proviso, insert "Capability" after "Counterinsurgency";

(3) in the first proviso, after "law", insert the following: "for the purpose of allowing the Commander, United States Central Command, or the designee of the Secretary of Defense";

(4) in the first proviso, after "capability of Pakistan's", insert "military, Frontier Corps";

(5) in the third proviso, strike "other non-intelligence related"; and

(6) strike the last two provisos.

In chapter 10 of title II, strike the item relating to "Pakistan Counterinsurgency Capability Fund".

H.R. 2346

OFFERED BY: MR. TIAHRT

AMENDMENT No. 4: At the end of the bill (before the short title), insert the following:

May 12, 2009

PROHIBITION ON USE OF FUNDS FOR TRANSFER
OR RELEASE OF INDIVIDUALS DETAINED AT
NAVAL STATION, GUANTANAMO BAY, CUBA, TO
THE UNITED STATES

SEC. _____. Hereafter, none of the funds
made available in this or any other Act for

the current fiscal year or any fiscal year
thereafter may be used to transfer or release
an individual who is detained, as of the date
of the enactment of this Act, at Naval Sta-
tion, Guantanamo Bay, Cuba, to the United
States.

H.R. 2346

OFFERED BY: MR. FRELINGHUYSEN

AMENDMENT No. 5: In title I, strike section
10012 (relating to rescissions of Department
of Defense funds).

EXTENSIONS OF REMARKS

ANNOUNCING THE 12TH ANNUAL
RENEWABLE ENERGY AND EN-
ERGY EFFICIENCY EXPO ON
THURSDAY, MAY 14

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. VAN HOLLEN. Madam Speaker, as co-chair of the bipartisan House Renewable Energy and Energy Efficiency (RE&EE) Caucus, I rise on the occasion of the 12th Annual Renewable Energy and Energy Efficiency EXPO, which will be held this Thursday, May 14 from 9:30 AM—5:00 PM in the Cannon Caucus Room. The EXPO is the RE&EE Caucus's signature event and this year will feature over 50 businesses and organizations showcasing cutting edge sustainable energy technologies. An afternoon speakers' series in 340 Cannon House Office Building will highlight the role that renewable energy and energy efficiency can play in the areas of economic growth, job creation, national security and energy independence. The event is free and open to the public. All are welcome and invited to attend.

HONORING THE UNPRECEDENTED CAMPAIGN TO END TYRANNY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. McCOTTER. Madam Speaker, I rise today in recognition of the Unprecedented Campaign to End Tyranny, which took place on May 9, 2009.

The Unprecedented Campaign to End Tyranny is a Midwest tour across nine states to support the people who have peacefully quit the Chinese Communist Party. It celebrates the condemnation of communism and the evolution of attitudes that encourage freedom of speech, religion, and expression. Since 2004, nearly fifty-four million Chinese citizens have bravely and publicly disassociated themselves with the Chinese Communist Party. This number continues to grow by up to 40,000 each day. The defection movement is gaining in momentum.

Madam Speaker, it is the responsibility and duty of free Americans to stand with those who yearn to be free. I ask my colleagues to join me in honoring the bravery of those who have had the daring audacity to publicly step forward and denounce the stifling oppression of communism, and embrace the ideals of freedom and liberty.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. SCHIFF. Madam Speaker, I rise today to commemorate Asian Pacific American Heritage Month. Last week marked the 30th anniversary of the first ever Asian Pacific American Heritage Week, made possible by a joint resolution signed by President Jimmy Carter.

I am proud to represent one of the most diverse congressional districts in the country. One in four of my constituents is of Asian Pacific heritage—many of whom are of Chinese, Filipino, Korean, Japanese, and Vietnamese descent.

The 29th Congressional District boasts of an impressive list of Asian Pacific American civic leaders who are strongly committed to this community. John Chiang, serving California as Controller, is the highest-ranking Asian Pacific American elected state official. Also, as one of California's twelve constitutional officers, Judy Chu serves as Vice Chair of the California State Board of Equalization. Other state officials include State Senator Carol Liu and Assembly Member Mike Eng. On the local level, we have Alhambra Council Members Stephen Sham and Gary Yamauchi; Alhambra Unified School Board Members Chester Chau and Robert "Bob" Gin; Garvey School Board Members Janet Chin, Henry Lo, and John Yuen; Monterey Park Mayor Mitchell Ing and Council Members David Lau, Betty Tom Chu, and Anthony Wong; San Gabriel Council Member Albert Huang; South Pasadena Council Member Mike Ten; South Pasadena Unified School Board Member Joseph Loo; Temple City Mayor Judy Wong and Council Member Vincent Yu; and Temple City Unified School Board Member Janet Rhee.

During the 110th Congress, I had the distinct honor of introducing legislation to pay tribute to the former Mayor of San Gabriel, Chi Mui, by posthumously naming the San Gabriel Post Office in his honor. Chi was the first Chinese American mayor in San Gabriel, a city where close to half of the population is Asian American. The bill was signed into law on August 12, 2008 and the post office was dedicated on October 25, 2008, one day before Chi's fifty-sixth birthday, making this the third post office in the nation to be named after a Chinese American. In addition, to commemorate Women's History Month earlier this year, I had the privilege of naming Melinda Hsia and Yin Yin Huang Women of the Year in the 29th Congressional District. They are truly exceptional women who have improved the quality of life for our community.

The contributions of Asian Americans to our country is not limited to the above-mentioned individuals. Our Nation has benefited from the

contributions of Asian Americans for decades. The Japanese American 100th Infantry Battalion and 442nd Regimental Combat Team, commonly known as the "Go For Broke" regiments, courageously served our nation during World War II and earned several awards for their distinctive service in combat. Earlier this year, I introduced legislation to pay tribute to the "Go For Broke" regiment by awarding them the Congressional Gold Medal, Congress's highest civilian honor.

This past April marked the 30th anniversary of the Taiwan Relations Act. It has been three decades since the United States and Taiwan codified their commercial and cultural relations and a great number of my constituents have benefited greatly from this action. I also recently had the pleasure of participating in the Committee of 100 19th Annual Conference—a forum to address issues regarding U.S.-China relations and issues of importance to the Chinese American community.

Americans of Asian descent are one of the fastest growing minority groups in the nation. I am positive that in the years to come, we will be adding many more names to the growing list of civic leaders and many more distinctions to their list of accomplishments. I am truly honored to represent the many extraordinary men and women in my district and commend their selfless dedication and service to the community.

COMMEMORATING SEABISCUIT AT RIDGEWOOD RANCH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. THOMPSON of California. Madam Speaker, I rise to commemorate the legendary racehorse Seabiscuit, who lived his final days at Ridgewood Ranch in my congressional district. Today Seabiscuit is being honored by the release of a United States Postal Service commemorative stamped envelope.

This thoroughbred race horse is noteworthy for uplifting the spirit of the nation, for tenacity in the face of adversity and for the beautiful and benevolent ranch where he spent his last years. Described as a "smallish horse with an ungainly stride" Seabiscuit grew to be a champion. His owners Marcela and Charles Howard purchased the 16,000 acre Ridgewood Ranch just south of the town of Willits along Highway 101 in Mendocino County in 1919.

During the Great Depression in the 1930s Seabiscuit became a national favorite and a symbol of hope. The American public cheered him and themselves as he beat the odds winning 33 of his 89 career races. He has been the subject of books, movies and countless articles. His crowning achievement happened in 1938 when Seabiscuit beat the Triple Crown

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

winner War Admiral. This victory is commemorated on the new stamped envelope.

Over the years Seabiscuit recovered from injuries and recuperated at Ridgewood Ranch, drawing up to 50,000 visitors, who made their way to this rural northern California retreat until his death in 1947. Upon his retirement from racing Seabiscuit was horse racing's all-time leading money winner. He sired 109 foals and his stud barn has been carefully restored by the local Rotary Club with help from the Willits Chamber of Commerce and the Mendocino County Museum. He was inducted into the Racing Hall of Fame in 1958.

The Seabiscuit Heritage Foundation protects and preserves the historic buildings and extraordinary natural resources of the surviving 5,000 acres of Ridgewood Ranch. The National Trust for Historic Preservation has identified the habitat as one of America's most endangered historic places. The Ranch hosts a therapeutic horseback riding program for the developmentally disabled. Christ's Church of the Golden Rule has owned the ranch since 1962. It generously hosts visitors to Seabiscuit's barn, walking tours of the ranch and fundraising benefits for such causes as rescue and aid for injured and retired thoroughbred race horses.

Madam Chair and colleagues, I am pleased to enter these remarks into the CONGRESSIONAL RECORD honoring the legendary racehorse Seabiscuit, the Heritage Foundation and Ridgewood Ranch. Let us salute their continuing legacy of historic preservation, environmental conservation and public education.

HONORING TIMOTHY J. DEWITT

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. MCCOTTER. Madam Speaker, I rise today to honor and acknowledge Timothy J. DeWitt, upon his induction into the Recreational Vehicle and Manufactured Homes Hall of Fame.

As the Executive Director of the Michigan Manufactured Housing Association for over thirty years, Timothy has worked tirelessly to educate consumers, the government, and the media about the quality, affordability, and innovative design aspects of mobile homes. A significant leader in both the Housing and RV industries, he has received much acclaim for his direct involvement in their growth and expansion, including receipt of the Stiner Award for Executive of the Year and the MSAE Key Award.

Mr. DeWitt began his career in 1977 as the Housing Director for MMH as well as for the Recreational Vehicle Campground Association. His hard work, commitment to the industry, and dynamic leadership advanced him to the role of Executive Director in 1984. He is currently a key member of the Michigan Bureau of Construction Codes, the Michigan State Advisory Council, and the RV Committee on Excellence. The Recreational Vehicle and Manufactured Home Hall of Fame was founded in 1977, and honors Timothy this year for his outstanding contributions as an exceptional spokesperson for the industries.

In addition to his professional accomplishments, Timothy DeWitt is an active volunteer and proud leader in his community. He is coaching Varsity Soccer at St. Michael School for the twelfth season, and is also responsible for establishing the Harvest Foundation, a non-profit organization geared at educating and providing scholarships for students who are interested in pursuing careers in the recreational vehicle and campground industries.

Madam Speaker, I ask my colleagues to join me in extending sincere congratulations to this year's Recreational Vehicle and Manufactured Homes Hall of Fame Honoree, Timothy J. DeWitt, for his dedication to professional excellence and passionate loyalty to our community and country.

IN HONOR OF CYNTHIA DETTLEBACH, ROB CERTNER AND ALICE FINGERHUT OF THE CLEVELAND JEWISH NEWS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Cynthia Dettelbach, Rob Certner and Alice Fingerhut as they retire from the Cleveland Jewish News (CJN) this year following a combined 80 years of service to the Cleveland Jewish community. I stand in recognition of their dedication to their community and their work as they celebrate the upcoming 45th anniversary of the Cleveland Jewish News on June 18, 2009.

Cynthia Dettelbach retires after an illustrious 31-year career at CJN, 29 of which she served as the newspaper's editor. In her capacity as a journalist, she traveled to Lebanon in 1982 to cover the Israeli-Lebanese war; visited refuseniks in the Soviet Union in 1985 and again in Israel and the United States after the fall of the Iron Curtain. During her time in Israel, she attended numerous international press conferences, met with members of the Ethiopian Jewish community and visited Palestinian refugee camps prior to the first Intifada in 1987. Cynthia was recognized countless times for her columns and articles from the Society of Professional Journalists, American Jewish Press Association and Women in Communications, among others. During her time at CJN, she expanded their coverage to include the arts, politics and controversial opinions which were formerly marginalized or omitted. In 2006, she was inducted into the Cleveland Journalism Hall of Fame.

Rob Certner worked at CJN for 11 years, many of which he served as its Chief Executive Officer, overseeing the expansion of CNJ to include the Source, JStyle, CJNs first website and its move to its current location in Beachwood. Rob served as treasurer of the American Jewish Press Association for 3 years, and served as its president for 1 year. He also served on the executive committee as Treasurer of the Beachwood Chamber of Commerce. During his tenure as CEO, Rob nearly doubled CJN's revenue.

Alice Fingerhut began her career at CJN in 1971, writing each subscriber's name by hand

in a ledger and stamping each mail label. As the Executive Assistant for the paper, she was the public's first point of contact with the CJN offices and stayed with the paper as its offices moved around Cleveland and as the operations changed to include faxes, copiers and computers. For the last 38 years, Alice provided compassion, understanding, and empathy to the Cleveland Jewish community as they would deliver obituaries and news of happier occasions for the paper through CJNs front door. While working at CJN, Alice raised her 2 daughters, Ruth and Lisa, and her son Eric, who served the Cleveland community as a Member of the House of Representatives in the 1990s.

Madam Speaker and colleagues, please join me in honor of Cynthia Dettelbach, Rob Certner and Alice Fingerhut upon their retirement from the Cleveland Jewish News and in celebration of CJNs upcoming 45th anniversary on June 18, 2009.

KIMBERLY CROSS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kimberly Cross who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kimberly Cross is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kimberly Cross is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kimberly Cross for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

THE MEDICAID BIRTH CENTER REIMBURSEMENT ACT OF 2009

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Medicaid Birth Center Reimbursement Act.

Birth centers offer an alternative birthing environment to hospitals for mothers with healthy, low-risk pregnancies. They are also part of a vital safety net for Medicaid mothers across the country.

Last year, administrators at a birth center in my district reached out to me, distraught with what they saw as an impending Medicaid repayment crisis. Even though birth centers had

been recognized as Medicaid providers by the Centers for Medicare & Medicaid Services (CMS)—and, earlier, by HCFA—since 1987, over the past few years, CMS has begun disallowing federal matching funds for state Medicaid payments for freestanding birth center facility fees.

A recent decision by a federal administrative judge ruled against birth centers in a Texas Medicaid case, stating that CMS is not required to pay any state their federal match for birth center facility fees.

Without payment of these facility fees, birth centers in all states could be pushed to the brink of closure.

Today, I, along with my colleague Representative GUS BILIRAKIS, am introducing the Medicaid Birth Center Reimbursement Act, to ensure Medicaid birth center facility fee payments to states.

I urge you, Madam Speaker, and all of my colleagues, to support this legislation and ensure continued access to quality health care for pregnant women served by our Medicaid system in their districts.

REINTRODUCTION OF "VOTERS'
RIGHT TO KNOW ACT"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mrs. MALONEY. Madam Speaker, today, I, along with Representative PETRI (R-WI), reintroduce legislation to subject operators of push polls or phone banks to the same disclosure requirements as other types of political communication. It will not ban push polls or phone banking—it will simply create a level playing field for all types of political communication. Under this bill, any person conducting these types of calls would be required to disclose to each recipient of a call the identity of the organization paying for the call. In addition, the bill would require that campaigns and other organizations that conduct advocacy phone calls report to the Federal Election Commission (FEC) the number of households they have contacted and the script they used in making the calls. The bill would not interfere with legitimate polling, conducted either by candidates or independent organizations, as it would only apply to phone banks in which more than 1,500 households are contacted within the 25 days preceding a federal election.

TRIBUTE TO JACK MALTESTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. STARK. Madam Speaker, it is with deep sadness that I acknowledge the passing, on May 1, 2009, of former San Leandro Mayor Jack Maltester. His colleagues have aptly described Jack as "the most powerful small-town mayor in this country. None of us can duplicate what he did."

Jack Maltester transformed the face of San Leandro during his 20 years of service as mayor from 1958 to 1978. Even as a private citizen, his influence remained strong in San Leandro, the city in which he was born in 1913.

A printer by trade, Jack served an interim term on the council in the late 1940s. He won election to the council in 1956, was selected by the council as Mayor two years later, and became the city's first Mayor elected directly by the residents of San Leandro instead of the City Council.

He was re-elected in 1966, 1970, and 1974 but was forced to leave office in 1978 after a voter approved two-term limit was enacted.

While serving as San Leandro's chief executive, Jack was president of both the U.S. Conference of Mayors and the League of California Cities. Presidents Johnson, Nixon and Ford appointed him to a federal commission five times.

Jack remained active in San Leandro affairs until his death at age 95. He founded The Sentinels, a group of local businessmen who provide support to local political candidates and ballot measures. He also served as President of the San Leandro Chamber of Commerce and President of the California League of Cities.

He cultivated political talent, represented private real estate developers, served on the Oakland-Alameda County Coliseum board and was a member of local civic and regional committees.

I feel privileged to have known Jack. I treasure the opportunity I had to work with him during his tenure as the City of San Leandro's Chief Executive, and the relationship we maintained when he became a private citizen.

I join the community of San Leandro in honoring Jack Maltester. He truly loved the city of his birth and gave it his all during his lifetime. His presence and contributions will be felt for years to come.

SARAH ELLIS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Sarah Ellis who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Sarah Ellis is a junior at Ralston Valley High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sarah Ellis is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Sarah Ellis for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

RECOGNIZING DALTON PEPPER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Dalton Pepper, a member of the Pennsbury High School boys' basketball team and 2009 Pennsylvania player of the year. Dalton has excelled as a student athlete in Bucks County, and I am eager to see him continue that legacy next year at West Virginia University.

Dalton's hard work and dedication led him and his teammates to four straight undefeated league championships and into their fourth PIAA AAAA State playoff. He was recently named The Associated Press' 2009 Pennsylvania Class AAAA boy's basketball player of the year.

These performances earned Dalton a position on the Pennsylvania all-state team. His high school career record of 2,207 points, nearly 1,000 rebounds and a 104–20 record is an extraordinary accomplishment.

The recognition and awards Dalton has received throughout his high school basketball career are no small feat. For his leadership and determination, he has gained respect from his coaches and teammates, not to mention the admiration of our community, which has cheered him along throughout his career.

Madam Speaker, I ask that you join me in recognizing Dalton Pepper for his hard work and dedication to the Pennsbury High School boys' basketball team—he sets an example for student athletes everywhere and I am proud to represent him.

CONGRATULATING JIM YOUNG

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate my good friend Jim Young on his recent retirement as an Iowa Director for the National Education Association (NEA). Jim has dedicated his life to the education of children and the representation of teachers. Jim has been teaching in Cedar Falls, Iowa, for 25 years at the elementary school level.

Jim has been actively involved at all levels of the National Education Association. He has held virtually every leadership position at the local level serving as president, vice president, treasurer and building representative. Jim has also chaired several different association committees including Governmental Relations, Communications and American Education Week.

In 2003, Jim began his first 3-year term as a member of the board of directors for the NEA. As an NEA director, Jim advocated for issues affecting Iowa teachers at the national level of the NEA. Jim served two terms as an NEA director and retires from the position this year as it is term limited to two terms.

I'm happy to report that Jim will begin his 26th year of teaching this fall. He will be

teaching 4th grade at Helen Hansen Elementary School in Cedar Falls. I congratulate him on all of his success and wish him the best in all of his future endeavors.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. FORTENBERRY. Madam Speaker, from Tuesday, May 5 through Thursday, May 7, 2009, I was provided a leave of absence from the House of Representatives due to the hospitalization of my daughter, and thus I missed rollcall votes Nos. 231–242. Had I been present, I would have voted “aye” on Nos. 231, 232, 233, 234, 235, 236, 239, 240, 241, and 242, and “nay” on Nos. 237 and 238.

HANNAH CLAYTON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Hannah Clayton who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Hannah Clayton is a senior at Compass Montessori High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Hannah Clayton is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Hannah Clayton for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

ON THE RETIREMENT OF DR. LAVERNE RAGSTER FROM THE PRESIDENCY OF THE UNIVERSITY OF THE VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mrs. CHRISTENSEN. Madam Speaker, it is with great pride and much gratitude that I rise to salute Dr. LaVeme Erin Ragster as she steps down from the Presidency of the University of the Virgin Islands.

Dr. Ragster was born and raised on St. Thomas, U.S. Virgin Islands, where she graduated, as valedictorian, from Charlotte Amalie High School in 1969. Her educational career includes completion of a bachelor of science

degree in biology and chemistry, in 1973, from the University of Miami, a master of science degree in biology with an algal physiology concentration, in 1975, from San Diego State University, and a doctorate in biology with a plant biochemistry concentration, in 1980, from the University of California, San Diego.

Early in her career, Dr. Ragster served as a member of the teaching faculty at the College, which became the University of the Virgin Islands, where she was promoted from assistant professor to professor of marine biology. During that period she worked with a number of regional organizations, including the Caribbean Studies Association (past president), Caribbean Natural Resources Institute (former board member, past chair of the board), Caribbean Conservation Association (past vice president), Island Resources Foundation (board member), The Nature Conservancy (former board member) and the Caribbean Council for Service and Technology (USVI representative).

In addition to her professional activities, Dr. Ragster has always been actively involved in her community. She has served as president of the League of Women Voters of the Virgin Islands, and in a number of leadership positions in the territory in non-governmental organizations, particularly in the areas of education and the environment.

The second decade (and beyond) of Dr. Ragster's career has been devoted to professional pursuits leading to positions of progressively greater administrative responsibilities. She held positions such as: Chair of the Division of Science and Mathematics; Faculty Trustee to the UVI Board of Trustees; Acting Vice President for Research and Land Grant Affairs; Vice President for Research and Public Service; and Senior Vice President and Provost at UVI. In addition, during this period Dr. Ragster published a number of papers on the role of natural resources in resource management and development, produced programs for the training of faculty and resource managers, and developed curriculum materials to teach natural resource management at the university level in the Caribbean.

Dr. Ragster helped to link UVI with other higher education institutions in the region when she served as sub-secretary general for the Association of Caribbean Universities and Research Institutes (UNICA) and as the coordinator of the Caribbean Universities for Natural Resource Management. More broadly, Dr. Ragster has served as a member of the U.S. delegation to the United Nations Environment Program, as a member of the national Marine Fisheries Advisory Committee and as a member of the National Commission on Environmental Justice.

For the last seven years of her career, Dr. Ragster has served as President of the University of the Virgin Islands. She became the first female and fourth president of the University of the Virgin Islands on August 1, 2002. Dr. Ragster currently serves as a member of the UVI Research and Technology Park Board, past Chair and current member of the University Consortium for Small Island States Governing Board, Vice President for the Association of Caribbean Universities and Research Institutes (UNICA), member of the Liga Atletica Interuniversitaria de Puerto Rico y las

Islas Virgenes Governing Board, a member of the American Council on Education's Organization of Women in Higher Education, a facilitator for the American Council on Education's Institute New CAOs, member of the Alexander Hamilton Distinguished Public Service Award Selection Committee, and the Caribbean National Resources Institute Partner, since 2009.

During her tenure as President, Dr. Ragster's leadership and commitment to excellence has been recognized by those both at home and abroad. Among community groups that have honored President Ragster are the Business and Professional Women's Organization, which named her person of the year for 2003. In March 2009, The Rotary Club of St. Thomas II bestowed the Paul Harris Award upon Dr. Ragster, as did The Rotary Club of St. Thomas East. Dr. Ragster has also been an honorary member of The Rotary Club of St. Thomas II for the past three years.

In early 2006, around the mid-point of her Presidency, Dr. Ragster received a Drum Major for Justice Women Leadership in Higher Education Award from the SCLC/W.O.M.E.N., Inc in Atlanta, Georgia. Dr. Ragster is married to Lloyd Gardner, an environmental planner, and they have two sons, Adrian and Alex.

Madam Speaker, throughout her stellar career, Dr. Ragster has displayed academic and professional integrity which has translated into the advancement of her students, her peers and indeed the entire Virgin Islands community. As she steps down from the presidency of the University, we are sure that this is but a step in the direction of even more commitment to community and advancement in both the personal and professional sphere. On behalf of the people of the United States Virgin Islands, I would like to wish one of their favored daughters, Godspeed, as she moves forward on her life's journey.

HONORING MEMBERS OF THE DELTA BATTERY, 216TH AIR DEFENSE ARTILLERY BATTALION FOR RECEIVING THE ARMY'S VALOROUS UNIT AWARD

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to recognize the Delta Battery, 216th Air Defense Artillery Battalion as it is honored with the Army's Valorous Unit Award. This award requires an immense display of courage and skill from the United States Army unit when faced with a hazardous situation.

I want to congratulate every member of the Delta Battery for their contributions to the Battalion and especially for the actions that have led to earning this award. As the second highest award a Battery unit can receive, you should be proud of your efforts as individuals coming together to accomplish a mission as a team. Your heroic actions are what make America's uniformed services the pride of America.

Madam Speaker, it is my privilege to honor the Delta Battery, 216th Air Defense Artillery

Battalion today. Their heroic acts of bravery are what keep our national values and liberties safe. Every American owes our servicemen a debt of gratitude and I hope these fine soldiers know that we appreciate all that they do.

DANIELLE CONTRERAZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Danielle Contreras who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Danielle Contreras is a senior at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Danielle Contreras is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Danielle Contreras for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

CONGRATULATING THE THOUSAND ISLANDS WINERY AS THE NEW YORK WINE AND GRAPE FOUNDATION'S WINERY OF THE YEAR

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. McHUGH. Madam Speaker, I rise today to congratulate the Thousand Islands Winery upon being named the 2009 Winery of the Year by the New York Wine and Grape Foundation at its 38th annual New York Wine Industry Workshop and Unity Banquet. I am pleased to have the opportunity to recognize the winery and its owners, Steve and Erika Conaway, and extend my sincere wishes for their continued success.

The Thousand Islands Winery is located between Clayton and Alexandria Bay in Jefferson County, New York, which I am proud to represent. This incredibly picturesque area is known as the Thousand Islands Region and consists of over 1,000 islands that are located along the U.S.-Canada border within the St. Lawrence River and Lake Ontario. Tourism has long been a crucial component of the economy.

The winery, which the Conaways established on May 16, 2002, holds the unique distinction of being the northern most farm winery in New York State. It has produced over 25,000 gallons of wines in 14 varieties and has won 21 medals for its wines in national

and international competitions. Notably, its blush wine "Alexandria Bay Rose" won a double gold, best in class, at the 2008 National Women's Wine Competition in Santa Rosa, California.

Additionally, the winery was a founding member of the Thousand Islands-Seaway Wine Trail, which is over 78 miles long, and has already attracted more than 52,000 visitors since it was launched in 2007. The trail now consists of two grape nurseries, nineteen vineyards, and includes three other local wineries: the Coyote Moon Winery in Clayton, the Otter Creek Winery in Philadelphia, and the Yellow Barn Winery outside of Sackets Harbor.

Given the importance of economic growth to New York's 23rd Congressional District, I am particularly appreciative of the work done by the Thousand Islands Winery and others to develop the wine industry and the wine trail and thereby enhance the economy of the region.

PERSONAL EXPLANATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. BACA. Madam Speaker, I voted in favor of H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act, during the first final passage vote. The vote was vacated three minutes into the vote due to a parliamentarian error. I had left the building to return to California due to possible minor surgery on Friday, May 8, 2009.

IN RECOGNITION OF THE LIFE AND LEGACY OF DR. MARIAN ALICE "MALLY" MOODY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the life and legacy of Dr. Mally Moody, her steadfast service in education, and her willingness to give back to her community in Oxford, Alabama.

Dr. Moody was born in Massachusetts on February 13, 1947, and came to Alabama over 30 years ago. As most folks that knew her can attest, she dedicated her life to education—working with students, teachers and school administrators alike. She taught math at Oxford High School and after retiring served on the Oxford School Board. She was in line to be the next president of the board.

Those she taught and all who knew her lovingly referred to her as "Doc" Moody.

Dr. Moody passed away on April 3, 2009, at the age of 62. On April 11, 2009, a celebration of her life was held at Grace Episcopal Church in Anniston, Alabama.

I am honored to help recognize this inspirational educator who spent her lifetime learning and always teaching. It is my hope her mem-

ory will serve as an example of what all educators can aspire to be.

BRENDA CATARINO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Brenda Catarino who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Brenda Catarino is a freshman at Ralston Valley High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Brenda Catarino is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Brenda Catarino for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING THE 34TH ANNUAL CAPITAL PRIDE FESTIVAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Ms. NORTON. Madam Speaker, I rise to pay tribute to the 34th Annual Capital Pride Festival, a celebration of the National Capital Area's Gay, Lesbian, Bisexual and Transgender, GLBT, communities, their families, and friends.

The Capital Pride Festival has grown from a small block party in 1975 to the current ten-day-long celebration. This year Capital Pride Festival culminates with what Washington's City Paper has declared D.C.'s Best Parade for two years running, the Pride Parade on June 13th and "The Main Event," a street fair on Pennsylvania Avenue in the shadow of the Capitol, June 14th.

This year, the Festival's new organizers, the Capital Pride Alliance, Inc., anticipates an attendance of 250,000, making Capital Pride one of the largest GLBT festivals in the United States.

2009 marks the 40th anniversary of the Stonewall Riots, which, in the early hours of June 28, 1969, New York City's GLBT community spontaneously and publicly asserted its rights in defiance of government oppression. The Capital Pride commemorates this event with the theme "Generations of Pride: Celebrate and Remember."

I have marched in the Pride parades since coming to Congress to emphasize the universality of human rights and the importance of enacting federal legislation to secure those

rights for the GLBT community and the District of Columbia. Congress has much work to do. We must pass The Family Leave Insurance Act of 2009, Employment Non-Discrimination Act, The Local Law Enforcement Hate Crimes Prevention Act/Matthew Shepard Act, Safe Schools Improvement Act, The Military Readiness Enhancement Act, The Domestic Partnership Benefits and Obligations Act, Tax Equity for Health Plan Beneficiaries Act, The Family and Medical Leave Inclusion Act, Uniting American Families Act, Responsible Education About Life Act, and the Early Treatment for HIV Act.

This year, as Iowa, Maine, and New Hampshire have extended full rights to their GLBT residents. Our city of 600,000 residents, 10 percent more residents than the entire State of Wyoming, who pay more taxes per capita than 49 of the 50 states, remains the only jurisdiction in the United States where all its citizens are denied their basic rights by being subjected to Taxation Without Representation.

The residents of our Nation's Capital are entitled all their rights as citizens. I support and I will defend, D.C. Council's action to extend full faith and credit to all marriages contracted in the United States as necessary to stabilize and protect all D.C. Families.

I ask the House to join me in welcoming the celebrants attending the 34th Annual Capital Pride Festival in Washington, DC, and I take this opportunity to remind the celebrants that U.S. citizens who reside in Washington, DC are taxed without full voting representation in Congress.

PUBLIC SERVICE RECOGNITION WEEK

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. REYES. Madam Speaker, El Paso, Texas has a strong history of public service. Everywhere in our community we are surrounded by people working for the common good and devoting their lives to helping others. Our city is very fortunate to count on local, county, state, and federal employees, who work tirelessly behind the scenes to ensure that our children are taught, our sick are provided the medical care they need, and everyday citizens have access to vital services.

Our public servants are not recognized or thanked enough for the work they do. In honor of public service recognition week, I would like to take this opportunity to express my appreciation for our public servants in El Paso, Texas. Here are just a few examples of those who continue to make significant contributions to our community.

Mrs. Deborah Hamlyn is a homegrown El Pasoan and veteran City employee of over 30 years. After being recruited by the City of El Paso for an internship with the Planning Department, Ms. Hamlyn continued to advance within the organization. She maintained various planning positions and in 1987 ultimately became the first female Director of Community and Human Development where she remained for over 15 years. Ms. Hamlyn now serves as

Deputy City Manager and has worked tirelessly to improve the quality of life of her fellow El Pasoans.

Mr. Ray Resendez, III serves as the Regional Liaison Manager for the Governor's State Division of Emergency Management. After 20 years of serving the El Paso community as a firefighter, Mr. Resendez spends his energy making sure that our community is prepared for any unforeseen disaster or emergency. In these times of a heightened state of alert, Mr. Resendez serves the people of El Paso well, with great dedication and passion.

Another great example is Mr. Rodney Thompson at the Veterans Affairs Office in El Paso. He has worked diligently over the years to ensure that our nation cares for our veterans and affords them the dignity and respect that they deserve. He manages our veterans' cases and has been a great partner.

In addition to Mr. Thompson, our seniors and veterans in El Paso are fortunate to have people like Mrs. Rosanna Monge, a nurse practitioner at the El Paso Veterans Affairs Health Care Clinic. Mrs. Monge has been a reliable advocate for our veterans when it comes to their health needs and is passionately committed to taking care of these men and women who have given so much.

Mrs. Nellie Velez is another great example of an outstanding public servant. She is the District Manager at the Social Security Administration in El Paso and takes great care in advocating on behalf of our seniors.

Ms. Isabel Mullens, the Acting Assistant Director of Field Operations at Customs and Border Protection in El Paso, has also devoted much of her life to serving our community. She started her career with the federal government on November 12, 1973. Initially hired as a GS-02 clerk at White Sands Missile Range in New Mexico, she has risen to her current position through years of hard work and dedication. Thousands of people cross back and forth from El Paso, Texas to Ciudad Juarez, Mexico both on foot and by car as our communities share strong economic, social, and cultural ties. Mrs. Mullens serves our community with compassion and vigilance ensuring that our ports facilitate trade and commerce and are safe and secure.

Madam Speaker, I am proud to represent the people of the 16th Congressional District. Our community is vibrant and strong because of the individuals I have highlighted and the thousands of other public servants in El Paso who take pride in their work and their service to our nation. I salute all our public servants and honor them for their efforts.

TROY CAOILE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Troy Caoile who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Troy Caoile earned his GED and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Troy Caoile is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Troy Caoile for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his high school career to his academic career to his future accomplishments.

INTRODUCTION OF LEGISLATION TO REQUIRE THE ACCREDITATION OF ENGLISH LANGUAGE TRAINING PROGRAMS, AND FOR OTHER PURPOSES

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. SMITH of Texas. Madam Speaker, I am pleased to introduce, along with Chairman BARNEY FRANK, legislation that requires the accreditation of English language training programs for student visa holders.

Accreditation of these programs will ensure that foreign students here on temporary visas receive the high level English language education that they deserve and expect. And this legislation will help give the students a positive experience in America.

The bill prevents fraud in the student visa program and raises the quality of English language training programs in the United States. It does so by requiring accreditation, which is achieved only after certain learning criteria are met.

Under section 101(a)(15)(F) of the "Immigration and Nationality Act," a foreign national can get a student visa to study at a U.S. college, high school, or other learning institution, such as an established "language training program . . . approved by the Secretary of Homeland Security after consultation with the Secretary of Education. . . ."

This bill requires that a nonimmigrant foreign student seeking to enter the United States to study at a language training program must enroll in a program that is recognized as accredited by the Secretary of Education. The Senate passed this legislation by unanimous consent last Congress.

Intensive English Programs ("IEPs") serve to teach English to foreign students. There are about 75,000 such students in the United States. The programs range in length from 2 weeks to 1 year, but average 12 weeks. There are nearly 1,000 IEPs in the U.S., and students must study a minimum of 18 hours per week to meet their visa requirements.

Currently all IEPs must be officially recognized, but that sometimes means there is just a check to see that the building in which the IEP is supposedly located actually exists. The result of such lax monitoring is fraud in the IEP community.

Illegitimate IEPs either do not teach English well or serve as scams for individuals who

want to come to the United States through fraudulent means. In April 2008, the Los Angeles Times reported, "The operator of two English language schools was charged Wednesday with running a scheme that allowed foreign nationals, including several Russian prostitutes, to fraudulently obtain student visas to enter and stay in the United States."

And just 2 weeks ago, two individuals who ran an English language school for immigrants in Duluth, GA, were indicted for submitting fraudulent documents to the Department of Homeland Security. They did so in order to get student visas for "dozens, and perhaps hundreds, of 'students.'"

Such fraudulent programs, along with IEPs that do not function well, tarnish the reputation of the entire IEP industry. That's why the American Association of Intensive English Programs supports this legislation. And legitimate IEPs are interested in ensuring the quality of their programs.

Under this bill, IEPs can meet the accreditation requirement in one of two ways. First, they can be under the governance of a university or college that has been accredited by a regional accrediting agency recognized by the U.S. Department of Education. Or, second, they can be individually accredited by the Accrediting Council for Continuing Education and Training (ACCET) or the Commission on English Language Program Accreditation (CEA).

The three typical steps in the accreditation process are (1) the completion of a written self-study that documents how the program or institution meets the standards of the accreditation agency; (2) a site visit by an agency team to verify that standards are being met; and (3) follow-up measures on the part of the school to correct any deficiencies, subject to review and final approval by the accreditation agency.

Currently, many legitimate IEPs are voluntarily becoming accredited on their own.

I support this legislation and encourage my colleagues to cosponsor the bill.

KELSEY COMPTON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kelsey Compton who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kelsey Compton is a senior at Compass Montessori High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kelsey Compton is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kelsey Compton for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit

the same dedication she has shown in her academic career to her future accomplishments.

COMMEMORATING THE ROCKY FLATS 1969 FIRE

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. POLIS. Madam Speaker, I rise today to commemorate one of the most fateful days in the history of the State of Colorado, the day the Rocky Flats Nuclear Weapons Plant outside of Boulder nearly became America's own Chernobyl, some 30 years before that terrible accident in the Ukraine.

On Mother's Day of that year, a fire broke out amid the glove boxes in Building 776, where plutonium spheres were being manufactured for use as cores for some of the most powerful weapons in human history. The fire quickly spread throughout the facility, as many of the fire alarms had been removed to make room for more production. It is estimated that between 0.14 and 0.9 grams of plutonium 239 and 240 were released before a heroic band of perhaps 40 firefighters were able to control and eventually douse the fire. Those firefighters faced the immense decision of whether to battle the blaze with water, which could have set off a chain reaction with the resulting explosion literally contaminating the entire Denver metropolitan area. Luckily for us all, they chose correctly.

Still, plutonium was released into the environment from that accident, through the air vents in the roof of the building and via firefighters exiting it. Thousands of Coloradans were exposed, although how many we'll never know. The firefighters, of course, were exposed most severely, and everyone nearby faced greatly increased risks of serious disease. Indeed, many of those involved have since contracted and died from cancers and other conditions tied to radiation exposure.

I bring up the 1969 accident not only because today, May 11, is its 40th anniversary. I bring it up because the Americans who worked at Rocky Flats and other nuclear facilities around the Nation deserve our thanks, and our support, now that the nuclear arms race is a matter for the history books. They faced enormous risks. They worked with materials that are among the most toxic known to mankind, with half-lives of hundreds of thousands of years, all so that under the prevailing ideology of the time we were able to live our lives safely. They are American heroes every bit as much as our wartime soldiers. In a sense, they were wartime soldiers: Soldiers of the nuclear cold war, and many gave their lives.

Several weeks ago, I along with my Colorado colleagues, Representatives PERLMUTTER, DEGETTE, SALAZAR, and COFFMAN, and Senators UDALL and BENNET, introduced H.R. 1828, the Charlie Wolf Nuclear Workers Compensation Act. The act would finally cut through the red tape that has prevented America's nuclear workers from gaining the compensation they were promised in exchange for

their dangerous service. I urge my colleagues to take a moment to remember the risks and sacrifices made by heroic men and women in our nation's nuclear production facilities, which were located in virtually every State in the country, and to pass this historic piece of legislation.

FRANK CASADOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Frank Casados who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Frank Casados is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Frank Casados is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Frank Casados for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

TRIBUTE TO MS. ROSA WALKER

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. RODRIGUEZ. Madam Speaker, I rise to recognize Ms. Rosa Walker, former Director of the Texas AFL-CIO, for her 38 years of visionary leadership. As a stalwart trailblazer in the Texas labor movement and Democratic politics, Rosa's accomplishments and admirers are many. Beyond her personal politics or civic niche, we can all celebrate her lifelong commitment to community involvement and public service.

Born in the Piney Woods in Hemphill, Texas, Rosa earned her high school degree from Pineland High School before she took up a career at Southwestern Bell. She subsequently joined the Communication Workers of America (CWA) where organizing piqued her interest. With CWA she served as a commercial job steward, rose through the ranks, and would ultimately become a member of the CWA Executive Board. Later Rosa would join the union movement in a full-time capacity as an organizer for the Industrial Union Department of the AFL-CIO. After working with the Harris County AFL-CIO, she joined the larger Texas affiliate in 1965, where she dutifully served until her retirement in 2003.

For nearly four decades Rosa served as Director of Community Services/Volunteers and Women's Activities Director with the Texas

AFL-CIO. Throughout her tenure she championed the causes of "the least of these" and crusaded for social justice wherever it was found wanting. In spite of her often disparate tasks—coordinating disaster relief operations, lobbying the Texas legislature, or directing voter registration drives—Rosa brought a contagious sense of purpose to her duties. Middle class families across Texas owe her a debt of gratitude for her tireless efforts to open doors of opportunity. While politicians are thrust into the limelight, we would be remiss and foolish if we did not salute the too often unrecognized grassroots work of individuals like Rosa Walker. They truly help us to believe that social change can truly percolate from the bottom up.

CONCEPCION ENRIQUEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Concepcion Enriquez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Concepcion Enriquez is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Concepcion Enriquez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Concepcion Enriquez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

TRIBUTE TO SLAVCO MADZAROV

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Mr. Slavco Madzarov who will be recognized on May 5, 2009 by Catholic Charities of the Archdiocese of Newark as "Humanitarian of the Year." It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for his story is a true embodiment of the American Dream.

Slavco Madzarov was born in Maravci in the Republic of Macedonia on August 16, 1957. After earning an Associates Degree in Skopje and completing his mandatory military service in the Army, Slavco left Macedonia to come here to the United States of America to find a better opportunity to fulfill his potential.

Slavco arrived here in December 1987, settling in Paterson, NJ. Three years later, he

married the love of his life, Kamenka, and they moved to Clifton, NJ, where they still reside with their children, daughter Blagica, now 16, and son Steven, now 13. Slavco and his wife are naturalized citizens of the United States.

Within a few years of coming to the United States, Slavco opened his own business. Slavco Construction, Inc., specializes in removing asbestos and professionally executing technical and specific construction tasks. Slavco Construction, Inc. has grown rapidly and is recognized as one of the most respected construction firms in New York, New Jersey, Connecticut, and Pennsylvania. The company prides itself on abiding by environmental construction regulations. Slavco's talent, hard work and dedication have allowed him to celebrate the 18th anniversary of Slavco Construction, Inc., as a company in continual growth.

Slavco has made the most of the opportunities that have been possible for him, and he is always willing to help others in return. He spends much of his energy, good will and financial resources to improve the lives of the residents of New Jersey and also those in his homeland of Macedonia. Slavco has completed Community Emergency Response Team training, conducted by FEMA, and is a member of the President's Citizens Corps. In addition, he is an active member of the New Jersey Chamber of Commerce, the President's Club, and the New Jersey Business and Industry Association.

Slavco has received awards and honors from the Passaic County Sheriff's Department, the Polish-American Children's Foundation, Passaic County 200 Club, New Jersey Civil Service Association, the Sheriff Jerry Speziale Foundation for Community Service, and the Giblin Association. He was named Man of the Year by the Greater Paterson Leadership Council. In a resolution passed by the New Jersey General Assembly, Slavco was recognized for his numerous and significant contributions to the State of New Jersey. He has been granted an Honorary Chieftainship in Nigeria and has participated on a mission to the country in 2003 to review and analyze the socio-political and economic situation there.

In the Macedonian community, Slavco is a member and supporter of the Macedonian Orthodox Churches Sts. Kiril and Metodij in Cedar Grove, New Jersey, and St. Nikola in Totowa, New Jersey. He is an avid soccer fan, and is a supporter of the Macedonian Soccer Club of Clifton, New Jersey, and the Miravci Soccer Club in Macedonia. Since its founding in 2004, Slavco has strongly supported the United Macedonian Diaspora, the only Washington, DC-based international organization representing Macedonians and Macedonian communities around the world. Slavco is the recipient of the September 14th Golden Plaque Award from the municipality of Sveti Nikole in Macedonia. Slavco and his family frequently visit Macedonia.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Slavco Madzarov.

Madam Speaker, I ask that you join our colleagues, Slavco's family and friends, all those who have been touched by him, and me in recognizing the outstanding contributions of Mr. Slavco Madzarov to his community.

HONORING LESLIE ANN JONES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to recognize Leslie Ann Jones, Director of Music Recording and Scoring for Skywalker Sound, in Marin County, California, for her 35 years as a trailblazer in the recording and music industries.

Ms. Jones began her career, making history as the first female engineer at ABC Recording Studio. Next, Ms. Jones joined the team at the legendary Automatt Recording Studios. It was there she began her film score mixing career, working on such acclaimed films as *Apocalypse Now*. She also recorded with many jazz greats, such as Herbie Hancock, Bobby McFerrin and Angela Bofill.

Ms. Jones took the experience and knowledge she gained while at Automatt and began a long and respected tenure at Capitol Recording Studios in Hollywood. While there Ms. Jones worked with such talents as Rosemary Clooney, Michelle Shocked and Michael Feinstein. Some of her film credits from Capital include, *Grace of My Heart*, *Lost Highway* and *White Men Can't Jump*.

In February of 1997 Ms. Jones joined Skywalker Sound. After only a short time she was elevated to her current position as Director of Music Recording and Scoring, becoming the first woman to hold this position. During her career at Skywalker Sound Leslie has won two GRAMMY awards. The first in 2004 for Best Chamber Music Recording for the Kronos Quartet's "Berg" project; the second in 2005, when she won as a recording engineer for Best Jazz Vocal Album for Diane Reeves' "Good Night and Good Luck" soundtrack.

In keeping with her tradition of "firsts" Ms. Jones also became the first female National Chair of the National Academy of Recording Arts & Sciences.

Leslie Ann Jones is an inspiration for women in her industry; she continues to lead a fulfilling and accomplished career, marked with a pattern for establishing "firsts." I am honored to call her a constituent; congratulate her for her mastery in the recording studio, and thank her for her efforts to encourage women on the technical side of the recording community.

STEPHANIE CHAPPEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Stephanie Chappel who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Stephanie Chappel is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Stephanie Chappel is exemplary of the type of achievement that can be attained with hard work and

perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Stephanie Chappel for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

RECOGNIZING THE LIFE AND CONTRIBUTIONS OF CAPTAIN JOHN FREIDHOFF

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of Captain John Freidhoff, a beloved member of the Western New York community who died tragically on October 19, 2007 in a diving accident, while working for our region and our waterfront. Our community honors him today through the dedication of a research vessel operated by Buffalo State College's Great Lakes Center.

Captain Freidhoff's commitment to the Western New York community is evident by simply understanding the multitude of activities, organizations, and causes he was involved in. He was a firefighter and an emergency medical technician for the Lake Erie Beach Volunteer Fire Company in the Town of Evans, a diver for the Lake Erie Rescue Team, a Coast Guard Reservist, and an active member with the ALERT—Advanced Local Emergency Rescue Team organization. He was also a Cub Scout Leader for Troop 578, a softball coach, and a youth group leader for First Church of Evans.

As lead boat captain and field station manager for Buffalo State College's Great Lakes Center for the Environment, Captain John was a champion for the Great Lakes, dedicated to managing water science projects that help us learn more about our waters, marine life and the protection of our environment.

Captain John Freidhoff, at 46 years old, leaves behind his wife Victoria, and their four children: Melissa, Jessica, Shauna and Joseph John. Captain Jeff Ogden eulogized that, even with all of Freidhoff's commitments, he managed to "put his family first."

Captain John touched the lives of many in the Western New York area evidenced by a crowd of nearly 500 people, including 200+ military, law enforcement, and fire personnel, who gathered at his service to pay their respects to this selfless, hard working, and charitable man.

Today, in a fitting tribute, the State University of New York College at Buffalo names a research vessel in Captain John's honor. And as the Captain John Freidhoff Vessel sets sail, Captain John's legacy lives on across the waters of the Great Lakes through the research conducted by future generations.

It is my honor to pay tribute to Captain John Freidhoff's life of service to the community of Western New York. Our community will miss

this environmental advocate, family man, friend, co-worker, honorable leader and waterfront hero.

HONORING THE BOROUGH OF DOWNINGTOWN ON ITS 150TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a proud southeastern Pennsylvania community celebrating its 150th anniversary.

The Borough of Downingtown was incorporated 1859 thanks to the foresight and leadership of 54 citizens and landowners residing on approximately 1,500 acres, which were part of a land grant from King Charles II of England to Pennsylvania's namesake, William Penn.

Originally known as Milltown prior to the formal establishment of the Borough, the village was an important stop for merchants and others traveling between Philadelphia and Lancaster on our nation's first turnpike. Due to its proximity to Philadelphia, the Borough played a prominent role in our young nation's fight for independence by serving as a storage depot for General George Washington's Continental Army. Water from the East Branch of the Brandywine Creek powered paper mills and fueled industrial growth in the Borough well into the 20th Century. Although the mills have long since closed and might be considered relics of the past, the sturdy stone structures are being rehabilitated and viewed by elected officials and business leaders as an important part of the Borough's future.

Residents, businesses and community leaders will commemorate the 150th Anniversary on Saturday, May 16, 2009 with a celebration parade through the Borough.

Madam Speaker, I ask that my colleagues join me today in honoring the Borough of Downingtown on reaching this amazing milestone and congratulating all of those whose tremendous community spirit that have made the Borough a special place to live, work and raise a family.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. GENE GREEN of Texas. Madam Speaker, on Thursday, May 7, 2009, because of a procedural matter my last vote was not recorded on the Mortgage Reform and Anti-Predatory Lending Act, and I had already left to return to do congressional business in the district.

I rise to confirm that I would have voted "aye" on rollcall vote No. 242, final passage of the Mortgage Reform and Anti-Predatory Lending Act.

CONGRATULATIONS TO REVEREND DAVID EVERSON

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PAUL. Madam Speaker, on May 17, 2009, the congregation of First Union Baptist Church in Galveston, Texas will celebrate Reverend David L. Everson, Sr.'s ten years of service as pastor with special "Tenth Anniversary/Appreciation Services." I am pleased to join the First Union Baptist congregation in congratulating Reverend Everson.

First Union Baptist has had numerous achievements under Reverend Everson's leadership. For example, First Union Baptist's Hall Chapel was repaired and adapted to serve as a computer school and resource center for youth and adult literacy. Reverend Everson also led efforts to repair the church parsonage. Currently, Reverend Everson is leading efforts to perform major renovations to repair the damage the church suffered during Hurricane Ike.

Reverend Everson has also ordained three ministers and three deacons. He will be ordaining another minister and deacon during his tenth anniversary celebration on May 17.

Reverend Everson has contributed greatly to both the church and the entire Galveston community by being there for all who need a friend, comforter, and spiritual counselor. Reverend Everson not only cares for those in his congregation, he is always seeking to bring new people into the First Union Baptist congregation. The people of First Union Baptist, and all of Galveston, are certainly lucky to have such a dedicated man as Reverend Everson in their community. I, therefore, again extend my congratulations and best wishes to Reverend Everson on the occasion of his ten year anniversary as the pastor of First Union Baptist Church.

HONORING THE CENTENNIAL ANNIVERSARY OF THE CHESTER COUNTY COUNCIL OF THE BOY SCOUTS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor the Chester County Council of the Boy Scouts of America as the organization celebrates the Centennial Anniversary of the founding of the Boy Scouts of America. The Chester County Council has 17,200 Scouts and volunteers, and more than 111 million young people throughout the country have participated in the 100 years since the Boy Scouts of America was established. Generation after generation of Scouts have volunteered thousands of hours to clean-up streams, build parks and take on countless other projects aimed at improving the quality of life throughout Chester County and our great nation. In addition to providing a helping hand, Scouting instills critical leadership skills

and timeless values such as patriotism, courage and self-reliance. A major reason the tradition of scouting has thrived during the past century is due to dedicated volunteers and troop alumni, who graciously commit countless hours and endless effort to mentoring youth in their communities.

Madam Speaker, I ask that my colleagues join me today in honoring The Chester County Council as they commemorate the 100th Anniversary of the founding of the Boy Scouts and in recognizing the organization's vital role in building future generations of leaders.

MS. JESSICA LANGE

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. RYAN of Ohio. Madam Speaker, I rise this evening in recognition of Ms. Jessica Lange of New York City, the guest of honor, as we celebrate the 90th Anniversary of The Butler Institute of American Art. Her work, 50 Photographs, is being celebrated by being on display here starting today through July 5th, 2009.

Ms. Lange began her photography career in 1967 while attending the University of Minnesota. Shortly into her freshman year, she left the University to travel to New York and Paris to pursue her passion for photography. While in Paris and other countries, she documented her travels through her photography. In 1973, she returned to New York and began taking acting classes. Just two short years later, she flew to Hollywood to star in her first feature film, "King Kong", launching her award winning acting career.

Ms. Lange has won two Oscars and been honored with countless other awards and nominations for her outstanding work. In 1982, she won her first Oscar, Best Supporting Actress, for her role in "Tootsie". Her second Oscar, Best Actress in a Leading Role, was won in 1994 for her role in "Blue Sky". Her acting career has spanned over 30 years, but has yet to end, as she recently appeared alongside Drew Barrymore in "Grey Gardens".

In addition to her acting career and photography, Ms. Lange has done volunteer humanitarian work around the world. She began working for the United Nations Children's Fund (UNICEF) as a goodwill ambassador in 2003. During that same year, she took her first mission trip to the Democratic Republic of Congo to raise awareness of the impact of HIV/AIDS and immunization for women and children.

Ms. Lange returned to her passion for photography in the early 90s when she received a Leica camera as a gift. Ever since then, she's been documenting her experiences around the world as an actress and volunteer. The collection of her photographs shown here at the Butler capture a range of diverse subject matter from her years of travel. Due to her artistic vision, we are able to be a part of a fifteen year trek from Romania to Ethiopia and back to her home state of Minnesota.

I would like to commend Ms. Lange for her continued selfless volunteer work and her dedication to the arts.

CONGRATULATING THE TRITON HIGH SCHOOL BOYS BASKETBALL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. DONNELLY of Indiana. Madam Speaker, today I wish to extend my congratulations to the Triton High School Boys Basketball Team. The Triton Trojans succeeded in placing 2nd in the IHSAA 1-A State Tournament on March 28, 2009 at Conseco Field House in Indianapolis. After playing their way into the finals, they suffered a 55-66 loss to Jac-Cen-Del.

The Trojans worked tirelessly throughout the regular season in order to advance to the IHSAA 1-A State Tournament. They played with focus, determination and grit in the tournament and their tremendous effort closed out an impressive 24-3 season.

The Triton team is led by Senior William Keel, who is the only returning starter from their championship season, and Seniors Joel Meister, Dustin Kreft, Cody Carpenter and Zachery Moriarty. Juniors include Curtis Nordmann, Benjamin Montalban, Camron Garey, Taran Holderman, and Kreig Voreis. Sophomore members on the team are Austin Davis, Griffyn Carpenter, Jordan Everett, Jordan Koontz, and Blake Lemler.

Also, I acknowledge the wonderful support the team had throughout their spectacular 2009 season. Head Coach Jason Groves and Assistant Coaches Landon Hawkins, Dave Carpenter and Matt Landis guided the Trojans to victory. I would also like to thank Principal Michael Chobanov, Athletic Director Mason McIntyre and above all, the fans in the community, many of whom traveled to Indianapolis for the game and gathered to welcome the team home after their victory.

I offer my congratulations to the members of the boys' basketball team of Triton High School, the coaching staff, the school administration, and the surrounding community for their accomplishments this season on the road to their 2nd place finish in the IHSSA 1-A State Tournament.

IN HONOR OF JUSTICE SANDRA DAY O'CONNOR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. MITCHELL. Madam Speaker, I rise today in recognition of the Honorable Justice Sandra Day O'Connor, who recently received the 2008 Paul H. Douglas Award for Ethics in Government from the Institute of Government and Public Affairs at the University of Illinois. She was selected as the recipient for her lifelong commitment to good government and her devotion to promoting respect for the highest standards of public service, a record that is a tremendous source of pride among her fellow Arizonans. This annual award recognizes elected or career government officials, or

former government officials, whose ideas, writings, or public actions have made a lasting contribution to the practice and understanding of ethical behavior in government.

Sandra Day O'Connor was the first female Justice of the Supreme Court of the United States, serving from 1981 after her appointment by President Ronald Reagan until her retirement in 2006. Prior to her appointment to the Supreme Court, she was appointed and re-elected twice to the Arizona Senate, ascending to majority leader in 1973. She was later elected to the Maricopa County Supreme Court and appointed to the Arizona Court of Appeals. Currently, Justice O'Connor is the Chancellor of the College of William and Mary and serves on the board of trustees of the National Constitution Center in Philadelphia. Since her retirement, she has frequently spoken on the need to insulate the Court from political pressures. To support an independent judiciary, she has tirelessly advocated for the selection of judges based on merit.

I commend the Douglas Award national selection committee for recognizing such a deserving candidate. Justice O'Connor continues to be an excellent example of what others should strive for in public service. She has lead with courage while maintaining a very high standard of integrity in her public and private life.

Madam Speaker, please join me in recognizing Sandra Day O'Connor for bringing the very best to government and for her unfaltering service to her community, state, and country.

COMMUNITY BANKS OF NORTHEASTERN MINNESOTA ARE NOT THE SAME AS WALL STREET FINANCIAL INSTITUTIONS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. OBERSTAR. Madam Speaker, I rise today to talk about the small town community banks in Northeastern Minnesota. The vast majority of these institutions are in strong financial condition. They are not AIG, and they are not staring at large sums of "troubled assets".

The bankers living in my district don't need a bailout. They have money to lend to small businesses and families. They know their local communities because they live in them, their kids attend the local schools, and oftentimes, they personally know their customers from various interactions in the community. The financial strength of their communities directly affects them too, so they are actively working with customers who are experiencing problems repaying their loans—people who lost their job though no fault of their own and small business owners hit particularly hard by this historic economic downturn.

My constituents have seen rising foreclosure rates in their communities too, but it was not Northeastern Minnesota bankers who were responsible for many of these bad loans. Instead, it was often out-of-state mortgage companies who had overly risky lending standards

and who did not understand the local economies of Northeastern Minnesota, let alone the housing market in general.

Irresponsible lending, over leveraging, and risky financial products by large financial institutions of Wall Street have had devastating economic consequences for families and small businesses located on Main Streets across Northeastern Minnesota. I look forward to working with Chairman FRANK and my colleagues on addressing the regulatory shortfalls that allowed the current financial crisis to occur and on addressing the regulation of so-called "to big to fail" financial institutions. These actions will be important to restoring the public trust in our financial system and our long-term prosperity.

I'm confident we won't have to work too hard on restoring public trust in the small town community banks of Northeastern Minnesota though, because the public trust in these institutions already exists. They have maintained public trust by doing what banks do—accepting deposits and making loans based on responsible leveraging and responsible lending standards.

CELEBRATING THE 90TH
BIRTHDAY OF DOROTHY O'LEARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Dorothy O'Leary upon the occasion of her 90th birthday.

Dorothy O'Leary has selflessly dedicated her life to serving her community. Following her career at J.L. Hudson, she has become very active in her neighborhood, frequently participating and working with local Red Cross Blood Drives. She also volunteers her time regularly as an usher at the Fox, Fischer and Masonic Temple in downtown Detroit. Dorothy's faithful commitment to the Redford community is exemplified by the success she has had running the Used Bookstore at the Redford Township Library. In this capacity, she raises approximately \$20,000 per year to support the library, and is vital to its survival.

In addition to her devoted volunteer efforts, Ms. O'Leary enjoys spending time with the West Side Silver Ladies, a social group of Retired Detroit Police Officer widows. She also loves bowling with her friends, and treasures the time she is able to spend with her three great-grandchildren.

Madam Speaker, as Ms. O'Leary continues her legacy of passionate philanthropy and eager altruism, I ask my colleagues to join me in extending sincere congratulations to Dorothy O'Leary on her 90th birthday for her enthusiastic leadership and loyalty to her community and country.

IN MEMORY OF BILL ROWELL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. WILSON of South Carolina. Madam Speaker, on May 6th, the community of Lexington County lost a long time leader and friend with the passing of Bill Rowell. As a fellow Republican growing up in South Carolina in the 1960s, I admired Bill and counted him as both a mentor and a friend. His dedication and contribution to the communities he served was an example to all those who will follow in his footsteps. He and his first wife, Bobbe, were founders of the modern Lexington Republican Party and his second wife, Dee, was an inspiration for his public service.

Tim Flach of The State newspaper has thoughtfully penned the following fitting tribute to Mr. Rowell.

[From The State, May 9, 2009]

FORMER TREASURER REMEMBERED FOR CARE,
PRINCIPLES

(By Tim Flach)

Friends remember Bill Rowell as a soft-spoken, progressive leader who helped make Republicans the political power in Lexington County.

Rowell, county treasurer from 1992-2007, died Wednesday at age 76 after a long illness. A funeral service for Rowell is set for 11 today at Saxe Gotha Presbyterian Church in Lexington.

"He was quiet but he was firm," county Coroner Harry Harman said. "He stuck by the way he felt."

Friends credit him with investment improvements and modernizing operations that benefited taxpayers.

"He laid a foundation that we are building on," current Treasurer Jim Eckstrom said. "I'm going forward on his shoulders."

Rowell was in real estate sales before becoming treasurer. He was a leader of the resurgence of local Republicans in the 1960s and was active in several civic groups.

County political leaders called him an adviser who preferred to work mostly out of the limelight.

"He was a lot like a father figure to me," Sheriff James R. Metts said. "He was a guy you could go to talk to, who had quite an insight on things. I'm going to miss him as a person I can contact and bounce things off of."

Rowell was commemorated for his courtesy, even to those who strongly disagreed with him.

"He reminded me a lot of the Southern gentleman," county public safety director Bruce Rucker said. "As a public official, he was always customer service first."

Others said he took time to talk with taxpayers frustrated with bills and rules.

"He often took the blunt of ire for things others had done," county Councilman Smokely Davis of Lexington said. "He had the patience to explain things again and again and turn people around."

Away from politics, Rowell appeared in musical revues during the early days of the Lexington County Arts Association 30 years ago. He also was a fan of local theater.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. HOLT. Madam Speaker, on Thursday May 7, 2009, I was traveling on official business outside of the country and missed six votes.

Had I been present I would have voted "yes" on H. Res. 406 (Rollcall 237) providing for further consideration of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act; "yes" on the Frank Amendment No. 2 to H.R. 1728 (Rollcall 238); "no" on the Hensarling Amendment to H.R. 1728 (Rollcall 239); "no" on the Price Amendment to H.R. 1728 (Rollcall 240); "no" on the McHenry Amendment to H.R. 1728 (Rollcall 241); and "yes" on final passage of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act (Rollcall 242).

BICYCLE SAFETY AT VIRGINIA
REGIONAL MEDICAL CENTER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. OBERSTAR. Madam Speaker, I rise today to commend the Inpatient RehabCare team at the Virginia Regional Medical Center for their safety education and outreach to Minnesota's youth. In addition to their outstanding work at the Medical Center, the RehabCare team educates elementary school students throughout Virginia of the tremendous health risks associated with riding a bicycle without a helmet.

They recognize the importance of educating our youth during their formative years—at the age when they are most receptive—of the possible life-altering brain injuries that could result from not wearing a helmet while riding a bicycle.

In particular, Madam Speaker, I wish to laud the Inpatient RehabCare team in their most recent outreach to fourth grade students at Roosevelt Elementary School in Virginia.

Each fourth grade class participated in a safety awareness session where they learned about the lasting consequences of brain injuries and the importance of wearing bicycle helmets.

Students received real-life simulations of what their lives would be like with such brain injuries, demonstrating the difficulty of everyday tasks and making a lasting impression on the students on the importance of taking safety precautions when riding a bicycle.

Such hands-on scenarios—combined with the team's helmet safety information and their direct experience with assisting patients who have suffered brain trauma—provided these elementary students with invaluable life lessons in bicycle safety and the severity of brain injuries.

It is vital that we teach our children about the many benefits of active and healthy transportation and recreation through cycling; and

safety education must go hand-in-hand with these lessons.

The RehabCare team's effective outreach to children is noteworthy and ought to be replicated throughout the nation. Their work—and the work of similar groups in the United States—is deserving of our recognition and continued support.

I thank the Virginia Medical Center's Inpatient RehabCare team for their inspiring leadership and dedicated work to instill in our children a lifetime of bicycle safety habits.

[From the Mesabi Daily News, May 6, 2009]

BIKE SAFETY BEGINS WITH A HELMET

(By Angie Riebe)

VIRGINIA—Writing your name while twirling your foot is not an easy feat. Nor is stacking playing cards in order if you're wearing glasses with lenses blocked by pieces of tape. And finding pencils, paper clips and rubber bands in a bowl of uncooked rice with gloved hands without looking is a downright laborious task.

But permanently living with the effects of a brain injury is much worse.

Fourth graders at Roosevelt Elementary in Virginia learned about the lasting consequences of brain injuries and the importance of wearing bicycle helmets during a presentation Wednesday at the school, led by members of the Inpatient RehabCare team at the Virginia Regional Medical Center. The students partook in several activities designed to simulate bike-related brain injuries.

"We don't want to scare them, but we kind of want to scare them"; just enough to motivate the use of helmets, said Robin Aronen, Inpatient RehabCare program director.

Karen Damberg, the rehab's community relations coordinator, approached the school about holding the seminar as part of the program's expanding community outreach initiative.

The school's four fourth grade classes were chosen to participate each in hour-long helmet safety awareness sessions because "that's the age where they start to think wearing a helmet is not cool," said Roosevelt Principal Willie Spelts.

Dr. Winston Schandorf, medical director at the rehab program, taught the kids about the brain and how injuries to different parts can cause such things as loss of vision, coordination and the sense of touch.

Students then got a real-life taste of what it would be like to live with such injuries.

A loss of touch would mean difficulty "buttoning your pants" and "you wouldn't be able to feel a zipper toggle," Damberg said to a group of fourth graders trying to find small objects in containers of rice while wearing gloves.

"You wouldn't be able to feel the temperature of water. Getting into the tub and shower would be difficult. You'd have to make sure the water wasn't too hot because you wouldn't know," she said, as the kids searched for a spoon, pencil, plastic baggie and other things.

Meanwhile, Aronen asked a group of youngsters to try writing their names on paper while rotating their right legs counterclockwise. "When you have a brain injury, things slow down. This is how it would feel," she said as the students struggled with the request.

At a table nearby, Schandorf had students attempt to put in order a deck of cards while wearing obstructed glasses. "See how difficult it would be," he said, noting that an injury to the back of the head could cause vision problems.

"There's nothing you can do to correct it," said the doctor. "The best thing you can do is prevent it. Wear your helmet all the time and tell someone if you fall and hit your head."

"It's important they learn at a young age to prevent brain injuries," Aronen said. The rehab program works with patients 18 and older who have suffered brain trauma.

"How many of you have been tempted to not put on a helmet because you're only going a block?" Schandorf asked, and a number of kids raised their hands. "That's bad news. You should keep your helmet with your bike always to wear even during short rides," he said.

"I learned when you fall you might lose your sight and hearing and not be able to feel things that good," fourth grader Kaitlin Knutson said after the activities. "Even if you don't have a helmet you should ask your mom and dad to buy you one, like for Christmas or something. And if you fall and hit your head you should tell somebody."

"It wouldn't be fun to have a brain injury," said 9-year-old Ben Kalinowski.

"Finding objects in the rice was the most difficult task," said classmate Mikayla Lutz. "I learned we should always wear a helmet. Some people don't think they're cool, but you should always still wear one," she said. "Some (helmets) can be really cool," she added later during a question and answer time.

"The kids have been asking great questions," Aronen said after the last session.

The fourth graders were given helmet safety information to share with their parents, and the students will create posters, based on what they learned Wednesday, for a contest. The rehab program will award helmets next week to the top two winning posters in each of the four classes during a follow-up presentation, and all of the kids will receive "goodie bags," Aronen said.

Spelts said he was thankful for the rehab team's effort. "Anything we can do to help the kids is great," he said.

VOTING AGAINST H.R. 1728

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. SCHRADER. Madam Speaker, we are in the midst of the worst financial crisis since the Great Depression. Millions of Americans are losing their jobs and their homes. A complete lack of oversight, irresponsible lending standards, outright manipulation of the mortgage market place, and the loss of personal responsibility are at the root of the crisis. Such a crisis demands significant, meaningful reforms to prevent hardworking American families from being drawn into mortgages they cannot afford. This past Thursday, I voted against H.R. 1728 because it does not get us there.

H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, has some good features, but falls woefully short of serious reform. There are so many exceptions and caveats that lenders can still do most of the very things that got us into this crisis to begin with. Incentives that encouraged mortgage originators to lead people into mortgages they could not afford are not eliminated. New standards

focusing on the borrower's "ability to pay" and "net tangible benefit" are a good start to meaningful reform, but the provisions enforcing these ideas are weak, untested, and definitions are left to regulators. Moreover, Wall Street's secondary mortgage market is protected from lawsuits and weaker Federal regulations are allowed to preempt stronger remedies currently available through state laws. It is not responsible for Congress to pass legislation that purports to prevent improper mortgage practices and market manipulations when in reality little will change. I do not agree with putting politics above good policy.

The bill gives regulators 12 months to promulgate a code and another 6 months to put that code in place. Congress should instead use that time to legislate good regulations, regulations that can outlaw the irresponsible practices that led to our current crisis. We have allowed the economy to become dominated by banks that are "too big to fail," banks that created this mess and asked the public to get them out. This bill trusts the actors who led us into the current crisis not to give into avarice and again find ways to manipulate the system, while creating obstacles for the small banks and credit unions that acted responsibly and had nothing to do with creating this crisis. We must take greater care to define what is permissible. We can and we must demand greater responsibility as we look to reestablish a functioning financial system.

In the final analysis this bill still allows Wall Street gamblers to bet on you losing your home. This bill does not make us anymore personally responsible than before. It does not require 10 percent cash down payments and 30 to 40 percent debt to income ratios; if the 31 to 38 percent standards were good enough for TARP and Treasury mortgage refinancing and modifications, why not include those standards here? Subprime mortgages are not banned. Securitization of mortgages is still allowed and therefore makes your house still subject to speculation beyond your control. Big profit motivated investment banks and hedge funds, which are still allowed to play their games in the mortgage market in Wall Street's quest for the Holy Grail of "liquidity" over safety for homeowners. These issues need to be proscriptionally addressed if there is to be any meaningful reform of the mortgage market. There is a reason the system worked well when community banks and credit unions that knew you personally guaranteed you the opportunity to own a home.

FINANCIAL NET WORTH

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. SENSENBRENNER. Madam Speaker, through the following statement, I am making my financial net worth as of March 31, 2009, a matter of public record. I have filed similar statements for each of the thirty preceding years I have served in the Congress.

ASSETS

Real property	Value
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at \$1,492,813). Ratio of assessed to market value: 100% (Unencumbered)	\$1,492,813.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	155,200.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of \$1,813,100.	1,030,170.04
Total Real Property	2,678,183.04

2009 DISCLOSURE

Common & Preferred Stock	No. of shares	\$ per share	Value
Abbott Laboratories, Inc.	12200	47.70	581,940.00
Alcatel-Lucent	135	1.86	251.10
Allstate Corporation	370	19.15	7,085.50
AT&T	5629.63965	25.20	141,866.92
JP Morgan Chase	4539	26.58	120,646.62
Benton County Mining Company	333	0.00	0.00
BP PLC	3604	40.10	144,520.40
Centerpoint Energy	300	10.43	3,129.00
Chenequa Country Club Realty Co.	1	0.00	0.00
Comcast	634	13.64	8,647.76
Darden Restaurants, Inc.	1440	34.26	49,334.40
Delphi Automotive	212	0.06	12.72
Discover Financial Services	156	6.31	984.36
Dunn & Bradstreet, Inc.	2500	77.00	192,500.00
E.I. DuPont de Nemours Corp.	1200	22.33	26,796.00
Eastman Chemical Co.	270	26.80	7,236.00
Eastman Kodak	1080	3.80	4,104.00
El Paso Energy	150	6.25	937.50
Exxon Mobil Corp.	9728	68.10	662,476.80
Fairpoint Communications, Inc.	30,2714	0.78	23.61
Gartner Group	651	11.01	7,167.51
General Electric Co.	15600	10.11	157,716.00
General Mills, Inc.	2280	49.88	113,726.40
General Motors Corp.	304	1.94	589.76
Hospira	1220	30.86	37,649.20
Idearc	67	0.04	2.68
Imation Corp.	99	7.65	757.35
IMS Health	5000	12.47	62,350.00
Kellogg Corp.	3200	36.63	117,216.00
Kimberly-Clark Corp.	1740	26.75	46,545.00
Merck & Co., Inc.	30449	26.75	814,510.75
3M Company	2000	49.72	99,440.00
Medco Health	8218	41.34	339,732.12
Monsanto Corporation	2852,315	83.10	237,027.38
Moody's	2500	22.92	57,300.00
Morgan Stanley/Dean Whitter ..	312	22.77	7,104.24
NCR Corp.	68	7.95	540.60

2009 DISCLOSURE—Continued

Common & Preferred Stock	No. of shares	\$ per share	Value
Newell Rubbermaid	1676	6.38	10,692.88
JP Morgan Liquid Assets Money Mkt	279.04	1.00	279.04
Pactiv Corp.	200	14.59	2,918.00
PG&E Corp.	175	38.22	6,688.50
Pfizer	22211	13.62	302,513.82
Qwest	571	3.42	1,952.82
Reliant Energy	300	3.19	957.00
RH Donnelly Corp.	500	0.31	155.00
Sandusky Voting Trust	26	1.00	26.00
Solutia	82	1.87	153.34
Tenneco Automotive	182	1.63	296.66
Teradata	68	16.22	1,102.96
Unisys, Inc.	167	0.53	88.51
US Bank Corp.	3081	14.61	45,013.41
Verizon	1509,55675	17.38	26,236.10
Vodafone	323	17.42	5,626.66
Weenergies (Wisconsin Energy)	1022	41.17	42,075.74
Total Common & Preferred Stocks and Bonds			4,498,644.11

Life Insurance Policies	Face	Surrender \$
Northwestern Mutual #4378000	12,000.00	86,681.48
Northwestern Mutual #4574061	30,000.00	208,485.38
Massachusetts Mutual #4116575	10,000.00	12,816.82
Massachusetts Mutual #4228344	100,000.00	324,980.56
American General Life Ins. #5-16070591	175,000.00	41,845.21
Total Life Insurance Policies		674,809.45

Bank & Savings & Loan Accounts	Balance
JP Morgan Chase Bank, checking account	42,944.77
JP Morgan Chase Bank, savings account	11,315.15
M&I Lake Country Bank, Hartland, WI, checking account	8,809.84
M&I Lake Country Bank, Hartland, WI, savings	371.37
Burke & Herbert Bank, Alexandria, VA, checking account	1,832.44
JP Morgan, IRA accounts	135,819.17
Total Bank & Savings & Loan Accounts	201,092.74

Miscellaneous	Value
2007 Chevrolet Impala	\$10,375.00
1994 Cadillac Deville—retail value	2,700.00
1996 Buick Regal—retail value	2,355.00
1991 Buick Century automobile—retail value	1,070.00

Miscellaneous	Value
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	180,000.00
Stamp collection (estimated)	120,000.00
Deposits in Congressional Retirement Fund	174,512.00
Deposits in Federal Thrift Savings Plan	335,055.82
Traveller's checks	7,800.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	6,000.00
20 ft. Pontoon boat & 40 hp Mercury outboard motor	12,000.00
Total miscellaneous	852,867.82
Total assets	8,905,597.52

Liabilities	Amount
None	
Total Liabilities	\$0.00
Net Worth	8,905,597.52

Statement of 2008 Taxes Paid	Amount
Federal income tax	\$113,028.00
Wisconsin income tax	36,095.00
Menomonee Falls, WI property tax	2,456.00
Chenequa, WI property tax	23,569.00
Alexandria, VA property tax	12,699.00

I further declare that I am trustee of a trust established under the will of my later father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of five trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

SENATE—Wednesday, May 13, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father and our God, we hold before You the fears and hopes of our hearts. We confess that we haven't loved and trusted You as we ought, for You give perfect peace to those who keep their minds on You.

Lord, impart wisdom to our Senators. Help them remember that they aren't orphans beneath the sky but Your children and that all their ways are held in Your care. Give our lawmakers the glorious liberty that comes from knowing they are heirs of celestial blessings and that nothing can separate them from Your love. Let Your peace that passes understanding keep their hearts and minds in the knowledge and love of You. May they yield their attitudes and dispositions to Your control so that they might work effectively with each other.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to executive session to consider the nomination of David Hayes to be Deputy Secretary of Interior. There will be up to 1 hour for debate, equally divided and controlled between the two leaders or their designees, prior to a cloture vote on that nomination. The Senate will recess from 12:30 to 1:30 to allow for a special Democratic caucus meeting.

The reception for the spouses dinner at the Botanic Garden begins at 6:30 tonight, and Senators are encouraged to attend. This is a nice event. We don't have an opportunity to get together very often, so this is something we all look forward to, and I am confident it will be a very good evening for us all.

NOMINATION OF DAVID HAYES

Mr. REID. Senators with good intentions can disagree on issues. They can disagree with our Nation's leaders. But we should all be able to agree that the President and his Cabinet deserve a complete lineup when that team takes the field on the most important issues we face. The American people deserve the leaders they asked for in November when they demanded we clean up the mess the last administration left behind.

One of those key players is a man by the name of David Hayes, the man President Obama has nominated to be Deputy Secretary of the Interior. Mr. Hayes served successfully in this same position during the Clinton administration and understands better than probably anyone else what it takes to effectively run a department of about 70,000 people; that is, the Department of Interior. As Deputy Secretary of Interior, Hayes would work closely with our former colleague, Secretary Ken Salazar, on important decisions about many issues.

No two States understand the importance of the Secretary of Interior more than Alaska and Nevada. Eighty-seven percent of the State of Nevada is owned by the Federal Government. Alaska is second. Other States have large amounts of land controlled by the Federal Government and the Secretary of Interior, and consequently his deputy would have some say over it. Secretary Salazar must make important decisions about developing renewable energy resources that will create jobs, protecting our wildlife, preserving our public lands for future generations, and keeping our water clean and accessible. David Hayes will play a central role in

correcting the mistakes of the past and making important decisions for the future.

The past 8 years of the Interior Department were marked by mismanagement and scandal. Secretary Salazar's Department has inherited the unenviable task of getting the American people to once again trust an agency that manages one-fifth of the Nation's landmass and 1.7 billion acres off our coasts.

The Department is also moving us forward in critical ways. Secretary Salazar has made it clear that he will take dramatic strides to move our country toward energy independence. With David Hayes' help, he will ensure that our country is harnessing the wind, the Sun, and the geothermal potential that will set us free from our dangerous dependence on foreign oil. Secretary Salazar deserves the opportunity to have the best and most knowledgeable people around him to make this energy revolution happen.

On Secretary Salazar's list, the first is David Hayes. He is a graduate of Notre Dame University, Stanford Law School. He is experienced, pragmatic, and creative. For 30 years, he has worked in natural resources and environmental law. He has written dozens of articles and book chapters about water supply issues, clean energy, and land conservation, among other important topics. He has a long and impressive track record of negotiating the kinds of difficult issues the Department of Interior deals with every day. But he can't get this work done until this body confirms him.

In a repeat of a scene we have unfortunately become far too familiar with lately, Republicans are standing in the way. I know those holding up Mr. Hayes' nomination feel passionately about their priorities, but I also know that Secretary Salazar and Mr. Hayes believe just as strongly about finding common ground that serves all of our interests.

The real issue is the fact that in the last minutes of the Bush administration, the waning minutes, Secretary Kempthorne issued 77 oil and gas leases. These leases are next door to national parks. It was a concern of the National Park Service when it was done. The environmental community is up in arms. The people of Utah don't like it. No one else would. We have one national park in Nevada, Great Basin National Park. I know how the people of Nevada would feel if they had started bringing in oil rigs next to Great Basin National Park. They wouldn't like it. Ken Salazar, when he became

Secretary of the Interior, withdrew those regulations. He didn't terminate them, he withdrew them for further study, further review. We have here an issue of the people of the State of Utah versus oil companies. For far too long, the oil companies have always won. Let's make it so that the people win for a change.

Every State has unique challenges. Mr. Hayes is prepared to travel across the West to confront them head-on, not so he can tell States what to do but, rather, so he can work with them to address each issue thoughtfully and respectfully. Working together toward such solutions is the answer. Robbing a Cabinet Secretary of his right-hand man is not.

Secretary Salazar knows the Senate, and his door is open to every Member of this body. Could you find a nicer person in the world than Ken Salazar? I don't think so. Mr. Hayes has his backing and his background. Mr. Hayes will continue doing what Secretary Salazar directs him to do. Now is the time to move forward, not to drag our feet or posture or to try to score political points. Ask anyone who knows him. They will tell you that among the many skills he has is the ability to work cooperatively and in a bipartisan fashion on the most complex issues. I wish our Republican colleagues would show the same spirit on at least confirming such a clearly qualified candidate for such a political job. No one questions his qualifications. He is a man of high moral standards. He has an excellent academic background. No one questions his capabilities. The real issue is these oil and gas leases. He is a good and honest man. He is bright, successful, and a proven leader. Our country is fortunate that he has one again answered the call to serve.

I understand at their meeting yesterday there was a plea: We have to stop Democrats from confirming this man. I say to my friends: David Hayes will be confirmed. If I have to wait until Al Franken comes, he is going to be confirmed. We are going to confirm David Hayes. Everyone should understand that. If we happen to lose this today, I will just move to reconsider until we have the votes. Ken Salazar is going to have David Hayes working with him. Everyone should understand that. Secretary Salazar has bent over backward to answer the questions of Senators who are questioning these oil and gas leases and a few other things. Salazar is a man who is known for his ability to compromise. He is a consensus builder. I hope people will allow this nomination to go forward. If there were some question about Mr. Hayes having written a law review article where he is calling for something that is outlandish or if he had done something in the past that was out of line—I have never heard a single word about his qualifications. He is a man who is

qualified for this job. The President has nominated him.

In fairness, I ask unanimous consent that my time be charged against the majority time, whatever time I used.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRUSTEES REPORT

Mr. McCONNELL. Mr. President, yesterday afternoon, the trustees of the Social Security and Medicare trust funds released their annual report. After reviewing its findings, it is clear that the future of Social Security and Medicare can be summed up in one word: unsustainable.

Even before the report was issued, we knew these programs could not remain solvent for long under current conditions. Last year's report predicted that Social Security would start paying out more than it takes in by 2017, and that it would be bankrupt about two decades after that. Last year's report also predicted that Medicare would start paying out more than it takes in within a year and that the trust fund for this vital program would go bankrupt about a decade after that.

The report that was released yesterday presents a far graver scenario.

As a result of the current recession, Social Security will start paying out more than it takes in by 2016, and it will go bankrupt 4 years earlier than previously expected. The situation for Medicare is even more serious. Medicare is already paying out more than it takes in, and it will be bankrupt in just 8 years, 2 years earlier than expected, according to yesterday's report.

It would be irresponsible for Congress to wait any longer before addressing this problem. Some say we haven't reached a point of crisis yet, so we can continue to kick the problem down the road until these programs actually go bankrupt. They seem to think that if the house is on fire, it is OK to wait until the whole place burns down before you call the fire department.

Most Americans disagree. Most people think that if a program they depend on is falling apart, or is about to fall apart, then their elected representatives in Washington have an obligation to tell them about it, and to do something. The time to act is now, before these programs go bankrupt—not after.

The warning signs about Social Security and Medicare have been around us for years, and the problems with these programs are also at the core of the current record levels of government

spending and debt. At the moment, programs like Social Security, Medicare, and Medicaid, as well as the interest we pay on the national debt, consume nearly seven out of every 10 dollars the Federal Government spends—Medicare, Social Security, Medicaid, and the national debt. Soon we will have little money left for anything else, including vital priorities such as defense, health care, transportation, and programs that fuel job creation.

Reform has been put off for too long. Take Medicare reforms, for example. By law, the President is required to submit legislation to lower Medicare spending levels if the cashflow of this program falls below a certain level. So last year, when Medicare cashflow fell below that level, the President submitted legislation to lower spending. Unfortunately, this legislation did not move forward in Congress.

Real leadership on entitlement reform will require action from both parties. And yesterday's report is the wake-up call. Reform is no longer just a good idea—it is absolutely necessary. It is the only way to restore these programs to fiscal health, and to get at the root of our larger fiscal problems. Unless we act now, these programs will no longer be sustainable, and spending and debt will continue to spiral out of control.

The good news is that a solution actually exists. As I have said many times before, the best way to address this crisis is the Conrad-Gregg proposal, which would provide an expedited pathway for fixing the long-term challenges of entitlement spending and our unprecedented national debt—challenges that the Democratic budget and their economic policies of the past few months completely ignore.

There has never been a better time to adopt this sensible bipartisan proposal. This week we learned that the deficit for the current fiscal year will be nearly \$90 billion higher than previously estimated—bringing the deficit for this year to \$1.8 trillion. This is nearly four times—four times—higher than the record set last year. It also means that this year's deficit is higher than those of the past 5 years combined.

The danger of all this debt is simple: higher inflation that threatens to derail an economic recovery, and trillions in debt that our children and grandchildren will have to repay to countries such as China and nations in the Middle East.

Secretary Geithner said yesterday that when it comes to reforming Social Security, the administration will build a bipartisan consensus to ensure Social Security remains solvent. I welcome the statement, and I urge the administration to support the Conrad-Gregg proposal which is the best way and, I would argue, the only way to address entitlement spending and our unprecedented national debt. After yesterday's

report, it is clear we cannot wait any longer to address this crisis.

Americans have relied on programs such as Medicare and Social Security for decades. It would be dishonest and unfair not to tell them the truth about these programs—that they are near collapse and that urgent reform is needed to bring them back to sustainability. More than 800,000 Kentuckians receive Social Security benefits, and nearly that many are enrolled in Medicare. They deserve our honesty. And they deserve action from lawmakers on both sides of the aisle. We need to make sure programs such as Social Security and Medicare remain viable for them and for their children and their grandchildren.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF DAVID J. HAYES TO BE DEPUTY SECRETARY OF THE INTERIOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate equally divided and controlled between the two leaders of their designees.

The Senator from Utah.

Mr. BENNETT. Mr. President, I rise in opposition to the Hayes nomination. I am here with the Senator from Alaska, and I wish to be told after I have consumed 15 minutes so the Senator from Alaska and I can coordinate our presentations.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. BENNETT. Mr. President, I listened with interest to the statement of the majority leader with respect to David Hayes, and I agree with much of what he had to say. I feel compelled to correct some of the things he had to say because they are some of the same things the Department of the Interior has been saying that I find are, in fact, not factual.

I agree with him that the President should be entitled to appoint whomever it is he wants. And I agree with him that David Hayes is qualified for this position. I also believe, however, that Members of this body, who have the responsibility of the confirmation vote,

are entitled to clear answers to their questions before the confirmation should proceed.

It is my opinion we have been asking for clear answers to those questions—to legitimate questions—and those answers have not been forthcoming. Therefore, I am not willing to proceed with the confirmation vote until we get those answers.

This is not to say I am opposed to David Hayes and will do everything to see to it he is not confirmed. Indeed, I want to do everything I can to see that he is confirmed as rapidly as possible. But “as rapidly as possible” does not mean I must give up my rights to receive clear answers to legitimate questions.

Let me go to some of the items the majority leader covered in his statement because they are the same items the Secretary of the Interior has used, and that others have used in press releases, that I believe need to be set straight. They are simply not factually true.

Let's start with the question of leases. Numbers. How many leases were put up and sold by the BLM in the last month of the Bush administration in the State of Utah? The answer to that question is 128. Not 77; 128. All of those 128 leases were subject to exactly the same kind of procedure. All of them went through the same kind of review. All of them were handled by the same team of experts: career people within the Department. And all of them ultimately were sold.

The majority leader said this happened in the midnight hours of the Bush administration, as if this whole thing were cobbled together in the last minute. In fact, much of the activity dealing with the sale of these leases occurred over a 7-year period. Why? Because all of the parties involved wanted to make sure they complied with all of the rules. If it had been handled in a “rush it through,” “get it done during our political circumstance” sort of manner, they could have been granted in 2004 or 2007; it did not have to wait until the last months of 2008. The reason it waited until the last months of 2008 was because the plans were so meticulously reviewed to make sure they complied with every rule that it took that long. So let's get rid of the idea that this was a political decision on the part of the Bush administration. The record is very clear it was not.

All right. After the Obama administration took over, out of the 128 leases that were granted, suddenly 77 were withdrawn by the Secretary of the Interior. Why? If there was a flaw in the way these leases were handled, the entire 128 should have been withdrawn because they were all handled in exactly the same manner. The 77 were withdrawn because an environmental group filed a lawsuit. The environmental group decided which leases should be

challenged, not the Department of the Interior. It was not a review by any career officer in the Department of the Interior that said these leases were flawed. It was a political decision by an environmental group that said we are going to file a lawsuit; and in response to that lawsuit, the Secretary of the Interior said: I am going to pull these 77 leases, and then gave the same justification for his actions that the majority leader has given here on the floor today; that is, they are right next door to the national parks and no one wants an oil rig next to a national park.

No. 1, most of the leases are natural gas; there are not oil rigs involved at all. And, No. 2, they are not right next door to the national parks. Some of them are as far as 60 miles away.

Let's look at a map I have in the Chamber and see where these leases are. On this map, shown in yellow are the national parks. This one is Arches National Park, and this one is Canyonlands National Park. Shown in green is existing oil and gas leases that were in place long before the December lease sale. Shown in red are the leases that were granted in the so-called midnight hours of the Bush administration.

A quick glance at the map makes it very clear that the challenged leases alleged to be “right next door to a national park” are surrounded by existing leases that are closer to the national park than the leases that are being challenged.

The facts simply are not there to support the position the Secretary of the Interior has taken and the majority leader has repeated here today. The majority leader has depended upon the Secretary for his facts. The majority leader made a mistake in depending on the Secretary because the Secretary is wrong. That is one of the things that has caused me to raise this issue.

What is the real motivation behind this? Because to say the motivation is “they are too close to the national parks” simply does not apply.

There are some leases shown in red on the map that do not have any existing leases between them and the national park. But they do have a highway. If you are concerned about the national park experience being degraded by having leases where there may be some natural gas activity going on—that this activity will somehow that will destroy your experience in the national park—how about a highway destroying the experience of a national park? They are separated from the national park by a highway.

Let's look at another map, this one having to do with the Dinosaur National Monument. This is the one where some leases are 60 miles away. Yet the Secretary of the Interior would have you believe they are right next door, that they abut the existing boundaries of a national park.

Look at the green on the map which does, in fact, about the boundaries of the Dinosaur National Monument. No one has ever complained about that. This was a purely political decision based on the lawsuit filed by an environmental group rather than by any kind of review.

I have asked the Department of the Interior: Justify your actions. Appoint a team that will give us the information we need and will tell us why these 77 leases are different than the rest of the 128 leases.

This is the reaction, this is the response I have received from the Department of Interior to my questions.

The first response that came from David Hayes was a supplemental answer to one of my questions regarding the review Secretary Salazar had committed to undertake. The next day, David Hayes followed up with a letter that came on Department of the Interior letterhead, and he signed it: David Hayes, Deputy Secretary Designee. This is as official a statement as we are going to get, and this is what he says in his response: "If confirmed, David Hayes will have overall responsibility for undertaking the review of the 77 parcels that were withdrawn from the Utah lease sale. Pending Mr. Hayes' confirmation"—not dependent upon, but pending Mr. Hayes' confirmation—"the review team will consist of the Acting Assistant Secretary for Policy, Management and Budget, the Acting Directors of the BLM and the National Park Service, and their designees. The Acting Solicitor, Art Gary, will provide legal support to the extent needed."

In the document where this team was named and laid out, the commitment was made that there would be preliminary work done on the report by the first of May and that the entire matter would be resolved by the 29th of May. And when the first of May came along, and we expected some kind of preliminary report from the Department, Secretary Salazar said: "We have done nothing, and we can do nothing until David Hayes is confirmed"—directly contradicting the statement we have in writing over the signature of David Hayes. I think we are entitled to raise a question about this kind of procedure.

The majority leader talked about the real issue in this matter. The real issue in this matter is the credibility of the Department of the Interior. If we are going to deal with the Department in the coming 4 or 8 years—whatever the electorate decides—we need to have some confidence that when the Department sends us a document and makes a promise, and names the specific people who will be involved in fulfilling that promise, that will happen. One final comment. The majority leader and the Secretary have said this happened without consulting the National Park Service. On that I have two points. No.

1, it is a matter of law that the BLM is not required to consult with the National Park Service on lease sales. They could have done this whole thing without talking to anybody at the National Park Service and been completely proper in terms of the law. They went beyond the requirements of the law and consulted with the Park Service to make sure there was no interference with national parks.

Here is what Mike Snyder, the National Park Service Regional Director for the Intermountain Region, had to say about that kind of cooperation and coordination:

I would like to personally extend my appreciation to the BLM field office managers who worked with the Park Service on the parcel-by-parcel review of these oil and gas lease parcels. They did an outstanding job working in collaboration with us.

Secondly—Mr. Snyder said:

Working with Selma Sierra, the BLM Utah State Director, has resulted in the kind of resource protection that Americans want and deserve for their national parks.

The BLM didn't consult with the national parks? The BLM did not discuss this with the national parks, when the National Park Service makes a statement of this kind for the record?

I repeat: The problem has to do with the credibility of the Department of the Interior. They have made a series of statements that are not true. They say these leases are too close to the national parks. Sixty miles away is not too close. They say there was no consultation with the National Park Service. The National Park Service is on record as saying it is done. They made a promise on official letterhead from the Department of the Interior that a team would be appointed and a date would be met and the team was not appointed and the date was not met.

I am perfectly willing to vote for the confirmation of David Hayes as soon as the Department of the Interior lives up to the promises they have made and acknowledges that the statements they made about these leases are factually incorrect. It is not a matter of interpretation. It is not a matter of opinion. The maps are here. The documents are here. The statements are here. Let's have an honest discussion of it, and when that discussion is taken care of and a commitment made by Mr. Hayes on Department of the Interior letterhead is met, I will be happy to remove my hold and vote for his confirmation and urge all my colleagues on this side of the aisle to do the same. That is the issue with which we are faced.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to follow my colleague from Utah, as he has so clearly laid out the grounds upon which he has placed a hold on the Department of the Interior nominee,

David Hayes. I wish to make a comment at the outset: I don't think that either the Senator from Utah, and certainly not myself, in also placing a hold—this is not a situation where there is disagreement about Mr. Hayes' qualifications. This is not a personal matter or anybody out to get Mr. Hayes, if you will. This is about what is happening within the Department, as my colleague from Utah has mentioned, about the credibility within the Department of the Interior at this moment in time. The actions taken by Senator BENNETT in placing a hold and subsequently my actions in also placing a hold on Mr. Hayes and his nomination are strictly in keeping with the practice of being able to ask a potential nominee—whether it is within the Department of the Interior or any other position within the administration—questions and expecting to receive a response from that individual.

So I, too, rise to oppose the cloture motion for the nomination of David Hayes to be the Deputy Interior Secretary. From my perspective, this vote is over a very simple issue and it can be distilled quite easily and that is: Will this administration answer legitimate questions from Republican Senators? Before I give the background of my situation, I also wish to say I do regret being on the floor at this moment and having to make this statement. I believe this whole process we have gone through has been unnecessary, and at any point leading up to this, the Department of the Interior could very easily have cleared the way for this nominee without having to force a cloture vote. I will explain why.

It was 2 weeks ago that I added my name to the procedural hold placed by the junior Senator from Utah on this nominee, and I did so very reluctantly. I did not do it to be obstructive, to be an obstructionist in any way but, rather, to constructively obtain an understanding of the actions by the Department of the Interior that seemed to be, at least in my opinion, dramatically at odds with statements made by Secretary Salazar and President Obama regarding domestic energy production. I will make a statement for the record that neither I nor Senator BENNETT have asked the Department of the Interior to adopt or to repeal any specific rule or policy or take or repeal any specific administrative action.

The Senator from Utah has laid out, very clearly, his concerns, and I will only summarize for those who are listening to what we are talking about that the Interior Department, very shortly after the beginning of this administration, canceled the 77 oil and gas leases in Utah and gave factually incorrect justifications for its actions. All the Senator from Utah is asking for is a review of this very same issue.

Following the decision on the Utah leases, the administration announced a

180-day delay of the 5-year Outer Continental Shelf leasing plan. There was also a delay of the scheduled round of oil shale research, demonstration, and development leases. There was also a finding for justification of listing the yellow-billed loon, whose range extends through major oil and gas regions in my State in Alaska. There was also the determination that the Bush administration's mountaintop coal mining rule is considered legally defective. Finally, there was the unilateral reversal of the previous administration's Endangered Species Act consultation rules, and this was done without public hearing and without public comment.

It was this last issue—this issue that relates to the Endangered Species Act—that, in my opinion, was the straw that broke the camel's back. When the Bush administration listed the polar bear as a threatened species due to loss of sea ice, the world changed insofar as there had to be clear guidelines for keeping normal activities out of the purview of a huge and impossible regulatory scheme. We have cautioned against an overbroad interpretation of the polar bear rule, and Interior, to their credit, has taken the correct path on some of the most important rulemakings. I truly do appreciate that, and I have had an opportunity to convey my appreciation to Secretary Salazar. We are thankful for that. However, my larger concern remains that consultations could still be required for a host of energy projects, and in any event, that the Endangered Species Act's citizen suit provisions are still going to give rise to a multitude of lawsuits on when and where consultation with the Fish and Wildlife Service is mandated.

All this combined—all these various actions within the Department of the Interior within a very short time period—caused great concern about the direction of our Nation's energy policy.

I have been very pleased about some of the comments I have heard from the President and from Secretary Salazar. They, themselves, have very clearly stated we do need oil and gas, and we should be producing more of it domestically. But what has been happening is the statements that have been made and the rulemaking and the policy directives have been at odds with one another. I will give a couple quotes from both the Secretary and the President.

Secretary Salazar has said: There is no—he was talking about renewable energies, but he goes on to state:

There is no question that the Nation will need to continue to produce oil and gas as a bridge to this energy future.

I absolutely agree with the Secretary.

The President a couple of weeks ago said:

As I've often said, in the short term, as we transition to renewable energy, we can and

should increase our domestic production of oil and natural gas. We're not going to transform our economy overnight. We still need more oil, we still need more gas. If we've got some here in the United States that we can use, we should find it and do so in an environmentally sustainable way . . .

That is the end of the President's quote. I couldn't agree with him more.

But there is an inconsistency, as I have said, in the statements that have been coming from the administration and the actions as evidenced through the rulemaking or the policy directives.

I still have questions about whether this administration does indeed want to include increased domestic conventional energy production as one of the legs of our comprehensive energy policy or if the administration is going to say one thing and do another. If this President and his Interior Department want to scale back production, that is their prerogative, and we can certainly talk about that, but that is something I need to know, both as the ranking member on the Energy Committee and as a Senator coming from the State that has the greatest onshore and offshore oil and gas prospects left in North America. This is important that we know and understand where this administration is coming from.

I sent a letter to the Secretary when I placed a hold on Mr. Hayes, and I outlined my concerns. All my questions in that letter focused on how Interior will implement the policies it has announced and how it will defend against things such as the third-party lawsuits to which we believe they have made themselves pretty vulnerable. The White House and the Interior Department have communicated with me and my staff since I wrote that letter. Initially, we were told DOI doesn't want to answer the questions because they are too hard, there are too many of them, and they are too mean. Since that time, my staff has received a draft of a letter. I received it last night about 7 o'clock. I appreciated their response, but in many ways it avoids many of the specific questions. I think there is an opportunity for us to go through my series of questions, have that discussion in a meaningful way, and get the clarity I am seeking which, as a Senator, I believe I am entitled to.

I will ask: If we can presume the Interior Department has been making its decisions and policies based on rational and well-thought-out facts and science, how hard can it be to question the decisions and the policies behind it?

Mr. President, I ask unanimous consent to submit for the RECORD the letter I sent to Secretary Salazar. I think my colleagues will see there are indeed some very hard questions contained in my letter, but at this level of Government, I would suggest there aren't very many easy questions left.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC.

Hon. KENNETH L. SALAZAR,
Secretary, Department of the Interior,
Washington, DC.

DEAR SECRETARY SALAZAR: I appreciate the comments that you and other members of the Department of the Interior have made on the importance of domestic energy production. As you are aware, however, this past Thursday, April 30th, at a business meeting held by Senate Energy and Natural Resources Committee, I expressed my strong concern over the widening disparity between those statements and the Interior Department's actions. At that meeting I announced my procedural hold on the nomination of David Hayes for Deputy Secretary of the Interior.

I trust my announcement was not a surprise. On Friday April 24th, Will Shaffroth, your Principal Deputy Assistant Secretary for Fish, Wildlife and Parks met with my staff regarding potential repeal of regulations for consultations under the Endangered Species Act (ESA). My staff noted that these regulations were adopted in full compliance with the Administrative Procedure Act, including public hearings and extensive public comment. Staff strongly urged Mr. Shaffroth that if you were determined to repeal the regulations, you also comply with the Administrative Procedure Act. Instead, you and Secretary Locke chose to repeal the regulations without public hearings or public comment. Last week, prior to my announcement, my staff talked to yours and informed them what would happen at the hearing.

It is my sincere hope and expectation that we can advance our respective understandings of the issues set out in this letter as quickly and honestly as possible. My intention is not to make your job more difficult. My intention is, however, to get clear answers and commitments with regard to what I and the American people should expect from our Interior Department when it comes to the pressing and fragile issues surrounding the stewardship of energy and natural resources on federal public lands under your jurisdiction and mine.

In my official statement on April 30, I expressed my cumulative frustration with, among other things, the cancellation of the 77 oil and gas leases in Utah; the 180-day delay of the 5-year outer Continental Shelf leasing plan; the delay of the new round of oil shale research, demonstration, and development leases; the finding for justification of listing the yellow billed loon only one day after Tom Strickland's confirmation hearing; the determination that the Bush Administration's mountaintop coal mining rule is "legally defective"; and, finally, the reversal of the previous administration's Endangered Species Act consultation rules.

In reality, my decision to place the hold on Mr. Hayes is a reflection of concerns that extend beyond these publicly-stated issues and include my dissatisfaction with the questions for the record which I submitted to Mr. Hayes, as well as Mr. Strickland and Ms. Hilary Tompkins, the designate for Solicitor General. I have attached several examples of what I consider to be vague, equivocal, and ultimately meaningless responses to substantive questions which deserved and frankly require significantly more thought, effort, and specificity.

Finally, I am troubled by Interior's lack of a swift and assertive response to the DC Circuit Court's decision on April 17th to vacate your department's outer Continental Shelf Leasing Program. This decision alone could,

depending on its interpretation, have sweeping impacts upon the Obama Administration's stated policy of including increased oil and gas production as a meaningful part of the nation's comprehensive energy policy.

The compounding nature of these acts and omissions demonstrates a consistent pattern of steps that are nearly certain to make domestic energy production more difficult, more time-consuming, and more expensive. This is fundamentally inconsistent with the repeated promises of the President and yourself to actively advance increased production of conventional energy sources. You are aware of my full support for and strong record of aggressively pursuing the technologies and infrastructure necessary to dramatically increase America's renewable energy capacity, but I am concerned that elements within the Administration are meanwhile acting upon a misguided belief that quietly but systematically and rapidly scaling back—or shutting down—domestic oil, gas, and coal production will somehow force a faster and smoother transition to a clean and secure energy future. It will not, and I trust you agree that the ultimate consequences of such a policy would be devastating to our Nation's economy and security, as well as the world's environment.

Given this fact pattern, I worry about what might be next. So, I am left with no option other than exercising my procedural remedies in order to obtain what I hope and presume will be authoritative, binding, and realistic responses to my concerns. To supplement the issues stated above and the attached questions for the record, the latter of which I would like to resubmit, please provide responses to the following items in substantive detail. Though the questions are detailed, I trust that all are issues that you and your staff have already thought about extensively, before you made the policy decisions referred to above.

ENDANGERED SPECIES ACT MODIFICATIONS AND CLIMATE CHANGE GENERALLY

Interior's basis for listing the polar bear as a threatened species was based in significant part upon 7 of 10 climate models showing a 97 percent loss in September sea ice by the end of the 21st century, presenting threatened destruction, modification, or curtailment of polar bear habitat. The previous Administration's change to the subsequent consultation rule attempted to ensure that a causal connection between harm to listed species or their habitats not be drawn from greenhouse gas emissions from a specific facility, resource development project, or government action. The rationale for this was that such connections are manifested through global processes and cannot be reliably predicted or measured at the scale of a listed species' current range; or, would result at most in an extremely small, insignificant impact on a listed species or critical habitat; or, are such that the potential risk of harm to a listed species is remote. Reversal of this rule-making as regards consultation procedures, both formal and informal, risks resetting the required consultations to an all-encompassing level which I do not believe is sustainable, and prompts the following questions:

1. Since the Supreme Court has afforded Interior considerable discretion in enforcing what it termed a Congressional purpose and intent in ESA to provide "comprehensive protection" to species, including protection from significant habitat modification or degradation, please describe in substantive detail how the Interior Department will apply its discretion in deciding whether to require

FWS consultation and concurrence specifically for each of the following federal actions, some of which will result, directly and indirectly, in the emission of various amounts of greenhouse gases upon completion, and most of which will require major levels of operation of heavy equipment; transportation of persons and goods; and large amounts of concrete, steel, aggregate, and other products produced through highly carbon-intensive processes:

I. Clean Air Act permits for any or all of the 28 coal-fired power plants now under construction, as listed by the Department of Energy's tally.

II. Corps of Engineers permit for development and construction of a pipeline to convey water from Dixie Valley to Churchill County, Nevada.

III. Department of Transportation permitting for a high-speed rail construction between Las Vegas, Nevada and Southern California.

IV. Federal funding of "Pavement rehabilitation" at Denver International Airport.

V. Federal funding to Caterpillar, Inc. for high-speed diesel fuel combustion technology.

VI. Department of Transportation funding of the Milwaukee Avenue Reconstruction project in Chicago, Illinois.

VII. Department of Transportation funding of the New Jersey Trans-Hudson Midtown Corridor.

VIII. NEPA documentation on grazing permit renewals.

IX. Hazardous fuels reduction projects on federal lands (resulting in changes in vegetation patterns.)

2. In the event that the Interior Department does not exercise its authority to mandate FWS consultations for the federal actions necessary for the projects stated under (1), does Interior anticipate multiple invocations of the citizen suit provisions under ESA Sec. 9(g) to compel consultations?

a. If so, to what extent is Interior prepared, equipped, and funded to defend against the multitude of citizen suits likely to be filed?

3. Does the reversal of the ESA consultation rule provide, in essence, for mandatory second-guessing on an intradepartmental level, suggesting that any biologists on staff at BLM, MMS, and other agencies are somehow less qualified (or unqualified) to evaluate potential impacts from and mitigation techniques for the activities which they specifically oversee than are FWS biologists?

a. If the non-FWS biologists are qualified, why is it necessary to compel mandatory FWS consultation?

b. If they are not qualified, what is the justification for their continued employment?

4. In science-based decisionmaking, what will be, in substantive detail, the procedural process for moving forward for those occasions when scientific consensus does not exist at the departmental level?

5. How will Interior deal with a lack of broad scientific consensus outside of the Administration; i.e. new and independent scientific reports in direct conflict with Interior's scientists?

6. Given the reversal of the ESA rule, regarding development of the outer Continental Shelf, does the Department intend to formally consult on the polar bear and listed corals for every scheduled lease sale, exploration plan, and other federal action necessary to advance offshore development?

a. If so, what are the minimum and maximum amounts of time that this might take?

b. Are you able to show the proximate causal connection between the direct and

local effects of oil and gas activity and the species in question?

c. Will the consultation requirement be based, in any scenario, on indirect global effects of these activities?

7. Is Interior presently conceptualizing, planning, or formalizing any further modifications to or reversals of any of the Bush Administration's ESA rules?

CLIMATE CHANGE AND SCIENCE-BASED DECISIONS GENERALLY

8. In the science-based decisions which FWS must make, will scientists and only scientists select from the multiple climate change output models available with an ability to do so independent of political and professional influence and incentives?

a. Will Interior commit to a stated policy that such scientists must refrain from basing any part of the selection of climate models upon the model's congruence with the Department's desired administrative outcome?

9. In the world of academic research, the difference between a 4% and 7% probability of error can mean the difference of a scientific paper being published or not. But in the world of government science, as with the Intergovernmental Panel on Climate Change, anything above a probability of 66% is "likely". Does Interior agree that regulatory decisions affecting real lives and livelihoods ought to be held to and based on a standard commensurate or approximate to those of academic research, or is a 66% likelihood "close enough for government work"?

10. Regardless of the scientific standards, will Interior commit to affording full transparency into, and disclosure of, the uncertainty behind all "science-based" decisions?

11. What is Interior presently doing to standardize how it interprets uncertainty in scientific analyses?

12. Will regulatory decisions, regardless of their economic implications, move forward so long as one of the many climate models suggests an impact has a 66% probability?

13. How will Interior balance contradictory evidence of competing climate models and will Interior establish a priori as its preferred model?

14. How will Interior avoid post-hoc decisions on which model to choose based on an individual scientist's preferred outcome?

OCS LEASING AS RELATES TO THE 5-YEAR PLAN AND 4/17 DC CIRCUIT OPINION

15. Please describe in substantive detail the particular process and timing it will take to remedy the issues cited by the DC Circuit with regard to the 5-year plan?

16. Please describe in substantive detail the factors and the criteria Interior will be using to evaluate that it has reached the "... proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone"?

17. As Interior conducts a more complete comparative analysis of the environmental sensitivity of different areas of the outer Continental Shelf, attempting to identify those areas whose environment and marine productivity are most and least sensitive to OCS activity, will you commit to specifically taking into account all existing statutes and regulations that provide for coastal and ocean protection and restoration, and will you presume all of those inherent associated mitigations in your assessment of potential impacts and sensitivities?

18. What specific and detailed factors will the Interior Department be weighing in assessing and reconsidering the Leasing Program's relative assessment of the environmental sensitivity and marine productivity of the various planning areas?

19. Presuming the eventual advancement of the exploration and development of the Chukchi Sea planning area 193, what specific factors will Interior require and/or take into account in evaluating exploration plans for approval? Please make this list of factors as comprehensive and exhaustive as possible.

20. Since the petitioners in the DC Circuit case were focused on the Alaskan areas of the OCS leasing program, will Interior reconsider the entire program or instead make modifications only on those more controversial areas?

21. At which individual stage of the Leasing Program, in which Interior is required to conduct additional and more detailed assessments of the Program's potential effect on the proposed leasing areas, does Interior anticipate legal "ripeness" for the Center for Biological Diversity to survive threshold challenges to the justiciability of their remaining claims?

22. How will you ensure a timely turnaround on these issues given the lack of extensive baseline data for many of the areas?

GULF OF MEXICO LEASING AND ROYALTY RELIEF

23. Is it within any official or unofficial policy of Interior to support efforts to require companies that paid a premium to acquire 1998 and 1999 leases in the U.S. Gulf of Mexico to now be required by legislation to agree to include price thresholds in the leases they continue to hold as a condition of acquiring additional leases?

24. With such major projects as Shenzi and Tahiti now coming on line, does Interior agree with the oil and gas industry's assessment that the 1995 Outer Continental Shelf Deep Water Royalty Relief Act provided an effective mix of incentives to encourage the industry to invest billions of dollars for the benefit of the American consumer? If so, does Interior foresee any potential negative impact upon exploration, development, and production of oil and gas as a result of legislatively changing the terms of the deal struck in 1995?

25. In opposing various bills before the Congress last year, the oil and gas industry took the position that the legislation would, if enacted, constitute a breach of contract and an unconstitutional taking of property without compensation under the Fifth Amendment. Does Interior hold a similar view of the contract and constitutional law implications of such a material change in government terms?

26. In the 110th Congress, Ambassadors from five allied Nations (Norway, Spain, France, Canada, and Australia) expressed their official opinions in writing about the potential

to modify the lease terms—including contravention of treaty obligations and violation of numerous international trade agreements. Do you believe the Ambassadors had a reasonable basis for these concerns?

a. If Interior considers the concerns of the Ambassadors anything short of reasonable, does Interior anticipate a situation where litigation or legislation may lead to either strained foreign relations or reciprocal treatment of U.S. investments in the corresponding nations?

b. If Interior considers the concerns of the Ambassadors to be valid, is it Interior's position that their added complications warrant separate and distinct treatment than domestic companies with similar interests in the Gulf?

27. If Congress were to enact legislation comparable to the excise tax proposal put forward last year by the Senate Finance Committee, would you be concerned about

the likelihood of litigation and the diversion of the Department's resources with respect to that litigation?

28. Now that the U.S. Court of Appeals for the Fifth Circuit has denied rehearing in the Kerr-McGee litigation, would you consider it reasonable for Members of Congress to oppose any legislation that would now seek royalties from 1996-2000 leaseholders on the basis of a price threshold?

MTR COAL MINING RULE

29. On December 3, 2008 the Office of Surface Mining Reclamation and Enforcement (OSM) issued a final rule clarifying the treatment of excess spoil disposal from coal mining operations after 7 years, 43,000 comments, and 4 public hearings. The rule requires mine operators to avoid disturbing streams to the greatest extent possible and clarifies when mine operators must maintain an undisturbed buffer between a mine and adjacent streams, thereby clarifying a long-standing dispute over how the Surface Mining Control and Reclamation Act of 1977 should be applied. Just last week Interior reversed its position on this issue asking the Department of Justice to file a plea with the U.S. District Court requesting that the rule be vacated as "legally defective." Please describe, in substantive detail, the criteria for avoiding the apparent insufficiencies in future rulemakings on this particular issue.

a. In reshaping a legally sufficient rule, what specific steps will Interior take to ensure it observes the proper administrative rulemaking process including issuing a draft rule and opening it up for a comment period?

b. What specific safeguards does Interior intend to put in place to ensure that this change does not halt or delay coal mining operations, jeopardize jobs, and reduce domestic energy production?

GENERAL POLICY

30. If, at the close of the current four-year Presidential term, America's overall oil production has decreased in terms of pure volume, will Interior consider this fact a success or a failure?

31. If, at the close of the current four-year Presidential term, America's overall oil production has decreased as a percentage relative to foreign imports. (e.g. 25% of domestic consumption as opposed to 35% of domestic consumption) will Interior consider this fact a success or a failure?

Again, thank you for your time, patience, and prompt attention to these issues and questions. It is my hope that the stated energy intentions of this Administration will begin to track more closely with its day-to-day actions. In the meantime, your careful consideration of this letter ought to help inform the Interior Department's still-forming policy. Your leadership will be critical, and it will be appreciated well into the future.

Sincerely,

LISA MURKOWSKI,
United States Senator.

Ms. MURKOWSKI. As I indicated in my initial comments, I am not trying to be an obstructionist. In response to DOI's complaints, I have offered to sit down with them, in good faith, and go through the questions one by one. The standard I would use would be if any Member of this body were to be Secretary of Interior, which of the questions would they have insisted that their staff extensively analyze prior to taking the actions the Department has taken? I do believe my questions will be answered, but it is clear that in the

short term, these questions are being answered because of this cloture motion. That troubles me because I believe the Senate, in its role to advise and consent on Presidential nominees, is entitled to answers from the administration about what its policy is as we move forward.

It should not matter whether these questions come from Republicans or Democrats. It is reasonable to expect that any one of us in this body can get honest answers about how this administration is going to pursue and implement an energy policy.

I hoped we would have an opportunity to sit down and go over the questions, but, instead, this morning we are going to see a vote on the floor.

My hold on David Hayes didn't come attached with demands to change a rule, make a rule, or approve a plan or policy. I just want some answers as to what the administration's policies are going to be. My commitment is to get those answers.

Regardless of what happens with this vote today, I am certainly going to pursue actively the development of all forms of energy in this country because we are going to need all of them in high volumes. I do look forward to working in good faith with the Interior Department, whatever its makeup, because we have a lot of work to do. We know that. We need to commit to that level of activity.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, David Hayes is a superbly qualified individual who has been nominated by the President to be the Deputy Secretary of the Interior. We know for a fact that he is superbly qualified because the Senate has already confirmed him for that exact office once before. That was 9 years ago. He served in that office with great distinction during the Clinton administration.

Mr. Hayes also served as counselor to Secretary Babbitt for several years before being appointed Deputy Secretary. In those roles, he handled many of the most challenging issues facing the Department of the Interior, ranging from the acquisition of the Headwaters redwood forest in California, the restoration of the California Bay-Delta ecosystem, the negotiation of habitat conservation plans under the Endangered Species Act, Indian water rights settlements, and energy development on the public lands.

In addition, Mr. Hayes has had a distinguished legal career, focusing primarily on environmental and natural

resource matters. He has served as a senior fellow for the World Wildlife Fund, a consulting professor at Stanford University's Environmental Institute, chairman of the board of the Environmental Law Institute, and chairman of the board of visitors for the Stanford Law School.

Those of us who know Mr. Hayes and had the opportunity to work with him when he was the Deputy Secretary before know him as a man of great knowledge, ability, and integrity, and as someone who strives hard to find constructive, progressive, and consensus solutions to difficult environmental challenges.

But the debate this morning is not really about Mr. Hayes or his qualifications for the office to which the President has nominated him. It is about certain actions that have been taken by the Bush administration during its final weeks in office and whether the Obama administration will be allowed to reconsider those actions.

During its final weeks, the previous administration took a number of controversial actions on endangered species, land withdrawals, mountaintop mining, and oil-and-gas development. It is no secret that in its rush to lock in these actions before it left office, the previous administration didn't give adequate consideration to environmental concerns and legal requirements. Several of these actions have already been overturned by the courts.

Secretary Salazar has inherited this legacy. He is doing his best to address the situation in a fair and balanced way but one that reflects the new administration's commitment to openness and to transparency and to strict adherence to the law.

Among other things, this has meant having to withdraw 77 oil and gas leases issued by the Bush administration in Utah that a Federal court has enjoined because it appears that the previous administration failed to comply with the National Environmental Policy Act, the Federal Land Policy and Management Act, and the National Historic Preservation Act.

It has also meant having to try to salvage the current 5-year plan for oil and gas development on the Outer Continental Shelf after an appeals court found that the previous administration had failed to follow legal requirements when it adopted that plan.

I can understand why some Senators might be concerned about the new administration reviewing the policy decisions of the previous administration. But what I cannot understand is why they would want to obstruct the nomination of David Hayes.

No one can seriously question Secretary Salazar's commitment to the responsible use and development of our natural resources or his commitment to protecting the public interest, basing his decisions on sound science and

complying with the law. But more than 100 days into his tenure, Secretary Salazar remains only one of the two Presidential appointees in the Interior Department who has been confirmed by this Senate. We need to send him help. We need to confirm David Hayes.

The Constitution entrusts this body with the power to advise and consent to the President's nominations. As former majority leader Mike Mansfield, said:

Our responsibility is . . . to evaluate the qualifications of the nominee and to record our pleasure or displeasure, to give our advice and consent or our advice and dissent.

I believe David Hayes is extremely well qualified to be Deputy Secretary again. Any fair evaluation of his qualifications on the merits warrants our advice and consent. If Senators wish to dissent, then they should do so, but they should go ahead and invoke cloture so we can vote on this nomination.

Mr. President, at this point I yield the floor.

Mr. SESSIONS. Mr. President, I share the deep concerns about the decision of the Secretary of the Interior not to go forward with cancelling certain oil and gas leases. I am afraid this represents yet another action that irrationally reduces America's production thus forcing the country to send wealth abroad to purchase oil from foreign nations to the detriment of our economy.

While I had no particular objection to the nominee, I do believe that Senator BENNETT and others deserve a complete hearing on their concerns and this is why I choose to oppose cloture at this time.

Mrs. FEINSTEIN. Mr. President, I rise today to support the nomination of David Hayes to be Deputy Secretary for the Department of the Interior. I think extraordinarily highly of him.

At a time when western water issues are at a crisis point, we need someone with experience and knowledge at the Department of the Interior. Many of our great rivers and estuaries are locked in conflict, and I can think of no one better than David Hayes to work to resolve these issues.

He is smart, he is well respected, he gets into the details, and he can close a deal.

David Hayes has been nominated for the No. 2 position at the Department of the Interior. This is an important job. As Deputy Secretary, he would work closely with Secretary Salazar and have management responsibilities over the entire Department, as well as policy responsibilities over the entire Department.

He would have statutory responsibility as the chief operating officer to help lead a department of 67,000 employees and an annual budget of approximately \$16 billion, including annual and permanent funding.

The Deputy Secretary is the day-to-day administrative manager of the Department and an integral part of the policy decisions.

His prior experience in the Clinton administration in the job means he can hit the ground running.

We need him to be confirmed so we can move on issues like climate change, public lands management, and resolve some of the longstanding water conflicts, including the Bay-Delta in my home State.

I believe he has the confidence of Secretary Salazar, and he has my confidence, and I think very highly of him.

He has been able to take critical land and water issues and work out agreements. His great strength is his ability to negotiate.

When it comes to western water, energy, Indian affairs, and many of the other issues that face Interior, having someone who can consult with the key parties and earn their support on a way to move forward is essential.

David Hayes also was key to resolving a decades-old conflict about the Colorado River.

The Quantification Settlement Agreement enabled California to reduce its overdependence on the Colorado River to its 4.4 million acre-foot apportionment over a 15-year grace period and assures California up to 75 years of stability in its Colorado River water supplies.

Without the agreement, California risked being suddenly cut off from the excess of almost 5 million acre-feet of Colorado River water it had been taking, instead of having 15 years to get there.

David Hayes was instrumental in working out the Headwaters Agreement, which converted 75,000 acres of the largest private old-growth redwood grove to the public lands, protected forever.

David Hayes worked very hard to bring the parties together and negotiate a path forward for the timber company on its remaining lands and to preserve the old-growth redwoods—a large, virtually untouched tract land with 1,000- and 2,000-year-old trees.

David Hayes also worked on the historic Cal-Fed agreement, which affected the urban environmental and agricultural needs of the entire California Bay Delta region. We are again in crisis, and we need him back to help resolve it.

All of these were difficult and sophisticated agreements which needed the determined and steady hand that David Hayes provided. Time and again he was able to bring people together behind a broadly agreeable plan.

David Hayes has been well respected since his days at Stanford Law School in the late seventies, where he was recognized for his outstanding editorial contributions to the Stanford Law Review.

He has a long and distinguished career in private practice, which has always focused on environmental, energy, and natural resources matters and the interconnectedness between the three.

From 1997 to 1999, David Hayes served as the counselor to the Secretary of the Interior, and from 1999 to 2001, he served in the very position that we are considering him for here today.

So there is no doubt that he is extremely well qualified to fill this position.

David Hayes is well positioned to negotiate the many complex issues that face the Department of the Interior today, including the proposed removal of dams on the Klamath River, the development of renewable energy and conservation of the deserts, and the management and conservation of California's Sacramento-San Joaquin River Delta for habitat restoration and water supply goals.

I know that there are some who believe that one cannot understand the West without being from the West. I can only say that there is no one whom I know of who is a candidate for this office who brings more experience in western issues than David Hayes. He is really unparalleled in the arena of Federal officials.

I believe he would be a real asset to the administration, and I hope you will join me in supporting him. I urge my colleagues to vote to confirm David Hayes.

Mr. MERKLEY. Mr. President, I rise today to speak in support of confirming David Hayes to be Deputy Secretary of the Interior. Mr. Hayes is supremely qualified—he has in fact held this exact position before, in the Clinton administration. He has an impressive track record of handling controversial issues and doing so by building consensus among diverse constituencies.

He has successfully used this approach with some of the most pressing issues facing our western states. He worked closely with Senator JON KYL and a range of water and environmental interests to negotiate the framework for the Arizona Water Settlements Act—a historic settlement of water rights disputes involving municipal, agricultural and tribal water users in the State of Arizona. There are pressing water rights issues in the West and across the Nation that need resolution today.

In addition, he worked with Senator DIANNE FEINSTEIN to negotiate the acquisition and protection of the old-growth redwood Headwaters Forest in northern California, along with an accompanying habitat conservation agreement that continues to protect endangered salmon and bird populations on 200,000 acres of adjacent, privately held forest lands in northern California. There are pressing needs to

resolve forest management issues today—to protect old-growth habitat while restoring forest health and creating jobs in our forests.

We need Mr. Hayes on the job.

Over the last 4 months, Secretary Salazar has faced a difficult task of cleaning up the mess the previous administration left at the Department of the Interior.

The American people remember the Department of the Interior under the Bush administration as a Department where “anything goes.” It is the Department the American people associate with Jack Abramoff. It is the Department where agency employees were serving the oil companies instead of the public. And it is the Department where the former assistant secretary in charge of fish and wildlife tampered with the science behind Endangered Species Act decisions.

Again and again, the courts have thrown out the decisions of the Bush administration Interior Department because they didn't pass the smell test.

Last month, for example, a Federal court vacated the entire 5-year plan for oil and gas leasing because the Bush administration didn't do the environmental review properly. So Secretary Salazar and the Obama Interior Department have had to go back to the court and ask for permission to fix it, so that current oil and gas activities aren't disrupted by the bad judgment of the previous administration.

Before that, a court in Utah froze last-minute leases that the Bush administration had granted near Arches and Canyonlands National Parks because the Park Service hadn't been consulted. So Secretary Salazar and the Obama Interior Department have had to go back and review the leases, one by one, to see if any of them are appropriate for development.

It is not a matter of politics in the decisions the Interior Department is making, it is a matter of fixing broken processes and restoring the trust of the American people in the Department that manages one-fifth of the Nation's landmass and 1.7 billion acres off the coasts.

And Secretary Salazar is taking the decisions one by one.

Where Interior is finding good decisions from the Bush administration, they are keeping them in place. Where they are broken, they are fixing them. And when they can't be fixed, they are going back to the drawing board.

Not everyone in this—chamber will agree with every decision that the Interior Department will make. But wouldn't it be a breath of fresh air to see Interior following the rules; fixing problems; making decisions based on the public interest, the best scientific data available, and the rule of law.

David Hayes has served his country under the Clinton administration as Deputy Secretary of the Interior, and

served well. He earned a reputation as a problem solver—as someone who will listen and find common ground.

He will help our Nation tackle the complex natural resource challenges we face. There is much work to be done—on water rights, on forest health, on a number of critical issues.

I urge my colleagues to vote in support of Mr. Hayes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. There is 15½ minutes remaining.

Mr. DURBIN. Thank you. Mr. President, I rise today to discuss the long list of nominees for the Obama administration who are being held up by the Republican Party of the Senate. The Republican Party has been characterized now as a “party of no.” It is a phrase we have been hearing a lot. Consistently, when President Obama has reached out in a bipartisan fashion to ask the Republicans to join him in changing the culture in Washington, in addressing the major issues of our day, in working with him to find compromise legislation, the answer has almost exclusively been “no, not interested.”

Why? Because despite our best efforts to work together, we have been met at every turn by a Republican negative response. Now the party of no—the Republicans in the Senate—has decided to filibuster the nomination of David Hayes to be the No. 2 person in the Department of the Interior.

You must think that is a pretty controversial position, right? Senators on the Republican side, who have made long speeches against filibustering nominees, are breaking their word and now initiating these filibusters. This must be some red-hot controversial position that this man is clearly unqualified to fill. That is not the case.

The Deputy Secretary of the Interior manages the day-to-day operation of the Department of the Interior and works closely with the Secretary on key policy decisions.

David Hayes's previous 2-year tenure in the same position as Deputy Secretary of the Interior and his career of experience give him the knowledge and ability to immediately hit the ground running in this demanding position.

The Secretary of the Interior, Ken Salazar, a former Member of this body, personally reached out to the Republican side of the aisle, telling them he needs to have David Hayes confirmed to make headway on the administration's and the Nation's priorities, including renewable energy production on Federal lands, the effects of climate change on the natural landscape, and reengagement in the resolution of challenging water issues.

David Hayes has a long track record of negotiating solutions to difficult

natural resource issues and working cooperatively with Members of Congress.

When he was Deputy Secretary under the Clinton administration, he worked closely with the Republican whip, Senator JOHN KYL of Arizona, on a range of water and environmental interests to negotiate the framework for the Arizona Water Settlements Act.

He worked with Senator FEINSTEIN, on the Democratic side, to negotiate the acquisition and protection of old-growth redwood Headwaters Forest in northern California.

He partnered with Senator MARY LANDRIEU of Louisiana to secure Land and Water Conservation Fund monies to preserve bayou lands in Louisiana.

This man has experience. He has worked with both sides of the aisle. He has 30 years of experience in natural resources and environmental law, with special expertise in resolving complicated issues. Apparently, 30 years of experience, having held the same job, and having worked with both sides of the aisle is not good enough for the party of no.

On May 6, Senator MURKOWSKI sent a letter to Secretary Salazar raising concerns about the decisions the administration has made in the last few months. The three issues are revisions that the administration has proposed to the Endangered Species Act, regulations relating to future leases in offshore drilling, and the administration's withdrawal of 77 oil and gas leases in Utah.

Senator BENNETT, who is on the Senate floor, continues to object to the administration's withdrawal of 77 oil and gas leases. These leases were withdrawn as a result of a court-ordered injunction, and they are currently under review by the Department.

They are blaming David Hayes for this? Blame the court for this. Give this man a chance to serve our country.

Well, he is not the only nominee held up by the party of no in the Senate. This year, 17 nominees have had to wait and wait and wait for a rollcall vote to be confirmed. In most years, these nominees would have been approved by unanimous consent. Not this year.

Apparently, the Republicans in the Senate don't believe that President Obama has a mandate to lead this country. They are challenging his assemblage of a team of people to make this Federal Government run more efficiently and effectively. This year, the Republican minority demanded rollcall vote after rollcall vote on what were routine appointments by the Obama administration. They would threaten filibusters, force 2 and 3 days of delay, require a 60-vote margin, and then what happened?

Here is one of the controversial nominees. Listen to his vote. Gil

Kerlikowske, nominated to be Director of National Drug Control Policy, was held up, debated, and threatened. His confirmation vote was 91 to 1. Thomas Strickland, nominated to be Assistant Secretary for Fish and Wildlife, Department of the Interior, was confirmed 89 to 2. Kathleen Sebelius, nominated to be Secretary of Health and Human Services, was confirmed 65 to 31. Christopher Hill, Ambassador to Iraq, confirmed 73 to 23; Tony West, Assistant Attorney General, confirmed 82 to 4; Lanny Breuer, Assistant Attorney General, confirmed 88 to 0; Christine Anne Varney, Assistant Attorney General, confirmed 87 to 1; David Kris, Assistant Attorney General, confirmed 97 to 0.

They made us wait for days and weeks and months to bring these names up before the Senate because of the controversy, and listen to the votes: 97 to 0, 87 to 1, 88 to 0. This isn't about the nominee. This isn't about controversy. This is about slowing down the assembly of President Obama's team to bring real change to Washington. That is what this resistance to David Hayes is about as well.

This list goes on. I won't read them all. I will put them in the RECORD. But to put this in historical context, at the start of 2001, when the Senate was controlled by the President's party until May 24, there wasn't a single filibuster of a nomination. The Democratic minority didn't filibuster a single Bush nominee at the start of 2001. This time, we have had to file cloture six times because of threatened filibusters. The following nominees were at least initially filibustered and required a cloture motion: David Ogden, Austan Goolsbee, Cecilia Rouse, and Hilda Solis, for the sole and exclusive purpose of slowing down the assembly of President Obama's administration so there could be an effective and efficient handing over of power.

These Senate Republicans are still negotiating the last election. They want another chance at it. Well, the American people had their day. On November 4 of last year, they elected a new President and asked him to do his best to lead our Nation in troubled times. Sadly, the Republican Party that lost that election will not face the reality that this President needs a team of skilled professionals to stand by him and deal with the real challenges we face in this country. They are slowing down and stopping nominations of well-qualified people who, when they are ultimately called to the floor for a vote, get overwhelming rollcall support.

We have surpassed the number of cloture motions filed on nominations during President Bush's entire first term—four. When President Reagan was elected, in a landslide, a Democratically controlled Senate worked with him to confirm his nominees. So far, the Sen-

ate has confirmed 104 Obama nominations. At the same point in 1981, with President Reagan and a Democratic Congress, it confirmed 125 Reagan nominations. The largest gap between nominations and confirmations during this point in the Reagan administration was 71. The largest gap between nominations and confirmations during the Obama administration is 124, a number reached last week.

Unfortunately, this Republican delay is not likely to end soon. There are currently 18 nominees sitting on the Executive Calendar. By our count, there are almost 12 holds on the Republican side of the aisle. A couple of them are worth noting. Senator John Kerry's brother, Cam Kerry, a well-qualified man, has been nominated to be general counsel of the Department of Commerce, but the Republicans have refused to move his nomination, with no stated reason, no objection to this good man. Regina McCarthy, to be Assistant Administrator of the EPA for Air and Radiation, has been held up because two Senators want her to repudiate the administration's position on climate change.

Once again, they want to renegotiate the November 4 election. Many of the holdups are the result of Republicans asking for policy changes to reinstate George W. Bush policies. Didn't we have an election to decide that?

The nomination of David Hayes is an example. The holds have nothing to do with him. The Republicans holding up his nomination simply want to reinstate George W. Bush-era policies. They long for those good old days under President George W. Bush. They are going to resist change, resist this President, and hold up as many people as they can that he needs to be a success.

Well, elections have consequences. Americans voted for change. But the party of no is holding up the President's agents of change. I urge my colleagues on the other side of the aisle to change their approach and to work with us to confirm a well-qualified man and much-needed person, David Hayes, and the rest of the Obama administration's nominations.

Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER (Mr. BENNETT of Colorado). There is 4½ minutes remaining.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

I am sorry, I withdraw that. I see Senator BENNETT is on his feet.

Mr. BENNETT. Mr. President, is there any time remaining on the Republican side?

The PRESIDING OFFICER. There is no time remaining on the Republican side.

Mr. BENNETT. I ask the assistant Democratic leader if he would respond to a single question?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me do this: I want to yield 1 of our 4 minutes to the Senator from Utah, and then I will respond.

Mr. BENNETT. I thank my colleague.

I have listened with interest to the comments of my friend from Illinois—and we use that term loosely around here, but he really is my friend—and I would simply like to add this one historical postscript: Two of the Deputy Secretaries for Interior were held up by Democratic holds in the Bush administration, one for 6 months and one for 8 months, both on issues I consider to be less significant than the issue I have discussed here today. Senators have a right to get answers to their questions before they make their confirmation votes, as demonstrated by the Democratic Senators who held up these two Deputy Secretaries. My hold of this Deputy Secretary for Interior is nowhere near the amount of time Democrats used when they were holding them up. I would like that historic footnote added to the Senator's comments.

Mr. DURBIN. Mr. President, I acknowledge what my colleague said, and I don't dispute it. I don't recall those particular deputies or their names, but I certainly don't question the facts he has given.

How can you look at David Hayes for this spot, after 30 years of experience, after having held the job before, after actively working with Republicans and Democrats to resolve contentious issues, and say this man is not qualified for the job? I don't get it. I am waiting for the smoking gun to come out. What is this explosive issue that the Republicans know that would hold up this nomination, and they can't come up with it?

Unfortunately, it is part of a pattern. This isn't just about David Hayes, it is about another 18 names sitting on our calendar here—18 names of individuals who are willing to give up their private careers, willing to come to work here in Washington, sometimes for a cut in pay, under difficult circumstances, to serve this new administration and try to change this country. They make the commitment, they get the decision by the family, they come forward, they go through the nomination process, they fill out reams of paper, they sit through the committees and finally get approved by the committees, they get on the calendar, and what happens, usually? Not in this case because Senator BENNETT has been very public about his opposition. Usually it is an anonymous hold by some Republican Senator, fearful of using his name publicly, who will hold up the nomination indefinitely. These poor people languish on this calendar. I commend Senator BENNETT for standing up and stat-

ing his opposition. Although I don't agree with it, at least he has had the courage to come forward. That is not the case on many of these.

This is the pattern that is emerging: Slow things down, force us to a vote, and when the vote finally comes, it is an overwhelming vote in favor of the nominee. The sole purpose is to try to stop the new Obama administration from putting in place the team they need to bring real change to America. President Obama said repeatedly during his campaign that real change is hard to come by, that it takes time and there will be people who will fight it every step of the way. We are seeing one of those battles on the floor of the Senate today when it comes to David Hayes.

For goodness' sake, give President Obama and Secretary Salazar the people they need to be successful in the Department of the Interior. I urge my colleagues to support the cloture motion and to move this nomination forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise today to speak in support of confirming David Hayes to be Deputy Secretary of the Interior. Mr. Hayes is supremely qualified. He has, in fact, held this exact position before in the Clinton administration. He has an impressive track record of handling controversial issues and doing so by building consensus among diverse constituencies. He has successfully used this approach a number of times working in our Western States. He worked closely with the Senator from Arizona on a range of water and environmental interests and negotiated the framework for the Arizona Water Settlements Act, a historic settlement of water rights disputes involving municipal, agricultural, and tribal water users in the State of Arizona. And that is no small matter. You know, they say in the West that whiskey is for talking, but water, that is for fighting. That is how important it is, that is how difficult it is, and it took a good man like this to bring diverse interests together to solve those problems and move forward.

In addition, Mr. Hayes worked with Senator FEINSTEIN to negotiate the acquisition and protection of old-growth redwood Headwaters Forest.

Mr. President, I ask that we have a strong, affirmative vote to fill out the Department of the Interior and put it to work on the issues facing our Nation.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

Harry Reid, Mark Begich, Jeff Merkley, Max Baucus, Patty Murray, Jon Tester, Jack Reed, Jeanne Shaheen, Barbara A. Mikulski, Debbie Stabenow, Tom Harkin, Robert Menendez, Byron L. Dorgan, Mark Pryor, Bernard Sanders, Sherrod Brown, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 189 Ex.]

YEAS—57

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Kyl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NAYS—39

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Reid
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Lugar	Wicker

NOT VOTING—3

Kennedy	Kerry	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

Mr. DURBIN. Mr. President, I ask unanimous consent that the motion to reconsider the vote by which cloture was not invoked on the David Hayes nomination be considered entered by the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I was necessarily absent for the vote today on the motion to invoke cloture on the nomination of David Hayes to be Deputy Secretary of the Interior because I was attending a funeral. If I were able to attend today's session, I would have supported cloture on the Hayes nomination. •

Ms. SNOWE. Mr. President, I rise to expand on my vote in favor of Mr. David Hayes to be Deputy Secretary of the Interior. It is my understanding that Senator BENNETT has requested answers to a series of substantive questions regarding the Department of the Interior's decision to withdraw 77 parcels in Utah from an oil and gas lease sale. I strongly believe that it is the prerogative of any Member of the Senate to have his or her questions answered in detail, especially concerning an issue relevant to their home State. I further understand that the Secretary of the Interior has indicated that there will be a thorough review of the administrative record concerning the 77 lease parcels and the Department will provide a report with recommendations by May 29, 2009. I believe that this is a reasonable path forward on the issues at this time. With that said, if Senator BENNETT's questions are not sufficiently addressed by that date, I reserve my right to object to future executive nominations to the Department of the Interior. I look forward to successful resolution of Senator BENNETT's concerns.

Mr. DURBIN. Mr. President, I ask unanimous consent that following the statement by Senator LANDRIEU of 4 minutes, the Senate resume legislative session and resume consideration of H.R. 627.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I would amend that unanimous consent request. I wish to amend that to allow 5 minutes for the Senator from Louisiana, and 5 minutes for Senator CRAPO, and then the Senate resume legislative session and resume consideration of H.R. 627; and at that point, Senator MENENDEZ be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wanted to take a few minutes in reference to the vote we just had. I cast my vote for the nominee, based on not only his experience with the Department, but based on my confidence in the Secretary that the President has appointed to help lead this country to a position of energy security, a position we do not enjoy at this very moment.

Despite the work that has been done here and on the other side of the Capitol in the last couple of years, despite the rhetoric of several decades, we do not enjoy energy security. We have environmental issues, but we have security issues.

I wanted to express this, because there was obviously some hesitancy about this nominee based on an issue, I believe, involving domestic oil and gas production. That is what this vote was about, not about this personal nominee.

This was a vote to express concern, which I share to some degree, that this administration has not positioned itself appropriately and aggressively enough in the area of domestic energy production, of traditional as well as alternative and new sources.

Here I want to express that while I voted yes on this nominee, that I plan, and Members on the Republican and Democratic side plan, to be more vocal in expressing our concern to this administration that the tax proposals on the oil and gas industry are not going to create jobs. We are going to lose jobs, 1.8 million.

While we move to alternative fuels, we are turning our back on traditional natural gas, which is plentiful, which makes money for lots of people, which secures America, strengthens our industry and creates jobs.

So this was a vote to indicate an unsettling on this floor, both from the Republican side and among some Democrats, that this issue needs to be addressed more directly and more aggressively.

I have all the confidence, as I close, in Secretary Salazar. He served right here with us a few years ago. I know he seeks a balance. So I trust that we will start seeing some aggressive comments coming out from the administration as we push forward to keep leasing up in the gulf off the coast of Alaska, opening up Virginia, other parts of the Continental Shelf, as well as the plentiful gas in your own State, and in places such as Pennsylvania and Ohio, where our industries are desperate for this cheap, clean energy source.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I wish first to indicate to the Senator from Louisiana that I agree with her comments. I think the last time I got up to speak on this energy issue she was here on the floor as well. I share her sentiments about the need for us to continue to focus on developing a rational national energy policy for our Nation.

On July 30 last year, I stood before this body to talk about the No. 1 issue in the country to the people at that time: energy. Gasoline prices were over \$4 a gallon and surging, and Americans were wondering what their leaders in Washington, DC, were going to do to

help. I place tremendous faith in the opinions and ideas of Idahoans. So in early July I asked my constituents to write to me and tell me what they thought we ought to do and to describe to me what the impact of our failure to have a reasonable national energy policy was having on their lives. Then I made a promise that I would submit their stories to the CONGRESSIONAL RECORD, a process I vowed to continue until all of their stories had been submitted. In total, I received over 1,200 responses from my State, 600 almost overnight. It has taken me nearly 10 months to get all of these stories entered into the CONGRESSIONAL RECORD due to the requirements of the CONGRESSIONAL RECORD limitations as to how much can be submitted each day.

Today I submit the last of those stories, and I want to share with you what we have learned. I received touching stories from Idahoans about how they have been negatively impacted by higher energy prices, and the stories indicate that high energy prices had impacted every aspect of their lives. Idahoans had to cut back on family time. Many were unable to visit elderly relatives and had to cut back on family activities together outside of the home such as sports or music lessons. But those were just some of the less serious challenges Idaho families faced. Many had to cut back on their home repairs, their air conditioning, and their contributions to their retirements plans. Many had to make a decision between whether to eat food or to pay for the gasoline they needed to get to their work and keep their job or to purchase needed medications.

I can remember one story of a young mother telling me how she and her husband had started eating much less so that their children could have enough to eat, and they could still have enough gasoline each week to get to work and keep their jobs.

Many of their stories were heart wrenching. Many talked about losing their jobs and being forced to relocate or to make decisions between, as I indicated, purchasing gas or eating their next meal. Many reduced their expenses, cut their luxuries and found ways to economize. But the dramatic increase we experienced last year brought Idaho families, as many in other States, to their knees asking for help.

They offered explanations about what has happened and offered links to various publications and videos they found helpful. They attached photos of their circumstances. They sent legislative resolutions from national, State and local entities to remind us that other legislators around the country were interested in finding solutions to this issue as well. Many of them have spent a lot of time and energy on this subject, researching energy options and sharing their opinions on what they

have learned. They offered solutions. My constituents suggested we need more conservation, that we need more domestic drilling. They wanted more public transportation and more nuclear power options. They pushed for additional renewable and alternative energy sources and research.

In short, they came through with the kind of common sense that people all across this country have been sharing with this Congress on the need for energy solutions. They want us to be less dependent on petroleum, and they want us to be less dependent on foreign sources of this petroleum. They want us to have a broad, diverse energy base of renewable and alternative fuels, including strong support for nuclear power. But above all, they were angry at Congress for not dealing with the issue of high energy prices. They couldn't believe the country had been through an energy crisis before but that Congress still has not managed the issue and come up with a solution. Idahoans expressed frustration with partisan politics and the inability to move past the age-old arguments and reach consensus on a comprehensive energy policy. Many said they were grateful I had asked for their thoughts.

I come before the Senate to echo my constituents' comments and concerns about our energy policy and to offer solutions. As I stand before the Senate, we are no closer to a comprehensive energy policy than we were last July. Yet economic indicators point to a rally in crude oil prices. Oil is now above \$58 a barrel and gas prices are the highest they have been in 6 months. We don't need a repeat of last summer. We need to work together to craft a comprehensive energy policy that promotes domestic security and creates American jobs while providing energy at the lowest cost possible to consumers.

The key to the energy future is to take a balanced approach that includes domestic production, conservation, renewables, nuclear, and alternative fuel development.

I would like to conclude my remarks by repeating my constituents' desire for the kind of bipartisanship that can transform this country's energy policy. I welcome the opportunity to work with all my colleagues on this issue. I encourage us not to get into another energy crisis such as we faced last summer, with Congress having failed to take the important steps it can to help America become energy independent and a strong supplier of its own energy resources.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

Pending:

Dodd-Shelby amendment No. 1058, in the nature of a substitute.

McConnell (for Gregg) amendment No. 1085 (to amendment No. 1058), to enhance public knowledge regarding the national debt by requiring the publication of the facts about the national debt on IRS instructions, Federal Web sites, and in new legislation.

Vitter amendment No. 1066 (to amendment No. 1058), to specify acceptable forms of identification for the opening of credit card accounts.

Sanders amendment No. 1062 (to amendment No. 1058), to establish a national consumer credit usury rate.

Gillibrand amendment No. 1084 (to amendment No. 1058), to amend the Fair Credit Reporting Act to require reporting agencies to provide free credit reports in the native language of certain non-English speaking consumers.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, we see gathering clouds in this economic storm and those clouds are credit card debt. At the very same time that it is becoming harder to get new credit, Americans have almost a trillion dollars of credit card debt outstanding. Defaults are rising and delinquencies are at a 6-year high. It is clear this isn't only a question of consumers overspending. Credit card companies are trying to boost their profit with deceptive practices and making the situation worse. People are seeing so much of their paychecks eaten up by late fees, over-the-limit fees, and interest payments that today companies can unilaterally increase at any time. Credit card companies are pushing cards on college students who can't afford them and teenagers are winding up with a lifetime of debt.

Companies are raising interest rates on consumers and customers who have a perfect record with their credit card but miss a payment with some other creditor. Maybe worst of all, if you have a credit card, chances are there is a line in the fine print that says the company can change the rules at any time. Considering some of the changes companies have made already, who knows what they could do tomorrow.

I have heard from thousands of people in New Jersey who feel their credit card contracts are booby-trapped, that their credit card agreements conceal all kinds of trapdoors behind a layer of fine print. Take one false step and your credit rating plummets and your interest rate shoots through the roof.

These are the same kinds of stories we started hearing as the foreclosure crisis began. Right now there is nothing stopping credit card companies from doing this to consumers—no law, no level playing field, no protection for the average American, no way to get the kind of fair treatment we expect as a matter of common sense.

When some people see that their interest rate has shot through the roof for no apparent reason, they call and plead with their companies for help, but their fate lies solely in the hands of the credit card companies. If the companies don't want to help, they are out of luck and stuck with an even bigger mountain of debt. Meanwhile, credit card companies are still making multi-billion-dollar profits. This isn't just impacting the lives of individual Americans and families trying to make ends meet; it has major ramifications for the entire economy.

One of our major economic challenges right now is getting credit flowing again but not at the high price credit card companies are imposing. The economy is never going to get running at full speed again if consumers can't get their bearings because they have fallen behind on a payment treadmill that credit card companies keep speeding up. If there is any time to end deceptive practices and level the playing field, it is now.

Credit card reform is something I have been calling for since I set foot in the Senate. In 2006, one of the first pieces of legislation I introduced was an effort to reform credit card practices. Even then it was clear credit card debt was a looming problem that had the potential to wreak havoc on American families unless we achieved commonsense reforms. If there is one thing we have learned from this economic crisis, it is that we can't wait for a dangerous situation to reach full-blown crisis proportions before we act.

This Congress, as I have done for several Congresses, I introduced the Credit Card Reform Act to tackle essentially the same issues this current bill deals with, including banning retroactive rate increases, protecting young consumers from being sucked into the cycle of debt, reasonably tying fees to costs, and prohibiting unilateral changes to agreements.

We have \$1 trillion collective debt in credit cards. That is how big this issue is. I am proud to see Chairman DODD's credit card reform bill includes many of the provisions I included in my bill and have championed for years. His leadership is what has brought us to the floor today. I included in my bill many of those provisions, and we have championed them together.

Though in some cases I would like to see different provisions that I think would make for stronger legislation, I still look forward to working with the chairman on one or two of those. But

this bill represents one of the strongest, most comprehensive efforts yet to end some of the most egregious practices of credit card issuers, while making sure that Americans young and old don't fall so easily into financial traps.

The principle behind this bill is simple: Companies should be clear about the rules upfront, and they should not change them in the middle of the game. The bill says, similar to a provision I have been pushing, if companies want to change the terms of credit card agreements, they have to give reasonable notice before they do so. It will end an industry practice known as universal default on existing credit balances so companies don't raise interest rates on customers' outstanding debt when they have a perfect record with that credit card but maybe miss a payment by a few days with some other creditor.

I called for this in my bill, and I am proud to see Chairman DODD has it in his. I am also proud he included a provision I called for in my bill to make sure that when fees are imposed, they are reasonably tied to the original violation or omission that triggered the fee, not just the companies' desire to increase profits.

This bill will discourage the bait-and-switch tactics behind the preapproved offers that almost every American consumer has seen come into their mailbox, an idea I also put forward strongly in my own bill. When you get a card offer, the offer should be real. The terms should not be so good to be true that it fades away once you apply for the card. This legislation will provide recourse for consumers, if a card issuer tries a sleight of hand and changes the terms in the fine print.

One of the things I have been focused on—and I am glad to see it in this bill—will protect young consumers from credit card solicitations they didn't ask for. I am convinced, having seen my own children, when they were in college and studying but not working, get an incredible number of preapproved credit cards, I could stack them this high, or my State director's 2-year-old who got a preapproved credit card, if you have a Social Security number and a pulse that, in fact, you can get a credit card.

I am proud this bill includes a provision that says people under 21 can proactively opt in to receive credit offers, but they will no longer will be lured into deals unless the decision is their own. It would also ensure that when college students do opt in and apply for a credit card, they prove that they or a cosigner can actually make the payments on that debt before they get that card. That is something I even think should be considered more broadly, ability to pay as a fundamental essence.

This way we don't get people on the march of bad debt, bad credit, and all

the consequences that flow therefrom. For far too many people, credit card debt is already a personal financial crisis. If we don't act soon, it could grow to become a national financial crisis. Already there is a trillion dollars in collective debt. We cannot allow predatory and deceptive practices in the industry to continue as we did in the subprime mortgage market. We cannot allow the credit card problem to become the next foreclosure crisis.

When it comes down to it, this legislation is about trust. At a time we have seen financial institutions fail, either fail to be profitable or just fail to be honest, it is clear that restoring trust by ending deceptive practices is good for everyone. People are not demanding too much, just rules that are fair, understandable, and don't change in the middle of the game.

It is time we give individual consumers the tools to level the playing field when it comes to dealing with credit card companies. This legislation is about creating a trustworthy financial system, restoring some common-sense rules of the road, and stabilizing our economy by making it possible for consumers to get their footing.

At the end of the day, that is in the interest of all Americans. Now it is time to act because, similar to the debt on our credit cards, if we keep putting this problem off month after month, it is only going to get worse.

I look forward to working with the chairman to pass this bill, making it as strong as possible and making sure it becomes law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I commend my chairman, the distinguished Senator from Connecticut, for his work on the legislation before us today. This has been a complex issue. The chairman has worked very hard to bring people together on all sides. I commend also the senior Senator from Alabama for his vital engagement on these reforms that touch the wallet or the pocketbook of virtually every American. America needs credit card reform.

Take the case of Maggie Bagon, a 59-year-old social worker from Salem, OR. As reported in the *Oregonian*, Maggie used her card conservatively. She paid her bills on time. So she was incensed when her credit card company charged her a late fee.

So she called up the bank. They told her the terms of her contract permitted them to sit on her payment for 10 days before they posted it to her account, and that made it feasible—in fact, lawful—for them to charge her a late fee when she paid her bill early.

That type of practice is a scam. Maggie and thousands of Oregonians, perhaps millions of Americans, have been charged late fees for paying their credit cards early. That kind of deception and trickery has to end.

Late fees for early payments is not the only type of scam we have had in this industry. How about interest charges on balances that have been paid off? Well, you have paid it off, and you are very happy about that. You are now free of interest? No, you are not—not under the rules of the fine print in many credit card agreements.

How about fees for going over the limit when you do not know you are over the limit? Well, it used to be you were simply turned down and that was fine because that was the deal you had and you understood the deal. But now suddenly you get your credit card statement, and you find out you were charged a \$30 fee when you bought a newspaper with a credit card or you were charged a \$30 fee when you bought a \$5 meal with your credit card because the bank was not going to tell you about the fee because they wanted to collect those fees for going over the limit.

Well, this act will fix that problem, that type of scam on the American worker. In fact, credit card companies have even charged fees for making your payments at all. Some charge fees for paying with a check. Some charge fees for paying over the Internet. Some charge fees for paying by telephone. That is simply crazy, and this act will address these types of tricks and traps that have become key and central to the industry.

As a member of the Oregon House of Representatives and as speaker, I worked with my colleagues to reform lending practices in our home State. We tried to address credit card practices to establish fair rules of the road, and our legal counsel said: No, you can't do that here at the State level. You have to do that at the Federal level. It is federally preempted. So we were not able to help people such as Maggie, the citizens of our State, have fair practices. Only the Federal Government, under Federal law, can make these changes.

But if we all have reserved to ourselves the power to set fair practices, then we have a moral obligation to set those fair practices. We have an obligation on behalf of the millions of American citizens such as Maggie. That is why this legislation is so important.

It is strong, commonsense legislation which targets the most abusive practices. In particular, I am proud it prohibits "universal default" on existing balances—that bait-and-switch tactic when, under the deal you have signed up for, you are charged 7 percent, but after you make those charges, your interest rate is suddenly switched to 29 percent.

I am proud this bill requires that payments beyond the minimum monthly payment be applied to the balances with the highest rate of interest.

I am proud this bill limits the aggressive solicitation of young persons; that

it prohibits fees based on the method of payment, be it telephone, mail, Internet or otherwise; that it prohibits over-the-limit fees unless a person opts in to that feature—it is a fair deal, you choose it—and that it prohibits late fees if the card issuer delayed posting the payment.

These long-overdue, commonsense reforms are important steps to bring transparency and fairness to credit card contracts. These reforms will help Maggie and millions such as her from Connecticut to Oregon and everywhere in between.

Friends, this legislation is also good for our banking system. There is one clear lesson we have learned this year; that is, fair lending results in families who are on a solid foundation, strong consumers, and it avoids the sort of securitization that results in poison pills being based on fraudulent, deceptive practices, poison pills that infect our banks and financial institutions around the world.

Even the banks are aware this system is flawed, and some have tried to offer better, safer cards. But they found it hard to differentiate themselves. Why is that? Well, here is why. It is pretty straightforward. Consumers do not have the time or patience to read the dozens of pages of fine print that come in a credit card contract and then to compare its terms—and be able to evaluate its terms—to the dozens of pages that come with another credit card.

But even if a person dedicated a week of their life to comparing two credit card contracts, it would not matter because, at the end of the contract, it says: These terms can be changed at the discretion of the credit card company at any time. And they are changed frequently. Therefore, the contract does not give you the ability to compare and contrast. Therefore, we have a dysfunctional market because consumers are not able to choose better cards with better practices.

We need to create a functional market where there is competition—competition not based on how many tricks and traps you can insert into the fine print but competition based on value, based on good interest rates, based on fair fees, and based on good, old-fashioned consumer service.

Friends and colleagues, this legislation is fundamentally about fairness. It is long overdue. Our citizens deserve fair contracts on credit. It makes our families stronger. It makes our national financial system stronger.

I certainly commend Senator DODD for his 20 years of labor, day in and day out, to reform these practices. I commend President Obama for his leadership on this very important issue.

Friends, it is time to adopt these reforms. President Obama is waiting. Maggie Bagon of Salem, OR, is waiting, along with millions of other Americans, for simple fairness.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Connecticut.

Mr. DODD. Madam President, before my colleague from Oregon leaves the floor, I wish to thank Senator MERKLEY, who is a former speaker of the house in his home State. He is a new Member of this body and a welcome addition to it. While he and my colleague from Colorado, Senator BENNET, and Senator WARNER from Virginia are new Members of the Senate and new members of the Banking Committee, I wish my colleagues to know what incredibly valuable additions they have been to the committee and to this body.

In the few short months they have been here, I have gotten to know all three of them very well. We have had a lot of—almost, I think, close to 20—hearings in the Banking Committee since January 20 on a variety of issues. We had a housing bill up last week, which took a good part of the week, with some 20 amendments. Now we have this legislation. There is a lot of work in front of us.

I wish to express to the people of Oregon how grateful we are to them they have sent JEFF MERKLEY to the Senate. He is making a wonderful contribution, and it has been in a matter of days. Certainly, on this issue, he has brought a wealth of knowledge and experience to the subject matter of consumer issues. Certainly, his additions and thoughts on the credit card legislation have been invaluable, as have been those by BOB MENENDEZ, who was here a minute ago, the Senator from New Jersey, who is a more senior Member of the Senate but a former Member of the House. Also, his concerns about young people and the proliferation of credit cards arriving at their homes unsolicited, and in some cases being preapproved, has been a source of great concern for me over many years. To have the addition of BOB MENENDEZ expressing his interests on those subject matters has brought us to the point where we now finally have provisions in this bill that do protect young people and their families.

I pointed out yesterday that 20 percent of college students have in excess of \$7,000 in credit card debt, and the average college graduate today is leaving college with more than \$4,000 in credit card debt. In fact, one of the major reasons why students drop out is because of credit card debt.

Again, we understand the value of a credit card. But the responsible use of it by the consumer and also the responsible proliferation of these cards by the issuers need to be in balance. It is not. This bill changes that, and we think for the better, which will provide the use of credit cards but in far more responsible ways than certainly presently is the case.

I am very grateful to Senator MERKLEY, Senator MENENDEZ, Senator BENNET, and Senator WARNER, who have been involved in this debate over the last number of weeks and months. I am confident and hopeful in the next 2 days or so we will be able to finish the bill and work out with the House the differences we have, which are not many, and send this legislation to the President.

The President, by the way, is the first American President who has spoken up so forcefully, on numerous occasions now over the last several weeks, on this issue. To have an American President talk about the importance of reform of the credit card industry has made an invaluable contribution to public awareness about this issue—not that the public needed to be made aware of it. The public has been living with it. They have been far more knowledgeable about this, with 70 million accounts over the previous 11 months having their interest rate go up. That is one out of four American families.

As you have heard in anecdote after anecdote, fees have been raised, penalties have been imposed, charges have been added on, with no cause, no justification whatsoever. It is the only contract I know of where one party can change the terms at will. If you buy a home, if you buy a car, if you buy an appliance, there is a contract. The seller cannot change the terms midway in that contract. On credit cards they can, and they say it bluntly: For any reason, at any time, we will change the contract. Of course, that is terribly unfair to American consumers, at a time they are paying an awful price economically, as well as with jobs being lost and homes falling into foreclosure.

I am hopeful this bipartisan bill Senator SHELBY and I have put together will enjoy broad bipartisan support. I cannot think of a more significant message we can send to the American public about this institution caring about what they are going through today. We have spent a lot of time over the last number of months dealing with financial institutions: stabilizing them, TARP money, automobile assistance. Americans are wondering if we are ever going to do anything about what they are going through. Certainly, I understand—I think most of my colleagues do—that stabilizing our financial institutions ultimately will get credit moving and be a great help to businesses and consumers. But it is an indirect assistance. This is direct assistance.

This is an opportunity to say, it is not going to happen any longer. We are putting a stop to it. The people are going to get the kind of help they deserve. People need credit cards. They are essential for them in the conduct of their everyday lives. But they need to have the assurance that the terms are

not going to change, the rights do not change, the credit limits do not change on the basis of the issuer deciding that on their own. This bill addresses all of those issues in a very comprehensive and thoughtful manner.

I am grateful, again, to the members of the Banking Committee, as well as to Senator SHELBY, of course, and others who have helped put this legislation together.

The majority leader has been a champion in this area, and he is the one who has allowed us to be on this floor and to engage in this debate. Having leadership that insists upon this kind of debate occurring is welcomed in this country, and I thank Senator REID, as well, for those efforts.

With that, Madam President, unless others wish to be heard, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I wish to make some remarks with respect to this pending legislation. First, I wish to commend Senator DODD and Senator SHELBY for developing this bipartisan legislation. It will bring more fairness to the credit card market and provide more predictability to the many Americans who use credit cards, which is practically all Americans today.

Families are being squeezed on every side. The unemployment rate continues to rise. The situation, we hope, is beginning to stabilize across the country. However, in my State of Rhode Island, there is still a significant 10.5-percent unemployment rate. That is unacceptable. Individuals are still working, but they are receiving pressure to take pay cuts. Home values have fallen precipitously. As a result, people can no longer call upon their biggest investment and their biggest source of wealth: their home. All of this is adding to the dilemma that is facing working families across this country.

At a time of declining home prices, rising unemployment, and the pressures of daily life, individuals are faced with higher and higher credit card interest rates, which makes it even more difficult to make ends meet. People who have never missed a payment are facing double-digit interest rate increases because card issuers are currently permitted to increase rates at any time for any reason.

Our small business owners are struggling. The Federal Reserve April 2009 survey of senior loan officers shows that banks continue to tighten standards for credit for small business lending and to decrease existing credit lines. With few viable alternatives,

many small business owners must use their personal credit cards just to keep the lights on in their company and to stay afloat, and they also are subject to these arbitrary increases of their interest rates.

The Dodd-Shelby substitute restores balance to a market that has lacked adequate consumer protections for far too long. This legislation codifies the rules the Federal Reserve recently issued by prohibiting double-cycle billing, retroactive interest rate increases on credit card holders in good standing, and other questionable practices. It will institute commonsense rules that will make a meaningful difference for consumers, and this is a very important and very positive first step. These Federal Reserve rules have done that.

But this bill goes further. It requires that penalty fees be reasonable and proportional to the cost of the violation. It requires that any interest rate increases on new purchases be reviewed every 6 months so that consumers can return to a previous rate if conditions change. It also protects consumers who have temporarily fallen on hard times by requiring 60 days before penalty interest rates can be imposed.

It shields young people from taking on more debt than they can handle by limiting prescreened offers to young consumers. It also gives consumers more access to the information they need to make wise financial decisions, such as requiring full disclosure about due dates, penalties, and changes in terms.

I am pleased that much of the bill will take effect just 9 months from enactment. This is an aggressive but achievable effective date—something I pushed for, along with my colleagues, particularly Senators DODD and SHELBY. When the Federal Reserve first announced that its rules would not be implemented until July 2010, I wrote to Chairman Bernanke urging him to reconsider the effective date in light of the economic crisis.

This legislation is careful to try to make changes in a way that preserves consumer access to credit. Implementation is staggered in recognition that some of these changes are very narrow in scope and others are more far-reaching. For instance, an important provision requiring a 45-day notice before any interest rate increase will take effect in 3 months. Other changes, which may require more time to be implemented appropriately, will be instituted on a different timeline. This is a sensible and rational way to quickly address issues that are clear cut. It will also place more difficult issues on a timeline that will provide relief but give an opportunity to effectively implement these changes.

I am, however, disappointed that the ban on retroactive interest rate increases will not take effect until 15 months after the bill is enacted. I

think we should do that much more quickly. I point out that 15 months is even later than the date included in the Federal Reserve's original rules, although we are improving upon their original approach. This bill goes further than the Federal Reserve's rules, and in that sense I think it is important and timely and effective.

This bill will stop the exploitation of credit cardholders, there is no doubt. But we must acknowledge that when card issuers return to careful underwriting standards because they can no longer change interest rates at will, credit may become tighter. As a result, for some consumers, a credit card will be harder to come by. We have to recognize that. That is something which I think should be explicit rather than implicit.

One more point. Our first priority is protecting consumers, but what should not get lost in the debate is that robust consumer protections benefit the whole economy. We are now seeing what happens when some financial institutions are able to pursue profits without reasonable safeguards for borrowers, without prudent underwriting, without effective due diligence. The short-run gain quickly turns into long-run pain for the economy. That is precisely what has happened over the last several months. Not only did consumers suffer, but also the institutions that originally underwrote these products suffered.

All of this having been said, the legislation before us is timely. It will provide long-overdue protections to Americans—individuals, households, families, and businesses. I urge my colleagues to support this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

U.S. DEBT

Mr. GREGG. Madam President, I rise to speak about the dire situation of our fiscal house and the Federal Government, which has been confirmed and reinforced by the recent trustees' report on Social Security.

We are in big trouble as a nation because of the amount of debt we are running up. This President has proposed a budget that doubles the debt in 5 years and triples it in 10 years. He proposed a budget that runs, on the average, a trillion dollars of deficit every year for the next 10 years—4 to 5 percent of GDP in deficit. In fact, this year the deficit will be almost \$2 trillion and it will be almost 13 percent of GDP—staggering numbers, numbers we have never seen as a nation except during World War II when we were fighting for survival. These numbers add up to debt that is unsustainable and cannot possibly be repaid by our children and therefore will create an atmosphere for our children and our children's children where our Nation will not be as

prosperous or as strong as it was when our Nation was passed on to our stewardship.

These problems are only massively compounded by the report that came out yesterday from the Social Security trustees because they pointed out that the Medicare trust fund is going into a negative cash flow situation and the Social Security trust fund will soon go into a negative cash flow situation. What does that mean? Well, in the last 15 or 20 years, we have basically been financing our Government by borrowing from the piggy bank of Social Security and using that money to operate the day-to-day costs of the Federal Government. What the trustees are telling us is that the piggy bank is broken. It has been smashed. It no longer has any money in it. It is not going to take in money that exceeds the amount of money it has to pay out. In fact, we are going to have to borrow money now in order to pay Social Security benefits beginning in 2016 and Medicare benefits right now, this year.

This chart reflects the seriousness of the situation. If you take just these basic mandatory programs—Social Security, Medicare, and Medicaid—the cost is escalating on a steep upward slope. By around the year 2025 or 2030, these three programs alone will absorb all of the money the Federal Government has traditionally spent on all of the programs of the Federal Government—20 percent of GDP—and then they go up. It is projected that toward the middle of this century, Social Security, Medicare, and Medicaid will literally bankrupt our Nation by themselves. That says nothing about the basic underlying budget, which is expanding so dramatically under this Presidency.

The debt of this country under President Obama's proposal and budget, because of spending in these three accounts and because of the new spending the President proposed in all sorts of other accounts—massive expansions in the size of Government, where the debt of the Federal Government just goes up and up, to the point where it will represent, at the end of President Obama's budget, 80 percent of the gross national product. Today, the Federal debt is about 40 percent of the gross national product, down here, but after the spending spree of President Obama and the Democratic Congress, it will be 80 percent of the gross national product.

We will be in a position where we cannot get out of the hole. Usually, when you dig a hole that is too deep—and we are deep in the hole already, by the way—you stop digging. That is the old adage. If you are digging a hole and you are underground, you stop digging. We are not going to stop digging as a government. What the President and the Democrats are suggesting is that we bring a backhoe into the hole and dig twice as fast, so that we go even

further down into the negative, into debt. That is not sustainable. It is not survivable for our kids because they are going to end up with costs and deficits that far exceed their ability to be able to manage.

The Medicare system alone has an unfunded liability of \$37.8 trillion. When you throw in the Social Security system on top of that, you are talking about unfunded liabilities of over \$42 trillion. What are the implications of that? If you took all the taxes paid in the United States since we were formed as a nation, since we began our Government and started to collect taxes, we have paid less in taxes than we have in obligations on those two accounts. If you took the net worth of every American—all of our homes, cars, and stock—and you added it all up, we have a debt on the books for the purpose of paying for the programs that we know already exist under Medicare and Social Security—we have a debt that exceeds the net worth of the entire country. That is the definition of bankruptcy, by the way—when your debt dramatically exceeds your assets.

In fact, by the 10th year of this budget, as proposed by President Obama and passed by the Democratic Senate—without any Republican votes because it is such an irresponsible budget—the interest on the Federal debt alone will be \$850 billion. To try to put that into context, the interest on the debt will actually exceed what we spend on national defense. It will exceed by a factor of 4 or 5 what we spend on education and on transportation. So we will be putting more money into paying interest.

By the way, to whom do we pay this interest? We pay it to the Chinese, to the Japanese, to Southeast Asian countries, and, obviously, to the Arab and oil-producing countries. We will be paying more interest to those nations—more American hard-earned dollars will go to those nations to pay interest on our debt—than we will have available, what we will be able to spend on our own national defense.

Does that make sense? No, it doesn't make any sense at all. Plus, it is not supportable.

There are only two things that can happen to our Nation. When you run up the debt in the manner in which this deficit is proposed and in the manner these deficits will do under the budget passed here, when you look at the debt and the serious financial situations of Social Security and Medicare, there are basically only two things—unless we take action on controlling spending now—that can occur. One is that you devalue the dollar and inflate the currency. That is sort of a combined thing. You basically take the value of the American currency and inflate it. That is the cruelest tax of all. That says to people who have savings that they will find they are worth less the

next day because of inflation. It says to the people who want to buy things that they can buy less because of inflation. Inflation is a massive tax on working Americans. That is one way you get out of debt, you inflate it. The practical effect of that is that people won't want to buy your debt. If they know inflation is coming, they won't buy your debt. Why give you \$1 billion to buy a billion dollars of American debt knowing that you are going to pay them back in inflated dollars? If they are going to give you a billion dollars, or lend it to you, they are going to require much higher interest rates than we presently have to pay because they are going to have to anticipate inflation and the fact that the value of the dollar will be reduced and that the value of the debt they just bought will be worth less. So inflation has a lot of very bad ramifications.

But how else do you get out from underneath the debt? The other way is to massively increase taxes on all Americans. This euphemism that we are just going to tax the rich—you cannot do it by just taxing the rich even if taxing the rich is something you want to do.

On the other side of the aisle, they claim they are going to raise the rate on high-income Americans from 35 percent up to an effective rate of about 41 or 42 percent, as proposed by the President. These high-income Americans, making more than \$250,000, are the majority of the job producers in America. Most of the jobs in America are produced by small businesses today, and almost all of those small businesses would be hit with this additional tax rate. So what happens to the small business, that mom-and-pop activity in New Hampshire, which is suddenly starting to grow? Maybe they have 10 employees and they want to add 12 or 15 more, but they cannot do it because they have to take their money and put it toward paying taxes. They are not going to be able to put it toward adding more jobs, which would be much more beneficial to us than having the money come to Washington and having the people in Washington decide how to efficiently spend it. It is spent much more efficiently by small business.

It is not like they are undertaxed. A 35-percent tax rate on a small business means they are taxed more than any other people in the industrialized world for small business activity. Most corporate taxes and business taxes in the world average out around 20, 19, 15 percent. In the United States it is 35 percent, if you are an individual or a subchapter S corporation. Now they are talking about taking it up to 41 percent under the proposal from the other side of the aisle.

That is their plan for taxes. This is tax the rich. Even though for the most part this is small business and it will cost us jobs—fine, let's accept the tax-the-rich argument. How much money

do they get from that? Not very much, compared to what they are talking about spending. They, the other side of the aisle, are proposing increasing spending by over \$1 trillion on the discretionary side—that is education and things like that—and over \$1 trillion on the entitlement side. The revenues from this tax increase are about one-fifth of that spending increase, maximum one-fifth—and that presumes that wealthy people are not going to be smart enough to go out and figure out ways to avoid taxes, which is what people do who have accountants when their tax rates go up. They figure out a way to invest so they do not have to pay their taxes at such a high level, legally, by investing in things that are tax avoidance vehicles.

It is not a very efficient way to manage the economy. We would rather have people invest in a way to get the maximum return because that creates the most productivity in society, which promotes the most jobs, but what happens is people invest not to create jobs and create return, they go out and invest to avoid taxes, which is a very inefficient way to spend dollars. But let's accept the theory this is all acceptable, that we should go out and tax the rich because it is a good political statement and makes a nice TV ad and that will address the problem.

It does not. We still have a debt curve that goes up essentially on the same pathway because this pathway of debt assumes—this debt assumes this tax increase on the wealthy.

What is the other option besides inflating the economy? It is to tax everyone at very dramatic rates. What is the practical effect of that? If we tax all working Americans in order to pay off this debt—and remember what this debt is being used for. It is being used to expand the size of the Government. The President has been very forthright about this. He says: I believe, by dramatically growing the size of the Government—I heard this today on NPR, which I found was very appropriate since they happen to be a Government-funded agency—by dramatically expanding the size of the Government, you can create prosperity.

That is the argument of the President. That is the argument of the NPR's commentator today. I am thinking to myself—explain this to me.

Take the debt of the United States up to 80 percent of GDP, run deficits of \$1 trillion a year for the next 10 years, and we are going to create prosperity? We are not going to create prosperity. We are going to create a momentary blip in the activity of the Government in the private sector—not momentary, a permanent blip. And we are going to significantly increase the size of the Government and maybe we will create some Government jobs, but in the end what we get is a massive expansion in debt, a massive expansion in deficit,

and a commensurate expansion either in inflation or in taxes, which have a huge dampening effect on prosperity.

We don't create prosperity by increasing inflation. We don't create prosperity by creating a nonproductive workplace where capital is being invested, not for the purposes of efficiency but for the purposes of avoiding taxes. Basically, what we are absolutely guaranteeing when we are running up this type of debt is that we are not going to get prosperity. We are going to get a weaker economy, a less prosperous country, and a country that is not as strong.

These numbers that came out yesterday from the Social Security trustees only highlight, in a most devastating way, how significant our problem is. If we fail to take it on, if we fail to address this issue, if we continue on this path of just spending money as if there is no tomorrow, there will be no tomorrow for our children because the burdens will be so high and so extreme from all the costs of Government, and especially from the burdens of these entitlement programs.

What is the answer? To begin with, yes we are in a tough fiscal time right now, and we have to spend money that we do not want to spend in order to try to get things going. But let's acknowledge the fact that this recession is not going to go on forever. Hopefully, there are some lights at the end of the tunnel and some glimmers that things are turning around, and we all hope that is going to occur and it appears it may. The Federal Reserve Chairman thinks it will.

As we move out of this recession, we should not continue to spend as if we are in a recession. Rather, we should draw back on the spending we put into the system. We should start to take some of that spending back. All of the spending programs that came in the stimulus should have been sunsetted so these programs end after the recession is over, 1½ years from now, or maybe 1 year from now.

But that is not the plan. The plan is to build all of this spending into the baseline and have this spending go on for as far as the eye can see, and that is why the President's budget expects to have a \$1 trillion deficit as far as the eye can see, or at least as far as the budget window—10 years.

Then after retrenching on the spending that is being proposed just in the short term, saying: Let's stop this spending when we get out of the recession, let's start curtailing this spending, let's go back to the former spending patterns of the Government—which were not very good to begin with but at least a lot better than what is being proposed now. Let's put someplace some strict fiscal discipline. Let's freeze discretionary spending for 1 or 2 years after we move past this recession—in other words, in the year 2010, 2012, 2013.

Let's also, at the same time, look at these entitlement accounts and see how we can put them on a more sustainable path. That means making some courageous decisions around here. We proposed—myself and Senator CONRAD—a way to accomplish that because we know the political system does not inherently allow people, members of the Government who have to run for reelection, to make the tough decisions on these programs that affect everyone. We know that.

We know it is very hard for somebody to stand up at a town meeting and say we are going to raise the age of retirement in Social Security; we are going to change the ways we calculate COLAs on Social Security. No, that is not the way these things are discussed around here. That is not possible in a political climate. We accept that.

Why not set up a procedure which drives a good policy, which we can vote on and everybody can sort of hold hands and go at the issue together? That is what Senator CONRAD and I have suggested. It is called the Conrad-Gregg Commission, except in New Hampshire where we call it the Gregg-Conrad Commission.

Actually, what it does is set up a process where a group of people who are very knowledgeable—with a majority, by the way, from the majority party—sit down and figure out the best ways to try to bend this curve a little bit. Hopefully, more than this. See, this is the current baseline, the blue one. Hopefully, we can get it back to the current baseline and get under control the rate of growth of these entitlements so they do become, at least if not immediately affordable, over a long period more affordable.

We do this on a fast track. We do it without amendments. We require an up-or-down vote and require super-majorities so everybody is protected, everybody knows it is fair. It gets to the underlying issue which is how to control the rate of growth of spending.

I recognize I have been sort of a Sisyphus, pushing a rock up a hill in this position, and I have not gotten to the top of the hill yet. But I am not alone on this concern. The chairmen of the Budget Committee in both the House and Senate have both said that these outyear debt patterns of their budgets are unsustainable. Those were not my words.

The Director of OMB, the President's Office of Management and Budget, has said these outyear numbers are unsustainable. The Secretary of Treasury has said these outyear numbers are unsustainable. We cannot have a debt-to-GDP ratio of 85 percent. We can't have deficits of 4 to 5 percent annually. We cannot do it and have a sustainable Government. We end up turning into a banana republic if we continue on this path where we basically self-implode through inflation or excessive taxing.

The international community is starting to comment on this. The head of the Chinese Federal Reserve—a different title but the same position—has raised his concerns about it, as has the premier of China. After all, they are our biggest lender.

If the person who lent you the money for your credit card comes to you and says: I am a little concerned about the amount of credit you are running up. I am a little concerned about it. You ought to listen to that person because that is the person who is going to lend you the next dollar.

Regrettably, we are in that situation whether we like it or not. This is a real discussion about the real problems we confront as a country, and the trustees report should be listened to. There was one specific suggestion in the trustees report that we in the Congress were supposed to do. The trustees report says when it is projected that the Medicare trust fund will have to be supported with more than 45 percent of the general funds of the Government—in other words, the Medicare trust fund is supposed to be self-insured. It never has been, but it is supposed to be. It is not supposed to be general funds, which is general taxation, to pay for it. So 5 years or so ago we put in that language that said if over 45 percent of the support funds comes from the general fund so it is no longer an insurance event, so people who are paying into their HI insurance are no longer supporting anything more than 55 percent of the cost of the fund—at that point the trustees notify Congress and the President that this is going to occur within the next 7 years, and we are supposed to, by our own statute, receive from the President directions as to how to bring spending or the cost of the trust fund down so that the general fund will not be invaded by more than 45 percent.

President Bush took this to heart. He sent up two proposals to accomplish that, both of which were fairly reasonable. The first one was, the people who take part in the Part D drug program should have to pay a percentage of their premium for that program if they are rich, if they are well off. In other words, people working in a restaurant in Epping, NH, today are fully subsidizing the Part D premium of, for example, Warren Buffett. That makes no sense, does it? So if you have a fair amount of income, you should pay a larger—some percentage at least of your Part D premium. President Bush suggested that.

Another approach, he said, was there are a lot of savings occurring in the health care industry today based mostly on technology advances. We would like to share the rewards of those savings with the people who are getting them. Today, 100 percent of the savings goes to the health care industry. President Bush suggested that we take half of those savings and put them back

into the Medicare trust fund. Those are very reasonable proposals, both of those. They were both rejected by the Democratic Congress, a Congress controlled by the Democrats. Both were rejected by the Democratic Congress.

Now it is President Obama's turn to send us some ideas for how we keep the cost to the general fund of the trust fund of Medicare below 45 percent. But what has happened? Total silence. Total silence. Nothing has been sent. No proposal has been sent. No endorsement of any proposal has been sent.

Interestingly enough, and to his credit, President Obama suggests in his budget the same proposal on Part D that President Bush proposed, which was that wealthy people should pay some percentage of the cost of their premium. So one might think they would send that proposal as a free-standing initiative, at least that one, as a way to address some of the costs which are being generated and being borne by the general fund. But we have not heard that.

It is ironic, of course, that President Obama has that proposal in his budget and is not willing to send it. It may be that because Congress, under the Democratic leadership, rejected this idea 2 years ago, that they believe it will be rejected again. But let's at least take a run at it because it is a good idea, and it is very appropriate. It should be done along with some other ideas because we have this responsibility, under our own rules.

There are rules. We set them up. We said if the general fund is going to be invaded by more than 45 percent we have to come up with some way to correct that. So we ought to at least live by that. There are some ideas as to where we should go from here, rather than allowing this debt to become so excessive that, for example, it got so high that we become so irresponsible as a nation in the area of debt that we couldn't even get in the European Union. That is an irony, isn't it?

When this debt gets up over 60 percent of GDP, which it may well, probably in the next 2 years, at that point the United States would no longer qualify for entry into the European Union.

Because those industrialized States said: That level of debt is irresponsible. A government that has that level of debt is so irresponsible that we do not want you in the European Union.

In other words, Latvia or Lithuania could get into the European Union, but the United States could not. Not that we are going to apply. But that is a pretty good place to look for a standard, is it not? They are industrialized nations.

So we need to take some action. We need to listen closely and read closely the trustee's report, because it is telling us we are in deep trouble.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 1:30 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 1:31 p.m. and reassembled when called to order by the Presiding Officer (Mrs. HAGAN.)

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009—Continued

Mr. BAYH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I fully support the bill offered by the distinguished chairman of the Banking Committee, Senator DODD. It would create a long overdue reform of the credit card industry whose practices have been increasingly predatory and abusive. I have heard from many hundreds of Iowans who have been victimized by credit card companies. These are good people who, in the current economic downturn, have had no choice but to resort to their credit cards in order to put food on the table or to make a car payment or even help pay for college tuition. As a result, they have found themselves on the receiving end of a whole array of unfair and often outright abusive practices; things such as double billing, unwanted fees, and arbitrary interest rate increases. I applaud the Dodd-Shelby legislation for cracking down on some of these abuses. I think the legislation is a good first step.

However, this bill still allows credit card companies to charge excessive and, for millions of Americans, ruinous interest rates. Currently one-third of all credit cardholders in the United States are being forced to pay interest rates above 20 percent, sometimes as high as 41 percent. These interest rates are grossly excessive. It is time to set a reasonable limit on what credit card companies can charge.

In times past, an interest rate of 20 percent, 30 percent, or 40 percent would have been condemned by religious leaders of all faiths as being the sin of usury. People daring to charge these interest rates would have been prosecuted for loan sharking. But today the credit card industry tells us that charging people these grossly excessive interest rates is both fair and necessary. I totally disagree. It is not fair, and it is not necessary. What is more, many Iowans have pointed out to me the very financial institutions that are victimizing and squeezing ordinary hard-working Americans have already

received billions of dollars from the taxpayers. Now these institutions are lending money that came from taxpayers to people at interest rates as high as 41 percent. Someone tell me, what is the logic of that? No wonder people are upset all over this country. We take their hard-earned tax dollars, give it to the big institutions. They have a credit card and in hard times they have to use that credit card for some necessities. Now they are being charged 20, 25, 30 percent interest. It is a sweet deal for the financial institution. It is nothing more than an old-fashioned rip-off of consumers.

For these reasons, I have joined with Senators SANDERS, WHITEHOUSE, LEAHY, DURBIN, and LEVIN to offer an amendment to cap credit card interest rates at 15 percent. Yes, that is exactly what I am saying. No credit card could charge more than 15 percent interest rates. Why did we pick 15 percent as an appropriate top rate? Thanks to a law passed by this Congress 30 years ago—I was here at the time—we put a cap of 15 percent on the maximum interest charges a credit union could charge their customers. That was 30 years ago. We left a safety valve for special circumstances. This rate cap of 15 percent has protected millions of consumers at credit unions. I belong to a credit union right here in the Senate. I have always belonged to a credit union. I belonged to one in the House when I was there, and before that, in the Navy, I belonged to the Navy Federal Credit Union. These credit unions have performed a viable, good service for millions of Americans without harming the safety or soundness of the institutions and without negatively impacting access to credit for credit union members. I have been a member of a credit union all my adult life. I have never once seen them constrict the amount of credit involved to borrowers. If you need a car, you have been able to get consumer loans from credit unions.

I would also point out, not one single credit union—not one—had to line up with the big banks begging for a bailout. Not one credit union. Yet they are capped at 15-percent interest rates. Interesting, isn't it?

Credit unions have remained strong and stable despite the meltdown in much of our financial system.

Chris Coliver, a regulatory analyst for the California Credit Union League, was recently asked about the effect of the interest rate cap on his institutions—the 15-percent cap. He answered:

It hasn't been an issue. Credit unions are still able to thrive.

Of course, there may be some special circumstances under which an interest rate above 15 percent is temporarily necessary. Currently, credit unions are allowed to charge higher interest rates if their regulator—which is the National Credit Union Administration—

determines this is necessary to maintain the safety and soundness of the institutions. At the present time, the NCUA, the National Credit Union Administration, allows credit unions to charge interest rates as high as—get this—as high as 18 percent, though most credit unions continue to have a top rate that is actually much lower than that, and some of them lower than 15 percent, some as low as 12 percent, 11 percent. Well, our amendment includes a similar, reasonable exception. It would allow credit card companies to charge interest rates higher than 15 percent in circumstances where Federal regulators determine that higher rates are necessary to protect the safety and soundness of financial institutions.

It seems as if this is *deja vu* all over again for me. I have been advocating for a 15-percent cap since I was an attorney for the Iowa Consumer League in 1973, fresh out of law school. I was a lawyer for the Iowa Consumer League, and we were trying to get the Iowa Legislature at that time to put a cap of 15 percent on credit cards. So this issue has been around for a long time. As a legal aid lawyer at that time, I saw firsthand the devastation and hardship caused to Iowa families by excessive interest rates charged by credit card companies and others. Again, many of these Iowans turned to their credit cards in a time of crisis—a medical emergency, for example—but because of the prohibitive interest rates, they found themselves falling further and further behind in their payments. Some were forced into bankruptcy.

Well, it is no different today. As I said, I have received many hundreds of letters and e-mails from Iowans who have been victimized by credit card companies' abusive practices. For example, Madam President, let me share an all-too-common story from one of my Iowa constituents, and I will read it verbatim as she wrote it:

I am a single mom with a pretty good job, [for] which I am very thankful. I have 3 credit cards. Recently, I received notices from 2 of them that they were raising my interest rate due to the "economic conditions." I don't mean a little, I mean a LOT.

She capitalized "LOT."

Capital One—

We all know who Capital One is, and their credit cards—

Capital One sent me a notice that they were raising my rate from 13.9 percent to 23.99 percent. I had the option of cancelling my card and paying off the existing balance at my current rate of 13.9 percent, which I did. The other one is Washington Mutual. They were recently purchased by JP Morgan Chase. I received a notice from them a couple of weeks ago that my rate was going from—

Get this—

10.4 percent to 23.99 percent.

Now, you wonder: Here is JPMorgan Chase, operating through Washington

Mutual, increasing their interest rate to 23.99 percent. Capital One increasing their interest rate to 23.99 percent. Why weren't they off just 1 percent? Why are they both exactly the same? Well, it looks as if they are all ganging up to charge the same high interest rate.

Anyway, let me continue to read from her letter. The rate was going from 10.4 percent to 23.99 percent.

I have never missed a payment or been late on either one of these. Tonight I called JP Morgan Chase and they told me I missed the deadline to say I wanted to decline the changes in my cardholder agreement. I said I wanted to close my account and pay off the existing balance at the 10.4 percent. They refused! . . . I could see it if I had missed any payments or even paid a day late, but I have NOT. This is just WRONG.

End of her letter.

Imagine that. She actually had the wherewithal to pay it off at 10.4 percent, and JPMorgan said: No. You missed the deadline.

We all get this mail. We all get this junk mail and all that stuff from credit card companies. I just throw them away. Well, maybe there is some notice in there that, oh, if it is not a bill, maybe they have sent you a notice that maybe you have to do something. Who reads all that junk mail? Nine times out of ten, it is some kind of promotion they are promoting: You can get a free airline pass or you can get a cut rate on going to Cancun or something like that. You get all that junk. Then they slip in there another little letter that says: Oh, by the way, if you do not cancel your previous agreement, we are going to do this, this, and this. Good luck in finding that out.

This constituent who wrote me would clearly benefit from the provisions in the Dodd-Shelby bill that would prohibit retroactive rate increases on existing balances in accounts with no late payments. But the larger issue remains: Why should any bank be allowed to charge an interest rate of 24 percent under any circumstances—under any circumstances? Why should banks be allowed to charge other customers interest rates as high as 41 percent—41 percent?

As I said, I support the underlying bill, but the bill will continue to let them charge those kinds of interest rates. The bill does clean up some of the other stuff, and that is why I am supporting it. But this does not get really to the nub of the problem; that is, we are allowing usurious interest rates to be charged for credit cards. We know why they are charging these interest rates. They can get by with it. It is legal. Well, the credit unions can survive and provide credit and issue credit cards to their holders and survive on 15 percent. Are you telling me these big companies cannot? Of course they can. But guess what. They probably would not be able to pay their executives \$50 million a year in salaries

and bonuses or—\$50 million; I am being a piker—try \$200 million or \$300 million a year. That is what they are paid. So to keep up this lavish lifestyle for their executives, for their corporate offices, they charge 20, 30, 40 percent.

Well, as I said, take a lesson from the credit unions. Take a lesson. That is what we have to put a limit on. That is why I cannot emphasize enough that unless and until we cap interest rates, we are still going to have these problems because people will get credit cards, they will get into dire straits. This is their only way of paying a bill—to use their credit card—and something else happens, and all of a sudden they are racked up with these high interest rates.

The other thing credit card companies are doing is they are charging these high interest rates in order to be able to give credit cards to just about anyone. People get credit cards sent to them without any kind of credit checks, whether they are really credit-worthy. They get all these kinds of credit cards out there. People who are like my constituent, who are responsible and who pay their bills on time and who have credit cards which they do pay on time and never get behind, are penalized because credit card companies are so lax and so loose with whom they give these credit cards to. So we all pay for it. Well, the credit card companies ought to be a little bit more circumspect about whom they give their credit cards to. Again, they should take a lesson from the credit unions.

So, Madam President, as I said, I support the underlying bill. But we must seize this opportunity to address the single most widespread and destructive abuse in this industry; that is, grossly excessively high interest rates. That is why I support this amendment. I urge my colleagues to vote for the Sanders-Harkin-Leahy-Whitehouse-Durbin-Levin amendment on this bill.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

AMENDMENT NO. 1084

Mr. ISAKSON. Mr. President, I ask unanimous consent that amendment No. 1084, the Gillibrand amendment, be made pending.

The PRESIDING OFFICER. That amendment is pending.

AMENDMENT NO. 1104 TO AMENDMENT NO. 1084

Mr. ISAKSON. Mr. President, I call up the second-degree amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 1104 to amendment No. 1084.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Comptroller General to conduct a study on the relationship between fluency in the English language and financial literacy)

Beginning on page 1, line 2, strike all through page 2, line 9, and insert the following:

SEC. 503. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and
(2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains a detailed summary of the findings and conclusions of the study required under subsection (a).

Mr. ISAKSON. Mr. President, briefly, I have high regard for Senator GILLIBRAND and the intent of the amendment. I also understand the practical application of what could happen. I know in my home State of Georgia, in one school system in Gwinnett County, there are 178 different languages spoken. The application of this amendment would cause, for example, in Gwinnett County, 178 different credit reports in 178 different languages to meet the intent of the law.

I respect and understand the difficulty that fluency can make in someone's ability to read and do their financial affairs. However, before we were to require of all the credit reporting agencies that they publish all credit reports and make them available in every language that could be spoken in the United States, we should conduct a study through GAO to ensure that we understand the relationship between fluency and financial affairs on the part of an individual and we understand exactly what the consequences of this amendment would be. This gives us 1 year to study and make a final decision based on facts rather than forcing an automatic imposition of credit reports being published in a variety of different languages, which could be well in excess of 100.

I, respectfully, appreciate the consideration of the Senate.

I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN pertaining to the introduction of S. 1030 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAYH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, as you may have observed in our time together in the Senate, I do not come to the floor of the Senate to speak very often. I try to reserve my comments for matters of particular importance and urgency, matters where I think we can make a real difference and where the debate will matter. We are debating one such issue today, when it comes to the important need, the critical need to rein in the abusive practices of credit card companies that are harming thousands of middle-class families across my State and millions of middle-class families across America.

Just this last weekend I received more than 500 letters and e-mails from my constituents, middle-class people across Indiana who are outraged because they rightly believe they have been abused by the predatory practices of credit card companies. These are decent hard-working people who ask nothing more than for a fair shake in life and, too often, they are not getting it because of these abusive practices.

I wish to take the opportunity to share with you a couple of these stories. Many of them are heartfelt. I will give an example. This one is from a single mother. She writes me:

Dear Senator BAYH, I am a single mother of a teenage boy, and I work 50 hours per week—

She is not some deadbeat, she is a hard-working, middle American—

at a job I've had for 14 years. My ex-husband quit his job out of the blue a couple of years ago and did not pay any child support for over a year.

Unfortunately, I had to turn to using my credit cards for things like groceries, gas and other bills just to keep up. If you are even 1 or 2 days late in paying your bill, these credit card companies increase your percentage rate to astronomically high amounts. Because I was struggling and a few days—not

months, just a few days—late on some of my credit card payments, the percentage rates on my credit cards are now between 28 and 32 percent. I will never pay off these bills with interest rates like this!

So many people out there, including myself, are at the mercy of these unscrupulous credit card companies that can do whatever they please. There needs to be laws regulating how much these companies can charge. Americans are mired in credit cards debt that will never be paid off, no matter how hard they work and no matter how hard they try if the current practices do not change.

My economic situation will be so much better if it were not for my credit card bills. I owe probably \$15,000 now on all of my credit card bills combined, but it will take me a lifetime to pay those off because of the practices to which I have been subjected. Please fight for hard working people everywhere who just want a chance to get out from under their debt and better their financial circumstances.

I also heard from a woman in Carmel, IN, just north of Indianapolis, a few weeks ago. She had an \$8,000 balance on a closed—a closed credit card account. She was not buying anything. She had always paid her bill on time. And out of the blue one day—she had done nothing wrong—her credit card company doubled her minimum payment. She is a woman of modest means and she could not make the higher payment. She called the bank and they would not work with her, even though she had never missed a payment or been late, not once.

Soon the credit company started adding late fees and compounding her interest. Over the course of 2 years, her balance tripled from \$8,000 to \$24,000, without making a single purchase. She had bought nothing. She had done nothing wrong. And she is getting gouged like this. This is the kind of thing that has to stop.

I heard from another constituent from Middlebury, IN, another basic middle-class middle American, who received an offer from her credit card company to consolidate her balance on all of her credit cards at 4 percent.

Well, that sounded like a pretty good rate, so she accepted the offer. She never missed a payment. She had paid off half her debt, when suddenly they raised the monthly minimum payment by 60 percent. So she is paying on time, she is paying down her debt, and her monthly minimum rate goes up by 60 percent without cause or any notice.

She called customer service to complain. They said they would lower her monthly minimum payment if she would agree to have her interest rate doubled. This woman from Middlebury is a mother. She is trying to keep her head above water, and her credit card company is making life more difficult with practices like that.

Those are the kinds of things we have to stop. And those are the kinds of things I hope we will stop yet this week here in the Senate.

Here is what she wrote:

I don't know that our government can do a thing about this, but I just wanted to be heard.

Well, here is the place where her voice can be heard. Here is the place where thousands of middle-class families like hers can come for some relief. Here is the place where over 500 people who wrote about the abuses to which they have been subjected can come for some relief.

This recession has caused millions of middle-class families to resort to using their credit cards a little bit more, not because they wanted to but because they had to try to make ends meet. They are working hard, trying to get out from under this situation, and it does not make life any easier when they are running uphill because of these abusive practices.

You know, bills are sent out so late. They arrive in our mailbox and you have got 24 or 48 hours to pay the thing off or you are subjected to a late fee. That is not right. Then they start charging interest on the late fee. Interest rates can literally, because of the fine print in these bills—you know, back in the day, you applied for a credit card, it was about a one-page thing. Now it is 20 or 30 pages of fine print. And buried in there in the fine print are the provisions where companies can raise your interest rates any amount, anytime, for any reason, or for no reason whatsoever. Those are the kinds of things that need to be stopped.

Then, finally, when you are making your payments, they take the payment you make, and rather than applying it to the most expensive part of your debt with the highest interest rate, they apply it to the lowest interest rate. Why? Because it is more profitable for them, even though it would be better to do it the other way around for you. Those are the kinds of things we have to correct.

You know me pretty well, Mr. President. I am a free enterprise person. I believe in the right of companies to make a profit, and credit card companies are no exception. But they ought to make it the legitimate, old-fashioned way, not on the backs of consumers through abusive practices. That is what we are talking about here.

This also goes to something else I am concerned about, and that is the deepening skepticism and cynicism about government in general, and about Washington, DC, in particular. They think we are all under the thumb of a bunch of special interests. Everybody sold out and nobody cares about the average person or the middle-class family anymore. This gives us an opportunity to show, to demonstrate that that is not true, to stand up for millions of ordinary people, to do what is right, to say that the free market should be allowed to operate, but you should not scam people, you should not bury fees in fine print, you should not do a bait and switch.

That is not the way you make a decent profit. That is something that ought to be against the rules. That is what this legislation would provide for. For the sake of middle-class families across States such as Indiana and New Mexico and elsewhere across America, for the sake of folks who are working hard trying to get out from under the consequences of this recession, for the sake of trying to restore some faith and trust in our system of self-government, it is important that we pass this credit card bill, to restrain these abusive practices, to stand up for middle-class families, to do right by our citizens, and to let people know that when their voices are heard, we will answer.

That is why I have risen today on this bill. I urge my colleagues to join with us in acting. I hope we will have an opportunity to do that before the week is out.

I thank you for your leadership, as well as my colleagues.

Seeing none of our colleagues present, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO

Mr. DURBIN. Mr. President, for the last several weeks there has been a hue and cry from the other side of the aisle, a steady procession of Republican Senators, concerning the President's intention to close the detention facility at Guantanamo Bay. I would like to remind colleagues this is a problem President Obama inherited from the previous administration, and it is worth a few moments to review the history.

After the September 11 terrorist attacks on the United States, the Bush administration decided to set aside treaties that had served us in past conflicts. They sent detainees to the Guantanamo facility and claimed the right to seize anyone, including American citizens in the United States, and to hold them indefinitely without legal rights.

GEN Colin Powell, then the Secretary of State to President George W. Bush, objected. He said the administration's policy:

Will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain.

GEN Colin Powell, former Chairman of the Joint Chiefs of Staff, then Secretary of State to George W. Bush. Secretary Powell's words were prophetic. Guantanamo became an international embarrassment for the United States and, sadly, tragically, a recruiting tool for terrorists such as al-Qaida. The Supreme Court repeatedly held that the administration's detention policies were illegal. As Justice Sandra Day O'Connor famously wrote for the majority in the Hamdi difficult decision:

A state of war is not a blank check for the President.

Today, nearly 8 years after the 9/11 attacks, none of the terrorists who planned those attacks has been brought to justice.

After he left the Bush administration, Colin Powell spoke out publicly again. He said:

Guantanamo has become a major, major problem . . . in the way the world perceives America. . . . We don't need it and it is causing us far more damage than any good we get for it.

That is not a quote from the ACLU. That came from GEN Colin Powell, former chairman of the Joint Chiefs of Staff and former Secretary of State. A lot of others agree. Four other former Secretaries of State, Republican and Democratic, have weighed in: Henry Kissinger, Madeleine Albright, James Baker, and Warren Christopher have all called for Guantanamo to be closed. As Secretary Baker explained:

We all agreed one of the best things that could happen would be to close Guantanamo, which is a very serious blot on our reputation.

Former Navy general counsel Alberto Mora testified in the Senate Armed Services Committee, saying:

There are serving U.S. flag-rank officers who maintain that the first and second identifiable causes of U.S. combat deaths in Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are respectively the symbols of Abu Ghraib and Guantanamo.

This was not some leftwing columnist. This is the former Navy general counsel, Alberto Mora.

Retired Air Force MAJ Matthew Alexander led the interrogation team that tracked down Abu Mus'ab al-Zarqawi, the leader of al-Qaida in Iraq. He used legal and traditional interrogation tactics which he believes are more effective than torture. Here is what Major Alexander said:

I listened time and time again to foreign fighters, and Sunni Iraqis, state that the number one reason they decided to pick up arms and join Al Qaeda was the abuses at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay. . . . It's no exaggeration to say that at least half of our losses and casualties in that country have come at the hands of foreigners who joined the fray because of our program of detainee abuse.

Let me remind those listening again, the source of this quote is not some lib-

eral-leaning columnist, angry at policies of the United States. It is MAJ Matthew Alexander from the Air Force, a man who dedicated a large part of his life to serving our country and risking his life in its defense.

I visited Guantanamo in 2006. I left with a feeling of pride and admiration for the soldiers and sailors serving there. They are great Americans doing a tough job in a very bleak climate. But they are being asked to carry a heavy burden created by the previous administration's policies, which have turned Guantanamo, sadly, into a recruiting poster for al-Qaida.

By 2006, even former President George W. Bush said he wanted to close Guantanamo Bay. He acknowledged the problem. He didn't do anything to solve it.

As an aside, it is interesting to note that there were no complaints from the Republican side of the aisle when President Bush said he wanted to close Guantanamo. The Republican leader of the Senate did not come down to the floor to object when his President made the suggestion. He started making a regular trip to the floor to object when the suggestion was made by President Obama.

President Obama has shown courage in taking on this difficult challenge. Within 48 hours of his inauguration, President Obama issued executive orders prohibiting torture, stating that Guantanamo will be closed within 1 year and setting up a review process for all detainees who are currently held at Guantanamo.

Here is what President Obama said:

The United States intends to prosecute the ongoing struggle against violence and terrorism and we are going to do so vigilantly, we are going to do so effectively, and we are going to do so in a manner that is consistent with our values and our ideals.

At the signing of the Executive orders, the President was joined by 16 retired admirals and generals. These distinguished Americans issued a statement saying:

President Obama's actions today will restore the moral authority and strengthen the national security of the United States. . . . President Obama has rejected the false choice between national security and our ideals. Our Nation will be stronger and safer for it.

In response to the Executive orders, Republican Senators JOHN MCCAIN and LINDSEY GRAHAM said:

We support President Obama's decision to close the prison at Guantanamo, reaffirm America's adherence to the Geneva Conventions, and begin a process that will, we hope, lead to the resolution of all cases of Guantanamo detainees.

Keep in mind, I have just read a quote from Senator JOHN MCCAIN, a man who, of course, was President Obama's opponent in the last election, but a man who had a personal life experience of over 5 years of captivity during the Vietnam war, and a colleague

of mine who has shown extraordinary courage and political courage and leadership in leading the effort to say, once and for all, that we were going to prohibit torture as part of America's policy.

It was Senator MCCAIN, along with his colleague Senator GRAHAM, who said these supportive things after President Obama's announcement. It was a strong bipartisan statement, a strong day for our country.

But now things have changed, and I do not know why. The Republicans are on the attack. They claim that the President does not have a plan to close Guantanamo, and yet at the same time they are arguing that the President does have a plan, which is to release terrorists into the United States. Imagine that. These claims are not only contradictory, they are preposterous.

The truth is, the President is taking the time to carefully plan for the closure of Guantanamo, and he is going to do it in a way that is consistent with America's security.

Here is how the Director of National Intelligence Dennis Blair explained it:

[Guantanamo] is a rallying cry for terrorist recruitment and harmful to our national security, so closing it is important for our national security. The guiding principles for closing the center should be protecting our national security, respecting the Geneva Conventions and the rule of law, and respecting the existing institutions of justice in this country. Closing this center and satisfying these principles will take time, and is the work of many departments and agencies.

In recent weeks, Republicans have regularly come to the floor of the Senate and the House to make dozens of statements criticizing President Obama on Guantanamo. The distinguished minority leader, Senator MCCONNELL of Kentucky, alone, has spoken on this issue on 9 separate occasions over the last 11 days the Senate has been in session. It is interesting that the Republicans are spending so much time focused on the fate of Guantanamo while President Obama and others in Congress are focused on getting our economy back on track after 8 years of failed economic policies.

What is the explanation? According to a recent story in Politico:

Congressional Republicans have stoked parochial fears of releasing Guantanamo detainees to the U.S. mainland, and GOP aides privately acknowledge that this issue is one of the few on which they believe they have a real edge on the Obama administration.

Somehow arguing on the floor of the Senate that President Barack Obama cannot wait to close Guantanamo and turn terrorists loose in the United States—incredible.

The Hill newspaper reported:

As polls show most Americans approve of the job Obama is doing on issues like the economy, the wars in Iraq and Afghanistan and others, Republicans are desperate to find an issue on which they can come out ahead.

In other words, the Republicans are trying to turn Guantanamo into a political issue. Richard Clarke was President George W. Bush's first counterterrorism chief. Listen to what he said last week:

Recent Republican attacks on Guantanamo are more desperate attempts from a demoralized party to politicize national security and the safety of the American people.

Let's examine two of the specific claims from the other side of the aisle. They argue that transferring Guantanamo detainees to U.S. prisons will put Americans at risk.

Well, earlier today my colleague SHELDON WHITEHOUSE—I serve on the Judiciary Committee with him—had a very interesting hearing, which I am sure will be noted by many people when they follow the news, where he talked about the detention and interrogation policies and brought some critical witnesses to testify who had dissented from President Bush's policies during the course of his administration.

During his hearing in the Judiciary Committee today, one of the witnesses was Phillip Zelikow. Phillip Zelikow was the Executive Director of the 9/11 Commission, which has received high marks from virtually everyone for the professional job they did under the leadership of Governor Kean of New Jersey and former Congressman Hamilton of Indiana. Mr. Zelikow also served as counselor to Secretary of State Condoleezza Rice. He comes to this issue with ample experience.

Mr. Zelikow was intimately involved with these issues during the Bush administration, and he strongly supports closing Guantanamo. He told me in the hearing it will be safe to transfer Guantanamo detainees to U.S. prisons and facilities, and some of the most dangerous terrorists are already incarcerated in the United States.

Here are a few examples: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombings—he is being safely and securely held in an American detention facility; 9/11 conspirator Zacarias Moussaoui; Richard Reid, the so-called shoe bomber; and numerous al-Qaida terrorists responsible for bombing United States Embassies in Kenya and Tanzania.

If we can safely hold these individuals, I believe we can safely hold any Guantanamo detainees who need to be held. I should note no prisoner has ever escaped from a Federal supermaximum security facility in the United States.

Republicans also claim the administration wants to release terrorists into our communities. What an incredible charge, and patently false. President Obama has made clear that Guantanamo will be closed in a manner consistent with our national security.

Even the Bush administration acknowledged that there are people being

held at Guantanamo who were wrongly detained and who are not terrorists. Let me give you one example.

There is an attorney in Chicago who is a friend of mine who volunteered to represent one of the detainees at Guantanamo. At his own expense, he flies down to Guantanamo and meets with this man periodically. He tells me that the man is now 26 years old. He is originally from Gaza. He has been held now for 7 years—7 years—because at the time we were offering rewards to people in various parts of the world who would turn in suspects. So the money was offered. This man was turned in, eventually sent to Guantanamo.

The attorney tells me he was sent to Guantanamo at the age of 19. He is now 26. Fifteen months ago, our Government sent a message to this attorney saying: We have reviewed this case in detail—after 6 years—reviewed this case in detail. We have no charges against this man being held in detention.

This man is being held in Guantanamo, which is a very bleak setting if you have been there, and he has now been held an additional 15 months with no pending charges. Our Government did not believe he is a dangerous individual. What they were trying to do is to find a place where he can go and, for 15 months, he has been sitting in detention in Guantanamo.

Is that consistent with justice in America? Is that the kind of image we want? Of course we want to be safe. But the rule of law suggests that if the man has done nothing wrong, he should not be punished for it and continue to be in this secure setting in Guantanamo, separated from his family now for 7 years, with no charges brought against him.

Even the Bush administration, which started this Guantanamo detention, realized after some time that literally hundreds of people who were detained there were not in any way, shape, or form a threat to the United States and they were released—many of them back to their home countries.

Back in 2002, Defense Secretary Donald Rumsfeld described the detainees at Guantanamo as “the hardest of the hard core” and “among the most dangerous, best trained, vicious killers on the face of the Earth.” Those are the words of Secretary Rumsfeld. However, since that statement by Secretary Rumsfeld, two out of three of the detainees in Guantanamo have been released. They have also cleared dozens of additional detainees for release but cannot return them to their home countries, much like the one I described, because of the risk they may be tortured if they return.

We need our allies to accept some of these detainees, but they have made it clear they will not do so unless the United States admits a small number

of detainees who do not present any threat to our country.

As Senator SESSIONS, the ranking Republican on the Judiciary Committee, has pointed out, it is illegal under U.S. law to resettle terrorists in the United States—one of the charges being made on the Republican side of the aisle. Unlike the previous administration, President Obama does not believe that he can set aside any laws enacted by Congress. No one can be admitted to this country to live freely until they have been through a thorough background and security check and cleared of wrongdoing.

President Obama inherited the Guantanamo mess from the previous administration. Solving this problem is not easy. There will be difficult choices, and it will take time. But the President has shown he is willing to step up and lead and make hard decisions that are in the best interests of the security of the United States.

I applaud the President for engaging in a careful and deliberative process to close Guantanamo. As Colin Powell, James Baker, JOHN MCCAIN, and many military officials have said, closing Guantanamo will make us a safer nation.

I urge my Republican colleagues to take another look at this issue and understand that this important national security issue is best solved in a bipartisan way, and that we should continue the work of closing Guantanamo, suggested by President George W. Bush, by doing it in a fashion that is consistent with America's values.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Isakson second-degree amendment No. 1104 be agreed to and the Gillibrand amendment No. 1084, as amended, be agreed to and the motion to reconsider be laid on the table; that the Senate then resume consideration of the Sanders amendment No. 1062 and there be 4 minutes of debate prior to a vote in relation to the amendment; that an allocation Budget Act point of order be considered made against the Sanders amendment and that Senator SANDERS be recognized to waive the relevant point of order, with the Senate then voting to waive the point of order; that upon disposition of the Sanders amendment, the Senate resume the Gregg amendment and there be 2 minutes of debate prior to a vote in relation to the amendment; that upon disposition of the Gregg amendment, there be 2 minutes of debate

prior to the vote in relation to the Vitter amendment No. 1066—I am wondering if there is any, if Senator VITTER requests any time to speak on this; we will make sure Senator VITTER has 5 minutes if he wants to speak on the amendment—that no intervening amendments be in order during the pendency of this agreement; and that all time be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 1104 AND 1084

The PRESIDING OFFICER. Under the previous order, amendment No. 1104 is agreed to.

Amendment No. 1084, as amended, is agreed to.

The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT NOMINEE

Mr. BURRIS. Mr. President, as I address this Chamber today, politicians and pundits across the country are bracing for the spirited tug-of-war which precedes the confirmation of any new Supreme Court Justice. A list of names has appeared, seemingly out of thin air, and the media is already beginning its speculative debate on who this person will be.

Many seem eager to attack or defend potential nominees based on ideological grounds or even specific issues. I see little value in this overblown rhetoric and idle speculation. We must be careful in our approach to such an important task. I call upon the White House to give us a nominee who will provide diversity to the Court and ensure that each ruling is informed by real-life experience as well as sound legal reasoning. The greatest jurors in our history have been drawn from the Federal bench, private life, academia, and even elected office. It is these exceptional, independent leaders to whom our President must now turn.

Some will warn that any Obama nominee will be prone to political bias and judicial activism. We must be wary as we evaluate such claims. Certainly, it is right to oppose any jurist who would attempt to legislate from the bench. The Supreme Court must be bound by law and the weight of precedent. Justices must respect our Constitution and remain unbiased on all matters.

But too often, we mistake insensitivity for impartiality. We cannot afford to choose a clear record at the expense of clear judgment. Decisions such as *Brown v. the Board of Education* display compassion, not activism. *Roe v. Wade* stood on principle, not on ideology. Some call it activism; I call it courage. Our judicial history is full of

these independent decisions, and we should demand such strength and integrity from every jurist we place on the bench. After all, without any kind of courage, the Supreme Court itself would hardly exist as we know it. *Marbury v. Madison* was a landmark ruling that forever altered the role of the Court. It established judicial review and laid the groundwork for almost every decision in the last two centuries.

We must oppose jurists who would overreach, but we would be well served to find a candidate with the integrity to draw on his or her God-given sense of empathy and personal life experiences.

Above all, we must ensure that he or she will bring diversity to the Supreme Court. I encourage the President to give serious consideration to naming a woman of color to the High Court. Diversity of race and gender, diversity of background, diversity of thought, and diversity of judicial philosophy—all of these qualities would bring new views and experience to the Supreme Court and would encourage healthy debate among its members, bringing new perspective to each ruling.

Any experienced attorney—and there are many of us in this Chamber—knows that finding legal truth is not easy. Few issues are black and white. Judges must sift through shades of gray to make informed decisions. Legal truth arises from this dialog, from the collision of different perspectives and opinions. In shaping the Supreme Court, we seek to build debate, not consensus.

Justice David Souter, throughout his 18-year tenure on the Supreme Court, has consistently given a thoughtful voice to the principles of fairness, equality, and the importance of precedent. He has always been a consistent advocate for “a philosophy of all philosophies” which values fresh ideas, unique perspectives, and inclusive debate. As this brilliant jurist moves into retirement, we must embrace his independent legacy by confirming someone who will bring diversity, empathy, and a powerful intellect to the bench. In short, we must ensure that he or she is worthy to be placed among the highest legal minds in the United States of America.

As a former attorney general of Illinois, I can speak to the awesome impact the Supreme Court has on ordinary citizens. It is a testament to the enduring strength of our democracy that nine individuals, appointed and confirmed by representatives of the people, stand squarely at the crossroads of justice. They are entrusted to navigate difficult legal ground in order to distinguish right from wrong and to guard the sanctity of the Constitution. When any five of these individuals come together to hand out a ruling, it becomes the law of the land. There is no implicit threat of violence to back

up these decisions—merely the quiet force of a written opinion. That is the wonder of this thing called a democracy and the power of this Court.

This is a rare and remarkable opportunity for this body to have a voice in shaping the highest court in the Nation—a court whose actions will continue to reverberate across the legal landscape for future generations of Americans. With the full weight of this serious task resting on our shoulders, I ask my fellow Senators to ignore the media's idle speculation. Now is the time to exercise our constitutional powers of advise and consent. The urgent needs of the American people demand that we think outside of the box. We must confirm an individual whose unique perspective can bring fresh diversity into the decisions of the U.S. Supreme Court. I urge my colleagues to join with me in communicating to President Obama that we will settle for nothing less.

Thank you, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I wish to propound a unanimous consent request. I will try to explain it in layman's terms.

I ask unanimous consent that the Sanders amendment move from first place to second place and that the amendment offered by Senator VITTER, from Louisiana, be offered first, under the same conditions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1066

There is now 2 minutes of debate prior to the vote in relation to the Vitter amendment. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, my amendment is very simple. It simply empowers the FDIC to come up with appropriate regulations to ensure that credit cards are only issued to folks who are in the country legally, to ensure that we don't empower and facilitate illegal aliens and terrorists and keep them from getting credit cards, which can then be used improperly. The 9/11 terrorists all did this successfully and all used credit cards in planning and plotting and hatching their scheme. It is also a boon to business for many banks that go after the illegal alien market with credit cards. That is unacceptable, and my amendment would stop that.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, if my colleague wants to proceed a little longer, this is a very important amendment. If he wants to spend another minute or so talking about it, that is fine because I will need probably more than a minute to respond. Would he like additional time?

Mr. VITTER. Not at this time.

Mr. DODD. Mr. President, I rise in opposition to the amendment. I will explain why. The basic identity verification recordkeeping requirement in this amendment is already included in section 326 of the USA PATRIOT Act. It is redundant and not necessary on this amendment.

This bill is designed specifically to deal with credit card reform. A matter such as this obviously belongs in a more appropriate place. Also, the amendment would require card issuers to verify an applicant's identity by obtaining a Social Security card, photo ID, driver's license, and a card issued by a State in compliance with the REAL ID Act.

There are legitimate issues about terrorism and illegal immigrants in the country, but it seems to me when you already have provisions in the law that are specifically designed to protect the issues being raised by my friend—to add redundancy to a credit card bill, when we are trying to make sure people can have credit, and make sure it is provided in a way that is not abusive, with interest rate hikes, penalties, fees, and the like.

I say, with respect, to my friend that, presently, applications for credit cards are currently taken by mail, by telephone, and on the Internet. This would force all applicants to physically go to the bank and present the required documents, which would cause a huge inconvenience to customers. I don't think that is in our best interest at this time. We are not trying to make it more difficult for people to have access to credit cards. We want adequate information so decisions can be made about their ability to repay, but we don't want to burden them with unfair fines, penalties, fees, and high interest rates. This idea runs contrary to what we are trying to achieve with this bill.

I say, respectfully, that I oppose this amendment and ask my colleagues to do so as well.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. I have a few points, Mr. President. This amendment will absolutely not require every applicant for a credit card to physically go to the bank. That is absolutely, categorically not true.

Secondly, present law doesn't solve this problem. It is universally recognized that illegal aliens, including terrorists, in this country, can get a credit card. Present law isn't solving that problem.

I will submit for the RECORD this article from the Wall Street Journal

which talks about this. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 13, 2007]

BANK OF AMERICA CASTS WIDER NET FOR
HISPANICS

(By Miriam Jordan and Valerie Bauerlein)

LOS ANGELES.—In the latest sign of the U.S. banking industry's aggressive pursuit of the Hispanic market, Bank of America Corp. has quietly begun offering credit cards to customers without Social Security numbers—typically illegal immigrants.

In recent years, banks across the country have begun offering checking accounts and, in some cases, mortgages to the nation's fast-growing ranks of undocumented immigrants, most of whom are Hispanic. But these immigrants generally haven't been able to get major credit cards, making it hard for them to develop a credit history and expand their purchasing power.

The new Bank of America program is open to people who lack both a Social Security number and a credit history, as long as they have held a checking account with the bank for three months without an overdraft. Most adults in the U.S. who don't have a Social Security number are undocumented immigrants.

The Charlotte, N.C., banking giant tested the program last year at five branches in Los Angeles, and last week expanded it to 51 branches in Los Angeles County, home to the largest concentration of illegal immigrants in the U.S. The bank hopes to roll out the program nationally later this year.

"We are willing to grant credit to someone with little or no credit history," says Lance Weaver, Bank of America's head of international card services, whose team designed the program based in part on the bank's experience in markets like Spain, which lack conventional credit bureaus to rate a client's credit-worthiness.

The credit cards involved aren't cheap. They come with a high interest rate and an upfront fee. And the idea of catering to illegal immigrants is controversial.

Bank of America defends the program, saying it complies with U.S. banking and antiterrorism laws. Company executives say that the initiative isn't about politics, but rather about meeting the needs of an untapped group of potential customers.

"These people are coming here for quality of life, and they deserve somebody to give them a chance to achieve that quality of life," says Brian Tuite, the bank's director of Latin America card operations and one of the architects of the program.

Critics say Bank of America is knowingly making a product available to people who are violating U.S. immigration law. "They are clearly crossing the line; they are actually aiding and abetting people who broke the law," says Ira Mehlman, a spokesman for the Federation for American Immigration Reform, a group that advocates a crackdown on illegal immigration.

Typical of the new card's customers is Antonio Sanchez, a Mexican immigrant whose only major asset is a white 1996 Ford Thunderbird, which he drives to the two restaurants where he works each day on opposite sides of Los Angeles. Mr. Sanchez, who says he sneaked across the border a decade ago, has been a customer of Bank of America's East Hollywood branch for nine years. He has no borrowing history and no Social Security number.

PAYING BALANCES

To obtain a Bank of America Visa card with a \$500 line of credit, Mr. Sanchez had to put down \$99. If he stays within his \$500 limit and pays his balances in a timely fashion, he will receive his \$99 security payment back in three to six months, and his credit limit might be increased.

* * *

David Robertson, publisher of the report, says a rate of 21.24% is "unquestionably high." "If that's the rate you're offered, it's a pretty safe bet you're in a high-risk group," he said.

To assess an applicant, the bank employs "judgmental lending," a concept pioneered by MBNA Corp., the credit-card company that Bank of America acquired in January 2006. In essence, the bank bases its evaluation of a potential client's credit-worthiness on a subjective review by its employees, rather than on standardized financial data crunched by a computer.

Unorthodox initiatives like the new credit-card program may be crucial to Bank of America's long-term success. In the past the bank, which operates in 31 states and the District of Columbia, grew mostly by buying up other banks. Now, however, it is bumping up against a regulatory cap that bars any U.S. bank from an acquisition that would give it more than 10% of the nation's total bank deposits. That means Bank of America's only way to grow domestically is to sell more products to existing customers and to attract new ones.

OPENING ACCOUNTS

Bank of America, the second-largest U.S. bank after Citigroup Inc. in terms of market capitalization, estimates that there are 28 million Hispanics in its operating area and that most of them, regardless of their immigration status, don't have a bank. It hopes the allure of a credit card will persuade hundreds of thousands more Latinos to open accounts.

"If we don't disproportionately grow in the Hispanic [market] . . . we aren't going to grow" as a bank, says Liam McGee, Bank of America's consumer and small-business banking chief.

Illegal immigrants have typically relied on loan sharks and neighborhood finance shops for credit. But that has begun to change. A few years ago, a handful of community banks in the U.S. began offering mortgages to illegal immigrants, as long as they could prove they had stable employment and paid U.S. taxes with an individual tax identification number, or ITIN.

In December 2005, Wells Fargo & Co. began extending mortgages to consumers with an ITIN. The bank is currently evaluating a pilot program in Los Angeles and Orange counties before deciding whether to expand it.

Department of Homeland Security spokesman Russ Knocke said banking products aimed at illegal immigrants "reinforce the need for a temporary worker program" that the Bush administration has been promoting. That program would screen, tax and otherwise regulate immigrant workers and, the administration contends, would squeeze out illegal workers who now use forged or stolen documents to get jobs, driver's licenses and occasionally credit.

Anti-money-laundering regulations passed in the wake of the Sept. 11, 2001, terror attacks put more pressure on banks to verify customers' identity and watch for suspicious transactions, but they don't require banks to ascertain whether account holders are in the U.S. legally. Most banks require a Social Security number or ITIN to open an account,

but regulations also allow them to accept other government-issued forms of identification in some instances, including passport numbers, alien identification numbers or any government-issued document with photo showing nationality or place of residence.

A handful of retailers, such as Los Angeles's closely held La Curacao department store chain, have boosted their business by cultivating illegal immigrants with store credit cards. "Once you capture them, they become very loyal," says Ron Azarkman, chief executive of La Curacao, which has developed its own in-house credit-ratings system. "This is a promising market, as long as it is carefully managed," he says, adding that the average APR charged by his company is 22.9%.

WORD OF MOUTH

Bank of America hasn't launched an ad campaign for the new card. For the time being, it is counting on word of mouth that starts with its employees at each banking center. Many of the Spanish-speaking account holders who come to teller Luz Quintanilla's window at Bank of America's East Hollywood branch, already have a Social Security number and regular credit card with the bank. But she suggests in Spanish that "maybe you have family or friends who don't have a Social Security number, but wish to build their credit."

In selling the card, a major challenge is to persuade immigrants who are sometimes wary of plastic that holding a credit card is an important step on the way to obtaining loans for big-ticket items, such as a car or even a home. Pictures of a check book, credit card, car and house in ascending order illustrate this concept one pamphlet in Spanish and English titled "How to Build Your Credit, Step by Step."

Mr. VITTER. Mr. President, if this bill is about ending the problems the credit card companies create, or take advantage of, certainly their going after illegal aliens as a niche market and a profit center is an offensive problem we need to address, particularly in a post-9/11 world.

Fourth, I ask unanimous consent to have printed in the RECORD this letter from the Eagle Forum declaring that this will be a scored vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 12, 2009.

DEAR SENATOR: On behalf of the thousands of Eagle Forum members nationwide, I urge your strong support of Senator David Vitter's amendment to H.R. 627, the Credit Cardholder's Bill of Rights.

Sen. Vitter's amendment would grant rule-making authority to the Federal Reserve to set forth a minimum standard for credit card issuers to establish a consumer's identity in order to prevent and deter illegal immigrants and terrorists from obtaining credit cards.

The regulations would simply require financial institutions to do the following:

Verify the identity of any person seeking a credit card account through one of four acceptable forms of identification, including a social security card, a driver's license issued by a state in compliance with the Real ID Act, a passport, or a photo ID card issued by the Dept. of Homeland Security.

Maintain records of the information used to verify the customer's identity.

Consult lists of known or suspected terrorists or terrorist organizations provided by the appropriate government agency.

Current loopholes in federal law are often abused by financial institutions. In February 2007, the Wall Street Journal reported that Bank of America Corp. in an effort to expand their Hispanic consumer base, had quietly begun offering credit cards to customers without Social Security numbers, typically, illegal aliens. In order to get around the verification requirements, Bank of America rewarded the unidentifiable consumer with a credit card as long as they had held a checking account with any bank for three months without an overdraft violation. This program quickly spread as common practice to 51 Bank of America branches throughout the Los Angeles, CA area.

Not only will this amendment help to close dangerous loopholes, but by requiring the use of the four most secure types of personal identification, all Americans will be protected, as these types of ID are harder to forge or duplicate. This simple requirement will ensure that all future credit card accounts are opened solely by legal residents in the United States, and it will help curb the tide of taxpayer-draining illegal immigration by removing the magnet of easily obtainable credit.

Congressional leaders simply cannot allow banks to continue the very practices that so greatly contributed to the U.S. credit markets' current state. With the shrinking availability of credit today, the very least congressional leaders can do is ensure that American citizens are being placed before illegals, criminals, and terrorists.

I ask that you join us in supporting Sen. Vitter's amendment by voting yes when it is brought to a vote, and by opposing any efforts to kill it. Eagle Forum will score this vote, which will be included on our scorecard for the 1st session of the 111th Congress.

Faithfully,

PHYLLIS SCHLAFLY,
President & Founder.

Mr. DODD. Mr. President, I ask unanimous consent for 15 more seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, it is not my opinion that this would require people to show up physically. This is the opinion of the Treasury Department. We asked them to comment on this, and they told us that. The elderly, the handicapped, and those in rural areas are going to be adversely affected if this were to be adopted. It is duplicative, redundant, and unnecessary. It adds tremendous burdens on certain segments of this country. Credit cards are valuable instruments during difficult economic times.

Mr. VITTER. Will the Senator yield?

Mr. DODD. I am happy to.

Mr. VITTER. The amendment is only 2½ pages long. What language requires an applicant to physically show up before a bank or a credit card issuer?

Mr. DODD. It is not the length of the amendment. Sometimes one or two words can have huge implications. We asked Treasury how they would interpret this, and they claim this would require the physical presence of an applicant. That is one of their concerns.

As long as that is a concern and it raises that possibility, adopting this, which could result in that, it seems to

me would be an irresponsible action for this body to take.

Mr. VITTER. Mr. President, this amendment is 2½ pages long, and there is no language in it that requires their physical presence. I know this administration is opposed to the amendment, but this is simply a smokescreen. I invite Members to actually read the amendment.

I yield back my time.

Mr. DODD. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the Vitter amendment.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 65, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—28

Barrasso	DeMint	Risch
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Inhofe	Thune
Chambliss	Isakson	Vitter
Coburn	Johanns	Voinovich
Cochran	Kyl	Wicker
Cornyn	McCain	
Crapo	McConnell	

NAYS—65

Akaka	Ensign	Menendez
Alexander	Feingold	Merkley
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Hatch	Reed
Boxer	Inouye	Reid
Brown	Johnson	Sanders
Burris	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Wyden
Durbin	McCaskill	

NOT VOTING—6

Hutchison	Leahy	Rockefeller
Kennedy	Mikulski	Whitehouse

The amendment (No. 1066) was rejected.

Mr. DODD. Mr. President, I move to reconsider that vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1062

The PRESIDING OFFICER. Under the previous order, a 302(f) point of order is considered made against Sanders amendment No. 1062.

There are 4 minutes equally divided prior to a vote in relation thereto.

The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to modify amendment No. 1062 and send to the desk the modification.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANDERS. This amendment is being cosponsored by Senators HARKIN, DURBIN, LEVIN, LEAHY, and Senator WHITEHOUSE. It is not being supported by the American Bankers Association and the other financial institutions that have spent \$5 billion in the last 10 years to push their interests against the needs of the American people.

This amendment is, in fact, very simple. It says now is the time to end usury in the United States of America. Now is the time to protect the American people against 25, 30 percent or more interest rates on their credit cards.

It says now, when the American taxpayer is spending hundreds of billions of dollars bailing out Wall Street, they should not be lending the American people their own money at usurious rates.

When banks are charging 30 percent interest rates, they are not making credit available; they are engaged in loansharking. That is what they are engaged in, and we should be very clear about that. Now is the time to eliminate that behavior.

We picked a number, a maximum of 15 percent plus 3 percent, under extraordinary circumstances, not because it came out of the top of my head but because credit unions in this country have been operating under that law for 30 years. And you know what. It has worked well.

It was not the credit unions coming in here for billions of dollars in bailouts; they are doing very well. This law has worked for credit unions; it should work for large financial institutions. Let's stand up for the American people. Let's put a cap on interest rates, 15 percent plus 3.

I ask my colleagues to support this amendment, once again supported by Senators HARKIN, DURBIN, LEVIN, LEAHY, and WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I raise a point of order it violates the Budget Act.

Mr. SANDERS. I move to waive that.

The PRESIDING OFFICER. The point of order has been considered made.

There are 2 minutes under control of the opposition.

Mr. SHELBY. I yield back the remaining time.

Mr. SANDERS. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested on the motion to waive. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 33, nays 60, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—33

Begich	Feingold	McCaskill
Bennet	Feinstein	Menendez
Boxer	Gillibrand	Merkley
Brown	Grassley	Reed
Burr	Harkin	Reid
Cardin	Inouye	Sanders
Casey	Kerry	Schumer
Conrad	Klobuchar	Udall (CO)
Dodd	Kohl	Udall (NM)
Dorgan	Lautenberg	Webb
Durbin	Levin	Wyden

NAYS—60

Akaka	Crapo	McCain
Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Graham	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Sessions
Burr	Isakson	Shaheen
Byrd	Johanns	Shelby
Cantwell	Johnson	Snowe
Carper	Kaufman	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lieberman	Thune
Collins	Lincoln	Vitter
Corker	Lugar	Warner
Cornyn	Martinez	Wicker

NOT VOTING—6

Kennedy	Mikulski	Voinovich
Leahy	Rockefeller	Whitehouse

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

AMENDMENT NO. 1085

The PRESIDING OFFICER. There is 2 minutes equally divided prior to a vote in relation to the Gregg amendment No. 1085.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment is appropriate to this bill because, after all, we are talking about credit in this bill, and the credit of the United States is obviously a severe issue for all of us, and we need to address it.

This amendment simply gives the American people a better opportunity to learn what is happening to their Government and how much debt is being run up on them and their children. It is an issue of transparency and openness in our Government. The debt is the threat, and it is one of those occasional, brilliant ideas that come along every so often, so everybody should vote for it.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. DODD. Mr. President, there are very few Members for whom I have more affection or respect than JUDD GREGG of New Hampshire. But I think this amendment, first of all, has no place on this bill. It is unnecessary and raises some very serious, legitimate issues. Let me point them out.

First of all, it is going to be costly to do this: every agency to report what the national debt is. The number is absolutely worthless by the time you publish it because the national debt rises, of course, every nanosecond. So to have that idea what it is also gives you a false illusion of actually where we are.

The level of public cynicism about this issue is getting almost insurmountable. It seems to me we need to be far more realistic. There are other costs, as well, in addition to the debt that people care about. Why not have a tuition cost clock? Why not have a health care cost clock? These matters go up all the time as well. It seems to me that by adding something such as this, we are just adding to that illusion, adding to that cynicism at a time when there are plenty of places where you can get this information—certainly the Congressional Budget Office as well.

So while this amendment has been adopted in the past because it seems relatively harmless, the fact is, I think it is an idea that can actually raise costs and create false illusions. Certainly consumers ought to have some idea about some of these other costs, which I would object to. If you had a health care cost clock, a tuition cost clock, an energy cost clock, it could contribute to those problems. So I urge that the amendment be defeated.

Mr. SANDERS. Mr. President, I make a point of order that the pending

amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. GREGG. Mr. President, I move to waive section 302(f) of the Congressional Budget Act of 1974 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 35, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—59

Alexander	Dorgan	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennet	Feingold	McConnell
Bennett	Feinstein	Murkowski
Bond	Gillibrand	Nelson (NE)
Boxer	Graham	Pryor
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hagan	Sessions
Cardin	Hatch	Shaheen
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Conrad	Klobuchar	Udall (CO)
Corker	Kohl	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lincoln	Wicker
DeMint	Lugar	

NAYS—35

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Reed
Begich	Johnson	Reid
Bingaman	Kaufman	Sanders
Brown	Kerry	Schumer
Burr	Landrieu	Stabenow
Byrd	Lautenberg	Tester
Cantwell	Levin	Udall (NM)
Carper	Lieberman	Warner
Casey	Menendez	Webb
Dodd	Merkley	Wyden
Durbin	Murray	

NOT VOTING—5

Kennedy	Mikulski	Whitehouse
Leahy	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 35. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me make a couple of comments, if I can, regarding previous debates.

Our colleague from Vermont offered an amendment to deal with caps on interest rates and that failed on a point

of order. I know there are others who have various ideas about this issue. It is a legitimate issue, and I want my colleagues to know this. It is a complicated issue, because dealing with credit cards, dealing with payday lenders, dealing with all sorts of different entities, the matter of what is an excessive interest rate is one that many Americans care deeply about and one where they wish to see some restraint.

It is legitimate to point out that there are interest rates being imposed today that you would have gone to jail for imposing not many years ago. In fact, it would make a loan shark blush, some of these interest rates that are being charged. So what I intend to do at some point, because I realize when you look at the votes, there were only about 30 votes dealing with the point of order dealing with the motion of the Senator from Vermont. But I think a lot of my colleagues do not feel his desire was illegitimate; they were concerned about whether the rate was too low or how it would apply.

So I am going to propose—I hope along with my friend and colleague from Alabama—to ask either the Federal Reserve, or whatever else is the appropriate place, to come back and give us a comprehensive review of what national rates there ought to be.

This idea that you can end up charging in effect 200, 300, or 400 percent interest rates, which is what has happened in some cases, is offensive, to put it mildly. It ought to be wrong and illegal, and people ought not to be able to get away with it.

I think it is difficult for my colleagues to determine what is that level and what institutions, and under what financial circumstances, do you apply it to. I realize a payday lender lends money for a week or two, not annually. So the interest rate will be different than on a credit card, on a home mortgage, or what it is apt to be with a credit union. With various institutions, under various circumstances, rates can differ.

It is confusing, except that most constituents and millions of Americans would like to see some restraint. I don't know how you can possibly explain why some institutions can get away with rates that are literally triple digits in some cases. I don't think we are going to resolve that matter on this bill. But we ought to have some clear idea of how to put some restraints on national usury laws. I am not a Bible scholar, but for those who are, I am sure they can recite chapter and verse in the Old and New Testaments when it comes to the usurious rates that were being charged by money changers and the like.

At the appropriate time, I will propose an amendment that will allow us to get back to people in a short period with some analysis of how to impose some meaningful restraints on what is

charged to consumers for the privilege of borrowing money when they need it, as so many do, to pay tuition, pay mortgages, keep the business operating and deal with the health care crisis, or just to survive week to week. People have been taken advantage of under circumstances that are deplorable, in my view, when the rates are particularly beyond excessive.

I think one should not read the outcome of the Sanders vote as a rejection of the idea that applying some standards of fairness is unacceptable to this body. I believe a lot of Members voted against waiving the budget point of order not because they disagreed with what he is trying to do. I would not want that vote to reflect that. I support Senator SANDERS, as I did on the budget debate, not because I necessarily agreed with the number he had in mind, but because it is an important debate and he should have had the right to be able to proceed with his amendment. I wanted to make that point overall. I think it would be a false impression to walk away and say the Senate rejected any idea of considering some sort of a national usury rate because they rejected the waiver of the point of order that Senator SANDERS offered.

I see my colleague from Louisiana, who I think wants to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 1079

Ms. LANDRIEU. Mr. President, I want to speak for a few moments about an amendment that I ask be called up, amendment No. 1079.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Ms. SNOWE, Mr. CARDIN, and Mrs. SHAHEEN, proposes an amendment numbered 1079 to amendment No. 1058.

The amendment is as follows:

(Purpose: To end abuse, promote disclosure, and provide protections to small businesses that rely on credit cards)

At the end of title V, add the following:

SEC. 503. EXTENDING TILA CREDIT CARD PROTECTIONS TO SMALL BUSINESSES.

(a) DEFINITION OF CONSUMER.—Section 103(h) of the Truth in Lending Act (15 U.S.C. 1602(h)) is amended—

(1) by inserting “(1)” after “(h)”; and

(2) by adding at the end the following:

“(2) For purposes of any provision of this title relating to a credit card account under an open end credit plan, the term ‘consumer’ includes any business concern having 50 or fewer employees, whether or not the credit account is in the name of the business entity or an individual, or whether or not a subject credit transaction is for business or personal purposes.”.

(b) AMENDMENT TO EXEMPTIONS.—

(1) IN GENERAL.—Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended—

(A) in paragraph (1), by inserting after “agricultural purposes” the following: “(other

than a credit transaction under an open end credit plan in which the consumer is a small business having 50 or fewer employees"); and

(B) in paragraph (4), by striking "\$25,000" and inserting "\$50,000".

(2) BUSINESS CREDIT CARD PROVISION.—Section 135 of the Truth in Lending Act (15 U.S.C. 1645) is amended by inserting after "does not apply" the following: "with respect to any provision of this title relating to a credit card account under an open end credit plan in which the consumer is a small business having 50 or fewer employees or".

Ms. LANDRIEU. Mr. President, I call this amendment up for discussion purposes. I am open to some modification. I want to explain, basically, this amendment. I have spoken with the chairman of the committee that has proposed the underlying bill. He sees merit in this proposal, and I am grateful for that. I want to talk about what the issue is, generally, and then as we proceed to a final vote, I may be open to some modification of this amendment.

As chair of the Small Business Committee, I offer this amendment on behalf of myself and my ranking member, Senator SNOWE from Maine, who served for many years as chair of this important committee. We have committed to try to be the very best advocates we can for small businesses in America. There are close to 30 million small businesses that are actually feeling the brunt of this recession—in some ways more than anybody, as the Chair knows. In Illinois, I am sure the occupant of the chair hears on a regular basis from small mom-and-pop operators who have been in business for decades, to the more established but relatively small businesses, restaurants, shoe repair shops, hardware stores—people who have said to me—and I am sure he hears this—"Senator, we have never experienced this kind of difficulty getting access to credit." They are angry, and they should be. They are frustrated, because while they understand shared sacrifice, like many hard-working Americans do, they are having trouble understanding how we continue to send billions and billions of dollars to the big banks, the Wall Street companies, to the international companies, and they are having trouble seeing any of that actually hit Main Street, where they are, where they have been, and where they want to stay.

The small businesses are right around the corner and, in some instances, on the same block as the constituents whom we represent—of course, we represent them as well. It came to the attention of this Chair and our ranking member that this bill, which has a lot of merit—this amendment to consumer protection language is very important, but it has a limit that we are not comfortable with. That limit is that this credit card protection extends only to a natural person, what is defined in the law as a natural person. So it is a personal credit card that

you would get that would get this benefit. I think, as chair of the Small Business Committee, representing a broad coalition, that this same benefit should extend at least to small businesses as well, to businesses that are literally trying to keep their access to capital—not just to keep themselves in business, to keep their communities strong, but to lead our Nation's recovery. The President himself has said he expects that in our recovery—and he is correct—job creation is not going to come from the big businesses, the multinational companies; they are going to be contracting for some time, I suspect. What big business has to do to survive—I have some general understanding of that, but the big risks are going to be taken by the small entrepreneurs who, despite the gloom and doom, have decided their ideas are worth pursuing, and they are going to build this recovery one job at a time.

I don't know why we would even be considering only limiting this help and support to private individuals and leaving small business out. I don't think that is the intention of the chairman of the Banking Committee, as he has indicated to me. So that is basically what our amendment would do. It would simply include small businesses that have \$25,000 on their credit card, where they are trying to stay in business, keep their lights on, keep that capital flowing, as other sources dry up, as we have heard, and extend the same protections to them.

I am open to some slight modifications because I understand there may be some objections. I am not clear about where those objections would come from. So right now, let me say again that I offered this in a bipartisan amendment from Senator SNOWE and myself. I am happy also that we are joined by Senators SHAHEEN, CARDIN, and others, who have indicated they may want to cosponsor this amendment.

I have a long list of organizations that have endorsed this concept. I will read them into the RECORD. The Consumer Action Group; Consumer Federation of America; Food Marketing Institute; National Association of College Stores; National Association of the Self Employed; National Association of Theater Owners; American Beverage Licensees; American Society of Travel Agents; National Small Business Association, which brought this issue to my attention; Petroleum Marketers Association; Service Employees International; U.S. Hispanic Chamber of Commerce; U.S. Women's Chamber of Commerce; National Consumer Law Center on Behalf of Low-Income Clients; National Community Reinvestment Coalition. I understand that also the National Federation of Independent Businesses, the largest organization of independent businesses in the country, is poised to endorse this as well.

So we have a very credible group of organizations that think these protections for credit cardholders should not go to persons but to businesses that arguably need as much, if not more, protection as they attempt to create jobs and keep their businesses open, which is a help to all. So that is the nature of this amendment.

I understand that it is important to bring this debate to a close and, hopefully, we can get there. I do know there are probably 30 other amendments pending and this, of course, is one. I am sure we can find a time that is appropriate for this vote.

I wanted to bring to the attention of the Senate that one of the reasons this issue is becoming so important to small businesses is, if you think about it, only 15 years ago, most people who started their own business would either take out a home equity loan or they might borrow money from a rich uncle or aunt or they would dip into their savings, and this was sort of the traditional way. If they had some status or credit in the community, they could go to their local bank and they might get a loan for their business.

Those times have changed dramatically. I don't have the charts here, but if I could show one, it would show that on the latest survey our committee took, 59 percent of all businesses in America are using credit cards to finance their business or for their primary cash flow tool. Credit cards for businesses are different. We just had American Express testify this morning. Of course, if you have an American Express business card, their model is different. The good news is that you have unlimited amounts of money that you can borrow. The bad news is that you have to pay it off at the end of the month. So it is more of a cash management tool than it is long-term credit. However, they are useful. But there are Visas and Master Charge and Discover cards and others that people are now putting \$50,000 on the card or \$75,000 on the card or \$100,000 on the card to finance their restaurants and their printing shops and their hardware stores.

This was not true even 25 years ago. This was quite unheard of. So we have to recognize that small businesses today are relying on the good will of these credit card companies. Some of them are more reliable, in my view, than others. But regardless of whether they are doing excellent work or shoddy work—and some of them are doing shoddy work—this Government has an obligation to say let's make sure the basic consumer protections are there. You cannot raise rates without giving notice. You cannot retroactively raise rates. What we are doing for consumers is good. We need to extend it to small business.

That is the essence of this amendment. I am proud to be joined by Members from both sides of the aisle. I am

going to be talking with the chair of the committee. There perhaps could be some modifications where we could agree to this amendment and not have to have a vote, but I don't know. Right now I am intending to have a vote on this amendment.

I appreciate the thousands of business owners who are supporting this amendment through these very reputable organizations that are supporting the extension of these benefits to the small businesses of America that absolutely need our action on this, this week.

I yield the floor.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dodd-Shelby substitute amendment No. 1058 to H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Harry Reid, Christopher J. Dodd, Bill Nelson, Richard Durbin, Debbie Stabenow, Patrick J. Leahy, Patty Murray, Amy Klobuchar, Russell D. Feingold, Mark R. Warner, Jon Tester, Mark Begich, Mark L. Pryor, Robert P. Casey, Jr., Benjamin L. Cardin, Jack Reed, Sherrod Brown.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Harry Reid, Christopher J. Dodd, Richard Durbin, Bill Nelson, Debbie Stabenow, Patrick J. Leahy, Patty Murray, Amy Klobuchar, Russell D. Feingold, Mark R. Warner, Jon Tester, Mark Begich, Mark L. Pryor, Robert P. Casey, Jr., Benjamin L. Cardin, Jack Reed, Sherrod Brown.

Mr. REID. Mr. President, I have spoken to the Republican leader. He knew we were going to file these. It is no surprise to anyone.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1107 TO AMENDMENT NO. 1058

Ms. COLLINS. Mr. President, I call up amendment No. 1107.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. LIEBERMAN, proposes an amendment numbered 1107 to amendment No. 1058.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address criminal and fraudulent monetary transfers using stored value cards and other electronic devices)

At the end of title V, add the following:

SEC. 503. STORED VALUE CARDS.

(a) DEFINITIONS.—Section 5312(a) of title 31, United States Code, is amended—

(1) in paragraph (2)(K), by inserting “stored value devices,” after “money orders,”;

(2) in paragraph (3)(B), by striking “; and” at the end and inserting “, and stored value devices and any other similar money transmitting devices;”;

(3) in paragraph (3)(C), by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(D) as the Secretary of the Treasury shall provide by regulation for purposes of sections 5316 and 5331 of this title, stored value devices, or other similar money transmitting devices (as defined by regulation of the Secretary for such purposes), unless the Secretary, in coordination with the Secretary of Homeland Security, determines that a particular device, based on other applicable laws, is subject to additional security measures that obviate the need for such regulations as it relates to that device.”; and

(5) by adding at the end the following new paragraph:

“(7) ‘Stored value’ means funds or monetary value represented in digital electronics format (whether or not specially encrypted) and stored or capable of storage on electronic media in such a way as to be retrievable and transferable electronically.”.

(b) CRIMINAL PENALTIES.—Title 18, United States Code, is amended—

(1) in section 1956(c)(5)(i), by striking “and money orders, or” and inserting “money orders, stored value devices, and any other similar money transmitting devices, or”; and

(2) in section 1960(b)—

(A) in paragraph (1)(C), by inserting “, including funds on fraudulently issued stored value devices and funds on stored value devices issued anonymously for the purpose of evading monetary reporting requirements,” after “funds”; and

(B) in paragraph (2), by striking “or courier” and inserting “courier, or issuance, redemption, or sale of stored value devices or other similar instruments”.

(c) MONEY TRANSMITTING BUSINESSES.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting “stored value devices,” after “travelers checks,”.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senator from Connecticut, Mr. LIEBERMAN, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, stored value cards have been used and are being used by Mexican drug cartels to smuggle their drug revenues back to

Mexico. The Department of Justice estimates that up to \$24 billion in cash is smuggled into Mexico each year from the United States and these stored value cards are one of the means by which the cash is smuggled back into Mexico. Stored value cards can be loaded anonymously by individuals who are involved in criminal enterprises, such as drug trafficking. The cards are then physically smuggled across the border and can be used to withdraw large quantities of cash from ATMs.

Under current law, cash and other monetary instruments that exceed \$10,000 must be declared at the border. For those of us who have traveled to different countries, we are very familiar with the white form you have to fill out in which you have to indicate if you have cash that exceeds \$10,000.

However, there is a loophole in the current law. Stored value cards, either individually or collectively in excess of \$10,000, do not have to be reported because they are not considered to be monetary instruments under the law. The amendment Senator LIEBERMAN and I are offering would require such reporting and make it a crime to launder money using these stored value cards.

The Deputy Attorney General of the United States has pointed out that large quantities of cash are put together and smuggled across the border to the south. He has pointed out that there are various ways this can be accomplished but that stored value cards are one of the means for smuggling this cash.

Mr. President, as you know as a loyal and diligent member of the Homeland Security Committee, our committee has been investigating the problem of drug trafficking from these Mexican cartels. What we found is the drugs are coming north and cash and weapons are going south. By closing the loophole on reporting for large quantities of cash that are being smuggled back and forth using these stored value cards, we can help give law enforcement another tool to crack down on the smuggling of cash that is often the proceeds of criminal activity, including drug smuggling.

This is not just theoretical. It is not only the Deputy Attorney General who has pointed out that these cards can be a means of smuggling large quantities of cash but also law enforcement agents throughout the United States have been investigating criminal enterprises that are using these cards. Let me give a couple of examples.

Law enforcement agents in Dallas have been investigating a Colombian narco trafficking organization that wanted to launder narcotic proceeds via stored value cards. The organization wanted to obtain 50 stored value cards that would be used to launder \$100,000 in proceeds. These transactions would be structured in different increments per card for the total of \$100,000.

The cards would then be exported out of the United States to Colombia. The cards would be cashed out in Colombia and the dollar value would be converted to Colombian pesos at the official exchange rate.

In another example, law enforcement undercover operations have revealed at least nine transnational criminal groups engaged in moving criminal proceeds via stored value cards. These operations have revealed the cross-border movement of stored value cards loaded with millions of dollars of illicit proceeds. Numerous collateral investigations and enforcement actions have been conducted as a result of these undercover activities.

This is a loophole in our laws we need to plug and the Collins-Lieberman amendment would do that. It would treat these cards as the equivalent of cash because that is what they are. That is what they are. It would require that, just as if you crossed the border with \$10,000 in cash or other monetary instruments you have to declare it, so would you have to declare it if you have these stored value cards. In addition, it would make a failure to report the amount of money on these cards, if it is \$10,000 or more, as a crime, and it would also make it a crime to launder money using these cards.

This is a very concrete, needed action that we could take to help crack down on the smuggling of money that fuels the drug trafficking across the Mexican border. It is a very practical step we can take right now to close a loophole in the law and to provide law enforcement with a much-needed tool.

I know the managers of the bill are not on the floor at present so I will withhold asking for a vote on this amendment. I do believe we are in the process of clearing it on both sides, but I am uncertain whether that has been completed. It may be that the acting manager of the bill can inform me.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I appreciate that from the Senator from Maine. The manager of the bill, the Senator from Connecticut, will be returning shortly.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Illinois, the Presiding Officer, be added as a cosponsor of the amendment, and I thank him very much for his support.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, I rise today to congratulate Chairman DODD and Senator SHELBY for developing the legislation we have before us. Pass this bill, and we will be able to go home and tell our constituents with confidence that the Credit CARD Act of 2009 is a groundbreaking consumer protection achievement. I am pleased that, as a member of the Banking Committee, I was able to vote for the bill in committee and help pave the way for floor consideration this week.

In my travels around Colorado, I have been struck by stories of unfair, undeserved credit card practices, hitting consumers at exactly the hardest time. Melissa Mosley of Durango, CO, told me about how tough economic times forced her to use several credit cards for purchasing supplies and day-to-day expenses for her small business. After a stretch of making minimum payments, Melissa's interest rates suddenly rose, one even reaching 32 percent. The company is refusing to negotiate, making it even more difficult for Melissa and her husband to make ends meet.

And in Cedaredge, Joy Beason is a small business owner who runs a small herbal products business. Last fall, Joy's interest rates tripled from 7.9 percent to 23 percent without notification of any kind. The high interest rates prevent her from paying down more of the principal on the card, leaving her in an endless cycle of debt.

And there's Garrett Mumma of Pueblo whose interest rate on his credit card doubled from 7.9 percent to 13.65 percent despite his solid history of payment. In a letter to me, Garrett wrote, "I only want what's fair. I want the credit card companies to honor their original agreements and not to gouge the American people when they are already suffering so much from the present economic crisis."

These struggles paint an unacceptable picture. We need to rein in abusive practices and create a new set of rules that works for Colorado consumers.

According to a Pew Safe Credit Cards Project study, 87 percent of cards allowed the issuer to impose automatic penalty interest rate increases on all balances, even if the account is not 30 days or more past due. And 93 percent of cards allowed the issuer to raise any interest rate at any time by changing the account agreement.

I am voting for this bill because it protects consumers from excessive

fees, ever-changing interest rates where you do not even get notice, and complex contracts intended to confuse you until you give up even trying to understand.

It protects consumers by establishing fair and sensible rules for how and when credit card companies can raise interest rates. Card companies must give 45 days' notice before increasing rates, and can no longer do so on existing balances.

It cracks down on abusive fees. Consumers no longer will have to pay a fee just to pay a bill. And credit card companies must mail statements 21 days before the bill is due, instead of the current 14 days, so cardholders can avoid hefty late fees. It also stops credit card companies from raising rates on a consumer's existing balance because of a payment issue with a separate credit card. These reforms will save some families thousands of dollars a year. And all Americans will be able to access better information to make important financial decisions.

I also want to take one moment in particular to highlight the importance of a new provision in the bill that connects the dots for some of our younger borrowers. The bill provides for consumer literacy education classes, so that when a young person does not have a parental cosigner, and cannot show ability to repay, they can at the very least approach the credit card system with some understanding of the potential dangers they are facing. I am all for consumer choice, but we need our young people making informed choices before they find themselves in a world of debt.

I believe more educated young consumers will stay solvent, stay debt free, learn the value of saving, and make better decisions for their future.

At the same time, this legislation is not doing anything that the industry has not known was coming. It builds on rules that the Bush administration scheduled to go into effect in mid-2010. The industry will adjust. In a few instances, it may not be seamless. But this is one moment when we all need to band together and remember that Main Street matters.

People in Colorado are struggling, they cannot afford a sudden hike in their interest rates that they were not informed of and could not do anything to avoid. No longer. I stand proudly with Senator UDALL, who has worked to protect consumers from credit card company excesses for years, in urging the full Senate to stand together, break through the partisan divide and come together and pass the Dodd-Shelby legislation.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before our colleague from Colorado departs the floor, I want to thank him. I mentioned Senator BENNET earlier today in my

comments about some new additional Members: Senator MERKLEY and Senator WARNER.

I say to the people of Colorado, as I did earlier about our colleague from Oregon, we are so fortunate to have the Senator in the Chamber at this time. I feel particularly fortunate to have the Senator as a member of the Banking Committee. I served on the committee for some years. I have never been chairman before 2007, the last Congress. I have served under a lot of people on that committee over the years.

I hope not just the people of Colorado but the people of the country understand how fortunate we are indeed to have someone of MICHAEL BENNET's talents and background to be a member of this committee. He is a junior member of the committee, but his ideas, his thoughts, his questions, and his participation qualify him as a senior member of that committee because of the contribution he has already made in little more than 100 days of being on the committee.

So I thank him for his involvement on this bill. He is thoughtful. We have some major issues to grapple with in the coming weeks. The modernization of our financial regulatory structure and the architecture of that is going to be one of the largest and most important debates this committee and maybe this Congress will have engaged in in years, considering how important financial services are to our economy and the world's financial stability.

MICHAEL BENNET brings to that chair he sits in as a junior member of the committee years of valuable experience in helping us decide what steps we should take, the configuration that architecture should be, so that we can move ahead with thoughtfulness and with a certain amount of care and caution as we try to set up a system that will avoid the pitfalls that created the problems we are in today.

So I am particularly grateful to him for his involvement on this bill. But I would be remiss if I did not say to my colleague, MICHAEL BENNET, he has been a significant contributor to the work of this committee since the moment he arrived. I thank him for that and appreciate his continuing involvement. I am grateful to the Senator for his support of this bill. I look forward to working with him for a long time to come on these and other matters before the committee. I thank the Senator.

I want to also kind of review the bidding a bit as to where we are this evening. I will begin by thanking the majority leader, Senator HARRY REID of Nevada, who has created the possibility for us to bring up this important piece of legislation.

While my name and that of Senator SHELBY are at the top of the page as the authors of the substitute, that is an unfair characterization because so many people have been involved on our

committee, and others in this Chamber, who care about these issues and have for a long time.

I am very grateful to Senator SHELBY, with whom I work very closely on the Banking Committee, and his staff and how well they work with mine in helping to shape a bill like this, a substitute like this.

We are dealing with some very egregious violations of consumer protection. They did not happen overnight; they have been growing over the years; and they reached a point where I cannot think of anyone who has not been either affected directly themselves or had family members or children or their parents or neighbors and friends adversely affected by these practices by the issuing community generally.

There are some who do a very good job. I probably should say this more frequently. We talk about the credit card issuers, the credit card companies. The behavior is not only unacceptable, it is not only irresponsible, it is offensive. There are other ones that do a good job.

Like all matters before us, when we talk about an industry, there are those who perform admirably and well and care about the people they serve, and there are others who could care less what happens as long as they get money out of the pockets of those to whom they have lent some money.

But we write laws to protect those people against those who would do them harm. So we are trying to shut down a practice that goes on too often: when there are 70 million accounts whose rates have gone up in an 11-month period; when there are fees and penalties that have brought in billions of dollars, exorbitant fees and penalties, way beyond any proportionality to the offense committed—of being a day late, an hour late, in some cases, for the first time ever.

Samantha and Don Moore from Guilford, CT, were here today to talk about their experience. I have listened to them in the past. It showed courage for them to step up. For 40 years—40 years—Don Moore has been doing business with his credit card company, 40 years. Without any violation, any late fees whatever, one time 3 days late, around the Christmas season, the Moores found that their interest rate went from 12 percent to 27 percent; their credit limit from \$32,000 to \$4,000.

The Moores run a small business in my State. They use their credit card as a way to function in their small business. They pay their employees; they buy inventory. Without any real violation other than to be a few days late for the first time in 40 years, the Moores watched their rate double, more than double, from 12 percent to 27 percent and watched their credit limit drop from \$32,000 to \$4,000.

That is the kind of behavior that is not the rare exception. Virtually every

one of my colleagues can tell similar stories about people in their States.

I know the Presiding Officer could as well from the State of Illinois. May 13, as we gather a day or so away from adopting legislation that will prohibit those practices, that you cannot change these rates arbitrarily. You get notice of 45 days. These introductory rates have to be in place for at least 6 months before you can change them. You must notify a person of late penalties or fees 21 days in advance, giving people opportunity to respond; no charging higher interest rates on existing balances the way they do today; no raising rates because you may be late on a utility bill or a car payment having nothing to do with your credit card; no continuing to charge rates when you have paid off a substantial part of your balance and a small amount remains and yet the card applies that interest payment on the entire amount you owed earlier.

For example, you owe \$1,000, you pay off \$900, the credit card companies were actually charging interest rates not based on the \$100 that remains but on the full \$1,000 until all of it is paid off. Those are not isolated examples of abuses by credit card companies. They are widespread. There are other such examples that go on that have been very harmful to consumers.

In this legislation, we give the consumer the power to decide what the circumstances are as to whether they want a credit limit or whether they want that limit to be exceeded. I remember the days not long ago when if you exceeded your credit limit, the clerk in that store or that waiter in the restaurant might politely suggest the credit limit has been exceeded and you might want to return the product. It is more difficult in a restaurant since the bill usually arrives at the end of the meal, but, nonetheless, I am sure many who may be listening can recall similar instances. That is no longer the case because the issuing companies have discovered they make a lot more money by charging exorbitant fees and penalties because you might be \$10 or \$20 or \$50 over your limit.

The point there is a legitimacy in their mind to absolutely load you up with penalties and fees. In fact, they welcome the opportunity that you may be a little bit over your credit limit, rather than being responsible and giving you the opportunity to decide whether you want to actually acquire that particular good or purchase. Today we have changed that. We let the consumer decide. We begin by saying there will be credit limits. If you want to opt out of that, you can. But it gives you the opportunity to be notified when you are going to exceed that limit so you don't find yourself behind the 8 ball and paying penalties you would rather not pay and would like to be notified when that is the case.

Imagine this: Here we are a decade into the 21st century. My 7-year-old runs a computer at home. My 4-year-old is trying to figure it out. Credit card companies want to charge fees if you pay your bills electronically. You can file your income taxes, you can engage in all sorts of economic behavior through the Internet today. But credit card companies want to penalize you if you pay your bills electronically or by phone or by some other means other than mail. Again, it is a further egregious example of an industry that is more interested in trying to trip you up, trying to make it more costly for you to use their cards than they are trying to assist you economically.

I could go on for the entire rest of the evening citing story after story in my State, as I am sure every other Member could, examples of abusive, outrageous behavior.

We have spent a long time over these last number of weeks and months talking about what needs to be done to get banks and other financial institutions in shape. I don't regret that. That was the right thing to do. But it is long overdue that we also try to do something on behalf of the people who utilize these services, whether it is trying to mitigate foreclosure of their homes or trying to see to it they don't get ripped off by a credit card company. In the next 48 hours, we are going to do that for the first time in the history of this body.

Twenty years ago, I started on this issue. I never got much more than 30 votes. When the bankruptcy reform bill was up, I tried to deal with credit cards. It got 32 votes. I tried to do some of the things for which I believe we will have an overwhelming vote in the next day or so. I believe our constituents will welcome the fact that the Senate of the United States, along with the other body which has acted on this issue already, is responding to their concerns. They are talking about it every day. They are wondering whether their interests will be part of this debate. This bill may not do everything everyone would like, but I believe it is a major step in the right direction. It addresses many of the major concerns raised over these many weeks and months and years that these matters have been growing in terms of their impact on people and their ability to survive on a daily basis economically.

Again, I thank my colleagues from the Banking Committee, Democrats and Republicans, Senator SHELBY, former chairman of the committee. We got it out of committee by one vote. The Presiding Officer is a member of the committee. By a vote of 11 to 12 we happen to be here. We would have lost this issue had we lost one other vote. But our colleagues in the committee stood with us and, by the thinnest of margins, we were given the right to be here tonight to talk about this.

The vote of this body will be far greater than a one-vote margin when it comes to passing this legislation. We have an American President who has been utilizing the Office of the Presidency to talk about this issue. He has had press conferences, met with consumers. He talked about it on his radio broadcast on Saturday. He is creating the kind of environment where this legislation will become the law of the land.

I may not get many more opportunities, with the amendments to be considered tomorrow, to address the overall consideration of this bill.

Let me say that to the card companies as well, I appreciate the fact that they have been at the table as we have worked through this. I have not isolated them. I allowed them to make their cases where we were doing things that may have gone further in terms of serving the needs of our consumers and constituents. This is a bipartisan bill. That is something I try to achieve on every matter I am involved in directly. I don't think you can do much in this Chamber without having to reach out to each other and listen. We have done that.

To Senator SHELBY's great credit, he has joined in this effort so we have the bipartisanship our colleagues seek. I believe we will pass this legislation and provide some relief for the people of our country at a time when they need it desperately. There has never been a moment in recent past history when constituents and the citizens of this country needed more help from their Government, whether it is home foreclosures, a loss of jobs, tuition, health care problems—all of those issues are affecting millions of people. While this bill will not solve all the problems, for the first time ever it will provide some relief in a very important area—the availability of credit and the use of credit cards and the need that people have on a daily basis to have access to that credit to provide for themselves and their families.

I see my good friend and colleague from Nebraska.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank my colleague from Connecticut and extend to him appreciation for an outstanding job with this credit card bill. He has done outstanding work bringing the parties together, putting together a bipartisan effort. I congratulate him on that and look forward to having him move forward.

MEASURING PROGRESS IN AFGHANISTAN AND PAKISTAN

Tonight I rise to discuss the administration's supplemental funding request for the ongoing challenges in Afghanistan and Pakistan. The administration

is putting in place a new strategy for that region, and it comes at a crucial time. U.S. diplomats, military servicemembers, humanitarian groups, and our coalition partners have all worked to battle terrorists and establish more stability in that region since the terrorist attacks of 9/11. Yet today, al-Qaida and the Taliban, along with other extremist allies, remain a destabilizing and dangerous force. Across the region, there is too much violence, too much social and economic turmoil, and too little opportunity in the lives of the Afghan-Pakistani people.

The administration's strategy is undergoing modifications as we speak. I support the move this week by Defense Secretary Gates to select a new United States military commander for Afghanistan. In my view, it is vitally important we get both the evolving strategy right and that we have the right way to assess the strategy going forward.

Since early this year, I have pressed the administration and military officials on the issue of developing progress measurements for Afghanistan and Pakistan. I have been pleased to hear their support. We have heard the administration is developing standards and measurements to evaluate a strategy for the region, at least internally. We need to go further.

My purpose is straightforward. It is an outgrowth of bipartisan work that I undertook several years ago during the war in Iraq. I was troubled because many people seemed to be looking at the same set of facts during several sessions of terrible violence, but one group concluded that we were losing while another determined we were winning. In response, I helped draft bipartisan legislation with Senators JOHN WARNER, SUSAN COLLINS, and Senator CARL LEVIN that Congress approved and President Bush signed into law. We established 18 benchmarks or measurements of economic, military, and diplomatic efforts in Iraq. The benchmarks helped Congress and the American people gain a better understanding of our successes and our challenges in Iraq. They helped play down a partisan debate over whether we were winning or losing.

One important point I would like to make tonight is we didn't dictate what the benchmarks should be. They were suggested by the administration, military leaders, and the Iraqi Government. We did require the administration report to Congress, and the reporting provided valuable and objective information to the American people about how things were going in Iraq, from efforts to reduce insurgent attacks to the Iraqi Government working out distribution of oil royalties.

Just as I didn't support tying the previous administration's hands in Iraq by setting arbitrary time lines for troop withdrawal or dictating specific measures in progress, I don't support that

approach with this administration either. Still, I will continue working with this administration to bring specific progress measures or benchmarks out into the public eye.

Last week I wrote a letter to Senate Appropriations Committee Chairman INOUE and Ranking Member COCHRAN urging them to include a requirement for progress measurements in the fiscal year 2009 supplemental appropriations bill. I was pleased to learn today that the committee markup of the supplemental bill we are scheduled to take up tomorrow does include the two elements I have sought. I understand that the bill will require the President to submit an initial report to Congress this year and subsequent reports to assess whether the Governments of Afghanistan and Pakistan are doing enough toward continuing the President's new strategy. In short, are they doing their part?

The bill also outlines general areas to measure the success of that strategy or what I refer to as benchmarks. Timely and regular status reports will enable the American people to gain an understanding of whether the strategy is working or should be altered. In fact, it will be transparent.

I look forward to the administration defining more clearly the progress measures to evaluate that strategy and to them becoming public. We all want the mission of the United States in Afghanistan and Pakistan to succeed. The more we know about whether we are achieving goals tied to the mission, the more Congress and the American public will be able to support our military, economic, and diplomatic efforts going forward. For too long our standards to measure success in Iraq were vaguely defined. That led to the partisan disputes over U.S. strategy and uncertainty in the minds of the American public. The controversies didn't provide American servicemembers fighting the war with the unity of purpose and support they deserve. Now in Afghanistan and Pakistan, the American people should receive a clear explanation of the mission, an objective set of measures by which to evaluate it going forward, and regular status reports on the mission's progress.

As the Federal Government asks for further sacrifice from our citizens and as we are forced to continue putting our men and women in uniform in harm's way, Congress must provide all available tools to achieve success. We should provide nothing less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MARTIN SINNOTT

Mr. DURBIN. I rise today to congratulate Martin Sinnott on his retirement as president and CEO of Kids Hope United. Throughout his career, Marty served Illinois' children and families, first at the Illinois Department of Children and Family Services, then The Youth Campus, and finally Kids Hope United. After 30 years of success in the nonprofit social services, Mr. Sinnott is ready for a change of pace.

Marty Sinnott is a native Chicagoan. He earned his undergraduate and graduate degrees from the University of Chicago. His first job after college was with the Illinois Department of Children and Family Services. There, he started as a social worker and over the course of ten years rose to become administrator of resource development and utilization.

After Marty left DCFS, he continued his work on behalf of needy Illinois children as president and CEO of The Youth Campus, a child welfare agency in Chicago. During his tenure at The Youth Campus, he increased the organization's revenues from \$1 million to \$13 million. And more importantly, he led the organization's growth so it was serving six times as many kids.

Since 1999, Marty has been with Kids Hope United, a Chicago-based private nonprofit child and family services agency. As chairman and CEO, Mr. Sinnott led a multistate expansion that tripled revenues and, again, increased the number of children and families the agency reached. Kids Hope United now has a 900-person staff, an annual operating budget of \$55 million, and a scope of services that reaches families in Illinois, Missouri, Wisconsin, and Florida.

I commend Marty Sinnott for his decades of service to the children and families of Illinois. Congratulations go out to him and his family on his retirement from Kids Hope United. We wish you many years of continued success.

DEPARTURE OF GREECE'S AMBASSADOR TO THE U.S.

Mr. KERRY. Mr. President, through my duties in the Senate I have an opportunity to work with many foreign ambassadors to the United States. I rise today to mention the contributions of one ambassador who is leaving Washington and returning to Athens, Greece, to serve his country at the For-

eign Ministry: Ambassador Alexandros Mallias.

Ambassador Mallias worked hard to represent Greece and its historic culture—shared by three million Americans of Greek descent—to the United States and our Government. While the U.S. and Greece are strategic partners, working in concert on a host of issues from Afghanistan to anti-piracy operations, our shared values transcend our interests, and we hold in common a longstanding respect for democracy and freedom, whether in Boston or in Athens.

During his tenure, Ambassador Mallias was particularly active with Congress, and held many presentations and briefings for Senators, Members of Congress and their staffs. I especially appreciate his efforts in helping make the recent visit of Greece's Foreign Minister, Dora Bakoyannis, whom I had the pleasure to host at a Working Coffee of the Foreign Relations Committee, so productive. The Ambassador was also involved with think tanks, advocacy groups, grassroots organizations and universities, traveling widely in the U.S. to engage civic leaders, Greek Americans, students and other people on important bilateral issues. His work with Jewish and African American communities was also significant, earning him numerous commendations, including a Martin Luther King Award.

Many of us in Congress will miss his fine work and I wish him the very best.

TRAVEL PROMOTION ACT OF 2009

Mr. DORGAN. Mr. President, yesterday I introduced, with Senators ENSIGN, INOUE, MARTINEZ, KLOBUCHAR, and others, the Travel Promotion Act of 2009. We seek with this bill to increase travel to the U.S. and rebuild the country's place in the global travel market. After 9/11, the number of overseas travelers to the U.S. decreased dramatically and has still not recovered. In addition, the current U.S. economic downturn has caused many American families to cut back on vacation plans and our travel industry is struggling.

Travel and tourism are a crucial part of our economy. Travel expenditures in the U.S. are estimated to be \$775.9 billion for 2008. Yet other countries have gained market share to our detriment. Foreign travelers are going elsewhere.

The absence of Federal leadership in travel promotion has resulted in States having to step in to fill that void. An example is the effort made by my home State of North Dakota, where tourism is the State's second largest industry. Research by North Dakota State University found that in 2007 out-of-State visitors spent \$3.96 billion in North Dakota. The investment that North Dakota made to encourage travel and tourism has reaped enormous benefits.

But we can only imagine how many tourists would enjoy each of our States if we did not just leave the promotion to the States, but made that investment as a Country.

The lack of a coordinated Federal campaign creates a comparative disadvantage with countries that have centralized ministries or offices to encourage international travel to their countries. The example of North Dakota should be a lesson for the entire country. The U.S. offers unique and diverse destinations for travelers—a small investment in national coordination has the potential to create a significant windfall for our economy.

The Travel Promotion Act of 2009 will promote travel to the U.S., including areas not traditionally visited, highlighting the U.S. as a premier travel destination. The bill will improve communication of U.S. travel policies and perceptions of the process—negative perceptions can often deter foreigners from traveling here. Our communities will benefit from growth of this multibillion-dollar industry—with an increase in visitors they will experience an expansion of jobs and local economies.

The bill initiates a nationally coordinated travel promotion campaign established in a public-private partnership to increase international travel to the United States. It creates a Corporation for Travel Promotion, an independent, nonprofit corporation, to run the travel promotion campaign. The program will be funded equally by a small fee paid by foreign travelers visiting the U.S. and matching contributions from the travel industry.

This is a great country, and we should welcome visitors to our shores to meet our people and experience our culture.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped following the submissions, those prices are now on the way back up and the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. Today marks the last of the submissions, a process that has taken approximately ten months to complete. But this concern—our national energy policy—is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. These sto-

ries not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Not too long ago, I was considering purchase of a residential solar array. I have read examples about people in other states (California, Massachusetts, etc.) who had implemented a solar array at home (including an inverter), which enabled them to generate some of their own power/electricity. Most importantly, they are able to sell their excess power via the inverter to the grid when they are not using it. This is an equal rate, meaning that the utility company would buy it at whatever their current rate was at that time of day. Basically, your electricity meter spins backwards according to the amount you contribute to the utility. In this way, people are able to "bank" kilowatts into the grid so that the power they used at night was somewhat paid for (depending on the size of their array, rate of usage and amount of sunshine available, obviously).

After talking to some people locally, I have heard that Idaho Power does not have anything remotely like this policy in place. In fact, it sounded like they are only required to pay 50% the value of the power your array might generate and feed to the grid via your inverter, and only for a set volume. After reaching a particular level, the utility would be capturing a lot of that resident provider's power for free. This appears to be an unfair practice to me, and really tramples on any incentive for buying and implementing a residential solar array. There is a federal tax credit available, but that just addresses start-up costs, not long-term usage and maintenance.

I am no energy expert and do not claim to have validated all of the data I put forth above, but I am very interested in pursuing a solar-energy based solution to cut my long-term energy costs. Given the days of sun per year in southwest Idaho, this seems like a no-brainer.

Please tell me about your position on residential solar energy implementation practices here in Idaho, and specifically how you would vote on a bill that would require our local energy provider (read: Idaho Power) to fairly compensate residential energy providers, using the scenario I mentioned above. This will directly impact how I vote in the future.

JOHN, Boise.

Senator Crapo, this information seems to be right on. I hope you will take the time to read it.

MARY, Sandpoint.

Dear Mary,
On several occasions in the past few months, I have written about the impact of skyrocketing fuel prices on airline customers—in their daily lives and when they travel (Final Approach May 1 and Final Approach May 28). In the long run, to lower oil prices for all Americans, we need to increase domestic supply, increase exploration, alternative energy sources and conservation. However, one near-term solution to the problem is for government to investigate and rein in oil speculators.

What is the Commodities Market?—Commodities are raw materials purchased by

manufacturers of finished products such as food manufacturers, oil refiners or builders. Businesses that are highly dependent on oil—refineries, heating oil dealers, airlines and trucking companies among others—lessen their risk of significant price fluctuations by purchasing future delivery contracts at predetermined prices in what is known as the commodities or futures markets. The two largest U.S. commodities markets or futures exchanges are the Chicago Mercantile Exchange and the New York Mercantile Exchange, where people trade standardized futures contracts; that is, a contract to buy specific quantities of a commodity at a specified price with delivery set at a specified time in the future.

What is the Problem with Oil?—There is a significant disconnect between the paper market for oil (speculators) and the physical market for oil (consumers). In recent years, speculators have taken advantage of actual consumers of oil by bidding up the price for futures contracts. If a speculator purchases a contract for delivery of oil at a high price six or 12 months in the future but has no intention of actually taking delivery of the oil in that contract, then a physical customer who needs that oil—to deliver home heating oil, to operate trucks or airplanes, or even to process in a refinery—will be forced to pay the higher price in order to obtain the oil that is needed.

How Do They Get Away with That?—Increasingly, sophisticated institutional investors have managed to manipulate the rules and regulations governing commodities transactions through a series of exemptions and waivers, including the so-called "Enron loophole," low margin requirements and the dodging of U.S. public disclosure requirements. These complex arrangements have a similar impact: They put people engaged in oil-related businesses at a disadvantage with those who gamble relatively small sums that the price of oil will increase out of proportion to marketplace demands. If that happens, as it has regularly over the past few years, those who need oil for their businesses pay a premium, which is passed on to you—the consumer.

What Can Government Do Now?—In the near term, Congress needs to address the impact of unchecked speculation in the commodities market.

Commodities trading is overseen by a small, but very powerful government agency known as the Commodities Futures Trading Commission (CFTC). Congress can require the CFTC to implement a host of controls such as imposing limits on the quantity of commodities contracts speculators may purchase, closing the loopholes that allow speculators to trade exempt from any government oversight or regulation, and requiring reporting by those who are engaging in speculation.

Experts say that closing regulatory loopholes in the trading of commodity futures will result in a significant reduction in fuel prices.

What's Next?—Congress is expected to debate some of these issues in the next few weeks and it is urgent that they hear your voice. To facilitate public participation in the debate over speculators, we have launched a broad-based coalition, S.O.S. NOW, that provides a wide array of information on speculation and its impact on the price we all pay for oil. S.O.S. NOW stands for Stop Oil Speculation Now, and we urge you to go to the Web site www.stopoilspeculationnow.com and send a message to Congress about oil speculation.

AIR TRANSPORT ASSOCIATION.

ADDITIONAL STATEMENTS

—
 TRIBUTE TO DR. KANU
 CHATTERJEE

• Mrs. BOXER. Mr. President, I am pleased to pay tribute to world-renowned cardiologist Kanu Chatterjee as he retires from the University of California at San Francisco—UCSF—Medical Center after 34 years of dedicated service.

Dr. Chatterjee was born in what is now Bangladesh and moved with his family to Calcutta, where they remained unsettled for many years. His father passed away just before he graduated from R.G. Kar Medical College in 1956. To support his family, he took the job of medical officer at the IISCO Hospital at Burnpur. In 1963, Dr. Chatterjee left India for the United Kingdom to further his studies. In 1971, he was recruited to direct the inpatient cardiology service at Cedars-Sinai Medical Center in Los Angeles. Dr. Chatterjee joined the UCSF Medical Center staff in 1975 as director of the cardiac care unit and associate chief of cardiology, where he became the Ernest Gallo Distinguished Professor of Medicine in the division of cardiology.

A beloved physician, teacher, and researcher, Dr. Chatterjee has worked tirelessly over the last 30-plus years in the fields of diagnosing and managing coronary artery disease, heart failure, and pulmonary hypertension. He is also a world-renowned researcher in vascular reactivity and heart failure and has pioneered the study of drugs, such as ACE inhibitors and vasodilators, that have become the standard of care for heart failure. With such a long-standing list of professional accomplishments, it is all the more touching to hear Dr. Chatterjee's patients speak with genuine gratitude and heartfelt emotion about his expertise and compassion.

As Dr. Chatterjee prepares to move on to his new half-time position at the University of Iowa in Iowa City, I wish him many more years of continued leadership and success in the field of cardiology.

I commend Dr. Chatterjee for his 34 years of dedicated service to the UCSF Medical Center community. Along with his friends and admirers throughout the San Francisco Bay area, I thank him for his tireless efforts and wish him the best as he embarks on the next phase of his remarkable life.●

—
 REMEMBERING ALEX DEL RIO

• Mr. MARTINEZ. Mr. President, every day, law enforcement officers across the Nation make tremendous sacrifices to fight crime and keep our communities safe. On November 22, 2008, one of those officers tragically lost his life while serving in the line of duty. The officer was 31-year-old Alex Del Rio, a

Florida native, a loving son, and an outstanding member of the Hollywood, FL, police department.

Although Alex's life ended just 2 months short of his 32nd birthday, he lived his life to the fullest. He was born in Miami and attended Winston Park Elementary in Miami and McMillian Middle School in Kendall. At the MAST Academy High School in Miami, Alex was a tremendous student, a member of the JROTC Color Guard, and known by his friends as someone who always did the right thing.

After joining the Hollywood Police Department in 1996, Alex began his career as a part-time community service aide and earned a full-time position on the force in 1999. He held positions in patrol, special operations motors and special operations for DUI traffic homicide. He was named Hollywood Police Department's "Officer of the Month" in October of 2003 and a finalist for the 2003 "Officer of the Year." His colleagues knew him for his sense of humor, his likability, and his love for the job.

Alex's mother Miriam Fernandez has turned her personal tragedy into opportunities for others by establishing the Alex Del Rio Foundation. The foundation aims to enrich the lives of children in south Florida by providing scholarships and promoting the ideals Alex embodied.

His commitment to serving others has touched not only those in Hollywood but also those who work in law enforcement in other States. Officer James E. Manley from the town of Lloyd, NY, was so inspired by Alex's story that he has decided to ride more than 300 miles to be here in Washington in Alex's honor. Officer Manley will join Alex's family and others this week in a candlelight vigil and memorial service for fallen officers at the National Law Enforcement Memorial. I join them in honoring Alex and the many other men and women of our nation's law enforcement agencies who have given their lives protecting and serving our communities.●

—
 HONORING JOHN T. NOBLE
 TRUCKING

• Ms. SNOWE. Mr. President, later this month, we will pause to commemorate those men and women who have given the ultimate sacrifice to defend our Nation and the freedoms we enjoy. On Memorial Day, families of our fallen members of the Armed Forces visit the graves of their loved ones throughout our Nation, often at veteran's cemeteries, to remember our fallen heroes. I rise today with tremendous gratitude to recognize the generosity of two Mainers, John and Joyce Noble, and their business, John T. Noble Trucking, for their dedicated efforts in supporting the creation of the Northern Maine Veteran's Cemetery as a place of rest for thousands of Maine's bravest.

John T. Noble Trucking, a thriving business since 1957, is located in the Aroostook county city of Caribou. A multifaceted company, Noble Trucking provides its customers with a wide variety of services, including landscaping services, commercial deliveries of fuel products as well as truck maintenance, welding, painting, and body repair.

Mr. and Mrs. Noble are well known in the Caribou community for their philanthropic initiatives. The Nobles have donated to countless causes within their community, and in characteristic Aroostook County fashion, have made many of these donations on the condition of anonymity. Organizations like the Caribou Recreation Department, the Northern Maine Fairgrounds, Cary Medical Center, The Christopher Home and the Caribou Historical Society are just a few of the many grateful County charities that have benefitted immensely from the Nobles' friendship and contributions. Perhaps their most notable work has been their advocacy and determination on behalf of the Northern Maine Veteran's Cemetery in Caribou.

The idea for Maine's northernmost veterans cemetery was first proposed in 1998. After serious study that found overwhelming support among the community, the initial approval was given by the governor in February 1999. In the spring of that year, the Northern Maine Veterans Commemorative Cemetery Corporation was formed to oversee all aspects of the cemetery's development.

John Noble, an honorably discharged veteran himself and his wife Joyce, who also admirably supported her husband's service to our country with stalwart dedication, certainly felt a particular kinship to the development of an appropriate resting place for our national heroes. In order to ensure that the dream of so many veterans became a reality, John and Joyce Noble stepped forward to offer 33.4 acres of their own land for use by the Corporation. Their heartfelt contribution expedited the plans for the Northern Maine Veteran's Cemetery and the seeds of charitable giving had taken root, facilitating a grassroots effort that culminated in what is today a regal and honored resting place for our most deserving men and women who served this country with honor and distinction.

The Nobles' ongoing efforts inspired a can-do spirit that sparked a dedicated group of volunteers into determined action. With the cemetery facing a delay in state funding, the Nobles offered to help with the construction and maintenance of the cemetery's lands until the funds became available. Additionally, the Nobles helped make the cemetery more private and solemn by planting trees around its perimeter. When the cemetery was finally dedicated on June 1, 2003, the Nobles had

left a substantial mark on this sacred place and continue to support it today.

An extraordinarily modest couple, John and Joyce Noble have made significant contributions to the appearance and well-being of Caribou. Their beautiful gesture of kindness resulted in a respectable final resting place for those who gave our Nation the fullest measure of commitment. It is their selfless spirit and magnanimous nature that have made them stand out in the Caribou community for years. I thank Mr. and Mrs. Noble for their incredible generosity, and wish them and their company, John T. Noble Trucking, much success for years to come.●

MESSAGE FROM THE HOUSE

At 5:01 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 23. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

H.R. 1178. An act to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

H.R. 2020. An act to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 23. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

H.R. 1178. An act to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2020. An act to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-1552. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's 2008 report to Congress on the Transportation Infrastructure Finance and Innovation Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC-1553. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Removal of T 37 Jet Trainer Aircraft and Parts from the Commerce Control List" (RIN0694-AC74) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1554. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the DTV Delay Act" (MB Docket No. 09-17) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1555. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oolitic and Worthington, Indiana)" (MB Docket No. 07-125) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1556. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kihei, Hawaii)" (MB Docket No. 08-217) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1557. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cuba, Illinois)" (MB Docket No. 07-175) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1558. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Marquez, Texas)" (MB Docket No. 08-196) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1559. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Cadillac, Michigan)" (MB Docket No. 08-252) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1560. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of

Allotments, Television Broadcast Stations (Bryan, Texas)" (MB Docket No. 09-34) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1561. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Directed Fishing With Trawl Gear by American Fisheries Act Catcher Processors in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO32) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1562. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Trip Limit Reduction for the Commercial Fishery for Golden Tilefish for the 2009 Fishing Year" (RIN0648-XO46) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1563. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XO30) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1564. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XO32) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1565. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XO73) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1566. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Correction" (RIN0648-AX01) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1567. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to the Pollock Trip Limit Regulations in the Gulf of Alaska" (RIN0648-AW54) received in the Office of the President of the Senate on May 1, 2009; to the

Committee on Commerce, Science, and Transportation.

EC-1568. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 2" (RIN0648-XO47) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1569. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 Georges Bank Cod Hook Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch" (RIN0648-XM11) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1570. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch" (RIN0648-XM12) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1571. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Petitions for Rulemaking" (RIN0583-AC81) received in the Office of the President of the Senate on May 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1572. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1573. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's FY 2010 Congressional Performance Budget Request; to the Committee on Energy and Natural Resources.

EC-1574. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to budget justification for the Board for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-1575. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Organ-Specific Warnings; Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Monograph" (RIN0910-AF36) received in the Office of the President of the Senate on May 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1576. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Substances Prohibited From Use in Animal Food or Feed; Confirmation of Effective Date of Final Rule" (RIN0910-AF46) received in the Office of the President of the Senate on May 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1577. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-54, "NoMA Residential Development Tax Abatement Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1578. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-55, "Practice of Occupational Therapy Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1579. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-56, "Practice of Polysomnography Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1580. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-57, "Practice of Professional Counseling and Addiction Counseling Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1581. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-58, "Practice of Psychology Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1582. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-59, "Practice of Dentistry Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1583. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-60, "Practice of Podiatry Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1584. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-62, "Practice of Nursing Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1585. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-61, "Massage Therapy Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1586. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-63, "Practices of Medicine and Naturopathic Medicine Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1587. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-64, "Continuation of Health Coverage Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1588. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-65, "View 14 Economic Development Temporary Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1589. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-66, "Fire Alarm Notice and Tenant Fire Safety Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1590. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-67, "Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1591. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-68, "Unemployment Compensation Extended Benefits Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1592. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-69, "Woodland Tigers Funding Clarification Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1593. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-70, "Jury and Marriage Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1594. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of a draft bill entitled "Federal Courts Jurisdiction and Venue Clarification Act of 2009"; to the Committee on the Judiciary.

EC-1595. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2009 Groundfish Interim Final Rule" (RIN0648-AW87) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1596. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plan; Correction" (RIN0648-AX44) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1597. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Effectiveness of Collection-of-Information Requirements; Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures for the Northern Mariana Islands" (RIN0648-AV28) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1598. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Amendment 30B to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico" (RIN0648-AV80) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1599. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Coast Groundfish; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-AX84) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1600. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands" (RIN0648-XO13) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1601. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO12) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1602. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO14) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1603. A communication from the Acting Director of the Office of Sustainable Fish-

eries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Closure of the Eastern U.S./Canada Management Area" (RIN0648-XO25) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1604. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO85) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1605. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XN17) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 384. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 111-19).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Con. Res. 19. A concurrent resolution expressing the sense of Congress that the Shiite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Rhea S. Suh, of California, to be an Assistant Secretary of the Interior.

*David B. Sandalow, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy).

*Daniel B. Poneman, of Virginia, to be Deputy Secretary of Energy.

*Michael L. Connor, of Maryland, to be Commissioner of Reclamation.

By Mr. KERRY for the Committee on Foreign Relations.

*Susan Flood Burk, of Virginia, a Career Member of the Senior Executive Service, to be Special Representative of the President, with the rank of Ambassador.

*Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

By Mr. HARKIN for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. BUNNING, Mr. BROWN, Ms. SNOWE, and Mr. FEINGOLD):

S. 1027. A bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1028. A bill to amend the Public Health Service Act to improve the Nation's surveillance and reporting for diseases and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERRY):

S. 1029. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 1030. A bill to amend the Internal Revenue Code of 1986 to eliminate the reduction in the credit rate for certain facilities producing electricity from renewable resources; to the Committee on Finance.

By Mrs. BOXER:

S. 1031. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. NELSON of Nebraska):

S. 1032. A bill to provide for programs that reduce abortions, help women bear healthy children, and support new parents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 1033. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes; to the Committee on Armed Services.

By Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. KERRY, Mr. LEVIN, Mr. DURBIN, and Mr. WYDEN):

S. 1034. A bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered

items and services furnished by school-based health clinics; to the Committee on Finance.

By Mr. REID (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1035. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of New Mexico:

S. Res. 148. A resolution expressing the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 197

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 197, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystem of cranes.

S. 243

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 408

At the request of Mr. INOUE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 408, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 529

At the request of Mr. LIEBERMAN, the name of the Senator from New York

(Mrs. GILLIBRAND) was added as a cosponsor of S. 529, a bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

S. 554

At the request of Mr. BROWN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 554, a bill to improve the safety of motorcoaches, and for other purposes.

S. 566

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 566, a bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty.

S. 608

At the request of Mr. TESTER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 608, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 658

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 717

At the request of Mr. INOUE, his name was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 717, *supra*.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 717, *supra*.

S. 831

At the request of Mr. KERRY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Kansas (Mr. ROBERTS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 878

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 897

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 897, a bill to limit Federal spending to 20 percent of GDP.

S. 908

At the request of Mr. BAYH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 918

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 918, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council, and for other purposes.

S. 981

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 984

At the request of Mrs. BOXER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator

from California (Mrs. FEINSTEIN) were added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. RES. 140

At the request of Mr. CHAMBLISS, his name was added as a cosponsor of S. Res. 140, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 146

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. Res. 146, a resolution commending South Charleston, West Virginia, for celebrating its 50th annual Armed Forces Day on May 16, 2009.

AMENDMENT NO. 1058

At the request of Mr. DODD, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1058 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1064

At the request of Mr. UDALL of Colorado, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. UDALL), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of amendment No. 1064 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1079

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1079 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1084

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1084 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1085

At the request of Mr. GREGG, the name of the Senator from Wyoming

(Mr. ENZI) was added as a cosponsor of amendment No. 1085 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1089

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1089 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1090

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1090 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1028. A bill to amend the Public Health Service Act to improve the Nation's surveillance and reporting for diseases and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I am introducing legislation today entitled the Strengthening America's Public Health System Act of 2009.

The ongoing swine flu pandemic makes clear the necessity for a robust public health system in the U.S. This legislation is designed to strengthen epidemiology and laboratory capacity in State and local health departments and, correspondingly, national surveillance and reporting of infectious diseases and other conditions of public health importance.

Currently, many parts of the local-state-federal disease surveillance system are fragmented and paper-based, and have not fully benefited from new technologies that could improve the completeness and timeliness of reporting. A 2007 survey found that 20 states are manually reporting diagnostic findings, albeit with a web interface, and 16 are completely paper-based. Only 2 State public health laboratories have bidirectional data flow and can both send and receive laboratory messages, the gold standard for disease reporting. The potential for new pathogen discovery, rapid electronic exchange of public health information, national bacterial and viral databases for DNA "fingerprinting" of infectious disease

organisms has not been fully realized. My legislation focuses on improving electronic disease surveillance and reporting so that all state and local health departments and public health laboratories can readily and seamlessly receive, monitor, and report infectious diseases and other urgent conditions of public health importance. The bill also authorizes a process for determining a list of nationally notifiable diseases and conditions and, creates a national committee to evaluate best practices in public health surveillance.

The Strengthening America's Public Health System Act calls for the expansion of resources, renewed focus and mission, and new areas of special emphasis for several existing programs within the Centers for Disease Control and Prevention, CDC. These programs support public health capacity to identify and monitor the occurrence of infectious diseases and other conditions of public health importance; detect new and emerging infectious disease threats, including laboratory capacity to detect antimicrobial resistant infections; identify and respond to disease outbreaks; and hire and train necessary professional staff.

The outbreak of swine flu that originated in Mexico highlights the need for cooperation between the U.S. and Mexico in the surveillance, reporting and control of infectious diseases that cross the border. Clear standards, however, have not yet been established for what information should be shared and how the sharing should take place. My legislation tasks the CDC to finalize and adopt the "Guidelines for U.S.-Mexico Coordination on Epidemiological Events of Mutual Interest" so that we have a clear mechanism in place for communication with public health officials in Mexico.

This important legislation has been endorsed by the: American Association of Public Health Veterinarians, American Public Health Association, American Society for Microbiology, Association for Professionals in Infection Control & Epidemiology, Association of Public Health Laboratories, Association of Schools of Public Health, Association of State and Territorial Health Officials, Center for Infectious Disease Research and Policy, Council of State and Territorial Epidemiologists, Infectious Diseases Society of America, National Association of County and City Health Officials, National Alliance of State and Territorial AIDS Directors, National Association of State Public Health Veterinarians, National Public Health Information Coalition, Society for Healthcare Epidemiology of America, and Trust for America's Health.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening America’s Public Health System Act”.

SEC. 2. PURPOSES.

The purpose of the programs authorized under this Act is to strengthen public health surveillance systems and disease reporting by—

(1) delineating existing grant mechanisms at the Centers for Disease Control and Prevention designed to enhance disease surveillance and reporting by improving and modernizing capacity at the State and local level—

(A) to identify and monitor the occurrence of infectious diseases and other conditions of public health importance;

(B) to detect new and emerging infectious disease threats; and

(C) to identify and respond to disease outbreaks;

(2) expanding eligibility for grantees;

(3) increasing funding to ensure all States and jurisdictions have appropriate surveillance and reporting capacity and can provide comprehensive electronic reporting, including laboratory reporting;

(4) delineating existing applied epidemiology, laboratory science, and informatics fellowship programs designed to reduce documented workforce shortages for these essential public health professionals at the State and local level and increasing funding for these programs;

(5) expanding the Epidemic Intelligence Service;

(6) delineating a refined process for establishing a list of nationally notifiable diseases and conditions;

(7) improving binational surveillance of diseases in the United States and Mexico border region, including developing improved standards and protocols for binational epidemiology, surveillance, laboratory analyses, and control of infectious diseases between the two nations; and

(8) establishing a forum to permit review and identification of best surveillance practices with a particular focus on improving coordination of animal-human disease surveillance.

SEC. 3. STRENGTHENING PUBLIC HEALTH SURVEILLANCE SYSTEMS.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by adding at the end the following:

“Subtitle C—Strengthening Public Health Surveillance Systems

“SEC. 2821. EPIDEMIOLOGY-LABORATORY CAPACITY GRANTS.

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an Epidemiology and Laboratory Capacity Grant Program to award grants to eligible entities to assist public health agencies in improving surveillance for, and response to, infectious diseases and other conditions of public health importance by—

“(1) strengthening epidemiologic capacity;

“(2) enhancing laboratory practice;

“(3) improving information systems; and

“(4) developing and implementing prevention and control strategies.

“(b) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means an entity that—

“(1) is—

“(A) a State health department;

“(B) a local health department that meets such criteria as the Director of the Centers for Diseases Control and Prevention determines for purposes of this section;

“(C) a tribal jurisdiction that meets such criteria as the Director of the Centers for Disease Control and Prevention determines for purposes of this section; or

“(D) a partnership established for purposes of this section between one or more eligible entities described in subparagraph (A), (B), or (C) and an academic center; and

“(2) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity shall use amounts received under a grant under this section for core functions described in this subsection including—

“(A) building public health capacity to identify and monitor the occurrence of infectious diseases and other conditions of public health importance;

“(B) detecting new and emerging infectious disease threats, including laboratory capacity to detect antimicrobial resistant infections;

“(C) identifying and responding to disease outbreaks;

“(D) hiring necessary staff;

“(E) conducting needed staff training and educational development; and

“(F) other activities that improve surveillance as determined by the Director of the Centers for Disease Control and Prevention.

“(2) DEVELOPMENT AND MAINTENANCE OF INFORMATION EXCHANGE.—

“(A) NATIONAL STANDARDS.—Not later than 180 days after the date of the enactment of this subtitle, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the National Coordinator for Health Information Technology, shall issue guidelines for public health entities that—

“(i) are designed to ensure that all State and local health departments and public health laboratories have access to information systems to receive, monitor, and report infectious diseases and other urgent conditions of public health importance; and

“(ii) are consistent with standards and recommendations for health information technology by the National Coordinator for Health Information Technology, and by the American Health Information Community (AHIC) and its successors.

“(B) SECURE INFORMATION SYSTEMS.—An eligible entity shall use amounts received through a grant under this section to ensure that the entity has access to a web-based, secure information system that complies with the guidelines developed under subparagraph (A). Such a system shall be designed—

“(i) to receive automated case reports of State and national reportable conditions from clinical systems and health care offices that use electronic health records and from clinical and public health laboratories, and to submit reports of nationally reportable conditions to the Director of the Centers for Disease Control and Prevention;

“(ii) to receive and analyze, within 24 hours, de-identified electronic clinical data for situational awareness and to forward such reports immediately to the Centers for Disease Control and Prevention at the time of receipt;

“(iii) to manage, link, and process different types of data, including information on newly reported cases, exposed contacts,

laboratory results, number of people vaccinated or given prophylactic medications, adverse events monitoring and follow-up, in an integrated outbreak management system;

“(iv) to geocode analyze, display, report, and map, using Geographic Information System technology, accumulated data and to share data with other local health departments, State health departments, and the Centers for Disease Control and Prevention;

“(v) to receive, manage, and disseminate alerts, protocols, and other information, including Health Alert Network and Epi-X information, as appropriate, for public health workers, health care providers, and public health partners in emergency response within each health department’s jurisdiction and to automate the exchange and cascading of such information with external partners using national standards;

“(vi) to have information technology security and critical infrastructure protection as appropriate to protect public health information;

“(vii) to have the technical infrastructure needed to ensure availability, backup, and disaster recovery of data, application services, and communications systems during natural disasters such as floods, tornados, hurricanes, and power outages; and

“(viii) to provide for other capabilities as the Secretary determines appropriate.

“(C) LABORATORY SYSTEMS.—An eligible entity shall use amounts received under a grant under this section to ensure that State or local public health laboratories are utilizing web-based, secure systems that are in compliance with the guidelines developed by the Secretary under subparagraph (A) and that—

“(i) are fully integrated laboratory information systems;

“(ii) provide for the reporting of electronic test results to the appropriate local and State health departments using currently existing national format and coding standards;

“(iii) have information technology security and critical infrastructure protection to protect public health information (as determined by the Secretary);

“(iv) have the technical infrastructure needed to ensure availability, backup, and disaster recovery of data, application services, and communications systems during natural disasters including floods, tornadoes, hurricanes, and power outages; and

“(v) address other capabilities as the Secretary determines appropriate.

“(D) OTHER USES.—In addition to the activities described in subparagraphs (B) and (C), an eligible entity (including the entity’s public health laboratory) may use amounts received under a grant under this section for systems development and maintenance, hiring necessary staff, and staff technical training. Grantees under this section may elect to develop their own systems or use federally developed systems in carrying out activities under this paragraph.

“(d) PRIORITY.—In allocating funds under subsection (f)(2) for activities under subsection (c)(2)(B) (relating to secure information systems), the Secretary shall give priority to eligible entities that demonstrate need.

“(e) REPORTS.—Not later than September 30, 2011, and each September 30 thereafter, the Secretary shall submit to Congress an annual report on the activities carried out under this section by recipients of assistance under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section \$190,000,000 for each of fiscal years 2010 through 2013, of which—

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);

“(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and

“(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“SEC. 2822. FELLOWSHIP TRAINING IN APPLIED PUBLIC HEALTH EPIDEMIOLOGY, PUBLIC HEALTH LABORATORY SCIENCE, PUBLIC HEALTH INFORMATICS, AND EXPANSION OF THE EPIDEMIC INTELLIGENCE SERVICE.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out activities to address documented workforce shortages in State and local health departments in the critical areas of applied public health epidemiology and public health laboratory science and informatics and may expand the Epidemic Intelligence Service.

“(b) SPECIFIC USES.—In carrying out subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall provide for the expansion of existing fellowship programs operated through the Centers for Disease Control and Prevention in a manner that is designed to alleviate shortages of the type described in subsection (a).

“(c) OTHER PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may provide for the expansion of other applied epidemiology training programs that meet objectives similar to the objectives of the programs described in subsection (b).

“(d) WORK OBLIGATION.—Participation in fellowship training programs under this section shall be deemed to be service for purposes of satisfying work obligations stipulated in contracts under section 3381(j).

“(e) GENERAL SUPPORT.—Amounts may be used from grants awarded under this section to expand the Public Health Informatics Fellowship Program at the Centers for Disease Control and Prevention to better support all public health systems at all levels of government.

“(f) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$39,500,000 for each of fiscal years 2010 through 2013, of which—

“(1) \$5,000,000 shall be made available in each such fiscal year for epidemiology fellowship training program activities under subsections (b) and (c);

“(2) \$5,000,000 shall be made available in each such fiscal year for laboratory fellowship training programs under subsection (b);

“(3) \$5,000,000 shall be made available in each such fiscal year for the Public Health Informatics Fellowship Program under subsection (e); and

“(4) \$24,500,000 shall be made available for expanding the Epidemic Intelligence Service under subsection (a).

“SEC. 2823. NATIONALLY NOTIFIABLE DISEASES AND CONDITIONS.

“(a) IN GENERAL.—At the request of the Council of State and Territorial Epidemiologists, the Director of the Centers for Disease Control and Prevention shall assist the Council in developing or improving a process for States to conduct surveillance and submit reports to the Director on nationally notifiable diseases and conditions.

“(b) LIST OF NATIONALLY NOTIFIABLE DISEASES AND CONDITIONS.—The process under

subsection (a) shall include a list of nationally notifiable diseases and conditions as follows:

“(1) The Council of State and Territorial Epidemiologists and the Director of the Centers for Disease Control and Prevention will jointly develop—

“(A) not later than 1 year after the date of the enactment of the Strengthening America's Public Health System Act, a list of nationally notifiable diseases and conditions; and

“(B) a process for reviewing the list on an annual basis and, as appropriate, modifying the list, taking into account newly recognized diseases and conditions of public health importance and advances in diagnostic technology.

“(2) A disease or condition will be included on the list only if a majority of the States represented on the Council approve such inclusion.

“(3) The list will include standard definitions for confirmed, probable, and suspect cases for each nationally notifiable disease or condition.

“(4) The list will distinguish between—

“(A) diseases and conditions of urgent public health importance for which immediate action may be needed; and

“(B) diseases and conditions for which reporting is less urgent and mainly for the purpose of monitoring trends and evaluating public health intervention programs.

“(c) NOTIFICATIONS TO CDC.—The process under subsection (a) shall provide for reporting to the Director of the Centers for Disease Control and Prevention as follows:

“(1) For diseases and conditions described in subsection (b)(4)(A), reporting will occur—

“(A) by telephone or by using a system described in section 2821(c)(2)(B); and

“(B) within 24 hours of the State making a determination that a disease or condition meets the criteria for national reporting for that disease or condition.

“(2) For diseases and conditions described in subsection (b)(4)(B), reporting will occur—

“(A) by using a system described in section 2821(c)(2)(B); and

“(B) only if funding is sufficient for the State to conduct individual case surveillance and to have the necessary systems to support electronic reporting.

“(d) DEFINITIONS.—In this section, the term ‘nationally notifiable’, with respect to a disease or condition, means included on the list developed pursuant to subsection (b).

“SEC. 2824. IMPROVING BINATIONAL SURVEILLANCE AND NOTIFICATION.

“(a) FINDINGS.—The Congress finds as follows:

“(1) Nearly 1,000,000 people cross the international border between the United States and Mexico on a daily basis, and this transmobility of population presents actual cases and the potential risk of transmission of infectious diseases and disease agents between these countries.

“(2) Numerous infectious disease cases in the United States are binational in origin, thus requiring improved epidemiology, surveillance, follow-up investigations, and disease case management along the United States and Mexico border.

“(b) GUIDELINES FOR BINATIONAL COOPERATION.—Not later than 1 year after the date of the enactment of this subtitle, the Director of the Centers for Disease Control and Prevention shall—

“(1) develop an expedited review and approval process and adopt the resultant version of the ‘Guidelines for U.S.-Mexico Coordination on Epidemiological Events of

Mutual Interest’, which have been developed with input from United States and Mexican State health agencies, including the Mexican Federal Health Secretariat, the United States Department of Health and Human Services, and the Centers for Disease Control and Prevention; and

“(2) use these guidelines as the basis for developing improved standards and protocols for binational epidemiology, surveillance, laboratory analyses, and control of infectious diseases between the United States and Mexico.

“(c) DEFINITION.—In this section, the term ‘binational’ refers to both sides of the United States-Mexico border, whether collectively, such as an activity or program being carried out concurrently by or in both countries, a phenomenon (for example, a disease outbreak or health emergency) affecting a population or geographic area in both countries, or a disease case that originated on one side of the border and was transmitted to the other.

“SEC. 2825. EVALUATION OF BEST PRACTICES IN PUBLIC HEALTH SURVEILLANCE.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee—

“(1) to evaluate best practices in public health surveillance, including human and animal disease surveillance and environmental health monitoring of harmful exposures through air, water, soil, or other means; and

“(2) to assess systems needed for improving coordination among public health surveillance and monitoring systems.

“(b) COMPOSITION.—The committee established under subsection (a) shall be composed of—

“(1) an epidemiologist employed and designated by the Director of the Centers for Disease Control and Prevention;

“(2) an informatics specialist designated by the Director of the Centers for Disease Control and Prevention;

“(3) an epidemiologist designated by the Director of the Centers for Disease Control and Prevention to represent the National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry;

“(4) a representative of an academic center or professional, scientific association designated by the American Society for Microbiology;

“(5) a food scientist designated by the Commissioner of Food and Drugs;

“(6) an individual designated by the Secretary of Agriculture from the Division of Veterinary Services;

“(7) a wildlife disease specialist designated by the Secretary of Agriculture;

“(8) an epidemiologist employed by a State and designated by the Council of State and Territorial Epidemiologists;

“(9) a public health laboratorian employed by a State and designated by the Association of Public Health Laboratories;

“(10) a public health veterinarian employed by a State and designated by the National Association of State Public Health Veterinarians;

“(11) a laboratorian designated by the American Association of Veterinary Laboratory Diagnosticians;

“(12) a State health official designated by the Association of State and Territorial Health Officials;

“(13) a local health official designated by the National Association of County and City Health Officials;

“(14) an environmental health scientist employed and designated by the Administrator of the Environmental Protection Agency; and

“(15) a representative with expertise in the Department of Veterans Affairs’ disease monitoring systems.

“(c) FUNCTIONS.—The committee established under subsection (a) shall—

“(1) review innovative approaches adopted by State and local agencies to improve disease detection;

“(2) evaluate best practices in public health surveillance;

“(3) develop model data sharing agreements among local, State, and Federal health agencies;

“(4) assess systems needed for coordinated animal and human disease surveillance and develop recommendations for the improvement of such surveillance; and

“(5) disseminate findings and recommendations to relevant local, State and Federal agencies.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$750,000 for each of fiscal years 2010 through 2011.”.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERRY):

S. 1029. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, along with my colleague Senator SNOWE of Maine and Senator KERRY of Massachusetts, I am introducing legislation to provide incentives for States to adopt the 21st Century Skills Framework. I take this step because the knowledge base and skills set that most students learn in school should expand to provide students with the skills like critical thinking and problem solving, needed to succeed in modern workplaces and communities. Increasingly, these settings are no longer defined by conventional boundaries such as time, distance, language, and culture. Moreover, rigorous higher education coursework, career challenges, and a globally competitive workforce—all demand that America’s schools align their classroom environments with real world environments by infusing 21st century skills into their learning and teaching.

What are those skills? The framework describes essential attributes of learning that America’s children need in order to succeed as citizens and workers in the 21st century. These include mastery in the core subjects of English, reading, mathematics, science, foreign languages, civics, Government, economics, art, history, and geography. This bill does not ignore core curriculum, but it seeks to add skills and new awareness to this basic knowledge. Today’s students need preparation to put their education in context including a sense of global awareness; financial, economic, business and entrepreneurial literacy; civic literacy; and health and wellness awareness that

complements the traditional core subjects. Given the fast pace of our workplace and culture, our students need the ability to engage in life-long learning that ensures adaptability in the face of rapidly changing work environments brought on by new scientific, technological, and social developments. Plus, students need to be able to use information and communications technology both to learn core academic subjects and to gain 21st century content knowledge and abilities.

The 21st Century Skills Framework also identifies the critical role teachers must play in bringing life skills into their classrooms—skills that include leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, self-direction, and social responsibility. West Virginia is working to include this model in their classrooms, and I have watched how this model enhances the engagement of students.

In today’s global, knowledge-based economy these 21st Century skills form the lifeblood of a productive workforce particularly in scientific, engineering, and other advanced technological sectors. If the U.S. is to exercise continued economic leadership internationally we must enable strong partnerships to form among educators, administrators, policy makers, and the business community so that they may work collectively to better prepare our students for the realities of the 21st century.

This initiative began in 2002 with funding from the U.S. Department of Education to support innovative education reforms. The partnership was a collaboration of educators and businesses, particularly high-tech business that did surveys and meetings to discuss the real skills that students need to learn to succeed. It clearly builds on the core subjects, but it adds the skills and awareness that are essential to the workplace.

The purpose of the 21st Century Skills Incentive Fund Act is to offer competitive grants from in the Department of Education for States willing to invest in education reform. To qualify, States need to have a plan for implementations of the 21st Century Skills Framework. It also calls an assessment of progress towards the four student learning priorities and evaluation.

Ten States have also already taken steps to implement the 21st Century Skills initiative, including Arizona, Iowa, Kansas, Maine, Massachusetts, New Jersey, North Carolina, South Dakota, West Virginia, and Wisconsin. Such States that are willing and eager to engage in such reforms deserve the chance to compete for incentives.

In my own State of West Virginia and in the other committed States, education leaders report enthusiasm for reforms.

Although the economic downturn has current challenges for new investment

in education, waiting for a better time to engage in reform would be unwise. Today’s sixth grade class, will be entering the work force in 2015, after high school or 2019 after college, they need to be prepared. The 21st Century Skills Incentive Act makes attention to this imperative a national priority.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 1030. A bill to amend the Internal Revenue Code of 1986 to eliminate the reduction in the credit rate for certain facilities producing electricity from renewable resources; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I have come to my colleagues today, having come down to the floor last week, when I came to the Senate floor to announce a new plan to give working families and businesses the tools they need to succeed during this current economic crisis we are in. I come today also to add to my Arkansas plan a package of tax cuts and Tax Code simplification measures designed to move Arkansas and our State’s hard-working families forward. Together, these tax measures will allow working families and small businesses to get ahead and emerge from the economic crisis stronger and more competitive.

We have a lot of small businesses, hard-working families down in Arkansas; entrepreneurs who unfortunately feel as though during this crisis they are not getting much out of Washington. We want to change that attitude. We want to make sure they are getting our support and that we as the Government are creating an atmosphere and an environment where they can be successful.

We are also going to encourage innovation and entrepreneurship to create new jobs and lessen our dependence on foreign oil and reduce the burden on working families and small businesses by simplifying our Tax Code. It is way too complicated these days. We have created too much of a complicated code that people can’t use it for its intended purposes, and that is, obviously, to encourage good, healthy businesses to thrive and to be competitive.

Last week, I introduced a number of legislative measures that will allow working families and small businesses to emerge from the economic crisis stronger and more competitive than before. This week, my Arkansas plan focuses on encouraging innovation and entrepreneurship to create new jobs here at home and lessen our dependence on foreign oil. All of us want to be able to be more independent. We want to make sure we are creating jobs here, but we also want to know that, globally, we are more independent as a country and that we are not seeing that dependence on imported oil coming from other places.

Yesterday, I introduced the USA Jobs Act of 2009, which offers a new research and development bonus incentive to companies that both research and manufacture their products in the United States. Before, in the stimulus package, we extended the research and development tax credit to encourage more research and development of new ideas and new products, new methodologies so we could create jobs from those. We also need to make sure we are not sending those new ideas and that new research somewhere else on the globe to be able to be produced or manufactured. We want to incentivize that it stays right here at home.

Our Nation faces record unemployment, with more than 540,000 Americans put out of work last month alone and 90,000 job losses in Arkansas. It is more important now than ever before that we encourage the creation and preservation of American jobs. My bill provides a new job tax credit for manufacturers that do a substantial portion of their research and manufacturing right here at home in the United States. This new tax credit will encourage greater domestic production, which would, in turn, lead to the creation of more American jobs.

Today, I am focused on a series of alternative energy and conservation proposals as well. My first bill provides an even playing field for all renewable energy production. The Federal Tax Code currently offers an income tax credit for the production of electricity produced from renewable energy resources, but not all resources are treated the same. Under current law, some energy resources receive a higher level credit than others, and as a result, certain new renewable energy technologies have a more difficult time finding the necessary investment capital they need to start that process of investing in new technology and getting it to the marketplace in a reasonable way so it is cost-effective.

These are critical ideas that exist out there. We need to make sure everybody is at the table. When we look at renewable energy, we see that there are a multitude of great ideas out there, but getting those ideas to the table and then out into the marketplace is a critical part of that journey. If we don't make sure everyone has that same benefit with their ideas and technologies and being able to get out there, if it is not a fair playing field, then we are going to lose multiple opportunities.

I hope we will look forward and not backward in terms of how we are incentivizing this renewable energy. So much of what we see in terms of complications or challenges small businesses face in finding investment capital is particularly problematic with the pursuit of renewable energy opportunities in my home State of Arkansas, where biomass is a predominant renewable resource but only gets half the tax

credit that many other resources receive.

That is ridiculous. We have a tremendous resource right here and available to us—not just in Arkansas but in many States in our country. It can play a tremendous role in lifting our dependence on foreign oil and finding renewable sources of energy.

My proposal would level the playing field for all energy resources by increasing the value of the credit to a full credit level for those resources that currently receive only a partial credit. It certainly makes sense not only in the sense that there are certain resources that exist today that are moving forward in their technology, but there are also resources down the road. It is amazing to me to see what scientists are doing, even with things like algae, to be able to produce oil, and looking at how we can use our agricultural byproducts—a host of things, any of that woody biomass that we can begin to put to good use in making energy and be less dependent on imported oil.

Also, I am introducing legislation today that provides long-term certainty for producers and consumers of biofuels. Currently, the U.S. Tax Code includes credits to encourage the production of biodiesel and renewable diesel, which are proven alternative fuels that will help us lessen our dependence on foreign oil. Every barrel of biofuel that we produce is a barrel of imported oil we would not have to import. These incentives have been extended on a short-term basis in recent years and are scheduled to expire at the end of this year.

When we see all of these great ideas and we see people who are willing to invest their capital and their time and energy and resources into moving these industries to the marketplace, and in a reasonable, cost-effective way they can then integrate it into the marketplace, it takes resources. But it takes predictability in our Tax Code as well, knowing they are going to be able to depend on a certain tax treatment over a certain period of time that allows them to access that capital in the capital market.

If these credits were allowed to expire, these new technologies in renewable fuels would be priced significantly higher than petroleum diesel and, as a result, would not be competitive in the fuels marketplace. Biofuel producers and consumers in our State need the certainty that these economic incentives provide and help to sustain this new market.

We cannot move forward in changing our mindset and our marketplace from an old energy economy to a new one if we don't embrace the idea that we have to produce some predictability for these new emerging industries and fuels in a way they can—particularly in these difficult economic times—ac-

cess the capital they need to move forward with the ideas and development and the production of all of these great new ideas that exist out there.

My proposal would provide a 10-year extension of the credits through 2018 to provide a stable environment for the creation of a strong domestic biofuels industry.

I want to highlight a bill I introduced a few weeks ago with Senators ROBERTS, SNOWE, CANTWELL, and COLLINS that would allow electricity from biomass produced onsite to qualify for the section 45 renewable electricity production tax credit.

According to the American Forest and Paper Association, in 2005, the industry produced 28.5 million megawatt hours of biomass-based electricity, which avoided the use of more than 200 million barrels of oil. There it is, plain and simple—what we can be doing with an industry that has available to them—the biomass—from byproducts and from other woody products that are there, which may be discarded or unusable—to be able to produce electricity from a renewable source.

The use of biomass electricity, whether produced onsite or purchased from a utility, has the same positive impact of reducing fossil fuel consumption and should be encouraged. That is exactly what we want to do. We want to encourage these types of activities and what we can do in terms of creating new and innovative ideas with renewable energy.

Later this week I plan to introduce a bill to also encourage workforce training and development. Together, I think these bills will create jobs at home. They will help strengthen our economy and reduce our dependence on foreign oil. These are all priorities I think each one of the Members of this body seek to achieve. I, for one, decided to put together a plan that I think is particularly good for my State, with a series of different types of bills that I am introducing—last week, this week, and next week—in a way that I think can be productive for my State. I think most Senators will find that these are tools that will be just as effective for their States as well. I encourage them to take a look at what we are doing.

Next week, I will complete the roll-out of our Arkansas plan by introducing reform measures to simplify the Tax Code and reduce the burden on Americans, and particularly Arkansas's working families and businesses by working to build a tax structure that is fair and equitable for all Americans.

Again, I encourage my colleagues to take a look at these commonsense measures to see how they will benefit their own constituents. I work hard in the Senate to be pragmatic and look for solutions that are good for everybody and, more important, that are focused on the issues that are important

to us as a country, like getting our economy back on track, making sure Americans can keep jobs, and for those who have lost jobs, we can put back to work, with the new ideas that we know Americans are so very capable of.

We must make our Nation's working families and our small businesses a top priority. The Arkansas plan does just that. I will continue to fight to bring our families the relief they need and our business owners the tools they require to invest and grow and be competitive in the global marketplace that we have been begging so longingly for over the years. We need to make sure Government is going to create that environment where they can do just that—invest, grow, and be competitive.

By Mrs. BOXER:

S. 1031. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we mark the end of National Nurses Week, I want to express my heartfelt appreciation to the dedicated professionals who serve on the front lines of our health care system. Nurses are heroes—not just to their patients, but to the families and loved ones who rely on their compassion and care.

While we celebrate nurses this week, we must also acknowledge that too many nurses are overworked because of staffing levels that are simply inadequate.

Nurses treat patients not just in hospitals or emergency rooms but in homes, schools, community health centers and more. Nurses take on a lot of different duties and roles, but they all have at least one thing in common—they are all on the front lines of providing care to patients.

For decades nurses have been telling us that there are not enough of them, especially in hospitals. Study after study has been done—we know there is a nationwide nursing shortage.

By 2020, it is estimated that the demand for full time nurses will exceed supply by 1 million nurses.

This is unacceptable. We must address a problem that affects the quality of care that patients receive and drives too many nurses away from the hospital bedside.

That is why I am introducing the National Nursing Reform and Patient Advocacy Act, which will not only help address the nationwide shortage of skilled nurses, it will improve the quality of health care for all Americans.

The National Nursing Reform and Patient Advocacy Act champions nursing rights, nursing ratios, and nursing reform.

Specifically, this bill protects the rights of nurses to speak out for their

patients and to speak out for themselves, without the fear of discrimination or retaliation, because if there is a problem in a hospital nurses should be able to talk about it.

This bill sets minimum nurse to patient ratios, because you cannot give patients high quality care without giving nurses the time to provide it. It offers transparency in the process of establishing staffing plans in hospitals and puts forward the tools to report inadequate staffing or care.

This bill reforms the role of hospitals not just in retaining nurses but also in training nurses. It creates a Registered Nurse Workforce Initiative that invests in the education of nurses and nursing faculty, because we will need many more nurses to meet the needs of our Nation—especially after we expand access to health care.

President Obama has made improving patient safety and quality care one of the cornerstones of the health care reform effort. You can't have high quality health care without a high quality nurse workforce to provide it.

Ten years ago, nurses in California fought and won a major battle for their patients and for themselves—and the results were minimum nurse to patient ratios in California hospitals.

I am proud to bring this fight to Washington, DC and to pursue federal legislation that would extend these rights, ratios and reforms to nurses in hospitals across the country.

Reports on California ratios have only begun to show what all of the nurses in this room already know—that setting a minimum standard for safe staffing can be the difference between life and death of patients.

A 2002 study found that for every patient added to a nurse's workload there is a seven percent increase in the chance of death following common surgeries.

In California, the hospitals that have seen the greatest effect in reduced mortality were the ones that started with the worst staffing ratios.

We also know that hospitals are losing good nurses because of these staffing shortages. A poll of nurses nationwide found that almost half of the nurses who plan to quit their job say that inadequate staffing is the reason they are leaving. The cost of replacing these valuable workers has been estimated at \$25,000 to \$60,000 per nurse.

Too many nurses get burned out by being overloaded with too many patients. Too many nurses have given up on serving in hospitals because the hospitals have given up on providing a better environment for both nurses and patients.

We need to remind hospitals that by investing more in their nursing staff, they will save money by avoiding costly medical mistakes and providing better care for their patients—and most importantly, they will save lives.

I strongly believe that health care reform cannot succeed unless we invest in our health care workforce. At 2.9 million strong, nurses are the largest health care workforce in our country, and this investment is long overdue.

My new legislation builds on the success of California's historic law for registered nurse staffing ratios. Under the California ratios law, lives are being saved, nurses' ability to be effective advocates for their patients is stronger and more registered nurses are entering the workforce and staying at the bedside longer—which is easing the State's nursing shortage.

Nurses are not just the face of the movement to improve health care in our country, they are the face of health care in our country. This bill is for them and the patients they so faithfully serve.

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 1033. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President, Senator MCCAIN and I are today introducing, by request, the administration's proposed National Defense Authorization Act for fiscal year 2010. As is the case with any bill that is introduced by request, we introduce this bill for the purpose of placing the administration's proposals before Congress and the public without expressing our own views on the substance of these proposals. As chairman and ranking member of the Armed Services Committee, we look forward to giving the administration's requested legislation our most careful review and thoughtful consideration.

By Mr. REID (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1035. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drinking Water Adaptation, Technology, Education, and Research (WATER) Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the consensus among climate scientists is overwhelming that climate change is occurring more rapidly than can be attributed

to natural causes, and that significant impacts to the water supply are already occurring;

(2) among the first and most critical of those impacts will be change to patterns of precipitation around the world, which will affect water availability for the most basic drinking water and domestic water needs of populations in many areas of the United States;

(3) drinking water utilities throughout the United States, as well as those in Europe, Australia, and Asia, are concerned that extended changes in precipitation will lead to extended droughts;

(4) supplying water is highly energy-intensive and will become more so as climate change forces more utilities to turn to alternative supplies;

(5) energy production consumes a significant percentage of the fresh water resources of the United States;

(6) since 2003, the drinking water industry of the United States has sponsored, through a nonprofit water research foundation, various studies to assess the impacts of climate change on drinking water supplies;

(7) those studies demonstrate the need for a comprehensive program of research into the full range of impacts on drinking water utilities, including impacts on water supplies, facilities, and customers;

(8) that nonprofit water research foundation is also coordinating internationally with other drinking water utilities on shared research projects and has hosted international workshops with counterpart European and Asian water research organizations to develop a unified research agenda for applied research on adaptive strategies to address climate change impacts;

(9) research data in existence as of the date of enactment of this Act—

(A) summarize the best available scientific evidence on climate change;

(B) identify the implications of climate change for the water cycle and the availability and quality of water resources; and

(C) provide general guidance on planning and adaptation strategies for water utilities; and

(10) given uncertainties about specific climate changes in particular areas, drinking water utilities need to prepare for a wider range of likely possibilities in managing and delivery of water.

SEC. 3. RESEARCH ON THE EFFECTS OF CLIMATE CHANGE ON DRINKING WATER UTILITIES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of the Interior, shall establish and provide funding for a program of directed and applied research, to be conducted through a nonprofit drinking water research foundation and sponsored by water utilities, to assist the utilities in adapting to the effects of climate change.

(b) RESEARCH AREAS.—The research conducted in accordance with subsection (a) shall include research into—

(1) water quality impacts and solutions, including research—

(A) to address probable impacts on raw water quality resulting from—

(i) erosion and turbidity from extreme precipitation events;

(ii) watershed vegetation changes; and

(iii) increasing ranges of pathogens, algae, and nuisance organisms resulting from warmer temperatures; and

(B) on mitigating increasing damage to watersheds and water quality by evaluating ex-

treme events, such as wildfires and hurricanes, to learn and develop management approaches to mitigate—

(i) permanent watershed damage;

(ii) quality and yield impacts on source waters; and

(iii) increased costs of water treatment;

(2) impacts on groundwater supplies from carbon sequestration, including research to evaluate potential water quality consequences of carbon sequestration in various regional aquifers, soil conditions, and mineral deposits;

(3) water quantity impacts and solutions, including research—

(A) to evaluate climate change impacts on water resources throughout hydrological basins of the United States;

(B) to improve the accuracy and resolution of climate change models at a regional level;

(C) to identify and explore options for increasing conjunctive use of aboveground and underground storage of water; and

(D) to optimize operation of existing and new reservoirs in diminished and erratic periods of precipitation and runoff;

(4) infrastructure impacts and solutions for water treatment and wastewater treatment facilities and underground pipelines, including research—

(A) to evaluate and mitigate the impacts of sea level rise on—

(i) near-shore facilities;

(ii) soil drying and subsidence;

(iii) reduced flows in water and wastewater pipelines; and

(iv) extreme flows in wastewater systems; and

(B) on ways of increasing the resilience of existing infrastructure, planning cost-effective responses to adapt to climate change, and developing new design standards for future infrastructure that include the use of energy conservation measures and renewable energy in new construction to the maximum extent practicable;

(5) desalination, water reuse, and alternative supply technologies, including research—

(A) to improve and optimize existing membrane technologies, and to identify and develop breakthrough technologies, to enable the use of seawater, brackish groundwater, treated wastewater, and other impaired sources;

(B) into new sources of water through more cost-effective water treatment practices in recycling and desalination; and

(C) to improve technologies for use in—

(i) managing and minimizing the volume of desalination and reuse concentrate streams; and

(ii) minimizing the environmental impacts of seawater intake at desalination facilities;

(6) energy efficiency and greenhouse gas minimization, including research—

(A) on optimizing the energy efficiency of water supply and wastewater operations and improving water efficiency in energy production and management; and

(B) to identify and develop renewable, carbon-neutral energy options for the water supply and wastewater industry;

(7) regional and hydrological basin cooperative water management solutions, including research into—

(A) institutional mechanisms for greater regional cooperation and use of water exchanges, banking, and transfers; and

(B) the economic benefits of sharing risks of shortage across wider areas;

(8) utility management, decision support systems, and water management models, including research—

(A) into improved decision support systems and modeling tools for use by water utility managers to assist with increased water supply uncertainty and adaptation strategies posed by climate change;

(B) to provide financial tools, including new rate structures, to manage financial resources and investments, because increased conservation practices may diminish revenue and increase investments in infrastructure; and

(C) to develop improved systems and models for use in evaluating—

(i) successful alternative methods for conservation and demand management; and

(ii) climate change impacts on groundwater resources;

(9) reducing greenhouse gas emissions and improving energy demand management, including research to improve energy efficiency in water collection, production, transmission, treatment, distribution, and disposal to provide more sustainability and means to assist drinking water utilities in reducing the production of greenhouse gas emissions in the collection, production, transmission, treatment, distribution, and disposal of drinking water;

(10) water conservation and demand management, including research—

(A) to develop strategic approaches to water demand management that offer the lowest-cost, noninfrastructural options to serve growing populations or manage declining supplies, primarily through—

(i) efficiencies in water use and reallocation of the saved water;

(ii) demand management tools;

(iii) economic incentives; and

(iv) water-saving technologies; and

(B) into efficiencies in water management through integrated water resource management that incorporates—

(i) supply-side and demand-side processes;

(ii) continuous adaptive management; and

(iii) the inclusion of stakeholders in decisionmaking processes; and

(11) communications, education, and public acceptance, including research—

(A) into improved strategies and approaches for communicating with customers, decisionmakers, and other stakeholders about the implications of climate change on water supply and water management;

(B) to develop effective communication approaches—

(i) to gain public acceptance of alternative water supplies and new policies and practices, including conservation and demand management; and

(ii) to gain public recognition and acceptance of increased costs; and

(C) to create and maintain a clearinghouse of climate change information for water utilities, academic researchers, stakeholders, government agencies, and research organizations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2010 through 2020.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 148—EXPRESSING THE SENSE OF THE SENATE THAT THERE IS A CRITICAL NEED TO INCREASE RESEARCH, AWARENESS, AND EDUCATION ABOUT CEREBRAL CAVERNOUS MALFORMATIONS

Mr. UDALL of New Mexico submitted the following resolution; which was considered and agreed to:

S. RES. 148

Whereas cerebral cavernous malformation (in this resolution referred to as "CCM"), or cavernous angioma, is a devastating blood vessel disease that has enormous consequences for people affected and their families;

Whereas cavernous angiomas are malformations in the brain that cannot be detected easily, except through very specific medical imaging scans;

Whereas people with CCM are rarely aware that they have the disease, which makes taking blood thinners or aspirin risky;

Whereas, according to the Angioma Alliance, in the general population, 1 in approximately 200 people has CCM;

Whereas, according to the Angioma Alliance, more than ½ of the people with CCM experience symptoms at some point in their lives;

Whereas, according to the Angioma Alliance, there is a hereditary form of CCM, caused by a mutation or deletion on any 1 of 3 genes, that is characterized by multiple cavernous malformations;

Whereas, according to the Angioma Alliance, each child born to parents with the hereditary form of CCM has a 50 percent chance of having CCM;

Whereas, according to the Angioma Alliance, a specific genetic mutation of CCM called the "common Hispanic mutation", which has been traced to the original Spanish settlers of the Americas in the 1590's, has now spread across at least 17 generations of families;

Whereas while CCM is more prevalent in certain States, families throughout the United States are at risk;

Whereas a person with CCM could go undiagnosed until sudden death, seizure, or stroke;

Whereas there is a shortage of physicians who are familiar with CCM, making it difficult for people with CCM to receive timely diagnosis and appropriate care;

Whereas the shortage of such physicians has a disproportionate impact on thousands of Hispanics across the United States;

Whereas CCM has not been studied sufficiently by the National Institutes of Health and others;

Whereas there is a need to expeditiously initiate pilot studies to research the use of medications to treat CCM; and

Whereas medications that treat CCM will enable preventive treatment that reduces the risk of hemorrhage in those who have been diagnosed, thereby saving lives and dramatically reducing healthcare costs: Now, therefore, be it

Resolved, That it is the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1092. Mr. LEVIN (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table.

SA 1093. Mr. LEVIN (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1094. Mr. LEVIN (for himself, Mrs. McCASKILL, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1095. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1096. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1097. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1098. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1099. Mrs. FEINSTEIN (for herself, Mr. CORKER, Mr. CASEY, Mr. GRASSLEY, Mr. KERRY, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1100. Mr. DURBIN (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1101. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1102. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1103. Mr. UDALL, of Colorado (for himself, Mr. LEVIN, Mr. LIEBERMAN, Mr. UDALL, of New Mexico, Mrs. GILLIBRAND, Mr. BURRIS, and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1104. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1084 submitted by Mrs. GILLIBRAND to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1105. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1106. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1107. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1108. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1109. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1110. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1092. Mr. LEVIN (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, strike "9 months" and insert "6 months".

SA 1093. Mr. LEVIN (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, lines 20 and 21, after "creditor," insert the following:

"(m) NO INTEREST CHARGES ON FEES.—With respect to a credit card account under an open end consumer credit plan, if the creditor imposes a transaction fee on the obligor, including a cash advance fee, late fee, over-the-limit fee, or balance transfer fee, the creditor may not impose or collect interest with respect to such fee amount."

SA 1094. Mr. LEVIN (for himself, Mrs. McCASKILL, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit

under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STRENGTHEN CREDIT CARD INFORMATION COLLECTION.

Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking “The Board shall” and inserting the following:

“(A) IN GENERAL.—The Board shall”;

(2) by adding at the end the following:

“(B) INFORMATION TO BE INCLUDED.—The information under subparagraph (A) shall include, for the relevant semiannual period, the following information—

“(i) a list of each type of transaction or event during the semiannual period for which one or more card issuer has imposed a separate interest rate upon a cardholder, including purchases, cash advances, and balance transfers;

“(ii) for each type of transaction or event identified under clause (i)—

“(I) each distinct interest rate charged by the card issuer to a cardholder during the semiannual period; and

“(II) the number of cardholders to whom each such interest rate was applied during the last calendar month of the semiannual period, and the total amount of interest charged to such cardholders at each such rate during such month;

“(iii) a list of each type of fee that one or more card issuer has imposed upon a cardholder during the semiannual period, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency;

“(iv) for each type of fee identified under clause (iii), the number of cardholders upon whom the fee was imposed during each calendar month of the semiannual period, and the total amount of fees imposed upon cardholders during such month;

“(v) the total number of cardholders that incurred any interest charge or any fee during the semiannual period; and

“(vi) any other information related to interest rates, fees, or other charges that the Board deems of interest.”; and

(3) by adding at the end the following:

“(5) REPORT TO CONGRESS.—The Board shall, on an annual basis, transmit to Congress and make public a report containing an assessment by the Board of the profitability of credit card operations of depository institutions. Such report shall include estimates by the Board of the approximate, relative percentage of income derived by such operations from—

“(A) the imposition of interest rates on cardholders, including separate estimates for—

“(i) interest with an annual percentage rate of less than 25 percent, and

“(ii) interest with an annual percentage rate equal to or greater than 25 percent;

“(B) the imposition of fees on cardholders;

“(C) the imposition of fees on merchants, and

“(D) any other material source of income, while specifying the nature of that income.”.

SA 1095. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in

Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 12, after “transaction.” insert the following:

“(7) RESTRICTION ON FEES CHARGED FOR AN OVER-THE-LIMIT TRANSACTION.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.”.

SA 1096. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, between lines 9 and 10, insert the following:

SEC. 205. PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by inserting after subsection (f) the following:

“(g) PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.—

“(1) IN GENERAL.—Any entity advertising free credit reports in any medium must prominently disclose in each such advertisement that—

“(A) the Fair Credit Reporting Act guarantees a consumer access to a free credit report from each of the three nationwide reporting agencies once every twelve months; and

“(B) AnnualCreditReport.com is the only authorized source for a consumer to get a free annual credit report under Federal law.

“(2) TELEVISION ADVERTISEMENTS.—In the case of an advertisement broadcast by television, the disclosures required under paragraph (1) shall be included in the audio or the audio and visual part of such advertisement.”.

SA 1097. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following new section:

SEC. 503. STATUTE OF LIMITATIONS FOR DEBT COLLECTION.

(a) RULES ON STATUTE OF LIMITATIONS.—

(1) PROPOSED RULE.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Federal Trade Commission, in consultation with the Federal banking regulators, shall publish a proposed rule in the Federal Register establishing a statute of limitations for the collection of debt associated with a credit card account under an open end credit plan after the account has been closed by the creditor or the cardholder (or the representative thereof).

(2) FINAL RULE.—Not later than 18 months after the date of enactment of this Act, the Chairman of the Federal Trade Commission shall publish a final rule in the Federal Register on the matter described in paragraph (1).

(b) CONTENTS.—The proposed and final rules issued under subsection (a) shall, at a minimum—

(1) establish a statute of limitations for—

(A) the collection of funds from a cardholder responsible for a closed credit card account described in subsection (a);

(B) filing suit in a Federal, State, or local court to collect debt associated with such a closed credit card account; and

(C) enforcing a court judgment to collect debt associated with such a closed credit card account; and

(2) establish when the statute of limitations on debt associated with a closed credit card account described in subsection (a) begins to run and, for purposes of court proceedings, which party has the burden of proof to show whether the statute of limitations has expired.

(c) APPLICABILITY.—The final rule issued under this section shall limit the right of any creditor to collect, sell, or transfer debt associated with a credit card account under an open end consumer credit plan after the account has been closed by the creditor or the cardholder (or the representative thereof).

(d) DEFINITIONS.—For purposes of this section—

(1) the terms “credit card”, “cardholder”, and “open end credit plan” have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602);

(2) the term “creditor” includes—

(A) a creditor, as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602); and

(B) a debt collector, as that term is defined in section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a), whether or not such person is the original creditor with respect to the subject obligation; and

(3) the term “Federal banking regulators” means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the National Credit Union Administration.

SA 1098. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. ENHANCED DISCLOSURE OF ATM FEES.

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

“(13) The information required to be disclosed under section 904(d)(3) with respect to automated teller machines operated by or on behalf of the creditor, including all fees associated with such transactions, both in and out of network, listed in a conspicuous location on the billing statement.”.

SA 1099. Mrs. FEINSTEIN (for herself, Mr. CORKER, Mr. CASEY, Mr. GRASSLEY, Mr. KERRY, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

“(f) CREDIT CARD PROTECTIONS FOR COLLEGE STUDENTS.—

“(1) DISCLOSURE REQUIRED.—A covered educational institution shall publicly disclose any contract or other agreement made with a card issuer or creditor for the purpose of marketing a credit card.

“(2) GIFTS PROHIBITED.—No card issuer or creditor may offer any gift or other item to a student of a covered educational institution to induce such student to apply for or participate in an open end credit plan offered by such card issuer or creditor.

“(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each covered educational institution should consider adopting the following policies relating to credit cards:

“(A) That any card issuer that markets a credit card on the campus of such institution notify the administration of such institution of the location at which such marketing will take place.

“(B) That the number of locations on the campus of such institution at which the marketing of credit cards takes place be limited.

“(C) That credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students of such institution.”.

SEC. 305. COLLEGE CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

“(q) COLLEGE CARD AGREEMENTS.—

“(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) COLLEGE AFFINITY CARD.—The term ‘college affinity card’ means a credit card issued by a credit card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, under which such cards are issued to college students who have an affinity with such institution, organization and—

“(i) the creditor has agreed to donate a portion of the proceeds of the credit card to the institution, organization, or foundation (including a lump sum or 1-time payment of money for access);

“(ii) the creditor has agreed to offer discounted terms to the consumer; or

“(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols readily identified with such institution, organization, or foundation.

“(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term ‘college student credit card account’ means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

“(C) COLLEGE STUDENT.—The term ‘college student’ means an individual who is a full-time or a part-time student attending an institution of higher education.

“(D) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(2) REPORTS BY CREDITORS.—

“(A) IN GENERAL.—Each creditor shall submit an annual report to the Board containing the terms and conditions of all business, marketing, and promotional agreements and college affinity card agreements with an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, with respect to any college student credit card issued to a college student at such institution.

“(B) DETAILS OF REPORT.—The information required to be reported under subparagraph (A) includes—

“(i) any memorandum of understanding between or among a creditor, an institution of higher education, an alumni association, or foundation that directly or indirectly relates to any aspect of any agreement referred to in such subparagraph or controls or directs any obligations or distribution of benefits between or among any such entities;

“(ii) the amount payments from the creditor to the institution, organization, or foundation during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

“(iii) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

“(C) AGGREGATION BY INSTITUTION.—The information reported under subparagraph (A) shall be aggregated with respect to each institution of higher education or alumni organization or foundation affiliated with or related to such institution.

“(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements submitted to the Board under paragraph (2) by each institution of higher education, alumni organization, or foundation.”.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall from time to time review the reports submitted by creditors and the marketing practices of creditors to determine the impact that college affinity card agreements and college student card agreements have on credit card debt.

(2) REPORT.—Upon completion of any study under paragraph (1), the Comptroller General shall periodically submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action

as the Comptroller General determines to be appropriate.

(c) EFFECTIVE DATE FOR INITIAL CREDITOR REPORTS.—The initial reports required under paragraph (2)(A) of the amendment made by subsection (a) shall be submitted to the Board before the end of the 90-day period beginning on the date of enactment of this Act.

SA 1100. Mr. DURBIN (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. CONSUMER DISCOUNTS; TRANSPARENCY IN MERCHANT FEE INFORMATION.

(a) IN GENERAL.—Section 167 of the Truth in Lending Act (15 U.S.C. 1666f) is amended to read as follows:

“SEC. 167. INDUCEMENTS TO CARD HOLDERS BY SELLERS OF DISCOUNTS FOR PAYMENTS BY CASH, CHECK, OR DEBIT CARDS; FINANCE CHARGE FOR SALES TRANSACTIONS INVOLVING DISCOUNTS.

“(a) CASH, CHECK, AND DEBIT DISCOUNTS.—With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer and any other covered person may not, by contract, rule, or otherwise, prohibit any such seller from offering a discount to a cardholder to induce the cardholder to pay by cash, check, debit card, or similar payment device, rather than by use of a credit card.

“(b) FINANCE CHARGE.—With respect to any sales transaction, any discount from the regular price offered by the seller for the purpose of inducing payment by a means not involving the use of a particular open end credit plan or credit card shall not constitute a finance charge, as determined under section 106, if the seller—

“(1) offers the discount to all prospective buyers; and

“(2) discloses the availability of the discount to consumers clearly and conspicuously.

“(c) DISCOUNT DISPLAY RESTRICTIONS.—With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer or any other covered person may not, by contract, rule, or otherwise, restrict the discretion of the seller as to how to display or advertise the discounts offered by the seller.

“(d) PREFERRED FORM OF PAYMENT.—A card issuer and any other covered person may not, by contract, rule, or otherwise, inhibit the ability of any seller to inform consumers regarding the preference of the seller for payment in the form of—

“(1) cash or similar means;

“(2) check or similar means;

“(3) debit card or similar device; or

“(4) credit card or similar device.

“(e) VIOLATIONS.—It shall be a violation of this chapter, enforceable as provided in section 108, for a card issuer or any other covered person to promulgate, impose, or enforce any fine, condition, or penalty on a seller or a cardholder, or use any other

means to prevent or limit any seller from offering a discount pursuant to subsection (a), from setting or displaying discounts pursuant to subsection (c), or from informing consumers regarding a preferred form of payment pursuant to subsection (d).

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘covered person’ means—

“(A) an electronic payment system network;

“(B) a licensed member of an electronic payment system network; and

“(C) any other person that sets or implements the rules for the use of an electronic payment system network; and

“(2) the term ‘processing fee’ means any fee that is—

“(A) charged by an electronic payment system network or a licensed member of such network in connection with any aspect of a transaction conducted between a consumer and a seller, using a particular payment card bearing the logo of such electronic payment system network; and

“(B) incurred by the seller.”.

(b) DEFINITIONS.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended—

(1) in subsection (x), by striking “or similar means” and inserting “debit card or similar payment device”; and

(2) by adding at the end the following:

“(cc) DEBIT CARD.—The term ‘debit card’ means any general-purpose card or other device issued or approved for use by a financial institution (as that term is defined in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a)) for use in debiting the account of a cardholder for the purpose of that cardholder obtaining goods or services, whether authorization is signature-based, PIN-based, or otherwise.

“(dd) ELECTRONIC PAYMENT SYSTEM NETWORK.—The term ‘electronic payment system network’ means a network that provides, through licensed members, processors, or agents—

“(1) for the issuance of credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network;

“(2) the proprietary services and infrastructure that route information and data to facilitate transaction authorization, clearance, and settlement that merchants must access in order to accept credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network as payment for goods and services; and

“(3) for the screening and acceptance of merchants into the network in order to allow such merchants to accept credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network as payment for goods and services.

“(ee) LICENSED MEMBER.—The term ‘licensed member’, in connection with any electronic payment system network, includes—

“(1) any creditor or credit card issuer that is authorized to issue credit cards or charge cards bearing any logo of the network;

“(2) any financial institution (as that term is defined in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a)) that is authorized to issue debit cards to consumers who maintain accounts at such financial institution; and

“(3) any person, including any financial institution, that is authorized—

“(A) to screen and accept merchants into any program under which any credit card, debit card, or other payment card or similar device bearing any logo of such network may be accepted by the merchant for payment for goods or services;

“(B) to process transactions on behalf of any such merchant for payment; and

“(C) to complete financial settlement of any such transaction on behalf of such merchant.”.

(c) TRANSPARENCY IN MERCHANT FEE INFORMATION.—Chapter 1 of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following:

“SEC. 115. TRANSPARENCY IN MERCHANT FEE INFORMATION.

“(a) FEE INFORMATION.—The Board shall collect, and shall publish at least once every 2 years, in a form that is provided to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and is made available to the public—

“(1) information on the processing fees, as such term is defined in section 167, charged by electronic payment system networks and licensed members of such networks in connection with payment cards bearing any logo of such electronic payment system networks; and

“(2) information on the rules, terms, and conditions to which a merchant is subject under an agreement with an electronic payment system network or a licensed member of such network, directly or indirectly, by contract or through a licensing arrangement for transactions initiated by consumers using payment cards bearing any logo of such electronic payment system network.

“(b) PURPOSE.—The purpose of the publication required under subsection (a) is to regularly inform Congress, businesses, and consumers regarding the types and amounts of processing fees charged in connection with payment cards, and the ways in which those types and amounts of fees change over time.

“(c) REGULATIONS.—For purposes of this section, the Board may prescribe regulations and issue orders requiring any electronic payment system network or licensed member of such network to submit any information, including transaction and fee data, rules, agreements, and contracts, that the Board determines to be necessary or appropriate for the Board to meet the requirements of subsection (a).

“(d) CONFIDENTIAL INFORMATION.—The Board shall exclude from the publication required by subsection (a) any information collected from an electronic payment system network or a licensed member of such network which the Board deems to be confidential, proprietary, or a trade secret, such that public disclosure of the information would harm competition and consumers.”.

SA 1101. Mr. BURR submitted an amendment intended to be proposed to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PARENTAL ACCESS TO YOUNG CONSUMER CREDIT REPORTS.

Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended by adding at the end the following:

“(f) PARENTAL ACCESS.—Notwithstanding any other provision of law, the parent or legal guardian of a consumer under the age of 18 who is the dependent of that parent or legal guardian, may request the disclosures

required under section 609 with respect to that dependent, in accordance with this section, subject to the provision by such person of—

“(1) proper identification as the parent or legal guardian; and

“(2) proof of the dependent’s age and relationship to that person.”.

SA 1102. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 25, strike “rule.” and insert “rule.

“(c) UNIVERSAL DEFAULT.—In the case of any credit card account under an open end consumer credit plan, no creditor may increase any annual percentage rate, fee, or finance charge applicable to that account, based solely on a change in the credit risk of the consumer due to a single event relating to another account or other obligation of the consumer.”.

SA 1103. Mr. UDALL of Colorado (for himself, Mr. LEVIN, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mrs. GILLIBRAND, Mr. BURRIS, and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. DISCLOSURE OF CREDIT SCORES.

Section 612(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)(1)) is amended by adding at the end the following:

“(D) INCLUSION OF CREDIT SCORES.—Each consumer reporting agency described in section 603(p) that develops or uses a credit score with respect to any consumer shall include the information described in section 609(f) with the disclosures required by subparagraph (A) of this paragraph, free of charge.”.

SA 1104. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1084 submitted by Mrs. GILLIBRAND to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

Beginning on page 1, line 2, strike all through page 2, line 9, and insert the following:

SEC. 503. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and
 (2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains a detailed summary of the findings and conclusions of the study required under subsection (a).

SA 1105. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, strike “9 months” and insert “3 months”.

SA 1106. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. FINANCIAL AND ECONOMIC LITERACY.

(a) **REPORT ON FEDERAL FINANCIAL AND ECONOMIC LITERACY EDUCATION PROGRAMS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President’s Advisory Council on Financial Literacy—

(A) to evaluate and compile a comprehensive summary of all existing Federal financial and economic literacy education programs, as of the time of the report; and

(B) to prepare and submit a report to Congress on the findings of the evaluations.

(2) **CONTENTS.**—The report required by this subsection shall address, at a minimum—

(A) the 2008 recommendations of the President’s Advisory Council on Financial Literacy;

(B) existing Federal financial and economic literacy education programs for grades kindergarten through grade 12, and annual funding to support these programs;

(C) existing Federal postsecondary financial and economic literacy education programs and annual funding to support these programs;

(D) the current financial and economic literacy education needs of adults, and in particular, low- and moderate-income adults;

(E) ways to incorporate and disseminate best practices and high quality curricula in financial and economic literacy education; and

(F) specific recommendations on sources of revenue to support financial and economic

literacy education activities with a specific analysis of the potential use of credit card transaction fees.

(b) **STRATEGIC PLAN.**—

(1) **IN GENERAL.**—The Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President’s Advisory Council on Financial Literacy to develop a strategic plan to improve and expand financial and economic literacy education.

(2) **CONTENTS.**—The plan developed under this subsection shall—

(A) incorporate findings from the report and evaluations of existing Federal financial and economic literacy education programs under subsection (a); and

(B) include proposals to improve, expand, and support financial and economic literacy education based on the findings of the report and evaluations.

(3) **PRESENTATION TO CONGRESS.**—The plan developed under this subsection shall be presented to Congress not later than 90 days after the date that the report under subsection (a) is submitted to Congress.

(c) **EFFECTIVE DATE.**—Notwithstanding section 3, this section shall become effective on the date of enactment of this Act.

SA 1107. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

At the end of title V, add the following:

SEC. 503. STORED VALUE CARDS.

(a) **DEFINITIONS.**—Section 5312(a) of title 31, United States Code, is amended—

(1) in paragraph (2)(K), by inserting “stored value devices,” after “money orders,”;

(2) in paragraph (3)(B), by striking “; and” at the end and inserting “, and stored value devices and any other similar money transmitting devices,”;

(3) in paragraph (3)(C), by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(D) as the Secretary of the Treasury shall provide by regulation for purposes of sections 5316 and 5331 of this title, stored value devices, or other similar money transmitting devices (as defined by regulation of the Secretary for such purposes), unless the Secretary, in coordination with the Secretary of Homeland Security, determines that a particular device, based on other applicable laws, is subject to additional security measures that obviate the need for such regulations as it relates to that device.”; and

(5) by adding at the end the following new paragraph:

“(7) ‘Stored value’ means funds or monetary value represented in digital electronics format (whether or not specially encrypted) and stored or capable of storage on electronic media in such a way as to be retrievable and transferable electronically.”.

(b) **CRIMINAL PENALTIES.**—Title 18, United States Code, is amended—

(1) in section 1956(c)(5)(i), by striking “and money orders, or” and inserting “money orders, stored value devices, and any other similar money transmitting devices, or”; and

(2) in section 1960(b)—

(A) in paragraph (1)(C), by inserting “, including funds on fraudulently issued stored

value devices and funds on stored value devices issued anonymously for the purpose of evading monetary reporting requirements,” after “funds”; and

(B) in paragraph (2), by striking “or courier” and inserting “courier, or issuance, redemption, or sale of stored value devices or other similar instruments”.

(c) **MONEY TRANSMITTING BUSINESSES.**—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting “stored value devices,” after “travelers checks.”.

SA 1108. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. REPORTS ON ISSUER PRACTICES DURING THE INTERIM PERIOD BETWEEN THE DATE OF ENACTMENT AND THE EFFECTIVE DATE.

(a) **PURPOSE.**—The purpose of this section is to require credit card issuers and the agencies that regulate such issuers to report information on increases in consumer interest rates and consumer complaints that occur during the period between the date of enactment of this Act and the effective date of this Act under section 3.

(b) **REPORTS TO AGENCIES REQUIRED.**—

(1) **IN GENERAL.**—Not later than 45 days after the date of enactment of this Act, and every 45 days thereafter, each card issuer shall submit to the appropriate enforcement agency a report containing data on any increase in consumer interest rates by the card issuer made on or after May 1, 2009.

(2) **CONTENTS OF REPORTS.**—The reports required under paragraph (1)—

(A) shall include—

(i) the number of cardholders affected by each such increase;

(ii) the categories of cardholders affected by each such increase;

(iii) the size of each such increase;

(iv) the reason for each such increase; and

(v) a summary of the volume and nature of any complaints received from cardholders concerning interest rate increases that would be prohibited if such increases took place after the effective date of this Act; and

(B) need not include information on individually negotiated changes to contractual terms, such as individually modified work-outs or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

(c) **SUMMARY OF DATA ON COMPLAINTS.**—Each appropriate enforcement agency shall—

(1) summarize information on the volume and nature of any complaints received by such agency from a consumer concerning interest rate increases that would be prohibited if such increases took place after the effective date of this Act; and

(2) provide such summary to the Board for purposes of subsection (e).

(d) **REPORTS AND DATA AVAILABLE TO PUBLIC.**—Each appropriate enforcement agency shall make the reports and data required under subsections (b) and (c) available to the public.

(e) **REPORTS TO CONGRESS.**—

(1) **REPORTS REQUIRED.**—The Board shall submit to Congress periodic reports on practices of creditors that contain a compilation

of the reports and data required under subsections (b) and (c).

(2) **AGENCY COOPERATION.**—Each appropriate enforcement agency shall provide compilations of any reports it receives under this section to the Board for purposes of this subsection.

(3) **TIMING OF REPORTS.**—The Board shall submit the reports required under paragraph (1) not later than 90 days after the date of enactment of this Act, and every 90 days thereafter.

(f) **EFFECTIVE DATE.**—Notwithstanding section 3 of this Act, this section shall be effective during the period beginning on the date of enactment of this Act and ending on the effective date of this Act under section 3.

(g) **DEFINITIONS.**—In this section—

(1) the term “appropriate enforcement agency” means, with respect to a card issuer, the agency responsible for administrative enforcement relating to such card issuer under section 108 of the Truth in Lending Act (15 U.S.C. 1607); and

(2) the terms “cardholder”, “card issuer”, “consumer”, and “open end credit plan” have the same meanings as section 103 of the Truth in Lending Act (15 U.S.C. 1602).

SA 1109. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PRESIDENTIAL DEBT REDUCTION PLAN.

The President shall submit a comprehensive plan to Congress for reducing Federal outlays for the current fiscal year by at least one-half of 1 percent of total Federal outlays not later than 15 days after the date the total outstanding gross debt exceeds 95 percent of the amount of the statutory limit on public debt (as set forth in section 3101 of title 31, United States Code).

SA 1110. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike line 3 and all that follows through page 30, line 12 and insert the following:

(c) **GUIDELINES REQUIRED.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Board shall issue guidelines, by rule, in consultation with the Secretary of the Treasury, for the establishment and maintenance by creditors of a toll-free telephone number for purposes of providing information about accessing credit counseling and debt management services, as required under section 127(b)(11)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) **APPROVED AGENCIES.**—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those

nonprofit budget and credit counseling agencies approved by a United States bankruptcy trustee pursuant to section 111(a) of title 11, United States Code.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 14, 2009 at 10:30 a.m. in room 628 of the Dirksen Senate office building to conduct a business meeting to consider the nomination of Larry J. Echo Hawk to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 13, 2009 at 10:30 a.m., to conduct a hearing entitled “Manufacturing and the Credit Crisis.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 13, 2009 at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Wednesday, May 13, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, May 13, 2009.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10 a.m. to conduct a hearing entitled “The D.C. Opportunity Scholarship Program: Preserving School Choice for All.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:30 p.m. to conduct a hearing entitled, “Small Business Financing: Progress Report on Recovery Act Implementation and Alternative Sources of Financing.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, to conduct a hearing entitled “What Went Wrong: Torture and the Office of Legal Counsel in the Bush Administration” on Wednesday, May 13, 2009, at 10

a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS,
SAFETY, AND SECURITY

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 13,

2009, at 2:15 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITIVENESS,
INNOVATION, AND EXPORT PROMOTION

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10 a.m., in room

253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. I ask unanimous consent that Sharon Lee and Conor O'Brien of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Grove:									
Egypt	Pound		426.00						426.00
Israel	Shekel		546.00						546.00
Jordan	Dinar		128.00						128.00
United States	Dollar				8,796.15				8,796.15
Katherine Eltrich:									
Egypt	Pound		426.00						426.00
Israel	Shekel		528.00						528.00
United States	Dollar				9,036.17				9,036.17
Michele Wymer:									
Israel	Shekel		528.00		200.00				728.00
United States	Dollar				7,469.40				7,469.40
Brian Wilson:									
Kuwait	Dinar		996.00						996.00
United States	Dollar				8,053.57				8,053.57
Gary Reese:									
Kuwait	Dinar		996.00						996.00
United States	Dollar				8,053.57				8,053.57
Senator George Voinovich:									
Belgium	Euro		312.00						312.00
Joseph Lai:									
Belgium	Euro		312.00						312.00
Senator Richard Durbin:									
United States	Dollar				10,143.98				10,143.98
Cyprus	Euro		106.48		420.41				526.89
Greece	Euro		70.97						70.97
Turkey	Lira		406.00						406.00
Michael Daly:									
United States	Dollar				8,861.51				8,861.51
Cyprus	Euro		129.26		161.65				290.91
Greece	Euro		51.61						51.61
Turkey	Lira		646.00						646.00
Chris Homan:									
United States	Dollar				10,177.09				10,177.98
Cyprus	Euro		109.14		161.65				270.79
Greece	Euro		35.74						35.74
Turkey	Lira		475.00						475.00
Christopher Bradish:									
United Kingdom	Pound		194.00						194.00
Israel	Shekel		339.00						339.00
Syria	Pound		280.00						280.00
Austria	Euro		294.00						294.00
Belgium	Euro		294.00						294.00
Norway	Krone		204.00						204.00
Iceland	Krona		145.00						145.00
Senator Arlen Specter:									
United Kingdom	Pound		115.00						115.00
Israel	Shekel		283.02						283.02
Syria	Pound		150.81						150.81
Austria	Euro		179.55						179.55
Belgium	Euro		179.55						179.55
Norway	Krone		102.26						102.26
Iceland	Krona		93.16						93.16
Allen Cutler:									
United States	Dollar				7,991.44				7,991.44
Chile	Peso		1,191.07						1,191.07
Argentina	Peso		698.00						698.00
Howard Sutton:									
United States	Dollar				8,845.44				8,845.44
Chile	Peso		1,191.07						1,191.07
Argentina	Peso		698.00						698.00+
Total:			13,859.55		87,789.88				101,649.43

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(B), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard H. Fontaine, Jr.:									
Germany	Dollar		394.00						394.00
Senator Joseph I. Lieberman:									
Saudi Arabia	Riyal		91.00						91.00
Egypt	Pound		150.00						150.00
Israel	New Shekel		815.00						815.00
Vance Serchuk:									
Saudi Arabia	Riyal		55.00						55.00
Egypt	Pound		97.00						97.00
Israel	New Shekel		221.00						221.00
Christopher Griffin:									
Saudi Arabia	Riyal		50.00						50.00
Egypt	Pound		100.00						100.00
Israel	New Shekel		200.00						200.00
Daniel W. Fisk:									
Belgium	Euro		169.81						169.81
Richard H. Fontaine, Jr.:									
Belgium	Dollar		412.00						412.00
Senator John McCain:									
Belgium	Dollar		412.00						412.00
Brooke Buchanan:									
Belgium	Dollar		412.00						412.00
Senator Mel Martinez:									
Belgium	Dollar		396.28		15.72				412.00
Total			3,975.09		15.72				3,990.81

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, Apr. 17, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert F. Bennett:									
Belgium	Euro		284.00						284.00
United States	Dollar				2,977.68				2,977.68
Mary Jane Collipriest:									
Belgium	Euro		372.00						372.00
United States	Dollar				2,977.68				2,977.68
Amber Sechrist:									
Belgium	Euro		372.00						372.00
United States	Dollar				2,977.68				2,977.68
Total			1,028.00		8,933.04				9,961.04

SENATOR CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs, Apr. 3, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jeffrey Bingham:									
United States	Dollar				8,025.35				8,025.35
Russia	Ruble		2,088.00						2,088.00
Russia	Ruble				1,830.00				1,830.00
Kazakhstan	Ruble		370.00						370.00
Richard Swayze:									
United States	Dollar				13,405.17				13,405.17
Singapore	Dollar		643.28		28.05		7.01		678.34
China—Hong Kong	Dollar		1,340.23		8.07		6.45		1,354.75
South Korea	Won		359.96		5.48				365.44
Japan	Yen		938.98		114.50				1,053.48
Amanda Hallberg:									
United States	Dollar				9,854.50				9,854.50
Republic of Korea	Won		700.00						700.00
Kristen Sarri:									
United States	Dollar				9,036.99				9,036.99
Poland	Zloty		2,808.00						2,808.00
Ann Zulkosky:									
United States	Dollar				9,068.36				9,068.36
Poland	Zloty		1,252.48						1,252.48
John Richards:									
United States	Dollar				8,841.59				8,841.59
Poland	Zloty		1,732.62						1,372.62
Total			12,233.55		60,218.06		13.46		72,465.07

SENATOR DANIEL INOUE,
Chairman, Committee on Commerce, Science, and Transportation,
Apr. 29, 2009.

May 13, 2009

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ENERGY & NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Allyson Anderson:									
United States	Dollar				8,105.21				8,105.21
France	Euro		1,464.00						1,464.00
Total			1,464.00		8,105.21				9,569.21

SENATOR JEFF BINGAMAN,
Chairman, Committee on Energy & Natural Resources, Mar. 17, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amber Cottle:									
China	Yuan		254.53						254.53
Hong Kong	Dollar		691.96						691.96
United States	Dollar				11,277.43				11,277.43
Ayesha Khanna:									
China	Yuan		156.70						156.70
Hong Kong	Dollar		713.71						713.71
United States	Dollar				11,277.43				11,277.43
Hun Quach:									
China	Yuan		156.35						156.35
Hong Kong	Dollar		877.54						877.54
United States	Dollar				11,277.43				11,277.43
Christopher Campbell:									
China	Yuan		176.65						176.65
Hong Kong	Dollar		807.92						807.92
United States	Dollar				11,277.43				11,277.43
Keith Franks:									
China	Yuan		171.32						171.32
Hong Kong	Dollar		723.37						723.37
United States	Dollar				11,277.43				11,277.43
Greta Lundeberg:									
China	Yuan		225.53						225.53
Hong Kong	Dollar		908.28						908.28
United States	Dollar				11,277.43				11,277.43
Michelle Miranda:									
China	Yuan		151.29						151.29
Hong Kong	Dollar		783.66						783.66
United States	Dollar				11,277.43				11,277.43
Jeffrey Phan:									
China	Yuan		248.33						248.33
Hong Kong	Dollar		696.66						696.66
United States	Dollar				11,277.43				11,277.43
Brian Rice:									
China	Yuan		242.35						242.35
Hong Kong	Dollar		844.08						844.08
United States	Dollar				11,781.43				11,781.43
Ted Serafini:									
China	Yuan		163.51						163.51
Hong Kong	Dollar		877.93						877.93
United States	Dollar				11,781.43				11,781.43
*Delegation Expenses:									
Hong Kong							50.41		50.41
Total			9,871.67		113,832.71				123,704.38

*Delegation expenses include transportation as well as other official expenses in accordance with the responsibilities of the host county.

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, Sept. 24, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr.:									
Afghanistan	Dollar		200.00						200.00
Senator Robert Casey, Jr.:									
Belgium	Euro		202.00						202.00
Senator Bob Corker:									
Brazil	Real		152.00						152.00
United States	Dollar				7,526.70				7,526.70
Senator John Kerry:									
Egypt	Pound		142.00						142.00
Jordan	Dinar		609.00						609.00
Israel	Shekel		621.00						621.00
Syria	Pound		165.00						165.00
United Kingdom	Pound		205.00						205.00
United States	Dollar				7,991.35				7,991.35
Senator James Risch:									
Belgium	Euro		309.00						309.00
Senator Jeanne Shaheen:									
Belgium	Euro		189.00						189.00
Jonah Blank:									
Afghanistan	Dollar		11.51						11.51

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Antony Blinken:									
Afghanistan	Dollar		55.00						55.00
Jay Braneagan:									
Qatar	Riyal		519.00						519.00
United States	Dollar				7,927.00				7,927.00
Perry Cammack:									
Egypt	Pound		105.00						105.00
Jordan	Dinar		185.00						185.00
Israel	Shekel		242.00						242.00
Syria	Pound		14.00						14.00
United Kingdom	Pound		115.00						115.00
United States	Dollar				7,764.66				7,764.66
Steven Feldstein:									
El Salvador	Dollar		429.00						429.00
Haiti	Dollar		661.00						661.00
United States	Dollar				2,488.20				2,488.20
Doug Frantz:									
Austria	Euro		697.59						697.59
Israel	Shekel		226.52						226.52
United States	Dollar				8,274.76				8,274.76
Brad Hoaglund:									
Belgium	Euro		110.95						110.95
Frank Jannuzzi:									
China	Yuan		2,904.00						2,904.00
United States	Dollar				13,894.04				13,894.04
Jofi Joseph:									
Belgium	Euro		230.00						230.00
Chad Kreikemeier:									
Belgium	Euro		167.00						167.00
Mark Lopes:									
El Salvador	Dollar		336.00						336.00
United States	Dollar				1,612.00				1,612.00
Frank Lowenstein:									
Jordan	Dinar		202.00						202.00
Israel	Shekel		621.00						621.00
Syria	Pound		165.00						165.00
United Kingdom	Pound		205.00						205.00
United States	Dollar				7,977.35				7,977.35
Paul Palagyi:									
Brazil	Real		370.00						370.00
United States	Dollar				7,759.70				7,759.70
Shannon Smith:									
Dem. Rep. of Congo	Dollar		878.00						878.00
Rwanda	Dollar		401.00						401.00
United States	Dollar				10,853.06				10,853.06
Chris Socha:									
Azerbaijan	Manat		785.17						785.17
Georgia	Lari		1,030.19						1,030.19
Ukraine	Hryvnia		832.00						832.00
United States	Dollar				10,128.08				10,128.08
Puneet Talwar:									
Afghanistan	Dollar		45.00						45.00
Anthony Wier:									
Germany	Euro		218.00						218.00
United States	Dollar				7,196.38				7,196.38
Debbie Yamada:									
Israel	Shekel		380.00						380.00
Syria	Pound		118.00						118.00
Austria	Euro		276.00						276.00
Total			16,328.93		101,393.28				117,722.21

SENATOR JOHN KERRY,
Chairman, Committee on Foreign Relations, Apr. 23, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Wendy Anderson:									
United States	Dollar				8,361.56				8,361.56
Belgium	Euro		151.81		69.00		70.00		290.81
Phil Park:									
Belgium	Euro		362.00						362.00
Total			513.81		8,430.56		70.00		9,014.37

SENATOR JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Apr. 28, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Sumpter Johnson:									
United States	Dollar				10,332.04				10,332.04

May 13, 2009

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tanzania	Dollar		1,938.00						1,938.00
Caya Lewis:									
United States	Dollar				10,504.64				10,504.64
Tanzania	Dollar		1,938.00						1,938.00
Hayden Rhudy:									
United States	Dollar				10,333.22				10,333.22
Tanzania	Dollar		1,938.00						1,938.00
Mona Shah:									
United States	Dollar				12,451.44				12,451.44
Tanzania	Dollar		1,938.00						1,938.00
Total			7,752.00		43,621.34				51,373.34

SENATOR EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions,
Mar. 23, 2009.CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eric Pelofsky			582.00						582.00
Randall Bookout			1,650.00						1,650.00
James Smythers	Dollar				12,574.00				12,574.00
Caroline Tess	Dollar		1,215.00		15,968.50				1,215.00
Andrew Kerr	Dollar		580.00		7,440.00				15,968.50
David Koger	Dollar		2,646.00		9,321.45				580.00
Daniel Jones	Dollar		2,646.00		11,327.45				7,440.00
John Dickas	Dollar		1,612.00		8,353.35				2,646.00
Michael Pevzner	Dollar		1,399.00		8,353.35				11,327.45
Eric Pelofsky	Dollar		870.00		9,894.00				1,612.00
Paul Matulic	Dollar		368.67		5,694.04				8,353.35
Paul Matulic	Dollar		1,864.00		7,482.96				1,399.00
Eric Pelofsky	Dollar		44.00		8,218.29				870.00
Sen. Sheldon Whitehouse	Dollar		60.83		8,218.29				9,894.00
Total			15,537.50		112,845.68				368.67

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Apr. 8, 2009.CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S.
SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Clete Johnson	Dollar		907.00						907.00
Senator Bill Nelson	Dollar		1,744.00		9,648.52				9,648.52
Caroline Tess	Dollar		1,464.00		11,874.44				1,744.00
Greta Lundeberg	Dollar		1,664.00		10,929.00				11,874.44
John Dickas	Dollar		1,422.00		10,928.94				1,464.00
Jennifer Wagner	Dollar		1,430.99		11,160.00				10,929.00
Evan Gottesman	Dollar		810.96		15,611.33				1,664.00
Andrew Kerr	Dollar		750.00		2,627.30				10,928.94
Gordon Matlock	Dollar		750.00		2,622.30				1,422.00
Senator Christopher S. Bond	Dollar		1,973.27		10,704.71				1,430.99
Louis Tucker	Dollar		1,973.27		10,704.72				11,160.00
Shana Marchio	Dollar		1,272.00		10,525.00				810.96
Michael Dubois	Dollar		1,272.00		10,525.00				15,611.33
Lorenzo Goco	Dollar		3,172.00		12,036.54				750.00
Randall Bookout	Dollar		3,292.00		12,036.54				2,627.30

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Caroline Tess	Dollar		482.00		8,193.00				482.00
Michael Pevzner	Dollar		843.00		9,646.52				8,193.00
Senator Olympia Snowe	Dollar		84.83		8,428.29				843.00
James Smythers	Dollar		988.00		14,609.68				9,646.52
John Maguire	Dollar		1,173.00		14,450.68				84.83
Sameer Bhalotra	Dollar		2,237.00		13,116.06				8,428.29
Michael Pevzner	Dollar		1,094.00		14,421.00				988.00
Caroline Tess	Dollar		686.00		2,311.00				14,609.68
Alissa Starzak	Dollar		560.00		2,207.00				1,173.00
Randall Bookout	Dollar		2,586.00		11,503.80				14,450.68
Paul Matulic	Dollar		2,566.00		11,503.80				14,421.00
George K. Johnson	Dollar		3,465.00		9,293.67				686.00
Bryan Smith	Dollar		2,221.00		7,843.67				2,311.00
Louis Tucker	Dollar		1,298.00		10,448.90				560.00
Richard Girven	Dollar		1,388.00		10,488.90				2,207.00
Andrew Kerr	Dollar		1,372.00		10,519.84				2,586.00
Jennifer Wagner	Dollar		1,528.00		10,519.84				11,503.80
David Koger	Dollar		3,850.00		10,544.98				2,566.00
Richard Girven	Dollar		3,776.00		12,933.52				11,503.80
Matthew Pollard	Dollar		2,398.90		19,646.33				3,465.00
David Grannis	Dollar		1,150.00		8,789.42				9,293.67
Sameer Bhalotra	Dollar		1,282.00		8,789.42				2,221.00
Jacqueline Russell	Dollar		2,723.00		20,136.83				7,843.67
John Livingston	Dollar		2,723.00		19,646.33				1,298.00
Kathleen McGhee	Dollar		2,223.00		19,646.33				10,448.90
Kathleen Rice	Dollar		2,723.00		19,646.33				1,388.00
James Smythers	Dollar		1,653.10		15,079.27				10,488.90
John Maguire	Dollar		322.00		8,218.29				1,372.00
Total			73,293.32		485,677.04				10,519.84

SENATOR JAY ROCKEFELLER,
Chairman, Committee on Intelligence, Feb. 19, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED FROM 4TH QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1, 2008 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Addendum to 2008 4th Quarter Report									
Todd Rosenblum	Dollar		392.00		1,904.00				392.00
Todd Rosenblum	Dollar		907.00		9,647.00				1,904.00
Total			1,299.00		11,551.00				907.00

SENATOR JAY ROCKEFELLER,
Chairman, Committee on Intelligence, Apr. 24, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ben Cardin:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,056.19						1,056.19
Senator Sheldon Whitehouse:									
Israel	Shekel		1,446.00						1,446.00

May 13, 2009

CONGRESSIONAL RECORD—SENATE, Vol. 155, Pt. 9

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Senator Tom Udall:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Senator Roger Wicker:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Representative Alcee Hastings:									
Austria	Euro		1,301.89						1,301.89
Representative Mike McIntyre:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Fred Turner:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Robert Hand:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,180.19						1,180.19
Macedonia	Denar		1,574.00						1,574.00
United States	Dollar				6,135.92				6,135.92
Shelly Han:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Alex Johnson:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		2,869.18						2,869.18
Albania	Lek		1,152.00						1,152.00
United States	Dollar				9,282.19				9,282.19
Daniel Redfield:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Winsome Packer:									
Austria	Euro		3,340.00						3,340.00
United States	Dollar				6,092.28				6,092.28
Croatia	Kuna		586.00						586.00
Montenegro	Euro		1,905.00						1,905.00
United States	Dollar				1,682.14				1,682.14
Clifford Bond:									
Macedonia	Denar		1,524.00						1,524.00
United States	Dollar				9,403.92				9,403.92
Total			46,445.18		32,596.45				79,041.63

SENATOR BEN CARDIN,
Chairman, Committee on Security and Cooperation in Europe, Apr. 20, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM FEB. 15 TO FEB. 18, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jessica Lewis:									
Argentina	Peso		1,078.00						1,078.00
Brazil	Real		1,028.00						1,028.00
United States	Dollar				7,440.20				7,440.20
Delegation Expenses	Dollar						110.00		110.00

SENATOR HARRY REID,
Chairman, Majority Leader, Apr. 23, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM DEC. 1 TO DEC. 9, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tom Hawkins:									
United States	Dollar				8,244.63				8,244.63
Israel	Dollar		1,446.00						1,446.00
Belgium	Dollar		396.78				77.66		474.44
Don Stewart:									
United States	Dollar				8,244.63				8,244.63
Israel	Dollar		1,446.00						1,446.00
Belgium	Dollar		396.78				64.66		461.44
Total			3,685.56		16,489.26		142.32		20,317.14

SENATOR MITCH MCCONNELL,
Chairman, Republican Leader, Apr. 21, 2009.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 80, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 80) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 80) was agreed to.

INCREASING RESEARCH, AWARE- NESS, AND EDUCATION ABOUT CEREBRAL CAVERNOUS MAL- FORMATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 148, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 148) expressing the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of New Mexico. Mr. President, Joyce Gonzales had been suffering for 15 years when she was diagnosed. A cluster of blood vessels in her cervical spinal cord were giving her discomfort and pain, but for years her doctors could not understand why. When they were finally able to diagnose her, a quick operation relieved her pain and gave her her life back.

Joyce's second cousin was not so lucky. Her experience with the same mysterious illness ended in a fatal cerebral hemorrhage. She was nine years old.

Medical science has made great strides in unlocking the mystery of illnesses that have plagued humanity for centuries. Scientific breakthroughs have helped control and eliminate diseases that once threatened the life and health of millions. Yet for all our progress, we still face threats that we do not understand and therefore cannot stop.

One of these threats is cerebral cavernous malformation, also known as CCM, or cavernous angiomas. CCMs are caused by abnormal blood vessels that form clusters, known as angiomas, in the brain or spinal cord. If these lesions bleed or press up against structures in the central nervous system, they can cause seizures, neurological deficits, hemorrhages, or severe headaches. CCM took 15 years of Joyce Gonzales's wellbeing, and it took the life of her nine-year-old cousin. With more knowledge of this mysterious killer, both tragedies might have been avoided. With today's resolution, I hope we can move one step towards that knowledge.

In the overall population, about 1 in 200 people has a cavernous angioma, and about one-third of these affected individuals become symptomatic at some point in their lives. In some Hispanic families, however, the rate of prevalence is significantly higher. CCM is what is known as an autosomal dominant disease, which means that each child of an affected parent has a 50-percent chance of inheriting it.

In New Mexico, this genetic mutation has been traced back to the original Spanish settlers of the 1580s. It has now spread down and across at least 17 generations, resulting in what could be tens of thousands of cases of the illness in our State. New Mexico has the highest population density of this illness in the world. The States of Arizona, Texas, and Colorado may not be far behind.

Unfortunately, and in some cases tragically, many of those who suffer from this disease do not know it. Even worse, New Mexico and the Nation face a shortage of physicians who are familiar with the illness. This makes it dangerously difficult to receive a timely diagnosis and appropriate care. It puts potentially thousands of individuals at risk of a stroke, a seizure, or even sudden death.

This dangerous ignorance of a potential killer results in part from a lack of research on the disease. NIH funds only eight projects on CCM. This, despite indications from staff at the National Institute of Neurological Disorders and Stroke that CCM may be a "paradigm illness," meaning research findings on CCM could shed light on other illnesses with similar characteristics.

To fight this ignorance and save lives, I am introducing this resolution today to express the sense of the Senate that there is a critical need to expand education, awareness and research on CCM. I thank my colleagues, Senators MCCAIN, BINGAMAN, LEVIN, KERRY, and VITTER for joining me to urge for increased resources.

This is only a preliminary step in the fight against this disease, but it is an important one. A Senate resolution would send the message that we take this disease seriously. It would encour-

age ongoing research efforts targeted at the disease and increase public knowledge that could lead to accurate diagnoses and saved lives.

In the long run, I believe a Center of Excellence is needed to advance research and provide cutting edge treatments for families with CCM. This Center would also advance science, health care, and medical education in the Southwest, while providing jobs for New Mexicans who want to serve their fellow citizens. An expansion of the existing DNA/tissue and clinical database is also needed. The current database is underfunded, which means that it cannot accept all the samples that are offered. I will be working on both of these issues.

Before I close, I want to thank three people who have been at the forefront of efforts to understand and fight CCM—Joyce Gonzales, Dr. Leslie Morrison of the University of New Mexico, and Connie Lee, president of the Angioma Alliance. It is my honor to once again join them in this fight by introducing this resolution in the Senate today.

When it comes to diseases like CCM, knowledge can save lives. We can raise the public's and the medical community's understanding of this devastating disease with this resolution. I urge my colleagues to support it.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 148

Whereas cerebral cavernous malformation (in this resolution referred to as "CCM"), or cavernous angioma, is a devastating blood vessel disease that has enormous consequences for people affected and their families;

Whereas cavernous angiomas are malformations in the brain that cannot be detected easily, except through very specific medical imaging scans;

Whereas people with CCM are rarely aware that they have the disease, which makes taking blood thinners or aspirin risky;

Whereas, according to the Angioma Alliance, in the general population, 1 in approximately 200 people has CCM;

Whereas, according to the Angioma Alliance, more than ½ of the people with CCM experience symptoms at some point in their lives;

Whereas, according to the Angioma Alliance, there is a hereditary form of CCM, caused by a mutation or deletion on any 1 of 3 genes, that is characterized by multiple cavernous malformations;

Whereas, according to the Angioma Alliance, each child born to parents with the hereditary form of CCM has a 50 percent chance of having CCM;

Whereas, according to the Angioma Alliance, a specific genetic mutation of CCM called the “common Hispanic mutation”, which has been traced to the original Spanish settlers of the Americas in the 1590’s, has now spread across at least 17 generations of families;

Whereas while CCM is more prevalent in certain States, families throughout the United States are at risk;

Whereas a person with CCM could go undiagnosed until sudden death, seizure, or stroke;

Whereas there is a shortage of physicians who are familiar with CCM, making it difficult for people with CCM to receive timely diagnosis and appropriate care;

Whereas the shortage of such physicians has a disproportionate impact on thousands of Hispanics across the United States;

Whereas CCM has not been studied sufficiently by the National Institutes of Health and others;

Whereas there is a need to expeditiously initiate pilot studies to research the use of medications to treat CCM; and

Whereas medications that treat CCM will enable preventive treatment that reduces the risk of hemorrhage in those who have been diagnosed, thereby saving lives and dra-

matically reducing healthcare costs: Now, therefore, be it

Resolved, That it is the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

ORDERS FOR THURSDAY, MAY 14,
2009

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, May 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, that the majority control the first half and the Republicans control the second half, and that Senator FEINSTEIN control the majority time.

I further ask that following morning business, the Senate resume consider-

ation of H.R. 627, the Credit Cardholders’ Bill of Rights legislation.

Finally, I ask unanimous consent that the mandatory quorums under rule XXII with respect to the substitute amendment No. 1058 and H.R. 627 be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Mr. President, under rule XXII, the filing deadline for germane first-degree amendments is 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Thursday, May 14, 2009, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Wednesday, May 13, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 13, 2009.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Charles E. Smith, Berea Baptist Church, Forest Hill, Texas, offered the following prayer:

Almighty God, bestow the best of Your blessings upon the men and women of Congress and all who shall hereafter occupy these Halls. Grant them divine wisdom to lead our Nation with humility and discernment.

Order their steps as they work to strengthen our national resources. Preserve in them the time-honored values of faith, hope, and love that sustained our forefathers. Let their decisions inspire America so that we might shine as a beacon.

As we pause this week to pay homage to our fallen police officers, let us be thankful for the services of our law enforcement officers everywhere who risk their lives daily for the safety and protection of others.

Protect also our military members, fortifying them as they secure the blessings of liberty to us and our posterity.

Finally, unite us as one Nation under God that we may give You praise and glory always.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

WELCOMING REV. CHARLES SMITH

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. BURGESS) is recognized for 1 minute.

There was no objection.

Mr. BURGESS. Mr. Speaker, I have the honor of welcoming and recognizing Rev. Charles E. Smith, who just gave the opening prayer before Congress this 13th day of May of 2009. Rev. Smith is the pastor at Berea Baptist Church in Forest Hill, Texas. He is joined today by his wife, Gloria; his children; and many, many members of his church family and church congregation.

Rev. Smith is a native of Texas and a longtime resident of Fort Worth, where he and his wife live with their six children. A graduate of the Southern Bible Institute and of the University of Texas at Arlington, with a degree in architecture, Rev. Smith has served as a spiritual foundation in his community for over 25 years.

Mr. Speaker, I commend Rev. Smith for his longstanding service to his parishioners and congregants in Forest Hill, Texas, in the Fort Worth area, and to members of his congregation whom he has so capably served. It is my pleasure to have Rev. Smith here with us today and an honor to represent him and his parishioners in the 26th District of the State of Texas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

COMPREHENSIVE HEALTH CARE REFORM

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, I hear stories every day from Hudson Valley families about the skyrocketing costs of health care. People tell me that having to deal with insurance companies leaves them being denied coverage for any reason, plausible or not. They talk about medical bills that are already too high before they have to pay even more to cover their children who just graduated from college and are now struggling to find work.

Families USA released a study this week showing that 3.5 million New Yorkers spend more than 10 percent of their pretax income on health care costs and almost 1 million New Yorkers spend more than 25 percent. This is pretax income, which would be an even higher percentage of their disposable income.

These numbers are one more piece of evidence showing that the time is now for comprehensive health care reform. We must reduce health care costs for middle class families.

DEAD PEOPLE GET STIMULUS CHECKS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, in an effort to give away taxpayer money, the Social Security Administration is even sending so-called "stimulus" checks to dead people. An 83-year-old man in Maryland said his mother, who has been dead for over 40 years, received one of the \$250 stimulus checks.

Even though the 83-year-old son didn't receive one of the checks, I guess because he's still alive, I'm sure he appreciated the government thinking about his mom by sending her a check so close to Mother's Day.

It does seem a bit odd that it takes the government 40 years to figure out somebody died. Anyway, the Social Security bureaucrats admit at least 10,000 other dead people received checks too. That would be about \$2.5 million in money. I wonder how many other free checks were sent to dead people that the Social Security folks don't even know about.

Maybe since the bureaucrats are giving money to dead people, they should go ahead and register them to vote as well. Get the community group ACORN

involved. Apparently, ACORN has a reputation for successfully registering dead folks to vote. Then the dead people can get free money and vote too. What a deal.

And that's just the way it is.

CLEAN ENERGY FOR AMERICA

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, America can become the world leader in the new clean energy economy. But to ensure our economic recovery is sustainable for years to come, we intend to pass comprehensive clean energy legislation that will create millions of new American jobs that can't be shipped overseas; reduce our dependence on foreign oil; increase production of cleaner, renewable energy sources; crack down on heavy polluters who have damaged our air and water quality; and give American entrepreneurs and innovators the tools they need to stay competitive in this global economy.

The Energy and Commerce Committee is currently considering draft legislation called the American Clean Energy and Security Act, or ACES. The legislation will reform our country's energy policies by limiting the amount of pollutants industries can emit into the atmosphere and by investing in a clean energy economy that will lead to new jobs, new businesses, and less dependence on foreign oil. This act will invest in American jobs that can't be shipped overseas. Whether it's the ingenuity and innovation to create new technologies or the manufacturing that builds windmills, we will create millions of jobs here at home and make America the world leader in the 21st-century clean energy economy.

DAWN JOHNSEN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President's nominee to head the Justice Department's Office of Legal Counsel is truly from the radical fringe, which is why her confirmation is running into so much trouble in the Senate.

That person is Dawn Johnsen, a former attorney for one of the Nation's largest and most radical abortion groups. Ms. Johnsen's own quotes speak for her radical views. She equated pregnancy to slavery. She said that laws restricting a woman's "abortion choice are disturbingly suggestive of involuntary servitude." She's likened pregnant mothers to "no more than fetal containers." And she claims that abortion is "a relief" rather than the traumatic experience it truly is for women.

Her appointment is a slap in the face to fair-minded Americans. And now Senator REID has indicated he does not have the votes to bring her nomination to the Senate floor. The President should take a cue from the Senate and withdraw this mistaken nomination, a nomination that runs counter to the values of the American people.

POSTVILLE RAID ANNIVERSARY AND COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, this week marks the 1-year anniversary of the raid at the Agriprocessor plant in Postville, Iowa.

On May 12, 2008, ICE agents arrested nearly 400 immigrant workers, this despite the horrific stories of worker abuse at the plant. This is a clear example of the misplaced priorities of the Bush administration, who fast-tracked criminal cases against undocumented workers.

Last year I traveled to Postville and witnessed firsthand the deflated spirit of families who were torn apart from their loved ones. These raids not only affected the families of the detainees but the whole community of Postville, which to this day has not fully recovered.

This is an example of the ugly consequences of enforcement-only approaches to immigration reform. We need a real reform that reflects America's needs. That's comprehensive immigration reform.

I urge my colleagues in Congress to learn from the past and work with CHC and President Obama to pass comprehensive immigration reform.

THE GLOBAL WARMING BILL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, you can be assured of a couple things: The global warming bill reportedly that will be taken up next week in the Energy and Commerce Committee will raise energy costs and create massive job losses.

How do I know this? It happened in southern Illinois in 1992, where we lost 14,000 coal miner jobs. The State of Ohio lost 35,000 coal miner jobs.

Why in the world in this economy would we make it more difficult to compete in the international arena by raising energy costs?

I hope my Democratic friends are ready to answer that question.

THE NEW ENERGY ECONOMY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, it's nice to see a Speaker from Colorado in the chair.

I want to respond to my friend from Illinois who just spoke about the loss of thousands of jobs in the coal industry.

The purpose of our bill is to move forward into a new energy economy, and there will be opportunities for those in the coal industry, but we have to find ways to capture the pollution that is set off by the coal. And so there are thousands of jobs in the technology and research of how we can use a cheap and plentiful resource like coal, but we need to burn coal so it doesn't continue to pollute the atmosphere.

We also need to use renewable energy wherever we can, and we need to be efficient in how we use our energy.

That's the new energy economy, and there will be thousands and thousands of jobs in that economy. It's good for national security, it's good for the climate, and it's good for jobs. We must do it now.

COMMEMORATING THE 28TH ANNUAL NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, this week marks the 28th Annual National Peace Officers' Memorial Service, a time when thousands of officers come to Washington, D.C. to honor officers who have given the ultimate sacrifice in the line of duty. It's a time of remembrance and an opportunity to provide comfort and appreciation to the families of fallen officers.

The motto of Police Week is: "Never Alone, Never Forgotten." And it must ring in the Halls of Congress not only this week but every day. That's why I have joined Congressman STUPAK in introducing the Law Enforcement Officers' Procedural Bill of Rights. This bipartisan legislation ensures that police officers will receive a fair process and proper protections in administrative proceedings.

I want to thank all the law enforcement community and officers who commit their lives to serve us. From the officers who protect us here at Capitol Hill to those police officers that defend us back in our districts, this country is a safer place because of the work you do.

□ 1015

AFGHANISTAN

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Mr. Speaker, I just returned from Afghanistan yesterday on a delegation led by

the gentlewoman from California, SUSAN DAVIS. We are all blessed by the sacrifice of our servicemen and women, our diplomats and other civilians in harm's way. We were moved by the courage of the Afghan women, in whose success rests the future of Afghanistan.

Mr. Speaker, it's time for the President and this Congress to be straight about what it means to win in Afghanistan. Our spending must reflect our goal, and right now it does not. This is not a 90 percent, in-out, 2-year military operation, and everyone there knows it. Winning requires a long-term plan to return 90 percent illiteracy to literacy, to grow food crops to replace poppies, to transform a 16th century economy to the 21st century.

It's a generation of change, and we have to have a plan while we are there and one for leaving. We best honor our men and women who serve and give their lives by being honest. They stand on the wall. They hold the line. They cross the wire. And the least we can do is prepare the American people to match their sacrifice with real and long-term commitment for Afghanistan and for our own national security.

YEAR OF THE BAILOUT

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, last year should be remembered as the year of the bailout. This year is not much better under the current leadership in Washington. Incredibly, banks that want to repay the money they got from the Troubled Asset Relief Program, or TARP, as it is referred to, are being stopped by the Obama administration from repaying the funds.

After accepting TARP bailout funds and, in some cases being forced to accept bailouts, many banks have had enough and they are ready to return the money. You would think that would be easy, but the government won't let them pay back the TARP funds. The vague guidelines provided by the Obama administration for returning TARP funds are creating a regulatory uncertainty that is bad for our economy and bad for us taxpayers.

We deserve to get the bailout money back from the banks as quickly as possible, which is why I have introduced the Bailout Freedom Act to ensure sure we have a clear and timely process for making that happen. Once banks are certified to be well capitalized by the regulators, the Federal Government should allow the TARP bailout funding to be paid back.

From the beginning, I have opposed the bailouts and the growing encroachment of the Federal Government in our daily lives. Now we must reverse that course of the current trend and allow TARP bailout funding to be paid back.

Please join me in supporting the Bailout Freedom Act.

GLOBAL WARMING IS A CLEAR AND PRESENT DANGER

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. Mr. Speaker, two-thirds of the American people believe that global warming is a clear and present danger, yet there are still Members in this House that deny it even exists.

Fortunately, many here are working diligently to craft a bipartisan and commonsense energy plan that makes polluters pay, provides for middle class energy tax credits, and creates a new industry and lots of good, clean, green jobs. In the process, we will reduce our reliance on foreign oil from nations that mean to do us harm and put us on a path towards being faithful stewards of this beautiful planet that God has loaned us.

But the science deniers don't care about any of that. They choose, instead, to twist the simple idea that polluters should pay for what they pollute into the same tired argument that it is somehow a tax.

The American people are speaking loud and clear. They want Congress to do something about global warming. At least some of us are listening.

DOD NEEDS MORE TRANSPARENCY IN BUDGET PROCESS

(Mr. FLEMING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLEMING. Mr. Speaker, I rise today as a member of the House Armed Services Committee. I am concerned that the Department of Defense has become less open and less accountable. Recent actions taken by the Pentagon has limited transparency and congressional oversight.

First, for the first time ever, non-disclosure agreements have been required of senior defense officials working on the budget.

Second, for the first time, routing ship readiness reports are being classified. This hampers Congress in its important oversight function of the military. The Army was even a no-show at the House Armed Services Committee hearing on its top acquisition project.

Do we want to wait until war to discover we have a hollow fleet or inadequate equipment? Congress has the constitutional duty to raise and support armies and navies.

This responsibility requires candid answers from our senior military leaders about the FY 2010 budget approval. To quote our President, "A democracy requires accountability, and accountability requires transparency." Where is this promised transparency?

CLEAN ENERGY FOR AMERICA

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, America can become the world leader in the new clean energy economy. To ensure our economic recovery is sustainable for years to come, we intend to pass comprehensive clean energy legislation that will create millions of new American jobs that cannot be shipped overseas, reduce our dependence on foreign oil, increase production of cleaner, renewable energy sources, crack down on heavy pollutants who have damaged our air and water quality, and give American entrepreneurs and innovators the tools they need to stay competitive in the global economy.

There is also the Energy and Commerce bill called the American Clean Energy and Security Act. It will invest in American jobs that cannot be shipped overseas. It will reduce our dependence on foreign oil. It will be consumer focused and increase production of cleaner, renewable energy sources.

SERIOUS ECONOMIC IMPACT WITH EPA CO₂ RULES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I have a memo and article, "OMB Memo: Serious Economic Impact Likely with EPA CO₂ Rules" and also the article that is from the Dow Jones Newswires that brings attention to this. I have both documents right here, and I encourage my colleagues to read both of these documents.

As the memo points out, and the article also states, contrary to administration statements, some within the executive branch have serious reservations about regulating CO₂ through the Clean Air Act. They highlight that such regulation will place a tremendous cost on our economy. I share their concerns, and I have introduced H.R. 391 to prohibit the EPA from undertaking such regulation.

The regulation of greenhouse gases by the EPA would, and I am quoting from the memo here, "is likely to have serious economic consequences."

Mr. Speaker, we all know what that is, and we know it will be realized if the cap-and-trade bill currently under consideration is passed.

I encourage everyone to join me on H.R. 391 and to read the memos.

GROW CLEAN ENERGY JOBS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. INSLEE. Mr. Speaker, Americans are an optimistic people. That was confirmed yesterday when results came

out showing that Americans believe, by a 2-1 margin, that we will grow clean energy jobs by the millions when we adopt a clean energy bill in this House, and they are right.

We should be optimistic that we are going to build electric cars and sell them to the rest of the world, not just China. We ought to be optimistic that we are going to build concentrated solar energy technology and sell it to the rest of the world.

We ought to be optimistic that we are going to build the electric batteries that will fuel our cars and help make our grid more responsive.

This is the optimism that those of us have who are going to pass a clean energy bill this year to make this happen.

Here is another reason for optimism. Yesterday we reached a consensus in the House Energy and Commerce Committee. With broad swathes of the country, the south-north industrial egg, we have reached a consensus that we are going to grow jobs everywhere in this country because we are the optimists, and the optimists are going to win this clean energy debate.

REFORM OUR HEALTH CARE SYSTEM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, this Congress will soon move to reform our health care system, and none too soon. And when we do, I hope there is one prerequisite, one standard that we can all agree on, and that is the essential fact that we need to make sure that every American has health insurance.

Yesterday, on television, I saw a commentator arguing against health insurance for everyone saying, I don't want to pay for health insurance for my neighbor. Well, if I were his neighbor, what I would say is, You had better want to, because you, like every other American, is one pink slip, one cancer diagnosis, one serious accident away from being among the 47 to 50 million Americans without insurance and who face financial ruin because of that problem.

Yes, we may differ on the details. We may figure out and have a substantial debate about how we get there. But unless we make sure that every American has health insurance, then every neighbor is going to be paying far more than he or she should for their coverage, and we will continue to have a system which is not what the American people deserve.

WE CAN'T CONTINUE TO DEPEND ON MIDDLE EAST OIL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I have been here for about 20 years now and I have been through various crises, in the 1970s with energy and gas prices and, of course, one that we just faced within the last year or so.

The bottom line is that we need energy independence. We can't continue to depend on Middle East oil. At the same time we have a global climate crisis. Anyone who denies it is just kidding themselves.

So basically what we are doing here in the House is coming up with a bill that will probably come to the floor within the next 2 weeks that tries to achieve energy independence and also addresses the problem of global warming, but at the same time creates a lot of jobs. Because as we move towards renewables, whether it be solar or wind or geothermal, there are a lot of jobs in research and development. There are jobs in actually building those facilities. There are jobs in trying to create more energy efficiency.

And these jobs that would be created, these are the kinds of high-technology jobs, if you will, as well as construction jobs, that we really need, because a lot of people are out of work and are not working in similar industries. Their activities can be basically transferred to these new kinds of job opportunities.

So I want to stress that this energy bill is a job creation bill.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 2187, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution H. Res. 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The com-

mittee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. POLIS) is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I further ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 427 provides for a structured rule for consideration of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act.

Mr. Speaker, I strongly support the rule and the underlying bill. I thank Congressman CHANDLER, Congressman LOEBSACK, Congressman KILDEE, Chairman MILLER, and the entire staff of the Education and Labor Committee for their hard work in reintroducing this bipartisan, critical legislation to modernize and green American schools.

Every child in America has the right to an excellent education. This can only be achieved through the best teachers in safe schools and productive learning environments equipped with the resources required to succeed. Anything else is increasingly unacceptable in the 21st century.

Unfortunately, as a Nation, we are unable to meet this basic standard. According to the American Federation of Teachers, our schools fall short of being in good condition by an estimated \$255 billion. The American Society of Civil Engineers gave our Nation's schools a D on the national infrastructure report card.

The American Recovery and Reinvestment Act, which we passed earlier this year, will go a long way towards correcting this horrifying statistic. However, we can't stop with the Recovery Act. This is too important an issue.

Overcrowding and crumbling and unsafe schools and classrooms are an everyday reality for students, teachers, and staff in too many parts of our country. In Colorado, the backlog of school construction and maintenance needs that has been documented has been estimated between \$6 billion and \$10 billion.

This backlog puts the health, safety, and achievement of our students at risk. Healthy students learn better and are better prepared to meet the high standards of the workforce. The students of today will be the professionals and citizens of tomorrow. They must be ready to meet unexpected challenges, such as today's economic crisis, and they must be empowered to bring America to the next level of innovation and discovery and the pathway to prosperity.

As a former superintendent, I can tell you that modern, environmentally friendly classrooms are necessary for teachers to perform and for students to learn. Research shows that high-quality school environments contribute to higher education achievement and lower teacher attrition. Yet, States and school districts are unable to keep up with these basic needs. This is especially true during the severe recession. This \$6.4 billion investment will produce direct and major economic and environmental benefits.

This legislation represents a giant step forward in ensuring that school buildings are modernized, repaired, and renovated to meet students' and teachers' needs. This will be a positive impact on residential property values and economic development efforts. It creates an estimated 136,000 jobs in communities across the country at a time when we desperately need them.

By making schools more energy efficient and less reliant on fossil fuels, this bill will also help reduce the emissions that contribute to global warming, as well as cut energy costs, saving operational money for schools and local governments.

This bill will stimulate local economies, while protecting the environment. The added benefit of job creation in the areas hardest hit by the recession will be an important component of our economic recovery.

When I think about the devastation of the Gulf Coast, where schools have

been overlooked for decades and, in many cases, were washed away by flood waters of Hurricanes Katrina and Rita, it really brings home the need for passing this Federal assistance program.

The African America Environmental Association estimates that the legislation will support hundreds of thousands of new construction jobs and invest more than half a billion dollars for school facility improvements in the troubled region of the Gulf Coast.

In 2006, I had the honor of cochairing a successful campaign for a \$300 million bond initiative for Boulder Valley School District in my congressional district to address their school needs. But many low-income districts in Colorado don't have the capacity to finance the necessary school upgrades.

That's why I'm particularly pleased that this legislation addresses income disparities by allocating funds to States and districts based on their share of students from low-income families. This way, we can ensure that the funding reaches the schools and students that need it the most.

Communities in my home State of Colorado will receive over \$70 million, which will enable much needed improvements in our schools. I look forward to visiting these schools as they continue to work on making their improvements.

Earlier this week, I had the opportunity to visit schools in Adams County, Boulder Valley, Mapleton, and Westminster, and observed the progress that this bill will make possible for the children of Colorado.

Finally, I'd like to again thank Chairman MILLER and the committee for ensuring that public charter schools receive their fair share of the funding as well.

On behalf of my constituents in Colorado, especially the students, parents, and educators, I'd like to urge my colleagues to vote "yes" on the bill and the rule.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend, the gentleman from Colorado (Mr. POLIS), for the time. I yield myself such time as I may consume.

The condition of our public schools is increasingly becoming a troubling issue. Parents, students, and teachers feel that many schools are increasingly overcrowded, unsafe, and obsolete, detracting from student performance.

The deteriorating conditions in many schools has forced school systems throughout the Nation to spend progressively more of their budgets on school renovations and construction projects instead of on students and teachers.

Today, the House of Representatives is set to consider H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act. This bill will direct the Secretary of Education to

make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public educational facilities. These funds will help school systems pay for renovations and construction projects so that they can dedicate more of their budgets to improving the education of our Nation's students.

It also requires the funds to be used only for projects that meet certain green standards, such as Leadership in Energy and Environmental Design, known as LEED; Energy Star, or an equivalent State or local standard.

One of the central tenets of the majority party's campaign both in 2006 and in 2008 was that they would run Congress in a more open and bipartisan manner. For example, the distinguished Speaker said, We promise the American people that we would have the most honest and open government—and we will. However, that promise has yet to come to fruition, as the majority has consistently blocked an open process through their control of the Rules Committee.

A prime example of how they have consistently stymied openness and bipartisanship can be seen by looking at the virtual absolute lack of open rules that they have allowed since they took control of the House of Representatives in 2006. In nearly 2½ years, the majority has allowed one open rule—and that was over 2 years ago.

Instead of fulfilling their campaign promise, the majority consistently closes the amendment process and keeps Members from offering amendments to important legislation.

Earlier this year, the majority rushed through some of the largest and most significant pieces of legislation through a closed rule process, including the nearly \$800 billion so-called stimulus and the over \$400 billion so-called omnibus appropriations bills.

Now, Mr. Speaker, I bring up this lack of an open process and the continued use of the closed rule by the majority because later today the Rules Committee is expected to meet to consider yet another closed rule for fiscal year 2009, the War Supplemental Appropriation Act. That legislation will provide over \$90 billion to fund the Department of Defense and related programs.

Now it is time that the majority lives up to its campaign promise and allows an open debate process. It's not enough to allow amendments on generally noncontroversial legislation like the one we bring to the floor today that authorizes over \$6 billion for school construction. They should allow an open process, Mr. Speaker, on, for example, the over \$90 billion supplemental appropriations bill that we will consider later this week, and on energy and health care legislation expected to be taken up in the coming weeks.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentleman from Colorado. Mr. Speaker, I rise today in support of this rule and the underlying bill, H.R. 2187. I also must comment, I'm sorry that my friend and colleague from Florida feels that things like the 2009 appropriations bill was somehow closed, because not only was it agreed to last year in committee and subcommittee and through the normal appropriations process, but there were hundreds, if not thousands, of special appropriations or earmarks that some would say that were asked for and granted to Republican Members of Congress.

So it's simply in that case not true that—

Mr. LINCOLN DIAZ-BALART of Florida. Will my friend yield?

Mr. HALL of New York. Yes, just for a second.

Mr. LINCOLN DIAZ-BALART of Florida. I was talking about the process that does not permit amendments on the floor. That's what we're referring to when we talk about closed rules.

Mr. HALL of New York. I understand. Reclaiming my time, I want to talk—

Mr. LINCOLN DIAZ-BALART of Florida. The fact that there were earmarks in the bill is a separate debate.

Mr. HALL of New York. Reclaiming my time.

The SPEAKER pro tempore. The gentleman from New York controls the time.

Mr. HALL of New York. I'm reclaiming my time, sir. I only have 2 minutes.

□ 1045

I just wanted to correct that bit of the RECORD.

America's aging schools are in dire need of assistance. I am a former trustee and school board president. I have seen it. Buildings are crumbling while school districts are having trouble paying their energy bills. This bill would help school districts invest in repairs, construction and green modernization without passing the burden on to local taxpayers who in New York, I know, can't afford any more property tax.

Schools in my district are already doing some of this work. For example, Arlington High School is installing solar panels to offset carbon emissions, panels that were lobbied for by the students who went to their school board, went to the State and came to us asking us if our office could help. The Haldane Central School District is planning to replace their old HVAC system with a cost-effective and renewable geothermal power system. But these and other districts in the Hudson Valley could use some help.

As schools make repairs, hundreds of thousands of jobs will be available to hardworking Americans, good-paying jobs that cannot be outsourced.

I urge my colleagues to support this rule and this legislation because it is good for our environment, good for our students, and good for our economy.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I rise in opposition to this rule on what is a relatively non-controversial bill just to ask the majority, What are you afraid of? You have a 78-seat majority in the House of Representatives, but you are afraid that amendments may carry. It is an astonishing admission of weakness by the leadership that you cannot withstand a House vote on amendments. As someone who has been here as a staffer and a Member since 1984, I will tell you that closed rules generally end speakerships over time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

Mr. KIRK. I stand corrected.

I would just say that closed rules generally end speakerships over time because what happens is if you do not let democracy reign on the House floor, what happens is big bills wipe out. And we certainly saw this in the end of Speaker Wright's service when on closed rules he misguided the rules on the Chamber and then collapsed entire huge pieces of legislation, by the way, reconciliation legislation, which then wiped out his speakership.

With a 78-seat majority, it is an astonishing admission of weakness that the leadership cannot win on amendment votes on the House floor and that they do not want to be subjected to scrutiny and feel that in the Speaker's office alone there is a judgment which will always carry the day on the House floor. And I will refer to the end of Speaker Wright's career, the end of Speaker Foley's career, even the end of Speaker Hastert's career, as a reflection that democracy is much better served if you can actually allow some controversial amendments or two. And to sit on a 78-vote majority and think you are going to lose on the House floor is an amazing admission on your part.

Now one of the things that is not being considered, because this legislation closes down amendments, is a bipartisan amendment by Congressman CARNEY and me. Now, what we wanted to do was simply open up eligibility under this legislation to the 44 percent of American schools that, under the terms of this legislation, are not eligible for funding. This legislation stands for the principle that only roughly 60 percent of schools in America can even apply for funding under this legislation and that 44 percent cannot apply.

In my congressional district, we have seen good green school initiative pro-

grams like at the Thomas Middle school in Arlington Heights, in which they assembled public and donor funds for a 1-kilowatt solar array on their roof and for conservation measures. They learned an important lesson. And by the way, the kids learned an important lesson that maybe solar power in Chicagoland did not have the greatest potential as in other parts of the country because we only have about 58 sunny days a year. It was an important renewable energy lesson where in the Windy City wind power might be the more appropriate solution. And I'm very happy that our students learned that lesson. And some of them may be inspired by their experience at Thomas to pick up a career in the field of science and engineering.

We had a similar program at the Elm Place middle school in Highland Park, Illinois, a greening project in which the students reported that despite all of the attention on the renewable energy side, they actually saved more money with conservation. These are important lessons that we know apply to the Nation, as well, and I'm very happy the students were able to learn this lesson.

Under our amendment that was rejected by this rule, we would have opened up just 1 percent of the funding in this legislation to the other 44 percent of schools, mainly suburban schools, which are locked out of any consideration of funding under this bill. In Illinois, there are 32 school districts that may not receive funding from this legislation. And I think that the other 44 percent should have been considered, that 44 percent of kids should have participated in green school projects, as the kids in my congressional district have done with their own money; and yet we rejected that possibility.

It is astonishing because I think the Carney-Kirk amendment would have carried, would have provided an opportunity for a lot of kids in America to learn some very valuable lessons about the future of the economy, but also astonishing that on a 78-vote majority in this House of Representatives, the Democrat leadership feels that they will still regularly lose in open debate on this House floor.

Mr. POLIS. Mr. Speaker, a few times I have heard reference to a closed rule. And I want to be entirely clear that what we are proposing is, in fact, a structured rule on this bill. There were 34 amendments that were submitted. We are forwarding for the consideration by the full House 14. So I do believe that arguments against a closed rule on this particular bill are not founded.

I would like to yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the gentleman for the time and for the clarification about the nature of this rule.

I rise today in support of the underlying legislation, H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, a bill that was considered, discussed, and passed already once by this House in the last Congress.

This bill will improve the foundations of our education system and modernize our buildings to reflect the environmental realities before us. We know all too well that our treasured school districts are struggling to make essential improvements during these challenging economic times.

It is critical that we improve our schools to ensure that students have a healthy and safe environment in which to learn and develop the skills necessary to compete in today's workforce. By facilitating development of sustainable schools, our students will have a healthy learning environment that will naturally promote environmental literacy. It is also essential that our schools are structurally sound and updated with the needed safety measures that will protect our youth from today's threats.

And, Mr. Speaker, I am particularly supportive of a measure that was included in this Congress when this bill passed the House. That measure included an initiative which I championed that will allow schools to use funding from this bill to improve their building infrastructure with the necessary security measures and security doors.

I am pleased that my provision remains in the current bill. And let me tell you why it is important. Brunswick High School, in my district, is the largest single-level high school building in Ohio, stretching one-quarter of a mile from end to end with 60 entrances. As you can imagine, this presents a difficult security challenge for teachers and administrators. But with this provision, the district can use the funding to update the high school's entrances to meet today's security needs.

I am also proud that this legislation includes a "Buy American" provision. This provision will require that steel, iron and other manufactured goods used for the construction of these improvement projects are produced right here in the United States. The economic downturn has taken a toll on U.S. manufacturing, including the steel plants in my congressional district, and we need to put Americans back to work doing the work that America needs to have done.

This bill also contains Davis-Bacon protections requiring that contractors who build these projects pay their workers the local prevailing wage which is so important to ensuring that workers are able to provide for their families. This is about families.

Mr. Speaker, in these challenging economic times, important, innovative legislation such as this will go a long

way to creating new opportunities for America's students and workforce.

I urge a "yes" vote on the rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in case there was some confusion, we have not alleged that this is a closed rule. This is a rule that is known as a "structured rule" that permits, authorizes, some amendments to be debated and made other amendments not in order, in other words, did not authorize other amendments. We heard Mr. KIRK, for example, of Illinois, who had an amendment, proposed an amendment before the Rules Committee, and he explained it in detail. It was a bipartisan amendment. And it was not authorized. It was not made in order for debate today.

What we are pointing out is that on legislation like this, for example, that has passed the House before, that today will likely pass the House again with a bipartisan vote, it really does not seem logical, and Mr. KIRK was quite eloquent in describing it, that ideas brought forth by Members are not allowed to be considered by the House.

And with regard to closed rules, I pointed out that the rules that allow any Member to propose an amendment and have it debated, those are, as you know, Mr. Speaker, called "open" rules. And the majority, both in 2006 and 2008, promised an open process in their campaigns. In 2½ years, they have allowed one open rule. So that is a major contrast with the promise. The reality contrasts quite dramatically with the promise.

At this point, I would yield such time as he may consume to the distinguished ranking member of the Rules Committee (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend from Miami for his management of this rule and his very, very thoughtful remarks and the way in which he addresses every single issue that comes before us. He has spoken very thoughtfully about the problem of shutting down the process and preventing Members who have an idea to come forward. He used the example of our friend from Illinois (Mr. KIRK).

I want to talk, Mr. Speaker, about the overall thrust in which we are headed with this legislation. We had an interesting debate in the Rules Committee last night. And I will say that we all share the goal of ensuring that young people in this country have the best quality education possible, that they have a safe environment and that they have a comfortable environment in which to study. After all, if we are going to, as a Nation, remain competitive in this global economy, the single most important thing that we need to do is ensure that we have well educated young people to proceed with the challenges that exist in a global economy.

But, Mr. Speaker, there is something that we need to remember that was a

hallmark of the vision that the Framers of our Constitution put forward. And that is the notion of federalism, the responsibility of things that fall at the Federal level here in Washington, D.C., and the responsibility of things that should remain at the State and local level.

My State of California is going through the toughest economic times that it has ever faced, I believe. We just received a report that the deficit itself is double what had been projected. And we have, I think, really difficult days ahead. But we need to remember, Mr. Speaker, that the number one priority for the number one budget item for our State of California happens to be the issue of education.

□ 1100

There are States across this country that are not faced with the difficulty that we are in California. The best example came forward by our new colleague, Mr. ROE, who was the former mayor of Johnson City, Tennessee. And he was able to outline in his role as mayor the success that they are having with the expenditure of \$50 million to not only improve the physical quality of the schools themselves, but their effort to reduce energy costs, which I know is part of the greening goal here. They are saving money by using more efficient ways to heat and cool the schools, so they are actually witnessing a savings there. But this is all being done at the local level. That is the argument that we have here.

As we look at a budget deficit this year that is larger than the entire Federal budget was a mere decade ago, I think we need to analyze what responsibilities under this role of federalism the Federal Government should continue to take. No one is going to stand here and say that they don't want to ensure that the ceilings don't collapse in schools. They will not stand here and say that they should be air-conditioned in the winter and heated in the summer. No one is going to argue in favor of a less than perfect physical structure for students.

But what I believe we need to argue is how do you pay for that. And again, I believe very strongly that we, as a Federal Government, have reached way too far into so many different areas. Right now we are looking at doing this in the area of health care, energy, a wide range of areas. We are looking at dramatically increasing the exercise and scope and reach of the Federal Government. Today we have another example of that.

Now, there will be people who will argue that if you are not supportive of this measure that you somehow want substandard schools in this country. That is just absolute lunacy. We are just saying that the Federal Government can't do absolutely everything.

So in the name of fairness, I urge my colleagues to reject this rule which

does not provide Mr. KIRK and others the chance that they should have to offer amendments. I thank my friend for yielding.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentleman and rise in strong support of H.R. 2187. This important legislation will fund much-needed repairs to public school buildings, reduce their carbon footprint, and maximize scarce education resources by saving our schools money on energy costs. By investing up front in sustainable renovations to our public school facilities, we can help slash their energy bills by as much as 33 percent in the long term and free up more money to invest in teacher retention, textbooks, after-school activities, and a number of other things that are so important to our children's education.

In my home State of Florida, school construction and renovation projects for school buildings are a desperate situation. Unfortunately, they have been postponed indefinitely time and time again as our schools struggle to fund their most basic needs, such as school supplies, school lunch programs, teacher salaries, and general operating costs. These Federal funds that we are talking about today will help bring these school buildings up to code, all while creating thousands of jobs in the construction industry, an industry hit particularly hard in these tough economic times. We are talking about a great benefit from this bill. It is short term in terms of construction jobs and support for the schools, and long term in terms of better quality school buildings.

I was proud to support, along with my colleague, Congressman BLUMENAUER, to facilitate greater bicycle and pedestrian access to our Nation's schools. When I went to school when I was a kid, I rode my bike to school, I walked, and all of these things today are the kinds of things that we want to encourage in the future. By authorizing funds to facilitate healthy alternative modes of transportation to our schools, we can also reduce the cost of school buses and various other things. We can reduce vehicle congestion on our roads, decrease emissions, and improve the health and well-being of our students.

Mr. Speaker, I would like to thank Congressman CHANDLER for introducing this important legislation, and I urge my colleagues to support the rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friends on the other side of the aisle for their participation as well, obviously, as my friends and colleagues from our side of the aisle.

As I stated before, this is legislation that has passed before. It passed with

some bipartisanship. There is some legitimate substantive debate on the underlying legislation, but I think more objection, certainly, on our part to the unfortunate nature in which the way the process, the debate in the House has been closed down unnecessarily by the majority. We had an example today, an amendment that was brought before the Rules Committee with bipartisan authorship, and yet it was not allowed for discussion and consideration by the full membership, and that is unnecessary and unfortunate.

Having said that, we will consider without any doubt this legislation even though I think the rule that brings it to the floor should have been an open rule, and the majority would have thus had an opportunity to double its record of open rules. Since they took the majority about 2½ years ago, they have allowed one open rule. That is something I would have never expected. I would have never expected. Certainly it is very different from the promise made to the American people of an open process. It is unfortunate.

But we move forward. Thank you for listening, Mr. Speaker, and for your fairness in guiding this process as always.

Having said that, I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, just this last week I had the opportunity in Colorado to visit a number of schools in several school districts across the district that I represent. I visited Adams County, Boulder Valley, Mapleton, and Westminster.

With regard to Boulder Valley School District, having recently passed a \$300 million bond initiative, it was very exciting to see some of the renovations that were taking place. I had an opportunity to go on the roof of one of the schools and observe the solar panels that were being installed, as well as a device that focuses sunlight to provide natural light for the classroom. That is called a Sundolier, and what that encompasses is twofold. One, it saves the need for artificial light and saves energy for the school. Two, there are a number of studies that show that natural light can actually serve to improve learning. This was an item that Boulder Valley School District was able to purchase. There are four that are now pilot projects in Colorado. There are studies being done to document the learning impact. This is the type of activity that many school districts cannot afford to consider.

Mapleton School District, just 10 miles down the road, it has been on their ballot twice with bond initiatives, but they have been unable to get them to pass. They have a much lower local tax base and it is very difficult, and many of the constituents are struggling to stay in their homes. For that reason, this Federal money will be particularly welcomed in those dis-

tricts that serve the most at-risk children, which is why I applaud the efforts of Chairman MILLER and the committee and the sponsors to target this money to districts that serve a high count of low-income students using the title I criteria.

Mapleton School District, which serves just a few thousand kids, will receive \$578,000 under this bill; Westminster School District in Colorado will receive \$1.8 million; and Adams County 12 District will receive \$2.36 million.

Mr. Speaker, a few folks have mentioned, Oh, this shouldn't be the Federal Government's responsibility.

The question I would pose is: Who, then, can repair these schools? Who can ensure that these classrooms are safe? Where can the money come from? Certainly there are many wealthy districts that can afford to do that themselves. But by allowing only wealthy districts to build classrooms for the 21st century, we are not only creating a divide on the operations side of school funding, we are actually making that considerably worse by creating an enormous gap on the capital front, leading to attrition of good teachers from dangerous and poor-quality schools in poor areas, as well as lower student outcomes because of lack of heating, lack of air-conditioning, dangerous conditions, et cetera. This bill will help reduce those disparities. We certainly have a long way to go, but this bill will help do that.

In addition, there are a number of schools that actually are dangerous and represent a danger for the teachers and for the students. For instance, there was an incident last year in Massachusetts where a roof fell in and actually injured a teacher. They had a leaky roof for decades in Billerica, Massachusetts. The district was not able to afford to repair or replace the school. In fact, when it rained, the principal would announce, Heavy rains are expected; clear the counters. The water damage had caused the floor to rot and a teacher actually fell through the floor and injured herself because of that. Some of the rooms are so hazardous they are closed to students and staff.

That is not an unusual phenomenon. In my district, I was at one elementary school where the gym has been closed for several years because pieces of ceiling are falling off the gymnasium and it is a danger for kids, so the school has not had a gym for those kids to use for several years.

In this school in Massachusetts, they have now moved the girls' locker room to the library, and there is so little space available because of the closure of the rooms that are dangerous that special education classes now meet in what was the boys' locker room. They are trying to use every available place that they have because of the unsafe nature of some of those schools.

School districts do a good job with what they have. They try their best. They approach their voters when they can, but there are districts in Colorado and, indeed, nationally that have very little local tax base from which to draw. In Colorado, we had a lawsuit a number of years ago which was ultimately settled by the State with regard to the failing state of our schools and our capital infrastructure in Colorado school districts that had very little local tax base. The decision stated that the State had in fact not lived up to its responsibility of providing a safe, thorough and uniform education to all of its citizens.

Certainly every child in this country deserves the opportunity to succeed. They deserve a safe learning environment. This bill will go a long way towards doing that, along with the provisions of the American Recovery and Reinvestment Act. The American Recovery and Reinvestment Act provided funding in two main areas for education, both operational. One was IDEA, special education. And my colleagues on the Rules Committee will recall we had some discussion about special ed and IDEA in committee yesterday. I am proud to say that under this Congress, we have gone further than ever as a country in meeting towards reaching that unfunded mandate of making sure that the needs of all students, including special needs students, are met and increasingly funded by the Federal Government. We had a bipartisan consensus in our Rules Committee meeting yesterday, Mr. Speaker, that our Federal Government needs to do more with regard to funding special education. I am very pleased to say that the American Recovery and Reinvestment Act was the first step.

The second area of investment was in title I programs directed to schools that serve low-income families and families that face a lot of challenges that others don't. To help reduce those disparities, the opportunity disparity that exists, Colorado is a State that has a very strong equalization formula for funding schools. We are very fortunate in that regard.

Our poorer districts on the operational side receive roughly the same funding, in fact, sometimes even more funding because of their at-risk criteria than the wealthy districts. That is not the case nationally. There are other States where there are large operational disparities between large and small districts.

However, in Colorado, and indeed nearly every State, there continue to be large disparities on the capital front. That is why what passes for a school in one district would hardly pass for a school in another district. Schools with low tax bases, with voters that are struggling to stay in their own homes and are, therefore, unwilling or unable to pass another bond initiative,

are threatening the education of their kids compared to some of the wealthier districts that are able to invest in some of things that I had the opportunity to see just last week in Boulder Valley School District due to their own \$300 million bond initiative.

□ 1115

The needs, Mr. Speaker, are great. In fact, I dare say they are greater than this investment that we, if the House passes this bill today, will be making.

The rule, Mr. Speaker, is fair. Of the 34 amendments that have been offered, 14 have been ruled in order, including several from Members on the other side of the aisle, including one from Mr. ROE, who my colleague, Mr. DREIER, mentioned in his remarks. That was ruled in order, as well as an amendment from the ranking member of the Education and Labor Committee.

So this is not a closed rule. This is a structured rule that allows for nearly half of the amendments that have been offered to be considered by the full House and advances in there for that purpose, including several that were also incorporated into the chairman's amendment, who has worked with Members on both sides of the aisle to improve the initial piece of legislation.

Let me focus once more on the safety issue. There is an enormous backlog of capital construction—particularly in poor districts across this country—that puts the health and safety as well as the achievement of our students at risk every day. Students should be free of risk regardless of where in this country they attend school. Students have enough challenges to face. They need to be able to face the economic crisis, their family issues, preparation for college. The last thing students need to worry about are roofs falling in, ceilings collapsing, floors collapsing, or asbestos.

At the same time that we can accomplish this, as my colleague from New York (Mr. HALL) mentioned, we have the great opportunity to make some progress on the front by reducing our carbon emissions and greening our schools. This has, of course, beyond the environmental benefits, which are significant, they also have economic benefits because when you save money by reducing your power needs or producing power locally, you are freeing up more operational money to actually help educate kids, meaning lower class sizes, meaning better teacher training, meaning programs that can be continued or expanded because of the energy. One of the biggest complaints that I heard from districts over the last several years were the rising costs of energy and utilities as part of what they pay as a fixed cost. By investing in the capital side—and again, many districts don't have the capability of doing that themselves—we are able to save operational money for those school dis-

tricts where truly some of the modernization and green investment can become the gift that keeps on giving.

Mr. Speaker, I am the last speaker for this side. I would like to urge a "yes" vote on the previous question and the rule.

Mr. KLINE of Minnesota. Mr. Speaker I rise today to oppose the rule under consideration. By refusing to allow us to debate pertinent amendments that address some of the many challenges facing our public schools, this rule prevents my colleagues and me from improving upon the good intentions of the 21st Century Green High-Performing Public School Facilities Act.

Similar to legislation passed last summer, the bill we are about to consider commits billions of dollars in funding to public schools for modernization, repair, and renovation projects. I agree with Chairman of the Education and Labor Committee GEORGE MILLER who said in support of this bill: "Especially in this economy, with state budgets dwindling, schools have fewer resources to make classrooms top-notch learning environments for students . . . No student should have to learn in a classroom or school that is literally falling apart." I couldn't agree more.

But I wonder whether there might be a better way to address these challenges than to throw even more federal dollars at the problems and add to our rapidly growing federal debt.

Mr. Speaker, I would suggest that by fully funding the Individuals with Disabilities Education Act (IDEA), we would free up desperately needed resources schools across America could use to address their specific needs—whether it is state of the art classrooms, additional teachers, or new textbooks.

In the Education and Labor committee last week, and again before the Rules Committee yesterday, I introduced an amendment that would prohibit the expenditure of federal funds for this bill until Congress fulfills its commitment to provide 40 percent of the national average per pupil expenditure for special education. Unfortunately, partisanship prevailed, and members will not have the opportunity to vote on my amendment.

Mr. Speaker, our nation's schools have been waiting patiently for Congress to fulfill its promise to provide full federal funding IDEA for far too long. It is time for government to live up to its promises and provide our schools the resources they so desperately need.

I urge my colleagues to vote against this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in opposition to this rule and the underlying bill.

Yesterday the Rules Committee voted along party lines to keep the House of Representatives from considering two amendments I offered that would have helped school districts whose tax bases are significantly reduced by the presence of tax-exempt federal lands.

As some of you may recall, I offered the very same amendments to H.R. 3021 last year, when the interests of these school districts were also ignored by Democrats on the Rules Committee.

The bill before us today drastically expands the Federal Government's role in school construction and maintenance—activities historically funded at the State and local level—BEFORE meeting its existing responsibilities to schools that are impacted by federal land ownership.

As I have noted before, over 33 percent of my district in central Washington is owned by the Federal Government—making 11 school districts eligible for Impact Aid. I know all too well about the consequences of federal land ownership and the impact it has on the ability of schools to make needed improvements.

In Grand Coulee Dam, Washington, students attend classes in buildings more than half a century old that are literally falling apart. While local residents have agreed to pay one of the highest levies in the State of Washington, the school district remains unable to secure a bond to make improvements because the community is surrounded by federal lands and has a limited tax base.

The Federal Government has a responsibility to ensure that no child's education is shortchanged because of federal land ownership. And in my view, it's only fair that the Federal Government take care of federally impacted schools before launching a brand new spending program costing billions of dollars that's aimed at other schools that aren't federally impacted.

I offered two amendments in the Rules Committee yesterday. The first would have required that our commitment to federally impacted schools be met through full funding of the Impact Aid program before funding is spent on the new federal spending program in this bill. My second amendment would have simply given preference to federally impacted schools as the new construction and maintenance funds are distributed.

Unfortunately, Democrat leaders again blocked both of my amendments from being debated or voted on today by the full House.

Mr. Speaker, the federal government is not meeting its current responsibilities to federally impacted schools. As I said last year, we certainly have no business creating a brand new \$33 billion spending program for other schools—especially at a time when the federal deficit is at astonishing levels.

Rather than passing this massive expansion of the Federal Government's role in school construction, we should refocus our efforts toward fulfilling existing obligations to schools and children impacted by federal actions.

I urge my colleagues to reject this restrictive rule and the underlying bill.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Res-

olution 427 will be followed by 5-minute votes on the motion to suspend the rules on House Concurrent Resolution 84, if ordered; and the motion to suspend the rules on H.R. 2162, if ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 175, not voting 10, as follows:

[Roll No. 246]

YEAS—248

Abercrombie	Grayson	Murphy (NY)
Ackerman	Green, Al	Murphy, Patrick
Adler (NJ)	Green, Gene	Murtha
Altmire	Griffith	Nadler (NY)
Andrews	Grijalva	Napolitano
Arcuri	Gutierrez	Neal (MA)
Baca	Hall (NY)	Nye
Baird	Halvorson	Oberstar
Baldwin	Hare	Obey
Barrow	Harman	Oliver
Bean	Hastings (FL)	Ortiz
Becerra	Heinrich	Pallone
Berkley	Hereth Sandlin	Pascarell
Berman	Higgins	Pastor (AZ)
Berry	Hinchee	Payne
Bishop (GA)	Hinojosa	Perlmutter
Bishop (NY)	Hirono	Perriello
Blumenauer	Hodes	Peters
Boccheri	Holden	Peterson
Boren	Holt	Polis (CO)
Boswell	Honda	Pomeroy
Boucher	Hoyer	Price (NC)
Boyd	Inslee	Quigley
Brady (PA)	Israel	Rahall
Braley (IA)	Jackson (IL)	Rangel
Bright	Jackson-Lee	Reyes
Brown, Corrine	(TX)	Richardson
Butterfield	Johnson (GA)	Rodriguez
Cao	Johnson, E. B.	Ross
Capps	Kagen	Rothman (NJ)
Capuano	Kanjorski	Roybal-Allard
Carnahan	Kaptur	Ruppersberger
Carney	Kennedy	Rush
Carson (IN)	Kildee	Ryan (OH)
Castor (FL)	Kilpatrick (MI)	Salazar
Chandler	Kilroy	Salazar, Loretta
Childers	Kind	Sanchez
Clarke	Kirkpatrick (AZ)	Sarbanes
Clay	Kissell	Schakowsky
Cleaver	Klein (FL)	Schauer
Clyburn	Kosmas	Schiff
Cohen	Kratovil	Schrader
Connolly (VA)	Kucinich	Schwartz
Conyers	Langevin	Scott (GA)
Cooper	Larsen (WA)	Scott (VA)
Costa	Larson (CT)	Serrano
Costello	Lee (CA)	Sestak
Courtney	Levin	Shea-Porter
Crowley	Lewis (GA)	Sherman
Cuellar	Lipinski	Shuler
Cummings	Loeb sack	Sires
Dahlkemper	Lofgren, Zoe	Skelton
Davis (AL)	Lowe	Slaughter
Davis (CA)	Lujan	Smith (WA)
Davis (IL)	Lynch	Snyder
Davis (TN)	Maffei	Space
DeFazio	Maloney	Speier
DeGette	Markey (CO)	Spratt
Delahunt	Markey (MA)	Stupak
DeLauro	Marshall	Sutton
Dicks	Massa	Tauscher
Dingell	Matheson	Taylor
Doggett	Matsui	Teague
Donnelly (IN)	McCarthy (NY)	Thompson (CA)
Doyle	McCollum	Thompson (MS)
Driehaus	McDermott	Tierney
Edwards (MD)	McGovern	Titus
Edwards (TX)	McIntyre	Tonko
Ellison	McMahon	Towns
Ellsworth	McNerney	Tsongas
Engel	Meek (FL)	Van Hollen
Eshoo	Meeks (NY)	Velázquez
Etheridge	Melancon	Visclosky
Farr	Michaud	Walz
Fattah	Miller (NC)	Wasserman
Filner	Miller, George	Schultz
Foster	Mitchell	Waters
Frank (MA)	Mollohan	Watson
Fudge	Moore (KS)	Watt
Giffords	Moore (WI)	Waxman
Gonzalez	Moran (VA)	Weiner
Gordon (TN)	Murphy (CT)	

Welch	Wilson (OH)	Wu
Wexler	Woolsey	Yarmuth

NAYS—175

Aderholt	Frelinghuysen	Minnick
Akin	Gallegly	Moran (KS)
Alexander	Garrett (NJ)	Murphy, Tim
Austria	Gerlach	Neugebauer
Bachmann	Gingrey (GA)	Nunes
Bachus	Gohmert	Olson
Barrett (SC)	Goodlatte	Paulsen
Bartlett	Granger	Pence
Barton (TX)	Graves	Petri
Biggert	Guthrie	Pitts
Blibray	Hall (TX)	Platts
Bilirakis	Harper	Poe (TX)
Bishop (UT)	Hastings (WA)	Posey
Blackburn	Heller	Price (GA)
Blunt	Hensarling	Putnam
Boehner	Herger	Radanovich
Bonner	Hill	Rehberg
Bono Mack	Hoekstra	Reichert
Boozman	Hunter	Roe (TN)
Boustany	Inglis	Rogers (AL)
Brady (TX)	Issa	Rogers (KY)
Broun (GA)	Jenkins	Rogers (MI)
Brown (SC)	Johnson, Sam	Rohrabacher
Brown-Waite,	Jones	Rooney
Ginny	Jordan (OH)	Ros-Lehtinen
Buchanan	King (IA)	Roskam
Burgess	King (NY)	Royce
Burton (IN)	Kingston	Ryan (WI)
Buyer	Kirk	Scalise
Calvert	Kline (MN)	Schmidt
Camp	Lamborn	Sensenbrenner
Campbell	Lance	Sessions
Cantor	Latham	Shadegg
Capito	LaTourette	Shimkus
Carter	Latta	Shuster
Cassidy	Lee (NY)	Simpson
Castle	Lewis (CA)	Smith (NE)
Chaffetz	Linder	Smith (NJ)
Coble	LoBiondo	Smith (TX)
Coffman (CO)	Lucas	Souder
Cole	Luetkemeyer	Stearns
Conaway	Lummis	Sullivan
Crenshaw	Lungren, Daniel	Terry
Culberson	E.	Thompson (PA)
Davis (KY)	Mack	Thornberry
Deal (GA)	Manzullo	Tiaht
Dent	Marchant	Tiberi
Diaz-Balart, L.	McCarthy (CA)	Turner
Diaz-Balart, M.	McCaul	Upton
Dreier	McClintock	Walden
Duncan	McCotter	Westmoreland
Ehlers	McHenry	Whitfield
Emerson	McHugh	Wilson (SC)
Fallin	McKeon	Wittman
Flake	McMorris	Wolf
Fleming	Rodgers	Young (AK)
Forbes	Mica	Young (FL)
Fortenberry	Miller (FL)	
Fox	Miller (MI)	
Franks (AZ)	Miller, Gary	

NOT VOTING—10

Cardoza	Paul	Schock
Himes	Pingree (ME)	Stark
Johnson (IL)	Sánchez, Linda	Tanner
Myrick	T.	

□ 1145

Mr. PLATTS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE WINNERS OF THE ANNUAL SHOOT-OUT AT THE PRINCE GEORGE'S COUNTY TRAP AND SKI CLUB

(Mr. BOREN asked and was given permission to address the House for 1 minute.)

Mr. BOREN. Mr. Speaker, something very important occurred yesterday at

the Prince George's County Trap and Ski Club. The Congressional Sportsmen's Caucus along with the Congressional Sportsmen's Foundation came together, Democrats and Republicans, to have our annual shoot-out, and the results are as follows:

The top Republican shooter was ADAM PUTNAM with a score of 53; the top Democrat, MIKE THOMPSON, with a score of 59. The top gun member was COLIN PETERSON with 65. The top skeet shooter was me at 19. The top trap was Representative CARNEY at 21. Top sporting clays was PAUL RYAN at 19.

But the most important, ladies and gentlemen, Democrats, 354; Republicans, 325. We have regained the trophy again this year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING NATIONAL MILITARY APPRECIATION MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 84.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 84.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 247]

YEAS—421

Abercrombie	Becerra	Boucher
Ackerman	Berkley	Boustany
Aderholt	Berman	Boyd
Adler (NJ)	Berry	Brady (PA)
Akin	Biggert	Brady (TX)
Alexander	Bilbray	Braley (IA)
Altmire	Bilirakis	Bright
Andrews	Bishop (GA)	Brown (GA)
Arcuri	Bishop (NY)	Brown (SC)
Austria	Bishop (UT)	Brown, Corrine
Baca	Blackburn	Brown-Waite,
Bachmann	Blumenauer	Ginny
Bachus	Blunt	Buchanan
Baird	Boccheri	Burgess
Baldwin	Boehner	Burton (IN)
Barrett (SC)	Bonner	Butterfield
Barrow	Bono Mack	Buyer
Bartlett	Boozman	Calvert
Barton (TX)	Boren	Camp
Bean	Boswell	Campbell
Cantor	Cao	
Cao	Capito	
Capito	Capps	
Capps	Capuano	
Capuano	Carnahan	
Carnahan	Carney	
Carney	Carson (IN)	
Carson (IN)	Carter	
Carter	Cassidy	
Cassidy	Castle	
Castle	Castor (FL)	
Castor (FL)	Chaffetz	
Chaffetz	Chandler	
Chandler	Childers	
Childers	Clarke	
Clarke	Clay	
Clay	Cleaver	
Cleaver	Clyburn	
Clyburn	Coble	
Coble	Coffman (CO)	
Coffman (CO)	Cohen	
Cohen	Cole	
Cole	Conaway	
Conaway	Connolly (VA)	
Connolly (VA)	Conyers	
Conyers	Cooper	
Cooper	Costa	
Costa	Costello	
Costello	Courtney	
Courtney	Crenshaw	
Crenshaw	Crowley	
Crowley	Cuellar	
Cuellar	Culberson	
Culberson	Cummings	
Cummings	Dahlkemper	
Dahlkemper	Davis (AL)	
Davis (AL)	Davis (CA)	
Davis (CA)	Davis (IL)	
Davis (IL)	Davis (KY)	
Davis (KY)	Davis (TN)	
Davis (TN)	DeFazio	
DeFazio	DeGette	
DeGette	Delahunt	
Delahunt	DeLauro	
DeLauro	Dent	
Dent	Diaz-Balart, L.	
Diaz-Balart, L.	Diaz-Balart, M.	
Diaz-Balart, M.	Dicks	
Dicks	Dingell	
Dingell	Doggett	
Doggett	Donnelly (IN)	
Donnelly (IN)	Doyle	
Doyle	Dreier	
Dreier	Driehaus	
Driehaus	Duncan	
Duncan	Edwards (MD)	
Edwards (MD)	Edwards (TX)	
Edwards (TX)	Ehlers	
Ehlers	Ellison	
Ellison	Ellsworth	
Ellsworth	Emerson	
Emerson	Engel	
Engel	Eshoo	
Eshoo	Etheridge	
Etheridge	Fallin	
Fallin	Farr	
Farr	Fattah	
Fattah	Filner	
Filner	Flake	
Flake	Fleming	
Fleming	Forbes	
Forbes	Fortenberry	
Fortenberry	Foster	
Foster	Fox	
Fox	Frank (MA)	
Frank (MA)	Franks (AZ)	
Franks (AZ)	Frelinghuysen	
Frelinghuysen	Fudge	
Fudge	Gallegly	
Gallegly	Garrett (NJ)	
Garrett (NJ)	Gerlach	
Gerlach	Giffords	
Giffords	Gingrey (GA)	
Gingrey (GA)	Gohmert	
Gohmert	Gonzalez	
Gonzalez	Goodlatte	
Goodlatte	Gordon (TN)	
Gordon (TN)	Granger	
Granger	Graves	
Graves	Grayson	
Grayson	Green, Al	
Green, Al	Green, Gene	
Green, Gene	Griffith	
Griffith	Grijalva	
Grijalva	Guthrie	
Guthrie		
	Gutierrez	
	Hall (NY)	
	Hall (TX)	
	Halvorson	
	Hare	
	Harman	
	Harper	
	Hastings (FL)	
	Hastings (WA)	
	Heinrich	
	Heller	
	Hensarling	
	Henger	
	Herseth Sandlin	
	Higgins	
	Hill	
	Hinche	
	Hinojosa	
	Hirono	
	Hodes	
	Hoekstra	
	Holden	
	Holt	
	Honda	
	Hoyer	
	Hunter	
	Inglis	
	Inslee	
	Israel	
	Issa	
	Jackson (IL)	
	Jackson-Lee	
	(TX)	
	Jenkins	
	Johnson (GA)	
	Johnson, E. B.	
	Johnson, Sam	
	Jones	
	Jordan (OH)	
	Kagen	
	Kanjorski	
	Kaptur	
	Kennedy	
	Kildee	
	Kilpatrick (MI)	
	Kilroy	
	Kind	
	King (IA)	
	King (NY)	
	Kingston	
	Kirk	
	Kirkpatrick (AZ)	
	Kissell	
	Klein (FL)	
	Kline (MN)	
	Kosmas	
	Kratovil	
	Kucinich	
	Lamborn	
	Lance	
	Langevin	
	Larsen (WA)	
	Larson (CT)	
	Latham	
	LaTourette	
	Latta	
	Lee (CA)	
	Lee (NY)	
	Levin	
	Lewis (CA)	
	Lewis (GA)	
	Linder	
	Lipinski	
	LoBiondo	
	Loeb	
	Loeb	
	Lofgren, Zoe	
	Lowey	
	Lucas	
	Luetkemeyer	
	Lujan	
	Lummis	
	Lungren, Daniel	
	E.	
	Lynch	
	Mack	
	Maffei	
	Maloney	
	Manzullo	
	Marchant	
	Markey (CO)	
	Markey (MA)	
	Marshall	
	Massa	
	Matheson	
	Matsui	
	McCarthy (CA)	
	McCarthy (NY)	
	McCaul	
	McClintock	
	McCollum	
	McCotter	
	McDermott	
	McGovern	
	McHenry	
	McHugh	
	McIntyre	
	McKeon	
	McMahon	
	McMorris	
	Rodgers	
	McNerney	
	Meek (FL)	
	Melancon	
	Mica	
	Michaud	
	Miller (FL)	
	Miller (MI)	
	Miller (NC)	
	Miller, Gary	
	Miller, George	
	Minnick	
	Mitchell	
	Mollohan	
	Moore (KS)	
	Moore (WI)	
	Moran (KS)	
	Moran (VA)	
	Murphy (CT)	
	Murphy (NY)	
	Murphy, Patrick	
	Murphy, Tim	
	Murtha	
	Nadler (NY)	
	Napolitano	
	Neal (MA)	
	Neugebauer	
	Nunes	
	Nye	
	Oberstar	
	Obey	
	Olson	
	Olver	
	Ortiz	
	Pallone	
	Pascarella	
	Pastor (AZ)	
	Paulsen	
	Payne	
	Pence	
	Perlmutter	
	Perriello	
	Peters	
	Peterson	
	Petri	
	Pingree (ME)	
	Pitts	
	Platts	
	Poe (TX)	
	Pollis (CO)	
	Pomeroy	
	Posey	
	Price (NC)	
	Putnam	
	Quigley	
	Rahall	
	Rangel	
	Rehberg	
	Reichert	
	Reyes	
	Richardson	
	Rodriguez	
	Roe (TN)	
	Rogers (AL)	
	Rogers (KY)	
	Rogers (MI)	
	Rohrabacher	
	Rooney	
	Ros-Lehtinen	
	Roskam	
	Ross	
	Rothman (NJ)	
	Roybal-Allard	
	Royce	
	Ruppersberger	
	Rush	
	Ryan (OH)	
	Ryan (WI)	
	Salazar	
	Sanchez, Loretta	
	Sarbanes	
	Scalise	
	Schakowsky	
	Schauer	
	Schiff	
	Schmidt	
	Schock	
	Schrader	
	Schwartz	
	Scott (GA)	
	Scott (VA)	
	Sensenbrenner	
	Serrano	
	Sessions	
	Sestak	
	Shadegg	
	Shea-Porter	
	Sherman	
	Shimkus	
	Shuler	
	Shuster	
	Simpson	
	Sires	
	Skelton	
	Slaughter	
	Smith (NE)	
	Smith (NJ)	
	Smith (TX)	
	Smith (WA)	
	Snyder	
	Souder	
	Space	
	Speier	
	Spratt	
	Stearns	
	Stupak	
	Sullivan	
	Sutton	
	Tauscher	
	Taylor	
	Teague	
	Terry	
	Thompson (CA)	
	Thompson (MS)	
	Thompson (PA)	
	Thornberry	
	Tiahrt	
	Tiberi	
	Tierney	
	Titus	
	Tonko	
	Towns	
	Tsongas	
	Turner	
	Upton	
	Van Hollen	
	Velázquez	
	Visclosky	
	Walden	
	Walz	
	Wamp	
	Wasserman	
	Schultz	
	Waters	
	Watson	
	Watt	
	Waxman	
	Weiner	
	Welch	
	Westmoreland	
	Wexler	
	Whitfield	
	Wilson (OH)	
	Wilson (SC)	
	Wittman	
	Wolf	
	Woolsey	
	Wu	
	Yarmuth	
	Young (AK)	
	Young (FL)	

NOT VOTING—12

Cardoza	Myrick	Sánchez, Linda
Deal (GA)	Paul	T.
Himes	Price (GA)	Stark
Johnson (IL)	Radanovich	Tanner
Meeks (NY)		

□ 1156

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 247 I was unavoidably detained for constituent matters. Had I been present, I would have voted "yea."

ANNOUNCING THE BIRTH OF JOAQUIN SANCHEZ SULLIVAN

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute.)

Ms. ZOE LOFGREN of California. Mr. Speaker, as the Chair of the California Democratic delegation, I yield to our colleague for a happy announcement.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to announce that at 9:13 a.m. this morning I became an aunt. LINDA SÁNCHEZ, one of our colleagues, of course, my sister, and her husband, Jim Sullivan, gave birth to a baby boy, 7

HERBERT A LITTLETON POSTAL STATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2162.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2162.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 248]

AYES—420

Abercrombie	Cantor	Edwards (TX)
Ackerman	Cao	Ehlers
Aderholt	Capito	Ellison
Adler (NJ)	Capps	Ellsworth
Akin	Capuano	Emerson
Alexander	Cardoza	Engel
Altmire	Carnahan	Eshoo
Andrews	Carney	Etheridge
Arcuri	Carson (IN)	Fallin
Austria	Carter	Farr
Baca	Cassidy	Fattah
Bachmann	Castle	Filner
Bachus	Castor (FL)	Flake
Baird	Chaffetz	Fleming
Baldwin	Chandler	Forbes
Barrett (SC)	Childers	Fortenberry
Barrow	Clarke	Foster
Bartlett	Clay	Fox
Barton (TX)	Cleaver	Frank (MA)
Bean	Clyburn	Franks (AZ)
Becerra	Coble	Frelinghuysen
Berkley	Coffman (CO)	Fudge
Berman	Cohen	Galleghy
Berry	Cole	Garrett (NJ)
Biggert	Conaway	Gerlach
Blibray	Connolly (VA)	Giffords
Bilirakis	Conyers	Gingrey (GA)
Bishop (GA)	Cooper	Gohmert
Bishop (NY)	Costa	Gonzalez
Bishop (UT)	Costello	Goodlatte
Blackburn	Courtney	Gordon (TN)
Blumenauer	Crenshaw	Granger
Blunt	Crowley	Graves
Bocci	Cuellar	Grayson
Boehner	Culberson	Green, Al
Bonner	Cummings	Green, Gene
Bono Mack	Dahlkemper	Griffith
Boozman	Davis (AL)	Grijalva
Boren	Davis (CA)	Guthrie
Boswell	Davis (IL)	Gutierrez
Boucher	Davis (KY)	Hall (NY)
Boustany	Davis (TN)	Hall (TX)
Boyd	Deal (GA)	Halvorson
Brady (PA)	DeFazio	Hare
Brady (TX)	DeGette	Harman
Braley (IA)	Delahunt	Harper
Bright	DeLauro	Hastings (FL)
Brown (GA)	Dent	Hastings (WA)
Brown (SC)	Diaz-Balart, L.	Heinrich
Brown, Corrine	Diaz-Balart, M.	Heller
Brown-Waite,	Dicks	Hensarling
Ginny	Dingell	Herger
Buchanan	Doggett	Herseth Sandlin
Burgess	Donnelly (IN)	Higgins
Burton (IN)	Doyle	Hill
Butterfield	Dreier	Hinchey
Calvert	Driehaus	Hinojosa
Camp	Duncan	Hirono
Campbell	Edwards (MD)	Hodes

Hoekstra	McIntyre	Ryan (WI)
Holden	McKeon	Salazar
Holt	McMahon	Sanchez, Loretta
Honda	McMorris	Sarbanes
Hoyer	Rodgers	Scalise
Hunter	McNerney	Schakowsky
Inglis	Meek (FL)	Schiff
Inslee	Meeks (NY)	Schmidt
Israel	Melancon	Schock
Issa	Mica	Schrader
Jackson (IL)	Michaud	Scott (GA)
Jackson-Lee	Miller (FL)	Scott (VA)
(TX)	Miller (MI)	Sensenbrenner
Jenkins	Miller (NC)	Serrano
Johnson (GA)	Miller, Gary	Sessions
Johnson, E. B.	Miller, George	Sestak
Johnson, Sam	Minnick	Shadegg
Jones	Mitchell	Shea-Porter
Jordan (OH)	Mollohan	Sherman
Kagen	Moore (KS)	Shimkus
Kanjorski	Moore (WI)	Shuler
Kaptur	Moran (KS)	Shuster
Kennedy	Moran (VA)	Simpson
Kildee	Murphy (CT)	Sires
Kilpatrick (MI)	Murphy (NY)	Skelton
Kilroy	Murphy, Patrick	Slaughter
Kind	Murphy, Tim	Smith (NE)
King (IA)	Murtha	Smith (NJ)
King (NY)	Nadler (NY)	Smith (TX)
Kingston	Napolitano	Smith (WA)
Kirk	Neal (MA)	Snyder
Kirkpatrick (AZ)	Neugebauer	Souder
Kissell	Nunes	Space
Klein (FL)	Nye	Speier
Kline (MN)	Oberstar	Spratt
Kosmas	Obey	Stearns
Kratovil	Olson	Stupak
Kucinich	Oliver	Sullivan
Lance	Ortiz	Sutton
Langevin	Pallone	Tauscher
Larsen (WA)	Pascarella	Taylor
Larson (CT)	Pastor (AZ)	Teague
Latham	Paulsen	Terry
LaTourette	Payne	Thompson (CA)
Latta	Pence	Thompson (MS)
Lee (CA)	Perlmutter	Thompson (PA)
Lee (NY)	Perriello	Thornberry
Levin	Peters	Tiahrt
Lewis (CA)	Peterson	Tiberi
Lewis (GA)	Petri	Tierney
Linder	Pingree (ME)	Titus
Lipinski	Pitts	Tonko
LoBiondo	Platts	Towns
Loeb	Poe (TX)	Tsongas
Lofgren, Zoe	Polis (CO)	Turner
Lowe	Pomeroy	Upton
Lucas	Posey	Van Hollen
Luetkemeyer	Price (GA)	Velázquez
Lujan	Price (NC)	Visclosky
Lummis	Putnam	Walden
Lungren, Daniel	Quigley	Walz
E.	Rahall	Wamp
Lynch	Rangel	Wasserman
Mack	Rehberg	Schultz
Maffei	Reichert	Waters
Maloney	Reyes	Watson
Manzullo	Richardson	Watt
Marchant	Rodriguez	Waxman
Markey (CO)	Roe (TN)	Weiner
Markey (MA)	Rogers (AL)	Welch
Marshall	Rogers (KY)	Westmoreland
Massa	Rogers (MI)	Wexler
Matheson	Rohrabacher	Whitfield
Matsui	Rooney	Whitford
McCarthy (CA)	Ros-Lehtinen	Wilson (OH)
McCarthy (NY)	Roskam	Wilson (SC)
McClintock	Ross	Wittman
McCollum	Rothman (NJ)	Wolf
McCotter	Roybal-Allard	Woolsey
McDermott	Royce	Wu
McGovern	Ruppersberger	Yarmuth
McHenry	Rush	Young (AK)
McHugh	Ryan (OH)	Young (FL)

NOT VOTING—13

Buyer	Myrick	Schauer
Himes	Paul	Schwartz
Johnson (IL)	Radanovich	Stark
Lamborn	Sánchez, Linda	Tanner
McCauley	T.	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining until the end of this vote.

□ 1204

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, due to illness, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

MAY 13, 2009

Rollcall vote 246, on agreeing to the resolution—H. Res. 427, providing for consideration of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act—I would have voted “nay.”

Rollcall vote 247, on motion to suspend the rules and agree—H. Con. Res. 84, Supporting the goals and objectives of a National Military Appreciation Month—I would have voted “yea.”

Rollcall vote 248, on motion to suspend the rules and pass—H.R. 2162, Herbert A Littleton Postal Station—I would have voted “yea.”

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2187 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

The SPEAKER pro tempore. Pursuant to House Resolution 427 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2187.

□ 1205

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LOEBSACK), who has been a driving force behind this legislation and one of the original cosponsors of this legislation.

Mr. LOEBSACK. Mr. Chairman, I am very happy to have had the opportunity to work on the 21st Century Green High-Performing School Facilities Act with Mr. CHANDLER, Chairman MILLER and, especially, subcommittee Chairman KILDEE.

Last year, when we considered a similar version of this legislation, I had the great opportunity to include many of the provisions of my Public School Repair and Renovation Act and the GREEN School Improvement Act into the underlying bill, and I am glad that the bill that we introduced this year also contains those provisions.

I am especially proud of this bill's focus on the importance of greening schools. Many schools in my district and across the State and, indeed, across the country have already begun to go green. For example, the Cardinal Community School District has a wind-powered classroom that I visited that saves energy and gives students hands-on experience in an emerging industry.

The Cedar Rapids Community School District is also making large strides towards more energy-efficient facilities. Kennedy High School, Taft Middle School, Harding Middle School, Jefferson High School, and Washington High School are all looking at geothermal systems.

The Elizabeth Tate High School in Iowa City has also taken several important strides towards greening their facilities and have specifically focused on the benefits of natural lighting for their students with disabilities. Other schools in my district that are going green include Evans Middle School, Willowwind School, and Van Allen Elementary School, and I visited almost all of those.

These schools all know that even while they struggle to find funding for their projects, their school modernization efforts will lead to increased health, learning ability, and productivity.

I truly believe the Federal Government should help provide schools in Iowa and across the country with seed money, and that's what this is, seed money, to leverage local dollars, to modernize, repair, and renovate.

I am proud that this legislation does just that, and I urge my colleagues to support it.

Mr. MCKEON. Mr. Chairman, I yield such time as he may consume to the subcommittee ranking member, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank you very much, Mr. MCKEON, for the time.

Mr. Chairman, let me just talk about the positives about this for a moment.

We all believe in school construction. We all believe that our children should be able to attend the best school facilities we can possibly provide, and I happen to believe in the green energy aspect as well. I give Mr. LOEBSACK credit. I give Mr. MILLER credit for that.

But there is another factor here that I think we need to consider before we go forward with legislation such as this, and this is where we are financially in this country today. I had an amendment, which was not approved by the Rules Committee. There was another amendment, also not approved by the Rules Committee, and mine would have dealt with funding title I fully. That's to help the lower, the schools with lower-income students in it.

We now fund that at \$13.9 billion, I think, and the authorization is \$25 billion. This has been underfunded forever under the previous Democratic Congress, under the Republican Congress, and now under the Democratic Congress again. So we simply have not lived up to our promise to these schools to bring in money to help with their education.

The same thing is true of IDEA, the Individuals with Disabilities Education Act. And, yes, we have increased that somewhat. As a percentage, we are supposed to be up to 40 percent. I don't think we have reached quite the halfway point yet with respect to that. And, again, that has crossed a lot of Congresses, a lot of Presidents, and we can point fingers at one another. There are Members on both sides who tried to help with that, many good Democrats and many good Republicans, but the bottom line is we have not funded those programs adequately.

Obviously low-income schools and children with disabilities need all the help they can possibly get, and yet we are starting a new program today, and I believe the authorization is something like \$40 billion or something of that nature in this. We won't live up to that. We won't be able to live up to it. So this is good headlining, The Public Government to Help with Schools.

School construction has been the responsibility of local school districts and, of course, the surrounding properties that may pay the taxes for that and the States. I know in my State the State has stepped up and is a big part of school construction. That's vitally important. We try to keep our schools up with local taxpayers' dollars.

The Federal Government has assigned roles dealing with certain things that we already do that we are not really living up to as fully as we should, try as we might. My judgment is, if we start this program, you are going to see an increase in requests for school construction that is going to blow everything out of the water, probably a tripling and a quadrupling in a year, if I had to guess. All kinds of schools that believe they are okay now

are going to find, gee, there's Federal dollars to be had. We will put together a green energy program, make an application for it, and you are going to see the demand triple and quadruple in a period of a year or so, in my belief.

So I think we need to consider seriously what we are doing. Again, we are all for this. I can't imagine anyone who would be opposed to it conceptually. But can we afford to add another education program that's going to be underfunded?

And that says nothing about the overall deficit of our country. We have seen reports in the last day or two that this deficit is the highest that we have ever had.

This administration has indicated it's more than willing to spend money, but how are we going to get the revenues to offset that? And now we are going to add a new program that we simply, unfortunately, cannot afford at this time.

So for all these reasons, I would hope that we would think carefully before we would advance this legislation, a good cause but unaffordable at this time for this country.

Mr. GEORGE MILLER of California. At this time, I would like to yield 3 minutes to the subcommittee Chair, Mr. KILDEE, who is the original sponsor of this legislation.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the 21st Century Green High-Performing School Facilities Act.

I was very pleased to join Congressman CHANDLER, the chief sponsor of this bill, my committee chairman, Chairman MILLER, and Congressman LOEBSACK, an effective and creative member of the Education and Labor Committee, to cosponsor this bill.

This legislation will bring critically needed resources to schools around the country, to provide students and teachers with safe, healthy, modern energy-efficient and environmentally friendly learning spaces. And it would help our local, State, and national economies by creating jobs for thousands of workers to build these improvements.

Mr. Chairman, some years ago in Flint, Michigan, my hometown, a judge ordered a jail to be torn down because it was unfit for human occupation, yet many local educators at that time told me that that jail was in better shape than some of the schools in which they work hard every day.

Last Congress, we passed this bill out of the House with strong bipartisan support. I am confident that we will do the same today, and I look forward to working with my colleague to see it become law.

Mr. MCKEON. Mr. Chair, I rise in opposition to H.R. 2187 and yield myself such time as I may consume.

Mr. Chair, there is a trend here that troubles me. Over the past few months,

the Federal Government has stepped in to take control of more and more industries in America. So far these have included the banking industry, the auto industry, and the credit industry. And there is talk of the Federal Government becoming even more involved in other areas, too. These include the health care industry and possibly the student loan industry.

Today we are considering H.R. 2187, the 21st Century Green High-Performing School Facilities Act. This is a bill that would get the Federal Government involved in yet one more industry, school construction.

□ 1215

Little by little, the Federal Government is becoming more involved in people's lives than ever before—and that's just the start of this bill's concerns.

First, there's the cost. Based on the Congressional Budget Office estimates, it's predicted that this bill will cost taxpayers \$40 billion—and that's just the start. And \$40 billion may not seem like much in these days of multibillion-dollar bailouts and trillion-dollar Federal budgets, but all of this new spending pushes our country further and further into debt.

This week, the Obama administration estimated that the United States has a deficit of \$1.84 trillion this year alone. When I came to Congress, the whole budget 16 years ago was \$1.4 trillion. This year, the deficit alone will exceed that.

The national debt is now about \$11 trillion—and growing. We could update it during the course of this debate because it's growing by the minute—and thanks to bills like this one.

We need to get the Federal budget under control. If we don't, the children we're trying to help today will spend the rest of their lives paying off our debts and deficits—instead of paying for their own dreams and destinies.

But this bill has other costs that go far beyond the balance sheet, if passed. This bill could divert important funding from the title I program for disadvantaged students and for those programs under the Individuals with Disabilities Education Act, or IDEA.

This is a serious blow, especially after the Obama administration's budget failed to increase support for these programs. In fact, under the administration's budget, IDEA is flat-funded, keeping the Federal share of excess costs at just 17 percent.

And, worse still, the title I basic grant is actually cut by \$1.5 billion. The administration is redirecting those funds elsewhere, leaving 1,038 school districts—those that receive funds only under the basic grant—with less money next year than they have this year.

Republicans think we should meet our existing commitments to these two vital programs and maintain the Fed-

eral focus on programs that improve student achievement. States and local communities—not Federal bureaucrats—have the primary responsibility to set public policy over education. Federal law should reflect that.

And here's another cost problem. Like other Federal construction projects, this new program carries the burden of Davis-Bacon wage mandates from the Depression era. Davis-Bacon has been shown to drive up the cost of school construction projects between 22 percent and 26 percent when compared to similar projects completed under market conditions. That's money that could otherwise go toward putting additional teachers in the classrooms.

The Labor Department's own Inspector General has found these wage requirements to be flawed. They short-change either taxpayers, workers—or both.

That's not all. These wage mandates create regulatory hurdles that make it hard for smaller contractors, many owned by minorities and women, to win Federal contracts.

Mr. Chair, I cannot support this bill. I know that my friend and colleagues across the aisle are sincere in their efforts to improve the schools, as I am. I know there's a need for school construction and renovation. I also know that this must continue to be dealt with at the State and local level, where more than \$144 billion has been spent to build, repair, and renovate schools just over the last 7 years.

This bill creates more problems than it solves. It costs too much, it borrows too much, and it controls too much. That troubles me and, I hope, other Members in this Chamber. I urge a "no" vote on this bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the original author of this legislation, who has been pushing school construction legislation for a number of years, the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Thank you, Mr. Chairman. I am very proud to be here today to urge passage of the 21st Century Green High-Performing Public School Facilities Act, which authorizes \$6.4 billion to help renovate and modernize our schools.

This bill, in my view, is a home run. It will give much needed money to our schools' struggle with huge budget deficits and deteriorating facilities while encouraging energy efficiency and creating jobs for Americans that cannot be shipped overseas.

I'd like to thank Chairman MILLER, subcommittee Chairman KILDEE, Mr. LOEBACK, and all of our cosponsors and committee members for their work on this legislation.

Mr. Chairman, we have the mightiest military in the world. We enjoy some of the most comprehensive freedoms and we have some of the world's best

and brightest students who possess unlimited potential.

But today, many of our children are learning in crowded classrooms with lead and asbestos, falling plaster, broken windows, outdated technology, and crumbling infrastructure.

Where children learn has a large impact on what they learn. The U.S. Department of Education tells us that modern, functional school facilities are critical for effective student learning.

In 1995, the GAO found that schools were in desperate need of repairs totaling \$112 billion. Over a decade later, we can be sure that the need is much, much greater.

Each day, we're competing on a global stage with countries like India and China that are pouring billions of dollars into educating their children. Investing in the education of our children at home is the key to staying in the game.

If we want to brighten the future of the next generation, we have to invest in our children. If we want to ensure America's competitiveness on the world stage, we have to invest in our children. If we want to create jobs, if we want to save energy, and if we want to support our most crucial economic resource, we have to invest in our children.

Today, I urge all of my colleagues to vote "yes" on this legislation. Our children cannot wait any longer.

Mr. McKEON. Mr. Chairman, I'm happy at this time to yield 3 minutes to a member of the committee, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I rise today in opposition to the legislation. School construction is being billed as something that can dramatically improve student performance and, while it will have an effect, I would guess it would impact the performance less than parental involvement, less than having a quality teacher, and less than having good textbooks and curricula.

Since arriving in Washington, all I've heard is that programs are dramatically underfunded, so I question why we would add a new program to fund that could divert more resources from these other programs.

I was personally educated in a two-room country school with no running water, no indoor plumbing. I think my parents placing a high value on education had far more to do with my success in the classroom than the condition of my school did.

In our debate yesterday before the Rules Committee, we were discussing the merits of Federal involvement in school construction. The point was made that State and local officials are being forced to cut back on school construction because they're required to balance their budgets, so we at the Federal level should start funding this construction to make up for their shortfalls.

At home, where I was a mayor, I had a very simple philosophy: Spend less than you take in. Here in Washington, we have a different philosophy: Borrow more than we take, then spend it.

At a time of record deficits, I believe the Federal Government should act more like our State and local officials, many of whom are setting priorities and trying to fund programs to get the most bang to their buck.

Some communities, like Johnson City, Tennessee, where I was mayor before coming to Washington, are investing their own resources in school construction. We were just able to fund \$50 million worth of improvements because we acted in a fiscally responsible manner balancing budgets—and we now have a surplus. Other communities have chosen to put off these needs while they weather this economic crisis.

I think it speaks volumes when communities collectively decide that other programs are more of a priority to student achievement than school construction, yet we at the Federal level are making just the opposite determination. It seems to me that if we want to do something that will really help students, we'd be better off with funding the IDEA and No Child Left Behind programs, which are proven to boost student achievement.

I appreciate what both sides are doing—and everyone wants to improve the education level. I urge a “no” vote on this legislation.

Mr. GEORGE MILLER of California. I yield 2 minutes to the subcommittee Chair of the Education and Labor Committee, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I'd like to thank my friend, the chairman, for yielding. I rise in support of the legislation.

This is really more than just a bill about modernization and repair of schools. It's a bill that helps address a number of the chronic and substantial problems that face our country. One is unemployment.

This bill will create jobs for workers who will go about the process of fixing these schools and repairing them. Second, the bill creates a model for the construction and renovation of facilities that will save energy, that will reduce our carbon footprint, reduce pollution, and make our country greener. Third, this bill will help local education agencies—schools—by freeing up dollars they would otherwise have to spend on repairs, making those dollars available for the programs that educate the young people who attend those schools.

This is a bill that is not simply about the very desirable work of installing insulation or energy efficient windows or green technology. It's really about addressing in an important way our unemployment problem, our energy problem, and our education indication prob-

lem, and we are giving students a better environment in which to learn.

I'm hopeful that this legislation will provide a benchmark against which future efforts can be measured. It makes great sense. It's something that should achieve support on both sides of the aisle.

I would urge a “yes” vote.

Mr. McKEON. Mr. Chairman, I'm happy at this time to yield such time as he may consume to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. McKEON. I would like to build a new extension on my house, Mr. Chair. I'd like to have a lot of things, but cannot afford it. All of us as individual Americans in our private life and business life live within our means.

As the gentleman from Tennessee said so eloquently, our local and State governments must operate within balanced budget requirements. They must live within their means. They don't build facilities or operate programs that they cannot afford to pay for. And the Federal Government is at a pivotal moment in the history of this Nation.

This new leadership in Congress, the new liberal leadership here in the Congress, our new President has, as Mr. McKEON said so well, taken over and nationalized huge segments of the banking industry, the automobile industry, the insurance industry, the mortgage industry. And here today, this leadership has presented to the Congress, to the Nation, for the first time, the Federal Government is going to get into the school construction business.

At a time of record debt, at a time when the Nation must focus on its fundamental financial security, we are stepping into an area where the Federal Government has never really gone before.

The bill, section 1, reading from the bill, Mr. Chair, page 5, “Grants under this title shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need.” Absolutely noble purpose. But we cannot afford it.

Page 10, section 103, “Allowable uses of funds. A local education agency receiving a grant under this title shall use the grant for modernization, renovation, or repair of public school facilities.” And a long list—repairing, replacing, installing roofs, walls, plumbing systems, et cetera. This is a bottomless pit.

Ross Perot's famous phrase, “a giant sucking sound.” We're going to hear a giant sucking sound out of the United States Treasury paying for utterly endless repairs and construction of local school buildings while we could use this \$40 billion just in southeast Texas.

In 8 years, Medicare is exhausted. Let that sink in. In 96 months, the trustees of the Social Security and Medicare system just reported yesterday that

Medicare is exhausted, Mr. Chair—in 96 months.

This is an urgent, critical emergency. The United States of America needs to follow Dave Ramsey's advice and live on a little beans and rice. Focus on the fundamentals. This stuff isn't complicated.

□ 1230

We are in this magnificent Chamber surrounded by the greatest minds in the history of the civilized world. I look here at a portrait of my hero, Thomas Jefferson, and of George Mason. My hero, Mr. Jefferson, liked to say that if you apply core constitutional principles, the knot will always untie itself.

Here today Congress needs to focus on the fundamentals, keeping America on a path to financial security and solvency. It is not complicated. Let us follow Mr. Jefferson's wisdom, follow the Constitution and the separation of powers, and limit the Federal Government to those functions set out in the Constitution. At a time of critical financial emergency, when literally Medicare payments will stop in 96 months, let's focus on the fundamentals, America. Congress needs to quit spending money; no new taxes, no new debt, no new spending, and save our children from being buried in a mountain of debt that they cannot pay.

This is a noble purpose, but we cannot afford it, anymore than I can afford to build an extension on my house. I cannot borrow money to pay off borrowed money. That is what this bill, what this Congress, what this liberal leadership has been doing since January when we all got sworn in, spent more money in less time than any Congress in history.

I am not playing favorites. I voted against \$2.3 trillion of new spending under George Bush. I have already voted against \$1.6 trillion of new spending under this bunch. This cannot be sustained. We are living on borrowed money. These Treasury bonds are being bought by foreign investors and foreign national sovereign wealth funds that our kids are going to have to repay.

This isn't complicated. Let's get back to the fundamentals. As Mr. Jefferson said, the knot will always untie itself, if we will only follow the Constitution. There is nowhere in the Constitution that it is authorized for the Federal Government to get into the business of school construction. This will literally become a bottomless pit, Mr. Speaker.

I am, as every Member of Congress, as committed as anyone to making sure our local schools are well built and maintained and our kids have a safe environment that is a good place for them to get an education. But let that be done by the local and State governments who are best suited to do it, who know the needs better than

anyone else, and will pay as they go. And let us in Congress follow Dave Ramsey's advice and live on a little beans and rice and don't spend money we don't have, Mr. Speaker; and let's just stick with the fundamentals that these great men and women left for us, this great Nation, this great treasure, this great trust we all have.

Let's not destroy the financial solvency of this Nation by continuing to expand the power and scope of the Federal Government into areas it was never intended at a time of critical financial emergency, when a mere 96 months from now Medicare payments run out. We can do something about it, but it takes action today. It is something we can all do together as Americans to make sure our kids do not inherit a debt they cannot afford to repay.

I am proud to join my colleague Mr. McKEON and the Republican—excuse me, conservative members of the minority. I am going to try to avoid saying party labels. I think it is too important at a time of national emergency. We need to focus on no new debt, no new taxes, no new spending. I am going to quit saying Republican or Democrat. It is being fiscally conservative and responsible. I am proud to join the fiscally conservative and responsible members of the minority who are ready to lead this Nation back into solvency in opposing this utterly irresponsible liberal piece of legislation.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL), a great supporter of this legislation.

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act.

My friend from Texas, I think he is still my friend, my friend from Texas would have to admit that we already have a sucking sound and that is we have been sucked into waste after waste after waste, which is costing us a tremendous amount of money, and this is preventable in the 21st century. I want to thank Congressman CHANDLER for sponsoring this critical legislation, and Chairman MILLER, of course, for his leadership on the entire issue.

Most of the students in this country attend a school that was built over half a century ago; in my district it is even worse than that, complete with leaky roofs and faulty electric. You can't just shove this off to the side saying it is trivial and unimportant. This is outdated technology which is costing us millions, in fact billions, of dollars.

This legislation would provide the dollars and grants for fiscal year 2010 to local school districts so that they can make the repairs, provide the modernization, and green their facilities so that our kids can learn in safe, modern, well-equipped and environmentally friendly school facilities. Many of

these schools are not safe, and the States don't have the money, local communities don't have the money to make them safe. This is not acceptable to anybody, regardless of which side of the aisle you are on.

The legislation builds on the principles of the American Recovery and Reinvestment Act. It will create 100,000 new jobs in making these places safer, in making them more cost efficient.

Joe Zarra, the superintendent of the Nutley School System in my district, has launched an ambitious plan to green the town's elementary schools. He already started a couple of years ago, using cutting-edge technology to reduce both greenhouse gas emissions and the school district's utility bills. That is critical.

I agree with my friend from Texas that the health issue is a critical issue. The patient is in the emergency room, particularly with the numbers out today on Medicare and Medicaid. But this too is a very important issue.

H.R. 2187 will help school districts across the country undertake similar projects and ensure that our children learn in modern environments where they can truly reach their potential.

Mr. McKEON. Mr. Chairman, may I inquire as to how much time we have left.

The CHAIR. The gentleman has 12 minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 20½ minutes remaining.

Mr. McKEON. Maybe he could use up a little more of his time. I will reserve my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Oregon (Mr. WU), a member of the committee.

Mr. WU. Mr. Chairman, I rise in strong support of H.R. 2187 and the underlying legislation. I thank Representatives CHANDLER and LOEBSACK for introducing this bill. I especially appreciate Chairman MILLER working with me to add seismic retrofitting, more efficient storm water runoff systems and additional clean energy sources to the allowable uses of funds in this bill.

So many of our Nation's schools are in urgent need of upgrading. The funds in this bill will do more than help create safe schools. It will help our schools actually return money to our communities by saving energy and creating jobs.

I have firsthand knowledge of how creating safe and green schools can improve learning environments and student outcomes while saving money for taxpayers. In McMinnville, Oregon, the newly built Sue Buel Elementary School, which I had the pleasure of visiting in February, a building built in 1929, was replaced by a new school which was the first school in the State of Oregon to earn a gold LEED certification. The school was built with low-

chemical-emitting materials, an energy-efficient heating and ventilating system, and 96 rooftop solar panels that return over 19,000 watts of power back to the local electricity grid.

Perhaps the most exciting thing about visiting Buel Elementary was seeing how engaged the students, many of whom are on free and reduced lunch, how engaged those students are in their school and in learning about their environment. The school itself creates a sense of pride in the students and keeps them excited about learning.

This bill will help ensure that our children have a safe and healthy learning environment, with the added benefit of creating jobs during these difficult economic times.

Mr. GEORGE MILLER of California. Mr. Chairman, I now yield 2 minutes to the gentleman from New York (Mr. TONKO), a member of the committee.

Mr. TONKO. Mr. Chairman, I rise today in support of H.R. 2187, which would provide school districts that serve low-income communities with much-needed money for green school modernization, renovation and repair projects. I particularly want to thank Chairman MILLER, Subcommittee Chair KILDEE, and our sponsors that have introduced the legislation, both Mr. CHANDLER and Mr. LOEBSACK, for their outstanding support here on behalf of our students across the country.

These new funds will allow schools to make badly needed repairs to their buildings at a time when State governments are cutting back on education aid. This will help schools to not only become more energy efficient, but also, importantly, more healthy.

Thirty-two million children in our country attend schools which are reportedly having environment problems with their facilities that affect students' health and their learning. These funds will allow our schools to make their buildings healthier by allowing them to reduce greenhouse gas pollution, to mitigate indoor air quality problems, address mold infestations, replace old furnaces and pollution-emitting equipment, and deal with water contamination problems, amongst a host of other things.

Healthy and high-performance schools reduce indoor environmental hazards and are indeed energy efficient. I was proud to have worked with the New York State Energy Research and Development Authority to develop New York State's high-performance school guidelines, some of the best in the country; and I am pleased that this bill now will provide States with funds to develop similar measures.

Every child deserves a safe, clean and healthy environment in which to learn, and this bill is a major step in achieving that goal.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Chairman, I thank the chairman of the committee for his leadership on this issue.

As we all know, schools are hampered in carrying out the mission that they have because of constrained operating budgets and aging infrastructure and ever-increasing energy bills.

In 2005, I introduced the School Building Enhancement Act after learning that energy bills were the second highest expenditure of schools after personnel costs, and I am pleased to say that that legislation has been incorporated in this bill before us today.

The bill will provide \$6.4 billion for school construction. For New Jersey that means an estimated \$125 million to build and modernize local schools. Most importantly, of course, it will allow States to provide the technical assistance to local educational agencies, local schools, to develop energy-efficiency plans and look at their carbon footprint.

So I want to thank Chairman MILLER and Representative LOEBSACK for carrying this bill forward. There is no question that the economic downturn has put added pressure on our schools from a year ago when we considered similar legislation.

I am also pleased that the chairman has included my language to allow veteran-owned businesses to have contracting preference, along with small, minority and women-owned businesses.

This is a good bill. I encourage my colleagues to support the bill.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate the gentleman yielding.

Mr. Chairman, I rise today in strong support of H.R. 2187, the 21st Century Green High-Performing Public Schools Facility Act and commend Representative CHANDLER as well as the Chair of the full committee, Mr. MILLER, and Subcommittee Chair KILDEE, for their wonderful work on this measure in ensuring that our students have the most healthy and environmentally friendly schools possible.

Particularly I am most pleased that language is included in this measure that requires the use of American-made iron, steel and manufactured goods. Last year, similar language was included in the legislation as well.

Last year in April the Congressional Steel Caucus held hearings on imported steel and their substandard nature in many instances relative to safety. If we are going to be using steel-related products for schools, we ought to ensure that those schools are safe. This measure does that.

In addition to ensuring American-quality steel is used to make sure that those students have a safe and healthy environment, it provides a second critical stimulus, and that is to help maintain and create jobs in the domestic

steel industry that is losing them at an alarming rate. Last week, steel production across this country was at 42 percent, compared to 91 percent just a year ago.

If school construction projects provided under this act are to be truly safe for our children, the steel used should be made in America. If it is to be beneficial to the American economy to create jobs, the steel we use in this bill should be made in America. Again, I particularly thank the Chair and Chair of the subcommittee for their endeavor to make sure this provision was included.

□ 1245

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy and leadership of Chairman MILLER and the committee, following up on the good work you did earlier, to make sure that we do have schools of the future.

The schools are the foundation, the building block of a livable community, and green schools are the schools of the future. It is where America and the world is going in terms of being sustainable, efficient, and healthier.

But green schools are also the schools of today. This is an opportunity under this legislation, the 21st Century Green High-Performing Public School Facilities Act, to be able to illustrate our environmental values, that young people who are in school will be able to see through the operation of this legislation that we are going to walk the talk, we are going to implement our values.

The provisions of this legislation will save money almost immediately because there is lots of low-hanging fruit. Indeed, in schools across the country in terms of green sustainable practices, it is not low-hanging fruit; it is picking the fruit up off the ground that will save energy, that will save water, that will be gentler on the land. It will put people to work. This is activity that is amazingly labor intensive. There are few investments that we can make greening our schools that will make more of a difference for people of all skill levels, whether they are casual laborers, they are skilled efforts, they are professional positions, to be able to make a difference.

In the State of Oregon alone, it is 62 badly needed million dollars that is not only going to circulate through the economy, but it is going to do things that school districts need and it is going to save them money for years to come.

I appreciate the fact that the bill includes how young people get to school as part of energy efficiency. A generation ago in virtually every school district in America, more than 50 percent of our children got to school on their

own, walking or riding a bike. Today the national average is 15 percent. I work in some communities where it is far less than that.

By investing in ways to make young people be able to get to school safely on a bike or walking, we are going to reduce the carbon footprint while we make their footprint a little lighter. We are dealing with an epidemic of childhood obesity, and these provisions cycle back to make young people healthier.

This legislation will make the schools of today the schools of the future, and it will do it in the very near future. I am pleased to support it. I thank the committee for its work. The implementation of this legislation is going to make our community schools truly the building block of livable communities and make our families safer, healthier, and more economically secure.

Mr. GEORGE MILLER of California. I yield 2 minutes to Mr. AL GREEN of Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I thank Chairman MILLER for his outstanding work in Congress and thank Mr. CHANDLER for sponsoring this piece of legislation.

Mr. Chairman, the cost of energy is increasing. This bill will help us by saving energy. It will help us in the years to come by reducing the amount of energy that we will use. Unemployment is at 8.9 percent. This bill will put people to work in a crucial and critical area, the area of construction, because the bill is all about construction and reconstruction of some of our facilities, and more, of course.

This bill is one that we all agree is needed. The need for it is undeniable. The question becomes, then, are we going to make our children a priority. That is really the question that I ask Members to consider. Will we make our children a priority?

Yes, there are times when we cannot afford to do things, but there are also times when we cannot afford not to do things. This is one of those things that we cannot afford not to do. And there are times when you have done everything that you can, you have not done enough. When you have done all that you can do, you have not done enough. On occasions when you have done all that you can do and you haven't done enough, you have a duty to do all that you can. This bill does all that we can do at this time to help this generation compete in the global economy.

I beg, I besiege, and I implore my colleagues to make our children a priority and support this bill.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

I have been listening to all of the comments that have been made, and there are good, sound arguments on both sides of this issue. Nobody, I think, says that we shouldn't have the

very, very best schools that we can send our children to. I think we talk about priorities and how we decide where the money comes from and how it should be done.

I have been here in Congress a little over 16 years, and I remember back in my first term a bill was proposed that was also very good. It was to put more cops on the street. I remember the mayor of Los Angeles calling me at the time and he said, If you'll vote for this and support it, just get it started, we'll carry it from then on.

I didn't vote for it. I didn't think that they would be able to carry it on, and that is what has happened. That bill was passed. It did good things, put more cops on the street, but the final where we are now is we have put more and more money into that each year. The Federal Government has become more and more involved in local law enforcement, and now we are to the point where we have even eliminated the local match. We have totally taken over the cops on the street, and the Federal Government now has increased year by year, and I can see this program doing the same thing.

I served for 9 years on a local school board and we always were looking for ways to get more money to cover our needs. There were always more needs than money available. I know we had problems with our long-term maintenance and we had to make some sacrifices. We had to make some adjustments so we could spend money for some long-term investment to build up our roofs on the schools so we wouldn't have them collapsing or the rain wouldn't be coming through.

And I know how people think. I know how human nature is, and I know, if I were still on that school board and this bill were passed and it became law, that I would be, you know, probably looking to the Federal Government to meet those needs and then using the local moneys for other things and turning more and more over to the Federal Government. That's just human nature. As I said, there were always more needs than money.

And so I see this program starting out at \$40 billion and, as it grows over the years, ultimately taking that total responsibility off of the local school boards and looking to the Federal Government for all school construction, all school improvements. And even though it is a good thing, I think, by virtue of the Constitution and tradition, that is a local problem, not a Federal responsibility.

And the money all comes from the taxpayers. When it comes to the Federal Government, it seems like, at least in California, we send about 12 percent of the money here and 10 percent finds its way back. It would be better if we tried to keep our expenses down here, tried to cut spending, tried to get back within our means of how we live.

Some things have been said about how we really should be building better schools. I agree with that, but I don't think it is totally necessary when we think of Mr. ROE, Dr. ROE, who said he went to a two-room schoolhouse and seemed to get a good education. He is a physician. I think back to President Lincoln, who was taught by candlelight with a Bible how to read by his mother and had just a couple of years of formal education. I think we would all agree that Mr. Lincoln turned out all right.

So I think when we say that there is no way to educate our children unless we pump \$40 billion more from the Federal Government into this program, that is the way to make it happen.

I have to say, as I said earlier, this bill costs too much, borrows too much, and controls too much. I urge my colleagues to oppose this bill.

I yield back the balance of my time. Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, and Members of the House, the 21st Century Green High-Performing Public School Facilities Act is exactly what the Federal Government should be doing.

We have seen now over the last year, and in some cases a little longer, and for the foreseeable future, that the tax resources of local school districts, cities, and counties have plummeted because of the foreclosure crisis that confronts this Nation and because of the financial scandals and the financial collapse of our institutions across this Nation. We have seen that credit is not available. The school districts that have voted for bonds have had difficulty in getting those bonds to market so that they can engage in the construction. And we see, in fact, the backlog of repairs to schools, renovations, modernizations of schools and school facilities is starting to lag.

We also know and we understand that for the foreseeable future, unemployment will continue to go up in this country, at a diminished rate, but we still know half a million people a month are losing their jobs. Auto sales are down because American families are trying to save more because of the recession, the depression we are in. They are trying to take care of their needs, so school districts are denied those resources as are States.

So what the Federal Government is doing in this time of emergency is trying to say that we will join with you in a partnership based upon the priorities of locally elected school boards, of superintendents of schools, for the repair and restoration of schools that are so necessary in so many areas of this country. If a school board or if a school district doesn't need the money, they need not take it. We hope that they wouldn't because maybe it can go to another school district that might need it more. But the fact of the matter is,

these repairs and restorations, and if we use green technology and use the guidelines of the green standards, not only can repair and restore these schools, they can make them much more efficient in the use of energy and the use of water and the use of natural daylight so students will have a better learning environment and better opportunities at learning.

Yes, the data is pretty darn clear that in those kinds of facilities students do have a better opportunity in learning the material that is presented to them in that environment than they do in an old and run-down facility that is crumbling and bathrooms that are not safe and can't be used and windows that are not replaced.

Yes, that may not sound like the local school district that some of you represent, but it sounds like a lot of the local school districts that a lot of us represent, and those school districts are doing all that they can. People are voting for bond issues and paying higher taxes, but the fact of the matter is they don't have sufficient resources to do that. That does not mean that we should just sentence those kids to a second-class education, to deny them educational opportunities, because when we do that, we then spill over into the national interest of this country, and that is to make sure that every child receives a first-class education, that every child at the end of 12 years has the opportunity to choose a career or schools or schools and a career in whatever combination, but they are prepared to do that.

And we know from all of the surveys that it is far more difficult for young children to learn in dilapidated, ill-repaired, badly restored schools when they are trying to get down the basics of their education.

So this is a Federal partnership. In some cases, local government joins with private sector money to repair and restore schools and provide new technologies. We want to join in part of that. You can say this is the Federal taking over the role. It is not taking over any role. This is insignificant compared to the efforts being made by local governments. We are simply saying we think this can be catalytic in terms of getting some of these projects done at this particular time and for the foreseeable future so that we can ensure our students have an opportunity to do that.

□ 1300

I want to thank the foresight of Mr. KILDEE, not only the subcommittee Chair, but the author of this legislation, Mr. CHANDLER, Mr. LOEBACK, who worked with local districts, who worked with local schools, who looked at examples of what had been done to make a more efficient use of those local dollars, of Federal dollars, of education dollars, to bring that together

and try to build high-performing schools.

We want to make the same decisions for these schools that so many in the private sector are making about their renovation, the renewal, the repair of commercial facilities, of facilities throughout our communities where the real estate industry is saving billions of dollars by greening those buildings, where we're saving energy, where we're saving water—in States like California, those two things are very important—and providing a safe environment for children. That's why we should pass this legislation.

H.R. 2187 requires local educational agencies to ensure a full and open competition for qualified bidders. We expect that process to maximize the number of qualified bidders to include local, small, minority-owned, women-owned, and veteran-owned contractors, and to do so without diminishing or precluding the local educational agencies' ability to seek out responsible contractors by, for example, requiring contractors to participate in bona fide apprenticeship training programs and to demonstrate other legitimate responsibility and qualification standards. Such requirements can be used to ensure high-quality work and successful project delivery as well as foster good training and employment opportunities in local communities.

I would like to yield such time as she may consume to the gentlewoman from Nevada, a member of the committee and a strong supporter of this legislation (Ms. TITUS).

Ms. TITUS. Thank you very much, Chairman MILLER, for your hard work on this legislation. I certainly am supportive of it. I want to add some provisions to it that will be brought forward in an amendment later.

As an educator myself, I believe that it is important that we have safe and healthy schools because only in those environments can children learn better, and certainly that is all our goal.

I am pleased to be supportive of this.

Mr. MATHESON. Mr. Chairman, I rise in support of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, which will help modernize many of our nation's schools.

I would like to thank my colleague from Kentucky—BEN CHANDLER—for his sponsorship of this legislation. I believe it will help to ensure that our children can learn in healthier, more cost effective, and more energy-efficient schools.

An investment in education and educational facilities is critical. As the father of two young boys, I want to know that they will receive a quality education in a safe school building. Too many of our nation's schools are outdated, and some are even unsafe.

I would also like to thank Chairman MILLER for including my amendment to this bill in the manager's amendment. My amendment will allow schools to prioritize projects that eliminate asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, or other known carcinogens.

Extensive research has shown that children and teachers perform better in "green"

schools. Our children already encounter many challenges, and we should do everything we can to provide a safe and healthy learning environment for them.

Mr. AL GREEN of Texas. Mr. Chair, I spoke on the floor earlier today in support of H.R. 2187: The 21st Century Green High-Performing Public School Facilities Act and the amendment that I cosponsored with Mr. BRIGHT (AL), Ms. KOSMAS (FL) and Mr. CUELLAR (TX).

Because my time on the floor was limited, I was unable to explain my reasons for supporting this legislation in detail. Since this legislation will have a profound and positive impact on school districts and school children in my district, I would like to take this opportunity to cover the details regarding its merits.

Our schools should be safe and healthy learning environments for our children. H.R. 2187 gives us a chance to upgrade our school buildings and boost student achievement while creating good local jobs in new, clean energy industries.

In particular, this bill provides \$6.4 billion in Federal funds for school modernization projects that will make schools safer, more energy-efficient, and up-to-date technologically. According to estimates from the House Education and Labor Committee, Texas schools will receive approximately \$605 million and school districts in my congressional district, TX-09, would receive approximately \$66 million in total. Houston Independent School District (HISD) is estimated to receive \$54,109,000; Alief ISD will receive \$8,482,000; Fort Bend ISD will receive \$3,262,000; and Stafford MSD will receive \$155,000. Title II of this bill also authorizes separate funds—\$600 million over 6 years—for schools that were damaged or destroyed by Hurricanes Katrina and Rita in 2005. Schools in Louisiana, Mississippi, and Alabama trying to recover from the devastation caused by these two hurricanes would be eligible to apply for funding under this section.

In addition, since this funding does not extend to schools impacted by Hurricane Ike in 2008, I am cosponsoring an amendment along with Representatives BOBBY BRIGHT, SUZANNE KOSMAS and HENRY CUELLAR that will set aside 5 percent of the \$6.4 billion (or about \$320 million) for schools impacted by, natural disasters other than Katrina and Rita and for schools experiencing significant economic distress. This amendment will allow schools in my district that were devastated or destroyed by Hurricane Ike in 2008 to be eligible to receive funding for new construction, modernization and repairs. For example, Houston Independent School District (HISD) had damages that cost \$30–\$60 million. In fact, while 14 of HISD's schools are designated as "shelters of last resort" by the City of Houston, none of HISD's facilities are designed to sustain winds in a storm above Category 2. To ensure safety in future natural disasters, facility upgrades are needed to shore up roofs and replace windows that can withstand Category 3+ winds. Generators are needed, as well, in the event of power outages. Federal funding is especially needed in light of the fact that 80 percent of students in HISD schools are economically disadvantaged. Additional reports indicate that over 40 buildings within the Alief

Independent School District (Alief ISD) experienced some level of damage from Hurricane Ike and eight facilities endured significant damage totaling \$5.8 million in costs.

All told, schools in my district and in districts across the Nation that have experienced natural disasters and significant economic distress will benefit from our amendment to this legislation. More importantly, it is the children and teachers in these adversely affected communities that will benefit the most once funding from this amendment is used to fix their schools.

Mr. Chairman, I urge all my colleagues to support this much-needed legislation.

Mr. DINGELL. Mr. Chair, I rise today in strong support of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act. I joined a cosponsor of this legislation because I believe our children are our greatest hope and their success determines the future success of our nation. To best prepare them for their future, we have a responsibility to provide them with the best education possible.

Today's legislation helps to further that goal by ensuring that our school districts have the funding they need to provide safe and healthy learning environments for our children. We know that America's schools are millions of dollars short of the funding needed to renovate and equip our schools for the 21st Century. H.R. 2187 would authorize \$6.4 billion for school facilities projects for fiscal year 2010, providing a down payment for work to modernize our schools, while at the same time greening our schools. This legislation also requires school improvement projects to meet green building standards, as well as provides funds to help schools to track the energy needs and use of their facilities. Under this bill, Michigan would receive over \$244 million for school facilities projects.

As father and a grandfather, nothing is more important to me than ensuring that the schools in the 15th and Michigan are safe and well-constructed. However, with state budgets in peril, many schools are struggling to maintain their payrolls, let alone make the improvements necessary to their schools. We know that green schools reduce pollution by using about 30 percent less water and energy than conventional schools. By providing funding for green building and renovation, we will help relieve some of the burden on the school budgets by helping our schools to save on energy expenses. This will result in savings that schools can dedicate to modernization, equipment, or reform.

At the same time we are improving the buildings our children and grandchildren learn in, we are also creating much needed new jobs. An estimate by the Economic Policy Institute finds that this legislation would support as many as 136,000 new green jobs. This will put some of the thousands of unemployed in Michigan back to work, while also teaching them new skills in the clean energy sector.

In the 110th Congress the House passed this legislation, but unfortunately it was not considered by the Senate before adjournment. As the school year comes to a close, I urge my colleagues in the Senate to consider this legislation quickly so that this summer school districts across the country can begin greening their schools.

Ms. JACKSON-LEE of Texas. Mr. Chair, I stand before you today in support of H.R. 2187, the "21st Century Green High-Performing Public School Facilities Act". It is important that our youth have quality educational facilities. I support this bill because it directs the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, which many of our schools around the country are in desperate need of.

The grants that this piece of legislation will not only structurally improve the learning facilities, but make them safe, healthy, high-performing, and equipped with up-to-date technology. Our children can have access to updated science and engineering laboratory facilities, libraries, and career and technical education facilities. Furthermore, when a local educational agency receives a grant they can use the money for structural purposes such as repairing, replacing, or installing roofs. As well as extensive, intensive or semi-intensive green roofs, electrical wiring, plumbing systems, sewage systems, lighting systems, or components of such systems, windows, or doors, including security doors.

The monies allotted to schools will also benefit the health of our students. As Chair of the Congressional Children's Caucus I am very concerned about the toxins that our children are exposed to in their own classrooms. The legislation can provide for the abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based paint hazards which we must remove from all of our buildings in America. They will be able to breathe better once heating, ventilation, and air conditioning systems are replaced resulting in better air quality.

Our students must be safe while at school. If there is an emergency, the schools must be prepared to handle it. Money from grants can also be used to bring public schools into compliance with fire, health, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies.

Finally, we need to think ahead to the future. Our nation needs to become aware of our wastefulness and make strides to become greener. Schools will be able to get a head start going green by making the necessary changes to reduce the consumption of coal, electricity, land, natural gas, oil, and/or water. In addition, schools can focus on energy efficiency and renewable energy by making improvements to building infrastructure to accommodate bicycle and pedestrian access, renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, systems or components of such systems, make them more energy efficient, reduce class size.

This is an important piece of legislation that I urge all of my colleagues to support. Support it for our nation's children and our nation's health.

Mr. FATTAH. Mr. Chair, noise is an environmental hazard similar to air, water, and ground pollution. Too much exposure to noise in an environment has a direct impact on the human body. Children, whose bodies and brains are

still developing, more so than adults, are adversely affected by noise. A student's ability to hear and understand speech in the classroom is vital for learning. Unfortunately, noisy classrooms reduce the ability to learn. Noisy classrooms occur when the background noise and/or the amount of reverberation in the classroom are so high that they interfere with learning and teaching. We know that when classrooms are noisy it affects speech understanding, reading and spelling ability, behavior in the classroom, attention, concentration, and academic achievement. Learning in an excessively noisy environment is similar to trying to read in poorly lit room or obstructed by steps while in a wheel chair.

Therefore, the American Speech-Language-Hearing Association (ASHA) recommends an appropriate acoustical environment for all students in educational settings. ASHA endorses ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools (ANSI S12.60-2002) as the national standards for classroom acoustics. It is well recognized that the acoustical environment in a classroom or other educational environment is a critical variable in the academic, psychoeducational, and psychosocial development of children with normal hearing as well as children with hearing loss and/or other disabilities (e.g., auditory processing disorders, learning disabilities, attention deficit disorders). Inappropriate levels of reverberation and/or noise can deleteriously affect speech perception, reading/spelling ability, classroom behavior, attention, concentration, and educational achievement. In addition to compromising student function, poor classroom acoustics may also negatively affect teacher performance and increase vocal pathologies and absenteeism. Thus, all educational settings have an incentive to develop acoustical conditions that meet national standards. For children with hearing loss and/or other disabilities, the acoustics of the proposed educational setting(s) should be considered and addressed during the determination of a child's educational needs and placement.

Acoustical factors in a classroom include: (1) the level of the background (ambient) noise in the room; (2) the relative intensity of the information carrying components of the speech signal to the non-information carrying signal or noise (i.e., signal-to-noise ratio [SNR]); and (3) the reverberant characteristics of the environment. To achieve appropriate acoustical conditions in an educational setting, ASHA recommends the following:

(1) Unoccupied classroom noise levels must not exceed 35 dBA.

(2) The signal-to-noise ratio (SNR) should be at least +15 dB at the child's ears.

Mrs. KIRKPATRICK of Arizona. Mr. Chair, I want to thank Chairman Miller for adopting my amendment in his Manager's amendment to the 21st Century Green High-Performing Public School Facilities Act. My proposal will double the funding available to improve tribal and outlying school infrastructure.

With this bill, we recognize that our children need a modern, well-maintained learning environment to get the education it takes to compete in the global economy. We have allowed far too many of the schools that serve our Native American communities to fall short of that

standard, and this is a great opportunity to get them on the right track.

My mother was a schoolteacher on tribal lands in eastern Arizona and my district is home to 11 tribes, so I have seen firsthand the challenges Indian Country's schools face. Less than half of Native American students graduate high school, and less than 14 percent get the college degree that is becoming more and more important to getting jobs in the 21st century. One in four Native Americans live in poverty, and our failure to provide educational resources they need is a major reason why.

We have been doing less and less for tribal education in recent years, letting funding for repairs and modernization decrease dramatically. As a result, there is a huge backlog of tribal schools and facilities that require major repairs or complete replacement. As long as we continue to allow funding levels for tribal school construction to fall, that number will keep growing.

It's time for us to do more, and this amendment is a great step in the right direction. By doubling the funding available for improving tribal school facilities, we will be putting our resources where they are needed most and can do the most good. This funding will go a long way towards addressing basic needs in my district and at schools across the Nation, helping ensure that kids living on tribal lands have the same opportunities as every other child in the country. I urge my colleagues to support it.

Mr. ETHERIDGE. Mr. Chair, I rise in strong support of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act. As the only former state schools chief serving in Congress, I know that one of the biggest challenges we face in North Carolina, and across the country, is the lack of adequate facilities for learning to take place. This bill will put the federal government in partnership with local school districts to improve our schools and make them safer, healthier, and more green places for our children. However, this bill is about more than building schools. In this time of economic crisis, our efforts should be focused on helping people in our communities. And this bill does that by focusing on three things: jobs, jobs, and jobs.

First, the bill will create jobs in our communities in the short term. School construction and modernization projects enabled by this legislation will put people to work in construction, renovation, and planning. Across the country, hundreds of projects are ready to go immediately if given the green light with funding, and that means employment in 30 or 60 or 90 days from the time this bill gets funded.

Second, the bill lays the foundation for the clean energy jobs we need in the future. The green building projects enabled by this legislation will provide a model for innovation in the future. We will put people to work improving energy efficiency and applying new sources of energy to our needs, creating high tech jobs and new industries that will apply American ingenuity and know-how. This will also reduce our dependence on foreign sources of energy.

Third, the bill invests in the next generation so that they are prepared for the jobs of the 21st Century. There really is no substitute for bricks and mortar when it comes to quality schools and to meeting the educational goals

of our communities. Funding in this bill will move our kids out of trailers, from facilities that put our children's health and safety at risk, into quality classrooms where they can focus on learning. And it will free up local funds to be used to improve classroom education.

This bill is about jobs today, jobs tomorrow, and jobs for the future. It addresses our most important priorities in unemployment, energy, and education. It is a good bill, and I urge my colleagues to join me in supporting it.

Mr. VAN HOLLEN. Mr. Chair, I rise today as a member of the Green Schools Caucus to strongly support the 21st Century Green High-Performing Public School Facilities Act.

Many of our nation's schools are in disrepair. The average American school is 50 years old and almost two-thirds need extensive modernization. According to the GAO, 14 million students attend schools considered below standard or dangerous. In my own district, thousands of students go to class in portable classrooms—trailers located outside the school buildings—because the schools can no longer accommodate the growing student population. But in a time of state budget deficits, fewer dollars are going to school construction projects.

Today's bill will assist local school districts with the initial costs of construction and modernization and, by investing in energy efficient technology, will result in significant long term savings. Building green costs about 2 percent more than conventional construction, but can save 20 times that amount over the life of the school.

Moreover, green school construction yields substantial environmental benefits. Green schools use on average 33 percent less energy and produce less carbon dioxide, nitrogen oxide, sulfur dioxide, and coarse particulate matter emissions.

With its investment in infrastructure, this bill provides an important economic stimulus. School districts have many projects ready to go. When this bill is passed, we will see additional jobs in the construction industry, including suppliers, architects, contractors, and engineers.

Mr. Chair, this legislation is a good, long-term investment. I urge my colleagues to pass this bill today and work to ensure that it is fully funded to improve education, reduce our energy consumption, and create jobs in local communities.

Ms. WATERS. Mr. Chair, I rise in strong support of H.R. 2187, the 21st Century Green High-Performing Schools Facilities Act. In addition to authorizing critical funding for school modernization, this bill also authorizes a specific funding stream of \$600 million over six years for public schools that were damaged by Hurricanes Katrina and Rita.

We know that these funds are critically needed. As Education Week reported, in the hours after Hurricane Katrina struck, more than 100 public schools in New Orleans were flooded. And the roughly two dozen schools that didn't flood suffered wind and rain damage.

Even though it has been nearly four years since the storm, many children continue to attend classes in temporary structures that are ill-suited to providing a 21st Century edu-

cation. In addition, 21 percent of schools remain closed.

The funds authorized in H.R. 2187 will help put an end to the legacy of damage left by Hurricanes Katrina and Rita. I urge my colleagues to support this legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “21st Century Green High-Performing Public School Facilities Act”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

Sec. 101. Purpose.

Sec. 102. Allocation of funds.

Sec. 103. Allowable uses of funds.

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

Sec. 201. Purpose.

Sec. 202. Allocation to local educational agencies.

Sec. 203. Allowable uses of funds.

TITLE III—GENERAL PROVISIONS

Sec. 301. Impermissible uses of funds.

Sec. 302. Supplement, not supplant.

Sec. 303. Prohibition regarding State aid.

Sec. 304. Maintenance of effort.

Sec. 305. Special rule on contracting.

Sec. 306. Use of American iron, steel, and manufactured goods.

Sec. 307. Labor standards.

Sec. 308. Charter schools.

Sec. 309. Green schools.

Sec. 310. Reporting.

Sec. 311. Authorization of appropriations.

Sec. 312. Special rules.

Sec. 313. YouthBuild programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term “Bureau-funded school” has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term “charter school” has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221).

(3) The term “CHPS Criteria” means the green building rating program developed by the Collaborative for High Performance Schools.

(4) The term “Energy Star” means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(5) The term “Green Globes” means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(6) The term “LEED Green Building Rating System” means the United States Green Build-

ing Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term “local educational agency”—

(A) has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), and shall also include the Recovery School District of Louisiana and the New Orleans Public Schools; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(8) The term “outlying area”—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) The term “public school facilities” means an existing public school facility, including a public charter school facility, or another existing facility planned for adaptive reuse as such a school facility.

(10) The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

SEC. 101. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

SEC. 102. ALLOCATION OF FUNDS.

(a) *RESERVATION.*—

(1) *IN GENERAL.*—From the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), the Secretary shall reserve 1 percent of such amount, consistent with the purpose described in section 101—

(A) to provide assistance to the outlying areas; and

(B) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) *USE OF RESERVED FUNDS.*—In each fiscal year, the amount reserved under paragraph (1) shall be divided between the uses described in subparagraphs (A) and (B) of such paragraph in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) in such fiscal year.

(b) *ALLOCATION TO STATES.*—

(1) *STATE-BY-STATE ALLOCATION.*—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) *STATE ADMINISTRATION.*—A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this title, which include—

(A) providing technical assistance to local educational agencies;

(B) developing an online, publicly searchable database that includes an inventory of public school facilities in the State, including for each, its design, condition, modernization, renovation and repair needs, usage, utilization, energy use, and carbon footprint; and

(C) creating voluntary guidelines for high-performing school buildings, including guidelines concerning the following:

(i) Site location, storm water management, outdoor surfaces, outdoor lighting, and transportation (location near public transit and easy access for pedestrians and bicycles).

(ii) Outdoor water systems, landscaping to minimize water use, including elimination of irrigation systems for landscaping, and indoor water use reduction.

(iii) Energy efficiency (including minimum and superior standards, such as for heating, ventilation, and air conditioning systems), use of alternative energy sources, commissioning, and training.

(iv) Use of durable, sustainable materials and waste reduction.

(v) Indoor environmental quality, such as day lighting in classrooms, lighting quality, indoor air quality, acoustics, and thermal comfort.

(vi) Operations and management, such as use of energy efficient equipment, indoor environmental management plan, maintenance plan, and pest management.

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(A) *IN GENERAL.*—From the amount allocated to a State under paragraph (1), each eligible local educational agency in the State shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under title I of that Act for such fiscal year shall receive a grant of less than \$5,000 in any fiscal year under this title.

(B) *ELIGIBLE LOCAL EDUCATIONAL AGENCY.*—For purposes of subparagraph (A), the term “eligible local educational agency” means a local educational agency that—

(i) meets the requirements of section 1112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.); and

(ii) conducts an independent audit by a third-party entity, and is certified by the State, substantiating the overall condition of the public school facilities and the need for modernization, renovation, or repair.

(4) *SPECIAL RULE.*—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph (1) or (3).

(c) SPECIAL RULES.—

(1) *DISTRIBUTIONS BY SECRETARY.*—The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 30 days after an appropriation of funds for this title is made.

(2) *DISTRIBUTIONS BY STATES.*—A State shall make and distribute the allocations described in subsection (b)(3) within 30 days of receiving such funds from the Secretary.

SEC. 103. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title shall use the grant for modernization, renovation, or repair of public school facilities, including, where applicable, early learning facilities—

(1) repairing, replacing, or installing roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, plumbing systems, sewage systems, storm water runoff systems, lighting systems, or components of such systems, windows, ceilings, flooring, or doors, including security doors;

(2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;

(3) bringing public schools into compliance with fire, health, seismic, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;

(4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(5) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;

(6) measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution;

(7) modernizations, renovations, or repairs necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(8) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;

(9) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

(10) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, woody biomass, waste-to-energy, and solar-thermal systems or components of such systems, and energy audits;

(11) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff;

(C) make them more energy efficient; or

(D) reduce class size; and

(12) required environmental remediation related to public school modernization, renovation, or repair described in paragraphs (1) through (11).

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

SEC. 201. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, repairing, or constructing public school facilities, including, where applicable, early learning facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

SEC. 202. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

(a) *IN GENERAL.*—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 311(b), the Secretary shall allocate to local educational agencies in Louisiana, Mississippi, and Alabama an amount equal to the infrastructure damage inflicted on public school facilities in each such district by Hurricane Katrina or Hurricane Rita in 2005 relative to the total of such infrastructure damage so inflicted in all such districts, combined.

(b) *DISTRIBUTION BY SECRETARY.*—The Secretary shall determine and distribute the allocations described in subsection (a) not later than 60 days after an appropriation of funds for this title is made.

SEC. 203. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title shall use the grant for one or more of the activities described in section 103,

except that an agency receiving a grant under this title also may use the grant for the construction of new public school facilities.

TITLE III—GENERAL PROVISIONS

SEC. 301. IMPERMISSIBLE USES OF FUNDS.

No funds received under this Act may be used for—

(1) payment of maintenance costs;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

SEC. 302. SUPPLEMENT, NOT SUPPLANT.

A local educational agency receiving a grant under this Act shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, repair, and construction of public school facilities.

SEC. 303. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 304. MAINTENANCE OF EFFORT.

(a) *IN GENERAL.*—A local educational agency may receive a grant under this Act for any fiscal year only if either the combined fiscal effort per student or the aggregate expenditures of the agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(b) *REDUCTION IN CASE OF FAILURE TO MEET MAINTENANCE OF EFFORT REQUIREMENT.*—

(1) *IN GENERAL.*—The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) *SPECIAL RULE.*—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) *WAIVER.*—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 305. SPECIAL RULE ON CONTRACTING.

Each local educational agency receiving a grant under this Act shall ensure that, if the agency carries out modernization, renovation, repair, or construction through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

SEC. 306. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) *IN GENERAL.*—None of the funds appropriated or otherwise made available by this Act may be used for a project for the modernization, renovation, repair or construction of a public school facility unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) **PUBLICATION OF JUSTIFICATION.**—If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification of the determination.

(d) **CONSTRUCTION.**—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 307. LABOR STANDARDS.

The grant programs under this Act are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

SEC. 308. CHARTER SCHOOLS.

A local educational agency receiving an allocation under this Act shall distribute an amount of that allocation to charter schools within its jurisdiction. The total amount to be distributed under the preceding sentence shall be determined based on the percentage of students eligible under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in the schools of the agency who are enrolled in charter schools. Of such total, individual charter schools shall receive a share based on the needs of the schools, as determined by the agency in consultation with the charter school community. Funds shall be used only for allowable activities in accordance with this Act.

SEC. 309. GREEN SCHOOLS.

(a) **IN GENERAL.**—In a given fiscal year, a local educational agency shall use not less than the applicable percentage (described in subsection (b)) of funds received under this Act for public school modernization, renovation, repairs, or construction that are certified, verified, or consistent with any applicable provisions of—

- (1) the LEED Green Building Rating System;
- (2) Energy Star;
- (3) the CHPS Criteria;
- (4) Green Globes; or
- (5) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency, which shall include a verifiable method to demonstrate compliance with such program.

(b) **APPLICABLE PERCENTAGES.**—The applicable percentage described in subsection (a) is—

- (1) in fiscal year 2010, 50 percent;
- (2) in fiscal year 2011, 60 percent;
- (3) in fiscal year 2012, 70 percent;
- (4) in fiscal year 2013, 80 percent;
- (5) in fiscal year 2014, 90 percent; and
- (6) in fiscal year 2015, 100 percent.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and local educational agencies concerning the best practices in school modernization, renovation, repair, and construction, including those related to student academic achievement, student and staff health, energy efficiency, and environmental protection.

SEC. 310. REPORTING.

(a) **REPORTS BY LOCAL EDUCATIONAL AGENCIES.**—Local educational agencies receiving a grant under this Act shall annually compile a

report describing the projects for which such funds were used, including—

(1) the number of public schools in the agency, including the number of charter schools, and for each, in the aggregate, the number of students from low-income families;

(2) the total amount of funds received by the local educational agency under this Act and the amount of such funds expended, including the amount expended for modernization, renovation, repair, or construction of charter schools;

(3) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(4) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(5) for each project—

(A) the cost;

(B) the standard described in section 309(a) with which the use of the funds complied or, if the use of funds did not comply with a standard described in section 309(a), the reason such funds were not able to be used in compliance with such standards and the agency's efforts to use such funds in an environmentally sound manner;

(C) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost-effective; and

(D) any demonstrable or expected benefits as a result of the project (such as energy savings, improved indoor environmental quality, improved climate for teaching and learning, etc.); and

(6) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

(b) **AVAILABILITY OF REPORTS.**—A local educational agency shall—

(1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and

(2) make the report described in subsection (a) publicly available, including on the agency's website.

(c) **REPORTS BY SECRETARY.**—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and make available on the Department of Education's website, a report on grants made under this Act, including the information described in subsection (b)(1), the types of modernization, renovation, repair, and construction funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

(a) **TITLE I.**—To carry out title I, there are authorized to be appropriated \$6,400,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015.

(b) **TITLE II.**—To carry out title II, there are authorized to be appropriated \$100,000,000 for each of fiscal years 2010 through 2015.

SEC. 312. SPECIAL RULES.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

SEC. 313. YOUTHBUILD PROGRAMS.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for participants in a YouthBuild program (as defined in section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a)) to gain employment experience on modernization, renovation, repair, and construction projects funded under this Act.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–106. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–106.

Mr. GEORGE MILLER of California. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

In the table of contents in section 1(b) of the bill, after the item relating to section 103, insert the following:

Sec. 104. Priority projects.

In section 102(a)(1), strike “1 percent” and insert “2 percent”.

In section 103, in the matter preceding paragraph (1), strike “facilities—” and insert “facilities, including—”.

In section 103(1), insert “water supply and” after “wiring.”

In section 103(1), insert “building envelope,” after “such systems.”

After section 103, insert the following:

SEC. 104. PRIORITY PROJECTS.

In selecting a project under section 103, a local educational agency may give priority to projects involving the abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen.

Strike section 308 and insert the following:

SEC. 308. CHARTER SCHOOLS.

(a) **IN GENERAL.**—A local educational agency receiving an allocation under this Act shall reserve an amount of that allocation for charter schools within its jurisdiction for modernization, renovation, repair, and construction of charter school facilities.

(b) **DETERMINATION OF RESERVED AMOUNT.**—The amount to be reserved by a local educational agency under subsection (a) shall be

determined based on the combined percentage of students eligible under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in the schools of the agency who—

(1) are enrolled in charter schools; and
(2) the local educational agency, in consultation with the authorized public chartering agency, expects to be enrolled, during the year with respect to which the reservation is made, in charter schools that are scheduled to commence operation during such year.

(c) **SCHOOL SHARE.**—Individual charter schools shall receive a share of the amount reserved under subsection (a) based on the need of each school for modernization, renovation, repair, or construction, as determined by the local educational agency in consultation with charter school administrators.

(d) **EXCESS FUNDS.**—After the consultation described in subsection (c), if the local educational agency determines that the amount of funds reserved under subsection (a) exceeds the modernization, renovation, repair, and construction needs of charter schools within the local educational agency's jurisdiction, the agency may use the excess funds for other public school facility modernization, renovation, repair, or construction consistent with this Act and is not required to carry over such funds to the following fiscal year for use for charter schools.

The CHAIR. Pursuant to House Resolution 427, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, Members of the House, as has been stated earlier in this debate, this is a very important piece of legislation that is geared to improve the condition of school buildings all across the country, and it does so while promoting energy efficiency through green buildings and creating jobs to help stimulate our economy.

I have a manager's amendment which I believe further improves the bill by providing equitable treatment of charter schools while ensuring that the school district can put all of its funds to good use; by allowing schools to give priority to projects designed to remove hazardous material like asbestos and carcinogens; by setting aside more funds for tribal and outlying areas; and finally, allowing funds to be used for water supply and building envelopes. I think these are valuable changes. I want to thank Representatives POLIS, MATHESON, KIRKPATRICK and PINGREE for their insights and leadership on these changes.

Mr. Chairman, critics of this legislation have argued that it intrudes on the traditional role and responsibility of the States. But this is not about Federal versus State and local control of school construction and repair. It is about meeting the urgent needs that will help revamp this Nation's schools, improve student learning and global competitiveness, lower the costs for schools and taxpayers, and help us cre-

ate jobs. I urge support of the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the time in opposition to this amendment, and I yield myself such time as I may consume.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Chairman, I object to this amendment for several reasons. It adds additional uses of funds, project priorities, and funding allocations.

While none of these on its own is particularly objectionable, on the whole we are making the bill more complex and deviating even further from what the Federal Government ought to be doing in education, and that's focusing on academics. But the most troubling element of this amendment is its unfair treatment of charter schools.

During our committee's markup of this bill, we endorsed, on a fully bipartisan basis, an amendment from the gentleman from Colorado, Representative POLIS. His amendment ensured fair treatment for charter schools under this program. After all, if we are providing facilities funding for public schools, we ought to be providing it equitably for all public schools, and that includes charter schools.

Charter schools are public schools created by teachers, parents, and other members of the community to educate students and stimulate reform in the public school system. As public schools, they must serve students from all backgrounds and educational abilities. Unfortunately, the amendment we are debating weakens the equal protections for charter schools that were inserted on a bipartisan basis during our committee's vote.

The amendment empowers local school districts—some of them notoriously hostile towards charter schools—to determine what their charter schools' facilities needs are. If the district determines that a charter has no facilities needs, the money specifically set aside for charter schools reverts back to the local district.

We know that charter schools are desperately in need of facilities funding. On average, public charter school funding falls short of traditional public school funding by 22 percent. A primary cause of this inequity is that charter schools lack access to local and capital funding primarily due to the fact that charter schools cannot issue bonds to pay for school construction.

Charter schools drive innovation and reform. They have been championed by President Obama and Education Secretary Duncan. They were protected in this legislation by an amendment offered by a Member of the majority. This amendment undermines the bipartisan support for charter schools by putting their fair access to funds under this program in jeopardy.

I strongly urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, the manager's amendment I would hope would pass. The discussion about what was the Polis amendment in the committee to make sure that charter schools got a fair share of this money in fact remains intact. The problem with that amendment in the committee was that new charter schools would have in fact been precluded from having access to that money since they weren't in existence and the amendment originally spoke to those charter schools in existence.

As with the original amendment, this will be done in consultation with the school board. If there isn't a demonstrated need among the charter schools, the money goes back into the pot for the use of the schools. That's, in fact, how it was done in the original amendment. Mr. POLIS, as the author of that amendment, has agreed to this change to make sure that we include all charter schools at that time. I urge passage of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

This amendment will make it more difficult for charter schools, which, remember, are public schools held to higher standards for student academic achievement, to receive facilities funding under this bill. If taxpayers are being asked to renovate and repair public schools, at a minimum, we need to ensure fair treatment for all public schools.

I urge my colleagues to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time and I ask for an "aye" vote.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. McKEON

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-106.

Mr. McKEON. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. McKEON: Amend section 102(b)(3)(B)(i) to read as follows:

(i) meets the requirements for—

(I) a local educational agency plan under section 1112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(a));

(II) public school choice under section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(1)(E));

(III) transportation funding for public school choice under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9));

(IV) supplemental educational services funding under section 1116(b)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(10));

(V) supplemental educational services under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e));

(VI) private school participation under section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881); and

(VII) armed forces recruiter access under section 9528 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908); and

The CHAIR. Pursuant to the rule, the gentleman from California (Mr. McKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

There is a lot of talk about accountability in education, but what does that word really mean? At the Federal level, I think it means accountability to taxpayers to get what they're paying for.

We give tens of billions of dollars to States and school districts each year; with this bill, we are going to give them \$40 billion more. But what are we getting in return? Federal elementary and secondary education policy places a few simple, but critical, requirements on schools in exchange for billions in taxpayer dollars. Schools have to assess student achievement and report to parents on how they're performing. In schools where children are being left behind, we require that they be given access to free tutoring or the right to transfer to a better performing public school.

We require equitable participation for private schools, recognizing that programs like title I, IDEA, and others were meant to benefit all students and teachers, not just those in the public school system.

In high school, we require schools to give military recruiters the same access given to colleges and career recruiters. And we call on schools to provide our Armed Forces with basic contact information for students, with the option for parents to opt out, so that students have a chance to learn about all options available for their future.

In exchange for billions in taxpayer dollars, I don't think it's too much to ask for schools to comply with these requirements. A bipartisan majority of Congress agreed when we reauthorized the elementary and secondary education programs in 2001 with the No Child Left Behind Act.

My amendment simply repeats the requirements already in place under the law if schools wish to tap into the additional \$40 billion to renovate or build new facilities. It's about accountability to taxpayers.

I hope the majority will accept this amendment; and they may by arguing that every State and every school is already complying with the law. I wish that were true, but it's not. For example, according to data from the U.S. Department of Education, within the last year we have seen violations in the State of Illinois—from Chicago to Cicero to Aurora East—where districts are not offering the public school choice or free tutoring required under the law. We have seen similar violations in Mississippi, Oregon, New Mexico, and Colorado.

We also know there are school districts that openly flaunt their refusal to provide basic information and equal access to America's military, even though it is a requirement under the law. Representative DUNCAN HUNTER recognized this problem, and he has introduced legislation to tighten the requirements under NCLB to ensure fair treatment of our military and fair access to information by students. But in the meantime, Congress needs to send a signal to schools that we're serious about accountability, we're serious about ensuring they comply with these basic requests—free tutoring, public school transfers, fair treatment of private schools, and access for military recruiters—in exchange for the billions we funnel their way each year.

I urge my colleagues to join me in supporting this amendment. It protects taxpayers, and even more importantly, it protects students.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. Mr. Chairman, I rise to support this amendment.

We accept this amendment. It is really saying that if you take money under this program, you have to follow the standards that Congress has already adopted for ESEA. It is a logical amendment. We have debated these things before. We decided that these things were valid under ESEA and, therefore, to accept money under this program, you would have to abide by those same standards under ESEA. Therefore, I would urge my colleagues to accept this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

I want to thank the gentleman, Mr. KILDEE, for his support of the amendment. I think it makes the bill better. And I also ask all of our colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

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Mr. KILDEE. I will yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I rise today in support of both this amendment as well as Chairman MILLER's amendment to the 21st Century Green High-Performing Public School Facilities Act.

I would like to thank Chairman MILLER and Congressman KILDEE and their staff for crafting Mr. MILLER's amendment that will ensure that all public schools, regardless of their governance structure, including public charter schools, get their fair share of the funding available under this act to modernize and green our schools.

Unfortunately sometimes districts have complex and difficult relationships with some of the different public charter schools or other jurisdictional entities under their mandate.

I've experienced such problems firsthand and know how necessary it is to address this challenge.

This amendment requires school districts to reserve funding for the public charter schools under their jurisdiction. It's equal to those schools' aggregate share of the district's student population for low-income families.

This commonsense amendment clarifies the rules for the fair treatment of public charter schools and will go a long way towards avoiding litigation and in-fighting and promoting cooperation between all public schools to serve all children.

Mr. KILDEE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McKEON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. TITUS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-106.

Ms. TITUS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. TITUS:

After section 313, insert the following:

SEC. 314. ADVISORY COUNCIL ON GREEN, HIGH-PERFORMING SCHOOLS.

(a) ESTABLISHMENT OF ADVISORY COUNCIL.—The Secretary shall establish an advisory council to be known as the "Advisory Council on Green, High-Performing Schools" (in this section referred to as the "Advisory Council") which shall be composed of—

(1) appropriate officials from the Department of Education;

(2) representatives of the academic, architectural, business, education, engineering, environmental, labor and scientific communities; and

(3) such other representatives as the Secretary deems appropriate.

(b) DUTIES OF ADVISORY COUNCIL.—

(1) ADVISORY DUTIES.—The Advisory Council shall advise the Secretary on the impact of green, high-performing schools, on—

(A) teaching and learning;
 (B) health;
 (C) energy costs;
 (D) environmental impact; and
 (E) other areas that the Secretary and the Advisory Council deem appropriate.

(2) OTHER DUTIES.—The Advisory Council shall assist the Secretary in—

(A) making recommendations on Federal policies to increase the number of green, high-performing schools;

(B) identifying Federal policies that are barriers to helping States and local educational agencies make schools green and high-performing;

(C) providing technical assistance and outreach to States and local educational agencies under section 309(c); and

(D) providing the Secretary such other assistance as the Secretary deems appropriate.

(c) CONSULTATION.—In carrying out its duties under subsection (b), the Advisory Council shall consult with the Chair of the Council on Environmental Quality and the heads of appropriate Federal agencies, including the Secretary of Commerce, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Administrator of the General Services Administration (through the Office of Federal High-Performance Green Buildings).

In the table of contents in section 1(b), after the item relating to section 313, insert the following:

Sec. 314. Advisory Council on Green, High-Performing Schools.

The CHAIR. Pursuant to House Resolution 427, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I yield myself as much time as I may consume.

This amendment, which I am offering with my friend and colleague from Colorado (Ms. MARKEY), will establish an advisory council to the Secretary of Education on green high-performing schools. The council will advise the Secretary on the impact of green high-performing schools on several outcomes, including teaching and learning, health effects, energy costs, and environmental impacts. The council will also work with the Secretary to identify Federal policies that are barriers to helping States to make schools green and high performing, and it will recommend Federal policies to increase the number of such schools. Additionally, the council will provide technical assistance to States and school districts.

The 21st Century High-Performing Public School Facilities Act is an important bill that will provide our students with a healthy, safe learning environment, will create jobs, and will provide environmental responsibility. At the same time, it is moving us closer to the clean energy economy of the future.

Our amendment will provide the Secretary with the tools he needs to ensure the opportunities outlined in this

important bill are available to as many schools as possible. It will also ensure that the upgrades made to school facilities meet the highest standards of quality and that the Secretary is always getting feedback about how to improve the program.

I'd like to thank Chairman MILLER and Messrs. CHANDLER, KILDEE and LOEBSACK for their hard work on this bill.

I reserve the balance of my time.

Mr. McKEON. Mr. Chair, I rise to claim time in opposition to this amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. I yield myself as much time as I may consume.

Mr. Chair, creating an advisory council to the Secretary of Education on green high-performing schools makes the government even bigger than it already is. Such a council would expand the Federal Government's role in school construction to unprecedented levels.

The Federal Government is big enough, thank you very much. Creating a new council dedicated to this purpose will only serve to expand and cement Federal interference in how school facilities are maintained.

The council also would help determine a key concept in successful education policy. The States and the local districts take the lead. The Federal Government offers limited but helpful support.

For these reasons, I oppose this amendment and urge my colleagues to vote "no."

I reserve the balance of my time.

Ms. TITUS. Mr. Chairman, I would yield 2 minutes to the gentlelady from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Chairman, I rise today in strong support of H.R. 2187 and to speak on behalf of my amendment with my colleague Ms. TITUS of Nevada.

The 21st Century Green High-Performing Public School Facilities Act is important and necessary legislation that will improve the learning environment for our children, reduce energy costs and create new jobs across the country.

Green schools not only save school districts money but also teach the importance of sustainable living to children at a young age.

I know that schools in my own district of Colorado have been forced to make tough decisions in today's economy.

The Poudre school district in my hometown of Fort Collins, Colorado, has seen firsthand the benefits of green schools. In 2007 the district received 19 ENERGY STAR awards from EPA and Department of Energy. I am proud to say that Kinard Junior High is the most energy-efficient school in Colorado.

Over the past 15 years, the school district has saved nearly \$2 million through its energy conservation efforts and has seen improved performance and attendance for students who attend these healthier schools.

This amendment would create an advisory council for the Secretary of Education to evaluate the benefits of these greener schools and identify the roadblocks schools face in achieving these benefits.

On the eastern plains of Colorado, we also have several schools that have incorporated wind power into their energy systems and educational curriculum. These schools have installed wind turbines to minimize their energy costs and to teach students about renewable energy firsthand.

One of the biggest hurdles the district faces is the lack of technical assistance in becoming more energy efficient.

I am pleased that the bill and this amendment specifically provide technical assistance to school districts, and I look forward to modernizing Colorado schools with the help of this legislation.

I thank Chairman MILLER and Congressman CHANDLER for their leadership on this bill and Congresswoman TITUS for her efforts on this amendment.

I urge my colleagues to vote yes on the bill and the amendment.

Mr. McKEON. Mr. Chair, I yield myself the balance of the time.

You know, as I listen to some of this debate, it's like by the Federal Government providing money for the local government, it's free to the local people.

The Federal Government only gets the money from two places, taxing and borrowing, and it all comes eventually from the same people across the country.

I think that the Federal Government has been steadily consuming more taxpayer dollars and slowly taking control—actually not slowly, it's been quite rapidly in the last few months—over what used to be State or local decisions. Adding an advisory council for green schools does not help. In fact, it makes the problems worse.

Once again, I urge a no vote to help keep Federal growth under control.

I yield back the balance of my time.

Ms. TITUS. Mr. Chairman, I would urge just urge my colleagues to vote in favor of this because we see this council as a facilitator that will help with coordination, efficiency, best practices and accountability.

I again thank Chairman MILLER, Mr. KILDEE, Mr. CHANDLER and Mr. LOEBSACK.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Nevada (Ms. TITUS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. TITUS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. ROE OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-106.

Mr. ROE of Tennessee. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROE of Tennessee:

After section 313, insert the following:

SEC. 314. EVALUATION.

(a) EVALUATION.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Institute of Educational Sciences of the Department of Education to evaluate the impact of projects funded under this Act on student academic achievement, including a comparison of students attending public schools receiving funding under this Act with students attending public schools that are not receiving such funding.

(2) RESEARCH DESIGN; DISSEMINATION.—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation described in paragraph (1) is conducted using the strongest possible research design for determining the effectiveness of the projects funded under this Act; and

(B) disseminate information on the impact of the projects in increasing the academic achievement of students.

(b) REPORT.—Not later than 1 year after the final year for which a grant is made under this Act, the Secretary shall submit to the Committee on Appropriations, and the Committee on Education and Labor, of the House of Representatives, and the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions, of the Senate, a report on the results of the evaluation described in subsection (a).

(c) PUBLIC AVAILABILITY.—Following the submission of the report under subsection (b), all reports and underlying data gathered pursuant to this section shall be made available, in a timely manner, to the public upon request.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit the disclosure of any personally identifiable information regarding a student, except to the parents of the student.

(e) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for a fiscal year shall not exceed 0.5 percent of the total amount appropriated to carry out this Act for such fiscal year.

In the table of contents in section 1(b), after the item relating to section 313, insert the following:

Sec. 314. Evaluation.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Tennessee (Mr. ROE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. I yield myself as much time as I may consume.

Mr. Chairman, the amendment is simple, straightforward and hopefully noncontroversial. It adds a bit of accountability to this legislation by requiring the Institute of Education Sciences within the Department of Education to study the impact the Federal school construction dollars have on the institutions that are receiving the funds.

I know proponents of this legislation will say that school construction does impact performance, and they may be correct. I am skeptical of the claim. So I am asking for the opportunity to study the effects of school construction on student performance.

This amendment would require the institute to issue a report a year after the schools have issued construction funding and report the impact the funding has. I am hopeful that such a report could provide valuable insights into the best use of taxpayer dollars.

I know Mr. CUELLAR wanted to be here today to speak in favor. It's nice to have bipartisan support for accountability.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. Mr. Chairman, this amendment calls for the Department of Education's Institute of Education Sciences to study the impact of projects funded by this bill on student achievement.

Student achievement is one of the benefits of this bill. It will also bring health, economic, energy and environmental benefits. I believe it is clear that students learn better when they are in better facilities, but I certainly have no objection to a regular study of the issue.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I urge adoption of my amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. ROE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KILDEE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. ELLSWORTH

Mr. ELLSWORTH. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ELLSWORTH:

In section 309, redesignate subsection (c) as subsection (d).

In section 309, insert after subsection (b) the following:

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber as ascertained through the forest inventory and analysis program of the Forest Service of the Department of Agriculture under the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) for public school modernization, renovation, repairs, or construction.

In section 310(a)(5)(C)(ii), insert "and renewable" after "sustainable".

The CHAIR. Pursuant to House Resolution 427, the gentleman from Indiana (Mr. ELLSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. ELLSWORTH. Mr. Chairman, I yield myself as much time as I may consume.

I would like to thank the bill's sponsors, Congressman CHANDLER, Chairman MILLER and the members of the Education and Labor Committee for their hard work to help provide students with modern facilities that will help them succeed.

My amendment seeks to clarify that nothing in the underlying bill shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber for public school modernization, renovation, repairs or construction.

Our Nation's hardwood lumber producers are careful stewards of a valuable resource, and their efforts make domestic hardwood lumber abundant and sustainable.

These producers are small family landowners and business, and their small size has made it difficult to be certified by green building programs.

Because of this, domestic hardwood lumber is not currently listed as a preferred material by programs such as LEED or Green Globes, although hardwood producers are working to correct the situation.

H.R. 2187 wisely offers educational agencies with some flexibility in choosing a green building certification program. And as these programs adopt new provisions and account for new advances in environmentally friendly building, my amendment clarifies for local education officials that domestic hardwood lumber is not prohibited for use in this construction.

It is my hope that green building certification programs will soon recognize the environmental value of sustainable use of domestic hardwood lumber.

In the meantime, I urge my colleagues to make sure this resource remains available to our school facilities.

Again, I'd like to thank Congressman CHANDLER, Chairman MILLER and of all

my colleagues for their hard work on this bill.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim time in opposition, although I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. I yield myself as much time as I may consume.

Mr. Chairman, this amendment would allow school districts to use sustainable domestic hardwood for projects approved under this program and would require districts to report when they have used renewable resources.

Schools should be able to use the products that work best for their projects, and domestic hardwood should be no exception.

While I am supporting the amendment, I do not believe an additional reporting requirement is necessary. The underlying bill already has several reporting requirements, and we're debating an amendment for an additional GAO report later today as well.

Each report adds costs to the district and the government, which means that is less money for the actual project.

I support knowing what our Federal dollars are being used for, but I do not think we need a mandate to report for every step in the process.

I yield back the balance of my time.

Mr. ELLSWORTH. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. ELLSWORTH).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ELLSWORTH. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

□ 1330

AMENDMENT NO. 6 OFFERED BY MR. McKEON

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-106.

Mr. McKEON. As the designee of Mr. FLAKE, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. McKEON: In section 311, add at the end the following:

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated under this section may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The CHAIR. Pursuant to House Resolution 427, the gentleman from California (Mr. McKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Mr. Chairman, this amendment will prevent any funds appropriated under this act from being targeted to congressional earmarks.

This is a commonsense amendment that surely we can all agree on. Members should not see this program as a new pot of money for earmark projects in their district.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. We have no objection to this amendment on this bill, Mr. Chairman, and I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, this is a commonsense amendment that ensures our Federal dollars are not authorizing pet projects for our colleagues. I appreciate the gentleman from Arizona's offering it, and I urge its support.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McKEON).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. GIFFORDS

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-106.

Ms. GIFFORDS. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. GIFFORDS: In the table of contents in section 1(b) of the bill, add at the end the following:

Sec. 314. Education regarding projects.

At the end of the bill, add the following:

SEC. 314. EDUCATION REGARDING PROJECTS.

A local educational agency receiving funds under this Act may encourage schools at which projects are undertaken with such funds to educate students about the project, including, as appropriate, the functioning of the project and its environmental, energy, sustainability, and other benefits.

The CHAIR. Pursuant to House Resolution 427, the gentlewoman from Arizona (Ms. GIFFORDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Ms. GIFFORDS. Mr. Chair, I yield myself 2½ minutes.

First I would like to thank Chairman MILLER for his work to bring this important legislation back to the floor of this Congress. I appreciate his willingness to work with me and my cosponsor, Representative CLEAVER, on this amendment.

Second, I would like to extend a special thank you to my colleague STEVE

ISRAEL from New York. Representative ISRAEL has done a lot of excellent work on green schools and green education, and he has contributed substantially to the quality of this amendment. I am indebted and grateful to him for his work.

Greening our society represents both a tremendous opportunity and an urgent imperative. For the sake of our economy, our national security, the environment, our public health, we must make the transition to greener technologies without delay.

The bill before us recognizes the importance of making this transition in our Nation's schools. This legislation will facilitate the adoption of green technologies in the buildings where our children spend their days learning. This will reduce the environmental footprint and improve the learning environment of schools across the Nation.

But more than that, green projects represent a significant opportunity to enhance our students' education. The purpose of this amendment is to capitalize on this opportunity. The amendment would encourage schools receiving funds to educate their students about the projects that they have undertaken. This includes both how the projects function as well as the environmental, energy, and sustainability benefits. Adding an educational component to these projects will serve two important goals:

First, it will provide an opportunity to teach students about how to use our natural resources in terms of the way it affects the world around us economically, environmentally, and even geopolitically. Second, it will expose students to new technologies and show them how they can solve problems through creativity and innovation. We live in an increasingly technological world; we must take every opportunity to inspire our kids and equip them with the skills that they're going to need for 21st-century problems.

I know firsthand from the experience of schools in my own district the value of green technologies and school building and curriculum. Schools like Civano Elementary and Empire High are reaping the benefits of exposing their students to solar power and other green technologies. This amendment would encourage others to follow their lead.

Mr. Chair, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, while there's debate on whether funding

school construction is a proper role of the Federal Government, it's difficult to argue that any such program should not contain an educational component. I commend the gentlewoman for her amendment, and I would support that amendment and ask my colleagues to support that amendment.

Mr. Chairman, we are moving along a little quicker than we thought, and that's why Mr. FLAKE wasn't able to get here for his amendment, but he has arrived, and at this time I yield him such time as he may consume.

Mr. FLAKE. I appreciate the gentleman for yielding. I appreciate that he offered the amendment on my behalf and that it was accepted.

The prior amendment is simply to ensure that the programs done here are not earmarked later. Now, we've had that problem in prior bills. People say, well, this isn't set up for earmarks. This is going to be distributed, this money, in a merit-based way. But then a few years later, that account from which the money is drawn is completely earmarked, and those schools, in this case, or other groups who apply for the money can no longer get access to it because it's completely earmarked. So I think that this is an important amendment, and I appreciate the ranking minority member offering it on my behalf and the majority for accepting it.

Mr. McKEON. Mr. Chairman, I urge support of the gentlewoman's amendment, and I yield back the balance of my time.

Ms. GIFFORDS. Mr. Chairman, I yield 2 minutes to my colleague from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Chairman, there is perhaps no need for me to use the 2 minutes since there's no opposition. I would like to commend my colleague from Arizona for the vision of submitting this amendment.

Mr. Chairman, the truth of the matter is that 20 percent, 20 percent, of Americans go to school each day, not unlike the pages who are here in Washington, who go to school every single day. And when you consider that 20 percent of the population is in school, if we take advantage of the fact that they are in school to teach them why and how we are greening America by beginning to green their schools, it cannot help but build an America, our Nation, in a manner that will utilize to the best of the ability of its people the resources we have.

So I commend the gentlewoman from Arizona. I also appreciate the support for this amendment from the other side.

Ms. GIFFORDS. Mr. Chairman, I yield myself the balance of my time.

The 21st Century Green High-Performing Public School Facilities Act addresses critical infrastructure needs in our Nation's schools. Let us ensure that it addresses critical educational needs as well.

I urge my colleagues to adopt this amendment and once again thank Chairman MILLER for his leadership on this legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. GIFFORDS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Arizona will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. REICHERT

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-106.

Mr. REICHERT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. REICHERT:

In section 103(3), before the semicolon at the end, insert the following: "and installing or upgrading technology to ensure that schools are able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters".

The CHAIR. Pursuant to House Resolution 427, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, today we are considering legislation to improve the condition of our elementary and secondary schools. I can think of nothing more fundamental to creating an optimal learning environment for our children than ensuring that our schools are safe, secure places for them to learn and grow. Safety is an integral part to fostering a positive learning environment. Students can learn best and teachers can teach best when they don't feel endangered or threatened. Parents also deserve the peace of mind knowing that their children will be safe when they drop them off at school in the mornings.

The rise in school violence in recent years highlights the need for improvements in school safety measures. While the bill provides funds for bringing schools into compliance with fire and health safety codes, the bill does not currently provide funding to help ensure that schools are prepared for other emergencies like, unfortunately, school shootings.

My amendment is simple. It permits funds to be used for upgrading or installing technology to ensure schools are prepared and able to respond to emergencies like campus violence, acts of terrorism, and natural disasters. It is essential that we equip our schools

with the tools needed to protect our teachers, our students, and school administrators during times of crisis and violence.

You know, it's sad that we come to understand the need for these funds to be spent on these heartbreaking tragedies like those at Virginia Tech and Columbine, where so many innocent lives were lost and families were torn apart by the loss of a son or daughter, husband or wife. And as a former cop of 33 years, I can stand here today and tell you that communication during emergencies is so critical. They're needed to bring everybody together to communicate to make sure that everyone involved in a tragedy, in an emergency, is safe.

For example, during the Columbine tragedy, first responders knew that students were trapped in the library with the shooters. However, they didn't know where the library was located; so they didn't know where to go. Twelve students and one teacher lost their lives that day while 21 more students were injured.

Incident planning and mapping systems, "school mapping," as it's more commonly known, and notification and alert systems are essential. Cameras and other Web-based emergency preparedness and crisis management systems exist today to improve school security and prevent future tragedies from occurring by enabling schools to prepare for the unthinkable. My amendment would provide the funds so that schools are able to provide the highest level of protection to their students and their teachers.

In my home State of Washington, a tragedy was successfully avoided at Lewis and Clark High School in Spokane, Washington, using these types of safety measures. In September of 2003, a school shooting at Lewis and Clark High School was successfully resolved without loss of life. A student fired a gun in a classroom, and thanks to the system that they put in place at that school, they were able to respond quickly, know where the rooms were, know where the shooter was, know where the incident was taking place, and evacuate students, 2,000 students, by the way, and resolve this crisis with no injuries and no deaths.

Emergencies come in many forms. We have a responsibility to ensure that our schools are equipped with all the tools necessary to prevent and effectively respond to all emergencies. In addition to building modern schools with minimal environmental impact, we should build schools for the 21st century with technology and modern equipment that create safe environments for teaching and encouraging learning.

Mr. Chairman, this amendment is simple, it's straightforward, and it will ultimately improve school safety and protect our children. It's been endorsed

by the National Sheriffs Association, and I urge my colleagues to support this commonsense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I rise to claim time in opposition to the amendment, although I will not oppose it.

The CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. Mr. REICHERT and I have done this similarly before.

I think a few months ago, I accepted one of your amendments.

I believe this is a good amendment that will contribute to our children's and their teachers' safety, and I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REICHERT. Mr. Chairman, I wish to thank the chairman for his support of this amendment and also the previous amendment I presented last Congress, which goes to reduce class size. So I appreciate the support on both amendments.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

□ 1345

AMENDMENT NO. 9 OFFERED BY MR. MAFFEI

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-106.

Mr. MAFFEI. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. MAFFEI:

In the table of contents in section 1(b) of the bill, add at the end the following:

Sec. 314. Job Corps.

Sec. 315. Junior and community college students.

At the end of the bill, add the following:

SEC. 314. JOB CORPS.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for individuals enrolled in the Job Corps program carried out under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.) to gain employment experience on modernization, renovation, repair, and construction projects funded under this Act.

SEC. 315. JUNIOR AND COMMUNITY COLLEGE STUDENTS.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for individuals enrolled in a junior or community college (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1088(f))) certificate or degree program relating to projects described in section 309(a) to gain employment experience working on such projects funded under this Act.

The CHAIR. Pursuant to House Resolution 427, the gentleman from New York (Mr. MAFFEI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MAFFEI. Mr. Chairman, I yield myself as much time as I would consume.

Mr. Chairman, this is a very simple amendment that would require the Secretary of Education, in consultation with the Secretary of Labor, to work with funding recipients to promote opportunities for individuals enrolled in Job Corps to gain employment experience on modernization, repair, and construction projects funded under this act.

The amendment would also require the Secretary of Education, in consultation with the Secretary of Labor, to work with recipients of funds to promote appropriate opportunities for individuals enrolled in a junior or community college. This is, I think, a pretty noncontroversial amendment that just allows additional help in getting people to work, young people to work, and giving them needed skills.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. I ask that our colleagues support this amendment. While I do not support the underlying bill, I think this amendment makes the bill stronger. I appreciate the gentleman offering it, and I urge all our colleagues to support it.

I yield back the balance of my time.

Mr. MAFFEI. Mr. Chairman, I urge my colleagues to support my amendment.

I rise to offer an amendment that enables job opportunities provided under the 21st Century Green High-Performing Schools Act to be accessible to students enrolled in Job Corps and community colleges.

The Maffei/Schwartz amendment adds to the existing requirements of the bill which requires the Secretary of Education, in consultation with the Secretary of Labor, to work with grant recipients under this Act to promote opportunities for participants in Youthbuild programs to gain experience on projects funded by the bill.

In the state of New York and through a nationwide campus network, Job Corps provides a complete range of career development services to at-risk young women and men, ages 16 to 24, to prepare them for successful careers. Job Corps differs from Youthbuild in that it targets at-risk youth and operates programs at residential facilities.

Job Corps is a critical program that reaches young adults who need opportunities by providing them with academic training and vocational opportunity.

My district is in Upstate New York and includes Syracuse, where each year we place

approximately 400 at-risk youth into the Job Corps program. There are real success stories from this program, and by allowing funds from the Green Schools Act to be utilized for the Job Corps program, we will bring opportunity and hope to more vulnerable youth in my area and across the country.

Community Colleges are an important generator of trained, skilled students who can enter the workforce in critical fields. In my district, Onondaga Community College has created the Sustainability Institute. The institute will train students in installation of geothermal and wind systems, which are both expanding fields but severely lack adequately trained workers in Central New York. The Sustainability Institute has been endorsed by the New York US Green Buildings Council because a green workforce is our future, but we are woefully under-trained and -prepared to embrace this new economic engine.

Renovating, modernizing, and constructing green schools offers hands-on learning opportunities for students, ensuring that they are provided opportunities to learn new techniques, new trades, in a new green economy. This amendment will help to further ensure that our nation's young people are prepared for the jobs of the future.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MAFFEI).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BRIGHT

The CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-106.

Mr. BRIGHT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BRIGHT: In section 102(a), add at the end the following:

(3) DISTRESSED AREAS AND NATURAL DISASTERS.—From the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), the Secretary shall reserve 5 percent of such amount for grants to—

(A) local educational agencies serving geographic areas with significant economic distress, to be used consistent with the purpose described in section 101 and the allowable uses of funds described in section 103; and

(B) local educational agencies serving geographic areas recovering from a natural disaster, to be used consistent with the purpose described in section 201 and the allowable uses of funds described in section 203.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Alabama (Mr. BRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BRIGHT. I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment to H.R. 2187, the 21st Century Green High-Performing School Facilities Act. This amendment allows the Secretary of Education to reserve 5 percent of section 102 grant funds for

local educational agencies serving geographic areas with significant economic distress or recovering from a natural disaster.

In its current form, the bill sets aside money for schools damaged in Hurricanes Katrina and Rita. Indeed, those two storms caused unprecedented damage to the gulf coast, including my home State of Alabama.

However, Congress would be short-sighted if we don't recognize that natural disasters happen across the country. Whether it's wildfires in the West, floods in the Midwest, ice storms in the North, hurricanes in the South and the gulf, or tornados across the country, our schools are damaged when Mother Nature strikes.

The specific need for this amendment came to my attention because of the ongoing struggles that a community in my district has experienced. In March of 2007, a tornado destroyed Enterprise High School in Enterprise, Alabama, killing eight school-aged children. Two years later, Enterprise High School is still in the process of rebuilding and has exhausted all avenues for the additional needed funds to complete the school.

I cite the example in Enterprise because other school districts across the country will have similar issues as they recover from natural disasters. Over the past 2 months, my district alone has seen flooding, storms, and tornados that have led to at least one Federal disaster declaration, and another is being considered. Small towns across America are simply not equipped to rebuild a mainstay in their community, such as a school, when they are severely damaged or destroyed.

This is a way for the Federal Government to lend a helping hand when local school districts need their help. Moreover, I am a believer in the old adage that if you are going to do something, do it right. Rebuilding and repairing these schools to 21st century and environmentally efficient standards will help create a positive and healthy learning experience for our children. The families and students who utilize these schools will be able to take pride in them for years to come.

This is a simple but important amendment. I urge its passage.

I reserve the balance of my time

Mr. McKEON. Mr. Chairman, I claim the time in opposition to the amendment, although I don't oppose the amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Although I oppose the underlying bill because it spends too much, borrows too much, and takes too much control for the Federal Government, in fairness, if it's going to be done, this is a good amendment.

From brush fires in California to flooding in Iowa to tornados in Kansas, natural disasters like this take place all over the country, and this would be a good thing to help those local districts if, in fact, the money is going to be spent. For that purpose, I support the amendment.

I yield back the balance of my time.

Mr. BRIGHT. Mr. Chairman, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. On behalf of the committee, we want to commend the gentleman for offering this amendment.

Mr. Chairman, there are some misconceptions about Hurricanes Katrina and Rita. One of the misconceptions is that the devastation people felt in New Orleans was pretty much the sole extent of that.

The gentleman, I think, has done the institution a great service by pointing out that the disaster was very widespread. There is still an urgent need in his area and other areas throughout the region, and as we invest funds in renovation and improvement of schools, I would think that a very high priority should go to the types of communities that are covered by this amendment.

So the committee believes that this amendment is very well considered, it will do a great service, it's an accurate reflection of priorities, and we wish to commend the gentleman for offering the amendment. As a new Member, I think he has come up with a creative solution. We enthusiastically support the amendment.

Mr. BRIGHT. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I rise in support of this important amendment to help school districts hit by the economic downturn or by natural disasters so they can recover faster.

To paraphrase the gentleman from California, Chairman MILLER, school construction is the economic stimulus for struggling communities. It achieves two key objectives: creating jobs and laying out the educational foundation for future prosperity.

As the chairman of the Emergency Communications, Preparedness, and Response Subcommittee of Homeland Security, I have seen firsthand how challenging it is to rebuild a school after a disaster, a problem that is only magnified in those difficult economic times. As communities pick up the pieces after a disaster, many students are left with damaged schools or no place to learn, leading them to fall farther and farther behind.

We cannot erase the pain and suffering, but one of the things we can do with this particular amendment that we are all cosponsoring is that we provide American students a decent place to learn.

Mr. BRIGHT. Mr. Chairman, I am happy to yield 30 seconds of my time to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the chairman for yielding. This is a great piece of legislation that you have allowed me to cosponsor with you.

This is going to help the schools in my district. Many of them have suffered enormous damage.

This Member has done us a service. I salute him for what he has done. I also thank the ranking member, Mr. McKEON, for agreeing to the amendment.

The CHAIR. The gentleman's time has expired.

Mr. BRIGHT. Mr. Chairman, I ask unanimous consent that the time be extended by 1 minute on each side.

The CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BRIGHT. Mr. Chairman, I yield my remaining time to the gentlelady from Florida (Ms. KOSMAS).

Ms. KOSMAS. Thank you, Congressman BRIGHT.

I rise today in support of the Bright-Kosmas-Cuellar-Green amendment. I am proud to be a cosponsor of this important amendment that will set aside funds for the schools that need it most.

The bill we are considering will provide critical funds to modernize our schools and to turn them into green buildings, which will help our environment, reduce energy consumption and costs for school districts, and create jobs in the process. However, we must take into account that many school districts across the country are suffering greatly from the economic downturn or have been affected by recent natural disasters.

Central Florida, where I reside, has been hit very hard by two devastating forces, both the recession and natural disasters. As a result, our education system is experiencing a budget crisis that has only been temporarily relieved through the American Recovery and Reinvestment Act.

Many of our schools still do not have the money in their budgets to complete basic repairs, let alone repairs needed following hurricanes in recent years.

This funding will ensure that schools will not only be able to make those repairs, but also to make them green, bring them up to safety codes, and create overall healthier learning environments.

This is not only a problem in central Florida. Numerous regions throughout the country are experiencing similar problems.

Mr. BRIGHT. Mr. Chair, I rise today in support of my amendment to H.R. 2187, the 21st Century Green High Performing Public School Facilities Act. Put simply, this amendment allows the Secretary of Education to reserve 5 percent of Section 102 grant funds for local

educational agencies serving geographic areas with significant economic distress or recovering from a natural disaster.

In its current form, the bill sets aside money for schools damaged in Hurricanes Katrina and Rita. Indeed, those two storms caused unprecedented damage to the Gulf Coast, including my home state of Alabama. Americans will never forget the images of storms that overwhelmed a city and region and left hundreds of thousands of people homeless and destroyed its infrastructure, including schools and educational facilities.

However, Congress would be shortsighted if we don't recognize that natural disasters happen across the country, across all seasons. Whether it's wildfires in the west, floods in the Midwest, ice storms in the north, hurricanes in the Gulf, or tornadoes throughout the country, our schools are also damaged when Mother Nature strikes.

The specific need for this amendment came to my attention because of the ongoing struggles that a community in my district has experienced. On March 1, 2007, a tornado ripped through the town of Enterprise, Alabama. In the middle of its 180-meter path of damage was Enterprise High School, full of children going about their daily routines and preparing themselves for their futures. The tornado left eight children dead, and left a community devastated by more than just material losses.

Over two years after the tornado, Enterprise is still struggling to fully rebuild, and the memories of those departed weigh heavily on the minds of the city and surrounding Coffee County. The high school continues to conduct classes out of nearby Enterprise-Ozark Community College. Though construction for a new school is underway, the city and school board has exhausted most of their options for fully funding the rebuilding of the school. Whenever I talk to Mayor Ken Boswell and Superintendent Jim Reese, finding a way to get Enterprise High School reopened as quickly as possible is always at the top of their priority list.

I cite the example in Enterprise because I'm sure other school districts across the country will experience similar issues as they recover from natural disasters. Over the past two months, my district alone has seen flooding and storms that have led to at least one federal disaster declaration. Small towns across America are simply not equipped to rebuild a mainstay in their communities like schools when they are destroyed by natural disasters. This is a way for the federal government to lend a helping hand to school districts in need.

Moreover, I am a believer in the old adage "if you're going to do something, do it right." Rebuilding and repairing these schools to 21st Century and environmentally efficient standards will help create a positive and healthy learning experience for our students. The families and students who utilize these schools will be able to take pride in them for years to come.

In closing, I would like to thank Chairman MILLER and his staff on the Education and Labor Committee for their attention to this issue and working with my staff to help draft this amendment. I would also like to thank the Rules Committee for ruling in favor of the amendment and allowing me to present it on

the floor today. Finally, I thank my colleagues from Texas HENRY CUELLAR and AL GREEN for their continuing support and commitment on this issue.

I urge passage of this amendment, and passage of the final bill.

Mr. McKEON. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BRIGHT).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. GRIFFITH

The CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-106.

Mr. GRIFFITH. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. GRIFFITH:

In section 102(b)(2)(C)(v) of the bill, strike "air quality," and insert "air quality (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses),".

In section 103(12), strike "through (11)" and insert "through (12)".

In section 103, redesignate paragraphs (11) and (12) as paragraphs (12) and (13), respectively.

In section 103, insert after paragraph (10) the following:

(11) measures designed to reduce or eliminate human exposure to airborne particles such as dust, sand, and pollens;

In section 310(a)(5)(D) of the bill, after "quality," insert "student and staff health (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses),".

The CHAIR. Pursuant to House Resolution 427, the gentleman from Alabama (Mr. GRIFFITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. GRIFFITH. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, this amendment would instruct State educational agencies on how improvements in indoor environmental quality can help reduce asthma and other respiratory illnesses in the classroom and in our children.

Asthma has reached an epidemic proportion in our country, affecting 20 million of all ages, but children in particular.

I have two good friends who lost children due to asthma-related attacks at school. We must do everything we can to help improve air quality for our students so no one else ever has to suffer this tragic loss.

□ 1400

Almost 1 in 13 children the age of 18 has asthma, and the percentage of children with this illness is rising more rapidly with our preschoolers than in any other age group.

Asthma is the leading cause of missed school days due to chronic illnesses, causing our kids to miss more than 14 million days of school. When our children are absent, they are no longer able to keep up; falling behind. And American can no longer afford this. Our children also get left behind when their teachers and school staff are sick.

We cannot sit on the sidelines and handicap our schools by failing to address the detrimental effect of poor indoor air quality on our students' concentration, attendance, and performance in school.

This is an easily fixable situation. The adoption of this amendment would help improve indoor air quality and better the lives of 56 million Americans who spend their days in elementary and secondary schools.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIR (Mr. PASTOR of Arizona). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. I support this amendment, I encourage our colleagues to support the amendment, and I reserve the balance of my time.

Mr. GRIFFITH. Mr. Chairman, I thank my colleague. I am happy to yield 2 minutes to the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, I rise in support of the Griffith-Teague amendment to H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act. I'd like to thank Chairman MILLER and Chairwoman SLAUGHTER for their help in this bill and on this amendment.

This amendment is about protecting the health of our children. In my district, schools are oftentimes surrounded by sand and dust. When the wind comes, which is almost every day in New Mexico, this sand and dust is picked up and becomes a part of the air our children breathe. These particles can cause asthma attacks and can give them other health problems.

Under our amendment, schools would be able to work on facilities to mitigate the amount of dust and particles in the air.

Our schools must be places where the health of our children is protected. Our kids should not be subjected to dust and other particles constantly being blown in their faces. The air they breathe should be clean and free of contaminants.

I think it is important that this bill provides schools with the resources they need to help lessen this problem and protect the health of children. That is exactly what this amendment does. I urge my colleagues to support this amendment to H.R. 2187, and the underlying bill.

Mr. McKEON. I continue to urge our colleagues to support this amendment. I appreciate the gentleman offering it, and I yield back the balance of my time.

Mr. GRIFFITH. Mr. Chairman, I thank my colleagues from California, and would yield 1 minute of my time to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the author of the amendment for yielding. Mr. Chairman, on behalf of the committee, we would urge support of the amendment. Not only does this amendment do a lot of good for children and teachers, it does a lot of good for the health care system.

Seventy-five percent of health care expenditures in this country, as I'm sure the gentleman knows, are attributable to chronic illness. Four chronic illnesses are accountable for 80 percent of that 75 percent. Among them is asthma.

So by this very well-crafted amendment, not only is the gentleman improving conditions within schools, but he is making a good first start toward dealing with the problem of the health care cost explosion here in our country. We commend a "yes" vote.

Mr. GRIFFITH. I thank my colleague from New Jersey. Mr. Chairman, I ask that my colleagues support this amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. GRIFFITH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GRIFFITH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. HEINRICH

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-106.

Mr. HEINRICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HEINRICH:

In section 103(12), strike "through (11)" and insert "through (12)".

In section 103, redesignate paragraphs (11) and (12) as paragraphs (12) and (13), respectively.

In section 103, insert after paragraph (10) the following:

(11) upgrading or installing recreational structures, including physical education facilities for students, made from post consumer recovered materials in accordance with the comprehensive procurement guidelines prepared by the Administrator of the Environmental Protection Agency under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e));

The Acting CHAIR. Pursuant to House Resolution 427, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I yield myself such time as I may consume. Thank you to Chairman MILLER and Representative CHANDLER for championing this legislation.

Mr. Chair, this amendment that I offer today provides a downpayment on our children's health and education. The bill itself is a forward-thinking investment in our children that will create clean energy jobs and turn our schools into high-performing, energy-efficient learning environments.

My amendment would strengthen this long-term investment by including the installation of environmentally friendly physical education facilities, recreational structures, and equipment for our children. Modernized schools using the most state-of-the-art, environmentally friendly building methods and materials will put our children in the best position to compete in a 21st century economy.

Research shows that recreational structures are critical to our children's educational environment. Many studies show that a child's ability to spend time in physical activity contributes significantly to their development, creativity and, most importantly, their ability to focus on academics when back in the classroom.

By exerting energy outside the classroom, students have better attention spans inside the classroom. Physical activity is an increasingly important issue in my home State of New Mexico, where 22 percent of New Mexico children between the ages of 2 and 5 and 23 percent of high school students are overweight.

Parent and teacher organizations across the country recognize the link between recreational opportunities, education, and their students' health. But often, due to budget constraints, parents find themselves having to fundraise for this kind of permanent physical education and recreation equipment and facilities on their own.

How many of my colleagues here today have had to bake rice crispy treats for a bake sale or even pass the hat at a PTA meeting to raise the money for fitness activities for their own kids?

Why do we do this? Because we want our kids to play soccer and basketball;

we want them to play on swings and run on the track; and we want our kids to learn how to play fair and how to win and lose with grace and dignity. We do this because we want our kids to be healthy and happy and successful. With my amendment today, this will be easier to achieve for our children.

We also know the impact that recreational opportunities have on reducing classroom discipline problems, increasing teacher job satisfaction, and increasing students' engagement in learning.

Permanent physical educational and recreational structures not only add to children's education, but also contribute greatly to their surrounding communities. For many neighborhoods, school playgrounds are the only nearby recreational areas where children are able to engage in physical activity.

My amendment would allow this grant money to fund the installation of permanent recreational structures for schools and physical educational programs that are made from post-consumer waste materials. This funding would be utilized to upgrade and install recreational equipment, such as surfaces used for track, basketball, tennis, soccer, and general physical educational activities.

Many American companies have achieved the creation of permanent recreational equipment using recycled plastics and rubber rather than wood and metal. In New Mexico, companies install structures today that transform tens of thousands of recycled milk containers into highly durable plastic lumber. This is just one example of the kind of clean energy jobs that would result from this amendment.

Mr. Chair, I strongly believe that this amendment is good for our schools and good for our economy and, most importantly, good for our children. I ask my colleagues to vote "yes" on this amendment.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. McKEON. I yield myself such time as I may consume.

Mr. Chairman, again, Federal dollars are not free. They don't appear out of nowhere. They come from either taxing or borrowing. While, in all due respect, I understand what the gentleman is saying, but it probably is cheaper for his constituents to pass the hat or to have bake sales to raise the money than to pay for it out of their Federal tax dollars that get siphoned through Washington to get back to New Mexico.

Mr. Chair, we do not need to spend Federal dollars on upgrading swimming pools when this Nation is drowning in debt. Our deficit is soaring higher every day. Proposals like this send it even higher.

Recreational structures and physical education facilities are worthy tools that can promote good health among our children, but are they worthy of taxpayer dollars intended to improve academic achievement?

I urge a “no” vote on this amendment.

I reserve the balance of my time.

Mr. HEINRICH. I would yield 1 minute to the gentleman from New Jersey.

Mr. ANDREWS. I thank the author of the amendment for yielding. On behalf of the committee, I rise in support of the amendment.

Mr. Chairman, my friend from California suggested that these funds should go to academic improvement. I think he implied that these do not. The research is rather ample. The children who are fit and healthy, do better in the classroom than those who do not. There's a connection between academic performance and fitness.

The second point that I would make mirrors the one we made with reference to the previous amendment. Of the four chronic illnesses that drive the explosion of health care costs in this country, in addition to asthma, another is diabetes and the obesity that often comes with it, childhood obesity in particular.

So in addition to the academic dividends that I think the gentleman's amendment produces, it also produces the dividend of yet another down payment on control of the health care cost explosion.

We believe that the amendment is entirely suitable. It will be used in an innovative way that will provide national models for school districts around the country. We'd urge a “yes” vote in favor of the amendment.

Mr. McKEON. I yield myself the balance of my time. I ask my colleagues to vote “no” on this amendment. Federal interference in school facility maintenance is troubling enough, but at least there is some semblance of an academic focus in the underlying bill. But I cannot justify expanding that spending to recreation and physical education. I urge a “no” vote.

I yield back the balance of my time.

Mr. HEINRICH. I would close by saying that in New Mexico and across this country we have an enormous problem with obesity. I urge an “aye” vote.

The Acting CHAIR. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MS. SCHWARTZ

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-106.

Ms. SCHWARTZ. As the designee of Mr. LUJÁN of New Mexico, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. SCHWARTZ:

In section 103(12), strike “through (11)” and insert “through (12)”.

In section 103, redesignate paragraphs (11) and (12) as paragraphs (12) and (13), respectively.

In section 103, insert after paragraph (10) the following:

(11) creating greenhouses, gardens (including trees), and other facilities for environmental, scientific, or other educational purposes, or to produce energy savings;

The Acting CHAIR. Pursuant to House Resolution 427, the gentleman from Pennsylvania (Ms. SCHWARTZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Ms. SCHWARTZ. I yield myself such time as I may consume. Good schools take learning beyond classroom walls, and good planners go beyond buildings to look for energy savings opportunities. This is the point of my amendment with Congressman LUJÁN. I'm very pleased to be able to be offering it.

The amendment is simple. It adds, “greenhouses, gardens (including trees), and other facilities for environmental, scientific, and other educational purposes or to produce energy cost savings” to the list of allowable uses of these funds.

To improve our school buildings, this amendment helps fund additional savings from the natural environment. If we're going to build “green” schools, then there's nothing better than planting trees, gardens, and greenhouses on school property.

These uses would enable our schools to save energy and it would improve school appearance and it would create more learning opportunities for our students.

According to the U.S. Department of Energy, carefully positioned trees save up to 25 percent of a household's energy consumption for heating and cooling. It can certainly do the same—or at least much of it—for our school buildings as well. We also know that planting and gardening does create contact with nature and creates a good supportive learning environment for our children.

This is a good amendment. It enhances the bill. It does not add extra funding.

I would like to yield 1 minute to my colleague who wrote this amendment with me, and also to speak in support of this bill, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I rise today to offer an amendment to the 21st Century Green High-Performing Public School Facilities Act. The legislation will renew the foundation of our Nation's public school system by rebuilding our critical educational infrastructure. By providing assistance to

our school districts for the construction of modern school facilities, we're creating a healthier, safer, and more energy-efficient learning environment for the next generation of Americans.

I strongly commend Chairman MILLER for his work in bringing this important measure to the floor. This amendment, which I have developed in cooperation with Congresswoman SCHWARTZ, would allow these funds to be used for the construction of greenhouses and gardens as well as planting trees and greenery. Our schools will benefit from an improved environment, additional energy efficiency, and valuable educational experiences for children.

By expanding the classroom for our children and putting them into a greenhouse and garden, we will impart upon them the value of water, biodiversity, and respect for the environment. We will be creating better futures for our children and all of us.

Mr. Chairman, this commonsense amendment would allow for energy efficiency and environmental improvements on our Nation's school and campuses. This amendment will add no additional cost to the bill, but will greatly benefit the education of our Nation's students.

I strongly urge my colleagues to support this amendment.

Mr. McKEON. Mr. Chair, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Chairman, let me remind the Chamber of a few numbers. A million seconds is 12 days. A billion seconds is 36 years. And a trillion seconds is over 36,000 years.

While we have been talking on this bill, our national debt has gone up \$300 million.

A few other numbers. Forty billion dollars; \$1.84 trillion; \$11 trillion. That's the cost of this bill—the \$40 billion; this year's deficit currently—\$1.84 trillion; and our national debt—\$11 trillion.

Every time we debate a new use of funds, we should think about these numbers.

Now I'm sure that many schools would enjoy a greenhouse or a nice garden or some new landscaping on their grounds. But when it comes to education, the job of the Federal Government is to help educate.

If there's an educational purpose for a greenhouse on school grounds, this bill already allows one to be built. But if these greenhouses and gardens are not academically needed, I do not believe the Federal Government ought to be building them—especially not with deficit spending.

I'm not asking my grandchildren to finance a greenhouse with no academic

purpose, and I hope none of you will either.

I reserve the balance of my time.

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Ms. SCHWARTZ. Just to speak to this amendment, let's be really clear here. The purpose of our amendment, of course, is to actually enhance this bill by creating more opportunities for energy savings. Every time we save dollars for a school, we save dollars for our school district, we save dollars for our taxpayers.

This bill is smart. It is to make energy efficiency investments that will save taxpayers dollars. In addition, it will help to educate our young people in the positive aspects of greening. It is extremely important to understand the purpose of planting a tree is not only because it looks good, but it in fact can save on energy costs. Planting vegetables is done not only because it is a fun thing to do, but it actually can put food on the table that is healthy and nutritious.

All of this is part of what we are trying to do in this bill, create energy savings for our children, for our school districts and for our taxpayers. I encourage support of this amendment and the underlying bill.

I yield 15 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. The committee supports this bill. The bill requires the money be spent for academic purposes. I don't know really how you teach biology effectively without giving children the chance to interact with plant life. I think it just makes an awful lot of sense to have that kind of lab.

We support the bill and urge a "yes" vote.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

If there is a serious academic purpose for gardens and greenhouses, they can already be built under the far-reaching legislation in the underlying bill. Let's not dilute the Federal investment in education further by getting into the landscaping business. I urge a "no" vote on this amendment.

I yield back the balance of my time.

Ms. SCHWARTZ. Mr. Speaker, I yield 30 seconds to my colleague, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I would encourage and hope that my colleague would support an opportunity to be able to teach our kids about the importance of food, of growing it, and even the business aspect of this, Mr. Chairman.

It is not just about growing food, fruits and vegetables. This is about teaching them how to be responsible and how to make sure we can get these into the schools to keep our kids healthy and nourished, as well as business opportunities, Mr. Chairman. This is a learning opportunity that we could take advantage of across the country. I

strongly urge my colleagues to vote "yes" on this amendment.

Ms. SCHWARTZ. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-106.

Mr. SCHRADER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SCHRADER:

In the table of contents of the bill, add at the end the following:

Sec. 314. GAO study.

At the end of the bill, add the following:

SEC. 314. GAO STUDY.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to determine, and report to the Congress on, the extent and types of projects in keeping with the uses of funds authorized under this Act being undertaken in schools around the United States, the geographic distribution of green, high-performing schools in the United States, including by urban, suburban, and rural areas, and the relative access to such schools of the demographic groups described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 USC 6311(b)(2)(C)(v)).

The Acting CHAIR. Pursuant to House Resolution 427, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank Chairman MILLER, Subcommittee Chairman KILDEE and Representative CHANDLER for their hard work on this important legislation. The 21st Century Green High-Performing Public School Facilities Act provides the country a wonderful opportunity to not only modernize our schools by creating a healthier, more environmentally friendly learning environment for our children, but it also creates good jobs at a time when they are needed the most by this country.

While there is no disputing the merits the underlying bill and the proven benefits of green schools on students and teachers, I believe it is crucial that Congress has a clear picture on how and where these funds are going to be spent, the long-term economic savings and the types of projects funded to be sure we are keeping with the intent of the legislation. That is why I am offer-

ing a straightforward good government amendment that requires the GAO to report to Congress on how these funds are being utilized.

Under my amendment, the GAO will be required to report to Congress no later than 1 year after the enactment on the extent and types of projects being undertaken in the schools around the country, the geographic distribution around the country and the urban, suburban and rural mix. As we continue to improve and modernize our schools, this information is going to be critical for the future decisionmaking of this Congress.

I urge my colleagues to support the amendment and the underlying legislation.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the time in opposition to the amendment, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. McKEON. This amendment will require the GAO to keep a list of projects that were funded through the bill and look at who has access to these projects. The underlying bill already contains lengthy reporting requirements that include much of this information, making this amendment largely unnecessary.

I do agree it will create jobs. There will be people hired that will have to fill out these reports and there will be people hired that will have to read these reports. However, if the gentleman is interested in getting additional information on the sort of projects funded under this act, we have no objection to having the GAO provide it, other than the fact it is going to cause government to grow even more.

I urge support of the amendment.

I yield back the balance of my time.

Mr. SCHRADER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the author for yielding and would urge a "yes" vote on this amendment.

With all due respect, the amendment does not require simply a keeping of lists of where the money is spent. It requires an analysis of the effectiveness of the expenditure of the money, it requires an analysis of whether all children are getting proportionately equal access to the funds that are expended, and it gives the Congress the basis, the factual basis, to make further decisions about whether to expand, eliminate or modify such programs in the future.

The minority protest is concerned about the ever-growing size of government. The minority knows a lot about growing the size of government. That is what they did for 8 years when they doubled the national debt. That is what

they did for 8 years when they inherited the largest surplus in American history and turned it into the largest deficit in American history.

One of the ways to turn about deficit financing is economic growth. We believe this bill will do that.

We urge a “yes” vote on the amendment.

Mr. SCHRADER. Mr. Chairman, I just would reiterate that this is a good government bill actually looking at saving the taxpayers money. I am surprised my colleague from California is not interested in the energy savings and the benefit of this amendment to make sure that there is actually accountability in the legislation.

Mr. McKEON. Mr. Chairman, would the gentleman yield?

Mr. SCHRADER. I yield to the gentleman.

Mr. McKEON. I am interested in saving energy. I just think that this bill costs too much, borrows too much, and controls too much.

I thank the gentleman for yielding.

Mr. SCHRADER. I thank the gentleman.

I will get back to the bill itself. I just would appreciate support of my colleagues to show fiscal accountability by adopting this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on three amendments printed in House Report 111-106 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Ms. TITUS of Nevada.

Amendment No. 4 by Mr. ROE of Tennessee.

Amendment No. 5 by Mr. ELLSWORTH of Indiana.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MS. TITUS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Ms. TITUS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 160, not voting 9, as follows:

[Roll No. 249]

AYES—270

Abercrombie	Gonzalez	Murphy, Patrick
Ackerman	Gordon (TN)	Murtha
Altmire	Grayson	Nadler (NY)
Andrews	Green, Al	Napolitano
Arcuri	Green, Gene	Neal (MA)
Baca	Griffith	Norton
Baird	Grijalva	Nye
Baldwin	Gutierrez	Oberstar
Barrow	Hall (NY)	Obey
Bean	Halvorson	Olver
Becerra	Hare	Ortiz
Berkley	Harman	Pallone
Berman	Hastings (FL)	Pascarell
Berry	Heinrich	Pastor (AZ)
Bilbray	Herseth Sandlin	Payne
Bishop (GA)	Higgins	Perlmutter
Bishop (NY)	Hill	Perriello
Blumenauer	Hinchev	Peters
Boccieri	Hinojosa	Peterson
Bordallo	Hirono	Pierluisi
Boren	Hodes	Pingree (ME)
Boswell	Holden	Platts
Boucher	Holt	Polis (CO)
Boyd	Honda	Pomeroy
Brady (PA)	Hoyer	Price (NC)
Braley (IA)	Inslie	Quigley
Bright	Israel	Rahall
Brown, Corrine	Jackson (IL)	Rangel
Brown-Waite,	Jackson-Lee	Reichert
Ginny	(TX)	Reyes
Butterfield	Johnson (IL)	Richardson
Cao	Johnson, E. B.	Rodriguez
Capps	Kagen	Ros-Lehtinen
Capuano	Kanjorski	Ross
Cardoza	Kennedy	Rothman (NJ)
Carnahan	Kildee	Roybal-Allard
Carney	Kilpatrick (MI)	Ruppersberger
Carson (IN)	Kilroy	Rush
Castle	Kind	Ryan (OH)
Castor (FL)	Kirk	Sablan
Chandler	Kirkpatrick (AZ)	Salazar
Childers	Kissell	Sanchez, Loretta
Christensen	Klein (FL)	Sarbanes
Clarke	Kosmas	Schakowsky
Clay	Kratovil	Schauer
Cleaver	Kucinich	Schiff
Clyburn	Lance	Schrader
Cohen	Langevin	Schwartz
Connolly (VA)	Larsen (WA)	Scott (GA)
Conyers	Larson (CT)	Scott (VA)
Cooper	Lee (CA)	Serrano
Costa	Levin	Sestak
Costello	Lewis (GA)	Shea-Porter
Courtney	Lipinski	Sherman
Crowley	LoBiondo	Shuler
Cuellar	Loeb sack	Sires
Cummings	Lofgren, Zoe	Skelton
Dahlkemper	Lowe y	Slaughter
Davis (AL)	Lujan	Smith (NJ)
Davis (CA)	Lynch	Snyder
Davis (IL)	Maffei	Space
Davis (TN)	Maloney	Speier
DeFazio	Markey (CO)	Spratt
DeGette	Markey (MA)	Stupak
Delahunt	Marshall	Sutton
DeLauro	Massa	Tauscher
Dent	Matheson	Taylor
Dicks	Matsui	Teague
Dingell	McCarthy (NY)	Thompson (CA)
Doggett	McCaul	Thompson (MS)
Donnelly (IN)	McCollum	Tierney
Doyle	McDermott	Titus
Driehaus	McGovern	Tonko
Edwards (MD)	McHugh	Tsongas
Edwards (TX)	McIntyre	Upton
Ehlers	McMahon	Van Hollen
Ellison	McNerney	Velázquez
Ellsworth	Meek (FL)	Visclosky
Engel	Meeks (NY)	Walz
Eshoo	Melancon	Wasserman
Etheridge	Michaud	Schultz
Faleomavaega	Miller (NC)	Waters
Farr	Miller, George	Watson
Fattah	Minnick	Watt
Filner	Mitchell	Waxman
Fortenberry	Mollohan	Weiner
Foster	Moore (KS)	Welch
Frank (MA)	Moore (WI)	Wexler
Fudge	Moran (VA)	Wilson (OH)
Gerlach	Murphy (CT)	Wu
Giffords	Murphy (NY)	Yarmuth

NOES—160

Aderholt	Frelinghuysen	Myrick
Adler (NJ)	Gallegly	Neugebauer
Akin	Gingrey (GA)	Nunes
Alexander	Gohmert	Olson
Austria	Goodlatte	Paul
Bachmann	Granger	Paulsen
Bachus	Graves	Pence
Barrett (SC)	Guthrie	Petri
Bartlett	Hall (TX)	Pitts
Barton (TX)	Harper	Poe (TX)
Biggert	Hastings (WA)	Posey
Bilirakis	Heller	Price (GA)
Bishop (UT)	Hensarling	Putnam
Blackburn	Herger	Radanovich
Blunt	Hoekstra	Rehberg
Boehner	Hunter	Roe (TN)
Bonner	Inglis	Rogers (AL)
Bono Mack	Issa	Rogers (KY)
Boozman	Jenkins	Rogers (MI)
Boustany	Johnson, Sam	Rohrabacher
Brady (TX)	Jones	Rooney
Broun (GA)	Jordan (OH)	Roskam
Brown (SC)	King (IA)	Royce
Buchanan	King (NY)	Ryan (WI)
Burgess	Kingston	Scalise
Burton (IN)	Kline (MN)	Schmidt
Buyer	Lamborn	Schock
Calvert	Latham	Sensenbrenner
Camp	LaTourette	Sessions
Campbell	Latta	Shadegg
Cantor	Lee (NY)	Shimkus
Capito	Lewis (CA)	Shuster
Carter	Linder	Simpson
Cassidy	Lucas	Smith (NE)
Chaffetz	Luetkemeyer	Smith (TX)
Coble	Lummis	Smith (WA)
Coffman (CO)	Lungren, Daniel	Souder
Cole	E.	Stearns
Conaway	Mack	Sullivan
Crenshaw	Manzullo	Terry
Culberson	Marchant	Thompson (PA)
Davis (KY)	McCarthy (CA)	Thornberry
Deal (GA)	McClintock	Tiahrt
Diaz-Balart, L.	McCotter	Tiberi
Diaz-Balart, M.	McHenry	Turner
Dreier	McKeon	Walden
Duncan	McMorris	Wamp
Emerson	Rodgers	Westmoreland
Fallin	Mica	Whitfield
Flake	Miller (FL)	Wilson (SC)
Fleming	Miller (MI)	Wittman
Forbes	Miller, Gary	Wolf
Fox	Moran (KS)	Young (AK)
Franks (AZ)	Murphy, Tim	Young (FL)

NOT VOTING—9

Garrett (NJ)	Sánchez, Linda	Towns
Himes	T.	Woolsey
Johnson (GA)	Stark	
Kaptur	Tanner	

□ 1454

Messrs. SESSIONS, MANZULLO, SCHOCK and ADLER of New Jersey changed their vote from “aye” to “no.”

Messrs. SPRATT, BILBRAY and RUSH changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. ROE OF TENNESSEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. ROE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 432, noes 2, not voting 5, as follows:

[Roll No. 250]

AYES—432

Abercrombie Cole Heller
Ackerman Conaway Hensarling
Aderholt Conyers Herger
Adler (NJ) Cooper Herseth Sandlin
Akin Costa Higgins
Alexander Costello Hill
Altmire Courtney Hinchey
Andrews Crenshaw Hinojosa
Arcuri Crowley Hirono
Austria Cuellar Hodes
Baca Culberson Hoekstra
Bachmann Cummings Holden
Bachus Dahlkemper Holt
Baird Davis (AL) Hoyer
Baldwin Davis (CA) Hunter
Barrett (SC) Davis (IL) Inglis
Barrow Davis (KY) Inslee
Bartlett Davis (TN) Israel
Barton (TX) Deal (GA) Issa
Bean DeFazio Jackson (IL)
Becerra DeGette Jackson-Lee
Berkley Delahunt (TX)
Berman DeLauro Jenkins
Berry Dent Johnson (GA)
Biggert Diaz-Balart, L. Johnson (IL)
Bilbray Diaz-Balart, M. Johnson, E. B.
Bilirakis Dicks Johnson, Sam
Bishop (GA) Dingell Jones
Bishop (NY) Doggett Jordan (OH)
Bishop (UT) Donnelly (IN) Kagen
Blackburn Doyle Kanjorski
Blumenauer Dreier Kaptur
Blunt Driehaus Kennedy
Boccheri Duncan Kildee
Boehner Edwards (MD) Kilpatrick (MI)
Bonner Edwards (TX) Kilroy
Bono Mack Ehlers Kind
Boozman Ellison King (IA)
Bordallo Ellsworth King (NY)
Boren Emerson Kingston
Boswell Engel Kirk
Boucher Eshoo Kirkpatrick (AZ)
Boustany Etheridge Kissell
Boyd Faleomavaega Klein (FL)
Brady (PA) Fallin Kline (MN)
Brady (TX) Farr Kosmas
Braley (IA) Fattah Kratochvil
Bright Filner Kucinich
Broun (GA) Flake Lamborn
Brown (SC) Fleming Lance
Brown, Corrine Forbes Langevin
Brown-Waite, Fortenberry Larsen (WA)
Ginny Foster Larson (CT)
Buchanan Foxx Latham
Burgess Frank (MA) LaTourette
Burton (IN) Franks (AZ) Latta
Butterfield Frelinghuysen Lee (CA)
Buyer Fudge Lee (NY)
Calvert Gallegly Levin
Camp Garrett (NJ) Lewis (CA)
Campbell Gerlach Lewis (GA)
Cantor Giffords Linder
Cao Gingrey (GA) Lipinski
Capito Gohmert LoBiondo
Capps Gonzalez Loeb sack
Capuano Goodlatte Lofgren, Zoe
Cardoza Gordon (TN) Lowey
Carnahan Granger Lucas
Carney Graves Luetkemeyer
Carson (IN) Grayson Luján
Carter Green, Al Lummis
Cassidy Green, Gene Lungren, Daniel
Castle Griffith E.
Castor (FL) Grijalva Lynch
Chaffetz Guthrie Mack
Chandler Gutierrez Maffei
Childers Hall (NY) Maloney
Christensen Hall (TX) Manzullo
Clarke Halvorson Marchant
Clay Hare Markey (CO)
Cleaver Harman Markey (MA)
Clyburn Harper Marshall
Coble Hastings (FL) Massa
Coffman (CO) Hastings (WA) Matheson
Cohen Heinrich Matsui

McCarthy (CA) Peterson
McCarthy (NY) Petri
McCauley Pierluisi
McClintock Pingree (ME)
McCollum Pitts
McCotter Platts
McDermott Poe (TX)
McGovern Polis (CO)
McHenry Pomeroy
McHugh Posey
McIntyre Price (GA)
McKeon Price (NC)
McMahon Putnam
McMorris Quigley
Rodgers Radanovich
McNerney Rahall
Meek (FL) Rangel
Meeks (NY) Rehberg
Melancon Reichert
Mica Reyes
Michaud Richardson
Miller (FL) Rodriguez
Miller (MI) Roe (TN)
Miller (NC) Rogers (AL)
Miller, Gary Rogers (KY)
Miller, George Rogers (MI)
Minnick Rohrabacher
Mitchell Rooney
Mollohan Ros-Lehtinen
Moore (KS) Roskam
Moore (WI) Ross
Moran (KS) Rothman (NJ)
Moran (VA) Roybal-Allard
Murphy (CT) Royce
Murphy (NY) Ruppersberger
Murphy, Patrick Rush
Murphy, Tim Ryan (OH)
Murtha Ryan (WI)
Myrick Sablan
Nadler (NY) Salazar
Napolitano Sanchez, Loretta
Neal (MA) Sarbanes
Neugebauer Scalise
Norton Schakowsky
Nunes Schauer
Nye Schiff
Oberstar Schmidt
Obey Schock
Olson Schrader
Oliver Schwartz
Ortiz Scott (GA)
Pallone Scott (VA)
Pascarelli Sensenbrenner
Pastor (AZ) Serrano
Paul Sessions
Paulsen Sestak
Payne Shadegg
Pence Shea-Porter
Perlmutter Sherman
Perrillo Shimkus
Peters Shuler

Shuster
Simpson
Sires
Skellton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—2

NOT VOTING—5

Honda Walden
Connolly (VA) Sánchez, Linda Stark
Himes T. Tanner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 2 minutes remaining in the vote.

□ 1504

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. LINCOLN DIAZ-BALART of Florida was allowed to speak out of order.)

HONORABLE BILL YOUNG CASTS 20,000TH

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I have the honor of co-chairing the Florida delegation along with my friend, Congressman ALCEE HASTINGS.

I rise to inform my colleagues that our good friend, the gentleman from Florida, Congressman BILL YOUNG, the

longest-serving Republican in the House and the dean of the Florida Delegation, has just cast his recorded vote number 20,000 in the House of Representatives.

It is, indeed, a small and select group, Mr. Speaker, of distinguished Members in the history of the House of Representatives who have reached that important milestone.

BILL YOUNG was first elected in 1970 to the Congress. He cast his first recorded vote in January 1971. His vote total would be even higher today had the House not waited until 1973 to institute electronic voting.

He cast his vote number 10,000 on November 18, 1991, to give approval to the conference report on the fiscal year 1992 defense authorization bill, which I believe is fitting, considering that he has devoted his career on the Appropriations Committee to the well-being of the men and women who serve our Nation in the Armed Forces.

It has been my deep honor to serve with him. And I ask all of you, as I now yield to my dear friend, colleague and cochairman, Mr. HASTINGS, for all of us to congratulate BILL on this extraordinary achievement.

Mr. HASTINGS of Florida. I thank my colleague for yielding.

As the cochair of the Florida delegation, I echo the sentiments that he has expressed and say to BILL YOUNG, who I refer to all the time as Dean because he is the dean of the Florida delegation, to say to him my congratulations, and I am sure from all of us, recognizing the extraordinariness of having had that opportunity here in this body to cast that many votes.

It reminds me, BILL, of Mr. Natcher who instructed me when I first came here, as he may have others. Mr. Natcher, as you know, had the longest running streak of consecutive votes.

And I talked with DALE KILDEE, who has been here with you, BILL. He has 26,000 at this time. But Mr. Natcher said to me, "Miss a vote and get that albatross off from around your neck." I'm glad you have kept that albatross around your neck, and it's a proud day for all of us that you have cast your 20,000 votes.

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the distinguished Republican leader, the gentleman from Ohio.

Mr. BOEHNER. I think all of us can realize that 20,000 votes over the course of your career are quite a number of votes. But I think all of us can also realize that when you cast that many votes, there are going to be a lot of very important votes that will be cast over the period of 20,000.

But beyond all of that, I think the real measure of what we have today is the measure of BILL YOUNG's career in the House. Thirty-eight years of service to this institution, 38 years of friendship with Members on both sides

of the aisle, and 38 years of distinguished service to us all.

BILL, congratulations.

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the distinguished majority leader, the gentleman from Maryland.

Mr. HOYER. I thank the gentleman from Florida for yielding.

Twenty thousand votes is a quantifiable criteria. What, for those of you who are new, is not as quantifiable is the real measure of the man.

Twenty thousand votes, a conscientious Member. But the real measure of BILL YOUNG, which Americans would have observed had they been with him during each of those votes, is the decency of BILL YOUNG, is the collegiality of BILL YOUNG, of his inclination to reach across the aisle, reach across ideology, reach across and say, How can we do this together?

BILL YOUNG is an example for us all of how to treat one another and how to engage in this process, though we may have differences, in a way that built a better institution, not tore it down.

That is why those 20,000 votes are deserving of so much respect, because the character with which they were cast and the character that characterize and continues to characterize the gentleman from Florida's service.

BILL YOUNG, we are in your debt. You have served your country well, and we look forward to years of service with you, my friend. Thank you.

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentlewoman from California, the distinguished Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding. I thank him for giving us this opportunity, he and Mr. HASTINGS, to express our appreciation to a great leader for our country.

Here he is, modestly sitting in the furthest corner of the House—well, it is his regular spot—but a person we all seek out, wherever he sits or wherever he is standing for his advice and his guidance.

Speaking from the standpoint of a member of the Appropriations Committee, when Mr. YOUNG was our distinguished chairman, I know everyone who served at that time on the committee agrees that he was a great chairman and that he listened to his members very carefully, that he moderated the debate, that the dignity he brought to that chairmanship was something that made us all proud on both sides of the aisle. And whatever the outcome, we knew that he would give everyone a chance to make his or her case.

I wish to associate myself with all the other remarks that were made about Mr. YOUNG. Oh, my goodness. Thousands and thousands of votes.

But I also want to point out that all of us who care about our troops, our men and women in uniform, and par-

ticularly those who are harmed in the service of our country, not only of Mr. YOUNG but his wife Beverly, who has been an angel in meeting the needs of our troops. Mr. YOUNG officially on duty here, Beverly on a day-to-day basis, bringing comfort and refreshment to our troops.

They are living examples of what we say in the military, that on the battlefield, we will leave no soldier behind, and when they come home, we will leave no veteran behind.

□ 1515

My thanks to Mr. YOUNG for what you do to protect America, what you have done to advance the debate, and for your ongoing service to our country. I know I speak for everyone here when I say we are proud, each and every one of us, to call you "colleague."

Thank you, Mr. Chairman.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you, Madam Speaker. And thank you, our dear friend, BILL YOUNG.

ANNOUNCEMENT BY THE ACTING CHAIR

The ACTING CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. ELLSWORTH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ELLSWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 7, not voting 7, as follows:

[Roll No. 251]

AYES—425

Abercrombie	Berry	Braley (IA)	Carter	Harper	McHugh
Ackerman	Biggert	Bright	Cassidy	Hastings (FL)	McIntyre
Aderholt	Bilbray	Brown (GA)	Castle	Hastings (WA)	McKeon
Adler (NJ)	Bilirakis	Brown (SC)	Castor (FL)	Heinrich	McMahon
Akin	Bishop (GA)	Brown, Corrine	Chaffetz	Heller	McMorris
Alexander	Bishop (NY)	Brown-Waite,	Chandler	Hensarling	Rodgers
Altmire	Bishop (UT)	Ginny	Childers	Herger	McNerney
Andrews	Blackburn	Buchanan	Christensen	Herseth Sandlin	Meek (FL)
Arcuri	Blumenauer	Burgess	Clarke	Higgins	Meeks (NY)
Austria	Blunt	Burton (IN)	Clay	Hill	Melancon
Baca	Bocciari	Butterfield	Cleaver	Hinchey	Mica
Bachmann	Boehner	Buyer	Clyburn	Hinojosa	Michaud
Bachus	Bonner	Calvert	Coble	Hirono	Miller (FL)
Baird	Bono Mack	Camp	Coffman (CO)	Hodes	Miller (MI)
Baldwin	Boozman	Cantor	Cohen	Hoekstra	Miller (NC)
Barrett (SC)	Bordallo	Cao	Cole	Holden	Miller, Gary
Barrow	Boren	Capito	Conaway	Holt	Miller, George
Bartlett	Boswell	Capps	Connolly (VA)	Honda	Minnick
Barton (TX)	Boucher	Capuano	Conyers	Hoyer	Mitchell
Bean	Boustany	Cardoza	Cooper	Hunter	Mollohan
Becerra	Boyd	Carnahan	Costa	Inglis	Moore (KS)
Berkley	Brady (PA)	Carney	Costello	Inslee	Moore (WI)
Berman	Brady (TX)	Carson (IN)	Courtney	Israel	Moran (KS)
			Crenshaw	Issa	Moran (VA)
			Crowley	Jackson (IL)	Murphy (CT)
			Cuellar	Jackson-Lee	Murphy (NY)
			Culberson	(TX)	Murphy, Patrick
			Cummings	Jenkins	Murphy, Tim
			Dahlkemper	Johnson (GA)	Murtha
			Davis (AL)	Johnson (IL)	Myrick
			Davis (CA)	Johnson, Sam	Nadler (NY)
			Davis (IL)	Jones	Napolitano
			Davis (KY)	Jordan (OH)	Neal (MA)
			Davis (TN)	Kagen	Neugebauer
			Deal (GA)	Kanjorski	Norton
			DeFazio	Kaptur	Nunes
			DeGette	Kennedy	Nye
			Delahunt	Kildee	Oberstar
			DeLauro	Kilpatrick (MI)	Olson
			Dent	Kilroy	Olver
			Diaz-Balart, L.	Kind	Ortiz
			Diaz-Balart, M.	King (NY)	Pallone
			Dicks	Kingston	Pascarell
			Dingell	Kirk	Pastor (AZ)
			Doggett	Kirkpatrick (AZ)	Paul
			Donnelly (IN)	Kissell	Paulsen
			Doyle	Klein (FL)	Payne
			Dreier	Kline (MN)	Pence
			Driehaus	Kosmas	Perlmutter
			Duncan	Kratovil	Perriello
			Edwards (MD)	Kucinich	Peters
			Edwards (TX)	Lamborn	Peterson
			Ehlers	Lance	Pierluisi
			Ellison	Langevin	Pingree (ME)
			Ellsworth	Larsen (WA)	Pitts
			Emerson	Larson (CT)	Platts
			Engel	Latham	Poe (TX)
			Eshoo	LaTourette	Polis (CO)
			Etheridge	Latta	Pomeroy
			Faleomavaega	Lee (CA)	Posey
			Fallin	Lee (NY)	Price (GA)
			Farr	Levin	Price (NC)
			Fattah	Lewis (GA)	Putnam
			Filner	Linder	Quigley
			Fleming	Lipinski	Radanovich
			Forbes	LoBiondo	Rahall
			Fortenberry	Loebsock	Rangel
			Foster	Lofgren, Zoe	Rehberg
			Fox	Lowey	Reichert
			Frank (MA)	Lucas	Reyes
			Franks (AZ)	Luetkemeyer	Richardson
			Frelinghuysen	Lujan	Rodriguez
			Fudge	Lummis	Roe (TN)
			Gallegly	Lungren, Daniel	Rogers (AL)
			Garrett (NJ)	E.	Rogers (KY)
			Gerlach	Lynch	Rogers (MI)
			Giffords	Mack	Rohrabacher
			Gingrey (GA)	Maffei	Rooney
			Gohmert	Maloney	Ros-Lehtinen
			Gonzalez	Manzullo	Roskam
			Goodlatte	Marchant	Ross
			Gordon (TN)	Markey (CO)	Rothman (NJ)
			Granger	Markey (MA)	Roybal-Allard
			Graves	Marshall	Ruppersberger
			Grayson	Massa	Rush
			Green, Al	Matheson	Ryan (OH)
			Green, Gene	Matsui	Ryan (WI)
			Griffith	McCarthy (CA)	Sablan
			Grijalva	McCarthy (NY)	Salazar
			Guthrie	McCaul	Sanchez, Loretta
			Gutierrez	McClintock	Sarbanes
			Hall (NY)	McCollum	Scalise
			Hall (TX)	McCotter	Schakowsky
			Halvorson	McDermott	Schauer
			Hare	McGovern	Schiff
			Harman	McHenry	Schmidt

Schock	Spratt	Walden
Schrader	Stearns	Walz
Schwartz	Stupak	Wamp
Scott (GA)	Sullivan	Wasserman
Scott (VA)	Sutton	Schultz
Serrano	Tauscher	Waters
Sessions	Taylor	Watson
Sestak	Teague	Watt
Shea-Porter	Terry	Waxman
Sherman	Thompson (CA)	Weiner
Shimkus	Thompson (MS)	Welch
Shuler	Thompson (PA)	Westmoreland
Shuster	Thornberry	Wexler
Simpson	Tiahrt	Whitfield
Sires	Tiberi	Wilson (OH)
Skelton	Tierney	Wilson (SC)
Slaughter	Titus	Wittman
Smith (NE)	Tonko	Wolf
Smith (NJ)	Towns	Woolsey
Smith (TX)	Tsongas	Wu
Smith (WA)	Turner	Yarmuth
Snyder	Upton	Young (AK)
Souder	Van Hollen	Young (FL)
Space	Velázquez	
Speier	Visclosky	

NOES—7

Campbell	Petri	Shadegg
Flake	Royce	
King (IA)	Sensenbrenner	

NOT VOTING—7

Himes	Obey	Stark
Johnson, E. B.	Sánchez, Linda	Tanner
Lewis (CA)	T.	

□ 1524

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WU. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PAS-TOR of Arizona) having assumed the chair, Mr. WELCH, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PROVIDING FOR PASSAGE OF H.R.
2101, WEAPONS ACQUISITION SYS-
TEM REFORM THROUGH EN-
HANCING TECHNICAL KNOWL-
EDGE AND OVERSIGHT ACT OF
2009

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 432) providing for

passage of the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 432

Resolved, That upon adoption of this resolution, the House shall be considered to have (1) passed the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense, as amended by the committee amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill; (2) taken from the Speaker's table S. 454; (3) adopted an amendment in the nature of a substitute consisting of the text of H.R. 2101 as passed by the House pursuant to this resolution; (4) passed such bill, as amended; and (5) insisted on its amendment and requested a conference with the Senate thereon.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from New York (Mr. MCHUGH) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this measure, the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009 and, of course, H. Res. 432, under which we will consider the bill today.

By voting for H. Res. 432, we will be adopting the bill reported out of the House Armed Services Committee 59-0, and initiating a conference with the Senate and their related bill, S. 454, which passed the Senate on a vote of 93-0. This legislation is in keeping with the best bipartisan traditions of the Congress, and the bipartisan leadership of both the House and Senate have committed to passing this legislation as quickly as possible.

The need for this legislation is urgent. It's indisputable. GAO tells us that the Department of Defense currently estimates it will exceed its original cost estimates on 96 major weapons systems by \$296 billion. That's more than 2 years of pay and health care for all of our troops. Much of this cost growth is already baked into the pie because of decisions made that will be difficult or impossible to reverse. At the same time, however, a lot of this is money that we have not yet actually

spent, meaning we will feel the effects of this waste for years. We cannot wait to take corrective measures.

On April 27 Ranking Member MCHUGH from New York and I, along with our partners, ROB ANDREWS and MIKE CONAWAY, the leaders of our panel on Defense Acquisition Reform, introduced the WASTE TKO Act. After introducing the bill, the committee held two hearings on the bill and held a markup. On the basis of the testimony we received and on the basis of the committee's long experience on acquisition reform issues, I can say with confidence that this legislation will substantially improve the oversight of major weapons system acquisition.

Let me briefly summarize the bill's provisions. It requires the Secretary of Defense to assign responsibility to independent officials within his office for oversight of cost estimation, systems engineering, and performance assessment. It also assigns additional responsibility to the Director of Defense Research and Engineering for assessing technological maturity and to the unified combatant commanders for helping to set requirements.

□ 1530

It promotes competition in our acquisition strategies, and it promotes the consideration of tradeoffs between cost, schedule, and performance. It limits organizational conflicts of interest and tightens the Nunn-McCurdy process.

Perhaps most importantly, it requires an increased focus on programs in the early stages of acquisition when most costs are determined, and it focuses oversight on programs which have demonstrated poor performance.

Lastly, the bill authorizes the Secretary of Defense to award excellence in acquisition.

Let me clarify an important issue about this bill that has arisen. Mr. MCHUGH and I have worked to make clear that this bill is tailored to match the scope of S. 454 in the Senate. We did this to speed its enactment into law.

As a result, like S. 454, it deals almost exclusively with major weapons systems acquisition, which is only 20 percent of the total that the Department of Defense spends on acquisition on an annual basis. There are also serious problems with the other 80 percent of the acquisitions systems. As a result, we established the Panel on Defense Acquisition Reform in our committee, led by ROB ANDREWS and MIKE CONAWAY.

They did excellent work on this bill, and we will get a lot more good work out of them before the day is done. We are fully committed to continuing the work on these issues in the upcoming National Defense Authorization Act for Fiscal Year 2010 and in subsequent legislation.

I ask all Members of the House to support H. Res. 432 and the underlying bill and vote to move it forward to a conference with the Senate on this very, very vital matter.

I reserve the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of this very important piece of legislation, H.R. 2101, the Weapons Acquisition System Reform through Enhancing Technical Knowledge and Oversight Act of 2009.

I want to begin where thanks are truly due, and that is with my good friend, my distinguished chairman, the gentleman from Missouri (Mr. SKELTON), who provided the inertia and the great leadership in putting together the team that has worked so hard to bring this bill to the floor, and a particular tip of the hat to the gentleman from New Jersey (Mr. ANDREWS) and my friend and colleague, the gentleman from Texas (Mr. CONAWAY), for their roles as the chairman and the ranking member in our special oversight committee. They really have done yeoman's work, supported by very able members, as they advanced a great piece of legislation.

Obviously, as you have heard, we consider this matter to be of utmost importance. The United States taxpayers deserve to get the most bang for their buck. It's a trite saying, but very true, especially when matters of national security are involved. What's more, there is an enormous opportunity cost when major defense systems miss and overrun their budgets.

The Government Accountability Office found that as of 2009 the Department of Defense had, as the chairman so correctly stated, some \$296 billion of cost growth on just 96 major weapons systems. And even if most of this growth is due to poor initial estimates or requirement changes and not to waste or mismanagement, the fact remains that the Department of Defense was unable to spend hundreds of billions of dollars on other planned priorities.

It's in the interest of a strong national defense, therefore, that we in Congress do all that we can to rein in cost growth in the development of major weapons programs.

This national security imperative is also what has driven us to quickly mark up, and hopefully pass today, H.R. 2101. But I would note, despite the speed with which this body has moved, the legislation we have before us is a sound and well-crafted product.

We have the benefit of feedback from the industry, from the Department, and from members of our Defense Acquisition Reform Panel. Speaking on my own behalf, I believe this feedback has allowed our committee to draft truly a superior piece of legislation.

I don't want to be taken wrong here, the Senate, the other body, has passed

a solid piece of legislation as well, S. 454. But it's important for the House Members to recognize that the legislation we have before us today will take us immediately into conference with the Senate and, quite likely, to the President's desk in just a matter of weeks.

Which is why we all believe it's all the more important to get a strong vote in support of this bill, to guarantee the voice of the House is heard in this debate, so that this body will remain on the forefront of ensuring we deliver the right capability to our war fighters at the right time and at the best value.

As my chairman, Mr. SKELTON, has indicated, this legislation focuses on reforms on the early stage of the acquisition system, requiring the evaluation of alternative solutions and more critical points and independent oversight earlier in the process. A focus on early stage acquisition is vital. As we know, as we heard from my chairman, the sins which cause most cost overruns are generally created in the initial stages of the acquisition process.

It also increases the level of independent scrutiny major weapons programs receive, not because our program managers are incapable, but because we recognize that it's an unfair burden to require program managers to be both a leading advocate for and an independent evaluator of the program.

The legislation also seeks to address concerns we have had heard about minimizing bureaucracy and continuing to give the Secretary of Defense the flexibility he needs to manage his own office. Despite the impressive list of reforms carried in this bill, it really is relatively narrow in scope.

Some, including The New York Times Editorial Board, have criticized us for focusing only on acquisition of major weapons systems, stating, and I quote from one of their editorials, "Unfortunately, the House version, to be voted on later, applies to only about 20 percent of acquisitions."

Although, with due respect to The Gray Lady, maybe \$296 billion doesn't sound like a lot of money to The New York Times, but as I previously noted, that's just the cost of overruns on these 96 programs. The total planned outlay for those 96 programs is some \$1.6 trillion.

I have to say that I am fairly comfortable with taking on reforms to \$1.6 trillion in government spending as just a first step this year.

In addition, we deliberately narrowed the scope of our bill in order to keep the legislation aligned with the Senate and to send this bill to the President as soon as possible. The remaining 80 percent of DOD programs will not go unaddressed. If truth be told, acquisition workforce issues and acquisition of services have been addressed in prior years' bills, but we will not be satisfied

with resting on the laurels that I think this body will accrue today in supporting this legislation.

These issues will continue to be considered by the Defense Acquisition Reform Panel, which will carry on with its mandate to consider initiatives that could be addressed by the committee as part of the fiscal year 2011 National Defense Authorization Act.

Mr. Speaker, in closing, I want to re-emphasize that I give my full support to this bill. We owe a great debt of gratitude to those Members who worked so hard to bring it to the floor today and do so with such a quality product behind it.

I am honored to stand with them in this well this afternoon, and I look forward to a strong vote in support of this worthy piece of legislation.

Mr. Speaker, I rise in support of H.R. 2101, the Weapons Acquisition System Reform through Enhancing Technical Knowledge and Oversight Act of 2009. As my friend and Chairman, Mr. SKELTON, has so ably described, this bill, which was unanimously adopted by the House Armed Services Committee, takes aim at reforming the process used by the Department of Defense to acquire major weapons systems.

We consider this matter to be of the utmost importance. The United States taxpayers deserve to get the most bang for their buck—especially when national security matters are involved. What's more, there is an enormous opportunity cost when major defense weapons systems miss overrun their budgets. The Government Accountability Office found that as of 2009 the Department of Defense had \$296 billion of cost growth on 96 major weapons systems. Even if most of this growth is due to poor initial estimation or requirements changes, and not to waste or mismanagement, the fact remains that the Department of Defense was unable to spend hundreds of billions of dollars on other planned priorities. Therefore, in the interest of a strong national defense, Congress must do all it can to reign in cost growth in the development of major weapons programs.

This national security imperative is also what has driven us to quickly mark up and, hopefully, pass H.R. 2101. Despite the speed with which this body has moved, the legislation before us is a sound, well-crafted product. We have had the benefit of feedback from industry, from the Department, and from the members of our Defense Acquisition Reform Panel. Speaking for myself, I believe this feedback has allowed our Committee to draft a superior piece of legislation.

Don't get me wrong. The Senate has already passed a solid piece of legislation, S. 454. But it is important for the members of the House to recognize that the legislation we have before us today will take us immediately into conference with the Senate, and quite likely to the President's desk in a matter of weeks. Which is why I believe it is all the more important to get a strong vote in support of this bill, to guarantee the voice of the House is heard in this debate and so this body will remain on the forefront of ensuring we deliver the right capability to our warfighters at the right time and at the best value.

As Chairman SKELTON has indicated, this legislation focuses reforms on the early stages of the acquisition system, requiring the evaluation of alternative solutions at more critical points and independent oversight earlier in the process. A focus on early stage acquisition is vital, because we know from experience that the sins which cause cost overruns are generally created in the initial stages of the acquisition process. It also increases the level of independent scrutiny major weapons programs receive—not because our program managers are not capable, but because we recognize that it is an unfair burden to require program managers to be both the leading advocate for a program and an independent evaluator of the program. The legislation also seeks to address concerns we have heard about minimizing bureaucracy and continuing to give the Secretary of Defense the flexibility he needs to manage his own office.

Despite the impressive list of reforms carried in this bill, our legislation is relatively narrow in scope. Some, including the New York Times Editorial Board, have criticized us for focusing only on the acquisition of major weapons systems, stating, “Unfortunately, the House version, to be voted on later, applies only to about 20 percent of acquisitions.” Maybe \$296 billion doesn’t sound like a lot of money to the New York Times, but as I’ve previously noted—that’s just the cost overruns on those 96 programs. The total planned outlay for those 96 programs is \$1.6 trillion. I have to say that I’m fairly comfortable with taking on reforms to \$1.6 trillion in Government spending, as a first step this year.

In addition, we deliberately narrowed the scope of our bill in order to keep our bill aligned with the Senate bill and to send this legislation to the President as soon as possible. The remaining 80 percent of DoD acquisition programs will not go unaddressed. If truth be told, acquisition workforce issues and acquisition of services have been addressed in prior year bills. But we will not be satisfied with resting on our laurels. These issues will continue to be considered by the Defense Acquisition Reform Panel—which will carry on with its mandate to consider initiatives that could be addressed by the Committee as part of the FY2011 National Defense Authorization Act.

Ironically, others have suggested that additional legislation is not warranted. The outgoing Under Secretary of Defense for Acquisition, Technology, and Logistics recently told reporters, “I just do not think you can mandate a process that will ensure successful defense acquisition . . . The bottom line is people run programs, not documents [or] processes.” I think few can argue with this assessment. In the end, implementation of sound acquisition policies and maintaining a skilled workforce is more important than passing new reforms. Nevertheless, we continue to see poor outcomes that could have been avoided if there had been a stronger independent voice, earlier in the program and the warfighters had a clear role in establishing the requirements up front.

Moreover, we have repeatedly heard testimony before the Armed Services Committee that the reforms contained in this bill are practical, necessary, and can be implemented. We heard testimony from a panel of outside ex-

perts, many of them former senior officials from DoD, and the new Deputy Secretary of Defense, who were highly complimentary of this legislation. The Department is on-board with these changes—many of which they have recently committed to internal policy guidance.

Therefore, Mr. Speaker, I give my full support to this bill. In conclusion, I thank all of the members, but especially Chairman SKELTON, for collaborating so closely with me, and ROB ANDREWS and MIKE CONAWAY who lead our Defense Acquisition Reform Panel, for their participation in this process and for helping to make this the strongest possible product. I have absolute confidence that the members of the Panel will continue in their endeavors and provide the Armed Services Committee with a number of additional recommendations when they have fulfilled their mandate. We appreciate their hard work.

Mr. Speaker, I urge my colleagues to vote yes on H.R. 2101.

With that, I reserve the balance of my time.

Mr. SKELTON. First I want to again thank the ranking member, my good friend, JOHN MCHUGH, for the good work on this excellent legislation, as well as his hard work on the Armed Services Committee. It is very much appreciated.

I yield 5 minutes to my friend, the kind colleague and the chairman of the Armed Services Committee on the Special Oversight Panel on Defense Acquisition Reform, the gentleman from New Jersey, Mr. ROB ANDREWS.

Mr. ANDREWS. I thank the chairman for yielding.

Mr. Speaker, my colleagues, there is an understandable frustration and cynicism in our country about our political system. There are people who believe that all we do is argue, that the two parties never agree on anything. And when we do agree on something, it’s on something symbolic or inconsequential.

I think beyond the value of the substance of this legislation is the value of showing how those caricatures of the American political process are not always true. This has been a very substantive and very significant process, and it was led by outstanding bipartisan leadership from Mr. SKELTON, the chairman of the Armed Services Committee, who had the foresight to put together this panel and empower us with the staff, resources, and time to do the job well; and Mr. MCHUGH, who loaned both his expertise and his personal credibility to this effort, both of which are in significant supply.

I would also like to thank Mr. CONAWAY from Texas, the ranking member of the panel, for his outstanding contributions; each member of the panel, both Republican and Democratic, for their diligence in this effort; and most assuredly, the hardworking staff people who made the product possible: Erin Conaton and Andrew Hunter, Jenness Simler, Nat Bell from my office. We appreciate very much their efforts and many others.

You have heard the chairman and others say earlier that the Government Accountability Office has identified \$296 billion in cost overruns, that’s just overruns, in major weapons systems. And as the chairman said, had we not incurred these overruns, that’s enough money to pay for the salaries of the troops and the health benefits for the troops and their families for nearly 2½ years. That’s the opportunity cost for the problem that we are facing today.

The House is encouraged to pass this bill because we believe it faces that problem by implementing four very important changes. The first has to do with independence. The people who will be doing cost estimates, engineering and conceptual scientific evaluations, and scheduling analyses will not be people vested in the success of the weapons system. They will be people vested in protection of the taxpayer dollar and providing the very best value for those who wear the uniform.

The second principle is looking very critically at the development of these weapons systems as early as possible in the process. By the time 10 percent of the money is spent on these weapons systems, 70 percent of the money is obligated. That is to say, on or before the time that we decide to build or not build a weapons system, we are already far into the process, whereby a political constituency builds up, hundreds of thousands of workers, thousands of contractors, political constituencies around the country, who understandably advocate for these programs as if they were a public works project. Well, they are not. The idea behind these programs is to provide the very best tools to those who wear the uniform of this country at the appropriate price for the taxpayer.

By getting involved earlier in the process, we make it far more likely that when a bad judgment has been made, when we set off on the wrong course, that course can be reversed or terminated, as it should be.

The third principle in this bill is to give intensive attention, intensive care, to weapons systems that have been permitted to go forward even though they have not yet met all of the criteria to go forward.

If there is a true national security reason that those weapons systems should go forward beyond that milestone, it is very important that they be looked at carefully and on an ongoing basis. That is what this bill provides.

And in those, unfortunately, many instances where the programs far exceed the cost that’s originally estimated, by 25 percent, by 50 percent, this legislation says that if the programs are not terminated, and if they are not terminated because there is a strong national security reason not to terminate them or a strong economic reason not to terminate them, they must be watched with great intensive attention.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional minute.

Mr. ANDREWS. Finally, the product before us has a very strong but flexible provision to prohibit undue conflicts of interest.

Frankly, this body does not aspire to micromanage the process of who can participate and contract and who cannot. What we are committed to is that all of those who are serving the public in this process serve only one master, that they are acting on behalf of the uniformed personnel and the taxpayers and not on behalf of anyone else who has an economic interest in the outcome of their deliberations.

This is a substantive piece of legislation that happened because the two parties worked together, because they listened to the best experts, and because we had put aside the squabbling in which we sometimes all engage to do what is right with our country.

It's an honor to work with my friends on this. I would urge my Members to vote "yes" and move this process forward.

□ 1545

Mr. MCHUGH. I want to again thank the gentleman from New Jersey for his great effort and leadership and clearly associate myself with his comments about the staff, some of whom are beside and behind me here, as they are behind the chairman and others on the other side. Everything good that we achieve comes from their efforts. Everything that is not so good is certainly because we fail to listen to them. Certainly, in this bill, we listened to them very carefully. That, in large measure, is why it's such a great product.

With that, I'm proud to yield 4 minutes to our leader on our side of the aisle, a man whom I asked if he would not think about leading our efforts from the minority side, and was anxious to go forward and really underscored why he was the only choice, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman from New York for yielding time on this issue. I rise today to lend another bipartisan voice to support for the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act, giving rise to the best acronym yet in this Congress—the WASTE TKO Act.

As a member of the HASC Defense Acquisition Reform Panel, I feel a deep sense of obligation to both our men and women in uniform and my constituents back home to get this right and to give the Defense Department the tools and the manpower it needs to get the acquisition process right.

As with almost all work on the Armed Services Committee, I am pleased that we are able to work in a

bipartisan manner, and I thank Chairman SKELTON, Ranking Member MCHUGH, and Chairman ANDREWS for their leadership throughout this process.

Last month, the GAO reported that the "major weapons programs continue to cost more, take longer, and deliver fewer quantities and capabilities than originally planned." The GAO goes on to find fault in the "planning, execution, and oversight," of major weapon programs. Congress' inability to realistically plan for the future is slowly strangling our ability to govern, and in no place is that more apparent than in how we procure military hardware.

The legislation introduced by Chairman SKELTON and Ranking Member MCHUGH represents an important first step towards our final goal of creating an end-to-end acquisition process that is most responsive to the needs of the warfighter and responsible to the financial burdens of the taxpayer.

The WASTE TKO Act will ensure that new major weapons programs begin on a solid foundation; with accurate cost estimation and realistic performance goals developed before the program progresses into the system development and demonstration phase marked milestone B.

This legislation will institute clear lines of accountability and authority within the Pentagon, and establish the policies and procedures that are necessary to create a truly knowledge-based assessment of weapons programs.

By doing our homework upfront, our armed services will be better able to prepare for the future, our warfighters will be better equipped, and we will be better stewards of the limited resources entrusted us by the taxpayers.

It is our responsibility to ensure the warfighter receives the best weapon systems to perform their mission, while at the same time ensuring that the taxpayers get the most bang for their buck.

The WASTE TKO Act addresses how we procure major weapon systems and provides much promise in resolving the enormous cost overruns that embarrass the government and infuriate the public.

Our bill is a step in the right direction, but we all know there is much more to be done to refocus the acquisitions process on supporting the warfighter first.

Mr. Chairman, I look forward to continuing to work with you and Chairman MCHUGH and ROB ANDREWS and the members of the committee and Acquisition Reform Panel as we complete this important task.

I want to thank our staff—both those of the committee and personal offices—who have done such great work on this bill. I encourage my colleagues to support this important legislation.

Mr. SKELTON. May I inquire as to the number of minutes I have left?

The SPEAKER pro tempore. The gentleman has 9 minutes.

Mr. SKELTON. Before I yield to the next speaker, I wish to add to what my colleagues on the other side have said. What outstanding work our staff has done on this legislation—complicated. And they glued it together and the jigsaw puzzle has an absolute clear picture as to acquisition reform. We hope to go from here to conference with the Senate with a successful outline.

I yield 2 minutes to my friend and colleague, a member of the Armed Services Committee, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Thank you, Mr. Chairman. Mr. Speaker, I rise today in support of the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009. This legislation is an important first step in reforming the defense acquisitions process.

We know that due to insufficient oversight, acquisition programs have continued to skyrocket in costs. The cost growth of weapons systems acquisition has been a huge drain on taxpayer dollars—with minimal growth estimates of at least \$166 billion. A 20 percent improvement in these numbers could save the taxpayers up to \$30 billion.

This legislation ensures accuracy in performance assessments by designating an official to conduct performance assessments. In addition, it establishes additional annual reviews from oversight officials for problem contracts. These reviews, coupled with additional congressional oversight of the ailing programs, will help keep programs on track.

Finally, this legislation creates a better system to track cost growth during early contract development. By the time system development begins, 75 percent of the costs are already in place. By regulating cost growth in the early development, we will have true cost estimates and we can seek alternative solutions if it's necessary.

This legislation puts in place essential internal controls to the defense acquisition process. I will continue to advocate for fiscally responsible programs that provide optimal equipment for our Nation's military.

I thank the chairman and all those who worked on this bill.

Mr. MCHUGH. At this time I'd be happy to yield such time as he may consume to our ranking member on the Air and Land Subcommittee, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I strongly encourage my colleagues to pass H.R. 2101, a much needed acquisition reform bill. This bill will help facilitate a strong national defense, while reining in out-of-control cost growth in the development of major weapons systems.

This bill is a result of an intensive, cooperative, and collaborative bipartisan and bicameral effort to improve

and modernize the procurement and acquisition process for our Armed Forces.

I want to recognize in particular the efforts of Chairman IKE SKELTON, Ranking Member JOHN MCHUGH, and the members of the Defense Acquisition Reform Panel led by Chairman ROBERT ANDREWS and Ranking Member MIKE CONAWAY.

Additionally, I would like to thank the unusually talented staff for their tireless work and contributions to this legislation.

H.R. 2101 is a much needed response to help minimize cost overruns and increase oversight and transparency in the way the Defense Department buys big-ticket weapons programs. I'm confident this legislation will provide a positive step forward for our military that will save taxpayers billions of dollars.

Moreover, this piece of legislation strategically addresses many of the issues I have long raised as concerns, including requirements creep, delivery delays, overly optimistic cost estimates, and the need for an independent broker to advise the military and Congress.

Two weeks ago during our HASC full committee hearing on Reform of Major Weapons Systems Acquisition, I posed a question before our distinguished panel of experienced acquisition experts regarding how they would weigh the causes of program cost overruns.

I asked them to record percentages based on what I called requirements creep, intentional underbidding, and, three, optimistic or incompetent cost estimating.

In short, what I took away from our expert panelists' answers was that fixing a broken defense acquisition system heavily lies with the requirements process. I believe H.R. 2101 will help define requirements better upfront and establish a managed process for our military and defense contractors.

This bill will also address cost and schedule delays on programs early on. This bill will force the DOD to assess alternatives as soon as any major program starts going off track. Currently, this assessment is not required unless the program incurs a Nunn-McCurdy breach, which usually doesn't happen until a program is close to production.

Nunn-McCurdy has been a useful tool. It requires notification of Congress for programs that exceed cost estimates by 15 percent and termination of programs that exceed cost estimates by 25 percent unless certified by the Secretary of Defense that it's in our national security interest. H.R. 2101 provides tools and teeth to better manage and control costs of major programs from the very beginning.

Additionally, this bill elevates the importance and role of the independent cost estimator. This person gets to select the confidence level that all cost estimates will be developed to and also

gets to develop his or her own cost estimate.

Further, the individual has to concur with the choice of the cost estimate made by the Under Secretary of Defense for Acquisition Technology and Logistics, AT&L, in creating a baseline budget for the program.

Lastly, I have been a longtime advocate of independent "brokers" to advise our talented military and the Congress. Under this bill, independent officials would be hired to assess defense acquisition performance. The idea would be that this individual does not report to the services or to AT&L. They would report to the Secretary and to Congress about whether the taxpayers are really getting value for their money under a program, or if there are other alternatives or requirement trades we should make.

This bill is very similar but not identical to legislation already passed by the Senate, S. 545, under the leadership of Senators CARL LEVIN and JOHN MCCAIN. There are some differences between the House and Senate bills. There is unified, bipartisan support for this House bill, H.R. 2101.

It was approved unanimously, and I encourage my colleagues to ratify the recommendations of the House Armed Services Committee with the strongest show of support for this bill as we go forward in conference with the other body.

In conclusion, I believe H.R. 2101 is a long overdue piece of legislation that will greatly benefit the honorable men and women who volunteer to serve in our Armed Forces.

Mr. Speaker, I ask my colleagues to support this bill.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend and colleague, a member of the House Armed Services Committee, the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Mr. Speaker, I rise in support of H.R. 2101 because it will save taxpayers billions of dollars while maintaining a strong national defense through improved oversight of the acquisition of major weapons systems.

Cost overruns, schedule slips, and performance shortfalls have plagued large weapon system acquisition programs since World War II. Current major defense acquisition programs continue to experience these problems despite mandates from Congress and the Department of Defense. This legislation is an essential step to getting back our financial house in order.

As a Member of the House Armed Services Committee, I recognize that we must continue to provide a strong national defense. However, taxpayers deserve a smart national defense as well—especially at a time when they are being compelled to tighten their belts and make difficult financial decisions about how to reduce their own personal experiences expenses.

In light of current economic conditions and the sacrifices by average Americans across the country, Congress and the Department of Defense must also make a real effort to establish the necessary financial discipline, accountability, and oversight of major defense acquisition programs.

The GAO found that as of 2009, the Department of Defense had at least \$166 billion of cost growth on 96 major weapons systems. A 20 percent improvement could save the taxpayer as much as \$30 billion.

The WASTE TKO Act seeks to cut the cost growth in major defense acquisition programs in three major ways. First, it requires the Secretary of Defense to designate an official expert on cost estimation, systems engineering, and performance assessment. This new internal oversight function will provide us with independent assessments of acquisition programs.

Second, the bill creates an "intensive care unit" for sick programs. Programs that are not meeting the standards for system deployment or that have had critical Nunn-McCurdy cost breaches will get additional scrutiny.

Finally, it increases oversight of programs in the early stages of acquisition. It requires the DOD to set up a new system to track the cost growth and schedule changes that happen prior to milestone B—the decision point where system development begins.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SKELTON. I yield an additional 15 seconds.

Mr. KRATOVIL. This Congress needs to control spending across the board—and this bill is a necessary step in the area of major defense acquisition programs. I strongly support H.R. 2101, and urge my colleagues to do the same.

Mr. MCHUGH. At this time I'd like to yield 2 minutes to a very able member of the Acquisition Reform panel and a proud veteran of our United States military, the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. I rise in support of H.R. 2101. This legislation respects the needs of those who serve in defense of our freedom, as well as the taxpayers who are asked to burden the cost.

Mr. Speaker, I am a combat veteran, with service in both the United States Army and the United States Marine Corps. One aspect of this legislation that is extremely important to me is a provision that formally requires the input of our combatant commanders on the acquisition decisions for weapon systems and equipment.

□ 1600

This will require the views of the end users that are deployed soldiers, marines, sailors and airmen in making their voices heard so that they can better perform their missions at the least cost in lives.

Madam Speaker, I stand before you today to express my strong support for this important piece of legislation. As a Member of the House Armed Services Committee, and a new Member of Congress, I was honored to be appointed to the Acquisition Reform Panel.

As an active participant on the panel, I appreciate this opportunity to help "fix" an obviously flawed defense acquisition system. My emphasis on the Panel has been how to achieve the best use of taxpayer dollars to provide the right equipment, at the right time for our Marines, soldiers, sailors, and airmen.

As a combat veteran with two tours in Iraq, I realize from personal experience just how critical a well-functioning acquisition system is to our nation's servicemembers—especially our warfighters in the field.

We must always fully take the "end user" into account whenever we address the acquisition process and to this end, I was pleased my amendment giving the Combatant Commanders (COCOMs) a more defined role and input into the process was included. This bill institutes a much needed level of focus and precision regarding the input sought from Combatant Commanders to best inform the Joint Requirements Oversight Council as to whether a new program is truly needed and what its fungible benefit will be in the current and future battlefield. Such precise input aims to prevent the DOD from going down the road of spending billions of dollars on unnecessary programs of no real value to the warfighter.

Our legislation addresses acquisition organization, oversight of cost estimation, performance assessment, and weapons acquisition oversight, and fully takes into account the current problems within the Department of Defense Acquisition process.

I urge my colleagues to vote in favor of this well-crafted and critical piece of legislation.

Mr. SKELTON. Madam Speaker, I yield 2 minutes to my friend and colleague, a member of the Armed Services Committee's special oversight panel on defense acquisition reform, the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. Madam Speaker, I thank the chairman for giving me this time.

We hear a lot about waste, fraud and abuse in Federal Government, and this bill that I support, H.R. 2101, answers just that. I think it is critically important legislation to reform the Pentagon's major weapons acquisitions systems.

By now we have all heard the alarming reports from the GAO, the statistics that show that 96 of the Department of Defense's major weapons systems experienced \$296 billion in cost growth and an average of 22 months' delay in delivering these weapons to our warfighters. At a time when so much has been asked of the American taxpayer, we can do better, and we must do better. Runaway cost growth for many of these major weapons systems threatens other vital defense priorities at a time when our men and women in uniform are involved in active combat both in Iraq and Afghanistan.

Chairman SKELTON and Ranking Member MCHUGH and my colleagues on the House Armed Services Committee recognize the Pentagon's acquisition process is on an unsustainable path. The most important element to this legislation, in my view, is the strict oversight and accountability applied to the early development stage of major weapons acquisitions.

This legislation requires the Department of Defense to track cost growth and schedule changes that happen prior to milestone B, the point in the process when the systems and development start. This is critical because 75 percent of the systems costs are locked in as systems emerge from the development stage.

Madam Speaker, H.R. 2101 represents a strong bipartisan approach to reforming major weapons systems acquisition. But it is only a start. As a member of the Armed Services Committee's Defense Acquisition Panel, I will continue to work with Chairman ROB ANDREWS and Ranking Member MIKE CONAWAY to review where action is needed to ensure greater return on our investment.

Mr. MCHUGH. Madam Speaker, at this time I am proud to yield 2 minutes to the gentleman from Louisiana (Mr. FLEMING), a 6-year member of the Navy and a military family physician.

Mr. FLEMING. Madam Speaker, I thank Ranking Member MCHUGH and also Chairman SKELTON. I rise to speak about and to support H.R. 2101.

We must continue providing a strong national defense while reining in out-of-control cost growth in the development of major weapons systems. Taxpayers deserve to get the most bang for their buck, especially when national security matters are involved. Cost overruns in major defense weapons systems are a huge drain on the defense budget.

This bill accomplishes this in three ways, number one, by ensuring accuracy of information for performance assessment; number two, providing intensive care to sick programs, sometimes they need just a little nudge to get back on track; and, number three, tracking cost growth in the early stages of development. By the time a program reaches milestone B, 75 percent of its costs are already locked in. Currently, there is no process to review alternative solutions when cost or schedule growth occurs during this period.

Now, there is a companion bill in the Senate we have already discussed, the Levin-McCain legislation. And members on the House Armed Services Committee share the concerns addressed in the Senate bill. By comparison, about 25 percent of the two bills are the same, about 50 percent of the provisions are overlapping, and about 25 percent of our solutions on the House side are in addition. H.R. 2101

takes a different approach from the Levin-McCain legislation bill in how it addresses issues of systems engineering and other matters.

In summary, Madam Speaker, I support H.R. 2101, and I ask that my fellow Members support it as well.

Mr. MCHUGH. I reserve the balance of my time.

Mr. SKELTON. I reserve the balance of my time.

Mr. MCHUGH. Madam Speaker, I would yield myself the balance of our time.

Madam Speaker, as you have heard here today through very eloquent and insightful comments of Members on both sides of the aisle, this is a piece of legislation that we believe very strongly deserves the full and enthusiastic support of every Member of this House. And I want to close how I opened, and that is a word of thanks to our distinguished chairman and to the Chair and ranking member of our special panel, Messrs. CONAWAY and ANDREWS for their great efforts. And I know today that the House will take an important step forward in both serving our men and women in uniform better through acquisition reform and equally serving the interests of the United States taxpayer.

With that, I yield back the balance of my time.

Mr. SKELTON. I wish to mention, Madam Speaker, that this is landmark legislation. It will go a long, long way in making sure we get the best weapons systems possible for our men and women who wear the uniform, and also more in budget, and it is extremely important. A special thanks to Mr. MCHUGH, to the panel, Mr. ANDREWS and Mr. CONAWAY. A special thanks to the staff members, Andrew Hunter, especially, and Erin Conaton. And we urge a solid vote on this piece of legislation.

Mr. LANGEVIN. Madam Speaker, I rise to urge passage of the Weapons Acquisition Systems Reform Through Enhancing Technical Knowledge and Oversight Act of 2009, or the WASTE TKO Act. I want to thank Chairman SKELTON for his leadership in addressing this critical issue and bringing this bill to the floor so quickly and with such strong support.

In today's world, we face a difficult balance between keeping our Nation safe and operating within the fiscal constraints of our current economic climate. Cost overruns in major defense programs are a drain on our limited resources and jeopardize our national security. As of 2009 the Government Accountability Office found \$296 billion in cost growth across 96 major weapons systems. We must ensure that money we use to protect our Nation is used wisely and efficiently so that taxpayer dollars get the most bang for their buck.

The WASTE TKO Act helps tackle cost growth through ensuring accurate performance assessments, providing intensive care to 'sick' programs, and fighting cost growth in the early stages of development.

Specifically, this bill will bring oversight to the muddled process of performance assessments by requiring the Secretary of Defense

to designate a principal official to provide unbiased evaluations on the success of our acquisitions programs. The bill will also mandate additional reviews for programs that fail to meet development requirements or have extreme cost growth problems. This gives Congress the power to get an honest assessment of a 'sick' program's condition and decide whether it merits the risks of proceeding with development. Finally, the bill requires DOD to track cost growth and scheduling changes that take place before the program reaches milestone B, where 75% of its costs are already locked in place. This allows Congress to review alternative solutions to fight cost growth before it becomes a permanent drain on a program.

When cost overruns and schedule delays continue to haunt a program, it threatens the ability to provide our men and women in uniform with the best equipment possible to protect our Nation. This bill goes a long way towards increasing effective Congressional oversight and will help us continue to be responsible stewards of U.S. taxpayer dollars. I urge my colleagues to join me in supporting this much-needed legislation.

Mr. VAN HOLLEN. Madam Speaker, today I rise in support of H.R. 2101, a bill to address waste, fraud and abuse in the government's procurement process. This bipartisan measure is an important step in the Congressional effort to increase oversight of DoD's procurement process and to limit overall defense cost growth.

For years the American people have watched with frustration as exploding contract and procurement costs drive up the cost of government. We all remember the \$200 toilet seat. This bill is an attempt to get such cost overruns and bloat under control at the largest agency in the federal government—the DoD.

The Weapons Acquisition System Reform Act will help fight abuse in defense contracting and procurement by establishing a principal acquisitions adviser who will monitor costs, oversee performance assessments and track cost growth for major DoD programs at the beginning of the decision making process, before the final go ahead is given.

The President has proposed a broad and ambitious agenda that will require all us to help identify ways to save money and bring down the costs of government. This bill is an important step in that direction.

Mr. SKELTON. With that, I yield back.

The SPEAKER pro tempore (Ms. BALDWIN). The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 432.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SKELTON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING ARMED FORCES DAY

Mr. MASSA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 377) recognizing Armed Forces Day and the exemplary service of the members of the United States Armed Forces.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 377

Whereas Armed Forces Day was created in 1949 in connection with the consolidation of the military services in the Department of Defense;

Whereas the purpose of Armed Forces Day is to honor the men and women who are serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard, including the National Guard and Reserve components;

Whereas Armed Forces Day is celebrated on the third Saturday in May, which this year is May 16, 2009;

Whereas members of the Armed Forces have performed tremendous service on behalf of the United States;

Whereas members of the Armed Forces have been killed and injured in operations to bring peace and stability in the name of democracy; and

Whereas all Americans express their recognition and gratitude for members of the Armed Forces at home and abroad: Now, therefore, be it

Resolved, That the House of Representatives, on the occasion of Armed Forces Day 2009—

(1) honors and recognizes the service and sacrifice that members of the Armed Forces and their families gave, and continue to give, to the United States;

(2) remains committed to supporting the members of the Armed Forces and their families;

(3) encourages Americans to show their support and appreciation for members of the Armed Forces on Armed Forces Day;

(4) commends the actions of private citizens and organizations who volunteer to support America's wounded warriors; and

(5) expresses the gratitude of the American people to the members of the Armed Forces for their service on behalf of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MASSA) and the gentleman from Louisiana (Mr. FLEMING), each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MASSA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MASSA. I yield myself as much time as I might consume. Madam Speaker, Armed Forces Day was established to recognize the men and women serving in the Army, Navy, Marine Corps, Air Force and Coast Guard. I rise today to urge my colleagues to

support House Resolution 377, honoring the exemplary service of the men and women of the United States Armed Forces.

The armed services have performed with dedication and bravery on behalf of the United States of America, and they have been killed or injured in conflicts and operations around the world in order to bring peace and stability in the name of democracy. Armed Forces Day recognizes the sacrifices that the Armed Forces and their families have given and continue to give to the United States of America.

This resolution shows that the House of Representatives remains committed to supporting the members of the Armed Forces and their families. It encourages all Americans to show their support and appreciation for the brave Americans and their families. We also commend those citizens whose organizations volunteer to support our servicemembers and their families at home and abroad.

Those who wear the uniform of our military services deserve our honor and great respect. Armed Forces Day is an opportunity for all other Americans to display their pride and appreciation for this noble and selfless service. So I now call upon Members of this great House to join me in supporting this resolution, thereby expressing our common pride and regard for our military on behalf of a grateful Nation.

I reserve the balance of my time.

Mr. FLEMING. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I rise in support of House Resolution 377, which recognizes Armed Forces Day, May 16, and the exemplary service of the members of the armed services. I want to commend my colleagues, Congressmen KEN CALVERT and NEIL ABERCROMBIE, for sponsoring it.

Today we are a Nation at war, with more than 2,750,000 men and women in uniform and more than 270,000 deployed worldwide. The men and women of today's armed services are all volunteers and have willingly, professionally, competently and unselfishly met every challenge this Nation has presented to them. In meeting those challenges, many have died and more have been wounded and injured.

These magnificent men and women come not only from the active components of the Army, Navy, Marine Corps, Air Force and Coast Guard, but also from our hometown communities as members of the National Guard and the other Reserve components. Their commitment to this Nation and to their services can be measured in many ways. But I believe there is no better evidence of their patriotism and commitment to the defense of America than their astounding willingness to re-enlist and continue serving. Today, such re-enlistment decisions are made

with the knowledge that it will mean repeat tours of duty in war zones where death and injury are potential outcomes.

Nevertheless, the most re-enlistment data continues a trend that has existed since September 11, 2001. For example, as of the end of March this year, Army re-enlistments for this year ranged from 111 percent to 114 percent of goal. Marine Corps and re-enlistments range from 197 percent to 204 percent of goal.

When Armed Forces Day was created in 1949, its purpose was to establish a time when all Americans could reflect on and honor the service of the men and women of the Armed Forces. This week, Armed Forces Day will be celebrated on May 16. On that day, I would urge my colleagues to reflect on the extraordinary service rendered not only by those who have previously served, but also of those who now are committed to making this Nation safe. On that day and every day, I would also urge my colleagues to take the time to individually thank every previous and current member of the armed services they encounter for their service.

I heartily recommended that all my colleagues vote "yes" on this resolution.

Mr. MASSA. I continue to reserve the balance of my time.

Mr. FLEMING. Madam Speaker, I would like to recognize Mr. CALVERT of California for such time as he may consume.

Mr. CALVERT. Madam Speaker, I rise today in support of H. Res. 377, which honors and recognizes Armed Forces Day on May 16. Over the course of our Nation's history, generations of Americans have made tremendous sacrifices to protect the freedoms we hold dear. And we honor these courageous Americans on Armed Forces Day and throughout the month of May.

Armed Forces Day is an opportunity to recognize our troops and their families, as well as rededicate ourselves to the promises our Nation has made to repay their service and sacrifice. When we make our promises to our troops, we must keep them, for they most certainly have kept their commitment to the American people.

Madam Speaker, I urge all my colleagues to support H. Res. 377 and to declare to all U.S. servicemembers that we stand with them. When the call of duty sounded, they did not hesitate to answer. Let us not hesitate in our support of all those brave men and women of the United States Armed Forces.

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Mr. FLEMING. Madam Speaker, I yield back the balance of my time.

Mr. MASSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is with a particular honor that I have been asked to rise to introduce this legislation, remembering in my own life story the ex-

citement of a 17-year-old young man as that individual entered the United States Naval Academy; and reflecting upon a, frankly, long, 30-year journey that has brought me here today in this great House to call upon my fellow colleagues to join me in recognizing the millions of Americans who have now followed the veterans who have joined me now out of the armed services. It is right and just as a son of a military member, as the brother of a military member, as the colleague of so many veterans of this great body, it fills me with emotion and clarity of eye and thought to imagine that that 17-year-old young man could journey so far as to be here today to call upon all Americans to honor all those in service and in uniform around the world. It is a tremendous honor to bring this resolution to the floor of the House of Representatives. I close my remarks on that note.

Mr. POE of Texas. Madam Speaker, the 34th President of the United States, Dwight Eisenhower, said that "it is fitting and proper that we devote one day each year to pay special tribute to those whose constancy and courage constitute one of the bulwarks guarding the freedom of this nation and the peace of the free world."

I agree, Madam Speaker, and I am proud to be a cosponsor of this resolution.

Fifty-nine years ago we began the tradition of honoring the Armed Forces on the third Saturday of May as the national Armed Forces Day.

Before 1950 there were individual holidays in honor of each of the five branches of the military—Army, Navy, Marine Corps, Air Force, and Coast Guard.

President Truman established this single holiday to honor the servicemembers of all branches as an act of unity after the Department of Defense was created.

There are several purposes for celebrating Armed Forces Day—educating the public on the jobs and role of the military, exhibiting the military's state of the art equipment, and most importantly for acknowledging the people who serve our country in the Armed Forces.

Today 1.5 million people are on active duty in the U.S. military. In addition, 850,000 men and women serve in the seven reserve and guard divisions—Army National Guard, Army Reserve, Marine Forces Reserve, Navy Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

These brave folks serve our country all over the world at 820 different military installations.

About 140,000 servicemembers are stationed in Iraq and 56,000 are in Afghanistan.

This special day is celebrated every year with parades, military reenactments, air shows, and open houses at military bases.

The theme for this year's Armed Forces Day is "United in Strength."

United indeed, Madam Speaker. "From this day to the ending of the world, we in it shall be remembered. We few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother."

Shakespeare penned this quote in Henry V. It represents the unfailing commitment and

spirit of unity a military member has with his fellow warriors.

I am a very proud cosponsor of this measure and urge all Americans to offer their thanks to our military members who boldly defend our democratic freedoms at home and abroad.

And that's just the way it is.

Ms. KIRKPATRICK of Arizona. Madam Speaker, I rise today in support of H. Res. 377, which observes this Saturday's Armed Forces Day and celebrates the courageous service of our men and women in uniform.

Our fighting men and women in the Army, Navy, Air Force, Marine Corps and Coast Guard, whether on active duty, reserve, or serving in the National Guard, have been protecting our Nation bravely and honorably since before we were even a Nation. They continue to do so today. I have just recently returned from the combat zone in Afghanistan, where I had the chance to visit with our troops on the frontlines of the struggle against global terrorism. I was impressed and moved by their commitment as they continue to sacrifice so much to keep us safe and free.

This year, we celebrate Armed Forces Day on May 16. I encourage all Americans to take time out of this day to thank those who have risked and too often given their lives to preserve freedom and democracy. But one day is not nearly enough to recognize all that the members of our Armed Forces have done for this country. Every day should be an Armed Forces Day, a Memorial Day and a Veterans' Day. We have done great work in this Congress to better keep our promises to our service members and our Veterans, but we still have much more to do to make sure they receive the treatment and respect they have earned.

In the coming weeks, I will be working to increase access to quality physical and mental health care and to great educational opportunities for our Veterans. I encourage all of my colleagues to support this resolution, but I also urge them to join in my efforts to try to pay the eternal debt of gratitude we owe to our fighting men and women.

Ms. JACKSON-LEE of Texas. Madam Speaker, today I rise in support of H. Res. 377, "Recognizing Armed Forces Day and the exemplary services of the members of the United States Armed Forces." This resolution was introduced by my distinguished colleague Representative CALVERT of California. The Armed Forces are an important part of the American society, and they deserve a day of admiration during National Military Appreciation Month. I am proud to today and offer my support to our Armed Forces as I publicly acknowledge their commitment and contributions to our country.

I do not believe there is a person in this House, or a person in this building, who does not feel a remarkable pride in the presence of the men and women who serve in our nation's military. The success of the Armed Forces depends on the dedicated service of its members, their families, and the civilian employees of the Department of Defense and the Coast Guard. Their incredible sacrifices and courage in the face of innumerable hazards have been critical to the preservation of the freedom, security, and prosperity enjoyed that we as

Americans have come to love, enjoy, and even expect.

Armed Forces Day is an important part of National Military Appreciation Month. It is a day to celebrate and appreciate all the Armed Forces. The Armed Forces in our country are truly an admirable group of individuals who demonstrate the strength, unity, and community that the United States stands for. It is important we recognize the Armed Forces as individuals and as a group for all that they contribute to our great nation.

H. Res. 377 is essential to demonstrating the Congress's support and acknowledgement of such an important day. The Armed Forces are a substantial entity of our nation and greatly contributes to our strength as a nation on a very real and global level. H. Res. 377 will further emphasize this importance, and more importantly, focus on a genuine appreciation for all military involvement across the United States. To remain as a world leader, the United States must maintain a well-trained and well-equipped army. As a Representative of the Federal Government, we must encourage the people of the United States to recognize the values and principles of our nation which the military encompasses and the sacrifices made for our country by individuals and military entities.

The Armed Forces has greatly contributed to our nation, and it is only right they we demonstrate our support, appreciation, and gratitude for their service to our nation. I urge my colleagues to support this important resolution, and I extend a personal thank-you to those in the Armed Services. I hope that you all know your worth and to extend that you contribute to our country.

TEXAS

In the Iraq War, Texas has suffered over 222 resident casualties, second only to California. As a Representative for the 18th District of Texas, H. Res. 377 is very close to the hearts of those I represent. Many Texans hold a passion for protecting the integrity and strength of their nation, and as the recruitment numbers show, they often exercise their passion by joining the military. In past studies, Texas has been the number one state for military recruitment; therefore, recognition of military involvement is an important issue in Texas and in Houston.

Texas is home to more than 194,965 military personnel including a number of Army, Navy and Marine, Air Force, and Coast Guard bases. H. Res. 377 will encourage the citizens of Texas to reach out to those who are involved with the military and extend their gratitude for all that they do for our nation. Because there is a large population of military personnel in Texas, it is critical that we show them the support of their nation and their state for all the positive contributions they have brought. I firmly believe that H. Con. Res. 84 is a positive step for the recognition, acknowledgement, and gratitude that should be given to our military personnel, and I hope to see the National Military Appreciation Month become a special time for the state of Texas to recognize the national contributions.

Mr. GINGREY of Georgia. Madam Speaker, I rise today to express my strongest support for H. Res. 377, a bill that recognizes Armed Forces Day and commends the exemplary

service of the members of the United States Armed Services. I would like to say a special thanks to Chairman SKELTON and Ranking Member MCHUGH, as well as to the Members and staff of the House Armed Services Committee for their tireless efforts in support of our soldiers, sailors, airmen, and marines who are bravely defending us at home and abroad.

Today, it is appropriate that we take a moment to recognize and say thank you to the members of our Armed Forces for their dedication, sacrifice, and honor. Each and every day, they keep this great nation safe and protect the freedoms that we enjoy every single day. We are proud of all of our servicemen and women and are eternally grateful for their efforts in the Global War on Terror. Furthermore, let us not forget those who have given their lives in service to our freedom, and let us say a gracious thank you to them for their willingness to make the ultimate sacrifice for liberty.

Madam Speaker, the families of those who serve our country on the front lines also deserve the admiration and appreciation of each and every citizen. These family members often watch their loved ones travel to far away lands in support of a cause and an ideal so much greater than any one individual. Indeed, our democratic form of government is testament to the courage and valor of our Armed Forces. The support given to our servicemen and women by their loved ones is irreplaceable, as it is the foundation for the bravery inherent in those who labor steadfastly in the defense of liberty.

I believe that the brave men and women who sacrifice for our present freedoms deserve our fullest support. Our nation's servicemen and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. As we ask these courageous soldiers, sailors, airmen, and marines—and their families—to do more and more, it's only right we continue doing all we can for them. Recognizing Armed Forces Day in 2009 is just one small reminder of the superior job our troops perform for America at home and abroad, and it is my hope that we will continue to do all we can and more for the members of our Armed Forces.

Madam Speaker, I urge all of my colleagues to support this bill.

Mr. MASSA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MASSA) that the House suspend the rules and agree to the resolution, H. Res. 377.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FLEMING. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MEDAL OF HONOR COMMEMORATIVE COIN ACT OF 2009

Mr. WATT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1209) to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medal of Honor Commemorative Coin Act of 2009".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Medal of Honor, first authorized by the Congress in 1861 as the United States Navy's highest personal decoration, the Army Medal of Honor was authorized by the Congress in 1862, and the Air Force Medal of Honor was authorized by Congress in 1956.

(2) The Medal of Honor is presented by the President of the United States in the name of the Congress, to a person who, while a member of the United States Armed Forces, distinguishes himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(3) The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his or her comrades and must have involved risk of life.

(4) Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit.

(5) Fewer than 3,500 Medals of Honor have been awarded to members of the United States Armed Forces.

(6) The Congressional Medal of Honor Society is a not-for-profit organization chartered by the 85th Congress under a legislative act signed into law by President Dwight D. Eisenhower on August 14, 1958, and membership in the Society is restricted to recipients of the Medal of Honor.

(7) Society members are joined together for the purpose of forming and maintaining friendship among all living recipients of the Medal of Honor and remembrance of posthumous and deceased recipients; they are dedicated to the protection and preservation of the dignity, honor and name of the Medal

of Honor; service to others; service to Nation; and the promotion of allegiance to the Constitution and the Government of the United States.

(8) Members of the Society act to foster patriotism and to inspire and encourage the youth of America to become worthy citizens.

(9) The Congressional Medal of Honor Foundation, a 501(c)(3) not-for-profit organization founded by the Society in 1999, is dedicated to—

(A) perpetuating the Medal of Honor's legacy through outreach and collaborative efforts;

(B) raising funds for initiatives that promote what the Medal of Honor represents, operation of the Congressional Medal of Honor Society headquarters, and the public outreach activities of the Medal of Honor Society's membership; and

(C) promoting American values and the qualities of courage, sacrifice and patriotism through increased awareness, education, scholarships, behavior and example.

(10) Through its educational and outreach programs, the Congressional Medal of Honor Foundation promotes heroism, selflessness and distinguished citizenship among American youth and brings public awareness to the actions of ordinary Americans who have made and are making a profound difference in preserving our freedoms.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the founding of the Medal of Honor in 1861, and notwithstanding any other provision of law, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 100,000 \$5 gold coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 500,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the traditions, legacy, and heritage of the Medal of Honor, and the distinguished service of its recipients in the Nation's history.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2011"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that represent the 3 Medal of Honor designs (Army, Navy, and Air Force) and specifically honor the Medal of Honor recipients of both today and yesterday, such designs to be consistent with the traditions and heritage of the United States Armed Services, the mission and goals of the

Congressional Medal of Honor Society, and the mission and goals of the Congressional Medal of Honor Foundation;

(2) be selected by the Secretary, after consultation with the Boards of the Congressional Medal of Honor Society and Congressional Medal of Honor Foundation and the Commission of Fine Arts; and

(3) be reviewed by the Citizens Coin Advisory Committee.

SEC. 5. ISSUANCE.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—For each of the 2 denomination of coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, while at least 1 other such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary of the Treasury may issue coins minted under this Act only during the 1-year period beginning on January 1, 2011.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of \$35 per coin for the \$5 coin.

(2) A surcharge of \$10 per coin for the \$1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Congressional Medal of Honor Foundation to help finance the educational, scholarship and outreach programs of the Foundation.

(c) AUDITS.—The Congressional Medal of Honor Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the

gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. WATT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 1209, the Medal of Honor Commemorative Coin Act of 2009. The Medal of Honor was first authorized by Congress in 1861 as the U.S. Navy's highest personal decoration, and other branches of the military followed suit with their own Medals of Honor.

The Medal of Honor is bestowed upon a member of the Armed Forces that conspicuously distinguishes him or herself at the risk of his or her own life above and beyond the call of duty while defending this country against an enemy force.

Fewer than 3,500 Medals of Honor have been awarded to members of the United States Armed Forces, and I commend the bill's sponsor, Representative CHRIS CARNEY of Pennsylvania, for honoring some of America's bravest soldiers and most outstanding citizens by introduction of this bill.

Madam Speaker, I submit the following correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 11, 2009.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee,
Rayburn House Office Building, Washington,
DC.

DEAR BARNEY: I am writing regarding H.R. 1209, the "Medal of Honor Commemorative Coin Act of 2009."

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 1209 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1209, and would ask that a copy of our exchange of letters on this matter be included in the RECORD.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 12, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 1209, the "Medal of Honor Commemorative Coin Act of 2009," which was introduced in the House and referred to the Committee on Financial Services on February 26, 2009. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 1209 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

I reserve the balance of my time.

Mr. PAULSEN. Madam Speaker, I rise today in strong support of H.R. 1209, the Medal of Honor Commemorative Coin Act of 2009, introduced by the gentleman from Pennsylvania (Mr. CARNEY) as well as my colleague, the gentleman from Illinois (Mr. KIRK).

This bill would authorize the minting and issuance of up to 500,000 silver \$1 coins and up to 1,000 gold \$5 coins at no cost to the taxpayer. These coins will help raise up to \$8.5 million that can be used to help the Congressional Medal of Honor Foundation finance its educational, scholarship, and outreach programs.

Madam Speaker, the Medal of Honor was created during the Civil War to honor individual acts of extreme bravery and replaced a series of other U.S. military medals that had been awarded all the way back to General George Washington during the Revolutionary War. The medal is often known as the Congressional Medal of Honor because it is awarded often by the President in the name of Congress. It is our Nation's highest military medal.

Madam Speaker, recounting the acts that have earned the Medal of Honor is a window into the acts of courage that strike awe in all Americans: hand-to-hand combat, climbing the walls of a fort into enemy fire, leaping onto a grenade to save the lives of comrades. Each recipient is a hero to whom we owe our freedom.

Since the first medals were awarded, more than 3,400 Medals of Honor have been awarded to a total of 3,400-and-

some individuals. And those are good, correct figures. Extraordinarily, 19 people have received two Medals of Honor.

Madam Speaker, the Medal of Honor Foundation, which this legislation will help fund, seeks to educate the public on the values of courage, the values of sacrifice, patriotism, citizenship, integrity and commitment. These are values that are embodied by the medals' winners and are truly American values we can all be proud of. Passage of this bill will help fund the foundation's activities and encourage others to follow in these brave recipients' footsteps. I urge my colleagues to support the legislation.

I reserve the balance of my time.

Mr. WATT. Madam Speaker, I am told that Mr. CARNEY, the original sponsor of this bill, is on his way to the floor, so I reserve the balance of my time.

Mr. PAULSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK), who is the principal Republican sponsor of this bill.

Before doing that, however, I want to note that Mr. KIRK was also a principal sponsor of a commemorative coin honoring disabled American veterans that will help fund a memorial to them that is scheduled to be built between the Rayburn and the Ford buildings. This Chamber owes him a round of appreciation for all of his hard work on those important issues.

Mr. KIRK. Madam Speaker, I thank the chairman and thank the ranking member for this opportunity to speak in praise of CHRIS CARNEY. It is no accident that CHRIS and I work on a number of pieces of legislation. The bond between us, forged in the United States Navy, is stronger than any partisan bond, and he has become a real hero to me in building these bipartisan efforts to commemorate our men and women in uniform.

We put forward H.R. 1209, the Medal of Honor Commemorative Coin Act, and it is bipartisan legislation. Under the rules of the House, it had to get over 290 cosponsors. We think it will help the Foundation raise over \$5 million for their benefit.

As everyone knows, the Medal of Honor is the Nation's highest award for valor in action against an enemy force, and it symbolizes how uniformed Americans have gone above and beyond the call of duty in defense of our Nation.

Today I am wearing a Navy Commendation Medal, which in my view is about 17 ranks below what is given in the Medal of Honor. There have been 3,400 medals awarded to date, but we are focusing our effort on the 97 living recipients who are among us.

They are people like Al Lynch of Gurnee, Illinois, a man who serves on my Veterans Advisory Board and who I know and respect. Like many of us vet-

erans, when one of the Medal of Honor recipients walks into a room wearing that very unique insignia, everyone goes silent. I will say, at least from my experience and I think from other veterans, we all know where a Medal of Honor recipient is in the room for as long as he is in the room.

Al grew up in our area, went to high school, enlisted in the Army, and in 1966 volunteered for service in Vietnam as a rifleman and a platoon radio operator. In December 1967, his company was deployed to the Bong Son area of the central highlands. And after a month of almost daily fighting with the enemy, his unit was ordered to the rear for rest and recuperation; but that rest was short-lived, because the company which relieved his unit was ambushed.

As Al's platoon mobilized the next morning, he saw three wounded men. Not thinking of himself, he dashed across 50 meters of open ground, through a hail of enemy fire, and carried them one by one to safety. When his company was forced to withdraw, it was Al who remained to aid his comrades rather than abandoning them. For 2 hours, he defended their position against an advancing enemy.

Following this heroic action, he located the counterattacking friendly company to assist the attack and to evacuate the three casualties. He successfully completed his tour in Vietnam and was sent to Fort Hood, Texas, where he was discharged from the Army in 1969. A year later, just before he was to be married, he learned that for these actions he would receive the Medal of Honor, and on May 14, 1970, President Nixon presented it to him.

We also commend men like Sammy Davis of Flat Rock, Illinois. On November 18, 1967, while serving as a cannoneer at a remote fire support base just west of Cai Lay, Vietnam, he came under heavy mortar attack. Sergeant Davis single-handedly fired his howitzer several times at the enemy. Undaunted by an enemy mortar blast which landed 20 meters from his position wounding him, he continued to fight. Disregarding his extensive injuries and his inability to swim, Sergeant Davis used an air mattress to rescue three wounded comrades trapped on the other side of the river with the Vietcong. Upon reaching the wounded men, he stood and fired into the dense vegetation to prevent the enemy from advancing.

You may slightly recognize Sergeant Davis' story because it was the model for the iconic movie "Forrest Gump," which was largely based on his experience. Footage from the Medal of Honor presentation to Sergeant Davis was actually used in the movie, with Tom Hanks' head superimposed on the body of Sammy Davis.

On July 11, 1969, Captain—then First Lieutenant—Hal Fritz from Peoria,

was seriously wounded when he was suddenly ambushed escorting a truck convoy in a seven-vehicle armored column near Quan Loi in Vietnam.

After realizing his platoon was completely surrounded, he ran from vehicle to vehicle in order to reposition his men, assist the wounded, and provide encouragement. When the enemy attempted to overrun the platoon, Captain Fritz manned the machine gun and inspired his comrades to break the assault. Moments later, a second enemy force advanced, and only with a pistol and a bayonet, Captain Fritz led his small group of men in a daring charge that routed the attackers.

When relief arrived, Captain Fritz stayed to manage the troops. And when he saw they were not being deployed effectively, despite his wounds, refused medical attention and organized everything until his wounded comrades were treated and evacuated.

□ 1630

Maybe the most dramatic story that we have in Illinois comes on the day of January 8, 1945. During a battle near Kayzersberg, France, Sergeant Russell Dunham of Jerseyville, Illinois, single-handedly assaulted three enemy machine guns using a white robe made of mattress cover as camouflage. Sergeant Dunham crawled 75 yards under heavy fire, and as he jumped to his feet 10 yards from the gun, a rifle bullet hit him, creating a 10-inch gash across his back and sending him spinning 15 yards down the hill into snow.

In excruciating pain, he got back up and renewed a one-man assault. After kicking aside a German egg grenade, Sergeant Dunham shot and killed the German machine gunner and assistant gunner. Sergeant Dunham then proceeded 50 yards through a storm of enemy fire to destroy the second machine gun by throwing two grenades into the emplacement. Under heavy fire from both machine guns and grenades, Dunham again advanced by crawling farther up the hill. At a range of 15 yards, he jumped to his feet and killed the crew of a timbered machine gun emplacement with hand grenades.

Despite a painful wound, Sergeant Dunham spearheaded a spectacular attack that saved many of his men, and he just passed away a month ago.

The stories of these four Illinois residents are just a few of the many extraordinary acts of heroism by soldiers, sailors, and airmen who went beyond the call of duty in the face of grave danger.

The legislation authored by Congressman CARNEY before us, H.R. 1209, is important because it will serve as a reminder for these brave men and women—still numbering 90 strong—to promote the qualities the Medal of Honor embodies.

As the first U.S. Representative to be deployed into an imminent danger area

since World War II, I know many of the sacrifices and challenges that men and women in our Armed Forces face. Almost every morning I think about the men and women I served with in Afghanistan when I left there in January.

This legislation helps us recognize the true heroes among that cadre. I think we will have some more heroes emerge from conflicts in Iraq and Afghanistan that are award winners. But today, we mark the 97 who are living, and those 3,400 who all received the Medal.

This legislation will help us raise money for the foundation, will help us advance the values that these awardees embodied, and teach us a very, very painful but important lesson about how important this country is, how valuable it is, and how much it takes to defend her.

Mr. WATT. Madam Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. CARNEY), the primary sponsor of this bill on our side.

Mr. CARNEY. I thank the gentleman.

I rise, obviously, in support of this bill. I do want to thank my good friend and shipmate, MARK KIRK, for working so hard across the aisle to get this done. It is always very heartening in this body when we can do the right thing, and this truly is the right thing to do. It's a commonsense approach that actually recognizes the members of the Armed Forces who have earned a Medal of Honor and provides a chance for the Medal of Honor Foundation to fill its coffers and continue to do the good work that it always intended to do.

The Medal of Honor was first authorized by Congress in 1861 as the United States Navy's highest personal decoration. At that time, the Army and Air Force also created Medals of Honor to award their members.

There have been a total of 3,447 recipients of the Medal of Honor. And as my good friend, Mr. KIRK, said, only 97 are living today.

I am proud to represent a district in Pennsylvania. And I will have you know that Pennsylvania is second only to New York State in Medal of Honor recipients.

It is my hope that these coins issued under this act will serve as a reminder of the importance of this medal and of the acts these brave men and women performed.

The surplus of funds raised from these coins will benefit the Congressional Medal of Honor Foundation, a not-for-profit organization chartered by the 85th Congress under legislation signed into law by Dwight Eisenhower on August 14, 1958.

The Congressional Medal of Honor Foundation is dedicated to perpetuating the Medal of Honor's legacy through outreach and collaborative efforts. It also raises funds for initiatives

that promote the values that the Medal of Honor represents, which is courage, sacrifice, and patriotism.

Some of the examples of the Congressional Medal of Honor Foundation activities include working with the staff of the Smithsonian National Museum of American History to establish a dedicated Medal of Honor exhibit as part of the larger permanent exhibit called "The Price of Freedom." They also established a Medal of Honor scholarship program for outstanding students enrolled in the Reserve Officer Training Corps programs for the Army, the Air Force, the Navy, and the Marines. Collaborating in the production of two Medal of Honor documentaries released in 2006; one, "The Medal of Honor," produced by PBS, and two, "The Medal," syndicated for television across the United States. Established an Above & Beyond Citizen Honors program to recognize ordinary Americans who have exhibited in their daily lives the same ideals that the Medal of Honor recipients displayed in combat. The President of the United States joined the Medal of Honor recipients in the laying of a wreath at the Tomb of the Unknowns this year to initiate the Above & Beyond Citizen Honor ceremonies.

Finally, the foundation distributed more than 53,000 copies of the book "Medal of Honor: Portraits of Valor Beyond the Call of Duty" to public and private school students in every State.

These efforts deserve our support, and so do the men and women who have been awarded the Medal of Honor.

I urge my fellow Members to support this bill to help ensure that the legacy of the men and women whose brave acts earned them the Medal of Honor will be remembered.

Mr. PAULSEN. Madam Speaker, I yield back the balance of my time.

Mr. WATT. Madam Speaker, it has just been a great, great pleasure for me to listen to the stories of Mr. KIRK and Mr. CARNEY honoring the brave men and women who have received Medals of Honor. I want to thank them for introducing this bill to provide funding to the foundation that is doing, obviously, a great deal of wonderful work in our Nation to honor men and women who have served in the military and those out in the public who have not served in the military. So I commend them.

Ms. JACKSON-LEE of Texas. Thank you, Madam Speaker; I rise before you today in order to show my support for H.R. 1209, "Medal of Honor Commemorative Coin Act of 2009." The coins minted as a result of this legislation will be in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of

Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

In these times of war and economic uncertainty I think it is important to honor those who served America to their greatest capacity. Moreover, recognition of this great honor will foster patriotism and inspire and encourage the youth of America to become worthy citizens.

Only those who performed a deed of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his or her comrades and must have involved risk of life can receive a Medal of Honor. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit. This award is so prestigious that fewer than 3,500 Medals of Honor have been awarded to members of the United States Armed Forces.

The Medal of Honor Commemorative Coin Act of 2009 as passed would direct the Secretary of the Treasury to mint and issue \$5 gold coins and \$1 silver coins emblematic of the design selected by the Secretary, after consultation with the Boards of the Congressional Medal of Honor Society and the Congressional Medal of Honor Foundation, in honor of the distinguished service of the American military men and women who have been Medal of Honor recipients.

The design for the coins minted under this Act will contain motifs that represent the 3 Medal of Honor designs (Army, Navy, and Air Force) and specifically honor the Medal of Honor recipients of both today and yesterday, such designs that are consistent with the traditions and heritage of the United States Armed Services, the mission and goals of the Congressional Medal of Honor Society, and the mission and goals of the Congressional Medal of Honor Foundation.

The coins will only be available for a limited time. The period for coin issuance will be for the calendar year 2011. The coins minted under this Act shall be legal tender, however coins minted under this Act shall be issued in uncirculated and proof qualities.

The treasury will only be producing no more than 100,000 \$5 gold coins and no more than 500,000 \$1 coins. I think it is wonderful that the surcharges imposed for the purchase of these coins will be distributed to the Congressional Medal of Honor Foundation to help finance educational, scholarship, and outreach programs of the Foundation.

Mr. WATT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 1209.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WATT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GOLD MEDAL FOR JAPANESE AMERICAN ARMY UNITS

Mr. WATT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 347) to grant the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) On January 19, 1942, 6 weeks after the December 7, 1941, attack on Pearl Harbor by the Japanese Navy, the United States Army discharged all Japanese-Americans in the Reserve Officers Training Corps and changed their draft status to "4C"—the status of "enemy alien" which is ineligible for the draft.

(2) On January 23, 1942, Japanese-Americans in the military on the mainland were segregated out of their units.

(3) Further, on May 3, 1942, General John L. DeWitt issued Civilian Exclusion Order No. 346, ordering all people of Japanese ancestry, whether citizens or noncitizens, to report to assembly centers, where they would live until being moved to permanent relocation centers.

(4) On June 5, 1942, 1,432 predominantly Nisei (second generation Americans of Japanese ancestry) members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, CA, where the 100th Infantry Battalion was activated on June 12, 1942, and then shipped to train at Camp McCoy, Wisconsin.

(5) The excellent training record of the 100th Infantry Battalion and petitions from prominent civilian and military personnel helped convince President Roosevelt and the War Department to re-open military service to Nisei volunteers who were incorporated into the 442nd Regimental Combat Team after it was activated in February of 1943.

(6) In that same month, the 100th Infantry Battalion was transferred to Camp Shelby, Mississippi, where it continued to train and even though the battalion was ready to deploy shortly thereafter, the battalion was refused by General Eisenhower, due to concerns over the loyalty and patriotism of the Nisei.

(7) The 442nd Regimental Combat Team later trained with the 100th Infantry Battalion at Camp Shelby in May of 1943.

(8) Eventually, the 100th Infantry Battalion was deployed to the Mediterranean and entered combat in Italy on September 26, 1943.

(9) Due to their bravery and valor, members of the Battalion were honored with 6 awards of the Distinguished Service Cross in the first 8 weeks of combat.

(10) The 100th Battalion fought at Cassino, Italy in January, 1944, and later accompanied the 34th Infantry Division to Anzio, Italy.

(11) The 442nd Regimental Combat Team arrived in Civitavecchia, Italy on June 7, 1944, and on June 15 of the following week, the 100th Infantry Battalion was formally made an integral part of the 442nd Regimental Combat Team, and fought for the last 11 months of the war with distinction in Italy, southern France, and Germany.

(12) The battalion was awarded the Presidential Unit Citation for its actions in battle on June 26-27, 1944.

(13) The 442nd Regimental became the most decorated unit in United States military history for its size and length of service.

(14) The 100th Battalion and the 442nd Regimental Combat Team, received 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and over 4,000 Purple Hearts, among numerous additional distinctions.

(15) The United States remains forever indebted to the bravery, valor, and dedication to country these men faced while fighting a 2-fronted battle of discrimination at home and fascism abroad.

(16) Their commitment and sacrifice demonstrates a highly uncommon and commendable sense of patriotism and honor.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, collectively, in recognition of their dedicated service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate locations associated with the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the

United States Mint Public Enterprise Fund, an amount not to exceed \$30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. WATT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in support of H.R. 347, a bill to award the Congressional Gold Medal collectively to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army.

The 100th Infantry Battalion fought valiantly in World War II in the Italian, French and German theaters. The 100th Infantry Battalion consisted of Americans of Japanese descent that bravely fought for their country at a time when all people of Japanese ancestry, whether they were citizens or noncitizens, were sent to internment camps.

Members of the 100th Infantry Battalion were honored with six awards of the Distinguished Service Cross in the first 8 weeks of combat. And the battalion was awarded the Presidential Unit Citation for its actions in battle on June 26 and 27, 1944.

The United States remains forever indebted to the bravery, valor and patriotism of these men who fought fascism abroad and racism at home. They are true American heroes. And I am honored to support legislation awarding members of the 100th Battalion, 442nd Regimental Combat Team the Congressional Gold Medal.

Madam Speaker, I reserve the balance of my time.

Mr. PAULSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I also rise today in strong support of H.R. 347, introduced by the gentleman from California (Mr. SCHIFF), and I seek its immediate passage.

This bill, cosponsored by 295 Members, would award a Congressional Gold Medal collectively to the United States Army's 100th Infantry Battalion and the 442nd Regimental Combat Team in

recognition of their exemplary service during the Second World War.

In 1941, more than 5,000 Japanese Americans served in the various branches of the United States Armed Forces, but that changed dramatically after the terrible attack on Pearl Harbor on December 7, 1941. Immediately, many Japanese Americans were classified unfit for military service or as enemy aliens, even if they were second generation Japanese Americans, known as "nisei," born in the United States.

In June of 1942, the 1,400 members of the Hawaii Provisional Infantry Battalion were shipped from the islands to Oakland, where they formed into the 100th Infantry Battalion and were sent to Wisconsin for training. Eight months later, based on the battalion's excellent training record, President Roosevelt and the War Department agreed to let the other nisei into the service, which led to the formation of the 442nd.

Madam Speaker, the 100th Infantry Battalion was deployed to the Italian front in late September of 1943 and, while it encountered heavy fighting, acquitted itself so well its members earned six Distinguished Service Crosses in their first 2 months of action. The 442nd arrived in the Italian theater 6 months later, and the two units joined together, fighting with distinction in Italy, France and Germany for the remainder of the war.

Together, it is important to note that they received seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars with 28 Oak Leaf Clusters, 4,000 Bronze Stars with 1,200 Oak Leaf Clusters, 22 Legion of Merit Medals, 15 Soldier's Medals, 12 French Croix de Guerre with two Palms, two Italian Crosses for Military Valor, two Italian Medals for Military Valor, and more than 9,000 Purple Hearts. It is these Purple Hearts that gave the 100th Battalion the nickname "the Purple Heart Battalion."

Madam Speaker, in a war that was filled with heroes, a war that gave us the Greatest Generation, the 100th Infantry Battalion and the 442nd Regimental Combat Team clearly stand out. They truly lived up to their motto, "go for broke," and set a standard for bravery and valor. This bill provides for the awarding of a Congressional Gold Medal in recognition of their service and their bravery. The medal will be given to the Smithsonian for display and research purposes.

Madam Speaker, this award is long past due. I want to thank the gentleman from California (Mr. SCHIFF) for taking the lead on this important legislation. I urge its immediate passage.

I reserve the balance of my time.

□ 1645

Mr. WATT. Madam Speaker, I yield as much time as he may consume to

the lead sponsor of this bill, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Madam Speaker, I rise today to speak in support of this legislation granting the Congressional Gold Medal to the Japanese American 100th Infantry Battalion and the 442nd Regimental Combat Team, commonly known as the Go For Broke regiments, for their dedicated service to our Nation during World War II.

It is an honor and a pleasure to offer a humble contribution to this storied and inspirational group of men who answered their country's call in the face of tremendous adversity.

Today we pay tribute to these regiments who served our Nation at great risk and to those who sacrificed all for our freedom. These men served the Nation at a pivotal moment in our history, displaying their heroism and courage on two fronts, abroad in the fight against fascism and at home against the intolerance of racial injustice.

The bombing of Pearl Harbor incited doubts in many Americans about the loyalty of Japanese Americans. These men who enlisted to protect our Nation were faced with segregated training conditions, families and friends relocated to internment camps, and repeated questions about their combat ability.

To answer the call of duty requires exceptional courage and sacrifice. To respond with a vigor and persistence unaffected by those who sought to malign and impede their every achievement reveals an incredible spirit and admirable will. At a time when they could have easily turned their backs on the country that had sent their families to internment camps, these men chose instead to serve and to inspire, carrying the burden of knowing that at every step through successful missions and failures they would be judged not simply on effort or ability but also by the color of their skin. These men created a shining example of patriotism, courage and skill.

The story of the Japanese American regiments begins 6 weeks after December 7, 1941, the attack on Pearl Harbor by the Japanese Navy. Inspired by a growing hysteria and xenophobia in late January 1942, the U.S. Army discharged all Japanese Americans in the Reserve Officer Training Corps and made them ineligible for the draft. Similarly, Japanese Americans in the military on the mainland were segregated out of their units.

Following President Roosevelt's issuance of Executive Order 9066, which authorized the internment of tens of thousands of American citizens of Japanese ancestry and resident aliens from Japan, on May 3, 1942, General John L. DeWitt issued Civilian Exclusion Order No. 346, ordering all people of Japanese

ancestry, whether citizens or noncitizens, to report to assembly centers where they would live until being moved to permanent relocation centers.

In June of 1942, 1,432 predominantly Nisei, that is second-generation Americans of Japanese ancestry, members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, California, where the 100th Infantry Battalion was activated on June 12, 1942, and then shipped to Camp McCoy in Wisconsin for training.

Thanks to the excellent training record of the 100th Infantry Battalion, petitions from prominent civilian and military personnel helped convince President Roosevelt and the war department to reopen military service to Nisei volunteers.

In early 1943 the 100th Infantry Battalion was transferred to Camp Shelby, Mississippi, where it trained with the 442nd Regimental Combat Team. Though the combat team was ready to deploy shortly thereafter, the battalion was refused by General Eisenhower due to lingering concerns over the loyalty and patriotism of the Nisei.

Eventually their exemplary training record convinced the naysayers, and the 100th Infantry Battalion was deployed to the Mediterranean where they entered combat in Italy on September 26, 1943.

Due to their bravery and valor, members of the battalion were honored with six awards of the Distinguished Service Cross in the first 8 weeks of combat.

The 442nd Regimental Combat Team arrived in Italy in June of 1944 where the 100th Infantry Battalion was formally integrated as a part of the 442nd Regimental Combat Team. As a unit, these regiments fought for the last 11 months of the war with selfless distinction in Italy, southern France and Germany, earning the nickname the Go For Broke regiments. These regiments went on to earn several awards for their distinctive service in combat including, as we have heard from my colleague, seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals and over 4,000 Purple Hearts, among numerous additional distinctions.

For their size and their length of service, the 100th Infantry Battalion and the 442nd Regimental Combat Team were the most decorated U.S. military units of the war. Their performance in combat revealed their ability as remarkable soldiers. But their poise, courage and patriotism showed also they were very remarkable men. They looked to support from their interned family, friends and communities. And in turn, their service and commitment inspired those supporters back home to pursue new-found aspirations of their own.

The Go For Broke regiments were not the only servicemen of Asian Pacific-Islander descent to serve in World War II. Today we also recognize those groups who faced similarly daunting conditions at home and abroad. The Military Intelligence Service, the 522nd Field Artillery Battalion, the 1399th Combat Engineer Company, the Women's Army Corps, the Filipino Scouts and other heralded units.

The Go For Broke and other Japanese American brave men and women who have served deserve our continual rededication and appreciation. The debt we owe them is immeasurable. Without their service, our country would surely not shine so brightly, stand so boldly or live so freely.

As our Nation endures these trying times, we can look to the example of the Go For Broke regiments to provide us with courage in the future. These men left the segregated country to fight, and unfortunately they returned to one. They defended America with no guarantee that their own freedom would be defended in return. Their true heroism lies in how they fought for the values of America, equality, justice, and opportunity, even when those values were not fully extended to them.

We will continue to look towards their example to provide hope to our communities, to look past our differences and to unite around our common bonds.

Men and women are able to serve their country today without regard to ethnicity, race or nationality because of what these men endured and accomplished.

Please join me in honoring these courageous men by supporting the granting of a Congressional Gold Medal collectively to the U.S. Army's 100th Infantry Battalion and the 442nd Regimental Combat Team.

Mr. PAULSEN. Madam Speaker, at this time I have no other speakers.

I would like to reserve the balance of my time.

Mr. WATT. Madam Speaker, I yield as much time as he may consume, up to the balance of our time, to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I do want to thank my good friend, the gentleman from North Carolina, for giving me time to speak, and especially also to commend my good friend from California (Mr. SCHIFF) for his sponsorship of this important bill.

Madam Speaker, I rise today in strong support of H.R. 347, to grant the Congressional Gold Medal collectively to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

I want to also thank my colleagues from the State of Hawaii. I am sure they will be here later hopefully, my

good friends and colleagues, Congressman ABERCROMBIE and Ms. HIRONO.

As a former member of the 100th Battalion 442nd Infantry Group, Madam Speaker, I would like to share with you the contributions of tens of thousands of Japanese American soldiers who volunteered to fight our Nation's enemies in Europe during World War II.

After the surprise attack on Pearl Harbor on December 7, 1941, by the Imperial Armed Forces of Japan, there was such an outrage and public outcry for an all-out war against Japan. Days after we were attacked, President Roosevelt and the Congress immediately formally declared war against Japan. Out of this retaliation against Japan, hundreds and thousands of Americans were caught in this crossfire. These Americans just happened to be of Japanese ancestry.

Our national government immediately implemented a policy, whereby over 100,000 Japanese Americans were forced to live in what were then called relocation camps but were actually more like prisoner concentration camps.

Their lands, their homes and their properties were confiscated by the military without any due process of law. One of our former colleagues and former Secretary of Transportation, Congressman Norm Mineta, and the late Congressman Bob Matsui from Sacramento spent the early years of their lives in these concentration camps.

Secretary Mineta shared one of the interesting features of these concentration camps, where there were many machine gun nests posted all over the camps. Everyone in the camp was told that these machine guns were necessary to protect them against rioters or others who wanted to harm them. But then Secretary Mineta observed, if these machine guns were to be posted to guard us and to protect us, why is it that they are all directed, aimed inside the prison camp and not outside? It was a time in our Nation's history when there was so much hatred and bigotry and racism displayed against our Japanese American community.

Despite all this, the White House at the time reluctantly accepted the request of tens of thousands of Japanese Americans to volunteer to join the Army, thus leaving their wives, their parents, their brothers and sisters behind barbed fences at these concentration camps. As a result of such volunteerism, two combat units were organized. The 100th Battalion and the 442nd Infantry Combat Group were created and immediately were sent to Europe to fight our enemies there.

Madam Speaker, in my humble opinion, history speaks for itself in documenting that none have shed their blood more valiantly for our Nation than these Japanese American soldiers who served in these two units while

fighting enemy forces in Europe and World War II. The military records of the 100th Battalion and 442nd Infantry are without equal. These Japanese American soldiers suffered an unprecedented casualty rate of 314 percent and received over 18,000 individual decorations, many awarded posthumously for bravery and courage in the field of battle.

For your information, these units collectively received 53 Distinguished Service Crosses, the second highest medal given for heroism in combat, 560 Silver Stars, the third highest in combat, 9,486 Purple Hearts, and 7 Presidential Unit Citations, the Nation's top award for combat units, were all awarded to these Japanese American units.

I find it unusual, however, at the time that only one Medal of Honor was awarded. Nonetheless, the 442nd Combat Group emerged as the most decorated combat unit of its size in the history of the United States Army.

A sad commentary, Madam Speaker, when these Japanese soldiers, full of decorations, coming back wounded couldn't even get a haircut in San Francisco simply because they were Japanese Americans.

President Truman was so moved by their bravery in the field of battle as well as the sacrifices of our African American soldiers during World War II that he issued an Executive Order to finally, finally desegregate all the branches of the armed services in our Nation.

I am proud to say that we must recognize Senator DANIEL INOUE and the late highly respected Senator Spark Matsunaga, both from Hawaii, who distinguished themselves in battle as soldiers of the 100th Battalion and 442nd Infantry.

It was while fighting in Europe that Senator INOUE lost his arm while engaged in personal combat with two German machine gun posts. For his heroism, he was awarded a Distinguished Service Cross.

As a result of a congressional mandate that was passed in 1999 to review again the military records of these two combat units, President Clinton then presented 19 additional Congressional Medals of Honor to these Japanese American soldiers who were numbered in those two combat units. Senator INOUE was also one of those recipients of a Medal of Honor, and I was privileged to witness this historical event at a White House ceremony.

It is only proper, Madam Speaker, that we honor these soldiers and their families for their patriotism and courage by awarding them with the Congressional Gold Medal. I find encouraging that even at times when these Japanese Americans were segregated and isolated because of their ethnicity or racial background they managed to find the greatest courage to volunteer

and fight for our country. And for many other volunteers, they gave the ultimate sacrifice to fight for something they strongly and truly believed in, and thus truly, the Go For Broke spirit.

The Go For Broke slogan, Madam Speaker, was a pidgin English phrase the boys from Hawaii used meaning, "give it all you got," "don't give up," "give 'em hell," and "no retreat, no matter what."

I urge my colleagues to support this important bill. Again, I thank the gentleman from California for sponsoring this important legislation.

Mr. PAULSEN. Madam Speaker, it is very fitting as we have heard from the author of the bill and from others on the floor of the body today that we award the Congressional Gold Medal in recognition of courage, skill, service and bravery to the 100th Infantry Battalion and the 442nd Regimental Combat Team.

I would urge my colleagues to support H.R. 347.

I yield back the balance of my time.

Mr. WATT. Madam Speaker, once again, I have been privileged to be controlling the time and have the opportunity to listen to these wonderful stories that are both sad on the one hand because of the experiences that these brave people were experiencing at that time and exhilarating and deserve so much honor and respect on the other hand.

□ 1700

So I want to again thank my good friend from California (Mr. SCHIFF) for bringing the bill forward and thank the gentleman from American Samoa for his touching personalization of the story so that we can all be more edified.

With that, I urge my colleagues to support this important bill.

Ms. HIRONO. Madam Speaker, I rise in support of H.R. 347.

This legislation appropriately awards a Congressional Gold Medal to the 100th Infantry Battalion and the 442nd Regimental Combat Team in honor of their dedicated service during World War II.

Comprised predominantly of Nisei, the American-born sons of Japanese immigrants, members of University of Hawaii's Reserve Officers' Training Corps (ROTC) aided the wounded, buried the fallen, and helped defend vulnerable areas in Hawaii after the attack at Pearl Harbor. In spite of these acts of courage, the U.S. Army discharged all Nisei in the ROTC unit, changed their draft status to ineligible, and segregated all Japanese-Americans in the military on the mainland out of their units. In the meantime, more than a 100,000 Japanese-Americans were forcibly relocated from their homes to internment camps.

Undaunted, members of the Hawaii Provisional Infantry Battalion joined the 100th Infantry Battalion in California to train as soldiers. The sheer determination and pursuit of excellence displayed by this battalion in training

contributed to President Roosevelt's decision to allow Nisei volunteers to serve in the U.S. military again, leading to their incorporation into the 442nd.

Members of the 100th and the 442nd risked their lives to fight for our country and allies in Europe. The 442nd "Go for Broke" unit became the most decorated in U.S. military history for its size and length of service, with its component, the 100th Infantry Battalion, earning the nickname "The Purple Heart Battalion". The 100th and the 442nd received seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and more than 4,000 Purple Hearts, among numerous additional distinctions.

I urge my colleagues to support this measure.

Mr. HONDA. Madam Speaker, I rise today to express my strong support for H.R. 347, which grants the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team.

More than 20,000 Nisei soldiers enlisted in the U.S. Army during World War II, collectively earning 21 Medals of Honor, 52 Distinguished Service Crosses, 559 Silver Stars, 4,000 Bronze Stars, nine Presidential Unit Citations, and 9,486 Purple Hearts.

The 100th Battalion played a pivotal role in our nation's military history. The unit was the first all-Japanese American Nisei military unit, and was formed from the Japanese-Americans who comprised a large part of the Hawaiian National Guard. These Nisei were sent to Camp McCoy, Wisconsin for combat training and later were moved to Camp Shelby, Mississippi for additional training.

Approximately 14,000 individuals served in the 442nd Regimental Combat Team, including the 100th Infantry Battalion, which became the most decorated unit for its size and length of service in American military history. The 442nd saw the highest percentage of casualties of any unit in the Army, earning it the nickname "Purple Heart Battalion." The 442nd is an example which highlights the stellar performance of these Nisei soldiers.

These men fought for the U.S. and its allies across Europe in many key battles. The 442nd fought eight major campaigns in France, Germany, and Italy. Most notably, the 442nd suffered more than 800 casualties to free 211 members of a Texas unit who were trapped by the Germans in the rescue of the Lost Battalion. Additionally, the Japanese American soldiers liberated towns such as Brueyeres, Biffontaine, and Belvedere. They also were among the first Allied troops to liberate the Dachau concentration camp in Germany.

Though many of their families were unjustly incarcerated in internment camps after the attack on Pearl Harbor, Japanese Americans still fought to prove their loyalty to the United States of America and helped pave the way for full racial integration of the Armed Forces. They adopted the phrase "Remember Pearl Harbor" as their motto.

This bill will bring long overdue recognition to the unique sacrifice these soldiers made overcoming racial hatred at home, serving honorably overseas, and helping change the course of history with their bravery. The 442nd

Regimental Combat Team and the 100th Battalion have earned the Congressional Gold Medal.

I am a proud original cosponsor of H.R. 347 and I commend my colleague, Representative ADAM SCHIFF, for his work in bringing this legislation to the floor today. I urge my colleagues to support the 442nd Regimental Combat Team and the 100th Infantry Battalion, and honor the service of our nation's Nisei veterans.

Mr. WATT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and agree to the resolution, H. Res. 347.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. WATT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 432, by the yeas and nays;

H. Res. 204, de novo.

The votes on H. Res. 377, H.R. 1209, and H.R. 347 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR PASSAGE OF H.R. 2101, WEAPONS ACQUISITION SYSTEM REFORM THROUGH ENHANCING TECHNICAL KNOWLEDGE AND OVERSIGHT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 432, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 432.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 5, as follows:

[Roll No. 252]

YEAS—428

Abercrombie	Culberson	Israel
Ackerman	Cummings	Issa
Aderholt	Dahlkemper	Jackson (IL)
Adler (NJ)	Davis (AL)	Jackson-Lee
Akin	Davis (CA)	(TX)
Alexander	Davis (IL)	Jenkins
Altmire	Davis (KY)	Johnson (GA)
Andrews	Davis (TN)	Johnson (IL)
Arcuri	Deal (GA)	Johnson, E. B.
Austria	DeFazio	Johnson, Sam
Baca	DeGette	Jones
Bachus	DeLauro	Jordan (OH)
Baird	Dent	Kagen
Baldwin	Diaz-Balart, L.	Kanjorski
Barrett (SC)	Diaz-Balart, M.	Kaptur
Barrow	Dicks	Kennedy
Bartlett	Dingell	Kildee
Barton (TX)	Doggett	Kilpatrick (MI)
Bean	Donnelly (IN)	Kilroy
Becerra	Doyle	Kind
Berkley	Dreier	King (IA)
Berman	Driehaus	King (NY)
Berry	Duncan	Kingston
Biggert	Edwards (MD)	Kirk
Bilbray	Edwards (TX)	Kirkpatrick (AZ)
Bilirakis	Ehlers	Kissell
Bishop (GA)	Ellison	Klein (FL)
Bishop (NY)	Ellsworth	Kline (MN)
Bishop (UT)	Emerson	Kosmas
Blackburn	Engel	Kratovil
Blumenauer	Eshoo	Kucinich
Blunt	Etheridge	Lamborn
Boccieri	Fallin	Lance
Boehner	Farr	Langevin
Bonner	Fattah	Larsen (WA)
Bono Mack	Filner	Larson (CT)
Boozman	Flake	Latham
Boren	Fleming	LaTourette
Boswell	Forbes	Latta
Boucher	Fortenberry	Lee (CA)
Boustany	Foster	Lee (NY)
Boyd	Fox	Levin
Brady (PA)	Frank (MA)	Lewis (CA)
Brady (TX)	Franks (AZ)	Lewis (GA)
Braley (IA)	Frelinghuysen	Linder
Bright	Fudge	Lipinski
Brown (GA)	Gallegly	LoBiondo
Brown (SC)	Garrett (NJ)	Loebuck
Brown, Corrine	Gerlach	Lofgren, Zoe
Brown-Waite,	Giffords	Lowe
Ginny	Gingrey (GA)	Lucas
Buchanan	Gohmert	Luetkemeyer
Burgess	Gonzalez	Lujan
Burton (IN)	Goodlatte	Lummis
Butterfield	Gordon (TN)	Lungren, Daniel
Buyer	Granger	E.
Calvert	Graves	Lynch
Camp	Grayson	Mack
Campbell	Green, Al	Maffei
Cantor	Green, Gene	Maloney
Cao	Griffith	Manzullo
Capito	Grijalva	Marchant
Capps	Guthrie	Markey (CO)
Capuano	Gutierrez	Markey (MA)
Cardoza	Hall (NY)	Marshall
Carnahan	Hall (TX)	Massa
Carney	Halvorson	Matheson
Carson (IN)	Hare	Matsui
Carter	Harman	McCarthy (CA)
Cassidy	Harper	McCarthy (NY)
Castle	Hastings (FL)	McCaul
Castor (FL)	Hastings (WA)	McClintock
Chaffetz	Heinrich	McCollum
Chandler	Heller	McCotter
Childers	Hensarling	McDermott
Clarke	Herger	McGovern
Clay	Herseth Sandlin	McHenry
Cleaver	Higgins	McHugh
Clyburn	Hill	McIntyre
Coble	Himes	McKeon
Coffman (CO)	Hinche	McMahon
Cohen	Hinojosa	McMorris
Cole	Hirono	Rodgers
Conaway	Hodes	McNerney
Connolly (VA)	Hoekstra	Meek (FL)
Conyers	Holden	Meeks (NY)
Cooper	Holt	Melancon
Costa	Honda	Mica
Costello	Hoyer	Michaud
Courtney	Hunter	Miller (FL)
Crenshaw	Inglis	Miller (MI)
Crowley	Inslee	Miller (NC)
Cuellar		Miller, Gary

Miller, George	Reyes	Space
Minnick	Richardson	Speier
Mitchell	Rodriguez	Spratt
Mollohan	Roe (TN)	Stearns
Moore (KS)	Rogers (AL)	Stupak
Moore (WI)	Rogers (KY)	Sullivan
Moran (KS)	Rogers (MI)	Sutton
Moran (VA)	Rohrabacher	Tauscher
Murphy (CT)	Rooney	Taylor
Murphy (NY)	Ros-Lehtinen	Teague
Murphy, Patrick	Roskam	Terry
Murphy, Tim	Ross	Thompson (CA)
Myrick	Rothman (NJ)	Thompson (MS)
Nadler (NY)	Roybal-Allard	Thompson (PA)
Napolitano	Royce	Thornberry
Neal (MA)	Ruppersberger	Tiahrt
Neugebauer	Rush	Tiberi
Nunes	Ryan (OH)	Tierney
Nye	Ryan (WI)	Titus
Oberstar	Salazar	Tonko
Obey	Sanchez, Loretta	Towns
Olson	Sarbanes	Tsongas
Olver	Scalise	Turner
Ortiz	Schakowsky	Upton
Pallone	Schauer	Van Hollen
Pascarella	Schiff	Velázquez
Pastor (AZ)	Schmidt	Visclosky
Paul	Schock	Walden
Paulsen	Schrader	Walz
Payne	Schwartz	Wamp
Pence	Scott (GA)	Wasserman
Perlmutter	Scott (VA)	Schultz
Perriello	Sensenbrenner	Serrano
Peters	Serrano	Sessions
Peterson	Sestak	Shade
Petri	Shade	Shea-Porter
Pingree (ME)	Shimkus	Sherman
Pitts	Shuler	Shimkus
Platts	Shuster	Shuler
Poe (TX)	Simpson	Snyder
Polis (CO)	Sires	Souder
Pomeroy	Skelton	
Posey	Slaughter	
Price (GA)	Smith (NE)	
Price (NC)	Smith (NJ)	
Putnam	Smith (TX)	
Quigley	Smith (WA)	
Radanovich	Snyder	
Rahall	Souder	
Rangel		
Rehberg		
Reichert		

NOT VOTING—5

Bachmann	Sánchez, Linda	Stark
Murtha	T.	Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1729

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 432, H.R. 2101, as amended by the amendment in the nature of a substitute printed in the bill, is considered as passed; S. 454, as amended by the text of H.R. 2101 as passed by the House, is considered as passed; and the House is considered to have insisted on its amendment and requested a conference with the Senate thereon.

The text of the Senate bill, S. 454, is as follows:

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Weapon Systems Acquisition Reform Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Reports on systems engineering capabilities of the Department of Defense.

Sec. 102. Director of Developmental Test and Evaluation.

Sec. 103. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.

Sec. 104. Director of Independent Cost Assessment.

Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.

Sec. 106. Clarification of submittal of certification of adequacy of budgets by the Director of the Department of Defense Test Resource Management Center.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.

Sec. 202. Preliminary design review and critical design review for major defense acquisition programs.

Sec. 203. Ensuring competition throughout the life cycle of major defense acquisition programs.

Sec. 204. Critical cost growth in major defense acquisition programs.

Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.

Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.

Sec. 207. Earned Value Management.

Sec. 208. Expansion of national security objectives of the national technology and industrial base.

Sec. 209. Plan for elimination of weaknesses in operations that hinder capacity to assemble and assess reliable cost information on acquired assets under major defense acquisition programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

TITLE I—ACQUISITION ORGANIZATION**SEC. 101. REPORTS ON SYSTEMS ENGINEERING CAPABILITIES OF THE DEPARTMENT OF DEFENSE.**

(a) **REPORTS BY SERVICE ACQUISITION EXECUTIVES.**—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report setting forth the following:

(1) A description of the extent to which such military department has in place development planning organizations and processes staffed by adequate numbers of personnel with appropriate training and expertise to ensure that—

(A) key requirements, acquisition, and budget decisions made for each major weapon system prior to Milestones A and B are supported by a rigorous systems analysis and systems engineering process;

(B) the systems engineering strategy for each major weapon system includes a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development; and

(C) systems engineering requirements, including reliability, availability, maintainability, and sustainability requirements, are identified during the Joint Capabilities Integration Development System process and incorporated into contract requirements for each major weapon system.

(2) A description of the actions that such military department has taken, or plans to take, to—

(A) establish needed development planning and systems engineering organizations and processes; and

(B) attract, develop, retain, and reward systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department.

(b) **REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.**—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the system engineering capabilities of the Department of Defense. The report shall include, at a minimum, the following:

(1) An assessment by the Under Secretary of the reports submitted by the service acquisition executives pursuant to subsection (a) and of the adequacy of the actions that each military department has taken, or plans to take, to meet the systems engineering and development planning needs of such military department.

(2) An assessment of each of the recommendations of the report on Pre-Milestone A and Early-Phase Systems Engineering of the Air Force Studies Board of the National Research Council, including the recommended checklist of systems engineering issues to be addressed prior to Milestones A and B, and the extent to which such recommendations should be implemented throughout the Department of Defense.

SEC. 102. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.

(a) **ESTABLISHMENT OF POSITION.**—

(1) **IN GENERAL.**—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

“§ 139c. Director of Developmental Test and Evaluation

“(a) There is a Director of Developmental Test and Evaluation, who shall be appointed by the Secretary of Defense from among individuals with an expertise in acquisition and testing.

“(b)(1) The Director of Developmental Test and Evaluation shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

“(2) The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

“(3) The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

“(4)(A) The Under Secretary shall provide guidance to the Director to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development processes of the Department.

“(B) The guidance under this paragraph shall ensure, at a minimum, that—

“(i) developmental test and evaluation requirements are fully integrated into the Systems Engineering Master Plan for each major defense acquisition program; and

“(ii) systems engineering and development planning requirements are fully considered in the Test and Evaluation Master Plan for each major defense acquisition program.

“(c) The Director of Developmental Test and Evaluation shall—

“(1) develop policies and guidance for the developmental test and evaluation activities of the Department of Defense (including integration and developmental testing of software);

“(2) monitor and review the developmental test and evaluation activities of the major defense acquisition programs and major automated information systems programs of the Department of Defense;

“(3) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

“(4) supervise the activities of the Director of the Department of Defense Test Resource Management Center under section 196 of this title, or carry out such activities if serving concurrently as the Director of Developmental Test and Evaluation and the Director of the Department of Defense Test Resource Management Center under subsection (b)(2);

“(5) review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities; and

“(6) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

“(d) The Director of Developmental Test and Evaluation shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary in order to carry out the Director’s duties under this section.

“(e)(1) The Director of Developmental Test and Evaluation shall submit to Congress each year a report on the developmental test and evaluation activities of the major defense acquisition programs and major automated information system programs of the Department of Defense. Each report shall include, at a minimum, the following:

“(A) A discussion of any waivers to testing activities included in the Test and Evaluation Master Plan for a major defense acquisition program in the preceding year.

“(B) An assessment of the organization and capabilities of the Department of Defense for test and evaluation.

“(2) The Secretary of Defense may include in any report submitted to Congress under

this subsection such comments on such report as the Secretary considers appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

“139c. Director of Developmental Test and Evaluation.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 196(f) of title 10, United States Code, is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and all that follows and inserting “the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Developmental Test and Evaluation.”.

(B) Section 139(b) of such title is amended—

(i) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(ii) by inserting after paragraph (3) the following new paragraph (4):

“(4) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense.”.

(b) REPORTS ON DEVELOPMENTAL TESTING ORGANIZATIONS AND PERSONNEL.—

(1) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Director of Developmental Test and Evaluation a report on the extent to which the test organizations of such military department have in place, or have effective plans to develop, adequate numbers of personnel with appropriate expertise for each purpose as follows:

(A) To ensure that testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs.

(B) To participate in the planning of developmental test and evaluation activities, including the preparation and approval of a test and evaluation master plan for each major defense acquisition program.

(C) To participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(2) FIRST ANNUAL REPORT BY DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation under section 139c(e) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than one year after the date of the enactment of this Act, and shall include an assessment by the Director of the reports submitted by the service acquisition executives to the Director under paragraph (1).

SEC. 103. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Director of Defense Research and Engineering shall, in consultation with

the Director of Developmental Test and Evaluation, periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(2) The Director shall submit to the Secretary of Defense and to Congress each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.”.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to Congress not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources, including specialized workforce, that may be required by the Director, and by other science and technology elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code, as amended by section 202 of this Act.

(3) The requirements of Department of Defense Instruction 5000, as revised.

(c) TECHNOLOGICAL MATURITY STANDARDS.—For purposes of the review and assessment conducted by the Director of Defense Research and Engineering in accordance with subsection (c) of section 139a of title 10, United States Code (as added by subsection (a)), a critical technology is considered to be mature—

(1) in the case of a major defense acquisition program that is being considered for Milestone B approval, if the technology has been demonstrated in a relevant environment; and

(2) in the case of a major defense acquisition program that is being considered for Milestone C approval, if the technology has been demonstrated in a realistic environment.

SEC. 104. DIRECTOR OF INDEPENDENT COST ASSESSMENT.

(a) DIRECTOR OF INDEPENDENT COST ASSESSMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, as amended by section 102 of this Act, is further amended by inserting after section 139c the following new section:

“§ 139d. Director of Independent Cost Assessment

“(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director.

“(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Tech-

nology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

“(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

“(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

“(3) establish guidance on confidence levels for cost estimates on major defense acquisition programs, require that all such estimates include confidence levels compliant with such guidance, and require the disclosure of all such confidence levels (including through Selected Acquisition Reports submitted pursuant to section 2432 of this title);

“(4) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs; and

“(5) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

“(A) in advance of—

“(i) any certification under section 2366a or 2366b of this title;

“(ii) any certification under section 2433(e)(2) of this title; and

“(iii) any report under section 2445c(f) of this title; and

“(B) whenever necessary to ensure that an estimate or analysis under paragraph (4) is unbiased, fair, and reliable.

“(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

“(2) The Director shall consult closely with, but the Director and the Director's staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

“(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

“(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense acquisition program, request changes in such

cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

“(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director’s duties under this section.

“(e)(1) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its costs estimates and analyses. The report shall include an assessment of—

“(A) the extent to which each of the military departments have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates; and

“(B) the overall quality of cost estimates prepared by each of the military departments.

“(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process. Each report submitted to Congress under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.

“(3) The Secretary may comment on any report of the Director to Congress under this subsection.

“(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

“(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as so amended, is further amended by inserting after the item relating to section 139c the following new item:

“139d. Director of Independent Cost Assessment.”.

(3) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

“Director of Independent Cost Assessment, Defense of Defense.”.

(b) REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MDAPs.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the Director of Independent Cost Assessment under section 139d

of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS OF COST ANALYSIS IMPROVEMENT GROUP.—The personnel and functions of the Cost Analysis Improvement Group of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139d of title 10, United States Code (as so added), and shall report directly to the Director.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by inserting “the Director of Independent Cost Assessment,” before “and the Director”.

(2) Section 2306b(i)(1)(B) of such title is amended by striking “Cost Analysis Improvement Group of the Department of Defense” and inserting “Director of Independent Cost Assessment”.

(3) Section 2366a(a)(4) of such title is amended by striking “has been submitted” and inserting “has been approved by the Director of Independent Cost Assessment”.

(4) Section 2366b(a)(1)(C) of such title is amended by striking “have been developed to execute” and inserting “have been approved by the Director of Independent Cost Assessment to provide for the execution of”.

(5) Section 2433(e)(2)(B)(iii) of such title is amended by striking “are reasonable” and inserting “have been determined by the Director of Independent Cost Assessment to be reasonable”.

(6) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

“(A) be prepared or approved by the Director of Independent Cost Assessment; and”.

(7) Section 2445c(f)(3) of such title is amended by striking “are reasonable” and inserting “have been determined by the Director of Independent Cost Assessment to be reasonable”.

(e) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth

in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(3) MAJOR WEAPON SYSTEM DEFINED.—In this subsection, the term “major weapon system” has the meaning given that term in 2379(d) of title 10, United States Code.

SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

(a) IN GENERAL.—Section 181 of title 10, United States Code, as amended by section 104(d)(1) of this Act, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by adding after subsection (d) the following new subsection (e):

“(e) INPUT FROM COMBATANT COMMANDERS ON JOINT MILITARY REQUIREMENTS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (f). Such input may include, but is not limited to, an assessment of the following:

“(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would justify a new joint military requirement.

“(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

“(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements.

“(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or to partner in using technologies developed to meet the joint military requirement.”.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of subsection (e) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands. The report shall include, at a minimum, an assessment of the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

SEC. 106. CLARIFICATION OF SUBMITTAL OF CERTIFICATION OF ADEQUACY OF BUDGETS BY THE DIRECTOR OF THE DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) If the Director of the Center is not serving concurrently as the Director of Developmental Test and Evaluation under subsection (b)(2) of section 139c of this title, the certification of the Director of the Center

under subparagraph (A) shall, notwithstanding subsection (c)(4) of such section, be submitted directly and independently to the Secretary of Defense.”.

TITLE II—ACQUISITION POLICY

SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement mechanisms to ensure that trade-offs between cost, schedule, and performance are considered as part of the process for developing requirements for major weapon systems.

(2) ELEMENTS.—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost estimating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance requirements are established for major weapon systems; and

(B) consideration is given to fielding major weapon systems through incremental or spiral acquisition, while deferring technologies that are not yet mature, and capabilities that are likely to significantly increase costs or delay production, until later increments or spirals.

(3) MAJOR WEAPONS SYSTEM DEFINED.—In this subsection, the term “major weapon system” has the meaning given that term in section 2379(d) of title 10, United States Code.

(b) DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(C) in ensuring the consideration of trade-offs among cost, schedule and performance for joint military requirements in consultation with the advisors specified in subsection (d);”.

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—

(1) JROC SUBMITTAL OF RECOMMENDED REQUIREMENTS TO UNDER SECRETARY FOR ATL.—Upon recommending a new joint military requirement, the Joint Requirements Oversight Council shall transmit the recommendation to the Under Secretary of Defense for Acquisition, Technology, and Logistics for review and concurrence or non-concurrence in the recommendation.

(2) REVIEW OF RECOMMENDED REQUIREMENTS.—The Under Secretary for Acquisition, Technology, and Logistics shall review each recommendation transmitted under paragraph (1) to determine whether or not the Joint Requirements Oversight Council has, in making such recommendation—

(A) taken appropriate action to solicit and consider input from the commanders of the combatant commands in accordance with the requirements of section 181(e) of title 10, United States Code (as amended by section 105);

(B) given appropriate consideration to trade-offs among cost, schedule, and performance in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as amended by subsection (b)); and

(C) given appropriate consideration to issues of joint portfolio management, includ-

ing alternative material and non-material solutions, as provided in Chairman of the Joint Chiefs of Staff Instruction 3170.01G.

(3) NON-CONCURRENCE OF UNDER SECRETARY FOR ATL.—If the Under Secretary for Acquisition, Technology, and Logistics determines that the Joint Requirements Oversight Council has failed to take appropriate action in accordance with subparagraphs (A), (B), and (C) of paragraph (2) regarding a joint military requirement, the Under Secretary shall return the recommendation to the Council with specific recommendations as to matters to be considered by the Council to address any shortcoming identified by the Under Secretary in the course of the review under paragraph (2).

(4) NOTICE ON CONTINUING DISAGREEMENT ON REQUIREMENT.—If the Under Secretary for Acquisition, Technology, and Logistics and the Joint Requirements Oversight Council are unable to reach agreement on a joint military requirement that has been returned to the Council by the Under Secretary under paragraph (4), the Under Secretary shall transmit notice of lack of agreement on the requirement to the Secretary of Defense.

(5) RESOLUTION OF CONTINUING DISAGREEMENT.—Upon receiving notice under paragraph (4) of a lack of agreement on a joint military requirement, the Secretary of Defense shall make a final determination on whether or not to validate the requirement.

(d) ANALYSIS OF ALTERNATIVES.—

(1) REQUIREMENT AT MATERIAL SOLUTION ANALYSIS PHASE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires the Milestone Decision Authority to conduct an analysis of alternatives (AOA) during the Material Solution Analysis Phase of each major defense acquisition program.

(2) ELEMENTS.—Each analysis of alternatives under paragraph (1) shall, at a minimum—

(A) solicit and consider alternative approaches proposed by the military departments and Defense Agencies to meet joint military requirements; and

(B) give full consideration to possible trade-offs between cost, schedule, and performance for each of the alternatives so considered.

(e) DUTIES OF MILESTONE DECISION AUTHORITY.—Section 2366b(a)(1)(B) of title 10, United States Code, is amended by inserting “appropriate trade-offs between cost, schedule, and performance have been made to ensure that” before “the program is affordable”.

SEC. 202. PRELIMINARY DESIGN REVIEW AND CRITICAL DESIGN REVIEW FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) PRELIMINARY DESIGN REVIEW.—Section 2366b(a) of title 10, United States Code, as amended by section 201(d) of this Act, is further amended—

(1) in paragraph (1), by striking “and” at the end;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) has received a preliminary design review (PDR) and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and”; and

(4) in paragraph (3), as redesignated by paragraph (2) of this section—

(A) in subparagraph (D), by striking the semicolon and inserting “; as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and”; and

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E).

(b) CRITICAL DESIGN REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires a critical design review and a formal post-critical design review assessment for each major defense acquisition program to ensure that such program has attained an appropriate level of design maturity before such program is approved for System Capability and Manufacturing Process Development.

SEC. 203. ENSURING COMPETITION THROUGHOUT THE LIFE CYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ENSURING COMPETITION.—The Secretary of Defense shall ensure that the acquisition plan for each major defense acquisition program includes measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level of such program throughout the life cycle of such program as a means to incentivize contractor performance.

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, utilized for purposes of subsection (a) may include, but are not limited to, measures to achieve the following, in appropriate cases where such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(4) Utilization of modular, open architectures to enable competition for upgrades.

(5) Periodic competitions for subsystem upgrades.

(6) Licensing of additional suppliers.

(7) Requirements for Government oversight or approval of make or buy decisions to ensure competition at the subsystem level.

(8) Periodic system or program reviews to address long-term competitive effects of program decisions.

(9) Consideration of competition at the subcontract level and in make or buy decisions as a factor in proposal evaluations.

(c) COMPETITIVE PROTOTYPING.—The Secretary of Defense shall modify the acquisition regulations of the Department of Defense to ensure with respect to competitive prototyping for major defense acquisition programs the following:

(1) That the acquisition strategy for each major defense acquisition program provides for two or more competing teams to produce prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority for such program waives the requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing competitive prototypes exceeds the potential life-cycle benefits of such competition, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(2) That if the milestone decision authority waives the requirement for prototypes produced by two or more teams for a major defense acquisition program under paragraph (1), the acquisition strategy for the program provides for the production of at least one prototype before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority waives such requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing a prototype exceeds the potential life-cycle benefits of such prototyping, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(3) That whenever a milestone decision authority authorizes a waiver under paragraph (1) or (2), the waiver, the determination upon which the waiver is based, and the reasons for the determination are submitted in writing to the congressional defense committees not later than 30 days after the waiver is authorized.

(4) That prototypes may be required under paragraph (1) or (2) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(d) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a milestone decision authority authorizes a waiver of the requirement for prototypes under paragraph (1) or (2) of subsection (c) on the basis of excessive cost, the milestone decision authority shall submit a notice on the waiver, together with the rationale for the waiver, to the Comptroller General of the United States at the same time a report on the waiver is submitted to the congressional defense committees under paragraph (3) of that subsection.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notice on a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and
(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

(e) APPLICABILITY.—This section shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (E);

(2) by striking subparagraph (B); and

(3) by inserting after subparagraph (A) the following new subparagraphs (B), (C), and (D):

“(B) terminate such acquisition program and submit the report required by subparagraph (D), unless the Secretary determines that the continuation of such program is essential to the national security of the United States and submits a written certification in accordance with subparagraph (C)(i) accompanied by a report setting forth the assessment carried out pursuant to subparagraph (A) and the basis for each determination made in accordance with clauses (I) through (IV) of subparagraph (C)(i), together with supporting documentation;

“(C) if the program is not terminated—

“(i) submit to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title, a written certification stating that—

“(I) such acquisition program is essential to national security;

“(II) there are no alternatives to such acquisition program which will provide equal or greater capability to meet a joint military requirement (as that term is defined in section 181(h)(1) of this title) at less cost;

“(III) the new estimates of the program acquisition unit cost or procurement unit cost were arrived at in accordance with the requirements of section 139d of this title and are reasonable; and

“(IV) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost;

“(ii) rescind the most recent Milestone approval (or Key Decision Point approval in the case of a space program) for such program and withdraw any associated certification under section 2366a or 2366b of this title; and

“(iii) require a new Milestone approval (or Key Decision Point approval in the case of a space program) for such program before entering into a new contract, exercising an option under an existing contract, or otherwise extending the scope of an existing contract under such program;

“(D) if the program is terminated, submit to Congress a written report setting forth—

“(i) an explanation of the reasons for terminating the program;

“(ii) the alternatives considered to address any problems in the program; and

“(iii) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program; and”.

(b) TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MDP.—Section 2430(a)(2) of such title is amended by inserting “, including all planned increments or spirals,” after “an eventual total expenditure for procurement”.

SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) REVISED REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.

(b) ELEMENTS.—The revised regulations required by subsection (a) shall, at a minimum—

(1) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major weapon systems from federally funded research and development centers or other sources independent of the prime contractor;

(2) require that a contract for the performance of systems engineering and technical assistance (SETA) functions with regard to a major weapon system contains a provision prohibiting the contractor or any affiliate of the contractor from having a direct financial interest in the development or construction of the weapon system or any component thereof;

(3) provide for an exception to the requirement in paragraph (2) for an affiliate that is

separated from the contractor by structural mechanisms, approved by the Secretary of Defense, that are similar to those required for special security agreements under rules governing foreign ownership, control, or influence over United States companies that have access to classified information, including, at a minimum—

(A) establishment of the affiliate as a separate business entity, geographically separated from related entities, with its own employees and management and restrictions on transfers for personnel;

(B) a governing board for the affiliate that has organizational separation from related entities and governance procedures that require the board to act solely in the interest of the affiliate, without regard to the interests of related entities, except in specified circumstances;

(C) complete informational separation, including the execution of non-disclosure agreements;

(D) initial and recurring training on organizational conflicts of interest and protections against organizational conflicts of interest; and

(E) annual compliance audits in which Department of Defense personnel are authorized to participate;

(4) prohibit the use of the exception in paragraph (3) for any category of systems engineering and technical assistance functions (including, but not limited to, advice on source selection matters) for which the potential for an organizational conflict of interest or the appearance of an organizational conflict of interest makes mitigation in accordance with that paragraph an inappropriate approach;

(5) authorize waiver of the requirement in paragraph (2) in cases in which the agency head determines in writing that—

(A) the financial interest of the contractor or its affiliate in the development or construction of the weapon system is not substantial and does not include a prime contract, a first-tier subcontract, or a joint venture or similar relationship with a prime contractor or first-tier subcontractor; or

(B) the contractor—
(i) has unique systems engineering capabilities that are not available from other sources;

(ii) has taken appropriate actions to mitigate any organizational conflict of interest; and

(iii) has made a binding commitment to comply with the requirement in paragraph (2) by not later than January 1, 2011; and

(6) provide for fair and objective “make-buy” decisions by the prime contractor on a major weapon system by—

(A) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of the weapon system;

(B) providing for government oversight of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract;

(C) authorizing program managers to disapprove the determination by a prime contractor to conduct development or construction in-house rather than through a subcontract in cases in which—

(i) the prime contractor fails to give full and fair consideration to qualified sources other than the prime contractor; or

(ii) implementation of the determination by the prime contractor is likely to undermine future competition or the defense industrial base; and

(D) providing for the consideration of prime contractors "make-buy" decisions in past performance evaluations.

(C) ORGANIZATIONAL CONFLICT OF INTEREST REVIEW BOARD.—

(1) ESTABLISHMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense a board to be known as the "Organizational Conflict of Interest Review Board".

(2) DUTIES.—The Board shall have the following duties:

(A) To advise the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to organizational conflicts of interest in the acquisition of major weapon systems.

(B) To advise program managers on steps to comply with the requirements of the revised regulations required by this section and to address organizational conflicts of interest in the acquisition of major weapon systems.

(C) To advise appropriate officials of the Department on organizational conflicts of interest arising in proposed mergers of defense contractors.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term "major weapon system" has the meaning given that term in section 2379(d) of title 10, United States Code.

SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

SEC. 207. EARNED VALUE MANAGEMENT.

(a) ENHANCED TRACKING OF CONTRACTOR PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the existing guidance and, as necessary, prescribe additional guidance governing the implementation of the Earned Value Manage-

ment (EVM) requirements and reporting for contracts to ensure that the Department of Defense—

(1) applies uniform EVM standards to reliably and consistently measure contract or project performance;

(2) applies such standards to establish appropriate baselines at the award of a contract or commencement of a program, whichever is earlier;

(3) ensures that personnel responsible for administering and overseeing EVM systems have the training and qualifications needed to perform this function; and

(4) has appropriate mechanisms in place to ensure that contractors establish and use approved EVM systems.

(b) ENFORCEMENT MECHANISMS.—For the purposes of subsection (a)(4), mechanisms to ensure that contractors establish and use approved EVM systems shall include—

(1) consideration of the quality of the contractors' EVM systems and the timeliness of the contractors' EVM reporting in any past performance evaluation for a contract that includes an EVM requirement; and

(2) increased government oversight of the cost, schedule, scope, and performance of contractors that do not have approved EVM systems in place.

SEC. 208. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries."

(b) NOTIFICATION OF CONGRESS UPON TERMINATION OF MDAPS OF EFFECTS ON NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

"(c) NOTIFICATION OF CONGRESS UPON TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM OF EFFECTS ON OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall notify Congress of the effects of such termination on the national security objectives for the national technology and industrial base set forth in subsection (a), and the measures, if any, that have been taken or should be taken to mitigate those effects.

"(2) In this subsection, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title."

SEC. 209. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost informa-

tion on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

The text of S. 454, as amended by the text of H.R. 2101 as passed by the House, is as follows:

H.R. 2101

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Independent performance of acquisition oversight functions.

Sec. 102. Oversight of cost estimation.

Sec. 103. Oversight of systems engineering.

Sec. 104. Oversight of performance assessment.

Sec. 105. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.

Sec. 106. Role of the commanders of the combatant commands in identifying joint military requirements.

TITLE II—ACQUISITION POLICY

Sec. 201. Acquisition strategies ensuring competition throughout the lifecycle of major defense acquisition programs.

Sec. 202. Additional requirements for certain major defense acquisition programs.

Sec. 203. Requirement for certification of major systems prior to Milestone B.

Sec. 204. Critical cost growth in major defense acquisition programs.

Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.

Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.

Sec. 207. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.

TITLE I—ACQUISITION ORGANIZATION

SEC. 101. INDEPENDENT PERFORMANCE OF ACQUISITION OVERSIGHT FUNCTIONS.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 145. Principal advisors for acquisition oversight functions

“(a) ASSIGNMENT OF ACQUISITION OVERSIGHT FUNCTIONS.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense as the principal advisor to the Secretary for each acquisition oversight function specified in subsection (c). An official may be designated to perform one or more of such functions. The performance of duties pursuant to a designation under this section shall not limit or otherwise affect the performance of any other duties assigned to such official by the Secretary or by other officers of the Department responsible for the management and direction of such official except as necessary to satisfy the requirements of subsection (b).

“(b) QUALIFICATIONS.—In designating an official for a function pursuant to subsection (a), the Secretary shall ensure that the official reports directly to the Secretary in the performance of such function and is—

“(1) highly expert in matters relating to the function;

“(2) assigned the appropriate staff and resources necessary to carry out the function;

“(3) independent from those engaged in the execution of acquisition programs;

“(4) free of any undue political influence; and

“(5) free of any personal conflict of interest.

“(c) ACQUISITION OVERSIGHT FUNCTIONS.—(1) The acquisition oversight functions to be performed by officials designated pursuant to subsection (a) are as follows:

“(A) Cost estimation.

“(B) Systems engineering.

“(C) Performance assessment.

“(D) Such other acquisition functions as the Secretary considers appropriate.

“(2) Each acquisition oversight function specified in paragraph (1) shall cover all phases of an acquisition program, including setting of requirements, formulation and execution of budgets, and program execution.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “145. Principal advisors for acquisition oversight functions.”

SEC. 102. OVERSIGHT OF COST ESTIMATION.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2334. Acquisition oversight: oversight of cost estimation

“(a) ISSUANCE OF POLICIES, PROCEDURES, GUIDANCE, AND COST ESTIMATES.—The official assigned oversight of cost estimation pursuant to section 145 of this title shall issue the following:

“(1) Policies and procedures governing the conduct of cost estimation and cost analysis generally for the acquisition programs of the Department of Defense.

“(2) Guidance relating to cost estimates and cost analyses conducted in connection with major defense acquisition programs under chapter 144 of this title or major automated information system programs under chapter 144A of this title.

“(3) Guidance relating to the proper selection of confidence levels for cost estimates generally, and specifically, for the proper selection of confidence levels for cost estimates for major defense acquisition programs under chapter 144 of this title or major automated information system program under chapter 144A of this title.

“(4) Guidance relating to full consideration of life-cycle management and sustainability costs of major defense acquisition programs under chapter 144 of this title or major automated information system programs under chapter 144A of this title.

“(5) Independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

“(A) in advance of—

“(i) any certification under section 2366a or 2366b of title 10, United States Code;

“(ii) any decision to enter into low-rate initial production or full-rate production;

“(iii) any certification under section 2433(e)(2) of this title; and

“(iv) any report under section 2445c(f) of this title; and

“(B) at any other time considered necessary by such official or upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(b) REVIEW OF COST ESTIMATES, COST ANALYSES, COST INDEXES, AND RECORDS OF THE MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that the official designated for oversight of cost estimation pursuant to section 145 of this title—

“(1) promptly receives the results of all cost estimates and cost analyses conducted by the military departments, and all studies conducted by the military departments in connection with such cost estimates and cost analyses, for major defense acquisition programs and major automated information systems of the military departments, and is authorized to comment on such estimates, analyses, and studies; and

“(2) has timely access to any records and data in the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the official considers necessary to review in order to carry out any duties under this section.

“(c) PARTICIPATION, CONCURRENCE, AND APPROVAL IN COST ESTIMATION.—The Secretary of Defense shall ensure that the official designated for oversight of cost estimation pursuant to section 145 of this title is involved in all discussions relating to cost estimation and the estimation of resource levels required for major defense acquisition programs and major automated information systems of the Department of Defense generally at all stages of such programs and may—

“(1) participate in the formulation of study guidance for analyses of alternatives for major defense acquisition programs;

“(2) participate in discussion of resources associated with requirements;

“(3) participate in the discussion of any discrepancies between an independent cost estimate and the cost estimate of a military department for a major defense acquisition program or major automated information system of the Department of Defense;

“(4) approve or disapprove, at such official's sole discretion, the confidence level used in establishing a baseline description or budget estimate for a major defense acquisition program or major automated information system of the Department of Defense at any of the events specified in paragraph (5) of subsection (a) of this section;

“(5) concur in the choice of a baseline description or budget estimate for use at any of the events specified in paragraph (5) of subsection (a) of this section; and

“(6) participate in consideration of any decision to request authorization of a multiyear procurement contract for a major defense acquisition program.

“(d) DISCLOSURE OF CONFIDENCE LEVELS FOR BASELINE ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS.—The official designated to perform oversight of cost estimation pursuant to section 145 of this title, in approving a confidence level for use in a major defense acquisition program pursuant to subsection (c)(4), shall—

“(1) disclose the confidence level used in establishing a baseline estimate for the major defense acquisition program, the rationale for selecting such confidence level, and, if such confidence level is less than 80 percent, the justification for selecting a confidence level of less than 80 percent; and

“(2) include the disclosure required by paragraph (1) in any decision documentation approving a baseline estimate for the major defense acquisition program, in the next Selected Acquisition Report pursuant to section 2432 of this title for the major defense acquisition program, and in the next annual report submitted under subsection (f).

“(e) RELATIONSHIP TO COST ANALYSIS IMPROVEMENT GROUP.—The official designated to perform oversight of cost estimation pursuant to section 145 of this title shall be assigned responsibility for the management and oversight of the Cost Analysis Improvement Group of the Department of Defense.

“(f) ANNUAL REPORT.—Not later than March 1 of each year, beginning on March 1, 2010, the official designated to perform oversight of cost estimation pursuant to section 145 of this title shall submit to the congressional defense committees a report on the activities undertaken pursuant to this section during the preceding year. The report shall be in an unclassified form but may include a classified annex.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2334. Acquisition oversight: oversight of cost estimation.”

SEC. 103. OVERSIGHT OF SYSTEMS ENGINEERING.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, as amended by section 102, is further amended by adding at the end the following new section:

“§ 2334a. Acquisition oversight: oversight of systems engineering

“(a) ISSUANCE OF POLICIES, PROCEDURES, AND GUIDANCE.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall—

“(1) issue policies, procedures, and guidance for all elements of the Department of Defense concerning—

“(A) the use of systems engineering principles and best practices, generally;

“(B) the use of systems engineering approaches to enhance reliability, availability, and maintainability on major defense acquisition programs;

“(C) the development of systems engineering master plans for major defense acquisition programs, including systems engineering considerations in support of life-cycle management and sustainability;

“(D) the inclusion of provisions relating to systems engineering and reliability growth in requests for proposals;

“(E) the appropriate use of development planning to reduce the time from system development to deployment, to reduce development risk and cost growth, and to provide future benchmarks against which to trade requirements, cost, and schedule;

“(F) developmental test and evaluation generally;

“(G) in coordination with the Director of Operational Test and Evaluation, the integration of developmental test and evaluation with operational test and evaluation;

“(H) in coordination with the Director of Operational Test and Evaluation, the development of test and evaluation master plans for major defense acquisition programs; and

“(I) the use of developmental test and evaluation as part of a coordinated systems engineering approach to system development; and

“(2) provide advocacy, oversight, and direction to elements of the acquisition workforce responsible for functions relating to systems engineering, developmental test and evaluation, and life-cycle management and sustainability.

“(b) PARTICIPATION IN REQUIREMENTS DISCUSSIONS.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall provide input on the inclusion of systems engineering requirements in the process for consideration of joint military requirements by the Joint Requirements Oversight Council pursuant to section 181 of title 10, United States Code, including specific input relating to each capabilities development document.

“(c) ACCESS TO RECORDS OF THE MILITARY DEPARTMENTS.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall have access to any records or data of the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the official considers necessary to review in order to carry out any duties under this section.

“(d) ASSESSMENT OF MILITARY DEPARTMENT CAPABILITIES FOR SYSTEMS ENGINEERING AND DEVELOPMENTAL TEST AND EVALUATION.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall—

“(1) periodically assess the capabilities of the military departments for systems engineering (including development planning) and developmental test and evaluation;

“(2) provide such assessment, along with such recommendations for improvement as the official considers necessary, to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

“(3) include such assessment and recommendations in the annual report required by subsection (g).

“(e) REVIEW AND APPROVAL OF PLANS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall review and approve the following plans with respect to any major defense acquisition program:

“(1) The systems engineering master plan.

“(2) The developmental test and evaluation plan within the test and evaluation master plan.

“(f) REPORTING THROUGH UNDER SECRETARY.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall report to the Secretary of Defense through the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(g) ANNUAL REPORT.—Not later than March 1 of each year, beginning on March 1, 2010, the official designated to perform oversight of systems engineering pursuant to section 145 of this title shall submit to the congressional defense committees a report on the activities undertaken pursuant to this section during the preceding year. The report shall be in unclassified form but may include a classified annex.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 102, is further amended by adding at the end the following new item:

“2334a. Acquisition oversight: oversight of systems engineering.”

SEC. 104. OVERSIGHT OF PERFORMANCE ASSESSMENT.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, as amended by section 103, is further amended by adding at the end the following new section:

“§2334b. Acquisition oversight: oversight of performance assessment

“(a) ISSUANCE OF POLICIES, PROCEDURES, AND GUIDANCE FOR PERFORMANCE ASSESSMENTS.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title shall be responsible for the issuance of policies, procedures, and guidance governing the conduct of performance assessments for the acquisition programs of the Department of Defense, including assessment of the extent to which acquisition programs—

“(1) deliver sufficient capability to the warfighter;

“(2) achieve timely delivery of such capability; and

“(3) deliver a level of value consistent with resources expended.

“(b) ASSESSMENT OF BASELINE QUALITY.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title shall periodically assess the suitability of the baseline descriptions required by section 2435 of title 10, United States Code, of major defense acquisition programs for providing a basis for performance assessment and make such recommendations to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics as the official considers necessary to improve the suitability of baseline descriptions for such purpose.

“(c) EARNED VALUE MANAGEMENT SYSTEM.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title shall be responsible for the management and oversight of the records of the earned value management system of the Department of Defense.

“(d) PARTICIPATION IN CERTAIN PROGRAM REVIEWS.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title is authorized to present an assessment of the performance of a major defense acquisition program during—

“(1) any discussions prior to certification under section 2433(e)(2) of this title;

“(2) any discussions prior to entry into full-rate production; and

“(3) consideration of any decision to request authorization of a multiyear procurement contract for a major defense acquisition program.

“(e) ANNUAL REPORT.—Not later than March 1 of each year, beginning on March 1, 2010, the official designated to perform oversight of performance assessment pursuant to section 145 of this title shall submit to the congressional defense committees a report on the activities undertaken pursuant to this section during the preceding year. The report shall be in unclassified form but may include a classified annex.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 103, is further amended by adding at the end the following new item:

“2334b. Acquisition oversight: oversight of performance assessment.”

SEC. 105. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Director of Defense Research and Engineering shall periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(2) The Director shall submit to the Secretary of Defense and to the congressional defense committees by January 1 of each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.”

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to the congressional defense committees not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources that may be required by the Director, and by other research and engineering elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a)(1).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code.

(3) The requirements of Department of Defense Instruction 5000, as revised.

SEC. 106. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

(a) IN GENERAL.—Section 181(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Under Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (e). Such input may include, but is not limited to, an assessment of the following:

“(A) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would inform the assessment of a new joint military requirement.

“(B) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

“(C) The relative priority of a proposed joint military requirement in comparison with other joint military requirements within the theater of operations of a commander of a combatant command.

“(D) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or the benefit, if any, of a partner nation assisting in development or use of technologies developed to meet the joint military requirement.”.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of (1) subsection (d)(2) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands, and (2) subsection (b) of section 181 of title 10, United States Code (as amended by section 942 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 287)). The report shall include, at a minimum, an assessment of the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

TITLE II—ACQUISITION POLICY

SEC. 201. ACQUISITION STRATEGIES ENSURING COMPETITION THROUGHOUT THE LIFECYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ACQUISITION STRATEGY ENSURING COMPETITION.—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program includes—

(1) measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level (at such tier or tiers as are appropriate) of such program throughout the life-cycle of such program as a means to improve contractor performance; and

(2) adequate documentation of the rationale for the selection of the subcontract tier or tiers under paragraph (1).

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, for purposes of subsection (a) may include measures to achieve the following, in appropriate cases if such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Unbundling of contracts.

(4) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(5) Use of modular, open architectures to enable competition for upgrades.

(6) Use of build-to-print approaches to enable production through multiple sources.

(7) Acquisition of complete technical data packages.

(8) Periodic competitions for subsystem upgrades.

(9) Licensing of additional suppliers.

(10) Periodic system or program reviews to address long-term competitive effects of program decisions.

(c) CONSIDERATION OF COMPETITION THROUGHOUT OPERATION AND SUSTAINMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—In carrying out this section, the Secretary of Defense shall ensure that, with respect to maintenance of a major defense acquisition program, consideration is given to capabilities within the Department of Defense to perform maintenance functions.

SEC. 202. ADDITIONAL REQUIREMENTS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ADDITIONAL REQUIREMENTS RELATING TO MILESTONE B APPROVAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting “(1)” before “The milestone decision authority may”; and

(B) by striking the second sentence and inserting the following:

“(2) Whenever the milestone decision authority makes such a determination and authorizes such a waiver—

“(A) the waiver, the determination, and the reasons for the determination shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized; and

“(B) the milestone decision authority shall review the program not less often than annually to determine the extent to which such program currently satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) until such time as the milestone decision authority determines that the program satisfies all such certification components.”;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection (e):

“(e) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program receiving a waiver pursuant to subsection (d) shall prominently and clearly indicate that such program has not fully satisfied the certification requirements of this section until such time as the milestone decision authority makes the determination that such program has satisfied all certification components pursuant to subsection (d)(2)(B).”;

(3) in subsection (a)—

(A) in paragraph (1), by striking “and” at the end;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) has received a preliminary design review and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission or that no preliminary design review is necessary for such program to demonstrate a high likelihood of accomplishing its intended mission; and”;

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) in subparagraph (D), by striking the semicolon and inserting “, as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and”;

(ii) by striking subparagraph (E); and

(iii) by redesignating subparagraph (F) as subparagraph (E).

(b) CERTIFICATION AND REVIEW OF PROGRAMS ENTERING DEVELOPMENT PRIOR TO ENACTMENT OF SECTION 2366B OF TITLE 10.—

(1) DETERMINATION.—(A) Except as provided in subparagraph (B), beginning not later than 270 days after the date of the enactment of this Act, for each major defense acquisition program that has not received a Milestone C approval, or Key Decision Point C approval in the case of a space program, the Milestone Decision Authority shall determine whether or not the program satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code.

(B) Subparagraph (A) shall not apply to a major defense acquisition program that has been reviewed pursuant to section 2366b of title 10,

United States Code, prior to the date that is 270 days after the date of the enactment of this Act, or a major defense acquisition program that has not yet received Milestone B approval.

(2) ANNUAL REVIEW.—The Milestone Decision Authority shall review any program determined pursuant to paragraph (1) not to satisfy the certification components of subsection (a) of section 2366b of title 10, United States Code, not less often than annually thereafter to determine the extent to which such program currently satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) of such section until such time as the Milestone Decision Authority determines that the program satisfies all such certification components.

(3) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program which the Milestone Decision Authority determines under paragraph (1) does not satisfy the certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code, shall prominently and clearly indicate that such program has not fully satisfied such certification components until such time as the Milestone Decision Authority makes the determination that such program has satisfied all certification components pursuant to paragraph (2).

(c) REVIEWS OF PROGRAMS RESTRUCTURED AFTER EXPERIENCING CRITICAL COST GROWTH.—The official designated to perform oversight of performance assessment pursuant to section 145 of title 10, United States Code, as added by this Act, shall annually review each major defense acquisition program that has been considered pursuant to paragraph (2) of section 2433(e) of title 10, United States Code, and which has been certified as necessary to continue pursuant to such paragraph, to assess the success of the program in achieving adequate program performance after the completion of such consideration. The results of reviews performed pursuant to this subsection shall be included in the next annual report of such official.

SEC. 203. REQUIREMENT FOR CERTIFICATION OF MAJOR SYSTEMS PRIOR TO MILESTONE B.

(a) CERTIFICATION.—Except as provided in subsection (b), beginning not later than 270 days after the date of the enactment of this Act, for each major defense acquisition program that has not received Milestone B approval, or Key Decision Point B approval in the case of a space program, the Milestone Decision Authority shall certify, after consultation with the Joint Requirements Oversight Council on matters relating to program requirements and military needs—

(1) that the program fulfills an approved initial capabilities document;

(2) that the program is being executed by an entity with a relevant core competency as identified by the Secretary of Defense under section 118b of title 10, United States Code;

(3) if the program duplicates a capability already provided by an existing program, the duplication provided by such program is necessary and appropriate;

(4) that a cost estimate for such program has been submitted to the Milestone Decision Authority and that the concurrence of the official designated to perform oversight of cost estimation pursuant to section 145 of title 10, United States Code, has been obtained regarding the choice of a cost estimate; and

(5) that a schedule identifying the time and major activities required to reach Milestone B

approval, or Key Decision Point B approval in the case of a space program, has been submitted to the Milestone Decision Authority.

(b) **EXCEPTION.**—Subsection (a) shall not apply to a major defense acquisition program that has received a certification as required by section 2366a, title 10, United States Code.

(c) **REPORTS.**—

(1) **RELATING TO COST GROWTH OR SCHEDULE DELAY OF PROGRAMS CERTIFIED UNDER SUBSECTION (A).**—With respect to a major defense acquisition program certified by the Milestone Decision Authority under subsection (a), the Milestone Decision Authority shall submit to the congressional defense committees a report in accordance with this subsection if, prior to Milestone B approval—

(A) the projected cost of the program exceeds the cost estimate for the program submitted to the Milestone Decision Authority in accordance with subsection (a)(4) by more than 25 percent; or

(B) the schedule submitted to the Milestone Decision Authority in accordance with subsection (a)(5) is delayed by more than 25 percent.

(2) **RELATING TO COST GROWTH OF PROGRAMS CERTIFIED UNDER SECTION 2366A.**—With respect to a major defense acquisition program certified by the Milestone Decision Authority under section 2366a of title 10, United States Code, the Milestone Decision Authority shall submit to the congressional defense committees a report in accordance with this subsection if the program manager submits a notification to the Milestone Decision Authority pursuant to section 2366a(b).

(3) **MATTERS COVERED.**—Any report submitted pursuant to paragraph (1) or (2) shall—

(A) identify the root causes of the cost or schedule growth;

(B) identify appropriate acquisition performance measures for the remainder of the program; and

(C) include one of the following:

(i) A written certification (with a supporting explanation) stating that—

(I) such program is essential to national security;

(II) there are no alternatives to such program that will provide acceptable military capability at less cost;

(III) new estimates of the cost or schedule, as appropriate, are reasonable; and

(IV) the management structure for the program is adequate to manage and control program cost and schedule.

(ii) A plan for terminating the development of the program or withdrawal of Milestone A approval (or Key Decision Point A approval in the case of a space program) if the Milestone Decision Authority determines that such action is in the interest of national defense.

(4) **TIME OF SUBMISSION.**—A report required by this subsection shall be submitted—

(A) in the case of a report required by paragraph (1), not later than 30 days after the Milestone Decision Authority determines the cost growth or schedule delay described in that paragraph; and

(B) in the case of a report required by paragraph (2), not later than 30 days after the Milestone Decision Authority receives the notification from the program manager described in that paragraph.

(d) **DEFINITIONS.**—In this section:

(1) **MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “major defense acquisition program” means the following:

(A) A major defense acquisition program as that term is defined in section 2430 of title 10, United States Code.

(B) An acquisition program of the Department of Defense that the Secretary of Defense expects to become a major defense acquisition program

(as defined in such section 2430) upon Milestone B approval, on the basis of the cost estimate submitted in accordance with subsection (a)(4) of this section or subsection (a)(4) of section 2366a of title 10, United States Code.

(2) **INITIAL CAPABILITIES DOCUMENT.**—The term “initial capabilities document” has the meaning provided by section 2366a (c)(2) of such title.

(3) **ENTITY.**—The term “entity” has the meaning provided by section 2366a(c)(4) of such title.

(4) **MILESTONE B APPROVAL.**—The term “Milestone B approval” has the meaning provided by section 2366(e)(7) of such title.

SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.**—Paragraph (2) of section 2433(e) of title 10, United States Code, is amended to read as follows:

“(2)(A) If the program acquisition unit cost or procurement unit cost of a major defense acquisition program or designated major subprogram (as determined by the Secretary under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Secretary of Defense, after consultation with the Joint Requirements Oversight Council regarding program requirements, shall—

“(i) determine the root cause or causes of the critical cost growth including the role, if any, of—

“(I) changes or growth in requirements;

“(II) unrealistic baseline estimates;

“(III) any design, engineering, manufacturing, or technology integration issues;

“(IV) changes in procurement quantities;

“(V) inadequate program funding or funding instability;

“(VI) poor performance by government or contractor personnel responsible for program management; or

“(VII) other causes as identified by the Secretary;

“(ii) subject to subparagraph (B), determine whether to terminate such program or to restructure such program after assessing—

“(I) the root causes of cost growth identified pursuant to subparagraph (A);

“(II) the validity and urgency of the joint military requirement;

“(III) the viability of the acquisition strategy;

“(IV) the quality of program management;

“(V) a broad range of potential material and non-material alternatives to such program; and

“(VI) the need to reduce funding for other programs due to the cost growth on such program;

“(iii) submit the determination made under clause (ii) to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title; and

“(iv) if a report under paragraph (1) has been previously submitted to Congress with respect to such program or subprogram for the current fiscal year but was based upon a different unit cost report from the program manager to the service acquisition executive designated by the Secretary concerned, submit a further report containing the information described in subsection (g), determined from the time of the previous report to the time of the current report.

“(B) A program may be restructured pursuant to a determination under subparagraph (A)(ii) only if—

“(i) a written certification (with a supporting explanation) is submitted along with the determination stating that—

“(I) such program is essential to national security;

“(II) there are no alternatives to such program which will provide acceptable military capability at less cost;

“(III) new estimates of the program acquisition unit cost or procurement unit cost are reasonable;

“(IV) the program is a higher priority than programs whose funding must be reduced to accommodate cost growth on such program; and

“(V) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost; and

“(ii) the most recent milestone decision is revisited and results in the approval of such restructured program.”.

(b) **TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MAJOR DEFENSE ACQUISITION PROGRAM.**—Section 2430(a)(2) of such title is amended by inserting “, including all planned increments or spirals,” after “an eventual total expenditure for procurement”.

(c) **REQUIREMENT TO INCLUDE COST GROWTH FUNDING CHANGES IN REPORT.**—When a program is restructured under paragraph (2) of section 2433(e) of title 10, United States Code, the next Selected Acquisition Report for such program submitted pursuant to section 2432 of such title occurring after the submission of the budget for the fiscal year following the fiscal year in which the program was restructured shall contain a description of all funding changes included in the budget for that fiscal year as a result of the cost growth on such program, including reductions made in the budgets of other programs to accommodate such cost growth.

(d) **CONFORMING AMENDMENTS.**—Section 2433(e)(3) of such title is amended—

(1) in subparagraph (A), by striking “or (2)(B)” and inserting “or (2)(A)(iii)”; and

(2) in subparagraph (B)—

(A) by striking “or (2)(B)” and inserting “or (2)(A)(iii)”; and

(B) by striking “paragraph (2)(A)” and inserting “paragraph (2)(B)”.

SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) **REQUIREMENT FOR PANEL TO PRESENT RECOMMENDATIONS.**—Not later than one year after the date of the enactment of this Act, the Panel on Contracting Integrity established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2320) shall present recommendations to the Secretary of Defense on measures to eliminate or mitigate organizational conflicts of interest in the acquisition of major weapons systems.

(b) **REVISED REGULATIONS REQUIRED.**—Not later than 180 days after receiving recommendations pursuant to subsection (a), the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.

(c) **POTENTIAL ORGANIZATIONAL CONFLICTS OF INTEREST.**—The organizational conflicts of interest considered during the preparation of the recommendations required pursuant to subsection (a) shall include conflicts that could arise as a result of any of the following:

(1) Lead system integrator contracts on major defense acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production.

(2) The ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major defense acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs.

(3) The award of major subsystem contracts by a prime contractor for a major defense acquisition program to business units or other affiliates

of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture.

(4) The performance by, or assistance of, contractors in technical evaluations on major defense acquisition programs.

(d) **EXTENSION OF PANEL ON CONTRACTING INTEGRITY.**—Subsection (e) of section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2321) is amended to read as follows:

“(e) **TERMINATION.**—(1) Subject to the restriction in paragraph (2), the panel shall continue to serve until the date that is 18 months after the date on which the Secretary of Defense notifies the congressional defense committees of an intention to terminate the panel based on a determination that the activities of the panel no longer justify its continuation and that concerns about contracting integrity have been fully mitigated.

“(2) The panel shall continue to serve at least until December 31, 2011.”.

SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) **ELEMENTS.**—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) **AWARD OF CASH BONUSES.**—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

SEC. 207. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) **REVIEW OF MECHANISMS FOR CONSIDERING TRADE-OFFS.**—The Comptroller General shall review the use by the Department of Defense of certain mechanisms for considering trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.

(b) **MECHANISMS INCLUDED.**—The mechanisms reviewed pursuant to subsection (a) shall include—

(1) the Tri-Chair Committee, as defined in section 817 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 225);

(2) Configuration Steering Boards as established pursuant to section 814 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4528);

(3) any mechanism that is used or that may potentially be used by the Office of the Under Secretary of Defense (Comptroller) for considering trade-offs among cost, schedule, and per-

formance in the acquisition of major weapon systems; and

(4) any other mechanisms identified as allowing for the consideration of trade-offs in the report on investment strategies for major defense acquisition programs required by section 817 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

(c) **ASSESSMENT OF MECHANISMS.**—The review shall describe and evaluate the effectiveness of the mechanisms identified in subsection (b).

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review and assessment performed pursuant to this section. The report shall include such recommendations as the Comptroller General considers appropriate on the matters reviewed, including recommendations to improve the effectiveness of the mechanisms included in the report.

The SPEAKER pro tempore. Without objection, H.R. 2101 is laid on the table.

There was no objection.

CONGRATULATING AMERICAN DENTAL ASSOCIATION ON ITS 150TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 204.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 204.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. ANDREWS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 9, as follows:

[Roll No. 253]

AYES—424

Abercrombie	Bilbray	Brown-Waite,	Childers	Himes	Meek (FL)
Ackerman	Bilirakis	Ginny	Clarke	Hinchey	Meeks (NY)
Aderholt	Bishop (GA)	Buchanan	Clay	Hinojosa	Melancon
Adler (NJ)	Bishop (NY)	Burgess	Cleaver	Hirono	Mica
Akin	Bishop (UT)	Burton (IN)	Clyburn	Hodes	Michaud
Alexander	Blackburn	Butterfield	Coble	Hoekstra	Miller (FL)
Altmire	Blumenauer	Buyer	Coffman (CO)	Holden	Miller (MI)
Andrews	Blunt	Calvert	Cohen	Holt	Miller (NC)
Arcuri	Boccheri	Camp	Cole	Honda	Miller, Gary
Austria	Boehner	Campbell	Conaway	Hoyer	Miller, George
Baca	Bonner	Cantor	Connolly (VA)	Hunter	Minnick
Bachmann	Bono Mack	Cao	Conyers	Inglis	Mitchell
Bachus	Boozman	Capito	Cooper	Inslee	Mollohan
Baird	Boren	Capps	Costa	Issa	Moore (KS)
Baldwin	Boswell	Capuano	Costello	Jackson (IL)	Moore (WI)
Barrett (SC)	Boucher	Cardoza	Courtney	Jackson-Lee	Moran (KS)
Barrow	Boustany	Carnahan	Crenshaw	(TX)	Moran (VA)
Bartlett	Boyd	Carney	Crowley	Jenkins	Murphy (CT)
Barton (TX)	Brady (PA)	Carson (IN)	Cuellar	Johnson (GA)	Murphy (NY)
Bean	Brady (TX)	Carter	Culberson	Johnson (IL)	Murphy, Patrick
Becerra	Braley (IA)	Cassidy	Cummings	Johnson, E. B.	Murphy, Tim
Berkley	Bright	Castle	Dahlkemper	Johnson, Sam	Myrick
Berman	Brown (GA)	Castor (FL)	Davis (AL)	Jones	Nadler (NY)
Berry	Brown (SC)	Chaffetz	Davis (CA)	Jordan (OH)	Napolitano
Biggert	Brown, Corrine	Chandler	Davis (IL)	Kagen	Neal (MA)
			Davis (KY)	Kanjorski	Neugebauer
			Davis (TN)	Kaptur	Nunes
			Deal (GA)	Kennedy	Nye
			DeFazio	Kildee	Oberstar
			DeGette	Kilpatrick (MI)	Obey
			Delahunt	Kilroy	Olson
			DeLauro	Kind	Olver
			Dent	King (IA)	Ortiz
			Dicks	King (NY)	Pallone
			Dingell	Kingston	Pascarella
			Doggett	Kirk	Pastor (AZ)
			Donnelly (IN)	Kirkpatrick (AZ)	Paul
			Doyle	Kissell	Paulsen
			Dreier	Klein (FL)	Payne
			Driehaus	Kline (MN)	Pence
			Duncan	Kosmas	Perlmutter
			Edwards (MD)	Kratovil	Perriello
			Ehlers	Kucinich	Peters
			Ellison	Lamborn	Peterson
			Ellsworth	Lance	Petri
			Emerson	Langevin	Pingree (ME)
			Engel	Larsen (WA)	Pitts
			Eshoo	Larson (CT)	Platts
			Etheridge	Latham	Poe (TX)
			Fallin	LaTourette	Polis (CO)
			Farr	Latta	Pomeroy
			Fattah	Lee (CA)	Posey
			Filner	Lee (NY)	Price (GA)
			Flake	Levin	Price (NC)
			Fleming	Lewis (CA)	Putnam
			Forbes	Lewis (GA)	Quigley
			Fortenberry	Linder	Radanovich
			Foster	Lipinski	Rahall
			Fox	LoBiondo	Rangel
			Frank (MA)	Loeback	Rehberg
			Franks (AZ)	Lofgren, Zoe	Reichert
			Frelinghuysen	Lowey	Reyes
			Fudge	Lucas	Richardson
			Gallegly	Luetkemeyer	Rodriguez
			Garrett (NJ)	Lujan	Roe (TN)
			Gerlach	Lummis	Rogers (AL)
			Giffords	Lungren, Daniel	Rogers (KY)
			Gingrey (GA)	E.	Rogers (MI)
			Gohmert	Lynch	Rohrabacher
			Gonzalez	Mack	Rooney
			Goodlatte	Maffei	Ros-Lehtinen
			Gordon (TN)	Maloney	Roskam
			Granger	Manzullo	Ross
			Graves	Marchant	Rothman (NJ)
			Grayson	Markey (CO)	Roybal-Allard
			Green, Al	Markey (MA)	Royce
			Green, Gene	Marshall	Ruppersberger
			Griffith	Massa	Rush
			Grijalva	Matheson	Ryan (OH)
			Guthrie	Matsui	Ryan (WI)
			Gutierrez	McCarthy (CA)	Salazar
			Hall (NY)	McCarthy (NY)	Sanchez, Loretta
			Hall (TX)	McCaul	Sarbanes
			Halvorson	McClintock	Scalise
			Hare	McCollum	Schakowsky
			Harman	McCotter	Schauer
			Harper	McDermott	Schiff
			Hastings (FL)	McGovern	Schmidt
			Hastings (WA)	McHenry	Schock
			Heinrich	McHugh	Schrader
			Heller	McIntyre	Schwartz
			Hensarling	McKeon	Scott (GA)
			Herger	McMahon	Scott (VA)
			Herseth Sandlin	McMorris	Sensenbrenner
			Higgins	Rodgers	Serrano
			Hill	McNerney	Sessions

Sestak	Sutton	Walz
Shadegg	Tauscher	Wamp
Shea-Porter	Taylor	Wasserman
Sherman	Teague	Schultz
Shimkus	Terry	Waters
Shuler	Thompson (CA)	Watson
Shuster	Thompson (MS)	Watt
Simpson	Thompson (PA)	Waxman
Sires	Thornberry	Weiner
Skelton	Tiahrt	Welch
Smith (NE)	Tiberi	Westmoreland
Smith (NJ)	Tierney	Wexler
Smith (TX)	Titus	Whitfield
Smith (WA)	Tonko	Wilson (OH)
Snyder	Towns	Wilson (SC)
Souder	Tsongas	Wittman
Space	Turner	Wolf
Speier	Upton	Woolsey
Spratt	Van Hollen	Wu
Stearns	Velázquez	Yarmuth
Stupak	Visclosky	Young (AK)
Sullivan	Walden	Young (FL)

NOT VOTING—9

Diaz-Balart, L.	Murtha	Stark
Diaz-Balart, M.	Sánchez, Linda	Tanner
Edwards (TX)	T.	
Israel	Slaughter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1740

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 454, WEAPONS ACQUISITION SYSTEM REFORM THROUGH ENHANCING TECHNICAL KNOWLEDGE AND OVERSIGHT ACT OF 2009

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, COOPER, ELLSWORTH, SESTAK, McHUGH, BARTLETT, McKEON, THORNBERRY, JONES, AKIN, FORBES, MILLER of Florida, WILSON of South Carolina, CONAWAY, HUNTER, and COFFMAN of Colorado.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON S. 454

Mr. SKELTON. Madam Speaker, pursuant to clause 12 of House rule XXII, I move that meetings of the conference between the House and the Senate on S. 454 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER tempore. Pursuant to clause 12 of rule XXII, the motion is

not debatable, and the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 11, not voting 13, as follows:

[Roll No. 254]

YEAS—409

Abercrombie	Cooper	Hoekstra
Ackerman	Costa	Holden
Aderholt	Costello	Holt
Adler (NJ)	Courtney	Hoyer
Akin	Crenshaw	Hunter
Alexander	Crowley	Inglis
Altmire	Cuellar	Inslee
Andrews	Culberson	Issa
Arcuri	Cummings	Jackson (IL)
Austria	Dahlkemper	Jackson-Lee
Baca	Davis (AL)	(TX)
Bachmann	Davis (CA)	Jenkins
Bachus	Davis (IL)	Johnson (GA)
Baird	Davis (KY)	Johnson, E. B.
Baldwin	Davis (TN)	Johnson, Sam
Barrett (SC)	Deal (GA)	Jones
Barrow	DeFazio	Jordan (OH)
Bartlett	DeGette	Kagen
Barton (TX)	Delahunt	Kanjorski
Bean	DeLauro	Kaptur
Becerra	Dent	Kennedy
Berkley	Dicks	Kildee
Berman	Dingell	Kilpatrick (MI)
Berry	Doggett	Kilroy
Biggert	Donnelly (IN)	Kind
Bilbray	Doyle	King (IA)
Bilirakis	Dreier	King (NY)
Bishop (GA)	Driehaus	Kingston
Bishop (NY)	Duncan	Kirk
Bishop (UT)	Edwards (MD)	Kirkpatrick (AZ)
Blackburn	Ehlers	Kissell
Blunt	Ellsworth	Klein (FL)
Boccieri	Emerson	Kline (MN)
Boehner	Engel	Kosmas
Bonner	Eshoo	Kratovil
Bono Mack	Etheridge	Lamborn
Boozman	Fallin	Lance
Boren	Fattah	Langevin
Boswell	Flake	Larsen (WA)
Boucher	Fleming	Larson (CT)
Boustany	Forbes	Latham
Boyd	Fortenberry	LaTourette
Brady (PA)	Foster	Latta
Brady (TX)	Fox	Lee (NY)
Braley (IA)	Frank (MA)	Levin
Bright	Franks (AZ)	Lewis (CA)
Broun (GA)	Frelinghuysen	Lewis (GA)
Brown (SC)	Fudge	Linder
Brown, Corrine	Gallagher	Lipinski
Brown-Waite,	Garrett (NJ)	LoBiondo
Ginny	Gerlach	Loeb
Buchanan	Giffords	Lofgren, Zoe
Burgess	Gingrey (GA)	Lowey
Burton (IN)	Gohmert	Lucas
Butterfield	Gonzalez	Luetkemeyer
Buyer	Goodlatte	Luján
Calvert	Gordon (TN)	Lummis
Camp	Granger	Lungren, Daniel
Campbell	Graves	E.
Cantor	Grayson	Lynch
Cao	Green, Al	Mack
Capito	Green, Gene	Maffei
Capps	Griffith	Maloney
Capuano	Grijalva	Manzullo
Cardoza	Guthrie	Marchant
Carnahan	Gutierrez	Markey (CO)
Carney	Hall (NY)	Markey (MA)
Carson (IN)	Hall (TX)	Marshall
Carter	Halvorson	Massa
Cassidy	Hare	Matheson
Castle	Harman	Matsui
Castor (FL)	Harper	McCarthy (CA)
Chaffetz	Hastings (FL)	McCarthy (NY)
Chandler	Hastings (WA)	McCaul
Childers	Heinrich	McClintock
Clarke	Heller	McCollum
Clay	Hensarling	McCotter
Cleaver	Herger	McGovern
Clyburn	Hersth Sandlin	McHenry
Coble	Higgins	McHugh
Coffman (CO)	Hill	McIntyre
Cohen	Himes	McKeon
Cole	Hinche	McMahon
Conaway	Hinojosa	McMorris
Connolly (VA)	Hirono	Rodgers
Conyers	Hodes	McNerney

Meek (FL)	Putnam	Slaughter
Meeks (NY)	Quigley	Smith (NE)
Melancon	Radanovich	Smith (NJ)
Mica	Rahall	Smith (TX)
Michaud	Rangel	Smith (WA)
Miller (FL)	Rehberg	Snyder
Miller (MI)	Reichert	Souder
Miller (NC)	Reyes	Space
Miller, Gary	Richardson	Spratt
Minnick	Rodriguez	Stearns
Mitchell	Roe (TN)	Stupak
Mollohan	Rogers (AL)	Sullivan
Moore (KS)	Rogers (KY)	Sutton
Moore (WI)	Rogers (MI)	Tauscher
Moran (KS)	Rohrabacher	Taylor
Moran (VA)	Rooney	Teague
Murphy (CT)	Ros-Lehtinen	Terry
Murphy (NY)	Roskam	Thompson (CA)
Murphy, Patrick	Ross	Thompson (MS)
Murphy, Tim	Rothman (NJ)	Thompson (PA)
Myrick	Roybal-Allard	Thornberry
Nadler (NY)	Royce	Tiahrt
Napolitano	Ruppersberger	Tiberi
Neal (MA)	Rush	Tierney
Neugebauer	Ryan (OH)	Titus
Nunes	Ryan (WI)	Tonko
Nye	Salazar	Towns
Oberstar	Sanchez, Loretta	Tsongas
Obey	Sarbanes	Turner
Olson	Scalise	Upton
Ortiz	Schakowsky	Van Hollen
Pallone	Schauer	Visclosky
Pascarella	Schiff	Walden
Pastor (AZ)	Schmidt	Walz
Paul	Schock	Wamp
Paulsen	Schrader	Wasserman
Payne	Schwartz	Schultz
Pence	Scott (GA)	Watson
Perlmutter	Scott (VA)	Watt
Perriello	Sensenbrenner	Weiner
Peters	Serrano	Welch
Peterson	Sessions	Westmoreland
Petri	Sestak	Wexler
Pingree (ME)	Shadegg	Whitfield
Pitts	Shea-Porter	Wilson (OH)
Platts	Sherman	Wilson (SC)
Poe (TX)	Shimkus	Wittman
Polis (CO)	Shuler	Wolf
Pomeroy	Shuster	Wu
Posey	Simpson	Yarmuth
Price (GA)	Sires	Young (AK)
Price (NC)	Skelton	Young (FL)

NAYS—11

Blumenauer	Johnson (IL)	Speier
Ellison	Kucinich	Waters
Filner	Lee (CA)	Woolsey
Honda	McDermott	

NOT VOTING—13

Diaz-Balart, L.	Miller, George	Stark
Diaz-Balart, M.	Murtha	Tanner
Edwards (TX)	Olver	Velázquez
Farr	Sánchez, Linda	Waxman
Israel	T.	

□ 1758

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-107) on the resolution (H. Res. 434) providing for consideration of the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1800

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 874

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 874.

The SPEAKER pro tempore (Mr. QUIGLEY). Is there objection to the request of the gentleman from Maryland? There was no objection.

APPOINTMENT OF MEMBER TO
BOARD OF TRUSTEES OF THE IN-
STITUTE OF AMERICAN INDIAN
AND ALASKA NATIVE CULTURE
AND ARTS DEVELOPMENT

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 4412, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: Mr. LUJAN, New Mexico

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING BRADY PLAN'S 20TH
ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming (Mrs. LUMMIS) is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Speaker, I rise today to recognize the 20th anniversary of the Brady Plan and in honor of former Treasury Secretary Nicholas Brady. The Brady Plan launched a new era of growth, development, and capital market access for emerging market economies.

While Brady Bonds themselves have been largely superseded by newer instruments, the Brady Plan encouraged many emerging market countries to adopt and pursue ambitious economic reform programs which have been instrumental in the progress achieved during the last 20 years.

On April 25, I attended a commemorative dinner in honor of Nicholas Brady and his many accomplishments. As Secretary of the Treasury under President George H.W. Bush, Mr. BRADY was instrumental in resolving Latin American debt problems.

I was honored to hear Mr. Brady speak on the current economic crisis and credit crunch, as well as present his proposal for reform. As he stated, we must have boldness, clarity, and determination today, just as they did in 1989 in order to build prosperity out of this crisis.

International economic experts who attended the dinner praised Mr.

BRADY's work, while also noting how important trust, integrity, and personal relationships are in formulating global policy. The same is true today.

Our actions today to solve the economic crisis cannot and should not be done in haste. The politically charged environment of Congress makes the creation of effective long-term policy extremely difficult. Consequently, Mr. BRADY's remarks supported the creation of an independent commission, to find the root cause of our economic situation and to propose reforms to our financial system.

I support such a bipartisan commission. As Mr. BRADY stated, "It is vital not just that far-reaching, complex reform of the financial system be pursued prudently but in a bipartisan manner in order to gain national support. After all, the purpose is to revive public confidence in the system itself."

I was disappointed to see the Financial Markets Commission in S. 386, the Fraud Enforcement and Recovery Act, pass the House with a makeup of six Democrats and four Republicans. That is why last week I opposed this commission while at the same time agreeing to cosponsor H.R. 2111, the Congressional Commission on Financial Accountability and Preparedness Act of 2009. H.R. 2111's commission will have two members appointed from each side of the aisle and a mutually agreed upon fifth member to chair. This is true bipartisanship and is what is needed to find the real root causes and solutions to our financial crisis.

I hope that submitting Mr. Brady's speech for the RECORD will spark a debate in Congress over the necessity for a bipartisan commission and how we, as a Nation, will move forward.

APRIL 25, 2009.

20TH ANNIVERSARY OF THE BRADY PLAN
(By Nicholas F. Brady)

WASHINGTON, DC.—Good evening. I'd like to thank Charles Dallara and the IIF for organizing this gathering of old and new friends to celebrate the 20th anniversary of the Brady Plan. Although I've been given the honor of speaking, I'd like to note that a great many of you here tonight share the credit for making the Brady Plan a success. And I want to thank you all of you who have spoken so generously.

Let's start with why the Brady Plan was called the Brady Plan. We had been negotiating with Mexico since March 1989 under the rubric of what we called "the new debt strategy." In July, while we were in Paris for the Group of Seven Summit, we had a major breakthrough with Mexico. When President Bush, No. 41, held the traditional end-of-summit press conference before 1,000 reporters, one journalist asked the president if he was going to call the new strategy the Bush Plan. He didn't miss a beat before answering, "No, we're going to call it the Brady Plan. Then if it works, we'll call it the Bush Plan." The audience erupted into laughter, and the president, with his marvelous sense of humor, repeated the line so many times in the following days that the name stuck.

There are uncanny parallels between the situation we find ourselves in today and the

one the Bush administration confronted a generation ago. We faced a three-pronged crisis, including the credit markets, the real-estate market, and the budget just as the Obama administration does now. So it may be useful to recall the issues and challenges of the late '80s and early '90s as we try to resolve current problems and move into the future.

First of all there was a serious LDC debt crisis. It's easy to forget that in 1988 our banking system was in dire straits because the commercial banks held billions of dollars of loans in countries whose economic prospects had ground to a halt. Three weeks into my job as Treasury secretary, the late Gustavo Petricoli, then Mexico's ambassador to the United States, called for an urgent meeting at the Treasury department to tell me that Mexico was threatening to default on its international bank loans. Talk about reality. It didn't take much imagination to grasp that if Mexico took that route then a string of Latin American economies likely would follow and that a volatile region would move from chaos to danger.

Clearly a new approach was needed. For several years before I got to the Treasury, people had come in with various papers and solutions, all aimed at alleviating the debt overhang, but none really accomplished that. In a huge stroke of good fortune, I inherited two brilliant people at Treasury—David Mulford and Charles Dallara—and the first thing we did was to write a paper that came to be known as the "Truth Serum Paper." We worked days, nights, and weekends to establish a detailed description of the problems we faced, of what the fundamental realities were. No troublesome obstacle was passed over. Among the indisputable points we laid out were that new money commitments had dried up in the past 12 months and that many banks were negotiating private sales of LDC paper at steep discounts while maintaining their claim on the countries that the loans were still worth 100 cents on the dollar. There were more, and they were equally sobering.

We used these irrefutable facts as a starting point in all subsequent meetings. Our rule was that no suggestions were permitted to be discussed if they didn't accept the Truth Serum. They were off the table. Goodbye. Don't waste time.

I felt that the solution to too much debt was not more debt but less. From there, you know the rest: we persuaded the international commercial banks—at first with great difficulty—to write down the stated value of the loans on their books to something close to market value in exchange for that lesser amount of host-country bonds backed by U.S. zero-coupon Treasuries. The Brady Plan was achieved at a negligible cost to the U.S. government. Yet it led to the restructuring, for example, of more than \$100 billion of foreign bank debt for Mexico, Brazil, and Argentina alone. The plan broke the debt gridlock and opened the door for economic growth and social development in Latin America after the lost decade of the 1980s. And it created a new asset class: publicly traded sovereign debt—Brady Bonds—that grew to exceed half a trillion dollars. The process bought time, and the bonds helped to provide funds to developing nations in exchange for long-lasting reforms by the participating countries.

A second initiative the Bush 41 administration had to undertake was to reconstitute the savings and loan industry and the real-estate market it financed—a problem not of President Bush's making. We created the

Resolution Trust Corporation to take over some 750 insolvent savings banks, which re-introduced vibrancy into the real-estate market. In order to do this, we had no choice but to seek funding from Congress and undergo the intense political criticism that came with it. So we took the heat and moved on to solve the problem. Leadership can be painful. The final tab for cleaning up the S&L mess was \$165 billion, including what was spent before we arrived. While this is not trivial, it didn't come close to estimates by businesses, politicians, and the media, which estimated that it would cost us \$500 billion. I've been asked a number of times what reversed that era's negative thinking—and when. My firm conclusion is that it subsided in direct proportion to the weekly successful results recorded by the RTC to close the bankrupt S&Ls, gather up the real estate they held, and sell it promptly into the market.

Third, in a major contrast to today, we set about to reign in escalating spending by the U.S. government, which was, for that day and age, clearly out of control. The Budget Act of 1990 established binding caps on the amount that Congress could spend on discretionary items. It was easy to see—and it was easy for me to recommend—that that's what the country needed. But President Bush, who had uttered the famous words, "No new taxes," in his 1988 election campaign, said to me more than once, "The trouble with you, Brady, is that you never ran for sheriff." The record should be clear that George Bush fully grasped the political ramifications of designing this legislation, but he decided it was the right thing to do for the country. And while the Budget Act probably contributed to his reelection defeat in 1992, it was an essential building block for the decade of economic growth that followed.

People constantly tell me that the problems we're dealing with today are much more complex than those we faced 20 years ago. Maybe. Maybe not. The issues didn't feel simple to us back then, just as I'm sure they don't feel simple to Secretary Tim Geithner and his associates at the Treasury now.

I won't spend a lot of time tonight trying to assign blame for the current crisis; I've been gone from Wall Street too long. In broad strokes I would say that when I came to Wall Street in 1954, it was a profession, one that financed the building of this country's industrial capacity and infrastructure. Year by year, however, the industry's emphasis has moved away from that purpose and toward financial innovation for financial profit's sake. Of course, many banks have served their clients well and their hard work has been a positive factor. Nevertheless, the U.S. Department of Commerce figures show that from 1980 to 1982, the financial sector accounted for an average of 9.1 percent of U.S. total corporate profits. By 2005 to 2007 that three-year average had more than tripled, to 28.6 percent.

The particulars of today's collapse in judgment and common sense have been laid out in chapter and verse, so just I'll say briefly, first, that the whole notion that risk can be measured by a mathematical formula is based on the illusion of reality. Second, the desire for the improved returns generated by high leverage led the purveyors of this risk to push it beyond any reasonable boundaries.

But while assigning villainy to CEOs of banks and other institutions may be high theater, playing to our country's justifiable anger is counterproductive. There are many good people in the industry, people who in-

evitably will—and should—be called on to work through the malfunctions in the system. The political process should concentrate now on how to fix the financial system and let the country's legal arm ferret out and deal with the wrong doers.

A core issue today is that the government has yet to adequately describe the roots of the financial crisis to its citizens and therefore to fully pinpoint its size. It's been my experience that you can't fix what you can't explain. This leads one to think that the solution lies in providing ringing clarity on how the housing market burst, how the market excesses spread beyond housing, how these forces were fueled and then accelerated by our outsized external imbalances, and, with this knowledge, decide how markets can now be stabilized.

At the same time, it's hard to see how our national leaders have helped the country dig out of its very real problems when they devalue each public pronouncement with the caveat: "Remember, it's not over yet."

Their caution reminds me of a story that was told to me by a friend, Bob Kleberg, who was the head of the King Ranch, the largest ranch in the United States, about a college commencement ceremony in his hometown of Kingsville, Texas, during the worst of the Great Depression. Bob had invited two speakers. One was an earnest Ivy League economist and the other was this country's most famous cowboy-philosopher, Will Rogers. The economist, who spoke first, read a long and languorous speech about how bad things were, leaving the roomful of 21-year-olds wondering if there was any hope to be had about their prospects. The conclusion of his speech was met with nervous and polite applause, after which Will Rogers, who was sitting in the front row, literally vaulted up onto the stage. Facing the audience squarely he looked out and said just six words: "Live through it if you can." Then he jumped off the stage and returned to his seat. Terse, maybe. But they did live through it.

And we will, too. So what should we do as the crisis abates? Here, there is real work to be done. First we should just come out and say it: the financial system that led us to the brink of disaster is broken.

How do we proceed?

The first step would be to reduce the number of and simplify the U.S. regulatory authorities, which include the Federal Reserve, the OCC, the FDIC, the OTS, the CFTC, the SEC, and state regulators too numerous to list. The easiest part of this process is naming them! Nowhere else in the world is the implementation of banking authority so diffuse, and the choices they present to the governed result in regulatory shopping for the softest touch. Be forewarned: each one of these organizations has a protector in Congress, and it will take a thunderbolt from the White House and Congress to reorganize and streamline them. Tough as it will be, the necessity is apparent to all, both here and abroad.

The next step after marshaling the regulatory authorities is to move on to the banking institutions themselves. Of course we must be attendant to the fact that markets are international and by definition inter-related and interdependent. Yet a sense of order would dictate that we tend to our own backyard before trying to gain consensus with 19 other countries.

As I see it, we have two choices. The first is to repair the current system, which is made of deposit-taking institutions on the one hand and what's known as the shadow banking system, or non-bank financial insti-

tutions, on the other. Under this approach, we would subject the entire group to one large, all-seeing regulatory system. Doing so would be enormously complicated, and the more complicated the regulatory system the less effective the regulation. In my opinion it is a bridge too far.

We need a stronger identity of purpose between the regulators and the businesses subject to regulation beyond mere adherence to the law. My own view is that in addition to too many regulators, there is the further problem that the regulators did not use their existing powers. They could have halted the growth of the excessive leverage but did little. A culture of systemic risk awareness has to be developed, with clear guidelines to be followed regularly.

Equally important, we need a financial system that has untouchable safety and survivability as its main stem. This would remove debate over whether any of its parts is too big to fail. After all, we're talking about the people's money. Is it operationally possible to combine the mechanics of the shadow banking system, which has emphasized gigantic leverage under-girded by stratospherically complex mathematical formulae, with the principle of securing the people's money? And as tempting as it is to tinker with the present system instead of building a new one, is it the best we can do to prevent another crisis?

I believe that we need a simpler system centered on deposit-based banks. Under this approach, individual accounts in the depository banks would continue to be protected up to \$250,000 and these banks would have access to the country's central bank. These institutions would not be allowed to participate in markets involving inordinate leverage or equity transactions that would risk their deposit-protecting charter. In contrast to the current mode, when asked what their primary purpose is, the banks' chief executives wouldn't talk first about shareholder return. Instead they would stand up and say: "Our institution's primary purpose is to repay the depositors' money. Of course this is not the institutions' only purpose, and innovation within them as it relates to the asset side of the balance sheet should be encouraged as long as they keep a weather eye on leverage and equity risks."

The highly innovative shadow banking system with its mantra of lower transaction costs, which would continue to introduce new concepts, would fund itself from the money markets and other sources but without federal guarantees and access to America's central bank. Institutions that currently straddle the two funding markets would have to choose which type of business to pursue. I know this would provoke the immediate cry that the financial system would be further pinched and credit would further shrink. My answer is that any deposit-gathering system with a \$250,000 guarantee from the U.S. government and access to the central monetary authorities would get all the deposits it needed to provide a vibrant credit system.

Admittedly, ironing out the details of such a vastly complicated system is a task of the highest order, but I believe it is attainable. You may have noticed that the Senate voted this week to create an independent commission to examine the root causes of the economic collapse and provide a blueprint for the future, and the Speaker of the House called for an inquiry similar to the Pecora Commission held in the early 1930s that gave rise to that generation's new securities laws. It takes me back. My first assignment as a

new hire at Dillon Read in 1954, where I stayed for the next 35 years, was to read the volume on securities from the Pecora findings as an explanation for why we did things the way we did.

This country has had a long and important history of independent commissions aimed at laying the groundwork for solutions to national problems of huge moment. Independent is the key word. Such commissions, which call on people with deep knowledge of the underlying problem, have had as their precept exposing fundamental realities. It's unfathomable why such a suggestion has been so long in coming, except to note that commissions terrify the powers that be, both inside and outside the government. If properly constituted, however, they bring together the best of the country's thinkers and thinking, and they're often the only force that unifies the nation. I've been dismayed to read that a number of lawmakers who say they're for a commission nonetheless don't want it to get in the way of acting now. That's exactly backwards. In my view what we need is a rigorous debate and that takes time. As the American writer and philosopher Ralph Waldo Emerson once said, "Counsel to which time hath not been called, time will not ratify."

The composition of the commission is critically important: it can shape the whole outcome. It should have the word "independent" in its title. I believe its chair or chairs should be appointed by the president and that its expert membership should be appointed in equal numbers by the Democratic and Republican leadership of both houses of Congress. It is vital not just that far-reaching, complex reform of the financial system be pursued prudently but in a bipartisan manner in order to gain national support. After all, the purpose is to revive public confidence in the system itself.

In conclusion, let me thank all of you for the great warmth of your reception. We can all agree that thanks to so many of you in this room tonight, including Charles and David, Bill and Pedro and Angel, that the Brady Plan worked and that it indeed set the base for significant prosperity over the past 20 years. I believe that if we can muster similar boldness, clarity, and determination today, we can build prosperity from this crisis and I look forward to working with you in this endeavor.

GUIDE ACT OF 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to introduce the GUIDE Act of 2009 on behalf of millions of vulnerable individuals known as dual eligibles, who are faced with critical and essential decisions on which drug plan and pharmacy will provide the medications they need to survive.

Seven million Americans are duly enrolled in Medicaid due to low income levels and Medicare because of their age or disability. Almost 40 percent are cognitively impaired. These are people with mental retardation, mental illness, autism and dementia. Over 75 percent have one or more functional limitations such as problems eating, bathing, dressing, and managing money.

Prior to the passage of the Medicare Modernization Act, which established the Medicare part D prescription drug program, dual eligibles received their medications by simply taking their prescriptions and their Medicaid card to a pharmacy of their choice and paying a nominal fee.

With the passage of part D, this simple process changed and dual eligibles were required to pick a plan from the new program or be automatically and randomly enrolled in one.

Unfortunately, due to the life challenges faced by these cognitively impaired individuals, their attempt to navigate the array of complex prescription drug plans was overwhelming with regrettable consequences.

Many mistakenly chose or were enrolled in plans that presented obstacles including: prohibited copays, limited formularies, and medication exclusions.

Their lack of access to prescribed medications has been linked to serious adverse events, including increased emergency room visits and hospitalizations.

To eliminate these access problems, I, together with the gentleman from Texas (Mr. SESSIONS), have introduced the Guidance, Understanding and Information for Dual Eligibles Act, or the GUIDE Act.

The GUIDE Act addresses the life-threatening issue by establishing a pilot program where experienced social workers and case managers will provide dual eligibles with one-on-one counseling for Medicare part D in their community mental health centers and community nonprofit centers.

This program will benefit this group of vulnerable Americans by ensuring tangible access to the medications they so badly need to live healthy and productive lives. In addition, this program will benefit all Americans by reducing the social and economic costs associated with lack of access to essential medications.

Mr. Speaker, the GUIDE Act is an important bill that will provide one of the most vulnerable groups in our society with the information, guidance, and understanding they need to successfully choose the Medicare part D prescription drug plan that meets their health care needs for survival and a healthier and better quality of life.

On behalf of the millions of cognitively disabled and mentally ill Americans who live in all of our districts, I strongly urge my colleagues to cosponsor and support the GUIDE Act.

MAKING HUMAN SPACE FLIGHT A PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. POSEY) is recognized for 5 minutes.

Mr. POSEY. Mr. Speaker, on Monday I had the great privilege of watching

the launch of the Space Shuttle *Atlantis* at Kennedy Space Center.

As a resident of Brevard County, Florida, it is an experience of which I will never tire, and one which I earnestly encourage everyone to see, especially Members of Congress and the President, while they still can.

While we have the grandeur of Monday's launch fresh in our minds, I find the proposed NASA budget very disappointing. The budget plan essentially flatlines NASA's budget for the next 5 years and appears to spawn an abrupt end to the space shuttle in 2010. Washington is spending trillions of dollars on other programs, but has not seen fit to make human space flight a priority at this time.

NASA will attempt to complete the remaining flights of the space station manifest in 2010 within the constraints of its budgetary strait jacket. However, any flights that extend beyond September 2010 will be funded by borrowing money from the next generation vehicle, the Constellation, under the just released 2010 budget plan. The plan is unacceptable to me, and I hope it is unacceptable to you and my other colleagues.

Also disappointing is the proposed open-ended review of the shuttle's successor and the fact it was not begun months ago. Time is of the essence as critical decisions are being made today that will impact NASA for the next several decades.

America's space shuttle only has eight, possibly nine more launches. After that, many of the world's greatest engineers and technicians will be laid off from their jobs, and American taxpayers will pay Russians hundreds of millions, if not billions, of dollars to take American astronauts to the international space station.

This ironic arrangement is likely to last for a minimum of 3 years, and likely longer, until the next generation launch vehicle comes online. Various memos and budget blueprints in Washington may portray this arrangement with the Russians as an unwelcome necessity, but it has become a necessity only due to a lack of America's priorities.

It is wishful thinking on bureaucratic whiteboards that America can lay off this invaluable workforce and 3 years or more later expect to regroup them and rebrand them in the shuttle's successor program.

The transition is unlikely to seamless, and I speak from experience. In my younger days, I worked on the Apollo 11 program. I had the best job in the whole world that anyone my age could possibly have: inspecting rockets bound for the moon. But when the program came to an end, and it came abruptly, I and many of my fellow colleagues, some of the brightest minds in the world, excepting me, of course, were given pink slips.

Mr. Speaker, Monday's launch represents one thing that the United States is undeniably, unequivocally, and universally respected for around the globe. Friends and foes alike acknowledge that the United States of America is truly the leader in space.

So it is astonishing to me that we are so near the brink of yielding this military and economic high ground to Russia or China, or someone else. Let us bear in mind that the Chinese are not going to the moon solely to collect moon rocks.

History has shown a progression in regards to our security, which we ignore at our own peril. It started back in Old Testament times when whoever could wield the biggest bone controlled the security of the land. And then who could muster the biggest army, and then who could get the straightest spears and strongest shields.

□ 1815

And then, whoever had the strongest Navy—you know, Sweden and Spain, the greatest powers in the world. And then in World War I, whoever could build the most mechanized army, that could build the most tanks determined how secure the world would be. And in World War II, it was the Air Force; whoever controlled the air would control the security of this world. And today, it's space; whoever controls space will control what security there will be on this Earth.

Today, conflict between nations has also evolved beyond bayonets, bullets and bombs; we are in an economic war of survival. I fear that many take our position for granted and assume that our prosperity will continue indefinitely into the future because we have been so blessed with prosperity thus far.

The President has said he wants half of our Nation's GDP to come from high-tech, and as you know, you can't get any more high-tech than space. We take for granted the countless spinoffs and inventions from NASA, which has issued over 6,000 patents. NASA's "spinoff database" lists over 1,600 items since 1976. Farmers rely on their weather satellites. We all rely on GPS now. We don't give a second thought to the use of our cell phones or our BlackBerry's, our laptops, or even Velcro for that matter. I can remember when a computer processor used to take up an entire room. Now, for \$5 you can go down to Wal-Mart and get a little calculator that will fit in your wallet and do the same things.

Mr. Speaker, nothing represents the future and what is possible for mankind more than space. The future is not yet written. We have not yet reached the point of no return. The NASA budget is not etched in stone. We can make the right decisions to reduce the space gap, minimize the loss of our shuttle workforce, and move

ahead with the shuttle's successor. These objectives are compatible, desirable, and overlap with the President's stated intentions to strengthen technology as our economic base.

In conclusion, I call on the leaders of this body to revamp the NASA budget and to think about the implications should we travel down the path as currently set. America can do better, and future generations of Americans deserve better.

IN SUPPORT OF 2009 SUPPLEMENTAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Speaker, I rise today to lend my strong support for the supplemental aid funding that the House will be considering this week. This bill represents accountability to the taxpayers and a robust commitment to our national security and stability around the world.

In December, I had the privilege of visiting with our troops and military leaders in Afghanistan. I met with Americans who are doing incredible work to help the Afghan people take ownership of their economy and provide security in their neighborhoods. The administration's plan for refocusing our attention on Afghanistan incorporates both the U.S. military component but also builds up training for the Afghan military and police, government reforms, funding for economic development, and training of the Afghan people to grow alternative crops and build roads and irrigation systems.

I want to ensure that our troops in Afghanistan are as safe as possible. Therefore, I'm proud to support the fiscal 2009 supplemental bill which includes \$2.2 billion more than requested for mine-resistant, ambush-protected vehicles to protect our troops. Not only is it imperative that we provide servicemembers everything they need to complete their mission safely, we must also provide them with everything they have earned upon their return to civilian life.

Our troops and their families have given everything to this mission. We know that some of our troops have missed family milestones, others have suffered financial setbacks, and many others have experienced psychological trauma. This bill provides for expanded counseling services, state-of-the-art equipment for our wounded warriors, and funds to reintegrate our troops back into civilian life and the workforce when they return home.

Some members of the military were told that their service would last a certain amount of time, and then they were told that they would be "stop-lossed"—that means that their tour

would be extended. To me, this shows a certain amount of disrespect for those who put on the uniform. It was a difficult decision to ask them to go back, but there also needs to be a sense of fairness on how they're compensated for that. It doesn't help their readiness or our readiness for our national security to have low morale among our troops. That is why I am very proud that this supplemental retroactively pays servicemembers and veterans \$500 for every month that they've served under stop-loss orders since 2001. This is long overdue, and it's the right thing to do.

Our troops in Afghanistan will also be safer if we find regional solutions; that will include strengthening our current initiatives in Pakistan. Recently, General Petraeus, who is doing an excellent job for us, came to Palm Beach County in Florida in my district. We talked about it, and he told me—and I think we all understand this, as members of the Foreign Affairs Committee, that Pakistan and Afghanistan have become a single threat and a single issue because of this threat.

Training the Pakistani security forces to confront the Taliban will help the Pakistani Government regain its foothold and prevent it from being a failed state, which is an unacceptable threat to us and the region. This could not be more urgent. Our aid must communicate security priorities, including the Pakistani Government's assurances to safeguard the border of Pakistan and Afghanistan, and also to secure the nuclear facilities and weapons that they have.

Lastly, I would like to touch upon how the supplemental aid bill treats aid to the Middle East.

President Obama, Secretary Clinton, and Special Envoy Mitchell have provided U.S. leadership in the region to advance the causes of peace and security. However, the engagement would become more difficult if the Palestinians were to form a national unity government, including Hamas.

I support our current policy—no aid to terrorist organizations, no aid to any group that incites violence, promotes and implements terrorist attacks, and kidnaps young men without regard to human rights. This bill that we're considering is clear: no aid to Hamas.

In the event that a unity government denounces violence, abides by PLO and PA agreements, and recognizes Israel as a Jewish state, then we can start the conversation about aid. In that case, according to this bill, if the President can certify that these conditions have been met, then aid can be released to the unity government and only under those circumstances.

Furthermore, current restrictions maintain that U.S. taxpayer funds to the U.N. Relief and Works Agency, UNRWA, which administers aid to Palestinian refugees, may not be used or

diverted to fund terrorism or any activities of a terrorist group. I would urge the State Department to ensure that these restrictions are followed in both the letter and the spirit of the law, and to remain absolutely vigilant in investigating any possible infractions.

Finally, I would like to continue to bring attention to the cause of Gilad Shalit, who remains captive by Hamas. He was kidnapped in 2006. I urge all interested parties, including Egypt, to use their influence to ensure his safe return. Though not included in the legislative language, I urge the State Department to make it clear to all aid recipients of this bill that Gilad's return remains a foreign policy priority.

Mr. Speaker, I conclude and ask for this legislation to be adopted by this House to send a strong message to our troops.

CAP-AND-TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it is a pleasure to join you this evening here in the Chamber and talk for a while about what I think a very interesting subject to many, many Americans. If they're not interested in it now, they will be rapidly as this issue develops here in Washington, D.C.

What we're talking about is, most specifically, the background on a thing that's called cap-and-trade or cap-and-tax. And "cap-and-tax" is probably a better name for it because what we're talking about is a very, very large tax increase that is to be justified because of the great danger, the imminent peril that is created by global warming—although that has now been called sometimes "climate change," or global warming, or other various names. And soon the Legislature is going to actually be doing the debating and the voting on this very, very large tax increase.

Now, the President promised people that there would be no one making \$250,000 or less who is going to get any tax increases. But, unfortunately, this tax increase hits all Americans; even the average household will be paying thousands of dollars more.

The President promised that nobody making \$250,000 or less was going to get any tax increases. Well, we have seen that is not true, and particularly with this cap-and-tax situation, the tax on all kinds of people in the country. In fact, every time you turn a light switch on, you would be paying a tax. So I don't think we can take the President seriously on that promise.

Now, the justification for this very large tax increase is the popular sub-

ject of global warming, or climate change, or whatever. And that is the general idea that mankind is making CO₂—that's the product of burning something. When you burn something, the oxygen in the atmosphere combines with the fuel and it makes CO₂. It's the bubbles in soda pop. So we drink CO₂, as a matter of fact. And in a sense, the soda pop manufacturer is sequestering the CO₂ in bottles of soda pop and you are letting it loose when you open the can. Anyway, the theory is that CO₂ is the culprit, and therefore we have to reduce the amount of CO₂. And so this tax is being justified to reduce CO₂ so the planet won't burn up. That's the fast version of it.

So what I thought I would do this evening is to give just a little bit of a historic perspective because sometimes when you go into one of these debates, it's interesting to take a look and see, you know, are we the first people that have ever been talking about this, or is there a historic perspective of some kind on it? And I found that the historic perspective here is somewhat amusing and kind of interesting. So I'm going to take you back to the year 1920. At that time, in 1920, the newspapers were filled with scientific warnings of a fast-approaching glacial age. So in 1920, the scientists were saying that the planet was going to get really cold, there was going to be glaciers running around all over, so we need to be prepared for very wintry weather because there are glaciers that are going to blow around. So that is 1920.

1930s; the predominant scientists at the time reversed themselves to the fact that in the near future there is going to be what they called "serious global warming." So from the twenties to the thirties, the scientists changed. In 1972, Time magazine cited numerous scientific reports of imminent "run-away glacial activities." So now we've gone from global warming to glacial activities again in 1972.

In 1975, Newsweek says, Scientific evidence of a great ice age, and we were being called to stockpile food, that maybe what we should be considering doing was melting the ice packs, the icecaps at the North and South Poles to try to stop this tremendous ice age that was coming in 1972 and 1975. But in 1976, the U.S. Government says the Earth is headed into some sort of mini-ice age.

□ 1830

So this was continued through the seventies, and now we've gone back to global warming.

So over a period of the last hundred years or so, the major scientists—at least the ones that were talking out on this subject—have reversed themselves three times. I think it gives us some cause to be a little cautious before we jump into a massive tax increase to deal with a problem that has been com-

ing around for the last 100 years, either getting too hot or too cold.

Now there were statements made today that say that there is complete agreement that we have global warming and all of the major scientists all agree and the time for debate is over. Particularly, I'm quoting, in 1992, going back to '92, Al Gore made this statement, quote, Only an insignificant fraction of scientists deny the global warming crisis. The time for debate is over.

Let's do this quote again. 1992, Al Gore says, "Only an insignificant fraction of scientists deny the global warming crisis. The time for debate is over." Yet in that same year a Gallup poll said that 53 percent of scientists involved—these are the scientists that are involved in the climate change debates and questions—only 53 percent of them didn't agree that there was going to be global warming, 30 percent weren't sure, and only 17 percent believed that global warming had begun in the year 1992.

Moving closer to our own time period, just last year you have in The Wall Street Journal a report by an MIT professor, Richard Lindzen, says—this is his quote, There is no consensus on global warming.

Now when he made that statement, boy, did he get beat up. All the media and all kinds of people were all over him saying, that was a reckless thing to say that there's no consensus on the subject, which led him, after he'd taken a tremendous amount of political flak, to say that it seems that global warming is more of a political issue than it is a scientific or technical one. And that was the professor from MIT's opinion in that regard.

So that's just to try to give us a little bit of an introduction to obviously what is a controversial question. Even if global warming were widely believed to be true by scientists, then there are a whole series of other questions that have to be asked. Can we do anything about it? Should we pass a huge and massive tax increase? Is that necessary? So that's what we're going to talk about.

We're joined, as usual, by some really capable people that have taken some time to look into this issue, and I am absolutely delighted to introduce one of those to you now, and that is Congressman LATTA from Ohio.

Mr. LATTA. Congressman, thank you very much for hosting this extremely important Special Order tonight on cap-and-tax. It's an issue that I think every American had better learn about quickly.

I did a teletown hall last night, and we discussed it quite a bit because in my area we're hurting. Just to kind of give you a little bit of background on my area, according to the National Manufacturers Association, I represent the largest manufacturing district in

the State of Ohio. Last summer I represented the ninth largest in Congress, but because of what's happened with the economy and jobs, I now represent the 13th largest manufacturing district in Congress.

One of the things that we hear about, as you were talking about, is what we are going to be doing about cap-and-tax in this country. It is something I think the American people need to know, if it is something we need to have. In my opinion, it will be something that will destroy jobs across this country.

You know, the Chinese were asked not too long ago, and it was reported in one of the Washington papers, what about cap-and-trade? What were they going to do about it? And they said, Well, you don't understand the situation. We only produce it. You, the United States, consume it. And if you hadn't consumed it, we wouldn't have produce it. So, therefore, you pay the tax.

I think there is a real quick answer where they are going to be coming from on this. If the United States wants to go it alone on this and say that we're going to put these standards down on the American people, on American manufacturing, we're in trouble.

What we have to do is cast our eyes across that pond and see what they did in Europe. They have what they called leakage. That leakage occurred once they started putting in their cap-and-trade policies, the next thing you knew was these companies started filtering out, leaking out, and then they started coming into the United States.

If we do this, we're going to have companies say, we can't afford it. We'll just move over. Because most of these are multinational. They'll move over into the Pacific rim, and we'll have more job losses.

Mr. AKIN. So just see if I can understand because you are giving us a lot of information. It is very good stuff but at a pretty rapid pace.

So what you're saying is that this big tax that's being proposed is going to have an impact. You started by saying that you come from a district in the State of Ohio, and that that was a very big manufacturing district. So this is of particular interest to you.

So the connection is that somehow this tax and all is going to really affect those manufacturing jobs. That's your point, is that not so?

Mr. LATTA. Absolutely.

Mr. AKIN. And the reason of course is why? Let's flesh this out. I think it's fairly obvious, but I will yield.

Mr. LATTA. Well, what you have to do is look at this. What is this thing? We're talking about carbon, carbon credits.

To put this all into perspective, Ohio is a heavy user of coal when we turn our lights on. So if what they are saying is that we're really going to hit

coal, Ohio and Indiana are going to be in deep trouble right off the bat. Indiana is even, we might say, in worse shape than we are. In Ohio about 87 percent of our usage to turn on our lights every day and run our factories is coal generated.

Mr. AKIN. Let me reclaim my time. What we have here in the State of Ohio and many other heavy manufacturing States, which is the backbone of a major part of industry in America, you have, first of all, heavy industry or manufacturing, and that has the unique characteristic that it uses a lot of electricity, some more so than others. And you also have the unique characteristic that you're burning a lot of coal, and therefore, you will have to pay a whole lot of taxes on the energy that's generated off of the coal.

So you put those two things together, it says, now those businesses are no longer competitive because they're getting taxed more and more and more on the profits that they're making, which has the effect of making those companies have an economic reason to move somewhere else. And that's what you're concerned with, is that correct?

I yield.

Mr. LATTA. I thank the gentleman for yielding. Again, you are absolutely correct.

What will happen is this: I represent an area that manufactures. We have General Motors. We have Chrysler. We make washing machines. We make furniture. We make all kinds of things in my district. Brass fittings. But when you implement this tax, this cost is going to be passed on from the utility companies to the manufacturers. And the next thing that will happen is, these companies are going to have a very hard time competing within a global economy.

I was in one of my district counties several weeks ago and went into one of the plants. They showed me two things. They said, this is the brass fitting that we make. This is the brass fitting that they make in China. You know, for like 45 cents they can do it over there, and it may cost us \$3 or \$4 to make the same type of product here.

The whole idea of putting cap-and-trade and raising this tax and passing it on to the manufacturers, we're not going to have any jobs left, not only in the 5th Congressional District but across the Midwest because with our heavy coal usage and with the number of manufacturing jobs.

The Heritage Foundation recently put out a study. What they did was, they looked at all 435 congressional districts. And what they said was, okay, we're going to look at the number of manufacturing jobs you have, and now we're going to also look at how much power usage is from coal, et cetera, going right down to natural gas through nuclear.

I have what you might consider the third worst district in the United States, according to the Heritage Foundation, when it comes to cap-and-trade because of the cost it will be to do business in my district.

I have companies in my district, because they use so much energy, a slight blip will make them have to think, is it even worth manufacturing in this country anymore?

We're in a tough recession right now. But one of the things that we have to look at right now is going back to the late seventies, early eighties into that recession. But the United States, people said, you know what, we're going to get out of that thing because we knew that those factories were going to start back up. But today we don't know that because when I go through these factories, and they take me in and say, you know, we only have a third of our factory running, or I hear today that one large company might have 50 percent of their workforce laid off, a huge company.

Mr. AKIN. Reclaiming my time, let's take a look. I have got a chart here. It was prepared along the lines of what you're saying. And this is the annual increase of electric costs under the Obama cap-and-tax plan. So this is not specific to your congressional district, but it is specific to your State, Ohio.

Mr. LATTA. Correct.

Mr. AKIN. And it is specific to other States across the country. I don't know whether or not it's that clear because there's different shades of green here, but this is increase per capita.

These are the States that are the darkest green, and it's an increase of over \$1,500. That is a whale of a lot of money for somebody to be picking up in an increase in electric costs. Where is that coming out? Well, it's coming in these States here and also, as you mentioned, Indiana, next door to you, and over this way. You can see some of the States, and you've got the ones that are over \$1,000 per capita.

So this is a very big tax increase, and you can see a whole portion of the Midwest is in that category. We've got quite a lot of them that are over \$50.

Now people may say, oh, my goodness. Now Congressman AKIN, you are a Republican, and you're just trying to scare people about the talk about, this is going to be a big tax increase. But here you have the words of our President at a meeting of the editorial board at the San Francisco Chronicle. This is January 2008. He is very direct in what he is saying, Under my plan of a cap-and-trade or a cap-and-tax system, electricity rates would necessarily skyrocket.

That's just what you're saying, gentleman. It's going to skyrocket in Ohio, but it's going to skyrocket in a lot of other States too. That will cost money. They will pass that money on to consumers.

Now a guy from MIT took a look at what they thought that would be per household, and they were looking at \$3,000. There is a lot of speculation as to how much it would be. But \$3,000 for every household in America, that is really an incredible number and especially when the President has said, I'm not going to raise taxes on people over \$250,000. And now we're talking about, you flip the light switch, and you are already getting taxed at an increasing rate. What that does, of course, is makes us uncompetitive.

Now there's two ways to deal with jobs that are fleeing overseas. One of them is to tax all the imports coming in, which is a very blunt instrument. It makes the cost to everybody in America go up, and we reward people that are inefficient producers. The other thing is to create a set of laws in our country that allow us to compete competitively with other countries. This is the exact opposite because when you tax electricity and energy production, that's a major part of all of manufacturing, and now we can't compete. So just to your point, we're basically taking those jobs right out of the country at a time where we're concerned about unemployment.

I'm just thankful for your joining us. We're joined also by another good friend of ours, a gentleman from Utah (Mr. BISHOP), highly respected, and he also agreed to talk a little bit about where we are in this entire situation.

Mr. BISHOP of Utah. I appreciate that kind introduction. I don't know about the highly respected part, but I will take it for now.

I appreciate what the two gentlemen have been talking about in this particular cap-and-tax plan that is out there. I think it's important to realize that this is not the only issue, the only plan on the table.

The Republican Study Committee in conjunction with the Western Caucus have both come together and have introduced H.R. 2300 last week, which is the American Energy Innovation Act. The goal is to present another idea, another alternative to what is on the table right now coming from this particular administration.

You see, what we really have are two distinct visions of the future. One vision, which is the cap-and-tax policy, is the one that deals with creating everything done by increasing taxes on all. Our vision is not to increase taxes.

The administration wants us to have everyone pay disproportionately, as you have shown on that other map. Different areas of this country will pay higher.

What we realized is that energy and equal access to energy has been the great equalizer in allowing people to escape from poverty in this country. We need to incentivize and create more energy and solve our problems, not less.

The other side does not have a path to an alternative energy source. We do have a path to energy independence and a recognition of other alternative sources.

Mr. AKIN. Congressman BISHOP, if I could jump in here.

What you are saying is tremendously important. First of all, you are saying, we don't have to go this route on this great big huge tax. And what's more you are saying, instead of just taxing people as an excuse for not developing responsible American energy, you are saying, we ought to be developing American energy, getting off of our dependence on foreign energy, and that we should be using a plan that advances a whole broad spectrum of different solutions and let the marketplace start solving this problem instead of just depending on taxing everybody unequally but with a tremendous tax.

The thing that's unique to me, and sad, someone explained to me the other day that we created a Department of Energy years ago. And do you know why it was created and what its mission was? The interesting thing is it was created so that we could become not so dependent on foreign energy.

□ 1845

Now they have increased many, many, many times the number of employees in the Department of Energy, and their whole mission was so that we would not be dependent on foreign energy. And look where we are today. It's gotten worse and worse and worse. So you kind of ask yourself maybe Ronald Reagan was right when he said we ought to get rid of them because we are more dependent on foreign energy.

Please proceed, though, Congressman BISHOP.

Mr. BISHOP of Utah. I appreciate the insight and that perfect analogy of what we are talking about here.

The problem the government has when it becomes involved in mandates is we pick winners and losers in the system. What we're trying to do with this act is give another alternative, another vision that empowers people to solve these particular problems.

I would like to, if I could only, just spend 1 minute on only one aspect, one part. I mean, this is a 200-plus-page bill with lots of ideas. Just one that deals with technology innovation because we all know technology is going to be one of the keys of creating this innovation in the future, and both the public and the private sector have a role to play. But the government, when it gets involved with mandates and massive programs, picks winners and losers. There's a role, but that's not going to be the key role. The real way of solving our problem is to tap the greatest potential this country has, which is the American people, and to do it in an innovative way.

Since 1790, this country has granted 6 million patents. We've got everything from 1784 with bifocals, 1805 with refrigerators. And 1867 is still the best year because we did the typewriter, the motorcycle, and barbed wire and toilet paper all in the same year, all of them important.

Mr. AKIN. Sears and Roebuck was delighted with that, I'm sure.

Mr. BISHOP of Utah. In 1896 was the zipper; Scotch tape goes back to 1930; 1945 was microwave ovens; 1960 was the laser; 1982 was the artificial heart. These were not done by government mandates. These were done by Americans responding to the challenges of the day. This country that is smart enough to come up with bifocals and blue jeans and crayons in 1903, along with airlines and lasers and computers, can come up with a source of better and alternative energy for our future.

Mr. AKIN. Just reclaiming my time, as you take a look at the technology even now that's out there, maybe I suffer as one of the few people here in Congress trained as an engineer, but you start looking at what the possibilities are here. And one of the things that is particularly interesting, and I wonder because I take a look at what Europe is doing and it raises this question and we ought to talk about this a little bit too, and that is, is there a genuine interest in reducing CO₂ or is this just a big excuse to levy a big tax on people? Because you go over to Spain and they have a very aggressive antiglobal warming policy there and they closed their nuclear reactors. Now, that makes you kind of wonder because that's one source of energy that we have in America that we have developed that doesn't make any CO₂ and it makes very, very clean energy.

But just taking a look at what you're saying, take the innovation, first of all, the nuclear power plant. And some people may be fanatics. I like going over to Home Depot or Lowe's or something and looking at their tool section, and they've got all these nifty new tools that run on batteries, and these batteries are getting better and better. They're getting smaller and they're getting much more powerful. So if you put together an improvement in battery technology with nuclear energy and use the nuclear energy to charge up people's batteries in their cars and all, we're talking about a completely different way. And that's just one possibility.

But I wanted to get back to my good friend from Utah. You said you wanted to develop one specific area. Please jump right into that.

Mr. BISHOP of Utah. I need to piggy-back on what you just said. Last week Dr. Calzada from King Juan Carlos University in Spain was here telling us the specific problems that Spain is having with their approach of government mandates. So for every new green job

created, many of them are administrative.

Mr. AKIN. They call it subprime; is that right?

Mr. BISHOP of Utah. You've got it right there. They lost 2.2. They're having a difficult time with their economy simply because they decided to do the top-down approach to it.

Now, what America has always been able to do is have Americans come up with these creative ideas if there is an incentive to do it, which is one of the things in the American Energy Innovation Act that I want to emphasize right now, which is the incentive with prizes. That is something that we have always used in the history of this world.

When Britain was trying to control the seas, they didn't know how to map them; so they offered a prize of 20,000 pounds to somebody who could solve the problem. A clock-maker in London got it by coming up with latitude and longitude elements we use today. Napoleon wanted a way to feed his troops, a 12,000 franc prize, and they came up with vacuum packing technology we still use today. When Lindbergh flew across the ocean, it was to claim a prize. The British Spitfire, which won the Battle of Britain, was the result of a technological development prize. NASA has used prizes. We use this all the time.

This is the time for us not simply to say come to us and the government will solve all your problems and we will fund all the research and we will decide what's good and we will decide who wins and who loses. Simply put the money out there, and the first person that can actually produce what we want, privately produce it, privately make sure that it's sustainable, give them a decent prize. That has driven America. That has driven the world in the past. It can happen today.

Mr. AKIN. Just reclaiming my time, you're getting me excited. What you're talking about is a word that my constituents love. It's called "freedom." The idea of freedom, the idea of challenging people's innovation and saying, okay, the first one to do this, this, or this, we're going to give you a prize. I didn't have all of those great examples that you gave us, but people the world over love a chance to win a prize. Plus it gives people a chance to start thinking: I bet you I can win that thing. I've got an idea of how to do that. What a great illustration of a freedom-based solution as opposed to a totalitarian top-down, government-knows-all-the-answers kind of thing and we are going to solve every problem in the world with more taxes and more spending. I like the freedom approach. I think that's a great idea.

I want to take my hat off for this American Energy Innovation Act that you're talking about. Sometimes people say that the Republicans don't have solutions. Our solution is called free-

dom. It's called innovation. It's called imagination. It's called turning the smarts of the American people loose on a problem and see what kind of wonderful things can happen.

I'm going to yield to the gentleman from Utah again.

Mr. BISHOP of Utah. We have got several other guests down here; and before I turn it over to them, let me just give a conclusion to this concept because the cap-and-tax plan is a government mandate that's telling people what they will do, how they will live. What we're talking about is empowering people.

Now, I hate to say this because it's somewhat harmful, but one of the problems I have with our session of Congress is there basically are two approaches we have to everything: we have an administration that truly believes government is the solution to our problems and wants to harken back to the progressive era, the New Deal era, the Great Society era, and build upon that. The other side of Congress thinks that empowering people is the solution. So I don't want to sound cynical, but to be very honest, it doesn't really matter what the issue is; we're always talking about the same thing.

So the Democrat solution to energy is to dictate and regulate, to have bigger government and have higher taxes. And I apologize, but for the Republican side, pick your topic. Today it's energy. Our solution is choices and options, empowering people, and reducing taxes.

Now, what I have been talking about with the prize concept is to simply empower people to come up with solutions that dictate their own lives and their own futures, as opposed to simply having bigger government telling people what they will do, when they will do it, and charging them \$600 billion for the opportunity of being told what to do.

Mr. AKIN. Reclaiming my time, that sort of gets your dander up a little bit to be told you're going to get charged \$600 billion and that's going to be the tax because you don't know how to solve this problem and the government can do it for you.

The funny thing is we've passed a lot of laws and they have these unintended consequences. And I can tell you right now what's going to happen. You tax the good old boys from Missouri, you tax them on their electricity and on their natural gas or their propane that they're heating their gas with in order to try to get CO₂ down, and you know what's going to happen? They're going to get those steel chainsaws out and they're going to be chopping firewood and they're going to be heating with firewood. That's what is going to happen. And it's going to have the effect of creating more CO₂ than if you just left the thing alone and not taxed them at \$3,000 per household a year.

We are joined by other Members of Congress. I did want to be able to get

back, though, to Congressman LATTA from Ohio so you have a rejoinder in this, and then we have got another fantastic Member joining us tonight as well.

Mr. LATTA. Thank you very much for yielding.

Just to follow up on your conversation right there, we do have such great resources in this country. We have almost 25 percent of the world's coal. We ought to be using it. And it's that clean coal technology. We ought to have those contests out there. There are people in my district right now that are working on clean coal, but they are always being beaten down because they hear things coming out of Washington saying absolutely not, we're not going to have clean coal because we'll tax you out of existence. So who wants to use it?

So, you know, when you look at what we have in our country, we have all these resources. We have oil. We have natural gas. We have the coal. We should be developing nuclear. We haven't had a new nuclear power plant sited since 1977, and our competitors in the world like the Chinese are looking at 35 to 40 in the next 25 to 30 years. That's not sustainable.

Mr. AKIN. Reclaiming my time, hit those numbers again because you're not saying it that clearly. I didn't quite catch it. When was the last time we sited a new nuclear power plant?

Mr. LATTA. In 1977.

Mr. AKIN. And that makes how much CO₂?

Mr. LATTA. Zero.

Mr. AKIN. None. So we're all worried about CO₂, and yet we have not sited another nuclear plant since 1977. That seems like such an odd thing.

I recall when we had the Speaker come into the Science Committee, I think at the beginning of this year or the end of last year, and she was talking about wanting to deal with the global warming thing and all because Al Gore was coming in also and there was going to be this great big pow-wow on the subject. And I asked her, If we're very worried about CO₂ and nuclear power plants don't generate any CO₂ and we have hundreds of them floating around in ships in the Navy and they have never been a problem technically to us, what's your thought on that, because it sounded to me like you were becoming a little more open minded?

Oh, yes, we're becoming more open minded.

And yet legislatively you get no credit at all for generating energy that makes no CO₂. Now, what's the logic of this? Please help me because I don't get it.

I yield.

Mr. LATTA. I'm still looking for the logic because, you know, we have all these resources. We have all this technology, but we're not using it. And we

are all for, I think, on our side of the aisle what we call the "all-of-the-above" policy, all these things I just rattled off for using. In my district they manufacture solar panels. I'm going to have two companies by the end of the year manufacturing solar panels. We have the ability for wind, and we have everything from ethanol to biodiesel and we're looking at hydrogen down the road. But we need to be doing all of the above.

Right now I am getting calls from my constituents and they're saying, Bob, how come the gas prices are going up 30 cents in 1 week?

And I said, Well, gasoline is over \$60 a barrel again.

And people are going to start watching it go up and up and up. And the same thing that's going to come is how are we going to pay for this, this, or this, and we're going to have to say we're not going to buy this.

Mr. AKIN. Reclaiming my time, that gets right back to your point. We are basically shipping jobs overseas when we do it because we can't be competitive that way.

We have got another fantastic Congressman who has come to the floor, MICHELE BACHMANN from Minnesota. And she is just such a sweet, wonderful lady, but she also is extremely articulate.

It's a treat to have you, Congresswoman BACHMANN. I yield.

Mrs. BACHMANN. I thank the gentleman from Missouri (Mr. AKIN) for yielding.

I also am delighted to be a part of this discussion on solutions. As Mr. BISHOP rightly stated, there are two approaches that we are taking to America's energy solutions, and as Mr. LATTA stated, we are a Nation that is filled with resources. And I am called to mind by one of our founders, you may say, of our Nation, one of the greatest orators of his time and really all of American history, Daniel Webster. Daniel Webster made a statement, and I paraphrase: Should we not recall the resources that we have been given in this land that are extraordinary, unparalleled across the world, and shouldn't we call forth those resources that we've been given to generate something wonderful in our time?

I had the privilege of serving in the Minnesota State Senate. We had that quote stenciled around our beautiful rotunda, the Minnesota State Senate chamber. And as Mr. LATTA stated, we have 25 percent of the world's coal. We have unlimited resources as far as nuclear power generation goes, as far as hydropower, solar, wind, but yet also natural gas, oil. All of the known reserves that we have, the United States manages to use those resources more efficiently, more cleanly than perhaps any other nation on the planet. Rather than this being one of the most expensive sources of manufacturing in the

United States, energy could be one of the cheapest sources of manufacturing components. And yet the United States could be one of the leading exporters of this wonderful resource, energy. So shouldn't it be, as Daniel Webster said, that we should call forth these resources that have been given to us with the greatest benefit that we have, American ingenuity?

□ 1900

Use those resources to the benefit, not just of America, but of mankind.

And so I would agree with my colleague, Mr. BISHOP. There are two ways to approach this solution, and I think that the solution that you gentlemen are speaking of this evening is the one that the American people are raising their hand to tonight saying, yes, don't tax me. In fact, bring resources into the Treasury and make my life better by being forward-looking, not backward-looking, and calling for these resources for the benefit of the American people.

Mr. AKIN. That is really a vision. You know, what I am hearing, if I am trying to put a little title on that, I think I am hearing let freedom ring. Let Americans use their ingenuity. Let us use the resources that God gave us. Let's see what we can do.

Let's be an exporter of energy. Let's take what the Lord has given us and really start to define clearly what the problems are and take a look at what the alternatives are. Let the innovative juices of the American system go to work on this thing.

I mean, that's even assuming you have got a big problem with CO₂. Even if you assume that, there are a lot of ways to deal with this.

But to try to come up with—look at this. This is the cost of World War II here, 3.6 trillion. This cap-and-trade tax, 1.9 trillion. This is more. This is what we are talking about in the next couple of weeks. We are talking about a tax that's going to cost a little bit more than the Vietnam War, the space race, the New Deal and Hurricane Katrina combined.

Mrs. BACHMANN. Let alone millions of American jobs.

Mr. AKIN. And that's not even counting all the jobs we are going to be shipping. And we could just basically let Mother Freedom ring the bell. Let's just go ahead and use these resources and figure out ways to solve these problems, because we could do it. That's what we believe in. We believe in freedom.

I would like to go back to my good friend from Utah, Congressman BISHOP.

Mr. BISHOP of Utah. I hate to add another wrinkle to this, because there is another problem. We have 6.5 billion people on the Earth today. Two billion people do not have electricity today. They have never flipped a light switch, and they want the same standard of

living that we have. We are going to need more energy in the future, if only to be fair to the rest of the world, than what we are talking about today.

In 1977, we tried a national energy plan. It was passed, it was implemented, and the result of that was the government told you how high to put your thermostat, how fast to drive your car, and which day you could actually fill up. Except I think we talked about the one family Newt Gingrich found out about that had two different license plates, one ending in odd and one in even so they could get gas whenever they wanted to.

Mr. AKIN. That is American ingenuity, I suppose.

Mr. BISHOP of Utah. I should have given him a prize for that.

But we cannot go back to this place, this effort in which the government tells you how to live your life. We need to empower Americans to solve our problems, and we have the capacity to do that.

The gentleman from Ohio (Mr. LATTA) was talking about all sorts of different types of programs.

I just came back from a meeting in California where they have closed a lumber mill down there. We talk about lumber mills, but one of the processes you have of trying to thin the forest, to save the forest from burning, is to take all what they call the slash, the extra stuff off the land or the byproduct from the lumber mill, and turning that into a biomass energy source.

They are already funding 30 percent of their energy source from that particular area. Unfortunately, the mills closed down because we have this idea that we can't use our forests for anything other than to look at and watch them burn in California.

This is the part we are talking about. This is the brilliance America has to solving these problems. This is the kind of alternative. And one of the things that's sad is there is no source of energy that doesn't have somebody opposed to it. People are opposed to wind power because of the massive footprint it will take to build those generators. People are opposed to solar power because of the massive amount of land it will take to build those. People are opposed to nuclear because they are afraid of the term. People are opposed to biomass because they don't think it is right to clean out the forests, so they would rather see it burn.

All of these things have to be there. It has to be part of the proposal. We have to unlock the potential of Americans. That's our future. That's what we are talking about. That's not cap-and-tax.

Mr. AKIN. Yes, I just don't think that taxation is a solution to every problem.

I think one of the things that has been held up as a shining example for us to follow is the nation of Spain. And

we heard about that last week from a very interesting brief we got.

And if you could just share with us a little bit about how that system would work. Because when you hear how the system that is very similar to what's being proposed here works in Spain, you are going to go, Oh, my goodness, I am not so sure we really want to be like Spain and doing all of this stuff.

Why don't you just share a little bit of that with us, Congressman.

Mr. BISHOP of Utah. Well, I am doing this from the top of my head, so you can help in here when I forget about what Dr. Calzada actually told us. But in Spain they basically have the government saying this is way we will move forward in the future. This is the energy we will use, even though the wind power and the solar power is not enough to meet the needs of Spain.

So they are having what we call brownouts and what they call blackouts. They are having business move away from Spain because they don't have a reliable source of energy, which is why they are actually losing two jobs for every one they gain in coming up with the government-picked winners and losers.

And, unfortunately in Spain, it's the entire country that becomes the loser. Not only do they not have enough energy to meet the needs of the people, they don't have enough jobs to meet the needs of the people, and they have found a negative loss in their energy output and a negative loss in their economic output.

And it's not them alone. There are other countries in the EU that decided to sign on to the Kyoto agreement, but they were wise enough to pick a very bad base year. So it didn't matter what they did, they were going to come under the standards of the Kyoto agreement.

Now they are facing the problem that they are going to the EU asking for exemptions for certain of their industries because they can't even meet those same base standards, which always happens when the government says, We know what's best for you; we are going to tell you what to do.

Mr. AKIN. I recall some of the presentation. What really concerned me was the first thing was they have got 17.5 percent unemployment. Now that would get the attention of Americans anywhere, 17.5 percent unemployment.

Now, how did that come about? Well, here is how it came about. They decided they wanted to go with the green energy plan, so what they did is they closed their nuclear facilities. Now, that says to me, I am skeptical.

I think this was more of a political deal than a technical deal, because nuclear makes zero CO₂. And yet they closed them and what did they replace them with? Windmills and solar panels. Well, that's nifty when the sun is shining and the wind is blowing.

But what happens when it doesn't? Well, they say to industry, Sorry, no electricity today. Now, my family, years and a number generations ago, started a steel mill, and the steel mills nowadays have these electrodes the size of telephone poles, three of them. They lower them into an electric furnace and lightning and thunder comes out of that furnace, and it melts the steel scrap in there.

That takes a lot of electricity. People that want to make aluminum take aluminum oxide out of the ground, that's aluminum and oxygen combined quite tightly together, and they have to separate those two molecules to get the aluminum. That takes a lot of electricity.

So what happens to steel? What happens to aluminum manufacturing in Spain? It's gone.

You can't have a whole bunch of people coming to work today and say, Sorry, the wind is not blowing hard enough, not going to make any aluminum today. And those companies go overseas, and so they lose all their jobs over there.

Mrs. BACHMANN. I had also heard the gentleman speak last week who wrote the report on Spain, and this is the country that the President holds up as being the country we should emulate. And as the gentleman from Missouri rightly stated, 17.5 percent rate of unemployment; the largest, highest unemployment rate of all the developing countries in the world, on their way to 20 percent unemployment.

And as the gentleman from Utah stated, there is 2.2 percent job loss for every job created. But the critical fact is that every job created, every green job, costs the country of Spain \$770,000 per job, and these are not sustainable jobs. They are primarily installing and building windmills and solar panels.

Once the installation is complete, the job goes away. That's a very expensive investment for Spain. They are only going in the direction of further increased unemployment, not in the direction of decreased unemployment.

Mr. AKIN. You know what scared me the most about his presentation, what he basically said is that the government has come up with such a clever, integrated kind of system in the legislation they passed. What happens is they, first of all, through various means—he claimed that even the Mafia, he thought, could be involved in it—they give licenses to people to generate electricity.

And so if you happen to get one of these licenses, this is a license to make some money, because you put enough solar panels and windmills up, and the State guarantees you a certain rate per kilowatt hour. So there are all these people in line wanting to get licenses to generate green energy.

So that's how they start. And everybody that has one of those licenses, let

me tell you, politically, they are bought into this system. They are not going to let this system change for love nor money because they are making a ton of money on these licenses that they got from the government.

The only trouble is, the government is paying so much for that energy that the society can't sustain it. It's chasing all the jobs overseas. But then they go through this fast now you see it, now you don't economics, and sort of write it off this way, send it another way, and eventually run it into future debt.

So they are increasing their national debt. Their jobs are going down like mad. Their economy is in—but they have created a system politically that so many people are part of it that they can't let go of it. They can't get out of it.

That's really frightening. It's not something you can just turn off and say, Oh, we made a mistake. They can't go back because everybody now is part of this deal.

Mr. LATTA. I tell you, the discussion that we are having right now boils down to one thing, that this cap-and-tax is going to cost this country jobs.

And I am sure everyone in this body speaks at their local schools every month. I am going to be speaking at graduation this weekend at one of my colleges. What do you tell these students that are graduating? They have this great opportunity, that you are going to have the same chance that we had, that your grandparents had? Or are we going to tell them, You know what? It's going to be tough out there. Maybe you won't find a job.

You know, when you hear more and more that parents are worried that when their kids graduate from college, what do they do? They move home. There is no place for them to go. There are no jobs.

One of the things that I think we have to remember in this whole debate, this is all about jobs, jobs, jobs. And one of the things that people kind of also have to remember is that government does not create a single job. This government consumes wealth. The only avenue that we have out there to produce wealth in this country is through business.

And if businesses aren't able to operate, if they can't turn the lights on because it's too expensive, and day in and day out I am hearing from my constituents, I hearing from companies across the State of Ohio, they are saying, if this goes in, we don't know how we are going to literally keep the lights on.

Mr. AKIN. Yes, we do have this. This is an estimate of job losses, if we go with this tax. And is this the kind of thing we should be doing in these economic times? Are we supposed to be losing jobs? I don't think this is a logical thing to do at all.

And the thing that's so tragic about this whole thing is we have the resources. We have the technology. We have the innovation. If we want to define the problem precisely, we put those incentives out there in the form of prizes and different things.

I tell you, get out of the way. Because when you give Americans a bunch of prizes and free enterprise and freedom, they are going to go for it and we are going to generate a tremendous part of energy.

Now, here is part of problem we are dealing with here, and maybe this comes from my engineering background. But there are a whole series of questions that really need to be asked before we go any farther with this massive tax increase that's being proposed.

And I think the first thing is there is a question between technical people and scientists, first of all, on the amount of CO₂ that we are really generating, that human beings are generating. That's not absolutely agreed to among scientists at all.

The fact is that human beings add something to the CO₂ in the atmosphere, but how much that is is kind of an unknown thing. We know it is going up, but we don't know how much mankind is adding to that, which then raises the next question, and that is, first of all, what are the effects that if we have the CO₂, what is that going to do to the climate? Because, if you recall, it used to be we talked about global warming. The only thing is now you don't hear people, the liberals aren't talking about global warming anymore. They are talking about global change. Why not? Well, because it's not warming.

They have these models, these computer models saying the Earth is really going to be warm. Now, if you take a couple of years ago, there was a statement, let's see if I can find it here. They said something to the effect that the waves are going to be breaking at the steps of the Capitol.

That's what we were told. I mean, I was here in Congress. This is recently. And they said, Hey, the water, the ice is melting so fast that we are going to have the waves breaking at the steps of the Capitol.

Well, now subsequently it seems, I have the exact quote here, just a few years ago scientists predicted that the seas would rise from 20 to 40 feet because of global warming with waves crashing against the steps of the U.S. Capitol, that would launch boats from the bottom of the Capitol steps. That's what people are saying.

□ 1915

So the question is, first of all: How much CO₂ are we contributing? Second of all, what will be the effect of that CO₂. Then, the next question is: What is our ability to do anything about it, even if we wanted to? How effective could a solution be?

In my opinion, which is what you see in Spain, is this tax that's being proposed—this massive tax increase for our constituents, is this really about a concern for CO₂, or is really the global warming just basically a stalking horse to give politicians another great big tax increase, increase the power of the Federal Government, and take away that precious freedom that our dear friend from Minnesota is just talking about?

I'd like to go back to my friend from Utah, please.

Mr. BISHOP of Utah. If I could add just another element to this as well, because what we're talking about when we talk about cap-and-tax on certain elements and certain industries is, once again, the government picking winners and losers. And we're trying to sell it—or somebody is trying to sell it to the American people on the idea that this is going to move us into a new generation of "green" energy.

What we need to realize is back in the seventies—and I'm going to quote a few lines, if I could, from Keith Rattie's address he gave to Utah Valley University. He happens to be the chairman of Questar Corporation.

He said, "Back in the seventies, we were told that wind and solar power are alternatives to fossil fuels. In reality, the honest description is they're supplements to fossil fuels. Taken together, wind and solar power accounts for one-sixth of 1 percent of Americans' energy use," which means when he asked Power Point to do a pie chart for him, they couldn't come up with a wedge that small. It was a thin line.

After 30 years, we have pumped \$20 billion into subsidies for wind and solar power—and we have a thin line. The Obama administration is hoping to double that, which is a great goal. I think that's perfectly advisable. We should try and double wind and solar energy.

You should know that the last 3 years of the Bush administration, we doubled the amount of wind and solar energy we produce. But what comes in that—

Mr. AKIN. Reclaiming, we didn't do a tax increase, did we?

Mr. BISHOP of Utah. No.

Mr. AKIN. It was because it seemed to make sense—and Americans did it.

Mr. BISHOP of Utah. Which is why we're coming back here, because all we're doing if we double is making a thicker thin line—going from one-sixth to one-third of 1 percent, which is why this cap-and-tax approach is so insidious because, once again, there are winners and losers in industry; also, winners and losers in the American people.

Mr. LATTA's constituents in Ohio are going to be hit very, very hard. If you lived on the West Coast, which is more hydropower than coal-fired power, you don't have that much, do you? It also makes a difference in the economic level of individuals.

If you're rich, this cap-and-tax policy is going to be an annoyance. If you're poor, as I have said on this floor before, if you're poor, this approach makes the difference on whether you can have a luxury like tuna casserole at night. It's going to hit the poor people harder.

In different areas of the country it's going to hit them harder. And that's why it is such an unfair and such a dangerous proposal, especially when you have been talking about other countries which have gone down that path—and it has not worked.

Mr. AKIN. Reclaiming my time, it seems to me that if you're a businessman, the way businessmen think—because I used to be in the business world—you give me the rules and we will play the game. If I have got a chemical cracking facility in America and we're taking oil and we're breaking it into different products and things, and I'm going to get a great big tax, one of the things I might consider doing is just moving that overseas. Because if I move that overseas, the jobs go away here. Then I can sell the same products back into this country at a much lower cost, and anybody left in this country is going to be at a tremendous competitive disadvantage.

So you're creating an incentive for companies to close American businesses and move them overseas by what we're doing. Somehow or another do we want the government making policies which manipulate the things that businesses do—not based on what is good for our citizens, but based on some silly set of laws that somebody came up with down here in Washington, D.C.; certainly not something I would vote for.

I would like to recognize the gentle lady from Minnesota.

Mrs. BACHMANN. Well, American manufacturing has been at a competitive disadvantage for years. I'm a former Federal tax litigation attorney. America has the second-highest corporate tax rate in the world, at 34 percent.

Now the Federal Government is proposing to tie a cement block onto American manufacturing that would be extremely difficult to overcome. One thing that we need to consider are the corruption influences that come from manufacturers all trying to fight over scraps, you might say, of permits.

Originally, the President said there would be no permits that would be auctioned off to any industry. Now what we're seeing here in the House is that certain industries, certain fossil fuel-based industries are saying, We can't survive unless we have some kind of a free pass.

And so now we're hearing of backroom deals that are happening, where different industries are given free passes. All of this adds up to the American people smelling something is rotten in this deal of the cap-and-tax system,

Mr. AKIN. Reclaiming my time, do you know what it sounds like to me? This is just another color version of another bailout deal.

Mrs. BACHMANN. Sure it is.

Mr. AKIN. We're going to say, Oh my business can't live with this cap-and-tax. So I need a bailout. And so now we're going to get in the business of trading off bailouts. I wonder who's going to get the deal.

Mrs. BACHMANN. The problem is the American taxpayer, just as the banking system, the financial system, and now with energy, government is creating a problem where we don't have a problem. Government is creating a false economy where they don't have to do this. This is all to benefit governments coffers—not to benefit the American people, not to lower their energy tax bill, not to create more jobs when, just as Mr. BISHOP said, we could take a completely different route.

My State of Minnesota, Mr. LATTA's State of Ohio will be hit especially hard with this cap-and-tax system. Why burden those who are least able to afford it—senior citizens, people who, in Minnesota, you don't have a choice. You have to turn on the furnace come October.

This will be devastating to our economy, and we could have a completely different answer that would bring more money, bring more jobs by opening up all of America's energy resources.

I would yield back.

Mr. AKIN. The thing that's amusing on this entire situation, every time we seem to tamper with these things, we create these laws which do the opposite of what we're really trying to do. I think that the thing that we need to be having an awful lot more faith in in this Capitol is the idea of freedom and the imagination, the innovation that's available in America through the natural resources we're blessed with.

All of these things come together to provide us with solutions where there's choices and options and free enterprise is working. And what is a good solution today is going to be replaced by something better tomorrow. It's even going to be better the day after tomorrow.

I am so thankful for our guests here. We have just got a couple more minutes. I will go back to the gentleman from Ohio, if you would like to make a quick closing statement, and then we're going to call it an evening.

Mr. LATTA. I thank the gentleman. I will be brief. Time is short for this country. We have folks out there that need jobs—and they need them today. We have been in a tough recession.

Back in 1982, when we were coming out of that recession folks were confident that those factories were going to open back up; that those doors would be open and those jobs would be there. Today, a lot of those jobs are gone. We're in a tough economic environment. We're in a tough global environment—the competition is tough.

If we want to make sure that we can compete in this country and we can make sure that we have those jobs in this country to compete against the rest of the world, we have to make sure that we have the costs down. If we go through this cap-and-tax, it's going to be a bad day for America.

I just want to thank the gentleman for hosting this tonight. We're going to be talking about this not only here in Congress, but across our districts in the coming days.

Mr. AKIN. Reclaiming my time, I am just so delighted with our guests here on the floor. You know, the common sense in me can't resist showing this little chart. How much does a human activity affect greenhouse gases? Well, if this block represents greenhouse gases right here, then CO₂ is those yellow boxes. That's the amount of greenhouse gas that's heating the world by CO₂. The rest of this is other things that are heating the world. Then, this is the amount that's caused by people. So this seems to be an awful big tax for such a little tiny box.

I want to once again thank my good friends, Congresswoman BACHMANN from Minnesota and Congressman LATTA from Ohio and Congressman BISHOP from Utah for joining us. I hope that this has been as informative and interesting for everybody else as much as it was for me.

FORECLOSURE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from North Carolina (Mr. MILLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MILLER of North Carolina. Tonight, I would like to devote this hour to the foreclosure crisis that the Nation faces—and will continue to face for some time; the financial crisis; the recession that we now have that is the worst recession since the Great Depression, precipitated by the foreclosure crisis and by the financial crisis. I want to talk about how we got where we are and what we need to do now to make sure it never happens again.

According to the financial industry, what happened was this freakish combination of macroeconomic forces that no one could have predicted. It was a perfect storm. But with a little help from the government, from the taxpayers, and a little bit of patience, we will muddle through this and we will be back to where we were just a couple of years ago; not to worry.

Columnist Paul Krugman earlier this week quoted a prominent Wall Street lawyer who was under consideration to be the Deputy Treasury Secretary, Rodgin Cohen, as saying that the Wall Street that will emerge from this will not be terribly different from the Wall Street of the recent past, and said, "I

am far from convinced that there was something inherently wrong with the system."

Mr. Speaker, a Wall Street or a financial system that is not different from the one in the recent past that just gets us back to where we were a couple of years ago is not much of a deal for the American middle class. I don't claim that I knew that the financial crisis would happen the way it did. But I knew that the mortgages that have proven so toxic for the financial system and for the financial industry were toxic for borrowers, were toxic for homeowners. And I thought that was reason enough to do something about it.

I began working on the issue almost as soon as I was elected or entered Congress in 2003. In 2004, I introduced legislation, along with Congressman WATT, to prohibit many of the practices that led us to where we are now. And we saw—I know well what kinds of mortgages have led us to the foreclosure crisis.

Subprime mortgages went from 8 percent of all mortgages in 2003 to 28 percent in the heyday of subprime lending—the 2004 to 2006 period. More than half of the people who got subprime loans qualified for prime loans. Many others should never have gotten any loan of any kind.

There were extravagant upfront charges, costs, and fees. Ninety percent of loans had an adjustable rate, with a quick adjustment after just 2 or 3 years. The typical adjustment—the teaser rate, the initial rate was frequently above prime. It was no deal in the first place.

Then, when the adjustment set in, regardless of what interest rates were, the monthly payments would go up by 30 to 50 percent. Seventy percent of the loans had a prepayment penalty that made it almost impossible for borrowers to get out without losing a big chunk of the equity in their home.

The loans were designed to be unsustainable. They had the effect of trapping borrowers in a cycle of repeated refinancing. Every time they refinanced, having to pay points and fees and closing costs to get into the new loan and a prepayment penalty to get out of the last loan.

All that time, the industry defended all those terms, all those practices as necessary to provide credit to homeowners who would not qualify for prime loans. The terms, they said, might appear predatory to the uninformed, Members of Congress like me, the consumer groups, but they were really innovations that would make credit available to people who otherwise could not have gotten it.

Repeatedly they said this legislation, while well-intended, will just hurt the very people it's trying to help. I admit that I resented being patronized at the time. But now, looking at what really

happened, I am furious at the dishonesty of it all.

□ 1930

Mr. Speaker, this is what really happened. This is a chart of the percentage of corporate profits in America that the financial services industry got. And it peaked during the period, the heyday of subprime lending, at more than 40 percent of all corporate profits. The terms of mortgages that appeared predatory really were predatory. The lenders did not have to include those terms in their loans.

Now, obviously, something went wrong. And I want to talk about that in a bit. But I first want to recognize my colleague. This is the majority party's hour. But in the spirit of bipartisanship, or post-partisanship, I am happy to recognize MIKE TURNER, my colleague from Ohio. Mr. TURNER has many fine qualities. His political party is not one of them. But he represents a district, Dayton, Ohio, that has been particularly hard-hit by the foreclosure crisis.

And I want to recognize Mr. TURNER to talk about what he has seen happen in Dayton.

Mr. TURNER. Well, I want to thank BRAD MILLER for his leadership on this issue. This is a very important issue that affects our whole country. And we all took a pause as we saw our financial institutions shaken nationally. And as the bailouts were proposed that came here to this floor to be voted upon, across the country, Americans wondered, How did we get here? How did this happen?

Now I voted against every bailout that came here to this floor. And I voted against it because not only did I believe that they were not structured appropriately, that there was money that was going to be wasted, but more importantly, not one of them included a change in the laws that would prohibit the type of practices that got us here to begin with. The toxic assets that people talk about are these mortgage-backed securities that were traded and sold upstream. They were the securities that were based upon practices of mortgage lending that had a negative impact on our families and a negative impact on our communities.

And today I wanted to offer my support for the recently passed bill, H.R. 1728, Mr. MILLER's bill, the Mortgage Reform and Anti-Predatory Lending Act of 2009. This bill directly addresses the root causes of the current financial and economic crisis in the United States as well as how it has led to some home abandonment and high foreclosure rates throughout the country.

Mr. Speaker, the United States is experiencing a steady increase in foreclosures and mortgage lending problems that have impacted homeowners, families, communities, the United States economy and global economies.

In 2006, there were an estimated 1.3 million foreclosures in the United States. This number has increased by 79 percent in 2007, bringing the estimated number of foreclosures nationwide to 2.2 million. In 2008, an estimated 3.2 million foreclosures were reported nationwide. Estimates suggest that this trend is likely to continue with millions more of Americans potentially losing their homes to foreclosure in the next 4 years and with foreclosures not abating until perhaps 2011.

Recently, an analysis by the Associated Press reported that Ohio has three of the most vacant neighborhoods in the United States where home foreclosure and abandonment have devastated neighborhoods with parts of northwest Dayton, Ohio, in my district, with more than 40 percent of the area being vacant. This statistic makes northwest Dayton the ninth emptiest neighborhood in the Nation. If you look at the 2008 foreclosure rates in my district, there have been 4,091 foreclosures in Montgomery County, the primary county of my district. There were 1,558 foreclosures in Warren County, 287 foreclosures in Clinton County, and 351 in Highland County.

These statistics become even more real when I open the pages of my local newspaper. When I was home over the past couple of weeks, I looked at the newspaper, and I actually compared the number of pages that actually contained news to the number of foreclosures. The Dayton Daily News the other day showed up on my doorstep. It had 14 pages of news nationally and worldwide and 14 pages of foreclosures. Those are foreclosures that affect families, communities and neighborhoods, the families that live there, the children that live there, and the neighbors that live next to the homes, and the neighborhoods that begin to decline upon foreclosure and abandonment.

According to a study commissioned by Jim McCarthy, the head of the Miami Valley Fair Housing Center in my district, the mortgage foreclosures associated with lenders who are identified as subprime lenders increased at an annual rate of 43 percent from 1994 to 2000. This number is more than double the annual 18 percent rate increase associated with lenders who are not identified as subprime lenders. The study also showed that foreclosure filings in Montgomery County, Ohio, nearly doubled from 1994 to 2000 and that subprime lenders were responsible for a disproportionately high share of that increase. In Montgomery County, the number of predatory lending complaints since 2001 have risen to 5,326.

Home foreclosures resulting from predatory lending take a toll on American cities. Properties which are foreclosed often sit vacant for long periods of time and not only become an eyesore but become a threat to public health

and to safety. Boarded-up neighborhoods, falling property values, and increased crime all lead to an eroded local tax base and impair a city's ability to provide important services to urban families.

Additionally, when I served as mayor of the city of Dayton and faced this issue and how it impacts homeowners, my community continued to wonder how the financial markets would be able to sustain the losses associated the mortgage foreclosures. Beyond the individual impact resulting from predatory lending, these practices were resulting in the loss of capital in the market that cumulatively, one would expect that it would have an impact.

Now, I want to show you some of the boards that I have beside me. These are the home foreclosure numbers for Montgomery County for the years starting in 1997 to 2008. Since I have been in Congress here for 6½ years, in a county that has a population of slightly more than 500,000, there have been about 27,000 foreclosures in the community. The number of families that are impacted, the number of houses in the neighborhood is just really astounding.

I wanted to show you a representative map of a neighborhood that would show you what that would look like from the early period, before this period here starting from 2004 on where we have the higher numbers, as the foreclosure crisis began in the community. This is one Dayton neighborhood in northeast Dayton. You can see probably on the camera just a few of the streets and the make-up of the area. But for every dot you see on this map, that represents a foreclosure. This is just the period from 1997 to 2003. We haven't even imposed upon this map what occurred from 2003 forward.

If you imagine, that means that just about everybody living in the neighborhood lives next to a house that went through foreclosure. And what is unfortunate is that a lot of those houses then go on to abandonment. When a house is foreclosed, a family might walk away. And many times families are left in the neighborhood living next to houses like these that become boarded up, sources for criminal activity, lowering the property values and trapping everyone. If these houses were subject to predatory lending and their neighbors were not, the neighbors still are impacted by predatory lending by having these types of occurrences in their neighborhood and next to them.

Well, today, Mr. Speaker, the impact of all of this is clear. It does impact our financial institutions. And it does impact the very fabric of our financial institutions for our community and our country. These are the toxic assets that everyone speaks about. When they talk about toxic assets and mortgage-backed securities, they talk about the

real-life foreclosures that have occurred. And predatory lending practices have contributed a disproportionate amount to those impacts.

I believe that homeownership is a privilege that everyone should enjoy. But we must not allow for the dream of homeownership to be shattered because of questionable and less-than-honest mortgage lending practices that can steal individuals' futures. That is why I'm pleased to commend my colleague, BRAD MILLER, on his leadership on this issue and work on securing the passage of H.R. 1728 in this body.

BRAD, we appreciate it. The families who have been impacted appreciate it. This is an important step of changing the rules so that we don't continue the practice of creating toxic assets.

Mr. MILLER of North Carolina. Thank you, Mr. TURNER. If you will stay a moment, I have a question or two. I know that your start in politics was in local politics, that you were the mayor of Dayton. And my observation of people who work in local politics is they can't just spout talking points. They really have got to solve problems. They don't have much choice in the matter. And I'm pleased that after more than 6 years in Congress, that hasn't worn off completely. You do still have some sense of the practical to you which I appreciate.

I said a moment ago that I would come back to what went wrong. Obviously, for more than 40 percent of all corporate profits, they are now on taxpayer life support. And what went wrong was that their economic models, their business models, assumed that property values would continue to appreciate and home values would continue to appreciate. In 2004, home values across the country appreciated by 11 percent, and they assumed—looking back, obviously foolishly—they assumed that property values would continue to go up. And what happened when property values simply stalled was they had a business model that only worked if property values continued to go up. They might go up quickly or slowly, but they would continue to go up, and they couldn't possibly, couldn't possibly go down. But when they stalled, people could not get out of their mortgage.

More and more people were underwater in their mortgage. They owed more money on their house than their house was worth. They could not get out of their mortgage. They couldn't sell their house because they couldn't pay the mortgage. And property values and foreclosure were just inextricably linked. Nationwide property values have now gone down, according to some economists, by about 30 percent from their peak in 2006, I think it was.

And for most middle class families, the equity they have in their home is the bulk of their net worth. It is their life savings. And they are seeing that

disappear. Even the people that have mortgages they can pay, who aren't in subprime mortgages, when their property values collapse, their home value collapses, they see their life savings evaporate with the collapse in home values.

As you pointed out, foreclosed homes sit vacant, stigmatizing neighborhoods and killing the property values in those neighborhoods. And in many markets around the country that have been hardest hit by subprime lending and by the foreclosure crisis, half or more of the homes on the market are foreclosures. And those houses are priced to sell.

In Dayton, what has been the effect of this on home values? Well, what has been the effect of the foreclosure crisis on home values in Dayton?

Mr. TURNER. Well it has definitely gone down. And BRAD, you make some excellent points. Now our community in Dayton, Ohio, and the surrounding counties, Warren, Clinton and Highland, that are in my district, we are not an area of the country which saw these large spikes in property values. We had very modest property appreciation. What happened most of the time, I believe, and the Montgomery County Fair Housing Center has statistics where this has been proven out, is that through predatory lending practices and what I believe are also fraudulent lending practices, the loan-to-value ratio got out of kilter. They would lend people more money than their house was worth. Structurally, you cannot maintain that. You are going to have a foreclosure if someone leverages their entire equity.

I will give you an example. Someone might have a house that is worth \$70,000. A lender comes to them and says, well, your house is really worth \$100,000. I will give you \$10,000 cash out of your equity. And then they will charge them \$15,000 in fees that are rolled up and capitalized into the loan, so the family now has a \$100,000 loan on a house that was worth \$75,000. They got \$10,000 to send their kid to college or pay medical bills. But they are now sideways because the house really isn't worth \$100,000.

So if you have then an economic event where they have difficulty in making that mortgage payment, it is different from economic downturns we have had before. When we have had economic downturns before, people still had equity in their home. They might be able to sell their home or they might be able to try to make the payments on the lower value. But once you have a loan on a house that is greater than its value, and people do not have the money to cut the check for the difference, they are going to walk away. And they are structurally going to have to leave that home behind. The bank is going to foreclose and take it. You're going to have this abandonment.

And what you just said, BRAD, what is really important, is the people who live next to that house, who didn't have a predatory loan, who didn't take a loan out greater than their value, now see their property values drop because the house next door to them is now abandoned.

We have seen stagnation in property values and growth in the Dayton area, some declines. People who live next to a home that has been in foreclosure see their property values decline. So it is something that doesn't just impact the family. These numbers you see here of people who have had their home where they have lost it in foreclosure are multiplied by the number of people who live next to those homes. And in some neighborhoods because there are so many that this has happened, the whole neighborhood sees the decline.

Mr. MILLER of North Carolina. You mentioned in your remarks the number of people, the 2.5 million families who have already lost their homes to foreclosure because of the subprime crisis, and you said the estimates are that many more will. The estimate that I have seen, the economists at Credit Suisse, was at 8.1 to 10.2 million families. More families will lose their homes by the end of 2012, in the next 4 years. And if that happens, if we can't do something to stop that, it is hard to imagine that anything else we do to fix the economy is going to work. That is going to be catastrophic for those families. Those families will fall out of the middle class and into poverty and probably will never climb back out. But it is going to be catastrophic for the whole economy.

One further question, though. I have talked about the relationship between home values, the collapse of home values and foreclosures; but a family that has seen their home collapse in value is not going to be in any hurry to go buy a new car or to buy anything they don't have to have. What has been the effect of the economy in Dayton generally? What has been the effect on the car dealerships and the retailers? Are you seeing an effect on the economy, the retail economy, in Dayton as a whole?

□ 1945

Mr. TURNER. Absolutely. In Ohio, we have had significant job loss, and that goes to part of the economic crisis that people are seeing.

But when you have people's home values drop, just as you said, they have less wealth. And when they have less wealth, they are less secure, so they are less secure in proceeding with other purchases.

But an issue that also impacts them is when the value of your house goes down because someone else has gone into foreclosure, the value is not there and you are also stuck, unable to sell your home. There are people now, who

because of the number of foreclosures that have occurred in the neighborhood, were holding onto their house, and that has a suppressing impact on the economy also. If the value was still there, they might sell their home and move on.

BRAD, I commend you again for your bill. Throughout the country, people know we have a foreclosure crisis. They know there is a foreclosure crisis which goes straight to the issue of toxic assets, which goes straight to the financial stability of our financial institutions. This bill, unlike the bailouts that were passed, goes straight to the issue of trying to stop these practices so that we don't continue to crank out toxic assets. That will provide stability in the market where people will have some confidence that these loans that are being given have some standards behind them and that families are not put at risk.

Mr. MILLER of North Carolina. I did vote in October for the TARP, the bailout, and it was certainly a bitter pill for me, having been one of the sternest critics of the industry for the whole time I have been in Congress. I did it because I thought there were exigent circumstances that I thought the country was facing, but I said at the time that we have to reform the industry. We cannot just get back to where we were. We have to address the kinds of practices that led us to where we are.

Mr. TURNER. Exactly to what you said, one other thing that I want to talk about is the issue of how people feel about this.

There are people who live next to abandoned homes that went into foreclosure, who have made their payments and have seen their property values drop, and they know that lenders took advantage of the families in their neighborhoods, and those lenders are part of where the tax dollars are going for these bailouts. They want to know when are these lenders, when are they going to be held accountable and stopped from these types of activities. That is what your bill does. It goes to saying we are not going to allow the lenders to continue these practices. Elements of your bill will have a huge impact on neighborhoods and families. Thank you for advancing it.

Mr. MILLER of North Carolina. There has been a lot of hand-wringing by the political establishment, by the political pundits, the populism—they use the word “populism” as if it is completely synonymous with the word “demagoguery,” which it is not—the populist rage at what has happened in the financial sector and the AIG bonuses.

To me, I think many Americans know the kinds of practices that have gone on. It is not just mortgages. Certainly it includes mortgages, but it is also credit card practices. Just 2 weeks ago we had legislation that we have

now passed that would fundamentally reform credit card practices. Many, many Americans have had very distasteful and very expensive experiences with credit card companies that left them furious at that industry, the same industry.

Overdraft fees. Overdraft fees. They don't really affect the middle middle to upper middle class. It is more people who really are struggling. When they get to the end of the month and there is more month than there is paycheck, they might go beyond the amount of money in the bank. The lending industry has actually designed what they call fee-harvesting software that batches the transactions, the checks, the ATM visits, the debit card purchases, that batches them in a way that maximizes the overdraft fee. And an overdraft fee is typically \$35.

If someone gets to the end of the month and has \$100 in their bank account and they go to the ATM and get \$20, they buy something on their debit card for \$20, go back to the ATM and get another \$20 and make a \$15 purchase with their debit card, and then another \$25, and then write a \$105 check, the software runs the \$105 purchase through first, and charges a \$35 overdraft fee on that and then a \$35 fee on the \$20, the \$20, the \$20, the \$15 and the \$20. Americans are furious.

And then they see the very industry that they think cheated them on their mortgage, cheated them on their credit card, cheated them with overdraft fees, they see their tax money going to help save that industry from their own bad judgment. I think it is righteous anger, and I think we need to, as you have said, we need to reform the practices that led us to where we are.

Mr. ELLISON has returned.

Mr. TURNER. Before you turn to Mr. ELLISON, I do want to commend you for this bill. It is very important. You are taking action that goes right to the heart of the crisis. I am pleased to support it, as this House was, and we certainly look forward to it proceeding. Thank you for highlighting it today.

Mr. MILLER of North Carolina. In these hours, it is typically the case that Members are filled with praise for one another, and I wonder sometimes when I hear a Member say, I thank the gentleman for his leadership, I wonder sometimes whether he is actually thanking for him for his leadership or is just stalling to think of what to say next.

We are joined by Mr. ELLISON, who has joined the Financial Services Committee. He is now in his second term, and he has been a great friend and ally on that committee and a great advocate for consumers.

Mr. ELLISON. Let me say, I do thank the gentleman, but I do it in all sincerity. Congressman MILLER, you and Congressman FRANK and Congresswoman WATT and Congresswoman

WATERS and Congressman GUTIERREZ and Congresswoman MALONEY have really been offering the kind of leadership on the Financial Services Committee that any freshman or sophomore Member could only dream of. Any freshman or sophomore Member joining our committee could easily wonder where do I fit in and all this stuff, but you all have carved away so that those of us who have a compassion for consumer justice and for an America where we have shared prosperity, not just for some of us but where all of us have an opportunity to do well and take care of our families, you all have cut a wide berth for us, and so I thank you for that.

Let me say about the foreclosure crisis, in many ways I come here somewhat embarrassed because we could have had a bill like this years ago. It is not as if you and Congressman WATT didn't think of it. It is not as if the Miller-Watt bill wasn't on your mind back in the 109th Congress and 108th Congress. It was there, but it took this propitious moment to get as close as we are. And yet, we still don't have a signed bill. We have a bill that has passed through the House, and we have great hopes for it getting through the Senate, and we have even greater hopes to get it on the President's desk for signature. But the moment that the American people are waiting for, which is to end predatory mortgage lending, that moment has yet to come. And we have seen foreclosures that have rivaled the Great Depression. That is very disturbing to me.

I want the American people to look at this chart that we have here tonight. The number of new foreclosures increased dramatically between 2005 and 2008. That is precipitous growth in foreclosures. As foreclosures were going up, we also see human beings attached to each one of those foreclosures. Congressman, you know what I am talking about. The stories can be told.

Let me tell a story. I was knocking on doors one day and I saw a gentleman hobble to the front door to answer the door to talk to me. This particular gentleman lived on the south side of Minneapolis. I heard a voice come from deep within the house say, Be careful, Honey, and it clearly was his partner. And he hobbled up to the front door anyway on a cane.

I said, How are you doing?

He said, Fine.

I said, I'm running for Congress. I want to go there and I am going to work on consumer justice. I am real concerned about credit cards and real concerned about predatory lending.

He said, I hope you are, because let me tell you, I was on my roof trying to fix it. It is because I didn't have the money to fix it to hire a guy who really knew what he was doing. My wife told me not to do it, but I did it anyway. As

usual, she is right. I fell. I hurt my back, which I hurt years before, and we didn't really have the money. It cost us \$1,800 for an emergency vehicle to come get me. They got me there. I had a big bill. I didn't know what hurt more, the back or the bill. I didn't have the money, so I put it on a credit card. I ended up getting another credit card, and I started juggling these cards. And then when the mortgage payments came and I wasn't working, I just couldn't keep up.

Well, a few years ago we bought this house and we had a huge balloon payment after 3 years. We thought we would be able to do it because when we talked to the guy, he said, You know what? The value of your house is going up and you will be able to do a refinance and you won't have any problem.

That man told me, Look, I have big credit card debt and medical debt, and I am starting to get notices that they are going to foreclosure if I don't make some payments to the bank. Unfortunately, time went by, November came, I ended up being a Congressman, and this man ended up being in foreclosure.

The sad fact is the people who are in foreclosure, there are a lot of ingredients to this very sad cake; but one is hard times and economic difficulty, and two, bad loan products. The combination of the two makes for foreclosures.

As we open up tonight, Congressman MILLER, I am grateful to you and Congressman FRANK, Congressman WATT, Congresswoman WATERS, Congresswoman MALONEY, and all of the people who have been leading the charge on this issue.

I want to keep it in mind that we are not talking about just statistics. We can tick off, in 2008, there were 2,417,000 foreclosures, but there was a life and a family connected to each one of those.

As we do this Special Order tonight, we need to keep that in mind.

Mr. MILLER of North Carolina. Thank you, Mr. ELLISON.

I want to address a couple of other points. One that is frequently cited, argued, that the people who signed those mortgages should have known better.

Here is the reality. Economists call it asymmetry of information. In other words, one of the parties to a transaction knew what was in the documents because they wrote the documents. They had their lawyers write them. It was little print. It was legalese. There was a lot of it.

And most Americans who may feel smug that they didn't sign a subprime loan have probably gotten burned on a credit card, and they know what credit card contracts are like. And they know that the bank wrote the credit card contract and they didn't have any say in what was in that contract, and they know that it was complicated and it was designed to trap them and had little trip wires and whatever else.

But the same was true of mortgages. The Federal Trade Commission actually quizzed both prime and subprime borrowers, people who got good mortgages and people who got the toxic mortgages right after closing, right after they signed the documents, and it was an open book test with their documents in front of them. They quizzed them on what the terms of their mortgages were, and almost nobody knew what they were signing.

A half could not identify the total amount of the loan. A third could not identify what the interest rate was. That was with the documents in front of them. Two-thirds did not know there was a prepayment penalty if they had one, and 90 percent did not know the total up-front cost. Up-front cost is where predation lives.

□ 2000

That was what predatory lending was all about.

And in addition to that, most borrowers, particularly subprime borrowers—70 percent of the subprime borrowers got a mortgage broker. They thought mortgage brokers presented themselves as a mortgage professional. Now they tell Congress that they should be regulated like a used car salesman—which is actually unfair to used car salesmen because there are some consumer protections in selling a used car. But they said they should simply be a salesman. It should be buyer beware; that there should be no particular protections. They shouldn't be treated like a lawyer or someone else who has a fiduciary duty—I think a point that you made in committee.

Brokers were being paid not just by the borrower, but by the lender. And the worse the loan was for them, the more the lender paid the broker. Now, most Americans, when they hear that, just think that's crooked.

Mr. ELLISON. Will the gentleman yield? Was there an obligation to disclose that I'm getting paid more money for selling you this loan, and it's costing you more but it's making me more? Was that part of the disclosure requirement?

Mr. MILLER of North Carolina. Yes. It was one of the documents, it was one of many documents that the borrowers signed. And guess who handed them that document and explained to them what they were signing? The broker. And if the borrower asked, what is this I'm signing? What the broker would say is, well, this just means that the lender is paying part of my fee, saving you money.

So, yes, there was a disclosure. Was it an effective disclosure, was it a disclosure that really told consumers what was going on? No, it was not.

Mr. ELLISON. If the gentleman would yield one more time. So what you're saying is it was telling you without telling you anything; is that right?

I yield back.

Mr. MILLER of North Carolina. Yes. It was a nondisclosure disclosure.

This is actually a rate sheet. This is from a lender that is now long out of business, but this is how mortgage rates were set. Across the top it shows the loan to value, what percentage—it might be 95 percent—and a credit score, how well a consumer or borrower paid their bills, what they had earned for themselves. Their reputation also factored in. The industry used to call that "character" as one of their considerations in lending.

And so on this sheet, a 95 percent loan, a loan where the borrower only had 5 percent and the borrower had a credit score between 640 and 659 would pay 7.55 percent interest. But over here, there is the payment that the lender made to the broker called the yield spread premium. And it says, if the borrower signed a mortgage that was a half a point higher interest rate than they qualified for based upon their loan to value and their credit score, the interest rate that they earned by how well they paid their bills, the lender would pay the broker 1 percent of the loan. That was called a yield spread premium.

Now, I think most Americans hearing this can't believe that this was ever legal. It's still legal. The bill we passed last week would prohibit this, would end it. But this means that even those borrowers who are trying as hard as they could, knowing that they were entering into a complicated and important transaction to buy a home or to borrow money against their home, who would try to get a professional voice, someone to be on their side, someone who would understand it and would lead the borrower through it and find the best loan for the borrower, their trust is being betrayed. Now, if our bill passes, we will have finally ended this. But those who feel smug and say, well, they should have known better, the odds were so stacked against them, they never had a chance.

Mr. ELLISON. Would the gentleman yield? May I ask the gentleman a personal question?

Mr. MILLER of North Carolina. Yes.

Mr. ELLISON. How many homes have you ever purchased in your life?

Mr. MILLER of North Carolina. Let's see. I think three or four—four.

Mr. ELLISON. Could you count them all on one hand?

Mr. MILLER of North Carolina. I could on one hand, yes.

Mr. ELLISON. How many mortgage transactions does a mortgage broker do in a given week?

Mr. MILLER of North Carolina. Quite possibly 10 or 15; I mean, a successful broker.

Mr. ELLISON. If the gentleman would yield back. So they do more transactions in a week than you have done in a lifetime?

Mr. MILLER of North Carolina. And that's what they told the borrowers. This is my business—

Mr. ELLISON. Is that what you call an information asymmetry?

Mr. MILLER of North Carolina. Yes. There was an information asymmetry, which worked very badly for the borrower, for anyone who is on the short end of that information deficit, that information gap.

Mr. ELLISON. So if the gentleman would yield back. The bottom line is, you are a lawyer, you are a Member of Congress, you have served in the North Carolina State Legislature, you're a man, clearly, of ability and all these things—I'm not just praising you gratuitously, I'm just identifying the facts—and here you walk into a transaction to buy a home, and quite literally you are at a disadvantage because the person on the other end of the transaction has done more transactions in a week than you have in a lifetime.

Now, imagine a person who is a first-time homebuyer, a person who has not finished law school and college and maybe even high school, a person who maybe works hard every day, and the idea of buying a home for them is a dream come true, maybe nobody in their family has ever owned the place where they lived. And so they're juiced up, they're excited, and they really don't understand the documents that they're signing.

The fact is, I think that this legislation that you have helped shepherd through Congress is a long time coming. And we need people to really register their support for a piece of legislation like this. I just want to ask you a question, Congressman, because I think it's an important one.

Now, someone might make the case that, okay, Congressman, you're talking about predatory lending a lot. What about predatory borrowing; isn't it true that some of these people bought loans that they knew they could not afford? Well, what are your views on that, given the fact that people were in fact steered to more expensive loans, that mortgage brokers—some of them, not all, some of them—did get paid to get you to pay a higher cost loan, that there were these things like information asymmetries; what does the reality of predatory borrowing really mean? I yield back.

Mr. MILLER of North Carolina. Some of our colleagues make that argument frequently. It is an explanation for the crisis that the lending industry loves. They welcome that explanation.

Here is the reality: As long as home prices were appreciating, they didn't have to pay attention to whether borrowers could really pay it back or not because the house would appreciate in value. The borrower, if they couldn't pay back the loan, they certainly weren't going to allow it to be foreclosed, they would sell it.

I asked those very questions of a spokesman for the industry at a hearing just last year to Robert Story, who was vice chairman of the Mortgage Bankers Association. I asked if the cost of foreclosure is actually recoverable by the lender out of the proceeds of the foreclosure sale. So if there is equity in the home, the lender recovers the cost; is that correct? He said, okay, as long as there is equity in the home, it really isn't an economic problem for the lender, that's right. He said, that's correct, but most people who have equity in their homes don't go into foreclosure because they can sell their home because they have equity in their home and they can reduce the price. As long as home prices continued to appreciate, there was no way they were going to lose money even if a borrower couldn't pay back the mortgage.

And I asked that at some point, too, when we had the questions in committee again and again about predatory borrowing, people who are committing fraud. I asked Sheila Bair, the Chair of the Federal Deposit Insurance Company, I asked on April 9, 2007, if lenders were really getting half of all loans, subprime loans, without full income verification, do any of you—I was speaking to a panel of witnesses—really think that no one buying those loans really had a clue that there was a problem? And Sheila Bair said, I don't think they looked. It's amazing to me; investors who are holding the ultimate risk in the loans, and I don't think they looked. I don't think the rating agencies looked. It's one of the breakdowns of the system that we have. Market discipline was not there, nobody was looking.

But I asked the panel after she said that, I said, Does anyone here think that the masters of the universe on Wall Street who bought those loans were really being played for chumps by middle class families who were borrowing from them? And John Dugan, the Comptroller of the Currency, said, I think there was a belief that income was no longer predictive of people paying the loans back, and you could rely on the history of house prices going up. And so they ignored it. And I think that proved to be a very dangerous decline in underwriting standards.

Well, no kidding. And we've had story after story about how lax the underwriting standards were, about how little they did really to make sure that the borrowers could pay the loans back because it didn't matter.

The New York Times ran an article on WaMu, Washington Mutual, one of the leading subprime lenders. And they quoted an appraiser who worked with WaMu who said, If you were alive, they would give you a loan. Actually, I think if you were dead, they would still give you a loan.

There were memos to the originators of loans from WaMu saying, A thin file

is a good file. Don't ask too many questions. There was an article in the press in just the last week or two about a similar memo that JPMorgan Chase sent out to everyone who was originating mortgages, Don't ask questions. If you don't want to know the answer, if it might disqualify someone for the loan, just don't ask. They weren't worried about people paying the loans back. Now, that was catastrophic for the borrower because the borrower was going to lose the equity in their home if they had to sell their home. And once you've gotten yourself into the middle class by buying a home, and God forbid you lose it to foreclosure, but even if you had to sell it because you can't pay the mortgage, you really are falling out of the middle class.

Some have argued that we haven't done anything about borrower fraud. We don't have to do anything about borrower fraud. There is already the law of fraud that if the lender was really duped by the borrower, they could sue the borrower, but they would have to show that they actually reasonably relied upon what the borrower told them. They weren't relying on what the borrower told them; they were asking to be lied to. And in most cases, the broker filled it out and just gave it to the borrower to sign.

Mr. ELLISON. Would the gentleman yield? Is there a commonly referred to name for the kind of loans you are referring to?

Mr. MILLER of North Carolina. Liar loans, yes. Sometimes they're called "Alt A," that was Alternative A, that was the polite name, but they were also called liar loans.

I do want to talk about where we go from here. The bill that the House has passed does reach a lot of the practices that have led us to where we are. It does limit the upfront cost, which is where the predators really made their living was by soaking borrowers at the front end, as Mr. TURNER talked about, what they made came out of the equity in the borrower's home. It was lost in the loan documents, but it was in the lending industry's pocket by that point.

It requires disclosures that are actually understandable. It requires standard forms that are actually developed by the banking regulators. They are designed to be understood, not disclosures designed by the industry that are designed not to be understood. It prohibits this compensation system that rewards brokers for betraying the trust of borrowers.

It requires that the lending industry not make loans to people who don't have a reasonable ability to pay it back. It requires brokers to present borrowers with a set of options that are reasonably suitable to the borrower's needs. If we had that bill in effect 5 years ago, we would not have the crisis we have now.

Now, there has been a lot more contributing to the crisis now than just subprime loans or even alternative loans, option arms, and all the rest, the exotic products—exotic mortgages is what Alan Greenspan called them. It has gone well beyond that now. But this is what precipitated it, this is what got it started. This was the match that started the newspapers, that started the kindling that started the hard wood. This is what started the fire of mortgage lending.

□ 2015

But we have to go beyond this.

Again, let me go back to this chart of the financial industry profits as a share of U.S. business profits. It peaked during the subprime heyday at more than 40 percent of all profits. This is when the lending industry is saying, you know, we have to do these things to make credit available to people. If you rein in what we're doing, we just won't be able to make credit available to people, and you are going to hurt the very people you are trying to help. No. They were making a killing.

This is gone now. This is in addition. This is after all the vulgar compensation that we've heard about. In addition to CEO compensation up and down the line, the financial industry pays very well. Compensation in the financial industry was almost twice of what Americans generally got. But this money is now gone. In the words of the country music song, "It's in the bank in someone else's name." And now we're dealing with the fallout after this.

But look at what it was back in the fifties and the sixties when our economy was doing pretty well. We had a manufacturing base. The middle class was doing well. Their lives were improving. Their economic conditions were improving. They were making just ordinary profits of, you know, 10 to 15 percent, not more than 40 percent.

The financial industry wants to go from where we are, which is that they're on taxpayer life support. But they want to go back to this. This is not what we need to go back to.

Mr. ELLISON, I know that you also support the legislation that Mr. DELAHUNT and I have introduced. I actually lost a coin flip. It's Delahunt/Miller instead of Miller/Delahunt. But in addition to what we've done to get at mortgage lending practices and credit card practices to create a regulator whose only job is to look at financial products, consumer financial products and look at those up front to see if they're fair to the consumer and prohibit those that aren't.

In addition to Mr. ELLISON, there are several prominent supporters of this proposal. Joseph Stiglitz, a professor of economics at Columbia who's won the Nobel Prize.

Mr. ELLISON. Elizabeth Warren.

Mr. MILLER of North Carolina. Elizabeth Warren. Robert Shiller who is a professor of economics at Yale, widely published, well regarded, seen as a likely future winner of the Nobel Prize. He probably has an economics status that the golfing world has, the best golfer never to have won a major, and I hope that that status or that reputation for Professor Shiller does not have the same career consequences as that reputation in golf has.

But Elizabeth Warren, as you point out, a professor of law at Harvard, is probably the best known and most vocal advocate for it. And she compares it to a toaster. That a manufacturer of a toaster—you know, a consumer doesn't know what's on the insides of a toaster. And if a toaster manufacturer is just trying to make the most money that they can—she made these arguments just earlier this week on the Charlie Rose show—take out the insulation from the toaster, and the toaster has maybe a one in five chance of catching fire. It's more profitable for the manufacturer of the toaster. They would make more money, though the Consumer Product Safety Commission is at least supposed to keep them from doing that kind of thing. Why is there not a regulator who looks in the same way at financial products? That is Elizabeth Warren's analogy, and that probably rings true with a lot of people.

But in my late and unlamented law career, I did some insurance regulatory work, and I can't tell you how different insurance is from lending. Insurance has been regulated because there have been abuses in the past. Before an insurer can offer a policy, the insurance commissions in the various States approve the policy form. What are you insuring against? Do you have little tricks in there that you aren't really insuring people against what they think they're getting? What is the likelihood that there is really going to be a loss? And is the premium right? Is the premium right? Is it not too high so it gouges consumers? And is it not too low so that insurance companies might make a quick profit but not have the money to pay claims when claims come due? And that happened in the past. That's why we have that regulation, and that's what's happened now.

The financial industry has made a huge profit, huge profit. More than 40 percent of all corporate profits by these consumer lending practices. But now that the consumers can't pay their credit card bills and can't pay their mortgages, they're stuck.

The American people are not deadbeats. They're stuck. They are working hard. And if anything goes wrong in their life, if they lose their job or someone in the family gets sick or if they go through a divorce, they really don't have much room to play. And they've got to be able to borrow money.

But the industry made a killing, and now they're getting bailed out. I don't want to go through a cycle of making a killing and getting bailed out, making a killing and getting bailed out.

Let's have a set of regulations in place that provides the American people the kinds of financial services, the kinds of financial products that really meet their needs and doesn't produce this kind of profit, that really produces the kind of profits we had back in the manufacturing days, back when the lives of ordinary Americans and the middle class was improved.

Mr. ELLISON. Well, let me say, I'm proud to be on that bill with you. I think that Elizabeth Warren, Professor Stiglitz and Professor Shiller are all brilliant for coming up with the idea. The fact is, if you look at many of these mortgages, they were not safe at any speed, to borrow a phrase from Ralph Nader.

The fact is, if the only way that this mortgage, quote-unquote, works is if you can refinance it in 3 or 2 years, then that is a mortgage that doesn't work. It's designed to end up in foreclosure but for a very shaky assumption.

If the gentleman would allow me to mention in our waning time, I would also like to say this about the bill we just passed through the House. And that is that many of the properties that have ended up in foreclosure are not homeowner-occupied. In other words, they're multifamily dwellings. They're investor-owned. And in many States across our country, you can be a tenant who has paid every, every rental payment on time, never missed one. And yet if your landlord didn't use that money you gave him to pay that mortgage on that building, you could find yourself kicked out without any notice at all.

Some States have regulations, many don't. This bill gives people 90 days from the date of foreclosure in order to stay and make new plans for their lives.

I think this is a critically important piece of legislation, very important provision in the bill, and I'm glad it is a part of it.

I know you're going to have to wrap up pretty soon, Congressman MILLER, so I just want to yield back to you now.

Mr. MILLER of North Carolina. Thank you, Mr. ELLISON, for participating.

We have covered a great many topics that I wanted to cover. There are many more that we have not. The arguments that the Community Reinvestment Act of 1977 caused our financial crisis in 2008.

Mr. ELLISON. Ridiculous.

Mr. MILLER of North Carolina. Actually, the Federal Reserve Board's statistics show that 6 percent of subprime loans were by lenders who were subject to the Community Reinvestment Act—not all lenders were, or

just those with federally insured deposits—and were in the neighborhoods where the Community Reinvestment Act encourages savings. And all the evidence says that that 6 percent perform better than others.

So it is not that that is exaggerated. It is completely untrue. There is no truth to that argument at all.

If we had longer, we could talk about the role of Freddie and Fannie. Certainly they are blameworthy. They acted badly, but they did not lead the financial industry into this crisis, as has frequently been charged.

What led the industry into this crisis was the pursuit of profits and not an honest living but a killing. Not an honest living by providing services to people who needed it, credit to people who needed it on reasonable terms but a killing by cheating people. And we can't go back to that.

What we need to do now is not just climb out of where we are but try to restore what we had before. We need to reform the industry and the consumer lending practices.

Mr. Speaker, I don't think I have much time to yield back, but I do yield back the balance of my time.

ECONOMICS AND ENERGY

The SPEAKER pro tempore (Mr. KRATOVIL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

I am honored to be recognized to address you here on the floor of the House of Representatives in this Nation's most deliberative body of debate, at least it used to be, and I hope it is once again, Mr. Speaker.

Having listened to my colleagues here and identified, I think, the centerpiece of this debate that's taking place in this country, I wanted to address, Mr. Speaker, this evening the idea of where we stand with the broad economic view that is what's taking place in the United States of America today, and then I'd like to take us back to where we are with the overall cap-and-trade, cap-and-tax, greenhouse gas, global warming, climate change debate that's going on. The language seems to be drifting and moving a little bit, Mr. Speaker, on this. And I will go to the climate change component of this.

But first, Mr. Speaker, I want to address this situation on where we are from a broad economic perspective so that there is a backdrop in order to think about how we go forward with policy and what is the right policy for the United States of America within the context of the world and the globe.

We are the global economic leader. We are a large percentage of the world's economy. We have been leading this world's economy because we have,

are, or were a free market economy. And the foundations for American exceptionalism should be clear to everyone on each side of the aisle.

Of course that foundation is rooted back in the philosophy that is the foundation for our Constitution, which is the Declaration of Independence. It's rooted in the natural law and the natural rights that come from God and that our founders all unanimously recognized. And as they took those principles and laid them out in the Declaration of Independence and then later on, about 13 years later, were able to get that language into the Constitution and get the Constitution ratified and give birth to a nation, what made us such a great nation? Why didn't we wallow back into the problems that so many other nations have had? What distinguishes the United States of America from the other countries in the world?

Now there have been powerful economies in the world. There have been powerful cultures and societies. The Founding Fathers studied a lot of those. They looked at the Greeks and the Romans, for example. They didn't have the opportunity to take a look at the former Soviet Union, but they would have taken a lesson from the former Soviet Union. It seems as though many Members in this Congress have missed that little history lesson, even though they lived it as contemporaries.

But these foundations of American exceptionalism, many of them in the Bill of Rights, the right to freedom of speech, religion, expression, assembly, a right to keep and bear arms, a right to property that was diminished, I think to some degree, by the Kelo decision in the Supreme Court about 3 years ago when they struck three words from the Fifth Amendment of the Constitution which says, "nor shall private property be taken for public use without just compensation."

The Supreme Court struck these three words "for public use" out of the Fifth Amendment to the Constitution of the United States. That's the effect of their decision. And that, Mr. Speaker, isn't just me. That was my independent conclusion and analysis from reading the Supreme Court decision later on after I spoke on the floor on the issue, and as I prepared to rebut the now Chairman of the Financial Services Committee from Massachusetts (Mr. FRANK). So I listened to him in preparation to—generally I would disagree with him on most everything that comes to this floor. This time he and I agreed verbatim. And I read later on Justice O'Connor's dissenting opinion, which also was right down the line with the position that Mr. FRANK and myself and many others—the Supreme Court had undermined property rights by their Kelo decision.

But that is one of the major keys to American exceptionalism, that right to

keep and own property, "nor shall private property be taken for public use without just compensation."

But in New London, Connecticut, they took private property and they transferred it over to another private entity, a development corporation, for the sake of what they considered to be a better public interest because they could collect more tax dollars from the developed property rather than the lesser-developed property.

It was a flawed fundamental constitutional principle that they made that decision upon, and now we're seeing an incremental encroachment upon other property rights in this country. But property rights being one of the pillars of American exceptionalism, I laid out those other points. Many of them are in the First Amendment, the Second Amendment.

But there are other reasons. One is that this Nation was founded by a robust people that skimmed the cream of the crop off of the donor nations as immigrants came to the United States with a dream. It was hard to get here, and yet there was so much to be gained and achieved when they arrived here. And they didn't all make it. Some of them failed. Some of them went back to their home country. Some of them didn't make the cut at Ellis Island. About 2 percent were turned around and put back on the boat and sent back to Europe back in those days, 100 or so years ago.

□ 2030

But those that stayed, many of them exceeded their own expectations. The success of the vitality of newly arriving immigrants in this country was another one of the foundations of American exceptionalism built upon these constitutional rights, including property rights, built upon free enterprise capitalism. That desire to succeed and that will to succeed along with a culture that celebrated success, those being some of the underpinnings of the pillars of American exceptionalism.

Well, as we look at how this has unfolded, these things happened, those pillars that came together at that time flowed from Western civilization, became the embodiment of Western civilization. And while that was going on, this robust people that had these new rights that came from God and this right to property and a right to return on their investment, these new rights that were there also matched up with a continent that was almost unlimited in natural resources and a continent that was being developed by a country that kept taxes low, regulations low, and in many cases nonexistent so that the reward was there for the entrepreneur. And that culture, that tradition, and those rights that are the foundations for the success of this great country are being eroded today at a pace faster than anytime in the history of the United States of America.

Now, we saw these lessons of these failed countries, and we saw Rome rot out from within and corruption that pulled it down. It couldn't hold itself together because of the corruption that was within Rome. We saw the nation states arise. They started out to be city states, and then to the limits of the languages also went the borders of the countries and the nation states of Europe over the last 250 years or so. And they fought wars that were clashes of cultures and economies to determine the boundaries and the borders of the nation states. But still over the last 200 or more years, the nation state remains as a very essential successful institution on this planet. The nation state that looked out for the interest of its citizens, the nation state that had clear borders, the borders that usually went out to the limits of the language itself because that's what defined the common interest of the common people, and to a lesser degree that does so today, but it's been a foundation of a nation state.

And this nation state of the United States of America, this unique experiment that brought people from all over the world and put them in here on this country with these nearly unlimited natural resources, with the low taxes and the low or no regulation, and a culture that was rooted in religious freedom that had at its foundation Christianity and the work ethic that comes from the Protestant work ethic and the Reformation, those things that flowed within that culture, this country became a giant petri dish that was teeming with success. That's American exceptionalism. It's who we are. That's why the rest of the world has had trouble keeping up with us. That's why the rest of the world doesn't match up with us in patents or trademarks or copyrights. That's why the rest of the world hasn't matched up in the growth of their economy, they haven't matched up militarily, they haven't matched culturally, because we have this robust freedom. And sometimes there's a price to be paid for that. But we lead the world. We are a nation that leads the world with freedom. And the rest of the world looks on full of awe and respect and sometimes some trepidation because they are really not sure what's coming out of the United States of America. And, Mr. Speaker, I will tell you that I'm at the point now where I am not very sure either on how this has drifted.

But as I watched this economy that needed to take a correction because there was a housing bubble in this economy, Henry Paulson, then Secretary of the Treasury, came to this Capitol on September 19, 2008, said, I have got to have \$700 billion. I've got to have it right now, and I've got to pour it into the economy, and I'll pick up this toxic debt and we'll do what we can to stop this impending free-fall of

this economy. Well, after more than a week of running around this Capitol and out to the White House and doing press conferences and pressing this Congress to appropriate the \$700 billion, we sure saw the economy go into a tailspin in a hurry, and some of it accelerated by that kind of activity. And I would have preferred that that would have been back-channel discussions that could have been kept at a low key so that we didn't see this economy react the way it did. But it did. And when we saw the stock market spiral downward, a correction that at least in part needed to be made, and globally as the world lost its confidence in our financial institutions, we had the real risk of our financial institutions going under during that period of time, September, October, November, December, January of this year, and into February. As that instability hung in there, while that was going on, we were a nation that I think overreacted, Mr. Speaker.

Some of the things that happened as the economy spiraled downward were people on the floor of this Congress and in our committee and back in our meetings and talking to the press beginning to tell America, Well, I guess that tells you what capitalism does for us, arguing that capitalism had failed and that's why the economy was spiraling downward.

Mr. Speaker, no economy has ever matched this economy in the United States of America. We have overcome far greater burdens than this one we're under today. The Great Depression of the 1930s was a larger burden than the one we're under today, at least by any measure that we can do currently. We don't know what's going to happen tomorrow, next week, next month. By this time next year, we'll look back and we ought to have a pretty good idea. But this free enterprise economy has recovered and bounced back in the face of difficulty after difficulty. It took us through the recessions of the 1800s. It took us through the Civil War. It brought us through the Spanish-American War, World War I, World War II, the Korean War, Vietnam, and the Cold War.

In fact, Mr. Speaker, of all those things that we had been through, including the Great Depression, which I briefly mentioned, the Cold War itself is a perfect model of what this free market economy can do because Ronald Reagan looked across at the Russians, called them an "evil empire," which they were and are increasingly becoming again, and he went to Berlin at the Brandenburg Gate and he said "Mr. Gorbachev, tear down this wall."

We didn't know at the time how much was going on behind the scenes, how much was going on back channel. But we know, looking back in history and this being reported in the news, that in the nuclear defense negotia-

tions that were to take place in Reykjavik, Iceland, Ronald Reagan walked out of those negotiations because he couldn't get a settlement with the Soviet Union. And the press excoriated President Reagan for being—I don't remember the exact language. Today they would say "cowboy diplomacy," if they called it diplomacy at all. They believed that Ronald Reagan had put this world at risk by walking out of those negotiations. But Ronald Reagan wasn't about to give up our national security for the sake of getting along with people who had lined themselves up against us to be our opposition in the world, to challenge the United States for the title of this world superpower. And for a long time, we went along running in parallel with the Soviet Union competing against the United States for which nation would be the preeminent superpower.

Jean Kirkpatrick was Ambassador to the United Nations during the early part of the Reagan administration. And I believe after 2 or 3 years, she was preparing to step down from that role. And as she retired as Ambassador to the United Nations, she explained something to America that when I read that on Page 3 or 4 of the paper that day, a tiny little clip, actually, it settled in for me the picture that Jean Kirkpatrick had drawn, Ambassador Kirkpatrick had drawn, and it was this. Now, remember we are in the middle of the Cold War. We're perhaps at the height of the Cold War with the maximum amount of tension that's being brought to bear because Ronald Reagan is doing the thing that the leader of the free world would do, and that is playing some negotiating brinksmanship but knowing the card that he holds and having a pretty good idea of the cards that the Russians are holding. But Jean Kirkpatrick described this conflict of the Cold War this way: She said, What's going on is the equivalent of playing chess and Monopoly on the same board, and the only question is, will the United States of America bankrupt the Soviet Union economically before they checkmate the United States militarily? That was the question that she laid out as she stepped down as Ambassador to the United Nations.

Mr. Speaker, when you think about this and come to a realization that a country like the Soviet Union that was in an arms race, building missiles bigger, more of them, and building them faster than they ever had before, pouring a high percentage of their gross domestic product, which is an all-controlled economy in a socialist/communist economy—I'll just call them a communist nation. Their communist economy was trying to produce enough wealth that they could match up against the United States and enter into an arms race and defeat us in an arms race so that we would be looking

at so many nuclear-tipped, multiple nuclear-tipped warheads that we couldn't hope then to defend ourselves against the Soviet Union and we couldn't hope to mount enough missiles to provide a deterrent to them. Mutually assured destruction. The Soviet Union was determined that they were going to be in a position where they would assure our destruction and, with the power of that, they would then cause the United States to back down and recede diplomatically and that the Soviet Union would be able to advance themselves around the world and exert their influence into country after country and begin to dominate the world because of the military threat that they would be to the free world, particularly the United States, the military threat that they were in Europe itself, lined up, remember, with the Berlin Wall standing. It was another 5 years before the Berlin Wall came down.

All of this dynamic is going on, and the Cold War is being fought, some say without firing a shot. That's really not true, but without firing a lot of shots in relation to the billions and billions that were invested. The Cold War was not a shooting war. That's why we called it the Cold War. But it was a clash of civilizations. It was a clash of cultures. It was a clash of economies, Mr. Speaker. And as the economy of the United States competed with the communist economy of the Soviet Union, and it has still a vast amount of resources and should have had enough people to produce enough wealth to be able to match up against us in an economic/military contest, the United States economy dominated that of the rest of the world and produced enough wealth that we could grow our economy and at the same time take on and compete with the Russians in the development of our military capabilities globally. And at a point the weight and the burden of trying to compete against this United States economy brought about the economic collapse of the Soviet Union, which brought about the political collapse of the Soviet Union and their satellite states, which softened and prepped the landing zone, so to speak, or softened the area so that the Soviet Union could no longer hang on in their satellite states like Germany and Poland and Romania and the Baltics. And all the way across Eastern Europe, country after country, Czechoslovakia, became free. Most of that bloodlessly.

The Berlin Wall began to come down November 9, 1989, the date that the Russians stopped requiring the East Germans to defend the wall. And they started to take hammers and picks to chop that wall apart, and people climbed over the top, and they were on both sides and they were celebrating, and families were reunified. The liberal media in this country saw that as fam-

ily reunification. What they didn't see, and it took them a very long time to understand it, was that the Berlin Wall represented the Iron Curtain. It was literally the Iron Curtain. It was a concrete wall that went around the people that lived in West Berlin and trapped them in, a cage, a fence around the people that lived in West Berlin. But it was literally the Iron Curtain. And when it started to come down, when the Berlin Wall crashed, so did the Iron Curtain crash. And as it came down, people realized the Soviet Union can't make East Germans shoot East Germans for crossing that line any longer. They can't enforce it themselves because they don't have the economic capability to do that. They couldn't sustain their military. Their military was rotting out from within as their economy had rotted out from within because you can't have a managed economy that can compete with a free market economy, Mr. Speaker.

□ 2045

That's the difference, and that's the essence of the victory that the United States, with some of the help of the rest of the world, brought down the Soviet Union. The Soviet Union collapsed. The satellite states claimed their own independence, and there was some blood in a place like Romania when Ceausescu was executed, if I remember, he and his wife executed by the mobs of Romanians who desired to have their freedom, finally.

But most of Eastern Europe was bloodless. It was essentially bloodless in Germany for the wall to come down and free people, to welcome people that had been in slavery, in the slavery of a Communist-controlled managed state for all those years, since the end of the 1940s, and until such time as you had the Berlin airlift.

And one of the things that happened on one of my trips over there into Berlin, we had a tour guide who I will call her a young lady, younger than me. She was a young lady when the wall came down in 1989, and she told us how when they were able to go over the wall and go into West Berlin and go into the shops and stores and see what they had, see the food that they had, the clothing that was there, the appliances, so many things that they didn't have as part of their lives in East Germany or part of their lives in West Germany.

And the contrast in the western part of Berlin versus the eastern part of Berlin was so stark, she told us that they went out and bought all of the wild colorful clothes that they could find, the reds, the oranges, the greens, the bright yellows, all of those bright colors, and they dressed themselves in the brightest colors possible. They didn't have access to those. They were wearing drab, bleary clothing.

But all this bright clothing was available. Anybody could dress in the

West any way they wanted. They could have access. You would find in the stores whatever the free market would demand, because the free-enterprise economy produced the kind of clothing people wanted to wear. And the East Germans surely were so glad to have an opportunity to go into West Berlin as the wall went down on November 9, 1989, and buy up this bright clothing and proudly wear this bright clothing wherever they went.

Because it was a symbol that said, I have my freedom back, a freedom back they weren't born into. They had been born since they lost their freedom. They had their freedom back, and they gloried in the demonstration of that to be able to wear colorful clothes.

Wherever they went that sent the message, I'm free, and I can dress as I like. I can do as I like. I can speak as I like. I am free to succeed. I am free to achieve, free to be educated in the way I want to be educated.

You know, the people who have achieved their freedom most recently in that part of the world are the ones that love it the most. The Czechs went to the square in Prague and stood there by the tens of thousands and held their keys up and rattled their keys. Tens of thousands of them rattling their keys, Mr. Speaker.

And that noise, that persistent noise, Vaclav Havel and others brought about freedom in Czechoslovakia in a bloodless fashion. They achieved that freedom later on. They separated the country in the Velvet Revolution, a bloodless revolution.

And they are quite proud of being able to come to these conclusions by the voice of the people, emulating the freedom that we have had here since 1776, ratified in 1789, Mr. Speaker.

So I look at that part of the world, the part of the world that has been the part that has generated the utopian philosophers, those philosophers that shaped the ideas of socialism and communism and national socialism and fascism. These utopian philosophies emerged from that part of the world, thinkers that came from there.

But they believed that they could set up the perfect society and control it and manage it. And the part that's always been missing on the part of the utopianists, those managers, those elitists, they think that they know best for people and that they think that an average common person, they believe, doesn't have the capability of making decisions for their own job, their own business, their own health care, their own education.

So they want to take that all out of the hands of the individuals of this country and put it into the hands of the liberal bureaucrats who know best, the nanny state managers.

And the great lesson throughout history has been, even if you have smart people at the top, if you have smart

people at central planning, and they come out with a 5-year plan—and in the collectivist state of the Soviet Union, they had collective farms. And so they just simply made a 5-year plan and they said, all right, here is what it's going to be, 5-year plan. This field will be wheat. This one will be barley. This one will be hay. This one lays fallow. I don't think they raise much corn over there, Mr. Speaker. I would bring that up.

And they managed it with as good of a skill as they could produce. But out of the government management comes some corruption, a tremendous amount of inefficiency. And if people are not rewarded for their labor—we learned this in the first settlements of the United States—then if they are not rewarded for their labor, they are not going to work the same way they do if they get to achieve the different fruits of their labor.

And so the Russians began to take their labor and let some of the crops rot in the field. Where I come from, on an October night that's clear and still, and if the humidity is right, you can drive across that flat countryside at night, 9, 10, 11, 12 o'clock, 1, 2 in the morning.

And if it's the right night, the humidity will make it so the soybeans aren't too tough and you can look from horizon to horizon. And you can see the yard lights of the farms that are there, and you can see the combines that are running in the fields, with the trucks that are out on the roads taking the grain off, and the tractors with the grain carts that are shuttling those soybeans over to the trucks, sometimes in the field, sometimes in the road.

But you can see they will run all night. They will run till the beans get too tough or the bin is full and their storage is full. They have got to stop and process and then go back again.

But the Russians did it a different way. They didn't let the people have the fruits of their labor. And so when their 8-hour shift was up, or whatever they worked, they would park the combine, park their tractor, park their truck, and they wait until the clock ticked again. And then they would start to work again, if they showed up. And a lot of them didn't.

But the inefficiencies that grow when you start guaranteeing a people a living and they are not tied into having a share of the profit are the kinds of things that we are starting to see in this country more and more and more; less accountability for production and more demands on the labor of somebody else.

But the human nature component of this, the component that realizes that if you don't work, you shouldn't eat, that was how we settled our—the Pilgrims settled it here. They would have starved to death if it hadn't been for that. So they let the people keep the

proceeds of their own labor. And then those that were needy lived off of the alms of those that were good producers. And they were helped in proportion to their effort by the alms of the producers, and it made this a far more productive Nation.

And our job here, Mr. Speaker, needs to be, it needs to be to improve the annual average productivity of all of our citizens. If we do that, if we raise our average annual productivity of all of our citizens, we will raise the gross domestic product of the United States.

If our productivity goes up, if mine goes up, if my neighbor's goes up, then that wealth is accumulated into our economy, and it spills over and it blends into other businesses, and it lifts their profitability. And if they are working and producing, they will have more opportunity at success.

But if they are not, if they are hanging back, if they are not responsive, if they have a bad attitude about how they do their work, the customers will stay away from them. Their businesses will not thrive. The bosses who are able to hire good people because they want to pay good wages and good benefits to good people can go off and cherry-pick from those bosses that don't pay good wages and don't provide good benefits and don't respect their employees.

I have been in this business, in the construction business, for nearly three decades writing payroll checks and investing money in heavy equipment and going out and doing jobs, and we have always looked out across the available labor pool and tried to find the best people we could find.

And we wanted to pay them a good, going wage, and we wanted to give them the kinds of benefits and the package so they could have what they needed. They wanted a job that they can go to, that they can take pride in, that they can continue to develop their skills in, and they want to have the kind of environment where they can raise their family and take care of them and have some time to spend with them so that it's really worth the trouble.

This is what a free enterprise economy does. If you allow the businesses to succeed, they will then take advantage of that and succeed.

If this Government taxes them out of existence, that's exactly what will happen. Our businesses will diminish, and they will spiral downward out of existence.

If we regulate our businesses too much, then we will diminish their effectiveness and put a burden on the overhead that is a fixed cost that weighs down everything they do and makes it harder for them to compete against their domestic competitors here in this country and harder for them to compete against foreign countries as well.

And if we weigh down existing businesses with taxes and regulation, the

emerging entrepreneurs, the budding businessmen and women, the people that have the idea, the people that have the dream, the people that want to someday be the one that signed the front of the paycheck instead of the back of the paycheck, create as many jobs as possible, pay as many people as possible, that group of people takes a look at the regulation and the burden of government and too often they decide the juice isn't worth the squeeze, that going to work for the government is the better choice because, after all, the government check will always be there, the benefits will always be there. The stress load there is probably not going to be as great.

Probably you can't measure your achievements the same way you can measure them in the free market system, but if you want to raise your family and come back home and crack a beer and watch the news at night, maybe a government job is for you. We need good people in government, too. But when we raise the salaries and benefits package and we lower the responsibility level, and when we fail as a government to measure the productivity, the output of government employees, then we are creating a scenario by which people are not excelling to the level that they might if they were in a competitive environment.

But business has to produce in a competitive environment; government does not. Government has a monopoly.

Now, to thread an analogy in here, or I should say an anecdote, in a fairly recent trip down to Mexico City, and I sat with a number of government officials and business leaders there, at one point I was sitting at a diplomatic table. And as I looked around the room and each one introduced themselves, I realized that there were many representatives of the monopolies in Mexico sitting at the table.

And they all wanted to make sure that they were not a political target, but the richest man's name in the world is Slim, S-l-i-m. Doesn't sound like a Mexican name to me, but he is from Mexico. The reason he is the richest man in the world is because he has a monopoly on the telecommunications in Mexico. He gets paid for every phone call that gets made in that entire country.

And with the capital that he makes from that, he can invest in other telecommunications in other places around the world. So he's got a protected market that's a monopoly.

And some years ago the Mexicans understood that their state-run enterprises were a burden and that they were inefficient because they were monopolies. They were government monopolies. So I would look at a situation like that, and I would follow the Margaret Thatcher model.

I would take it further than she did. I think she took it as far as she could

in that environment at that time. I would follow the Margaret Thatcher model, and I would start to privatize these government monopolies. Well, that first part of the equation worked for the Mexicans. They understood that.

They understood that they needed to privatize the government-run monopolies like telecommunications, let's say cement manufacturing, certain retail outlets, the list goes on, utilities. I think utilities of all kinds. They came to the conclusion they wanted to privatize because government itself was inefficient, how a government monopoly was utterly inefficient, that it begged for corruption—and they had plenty of corruption, still do—but they only went half as far as they needed to go.

When they privatized, they privatized the government-run monopolies into private-sector monopolies so that people like Mr. Slim could run the entire telecommunications industry in Mexico and take the capital and invest across the world.

Now, the shortfall of this is that a government-run monopoly is almost the most inefficient kind of a business model that you can produce if you want to provide services to people at a competitive price so that they can live a good lifestyle and they can have some disposable income to spend somewhere else.

The second to the last thing you would ever want would be a government-run monopoly, because they are inefficient, and there is not an incentive there to compete. But the Mexicans stopped short of where they needed to go, and they just transferred these government-run monopolies into private-sector monopolies, which is the only thing I can think of which is worse than a government-run monopoly.

If you hand someone a monopoly in a market that is not a regulated market and he has the entire market, he has cornered everyone, and he can set the price for a phone call, or they can set the price for a cubic yard of cement, or they can set the price for the electricity that's generated without any check or balance on it.

And so a privatized monopoly is worse even than a government-run monopoly because it incorporates so many of the—there are no restrictions there, and the desire for profit, actually the need for profit, gets added on to the government entity.

So we are here now with an economy that is being shifted dramatically by a majority of Democrats in the House of Representatives, a majority of Democrats down this hallway in the United States Senate, and a President who was elected, I think, with having been rewarded for the most masterful skills in the history of America, of the language of ambiguities.

□ 2100

As I listened to the President speak here in this Chamber, not that long ago, speaking before a joint session of Congress, and as I listened to him speak before our conference, I looked through the speech, and as I marked it up, sitting back here about 20 feet from where I stand right now, Mr. Speaker, I found seven or eight clear ambiguities in the President's speech—the kind of phrase that, if you believe we ought to produce energy in order to have an economy that can compete, you could hear in the President's words that's what he wants to do.

But if you believe you wanted to shut down the energy production in America in order to drive the prices up so that industry would use less, the consumers would use less, so that our economy would be constricted and chase the jobs overseas and all of this fallout that some of the people on that side of the aisle don't seem to understand but cannot hardly deny, but if you're one of those environmental extremists that wanted to shut down energy production, you could find that in the President's speech, the same phrase that I could find that we need to produce more energy.

Now that's just one example. There were seven or eight of those. The master of ambiguities is now the resident of the White House and the leader of the Free World and the Commander in Chief of our military and the mastermind behind the economic changes that are taking place here in the United States. The man who said that—well, he said that he wants to reach out—here's what he said, Mr. Speaker—one of the things that he said.

He said, “Under my plan of cap-and-trade system, electricity rates would necessarily skyrocket. That will cost money. They will pass that money onto consumers.” Necessarily skyrocket, Mr. Speaker, my plan of cap-and-trade. It's the President's plan of cap-and-trade. These are exactly the words that he used back when I don't think he expected to be elected President, in January of 2008, meeting with the editorial board of the San Francisco Chronicle.

Now I can imagine what that's like. You would be sitting in San Francisco, tempted to say things to the San Francisco Chronicle that you thought the people in San Francisco would agree with and probably that the Speaker of the House from San Francisco would agree with. And I'm convinced that our Speaker of the House would maybe not agree with this analysis but would agree with the plan of cap-and-trade system.

But here's what's predicted: Electricity rates will necessarily skyrocket, and that will cost money. And it will be put onto the backs of consumers.

Well, that wasn't an ambiguity. That was before the ambiguities had been

completely mastered by the now-President of the United States.

This man is driving the reaction to the economic downward spiral. This man is driving the cap-and-trade argument. This man is pushing a hardcore leftist agenda.

Cap-and-trade; what is it and why do we have it, and can you find anyone on the street who can explain the science? I would like to see investigative reporters of all stripes—the San Francisco Examiner, Sean Hannity—you name them. Reporters from Chicago or L.A. or Dallas or Des Moines go out on the streets with an action cam and carry that camera around with a microphone and ask people to explain this idea of global warming. Explain the science.

If you remember, sometimes they will walk along and they will interview people—often on the streets of New York City—and they will say, Who's the Vice President of the United States? And they will give every name except JOE BIDEN, today. He is a little hard to find. I understand why they might not know. But after 8 years of Dick Cheney, you think they would have known. A lot of them didn't. They don't have the basics there.

But I'd like to go to Central Park and put the action cam out with a microphone, Mr. Speaker, and ask them, I don't understand the science around this global warming. Can you explain this to me? And I would like to know how many out of a thousand would even try, but I would be willing to lay a wager that none of them could succeed in making a scientific explanation as to why their emissions of greenhouse gases by man can be a significant contributing factor to the Earth's warming. Which, by the way, even the global warming people, even the Al Gores of the world, have changed the language now. They can't say global warming any more because the Earth's been actually cooling since 2002.

So when you find yourself out there on the end of a limb and you've been saying, Global warming, global warming, global warming, and you've been doing that for 15 or 20 years, and you find out, whoops, I have been making this argument long enough; that the Earth is actually cooling, and maybe the scientists who back in about 1970 predicted there was a coming ice age that couldn't be averted, maybe they were actually right.

I don't know if they were right or not, Mr. Speaker, but I know one of those expert scientists in 1970 that said an ice age is imminent is now an expert on global warming, and he is saying global warming is imminent, and it will happen. But they don't actually use the global warming argument any more. They use climate change.

That's a safe term. I bet they wish they would have started out with a climate change kind of a label rather

than global warming, because one thing we know about climate, it's always going to change. It's been changing for thousands of years, millions of years, and it will change again and again and again, and it will change tomorrow.

But the climate change people that were former global warming people that are now climate change people are going to argue that the Earth is going to get warmer, and there's all kinds of calamities that come out of a warmer Earth. And the Earth can get—what's the most extreme—4.6 degrees Fahrenheit warmer over the next 100 years. Maybe only .15 degrees or so. Depends on which model.

But they didn't make a model 10 years ago that can predict where it is 10 years today or they would have never used the term global warming in the first place. If they had a model 10 years ago, if they had a model in the middle of the Al Gore era.

Let me take us back to—Al Gore was competing for President in 1992. He didn't win that nomination. But when he debated as a Vice Presidential candidate, he matched up against—let me see, Dan Quayle. Dan Quayle said, You are asking for \$100 billion a year to be spent on global warming, on environment, on this climate change piece. And Al Gore said, No, I didn't say that.

And I don't remember the page number anymore, but I'm going to guess, Mr. Speaker, because I remember former Vice President Dan Quayle saying, Yes, you did, Mr. Gore. It's right here in your book.

And he pulled the book out, "Earth in the Balance." He gave a page number. I think that page number was 204. I don't remember for sure. But I went out and bought the book. And I went to the page number that was pointed out by Dan Quayle, and there was the exact language calling for \$100 billion to be spent then back in that year, which I believe was 1992.

So the call for this reaction to global warming in 1929 must have been modeled on something. It must have been modeled on a computer model that had checked the temperatures around the globe and made the adjustments for atmospheric and the greenhouse gases that are there. It must have had some sound science behind it.

And so where is that computer model today? If that model predicted the Earth would get warmer, and we chugged along, and now we're 17 years later and the Earth has gotten cooler over the last 7 years. It was supposed to get warmer over the last 17. Got a little warmer for the first 10 or so, then it got cooler over the last 7 or 8.

How does this happen? Does anybody go back to the computer model that must have been the basis for the science that was driving Al Gore at the time? I don't know that anybody did. They keep telling me they have got

better and better models and they're doing a better and better job of monitoring the temperatures on the globe.

I remember also another book that was published I believe that same year, and it was called "Trashing the Planet", written by former Governor of the State of Washington, Dixy Lee Ray. She starts her book out by saying, In the year 1900, the Earth was a very smelly and dangerous place. And she wrote about the disease and the pollution that was there, the garbage that got dumped out of the windows onto the streets, how the sewage ran in the streets, and how disease was rampant, and the water wasn't clean, the air wasn't clean, the soil wasn't clean.

But as that all took place, she compared 1900 with the late 1980s or so, as the book was put together and drafted and I think published around 1990. Dixy Lee Ray.

She made several statements, God rest her soul, she had a clear idea on this. And she said that technology always improves our quality of our life and our lifestyle. All the improvements that we have—we figured out how to drill for wells and purify water and put it in pipes—clean, sanitized pipes, and send it off into all of our houses. We didn't have water at the turn of the century, 109 years ago. We surely did the latter part of the 20th century.

And clean water was a big thing that ensured a lot more health because people weren't drinking bacteria and nitrates and catching a disease from their drinking water.

I remember going up to Fort Niagara up near Niagara Falls on one of the Great Lakes there. We were in a redoubt that had had several flags fly over it, including the British flag, and they told about how the men slept there in this redoubt, this little fort. The beds were so short.

I said, How come the beds are so short? Well, they were not actually as tall as we are today, but the shorter beds were because they didn't sleep laying down. They had respiratory diseases, respiratory illnesses, so they slept kind of sitting up, propped up.

Another thing they did, they had a chamber pot. And they sent the lowest-ranking troops down the hill to the lake with this chamber pot. So that was the one they used at night when they didn't want to go outside, and it was cold. So they carried the chamber pot down, dumped it out—I don't know where they dumped it out. I presume they washed it out. But they used the same pot and carried it back up and they used that for drinking water during the day.

The British, nor did anybody in the world, understand about diseases back in the mid to late 1700s. But that water cleanliness was a big part. Sanitary sewers were a big part. We got rid of the outhouses and flushed it down to the sewer treatment plant.

I want to thank Lady Bird Johnson. Kids my age grew up shooting rats at the dump. We don't do that any more because we have sanitary landfills and we cleaned this up. We cleaned up a lot of things. We are a lot safer and a lot more healthy because of technology, because the modern world has marched along.

But the technology of calculating global warming doesn't hold itself up. There was a conclusion that was drawn by Al Gore and others—now he has a Pulitzer Prize—there was a conclusion that was drawn by him back in some year—some year perhaps in the Eighties, and I do not know, Mr. Speaker, what the catalyst was, but I do know environmental groups came quickly and strongly and financially behind Al Gore at a certain time in the late Eighties—almost overnight. And he drew a conclusion that has yet to be shaken by the temperature that's going down incrementally on this planet.

Now this is always mysterious to me, Mr. Speaker. How is it that a conclusion can be drawn that the Earth is getting warmer and we must do something, cut down on greenhouse gas emissions. We can't really explain the science to you because you're just a regular old citizen and you can't comprehend this. Instead, you just have to take the word of the environmental extremists that the Earth's going to get warmer unless we follow them. Follow them down this path of shutting down our production of energy in the United States, closing down the CO₂ emissions, doing the cap-and-trade that is proposed here so that it would skyrocket our electrical costs.

Why is it that no amount of science has shaken them? Why is it that, of all the things that we have collected for data throughout this time, they haven't really stepped up and said, Well, here's the adjustments we have to make now because we know more than we did then. It's as if science didn't march on for the last 17 years, but the politics have marched together in a huge army of politicians and their environmentalist supporters that keep making the case we must do something.

It's as if this Earth is going to keep getting warmer even though it's been getting cooler—and the only thing we can do about it is reduce the amount of CO₂ emissions in the United States. Now how does this work?

And so I have some new numbers that the world has never seen. They are just produced in a spreadsheet in my office indexed back to real facts. I know the doctor from Georgia is going to be very interested in these facts.

□ 2115

And it starts out this way, when there is something going on and somebody says this is the science of it, I

usually go out and I ask, what are the big questions so you can lay out the parameters for me, Mr. Speaker?

The first question I would ask is, if we have global warming, and it is because the industry emissions are contributing to the atmosphere, the first question I would have is, okay, how big is our atmosphere? How do you measure all this volume of gases that have settled down to the gravitational pull, come out of outer space and settled down to the gravitational pull of Earth, all that God breathed on and those little molecules added to it, how much is that? Well they measure that in tons. So the weight, if you could put a scale on all the Earth's surface and weigh this atmosphere, you would find out—we are pretty close on this—5 quadrillion 150 trillion metric tons is the full weight of the atmosphere of the Earth, 5 quadrillion metric tons. That is all the air, the weight of all the air.

Now we are measuring greenhouse gases in tons, in metric tons. So I ask the question, what is the weight of all the greenhouse gas that is in this atmosphere that is 5.15 quadrillion tons? Well, let's take it to the CO₂, because that is the only thing that Waxman-Markey addresses is CO₂. So the weight of all the CO₂ gases in the atmosphere is 3 trillion, try that, 3 trillion metric tons. Three compared to 5.15 quadrillion. So I will tell you this. If all the atmosphere is 100 percent by weight, then the CO₂ in the atmosphere is .0591. That is the CO₂. Now a lot of the CO₂ is there naturally. We don't charge that against industry in the world.

So I take this thing down to what do we charge against this? What do we measure? So I will just take you to the net CO₂ emissions in the United States. I'm sorry, I don't have the numbers from 1600 or 1700. But I do have the numbers from 1800 until 2005, two centuries plus 5 years. So that is pretty much the dawn of the industrial revolution contributed all the way up this way. The net CO₂ from U.S. emissions over the last 205 years, that is hanging in the atmosphere, is 178 billion 792 million metric tons.

So, Mr. Speaker, if you are listening closely, we have an atmosphere of 5.15 quadrillion metric tons, we have a total CO₂ of 3 trillion, and we have the CO₂ contributed by the United States of 178 billion 792 million, is all that is, so the U.S., this is the net, because 45 percent of it goes into sinks, the net greenhouse gas that is contributed in the form of CO₂ contributed by the United States to this overall atmosphere, the net that is hanging out in the atmosphere today is .00347 percent of the overall atmosphere.

Now here is the picture I want to draw and put in the minds of people just immediately before I intend to yield to the gentleman from Georgia, and that is this: if you lay this out in

a picture form, in a poster form, and most everybody knows what a 4.8 sheet of plyboard looks like. For me, if I reach up, I reach about 7 feet, a little more, so 1 foot above my hand would be the height of a 4 x 8 sheet of drywall, let's put two of those side by side, 8 feet out this way, 8 feet this way, draw a circle the full diameter of 8 feet by 8 feet, that would be a 48-inch radius, whoop that circle around there, a great big circle would be the height of most walls in a person's living room. That would represent the full atmosphere of the Earth. It is volume measured in metric tons of all the atmosphere of the Earth.

Now what are we trying to control here with Waxman-Markey? How big is this piece of the atmosphere that we are trying to affect a part of by reducing its emissions? The total accumulation from the last 205 years, the industry of the United States comes down to a radius, I will just give you the diameter, the diameter would be .56 inches, that is how big the circle is, that is all the complete contribution of U.S. CO₂ emissions in the last 205 years altogether that is hanging out there in the atmosphere. You have an 8-foot circle, imagine the size of the 8-foot circle, but the little circle in the middle is the part that we can control. If you shut it all down, the entire sum total of the accumulated total is the diameter of a lug on your tire. Not the nut. Take the nut off. It is the stud that goes inside the nut. Usually those are a half inch thread. That is what we have got. The size of my little finger is the size of the circle that would represent the complete volume of the accumulated CO₂ admitted by the United States inside of that, inside a circle 8 feet in diameter. And we are going to try to control the Earth's temperature over 100 years by fooling around with that tiny little circle that is a half inch in diameter?

What utter arrogance. What utter vanity. I think we have gone into a new level of vanity here. I talked about the Utopian philosophers that emerged from Western Europe over the centuries that thought they could manage humanity. We have Utopian scientists here who believe they can control the Earth's temperature by fooling around with a tiny little circle that is just .56 inch in diameter. What does a 50-caliber bullet look like? Just about that. A little bit of expansion and you have got it. So we are dealing with, if you have an 8-foot circle, and you put a .45 caliber bullet into the center of that, you are going to be pretty close to the size of the hole that would represent the circle that would be all of the CO₂ that the U.S. has put into the atmosphere that has accumulated in 205 years.

What utter vanity, Mr. Speaker. And I will expand on this thought much more until the American people understand that we cannot be handicapping

our economy based upon a science that can't be substantiated. And we can't find anybody in this Chamber that can argue the science even with that single fact that I have laid out there. And so, Mr. Speaker, I make that point.

There is a whole other point to be made on the disaster that will be caused to our economy. But there is a significant point to be contributed by the gentleman from Georgia (Mr. BROUN), Dr. BROUN, Congressman BROUN, whom I would be very happy to yield to and call my friend at the same time as much time as he might consume.

Mr. BROUN of Georgia. I thank the gentleman for yielding. And you bring out a great point.

Mr. Speaker, cap-and-trade is not about the environment. And, in fact, the President recently said that if this is not passed into law, then he will not have the revenue to foster or pay for the Big Government that he is trying to force down the throats of the American people. This is not about the environment. Mr. KING, you brought that out very clearly. This is about greater revenue. It is a about a tax, cap-and-tax. I call it "tax-and-cap" because tax is what this is all about.

And your chart right there brings out a very strong point. Even the President says that electricity rates will skyrocket. Every single energy source in this country will skyrocket. That means that everything is going to go up in price, food, medicine, health care, all goods and services are going to go up. Why? Because the leadership in this House, the leadership in the U.S. Senate, the administration, wants to continue down a road towards total government control of everything that people do. There is a word for that. It is called "socialism." And that is exactly what they are doing. They are driving a steamroller of socialism that is being forced down the throats of the American people. And it is going to strangle our economy. It is going to hurt the people that our Democratic colleagues say that they represent the most. Electricity costs and heating costs are going to affect the retirees, people on limited income and the poor people more than anybody else.

My good friend from Iowa made some excellent points. And I just want to reiterate what you said. It is going to cost the American people a tremendous amount of money. The American Association of Manufacturers has estimated that every single family in this country is going to pay \$3,128 more in taxes. Everybody is going to have that tax burden placed on them plus the increased cost of all goods and services. And it has to stop.

The American people can do something about it. They can tell their Members of Congress, We don't want this tax-and-cap bill to pass. And it is absolutely critical for the people all

over this country to call their Congressman, call their Senators and say “no” to this crazy cap-and-trade policy that is being forced down their throats. And it has just got to stop because it is going to kill our economy. It is going to hurt everybody in this country. And I thank the gentleman for yielding.

Mr. KING of Iowa. I thank the gentleman. And I regretfully yield back the balance of my nonexistent time.

THE GREENING OF OUR ENERGY THINKING

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 10 minutes.

Mr. TONKO. Mr. Speaker, we are at the threshold of energy policy that can transform not only our energy thinking but respond to the economic crises that are gripping this Nation. With the leadership of a new administration, with a President who has expressed the boldness of a vision for energy generation, energy transmission and energy storage, an innovation economy sparked by that source of greening up of our energy thinking can be just what the doctor ordered in curing our economic ills and allowing us to go forward with a stronger sense of security, security that is expressed by our energy security, our job security, our economic security and certainly for those measures, our national security.

It is no wonder that our gluttonous dependency on a fossil-based economy has caused us to rely on importing, from some of the most troubled spots in the world, our energy supplies. These are countries that have unstable governments that have ruled the day for our economy.

And certainly when we look at the failed measures of the previous administration, the average household has been paying, or the average citizen has been paying \$1,100 more in energy costs because of the failure of that energy policy during the Bush-Cheney administration. So it is a challenge to us and a dictate to the American public to go forward with a new vision, a boldness of greening up our energy thinking so as to spark this innovation economy.

When we look at what can happen in this country, there are many promising statistics. We can understand that some 5 million jobs can be created in the clean energy economy if we were to enhance by 25 percent our renewable energies. And just for the electricity supplies we require and the transportation needs that we have, if we advance a 25 percent improvement by the year 2025, we could realize those 5 million additional jobs in the economy. And dollar for dollar, it is calculated that four times the job growth is realized in the clean energy economy than is realized in the dependency and the

continuation of the oil and petroleum economy.

So those statistics speak nobly to the challenge that befalls us, that we need to move forward with a new order of thinking, that we can, as we enhance our energy security, grow American jobs that produce American power for America’s energy needs.

Now that is a strengthening of our economy in a way that will put new jobs, job opportunities, on to the grid that have not previously been there. It allows us to cover the array of job opportunities from the trades that are involved on over to the engineering, the inventor, the innovator types that can produce the prototypes and then pulling them into the manufacturing and commercial sectors of emerging technologies that will allow us to very cleverly encourage new generation formats, new storage formats and new transmission opportunities in the realm of energy.

□ 2130

The transitioning will allow us to impact industries from manufacturing to engineering to all sorts of lab opportunities for our given communities.

When we look at situations in New York State alone, we are looking at some 132,000 or so jobs that could be created in a clean energy opportunity in New York State. Obviously with an unemployment rate that is above 8 percent in New York State, that would be a welcomed bit of opportunity.

We need to simply look at the practicality of some of the experiences out there that have enabled us to move forward, to move forward in a way that allows us to utilize the strength of our intellect as a Nation and use that brain trust and invest in our future.

Recently when we were visiting with a former energy minister for the country of Denmark, he had visited with the SEEC caucus that has been formed here in Congress of which I serve as Chair, the Sustainable Energy and Environment Caucus has entertained guests who will share with us their ideas and their success stories.

Denmark has done well by changing its format of energy design. It was important to note that they have very boldly stepped forward and invested with some ideas that actually came from the United States and perhaps even patents that originated here. So it behooves us to move forward and utilize this American think tank and put it to work here in our country to meet our energy needs. While I was at NYSERDA where I served as president and CEO of the New York State Energy Research and Development Authority, we were able to advance several new ideas: kinetic hydro that allowed us to utilize the turbulence of the East River along the Manhattan shoreline, and just utilizing that turbulence allowed us to do subwater surface energy cre-

ation, energy generation simply by the motion of the water.

We have several opportunities with the many bodies of water in New York State, and with turbulent bodies as such, to perhaps achieve as much as 1,000 to 1,100 megawatts worth of power.

The demonstration project, funded through the assistance of NYSERDA, made modifications possible through Denver, through the Department of Energy labs, and we have reformulated the design of the energy turbine blades. We have recalculated the assembly, the core assembly of such a turbine, and we are able to go through with these improvements that now offer great hope for the kinetic opportunities.

That is just one sampling of cutting-edge technology, emerging technologies that can strengthen our American economy and our energy consumers’ future here in this country.

I think also of the geothermal applications that we have made with campuses like the Culinary Institute of America where the geothermal applications are used now to heat and cool six new dormitory areas, lodges as they are referred to, at the CIA. This is another practical application that allows us to create a sustainable future, one that is working in a benign fashion with the environment and utilizing the resources of our air, our water, and our soil to respond to our energy needs.

This is the boldness of vision that has been imparted by President Obama and his administration. It is the boldness of vision embraced by Speaker PELOSI in the House, and other leaders; our Energy and Commerce Chair, HENRY WAXMAN; and BARTON GORDON of Science and Technology, to name just a few. But as we go forward, we will continue to advance this progressive order of policies and the resources required to advance the development that we require.

I think it is important for us as a society to invest well beyond the prototype. The prototype is the idea that comes to life in the research labs across the country, but that is not where we should end with the story. We need to deploy that magic into the manufacturing and commercial sectors so we can take full advantage of the earlier investments into prototypes.

Just this week I was able, Mr. Speaker, to travel to the GE Research and Development Center in my district. They announced their plans for new battery technology, battery technology that will enable us to add to the diversity of battery types of the future. There are efforts within the stimulus package advanced by the White House and approved by the House and the Senate on the Hill that was recently signed into law as the Recovery Act for America that will invest billions of dollars into cutting-edge thinking in battery application. It was at GE that

they announced this formulation of a sodium chloride and nickel mix that allows for us to deal with heavy-duty equipment, the more stressful vehicular applications. It also holds promise for energy generation and energy storage, very key and critical to the intermittent nature of several of our renewable sources.

So with all of that being said, there are samplings out there that today are speaking to the progress that can be made. And it is that source of job creation that is inspired by the efforts made by researchers and engineers and inventors and innovators that then allow for trade application in the practical applications as we retrofit our schools, our businesses, and our homes in a way that allows us to meet our energy needs.

So with all of that, I call upon this House to continue to move forward and advance the agenda of green energy policy that will transform our economy, strengthen our job market, and allow for us to have a stronger sense of energy security and national security.

I thank you, Mr. Speaker, for the opportunity to share my thoughts.

CLEAN ENERGY IN THE 21ST CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. HODES) is recognized for 5 minutes.

Mr. HODES. Mr. Speaker, I thank my colleague, Mr. TONKO, and I join him in voicing my support for President Obama's plan to limit dangerous carbon emissions, put us on a path to energy security, and create millions of American clean energy jobs. Right now Americans realize that our American energy policy is not working. The last administration gave billions of dollars in tax subsidies to oil companies despite the fact that they were earning record profits, and despite their willingness to gouge the American people.

We clearly need a new energy policy that invests in renewable energy that will be cheaper for American families and will be homegrown, American energy that will create jobs and lead the world in a 21st century energy economy.

Right now we are facing the most severe economic crisis in a generation, the most severe economic crisis since the Great Depression; and at the same time, our scientists are clearly telling us that our inaction is threatening the planet.

Fortunately, by Congress taking one single action and passing what will come to the floor as climate legislation, we will take a giant leap towards mending both of our problems. The President has laid out an ambitious agenda, recognizing that as Americans we can do great things when we come together and work together for the

common good. The President has presented us with a clean energy jobs plan that will: create new, 21st century American jobs throughout the product-supply chain; protect existing jobs; reduce our dependence on foreign oil; save money on energy costs for American taxpayers in the long run; reduce carbon pollution, and, with it, combat the dangerous effects of climate change.

By forcing those who have long polluted our air and water for free to finally pay for their carbon pollution, we will begin to shift away from our dependence on dirty, outdated, obsolete energy technology.

Instead, we will provide incentives for American business. We are going to unleash the American entrepreneurial spirit and create clean energy jobs. We will lead the world in technology and manufacturing that will drive a new, much more prosperous energy economy.

Think of the cost savings. This plan to shift American energy production to domestic alternative sources like solar and wind and biomass, which means wood in New Hampshire where I come from, will be cheaper and cleaner and will save Americans billions of dollars in the long run.

By forcing our Nation to tackle climate change and develop new energy, the plan will create millions of new jobs and whole new industries here in the United States, employing everyone from construction workers to secretaries to salespeople to engineers. It will open new markets for us. Just imagine what it is like if we can become the world leaders in renewable and alternative energy. Think of the products and services we can sell around the globe and the goodwill we will get.

Inaction is no longer an option. Doing nothing about climate change will cost exponentially more than the President's plan. One respected study on this says that inaction could end up costing between 5 and 20 percent of the total world GDP. We must act.

Now, my friends on the other side of the aisle are either scared of change, pessimistic about the American entrepreneurial spirit, or are denying the scientific consensus because they rely on campaign funds from oil and coal interests. The truth remains, we must act.

President Obama's plan provides the support and incentives needed to help the American can-do spirit of innovation and creativity to build the new clean technologies of the future.

Just as we led the world in developing the automobile and the computer, we will once again lead the world in developing new, cheaper, cleaner technologies to lead the world for the 21st century. In addition, we will provide lower-income Americans with a clean energy tax credit to assist

them in this transition to a prosperous new clean energy economy.

I have proposed we have a commission to make sure that Congress knows the impact on small businesses and low- and moderate-income folks of the climate change legislation that we are going to pass.

We are already feeling the effects around this country of a changing climate. We ignored the warnings of the experts of the risks for far too long. We have learned the dangers, and the costs are mounting to clean up the mess after the crisis has hit. We need to act as good stewards of the Earth. The American people are trusting us to act to protect our children and our grandchildren and to be stewards of the public trust. We need to remember that there will be tremendous unsustainable economic costs of dealing with the impacts of climate change once they have occurred because Mother Nature doesn't do bailouts.

So let me conclude by rejecting the charge of those who would defend the polluters and put our kids at risk. They are simply wrong. President Obama's clean energy plan is the opposite of a tax increase. It is regulating polluters to protect our country, protect our environment, create jobs, invest in American business, and save American families money via a direct tax credit and increased energy efficiency.

It is time to act. Congress will have the legislation before us. We will create a new economy for the 21st century. We will create jobs. We will protect this country.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, May 12, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 12, 2009, at 9:33 a.m.:

Appointments: United States-Russia Interparliamentary Group. Advisory Committee on the Records of Congress. Canada-United States Interparliamentary Group.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HIMES (at the request of Mr. HOYER) for today from 10 a.m. to 3:30 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

(The following Members (at the request of Mrs. LUMMIS) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 20.

Mr. JONES, for 5 minutes, May 20.

Mr. PAUL, for 5 minutes, May 14 and 15.

Mr. POSEY, for 5 minutes, today.

Mrs. LUMMIS, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today, May 14, 15, 18, 19 and 20.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. HODES, for 5 minutes, today.

ADJOURNMENT

Mr. HODES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, May 14, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter and second quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, PANAMA, COLOMBIA, AND BRAZIL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 11, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Steny Hoyer	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Roy Blunt	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Norman Dicks	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Lucille Roybal-Allard	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Elijah Cummings	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Gregory Meeks	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Debbie Wasserman Schultz	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Adrian Smith	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Gerald Connolly	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Aaron Schock	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Mariah Sixkiller	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Katie Grant	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Brian Diffell	4/3	4/5	Mexico		1,063.00		(³)				1,063.00
Hon. Steny Hoyer	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Roy Blunt	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Norman Dicks	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Lucille Roybal-Allard	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Elijah Cummings	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Gregory Meeks	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Debbie Wasserman Schultz	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Adrian Smith	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Gerald Connolly	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Aaron Schock	4/5	4/6	Panama		312.00		(³)				312.00
Mariah Sixkiller	4/5	4/6	Panama		312.00		(³)				312.00
Katie Grant	4/5	4/6	Panama		312.00		(³)				312.00
Brian Diffell	4/5	4/6	Panama		312.00		(³)				312.00
Hon. Steny Hoyer	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Roy Blunt	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Norman Dicks	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Lucille Roybal-Allard	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Elijah Cummings	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Gregory Meeks	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Debbie Wasserman Schultz	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Adrian Smith	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Gerald Connolly	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Aaron Schock	4/6	4/8	Colombia		625.00		(³)				625.00
Mariah Sixkiller	4/6	4/8	Colombia		625.00		(³)				625.00
Katie Grant	4/6	4/8	Colombia		625.00		(³)				625.00
Brian Diffell	4/6	4/8	Colombia		625.00		(³)				625.00
Hon. Steny Hoyer	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Hon. Norman Dicks	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Hon. Lucille Roybal-Allard	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Hon. Elijah Cummings	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Hon. Gregory Meeks	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Hon. Debbie Wasserman Schultz	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Hon. Adrian Smith	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Hon. Gerald Connolly	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Hon. Aaron Schock	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Mariah Sixkiller	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Katie Grant	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Brian Diffell	4/8	4/10	Brazil		1,232.00		(³)				1,232.00
Committee totals											40,784.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

May 13, 2009

CONGRESSIONAL RECORD—HOUSE, Vol. 155, Pt. 9

12429

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, INDIA, DUBAI AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 23, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. John Lewis	2/14	2/15	Turkey								417.00
Hon. Jim McDermott	2/14	2/15	Turkey								417.00
Hon. Loretta Sanchez	2/14	2/15	Turkey								417.00
Michael Collins	2/14	2/15	Turkey								417.00
Jamila Thompson	2/14	2/15	Turkey								417.00
Brenda Jones	2/14	2/15	Turkey								417.00
Michael Stanely	2/14	2/15	Turkey								417.00
Hon. Al Green	2/14	2/15	Turkey								417.00
Hon. Sheila Jackson-Lee	2/14	2/15	Turkey								417.00
Hon. Spencer Bachus	2/14	2/15	Turkey								417.00
Hon. John Lewis	2/15	2/17	India (New Delhi)								536.00
Hon. Jim McDermott	2/15	2/17	India (New Delhi)								536.00
Hon. Loretta Sanchez	2/15	2/17	India (New Delhi)								536.00
Michael Collins	2/15	2/17	India (New Delhi)								536.00
Jamila Thompson	2/15	2/17	India (New Delhi)								536.00
Brenda Jones	2/15	2/17	India (New Delhi)								536.00
Michael Stanely	2/15	2/17	India (New Delhi)								536.00
Hon. Al Green	2/15	2/17	India (New Delhi)								536.00
Hon. Sheila Jackson-Lee	2/15	2/17	India (New Delhi)								536.00
Hon. Spencer Bachus	2/15	2/17	India (New Delhi)								536.00
Hon. John Lewis	2/17	2/20	India (Mumbi)								565.00
Hon. Jim McDermott	2/17	2/20	India (Mumbi)								565.00
Hon. Loretta Sanchez	2/17	2/20	India (Mumbi)								565.00
Michael Collins	2/17	2/20	India (Mumbi)								565.00
Jamila Thompson	2/17	2/20	India (Mumbi)								565.00
Brenda Jones	2/17	2/20	India (Mumbi)								565.00
Michael Stanely	2/17	2/20	India (Mumbi)								565.00
Hon. Al Green	2/17	2/20	India (Mumbi)								565.00
Hon. Sheila Jackson-Lee	2/17	2/20	India (Mumbi)								565.00
Hon. Spencer Bachus	2/17	2/20	India (Mumbi)								565.00
Hon. John Lewis	2/20	2/21	Dubai								555.00
Hon. Jim McDermott	2/20	2/21	Dubai								555.00
Hon. Al Green	2/20	2/21	Dubai								555.00
Hon. Sheila Jackson-Lee	2/20	2/21	Dubai								555.00
Hon. Loretta Sanchez	2/20	2/21	Dubai								555.00
Michael Collins	2/20	2/21	Dubai								555.00
Jamila Thompson	2/20	2/21	Dubai								555.00
Brenda Jones	2/20	2/21	Dubai								555.00
Michael Stanely	2/20	2/21	Dubai								555.00
Hon. John Lewis	2/21	2/22	Italy								565.00
Hon. Jim McDermott	2/21	2/22	Italy								565.00
Hon. Loretta Sanchez	2/21	2/22	Italy								565.00
Michael Collins	2/21	2/22	Italy								565.00
Jamila Thompson	2/21	2/22	Italy								565.00
Brenda Jones	2/21	2/22	Italy								565.00
Michael Stanely	2/21	2/22	Italy								565.00
Committee total											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN LEWIS, Chairman, May 4, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Henry Cuellar	2/16	2/18	Mexico		600.00	(³)					600.00
	2/18	2/20	Nicaragua		412.00	(³)					412.00
	2/20	2/22	Jamaica		522.00	(³)					522.00
Hon. Mark Souder	2/16	2/18	Mexico		600.00	(³)					600.00
	2/18	2/20	Nicaragua		412.00	(³)					412.00
	2/20	2/22	Jamaica		522.00	(³)					522.00
Committee total					3,068.00						3,068.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. BENNIE G. THOMPSON, Chairman, May 1, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND APR. 30, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Rachel Leman	1/26	1/30	Kosovo		796.00		10,063.73				10,859.73
Rachel Leman	1/30	1/31	Austria		361.00						361.00
Rachel Leman	2/16	2/20	Peru		1,214.00		5,825.95				7,039.95
Hon. Virginia Foxx	2/16	2/18	Mexico		290.00						290.00
Hon. Virginia Foxx	2/18	2/20	Nicaragua		224.00						224.00
Hon. Virginia Foxx	2/20	2/22	Jamaica		402.00						402.00
Hon. Jared Polis	4/5	4/6	Kuwait		109.00		8,387.74				8,496.74
Hon. Jared Polis	4/6	4/7	Baghdad								
Hon. Jared Polis	4/7	4/8	Kuwait		109.00						109.00
Hon. Jared Polis	4/8	4/9	U.A.E.		137.00						137.00
Hon. Jared Polis	4/9	4/10	Afghanistan		28.00						28.00
Hon. Jared Polis	4/10	4/11	U.A.E.								
Committee total					3,670.00		24,277.42				27,947.42

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LOUISE MCINTOSH SLAUGHTER, Chairman, Apr. 30, 2009.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1778. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Morpholine 4-C6-12 Acyl Derivatives; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0105; FRL-8409-1] received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1779. A letter from the Acting Assistant Secretary Legislative Affairs, Department of the Treasury, transmitting a draft bill "To authorize an amendment to the Articles of Agreement of the International Bank for Reconstruction and Development increasing the basic votes of members"; to the Committee on Financial Services.

1780. A letter from the Interim Assistant Secretary Office of Financial Stability, Department of the Treasury, transmitting the Department's report entitled, "Sixth Tranche Report", pursuant to Section 105(b) of the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

1781. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Amendment of the Temporary Liquidity Guarantee Program To Extend the Debt Guarantee Program and To Impose Surcharges on Assessments for Certain Debt Issued on or After April 1, 2009 (RIN: 3064-AD37) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1782. A letter from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Assessments (RIN: 3064-AD35) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1783. A letter from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Assessments (RIN: 3064-AD35) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1784. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1785. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Iowa Municipal Solid Waste Landfill Permit Program [EPA-R07-RCRA-2008-0849; FRL-8899-7] received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1786. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting American Recovery and Reinvestment Act of 2009 (Recovery Act) Addendum to Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees [FRL-8899-1] received April 31, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

1787. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Transportation Conformity Requirement [EPA-R03-OAR-2008-0898; FRL-8898-4] received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1788. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R03-RCRA-2009-0916; FRL-8898-7] received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1789. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2009 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2008-0009; FRL-8899-5] (RIN: 2060-AO78) received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1790. A letter from the Acting Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Office's Annual Analysis of the Effectiveness of the National Youth Anti-Drug Media Campaign, pursuant to Public Law 109-469; to the Committee on Energy and Commerce.

1791. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Investigation of the Spectrum Requirements for Advanced Medical Technologies; Amendment of Parts 2 and 95 of the Commission's Rules to Establish the Medical Device Radiocommunication Service at 401-402 and 405-406 MHz; Dexcom, Inc., Request for Waiver of the Frequency Monitoring Requirements of the Medical Implant Communications Service Rules; Biotronik, Inc., Request for Waiver of the Frequency Monitoring Requirements of the Medical Implant Communications Service Rules, ET Docket No. 06-135. [[ET Docket Nos.: 06-135] [RM-11271] [ET Docket No.: 05-213] [ET Docket No.: 03-92]] received April 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1792. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed amendment to expand the sales territory associated with a manufacturing license agreement for the production of significant military equipment in Turkey (Transmittal No. DDTC 024-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1793. A letter from the Secretary, Department of Commerce, transmitting certification that for calendar year 2008, the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States were not significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on Chemicals; to the Committee on Foreign Affairs.

1794. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report on the results of the efforts of the United States and Republic of Korea governments to completely account

for defense articles the United States provided to the ROK from 1950 to the early 1980s under the Military Assistance Program (MAP), pursuant to Section 505 of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1795. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's weekly reports for the February 15, 2009 to April 15, 2009 reporting period on matters relating to post-liberation Iraq, pursuant to Public Law 107-243 and Public Law 105-338, section 7; to the Committee on Foreign Affairs.

1796. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report entitled, "Country Reports on Terrorism 2008", pursuant to 22 U.S.C. 2656f, section 140; to the Committee on Foreign Affairs.

1797. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 0812171612-81615-01] (RIN: 0648-XM21) received March 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1798. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Record-keeping and Reporting [Docket No.: 0812011537-9145-01] (RIN: 0648-AX45) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1799. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Opening Directed Fishing for Pacific Cod by Catcher Vessels Greater Than or Equal to 60 feet (18.3 m) Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands management area [Docket No.: 0810141351-9087-02] (RIN: 0648-XN54) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1800. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XN45) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1801. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No.: 071106673-8011-02] (RIN: 0648-XM68) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1802. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the

Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XN19) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1803. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has decided not to seek Supreme Court review of the interlocutory decision of the United States Court of Appeals for the Ninth Circuit in the case *Witt v. Department of the Air Force*, 527 F.3d 806; to the Committee on the Judiciary.

1804. A letter from the Assistant Secretary of State, Department of State, transmitting a report on the Secretary of State's decision to revoke the designation of an entity and its aliases as a "foreign terrorist organization" pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

1805. A letter from the Assistant Secretary of State, Department of State, transmitting a report on the Secretary of State's decision to designate an entity and its aliases as a "foreign terrorist organization", pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 434. Resolution providing for consideration of the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. (Rept. 111-107). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RYAN of Ohio (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. ALTMIRE, Mr. JONES, Mr. DEFAZIO, Mr. WILSON of Ohio, Mr. BURTON of Indiana, Mr. MICHAUD, Mr. SOUDER, Mr. SHULER, Mr. MCHUGH, Mr. COBLE, Mr. BARRETT of South Carolina, Mr. BOUCHER, Ms. SUTTON, Mr. PLATTS, Mr. ARCURI, Mr. HIGGINS, Mr. BOSWELL, Mr. CONYERS, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, Mr. LEE of New York, Mr. HOLT, Mr. WESTMORELAND, Mr. ROHRBACHER, Mr. SHUSTER, Mr. BRALEY of Iowa, Mr. WILSON of South Carolina, Mr. HOLDEN, Mr. OLVER, Mr. KAGEN, Mr. KILDEE, Mr. HARE, Mrs. MYRICK, Mr. VISCOSKY, Mr. MANZULLO, Mr. ROGERS of Michigan, and Mr. BROWN of South Carolina):

H.R. 2378. A bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 2379. A bill to amend title 38, United States Code, to provide certain veterans an

opportunity to increase the amount of Veterans' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mr. INGLIS (for himself, Mr. LIPINSKI, and Mr. FLAKE):

H.R. 2380. A bill to amend the Internal Revenue Code of 1986 to reduce Social Security payroll taxes and to reduce the reliance of the United States economy on carbon-based energy sources; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Ms. WOOLSEY):

H.R. 2381. A bill to direct the Secretary of Labor to issue an occupational safety and health standard to reduce injuries to patients, direct-care registered nurses, and all other health care workers by establishing a safe patient handling and injury prevention standard, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself, Mr. SHUSTER, Mr. BARROW, Mr. CARNEY, Mr. ELLISON, Mr. KAGEN, Ms. ZOE LOfGREN of California, and Mr. PLATTS):

H.R. 2382. A bill to amend the Truth in Lending Act to prohibit unfair practices in electronic payment system networks, and for other purposes; to the Committee on Financial Services.

By Mr. FLEMING:

H.R. 2383. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana; to the Committee on Natural Resources.

By Mr. FLEMING:

H.R. 2384. A bill to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, and for other purposes; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN (for herself, Ms. BORDALLO, Mr. FALOMAVEGA, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 2385. A bill to require the Secretary of Energy to assemble a team of technical, policy, and financial experts to address the energy needs of the insular areas of the United States and the Freely Associated States through the development of action plans aimed at reducing reliance on imported fossil fuels and increasing use of indigenous clean-energy resources, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SABLAN (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. FALOMAVEGA, and Mr. PIERLUISI):

H.R. 2386. A bill to amend the Energy Policy Act of 2005 to include American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands in certain efforts to reduce diesel emissions; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, Mr. BURTON of Indiana,

Mr. GALLEGLY, Mr. ROHRBACHER, Mr. MACK, and Mr. MCCAUL):

H.R. 2387. A bill to require the use of long-term strategies for United States national security, diplomacy, and foreign assistance and the full use of performance-based budgeting for foreign assistance programs, projects, and activities, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY:

H.R. 2388. A bill to assure that the services of a nonemergency department physician are available to hospital patients 24 hours a day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Energy and Commerce.

By Mr. HILL (for himself, Mr. SCHRAEDER, Mr. ELLSWORTH, Mr. DEFAZIO, and Mr. DONNELLY of Indiana):

H.R. 2389. A bill to require the Secretary of Defense to establish registries of members and former members of the Armed Forces exposed in the line of duty to occupational and environmental health chemical hazards, to amend title 38, United States Code, to provide health care to veterans exposed to such hazards, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself and Mr. SESSIONS):

H.R. 2390. A bill to provide for a Medicare prescription drug outreach demonstration program for individuals who are eligible for benefits under the Medicare Program and for medical assistance under Medicaid and who have mental disabilities; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 2391. A bill to amend the Internal Revenue Code of 1986 to increase the amounts available in the Highway Trust Fund; to the Committee on Ways and Means.

By Mr. ISSA:

H.R. 2392. A bill to improve the effectiveness of the Government's collection, analysis, and dissemination of business information by using modern interactive data technologies; to the Committee on Oversight and Government Reform.

By Mr. MCCARTHY of California (for himself, Mr. BOREN, Mr. CANTOR, Mr. DANIEL E. LUNGREN of California, Mr. HARPER, and Mr. TIAHRT):

H.R. 2393. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on House Administration.

By Mr. BACA:

H.R. 2394. A bill to establish the Family Foreclosure Rescue Corporation to provide emergency relief to refinance home mortgages of homeowners in foreclosure or default; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 2395. A bill to enable state and local promotion of natural gas, flexible fuel, and

high-efficiency motor vehicle fleets; to the Committee on Energy and Commerce.

By Mrs. HALVORSON:

H.R. 2396. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of the employer wage credit for employees who are active duty members of the Uniformed Services; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 2397. A bill to amend title III of the Americans with Disabilities Act of 1990 to require a plaintiff to provide a defendant with an opportunity to correct a violation of such title voluntarily before the plaintiff may commence a civil action, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 2398. A bill to amend the Internal Revenue Code of 1986 to waive recapture of the first-time homebuyer credit for a member of the Armed Forces who sells the residence for which the member receives the credit during the 36-month period after the purchase of the residence because the member is transferred to a new duty station, is deployed overseas, or is required to reside in Government quarters during such period; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2399. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 2400. A bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. ISRAEL):

H.R. 2401. A bill to increase public safety and reduce the threat to domestic security by including persons who may be prevented from boarding an aircraft in the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts (for himself and Mrs. DAVIS of California):

H.R. 2402. A bill to amend the Public Health Service Act to ensure fairness in the coverage of women in the individual health insurance market; to the Committee on Energy and Commerce.

By Mr. WAMP (for himself, Mr. JACKSON of Illinois, Mr. SESSIONS, Mr. LATTI, Mr. KLINE of Minnesota, Mr. FORBES, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. MILLER of Florida, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. BURGESS, Mr. CARTER, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. HINOJOSA, Mr. MCCAUL, Mr. POE of Texas, Mr. BURTON of Indiana, Mr. PENCE, Mr. KING of Iowa, Mr. SHUSTER, Mr. JONES, Mr. BROUN of Georgia, Mr. BARRETT of South Carolina, Mr. TIM MURPHY of Pennsylvania, Mr. CHAFFETZ, Mr. GOHMERT, Mr. AKIN, Mr. MORAN of Kansas, Mr. SCHOCK, Mr. MCGOVERN, Ms. WATSON, Ms. CLARKE, Mr. SCHIFF, Ms. LEE of California, Ms. MCCOLLUM, Mrs. LOWEY, Mr. HARE, Mr. BISHOP of

Georgia, Mr. BUTTERFIELD, Mr. KILDEE, Ms. FUDGE, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. CONYERS, Mr. JOHNSON of Georgia, Mr. PAYNE, Mr. CLYBURN, Ms. KAPTUR, Mr. KUCINICH, Mr. TOWNS, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. WATT, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Ms. JACKSON-LEE of Texas, Ms. EDWARDS of Maryland, Mr. CLAY, Ms. KILPATRICK of Michigan, Mr. ELLISON, Ms. WATERS, Mr. MEEK of Florida, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARSON of Indiana, and Mr. CLEAVER):

H. Con. Res. 125. Concurrent resolution directing the Architect of the Capitol to design and place an educational display in the Capitol Visitor Center to explain the significance of the naming of Emancipation Hall; to the Committee on House Administration.

By Ms. WATSON (for herself, Mr. HARE, Ms. RICHARDSON, Ms. EDWARDS of Maryland, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Ms. DEGETTE, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. BUTTERFIELD, Mr. GUTIERREZ, Mr. CLAY, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. WATT, Ms. MOORE of Wisconsin, Ms. MCCOLLUM, Ms. WATERS, Mr. CONYERS, Mr. WAXMAN, Mr. RUSH, and Ms. WOOLSEY):

H. Con. Res. 126. Concurrent resolution recognizing the 50th anniversary of Title VI international education programs within the Department of Education; to the Committee on Education and Labor, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself and Mr. MCHUGH):

H. Res. 432. A resolution providing for passage of the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense, and for other purposes; considered and agreed to.

By Mr. NADLER of New York (for himself, Ms. BALDWIN, Mr. FRANK of Massachusetts, and Mr. POLIS):

H. Res. 433. A resolution recognizing the 40th anniversary of Stonewall; to the Committee on the Judiciary.

By Mr. HONDA (for himself, Ms. JACKSON-LEE of Texas, Ms. CLARKE, Ms. WATSON, Ms. HIRONO, Mr. ROTHMAN of New Jersey, Mr. ARCURI, Ms. BALDWIN, Mr. FOSTER, Mr. COOPER, Ms. BORDALLO, Mr. SABLAN, Mr. CAO, Mr. FALEOMAVAEGA, Mr. AL GREEN of Texas, Mr. OLVER, Ms. CASTOR of Florida, Mr. PALLONE, Mrs. CAPPS, Mr. SCOTT of Virginia, Mr. NADLER of New York, Ms. TSONGAS, Ms. KAPTUR, Mr. CONNOLLY of Virginia, Mr. BUTTERFIELD, Mr. DAVIS of Tennessee, Ms. KOSMAS, Mr. SPRATT, Mr. FARR, Ms. ROYBAL-ALLARD, Mr. ABERCROMBIE, Mr. LEVIN, Mrs. NAPOLITANO, Mr. REYES, Mr. GRIJALVA, Ms. LORETTA SANCHEZ of California, Mr. ORTIZ, Mr. KAGEN, Mr. VAN HOLLEN, Mr. TAYLOR, Mr. KIND, Mr. HILL, Mr. MOORE of Kansas, Mr. LUJAN, Mr. SIRES, Mr. BACA, Mr.

RUSH, Mr. HIGGINS, Mr. WALZ, Mr. DOGGETT, Mr. TONKO, Mr. COSTA, Mr. TANNER, Mrs. MALONEY, and Ms. RICHARDSON):

H. Res. 435. A resolution celebrating Asian Pacific American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. POLIS:

H. Res. 436. A resolution mourning the loss of Bea Arthur, celebrating her life and work, and honoring her many contributions to equality and social justice for all Americans; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

44. The SPEAKER presented a memorial of the State House of Missouri, relative to Resolution No. 09-03 In Support of Missouri House Concurrent Resolution 13 Relating to State Sovereignty; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. MORAN of Virginia.
H.R. 22: Ms. BORDALLO.
H.R. 52: Ms. JACKSON-LEE of Texas, Mr. KLEIN of Florida, and Mr. ACKERMAN.
H.R. 104: Ms. DELAULO.
H.R. 179: Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BUTTERFIELD, Mr. CLAY, Mr. ENGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. PASTOR of Arizona, Ms. RICHARDSON, Mr. THOMPSON of Mississippi, Mr. WATT, Mr. ISRAEL, Mr. SABLAN, and Mr. PAYNE.
H.R. 197: Mr. CAMP, Mr. DAVIS of Kentucky, and Mr. PETRI.
H.R. 209: Mr. HOLT, Mr. RYAN of Ohio, and Mr. CARNAHAN.
H.R. 218: Mr. LEWIS of Georgia.
H.R. 235: Mr. CLAY.
H.R. 294: Mr. MARCHANT.
H.R. 303: Ms. JENKINS.
H.R. 314: Ms. GIFFORDS.
H.R. 347: Mr. BACHUS.
H.R. 391: Mr. CANTOR.
H.R. 439: Mr. WOLF.
H.R. 456: Mr. BISHOP of Utah.
H.R. 503: Mr. ROGERS of Michigan and Mr. REICHERT.
H.R. 510: Mr. DEAL of Georgia, Mr. MANZULLO, Mr. NEAL of Massachusetts, Mr. DAVIS of Kentucky, and Mr. PLATTS.
H.R. 520: Mr. SCHIFF.
H.R. 528: Mr. POSEY.
H.R. 556: Mr. BERMAN and Mr. WAXMAN.
H.R. 564: Mr. BERMAN.
H.R. 621: Mr. MOORE of Kansas and Mr. PASTOR of Arizona.
H.R. 678: Mr. POSEY.
H.R. 690: Mr. POSEY.
H.R. 739: Mr. MOORE of Kansas and Ms. EDWARDS of Maryland.
H.R. 745: Mr. LEWIS of Georgia, Mr. BACHUS, and Mr. CAPUANO.
H.R. 816: Ms. BALDWIN, Mr. STUPAK, and Ms. ROS-LEHTINEN.
H.R. 848: Mr. CROWLEY and Ms. WATSON.
H.R. 874: Mr. DRIEHAUS.
H.R. 916: Mr. UPTON.
H.R. 927: Mr. ALEXANDER and Mr. FILNER.
H.R. 934: Mr. YOUNG of Alaska.

H.R. 946: Mr. WATT.
H.R. 949: Mr. KAGEN.
H.R. 953: Mr. MARCHANT.
H.R. 980: Mr. CROWLEY.
H.R. 983: Mr. PAULSEN.
H.R. 1016: Mr. MEEK of Florida and Mr. GONZALEZ.
H.R. 1021: Mr. BRALEY of Iowa, Mr. CARSON of Indiana, and Mr. PUTNAM.
H.R. 1030: Mr. JONES.
H.R. 1064: Mrs. DAVIS of California, Mr. SIREs, Mr. RODRIGUEZ, Mr. PASTOR of Arizona, and Ms. SCHWARTZ.
H.R. 1066: Mr. TONKO, Mr. LYNCH, and Mr. CLAY.
H.R. 1074: Mr. OLSON and Mr. DAVIS of Kentucky.
H.R. 1147: Mr. FILNER, Ms. CLARKE, Mr. McDERMOTT, Mr. HONDA, and Ms. SCHAKOWSKY.
H.R. 1179: Mrs. LOWEY.
H.R. 1204: Mr. ETHERIDGE, Mr. EDWARDS of Texas, and Mr. LUCAS.
H.R. 1205: Mr. LEWIS of Georgia, Mr. LAMBORN, Mr. CARNAHAN, Mr. KLINE of Minnesota, Mr. SOUDER, and Mr. BISHOP of New York.
H.R. 1207: Mr. ROGERS of Alabama, Mr. MINNICK, Mr. BOUSTANY, Mr. TURNER, Mr. HUNTER, and Mr. PERRIELLO.
H.R. 1209: Ms. KILPATRICK of Michigan and Mr. BALDWIN.
H.R. 1210: Mr. PRICE of North Carolina and Mr. BONNER.
H.R. 1240: Ms. EDWARDS of Maryland.
H.R. 1283: Mr. PETERS.
H.R. 1289: Mr. KENNEDY.
H.R. 1310: Mr. FATTAH.
H.R. 1321: Mrs. CHRISTENSEN.
H.R. 1326: Mr. HASTINGS of Florida and Mr. PETERS.
H.R. 1327: Mr. WEINER, Mr. VAN HOLLEN, Mr. ISRAEL, and Mr. BRALEY of Iowa.
H.R. 1378: Mr. GORDON of Tennessee and Mr. CARNAHAN.
H.R. 1392: Mr. BRALEY of Iowa, Mr. BISHOP of New York, Mr. TIM MURPHY of Pennsylvania, and Mr. RUSH.
H.R. 1398: Mr. TIM MURPHY of Pennsylvania.
H.R. 1410: Mr. CAPUANO and Mr. PASTOR of Arizona.
H.R. 1425: Mr. ACKERMAN and Ms. HIRONO.
H.R. 1441: Mr. MCGOVERN.
H.R. 1466: Mr. FILNER.
H.R. 1479: Mr. FILNER, Ms. TSONGAS, Mr. KUCINICH, Mr. DAVIS of Illinois, and Mr. DAVIS of Alabama.
H.R. 1531: Mr. KIND.
H.R. 1547: Mr. POSEY.
H.R. 1548: Mr. EDWARDS of Texas.
H.R. 1584: Mr. BOYD.
H.R. 1585: Ms. SHEA-PORTER, Mr. BOUCHER, Mr. BISHOP of New York, and Mr. HIMES.
H.R. 1670: Mr. JOHNSON of Georgia and Mr. BISHOP of New York.
H.R. 1708: Mr. COURTNEY, Mr. GONZALEZ, Mr. CARNAHAN, and Mr. KLINE of Minnesota.
H.R. 1712: Mr. AKIN, Mr. COLE, Mr. BROUN of Georgia, Mr. HENSARLING, Mr. BARTLETT, Mr. McCLINTOCK, and Ms. FALLIN.
H.R. 1727: Mr. COBLE.
H.R. 1744: Mr. DICKS, Mrs. McMORRIS RODGERS, and Mr. BOREN.
H.R. 1751: Mr. HONDA.
H.R. 1803: Mr. SCHOCK and Mr. HIMES.
H.R. 1816: Mr. McHUGH.
H.R. 1818: Mr. MARCHANT.
H.R. 1826: Mr. SMITH of Washington.
H.R. 1845: Mr. SIMPSON.
H.R. 1867: Mr. CUELLAR, Ms. GIFFORDS, Ms. TITUS, Mr. TEAGUE, Mrs. LOWEY, and Mr. TONKO.
H.R. 1872: Mr. KIND.

H.R. 1878: Mr. McCOTTER.
H.R. 1881: Mr. KUCINICH, Mr. MAFFEI, Mr. DELAHUNT, Mr. CONYERS, Ms. SUTTON, Mr. ROTHMAN of New Jersey, Mr. HOLT, Mr. BISHOP of New York, Mr. HIGGINS, Mr. RANGEL, Ms. VELÁZQUEZ, Ms. KAPTUR, Mr. MORAN of Virginia, Mr. KENNEDY, Mrs. CAPPS, Mr. YARMUTH, and Ms. GIFFORDS.
H.R. 1928: Mr. WELCH.
H.R. 1930: Mr. BURGESS.
H.R. 1941: Mrs. KIRKPATRICK of Arizona.
H.R. 1972: Mr. JONES.
H.R. 1977: Mr. STUPAK.
H.R. 1982: Mr. MITCHELL, Mr. BISHOP of New York, and Ms. ROS-LEHTINEN.
H.R. 1992: Mr. SCHIFF.
H.R. 1993: Mr. BACA, Mr. COHEN, and Mr. WALZ.
H.R. 2006: Mr. KENNEDY, Mr. CHANDLER, Mr. GENE GREEN of Texas, Mr. PAYNE, Mr. HONDA, and Mr. McHUGH.
H.R. 2017: Mr. BARTLETT and Mr. BISHOP of Utah.
H.R. 2063: Mr. LAMBORN.
H.R. 2076: Mr. McDERMOTT.
H.R. 2103: Mr. CONYERS, Mr. RANGEL, Mr. GORDON of Tennessee, Ms. EDWARDS of Maryland, Mrs. NAPOLITANO, Ms. NORTON, Mr. MARSHALL, Ms. WOOLSEY, and Ms. VELÁZQUEZ.
H.R. 2106: Mr. WILSON of South Carolina and Mr. DENT.
H.R. 2123: Mr. GORDON of Tennessee, Mr. ARCURI, Mr. WOLF, and Mr. FORTENBERRY.
H.R. 2141: Mr. SESTAK and Mr. GUTIERREZ.
H.R. 2144: Mr. SAM JOHNSON of Texas.
H.R. 2177: Mr. POLIS.
H.R. 2194: Mr. SIREs, Mr. ADLER of New Jersey, Mr. UPTON, Mr. LANCE, Mr. LATTI, Ms. GIFFORDS, Mr. RUSH, Mr. CONNOLLY of Virginia, Mr. ADERHOLT, Mr. DEFazio, Mr. HARE, and Mr. SMITH of Nebraska.
H.R. 2201: Mr. LOESBACH.
H.R. 2205: Mr. ABERCROMBIE.
H.R. 2213: Mr. WELCH.
H.R. 2243: Mr. RODRIGUEZ.
H.R. 2246: Ms. MCCOLLUM.
H.R. 2254: Mr. RODRIGUEZ, Mr. KILDEE, Mr. HINCHEY, Mr. McMAHON, Mr. COURTNEY, Mr. MCGOVERN, Ms. PINGREE of Maine, and Mr. BRALEY of Iowa.
H.R. 2273: Mr. HOLDEN.
H.R. 2287: Mr. LAMBORN, Mrs. MYRICK, Mr. BILBRAY, Mr. ROGERS of Kentucky, Mr. McHUGH, and Mr. HELLER.
H.R. 2294: Mr. GINGREY of Georgia, Mr. SULLIVAN, Mr. BROUN of Georgia, Mr. BISHOP of Utah, Mr. BOUSTANY, Mr. ROSKAM, Mr. ROGERS of Kentucky, Mr. PAULSEN, Mr. MORAN of Kansas, Mr. LATHAM, Mr. WAMP, Mr. GALLEGLY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CONAWAY, Mr. LAMBORN, Mr. MARIO DIAZ-BALART of Florida, Mr. LUCAS, Mr. TERRY, Mr. YOUNG of Alaska, Mr. ISSA, Mr. WILSON of South Carolina, Mr. GOODLATTE, Mr. DEAL of Georgia, Mr. SENSENBRENNER, Mr. DENT, Mr. BURGESS, Mr. LATTI, Mr. LOBIONDO, Mr. FRANKS of Arizona, Mr. SCALISE, Mr. COBLE, and Mr. PUTNAM.
H.R. 2296: Mr. BONNER, Mr. HENSARLING, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. GINGREY of Georgia, Mrs. BLACKBURN, Mr. MACK, and Mr. CAMP.
H.R. 2312: Mr. BOUSTANY.
H.R. 2321: Mr. LATTI and Mr. CONAWAY.
H.R. 2329: Mr. MINNICK, Mr. WU, Mr. MCGOVERN, Mr. WALZ, Mr. MICHAUD, and Mr. KIND.
H.R. 2345: Mr. ANDREWS, Mr. SIREs, and Mr. LANCE.
H.R. 2360: Mr. CARNEY, Mr. CHILDERS, Ms. MARKEY of Colorado, Mr. TIM MURPHY of Pennsylvania, and Mr. LATOURETTE.

H.R. 2364: Mr. LARSEN of Washington.
H.R. 2365: Mr. KANJORSKI and Ms. SCHAKOWSKY.
H.R. 2368: Ms. MATSUI and Mr. SCHIFF.
H.R. 2371: Mr. FALLONE.
H.R. 2375: Mr. ROYCE.
H. Con. Res. 18: Mr. POSEY, Mr. SHIMKUS, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. LAMBORN, Mr. PITTS, Mr. LUCAS, Mr. FLEMING, Mr. SHADEGG, Mr. POE of Texas, Mr. KLINE of Minnesota, Mr. LEE of New York, Ms. FOX, and Mr. ANDREWS.
H. Con. Res. 105: Mr. ABERCROMBIE, Mr. MITCHELL, and Mr. BILIRAKIS.
H. Con. Res. 108: Mr. VAN HOLLEN and Mrs. DAVIS of California.
H. Con. Res. 124: Mr. GALLEGLY.
H. Res. 111: Mr. WILSON of South Carolina and Mr. RANGEL.
H. Res. 130: Mr. SIREs.
H. Res. 232: Mr. BROWN of South Carolina and Mr. OLSON.
H. Res. 317: Mr. LUETKEMEYER.
H. Res. 327: Mr. SERRANO.
H. Res. 333: Mr. CARSON of Indiana.
H. Res. 347: Mr. CARDOZA and Mr. NYE.
H. Res. 374: Mr. AL GREEN of Texas, Mr. FLEMING, Mr. COSTELLO, and Mr. MORAN of Kansas.
H. Res. 377: Mr. DAVIS of Alabama.
H. Res. 390: Mr. BACHUS and Mr. COBLE.
H. Res. 397: Mr. McHENRY and Mr. ROGERS of Kentucky.
H. Res. 404: Mr. BACHUS.
H. Res. 407: Mr. TERRY, Mr. HINOJOSA, Mr. RUSH, Mr. MASSA, Mr. RYAN of Ohio, Mr. COHEN, Mr. MEEK of Florida, Mr. FARR, and Mrs. NAPOLITANO.
H. Res. 411: Mr. EHLERS.
H. Res. 416: Mr. BRADY of Pennsylvania.
H. Res. 428: Mr. YARMUTH, Mr. CUMMINGS, Mr. HUNTER, Mr. LAMBORN, Mr. ROGERS of Michigan, Mr. COBLE, Mr. COLE, Mr. BRADY of Texas, Mr. JONES, Mr. WAMP, Mr. HASTINGS of Florida, Mr. LUCAS, Mr. LANGEVIN, Ms. FALLIN, Mr. HEINRICH, Mr. CLYBURN, Mr. RODRIGUEZ, Mr. BUTTERFIELD, Mr. ROSS, Mr. TAYLOR, and Mr. GERLACH.
H. Res. 430: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, and Ms. BORDALLO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Mr. SARBANES.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

34. The SPEAKER presented a petition of the Chicago City Council, relative to a resolution urging the United States Congress to include in the American Recovery and Reinvestment Act of 2009 provisions that will allow state and local grant recipients to follow state and local procurement practices rather than federally required laws and rules for grant recipients, including without limitation the using of M/WBES rather than DBEs; to the Committee on Oversight and Government Reform.

35. Also, a petition of the Community Board No. 1 of New York, NY, relative to a resolution supporting the 9/11 Health and Compensation Act of 2009 (H.R. 847), which would provide necessary services to those directly affected by the terrorist attack in New York on September 11, 2001, including those who lived, worked, volunteered and attended school in Lower Manhattan; jointly to the Committees on Energy and Commerce and the Judiciary.

EXTENSIONS OF REMARKS

IN HONOR OF LAWRENCE M. SULLIVAN, SR. PUBLIC DEFENDER OF THE STATE OF DELAWARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to celebrate and pay tribute to the almost 40 year career of Lawrence M. Sullivan, Sr., as the premier Public Defender of the State of Delaware. Larry's vision and immense belief in providing superb legal services to defendants who could otherwise not afford representation helped develop a Public Defenders Office that is the envy of states throughout our country.

Over the past 45 years, Larry has probably served in more capacities and for more Governors than any other Delawarean in the history of our state. While serving predominately on Gubernatorial commissions focused on issues dealing with corrections, courts, drugs, and other issues related to the legal profession, Larry also served as the Register of Wills for New Castle County, as a Mortgage Commissioner for New Castle County, a college professor of business and real estate law, and as a member of the Delaware Trial Lawyers Association, Delaware Bar Association and the American Bar Association.

Larry has been recognized over the years for many achievements, including: Delaware's Outstanding Young Republican of the Year, Wilmington's Young Man of the Year, National Vice-Chairman of the Young Republican National Federation, President of the Active Young Republicans of Wilmington, recipient of the 2003 James P. Ford Award from the Criminal Justice Council of Delaware, 2005 Vision Award from the International Association of Forensic Nurses, 2006 Dorsey Award from the American Bar Association's Government and Public Sector Lawyers' Division, and the 2006 Reginald Heber Smith Award from the National Legal Aid & Defender Association. The awards Larry has received over the years are incapable of recognizing the extraordinary vision and leadership he provided to our state for his entire career.

While Larry may be stepping down as Delaware's Public Defender, we will all remember the indelible print he left on the judicial system and those individuals unable to afford private counsel. I express my heartfelt thanks to Larry for his many years of service, and most of all I thank him for being the individual who actually introduced me to the Republican Party and got me involved in public service. He is a very special friend of mine whose foresight helped many Delawareans.

A TRIBUTE TO RUTH SILBER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ruth Silber, a dedicated public servant for 26 years.

Ruth Silber is a volunteer at Public School 273 in New York City. She was born in Brooklyn, New York and has lived in Brooklyn for eighty-three years.

Mrs. Silber has worked diligently for the Teamster's Union for the 26 years prior to her retirement, and death of her husband, Mr. Silber. Following her retirement, Mrs. Silber volunteered with P.S. 273 to assist in the library.

Mrs. Silber considers volunteering in school the "love of her life", along with her children and grand-children, and brings a constant youthful insightfulness to her volunteer work.

Madam Speaker, Please join me in recognizing Ruth Silber for her time and dedication to public service.

MOREEN BLUM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my good friend, Moreen Blum, who was recently honored by the Sherman Oaks Democratic Club for her outstanding contributions to democratic politics in the San Fernando Valley. I have known Moreen for over two decades and have had the pleasure of working with her on many important issues in our community.

A long time volunteer in local politics, Moreen was born in Cleveland, Ohio. She joined the Navy when she was twenty years old and was a member of the Waves until 1952. Shortly after moving to Los Angeles in 1959, she formed the West Hollywood Democratic Club and was a Golden Girl at the John F. Kennedy nominating convention. Currently, she is President Emeritus of the Sherman Oaks Democratic Club, and is very active as the president and founder of the Summerville Democratic Club. Her noteworthy achievements were recognized by the Democratic Party of the San Fernando Valley, as she was presented with the Dorothy Mayer Award. She serves as a worthy example to all political activists.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Moreen Blum for her impressive career and dedication to the people of the San Fernando Valley.

HONORING THE HEROISM OF CHRIS LEVI

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. KING of New York. Madam Speaker, poet and Capitol Tour Guide Albert C. Caswell has penned a poem in honor of Sp. E4 Chris Levi of The North Brigade 410/230 10th Mountain, from Holbrook Long Island. On March 17th 2008, in Sadr City Iraq, Chris lost both of his legs when an EFP struck him. Miraculously, he somehow cheated death. And now like all of our magnificent heroes of the military, who have given their most precious limbs, Chris begins his new fight. A fight that he is winning, winning with his great heart of faith and courage. As like Bob Dole, he too will be an inspiration to us all, for the rest of his life, as we witness the true meaning of the word Hero, all in our time.

10TH MOUNTAIN MEN

10th Mountain Men . . .
Are but those my friends, who will this our nation so defend . . .
Who but in times of war, all for country bore . . . the greatest of all burdens, until the bitter end.
Brilliant Men, who run and fight . . .
Who climb mountains, knock down doors . . . and go through walls to win that night . . .
Who with but their brave hearts so ignite, the fight for freedom to so bring the light!
For well over the many years . . .
There have been so many magnificent heroes, so dear!
Men like Chris Levi, and Bob Dole . . . who are but our Lord's greatest of all men endeared . . .
Are such Men to behold, who with but their fine hearts of gold . . .
With such great inspiration inspire us all so . . . to so warm one's soul . . .
To carry with us as we grow old, in heart's of love so . . . such honor, for them we now so hold!
A New York Man . . . who so boldly in Long Island ran . . .
Who from Suffolk, without fear . . . with such great courage would so stand . . .
So stand, therein face of death . . . and then to return back home with almost nothing left . . .
Who gave up but his two fine strong legs . . .
As he won't moan, and he won't beg . . . As he starts his brilliant life all over again . . .
With but his fine heart and soul, showing us all in life . . . But where lies mankind's true gold.
As step by step . . .
The new pain and heartache, somehow he so accepts . . . as this hero is not done yet!
For He Will Reach Us, as He Will So Teach Us . . . as oh yes, as each of us . . . he Will So Bless . . .

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

But, with his fine heart of honor so . . .
 He now so stands, with all of his band of
 brothers . . . such great respect he now
 so commands!
 All of our hearts and souls, as he battles
 through those winds so cold . . . mak-
 ing us all so understand.
 That in the end, it's but only with our heart
 we win!
 Arms and legs surely we all need, but with-
 out a great heart . . . one cannot so
 breath . . . to succeed!
 To start all over again . . . Chris, you are
 America's fine son of faith and glory,
 bless you . . . Godspeed . . .
 In life, there are so many Mountains we
 must climb!
 But, only with such unshaken faith and cour-
 age, will one so find . . .
 All of those fine things, that which so bring
 such tears to even the Angels' eyes . . .
 In Chris Levi . . .
 We so surely see, what the word hero so im-
 plies!
 And if I ever have a son, I but hope and pray.
 . . . That he will be like you this fine
 one . . . Chris Levi . . .

IN HONOR OF PRESIDENT MA'S
 FIRST ANNIVERSARY IN OFFICE
 AS PRESIDENT OF TAIWAN

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. MARCHANT. Madam Speaker, Mr. Ma Ying-jeou was inaugurated as President of Republic of China (Taiwan) on May 20, 2008. During the last twelve months there has been a considerable reduction of tension across the Taiwan Strait and there have been productive talks between the two sides on issues such as direct airline flights, an economic accord protecting investments, more tourist visits by mainlanders to Taiwan.

President Ma has also been working closely with the U.S. government. The mutual relationship between our two countries is strong. We hope that the relations will grow even stronger in all areas, including trade, science and technology, educational exchange, military sales and Taiwan's participation in international agencies.

It is heartening to learn that Taiwan has been invited to attend this year's World Health Assembly (WHA) in Geneva, Switzerland from May 19 to May 27 as an observer. This is a breakthrough for the Taiwanese government; it is Taiwan's first participation in a formal U.N. activity since 1971, when the world body switched its recognition to mainland China.

In celebrating President Ma's first anniversary in office, I join my Congressional colleagues in hoping that Taiwan's participation in the WHA this May will lead to Taiwan's future successes in returning to other international organizations.

INTRODUCTION OF THE VETERANS GROUP LIFE INSURANCE IM- PROVED ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. BUYER. Madam Speaker, today I am introducing the Veterans' Group Life Insurance Improvement Act of 2009 which increases the amount of life insurance available to veterans. Veterans Group Life Insurance (VGLI) is administered by the Department of Veterans Affairs. The purpose of this program is to give veterans the option to convert their Servicemembers Group Life Insurance (SGLI) coverage that they carry when they are in service to a competitive life insurance product for them and their family in post-military life.

Under current law, veterans have up to one year to convert the amount of SGLI coverage they carry to VGLI. Many separating servicemembers are young and don't see the need to carry a large amount of life insurance coverage. However, as they get older and have a family, many of these servicemembers have expressed a desire to purchase additional coverage but are barred from doing so under current law.

The Veterans' Group Life Insurance Improvement Act of 2009 allows veterans to purchase up to \$400,000 of VGLI coverage in \$50,000 increments, every five years, until the age of 60. The costs of such increases in coverage will be offset by premiums veterans pay, so there is no direct cost to the government. This bill gives our veterans greater flexibility in their life insurance choices and I urge all members to co-sponsor and support this legislation.

A TRIBUTE TO CONSTANCE V. HAY-ALLEYNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Constance V. Hay-Alleyne.

Constance has lived life as a goal oriented and knowledgeable Registered Nurse with ambitious and humanitarian social motivations. Constance is well known in the Panamanian and Caribbean communities. Her delightful intellectual curiosity has served her professional growth well. She holds a BSN and MSN degrees from Medgar Evers College in Brooklyn, New York and Georgetown University, in Washington, D.C., respectively. She has distinguished herself as a competent Nurse Manager and Administrator for over three decades, in the Brooklyn, Manhattan, and Washington D.C. areas. In 1981, she joined the United States Army Nurses Corps, served as a Captain, active duty and in reserve.

At home, Constance has raised her four children to love and respect everyone especially their elders. She encouraged them to have positive outlooks in life and motivation to do "as much as they can" with care and dig-

nity. It could not be otherwise since this has been an inheritance from her parents: John who died at the age of 114 and Imogene, at age 82. Faithful to that motto, she has been involved in many other activities such as a mediator at the Safe Horizon Brooklyn Mediation Center, as a Board Member of the Community Board 5 and as the Chair for Education and Training for Tashia's Life, a lupus foundation.

She was miraculously rescued from the September 11, 2001 disaster at World Trade Center. This encounter made her redefine her mission on earth, realizing that God had saved her life for some special purpose. She serves the Lord at St. Alban's Episcopal Church in Canarsie, Brooklyn, where she functions as a Lay Ecumenical Minister, as well as a Vestry.

Throughout her career, Mrs. Hay-Alleyne has received numerous awards and recognitions including: being featured in "Who's Who?" in Nursing in Cambridge.

RECOGNIZING ZUNI ELEMENTARY'S 20TH ANNIVERSARY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the 20th anniversary of Zuni Elementary School in Scottsdale, Arizona. Zuni, first opened its doors to students in the fall of 1989. This fall, Zuni will merge with another nearby school to become Redbird Elementary.

In its two decade existence, Zuni earned many awards of distinction, most notably the Honor Council Excellence Award from the American Student Council Association and the National Association of Elementary School Principals. Zuni earned this award every year since 1993, a remarkable accomplishment. Since 2005, Zuni has received the Arizona Department of Education's highest ranking of "Excelling School."

In addition to its educational successes, Zuni's philanthropic efforts have been an inspiration to our community. Over the past 12 years, Zuni Elementary raised over \$106,000 as part of the Jump Rope for Heart campaign that supports heart disease and stroke research by the American Heart Association.

As a former teacher, I personally understand the importance of building a strong educational foundation during elementary school. I would like to congratulate the Zuni Coyotes—teachers, students, and parents—on this exceptional milestone.

Madam Speaker, please join me in recognizing Zuni Elementary on its 20 outstanding years of educational excellence and dedication to scholastic achievement.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, May 12, 2009, I was

unable to cast my votes on the Motion to Table the Flake Question of Privilege, H. Res. 413 and H. Res. 378 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 243, on the Motion to Table Representative FLAKE's Question of Privilege, I would have voted "nay."

Had I been present for rollcall No. 244, on suspending the Rules and passing H. Res. 413, Supporting the goals and ideals of "IEEE Engineering the Future" Day on May 13, 2009, I would have voted "yea."

Had I been present for rollcall No. 245, on suspending the Rules and passing H. Res. 378, Recognizing the 30th anniversary of the election of Margaret Thatcher as the first female Prime Minister of Great Britain, I would have voted "yea."

TRIBUTE TO ANDREA F. BROOKS

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor the life of Andrea E. Brooks of Indianapolis, Indiana. She passed away on April 25, 2009 at the age of 65. Andrea was a great leader and an inspiration to us all.

As a government servant, Andrea dedicated her career to working with the Department of Veterans Affairs and as a labor activist to the American Federation of Government Employees (AFGE). Her perseverance stemmed from the belief that unions play a necessary role in the fight for fairness and equal justice in the workplace.

Over the course of 30 years, Andrea had led a brilliant career. She served as the National Vice President of Women's and Fair Practices Department at the AFGE. Before that Andrea was Chief Steward, then Vice President, Secretary-Treasurer, Executive Vice President and then President for ten years of the AFGE Local 490 at the Veterans Affairs Regional Office in Los Angeles, California.

Andrea left behind a legacy of being a visionary activist. Her hope for the union was for it to be a leader for civil rights activism, protecting the rights and freedom of women, minorities and the disabled. Andrea's many accomplishments will continue to motivate everyone who was touched by her work. I extend my deepest condolences to her friends and family as they mourn her passing. My thoughts and prayers are with them all during this difficult time.

Madam Speaker and esteemed colleagues, I urge you to join me in paying tribute to Andrea E. Brooks for her distinguished service to our Nation's workforce.

HONORING MARK HAWKINS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. KILDEE. Madam Speaker, I rise today to honor Mark Hawkins as he retires from the

General Motors Truck Assembly plant after 37 years of service. Mark was the Shop Chairman of UAW Local 598 for the past 20 years and a member of the UAW Local 598 bargaining committee for the past 31 years. A celebration will be held on May 15 to recognize his achievements and life.

A graduate of Beecher High School, Mark has worked tirelessly to advocate on behalf of the employees of General Motors. His skill as a negotiator has earned him the respect of GM Management, UAW Local 598 membership and the UAW international leadership. The National Bargaining Committee elected him to chair the National Negotiations in 1993, 1996 and 2003. Mark negotiated a Living Agreement between UAW Local 598 and GM Flint Assembly in 1997. This unprecedented agreement secured new work for the plant and a \$500 million investment from the company. He was elected without opposition in his 7th bid for Local 598 chairman. Earlier this year he negotiated a new Local Living Agreement that is serving as the role model for other plants in the United States.

Over the years, Mark has gained a reputation for helping those less fortunate. Starting in 1994, UAW Local 598 membership has donated over \$1 million to feed and clothe needy children. Mark has organized the building of 8 playgrounds at local elementary schools and parks. Responding to the tragedy of September 11, he spearheaded the drive to build two trucks with donated labor and GM components for the New York Fire Department. Across the Nation the UAW and General Motors followed his example and a total of 60 trucks were given to the Fire Department.

The community has recognized his contributions and Mark has received the following awards: 2000 Walter Reuther Award, 2000 Liberty Bell Award, 2001 American Red Cross Hero Award, 2002 Martin Luther King Award, and in 2003 he received the Michigan Parks and Recreation Committee Award.

Mark and his wife, Shelley, have been married for 19 years and have 3 children Joseph, Brandi, and Richard and four grandchildren Brooklyn, Olivia, Chace, and Emma.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the life of Mark Hawkins. He has been diligent in fighting for the rights of the UAW membership. Gifted with vision, tenacity, and mediation he has brought a deep comprehension of both sides of a problem to the negotiating table. Deeply engaged in the struggle to bring dignity to the workplace, Mark Hawkins has been a true friend to workers everywhere. I consider him a friend and have valued his insight and wisdom over the future of the U.S. auto industry. I am a better Congressman for having known Mark and I wish him the best as he starts this new phase of his life.

REVEREND CHARLES E. SMITH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. BURGESS. Madam Speaker, I have the honor of welcoming and recognizing Reverend

Charles E. Smith, who just gave the opening prayer before Congress this 13th day of May, 2009. Reverend Smith is the Pastor at Berea Baptist Church in Forest Hill, Texas. He is joined today by his wife Gloria, his children, and several members of his family and church congregation.

Reverend Smith is a native of Texas and a longtime resident of Fort Worth, where he and his wife live with their six children. A graduate of the Southern Bible Institute and of the University of Texas at Arlington, Reverend Smith has served as a spiritual foundation in his community for over 25 years.

Madam Speaker, I commend Reverend Smith for his long-standing service to Fort Worth and to the members of his congregation whom he has so capably served. It is my pleasure to have Reverend Smith here today, and an honor to represent him in the 26th Congressional District of Texas.

PERSONAL EXPLANATION

HON. ALBIO SIREs

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. SIREs. Madam Speaker, I would like to state for the RECORD my position on the following votes I missed on May 12, 2009. Had I been present, I would have voted "yes" on rollcall 243 to table the motion, "yes" on rollcall 244 on H. Res. 413; and "yes" on rollcall 245 on H. Res. 378.

A TRIBUTE IN REMEMBRANCE OF STEVEN L. ZELKOWITZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and to honor Steven L. Zelkowitz, a visionary leader in our community and an inspiration to all of New York.

Steven L. Zelkowitz, an independent energy consultant and attorney, is a senior veteran in New York's energy industry. He began as an attorney in private practice, representing utilities and energy companies for twenty years. He then joined Keyspan Corporation, serving as its General Counsel, Chief Administrative Officer, Executive Vice President, and eventually President of the Energy Assets & Supply Group. At every point in his career, Mr. Zelkowitz distinguished himself by his keen understanding of New York's energy needs, his tireless work ethic, and his loyalty.

Steven L. Zelkowitz has also earned an excellent reputation for supporting local organizations and institutions of higher learning. Mr. Zelkowitz serves on the Board of Trustees of Brooklyn Law School and is chair of its Finance Committee. He is also a member of the Board of Trustees of the Volunteer Lawyers Project of the Brooklyn Bar Association, a member of National Board of Governors of the American Jewish Committee, a member of the American Bar Association and the New York

State Bar Association, and a past chair of its Public Utility Law Committee.

Madam Speaker, I would like to recognize Steven L. Zelkowitz, a well-respected leader in Brooklyn's business and educational communities.

Madam Speaker, I urge my colleagues to join me in paying tribute to Steven L. Zelkowitz.

REMEMBERING THE QUARTERBACK FOR FREEDOM, JACK KEMP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. RANGEL. Madam Speaker, I rise today in somber remembrance of Jack Kemp, who on and off the field, played his position with sure hands and a compassionate heart. That position—as I called it—was Quarterback for Freedom, a role he assumed effortlessly and selflessly throughout the span of his career. He was a conservative through and through, of that there was no question, but he possessed a great sense of empathy and community, of respect and a fondness for diversity that uniquely set him apart. The story goes that his time on the football field enamored him of his Black colleagues and etched into his mind how repugnant inequality and discrimination could be.

That experience undoubtedly moved him. But it is my belief that such reverence for the dignity of man—regardless of skin color, race, or ethnicity—came innately and naturally to him. For Jack, “compassionate” was not a buzz word placed in front of “conservative” without thought or care. He lived, embodied, and applied compassionate activism to his impressive life's work, a work outmatched only by his intensity of spirit and undeniable warmth.

“Civility cannot return to our country unless every person feels that they have an equal shot at the American dream,” he once said. “How in the name of American democracy can we say to eastern Europe that democratic capitalism will work there, if we can't make it work in East L.A., or East Harlem, or East Palo Alto, California? How can we tell South Africa and the new Mandela government that democracy and private property and limited government and the rule of law and civility will work there, if it's not working in our own backyard here at home or the South Bronx? How can America go into the next century and leave so many people behind?”

Jack was not an ideologue or political lecturer. He emerged as a statesman instead, far more committed to improving the lot of the American people than scoring cheap points in some political game. While we disagreed on some of the issues, most notably his enthusiasm for the Reagan tax cuts, we were in absolute lockstep in our commitment to rebuilding our cities, particularly in terms of housing and economic development. As Housing and Urban Development secretary, Jack met with minority groups, championed public housing, and worked with members like myself, who sat

across the aisle, on issues such as revitalizing inner-city neighborhoods through empowerment zones. He served on the Howard University Board of Directors for 14 years, lending his support to President Swygert and the school, including significant personal financial contributions.

When he ran for vice president, Jack campaigned in Harlem, a visit billed as the first from a Republican candidate for president in at least half a century. Many expected raucous demonstrations from the residents in my community—more because of the “R” before his name than because they knew much about Jack Kemp to begin with. No such exchange occurred. I warmly greeted Jack at the local restaurant named Sylvia's and we traded good-natured barbs: He told me that in a Bob Dole Administration, I would be drug czar; I responded that in a Bill Clinton Administration, I would be Chairman of the Ways and Means Committee.

Jack was a veritable hero and inspiration. It is in that light that we remember him today; in awe of his dedication to accomplishment, in reverence of his conviction.

TRIBUTE TO RICHARD SCOTT ALDEN, JR.

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CALVERT. Madam Speaker, Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. I rise today to recognize and honor one of those individuals: Richard Scott Alden, Jr. On Friday, May 1, 2009, Scott passed away peacefully at his home after a battle with cancer. He will be deeply missed.

Scott was born April 16, 1953 in Pasadena, California. He graduated from Riverside Poly High School in 1971 and received a football scholarship to Arizona State University. While Scott was a Sun Devil, his team won 51 games, four Western Athletic Conference Championships and four Fiesta Bowls.

Scott was a devoted Christian and was “born again” through Christ September, 1975. He graduated from ASU with a degree in Business Administration in June, 1976 and married Ann Stiles later that year. After graduation, Scott began work with his father, Dick Alden, founder of Empire Oil Company, now Western Refining-Wholesale, as General Manager, and in 1990 was advanced to President.

Scott was active in Harvest Men's Bible Fellowship, Alliance Petroleum Corporation and served as Chairman of the Advisory Board for The Salvation Army.

Scott was predeceased by his daughter, Jennifer. Survived by his wife, Ann Alden; daughter, Elizabeth Alden of Newport Beach; son, David Alden of Long Beach; parents, Richard Alden of Riverside, and David and Nina Mitchell of Riverside; sister, Michelle Fisher of Aliso Viejo; and brother, Eric Alden of Huntington Beach.

On May 8, 2009, a memorial service celebrating Scott's life will be held at Harvest

Christian Fellowship. Scott will always be remembered for his incredible faith, giving spirit, and sense of humor. His dedication to his family, church and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Scott's family and friends; although Scott may be gone, the light and goodness he brought to the world remain and will never be forgotten.

HONORING WILLOW ROAD ELEMENTARY SCHOOL

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize the students, faculty and staff of the Willow Road Elementary School and congratulate them upon being honored with the Exemplary Reading Program Award from the International Reading Association.

Every year, the International Reading Association recognizes outstanding reading and language arts programs at all grade levels. One school from each State is given the Exemplary Reading Program Award based on the priority of literacy in the curriculum.

Willow Road Elementary School promotes literacy and focuses on improving the students reading, writing, listening and speaking, devoting a large chunk of the school day towards reading. As a result, the school has been a finalist for the State award for the last two years before finally winning the honor this year.

As a member of the House Committee on Education and Labor, I understand the importance of literacy and recognize the benefits of encouraging our students to start reading at an early age. The future of this country is its children; however, their success would not be possible without the work of the teachers and administrators who dedicate their lives to their students. The teachers and staff of the Willow Road Elementary School are the back-bone of the reading program and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my congratulations and best wishes to the Willow Road Elementary School.

COMMENDING THE EFFORTS OF ADAM LAMBERT

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. BILBRAY. Madam Speaker, today I rise to commend my constituent Adam Lambert for his amazing journey on Season 8 of Fox's American Idol. Every week Adam has entertained the American public with his artistic renditions of American classics, from Johnny Cash's “Ring of Fire” to Led Zeppelin's “Whole Lotta Love.” His performances are inspiring young people everywhere to work hard, aim high and follow their dreams.

With still two more weeks of the competition to go, I join with the people of San Diego, California to wish Adam the best of luck. As one of Adam's favorite artists, Lenny Kravitz once said: "I just need to know that I did the very best I could and that I was true to myself." Adam, we will be rooting for you and looking forward to your next unique and creative performance.

DELIBERATIVE—ATTORNEY
CLIENT PRIVILEGE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mrs. BLACKBURN. Madam Speaker, I would like to submit the following memorandum:

DISCUSSION OF SCIENTIFIC SUPPORT AND
ANALYSIS

The NPRM fails to articulate the process by which the Administrator came to the conclusion on p. 30, line 41–46: "The Administrator believes that the scientific findings in totality point to compelling evidence of human-induced climate change, and that serious risks and potential impacts to public health and welfare have been clearly identified, even if they cannot always be quantified with confidence. The Administrator's proposed endangerment finding is based on weighing the scientific evidence, considering the uncertainties, and balancing any benefits to human health, society, or the environment that may also occur."

The finding document remains very separate from the TSD, with only occasional references to the IPCC or particular CCSP report findings, and it is up to the reader's interpretation of the TSD to determine how the evidence has been weighed to arrive at the conclusions above. The finding rests heavily on the precautionary principle, but the amount of acknowledged lack of understanding about basic facts surrounding GHGs seem to stretch the precautionary principle to providing for regulation in the face of unprecedented uncertainty. (The TSD notes several areas where essential behaviors of GHGs are "not well determined" and "not well understood" (e.g., why have U.S. methane levels decreased recently?). This could be remedied by expanding the discussion on pp. 25–31 to articulate more clearly how the Administrator weighed the scientific evidence related to each impact or how/whether she gave more or less weight to particular impacts for either the public health or the welfare finding and how she weighed uncertainty in her deliberations.

For example, the NPRM and TSD outline the following 5 human health effects from climate change: temperature effects, air quality changes, extreme events, climate sensitive diseases and aeroallergens. It is unclear whether temperature effects will result in net mortality increases or decreases and the scientific literature does not provide definitive data or conclusions about aeroallergen impacts. Further, the impact of climate sensitive diseases may be minimal in a rich country like the US. Hence, it seems that the Administrator's public health endangerment conclusion is based on the other two impacts, with the most significant health risks being posed by air quality changes. If so, the discussion here should

state this explicitly. Further, the argument for why the increases in ozone from climate change pose a health impact could be fleshed out more thoroughly (p. 27, line 34–39). Since tropospheric ozone is already regulated under the Clean Air Act, EPA should explain why those regulations are inadequate to protect public health from the ozone impacts of climate change.

In addition, the finding could be strengthened by including additional information on benefits, costs, and risks (where this information exists); meeting appropriate standards for peer review; and accepted research protocols. Some issues to cover that would address costs, benefits, and risks include the following:

Methodology or methodologies used for weighing risks and various outcomes and the risks associated with each;

Confidence intervals related to model results at the regional and local scales;

Underlying assumptions of findings, publications on which the findings are based, and "business-as-usual" scenarios;

Quality and homogeneity of temperature data from surface networks that may affect estimates of past temperature trends, and calibration and verification of models;

Impacts of climate change on the value of net economic benefits.

The Finding should also acknowledge that EPA has not undertaken a systematic risk analysis or cost-benefit analysis. In the absence of a strong statement of the standards being applied in this decision, there is a concern that EPA is making a finding based on (1) "harm" from substances that have no demonstrated direct health effects, such as respiratory or toxic effects, (2) available scientific data that purports to conclusively establish the nature and extent of the adverse public health and welfare impacts are almost exclusively from non-EPA sources, and (3) applying a dramatically expanded precautionary principle. If EPA goes forward with a finding of endangerment for all 6 GHGs, it could be establishing a relaxed and expansive new standard for endangerment. Subsequently, EPA would be petitioned to find endangerment and regulate many other "pollutants" for the sake of the precautionary principle (e.g., electromagnetic fields, perchlorates, endocrine disruptors, and noise).

ENDANGERMENT WITHOUT CONSIDERATION OF
REGULATORY CONSEQUENCES

EPA should explain whether it considered a finding that methane and the other four non-CO₂ GHGs do in fact contribute to climate change, based on their higher warming potential, but that overriding policy concerns make such a finding infeasible concerning CO₂. Because methane and the other four non-CO₂ GHGs are either already regulated under the CAA or are functionally equivalent to pollutants typically regulated under the CAA, an endangerment finding for these GHGs would be relatively routine. Because GHGs are understood to be long-lived, well-mixed in the atmosphere, and generated by many nations around the globe, the most analogous regulatory approach for controlling GHGs would seem to be Title VI of the CAA. EPA's relevant experience with controlling ozone-depleting substances should inform its decisions on an approach to regulating GHGs.

In contrast, an endangerment finding under section 202 may not be the most appropriate approach for regulating GHGs. Making the decision to regulate CO₂ under the CAA for the first time is likely to have serious economic consequences for regulated en-

tities throughout the U.S. economy, including small businesses and small communities. Should EPA later extend this finding to stationary sources, small businesses and institutions would be subject to costly regulatory programs such as New Source Review.

THE ROLE OF MITIGATION, ADAPTATION, AND/OR
BENEFITS OF CLIMATE CHANGE

To the extent that climate change alters our environment, it will create incentives for innovation and adaptation that mitigate the damages from climate change. The document should note this possibility and how it affects the likely impacts of climate change. For example, climate change is likely to unfold slowly and people may migrate from hot regions (e.g., Arizona) to more temperate regions (e.g., Minnesota) and this would mitigate the adverse impacts on health (although people would incur migration costs). Further, climate change is likely to lead to innovation that mitigates the ozone related health impacts; it seems reasonable to assume that in the absence of regulation of GHS, new medicines that lessen the health impacts of ozone will be developed. Moreover, advances in technology and the development of public health programs (e.g., cooling centers) are likely to lessen the negative welfare impacts of heat waves.

Similarly, the document would appear more balanced if it also highlighted whether particular regions of the US would benefit, and to what extent these positive impacts would mitigate negative impacts elsewhere in the United States. For example, it might be reasonable to conclude that Alaska will benefit from warmer winters for both health and economic reasons. Deschenes and Moretti (2007 Review of Economics and Statistics) demonstrate that extremely cold days are more dangerous to human health than extremely hot days. Please add this paper to the literature review in Section 7(a) of the TSD. Further, there should be a consideration of the fertilizing effect of CO₂, which may overwhelm the negative impact of additional hot days on agricultural yields in some regions of the US. In other regions, the net effect is likely to be negative.

AGENCY COMPLIANCE WITH OTHER
ENVIRONMENTAL MANDATES

There is some concern that an endangerment finding, and some of the language used to support the finding, will make it more difficult to comply with NEPA and other environmental planning statutes.

This finding and the associated emission standards for these six greenhouse gases may make it much more expensive and difficult to develop other air quality standards (NAAQS in particular). For example, EPA has recently asked BLM to use models that sometimes exceed current budgets in developing resource management plans and environmental impact statements. Also, there are currently no models available that forecast the potential impacts of greenhouse gases on climate change at the regional or local level, which are the levels at which our decisions are made. This rule also could make findings that would leave agencies vulnerable to litigation alleging "inadequate NEPA" due to new information (i.e., the endangerment finding) that was not considered when the EIS was developed. Without a model available, an agency would be left with little ability to respond because (i) there are no standards to serve as thresholds, (ii) there are no tools to analyze impacts, and (iii) the cost of analyzing impacts could be exorbitant.

Unnecessarily broad or expansive language with respect to the effects of GHGs or the

certainty with which effects will occur could create a basis for finding all GHG emissions significant for purposes of NEPA analysis, thus requiring an EIS for all direct and indirect effects that change GHG emissions in any amount. Similarly, EPA should be very careful to state which effects are significant and their scale to avoid unintentionally trigger NEPA for Federal actions not otherwise considered to have environmental impacts.

FOUR CHEMICALS V. SIX CHEMICALS

EPA proposes to make an endangerment finding on six directly emitted and long-lived GHGs—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride, treated as a group as an air pollutant. The proposal, however, defines the terms “air pollution” and “air pollutant” for purposes of section 202(a) as the six GHGs, two of which are not addressed in the underlying petition and which EPA recognizes are not emitted by new motor vehicles or motor vehicle engines, and on page two, this action is characterized as a “response” to the Supreme Court’s decision in *Massachusetts v. EPA*, 549 U.S. 497 (2007), which arose from a petition with respect to the four GHGs. Although the latter two GHGs have similar characteristics and are addressed in UN documents, it is not clear why they are included in the endangerment and “cause or contribute” findings. While it appears that section 202(a) provides sufficiently broad authority for EPA to do so and the draft explains this decision as based on the uniform, global nature of GHG ambient concentrations, a seemingly simpler regulatory action might be to base the definition of “air pollution” or “air pollutant” on the four GHGs emitted by new motor vehicles or motor vehicle engines.

This raises the question of the extent to which EPA intends or does not intend this finding to extend beyond section 202 to the same terms used in other key parts of the CAA, e.g., section 101(a) (general findings and purpose), section 108 (National Ambient Air Quality Standards), and section 111(b) (New Source Performance Standards). EPA would benefit from making its position explicit in this proposal. Commenters are sure to take this important issue on in some fashion so EPA may as well do what it can to shape the debate and the comments being invited. For example, it could note that the same terms are important parts of other key CAA provisions, but then state that EPA at this time is only addressing and seeking comment on issues directly associated with section 202. Alternatively, it could state that it views these findings as to GHGs to be broadly applicable to the Act as a whole, but nonetheless make clear that EPA is not in this rulemaking attempting to consider or address any of the other regulatory findings that would be necessary to trigger GHG regulation under other CAA programs. A third option would be to invite comment on whether interested parties believed there was any basis for distinguishing the understanding of the terms in the section 202 context from the understanding of the terms in other parts of the Act.

EPA fails to make a case of why the six GHGs should be treated as a single pollutant and why all six should be treated as a group. Treating the gases as a group yields the indefensible result that emissions of PFCs, SF₆ and HFCs other than HFC-134a from motor vehicles are asserted to “cause or contribute” to air pollution, when there are no such emissions from motor vehicles. Further, EPA states that: “Depending on the cir-

cumstances . . . it may be appropriate to set standards for individual gases [of the 6], or some combination of group and individual standards.” EPA asserts that these regulatory flexibilities would exist whether or not greenhouse gases are treated as multiple pollutants or as individual pollutants. [See discussion on page 32-33.]

These greenhouse gases differ significantly in terms of physical properties, formation mechanisms, and possible mitigation techniques.

Mobile source CO₂ is formed by burning fossil fuels. Virtually all of the carbon in the fuel is converted to CO₂. The more efficient the combustion process, the more complete the conversion to CO₂. Unlike for traditional criteria pollutants (e.g., NMHC, CO, NO_x), which can be converted to other substances through emissions aftertreatment (i.e., catalytic converters), no mobile aftertreatment device can convert CO₂ to something that does not contribute to global warming. Therefore, mobile source CO₂ emissions can only be reduced by burning less fossil fuel, either by improving fuel economy or converting to less carbon-intensive fuels.

Mobile source CH₄ and N₂O emissions are by-products of fossil fuel combustion. However, burning less fossil fuel does not necessarily mean reducing CH₄ and N₂O emissions. For example, using methane (CH₄) rather than petroleum could increase CH₄ emissions.

Mobile source HFC emissions arise from releases of HFC refrigerants from mobile air conditioners. Therefore, mobile source HFC emissions can only be reduced by using different refrigerants and/or “hardening” mobile air conditioners to reduce the potential for refrigerant leaks.

Mobile source CO₂, CH₄, N₂O, and HFC emissions not only have different global warming potentials, they remain in the atmosphere for different amounts of time and are removed from the atmosphere by different mechanisms.

In contrast to EPA’s citation of Class I and Class II substances under Title VI, under Title II, EPA treats mobile source NMHC and NO_x as separate pollutants, even though both are precursors to the formation of tropospheric ozone (i.e., urban smog), and both are mitigated through a combination of fuel improvements. In fact, current catalytic converters operate by converting HC, CO, and NO_x into CH₄, N₂O, and CO₂ (and water)—combustion process changes, and emissions aftertreatment. Considering that mobile source CO₂, CH₄, N₂O, and HFC emissions are even more distinct from one another than are mobile source NMHC and NO_x emissions, and that EPA classifies NMHC and NO_x as separate pollutants, EPA should classify these as separate pollutants or, alternatively, classify CO₂ as one pollutant, classify CH₄ and N₂O as another pollutant (class), and classify HFCs as a third pollutant (class).

ACCOUNTING FOR THE GLOBAL NATURE OF GREENHOUSE GAS POLLUTION IN THE FINDINGS

In this draft proposal, EPA finds under Clean Air Act (CAA) section 202(a) that (1) “air pollution” in the form of the global mix of six greenhouse gases (or the GHGs) may be reasonably anticipated to endanger public health and welfare (the endangerment finding); and (2) emissions of an “air pollutant” in the form of the global mix of the GHGs from new motor vehicles or motor vehicle engines cause or contribute to that air pollution (the contribution finding). The agency characterizes the “global” nature of the GHG emissions and concentrations (page 16),

notes the effects of GHG emissions globally in making the endangerment finding (page 29), and assesses the contribution of the GHGs emitted by section 202(a) sources as a percentage of global emissions (page 36).

The proposal appears to assume, but does not explicitly discuss why (or solicit comment on whether) these are relevant legal inquiries under section 202(a) the Clean Air Act. This is virtually certain to be a subject of public comment; and we recommend that EPA directly address this matter in the proposal. EPA also factors international considerations into the endangerment and contribution findings differently. On page 29, the agency states: “The Administrator judges that impacts to public health and welfare occurring within the U.S. alone warrant her proposed endangerment finding.” On page 36, however, EPA bases its finding on the “significance” of the GHG emissions from section 202(a) sources for purposes of the contribution finding in part on their global contribution: It is the Administrator’s judgment that the collective GHG emissions from section 202(a) source categories are significant, whether the comparison is global (over 4 percent of total GHG emissions) or domestic (24 percent of total GHG emissions). The Administrator believes that consideration of the global context is important for the cause or contribute test but that the analysis should not solely consider the global context.

It is unclear from the proposal why a difference in treatment of the two findings is necessary or appropriate. Because the Administrator regards the domestic contribution comparison in itself to be significant, it may be simpler (and less open to challenge) to base the contribution finding solely on domestic considerations. (This would not foreclose a discussion of global contribution, provided, as requested above, it is made clear how relevant this is under section 202(a)).

GROUP VERSUS INDIVIDUAL APPROACH TO “AIR POLLUTANT”

On page 32, EPA proposes to designate the six GHGs, collectively, as the “air pollutant” for which the endangerment finding is being made. The proposal, however, then goes on at pages 33-40 to analyze the contribution issue both as to the six GHGs collectively, and as to each individually. Although EPA hints that it believes either a collective or individual approach could be valid and would reach similar results, see page 34, the agency never really says expressly whether or not it is soliciting comment on these issues and whether it would be open to considering a pollutant-by-pollutant-based approach for the final rule. We recommend that this be made explicit.

COMMENT SOLICITATION

EPA limits solicitation of comment on the proposal to the simple statements on page six to the effect that it seeks comment on all aspects of this action (data, methodology, and major legal and policy considerations). While this is efficient and legally sufficient, the agency may want to highlight a few key areas in which comment would be most useful. The first two issues that we’ve identified above might be worthy of an express request for comment. EPA may also need to clarify the relationship between comment on this proposal and the July 30, 2008 Advance Notice of Proposed Rulemaking on Greenhouse Gas Emissions (ANPR). In footnote 11, EPA indicates that it is responding to a few key comments from the ANPRM in this proposal related to the endangerment and contribution findings and asks commenters to “submit to the docket for today’s action any

comments they want EPA to consider as it makes a decision on this proposed determination." We recommend that EPA move the footnote 11 discussion up to the main body of the proposal at page 6 and explicitly state that commenters may not rely on prior submission of comments to the ANPR and that if parties wish EPA to consider comments made in response to the ANPR or other rulemakings, they should re-submit those comments here with an appropriate explanation as to how the commenter believes those comments relate to issues raised in this proposal. We can imagine a party trying to make out a challenge to this endangerment finding based on arguments that were raised entirely or primarily in comments submitted in response to the ANPR, not this proposal (a prospect that is somewhat more likely due to the fact that EPA in various places discusses comments made in response to the ANPR).

AGRICULTURAL PRODUCTION

The proposed Finding erroneously suggests that Intergovernmental Panel on Climate Change (IPCC) predicts an increase in both crop and forest production in the U.S. (e.g., pg. 28 lines 21 and 34 of the Proposed Finding, pg. 80 line 26, page 87 line 9). The IPCC findings refer to North America, not the U.S. The Synthesis and Assessment Product 4.3 (SAP 4.3) "The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity in the United States" (U.S. Climate Change Science Program/Backlund et al. 2008), which includes more recent and more geographically-specific publications, tempered IPCC's findings substantially, citing water limitations, northward progression of production zones, diminished grain set period, pest infestations, nutrient limitations, air pollution, and wildfire, among other dampening factors to production in agriculture and forestry in the U.S. Significant increases in production may be possible within North America as a whole, but are unlikely within the U.S. itself.

The Findings document should be corrected to reflect that IPCC is referring to North America rather than the U.S. More importantly, the Findings document should be revised to accurately reflect the discussion in the Technical Support Document (TSD). In addition, the placement of the IPCC prediction near the beginning of each section in the absence of any summarization gives the impression that large production increases are conclusive. This overrides the very salient and far more equivocal discussion which follows, leaving readers with the mistaken impression that climate change is a boon to U.S. agriculture and forestry. A summary statement which more accurately reflects the content of the technical discussions should be composed to lead each section.

EMISSIONS FROM THE COMBUSTION OF DIFFERENT FUELS VS. EMISSIONS FROM DIFFERENT MOBILE SOURCE CATEGORIES

Mobile source CO₂ is formed by burning fossil fuels. Virtually all of the carbon in the fuel is converted to CO₂. Therefore, and considering that CO₂ remains in the atmosphere for a long time, national aggregate consumption of different types of fuels provides the most accurate basis for estimating CO₂ emissions. IPCC guidelines for national reporting of GHG emissions account for this fact, and EIA and EPA both use fuel consumption—not vehicle sales and fuel economy—as a basis for estimating and reporting CO₂ emissions. According to the IPCC (emphasis

added), "Emissions of CO₂ are best calculated on the basis of the amount and type of fuel combusted (*taken to be equal to the fuel sold*, see section 3.2.1.3) and its carbon content."²

Such reporting addresses petroleum consumption in the aggregate and for different petroleum-based fuels, such as shown below from EIA (<http://www.eia.doe.gov/oiaf/1605/ggrpt/carbon.html>): 2 http://www.ipcc-ggip.iges.or.jp/public/2006gl/pdf/2_Volume2/V2_3_Ch3_Mobile_Combustion.pdf, p. 3-10.

GENERAL EDITORIAL ISSUES

"New Motor Vehicle or Motor Engine" Reference. The draft sometimes simply refers to emissions from "motor vehicles" rather than emissions from "new motor vehicles or motor vehicle engines." (The draft could indicate initially that the term "motor vehicle" is intended to refer to both of these.) Statements regarding consideration of current and near-term emissions [page 35], and cumulative emissions [page 17] appear to be inconsistent, and should be clarified. EPA clearly intends that the definition of the "air pollutant" emitted by new motor vehicle or motor engine sources to be the six GHGs. In several places, however, the proposal appears to describe the four GHGs emitted by new motor vehicles or motor vehicle engines as the "air pollutant." See, e.g., pages 1 (lines 36-37), 2 (lines 24-27), and 36 (lines 34-37).

THE WRONG KIND OF PARTISANSHIP

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. FRANK of Massachusetts. Madam Speaker, I have long believed that people who denounce partisanship in general fail to understand the role that responsible political parties can and must play in a functioning democracy. But there are cases when partisanship gets a bad name because of the kind of advocacy it receives, and those of us who believe that partisanship can be a constructive force have an obligation to dissociate ourselves from this.

The most recent example of this I have seen was reported in CQ Today on Thursday, May 7, in the article on the front page headlined "Luntz Shapes GOP Messages on Health Care."

In the article, which summarizes Mr. Luntz's message and in some cases quotes him directly, the writer summarizes part of his message as follows: "While Republicans might not be able to get their own ideas enacted, he went on, they could at least stop Democrats from achieving the political victory created by a successful revision of the healthcare system."

Note, Madam Speaker, that these words are not directly attributed to Mr. Luntz, but I have no reason to think that Mr. Armstrong in any way distorted the essence of Mr. Luntz's message in his summary. And later in the article, in a direct quote, describing the words that Republicans should use in carrying on their effort to stop the Democrats from a successful health care policy, Mr. Luntz is directly quoted as saying "I could care less about matching the words to the policies . . ."

Madam Speaker, obviously Republican Members of the Congress are free to accept or reject Mr. Luntz's partisanship of the wrong sort, but it does seem to be relevant that he was invited to address a Republican gathering and was, according to the article, warmly received by many. For example, the gentleman from California, Mr. ISSA, is quoted as saying "We look to him for how do we express the things that we believe in ways that are effective."

Madam Speaker, the notion that a significant number of Republicans would have as their central purpose in the healthcare debate not adopting a policy or even modifying one, but rather simply preventing the Democrats from being successful in meeting the nation's healthcare needs, is sufficiently disturbing that I believe this article should be reprinted here so that people can fully understand the dimensions of the debate in which we now find ourselves.

[From CQ Today, May 6, 2009]

LUNTZ SHAPES GOP MESSAGES ON HEALTH CARE

(By Drew Armstrong)

Republican message guru Frank Luntz is back—this time to help Republicans try to win the war of words as they battle Democrats on overhauling health care.

Speaking at a closed-door session with House Republicans on Wednesday, Luntz said the GOP needs to get away from "markets" and focus on "patients." And while Republicans might not be able to get their own ideas enacted, he went on, they could at least stop Democrats from achieving the political victory created by a successful revision of the health care system.

For example, he said, the GOP should throw private health insurance companies under the bus.

"For 10 years we were carrying the water of the insurance companies because they were backing us on health care," he said. "Well, they're not anymore. They've sold out, so now you can go right back at them, because the American people blame the insurance companies more than almost anybody else for why health care is such a mess in this country right now. So you don't have to be nice to them at all."

A detailed account of the presentation was given to Congressional Quarterly by multiple people who attended the session.

Luntz, the author of the book "Words That Work," about the political effect of specific phrases and words, offered Republicans a detailed presentation on what language to use when talking about health care and how to attack Democratic proposals, along with a long list of "don'ts."

Republicans will get little chance to present their own vision, Luntz warned, but they will have plenty of opportunities to stand in opposition to Democrats.

"You're not going to get what you want, but you can kill what they're trying to do," he said.

Republicans need to start defining specific words on favorable terms in order to win, he said, specifically pointing out President Obama's promises of a high-quality health care system. And they need to make sure that voters think "quality" means getting the health care they want whenever they want it.

"Don't let them define it. If you define it this way, they can't do well," he said of Democrats. "They can't provide that treatment. They can't provide that health care."

FROM "PRIVATE" TO "PATIENTS"

Much of Luntz's presentation was an attempt to correct the way Republicans talk with voters about health care. He urged them to stop using economic terminology like "free market" and "private" and to talk instead about "doctors," "nurses" and "patients."

"If you use the phrase 'private health insurance market competition,' you deserve to be down to 160 seats in the House, because nobody understands that language," Luntz said.

He also had advice for choosing the photos in mailers sent to constituents: "Get pictures of seniors that look like they make apple pie every day forever, and the children who look so angelic that it just makes you feel compassionate, which I know is sometimes tough for people in this room," he said.

And he called on Republicans, when describing the consequences of the Democratic proposals, to use language that would scare voters.

"What's the word that people are afraid of?" Luntz said. "Deny."

"The idea that a doctor or a hospital would deny care that they need is what frightens them the most about a Washington takeover," he said.

Luntz came to the presentation with polling data, all done in the last few months, to back him up.

"Each of these words has been carefully chosen. This is not random, this is not gut. I could care less about matching the words to the policies, I have no investment in the words—except that these are the words that the American people want," he said.

Luntz, who helped craft Republican messages through the 1990s, was a fixture in Washington GOP circles until 2005, when he left for Hollywood after an alleged falling-out with House Republican leader John A. Boehner of Ohio.

He returned to Capitol Hill Wednesday, at the invitation of the House Republican Conference, to try to focus the message on health care.

Gathered in a meeting room of the Cannon House Office Building, lawmakers and aides applauded as Luntz was introduced. "Welcome home!" shouted one attendee.

"We've reached out to Frank," said House Republican Conference Chairman Mike Pence, R-Ind. "I would say, enthusiastically, Frank is back."

Republicans who attended the meeting said they were glad to have him back. "We look to him for how do we express the things that we believe in ways that are effective," said Darrell Issa, R-Calif.

"He told us to stop talking like a bunch of wonks and politicians and start talking like people," said Michael C. Burgess, R-Texas, who has become a prominent voice on health care issues.

RECOMMENDING A CHANGE IN "TONE"

At times, Luntz badgered the members, castigating them for their failures of political acumen—and for the ringtones on their cell phones.

At one point, he was clearly angry over leaks to the media earlier in the day that described parts of his presentation. When an audience member asked if Luntz would e-mail the slides he was using, he fired back, "I will forward you the PowerPoint so that way I can then read it in some newspaper two days from now. What the hell?"

And as Luntz urged members to focus on healthy lifestyles and wellness, Louie Gohmert, R-Texas, piped up: "I don't want to live that kind of life."

"You don't want to live that kind of life?" Luntz asked.

"Yeah, you're eating your BBQ. Clearly you don't want to live that kind of life," he went on, to some laughter.

"Hey, ribs are a food group," an unidentified member called out, to which Luntz responded: "His ribs could actually get up and walk out of the office."

When a cell phone belonging to F. James Sensenbrenner Jr., R-Wis., started ringing, Luntz told a young aide that Sensenbrenner needed to change the ringtone. "That's gonna be your job, when Sensenbrenner comes back in here," Luntz said to the aide, though Sensenbrenner had not actually left the room—and let Luntz know it.

"You need to get him a telephone ring for the 21st century," Luntz continued, "Like 'Play that funky music, white boy.' Something much more interesting."

RECOGNIZING NATIONAL POLICE WEEK AND THE CHARLOTTE MECKLENBURG POLICE DEPARTMENT

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mrs. MYRICK. Madam Speaker, in 1962, Congress passed a resolution recognizing the week of May 15 as National Police Week. Today, I want to thank and honor those brave men and women who daily protect and serve our neighborhoods, and those who have given the ultimate sacrifice in the line of duty.

I also want to extend a special thanks to the Charlotte Mecklenburg Police Department. This week, 20 officers from the CMPD and the Mecklenburg County Sheriff's Office embarked on a 410-mile bike ride to Washington, DC, to honor the memory of all officers killed in the line of duty. These dedicated servants started the annual ride in 2007 after CMPD Officers Jeff Shelton and Sean Clark were killed. Not only do these officers ride to remember their fallen brothers and sisters, but they also raise money for the National Law Enforcement Memorial Fund, which commemorates the service and sacrifice of law enforcement officers.

We must never forget that we are kept safe because of those who take up the charge as law enforcement officers. This week, I join with the 9th District of North Carolina and my colleagues in honoring and remembering these brave men and women who are the truest example of American heroes.

IN HONOR OF GEORGE AND ROSEMARY ESSEFF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. GALLEGLY. Madam Speaker, I rise to honor George and Rosemary Esseff: entrepreneurs, philanthropists, American patriots and world citizens.

George and Rosemary are being honored this week by Many Mansions, a nonprofit or-

ganization in my district that has been providing hope, homes, and life-enriching services to homeless and low-income citizens for 30 years. George and Rosemary are among those who have had a strong and generous hand in Many Mansions' success.

I have the privilege of calling George and Rosemary my friends.

George and Rosemary are the epitome of the American success story. George began his career in 1951 as a chemist/metallurgist for the U.S. Army Corps of Engineers before striking out on his own and going on to become one of the world's most successful titanium entrepreneurs.

Along the way, George and Rosemary have used their wealth to help those in need also have the opportunity to become successful. One example is \$1 million they donated to Many Mansions for a housing project several years ago—only part of their legacy with Many Mansions.

George and Rosemary are devout Catholics and George's brother, John, is a monsignor. The family traces their roots to Lebanon. Three years ago, George, Rosemary, John and their grandson, Andrew, traveled to Lebanon to further their humanitarian work, including donating equipment to a hospital. Monsignor Esseff planned to lead a retreat for nuns belonging to the Missionaries of Charity, the order founded by Mother Teresa.

Then war broke out. It was not the first time the Esseffs found themselves in wartime Lebanon and it only cemented their belief that their help is needed and beneficial.

One avenue for their philanthropy is The Esseff Foundation, which they founded in 1979 in memory of his grandfather, George Abdanour Esseff. The Esseff Foundation is a non-political, non-profit organization dedicated to relieving the sufferings of the poor both in America and around the world.

In pursuit of that goal, the foundation funnels its resources to those organizations whose track records demonstrate their abilities to assist and house the homeless, feed and clothe the poor and provide medical care to those in need.

George takes his politics as seriously as he takes business and philanthropy. He spelled out his beliefs and what it means to be a Republican and a patriotic American in an ad titled, "What I Am," that ran in the Washington Post on October 20, 2004.

Mr. Speaker, George and Rosemary Esseff mirror the American Dream and have been instrumental in helping others pull themselves up and realize the Dream for themselves. I know my colleagues will join me in thanking them for being role models for Americans—striving for success honorably and morally and bringing others along with you with generosity and compassion—and in congratulating them for their well deserved honors.

IN RECOGNITION OF MR. B.S. TURNER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the

House today to pay recognition to an important day in the life of a constituent of mine, Mr. B.S. Turner.

In June of 1969, Mr. Turner started a small car dealership based on years of experience in the auto industry. Today, after 40 years of business, Pee Wee Turner Motors remains an example of the entrepreneurial spirit that fulfills the American dream.

I would like to congratulate Mr. Turner for reaching this important professional milestone and recognize him for this important entrepreneurial and professional achievement.

WOMEN'S HEALTH INSURANCE FAIRNESS ACT OF 2009

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce legislation that will end practices that obstruct women from attaining affordable insurance policies on the individual market. The Women's Health Insurance Act of 2009 would end discrimination against those women looking for health coverage who either do not have access to an employee-sponsored plan or those who earn too much money to qualify for Medicaid. Recent findings from the Kaiser Family Foundation have shown that 5.7 million American women in 2007 received health insurance on the individual market. During this difficult economic climate and with unemployment rising, it is becoming much more likely that more women will be looking for health coverage through individual insurance markets.

Unfortunately it is common practice in the individual market today to charge women higher premiums than men for the identical coverage. Individual market insurers also can limit coverage due to pregnancy or delivery methods. This is because individual market insurers have the ability to deny coverage based on a "pre-existing condition." For instance, a woman who has had a Cesarean section in the past can currently be charged a higher premium, imposed a waiting period, or denied coverage until she has been sterilized or can no longer bear children. The vast majority of these policies also do not provide coverage for maternity care. These conditions exist today because there is no federal protection to stop these practices on policies sold in the individual market.

Due to the aforementioned problems, the Women's Health Insurance Fairness Act of 2009 is that much more important. This legislation will prevent insurers in the individual market from charging women higher premiums than men. The current practice is gender discrimination and should not be accepted in today's system. This gender rating harms women by not only inflating premiums, but by blocking women financially from obtaining proper health care coverage. Furthermore, this act will prevent insurers in the individual market from either denying or limiting coverage based on a current or past pregnancy as well as method of delivery. This bill will eliminate the insurers from punishing women who are

either pregnant or have been in the past. The bill will also require individual market insurers to provide comprehensive maternity coverage. This legislation will not only save the insurer money, but I believe it will improve the health outcomes of both the mother and the child.

To ensure that individual market insurers enforce these regulations, this bill will provide the Secretary of Health and Human Services with the authority to monitor compliance with this act. The Secretary will be able to assess fines of at least \$10,000 against any health insurance company that fails to submit the required data. The act will also require the Government Accountability Office to issue a report by December 31, 2010. This report will address any remaining problems for women on the individual insurance market throughout the entire country.

This bill will grant more women access to affordable health insurance that will meet their health needs. No longer will women be punished for their gender. I urge my colleagues to support my legislation to prevent this type of gender discrimination in the health insurance market.

HONORING THE LIFE AND ACCOMPLISHMENTS OF DAVID JENNINGS BROWN, SR.

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life and accomplishments of David Jennings Brown, Sr., whose business acumen, community service and family dedication are inspirational.

Acclaimed as a pioneer developer of Silicon Valley and San Francisco Bay Area business parks, David J. Brown is a man of vision, compassion and energy. David began his business career developing and managing commercial and industrial income properties for Newhall Land & Farming Company and Holvick deRegt & Koering. He then became the Regional Vice President of Boise Cascade Building, where he completed the acquisition and commenced the development and management of four major Bay Area Business Parks.

With a vision to create a commercial and industrial real estate development and management company offering the utmost level of integrity and service, David founded Orchard Properties in San Jose, California in 1973. During its 32 years of operations, Orchard Properties developed over 1,400 acres and 7 million square feet of commercial/industrial property in Santa Clara, San Mateo, Alameda, and Sacramento Counties. Through the teamwork of over 200 individuals, Orchard Properties earned numerous awards and special recognitions over the years, including being named Developer of the Year four times. And, as a result, David is being inducted into the "Developer Hall of Fame" by the National Association of Industrial and Office Properties (NAIOP) in May 2009.

Beginning in 2007 NAIOP Silicon Valley felt that it was important to take a moment to reflect upon the significant role that very few in-

dividuals have had in shaping the look and feel of Silicon Valley and the role Silicon Valley's Commercial Real Estate community has played in the international business community. Silicon Valley, as we know it today, is the result of the efforts of a few developers who did big things in the 60's and 70's, including building speculative, flexible buildings that allowed high tech companies to expand, contract and change creatively, a visionary concept from the 1960's. It was considered to be very, very risky and was not often attempted. Yet, the NAIOP Developer Hall of Fame honorees were pioneers who took risks, had vision and worked tirelessly building an industry providing a foundation of the entrepreneurial economy that today is replicated around the world.

In 1995, David acquired a ranch located in Wolf Creek Valley outside of Pagosa Springs, Colorado where his family built BootJack Ranch, which has become one of David's true passions. BootJack Ranch is a one-of-a-kind world-class family compound and retreat. The ranch is considered to be one of the finest and most beautiful recreational and fly fishing ranches in the country. The Brown Family enjoys using BootJack Ranch as a tranquil retreat to provide rest, renewal and introspection for their family, Christian ministry leaders, executives and others in need of a place of silence and solitude.

BootJack Ranch is also the backdrop numerous philanthropic events including the annual Music in the Mountains Festival. The Browns also founded the Pagosa Springs affiliate of the Durango festival of the same name in 2001. Music in the Mountains, Pagosa is a world class music festival featuring a wonderful variety of composers, artists and styles from classical to country and Celtic showcased in the beautiful mountain scenery.

David has 3 daughters, 2 sons and 11 grandchildren. He and his wife recently relocated to Paradise Valley, Arizona where David is currently the Vice Chairman of the Mayo Clinic Arizona Leadership Advisory Council.

I would like to thank David for his contributions to the community and commend him on his meaningful and productive career.

TRIBUTE TO RICK MUTH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Orange County, California are exceptional. Orange County has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Rick Muth is one of these individuals and he is also one of my closest friends. On April 17, 2009, Rick celebrated his 60th birthday with friends and family.

Rick's success in life began with the positive influence from a special teacher at Mater Dei High School. Henry Enriquez encouraged Rick

to join the track team where Rick discovered a talent that he never knew he possessed. Track built Rick's confidence and steered him in the right direction: towards college. Rick attended Santa Ana College where he became the Freshman Vice President and won national honors on the track team. He transferred to the University of Southern California, USC, earned his Bachelor's of Science in Marketing and still holds a spot on the track team's all-time three-mile list. Upon graduation from USC, Rick went to work for a labor relations firm, then spent two years as an administrative trainee in plant construction at Northrop Aircraft. Rick continued his education at Chapman University, where he earned a Master's Degree in Business Administration.

In 1975, Rick joined the ORCO Block Company, Inc. a family-owned business, as assistant office manager. In many ways, Rick had always been a part of the family business. Rick picked up broken pieces of block as a kid, and he repaired wooden pallets, in the summer after the fifth grade, to earn the new bike that he wanted. In his high school and college years, Rick spent his summers making deliveries, taking orders and working with customers. Rick learned the business from the bottom up, and held almost every position in the company. In 1994, Rick ascended to the position of President and currently oversees the day-to-day operations of the multi-million-dollar company. He has continued the development of its extensive product line, directed the company's aggressive expansion and helped maintain ORCO's high industry profile and leadership role.

Throughout his career at ORCO Block Company, Inc. Rick also has continued the legacy that his father established: service, leadership and community. Rick started this legacy in his own community—at ORCO's headquarters in Stanton, California. Rick's father, Pete Muth, established the Stanton Boys and Girls Club, and Rick continued to support the Club by serving as President, assisting with fundraising and guiding the increase in children from 100 to 650. Rick also serves as a Board Member of the Orange County Performing Arts Center and has helped raise approximately \$1.8 million in donations and matching funds. Rick has also contributed to his own industry by serving as former Chairman of the Board for the National Concrete Masonry Association, NCMA, and establishing the NCMA Foundation, which has raised \$6 million to support research and development. Rick and his father Pete were the first father-and-son team to both serve as NCMA Chairman.

Rick has also not forgotten to give back to the schools that gave so much to him. He was a Capital Campaign Committee Member for Mater Dei High School. Additionally, for the past 28 years, as an alumnus for Santa Ana College's Track Team, Rick has raised money, assisted with coaching and provided jobs for members of the track team. At USC, Rick has been a member of the Orange County Planning and Development Council, partial annual scholarship provider to architecture students and former co-chair for the first USC Symphony Orchestra performance in Orange County. Rick also sits on the Business School Advisory Council at Chapman University, and he and his family have donated funds to sup-

port the construction of a new library named in honor of the Muth Family and ORCO Block Company, Inc.

Rick has never expected anything in return for his community service, but his contributions have been recognized. Rick was inducted into the Santa Ana College Hall of Fame, honored as "Man of the Year" by Cypress College and awarded the Ethics in Business award by the Freedom Foundation. Rick received the California SBA Business Person of the Year in 2003. In 2001, the Orange County Business Journal and California State University Fullerton presented Rick with the prestigious Family Owned Business Award. In the spirit of the "America Way," Rick started a group called USA Owned/USA Made, to support companies whose products are made in the United States. Rick worked with Congress to pass a proclamation called "Try American Day," celebrated in conjunction with Labor Day. Many states and cities ratified this proclamation and recognized Rick's valuable contribution. However, to Rick, what is even more prestigious than awards or recognition is that in his personal life Rick is a husband of over 30 years to his wife Nancy and father to his two daughters, Veronica, 26, and Stephanie, 25. Rick also enjoys hobbies like wake boarding, snow boarding, being a private pilot and running as a master's track competitor.

Rick's tireless passion for American business and community service has contributed immensely to the betterment of the community of Orange County, California. I am proud to call Rick a fellow community member, American and close friend. I know that many community members are grateful for his work and salute him on his 60th birthday.

HONORING OUR MEDICAL HEROES AND HEROINES ON NATIONAL NURSES' RECOGNITION WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. RANGEL. Madam Speaker, I rise today in awe of all the amazing work our nation's nurses accomplish—from the battlefield in Iraq and Afghanistan, to the late-hours in the local hospitals of our communities. These men and women on the frontlines of our health care system deserve our utmost praise, and in this week, we salute their herculean efforts. But in the coming months, as we ambitiously attempt to bolster and reform America's health care, let's keep their concerns and their voices at the forefront. Let's do right by them, as we should by the 45 million uninsured Americans who need our help.

The elimination of health disparities is a central goal of health reform. Minorities are more likely to be uninsured and often experience worse health outcomes. This is unacceptable and has been the case for far too long. If we do health reform right, we have a great opportunity to address the fundamentally inequitable health disparities that plague our nation. The first major step is to get everyone insured, but that is not enough. We must ensure that we have enough primary care, spe-

cialty doctors, and registered nurses to serve everyone. We must take steps to improve the health workforce and infrastructure so that insurance veritably translates into access to high-quality care. In addition, we must ensure that the millions of people who are Limited English Proficient have access to culturally and linguistically appropriate providers and care.

The nearly 2.9 million registered nurses in the United States comprise our nation's largest health care profession. They are an indispensable component in the safety and quality of care for hospitalized patients, and are prepared to meet the different and emerging health care needs of our community. As a founding member of the Congressional Nursing Caucus, with a mandate to educate Congress on all aspects of the nursing profession and how nursing issues impact the delivery of safe, quality care, I will continue to advocate on behalf of these notable professionals.

I honor registered nurse's accomplishments and efforts to improve our health care system, and we should all show our appreciation for the nation's registered nurses—not just this week but at every opportunity throughout the year.

CONGRATULATING THE INDIANA SCHOOL FOR THE DEAF BASE- BALL TEAM, 2009 HOY CLASSIC CHAMPIONS

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to offer my congratulations to the Indiana School for the Deaf Baseball Team. Last month, they were crowned the national champions at the Hoy Classic in Fremont, California.

Since the inception of this program four years ago, this was the first time that the Indiana School for the Deaf captured the championship title. I applaud the team for its exceptional performance. This was also the first time that they played on a Varsity Schedule. The team exemplified themselves at the tournament by finishing with a record of 4–1, defeating the host California School for the Deaf by 5–3.

This year's team was led by an impressive roster of talented athletes who were recognized for their outstanding sportsmanship. Pitcher Tyler Crace was named the Most Valuable Player at the event, with 16 strikeouts in nine innings. Tony Dall and Jose Mast were selected for the all-tournament team. I would also like to recognize Will Fetzer, Dylan Osbourne and Trevor Rouse as some of the top players throughout the competition.

It is important to mention that this exceptional achievement would not have been possible without the dedication of first-year Head Coach, Rusty Crace and Assistant Coach, Steve Sorse. With their unwavering support, these coaches pushed the team to reach their full potential. Additionally, the dynamic faculty, staff and student body should be recognized for their enthusiasm and pride in their team.

Today, I ask my colleagues to join me in congratulating this outstanding baseball team, the coaching staff and the school for their marvelous achievement in winning the Hoy Classic championship title and distinguishing themselves as one of the best baseball teams in the nation.

MARISSA BAUM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Marissa Baum who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Marissa Baum is an 8th grader at Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Marissa Baum is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Marissa Baum for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

JOHN BADGETT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud John Badgett who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. John Badgett is a 7th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by John Badgett is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to John Badgett for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House floor during Tuesday's three rollcall votes.

Had I been present, I would have voted against tabling the Flake Privileged Resolution, in favor of H. Res. 413, and in favor of H. Res. 378, amended.

DANIEL BENAVIDEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Daniel Benavidez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Daniel Benavidez is a senior at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Daniel Benavidez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Daniel Benavidez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN RECOGNITION OF MS. IDA MAE
DUKE RICE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to a special day in the life of a constituent of mine, Ms. Ida Mae Duke Rice.

On May 25, Ms. Rice will celebrate her 100th birthday. To help commemorate this special occasion, her friends and family are holding a celebration on June 20 at Barfield Baptist Church.

Ida Mae Duke Rice was born in Clay County, AL to Steve Morris and Zeda Eudora Duke. She married Charlie Henry Rice on February 26, 1930 and has five children, 10 grandchildren, 16 great-grandchildren and 1 great-great-grandchild.

Ms. Rice served as an LPN at Lineville Nursing Home and retired after 30 years of service. She is a member of New Fellowship Baptist Church.

I would like to congratulate Ms. Rice on reaching this important milestone in her life,

and wish her the happiest of birthdays at this special occasion.

MEGAN BOWEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Megan Bowen who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Megan Bowen is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Megan Bowen is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Megan Bowen for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

REGARDING INTRODUCTION OF
THE STRATEGIES TO ADDRESS
ANTIMICROBIAL RESISTANCE
(STAAR) ACT

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. MATHESON. Madam Speaker, I rise to re-introduce the "Strategies to Address Antimicrobial Resistance (STAAR) Act," which I believe has the potential to save many thousands of lives by strengthening the United States' response to infectious pathogens, including H1N1 influenza, that are becoming increasingly resistant to existing antimicrobial drugs (antibacterials, antivirals, antifungals, etc.).

I have been working on the issue of antimicrobial resistance for several years and it is alarming how often reports of resistant infections now appear. I do not believe the public health community simply is crying "wolf." We no longer can be complacent.

When I first introduced this bill two years ago, we were facing reports of extensively-drug resistant tuberculosis (XDR-TB) and fears of an Avian flu pandemic. Over the last few weeks, we all have followed the H1N1 influenza outbreak as we ramped up our awareness of influenza mitigation strategies and the impact of infectious pathogens. What received less attention is the fact that H1N1 is resistant to some of the drugs in our arsenal. The Centers for Disease Control and Prevention (CDC) will continue to watch the spread and evolution of this pathogen as flu season hits the southern hemisphere. Hopefully, we again will buy some time before we truly face a pandemic. But, now the possibility of a pandemic

has become real to many of us. We have been forced to think about how quickly an infection can spread, especially in the age of international air travel, and the disastrous result if it were a strain of bacteria that failed to respond to our current antiviral drugs.

Another resistant infection that caught our attention over the past year is community-acquired methicillin-resistant *Staphylococcus aureus* (CA-MRSA). Historically, this infection was acquired during a hospital stay, but now is impacting young, healthy people and spreading in our communities. We've heard stories of high school, college and professional athletes losing their lives or careers as a result of these infections. Many of our constituents are facing serious illness and death due to MRSA infections. Sadly, this infection has become far too common, difficult to treat and has few options to fight it. It can leave individuals disfigured, if they survive. In my own state of Utah, the number of children with MRSA infections at the Primary Children's Medical Center in Salt Lake City has increased by almost 20 fold over the past two decades.

There are still more infections to worry about. We have numerous reports of our soldiers coming home from Iraq and Afghanistan with *Acinetobacter*—a resistant bacterial infection that is especially difficult to treat and the only option is a very toxic antibiotic.

Other examples of concern include vancomycin-resistant *Staphylococcus aureus* (VISA), an alarming development because vancomycin is the drug of last resort for treating several serious infections, and *Escherichia coli* (E.coli), which has caused outbreaks due to contamination of spinach, peanut butter, and other foods we regularly consume.

Madam Speaker, I believe strongly that this year we must take this issue seriously and ensure we have the public health infrastructure in place to both monitor and respond to these emerging drug resistant infections. The STAAR Act is the most comprehensive legislation introduced to date to address this serious and life-threatening patient safety and public health problem. We must act now to begin to reverse the alarming trend, and infectious disease experts tell me that the multi-pronged approaches contained in the STAAR Act provides our best chance to address the multiple problems that face us.

We have taken antimicrobial drug development for granted. Few of us remember medicine before the discovery of antibacterial and antiviral drugs. Antibacterial drugs in particular have allowed many medical advances, including routine invasive surgeries, organ transplants, and other procedures that otherwise would be impossible due to resulting infections. But we are falling behind in our ability to protect ourselves against infections, and we have a lot of catching up to do. Fifteen years ago, the Congressional Office of Technology Assessment (OTA) examined the problem of antimicrobial resistance and reported to Congress that "The impacts of antibiotic-resistant bacteria can be reduced by preserving the effectiveness of current antibiotics through infection control, vaccination and prudent use of antibiotics, and by developing new antibiotics specifically to treat infections caused by antibiotic-resistant bacteria."

In addition, there are problems of significant and inappropriate use of antimicrobials; a lack of adequate research to address the many facets of resistance, including basic, clinical, interventional, and epidemiologic research as well as research to support the development of new diagnostics, biologics, devices and, of course, drugs; a fractured and under-funded resistance surveillance system; and insufficient coordination of the federal response, which is critically needed as the solutions to addressing antimicrobial resistance involve multiple agencies and departments.

To begin to respond to the drug resistance problem, eight years ago Congress passed legislation that became Section 319E, "Combating Antimicrobial Resistance" of the Public Health Service Act. This law directed the Secretary to establish an Antimicrobial Resistance Task Force to coordinate Federal programs relating to antimicrobial resistance; required research and development of new antimicrobial drugs and diagnostics; established educational programs for medical and health personnel in the use of these drugs; and established demonstration grants for programs promoting the judicious use of antimicrobial drugs and the detection and control of the spread of antimicrobial-resistant pathogens. Authorization for these programs expired September 30, 2006. The STAAR Act reauthorizes these programs and builds on the Federal efforts that have been highlighted in the Public Health Service Action Plan to Combat Antimicrobial Resistance, published in 2001 by the Task Force.

The Action Plan identified thirteen key elements (out of 84 elements) as top priority action items that are critically necessary to address the growing resistance crisis. Regrettably, the Action Plan has never been funded.

In spite of these past efforts to address the problem, antimicrobial resistance continues to grow. In 2004, the Infectious Diseases Society of America (IDSA) published, "Bad Bugs, No Drugs: As Antibiotic Discovery Stagnates a Public Health Crisis Brews" to highlight the lack of research and development for new antibiotics. Updates to this report continue to make the case that we need to do more. Antibacterial drugs are not profitable compared to those that treat chronic (long-term) conditions and lifestyle issues. In addition, when a new antibiotic comes on the market, it is discouraged from use to avoid the development of resistance. Also, antibiotics are taken for short periods of time—unlike those for chronic disease which may be taken daily. As a result, big pharmaceutical companies have pretty much turned their back on antibiotic development. IDSA has published several other reports that support many of the provisions found in the STAAR Act.

The "Strategies to Address Antimicrobial Resistance (STAAR) Act" is comprehensive legislation that advances the thirteen key elements identified in the federal Action Plan and authorizes adequate funding for these strategies.

My bill strengthens existing efforts by establishing an Antimicrobial Resistance office (ARO) within the Office of the Secretary of Health and Human Services. The Director of the ARO would serve as the director of the existing interagency task force and work in con-

junction with the many Federal agencies which share responsibility to address antimicrobial resistance to ensure accountability and progress on the Action Plan. Also, to encourage input from experts outside the federal government, and to ensure accountability, my bill would establish a Public Health Antimicrobial Advisory Board (PHAAB) to provide much needed advice about antimicrobial resistance and strategies to address it. The STAAR Act will strengthen existing surveillance, data collection, and research activities as a means to reduce the inappropriate use of antimicrobials, develop and test new interventions to limit the spread of resistant organisms, and foster the development of new tools to detect, prevent and treat these "bad bugs." Infectious diseases experts have said they strongly support this multi-faceted, strategic approach.

The STAAR Act has been endorsed by a number of organizations, including: Infectious Diseases Society of America (IDSA), American Academy of Family Physicians (AAFP), Alliance for the Prudent Use of Antibiotics (APUA); American Association of Critical-Care Nurses (AACN); National Parent-Teacher Association (PTA); American Public Health Association (APHA); National Foundation for Infectious Diseases (NFID); Council of State and Territorial Epidemiologists (CSTE); and Michigan Antibiotic Resistance Reduction Coalition (MARRA); American Society of Health-System Pharmacists (ASHP); Association for Professionals in Infection Control and Epidemiology (APIC); International Society of Microbial Resistance (ISMR); Michigan Antibiotic Resistance Reduction Coalition (MARRA); National Athletic Trainers Association (NATA); Society of Infectious Diseases Pharmacists (SIDP); and Trust for America's Health (TFAH).

This legislation has been a long time coming. I urge my colleagues to join me in supporting this legislation and to work with me to give our federal agencies the tools they need to ensure that combating antimicrobial resistance becomes a priority.

NATHAN BOECK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nathan Boeck who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nathan Boeck is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nathan Boeck is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nathan Boeck for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the

same dedication he has shown in his academic career to his future accomplishments.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to get to the House floor in time on Wednesday, May 6, 2009, and therefore unable to cast a vote on the House floor that afternoon.

However, had I been present I would have voted "aye" on H. Res. 348, congratulating the University of North Carolina men's basketball team for winning the 2009 NCAA Division I Men's Basketball National Championship.

SHELBY BEAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Shelby Bean who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Shelby Bean is a senior at Arvada West High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Shelby Bean is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Shelby Bean for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

TEN HONORED AT ANNUAL SENIOR HALL OF FAME BREAKFAST

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. WEXLER. Madam Speaker, today in Tamarac, Florida, ten outstanding Broward elders will be honored at the Annual Senior Hall of Fame Breakfast. These ten seniors being honored have volunteered in their communities and have spent countless hours helping others. Their outstanding character and compassion have truly set them apart and make them worthy of this prestigious honor.

Dorothy Arbogast of Pembroke Pines, who has been battling Lupus for many decades, has been volunteering with the Senior Companion Program since 2004, serving over 3,300 hours with people with tremendous

physical, developmental, and emotional needs; as well as frail elders in their homes; adult day care centers; and providing relief to caregivers caring for loved ones with Alzheimer's. Dorothy also volunteers with the Lupus Foundation, the Street People of Oakland Park, Cancer Foundation and Leeza's Place, and serves with great compassion, dedication, and humility.

Mayor Samuel S. Brown of Lauderdale Lakes was elected mayor in 1998, and under his leadership, the City made numerous positive strides in redevelopment and capital improvement, while continuing to provide quality services to its residents. A unifying force in the community, Mayor Brown is involved in many charitable and philanthropic efforts and has been responsible for overseeing several community service projects. He also organizes an annual Thanksgiving Food Drive for seniors and has made it possible for hundreds of needy children to receive gifts during the holidays through the Angel Tree Gift Giving Program.

Joan Fink of Hillsboro Beach has devoted time to the Northeast Focal Point Senior Center for over 12 years and is currently Treasurer of the Children's, Alzheimer's, Seniors and Adult Services (CASA) Board of Directors, Auxiliary, and Child Development Center. She is active in many fundraising events, including the annual Auxiliary Fashion Show and the "Cuisine of the Region." Joan has also volunteered at the North Broward Medical Center and has been a member and recording secretary of the American Association of University Women—Pompano Beach Chapter for the past 13 years, where she has helped raise funds to promote educational scholarships for women.

Hazel Haas of Margate has used her formal theater education and vast experience with the performing arts to improve the lives of Broward County residents since 1989, adding humor to her volunteering efforts with several organizations, including the Northwest Medical Center and the Margate Chapter of the Parkinson's Support Group, and she shares her warmth, humor and knowledge of the community by presenting sessions for Continuing Education Credit at the Aging & Disability Resource Center's Annual Broward Aging Network Conference. Hazel's mother, Nettie Gross, was honored as a member of the Senior Hall of Fame in 1993, and for the past five years, Hazel has facilitated the link between generations by funding the Nettie Baron Gross Memorial Scholarship for Broward College students studying issues impacting seniors' lives.

Judy Henry of Tamarac has been volunteering for many years for a number of organizations, serving as President of American Woman's ORT, President of the Coral Springs Soccer Association, and as a Board Member as one of the Founding Families of Temple Beth Orr of Coral Springs. Judy has dedicated her time to the Jewish Federation of Greater Fort Lauderdale and the United Way of Broward County, and through her role as a Board Member of Cooperative Feeding, she has assisted in providing food, counseling and other basic needs for the homeless. She has also initiated mail boxes for the homeless, and as President of Volunteer Broward, has been working on an agricultural project, teaching

neighborhoods how to garden and grow food for themselves.

Mayor Judy Paul of Davie has worked tirelessly for Broward County, as she is active on the boards of the 4-H Foundation, Broward County Farm Bureau, Junior Achievement, Davie Area Land Trust, Broward Extension Foundation, Davie Boys and Girls Club, and South Florida Trail Riders. Mayor Paul served on the Davie Town Council from 1998 to 2007, as well as the Davie Charter Review Board from 1996 to 2007, and is President of the Friends of Davie Farm Park, Inc., and an honorary member of the Board of Directors for Old Davie School. A retired teacher, Mayor Paul is outspoken about caring for the environment, promoting enhancing green space and working on projects to provide the general public opportunities to learn more about agriculture.

Mayor Sylvia Poitier is a lifelong resident of Deerfield Beach and served on the City Commission from 1973 to 1985 and from 2005 until today, serving as Mayor in 1976 to 77 and acting Mayor since December 2008, as well as the County Commission from 1986 to 1998, and has committed herself to providing affordable housing to residents and senior program funding during her time in office. Mayor Poitier has also volunteered for many social service boards and committees, has served as an advocate for senior, Alzheimer's, and children services, as well as intergenerational programs. She is currently Chair for the Community Action Agency, a Member of the Salvation Army Board, and was the First African American President of the Broward County Council of Parent-Teacher associations.

Marcia Slow Sandler of Pembroke Pines has been working tirelessly for over 15 years in many capacities, including President and Member of the Children's Cancer Caring Broward Chapter and Founder of the Angels in the Outfield Chapter of Joe DiMaggio Children's Hospital. She has also been a contributor to social service fundraising activities and served four years on the Aging & Disability Resource Center's Advisory Council, where she secured Fair Share Appropriations from local municipalities.

Senator Nan H. Rich is a lifelong resident of Weston and serves District 34 in the Florida Senate. Prior to entering politics, Nan devoted many years to volunteering with children and the handicapped, and in Tallahassee, her commitment to elders has been evidenced repeatedly through her voice and her actions, continuing to seek and secure critical funding for necessary services. Senator Rich is active on various boards in the religious sector and is highly respected as the true voice of reason in an atmosphere that too often disregards the oppressed and the victimized.

Greta Silver of Coconut Creek has an enthusiasm and energy that make her an invaluable volunteer at the Alzheimer's Family Center, where she helps clients to cope with their fears and frustrations. As a talented journalist, Greta also writes a quarterly newsletter called "The Volunteer Vine," and in December 2008 she coordinated a Holiday Volunteer Day for the Center, planning lunch, entertainment, favors, centerpieces, and guest speakers. Greta is also a trained volunteer for the Project Lifesaver Safety Program and is extremely active within her homeowner's association.

Madam Speaker, I would like to again congratulate these ten outstanding Broward County citizens who are being honored at the Annual Senior Hall of Fame, and thank them for their years of service to their fellow Floridians.

GABRIEL BARRIOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Gabriel Barrios who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Gabriel Barrios is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Gabriel Barrios is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Gabriel Barrios for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

THE INTRODUCTION OF THE HIGHWAY TRUST FUND FAIRNESS ACT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. LEWIS of Georgia. Madam Speaker, I rise today to introduce the Highway Trust Fund Fairness Act of 2009. I urge all of my colleagues to support this common-sense legislation.

This year, Congress is tasked with the much larger mission of reauthorizing the country's surface transportation programs to meet the needs of a constantly-evolving highway and transit system. Later this year, we will have to really look at ways to make the Highway Trust Fund more solvent, but in the meantime, we can make smaller changes that would help ease the burden.

The Highway Trust Fund Fairness Act does just that. It allows the Highway Trust Fund to be treated like other federal trust funds by allowing refunds and credits through the General Fund. The bill will also allow the Highway Trust Fund to accrue interest on its balance. These are very basic, common-sense changes that will save money in the long-run.

In 1962, President John F. Kennedy created National Transportation Week. He recognized that transportation was fast becoming one of the most sensitive and important issues facing our nation. It affects every person, every day. How do you get to and from school and work

safely and efficiently every day? How do you visit family, friends, and loved ones?

When I was first elected to Congress, I served on what was then the Public Works and Transportation Committee. It is now the Transportation and Infrastructure Committee chaired by my good friend and colleague Mr. OBERSTAR. I went on to eventually serve on the Ways and Means Committee where I chair the Oversight Subcommittee. Although we don't work directly on transportation issues in this Committee, we do have the opportunity to deal with how our nation's infrastructure is funded.

The Highway Trust Fund was established in 1956 to provide a dedicated source of federal support for highways and transit programs across the country. Unfortunately, the Highway Trust Fund's balance continues to diminish every year. First and foremost, the Highway Trust Fund is financed primarily through fuel taxes. Combined with high gas prices last year and greener living, people are driving less. This means there is less money going into the Trust Fund. Second, the projects funded out of the Trust Fund are more costly. Consequently fewer initiatives can be funded from the Trust Fund.

As you can see, Madam Speaker, since National Transportation Week was first created, our Nation's transportation and infrastructure has become much more complex—as has our economy. Jobs are created where there is good connectivity—roads, trains, bridges, public transit, walkable, bikable streets and communities. Before we tackle these larger issues, we can start with the basics. I urge all of my colleagues to support this very simple legislation.

NATE BURIANAK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nate Burianak who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nate Burianak is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nate Burianak is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nate Burianak for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

CONGRATULATING CATERPILLAR, INC.

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. FOSTER. Madam Speaker, I am submitting this statement to express congratulations to Caterpillar, Inc. for their receiving EPA's Clean Air Excellence Award.

Caterpillar was honored for developing its D7E, a revolutionary new bulldozer that consumes up to 30 percent less fuel and performs necessary construction operations 25 percent more efficiently. These impressive increases in efficiency will allow construction workers, miners and other earthmoving workers to do their jobs while emitting significantly fewer carbon dioxide emissions.

After more than two years of research, the D7E represents exactly the kinds of new technology we need to move our country and our economy into the 21st Century. Its electric drive is a platform from which Caterpillar can begin exploring the possible use of alternative fuels to power American construction.

Production of these innovative tractors is set to begin later this year in my home state of Illinois. As a former small businessman myself, and one who worked to keep manufacturing jobs in the Midwest, I would like to further congratulate Caterpillar for its commitment to reinvest in the communities that have supported them for nearly 100 years.

It is my honor to represent the employees of Caterpillar's Aurora, Montgomery and Dixon manufacturing facilities, and I thank them for all their hard work.

ROSALINDA BUSTILLOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rosalinda Bustillos who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rosalinda Bustillos is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rosalinda Bustillos is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rosalinda Bustillos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

A TRIBUTE TO MS. CHRISTA
ALTMAN

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Ms. Christa Altman for her service to the students at St. Aloysius Gonzaga Academy in Shepherdsville, Kentucky. She was recognized with the Catholic Education Foundation's Teacher Award.

Ms. Altman is devoted to making sure the students that pass through her classroom receive the best education possible. Her first-grade class consistently performs near the top on the school's annual test that measures student achievement.

Ms. Altman's positive influence on her students is also evident outside of the classroom. She regularly volunteers for school activities and important causes, such as raising funds for St. Jude Children's Research Hospital. By showing this spirit of volunteerism, Ms. Altman is inspiring future generations to make a difference in their communities.

Ms. Altman's passion for making a difference in the lives of her students is an example for all Kentuckians to follow. I thank Ms. Altman for her commitment to the students in Shepherdsville.

IN HONOR OF THE RETIREMENT
OF COLONEL JAMES GEURTS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. SMITH of Washington. Madam Speaker, I rise today to honor the service of Colonel James Geurts, United States Air Force, on the occasion of his retirement after twenty-two years of dedicated service to this Nation.

A distinguished graduate of the Lehigh University and the Air Force's Institute of Technology, Colonel Geurts was commissioned as an officer in the Air Force in 1987. He has served as a career acquisition program manager with engineering and program management experience in numerous weapon systems including Intercontinental Ballistic Missiles, surveillance platforms, tactical fighter aircraft, stealth cruise missiles, and special operations manned and unmanned aircraft.

As the Program Executive Officer for Fixed Wing at United States Special Operations Command, Colonel Geurts spearheaded the largest recapitalization and growth of Special Operations Forces Air Component fleet in its 22 year history. More than anyone else, Colonel Geurts helped shape the future of Special Operations aviation.

Colonel Geurts was instrumental in planning and executing numerous urgent deployment acquisition programs in support of Operations Enduring Freedom and Iraqi freedom. He fielded multiple aircraft, which led the Secretary of Defense to proclaim his efforts as "the single greatest expansion of Intelligence, Surveillance, and Reconnaissance capability flowing to the United States troops."

Colonel Geurts' distinguished career is marked by numerous awards and decorations that include the 2008 Packard Award, the Global War on Terrorism Advanced Concept Technology Demonstration Transition Team of the Year, and the William Perry Award. In addition, he has been awarded the Legion of Merit, Defense Meritorious Service Medal (1 oak leaf cluster), Meritorious Service Medal, Air Force Commendation Medal, Joint Service Achievement Medal (1 oak leaf cluster), and the Air Force Achievement Medal (1 oak leaf cluster).

On behalf of Congress and the United States of America, I express our appreciation of Colonel Geurts for his tireless service and support of the warfighter. His professionalism, expertise, and efforts showcase his patriotism, and his dedication to the Special Operators in the field: Colonel James Geurts is truly a great American.

I congratulate Colonel Geurts on completing an exceptional military career and am humbled by his dedicated service to our Nation. I wish Colonel Geurts, his wife Kelly, and their sons Jimmy and Brandon many blessings and much success as he begins his future endeavors and embarks on new adventures.

IN RECOGNITION OF CYNTHIA C.
SNIDER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to a constituent of mine, Mrs. Cynthia C. Snider.

Cindy has been named Teacher of the Year at Ohatchee High School in Ohatchee, Alabama for the 2008-09 school year.

Cindy was born in Mississippi to Eugene and Bobbie Champion and was the oldest of five children. Her paternal grandmother, Carol Champion, was a teacher in Highland Home, Alabama and always encouraged Cindy to love learning. Cindy grew up in Montgomery, Alabama and graduated from Auburn University with a degree in Accounting.

After spending her career working as an English as a Second Language Instructor for Anniston City Schools, she went back to school at Jacksonville State University and earned her teaching certificate.

She has been the Spanish Teacher at Ohatchee High School since 2005.

Cindy's passion for teaching is evident inside and outside the classroom, and I am proud to congratulate her today for this important recognition.

VERONICA BELL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Veronica Bell

who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Veronica Bell is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Veronica Bell is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Veronica Bell for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

A TRIBUTE TO MS. PATTY NEVITT

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Ms. Patty Nevitt for her service to the students at Bethlehem High School in Bardstown, Kentucky. She was recognized with the Catholic Education Foundation's Teacher Award.

Ms. Nevitt primarily works with special needs students in the Marlona Ice Learning Center. She pushes her students to reach their maximum academic potential while providing the assistance the students need to be successful in the classroom.

In addition to her full case load of students, Ms. Nevitt also works with teachers to develop instructional practices to ensure the success of all students. Her leadership and willingness to serve in whatever capacity she is most needed to make her a valuable asset to Bethlehem High School.

Ms. Nevitt's passion for making a difference in the lives of her students and teachers is an example for all Kentuckians to follow. I thank Ms. Nevitt for her commitment to the students and teachers in Bardstown.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD

on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 14, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 15

9:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Robert M. Groves, of Michigan, to be Director of the Census, Department of Commerce.

SD-342

MAY 19

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army proposed defense authorization request for fiscal year 2010 and the Future Years Defense Program.

SH-216

10 a.m.

Finance

Energy, Natural Resources, and Infrastructure Subcommittee

To hold hearings to examine oil and gas tax provisions, focusing on the President's Fiscal Year 2010 budget proposal.

SD-215

Environment and Public Works

To hold hearings to examine business opportunities and climate policy.

SD-406

Health, Education, Labor, and Pensions

Business meeting to consider S. 982, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and any pending nominations.

SD-430

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine protecting Americans, focusing on holding foreign manufacturers accountable.

SD-226

10:15 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine funding and oversight of the Department of Energy.

SD-138

Foreign Relations

To hold hearings to examine challenges and opportunities for U.S.-China cooperation on climate change.

SD-419

11 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of J. Randolph Babbitt, of Virginia, to be Administrator of the Federal Aviation Administration, and John D. Porcari, of Maryland, to be Deputy Secretary, both of the Department of Transportation, Rebecca M. Blank, of Maryland, to be Under Sec-

retary for Economic Affairs, and Lawrence E. Strickling, of Illinois, to be Assistant Secretary for Communications and Information, both of the Department of Commerce, and Aneesh Chopra, to be Chief Technology Officer, Office of Science and Technology Policy at the Executive Office of the President.

SR-253

2:15 p.m.

Foreign Relations

Business meeting to consider pending calendar business.

S-116, Capitol

Foreign Relations

To hold hearings to examine pathways to a green global economic recovery.

SD-419

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Discount Pricing Consumer Protection Act, focusing on a ban on vertical price fixing.

SD-226

Appropriations

Military Construction and Veterans Affairs, and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2010 for the Department of Defense and the Department of the Navy military construction programs.

SD-138

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine public health challenges in our nation's capital.

SD-342

Intelligence

To hold closed hearings to examine certain intelligence matters.

S-407, Capitol

MAY 20

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Troubled Asset Relief Program (TARP).

SD-538

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2010 for the Department of State.

SD-192

10 a.m.

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine securing the border and America's points of entry.

SD-226

Joint Economic Committee

To hold hearings to examine oil and the economy, focusing on the impact of ris-

ing global demand on the United States recovery.

210, Cannon Building

2 p.m.

Foreign Relations

To hold hearings to examine foreign policy priorities in the President's fiscal year 2010 international affairs budget.

SH-216

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine the Defense Authorization request for fiscal year 2010 and Future Years Defense Program for military space programs; to be possibly followed by a closed session in SVC-217.

SR-232A

Aging

To hold hearings to examine pension plans.

SR-432

2:30 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine criminal prosecution as a deterrent to health care fraud.

SD-226

Health, Education, Labor, and Pensions

Business meeting to consider S. 717, to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and any pending nominations.

SD-430

Armed Services

Personnel Subcommittee

To hold hearings to examine the Defense Authorization request for fiscal year 2010 and Future Years Defense Program for active component, reserve component, and civilian personnel programs.

SR-222

MAY 21

2:30 a.m.

Intelligence

To hold hearings to examine the nominations of Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency, and Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

SH-216

9:30 a.m.

Foreign Relations

To hold hearings to examine a new strategy for Afghanistan and Pakistan.

SD-419

Veterans' Affairs

Business meeting to markup pending legislation.

SR-418

2:30 p.m.

Commerce, Science, and Transportation

Science and Space Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2010 for NASA.

SR-253

SENATE—Thursday, May 14, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, You know all about us. You know when we sit down and when we rise up. You know when we sin and when we obey. Give us Your Holy Spirit to purge us from every wrong thing, that our lives will glorify You.

Today, guide the steps of our lawmakers. Help them to run when they can, to walk when they ought, and to wait when they must. Open their minds to discern Your will and make them ready to do it. In everything, do through them what is best for our Nation and the advancement of Your kingdom in our world.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 14, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following the remarks of Senator McCONNELL and myself, there will be a period of morning business for up to an hour. Senators will be allowed to speak for up to 10 minutes each, with the exception of Senator FEINSTEIN, who will control the full 30 minutes on the Democratic side. The next 30 minutes will be under the control of the Republicans. Following morning business, the Senate will resume consideration of the credit card legislation.

Last evening, I filed cloture on the substitute amendment and on the underlying bill. That was under rule XXII. Because of that, the filing deadline for germane first-degree amendments is at 1 p.m. today. I hope we can reach agreement to have that cloture vote today. It is scheduled for the morning. If we can't do it in the morning, we will have to do it Tuesday morning because of the Senate schedule. If we complete that cloture vote tonight, we would be able to finish the germane amendments Tuesday morning and move on to other matters we have to do next week before we take our Memorial Day recess. We want to be able to leave here, if at all possible, on Thursday of next week. People have things scheduled. But we may have to work into Friday. I hope not. I hope we don't have to work into Saturday. But we have to do this credit card legislation, the financial fraud. We have been in contact with Republicans. They will have a number of amendments. They want it to come back from the House. There will be some amendments in order. I have spoken to the Republican leader on that, and they are going to try to get us those amendments as quickly as possible. Hopefully this morning we can set that up to complete that legislation quickly.

Then, of course, we have to do the supplemental appropriations bill. I hope that is not going to be controversial. It will be marked up in the Senate today, and then we will have the ability to look at what the House and Senate did before it comes to the floor here.

There are a number of issues that will be discussed. I hope there aren't any that should take a lot of time, but we will see.

That is our workload this work period. I hope we can work through this, as much as we can get done today. If not, we can complete a lot of the work on tomorrow and Monday even though there will be no votes on those days.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GUANTANAMO

Mr. McCONNELL. Madam President, last night we learned that the supplemental war spending bill the Senate will take up contains \$80 million to be used for closing Guantanamo. But the language of the bill acknowledges what Republicans have been saying for months: The administration has no plan to safely close this secure detention facility.

Closing Guantanamo without a safe alternative would be irresponsible, dangerous, and unacceptable to the American people. Americans are worried that closing Guantanamo by an arbitrary deadline won't keep them as safe as Guantanamo has. They are particularly worried about the administration's reported plan to transfer some detainees to detention facilities right here on American soil. State and local officials in places such as Louisiana, California, Virginia, and Missouri have been introducing resolutions to keep terrorists from coming to their communities.

One look at the experience that Alexandria, right across the river here, had a few years ago during the trial of 9/11 conspirator Zacharias Moussaoui makes it easier to see why all these communities are so concerned. Moussaoui was just one terrorist. Yet the effect his presence had on the city of Alexandria was enough for the city's current mayor to state emphatically that he is absolutely opposed to relocating prisoners from Guantanamo to Alexandria. "We had this experience," he said recently. "Let someone else have it."

According to press accounts, housing Moussaoui turned parts of Alexandria into a virtual encampment. Every time he was moved to the courthouse, he was transferred in a heavily armed convoy that shut down traffic and locked down the surrounding community.

One security expert recently told the Washington Post that housing detainees from Guantanamo would likely be even more complicated than it was for Moussaoui, with more locations for security personnel to cover and even more snipers.

According to the same Post article, one of Moussaoui's lawyers said that bringing just two or three Guantanamo detainees to Alexandria would be a "major headache." Alexandria's sheriff

has warned that multiple detainees could "overwhelm the system."

Based on the Moussaoui experience, local business owners in Alexandria also think the arrival of detainees from Guantanamo could be a serious drag on commerce. But even more worrisome for residents is the concern that housing detainees in Alexandria could invite terrorist attacks.

I ask unanimous consent to have the Washington Post article I am referring to entitled "Security Worries in the Suburbs, Possible Move of Terrorist Suspects to Alexandria for Trial Raises Outcry" printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 25, 2009]

SECURITY WORRIES IN THE SUBURBS

(By Jerry Markon)

An outcry is growing in Alexandria over a prospect no one seems to like: terrorist suspects in the suburbs.

The historic, vibrant community less than 10 miles from the White House markets itself as a "federal friendly zone." But it has turned decidedly unfriendly to news that the Obama administration might move some detainees from their highly controlled military fortress at Guantanamo Bay, Cuba, to Alexandria to stand trial at the federal courthouse.

"We would be absolutely opposed to relocating Guantanamo prisoners to Alexandria," Mayor William D. Euille (D) said. "We would do everything in our power to lobby the president, the governor, the Congress and everyone else to stop it. We've had this experience, and it was unpleasant. Let someone else have it."

The 2006 death penalty trial of Zacarias Moussaoui, who was convicted of conspiring in the terrorist attacks of Sept. 11, 2001, turned the neighborhood into a virtual encampment, with heavily armed agents, rooftop snipers, bomb-sniffing dogs, blocked streets, identification checks and a fleet of television satellite trucks.

President Obama has vowed to close Guantanamo by January, and the government is reviewing files on the roughly 240 detainees. The administration has strongly indicated that some will be transferred to federal courts, and a senior Justice Department official recently named Alexandria, along with Manhattan, as possible destinations.

Alexandria Sheriff Dana A. Lawhorne, who operates the city jail, said federal security requirements for housing suspects could "overwhelm the system" if multiple detainees are brought there.

City officials and some legislators are concerned that terror trials would take years, shut down roads and cost millions and could invite attacks from terrorist sympathizers. Business owners in the dense area around the courthouse—newly filled with hotels, restaurants and luxury apartments—fear disruptions amid a declining economy.

Local officials acknowledged that they cannot control the docket at the federal courthouse and said they would work with the Justice Department to minimize problems. But the resistance in Alexandria, one of the few places known for handling high-level terrorism and national security cases, illustrates some of the practical complexities facing the president's plan to shutter the controversial detention facility.

The Guantanamo detainees include the five accused planners of Sept. 11, among them former al-Qaeda operations chief Khalid Sheikh Mohammed. Putting detainees on trial in Alexandria would mean moving them from an isolated island prison 90 miles from Florida to a neighborhood brimming with residents, thousands of federal employees and the new Westin Alexandria Hotel 190 feet from the courthouse door.

"It would be a disaster," said Rep. Frank R. Wolf (R-Va.), who co-sponsored legislation to ban the use of federal funds to transfer detainees to Virginia detention facilities, one of at least 10 similar bills filed by Republicans nationwide. In a March 13 letter to Attorney General Eric H. Holder Jr., Wolf questioned how officials would protect the community.

Dean Boyd, a Justice Department spokesman, said the administration is reviewing how to handle Guantanamo detainees. "It's far too early to speculate on the final disposition of any particular detainee at this time, much less begin speculating about potential judicial districts for prosecution," he said. He declined to comment on Wolf's letter.

Matt Branigan, president of Fairfax-based Watermark Risk Management International, said that the security could cost millions and that a courthouse in a less-populated area would be safer than Alexandria.

"The concern is that someone from the terrorist side of things would want to make some statement in conjunction with the trials," said Branigan, a former senior Air Force anti-terrorism officer. He said the new development in the area "makes the security plan much more complicated. You have more locations to cover, more roofs to lock down with snipers."

When the Alexandria jail, an eight-story red-brick building adjacent to the Capital Beltway near the Woodrow Wilson Bridge, opened in 1987, the area had been a city dump.

"The idea wasn't that you were going to house terrorists," Lawhorne said. "It was a local jail."

The 10-story federal courthouse opened a few blocks away in 1996 in what had been a field of mud. The chief judge brought bag lunches to work because there were so few restaurants nearby.

Major terror trials were held in Manhattan in those days, but Alexandria became the Bush administration's courthouse of choice after hijacked airplanes slammed into the World Trade Center and the Pentagon. Northern Virginia jurors and judges were considered more conservative, and officials thought the area was more secure.

By early 2002, about a dozen terrorist suspects were held at the jail, which by contract accepts up to 150 federal inmates, and more if it can. Moussaoui, who spent 23 hours a day inside his 80-square-foot cell, was constantly monitored and never saw other inmates. An entire unit of six cells and a common area was set aside just for him.

"It was a real hassle," said Alan Yamamoto, one of his lawyers. "Bringing even two or three or four people over there is going to be a major headache."

Lawhorne said he would discuss any requests to hold Guantanamo inmates with city officials.

"It would be a very extremely high-risk situation for us. . . . My first obligation is to protect the interests of the city," said the sheriff, who added that he would do what he can: "You can't run the other way when your country calls."

The 450-inmate jail was locked down every time Moussaoui was moved to the back of the nearby courthouse in a heavily armed convoy. Traffic was stopped as snipers watched from rooftops. The route from the jail is much denser today.

On a single block behind the courthouse, there is a luxury 326-unit apartment complex with a Fed Ex/Kinko's, cleaners and cafe on the first floor; an office building with room for ground floor retail; another office building; and a Marriott Residence Inn. All opened within the past 18 months.

Pramod Raheja, owner of Intelligent Office on the ground floor of one building, said he would "strongly oppose" bringing Guantanamo detainees to the neighborhood.

Directly in front of the courthouse, in a thriving community near Old Town known as Carlyle, the Westin anchors a virtually all-new block with a coffee bar, an upscale restaurant, a condominium complex with units costing more than \$1 million and a Thai restaurant. A Starbucks is opening this month. The new U.S. Patent and Trademark Office complex, with more than 7,000 employees, starts on the next block.

"I've never agreed with people who say 'not in my back yard,' but there are just too many people around here," said Jim Boulton, president of the unit owners association at the Carlyle Towers condominium complex, which has been trying to get the government to remove security barriers left over from the Moussaoui trial. "They need to find someplace else."

Mr. McCONNELL. The problems that one terrorist caused for Alexandria could be duplicated in any city or town to which detainees from Guantanamo are sent. Although the administration hasn't given us any details on which cities or towns they might choose, we can imagine what they could look forward to, based on Alexandria's experience with Moussaoui. So here is what a community would have to experience: heavily armed agents patrolling local neighborhoods, rooftop snipers, streets locked down and access to local businesses cut off, identification checks and bomb-smelling dogs checking cars, millions of dollars in cost and strained local resources. That is what you get when you have a terrorist in your hometown. Kentuckians don't want to live under these conditions. I doubt any other American would either, especially if we consider that any community that becomes a home to these detainees could have to endure these conditions for literally years, given the possible length of terror trials.

Some of the other locations that have been mentioned as possible destinations for the terrorists at Guantanamo include facilities in South Carolina and Kansas. One local official in South Carolina responded to the possibility by saying he didn't have the police resources to deal with an influx of terrorists from Guantanamo. An official in Kansas said Guantanamo detainees would significantly tax his police resources.

The administration claims that closing Guantanamo and transferring some detainees to U.S. soil would make the American people safer. It is hard to understand that statement. But based on

the experience of Alexandria, it is easy to see why many Americans are skeptical. The administration has said that when it comes to Guantanamo, its highest priority is the safety of the American people. But safety is our top concern. The administration should rethink its plan to transfer terrorists to American communities.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the Senator from California, Mrs. FEINSTEIN, controlling the majority time and the Republicans controlling the second half.

The Senator from California.

(The remarks of Mrs. FEINSTEIN and Mr. SCHUMER pertaining to the introduction of S. 1038 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I applaud my colleague from California for raising this issue. This is one that has been here since I have been here, and we have seen it a number of times and we are seeing the effects of this. I applaud her leadership in bringing this forward. It is a serious issue. It is a serious matter. It is one that has significant consequences to our overall economy across the country—in California, in Kansas, my State—in New York, and other places.

GUANTANAMO

Mr. BROWNBACK. Madam President, I rise to address an issue that is front and center for us. It is the Guantanamo Bay detainees. Tomorrow I will be leading a congressional delegation to Guantanamo to look at the facility there. We will bring this issue up—it will be up next week in the supplemental appropriations bill—the effort of the administration to close Guantanamo Bay, which most of the American public do not support. I realize it is quite popular in Europe to close Guantanamo Bay. I would hope we would start to get a more factual setting on this issue.

I would also hope, and I would invite the administration to engage all of us

here in the Senate—certainly I am willing to be engaged—about what we can do with the detainees. They need to be treated humanely. They need to be treated appropriately under international conventions. They do not need to be brought to the United States.

We do not have a facility in the United States to be able to hold these detainees in a way and in a situation that would be safe for the people of the United States. We are not prepared to release these detainees because we have found so many of them back on the battlefield after they have been released. So there is a quagmire that exists as a result of the administration's efforts to close Guantanamo Bay to please foreign detractors who I don't believe will be pleased, even if the facility is closed. They will complain about the next facility. I would invite them to work with us—the administration to work with us—to come up with an acceptable solution to this difficult problem. I stand ready and willing to do that.

To borrow a phrase from Winston Churchill, the administration's detainee policies seem to me to be a riddle wrapped in a mystery inside an enigma. The administration started with a confident announcement that military commissions would end and Guantanamo's detainee facility would be closed. But according to a report in Saturday's Washington Post, the administration is preparing to restart military commissions.

That same report, however, also cited an unnamed lawyer who said that the new commissions would be held on American soil, probably at military bases. Such a move would be a first step toward permanent transfer of detainees to the United States. Apparently, detainees would be moved to the United States whether or not the new commissions would be able to prevent the release of terrorists in the United States. Such a policy is truly an enigma.

I have not been briefed on these plans, and it is disappointing that unnamed lawyers apparently know more about the administration's plan than Members of Congress. The administration is famous for its willingness to talk with its opponents and have meaningful dialog on tough issues. I hope that desire to talk extends to detainee policy matters.

Detainee policy is too complicated and controversial to make decisions behind closed doors and have them be made by one party alone. It needs to be a bipartisan approach. As I said in January, when the administration announced its plans to close Guantanamo Bay, I believed policy changes must be made openly and transparently and in a bipartisan fashion to be credible. So far we have had riddles, mysteries, and enigmas, but no clear sense of direction. Now the American people are skeptical of what is going to happen.

A poll last month showed that just 36 percent of Americans agree with the administration's decision to close Guantanamo Bay. I am sure that number would be higher in Europe, but we don't represent the European people. Seventy-six percent oppose releasing detainees in the United States. Two weeks ago, Secretary of Defense Gates told the Appropriations Committee that he expects that every Member of Congress would oppose detainees being moved to his or her district or State. In fact, I learned in a written response from Secretary Gates yesterday that DOD will make no attempt to discuss detainee transfers with State and local officials until a final decision about where to put detainees is reached. As I said, the number was 66 percent opposing releasing detainees into the United States.

If my constituents in Leavenworth, KS, are any indication of the level of American concern over the administration's mysterious plans, Secretary Gates is right to be wary about negative reactions to detainees in the United States. Folks in Leavenworth are quite comfortable with tough criminals living in nearby prisons, but they see detainees differently. They don't want terrorists coming into Kansas. We are not set up to handle terrorist threats because of detainees coming to Fort Leavenworth.

The administration cannot and should not duck this debate. They need to tell the American people how their security is improved by bringing terrorists inside our borders. They need to be upfront about how detainees will be handled and where they will be housed. Then the administration needs to listen to the American people before it charges forward.

Of course, a national debate on this issue should be based on facts. Just after last year's election, I invited members of the Presidential transition team to visit Fort Leavenworth to see for themselves why it could not handle a detainee mission. Nobody visited. Nobody even responded.

In January, I invited the President to Fort Leavenworth so he could hear the facts directly from the people who work and live at Fort Leavenworth. That invitation is still open.

I tried to provide some facts to Attorney General Holder during his confirmation hearing. I noted that Fort Leavenworth's primary mission is education, and that many international students of the command and general staff college will refuse to participate in military education programs if detainees are nearby. This could harm the interests of our Nation. Unfortunately, Fort Leavenworth is still being considered as a detainee destination.

I was pleased that Attorney General Holder made his visit to Guantanamo Bay in February and found out that it is, to use his words, "a professional and

well-run facility." I would like for him to visit Fort Leavenworth, too, because the facts speak for themselves. It is not just that Fort Leavenworth should not have the detainees; it cannot take on this mission.

The Missouri River forms the eastern border of the post. The city of Leavenworth wraps around the other three sides. There isn't enough space in the existing maximum security prison wing to handle the Guantanamo detainees. The post doesn't have a hospital. It doesn't have adequate legal facilities. The fact is, the Fort Leavenworth idea just doesn't work.

In order to resolve all of the issues surrounding the Guantanamo detainees, we need a full debate with all of the facts available and everybody engaged. That means everyone needs to do their homework. I was pleased that our colleagues in the House rejected the administration's request for more than \$80 million in supplemental funding related to closing the Guantanamo detention facility. The House Appropriations Committee chairman was absolutely right to demand that the administration come to Congress and defend a concrete plan before we consider this request. We should not be in the business of spending taxpayer money on hypotheticals, especially in a matter as significant as moving terrorists inside the borders of the United States.

It is my hope that next week this body will vote on whether detainees should be moved to the continental United States.

I hope that we would vote against such a move. I believe there would be a strong bipartisan vote against such a move.

I am doing my homework as well, as I mentioned previously. I will be traveling to Guantanamo Bay tomorrow. I have been to Fort Leavenworth many times. I want to see what we have accomplished at Guantanamo with the more than \$200 million in taxpayer funds in the last 8 years that we have spent on that facility. I want to understand what it takes exactly to operate a detainee facility that is "professional and well run," to use Attorney General Holder's statement.

When the supplemental reaches the floor, I hope we can have a full and informed debate over detainees. I hope we can agree to set aside the request for the funding of hypothetical detainee transfer plans. I hope we can agree that we are not ready to bring detainees to the United States. I hope we vote on that and send a clear message to the administration and to the American people, most of which oppose moving detainees to the United States.

If we poll different States on whether that State wants detainees moved to their State, they are overwhelmingly opposed—the States are—to moving detainees to their States. From my own State, I know we do not feel confident

at all that we would be able to house the detainees in a safe fashion for the people of Kansas.

I hope we can set aside the arbitrary timeline for withdrawing detainees from Guantanamo Bay and do the hard work of determining what status detainees should have, how military commissions work, how long we are willing to hold detainees, and whether they might ever be released to threaten Americans again. This is a tough problem. The Bush administration wrestled with this for years. When I was on the Judiciary Committee, we wrestled with the issue of how to handle the legal rights of detainees. We have a situation that we haven't seen before. This is one where we have detainees who are enemy combatants but don't represent a foreign country. They are freelancing or in an organized effort not based in a country. Normally, in the past, we would have a conflict with another nation, and we would hold prisoners of war until the conflict is over, and then there would be a military exchange or an exchange of prisoners at the end or there would be trials for these combatants so they didn't go back on the battlefield.

We are still in the war on terrorism, despite efforts by the administration to rename it. Whether it takes place in Afghanistan, Iraq, and many other places; whether it is the Horn of Africa, where we are seeing problems, or Somalia, and in many other locations around the world, there is a dedicated terrorist force that doesn't represent a country which seeks to do us harm and kill American citizens and harm our interests. That continues to be the factual setting.

When people are released from Guantanamo, we are seeing them back on the battlefield, and it is like they have received a promotion. In Afghanistan, one of the leaders of the Taliban effort was a person released from Guantanamo Bay. It is like this was a credentialing exercise. Now he is leading a broader group. We don't want that to take place. We don't want to release new commanders into the field.

In normal history, this wouldn't be an issue until the war itself was resolved. We have to figure out the military commissions. We tried multiple times, in various ways, to be able to give legal rights to individuals without revealing confidential information that would hurt our troops on the battlefield. We haven't found the appropriate route yet. I stand ready to try to do that. But I don't stand here willing to release people who will harm U.S. citizens. I don't think that is in our interest, and that is not our job.

I don't think it is our job to try to meet a European public's impression of a facility that our Attorney General believes is well run. It may have image issues that are taking place, but let's get actual facts. If the Europeans are

that concerned about it, why don't they get more involved in Guantanamo Bay or be willing to take some detainees and not release them back onto the battlefield. I think this is one of the tough problems that needs to involve everybody. If there is an open debate and dialog—and the American people and interests should be our primary concern—we can resolve this but not by releasing detainees or putting them on U.S. soil, and certainly not by putting them at Fort Leavenworth, KS, where people are saying clearly that we cannot handle this. We are not prepared to do this.

It will hurt the primary mission at Fort Leavenworth and the education of our students and also the foreign military officers as well. We have students from Jordan, Egypt, Pakistan, and Saudi Arabia. These are students and army officers from those four countries. We get army officers from 90-some countries on a regular basis to Fort Leavenworth for training and for relationship building with U.S. military forces. When we go to joint exercises—and there is rarely one around the world that isn't a joint exercise—there is confidence and communication that is built up among the individuals. We have been told by these four countries—by students from these countries—if we move the detainees to Fort Leavenworth, KS, at the same place we are training future military leaders, they will pull their students out. We will defeat the purpose.

We need to be able to work with the Pakistani military, the Saudi military, and the Jordanian and Egyptian militaries. Now we will lose those officers because we move detainees to Fort Leavenworth, a place we are not set up to handle them. It will cost hundreds of millions of dollars, even if we could put a facility there, and the people in the community will feel threatened. This is an urban setting. For what? Why are we doing this? So we can make ourselves less secure and make ourselves less effective around the world? So that we can please the European public with this move? That is the reason.

None of this makes any sense. We have invested \$200 million in the Guantanamo Bay facility that is well run. I don't know why we would do this. It doesn't make any sense. I think we ought to work on this in a bipartisan fashion and roll up our sleeves and see what is in the best American interests. Treating detainees humanely, rightly under the international conventions we have agreed to with other countries, yes, but not harming U.S. citizens or subjecting our military to recycled individuals who have been captured and put at Guantanamo Bay and released, and where we can meet them on the battlefield again as organizers and as people held up as examples to the terrorist fight.

We can do this but not with the direction that the administration is

going in, and certainly not by excluding members of the other party.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

Mrs. SHAHEEN. Mr. President, today I rise in support of an important small business amendment to the Credit Cardholders' Bill of Rights, amendment No. 1079. It would expand the truth in lending protections of this bill and cover our Nation's small businesses in addition to individual credit cardholders. I am proud to be a cosponsor of this amendment.

I thank Senators LANDRIEU and SNOWE, who are the chair and ranking member of the Small Business and Entrepreneurship Committee. I thank them for their leadership on this issue. I also thank Senators DODD and SHELBY for their tireless work on the Credit Cardholders' Bill of Rights.

This legislation is important because, as we have heard Senator DORGAN say so eloquently, we can no longer allow predatory and misleading lending practices to jeopardize American consumer credit. Reform of the credit card industry is truly long overdue, and the members of the Senate Banking Committee should be commended for bringing such a strong bill to the floor. I look forward to supporting it. But we need to make a change in the bill because small businesses are critical to America's economic recovery, and in States such as mine, small businesses are the anchor of our communities and our economy, providing the jobs and the services that help families pay their bills and put food on the table.

Unfortunately, many small businesses in New Hampshire and throughout the country continue to struggle in today's economy. That is forcing layoffs and slowing our path to economic growth. I have met with small business owners across New Hampshire. They are small business owners who have excellent credit histories, but they cannot access much needed credit because of this economic crisis. Many small businesses have seen their credit lines reduced or even eliminated on short notice, preventing them from restocking their shelves and investing in future growth. Unfortunately, more and more small businesses are relying on credit cards to meet their cash flow needs.

I am proud to have led a successful effort to increase access to credit through the Small Business Administration's 7(a) Loan Program. But we must also ensure that small business owners have credit cards on which they can depend.

The Credit Cardholders' Bill of Rights makes important changes that will protect consumers from unfair practices such as arbitrary interest rate increases and unfair credit terms. This amendment simply expands Truth in Lending Act protections to small businesses with 50 or fewer employees.

As business owners across the country grapple with the economic recession, we must ensure that credit cards help, not hinder, our recovery effort. By protecting small businesses from unfair credit card practices, business owners will be better able to manage their cash flow, plan for future growth, and contribute to our economic recovery.

I urge my colleagues to join me, Senator LANDRIEU, and Senator SNOWE in support of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUFFALO AIRLINE CRASH

Mr. DORGAN. Mr. President, yesterday we heard on the radio and in news accounts of the National Transportation Safety Board investigation of the crash that occurred in Buffalo, NY, of a commuter airline. I chair the Aviation Subcommittee of the Commerce Committee; Senator ROCKEFELLER is chairman of the Commerce Committee. I visited with him early this morning on this subject.

I was stunned yesterday to read and hear the results of the National Transportation Safety Board investigation. Last evening, I met with the families of some of those who lost their lives in that commuter airline crash.

I want to make a point that the things we now have learned about that particular flight are very disturbing—the question of crew rest, the question of training, of safety issues. I am not here to suggest that when someone gets on an airplane today or tomorrow or anytime, they should worry about who is in the cockpit, but I do suggest this: In this case, what we have now learned is that one of the people in the cockpit traveled all night because the duty station was in New York and the person lived on the west coast. That person traveled all night from the west coast, stopping in Memphis, then on to New York, and then went on a flight. Well, one wonders about having an all-night flight. Many of us have it. I have

been on red-eye flights from the West many times. But for a pilot in the cockpit to live on the west coast, fly to New York, and take an all-night flight, poses real questions for me in terms of crew rest.

The voices in the cockpit suggest that one of the people in the cockpit said that person had no experience with icing. Well, I have had a lot of experience with icing, and it is unfathomable to me that someone in the cockpit of a commuter airline would have no experience with icing if they are flying in the Northeast at a time of the year when icing would be present.

It appears from what we know that the person in charge of the cockpit on that airplane had 3 months of experience with that type of airplane. The question is not just experience but how much experience do you have in the cockpit of that type of equipment.

The copilot on that flight was paid \$16,000 a year. Think of that. A copilot was paid \$16,000 a year salary and worked part time in a coffee shop to make ends meet and lived with the parents in order to make ends meet. I don't know if most people understand this when they get on a commuter flight. A lot of flights in this country are on commuter airlines. You get on a plane that has the same markings on the tail and wings and fuselage of a major carrier, but in many cases it is not that carrier at all that is operating the flight. When people get on an airplane, they expect the same standard, the same standard of training, of crew rest, the same set of standards no matter what airplane they are on if they are flying commercially.

The Federal Aviation Administration has the responsibility to set standards and then enforce them. The National Transportation Safety Board investigation of the Buffalo crash has raised very serious questions that need to be resolved. As chairman of the Aviation Subcommittee, working with the chairman and ranking member of the full Commerce Committee, I intend to be very involved in investigating what is happening.

I don't say this to alert people to be anxious or excited about having to take a flight somewhere but as someone who flies a great deal. This disclosure about these issues on this flight is very troublesome. I want every American to believe that when they walk onto an airplane, no matter the company, that the experience, the capability in the cockpit is such that they can have comfort. I don't care whether you are flying on an Airbus 320, a Boeing triple 7 or A-8, you ought to feel, as a passenger, that that experience, the crew rest, the capability with the airplane in the cockpit gives you a substantial margin of safety.

We have an unbelievable record in the skies across the country. We have

had very few accidents. In recent years when we have had accidents, most of them have been with commuter airlines. I am not suggesting in any way that we get along without commuter airlines, but I believe the FAA has some significant questions to answer. I believe the FAA has a lot of work to do. We will now have a nomination hearing for Randy Babbitt to head the FAA. Frankly, the FAA has not had consistent leadership. I hope Mr. Babbitt will provide that. I expect during his confirmation hearing he will get a great many questions about these issues.

I will have more to say about what we will do in my subcommittee as well later today. I did want to mention that I have been stunned by what has been revealed by the National Transportation Safety Board about that crash in Buffalo, NY by that commuter carrier. The family members of those who perished in the crash obviously are very concerned as well by what has been disclosed. It is a service to this country for the NTSB to have done a complete investigation. It will provide for all of us a reminder that there is much yet to do in the FAA to make certain that we maintain a good record of safety going forward. That applies to the major airlines and just as well and equally to commuter airlines.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

Mr. DURBIN. Mr. President, we are considering a bill which affects millions of Americans. It is about credit cards. We all have them. We all wonder each month, when we get a monthly statement, what in the world it means. I am a lawyer. I have been a legislator for a while. I couldn't even tell you what the back of my credit card statement says every month. But I know if you end up missing a payment, if you end up being late on a payment, the world can crash down on you, because I have gotten plenty of letters from people around my State and the country about some of the things that happen when it comes to these credit cards.

I thank Senator DODD and Senator SHELBY. This is the first credit card reform legislation in how many years? Ever. That is a long time. It is overdue.

All of us know how much they have become a part of our lives, and all of us know how vulnerable we are when interest rates go through the ceiling,

when they end up saying: Because you are a day late on your payment, unfortunately, you have to pay a penalty. Then there is interest on the penalty. And did we tell you there is interest on the interest on the penalty. You think it will never end—\$25, \$50, \$75.

Senator DODD, in this credit card reform legislation, does one of the most significant things for American consumers we have seen.

I want to offer an amendment. Understand, if you go to your local restaurant in your hometown and have a meal and pay for it with a credit card, the owner of that restaurant has to pay part of your bill to the credit card company and the issuing bank. It is called an interchange fee. So the owner of the restaurant doesn't get the \$20 that you put on the counter. That owner may end up paying several percent of that \$20 to the credit card company and to the bank.

When we created the original law in this area back in 1981, we said: It is OK for people in restaurants and other places to say to their customers: We will give you a discount if you pay in cash or by check. That is the law; right? It makes sense. The person who owns the restaurant says: I am only going to charge you \$18.75 instead of \$20 because you are paying in cash instead of with the credit card. That way I don't have to send part of your \$20 back to that credit card company.

That was the law, and it seemed to be a pretty good one. The credit card companies weren't happy with that. They didn't want people to get incentives not to use credit cards. They created new, legal entities for credit card companies that didn't quite fit into the 1981 definition so that they wouldn't be covered by the possibility of a consumer discount. And then, for those bold companies like that hometown restaurant that decided they still wanted to offer a cash discount, they piled up the rules on them at the credit card companies and said: If you don't advertise in just the right way, we will fine you. I can tell my colleagues, gas stations are being fined \$5,000 because they offered a discount of \$1 or \$2 to a consumer.

As a consequence, retail merchants came to us and said: Give us a break. If we are going to have a discount for cash or check, say so in the law so that we can offer this to the American consumer.

The credit card companies hate it like the devil hates holy water. It is like old Senator Bumpers from Arkansas used to say: Like the devil hates holy water. They don't want to change.

This bill will change a lot of things they don't like. Thank goodness. I hope the Members of the Senate will accept the amendment I am offering with Senator BOND of Missouri, a Republican, a bipartisan amendment that says: Merchants across America can offer a dis-

count over credit cards for people who pay in cash, check, or with a debit card, which is the new checking account for many younger people.

That discount is going to help that establishment to be able to say to folks: Well, we can give you a break here on the product you just bought or the meal you just bought; and say to the consumers across America who are struggling in this economy: Here is a way to save a few bucks. You can pay in cash, and you will not have to pay as much as you would on a credit card.

I think that is a move in the right direction. I am glad retail merchants, large and small, all across America have rallied behind this amendment. Whether it is your gas station or a little shop in your hometown or the restaurant you go to, they will be able to say to you: If you pay in cash, check, or debit card, we can offer you discounts on your final bill. I think that is a good break for people across America that they can enjoy every single day if they want to, if that is the way they want to make the purchase. If they want to use the traditional credit card, that is up to them.

So this goes back to the original law, knocks away all of the obstacles put in the path of this law by the credit card companies, and basically says, this gives retail merchants across America a way to offer a discount to American consumers.

So I hope my colleagues on both sides of the aisle will join me on that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

CLIMATE CHANGE

Mr. BARRASSO. Mr. President, I have in my hand a memo by Obama administration attorneys—a compilation of attorneys—from a number of different Federal agencies. It is marked "Deliberative" and "Attorney Client Privilege." This memo is well thought out. It is scientific as well as a legal critique of the decision by this administration to use the Clean Air Act to regulate climate change. The memo confirms the fears of every small business owner, every farmer, every school and hospital administrator, in both large and small communities, that the Obama administration knows that using the Clean Air Act to regulate climate change is bad for America. They know it, but for political reasons they have ignored the science. The consequences to our economy have also been ignored, as well as the impact on the American people.

I am going to be clear. To me, this memo is a smoking gun. This memo makes clear statements about the dangers to America of using the Clean Air Act to regulate climate change.

The memo states:

Making the decision to regulate carbon dioxide under the Clean Air Act for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities.

Should EPA later extend this finding to stationary sources, small businesses and institutions would be subject to costly regulatory programs. . . .

Costly programs.

The document also highlights that EPA undertook no "systemic risk analysis or cost-benefit analysis" in making their endangerment finding.

The White House legal brief questions the link between the EPA's scientific technical endangerment proposal and the EPA's political summary.

The EPA Administrator said in the endangerment summary that "scientific findings in totality point to compelling evidence of human-induced climate change, and that serious risks and potential impacts to public health and welfare have been clearly identified. . . ." But the memo states that this is not at all accurate. The memo actually questions—questions—the science behind designating carbon dioxide as a health threat, stating the scientific data on which the agency relies are "almost exclusively from non-Environmental Protection Agency sources."

The memo goes on to say that the essential behaviors of greenhouse gases are "not well determined" and "not well understood."

The memo says:

The finding rests heavily on the precautionary principle, but the amount of acknowledged lack of understanding about the basic facts surrounding [greenhouse gases] seems to stretch the precautionary principle to providing regulation in the face of unprecedented uncertainty.

Under the same precautionary principle, the memo says the Environmental Protection Agency could "also regulate electro-magnetic fields and noise."

This memo confirms that the administration has ignored its own advice. It is looking to make up scientific facts to make a predetermined conclusion. This is politics trumping science. It is the American people who will ultimately pay the price.

I have long stated my concerns that using the Clean Air Act to regulate climate change is a bad idea for our country.

The Chamber of Commerce has stated that 1.2 million new entities such as schools, farms, hospitals, office buildings, big-box stores, enclosed malls, commercial kitchens, nursing homes, and small businesses—in both large and small communities—all would be captured under this preconstruction permit program under the Clean Air Act.

If only 1 percent of the 1.2 million major stationary sources of carbon dioxide in this country undertook new

construction or modifications each year, well then, the agencies would have to process 12,000 permits every year. Given the EPA's statement in its Advanced Notice of Proposed Rulemaking in 2008 that 2,000 to 3,000 new permits could "overwhelm" the EPA and the States, how can permitting authorities handle the 12,000 they would have to look at? How can they handle 12,000 permits annually? The answer is, with everything they do and everything they stated, they cannot.

EPA Administrator Lisa Jackson says she is not planning to regulate small emitters. She says she can be targeted in what she regulates. But by what authority can the Environmental Protection Agency of this Nation not include all the emitters of carbon dioxide that meet the emission thresholds that are set out in the Clean Air Act? Strangely enough, not just the authors of the administration's legal brief but also environmental groups disagree with the Administrator of the Environmental Protection Agency because she says she can limit those and regulate those she chooses.

The Sierra Club's chief climate counsel stated last year that:

The Clean Air Act has language in there that is kind of [an] all or nothing if carbon dioxide gets regulated and it could be unbelievably complicated and administratively nightmarish.

The Center for Biological Diversity says:

The EPA has no authority [at all] to weaken the requirements of the [Clean Air Act] simply because its political appointees don't like the law's requirements.

I have warned the Administrator of the EPA that groups such as these will sue the EPA if the EPA does not capture both large and small emitters. She has dismissed these threats. This is despite the Wall Street Journal last week reporting that a representative of the Center for Biological Diversity stated that her group is prepared to sue for regulation of smaller emitters, such as farms, schools, hospitals, and nursing homes—and they will do that—if the EPA stops at simply going after the large emitters.

I have asked for a plan from the Administrator on how she will address losing court cases if the agency is sued for picking winners and picking losers. Her response in a committee hearing—this was this week—is that she cannot share with me any such plans they might have in that forum of a committee meeting. Well, I would ask the Administrator, if you cannot share information with the elected representatives of the 50 States, then in what forum can you share the information? None of this is in keeping with the transparency that has been promised under this administration.

Similarly, I have asked the person who has been nominated to head up the Air and Radiation Office, Mrs. Regina

McCarthy, in the Environmental Protection Agency, the same question. Her response was she cannot share with me her plans because she is not in the job yet. She has said she would like to be informed of potential suits and would then personally meet with anyone wanting to sue to convince them not to sue. Well, Government officials cannot go running around trying to convince every litigant—whether it be an environmental group or a local group that does not want something in their backyard—not to sue. This is not a good policy. This is not good enough.

I am seriously troubled with the administration and their approach to this issue. I have a hold on Mrs. McCarthy's nomination because this process of using the Clean Air Act to regulate climate change is flawed. There appears to be no plan to address it.

With the release of this internal document, we now know that the plan the administration has to address climate change is political and not scientific. They know that using the Clean Air Act to regulate climate change is bad for America. They choose to ignore the threat to America. They are playing a dangerous game of chicken with Congress and the American people.

Either we will all jump to pass the President's energy tax—his cap-and-tax plan—or we will crash head-on into this regulatory ticking timebomb. In the end, it will be the American people who will have to pay the price.

The administration has tried to convince the public to support this cap-and-tax proposal.

Charlie Munger, who is the CEO of Berkshire Hathaway—who works closely with Warren Buffett; they have been partners for years—stated that creating an artificial market in Government-mandated carbon credits would be a "monstrously stupid thing to do right now." And he said such a move is "almost demented."

Well, according to the Wall Street Journal, the administration has now consulted pollsters who advocate avoiding such phrases now as "cap and trade" and "global warming." The White House Council on Environmental Equality has also scheduled a meeting—earlier this week—with the president of ecoAmerica, a Washington-based nonprofit that uses—their terms—"psychographic research" to "shift personal and civic choices of environmentally agnostic Americans." This is a sign of desperation. The administration realizes the American people are not buying what they are trying to sell here. The consequences of this issue are too grave for America.

Mr. President, I would say take this regulatory ticking timebomb off the table. Let's pass legislation taking the Clean Air Act out of the business of regulating climate change. Then let's forge a plan in a bipartisan way that makes America's energy as clean as we

can make it, as fast as we can do it, without raising energy prices for American families. Let's develop all of our energy resources—wind, solar, geothermal, hydro, clean coal, nuclear, and natural gas. We need it all. We need an “all of the above” energy strategy to address our Nation's energy needs. I look forward to working with my colleagues to address those needs for our Nation.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRESS ON CREDIT CARD REFORM

Mr. DODD. Mr. President, I see my good friend from Alabama is here as well. I wanted to give my colleagues a little sense of an update. I know we are all anxious to know how we are progressing.

While we haven't had a vote this morning on any amendments, I think words of encouragement might be helpful at this juncture, to let Members know we are reaching agreement or have reached agreement on a series of amendments that will be incorporated into either a managers' amendment or some manner or form.

To give my colleagues an idea of the amendments being worked out: Senator COLLINS of Maine and my colleague from Connecticut, Senator LIEBERMAN, have an amendment on what is called “stored value” cards which we will reach an agreement on; Senator FEINSTEIN and Senator CORKER, along with Senator CASEY and Senator GRASSLEY, have an amendment on university—I believe the word is either “affiliates” or “attitudes.” Anyway, it is dealing with younger people on university campuses and credit cards. We have either reached an agreement on that or are reaching one, but one will be reached on that as well. There is the amendment from Senator LEVIN dealing with deceptive advertising, which I think we have reached agreement on as well. Senator KOHL has an amendment for a study on the marketing of credit cards. Senator FEINSTEIN and Senator GREGG have an amendment on an emergency PIN program FTC study that has also either been agreed to or is in the process of reaching an agreement. Senator AKAKA has an amendment dealing with credit counseling standards. He has been a strong advocate of that for many years and we thank him for it. That is also an issue upon which we have reached some agreement. There is

an amendment dealing with usury and an interest rate study which I will offer.

We had a vote yesterday on at least the waiver—we didn't actually have a vote on the Sanders amendment—dealing with a cap on interest rates set to the national credit union standard. I supported the Senator's effort to waive the budget point of order for us to debate that. That is not to say I would have agreed necessarily with that specific amount, but clearly there is a strong desire in the country to get our arms around this issue of exorbitant interest rates. I thought maybe we ought to be doing it, because there are different institutions with different methods of calculating that. We probably ought to take a look at how we can do that in a more comprehensive manner. So there are a number of agreements.

I see my friend from Alabama. Our staffs worked together last night late into the evening and were able to sit down with Members on both sides of the proverbial aisle, as we talk about here, to reach an understanding. While we have not had a vote this morning on any amendments, work is being done to come to final conclusion on these amendments.

There are amendments that we have not reached agreement on. Let me say to my colleagues, cloture has been filed by the leader. My hope is we can finish this bill today. I have a list of 30 or 40 amendments here from Members who wish to offer them. We have a good bill. Is it a perfect bill? No. Is it a bill that Senator SHELBY would have written on his own? No. Is it one I would have written on my own? No. But, again, we have a product that is worthy of this institution's support. It is the first time we have dealt with reform of the credit card issuing industry. At a time when our fellow constituents are being hammered by rising costs, by fees and interest rate hikes that make it harder and harder for them to keep their families together economically, it is a major step forward and it is deserving of our support.

That is not to suggest that many of these amendments are not good ideas. It doesn't mean we have finished this debate once and for all, forever. Obviously, we will be back on these issues. We are in this Congress, and we will in the next as well. We want to see how this works. We believe it will work well on behalf of our fellow citizens. But at some point we need to get moving and get this done, even though it comes short of everyone else's ideal goal. I say that respectfully.

I have some Members with six or seven different amendments they want to offer. If that is the case, we will never finish this bill. I don't think that is in our interests. Every day we delay is a delay for the final enactment of this legislation or the imposition of its

standards. Implementation is nine months from enactment. Every day we wait pushes that date further out at a time when we can help our fellow citizens in this matter of credit card reform.

I won't go back through all the provisions that are incorporated in the bill. I have done that several times. I think my colleagues are pretty well aware of what is included. This is a bipartisan bill. People didn't think we could reach this point. We have done so. Once again, Senator SHELBY and I have worked together with our staffs to achieve that. This bill has been roundly endorsed and supported by every major consumer group in this country. That is no small achievement. So there ought to be a moment of pride here that we have put something together worthy of our support.

These amendments I have mentioned already which we can adopt, we will in either a managers' amendment or by some means by which they can be accepted, but then we need to take these other remaining amendments and I need to have colleagues decide whether they are willing to have them modified or studied or whether they are willing to have their amendments not be offered at this time. They can help considerably or we run the risk of losing this bill. I wouldn't have said that a day or so ago, but we are getting precariously close to that outcome; pushing this off to next week. We have the supplemental coming up. When the agenda is taken over by other items, it is very difficult to come back. So here we are on the cusp of actually achieving an unprecedented result and I don't want to see us lose that opportunity.

I urge my colleagues to step up and come give us a hand to try and move forward on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I wish to join in and associate myself with some of the remarks my colleague, the chairman of the committee, Senator DODD, has made. One, we have what we think, with the Dodd-Shelby substitute, is a step in the right direction. It is a step in the right direction for consumers. It is also a step in the right direction to bring balance to the credit card industry. Is it everything I would want from the Republican side? No, but it is not everything that Senator DODD and some of the Democrats would want. We have worked together to forge an outcome. We have put a lot of thought and a lot of work into this, as have our staffs, who have worked days and nights. We are close. We could pass this bill today if we could bring a few more people together. I think this is a milestone as far as protecting consumers, informing consumers, as well as to give some balance.

You cannot take risk out of the marketplace. You have to consider risk

when you make loans. We have some of that in here. But we have great reforms in here that I think we can live with. Some people don't want a bill on both sides, or the others want something that is probably not achievable, not good for the economy, and not good for the American people. We have to remember that the credit card business does extend credit, to some extent, to people where that is their only credit. This bill will at least let them know a lot of the terms upfront. It will let them know what they are paying, and so forth. It is a step in the right direction. I hope we can pass that bill. I would like to do it today.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Missouri is recognized.

Mr. BOND. Madam President, I thank the managers of the bill for their good work. Their staffs have done a lot of hard work and put in a lot of time on the credit card bill. Their substitute amendment is a reasonable approach that protects consumers from abusive and deceptive lending practices, while allowing financial institutions to implement reasonable standards to account for credit risk.

I rise today to speak on behalf of the modified Durbin-Bond amendment to the Dodd-Shelby substitute. This amendment would clarify the fact that consumers are allowed to receive a discount for purchases using cash, check, or debit instead of credit cards.

All of our offices have heard from credit cardholders who are angry and confused about sudden interest rate increases, hidden fees, and obscure rules. Much of the anger and confusion stems from inadequate transparency in the financial system, which we are trying to address in the underlying bill.

It is not only individuals and families who are struggling with confusing credit card rules. Over the past several months, I have heard countless complaints Missouri merchants, especially small businesses, who believe they are powerless in negotiating credit card fees that are, in their view, unreasonably high and account for a significant portion of their revenue and may, in some instances, equal their profit. As credit card usage has grown to become the dominant form of payment, these fees have squeezed their financial situation.

Small businesses are especially feeling the stress of credit card fees as many of them operate at very thin profit margins. With small businesses being hard hit by the economic downturn and finding more difficulties in obtaining private financing from banks, this "fees squeeze" is being felt even more.

Small businesses play a major role in our economy by creating jobs and acting as the catalyst for innovation. In order for our economy to recover and

sustain growth, and in order for our small businesses to put more Americans back to work, it is critical that their cost burdens be minimized.

That is why I have always been a supporter of small businesses and believe their tax burdens must be held down. It is for that reason that I believe action is needed to address the credit crisis by clearing out the toxic assets that clog our financial system.

My long-term and strong support for small businesses is the main reason I got involved in the merchant credit card fees last year, and I cosponsored legislation last year by Senator DURBIN to address a key component of merchant fees, called interchange fees. Mr. President, these fees are generally set at around 2 percent. They have not decreased. And studies indicate that rates may have increased over time.

The Credit Card Fee Act of 2008 aimed at establishing a process to allow small businesses to negotiate so that fees could be set at reasonable rates. It was introduced by us. I have met, along with my staff, countless times with concerned stakeholders, credit card companies, banks who issue credit cards, and large merchants to small merchants. We have even held joint meetings with representatives of both sides. While we gained some understanding, key questions remain.

One key question is whether interchange rates are set in a competitive, market driven manner. Despite several months of meetings, we still don't have adequate information to answer that question or whether the fees are reasonable and fair. It was my hope that we would have been able to work out an agreement, but we have not been able to do so.

Chairman DODD has indicated that the issue of interchange fees will have to be addressed another day. He included in the substitute amendment a study by the U.S. Government Accountability Office to provide recommendations and information.

While interchange fees will have to wait for another day, I believe we can take some modest, commonsense steps, and that brings us to the Durbin-Bond amendment, which answers a major question that consumers, including me, and small businesses have raised. It answers the question of whether merchants can provide consumers a discount if the consumer chooses to use cash instead of credit. Current law permits cash discounts, but in practice it is difficult, at best, for merchants to offer this option due to confusion about the rules. Our amendment would ensure that cash discounts could be offered to consumers, and it would update the law so consumers can receive a discount for using debit cards, along with cash and checks, when making purchases.

It is also important to clarify some misconceptions about our amendment.

First, contrary to what some poorly informed lobbyists have said, the language doesn't allow merchants to discriminate between certain brands or types of credit cards. It doesn't allow merchants to cut special deals with certain credit card issuers. This means the so-called "honor all cards" rule would be preserved and community banks and credit unions would not be unfairly affected.

To be clear, I strongly support our financial institutions that played by the rules and didn't participate in irresponsible and risky lending practices in recent years. That is why I was a strong supporter of the Dodd-Crapo-Bond language that raised the FDIC's line of credit so that community banks did not have to pay higher fees to support the deposit insurance fund.

Second, the amendment language doesn't allow merchants to surcharge customers for using credit cards. In other words, the price displayed on products must be honored, and merchants can only provide discounts.

Third, and most important, this amendment doesn't harm consumers. In fact, this amendment is structured with most consumers in mind. Consumers will benefit from this provision since they will be given the ability to receive a discount for using less costly forms of payment and preserves the convenience of using all forms of payments. I believe that makes it a win-win for consumers.

Let me be clear so that there is no misunderstanding. This is not an interchange provision. This amendment doesn't allow surcharges. It doesn't give unfair competitive advantage to large banks at the expense of community banks and credit unions. It is not limited to the two largest credit card companies, MasterCard and Visa. Most important, this amendment won't harm consumers and the economy. In fact, the Bond-Durbin amendment is pro-consumer and pro-small business.

While we were unable to address interchange, I emphasize that the Durbin-Bond amendment represents a breakthrough. It also represents our good faith effort to work openly and constructively with all concerned parties with the goal of finding common ground on the issue. I continue to hope that stakeholders will make a good-faith effort to provide us hard data and information to help us understand better the interchange issue.

I am a strong believer in the private markets. But Missourians and other taxpayers across the Nation, as well as policymakers and experts, have significant questions about our private markets given the credit crisis that is at the root of the economic downturn. We cannot afford to take things at face value. Taxpayers deserve greater oversight on financial and business matters so that taxpayers are not asked to bail out irresponsible businesses, and small

businesses do not feel that Government policy is unfairly weighted toward "too big to fail" companies.

This amendment is a small but important step. It helps Americans save money at the store. It gives American families more choices when they are checking out at the supermarket or cafe. It makes sure small businesses understand the rules and provides them some financial relief. It will provide immediate stimulus, since this is equivalent to a modest but broad tax break. I extend my appreciation to Senator DURBIN and his staff for their collaboration and cooperation in developing this amendment.

I strongly urge my colleagues to support the Durbin-Bond amendment, which is endorsed by small business groups and consumer groups.

I thank the managers and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank my colleague from Missouri. He is absolutely right. The interchange fees are a tremendously important issue. We have put in, at the urging of Senator CORKER on our committee, a thorough study of the interchange issue. It is complicated, and the Senator is correct. Among small businesses, this is a very onerous area and we need to address it.

I thought we needed to understand the fullness of the issue, so we talked about the study. Senators DURBIN, BOND, and others have a proposal that touches on the interchange issue. We are working with them to see if we can reach an agreement on that. We will make an effort to do that. I thank the Senator for his comments.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 627, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

Pending:

Dodd/Shelby amendment No. 1058, in the nature of a substitute.

Landrieu amendment No. 1079 (to amendment No. 1058), to end abuse, promote disclosure, and provide protections to small businesses that rely on credit cards.

Collins/Lieberman amendment No. 1107 (to amendment No. 1058), to address criminal and fraudulent monetary transfers using stored value cards and other electronic devices.

Mr. DODD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I have been on the floor often talking about the subprime loan scandal that led to the financial crisis we are involved in, in this country. I have held up charts on the floor that describe the solicitations from the mortgage companies and others that say: Come to us. If you have bad credit, if you have been bankrupt, come to us. We want to give you a home loan.

I have shown all of those—from Zoom Credit, from Millennium Mortgage, from the largest mortgage company in the country, Countrywide—all of them saying to people: You know what, if you have bad credit come to us. We want to loan you some money.

That subprime loan scandal was a tipping point for a significant difficult time for this country's economy and that time includes right now. I have talked about that at great length. But today we are talking about credit cards. The same influence exists with respect to credit cards. We have companies that just wallpaper this country with credit cards. Go to a college campus and try to find out how many credit cards they stick on those college campuses preapproved, saying to these kids: Get our credit card, please. Walk through the concourse of an airport and see how often you are accosted by someone who wants you to take their credit card. It is all over.

Last year the economy tipped over, and we went right into a financial crisis. But in that year, 2008, 4.2 billion credit card solicitations were mailed to consumers. Let me say that again. In the middle of an economic crisis, at a time when there was so much unbelievable leverage and debt out there, companies in this country sent 4.2 billion credit card solicitations to people.

Yes, some of them went to kids. The fact is, I spoke on the floor years ago about my 10-year-old son getting a Diners Club card saying it is preapproved, we want you to consider going to Paris, France. My son wasn't going to France. As a matter of fact, he was 10 years old,

for God's sake. He had no money. He wasn't going to get a credit card. Was it a mistake that they sent him a credit card solicitation? Probably. But I went to the floor one day with a whole pile of them, saying you are preapproved, please take this piece of plastic, spend it where you want, as much as you want. Madam President, 4.2 billion new credit card solicitations went out last year alone. They don't seem to care who gets them, as I said with home mortgages, which are much larger than most of the limits on credit cards. For home mortgages they solicited people with bad credit. You have been bankrupt? Come to us. You do not pay your bills? Come to us. That is a business model I never learned about, by the way, but it is what happened. They created the house of cards and the whole thing collapsed.

With credit cards, the big companies out there—and by the way it is heavily concentrated—wallpaper this country with preapproved credit card solicitations: Come to us, load up; come on, spend what you don't have on things you don't need; come on, you can load up on my card.

Then when they got everybody with all these cards and substantial balances on the cards, here is what happened. This is a person from Minot.

My wife and I both have credit scores greater than 800 and have never been late on any of our payments so it is odd that Capital One just sent us a notice that our interest rate on our credit card will almost triple.

There they are, using a plastic credit card, paying their bills on time, and they are told we are going to triple your interest rate. At least they know it. That is not an excuse, but a whole lot of folks don't even know it.

Here is another constituent who wrote to me.

I just wanted to let you know how upset I am with my credit card company—Citibank. They have decided to raise my interest rate to 27 percent. I have always paid my bill on time and have a good credit rating—820. Why would a company who was bailed out by taxpayers because of bad practices then decide to stick it to us by raising the interest rate so high that it is competitive with the local Mafia rate?

There is no Mafia rate in Fairmont, I might say, but I get the point.

Williston, in my State:

Enough is enough. We shored up these banks with our hard earned tax dollars just to have them raise the interest rates on their credit cards to 28 percent and 26.3 percent—that's Bank of America and Capital One—for absolutely no reason. Something must be done.

One more:

I received a letter from my credit card company—

This person from North Dakota writes—

the Bank of America, that they are upping my interest rate from 7.99 to 18.4 on my credit card and we have not been late with a payment. We have been with them for 15 years.

I want you to know I am really angry over this. Billions have been going to these banks and this is what we get for it.

Here is a solicitation for a bank debit card, Visa. You might look at that and say what are they trying to solicit? Some 70-year-old codgers who are retired, sitting around worrying about their teeth? No, they are trying to solicit kids. That is the purpose of the bow. It is a little like Joe Camel and cigarettes, except this is much more obvious, a credit card for kids. It is pink with a beautiful little bow.

Here is a statement from Bruce Giuliano, a senior vice president with a company that owned the Hello Kitty brand.

We think our target age group will be from 10 to 14 although it could certainly be younger.

How much younger than 10 years old can you get people to start using credit cards? That is unbelievable.

We think our target age group will be 10 to 14.

Here, by the way, is the Hello Kitty brand I was describing. Does it seem to you like they are targeting that 10-year-old to 14-year-old? It is a nice little pink thing with a kitty, new Platinum Plus Visa credit card with world point rewards. If they could couple this with an airline and get 10-year-old kids flying to France, they would have what my son experienced, plus a pink credit card. It is unbelievable to me. We wonder why people are upset. You have a bunch of companies out there going after your kids to see if they can put plastic in their pockets, kids who never had a job and will never get a job—at least not when they are 10 years old—saying: Load up on debt.

Here, First Premium Card says:

Get our platinum credit card. We have a platinum card. Even if your credit is less than perfect.

Once again, a solicitation to say if you don't do so well paying your bills, we have a credit card for you.

Has anybody thought through that maybe this is what steered the country into the ditch? Has anybody thought about that? By the way, some of these financial companies are the ones that have gotten very large bailouts from the Federal Government.

This is interesting. This is a credit card, presumably, for somebody who does not pay their bills so well. So it is hard for them to get a credit card. Here is what they are going to do. It looks pretty good. It is actually a gold card with a \$250 total credit limit. The problem is the annual fee is \$48, the setup fee is \$29, the program fee is \$95, and the monthly servicing fee is \$7. So if you pay all these fees to that bank, you get to have a piece of plastic in your purse or your wallet that allows you to charge up to \$250. What an unbelievable opportunity for people who are not thinking or do not know or at least have been cheated by a company that suggests these terms.

This chart simply describes a college credit card. Everybody makes money on credit cards. That is why they ac-cost you when you are going through the concourses at an airport—the airline is actually pushing credit cards. They are all making money on credit cards—including some colleges, by the way.

They wallpaper all of those college hallways with credit cards because if you can get someone at that age to start using credit cards with your company, then you have got them for a long period of time.

Now, 84 percent of undergraduates in college had at least one credit card, up from 76 percent in 2004. Midwestern students continue to carry the highest average number of credit cards, with more than half of the students—think of this—more than half of these college students have four or more credit cards. Again, a cultural lesson about debt? I don't think that is a lesson we want college students to understand. I am not suggesting college students should not have a credit card. I understand the value of that. But they ought to have a limit.

By the way, here is the other thing that happens with credit cards and college students. You cosign a credit card as a parent for the college student who does not have a job, and it is not very long before the credit card company ups the limit to the college student without telling the cosigner. I know that is an interesting business practice, to be pushing additional credit toward those who do not have income, but it is part of the culture of this country, I guess.

Undergraduates are carrying record-high credit card balances. The average balance grew to \$3,100—the highest in the years the study has been conducted—and 21 percent of undergraduates had balances between \$3,000 and \$7,000.

My point is simple: This is some of the same culture and some of the same difficulty that has tipped this country's economy over, beginning with the subprime loan scandal in housing but very quickly going into credit cards.

Someone said to me a while back: You know something, nobody spends money like the Federal Government. I am talking about debt. The Federal Government has run up all of this debt. Shame on the Federal Government.

I said: I agree with you. This Government has to decide it can only deliver Government to the American people that the American people are willing to pay for. We cannot continue with these deficits.

But, I said, understand this: It is not just the Government. This culture has had a dramatic runup in household debt, a dramatic runup in corporate debt, you name it, all across the board, including trade debt.

But we are here today because Senator DODD has brought a bill to the

floor with his colleague, Senator SHELBY, and they deserve great credit. They deserve a lot of credit from the American people for doing this. It is a piece of legislation that begins to put the brakes on, puts a bridle on those who are engaged in practices I have just described: aiming credit card solicitations at 10-, 12-, 14-year-old kids, wallpapering college campuses so that kids came up with four or more credit cards. The fact is many of these companies got involved in all of these unbelievable instruments—credit default swaps, CDOs, and shame on them. Shame on WaMu, shame on Wachovia, shame on the companies that did it. They are supposed to be banks. Banking is supposed to be reasonably conservative. Instead, they loaded up with unbelievable debt.

Now some of the same companies, by the way, that are putting credit cards out all over this country are saying to credit card customers: You know, I understand you have never been late, never missed a payment, been a customer for 20 years, but you know what, your 7.9 interest rate has now gone to 26 percent, and you are lucky we told you because some people are not going to know it. By the way, we are going to add some additional fees, and we do not care what you think about this.

This legislation says: No more. You cannot do that. It says: If you are going to go in this direction—way overboard, in many cases cheating customers—then we are going to put the brakes on.

Some people say: Well, of what business is it of the Government?

Well, you know what, we have a responsibility, it seems to me, to stand up for consumers. In this case, you have some very large companies that have engaged in this business and now, in recent years, have decided to impose very substantial fees and very high interest rates, in a way that I believe takes advantage of the people. These people are good citizens, pay their bills on time, are conscientious about it, and now discover that the company they have had a relationship with for a very long time has imposed all kinds of dramatic penalties and fees that customer does not deserve.

So this legislation is legislation that I believe will pass the Senate with a very wide margin. Why? Because I think those companies that have done this have invited this today. They asked for it. This Congress has a responsibility to stand up for the interests of the American people.

I come from a State in which Teddy Roosevelt lived for a while, and he always said: Had it not been for my time in North Dakota, I never would have been President. He was a rugged guy, and he went out there and ranched in North Dakota.

By the way, he was in the depths of despair because both his mother and

his wife died in his home on the same day in New York. Think of it, losing your mother and your wife the same day on different floors of the same home. He went out to try to renew his spirit in the Badlands of North Dakota. He became a rancher and later became President of the United States.

One of the things I remember him for and the country remembers him for is as a "trust buster," willing to take on the big interests, willing to stand up to the big interests when they rip into the interests of the American consumer, the American people. Thank God for what Teddy Roosevelt did in so many areas in trust busting.

In many ways, this is a smaller piece of that larger issue, taking on the bigger interests when they are taking on the American citizens in a way we believe is unfair and untoward.

So I came today simply to say to my colleagues, Senator DODD and Senator SHELBY, that I appreciate the work they have done. I am a strong supporter of this legislation, and I know we have some amendments back and forth. At some point, I am going to be proud to cast a "yes" vote.

I am not suggesting credit cards are bad—far from it. Credit cards are very helpful to the American people. I am suggesting there are some practices that have occurred that go way beyond that which is reasonable, and we are going to try to rein that in with this legislation.

Mr. CARPER. Madam President, I rise to speak for several minutes on the legislation that is before us today dealing with credit cards, something that most of us have a personal experience with—we use them; we have had good experiences and bad experiences. In some respects, those experiences guide our views with respect to how we should legislate. That is understandable. It is true with me too.

Earlier today, I had a chance to participate in a number of call-in radio shows, some specific to Delaware, one to the Delmarva Peninsula, and one a national call-in show. People raised a variety of different issues about the legislation we are debating. What I did with some of the listeners, I took them back to the beginning and said: The reason why this legislation is before us actually grew out of the work of the Federal Reserve, which was begun over 2 years ago. The Federal Reserve sought to use their authority under the—I think it was the Federal Trade Commission law that says they have a responsibility to protect consumers. That includes protecting consumers as they use credit cards.

For roughly 2 years the Federal Reserve held hearings, received input from consumer groups, from individuals, from the industry, from other regulators, as to how we might better protect consumers.

In the end, the Federal Reserve sought to strike a balance. They

sought to strike a balance that was fair to consumers and better protected their interests, which need to be better protected, and at the same time not to further disadvantage our financial institutions in this country, many of which are struggling literally to survive. That was the balance the Federal Reserve sought to strike. The Federal Reserve promulgated regulations last December after literally receiving tens of thousands of pages of comments on the draft regulations they promulgated earlier, last year.

What we are doing now is, rather than simply waiting on the Federal Reserve regulations to be implemented between now and July 1 of 2010, Congress is seeking to codify, to literally turn into law those regulations and in some cases to move the effective date of those regulations up earlier and in some cases to add some provisions that were not covered by the regulations.

One of the changes that is affected in this regulation was not raised in the regulation. It deals with credit cards and kids. It is really credit cards and people under the age of 21. My boys are 19 and 20. They are in college. They have been receiving preapproved credit card applications for a number of years, including when they were in high school. I think Senator DODD has talked about one of his girls, who I think is 7 or 8 years old, having received a preapproved credit card application at the tender age of 7 or 8.

The question is, do we need to do something differently? It is interesting that the Federal Reserve, in their regulations, did not think so. The legislation which comes out of the committee and comes to us for consideration says, no; we should do something. What the legislation calls for, for us to do differently in this country, is if a young person, under the age of 21, wants to sign up for a credit card, either, No. 1, their parent or guardian has to cosign for them, with them, for that credit card, or, No. 2, the young person has to demonstrate the ability to pay their debts.

For the most part it means have a job, have a source of income to pay their debts. That is something that is in addition to the Federal Reserve. I agree with that. I think it is a good change, and I think most of my colleagues do, too.

In terms of being guided by your own personal experiences, I don't know about the rest of you, but one person who called in today on a call-in show said: Why don't we just let the marketplace make the decisions for us? We are smart. We get these credit card solicitations in the mail. There are a lot of choices. Let the marketplace work, and let people choose what card they want.

As it turns out, we have a lot of smart people in the Senate, maybe staff who are even smarter. There are a lot of people in this country who,

frankly, have not had the opportunity for an education that some of us have had, and they lack, as do some of us, the financial literacy that will enable them to make the right decision on a multitude of options, choices; to understand them, read the fine print and understand how it will impact them.

As a result, we are not going to just let the marketplace work as it worked in the past because it didn't work perfectly. What we are trying to do is correct some of the bad behavior, clean up some of the behavior on the part of the credit card issuers, and that will get to a point where the marketplace can work, and the market will actually work on behalf of consumers. That is really what we want to see happen.

I will use a couple of examples from my own personal life. I have three credit cards that I use. One of the credit cards I use is for my personal use. Another credit card I use is for government-related expenses, official business. A third is for campaign-related expenses. The Presiding Officer may have a similar kind of arrangement. It helps keep everything straight for me. That is a benefit, a real advantage, and I believe it is an example of how our credit cards can be used for our advantage.

I had a credit card several years ago for campaign-related expenses. I lived in Wilmington, DE. The credit card bill had to be paid in New Jersey. I was getting the bill about 10 days before it was due, and in one instance I remember sending a check for that bill and it took 5 days for my check to actually get to the credit card company and be credited as a payment—5 days, Wilmington, DE, to New Jersey. I could have driven it in less than 5 hours, but it took 5 days to credit.

The other thing I noticed about the credit card company, the due dates for my bill were always Saturdays or Sundays. They didn't process on Saturdays or Sundays. I finally realized what was happening, and I said we will not use that credit card again. I tore it up, paid it off, and got another credit card that did not have that problem. That is an example of letting market forces work.

Hopefully, a lot of us are smart enough to be able to do that sort of thing, but honest to God, not everybody is as sophisticated as they need to be to be able to lay that out for themselves.

Another issue that has come before us is the issue of caps, our credit card limits. If Senator GRASSLEY over here has a credit card limit, and I am his credit card issuer, he has a limit on the credit card he has from us, from our company, say, a \$1,000 limit. Currently, if he exceeds the \$1,000 limit, we let him. My credit card company lets him exceed it and he starts paying fees. If he continuously goes over the limit, he pays more and more fees.

I don't think that is the way the system should work. The Presiding Officer

doesn't think that is the way the system should work. The legislation before us says that is not the way this system should work.

Going forward, when a person signs up for a credit card, if there is a limit—we will say there is a \$1,000 limit—unless the cardholder objects, that will be a limit. It will be a hard cap. If the cardholders want to exceed that limit, they may do that, but they fully acknowledge that they will accept fees in doing so. I think that is a reasonable way to approach this.

There is another major issue that has been before us, the issue of whether the credit card companies should be able to assess risk and charge for that risk, the perceived higher risk on the part of the cardholder. We worked with Senator SHELBY, who is here today, to try to strike a reasonable balance that says, again, I am a credit card company, he is the credit card holder, and we send him his statement. He doesn't pay within 30 days. What the Federal Reserve said is after 30 days, credit card companies should have to charge a higher interest rate. We changed that a little bit, and we say we will give the cardholder 60 days. If the cardholder has not paid a minimum payment within that 60 days of it being due, the credit card company can raise the interest rate; however, we give the holder of the card 6 months on-time payments, minimum payments for 6 months, to earn back the lower interest rate. To me, that seems like a fair balance, looking out for the consumer, looking out for the company in addition.

I want to mention, yesterday we had the opportunity to debate the question of a usury ceiling. The question was 15 percent—shouldn't we have a 15-percent uniform usury ceiling on credit card rates. Maybe 33, 35 people voted for it. I did not. I said to my colleagues wondering how they should vote, there are actually two or three problems with the amendment before us, or any usury ceiling rate.

If it is a 15-percent ceiling rate, the idea was we should limit banks to charging 15 percent because credit unions are limited to 15 percent. As it turns out, credit unions do not operate under the same rules of the road as banks. The banks complained the credit unions get a break and the banks do not enjoy that in a number of ways. To simply say because the credit unions are capping at 15 percent we ought to cap the banks at 15 percent, frankly, it is not a logical argument in my mind.

One thing I know is, if there were a limit of 15 percent, everybody here, all the Senators, would be able to get credit. Most of our staff would be able to get credit. The folks who would not be able to get credit are lower income people. They wouldn't be able to get a credit card because they may have a high risk, and if they do have a high

risk and it is proven by their payments scheduled over time, those people are going to be cut off. That is not an intended consequence, it is an unintended consequence, but by virtue of not adopting yesterday's amendment we allow credit card companies to charge eventually for risk, but at the same time to offer the credit card holder the opportunity to earn back a lower rate of interest.

I compliment Senator DODD. I commend Senator SHELBY and their staffs. They have worked very hard to get us to a point where all of us, whether we happen to come from States where we have a lot of credit card companies or we happen to come from States where we have a lot of credit card holders, to try to get a right balance. I think you came really close to doing that. I understand we may have one amendment offered later today dealing with fees that are paid by, in some cases, the merchants—the interchange fees. I understand there is language in the underlying bill that says—this is not something on which we have had hearings, I understand, in the Banking Committee. I understand maybe other committees have had hearings on it years ago. We have not had hearings on this in the Banking Committee. It is a lot more complex than people would lead us to believe.

Why don't we give the appropriate agency, and I think in this case the GAO, the Government Accountability Office, a year to come back to us, study this, vet it, and tell us: This is what we think you should do. To me, this makes a lot more sense on the Senate floor, without having had the benefit of hearings, informed hearings from the Banking Committee, to tell us what we should do. Let's take our time and let's do this right.

I commend my colleagues. I thank them for giving my staff and me, other Members who have had an interest, whether on the committee or not, the opportunity to weigh in, express our concerns, and have the opportunity to shape in a small way the outcome of this legislation.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1107, AS MODIFIED

Mr. SHELBY. Madam President, I now ask unanimous consent the Collins amendment, No. 1107, be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment as modified, is as follows:

At the end of title V, add the following:

SEC. 511. STORED VALUE.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, shall issue regulations in final form implementing the Bank Secrecy Act, regarding

the sale, issuance, redemption, or international transport of stored value, including stored value cards.

(b) CONSIDERATION OF INTERNATIONAL TRANSPORT.—Regulations under this section regarding international transport of stored value may include reporting requirements pursuant to section 5316 of title 31, United States Code.

(c) EMERGING METHODS FOR TRANSMITTAL AND STORAGE IN ELECTRONIC FORM.—Regulations under this section shall take into consideration current and future needs and methodologies for transmitting and storing value in electronic form.

AMENDMENT NO. 1079, AS MODIFIED

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I ask unanimous consent that the Landrieu-Snowe amendment No. 1079 be modified as it is presently at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title V, add the following:

SEC. 503. EXTENDING TILA CREDIT CARD PROTECTIONS TO SMALL BUSINESSES.

(a) DEFINITION OF CONSUMER.—Section 103(h) of the Truth in Lending Act (15 U.S.C. 1602(h)) is amended—

(1) by inserting “(1)” after “(h)”;

(2) by adding at the end the following:

“(2) For purposes of any provision of this title relating to a credit card account under an open end credit plan, the term ‘consumer’ includes any business concern having 50 or fewer employees, whether or not the credit account is in the name of the business entity or an individual, or whether or not a subject credit transaction is for business or personal purposes.”

(b) AMENDMENT TO EXEMPTIONS.—

(1) IN GENERAL.—Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended—

(A) in paragraph (1), by inserting after “agricultural purposes” the following: “(other than a credit transaction under an open end credit plan in which the consumer is a small business having 50 or fewer employees).”

(2) BUSINESS CREDIT CARD PROVISION.—Section 135 of the Truth in Lending Act (15 U.S.C. 1645) is amended by inserting after “does not apply” the following: “with respect to any provision of this title relating to a credit card account under an open end credit plan in which the consumer is a small business having 50 or fewer employees or”.

Ms. LANDRIEU. Madam President, I would like to speak for 3 or 4 minutes. I see my colleague from Iowa is here to speak, so I will not take any more time.

I spoke briefly about this amendment when I introduced it on behalf of Senator SNOWE and others who joined us, from both sides of the aisle. I have spoken at some length with the chairman and ranking member as well. I am hoping we could have a positive outcome on this amendment because it is so important to our small businesses in America.

We have been trying with some degree of success to actually help small businesses on Main Street in our communities. I say “with some success,”

because we all go home on the weekends and we continue to hear very serious complaints from our grocery stores and our hardware stores and our shoe repair shops and our cleaners and our business owners saying: Senator when is any help coming our way? You are giving all of these billions of dollars to Wall Street and to these big banks. Yet we are here really struggling. Is anyone listening to us in Washington?

OLYMPIA SNOWE and I, as chair and ranking member of the Small Business Committee, are doing what we can, saying: Yes, we are listening, and we want to be of some help. Every bill that comes to the floor, we try to put a lens on it: How is this helping small business?

This bill is a good step to help consumers, individuals, persons, who have a credit card. Unfortunately, the way the bill is currently drafted, it leaves out small businesses.

My amendment with Senator SNOWE will simply put them in this bill so when this bill passes, we can have a real celebration about helping, not just individual cardholders but small businesses that are struggling to keep their doors open.

Madam President, you serve on the Small Business Committee. You have heard the testimony, immediate past testimony, of, really, businesses that have 500 employees that are struggling, to businesses that have 2 employees; from a conservative perspective, from a liberal perspective, that have come before our committee. That is how this amendment came to be.

As I reviewed the underlying bill and thought there were some terrific things in this bill that will help credit card users, let me just quickly say, it bans at any time, for any reason, increases in rates. No more can credit card companies just raise your rate any time for any reason. That is eliminated in this bill.

No longer can credit card companies charge you for a balance that you paid. If you owe \$1,000, you send them a check for \$900, they can still, under current law, charge you interest on the entire \$1,000.

That is not fair. It is not fair to individuals. It is not fair to small businesses. That will be corrected in this bill.

It simplifies disclosures. Yes, I believe in the free market, but I believe in order to have a free market you need to be able to read the print. Sometimes not only is the print small, but it is almost difficult to understand. So it is more simple disclosures.

I think small business owners need that opportunity as well. It prohibits credit card companies from charging interest on transaction fees that they add to monthly bills. So small business will get that benefit.

This is, in conclusion, not going to solve every challenge that small busi-

nesses have, but at least they will know there are Members of the Congress, Senators and House Members, who hear them, who are trying to do what we can to respond, and this amendment will actually cover 26 million small businesses in America, in addition to the millions of other credit cardholders, perhaps over 50 million, maybe more. This will include small businesses with less than 50 employees.

I would like to help every business in America. I will continue to work on that. But for this bill, because it was directed to individuals, we thought by keeping it to relatively small businesses, it would fit in the overall scope and framework of this bill.

Senator SNOWE and I are going to continue to work to expand credit opportunities for businesses with your help. This bill also is supported by Senator SHAHEEN, as an original cosponsor, and Senator CARDIN. I wish to thank them very much for their support and help.

I see my colleague from Iowa and will reserve the remainder of my remarks for Tuesday, when I hope we can vote on this amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

GOVERNMENT-RUN HEALTH CARE

Mr. GRASSLEY. Madam President, for the benefit of my colleagues, I will only be speaking about 11 minutes or so. I will proceed.

Yesterday—no, it was not yesterday, 2 days ago—the Medicare trustees announced that Medicare's Part A hospital trust fund will be insolvent in 2017. That is 2 years sooner than last year's estimate. This announcement shines a spotlight on an issue Congress cannot ignore. Our largest Federal health program is on an unsustainable course.

Medicare, according to the trustees, is going broke. We have all heard the reasons over and over: People are living longer, health care costs are increasing, and most seniors are developing chronic and very costly conditions.

All this leaves the Federal Government with a \$35 trillion unfunded liability over the next 75 years because the trustees always look ahead 75 years. That is updated annually.

Some in Congress recognize the financial black hole that is looming before us. I hope my colleagues know I am working with Senator BAUCUS and other members of the Finance Committee to reform the way the Government pays for health care.

Our options for delivery reform will bring the Medicare Program into the 21st century by improving quality and reducing costs. We desperately need to retake control of the costs of the Medicare Program, obviously, so it can be around for future generations. Yet in the face of that reality, some people think the best way to accomplish

health care reform is to create another entitlement program.

In the face of Medicare's pending insolvency, some people want to create a new public program, a government-run health insurance program. I am one of the most vocal supporters of health care reform. We need to improve quality, access, and affordability. But we need to understand by adding another unsustainable government-run health insurance plan into our health care system, it cannot be the answer.

We cannot afford what we already have, so let's add more. Put that against the commonsense test. It does not make much sense. As the saying goes: History is a vast early warning system. Today, debate over health care reform is eerily similar to the debate in 1965, before Medicare was created.

Let's look at that history. Before the bill became law, doctors, hospitals, and other health care providers were concerned about this new government-run health care program that was passed back then. We call it Medicare.

Much like today, way back then, they were worried the Government would use this program to ration care and cut payments. To deal with these concerns, Congress and the President actually promised back then to doctors and others that they would continue to be paid, as the law says, the usual and customary rates.

That is why, to this very date, the Medicare legislation still states this:

Nothing in this title shall authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or compensation of any person providing health care services.

That was written in 1965. It is still in the law. But—and a big “but”—we all know that the cost and the political pressure has increased.

As a result, this section that I quoted, written in 1965, has become meaningless. Time and time again, Congress has intervened in medical decisions and cut reimbursement rates. Legislation in the late 1980s placed limits on what doctors could charge and put in place a government-mandated fee schedule.

One American Medical Association trustee recounted the AMA's original concern about Medicare by stating it this way: “Many of the things we feared have come to pass.” Surprise. Surprise. Despite the promise to pay “reasonable rates” when Medicare was created, today the Government pays between 60 and 70 percent of what private insurers pay.

By setting payment rates well below costs, it is becoming more and more difficult for seniors to find a doctor who accepts Medicare. Access issues for Medicaid, as we all know, are even worse. But some say we can avoid these problems by putting the government-run plan on a level playing field with private insurers.

They say Congress could set up a system so the government-run health insurance plan has to follow the same rules as private insurers. They say it would have to pay the same rates, form networks, be independently solvent, all sounding good. My question is this: When this new government-run health insurance plan starts to cost too much, then following the pattern since 1965 with Medicare, is Congress going to start breaking its promises? Will it change the rules?

A recent Wall Street Journal article tried to answer this question this way:

Any policy guardrails built this year can be dismantled once the basic public option architecture is in place . . . That is what has always—

And “always” is emphasized—

That is what has always happened with Government health programs.

Maybe at first Congress somehow repeals the requirement that the government-run plan has to form a network. Next, Congress might allow the Government plan to start paying lower rates than private insurers, just like we have done with Medicare and Medicaid. At that point, Congress might let the government-run plan dip into the Treasury from time to time to keep the Government plan solvent.

This, of course, would increase costs for everyone. As the Government takes more and more control over the plan, providers would get paid less and taxpayers would end up paying more. Rates for government-run health insurance plans would be lower than private insurers because Government can impose lower rates by law, also known—can you believe it—as price fixing.

This is a common talking point for supporters of the government-run plan. They say the Government can use its numbers to lower costs. But as the Government cuts payments to providers, costs will go up for everyone who is left in the private market. Slowly but surely the Government plan takes over the market. Eventually, all the promises about creating a level playing field have been broken, and we would be left with a single-payer, government-run health insurance plan, such as Canada.

Canada brags about having a single plan. But Canada does not have just a single plan. There is a second plan, and it is called the United States of America. So if you do not want to wait around 3 months for an MRI in Canada, you can come to the United States, if you have the money to do it and the time to do it, and get it right away.

But what happens if you have such a plan in America? Where do Americans go for what the plan does not provide for our people when you have delay? Well, we will not go to Mexico, surely. Eventually, all the promises about creating a level playing field will have been broken, and we would be left with a single-payer, government-run health insurance plan.

The simple truth is, supporters of a government plan absolutely intend for this to be the outcome. Independent analysis by the Lewin Group agrees. According to Lewin's work, 119 million people would lose their private insurance. In other words, they would be crowded out. They would end up where? On the Government plan.

It also breaks one of the most important promises that President Obama made during his campaign, and I agree with this promise. What is it? If you like what you have now in the way of health insurance, you can keep it.

Independent analysis has shown that a government-run insurance plan will drive up prices in the private market and force employees and employers to drop that coverage. So the President does not get his plan or his promise during the campaign kept.

This, of course, will make our emergency rooms more crowded than they are today. It will limit access to high-quality care through rationing and price fixing. It will increase waiting time for lab results and lifesaving and life-enhancing procedures. It will add hundreds of billions of dollars of new Government spending.

This is not the kind of change the American people are looking for. Instead of creating a government-run plan and making a bunch of promises Congress cannot keep, let's create stronger rules and regulations for the private insurance market.

For instance, we should prohibit health plans from denying coverage to people with preexisting conditions and provide tax credits to people who cannot afford coverage.

Instead of introducing a government-run health insurance plan that would cost too much, limit choices, and lower quality, let's clean up the private market. Instead of introducing a government plan, let's help President Obama keep his promise that if you like what you have in the way of health insurance, you can keep it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GUANTANAMO BAY

Mr. THUNE. Mr. President, I have sought recognition to make a few observations on President Obama's re-

quest in the emergency war supplemental for \$80 million in funding to close the detention facility at Guantanamo Bay. Shortly after taking office in January, President Obama announced, with much fanfare, the closure of the Guantanamo Bay detention facility. At the same time, he also said he would work with Congress on any legislation that might be appropriate.

But instead of consulting Congress, President Obama is asking for \$80 million to close Guantanamo, with no justification or indication of a plan. The House Appropriations Committee has already refused to provide the funding because, in the words of the chairman of the committee, the President has no plan in place on what to do about the detainees housed there. We are now hearing reports that the Senate Appropriations Committee will be providing funding for Guantanamo and its version in the emergency war supplemental, but that it will be “fenced off” until the President provides a plan on disposition of the detainees held at Guantanamo Bay. I believe any plan to close Guantanamo that includes bringing these terrorists into the United States is a mistake. We don't want the killers who are held there to be brought into this country.

The administration is actively seeking to circumvent a Senate resolution which passed by a vote of 94 to 3 in July of 2007. That resolution stated the detainees housed at Guantanamo Bay should not be released into American society and not transferred stateside into facilities in American communities and neighborhoods.

In fact, not only does the Obama administration wish to hold open the possibility that some of these detainees may be transferred to facilities in American communities, it is even considering freeing some of them into American society. These are the 17 Chinese Uighurs whose combat status review tribunal records were deemed insufficient to support the conclusion that they are enemy combatants but cannot be returned to China because of fear that the Chinese Government will torture or kill them. At a press conference on March 26, ADM Dennis Blair, the Director of National Intelligence, went so far as to say:

If we are to release them [the Uighurs] in the United States, we need some sort of assistance for them to start a new life.

However, the Uighur detainees are not simply unfortunate souls who happened to be scooped up on the battlefields of Afghanistan because they were in the wrong place at the wrong time. They took firearms training at camps run by the Eastern Turkistan Islamic Movement, which has been designated as a terrorist organization by the United States. They were at Tora Bora when we were heavily bombing that area and seeking to capture Osama bin Laden. The leader and chief instructor

at these camps was Abdul Haq. In a Treasury Department advisory issued only a few weeks ago, the Obama administration labeled this man a "brutal terrorist" with ties to al-Qaida.

It is hard to believe that this administration is seriously considering freeing these men inside the United States, and, most outrageous of all, paying them to live freely within American communities and neighborhoods. The American people don't want these men walking the streets of America's neighborhoods.

Aside from the issue of turning loose into the United States people who have trained in terrorist camps, the American people don't want the Guantanamo detainees to be transferred to the United States and held in their backyards, either, whether at a military base or in a Federal prison. That is easy to understand when one looks at the details of the killers who are held at Guantanamo.

Guantanamo is home to some of the world's most dangerous terrorists. There are 27 members of al-Qaida's leadership held there, along with 95 lower level al-Qaida operatives, 9 members of the Taliban's leadership, 92 foreign fighters, and 12 Taliban fighters. Americans don't want these killers brought into the United States, but President Obama's January 22 of 2009 Executive order reads, in relevant part, that a review of all Guantanamo detentions:

Shall identify and consider legal, logistical, and security issues relating to the potential transfer of individuals currently detained at Guantanamo to facilities within the United States.

In my view, President Obama is willfully ignoring the views of the Senate and its resolution passed, as I said earlier, by a bipartisan 94-to-3 votes. The detainees housed at Guantanamo should not be released into American society, nor should they be transferred to facilities in American communities and neighborhoods.

Since President Obama seems set on a course to bring these terrorists into the United States, I have worked with my colleague in the Senate, Senator INHOFE from Oklahoma, to introduce a bill that would prevent any taxpayer dollars from being used to transfer detainees held at Guantanamo to any facility in the United States or construct, improve, modify, or otherwise enhance any facility in the United States for the purpose of housing any Guantanamo detainees.

Transferring these terrorists held at Guantanamo to facilities in or near American communities could make those communities terrorist targets. I had the opportunity to question ADM Dennis Blair, the Director of National Intelligence, on the potential security threat of relocating the Guantanamo detainees to facilities in the United States during an Armed Services Com-

mittee hearing on current and future worldwide threats to the national security of the United States. Admiral Blair acknowledged that moving those detainees to the United States "does somewhat raise the threat level" and "does raise the concern somewhat." That does not give me comfort. If we must close Guantanamo Bay, it should not result in Americans being less safe.

Transferring these detainees would also stress the civilian governments in the communities where these detainees would be placed. These communities would be faced with overwhelming demand from roadblocks to identification checks, along with having increased security personnel necessary to deal with what is an obvious threat. The value of homes and businesses would decline. South Dakotans definitely don't want these detainees, and my support of the Guantanamo Detention Facility Safe Closure Act will help to ensure that these detainees will not be transferred to my home State of South Dakota or other States in the United States.

In conclusion, my view is that no Guantanamo detainee should be brought into the United States to be incarcerated, and certainly should not be brought into the United States and freed. Americans don't want these killers brought into their communities and neighborhoods, period. The Senate has clearly spoken on that front by a 94-to-3 vote on a resolution that we adopted in July of 2007 that detainees housed at Guantanamo Bay should not be released into American society and not transferred stateside to facilities in American communities and neighborhoods.

These detainees are hardened, trained terrorists who are very smart and extremely dangerous, who understand the strategic vulnerabilities of this country, and who are capable of exploiting any situation and any vulnerability to inflict death and destruction on the United States. These are not common criminals locked up in State or Federal prisons.

Guantanamo is secure. The facility is a \$200 million, state-of-the-art prison. No one has ever escaped, and its location makes it extremely difficult to attack. Best of all, it is located hundreds of miles away from American communities. If President Obama wishes to close Guantanamo, he must do so in a way that keeps America safe.

In my view, America will be less safe if the Guantanamo detainees are brought into the United States. I will do everything I can to make certain that does not happen.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I thank my friend from Arkansas, Senator LINCOLN, for her leadership on the credit card legislation and for her work on this bill. I also thank Chairman DODD for his work on the Credit Card Act. We have worked so many months on this vital legislation, and we are finally debating it on the floor. It is long overdue. For too long, credit card companies simply were not content in reporting record profit after record profit. They were not content making reasonable money at reasonable rates. They wanted more, and they wanted interest that was far above their cost for funds. They wanted fees and more fees and more fees. Up against your credit card limit? No problem. Instead of really being a limit, that ceiling served as a license to charge additional fees. For too long, the credit card companies convinced Washington to look the other way. No more.

While not all lenders that provide credit cards are engaging in the exorbitant and unethical practices, a great number are, and that is why this bill is crucial. It protects not only the consumer, but it protects the credit card companies from themselves. Nickel-and-diming doesn't begin to describe the billions of dollars out of which Americans have been cheated.

The bill would protect consumers from random, at-will interest rate increases and account changes. It would banish unfair application of card payments, and it protects consumers who pay on time and follow the rules. It would curtail fees and penalties and ensure that cardholders are informed of the terms of their accounts. This bill would help protect young people from credit card predators. We all know, if we have ever had teenagers in the last 15 years or so, that a huge number of solicitations keep coming at them. This legislation puts the well-being of millions of hard-working middle-class families first.

I have heard some outrageous complaints from big, multinational banks that claim this bill is unfair because to make the changes it requires would take years to implement.

It is a pretty weak argument for the big, sophisticated, multibillion dollar credit card companies, with armies of information technology employees and lawyers. It certainly doesn't take them a year to increase a fee or to figure out how to implement a universal default policy or to work the mathematical magic needed to implement retroactive pricing.

For too long, the big credit card companies didn't step up and do the right thing, so there should be no surprise that they must do so now. Millions of Americans—their customers—were left in the dark at the mercy of whatever sleight of hand or shell game credit

card companies could contemplate. If there were a charge or policy imposed that consumers didn't agree with or understand, they were forced to dial a 1-800 number on the bill. If they were lucky, they could talk to an actual person who worked from a crib sheet on different ways to say no. If they took it further, they could run into an army of lawyers.

No more. Consumers in my State of Ohio, and across this country, are no longer alone. The Government is going to work for them. It is time our laws were on the side of hard-working men and women. That is why we are working on this comprehensive legislation protecting consumers from multibillion dollar predators.

Young people, who often are a prime target of these predators, will have heightened protections with this bill. I have spoken many times about the questionable practices of credit card companies which inundate our college campuses with their enticements and their advertisements. With the escalating price of a college education, and our Nation's financial problems, why would credit card companies dole out credit to unemployed or underemployed students? Because they can, and because no one has been willing to stand up to them, and no one—as this bill does—has been willing to stand up for those students. Now the Government is stepping in and will fairly regulate what was too often the wild west of consumer lending.

College students should have access to credit cards. They should have the ability to take out consumer loans. This is an important way to develop good credit practices and good credit for those students. But universities such as Ohio State—the Nation's largest university—tell their students to avoid taking on large amounts of credit card debt. Even so, many credit card companies flood campuses with deceptive advertising and hidden fees and penalties and unscrupulous practices. No more.

This bill shouldn't even be necessary. Credit card companies should be responsible corporate citizens. Sadly, many have not been willing to play fairly. Last November signaled a shift from large corporate shareholders running this country to middle-class families taking back the reins of government. This bill is one of the results of that change, with a new President and a different Congress actually putting the Government on the side of the middle class.

I am a cosponsor of the CARD Act, and because of that, I look forward to its passage.

I yield the floor, and I thank the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on the Collins amendment.

AMENDMENT NO. 1126 TO AMENDMENT NO. 1107

Mrs. LINCOLN. Mr. President, I call up a second-degree amendment to the pending Collins amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 1126 to amendment No. 1107.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that further reading of my amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Federal Deposit Insurance Act with respect to the extension of certain limitations)

At the end of the amendment, add the following:

SEC. 504. EXTENSION OF LIMITATIONS.

(a) IN GENERAL.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting “; and”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking “equal to not more than the greater of—” and inserting the following: “equal to—

“(A) not more than the greater of—”; and

(4) by adding at the end the following:

“(B) the State's maximum lawful annual percentage rate or 17 percent, to facilitate the uniform implementation of federally mandated or federally established programs and financings related thereto, including—

“(i) uniform accessibility of student loans, including the issuance of qualified student loan bonds as set forth in section 144(b) of the Internal Revenue Code of 1986;

“(ii) the uniform accessibility of mortgage loans, including the issuance of qualified mortgage bonds and qualified veterans' mortgage bonds as set forth in section 143 of such Code;

“(iii) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

“(I) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

“(II) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

“(III) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any provision of law to further the same; and

“(iv) to facilitate interstate commerce generally, including consumer loans, in the case of any person or governmental entity (other than a depository institution subject to subparagraph (A) and paragraph (2)).”.

(b) EFFECTIVE PERIOD.—The amendments made by subsection (a) shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

Mrs. LINCOLN. Mr. President, I begin by commending Chairman DODD

and the ranking member, Senator SHELBY, for putting together such an important package of reforms to protect our consumers all across this great Nation. Without a doubt, rampant credit card debt is a problem facing a great and growing number of Americans. In my own home, my twin 12-year-old boys get preapproved credit card requests weekly—at the age of 12.

Looking at how we can do a better job of both financial literacy and helping people during this time of credit crisis to be able to do a better job in terms of responsibility, the Federal Reserve's most recent data estimates that the average American household now has about \$2,200 in credit card debt compared to an average of about \$1,000 in 1992, and overall household debt has risen drastically, more than doubling in this last decade.

Confusing terms, constantly changing interest rates, and high penalty fees have all contributed to this trend, as many people struggle to effectively manage their credit and their credit card use and the debt they have.

While it is the responsibility, obviously, of consumers and borrowers to manage their own financial affairs, it is also absolutely essential that we ensure they have all the information they need, in an easily understandable form, so that they are able to make fully informed decisions about their credit and the amount of debt they might be incurring and what it means to their families; what the long-term implications might be. It is also important that credit card companies provide stable, easy to predict interest rates, and reasonable penalty fees that do not overly punish innocent mistakes that might be made.

This bill, on which Chairman DODD and Ranking Member SHELBY have worked so tirelessly, has come together in a bipartisan way to improve consumer protections regarding excessive fees, ever changing interest rates, and complex contracts seemingly designed to do one thing above all, and that is to keep people in debt. This bill will clean up the fine print so consumers don't get blemished by their credit card companies.

I am very pleased to be supporting the underlying bill, because ultimately I believe it will help restore fairness and common sense in our Nation's credit card practices.

On that note, talking about fairness and common sense, I wish to discuss the second-degree amendment to Senator COLLINS' amendment I have called up. This is an amendment I am offering on behalf of the entire Arkansas delegation—the entire delegation as well as our State officials, and others. This is a critical legislative proposal that will provide temporary emergency relief for an Arkansas-specific interest rate problem that is having a severe impact on Arkansas students, our consumers,

our businesses, as well as our municipalities and our State government. We are all, in Arkansas, affected by this situation.

Arkansas is the only State in the Nation with an artificially low interest rate limit that is tied to the Federal discount rate. Under current law, the interest rate on special revenue bonds and nonbank consumer loans may not exceed 5 percent above the Federal discount rate, which is currently set at one-half percent. So we are completely uncompetitive. Other bonds are capped even lower, at 2 percent above the Federal discount rate. As a result of this, Arkansas State and local governments, our public universities and utilities—in search of financing for construction and improvement projects—are severely hampered by the current limit, as are our Arkansas consumers, who are facing a lack of credit availability, as is everyone in this great country during this economic crisis.

Practically speaking, the current interest rate limit—the top rate that is legally allowable in Arkansas on all nonbank lending—is no higher than 5½ percent. Not surprisingly, this low rate of interest has contributed to bond investors looking to other States across the country where their yields will be much higher, as well as credit rationing by nonbank lenders that have been forced to restrict funds to consumers—particularly now, when capital is so hard to come by anywhere else.

The biggest frustration of all for people in my State is that the Federal Government has continued to make this problem worse and worse by lowering the Federal rate. This was done in an effort to improve the economy, and we certainly understand that in Arkansas. The Fed took those measures in order to try to improve the economy overall. But since we are the only State that has that unusually low rate that is tied to the Fed, we are actually suffering tremendously from what is occurring. As I said, we do appreciate the Federal Reserve's actions in these recent months to continue lowering the Federal discount rate where necessary to combat the economic crisis and stave off a further decline in our financial markets, but the lowering of that rate has only exacerbated the economic challenges faced in our State, and in our State alone, for that reason.

Additionally, many of the tools put into place in the American Recovery and Reinvestment Act—the stimulus package that we offered earlier this year to jump-start our economy, such as the Recovery Zone bonds and the Build America bonds—are not available in our State because of our lack of competitiveness in the bond market, due to those abnormally low interest rates that are tied to the Fed. As stated in the recent Arkansas Democrat-Gazette article on this issue:

The bond market has responded to the Build America program. Since its introduction, investors have purchased \$8 billion in offerings, providing the bulk of activity in the taxable-bond sector. Arkansas is not in a position to take part.

This is an issue that impacts our State of Arkansas alone. We understand that, and Arkansas does intend to fix that problem. However, we can't do so immediately because this archaic clause in the Arkansas law must be rectified through a statewide ballot initiative. Therefore, a proposal to permanently modify this outdated law will be voted on by the people of Arkansas, but not until the next statewide ballot in 2010. Unfortunately, the economic challenges our Nation now faces are magnified in our State and immediate emergency intervention is essential; otherwise, our State's recovery will lag behind due to a lack of capital in our State.

There is precedent for Federal action on this issue, as the Congress enacted an Arkansas-specific provision to exclude Arkansas bank lenders from this exact interest rate limit in 1999. The second-degree amendment we are offering today is even more limited in scope, allowing for a temporary relaxation of the current interest rate limit to a more reasonable level of no more than 17 percent until the State ballot initiative is considered.

This is temporary, it is an emergency for Arkansas, and it is only in regard to the State of Arkansas. This is merely a temporary bridge to get us through this immediate crisis. We are all part of this economic crisis in this great country, and we are working hard together to pull ourselves out of this ditch and to get the economy back on track. I would hate to think that my State, and my State alone, was the only one that could not access the stimulus dollars to help our universities, our airport authorities, our municipalities, and others to access some of those dollars, to help create jobs in our State, and to put people who may have lost jobs back to work. We want to be sure we have the resources as well in order to be a healthy part of reviving the economy in this great country.

This is a matter of great urgency for our State. This is a matter with broad consensus in our State. We have worked as an entire delegation and in a bipartisan way. We have the State government, our Governor, and others who have been working with us—just for Arkansas, because it is Arkansas specific—to figure out a way to provide that temporary bridge, that temporary assistance we need. Because if we wait until that ballot initiative, the stimulus package will be over and we will have missed that opportunity. So this is a matter we have been working on, as I said, in a bipartisan way to try to solve.

We hope we can count on the support of our colleagues when this amendment

comes up later on today or whenever we vote on it. But I do plead with my colleagues, this is an Arkansas-specific issue. It is one that is detrimental to our State. We have an opportunity to help the people of Arkansas, the communities of Arkansas, the student loan authority, which can no longer issue new student loans because of that bonding authority and the cap that exists there. The problems that exist for us are monumental, and we want to ensure that over the next 18 months we too can be a part of reviving the economy of this great country.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to have Senator PRYOR added as a cosponsor to my second-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, since there is some time, I ask unanimous consent that I be acknowledged as in morning business for whatever time I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO BAY

Mr. INHOFE. Mr. President, there are several things toward the end of the week that I was wanting to elaborate a little bit on. They are kind of unrelated subjects, but we do not get this opportunity very often.

The whole idea of Guantanamo Bay is something that I know a lot of people have talked about. I was very proud at the inauguration when our new President, President Obama, gave a lot of statements that were, I thought, logical, and, frankly, a speech that I could very well have made—not as eloquently as he but from a content perspective.

He said, in relationship to the problem of Gitmo, or Guantanamo Bay, that, yes, we want to close that. However, we first must figure out what we are going to do with the detainees, recognizing that there are 245 detainees, recognizing further that there will be more as there is an escalation in activity in Afghanistan and that there is no place else to put these people.

I felt pretty satisfied at that time that this great American resource we have called Guantanamo Bay is something we need to keep. It is one of the few good deals the Government has. We have had it since 1903. It is a resource unlike anything else, not only in our holdings but anywhere in the world. It is a place where we have actually built a courtroom that will handle tribunals, that will handle cases with rules of evidence that would fit tribunals as opposed to our court system. I felt pretty comfortable knowing there is nothing that can be done with the 245 detainees. Many are very dangerous terrorists.

Since that time, he has changed his position. Now he is saying we will close it regardless. He has already closed the courtroom. This facility took 12 months to build. It cost \$12 million. There is nothing else quite like it. If we are going to ever adjudicate these individuals, bring them to trial, we have to put them someplace. One of the alternatives would be our court system. Obviously, that is not a good idea. Most thinking people realize it is not a good idea because, the rules of evidence being different from what they are in a normal criminal case, most likely we would not get convictions. What happens when you don't get convictions? You turn people loose. If there is anything we don't want, it is terrorists being turned loose. The politics of that is such that people who want to close Guantanamo Bay are backing away from that issue, but they are still talking about closing it.

I have had occasion to be down there several times. The last time I was there, I used a new technology that I didn't understand too well: YouTube. I did a program down there from Guantanamo. I commented at that time: Here we are with about six levels of security for six levels of detainees. There is no place else like it where we can do something like this.

In terms of how they are treated, I have had them say, with a translator, that it is probably the best food they have ever had in their lives. There is one medical practitioner—in most cases, a doctor—for each two detainees. Where else will you find that? There are procedures that are offered to the detainees that they would never have offered anywhere else. For instance, when they offered a colonoscopy, which was described to the detainees in terms of what it entailed, they decided they didn't want it. Nonetheless, these were things that were offered in the way of health care.

In the case of torture, there has never been a documented case of waterboarding or any severe torture taking place there. I can remember the week after 9/11, when we had immediately a few people in there. I went down and found that our own troops who were stationed down there were not treated as well as the detainees.

Even if that were not true, there is no other place that we can put them. There has been a proposal that there are some 17 detention installations in the United States that would be suitable for these people. One of them happens to be Fort Sill, which happens to be in Oklahoma. I went to Fort Sill and talked to a young lady there who is a sergeant major. This is in Lawton, OK. I talked to her about this. She said: Senator, I have to ask you a question. Why is it that everyone is so concerned about closing Guantanamo Bay? This facility here is not nearly as suitable for detainees.

Then she went on to explain why this separation of people and of classes of security problems. She said: Besides that, I spent 2 years—this is Sergeant Major Carter, stationed at Fort Sill—at Guantanamo Bay. That facility is better than any Federal facility we have.

Why is it we are so bent, just because of some ugly rumors that are not true about treatment of detainees, on closing a resource we have had and we are still paying \$4,000 a year for, as we have been ever since 1903? You don't get many bargains like that in government. Anyway, they seem to be concerned about doing that.

I believe public pressure is going to come around on our side and common sense will prevail and we will not close that resource. We will need it in the future. We need it today. We have needed it in the past. It has served us well.

As this moves along, I hope the public knows there are several of us who are going to make sure we do not do anything that is going to allow some of these detainees to be floating around in the continental United States. If we are inclined to do this program where we put them in some 17 installations, we will have 17 magnets for terrorism in the United States. That is not going to happen.

THE FIRST ONE HUNDRED DAYS

I also wish to talk about the striking similarities between what is happening today and what happened back in 1993.

The first 100 days of President Obama's administration will be remembered for its unprecedented level of new Federal spending—no question about that; no Democrat or Republican can deny that—and the return to big government. This, together with his advocacy of far-left, liberal causes—everything from abortion rights, to gun control, to universal health care—will put him on a track to repeat the performance of 1993, when a very attractive, young Bill Clinton entered the Oval Office under the banner of change. After Americans realized that his so-called change was simply an extremely leftwing position, the American people revolted and put Republicans back in charge of Congress. If President Obama continues down this path, I would not be surprised to see that happen again in 2010.

Nothing is more indicative of the stark contrast between conservatives and liberals than the massive Government spending spree now underway in Washington. In his first year in office, Bill Clinton put forward what was then the largest budget to date in our history. It was \$1.5 trillion. It included domestic spending of some \$123 billion.

Now in this 100th day of President Obama's administration, the Senate is poised to vote on what would become the largest budget to date. This budget, which highlights his priorities, is the most radical and partisan budget we have ever seen. It includes \$4.4 trillion in additional deficits and \$3.5 trillion in total spending. Let's compare that to 1993. I was down on the floor complaining about a \$1.5 trillion budget. This is a \$3.5 trillion budget.

When I go back to Oklahoma, sometimes I come to the conclusion that there aren't any normal people in Washington, because they ask the question: Senator, how can we afford all this spending when we had a stimulus bill of \$789 billion, increasing debt by \$1.8 trillion in the first year, and a \$3.5 trillion budget? Where is the money going to come from?

Here I am, the senior Senator from Oklahoma, and I can't answer the question. We do have choices. We can borrow. We can print it. It will have to be a combination of the above. We know all of the very damaging effects: \$1 trillion in taxes on individuals and businesses, a \$634 billion downpayment for government-run health insurance. There is another similarity. Remember, in 1993 it was called Hillary health care. The concept was the Government can run a health care system better than people can. I always invite people who believe that to go spend some time in some of the hospitals up north; the Mayo Clinic and some others come to mind. See the number of people who are there who came over from Canada because they couldn't get treatment. Maybe their age was right above the federal guideline for a particular type of procedure, and they could no longer do it. Again, the similarities are so similar, 1993 and what is happening today. Then, of course, we had the Wall Street bailout and all of that.

I am very concerned about the direction this administration has proposed to take us. Anyone who works hard, plays by the rules, pays taxes, drives a car, turns on the lights, saves, invests, donates to charity, or plans to be successful should also be concerned.

Defense cuts—I probably am more concerned about this than most Members. I am the second ranking member of the Armed Services Committee. I have watched what is going on. To me, it is deplorable.

I happened to be in Afghanistan when Secretary Gates came out with Obama's defense cuts. They tried to claim they are not defense cuts. They

are. It is just that they are talking about the DOD appropriations bill versus all the other funding sources that have been used before.

The best evidence that they are cuts is what has happened to our platforms. Right now, the F-22 is the only platform we have that is fifth-generation maturity. This is something he is stopping right now. We were originally supposed to have 750 F-22s. Now we will stop at 187. At the same time, you have China with its J-12, Russia with its SU series, a fifth-generation airplane. That is going to put us in a position where it will hurt and hurt bad.

The same thing is true with the Future Combat Systems. We have been working on that for 8 years now since Shinseki helped to start it. It is the first transition in ground capability in at least 50 years. This is something we have been working on so that we don't send our kids into battle against countries that might have a better artillery piece and better equipment than we. He axed that program.

How long has it been since we started working with the Parliament of Poland and the Czech Republic to get them to let us put a radar system in the Czech Republic and interceptor capability in Poland so that when Iran gets the capability of sending a nuclear missile over to western Europe or the eastern United States, we would have the ability to shoot it down? It didn't happen. The Parliaments that had to be politically pretty strong to agree to do that. Now they are sitting back and finding out that they are talking about axing that program too.

The airborne laser is the closest thing we have to knocking down a missile in the boost phase. We were coming along with that program. They axed that program too.

I am very concerned about what happens and what has happened in this budget to our capability of defending ourselves. Then I go back to 1993. That is exactly what happened back then. If we look at the 8 years of the Clinton administration, we cut military spending from what would be just a straight line by \$412 billion in that period. Of course, we ended up cutting our military by about 40 percent over that period.

The bottom line is, all these programs were cut. I happened to be in Afghanistan when that happened. We did a report from over there. We could see the Bradleys driving by and the helicopters taking off, the bad weather, soldiers coming back from patrols and turning on the tube and finding out President Obama is going to gut the military. It is totally unacceptable. But that is the same thing that happened in 1993. It is déjà vu all over again.

Gun control is the same. We see now that they are going to try to get us to sign on to a treaty that is called

CIFTA, a treaty in the Western Hemisphere where we will all get together and we will allow Central America and Mexico and South America and Canada to determine what gun manufacturers can do. It is the first major step to gun control, in violation of second amendment rights. People care about that. It is exactly what happened with Bill Clinton in 1993.

Energy taxes—back when Bill Clinton was doing it, it was called the Btu tax. That stands for British thermal unit. It was a massive tax increase on energy and very similar to what they are trying to do right now—which, incidentally, I have no doubt we will stop them from being able to do—the cap-and-trade tax. One thing about the cap-and-trade tax, that is something that is not just a one-shot deal like the stimulus bill. That is every year. It would be somewhere around \$350 billion a year in taxes on the American people, a regressive tax because it is a tax on energy. People with lower incomes spend a larger percentage of their expendable income on that kind of energy than rich people do.

We are not going to let that happen. I tell all my friends, we have been fighting that battle now for 8 years, and it is over. We are not going to let that happen in America. But that is what Bill Clinton tried to do in 1993. It is the same thing all over again.

We went through the same thing on abortion. I think personally there is no mission more important than standing up for the sanctity of human life. Here again, President Obama, like President Clinton, quickly moved to appease pro-abortion advocates.

Just a few days ago, the Senate confirmed Kathleen Sebelius for Secretary of Health and Human Services. As Governor of Kansas since 2002, she has a clear record of supporting abortion and policies that I believe impact the health and safety of women and parental rights. Again, it is abortion. Either you are for it or against it. But this is one of the strong pro-abortion positions in 1993 that now we are getting again out of this administration.

So when you look at this, I cannot help but think that all the signs are there, that we are seeing the same thing now that we saw back in 1993. I believe we are going to be positioned to keep a lot of these things from happening. No. 1, and No. 2, let's remember what happened in 1993. Young, attractive Bill Clinton went in as President of the United States, and he had the House and he had the Senate, and he had it all just as President Obama has it all. He has the House and the Senate. Therefore, it is not someone else's fault for all these programs. Consequently, we had a major turnover in the 1994 election. Republicans took over the House and the Senate. So I just warn my liberal friends from the other side of the aisle, be real careful. Watch

what you are doing because it could very well happen again.

EPA'S ENDANGERMENT FINDING

Mr. President, I do have something that is a little heavier lifting subject. I am the ranking member of the Environment and Public Works Committee. When the Republicans were in the majority, I was chairman of it.

Something is happening right now, and something happened Tuesday morning. I want to make sure everybody understands, as this week is coming to an end, that on April 17, the administration set in motion a ticking timebomb with its release of a proposed endangerment finding for carbon dioxide and five other greenhouse gases. This proposal finds—this, incidentally, is what all the scientists do not agree with—this proposal finds that carbon dioxide is a dangerous pollutant that threatens the public health and welfare and therefore must be regulated under the Clean Air Act.

This is interesting because they first tried to pass cap and trade. They know there are not the votes for it. There are in the House. Speaker PELOSI pretty much gets anything she wants through. It is a simple majority vote over there. Over here, it would take 60 votes to pass that massive tax increase, and we are not going to do it because they do not have more than 34, maybe 35 votes, and it takes 60 votes. But, nonetheless, since they cannot do it, they decided to do it under the Clean Air Act and do it through regulation so it could be done from the White House. This so-called endangerment finding sets the clock ticking on a vast array of regulations and taxes, with little or no political debate or congressional control.

On May 12, we learned of a White House document. This is significant. We did not know it was there. I want to credit our committee, the Environment and Public Works Committee—the minority side—for finding this document. It is a White House document marked “privileged and confidential.” It was buried deep within the docket of the proposed rule. It outlines some of the very same concerns shared by me and many of my colleagues, including Senator BARRASSO. I could not be here for that Tuesday morning meeting, and he was good enough to take this memo and expose it and did an excellent job of it.

Keep in mind, we are talking about their proposal for new taxes, new regulations—all these things they want to go through with because they cannot legislatively pass a cap-and-trade—or cap-and-tax, as some call it—proposal.

The document we found—allegedly a compilation of concerns from unnamed officials within the White House, or the administration, as part of an inter-agency review of the proposed regulation—raises some questions, very serious criticisms of the endangerment proposal. Chief among them are questions raised about the link between the

EPA's scientific argument for endangerment and its political summary.

I am going to quote from it. I have three quotes. Keep in mind, this came from the administration. This report says:

The finding rests heavily on the precautionary principle, but the amount of acknowledged lack of understanding about basic facts surrounding greenhouse gases seems to stretch the precautionary principle to providing for regulation in the face of unprecedented uncertainty.

In other words, what they are saying there is that the science is not there; we do not know yet; we know there are a lot of problems with this, and we should not be rushing into it. This came from the White House. I am glad we found it.

Here is a further quote. Additionally, it says:

There is a concern that EPA is making a finding based on "harm" from substances that have no demonstrated direct health effects, such as respiratory or toxic effects, and that available scientific data that purports to conclusively establish the nature and the extent of the adverse public health and welfare effects are almost exclusively from non-EPA sources.

Again, this is not me talking, this is a quote from the White House in a buried document we fortunately—but surprisingly—did find.

You can ask: What source is the EPA relying on if it is going to go through all this? That source is the U.N.'s Intergovernmental Panel on Climate Change. This is where it all started. It was the United Nations that started this whole issue of greenhouse gases, of CO₂, anthropogenic gases, and methane causing global warming. When you look at their "Fourth Assessment Report", which, as I have documented before many times in speeches on this Senate floor, is a political and not a science-based body, it has no accountability here in the United States.

You keep hearing people say: What about the NAS, the National Academy of Sciences? What about them? They are scientists.

The reports they give are not from the NAS, they are from the political review or the summary for policymakers, which is a political document, not another document.

In addition, this White House memo also warns of a cascade of unintended regulatory consequences if the endangerment finding is finalized. It states—and again, I am quoting from this report:

Making the decision to regulate CO₂ under the Clean Air Act—

That is what they want to do, regulate CO₂ under the Clean Air Act—

for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small business and small communities.

This report talks about the small businesses, the small communities,

churches, other groups that are going to be adversely affected by this. Again, this is a document that came out of the White House.

Now, for one thing, I am glad to know we are not alone with our concerns and that several in the Obama administration share views similar to ours on the endangerment finding. I am hopeful more will come forward.

So what was the administration's official response to the release of this memo? Well, it depended on whom you asked. One source in the Obama administration chose to again blame it on the Bush administration, stating it was written by a holdover appointed by George W. Bush. However, earlier in the day, Peter Orszag, who heads the White House budget office, where the memo apparently came from, stated that the quotations circulating in the press are from a document in which the OMB simply "collated and collected disparate comments from various agencies during the interagency review process of the proposed finding. These collected comments were not necessarily internally consistent, since they came from multiple sources, and they do not necessarily represent the views of either OMB or the Administration." Well, it is fine to say this, but that is where it came from. It came from the administration. It is very fortunate we found it.

It begs the question: Does this document reflect one rogue leftover Bush appointee, who, based on followup news reports, actually appears to be a Democrat or does it reflect a more systematic summary of comments from various agencies that have serious concerns with the proposed finding, as Orszag suggested? I am hoping someone from the administration will come forth with a consistent response.

In either case, I welcome the comments as an open and honest discussion of the potential costs, benefits, and legal justifications for such a finding.

Regardless of the Supreme Court decision, the EPA has the discretion to carefully weight the science and the causes and effects in its determination of endangerment, and, despite recent claims by administration officials, it is under no court order to find in the affirmative that such greenhouse gases endanger public health or welfare or cause or contribute to air pollution.

If we are going to have a debate on this issue, let's have it here in Congress, where the American people deserve an open and honest discussion about the costs and alleged benefits, about the effectiveness of such policies and what it will mean to the consumers who ultimately pay the bill. As I said before, it is going to be the poorer Americans who pay the larger percentage of their incomes who are going to be punished.

By the way, we had the debate here. In the House, they have never had the

debate because it has never come up as an issue. Here we had the debate during the ratification debate on the Kyoto treaty. And we had the McCain-Lieberman bill, the Warner-Lieberman bill, the Boxer—there is another bill that came up just in the last year. So we have had the debate, a full and open debate, and we are going to have to debate this issue because there is an effort to try to do through regulation what they cannot do through open debate in the process on the floor.

The administration, and this EPA in particular, has claimed they will usher in a new era of transparency. In April, Administrator Jackson issued a sweeping memo to all EPA employees committing the agency to an unprecedented level of transparency. I applaud her for it. She told me this in my office. We also found that she made this statement in a private memo to Members. So she is being very honest in what her effort is. I have a feeling a lot of this stuff is happening, and she is not even aware of it.

She says—and this is a quote; this is beautiful:

The success of our environmental efforts depends on earning and maintaining the trust of the public we serve. The American people will not trust us to protect their health or their environment if they do not trust us to be transparent and inclusive in our decision-making. To earn this trust, we must conduct business with the public openly and fairly.

Again, this is Lisa Jackson, the new Administrator of the EPA. I applaud her for saying this.

This requires not only that EPA remain open and accessible to those representing all points of view, but also that EPA offices responsible for decisions take affirmative steps to solicit the views of those who will be affected by these decisions.

She went on to say at her confirmation hearing—not only did she reaffirm this statement, but she said she would be responsive to us on the minority side, the same as she would be to the majority, and I believe that.

Certainly, the allegations in this White House memo make one question whether the EPA is open and accessible to all points of view. For one thing, it was marked "privileged and confidential," which tells me that perhaps they knew about it, but then they did not want to use it and they did not want people to find out about it. Nonetheless, the document speaks for itself.

My colleagues may criticize the Bush administration for how it handled the endangerment finding, but at least they did not try to bury or hide these types of comments when it proposed its advance notice of proposed rulemaking last summer. I know a lot of this sounds a little confusing. This is a process you go through, an advance notice of proposed rulemaking. In fact, the previous administration; that is, the Bush administration, went so far as to lay all of these comments out in

public view so all sides could be represented. If this latest action is any indication of how the EPA has begun to operate, then the American public should have serious reason to be concerned.

On this CO₂ endangerment issue—potentially the largest and most sweeping regulatory effort ever to be proposed—transparency should be a cornerstone of every agency action. Opinions from all sides, pro and con—and certainly from all other agencies—should be weighed equally and fairly and, just as important, openly, in full view of the American people. The American people deserve to know all sides, all costs, and all benefits. This thing is so costly, and with the questionable benefits, this is that much more important.

Because of these issues, I am hopeful the Administrator will commit to a determination on endangerment that would be based on the record of the scientific data and empirical evidence rather than political or other nonscientific considerations. It is of the utmost importance that regulatory matters of this scope and magnitude be based on the most objective, balanced scientific and empirical data.

While I am still hopeful that ultimately Congress or the agency will decide to take this option off the table, a full on-the-record examination during any endangerment rulemaking should be a minimum requirement of transparency.

But the administration has essentially politicized the issue by presenting policymakers with a false choice. The choice is to use an outdated, ill-equipped, and economically disastrous option under the Clean Air Act or pick another bad option—cap and trade—that commits us to requirements for unaffordable technology and would certainly be the largest consistent annual tax increase in the history of America. This isn't going to happen.

I would repeat we are fortunate in that we have had this debate, and each time we have the debate, there are more and more people who come down and say: Well, I didn't know it was going to cost that much money. Back in the original Kyoto days, it appeared that a majority of the people, in fact, in the Senate would support that type of an approach.

By the way, I have to say this: The Kyoto treaty was one thing. That is a treaty that affects the whole world, a lot of developed nations and some undeveloped nations. It was something you signed onto and everyone signs onto and everyone agrees to. Since that didn't happen—and even if you are one of those individuals who believes that anthropogenic gases, CO₂, and methane are causing global warming—if you believe it, which isn't true, but if you did believe it—then does it make

sense for us to pass something unilaterally in the Senate, making us less competitive than the rest of the world? What is going to happen to our manufacturing base? What is left of it is going to end up in places such as China, India, and Mexico, where they don't have these emission requirements. What is going to happen then? There will be a net increase in CO₂.

Back to the memo, and I will conclude with this. I have to repeat what the memo says. This was a memo that was advice to the process from the White House.

The finding rests heavily on the precautionary principle, but the amount of acknowledged lack of understanding about basic facts surrounding greenhouse gases would seem to stretch the precautionary principle to providing for regulation in the face of unprecedented uncertainty.

In other words, it is uncertain.

Further, it states:

There is a concern that EPA is making a finding based on harm from substances that have no demonstrated direct health effects such as respiratory or toxic effects, and that available scientific data that purports to conclusively establish the nature and extent of the adverse public health and welfare effects are almost exclusively from non-EPA sources.

That is an admission.

Finally:

Making the decision—

Which I hope we will not make the decision to do, but we will oppose that decision—

to regulate CO₂ under the Clean Air Act for the first time is likely to have serious economic consequences for regulated entities throughout the United States economy, including small businesses and small communities.

In other words, nobody wins. Nobody wins.

So with that, I would say there is this effort that what they cannot do legislatively they want to do through regulations, and we are not going to allow that to happen.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Oklahoma for yielding. There are two issues I wish to address. The first will be this bill, in particular, the gift card title in the Credit Card Act. Secondly, I wish to speak a little bit about the NTSB hearings on flight 3407 which, as my colleagues know, crashed outside Buffalo and Clarence with a tragic result.

First, before I get into the substance on gift cards, I wish to commend Senator DODD, Senator SHELBY, and all the members of the Banking Committee for doing an excellent job on this bill. The bottom line is we need good, strong, tough regulation on credit cards. The days when disclosure was enough are over. I happened to believe that once and worked hard for disclosure measures. There is something

called the “Schumer box” that is on all credit card solicitations applications because it puts in large letters the interest rates. Back in the old days, that worked. Every credit card, even though interest rates were 6, 7, 8 percent, was at 19.8 percent, but you couldn't find that out. So when people signed up for a credit card, they had no idea what interest rate they were paying. Once the box got on the solicitations, on the applications, interest rates came down. Good old-fashioned American competition began to work.

But in recent years—maybe they just got smarter or maybe they got more desperate for profits—credit card companies have found a way around disclosure. A person believes they are signing up for one rate, but then in the fine print, basically, if you wake up out of bed, the rate goes higher—much higher. We have gotten letters and heard stories from people who were on a 7-percent fixed rate and it went up to 23 percent overnight.

If it is on a future balance, that is fine. You can get another credit card. But it isn't. These rates go up on existing balances. Let's say you have a \$4,000 balance, which is the average for American families with credit cards. Calculate it. You go from 7 percent a month on \$4,000 to 23 percent on \$4,000, and that is a difference of hundreds of dollars a month. These days, with the economy the way it is, with families struggling to make ends meet, a couple hundred dollars a month is the difference between being able to survive and perhaps going bankrupt; being able to survive and not being able to provide some of the basic necessities.

The legislation before us stops all those practices. The frustration, I must say, on both sides of the aisle, with the practices of the credit card industry is mounting. I would say to those in the credit card industry: Unless you get your act together, there may be other amendments and bills you will not find to your liking. It is about time to be responsible. I understand the banking industry is in tough times, and we all hope they will recover, but to recover by taking advantage of consumers is unfair, unwise, wrong, and we aim to stop it with this legislation.

The provision I wish to address specifically is one that I worked on with the Presiding Officer. We are both sponsors. The Senator from Colorado has done great work on this legislation, and I wish to thank him for his assistance as we move it forward. I also wish to thank, on this particular issue, both Senator DODD and Senator SHELBY, who walked the extra mile. I think it shows that if you work hard at legislating, and you are willing to compromise, it pays off. The original bill the Presiding Officer and I put in was tougher than the proposal here, but the proposal here is good and strong. It makes a huge difference between what

exists now—which is virtually nothing—and what will become law, and it is something I think everyone can be proud of.

I also wish to thank those in the consumer industry. As do I, as well as the Presiding Officer, they wanted a stronger bill, but they understood that when you legislate, you can't let the perfect be the enemy of the good. Getting something strong is better than getting nothing, even if you would have preferred something stronger.

Well, we are all familiar with gift cards. In many ways, they are the perfect present. You get the opportunity to choose whatever you want the most. When you get a gift card, it is great. You can think of 15 different things you want and decide which one you want to buy. You can go to the store, pick out what you want, and get it without spending a dime of your own money.

We have all opened that gift from Aunt Edna and wished she had spent the money on a gift card instead of that sweater you are never going to wear. I, for one, am not very good at picking out gifts. So gift cards are a boon to me, not only as a recipient but as somebody who gives gifts because I can buy the gift card, and I can breathe a sigh of relief that my family member or friend will have something they want instead of something I have chosen that they might not want at all, which often happens when I choose gifts. I guess I am a little like Aunt Edna.

Gift cards are a very good thing, and we don't want to snuff them out or limit their extent.

But what most people do not realize is that these gift cards often come with hidden fees and short expiration dates. After a period of time that can be as short as 6 months, the issuer begins charging value off the cards, reducing their value and depriving recipients of their gifts. That means if your mom or aunt or friend did their holiday shopping early, by the time April or May rolled around, you could be slowly but surely giving your gift card back to the bank piece by piece by piece.

Consumers usually pay a high fee when you buy the card, sometimes as much as 20 percent of the value. Well, on top of that, the recipient of the cards faces other charges such as monthly maintenance fees, dormancy fees or even a separate fee for each time the card is used. That is not fair. It is not fair when you get a gift card, say, at Christmastime and you say: I will save it until June to buy something I can use in the summer, and you go to the store and the gift card doesn't have the whole value on the card. That is not right. It is not fair. Frankly, it is not what the giver signed up for when he or she bought that card and gave it to you in a gesture of friendship or love.

For years, issuers of these cards have used fees to make hefty profits, largely on the backs of consumers, but with this legislation we are going to ensure that recipients are protected and can use their cards free of these duplicitous fees for a reasonable period of time.

First, the bill ensures that no fee can be charged unless there is no activity on the card for 12 consecutive months from the date on which the last charge is imposed. Let me explain. If you purchased the card the week before Christmas and give it to your child, parent, spouse on Christmas Day, for a whole year, until next Christmas, that card doesn't decline in value one penny. That is a very good thing and very much needed. During that year, if you use the card once but don't use the whole value—let's say it is a \$50 card and you buy something for \$22—the 12-month period starts again so you have plenty of time to use the card.

Second, the bill will require the Federal Reserve to determine a fair amount for the fees and set a minimum balance above which fees can't be charged. So the issuers aren't charging people exorbitant rates to use their cards and aren't taking up the entire value of the cards with these fees. If, for instance, the gift card is for \$50 and they charge you \$5 a month, within 10 months, the gift card is useless. It is my view the fee will not be more than \$1 or \$1.50 when the regulator sets it, and it will give the gift card a much longer life. Of course, we are leaving it up to the Federal Reserve.

We are also letting them set a minimum balance. My guess is it will be \$15 or so, above which the fee doesn't bite in, so the gift card will last a lot longer.

Fourth, the bill ensures that gift cards have expiration dates of at least 5 years from the time they are issued. It is simply unfair to cancel the gift totally after 6 months or even a year. So now the gift card stays in existence for 5 years.

I believe this legislation makes gift cards fairer, better, and even happier gifts to give during the holiday season, for birthdays or an anniversary. I encourage people to use the gift card.

One other point I think is very important. This legislation, for the first time, will make sure that so-called open loop cards—the kind which can be used anywhere and that you get as a holiday present—will be regulated at all. There has been no regulation before. Consumers Union, U.S. PIRG, the National Consumer Law Center, and the Consumer Federation of America all support the actions we are taking on this issue. We have heard from one of the biggest gift card issuers that they, too, are comfortable with this bill because we are making common-sense changes to this business to ensure that consumers can get a fair deal and that issuers can continue to offer

these valuable products. The bottom line: You get a gift card, you know it is going to have its full value for at least a year, with no expiration date, no monthly fee that takes a chunk off the gift card. It means what you are giving the recipient is getting, nothing less.

At the end of the day, the reason this bill has been so important to me and to the Senator from Colorado, who worked so hard on it with me and others, is we want to protect consumers who purchase these products as gifts for their friends and loved ones. Consumers who purchase or receive a \$50 gift card should get \$50 in value without having to pay excessive fees.

CONTINENTAL CONNECTION FLIGHT 3407

Mr. President, I want to speak a little bit about the conclusion of the NTSB hearings that occurred this week in reference to Continental Connection Flight 3407.

We all know what happened on that flight. On February 12, 2009, the lives of family members, many of whom live in western New York, changed in a tragic and dramatic way when they lost their loved ones on a Buffalo-bound flight from Newark Airport.

I met with some of these family members on Tuesday—nine family members who lost loved ones on that flight. First, I have to express my respect and admiration for these family members. It was a little less than 3 months ago that they lost a husband, a wife, a child, a parent, or a fiancée, and there is a huge hole in their hearts. Yet they were down in Washington making sure that a thorough investigation was done to determine why flight 3407 crashed, and then to continue working to see that corrective measures were taken on all other flights, so that what befell their loved ones would not happen to others. It was an act of bravery, courage, strength, fortitude, generosity, and compassion. The people in that room—and we had some heartfelt moments together—were saintly. They were trying to light a candle amidst the darkness that enveloped their lives. I felt for them when we met, as I feel for them today.

The crash of flight 3407 in Clarence, NY, claimed 50 lives and serves as a tragic reminder that our Nation's aviation industry is not immune to tragic incidents.

The 3-day-long hearings at NTSB have revealed some very disturbing suggestions into what may have caused the crash of the Bombardier Dash 8 Q400 airplane.

First, I am troubled by the reports that the Colgan pilots of the Dash 8 were not adequately trained in the operation of the "stick-pusher"—the instrument installed in aircraft like the Dash 8 that prevents an aircraft from stalling. The stick-pusher is not demonstrated in pilot flight training simulators, and experts believe that the pilots are missing out on important hands-on training.

Suffice it to say that when the flight flew over Clarence, just before it crashed, the pilots may not have been adequately trained to deal with what was happening.

Colgan maintains that the FAA does not require this kind of simulator training. Today, I have written to Secretary Ray LaHood and asked that he reevaluate FAA's approval of airline training curricula.

We have also learned that the pilots of flight 3407 were not properly rested before their flights. It is obvious why. The young copilot of the flight lived in a suburb of Seattle, and her salary was \$16,000 a year. She flew across country, tired, sleeping in an empty pilot seat, if she could—no stop, no rest, and then boarded the flight to Newark that she was copilot of on its way to Buffalo. It seems that it may be—I hope not, but it seems like it—that some commuter airlines both underpay and overwork their pilots to save costs. There is an unfortunate possibility that they could put safety second, with cost cutting first. That just cannot be. That has to change.

The second thing I am doing is urging the FAA not only to look at the number of hours that a pilot can fly—they have regulations for that—but the conditions which a pilot who begins a flight has endured previous to the flight, so that they are alert and rested as their tenure for that day or that few days begins.

The airline industry is evolving. What we are seeing is more and more smaller commuter airlines, and the FAA is not keeping up. The FAA needs to crack down on issues of pilot rest, compensation, and training, especially with these young airlines that seem to be prioritizing issues of saving money. They should be making priority No. 1 the issue of safety.

For the last 8 years, the FAA has had ineffective leadership with one goal: to cut costs. The head of the FAA—I met her and had arguments with her—seemed to take direction almost all the time from the OMB. All of us believe we should cut costs in this Government—I certainly do—but not when it comes to safety. I believe that the FAA, which requires the small commuter airlines to observe the same regulations as the larger airlines, hasn't kept up enforcing the rules with so many of the commuter airlines out there.

The crash investigation also initially suggested that icing conditions may have affected the aircraft. A bright light was shed on the fact that the NTSB and the FAA have differing recommendations as to how a pilot should handle an icing situation, and that the NTSB first asked the FAA to adopt the NTSB's recommendations 12 years ago—to no avail.

For this reason, I, along with my colleagues Senator ROCKEFELLER and Sen-

ator DORGAN, called for an official GAO investigation into what specific roles the NTSB and the FAA should be playing in aircraft icing prevention, and why such a lag exists between the time the NTSB makes a recommendation and the FAA formally adopts it. It seems to me—these are just my observations—that the NTSB does put safety first, and I sometimes wonder if the FAA is always doing that.

The GAO has informed us that they are in the process of forming an investigatory team for our request and will begin to pursue answers soon.

In conclusion, I cannot say enough how humbled I am by the work of all of flight 3407's family members. It is a tribute to their loved ones' lives that they are in Washington to advocate for aviation safety. I assured them, as we talked and prayed together, that I would do everything I could to make sure we get to the bottom of what happened on flight 3407, and then take whatever corrective action needs to be taken to prevent future flights such as 3407 from crashing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AUNG SAN SUU KYI

Mr. MCCAIN. Mr. President, I briefly rise on the floor today to discuss the latest outrage in the long-suffering country of Burma. I speak of the imprisonment of Nobel Peace Prize laureate Aung San Suu Kyi.

Aung San Suu Kyi is the leader of Burma's National League for Democracy, the party that won the country's 1990 elections decisively—elections that were quickly nullified by the Burmese military. She has been imprisoned by the thuggish military junta that runs that country. Ms. Suu Kyi has spent the majority of the past two decades under house arrest. Now the Government has moved this remarkable woman to Insein Prison compound and charged her with violating the terms of her house arrest, which was illegal to start with. She faces a potential sentence of 5 years in jail. Two other NLD members face similar charges.

While reports remain somewhat opaque, these charges appear to stem from the uninvited visit of a United States individual who entered Ms. Suu Kyi's home compound after swimming across a nearby lake. He then reportedly stayed on her compound for 2 days, despite requests to leave. Based on this occurrence, the regime appears now to allege that Ms. Suu Kyi has broken the law by not requesting permission in advance to have a visitor. As a penalty, then, for an uninvited person showing up on her doorstep—while she remained imprisoned inside—the Burmese regime proposes to sentence her for up to 5 years in jail.

All of this represents, of course, the latest pretext dreamt up by the Bur-

mese junta in order to prevent the legitimately elected leader of the country from interfering in its plans for dominance. The generals who run the country are planning "elections" to be held next year, and which they believe will legitimize their illegitimate rule. They seek ways to ensure that Ms. Suu Kyi and other NLD members are not free to participate in these elections, since it is the NLD—and not the military junta—that has the support of the Burmese people. As political prisoners, including Aung San Suu Kyi, fill Burmese jails, the international community should see this process for the sham it represents.

I once had the great honor of meeting Aung San Suu Kyi. She is a woman of astonishing courage and incredible resolve. Her determination in the face of tyranny inspires me and every individual who holds democracy dear. Her resilience in the face of untold sufferings, her courage at the hands of a cruel junta, and her composure despite years of oppression inspire the world.

Because she stands for freedom, this heroic woman has endured attacks, arrests, captivity, and untold sufferings at the hands of the regime. Burma's rulers fear Aung San Suu Kyi because of what she represents: peace, freedom, and justice for all Burmese people. The thugs who run Burma have tried to stifle her voice, but they will never extinguish her moral courage.

The world must now respond to the junta's latest outrage in a way that demonstrates the inevitability of those values she so clearly demonstrates. The work of Aung San Suu Kyi and members of the National League for Democracy must be the world's work. We must continue to press the junta until it is willing to negotiate an irreversible transition to democratic rule. The Burmese people deserve no less. This means renewing the sanctions that will expire this year, and it means vigorous enforcement by our Treasury Department of the targeted financial sanctions in place against regime leaders. It means being perfectly clear that we stand on the side of freedom for the Burmese people and against those who abridge it.

The message of solidarity with the Burmese people should come from all quarters, and that includes their closest neighbors, the ASEAN countries. The United States, European countries, and others have condemned her arrest and call for her immediate release.

I ask unanimous consent to have printed in the RECORD at this time a declaration of the Council of the European Union, and others by the Federation of International Rights, and the International Federation of Human Rights.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECLARATION OF THE PRESIDENCY ON BEHALF
OF THE EUROPEAN UNION ON DAW AUNG SAN
SUU KYI

The European Union expresses its strong concern following reports on the health of Daw Aung San Suu Kyi, leader of the National League of Democracy and Nobel Peace Prize laureate, and on the recent detention of her physician, Dr Tin Myo Win.

The EU calls on the authorities of Burma/Myanmar to guarantee for Ms Suu Kyi immediate and proper medical care, as well as access for her personal attorney. It furthermore recalls that her house arrest, which has been imposed in clear breach of international norms, will expire this month, and therefore again urgently calls for her unconditional release.

On the sad occasion of the anniversary of Ms Suu Kyi's detention, the EU urges the authorities to halt systematic torture and denial of health care to prisoners and to release all political prisoners.

"The regime's fear of the widespread popularity of Daw Aung San Suu Kyi remains, and they hope to keep her silent and hidden before the 2010 elections. There is widespread anger in Burma over the sham constitution the election is based on, and the only way to bring peace and stability to our country is by genuinely involving Daw Aung San Suu Kyi in the process of national reconciliation. Otherwise, the results could be disastrous", said Mahkaw Khun Sa, General Secretary of Ethnic Nationalities Council.

Daw Aung San Suu Kyi remains the world's only imprisoned Nobel Peace Prize recipient.

INTERNATIONAL COMMUNITY MUST ENSURE RE-
LEASE OF DAW AUNG SAN SUU KYI AND HER
DOCTOR

Seven leading alliances, representing all major ethnic and political forces of Burma's democracy movement, today express deep concern for the security and health of Daw Aung San Suu Kyi and urgently call for her immediate and unconditional release, as well as the release of her doctor Dr. Tin Myo Win.

There is serious concern for the health of Daw Aung San Suu Kyi. She is found with low blood pressure and dehydration and must immediately receive thorough medical attention. Her doctor, Dr. Tin Myo Win, who has been the only person allowed to visit her for monthly check-ups, was detained by authorities on May 7, and his whereabouts is unknown and it is uncertain when he will be released.

Daw Aung San Suu Kyi has been under house arrest for 13 of the past 19 years, and the UN Working Group on Arbitrary Detention recently declared her continual detention illegal. Her detention legally expired on May 24, 2008. While the people of Burma and the world eagerly await for her release as her year-long extension is set to expire, it is of grave concern that the military regime may continue to hold her without any charges.

Besides, they must not use false charges, such as the incident of the intrusion of the foreigner into her home on May 3rd, to try and further incarcerate her and Dr. Tin Myo Win.

"From the beginning of her arrest, authorities declared that they had to detain Daw Aung San Suu Kyi for the reason of 'protective custody' and thus the authorities are the ones responsible for the intrusion," said Moe Zaw Oo, Foreign Affairs Secretary, National League for Democracy—Liberated Area.

The seven alliances, representing a broad-based democracy and ethnic forces, urgently

call on the United Nations Secretary General, as well as ASEAN and key regional countries to take urgent and firm measures to ensure the immediate and unconditional release of Daw Aung San Suu Kyi and Dr. Tin Myo Win.

"The continual detention and mistreatment of Daw Aung San Suu Kyi and the other 2100 political prisoners in Burma stands against international and regional laws and principles, and there should be no hesitation by the international community to guarantee their direct release," said Thin Thin Aung, Presidium Board member of Women's League of Burma.

INTERNATIONAL FEDERATION
FOR HUMAN RIGHTS,
Paris, May 14, 2009.

His Excellency BAN KI MOON,
Secretary General of the United Nations, United
Nations Secretariat, New York, NY.

DEAR SECRETARY GENERAL: The International Federation for Human Rights is addressing to you in order to request your urgent intervention in Burma/Myanmar in favor of the Nobel Prize for Peace and leader of the National League for Democracy, Daw Aung San Suu Kyi.

FIDH has already expressed its deep concern regarding the health of Daw Suu Kyi, following information that her situation had worsened in the past few days. Ms. Suu Kyi's blood pressure was reportedly low, she was suffering from dehydration and had stopped eating. In addition, her medical doctor, the physician Tin Myo was arrested on May 7th, following his visit to Ms. Suu Kyi and is still under detention.

Unfortunately and despite the fragile state of health of the Nobel Peace Prize, FIDH was informed that Daw Aung San Suu Kyi has been transferred to Insein prison in Yangon, and appeared today before a special court, in order to hear the charges against her, her two live-in party members Daw Khin Khin Win and her daughter Win Ma Ma and an American man, John William Yettaw. They are all charged under section 22 of the State Protection Act (Law Safeguarding the State from the Dangers of Subversive Elements). The charges relate to the violations of the rules and regulations surrounding her house arrest. If she is convicted of this offence, she will be subject up to three years of imprisonment under this article. During her appearance before the court today, Ms. Suu Kyi was not asked any questions. The judge ordered the defendants to return to court again on May 18, 2009.

According to the latest information, Daw Aung San Suu Kyi, Daw Khin Khin Win and Daw Win Ma Ma were not sent back to their residence. They are currently detained in Insein prison.

The International Federation for Human Rights condemns in the strongest possible terms this new campaign of intimidation and harassment against the Nobel Peace Prize, ahead of the 2010 elections and just some days before her house arrest is due to expire at the end of May. This last episode deprives the "road-map to democracy" and the electoral process in Burma/Myanmar from any legitimacy.

The United Nations and you personally have been long engaged for the reconciliation process of all parties in Burma and the dialogue with the Burmese authorities. The United Nations have received in the past harsh criticism for the absence of concrete measures to improve the human rights situation in Burma/Myanmar, despite the strong engagement of the various United Nations mechanisms.

The intentions of the Burma/Myanmar authorities are seriously questioned today worldwide, it is time for the United Nations Security Council and you personally to take urgent action for the immediate and unconditional release of Ms. Suu Kyi. Daw Aung San Suu Kyi has a crucial role to play in the democratization process in Burma as a major political interlocutor. The collective responsibility of the international community and of the United Nations in particular, to protect the Nobel Peace Prize is now even more crucial than ever. FIDH is trustful that the United Nations will step up to this duty and guarantee the safety, security and freedom of Daw Aung San Suu Kyi.

I'm urging you personally to act as soon as possible to protect her integrity. The urgency of the situation requests coordinated and strong action.

Hoping that you will take the above considerations fully into account, I remain,

SOUHAYR BELHASSEN,
FIDH President.

Mr. MCCAIN. Mr. President, the country's of Southeast Asia should be at the forefront of this call. ASEAN now has a human rights charter, in which member countries have committed to protect and promote human rights. Now is the time to live up to that commitment. ASEAN could start by dispatching envoys to Rangoon in order to demand the immediate and unconditional release of Aung San Suu Kyi. This courageous leader, and all those Burmese who have followed her lead in pressing for their own inalienable rights, should know all free people stand with you and support you. The world is watching not only your brave actions but also those of the military government whose cruelty and incompetence know no bounds. Burma's future will be one of peace and freedom, not violence and repression. We, as Americans, stand on the side of freedom, not fear of peace, not violence, and with the millions in Burma who aspire to a better life, not those who would keep them isolated and oppressed.

The United States has a critical role to play in Burma and throughout the world as the chief voices for the rights and integrity of all persons. It is a role we suppress at the world's peril and our own. A strong public defense of the rights of oppressed people has been and must remain an enduring element in American foreign policy. Nothing can relieve us of the responsibility to stand for those whose human rights are in peril or the knowledge that we stand for something in this world greater than self-interest. Should we need inspiration to guide us, we need look no further to that astonishingly courageous leader, Aung San Suu Kyi.

The junta's latest actions are once again a desperate attempt by a decaying regime to stall freedom's inevitable success in Burma and across Asia. They will fail, as surely as Aung San Suu Kyi's campaign for a free Burma will one day succeed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I rise today in support of the Credit Card Accountability and Disclosure Act of 2009 and the ways in which I believe this measure is in the best interests of my constituents in North Carolina.

Before I begin, I would like to thank my colleagues from Connecticut and Alabama, Senators DODD and SHELBY, for bringing together concerns and ideas from both sides of the aisle to craft a bipartisan compromise. This bill could not come at a more critical time for North Carolina's hardworking families.

More often than not, through no fault of their own, North Carolina families are suffering tremendously during this time—the harshest economic climate since the Great Depression. Our unemployment rate is 10.8 percent—the fourth highest in the Nation. Home values have declined dramatically. Many families have lost nearly all their savings. Nearly a half million jobs have been lost in North Carolina. From banking to manufacturing, North Carolina is home to some of the industries that have taken the biggest hit in this economic downturn. To say the least, the situation is dire for many families in North Carolina and around the country.

The people of my State are hardworking and honest. While they are struggling to make this month's mortgage payment or put food on the table for their families, they are troubled by next week's and next month's bills. They are concerned about the unexpected expenses they may have to bear—for example, an illness or their car breaking down. With all the other issues these families are dealing with in this economic downturn, imagine realizing that you are still paying interest on a balance you thought you had already paid or watching that interest rate double because times are tight and you fell just a little behind.

Unfair, yet all-too-common credit card practices, such as interest charges on debt paid on time—a practice known as double-cycle billing—arbitrary interest rate increases, and exorbitant and unnecessary fees are only making matters worse for families who are already struggling just to get by. Obviously, it costs money to borrow money. Nobody is suggesting that credit card issuers shouldn't be able to make a profit. But for consumers the rules should be fair, transparent, and exactly the same from the beginning to the end.

I support the Dodd-Shelby amendment because it requires just that. The bottom line is that this bill restores fairness and sensibility to credit cards and a sense of security to families in North Carolina. This bill ensures that credit card companies honor their promises and specifies that the card companies can't change the rules in the middle of the game. While North

Carolina's families are struggling, they shouldn't have to worry about hitting a moving target when it comes to paying their bills.

The Dodd-Shelby amendment will also provide consumers with simple, clear information that allows them to make informed decisions that make the most sense for themselves and their families. One important step which will provide consumers with the information they need to make their choice is the payoff timing disclosure language included in this bill. The legislation we are considering would require credit card issuers to prominently display two important numbers on billing statements: the amount of time it would take to pay off the bill if the cardholder is paying only the minimum balance due each month, and the minimum monthly payment required to pay off the entire bill in 36 months.

For example, it would take a cardholder with a \$4,000 balance and an 18-percent interest rate, making the minimum payments, nearly 6 years to pay off their credit card. It costs next to nothing for issuers to provide borrowers with this information, but this information can be extremely helpful as cardholders try to become more efficient in their financial planning.

Ultimately, by keeping the rules fair, clear, and consistent, we can save American families thousands of dollars each year. As we work to right this ship and get our economy moving again, I cannot imagine this relief coming at a better time for North Carolina's families.

I am proud to stand on the floor of the Senate and voice my support for this measure. My constituents deserve progress, not lip service, on this and so many other important issues that they are grappling with in these hard economic times.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I support the Credit CARD Act of 2009. I want to commend the chairman of the Banking Committee for his outstanding efforts to craft this legislation. I also appreciate the work done by Senator SHELBY in developing a bill that should be able to garner broad bipartisan support and become law.

Too many in our country are burdened by significant credit card debt. Not enough has been done to protect consumers and ensure they are able to properly manage their credit burden. We must do more to educate, protect, and empower consumers. Although this

comprehensive legislation has numerous provisions that benefit consumers, my remarks will focus on the portion of the legislation which is based on my legislation, the Credit Card Minimum Payment Warning Act. I originally introduced the act in the 108th Congress. I have greatly appreciated the efforts of Senators DURBIN, SCHUMER, and LEAHY, who helped develop and support the legislation. I also want to acknowledge Senator FEINSTEIN for her contributions on this issue.

We attempted to attach our legislation as an amendment to improve the flawed minimum payment warning in the Bankruptcy Abuse Prevention Act. On March 2, 2005, an editorial in the Washington Post criticized the bankruptcy legislation then being considered. The editorial stated, "at the very least, as Senator DANIEL K. AKAKA has proposed, credit card issuers, who now send out five billion solicitations a year . . . ought to be required to disclose to borrowers the true cost of making only the minimum payments." Mr. President, I ask unanimous consent that the text of the entire editorial be printed in the RECORD following my remarks. Unfortunately, our amendment was defeated.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. AKAKA. Mr. President, although there have been some modifications and additions, the Credit CARD Act contains the primary provisions of my legislation. The legislation requires that consumers be told how long it will take to repay their entire balance if they make only minimum payments. The total cost if the consumer pays only the minimum payment, would also have to be disclosed. These provisions will make individuals much more aware of the true cost of credit card debt. Consumers would have to be provided with the amount they need to pay to eliminate their outstanding balance within 36 months, which is a typical length of a debt management plan.

The personalized payment disclosures are important, but consumers must be given opportunities to find reputable credit counseling services. Section 201 also includes our requirement for creditors to establish and maintain a toll-free number so that consumers can access trustworthy credit counselors. The toll-free number will have to appear on credit card billing statements along with the minimum payment warning information. More working families are trying to survive financially and meet their financial obligations. Consumers often seek out help from credit counselors to better manage their debt burdens. It is extremely troubling that unscrupulous credit counselors exploit individuals who are trying to locate the assistance that they need. As financial pressures increase for working families, credit

counseling becomes even more important. The CARD Act will assist working families with finding credit counselors that will help, rather than exploit, them.

Yesterday, I filed an amendment to the CARD Act to simplify the administration of the credit counseling referral provision. The amendment requires the Federal Reserve Board to issue the guidelines for the development and maintenance by creditors of a toll-free number to provide information about credit counseling and debt management services. Referrals for credit counseling services via the toll-free number could only go to nonprofit credit counseling agencies approved by U.S. bankruptcy trustees. This modification will utilize an existing approval process and list of reputable credit counselors rather than creating a new approval process for the purposes of section 201. I thank the chairman and ranking member for their willingness to accept this amendment.

After many years, it appears that we may finally be enacting a bill that will educate, protect, and empower credit card consumers. Once again, I thank Chairman DODD for all of his outstanding efforts to help working families. The administration also deserves credit for their efforts to help move this legislation closer to enactment. I look forward to continuing to work with my colleagues and the administration on this and other essential consumer protection legislation.

EXHIBIT 1

[From the Washington Post, Mar. 2, 2005]

FIXING THE BANKRUPTCY SYSTEM

Until this year, the seemingly perennial congressional debate about overhauling the nation's bankruptcy laws was something of an academic exercise: The measure wasn't going to pass because Senate Democrats insisted on an abortion amendment unacceptable to the House. Now, with a bolstered Republican majority, it's not clear that Democrats can muster enough votes for that amendment, which would prevent anti-abortion protesters from filing for bankruptcy to evade damage awards. As a result, the underlying question about the bankruptcy bill suddenly matters: Does it strike the right balance between preserving the protections of bankruptcy and preventing abuse by spendthrifts? The bill is neither as draconian as its opponents protest nor as balanced as its supporters proclaim. Its central tenet, that those who can repay some of their debts ought to do so, is reasonable. But the bill could be made fairer with a number of amendments set to be considered.

The number of Americans filing for bankruptcy exploded in the past quarter-century. In 1980, there was one personal bankruptcy filing for every 336 households in the United States; in 1993, one for every 144 households; and in 2003, one for every 73 households. But there is little agreement on the cause of this growth. Those who support tightening bankruptcy laws say the system is abused by people who could repay their debts but are no longer deterred by the stigma once associated with bankruptcy. Those who oppose the change say credit card companies entice borrowers to run up their bills; they also cite

the toll of medical debt among those who lack adequate health insurance.

The Senate bill would tighten access to the most generous and popular form of bankruptcy, Chapter 7. People filing for Chapter 7 bankruptcy can wipe out their debts and get a "fresh start." The bill would impose a means test: Debtors who earn less than the median income in their state—about 80 percent of those who file for bankruptcy—still would be entitled to file under Chapter 7. But those who earn more than that—and who have the ability to repay at least \$6,000 over five years—would have to file under Chapter 13, which requires a repayment plan. Experts estimate that means testing would affect no more than 10 percent of consumer bankruptcy filers.

In theory a means test is reasonable, but the test in this legislation is unnecessarily rigid. It considers the previous six months of earnings, even if the bankruptcy filer is now out of work. Moreover, once filers show that their income is below the median, there's no reason to require them to provide additional information. Sen. Edward M. Kennedy (D-Mass.) has outlined amendments to address these issues, as well as a sensible proposal that would provide a \$150,000 homestead exemption to help the elderly and those driven to bankruptcy by medical expenses keep their homes.

If the Senate tightens rules for those filing for bankruptcy, it also should crack down on the corporate practices that contribute to the problem. At the very least, as Sen. Daniel K. Akaka (D-Hawaii) has proposed, credit card issuers, who now send out 5 billion solicitations a year and whose profits have soared, ought to be required to disclose to borrowers the true cost of making only the minimum payment on their balances.

Mr. AKAKA. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN.) Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL MOTORS

Mr. BROWN. Madam President, it has come to my attention that General Motors, one of America's largest corporations—that General Motors, which is seeking Federal assistance to save their business—now has plans to take that money and create jobs. That should be good news. That is, after all, what Congress intended; that General Motors take money the Government loans them and taxpayers send to them, that it awarded a U.S. company—this company—more than \$15 billion in Federal loans earlier this year, that they would, in fact, create jobs.

But that is why I was in a state of disbelief last night when I learned Gen-

eral Motors is not going to create those jobs in the United States, not in my State of Ohio, not in Michigan, not in Indiana, not in big auto States, not in Missouri, they are going to create jobs not in the United States, those States which continue to hemorrhage auto jobs.

In fact, what GM wants to do is take our tax dollars and create jobs in China by building a new car, a car they will then export back into the United States for Americans to purchase. Let me say that again. GM is taking U.S. tax dollars, going to close American auto plants, open new auto plants in China, then sell those cars it produces back into the United States to Americans.

The audacity of such a plan cannot be emphasized enough. In short, it is outrageous. It appears that what is good for GM is no longer good for America. This is a slap in the face to American autoworkers, to American taxpayers, to American communities. It is a slap in the face to every autoworker in Ohio, in neighboring Michigan, in every State where men and women work hard and play by the rules and pay their taxes, not just States that produce autos, but the States—all 50 of our States—that produce auto parts, components and tires and glass and door locks and all the other kinds of things that go into cars.

These funds, those auto funds that came from taxpayers, were meant to rebuild our Nation's middle class, not dismantle it, not dismantle the middle class, not shut these plants and then send jobs overseas.

If GM officials think U.S. taxpayers will finance cars made in China while American plants are closing, GM is either tone deaf or tunnel visioned. I would urge GM not to betray the working men and women of our Nation. We have the most talented labor force and qualified autoworkers anywhere, bar none.

I would invite GM officials to travel with me across Ohio; to Lorain, to Twinsburg, to Lordstown, all auto plants, all auto cities. That is just in northeast Ohio alone. All across our State we have the greatest, most talented labor force to build these cars. We have the facilities to produce these cars.

The question is whether GM has any commitment to our Nation, a nation whose taxpayers are working to rescue them. There is no excuse for GM using taxpayer funds for Chinese imports, not when there are American workers ready to build these cars, when there are shut down or idled U.S. auto plants prepared to produce them.

Smaller, more fuel-efficient vehicles represent the future of the auto industry, and American workers can produce and must produce those vehicles in the United States. Ohio workers will not stand idly by while GM sends these

jobs and our tax dollars overseas to a nation with little or no labor standards and woefully weak safety standards.

Interestingly, when you think about the safety of these cars that may, in fact, be built by GM in China and sent back to the United States, think about some of the practices in other consumer products. Think about what happened with contaminated products, contaminated ingredients that went into Heparin, a blood-thinning drug that came back and killed some 100 Americans because of contaminated ingredients, or think about Hasbro toys, which were outsourced to China, where those Chinese subcontractors put lead-based paint on these toys. They came back to the United States and had toxic parts-per-million amounts of lead in the paint and on those toys.

If GM wants to receive more funds from U.S. taxpayers, it must commit to using those tax dollars to maintain jobs and production at home. Today, I wrote Secretary Geithner, the Secretary of the Treasury, urging the Obama administration, as part of the terms of further Government assistance, to require GM to invest in U.S. production.

The President's Auto Task Force has a difficult job. Its mission is to guide GM toward long-term viability and toward success. Given the number of auto manufacturing layoffs in my State, given the sacrifices autoworkers and their families continue to make to facilitate the restructuring of GM, I do not see how the administration can, in good conscience, provide taxpayer funds to support General Motors' offshoring of auto production.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DERIVATIVES REGULATION

Ms. CANTWELL. Madam President, I rise to discuss what I hope will be a turning point on our road to economic recovery. The Obama administration yesterday asked Congress to swiftly pass sweeping and historic regulatory reforms on derivatives, credit default swaps, commodities trading, and other sectors of the financial marketplace that collapsed last year under the weight of unrestrained speculation. The road to this point has not been easy. For months I have been urging the administration to move quickly to propose strong regulatory controls on these markets, require transparency in derivatives trading, and restrict market manipulation. With the announcement yesterday by Treasury Secretary Geithner in a letter he sent to Senate

and House leaders, the administration has come down decisively on the side of imposing order on a marketplace whose collapse made this current recession so much deeper and more painful for the average American than it needed to be.

The administration clearly supported in writing bringing the unregulated "dark" over-the-counter derivative markets under full regulation for the very first time. The administration has correctly identified the top three key goals of regulatory reform in the unregulated over-the-counter derivatives market. First, transparency on all dark markets. All derivative transaction dealers will be brought under prudential regulation and supervision which means capital adequacy requirements, antifraud and antimanipulation authority, and very clear transparency and reporting requirements.

Second, all standardized trading of physical commodities and other derivatives will finally be required to be traded on fully regulated exchanges.

Third, imposing position limits on regulated markets to prevent any market player from amassing large positions that can harm the market. I have received in e-mail additional assurances from the administration that they believe these position limits should be applied in the aggregate across all contract markets to prevent fraud and manipulation.

Mr. Geithner's announcement yesterday was truly historic. Americans have suffered through an era of deregulation that is primarily the cause of this economic crisis. How did we get here and why is this historic?

A decade ago Congress passed, in the dark of night at the end of the Congress in 2000, a law known as the Commodities Futures Modernization Act that provided ironclad protections from regulation for financial tools. One courageous regulator, then Commodities Futures Trading Commission Chairwoman Brooksley Born, warned Congress and the financial community that unregulated derivatives could cause potential serious dangers to the economy. But some in Washington blocked her efforts, including Wall Street and senior administration officials.

One high-ranking Treasury official charged with pushing this deregulation bill through Congress was Gary Gensler, a former high-ranking executive at Goldman Sachs. As Under Secretary of the Treasury, Mr. Gensler testified before Congress that he "unambiguously opposed" regulating the derivatives market. Mr. Gensler was wrong. For Brooksley Born's courage in standing up to powerful financial interests in proposing tougher rules, she is being awarded the Profiles in Courage award by the John F. Kennedy Foundation this year.

With yesterday's announcement, this administration embraces the reforms

that Brooksley Born argued we needed a decade ago. This was an uphill battle. There were too many people with a financial stake in the old, unrestrained trading system. But it was because of my concern that the President's commitments to government reform and increased transparency would be overshadowed by those willing to take a go-slow approach to regulatory reform that I placed a hold on the President's nomination of Gary Gensler to be Chairman of the Commodities Futures Trading Commission. In my view, Mr. Gensler helped perpetuate the lax regulation that contributed to our current economic crisis while he was Under Secretary of Treasury during the latter years of the Clinton administration.

While Mr. Gensler has recently stated he supports stronger regulatory rules for financial markets, in 2000, he supported legislation that provided ironclad protections against regulation of financial products such as credit default swaps and derivatives. I hardly need to remind my colleagues of the disastrous results of that course of action.

The world of derivatives and credit default swaps is foreign to most Americans. The vulnerability of these markets to rampant speculation and the complex set of regulatory structures needed to address the problems are not easy to grasp, even for insiders of the financial industry. But my constituents in Washington State know all too well the consequences of inaction and lax oversight. To us, the financial meltdown is not just an object lesson in greed and avarice playing out on the other coast; it is an issue that has affected our daily lives. We remember when the lights went out over the energy crisis brought on by Enron's predatory speculation that threw the western power grid into disarray. This perfect storm—a combination of drought, botched regulation, and Enron's market manipulation—cost west coast consumers more than \$40 billion, and it took years to unravel the mess.

The rules of the financial game may be esoteric, but the consequences of a financial meltdown are well understood by my constituents. It is because of my involvement in bringing Enron's speculative schemes to light and seeing the type of business abuse in the financial markets that I am determined to take steps to ensure that such abuse does not happen again. I am glad President Obama has listened to those on Capitol Hill and those within his own administration who believed strongly that bold and timely action was critical to ensure stability of our financial markets. I continue to have concerns about Mr. Gensler's appointment to head the agency responsible for regulating swaps and other derivatives whose collapse amid unrestricted speculation

caused so much damage to the economy. But in light of the administration's significant and potentially historic stand on new controls over derivative markets, I am prepared to lift my hold on his confirmation and, instead, focus on ensuring that the legislation we pass includes the recommendations the administration has made.

I say that I hope the administration's new policy will become a turning point, because we have more work to do to make sure these concepts become law. The Treasury Department announcement was not a piece of legislation but, rather, a policy outline, a statement of the kind of bill the White House would support. It is now up to us in Congress to turn this into law. I am committed to working with Senate leadership to ensure that the resulting legislation closes loopholes and that we get about making sure that the previously poorly designed controls are eliminated.

Where necessary, we must be willing to go even further than the administration in crafting a bill that puts an end to destructive and predatory forms of speculation. But I applaud the bold position outlined in the Treasury Secretary's letter to House and Senate leadership yesterday.

The idea here is not to impose regulation for regulation's sake. The idea is to protect the American people from the consequences of unrestrained speculation. Our constituents are justifiably angry, because they have seen millions of jobs and trillions of dollars in savings evaporate while speculators who aggravated the crisis floated away on golden parachutes.

Undoubtedly, in the weeks to come, Wall Street interests will have a lot to say about regulatory reforms. They should say it to the average American who has been taking a crash course in the financial crisis over the past year. Our obligation is not to these speculators. It is to the people who work hard, whose ingenuity and extraordinary productivity have provided the lift that has made our economy the envy of the world. It is now our time to do our job to put in the robust reforms that will make their hard work pay off in the days ahead.

I ask unanimous consent that Treasury Secretary Timothy Geithner's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, May 13, 2009.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: In late March I laid out in congressional testimony a broad framework for regulatory reform. As I indicated then, one essential element of reform is the establishment of a comprehensive regulatory framework for over-the-counter (OTC) derivatives, which under current law are largely excluded or exempted from regu-

lation. Since then, the Treasury Department has been consulting with the Commodity Futures Trading Commission (CFTC), the Securities and Exchange Commission (SEC), and other federal regulators regarding the design of such a framework. Today I am writing to follow up with further details on the amendments to the Commodity Exchange Act (CEA), the securities laws, and other relevant laws that I believe are needed to enable the government to regulate the OTC derivatives markets effectively for the first time.

Government regulation of the OTC derivatives markets should be designed to achieve four broad objectives: (1) preventing activities in those markets from posing risk to the financial system; (2) promoting the efficiency and transparency of those markets; (3) preventing market manipulation, fraud, and other market abuses; and (4) ensuring that OTC derivatives are not marketed inappropriately to unsophisticated parties. To achieve these goals, it is critical that similar products and activities be subject to similar regulations and oversight.

To contain systemic risks, the CEA and the securities laws should be amended to require clearing of all standardized OTC derivatives through regulated central counterparties (CCPs). To ensure that this measure is effective, regulators will need to take steps to ensure that CCPs impose robust margin requirements and other necessary risk controls and to ensure that customized OTC derivatives are not used solely as a means to avoid using a CCP. For example, if an OTC derivative is accepted for clearing by one or more fully regulated CCPs, it should create a presumption that it is a standardized contract and thus required to be cleared.

All OTC derivatives dealers and all other firms whose activities in those markets create large exposures to counterparties should be subject to a robust and appropriate regime of prudential supervision and regulation. Key elements of that robust regulatory regime must include conservative capital requirements, business conduct standards, reporting requirements, and conservative requirements relating to initial margins on counterparty credit exposures. Counterparty risks associated with customized bilateral OTC derivatives transactions that would not be accepted by a CCP would be addressed by this robust regime covering derivative dealers.

The OTC derivatives markets should be made more transparent by amending the CEA and the securities laws to authorize the CFTC and the SEC, consistent with their respective missions, to impose recordkeeping and reporting requirements (including an audit trail) on all OTC derivatives. Certain of those requirements could be deemed to be satisfied by either clearing standardized transactions through a CCP or by reporting customized transactions to a regulated trade repository. CCPs and trade repositories should be required to, among other things, make aggregate data on open positions and trading volumes available to the public and to make data on any individual counterparty's trades and positions available on a confidential basis to the CFTC, SEC, and the institution's primary regulators.

Market efficiency and price transparency should be improved in derivatives markets by requiring the clearing of standardized contracts through regulated CCPs as discussed earlier and by moving the standardized part of these markets onto regulated exchanges and regulated transparent electronic trade execution systems for OTC derivatives

and by requiring development of a system for timely reporting of trades and prompt dissemination of prices and other trade information. Furthermore, regulated financial institutions should be encouraged to make greater use of regulated exchange-traded derivatives. Competition between appropriately regulated OTC derivatives markets and regulated exchanges will make both sets of markets more efficient and thereby better serve end-users of derivatives.

Market integrity concerns should be addressed by making whatever amendments to the CEA and the securities laws which are necessary to ensure that the CFTC and the SEC, consistent with their respective missions, have clear, unimpeded authority to police fraud, market manipulation, and other market abuses involving all OTC derivatives. The CFTC also should have authority to set position limits on OTC derivatives that perform or affect a significant price discovery function with respect to regulated markets. Requiring CCPs, trade repositories, and other market participants to provide the CFTC, SEC, and institutions' primary regulators with a complete picture of activity in the OTC derivatives markets will assist those regulators in detecting and deterring all such market abuses.

Current law seeks to protect unsophisticated parties from entering into inappropriate derivatives transactions by limiting the types of counterparties that could participate in those markets. But the limits are not sufficiently stringent. The CFTC and SEC are reviewing the participation limits in current law to recommend how the CEA and the securities laws should be amended to tighten the limits or to impose additional disclosure requirements or standards of care with respect to the marketing of derivatives to less sophisticated counterparties such as small municipalities.

I am confident that these amendments to the CEA and the securities laws and related regulatory measures will allow market participants to continue to realize the benefits of using both standardized and customized derivatives while achieving the key public policy objectives expressed in this letter. I look forward to working with Congress to shape U.S. legislation implementing these measures. We will need to take care that in doing so we do not call into question the enforceability of OTC derivatives contracts. We also will need to work with authorities abroad to promote implementation of complementary measures in other jurisdictions, so that achievement of our objectives is not undermined by the movement of derivatives activity to jurisdictions without adequate regulatory safeguards.

Sincerely,

TIMOTHY F. GEITHNER.

Ms. CANTWELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, it was my intention to call up two first-degree amendments at this time: Amendment No. 1094, which is an amendment that is cosponsored by Senator McCASKILL and Senator COLLINS; and then it

was my intent to call up amendment No. 1095. Both of these amendments are germane amendments. I understand that if I attempted to call them up now and set them aside, there would be an objection. So I will not do that at this time, but it is my intent to call up these, either before cloture or postcloture, because they are germane amendments. I just wish to alert our colleagues it is our intent to call up these two amendments.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I rise to speak on an amendment that I intend to offer, cosponsored by Senators DURBIN and SANDERS, which would complement the Credit Card Act by restoring to each of the 50 States the power to enforce maximum interest rates against out-of-State lenders. I urge my Republican colleagues to attend to this as well because I know they have taken a particular interest over the years in the sovereign power of the State, what a constitutional scholar would call the Doctrine of Federalism, and this is certainly an important step in that direction.

The bill we are debating this week will make enormous advances in banning some of the most egregious credit card tricks and traps that consumers face out there. I commend the distinguished chairman for his heroic, patient, determined work in bringing us to this point. I believe we also need to give State governments the ability to go after the most dangerous trap of all: outrageous and unjustifiable interest rates.

I have heard so many stories from countless Rhode Islanders: A missed payment or a late payment turned a reasonable interest rate into a 25-percent or 35-percent penalty rate, and a family suddenly finds itself in a hole it can't climb back out of.

Professor Ronald Mann of Columbia University has called this credit card business tactic the "sweat box." Credit card companies have found it profitable to hit their most distressed customers with penalty rates and fees that are designed to sweat out of those customers the maximum monthly payments before the inevitable bankruptcy filing.

Prior to 1978, all the way back to the founding of the Republic, States had the ability to prohibit excessive interest rates and to protect their citizens. It is part of our national history. That changed following a U.S. Supreme Court decision in 1978: *Marquette National Bank of Minneapolis v. First of Omaha Service Corp.*

Marquette did not seem like a big case at the time—not a case that would, in practice, end one of the sovereign State's most basic and ancient authorities—to protect their citizens. In *Marquette*, the Supreme Court interpreted the word "located"—one word—in the Civil War-era National Bank Act as giving regulatory authority over a loan to the States that was the primary place of business of the bank, as opposed to the State that was the location of domicile of the consumer. It seemed like a technical case, but the meaning of this one-century-old word defined that way has had the effect of crippling the ability of States to effectively police usurious lending practices by out-of-State banks.

Following *Marquette*, credit card lenders realized they could avoid State law consumer protections by reorganizing as national banks and operating their businesses out of a handful of States that either lacked meaningful interest rate restrictions or were willing to toss out their consumer protection laws in order to attract this new business. Thus began the proverbial race to the bottom. Today, it is unusual to find a credit card lender not based in one of the two or three States that have turned weak consumer protection into a profitable industry.

My amendment and the bill on which it is based, S. 255, would amend the Truth in Lending Act to legislatively reverse the *Marquette* decision, restore the historic power of the States, and to make clear that each State has the right to protect its citizens with interest rate restrictions on consumer lending no matter where the lender chooses to locate their physical office.

If enacted, Rhode Island, Connecticut, and other States could, once again, as they did for decades—for centuries before *Marquette*—say "enough" to faraway credit card lenders gouging their citizens. As a former State attorney general who was closely involved in consumer protection issues, I feel strongly that States have an important role to play in protecting their citizens from abusive and heavy-handed business practices. This amendment would acknowledge and strengthen that role.

Mr. DODD. Madam President, would the Senator yield for an observation?

Mr. WHITEHOUSE. I gladly yield to the distinguished chairman of the Banking Committee.

Mr. DODD. I thank the Senator for raising this issue, and I appreciate the time he has put into this and the effort he has expended for what he is trying to accomplish. I know his constituents and mine suffer, as all of us do, from abusive interest rates and fees and believe that broader interest rate reform is something we in the Senate should carefully consider. In fact, a good part of this legislation is designed to do exactly that.

The Senator's amendment goes beyond the credit card reform, however,

and would affect many varieties of consumer lending beyond just credit cards. I, therefore, would inquire of the Senator from Rhode Island if he would be willing to withhold his amendment and defer consideration of the issue as we are preparing to take up broader financial regulatory reform later this year; in fact, within the next few months.

In the interim, I wish to assure the Senator from Rhode Island, Mr. WHITEHOUSE, that he has my personal commitment that the Banking Committee, which I chair, will take a careful look at his proposal. We have held a major series of hearings on regulatory modernization, we are planning a number of others, and this subject will be an appropriate one for consideration in these hearings during the committee's consideration of related legislation. Perhaps the Senator from Rhode Island can recommend a witness or witnesses—I certainly know of several—who would like to testify, including himself or other Members who are cosponsors of his amendment, or like many of us who share his concern about the *Marquette* decision and what it has done in terms of usury laws.

I often point out that both in the Old Testament and the New Testament, while I don't claim to be a Biblical scholar, there was nothing that more outraged Jesus Christ than the money changers in the New Testament. Certainly, there are plenty of examples in the Old Testament of usurious lending practices. It is as old as Biblical times, the admonition regarding charging outrageous interest rates. We have rates today, as I have said before, that would make organized crime blush if they were to see them.

Anyway, the Senator has proposed a reform of our system of banking regulation with wide-reaching consequences, and the proposal deserves the full vetting of the Banking Committee. I assure him we will have a full vetting.

I ask my colleague and friend from Rhode Island whether he would be willing to entertain this proposal and defer this matter until we deal with a larger set of issues and to also confirm for him my similar concern that he has raised and would have raised with this amendment.

Mr. WHITEHOUSE. Madam President, I thank the chairman of the Banking Committee for his offer. With this understanding, I will agree to withhold on my amendment on this particular piece of legislation.

I believe we need to look at broader interest rate reform, and I appreciate the commitment of the distinguished Banking Committee chairman to look at the *Marquette* issue in that context. I also wish to applaud the chairman for developing the legislation we are debating. This is one of those areas where wisdom accrued over years of legislative experience allows us to expand the

realm of the possible, and of course legislation is the art of the possible. Through his wisdom, through his experience, he has been able to get to the very outermost bounds of the possible on this legislation and perhaps even move those outermost bounds out a little bit. So I applaud the chairman for this extraordinary accomplishment. The Credit Card Act will go a long way in cleaning up the practices of unscrupulous credit card lenders, and the Senators from Connecticut and Alabama deserve high praise for their hard work in bringing us to this point.

I thank both my colleagues and I yield the floor.

Mrs. McCASKILL. Madam President, I congratulate the chairman of the Banking Committee for daring to go where no one was willing to go for a long time; that is, regulating the credit card industry. I have learned about some of the tricks of the credit card industry the hard way. My father had a significant and serious and protracted illness, and mom was trying to get through it without burdening any of us. Without any of us realizing it, she got in a hole with credit card companies. Once I figured out that she had gotten into the hole, I set about the business of trying to help.

I have a law degree. I am not a shy person. I am someone who is willing to say what I think. I helped write law at the State level, and I think I understand contract law. As I began to get through all the fine print and deal with the credit card companies that she was indebted to, I became more and more frustrated. I began to realize what has happened with unsecured debt in America through credit card companies. There is a lot of bait and switch that goes on. There is a desire to get hold of the credit card customer who never pays the principal. My mom was a dream customer. She paid like clockwork, in terms of the minimum payment, but never quite had enough to get around to the principal. The saddest part of the story is how hard it was for me to pay off the cards. They didn't want me to pay them off. I remember being on a phone call for 3 hours, and I had been to several countries by the time the call was concluded. I was told that it was impossible for me to send a payment to pay off the card the same month. It had to be sent in a separate payment. We were trying to pay off the card. They didn't want it. One of my favorites is that she made a payment on a card, and I paid off the balance. Then a bill came, and it was a negative balance. They owed us money. But you are not going to believe it, but, again, they owed us money, and guess what they had done. They charged us interest. I called this person on the phone and said, "I am trying to figure this out. You owe us money and there is a charge for interest on the bill." That is when I began

to learn the reality of "trailing" interest. It was mind boggling to me, the tricks and the traps that were embedded in these credit card agreements.

We got an e-mail from a constituent. Actually, we have gotten thousands of them, especially in the last 6 months. This letter says the following:

The reason I am contacting you is because of a problem with Bank Corp. I received several emails from Bank Corp [asking me] to apply for a credit card. I eventually did. The credit card interest rate was to be a fixed 7.99 percent. . . . After the card was approved, the interest rate was 7.99 percent for several months. Then the rate was raised to 23 percent and, as of the July, 2008 statement, the interest rate was raised to 35.49 percent. I called Bank Corp and spoke with Erin, the representative that answered the phone. After being put on hold for [a long period of time], I was told that my account was in good standing. The payments had been made on time. She said Bank Corp had changed their lending practices and that was the reason for the interest hike. I was told there was no lower rates available, even though my account was in good standing. I was also told there was nothing I could do to change this and there was no way to protest the interest hike.

This man asked me, "Is this legal?" Sadly, we had to tell him that it was every bit legal.

I understand the risk of unsecured debt. I understand that these banks are trying to get credit to people. But one of my favorite parts of the hearing we had on this subject was in Senator LEVIN's Permanent Subcommittee on Investigations, when I asked one of the credit card executives about the fact that they want to give these cards to college students. I am not lying about this; this was actual testimony given in this hearing. I asked him about the fact that they were sending cards to college students. I was trying to get to the bottom of the practice where they were doing kickbacks to colleges in return for their lists so that they could solicit the students, give them credit cards. My favorite response was when I asked, with as much sincerity as I could muster, "I guess you find these college students a good risk for all these insecure debt." He said, "Yes, they are very good risks." I was thinking: what planet is he on? I have college students. They are no more a good risk than someone who has a horrible credit rating. They send these cards to kids because they know their parents, if they are in college, don't want them to get into trouble and they will bail them out if they get in too deep. They want to hook them into the pattern, charging big, paying interest only, and being on line to them for the principal for the rest of their lives.

We have work to do on this bill. I hope my colleagues on the other side of the aisle join us quickly in getting to a point where we can bring it to a final vote. It will stop many of these abusive behaviors—the ability to raise the interest rate because maybe you missed a

utility bill by accident 1 month, or the practice of the trailing interest, where you find the credit card company owes you money and they still charge you interest. There are 3 amendments that I worked on with Senators LEVIN and COLLINS. One is no over-the-limit fee. If they let you go over the limit, they should not charge you a fee. And no interest on fees. And a very important amendment that we can do on credit card data collection so we have more information about what the interest rates are we are paying in America.

The irony of these spikes in interest rates for good credit customers is that this has occurred at a time when interest rates in our country are at a historic low. Ben Bernanke used about all the leverage he could to help our economy by lowering the interest rate, and lower the interest rate, and lowering the interest rate, and these companies can borrow money at very low rates. Yet, to the consumer right now, those interest rates are getting hiked and hiked and hiked—even when the person with the credit card has no indication that they present any kind of financial risk to that credit card company.

We wring our hands here about what we can do to help the people we work for. We know people are hurting now. I am not sure there is any piece of legislation that is more important to the people at home than this credit card bill, bringing to heel these companies who are taking advantage of an unlevel playing field, which is strewn with all kinds of information that is too difficult to even understand. Let's keep it simple and straightforward and make sure the rules are available for all people to understand, and let's make sure they are not engaged in the kind of practices that caused my mother so many sleepless nights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 1079

Ms. LANDRIEU. Madam President, I come to the floor to speak about one of the pending amendments, No. 1079. In a few minutes, I am going to make a motion on that amendment.

I did not get to hear all of what the wonderful Senator and colleague from Missouri said, but I take it that she, like I, supports the underlying bill. I can appreciate the need for this consumer protection. As chairman of the Small Business Committee, I have been hearing literally for months, as has the occupant of the chair, who has sat through hearings with me—we have heard the tragic stories of small businesses that have done everything right—businesses that had excellent business models, people who have been in business for four decades or longer, businesses that have never missed a credit card payment. You have heard their pleas to us to give them some relief.

The consumers generally have said the same. The wonderful thing is that this underlying bill gives some relief to consumers, to personal credit cardholders. I commend Senator DODD and Senator SHELBY for bringing this bill to the floor. It only got out of this Banking Committee, which is tough to get any pro-consumer legislation out of, unfortunately, by only one vote, I understand. But they got it to the floor. It is a very important bill. People cannot have their interest rates raised without notice. They cannot have their balances double charged. In other words, right now, today, if you owed \$5,000 on your credit card and you cashed in your savings bonds and everything else and paid \$4,500 on that balance to get it down, under the current law, credit card companies can still charge you the full interest on \$5,000. That is wrong. These same companies are receiving billions and billions of taxpayer dollars so they can turn around and fleece the people who are sending them the tax dollars to bail them out. It is unconscionable, truly. So the committee acted. They did the right thing. They extended these protections to consumers.

But there were some potential jurisdictional questions, or perhaps an oversight, that the bill does not protect holders of business credit cards. Twenty-five years ago, this wouldn't have been an issue, because most people who were building a business, or financing one, had other avenues of capital.

You can see on this chart the trend in credit card use. In 1993, 16 years ago, 16 percent of business owners said they used credit cards to finance their operations. In that 16 years, it has gone to 60 percent—from 16 percent to 60 percent. It has become a source of capital and cashflow, a tool, for small business.

Here again is another chart. We have learned this in our hearings we have had. Sources of small business financing in 2009: Credit cards, 59 percent, just about 60 percent; bank loans, 45 percent; vendor credit, 30 percent; used no financing—cash or savings—19 percent; private loans through a friend or family, 19 percent; and SBA loans, 5 percent. That is an important part, although it is small, which helps to finance. It is long term, I might say; our loans are 20, 25, 30 years. Some of these others are only 30- or 60-day loans. It is small, but it is important. We hope with your leadership, Madam President, and that of the Senator from Maine, we can get this number up.

The point of this discussion is this number—60 percent: Small businesses in Louisiana, from New Orleans, to Alexandria, to Shreveport—small business people I see when I am shopping at Costco or at Sam's Club, standing in line, and I know it is not a family because they have four dozen oranges. No family eats that many oranges in a

week, so you know they are buying for their small business or restaurant or for their corner store. So we know that these small businesses are relying more and more on credit cards.

In this bill we are voting on, there is no protection for them—zero. This bill only protects personal credit cards, not business credit cards. So the Landrieu-Snowe amendment, cosponsored by the occupant of the chair—and I will get the list of others in a moment—it was cosponsored by several Members of the Senate, and they are Senators CARDIN, SHAHEEN, BROWN, CANTWELL, INOUE, KLOBUCHAR, SNOWE, COLLINS, and I think others will be joining in support of this amendment. We have decided to offer an amendment that simply says the underlying safeguards for holders of personal credit cards should simply extend to businesses of 50 employees or less, up to \$25,000 on their business card, because there are many people who carry a personal card for personal business. Of course, they may carry a business card for business-related business.

I know we have to give consumers relief, but I am here to say, as the chairman of the Small Business Committee, if we don't give our small businesses some relief, we are not going to have an economy to depend on because if we are looking for people to create jobs—which I think is what the President is calling on us to do—those jobs are going to be created by the small businesses of America. That is why in this debate the National Federation of Independent Businesses—not a bastion of liberalism by any means—is supporting this bill, and the American Society of Travel Agents, the American Beverage Licensees, the Consumer Federation of America, the Food Marketing Institute, the National Association for the Self-Employed, representing tens of millions of self-employed individuals—and they find it ironic that we say we are trying to get help to the little guy and we say we are trying to get help from Wall Street to Main Street. Yet every time there are amendments on the floor to actually do that, they never seem to be able to pass.

I know there are arguments that say: Well, we don't know what the effect of this amendment will be. I can tell you what the effect will be. The small businesses in America, the 20 million that will be affected by this, will say: Thank you for not allowing my rates to go up without notice. Thank you for not allowing them to double-charge me if I am paying down \$20,000 on my \$25,000 balance. Thank you, because I didn't get a penny from the TARP money, but at least I am getting some help through this consumer relief bill.

As I said, the National Federation of Independent Business, the National Small Business Association, the Petroleum Marketers Association of America, the Service Employees Inter-

national Union, the Small Business Majority, and the Hispanic Chamber of Commerce, the Women's Chamber of Commerce, and the Black Chamber of Commerce have all endorsed this bill. We haven't heard yet from the U.S. Chamber, but I am hoping they will step forward—at least the small business section of the U.S. Chamber. I understand they represent large banks, credit card-issuing companies, so it is tough for them. But somebody has to speak up for small business, and I hope that right now my colleagues will consider this amendment.

Again, I am going to have to call it up for action now and actually move to table it, and when I do that, we will not be able to have any discussion on this because that motion is not debatable. That is why I am speaking about it now. But at least we will get on the record how people feel about this, and I am hoping we can get a substantial vote.

I have decided that even if it is just my vote, and the cosponsors and Senator SNOWE, at least the small business people in America will know there are some people here who understand they deserve the minimal protections this bill provides, particularly at this time, and that in the next year or two, or three, four, or five—until we get on safe ground—we need to be doing everything we can to help small businesses because without them, there will be no recovery. It is not the large businesses that are going to create these jobs. They are going to contract. They are going to redesign themselves. They are going to contract until things are safe. They are going to poke their head out of that shell when the way is clear. The people who are going to run out in the line of fire are the small businesses these people represent. They are the ones who are going to say: No, I am not going down. I am going to hire. I am going to keep moving forward because I know my idea is good or because I know when we come out of this recession, I will be able to make it. These are the people on whom we will build this recovery, and these are the people who need help today. We don't need to study it for 10 years or look at it for 5 years. These organizations represent the millions of businesses that need help today. So on behalf of this coalition, I think the facts are on our side.

This is not an anti-credit card company amendment, this is a pro-small business amendment. I know people have to make money. Everybody has to make money. And everybody is trying to do what they can. But there is no excuse right now, when small businesses have to rely—as I said, 60 percent of our small businesses—and this is an average. In some States, it probably could be up to 70 percent of small businesses. In some States, maybe it is below 50 or 45. But it is still a significant number of businesses using credit

cards to help finance their business. Let's give them a little help today.

So I move to call up and I ask for the yeas and nays on amendment No. 1079. I further move to table the amendment.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Madam President, I withdraw the request, and I ask for regular order on amendment No. 1079.

The PRESIDING OFFICER. The amendment is now pending.

Ms. LANDRIEU. Madam President, in order for me to get a vote on this amendment, I am going to have to ask for the amendment to be tabled. I would like to ask for the amendment to be tabled. Of course, I will be voting not to table it and will be asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

At the moment, there is not.

The motion to table is not debatable. Those in favor, say aye.

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, at this time I would like to remove my motion to table amendment No. 1079, but I would like it to remain pending.

The PRESIDING OFFICER. The motion to table is withdrawn.

Ms. LANDRIEU. I understand the amendment will still be pending. But when cloture is invoked, unfortunately, this amendment is going to fall because it is not germane to the bill so we will not be able to have a vote on this amendment, which was my hope. But because of time constraints and because of the difficulty of getting Members to the floor for the procedures that we would have to go through to have a vote, I am happy to report that the chairman of the committee has agreed to allow our committee, Small Business, to have jurisdiction over this matter.

We will, in the next few weeks, be putting together a bill on the Small Business Administration Reauthorization, which we have to do by matter of course and responsibility. I appreciate Senator DODD agreeing to acquiesce to allow our committee to have jurisdiction over this narrow matter. I intend, with the help of my ranking member, Senator SNOWE, and the help of, I hope, the vast majority of the members of our committee, both Democrats and Republicans—I hope we will stand together to present at that time legislation that can provide real relief to

small businesses that need all the help they can get.

We are not asking for artificially low rates to be set. We are not asking to tie credit card companies' hands in the event that small businesses renege on their payment plans or are late paying. We are just saying, if you are a business operating out there and you have paid your bills on time, you are paying your credit cards, you are meeting your obligations, that your rates cannot arbitrarily be raised.

We understand transactions and contracts between business people. This is not the Government stepping in to try to negotiate. This is simply a level playing field between consumers and small businesses.

Again, because 69 percent of businesses in America today depend on credit cards to finance their operations, I am here to say, and our committee will be back saying to the Members of the Senate, we must get our eyes on small business, on their access to credit, on their ability to survive so this recovery can take root, and we can create the kinds of jobs that will be necessary.

I am sorry because of the time constraints and the unwillingness of some here to be cooperative. But I thank the chair of the committee, Senator DODD, for allowing our committee to have jurisdiction. I can promise, as the chair of that committee, this amendment will be on the bill when our bill comes to the floor for consideration and we will get a vote. If people want to vote against our amendment—something may not be exact—fine. Let them vote against it. But I want the record to be clear that there are a number of Members of the Senate, hopefully a majority, who believe the same protections extended to consumers for their credit cards would be extended to businesses in America, small businesses—those with 50 employees or less—with at least a \$25,000 limit on their credit card. It is not going to be every business in America that will get covered, but it is the small businesses that are having the most difficult time.

I yield the floor.

Ms. SNOWE. Madam President, I rise today to join my good friend Senator LANDRIEU, the chair of the Senate Committee on Small Business and Entrepreneurship, on an amendment addressing a key deficiency in the Dodd-Shelby substitute, or Credit Card Accountability Responsibility and Disclosure—CARD—Act, currently pending before the body.

I congratulate Senate Banking, Housing, and Urban Affairs Committee Chairman DODD and Ranking Member SHELBY for their stalwart efforts to bring this critical bill to the floor to protect consumers from credit card abuses. However, as drafted, the measure would leave small businesses out in the proverbial cold. Accordingly, the

amendment we are filing today would extend the protections in both the Truth in Lending Act as well as the bill we are considering today to any credit card used by the 26.6 million small businesses with 50 or fewer employees. I would like to thank Senators BROWN, CANTWELL, COLLINS, CARDIN, INOUE, KLOBUCHAR and SHAHEEN for cosponsoring our amendment.

Although we will undoubtedly debate how broadly they should be written, the provisions the CARD Act contemplates would provide vital safeguards to consumer credit cards. No longer could credit card companies arbitrarily raise interest rates on outstanding balances at any time for any reason or increase them on future purchases without sufficient notice. Unbelievably, the Pew Charitable Trusts in its report, *Safe Credit Card Standards*, found that "93 percent of cards allowed the issuer to raise any interest rate at any time by changing the account agreement." Should they choose to carry a balance, once this bill is enacted into law, people will have certainty with respect to how much interest they will pay on their purchases and will not go to bed one night thinking they have a 10-percent rate only to wake up facing a 32-percent rate.

Additionally, this bill will prevent credit card companies from engaging in other abusive practices, such as "two-cycle" billing whereby a company assesses interest not only on the balance for the current billing cycle, but also on the balance for days in the preceding billing cycle. Moreover, the bill before the Senate will put an end to schemes that allow credit card companies to apply the entirety of a payment to balances with the lowest interest rates and, thereby, help families, which today have an average credit card balance of nearly \$10,700 and are struggling to stay afloat, emerge from a vicious cycle of debt. Finally, we will ensure that customers have 21 days to pay a bill once it is sent so that they have sufficient time to make a payment.

While this legislation would take great strides to shield consumers from abusive practices, it does not extend these safeguards to our Nation's small business owners who use credit cards to purchase goods and services, make payroll, and ultimately create 75 percent of this Nation's net new jobs. The fact is according to the National Federation of Independent Business—NFIB's—Access to Credit poll published in 2008, 85 percent of small business owners have one or more credit cards that they use for business purposes. NFIB data also revealed that 74 percent of small business owners use at least one business credit card, while 39 percent use at least one personal card.

Yet the bill before the Senate amends the Truth in Lending Act, which applies only to "consumer" transactions

that are defined as “one in which the party to whom credit is offered or extended is a natural person, and the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes.” The measure does not protect our Nation’s small business owners—many of whom, as I just mentioned—utilize credit cards to finance routine transactions.

First and foremost, the protections in the bill would not extend to entrepreneurs who make purchases for their enterprises using a small business credit card. Even more troubling is that, in many cases, the small business credit cards are, like consumer cards, issued based on the personal credit history of the card holder. Thus, although the two types of cards are in many instances indistinguishable, two different sets of rules and protections can apply.

Second, and although there is some debate among experts on this point, there is concern that the safeguards in the CARD Act may not apply if an individual made a significant amount of business purchases on a consumer credit card. The reason is that the Truth in Lending Act only protects purchases made on consumer cards primarily for personal, family, or household purposes, and it is unclear at what point businesses purchases would cease to qualify for protections if made on consumer credit cards. To protect small businesses with 50 or fewer employees, the Senate should clarify that purchases made on behalf of an enterprise using a consumer card will receive the protections in this bill.

Omitting 26.6 million of this Nation’s job-creating small businesses from credit card protections could have extremely serious consequences, particularly at a time in which we are counting on our small employers to lead us out of the most devastating economic recession since the Great Depression. Indeed, as Todd McCracken, the president of the National Small Business Administration, NSBA, testified on March 19 before the Senate Committee on Small Business and Entrepreneurship, on which I serve as ranking member, the credit card companies are abusing small firms. In fact, Mr. McCracken wrote in his testimony, “Imagine trying to run a business when one’s carefully-constructed business plan is upended by a retroactive interest rate hike. How can a small-business owner be expected to maintain—let alone grow—her business when the capital she has already used is no longer subject to the 12 percent interest rate she agreed to but an egregiously punitive 32 percent?”

These abuses are not just isolated incidents; they really do occur. To quantify what small businesses are facing, the NFIB’s Credit Card survey found that excluding cases involving an introductory offer, 20 percent of small

business owners saw the interest rate on their outstanding balances increased at least once. Furthermore, 25 percent of small businesses were given less than three weeks notice to make a credit card payment on at least one occasion, providing compelling evidence that action must be taken.

I would also like to mention that other survey results bolster the NFIB’s conclusions. For example, the NSBA’s 2009 Small Business Credit Card Survey found that 57 percent of small business owners reported receiving their bill too close to the due date to mail it and have it be received on time. Incredibly, 33 percent of respondents reported receiving their credit card statement after its due date! That practice is simply outrageous, and it must be stopped!

To ensure that small businesses are not shortchanged and are adequately protected, the amendment Senator LANDRIEU and I are offering today would amend the definition of “consumer” in the Truth in Lending Act to include any small business having 50 or fewer employees. Accordingly, our amendment would have two beneficial effects:

First, it would extend all of the safeguards in the bill before us to small businesses with 50 or fewer employees regardless of whether they use a consumer of business credit card to make purchases. Small businesses would, therefore, be free from worries about any time interest rate increases and other abuses from which Americans have suffered from for far too long.

Second, the bill would extend protections already included in the Truth in Lending Act to small businesses. As a result, irrespective of whether they use a consumer or business card, our small firms would now be entitled to receive meaningful disclosures that will enable them to understand the terms of credit being offered and to compare one credit product to another. Such required disclosures include the finance charge, annual percentage rate, any charges that may be imposed, and a statement of billing rights. Our entrepreneurs should be focused on creating jobs instead of having to try to navigate very complicated credit card terms that are buried in fine print.

America’s small businesses—the engine that drives our Nation’s economy—deserve to be protected from potential credit card abuses that could cripple their operations. Their business plans should no longer be subject to the whims and arbitrary rate increases of the credit card companies.

In closing, I am pleased to report that the following organizations have endorsed the Landrieu-Snowe amendment: the National Federation of Independent Business, National Small Business Association, American Beverage Licensees, American Society of Travel Agents, Center for Responsible Lending, Consumer Action, Consumer Fed-

eration of America, Dēmos: A Network for Ideas & Action, Food Marketing Institute, National Association of College Stores, National Association for the Self-Employed, National Association of Theatre Owners, National Community Reinvestment Coalition, National Consumer Law Center, on behalf of its low income clients, Petroleum Marketers Association of America, Service Employees International Union, U.S. Hispanic Chamber of Commerce, U.S. PIRG, and the U.S. Women’s Chamber of Commerce.

I ask my colleagues to join us and the groups I have just mentioned to support this targeted and common-sense amendment that would allow entrepreneurs to focus on what they do best; namely, creating new jobs.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Madam President, I thank Chairman DODD for his hard work on this legislation. He deserves a great deal of applause and congratulations for putting the issue on Congress’ agenda and for producing a very strong bill.

Nobody in this body or in this country needs to be told about the effect of subprime mortgages on America’s families. We have seen the impact that unsustainable mortgage debt has had on our economy, and we know the pain it has caused. But while mortgage debt grew by 200 percent over a quarter century, credit card debt grew by more than 350 percent. Studies suggest that credit card debt plays an even larger role than mortgages in causing personal bankruptcies.

Even the explosion in mortgage debt has a lot to do with credit cards. Many Americans took predatory mortgages because they needed a way out of the massive credit card debt. A mortgage might have done them in, but their story started with a credit card.

Credit card debt is more than an economic issue, it is a families issue and a children issue. The explosion in credit card debt has taken a toll on all Americans, but children have been hit the hardest. In 2004, families with minor children were more than three times as likely to file for bankruptcy as their childless friends, and more children lived through their parents’ bankruptcy than their parents’ divorce.

We know bankruptcy has a devastating impact on families. Children in bankrupt families lose the comfort of a stable home. They can lose their ability to go to college. They might even lose more. Credit counselors report that families struggling with excessive debt are more likely to experience domestic abuse.

The explosion in credit card debt in this country was not the result of reckless spending by American families. Family spending on luxuries is roughly what it was 30 years ago. The face of debt in this country is not an irresponsible teenager but is a mother in over

her head. Nor is our debt problem simply a matter of supply and demand. American consumers have not suddenly decided they liked high fees, harsh penalties, and skyrocketing interest rates. These expensive provisions are hidden in the fine print of card applications mailed to vulnerable communities.

Card companies call this outreach. I call it deception.

The reforms we are considering will not disrupt the system. They cannot stop credit card companies from providing credit. Any company that wants to help consumers live within their means has nothing to fear from this legislation. Any company that wants to offer a service to American consumers has nothing to fear. But if you are planning to mislead consumers, this bill will stop you. If you are planning to offer low rates and charge high ones, we will stop you. If you are planning to trick customers into paying fees and penalties, we will stop you. If you are planning to profit from the misery of American families, we will stop you. Frankly, it is about time.

Before I close I wish to quickly address an amendment offered by the senior Senator from Colorado. The amendment requires that Americans requesting their credit report also receive their credit score. For 6 years, credit agencies have violated the intent of Congress by failing to provide this information. Legislation passed 6 years ago required them to provide one credit report each year for free, but these credit reports do not have to include the one piece of information that is crucial and easiest to understand—the customer's credit score. The Mark Udall amendment will help Americans manage their credit without burdening credit agencies or anybody else. It is a good idea. I support it. I encourage all my colleagues to support it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH.) Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1124

Mr. PRYOR. Mr. President, I rise to offer my support for the amendment on usury from my colleague from Arkansas, Senator LINCOLN. As some of you know—not all but some of you—Arkansas has a very strict usury limit in its State constitution, and it is been there for a long time. In fact, it used to be even more restrictive. Back in the

1980s, the people went to the ballot box, and they changed the constitution and made it much less restrictive than it was originally, but it is still very restrictive by national standards. But what has happened nationally has changed things in Arkansas and put Arkansas at a disadvantage.

I know there have been bills here like the Gramm-Leach-Bliley Financial Modernization Act in 1999. I know it was well intentioned. I know there were good reasons, good national reasons and good financial reasons and a lot of good reasons to do that. However, what that act did is it preempted the Arkansas State Constitution by permitting in-state banks to charge the same rate of interest as the home State of any out-of-State bank that has a branch in that State. It was not specifically designed for or against Arkansas, but it was in the bill, it was in the law, and it has been the law since 1999. What that did is it, in effect, nationalized the usury rate for banks. Arkansas banks can now charge a higher interest rate than they could before Gramm-Leach-Bliley.

The injustice occurs when you look at the lending institutions that are not banks—maybe the State Student Loan Authority, maybe captive finance companies, maybe other types of lenders that are not banks. What has happened is it has worked a hardship, and some of those lenders cannot do business in Arkansas; they cannot afford to. So many small businesses, family-owned businesses such as car dealers and furniture retailers, cannot finance their goods to Arkansas consumers. The Arkansas consumer, if they can do it, maybe goes to a bank or a credit union or some other lending institution, in many cases paying a pretty high interest rate in order to get the money to do business. This hurts the Arkansas business community. It hurts the Arkansas economy.

Right now, what has happened is, given the stimulus bill—there are many financing tools in the stimulus bill for constructing roads and schools, for building renewable energy projects, the Build America Bonds, et cetera. But Build America Bonds are not available in our State because of the lack of competitiveness in the bond market. Again, it is our interest rate.

Given the financial times we are in, we find we are put at a disadvantage. No one intended this. Congress never did, the White House never did, the Congress back in 1999 did not want this to happen. But it is where we find ourselves today.

The people of Arkansas have once again decided to put this issue on the ballot, and they are going to do it. It has been referred out to the people. The legislature made that decision. It is on the ballot. The problem is, it is not until November 2010. So we have a year and a half to try to struggle

through this economy with this very difficult, very adverse usury limit in our State.

What we are asking, what Senator LINCOLN and I are asking, given this amendment, is that we get temporary relief only through November 2010. This is just about an 18-month fix, to give us some relief during this time, get the credit flowing in our State the way it has been able to flow in other States, and let us take advantage of the stimulus bill, the stimulus package, the America Recovery Act we have already passed, that we all benefit in certain ways, to let us in the State of Arkansas have the full benefit. The Governor supports this, and members of the legislature support this. They have asked us to do this for the people of the State of Arkansas.

People need to understand what this amendment will do. It will permit the current interest rate not to exceed—once this is passed, the interest rate cannot exceed 17 percent. We are not talking about taking the usury rate completely out of our State law; we are talking about giving us some temporary relief, up to 17 percent. Again, when it comes to some of the financing vehicles, such as student loans and bonds of various types, this is crucial to letting investment happen in our State.

There is precedent for this. Congress enacted, several years ago, laws that preempted Arkansas' usury provision for, as I mentioned before, the banking industry and for some other businesses. So we have done this before. Again, I am not sure those laws just affected Arkansas; they probably affected a lot of States. But basically, right now Arkansas is the only State left that needs some relief under the current situation in which we find ourselves.

The way it works right now, to let you all know, in our State, the limit for usury—an interest rate in our State is 5.5 percent. And 5.5 percent is a very low rate. It is a historically low rate. But it is because the Fed rate and some of the other things have gone so low. Our rate is tied to those Fed rates, those national rates. Again, in a good economy, in most years that makes sense, but right now it does not.

So what Senator LINCOLN and I are respectfully asking our colleagues to do is support her amendment, allow it to become law, allow Arkansas this temporary relief, not just to benefit from the stimulus bill we have already passed but also to benefit from—or at least find some relief in this very tight economy, to ease some credit in our State, to help the recovery in our State as we are hoping to find in every other State in the Union.

With that, I ask that when we do vote on the Lincoln amendment, we would all support it and that we would help relief come to all 50 States, not just 49 States. Again, this is temporary. It caps the interest rate at 17

percent, which by most standards is a very reasonable cap. It is something that will allow the credit to flow in our State and will allow student loans, the Build America Bond Program to have the full effect they need to have here in Arkansas.

With that, I thank my colleagues for their attention.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senators CORKER, CASEY, GRASSLEY, KERRY, LEVIN, MENENDEZ, and KOHL, to speak about our amendment to strengthen the underlying bill's protections for young consumers, and help address the growing problem of college student indebtedness.

During this severe economic crisis and credit crunch, many Americans—especially college students with limited incomes—find themselves relying on credit cards more than ever before.

Our amendment will place commonsense restrictions on credit card marketing to college students; provide for increased transparency in university marketing deals with credit card issuers; and, protect students from some common credit traps.

This amendment achieves four essential objectives. It will: (1) prohibit credit card companies from offering gifts to students in exchange for completing credit card applications; (2) require universities to publicly disclose marketing agreements made with credit card issuers; (3) require credit card companies to report how much money they are giving to schools and alumni associations through these agreements, and what they receive from the universities in exchange; and, (4) call upon the Government Accountability Office to study the extent of these deals and their impact on student credit card debt.

The growing reliance of college students on credit cards, and the staggering credit card debt that many students accumulate by the time they graduate, underscores the need for this amendment.

According to a report released earlier this year by Sallie Mae: 84 percent of all undergraduates have at least one credit card; the average student has more than four credit cards; 9 out of 10 college students use credit cards for direct educational expenses, and 30 percent charge some tuition to their cards; the average balance for these students is \$3,173—and 82 percent of college students carry a balance each month which requires them to pay finance charges. Nearly one in five college seniors hold \$7,000 or more in credit card debt.

A study by U.S. Public Interest Research Group found that college students' credit card balances have soared 134 percent in the past 10 years.

The study also found that 76 percent of college students reported stopping at a table on or near campus advertising

credit cards, and that nearly a third of students were offered a free gift in exchange for signing up.

Credit card companies lure cash-strapped students with all kinds of offers. Free food. T-shirts—the most-common inducement. Frisbees. Candy. Even iPods. All for filling out a credit card application.

More than a dozen States currently restrict credit card marketing on college campuses.

In California, credit-card marketers can't lure students with free gifts; in Oklahoma, colleges can no longer sell student information for credit-card marketing purposes; and, in Texas, on-campus credit-card marketing may only occur on limited days in certain locations.

With credit card companies aiming their marketing more and more at students, we are seeing colleges and universities increasingly entering partnership agreements with these companies.

These agreements produce millions in revenue for colleges and universities, while banks get exclusive marketing access and student contact information.

As State funding shrinks for public universities, such deals grow.

We don't know much about the agreements between credit card companies and universities. But we do know that schools often receive large cash payments in exchange for providing students' personal information, including permanent addresses, e-mail addresses and phone numbers.

This enables companies to target students with precision.

Some contracts even pay universities if students have a balance on the card after 12 months, which suggests some universities stand to profit from the debt carried by their students.

The sheer scale of these contracts is astounding: Michigan State has an \$8.4 million contract with Bank of America; and, the University of Tennessee has a \$10 million contract with Chase.

Bank of America has agreements with nearly 700 colleges and alumni associations.

Virtually every major university boasts a multimillion-dollar affinity relationship with a credit-card company.

It is vital that schools make these agreements public.

Colleges should not encourage their students to sign up for products with high interest rates and fees that could get them bogged down in debt.

These arrangements can get students, who are just starting out, into deep trouble that can stay with them for decades.

This is shameful.

The underlying bill provides much-needed safeguards for young consumers, who too often do not have the financial knowledge and experience to manage their credit wisely.

I commend Chairman DODD and Ranking Member SHELBY for their leadership in crafting this well-balanced legislation.

Under this bill, issuers are required to obtain a cosigner or income verification for anyone under age 21 that applies for a credit card.

And, prescreened offers of credit to young consumers under age 21 will be limited.

Issuers also will not be allowed to increase the credit limit on accounts where a cosigner—such as a parent or guardian—is liable unless the cosigner authorizes the increase.

These provisions will play an important role in protecting college students, and all young consumers, from deceptive practices.

Our amendment will enhance these protections.

Developing good credit is essential, and it is difficult to develop good credit without holding credit cards.

When used responsibly, credit cards are convenient, and provide purchasing power that otherwise may not be available.

But many students begin using credit cards with highly unfavorable terms, and end up ruining their credit.

Shining a light on the agreements between universities and credit card issuers not only makes good sense. It may also act as a deterrent to deals with highly unfavorable terms for students.

Parents, students and the public should be aware of what kind of deals are in place and why they exist.

Also, this amendment will address the incentive of the free gift for signing up for a credit card. Too often, students sign up for credit cards to receive a free gift, and then have difficulty canceling the card, or may face hidden fees and charges.

I urge my colleagues to join us in putting in place these commonsense restrictions to protect college students across this Nation.

Mr. President, I would like to say a word about the minimum payment disclosure provisions in this bill.

When we considered the Bankruptcy Abuse Prevention and Consumer Protection Act in 2005, we said that our goal was to balance fairness, and responsibility. I agreed with this goal, but in the end, I voted against the bill because I did not believe it achieved that balance.

Since that time, I have continued to say that we need to do more to protect Americans from abusive credit practices and to ensure that consumers have the information they need to make good, informed financial decisions.

In every Congress since 2005, I have introduced a bill to require credit card companies to disclose what the real financial effects are when a consumer makes only the minimum monthly

payment on her credit card balance each month.

I am very pleased that Senators DODD and SHELBY have included similar provisions in the credit card bill that we are considering today.

The bill requires that all credit card statements include a general warning about the effects of making minimum payments, personalized information showing a cardholder exactly how much it will cost and how long it will take to pay off their balance if they make only the minimum payment each month, and a phone number that consumers can call to get a reliable credit counseling referral.

I am confident that these warnings will make a significant difference for consumers.

I think we are all familiar with minimum monthly payments—this is the amount listed at the top of your credit card statement that you have to pay each month to avoid a fee.

What people are less familiar with though, is the effect of these minimum payments.

Let me give you an example. In November 2008, according to USA Today, the average American had \$10,678 in credit card debt.

Now let's take a family holding that amount of debt at this week's average interest rate of 10.78 percent. If that family consumer made only a 2 percent minimum payment on their bill each month, it would take them over 28 years and a total of \$19,144 to pay that card off. And that is assuming they didn't ever charge another penny to the card—no cash advances, no gas purchases, no trips to the mall.

In the end, the consumer would have paid \$8,466 in interest on slightly over \$10,000 in debt.

And 10.78 percent is a relatively low rate for many Americans. Interest rates around 20 percent are not uncommon, and penalty interest rates can reach as high as 32 percent.

Consumers need to know how these amounts add up.

Let me tell you one more troubling thing about minimum payments. In December, the Economist reported on a study done on these requirements.

In the study, a psychologist at a British university gave 413 people fake credit card bills. All of the bills said the person owed about \$650 total, but half of them listed a minimum payment of around \$8. The other half made no mention at all of a minimum payment.

What the study found was that when the minimum amount was listed, people were inclined to pay less of their total bill. In fact, among people who chose not to pay their full balance, people paid 43 percent less when they saw a minimum payment amount on their bill.

Behavioral economists describe this as a "nudge": By showing the min-

imum amount, the statement "nudged" the consumer to pay less than he or she would have otherwise.

Now obviously, this is good for the credit card company—the consumer ends up paying less each month but more in interest over time, and that's how the credit card companies make their profits.

But this is terrible for consumers, who can end up underwater, with huge balances owed, and not understand how they got there.

People need to know the effects of making minimum monthly payments, and this bill will finally require credit card companies to show them.

I believe the disclosure requirements in the bill will go a long way toward helping consumers make good financial decisions and helping them to avoid ending up in bankruptcy. So I want to commend my colleagues, Senator DODD and Senator SHELBY, for their hard work on the bill before us today. These warnings have been a long time in coming, and I will be very pleased to see them enacted into law.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that no further amendments be in order, except a managers' amendment, which has been cleared by the managers and leaders, and that at 10 a.m. Tuesday, May 19, the Senate resume consideration of H.R. 627, and proceed to vote on the motion to invoke cloture on the Dodd-Shelby substitute amendment No. 1058; that if cloture is invoked on the substitute amendment, then the Senate proceed to consider any pending germane amendments; that upon disposition of those amendments, all postcloture time be yielded back; the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that the cloture motion with respect to H.R. 627 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House with respect to S. 386, the Fraud Enforcement and Recovery Act.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 386) entitled "An Act to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes", do pass with amendments.

Mr. LEAHY. Mr. President, today, the Senate has passed the bipartisan Fraud Enforcement and Recovery Act of 2009, S.386. The House passed this bill overwhelming just last week. This bill is a major step toward holding accountable those who have caused so much damage to our economy. It will also help protect our economic recovery efforts from the scourge of fraud.

Our bill will strengthen the Federal Government's capacity to investigate and prosecute the kinds of financial frauds that have so severely undermined our economy and hurt so many hard-working people in this country. These frauds have robbed people of their savings, their retirement accounts, their college funds for their children, and their equity and have cost too many people their homes. The bill will help provide the resources and legal tools needed to police and deter fraud and to protect taxpayer-funded economic recovery efforts now being implemented.

I want to once again commend Senator GRASSLEY, our lead cosponsor, for his leadership at every stage in this process. He helped to write this legislation and to manage it on the Senate floor, where it ultimately passed 92 to 4. He also worked tirelessly to make important and difficult compromises with Senate and House leaders, which was crucial to crafting a consensus a bill that could pass both Houses. He has once again proven his dedication to protecting taxpayer funds by deterring, investigating, and prosecuting fraud.

I thank Majority Leader HOYER and the House leadership, as well as Chairman CONYERS, Ranking Member SMITH and Congressmen BERMAN and SCOTT on the House Judiciary Committee, for working with us to promptly pass this bill in the House with minimal changes and a number of helpful additions. The new ranking member of the Senate Judiciary Committee, Senator SESSIONS, was also very important and supportive in those negotiations.

I thank our many cosponsors for their steadfast support for this effort. Senators KAUFMAN and KLOBUCHAR have worked particularly hard to ensure that this important fraud enforcement bill becomes law, and I thank them for their efforts. Senator KAUFMAN has spoken and written about the need for fraud enforcement all year. We have been joined by a growing bipartisan group of cosponsors that now stands at 28. And I thank our majority leader and our underappreciated cloakroom and floor staff for all that they have done on this bill.

Mortgage fraud has reached near epidemic levels in this country. Reports of

mortgage fraud are up 682 percent over the past 5 years, and more than 2800 percent in the past decade. And massive, new corporate frauds, like the \$65 billion Ponzi scheme perpetrated by Bernard Madoff, are being uncovered as the economy has turned worse, exposing many investors to massive losses. We can now finally take action to better protect the victims of these frauds. These victims include homeowners who have been fleeced by unscrupulous mortgage brokers who promise to help them, only to leave them unable to keep their homes and in even further debt than before. They include retirees who have lost their life savings in stock scams and Ponzi schemes, which have come to light as the markets have fallen and corporations have collapsed. They also include American taxpayers who have invested billions of dollars to restore our economy, and who expect us to protect that investment and make sure those funds are not exploited by fraud.

This legislation will immediately give Federal law enforcement agencies the tools and resources they need to combat fraud effectively. In the last 3 years, the number of criminal mortgage fraud investigations opened by the Federal Bureau of Investigation, FBI, has more than doubled, and the FBI anticipates that number may double yet again. Despite this increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases, which is only a quarter of the number the Bureau had more than a decade ago at the time of the savings and loan crisis. At the current levels, the FBI cannot even begin to investigate the more than 5000 mortgage fraud allegations referred by the Treasury Department each month.

In the late 1980s and early 1990s, Congress responded to the collapse of the federally insured savings and loan industry by passing legislation similar to the bill we consider today, to hire prosecutors and agents. While the current financial crisis dwarfs in scale to the savings and loan collapse, we are poised to once again take decisive action.

At its core, the Fraud Enforcement and Recovery Act authorizes the resources necessary for the Justice Department, the FBI, and other investigative agencies to respond to this crisis. In total, the bill authorizes \$245 million a year over the next 2 years to hire more than 300 Federal agents, more than 200 prosecutors, and another 200 forensic analysts and support staff to rebuild our Nation's "white collar" fraud enforcement efforts. While the number of fraud cases is now skyrocketing, we need to remember that resources were shifted away from fraud investigations after 9/11. Today, the ranks of fraud investigators and prosecutors are drastically understocked, and thousands of fraud allegations are

going unexamined each month. We need to restore our capacity to fight fraud in these hard economic times, and this bill will do that.

Fraud enforcement is an excellent investment for the American taxpayer. According to recent data provided by the Justice Department, the government recovers more than \$20 for every dollar spent on criminal fraud litigation. Strengthening criminal and civil fraud enforcement is a sound investment, and this legislation will not only pay for itself, but will bring in money for the Federal Government.

In addition, the Fraud Enforcement and Recovery Act makes a number of straightforward, important improvements to fraud and money laundering statutes to strengthen prosecutors' ability to combat this growing wave of fraud. It also strengthens one of the most potent civil tools we have for rooting out fraud in government—the False Claims Act. The Federal Government has recovered more than \$22 billion using the False Claims Act since it was modernized through the work of Senator GRASSLEY in 1986, but this bill will make the statute still more effective. In fact, the amendments the House made to the bill, after extensive input from Senator GRASSLEY and Congressman BERMAN, strengthen the False Claims Act further still.

The Fraud Enforcement and Recovery Act has broad bipartisan support, as well as the strong backing of the Justice Department and the Obama administration. As explained in the Statement of Administration policy:

The Administration strongly supports enactment of S. 386. Its provisions would provide Federal investigators and prosecutors with significant new criminal and civil tools and resources that would assist in holding accountable those who have committed financial fraud.

Strengthening fraud enforcement is a key priority for President Obama. During the campaign, President Obama promised to "crack down on mortgage fraud professionals found guilty of fraud by increasing enforcement and creating new criminal penalties." And the President made good on this promise in his budget to Congress by calling for additional FBI agents "to investigate mortgage fraud and white collar crime," as well as hiring more Federal prosecutors and civil attorneys "to protect investors, the market, and the Federal Government's investment of resources in the financial crisis, and the American public." The initial Senate-passed recovery package included additional money for the FBI for this purpose, but it was cut during the negotiations that led to its passage. This bill, the bipartisan Fraud Enforcement and Recovery Act, is our chance to authorize the necessary additional resources to detect, fight and deter fraud that robs the American people and American taxpayers of their funds.

Strong support from the President and the Justice Department has been integral to making progress on this important bill.

This is and has been bipartisan legislation. Our cosponsors and our supporters in both Houses of Congress come from across the political spectrum—Democrats, Republicans, and Independents. What we share is a commitment to fight fraud and the horrible costs it is imposing on hard-working Americans. I believe that our efforts are supported by most Americans. No one should want to see taxpayer money intended to fund economic recovery efforts diverted by fraud. No one should want to see those who engaged in mortgage fraud escape accountability. Law enforcement agencies desperately need the resources and tools in this legislation.

During these first months of the year, the Judiciary Committee has concentrated on what we can do legislatively to assist in the economic recovery. Already we have considered and reported this fraud enforcement bill, the patent reform bill, and worked to ensure that law enforcement assistance was included in the economic recovery legislation.

The recovery efforts are generating signs of economic progress. That is good. That is necessary. But that is not enough. We need to make sure that we are spending our public resources wisely and that they are not being dissipated by fraud. We need to ensure that those responsible for the downturn through fraudulent acts in financial markets and the housing market are held to account. That is why the Fraud Enforcement and Recovery Act is so needed.

The bill has also received the support of the Fraternal Order of Police, the Federal Law Enforcement Officers Association, the National Association of Assistant United States Attorneys, the Association of Certified Tax Examiners, and Taxpayers Against Fraud. It was strongly endorsed by an editorial in *The New York Times* on April 18, 2009.

I thank Senators for joining with us to take decisive action to protect American families and our economy from fraud.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment with the amendment which is at the desk; and that the motion to reconsider be laid upon the table; further, that the Senate then concur in the title amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1128) was agreed to, as follows:

(Purpose: To modify the provision relating to the issuance of subpoenas)

On 31, line 13, after "the Commission" insert "including an affirmative vote of at

least one member appointed under subparagraph (C) or (D) of subsection (b)(1)".

The title was amended so as to read:

"An Act to improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes."

WEAPONS ACQUISITION SYSTEM REFORM THROUGH ENHANCING TECHNICAL KNOWLEDGE AND OVERSIGHT ACT OF 2009

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 454.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the bill (S. 454) entitled "An Act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REID. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees, and that the Senate Armed Services Committee be appointed as conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer appointed Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. BAYH, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. BURRIS, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. GRAHAM, Mr. THUNE, Mr. MARTINEZ, Mr. WICKER, Mr. BURR, Mr. VITTER, and Ms. COLLINS conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. REID. Mr. President, there will be no votes until Tuesday morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. DODD. Mr. President, before the leaders leave the floor, I thank the majority leader and the Republican leader for their tremendous help in putting

this agreement together. I look forward to a favorable vote on Tuesday. I wanted them to know how much I and the consumers in this country appreciate immensely the work of the leaders. I thank, particularly, the majority leader, HARRY REID, for his involvement to make it possible for us to get to this moment. I also include Senator SHELBY and others.

I hoped to be able to complete the bill today. Obviously, that didn't happen. We have reached a framework by which we can vote on Tuesday. There will be a managers' amendment, and we hope to be able to accommodate this agreement in that package. It doesn't suggest that every amendment will be agreed to. Where we can, we will try to do that.

This is a strong bill. I thank the members of the Banking Committee—both Democrats and Republicans—who worked on it. I am grateful to Senator SHELBY and his staff for bringing us to this moment in the hopes that on Tuesday we will have the final conclusion of this effort.

I thank the other body, as well, particularly Chairman BARNEY FRANK, from Massachusetts, for his leadership. He has done a masterful job in the other body in bringing Democrats and Republicans together with an overwhelming vote in that Chamber in support of credit card reform. We will talk over the weekend, as we usually do, to see if we cannot resolve any outstanding issues that will allow this bill to quickly arrive on the President's desk. The President said he wants it before Memorial Day. I think we can do that. My hope is that we will complete the work on Tuesday and, by the end of next week, maybe we can send the bill to the President for his signature.

I cannot think of a better message to the American people. I say that while my colleagues and the President would like a bill, the people we represent need a bill to provide economic relief for them. That was the design of this legislation—to provide needed economic relief for millions of Americans, who have watched rates and fees go through the ceiling.

This bill is not going to solve every economic problem. For the first time that I know of in the history of the Congress, despite these cards being available for half a century and more, in some cases, we are taking a step to reform an industry that, frankly, has gotten out of control when it comes to fees and rates, as we have witnessed with 70 million accounts having interest rates raised in the last couple of years, and one out of every four families being adversely affected.

Every member of the Chamber can tell an anecdote about constituents who have faced difficulties with credit card fees and interest rate hikes. I think we are all pleased that we are finally doing something in a meaningful

way on this. It is not the end of the discussion.

There are a lot of other aspects of the industry that need reform as well. My colleagues are anxious to get to those, including the interchange issue, which retailers have talked to me about for years. We can try to provide relief for them. We don't provide real relief in this bill, except a study that Senators CORKER, DURBIN, and others, including myself, want to be done to get answers on how to reform the interchange fees issue. I hope we can get answers to that and talk about a legislative fix in that area as well. This bill avoids that question, not because we disagree with reforming the interchange fee but we felt it was more than we could take on with this bill.

This bill only came out of the Banking Committee with a 1-vote margin, 12 to 11. It is a very delicate balance. We needed to be careful not to tilt this legislation to such a degree that we would have lost the opportunity to provide any reform at all. We are not potentes here; we have to work with each other. We have done that in this case and produced a very fine piece of legislation.

I hope my colleagues will lend their support to this legislation when we have the final consideration of it on Tuesday.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE NATION'S PUBLIC SERVANTS

Mr. AKAKA. Mr. President, I rise today to commemorate this Nation's many dedicated public servants.

As we confront the global outbreak of the 2009 influenza H1N1 virus, public servants are on the front lines in a coordinated Federal, State, and local government response, working to provide the public with accurate, real time information to reduce the possibility of further infection. At our borders and ports, Federal employees are monitoring incoming visitors for signs of illness. State and local health officials are monitoring, testing, and treating people with suspected cases of the flu virus.

This effort is one of the many contributions hardworking, talented government employees make to improve our lives every day. They deliver our mail, care for our veterans, guard our prisons, protect our borders and communities, defend our country, and educate our children. They influence the lives of people around the world as diplomats, promoting peace, prosperity,

and democracy in conflicted regions, and providing critical assistance to developing and impoverished communities.

In honor of these and many other unsung activities of public servants, I offered an annual resolution, S. Res. 87, which unanimously passed the Senate on April 21, 2009, to recognize the dedicated men and women who serve our country, honor those brave heroes who died in service to their country, and encourage all Americans to consider a career in public service.

Last week was Public Service Recognition Week. We set aside the first full week of May to recognize and honor the accomplishments of Federal, State, and local government employees. Across the country, hundreds of events took place in appreciation of the millions of public servants who serve as the quiet bedrock of our Nation's workforce. This year's celebration included a 4-day exhibition on the National Mall where more than 100 civilian and military Federal agencies showcased their programs and initiatives to the public.

In his 1961 inaugural address, President John F. Kennedy called on all Americans to make a commitment to public service. His call inspired a generation to serve. President Barack Obama again called for action in his inaugural address. Public interest in Federal Government jobs is increasing, but we must ensure that Americans who embrace a public service career are not deterred by the lengthy and complicated hiring process. Last week, I held a hearing on how to improve Federal job recruitment so that we can harness the renewed spirit of service that President Obama has inspired. There is no better time to rise to the occasion and serve.

As a former teacher and a life-long public servant, I am proud to highlight the importance of Public Service Recognition Week. This is a critical time for our Nation, with many domestic and global challenges. Although we have designated a week to honor government employees, I rise today to stress the importance of remembering the invaluable service of public servants throughout the year. Our way of life—and the strength of our country would not exist without the work of public employees. And so to all the dedicated men and women currently serving our Nation, mahalo nui loa—thank you very much—for all that you do.

Mr. President, I am including Director John Berry's letter of support for Public Service Recognition Week with my statement and ask unanimous consent that it be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF PERSONNEL MANAGEMENT,
Washington, DC, May 5, 2009.

Hon. DANIEL K. AKAKA,
Chairman, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to thank you for your sponsorship of S. Res. 87, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009, and throughout the year.

As you know, Public Service Recognition Week, celebrated the first Monday through Sunday in May since 1985, is a time set aside each year to honor the men and women who serve America as Federal, state and local government employees. Throughout the Nation and around the world, public employees use the week to educate citizens about the many ways in which government serves the people and how government services make life better for all of us.

As the Director of the Office of Personnel Management (OPM), Public Service Recognition Week is the perfect time to spread President Obama's call to public service and to recognize public employees. I am committed to making the Federal government a better place to work by speeding up the hiring process, increasing opportunities for veterans, and implementing programs that help employees balance work and family life.

Thank you for your continued leadership in recognizing the hard work of our public servants during Public Service Recognition Week and I look forward to working with you to make the federal government a better place to work.

Sincerely,

JOHN BERRY,
Director.

REMEMBERING REVEREND ROBERT CORNELL

Mr. FEINGOLD. Mr. President, today I pay tribute to the life of Rev. Robert Cornell, a great Wisconsin public servant and teacher. For most of his life, Reverend Cornell called northeast Wisconsin his home—as a student at St. Norbert Abbey, a Congressman, and a professor of history and government at St. Norbert College.

Reverend Cornell was only the second Catholic priest to be elected to Congress when he represented Wisconsin's Eighth Congressional District from 1975 to 1979. Just as he did all his life, Reverend Cornell came to Washington to fight for education and social justice for the Wisconsinites he represented.

But his greatest accomplishments may have come in the halls of St. Norbert College as he used history to help guide young Wisconsinites to new levels of academic achievement. During his decades in the classroom, Reverend Cornell would bring history to life like no other. He brought out the best in his students with captivating lectures that displayed his tremendous knowledge, experience, and wit. His impact will certainly be felt for years to come through the countless students he taught and mentored.

Reverend Cornell stands out as a towering figure in the history of northeast Wisconsin. His influence on education and public service has left a lasting mark on our State.

ADDITIONAL STATEMENTS

TRIBUTE TO CHUCK MACK

• Mrs. BOXER. Mr. President, I am pleased and honored to pay tribute to Chuck Mack for his many years of service to the International Brotherhood of Teamsters.

After 43 years of dedicated service, Mr. Mack is stepping down from his positions as secretary-treasurer for the International Brotherhood of Teamsters Local 70, and president of the Teamsters Joint Council 7. While Mr. Mack may be leaving his current leadership positions within the Teamsters, he is by no means retiring. Instead, he is heeding the call of the Western Conference of Teamsters Pension Trust, where he will now serve as the cochair of the organization.

During his four-plus decades of service to the Teamsters, Mr. Mack has worked tirelessly to help negotiate first-class rights for bay area workers and their families. With a reputation for integrity and hard work, Mr. Mack has provided the Teamsters with unparalleled leadership in major labor disputes in northern California throughout his tenure. I particularly commend Mr. Mack for his efforts in advancing environmental justice issues for port communities throughout the San Francisco bay area.

As he transitions to his new position as cochair of the Western Conference of Teamsters Pension Trust, I applaud Mr. Mack's continued involvement with the Teamsters Union. Unions provide valuable representation to American workers and their families, and have worked to establish many of the rights and privileges that we now take for granted—rights and privileges that have helped millions of workers achieve the American dream.

After over four decades of service to the International Brotherhood of Teamsters, I remain in admiration of Chuck's strong sense of civic duty, his unparalleled service to the labor movement, and his tireless advocacy for workers' rights at the local, State, and national levels. I wish him many more years of continued community involvement and leadership.●

TRIBUTE TO C. BRENT DEVORE

• Mr. BROWN. Mr. President, today I honor the career of Dr. C. Brent DeVore, the dean of higher education presidents in central Ohio. For 25 years, Dr. DeVore has served Otterbein College, its students, and the Westerville, OH, community. He retires at the end of this academic year.

A son of Zanesville, OH, who earned degrees from Ohio University and Kent State University, Dr. DeVore has dedicated his professional life to improving higher education for America's young people.

Dr. DeVore became president of Otterbein College in 1984. He helped develop the institution from a small, liberal arts college to a nationally ranked, comprehensive college. Dr. DeVore put Otterbein on stable financial footing, increasing the school's endowment by fifteenfold. He oversaw a transformation of the campus infrastructure, including the construction of new academic buildings, residence halls, athletic facilities, and an expansion of the library.

More importantly, Dr. DeVore helped transform the human capital of the college. The graduate education program was added in 1989, the graduate nursing program in 1993, and the MBA program in 1997. The number of faculty holding advanced degrees nearly doubled. Student diversity increased, enrollment doubled, retention rates soared, and the quality of incoming students skyrocketed.

Throughout Dr. DeVore's career, he has worked to develop innovative and comprehensive programs to encourage young people to engage in community and volunteer service and oversaw the creation of Otterbein's Center for Community Engagement. In 2007, Otterbein was one of only three schools across the country to receive the Presidential Award for General Community Service in the President's Higher Education Community Service Honor Roll.

While, Dr. DeVore's leadership at Otterbein will be missed, his legacy will remain for generations. Dr. DeVore has made Otterbein College better, he has made Ohio better, and he has made our Nation better. I wish him well and hope that his service to Ohio will continue in the next phase of his outstanding career.●

OHIO'S SMALL BUSINESS PERSON OF THE YEAR

● Mr. BROWN. Mr. President, today I commemorate the work of Carla Eng, president of Abstract Displays Incorporated, who has been named the Ohio Small Business Person of the Year for 2009 by the U.S. Small Business Administration.

The award recognizes Ms. Eng's dedication to success, her passion for her work, and her positive attitude. She is among 53 top small business persons who will be honored at the Small Business Administration's National Small Business Week events. Ms. Eng's company is a premier designer and producer of dimensional solutions for trade show exhibits, events, environments and for all face-to-face sales, marketing, and corporate needs.

I commemorate the work of Carla Eng and congratulate her for receiving

this prestigious award. She is a role model for success and an inspiration to us all. I hope you will join me in wishing Carla the best of luck in her future endeavors.●

CONGRATULATING THE GEORGETOWN/SCOTT COUNTY CHAMBER OF COMMERCE

● Mr. BUNNING. Mr. President, today I congratulate the Georgetown/Scott County Chamber of Commerce, a non-profit business organization that recently celebrated its 50th anniversary.

The Georgetown/Scott County Chamber of Commerce was founded in 1959. The chamber promotes local businesses and ensures that jobs stay in the Georgetown and Scott County area. During this uncertain economic time, organizations such as the Georgetown/Scott County Chamber of Commerce strive to ensure that local businesses continue to prosper. The chamber celebrated this distinct milestone at its annual banquet on April 24, 2009, where current chamber president Christie Hockensmith expressed her optimism for the next 50 years.

Again, I congratulate the Georgetown/Scott County Chamber of Commerce on 50 years of service. I wish the chamber the best in the future and in continued support of local businesses.●

REMEMBERING M. ALLYN DINGEL, JR.

● Mr. CRAPO. Mr. President, today I would like to honor a fellow Idahoan who served the Idaho legislature, the Idaho, judiciary, the Episcopal Diocese of Idaho and the Idaho State Bar with honor, integrity, and good humor. M. Allyn Dingel, Jr., passed away at his home in Boise, ID, on April 23, 2009 after a courageous battle with lung cancer.

Allyn was born in Twin Falls, ID, where he played baseball and was the student body president at Twin Falls High. He attended college at the University of Idaho, and continued to organize spontaneous renditions of the Idaho Vandal fight song, whether asked to or not.

Allyn attended New York University Law School, where he was one of the top students and was a member of the NYU Law Review. Allyn worked for the Idaho Attorney General's Office for 3 years, and then spent more than 40 years in private practice. In his spare time, he served as Chancellor for the Episcopal Diocese of Idaho, providing extensive legal services pro bono.

Allyn was a trial lawyer, and the courtroom was his stage. His methods were not always conventional. He had his own vocabulary, and a way of communicating that was sometimes humorous, but always believable. Allyn was a lawyer's lawyer. He was a fellow of the prestigious American College of

Trial Lawyers. He served as Idaho's representative to the Ninth Circuit Commission, and was Idaho's delegate to the American Bar Association House of Delegates. The Idaho State Bar honored him in 2004 when he was named its Distinguished Lawyer, and in 2008 the Idaho Judiciary named a courtroom in Boise after him.

Allyn was a lobbyist for both the insurance industry and the Idaho judiciary. He was especially effective as a lobbyist because he never forgot a political story or a point of Idaho trivia. As a lobbyist, he was generous with his humor and his story-telling. Shortly before his death, the Idaho legislature honored him with Senate Concurrent Resolution No. 111, which commended him for his lifetime service to the legislative branch of the State of Idaho.

But for all of Allyn Dingel's many accomplishments, he will be remembered most for his great compassion and his ability to find the good in people. It was said that he never forgot, but he always forgave. We can imagine him at the Pearly Gates telling St. Peter some long story about Idaho politics. We just hope those in line behind him were patient as he tried to teach St. Peter the words to the Vandal fight song.

I am honored to reflect on Allyn Dingel's wonderful, exemplary life, and pleased to call him my friend. He was an individual who made the most from the opportunities that presented themselves, and Idaho is better for that. My condolences go out to his family: his beloved wife Fran, his sons and their wives, Bryan and Valencia and Mike and Lori, and his six grandchildren. ●

REMEMBERING SAL GUARRIELLO

● Mrs. FEINSTEIN. Mr. President, I wish to honor the life of Sal Guarriello, a decorated veteran and an incredible public servant.

Mr. Guarriello was a beloved citizen of West Hollywood, serving for 19 years on its city council and for three terms as its mayor. During his nearly two decades on the council, he was a voice for the Russian, disabled, and LGBT communities, seniors, and veterans.

Mr. Guarriello received a Purple Heart when he was wounded while serving as an Army combat medic during World War II. For the rest of his life, he strove to honor and represent the needs of his fellow veterans. In 1998, he proposed that a veterans' memorial be built in West Hollywood to honor the sacrifices of all of America's veterans, and 5 years later his vision became reality.

Before joining the West Hollywood City Council, Mr. Guarriello worked to provide affordable housing as a member of the board of directors of the West Hollywood Community Housing Corporation and the West Hollywood Rent Stabilization Commission.

Mr. Guarriello also created the West Hollywood Children's Summer Olympics, initiated a successful anti-drunk driving campaign, and formed the Eastside Redevelopment Agency, which was instrumental in the successful negotiation of a plan to rehabilitate Santa Monica Boulevard.

Sal Guarriello will be remembered by his family, friends, and constituents as a patriot, a public servant, and an exceptional leader of the community.●

50TH ANNIVERSARY OF PLEASANT VALLEY SCHOOL

● Mr. LIEBERMAN. Mr. President, I wish today to honor Pleasant Valley Elementary School in South Windsor, CT. Pleasant Valley, or "PV" as it is affectionately referred to by many in South Windsor, will be celebrating its 50th anniversary this June. To mark this momentous occasion, I feel it is fitting to reflect back on all this school has done for its students and its community.

Pleasant Valley's motto is "Pleasant Valley School, a place to learn, to grow, and to care," and many of the students, parents, and faculty that have been involved with the school would attest that it has more than succeeded in creating such an environment. For 50 years, Pleasant Valley has helped the children of South Windsor develop a love of learning and discovery while instilling in them the skills and work ethic needed to succeed in South Windsor's excellent secondary schools.

When Pleasant Valley first opened in September 1958, it taught grades one through eight. While it was tough managing a large group of kids with such large age differences, those who attended or worked at the school during this time fondly recall basketball games, spelling bees, school plays, dedicated teachers, and, of course, friendships that would last a lifetime. Eventually, Pleasant Valley would become responsible for teaching students in kindergarten up to the fifth grade, and would always remain a vibrant, innovative place of learning.

Over the years, Pleasant Valley's staff has consistently launched inspired new initiatives designed to connect with their students. In 1981, PV started the Read at Home Program, which was put together to encourage students to read on their own. The theme for the program's first year was "footsteps to reading," which allowed students to post a paper foot on the school's walls for every book they read. By the end of the year, students had managed to cover almost the entire school, including the principal's office. In 1989, the school established the Special Friends Program—the first in South Windsor—to provide a safe setting, counseling, and friendship to at-risk students and those students experiencing sudden changes in their lives.

In the 1990-1991 school year, Nancy Mason, the school nurse, and Priscilla Spencer, the school's gym teacher, introduced an inventive project designed to teach students about both geography and physical fitness. The students were told that the school's mascot—Popcorn the Panther—was going to take a walking trip across the United States in which he would travel a mile for every mile that each student walked or ran. For the rest of the year, students were required to walk or run at least half a mile during every recess period and were encouraged to walk more. Prizes were given to the class and grade that contributed the most miles to Popcorn's journey. Throughout the year, teachers would have friends and family members who lived around the country send postcards "from Popcorn" so that students could see the fruits of their efforts and learn about various regions of the country. This successful program concluded with a large welcome home ceremony at the end of the school year, with several students joining Popcorn, played ably by an older student, for his final walk back to school.

At a time when much of our focus is understandably on improving schools that are not living up to standards, it is important to take time out to recognize those schools that have consistently provided a quality education to their students and that are constantly striving to find new ways to inspire students to reach new heights. For 50 years, Pleasant Valley School of South Windsor, CT, has been one of these schools; providing students with the ideal setting in which to develop their abilities, meet friends, and cultivate new interests. It truly is a place to learn, to grow, and to care. I congratulate all of Pleasant Valley's students, alumni, faculty, parents, and volunteers on a remarkable 50 years and look forward to seeing how they tackle the challenges of the future. Their dedication is truly an inspiration and should serve as an example to us all.●

REMEMBERING CAPTAIN WENDELL B. RIVERS

● Mr. NELSON of Nebraska. Mr. President, today I wish to honor Navy CAPT Wendell B. Rivers, who passed away on Saturday, May 9, 2009.

Wendell "Wendy" Rivers was born in Seward, NE, on July 6, 1928. He graduated from Seward High School in 1946, where he was senior class president, an all-conference football and basketball player, and an 880-yard track specialist. Upon graduation, Rivers enlisted in the U.S. Navy, receiving an appointment to the U.S. Naval Academy in 1948 and graduating in 1952, when he received his commission as an Ensign in the U.S. Navy. Following a brief tour on a destroyer during the Korean conflict, he entered flight

training in 1953, receiving his wings in March 1954.

Over the course of his career, Captain Rivers distinguished himself in many assignments as a naval aviator, missile project officer, flight deck officer, and squadron operations officer. Subsequent assignments were in naval aviation on the west coast at San Diego, Moffett Field, Monterey, Point Mugu, and Lemoore. During the Vietnam conflict, Captain Rivers deployed on his last cruise from Alameda, CA, aboard the USS Coral Sea, as a member of Air Wing 15, Attack Squadron 155. On February 11, 1965, he flew the first of 96 combat missions over North Vietnam. Tragically, on his 96th mission, he was shot down and captured at Vinh, North Vietnam, where he was then held in captivity for 7½ years.

While a prisoner of war, POW, Captain Rivers kept his faith in God, country, and Navy, despite all the hardships facing him and his fellow POWs. His steadfastness and devotion to others was an inspiration to those fellow POWs. In fact, shortly after he was freed, as the guest of honor at a celebration of America's independence in Nebraska's Fourth of July capital city, which was also coincidentally his hometown of Seward, Captain Rivers expressed that deep down he and his fellow POWs were always convinced they would one day come home.

After the tremendous sacrifice he had already endured, Captain Rivers continued to serve the Navy until 1976. The end of his career included serving as the head of the Aircraft Survivability and Vulnerability Branch of the Naval Air Systems Command, for which VADM F.S. Petersen said, "It was through Captain Rivers' personal forethought and initiative that this important aspect of Naval Aviation came to fruition."

CAPT Wendell B. Rivers passed away in his home on May 9, 2009, at the age of 80. Over the course of his career, Captain Rivers received numerous commendations, decorations, and medals, including the Silver Star, Legion of Merit with Star, Bronze Star, Distinguished Flying Cross, Vietnam Service Medal with three Silver Stars, Navy Occupation Medal, World War II Victory Medal, China Service Medal, United Nations Service Medal, and Korean Presidential Unit Citation. These awards reflect Captain Rivers' bravery and selfless service toward the security of our great country. The life and service of individuals such as Captain Rivers represents an example of patriotism we should all strive to emulate. I join all Nebraskans in mourning the loss of Captain Rivers and offer my deepest condolences to his family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:41 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2162. An act to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Postal Station".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 84. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 454. An act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Messrs. SKELTON, SPRAT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, COOPER, ELLSWORTH, SESTAK, MCHUGH, BARTLETT, MCKEON, THORNBERRY, JONES, AKIN, FORBES, MILLER of Florida, WILSON of South Carolina, CONAWAY, HUNTER, and COFFMAN of Colorado.

The message further announced that pursuant to 20 U.S.C. 4412, and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: Mr. LUJÁN of New Mexico.

At 4:30 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2346. An act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2162. An act to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Postal Station"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 84. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2346. An act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1606. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Calcium Lactate Pentahydrate; Exemption from the Requirement of a Tolerance" (FRL-8412-5) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1607. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Candida oleophila Strain O; Exemption from the Requirement of a Tolerance" (FRL-8412-9) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1608. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methoxyfenozide; Pesticide Tolerances for Emergency Exemptions" (FRL-8410-3) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1609. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John F. Regni, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1610. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Defense Advanced Research Projects Agency (DARPA), Strategic Plan, May 2009"; to the Committee on Armed Services.

EC-1611. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1612. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, the Bank's 2008 management reports; to the Committee on Banking, Housing, and Urban Affairs.

EC-1613. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the construction of a Mixed Oxide Fuel Fabrication Facility near Aiken, South Carolina; to the Committee on Energy and Natural Resources.

EC-1614. A communication from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" ((PA-148-FOR)(Docket No. OSM-2008-0014)) received in the Office of the President of the Senate on May 6, 2009; to the Committee on Energy and Natural Resources.

EC-1615. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Texas; Final Authorization of State Hazardous Waste Management Program Revision" (FRL-8901-1) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Environment and Public Works.

EC-1616. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Knox County Portion" (FRL-8903-6) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Environment and Public Works.

EC-1617. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Net Operating Loss Carryback Election Under 1211 of American Recovery and Reinvestment Tax" (Rev. Proc. 2009-26) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Finance.

EC-1618. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sub-Issue Letter Rulings Under Section 355" (Rev. Proc. 2009-25) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Finance.

EC-1619. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Date for Multiemployer Plans to Elect Relief under Sections 204 and 205 of WRERA" (Notice 2009-42) received in the Office of the

President of the Senate on May 5, 2009; to the Committee on Finance.

EC-1620. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: United States and Area Median Gross Income Figures" (Rev. Proc. 2009-27) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Finance.

EC-1621. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance to Policyholders Who Surrender or Sell Their Life Insurance Contracts" (Rev. Proc. 2009-13) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Finance.

EC-1622. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance to Investors Who Purchase Life Insurance Contracts" (Rev. Proc. 2009-14) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Finance.

EC-1623. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2009-45) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Finance.

EC-1624. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amortization and Reporting of Mortgage Insurance Premiums" (RIN1545-BH84) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Finance.

EC-1625. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Actuarial Tables in Valuing Annuities, Interests for Life or Terms of Years, and Remainder or Reversionary Interests" (RIN1545-BH96; RIN1545-BF56)(TD 9448) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Finance.

EC-1626. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of \$100,000,000 or more with the United Kingdom; to the Committee on Foreign Relations.

EC-1627. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, two reports relative to national healthcare quality; to the Committee on Health, Education, Labor, and Pensions.

EC-1628. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates for Fiscal Year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-1629. A communication from the Director, Human Resources Management Office, Federal Trade Commission, transmitting,

pursuant to law, a report relative to the implementation of an alternative rating and selection procedure; to the Committee on Homeland Security and Governmental Affairs.

EC-1630. A communication from the Chairman, Federal Accounting Standards Advisory Board, transmitting, pursuant to law, a report entitled "Estimating the Historical Cost of General Property, Plant, and Equipment: Amending Statements of Federal Financial Accounting Standards 6 and 23"; to the Committee on Homeland Security and Governmental Affairs.

EC-1631. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002: Fiscal 2008 (April 2009)"; to the Committee on Homeland Security and Governmental Affairs.

EC-1632. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period ending March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1633. A communication from the Director of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Headstones and Markers" (RIN2900-AN29) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Veterans' Affairs.

EC-1634. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Presumptive Service Connection for Disease Associated with Exposure to Certain Herbicide Agents: AL Amyloidosis" (RIN2900-AN01) received in the Office of the President of the Senate on May 5, 2009; to the Committee on Veterans' Affairs.

EC-1635. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Expansion of Enrollment in the VA Health Care System" (RIN2900-AN23) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Veterans' Affairs.

EC-1636. A communication from the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Insurance Trust Funds, transmitting, pursuant to law, the Boards' 2009 Annual Report and the 2009 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations, without amendment:

S. 1054. An original bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 111-20).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Robert O. Work, of Virginia, to be Under Secretary of the Navy.

*Raymond Edwin Mabus, Jr., of Mississippi, to be Secretary of the Navy.

*Thomas R. Lamont, of Illinois, to be an Assistant Secretary of the Army.

*Paul N. Stockton, of California, to be an Assistant Secretary of Defense.

*Andrew Charles Weber, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

*Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Air Force.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. LAUTENBERG)):

S. 1036. A bill to amend title 49, United States Code, to establish national purposes and goals for Federal surface transportation activities and programs and create a national surface transportation plan; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU:

S. 1037. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. SCHUMER, Mr. KENNEDY, Mr. KOHL, Mrs. BOXER, Mr. DODD, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. FEINGOLD, Mrs. MURRAY, Mr. KERRY, Mr. NELSON of Florida, Mr. KAUFMAN, Mr. CASEY, Ms. CANTWELL, and Mr. LEVIN):

S. 1038. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. KENNEDY, Mrs. GILLIBRAND, and Mr. BAYH):

S. 1039. A bill to provide grants for the renovation, modernization or construction of law enforcement facilities; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Ms. STABENOW):

S. 1040. A bill to establish a demonstration program requiring the utilization of Value-Based Insurance Design in order to demonstrate that reducing the copayments or coinsurance charged Medicare beneficiaries for selected medications can increase adherence to prescribed medication, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1041. A bill to amend the Oil Pollution Act of 1990 to modify the applicability of certain requirements to double hulled tankers transporting oil in bulk in Prince William

Sound, Alaska; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mrs. MCCASKILL):

S. 1042. A bill to prohibit the use of funds to promote the direct deposit of Veterans and Social Security benefits until adequate safeguards are established to prevent the attachment and garnishment of such benefits; to the Committee on Finance.

By Mr. GRAHAM:

S. 1043. A bill to require the United States Trade Representative to negotiate a remedy for the equitable border tax treatment on goods and services within the WTO by January 1, 2010, and for other purposes; to the Committee on Finance.

By Mr. THUNE:

S. 1044. A bill to preserve the ability of the United States to project power globally; to the Committee on Armed Services.

By Mrs. LINCOLN:

S. 1045. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the costs of providing technical training for employees; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1046. A bill to amend the Internal Revenue Code of 1986 to extend the excise tax provisions and income tax credit for biodiesel; to the Committee on Finance.

By Mr. MENENDEZ:

S. 1047. A bill to promote Internet safety education and cybercrime prevention initiatives, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. GILLIBRAND, and Mr. REED):

S. 1048. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. SCHUMER):

S. 1049. A bill to authorize the Secretary of Homeland Security to waive certain provisions of the pre-September 11, 2001, fire grant program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. KOHL, and Mr. LEVIN)):

S. 1050. A bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 1051. A bill to establish the Centennial Historic District in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Ms. COLLINS):

S. 1052. A bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 1053. A bill to amend the National Law Enforcement Museum Act to extend the termination date; to the Committee on Energy and Natural Resources.

By Mr. INOUE:

S. 1054. An original bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. BOXER (for herself, Mr. INOUE, Mr. AKAKA, and Mrs. FEINSTEIN):

S. 1055. A bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VOINOVICH (for himself, Mr. LIEBERMAN, and Mr. ISAKSON):

S. 1056. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget.

By Mr. TESTER (for himself, Mr. WICKER, Mr. CARDIN, and Mr. BROWN):

S. 1057. A bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, Mr. BOND, Mr. CHAMBLISS, Mr. CRAPO, Mr. TESTER, and Mr. VITTER):

S. 1058. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes; to the Committee on Finance.

By Mr. DEMINT:

S.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States relative to parental rights; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. GRAHAM, Mr. ENSIGN, Mr. NELSON of Florida, Mr. VOINOVICH, and Mr. LUGAR):

S. Res. 149. A resolution expressing solidarity with the writers, journalists, and librarians of Cuba on World Press Freedom Day and calling for the immediate release of citizens of Cuba imprisoned for exercising rights associated with freedom of the press; considered and agreed to.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 150. A resolution commemorating and celebrating the lives of Officer Kristine Marie Fairbanks, Deputy Anne Marie Jackson, and Sergeant Nelson Kai Ng who gave their lives in the service of the people of Washington State in 2008; considered and agreed to.

By Mr. BUNNING (for himself, Mr. ALEXANDER, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. UDALL of Colorado, Mr. KENNEDY, Mr. VOINOVICH, Mr. REID, Mr. CORKER, Mr. GRASSLEY, Mrs. MURRAY, and Mr. MCCONNELL):

S. Res. 151. A resolution designates a national day of remembrance on October 30, 2009, for nuclear weapons program workers; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 476

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 484

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 511

At the request of Mr. TESTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 529

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 529, a bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

S. 535

At the request of Mr. SESSIONS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of

S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 611

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 693

At the request of Mr. HARKIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 733

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 733, a bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by as-

sisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 751

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 751, a bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 823

At the request of Ms. SNOWE, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 908

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 938

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr.

LUGAR) was added as a cosponsor of S. 938, a bill to require the President to call a White House Conference on Children and Youth in 2010.

S. 943

At the request of Mr. THUNE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 943, a bill to amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes.

S. 950

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 950, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 957

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 957, a bill to amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services.

S. 973

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 973, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 979

At the request of Mr. DURBIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Florida (Mr. NELSON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to

communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1027

At the request of Ms. STABENOW, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1027, a bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes.

S.J. RES. 15

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 148

At the request of Mr. UDALL of New Mexico, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 148, a resolution expressing the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

AMENDMENT NO. 1058

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of amendment No. 1058 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1059

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1059 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1060

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1060 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1079

At the request of Ms. LANDRIEU, the names of the Senator from Hawaii (Mr. INOUE), the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1079 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1091

At the request of Mr. CARDIN, the names of the Senator from Nebraska (Mr. JOHANNES) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1091 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1095

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 1095 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1096

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 1096 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1099

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 1099 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1106

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cospon-

sor of amendment No. 1106 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1107

At the request of Ms. COLLINS, the names of the Senator from Arizona (Mr. KYL) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1107 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. SCHUMER, Mr. KENNEDY, Mr. KOHL, Mrs. BOXER, Mr. DODD, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. FEINGOLD, Mrs. MURRAY, Mr. KERRY, Mr. NELSON, of Florida, Mr. KAUFMAN, Mr. CASEY, Ms. CANTWELL, and Mr. LEVIN):

S. 1038. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I believe it is fair to say that there is a farm emergency in this country. Some of it is caused by drought, including out West where California has had, for 3 years, a very serious drought. But most of it is caused by the absence of farm labor—labor to help plant, prune, and harvest.

Many of us have listened to farm bureaus throughout the country, spoken with farmers who are losing land, following land, and leasing land abroad. I think the time has come to do something about it.

Today, with 16 cosponsors, I am introducing an agricultural worker bill known as AgJOBS. This bill is cosponsored by Senators LEAHY, SCHUMER, KENNEDY, KOHL, BOXER, DODD, LIEBERMAN, BINGAMAN, FEINGOLD, MURRAY, KERRY, BILL NELSON, KAUFMAN, CASEY, Cantwell, and Levin. It would provide farmers with the stable, legal workforce they deserve by reforming the broken H-2A seasonal worker program and offering a pathway to citizenship for hard-working, law-abiding immigrants already employed or who have been employed on American farms.

This bill is supported by more than 200 agricultural coalition and immigration reform groups throughout the Nation.

Since I last came to the floor to talk about a solution to this crisis, it has only grown. The bill is necessary, and I believe Congress must act now to save America's agriculture industry.

Today across the United States, there are not enough agricultural workers to do the pruning, picking, packing, and harvesting of our country's crops. With an inadequate supply of workers, farmers from Maine to California, from Washington State to Georgia, have watched their produce rot in fields, and have been forced to fallow close to half a million acres of land, and billions of dollars are being drained out of our economy as a result.

Farmers are downsizing their operations. Many are buying or leasing land in Mexico. Others are going out of business. Quite clearly, the labor situation facing the American farmer is an emergency.

So some ask: Why don't American farmers hire Americans to do their work? The unemployment rate is high. People are looking for jobs. So why don't they hire Americans?

The fact is, they have tried and tried and tried. But there are very few Americans who are willing to take the job in a hot field, doing backbreaking labor, in temperatures that often exceed 100 degrees. That is a fact.

The other fact is that immigrant workers are the backbone of America's agricultural industry—a huge industry and a proud industry, which is now dying due to the lack of steady labor supply.

Farmers are departing the country in order to stay in business, leaving devastated farm communities behind. In California, in the Great Central Valley, farmers who once tended "America's breadbasket" are now standing in bread lines, with unemployment rates in their communities that are as high as 45 percent. Topsoil from fallowed land turning into dust now blows up in sandstorms and has caused periodic shutdowns of Interstate 5, the State's main north-south freeway.

As a result of Congress's inaction, between 2007 and 2008—1 year—1.56 million acres of farmland, once rich with crops, are now dormant. That is 1.5 million acres dormant in a year. In California alone, in the past 5 years, that amount—1.5 million acres—of production has been lost.

American farmers have moved at least 84,155 acres of production to Mexico. This is what we know of: Over 84,000 acres of farm production now in Mexico. This has resulted in the growth of farm labor jobs in Mexico; namely, 22,285 jobs to cultivate crops that vary in diversity from avocados to green onions to watermelons.

This shortage of workers is devastating American agriculture, and we need to wake up and understand what is happening. In the next 1 to 2 years, the United States stands to lose \$5 billion to \$9 billion in agricultural sales to foreign competition if Congress does not act to provide a workforce for the American farming community.

California has already lost almost \$1 billion from 2005 to 2006. It is estimated

we will lose between \$1.7 and \$3.1 billion in the next year. The California farm industry—the largest in America—was almost a \$40 billion-a-year industry. It is deteriorating every year.

We are witnessing nothing less than the slow vanishing of American agriculture.

Ayron Moiola, the executive director of the Imperial Valley Vegetable Growers Association, predicts that California's asparagus crops will disappear completely in the Imperial Valley if their demand for specialized asparagus planters and harvesters is not met.

Colorado farmers have estimated their State's fruit and vegetable industry will disappear completely in the next 5 to 10 years without some program to provide a sustainable workforce.

As of February 2008, 35 to 45 New Hampshire farm operations have been at risk of going out of business or being forced to severely cut back operations due to labor shortages.

This reduction in farm production would result in an estimated loss of 22,000 acres of farmland and \$58 million of agricultural production for New Hampshire alone. In addition, over 600 full-time farm jobs and 4,300 jobs in agriculture-related businesses could be in jeopardy.

I say to the Presiding Officer, I hear this from your apple growers in New York, and I hear it from the dairy industry throughout America.

The situation is dire from coast to coast, and urgent action is required to halt these trends. I do not think we can afford to lose our entire agricultural industry because this has always been a central and sustainable part of our national economy. Our food is clean; there are strong pesticide controls in this country. I think most of us believe we would much prefer to buy American produce than foreign produce. Yet we may not have that opportunity.

When farmers suffer, there is a ripple effect felt throughout the economy: in farm equipment manufacturing, packaging, processing, transportation, marketing, lending, and insurance. Jobs are being lost, and our economy is going to decline further as a result. Low-producing farms mean a lowered local tax base—as farms no longer generate income and create jobs.

As can be seen from this graphic I have in the Chamber, for every job lost on a farm and ranch, the country loses approximately three jobs in related sectors that are supported by having the agricultural community in this country.

I have received a letter from the Port of Oakland, which depends heavily on agribusiness for its survival. According to the port, last year more than 750 metric tons of agricultural products, worth approximately \$2.6 billion, were shipped through the port, representing 40 percent of the port's exports.

As these farms disappear, port jobs, basic jobs for people, also disappear. The central issue is not immigration; it is the bottom line of the American economy. I think Congress should be doing everything we can to prevent U.S. farms from closing down.

There is a solution, and it is this bill. This bill is well known, and this bill has been well supported in the past with a majority of votes. It is bipartisan. We can take it up and pass it today, and that would immediately help American farmers bolster the U.S. economy at a critical time.

The AgJOBS bill has two parts. The first meets the immediate needs of our farmers by creating a program that would provide an opportunity for experienced agricultural workers to earn the right to apply for legal status in this country.

The second part meets the long-term needs of farmers by reforming the H-2A program—that is the temporary worker program for the farm industry—so that if new workers are needed, farmers and growers have a legal path to bring workers in to harvest their crops.

The first step of the program requires that undocumented agricultural workers apply for a blue card if they can demonstrate they have worked in American agriculture in the United States for at least 150 workdays within the previous 2 years before December 31, 2008.

The second step requires that a blue cardholder work in the U.S. agricultural industry for an additional 150 workdays per year for at least 3 years, or 100 workdays per year for 5 years.

At the end of this time, a worker can obtain a green card and can continue to work in agriculture.

Workers participating in the program will be required to pay a fine of \$500, show that they are current on their taxes, and that they have not been convicted of any crime that involves bodily injury, the threat of bodily injury or harm to property.

Employment is verified through employer-issued itemized statements, pay stubs, W-2 forms, employer letters, contracts or agreements, employer-sponsored health care, timecards or payment of taxes.

At the end of 5 years, those workers will be able to gain citizenship in this country.

The blue card visa program will be capped at 1.35 million blue cards over 5 years and sunsets after 5 years.

All blue cards will have encrypted, biometric identifiers, and contain other anticounterfeiting protections. This provides, in effect, a biometric identifier for 1.35 million people who are undocumented but in the country today.

AgJOBS would also streamline the current guest worker program, known as the H-2A program, which is currently unwieldy and ineffective.

Among other things, the bill will shorten the labor certification process, which now often takes 60 days, reducing the approval process to between 48 to 72 hours.

Advertising and positive recruitment for U.S. workers in the local labor market is required by filing a job notification with the local office of the State employment security agency.

Petitions for admission of H-2A workers must be processed and the consulate or port of entry notified within 7 days of receipt.

The adverse effect wage rate would be frozen for 3 years, to be gradually replaced with a prevailing wage standard.

H-2A visas will be secure and counterfeit resistant.

The reforms to the H-2A agricultural worker program are especially important to meet the needs of year-round agricultural industries, such as dairy, which are not covered by the seasonal program.

Many say that dairy should use the seasonal H-2A program—but it does not work for that industry. They need workers 24/7, 365 days a year.

The National Milk Producers recently shared with me an economic study done by researchers at Texas A&M that will be released next week on the economic impacts of immigration on U.S. dairy farms. Over 5,000 dairy farms, surveyed nationally, with responses from 47 States, are in this study. Of these, 50 percent use immigrant labor. Immigrant labor now accounts for 62 percent of milk production in 47 States.

As can be seen from this chart I have in the Chamber, eliminating immigrant labor would reduce the U.S. dairy herd by 1.34 million, milk production by 29.5 billion pounds, and the number of farms by 4,532. Retail milk prices would increase by an estimated 61 percent.

This will be the result if we do not recognize what is a basic reality that farm and dairy communities depend on undocumented workers, who are the only workers who will do this kind of work.

This is hard for people to believe. However, a while back, we posted notices in the welfare departments of all 58 California counties that said: Agricultural worker jobs available. Please sign up here.

However, do you know how many workers came from this? Not a single one.

When I drive down the highway, down to Monterey, along the coast, and I go through the great Salinas Valley, I watch the row crops either being planted or sprayed or harvested. You see the workers in the field stooped over, hour after hour, in the sun, when it is 100 degrees or more in temperature, and you can see the specific nature of this type of work.

People think of this work as unskilled labor, but it is not. It is a learned skill. These workers have to move fast and be trained to use the farm equipment. They know how to work skillfully with their hands and move row after row, after row, down the field.

Last summer, a young pregnant woman working in the field collapsed from heat exhaustion and was taken to the hospital, where she died. Working in the field is back breaking, difficult work, and there are very few Americans who are willing to do this work.

The backbone of the agriculture industry in my State is the undocumented workforce and it is time to recognize that reality. I can't have—and Mr. President, you can't have—farmers standing in bread lines because they can't get the labor to plant or harvest their crops. The fields across America are increasingly being fallowed and this does not make sense.

Congress must stand tall and acknowledge that the basic workforce in the American agricultural community is undocumented farm labor. Undocumented workers take these jobs because they are professional and proud of the work that they do. I believe that is desirable.

This bill has previously passed with more than a majority in comprehensive immigration reform. It recognizes that the American farm industry is in crisis; that the industry is deteriorating; and that America is losing its produce. This bill stands up for American farmers and provides them with the workforce they deserve—American farmers like Toni Scully, a pear farmer from Lake County, CA.

Toni Scully experienced a devastating harvest that left much of her pear crop rotting on the ground because she could not find workers in time for the harvest.

Early last year, I heard from Dewey Zabka, an onion and potato farmer in northern Colorado who, for the first time in his company's 50-year history, had to downsize 25 percent of his production.

In the State of New York, 800 farms and \$700 million in sales may be forced to go out of business or scale back their farm operations if labor shortages continue. For the first time since 1991, Jim Bittner, the owner of Singer Farms in Appleton, NY, razed 10 percent of his sweet cherry and peach orchards last year because he could not get farm labor.

For the 2009 season, California growers who anticipate a shortage of reliable labor are deciding to move away from planting permanent tree crops, including peach, plumb, nectarine, almond, pomegranate, and olive trees. Many of these farmers are supplementing these crops with pistachios, which can be harvested mechanically.

In June 2008, The Oregonian reported that Oregon's pear and onion industries are at risk of not being able to sustain production without consistent labor.

In Yuma County, AZ, where agricultural workers earn between \$10 and \$19 per hour, U.S. lettuce producers were unable to find enough laborers to harvest the spring crop of lettuce for 2008.

The truth is Americans will not do the work that sustains agriculture. It is hard, stooped labor requiring long and unpredictable hours. As a result, the labor shortage will be persistent. It is not going to get better next year, unless we have the courage and the guts to stand up for a major industry in America which deserves a steady labor base, particularly during these difficult economic times. And there are examples all over the nation that Americans simply won't fill these jobs.

H. Lee Showalter, a member of the Pennsylvania Apple Marketing Board, points to the example of the largest Macintosh apple producer in New York, who is required to advertise for local labor before joining a migrant labor program. Of the 300 workers he needed to fill, only 1 American worker applied.

Willoway Nurseries, Inc. has been in business in northern Ohio since 1954. Willoway Nurseries has attempted to recruit local workers, though to no avail. General nursery workers on this farm earn a starting wage of \$9.93 per hour. Yet it has been impossible for the nursery to recruit American help.

The Washington Farm Bureau reported that nearly 500 tons of apples were not picked in Washington State's apple harvests last year due to picker shortages. As Valoria H. Loveland, director of the Washington State Department of Agriculture, stated in a letter to me:

The reality of our local labor market [is that] local people who want to work are already employed, or are not interested in doing the seasonal and physically demanding work that characterizes our specialty crop production.

Experts estimate that nearly 80 percent of Florida's approximately 150,000 agricultural workers are undocumented immigrants. This is a \$1.6 billion a year business that produces up to 90 percent of the fresh domestic tomatoes that Americans eat between the months of December and May.

Many farmers have been in business for generations. Many farm the land that their parents and their grandparents farmed before them. California farms produce approximately 350 different crops: pears, walnuts, raisins, lettuce, onions, strawberries, and apricots, just to name a few. Without reform, we will continue to see the deterioration of American farms nationwide. This includes the possibility that certain vegetables and fruits will no longer grow in our Nation, where we have stricter rules and regulations for safety.

Once the trees are gone, they are replaced by crops that do not require manual labor. As a result, our pears, our apples, our oranges will be increasingly coming from foreign sources. This is not what America wants, but it is what Congress's inaction compels.

The trend is quite clear. If there is not a means to grow and harvest our produce in this country, we will import produce from China, from Mexico, and from other countries that have sufficient labor. If our farmers want to stay in business, they will continue to go to Mexico and lease land and grow crops there. We are not doing our duty if we let this continue.

Steve Scaroni has been in the California lettuce and broccoli industry for over three decades. In recent years he has moved 2,000 acres and 500 jobs from his \$50 million operation in Heber, CA, to Guanajuato, Mexico. Steve wants his business to survive, and he can't hire or plant. If he can't plant, he can't pick. If he can't pick, he can't pack, and he won't be able to deliver a harvest. As a result, today Steve exports to the United States about 2 million pounds of lettuce a week. He has spent thousands of dollars to start up the new farms and to train workers to ensure that his crops meet U.S. food safety standards.

In Wilcox, AZ, Eurofresh Farms has transferred tomato crops and 150 workers to Sonora, Mexico, where tomatoes are grown and shipped to the U.S. on a daily basis.

Reforming the system means that we not only protect the agricultural industry, but also the health of this Nation. This past July, the Food and Drug Administration confirmed that a variety of jalapeno and serrano peppers grown in Mexico caused an outbreak of salmonella in the United States. This outbreak was first thought to have originated in tomatoes.

The repercussions of the outbreak were felt on farms from coast to coast. In Georgia alone, it is estimated that the tomato scare cost local farmers about \$14 million in total production value. Nationwide, the tomato industry lost at least \$100 million due to lower prices and reduced demand. At the same time, over the last 15 years, imports of tomatoes have increased 179 percent. Right now, almost 40 percent of the tomatoes that we eat are grown in a foreign country. Yet tomato farmers are being forced to close shop.

The agriculture industry has been seeking a resolution for the labor crisis for the past 10 years. Mr. President, I have received over 50 letters of support for AgJOBS.

I am committed to working with the Obama administration, and Senators LEAHY, SCHUMER, and KENNEDY, as well as the House champions, Representatives BERMAN and PUTNAM, and others, to support U.S. farmers and the workers who provide the skilled labor needed to plant, tend and harvest our crops.

The time is now, and the solution is before us. I urge my colleagues to join me in support of AgJOBS and help restore America's farms before it is too late.

Mr. President, I ask unanimous consent that the text of the bill, letters of support, and list of supporters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2009" or the "AgJOBS Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, table of contents.

Sec. 2. Definitions.

TITLE I—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Subtitle A—Blue Card Status

Sec. 101. Requirements for blue card status.

Sec. 102. Treatment of aliens granted blue card status.

Sec. 103. Adjustment to permanent residence.

Sec. 104. Applications.

Sec. 105. Waiver of numerical limitations and certain grounds for inadmissibility.

Sec. 106. Administrative and judicial review.

Sec. 107. Use of information.

Sec. 108. Regulations, effective date, authorization of appropriations.

Subtitle B—Correction of Social Security Records

Sec. 111. Correction of Social Security records.

TITLE II—REFORM OF H-2A WORKER PROGRAM

Sec. 201. Amendments to the Immigration and Nationality Act.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Determination and use of user fees.

Sec. 302. Regulations.

Sec. 303. Reports to Congress.

Sec. 304. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 101(a).

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(4) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural

association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(6) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

TITLE I—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Subtitle A—Blue Card Status

SEC. 101. REQUIREMENTS FOR BLUE CARD STATUS.

(a) REQUIREMENT TO GRANT BLUE CARD STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant blue card status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2008;

(2) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 105(b); and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500.

(b) AUTHORIZED TRAVEL.—An alien who is granted blue card status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted blue card status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF BLUE CARD STATUS.—

(1) DEPORTABLE ALIENS.—The Secretary shall terminate blue card status granted to an alien if the Secretary determines that the alien is deportable.

(2) OTHER GROUNDS FOR TERMINATION.—The Secretary shall terminate blue card status granted to an alien if—

(A) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(B) the alien—

(i) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under section 105(b);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500; or

(iv) fails to perform the agricultural employment required under paragraph (1)(A) of section 103(a) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in paragraph (3) of such section.

(e) RECORD OF EMPLOYMENT.—

(1) IN GENERAL.—Each employer of an alien granted blue card status shall annually—

(A) provide a written record of employment to the alien; and

(B) provide a copy of such record to the Secretary.

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under paragraph (1) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil penalty in an amount not to exceed \$1,000 per violation.

(B) LIMITATION.—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(3) SUNSET.—The obligation under paragraph (1) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted blue card status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted blue card status shall pay a fine of \$100 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,350,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

SEC. 102. TREATMENT OF ALIENS GRANTED BLUE CARD STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted blue card status (including a spouse or child of the alien granted derivative status) shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—Except as otherwise provided in law, an alien granted blue card status (including a spouse or child of the alien granted derivative status) shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under section 103.

SEC. 103. ADJUSTMENT TO PERMANENT RESIDENCE.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(1) QUALIFYING EMPLOYMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the alien has performed at least—

(i) 5 years of agricultural employment in the United States for at least 100 work days

per year, during the 5-year period beginning on the date of the enactment of this Act; or

(ii) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(B) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subparagraph (A) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in section 101(e); or

(B) documentation that may be submitted under section 104(c).

(3) EXTRAORDINARY CIRCUMSTANCES.—

(A) IN GENERAL.—In determining whether an alien has met the requirement of paragraph (1)(A), the Secretary may credit the alien with not more than 12 additional months of agricultural employment in the United States to meet such requirement if the alien was unable to work in agricultural employment due to—

(i) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(ii) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records;

(iii) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time; or

(iv) termination from agricultural employment, if the Secretary finds that the termination was without just cause and that the alien was unable to find alternative agricultural employment after a reasonable job search.

(B) EFFECT OF FINDING.—A finding made under subparagraph (A)(iv), with respect to an alien, shall not—

(i) be conclusive, binding, or admissible in a separate or subsequent judicial or administrative action or proceeding between the alien and a current or prior employer of the alien or any other party; or

(ii) subject the alien's employer to the payment of attorney fees incurred by the alien in seeking to obtain a finding under subparagraph (A)(iv).

(4) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(5) FINE.—The alien pays a fine of \$400 to the Secretary.

(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary shall deny an alien granted blue card status an adjustment of status under this section if—

(1) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(2) the alien—

(A) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500; or

(D) failed to perform the agricultural employment required under paragraph (1)(A) of subsection (a) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in paragraph (3) of such subsection.

(c) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this section before the expiration of the application period described in subsection (a)(4) or who fails to meet the other requirements of subsection (a) by the end of the application period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(d) PAYMENT OF TAXES.—

(1) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this section, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

(A) no such tax liability exists;

(B) all such outstanding tax liabilities have been paid; or

(C) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) APPLICABLE FEDERAL TAX LIABILITY.—In paragraph (1) the term “applicable Federal tax liability” means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under subsection (a)(1) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(3) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

(e) SPOUSES AND MINOR CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted an adjustment of status under subsection (a), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(2) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(A) GRANTING OF STATUS AND REMOVAL.—The Secretary shall grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted blue card status and shall not remove such derivative spouse or child during the period that the alien granted blue card status maintains such status, except as provided in paragraph (3). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive blue card status under subsection (h) of section 101.

(B) TRAVEL.—The derivative spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(C) EMPLOYMENT.—The derivative spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful

employment in the United States while such alien maintains blue card status.

(3) **GROUND FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.**—The Secretary shall deny an alien spouse or child adjustment of status under paragraph (1) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500.

SEC. 104. APPLICATIONS.

(a) **SUBMISSION.**—The Secretary shall provide that—

(1) applications for blue card status may be submitted—

(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary; and

(2) applications for adjustment of status under section 103 shall be filed directly with the Secretary.

(b) **QUALIFIED DESIGNATED ENTITY DEFINED.**—In this section, the term “qualified designated entity” means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled “An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes”, approved November 2, 1966 (Public Law 89-732; 8 U.S.C. 1255 note), Public Law 95-145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99-603; 100 Stat. 3359) or any amendment made by that Act.

(c) **PROOF OF ELIGIBILITY.**—

(1) **IN GENERAL.**—An alien may establish that the alien meets the requirement of section 101(a)(1) or 103(a)(1) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) **DOCUMENTATION OF WORK HISTORY.**—

(A) **BURDEN OF PROOF.**—An alien applying for status under section 101(a) or 103(a) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 101(a)(1) or 103(a)(1), as applicable.

(B) **TIMELY PRODUCTION OF RECORDS.**—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment,

the alien’s burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) **SUFFICIENT EVIDENCE.**—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required by section 101(a)(1) or 103(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) **APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.**—

(1) **REQUIREMENTS.**—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(1)(B) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien’s work history, if the alien requests such assistance.

(2) **NO AUTHORITY TO MAKE DETERMINATIONS.**—No qualified designated entity may make a determination required by this subtitle to be made by the Secretary.

(e) **LIMITATION ON ACCESS TO INFORMATION.**—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) **CONFIDENTIALITY OF INFORMATION.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) **REQUIRED DISCLOSURES.**—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) **CONSTRUCTION.**—

(A) **IN GENERAL.**—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to

the application, or any other information derived from the application, that is not available from any other source.

(B) **CRIMINAL CONVICTIONS.**—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for blue card status or an adjustment of status under section 103 has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) **CRIME.**—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed \$10,000.

(g) **PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.**—

(1) **CRIMINAL PENALTY.**—Any person who—

(A) files an application for blue card status or an adjustment of status under section 103 and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) **INADMISSIBILITY.**—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) **ELIGIBILITY FOR LEGAL SERVICES.**—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for blue card status or an adjustment of status under section 103.

(i) **APPLICATION FEES.**—

(1) **FEE SCHEDULE.**—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for blue card status or for an adjustment of status under section 103; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) **PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.**—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) **DISPOSITION OF FEES.**—

(A) **IN GENERAL.**—There is established in the general fund of the Treasury a separate account, which shall be known as the “Agricultural Worker Immigration Status Adjustment Account”. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) **USE OF FEES FOR APPLICATION PROCESSING.**—Amounts deposited in the “Agricultural Worker Immigration Status Adjustment Account” shall remain available to the Secretary until expended for processing applications for blue card status or an adjustment of status under section 103.

SEC. 105. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under section 103.

(b) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under section 101(a) or an alien's eligibility for adjustment of status under section 103(b)(2)(A) the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Subparagraphs (A), (B), (C), (D), (G), (H), and (I) of paragraph (2) and paragraphs (3) and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for blue card status or an adjustment of status under section 103 by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(c) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in section 101(a)(2) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in section 101(a)(2), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized

endorsement or other appropriate work permit for such purpose.

SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for blue card status or adjustment of status under section 103 except in accordance with this section.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 107. USE OF INFORMATION.

Beginning not later than the first day of the application period described in section 101(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 104(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this subtitle and the requirements that an alien is required to meet to receive such benefits.

SEC. 108. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to implement this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2009 and 2010.

Subtitle B—Correction of Social Security Records

SEC. 111. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” at the end;

(3) by inserting after subparagraph (C) the following:

“(D) who is granted blue card status under the Agricultural Job Opportunities, Benefits, and Security Act of 2009”; and

(4) by striking “1990.” and inserting “1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

TITLE II—REFORM OF H-2A WORKER PROGRAM

SEC. 201. AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

“SEC. 218. H-2A EMPLOYER APPLICATIONS.

“(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

“(1) IN GENERAL.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

“(A) the assurances described in subsection (b);

“(B) a description of the nature and location of the work to be performed;

“(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

“(D) the number of job opportunities in which the employer seeks to employ the workers.

“(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

“(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

“(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

“(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

“(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

“(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

“(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

“(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

“(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out

of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

“(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

“(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

“(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H-2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

“(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H-2A worker.

“(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

“(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

“(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

“(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

“(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

“(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(H) EMPLOYMENT OF UNITED STATES WORKERS.—

“(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H-2A nonimmigrant is, or H-2A nonimmigrants are, sought:

“(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

“(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on ‘America's Job Bank’ or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

“(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

“(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H-2A workers could not reasonably have been foreseen.

“(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

“(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H-2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H-2A worker who is in the job was hired has elapsed, subject to the following requirements:

“(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H-2A workers in order to force the hiring of United States workers under this clause.

“(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

“(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

“(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

“(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

“(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

“(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

“(d) WITHDRAWAL OF APPLICATIONS.—

“(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

“(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

“(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H-2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

“(e) REVIEW AND APPROVAL OF APPLICATIONS.—

“(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

“(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

“(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

“(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.”

“SEC. 218A. H-2A EMPLOYMENT REQUIREMENTS.

“(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer’s H-2A workers.

“(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

“(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

“(A) IN GENERAL.—An employer applying under section 218(a) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

“(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer’s election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

“(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

“(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

“(E) LIMITATION.—Nothing in this paragraph shall be construed to require an em-

ployer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

“(F) CHARGES FOR HOUSING.—

“(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing’s management.

“(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

“(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

“(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

“(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H-2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

“(iii) AMOUNT OF ALLOWANCE.—

“(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(2) REIMBURSEMENT OF TRANSPORTATION.—

“(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker’s transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

“(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker’s transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker’s transportation and subsistence to such subsequent employer’s place of employment.

“(C) LIMITATION.—

“(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

“(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

“(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

“(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

“(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker’s living quarters and the employer’s worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

“(3) REQUIRED WAGES.—

“(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

“(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2009 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2009, as established by section 655.107 of title 20, Code of Federal Regulations.

“(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

“(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2009, had been annually adjusted, beginning on March 1, 2012, by the lesser of—

“(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

“(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

“(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

“(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

“(i) the worker's total earnings for the pay period;

“(ii) the worker's hourly rate of pay, piece rate of pay, or both;

“(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the $\frac{3}{4}$ guarantee described in paragraph (4);

“(iv) the hours actually worked by the worker;

“(v) an itemization of the deductions made from the worker's wages; and

“(vi) if piece rates of pay are used, the units produced daily.

“(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2011, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

“(i) whether the employment of H-2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the

absence of the employment of H-2A workers in those occupations;

“(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

“(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

“(v) recommendations for future wage protection under this section.

“(H) COMMISSION ON WAGE STANDARDS.—

“(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H-2A program (in this subparagraph referred to as the ‘Commission’).

“(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

“(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

“(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

“(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

“(I) whether the employment of H-2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

“(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

“(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

“(V) recommendations for future wage protection under this section.

“(iv) FINAL REPORT.—Not later than December 31, 2011, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

“(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

“(4) GUARANTEE OF EMPLOYMENT.—

“(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least $\frac{3}{4}$ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H-2A worker less employment than that required under this paragraph, the employer

shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

“(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the ‘ $\frac{3}{4}$ guarantee’ described in subparagraph (A).

“(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

“(5) MOTOR VEHICLE SAFETY.—

“(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

“(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H-2A employer that uses or causes to be used any vehicle to transport an H-2A worker within the United States.

“(ii) DEFINED TERM.—In this paragraph, the term ‘uses or causes to be used’—

“(I) applies only to transportation provided by an H-2A employer to an H-2A worker, or by a farm labor contractor to an H-2A worker at the request or direction of an H-2A employer; and

“(II) does not apply to—

“(aa) transportation provided, or transportation arrangements made, by an H-2A worker, unless the employer specifically requested or arranged such transportation; or

“(bb) car pooling arrangements made by H-2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

“(iii) CLARIFICATION.—Providing a job offer to an H-2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H-2A worker by an H-2A employer, shall not constitute an arrangement of, or participation in, such transportation.

“(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H-2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the

planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

“(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

“(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

“(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

“(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

“(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

“(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H-2A worker.

“(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

“(iii) EFFECT OF WORKERS’ COMPENSATION COVERAGE.—If the employer of any H-2A worker provides workers’ compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

“(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

“(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

“(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer’s application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

“(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to

apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

“(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H-2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

“(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

“(c) CRITERIA FOR ADMISSIBILITY.—

“(1) IN GENERAL.—An H-2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

“(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien’s authorized period of admission under this section has expired; or

“(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

“(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

“(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H-2A status, but may not be granted that status in the United States.

“(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

“(d) PERIOD OF ADMISSION.—

“(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days

following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed 10 months.

“(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

“(e) ABANDONMENT OF EMPLOYMENT.—

“(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H-2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H-2A worker prematurely abandons employment.

“(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H-2A worker who violates any term or condition of the worker’s nonimmigrant status.

“(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

“(f) REPLACEMENT OF ALIEN.—

“(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H-2A worker—

“(A) who abandons or prematurely terminates employment; or

“(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

“(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

“(g) IDENTIFICATION DOCUMENT.—

“(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien’s identity.

“(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

“(A) The document shall be capable of reliably determining whether—

“(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

“(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H-2A worker.

“(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

“(C) The document shall—

“(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

“(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(h) EXTENSION OF STAY OF H-2A ALIENS IN THE UNITED STATES.—

“(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H-2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

“(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

“(A) for a period of more than 10 months; or

“(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

“(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

“(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

“(B) DEFINITION.—For purposes of subparagraph (A), the term ‘file’ means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

“(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

“(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

“(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

“(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H-2A worker (including any extensions) is 3 years.

“(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

“(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United

States whose period of authorized status as an H-2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least $\frac{1}{2}$ the duration of the alien's previous period of authorized status as an H-2A worker (including any extensions).

“(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H-2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H-2A worker.

“(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2009, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a shepherd, goat herder, or dairy worker—

“(1) may be admitted for an initial period of 12 months;

“(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

“(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

“(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term ‘eligible alien’ means an alien—

“(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a shepherd, goat herder, or dairy worker;

“(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

“(A) the alien's employer on behalf of the eligible alien; or

“(B) the eligible alien.

“(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

“(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

“(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of sta-

tus in accordance with any other provision of law.

“SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

“(a) ENFORCEMENT AUTHORITY.—

“(1) INVESTIGATION OF COMPLAINTS.—

“(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

“(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

“(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed \$1,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

“(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed \$5,000 per violation) as the Secretary of Labor determines to be appropriate;

“(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

“(iii) the Secretary may disqualify the employer from the employment of H-2A workers for a period of 2 years.

“(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed \$15,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of H-2A workers for a period of 3 years.

“(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of \$90,000.

“(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H-2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

“(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

“(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H-2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

“(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

“(2) The reimbursement of transportation as required under section 218A(b)(2).

“(3) The payment of wages required under section 218A(b)(3) when due.

“(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

“(5) The guarantee of employment required under section 218A(b)(4).

“(6) The motor vehicle safety requirements under section 218A(b)(5).

“(7) The prohibition of discrimination under subsection (d)(2).

“(c) PRIVATE RIGHT OF ACTION.—

“(1) MEDIATION.—Upon the filing of a complaint by an H-2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

“(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H-2A workers and agricultural employers without charge to the parties.

“(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

“(C) AUTHORIZATION.—

“(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service \$500,000 for each fiscal year to carry out this section.

“(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

“(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H-2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

“(3) ELECTION.—An H-2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

“(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H-2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

“(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or ob-

ligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

“(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

“(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

“(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

“(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

“(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H-2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

“(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

“(i) a recovery under a State workers' compensation law; or

“(ii) rights conferred under a State workers' compensation law.

“(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H-2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

“(9) PRECLUSIVE EFFECT.—Any settlement by an H-2A worker and an H-2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H-2A employer on behalf of an H-2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(d) DISCRIMINATION PROHIBITED.—

“(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a

former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

“(2) DISCRIMINATION AGAINST H-2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H-2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

“(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H-2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

“(f) ROLE OF ASSOCIATIONS.—

“(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

“(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association member or members as well.

“SEC. 218D. DEFINITIONS.

“For purposes of this section and section 218, 218A, 218B, and 218C:

“(1) AGRICULTURAL EMPLOYMENT.—The term ‘agricultural employment’ means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

“(2) BONA FIDE UNION.—The term ‘bona fide union’ means any organization in which em-

ployees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

“(3) DISPLACE.—The term ‘displace’, in the case of an application with respect to 1 or more H-2A workers by an employer, means laying off a United States worker from a job for which the H-2A worker or workers is or are sought.

“(4) ELIGIBLE.—The term ‘eligible’, when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

“(5) EMPLOYER.—The term ‘employer’ means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

“(6) H-2A EMPLOYER.—The term ‘H-2A employer’ means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

“(7) H-2A WORKER.—The term ‘H-2A worker’ means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

“(8) JOB OPPORTUNITY.—The term ‘job opportunity’ means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

“(9) LAYING OFF.—

“(A) IN GENERAL.—The term ‘laying off’, with respect to a worker—

“(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

“(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

“(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

“(10) REGULATORY DROUGHT.—The term ‘regulatory drought’ means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

“(11) SEASONAL.—Labor is performed on a ‘seasonal’ basis if—

“(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

“(B) from its nature, it may not be continuous or carried on throughout the year.

“(12) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(13) TEMPORARY.—A worker is employed on a ‘temporary’ basis where the employment is intended not to exceed 10 months.

“(14) UNITED STATES WORKER.—The term ‘United States worker’ means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).”.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

“Sec. 218. H-2A employer applications.

“Sec. 218A. H-2A employment requirements.

“Sec. 218B. Procedure for admission and extension of stay of H-2A workers.

“Sec. 218C. Worker protections and labor standards enforcement.

“Sec. 218D. Definitions.”.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 201(a) of this Act and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 201 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 201(a) of this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 201(a) of this Act shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out—

(1) sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 201 of this Act; and

(2) the provisions of this Act.

SEC. 302. REGULATIONS.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all

regulations to implement the duties of the Secretary under this Act and the amendments made by this Act.

(b) **REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.**—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act and the amendments made by this Act.

(c) **REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.**—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this Act and the amendments made by this Act.

(d) **DEADLINE FOR ISSUANCE OF REGULATIONS.**—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 201 of this Act, shall take effect on the effective date of section 201 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 303. REPORTS TO CONGRESS.

(a) **ANNUAL REPORT.**—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection (e)(2) of section 218B of such Act, as added by section 201;

(3) the number of such aliens who departed the United States within the period specified in subsection (d) of such section 218B;

(4) the number of aliens who applied for blue card status pursuant to section 101(a);

(5) the number of aliens who were granted such status pursuant section 101(a);

(6) the number of aliens who applied for an adjustment of status pursuant to section 103(a); and

(7) the number of aliens who received an adjustment of status pursuant section 103(a).

(b) **IMPLEMENTATION REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 304. EFFECTIVE DATE.

The amendments made by section 201 and section 301 shall take effect 1 year after the date of the enactment of this Act.

CHANGE TO WIN,

Washington, DC, May 14, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The seven affiliated unions and six million members of Change to Win write to thank you for your continued leadership in reintroducing the "AgJOBS" bill (the Agricultural Job Opportunities, Benefits, and Security Act of 2009), and to pledge our full support for its enactment.

The effects of our broken immigration system on the labor market must be addressed. Farm workers and their families live in fear of deportation, and agricultural growers across the country face worker shortages.

AgJOBS would enable farm workers to bargain for better working and living conditions and provide growers a legal stable labor supply by offering undocumented farm workers the chance to come out of the shadows and earn legal status by meeting stringent agricultural-work requirements. It is important that AgJOBS would also revise the H-2A agricultural guestworker program in a balanced manner.

This bipartisan bill is the product of congressional negotiations and an historic compromise between the United Farm Workers and major agribusiness employers. It also has the full support of hundreds of farmer, worker, and immigrant organizations. Its passage would be a substantial down payment on the kind of comprehensive immigration reform our country needs.

Sincerely,

Anna Burger, Chair, Change to Win, International Secretary-Treasurer, Service Employees International Union (SEIU); Edgar Romney, Secretary-Treasurer, Change to Win, Executive Vice President, UNITE HERE; Joseph Hansen, International President, United Food and Commercial Workers, International Union, UFCW; James Hoffa, General President, International Brotherhood of Teamsters (IBT); GERALYN LUTTY, United Food and Commercial Workers International Union (UFCW).

Douglas J. McCarron, General President, United Brotherhood of Carpenters and Joiners of America (UBC); Terence M. O'Sullivan, General President, Laborer's International Union of North America (LIUNA); Bruce Raynor, General President, Unite Here; Arturo S. Rodriguez, President, United Farm Workers (UFW); Andrew L. Stern, International President, Service Employees International Union (SEIU).

LEADERSHIP CONFERENCE

ON CIVIL RIGHTS,

Washington, DC, May 14, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we thank you for introducing the Agricultural Job Opportunities, Benefits and Security Act ("AgJOBS") of 2009. We have strongly supported virtually identical versions of the AgJOBS bill in previous Congresses, and we look forward to working with your office and our other allies in the effort to move it forward in the 111th Congress.

AgJOBS would provide a legal, stable agricultural labor supply and, at the same time, give undocumented farmworkers the chance to come out of the shadows and earn legal immigration status a) by meeting a past-work requirement in American agriculture and b) through stringent future agricultural-work requirements. Giving farmworkers the ability to legalize their status is critical to enabling them to bargain for better working and living conditions. AgJOBS represents a balanced approach and is a tremendous improvement over the current H-2A agricultural guestworker program, thanks to the concessions made by all sides in this debate.

The treatment of farmworkers is a matter of great importance to the civil rights community. Whether it was Chinese immigrants in the 19th century, the 4.5 million braceros brought into the United States during the

World War II era, or H-2A workers under the current program, guestworkers have long been the most vulnerable and poorly treated workers among us. Even today, they are subject to below poverty-level wages and a lack of coverage by basic labor standards that other American workers take for granted—and they lack the political and economic power to improve these conditions on their own. It is because of this that we speak up today for their rights, and strongly urge the enactment of AgJOBS.

Sincerely,

WADE HENDERSON,
President & CEO.

NANCY ZIRKIN,
Executive Vice President.

DAIRY FARMERS OF AMERICA,

May 12, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: Last Congress, you showed extraordinary leadership in authoring the Agricultural Jobs, Opportunity, Benefits and Security Act (AgJobs), a bill which restructures and reforms the current H-2A temporary agricultural worker program to ensure a reliable and legal workforce for the agricultural community. On behalf of the nearly 18,000 members of Dairy Farmers of America, Inc. (DFA) we applaud your decision to reintroduce this important measure in the 111th Congress.

Dairy Farmers of America is a dairy marketing cooperative that serves and is owned by dairy farmers in 48 states. Our cooperative's success is built on the success of its producer-members, who raise their dairy herds and their families on family farms across the nation.

Immigrant labor plays a crucial role in contributing to the success of our members and the dairy industry as a whole. A large percentage of the hired workers on dairy farms of all sizes are immigrants. Unfortunately, unlike most other immigrant-dependent agricultural sectors, the dairy industry is currently blocked by the Department of Labor (DOL) from using the H-2A program because of the program's requirement that the worker and job both be temporary or seasonal. This seasonality aspect of the H-2A program has prevented dairy farmers from using the program to attract and maintain needed workers. In order to survive, our industry needs reform in the system now.

Once again, on behalf of DFA members across the country, we appreciate your leadership on this matter and stand ready to fight for its passage.

Sincerely,

JOHN WILSON,
Senior Vice President,
Marketing and Industry Affairs.

U.S. APPLE ASSOCIATION,
Vienna, VA, May 11, 2009.

Hon. DIANNE FEINSTEIN,
Hart Building, U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN, thank you for standing up for the U.S. apple industry and other labor intensive agriculture by reintroducing the AgJOBS bill in the Senate.

Apple production and harvesting is highly labor-intensive. The cost and availability of a predictable, consistent and legal supply of labor is critically important to the U.S. apple industry.

The past few years have brought great uncertainty to our industry. Labor shortages

coupled with increased enforcement and a cumbersome, unworkable H-2A guest worker program have meant that, even in good crop years, growers' livelihoods are in jeopardy when they cannot get all of their apples off the tree. This has led many in the industry to delay or cancel plans to expand and in some cases to get out of the fruit business altogether.

We need AgJOBS! Without this critical legislation, the U.S. could lose much of our domestic apple industry and with it over \$2 billion in farm gate value. Our apples would have to be imported, most likely from China, the world's largest producer of apples. We've seen what dependence on foreign oil has been like. Can you imagine dependence on foreign food? This is not what American consumers want.

USApple and our industry leaders stand ready to work with you and your staff to pass AgJOBS. We have supported the legislation since the first year it was introduced and it is our top legislative priority.

Thank you again for your leadership on this critical issue.

Sincerely,

NANCY E. FOSTER,
President & CEO.

SOCIETY OF AMERICAN FLORISTS,
MAY 12, 2009.

Hon. DIANNE FEINSTEIN,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR FEINSTEIN: On behalf of the members of the Society of American Florists (SAF), I understand that you plan to reintroduce the Agricultural Job Opportunities, Benefits and Security Act (AgJOBS) this week. We applaud you for your courageous leadership and tenacity in working to advance agricultural labor reform. AgJOBS reflects years of negotiations on complex and contentious issues and will achieve historic and critical reforms to our nation's labor and immigration laws.

The bipartisan AgJOBS legislation recognizes the unique and urgent need of labor intensive agricultural industries—ranging from floral and nursery to fruits and vegetables, meat and dairy farms—to have access to a legal workforce. Thank you for recognizing these needs and taking the lead to change the untenable status quo. Your efforts on behalf of agriculture will go far to preserve one of our country's strategic commodities—a stable and reliable labor supply that produces our food and helps to sustain our economy.

An estimated two-thirds of farm workers lack proper work authorization. No other segment of the economy is so dependent upon a foreign-born workforce. Our industry is also vulnerable to the increased workplace immigration enforcement focused on employers. In addition, several pending regulatory enforcement mechanisms like the "no-match" rule and "E-Verify" mandate an immediate legislative solution to the labor problems of agriculture.

Agricultural economists estimate that three non-farm jobs in the upstream and downstream economy are sustained by every farm worker job. Absent the reforms of AgJOBS, many of these jobs will be lost because agricultural producers will have no choice but to cut back or send some of their production offshore.

In addition, AgJOBS will contribute to increasing national security by enhancing the rule of law. In the short term, those eligible to earn legal status must come forward, submit to a background check and make sub-

stantial commitment to agricultural work prospectively. This ability to retain our trained workforce will lead to a long-term solution so that capacity can be built to allow greater participation in a reformed H-2A program.

Finally, the bipartisan AgJOBS continues to have the endorsement and support of organized labor, agriculture, immigrant rights and religious community groups, and general business, through three Congresses.

Thank you for your leadership and vision on this vital issue. We look forward to working with you in the months ahead to enact AgJOBS.

The Society of American Florists is the national trade association representing the entire floriculture industry, a \$21 billion component of the U.S. economy at retail. Membership includes about 10,000 small businesses, including growers, wholesalers, retailers, importers and related organizations, located in communities nationwide and abroad. The industry produces and sells cut flowers and foliage, foliage plants, potted flowering plants, and bedding plants.

Sincerely,

KEVIN PRIEST,
Chairman, Government Relations Committee.

AMERICAN NURSERY &
LANDSCAPE ASSOCIATION,
Washington, DC, May 12, 2009.

Hon. DIANNE FEINSTEIN,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR FEINSTEIN: The American Nursery & Landscape Association commends you for your steadfast leadership toward resolving the labor crisis that threatens every labor-intensive sector of agriculture in America. ANLA represents 2000 active member firms and an additional 20,000 grassroots network participants who grow, sell, and install landscape plants. ANLA members also produce the orchard and vineyard planting stock that sustains farms in California and across the nation. At farmgate, our industry was valued by the U.S. Department of Agriculture at over \$16 billion in 2007. California is of course the nation's leading nursery stock producer, but nurseries are an important agricultural component from coast to coast. Nursery and greenhouse production ranks among the top five sectors of agriculture in 28 states, and in the top 10 in all 50 states!

Nursery farming is inherently labor intensive and requires specialized skills. As with the rest of agriculture, much of the nursery workforce is comprised of foreign workers; their labor here contributes immensely to the American economy and secures the continued employment of hundreds of thousands of nursery farm managers, office, marketing, sales, and other staff—good American jobs that will move to Canada or Mexico or China if we do not have a stable and legal workforce performing the nursery work that cannot be readily mechanized.

ANLA has long supported AgJOBS because its bipartisan, common-sense reforms reflect how our country and our Congress must confront and solve myriad tough challenges. AgJOBS recognizes the unique experience and talent of the farm labor force that is here, now, feeding America, and encourages these workers to continue contributing to the well-being of our nation as they earn their way to a brighter future. AgJOBS also provides a lasting solution through a sweeping overhaul of the H-2A program. Indeed, we could not support a bill that fails to provide a lasting solution. Many ANLA mem-

bers now use H-2A and many more will be able to when the reforms of AgJOBS are enacted.

Senator, we have shared a difficult journey, and the journey is far from complete. We look forward to the enactment of the urgently-needed reforms of AgJOBS, whether as part of a much broader effort to reform America's failing immigration system, or as part of a strategic first step. Again, thank you for your leadership.

Sincerely,

ROBERT J. DOLIBOIS, CAE,
Executive Vice President.

CRAIG J. REGELBRUGGE,
Vice President for Government Relations.

AMERICAS MAJORITY,
Overland Park, KS, May 11, 2009.

Hon. DIANNE FEINSTEIN,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR FEINSTEIN: I would like to commend you on the AgJobs Act of 2009, a piece of legislation crucial to maintaining America's position in an increasingly internationalized market in vegetables, fruits, and grains. The bill is a paradigm of what immigration reform should be—friendly alike to families and businesses, but mindful of the needs of public safety.

It is well known to those who represent agricultural constituents that foreign migrant workers are crucial to American farmers, ranchers, and foresters. What is less understood is the vast network of white collar jobs that depend on maintaining access to guest workers in America. Roughly one half of the agricultural labor force consists of those who work with crops in field, nurseries, and greenhouses. The rest, as the Bureau of Labor Statistics NAICS codes reveal, represent a cross section of American skills: Managers in production, finance, transportation, and sales; computer programmers and systems analysts; accountants and auditors; life scientists and agricultural engineers; pilots and truck drivers, riggers and diesel mechanics; salesmen, secretaries and receptionists—an entire world of white collar jobs on American soil, much of it dependent on the competitive nature of our operations in the fields, nurseries, and greenhouses.

It has become fashionable in some circles to pretend that the exclusion of foreign workers from America's farms will relieve American farmers of their competition. This is not so. It is possible, had one the heart for it, to remove Mexican nationals from American fields—but we cannot remove Argentinians from Argentina, Brazilians from Brazil, or Malaysians from Malaysia. A healthy agricultural industry requires access to all types of labor, including field labor, on a competitive basis, here in America.

We hope you will succeed in moving AgJobs 2009 to keep American agriculture competitive.

Best,

RICHARD NADLER,
President.

MAY 11, 2009.

Senator DIANNE FEINSTEIN,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR FEINSTEIN: I am writing out of deep concern for the future of the agricultural industry in California, and the U.S. generally. For reasons set forth more fully below, it is imperative that Congress pass legislation this year, such as AgJOBS, that will provide agriculture with a stable, reliable and legal workforce.

As you know, California agriculture relies upon a large immigrant workforce. The current economic crisis and rampant unemployment has only confirmed what you and our industry have been saying for years: American workers will not do these jobs. Despite staggering job losses, there has been no perceptible shift in the demographic makeup of our workforce. Today, as always, our industry relies on a community of talented immigrant farmworkers. They are the best farmworkers in the world, and our industry would cease to exist without them.

Honest employers who do not intend to hire illegal immigrants, but unknowingly do when employees provide them with false but genuine appearing employment verification documents, stand beneath the proverbial Sword of Damocles, never knowing if their workforce—or they themselves—will be hauled off by federal agents. Where should agricultural employers look to find labor when Americans won't do the job and the ones that will are largely falsely documented? The answer is not the current H-2A program, which is notoriously cumbersome, uneconomical and prone to litigation.

I submit that the best opportunity to solve the farm labor issues in California and the U.S. is AgJOBS. AgJOBS would provide workable and fair legal channels for farmworkers to enter the country, work, and return home after completing the season. At the same time, there is a clear and compelling need for experienced farmworkers who lack legal status to be given a chance to earn legal status over time, subject to reasonable conditions.

California's \$32 billion dollar agricultural industry produces one-half of the nation's fruits, vegetables and tree nuts. Without the passage and implementation of AgJOBS, California and the nation will continue to export farms along with the field jobs and three to four upstream and downstream jobs that are created in the agricultural industry. Furthering U.S. dependency on imported crops from countries such as China is not only dangerous for our health, it is devastating to our economy.

It is imperative that AgJOBS pass this year. On behalf of Western Growers, I urge you to introduce AgJOBS in the Senate as soon as possible, as this legislation must not be delayed any longer.

Sincerely,

THOMAS A. NASSIF,
President and CEO,
Western Growers.

UNITED FARM WORKERS,
Keene, CA, May 14, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your leadership on the Agricultural Job Opportunities, Benefits, and Security Act ("AgJOBS").

As you are well-aware, the status quo for farmworkers and agricultural employers is untenable and must be reformed. The majority of farmworkers lack immigration status. Because they live and work in the shadows, undocumented farmworkers are too fearful to complain about violations of their wages and working conditions and are vulnerable to exploitation by labor contractors and growers. The wages of all farmworkers are depressed by the presence of so many employees who lack any meaningful bargaining power. The ability to legalize the immigration status of farmworkers under AgJOBS is key to enabling farmworkers to bargain for better working and living conditions.

With this letter are just a few stories of farmworkers and their families who will be helped by the passage of AgJOBS. The United Farm Workers collected these stories from farmworkers and farmworker groups and unions throughout the country. There are thousands more like them.

Thank you for your continued leadership and commitment to AgJOBS. We look forward to working with you to achieve this desperately needed reform.

Sincerely,

ARTURO S. RODRIGUEZ,
President

THE NATIONAL ASSOCIATION OF
STATE DEPARTMENTS OF AGRICULTURE,
Washington, DC, May 11, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The National Association of State Departments of Agriculture (NASDA) is a nonprofit nonpartisan association that represents the Commissioners, Secretaries and Directors of Agriculture in the 50 states and for US territories. NASDA supports the Agricultural Job Opportunity, Benefits and Security Act of 2009 (AgJOBS).

As leaders in agriculture, we recognize that a critical workforce need exists today in agriculture. Millions of American jobs depend on agricultural production and will be enhanced with legislation that can secure a legal work force for agriculture as well as regularize the status of current agricultural workers through an adjustment program problem. Farmers in most regions of the United States have faced critical shortages of entry level workers for many years. AgJOBS is a solution for workers and agriculture producers.

NASDA has carefully considered the farm labor issue and has concluded that Congress needs to enact immigration reform legislation that provides workable and fair legal channels for farmworkers to enter the country, work, and return home when the season is over. The best opportunity to achieve both of these goals is the bipartisan and time-tested AgJOBS.

NASDA's current policy on agricultural labor is consistent with the objectives of the AgJOBS legislation. NASDA policy addresses four areas of concern to all agricultural industries: concern for the basic rights of all agricultural workers, recognition that the current H2A program does not serve as a viable means for addressing gaps in the local workforce, the need for a trustworthy identification system for non-citizen workers, and the need to regularize the status of the existing workforce during a transition to a more transparent and enforceable means of meeting basic workforce needs.

We greatly appreciate your support and re-introduction of this important legislation.

RON SPARKS,
NASDA President, Commissioner,
Alabama Department of Agriculture &
Industries.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, May 14, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports the "Agricultural Job Opportunity, Benefits, and Security Act of 2009" (AgJOBS), which is expected to be introduced today.

The Chamber supports a comprehensive solution to fixing America's broken immigration system and believes that AgJOBS is a step towards that goal and one that can be taken now. One of the bill's most important attributes is that it provides a reasonable mechanism for the most experienced, but unauthorized agricultural workers to earn legal status subject to strict conditions.

Agriculture is a sector that is highly sensitive to foreign competition. Forcing much of U.S. agricultural production offshore through an enforcement-only approach to immigration policy is resulting in significant loss of American jobs and leaving the United States less secure. The U.S. agriculture sector is the most reliant on the foreign-born labor supply. However, each farmworker sustains jobs in the upstream and downstream economy—equipment, supplies and services, packaging and distribution, lending and insurance.

The bipartisan AgJOBS is the fruit of years of hard work by business and labor, conservatives and liberals, Republicans and Democrats alike. The Chamber urges your support for enactment of AgJOBS, this year.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

AGRICULTURE COALITION FOR IMMIGRATION
REFORM—MEMBERS AND SUPPORTERS

AgriMark Inc; Agri-Placement Services; Allied Federated Co-Ops, Inc; Allied Grape Growers; Almond Hullers and Processors; American Agri-Women; American Frozen Foods Institute; American Horse Council; American Mushroom Institute; American Nursery & Landscape Association; American Sheep Industry Association; CoBank; Council of Northeast Farmer Cooperatives; Dairy Farmers of America; DairyLea Cooperative, Incorporated; Farwest Equipment Dealers Association; Federation of Employers and Workers of America; Gulf Citrus Growers Association; Irrigation Association; Land O' Lakes.

National Association of State Departments of Agriculture; National Cattlemen's Beef Association; National Christmas Tree Association; National Cotton Ginners Association; National Council of Agricultural Employers; National Council of Farmer Cooperatives; National Farmers Union; National Greenhouse Manufacturers Association; National Milk Producers Federation; National Potato Council; National Watermelon Association; New England Apple Council; Nisei Farmers League; Northeast Dairy Producers; Northern Christmas Tree Growers; Northeast Farm Credit; Northwest Farm Credit Services; Northwest Horticultural Council; OFA—An Association of Floriculture Professionals; Pacific Northwest Christmas Tree Association.

Pacific Tomato Growers; Perennial Plant Association; Produce Marketing Association; Pro-Fac Cooperative; Raisin Bargaining Association; Rocky Mountain Farmers Union; Senseney South Corporation; Snake River Farmers Association; Society of American Florists; Southeast Cotton Ginners Association, Inc; Southeast Dairy Farmers Association; Southern Christmas Tree Association; Southern Cotton Ginners Association; Southern Nursery Association; Turfgrass Producers International; United Agribusiness League; United Egg Association; United Egg Producers; United Fresh Produce Association; U.S. Apple Association.

U.S. Custom Harvesters Association; Western Growers; Western Plant Health Association; Western Range Association; Western

United Dairymen; WineAmerica; Wine Grape Growers of America; Wine Institute; Agricultural Affiliates (New York); Agricultural Council of California; Alabama Nursery & Landscape Association; Alabama Watermelon Association; Arizona Nursery Association; Arkansas Green Industry Association; Blue Diamond Growers; California Apple Commission; California-Arizona Watermelon Association; California Avocado Commission; California Association of Nurseries and Garden Centers; California Association of Wine Grape Growers.

California Canning Peach Association; California Citrus Mutual; California Dairies Inc.; California Dried Plum Board; California Farm Bureau Federation; California Fig Institute; California Floral Council; California Grain and Feed Association; California Grape and Tree Fruit League; California League of Food Processors; California Pear Growers Association; California Seed Association; California Strawberry Commission; California Strawberry Nurserymen's Association; California Walnut Commission; California Women for Agriculture; Nursery Growers Association (CA); Olive Grower Council of California; Pacific Egg and Poultry Association; Sunmaid Growers of California.

Sunsweet Growers Inc.; Valley Fig; Ventura County Agricultural Association; Associated Landscape Contractors of Colorado; Colorado Nursery & Greenhouse Association; Colorado Potato Administrative Committee; Colorado Sugarbeet Growers Association; Colorado Wine Industry Development Board; Connecticut Nursery & Landscape Association; Florida Citrus Mutual; Florida Citrus Packers; Florida Fruit and Vegetable Association; Florida Nursery, Growers & Landscape Association; Florida Watermelon Association; Georgia Green Industry Association; Georgia Milk Producers; Georgia Watermelon Association; Winegrowers Association of Georgia; Idaho Apple Commission; Idaho Dairymen's Association.

Idaho Dairy Producers Assn.; Idaho Grower Shippers Association; Idaho Nursery & Landscape Association; Idaho-Oregon Fruit and Vegetable Association; Potato Growers of Idaho; Illinois Grape Growers and Vintners Association; Illinois Landscape Contractors Association; Illinois Nurserymen's Association; Illinois Specialty Growers Association; Indiana-Illinois Watermelon Association; Indiana Nursery & Landscape Association; Iowa Nursery and Landscape Association; Kansas Nursery and Landscape Association; Kentucky Nursery & Landscape Association; Farm Credit of Maine; Maine Nursery & Landscape Association; Maryland-Delaware Watermelon Association; Maryland Nursery & Landscape Association; Associated Landscape Contractors of Massachusetts; Massachusetts Nursery & Landscape Association.

Michigan Apple Committee; Michigan Blueberry Growers; Michigan Christmas Tree Association; Michigan Green Industry Association; Michigan Horticultural Society; Michigan Nursery and Landscape Association; Michigan Vegetable Council; WineMichigan; Minnesota Nursery & Landscape Association; Mississippi Nursery Association; Missouri-Arkansas Watermelon Association; Missouri Landscape & Nursery Association; Montana Nursery & Landscape Association; Nebraska Nursery & Landscape Association; New England Nursery Association; New Jersey Nursery & Landscape Association; Dairy Producers of New Mexico; Cayuga Marketing; Farm Credit of Western New York; First Pioneer Farm Credit.

New York Apple Association; New York Horticulture Society; New York State Nurs-

ery & Landscape Association; New York State Vegetable Growers Association; ProFac Cooperative; Yankee Farm Credit; North Carolina Association of Nurserymen; North Carolina Christmas Tree Association; North Carolina Commercial Flower Growers Association; North Carolina Farm Bureau Federation; North Carolina Greenhouse Vegetable Growers Association; North Carolina Green Industry Association; North Carolina Potato Association; North Carolina Strawberry Association; North Carolina Watermelon Association; North Carolina Wine & Grape Council; Northern California Growers Association; North Dakota Nursery & Greenhouse Association; Northern Ohio Growers Association; Nursery Growers of Lake County Ohio, Inc.

Ohio Fruit Growers Society; Ohio Nursery & Landscape Association; Ohio Vegetable & Potato Growers Association; Oklahoma Greenhouse Growers Association; Oklahoma State Nursery & Landscape Association; Hood River Grower-Shipper Association; Oregon Association of Nurseries; Oregon Wine Board; Pennsylvania Landscape & Nursery Association; State Horticultural Association of Pennsylvania;

Raisin Bargaining Association; Rhode Island Nursery and Landscape Association; Snake River Farmers Association; South Carolina Greenhouse Growers Association; South Carolina Nursery & Landscape Association; South Carolina Watermelon Association; South Dakota Nursery & Landscape Association; Tennessee Nursery & Landscape Association; Lonestar Milk Producers; Plains Cotton Growers.

Select Milk Producers (TX); South Texas Cotton and Grain Association; Texas Agricultural Cooperative Council; Texas AgriWomen; Texas Association of Dairymen; Texas Cattle Feeders Association; Texas Citrus Mutual; Texas Cotton Ginners Association; Texas Grain Sorghum Producers Association; Texas Nursery & Landscape Association; Texas-Oklahoma Watermelon Association; Texas Poultry Federation; Texas Produce Export Association; Texas Produce Association; Texas Turf Producers Association; Texas Vegetable Association; Western Peanut Growers; Utah Dairymen's Association; Utah Nursery & Landscape Association; Vermont Apple Marketing Board.

Vermont Association of Professional Horticulturists; Frederick County Fruit Growers' Association (Virginia); Northern Virginia Nursery & Landscape Association; Southwest Virginia Nursery & Landscape Association; Virginia Apple Growers Association; Virginia Christmas Tree Growers Association; Virginia Nursery and Landscape Association; Wasco County Fruit & Produce League; Washington Association of Wine Grape Growers; Washington Growers Clearing House Association; Washington Growers League; Washington Potato & Onion Association; Washington State Potato Commission; Washington State Nursery & Landscape Association; Washington Wine Institute; West Virginia Nursery and Landscape Association; Wisconsin Christmas Tree Growers Association; Wisconsin Nursery Association; Wisconsin Landscape Federation; Wisconsin Sod Producers Association.

Mr. LEAHY. Mr. President, once again I am pleased to join Senator FEINSTEIN to introduce the Agricultural Job Opportunities, Benefits, and Security Act AgJOBS. Senator FEINSTEIN has been pursuing these important reforms for several years now, and I commend her dedication to this legis-

lation, and to America's farmers. I join her and the other cosponsors of this legislation in strong support of America's agricultural industry and the men and women who work hard every day to keep our farms running.

In Vermont, as in many States across the country, farmers are feeling the effects of a scarce labor pool. This problem is particularly acute for the dairy industry, where the employment needs are year-round and require a significant investment from the farmer in terms of training and development. I have long been concerned about the dairy farmers' difficulties in trying to use the agricultural visa program. It simply makes no sense that the visa program dedicated to agriculture cannot be used by such an important arm of the industry.

I have long advocated for the dairy-specific provisions in the AgJOBS bill. I worked to include these protections for dairy farmers during Congress's last two debates on comprehensive reform, and it is time for the immigration law to accommodate the legitimate needs of the Nation's dairy farmers. The AgJOBS bill will change this. It would give dairy farmers needing workers the opportunity to lawfully hire foreign workers who can remain with their employers for a meaningful period of time.

The AgJOBS legislation contains other important reforms that will help all of America's farmers. The creation of a blue card for undocumented agricultural workers who have been working to keep our farms running and fields planted and harvested is the right thing to do. It is a targeted and limited proposal that will serve to help farmers and farm workers. I have said before that no American farmer should be forced to choose between his or her livelihood and obeying the law. In Vermont it is estimated that as many as 2000 undocumented workers work on dairy farms in the State. We can all agree that this is not an ideal situation—not for the farmer and not for the worker, and not for an overall immigration system that is in need of substantial repair.

By providing a mechanism for loyal undocumented foreign workers to come out of the shadows and into the sunlight of the protection of the law and the rights it will provide them, Congress can help begin a new day in American agriculture. No longer will farmers endure the waste and heartbreak of watching fields of crops rot for lack of workers to harvest. Workers will be able to contribute lawfully and openly to our Nation's agricultural industry, and integrate into their surrounding communities, adding to the fabric of our diverse American life. The need for this legislation is clear and present, and I hope that some who have stood in opposition to sensible immigration reform will recognize that

hardworking farmers and their communities are as much the victims of their misguided obstructionism as are the immigrants they seek to punish. We will need the strong support in the Senate and from the Obama administration if we are to make these and other reforms to our immigration system. President Obama recognized the need for this legislation as a Senator when he was an original cosponsor last Congress. His leadership will be critical as we move forward.

Our bill contains other sensible provisions concerning the rights of workers, fair wages, and a streamlined process for farmers using the H-2A process. These are all important reforms that I am proud to support. Senator FEINSTEIN is committed to the Nation's farmers and those who work for them, and I am pleased to join her in support of these needed reforms.

Mr. SCHUMER. Mr. President, I also rise today in strong support of the Agricultural Jobs, Opportunity, Benefits, and Security Act of 2009, also known as AgJOBS.

The distinguished Senator from California has already eloquently explained what the AgJOBS bill is, what it seeks to accomplish and why America needs this Congress to pass AgJOBS as soon as possible.

I simply wish to briefly explain to the people of my home State of New York—as, their Senator—and to all of the American people, as chairman of the Senate Immigration Subcommittee, why I support AgJOBS and why I think they should support AgJOBS too.

Simply put, the status quo in our agricultural industry is unsustainable.

What is the status quo? All around my home State of New York, and across the country, family farmers are trying to do the right thing and operate lawful and successful farms.

Virtually every family farmer I have met in my travels across New York has aggressively tried to hire Americans to work in their nurseries, orchards, farms, and vineyards.

For instance, my friends in the Long Island Farm Bureau can tell you that more than half of their members pay more than \$12-\$15 per hour per worker, and actively seek to hire American workers, often arranging buses to recruit Americans into Long Island to work.

But what these family farmers are finding is that—even in this bad economy, even if they offer Americans twice or sometime three times the minimum wage and provide benefits—American workers simply won't stay in these jobs for more than a few days.

Why don't Americans want to stay in many of these agricultural jobs? Let me share with you the description of the working conditions for agricultural workers as provided by the Bureau of Labor Statistics in their 2008-2009 Oc-

cupational Outlook Handbook. Here is their description:

Much of the work of farmworkers and laborers on farms and ranches is physically strenuous and takes place outdoors in all kinds of weather.

Harvesting fruits and vegetables, for example, may require much bending, stooping, and lifting. Workers may have limited access to sanitation facilities while working in the field and drinking water may also be limited.

Farm work does not lend itself to a regular 40-hour workweek. Work cannot be delayed when crops must be planted or harvested or when animals must be sheltered and fed.

Long hours and weekend work is common in these jobs. For example, farmworkers and agricultural equipment operators may work 6- or 7-days a week during planting and harvesting seasons.

Many agricultural worker jobs are seasonal in nature, so some workers also do other jobs during slow seasons. Migrant farmworkers, who move from location to location as crops ripen, live an unsettled lifestyle, which can be stressful.

Farmworkers risk exposure to pesticides and other hazardous chemicals sprayed on crops or plants.

This is certainly not the description of a life most Americans would want for themselves, much less for their children. And so what the family farmers in New York experience is that even when Americans take these jobs, the vast majority quit after only a few days.

So who is stepping in to take many of these difficult agricultural jobs? Immigrants who need these jobs to support the families they left behind in their native country.

But the vast majority of the immigrants working in agricultural jobs are undocumented. For this reason, family farmers are often required to choose between hiring undocumented workers or going out of business.

AgJOBS solves this problem in a way that is fair to everyone.

AgJOBS requires current undocumented agricultural workers to pay a fine, pay their taxes, undergo thorough background checks, and legalize their status in order to keep their jobs. If these workers refuse to legalize their status, or have any kind of criminal record, they will be deported.

AgJOBS provides America's family farmers with access to legal workers and removes the burden on farmers to perform the role of Federal immigration enforcement officials.

But just as importantly, AgJOBS places increased penalties on farmers who hire illegal aliens and places penalties on farmers who provide poor working conditions for their employees. This will make it far likelier that Americans who want these jobs will stay in these jobs for longer periods of time.

For this reason, AgJOBS is supported by hundreds of agriculture, business, labor, religious, and ethnic affinity groups.

It is my profound belief that Americans are pro-legal immigration and

anti-illegal immigration, and will support policies that are consistent with this basic principle.

AgJOBS fits this description. It severely penalizes farmers who will continue to hire illegal immigrants and who choose to exploit their workers. But it also provides farmers with the ability to hire Americans and legal immigrants who will take these jobs.

The current situation is simply untenable. Every day, American farms are closing and America has to import more and more food from abroad because it is far cheaper to buy foreign food than it is to produce food here.

For every farmworker job we lose to another country, America loses three to four other American jobs in packaging, processing, supplies, equipment, and other related sectors.

Failure to pass AgJOBS will continue to result in devastating consequences for our economy.

In New York alone, the Farm Credit Association of New York estimates that if AgJOBS is not passed, New York State could lose in excess of 900 farms, \$195 million in value of agricultural production, and over 200,000 acres in production in agriculture over the next 24 months.

Finally, our national security is threatened when we no longer are able to ensure that we can sufficiently feed our people with American food. Without AgJOBS, we place our Nation's food security at risk from those who might seek to do harm to America.

This situation can and should be remedied. AgJOBS provides the remedy, and I am therefore proud to be an original cosponsor of AgJOBS and strongly support its passage.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1041. A bill to amend the Oil Pollution Act of 1990 to modify the applicability of certain requirements to double hulled tankers transporting oil in bulk in Prince William Sound, Alaska; to the Committee on Commerce, Science, and Transportation.

Ms. MURKOWSKI. Mr. President, today I am introducing a bill, with my colleague from Alaska Senator MARK BEGICH, that will require all oil laden tankers in Prince William Sound to be escorted by at least two towing vessels or other vessels considered appropriate by the Secretary of the Department of Homeland Security.

At 12:04 a.m. on March 24, 1989, the Exxon Valdez, carrying over 53 million gallons of crude oil, failed to turn back into the shipping lane after detouring to avoid ice, and ran aground on Bligh Reef. Alaskans will never forget that morning, waking up to hear about the worst oil spill and environmental disaster in U.S. history and living with the lasting impacts it has had on our State and residents.

The National Transportation Safety Board investigated the accident and determined probable causes for the accident. While it determined that it was primarily caused by human error of the captain and crew, it is my belief that we had also become complacent. It had been 12 years since we had begun to tanker oil out of Valdez and there had not been an incident. However, when the spill occurred, we became acutely aware of how woefully unprepared we were. The few prevention measures that were available were inadequate and the spill response and clean-up resources were seriously deficient. The oil eventually fouled some 1,300 miles of shoreline, stretching almost 500 miles, and covered an area of 11,000 square miles.

While the captain and crew were found at fault for the immediate cause of the spill, the incident also highlighted huge gaps in regulatory oversight of the oil industry. The response of Congress to the spill was passage of the Oil Spill Pollution Act of 1990 or OPA90. The law overhauled shipping regulations, imposed new liability on the industry, required detailed response plans and added extra safeguards for shipping in Prince William Sound. Since the law took effect, annual oil spills were greatly reduced and lawmakers, marine experts, the oil industry and environmentalists credit the law for major improvements in U.S. oil and shipping industries.

Oil spill prevention and response have been greatly improved in Prince William Sound since the passage of OPA90. The U.S. Coast Guard now monitors fully laden tankers all the way through Prince William Sound. Specially trained marine pilots ride the ships for 25 of the 70 mile journey through the Sound and there are weather criteria for safe navigation. Contingency plans, skimmers, dispersants, oil barges and containment booms are all now readily available. An advanced ice-detecting radar system is also in place to monitor the icebergs that flow off of the mighty Columbia Glacier.

Two escort tugs accompany each tanker while passing through the Sound and are capable of assisting the tanker in the case of an emergency. This world class safety system recently saw the 11,000th fully loaded tanker safely escorted through Prince William Sound. It is estimated that if the Exxon Valdez would have been double-hulled, the amount of the spill would have been reduced by more than half. While double hulled tankers are a huge improvement over single hulls, they do not prevent oil spills.

The legislation that Senator BEGICH and I are introducing today will maintain the existing escort system in place for all tankers. Presently, the federal requirement that every loaded tanker be accompanied through the Sound by

two tugs applies only to single-hulled tankers. Even though, right now, double-hulled tankers are escorted by two vessels, federal law does not require them to be. The last single hulled tanker in the Prince William Sound fleet is expected to be retired from service by August 2012 and our legislation ensures all double hulled tankers will always be escorted by two tugs.

Although there have been a number of marine incidents and near misses since the Exxon Valdez oil spill in 1989, over the past 20 years, through the efforts of the U.S. Coast Guard, industry, the State of Alaska, and the Prince William Sound Citizens Advisory Council to implement the requirements of OPA 90, there have been no major oil spills. Today, as a result, the marine transportation safety system established for Prince William Sound is regarded as among the most effective in the world. A key reason for that accomplishment is, in part, because of the safety benefits resulting from having dual escort vessels available to assist oil laden tankers transiting the Sound.

Section 4116 (c) of OPA 90 requires that single hulled tankers over 5,000 gross tons transporting oil in bulk in Prince William Sound, Alaska be escorted by at least two towing vessels or other vessels considered appropriate by the Secretary.

Subsection (a) makes applicable to double hulled tankers the requirement in existing law including regulations in 33 CFR Part 168 issued to implement that dual escort vessel requirement for single hulled tankers. The subsection leaves the dual escort vessel requirement in place for single hulled tankers. By making those cited regulations applicable to double hulled tankers, the U.S. Coast Guard would not need to issue new regulations as a result of the amendment to section 4116(c) of OPA 90. Rather, the Secretary is authorized and directed to "carry out subparagraph (A)" by order without notice and hearing, and without issuing new regulations, under section 553 of title 5 of the U.S. Code.

The dual escort plan, as it was constituted and in effect as of March 1, 2009 for Prince William Sound, is described in a document entitled, "Vessel Emergency Response Plan" or "VERP", and is on file with the House Transportation and Infrastructure Committee and the Senate Commerce, Science, and Transportation Committee.

It is envisioned that, as advancements in technology are made in the future, any appropriate and warranted modifications to the VERP cited above implementing the dual escort practice as in effect as of March 1, 2009 and implementing the dual escort requirement in this section, including implementing regulations, will be made by the Prince William Sound Tanker Own-

ers/Operators in consultation with the U.S. Coast Guard, the State of Alaska, and the PWSRCAC and ratified and endorsed by the U.S. Coast Guard before being implemented.

The success of this escort system over the past 20 years has shown us that it must not be compromised. We cannot forget the lessons of the Exxon Valdez oil spill and allow ourselves to become complacent.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUAL ESCORT VESSELS FOR DOUBLE HULLED TANKERS IN PRINCE WILLIAM SOUND, ALASKA.

(a) IN GENERAL.—Section 4116(c) of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note; Public Law 101-380) is amended—

(1) by striking "Not later than 6 months" and inserting the following:

"(1) IN GENERAL.—Not later than 180 days"; and

(2) by adding at the end the following:

"(2) PRINCE WILLIAM SOUND, ALASKA.—

"(A) IN GENERAL.—The requirement in paragraph (1) relating to single hulled tankers in Prince William Sound, Alaska, described in that paragraph being escorted by at least 2 towing vessels or other vessels considered to be appropriate by the Secretary (including regulations promulgated in accordance with section 3703(a)(3) of title 46, United States Code, as set forth in part 168 of title 33, Code of Federal Regulations (as in effect on March 1, 2009) implementing this subsection with respect to those tankers) shall apply to double hulled tankers over 5,000 gross tons transporting oil in bulk in Prince William Sound, Alaska.

"(B) IMPLEMENTATION OF REQUIREMENTS.—The Secretary of the Federal agency with jurisdiction over the Coast Guard shall carry out subparagraph (A) by order without notice and hearing pursuant to section 553 of title 5 of the United States Code."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date that is 90 days after the date of enactment of this Act.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. GILLIBRAND, and Mr. REED):

S. 1048. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I rise to introduce a bill, the Menu Education and Labeling Act, on behalf of myself and my colleagues, Senator KENNEDY of Massachusetts, Senator REED of Rhode Island, and Senator GILLIBRAND of New York.

It is by now well established that poor diet and obesity, as well as related conditions such as heart disease, have reached epidemic levels. The majority of the U.S. population is either overweight or obese. The incidence of type II diabetes has reached levels not even imaginable 20 years ago, with some research suggesting that one in three children will develop the disease by adulthood.

There is no single solution to this complex issue of poor nutrition and diet related diseases. Policymakers looking for a silver bullet will be disappointed. But inaction is not an option. We must start taking meaningful steps to address this growing problem by giving people the tools necessary to live healthier lifestyles. That is why my colleagues and I are introducing this bill today to extend nutrition labeling beyond packaged foods to include foods at chain restaurants with 20 or more locations, as well as food in vending machines. This common-sense idea will give consumers a needed tool to make wiser choices and achieve a healthier lifestyle. It is a positive step toward addressing the obesity epidemic.

In 1990, Congress passed the Nutrition Labeling and Education Act, NLEA, requiring food manufacturers to provide nutrition information on nearly all packaged foods. The impact has been tremendous. Not only do nearly three-quarters of adults use the food labels on packaged foods, but studies indicate that consumers who read labels have healthier diets.

Unfortunately, when Congress first passed the NLEA, it excluded restaurants from any labeling requirements. Since that time, restaurants have become more and more important to Americans' diet and health. Americans consume a third of their calories and spend half of their food dollars at restaurants at the very time when nutrition and health experts say that rising caloric consumption and growing portion sizes are causes of obesity. We also know that when children eat in restaurants, they consume twice as many calories as when they eat at home. Consumers say that they would like nutrition information provided when they order their food at restaurants, yet, while they have good nutrition information in supermarkets, at restaurants they can only guess.

In recent years, some states and cities have led the way on menu labeling. New York City has already implemented a menu labeling initiative that requires the disclosure of calories on menus and menu boards at chain restaurants. Consumer surveys show that the residents of New York are enthusiastic about the initiative. The experience in New York has also underscored the feasibility and practicality of the endeavor. Despite earlier concerns about implementation, the vast major-

ity of restaurants in New York City complied with the law quickly and without incident. Those with particular challenges were assisted by the New York City Health Department to enable them to comply with the law.

But New York City is not the only such initiative. Other cities such as Philadelphia, Seattle, Portland, and San Francisco have followed suit. Just last fall, the State of California became the first State in the Nation to enact a statewide menu labeling law, and Massachusetts became the second yesterday. Clearly there is not only a public health rationale for menu labeling, but consumer demand as well.

As I already stated, I harbor no illusions that any one policy will turn the tide on obesity and poor diet in our country, but if we are ever to reorient our society and our health care system in the U.S. away from treatment and towards a stronger focus on prevention, we must build prevention into the very fabric of society. We must provide consumers with the tools and the support that they need to make the healthy choice the right choice. The MEAL Act is one means by which to accomplish that goal, and I urge my colleagues to join me in supporting this important legislation.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. KOHL, and Mr. LEVIN)):

S. 1050. A bill—amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today—with my colleagues Congresswoman ROSA DELAUNO and Congresswoman ALYSON SCHWARTZ—to introduce the Informed Consumer Choices in Health Care Act, legislation to hold insurance companies accountable by increasing transparency in insurance coverage and to provide consumers critical information about their health care so they can make informed decisions.

All Americans deserve affordable, meaningful health care coverage that meets their needs when they need it. However, there is an unsettling trend in America that is growing at an alarming rate—hardworking Americans are suffering from serious economic hardship because of medical bills. There countless consumers all across the country who thought they were safe because they had health insurance coverage. Health insurance is

meant to protect against the risk that, if you get sick, severely injured or require extensive medical care for one reason or another, it would not bankrupt you. However, the exact opposite is happening. People who thought they had coverage for health care events—small and large—found out much too late that they were not protected at all. The lack of insurance transparency leads consumers to purchase coverage that actually does not meet their needs and leads to disaster for them financially.

In June 2008, the Senate Finance Committee held a hearing on health insurance reform where we heard devastating testimony from Mrs. Lisa Kelly, who purchased a limited benefit plan that did not provide adequate coverage when she needed treatment for leukemia. Mrs. Kelly paid a monthly premium of \$185 for AARP's Medical Advantage plan, underwritten by UnitedHealth Group, only to be told that she had to pay M.D. Anderson \$105,000 up front, prior to starting her chemotherapy treatment. This situation left Ms. Kelly in the untenable situation of leaving her cancer untreated or finding a way to pay on a limited budget.

Medical bills are the second highest cause of bankruptcy in our country. It is estimated that 50 percent of all bankruptcies are a result of medical expenses. Sixty-one percent of the 72 million adults under age 65 who had problems paying medical bills or were paying off medical debt in 2007 were insured at the time health care was provided. An additional 1.5 million families lose their homes every single year due to medical costs. This is simply unacceptable.

This is not just a coincidence. Plans that provide bare-bones coverage may be fine if you live in a bubble, but that is not the reality most Americans live in. If we as a nation are serious about protecting all Americans from the devastating financial consequences of serious illness, then Congress must hold the insurance industry accountable by arming consumers with comprehensive information about the benefits covered and not covered under their health plan, the true cost of their coverage, and the cost-sharing they are responsible for. This information should not be shrouded in the legalese of health insurance companies, but in clear language that is easy for consumers to understand. As we seek to give consumers greater coverage choices, we should also give them the necessary tools to understand those choices.

Another example of where the lack of insurance transparency has hurt consumers is in the experience of the Medicare prescription drug benefit. Seniors and individuals with disabilities have simply been overwhelmed by the number of prescription drug plans offered—without any meaningful way

to decipher the differences between plans in terms of benefits covered or cost-sharing. Over the last recess, I held a health care roundtable discussion in Charleston, which has more than 50 Medicare prescription drug plans for seniors and individuals with disabilities to choose from. I heard from countless West Virginians about the extreme difficulty they have wading through their prescription drug coverage options each and every plan year. The most compelling stories came from a retired chemical engineer and a retired attorney—both very smart individuals—who have had major problems determining what is and is not offered and how much they will have to pay out of their pockets for it.

When consumers buy cars, computers, or even cereal, they generally know what they are buying and how much it will cost. But, when it comes to making choices about health care coverage, it is often very difficult for consumers to tell what is actually covered and how much they will have to pay out-of-pocket in case of a serious illness or injury. Consumers cannot make meaningful choices if details about coverage are obscure or if the definitions of key terms such as “hospitalization”, “outpatient care”, or “out-of-pocket limit” vary from plan to plan.

The lack of health insurance transparency also contributes to administrative waste and complexity. According to the American Medical Association, more than half of health insurers do not provide physicians with the transparency necessary for an efficient claims processing system. Physicians and hospitals must divert substantial resources away from patient care to accurately determine patient insurance eligibility and benefit structure.

The black box in which insurers operate also provides them with the opportunity to use flawed payment structures, like the Ingenix database, to underpay patients who choose to get health care out of network. An investigation by the New York Attorney General and hearings conducted this spring by the Senate Commerce Committee revealed American consumers have been paying billions of dollars out of their own pockets for health care that the insurance companies should have been paying. The numbers the insurance industry relied on justify these under-payments came from a secretive health care data company called Ingenix. Insurers refused to tell patients or doctors how Ingenix came up with their payment amounts. And they didn't disclose that Ingenix was a wholly owned subsidiary of UnitedHealth Group, the Nation's second largest health insurance company. The Ingenix investigations show that the health insurance industry is willing to go to great lengths to withhold accurate, objective health care payment informa-

tion from American consumers. While they talk about transparency, they spent hundreds of millions of dollars creating a reimbursement system that kept patients and doctors in the dark.

The U.S. Department of Labor currently lacks the capacity to oversee insurance industry compliance with federal health insurance laws and to provide states with the technical assistance necessary to effectively enforce federal standards for health insurance. These federal standards include crucial protections like the Genetic Information and Nondiscrimination Act, GINA, the Health Insurance Portability and Accountability Act, HIPAA, the Newborns' and Mothers' Health Protection Act, the Women's Health and Cancer Rights Act of 1998, Michelle's Law, and mental health parity. As states continue to be overwhelmed by the increasing pressure of the recession and cost-cutting measures by insurers, state regulators are in desperate need for additional resources. In a 21st Century health system where there will be even greater health insurance choices, adequate federal oversight is absolutely critical.

There is no excuse for limiting access to information that has such widespread consequences for consumers. The Informed Consumer Choices in Health Care Act is the type of transformative legislation we need to address the very significant issues stemming from the lack of health insurance transparency. First, this legislation promotes transparency in coverage by providing crucial data and assistance to consumers and health care providers. This includes new “Coverage Facts” labels for insurance, similar to nutrition labels, which accurately portray the financial obligations of patients in a given year under various medical scenarios. The legislation also requires the development of consistent standards for insurance, including standard definitions of key insurance terms to be used in descriptions of plan benefits, so that consumers can make “apples to apples” comparisons of coverage options. Lastly, it strengthens insurance accountability and oversight by creating a new Office of Health Insurance Oversight within the Department of Health and Human Services, and provides new resources for states to help enforce federal standards.

In the most recent Presidential election, the voice of American voters was clear—they want medical care they can afford and health care coverage they can trust. The traditional role of insurers to hide or misrepresent insurance coverage options can no longer be tolerated; therefore, I urge my colleagues to stand up for informed consumer decisions in health care and support this bill.

Mr. President, I ask unanimous consent that the text of the bill and support material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Informed Consumer Choices in Health Care Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. New minimum Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage.

Sec. 4. Health Insurance accountability initiatives.

Sec. 5. Health insurance transparency initiatives.

Sec. 6. Office of Health Insurance Oversight.

Sec. 7. Standards and accountability and transparency initiatives for group health plans through Departments of Labor and the Treasury.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Effective competition in private health insurance markets requires that consumers must have extensive and meaningful information about what health insurance covers, what it costs, and how it works.

(2) Based on the information currently provided by health insurers, patients are unable to predict what their health insurance coverage limits or out-of-pocket costs would be if they had a serious illness. 72 million adults under age 65 had problems paying medical bills or were paying off medical debt in 2007, and 61 percent of those were insured at the time care was provided.

(3) It is difficult to impossible for consumers to obtain a copy of a health insurance policy from an insurance company before they purchase it.

(4) Consumers often find it difficult to navigate and evaluate their choices in today's health insurance markets and many select a sub-optimal plan as a result.

(5) The Institute of Medicine of the National Academy of Sciences has estimated that nearly half of all American adults—90 million people—have difficulty understanding and using health information.

(6) The Office of Disease Prevention and Health Promotion in the Department of Health and Human Services reports that only 12 percent of the population using a table can calculate an employee's share of health insurance costs for a year.

(7) A RAND Corporation study found that making it easier to get information about insurance products and simplifying the applications process would increase purchase rates as much as modest subsidies would, and all these reports prove the need for a fundamental improvement in the way insurance choices are made available to consumers.

(8) Insurance forms provided to patients and providers are often confusing, difficult to reconcile with medical bills, and vary widely from insurer to insurer, thereby adding complexity and administrative waste to the health care system.

(9) Research indicates that physicians divert substantial resources, as much as 14 percent of their total revenue, to ensure accurate insurance payments for their services.

Hospitals spend as much as 11 percent of their total revenue on billing and insurance-related costs. These include time spent determining patient insurance eligibility and benefit structure. One study found that paperwork adds at least 30 minutes to every hour of patient care.

(10) According to the American Medical Association, there is wide variation in how often health insurers pay nothing in response to a physician claim and in how they explain the reason for the denial. There is no consistency in the application of codes used to explain the denials, making it extremely expensive for physician practices to determine how to respond.

(11) According to the American Medical Association, more than half of health insurers in a recent study did not provide physicians with the transparency necessary for an efficient claims processing system.

(12) According to the American Medical Association, payers vary widely on how often they use proprietary rather than public claims edits to reduce payments (ranging from zero to as high as nearly 72 percent). The use of undisclosed proprietary edits inhibits the flow of transparent information to physicians, adding additional administrative costs to reconcile claims.

(13) The Federal government currently lacks capacity to carry out responsibility for oversight and enforcement of current law requirements on health insurance issuers and to provide States with technical assistance in effectively enforcing Federal minimum standards for health insurance.

(14) In order to improve the functioning of the private health insurance market, assure the application of existing requirements to health insurance coverage, and reduce administrative hassles for patients and providers, there is a need for periodic examinations and audits of such coverage, for greater disclosure of information regarding the terms and conditions of such coverage, and for the establishment of a Federal oversight office to ensure enforcement of standards.

SEC. 3. NEW MINIMUM FEDERAL STANDARDS FOR HEALTH INSURANCE FORMS, QUALITY, FAIR MARKETING, AND HONESTY IN OUT-OF-NETWORK COVERAGE.

(a) **GROUP HEALTH INSURANCE.**—Title XXVII of the Public Health Service Act is amended by inserting after section 2707 the following new section:

“SEC. 2708. STANDARDS FOR HEALTH INSURANCE FORMS, QUALITY, FAIR MARKETING, AND HONESTY IN OUT-OF-NETWORK COVERAGE.

“(a) **DEFINING INSURANCE TERMS; STANDARDIZING INSURANCE FORMS.**—

“(1) **IN GENERAL.**—The Secretary shall provide for the development of standards for the information that health insurance issuers are required to provide to group health plans to promote informed choice of health insurance coverage by such plans.

“(2) **STANDARD DEFINITIONS OF INSURANCE AND MEDICAL TERMS.**—

“(A) **IN GENERAL.**—The Secretary shall provide for the development of standards for the definitions of terms used in group health insurance coverage, including insurance-related terms (including the insurance-related terms described in subparagraph (B)) and medical terms (including the medical terms described in subparagraph (C)).

“(B) **INSURANCE-RELATED TERMS.**—The insurance-related terms described in this subparagraph are premium, deductible, co-insurance, co-payment, out-of-pocket limit, preferred provider, non-preferred provider, out-of-network co-payments, UCR (usual, cus-

tomary and reasonable) fees, excluded services, grievance and appeals, and such other terms as the Secretary determines are important to define so that consumers may compare health insurance coverage and understand the terms of their coverage.

“(C) **MEDICAL TERMS.**—The medical terms described in this subparagraph are hospitalization, hospital outpatient care, emergency room care, physician services, prescription drug coverage, durable medical equipment, home health care, skilled nursing care, rehabilitation services, hospice services, emergency medical transportation, and such other terms as the Secretary determines are important to define so that consumers may compare the medical benefits offered by insurance health insurance and understand the extent of those medical benefits (or exceptions to those benefits).

“(3) **STANDARDIZATION OF INSURANCE FORMS.**—The Secretary shall provide for the development of standards for the forms used in connection with group health insurance coverage, including for—

“(A) applications for health insurance coverage;

“(B) explanations of benefits for such coverage;

“(C) filing of complaints, grievances, and appeals respecting such coverage; and

“(D) other common functions relating to such coverage as the Secretary deems appropriate.

“(4) **COVERAGE FACTS LABELS FOR PATIENT CLAIMS SCENARIOS.**—The Secretary shall develop standards for coverage facts labels based on the patient claims scenarios described in section 2794(b)(4), which include information on estimated out-of-pocket cost-sharing and significant exclusions or benefit limits for such scenarios.

“(5) **PERSONALIZED STATEMENT.**—The Secretary shall develop standards for an annual personalized statement that summarizes use of health care services and payment of claims with respect to an enrollee (and covered dependents) under group health insurance coverage in the preceding year.

“(6) **APPLICATION OF STANDARDS.**—No group health insurance coverage may be offered for sale after the date that is two years after date of the enactment of this section unless—

“(A) the benefits and other terms of coverage are consistent with the definitional standards developed under paragraph (2);

“(B) the application and form of coverage and related forms are consistent with the standardized forms developed under paragraph (3); and

“(C) there is provided coverage facts labels described in paragraph (4) with respect to the coverage.

“(7) **PERIODIC REVIEW AND UPDATING.**—The Secretary shall periodically review and update, as appropriate, the standards developed under this subsection.

“(8) **EVALUATION OF INFORMATION RESOURCES.**—In developing, reviewing, and updating standards under this subsection, the Secretary shall provide for testing and evaluation of information resources in general and to specific audiences including those with low literacy skills.

“(9) **CONSULTATION.**—In developing reviewing, and updating standards under this subsection, the Secretary shall consult with, among others, the National Association of Insurance Commissioners, health care professionals, researchers, health insurance issuers, group health plans, patient advocates, and literacy experts.

“(b) **QUALITY ASSURANCES FOR HEALTH INSURANCE.**—

“(1) **IN GENERAL.**—The Secretary shall provide for the development of standards to assure the quality of benefits under group health insurance coverage. Such standards shall include standards relating to at least—

“(A) network adequacy and stability;

“(B) guaranteed coverage for one year of contracted benefits;

“(C) adequacy and stability of prescription drug networks;

“(D) utilization control systems; and

“(E) grievances and appeals.

“(2) **APPLICATION OF PROVISIONS.**—The provisions of paragraphs (5) through (9) of subsection (a) apply to standards developed under this subsection in the same manner as such provisions apply to standards developed under subsection (a).

“(c) **MARKETING.**—

“(1) **IN GENERAL.**—The Secretary shall provide for the development of standards for the marketing of group health insurance coverage. Such standards shall include standards for at least—

“(A) marketing materials; and

“(B) sales commissions.

“(2) **NONDISCRIMINATION.**—No group health insurance coverage may be offered for sale after the date that is two years after date of the enactment of this section unless the issuer provides the Secretary with a written certification that all marketing materials, seminars, and other outreach efforts in connection with the offering of such coverage do not discriminate on the basis of income, race, gender, ethnicity, or other demographic factors as determined by the Secretary.

“(3) **APPLICATION OF PROVISIONS.**—The provisions of paragraphs (7) through (9) of subsection (a) apply to standards developed under this subsection in the same manner as such provisions apply to standards developed under subsection (a).

“(d) **HONESTY IN COVERAGE OF OUT-OF-NETWORK PROVIDERS.**—The Secretary shall provide for the development of standards for the accuracy and clarity of coverage for out-of-network providers, including cost sharing and payments to such providers, for health insurance issuers in group health insurance coverage that provide such coverage.”

(b) **APPLICATION IN THE INDIVIDUAL MARKET.**—Such title is further amended by inserting after section 2745 the following new section:

“SEC. 2746. STANDARDS FOR HEALTH INSURANCE INSURANCE FORMS, QUALITY, FAIR MARKETING, AND HONESTY IN OUT-OF-NETWORK COVERAGE.

“The provisions of section 2708 shall apply under this part to individual health insurance coverage and enrollees in such coverage in the same manner as such provisions apply under part A in the case of group health insurance coverage and group health plans and participants and beneficiaries.”

(c) **APPLICATION TO THE MEDICARE ADVANTAGE PROGRAM AND THE MEDICARE PRESCRIPTION DRUG PROGRAM.**—

(1) **MEDICARE ADVANTAGE PROGRAM.**—Section 1852 of the Social Security Act (42 U.S.C. 1395w-22) is amended by adding at the end the following new subsection:

“(m) **STANDARDS FOR HEALTH INSURANCE FORMS, QUALITY, FAIR MARKETING, AND HONESTY IN OUT-OF-NETWORK COVERAGE.**—The provisions of section 2708(a) of the Public Health Service Act shall apply to Medicare Advantage organizations, Medicare Advantage plans, and enrollees in such plans in the same manner as such provisions apply under such section to group health insurance coverage and group health plans and participants and beneficiaries.”

(2) **MEDICARE PRESCRIPTION DRUG PROGRAM.**—Section 1860D-4 of the Social Security Act (42 U.S.C. 1395w-104) is amended by adding at the end the following new subsection:

“(m) **STANDARDS FOR HEALTH INSURANCE FORMS, QUALITY, FAIR MARKETING, AND HONESTY IN OUT-OF-NETWORK COVERAGE.**—The provisions of section 2708(a) of the Public Health Service Act shall apply to PDP sponsors, prescription drug plans, and enrollees in such plans in the same manner as such provisions apply under such section to group health insurance coverage and group health plans and participants and beneficiaries.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to plan years beginning after the date that is 2 years after the date of the enactment of this Act.

(d) **APPLICATION TO FEHBP.**—The provisions of section 2708(a) of the Public Health Service Act shall apply to the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code, and to contractors, health plans, and enrollees in such plans in the same manner as such provisions apply under such section to group health insurance coverage and group health plans and participants and beneficiaries.

SEC. 4. HEALTH INSURANCE ACCOUNTABILITY INITIATIVES.

(a) **IMPROVED HEALTH INSURANCE ACCOUNTABILITY.**—Title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

“SEC. 2793. ACCOUNTABILITY INITIATIVES.

“(a) **IN GENERAL.**—The Secretary, acting through the Office of Health Insurance Oversight established under section 2795, shall undertake activities in accordance with this section to promote accountability of health insurance issuers in meeting Federal health insurance requirements, regardless of whether this relates to health insurance in the individual or group market.

“(b) **COMPLIANCE EXAMINATIONS AND AUDITS.**—

“(1) **IN GENERAL.**—Without regard to whether or not there is a determination under section 2722(a)(2) or 2761(a)(2) with respect to a health insurance issuer, in carrying out this section, the Secretary shall conduct independent market conduct examinations and audits to monitor and verify the compliance of an health insurance issuer with Federal health insurance requirements. Such audits may include random compliance audits and targeted audits in response to complaints or other suspected non-compliance.

“(2) **RECOUPMENT OF COSTS.**—In connection with such examinations and audits, the Secretary is authorized to recoup from health insurance issuers reimbursement for the costs of such examinations and audits of such issuers.

“(3) **RELATION TO OTHER AUTHORITY.**—The authorities under this section are in addition to any authorities of the Secretary, including authorities under sections 2722(b) and 2761(b).

“(c) **DATA COLLECTION AND REVIEW.**—

“(1) **IN GENERAL.**—The Secretary shall collect and review data from health insurance issuers on health insurance coverage to monitor compliance with Federal health insurance requirements applicable to such issuers and coverage. Upon request by the Secretary, such issuers shall provide such data to the Secretary on a timely basis.

“(2) **ELEMENTS TO REVIEW.**—In carrying out this subsection, the Secretary shall review at least the following:

“(A) Underwriting guidelines to ensure compliance with applicable Federal health insurance requirements.

“(B) Rating practices to ensure compliance with such requirements.

“(C) Enrollment and disenrollment data, including information the Secretary may need to detect patterns of discrimination against individuals based on health status or other characteristics, to ensure compliance with such requirements (including non-discrimination in group coverage, guaranteed issue, guaranteed renewability requirements applicable in all markets).

“(D) Post-claims underwriting and rescission practices to ensure compliance with such requirements relating to guaranteed renewability.

“(E) Marketing materials and agent guidelines to ensure compliance with applicable Federal health insurance requirements.

“(F) Data on the imposition of pre-existing condition exclusion periods and claims subjected to such exclusion periods.

“(G) Information on issuance of certificates of creditable coverage.

“(H) Information on cost-sharing and payments with respect to any out-of-network coverage.

“(I) Such other information as the Secretary may determine to be necessary to verify compliance with requirements of this title.

“(J) The application to issuers of penalties for violation of such requirements, including the failure to produce requested information.

“(3) **TREATMENT OF PROPRIETARY INFORMATION.**—The Secretary may request under this subsection information that is proprietary or that reveals a trade secret, but such information shall not be subject to further disclosure to the general public in a manner that reveals proprietary information or a trade secret.

“(4) **FORM AND MANNER OF INFORMATION.**—Information under paragraph (1) shall be provided—

“(A) in a form and manner specified by the Secretary; and

“(B) within 30 days of the date of receipt of the request for the information, or within such longer time period as the Secretary deems appropriate.

“(5) **ENFORCEMENT.**—The Secretary shall have the same authority in relation to enforcement of requests for data under paragraph (1) as the Secretary has under section 2722(b).

“(6) **COORDINATION WITH STATES.**—

“(A) **IN GENERAL.**—The Secretary shall coordinate with State insurance regulators so that data with respect to health insurance issuers and coverage are collected and reported in a common format.

“(B) **CLEARINGHOUSE.**—The Secretary shall establish a clearinghouse for the sharing of data reported by health insurance issuers and for the findings from audits and investigations. Such clearinghouse may be established in conjunction with the National Association of Insurance Commissioners.

“(7) **COORDINATION WITH DEPARTMENTS OF LABOR AND TREASURY.**—The Secretary shall coordinate with the Secretaries of Labor and Treasury with respect to requirements to report data that affect health insurance coverage sold in connection with group health plans.

“(d) **HEALTH INSURANCE ACCOUNTABILITY GRANTS TO STATES.**—

“(1) **IN GENERAL.**—The Secretary shall provide for grants to Departments of Insurance in States to strengthen their enforcement of Federal health insurance requirements with

respect to health insurance issuers operating in such States. Such a grant shall only be made pursuant to an application made to the Secretary.

“(2) **FUNDING.**—

“(A) **IN GENERAL.**—Of the funds appropriated under subparagraph (B) for grants under this subsection, the Secretary shall provide a grant to each State with an application approved under paragraph (1).

“(B) **ALLOCATION.**—Funds so appropriated for any fiscal year shall be apportioned among the States in accordance with a formula determined by the Secretary that takes into account the scope of health insurance subject to regulation under this title in each State and such other factors as the Secretary may specify.

“(C) **APPROPRIATIONS AND AUTHORIZATIONS.**—There is hereby appropriated, out of any funds in the Treasury not otherwise appropriated for the first fiscal year in which this section is in effect, \$10,000,000 for grants under this subsection, to be available until expended. For each subsequent fiscal year there is authorized to be appropriated such sums as may be necessary for such grants.

“(e) **FEDERAL HEALTH INSURANCE REQUIREMENTS DEFINED.**—In this part, the term ‘Federal health insurance requirements’ means the requirements under this title insofar as they relate to health insurance issuers and health insurance coverage, whether in the individual or group market, and includes other requirements imposed under Federal law specifically in relation to the offering of health insurance coverage by health insurance issuers.”.

SEC. 5. HEALTH INSURANCE TRANSPARENCY INITIATIVES.

(a) **IN GENERAL.**—Title XXVII of the Public Health Service Act, as amended by section 3, is further amended by adding at the end the following new section:

“SEC. 2794. TRANSPARENCY INITIATIVES.

“(a) **IN GENERAL.**—The Secretary, acting through the Office of Health Insurance Oversight established under section 2795, shall undertake activities in accordance with this section to promote transparency in costs, market practices, and other factors for health insurance coverage, regardless of whether the coverage is offered or in effect in the individual or group market.

“(b) **DEVELOPMENT AND DISCLOSURE OF STANDARDIZED INFORMATION.**—

“(1) **IN GENERAL.**—In carrying out this section, the Secretary shall provide for the development of—

“(A) standards for information about health insurance issuers, their health insurance policies, and their market practices with respect to such policies; and

“(B) standards for the disclosure of such information in a timely, consistent, and accurate manner by health insurance issuers about each health insurance policy marketed and in force.

“(2) **INFORMATION TO BE DISCLOSED.**—

“(A) **IN GENERAL.**—In carrying out this section, the Secretary shall require health insurance issuers to disclose to enrollees, potential enrollees, in-network health care providers, and others through a publicly available Internet website and other appropriate means at least the following concerning each policy of health insurance coverage marketed or in force, in such standardized manner as the Secretary specifies:

“(i) Full policy contract language.

“(ii) A summary of the information described in paragraph (3).

“(iii) For each of the scenarios developed under paragraph (4), the coverage facts label

information developed under section 2709(a)(4).

“(B) PERSONALIZED STATEMENT.—In carrying out this section, the Secretary shall require health insurance issuers to disclose to enrollees, in such standardized manner as the Secretary specifies, an annual personalized statement described in section 2708(a)(5).

“(3) INFORMATION TO BE DISCLOSED.—The information described in this paragraph is at least the following:

“(A) Data on the price of each new policy of health insurance coverage and renewal rating practices.

“(B) Information on claims payment policies and practices, including how many and how quickly claims were paid.

“(C) Information on provider fee schedules and usual, customary, and reasonable fees (for both network and out-of-network providers).

“(D) Information on provider participation and provider directories.

“(E) Information on loss ratios, including detailed information about amount and type of non-claims expenses.

“(F) Information on covered benefits, cost-sharing, and amount of payment provided toward each type of service identified as a covered benefit, including preventive care services recommended by the United States Preventive Services Task Force.

“(G) Information on civil or criminal actions successfully concluded against the issuer by any governmental entity.

“(H) Benefit exclusions and limits.

“(4) DEVELOPMENT OF PATIENT CLAIMS SCENARIOS.—

“(A) IN GENERAL.—In order to improve the ability of individuals and group health plans to compare the coverage and value provided under different health insurance coverage, the Secretary shall develop a series of patient claims scenarios under which benefits (including out-of-pocket costs) under such coverage can be simulated for certain common or expensive conditions or courses of treatment, such as maternity care, breast cancer, heart disease, diabetes management, and well-child visits.

“(B) CONSULTATION AND BASIS.—The Secretary shall develop the scenarios under this paragraph—

“(i) in consultation with the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, health professional societies, patient advocates, and others as deemed necessary by the Secretary; and

“(ii) based upon recognized clinical practice guidelines.

“(5) MANNER OF DISCLOSURE.—

“(A) IN GENERAL.—The standards under paragraph (1)(B) shall provide for health insurance issuers to disclose the information under this subsection—

“(i) with all marketing materials;

“(ii) on the web site of the issuer; and

“(iii) at other times upon request.

“(B) CONTRACT LANGUAGE.—Such standards also shall require the disclosure of full policy contract language in printed form upon request.

“(C) APPLICATION OF ENFORCEMENT PROVISIONS.—The provisions of sections 2722 and 2671 shall apply to enforcement of the requirements of this section in the same manner as such provisions apply to the provisions of part A or part B, respectively. Under such provisions the States shall have initial (and primary) enforcement authority with respect to such requirements, except that the Secretary under section 2793 may di-

rectly monitor compliance with such provisions as well.”.

(b) CONFORMING AMENDMENTS REGARDING DISCLOSURE OF INFORMATION.—

(1) REFERENCE IN THE GROUP MARKET.—Section 2713 of the Public Health Service Act (42 U.S.C. 300gg-13)) is amended by adding at the end the following new subsection:

“(c) REFERENCE TO DISCLOSURE OF INFORMATION.—For provision requiring disclosure of information by health insurance issuers, see section 2794(d).”.

(2) REFERENCE IN THE INDIVIDUAL MARKET.—Section 2761 of the Public Health Service Act is amended by adding at the end the following new subsection:

“(c) REFERENCE TO DISCLOSURE OF INFORMATION.—For provision requiring disclosure of information by health insurance issuers, see section 2794(d).”.

SEC. 6. OFFICE OF HEALTH INSURANCE OVERSIGHT.

(a) IN GENERAL.—Title XXVII of the Public Health Service Act, as amended by sections 3 and 4, is amended by adding at the end of part C the following new section:

“SEC. 2795. OFFICE OF HEALTH INSURANCE OVERSIGHT.

“(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an Office of Health Insurance Oversight (referred to in this section as the ‘Office’). The Office shall be headed by a Director of Health Insurance Oversight (referred to in this section as the ‘Director’) who shall be appointed by and report directly to the Secretary.

“(b) DUTIES.—

“(1) PROMOTION OF ACCOUNTABILITY IN HEALTH INSURANCE.—

“(A) IN GENERAL.—The Director shall implement accountability initiatives under section 2793.

“(B) CLEARINGHOUSE.—The Director shall provide, in consultation with the National Association of Insurance Commissioners, for a clearinghouse for State health insurance regulators to share information concerning, and help them to enact and enforce, Federal health insurance requirements.

“(2) PROMOTE TRANSPARENCY IN HEALTH INSURANCE.—The Director shall implement transparency initiatives under section 2794.

“(3) CONSUMER INFORMATION, ASSISTANCE.—

“(A) IN GENERAL.—The Director shall provide for consumer information assistance on health insurance coverage, and Federal health insurance consumer protections under this title, including through carrying out activities under this paragraph.

“(B) INFORMATION RESOURCES.—The Director shall develop health insurance information resources for consumers, including coverage facts labels for patient claims scenarios developed under section 2794(b)(4) and web-based information on average price ranges for out-of-network services based on geography.

“(C) SERVICE.—The Director shall establish a consumer assistance service that, directly or in coordination with State health insurance regulators and consumer assistance organizations, receives and responds to inquiries and complaints concerning health insurance coverage with respect to Federal health insurance requirements and under State law.

“(4) HEALTH INSURANCE CONSUMER ASSISTANCE GRANTS.—

“(A) IN GENERAL.—The Director shall provide for grants to public, private or not-for-profit consumer assistance organizations to develop, support, and evaluate consumer assistance programs related to selecting and navigating health care coverage. Such a

grant shall only be made pursuant to an application made to the Director. In making such grants, the Director shall attempt to ensure regional and geographic equity.

“(B) GRANT REQUIREMENT.—As a condition of receiving such a grant, an organization shall be required to collect and report data to the Director on the types of problems and inquiries encountered by consumers they serve. Data shall be used by the Director to inform enforcement activities and be shared with State insurance regulators, the Department of Labor, and the Secretary of the Treasury.

“(C) APPROPRIATIONS AND AUTHORIZATIONS.—There is hereby appropriated, out of any funds in the Treasury not otherwise appropriated for the first fiscal year in which this section is in effect, \$30,000,000 for grants under this paragraph, to be available until expended. For each subsequent fiscal year there are authorized to be appropriated such sums as may be necessary for such grants.

“(5) ADMINISTRATION OF HIGH RISK POOL.—The Director shall administer the high risk pool program under section 2745.

“(6) ADMINISTRATION OF GRANTS TO STATE INSURANCE DEPARTMENTS.—The Director shall administer the program of grants to State insurance departments under section 2793(d).

“(c) PERIODIC REPORTS.—The Director shall submit periodic reports to Congress on the Office’s activities.

“(d) COORDINATION.—

“(1) FEDERAL OFFICIALS.—The Director shall coordinate, with the Secretaries of Labor and Treasury, activities under this section with respect to requirements that affect health insurance coverage offered in connection with group health plans, including coordination in —

“(A) development and dissemination of information; and

“(B) consumer inquiries and complaints relating to Federal health insurance requirements.

“(2) STATE HEALTH INSURANCE REGULATORS.—In carrying out the Office’s activities, the Director shall—

“(A) coordinate with State health insurance regulators regarding data collection and disclosure and audit and enforcement activities in order to avoid duplication and to use regulatory resources most efficiently;

“(B) monitor State efforts to implement and enforce consumer protections consistent with Federal health insurance requirements;

“(C) provide technical assistance to States seeking to implement and enforce consumer protections consistent with such requirements; and

“(D) provide for regular communication with such regulators to coordinate enforcement efforts and sharing of information

“(e) TRANSFER OF PERSONNEL AND RESOURCES.—The Secretary shall provide for the transfer to the Office of those personnel and resources within the Department of Health and Human Services that, as of the date of the enactment of this section, relate directly to the responsibilities of the Director under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under subsection (b)(4)(C), there are authorized to be appropriated to carry out this section \$20,000,000 for the first fiscal year beginning after the date of the enactment of this section and such sums as may be necessary for subsequent fiscal years.”.

(b) CONFORMING AMENDMENTS REGARDING ADDITIONAL AUTHORITY.—

(1) GROUP MARKET.—Section 2722 of such Act (42 U.S.C. 300gg–22) is amended by adding at the end the following new subsection:

“(c) REFERENCE TO ADDITIONAL AUTHORITY.—For additional Secretarial authorities with respect to requirements under this part, see sections 2793 and 2794.”.

(2) INDIVIDUAL MARKET.—Section 2761 of such Act (42 U.S.C. 300gg–61) is amended by adding at the end the following new subsection:

“(c) REFERENCE TO ADDITIONAL AUTHORITY.—For additional Secretarial authorities with respect to requirements under this part, see sections 2793 and 2794.”.

SEC. 7. STANDARDS AND ACCOUNTABILITY AND TRANSPARENCY INITIATIVES FOR GROUP HEALTH PLANS THROUGH DEPARTMENTS OF LABOR AND THE TREASURY.

(a) STANDARDS.—In coordination with the Secretary of Health and Human Services, the Secretaries of Labor and the Treasury shall establish for group health plans standards comparable to the standards developed by the Secretary of Health and Human Services for group health insurance coverage under section 2708 of the Public Health Service Act, as added by section 3(a), in order to promote quality, fair marketing, and honesty in out-of-network coverage under such plans and to permit participants to make an informed decision in cases where they are offered a choice of coverage under such a plan.

(b) ACCOUNTABILITY AND TRANSPARENCY INITIATIVES.—In coordination with the Sec-

retary of Health and Human Services, the Secretaries of Labor and the Treasury shall jointly undertake accountability and transparency initiatives with respect to group health plans similar to those undertaken by the Secretary of Health and Human Services with respect to group and individual health insurance coverage under sections 2793 and 2794 of the Public Health Service Act, as added by sections 4 and 5 of this Act.

(c) GROUP HEALTH PLAN DEFINED.—In this section, with respect to the Secretary of Labor and the Secretary of the Treasury, the term “group health plan” has the meaning such term for purposes of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and chapter 100 of the Internal Revenue Code of 1986, respectively.

Sample "Coverage Facts" Label for Health Insurance

Coverage Facts

Individually Purchased Health Insurance, 2008

Policy A (California)

Monthly Premium (age 55) †	\$211
Annual deductible	\$1,500
Annual OOP limit	\$1,500
Cost sharing not subject to annual OOP	None
Significant exclusions, benefit limits	Mental health limit of 20 visits, Wigs

Breast Cancer Scenario ‡
(May 1 diagnosis, 87 weeks active treatment)

Estimated allowed charges for all treatment	\$97,298
Estimated paid by patient	\$3,602 (4%)

Care type	# billed	Total allowed charges (\$)	\$ paid out of pocket	% paid out of pocket
Office Visit	48	3,120	505	16%
Office Procedure	47	524	248	47%
Radiology	12	6,356	195	3%
Laboratory	40	1,632	149	9%
Surgery	1	2,777	487	18%
Hospital	1	3,205	0	0%
Inpat Med Care	1	136	0	0%
Rx Drugs	36	5,315	502	9%
Prostheses	1	200	200	100%
Chemotherapy	36	63,320	0	0%
Mental Health	36	2,574	140	5%
Radiation Therapy	35	8,140	1175	14%

* signifies less than 1/2 of 1%

Source of patient costs	Number encountered	Amount
Annual medical deductibles	3	\$3,332
Co-pays	n/a	\$0
Co-insurance	n/a	\$0
Non-covered care	2	\$270

† Monthly premium reflects rate quoted on ehealthinsurance.com for applicant in Sacramento in excellent health. Individual premiums may vary based on health status, age, and other factors.

‡ Breast Cancer Scenario includes outpatient lumpectomy, 4 two-week cycles each of two chemotherapy regimens, 7 weeks of daily radiation therapy, one year of Herceptin therapy, short term mental health counseling, various diagnostic lab and imaging services and prescription drugs. Scenario based on treatment guidelines published by NCCN. Individual patient care needs may vary.

All care assumed to be received from in-network providers following all plan rules for prior authorization. Receipt of care by non-plan providers or without required authorizations can result in substantially higher out-of-pocket costs.

Active treatment over 87 weeks beginning in May assumes patient faces annual deductibles and other cost sharing in three plan years. Diagnosis at different time during calendar year could produce different cost sharing results.

Source: Karen Pollitz et al, "Coverage when it Counts: How much protection does health insurance offer and how can consumers know?" May 8, 2009.

http://www.americanprogressaction.org/issues/2009/05/health_coverage.html

By Ms. MURKOWSKI:

S. 1053. A bill to amend the National Law Enforcement Museum Act to extend the termination date; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, this week is National Police Week, the one week each year when tens of thousands of law enforcement officers from around the U.S. and some from foreign lands descend upon Washington, DC to pay homage to the fallen officers who gave their lives in the service of our communities.

All around Washington we see police cars and motorcycles from jurisdictions far and wide. Honor guards and drill teams. And many uniformed law enforcement officers with their families and kids.

At a hotel in Alexandria, VA, thousands of surviving families and coworkers of fallen law enforcement officers are gathered for the 2009 National Police Survivors Conference, sponsored by Concerns of Police Survivors. Today marks the 25th anniversary of the founding of Concerns of Police Survivors. I thank all of our colleagues for supporting S. Res. 138 commending that organization on the occasion of this significant anniversary. Tomorrow we observe Peace Officers Memorial Day with services at the U.S. Capitol.

Last evening the National Law Enforcement Officers Memorial Fund conducted its annual candlelight vigil at the memorial on Judiciary Square. I had the privilege of reading the name of a fallen officer, John Patrick Watson of the Kenai Police Department, at the 2004 candlelight vigil. I can attest that this annual event does justice to the memory of the 18,662 names inscribed on the memorial walls.

For fifty-one weeks out of every year those memorial walls display names. Just names. There is a story of heroism behind each of these names. Yet for 51 weeks out of each year, those stories are hidden from public view. Visitors to the memorial can discover but a few of these stories by viewing the displays at the Memorial Fund's tiny visitor's center.

During National Police Week the memorial comes alive with news clippings, photographs and patches—even the door of a police car—placed at the memorial by law enforcement agencies and friends and family members of the fallen officers. These ad hoc memorials are removed at the end of Police Week. Those that are left behind become part of the National Law Enforcement Officers Memorial Fund's permanent collection. Someday more substantial parts of that collection will be displayed to the public at the National Law Enforcement Museum.

In 2000, Congress passed the National Law Enforcement Museum Act, Public Law 106-492, which set aside land across from the National Law Enforcement

Officers Memorial for a National Law Enforcement Museum. The museum is to be operated by the National Law Enforcement Officers Memorial Fund.

This National Law Enforcement Museum will tell the story of our law enforcement heroes. It will help ensure that visitors to the Law Enforcement Officers Memorial have an opportunity to reflect on the ways that our fallen officers lived their lives, rather than the way those officers died.

Our colleagues may be interested to know that it was Vivian Eney-Cross, the surviving spouse of a fallen U.S. Capitol Police officer, who coined the phrase, "It is not how these officers died that made them heroes, it is how they lived."

The National Law Enforcement Museum Act requires that the museum be financed with private contributions. The National Law Enforcement Officers Memorial Fund has been diligent in seeking private financing and hopes to break ground on the museum in November 2010 with a 2013 opening date.

I am hopeful that construction of the new museum will begin in 2010 but I am also realistic about the difficulties of raising private funds for worthy projects given current world economic conditions.

Fortunately, these economic conditions have neither deterred the Memorial Fund from asking for donations nor have they deterred prospective contributors with the ability to give, from giving. On May 4, the Memorial Fund announced a \$1.5 million grant from the Verizon Foundation to develop educational and interactive technology programs at the planned museum.

However, I must call the attention of our colleagues to a critical deadline in the National Law Enforcement Museum Act. The act provides that the authority to construct a museum terminates on November 9, 2010 if construction has not begun by that date. Today, I offer legislation that will push the termination date out to November 9, 2013. This legislation will provide a cushion for the Memorial Fund to continue their fundraising efforts.

Our law enforcement officers put their lives on the line every day to protect our communities. Giving the National Law Enforcement Officers Memorial Fund a bit more time to arrange financing, if they need it, is a small price to pay. A small price to pay for the sacrifices our law enforcement officers and their families make every day.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL LAW ENFORCEMENT MUSEUM ACT.

Section 4(f) of the National Law Enforcement Museum Act (Public Law 106-492) is amended by striking "10 years" and inserting "13 years".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 149—EXPRESSING SOLIDARITY WITH THE WRITERS, JOURNALISTS, AND LIBRARIANS OF CUBA ON WORLD PRESS FREEDOM DAY AND CALLING FOR THE IMMEDIATE RELEASE OF CITIZENS OF CUBA IMPRISONED FOR EXERCISING RIGHTS ASSOCIATED WITH FREEDOM OF THE PRESS

Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. GRAHAM, Mr. ENSIGN, Mr. NELSON of Florida, Mr. VOINOVICH, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 149

Whereas Article 19 of the Universal Declaration of Human Rights provides, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.":

Whereas the United Nations General Assembly declared May 3 of each year to be "World Press Freedom Day" to raise awareness of the importance of freedom of expression and to remind governments of their obligation to respect the rights of free expression and of a free press;

Whereas the United States Department of State, in its 2008 report on human rights in Cuba, notes, "The government [of Cuba] subjected independent journalists to travel bans, detentions, harassment of family and friends, equipment seizures, imprisonment, and threats of imprisonment. State Security agents posed as independent journalists to gather information on activists and spread misinformation and mistrust within independent journalist circles.":

Whereas Reporters Without Borders, an international nongovernmental organization, continues to rank Cuba as one of the most repressive countries in the world, and the most repressive country in the Western Hemisphere, with respect to freedom of the press;

Whereas the International Press Institute, a global network of journalists, editors, and media executives, concludes that Cuba "remains a leading jailer of journalists";

Whereas International PEN, an international network of writers, has reported that 22 writers, journalists, and librarians were among the individuals arrested and tried during the crackdown by the Government of Cuba on independent civil society activists in the spring of 2003, and subsequently imprisoned;

Whereas International PEN further reports that "the majority of the detained writers, journalists and librarians are suffering from health complaints caused or exacerbated by the harsh conditions and treatment they are exposed to in prison. Despite their deteriorating health status, access to adequate medical treatment is often limited.": and

Whereas the Committee to Protect Journalists, a nonpartisan international organization of journalists, has identified more than 20 writers, journalists, and librarians in Cuba who remain imprisoned by the Government of Cuba: Now, therefore, be it

Resolved, That the Senate—

(1) expresses solidarity with—

(A) the citizens of Cuba who are suffering harassment, deprivation, or imprisonment for exercising rights associated with freedom of the press and pursuing livelihoods as independent writers, journalists, or librarians; and

(B) the family members of those writers, journalists, and librarians; and

(2) calls on the Government of Cuba to release immediately all writers, journalists, and librarians who are imprisoned for exercising their fundamental human rights, including the citizens of Cuba that have been specifically identified by international organizations that monitor respect for the freedom of the press as being imprisoned by the Government of Cuba.

SENATE RESOLUTION 150—COMMEMORATING AND CELEBRATING THE LIVES OF OFFICER KRISTINE MARIE FAIRBANKS, DEPUTY ANNE MARIE JACKSON, AND SERGEANT NELSON KAI NG WHO GAVE THEIR LIVES IN THE SERVICE OF THE PEOPLE OF WASHINGTON STATE IN 2008

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 150

Whereas law enforcement officers throughout Washington State conduct themselves in a manner that supports, maintains, and defends the Constitution of the United States and the Constitution of the State of Washington;

Whereas law enforcement officers in Washington State and throughout the Nation risk their own lives to protect the lives of others;

Whereas since 1792, approximately 18,600 law enforcement officers were killed in the line of duty in the United States, and 262 of those officers served the people of Washington State;

Whereas in 2008, 133 law enforcement officers were killed in the line of duty in the United States;

Whereas in 2008, Deputy Anne Marie Jackson of the Skagit County Sheriff's Office, Officer Kristine Marie Fairbanks of the U.S. Forest Service, and Sergeant Nelson Kai Ng of the Ellensburg Police Department gave their lives in the service of the people of Washington State;

Whereas the family members and friends of Officer Fairbanks, Deputy Jackson, and Sergeant Ng bear the most immediate and profound burden of the absence of their loved ones; and

Whereas National Police Week is observed from May 10 to May 16, 2009, and is the most appropriate time to honor the Washington State law enforcement officers who sacrificed their lives in service to their State and Nation: Now, therefore, be it

Resolved, That the Senate—

(1) extends its condolences to the families and loved ones of Officer Kristine Marie Fairbanks, Deputy Anne Marie Jackson, and Sergeant Nelson Kai Ng; and

(2) stands in solidarity with the people of Washington State as they celebrate the lives

and mourn the loss of these remarkable and selfless heroes who represented the best of their community and whose memory will serve as an inspiration for future generations.

SENATE RESOLUTION 151—DESIGNATES A NATIONAL DAY OF REMEMBRANCE ON OCTOBER 30, 2009, FOR NUCLEAR WEAPONS PROGRAM WORKERS IN THE SERVICE OF THE PEOPLE

Mr. BUNNING (for himself, Mr. ALEXANDER, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. UDALL of Colorado, Mr. KENNEDY, Mr. VOINOVICH, Mr. REID, Mr. CORKER, Mr. GRASSLEY, Mrs. MURRAY, and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 151

Whereas hundreds of thousands of men and women have served this Nation in building its nuclear defense since World War II;

Whereas these dedicated American workers paid a high price for their service and have developed disabling or fatal illnesses as a result of exposure to beryllium, ionizing radiation, toxic substances, and other hazards that are unique to the production and testing of nuclear weapons;

Whereas these workers were put at individual risk without their knowledge and consent in order to develop a nuclear weapons program for the benefit of all American citizens; and

Whereas these patriotic men and women deserve to be recognized for their contribution, service, and sacrifice towards the defense of our great Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2009, as a national day of remembrance for American nuclear weapons program workers and uranium miners, millers, and haulers; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2009, as a national day of remembrance for past and present workers in America's nuclear weapons program.

Mr. ALEXANDER. Mr. President, today I am joining with Senator BUNNING and other senators to introduce a resolution to declare a National Day of Remembrance in honor of the thousands of men and women that supported our nuclear efforts during the Cold War.

The dedicated employees of the Department of Energy and its contractors were instrumental in our winning the Cold War. These employees worked in laboratories and factories related to nuclear weapons, under hazardous conditions that were sometimes not well understood. They put their health and their lives in jeopardy in the service of their country, often without knowing it.

Tennessee has more workers that were made sick through their exposure to nuclear weapon hazards than any other state in the union. That is why one of my priorities in the U.S. Senate

has been to help get our Cold War heroes and their families the compensation they deserve—from a major overhaul of the sick worker's program in 2004, to legislation that introduced last year to ensure that compensation for the families of sick nuclear worker won't be taken away in cases where sick workers or their eligible survivors die before their claims are processed.

While the compensation program can provide some financial assistance, it can never fully make up for what was lost.

I would also like to take a moment to mention one particular heroine among these Cold War heroes: Janine Lynn Anderson, a dedicated advocate for all the American nuclear weapons workers. Janine worked tirelessly for over a decade to ensure that nuclear weapons workers were not forgotten after the Cold War was won. Sadly, Janine passed away just a week ago on May 2. She will be missed.

It was her idea that these patriotic men and women be recognized through a National Day of Remembrance, for their contribution, service, and sacrifice towards the defense of this great nation.

That is why it is particularly appropriate that today we introduce this resolution to designate October 30, 2009 as a National Day of Remembrance in honor of these Cold War heroes. I look forward to working with my colleagues from both parties to pass this resolution soon.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1111. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table.

SA 1112. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1113. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1114. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1115. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1116. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R.

627, *supra*; which was ordered to lie on the table.

SA 1117. Mr. LEVIN (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1118. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1119. Mr. LEVIN (for himself, Mrs. McCASKILL, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1120. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1121. Mr. DURBIN (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1122. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1123. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1124. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1125. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1126. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 1107 submitted by Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BURRIS) to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, *supra*.

SA 1127. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 627, *supra*; which was ordered to lie on the table.

SA 1128. Mr. MCCONNELL (for himself and Mr. REID) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

SA 1129. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1106 submitted by Mrs. MURRAY and intended to be proposed to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1111. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. RESPA AND TILA DISCLOSURE IMPROVEMENT.

(a) **COMPATIBLE DISCLOSURES.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) and the Board shall jointly issue for public comment proposed regulations providing for compatible disclosures to be made to borrowers to at the time of a mortgage application and at the time of closing of a mortgage.

(b) **REQUIREMENTS.**—Such disclosures shall—

(1) provide clear and concise information to borrowers on the terms and costs of residential mortgage transactions and mortgage transactions covered by the Truth in Lending Act (12 U.S.C. 1601 et seq.) and the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);

(2) satisfy the requirements of section 128 of the Truth in Lending Act (12 U.S.C. 1638) and sections 4 and 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2603 and 2604);

(3) include early disclosures under the Truth in Lending Act, the good faith estimate disclosures under the Real Estate Settlement Procedures Act of 1974, and final disclosures under the Truth in Lending Act and the uniform settlement statement disclosures under the Real Estate Settlement Procedures Act of 1974, and provide for standardization to the greatest extent possible among such disclosures, from mortgage origination through the mortgage settlement; and

(4) include, with respect to a residential home mortgage loan, a written statement of—

(A) the principal amount of the loan;

(B) the term of the loan;

(C) whether the loan has a fixed rate of interest or an adjustable rate of interest;

(D) the annual percentage rate of interest under the loan as of the time of the disclosure;

(E) if the rate of interest under the loan can adjust after the disclosure, for each such possible adjustment—

(i) when such adjustment will or may occur; and

(ii) the maximum annual percentage rate of interest to which it can be adjusted;

(F) the total monthly payment under the loan (including loan principal and interest, property taxes, and insurance) at the time of the disclosure;

(G) the maximum total estimated monthly maximum payment pursuant to each possible adjustment described in subparagraph (E);

(H) the total settlement charges in connection with the loan and the amount of any down payment or cash required at settlement; and

(I) whether the loan has a prepayment penalty or balloon payment and the terms, timing, and amount of any such penalty or payment.

(c) **SUSPENSION OF 2008 RESPA RULE.**—

(1) **REQUIREMENT.**—The Secretary shall, during the period beginning on the date of enactment of this Act and ending on the date on which proposed regulations are issued pursuant to subsection (a), suspend implementation of any provision of the final rule referred to in paragraph (2) that would establish and implement a new standardized good faith estimate and a new standardized uniform settlement statement. Any such provision shall be replaced by the regulations issued pursuant to subsections (a) and (b) on the date on which such regulations are issued.

(2) **2008 RULE.**—The final rule referred to in this paragraph is the rule of the Department of Housing and Urban Development published on November 17, 2008, on pages 68204–68288 of Volume 73 of the Federal Register (Docket No. FR–5180–F–03; relating to “Real Estate Settlement Procedures Act (RESPA): Rule to Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs”).

(d) **IMPLEMENTATION.**—The regulations required under subsection (a) shall take effect, and shall provide an implementation date for the new disclosures required under such regulations, not later than 12 months after the date of enactment of this Act.

(e) **FAILURE TO ISSUE COMPATIBLE DISCLOSURES.**—

(1) **REPORT TO CONGRESS.**—If the Secretary and the Board cannot agree on compatible disclosures pursuant to subsections (a) and (b), the Secretary and the Board shall submit a report to the Congress, after the 6-month period referred to in subsection (a), explaining the reasons for such disagreement.

(2) **SEPARATE PROPOSED REGULATIONS.**—

(A) **ISSUANCE OF PROPOSED REGULATIONS.**—After the 15-day period beginning on the date of submission of a report under paragraph (1), the Secretary and the Board may separately issue for public comment regulations, as required by this section, providing for disclosures under the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) and the Truth in Lending Act (12 U.S.C. 1601 et seq.), respectively.

(B) **EFFECTIVE DATE OF FINAL REGULATIONS.**—Any final disclosures as a result of such regulations issued by the Secretary and the Board shall take effect on the same date, and in no case shall such regulations take effect later than 12 months after the date of enactment of this Act.

(C) **FAILURE TO ACT.**—If either the Secretary or the Board fails to act as required by this paragraph during such 12-month period, the other agency may act independently to implement final regulations.

(f) **STANDARDIZED DISCLOSURE FORMS.**—

(1) **IN GENERAL.**—Any regulation proposed or issued pursuant to the requirements of this section shall include model disclosure forms.

(2) **OPTION FOR MANDATORY USE.**—In issuing proposed regulations under subsection (a), the Secretary and the Board shall include regulations for the mandatory use of standardized disclosure forms if the Secretary and the Board jointly determine that such forms would substantially benefit consumers.

SA 1112. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end

consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, strike lines 10 and 11 and insert the following:

- “(6) the use of risk-based pricing;
- “(7) credit card product innovation;
- “(8) higher annual percentage rates of interest, on average, for users than the average of such rates of interest in effect before the effective date of this Act and the amendments made by this Act;
- “(9) the imposition of annual fees or other fees—
- “(A) that did not exist before such effective date;
- “(B) at a higher average rate of applicability than existed before such effective date; or
- “(C) with higher average costs to the consumer than were in effect before such effective date;
- “(10) any increase in the rate of denial of—
- “(A) new credit accounts for consumers; or
- “(B) new extensions of credit or additional lines of credit for credit accounts established before such effective date; and
- “(11) any other adverse or negative condition or effect on consumers.”.

SA 1113. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 10, strike “Section 127” and insert the following:

- “(a) REPORT ON IMPACT; EFFECTIVE DATE.—
- “(1) REPORT BY THE BOARD.—Not later than December 1, 2009, the Board shall provide an economic report to Congress detailing the impact of section 127(n) of the Truth in Lending Act, as added by this section, on consumer access to credit.
- “(2) EFFECTIVE DATE.—Notwithstanding section 3 or any other provision of this Act, unless the Board certifies in writing to Congress that the economic report required by this subsection shows no potential for a material reduction in consumer access to credit, or if the Board fails to timely issue the economic report required by this subsection, section 127(n) of the Truth in Lending Act, as added by this section, shall become effective 2 years after the date of enactment of this Act. The effective date provided in section 3 shall apply to such section 127(n) if the Board certifies that the report shows no potential reduction in consumer access to credit.

“(b) AMENDMENT TO TILA.—Section 127”.

SA 1114. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. ADDITIONAL MONITORING AND ACCOUNTABILITY FOR THE TROUBLED ASSET RELIEF PROGRAM.

(a) IN GENERAL.—Section 113 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223) is amended by adding at the end the following new subsection:

“(e) ADDITIONAL MONITORING AND ACCOUNTABILITY.—

“(1) IN GENERAL.—The Secretary shall—

“(A) provide to the Special Inspector General appointed under section 121, the Comptroller General of the United States, and the Congressional Oversight Panel established under section 125 ongoing, continuous, and close to real-time updates of the status of the use of funds distributed under this title, including with respect to procurement contracts, through a standardized electronic database that combines all of the necessary information from existing public and private sources;

“(B) compare the data in such database with any other data that the Secretary chooses to review for any activities that are inconsistent with the purposes of this Act;

“(C) collect from all Federal agencies any regulatory filings, data generated by the use of internal models, financial models, and analytics associated with the financial assistance received under this title on no less than a daily basis to help enable the Secretary to determine the effectiveness of the Troubled Asset Relief Program in stimulating prudent lending and strengthening bank capital;

“(D) if the Secretary determines that the goals of this title are not being met, work with the Federal agencies supplying the information to have them provide the recipients with recommendations for better meeting the goals of this title; and

“(E) if the Secretary determines that the goals of this title are not met following such recommendations, adjust the future uses of assistance available under this title.

“(2) DATABASE AS REPOSITORY.—To the extent practicable, all information that is required to be reported under this title by institutions receiving financial assistance or procurement contracts under this title shall be included by the Secretary in the database established pursuant to paragraph (1)(A).

“(3) PROCEDURES AND REGULATIONS.—The Secretary shall, in consultation with the appropriate Federal banking agencies, define and manage the procedures and regulations needed for carrying out this subsection.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 60 days after the date of enactment of this Act.

SA 1115. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 34, line 12, strike all through page 35, line 24, and insert the following:

SEC. 301. EXTENSIONS OF CREDIT TO CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

“(8) VERIFICATION OF ABILITY TO PAY.—

“(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end consumer

credit plan established by or on behalf of, a consumer, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

“(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by a consumer shall require—

“(i) the signature of a cosigner having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account; or

“(ii) submission by the consumer of financial information, including through an application, indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

“(C) SAFE HARBOR.—The Board shall promulgate regulations providing standards that, if met, would satisfy the requirements of subparagraph (B)(ii).”.

SA 1116. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. FIRM OFFER OF CREDIT.

Section 603(l) of the Fair Credit Reporting Act (15 U.S.C. 1681a(l)) is amended to read as follows:

“(1) FIRM OFFER OF CREDIT.—

“(1) DEFINITION.—The term ‘firm offer of credit’ means any offer of credit to a consumer that specifies all material terms, and will be honored if the consumer is determined to meet the specific criteria used to select the consumer for the offer, based on information in a consumer report on the consumer.

“(2) REQUIRED DISCLOSURES IN OFFERS OF CREDIT.—In the case of a firm offer of credit, the offer shall set forth the specific annual percentage rate, fees, and amount of credit or credit limit applicable to the offer.

“(3) ACCEPTABLE CONDITIONS.—A firm offer of credit to a consumer may be further conditioned on—

“(A) verification that the consumer continues to meet the specific criteria used to select the consumer for the offer, by using information in a consumer report on the consumer, information in the application of the consumer for the credit, or other information bearing on the credit worthiness of the consumer;

“(B) the consumer furnishing any collateral that is a requirement for the extension of the credit that was—

“(i) established before selection of the consumer for the offer of credit; and

“(ii) disclosed to the consumer in the offer of credit; or

“(C) any combination of the criteria in subparagraphs (A) and (B).”.

SA 1117. Mr. LEVIN (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in

Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike lines 5 through 12, and insert the following:

“(a) IN GENERAL.—

“(1) The amount of any penalty fee or charge that a card issuer may impose with respect to a credit card account under an open end consumer credit plan in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over the limit fee, or any other penalty fee or charge, shall be reasonable and proportional to such omission or violation.

“(2) A fee amount shall not be treated as reasonable and proportional under paragraph (1) if such card issuer increases such fee amount by charging interest with respect to such fee amount.”.

SA 1118. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike lines 5 through 12, and insert the following:

“(a) IN GENERAL.—

“(1) The amount of any penalty fee or charge that a card issuer may impose with respect to a credit card account under an open end consumer credit plan in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over-the-limit fee, or any other penalty fee or charge, shall be reasonable and proportional to such omission or violation.

“(2) An over-the-limit fee amount may be treated as reasonable and proportional under paragraph (1) only if the over-the-limit fee is imposed only once during a billing cycle when, on the last day of such billing cycle, the credit limit on the account is exceeded, and only if the over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.”.

SA 1119. Mr. LEVIN (for himself, Mrs. McCASKILL, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 18, through page 47, line 11, strike the text and insert the following—

“(a) REQUIRED REVIEW.—

“(1) IN GENERAL.—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review of the consumer credit card market, including—

“(A) the terms of credit card agreements and the practices of credit card issuers;

“(B) the effectiveness of disclosures of terms, fees, and other expenses of credit card plans;

“(C) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans;

“(D) the cost and availability of credit, particularly with respect to non-prime borrowers;

“(E) the safety and soundness of credit card issuers;

“(F) the use of risk-based pricing; and

“(G) credit card product innovation; and

“(2) CREDIT CARD DATA.—In conducting the review under paragraph (1), the Board shall consider information collected under section 136 of the Truth in Lending Act (15 U.S.C. 1646); and to ensure an adequate review of the matters in subparagraphs (1)(A), (C), (D), (F), and (G), and to carry out section 149 of the Truth in Lending Act on the reasonableness and proportionality of credit card fees and charges, as amended by this Act, the Board shall require that the information collected under section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) shall include the following—

“(A) a list of each type of transaction or event during the relevant semiannual period for which one or more card issuer has imposed a separate interest rate upon a cardholder, including purchases, cash advances, and balance transfers;

“(B) for each type of transaction or event identified under subparagraph (A)—

“(i) each distinct interest rate charged by the card issuer to a cardholder during the semiannual period; and

“(ii) the number of cardholders to whom each such interest rate was applied during the last calendar month of the semiannual period, and the total amount of interest charged to such cardholders at each such rate during such month;

“(C) a list of each type of fee that one or more card issuer has imposed upon a cardholder during the relevant semiannual period, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency;

“(D) for each type of fee identified under clause (C), the number of cardholders upon whom the fee was imposed during each calendar month of the relevant semiannual period, and the total amount of fees imposed upon cardholders during such month;

“(E) the total number of cardholders that incurred any interest charge or any fee during the relevant semiannual period; and

“(F) any other information related to interest rates, fees, or other charges that the Board deems of interest to conduct the review under this section or carry out section 149 of the Truth in Lending Act, as amended by this Act.

“(3) INCOME ANALYSIS.—To ensure an adequate review of the matters in subparagraphs (1)(A), (C), (D), (E), (F) and (G), the Board shall, on an annual basis, transmit to Congress and make public a report containing an assessment by the Board of the approximate, relative percentage of income derived by credit card operations of depository institutions from—

“(A) the imposition of interest rates on cardholders, including separate estimates for—

“(i) interest with an annual percentage rate of less than 25 percent, and

“(ii) interest with an annual percentage rate equal to or greater than 25 percent;

“(B) the imposition of fees on cardholders;

“(C) the imposition of fees on merchants; and

“(D) any other material source of income, while specifying the nature of that income.”.

SA 1120. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. REPORTS ON ISSUER PRACTICES DURING THE INTERIM PERIOD BETWEEN THE DATE OF ENACTMENT AND THE EFFECTIVE DATE.

(a) REPORTS TO AGENCIES REQUIRED.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, and every 45 days thereafter, each card issuer shall submit to the appropriate enforcement agency a report containing data on any increase in consumer interest rates by the card issuer made on or after May 1, 2009 that would be prohibited if such increase took place after the effective date of this Act.

(2) CONTENTS OF REPORTS.—The reports required under paragraph (1)—

(A) shall include—

(i) the number of cardholders affected by each such increase;

(ii) the categories of cardholders affected by each such increase;

(iii) the size of each such increase;

(iv) the reason for each such increase; and

(v) a summary of the volume and nature of any complaints received from cardholders concerning interest rate increases that would be prohibited if such increases took place after the effective date of this Act; and

(B) need not include information on individually negotiated changes to contractual terms, such as individually modified work-outs or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

(b) SUMMARY OF DATA ON COMPLAINTS.—Each appropriate enforcement agency shall—

(1) summarize information on the volume and nature of any complaints received by such agency from a consumer concerning interest rate increases that would be prohibited if such increases took place after the effective date of this Act; and

(2) provide such summary to the Board for purposes of subsection (d).

(c) REPORTS AND DATA AVAILABLE TO PUBLIC.—Each appropriate enforcement agency shall make the reports and data required under subsections (a) and (b) available to the public.

(d) REPORTS TO CONGRESS.—

(1) REPORTS REQUIRED.—The Board shall submit to Congress periodic reports on practices of creditors that contain a compilation of the reports and data required under subsections (a) and (b).

(2) AGENCY COOPERATION.—Each appropriate enforcement agency shall provide compilations of any reports it receives under

this section to the Board for purposes of this subsection.

(3) **TIMING OF REPORTS.**—The Board shall submit the reports required under paragraph (1) not later than 90 days after the date of enactment of this Act, and every 90 days thereafter.

(e) **EFFECTIVE DATE.**—Notwithstanding section 3 of this Act, this section shall be effective during the period beginning on the date of enactment of this Act and ending on the effective date of this Act under section 3.

(f) **DEFINITIONS.**—In this section—

(1) the term “appropriate enforcement agency” means, with respect to a card issuer, the agency responsible for administrative enforcement relating to such card issuer under section 108 of the Truth in Lending Act (15 U.S.C. 1607); and

(2) the terms “cardholder”, “card issuer”, “consumer”, and “open end credit plan” have the same meanings as section 103 of the Truth in Lending Act (15 U.S.C. 1602).

SA 1121. Mr. DURBIN (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. CONSUMER DISCOUNTS; TRANSPARENCY IN MERCHANT FEE INFORMATION.

(a) **IN GENERAL.**—Section 167 of the Truth in Lending Act (15 U.S.C. 1666f) is amended to read as follows:

“SEC. 167. INDUCEMENTS TO CARD HOLDERS BY SELLERS OF DISCOUNTS FOR PAYMENTS BY CASH, CHECK, OR DEBIT CARDS; FINANCE CHARGE FOR SALES TRANSACTIONS INVOLVING DISCOUNTS.

“(a) **CASH, CHECK, AND DEBIT DISCOUNTS.**—With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer and any other covered person may not, by contract, rule, or otherwise, prohibit any such seller from offering a discount to a cardholder to induce the cardholder to pay by cash, check, debit card, or similar payment device, rather than by use of a credit card.

“(b) **FINANCE CHARGE.**—With respect to any sales transaction, any discount from the regular price offered by the seller for the purpose of inducing payment by a means not involving the use of an open end credit plan or credit card shall not constitute a finance charge, as determined under section 106, if the seller—

“(1) offers the discount to all prospective buyers; and

“(2) discloses the availability of the discount to consumers clearly and conspicuously.

“(c) **DISCOUNT DISPLAY RESTRICTIONS.**—With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer or any other covered person may not, by contract, rule, or otherwise, restrict the discretion of the seller as to how to display or advertise the discounts offered by the seller.

“(d) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘covered person’ means—

“(A) an electronic payment system network;

“(B) a licensed member of an electronic payment system network; and

“(C) any other person that sets or implements the rules for the use of an electronic payment system network.”

(b) **DEFINITIONS.**—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended—

(1) in subsection (x), by striking “or similar means” and inserting “debit card or similar payment device”; and

(2) by adding at the end the following:

“(cc) **DEBIT CARD.**—The term ‘debit card’ means any general-purpose card or other device issued or approved for use by a financial institution (as that term is defined in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a)) for use in debiting an account for the purpose of the cardholder obtaining goods or services, whether authorization is signature-based, PIN-based, or otherwise.

“(dd) **ELECTRONIC PAYMENT SYSTEM NETWORK.**—The term ‘electronic payment system network’ means a network that provides, through licensed members, processors, or agents—

“(1) for the issuance of credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network;

“(2) the proprietary services and infrastructure that route information and data to facilitate transaction authorization, clearance, and settlement that merchants must access in order to accept credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network as payment for goods and services; and

“(3) for the screening and acceptance of merchants into the network in order to allow such merchants to accept credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network as payment for goods and services.

“(ee) **LICENSED MEMBER.**—The term ‘licensed member’, in connection with any electronic payment system network, includes—

“(1) any creditor or credit card issuer that is authorized to issue credit cards or charge cards bearing any logo of the network;

“(2) any financial institution (as that term is defined in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a)) that is authorized to issue debit cards to consumers who maintain accounts at such financial institution; and

“(3) any person, including any financial institution, that is authorized—

“(A) to screen and accept merchants into any program under which any credit card, debit card, or other payment card or similar device bearing any logo of such network may be accepted by the merchant for payment for goods or services;

“(B) to process transactions on behalf of any such merchant for payment; and

“(C) to complete financial settlement of any such transaction on behalf of such merchant.”

SA 1122. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. FEDERAL TRADE COMMISSION RULE-MAKING ON MORTGAGE LENDING.

(a) **IN GENERAL.**—Section 626 of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended—

(1) in subsection (a)—

(A) by striking “Within” and inserting “(1) Within”; and

(B) by adding at the end the following:

“(2) Paragraph (1) shall not be construed to authorize the Federal Trade Commission to promulgate a rule with respect to an entity that is not subject to enforcement of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Commission.

“(3) The Federal Trade Commission shall enforce the rules promulgated pursuant to paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

“(4) An entity owned and controlled by a depository institution and regulated by the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, or the National Credit Union Administration shall not be subject to any rule prescribed under paragraph (1) if the entity is subject to a rule on the same subject matter prescribed by the Board of Governors of the Federal Reserve System pursuant to section 105 or 129(l) of the Truth in Lending Act (15 U.S.C. 1604 and 1639(l)).”

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

“(b)(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in a practice that violates such rule, the State, as *parens patriae*, may bring a civil action on behalf of the residents of the State in an appropriate district court of the United States or other court of competent jurisdiction—

“(A) to enjoin that practice;

“(B) to enforce compliance with the rule;

“(C) to obtain damages, restitution, or other compensation on behalf of residents of the State; or

“(D) to obtain penalties and relief provided by the Federal Trade Commission Act or the rule and such other relief as the court considers appropriate.”; and

(3) by adding at the end of subsection (b) the following:

“(8) Paragraph (1) shall not be construed to authorize the attorney general of a State to bring an action under this subsection against an entity subject to enforcement by the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, or the National Credit Union Administration under section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)), including an entity described in subsection (a)(4) of this section.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on March 12, 2009.

SA 1123. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr.

DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. DEFERRAL OF PAYMENTS AND INTEREST ON OBLIGATIONS INCURRED BY SERVICEMEMBERS BEFORE SERVICE IN A COMBAT ZONE.

(a) IN GENERAL.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

“SEC. 208. DEFERRAL OF PAYMENTS AND INTEREST ON OBLIGATIONS INCURRED BY SERVICEMEMBERS BEFORE SERVICE IN A COMBAT ZONE.

“(a) IN GENERAL.—Payment on any obligation or liability that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, before the servicemember is ordered or assigned to military service in a combat zone shall, upon request of the servicemember in accordance with subsection (b), be deferred and shall not accrue interest during the period the servicemember performs such military service in such combat zone, plus—

“(1) in the case of a servicemember who is retired for disability incurred during such military service, until one year from the date of such retirement; or

“(2) in the case of any other servicemember, 90 days.

“(b) WRITTEN NOTICE TO CREDITOR.—In order for an obligation or liability of a servicemember to be deferred in accordance with subsection (a), the servicemember shall provide the creditor written notice and a copy of the military orders ordering or assigning the servicemember to military service in a combat zone not later than 30 days after the date of the servicemember's order or assignment to such military service. In the event the servicemember's military service in a combat zone is extended, the servicemember shall provide the creditor written notice and a copy of the military orders extending such service not later than 30 days after the date of the order extending such military service.

“(c) LIMITATION EFFECTIVE AS OF DATE OF ORDERS.—Upon receipt of written notice and a copy of orders ordering or assigning a servicemember to military service in a combat zone under subsection (b), the creditor shall treat the obligation or liability in accordance with subsection (a), effective as of the date on which the servicemember is called or assigned to such military service.

“(d) CREDITOR PROTECTION.—A court may grant a creditor relief from the limitations of subsection (a) if, in the opinion of the court, the ability of the servicemember to pay the obligation or liability is not materially affected by reason of the servicemember's military service in a combat zone.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘interest’ includes service charges, renewal charges, fees, or any other charges (other than bona fide insurance) with respect to an obligation or liability.

“(2) The term ‘combat zone’ means a combat zone for purposes of section 112 of the Internal Revenue Code of 1986.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 207 the following new item:

“Sec. 208. Deferral of payments and interest on obligations incurred by servicemembers before service in a combat zone.”

SA 1124. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. EXTENSION OF LIMITATIONS.

(a) IN GENERAL.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting “; and”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking “equal to not more than the greater of—” and inserting the following: “equal to—

“(A) not more than the greater of—”; and

(4) by adding at the end the following:

“(B) the State's maximum lawful annual percentage rate or 17 percent, to facilitate the uniform implementation of federally mandated or federally established programs and financings related thereto, including—

“(i) uniform accessibility of student loans, including the issuance of qualified student loan bonds as set forth in section 144(b) of the Internal Revenue Code of 1986;

“(ii) the uniform accessibility of mortgage loans, including the issuance of qualified mortgage bonds and qualified veterans' mortgage bonds as set forth in section 143 of such Code;

“(iii) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

“(I) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

“(II) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

“(III) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any provision of law to further the same; and

“(iv) to facilitate interstate commerce generally, including consumer loans, in the case of any person or governmental entity (other than a depository institution subject to subparagraph (A) and paragraph (2)).”

(b) EFFECTIVE PERIOD.—The amendments made by subsection (a) shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SA 1125. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end

consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and the following:

SEC. —. FEDERAL TRADE COMMISSION RULE-MAKING ON MORTGAGE LENDING.

(a) IN GENERAL.—Section 626 of Division D of the Omnibus Appropriations Act, 2009 (Public Law 111-8) is amended—

(1) by inserting “(1) in subsection (a) before ‘Within’;”

(2) by inserting after paragraph (1) of subsection (a) (as designated by paragraph (1)), the following:

“(2) Paragraph (1) shall not be construed to authorize the Federal Trade Commission to promulgate a rule with respect to an entity that is not subject to enforcement of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Commission.

“(3) The Federal Trade Commission shall enforce the provisions of this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.”

(3) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

“(b)(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in a practice that violates such rule, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in an appropriate district court of the United States or other court of competent jurisdiction—

“(A) to enjoin that practice;

“(B) to enforce compliance with the rule;

“(C) to obtain damages, restitution, or other compensation on behalf of residents of the State; or

“(D) to obtain penalties and relief provided by the Federal Trade Commission Act or the rule and such other relief as the court considers appropriate.”; and

(4) by adding at the end of subsection (b) the following:

“(8) Paragraph (1) shall not be construed to authorize the attorney general of a State to bring an action under this subsection against an entity subject to supervision or regulation by the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Reserve Board, the Office of Thrift Supervision, the National Credit Union Administration Board, or any other Federal banking agency.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 12, 2009.

SA 1126. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 1107 submitted by Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BURRIS) to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

At the end of the amendment, add the following:

SEC. 504. EXTENSION OF LIMITATIONS.

(a) IN GENERAL.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting “; and”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking “equal to not more than the greater of—” and inserting the following: “equal to—

“(A) not more than the greater of—”; and

(4) by adding at the end the following:

“(B) the State’s maximum lawful annual percentage rate or 17 percent, to facilitate the uniform implementation of federally mandated or federally established programs and financings related thereto, including—

“(i) uniform accessibility of student loans, including the issuance of qualified student loan bonds as set forth in section 144(b) of the Internal Revenue Code of 1986;

“(ii) the uniform accessibility of mortgage loans, including the issuance of qualified mortgage bonds and qualified veterans’ mortgage bonds as set forth in section 143 of such Code;

“(iii) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

“(I) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

“(II) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

“(III) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any provision of law to further the same; and

“(iv) to facilitate interstate commerce generally, including consumer loans, in the case of any person or governmental entity (other than a depository institution subject to subparagraph (A) and paragraph (2)).”

(b) EFFECTIVE PERIOD.—The amendments made by subsection (a) shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SA 1127. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SMALL BUSINESS INFORMATION SECURITY TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term “task force” means the task force established under subsection (b).

(b) ESTABLISHMENT.—The Administrator shall, in conjunction with the Department of

Homeland Security, establish a task force, to be known as the Small Business Information Security Task Force, to address the information technology security needs of small business concerns and to help small business concerns prevent the loss of credit card data.

(c) DUTIES.—The task force shall—

(1) identify—

(A) the information technology security needs of small business concerns; and

(B) the programs and services provided by the Federal Government, State Governments, and nongovernment organizations that serve those needs;

(2) assess the extent to which the programs and services identified under paragraph (1)(B) serve the needs identified under paragraph (1)(A);

(3) make recommendations to the Administrator on how to more effectively serve the needs identified under paragraph (1)(A) through—

(A) programs and services identified under paragraph (1)(B); and

(B) new programs and services promoted by the task force;

(4) make recommendations on how the Administrator may promote—

(A) new programs and services that the task force recommends under paragraph (3)(B); and

(B) programs and services identified under paragraph (1)(B);

(5) make recommendations on how the Administrator may inform and educate with respect to—

(A) the needs identified under paragraph (1)(A);

(B) new programs and services that the task force recommends under paragraph (3)(B); and

(C) programs and services identified under paragraph (1)(B);

(6) make recommendations on how the Administrator may more effectively work with public and private interests to address the information technology security needs of small business concerns; and

(7) make recommendations on the creation of a permanent advisory board that would make recommendations to the Administrator on how to address the information technology security needs of small business concerns.

(d) INTERNET WEBSITE RECOMMENDATIONS.—The task force shall make recommendations to the Administrator relating to the establishment of an Internet website to be used by the Administration to receive and dispense information and resources with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B). As part of the recommendations, the task force shall identify the Internet sites of appropriate programs, services, and organizations, both public and private, to which the Internet website should link.

(e) EDUCATION PROGRAMS.—The task force shall make recommendations to the Administrator relating to developing additional education materials and programs with respect to the needs identified under subsection (c)(1)(A).

(f) EXISTING MATERIALS.—The task force shall organize and distribute existing materials that inform and educate with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B).

(g) COORDINATION WITH PUBLIC AND PRIVATE SECTOR.—In carrying out its responsibilities under this section, the task force shall coordinate with, and may accept materials and

assistance as it determines appropriate from, public and private entities, including—

(1) any subordinate officer of the Administrator;

(2) any organization authorized by the Small Business Act to provide assistance and advice to small business concerns;

(3) other Federal agencies, their officers, or employees; and

(4) any other organization, entity, or person not described in paragraph (1), (2), or (3).

(h) APPOINTMENT OF MEMBERS.—

(1) CHAIRPERSON AND VICE-CHAIRPERSON.—The task force shall have—

(A) a Chairperson, appointed by the Administrator; and

(B) a Vice-Chairperson, appointed by the Administrator, in consultation with appropriate nongovernmental organizations, entities, or persons.

(2) MEMBERS.—

(A) CHAIRPERSON AND VICE-CHAIRPERSON.—The Chairperson and the Vice-Chairperson shall serve as members of the task force.

(B) ADDITIONAL MEMBERS.—

(i) IN GENERAL.—The task force shall have additional members, each of whom shall be appointed by the Chairperson, with the approval of the Administrator.

(ii) NUMBER OF MEMBERS.—The number of additional members shall be determined by the Chairperson, in consultation with the Administrator, except that—

(I) the additional members shall include, for each of the groups specified in paragraph (3), at least 1 member appointed from within that group; and

(II) the number of additional members shall not exceed 13.

(3) GROUPS REPRESENTED.—The groups specified in this paragraph are—

(A) subject matter experts;

(B) users of information technologies within small business concerns;

(C) vendors of information technologies to small business concerns;

(D) academics with expertise in the use of information technologies to support business;

(E) small business trade associations;

(F) Federal, State, or local agencies, including the Department of Homeland Security, engaged in securing cyberspace; and

(G) information technology training providers with expertise in the use of information technologies to support business.

(4) POLITICAL AFFILIATION.—The appointments under this subsection shall be made without regard to political affiliation.

(i) MEETINGS.—

(1) FREQUENCY.—The task force shall meet at least 2 times per year, and more frequently if necessary to perform its duties.

(2) QUORUM.—A majority of the members of the task force shall constitute a quorum.

(3) LOCATION.—The Administrator shall designate, and make available to the task force, a location at a facility under the control of the Administrator for use by the task force for its meetings.

(4) MINUTES.—

(A) IN GENERAL.—Not later than 30 days after the date of each meeting, the task force shall publish the minutes of the meeting in the Federal Register and shall submit to Administrator any findings or recommendations approved at the meeting.

(B) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the Administrator receives minutes under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee

on Small Business of the House of Representatives such minutes, together with any comments the Administrator considers appropriate.

(5) FINDINGS.—

(A) IN GENERAL.—Not later than the date on which the task force terminates under subsection (m), the task force shall submit to the Administrator a final report on any findings and recommendations of the task force approved at a meeting of the task force.

(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date on which the Administrator receives the report under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the full text of the report submitted under subparagraph (A), together with any comments the Administrator considers appropriate.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force shall serve without pay for their service on the task force.

(2) TRAVEL EXPENSES.—Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) DETAIL OF SBA EMPLOYEES.—The Administrator may detail, without reimbursement, any of the personnel of the Administration to the task force to assist it in carrying out the duties of the task force. Such a detail shall be without interruption or loss of civil status or privilege.

(4) SBA SUPPORT OF THE TASK FORCE.—Upon the request of the task force, the Administrator shall provide to the task force the administrative support services that the Administrator and the Chairperson jointly determine to be necessary for the task force to carry out its duties.

(k) NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(1) STARTUP DEADLINES.—The initial appointment of the members of the task force shall be completed not later than 90 days after the date of enactment of this Act, and the first meeting of the task force shall be not later than 180 days after the date of enactment of this Act.

(m) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the task force shall terminate at the end of fiscal year 2013.

(2) EXCEPTION.—If, as of the termination date under paragraph (1), the task force has not complied with subsection (i)(4) with respect to 1 or more meetings, then the task force shall continue after the termination date for the sole purpose of achieving compliance with subsection (i)(4) with respect to those meetings.

(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$300,000 for each of fiscal years 2010 through 2013.

SA 1128. Mr. McCONNELL (for himself and Mr. REID) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost

to these frauds, and for other purposes; as follows:

On 31, line 13, after “the Commission” insert “, including an affirmative vote of at least one member appointed under subparagraph (C) or (D) of subsection (b)(1)”.

SA 1129. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1106 submitted by Mrs. MURRAY and intended to be proposed to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 503. FINANCIAL AND ECONOMIC LITERACY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Financial Literacy and Education Commission shall—

(1) evaluate and compile a comprehensive summary of all existing Federal financial and economic literacy education programs, as of the time of the report; and

(2) prepare and submit a report to Congress that includes—

(A) the findings of the evaluations and the effectiveness of Federal financial and economic literacy education programs, including programs included in the Commission's 2006 National Strategy for Financial Literacy report;

(B) recommendations for improvements to Federal financial and economic literacy education programs;

(C) specific Federal policies that should be implemented, updated, or changed to improve financial and economic literacy education;

(D) a description of any gaps that exist in research on financial and economic literacy education, and recommendations on research that would fill those gaps;

(E) specific recommendations on sources of revenue to support financial and economic literacy education activities, with a specific analysis of the potential use of credit card transaction fees; and

(F) recommendations for ways to increase the awareness of elementary and secondary schools, postsecondary educational institutions, and the general public of the Commission's website, www.MyMoney.gov, or any successor to such website.

(b) EFFECTIVE DATE.—Notwithstanding section 3, this section shall become effective on the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, May 19, 2009 at 2:15 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending energy legisla-

tion. For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 14, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate to conduct a business meeting on Thursday, May 14, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, May 14, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 14, 2009, at 10 a.m., in room 215 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 14, 2009, at 9:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 14, 2009, at 2 p.m., to hold a hearing entitled “The Middle East: The Road to Peace.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Delivery Reform: The

Roles of Primary and Specialty Care in Innovative New Delivery Methods" on Thursday, May 14, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 14, 2009, at 10:30 a.m. in room 628 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 14, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the privileges of the floor be granted to Gil Duran of my staff for the length of my presentation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that privileges of the floor be granted for the remainder of this Congress to the following members of my staff: Monica Feit and Rachel Shoemate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DODD. Mr. President, I have a series of unanimous consent requests that I wish to propound.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 40 and 85; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order and any statements relating thereto be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Philip H. Gordon, of the District of Columbia, to be an Assistant Secretary of State (European and Eurasian Affairs).

EXPORT-IMPORT BANK OF THE UNITED STATES

Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the

United States for a term expiring January 20, 2013.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

COMMENDING SOUTH CHARLESTON, WEST VIRGINIA

Mr. DODD. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 146 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 146) commending South Charleston, West Virginia, for celebrating its 50th annual Armed Forces Day on May 16, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed; that the motions to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 146) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 146

Whereas Americans appreciate the courage, loyalty, and sacrifice of every individual who serves in the Armed Forces of the United States;

Whereas Armed Forces Day is celebrated on the third Saturday in May to honor those Americans serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard;

Whereas Armed Forces Day was established on August 31, 1949, following the consolidation of the military services of the United States into the Department of Defense;

Whereas Armed Forces Day is celebrated with parades, open houses, receptions, and air shows around the Nation; and

Whereas on May 16, 2009, South Charleston, West Virginia, will observe its 50th annual Armed Forces Day with a parade, music, and other entertainment: Now, therefore, be it

Resolved, That the Senate commends South Charleston, West Virginia, for conducting Armed Forces Day celebrations for 50 consecutive years and for honoring the selfless dedication and bravery of the men and women of the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

EXPRESSING SOLIDARITY ON WORLD PRESS FREEDOM DAY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now

proceed to the consideration of S. Res. 149, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 149) expressing solidarity with the writers, journalists and librarians of Cuba on World Press Freedom Day and calling for the immediate release of citizens of Cuba imprisoned for exercising rights associated with freedom of the press.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 149) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 149

Whereas Article 19 of the Universal Declaration of Human Rights provides, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.;"

Whereas the United Nations General Assembly declared May 3 of each year to be "World Press Freedom Day" to raise awareness of the importance of freedom of expression and to remind governments of their obligation to respect the rights of free expression and of a free press;

Whereas the United States Department of State, in its 2008 report on human rights in Cuba, notes, "The government [of Cuba] subjected independent journalists to travel bans, detentions, harassment of family and friends, equipment seizures, imprisonment, and threats of imprisonment. State Security agents posed as independent journalists to gather information on activists and spread misinformation and mistrust within independent journalist circles.;"

Whereas Reporters Without Borders, an international nongovernmental organization, continues to rank Cuba as one of the most repressive countries in the world, and the most repressive country in the Western Hemisphere, with respect to freedom of the press;

Whereas the International Press Institute, a global network of journalists, editors, and media executives, concludes that Cuba "remains a leading jailer of journalists";

Whereas International PEN, an international network of writers, has reported that 22 writers, journalists, and librarians were among the individuals arrested and tried during the crackdown by the Government of Cuba on independent civil society activists in the spring of 2003, and subsequently imprisoned;

Whereas International PEN further reports that "the majority of the detained writers, journalists and librarians are suffering from health complaints caused or exacerbated by the harsh conditions and treatment they are exposed to in prison. Despite their deteriorating health status, access to adequate medical treatment is often limited.;" and

Whereas the Committee to Protect Journalists, a nonpartisan international organization of journalists, has identified more than 20 writers, journalists, and librarians in Cuba who remain imprisoned by the Government of Cuba: Now, therefore, be it

Resolved, That the Senate—

(1) expresses solidarity with—

(A) the citizens of Cuba who are suffering harassment, deprivation, or imprisonment for exercising rights associated with freedom of the press and pursuing livelihoods as independent writers, journalists, or librarians; and

(B) the family members of those writers, journalists, and librarians; and

(2) calls on the Government of Cuba to release immediately all writers, journalists, and librarians who are imprisoned for exercising their fundamental human rights, including the citizens of Cuba that have been specifically identified by international organizations that monitor respect for the freedom of the press as being imprisoned by the Government of Cuba.

COMMEMORATING AND CELEBRATING THE LIVES OF OFFICER KRISTINE MARIE FAIRBANKS, DEPUTY ANNE MARIE JACKSON, AND SERGEANT NELSON KAI NG

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration S. Res. 150, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 150) commemorating and celebrating the lives of Officer Kristine Marie Fairbanks, Deputy Anne Marie Jackson, and Sergeant Nelson Kai Ng, who gave their lives in the service of the people of Washington State in 2008.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 150) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 150

Whereas law enforcement officers throughout Washington State conduct themselves in a manner that supports, maintains, and defends the Constitution of the United States and the Constitution of the State of Washington;

Whereas law enforcement officers in Washington State and throughout the Nation risk their own lives to protect the lives of others;

Whereas since 1792, approximately 18,600 law enforcement officers were killed in the line of duty in the United States, and 262 of those officers served the people of Washington State;

Whereas in 2008, 133 law enforcement officers were killed in the line of duty in the United States;

Whereas in 2008, Deputy Anne Marie Jackson of the Skagit County Sheriff's Office, Officer Kristine Marie Fairbanks of the U.S. Forest Service, and Sergeant Nelson Kai Ng of the Ellensburg Police Department gave their lives in the service of the people of Washington State;

Whereas the family members and friends of Officer Fairbanks, Deputy Jackson, and Sergeant Ng bear the most immediate and profound burden of the absence of their loved ones; and

Whereas National Police Week is observed from May 10 to May 16, 2009, and is the most appropriate time to honor the Washington State law enforcement officers who sacrificed their lives in service to their State and Nation: Now, therefore, be it

Resolved, That the Senate—

(1) extends its condolences to the families and loved ones of Officer Kristine Marie Fairbanks, Deputy Anne Marie Jackson, and Sergeant Nelson Kai Ng; and

(2) stands in solidarity with the people of Washington State as they celebrate the lives and mourn the loss of these remarkable and selfless heroes who represented the best of their community and whose memory will serve as an inspiration for future generations.

ORDERS FOR MONDAY, MAY 18, 2009

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, May 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Mr. President, under an agreement reached tonight, the next vote will occur at approximately 10 a.m. Tuesday, May 19. That vote will be a cloture vote on the Dodd-Shelby substitute amendment to H.R. 627, the credit card legislation.

ADJOURNMENT UNTIL MONDAY, MAY 18, 2009, AT 2 P.M.

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

Thereupon, the Senate, at 7:19 p.m., adjourned until Monday, May 18, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

ANEESH CHOPRA, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE RICHARD M. RUSSELL, RESIGNED.

DEPARTMENT OF STATE

CAPRICIA PENAVIC MARSHALL, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE, VICE NANCY GOODMAN BRINKER, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT PROMOTION TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

MARK H. PICKETT
MICHAEL D. FRANCISCO
MARK P. MORAN

To be commander

MARK J. BOLAND
BRIAN W. PARKER
TODD A. HAUPT
ROBERT A. KAMPHAUS

To be lieutenant commander

JASON A. APPLER
NICOLE M. CABANA
RUSSELL G. HANER
JOHN A. CROFTS
PAUL A. KUNICKI
JEFFREY C. TAYLOR
NICHOLAS J. CHROBAK
DANIEL J. PRICE
NICOLE S. LAMBERT
CHAD M. CARY

To be lieutenant

SARAH K. DUNCAN
STEPHEN P. BARRY
SAMUEL F. GREENAWAY
TRACY L. HAMBURGER
MICHAEL O. GONSALVES
OLIVIA A. HAUSER
TONY PERRY III
JONATHAN R. FRENCH
AMY B. COX
MATTHEW J. JASKOSKI
STEPHEN C. KUZIRIAN
LINDSEY M. WALLER
JASON R. SAXE
DAVID A. STRAUSS
REBECCA J. WADDINGTON
GUENEVERE R. LEWIS

To be lieutenant (junior grade)

JOHN H. PETERSEN
BENJAMIN S. BLOSS
JOHN F. ROSSI
CHARLENE R. FELKLEY
EMILY M. ROSE
KEVIN W. ADAMS
MATTHEW M. FORNEY
PATRICIA E. RAYMOND
MATTHEW J. NARDI
ADAM R. REED
ADRIENNE L. HOPPER
RACHEL M. SARGENT
RYAN A. WARTICK

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be ensign

HEATHER L. MOE
RUSSELL D. PATE
KYLE A. SANDERS
LINDSAY H. CLOVIS
JON D. ANDVICK
AARON D. MAGGIED
CHRISTOPHER J. BRIAND
MICHAEL D. ROBBIE
ERIK S. NORRIS
KURT S. KARPOV
MARINA O. KOSENKO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

To be general

GEN. CARROL H. CHANDLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL STEVEN J. ARQUIETTE
COLONEL HOWARD B. BAKER
COLONEL ROBERT J. BELETIC
COLONEL SCOTT A. BETHEL
COLONEL CHARLES Q. BROWN, JR.
COLONEL SCOTT D. CHAMBERS

COLONEL CARY C. CHUN
 COLONEL RICHARD M. CLARK
 COLONEL DWYER L. DENNIS
 COLONEL STEVEN J. DEPALMER
 COLONEL IAN R. DICKINSON
 COLONEL MARK C. DILLON
 COLONEL SCOTT P. GOODWIN
 COLONEL MORRIS E. HAASE
 COLONEL JAMES E. HAYWOOD
 COLONEL PAUL T. JOHNSON
 COLONEL RANDY A. KEE
 COLONEL JIM H. KEFFER
 COLONEL JEFFREY B. KENDALL
 COLONEL MICHAEL J. KINGSLEY
 COLONEL STEVEN L. KWAST
 COLONEL LEE K. LEVY II
 COLONEL JERRY P. MARTINEZ
 COLONEL JIMMY E. MCMILLIAN
 COLONEL KENNETH J. MORAN
 COLONEL ANDREW M. MUELLER
 COLONEL EDEN J. MURRIE
 COLONEL TERRENCE J. O'SHAUGHNESSY
 COLONEL DAVID E. PETERSEN
 COLONEL TIMOTHY M. RAY
 COLONEL JOHN W. RAYMOND
 COLONEL JOHN N. T. SHANAHAN
 COLONEL JOHN D. STAUFFER
 COLONEL MICHAEL S. STOUGH
 COLONEL MARSHALL B. WEBB
 COLONEL ROBERT E. WHEELER
 COLONEL MARTIN WHELAN
 COLONEL KENNETH S. WILSBACH

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531.

To be lieutenant colonel

STEPHEN R. DASUTA
 BETH M. DITTMER

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PAUL V. ACQUAVELLA
 JOAN M. MALIK
 BRIAN L. PETRY
 MARY A. PILIWALE
 PAUL L. SMITH
 DAVID M. TULLY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CLEMIA ANDERSON, JR.
 ANTONIO J. CARDOSO
 BRETT K. EASLER
 DOUGLAS J. HOLDERMAN
 SYLVESTER MOORE
 HENRY P. ROUX, JR.
 LAWRENCE A. SCRUGGS
 STEVEN D. SHARER
 RICHARD C. VALENTINE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOSEPH R. BRENNER, JR.
 TIMOTHY C. GALLAUDET
 PAUL S. OOSTERLING
 GREG A. ULSES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN G. BISCHERI
 KARL A. COOKE
 TIMOTHY J. MARICLE
 DOMENICK MICILLO, JR.
 JOHN E. RIES
 KENNETH R. SPURLOCK
 TODD J. SQUIRE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JEFFREY A. BENDER
 DAWN E. CUTLER
 DARRYN C. JAMES
 PAMELA S. KUNZE
 DAVID H. WATERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT J. ALLEN
 WILLIAM R. BRAY
 JAMES T. CASON
 JOHN M. DULLUM

MARK R. H. ELLIOTT
 JAMES M. ELLIS
 JOHN D. HARBER
 JASON C. HINES
 MARK M. JAREK
 FRANCIS M. MOLINARI
 RONALD D. PARKER
 ALFRED R. V. TURNER
 MICHAEL F. WEBB
 EDWARD B. ZELLEM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICKEY S. BATSON
 JOSEPH D. BOOGREN
 DAVID B. CARSON
 SUSAN K. CEROVSKY
 DARYL S. DAVIS
 ERIC S. DIETZ
 JUSTIN F. KERSHAW
 TIMOTHY G. ROHRER
 FRANK A. SHAUL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANGELA D. ALBERGOTTIE
 GISELE M. BONITZ
 ALBERT A. BRADY
 WILLIAM E. CHASE III
 JOSE L. CISNEROS
 PETER R. FALK
 RONALD J. HANSON
 RENA M. LOESCH
 REECE D. MORGAN
 PATRICK M. OWENS
 BRIAN D. PEARSON
 SANDRA J. SCHIAVO
 MICHAEL L. THRAILL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL E. BEAULIEU
 BRUCE W. BROSC
 KATHERINE D. C. ERB
 LANCE E. MASSEY
 GREGORY A. MUNNING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SCOTT F. ADLEY
 TRACY A. BARKHIMER
 DANA S. DEWEY
 PAUL A. GHYZEL
 SHAWN P. HENDRICKS
 ERIC D. HOLMBERG
 JOHN M. HOOD
 CHRISTOPHER D. JUNGE
 TODD G. KRUDER
 STEVEN J. LABOWS
 RALPH D. LEE
 JOHN S. LEMMON
 THOMAS C. POPP
 JAMES K. REINING
 PATRICK W. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL A. BALLOU
 JOHN H. BITTING III
 STEVEN M. DEBUS
 DAVID L. FORSTER
 DAVID A. GOGGINS
 JOSEPH D. GOMBAS
 DONALD R. HARDER
 THOMAS W. HEATTER
 SCOTT D. HELLER
 TODD A. HOOKS
 MICHAEL C. LADNER
 DOUGLAS M. LEMON
 JAMES E. MELVIN
 CHRISTOPHER P. MERCER
 FRANCIS E. SPENCER III
 HENRY W. STEVENS III
 RONALD R. VANCOURT
 MARK R. VANDROFF
 STEPHEN F. WILLIAMSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANN M. BURKHARDT
 CRAIG C. FELKER
 LEONARD J. HAMILTON
 DONNA M. KASPAR
 WILLIAM R. KRONZER

CAROLINE M. NIELSON
 KRISTIN B. STRONG
 SHANNON E. M. THAELE
 STEPHEN C. TRAINOR
 MARGARET M. WARD
 JACKLYN D. WEBB

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

HEIDI C. AGLE
 DAVID W. ALLDRIDGE
 GLENN R. ALLEN
 DANIEL D. ARENSMEYER
 SCOTT W. ASKINS
 STUART P. BAKER
 MICHAEL P. BARATTA
 JAMES C. BEENE
 TODD A. BELTZ
 MARK B. BENJAMIN
 AUGUSTUS P. BENNETT
 RANDY B. BLACKMON
 DAVID L. BOSSERT
 DAVID W. BOUVE
 WILLIAM J. BREITFELDER
 KEVIN S. BRENNAN
 RICHARD R. BRYANT
 DELL D. BULL
 ERIK A. BURIAN
 MICHAEL P. BURNS
 CHRISTOPHER J. BUSHNELL
 ROBERT A. H. CADY
 ANTHONY T. CALANDRA
 KENNETH W. CARAVEO
 STEVEN M. CARLISLE
 MICHAEL CARSLY
 JOHN A. CARTER
 DANIEL L. CHEEVER
 CHRISTOPHER W. CHOPE
 CRAIG A. CLAPPERTON
 ROBERT E. CLARK
 DANIEL M. COLMAN
 CLAYTON L. CONLEY
 BLAKE L. CONVERSE
 CHARLES B. COOPER II
 MATTHEW F. COUGHLIN
 STEPHEN J. COUGHLIN
 MICHAEL S. CRUDEN
 REX L. CURTIN
 PETER M. DAWSON
 THOMAS L. DEARBORN
 ERICH W. DIEHL
 WILLIAM A. DOCHERTY
 JAMES F. DOODY
 FRANK J. DOWD
 PAUL T. DRUGGAN
 SCOTT E. DUGAN
 DANIEL W. DWYER
 JOHN T. DYE, JR.
 RANDELL W. DYKES
 JOHN P. ECKARDT
 BRIAN P. ECKERLE
 DAVID M. EDGECOMB
 JASON C. EHRET
 JAMES A. EMMERT
 MICHAEL S. FEYEDELEM
 STEPHEN M. FIMPLE
 TODD J. FLANNERY
 CHRISTOPHER J. FLETCHER
 BRIAN W. FRAZIER
 MICHAEL S. FULGHAM
 DONALD D. GABRIELSON
 FREDERICK E. GAGHAN, JR.
 THOMAS D. GAJEWSKI
 ROBERT D. GAMBERG
 HARRY L. GANTEAUME
 PETER A. GARVIN
 JASON A. GILBERT
 CURTIS J. GOODNIGHT
 CHRISTOPHER S. GRAY
 PAUL F. GRONEMEYER
 WESLEY R. GUINN
 JOHN E. GUMBLETON
 PAUL C. HAEBLER
 ROBERT A. HALL, JR.
 THOMAS G. HALVORSON
 MICHAEL V. HARBER
 JURGEN HEITMANN
 EDMUND B. HERNANDEZ
 PATRICK D. HERRING
 EDWARD L. HERRINGTON
 CHRISTOPHER E. HICKS
 ALVIN HOLSEY
 WILLIAM D. HOPPER
 HUGH W. HOWARD III
 PATRICK N. HUETE
 GREGORY C. HUFFMAN
 JEFFREY W. HUGHES
 PAUL D. HUGILL
 WILLIAM T. IPOCK II
 ROGER G. ISOM
 MARY M. JACKSON
 RHETT R. JAEHN
 JEFFREY W. JAMES
 JOKER L. JENKINS
 BRADLEY T. JENSEN
 KEVIN D. JONES
 SARA A. JOYNER
 JOEL D. JUNGEMANN
 JAY A. KADOWAKI

KURT A. KASTNER
 GREGORY J. KEITHLEY
 VERNON P. KEMPER
 BRADLEY J. KIDWELL
 KEVIN G. KING
 KEVIN E. KINSLOW
 BRIAN D. KOEHR
 WILLIAM S. KOYAMA
 SCOTT C. KRAVERATH
 KEVIN F. KROPP
 TIMOTHY C. KUEHNAS
 GLENN P. KUFFEL, JR.
 CARL A. LAHTI
 JAMES P. LAINGEN
 DENNIS A. LAZAR, JR.
 MARK F. LIGHT
 JAMES M. LINS
 DAVID J. LOBDELL
 JAMES P. LOPER
 WALLACE G. LOVELY
 RANDALL J. LYNCH
 PAUL J. LYONS
 GREGORY M. MAGUIRE
 CHARLES B. MARKS III
 MICHAEL W. MARTIN
 RANDALL H. MARTIN
 PETER W. MATISOO
 SCOTT A. MCCLURE
 JOHN M. MCLAIN
 GREGORY A. MCWHERTER
 MARK V. METZGER
 MARIO MIFSUD
 RICHARD M. MILLER, JR.
 CHARLES C. MOORE II
 BRIAN L. MORGAN
 STEVEN B. MORIEN
 FRANCIS D. MORLEY
 KURUSH F. MORRIS
 TERRY S. MORRIS
 JOHN R. MOSIER, JR.
 CHRISTOPHER P. MURDOCH
 JEFFREY S. MYERS
 JOHN R. NETTLETON
 ROBERT A. NEWSON
 THAD E. NISBETT
 RICHARD M. ODOM II
 MICHAEL F. OTT, JR.
 SCOTT W. PAPPANO
 WILLIAM D. PARK
 WILLIAM J. PARKER III
 VERNON J. PARKS, JR.
 BENJAMIN J. PEARSON III
 WILLIAM P. PENNINGTON
 PAUL A. PENSABENE
 DOUGLAS G. PERRY
 CATHERINE K. PHILLIPS
 MARTIN L. POMPEO
 KENNETH J. REYNARD
 DANIEL J. RIVERA
 DAVID A. ROBERTS
 CHRISTOPHER A. RODEMAN
 AARON L. RONDEAU
 ERIK M. ROSS
 MARK E. SANDERS
 PAUL J. SCHLISE
 TIMOTHY L. SCHORR
 WILLIAM B. SEAMAN, JR.
 TODD J. SENIFF
 CURTIS A. SETH
 DANIEL P. SHAW
 DANIEL A. SHULTZ
 JAMES W. SIGLER
 RICHARD A. SKIFF, JR.
 FRED W. SMITH, JR.
 ROBERT E. SMITH
 THOMAS B. SMITH II
 VICTOR S. SMITH
 MICHAEL C. SPARKS
 WESLEY W. SPENCE
 PAUL A. STADER
 RAY A. STAPF
 MARK L. STEVENS
 WILLIAM R. STEVENSON
 RICK J. STONER
 RANDALL D. TASHJIAN
 MICHAEL J. TESAR
 JOHN J. THOMPSON
 THOMAS L. THOMPSON
 JOHN D. THORLEIFSON
 DAVID L. TIDWELL
 RYAN C. TILLOTSON
 JOHN V. TOLLIVER
 ROBERT P. TORTORA
 TIMOTHY R. TRAMPENAU
 BRADDOCK W. TREADWAY
 WILLIAM M. TRIPLETT
 WADE D. TURVOLD
 MURRAY J. TYNCH III
 ROY C. UNDERSANDER
 LAWRENCE R. VASQUEZ
 GEORGE J. VASSILAKIS
 ERIC H. VENEMA
 DOUGLAS C. VERISSIMO
 DEAN M. VESELY
 DANIEL E. VOTH
 MICHAEL D. WALLS
 COLIN S. WALSH
 JAMES P. WATERS III
 ERIC F. WEILENMAN
 RANDAL T. WEST
 WILLIAM W. WHEELER III
 STEVEN J. WIEMAN

JEFFREY S. WINTER
 ERIC K. WRIGHT
 BRIAN F. WYSOCKI
 JOHN D. ZIMMERMAN
 RICHARD J. ZINS
 THOMAS A. ZWOLFER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES F. ELIZARES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STACY R. STEWART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEPHEN E. MARONICK
 TAMARA A.L. SHELTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL T. BATES
 STEVEN R. BRITTON
 KATHLEEN T. JABS
 GARY P. KIRCHNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GARY R. BARRON
 JANET M. BRISTOL
 STEVEN B. COLE
 ALLAN S. DUNLOP
 ROBERT C. ELROD
 EDUARDEEN M. JONES
 SCOTT J. KAWAMOTO
 RONALD S. KERR
 ALAN R. KERSEY
 JOEL A. MERRIMAN
 LEE H. MILLER II
 SCOTT P. MINKE
 RICHARD W. MYLLENBECK
 MICHAEL M. NORMILE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOSEPH R. DAVILA
 WILLIAM S. FRAILEY
 THANE GILMAN
 JOHN K. HAFNER
 MICHAEL J. KONDRACKI
 NEAL W. LEHTO
 CHARLES D. MODERMOTT
 JOHN M. TARPEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MARCIA R. FLATAU
 RAYMOND C. GAW
 ERIN P. HOLIDAY
 LINNEA J. SOMMERWEDDINGTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEVEN W. HARRIS
 STEVEN J. SIMON
 GEORGE L. SNIDER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PAUL C. BURNETTE
 STEPHEN S. JOYCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MATTHEW B. AARON
 THOMAS P. MAYHEW
 DAVID M. SILLDORFF

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DALE E. CHRISTENSON
 MARK A. COTE
 GREGORY A. LEWIS
 CHARLES L. REYNOLDS
 CHRISTOPHER S. TROST
 FRANK VACCARINO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

THERESE D. CRADDOCK
 WILLIAM C. MARVEL
 ANTONIO OROPEZA
 LEITH S. WIMMER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT A. BENNETT
 MATTHEW T. BERTA
 JASON B. BURKE
 VICTOR V. COOPER
 ANDREW P. COVERT
 JEFFREY S. DAVIS
 RONALD A. FLORENCE
 JOHN S. GORMAN
 ZACHARY S. HENRY
 ROBERT E. LEE
 LUIS A. MALDONADO
 MICHAEL L. MARLOWE
 JOHN J. MCCracken
 JAMES E. MCGOVERN
 ROGER L. MEEK
 JAMES L. MINTA
 WILLIAM H. PEVEY
 MARK W. SAMUELS
 JANET S. SCHOFIELD
 DANIEL B. UHLS
 KENNETH S. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DONALD T. ALLERTON
 STEVEN M. ALLINDER
 MARK D. ALTABELLO
 MARK T. ASSELIN
 PAUL K. AVERNA
 KRISTIN A. BAKKEGARD
 ROBERT E. BANKER, JR.
 JOHN V. BENNETT
 JONATHAN D. BLACKER
 JAMES P. BOLAND
 CHRISTOPHER C. BROWN
 JAMES H. BROWN
 JAMES CLUXTON
 DAVID J. COLE
 MICHAEL C. COLEMAN
 ROBERT D. CORRIGAN
 MICHAEL A. CZARNIK
 WILLIAM M. DARLING
 CHARLES J. DEGLIO
 DAVID F. DESANTO
 JAMES K. DETTBARN
 DAVID J. DIETZ
 SCOTT E. DONALDSON
 STEVEN P. DOUGLAS
 SHAWN E. DUANE
 BILLIE G. DUNLAP
 DAVID B. DURHAM
 DOROTHY S. E. ENGH
 MATTHEW J. FELT
 MICHAEL D. FIELDS
 MICHAEL J. FLYNN
 PHILIP M. FOWLER
 JOSEPH A. GAITHER
 DANIEL P. GAMACHE
 THOMAS A. GERETY
 JAMES M. GERLACH
 JACK A. GRANGER
 JAMES L. GRANT
 DARREN J. HANSON
 JAMES E. HARLAN
 KEVIN C. HAYES
 DANIEL B. HENDRICKSON
 ARTHUR L. HENSLEY, JR.
 PHILIP G. HILTON
 WILLIAM W. HISCOCK
 MARK G. HORN
 DONALD W. HOWELL, JR.
 BRIAN S. HURLEY
 SCOTT D. JONES
 CLIFFORD J. KEENEY
 TERRENCE J. KEISIC
 CLAYTON M. KEMMERER
 EUGENE P. KIERNAN, JR.
 GREGORY J. KOLB
 KARIN A. KULINSKI
 ROBERT L. LARSON
 STEPHEN P. LEE
 PETER T. LISTON
 JAMES A. LITSCH, JR.
 JOSEPH R. LYON III
 ALAN M. LYTLE

May 14, 2009

CONGRESSIONAL RECORD—SENATE, Vol. 155, Pt. 9

12537

WILLIAM G. MAGER
SANJAY D. MATHUR
PATRICK E. MAYO
JAY R. MILLS
PATRICK J. MRACHEK
ANDREW J. MUELLER
KAREN R. NEWCOMB
JEAN L. OBRIEN
MARTIN P. OBRIEN, JR.
PAUL G. PENDER
SEAN F. REID
WILLIAM J. REVAK
JOHN A. RIAL
JEFFREY J. RICHARDS
DAVID A. ROBINSON
DARIN K. ROBINSON
RICHARD A. RODRIGUEZ
CRAIG W. ROEGNER
KEVIN H. ROSS
JAY M. ROVNIAC
SCOTT C. RUMPH
ERIC C. RUTTENBERG
THOMAS A. RYER

JOHN A. SCHOMMER
JEROME T. SEBASTYN
SCOTT C. SEEBERGER
LAURIE T. SHEEHAN
TIMOTHY P. SHERIDAN
SCOTT R. SHIRE
LARRY A. SMITH
STERLING C. SMITH
FRED A. SORRENTINO
JAMES W. SPEICHER
JAMES K. STOELZEL
CALVIN E. TANCK
CHRISTOPHER J. TARPEY
HENRY C. TILLMAN
EDWIN A. TYLER, JR.
JUAN C. VIVAR
STEVEN E. WHITMORE
JAMES R. WILLIAMS
STEVEN C. WILLIAMS
ANDREW C. YENCHKO
PAUL R. YOUNES
JAMES B. ZEH
JEFFREY W. ZIMMERMAN

TODD A. ZVORAK

CONFIRMATIONS

Executive nominations confirmed by
the Senate May 14, 2009:

DEPARTMENT OF STATE

PHILIP H. GORDON, OF THE DISTRICT OF COLUMBIA, TO
BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN
AND EURASIAN AFFAIRS).

EXPORT-IMPORT BANK OF THE UNITED STATES

FRED P. HOCHBERG, OF NEW YORK, TO BE PRESIDENT
OF THE EXPORT-IMPORT BANK OF THE UNITED STATES
FOR A TERM EXPIRING JANUARY 20, 2013.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT
TO THE NOMINEES' COMMITMENT TO RESPOND TO RE-
QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY
CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Thursday, May 14, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 14, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, purveyor of all human events and Father of the ages, the times in which we live cause Your people to be filled with anxiety and hesitant to trust.

Make the Members of Congress strong in their defense of the most vulnerable in our midst, to inspire light in our darkness.

Make them bold in upholding moral principles and determined to do what is right for the Nation's stability, without feeling self-righteous or fearful of personal consequences because of their unified purpose to do what is best for this country.

If the times ask much of us, Lord, enable us to make sacrifices or to take risks that will ensure a better future for Your people.

Help us to stand strong because we place all our trust in You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. LARSEN) come forward and lead the House in the Pledge of Allegiance.

Mr. LARSEN of Washington led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

IT'S TIME FOR AMERICA TO COME HOME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, the American people have a right to know or ask what's going on here. We have trillions of dollars for war, trillions of dollars for Wall Street, and trillions of dollars for health insurance companies; but now we hear we have less money for Social Security and less money for Medicare. Is there a connection?

We must begin restoring our Nation by restoring the peace. And we begin today when we defeat the supplemental appropriation that keeps us in Iraq and Afghanistan.

Democrats were elected on a promise to end the war in Iraq; we are continuing it. Democrats were elected to get us out of Afghanistan; the war is escalating. And to top it all off, Members of Congress, we have a rule, it's in the rule, which keeps Guantanamo open, keeps the prisoners there, despite the fact that many of them may have had their basic rights violated.

It's time for America to come home, start paying attention to creating jobs, health care, education, retirement security, investor security.

It's time for us to start paying attention here instead of running around the world trying to tell other people how to live.

SOCIAL SECURITY

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, a new report shows Social Security is a lot worse off than predicted. It's time for Congress to find real solutions to the Nation's ailing retirement safety net. The trustees' report predicts an even gloomier forecast than last year due to the economic downturn and the beginning retirement wave of the baby boomer generation.

The President and Majority Leader HOYER have rightly called for action to bolster Social Security's future. Con-

gress must respond now by finding a solution.

As the lead Republican tasked with handling Social Security, I stand ready and willing to join Democrats and Republicans to get the job done now. The longer we delay, the more drastic Social Security's adjustments will be, the greater the burden will be on future generations, and the more detrimental the impact on our national economy.

Americans want, need, and deserve a Social Security system that works.

AMERICA'S ADDICTION TO OIL

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, immediately after the President announced his intention to turn America into a 21st century green economy, the special interests began lobbying to keep America addicted to oil.

We were told there's no urgency to change, no threat to the planet from the ongoing and massive releases of carbon into the atmosphere, and that we should pump every drop of oil out of every foreign country regardless of how many wars we need to wage to satisfy our addiction.

Just remember this: The special interests want to keep us addicted to oil because that is in their interests, not ours, not America's best interests.

We have an Administration that recognizes and is responding to the global crisis, and Congress needs to support the President with legislation that will cure America of its addiction to oil and save the planet in the process.

Time indeed is running out, and we have before us the evidence and the legislative proposals to remake America into a clean and energy-independent economy. It's time to act while there's still time to have air to breathe.

ENERGY PUNISHMENT TAX

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, somewhere in the prohibited, cold corridors of the darkened back rooms of this castle, the Capitol, in places unknown, unseen, and unheard of by the public, the new Federal taxcrats are carefully crafting the energy punishment tax.

This \$646 billion tax is aimed at punishing Americans and businesses for

using any type of energy. The idea is we should not only feel guilty for using energy, we should pay for our energy sins by being taxed on consumption.

So the taxcrats are going to double the cost of natural gas and home heating oil by taxing the use of it. Use natural gas or home heating oil in your home to keep warm in the winter, you're going to be hit with the keeping warm tax.

Electricity costs are going to increase by 73 percent; so be careful about turning on the AC. It's going to cost you more with the keeping cool tax.

Taxes on gasoline will go up 50 percent. Don't drive your car unless you want to pay the new driving tax.

Americans are taxed enough already. The government should not tax us back to a Stone Age existence with the new absurd energy punishment tax.

And that's just the way it is.

NORWEGIAN CONSTITUTION DAY

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Madam Speaker, I rise today to join in the celebration of Syttende Mai, or Norwegian Constitution Day.

On May 17, 1814, an assembly of Norway's leaders signed a Constitution declaring Norway's independence and establishing a government that was radically democratic for its time, especially in Europe.

This Sunday, exactly 195 years later, millions of Norwegians will gather to celebrate their independence, their long history of constitutional democracy, and their national achievements.

Norwegians and Norwegian Americans across our country will celebrate at smaller, but no less joyful, Constitution Day events. In my home State of Washington, the Norwegian Ambassador to the U.S. will serve as the Grand Marshal of a Constitution Day parade.

The United States and Norway share in the celebration of Constitution Day because we have a strong diplomatic friendship, a robust trading relationship, and a shared history of commitment to democratic principles.

Moreover, the U.S. and Norway are military partners. Today in Afghanistan, as a for instance, Norwegian soldiers are fighting the Taliban and al Qaeda alongside U.S. servicemembers.

So I congratulate Norway on this Constitution Day and look forward to celebrating Syttende Mai with them for years to come.

STIMULUS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the Associated Press issued an analysis this week that describes what many have known all along: The \$787 billion economic stimulus plan isn't getting to the people who need it most.

For those who knew the Federal Government would not be able to effectively and efficiently distribute the money, this comes as no surprise.

The May 11 story says: "Counties suffering the most from job losses stand to receive the least help from President Barack Obama's plan to spend billions of stimulus dollars on roads and bridges, an Associated Press analysis has found."

The story continues: "The very promise that Obama made, to spend money quickly and create jobs, is locking out many struggling communities needing those jobs. Many struggling communities don't have projects waiting on a shelf. They couldn't afford the millions of dollars for preparation and plans that often is required."

The Democrat spokesman for the House Transportation Committee said, "I think the Administration oversold the transportation aspect of this. It was sold as the heart and soul of the package, and it really just isn't."

That's the understatement of the year.

21ST CENTURY GREEN SCHOOLS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, a healthy learning environment for our children is the gateway to a brighter future. Unfortunately, too many of them attend schools that are crumbling, making it harder for teachers to teach and students to learn. In fact, research has shown better quality schools have higher rates of student achievement.

For this reason I urge my colleagues to pass H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act to modernize, upgrade, and repair school facilities across this country. This legislation creates healthier, safer, and more energy-efficient learning environments for our Nation's children. In addition to improving our schools, this bill will play an important role in protecting our environment and improving our economy through the creation of environmentally sound schools and the creation of thousands of new construction jobs.

Madam Speaker, I represent an urban district where many students would benefit from the modernization of these schools. By passing this bill, these students and others across this country will get the opportunity to learn in a healthier and sounder environment.

THE CAP-AND-TAX PROPOSAL: WRONG MEDICINE FOR AN AILING ECONOMY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, a picture is worth a thousand words. And this ran in the Wall Street Journal: "The U.S. recovery: Uncle Sam throwing a lifeline out". And what is it? It is an anvil of a tax. This signifies what is happening on this cap-and-tax proposal.

A 44 percent to a 129 percent increase in electricity costs, gasoline up 61 cents, natural gas up 108 percent.

Don't believe me? Believe Chairman Emeritus JOHN DINGELL, who said, "Nobody in this country realizes that cap-and-trade is a tax, and it's a very big one."

Also, President Obama, who said, "Under my plan of a cap-and-trade system, electricity costs would necessarily skyrocket."

A tax increase is the wrong medicine for an ailing economy.

AMERICAN CLEAN ENERGY AND SECURITY ACT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Madam Speaker, as the American Clean Energy and Security Act goes to markup next week, citizens around our country will be looking forward to legislation that not only addresses the crucial issues of energy independence and climate change but also does not greatly increase our costs.

Americans understand that we are at a crucial point with the high and unpredictable costs of energy, global warming, and its direct impact on our health, wellbeing, and national security must be addressed. The people of the insular areas understand this in a more acute way as we have the highest energy costs in the Nation, geographic locations that are susceptible to the ill effects of climate change, and economies that can be easily affected if the goals of energy independence and environmental sustainability are not reached.

As we work to move our country into a new clean energy economy, we look forward to our full inclusion in legislation that will create jobs in our communities, encourage the production of cleaner renewable energy resources, decrease the pollution that has damaged our air and water quality and impacted our health, and produce entrepreneurial opportunities for both large and small businesses.

We look forward to a new direction and a new clean energy and green economy.

□ 1015

TAKE CARE OF OUR SOLDIERS AND THEIR FAMILIES

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, last Monday a tragic event occurred in Iraq when five servicemembers were killed at the Camp Liberty Combat Stress Control Center. It points out the importance that we need to pay attention to with posttraumatic stress disorder, acute stress disorder, and a wide range of other mental illnesses which can occur after prolonged combat or exposure to severe stress.

We need to understand and communicate with our soldiers and their officers that these problems are real and they are treatable and you can get a soldier back in emotional shape. It is not a sign of weakness. It is not a sign of failure on the part of the soldier or the officer, but they need to get help.

Over the centuries in our military, the uniforms have changed, the weapons have changed, the ships have all changed, but the soldier remains the same, brave and strong and true. But Congress must, nonetheless, provide substantial funding to take care of our soldiers and their families and keep them in mental health shape and physical shape and to get them back on their feet strong and ready.

Congress and our Nation must continue to support them. There is hope, there is treatment, and we need to continue and support our soldiers in that endeavor.

RECOGNIZING NATIONAL AMERICORPS WEEK

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise today to recognize National AmeriCorps Week. Over the last 15 years, nearly half a million AmeriCorps volunteers have served with thousands of nonprofits, public agencies, and faith-based organizations across America. AmeriCorps recruits and trains millions of community volunteers to serve our country's critical needs in education, the environment, public safety, and disaster relief nationwide.

Sixty-five percent of AmeriCorps alumni go on to pursue a career in public service. In my home State of California alone, almost 8,000 people this year will participate in one of more than 7,500 AmeriCorps programs throughout the State. One such program is coordinated by the Santa Barbara County Education Office in my district.

This program provides daily tutoring and reading for over 700 at-risk stu-

dents. It recruits volunteers for additional educational programs, and it works to increase disaster preparedness in the schools of Santa Barbara County.

The over 700 million hours served by AmeriCorps members have bettered our communities and touched the lives of countless Americans. These individuals dedicate their time and energy to help meet the needs of our local communities, and during these tough economic times, we need them now more than ever.

To all these incredible participants in AmeriCorps, I commend you and thank you for your service.

NOT RELEASING DETAINEE PHOTOS IS THE RIGHT DECISION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, I rise today to say thank you to our President. I am grateful that he has reversed his decision on releasing the alleged detainee abuse images.

It was the right decision to come to. It was the right decision to make, and I congratulate him. I thank him. I think we are all grateful to him.

I am glad to see that he listened to his team of national security advisers and realized that releasing those images is not in our national interest.

It does not make this Nation more safe. It makes it less safe. It does not help our troops in the field. It makes their job more difficult, more dangerous, and it makes their lives less safe every day.

Having Fort Campbell in my district, with troops just returning, having our Tennessee National Guardsmen just now deploying to Afghanistan, what we need to do every day is say thank to you these men and women and make certain that our service honors their service. And I thank the President for joining us in reversing his decision.

PAY MORE ATTENTION TO FRAYING ECONOMY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, today we have a \$96.7 billion bill that expands supplemental funds for more war in Iraq, ratchets up U.S. military presence in Afghanistan, and allocates a minimum of \$400 million for nation building in Pakistan where corruption is the norm.

We must ask how competent is our government to transform a world beyond our borders that speaks Arabic, Pashtun, and Farsi? Not even a handful of our military does.

Those majorities practice religions largely foreign to us, and their govern-

ments, if you can call them that, are undemocratic, weak nation states with vast legions of poor people and corrupt governance. Pakistan alone has 163 million impoverished people, and Afghanistan's largest export is heroin. So we are going to inject ourselves into that situation even deeper, with almost no multinational support.

What have we achieved politically in Iraq? Spending our Nation into endless debt, we have transformed a secular dictatorship into a divided Nation separating Sunni, Shia, and Kurd factions. A nation of 25 million has been upended, millions uprooted, and maybe 18 million shell-shocked people remain, while oil contracts have been divided up among multinationals. Not a pretty picture. And not a situation that will hold long term.

So, now we're going to take on Afghanistan, a country that's not a nation, with over 400 tribes, where the Taliban is strengthened by the very sight of foreign troop presence.

Madam Speaker, it is time for America to come to our senses. After \$1 trillion, isn't it time to pay more attention to the fraying economy here in our homeland and the American people?

PRESSING NEED FOR TAX SIMPLIFICATION

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, last week the House Small Business Subcommittee on Finance and Tax held a hearing on a long overdue issue: the pressing need for tax simplification for America's small business.

The IRS estimates it takes over 37 hours to complete the 1040 short form, the most basic income tax form we have. Why does it take this long? Because our Tax Code today runs over 67,000 pages.

This is a disgraceful state of affairs. We need a simpler and fairer Tax Code that rewards, not punishes, hard work and success. Small business creates 70 percent of all new jobs in America. Small business can lead us out of this economic recession and back into recovery if Congress gives them a chance.

Let's start by overhauling our broken tax system.

HONORING CHRISTOPHER CAINE

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, today I would like to honor Christopher Caine's 25 years of service to one of Vermont's most important and valued businesses, IBM.

The largest private employer in Vermont, IBM has long served as a bedrock in Essex Junction in the greater

Burlington community. It has proven itself to be a strong corporate citizen and has shown the world that Vermonters can compete for quality high-tech jobs.

For the past 25 years, Christopher Caine has made a major contribution to that success in such positions as public policy director and, most recently, as vice president of governmental affairs.

Like thousands of Vermonters who earn their livelihoods at IBM, Christopher has worked diligently to ensure the success of this great American company, and, in so doing, he has contributed to a key part of Vermont's economy.

Upon his retirement this year from IBM, I want to salute Christopher for his contribution to IBM and to the State of Vermont.

CERTIFY YUCCA MOUNTAIN AS PERMANENT NUCLEAR WASTE DEPOSITORY

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, nuclear power is an environmentally friendly way to meet our energy needs. Fortunately, we have a safe and ready option for permanent storage for the waste generated by this clean power at Yucca Mountain in Nevada.

But despite the fact that energy ratepayers in my State have contributed over \$375 million to the Nuclear Waste Fund, the Federal Government has refused to keep its end of the bargain and store the nuclear waste.

Nationwide, this fund has now collected over \$350 billion in fees and interest since its inception. Minnesotans and all Americans should not have to pay for government inaction.

I have introduced legislation that would require the President to certify Yucca Mountain as a permanent nuclear waste depository; and if it's not certified, the bill would return billions of dollars from the Nuclear Waste Fund to ratepayers across the country.

Madam Speaker, let's quickly pass the Rebating America's Deposits Act.

DO BETTER TO GIVE VETERANS SUPPORT

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Madam Speaker, we owe our Nation's brave men and women in uniform a debt of gratitude. However, after speaking with so many families, it's obvious that we must do better to give veterans the support that they have earned. None of our troops should end up on the streets after serving their country, and all of our troops should have access to treat-

ment for conditions such as posttraumatic stress syndrome.

This is why I rise today to announce my strong support for the Veterans Bill of Rights. This new bill of rights pledges three things.

One, we will increase the Veterans Administration's direct support for homeless veterans. No veteran should ever go hungry.

Two, we will make counseling services for PTSD available in every veterans center in America.

And, most importantly, three, we in Congress will make veterans a number one priority in all public policy decisions. We owe this to them and much, much more.

I urge my colleagues to join me in support of Veterans Bill of Rights.

ENERGY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, during the campaign, President Obama pledged 95 percent of taxpayers would not see their taxes increased one single dime. Unfortunately, the President has broken this promise.

The President's budget included a cap-and-trade policy, otherwise known as cap-and-tax, that will hit every home utility bill and inflict more pain at the pump. Every American will be impacted by this dangerous policy. American households, on average, can expect to pay an additional \$3,100 a year in energy costs.

The American people still live with the memory of \$4 a gallon for gas and the hardship it inflicted on their family budgets. Even our Democrat colleagues say this.

Mr. BUTTERFIELD from North Carolina is quoted today in Roll Call as saying, "The cost of everything is going to go up."

The cost of everything is going to go up. This is the wrong direction for this country.

VISIT LAS VEGAS

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, this week is National Tourism Week. Tourism is the sixth biggest industry in America.

As the congresswoman from the entertainment and tourism capital of the world, fabulous Las Vegas, I want to encourage all of my fellow citizens to enjoy the remarkable diversity of options the tourism industry provides.

Come to Las Vegas. Enjoy our great hotels, fabulous shows, superb restaurants, water sports, Grand Canyon tours, great shopping, and our other wholesome family entertainment. Me-

morial Day weekend is right around the corner. Make your reservations now.

I promise you will have slots of fun.

SALUTE TO ROBBIE BEANE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I rise today to salute a sheriff's department veteran from Beauregard Parish in my Louisiana district who was recently killed in the line of duty.

Detective Robbie Beane had dedicated 14 years of his life protecting and serving the good people of Beauregard Parish. On May 5, he died in an accident while on duty with three of his fellow officers.

During his 14 years as a member of the Beauregard Parish Sheriff's Department, Robbie Beane worked his way up to detective and had become a volunteer member of the SWAT team and the SWAT diving team.

Detective Beane was an active member of his church and volunteered in civic organizations. He was slated to be the next president of the Deridder Lion's Club.

Detective Beane is the first member of the Beauregard Sheriff's Department to be killed in the line of duty.

He leaves behind his wife, Nikki, and their daughter, Joslynn. This is a tragic loss, and I want to express my sincere condolences to his family and thank Robbie Beane for his service to our State.

21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

The SPEAKER pro tempore (Mr. KRATOVL). Pursuant to House Resolution 427 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2187.

□ 1028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes, with Mrs. TAUSCHER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Wednesday, May 13, 2009, amendment No. 5 printed in House Report 111-106, offered by the gentleman from Indiana (Mr. ELLSWORTH), had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will

now resume on those amendments printed in House Report 111-106 on which further proceedings were postponed, in the following order:

Amendment No. 7 by Ms. GIFFORDS of Arizona.

Amendment No. 10 by Mr. BRIGHT of Alabama.

Amendment No. 11 by Mr. GRIFFITH of Alabama.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 7 OFFERED BY MS. GIFFORDS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. GIFFORDS:

In the table of contents in section 1(b) of the bill, add at the end the following:
Sec. 314. Education regarding projects.

At the end of the bill, add the following:

SEC. 314. EDUCATION REGARDING PROJECTS

A local educational agency receiving funds under this Act may encourage schools at which projects are undertaken with such funds to educate students about the project, including, as appropriate, the functioning of the project and its environmental, energy, sustainability, and other benefits.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 334, noes 97, not voting 8, as follows:

[Roll No. 255]

AYES—334

Abercrombie	Brown, Corrine	Cummings
Ackerman	Brown-Waite,	Dahlkemper
Adler (NJ)	Ginny	Davis (AL)
Alexander	Buchanan	Davis (CA)
Altmire	Butterfield	Davis (IL)
Andrews	Calvert	Davis (KY)
Arcuri	Cao	Davis (TN)
Austria	Capito	DeFazio
Baca	Capps	DeGette
Bachus	Capuano	Delahunt
Baird	Cardoza	DeLauro
Baldwin	Carnahan	Dent
Barrow	Carney	Diaz-Balart, L.
Bartlett	Carson (IN)	Diaz-Balart, M.
Bean	Castle	Dicks
Becerra	Castor (FL)	Dingell
Berkley	Chandler	Doggett
Berman	Childers	Donnelly (IN)
Berry	Christensen	Doyle
Biggart	Clarke	Dreier
Bilirakis	Clay	Driehaus
Bishop (GA)	Cleaver	Edwards (MD)
Bishop (NY)	Clyburn	Edwards (TX)
Blumenauer	Coble	Ehlers
Boccheri	Cohen	Ellison
Bono Mack	Connolly (VA)	Ellsworth
Boren	Conyers	Emerson
Boswell	Cooper	Eshoo
Boucher	Costa	Etheridge
Boustany	Costello	Faleomavaega
Boyd	Courtney	Farr
Brady (PA)	Crenshaw	Fattah
Braley (IA)	Crowley	Finer
Bright	Cuellar	Fleming
Brown (SC)	Culberson	Forbes

Fortenberry	Lofgren, Zoe	Richardson
Foster	Lowey	Rodriguez
Frank (MA)	Lujan	Roe (TN)
Frelinghuysen	Lummis	Rogers (AL)
Fudge	Lynch	Rogers (KY)
Galleghy	Maffei	Ros-Lehtinen
Gerlach	Maloney	Ross
Giffords	Manzullo	Rothman (NJ)
Gonzalez	Markey (CO)	Roybal-Allard
Goodlatte	Markey (MA)	Ruppersberger
Gordon (TN)	Marshall	Rush
Grayson	Massa	Ryan (OH)
Green, Al	Matheson	Sablan
Green, Gene	Matsui	Salazar
Griffith	McCarthy (NY)	Sanchez, Loretta
Grijalva	McCaul	Sarbanes
Guthrie	McCollum	Schakowsky
Gutierrez	McDermott	Schauer
Hall (NY)	McGovern	Schiff
Hall (TX)	McHenry	Schmidt
Halvorson	McHugh	Schrader
Hare	McIntyre	Schwartz
Harman	McKeon	Scott (GA)
Hastings (FL)	McMahon	Scott (VA)
Heinrich	McNerney	Serrano
Herseth Sandlin	Meek (FL)	Sestak
Higgins	Meeks (NY)	Shea-Porter
Hill	Melancon	Sherman
Himes	Michaud	Shuler
Hinchey	Miller (MI)	Sires
Hinojosa	Miller (NC)	Skelton
Hirono	Miller, Gary	Slaughter
Hodes	Miller, George	Smith (NE)
Holden	Minnick	Smith (NJ)
Holt	Mitchell	Smith (TX)
Honda	Mollohan	Smith (WA)
Hoyer	Moore (KS)	Snyder
Inglis	Moore (WI)	Space
Inslee	Moran (VA)	Speier
Israel	Murphy (CT)	Spratt
Jackson (IL)	Murphy (NY)	Stupak
Jackson-Lee	Murphy, Patrick	Sutton
(TX)	Murphy, Tim	Tauscher
Johnson (GA)	Murtha	Taylor
Johnson (IL)	Myrick	Teague
Johnson, E. B.	Nadler (NY)	Terry
Jones	Napolitano	Thompson (CA)
Kagen	Neal (MA)	Thompson (MS)
Kanjorski	Norton	Tiberi
Kaptur	Nye	Titus
Kennedy	Oberstar	Tonko
Kildee	Obey	Towns
Kilpatrick (MI)	Olson	Tsongas
Kilroy	Oliver	Turner
Kind	Ortiz	Upton
King (NY)	Pallone	Van Hollen
Kirk	Pascarell	Velázquez
Kirkpatrick (AZ)	Pastor (AZ)	Visclosky
Kissell	Paulsen	Walz
Klein (FL)	Payne	Wamp
Kline (MN)	Perlmutter	Wasserman
Kosmas	Perriello	Schultz
Kratovil	Peters	Waters
Kucinich	Peterson	Watson
Lance	Pierluisi	Watt
Langevin	Pingree (ME)	Waxman
Larsen (WA)	Pitts	Weiner
Larson (CT)	Platts	Wexler
Latham	Polis (CO)	Wilson (OH)
LaTourette	Pomeroy	Wittman
Lee (CA)	Price (NC)	Wolf
Lee (NY)	Putnam	Woolsey
Levin	Quigley	Wu
Lewis (CA)	Rahall	Yarmuth
Lewis (GA)	Rangel	Young (AK)
Lipinski	Rehberg	Young (FL)
LoBiondo	Reichert	
Loeb sack	Reyes	

NOES—97

Aderholt	Buyer	Franks (AZ)
Akin	Camp	Garrett (NJ)
Bachmann	Campbell	Gingrey (GA)
Barrett (SC)	Cantor	Gohmert
Barton (TX)	Carter	Granger
Bilbray	Cassidy	Graves
Blackburn	Chaffetz	Harper
Blunt	Coffman (CO)	Hastings (WA)
Boehner	Cole	Heller
Bonner	Conaway	Hensarling
Boozman	Deal (GA)	Herger
Brady (TX)	Duncan	Hoekstra
Brown (GA)	Fallin	Hunter
Burgess	Flake	Issa
Burton (IN)	Fox	Jenkins

Johnson, Sam	Mica	Schock
Jordan (OH)	Miller (FL)	Sensenbrenner
King (IA)	Moran (KS)	Sessions
Kingston	Neugebauer	Shadegg
Lamborn	Nunes	Shimkus
Latta	Paul	Shuster
Linder	Pence	Simpson
Lucas	Petri	Souder
Luetkemeyer	Poe (TX)	Stearns
Lungren, Daniel	Posey	Sullivan
E.	Price (GA)	Thompson (PA)
Mack	Rogers (MI)	Thornberry
Marchant	Rohrabacher	Tiahrt
McCarthy (CA)	Rooney	Tierney
McClintock	Roskam	Walden
McCotter	Royce	Westmoreland
McMorris	Ryan (WI)	Whitfield
Rodgers	Scalise	Wilson (SC)

NOT VOTING—8

Bishop (UT)	Radanovich	Stark
Bordallo	Sánchez, Linda	Tanner
Engel	T.	Welch

□ 1057

Messrs. JORDAN of Ohio, CARTER, MCCARTHY of California, FLAKE, COLE, LUCAS, BONNER, WALDEN, BURGESS, BARRETT of South Carolina, ROSKAM, WHITFIELD, GRAVES, Ms. GRANGER, Mrs. McMORRIS RODGERS changed their vote from “aye” to “no.”

Mr. JONES changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. BRIGHT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. BRIGHT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BRIGHT:

In section 102(a), add at the end the following:

(3) DISTRESSED AREAS AND NATURAL DISASTERS.—From the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), the Secretary shall reserve 5 percent of such amount for grants to—

(a) local educational agencies serving geographic areas with significant economic distress, to be used consistent with the purpose described in section 101 and the allowable uses of funds described in section 103; and

(B) local educational agencies serving geographic areas recovering from a natural disaster, to be used consistent with the purpose described in section 201 and the allowable uses of funds described in section 203.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 433, noes 0, not voting 6, as follows:

[Roll No. 256]

AYES—433

Abercrombie Crowley
Ackerman Cuellar
Aderholt Culberson
Adler (NJ) Cummings
Akin Dahlkemper
Alexander Davis (AL)
Altmire Davis (CA)
Andrews Davis (IL)
Arcuri Davis (KY)
Austria Davis (TN)
Baca Deal (GA)
Bachmann DeFazio
Bachus DeGette
Baird Delahunt
Baldwin DeLauro
Barrett (SC) Dent
Barrow Diaz-Balart, L.
Bartlett Diaz-Balart, M.
Barton (TX) Dicks
Bean Dingell
Becerra Doggett
Berkley Donnelly (IN)
Berman Doyle
Berry Dreier
Biggart Driehaus
Billbray Duncan
Bilirakis Edwards (MD)
Bishop (GA) Edwards (TX)
Bishop (NY) Ehlers
Bishop (UT) Ellison
Blackburn Ellsworth
Blumenauer Emerson
Blunt Engel
Bocciari Eshoo
Boehner Etheridge
Bonner Faleomavaega
Bono Mack Fallin
Boozman Farr
Boren Fattah
Boswell Filner
Boucher Flake
Boustany Fleming
Boyd Forbes
Brady (PA) Fortenberry
Brady (TX) Foster
Braley (IA) Foxx
Bright Frank (MA)
Broun (GA) Franks (AZ)
Brown (SC) Frelinghuysen
Brown, Corrine Fudge
Brown-Waite, Gallegly
Ginny Garrett (NJ)
Buchanan Gerlach
Burgess Giffords
Burton (IN) Gingrey (GA)
Butterfield Gohmert
Buyer Gonzalez
Calvert Goodlatte
Camp Gordon (TN)
Campbell Granger
Cantor Graves
Cao Grayson
Capito Green, Al
Capps Green, Gene
Capuano Griffith
Cardoza Grijalva
Carnahan Guthrie
Carney Gutierrez
Carson (IN) Hall (NY)
Carter Hall (TX)
Cassidy Halvorson
Castle Hare
Castor (FL) Harman
Chaffetz Harper
Chandler Hastings (FL)
Childers Hastings (WA)
Christensen Heinrich
Clarke Heller
Clay Hensarling
Cleaver Herger
Clyburn Herseth Sandlin
Coble Higgins
Coffman (CO) Hill
Cohen Himes
Cole Hinchey
Conaway Hinojosa
Connolly (VA) Hirono
Conyers Hodes
Cooper Hoekstra
Costa Holden
Costello Holt
Courtney Honda
Crenshaw Hoyer

Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)

Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley

Bordallo
Radanovich

Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)

NOT VOTING—6

Sánchez, Linda
T.
Stark

□ 1107

So the amendment was agreed to.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. GRIFFITH
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Alabama (Mr. GRIFFITH)
on which further proceedings
were postponed and on which the ayes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. GRIFFITH:

In section 102(b)(2)(C)(v) of the bill, strike
“air quality,” and insert “air quality (in-
cluding with reference to reducing the inci-
dence and effects of asthma and other res-
piratory illnesses),”.

In section 103(12), strike “through (11)” and
insert “through (12)”.

In section 103, redesignate paragraphs (11)
and (12) as paragraphs (12) and (13), respec-
tively.

In section 103, insert after paragraph (10)
the following:

(11) measures designed to reduce or elimi-
nate human exposure to airborne particles
such as dust, sand, and pollens;

In section 310(a)(5)(D) of the bill, after
“quality,” insert “student and staff health
(including with reference to reducing the inci-
dence and effects of asthma and other res-
piratory illnesses),”.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 433, noes 0,
not voting 6, as follows:

[Roll No. 257]

AYES—433

Abercrombie Cassidy
Ackerman Castle
Aderholt Castor (FL)
Adler (NJ) Chaffetz
Akin Chandler
Alexander Childers
Altmire Christensen
Andrews Clarke
Arcuri Clay
Austria Cleaver
Baca Clyburn
Bachmann Coble
Bachus Coffman (CO)
Baird Cohen
Baldwin Cole
Barrett (SC) Conaway
Barrow Connolly (VA)
Bartlett Conyers
Barton (TX) Cooper
Bean Costa
Becerra Costello
Berkley Courtney
Berman Crenshaw
Berry Crowley
Biggart Cuellar
Billbray Culberson
Bilirakis Cummings
Bishop (GA) Dahlkemper
Bishop (NY) Davis (AL)
Bishop (UT) Davis (CA)
Blackburn Davis (IL)
Blumenauer Davis (KY)
Blunt Davis (TN)
Bocciari Deal (GA)
Boehner DeFazio
Bonner DeGette
Bono Mack Delahunt
Boozman DeLauro
Bordallo Dent
Boren Diaz-Balart, L.
Boswell Diaz-Balart, M.
Boucher Dicks
Boustany Dingell
Boyd Doggett
Brady (PA) Donnelly (IN)
Brady (TX) Doyle
Braley (IA) Dreier
Bright Driehaus
Broun (GA) Duncan
Brown (SC) Edwards (MD)
Brown, Corrine Edwards (TX)
Brown-Waite, Ehlers
Ginny Ellison
Buchanan Ellsworth
Burgess Emerson
Burton (IN) Engel
Butterfield Eshoo
Buyer Etheridge
Calvert Fallin
Camp Farr
Campbell Fattah
Cantor Filner
Cao Flake
Capito Fleming
Capps Forbes
Capuano Fortenberry
Cardoza Foster
Carnahan Foxx
Carnahan Frank (MA)
Carney Franks (AZ)
Carson (IN) Frelinghuysen
Carter

Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk

Kirkpatrick (AZ)	Moran (KS)	Schock
Kissell	Moran (VA)	Schrader
Klein (FL)	Murphy (CT)	Schwartz
Kline (MN)	Murphy (NY)	Scott (GA)
Kosmas	Murphy, Patrick	Scott (VA)
Kratovil	Murphy, Tim	Sensenbrenner
Kucinich	Murtha	Serrano
Lamborn	Myrick	Sessions
Lance	Nadler (NY)	Sestak
Langevin	Napolitano	Shadegg
Larsen (WA)	Neal (MA)	Shea-Porter
Larson (CT)	Neugebauer	Sherman
Latham	Norton	Shimkus
LaTourette	Nunes	Shuler
Latta	Nye	Shuster
Lee (CA)	Oberstar	Simpson
Lee (NY)	Obey	Sires
Levin	Olson	Skeltan
Lewis (CA)	Olver	Slaughter
Lewis (GA)	Ortiz	Smith (NE)
Linder	Pallone	Smith (NJ)
Lipinski	Pascarell	Smith (TX)
LoBiondo	Pastor (AZ)	Smith (WA)
Loeback	Paul	Snyder
Lofgren, Zoe	Paulsen	Souder
Lowe	Payne	Space
Lucas	Pence	Speier
Luetkemeyer	Perlmutter	Spratt
Lujan	Perriello	Stearns
Lummis	Peters	Stupak
Lungren, Daniel E.	Peterson	Sullivan
	Petri	Sutton
Lynch	Pierluisi	Tauscher
Mack	Pingree (ME)	Taylor
Maffei	Pitts	Teague
Maloney	Platts	Terry
Manzullo	Poe (TX)	Thompson (CA)
Marchant	Polis (CO)	Thompson (MS)
Markey (CO)	Pomeroy	Thompson (PA)
Markey (MA)	Posey	Thornberry
Marshall	Price (GA)	Tiahrt
Massa	Price (NC)	Tiberi
Matheson	Quigley	Tierney
Matsui	Rahall	Titus
McCarthy (CA)	Rangel	Tonko
McCarthy (NY)	Rehberg	Towns
McCaul	Reichert	Tsongas
McClintock	Reyes	Turner
McCollum	Richardson	Upton
McCotter	Rodriguez	Van Hollen
McDermott	Roe (TN)	Velázquez
McGovern	Rogers (AL)	Visclosky
McHenry	Rogers (KY)	Walden
McHugh	Rogers (MI)	Walz
McIntyre	Rohrabacher	Wamp
McKeon	Rooney	Wasserman
McMahon	Ros-Lehtinen	Schultz
McMorris	Roskam	Waters
Rodgers	Ross	Watson
McNerney	Rothman (NJ)	Watt
Meek (FL)	Roybal-Allard	Waxman
Meeks (NY)	Royce	Weiner
Melancon	Ruppersberger	Welch
Mica	Rush	Westmoreland
Michaud	Ryan (OH)	Wexler
Miller (FL)	Ryan (WI)	Whitfield
Miller (MI)	Sablan	Wilson (OH)
Miller (NC)	Salazar	Wilson (SC)
Miller, Gary	Sanchez, Loretta	Wittman
Miller, George	Sarbanes	Wolf
Minnick	Scalise	Woolsey
Mitchell	Schakowsky	Wu
Mollohan	Schauer	Yarmuth
Moore (KS)	Schiff	Young (AK)
Moore (WI)	Schmidt	Young (FL)

NOT VOTING—6

Faleomavaega	Sánchez, Linda	Tanner
Putnam	T.	
Radanovich	Stark	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. There are 2 minutes remaining on this vote.

□ 1114

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. PUTNAM. Madam Chair, on rollcall No. 257 I was unavoidably detained. Had I been present, I would have voted "aye."

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. BALDWIN) having assumed the chair, Mrs. TAUSCHER, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes, pursuant to House Resolution 427, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. THOMPSON of Pennsylvania. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. THOMPSON of Pennsylvania. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson of Pennsylvania moves to recommit the bill, H.R. 2187, to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

In section 311, add at the end the following:

(c) LIMITATION.—

(1) IN GENERAL.—Notwithstanding subsections (a) and (b) and any other provision of this Act, for any fiscal year for which funds are authorized to be appropriated under this Act that immediately follows a fiscal year in which the Federal Government has a deficit in excess of \$500,000,000,000, the amount authorized to be appropriated under this Act shall be \$0.

(2) DEFINITION.—For the purpose of this subsection, the term "deficit" means a fiscal year during which outlays of the Federal Government exceed receipts of the Federal Government.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Thank you, Madam Speaker.

We all know our Nation is drowning in a sea of red ink, but earlier this week we learned that the sea is even deeper than we knew. On Monday we learned that this year's deficit is now projected to be \$1.84 trillion, about \$90 billion higher than we were told in February. And what's the majority's answer to record-setting deficit spending? Of course it's more spending.

The bill we're debating today would add an estimated \$40 billion in new spending. And despite the majority's hollow promises of fiscal responsibility, there's nothing in the legislation to offset this hefty price tag with spending reductions elsewhere. This is just more of the same borrow and spend, spend and borrow policy that we've seen under this majority and this administration.

This motion to recommit is a small but meaningful step to reverse that trend. It allows this bill to take effect exactly as the majority has drafted it as long as the Federal deficit is below \$500 billion. We're not cutting the bill. We're not damaging the schools. We're not doing any of the other things that the majority would surely accuse us of. We're keeping this bill exactly as it is now. The only difference is that when our Nation's deficit exceeds \$500 billion, we will not authorize the funding for this particular new program.

Half a trillion dollars is an awfully high bar. In fact, the entire time George W. Bush was President—in fact, the entire history of our great Nation, our deficit has never exceeded \$500 billion, that is until this year in which we're facing a deficit of \$1.84 trillion.

I urge Members to vote yes on this motion to recommit and send a signal to the American people that we're serious about taming the deficit.

Maybe one day the Federal Government will be able to afford \$40 billion to tell schools how to maintain their facilities, but that day is not today.

This motion to recommit ensures that this new program will wait until we can afford it, until the American people can afford it.

Before I close, I'd like to point out that the Obama administration may feel the same way. The administration did not issue a statement of administration policy on H.R. 2187. That's a deliberate decision not to endorse the bill, and that is conspicuous. I can't help but wonder if President Obama agrees that now is simply the wrong time to swipe a \$40 billion charge on the government charge card and send the bill to our children and our grandchildren.

I urge a "yes" vote on the motion to recommit.

I yield back the balance of my time. Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker and Members of the House, this legislation last year had bipartisan support as it passed this House overwhelmingly. Why did it have that support? Because this legislation enabled the Federal Government to partner with local school districts who were looking to repair and to restore and renovate their schools to make them more energy efficient so that those local school districts could save on the average \$100,000 in energy bills by making these changes.

We know that the economy has made it more difficult for those local school districts to be able to repair and renovate and restore those schools that are in such bad need of that kind of work. So we offer the hand of the Federal Government as a partner with those districts based upon those local priorities, some of which have been waiting for several years. That partnership is critical to the survivability of these districts in meeting their energy needs as we go forward.

So what do we have here? We have an attempt to kill this amendment based upon a deficit from a party that gave us and left office with \$1 trillion in deficits, when they entered office with \$5 trillion in surplus.

They want to tell us how to manage the books and not take care of local schools, not have school construction, not have local jobs in our community because they ran up the deficit. The all-time world champions of deficits now want to suggest to you that you should put your schools at the end of the line of the deficit that they created.

Yes, we have a budget. We have a budget that takes down the deficit, that takes down the deficit to what it was in the Reagan years. You know, we've been through this before. We went through this where the Republicans run up the deficit on the theory that they starve the beast, and then none of the things that we believe in can go into effect.

We're not going to let this happen on this bill. It's most important that we understand that, that this is about this party trying to stop what is an agenda that has bipartisan support in the House, in the Senate, at the local levels to try to improve the learning opportunities for so many of our students.

I would like to yield to the gentleman from New Jersey.

Mr. ANDREWS. Ladies and gentlemen, this amendment is 8 years too late. If the minority wants to be sure there's a trigger before you can do something, where was the trigger before they enacted the reckless tax cuts for the wealthiest people in this country? Where was the trigger before they enacted the disastrous Medicare part D program and plunged us further in deficit? And where was the trigger before

they poured over \$1 trillion into a mismanaged war in Iraq? This amendment is 8 years too late. Vote it down.

Mr. GEORGE MILLER of California. This decision is simple. The American public made a decision. They want us to go in a new direction. They want us to improve our education systems, our health care systems, and our energy systems.

The party on the other side is not interested in that. They don't have those solutions on the table. They haven't presented those solutions on the table. But what they want to do is infringe on the ability of this President and this country to move forward in a new direction. We cannot let that happen. They didn't do it.

This is a party that is now holding weekend talk sessions about how they lost their way. Yeah, they lost their way on fiscal irresponsibility for 8 years, and now they want the school children of this Nation to pay the bills.

I ask for a "no" vote on the motion to recommit.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. THOMPSON of Pennsylvania. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 182, noes 247, not voting 4, as follows:

[Roll No. 258]

AYES—182

Aderholt	Burgess	Fallin
Adler (NJ)	Burton (IN)	Flake
Akin	Buyer	Fleming
Alexander	Calvert	Forbes
Arcuri	Camp	Fortenberry
Austria	Campbell	Fox
Bachmann	Cantor	Franks (AZ)
Bachus	Cao	Frelinghuysen
Barrett (SC)	Capito	Gallely
Bartlett	Carter	Garrett (NJ)
Barton (TX)	Castle	Gerlach
Biggart	Chaffetz	Gingrey (GA)
Bilbray	Childers	Gohmert
Bilirakis	Coble	Goodlatte
Bishop (UT)	Coffman (CO)	Granger
Blackburn	Cole	Graves
Blunt	Conaway	Guthrie
Boehner	Crenshaw	Hall (TX)
Bonner	Culberson	Harper
Bono Mack	Davis (KY)	Hastings (WA)
Boozman	Deal (GA)	Heller
Boustany	Dent	Hensarling
Brady (TX)	Diaz-Balart, L.	Hergert
Broun (GA)	Diaz-Balart, M.	Hoekstra
Brown (SC)	Dreier	Hunter
Brown-Waite,	Duncan	Inglis
Ginny	Ehlers	Issa
Buchanan	Emerson	Jenkins

Johnson (IL)	McMorris	Royce
Johnson, Sam	Rodgers	Ryan (WI)
Jones	Mica	Scalise
Jordan (OH)	Miller (FL)	Schmidt
King (IA)	Miller (MI)	Schock
King (NY)	Miller, Gary	Sensenbrenner
Kingston	Moran (KS)	Sessions
Kirk	Murphy, Tim	Shadegg
Kline (MN)	Myrick	Shimkus
Lamborn	Neugebauer	Shuster
Lance	Nunes	Simpson
Latham	Nye	Smith (NE)
LaTourette	Olson	Smith (NJ)
Latta	Paul	Smith (TX)
Lee (NY)	Paulsen	Souder
Lewis (CA)	Pence	Stearns
Linder	Perriello	Sullivan
LoBiondo	Petri	Taylor
Lucas	Pitts	Terry
Luetkemeyer	Platts	Thompson (PA)
Lummis	Poe (TX)	Thornberry
Lungren, Daniel	Posey	Tiahrt
E.	Price (GA)	Tiberi
Mack	Putnam	Turner
Manzullo	Radanovich	Upton
Marchant	Rehberg	Walden
McCarthy (CA)	Roe (TN)	Wamp
McCaul	Rogers (AL)	Westmoreland
McClintock	Rogers (KY)	Whitfield
McCotter	Rogers (MI)	Wilson (SC)
McHenry	Rohrabacher	Wittman
McHugh	Rooney	Wolf
McKeon	Ros-Lehtinen	Young (AK)
	Roskam	Young (FL)

NOES—247

Abercrombie	Doggett	Kirkpatrick (AZ)
Ackerman	Donnelly (IN)	Kissell
Altmire	Doyle	Klein (FL)
Andrews	Drieaus	Kosmas
Baca	Edwards (MD)	Kratovil
Baird	Edwards (TX)	Kucinich
Baldwin	Ellison	Langevin
Barrow	Ellsworth	Larsen (WA)
Bean	Engel	Larson (CT)
Becerra	Eshoo	Lee (CA)
Berkley	Etheridge	Levin
Berman	Farr	Lewis (GA)
Berry	Fattah	Lipinski
Bishop (GA)	Filner	Loebach
Bishop (NY)	Foster	Lofgren, Zoe
Blumenauer	Frank (MA)	Lowe
Bocchieri	Fudge	Lujan
Boren	Giffords	Lynch
Boswell	Gonzalez	Maffei
Boucher	Gordon (TN)	Maloney
Boyd	Grayson	Markey (CO)
Brady (PA)	Green, Al	Markey (MA)
Braley (IA)	Green, Gene	Marshall
Bright	Griffith	Massa
Brown, Corrine	Grijalva	Matheson
Butterfield	Gutierrez	Matsui
Capps	Hall (NY)	McCarthy (NY)
Capuano	Halvorson	McCollum
Cardoza	Hare	McDermott
Carnahan	Harman	McGovern
Carney	Hastings (FL)	McIntyre
Carson (IN)	Heinrich	McMahon
Castor (FL)	Herseth Sandlin	McNerney
Chandler	Higgins	Meek (FL)
Clarke	Hill	Meeks (NY)
Clay	Himes	Melancon
Cleaver	Hinche	Michaud
Clyburn	Hinojosa	Miller (NC)
Cohen	Hirono	Miller, George
Connolly (VA)	Hodes	Minnick
Conyers	Holden	Mitchell
Cooper	Holt	Mollohan
Costa	Honda	Moore (KS)
Costello	Hoyer	Moore (WI)
Courtney	Inslee	Moran (VA)
Crowley	Israel	Murphy (CT)
Cuellar	Jackson (IL)	Murphy (NY)
Cummings	Jackson-Lee	Murphy, Patrick
Dahlkemper	(TX)	Murtha
Davis (AL)	Johnson (GA)	Nadler (NY)
Davis (CA)	Johnson, E. B.	Napolitano
Davis (IL)	Kagen	Neal (MA)
Davis (TN)	Kanjorski	Oberstar
DeFazio	Kaptur	Obey
DeGette	Kennedy	Oliver
Delahunt	Kildee	Ortiz
DeLauro	Kilpatrick (MI)	Pallone
Dicks	Kilroy	Pascarell
Dingell	Kind	Pastor (AZ)

Payne	Schakowsky	Thompson (CA)	Dent	Kosmas	Polis (CO)	Hall (TX)	McClintock	Scalise
Perlmutter	Schauer	Thompson (MS)	Diaz-Balart, L.	Kratovil	Pomeroy	Harper	McHenry	Schmidt
Peters	Schiff	Tierney	Diaz-Balart, M.	Kucinich	Posey	Hastings (WA)	McKeon	Schock
Peterson	Schrader	Titus	Dicks	Lance	Price (NC)	Heller	McMorris	Sensenbrenner
Pingree (ME)	Schwartz	Tonko	Dingell	Langevin	Quigley	Hensarling	Rodgers	Sessions
Polis (CO)	Scott (GA)	Towns	Doggett	Larsen (WA)	Rahall	Herger	Mica	Shadegg
Pomeroy	Scott (VA)	Tsongas	Donnelly (IN)	Larson (CT)	Rangel	Hoekstra	Miller (FL)	Shimkus
Price (NC)	Serrano	Van Hollen	Doyle	LaTourette	Hunter	Reichert	Miller, Gary	Shuster
Quigley	Sestak	Velázquez	Driehaus	Lee (CA)	Inglis	Reyes	Moran (KS)	Simpson
Rahall	Shea-Porter	Visclosky	Edwards (MD)	Levin	Issa	Richardson	Myrick	Smith (NE)
Rangel	Sherman	Walz	Edwards (TX)	Lewis (GA)	Jenkins	Rodriguez	Neugebauer	Smith (TX)
Reichert	Shuler	Wasserman	Ehlers	Lipinski	Johnson, Sam	Ros-Lehtinen	Nunes	Souder
Reyes	Sires	Schultz	Ellison	LoBiondo	Jones	Ross	Olson	Stearns
Richardson	Skelton	Waters	Ellsworth	Loeb sack	Jordan (OH)	Rothman (NJ)	Paul	Sullivan
Rodriguez	Slaughter	Watson	Engel	Lofgren, Zoe	King (IA)	Roybal-Allard	Paulsen	Taylor
Ross	Smith (WA)	Watt	Eshoo	Lowey	Kingston	Ruppersberger	Pence	Terry
Rothman (NJ)	Snyder	Waxman	Etheridge	Lujan	Kline (MN)	Rush	Petri	Thompson (PA)
Roybal-Allard	Space	Weiner	Farr	Lynch	Lamborn	Ryan (OH)	Pitts	Thornberry
Ruppersberger	Speier	Welch	Fattah	Maffei	Latham	Salazar	Poe (TX)	Tiahrt
Rush	Spratt	Wexler	Filner	Maloney	Latta	Sanchez, Loretta	Price (GA)	Tiberi
Ryan (OH)	Stupak	Wilson (OH)	Foster	Markey (CO)	Lee (NY)	Salazar	Putnam	Tiberti
Salazar	Sutton	Woolsey	Frank (MA)	Markey (MA)	Lewis (CA)	Sanchez, Loretta	Radanovich	Turner
Sanchez, Loretta	Tauscher	Wu	Fudge	Marshall	Linder	Sanbaranes	Rehberg	Upton
Sanbaranes	Teague	Yarmuth	Gerlach	Massa	Lucas		Roe (TN)	Walden
			Giffords	Matheson	Luetkemeyer		Rogers (AL)	Wamp
			Gonzalez	Matsui	Lummis		Rogers (KY)	Westmoreland
			Gordon (TN)	McCarthy (NY)	Lungren, Daniel		Rogers (MI)	Whitfield
			Grayson	McCaul	E.		Rohrabacher	Wilson (SC)
			Green, Al	McCollum	Mack		Rooney	Wittman
			Green, Gene	McCotter	Manzullo		Roskam	Wolf
			Griffith	McDermott	Marchant		Royce	Young (AK)
			Grijalva	McGovern	McCarthy (CA)		Ryan (WI)	
			Gutierrez	McHugh				
			Hall (NY)	McIntyre				
			Halvorson	McMahon				
			Hare	McNerney				
			Harman	McNerney				
			Hastings (FL)	Meek (FL)				
			Heinrich	Meeks (NY)				
			Herseth Sandlin	Melancon				
			Higgins	Michaud				
			Hill	Miller (MI)				
			Himes	Miller (NC)				
			Hinchee	Miller, George				
			Hinojosa	Minnick				
			Hirono	Mitchell				
			Hodes	Mollohan				
			Holden	Moore (KS)				
			Holt	Moore (WI)				
			Honda	Moran (VA)				
			Hoyer	Murphy (CT)				
			Inslee	Murphy (NY)				
			Israel	Murphy, Patrick				
			Jackson (IL)	Murphy, Tim				
			Jackson-Lee	Murtha				
			(TX)	Nadler (NY)				
			Johnson (GA)	Napolitano				
			Johnson (IL)	Neal (MA)				
			Johnson, E. B.	Nye				
			Kagen	Oberstar				
			Kanjorski	Obey				
			Kaptur	Oliver				
			Kennedy	Ortiz				
			Kildee	Pallone				
			Kilpatrick (MI)	Pascrell				
			Kilroy	Pastor (AZ)				
			Kind	Payne				
			King (NY)	Perlmutter				
			Kirk	Perriello				
			Kirkpatrick (AZ)	Peters				
			Kissell	Peterson				
			Klein (FL)	Pingree (ME)				
				Platts				

NOT VOTING—4

Cassidy	Sánchez, Linda T.	Stark Tanner
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1145

Messrs. TEAGUE and MAFFEI changed their vote from “aye” to “no.”

Messrs. SHUSTER and NEUGEBAUER changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. CASSIDY. Madam Speaker, on rollcall No. 258 I was unavoidably detained. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COFFMAN of Colorado. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 275, noes 155, not voting 3, as follows:

[Roll No. 259]

AYES—275

Abercrombie	Boucher	Cleaver
Ackerman	Boyd	Clyburn
Adler (NJ)	Brady (PA)	Cohen
Altmire	Braley (IA)	Connolly (VA)
Andrews	Bright	Conyers
Arcuri	Brown, Corrine	Cooper
Baca	Brown-Waite,	Costa
Baird	Ginny	Costello
Baldwin	Butterfield	Courtney
Barrow	Cao	Crowley
Bean	Capps	Cuellar
Becerra	Capuano	Cummings
Berkley	Cardoza	Dahlkemper
Berman	Carnahan	Davis (AL)
Berry	Carney	Davis (CA)
Bishop (GA)	Carson (IN)	Davis (IL)
Bishop (NY)	Castor (FL)	Davis (TN)
Blumenauer	Chandler	DeFazio
Boccieri	Childers	DeGette
Boren	Clarke	Delahunt
Boswell	Clay	DeLauro

Aderholt	Broun (GA)	Davis (KY)
Akin	Deal (GA)	Deal (GA)
Alexander	Dreier	Dreier
Austria	Duncan	Duncan
Bachmann	Emerson	Emerson
Bachus	Fallin	Fallin
Barrett (SC)	Flake	Flake
Bartlett	Fleming	Fleming
Barton (TX)	Forbes	Forbes
Biggart	Fortenberry	Fortenberry
Bilbray	Fox	Fox
Bilirakis	Franks (AZ)	Franks (AZ)
Bishop (UT)	Frelinghuysen	Frelinghuysen
Blackburn	Gallagher	Gallagher
Blunt	Garrett (NJ)	Garrett (NJ)
Boehner	Gingrey (GA)	Gingrey (GA)
Bonner	Gohmert	Gohmert
Bono Mack	Goodlatte	Goodlatte
Boozman	Granger	Granger
Boustany	Graves	Graves
Brady (TX)	Guthrie	Guthrie

NOES—155

Davis (KY)	Boozman
Deal (GA)	Boustany
Dreier	Brown (GA)
Duncan	Brown (SC)
Emerson	Buchanan
Fallin	Burgess
Flake	Burton (IN)
Fleming	Buyer
Forbes	Calvert
Fortenberry	
Fox	
Franks (AZ)	
Frelinghuysen	
Gallagher	
Garrett (NJ)	
Gingrey (GA)	
Gohmert	
Goodlatte	
Granger	
Graves	
Guthrie	

NOT VOTING—3

Sánchez, Linda T.	Stark	Tanner
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1154

So the bill was passed.

The result of the vote was announced as above recorded.

AMENDMENT TO THE TITLE OFFERED BY MR.

KLINE OF MINNESOTA

Mr. KLINE of Minnesota. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the title offered by Mr. KLINE of Minnesota:

Amend the title so as to read: “A bill to saddle future generations with billions in debt, and for other purposes.”

The SPEAKER pro tempore. Under clause 6 of rule XVI, the amendment is not debatable.

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KLINE of Minnesota. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 257, not voting 27, as follows:

[Roll No. 260]

AYES—149

Aderholt	Biggart	Boozman
Akin	Bilbray	Boustany
Alexander	Bilirakis	Brown (GA)
Austria	Bishop (UT)	Brown (SC)
Bachmann	Blackburn	Buchanan
Bachus	Blunt	Burgess
Barrett (SC)	Boehner	Burton (IN)
Bartlett	Bonner	Buyer
Barton (TX)	Bono Mack	Calvert

Camp
Campbell
Cantor
Capito
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallagher
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter

NOES—257

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
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Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite,
Ginny
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello

Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Poe (TX)
Posey
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
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Davis (TN)
DeFazio
DeLauro
Dent
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Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
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Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
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Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchev
Hinojosa
Hirono

Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Ryan (WI)
Scalise
Schmidt
Schock
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebbeck
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markley (CO)
Markley (MA)
Marshall
Massa
Matheson
McCarthy (NY)

McCaul
McCollum
McCotter
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
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Pascarella
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Loretta
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler

NOT VOTING—27

Carney
Carter
Dahlkemper
DeGette
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Gordon (TN)
Hall (NY)
Kagen
Kilpatrick (MI)
Matsui
McDermott
Moore (KS)
Moore (WI)
Moran (VA)
Pence
Rush
Sánchez, Linda
T.

□ 1217

Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SPEIER, Messrs. DEFAZIO and RANGEL, and Ms. MARKEY of Colorado changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MOORE of Wisconsin. Mr. Speaker, I regret missing rollcall vote No. 260 today on the dilatory motion offered by the Minority to change the title of H.R. 2187. I was necessarily detained in important meetings and receiving briefings on the FY 2009 supplemental to prepare for the very serious vote on that legislation scheduled for later today.

Simply looking at the motion offered by the Minority, it is clear at face value that it was not a serious legislative effort to improve the Green Schools bill's focus on helping rebuild our nation's schools but was instead a dilatory tactic and a childish effort meant simply to embarrass and delay. We are not children and this is not a game. If I had been present, I would have voted “no.”

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2187, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the Clerk be

authorized to make technical corrections in the engrossment of H.R. 2187, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore (Mr. HOLDEN). Is there objection to the request of the gentleman from Michigan? There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. PERLMUTTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 434 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 434

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Thank you, Mr. Speaker. For purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded is for debate only.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 434.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 434 provides for consideration of H.R. 2346, the Supplemental Appropriations Act of 2009. No Member of Congress takes today's vote lightly. In my two terms in Congress, I've had many late nights thinking about our troops who protect all us around the globe—ones who I have met, ones from my district, and others—thinking about how to bring them home safely and responsibly.

Today, we vote to fund them and their efforts in Iraq and Afghanistan. It

is not a perfect bill, and it is not the silver bullet which will end the wars within the next year. But it is a responsible plan to support our servicemen and -women and assist them as much as possible.

Mr. Speaker, we cannot fully understand the next steps in Iraq and Afghanistan without looking at the steps our Nation has taken to get here.

In 2001, following the September 11 attacks, Congress authorized President Bush to take action against Afghanistan for harboring and enabling al Qaeda to attack us. We were greeted as liberators for the most part and even had Osama bin Laden cornered in the mountains of Tora Bora.

But in 2002 and 2003, President Bush and others changed the country's focus from the biggest threat to American security to a country which actually posed little threat—that being Iraq.

Ever since that moment, we have been playing catchup in both countries, trying to defeat insurgencies while promoting democracy and economic development, which are precarious at best. Even experts concede achieving these missions simultaneously is difficult.

Last November, Barack Obama and JOHN MCCAIN outlined two very different visions of our future involvement in Iraq and Afghanistan. In Iraq, President Obama's plan involved expeditiously transitioning authority to the Iraqi Security Forces, promoting economic development, and removing combat troops within a year. This vision is very close to the plan I described to my voters when I was elected to my first term.

In Afghanistan, the plan involved broadening the international coalition, eradicating al Qaeda and the Taliban, empowering women, and providing an increase in troops, is what is provided for in this particular bill.

Knowing full well Barack Obama's military and diplomatic goals in Iraq and Afghanistan, more Americans voted for President Obama and the plans he outlined than they did for Senator MCCAIN or his plans.

Over the course of the past few months, President Obama has put the pieces in place to keep his promise, putting a national security team in place—a bipartisan team at that—of Robert Gates, James Jones, and Hillary Rodham Clinton.

Today's bill is a plan laid out by the President and his bipartisan national security team that finally understands that victory will not be achieved by military might alone.

Many in the House today, on both sides of the aisle, have stated their opposition to this bill before the new President with his new ideas has even had a chance to implement his plan.

President Obama inherited an international mess. American voters chose President Obama and his plan, and it is time that Congress gave our troops the

resources they need to complete their assignments.

In my opinion, there are three components to this bill. First: in Iraq, we provide funding for military operations, including \$4.8 billion for light-weight mine-resistant vehicles, or MRAPs, and \$1.3 billion for IED threat mitigation. The bill also provides \$1 billion for economic development in Iraq.

These provisions are essential to President Obama in order to meet his intended date of August 31, 2010, to remove all combat troops from Iraq.

In Afghanistan, we require the President to objectively report to Congress on five critical areas in Afghanistan and Pakistan. Among these are questions of anticorruption efforts, independent security forces, and political consensus. We also provide \$1.52 billion in international aid for development of that war-torn country.

Lastly, the bill focuses on our troops and domestic emergencies. We provide funding for H1N1 influenza. We also provide \$470 million to address Mexican border violence and drug cartels. We also provide to our troops stop-loss payments in recognition of their additional participation in the wars in the Middle East. These troops who signed up to serve fell victim as part of a backdoor draft—and this bill justly repays them.

Mr. Speaker, today we will have an emotional debate about how our Nation moves forward in Iraq and Afghanistan. The way forward in Iraq and Afghanistan is to vote “yes” today. I urge my colleagues to vote “yes” on the rule and the underlying bill.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

First, let me express my appreciation to my very good friend from Golden, a hardworking and thoughtful member of the Rules Committee, for yielding me the customary 30 minutes.

Mr. Speaker, I am very pleased that today we will be considering legislation that represents a true bipartisan effort on a critically important issue. The underlying bill, an emergency supplemental funding bill for our troops, was largely developed through bipartisan consensus, and we as Republicans are very happy to have had the opportunity to work with President Obama on this issue.

The President has repeatedly said that he would like to work with Republicans to develop real solutions for the challenges that we face as a country. So far, unfortunately, the Democratic leadership has done a less than perfect job in dealing with the request for bipartisanship, shutting out Republicans and injecting a greater and greater amount of partisanship into the legislative process.

But today we have before us our first real opportunity to come together and

work in a bipartisan way. This occasion is all the more significant because the issue at hand is the funding of our troops.

I'm very proud that we're able to demonstrate to the men and women who voluntarily, voluntarily put their lives on the line for our country, that the support for them in Congress is unified and unequivocal. We owe a great debt to them and to their families, and it is very fitting that we should be joining together in this show of support just before Memorial Day.

Our troops in Afghanistan are facing rapidly increasing threats. Our troops in Iraq are working to fully turn responsibility for security over to the Iraqis. Thousands of others are deployed in dangerous places, as we all know, around the world.

We must ensure that they have the resources, protection, and support they need to do their jobs effectively and, as my friend from Golden said in his statement, to come home safely. The underlying appropriations bill will help to ensure just that.

But this is not, by any means, Mr. Speaker, a perfect bill. There are some key improvements that I believe need to be made. Unfortunately, the rule that we are considering today prevents any amendments from being considered. Even amidst this great bipartisan effort, the Democratic leadership has chosen to tarnish the outcome by refusing to allow debate on a number of key issues. Allowing amendments to be debated and considered would enable us to take this important bill and make it even more effective.

One such amendment which my friend and colleague Mr. ROGERS, the gentleman from Kentucky, has offered, would have redirected some funding to very important border security efforts. This is a critical national security issue. Violent drug wars have been escalating, as we all know, on our border for months, and we need to ensure that we have adequate homeland security resources. Unfortunately, Mr. Speaker, this rule does not allow us to ensure the needed additional funding to deal with border security.

Another key issue that must be addressed, as we all know because it has been the center of a great deal of controversy, is the question of how the detention facility at Guantanamo Bay will be shut down.

The President has made it clear that he intends to close this facility, and his administration has already begun to move forward on this. Yet Congress has been presented with no clear plan as to how the facility will be closed and, most important, what will be done with the detainees. Will they be moved to American soil? Tried in jail or—God forbid—released here in the United States?

The Guantanamo detainees include Khalid Sheik Muhammad, mastermind

of the 9/11 attacks; Hambali, al Qaeda's operation chief for Southeast Asia who planned the 2002 Bali bombings that killed 200 people; Ahmed Khalfan Ghailani, one of the FBI's most wanted terrorists, who helped plan the 1998 bombings of our embassies at Dar es Salaam and Nairobi.

□ 1230

These are Guantanamo detainees, and we have received no plan for where they will be moved if the facility is shut down. We have received no commitment, no commitment at all, for congressional oversight. This bill should explicitly require planning and consultation with Congress so we can ensure that unacceptable security risks will not be borne by our communities and our constituents.

Republicans have repeatedly raised this issue, Mr. Speaker. Unfortunately, the Democratic leadership, apparently feeling the pressure to address this issue, would like to self-execute an amendment in this rule to the bill that will place restrictions on the process for closing the detention facility at Guantanamo.

But there are two key problems with their approach here, Mr. Speaker. First, the substance of their amendment does not adequately address the risks that we must guard against. It does not guarantee that governors and State legislators will have the final say on whether terrorists can be housed in their States.

Under the Democratic plan, States can be forced to allow the world's most dangerous terrorists to be held in their communities.

Second, by self-executing this flawed and inadequate amendment, they are circumventing the debate and scrutiny that an issue of this magnitude demands. The issue of bringing committed terrorists onto American soil—not people who perpetrated crimes who are American citizens, but foreign-born terrorists—on American soil should not be dealt with haphazardly, nor cloaked in secrecy. It must be considered extremely carefully, thoroughly, and openly. This rule denies us that opportunity and fails to ensure the protection of Americans.

There are other issues that should be dealt with, Mr. Speaker. The large increase of foreign assistance funding, while important to long-term efforts to combat the roots of terrorism, should not be considered emergency funding. This funding should be included in the regular budget subject to regular budgetary considerations. Designating them as emergency funds just skirts the tough choices that responsible budgeting demands.

All of these issues should be addressed in an open debate with an amendment process, which is standard operating procedure for appropriations. As I said in the Rules Committee yes-

terday, appropriations bills are considered privileged resolutions. They come straight to the floor. We don't even need to go to the Rules Committee for consideration of appropriations bills. It is done traditionally to simply protect the bill and the work product of the Appropriations Committee, and then allow for an open amendment process.

Fixing these problems, Mr. Speaker, would make a good and important bill all that much more effective. It would allow the legislative process for this bill, which has developed in such a bipartisan way, to finish in the same cooperative spirit in which it began.

During my tenure as chairman of the Rules Committee for 8 years, every single wartime supplemental was considered under an open rule. Not even one has been open over the last 3 years since the new Democratic majority has been in charge. It is very unfortunate that the Democratic leadership once again is trying to thwart the best efforts of President Obama and congressional Republicans to work together and build consensus.

But despite their disdain for bipartisanship and open debate, we as Republicans will join with the President in support of this troop funding bill, and we welcome this opportunity to work with him on this issue.

We sincerely hope that we can continue to come together on other very pressing issues that we will want to address effectively and responsibly in the future.

Mr. Speaker, I am going to urge my colleagues to vote "no" on the previous question, and I will be explaining throughout this debate time what it is that we hope to do if we are able to defeat the previous question as it relates to Guantanamo. If by chance we are not successful in defeating the previous question, I urge my colleagues to vote "no" on the underlying rule so we can, in fact, continue with the spirit of bipartisanship to make this important bill even better.

I reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I appreciate the comments of my friend from California. I just would like to respond on a couple of matters.

First of all, we hope and expect that this will be the last supplemental that we will have to do in this fashion so that these budgets for our military, whether it is in Iraq or Afghanistan, or elsewhere around the world, are treated within the whole budget.

So I appreciate your comments about that, but this has been a system that we intend to stop. This is the last one. As it was laid out, we left it halfway finished last year.

Second, to my friend from California, I would say that in the spirit of bipartisanship, the chairman of the Appropriations Committee has come up with the rule concerning Guantanamo, or the amendment concerning Guanta-

namo. Some of the Members of my caucus are going to take real issue with that amendment. They think that it goes too far in terms of giving the President time to develop a plan for releasing or transferring the prisoners who are held at Guantanamo. I know that Members on your side of the aisle think it doesn't go far enough. So in an effort of bipartisanship, the chairman has tried to craft this amendment.

My last point is with respect to the border. There were hundreds of millions of dollars appropriated in the stimulus bill for border protection and border enforcement, and there is even more so in this particular bill.

So three of your points I would like to take issue with. I do appreciate the extension of the hand in bipartisanship.

Mr. DREIER. Would the gentleman yield?

Mr. PERLMUTTER. For about 15 seconds. I have a lot of speakers.

Mr. DREIER. On border security, it continues to be a high priority, and the situation has gotten worse since we provided that level of appropriations.

On the issue of Guantanamo, Mr. WOLF, a member of the committee, has come forward with a very thoughtful amendment. We are going to seek to make that in order if we are able to defeat the previous question. I know that the chairman of the committee has said that he doesn't believe that State legislators and governors should be able to preempt Federal law. We know, as Mr. WOLF said in his testimony, that there are a number of States that have already indicated an interest in having an opportunity to receive these detainees.

Mr. PERLMUTTER. Reclaiming my time, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, in 2001 I voted in favor of the resolution to authorize the use of force in Afghanistan to hold to account al Qaeda and the Taliban for their unconscionable and unforgivable acts against our fellow citizens. I would do it again if faced with the same decision.

But after 8 long years, our mission has been vastly expanded and the policy is unclear. It has been a very hard decision to make because I appreciate the good work of Chairman OBEY and many of the items in this bill; but I cannot support the supplemental appropriations bill.

I believe not just the United States but the international community made a promise to the people of Afghanistan, not to the Karzai government, not to the regional powers, but to the people of Afghanistan. We promised that we would stand by them as they rebuilt their country after ousting al Qaeda and the Taliban government that provided these terrorists safe haven.

Everyone I know, including President Obama, keeps telling me that there is no military solution in Afghanistan, only a political solution. And I believe this, too. So I am very concerned when we put billions of dollars into building up the U.S. military presence in Afghanistan without a clear mission and without an exit strategy.

Just as I insisted that the previous administration provide Congress with clear benchmarks and an exit strategy for Iraq, then we should do the same with this administration in Afghanistan. I am not advocating for an immediate withdrawal of our military forces from Afghanistan. All I am asking for is a plan. If there is no military solution for Afghanistan, then please, just tell me how we will know when our military contribution to the political solution has concluded.

I appreciate and I support the required reports on Afghanistan and Pakistan that Chairman OBEY has included in this supplemental. But these reports don't tell us anything about the mission of our service men and women in Afghanistan and how we will know when it is time to bring them home.

I hope, at the very least, at some point in the near future we will have a full and thorough debate about our strategy in Afghanistan. Sadly, that will not happen today.

In preparation for that debate, I have introduced this morning a bill with 73 bipartisan cosponsors that requires the Secretary of Defense to outline for Congress by the end of the year the exit strategy for our military forces in Afghanistan. My bill doesn't withdraw our forces; it doesn't set a definite timetable. It simply asks the Secretary of Defense to outline what our strategy is.

I don't think that it is too much to ask that over the next 7 months the Defense Department tell us what is the plan for completing our military mission in Afghanistan.

Mr. Speaker, when I first ran for Congress, I promised my constituents that I would never vote to send our servicemen and -women into war without a clearly defined mission, and I am sticking to that promise. I am sick and tired of wars that have no exits, deadlines or an end. We owe our troops and their families much better, and I am deeply concerned about how long we will be able to sustain and pay for an expanded military presence in Afghanistan.

Mr. Speaker, I simply want to know: What is the exit strategy that brings our servicemen and -women home? Until someone gives me a credible answer, I will be voting "no."

Mr. DREIER. Mr. Speaker, before I yield to the distinguished ranking member of the Appropriations Committee, I would say to my friend from Worcester that it is very important that he realizes that he should be vot-

ing "no" on this rule so we can have the kind of debate to which he aspires.

With that, I am happy to yield to the gentleman from California (Mr. LEWIS) for 3 minutes.

Mr. LEWIS of California. I appreciate my colleague from California yielding me this time.

I frankly had hoped that we would be bringing this bill to the floor today, the supplemental, following the traditional pattern of appropriations processes with an open rule so that we could come together and discuss some of these very key issues together in a positive way. And as the ranking member of the Rules Committee said, make what is a very good and bipartisan effort significantly better by addressing a few key issues that indeed are of great concern to the American people.

I would specifically like to mention that the gentleman from Colorado suggested that this is the last supplemental. I am sure that you have watched the House for all of the years you have been here, and I know that you are absolutely convinced that this will be the last supplemental, but I wouldn't want to suggest that others would perhaps consider that to be a bit naive.

But in the meantime, I was most intrigued by another discussion I had with the gentleman in the Rules Committee when we were talking about Guantanamo. Indeed, Guantanamo is an issue that will become of greater and greater concern to the American public as we go forward from here.

The rule does self-enact a proposal by the chairman of the full committee that addresses Guantanamo. There are a number of things it does not, however, address in its language form. And, indeed, an open rule would have allowed us to have discussion of the very thoughtful work done by our Members in the full committee. Those Members' products were rejected on a partisan vote in the appropriations process, unfortunately, and we should have a chance to address them here on the floor.

I would like to share a few things that the chairman's amendment that is in the rule does not do. The rule includes language from Mr. OBEY that, among other things, does not require the administration to conduct a risk assessment of the dangers of releasing Guantanamo detainees into American communities.

It does not require any notification, including the Congress, Governors, State legislators, or local communities, as to when and where detainees will be released outright to the general public after October 1, 2009, and on and on I could go from there.

I was very fascinated by the gentleman from Colorado's reaction. He said that is what our prison system is about. After all, we in Colorado have some serious people in prison; for ex-

ample, the Unabomber. Well, I would suggest to the gentleman from Colorado, those criminals who are housed in Colorado and other States who are domestics who violated our law in a variety of ways—the Unabomber being a nut case, for example—do not reflect the intensity and commitment of al Qaeda-trained terrorists who absolutely have dedicated their lives to trying to destroy our way of life. Those people in the hundreds potentially being released without any notification to the American public or to our governors and local legislators—it is unacceptable, unacceptable that we follow that path. And because of that, I am going to urge a "no" vote on the PQ and a "no" vote also on the rule.

□ 1245

Mr. PERLMUTTER. I have to agree with my friend, Mr. LEWIS from California. You're right, there will be other supplementals. The purpose is that these supplementals are not going to become a regular course of business as they have been as it applies to Iraq and Afghanistan.

With respect to your points about the housing of these prisoners, nobody wants these particular prisoners in their State or in their prison system; but on the other hand, we have very unsavory characters from time to time in various prisons across the country. Fort Leavenworth might be an appropriate place. But the amendment, as Mr. OBEY has projected it, is no money within this appropriation will be used for release or transfer. And so the amendment is an attempt to strike a compromise between your concerns and the concerns of our caucus, and that's what this whole process is about.

Mr. DREIER. Would the gentleman yield? I would be happy to yield 30 seconds to my friend from our time if the gentleman would yield.

Mr. PERLMUTTER. I want to yield to my friend from California (Ms. HARMAN) for 2 minutes.

Ms. HARMAN. I thank the gentleman for yielding and tell him we miss him on the Homeland Security Committee.

Mr. Speaker, I am keenly aware of the economic hardship faced by people in my district and all over the country and the heartfelt questions being raised about the costs and policies involved in this bill. After careful review, however, I believe the bill is needed, and the policies it funds reflect a change in direction from failed Bush administration strategies in Iraq, Afghanistan, Pakistan, and the West Bank, all locations I have visited on several trips this past year.

We are ending the combat mission in Iraq, a policy I strongly support. We are also embracing a strategy for Afghanistan, which makes governance, and not projection of military force, the top priority. Mission success there will only come from efforts to eliminate corruption and help the central

and local governments provide essential services to the Afghan people; otherwise, that country will revert to a failed state and a safe haven for terrorists intent on attacking the United States and our allies.

Pakistan is even more dangerous because of its huge population, a military larger than ours, and its nuclear arsenal. This bill funds nonmilitary aid and counterinsurgency training to enable Pakistani forces to defeat the growing Taliban threat inside their borders.

A promising security program in the West Bank is also supported, a key building block to a viable and independent Palestinian state. The bill makes explicit that no Palestinian funding will go to Hamas, which continues to rearm and threaten Israel.

For the future, as has been discussed, funding for our troops in harm's way in missions like these will be on budget and fully debated through the regular process in Congress. This is yet another good course correction by the Obama administration, and one I have long advocated.

This is a sound bill and a sound rule. Vote "aye" on both.

Mr. DREIER. Mr. Speaker, at this time, I yield 2 minutes to the distinguished ranking member of the Subcommittee on Homeland Security, the author of the very important border security amendment to which I referred earlier, the gentleman from Somerset, Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank my distinguished colleague for yielding.

Mr. Speaker, the border war, if you want to call it that—the war on the border with Mexico—now is more than trying to stop illegal aliens from coming across. It is trying to prevent the flood of drugs coming across and, more importantly, to keep trying to prevent the spillover of the violence between the drug cartels in Mexico competing and fighting for the control of that trade into the U.S. from these drugs and violence from spilling over into the U.S.

Ninety percent of the cocaine coming into this country comes through Mexico, comes across that border. And no wonder the drug cartels in Mexico are warring with each other and the government in Mexico to control that trade, because there are billions and billions of dollars involved. But already, those drug cartels have infiltrated most of the American cities. Most of the large cities in this country have cells or pieces of that drug cartel organization now in their communities. You read about killings and murders and hostage-taking in places like Birmingham and Atlanta and Chicago and New York—and of course Phoenix—and all of the cities of the West. They're here now.

This bill doesn't contain one penny for the FBI, the Drug Enforcement Ad-

ministration, the Alcohol, Tobacco and Firearms organization. All of the law enforcement groups in this country are shut out in this bill, and this rule seals it so we can't get into it. And we are ignoring, with our heads in the Cancun sand, the cartels in Mexico that are supplying our young people with their deadly poison.

And so I urge that we defeat the previous question so that we can be allowed to bring these matters to this bill. And then, failing that, I would hope that we would defeat this rule that shuts these matters out.

Mr. PERLMUTTER. Mr. Speaker, I yield 1 minute to my friend from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker and Members, I rise in opposition to this supplemental appropriation. This bill simply continues and amplifies the failed policies that have caused us to be caught up in a continued occupation of Iraq and an increasingly large presence in Afghanistan.

Instead of playing the Taliban shell game and so-called chasing Osama bin Laden, we should devise a smart strategy to win the hearts and minds of the people of Iraq and Afghanistan. They will help us to locate Osama bin Laden. Air strikes that kill innocent civilians will only harden the civilians against us.

The Taliban are leading us into Pakistan, where we are on the verge of a new footprint, after giving the former President Musharraf billions of dollars while he was playing footsie with the Taliban and allowing them to control the border between Afghanistan and Pakistan. Now President Zardari has proven to be weak and ineffective, yet we're rewarding him with more of our tax dollars.

There are two good amendments that should have been made in order: the McGovern amendment, which would require a simple exit strategy, and the Tierney amendment, which would have placed conditions on any additional dollars given to Pakistan.

We should be taking over the madrassas, rebuilding infrastructures, and building democratic institutions that will support long-term sustainability in these countries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 1 minute to the distinguished Republican leader, our friend from West Chester, Ohio (Mr. BOEHNER).

Mr. BOEHNER. I thank the gentleman for yielding.

Mr. Speaker and my colleagues, I told the President that when he does

what we agree with, in terms of what is right for the American people, we would be there to support him. The President has made very responsible decisions with regard to this mission in Iraq and a gradual withdrawal of our troops, and I believe that his decisions with regard to his plans in Afghanistan are sound. It is clear that the President listened to the commanders on the ground and our diplomats and is engaged in an effort to win our battle against the terrorists who threaten the United States and our citizens.

One of those decisions that he also made was a decision to send up to the House a clean bill asking for funding for our troops. I believe this bill provides those resources and, just as importantly, does not include politically motivated restrictions that would hamstring our commanders in the field.

Republicans support the underlying bill, and I think it deserves support from Members on both sides of the aisle. But let's be very clear; we will be watching very closely in the weeks to come as some may try to load this bill up with unrelated spending or language that would undermine our troops. That includes potential money for the International Monetary Fund. That should be debated on its own merits, and not as part of a troop funding bill for our men and women who are in harm's way.

I am also pleased that the \$80 million in funding to transfer Guantanamo prisoners from the United States was removed from this bill. It deserved to be removed. And I will once again ask a very important question: What is the administration's plan for those prisoners who are being held at our detention facility? Will they release or transfer them and allow them to come to American soil? I don't know of any community or neighborhood in America that would want them.

The language inserted by Chairman OBEY in this bill on this issue, I think, is inadequate. It will do nothing more than to provide cover, pure and simple. And the fact is, there is nothing in this legislation that will keep Guantanamo terrorists out of America, nothing. And I think that we can and should do better.

Our solution is the Keep Terrorists Out of America Act. Our plan, I think, does what the American people overwhelmingly want. It ensures that those terrorists are not transferred or released into our communities, and Members on both sides of the aisle have spoken out against the release of those prisoners in our country.

The gentleman from Virginia (Mr. WOLF) offered similar language in the Appropriations Committee where it was defeated. I believe, as we get into the previous question on this rule, that we also defeat the previous question and allow the gentleman from Virginia

(Mr. WOLF) to offer his language on this bill.

So I would encourage Members to vote "no" on the previous question. Let's have a fair and open debate on this issue and allow Members the opportunity to allow the House to work its will, but I understand that the underlying bill does, in fact, deserve our support.

Mr. PERLMUTTER. Mr. Speaker, I yield 90 seconds to my friend from Nevada, Congresswoman BERKLEY.

Ms. BERKLEY. I thank the gentleman from Colorado.

Mr. Speaker, I rise today in support of this rule and the underlying bill, but deeply concerned with the funding to the Palestinian Authority and to rebuild Gaza. By giving this money, I believe we are sending precisely the wrong message that Hamas can partner with Iran, attack Israel with impunity, and refuse to recognize Israel's right to exist, all the while the United States will provide aid no matter what. Talk about the soft bigotry of low expectations.

At the very least, we should use our aid to help modify the behavior of Hamas. Before we send more money to the Gaza, more money to the Palestinian Authority, all Palestinian factions should recognize Israel's right to exist as a Jewish state, renounce terrorism, respect past agreements, and release Gilad Shalit, the young Israeli soldier who was kidnapped by Hamas and who has been held captive in the Gaza for almost 3 years. Without these conditions, we are simply writing the Palestinians another blank check to continue their self-destructive and violent behavior.

So while I support the rule and the bill, I have serious reservations about funding this and urge my colleagues that we not continue this pattern of rewarding unacceptable behavior in the future.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 2 minutes to another hardworking member of the Committee on Appropriations who had an amendment dealing with Guantanamo Bay, but unfortunately, with the structure we've got, it won't be made in order, the gentleman from Goddard, Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from California for his tremendous leadership.

Mr. Speaker, when approaching national security issues, Congress has always acted in a prudent bipartisan manner to protect the American people. Last week, however, in a straight party-line vote in the Appropriations Committee, Democrats rejected both Republican alternatives to prevent terrorists held at Guantanamo Bay from getting a plane ride to the United States. Then yesterday, the Democrats on the Rules Committee rejected my amendment to prohibit terrorist de-

tainees from being transferred or released in the United States. Speaker PELOSI and her leadership team are refusing an up-or-down vote. Do we allow hardened terrorists to be transported to the United States knowing that eventually some will be released to the streets of America?

Democrats have instead offered a fig leaf. Their provision simply delays; it does not prevent. It delays the Obama administration's plan to release terrorists onto our streets.

□ 1300

The administration has already authorized the release of 30 detainees. This is not conjecture. This is not speculation. This is happening. And unfortunately my colleagues are simply delaying the real problem. Seventy-five percent of the population do not want terrorists released in the United States, and 20 percent don't even realize it's a possibility.

Congress should not abdicate its responsibility to provide for the common defense of this Nation. We should be able to speak on this issue. Americans deserve an up or down vote on the question, do we welcome terrorists on the streets of America or not? This will simply sweep the question under the rug, hoping the problem will go away.

The gentleman from Colorado mentioned that we could send them to Fort Leavenworth. I have been to Fort Leavenworth. I am from Kansas. We do not want terrorists in Fort Leavenworth or in Kansas, and I don't want them on any street in America.

So I think it's only fair that we reject this rule and give us an up or down vote on whether we want a plane ticket for terrorists to get from Guantanamo to America.

I would encourage my friends to vote "no" on the previous question to allow Mr. WOLF an opportunity to present his language and vote "no" on the rule so we can have a chance for an up or down vote on whether we bring terrorists into our Nation.

Mr. PERLMUTTER. Mr. Speaker, my friend from Kansas, I know, knows full well that it says in the amendment, "None of the funds made available in this or any prior act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, into the continental United States, Alaska, Hawaii, or the District of Columbia."

That's what the amendment says. That's what is part of this bill.

I would now like to yield 1 minute to my friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. America went to war against Iraq based on a lie. We were told in 2002 Iraq had weapons of mass destruction. The previous administration even pursued torture to try to extract false confessions to try to justify the war.

It's time to tell the truth. The truth is, we should not have prosecuted the

war against the Iraqi people. The truth is, the Democratic Senate could have stopped the Iraq war in 2002. The truth is, we Democrats were given control of Congress in 2006 to end the war. The truth is, this bill continues a disastrous war which has cost the lives of thousands of our soldiers. The truth is, the occupation has fueled the insurgency. The truth is, the Iraq war will cost the American and the Iraqi people trillions of dollars.

As many as 1 million innocent Iraqis have lost their lives as a result of this war. Don't tell the American people you're ending the war by continuing to fund the war. Don't tell the American people that the war will end when their plans leave 50,000 troops in Iraq. Don't tell the American people that the way out of Afghanistan is to escalate and more counterinsurgency.

Get out of Iraq. Get out of Afghanistan. Come home, America. Come home.

I rise in strong opposition to H.R. 2346, War Supplemental Appropriations for FY 2009. This bill devotes an additional \$84.5 billion to military operations in Iraq and Afghanistan for fiscal year 2009. I believe that the U.S. has a moral obligation to fulfill in Iraq and Afghanistan. We must remain dedicated to reconstruction, stability and prosperity in these countries and in the region.

The U.S. cannot be in and out of Iraq at the same time. The U.S. has agreed to withdraw all combat troops from Iraqi cities by July of this year. However, recent news reports indicate that some combat troops will remain beyond this date. Our continued funding of war operations in Iraq only ensures our continued presence and undermines our stated goals for withdrawal by 2011. Funds for Iraq should be dedicated to bringing all of our troops and contractors home. We must meet our moral obligation to rebuild Iraq and support viable solutions to the refugee and internally displaced populations. We must hold ourselves responsible for the death of over 1 million innocent civilians in Iraq.

Funding of expanded combat operations in Afghanistan will not meet the security objectives of the U.S. Sending additional brave American service members to Afghanistan does not increase security and it is not an act of diplomacy. Sending additional troops sends one message: The U.S. is ramping up combat operations. This message only encourages the Taliban and other insurgent groups to do likewise. We have ensured that the months and perhaps years ahead will be bloody. And we have failed to present an exit strategy.

Bombing raids and drone attacks in Afghanistan and Pakistan have inflamed the civilian populations in these countries. Innocent civilians are killed in these massive and unpredictable attacks. This includes innocent children, mothers, fathers, grandparents, sisters and brothers. Communities, homes and infrastructure are destroyed. The number of refugees and the internally displaced continue to rise from the destruction.

The brutalities of war produce more than news reports of so-called "collateral damage." Taliban and insurgent recruitment profits from

these failed policies. The drone attacks are propagating extremism in the targeted areas. Former Chief of Staff to Colin Powell maintains that drone attacks are not an effective counterinsurgency technique. If the Administration will not stop the drone attacks, Congress must use the power of the purse to ensure their cessation.

Ninety percent of the resources devoted to Afghanistan over the last eight years have gone to support military resources. This is contrary to the counter-insurgency strategy put forth by General Petraeus that calls for an 80–20 split, that devotes 80 percent of resources to political solutions and only 20 percent of resources to military operations. General Eaton, who trained Iraq Security Forces in 2004, has echoed this strategy. This bill fails to correct the imbalance and continues the failed status quo.

We need to provide for the traditional sense of security by first ensuring economic security, health security, and job security for all. The roots of terrorism begin not in hatred, but in desperation. All people seek the basic necessities such as food, clothes, shelter, good health, and the ability to earn a decent living. If we can level this playing field, there is no desperation that may potentially evolve into hatred. We have failed to meet these objectives in Afghanistan.

Stability in Afghanistan requires that aid dollars reach local Afghans, Afghan institutions and organizations. The current instability of Afghan institutions must be replaced with strong education and health care systems, judiciary and law enforcement systems, workforce development and transportation systems. These institutions must be built and run by Afghans. The current practice by which foreigners fill high-skill and high-level positions will leave Afghanistan without the skills and leaders to ensure sustainable, long-term stability in the country.

The U.S. must partner with Afghans to empower women and girls. Currently, one in six women die in childbirth in Afghanistan; 80% of women are illiterate; and development assistance has not reached Afghan women. We can encourage and foster reform by investing in Afghan institutions that create educational, economic, social and political opportunity for women.

National security will not be achieved through military might but rather through our dedication to supporting Afghans as they build a foundation of human security, social security and economic security.

Security cannot blossom from the ravages of war. Terrorism will not be stopped by acts of terror.

[From the Nation, May 12, 2009]

THE POLITICS OF ESCALATION

(By Tom Hayden and Joseph Gerson)

Congressional leaders are cooperating with the Obama administration in quashing any serious criticism of growing military escalation in Afghanistan and Pakistan.

Indications are that there will be no benchmarks or conditions set on the \$96 billion supplemental appropriation before Congress beginning this week. The administration, which once promised no more rushed supplemental appropriation, is rolling funds for war and swine flu into one package, while not yet disclosing how much is earmarked

specifically for Afghanistan. Rep. David Obey says he wants to give the Obama administration a one-year deadline for results, which likely means making it more difficult to withdraw from a deepening quagmire.

The only current Congressional vehicle for dissent is a proposed amendment by Rep. Jim McGovern (D-Mass) that requires the secretary of defense to report on an exit strategy from Afghanistan by this December, six months after Congress has appropriated funds for escalating the war. Even that modest measure, with fifty co-sponsors at present, has met with administration resistance to an exit strategy with benchmarks.

House Speaker Nancy Pelosi, under fire for what she knew about Guantánamo waterboarding and when she knew it, is going along with the administration by preventing the McGovern amendment from being voted on. Congressional leaders believe that war opponents are not sufficiently powerful to either require a vote on the McGovern measure to achieve more than two hours of debate on the supplemental, which could also include soliloquies on the swine flu.

The Congressional Progressive Caucus has met with President Obama and, according to sources attending, will not be opposed at this point to his Afghanistan-Pakistan policies. Instead, the caucus is sponsoring a series of informational hearings on public policies for the region.

The Senate, with the possible exception of Sen. Russ Feingold, is not expected to question the Obama policies, either.

Insiders say the dominant message behind closed doors is a political one, not to embarrass the president. On policy, one knowledgeable expert reports, doubt is widespread in Congress and “no one has any idea where it will all end.”

The desire to protect the resident may shy Democrats away from demands that were routinely made of the Bush administration: requiring regular reports on an exit strategy, transparency in the budgets for war, clear definitions of casualty levels on all sides, application of human rights standards in detention centers, and others.

It is understandable that the economic crisis and high expectations for the new president have deflected Congressional Democrats away from their oversight role. As the quagmire deepens, however, antiwar questioning will rise again. The danger is that by then the Obama administration will be engulfed in the politics of escalation, as happened to earlier Democratic presidents.

AFGHANISTAN (By Chris Hedges)

The bodies of dozens, perhaps well over a hundred, women, children and men, their corpses blown into bits of human flesh by iron fragmentation bombs dropped by U.S. warplanes in a village in the western province of Farah, illustrates the futility of the Afghan war. We are not delivering democracy or liberation or development. We are delivering massive, sophisticated forms of industrial slaughter. And because we have employed the blunt and horrible instrument of war in a land we know little about and are incapable of reading, we embody the barbarism we claim to be seeking to defeat.

We are morally no different from the psychopaths within the Taliban, who Afghans remember we empowered, funded and armed during the 10-year war with the Soviet Union. Acid thrown into a girl's face or beheadings? Death delivered from the air or fields of shiny cluster bombs? This is the language of war. It is what we speak. It is what those we fight speak.

Afghan survivors carted some two dozen corpses from their villages to the provincial capital in trucks this week to publicly denounce the carnage. Some 2,000 angry Afghans in the streets of the capital chanted “Death to America!” But the grief, fear and finally rage of the bereaved do not touch those who use high-minded virtues to justify slaughter. The death of innocents, they assure us, is the tragic cost of war. It is regrettable, but it happens. It is the price that must be paid. And so, guided by a president who once again has no experience of war and defers to the bull-necked generals and militarists whose careers, power and profits depend on expanded war, we are transformed into monsters.

There will soon be 21,000 additional U.S. soldiers and Marines in Afghanistan in time for the expected surge in summer fighting. There will be more clashes, more airstrikes, more deaths and more despair and anger from those forced to bury their parents, sisters, brothers and children. The grim report of the killings in the airstrike, issued by the International Committee of the Red Cross, which stated that bombs hit civilian houses and noted that an ICRC counterpart in the Red Crescent was among the dead, will become familiar reading in the weeks and months ahead.

We are the best recruiting weapon the Taliban possesses. We have enabled it to rise from the ashes seven years ago to openly control over half the country and carry out daylight attacks in the capital Kabul. And the war we wage is being exported like a virus to Pakistan in the form of drones that bomb Pakistani villages and increased clashes between the inept Pakistani military and a restive internal insurgency.

I spoke in New York City a few days ago with Dr. Juliette Fournot, who lived with her parents in Afghanistan as a teenager, speaks Dari and led teams of French doctors and nurses from *Mdecins Sans Frontieres*, or Doctors Without Borders, into Afghanistan during the war with the Soviets. She participated in the opening of clandestine cross-border medical operations missions during 1980 and 1982 and became head of the French humanitarian mission in Afghanistan in 1983. Dr. Fournot established logistical bases in Peshawar and Quetta and organized the dozen cross-border and clandestine permanent missions in the resistance-held areas of Herat, Mazar-i-Sharif, Badakhshan, Paktia, Ghazni and Hazarajat, through which more than 500 international aid workers rotated.

She is one of the featured characters in a remarkable book called “The Photographer,” produced by photojournalist Didier Lefvre and graphic novelist Emmanuel Guibert. The book tells the story of a three-month mission in 1986 into Afghanistan led by Dr. Fournot. It is an unflinching look at the cost of war, what bombs, shells and bullets do to human souls and bodies. It exposes, in a way the rhetoric of our politicians and generals do not, the blind destructive fury of war. The French humanitarian group withdrew from Afghanistan in July 2004 after five of its aid workers were assassinated in a clearly marked vehicle.

“The American ground troops are midterm in a history that started roughly in 1984 and 1985 when the State Department decided to assist the Mujahedeen, the resistance fighters, through various programs and military aid. USAID, the humanitarian arm serving political and military purposes, was the seed for having a different kind of interaction with the Afghans,” she told me. “The Afghans were very grateful to received arms

and military equipment from the Americans."

"But the way USAID distributed its humanitarian assistance was very debatable," she went on. "It still puzzles me. They gave most of it to the Islamic groups such as the Hezb-e Islami of [Gulbuddin] Hekmatyar. And I think it is possibly because they were more interested in the future stability of Pakistan rather than saving Afghanistan. Afghanistan was probably a good ground to hit and drain the blood from the Soviet Union. I did not see a plan to rebuild or bring peace to Afghanistan. It seemed that Afghanistan was a tool to weaken the Soviet Union. It was mostly left to the Pakistani intelligence services to decide what would be best and how to do it and how by doing so they could strengthen themselves."

The Pakistanis, Dr. Fournot said, developed a close relationship with Saudi Arabia. The Saudis, like the Americans, flooded the country with money and also exported conservative and often radical Wahhabi clerics. The Americans, aware of the relationship with the Saudis as well as Pakistan's secret program to build nuclear weapons, looked the other way. Washington sowed, unwittingly, the seeds of destruction in Afghanistan and Pakistan. It trained, armed and empowered the militants who now kill them.

The relationship, she said, bewildered most Afghans, who did not look favorably upon this radical form of Islam. Most Afghans, she said, wondered why American aid went almost exclusively to the Islamic radicals and not to more moderate and secular resistance movements.

"The population wondered why they did not have more credibility with the Americans," she said. "They could not understand why the aid was stopped in Pakistan and distributed to political parties that had limited reach in Afghanistan. These parties stockpiled arms and started fighting each other. What the people got in the provinces was minuscule and irrelevant. And how did the people see all this? They had great hopes in the beginning and gradually became disappointed, bitter and then felt betrayed. This laid the groundwork for the current suspicion, distrust and disappointment with the U.S. and NATO."

Dr. Fournot sees the American project in Afghanistan as mirroring that of the doomed Soviet occupation that began in December 1979. A beleaguered Afghan population, brutalized by chaos and violence, desperately hoped for stability and peace. The Soviets, like the Americans, spoke of equality, economic prosperity, development, education, women's rights and political freedom. But within two years, the ugly face of Soviet domination had unmasked the flowery rhetoric. The Afghans launched their insurgency to drive the Soviets out of the country.

Dr. Fournot fears that years of war have shattered the concept of nationhood. "There is so much personal and mental destruction," she said. "Over 70 percent of the population has never known anything else but war. Kids do not go to school. War is normality. It gives that adrenaline rush that provides a momentary sense of high, and that is what they live on. And how can you build a nation on that?"

The Pashtuns, she noted, have built an alliance with the Taliban to restore Pashtun power that was lost in the 2001 invasion. The border between Pakistan and Afghanistan is, to the Pashtuns, a meaningless demarcation that was drawn by imperial powers through the middle of their tribal lands. There are 13 million Pashtuns in Afghanistan and another

28 million in Pakistan. The Pashtuns are fighting forces in Islamabad and Kabul they see as seeking to wrest from them their honor and autonomy. They see little difference between the Pakistani military, American troops and the Afghan army.

Islamabad, while it may battle Taliban forces in Swat or the provinces, does not regard the Taliban as a mortal enemy. The enemy is and has always been in India. The balance of power with India requires the Pakistani authorities to ensure that any Afghan government is allied with it. This means it cannot push the Pashtuns in the Northwest Frontier Province or in Afghanistan too far. It must keep its channels open. The cat-and-mouse game between the Pakistani authorities and the Pashtuns, which drives Washington to fury, will never end. Islamabad needs the Pashtuns in Pakistan and Afghanistan more than the Pashtuns need them.

The U.S. fuels the bonfires of war. The more troops we send to Afghanistan, the more drones we send on bombing runs over Pakistan, the more airstrikes we carry out, the worse the unraveling will become. We have killed twice as many civilians as the Taliban this year and that number is sure to rise in the coming months.

"I find this term 'collateral damage' dehumanizing," Dr. Fournot said, "as if it is a necessity. People are sacrificed on the altar of an idea. Air power is blind. I know this from having been caught in numerous bombings."

We are faced with two stark choices. We can withdraw and open negotiations with the Taliban or continue to expand the war until we are driven out. The corrupt and unpopular regimes of Hamid Karzai in Afghanistan and Asif Ali Zardari are impotent allies. The longer they remain tethered to the United States, the weaker they become. And the weaker they become, the louder become the calls for intervention in Pakistan. During the war in Vietnam, we invaded Cambodia to bring stability to the region and cut off rebel sanctuaries and supply routes. This tactic only empowered the Khmer Rouge. We seem poised, in much the same way, to do the same for radical Islamists in Afghanistan and Pakistan.

"If the Americans step up the war in Afghanistan, they will be sucked into Pakistan," Dr. Fournot warned. "Pakistan is a time bomb waiting to explode. You have a huge population, 170 million people. There is nuclear power. Pakistan is much more dangerous than Afghanistan. War always has its own logic. Once you set foot in war, you do not control it. It sucks you in."

Mr. DREIER. Well, I guess for a different reason my friend from Ohio is going to be joining us in opposition to this rule, and I very much appreciate that.

Mr. KUCINICH. Will the gentleman yield?

Mr. DREIER. Of course I am happy to yield.

Mr. KUCINICH. Well, of course I will be voting against the rule. I want the war to end.

Mr. DREIER. I understand. I appreciate the gentleman joining us, as I say, for a somewhat different reason than ours. We all want this war to end, there's no doubt about that, but we also want to ensure success.

With that, I am happy to yield 2 minutes to my very good friend from Hinsdale, Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this closed rule. I offered an amendment yesterday to address an injustice against the members of our armed services that were shut out by this proposed rule.

Briefly, my amendment would have increased the across-the-board military personnel pay for 2009 from 3.9 percent to 4.4 percent. This pay raise would have been effective retroactively from January 1, 2009.

According to estimates by the Congressional Research Service, the pay gap between military personnel and civilians in comparable positions is 3 percent. Particularly during a recession, it is unacceptable that our men and women in uniform receive less than their civilian counterparts.

I was just in Afghanistan over the weekend and had the opportunity to meet and work with the wonderful committed and professional group of men and women in the military. They've been serving us to keep us safe and to establish the stability in the Middle East. But given this shortfall in pay, I thought it was appropriate to provide for our troops some supplemental income in this supplemental appropriations bill. Unfortunately this rule would not even allow an up or down vote on my amendment.

Mr. Speaker, I cannot support this continued abuse of process. I urge my colleagues to oppose this rule.

Mr. DREIER. Will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I would like to say, the gentlewoman has offered an extraordinarily thoughtful amendment which reaffirms our dedication to our men and women in uniform. Especially as Memorial Day approaches, it seems to me that we should have an open amendment process that would allow us to fully debate the Biggert amendment. And it saddens me that this structure around which we are considering this issue is so restricted.

I thank my friend for yielding.

Mrs. BIGGERT. I thank you.

Mr. PERLMUTTER. Mr. Speaker, how much time does each side have?

The SPEAKER pro tempore. The gentleman from Colorado has 13½ minutes remaining and the gentleman from California has 10½ minutes remaining.

Mr. PERLMUTTER. I would like to yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I have so many concerns about this supplemental, I don't know where to start. But I'm going to start at one point. And I believe the most important point is, this supplemental keeps us involved in Iraq, and it sets up an unending occupation of Afghanistan.

The cost of the supplemental is just too great without a defined stated mission, without redeployment plans. We're going to look at an endless military presence in Afghanistan. That will just serve to fuel anti-Americanism throughout the region, and it will continue to promote the instability.

Sadly, the rule does not provide Members a chance to remedy the situation. Proposals providing accountability and transparency from my colleague BARBARA LEE, from JIM MCGOVERN, from JOHN TIERNEY actually haven't had a chance for an up or down vote. It could have made a difference when we voted on the floor today.

The American people deserve much better than that. I urge my colleagues to oppose this funding and promote a foreign policy based on SMART security, humanitarian assistance, development and diplomacy.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to a hardworking new Member with a very, very distinguished career in public service, the gentleman from Aurora, Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. I thank the gentleman from California (Mr. DREIER) who has said, and I agree with him, that we can make this bill a better bill if we open up the amendment process. I certainly agree with my colleague from the great State of Colorado (Mr. PERLMUTTER) who says that this is not a perfect bill.

One provision of this bill gives U.S. taxpayer dollars to the Gaza Strip in the aftermath of the fighting between Israel and Hamas for reconstruction aid. It does this by giving \$119 million to the United Nations. In 2004 Peter Hansen, then commissioner-general of the United Nations Relief and Works Agency remarked that, "I am sure that there are Hamas members on our payroll, and I don't see that as a crime. Hamas as a political organization does not mean that every member is a militant. And we do not do political vetting and exclude people from one persuasion against another."

Hamas is a U.S.-designated foreign terrorist organization. The United Nations might not consider having Hamas members on their payroll a problem, but it certainly is a problem for the United States and Israel.

The supplemental before us provides up to \$119 million to the United Nations Relief and Works Agency to spend in Hamas-controlled Gaza, which means that Hamas members on the U.N. payroll will effectively be on the U.S. payroll.

I intend to vote against this rule because it does not allow the chance to amend this provision. I filed an amendment that would have instead provided \$119 million for humanitarian relief to go to USAID. The rule before us would bar this amendment from being offered.

I appreciate the attempt at additional oversight placed on the U.N. in this supplemental, but it is simply too little too late.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield the gentleman 30 additional seconds.

Mr. COFFMAN of Colorado. Thank you.

I wrote Secretary Clinton in March, along with 21 of my colleagues, noting there is no way to spend money in Gaza without inappropriately benefiting Hamas. Unfortunately out of the several ways to save money that might inappropriately benefit Hamas, we are choosing one of the worst.

Mr. Speaker I would urge a "no" vote on the previous question and a "no" vote on the rule.

Mr. PERLMUTTER. Mr. Speaker, to my friend from Colorado, it's good to see you here.

I would just say on page 55 of the bill, there is a provision that says that no funding, no assistance is to be provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

With that, I would like to yield 1 minute to my friend from California (Ms. LEE).

Ms. LEE of California. I thank the gentleman for yielding. Also let me thank Chairman OBEY and Chairman MURTHA for their hard work on this bill and for including provisions that I offered, prohibiting the establishment of permanent bases in Iraq and Afghanistan.

I opposed the 2001 resolution authorizing the use of force because it gave President Bush and any future President an open-ended blank check to wage war anywhere on the globe, starting in Afghanistan.

Nearly 8 years later, I continue to oppose the supplemental appropriations bills for the wars in Afghanistan and Iraq because it continues us down the wrong path and can lead to war without end. Unfortunately this will continue to happen if we don't repeal that 2001 authorization.

I oppose this \$94 billion supplemental because it favors military activities over diplomatic, development and reconstruction efforts by a ratio of 9-1. Afghanistan will not be stabilized through military action.

As noted by the Carnegie Endowment, the presence of foreign troops is the most important element driving the resurgence of the Taliban. This is counter to our national security interests. This does not include an exit plan for Afghanistan. It does not fully fund the redeployment of troops out of Afghanistan.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PERLMUTTER. Mr. Speaker, I would like to yield my friend 30 additional seconds.

Ms. LEE of California. Thank you very much for yielding.

This does not prohibit the drone attacks. It does not include a strong regional approach, which the situation demands, including a strong nuclear nonproliferation effort in Pakistan.

The supplemental appropriations bill does not reflect a new direction. Therefore, I cannot support it.

Let me just mention that our friend and colleague Congressman PETE STARK is unable to be here today for this important debate. So I wish to conclude by reading one sentence from his statement. He said, "President Obama is moving America's foreign policy in a better direction, and he has shown superior judgment to President Bush on when we should send our troops into harm's way. However, I cannot support any more funding for these wars."

Mr. DREIER. May I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining, and the gentleman from Colorado has 10¾ minutes remaining.

Mr. DREIER. May I inquire of my colleague how many speakers he has remaining on his side of the aisle?

Mr. PERLMUTTER. I have at least three.

Mr. DREIER. Mr. Speaker, in light of that, I would ask my friend to proceed, and I would like to reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I would like to yield 1 minute to my friend Mr. PERRIELLO from Virginia.

Mr. PERRIELLO. Mr. Speaker, I rise today as someone who was very critical from the beginning of the Iraq war but nonetheless am supportive of the supplemental before us.

I believe we stand at a promising moment, a promising moment in terms of the trends in Iraq and a promising moment in terms of having a leader in the White House who understands the challenges before us to get Afghanistan right.

Having been on the ground there in previous years, I can assure you that the questions that were not being asked before are being asked now. It's not going to be an easy struggle there. But I say to my more progressive colleagues who are very critical of this that we should give ourselves a little credit. The era of arbitrary power in the Bush doctrine really ended with the '06 election. A new period of smart power, led with General Petraeus and Secretary Gates, has moved us in a direction of real national security, not Hollywood security. This is an important move, and it's a move that continues today.

That change was only solidified by the 2008 election. We have people who

are deadly serious about getting national security right in Iraq and Afghanistan, who understand the military's job is to back up a political solution and are looking for that, who understand that we cannot solve the situation in Afghanistan without dealing with corruption internally.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. I would like to extend my friend 30 additional seconds.

Mr. PERRIELLO. We will not solve Afghanistan without dealing with corruption internally and with Pakistan externally. And finally, we have a President who's negotiating from a position of strength, not weakness, unlike the last two administrations.

So I rise today with a grave seriousness about the supplemental before us but also a sense that we're on the right track with this new national security strategy. I believe that it is the right thing to do to support it.

□ 1315

Mr. DREIER. I reserve my time, Mr. Speaker.

Mr. PERLMUTTER. I would like now to yield 1 minute to my friend from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in opposition to the underlying supplemental appropriations bill. Frankly, I am undecided on the rule.

I returned from Afghanistan just a couple of days ago, and I could see firsthand the passion and commitment of our servicemen and -women, our diplomats and other civilians. But I want them to know that this debate that we are having here today is not about them. It is about the direction that we need to proceed. I saw the commitment and courage of Afghan women to build a future for their country. But this supplemental appropriations bill will not get us there. Let me quote, "Given its terrain, poverty, neighborhood and tragic history, Afghanistan in many ways poses an even more complex and difficult long-term challenge than Iraq, one that, despite a large international effort, will require a significant U.S. military and economic commitment for some time." Those are the words of Secretary Robert Gates, and not my own.

And yet here we are today prepared to commit our servicemen and -women to a war without end, placing them in harm's way without a plan for being there and a strategy for leaving Afghanistan. I understand that we want to give our President an opportunity to work out a mess that he inherited but did not create. Unfortunately, this Congress and this President have to be honest with the American people—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PERLMUTTER. I yield the gentlewoman 30 additional seconds.

Ms. EDWARDS of Maryland. We have to be honest with the American people that this is not an in-and-out military operation. Winning requires a long-term, sustained commitment to turn 90 percent illiteracy to literacy, grow food products instead of producing heroin and opium, build a civil society and rule of law. We need a plan while we are there and a strategy for leaving. We don't have it. And I will be voting against the supplemental.

Mr. DREIER. Mr. Speaker, I would just like to again inquire of my friend, does he have two speakers remaining?

Mr. PERLMUTTER. I have three speakers remaining.

Mr. DREIER. I will reserve.

The SPEAKER pro tempore. Both sides have 8 minutes remaining.

Mr. PERLMUTTER. I would like to yield 2 minutes to my friend from Ohio, Congresswoman SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the gentleman for yielding me the time and for his leadership. Today we consider the last war supplemental providing funding for our troops in Iraq and Afghanistan. However, I am deeply concerned that this bill does not have an exit strategy for military operations in Afghanistan. Out of fairness to our brave soldiers, we cannot have an open-ended strategy. And I support the bill introduced by Representative JIM MCGOVERN to require one.

This bill does have some provisions in it that I support. Since October of 2001, approximately 160,000 soldiers have been subject to stop-loss orders, serving on involuntary extended tours of duty.

Last June, I introduced the Stop-Loss Compensation Act to ensure that all our soldiers affected by the policy would be properly compensated. And last fall we took the first step toward fulfilling our duty to these brave soldiers by including stop-loss compensation for fiscal year 2009 in the continuing resolution. But today I am proud that we will extend the \$500-a-month payments to all 160,000 soldiers that have been affected by stop-loss since 2001.

And, Mr. Speaker, on the home front, our firefighters who answer the call of duty in communities throughout this country are often the first on the scene and the last to leave. Because of the current recession, a lot of communities, including the community of Elyria in my district, are being forced to lay off firefighters, resulting in staffing levels that are too low.

I am proud to say that we have worked on language to include in this bill that will allow SAFER grants to be used to rehire and retain much-needed firefighters. The Elyria Fire Department has already informed me that with this change, they plan to apply for a SAFER grant to reinstate the 10 firefighters who were laid off last month.

This bill will help us ensure that stop-loss payments for those who protect us overseas will be properly given and to ensure the adequate staffing for those who protect us at home.

Mr. DREIER. Mr. Speaker, I will inquire again of my friend.

Mr. PERLMUTTER. I have two more. I have two 1-minute speakers.

Mr. DREIER. Then you will close. I will reserve the balance of my time.

Mr. PERLMUTTER. I would yield 1 minute to my friend from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, "mission accomplished." If this were so, then continuous funding for combat is not needed. However, resources for our military withdrawal is. The supplement as a means of financial support for continuing conflict is a very deceptive technique. Funding should be in the budget since it appears that there is no end to the conflict in Iraq. Combining food assistance, AIDS, farm loan programs, refugee assistance in this bill will give the bill the votes needed for passage. But humanitarian issues should be in separate legislation. They are too important to be dumped in this bill.

To make my point, I will not vote for any war funding that deprives my constituents of the domestic funding needed to improve their lives. The rule is the passageway for this injustice.

Mr. DREIER. Mr. Speaker, let me, at this time, yield 4 minutes to the extraordinarily patient author of the amendment about which we have been speaking dealing with the issue of Guantanamo, my good friend and classmate from Vienna, Virginia (Mr. WOLF).

Mr. WOLF. I want to thank Mr. DREIER for the time.

I rise in opposition to the rule. I had an amendment which dealt with the Guantanamo Bay issue. And let me sort of lay it out. There are several issues really involved. One, there are Uyghur detainees at Guantanamo Bay that Eric Holder was prepared to release into the United States. This is not a Khalid Sheik Mohammed that we are transferring to release in the neighborhoods in the United States.

Who are the Uyghur detainees? They are members of a group called the Eastern Turkistan Islamic Movement. Many of them have been trained in al Qaeda training camps in Tora Bora. Now, that is something that the American people should know. Also, their leader is a man named Abdul Haq. Haq is on the terrorist list of the U.N. The Obama administration also put him on their terrorist list last month. And yet Eric Holder is saying, and some people believe he was ready to do it 2 weeks ago Friday, to release them, to release them with Federal pay, if you will, so they can live on the environment, go to the shopping malls, do whatever, release them in the United States, without even telling the Congress anything.

Now, Congress cannot be like Pontius Pilate and sort of wash our hands and say, you know, we don't want to be involved in this. We don't want to know. If something happens, it is your responsibility. The Congress, the United States Congress and the American people want us to be involved. That is why they sent us here. So that is the Uyghurs, Eastern Turkistan Islamic group, terrorists, Tora Bora, Abdul Haq.

The other one is they want to move some of these terrorists like Khalid Sheik Mohammed that Mr. DREIER mentioned to the United States. Now, he is the one, he is the one who beheaded—beheaded Daniel Pearl. He was the mastermind of 9/11 which killed 30 people from my district. Now, is it okay for Eric Holder to say, well, we are not going to give you a report? And it just so happens that no Member of Congress—Eric Holder has refused to allow the FBI career people to come up and brief the Congress. Now if Attorney General Ashcroft had prohibited the FBI from coming up to brief Senator LEAHY, this place would be up in arms. But Holder is prohibiting the FBI up until maybe next week to come up and brief on this issue.

Now, everyone said, well, we can hold him without any trouble. Okay. Great. But don't forget, Officer Pepe was stabbed in the eye by one of these guys at the World Trade Center—in the eye up in Attica. And don't also forget the sheik, the blind sheik, Rahman, was proceeding sending information out with regard to his lawyer.

And lastly many people forget but the terrorists who were in American prisons were in communication to the Madrid bombers, with the Madrid bombing. But Eric Holder said, we are not going to give you a report. And do you know what? The Congress said, we don't want a report. We don't really want to be involved. We really don't want to know. So you go ahead and do whatever you want to do.

And lastly this: everyone in Guantanamo is medium to high security. The others have been released. Of the others that have been released, 61 have come back on the terrorist field, terrorist attacks against us and against our men and women in uniform. That is the low level guys.

These are the medium and high. So what we wanted to do is say that Congress ought to be involved. We didn't get into whether or not you close Guantanamo Bay or not. We were not stopping that. We were just saying, let's give us a report. Let's let the American people know. If the Congress doesn't want to know, let the American people know about whoever may be released in their neighborhood. They will at least know.

And lastly the Governors and the State legislators ought to participate. For that reason, this amendment

should have been made in order where—by we could debate it to say, do you want these people to be released or do you want them to be retransferred? And should the Congress be involved?

Mr. PERLMUTTER. Mr. Speaker, I yield 1 minute to my friend from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I always supported the efforts in Afghanistan. But last weekend I went to Afghanistan. And as much as I want to support the country and I want to support this bill, I cannot. The problems there are overwhelming. Ninety percent of the women are illiterate and a huge majority of the men. Twenty-five percent of the children die before age 5. Thirty years of war has devastated any possibility of leadership in that country. Women are abused and beaten. Drug addiction is rampant. There is corruption in the government and corruption in the military.

In Afghanistan we were told it would take 10 to 15 years to turn this country around—10 to 15 years. So we either go full throttle or we just say, okay, because we can't just string it along like we did in Vietnam. Their needs are far more than one country can give. If other nations would stand up and do what we have done and give the same commitment of their people and their talent, Afghanistan could turn this around. And we could help them. But the world won't adopt Afghanistan. And we cannot be a single parent there.

Our focus now has to be Pakistan, the greater risk.

And so I will not be able to support this bill.

Mr. PERLMUTTER. Mr. Speaker, I have one more speaker, Mr. KIND from Wisconsin, for 1 minute.

Mr. KIND. Mr. Speaker, I want to thank my friend for yielding me this time.

Mr. Speaker, I rise in strong support of the rule and for the supplemental. In Wisconsin we have had the largest call-up, the largest redeployment of our guard units since the Second World War. Many of our companies in western Wisconsin have had deployment ceremonies, tremendous sacrifices that our troops are making as well as their families to serve our country. This supplemental ensures that they get the tools and the resources and the equipment that they need to do their job as safely and as effectively as possible. It is the least we can do given what they are doing for us.

I also want to commend the dean of the Wisconsin delegation, the Chair of the Appropriations Committee, Mr. OBEY, because he recognized the huge shortfall when it came to Farm Service Administration loans for our family farmers. The demand was exceeding the authority that we gave them to give out these ISA loans which is important for them to have so they can buy the seed so they can plant it in the ground

and stay in business. And 47 of the 50 States were reaching shortfalls in this manner. It was brought to Mr. OBEY's and others' attention, and they took immediate action in order to rectify it before we had a wholesale reduction in family farming throughout the country. So I commend the chairman of the Appropriations Committee.

I urge my colleagues to support the rule and the supplemental.

Mr. DREIER. The gentleman will be closing for his side?

Mr. PERLMUTTER. Yes.

Mr. DREIER. Mr. Speaker, I yield myself the balance of our time.

The SPEAKER pro tempore. The gentleman is recognized for 4 minutes.

Mr. DREIER. Mr. Speaker, I know that I speak for my Republican colleagues when I say that when President Obama said that he wanted to work in a bipartisan way, we would agree when it was the right thing to work with him in a bipartisan way.

Clearly, supporting our men and women who are daily stepping forward and volunteering to help us in the effort to prosecute this ongoing struggling against radical extremism deserves bipartisan support. So we are pleased that President Obama has made this request. We all hope, as Memorial Day approaches 1 week from Monday, we all hope very much that we are able to see this war come to an end. And we all want to see our men and women come home just as soon as we possibly can.

It is unfortunate that while President Obama has agreed to work with Republicans in our quest to ensure that we have adequate funding and support for our troops, that the Democratic leadership has chosen to use a procedure that is, unfortunately, one that we never once used when we were in the majority in dealing with a wartime supplemental. This is a closed rule that denies us a chance to offer the very, very thoughtful amendment that Mr. WOLF has come forward with.

□ 1330

It's clear, for those who heard our colleague from Vienna speak from this well about the deliberation that he took in crafting this amendment, that it's one that should be considered by this full House. But, unfortunately, the rule that is before us denies that.

Our colleague from Hinsdale, Illinois (Mrs. BIGGERT) had a very, very needed amendment that would increase the compensation level for our men and women in uniform. Unfortunately, this rule denies a chance for that to be considered.

The distinguished ranking member, the gentleman from Somerset, Kentucky, of the Subcommittee on Homeland Security (Mr. ROGERS), had his amendment that would have allowed for a transfer to deal with the pressing

need that exists on our southern border, to secure it so that the drug cartels that are moving throughout Mexico killing literally thousands and thousands of people, so that we're able to protect ourselves from that. We are not even allowed to debate that amendment that Mr. ROGERS, a hardworking member of the Appropriations Committee, brought forward.

So, Mr. Speaker, I believe that what we should do is defeat the previous question. And if Members who are committed to allowing for congressional involvement to deal with this difficult issue of Guantanamo, if they share that concern, Democrats and Republicans, we should join to defeat the previous question.

If I'm successful in my quest to defeat the previous question, I will offer an amendment to the rule to substitute Mr. OBEY's inadequate language on the Guantanamo detainees with Mr. WOLF's far more robust solution to the detainee problem.

And, again, to be very specific, Mr. Speaker, the Wolf amendment would require real risk assessments on the dangers of releasing Guantanamo detainees into our local communities. It would require the consent of governors and State legislatures before the Guantanamo detainees are sent here, and it would require a certification that bringing detainees on U.S. soil won't create legal repercussions that could result in terrorists roaming freely on our streets.

Mr. Speaker, most importantly, the application of the Wolf amendment has the effect of extending beyond the end of this fiscal year by requiring a detailed report in advance of any releases or transfers, while Mr. OBEY's language would allow terrorists to be released into the wild of our local communities without a second thought anytime after October 1.

Mr. Speaker, I ask unanimous consent to include the full language of the amendment in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I urge my colleagues to vote "no" on the previous question if they're committed to dealing responsibly with the Guantanamo issue and, if we're not successful with that, to vote "no" on the rule.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. Mr. Speaker, I think I will begin where my friend from California just left off, and that's with the Guantanamo issue, which I think has been blown way out of proportion because in the amendment that is proposed as part of this rule, none of the funds made available in this or any prior act may be used to release an individual who is detained as of April 30, 2009, at the Naval Station, Guanta-

namo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia. It goes on to say that the President shall submit to the Congress in writing a comprehensive plan regarding the proposed disposition of each individual who is detained as of April 30, 2009, at Guantanamo Bay.

So this amendment provides precisely what they're concerned about. So their complaint is one that completely baffles me, and all the rhetoric and the histrionics attached to it as the potential for terrorists running amok in the streets simply is not accurate under this amendment or this supplement.

But the real purpose of the supplemental appropriation deals with several other things. Let's begin with wildfire suppression, making sure that firefighters can receive different kinds of grants for rehiring and personnel purposes; border enforcement, there's additional funding so that the border enforcement along the Mexican border is beefed up, as it was within the stimulus bill. There's additional funding for narcotics trafficking. We deal with the influenza as part of this supplemental, farming.

But then the most important and the real key to this supplemental deals with our troops. And it begins with allowing additional funds for stop-loss so that those people who have had to stay in the military beyond their original tours of duty get an additional \$500 a month. There is a potential pay increase, and there is funding for warriors in transition. We had the terrible incident a few days ago of one of our troops killing a number of others because of the stress that comes from these war zones. So there's additional funding for that. Then, of course, the additional funding for our troops in Iraq and Afghanistan. We require reports as to how things are proceeding towards the President's withdrawal date of August 31, 2010, from Iraq as well as requiring reports as to reconciliation and political consensus in Afghanistan.

I urge that my friends and my colleagues here in the Congress vote "yes" on the previous question and vote "yes" on the rule.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 434 OFFERED BY MR. DREIER OF CALIFORNIA

Strike "printed in the report of the Committee on Rules accompanying this resolution" and insert "printed in the Congressional Record on May 12, 2009 and numbered 2".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2). Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to support the rule for H.R. 2346, the Supplemental Appropriations Act of 2009. Clearly, this is an important bill and must be only amended with items that are essential to move clear the way for the assistance this country so greatly needs. I am saddened by the decision to make the rule a closed rule. Nevertheless, I support the rule and the underlying bill.

On May 4, Chairman OBEY released a summary of his initial mark of this legislation, reflecting the subcommittee's proposals. His mark provides a total of \$94.2 billion, about \$9.3 billion above the amended Administration request (\$83.4 billion in the initial April 9 request, plus \$1.5 billion for influenza preparedness requested on April 30, for a total of \$84.9 billion).

It adds \$3.2 billion for military construction, \$3.1 billion for C-17 and C-130 cargo aircraft, and \$3.2 billion for international affairs, with some offsetting reductions from the request elsewhere. This mark also provides \$2.0 billion for influenza preparedness, \$500 million more than requested.

AMENDMENT

Although it was a closed rule. I would have offered the following amendments.

While I am pleased to see more money going to support efforts by the Centers for Disease Control & Prevention, our military, and our institutions managing foreign affairs; I want to ensure that funding that was already allocated is utilized.

In 2008, I worked with Congressman MURTHA and the Subcommittee on Defense to appropriate federal dollars for military personnel to receive assistance with post-traumatic stress disorder (PTSD). Having worked with Riverside General Hospital in my district, and learned of the many men and women suffering from PTSD; I formally requested and received FY08 funding for Riverside General Hospital to provide PTSD services to not only military personnel in Houston, TX but in the surrounding communities as well.

Due to unforeseen issues with the Department of Defense (DoD), the appropriated funding was never released from the Agency to the Hospital; and therefore services have yet to be rendered.

Therefore, to ensure legal authority for disbursement by DoD, I would like to have the funds allocated through Defense Health Operations & Maintenance in which case, the appropriate language should state:

"Of the funds provided for operations and maintenance for the Defense Health Program, the Secretary of Defense shall make a grant in the amount of \$1,000,000.00 to Riverside General Hospital of Houston, Texas for services to treat Post-Traumatic Stress Disorders for active duty personnel, active duty dependents, National Guards, Reservist and military retirees with 20+ years of service discharged and/or on leave of duty."

I believe this small technical amendment would right a wrong and clear the way for previously allocated funding to be disbursed. This language would fall within the statutory authorities available to DoD and will allow Riverside General Hospital to make improvements to the hospital in order to provide post traumatic stress disorder treatment to our military personnel. Without this amendment, or another appropriate legislative vehicle the funding will expire effective September 30, 2009, and the Agency could not release any funding to the hospital nor could the hospital push forward with much needed care.

PTSD

Last year the rate of suicide in the military exceeded that of the general population, with at least 128 Army soldiers ending their own

lives last year. The suicide count, which includes soldiers in the Army Reserve and the National Guard, is sadly growing, 15 deaths are still being investigated, and the vast majority of them are expected to be ruled suicides according to Army officials.

The new suicide figure compares with 115 in 2007 and 102 in 2006 and is the highest since current record-keeping began in 1980. These alarming statistics are partially due to never-before-seen stress with two wars and repeated, long tours of duty according to Army statistics.

The Army operates one of the largest and most diverse military posts worldwide in Texas at Fort Hood. There are more than 52,000 Soldiers currently assigned and 70,000-plus family members. In fact, one out of every 10 active duty Soldiers in the Army is assigned to Fort Hood and it is the largest single local location employer in the State of Texas—with more than 12,000 civilian employees; and this figure does not account for the additional number of Coast Guard, Navy, Marines, and Air Force personnel in the area.

My district and the surrounding area badly need the mental healthcare that Riverside General Hospital can provide to the countless military personnel in central and southern Texas. Therefore, I wanted this language to be attached to H.R. 2346.

PAKISTAN

I would also like to increase the amount of funding for Pakistan from \$400 million to \$600 million. This funding can be used for opportunities other than just war funding opportunities. For example, this increase in funding can be used to capacity and nation-building. This is important for the reconstruction of Pakistan.

Again, although these amendments were not included in the bill. I urge my colleagues to support the rule and the bill.

Mr. TIERNEY. Mr. Speaker, I rise to note that the rule and the process leading to its presentation are flawed and consequently, the underlying bill does not adequately serve our military forces or the taxpayers of this country.

Since 2002, billions of dollars have been given to the Pakistan military and much of that amount has not been accounted for.

Pakistani military commanders continue to consider certain extremists as their "strategic assets" in their seemingly never-ending security concerns involving fears about India; and the Pakistani military continues to fail to give proper attention to Pakistan's existential threat—the very extremists who associate with and harbor Al Qaeda and are also a threat to Afghanistan, our forces in Afghanistan, and others throughout the world.

I proposed, with a number of colleagues, and believe the bill must be improved by, an amendment establishing enforceable benchmarks on U.S. military assistance to Pakistan that would lead to the articulation of reasonable expectations.

Functionally, the amendment requires that the President make reasonable determinations about the state of mutual security objectives of Pakistan and the United States before any remainder of the military assistance for Pakistan can be obligated.

It does not seek to condition any civilian assistance to Pakistan. The American people and its government are the friends of Pakistan

and its people, and we fully understand the crisis nature of the economy and civil governance status. The assistance in any measure should certainly be accounted for, and should be put to effect in such a way as to ensure it maximizes benefit to the Pakistani people. America is making a long term commitment to Pakistan, its democracy and its future prosperity.

Nevertheless, with respect to military funding, specifically, the amendment requires determinations on Pakistan—through its military—to make concerted progress toward:

(1) Ceasing of all support to groups presenting cross-border terrorist threats,

(2) Dismantling training facilities for such groups across Pakistan,

(3) Preventing and disrupting cross-border attacks,

(4) Strengthening and increasing counterterrorism prosecutions and extraditions,

(5) Degrading such groups' radio broadcast infrastructure, and

(6) Extending Pakistan's legitimate governmental writ across its territory and the protection of all its citizens' civil and human rights without discrimination.

As an oversight forcing function, the amendment requires written justification of the President's determinations and also tasks the U.S. Government Accountability Office with providing an independent analysis of the categories requiring Presidential determination.

Additionally, the amendment includes language allowing the President to waive the requirement if such action is certified to be vital to the national security interests of the United States. Finally, there is in the amendment a process for Congress to disprove of such certification if in its judgment such action is appropriate.

We must stop just handing out cash slush funds only to witness conduct not conducive to both nations' national security.

We have a right to expect that dangerous suspected terrorists will not just be set free as has reportedly happened with the Pakistani military's complicity; and a right to expect accountability for the hundreds of millions of U.S. dollars that should be targeted to effective security for our troops in Afghanistan and people here at home.

We must ensure resources are focused on Pakistan's and America's common security interests and the only really verifiable way to have that occur is to condition any funds sent to the Pakistani military in the way set forth in the proposed amendment.

For too long our military, and our government, have dealt directly with the Pakistani military and ignored the civilian government empowering their military to circumvent democratic accountability and hindering our ability to account for our investment. The way to resolve matters in Afghanistan relies heavily on circumstances in Pakistan. The situation in Pakistan cries out for accountability if we are to successfully protect our security.

Mr. PERLMUTTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules and adopting House Resolution 377.

The vote was taken by electronic device, and there were—yeas 240, nays 188, not voting 5, as follows:

[Roll No. 261]

YEAS—240

Abercrombie	Fattah	McCollum
Ackerman	Foster	McDermott
Adler (NJ)	Frank (MA)	McGovern
Altmire	Fudge	McIntyre
Andrews	Giffords	McMahon
Baca	Gonzalez	McNerney
Baird	Gordon (TN)	Meek (FL)
Baldwin	Grayson	Meeks (NY)
Barrow	Green, Al	Melancon
Bean	Green, Gene	Michaud
Becerra	Griffith	Miller (NC)
Berkley	Grijalva	Miller, George
Berman	Gutierrez	Mollohan
Berry	Hall (NY)	Moore (KS)
Bishop (GA)	Halvorson	Moore (WI)
Bishop (NY)	Hare	Moran (VA)
Blumenauer	Harman	Murphy (CT)
Boccheri	Hastings (FL)	Murphy (NY)
Boren	Heinrich	Murphy, Patrick
Boswell	Herseht Sandlin	Murtha
Boyd	Higgins	Nadler (NY)
Brady (PA)	Himes	Napolitano
Braley (IA)	Hinchey	Neal (MA)
Bright	Hinojosa	Oberstar
Brown, Corrine	Hirono	Obey
Butterfield	Hodes	Olver
Capps	Holden	Ortiz
Capuano	Holt	Pallone
Cardoza	Honda	Pascarell
Carnahan	Hoyer	Pastor (AZ)
Carney	Inslee	Payne
Carson (IN)	Israel	Perlmutter
Castor (FL)	Jackson (IL)	Perriello
Chandler	Jackson-Lee	Peters
Clarke	(TX)	Peterson
Clay	Johnson, E. B.	Pingree (ME)
Cleaver	Kagen	Polis (CO)
Clyburn	Kanjorski	Pomeroy
Cohen	Kaptur	Price (NC)
Connolly (VA)	Kennedy	Quigley
Conyers	Kildee	Rahall
Cooper	Kilpatrick (MI)	Rangel
Costa	Kilroy	Reyes
Costello	Kind	Richardson
Courtney	Kirkpatrick (AZ)	Rodriguez
Crowley	Kissell	Ross
Cuellar	Klein (FL)	Rothman (NJ)
Cummings	Kosmas	Roybal-Allard
Dahlkemper	Kucinich	Ruppersberger
Davis (AL)	Langevin	Rush
Davis (CA)	Larsen (WA)	Ryan (OH)
Davis (IL)	Larson (CT)	Salazar
Davis (TN)	Lee (CA)	Sanchez, Loretta
DeFazio	Levin	Sarbanes
DeGette	Lewis (GA)	Schakowsky
DeLauro	Lipinski	Schauer
Dicks	Loeb sack	Schiff
Dingell	Lofgren, Zoe	Schrader
Doggett	Lowey	Schwartz
Donnelly (IN)	Lujan	Scott (GA)
Doyle	Lynch	Scott (VA)
Driehaus	Maffei	Serrano
Edwards (MD)	Maloney	Sestak
Edwards (TX)	Markey (CO)	Shea-Porter
Ellison	Markey (MA)	Sherman
Ellsworth	Marshall	Shuler
Engel	Massa	Sires
Eshoo	Matheson	Skelton
Etheridge	Matsui	Slaughter
Farr	McCarthy (NY)	Smith (WA)

Snyder
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney

Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters

Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeLaunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxy

Boucher
Johnson (GA)

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick

NOT VOTING—5

Sánchez, Linda
T.
Stark
Tanner

□ 1402

Messrs. ROGERS of Michigan, MCHENRY, and MITCHELL changed their vote from “yea” to “nay.”

Mr. TIERNEY changed his vote from “nay to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 178, not voting 8, as follows:

[Roll No. 262]

AYES—247

Abercrombie	Giffords	Mitchell
Ackerman	Gonzalez	Mollohan
Adler (NJ)	Gordon (TN)	Moore (KS)
Altmire	Grayson	Moore (WI)
Andrews	Green, Al	Moran (VA)
Arcuri	Green, Gene	Murphy (CT)
Baca	Griffith	Murphy (NY)
Baird	Grijalva	Murphy, Patrick
Baldwin	Hall (NY)	Murtha
Barrow	Halvorson	Nadler (NY)
Bean	Hare	Napolitano
Becerra	Harman	Neal (MA)
Berkley	Hastings (FL)	Nye
Berman	Heinrich	Oberstar
Berry	Heller	Obey
Bishop (GA)	Herseht Sandlin	Olver
Bishop (NY)	Higgins	Ortiz
Blumenauer	Himes	Pallone
Boccheri	Hinchey	Pascarell
Boren	Hinojosa	Pastor (AZ)
Boswell	Hirono	Payne
Boucher	Hodes	Perlmutter
Boyd	Holden	Perriello
Brady (PA)	Holt	Peters
Braley (IA)	Hoyer	Peterson
Bright	Inslee	Pingree (ME)
Brown, Corrine	Israel	Platts
Butterfield	Jackson (IL)	Polis (CO)
Capps	Jackson-Lee	Pomeroy
Capuano	(TX)	Price (NC)
Cardoza	Johnson (GA)	Quigley
Carnahan	Johnson, E. B.	Rahall
Carney	Kagen	Rangel
Carson (IN)	Kanjorski	Reyes
Castor (FL)	Kaptur	Richardson
Chandler	Kennedy	Rodriguez
Childers	Kildee	Ross
Clarke	Kilpatrick (MI)	Rothman (NJ)
Clay	Kilroy	Roybal-Allard
Cleaver	Kind	Ruppersberger
Clyburn	Kirkpatrick (AZ)	Rush
Cohen	Kissell	Ryan (OH)
Connolly (VA)	Klein (FL)	Salazar
Conyers	Kosmas	Sanchez, Loretta
Cooper	Lance	Sarbanes
Costa	Langevin	Schakowsky
Costello	Larsen (WA)	Schauer
Courtney	Larson (CT)	Schiff
Crowley	Lee (CA)	Schmidt
Cuellar	Levin	Schrader
Cummings	Lipinski	Schwartz
Dahlkemper	Loeb sack	Scott (GA)
Davis (AL)	Lofgren, Zoe	Scott (VA)
Davis (CA)	Lowey	Serrano
Davis (IL)	Lujan	Sestak
Davis (TN)	Lynch	Shea-Porter
DeFazio	Maffei	Sherman
DeGette	Maloney	Shuler
DeLauro	Markey (CO)	Sires
Dicks	Markey (MA)	Skelton
Dingell	Marshall	Slaughter
Doggett	Massa	Smith (WA)
Donnelly (IN)	Matheson	Snyder
Doyle	Matsui	Space
Driehaus	McCarthy (NY)	Speier
Edwards (MD)	McCollum	Spratt
Edwards (TX)	McDermott	Stupak
Ellison	McGovern	Sutton
Ellsworth	McHugh	Tauscher
Engel	McIntyre	Taylor
Eshoo	McMahon	Teague
Etheridge	Meek (FL)	Thompson (CA)
Farr	Meeks (NY)	Thompson (MS)
Fattah	Melancon	Tierney
Foster	Miller (NC)	Titus
Frank (MA)	Miller, George	Tonko
Fudge	Minnick	Towns

Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz

Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler

Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxo
Franks (AZ)
Frelinghuysen

NOT VOTING—8

Buchanan
Camp
Delahunt

Honda
Sánchez, Linda
T.

Stark
Tanner
Wittman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1411

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HONDA. Mr. Speaker, on rollcall No. 262, had I been present, I would have voted “aye.”

Stated against:

Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souders
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Mr. WITTMAN. Mr. Speaker, on rollcall No. 262 I was unavoidably detained. Had I been present, I would have voted “no.”

RECOGNIZING ARMED FORCES DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 377, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MASSA) that the House suspend the rules and agree to the resolution, H. Res. 377.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 263]

YEAS—420

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocchieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braleigh (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps

Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin

Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)

Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta

Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souders
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Boustany
Cantor
Cooper
Delahunt
Franks (AZ)

Jordan (OH)
Langevin
Miller (MI)
Reichert

Sánchez, Linda
T.
Serrano
Stark
Tanner

□ 1418

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LANGEVIN. Mr. Speaker, on rollcall 263 I was unable to record my vote. I intended to vote "yea" on that question.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1137

Mr. TOWNS. Mr. Speaker, I ask unanimous consent to remove Representative WASSERMAN SCHULTZ's name from H.R. 1137.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 434, I call up the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 434, the amendment printed in House Report 111-107 is adopted, and the bill, as amended, is considered read.

The text of H.R. 2346, as amended pursuant to House Resolution 434, is as follows:

H.R. 2346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I—DEFENSE MATTERS

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$10,924,641,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,716,827,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$1,577,850,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,783,208,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$381,155,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$39,478,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$29,179,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$16,943,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$1,373,273,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$101,360,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$14,024,703,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", \$2,367,959,000: *Provided*, That up to \$129,503,000 may be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,084,081,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$6,216,729,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$5,353,701,000, of which—

(1) not to exceed \$10,000,000 shall be available for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed \$810,000,000, to remain available until expended, shall be for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support including access provided, or to be provided, to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made, at the discretion of the Secretary of Defense, in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to friendly foreign forces supporting United States military operations in Iraq and Afghanistan;

(3) not to exceed \$10,000,000 shall be available for emergencies and extraordinary expenses: *Provided*, That the Secretary of Defense shall certify that such payments are necessary for confidential military purposes; and

(4) not to exceed \$350,000,000, to remain available until September 30, 2010, shall be for counternarcotics and other activities including assistance to other Federal agencies, on the United States border with Mexico: *Provided*, That the Secretary of Defense may transfer these funds to appropriations for military personnel, operation and maintenance, and procurement to be available for the same purposes as the appropriation or fund to which transferred: *Provided further*, That the Secretary of Defense may transfer up to \$100,000,000 of this amount to any other

Federal appropriations accounts, with the concurrence of the head of the relevant Federal department or agency for border-related activities: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and the same time period, as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation, to be merged with and made available for the same purposes and for the time period provided under this heading.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$101,317,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$24,318,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$30,775,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$34,599,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$178,446,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Iraq Freedom Fund", \$365,000,000, to remain available to the Secretary of Defense for transfer until September 30, 2010, of which—

(1) not to exceed \$350,000,000 shall be available for rapid response to unforeseen, immediate warfighter needs for Iraq, Afghanistan, and other geographic areas in which combat or direct combat support operations for Iraq and Afghanistan occur in order to minimize casualties and ensure mission success for Operation Iraqi Freedom and Operation Enduring Freedom: *Provided*, That these funds are available for transfer to any other appropriations accounts of the Department of Defense to accomplish the purposes provided herein: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense; and

(2) not to exceed \$15,000,000 shall be available to the Secretary of Defense to transport the remains of servicemembers killed in combat operations: *Provided*, That these funds are available for transfer to any other appropriations accounts of the Department of Defense to accomplish the purposes provided herein: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That

this transfer authority is in addition to any other transfer authority available to the Department of Defense.

AFGHANISTAN SECURITY FORCES FUND
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Afghanistan Security Forces Fund", \$3,606,939,000, to remain available until September 30, 2010: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making any obligation or transfer from this appropriation account, notify the congressional defense committees in writing of the details of the proposed obligation or transfer.

PAKISTAN COUNTERINSURGENCY FUND
(INCLUDING TRANSFER OF FUNDS)

For the "Pakistan Counterinsurgency Fund", hereby established in the Treasury of the United States, \$400,000,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, notwithstanding any other provision of law, to provide assistance to the security forces of Pakistan (including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to improve the counterinsurgency capability of Pakistan's security forces, and, on an exceptional basis, irregular security forces: *Provided further*, That the authority to provide assistance under this provision is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such amounts as the Secretary may determine from the funds provided herein to any appropriations available to the Department of Defense or, with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account to accomplish the purposes provided herein: *Provided further*, That funds so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That upon determination by the Secretary of Defense or head of other Federal department or agency, with the concurrence of the Secretary of State, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That the authority of the Secretary of Defense to obligate or transfer funds pursuant to this paragraph shall apply only to the funds appropriated for such purposes in this Act, and such authority shall not be continued beyond the expiration date specified in the matter preceding the first proviso: *Provided further*, That funds may not be obligated or transferred from the "Pakistan Counterinsurgency Fund" until 15 days after the date on which the Secretary of Defense notifies the Committees on Appropriations of the House of Representatives and the Senate, and the congressional defense and foreign affairs committees, in writing of the details of the proposed obligation or transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$1,285,304,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$677,141,000, to remain available until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$2,233,871,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$230,075,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$8,039,349,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$691,924,000, to remain available until September 30, 2011.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$31,698,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$348,919,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$172,095,000, to remain available until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$1,509,986,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$5,138,268,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$57,416,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$183,684,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$1,745,761,000, to remain available until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$200,068,000, to remain available until September 30, 2011.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for procurement of high priority items of equipment that may be used by reserve component units for both its combat mission and the units' mission in support of the State governors, \$500,000,000, to remain available for obligation until September 30, 2011: *Provided*, That the Chiefs of the National Guard and of the Reserve components shall, not later than 60 days after the enactment of this Act, individually submit to the congressional defense committees a listing of items of equipment to be procured for their respective National Guard or Reserve component.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$73,734,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$96,231,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$92,574,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$459,391,000, to remain available until September 30, 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$846,726,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,097,297,000, of which \$845,508,000, to remain available until September 30, 2009, is for operation and maintenance; of which \$50,185,000, to remain available until September 30, 2011, is for procurement; and of which \$201,604,000, to remain available until September 30, 2010, is for research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$137,198,000, to remain available until expended.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", \$1,316,746,000, to remain available until September 30, 2011.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Mine Resistant Ambush Protected Vehicle Fund", \$4,843,000,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such

amounts may be transferred back to this appropriation: *Provided further*, That the Secretary shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$9,551,000.

GENERAL PROVISIONS, THIS TITLE

SEC. 10001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2009.

(INCLUDING TRANSFER OF FUNDS)

SEC. 10002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to \$2,000,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329) except for the fourth proviso.

SEC. 10003. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(INCLUDING TRANSFER OF FUNDS)

SEC. 10004. During fiscal year 2009 and from funds in the Defense Cooperation Account, as established by 10 U.S.C. 2608, the Secretary of Defense may transfer up to \$6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 10005. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" provided in this title, and executed in direct support of the overseas contingency operations only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING RESCISSIONS)

SEC. 10006. (a)(1) Of the funds appropriated in chapter 2 of title IX of Public Law 110-252 under the heading, "Iraq Security Forces Fund", \$1,000,000,000 is rescinded.

(2) For an additional amount for "Iraq Security Forces Fund", \$1,000,000,000, to remain available until September 30, 2010: *Provided*, That funds may not be obligated or transferred from this fund until 15 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(b)(1) Of the funds appropriated in chapter 2 of title IX of Public Law 110-252 under the heading, "Afghanistan Security Forces Fund", \$125,000,000 is rescinded.

(2) For an additional amount for the "Afghanistan Security Forces Fund", \$125,000,000, to remain available until September 30, 2010.

SEC. 10007. Funds made available in this Act to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000: *Provided further*, That the Secretary shall report to the Congress all purchases made pursuant to this authority within 30 days of using the authority.

SEC. 10008. (a) Beginning in fiscal year 2009, during any year in which funds are authorized to be appropriated to carry out the Commander's Emergency Response Program, the Secretary of Defense may accept contributions of funds from any person, foreign government, or international organization to carry out the Commander's Emergency Response Program in Iraq or Afghanistan.

(b) Funds contributed pursuant to subsection (a) shall be credited to "Operation and Maintenance, Army".

(c) Funds contributed pursuant to subsection (a) shall become available during each year in which funds authorized to be appropriated have been appropriated.

SEC. 10009. (a) Until September 30, 2009, the Secretary of Defense may enter into an agreement with the head of an executive department or agency that has established internship programs to reimburse that department or agency for the costs associated with the first year of employment of eligible military spouses into positions under the internship program.

(b) The Secretary may provide such reimbursement to the department or agency, from funds otherwise made available for "Operation and Maintenance, Defense-Wide", including the costs of the salary, benefits and allowances, and training of the military spouse for the first year of employment, for eligible military spouses beginning their internship by September 30, 2009.

(c) In this section:

(1) The term "eligible military spouse" means any person married to a member of the Armed Forces on active duty at the time of appointment, other than a person who—

(A) is legally separated from a member of the Armed Forces under court order or statute of any State or possession of the United States;

(B) is also a member of the Armed Forces on active duty; or

(C) is a retired member of the Armed Forces.

(2) The term "internship" means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(INCLUDING TRANSFER OF FUNDS)

SEC. 10010. Notwithstanding any other provision of law, of the funds appropriated in this title for "Operation and Maintenance, Defense-Wide", the Secretary of Defense may transfer up to \$30,000,000 to the Department of State "Assistance for Europe, Eurasia and Central Asia" account, with the

concurrence of the Secretary of State, to provide a long-range air traffic control and safety system to support air operations in the Kyrgyz Republic, including Manas International Airport and Air Base: *Provided*, That funds transferred under this section shall remain available until expended.

SEC. 10011. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of \$75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

(RESCISSIONS)

SEC. 10012. (a) Of the funds appropriated in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329), the following amounts are rescinded from the following accounts in the amounts specified: "Operation and Maintenance, Army", \$352,359,000; "Operation and Maintenance, Navy", \$881,481,000; "Operation and Maintenance, Marine Corps", \$54,466,000; "Operation and Maintenance, Air Force", \$925,203,000; "Operation and Maintenance, Defense-Wide", \$81,135,000; "Operation and Maintenance, Army Reserve", \$23,338,000; "Operation and Maintenance, Navy Reserve", \$62,910,000; "Operation and Maintenance, Marine Corps Reserve", \$1,250,000; "Operation and Maintenance, Air Force Reserve", \$163,786,000; "Operation and Maintenance, Army National Guard", \$57,819,000; "Operation and Maintenance, Air National Guard", \$250,645,000; "Research, Development, Test and Evaluation, Navy", \$30,510,000; and "Research, Development, Test and Evaluation, Air Force", \$15,098,000.

(b)(1) Of the funds appropriated in the Department of Defense Appropriations Act, 2008 (division A of Public Law 110-116) under the heading "Research, Development, Test and Evaluation, Navy", \$5,000,000 is rescinded.

(2) Of the funds appropriated in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329) under the heading "Operation and Maintenance, Defense-Wide", \$5,000,000 is rescinded.

(c) Of the funds appropriated in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329) under the heading "Research, Development, Test and Evaluation, Air Force", \$100,000,000 is rescinded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 10013. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be made available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the funds shall be transferred between the following appropriations in the amounts specified:

To:

"Military Personnel, Army, 2009", \$100,600,000; "Reserve Personnel, Army, 2009", \$41,000,000; and "National Guard Personnel, Army, 2009", \$9,000,000.

From:

Funds appropriated in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329) under the heading "Aircraft Procurement, Army, 2009/2011", \$22,600,000; and under the heading "Procurement of Ammunition, Army, 2009/2011", \$107,100,000.

From:

Funds appropriated in the Department of Defense Appropriations Act, 2008 (division A

of Public Law 110-116) under the heading "Other Procurement, Army, 2008/2010", \$20,900,000.

(RESCISSIONS)

SEC. 10014. Of the funds appropriated in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329), under the heading "Operation and Maintenance, Defense-Wide", \$181,500,000 is rescinded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 10015. (a) RETROACTIVE PAYMENT OF STOP-LOSS SPECIAL PAY.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$734,400,000 is appropriated to the Department of Defense, to remain available for obligation until expended. *Provided*, That such funds shall be available to the Secretaries of the military departments only to make the payment specified in subsection (b) to members of the Armed Forces, including members of the reserve components, and former and retired members under the jurisdiction of the Secretary who, at any time during the period beginning on September 11, 2001, and ending on September 30, 2009, served on active duty while the members' enlistment or period of obligated service was extended, or whose eligibility for retirement was suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a "stop-loss authority") authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) PAYMENT AMOUNT.—The amount to be paid under subsection (a) to or on behalf of an eligible member, retired member, or former member described in such subsection shall be \$500 per month for each month or portion of a month during the period specified in such subsection that the member was retained on active duty as a result of application of the stop-loss authority.

(c) TREATMENT OF DECEASED MEMBERS.—If an eligible member, retired member, or former member described in subsection (a) dies before the payment required by this section is made, the Secretary concerned shall make the payment to the designated representative or estate of the member.

(d) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible for a payment under this section if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(e) RELATION TO OTHER STOP-LOSS SPECIAL PAY.—A member, retired member, or former member may not receive a payment under this section and stop-loss special pay under section 8116 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329; 122 Stat. 3646) for the same month or portion of a month during which the member was retained on active duty as a result of application of the stop-loss authority.

SEC. 10016. (a) Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1392) is repealed.

(b) Notwithstanding any other provision of law, the Secretary of the Air Force may retire C-5A aircraft from the inventory of the Air Force 15 days after certifying to the congressional defense committees that retiring the aircraft will not significantly increase operational risk of not meeting the National Defense Strategy, provided that such retire-

ments may not reduce total strategic airlift force structure inventory below the 292 strategic airlift aircraft level identified in the Mobility Capability Study 2005 (MCS-05) unless otherwise addressed in the fiscal year 2010 National Defense Authorization Act.

SEC. 10017. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109-364).

SEC. 10018. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2008 or 2009 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 10019. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 10020. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for the purpose of establishing any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 10021. (a) REPORT ON IRAQ TROOP DRAWDOWN STATUS, GOALS, AND TIMETABLE.—In recognition and support of the policy of President Barack Obama to withdraw all United States combat brigades from Iraq by August 31, 2010, and all United States military forces from Iraq on December 31, 2011, Congress directs the Secretary of Defense (in consultation with other members of the National Security Council) to prepare a report that identifies troop drawdown status and goals and includes—

(1) a detailed, month-by-month description of the transition of United States military forces and equipment out of Iraq; and

(2) a detailed, month-by-month description of the transition of United States contractors out of Iraq.

(b) ELEMENTS OF REPORT.—At a minimum, the Secretary of Defense shall address the following:

(1) How the Government of Iraq is assuming the responsibility for reconciliation initiatives as the mission of the United States Armed Forces transitions.

(2) How the drawdown of military forces complies with the President's planned withdrawal of combat brigades by August 31, 2010, and all United States forces by December 31, 2011.

(3) The roles and responsibilities of remaining contractors in Iraq as the United States mission evolves, including the anticipated number of United States contractors to remain in Iraq after August 31, 2010, and December 31, 2011.

(c) SUBMISSION.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through September 30, 2010, the Secretary of Defense shall submit the report required by subsection (a) and a classified annex to the report, as necessary.

TITLE II—MILITARY CONSTRUCTION, FOREIGN OPERATIONS, AND OTHER MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", \$500,000,000, to remain available until expended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 20101. Amounts appropriated by section 101(a) of title I of division B of Public Law 109-148 (119 Stat. 2747) and unobligated as of the date of the enactment of this Act shall be available to the Secretary of Agriculture, until expended, to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) for expenses related to recovery efforts in response to natural disasters.

SEC. 20102. (a)(1) For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: direct farm ownership loans, \$360,000,000; direct operating loans, \$400,000,000; and unsubsidized guaranteed operating loans, \$50,201,000.

(2) For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, \$22,860,000; direct operating loans, \$47,160,000; and unsubsidized guaranteed operating loans, \$1,250,000.

(b) Of the unobligated balances available and provided in prior year appropriations acts for discretionary programs in the Rural Development mission area, \$71,270,000 is hereby rescinded.

CHAPTER 2—COMMERCE AND JUSTICE

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses", \$1,648,000, to remain available until September 30, 2010.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses", \$5,000,000, to remain available until September 30, 2010.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$1,389,000, to remain available until September 30, 2010.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$4,000,000, to remain available until September 30, 2010.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$5,038,000, to remain available until September 30, 2010.

GENERAL PROVISION, THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 20201. (a) Of the funds appropriated in chapter 2 of title I of Public Law 110-252

under the heading "Office of Inspector General", \$3,000,000 is rescinded.

(b) For an additional amount for "Office of Inspector General", \$3,000,000, to remain available until September 30, 2010.

CHAPTER 3—ENERGY
DEPARTMENT OF ENERGY
ENERGY PROGRAMS
STRATEGIC PETROLEUM RESERVE
(TRANSFER OF FUNDS)

For an additional amount for "Strategic Petroleum Reserve", \$21,585,723, to remain available until expended, to be derived by transfer from the "SPR Petroleum Account" for site maintenance activities.

ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY
ADMINISTRATION
DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", \$55,000,000, to remain available until expended.

CHAPTER 4—GENERAL GOVERNMENT
EXECUTIVE OFFICE OF THE PRESIDENT
AND FUNDS APPROPRIATED TO THE
PRESIDENT

NATIONAL SECURITY COUNCIL
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$2,936,000, of which \$800,000 shall remain available until expended and \$2,136,000 shall remain available until September 30, 2010.

CHAPTER 5—HOMELAND SECURITY
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
FIREFIGHTER ASSISTANCE GRANTS

For grants awarded under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) in fiscal years 2009 and 2010, the Administrator of the United States Fire Administration may waive the requirements of subsection (a)(1)(B) and subsection (c) of such section and may award grants for the hiring, rehiring, or retention of firefighters.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 20501. Notwithstanding sections 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with appropriate endorsement for engaging in the coastwise trade for the drydock ALABAMA (United States official number 641504).

SEC. 20502. Notwithstanding sections 55101, 55103, and 12112 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel MARYLAND INDEPENDENCE (official number 662573). The coastwise endorsement issued under authority of this section is terminated if—

(1) the vessel, or controlling interest in the person that owns the vessel, is conveyed after the date of enactment of this Act; or

(2) any repairs or alterations are made to the vessel outside of the United States.

CHAPTER 6—INTERIOR AND
ENVIRONMENT
DEPARTMENT OF THE INTERIOR
DEPARTMENT-WIDE PROGRAMS
WILDLAND FIRE MANAGEMENT
(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and

emergency rehabilitation activities of the Department of the Interior, \$50,000,000, to remain available until expended: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities.

DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WILDLAND FIRE MANAGEMENT
(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Forest Service, \$200,000,000, to remain available until expended: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That the Secretary of Agriculture may transfer not more than \$50,000,000 of these funds to the Secretary of the Interior if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities.

CHAPTER 7—HEALTH AND HUMAN
SERVICES
DEPARTMENT OF HEALTH AND HUMAN
SERVICES
OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools and to assist international efforts and respond to international needs relating to the 2009-H1N1 influenza outbreak, \$1,850,000,000, to remain available until expended: *Provided*, That no less than \$350,000,000 shall be for upgrading State and local capacity: *Provided further*, That no less than \$200,000,000 shall be transferred to the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response, and quarantine: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services ("Secretary"), be deposited in the Strategic National Stockpile under section 319F-2 of the Public Health Service Act: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccine and other biologics, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologics: *Provided further*, That funds appropriated under this heading and not specifically designated under this heading may be transferred to, and merged

with, other appropriation accounts of the Department of Health and Human Services and other Federal agencies, as determined by the Secretary to be appropriate, to be used for the purposes specified under this heading and to the fund authorized by section 319F-4 of the Public Health Service Act: *Provided further*, That transfers to other Federal agencies shall be made in consultation with the Director of the Office of Management and Budget: *Provided further*, That prior to transferring any funds under this heading, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate of any such transfer and the planned uses of the funds: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available in this or any other Act.

GENERAL PROVISION, THIS CHAPTER

SEC. 20701. Title II of division F of the Omnibus Appropriations Act, 2009 (Public Law 111-8) is amended under the heading "Children and Families Services Programs"—

(1) by striking the first proviso in its entirety; and

(2) by striking "*Provided further*" the first place it appears and inserting "*Provided*".

CHAPTER 8—LEGISLATIVE BRANCH

CAPITOL POLICE
GENERAL EXPENSES

For an additional amount for "General Expenses", \$71,606,000, to purchase and install a new radio system for the Capitol Police to remain available until September 30, 2012: *Provided*, That \$6,500,000 of these funds shall be designated as "contingency" and shall only be available for obligation upon approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the House of Representatives and the Senate.

CHAPTER 9—MILITARY CONSTRUCTION
DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION, ARMY
(INCLUDING RESCISSION)

For an additional amount for "Military Construction, Army", \$1,407,231,000, of which \$810,850,000 shall remain available until September 30, 2010, and of which \$596,381,000 for child development centers, warrior in transition facilities, and planning and design shall remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed \$68,081,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 110-252, \$142,500,000 is rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE
CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", \$235,881,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the

funds provided under this heading, not to exceed \$11,000,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE
(INCLUDING RESCISSION)

For an additional amount for “Military Construction, Air Force”, \$279,120,000, of which \$255,650,000 shall remain available until September 30, 2010, and of which \$23,470,000 for child development centers and planning and design shall remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed \$12,070,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds appropriated for “Military Construction, Air Force” under Public Law 110-252, \$30,000,000 is rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, \$1,086,968,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the amount provided under this heading, \$30,000,000 shall be for the planning and design of a National Security Agency data center and \$1,056,968,000 shall be for the construction of hospitals: *Provided further*, That not later than 30 days after the enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for hospital construction under this heading.

NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM

For an additional amount for “North Atlantic Treaty Organization Security Investment Program”, \$100,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE
ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$263,300,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

CHAPTER 10—STATE, FOREIGN
OPERATIONS, AND RELATED PROGRAMS
DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, \$1,016,215,000, to remain available until September 30, 2010, of which \$403,983,000 is for worldwide security

protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to \$157,600,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That up to \$10,900,000 of the funds made available under this heading for public diplomacy activities should be transferred to, and merged with, funds made available for “International Broadcasting Operations” for broadcasting activities to the Pakistan-Afghanistan Border Region.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of Inspector General”, \$17,123,000, to remain available until September 30, 2010, of which \$7,201,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: *Provided*, That the Special Inspector General for Afghanistan Reconstruction may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section) for funds made available for fiscal years 2009 and 2010: *Provided further*, That the Inspector General of the United States Department of State and the Broadcasting Board of Governors, the Special Inspector General for Iraq Reconstruction, the Special Inspector General for Afghanistan Reconstruction, and the Inspector General of the United States Agency for International Development shall coordinate and integrate the programming of funds made available under this heading in fiscal year 2009 for oversight of programs in Afghanistan, Pakistan and Iraq: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations of the House of Representatives and the Senate, within 30 days of completion, the annual comprehensive audit plan for the Middle East and South Asia developed by the Southwest Asia Joint Planning Group in accordance with section 842 of Public Law 110-181.

EMBASSY SECURITY, CONSTRUCTION, AND
MAINTENANCE

For an additional amount for “Embassy Security, Construction, and Maintenance”, \$989,628,000, to remain available until expended, for worldwide security upgrades, acquisition, and construction as authorized: *Provided*, That funds made available under this heading in this chapter shall be for providing secure diplomatic facilities and housing for United States Mission staff in Afghanistan and Pakistan, and for the deployment of mobile mail screening units.

INTERNATIONAL ORGANIZATIONS
CONTRIBUTIONS FOR INTERNATIONAL
PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$836,900,000, to remain available until September 30, 2010.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT
FUNDS APPROPRIATED TO THE PRESIDENT
OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$152,600,000, to remain available until September 30, 2010.

CAPITAL INVESTMENT FUND

For an additional amount for “Capital Investment Fund”, \$48,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$3,500,000, to remain available until September 30, 2010, for oversight of programs in Afghanistan and Pakistan.

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for “Global Health and Child Survival”, \$300,000,000, to remain available until September 30, 2010: *Provided*, That \$200,000,000 shall be made available for pandemic preparedness and response: *Provided further*, That \$100,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria: *Provided further*, That the amounts made available under this heading in this chapter are in addition to amounts made available for such purpose in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8): *Provided further*, That notwithstanding any other provision of law, to include minimum funding requirements or funding directives, if the President determines and reports to the Committees on Appropriations of the House of Representatives and the Senate that the human-to-human transmission of the H1N1 virus is efficient and sustained, and is spreading internationally, funds made available under the headings “Global Health and Child Survival”, “Development Assistance”, “Economic Support Fund”, and “Millennium Challenge Corporation” in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to combat the H1N1 virus: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations of the House of Representatives and the Senate.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$200,000,000, to remain available until expended.

ECONOMIC SUPPORT FUND
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Economic Support Fund”, \$2,907,500,000, to remain available until September 30, 2010, of which up to \$529,500,000 is for assistance for Pakistan: *Provided*, That of the funds made available under this heading, not less than \$70,000,000 shall be made available for the National Solidarity Program in Afghanistan: *Provided further*, That of the funds made available under this heading, not more than \$556,000,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed \$5,000,000 may be used for administrative expenses of the United States Agency for International Development, in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza, and of which \$2,000,000 shall be transferred, and merged with, funds available under the heading “United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General” to conduct oversight of programs in the West Bank and Gaza: *Provided further*, That of the amounts made available for assistance for the West Bank

and Gaza, not more than \$200,000,000 may be made available for cash transfer assistance to the Palestinian Authority: *Provided further*, That none of the funds made available under this heading for cash transfer assistance to the Palestinian Authority may be obligated for salaries of personnel of the Palestinian Authority located in Gaza: *Provided further*, That up to \$10,000,000 of the funds made available under this heading may be made available for disaster assistance in Burma only for humanitarian assistance to Burmese affected by Cyclone Nargis, notwithstanding any other provision of law: *Provided further*, That of the funds made available under this heading, up to \$300,000,000 may be made available for assistance for developing countries impacted by the global financial crisis, including Haiti, Liberia, and Indonesia.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for "Assistance for Europe, Eurasia and Central Asia", \$242,500,000, to remain available until September 30, 2010, shall be available for assistance for Georgia: *Provided*, That funds appropriated under this heading shall be subject to prior consultations with, and the regular notification procedures of, the Committees on Appropriations of the House of Representatives and the Senate.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", \$483,500,000, to remain available until September 30, 2010: *Provided*, That not less than \$160,000,000 shall be made available for assistance for Mexico to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities, and shall be immediately available notwithstanding section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8): *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations of the House of Representatives and the Senate, except that notifications shall be transmitted at least 5 days in advance of the obligation of any funds appropriated under this heading: *Provided further*, That of the funds appropriated under this heading, not more than \$106,000,000 shall be made available for security assistance for the West Bank: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations of the House of Representatives and the Senate, in classified form if necessary, on the use of assistance provided by the United States for the training of Palestinian security forces, including detailed descriptions of the training, curriculum, and equipment provided; and an assessment of the training and the performance of forces after training has been completed.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", \$98,500,000, to remain available until September 30, 2010, of which up to \$73,500,000 may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision

of law, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction, and shall remain available until expended: *Provided*, That funds made available for the Nonproliferation and Disarmament Fund shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations of the House of Representatives and the Senate.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", \$343,000,000, to remain available until expended.

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", \$80,000,000, to remain available until September 30, 2010.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For an additional amount for "International Military Education and Training", \$2,000,000, to remain available until September 30, 2010.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", \$1,349,000,000, to remain available until September 30, 2010: *Provided*, That not less than \$310,000,000 shall be made available for assistance for Mexico and shall be immediately available notwithstanding section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8): *Provided further*, That funds made available pursuant to the previous proviso shall be available notwithstanding section 36(b) of the Arms Export Control Act: *Provided further*, That of the funds appropriated under this heading not less than \$150,000,000 shall be available for Jordan: *Provided further*, That of the funds appropriated under this heading, not less than \$555,000,000, shall be available for grants only for Israel and shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which \$145,965,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated under this heading, not less than \$260,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That funds appropriated pursuant to the previous proviso estimated to be outlayed for Egypt shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: *Provided further*, That up to \$74,000,000 may be available for Lebanon only after the Secretary of State submits to the Committees on Appropriations of the House of Representatives and the Senate a report on procedures established to determine eligibility of members and units of the security forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese security forces: *Provided further*, That prior to the initial obligation of funds the Secretary of State shall certify to the Com-

mittees on Appropriations of the House of Representatives and the Senate that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States a special account to be known as the "Pakistan Counterinsurgency Capability Fund". For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act for counterinsurgency activities in Pakistan, \$400,000,000, which shall become available on September 30, 2009, and remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense, notwithstanding any other provision of law, for the purpose of providing assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistani security forces, and, on an exceptional basis, irregular security forces, to include program management and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: *Provided further*, That these funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counterinsurgency operations and may be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred, or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: *Provided further*, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations of the House of Representatives and the Senate, and the congressional defense and foreign affairs committees, in writing of the details of any such transfer: *Provided further*, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the House of Representatives and the Senate a report summarizing, on a project-by-project basis, the transfer of funds from this appropriation: *Provided further*, That upon determination by the Secretary of Defense or head of other Federal department or agency, with the concurrence of the Secretary of State, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That any required notification or report may be submitted in classified or unclassified form.

GENERAL PROVISIONS, THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 21001. Funds provided by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

ALLOCATIONS

SEC. 21002. (a) Funds provided in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) "Diplomatic and Consular Programs".

(2) "Embassy Security, Construction, and Maintenance".

(3) "Economic Support Fund".

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 21003. (a) SPENDING PLAN.—Not later than 45 days after the date of enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report detailing planned expenditures for funds appropriated in this chapter, except for funds appropriated under the headings "International Disaster Assistance" and "Migration and Refugee Assistance".

(b) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate and section 634A of the Foreign Assistance Act of 1961.

UNRWA ACCOUNTABILITY

(INCLUDING TRANSFER OF FUNDS)

SEC. 21004. (a) LIMITATION.—Of the funds made available in this chapter under the heading "Migration and Refugee Assistance", not more than \$119,000,000 may be made available to the United Nations Relief and Works Agency (UNRWA) for activities in the West Bank and Gaza.

(b) ACCOUNTABILITY REPORT.—The Secretary of State shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 45 days after the date of enactment of this Act a report on whether UNRWA is—

(1) continuing to utilize Operations Support Officers in the West Bank and Gaza to inspect UNRWA installations and report any inappropriate use;

(2) acting swiftly in dealing with staff or beneficiary violations of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under Section 301(c) of the Foreign Assistance Act of 1961;

(3) taking necessary and appropriate measures to ensure it is operating in full compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961;

(4) continuing to report every six months to the Department of State on actions it has taken to ensure conformance with the conditions of section 301(c) of the Foreign Assistance Act of 1961;

(5) taking steps to improve the transparency of all educational materials and supplemental educational materials currently in use in UNRWA-administered schools;

(6) continuing to use supplemental curriculum materials in UNRWA-supported

schools and summer camps designed to promote tolerance, non-violent conflict resolution and human rights;

(7) not engaging in operations with financial institutions, or entities of any kind, in violation of relevant United States law and is enhancing its transparency and financial due diligence and diversifying its banking operations in the region; and

(8) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board of Auditors' recommendations.

(c) OVERSIGHT.—Of the funds made available in this chapter under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, \$1,000,000 shall be transferred to, and merged with, funds available under the heading "Administration of Foreign Affairs, Office of Inspector General" for oversight of programs in the West Bank, Gaza and surrounding region.

WOMEN AND GIRLS IN AFGHANISTAN

SEC. 21005. (a) Funds made available in this chapter for assistance for Afghanistan shall comply with sections 7062 (Women in Development) and 7063 (Gender-Based Violence) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) and should be made available to support programs that increase participation by women in the political process, including at the national, regional and local levels: *Provided*, That such programs should ensure participation in efforts to improve security and political stability in Afghanistan.

(b) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the steps taken to respond to the special security and development needs of women in Afghanistan.

SOMALIA

SEC. 21006. (a) ECONOMIC ASSISTANCE.—Of the funds made available in this chapter under the heading "Economic Support Fund", \$10,000,000 shall be available for assistance for Somalia.

(b) SECURITY ASSISTANCE.—Of the funds made available in this chapter under the heading "Peacekeeping Operations" for assistance for Somalia, \$70,000,000 is available for equipment, logistical support and facilities for the expanded African Union Mission to Somalia (AMISOM) and for security sector reform.

(c) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State, in consultation with relevant Federal departments or agencies, shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the feasibility of creating an indigenous maritime capability to combat piracy off the coast of the Horn of Africa.

(d) NOTIFICATION REQUIREMENT.—Funds made available in this chapter for assistance for Somalia shall be subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate.

ASSISTANCE FOR DEVELOPING COUNTRIES
IMPACTED BY THE GLOBAL FINANCIAL CRISIS

(INCLUDING TRANSFER OF FUNDS)

SEC. 21007. (a) AVAILABILITY OF FUNDS.—Funds made available in this chapter for assistance for developing countries impacted by the global financial crisis should only be made available to countries that—

(1) have a 2007 per capita Gross National Income of \$3,705 or less;

(2) have seen a contraction in predicted growth rates of 2 percent or more since 2007; and

(3) demonstrate consistent improvement on the democracy and governance indicators as measured by the Millennium Challenge Corporation 2009 Country Scorebook.

(b) TRANSFER AUTHORITIES.—Of the funds made available in this chapter under the heading "Economic Support Fund" for developing countries impacted by the global financial crisis—

(1) up to \$29,000,000 may be transferred and merged with "Development Credit Authority", for the cost of direct loans and loan guarantees notwithstanding the dollar limitations in such account on transfers to the account and the principal amount of loans made or guaranteed with respect to any single country or borrower: *Provided*, That such transferred funds may be available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$2,000,000,000: *Provided further*, That the authority provided by the previous proviso is in addition to authority provided under the heading "Development Credit Authority" in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8): *Provided further*, That up to \$1,500,000 may be for administrative expenses to carry out credit programs administered by the United States Agency for International Development; and

(2) up to \$20,000,000 may be transferred and merged with "Overseas Private Investment Corporation Program Account": *Provided*, That the authority provided in this paragraph is in addition to authority provided in section 7081 in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8).

(c) REPORT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a spending plan not later than 45 days after the date of enactment of this Act to the Committees on Appropriations of the House of Representatives and Senate, and prior to the initial obligation of funds appropriated for countries impacted by the global economic crisis, detailing the use of all funds on a country-by-country, and project-by-project basis: *Provided*, For each project, the report shall include (1) the projected economic impact of providing such funds; (2) the name of the entity or implementing organization to which funds are being provided; and (3) if funds will be provided as a direct cash transfer to a local or national government entity: *Provided further*, That funds transferred to the Development Credit Authority and the Overseas Private Investment Corporation are subject to the reporting requirements in section 21003.

EVALUATING AFGHAN AND PAKISTANI CONDUCT
AND COMMITMENT

SEC. 21008. (a) FINDINGS REGARDING PROGRESS IN AFGHANISTAN AND PAKISTAN.—Congress makes the following findings:

(1) Over 40,000 American military personnel are currently serving in Afghanistan, with the bravery and professionalism consistent with the finest traditions of the United States Armed Forces, and are deserving of the strong support of all Americans.

(2) Many American service personnel have lost their lives, and many more have been wounded in Afghanistan. The American people will always honor their sacrifice and honor their families.

(3) Afghanistan and Pakistan are experiencing a deterioration of their internal security resulting from a growing insurgency fueled by Al Qaeda, the Taliban and other extremist networks that continue to operate along the western border of Pakistan, including in the Federally Administered Tribal Areas (FATA), as well as in areas under central government authority such as Quetta in Baluchistan and Muridke in Punjab.

(4) The United States and the international community have welcomed and supported Pakistan's return to civilian rule after almost nine years with the free and fair elections of February 18, 2008, and have supported the development of a democratic government in Afghanistan.

(5) Since 2001, the United States has contributed more than \$33,000,000,000 to Afghanistan and \$12,000,000,000 to Pakistan to strengthen each country's governance, economy, education system, healthcare services, and military.

(6) The governments of Afghanistan and Pakistan must expand the writ of the national government across all provinces to secure their borders, protect their population, enforce the rule of law, and tackle the pervasive problem of corruption in order to bring security and stability to their people.

(b) **REPORT.**—Because the stability and security of the region is tied more to the capacity and conduct of the Afghan and Pakistani governments and to the resolve of both societies than it is to the policies of the United States, the President shall submit a report to the Congress, not later than the date of submission of the fiscal year 2011 budget request, assessing whether the Governments of Afghanistan and Pakistan are, or are not, demonstrating the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President's policy announced on March 27, 2009. The President, on the basis of information gathered and coordinated by the National Security Council, shall advise the Congress on how that assessment requires, or does not require, changes to that policy. The measures used to evaluate the Afghan and Pakistani governments' record of concrete performance shall include the following standards of performance:

(1) Level of political consensus and unity of purpose across ethnic, tribal, religious and party affiliations to confront the political and security challenges facing the region.

(2) Level of government corruption and actions taken to eliminate it.

(3) Performance of the respective security forces in developing a counterinsurgency capability, conducting counterinsurgency operations and establishing population security.

(4) Performance of the respective intelligence agencies in cooperating with the United States on counterinsurgency and counterterrorism operations and in purging themselves of policies, programs and personnel that provide material support to extremist networks that target United States troops or undermine United States objectives in the region.

(5) Ability of the Afghan and Pakistani governments to effectively control the territory within their respective borders.

PROHIBITION ON ASSISTANCE TO HAMAS

SEC. 21009. (a) None of the funds made available in this chapter may be made available for assistance to Hamas, or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(b) Notwithstanding the limitation of subsection (a), assistance may be provided to a

power-sharing government if the President certifies in writing and reports to the Committees on Appropriations of the House of Representatives and the Senate that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in subparagraphs (A) and (B) of section 620K(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378b(b)(1)).

(c) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378b(e)) with respect to the limitations of this section.

(d) **REPORT.**—Whenever the certification pursuant to subsection (b) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to publically accept and comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378b(b)(1)). The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

TERMS AND CONDITIONS

SEC. 21010. Unless otherwise provided for in this Act, funds appropriated or otherwise made available in this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), except that sections 7070(e), with respect to funds made available for macroeconomic growth assistance for Zimbabwe, and 7042 (a) and (c) of such Act shall not apply to funds made available in this chapter.

TITLE III—GENERAL PROVISIONS, THIS ACT

SEC. 30001. (a) Not later than October 1, 2009, the President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of the detention center at Naval Station, Guantanamo Bay, Cuba, to include—

(1) a proposed disposition of individuals detained as of April 30, 2009;

(2) a determination that such disposition does not pose a risk that cannot be mitigated if such individual is prosecuted, transferred or released, including a plan for such mitigation; and

(3) a detailed analysis of the total estimated direct costs of closing the detention facility at Naval Station, Guantanamo Bay, Cuba, and any related costs, including the estimated costs of detention, prosecution, security, and incarceration in the United States of the individuals detained at such facility.

(b) The plan required under subsection (a) shall be submitted in unclassified form, but shall include a classified annex, if necessary.

AVAILABILITY OF FUNDS

SEC. 30002. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

OVERSEAS DEPLOYMENTS AND EMERGENCY DESIGNATIONS

SEC. 30003. (a) **OVERSEAS DEPLOYMENTS DESIGNATIONS.**—Except as provided in subsection (b), each amount in this Act is des-

ignated as being for overseas deployments and other activities pursuant to paragraphs (1) and (2) of section 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) **EMERGENCY DESIGNATIONS.**—Each amount in chapters 6, 7, and 8 of title II is designated as necessary to meet emergency needs pursuant to section 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESTRICTIONS AND REQUIREMENTS REGARDING THE TRANSFER AND RELEASE OF GUANTANAMO BAY DETAINEES

SEC. 30004. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia.

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, for the purposes of detaining or prosecuting such individual until 2 months after the plan detailed in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

SHORT TITLE

SEC. 30005. This Act may be cited as the "Supplemental Appropriations Act, 2009".

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and that I may insert extraneous and tabular material on H.R. 2346.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, we have a new President who has inherited a war he is trying to end. This bill tries to help him do that. We have no real alternative but to support it. I urge support for the bill.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as members of the Appropriations Committee began the process of writing this legislation, I was hopeful that the House would return to its traditional approach to considering appropriations bills under an open rule on the House floor. Unfortunately, that is not the case today.

There are Members of both political parties who have thoughtful and well-intentioned amendments that ought to receive the consideration of the full House. An open rule would ensure that each and every Member has the right and the opportunity to make a good bill even better. But Members on both sides are once again being denied this precious right.

There is one exception to this rule, however. To cover itself politically on a highly sensitive national security issue, the majority leadership has included an amendment offered by my chairman, DAVID OBEY, that is self-executed into the rule on this bill. However, the Obey amendment only pays lip service to protecting our citizens from the release of known terrorists from Guantanamo into the United States.

Mr. WOLF, who is perhaps the most knowledgeable Member of the House on this issue, offered an amendment in the full committee last week which was defeated on a straight party-line vote. Yesterday, Mr. WOLF testified on his amendment at the Rules Committee and he was denied the opportunity to even offer his amendment today on the floor.

I don't say this lightly, but on this issue the majority leadership of the House appears to be more sensitive to

the rights of known terrorists than the rights of duly elected Members of this body. What a shameful exercise this has become.

House Members were initially led to believe that this legislation would be kept at the President's original level of \$84 billion to fund only the critical needs of the global war on terrorism. As presented today, however, this legislation has grown to \$96.7 billion since it was submitted to the Congress 5 weeks ago.

The Members know that we face many crises around the world deserving our attention and thoughtful deliberation. It was President Kennedy who a generation ago reminded us that, when written in Chinese, the word "crises" is composed of two characters: one represents danger; the other represents opportunity.

If there is any doubt about what we are doing, let us be mindful that the supplemental provides the necessary resources for our soldiers and civilians to wage a successful battle on multiple fronts in Iraq, Afghanistan, and Pakistan. We know that the Taliban is now increasingly emboldened and the situation on the ground in Pakistan is, at best, fragile.

Closer to our shores, the potential closure of Guantanamo has become a symbol of best intentions colliding head-on with political reality. Chairman OBEY's decision to withhold funding for Guantanamo is the clearest indication to date that the Obama administration still has no plausible plan to deal with this complex national security issue.

The President owes it to the American people and this Congress to provide a detailed plan for the potential relocation of detainees prior to any funds being appropriated for this purpose and prior to any detainees being transferred to our shores.

As presently written, the legislation does absolutely nothing to prevent the release of detainees from Guantanamo into the United States, into our neighborhoods and communities, after October 1 of this year. These detainees, many of them well-known terrorists, trained by al Qaeda, would be released with no security risk assessment or even the prior notification of Members of Congress.

Congressman WOLF and Congressman TIAHRT each had amendments addressing this critical national security issue, and both were denied the opportunity to offer their amendments on the floor. As a result, it is now only a matter of time before known terrorists will be brought to the United States on a permanent basis.

Today, it is less clear, not more clear, what rights they will be afforded when they arrive and under what judicial system they will be tried. And, indeed, in many ways we will be treating them as though they were citizens of the United States.

The insistence of the majority leadership to consider this legislation under a closed rule is disappointing because the bulk of this emergency supplemental was put together with very serious bipartisan cooperation. It is one of the rare instances in recent times when Republicans and Democrats have largely set aside partisan differences to do what is best for our country and what is best for our troops.

I am deeply concerned about legitimate national security questions taking a back seat to political partisanship. But we must pass this legislation, even in its presently flawed form, to ensure that funds continue to flow to support our efforts to bring peace and stability around the world. I urge an "aye" vote on this legislation.

I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Defense Appropriations Subcommittee, the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. As all the Members know, most of this bill has been bipartisan. BILL YOUNG and I worked almost every detail out, and it is for the troops in the field and the military families at home.

For military personnel, we include—and I noticed there was a Member up not long ago who said what they did on stop-loss. Well, I will tell you who did what on stop-loss, this subcommittee, this appropriation committee did the stop-loss, put \$734 million in for 185,000 military servicemembers. Recognizing the hardship placed on troops, we made sure that they will get \$500 a month because of the hardship placed on them for an involuntary draft, in a sense.

Additional military pay. We had several hearings on trying to figure out how much money the military needed to take care of the shortage of pay. Finally, we came down to \$2.5 billion and we added that to the bill.

TBI and psychological health. Nobody has been more in the forefront than Mr. YOUNG and myself in trying to make sure that we have money. We put an extra \$100 million there.

Since 2001, there have been 42,600 diagnosed cases of PTSD and 58,000 servicemembers treated for TBI. Out at Bethesda not long ago, I just saw the new facility for PTSD.

Orthopedic research and treatment. The bill includes \$68 million. Nearly two-thirds of combat-related injuries require orthopedic procedures or treatment.

Amputee rehabilitation. We put \$20 million in.

Joint family assistance. The bill includes \$125.1 above the request and a total of \$739 million for family advocacy programs.

Yellow ribbon. The bill provides \$238 million for information, services, referrals, and outreach to the reserves for that program.

We put in money for C-17s, for 130s. We put money in for Apaches, helicopters, all of these things needed in the war effort.

MRAPs. We put in new MRAPs.

Strykers. We put money in for Strykers because it takes twice as long, and these are medical care Strykers, because it takes twice as long to get people to a hospital or to medical care in Afghanistan, and this will help that situation and reduce the time it takes to get to medical care.

Bradley Fighting Vehicles.

National Guard and Reserve. We put \$500 million in the bill.

Guantanamo. In the initial stages we took the money out and said give us a plan; and, of course, the chairman has developed a plan for that.

We have withdrawal timelines from Iraq, August 31, 2010.

Training Afghanistan security forces, \$3.6 billion.

Pakistan counterinsurgency fund, \$400 million.

And contracting.

□ 1430

And on contracting, one of the things the Secretary talks about and we talk about is that it costs us \$44,000 more to have contractors in Iraq than it does to have regular troops there. And we finally said to them, Look, you've got to start taking the nationals there, putting their people to work, get the Americans or the foreign people—when I say “foreign,” other than Iraqis—out of the country. So we're going to get a schedule of getting the contractors down.

The report includes language directing the Department of Defense to provide monthly reports on the number of contractors in the US CENTCOM Area of Responsibility. We have a heck of a time getting this. But this bill provides the resources and capabilities needed to support deployed U.S. forces.

It is a completely partisan bill, and working with Mr. YOUNG, I appreciate his cooperation and ask the Members to vote positively on this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Speaker, I would like to say that I rise in support of the supplemental. Most of the money in this supplemental is for our troops. It is for the war on terror, and it is to take care of the soldiers that are conducting that war.

As Mr. MURTHA said, we worked together to create this legislation. In fact, the subcommittee met and all the members had an opportunity to have their input. The majority staff worked very closely with the minority staff, and we feel like we have crafted a really good wartime supplemental. So I urge the support for the supplemental,

most of which is the defense part of the bill.

I want to say that I agree with Ranking Member LEWIS on the issue of Guantanamo. I don't think we have it all figured out yet. I think just to say we're going to close Guantanamo doesn't really get the job done; there's too much to it.

Last year, the Congress approved my amendment to the Defense Appropriations bill and said you can't close Guantanamo until you do two things: one, have a plan as to what you will do with the detainees; and number two, which doesn't get mentioned very often, have a plan of what you are going to do with the facilities.

As appropriators, we know that we spent close to half a billion dollars creating a medium-security holding facility and a maximum-security holding facility. They're state-of-the-art facilities. If you have to be in prison somewhere, Guantanamo is the place to be, because these are really nice facilities.

What are we going to do with half a billion dollars worth of detainee facilities? I think we need to know the answer to that. In my amendment last year, the legislation required the administration to report within 180 days of what the plan would be on those two issues. That has not happened to this day.

We can't deal with Guantanamo lightly. We can't bring terrorists who have been responsible for killing many Americans into the United States without careful consideration. My preference would be not to bring them into the United States. I may be in the minority on that issue.

But anyway, the overall bill is a good bill, and I do support it. I congratulate Mr. OBEY, the chairman, and Mr. LEWIS, the ranking member. And certainly, having worked with Chairman MURTHA to craft the defense part of this bill, it's one that we can all support without any hesitation.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mrs. LOWEY), the chairwoman of the Foreign Operations Appropriations Subcommittee.

Mrs. LOWEY. I rise in strong support of H.R. 2346, the FY09 Emergency Supplemental. This legislation provides the resources our military, diplomatic, and development personnel need to make our Nation more secure. I was very pleased to work in a bipartisan way with KAY GRANGER.

The Obama administration's policy to defeat the Taliban and al Qaeda in Afghanistan and Pakistan is critical to prevent the region from being a base for terrorist plots against the United States and our allies. H.R. 2346 provides \$3.8 billion for economic security initiatives in the region and funds our diplomatic development personnel and their security.

I welcome the administration's efforts to forge a lasting peace between

Israel and the Palestinian Authority. This legislation provides economic, humanitarian, and security assistance to the West Bank and Gaza to encourage stability and political moderation. It ensures that Hamas and other terrorist organizations do not receive taxpayer funds and that a potential unity government and all its ministers publicly recognize Israel's right to exist, renounce violence, and adhere to past agreements before receiving U.S. assistance.

H.R. 2346 also provides \$470 million to help Mexico fight violent narco-traffickers with surveillance aircraft, helicopters, and law enforcement equipment, and to support rule of law programs, bringing to \$1.17 billion the total appropriated in 2008 and 2009 for these purposes.

The bill meets the President's request for assistance programs and diplomatic operations in Iraq to ensure a smooth transition from the military mission to a civilian-led effort.

In addition, the bill addresses significant humanitarian and development priorities by providing \$343 million for refugee programs to address the growing displacement of civilians in Pakistan and other countries; \$836.9 million for peacekeeping; \$300 million for countries impacted by the global financial crisis, including Haiti and Liberia; and \$100 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria.

I urge my colleagues to support this legislation.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from California.

Mr. Speaker, this supplemental does many good things for our troops. It provides needed equipment and services so our men and women in uniform can carry out the will of this Nation, and hopefully and prayerfully, will help them to come home safely to their families. But it does present a hole in the safety for this Nation.

After October 1, hardened terrorists can come to America and eventually can be released to our streets. If they do come to America, where are we going to take them? Earlier in the discussion on the rule, the gentleman from Colorado mentioned that they could go to Fort Leavenworth. Well, Mr. Speaker, I have been to Fort Leavenworth to inspect the facilities. It is the premier training base for the United States Army. We invite many troops from other countries to come to America to Fort Leavenworth to train, to become allies, to learn how to work together to keep this country safe. Bringing these terrorists to Fort Leavenworth would actually prevent that from happening in the future. Some nations would not send their troops to America because of it. So Fort Leavenworth should not be a selected base for that purpose.

Neither do they have the facilities in the prison to house these terrorists. One of the things that was designed in the Guantanamo Bay facility is to separate the leaders from the foot soldiers because they stir up the foot soldiers should they be connected either verbally, visually, or in any method of communication. So that is prevented in Guantanamo Bay. It is created for that purpose. We've even created and built the most modern court facility so that these hardened terrorists should never have to set foot on American soil.

Now, when we have people in our own court system that we know are sexual predators, we warn people in the neighborhood to protect their children from these known sexual predators. But in this legislation, we have no notice when a hardened terrorist is going to be released on American soil, and we do know that 30 of these terrorists have been slated for release.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEWIS of California. I yield the gentleman another minute.

Mr. TIAHRT. I thank the gentleman from California.

We have a policy in America that if a terrorist is going to be returned to their country of origin and that country of origin is going to either torture or terminate them, we won't send them back. That's the problem we have with terrorists known as Uyghurs, terrorists of Turkish descent that are Chinese. So they are going to be released where? Back to the streets of America. This bill does not prevent that. We had legislation that would have given us that opportunity for an up-or-down vote, but it was denied by the Democrats in the majority.

Americans want to have a voice in this. Do we want terrorists on American soil or not? I say "no." I want them on no Main Street in any city or town in America, but I was denied the opportunity to have that vote.

I think that even though this bill does many good things, we should remember that before October 1 we need to have a clear up-or-down vote in this Chamber on whether or not we want to allow known hardened terrorists to be released on our streets.

Mr. Speaker, in the bill itself we have a list of the top 10 toughest terrorists that are housed in the Guantanamo Bay facility on page 112.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I rise to enter into a colloquy with the distinguished chairman of the Appropriations Committee and the Labor-HHS Education Subcommittee, Mr. OBEY.

As we prepare to enhance our pandemic planning efforts through the supplemental funding bill before us

today, I appreciate the committee providing additional funding to State and local governments that have been hit hard by the economic downturn. I am also pleased that we are taking a comprehensive approach to pandemic preparedness.

In an article in this week's National Journal, Donald Thompson, the senior program director for the medical and public health program at the Center for Infrastructure Protection at George Mason University's School of Law, noted that the U.S. has done a poor job of making sure it has enough equipment to tackle a full-blown pandemic. Currently, our national stockpile contains 104 million respirators, 51.6 million surgical masks, but only 20 million syringes.

Mr. Chairman, I appreciate the work of your subcommittee to verify that this funding bill allows HHS to purchase, replenish, and expand the Nation's delivery devices stockpile.

Mr. OBEY. Let me simply say that public health at all levels must continue to respond to this current outbreak and the increasing number of U.S. and worldwide cases, but also prepare for the potential of increased severity or for a new, novel strain to emerge. This bill will give HHS the funds needed to develop and purchase vaccines and replenish and expand Federal and State stockpiles of antiviral drugs and other necessary medical supplies, such as masks, ventilators, delivery devices, and other items.

Mr. PRICE of North Carolina. I thank the gentleman.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE), a member of our committee.

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this supplemental, and, frankly, I want to congratulate the majority on the legislation. I am particularly pleased with the military portion that was worked out in negotiations between Mr. MURTHA and Mr. YOUNG. The extra dollars that were provided beyond what the administration requests I think were wise expenditures.

I certainly don't agree with everything in the bill and have my differences over process, both in the committee and more profoundly, frankly, on this floor, where I wish we had the amendments available that my friend, Mr. TIAHRT, mentioned. But, by and large, it's a great bill and, frankly, it deserves our support.

I think we ought to stop for a minute, Mr. Speaker, and recognize the significance of the vote that we are about to take. With the passage of this proposal, President Obama, in my mind at least, effectively becomes a war President. In his campaign, he said that Afghanistan was the central front in the war on terror, and he also said,

if necessary, he would move into other countries to pursue al Qaeda. Since he has been elected, I think he has actually put those views into effect in this legislation and in other actions. He has chosen a new commander; he has increased the size of our forces in Afghanistan dramatically; he has begun a civilian surge, which alters in some ways, and I think appropriately, the nature of our mission; he has requested additional forces from European countries; and, frankly, he has made it clear that he is expanding activity into Pakistan.

This is a major commitment. It's not a commitment that will be over in a year. Frankly, I suspect President Obama will be dealing with this issue throughout his Presidency, whether he's a one- or two-term President. As long as he continues to operate in this capacity, frankly, I think he deserves bipartisan support. I think a war President deserves bipartisan support from Congress. He will certainly have it from me as long as he is consistent with the principles he has laid out and operates under the advice, although reserving the final decision to himself, of the commanders on the ground.

So it's a good piece of legislation and it deserves to be passed.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS), the chairman of the Military Construction Subcommittee.

Mr. EDWARDS of Texas. Mr. Speaker, this is Military Appreciation Month, so it is appropriate that on the floor of this House earlier this week Members of Congress stood up and showed their support with their words for our troops. Today, we can do something even more important; we can support our military troops and their families with our deeds. That is exactly what the \$3.2 billion in military construction in this bill does in four ways.

First, it includes \$488 million, the same as the President's request, for five wounded warrior complexes for the Army and two complexes for the Marine Corps. These facilities support many of our most severely wounded combat troops and their families through their important recovery and healing process.

Second, this bill includes \$276 million, also the same as the President's request, for 25 child development centers at Department of Defense installations.

□ 1445

These funds will provide additional child care for 5,000 military children, a high priority for our military families, especially with so many parents serving our Nation in Iraq and Afghanistan.

Third, the bill adds an additional \$1 billion for Department of Defense hospital construction. Why? Because many of our military hospitals are riddled

with aging inadequate structures that do not meet current standards for medical care. This is unacceptable in time of peace and unconscionable in time of war.

No Member of this Congress, no Member of the Senate, no citizen of America should want to see a return to the Walter Reed Annex 18 of several years ago when Army soldiers had to live in such deplorable conditions.

The funds in this bill would bring our total investment in military hospitals over the past year to \$3.3 billion. This House will initiate the funding to modernize our DOD hospital for our troops.

Fourth, this bill includes more funds for troop housing in Afghanistan. The President's request for projects in the CENTCOM area of responsibility total \$876 million, including \$84 million to partially fund the foundation and utility work needed to house additional U.S. troops going to Afghanistan. This bill supports 98 percent of the request and includes an additional \$214 million to fully fund the troop housing requirement in Afghanistan.

Finally I'd mention that this bill includes \$263 million, the same as the President's request, once again, to accelerate and enhance the construction of new DOD hospitals in Bethesda and Fort Belvoir to replace the aging Walter Reed.

By voting for this bill, we can support our troops and their families with our deeds, not just our words. I urge our colleagues to vote "yes" on this bill.

Mr. LEWIS of California. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlelady from Florida (Ms. BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today in support of the supplemental funding bill that will provide the men and women of our Armed Forces with the resources that they need to do the job. Unfortunately this bill will not just fund operations in Afghanistan and Iraq. It seems to me as if my colleagues on the other side of the aisle never miss an opportunity to use the military to pack a bill with pork.

Under the pretext of funding operations in Afghanistan and Iraq, this bill is loaded with billions of dollars worth of spending that simply does not belong there. It is obvious to me that these programs do not directly impact the ability of our servicemembers to do their job. They are priorities of the majority that should be voted on separately based on their own merits.

We have a lot of questions about the Guantanamo detainees. Will they end up in Leavenworth, as the gentleman from Kansas mentioned? Will they end up in the largest Federal prison in the United States, which happens to be in my district? Let me tell you, I think Americans need to know the answer to that.

Despite the political games that my colleagues are playing, I will support this legislation because I support our troops and believe it's our responsibility to give them the tools that they need.

Mr. OBEY. I yield 1 minute to the gentleman from Maryland, the distinguished majority leader.

Mr. HOYER. I thank the chairman for yielding.

I urge my colleagues to support this supplemental appropriations bill, and I appreciate the bipartisan support that this bill has received. It makes vital investments in the needs of our troops, responsible policy abroad and security at home.

I want to thank Chairman OBEY and his staff for their hard work in putting this legislation together. The supplemental supports our troops, who are in harm's way, and honors their service when they return home. \$1.2 billion for health and support programs for military families, \$734 million to compensate servicemembers and veterans for every month their service was extended by stop-loss orders.

The supplemental also makes important commitments to our national security. It follows through on President Obama's commitment to remove all combat troops from Iraq by 2010, and it refocuses our attention on Afghanistan and Pakistan, which remain havens for terrorists seeking to destabilize the region and harm Americans.

American military involvement is an important part of our effort for a stable Afghanistan that no longer harbors terrorists. That effort also includes training Afghan security forces, police development work and a diplomatic surge.

Of the \$5.1 billion that this supplemental dedicates to Afghanistan, \$3.6 billion is intended for local security forces, a critical component of our objective; \$980 million is for efforts to strengthen the economy and the rule of law; and \$536 million is for civilian diplomacy. We've also come to understand, as President Obama has repeatedly stressed, that the stability of Afghanistan is intimately tied to the stability of Pakistan, which is under threat from insurgent Taliban.

I believe that this supplemental will help reduce that threat through comprehensive funding for counterinsurgency development and diplomacy programs in Pakistan.

But it is also essential that the Afghanistan and Pakistan governments hold up their end of the bargain. That is why this legislation requires the President to report to Congress by February of next year on the progress of those governments in five key areas: The level of political consensus to the level of corruption, steps to eliminate it, success in counterinsurgency, cooperation of their intelligence service with our country, and the govern-

ment's ability to control their own territory.

All of these are critical information points for us to have. This information will be essential to ensuring that our policy remains realistic and wise and we hope successful in this critical region of the world.

Finally, the supplemental makes a number of other important investments in our security. These include funding for pandemic flu preparedness and vaccine stockpiles, the importance of which have been dramatically demonstrated in the past weeks; funding to address violence along the U.S.-Mexico border, a priority I strongly support and observed the need for when I was in Mexico last month; and funding for important international food, refugee and disaster assistance.

I would comment briefly on the issue with reference to Guantanamo. First of all, this does not provide for the release of anybody from Guantanamo. Secondly, the President has widely said, We need a plan for Guantanamo, and is pursuing that. This language provides for that planning process to go forward. Thirdly, I would observe that almost none of those held at Guantanamo have used that courtroom, to which Mr. TIAHRT referred. That is to say, there hasn't been a finding in these cases. There ought to be findings. But in any event, I agree absolutely, and I think everybody on this floor agrees that anybody who is a terrorist ought not be released anywhere. We will have to decide how to resolve this issue. It's a thorny one.

I might observe that the former Secretary of State, Colin Powell, former chairman of the Joint Chiefs of Staff, former national security adviser to the first President Bush, observed that he thought Guantanamo ought to be closed on national television over a year ago and he said, Today, if not yesterday.

Now having said that, this President is pursuing I think a very thoughtful effort to see how that goal can be accomplished. It's a difficult one, but we need to work with him in accomplishing that objective.

I thank the chairman for his work. I thank the Chair and ranking member, Mr. MURTHA and Mr. YOUNG, of the Defense Subcommittee for the work that they've done on this to ensure that our troops have what they need to prosecute the policies of this country and to keep our citizens and the Nation safe.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, one of the smartest things that the President did once elected and all the campaign rhetoric was out of the way, he went ahead and continued the Bush-Cheney policy in

the Middle East, primarily by reappointing Secretary of Defense Gates and recognizing that the surge, in fact, worked, basically kept the plans for Iraq and Afghanistan on track, including a new surge in Afghanistan.

There was one sharp deviation from the Bush doctrine that Mr. Obama did not choose to follow, and that was his idea of closing Guantanamo even though the Guantanamo prison has proved to be effective. And we had lots of testimony from people who are in the military and security that these very bad actors need to stay in an island off continental America. That's why we Republicans in committee offered the Wolf amendment that says that if you're going to transfer the Guantanamo prisoners, that we should have the Nation's governors approve the transfers to their States before it happens.

Also that a threat assessment should be done. Now to their credit, the majority party did put in some language that says the President shall submit to Congress in writing a comprehensive plan before October 1, and we're happy about that. But what this plan does not do, it does not require a risk assessment.

Releasing the detainees to American soils could cause problems, and we would also like to see the security assessment include what its impact could be on the safety of American citizens. Also it does not require notification to Congress, governors, State legislators or local communities. We believe that much courtesy should be done. And it does not require the consent of the State governor.

Why is that important? It's interesting to note that when the President was recently in Europe, trying to ask them to take some of the Guantanamo prisoners, they all declined. All the European, all the EU countries want us to close it, but they won't take any of these prisoners. What does that say?

Mr. OBEY. I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Thank you, Mr. Chairman, very much.

We are in agreement on three things that we want to accomplish: We want to win the war against violent extremism, we want to punish those people who are responsible for harming or intending to harm Americans, and we want to make all Americans as safe and secure as possible.

Now, we are engaged in a long war. It is a war against violent extremism, but it will continue forever unless we understand the elements that the enemy is using against us because it's not a war that will lend itself to any military victory.

In fact, our most effective weapon is to simply be true to the values and principles that define who we are as a Nation. And the most lethal weapon that the enemy has in its possession is

to point out those instances where we have not been true to our values and principles, where we have been hypocritical, where we have yielded to fear of the unknown, where we have appealed to the most basic instincts. We are a better nation than that.

That's why Guantanamo is important, because there are a limitless number of young impressionable men who, in fact, will be recruited by the enemy for generations to come if we don't stand up and show that we are true to our principles.

Initially in the first few years of the Afghan war, 772 people were rounded up, very few by American forces. They were turned over by tribal chieftains for bounties, \$5,000, sometimes less. We took them and put them in Guantanamo because we didn't know what to do with them. We interrogated virtually all of them to see what they might know, whether or not we knew that they had been involved in any hostile action against the United States. And, in fact, 85 percent of them we know were not involved in any hostile action against the United States.

Now we are faced with a decision. Do we move forward with a policy that is obviously causing us to lose ground in this war against violent extremism? Or do we change course? And what we are urging—not in this bill because this bill simply requires us to put together a plan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield the gentleman 30 additional seconds.

Mr. MORAN of Virginia. The fact is that Guantanamo is not the punitive place that it used to be, but it does not serve our purposes to keep it open.

We have courts of justice. If people have committed harm against the United States, they need to be prosecuted. They need to be punished. It's not going to work if we try to do that at Guantanamo. And those who we don't have evidence against are going to have to eventually be released.

□ 1500

Now, you know this really is about seizing and holding the moral high ground. And it is about who we are as Americans. That is the only way we win this war against violent extremism.

Mr. LEWIS of California. Mr. Speaker, could I inquire the time on both sides.

The SPEAKER pro tempore. The gentleman from California has 13 minutes remaining.

The gentleman from Wisconsin has 13½ minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 4½ minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, Simon and Garfunkel have a song that they sang in Central Park called "The Boxer."

And in it, it says "Man hears what he wants to hear and disregards the rest." To a certain extent, the Congress is just hearing what it wants to hear and disregarding the rest. Eric Holder and the Justice Department was ready to release into our neighborhoods some of these people almost 2 weeks ago. I first wrote the Attorney General on March 13, 2 months ago, to ask a series of questions. And I share what my friend from Virginia said. We are shutting down Guantanamo. That is not the issue that you are dealing with here. You are dealing with what are you going to do and what plan do you have as you shut it down.

On April 23 I wrote a second letter to Eric Holder of the Justice Department asking some other questions, just asking, what is your plan? How are you going to deal with the holding of it? What metropolitan areas will it be? I raised a number of concerns. And, again, no response. The other day we did another letter, the third letter. And when we were in the committee, some of the Members didn't know and said they could be removed and they could not be removed until they checked with the Congress, and that was not the case because Eric Holder was ready to move them out without making a report. What type of security will they go to? Let's just get a report.

This administration needs to be upfront with the Congress. And if the Congress doesn't have this desire to know, then at least they ought to be upfront with the American people because I think the American people know. Do all the Members of Congress know the State Department listed the ETIM, which the Uyghurs are a part of, as a terrorist organization in 2002, the same year the embassy in Beijing indicated ETIM planned an attack on the U.S. embassy in Kazakhstan? Do all the Members know that this group's militants fought alongside al Qaeda and Taliban in Afghanistan? Does the Congress know that a month ago the Obama Treasury Department, to its credit, targeted al Qaeda support network by designating Abdul Haq, the overall leader and commander of the Eastern Turkistan Islamic Party, as a terrorist?

Does the Congress know and should the American people know that Abdul Haq raised funds and recruited new members to further the terrorists' activities? Does anyone know that in 2005, Haq was put on the Sharia Council for al Qaeda? Does anyone know that in early January '08, Haq directed that this group commander attack various Chinese cities, particularly the Olympics? Frankly, I was disappointed that President Bush went to the Olympics. But there were a lot of American citizens there.

So we are asking questions before they do this. And sometimes I think some people are trying to say that it is

not about closing Guantanamo Bay or not. Guantanamo Bay, whether you like it or not, is going to be closed. What we are talking about is how do you dispose of and what do you do to the detainees?

And, frankly, this Congress sometimes—we now sit on interrogation memos. No one wants to say that they knew anything. Well, the Congress ought to know everything. If you have the oversight responsibility, you ought to be willing to have it and hold it. So that is what we are saying, nothing more. And I appreciate Mr. OBEY adding some good things in there. I want to pay tribute that he has. And I appreciate it. But I was foreclosed in the committee. And I thought we would have a unanimous bipartisan vote, and we were shut out. So we are just asking.

Three letters, Eric Holder says, “O, I will not answer the letters. And, lastly, no FBI agent was able to come to my office, or I understand other offices up here on the Hill, to give them a briefing. As I said earlier, that if Attorney General Ashcroft—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman 1 additional minute.

Mr. WOLF. If Attorney General Ashcroft had prohibited FBI agents from coming to the Hill to speak to Senator LEAHY, you would have heard about it on both sides of the Hill, on both sides of the aisle. And you should have heard about it. We are saying that before they move them, before they close it, we want to see a plan.

Mr. OBEY. I yield 30 seconds to the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, among others, dairy farmers are facing an enormous crisis. And there is some possibility that the Senate may add in the supplemental some money for the milk program. And my request is that you would take that into consideration as best you can.

Mr. OBEY. Let me simply say that, representing a lot of dairy farmers myself, and being a former cosponsor of the milk program, I obviously would like to see additional help provided to them. The Appropriations Committee is not the committee of jurisdiction. So we would need to work out something with the White House and the proper authorizing committee. But we are open to any reasonable suggestions.

Mr. WELCH. I appreciate your efforts.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the Republican conference chairman, MIKE PENCE.

Mr. PENCE. Mr. Speaker, I thank the distinguished ranking member for yielding. I rise today in support of the military funding in H.R. 2346, the fiscal year 2009 war supplemental appropriations bill, which will provide nearly \$85 billion to support our men and women

serving in Iraq and Afghanistan, those that every day make the sacrifices necessary to ensure our freedom and that of our posterity.

Overall this legislation does reflect a bipartisan effort to provide necessary war funding and essential support for our men and women in uniform. I am particularly pleased that it does so without arbitrary benchmarks and timetables for withdrawal that had been so much the debate of war supplementals in recent years in this Congress. I'm also pleased that none of the funding requested by the administration related to Guantanamo Bay has been included.

And I take this opportunity to commend the distinguished chairman of this committee for his judgment and discretion in leaving out any funding for the purpose of closing Guantanamo Bay. President Obama was simply wrong to announce plans to close Guantanamo Bay without any plan for what to do with the dangerous terrorist detainees who remain there to this day. The American people deserve to know that this Congress and this government are putting their safety and their interests above world opinion in decisions about terrorist detainees. And this legislation, in failing to provide any funding for closing Guantanamo Bay, puts the interests and the security of the American people first.

I do regret that the amendment authored by the gentleman from Virginia who just spoke, Mr. WOLF, was not included in this legislation, an amendment that would have prohibited the transfer of any terrorist detainee within the next calendar year. And I hope for additional language in the conference report.

Now, while I support this war funding bill, let me say on the floor of this Congress, I believe a war supplemental bill ought to be about war funding and war funding alone. It should not include the literally billions of dollars in non-defense-related spending.

Mr. Speaker, I don't have any particular objection to Congress considering and debating spending money on international food assistance or the State Department or the staff at the NSC or wildfire or avian flu or police radios. But what are they doing in a war supplemental bill? At a time when Washington D.C. appears to most Americans to be a gusher of red ink, runaway Federal spending, stimulus bills, omnibus bills, and this Congress passed a budget that will double our national debt in 5 years and triple it in 10, we can't even seem to bring a war supplemental bill that just funds the needs of our soldiers in harm's way. I believe we can do better.

I will support this bill because I support our troops. But I will continue to call for this Congress to do a service to those heroes and future generations by practicing fiscal discipline.

Mr. OBEY. Mr. Speaker, I have only one remaining speaker, myself. And I have the right to close. I would suggest the gentleman go through his speakers.

Mr. LEWIS of California. Mr. Speaker, I have one additional speaker besides myself. I yield 1 minute to the gentleman from California, the gentleman who knows more about Afghanistan, I believe, than any other Member of the House, Mr. ROHRBACHER.

Mr. ROHRBACHER. Mr. Speaker, I rise in support of H.R. 2346, but I do so reluctantly. I am reluctant because as someone who has spent the last 30 years studying Afghanistan and having been in and out of that country and being someone who has studied the current administration's plan, I am sorry to say that the current administration's plan will not work. It is doomed to failure.

Thus we are here allocating money, supplemental money, for our troops to send them overseas, but we are not backing them up with a political plan, a structure for Afghanistan that will work, that is consistent with the customs of the people of Afghanistan. Also their plan does not focus on drug eradication and how we are going to eliminate the problem in Afghanistan. How will our people succeed without the drug eradication problem that we know, the alternative that exists, that is being ignored? No. We are sending our people over. They deserve our support financially. But we should get together and work with the administration to reform their plan because it will not work.

Mr. LEWIS of California. Mr. Speaker, I neglected the fact that I have one more speaker besides Mr. ROHRBACHER. I yield to the gentlewoman from Kansas (Ms. JENKINS) 1 minute.

Ms. JENKINS. Mr. Speaker, the President initially received praise for signing an executive order to close the detention facility at Guantanamo Bay. Unfortunately, this decision was not accompanied by a comprehensive plan to relocate the detainees after the closure. I have not found many folks either at home in Kansas nor here in Washington who would be happy to welcome the detainees as their neighbors. One place I am particularly convinced they should not be located is the disciplinary barracks at Fort Leavenworth, Kansas. Little known to many outside of the military and those of us from eastern Kansas is the fact that Fort Leavenworth is home to the Command and General Staff College, a 115-year-old program at the fort that has trained more than 7,200 officers, including Generals Eisenhower, Marshall, McCarthy, MacArthur, Bradley, Arnold, Powell and Petraeus.

The CGSC not only trains our military leaders, but each year students from nations around the world study there. If suspected terrorists are held at Fort Leavenworth, out of protest or

out of safety concerns, many of our allies would stop sending their military officers to train there.

Mr. LEWIS of California. Mr. Speaker, as we close down this discussion, I want to take just a moment to, one more time, express both the chairman's and my deep appreciation for the very fine work that is done by our staff on both sides of the aisle, especially in this case, the defense subcommittee staff, but beyond that the leadership of the staff from the full committee as well.

Mr. Speaker, we have all noticed by way of the media in the last several weeks that it is one thing to kind of wallow in rhetoric of the campaign trail when one is running for national office. It is an entirely different thing when you are elected President of the United States and then have to implement the policies that some of that rhetoric may affect. The recent discussion regarding intelligence, secure papers, should they be revealed or made public or not made public, is evidence that the President, our President Obama, is learning that reality very quickly.

In the Guantanamo circumstance, the rhetoric said, We should close Guantanamo. I would suggest that as the President moves forward and really learns about these people who are largely trained by al Qaeda, who are committed to jihad and the destruction of our way of life, long before a plan comes forward, I'm sure the rhetoric will be considerably different, or the implementation will be considerably different than the rhetoric. From there, this bill is a bill that reflects largely funding for our national defense, great work done between both sides of the aisle regarding the needs of our military. Because of that, this bill must go to the President's desk. And I urge our Members to give an "aye" vote.

I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, there is an old story about a second baseman for the old New York Giants, Eddie Stanky. Leo Durocher was the manager of the club. And during spring training, Durocher was hitting ground balls to the infield, and Stanky dropped two in a row. And so Durocher said, Kid, give me the glove. I will show you how it is done. So he went out to second base, and the very first ball hit to him Durocher dropped. And he turned to Stanky and said, Hey, kid, you got second base so screwed up, nobody can play. That is pretty much the situation that we face with respect to Iraq and Afghanistan.

□ 1515

And this bill spends \$97 billion because we're in a mess. After 9/11, the Bush administration went after al Qaeda hiding in Afghanistan. That was

a perfectly understandable response. They hit us and we tried to hit them back. But then the administration diverted their attention and their resources to a tragically wrong-headed war in Iraq, a country with no connection to 9/11.

Seven years later, 33,000 American casualties later, more than 4,000 American deaths later, we now have a new President who has a commitment to try to end American combat in Iraq. He's also confronted with the mess in Afghanistan, which is made much worse because of the diversion of attention that should have been focused on that country over the past 7 years. And that job is made even more difficult because of the impact of events in Pakistan on Afghanistan.

Now, the President cannot wave a magic wand and end that war. He has inherited what I consider to be the worst foreign policy mess from his predecessor in the history of the country, a three-country regional mess. Now, he has decided that he will try to refashion our efforts in Afghanistan to give us a better chance to stabilize the situation. I hope I'm wrong, but I am forced to say that I significantly agree with the gentleman from California. I have a profound doubt that he can succeed, not because of any problem with his policy but because I am dubious that there are the tools available in that region for us to succeed using any policy. The tools we have to rely on for want of any others are the Government of Pakistan and the Government of Afghanistan. And I feel that they are both hugely unreliable reeds to lean upon, which is why I think that in that region we are unfortunately in an Eddie Stanky situation, because those governments are corrupt, they are weak, they are chaotic, they appear to lack the focus and cohesion and effectiveness to turn the countries around.

Nonetheless, it's clear to me that there is a consensus to try to do something to stabilize the situation. If we're going to go down that road, I want the President to get everything that he asked for and then some to maximize his chances for success. And that is what this bill does. I frankly have very little faith that it will work.

I came here in 1969, 3 months after Richard Nixon became President. I was vehemently opposed to the Vietnam War. But Nixon correctly pointed out that he had inherited that war from his Democratic predecessor, Lyndon Johnson. And so I thought, well, it's reasonable for him to ask for some measure of time to see whether he could move the policy forward. So I decided to give him a year before I started speaking out against the war, and that's what I did. I'm pretty much in the same situation today, and that's why this bill contains the following language.

It says: "Because the stability and security of the region is tied more to

the capacity and conduct of the Afghan and Pakistani Governments and to the resolve of both societies than it is to the policies of the United States, the President shall submit a report to Congress not later than the date of submission of the fiscal year 2011 budget, assessing whether the Governments of Afghanistan and Pakistan are, or are not, demonstrating the necessary commitment, capability, conduct, and unity of purpose to warrant the continuation of the President's policy. The President, on the basis of information gathered and coordinated by the NSC, shall advise the Congress on how the assessment requires, or does not require, changes to that policy. The measures used to evaluate the Afghan and Pakistani Governments' record of concrete performance shall include the following standards of performance:

"Number one, level of political consensus and unity of purpose across ethnic, tribal, religious, and party affiliations to confront the political and security challenges facing the region.

"Two, level of government corruption and action taken to eliminate it.

"Three, performance of the respective security forces in developing a counterinsurgency capability, conducting counterinsurgency operations, and establishing population security.

"Four, performance of the respective intelligence agencies in cooperating with the United States on counterinsurgency and counterterrorism operations and in purging themselves of policies, programs, and personnel that provide material support to extremist networks that target U.S. troops or undermine U.S. objectives in the region.

"Five, ability of the Afghan and Pakistani Governments to effectively control the territory within their respective borders."

So there are no deadlines, no conditions, no timelines. But there are very clear measurements against which we should be able to judge the performance of the Afghanistan and Pakistani Governments. I believe that if this policy fails, it will not fail because of any lack of imagination or effort on the part of this administration.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. Mr. Speaker, I yield myself another 5 minutes.

If that policy fails, in my judgment it will fail because of the failure of the two governments in the region to do what's necessary to save their own countries.

I hope I can come here a year from now when we are evaluating the President's policy and evaluating the performance of those two governments. I hope I can say my judgment was wrong, these countries have performed far better than we expected. But only time will tell. I think we have no choice but to give the President a shot. It's a miserable situation that he has

inherited, and he does not have a good hand to play.

Having said that, I also want to note that, in addition to dealing with this problem, we deal with a number of other problems in this bill. We deal, as the gentleman from Wisconsin (Mr. KIND) indicated, with the need to renew our ability to provide farm loans. We deal with the need for additional food aid around the world. We deal with the need to add \$500 million to the President's request to deal with the pandemic flu problem that could be facing us. We've had over 11,000 layoffs of public health officials at the State and local level, and that is not going to stand us in good stead if we have to deal with the flu pandemic, so we're trying to fill those holes.

So let me simply close, Mr. Speaker, by saying this is a bill that I have very little confidence in, but I have a responsibility as committee chairman to move the process forward. I think we have a responsibility to give the new President, who did not get us into this mess, the best possible opportunity to get us out of it. So that's what this bill attempts to do. I make no apology for it. I urge support for it.

I want to thank the staff especially for their work, especially led by Beverly Pheto of the central office and the staff members on both sides of the aisle. I appreciate the hard work done by the Appropriation subcommittee Chairs and ranking members and other members of the committee as well. I appreciate the frustration of each and every Member of this House.

This is a no-win bill no matter how you vote on it. It's a mess. And let's hope that with God's help we can get out of it in a reasonably decent time.

Mr. BECERRA. Mr. Speaker, this past November 2008, the American people made a decisive choice to change the course of American policy. We wanted change. We asked for change. And that's what we got. Today we vote to set in motion further change in the conduct of our foreign and national security policy. H.R. 2346, the Supplemental Appropriations Act of 2009, asks us to make some tough choices to achieve that change.

President Barack Obama is prepared to make the tough choices. I believe we must step up to the plate and do the same by voting for H.R. 2346. It is the right choice to responsibly redeploy our troops from Iraq, to secure and stabilize Afghanistan and Pakistan, and to aggressively pursue every avenue of diplomacy to secure international support and cooperation for new policies that will lead to lasting security and prosperity for every corner of the world.

Some might question aspects of the President's strategy. Some might think we can move faster, farther, or smarter. That could be right. But in its totality, this proposal is far-reaching yet pragmatic about the facts we face on the ground in today's global hot spots.

In addition to funding for military operations, this measure includes a number of important policy provisions and support for the tools of

"soft power" that will save lives. It is high time that we make real investments in American diplomacy—investments that put men and women in suits on the frontline before placing our men and women in uniform in harm's way. The Supplemental Appropriations Act extends the prohibition on construction of permanent military bases or installations in Iraq and Afghanistan. The President will be required to provide Congress with a detailed plan to close the detention facility at Guantanamo Bay. And this legislation will compensate our troops who have had their service compulsorily extended.

Mr. Speaker, make no mistake, I am troubled by the Iraqis' lack of progress in taking control of their security and economy. I am concerned about how we will navigate the treacherous waters of Afghanistan and now Pakistan. I firmly believe our government and our military must have a coherent exit strategy in the region. Yet I see in this legislation the elements of a long-term strategy to change the course of affairs in a challenging part of the world where we cannot go AWOL.

These are tough times filled with tough choices. But, today, the world believes we are ready to lead. Let us support the President. Give him a chance to take our country in a new direction. Let us pass the Supplemental Appropriations Act of 2009.

Mr. NADLER of New York. Mr. Speaker, I rise today to reluctantly support the Supplemental Appropriations Act of 2009, H.R. 2346.

A lot has changed since we last voted on supplemental spending bills for the wars in Iraq and Afghanistan. The American people have spoken and we have elected a new President who has promised to end the conflict in Iraq. The President ordered a full review of our military policy and announced a firm date for the removal of combat troops from Iraq—August 2010. It is not as early as I would have liked, but he has announced that the end is in sight and he will draw that conflict to a close. This bill is consistent with that plan to safely redeploy our troops out of Iraq.

I am, however, deeply concerned about our plans for Afghanistan. Immediately following the attacks of September 11, 2001, I fully supported the initial war in Afghanistan. I support our efforts to destroy terrorist training camps and to pursue and defeat Al-Qaeda wherever it may be. I support providing the military equipment and support to our troops that they need to ensure their safety.

I am more concerned, frankly, with the problem of mission creep. It is one thing to seek to ensure that Al-Qaeda cannot use sanctuaries in Afghanistan to plan attacks on the United States. It is quite another to seek to remake Afghanistan. I doubt very much that we will be able to eradicate their poppy crops, end corruption, and ensure equal rights for all in Afghanistan. Nor is it our job to remake Afghanistan.

I am voting for this bill today, because it provides the funds for an orderly withdrawal from Iraq to an Administration I trust to arrange such an orderly withdrawal as soon as possible. It also supplies funds for aid to Israel, for combating HIV/AIDS, for combating the swine flu, and for many other worthwhile projects. But I want to be clear. I will not support an open-ended long term commitment in Afghanistan. I am concerned that the goals

may very well be too ambitious, too vague, and too costly—in lives and treasure—for our country. I will continue to monitor the situation closely, and I will oppose funding for unrealistic mission creep.

I do not take these votes lightly, and these votes do not occur in a vacuum. As circumstances both on the ground and, quite frankly, within the United States government change, each vote for military funding must be considered on its own merits. At this point, with a new Administration here in the United States and with the situation in Afghanistan and Pakistan particularly dire, I have decided to vote in favor of the Supplemental Appropriations Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank Chairman OBEY and Ranking Member LEWIS for their leadership in bringing this important and timely legislation to the floor. H.R. 2346, the Supplemental Appropriations Act establishes funding levels for defense, international affairs, and influenza preparedness, and also addresses a number of key issues, including conditions on aid to Pakistan, assistance to North Korea, and the status of President Obama's plans to shut down the Guantanamo Bay prison. The Administration requested a net total of \$83.4 billion in additional supplemental appropriations for FY2009, comprised of \$86.8 billion in new appropriations, offset by \$3.4 billion of recessions of previously appropriated funds. H.R. 2346 increases the Administration's request by over \$11.8 billion for a total of \$96.7 billion. It includes:

Defense. Providing a total of \$84.3 billion for the Department of Defense, including military construction, an increase of \$8.5 billion to the request of \$75.8 billion (net of offsetting rescissions).

International affairs. Providing a total of \$9.4 billion for international affairs programs (including P.L. 480 food assistance), an increase of \$2.4 billion compared to the request.

Influenza preparedness. Providing \$2.05 billion for influenza preparedness, an increase of \$550 million over the \$1.5 billion requested. Of the total in the bill, \$1.85 billion is for the Department of Health and Human Services and the Center for Disease Control & Prevention to supplement federal stockpiles, develop and purchase vaccines, and to expand detection efforts. It includes \$350 million in unrequested funds to assist state and local governments in preparing for and responding to a pandemic; and \$200 million also unrequested, to support global efforts to track, contain, and slow the spread of a pandemic in the foreign affairs budget for Global Health and Child Survival.

Mr. Speaker as you know, Texas was hit especially hard by the H1N1 virus. The only two deaths from complications with the virus were in Texas, the first—a toddler visiting my district.

North Korea. Rejects a request for \$34.5 million in Department of Energy non-proliferation funds to dismantle nuclear facilities in North Korea and rejects \$95 million requested for energy assistance to North Korea in the foreign assistance accounts.

Aid to Pakistan. Provides \$400 million to the Department of Defense, as requested, for the Pakistan Counterinsurgency Fund to finance training and other assistance to the Pakistani

military. The Chairman's mark of the bill originally transferred the funds to the Department of State, but Representative OBEY offered a manager's amendment at the beginning of the committee markup that restored the funds to the Department of Defense. In the foreign assistance portion of the bill, \$897 million, (\$91 million above the request), is provided for construction of facilities and for diplomatic operations in Pakistan and \$529 million of economic assistance.

Conditions on assistance to Pakistan and Afghanistan. Administration officials strongly objected to legislated benchmarks on the performance of the Pakistani government, arguing that conditions on aid would not improve U.S. leverage but would more likely foster resistance to U.S. efforts. Instead of setting benchmarks tied to funding, the Committee included a requirement that the President submit a report to Congress no later than February 2010, when the FY2011 budget is submitted, evaluating the conduct and commitment of the governments of Afghanistan and Pakistan. The report is to include assessments of each nation's level of political commitment to confront security challenges; level of corruption and efforts to counter it; performance of security forces in counterinsurgency operations and in establishing population security; intelligence cooperation with the United States; and the ability to effectively control its territories.

Closure of the Guantanamo Bay Prison. The Committee did not authorize the Administration request for \$50 million for the Department of Defense to transfer prisoners out of the Guantanamo Bay facility nor did it seek to appropriate the \$30 million requested for the Department of Justice to create a task force to facilitate legal activities associated with the closure.

Border security and counternarcotics assistance to Mexico. Approving \$350 million requested for the Department of Defense for counternarcotics activities on the Mexican border, including up to \$100 million for transfer to other federal agencies. In the foreign aid chapters of the bill, \$160 million is provided for Mexico in the International Narcotics Control and Law Enforcement (INCLE) account. This bill will also add \$310 million for Mexico in the Foreign Military Financing Program for surveillance planes, helicopters, other equipment, and support activities.

These are truly efforts that the people in my district are dealing with each and every day. As a Subcommittee Chair on the Homeland Security Committee, I am working daily to ensure that we address the violence spilling over from Mexico by coordinating law enforcement efforts and working with our Border Patrol personnel.

PAKISTAN

I have been to Pakistan many times. My belief in this country and its relationship with the United States drove me to co-chair the Pakistan Caucus. This year alone, I have participated in two Congressional Delegation Trips to Pakistan, and I am very passionate about diplomatic relations between our two countries.

Recently we have focused on the internal conflicts in Pakistan; yet we must not forget the external issues affecting the region as a whole and the need for stabilization.

Over the years, our assistance to Pakistan has fluctuated with political events, sending mixed messages and leading most Pakistanis to question both our intentions and our staying power. Today, many Pakistanis believe the United States will cut and run when it serves our purpose, a belief which undermines our long-term efforts to defeat extremists, foster democratic change, support transparency, and assist institutions that promote security and stability in Pakistan.

However, the status quo is not working; while many in the United States believe we are paying too much and getting too little—most Pakistanis believe exactly the opposite. Without changing this baseline, I must agree with the Administration; that there is little likelihood of drying up popular tolerance for anti-U.S. terrorist groups or persuading Pakistani leaders to devote the political capital necessary to deny such groups sanctuary and covert material support. We must continue to support Pakistan if we want a stable Middle East and an end to the wars in Iraq and Afghanistan.

MILITARY AND STOP-LOSS

Finally, Mr. Speaker I want to touch on an issue that is affecting many military men and women in my district and in the nearby community that houses Fort Hood. The largest active duty armored post in the United States, and is the only post in the United States that is capable of supporting two full armored divisions. This bill seeks to appropriate \$734 million in unrequested funds for additional pay for more than 170,000 servicemembers who have had their enlistments involuntarily extended since Sept. 11, 2001.

This total allows for payments of \$500 per month for every month servicemembers were held on active duty under "stop-loss" orders. As you know, stop-loss is a practice that has prevented tens of thousands of our active-duty military servicemembers, and reservists from leaving military service on time if they were scheduled to deploy to Iraq or Afghanistan. More than 13,000 soldiers remain unable to exit the military under the policy, known as stop-loss, which was put in effect after the attacks of September 11, 2001, and then expanded in 2004 as the Army struggled to sustain two large war efforts.

Some 120,000 soldiers have been affected by stop-loss in its various forms since 2001. Even Secretary Gates said that stop-loss "amounted to breaking faith with those in uniform." Secretary Gates recently announced a timetable that would cut in half by June 2010 the number of troops affected by stop-loss, with the practice all but eliminated by March 2011. I applaud his efforts and those made by Congressman MURTHA and Chairman OBEY with H.R. 2346.

For the number of troops affected by stop-loss increased sharply under the troop increase for Iraq that President George W. Bush ordered in early 2007. According to Pentagon statistics, 13,200 people are now under stop-loss orders: 4,458 in the Army National Guard, 1,452 in the Army Reserve and the rest from the active component.

At its core, the stop-loss policy meant that all troops headed to Iraq and Afghanistan would remain in service throughout their unit's deployment—even if the time on an individual

soldier's enlistment contract expired before the deployment ended. The Army has said the rule was required not just to sustain the numbers necessary to carry out two wars, but also to maintain continuity in leadership and cohesion within units that trained for and then were deploying to war.

This policy has been abused for far too long, and like the wars in Iraq and Afghanistan—it must end soon. It is a strain on our troops and their families.

I urge my colleagues to think of these reasons along with the many others as they cast their votes today. We must support those that wish to serve, are currently serving, and have served our great Nation. This supplemental appropriation will do just that.

Mr. HOLT. Mr. Speaker, I will support this bill, albeit very reluctantly.

This supplemental appropriations bill contains a number of provisions I'm pleased to support. This bill provides long-overdue retroactive "stop loss" compensation payments to more than 170,000 servicemembers who had their enlistments involuntarily extended. It also provides nearly \$5 billion for additional Mine Resistant Ambush Protected (MRAP) vehicles for U.S. forces in Afghanistan and Iraq. The bill renews our commitment to meaningful engagement in the Middle East by providing Israel with \$555 million of the \$2.8 billion of the 2010 request for security assistance, as well as \$665 million in bilateral economic, humanitarian, and security assistance for the West Bank and Gaza. I am also pleased that the bill provides \$2 billion for pandemic flu response, as well as \$500 million for global emergency food assistance. These are all worthy and necessary expenditures.

As the chairman of the Select Intelligence Oversight Panel (SIOP), I want to briefly discuss our work on this bill. The SIOP reviewed the intelligence activities contained in this request. While the dollar amounts are classified, I can tell my colleagues that this bill contains many of the same justifiable activities we have seen in previous years with two exceptions. The first exception is the administration's request, which this bill includes, for additional funding for the operations in Afghanistan. Intelligence has been a vital component of our overseas military activities, and this bill ensures that proper intelligence will be available to those on the front lines in Afghanistan. The second exception is that this administration has begun the process of shifting continuing activities from emergency supplemental bills to the base appropriations bill.

Overall, however, I have grave concerns about the direction of our spending and policy focus in Afghanistan. I recognize that this conflict was neglected for far too long because of our misadventure in Iraq and that we are now paying the price for that neglect. I am concerned that in our haste to try to recover lost ground—literally as well as figuratively—we may commit some of the same errors that bedeviled our efforts in Iraq.

I have heard many people in this body and elsewhere in our government say that "the United States cannot afford to lose in Afghanistan." That statement presumes that it is a war that is solely ours to win or lose—that the outcome will be decided by our willingness to commit still more blood and treasure to this

conflict. That is a fallacy, the same fallacy that caused us to misdirect our efforts in Iraq for so long with such disastrous consequences. We would do well to remember what U.S. counterinsurgency specialist William Polk said in his 2007 book *Violent Politics*:

We should begin by noting what is common to all insurgencies. No matter how they differ in form, duration, and intensity, a single thread runs through them all: opposition to foreigners.

As in Iraq, we cannot solve the Afghan's problems for them; we are foreign occupiers of their country and will forever be seen that way by the population. We can support them in their effort to build a stable and just society, but they must be the leaders in that effort.

To that end, we should also bear in mind the words of the authors of the current U.S. Army and Marine Corps Counterinsurgency Field Manual:

Long-term success in [counterinsurgency] depends on the people taking charge of their own affairs and consenting to the government's rule . . . Political and military leaders and planners should never underestimate its scale and complexity; moreover, they should recognize that the Armed Forces cannot succeed in [counterinsurgency] alone.

The supplemental appropriations bill before us spends \$47.7 billion on the ongoing military operations in Afghanistan and Iraq compared to \$4.3 billion for international affairs and stabilization activities in Iraq, Afghanistan, and Pakistan. Perhaps the ratio should not be reversed, but it should certainly be far more balanced than it is—and there should be some type of timeline for the transition of security responsibilities from our forces to the government of Afghanistan.

My recent visit to Iraq with Speaker PELOSI convinced me that the certainty of our withdrawal from that country has focused the minds of Iraq's leaders on the need to deal with their many unresolved domestic problems. We need to create that same sense of urgency among Afghanistan's leaders, but I fear that this bill will not have that effect. I intend to join like-minded House colleagues in seeking ways to create that sense of urgency in this body, and ultimately on leaders in Afghanistan and Pakistan. As a first step, I have co-sponsored a bill by my friend from Massachusetts, Representative JIM MCGOVERN, that would require the Secretary of Defense to present to Congress an exit strategy for Afghanistan. The conflict in Afghanistan, and the emerging conflict in Pakistan itself, cannot be solved by us through military means—it can only be solved politically through a joint effort by us and our allies. I hope we will be able to begin making that transition in the Fiscal Year 2010 budget later this year, and by passing Representative MCGOVERN's bill as soon as possible.

Mr. HONDA. Mr. Speaker, today, I will vote against H.R. 2346, the Supplemental Appropriations Act of 2009. While I have great faith in the new Obama administration and support many of the provisions within the supplemental, I have a number of concerns that precluded me from supporting the bill in its current form. I recognize that our new administration believes that this supplemental is a necessary carryover from the previous administration, but I cannot support the continuation of

the Bush Administration's failed *modus operandi* in Afghanistan, Pakistan, and Iraq, and the mis-proportioned 90–10 doctrine of assistance allocation—that is, 90 percent for military investments and only 10 percent for political, economic, and social development.

For the past several weeks, I have been working with Congressional Progressive Caucus (CPC) Co-chair GRIJALVA to convene a series of panels featuring Afghan and Pakistani diplomats and security experts to discuss a variety of security issues related to Afghanistan and Pakistan. As I reported to President Obama in early May on behalf of the CPC, this six-part forum has produced a number of recommendations for essential elements that should be a part of our strategy going forward, including: (1) building the countries' infrastructure, industry, markets and workforce; (2) involving local leaders at all levels of decision-making; (3) supporting the countries' most effective indigenous reconstruction, stabilization and conflict resolution strategies; (4) educating girls and integrating women into political and economic leadership; and (5) ensuring oversight so that foreign resources support the goals mentioned above.

This Supplemental represents our first opportunity to correct the failed approaches of the past, but unfortunately we have not done so. Going forward, I hope that we can work closely with the President to ensure a policy more aligned with the 80–20 model often quoted by General David Petraeus, which would invest 80 percent of resources into political capacity and institutions with only 20 percent for military.

In this regard, I, along with other members of the Progressive Caucus, have presented our findings and specific recommendations to our colleagues in Congress, with the intention of informing and improving U.S. policy in Afghanistan and Pakistan. Again, while I am not supporting this current Supplemental, I was pleased to hear in our meeting with the President, that his FY2010 budget request will move in this direction.

Ms. MOORE of Wisconsin. Mr. Speaker, I share the concerns raised by many about whether this bill reflects the “perfect” strategy for Afghanistan and Iraq.

The stakes are high in Afghanistan and the challenges are complex. As then-Senator Barack Obama noted in July 2007, “the Afghanistan-Pakistan border region is where the 9/11 attack was plotted. It is where most attacks in Europe since 9/11 originated. It is where Osama bin Laden lives and his top confederates still enjoy safe haven, planning new attacks. And it is where we must urgently shift our focus . . . using the totality of America's strength, not merely our military, incredible as it is.”

For the first time since I have been here in Washington, discussion about a supplemental has focused on where most of our efforts since 9/11 should be: Afghanistan.

I am encouraged that we finally have a President who is committed to a redeployment of our troops from Iraq so that we can focus on where the threats from Al-Qaeda originated on September 11 and which unfortunately we have seen the threat to our country, to Afghanistan, and to Pakistan grow in the past few years. The Supplemental is consistent

with the President's plan to begin winding down the number of combat troops in Iraq over the next several months.

While I wish we did not need to have military forces in Afghanistan, the deteriorating security situation will necessitate more U.S. troops—at least for a time—to help “disrupt, dismantle, and destroy” safe havens for Al-Qaeda. Creating a situation in Afghanistan that prevents the return of the Taliban and al Qaeda is clearly a priority for our national security.

It's a decision I take with a heavy heart and after much deliberation. I err on the side of peace. I never look forward to sending more of our brave young soldiers to the battlefield or for war. Yet, it is unfortunately clear to me that military forces must continue to be a part of our effort in Afghanistan to help protect innocent Afghan civilians.

This increase in forces must be accompanied by clear guidelines to minimize civilian casualties that have only inflamed public opinion in Afghanistan against the U.S. and its coalition partners.

We cannot win any war where we lose the support of the local populace.

The use of airstrikes that may have killed some terrorist leaders but also killed or injured more innocent civilians—such as the attack from earlier this week—and fanned anti-American sentiment must be reexamined at the highest levels of our defense establishment.

But if we have learned anything from the situation in Iraq, it is that military force alone is not sufficient in and by itself to achieve our nation's foreign policy objectives in combating terrorism. I remain concerned that a strategy that relies on our military alone—who have served and continue to serve with valor, honor, and dedication and done all that their country has asked of them—to address the vast range of challenges facing the Afghanistan government and people is not a viable way forward in Afghanistan.

Yet, without security, the Taliban will continue to disrupt and destroy U.S. and international efforts to boost health care, governance, and economic growth in the country, as evidenced by the continuing attacks against innocent girls who have now been empowered to go to school and get an education.

I am also concerned about the growing influence of the Taliban on Afghanistan's government and what that would mean for the respect for human rights, including the rights of women and the future of women and girls if we allow Afghanistan to become a failed state.

Development in Afghanistan cannot occur if we do not protect and empower the 50 percent of the population that are women. However, the prospects for women and girls in Afghanistan under the Taliban or a government heavily influenced by the Taliban are chilling.

We saw this growing influence I believe with the March 2009 approval by Afghan's parliament of a law that would, according to news reports, legalize marital rape, strip mothers of custodial rights in the event of a divorce, and prohibit a woman from leaving her home unless her husband gives his approval.

This law violates the basic human rights of women under several international treaties and convention and appears to contravene Afghanistan's own constitution.

This law has been rightly condemned by President Obama and others around the world and I urge President Karzai to officially reject it as well.

Its passage is a troubling omen of what the future holds for many of the committed women and girls who have courageously stepped out of the shadows since the fall of Taliban rule in Afghanistan in 2001.

I have advocated for a comprehensive strategy in Afghanistan and a comprehensive strategy will include the appropriate and judicious use of our military forces—otherwise it would not be comprehensive. It is clear that the Afghan security forces are overwhelmed and under-resourced to combat Al-Qaeda. In Afghanistan—a country that has both a larger population and a larger geography than Iraq—current U.S. forces are one-fifth the size of the forces in Iraq.

We must support efforts by the Afghanistan government to improve security for the millions of innocent Afghans whose future is threatened by the Taliban and Al-Qaeda.

An important piece of a comprehensive strategy is an exit plan. That is an unfortunate gap in the bill before us, but nothing prevents the House or Congress from addressing that issue in the days or weeks ahead.

I am an original cosponsor of legislation by Congressman JAMES MCGOVERN that asks the Secretary of Defense to provide Congress with a plan for an exit strategy for U.S. military operations in Afghanistan by the end of the year. I look forward to helping move it through the House as soon as possible.

Additionally, the increase in fighting forces in Afghanistan undertaken by this Administration must be matched by concomitant increases in diplomatic, development, and other nonmilitary aid.

The FY 2009 supplemental remains the most immediate avenue available at this point to secure the \$7 billion in foreign aid requested by the President to support his boost for such efforts in Afghanistan, Pakistan, and elsewhere. In fact, this bill would add \$3 billion to the President's request.

The \$5.1 billion in the bill for Afghanistan is a significant step in the right direction. The \$3.6 billion for training Afghan security forces and police; \$980 million for economic development and expanding the rule of law and combating corruption; and \$536 million for increased U.S. civilian and diplomatic staff are key parts of the Administration's new strategy for the region and will hopefully pave the way for the Afghan government to take the lead in securing its territory and meeting the needs of its people. On that point, today, 17 members of the Wisconsin National Guard—most of them based in Milwaukee—will return home after 10 months in Afghanistan training and advising the Afghan National Police.

I don't need to mention the critical need for the Pakistan assistance as troubling media reports surface by the hour that graphically illustrate the challenge facing that country and its government in its battle against Al-Qaeda and insurgent groups. The House bill would provide over \$2 billion for Pakistan, almost \$600 million more than requested by the President to boost State Department and civilian staffing, to strengthen governance and economic development efforts.

While I wish the mix between military aid and development and other aid in the bill were different, I also realize that this bill is taking an important step to better balance that mix while acknowledging a difficult reality for there are hundreds of thousands of troops still in war zones and at the same time, there is a lack of staffing at USAID and State that will need to be addressed to properly support a more forceful role for those agencies going forward.

The bill also addresses a number of other priorities including compensating all members of our military who were subject to the DoD's stop loss policy after September 11, boosting funding for MRAP's to protect our troops from IED's, and providing over \$1 billion for medical care to servicemembers and their family members, including research and treatment of PTSD and TBI.

The supplemental would also provide millions in funding for new wounded warrior facilities to help soldiers wounded in combat to recover and to support their families through that process. It would speed up the construction of new military hospitals in Bethesda and at Fort Belvoir and provide over \$1 billion for family support programs including improving access for families to child psychologists, child care, child development centers, financial counseling and other support.

Important funding is also included to facilitate the Middle East Peace process including economic aid and security assistance for Israel, Egypt, West Bank and Gaza, Jordan, and Lebanon.

The bill also makes investments in efforts to combat pandemic flu, to aid developing countries negatively affected by the global financial crisis, and to extend the compassion and aid of the American people through the provision of food aid, refugee assistance, and support of peacekeeping operations.

While I am disappointed by the fact that there are no deadlines or timelines in the bill before the end of Fiscal Year 2009 which is covered by the funding in this bill, Congress will certainly have the opportunity to examine whether or not these new policies are working and how to make effective changes both for the sake of our national security and for the people of Afghanistan and Pakistan.

This bill is not "perfect" and can be improved. I hope it will get better and stronger when it goes to conference including the addition of more funding for the State Department to conduct diplomacy, build schools, hospitals and roads, and promote economic growth. Any efforts to reduce funding for these goals and funding for some of the important programs I have outlined below the levels in this bill will be of concern to me.

Mr. CONYERS. Mr. Speaker, one of the great strengths of our nation is our collective ability to learn from our mistakes—to reject conventional thought and embrace innovation. During his short time in office, the President has been the physical embodiment of this strength. He has challenged the status quo where he has found it and laid bare the contradictions inherent in policies and modes of thought that have outlived their usefulness. From reforming our domestic auto industry, to turning away from outdated forms of energy production, to finally recognizing that a person's health and a person's ability to work are,

in fact, intimately related, the President is leading our nation toward progress.

It is unfortunate then, that the President has not challenged our most pervasive and dangerous national hubris: the foolhardy belief that we can erect the foundations of civil society through the judicious use of our many high tech instruments of violence. That belief, promoted by the previous administration in the wake of the terrorist attacks of September 11, assumes that the United States possesses the capacity and also has a duty to determine the fate of nations in the greater Middle East.

I oppose this supplemental war funding bill because I believe that we are not bound by such a duty. In fact, I believe the policies of empire are counterproductive in our struggle against the forces of radical religious extremism. For example, U.S. strikes from unmanned Predator Drones and other aircraft produced 64 percent of all civilian deaths caused by the U.S., NATO, and Afghan forces in 2008. Just this week, U.S. air strikes took another 100 lives, according to Afghan officials on the ground. If it is our goal to strengthen the average Afghani or Pakistani citizen and to weaken the radicals that threaten stability in the region, bombing villages is clearly counterproductive. For every family broken apart by an incident of "collateral damage," seeds of hate and enmity are sown against our nation.

I must also oppose this resolution because of the decision to strip \$80 million in funding for the closure of the detention center located at Guantanamo Bay during deliberations in the Appropriations Committee. Here as well, I implore my colleagues to consider the message we send to the world about our commitment to the rule of law. Closing this sordid chapter in our national history is a tremendously important part of our campaign to win the hearts and minds of the people of Afghanistan and Pakistan.

There are those who will say that the Taliban and the tribal warlords of the Pashtun will not yield to reason or diplomacy. This may be true. However, this vote is a referendum on our means, not on our goals in the region or our commitment to defeating those who would wish us harm. The President has assembled the best minds that our nation has to offer. He has all of the myriad tools of statecraft at his disposal. With these factors in mind, I refuse to believe that constraining these tribal warlords and extremists, whose influence is limited to a mountainous and economically derelict region halfway around the world, requires the mightiest nation in the world to indefinitely commit our precious national resources in this particular manner.

Obviously, Afghanistan is not Iraq. It presents unique geographic, economic, and cultural challenges that will be orders of magnitude more difficult to solve. Let us remember that we are on the verge of extracting our troops and treasure from the quagmire of Iraq. Over the last six years, the strength of the forces of arrogance has waned as a direct result of our national experience with the horrors, costs, and futility inherent in a military occupation. Yet, here we are—on the precipice of hastily injecting our military men and women into a far more difficult and unwieldy situation.

Should we support this measure, we risk dooming our nation to a fate similar to Sisyphus and his boulder: to being trapped in a stalemate of unending frustration and misery, as our mistakes inevitably lead us to the same failed outcomes. Let us step back; let us remember the mistakes and heartbreak of our recent misadventures in the streets of Fallujah and Baghdad. If we honor the ties that bind us to one another, we cannot in good faith send our fellow citizens on this errand of folly. It is still not too late to turn away from this path.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this important legislation, which makes emergency supplemental appropriations for Fiscal Year 2009. H.R. 2346 provides our troops what they need for their missions in Iraq and Afghanistan, provides appropriate Congressional oversight for our military and national security efforts, and ensures the continued safety and security of our citizens.

This bill contains \$96.7 billion to support our efforts to fight in Iraq, Afghanistan, and Pakistan and to protect against pandemic flu. As the representative of Fort Bragg and Pope Air Force Base, I'm pleased that this bill provides \$3.2 billion for quality of life initiatives—including funding for military child care centers, military hospitals and wounded warrior facilities. It includes an additional \$500 per month for each soldier who has served involuntarily after their enlistment ended, recognizing the sacrifices that they have made in necessary service to our country.

The legislation supports the President's plan to end the war in Iraq and bring our soldiers home, and supports his efforts to refocus our efforts to root out terrorism in Afghanistan and Pakistan. It also contains an important provision to prevent the release of prisoners from Guantanamo Bay, Cuba, into the United States and requires the President to submit a comprehensive plan regarding the proposed closing of the Guantanamo Bay facility to Congress before any action is taken.

As the representative of a rural district that has seen farmers lose contracts and put on the brink of foreclosure, I am pleased that this bill contains emergency funding to address the shortfall in farm loan programs. North Carolina and 46 other states have loan backlogs that today cannot be funded, and the \$71.3 million in this bill will help keep our farmers in business and our nation's food supply secure.

Mr. Speaker, as we start to address the legacy of the failed policies of the past eight years and the deficit that we inherited, we must still invest in our priorities and ensure the safety and security of all Americans. This bill is the last time that we will address critical war funding needs outside of the regular budget process, and is a necessary step to providing a new direction for our military, our economy, and our nation. I will continue to work with my colleagues in Congress as well as the President and the Administration, to provide a new direction in Iraq and to meet the critical needs of the people of North Carolina's Second Congressional District.

Mr. BLUMENAUER. Mr. Speaker, a little over 100 days ago, President Obama took the mantle of Commander in Chief and assumed responsibility for the tragic war in Iraq and the under-resourced conflict in Afghanistan. True to his promise, and my pledge to Oregonians,

this Supplemental Appropriations bill starts the process of bringing the war in Iraq to a close. We are on track to end the combat mission in Iraq by mid-2010 and remove all U.S. military forces by the end of 2011.

I have routinely opposed Supplemental Appropriations bills for the wars in the past as open-ended funding for a tragic conflict. For too long this type of emergency funding has been used to support misguided policies: avoiding responsible budgeting and thoughtful adjustments in the direction of our foreign and military policies. That's why I'm pleased that the Obama administration has also committed to transparency in war funding, both in this final Supplemental for Iraq and Afghanistan, and for including future costs in the baseline budget.

There is much that is good and important in this bill, including substantial investments in humanitarian assistance overseas and in preparing for the next pandemic, which we fear swine flu may become in the future.

Nevertheless, it was difficult to cast a vote in support of this Supplemental. I am troubled by some of the funding, including an increase in defense acquisitions and military assistance for some countries that haven't earned it, like Egypt. My greatest unease is perhaps the direction that has been taken in Afghanistan. I am not comfortable with the escalation there; my discomfort was heightened when I said goodbye on May 2 to the largest contingent of Oregon National Guard members sent overseas since World War II.

I will give the new administration the benefit of the doubt because there is much in this bill to support and because they have inherited dire circumstances not of their making. But from this point forward, these conflicts are in the hands of the Obama administration and I will hold them to the same standard of accountability.

Mr. STARK. Mr. Speaker, I oppose the supplemental appropriations bill for the wars in Iraq and Afghanistan.

In Iraq, the American people were misled into a war that has cost our country almost \$670 billion, with over 4,300 American lives lost and estimates showing hundreds of thousands of Iraqis killed. While President Obama's plan to scale down the troop levels in Iraq is a move in the right direction, I simply cannot justify any more spending for an illegitimate war.

In Afghanistan, over 600 Americans have been killed and more than 4,000 have been wounded. After years of mismanagement by the Bush Administration, we lack a clear objective and have no exit strategy.

At a time when our country is facing serious economic peril at home, it is unconscionable that we would be sending almost \$100 billion to further fund war efforts that have no clear goals and continue to undermine America's standing abroad.

President Obama is moving America's foreign policy in a better direction, and he has shown superior judgment to President Bush on when we should send our troops into harm's way. However, I cannot support any more funding for these wars.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H.R. 2346, the Supplemental Appropriations Act of 2009. The funding in this

bill will provide our men and women in uniform the tools they need to protect our nation, while recognizing the sacrifices they and their families have made for this country.

Unlike past war funding supplementals, this year's measure will focus on supporting a clear plan for ending the war in Iraq and bringing our men and women home safely and responsibly. This will be balanced with adequate resources to support a "whole of government" approach to combat Al Qaeda and the Taliban in Afghanistan and to support our allies in Pakistan as they fight a violent insurgency that threatens to envelop their country.

This supplemental also supports Congress's critical oversight responsibilities by requiring the President to report on the performance of the governments of Afghanistan and Pakistan in five key areas by February of 2010. This will allow the Congress to evaluate the effectiveness of our new strategy in Afghanistan and ensure that we are providing everything troops need to get the job done.

On the home front, the supplemental ensures that our nation is ready to respond to a full flu pandemic by providing funding for antiviral drug and vaccine stockpiles as well as assisting state and local responders with the tools to fight such an outbreak.

This bill ensures the safety of our nation by balancing our war efforts overseas with disaster response at home, and I urge passage of H.R. 2346.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2346, the Supplemental Appropriations Act of 2009. I am supporting this legislation because it contains necessary funding for our troops at war in Iraq and Afghanistan and ensures they have the proper equipment and resources they need. However, I am pleased this is the last time we will use emergency supplementals to fund the wars in Iraq and Afghanistan, which grows our federal budget deficit and places the burden of paying for the wars on our children. From now on, we must keep our word and use supplemental appropriations only for true emergencies, like natural disasters, pandemic flu outbreaks, and terrorist attacks.

In addition to providing funds for continued drawdown of troops from Iraq, refocusing military efforts in Afghanistan, and new strategic initiatives in Pakistan, this legislation contains much-needed funding to respond to urgent humanitarian crises involving refugees and internally displaced persons (IDPs). While I thank the Committee for including this assistance, I believe much more is necessary to respond to the dire situation Iraqi refugees and IDPs find themselves in since the beginning of the Iraq War. The United States has both a moral obligation to assist this displaced population—the largest since the Palestinian Diaspora of 1948—and also a strategic interest in stabilizing the region so young Iraqi men and women turn toward the future of their country rather than to violence and extremism because they have no place else to go.

H.R. 2346 also contains relief for our troops who have been forced to remain on duty through multiple tours of often intense combat missions. This bill contains \$734 million to retroactively provide service members and veterans \$500 for every month they served under stop-loss orders since 2001.

This bill has many other important provisions that I am pleased to support, like funding for pandemic flu response, fighting growing violence along the U.S.-Mexico border, and international food assistance during the global economic crisis. Mr. Speaker, I urge my colleagues to join me in voting "yes" for H.R. 2346.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in strong support for the work of our Chairman, JOHN MURTHA, our Ranking Minority Member, BILL YOUNG, and the Democratic and Republican staff of the House Appropriations Committee on Defense. Unlike years past, this legislation demands that our President provide us with a plan as we move forward in Afghanistan; demands that our President provide us with a plan as we close down Guantanamo Bay; provides more funding for "stop loss" and helps to protect our country against flu pandemics. This bill provides direction for the President and American citizens; is disciplined in its approach regarding Afghanistan, Pakistan and Guantanamo Bay; and is diligent in ensuring the wise use of tax dollars.

First and foremost, I must thank Chairman MURTHA and Ranking Minority Member YOUNG, along with 118 of my colleagues, who helped to fight to preserve funding for the Stryker Medical Evacuation Unit. On April 1, 2009, I sent this letter signed by my colleagues to Chairman MURTHA to fight for funding for the Stryker MEV. Secretary of Defense Bob Gates recommended that this program be zero funded for the Supplemental, which would have had a devastating effect on the State of Michigan and others as well. I am a proud Progressive, and did not support the War in Iraq. Regardless of whether you support the war or not, we all agree that those servicemembers who voluntarily put themselves in harm's way should have the best equipment available. This Supplemental will provide close to \$340 million for the Stryker. Without funding in the FY09 Supplemental, General Dynamics would be forced to cut more than 1,000 employees in Michigan, Ohio, Alabama, Florida, and Pennsylvania. I am proud to have fought for the funding for this program that will allow the building of over 250 Strykers.

An estimated 795 supplier companies would be impacted in 40 States. The direct economic impact to Michigan would be a loss of \$241 million along with more than 19,000 jobs.

The Stryker MEV or battlefield ambulance, which is what I, along with my colleagues, have been working to fund, offers our troops the best medical treatment. Its mobility, speed and protection levels have saved the lives of wounded soldiers. The Stryker MEV ambulance, which would be used to replace Vietnam-era M113s, offers greater interior space, carries more wounded soldiers, medics and medical supplies. It also features the latest in life support and medical monitoring systems and has air conditioning. Our servicemembers deserve this much for their battlefield ambulance.

The Strykers have been deemed the soldier's "first choice." Strykers are eight-wheel, armored combat vehicles that can be transported in a C-130 plane. There are 10 configurations of the Stryker including the Infantry Carrier Vehicle, ICV, and the Mobile Gun System, MGS.

The contract for Strykers was awarded in 2000 to General Dynamics Land Systems and a former subsidiary of General Motors, GM Defense. They were designed in Sterling Heights, Michigan and are manufactured in Lima, Ohio and Anniston, Alabama, by General Dynamics Land Systems, with many of the key components of the Stryker designed and built by the United Auto Workers labor union.

The first Stryker vehicles were deployed in 2002. Since then, more than 2,700 vehicles have been delivered and more than 18,000 soldiers have been trained. The fleet has accumulated 22 million miles.

Key characteristics of the Stryker are survivability and mobility. The vehicle allows soldiers to maneuver in close quarters, offers protection in open areas and can quickly transport troops to key battlefields. The Army selected the Stryker because it provides the best protection, performance and value for the Army's Bridge Combat Teams. The Stryker, named after two individuals who earned the Medal of Honor, is one of the preferred vehicles of the U.S. Marine Corps. Perhaps Col. Robert Brown, commander of the 1st Brigade, 25th Infantry Division, Multinational Force—Northwest which is equipped with Strykers, could make the best argument for the Stryker:

The Stryker brigade has fought from Fallujah, Baghdad, Euphrates River Valley and then up in the Tigris River Valley and all the way up to Mosul in northern Iraq and out to the border out in Syria over the last year.

The Stryker's fantastic. It has incredible mobility, incredible speed. It has saved hundreds of my soldiers' lives. I'm telling you hundreds of their lives. We've been hit by 84 suicide VBIEDs, and I've had the greater majority of soldiers walk away without even a scratch. It's absolutely amazing. If I were in any other type vehicle, I would've had huge problems.

The other thing is it carries, you know, the infantry men in the back that no other vehicle can do; nine infantry men that come out of that Stryker and are incredible in urban operations. You could ask any one of my soldiers, and they would choose the Stryker of any vehicle they could possibly ride in.

This bill mandates that President Obama submit every 90 days a report to Congress that includes how the government of Iraq is assuming responsibility for reconciliation initiatives; how the draw down of military forces complies with the President's guidelines to withdraw all U.S. combat brigades from Iraq by August 31, 2010, and requires accountability from the contractors who are doing business in Iraq. The legislation also states that there will be no permanent bases in Iraq.

Appreciating that the President has issued the closure of Guantanamo Bay's detention facilities, we ask the President to submit to Congress a comprehensive plan for what the Administration plans to do with detainees still held at Guantanamo Bay; and a detailed analysis of the total estimated cost of closing this detention facility and any related costs.

The bill also gives the President a year to come up with a comprehensive, cohesive plan for Afghanistan and Pakistan. By February 2010, the bill gives the President time to assess whether the Governments of Afghanistan and Pakistan are, or are not, demonstrating

the necessary commitment, capability, conduct and unity of purpose to warrant the continued policy of the President. Our people deserve to know what our goals, objectives, and timetables are if we are going to commit the lives of their husbands and wives, sons and daughters, children and grandchildren and the scarce resources of the American taxpayer.

I am proud that this bill includes an increase in the funding for the mental health of our servicemembers, to treat Post Traumatic Stress Disorder, PTSD, and Traumatic Brain Injuries, TBI. Families of our servicemembers who have children with disabilities will get an increase in the help that they receive through this legislation, as well as compensating our troops who have served under "stop loss" conditions. Recognizing the hardship placed on troops and their families by being forced to remain on active duty longer than they planned, Congress ordered a special \$500 per month payment for any servicemember who had to serve under stop loss. For the U.S. Army, the average compensation would be \$4,000; for the U.S. Navy, \$7,500; for the U.S. Marine Corps, \$4,500; and for the U.S. Air Force, \$5,500.

We owe our servicemembers a great debt. I am proud of our work on this bill to ensure accountability and responsibility from our Administration; to protect American citizens from pandemics and disease; to partially compensate our servicemembers and their families for their sacrifice; and boost the economy of the State of Michigan. I look forward to quick consideration in the Senate of this legislation and that it is signed into law soon.

Mr. ELLISON. Mr. Speaker, let me first say at the outset that I support President Obama and his Administration in their overall foreign policy objectives and implementation. However, I cannot vote for this War Supplemental request because I believe that it does not represent the departure from the past that we all hope for and which is urgently needed to move our country forward in a new course.

While I understand that there's a momentum building toward winding down our involvement in these conflicts and the move away from the war-making culture, I believe that there must be a sharp departure from past policy in order for us to achieve that goal.

This War Supplemental budget will significantly expand our military presence in Afghanistan, while at the same time it does not go far enough in eliminating our longstanding presence in Iraq, either.

I am very concerned by the fact that almost 90 percent of the funds are going for military operations and equipment replacement. While it contains some beneficial items like economic development and agriculture programs in Afghanistan, efforts to strengthen rule of law in Iraq, humanitarian assistance for Gaza—which I strongly support—wildfire suppression, and efforts to fight against the spread of a new flu pandemic, all these items combined amount to less than 13 percent of the total budget.

I also believe that funding for the war and military occupation and funding for diplomatic, humanitarian and other benevolent efforts must be separated. It is disingenuous and deceptive to combine these two and force the lawmakers to make the choice they shouldn't

have to make; that is, supporting funding for the wars in order to get humanitarian assistance for Gaza.

President Obama has made strong, inspirational statements that signal positive change of policy toward the Muslim world, but this budget will send a contradicting message to those statements. Approving this budget will send the message to the Muslim world and the international community at large that we are not serious in getting to the root-cause of the problem, which is our extensive engagement in war-making. At the end of the day, the best way to achieve our objectives is to send consistent messages that demonstrate our unwavering determination to scale down our military footprints.

Supporting this bill will surely perpetuate military operations that are likely to fail or become a pyrrhic victory.

President Obama will give a major speech in Egypt on how he would reduce those military footprints and increase civilian-led involvement. But the figures in this War Supplemental budget, over \$75 billion for military operations versus merely \$7 billion for state and foreign operations, will perpetuate the picture of how much we still prioritize war-making over diplomacy and development.

With these reasons, and despite my continued support for the President and the Administration, I cannot support this War Supplemental budget request.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this bill, but not without reservations and some concern.

I fully support the funding that is in the bill for the military—the bill addresses their immediate needs by providing protective equipment in supplies, and supports the sacrifices they and their families are making by retroactively providing servicemembers and veterans \$500 for every month they served under stop-loss orders since 2001. It also plans for the end of combat operations in Iraq and refocuses our efforts in Afghanistan.

Following a news report by KHOU in Houston on Monday about troops in Iraq not having sufficient supplies, specifically individuals were having to ration water, find their own, or drink bulk water not intended to be potable, we need to ensure DoD has funding to supply our troops, and this bill provides for that.

My main concern however is that this supplemental did not include funding, or any assistance for areas affected by Hurricane Ike. We still have great unmet needs, and while there is funding to address other natural disasters such as wildfires, the Gulf Coast is still struggling to recover.

Ike was one of the most devastating hurricanes since Katrina, yet the small amount of funding that has been appropriated for the disaster has not been passed through by the Federal agencies to meet local needs. Of the nearly \$6 billion in CDBG funding that was included in the combined Defense, Homeland Security, and VA Appropriations bill, nearly two thirds of that is still being held by HUD.

What has been delivered was divided among all areas hit by a natural disaster last year, meaning the Gulf Coast has received a tiny fraction of what is needed and what has been delivered to previous areas devastated by category 3 and category 4 hurricanes.

The 2009 hurricane season is nearly upon us, and we have yet to address the needs of what is left from the 2008 season. Additional funding would be ideal, but at a minimum, local areas like Galveston City and County need the local-match for disaster recovery assistance waived, and I intend to continue working with the Appropriations Committee and House Leadership to provide that assistance at a minimum.

Mr. Speaker, I fully support what is in this bill for our troops and urge my colleagues to join me in supporting it. However, I hope to work with you moving forward to provide assistance to an area still devastated and recovering from Hurricane Ike.

Mr. LEVIN. Mr. Speaker, I support the supplemental funding bill that is before the House today, and urge my colleagues to join me in voting for it.

A lot has changed since the last time Congress debated funding for the ongoing military operations in Iraq and Afghanistan eleven months ago. Earlier this year, President Obama stated that we will begin to draw down our forces in Iraq and complete the removal of combat troops by August 2010. Further, the President has also announced a new strategy for Afghanistan and Pakistan. The plan acknowledges our national interest in combating terrorism and the Taliban in Pakistan and Afghanistan and the need for stability in the region, especially with regard to safeguarding Pakistan's nuclear arsenal. At the same time, the President's plan correctly recognizes that we need a comprehensive strategy that does not rely on U.S. military force alone.

The President's plan therefore calls for increased resources to build schools, roads and hospitals, and strengthen democratic institutions and the rule of law in both Pakistan and Afghanistan. The strategy also calls for greater dialogue, intelligence sharing, and border cooperation between the U.S., Afghanistan and Pakistan. The challenges before us are formidable, but I think we need to give President Obama's strategy a chance to work. This bill begins the effort by providing funding for the training of Afghan and Pakistani security forces as well as funds for economic development, strengthening governance, expanding the rule of law, and boosting our diplomatic efforts in the region.

One thing that hasn't changed is the imperative to provide our troops in the field with the equipment and support they need to protect themselves and accomplish their mission.

I urge my colleagues to join me in support of this important bill.

Mr. DICKS. Mr. Speaker, I rise in support of H.R. 2346 the Supplemental Appropriations Bill for fiscal year 2009, which addresses the President's request for additional funding for the wars in Iraq and Afghanistan, overseas diplomatic efforts and wildland fire suppression and emergency rehabilitation of burned areas. I also want to express my support for funds that were approved in this bill to respond to the recent swine flu outbreak, which still presents a very real threat of a worldwide pandemic.

We are all encouraged by the robust actions of our various public health agencies in the United States, including the Centers for Disease Control, in response to this threat. It is

clear that the health and security of the American public remain a top priority, and we support the substantial and serious efforts that are being made to protect our population against the H1N1 swine flu virus and to prepare for the possible consequences. Because we do not know at this point the path that this particular strain will take within our population and around the world, it is entirely prudent to implement widespread precautionary steps in case the outbreak is more virulent than it now appears, or in case it re-appears in the fall. Knowing that the 1918 Spanish Influenza outbreak killed an estimated 100 million people around the world, and that modern transportation has greatly increased the speed at which such a pandemic could be spread, we have a serious obligation to prepare for any potential outcome.

At the same time, I believe that Congress, in its oversight role, must assure that the nation is adequately prepared to detect—with some advance capability—this and other types of pandemic disease threats to our population. The earlier we can determine the content and the severity of a biological threat, for example, the more lives can potentially be saved. In this case we have some concern about the nation's ability to analyze and interpret warning signals that suggest the emergence of a biological threat.

What we know is this: By April 22, the Centers for Disease Control, CDC, had identified two cases of a previously unknown strain of Swine flu present in Texas, and that the virus was identical to two previously analyzed cases that occurred earlier in the month in San Diego. By that evening, CDC was able to complete the analysis of samples of the virus that had been raging through parts of Mexico, finally allowing it to "connect the dots" and begin the notification of all 50 State public health laboratories.

But it is now also known that CDC received other information earlier that at least suggested the possibility of pandemic threat. CDC received information from a Washington State firm that tracks global disease outbreaks as early as April 6th that suggested the possibility of a pandemic. The company, Veratect, has developed a software platform called Fore-shadow that conducts 24-hour, 7-days-a-week tracking and actionable alert generation to detect emerging threats worldwide. Through its analyses, Veratect reported on April 6th that health officials in Veracruz, Mexico, had declared a health alert due to a "strange" outbreak of respiratory disease outbreak, possibly caused by contamination from pig-breeding farms located in the area. Ten days later, the company reported that the Oaxaca Health Department had detected an unusual number of atypical pneumonia cases. On April 20, a Veratect official contacted a CDC physician at the agency's emergency operations center to apprise him of the situation in Mexico and to urge CDC to take a look at the growing problem there.

Obviously hindsight is 20/20. As with any intelligence product, it is always difficult to know at the time what is merely "noise" and what is truly significant information that requires action. But because of my personal knowledge of the circumstances related to these early warning signals that were sent to CDC and

other governmental bodies, I think it is prudent for Congress at this point to assure that we have the appropriate mechanisms in place to guarantee that bona fide information relating to these types of very real threats to public health and safety can be received and interpreted in a timely manner, and that it triggers the necessary and appropriate preventative actions.

In this regard, I am encouraged that the bill includes report language that will require CDC to review its disease detection policies and the speed with which case samples are analyzed to determine if improvements should or can be made. Part of this review should include a survey of the early detection capability that exists, and whether CDC and other agencies of the federal government have sufficient resources to properly analyze this type of advance warning information.

I thank Chairman OBEY, in particular, for his interest in the issue, and for including this important language in the Committee's report.

Mr. REYES. Mr. Speaker, I wanted to clarify some comments in the Joint Explanatory Statement for the FY09 Consolidated Appropriations Act. That statement said, "Further, that the Intelligence Community has studied other pay-for-performance efforts, both within the Community and the rest of government is encouraging. The executive branch started implementing this effort of September 14, 2008, and therefore the Intelligence Community is directed to ensure that full implementation of the system follows the principles of merit, transparency and fairness in a manner which is deliberate and methodical."

I want to clarify that this statement was not intended as an endorsement of the current pay for performance system in the Intelligence Community, known as the Defense Civilian Intelligence Personnel System (DCIPS), but as a statement of principles of what such a system should be.

We all believe that the civil service personnel system should be based on merit principles and be transparent, and fair. It is our commitment to these principles that have led some of us to ask that these systems be reviewed. We have been concerned that the implementation of DCIPS lacks transparency, may adversely affect minorities, and may undermine collaboration. In particular, Chairman SKELTON and I requested that the Administration pause implementation of DCIPS. In response, the Intelligence Community announced to the field that they would be pausing implementation of DCIPS. I welcome this action so the Administration can take the time to review both the substance and implementation plan for DCIPS. I note that the Administration has frozen the implementation of the National Security Personnel System (NSPS), and is reviewing that system as well, and I would welcome similar action in the Intelligence Community.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 2346, the Supplemental Appropriations Act of 2009.

The FY 2009 Supplemental Appropriations bill implements President Obama's plans for winding down the number of troops in Iraq and refocusing our fight against al Qaeda in Afghanistan and Pakistan—a plan I strongly support. The bill includes funds to train Afghan

security forces and police, and help with economic development in this struggling nation. This investment in Afghanistan will also strengthen governance and expand the rule of law there.

It provides our troops who are in harm's way with the equipment they need while they work tirelessly to implement the strategy set forth by President Obama. For those soldiers who have suffered the hardship of stop-loss, which keeps them on active duty longer than planned, it provides long overdue compensation.

For Maryland, the Supplemental means \$208.3 million in funding for the relocation of Walter Reed Hospital National Military Medical Center to Bethesda. This money will support our wounded warriors and provide world-class care for these brave men and women. In addition, at our request, the President's budget includes separate funding to address the traffic congestion challenges that the Center will bring.

Additionally, in an effort to protect our country from global health risks, the Supplemental provides \$2 billion for pandemic flu response. This money will be used to expand the federal stockpiles of anti-viral drugs, and develop and purchase vaccines. It also assists state and local responses and supports global efforts to track and contain the spread of a pandemic. The recent outbreak of H1N1 flu is a clear example of why this funding is vital to our health and safety.

When President Obama was elected, he made a pledge to end the war in Iraq. With this Supplemental, we take another step in fulfilling the President's plan to remove all combat troops by August 2010 in a way that makes our country safer and our armed forces stronger.

Mr. OBEY. With that, Mr. Speaker, I yield back the balance of my time and ask for an "aye" vote.

The SPEAKER pro tempore. Pursuant to House Resolution 434, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ROGERS of Kentucky. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Kentucky. Presently, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rogers of Kentucky moves to recommit the bill H.R. 2346 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 10, beginning on line 20, strike the last two provisos of the paragraph.

Page 23, beginning on line 3, strike section 10012 (relating to rescissions of Department of Defense funds).

Page 33, after line 5, insert the following:

GENERAL ADMINISTRATION

DETENTION TRUSTEE

For an additional amount for "Detention Trustee", \$50,000,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For an additional amount for "Interagency Crime and Drug Enforcement", \$150,000,000.

Page 49, line 19, after the dollar amount, insert "(reduced by \$200,000,000)".

Page 50, line 25, after the dollar amount, insert "(reduced by \$200,000,000)".

Page 56, strike line and all that follows through page 57, line 25.

Mr. ROGERS of Kentucky (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky is recognized for 5 minutes in support of his motion.

Mr. ROGERS of Kentucky. Mr. Speaker, I am submitting this motion to correct what I believe are three gross errors in the bill.

Whether it's funds to support the needs of our troops, proper support for Pakistan engaged in a vital counterinsurgency effort, or funds to fight the treacherous drug war raging along our border with Mexico, this bill falls short.

How in all good conscience can we increase foreign aid by nearly \$3 billion and yet shave support for our troops overseas and our law enforcement agencies here at home? How can we take away support for Pakistan's counterinsurgency efforts and give the money to the State Department?

Mr. Speaker, emergency supplemental bills are about fine-tuning our priorities. This motion gives the Members of this body the opportunity to do just that.

On supporting the needs of our troops, the current bill cuts the 2009 regular defense budget. It unnecessarily cuts defense and prohibits DOD from using those resources on critical requirements that are sadly unfunded. So this motion would simply restore the \$3 billion of 2009 moneys, current year, that are cut in this bill.

On the Pakistan Counterinsurgency Capability Funding program, or PCCF, counterinsurgency, this bill puts it in the Defense Department, but the first day of the new fiscal year, it would then be moved to the State Department for fiscal 2010. Well, State does great diplomatic work, but counterinsurgency is not the State Department's forte, and that's what we're facing. Let's be clear. PCCF is not a diplomatic tool; it's a military tool designed for aiding what is arguably one of the most important military counterinsurgency efforts in history. I need not emphasize to the Members of this body

the profound importance of keeping Pakistan's nuclear weapons out of the hands of the Taliban and al Qaeda. The Secretary of Defense has been clear that he does not feel the State Department currently has the capacity or ability to administer this counterinsurgency program. Our troops need the flexibility and agility that this fund provides, especially in dealing with the nontraditional Pakistani military forces in remote sections of that country.

Finally, on the Mexican drug war, this bill fails to include one red cent for the vital work of our law enforcement agencies fighting the cartels along our border with Mexico and their tentacles reaching into every city in America. A press release I have in my hand that just came out says that the largest seizure of methamphetamines in the eastern United States has just taken place in Atlanta, Georgia. And we could name Birmingham or Chicago or New York or any other city in America where the drug cartels in Mexico, who control 90 percent of the cocaine entering this country, are waging their battles.

□ 1530

And it's spilling over now into America. This is a war with severe consequences. More than 90 percent of the cocaine comes to us through Mexico, disbursed through a distribution network that touches virtually every major city in our country, not to mention methamphetamines and the other dangerous drugs.

Now, the \$350 million in this bill that says it's for counternarcotics operations along the southwest border. Smoke and mirrors. These funds will go to unaccompanied alien children and serve as a contingency fund should we need the National Guard there. Both are important efforts, but, sadly, nothing to support the needs of our law enforcement agencies engaged in this bloody war, and that's what the problem is now. It's an anti-organized crime cartel fight on that border, and you need law enforcement there. Not a penny in this bill for it.

This motion that I have would shift 7 percent of the foreign aid in this bill and invest that in the security and rule of law here at home, just 7 percent of the increase in foreign aid that's in this bill. This motion takes \$200 million out of the \$3 billion plus-up in the bill for foreign aid and puts it to potent counterdrug programs in the Department of Justice, programs that can help break the back of these heinous cartels on our southern border and in our cities and towns.

Mr. Speaker, I urge my colleagues to support this motion that will keep up our military assistance to Pakistan's counterterrorism fight, prevents a cut on the current year's troop support, and shifts a small part of the bill's in-

crease in foreign aid to keeping the Mexican drug cartels out of American cities.

Mr. OBEY. Mr. Speaker, I rise to oppose the motion.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, we have heard many a lecture from the other side of the aisle about spending levels, but this proposal would add \$3 billion to the spending levels in this bill, and it would eliminate a rescission that saves us money, a rescission that's been endorsed by Secretary Gates.

It also takes \$200 million out of the global financial crisis fund, which is the last thing we ought to do at a time when we have a worldwide financial crisis that is threatening our own economy as well as others around the world.

Thirdly, it eliminates the Pakistani counterinsurgency fund for next year, which has already been endorsed by Secretary Gates.

And lastly, with respect to Mexico, it purports to add \$200 million to deal with drug problems in Mexico. The bill already contains \$400 million directly for aid to Mexico, plus another \$350 million in the Department of Defense.

And I would point out that in the stimulus bill, which virtually every Member on that side of the aisle voted against just a few short weeks ago, we provided an over \$700 million increase to deal with our border problems. All in all, between the omnibus and the stimulus, we already raised funding for that by 10 percent.

So I would suggest this is a financial double game and that we turn down the motion.

I yield to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. I have to say I am disappointed in the gentleman. Now, he has only been on the subcommittee that I chair for a very short period of time.

We made a deal and the White House endorsed our deal. They didn't like what we did, but they endorsed our deal. They said this is their supplemental. We added to it, and we fought every inch of the way to get the money for the troops out in the field and for the families at home.

And what you are doing is fighting this thing all over again, the same way you tried to do it in the full committee, and I don't appreciate that. I don't appreciate the fact we make a deal and then we turn around here and we try to change that deal.

This should be defeated, and it should be defeated soundly by the House of Representatives and in committee.

I know what you are trying to do. In the conference, we will try to work something out, but this is the bill that should go to conference.

Mr. OBEY. I urge a "no" vote.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ROGERS of Kentucky. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, and the motion to suspend the rules on H.R. 347.

The vote was taken by electronic device, and there were—yeas 191, nays 237, not voting 5, as follows:

[Roll No. 264]

YEAS—191

Aderholt	Fleming	Marshall
Akin	Forbes	McCarthy (CA)
Alexander	Fortenberry	McCaul
Arcuri	Fox	McClintock
Austria	Franks (AZ)	McCotter
Bachmann	Frelinghuysen	McHenry
Bachus	Gallely	McHugh
Barrett (SC)	Garrett (NJ)	McIntyre
Barrow	Gerlach	McKeon
Bartlett	Giffords	McMorris
Barton (TX)	Gingrey (GA)	Rodgers
Biggart	Gohmert	McNerney
Bilbray	Goodlatte	Mica
Bilirakis	Granger	Miller (FL)
Bishop (UT)	Graves	Miller (MI)
Blackburn	Griffith	Miller, Gary
Blunt	Guthrie	Minnick
Boehner	Hall (TX)	Mitchell
Bonner	Harper	Moran (KS)
Bono Mack	Hastings (WA)	Murphy, Tim
Boozman	Heller	Myrick
Boustany	Hensarling	Neugebauer
Brady (TX)	Herger	Nunes
Broun (GA)	Hoekstra	Nye
Brown (SC)	Hunter	Olson
Brown-Waite,	Inglis	Paulsen
Ginny	Issa	Pence
Buchanan	Jenkins	Peters
Burgess	Johnson (IL)	Petri
Burton (IN)	Johnson, Sam	Pitts
Buyer	Jones	Platts
Calvert	Jordan (OH)	Poe (TX)
Camp	King (IA)	Posey
Cantor	King (NY)	Price (GA)
Cao	Kingston	Putnam
Capito	Kirk	Radanovich
Carter	Kirkpatrick (AZ)	Rehberg
Cassidy	Kline (MN)	Reichert
Castle	Kratovil	Roe (TN)
Chaffetz	Lamborn	Rogers (AL)
Childers	Lance	Rogers (KY)
Coble	Latham	Rogers (MI)
Coffman (CO)	LaTourette	Rohrabacher
Cole	Latta	Rooney
Conaway	Lee (NY)	Ros-Lehtinen
Crenshaw	Lewis (CA)	Roskam
Culberson	Linder	Royce
Davis (KY)	LoBiondo	Ryan (WI)
Deal (GA)	Lucas	Scalise
Dent	Luetkemeyer	Schauer
Diaz-Balart, L.	Lummis	Schmidt
Diaz-Balart, M.	Lungren, Daniel	Schock
Dreier	E.	Sensenbrenner
Ehlers	Mack	Sessions
Emerson	Manzullo	Shadegg
Fallin	Marchant	Shimkus

Shuster	Teague	Wamp
Simpson	Terry	Westmoreland
Smith (NE)	Thompson (PA)	Whitfield
Smith (NJ)	Thornberry	Wilson (SC)
Smith (TX)	Tiahrt	Wittman
Souder	Tiberi	Wolf
Stearns	Turner	Young (AK)
Sullivan	Upton	Young (FL)
Taylor	Walden	

NAYS—237

Abercrombie	Grayson	Napolitano
Ackerman	Green, Al	Neal (MA)
Adler (NJ)	Green, Gene	Oberstar
Altmire	Grijalva	Obey
Andrews	Gutierrez	Olver
Baca	Hall (NY)	Ortiz
Baird	Halvorson	Pallone
Baldwin	Hare	Pascrell
Bean	Harman	Pastor (AZ)
Becerra	Hastings (FL)	Paul
Berkley	Heinrich	Payne
Berman	Hersteth Sandlin	Perlmutter
Berry	Higgins	Perriello
Bishop (GA)	Hill	Peterson
Bishop (NY)	Himes	Pingree (ME)
Blumenauer	Hinchey	Polis (CO)
Boccheri	Hinojosa	Pomeroy
Boren	Hirono	Price (NC)
Boswell	Hodes	Quigley
Boucher	Holden	Rahall
Boyd	Holt	Rangel
Brady (PA)	Honda	Reyes
Braley (IA)	Hoyer	Richardson
Bright	Inslee	Rodriguez
Brown, Corrine	Israel	Ross
Butterfield	Jackson (IL)	Rothman (NJ)
Campbell	Jackson-Lee	Roybal-Allard
Capps	(TX)	Ruppersberger
Capuano	Johnson, E. B.	Rush
Cardoza	Kagen	Ryan (OH)
Carnahan	Kanjorski	Salazar
Carney	Kaptur	Sanchez, Loretta
Carson (IN)	Kennedy	Sarbanes
Castor (FL)	Kildee	Schakowsky
Chandler	Kilpatrick (MI)	Schiff
Clarke	Kilroy	Schrader
Clay	Kind	Schwartz
Cleaver	Kissell	Scott (GA)
Clyburn	Klein (FL)	Scott (VA)
Cohen	Kosmas	Serrano
Connolly (VA)	Kucinich	Sestak
Conyers	Langevin	Shea-Porter
Cooper	Larsen (WA)	Sherman
Costa	Larson (CT)	Shuler
Costello	Lee (CA)	Sires
Courtney	Levin	Skelton
Crowley	Lewis (GA)	Slaughter
Cuellar	Lipinski	Smith (WA)
Cummings	Loeb sack	Snyder
Dahlkemper	Lofgren, Zoe	Space
Davis (AL)	Lowe y	Speier
Davis (CA)	Lujan	Spratt
Davis (IL)	Lynch	Stupak
Davis (TN)	Maffei	Sutton
DeFazio	Maloney	Tauscher
DeGette	Markey (CO)	Thompson (CA)
DeLauro	Markey (MA)	Thompson (MS)
Dicks	Massa	Tierney
Dingell	Matheson	Titus
Doggett	Matsui	Tonko
Donnelly (IN)	McCarthy (NY)	Towns
Doyle	McCollum	Tsongas
Drie haus	McDermott	Van Hollen
Duncan	McGovern	Velázquez
Edwards (MD)	McMahon	Visclosky
Edwards (TX)	Meek (FL)	Walz
Ellison	Meeks (NY)	Wasserman
Ellsworth	Melancon	Schultz
Engel	Michaud	Waters
Eshoo	Miller (NC)	Watson
Etheridge	Miller, George	Watt
Farr	Mollohan	Waxman
Fattah	Moore (KS)	Weiner
Filner	Moore (WI)	Welch
Flake	Moran (VA)	Woolsey
Foster	Murphy (CT)	
Frank (MA)	Murphy (NY)	
Fudge	Murphy, Patrick	
Gonzalez	Murtha	
Gordon (TN)	Nadler (NY)	

NOT VOTING—5

Delahunt	Sánchez, Linda	Stark
Johnson (GA)	T.	Tanner

□ 1601

Messrs. BOSWELL, TONKO, HIMES, TIERNEY, THOMPSON of Mississippi, SCHRADER, CLEAVER, SMITH of Washington, RUSH, and Mrs. CAPPS changed their vote from “yea” to “nay.”

Messrs. CARTER, FRANKS of Arizona, MARSHALL, CHILDERS, and MCINTYRE changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill. Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 60, not voting 5, as follows:

[Roll No. 265]

YEAS—368

Abercrombie	Cardoza	Garrett (NJ)
Ackerman	Carnahan	Gerlach
Aderholt	Carney	Giffords
Adler (NJ)	Carson (IN)	Gingrey (GA)
Akin	Carter	Gohmert
Alexander	Cassidy	Gonzalez
Altmire	Castle	Goodlatte
Andrews	Castor (FL)	Gordon (TN)
Arcuri	Chaffetz	Granger
Austria	Chandler	Graves
Baca	Childers	Green, Al
Bachmann	Clay	Green, Gene
Bachus	Cleaver	Griffith
Baird	Clyburn	Guthrie
Barrett (SC)	Coble	Hall (NY)
Barrow	Coffman (CO)	Hall (TX)
Barlett	Cole	Halvorson
Barton (TX)	Conaway	Hare
Bean	Connolly (VA)	Harman
Becerra	Costa	Harper
Berkley	Courtney	Hastings (FL)
Berman	Crenshaw	Hastings (WA)
Berry	Crowley	Heinrich
Biggert	Cuellar	Heller
Bilbray	Culberson	Hensarling
Bilirakis	Cummings	Herger
Bishop (GA)	Dahlkemper	Hersteth Sandlin
Bishop (NY)	Davis (AL)	Higgins
Bishop (UT)	Davis (CA)	Hill
Blackburn	Davis (IL)	Himes
Blumenauer	Davis (KY)	Hinchey
Blunt	Davis (TN)	Hinojosa
Boccheri	Deal (GA)	Hirono
Boehner	DeFazio	Hodes
Bonner	DeGette	Hoekstra
Bono Mack	DeLauro	Holden
Boozman	Dent	Holt
Boren	Diaz-Balart, L.	Hoyer
Boswell	Diaz-Balart, M.	Hunter
Boucher	Dicks	Inglis
Boustany	Dingell	Israel
Boyd	Donnelly (IN)	Issa
Brady (PA)	Doyle	Jackson (IL)
Brady (TX)	Dreier	Jackson-Lee
Braley (IA)	Drie haus	(TX)
Bright	Edwards (TX)	Jenkins
Broun (GA)	Ellsworth	Johnson (GA)
Brown (SC)	Emerson	Johnson, E. B.
Brown, Corrine	Engel	Johnson, Sam
Brown-Waite,	Eshoo	Jones
Ginny	Etheridge	Jordan (OH)
Buchanan	Fallin	Kanjorski
Burgess	Fattah	Kennedy
Burton (IN)	Fleming	Kildee
Butterfield	Forbes	Kilpatrick (MI)
Buyer	Fortenberry	Kilroy
Culvert	Foster	Kind
Camp	Fox	King (IA)
Cantor	Franks (AZ)	King (NY)
Cao	Frelinghuysen	Kingston
Capito	Fudge	Kirk
Capps	Gallegly	Kirkpatrick (AZ)

Kissell	Moran (VA)	Schmidt
Klein (FL)	Murphy (CT)	Schock
Kline (MN)	Murphy (NY)	Schrader
Kosmas	Murphy, Patrick	Schwartz
Kratovil	Murphy, Tim	Scott (GA)
Lamborn	Murtha	Scott (VA)
Lance	Myrick	Sessions
Langevin	Nadler (NY)	Sestak
Larsen (WA)	Neugebauer	Shadegg
Larson (CT)	Nunes	Sherman
Latham	Nye	Shimkus
LaTourette	Obey	Shuler
Latta	Olson	Shuster
Lee (NY)	Oliver	Simpson
Levin	Ortiz	Sires
Lewis (CA)	Pallone	Skelton
Linder	Pascrell	Slaughter
Lipinski	Pastor (AZ)	Smith (NE)
LoBiondo	Paulsen	Smith (NJ)
Loeb sack	Pence	Smith (TX)
Lowe y	Perlmutter	Smith (WA)
Lucas	Perriello	Snyder
Luetkemeyer	Peters	Souder
Lujan	Peterson	Space
Lummis	Pitts	Spratt
Lungren, Daniel	Platts	Stearns
E.	Poe (TX)	Stupak
Lynch	Pomeroy	Sullivan
Mack	Posey	Sutton
Maffei	Price (GA)	Tauscher
Maloney	Price (NC)	Taylor
Manzullo	Putnam	Teague
Marchant	Quigley	Terry
Markey (CO)	Radanovich	Thompson (MS)
Marshall	Rahall	Thompson (PA)
Matheson	Rangel	Thornberry
McCarthy (CA)	Rehberg	Tiahrt
McCarthy (NY)	Reichert	Tiberi
McCaul	Reyes	Titus
McClintock	Richardson	Tonko
McCollum	Rodriguez	Turner
McCotter	Roe (TN)	Upton
McHenry	Rogers (AL)	Van Hollen
McHugh	Rogers (KY)	Visclosky
McIntyre	Rogers (MI)	Walden
McKeon	Rohrabacher	Walz
McMahon	Rooney	Wamp
McNerney	Ros-Lehtinen	Wasserman
Meek (FL)	Roskam	Schultz
Meeks (NY)	Ross	Watt
Melancon	Rothman (NJ)	Waxman
Mica	Roybal-Allard	Westmoreland
Miller (FL)	Ruppersberger	Wexler
Miller (MI)	Rush	Whitfield
Miller (NC)	Ryan (OH)	Wilson (OH)
Miller, Gary	Ryan (WI)	Wilson (SC)
Minnick	Salazar	Wittman
Mitchell	Sanchez, Loretta	Wolf
Mollohan	Sarbanes	Wu
Moore (KS)	Scalise	Yarmuth
Moore (WI)	Schauer	Young (AK)
Moran (KS)	Schiff	Young (FL)

NAYS—60

Baldwin	Honda	Payne
Campbell	Inslee	Petri
Capuano	Johnson (IL)	Pingree (ME)
Clarke	Kagen	Polis (CO)
Cohen	Kaptur	Royce
Conyers	Kucinich	Schakowsky
Cooper	Lee (CA)	Sensenbrenner
Costello	Lewis (GA)	Serrano
Doggett	Lofgren, Zoe	Shea-Porter
Duncan	Markey (MA)	Speier
Edwards (MD)	Massa	Thompson (CA)
Ehlers	Matsui	Tierney
Ellison	McDermott	Towns
Farr	McGovern	Tsongas
Filner	Michaud	Velázquez
Flake	Miller, George	Waters
Frank (MA)	Napolitano	Watson
Grayson	Neal (MA)	Weiner
Grijalva	Oberstar	Welch
Gutierrez	Paul	Woolsey

NOT VOTING—5

Delahunt	Sánchez, Linda	Tanner
McMorris	T.	
Rodgers	Stark	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1610

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2346, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HONORING FALLEN LAW ENFORCEMENT OFFICERS

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, if I could just take a moment to have everyone's attention, please. If you look in the gallery, you will notice there are men and women in uniform watching what we do today, and all through the week they have been here watching and listening. But that is not really their purpose in being here this week. This is National Law Enforcement Memorial Week, and I think we should pause for a moment and recognize how fortunate we are to live in a country that has peace and civility and order.

The laws that are enforced here are enforced by the men and women behind me and all across this Nation, and many have fallen this year; one hundred and thirty-three officers have died this past year in the United States protecting us all, as we are all protected here in this House. I would like us all to rise for a moment of silence for those officers who have fallen in the line of duty.

But before we do that, I would like to yield to my colleague, the other sheriff in Congress, Mr. ELLSWORTH.

Mr. ELLSWORTH. I would like to thank Sheriff REICHERT for yielding me this time.

As we know, we have seen a lot of uniformed police officers. In this House, we talk a lot about the men and women in uniform who protect our great country, and normally we are talking about the Armed Forces, and that is rightfully so. But this week, let's take a moment to think about the men and women in every Member of this Congress' districts who are protecting us and our families 24/7 every day of the year.

If we could honor them with a moment of silence for those who have fallen in the line of duty, I would appreciate that, and I know their families would, too.

The SPEAKER pro tempore. Members will rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

GOLD MEDAL FOR JAPANESE AMERICAN ARMY UNITS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 347, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 347.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 266]

YEAS—411

Ackerman	Brown-Waite,	Davis (TN)	Grayson	Maloney	Ros-Lehtinen
Aderholt	Ginny	Deal (GA)	Green, Al	Manzullo	Roskam
Adler (NJ)	Buchanan	DeFazio	Green, Gene	Marchant	Ross
Akin	Burgess	DeGette	Griffith	Markey (CO)	Rothman (NJ)
Alexander	Burton (IN)	DeLauro	Grijalva	Markey (MA)	Roybal-Allard
Altmire	Butterfield	Dent	Guthrie	Massa	Royce
Andrews	Buyer	Diaz-Balart, L.	Gutierrez	Matheson	Ruppersberger
Arcuri	Calvert	Diaz-Balart, M.	Hall (NY)	Matsui	Rush
Austria	Camp	Dicks	Hall (TX)	McCarthy (CA)	Ryan (OH)
Baca	Cantor	Dingell	Halvorson	McCarthy (NY)	Ryan (WI)
Bachmann	Cao	Doggett	Hare	McCaul	Salazar
Bachus	Capito	Donnelly (IN)	Harper	McClintock	Sanchez, Loretta
Baird	Capps	Doyle	Hastings (FL)	McCollum	Sarbanes
Baldwin	Capuano	Dreier	Hastings (WA)	McCotter	Scalise
Barrow	Cardoza	Driehaus	Heinrich	McDermott	Schakowsky
Bartlett	Carnahan	Duncan	Heller	McGovern	Schauer
Barton (TX)	Carney	Edwards (MD)	Hensarling	McHenry	Schiff
Bean	Carson (IN)	Edwards (TX)	Herger	McHugh	Schmidt
Becerra	Carter	Ehlers	Herseth Sandlin	McIntyre	Schock
Berkley	Cassidy	Ellison	Higgins	McKeon	Schrader
Berkley	Castle	Ellsworth	Hill	McMahon	Schwartz
Berman	Castor (FL)	Emerson	Himes	McMorris	Scott (GA)
Berry	Chaffetz	Engel	Hinchee	Rodgers	Scott (VA)
Berry	Chandler	Eshoo	Hinojosa	Meek (FL)	Sensenbrenner
Biggert	Childers	Etheridge	Hirono	Meeks (NY)	Serrano
Bilbray	Clarke	Fallin	Hodes	Melancon	Sessions
Bilirakis	Clay	Farr	Hoekstra	Mica	Sestak
Bishop (GA)	Cleaver	Fattah	Holden	Michaud	Shadegg
Bishop (NY)	Clyburn	Filmer	Holt	Miller (FL)	Shea-Porter
Bishop (UT)	Coble	Fleming	Honda	Miller (MI)	Sherman
Blackburn	Coffman (CO)	Forbes	Hoyer	Miller (NC)	Shimkus
Blumenauer	Cohen	Fortenberry	Hunter	Miller, Gary	Shuler
Blunt	Cole	Foster	Inglis	Miller, George	Shuster
Boccieri	Conaway	Fox	Inslee	Minnick	Simpson
Boehner	Connolly (VA)	Frank (MA)	Israel	Mitchell	Sires
Bonner	Conyers	Frelinghuysen	Issa	Mollohan	Skelton
Bono Mack	Cooper	Fudge	Jackson (IL)	Moore (KS)	Slaughter
Boozman	Costa	Gallegly	Jackson-Lee	Moran (KS)	Smith (NE)
Boren	Courtney	Garrett (NJ)	(TX)	Moran (VA)	Smith (NJ)
Boucher	Crenshaw	Gerlach	Jenkins	Murphy (CT)	Smith (TX)
Boustany	Crowley	Gingrey (GA)	Johnson (GA)	Murphy (NY)	Smith (WA)
Brady (PA)	Cuellar	Gohmert	Johnson (IL)	Murphy, Patrick	Snyder
Brady (TX)	Culberson	Gonzalez	Johnson (E. B.)	Murphy, Tim	Souder
Braley (IA)	Cummings	Goodlatte	Johnson, Sam	Murtha	Space
Bright	Dahlkemper	Gordon (TN)	Jones	Myrick	Spatt
Broun (GA)	Davis (AL)	Granger	Jordan (OH)	Nadler (NY)	Stearns
Brown (SC)	Davis (CA)	Graves	Kagen	Napolitano	Stupak
Brown, Corrine	Davis (IL)		Kanjorski	Neal (MA)	Sullivan
			Kaptur	Neugebauer	Sutton
			Kennedy	Nunes	Tauscher
			Kildee	Nye	Taylor
			Kilpatrick (MI)	Oberstar	Teague
			Kilroy	Olson	Terry
			Kind	Oliver	Thompson (CA)
			King (IA)	Ortiz	Thompson (MS)
			King (NY)	Pallone	Thompson (PA)
			Kingston	Pastor (AZ)	Thornberry
			Kirk	Paul	Tiahrt
			Kirkpatrick (AZ)	Paulsen	Tiberi
			Kissell	Payne	Tierney
			Klein (FL)	Pence	Titus
			Kline (MN)	Perlmutter	Tonko
			Kratovil	Perriello	Towns
			Kucinich	Peters	Turner
			Lamborn	Peterson	Upton
			Lance	Petri	Van Hollen
			Langevin	Pingree (ME)	Velázquez
			Larsen (WA)	Pitts	Visclosky
			Larson (CT)	Platts	Walden
			Latham	Poe (TX)	Walz
			LaTourette	Polis (CO)	Wamp
			Latta	Pomeroy	Wasserman
			Lee (CA)	Posey	Schultz
			Lee (NY)	Price (GA)	Waters
			Levin	Price (NC)	Watson
			Lewis (CA)	Putnam	Watt
			Lewis (GA)	Quigley	Waxman
			Lipinski	Radanovich	Weiner
			LoBiondo	Rahall	Welch
			Loebach	Rangel	Westmoreland
			Lofgren, Zoe	Rehberg	Wexler
			Lowey	Reichert	Whitfield
			Lucas	Reyes	Wilson (OH)
			Luetkemeyer	Richardson	Wilson (SC)
			Lujan	Rodriguez	Wittman
			Lummis	Roe (TN)	Wolf
			Lungren, Daniel	Rogers (AL)	Woolsey
			E.	Rogers (KY)	Wu
			Lynch	Rogers (MI)	Yarmuth
			Mack	Rohrabacher	Young (AK)
			Maffei	Rooney	Young (FL)

NOT VOTING—22

Boyd	Costello
Campbell	Davis (KY)

Delahunt	Marshall	Sánchez, Linda
Flake	McNerney	T.
Franks (AZ)	Moore (WI)	Speier
Harman	Obey	Stark
Kosmas	Pascrell	Tanner
Linder		Tsongas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining in this vote.

□ 1620

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEDAL OF HONOR COMMEMORATIVE COIN ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1209.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 1209.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 848

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 848.

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, Madam Speaker, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and 12 p.m. for legislative business.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, as is our custom, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by the end of business tomorrow.

In addition, we will consider H.R. 2200, the Transportation Security Administration Authorization Act, H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009 out of the Small Business Committee, and House amendments to S. 896, the Helping Families Save Their Homes Act of 2009.

Mr. CANTOR. I thank the gentleman. Madam Speaker, I would ask the gentleman if he could tell us which days he expects the House to consider the bills that he has just announced, and I would yield to the gentleman.

Mr. HOYER. I thank the gentleman for that question.

We are not sure exactly which days which bill will be considered, but I think they will probably be considered in the order that they are listed. But whether they will be Wednesday and Thursday or Wednesday, Thursday, and Friday, I'm not exactly sure. The suspension bills will probably be considered most of Tuesday. I might also say, as the gentleman knows, there are a number of bills pending that may come from conference, and we will address those bills when and if they do come back.

Mr. CANTOR. I thank the gentleman. Madam Speaker, I would say to the gentleman, as he knows, the House will break for Memorial Day recess at the end of next week, and since we will not have another colloquy before that recess, I wonder if the majority leader could outline what he expects the House to consider during the 4 weeks that we are in session in June.

Madam Speaker, I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

First let me say to all Members that I advise them to advise their schedulers not to schedule Fridays in June or July. We're off, obviously, for a week in July for the July 4 work period, but other than that, I would urge all Members to make sure their schedulers understand that we may well be here late into afternoons on each and every one of the Fridays. Now, why? First of all, we're going to consider the Defense Authorization bill and the State Department Authorization bills. But in addition to that, we will be considering the appropriation bills.

It is my hope and objective—and Mr. Whip, you and I have briefly talked and we are going to talk again about the scheduling of these bills—to pass all of the appropriations bills, as Senator INOUE has indicated he would like to do as well, pass all the appropriations bills, individually, through the Senate and through the House so that we might conference those bills and have them on the floor in the regular order. Those, obviously, 12 bills will take up much of those 2 months.

In addition to that, of course, the committees are considering major pieces of legislation dealing with energy independence and global warming, as well as health care. Now, we do not know whether or not they might be ready for the floor or when they might be ready for the floor, but Members ought to know that those are bills that are clearly on our radar screen to be put on the agenda when they are ready.

Mr. CANTOR. Madam Speaker, I thank the gentleman. And as he has indicated, the cap-and-trade bill and health care reform are items that he indicated may or may not be considered in June, but perhaps during the 2-month period of June and July. But, Madam Speaker, the gentleman did not mention the Panama Trade Agreement or Card Check, and I was wondering if the gentleman, the majority leader, could tell us his expectations as to whether the House will be considering those measures over the next 4 weeks after the Memorial Day recess.

I yield.

Mr. HOYER. I think that, with respect to both those bills, obviously the Senate is discussing the Employee Free Choice Act and whether or not they are going to be moving ahead on that. We hope they will. We believe this is a very important and good piece of legislation, but we also know that there are discussions in the Senate with respect to the various provisions of that bill.

□ 1630

This House, as the gentleman knows, passed that bill pretty handily through the House last year, in the last Congress. So we are hopeful that the Senate will take action and the bill will be in a form that will be effected.

With respect to the Panama Canal Treaty, that has not been submitted by the administration yet, and we will have to wait to see when they will submit that bill. I do know, as you know, that Mr. KIRK has indicated that the administration has discussed the possibility of submitting that trade agreement.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I further say to the gentleman, the majority leader, that we've had a discussion on the floor today about the potential transfer and release of terrorist detainees from Guantanamo Bay. There's also been significant debate on the interrogation of these terrorist suspects, including the potential for congressional hearings and possible legislation.

I say, Madam Speaker, to the gentleman, the Speaker of the House has signaled her intent to create a truth commission to investigate CIA interrogation tactics. I was wondering, Madam Speaker, if the gentleman could tell us the status of that truth commission and when we might expect such a commission to be formed and perhaps produce legislation that would

come to the House floor to be voted upon.

Mr. HOYER. There has been discussion of such a commission. I have supported such a commission. The Speaker has discussed it as well, as the gentleman correctly points out. At this point in time, however, there has been no action taken on the creation of such commission.

So at this point in time, I certainly wouldn't anticipate when and if legislation might come to the floor. I would not be surprised if committees of Congress, however, did, in fact, take cognizance of both of the issues the gentleman raises, and there might possibly be legislation from committees. The commission is under active consideration.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would say to the majority leader that there is a concern on this side of the aisle to make sure that any investigation, if there is a creation of a truth commission, as the Speaker has indicated she would like to see, that there be a process by which a clear discussion, if you will, revelation as to whether Members of Congress, which Members of Congress and maybe the Speaker herself was briefed on the process, on the interrogation tactic of waterboarding and would ask the gentleman, is it his intention that if such a commission were to be formed that type of open process would be followed?

I yield to the gentleman.

Mr. HOYER. I certainly think that an open process would be followed.

But let me say to the gentleman, as I have said in the press, and he may have read it, much has been said about who knew what, when and where. Very frankly, my view is what the substance of this issue is what was done, why was it done, and was it done consistent with the law.

There is much opinion that it was a violation of the law and a violation of international law. That is the issue that this country needs to look at. That is the issue that this country needs to examine so that going forward, this country makes a determination as to what is lawful conduct.

In fact, of course, the former President of the United States made it very clear and enunciated, this country does not torture. The problem with that representation, as the gentleman clearly knows, is that many legal experts have indicated that, in fact, torture occurred. So from that perspective, I would tell my friend that what ought to happen is we ought to look at the substance of whether, who knew what, when, why is a distraction. That is my view, I will tell my friend. It is a beating on the table.

What we really need to do is find the facts of what was done, what was the rationale for doing it, was it legal; if it was not legal, why did we pursue it;

and was it consistent with our international obligations. And as so many generals have indicated, do we want to subject our own people to such conduct when and if they may be in custody by a foreign power or terrorist?

So I say to my friend that I understand the beating on the table, if you will. But from my own personal perspective, that's not the issue on either side of the aisle, who knew what or when they knew it. What is the issue is what was done. That is my presumption of what a commission would do. I presume as well that committees of this Congress may be interested in that.

Mr. CANTOR. I thank the gentleman.

I think there is certainly a concern to ensure that all laws have been followed. Certainly our primary concern is to make sure that we are protecting Americans in everything we do. And given the growing threat globally, the terrorist threat that we face, all of us share in that end.

But I would say to the gentleman that somehow there have been statements made by the Speaker and others indicating a certain preconceived bias, like a belief that perhaps the CIA or others have somehow misled us.

I do think the gentleman is correct in saying that we need to focus on what kind of practices occurred, but I also think that in an ongoing manner, to ensure compliance with the law, we need to understand if there is some type of preconceived bias, as was indicated in some of the public statements that may have been made today. And I do think that the gentleman would agree, openness and an indication of a predisposition prior to the revelation now of who knew what when may be somehow shaping the bias in these discussions.

I share with the gentleman the notion, we need to follow the law. But if there is somehow a belief—and I'd ask the gentleman whether he shares this belief—that somehow the CIA or others have intentionally misled this body, because that seems to be some concern that has been raised today.

I yield.

Mr. HOYER. I have no idea of that. I don't have a belief of that nature because I have no basis on which to base such a belief. I certainly hope that's not the case. I don't draw that conclusion.

What I say to the gentleman, once again, is that to a degree, that is a distraction. It is not irrelevant, but it is a distraction from the central point. I will tell my friend that I think there is far too much discussion about what was said as opposed to what was done.

The truth commission I think has a responsibility—or whatever we call a commission that would look at this issue—not so much for what was done but to ensure that what we do going forward is legal, consistent with our

values, consistent with our morals, and consistent, as the gentleman points out, with protecting our Nation and our people.

In my view, we have a responsibility to do all of those. In my view, we can do all of those. They are not inconsistent with one another. And that is what I think we ought to be looking at as we look at what happened so that what happens in the future—because certainly this Nation is going to be under threat now and in the future. I think it's very important. I frankly think that upholding our values is consistent with also protecting our security.

Mr. CANTOR. I thank the gentleman.

I remain concerned. And I think it is shared by my colleagues on this side of the aisle that if it is the intent of the Speaker and the majority leader to pursue a truth commission surrounding the investigation of terrorists and the interrogation tactics employed, that we do know what interaction this body had, the Members of this body and its committees had, in the oversight of the tactics that were employed. Because if we are all concerned about following the law, which we should be first and foremost here, and if there was acquiescence, if there was knowledge on the part of this body, but yet now allegations made suggesting that certain tactics were used and were against the law, that raises serious questions about the ability for this body going forward to properly exercise its oversight authority so we do uphold the law.

That would be our concern over here, Madam Speaker, that we make sure that there is a full vetting of what transpired so that we don't repeat the type of mistakes perhaps or we don't repeat the omission of action, if you will, on the part of this body.

With that, Madam Speaker, I thank the gentleman, and I yield back the balance of my time.

--- HOUR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet 12:30 p.m. on Monday next for morning-hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, May 19, 2009, for morning-hour debate and noon for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

--- MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without

amendment a concurrent resolution of the House of the following title;

H. Con. Res. 80. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

HELP FOR NEW JERSEY SENIORS AND VETERANS

(Mr. ADLER of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADLER of New Jersey. Madam Speaker, I rise today to call attention to the struggles of our seniors and our veterans. These are tough economic times. Many New Jersey families, seniors and veterans are struggling to make ends meet. That's why I'm pleased to know that seniors and disabled veterans are receiving a \$250 economic recovery payment this month. We have to make sure our seniors and our veterans receive the benefits and relief they need and so richly deserve.

When I reviewed the first draft of the economic recovery package, I realized that retired seniors and disabled veterans were completely excluded from receiving any tax rebate. I worked quickly to fix this oversight, introducing the Safeguarding America's Seniors and Veterans Act which was included in the final recovery package enacted into law. Fortunately, New Jersey seniors and disabled veterans will now be receiving \$250 in tax relief this month.

During these tough economic times, we must ensure that we take care of our seniors and our veterans, those who have made our country so great and kept us safe and free. These \$250 checks have already started arriving in homes in Burlington and Ocean Counties and in Cherry Hill and are making a great difference in the lives of our seniors.

I'm happy to be part of this process.

CONGRATULATING LAUREN ZUMBACH

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Madam Speaker, I rise today to honor and congratulate a remarkable young woman from my district, Lauren Zumbach, who was just announced as a 2009 Presidential Scholar.

The Presidential Scholar program annually recognizes 141 of the Nation's most exemplary high school seniors who have demonstrated outstanding academic performance as well as exemplary leadership, citizenship and community service. Lauren embodies all of these traits.

A poised and confident young woman, Lauren is a leader both in and out of the classroom. As a student athlete at

Hinsdale Central High School, Lauren has been a straight A student while contributing to her championship cross-country team.

Her accomplishments do not end there. Outside of the classroom, Lauren has organized work days to improve local forest preserves. She has worked to instruct area children about safe on-line behavior. And just last fall, Lauren was the impetus behind Trot for the Troops, a 5K race that raised money for the Illinois chapter of Operation Homefront.

In a few weeks, Lauren will graduate from Hinsdale Central High School, and I congratulate her on receiving the 2009 Presidential Scholar award.

□ 1645

THE MEDIA SHOULD HOLD OBAMA ACCOUNTABLE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, last week, the Obama administration increased its budget deficit projection to more than \$1.8 trillion and then promptly blamed the deficit on former President Bush. Most of the national media have blindly accepted this false charge despite facts to the contrary. President Obama did not inherit the current budget which spends too much, taxes too much, and borrows too much. But he did vote for last year's budget as Senator. President Obama didn't inherit the \$787 billion so-called "stimulus package," he authored it. President Obama didn't inherit out-of-control government spending. He has presided over it.

At some point the national media needs to hold the current administration accountable for its own spending and the ballooning deficit which will increase inflation and slow economic growth.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA'S TREASURY IS BARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, today we passed the supplemental bill. And I'm deeply disappointed about that. I was disappointed also that I wasn't able to get any time to enter into the debate because the time was rather limited and it was a closed rule. But I did want to make a couple of comments and the concerns that I have had about this supplemental.

When the President sent the supplemental over, it was \$84.9 billion. And there were some of us that were hoping that we wouldn't be funding the war through supplementals, but it looks like that hasn't changed, the process would continue, even though there were some that believed there would be a change in the way we funded these wars. When that bill came to the House, there was a lot of expression about concern about spending too much money. But by the time it got to the floor, it was \$96.7 billion. And things were added, for instance, \$2 billion for the flu epidemic that didn't occur, but still, we are going to spend \$2 billion trying to figure out whether we are ever going to have an epidemic.

It was very disappointing that even though it was a closed rule, the minority had one chance to do something about it and maybe reduce some of the spending. But lo and behold, when that amendment was offered, it was offered to increase the spending by \$2.9 billion. There was a lot of expression of the outcry about this spending and the deficits we have and the deficits exploding and the Social Security, Medicare, Medicaid underfunded, and we are in the midst of a crisis. But it doesn't seem to bother anybody about spending. But the truth is, the Treasury is bare. The Treasury is empty. And yet we continue to spend all this money.

So where do they think they are going to get this money? Well, we can't tax the people any more. The people are broke. And yet still we resort to more borrowing and more printing of money which will not last forever. It will eventually come to an end. And I think that is what we are witnessing.

This process bothers me a whole lot that we come to the floor with the supplementals. We rush them through. We talk about this excessive spending. And lo and behold, when we finally vote, we get a total of 60 people who would say, Enough is enough. And besides, what are we doing? Where are we spending this money? I thought we were supposed to, with this change in administration, that we would be fighting less wars. But no. The war in Iraq continues. We expand the war in Afghanistan. We spread the war into Pakistan. And we always have on the table the potential danger of Iran.

So when will it ever end? We can't even define the enemy. Who exactly is the enemy over there? Is it the al Qaeda? The Taliban? Is it the Government of Pakistan? If you can't define the enemy, how do you know when the war is over? If we are in war, which we are, how can this be anything other than war? When was this war declared? Oh, well, we got this authority 5 or 10 years ago. Who knows when? Perpetual war. This is what we are involved with. Perpetual spending. And then we say, well, we have to do that to be safe. That is what is preposterous. It is the

very policy that makes us unsafe. We pursue this policy, and the more we do, the less safe we are. There is a big argument now about whether we are safer now with the new administration or is it making us less safe?

The truth is the policies of the last 10, 15, 20 years have made us less safe. And as long as we occupy countries, as long as we kill other people and civilians are being killed, we are going to build enemies. And as long as we are known throughout the world that we torture people, we will incite people to hate us and want to come here to kill us. So we aren't more safe. We are less safe by this foreign policy. And some day we have to wise up, change our ways and not be the policeman of the world, not to pretend that we can be the nation builder of the world, swear off and make sure we don't torture, because you don't get worthwhile information from torture. All it does is incite people against us. And the occupations can never be of any benefit to us.

What about the financial calamity that is coming? I'm afraid this is the way this will end, through another financial crisis much bigger than the one we currently have, because you can't create \$2 trillion of new money every year and expect this system to continue.

The Soviet system collapsed because they couldn't afford it. Their economic system was a total failure. We did not have to fight the Soviets. Even though they were a nuclear power, they collapsed and disintegrated. And that is what we have to be concerned about, because we cannot continue to finance this system and pursue a policy which endangers us.

So if we care about the American people and care about our liberties and care about our Constitution, we ought to look seriously at our foreign policy and not continue to pursue the supplemental appropriations where we continue to spend money that we don't have.

H.R. 1924, TRIBAL LAW AND ORDER ACT OF 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Ms. HERSETH SANDLIN) is recognized for 5 minutes.

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to discuss H.R. 1924, the Tribal Law and Order Act of 2009. I was proud to reintroduce this legislation designed to address the serious deficiencies and systemic flaws within the Federal agencies charged with providing law enforcement and justice programs in Indian country.

As the at-large Member of Congress for South Dakota, I am proud to represent nine sovereign Native nations. The Federal Government has a unique relationship with the 562 federally rec-

ognized tribes. This government-to-government relationship is established in the U.S. Constitution, recognized through hundreds of treaties, and reaffirmed through executive orders, judicial decisions and congressional action.

Law enforcement is one of the Federal Government's responsibilities to federally recognized tribes. Yet on many counts, we are failing to meet that obligation. In April, Oglala Sioux Tribe president, Theresa Two Bulls, testified at the House Appropriations Subcommittee on Interior, Environment, and Related Agencies' oversight hearing on law enforcement issues in Indian country. President Two Bulls discussed the law enforcement crisis on the Pine Ridge Indian Reservation in southwestern South Dakota. She explained how large, land-based reservations struggle to maintain the level of officers needed to protect tribal members.

President Two Bulls illustrated the seriousness of the public safety crisis by telling the committee of one case. A young woman living on the reservation received a restraining order against an ex-boyfriend who battered her. One night she was home alone and woke up as he attempted the break into her home with a crowbar. She immediately called the police, but due to the lack of land lines for telephones and the spotty cell phone coverage, the call was cut off three times before she reported her situation to the dispatcher. However, the nearest officer was 40 miles away. Even though the young police officer who took the call started driving to her home at 80 miles per hour, by the time he arrived, the woman was severely bloodied and beaten. The perpetrator was nowhere in sight.

All Americans should be outraged by this grossly inadequate law enforcement infrastructure which is clearly ill-equipped to deter, prevent or prosecute crimes and criminals. For families who take a basic sense of safety and security for granted, these stories should serve as a wake-up call.

And it is not an isolated incident. As I meet with tribal leaders throughout South Dakota and Indian country, I know that these tragic stories are not unique to the Pine Ridge Indian Reservation. Amnesty International has reported that violence against Native women is particularly widespread. American Indian and Alaska Native women are more than 2½ times more likely to be raped or sexually assaulted than women in the United States in general. Yet the majority of these crimes go unpunished.

While addressing the lawless conditions in Indian country will require significant changes in the way that the Federal Government works with tribes, as well as a meaningful influx of resources into reservations in most need, H.R. 1924, the Tribal Law and Order

Act, is an important step to addressing the complex and broken system of law and order in Indian country. This bill would establish accountability measures for the Department of the Interior and the Department of Justice with regard to tribal law enforcement. This bill also seeks to increase local control to tribal law enforcement agencies and to authorize additional resources for tribes to address the safety and security needs of their communities.

Specifically, this bill would clarify the responsibilities of Federal, State, tribal and local governments with respect to crimes committed in tribal communities. It would increase coordination and communication among Federal, State, tribal and local law enforcement agencies. It would empower tribal governments with the authority, resources and information necessary to effectively provide for the public safety in tribal communities. It would reduce the prevalence of violent crime in tribal communities and combat violence against Indian and Alaska Native women. It would address and prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country and increase and standardize the collection of criminal data and sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

Native American families, like all families, deserve a basic sense of safety and security in their communities. The Tribal Law and Order Act is an important step toward meeting the Federal Government's responsibility to Native communities. And I urge my colleagues to join me in moving this important legislation forward.

THE CAP-AND-TAX BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Madam Speaker, it looks like the Energy and Commerce Committee is moving forward in addressing and moving on the cap-and-tax bill. And I'm coming to the floor to just talk about the real-world implications of what this bill might do. The basic premise is this: carbon fuels are bad, whether that is coal or whether that is petroleum crude oil. And because it is bad, we are going to have to monetize it, which means put additional cost on that to decrease people's use of that fuel.

There are problems with that premise. We went through the last Clean Air Act amendments in 1990 in the State of Illinois. In the Midwest particularly there were a great deal of problems. This is a picture of miners from the Peabody No. 10 mine in Kincaid, Illinois. They were part of the

14,000 United Mine Workers that lost their jobs in the last Clean Air Act amendments. At this one mine location, over 1,200 miners lost their jobs, and that has caused a devastating effect in southern Illinois.

Now, Illinois wasn't the only State affected. I always like to highlight the State of Ohio. The State of Ohio lost 35,000 mine worker jobs in the last Clean Air Act amendments—35,000 people. And that is not just individuals. That means that affects their families, the small rural communities in which they reside, the tax base for the school districts, the spin-off effects of folks having good-paying jobs averaging from 50 to \$70,000 a year with benefits, gone.

□ 1700

This is an editorial in the Wall Street Journal yesterday. They used this picture. Again, a picture paints a thousand words. We know that the economy is struggling today. So this identifies "Ship USS Recovery" with Uncle Sam. You would think that Uncle Sam would want to help lift this economy up by throwing a lifesaver to the people who need it and create jobs. Well, Uncle Sam is doing it, but he's showing an anvil which is listed as a big tax to the drowning citizens. Now, we all may chuckle with this, but that is exactly what the cap-and-tax, cap-and-trade bill will do.

And you don't have to take my word for it. Take the word of someone highly respected, the dean of the House, Chairman Emeritus JOHN DINGELL, who said this in a committee hearing just 2 weeks ago, "Nobody in this country realizes that cap-and-trade is a tax, and it's a great big one."

If you don't want to take his word for it, take the word of now President Barack Obama, who was quoted as saying, "Under my plan of the cap-and-trade system, electricity rates would necessarily skyrocket. That will cost money. They will pass that money on to consumers."

Now, that's real money to real citizens, citizens like these folks right now who are drowning in the inability to either make their own payments or for the manufacturing sector of our society to compete today.

What we fear, if the Democrats are successful, is that we have a hard time competing in the manufacturing sector around the world. We usually are able to compete because of low-cost power and a very efficient manufacturing sector. We can't compete on wages. We can't compete on environmental restrictions of sovereign nations. So if we take another variable off the table of how we can compete, what will happen is this: We will drive more manufacturing companies offshore to countries that aren't going to comply with monetizing carbon. Who are these countries? China, India, who have stated over and

over again they don't care what the United States is going to do, they are going to continue to build, in the case of China, one new coal-fired power plant every 10 days. What we could do is we could go all the way down to zero and the world's carbon dioxide emissions are going to increase.

COST OF THE WAR IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I have come to this floor repeatedly. In fact, I have come to the floor over 300 times to discuss the human costs of war. Our brave men and women in uniform have given their lives in service to our Nation, and tens of thousands have returned home with physical and mental scars. And it isn't over yet.

The costs in treasure and blood will be felt for generations. The National Priority Project has done a comprehensive review of the costs, and they are actually staggering.

Since 2001, 675 U.S. troops have been killed in Afghanistan and more than 2,600 soldiers have been wounded in action. The trend is not encouraging: The U.S. death toll has escalated each year, from 12 in 2001 to 99 in 2005, 117 in 2004, and 155 in 2008. And it's not over.

The war in Afghanistan has cost taxpayers \$171 billion. With the supplemental that was passed today, we have just added \$77 billion to fund the wars in Iraq and Afghanistan through the year 2009. Obviously, it's not over. An additional \$130 billion will fund both wars anticipated in the 2010 budget.

It appears from today's vote that many here in the House of Representatives haven't learned the lesson from our occupation of Iraq. And according to policy experts, Iraq is going to look like a cakewalk compared to the battles that we will be seeing in Afghanistan.

Let's look at what the occupation of Iraq has actually brought: The occupation of Iraq has cost \$656 billion so far, with another \$52 billion voted on today as part of the fiscal year 2009 war supplemental. At least \$2 trillion in future budgetary costs, including veterans' benefits, will be spent in the very near future. Almost 4,300 U.S. servicemembers have died in Iraq so far. And hundreds of thousands of Iraqi civilians have been maimed and killed.

Madam Speaker, the costs are too great. We don't have a defined mission in Afghanistan. We do not have a development plan. Our endless military presence will only serve to fuel anti-Americanism throughout the region. But it continues to go on.

So what's the cost here at home? As we experience one of the worst economic recessions in our Nation's his-

tory, every taxpayer dollar becomes more valuable. Today the majority in the House decided that funding an endless occupation of two countries is more important than education, health care, and renewable energy right here at home.

For my State of California, the war in Afghanistan has already cost us \$21 billion. That means 2.6 million new Head Start places for children that need to go to school. It means 9 million individuals could have been provided with health care, 38.7 million homes could have been provided with renewable electricity.

We make choices every day on the House floor. Today that choice reflects a decision to keep our troops in Iraq until the end of 2011 and in Afghanistan indefinitely. This vote does not invest in SMART Security. It does not take us into the 21st century, because for every dollar in the supplemental dedicated for smart humanitarian investment, \$8 will be spent on the military. And it keeps going on.

I want to say we either change the way we meet our obligations and have a different way of coming together with nations that we don't agree with or we're going to be in a lot of trouble as human beings.

TROUBLES IN THE AUTO INDUSTRY ARE NOT JUST A MICHIGAN PROBLEM; TODAY WE SEE THEY ARE AN AMERICAN PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Madam Speaker, I represent a district in southeast Michigan. We are a part of the very heart and soul of our domestic auto industry, an industry that has served our country very well. It's built the weapons that America needed in times of war when our freedom itself was at risk. It's provided millions of Americans an opportunity for a good job with good benefits and a secure retirement.

We all understand that the American auto industry has fallen on very, very hard times. Those of us in southeast Michigan understand it well. It's not a new development. We are painfully aware of it. We've dealt with plant closings and thousands of jobs lost. We've dealt with families torn apart, home foreclosures, and communities devastated. And we've endured massive new unfunded Federal mandates placed upon our industry, which have made it very difficult to compete. We've watched as Federal and State incentives have been offered to foreign competitors to come into our home market on equal terms, even though similar access to foreign markets has not been offered to our domestic companies. We've seen this government negligent

in not formulating a manufacturing policy that protects vital American interests and good-paying American jobs. And for years we never asked for help.

But when Wall Street melted down last year, our problems were made even worse because 80 percent of the people who are going to buy an automobile require credit and not enough credit was available, and, of course, auto sales have just fallen through the floor. And when the auto companies came to Capitol Hill to ask for similar assistance that's been given to the Wall Street banks, those whose actions made their problems even worse, the auto industry was treated with disdain and their pleas for help were rejected by this Congress, which seemed indifferent to the problem and to the desire to protect American jobs.

This was a Michigan problem we were told, not an American problem. We tried to remind our colleagues of everything that this industry has meant to our great Nation, and again we received indifference and we were told, Just let them go into bankruptcy.

We were told that these companies needed to shed their legacy costs. Well, guess what. Legacy costs have names. They are people. And we're told that this has to be done because these foreign competitors who were given free access to our market do not have such legacy costs. Or imports which are built by low-wage workers overseas do not have these legacy costs. We are told we need to drive American wages down to match Third World competitors in order to compete.

Well, today we see that this is not just a Michigan problem anymore; today it is an American problem. Today Chrysler is in bankruptcy court, exactly what many in this Congress advocated for. And today Chrysler filed a list of 789 dealerships whose franchise agreements it is asking the bankruptcy court to sever. That means the closure of 789 dealerships in communities all across our great Nation.

These businesses represent not just a place to buy a car, but they represent community leaders, the sponsors of the Little League teams or the chairman of the Rotary. In many cases the biggest job provider in the town. The average dealer in this Nation, Madam Speaker, employs over 50 people. So this move means the loss of over 40,000 more jobs. Now 789 communities across this Nation will feel the pain of a contracting domestic auto industry. The pain of a business shutting down, the pain of jobs lost, the pain of families who will be devastated.

And tomorrow that pain will only get worse as General Motors is also set to release a list of dealers it hopes to shed and a list that will be much, much larger than 789 dealers.

Madam Speaker, this list was submitted as a part of that bankruptcy filing, a bankruptcy that many Members

were advocating for when they believed it was just a Michigan problem. And now we see Members lamenting the fact that dealerships in their districts are closing. And they fail to realize that if this bankruptcy had happened last December, when they voted against bridge loans for the auto industry, it would have included every Chrysler dealer, because a disorderly bankruptcy would have led to the liquidation of Chrysler. So some Members got what they advocated for, Chrysler in bankruptcy, which today has led to the loss of 40,000 jobs. And tomorrow it will get worse.

It is time to understand that preserving, protecting, and defending our auto industry doesn't just solve a Michigan problem, it solves an American problem, and it defends jobs in every community in our great Nation.

It is a shame, Madam Speaker, that we had to learn this lesson on the backs and the livelihoods of another 40,000 of our fellow Americans.

□ 1715

EMBRACE MARRIAGE EQUALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maine (Ms. PINGREE) is recognized for 5 minutes.

Ms. PINGREE of Maine. Today I want to recognize some actions in my home State. Last week Maine became the fifth State in the country to embrace marriage equality.

Same-sex couples live all over our State in loving, committed relationships, raising families and growing old together, yet they have not been afforded the rights and responsibilities that come with marriage. Last week our legislature took a major step towards correcting that injustice.

In the week leading up to the vote, thousands of people filled the Augusta Civic Center to testify on the marriage equality bill. People came from all over our State, men and women, straight and gay, young and old, couples and single people. Many of them waited hours for their turn to speak. When they got to the microphone, the overwhelming majority said it was time for Maine to recognize same-sex marriage.

Maine moved the country one step closer to federally recognizing and protecting the right for two people, regardless of their gender, to be married. Maine has always been an independent State with a forward-looking legislative body and citizens with common sense.

I stand here today to congratulate my home State on the passage of this landmark victory.

The landmark victory didn't come easily or without long debate. Many personal journeys began and ended with this lengthy discussion.

My daughter happens to be the Speaker of the House, and she shared her own personal story, which, with pride, I would like to share a few of her words which reflected our family's feelings. She said, when she got up to testify, "This issue was brought home for me two summers ago when my husband and I were married. Our island pastor was on a trip abroad and unavailable to perform our wedding ceremony. My husband and I wanted to be married by someone we knew and trusted. We asked a good family friend to perform our wedding; we knew his tone, his presence, and his sense of humor would be perfect. He was honored to do it, and we immediately got to work planning the ceremony. Throughout the preparations for the wedding, he gave us honest and valuable advice about the joys and challenges of a lifetime of commitment to another person. He gave us some of the best advice either of us has ever received about marriage.

"As we drove away from our wedding rehearsal, all of us happy and relieved that everything seemed to be going well, my friend said to me, 'I am honored to perform your wedding. It is going to be great. But it is important to understand that you and Jason have the right to do something very special, and it's a right that I don't have. The friend that married us is a gay man who has been living in a committed and loving relationship with the same man for more than 30 years.

"I was struck in that moment that a person whom I respected and trusted, a person as close to me as some of my dearest relatives, a person whose relationship was a model for trust, compassion, longevity, was legally denied a right and status that my husband and I were about to be granted. There is nothing fair about giving some committed couples in Maine the right to the legal responsibilities and privileges of marriage and denying it to others."

That was my daughter, Hannah, the Speaker of the House's story, and one that held great meaning to my family and to so many of us across Maine as we considered the plight of many of our friends in committed relationships who haven't been allowed the right to make it legal.

When the deliberation ended at the public hearing and it was time to vote, many of Maine's State legislators found themselves in new territory. As Governor Baldacci made clear just after signing the marriage equity bill into law, he said, "In the past, I opposed gay marriage while supporting the idea of civil unions. I have come to believe that this is a question of fairness and of equal protection under the law, and that a civil union is not equal to civil marriage."

Madam Speaker, as we in this body consider the future of issues of equality, it is important that we all take a moment to reflect on the history that

was made in Augusta, Maine, this month. Eighty-nine State representatives, 21 State senators, and one Governor put themselves on record supporting fairness and equality, and one more State voted to do the right thing.

HONORING NEUMANN COLLEGE ACHIEVING UNIVERSITY STATUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Madam Speaker, I rise to honor a remarkable institution of higher education focused on developing graduates, who understand that true reward comes not only through acquiring knowledge, but also the use of that knowledge in the service of others.

In the fall of 1965, the Sisters of St. Francis of Philadelphia opened Our Lady of Angels College, based in both liberal arts and Franciscan traditions, with just 115 female students in Aston, Pennsylvania. In 1980, male students were admitted for the first time and the board of trustees approved changing the college's name to Neumann as a tribute to the significant role former Bishop, and now St. John, Neumann played in the order's early formation.

Forty-four years later, through the tireless efforts of the Sisters of St. Francis of Philadelphia and their many supporters, the Seventh Congressional District of Pennsylvania is home to a new university. On April 30, the Pennsylvania Department of Education recognized more than 2 years of research, planning, applications, and campus evaluations by issuing a certificate of authority to elevate Neumann College to university status.

The process of converting from a college to a university is lengthy and complicated, requiring the addition of full undergraduate studies in the arts and sciences, professional graduate programs, a doctoral program, and cultural programming open to the community. Neumann College's visionary and perseverant leaders, President Rosalie Miranda and Vice President for Mission and Ministry, Sister Marguerite O'Beirne, OSF, have worked tirelessly with the entire Neumann staff to make the conversion possible.

In addition to schools of business and nursing, Neumann offers a college of arts and sciences, as well as six graduate and two doctoral programs. What sets Neumann apart from other colleges and universities is its unparalleled ability to educate its students outside of the classroom through programs that sharpen social awareness and ethical concern, which I have observed myself.

As Dr. Miranda so eloquently writes of Neumann, "We will give you the opportunity to experience the reality that learning and living are one; that education is truly the combination of

the intellect, the body, the heart, and the soul, and that education is about relationships, going deeper into your being to discover the special gift of yourself and all creation that surrounds you."

As part of its mission, Neumann University has a very strong minority recruitment program. Neumann works aggressively to see that a values-based private education is affordable to as many young men and women as possible. Neumann imbues each student with the notion that learning is a lifelong process.

Achieving university status marks the culmination of a remarkable transformation for Neumann. It is a living testament of the decency, hard work, and absolute commitment of the Sisters of St. Francis of Philadelphia.

Madam Speaker, today I acknowledge the 8,327 living alumni, the 3,037 current students, and the 507 faculty and staff, board of trustees, and President Miranda especially on achieving their goal of advancing Neumann University as a recognized institution of higher education in the Catholic Franciscan tradition. I commend their dedication to making ours a better community, Nation, and world with so many better students and people.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2009 AND 2010 FOR THE COMMITTEE ON APPROPRIATIONS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 423(a)(1) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit for printing in the CONGRESSIONAL RECORD a revised 302(a) allocation for the Committee on Appropriations for each of the fiscal years 2009 and 2010. Section 423(a)(1) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for overseas deployments and other activities when these activities are so designated. Such a designation is included in H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. A table is attached.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(a) ALLOCATION (In millions of dollars)

	BA	OT
Current allocation:—		
Fiscal Year 2009	1,391,471	1,082,540
Fiscal Year 2010	1,220,843	1,269,745
Change for H. R. 2346 overseas deployment and other activities designation:		
Fiscal Year 2009	90,745	0
Fiscal Year 2010	24,989	34,888
Revised allocation:		
Fiscal Year 2009	1,482,216	1,082,540
Fiscal Year 2010	1,245,832	1,304,633

THE PROGRESSIVE MESSAGE FROM THE PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, let me welcome America and the rest of the world to the Progressive Caucus Special Order hour. We would like to call it "The Progressive Message."

And the Progressive message is something that the Progressive Caucus does every week to project a Progressive vision for America; not a reactionary vision, not a status quo vision, but a vision of America as we believe that it could be, can be, that all men and women are created equal and endowed by their Creator with certain unalienable rights, among them life, liberty, and the pursuit of happiness.

The Progressive Caucus and the Progressive message, tonight, are here to come to bring a message to the people about where we are going, where we have been. And tonight's topic is "Why I'm a Progressive."

Why I'm a Progressive; here's why. We are going to talk about it tonight, and it's going to be good. And to help us get kicked off on this subject of why I am a Progressive, I want to yield to the gentlelady from the great State of California, who is also one of our co-Chairs, LYNN WOOLSEY.

Ms. WOOLSEY. I would like to thank the gentleman from Minnesota and the gentleman from Colorado for being here, and the gentlewoman is going to be here, too.

Mr. ELLISON. From the great State of Maine.

Ms. WOOLSEY. She just announced to us the great progressiveness of her family and her State. Believe me, I honor you. Thank you for being part of this.

Progressive liberal, liberal Progressive. I mean, how often have we been chastised for being liberals? So we changed the word to "progressive." It means exactly the same thing to me. I am proud if people call me a liberal, and I am proud to be a Progressive, because it is the same thing.

And what does that mean to all of us? What does it mean to me? Why do I want a label? Why do I care?

You know what? It's because I can count on Progressives, the people that I know to be Progressives, to put out their hand when somebody needs help, and that means here, as legislators, to know that our job is to work for those who have less, who maybe have come upon hard times and need a short-term lift. That's why I supported a welfare system that had a floor to it, that would actually help poor people so they didn't fall through the net.

And I am also going to say one more thing about being a Progressive. A Progressive, to me, knows that organized

labor made the difference in this country in bringing a middle class to the United States of America, a class where families could work, could afford to buy their own home, could send their children to college and at the same time pay into their own retirement system so they could be independent when they retired, and, oh, what a concept, have health care.

So that's what Progressive values are to me and that's what being a Progressive is about, having the values, having the concerns, having the empathy for others and knowing that it isn't about us. We work for everybody in this country.

Mr. ELLISON. We have been here on the House floor together before, and at that time in the past you shared one of your own personal stories about what motivated you toward Progressive politics.

□ 1730

But leave it to say that the gentlelady from California, our co-Chair, LYNN WOOLSEY, came to Progressive politics not just because of something she read in the book, but because of the life that she lived that helped her understand what the importance of Progressive politics are all about.

I yield back to the gentlelady. Is that right?

Ms. WOOLSEY. That is absolutely true. But I have to tell you, when I was a mom with my three little kids and my husband that eventually became mentally unbalanced but was very successful before we were 30 years old, I was the one in our group of friends that was arguing for other people.

So I have gone through going on welfare and taking care of my three children and all that. That just solidified for me. Thank heavens, I had that hand up. I certainly think that my job is to make sure others get the same advantage as I had.

But I was fighting for the underdog, for the person who needed help, and for the education of all, way back there when I was very comfortable.

Mr. ELLISON. The fact is that many of us come to our own conclusions about the need for shared prosperity, and some of us find that that helping hand that we would give others, sometimes we need it ourselves.

But, you know what? It's okay, because Progressive politics has a long, strong, proud history in the United States. Part of that history has been fighting for peace. And that fight goes on today.

I want to yield to the gentleman from Colorado, Representative POLIS, who has some views on that. How does Progressive politics inform you as you search for America as a more peaceful partner in the world?

I yield to the gentleman from Colorado.

Mr. POLIS. Thank you. I thank my colleague from Minnesota. Just today,

hours ago in this very Chamber, we had a debate—not enough debate—but a debate about American military activities overseas in Afghanistan and Iraq, and specifically around Congress's role in funding these efforts.

I was proud to cast my vote against the supplemental. I think we need to fundamentally rethink the militaristic aspects of our foreign expeditions in Iraq and Afghanistan.

To me, what is a Progressive? It's somebody that questions the status quo. Who always asks, What can be better? Somebody who constantly seeks something closer for humanity to the state of perfection.

We know that it is patriotic to question authority rather than blindly follow authority. And that's an important distinction both in this Chamber as well as with one's friends when we're having discussions.

The most patriotic thing that we can do as Americans is ask ourselves these tough questions: Why are we occupying Iraq? Why are we occupying Afghanistan? Why are we putting our men and women in harm's way and causing many more casualties on the other side as well? What is our role ongoing in these countries?

Of course, Progressives want to protect America. Of course, we're concerned with the terrorist threat; of course, we want policies that protect our citizens and reduce the risk of terrorism here and abroad. But we question the conventional wisdom. Why does attacking a country that had nothing to do with 9/11 reduce the risk of terrorism here?

Mr. ELLISON, do you think that that had any effect on terrorism here?

Mr. ELLISON. The gentleman has yielded to me. The attack on Iraq is the single worst decision any President of the United States has ever made. And I'm proud to say the Progressives stood up and voiced opposition to it. But not only that—Vietnam. Not only that, members of the Progressive community have stood up and questioned the very military buildup itself and the United States posture in the world.

You know, I'd like to share with the gentleman, if I may, and the gentlelady from Maine, that if you took every military budget in the entire world—I'm talking about Palau, Timor-Leste; I'm talking about places like Indonesia, Kenya, wherever—and you added them all up and you compared them to the United States military budget, ours would still be bigger.

We spend more money on military armaments than every other country in the world—and many of our military expenditures go to things that have absolutely positively nothing whatsoever to do with fighting terrorism. They're for fighting Russians—states that are confined within nonporous borders, state actors, not nonstate actors who are fluidly moving throughout the world.

So I toss it back to the gentleman from Colorado and yield to the gentleman from Colorado. Have Progressives stood up for peace? What do you think?

Mr. POLIS. I just have one more thing to add. A majority of Americans agree that Iraq was a mistake—invading Iraq was a mistake. It shows that Progressives were right at the time to question that war. And if you recall, as I do, at that time there were many people saying, Oh, you're against the war; your un-American; you're unpatriotic. You're rolling over to the terrorists.

That war—and this is the majority consensus now, and you have mainstream groups across the ideological spectrum, you even hear this from the other side of the aisle, looking back, saying, If we knew what we knew today, we should not have invaded the country of Iraq.

Asking those tough questions, those critical questions, can be politically difficult at times. But it makes our country greater and it's how Progressive Americans across our country express their patriotism, by asking those questions that nobody else is asking, by not taking the wisdom from on high, be it from a Republican administration or a Democratic administration, that that's the way things are, but to use our own minds and rational thought to look at the information and look at it from an objective perspective and try to make our own opinion—not being pressured by outside groups or groups that might have an economic interest in a perpetual war, but rather to form our own opinions and voice our dissent where appropriate.

Thank you for the time.

Ms. PINGREE of Maine. Will the gentleman yield?

Mr. ELLISON. Let's now introduce our freshman colleague from the great State of Maine, Representative PINGREE, who comes here with a long-term service of the people of the State of Maine, but who is going to focus on another aspect of what it means to be a Progressive.

There's the peace aspect, there's the question of domestic economic progressivity, but there's also this element of Progressive politics, which says individual liberty is very important.

Let me yield to the gentlelady because she made a very important 5-minute speech today, which we would ask her to elaborate on just a little bit. Let me yield to the gentlelady from Maine.

Ms. PINGREE of Maine. Thank you very much. Thank you to all of my colleagues here today. It's nice to have the opportunity to join the two of you.

I first want to say that I concur. It was an important day to cast the vote that many of us did to recognize that there are serious issues around Iraq and Afghanistan. In spite of many of us coming from States where we have a

lot of people serving in the military, and I greatly respect their service and the importance that all of us see in taking care of those who serve their country, this was also an important day to talk about the essential nature of finding an end to the conflict and making sure that we send the President that message.

I thank you for giving me this chance to talk a little bit about what it means to be a Progressive. You're right, I was fortunate to be on the floor just a few moments before we started the Progressive Hour to recognize something that had gone on in my State in the past week.

Maine is now the fifth State in the Nation to recognize the equality of marriage that everyone, regardless of their gender, should have the right to marry. As we all know, this can often be a contentious and difficult debate.

Thousands of people literally turned out at a public hearing in Maine to discuss this topic. People from all walks of life; from all religious backgrounds; people who were married and who weren't married.

I very proudly quoted from my daughter today. My daughter happens to be the Speaker of the House in Maine—far more important than her mother—and she gave a very eloquent speech about the fact she was married only a couple of summers ago by a wonderful friend of our family. And during the conversation preparing for the wedding, it occurred to her that her good friend who was marrying her had been part of a couple for 30 years, but because he was the same gender as her partner, was not allowed to be married.

So the person who gave her good advice, who performed the ceremony, was able to remind her everyone should have this right. I believe fundamentally it should be a Federal right. We should be talking about this at some point in our tenure.

But I'm just so proud of my home State, my own Governor, the State legislators, many of them who thought long and hard about the best way to cast their vote, but in the end said, Our goal is to do the right thing.

I just want to follow up a little bit about some of the things that you were already talking about before I close my remarks, but really on this idea of what it is to be a Progressive because JARED rightfully said that it's sometimes about asking the questions, of searching a little bit further, of taking the tough votes. I also think it is a matter of recognizing that we're all in this together.

For me, getting into politics—and I was first elected to the State legislature in 1992—but I became a school board member in my community years before that. Part of what I learned along the way is that the reason we do this is to recognize that we're all in

this together. That if we're not all succeeding together; if we don't have health care; if everyone doesn't have a job; if we're not thinking ahead about the security or everyone, whether you're a soldier or not a soldier, we're not going to get ahead in the world. We're not going to have the kind of world that we want to have.

To me, that is the fundamental of this—our overarching political philosophy is just recognizing that none of us get ahead unless we all do it together. For me, that's always a question when I make a decision, whether it's an economic decision or an issue of health care.

I have been a small business owner. I'm proud to say that I employ other people. But I want to make sure that they're treated well, that they get fair wages, that their health care is covered. I believe that's part of the fundamental of the responsibility that we share to each other in this country and in countries abroad.

For me, that's a fundamental principle, and I'm proud to share these moments with my colleagues from Minnesota and Colorado, where I know those are their fundamental values, as well as many others that they bring to the floor today.

Mr. ELLISON. Will the gentlelady yield?

Ms. PINGREE of Maine. Absolutely.

Mr. ELLISON. Do you think that perhaps part of the Progressive tradition is this idea of individual liberty? There are certain things that we as Americans may not agree on, but we will agree that the decision rests with the individual.

I can't tell you, from Maine, how many children you should have, or whether you should have any. I can't tell you who to marry or who not to marry. I can't tell you about these essential decisions that are like your business.

This is a very Progressive idea. Sometimes when you hear about the government getting off people's backs, you associate it with people who are on the "right" end of the political spectrum. But when it comes to many other decisions that are essential and private, these are Progressive values.

How does the gentlelady from Maine feel about this idea?

Ms. PINGREE of Maine. Well, absolutely. Maine is an interesting State. We're about a third Republican, a third Democrat, and a third Independent, but pretty much everybody is independent there. I would say the overarching value that most people share is this idea that there is a right of privacy, of individual liberty; that I'm not going to interfere with your right to live your life in the way you choose as long as you respect my rights as well.

Because of that, even though we're economically quite disadvantaged in my State—it's about 38th in per capita

income—people have worked hard to take care of each other, but also to somewhat leave each other alone. We have a lot of independent fishermen and farmers and people who make a living in a variety of ways, and most of them would say, Just preserve my independence and individual liberty and, while you're at it, can you make sure we get health care coverage.

But I think it's because people see those as values that should be shared, that come together.

Mr. ELLISON. If I can turn to the gentleman from Colorado. The gentlelady from Maine makes an interesting point. Part of the Progressive vision is doing things together which we should and could do together, and doing things separately, then maybe we get to make that call on our own. Maybe we should make sure that all Americans have health care, that everyone is safe, that women don't have to live in a home where they fear battering, and that we have a criminal justice system that protects them from that.

But maybe on certain other decisions like marriage or other things, that's just your business and we let people make decisions for themselves on that. How does the gentleman feel about this issue?

Mr. POLIS. If only those who object most vociferously to the government taking a dollar from my wallet to care for my brother and sister in this country would also object to the government appearing at the bedroom door, telling me who to marry, telling a woman whether or not to make the difficult decision to terminate her pregnancy. It is in fact somewhat hypocritical that while there seems to be a lot of care for the material aspects of freedom, there doesn't seem to be as much concern that I hear voiced for the equally, if not more important, personal aspects of freedom.

Truly, each individual is more important than the sum of their assets or a little entry on a ledger book. That might be a part of who you are—a very small part—but that's how you put food on the table and how you live, but there's a lot more to everybody. And when we as Progressives are talking about freedom, we're talking about the rest of the realm of our lives; those important everyday decisions in how you live.

And no, government shouldn't be telling people who to marry or whether or not to end a pregnancy or whether or not to use a certain kind of research that could save lives. No one is forced to engage in that research; no one is forced to even terminate a pregnancy; no one is forced to marry a gay person. But the question is: Should you have the right to do it if you wanted? And I think as Progressives, our answer is an unabashed yes.

Mr. ELLISON. If the gentleman would yield, when it comes to this

issue of marriage equality, I always say to people that it's not mandatory. It's up to the individual. What about individual liberty?

I just want to ask the two Members with me today, the gentleman from Colorado, the gentlelady from Maine, to just review with me, if you would, some of these things that I believe were Progressive in nature.

□ 1745

When it comes to this issue of the American Revolution, I think it was progressive. Yes, America was a slaveholding country. Yes, women didn't have equal rights. And, yes, there were a lot of problems. But if you look in that day and in that time for the American colonialists to say we are not going to be ruled by a king and we are going to choose our leaders, that was a progressive step forward.

We may look at that time and say there were problems, people didn't overcome a lot of social injustices. But if we look at it for what it was, individual citizens saying I don't want a king making up my mind for me, I want to cast a vote and select my own leaders, that, I believe, was a progressive step forward.

The Bill of Rights I think was progressive. Think about the first one: No government religious institution, everyone practices their own religion as they choose; the establishment clause; right to freedom of the press; right to assembly; right to redress grievances. It was a progressive step forward.

Universal white male suffrage. Of course, not all Americans got the right to vote at the same time, but there was a time when being a white male was not good enough to get you a ballot. You had to have some property. You could not be Catholic, you had to be a white male Protestant property owner. So when America said the property thing and the religious thing, those don't apply any more. Of course we would have liked to have more people get the franchise, but a lot of people got it.

Public education; emancipation of the slaves; national park system; food safety; break up of monopolies; antitrust legislation—progressive. The Homestead Act. Land grant universities so that all Americans could really enjoy a university education.

What about this one, I would like to ask the gentlelady from Maine, what about rural electrification, was that a progressive step forward for America?

Ms. PINGREE of Maine. Absolutely. I am glad you put this list forward today. I think it is an excellent collection of those things that we have done collectively to make sure that we are all better off.

Rural electrification was a very progressive idea. The idea that for economic development, for everyone to succeed, for people to have better op-

portunities, we all needed to be connected to each other.

I think one of the things that this underscores about Progressive values is the idea that you need to choose those things that will really benefit everybody. We all recognize we can't do everything. People sometimes accuse us of expecting government to do everything. We don't want to do that, and we don't want government to meddle in everything. But this is a very good list of those things that have benefited the greatest amount of people. And coming from a rural State, I know the importance of rural electrification.

In fact, I happen to live in a community that is about to construct a major wind tower, benefiting us as we look into the future, and we are still able to do that because of the organization that is there around rural electrification.

Mr. ELLISON. Would the gentlelady talk for a moment about the corollary of rural electrification and extending broadband access to all of America?

Ms. PINGREE of Maine. Absolutely. Again, representing a rural State, most people don't know, but Maine happens to be the most rural State in the Nation. Most of us live in small communities without access to cable, and the kinds of things that many other people have. Broadband has become essential for communication, education, and running a small business. Any kind of business, you need to be able to connect to people on the Net.

I personally run a business, and people wouldn't be able to find us if it wasn't for the Internet. But the fact is that many small communities don't have this. This is one of the reasons that this was part of the stimulus package that many of us supported and voted for because we believed it would help communities move ahead. Sometimes it is an inner-city neighborhood, and sometimes it is a distant neighborhood that needs that access to broadband. I think there is a correlation between what went on with the REA and rural electrification and what we are trying to do today to make sure that everybody in America has access to high-speed Internet. It is fundamental for education and now for medicine. We have many doctors who are able to diagnose at a distance in those communities that can't have a full-time doctor or the kinds of medical specialties that they need.

But people want to live and work in those communities. It is a great part of the American tradition. Whether you are a fisherman or a farmer, we want to continue that. It is a very important part of why we need to expand broadband.

Mr. ELLISON. I think it is a Progressive value because it says, look, we know Americans who live in rural America like living there. They grow the crops and they enjoy that life. But

if there is no economy out there, then it is difficult to live out there and you see young people moving into the city, not necessarily because they want to but because they feel that they have to.

This rural electrification in one generation, broadband access in another, represents our shared commitment to each other to live our lives as we would choose.

Ms. PINGREE of Maine. Absolutely. People would say fundamentally, it was a part of America to expand west and be in rural areas. Many people choose the environment of rural America. But, frankly, we are dependent on those people who choose to grow our food, harvest our fish. Many in my State harvest the trees that make our paper and make our furniture. These are people with solid American values. Kids have wonderful schools to attend, and feel safe in their communities. We want to have more people who can have the opportunity to live there.

One of the biggest issues in my State is, How am I going to make a living and support myself? I think it is an important Progressive value to say what exactly does government need to do. We know we need to have security and roads. Maybe a high-speed train. You need to have health care available to you so you can feel comfortable and secure. But you also need broadband access. It is a very important thing.

Mr. ELLISON. Moving down the list, women's suffrage, 1920. It is important for Americans to know that women could not always vote in America. It was progressive women, Susan B. Anthony, Elizabeth Cady Stanton and others who stood up and fought. It was Sojourner Truth and a man by the name of Frederick Douglass fighting for women's right to vote. And it was women in the West who made the claim, we are already voting. You may not have a constitutional right to do it, but we do it in our State, and they helped lead the way.

But what about the abolition of child labor, the 8-hour workday? Pretty progressive. We all hope we can do that. Minimum wage, Social Security, civil rights for minorities and women, voting rights for minorities and the poor. Cleaning up our air, water, toxic dump sights, consumer product safety and Medicare.

Today, I ask the gentlelady from Maine, are we done? Has the Progressive agenda been completed? Do we have more work to do?

Ms. PINGREE of Maine. We are both standing here and many of our colleagues are here, many who wouldn't necessarily call themselves Progressive, but they are here because they want to pass more legislation that will foster our Progressive values.

That is a wonderful list that looks at issues that people struggle with in the economy. But the fact is, I would say

that one of the number one concerns of people in America today is to have access to health care and have it be affordable. I think that needs to be added to that list. I think many of us won't rest until it is done.

Many Members in this Chamber hear from their constituents every day. Do something about health care. I am thrilled that we passed a budget with \$630 billion in it for health care, but we have a lot of work to do to actually design the system and make sure that it is available to everybody, whether you are running a small business or you are an individual who has no coverage, or struggles with coverage that has such a big deductible it doesn't provide you with the care you need when you are sick.

Mr. ELLISON. Yes, we have a great progressive history, but we have a tall order to do. We have to get health care to all Americans. We have to make sure that we have a green renewable future so we can live in harmony with the planet. The planet is going to keep on turning. Whether we can continue to survive on it is another question.

I am happy that in the 110th and 111th Congress, we were able to pass legislation like the Lilly Ledbetter Fair Pay Act, which is an important step forward for people to bring pay equity lawsuits when they were victims of gender discrimination on the job.

We were able to pass the children's health insurance program, not health care for all, but health care for children, a very important bill.

We were able to pass the Local Law Enforcement Hate Crimes Prevention Act, which is a law that says, Look, you can have your value system as to how you feel about different sets of Americans, but you better not harm them. They are within the protection of the law. They have a right. People like Matthew Shepard will not be harmed. The rest of us will not tolerate it, and that is how we express our values for all human beings.

And as you pointed out the, American Recovery and Reinvestment Act, the so-called stimulus act which gave a tax cut to middle-class Americans. Progressives aren't against tax cuts; we are just against tax cuts for only the rich people. We believe that working people ought to get a break sometimes, too.

So these kinds of things are things that we are fighting on. This may be the history, but we have a tall agenda for the future that we want all Americans to partake of.

I want to say briefly that to be a Progressive is to be one who believes, yes we have our individual rights, but we also have things that we proudly share together, like our safety and clean water and like our environmental legal regime.

But on the other side, what a Progressive is not, what a Progressive is

not is somebody who basically operates on the basis of fear-based politics. We boldly say we can do this new thing together. We are not afraid to embrace the future. But there is a set of politics that says be afraid, be very afraid. The Russians or somebody is going to get you, and you have to be afraid. You can't share with anybody. You just have to look out for yourself. That is a set of political ideas that is prevalent around here, too; and those ideas are not the ones that made America great. The ones that made America great are the ones listed on this board and the ones that we are talking about now.

I yield to Ms. PINGREE for your final comments.

Ms. PINGREE of Maine. You have said almost everything that needs to be said. You have a great chart. In talking about some of the proud things in progressive history, I want to emphasize that virtually everything on that list is where people have said, We are all in this together. What do we need to take care of the basic fundamentals in this world so that we can prosper, so we can be safe and healthy and have a sense of security? That is what we are dedicated to.

I know those are the commonsense values of people in my State, people of vastly different political perspectives and economic perspectives who say, Look, unless we are all in this together—we have to move forward together or we are not going to get anywhere.

As you mentioned, we have a tall order in front of us. We have done a lot in the few months we have been here. And I feel proud as a freshman to have come at this moment in time when we have a President who cares so deeply about our relations around the world, economic justice for people and health care. It is a great moment to be here, but it is certainly a difficult task. Many, many people are struggling in this economy. States like mine are having a hard time balancing their budget and getting ahead. We have a lot of work here to do. I have been pleased to be here tonight, and look forward to many other dialogues like this in the future as we accomplish many of our goals.

Mr. ELLISON. As I just wrap up, this is the Progressive message. We have had Members, including Congresswoman WOOLSEY, Congressman POLIS, and Congresswoman PINGREE, talk about why I am a Progressive, giving their personal testimony and giving their own ideas and values about this critical subject.

We also want folks to be able to check in on the Website right here: <http://cpc.grijalva.house.gov>. Very important for people who are watching to check in and check out the Progressive Caucus agenda. It is very important. The Progressive Caucus is a moral force within the Congress bringing America to its better half.

I agree with Congresswoman PINGREE, who pointed out that all of these things on this list are things where people said, Look, let's embrace our common life, our shared life. But these are all things, and I think that Congresswoman PINGREE would agree with me, that before they were passed, people said it can't be done. They said this is something that we shouldn't do. But you know what? All of these things were done, and we are all as Americans much better off for it.

Let me also wrap up by saying that it was the words of President Barack Obama, who said in his first address to Congress, "I reject the view that says our problems will simply take care of themselves, that government has no role in laying the foundation of our common prosperity." That rejected view, I submit, is a conservative view because government does have an important role to play in our common prosperity, and our problems will not simply take care of themselves.

□ 1800

President Obama went on to say, "For history tells a different story. History reminds us that at every moment of economic upheaval and transformation, this Nation has responded with bold action and big ideas." I quite agree with the President on this point.

I yield back the balance of my time.

OFFICE OF LEGAL COUNSEL NOMINEE DAWN JOHNSEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Thank you, Madam Speaker. I appreciate being recognized and having the privilege to address you here on the floor of the House of Representatives.

One of the things that I am able to receive as I come down here and prepare for my hour here is an opportunity to listen to my colleagues and sometimes an opportunity to get an education. And if one listens carefully, Madam Speaker, there is a lot to be learned in this Congress. In fact, I believe that this is the most amazing educational experience that one could ask for.

We are the center of information here in many ways. Washington, DC, is a magnet for information. And as Members, we have staff and committee people that gather that information at our request and give it to us in a means by which we can understand it, process it, and utilize it.

In this information age that we have, this electronic era that we have, the Internet is full of information. The Library of Congress is full of information. There are all kinds of links out there; many of them are very credible,

some of them are not very credible. So we sort through, and we are always looking at what is the original source. How do you document the credibility? Well, you figure out who the person was that wrote it and their measure of credibility.

So as I come to the floor and listen tonight, I am rather amazed at what I've learned. I saw this long list of successes of the Progressives. And I've lived through a fair amount of history by now, Madam Speaker, and I've studied a lot of history by now, and I had never equated the Revolutionary War to Progressives. That's a new thing to me. That's a revolution to me. It's a revelation to me that it was the Progressive group that decided that we should throw off the yolk of King George and grasp our freedom.

It seems to me that it was the Founding Fathers and those who shaped this Nation who put down in the document of the Declaration of Independence—that inspirational document—that our rights come from God and that those rights that flow from God into man are granted willingly to the people. That's a structure that—I guess you could call it progressive, but I haven't heard anybody on this side of the aisle that calls themselves Progressive stand up and say that their rights come from God or that there are natural rights and there is a natural order of things and it's ordered by the Master of the universe. That's what our Founding Fathers believed. That was the inspiration that shaped America. It was the inspiration that brought about the Declaration, and it was the inspiration that caused the perseverance that allowed the United States to prevail over the British in the Revolutionary War.

The Nation was forged on those fundamental values that haven't been openly rejected by the Progressives, but neither have they been embraced by the Progressive Caucus. But almost night after night I hear these things. The American Revolution, a success of the Progressives. That's a new one. I had not heard that one before.

The emancipation of the slaves. Well, that's an idea that is related to change. The institution of slavery had existed for thousands of years. But I didn't know that Abraham Lincoln and the abolitionists were considered to be Progressives. I thought they were, Madam Speaker, Republicans. In fact, I'm sure they were Republicans. I have no doubt about it.

The history of my family and the history of my understanding of the Republican Party is it was forged in order to abolish slavery. That's why they came about. That's why they formed together and nominated Abraham Lincoln because he was the abolitionist candidate, the first Republican candidate, the first Republican President, Abraham Lincoln, emancipated the slaves.

What would Abe Lincoln think if he were able to listen tonight and answer to the rhetoric that is here on the floor of the House of Representatives that claims that emancipation, the end of slavery at the loss of 600,000 free people who gave their lives in the clash to put an end to slavery and to establish the States' rights issue and to tie the Union back together, all those things tied together. All of that blood that was spilled by the sword that paid for the blood that was drawn by the lash was spilled because Republican abolitionists stepped forward and said we're going to put an end to the atrocity called slavery. They didn't think of themselves as Progressives. I don't think the word existed in politics in the fashion that we hear it today.

There are a group of Progressives in this Congress today. I don't know how they associate themselves with the success of the American Revolution, inspired by the rights that come from God, or the end of slavery that was paid for in blood and inspired and led by people who formed the Republican Party for, at least in part, the specific purpose to abolish slavery.

And then I go on and I see the National Park System, Teddy Roosevelt. I would call Teddy Roosevelt—not a Progressive. I would call him a populist, but not a Progressive. So he was responsible for establishing the National Park System. When I first looked at it, I thought, well, the Progressives are the “national pork system.” I would agree with that, Madam Speaker. But, no, the typo didn't exist. The chart said, “National Park System.” So let's give that to the prairie populous, or the populous, not the Progressives.

Civil rights for minorities and women was another piece on this poster board; civil rights for minorities and women, passed by Republicans, majority of Republicans—more Republicans voted for the Civil Rights Act in 1964 than did Democrats. It gets distorted if you read the history off the poster. If you go back and look at the reality and the facts of it all, it's entirely different.

When I see rural electrification, it gets my attention. There have been a couple years of my life that I didn't use electricity that came from a rural electric cooperative. But almost every other year—most of the years of my life that has been our primary source of power. And I know where rural electrification came from. My families grew up on farms that didn't have electricity. They remember when the first wire got out there to the end of the line and they hung a light bulb in the barn so they could go out there and milk the cows in the dark; not by the lantern any longer, but by a 40-watt bulb that hung on a wire out of the ceiling of the barn. You pulled a little chain, turned the light on, then you could milk in the shadows of the light bulb instead of the shadows of the

flickering lantern. That got there because of cooperatives.

And cooperatives, I believe at the very closest you could bring them towards progressivism would be taking them towards populism. It was the people out on the prairie and in the open range, the La Grange in the West, the populism that exists today within the politics of the people from where I live and points on west, that politics that decided we're going to settle this countryside and we're not going to live out here and live in darkness without water, sewer, water, lights or roads. We're not going to try to farm this countryside and take it back from the wilderness and turn it into a productive region unless—we can do it if we can bring electricity out, if we can bring services out, if we can bring telephone out.

And so they went to work and they set up cooperatives. They didn't view themselves as Progressives. They didn't even view themselves as populists. The people that established the RECs years ago, the rural electric cooperatives—and I have known many of them face to face, personally, as neighbors, most of them passed away by now. They shaped their cooperatives because it was the only way they could get electrical power out to the farms.

I happened to have followed that history from the time it was shaped together when they decided to build their first power plant. The network that comes to my part of the country that flows all the way up from what was South Crawford REC, now it's Western Area Power—or connected to Western Area Power, then on up through Basin Electric all the way up into the coal mines in Wyoming—which, by the way, Wyoming is one of the most punished States under the Waxman-Markey cap-and-tax piece of legislation. But they shaped this so that they could have electricity go to the farms.

And they had to join together to do it. They had to have a little help because it cost a lot more money to string a wire from farm to farm a half a mile to a half a mile than it does to string it from house to house in the city or into an apartment complex or into an office complex within a city. So they shaped the cooperatives to do that.

I noticed on that board that took all this credit for Progressives—the accomplishments of creative individuals that wanted to simply operate in a free enterprise economy—that it didn't have our grain cooperatives there, but we established those, too; the grain cooperatives so that the farmer-owned cooperatives could set up a grain elevator to store and dry their grain and ship it and market it, and also mix and grind feed and sell fertilizers and chemicals and make this all work.

It's the same kind of a function in the grain cooperatives as we had in our

electric cooperatives. But in neither case was it Progressives that put this together, just like it wasn't the Progressives that fought and won the American Revolution or emancipated the slaves. In fact, of all these things that I've listed, it was a majority of Republicans—if you would identify their politics—that brought about these changes, most of which are good changes or they wouldn't have been listed on that poster board. But I think it's revisionist history, Madam Speaker, and I could not let that moment pass without raising that issue.

I will just stick with this subject for a moment, Madam Speaker, because I know what a Progressive is and I think America needs to know what a Progressive is. Now, it is not someone who has emancipated the slaves or fought and won the American Revolution or established a rural electric cooperative, not somebody that did those things.

It wasn't really somebody that—they may have played a part in, but they weren't a central part—that established the civil rights. It's people that believed in the intrinsic value of the individual, the rights that come from God regardless of what your race or ethnicity might be. That's not a Progressive thought. That's a thought of rights that come from God.

So here's what a Progressive is. And, Madam Speaker, anybody that's curious about this can just simply go to their Google page—that's the one thing that hasn't been nationalized at this point—and they can just Google in there dsausa.org—that's the Democratic Socialists of America, dsausa.org—and the screen will come up, and on it will say, "What is Democratic Socialism?" And when you read through this Web site—which I happen to have right here, Madam Speaker, and I will enter this into the RECORD—and this document that is the socialist Web site, peruse through it a little bit, dsausa.org.

WHAT IS DEMOCRATIC SOCIALISM?

Questions and Answers From the Democratic Socialists of America

Democratic socialists believe that both the economy and society should be run democratically—to meet public needs, not to make profits for a few. To achieve a more just society, many structures of our government and economy must be radically transformed through greater economic and social democracy so that ordinary Americans can participate in the many decisions that affect our lives.

Democracy and socialism go hand in hand. All over the world, wherever the idea of democracy has taken root, the vision of socialism has taken root as well—everywhere but in the United States. Because of this, many false ideas about socialism have developed in the US. With this pamphlet, we hope to answer some of your questions about socialism.

Q: Doesn't socialism mean that the government will own and run everything?

Democratic socialists do not want to create an all-powerful government bureaucracy.

But we do not want big corporate bureaucracies to control our society either. Rather, we believe that social and economic decisions should be made by those whom they most affect.

Today, corporate executives who answer only to themselves and a few wealthy stockholders make basic economic decisions affecting millions of people. Resources are used to make money for capitalists rather than to meet human needs. We believe that the workers and consumers who are affected by economic institutions should own and control them.

Social ownership could take many forms, such as worker-owned cooperatives or publicly owned enterprises managed by workers and consumer representatives. Democratic socialists favor as much decentralization as possible. While the large concentrations of capital in industries such as energy and steel pay necessitate some form of state ownership, many consumer-goods industries might be best run as cooperatives.

Democratic socialists have long rejected the belief that the whole economy should be centrally planned. While we believe that democratic planning can shape major social investments like mass transit, housing, and energy, market mechanisms are needed to determine the demand for many consumer goods.

Q: Hasn't socialism been discredited by the collapse of Communism in the USSR and Eastern Europe?

Socialists have been among the harshest critics of authoritarian Communist states. Just because their bureaucratic elites called them "socialist" did not make it so; they also called their regimes "democratic." Democratic socialists always opposed the ruling party-states of those societies, just as we oppose the ruling classes of capitalist societies. We applaud the democratic revolutions that have transformed the former Communist bloc. However, the improvement of people's lives requires real democracy without ethnic rivalries and/or new forms of authoritarianism. Democratic socialists will continue to play a key role in that struggle throughout the world.

Moreover, the fall of Communism should not blind us to injustices at home. We cannot allow all radicalism to be dismissed as "Communist." That suppression of dissent and diversity undermines America's ability to live up to its promise of equality of opportunity, not to mention the freedoms of speech and assembly.

Q: Private corporations seem to be a permanent fixture in the US, so why work towards socialism?

In the short term we can't eliminate private corporations, but we can bring them under greater democratic control. The government could use regulations and tax incentives to encourage companies to act in the public interest and outlaw destructive activities such as exporting jobs to low-wage countries and polluting our environment. Public pressure can also have a critical role to play in the struggle to hold corporations accountable. Most of all, socialists look to unions make private business more accountable.

Q: Won't socialism be impractical because people will lose their incentive to work?

We don't agree with the capitalist assumption that starvation or greed are the only reasons people work. People enjoy their work if it is meaningful and enhances their lives. They work out of a sense of responsibility to their community and society. Although a long-term goal of socialism is to

eliminate all but the most enjoyable kinds of labor, we recognize that unappealing jobs will long remain. These tasks would be spread among as many people as possible rather than distributed on the basis of class, race, ethnicity, or gender, as they are under capitalism. And this undesirable work should be among the best, not the least, rewarded work within the economy. For now, the burden should be placed on the employer to make work desirable by raising wages, offering benefits and improving the work environment. In short, we believe that a combination of social, economic, and moral incentives will motivate people to work.

Q: Why are there no models of democratic socialism?

Although no country has fully instituted democratic socialism, the socialist parties and labor movements of other countries have won many victories for their people. We can learn from the comprehensive welfare state maintained by the Swedes, from Canada's national health care system, France's nationwide childcare program, and Nicaragua's literacy programs. Lastly, we can learn from efforts initiated right here in the US, such as the community health centers created by the government in the 1960s. They provided high quality family care, with community involvement in decision-making.

Q: But hasn't the European Social Democratic experiment failed?

For over half a century, a number of nations in Western Europe and Scandinavia have enjoyed both tremendous prosperity and relative economic equality thanks to the policies pursued by social democratic parties. These nations used their relative wealth to insure a high standard of living for their citizens—high wages, health care and subsidized education. Most importantly, social democratic parties supported strong labor movements that became central players in economic decision-making. But with the globalization of capitalism, the old social democratic model becomes ever harder to maintain. Stiff competition from low-wage labor markets in developing countries and the constant fear that industry will move to avoid taxes and strong labor regulations has diminished (but not eliminated) the ability of nations to launch ambitious economic reform on their own. Social democratic reform must now happen at the international level. Multinational corporations must be brought under democratic controls, and workers' organizing efforts must reach across borders.

Now, more than ever, socialism is an international movement. As socialists have always known, the welfare of working people in Finland or California depends largely on standards in Italy or Indonesia. As a result, we must work towards reforms that can withstand the power of multinationals and global banks, and we must fight for a world order that is not controlled by bankers and bosses.

Q: Aren't you a party that's in competition with the Democratic Party for votes and support?

No, we are not a separate party. Like our friends and allies in the feminist, labor, civil rights, religious, and community organizing movements, many of us have been active in the Democratic Party. We work with those movements to strengthen the party's left wing, represented by the Congressional Progressive Caucus.

The process and structure of American elections seriously hurts third party efforts. Winner-take-all elections instead of proportional representation, rigorous party qualification requirements that vary from state

to state, a presidential instead of a parliamentary system, and the two-party monopoly on political power have doomed third party efforts. We hope that at some point in the future, in coalition with our allies, an alternative national party will be viable. For now, we will continue to support progressives who have a real chance at winning elections, which usually means left-wing Democrats.

Q: If I am going to devote time to politics, why shouldn't I focus on something more immediate?

Although capitalism will be with us for a long time, reforms we win now—raising the minimum wage, securing a national health plan, and demanding passage of right-to-strike legislation—can bring us closer to socialism. Many democratic socialists actively work in the single-issue organizations that advocate for those reforms. We are visible in the reproductive freedom movement, the fight for student aid, gay, lesbian, bisexual and transgendered organizations, anti-racist groups, and the labor movement.

It is precisely our socialist vision that informs and inspires our day-to-day activism for social justice. As socialists we bring a sense of the interdependence of all struggles for justice. No single-issue organization can truly challenge the capitalist system or adequately secure its particular demands. In fact, unless we are all collectively working to win a world without oppression, each fight for reforms will be disconnected, maybe even self-defeating.

Q: What can young people do to move the US towards socialism?

Since the Civil Rights movement of the 1950s, young people have played a critical role in American politics. They have been a tremendous force for both political and cultural change in this country: in limiting the US's options in the war in Vietnam, in forcing corporations to divest from the racist South African regime, in reforming universities, and in bringing issues of sexual orientation and gender discrimination to public attention. Though none of these struggles were fought by young people alone, they all featured youth as leaders in multi-generational progressive coalitions. Young people are needed in today's struggles as well: for universal health care and stronger unions, against welfare cuts and predatory multinational corporations.

Schools, colleges and universities are important to American political culture. They are the places where ideas are formulated and policy discussed and developed. Being an active part of that discussion is a critical job for young socialists. We have to work hard to change people's misconceptions about socialism, to broaden political debate, and to overcome many students' lack of interest in engaging in political action. Off-campus, too, in our daily cultural lives, young people can be turning the tide against racism, sexism and homophobia, as well as the conservative myth of the virtue of "free" markets.

Q: If so many people misunderstand socialism, why continue to use the word?

First, we call ourselves socialists because we are proud of what we are. Second, no matter what we call ourselves, conservatives will use it against us. Anti-socialism has been repeatedly used to attack reforms that shift power to working class people and away from corporate capital. In 1993, national health insurance was attacked as "socialized medicine" and defeated. Liberals are routinely denounced as socialists in order to discredit reform. Until we face, and beat, the stigma attached to the "S word," politics in Amer-

ica will continue to be stifled and our options limited. We also call ourselves socialists because we are proud of the traditions upon which we are based, of the heritage of the Socialist Party of Eugene Debs and Norman Thomas, and of other struggles for change that have made America more democratic and just. Finally, we call ourselves socialists to remind everyone that we have a vision of a better world.

It really doesn't take a very heavy read to figure out what's going on. These are the Socialists. They say, "We believe that social and economic decisions should be made by those whom they most affect." Huh. Sounds like a little bit of what's been going on with the major corporations in America. Sounds a little like what's happened to the auto industry. It looks like they've been taken over and nationalized by the White House and handed over to the unions for control. That would fit. "We believe that social and economic decisions should be made by those whom they most affect."

Here's another one: "We believe that the workers and consumers who are affected by economic institutions should own and control them." Exactly what's happening to the automakers today, as they pulled the plug on a good number of Chrysler auto dealers, as they threatened to pull the plug on an even greater number of General Motors auto dealers, and as the stock shares get handed over to the unions at the expense of the investors who were owners of the hard collateral of the business of Chrysler Motors, and now it looks like General Motors as well, all right off the Web page of the socialists. "We believe that the workers and consumers that are affected by economic institutions should own and control them."

"Social ownership could take many forms, such as worker-owned cooperatives or publicly owned enterprises managed by workers and consumer representatives"; not managed for profit, not managed for efficiency, but nationalized businesses run and managed by workers and consumer representatives.

I started a construction company in 1975. I borrowed money, invested a lot of capital, and the business is going on. It's a second-generation construction company. My older son owns it today. There were a good number of places along the way that it would have been easy to give up and just drop out of business, but I had to make it work. I was determined to make it work. And if I had handed over the management of the company to the employees at any one of those critical points, there's no way that King Construction would have survived.

This is quoting from the sheet again. "While the large concentrations of capital in industries such as energy and steel may necessitate some form of state ownership"—they're talking again about nationalizing—"many consumer-goods industries might be best run as cooperatives."

So they want to nationalize large businesses where there's concentrations of capital—energy, steel, a couple of examples. Automakers fall right in that. And on here it says, Well, we're not Communists. Here's the difference. Communists are harder lined than we are, and there's a few other distinctions. I'll ask you to read that, Madam Speaker, thoroughly. I think everybody in this Congress should know what the difference is between a Communist and a Socialist. I don't like either one.

□ 1815

I don't like either one. I like free markets. I like freedom. I like free enterprise. I like capitalism, and I like individual rights that come from God. Those are the pillars of American exceptionalism, not socialism, not Marxism, not communism.

Here is another pretty frequently asked question. Private corporations seem to be a permanent fixture in the U.S., so why work towards socialism? Here is the socialist answer: In the short term, we can't eliminate private corporations.

Now I think, Madam Speaker, that you've been convinced that the Democratic socialists of America want to nationalize the major corporations, and they want to run this free enterprise economy not as a free enterprise economy but as a collectivist state, operating businesses for the benefit of the workers and the customers without regard to profit or the investors. That is clear here.

Also what's clear in this document, which I will submit for the RECORD, is that the socialists are no longer hosting the Web site of the Progressive Caucus. Because in 1999 the issue was raised and the heat got a little too high so the socialists that were managing the Web site of the Progressive Caucus, they decided, and the progressives decided they'd run their own Web site.

So when you see Progressive Caucus come up on a blue board here on the floor, they're saying, go to our Web site, see what all we've got. Look at all the credit we're taking for the things we didn't do. And, by the way, they don't actually announce that they are the legislative arm of the socialists, which you will find in this document that I will introduce into the RECORD this evening, Madam Speaker.

They say here in this document off the Web site, the socialist Web site, that they are not a political party that nominates candidates under their banner. But their legislative arm is the Progressive Caucus, an absolute undeniable link right here on the Web site, socialists tied to progressives. That's what they are, Madam Speaker.

So I get a little disturbed when this Congress and the rest of the Nation tries to mess with the definitions that Noah Webster wrote into our dictionary and our understanding of the English language.

We know what socialism is. If you want to find out what communism is, the socialists define it. If you want find out what a progressive is, the socialists say progressives are them, their arm. And there is a list when you go on the Web site of 72 registered progressives in this Congress that are linked to the socialists directly as their legislative arm. They are the ones advocating for the nationalization of our energy industry, for the oil refinery industry, for the nationalization of our automakers, for example, and all the way up the line. Our financial institutions, large insurance companies, the nationalization that has taken place from President Obama with the full support of the Progressive Caucus and most of the Democrats in this Congress and in the House and in the Senate, Madam Speaker.

I don't think that we can hold the rose-colored glasses along any longer. We have got to understand that our freedoms are being taken from us, and it's happening right in front of our very eyes, under our very nose. And the American people don't understand it yet.

When they go to the Web site and they read through this document, What is Democratic Socialism? on the Web site of dsausa.org, and look to the connection of Progressive Caucus.

And then, by the way, go to the Progressive Caucus Web site. They put it up here. Just Google Progressive Caucus and up will come the Web site that takes the credit for a lot of these things that they didn't have anything to do with, they didn't have any existence then during that period of time. But also they won't take credit for the things that they advocate for that are the mirror image of what comes off the socialist Web site here. One and the same, Madam Speaker. And the American people need to know it, and they know it now.

So that's a little bit of what I didn't come here to talk about, Madam Speaker. But what I did come here to talk about is the nomination of one Dawn Johnsen to the Office of Legal Counsel. Dawn Johnsen is the President's nominee. And the Office of Legal Counsel, for the sake of those who are not all wrapped up in government, is the most important nomination that you've never heard of.

The Office of Legal Counsel is kind of a mini Supreme Court. They issue carefully worded opinions, and they're regarded as binding precedent, and they have the final say on what the President and all his agencies can and cannot legally do, Madam Speaker.

So this is the person that has the opportunity to whisper into the ear of the President on a daily basis, on a regular basis and make recommendations such as, Mr. President, you do or you don't have the authority to issue an executive order to close Guantanamo Bay.

That would be one of those whispers into the ear of the President. It might well be a written document that would be formally handed to him as well. I use that as, I'll say, an image, not so much a technicality.

Dawn Johnsen is the person who has offended, I think, a greater number of Americans than any other nominee, even those that didn't pay their taxes. There is a long list of things that Dawn Johnsen has said and done. But I believe at this time it would be useful if I could have the opportunity to yield to the very vigorous and energetic gentlelady from Ohio (Mrs. SCHMIDT) for however much time as she may consume.

Mrs. SCHMIDT. Thank you so much, Congressman KING.

You are so right about this very contentious nomination. This position has been called the Attorney General's lawyer. The Justice Department's Web site explains, "The Assistant Attorney General in charge of the Office of Legal Counsel provides authoritative legal advice to the President and to all executive branch agencies. The Office drafts legal opinions of the Attorney General and also provides its own written opinions and oral advice in response to requests from the Counsel to the President, the various agencies of the executive branch, and offices within the Department. Such requests typically deal with legal issues of particular complexity and importance or about which two or more agencies are in disagreement. The Office also is responsible for providing legal advice to the executive branch on all constitutional questions and reviewing pending legislation for constitutionality.

All executive orders and proclamations proposed to be issued by the President are reviewed by the Office of Legal Counsel for form and legality, as are various other matters that require the President's formal approval.

In addition to serving as, in effect, outside counsel for the other agencies of the Executive Branch, the Office of Legal Counsel also functions as general counsel for the Department itself."

Congressman KING, you are absolutely right that this individual will have the ear of the President because this position provides authoritative legal advice to the President and all executive branch agencies.

The AAG for the OLC is quite influential when evaluating existing laws and determining legal implications of legislative and administrative proposals. It is not a position for which an ideologue would be well suited.

I really want to go to that end because this, of all the nominations that have come to our attention so far, has really disturbed me the most. And it's disturbed me because, as most people know, one of the things and the heartstrings that I have is my position on life.

I believe that we cannot question when life begins or when it should end. We have to understand that life has value from conception to natural death. Only if we want to wage war against poverty, only when we want to make sure that each and every person in the world has the opportunity to be the best person that they can be, only when we give people the freedom to be what they want to be can this happen if we understand that that freedom begins at conception and that freedom must continue through its natural conclusion.

But this individual holds a much different view on those positions. So I really want to talk for just a few moments about what I call, Life According to Dawn Johnsen. I want to talk about some things that have been said by this individual.

"Pregnancy is equivalent to slavery." "Statutes that curtail her abortion choice are disturbingly suggestive of involuntary servitude, prohibited by the 13th Amendment, in that forced pregnancy requires a woman to provide continuous physical service to the fetus in order to further the state's asserted interest," Dawn Johnsen, Supreme Court amicus brief that she authored in *Webster v. Reproductive Health Services*. I have to be silent for a minute so you can digest the coldness of that statement.

"Protecting life makes women into no more than fetal containers," is another one of her beliefs. "The woman is constantly aware for 9 months that her body is not wholly her own. The state has conscripted her body for its own ends, thus abortion restrictions reduce pregnant women to no more than fetal containers," Dawn Johnsen, Supreme Court amicus brief that she authored in *Webster v. Reproductive Health Services*.

I don't even know how to respond to that. As a mother, yeah, as soon as I felt life, I understood that I had a partner I was going to carry for the next 9 months. That experience only enabled me to begin the love that I have for my daughter and now that I see for her wonderful son. Yeah, pregnancy changes us because it gives us life.

"Abortion brings relief," is another one of her statements. "The experience is no longer traumatic; the response of most women to the experience is relief," Dawn Johnsen, Supreme Court amicus brief that she authored in *Webster v. Reproductive Health Services*. I've talked to women who have had abortions, and they have a much different view.

"Those that become pregnant are losers." This one really stings me. She says, "The argument that women who become pregnant have in some sense consented to the pregnancy belies reality." "... and others who are the inevitable losers in the contraceptive lottery no more 'consent' to pregnancy

than pedestrians 'consent' to being struck by drunk drivers," Dawn Johnsen, Supreme Court amicus brief that she authored in *Webster v. Reproductive Health Services*.

I don't see women who are pregnant as losers. I see their winning capabilities of having that life inside of them, being a life that will carry on and continue for generations to come.

Another one: "There is no need to reduce the number of abortions." "Progressives must not portray all abortions as tragedies."

"Senator Hillary Clinton in a 2005 speech commendable for setting forth a pro-choice, pro-prevention, pro-family agenda, took the aspiration a step in the wrong direction when she called for policy changes so that abortion does not have to ever be exercised or only in very rare circumstances," Dawn Johnsen in the Constitution in 2020.

These are her statements. I'm not making these up, Congressman. These are her statements, Madam Speaker.

"Pro-life supporters are comparable to the Ku Klux Klan," that's another one of her statements. And she says, "The terrorist behavior of petitioners is remarkably similar to the conspiracy of violence and intimidation carried out by the Ku Klux Klan," Dawn Johnsen, Supreme Court amicus brief that she authored in *Bray v. Alexandria Women's Health Clinic*.

I can't believe that she would say these things. But again, these are her words, not mine.

Some of her positions and comments, questionable legal arguments, including the assertion that abortion bans might have undermine the 13th Amendment, which banned slavery.

This is a woman who was so entrenched with NARAL and the ACLU's Reproductive Freedom Project, she's compared pregnancy to involuntary servitude, described pregnant women as losers in the contraceptive lottery, and criticized Senator Clinton for then claiming to keep abortions, traumatic experiences, rare.

□ 1830

This is a woman who doesn't have the same view of life that most Americans have. Yes, this is a sensitive issue. But most Americans understand that life is sacred and must be protected. And I believe that most Americans want someone who is the legal counsel of the President to not have such polarizing views. I believe that they want someone that will step back and evaluate decisions based on their constitutionality and their legality and not put forth their own agenda.

This is a person who at every step along her way has put forth her own very proabortion agenda in each and everything that she has done. This is not the right person for this job. And I would only hope that this administration changes its position.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentlelady for coming to the floor and standing up for life and making this announcement on statement after statement, quote after quote, that has come from Dawn Johnsen, the former legal counsel for NARAL, the National Abortion Rights Action League, the one who has inflamed the profamily, prolife, pro-Constitution pro-individual rights of people in this country by making a whole series of outrageous statements. And many of them were mentioned by the gentlelady from Ohio.

I put this one up on abortion protesters, this is the KKK piece, that "the 'terrorist' behavior of petitioners is remarkably similar to the conspiracy of violence and intimidation carried out by the Ku Klux Klan against which Congress intended this statute to protect."

People that are outside of the abortion clinics praying for the innocent human life that is being exterminated inside are being described as KKK-type of intimidators. This is the person that we would have whispering into the ear of the President, the Office of Legal Counsel, issuing opinions and decisions that are de facto judgments on our Constitution and the legality. And that is one example. The gentlelady gave a number of other examples. And I would yield to the gentlelady from Ohio.

Mrs. SCHMIDT. I just want to say, sir, that I am someone who has, throughout my adult life, stood in front of an abortion clinic in the city of Cincinnati. We stand in silence. We stand in prayer. We do not say anything to people as they walk by. We just pray that they have a change of heart and that they understand that all life is precious, including the one they may be carrying inside of their body. I have been doing this since I was in college. And I have yet to see any behavior that would even look like a terrorist's behavior. So for her to say that, I think, is totally out of character.

Mr. KING of Iowa. Reclaiming my time from the gentlelady who has been a champion for life for a long time, here is another piece that we have heard about, Dawn Johnsen on abortion, legal but not rare. This is where she even goes in conflict with such known liberals as Hillary Clinton, for example, where Dawn Johnsen said, "The notion of legal restrictions as some kind of reasonable 'compromise,' perhaps to help make abortion 'safe, legal and rare,' thus proves nonsensical." That is her statement of January 25, 2006, not that long ago.

And here our Progressives show up again, as I spoke about earlier, Madam Speaker, "Progressives must not portray all abortions tragedies. Absent unforeseen technological and medical changes, abortion is unlikely to become truly rare and certainly not nonexistent."

This lady isn't happy about abortion becoming rare. She has chastised even Hillary Clinton about asking for abortion to be safe, legal and rare. This gives you an example of what Progressives are, also, Madam Speaker. Progressives fit this bill. Can you imagine a Progressive who was antislavery who believed in the value, the intrinsic value of human life, to the extent of laying down their life for their brethren who have lived in bondage, would people like that be advocating for more abortions and calling those who pray outside of abortion clinics equivalent to the KKK? I think we know what a Progressive is today. I don't think there were any Progressives that existed by any defined label that took place around the Revolutionary War time, Madam Speaker.

But Dawn Johnsen does fit. She is a Progressive. I will give her that. And her name should be withdrawn by the President of the United States.

In fact, the gentlelady from Ohio and I are on a letter together. We and 60 other Members of Congress issued a letter to President Obama dated March 24, 2009. It calls upon President Obama to withdraw the nomination of Dawn Johnsen as Office of Legal Counsel. And part of the language here in the second page of the letter to the President signed by 62 of us from the House says: "Senator Hillary Clinton, in a 2005 speech commendable for setting forth a pro-choice, pro-prevention, pro-family agenda, took the aspiration a step in the wrong direction." This is Dawn Johnsen talking about Hillary Clinton. She said Hillary Clinton "took the aspiration to rare abortions a step in the wrong direction when she called for policy changes so that abortion 'does not ever have to be exercised or only in very rare circumstances.'" That is a quote of Hillary Clinton.

Dawn Johnsen even calls Hillary Clinton out as not progressive enough, not being enough pro-abortion that she would think that abortions should be rare. That is an affront to Dawn Johnsen's values. And Dawn Johnsen would be in a position to whisper into the ear of the President on what is legal and what isn't, what is constitutional and what isn't. But not only that, she is not just flipping a toggle switch that is a legal opinion, Madam Speaker. She is shaping legal policy and making recommendations to the President that are policy changes.

Now imagine if she wasn't there. And she is formally not there because her nomination is held up by the Senate. It is held up by the Senate because they know many of the things that Mrs. SCHMIDT and I have talked about here tonight and we have talked about for some months now since her nomination emerged. But the Guantanamo Bay issue fits perfectly with the type of thing that I would bring to bear where an Office of Legal Counsel would be

there with access to the President continually, generating an activist left-wing, yes, call it a Progressive agenda, because that is not going to be a very good word when we finish describing what it is, coming up with ideas like, Mr. President, you need to issue an executive order to close Guantanamo Bay and turn these prisoners loose.

Well, Madam Speaker, I didn't make that up. I'm not being flippant. I'm simply quoting Dawn Johnsen. It says here on a list of quotes from Dawn Johnsen with regard to Guantanamo Bay under Gitmo that Dawn Johnsen posits two alternatives to deal with the Gitmo detainees, the enemy combatants, the terrorists, the vile al Qaeda terrorists, the worst of the worst that are down there, 241 of them, according to the testimony before the Judiciary Committee today by Attorney General Holder.

She says we only have two choices with the Gitmo detainees: either release them or transfer them to facilities in the United States and consideration of civilian criminal prosecution in the Federal courts. An outrageous idea that seems to be under consideration by this White House at this time.

And I have been down to Gitmo maybe a little over a month ago. They are living pretty good down there, Madam Speaker. No nation has ever treated prisoners of a conflict as well. I didn't say any better. I said no nation has treated them as well as we have treated these enemies at Guantanamo Bay who have a vile oath to kill Americans. And they believe it is their path to salvation. They are attacking American guards an average of 20 times a day. Half the time they are throwing feces and trying to rub it into the face of our guards. That is their own feces. The other half of the time they are physically assaulting them and trying to hurt them with whatever they might have for cuffs and shackles. They are living in climate control. They set the thermostat in the air conditioned Caribbean island vacation resort. Their limitations are they have to live within the fences that keep them from getting away. But even when they are in there, they get a little soccer field. They can go out and play soccer. They have got foosball tables. They get to choose from nine items on the menu every day and they set the thermostat between 75 and 80 degrees because they say that is their cultural temperature. So we would give them air conditioning and give them their cultural temperature while our troops are sometimes out in the sun. They stop for prayer five times a day, 100 minutes a day. Our troops stop and respectfully wait. That is all right with me. Everybody gets a Koran. No one can have a Bible. Of the 800-and-some who were there altogether, there was one who requested a Bible. And it created such belligerence and violence among other de-

tainees that they said, no, you can't have a Bible. They have since released the individual that wanted a Bible. Everybody else gets a Koran, one that is untouched by one of these infidel guards that are getting feces thrown in their face on a regular basis, Madam Speaker.

This is the kind of idea that comes from Dawn Johnsen. Let's turn these people loose or bring them to the United States. She argues that she should have habeas corpus rights. That is a radical Federal Court decision by the way. And it is radical. The Founding Fathers would have never approved such a thing. That is why they wrote the provisions in the Constitution of habeas corpus. She writes that it was there so that when we fight people around the world we can round them up and bring them back on a slow ship with a sail. They didn't have motors on their boats back then, let alone airplanes. Bring before an American court. Give them rights of habeas corpus. If they get turned loose on a technicality, turn them loose into the streets of America. I asked the Attorney General today, Can you assure us that you will not turn these Gitmo detainees loose into the United States? He could not assure us of that.

Now, I can tell you if I were the Attorney General, I would be able to find out a way. I could tell you under these conditions this is what we are trying to do. I will assure you I would do everything I can. I would at least like not to have these detainees board domestic American airliners and fly with my children or grandchildren. I would think that maybe we could put them on the no-fly list like TEDDY KENNEDY was. For some reason, we can't even do that.

And as a temporary diversion to this diatribe, I would be happy to yield to the gentleman from Indiana, who might be able to flesh that story out just a little bit, such time as he may consume.

Mr. SOUDER. I thank my colleague from Iowa for taking the lead tonight and my colleague and friend from Ohio as well. Both have been long-time pro-life leaders. And my colleague from Iowa and I have fought on numerous fronts in the various battles here.

Today before I speak on the abortion question which is one thing I want to raise here, of course, but today in the homeland security markup on Transportation Security Administration, I offered an amendment that anybody released in the United States from Gitmo would go on the no-fly list. We thought that the debate was going to be, should this be a recorded vote and the Democrats would propose not having a recorded vote. But it caused such panic that they had long meetings and basically came up with a gutting amendment and knocked the amendment out by stating that only after all the proc-

esses with the President were completed, but that didn't even put them on a no-fly list. Now here is the fundamental question that this isn't putting people in prison and detaining them. This is a question of should they be on the no-fly list.

If you were in Gitmo—and understand that I don't favor closing Gitmo. I imagine neither of my colleagues here favored closing Gitmo. Just because you made a stupid campaign statement doesn't mean you have to have a stupid policy once you get in and see the truth. And there has been a number of people who have changed their opinion about that. But we have already released a number of these people. At best, the results have been mixed. Some have gotten already back involved in al Qaeda. And just because it has been hard to come up with the evidence, say, because people get beheaded, because of the type of retribution that occurs, the fearfulness of stating upfront and going through even a military court where it is private, worried that it is going to get out, it was difficult to make some of the cases. It has been very mixed, the ones they did release. So the ones that are there have at least some doubt because they are already not released. Now we transfer them to the United States. The question is what is going to happen? Are they going to await trial? Are they going to be detained? How are they going to sort this through? We don't have a plan. Secretary Napolitano said at our hearing the day before, looking at our budget, clearly homeland security was going to have to keep track of them. If they are going to keep track of them, why in the world wouldn't they be on a no-fly list? If they are too dangerous to be released in the country without homeland security tracking them, why do we want them on an airplane next to us? I just see no logic to this, that we put American citizens on the no-fly list because maybe they have a cousin, they have done some phone calls, we have questions and we are concerned about it.

These people are the people they have held in Gitmo, not the ones they have released, a couple hundred already down there. These are the people who are higher risk at the very least.

Now, the Chinese Uyghurs who were part of al Qaeda-affiliated groups, China won't take them back. They already announced they will release them in Northern Virginia. They can get on airplanes at Reagan Airport.

What kind of a philosophy is this that, oh, we are going to see final resolution of this, we are going to work this through? This is absurd. The last thing we need is a legal counsel over there telling him, oh, wow, these people should have public trials. We have been through this in the Department of Homeland Security. When the New

York Times released the classified report, none of us actually know precisely what was in it that caused this reaction. But what we know is terrorists were taking down around the world, networks were broken up in process before they could do that because we heard them get up on their phones because was it a bank account that they didn't know that we knew they were doing it? Was it a phone line they didn't know that was tapped? When you get things in public, you expose your ability to track. And they go other routes. The idea of public trials would be catastrophic to the safety of this country.

Now, the idea that they aren't even going to be on a no-fly list is just incredible. And anybody, in my opinion, who blocks that, and if it isn't in the bill next week, the people who kept it out of the bill should be held responsible if something happens. It isn't like you can't figure out who to blame here. We had an amendment that would have said they are automatically on the no-fly list, if they get on the plane now, without even being more than routinely checked, it would be incredible.

□ 1845

Now I would like to talk briefly about Dawn Johnsen. She's a fellow Hoosier. I do not know her, but she and her husband are well known in Indianapolis. She teaches at the Indiana Law School. There is incredible pressure on our two United States Senators on the vote, and we need their votes against her.

It isn't whether or not she's smart. It's not whether or not they're good people, good neighbors, good people to go to church with. This is about policy and critical policy. This is about basically a person with radical views on abortion being put in a position to give that advice. And we need our two Senators to understand that. We need the American people to understand that. And really we need this President to understand this.

Another thing happened just a few miles outside my district. I represent most of Elkhart County. CARSON and DONNELLY represent about a third; I have two-thirds. And I come up around within about 5 or 7 miles of the University of Notre Dame, and about a third of my district is in South Bend. So there's been a little bit of ruckus about the President's speaking at Notre Dame. He's the eighth President in a row to speak at Notre Dame. It's not so much the controversy of speaking but whether he should get an honorary doctorate since his positions seem to be at odds with the fundamental teachings of the Catholic Church and the Pope.

Now, the administration claims that they aren't as hostile to the pro-life cause as we say. He said at the press conference in an astounding statement that, Oh, I wouldn't be for embryonic

stem cell research if there was another alternative. And you wonder is this a kind of cuteness or does he really not know that there are other alternatives that work and embryonic stem cell doesn't work, that embryonic stem cell has been going on for 10 years without even a pig being able to live let alone a human, whereas other forms of stem cells, in fact, have cured people of diseases.

Maybe, however, when you think about it, President Obama was raised in Hawaii and Indonesia and elsewhere. Then he went to Harvard. He worked as a community organizer, lived in an upscale neighborhood of Illinois in Chicago. I'm not sure whether he's really heard a lot of the debate. And to be fair, maybe we need to educate him in a non-yelling way. Some of the problems we are having in South Bend right now, some of the controversy there, we need to win the middle. We lost the last election. If we're going to win the pro-life debate and save children in America, we need to make sure we can try to persuade the middle. And in this, President Obama, if he wants to claim that he really wants to reduce abortion, he needs to show that with his actions, not just say that I favor that. He needs to support methods on adoption. He needs to encourage the Women's Care Centers and Hope Centers. My wife, Diane, volunteers at a Hope Center.

You've been reading some of these statements, but to appoint somebody as Deputy Legal Counsel who says that pregnancy is like slavery, that protecting life makes women no more than fetal containers, that abortion brings relief, that those who become pregnant are losers, that there's no need to reduce the number of abortions, and comparing pro-life supporters to the Ku Klux Klan, among other things that you've been highlighting in these quotes, you're not neutral trying to reduce abortion. If you appoint a person in a key legal position that interprets policy, you do not have credibility then to go to the University of Notre Dame next Sunday, to go around at a press conference to tell us we're working for a middle ground. There's no middle ground there. That is the radical position of NARAL being put in a position to make legal policy for the United States of America. You have to not talk out of one side of your mouth and do the other.

What we need the President to do is withdraw this nomination.

Mr. KING of Iowa. Reclaiming my time, I appreciate the gentleman's coming to the floor and laying out this picture in this fashion, as much as I do the gentlewoman from Ohio doing the same.

As I listened to this, Dawn Johnsen's confirmation of her nomination is in trouble. HARRY REID announced that

Tuesday of this week, that he had planned to bring it up for a vote. He was short a couple Democrat votes, and I think more than that.

So we need to ask, I think, Madam Speaker, that everybody weigh in on this from a conscience standpoint and understand that these statements made by Dawn Johnsen are just that, an advocacy for the National Abortion Rights Action League, which she was the chief legal counsel for them. She argued a number of cases before the court. The record is replete. It does not vary. It's consistent. It's liberal. It's activist. It is a danger to life. It's a danger to every unborn child. And she is a danger to fathers.

This is a quote from Dawn Johnsen: "Our position is that there is no father and no child, just a fetus, and any move by the courts to force a woman to have a child amounts to involuntary servitude."

But put into that context. Dangerous for babies, unborn babies, dangerous for mothers, who are disrespected. My mother a fetal container? That offends me. It should offend America. We're all children of mothers. They're not fetal containers; they're our mothers. They brought us into this world. They loved us. They nurtured us. There's no substitute for a mother, and I will never get to be one, and I'm a little jealous.

I yield to the gentlewoman.

Mrs. SCHMIDT. Well, I'm not a fetal container; I'm a mother. And I was very glad to have my wonderful daughter. Just 7 months ago, she had a beautiful little boy, and I think she would be appalled at being called a "fetal container." She was thrilled on Sunday to be called a mother, just as I was thrilled to be called a mother and a grandmother.

But more importantly, when we put people into positions of authority, while we respect that they may have a divergence of views than we might have, we certainly want people in authority that are willing to listen to all viewpoints before rendering a decision. But when you time and again, like Dawn Johnsen, have made statement after statement after statement with inflammatory rhetoric surrounding those statements, as she appears to have done for a better part of her adult life, especially on abortion but on other issues as well, I don't think the American public is going to be comfortable with a person of her position of authority whispering in the President's ear or in bureaucrats' ears her opinion on matters not just on abortion, not just on Guantanamo, but on other issues as well.

I think we want someone that's even-tempered, someone that's willing to look at all viewpoints, someone that's willing to see all sides and render the decision that they believe is the most appropriate for America. I don't think she has the capability of doing that

when I read the kinds of statements that she has made.

Mr. KING of Iowa. Reclaiming my time, I thank the gentlewoman.

I'd add a piece that I want to reiterate here. Madam Speaker, if America is not moved enough at this pro-abortion activism and this legal distortion that has taken place as a matter of the professional actions and the public record of Dawn Johnsen, the President's nominee to head up the Office of Legal Counsel, they should be concerned about our national security. A national security that would say turn the Gitmo detainees loose or bring them here to the United States, put them under U.S. courts, and then, by the way, turn them loose and nurture them with our tax dollars so they can get on their feet again. All of that being part of this concept. But also Dawn Johnsen's objecting to surveillance of al Qaeda communications when it was a phone call that took place from a foreign country like, let's say, Afghanistan and ended up in Pakistan. If Osama bin Laden was calling Khalid Sheik Mohammed and if that nexus came back to the United States for the link but no one set foot in the United States, she would object to their not getting a warrant to listen in on that traffic on a telephone signal that would originate in Afghanistan and terminate in Pakistan.

Here is what she said. She attributed that type of surveillance to "an extreme and implausible Commander in Chief theory."

Now, this is an implausible and extreme theory, Madam Speaker, but the Commander in Chief is not a theory. It's constitutional. It's strictly defined in the Constitution. The Commander in Chief of our Armed Forces is the President of the United States. And the President of the United States has nominated Dawn Johnsen, who is a radical extremist. And her nomination is in trouble, and 62 of us wrote a letter and said please pull the nomination.

The President, if I were standing before him, I would make such a plea, and I would entreat the President of the United States that the juice is not worth the squeeze. There are plenty of activists that are traipsing through the White House these days. This is a lightning rod activist. Why don't you give us somebody that's not such a lightning rod, maybe somebody that's not going to be quite so radical. You're going to have to appoint somebody there to make these legal opinions, and I would like to have somebody that understands what's constitutional, at least recognize that the President of the United States is Commander in Chief, that constitutional position.

I yield to the gentleman from Indiana.

Mr. SOUDER. The naivete is incredible here in the intelligence area. I've worked in the narcotics area on the

Intel Committee of Homeland Security. In case people haven't heard, the border is not completely sealed. Clearly we don't even want to put the Gitmo detainees on a no-fly list. If you don't have intelligence, I don't know how we stay safe.

I wanted to add another thing on the abortion issue. About 2 months ago, apparently we had Fetal Container Day. My daughter was going through Fetal Container Day as a mom, and 2 months ago our granddaughter, Reagan Rebekah, was born. My daughter, Brooke, and her husband, Jeff, who apparently, in Dawn Johnsen's mind, wasn't relevant, and I don't know when he became a father if he wasn't a father at the beginning. I don't know when Reagan Rebekah became a human being, because my daughter was having problems and they decided they had to bring Reagan out early, and it wouldn't have been that many years ago that she wouldn't have survived. She came out somewhat over 4 pounds, just under 5 pounds. She yelled just as loud as if she were heavier, but she came out very small. But she survived. She was able to go home. She had a high enough Apgar score. But at one point, and true of my wife too, but at one point my daughter was a fetal container, and Reagan Rebekah was a fetus. And then she came out a month early, where before she wouldn't even have been able to survive, and now she's a human being suddenly, and my daughter is a mom? It doesn't make any sense here.

We cannot have somebody with these radical views in this position of power. If she wants to continue at IU Law School, if she wants to continue with NARAL, fine. But we do not need her.

And, Mr. President, she needs to be withdrawn. We need to have a reasonable alternative that we can try to work with. We know we lost an election. But we do not need radicals in this position that would destroy human life, whether it be because of lack of intelligence in terrorism or in abortion.

I thank the gentleman for yielding.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman and the gentlewoman.

It sparks my memory, as I listened to the gentleman from Indiana speak. A mother is not transformed from a fetal container into a mother by the birth. A mother is a mother at conception and from that point on. And we use that language consistently.

But another piece comes to mind when I think about the President of the United States and this subject matter, and that is that I look back on the Saddleback Church debate that took place there, very well handled by Reverend Rick Warren, who offered the prayer just a few feet behind me here on the west portico of the Capitol Building at the inauguration of the President of the United States. But

there they sat with JOHN MCCAIN and President Obama, and he asked the question of then-Senator Obama, When does life begin?

Senator Obama's answer was, "That's above my pay scale." When life begins—when his life began—is above his own pay scale.

Now, there is significant evidence that President Obama got a raise put in since August of last year because he decided right away in January that it was in his pay scale. He decided that he would rescind the Mexico City policy which prohibited our taxpayer dollars from funding abortions in foreign lands. By executive order, he wiped that out, that very conscience decision that was debated on the floor of this House over and over and over again and defended by the pro-life effort in this Congress and across the United States. And he also by executive order decided that he wants to fund with Federal tax dollars the ending of human life in the form of experimenting on embryos, little frozen embryos, little snowflake babies, some of whom I've held in my arms that were frozen for 9 years. Loving, giggling, laughing little children wiped out by executive order that now seems to have found its legs and decided life must not begin or it must not be sacred yet if it's in the early stages, when it can't scream for its own mercy. So the Mexico City policy wiped out, the embryonic stem cell prohibition of using Federal dollars to experiment on them has already been moved. And now we see the appointment of Dawn Johnsen. And we have a President that's going to be soon speaking in South Bend, Indiana, at Notre Dame University, directly in conflict with the teachings of the church. It is a hard thing for us Catholics to watch. It's a hard thing for the pro-life people in this country to watch.

□ 1900

But I have seen hundreds of thousands of Americans come to this city to stand up for innocent unborn human life. They will come to this city in greater numbers if Dawn Johnsen is confirmed, and I think the President will keep that in mind, and I pray that he will pull her nomination.

COMMEMORATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore (Ms. KOSMAS). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. HONDA) is recognized for 60 minutes.

Mr. HONDA. Madam Speaker, I would like to yield to Member SHEILA JACKSON-LEE. I believe she wanted to address the floor.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman,

and as I rise, let me add my appreciation for his leadership of the Asian Pacific caucus and join him in celebrating Asian Pacific history month.

This is a time in our Nation that we are able to celebrate the many diverse cultures that make up those who are of Asian ancestry in the United States of America. And so my hat is tipped to the leadership in this Congress, the distinguished gentleman from California, and the many Members who have been such leaders.

I pay a special tribute to the late Bob Matsui who, of course, was a dear friend and someone that we all cherished.

I will speak briefly about the recent supplemental and the crisis that we face in this Nation. This is more than a tough challenge, to be able to address the concerns and the need for moving forward by a new President and the questions that are raised as this war supplemental makes its way through.

I will be asking questions as relates to our final solution, or legislative vote, as to whether or not language goes into this supplemental that will direct the administration to have an exit strategy for Afghanistan. I believe it is important as this bill makes its way through the Senate and back to the House, through conference, that there is a more definitive mark or standards and procedures for downsizing the war in Iraq, moving out equipment and bringing our soldiers home.

We now face a different conflict in Afghanistan. It is one of insurgents, the rise of the Taliban. We face as well the rising conflict in Pakistan, although the civilian government has maintained, in their visits here to the United States, they are committed to democracy, and I do believe them. Many of us have visited with President Zardari and leaders of his government, and we frankly believe that there is an opportunity to promote continued democracy in Pakistan, a friend of the United States for many years.

Just a few minutes ago I was meeting with a Pakistani American who was leaving to go help the internally displaced persons who are, as a result of the Pakistani Government, trying to rid that area of the Taliban and other insurgents who want to do harm to peace-loving people.

We need to be assured that the nuclear materials that Pakistan has are secure. But this bill, I believe, had merits in that it did promote the developmental assistance, the foreign aid, to help Pakistan get on its feet.

The questions that I had, of course, were the monies used to surge up the war in Afghanistan. And so this will be a time to review how this bill will make its way back, and whether or not we can get an end time, and whether or not we can tell family when their young people will come home, and

whether or not we can answer those families whose returning soldiers suffer from posttraumatic stress disorder, as evidenced by the five bodies who came back at the hands of another soldier.

War is horrible, and so I believe it is important, as we have given this vote to the President, that it be such that it is a vote that ends these wars and focuses on building nations and building democracies so that they can take care of their own war and hopefully be unconflicted, if you will.

I am grateful for the resources in this bill that will help military families, mothers and fathers and children, the salary that comes about through those soldiers who lost salaries that have been put in this bill; the disaster aid, although I would have wanted to have a match, a 100 percent match for Galveston that is still suffering from Hurricane Ike. I hope we will be able to work on this issue as we move forward.

Again, I want to thank the gentleman from California for yielding to me, because I wanted to ensure that the support that has been given by some of us is based upon finding a way to end these conflicts in Iraq and Afghanistan.

And in finality, I might say that what I hope to have happen is that we find a way to ensure the end of the tenet, the term, if you will, of Osama bin Laden and of the insurgents that are destroying countries. I would hope, also, that we would be able to work to expand resources for posttraumatic stress disorders, and I am continuing to work to procure such a center in the 18th Congressional District for the large number of active soldiers that are in the Houston and Harris County area, noted as one of the major areas where active soldiers are in place.

This is, of course, an important step. And as we fight for education health reform, I think what we first of all must do is resolve these conflicts so that resources can be used to build a better America.

Mr. HONDA, again, I salute you on this great month and great leaders. You can count me as a friend as we move forward on so many different issues as we improve the lives of all Americans.

Mr. HONDA. I thank the gentlewoman from Texas and always count on her support for the issues that we care about together.

Madam Speaker, I rise today to recognize the Asian American and Pacific Islander community and to commemorate the Asian Pacific American Heritage Month. As Chair of the Congressional Asian Pacific American Caucus, what we call CAPAC, I feel privileged to be here tonight with my colleagues to speak of the Asian and Pacific Islander American history and accomplishments. Additionally, I will be highlighting those issues affecting our community and the priorities for CAPAC.

In celebrating the Asian Pacific American Heritage Month, I want to give thanks to the late Congressman Frank Horton from New York and my good friend, former Secretary Norman Mineta, along with Senators DANIEL INOUE and Spark Masayuki Matsunaga of Hawaii.

It is because of their efforts that May is now designated as Asian Pacific American Heritage Month. The first 10 days of May coincide with two important anniversaries: one, the arrival of the first Japanese American immigrants on May 7, 1843, to the United States, and the completion of the transcontinental railroad on May 10, 1869.

In 1992, Congress passed Public Law No. 102-450, the law that officially designated May of each year as Asian Pacific American Heritage Month. Today the Asian Pacific Islander community is quickly expanding.

Currently, there are approximately 16.2 million APIs living in the United States. By the year 2050, there will be an estimated 43 million Asian Pacific Islanders, comprising 10 percent of the total U.S. population. My home State of California has the largest Asian population at 5 million. The States of New York and Texas followed at 1.4 million and close to 1 million, respectively.

The population is also growing in States beyond the usual hubs of New York and California. We are also seeing growth in other areas in our country such as Virginia, Nevada, Minnesota, Pennsylvania, and Florida.

I encourage my congressional colleagues to learn more about the Asian American Pacific Islander populations in their districts and become a member of CAPAC.

At this moment, Madam Speaker, I yield to my colleague from California, the gentlewoman, LAURA RICHARDSON.

Ms. RICHARDSON. Madam Speaker, it's with great pleasure that I come here today to stand with my colleague, Representative MIKE HONDA. Some people might ask what would make me come and stand in support.

In my district, very recently, this Congress, in addition, with the support of the President, we authorized the long-time held benefits of Filipino Americans who served in a war side by side with many of our soldiers protecting them, and that was a great day in my district.

As I was growing up and I went to college, I had an opportunity, when I was getting my master's, to travel to China and to go to Shanghai and Beijing and Hong Kong and to see the beauty of different cultures and to understand how people have come here now to the United States, not as a separation or a wall, but, rather, for us to work together and to see the things of how this country could grow. So that's why I am here today, Madam Speaker, and I have a few comments that I would like to share.

I rise today in support of Asian Pacific American Heritage Month. I proudly represent California's 37th Congressional District, one of the most diverse districts in the United States. Asians make up 11 percent of my district, and I am the 37th largest Asian population congressional district in this country. That means we are in the top 10 percent.

In fact, my district has the largest Cambodian population outside of Cambodia, only second to the population in Cambodia. And for the last 8 years, I have worked with the Cambodian community as we look at the challenges that we have and how we can better assure that folks understand the resources that we worked so hard to deliver to our communities that they know they are there to help them.

Because of this diversity, I am a proud member of CAPAC, which is the Congressional Asian Pacific American Caucus. I am a member of 30 other caucuses that also advocate to this very Congress. But, together, the three caucuses, the Hispanic Caucus, the Black Caucus, and the Asian Pacific Islander Caucus, were members who worked together advancing the goals of minorities and underserved communities. Although Members represent everyone, there's an inadequate delivery of resources to many of those that we represent.

This year, for Asian Pacific American Heritage Month, the theme is "Lighting the Past, the Present, and the Future."

The past is filled with rich contributions of cultural, economic, and technological value from the Asian community. One of the main reasons the month is used, this month of May, to honor the Asian community is, as Mr. HONDA mentioned, the transatlantic railroad that we saw that traveled thousands, hundreds of miles across the United States, that we would not have had, that we would not have progressed at the level and the speed that we did in this country, had we not had working people who wanted to come and to contribute.

The present demonstrates the great progress we have made as a country together. I have much hope for the future, though, even more so of Asian Americans in our country, but realize that we must all work together and work hard to achieve equality amongst everyone.

Dalip Singh Saund was the first Asian American elected to Congress in 1957. Less than a decade later, Patsy Mink, whom many of us think of fondly, became first Asian American woman elected to Congress; both overcame adversity and paved the way, not only for Asian American Members of Congress, but Members such as myself as well.

Today we have seven Members of Congress, and Mr. HONDA is leading the

charge of this caucus today. And recently, we had an unprecedented number of three Asian Americans who were recently named to President Obama's cabinet: Energy Secretary, Steven Chu; Commerce Secretary, Gary Locke; and Veterans Affairs Secretary, Eric Shinseki.

One of the simplest ways for Asian Americans to ensure a brighter future that we can all participate in, because isn't that what this country is all about, is to fully participate in the 2010 census. Everyone in our Nation must be accounted for so that Members like Mr. HONDA and I, together, can garner the appropriate resources to those communities which they so richly deserve.

Minorities are historically undercounted, sometimes due to language, sometimes due to a concern of why someone is knocking at their door, and they don't know the process of what's happening every 10 years, and sometimes it's just understanding differences. In other countries, it's very common for many members of the family to live together.

□ 1915

And that may not necessarily be the tradition in all of our cities or all of our communities; but in some, it's very much the case.

Minorities historically have had these challenges. In California, we have the largest Asian population in the United States, which both Mr. HONDA and I serve. Currently, there are over 5 million Asians—and this number is growing rapidly.

Between 2006 and 2007, the population grew 106,000—that's 2.9 percent—which reflects the largest percentage growth of any group of individuals in this country.

In addition to participating in the census, health care is going to be one of the largest and most important issues that we will tackle on this floor this year. It is critical that within the broad scope of health care reform that there's focus on eliminating racial disparities of research and accessibility.

Last year, I introduced a piece of legislation, and I plan on reintroducing it again this year, and it's very similar in building upon the work of former Congresswoman Patsy Mink as she brought forward title IX legislation.

We all know what a tremendous effect title IX had on gender equality in sports and in programs. I was one who benefited from that. I was one of the first girls in my grade school who got to play with the boys on the playground, playing baseball and basketball. And it took legislation like Patsy Mink's to show that we could work side-by-side and that there should be an equality. Today, we face another tremendous challenge, and that inequality is health care.

Finally, I want to thank Congressman HONDA, the chair of CAPAC, which

I proudly serve with him, for organizing this time tonight to celebrate the accomplishments and the work that we still have yet to do. I'm looking forward to celebrating many more accomplishments this year, and beyond, and we're just beginning. I stand side-by-side as we take that trip together.

Mr. HONDA. I have a couple of comments to what you had shared with us. One is I'm very, very pleased that you have taken the initiative to join CAPAC, not only because you believe in it, but also there are folks in your district that need to be represented. Your knowledge and your understanding of the communities; that it has to be disaggregated to understand the different necessities and needs of each community rather than looking at one monolithic community, is greatly appreciated because, as you mention, about the census, it is about the census that drives us constitutionally to make sure that we count every person in this country. The fact that you express that there are different strategies of housing based upon family structures; that many times one family per household does not necessarily exist and that many families do live together to be with each other and give each other support, I wanted to thank you for that observation.

And one not very known fact about Patsy Mink. When she led the effort to pass the title IX legislation, that she did in fact open up quite a bit of avenues for women, but also I still remember the great tennis match between Billie Jean King and Bobby Riggs.

Ms. RICHARDSON. Billie Jean King is from my district, the Long Beach area.

Mr. HONDA. That was a great contest. I believe that Billie Jean King won, didn't she?

Ms. RICHARDSON. Yes, she did.

Mr. HONDA. Despite his tactics. And so what we do here has great impact not only in this country but worldwide. So I really do appreciate the time and thought that you have put into this presentation and the idea that Asian Americans have contributed to this country and in building this country, as you had mentioned, on the transcontinental railroad.

It's interesting to note that when you look at pictures of the golden spike being driven into the ground at Promontory Summit, there are no Asian faces there. I often wonder what happened. Were they given the day off or something like that?

I think it's very clear today that they were excused. And the kind of history that we see that is shared in our history books need to be brought up to date and be accurate.

This kind of forum, where we have a month dedicated to discussions about our contributions and our perspectives of how we see the communities in this

country, is greatly appreciated. The fact that we have many people from different backgrounds in our caucus only expresses the understanding and the sensitivity and the consciousness that each individual Congressperson representing their district, even though a district may have 14 percent or 1 percent, the fact that it is stated publicly that you are representing those districts and those communities is greatly appreciated.

So, to my sister from California, I really appreciate your time spent with us.

Ms. RICHARDSON. From my brothers and sisters of the Cambodian community, Arkon. Chem re lear.

Mr. HONDA. Thank you. The Asian American Pacific Islander community is often misperceived as an over-achieving monolithic group. However, our community is extremely diverse in our languages, ethnicities, income, educational attainment, language capabilities, special need and challenges.

Stereotypes about our communities make it difficult to understand the unique problems faced by individual communities and subgroups. Data that is disaggregated by ethnicity for our various communities is hard to come by, but critical to the understanding where we must direct Federal attention.

As a country, we need to better address the needs of the AAPI community when we discuss comprehensive immigration reform, health care, economic recovery, and education. We are also barely visible in corporate America, underrepresented in political and judicial offices throughout the country, and misportrayed in our mainstream media.

As our community expands, we must also continue to educate our fellow citizens about the uniqueness of our experiences. Despite the daunting challenges we face, this is a time of great optimism and hope for the communities.

This year, we are marking Asian Pacific Islander Heritage Month under the twin banners of National Service and Recovery. We are at a pivotal moment in our Nation's history where the national spirit is shifting to a new era of volunteerism, public service, and working for the common good.

The Asian Pacific Islander American communities are no stranger to these changes, and our communities have taken hold of a new civic spirit engendered by President Obama's new administration.

At this time, Madam Speaker, I'd like to yield such time as she may consume to our gentlelady from the Aloha State, Mazie Hirono.

Ms. HIRONO. I thank my colleague for yielding me such time as I might use.

Aloha. I rise today to join my fellow congressional Asian Pacific Islander

American Caucus members in celebrating Asian Pacific Islander American Heritage Month. Of course, I'd like to thank Congressman HONDA for organizing this Special Order tonight and for his continuing leadership throughout the year and his service as the chair of CAPAC.

In 1978, a joint congressional resolution established Asian Pacific American Heritage Week. The first 10 days of May were chosen to coincide with two key anniversaries: The U.S. arrival of the first Japanese immigrant on May 7, 1843, and the completion of the transcontinental railroad on May 10, 1869. In 1992, Congress expanded the week to a full monthlong celebration of the Asian and Pacific Islander American community.

We certainly have added to the diversity and the cultural richness of our country. As a first generation immigrant myself, having come to this country when I was about eight years old, this country has afforded not just me, but the millions of immigrants, the first generation we call issei and nisei, opportunities that we never would have had in our home countries.

With 16.2 million residents, Asian Americans and Pacific Islanders are one of the fastest growing populations in the United States. In fact, the Census Bureau estimates that by the year 2050, more than 33.4 million Asian Americans will call the United States home.

Asian and Pacific Islander Americans have made valuable contributions to every aspect of American life—from business to education to politics to the arts to the military. For example, there are approximately 1.1 million APIA-owned small businesses all across the country that employ 2.2 million workers. There are also hundreds of thousands of APIA servicemembers and veterans, including more than 53,500 brave men and women who have been deployed to Iraq and Afghanistan since 2001.

Today, I was glad to join my colleagues in supporting passage of H.R. 347, which appropriately awards a Congressional Gold Medal to the 100th Infantry Battalion and the 442nd Regimental Combat Team in honor of their extraordinary and dedicated service during World War II.

Comprised predominantly of nisei, the American-born sons of Japanese immigrants, members of the University of Hawaii's Reserve Officers' Training Corps, the ROTC, aided the wounded, buried the fallen, and helped defend vulnerable areas in Hawaii after the attack at Pearl Harbor.

In spite of these acts of courage, the U.S. Army discharged all nisei in the ROTC unit, changed their draft status to ineligible, and segregated all Japanese American in the military on the mainland out of their units. In the meantime, more than 100,000 Japanese

Americans were forcibly relocated from their homes to internment camps.

Undaunted, members of the Hawaii Provisional Infantry Battalion joined the 100th Infantry Battalion in California to train as soldiers. The sheer determination and pursuit of excellence displayed by this battalion in training contributed to President Roosevelt's decision to allow nisei volunteers to serve in the U.S. military again, leading to their incorporation into the 442nd.

Members of the 100th and 442nd risked their lives to fight for our country and allies in Europe. The 442nd "Go for Broke" unit became the most decorated in U.S. military history for its size and length of service, with its component, the 100th Infantry Battalion, earning the nickname "The Purple Heart Battalion."

I'd like to thank Congressman SCHIFF, the chief sponsor of H.R. 347, for providing us with the opportunity to bestow this body's most distinguished honor, the Congressional Gold Medal, to these brave soldiers on the behalf of a grateful Nation.

I would be remiss if I did not mention one of Hawaii's favorite sons as we celebrate this month, and that is President Barack Obama. While not ethnically Asian American or Pacific Islander himself, his ties to our community are strong ones, and his support on our issues could not be more heartfelt.

He has appointed, as mentioned earlier, Asian Americans to key cabinet positions: Steven Chu, Secretary of Energy; Gary Locke, Secretary of Commerce. By the way, Gary Locke is the first Asian American to be elected Governor outside of Hawaii. And Kauai's own General Eric Shinseki, Secretary of Veteran Affairs.

One of the issues that President Obama has supported is self-determination for the indigenous people of our State of Hawaii—native Hawaiians who deserve to have the same right to self-determination enjoyed by other indigenous groups such as the American Indians and the Alaskan natives.

H.R. 2314, the Native Hawaiian Government Reorganization Act, would set up a process for native Hawaiians to organize a governmental entity. I look forward to working with my colleagues in the House and our President in passing this important bill.

I would also be remiss if I did not pay tribute to my predecessor, Congresswoman Patsy T. Mink of Hawaii, a trailblazer in every sense of the word. I thank my colleague, Congresswoman RICHARDSON, for mentioning Patsy Mink, for whom title IX was renamed the Patsy T. Mink Equal Opportunity in Education Act.

Title IX changed the lives of women and girls across our country. In fact, a couple of years ago, several of the high schools in my district were given a special recognition for really promoting

title IX and participation of high school girls in sports. When I attended one of these high schools to present them with a special recognition, one of the girls asked me a question that totally floored me. That question was, If you could pick a sport, what sport would you have participated in? And it floored me because it was a question that had never been asked when I was in high school.

That's the kind of difference that title IX is making. In fact, Patsy's own daughter, when she applied to a particular school and did not get accepted, the reason for that was, they told her, We have enough women in our university. This all preceded title IX. Literally thousands and thousands of lives have been change by title IX.

In closing, I'd like to also once again thank Chairman HONDA for allowing us this opportunity to reflect upon how far our APIA community has come, and yet we must remember how much further our community has to go.

As we say in Hawaii, mahalo nui loa. Mr. HONDA. Mahalo.

Ms. HIRONO. Thank you, Congressman.

Mr. HONDA. I'd like to thank the gentlelady from Hawaii. It appears that the mainland Asian Americans have to strive real hard to catch up to the contributions that many of the folks from Hawaii had accomplished.

You mentioned Patsy Mink. I think a lot of us understand that when we come from humble backgrounds—and she often shared that she was born on a plantation; went for many years without shoes. She understood what it meant to be a woman. And I suspect your background has been very similar.

□ 1930

The idea of title IX and equity for women was probably one that formulated in her life and in her work, and the opportunity came about when she was able to walk the Halls of Congress. She did that, but she didn't stop there because I understand there is a story about her where she led a contingent of women to protest that there were no gymnasiums here for women and only for men. That must have been a real sight.

Ms. HIRONO. I can tell you, having gone to the women's gym in the Rayburn Building, things have changed. We have full-size lockers now. Truly, in terms of gender equality, Patsy was a leader because she had to fight every step of the way. And, in fact, one of the other stories about Patsy is when she applied to medical school. And she was a very smart woman. She wanted to become a doctor. She applied to medical school and was refused because she was a woman. When she finally applied to law school, they put her in the international dorm because they thought she was a foreign person.

We have come a long way.

I did want to mention as long as we are talking about the challenges that immigrants face. There was a historic poll done recently focusing on immigrant women and the fact that so many of them come to this country to truly create a new life of opportunity for their children. Many of them were professionals in the countries from which they came, and so they did not come to make money. Often the kind of jobs they were able to get in this country were very poor paying with not very many benefits.

This was so reminiscent of when my mother brought us to this country. We came literally with nothing, and she started off in a very poor-paying job with no benefits. But what guided her was this immigrant spirit of wanting to create a new life for her children. That kept her going. She wanted for herself to be able to take care of her family, but to have us have opportunities that she never had.

That story is replicated in thousands and thousands and thousands of stories by the waves of immigrants from Japan, Korea, China, the Philippines, over and over. And to know that even now these women and their families face particular challenges should reinforce in us our desire to not only celebrate all of the accomplishments of the APIA community, but to know that there is much more work to be done.

Mr. HONDA. Thank you for sharing that. I guess in English we say you weren't born with a silver spoon in your mouth, nor golden chopsticks. Knowing your history of political participation, being the lieutenant governor of Hawaii and now representing Hawaii, I guess one can say that you are a statistical aberration of probabilities, and who would guess except for the fact that your mom had such great strength.

Ms. HIRONO. One of the things that I always say is that this is a great country, and even if we are not perfect, what a country. I am reminded once again of that with the election of our first African American President.

Mr. HONDA. Thank you very much.

For the record, I know I said I would go until 7:30, but it seems we have gotten verbose and more comfortable with this kind of presentation so we will move on as designated.

Madam Speaker, for the first time we are marking Asian Pacific American Heritage Month with an American President with close ties to Asia, as has been mentioned previously. President Obama grew up in Hawaii and Indonesia. His sister is half Indonesian, and his brother-in-law is Chinese Canadian, and he has maintained close ties with Asian friends and colleagues throughout his life.

President Obama's campaign made unprecedented efforts to reach out to the APIA communities, and we have found a receptive and engaged adminis-

tration with a close ear to our shared interests.

Many APIA community members have responded to President Obama's call for public service.

The President's Cabinet appointments include a record three Asian Americans: Energy Secretary Steven Chu; Commerce Secretary Gary Locke, the former Governor of Washington; Veterans Affairs Secretary General Eric Shinseki of Hawaii; and General Shinseki is joined at Veterans Affairs by Colonel Tammy Duckworth, who serves as Assistant Secretary.

He has chosen AAPIs for positions in the White House and throughout his administration, including Peter Rouse, Chris Lu, Tina Tchen, Kal Penn, Nicholas Rathod, Kundra Vivek, and Sonal Shah.

Among many others in the White House, CAPAC's own Victoria Tung transitioned from her position as CAPAC executive director to an appointment Under Secretary Locke at the Department of Commerce.

The ranks of Asian American Pacific Islander Members of Congress also increased this past year with the election of ANH "JOSEPH" CAO from Louisiana's Second District, GREGORIO KILILI CAMACHO SABLÁN from the Northern Mariana Islands, and STEVE AUSTRIA from Ohio's Seventh District.

Representative CAO has the distinction of being the first Vietnamese American elected to Congress.

Representative SABLÁN is the first Member to represent the Northern Marianas, and the only Chamorro person serving in Congress today. Representatives CAO and SABLÁN are also the newest members of the CAPAC executive board. Our newest associate members are Congresswoman CAROLYN MALONEY of New York and Congressman JERRY MCNERNEY of California, and we have many more lined up to join.

It is a testament to our evolving national character as a nation of immigrants to have our newest Members of Congress come from upbringings beyond our shores.

Talking about beyond our shores, the Northern Marianas, the most western outpost of the United States, here to speak with us is the gentleman from Northern Marianas, Congressman SABLÁN.

Mr. SABLÁN. Thank you very much. I am very happy to join the chairman of our caucus here before you, Madam Speaker, as part of the celebration of the Asian American and Pacific Islander Heritage Month.

On May 1, 2009, President Obama proclaimed May 2009 as Asian American and Pacific Islander Heritage Month.

Pacific Islanders and Asian Americans of the Commonwealth of the Northern Mariana Islands celebrate our heritage and praise those who pass on our history to our children.

The people of the Northern Mariana Islands have much to celebrate: our strength and our relationship with the United States. We have two distinct but related people: the Chamorros and the Carolinians. Our culture and language are witness to the evolution and strength of our people. From the over 300-year occupation of the Spanish beginning in the early 1500s, to the purchase of the islands by the Germans in 1899, to the annexation of the islands by Japan before World War II, to becoming a trust territory for 30 years under the United States after the war, the Chamorro and the Carolinian people remain proud of who they were and who they are today.

The strength is seen in the eyes of our elders and passed on to generations thereafter. Despite the tragedies that have fallen on our elders and their elders before, our people are very hospitable. We have embraced people from all over the world, not just into our islands, but into our own homes. For instance, we have cultural exchanges between our schoolchildren and other children from other nations who come to the Northern Marianas. Families host and have barbecues for visiting military personnel during their R&R visits, and we have several yearly festivals showcasing the many beautiful faces and cultures of the Marianas.

We celebrate the independence of our people as part of our heritage. The people of the Northern Mariana Islands decided the fate of their future after World War II. We chose, as an act of political self-determination, to be a governing commonwealth within the American political system.

Just last month on March 24, we celebrated 33 years of our relationship with the United States. Covenant Day is the recognition of the agreement made between the Northern Mariana Islands and the United States and which granted the Northern Mariana Islanders United States citizenship. Where else but in America can an individual who has only been a citizen for 22 years be allowed to be a Member of Congress?

While Covenant Day celebrates the union between the Northern Mariana Islands and the United States, Asian American and Pacific Islander Heritage Month celebrates the very people who are part of this union. Pacific Islanders contribute much to the United States landscape, including teachers, service in the military, caring for those in need of medical assistance, defending and prosecution under our legal system, and volunteerism in so many ways.

And after 33 years, the people of the Northern Mariana Islands can contribute even more now that they have a voice in Congress. The people can become involved in policies that are beneficial to all, including Asian Americans and Pacific Islanders. A voice in Congress is evidence of independence,

but at the same time resonates with a theme of working together, which is exactly who we are.

For example, health care reform impacts not only Pacific Islanders on a local level, but affects all people on a national level. Our voice in Congress will seek to protect the people of the Northern Mariana Islands, as well as other people across our Nation.

Lastly, our cultural legacy is only as strong as we remember our past. There are not enough pages for me to list each and every person who has contributed to the preservation of our culture and language. In general, I would like to thank the people who have written books about the Northern Mariana Islands, who have taught our history to our children in classrooms, to the organizations that have sponsored debates, contests, and conversations, and the librarians who archive our important documents for future generations.

While May has been formally recognized as Asian American and Pacific Islander Heritage Month, our people celebrate our heritage every day by speaking our native tongue, by reading books of our past, by visiting and paying respect to our elders, by learning from them, and by performing our cultural dances and singing our local music.

Madam Speaker, I recommend the following literature about the Northern Mariana Islands for those who are interested:

□ 1945

"Tiempon I Manmofo'na: Ancient Chamorro Culture and History of the Northern Mariana Islands"; "We Drank Our Tears: Memories of the Battles for Saipan and Tinian as Told by Our Elders"; "Estreyas Marianas: Chamorro"; "Ancient Chamorro Society"; "An Honorable Accord: The Covenant Between the Northern Mariana Islands and the United States"; "History of the Northern Mariana Islands"; "A Tidy Universe of Islands"; and "Tiempon Aleman: A Look Back at the German Rule of the Northern Mariana Islands, 1899-1914."

I would like to say in our native tongue, Si Yu'us Ma'ase, Ghilisow, and thank you.

Mr. HONDA. Thank you very much, Congressman KILILI, as you like to be called.

Many things that happen in the Northern Marianas is that—and a lot of people don't seem to understand or know—is that there is a dire need in those islands that we should be paying attention to. Many times when you're out of sight, you're out of mind; and your presence has brought to our sight and to our understanding the many things that the islands are facing, such as the situation in Saipan.

Could you just share a little bit about that.

Mr. SABLAN. Thank you. Let me put it this way; I have been told, actually, in my seventh week here in Congress, that, look, you can't catch up 33 years of absence in 7 weeks' time.

We are a small island. We have very little resources. I have always said that education is the number one resource we have, and as a member of the Committee on Education and Labor, I continue to forward that agenda for our islands and for our future. But obviously, because we have not had a Member in Congress since we became a United States Commonwealth, we have had a lack of resources.

Our island, for example, we just don't have 24-hour water. And not just that, but if you're lucky enough to get 2 to 3 hours of water a day, you can't drink that water anyway, so you use it to wash your clothes and bathe and those kinds of things.

Our number one problem is we have major parts of one island in Saipan and the other two islands have absolutely no sewer system. So, yes, we are trying to bring to the attention of Congress and the Federal Government the needs of these islands.

We have a set of 14 islands in the Northern Mariana Islands that right now three are inhabited. At one time, seven islands were inhabited, but because of the lack of infrastructure in those islands, the absence of schools, public health and running water and utilities, those people actually uprooted and moved into Saipan. So we have the situation where we are so far removed—as you know, we are 15 time zones away from Washington, D.C. We are so far away, it is now 10 o'clock in the morning tomorrow, and so the time difference is amazing.

I would like to also admit that when I came here in January, since then I have been very welcomed by the Members of this Congress and by you, Mr. Chairman. I am so grateful for the hospitality, the courteousness that I was given, the decency and respect with which I am addressed. That just makes me much more convinced that America is truly a Nation of great people and generous people. Thank you.

Mr. HONDA. Thank you. And the admonition of you can't take care of 33 years in 7 weeks, if we all believed that, then we would still be back, perhaps, in the dark ages. Many people in the old days used to say, just be patient and by and by things will happen, but things don't happen without some initiative and some understanding and the information you bring with you. So the people of the Northern Marianas and this country, we are very responsible for many of the things that happened in the Pacific Islands because of the testing we've done out that way and things like that, really does speak to the responsibility of trying to find ways, with technology, to be able to afford and provide the necessary kinds of things that are required for living a quality of life, such as fresh water. So we thank you very much.

Mr. SABLAN. Thank you for having me.

Mr. HONDA. Madam Speaker, our Nation was founded by immigrants who valued freedom and liberty, who sought to be free from persecution, from tyranny.

Families fled their home countries to seek refuge in this great Nation because they, too, believed in liberty, justice, and freedom for all. It is in this spirit that CAPAC supports immigration legislation that shifts the debate from an exclusionary, anti-immigrant, enforcement-only approach to one that confronts the social and economic realities behind immigration, honors the dignity of all families and communities, and recognizes the economic, social, and cultural contributions of immigrants to our great country.

Today, AAPIs constitute a growing and vibrant piece of the American fabric. In 2007, approximately 10.2 million of the Nation's foreign born were born in Asia, constituting over one-quarter of the foreign-born population and over one-half of the total Asian American Pacific Island population.

Even with a relatively high naturalization rate, Asian undocumented immigrants living, working, or studying in the U.S. represent approximately 12 percent of the undocumented immigrants in the U.S. These include victims of immigration fraud who have become undocumented due to no fault of their own. Many work and study hard and pay taxes, yet live in fear with no hope of gaining a path to legal permanent resident status.

We must also recognize that reuniting families gives strength to American communities and are the bedrock of a vibrant and stable economy. We must eliminate the long backlogs keeping families apart for years and often decades. We have the tools and resources to remove the obstacles of massive backlogs, insufficient staffing, and unused visas that cause unnecessary misery for our newest Americans.

Let's keep families together. By strengthening the social fabric of our communities and integrating workers, we can get our economy back on track while reuniting American workers with their families.

The American people spoke in a united voice last year when they voted down the politics of division and embraced the politics of change. President Obama, the son of a Kenyan immigrant, has made comprehensive immigration reform a high priority. CAPAC is prepared to work with our colleagues to push through the long-deferred changes needed to ensure a fair, efficient, and secure immigration system. We join with the other caucuses to make sure that becomes a reality.

Madam Speaker, a common misperception of AAPIs is that as a group we face fewer health problems than other racial and ethnic groups. In fact, AAPIs as a group, and specific populations within this group, do experience

disparities in health and health care. For example, AAPIs have the highest hepatitis B rates of any racial group in the United States. We must bring attention to and educate our communities about prevention of hepatitis B through testing and vaccination.

In the United States, 12 million people have been infected at some time in their lives with the hepatitis B virus, and more than 5,000 Americans die from hepatitis B-related liver complications each year. Asian Americans and Pacific Islanders account for more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infections in the United States.

In order to break the silence surrounding this deadly disease and bring awareness to the American people, Congressman EDOLPHUS TOWNS, Congressman CHARLIE DENT, Congressman ANH CAO, and I will introduce a resolution to support the goals and ideals of Viral Hepatitis Awareness Month and World Hepatitis Awareness Day. I hope my colleagues will join me in educating our communities about the dangers of this disease.

Furthermore, according to the Census Bureau, 16.8 percent of AAPIs went without insurance in 2007, up from 15.5 percent in 2006. This means that the uninsured are not only more likely to go without care for serious medical conditions, they are also more likely to go without routine care, less likely to have a regular source of care, less likely to use preventative services, and have fewer visits per year. At the same time, without appropriate language translation services or properly translated materials, limited English-proficient immigrants cannot receive adequate care as well as State and Federal benefits for which they may be eligible.

In the AAPI community, 76 percent of Hmong Americans, 61 percent of Vietnamese Americans, 52 percent of Korean Americans, 39 percent of Tongans speak limited English. Therefore, eliminating health care disparities in the AAPI community must include data collection, linguistically appropriate and culturally competent services, and access to health insurance.

CAPAC has been working with both the Congressional Hispanic and Black Caucuses on the Healthcare Equality and Accountability Act to eliminate ethnic and racial health disparities for all of our communities. The act would expand the health care safety net, diversify the health care workforce, combat diseases that disproportionately affect racial and ethnic minorities, emphasize prevention and behavioral health, and promote the collection and dissemination of data, and enhance medical research. CAPAC has also joined the Congressional Black, Hispanic, and Progressive Caucuses to strongly support a public health insurance plan option, such as Medicare.

In addition to immigration and health care reform, expanding educational access for all Americans is also a high priority for CAPAC. This Saturday marks the 55th anniversary of *Brown v. Board of Education*. As we celebrate, we must remember that education is at the very center of our democratic meritocracy, and it is imperative that every American should be afforded the true opportunity to achieve their highest potential.

I have reintroduced the Educational Opportunity and Equity Commission Act, H.R. 1758, to begin the process of overhauling the country's education system and to finally address the disparities among America's schools. This legislation creates a national commission charged with gathering public opinions and insights about how government can improve education and eliminate the disparities in our educational system. I hope you will join me as cosponsors to this legislation.

As we celebrate *Brown v. Board of Education*, we must remember the needs of all young people, including Asian American and Pacific Islander students, many of whom struggle in low-income communities, refugee communities, and do not have sufficient English skills. *Brown* paved the way for future Supreme Court rulings, such as in 1974, the Supreme Court's unanimous decision in *Lau v. Nichols*. That decision enumerated the educational rights of English language learners and established that education is a civil right. As Asian Americans and Pacific Islanders, we should be proud of our community and its participation in our country's civil rights movement and not forget that we have a long way to go yet.

According to the 2000 Census, only 9.1 percent of Cambodian Americans, 7.4 percent Hmong Americans, 7.6 Lao Americans, 19.5 percent of Vietnamese Americans, and 16.5 of Native Hawaiians and Pacific Islanders who are 25 years and older have a bachelors degree or higher. These numbers show that we must do a better job of disaggregating data and information about our communities and to assess the needs of those hardworking Americans who still falter behind.

To address the disparities between subgroups of the larger AAPI community, we must support greater funding for Asian American and Pacific Islander-serving institutions. This program provides Federal grants to colleges and universities that have an enrollment of undergraduate students that is at least 10 percent AAPI, and at least 50 percent of its degree-seeking students receive financial assistance.

On behalf of the Congressional Asian Pacific American Caucus, Congressman DAVID WU and I will be working to increase the availability of loan assistance, scholarships, and programs to allow AAPI students to attend a higher

education institution, to ensure full funding for teachers and bilingual education programs under the No Child Left Behind law to support English language learners; and to support full funding of minority outreach programs for access to higher education, such as the TRIO programs, to expand services to service AAPI students.

I am proud of our community's accomplishments, and I would like to recognize many of the AAPI "firsts" in the areas of art, film, sports, sciences, academia, and politics.

In 1847, Yung Wing, a Chinese American, graduated from Yale University and became the first AAPI to graduate from an American University.

In 1863, William Ah Hang, a Chinese American, became the first AAPI to enlist in the U.S. Navy during the Civil War.

In 1913, A.K. Mozumdar became the first Indian-born person to earn U.S. citizenship, having convinced the court that he was Caucasian, and therefore met the requirements of naturalization law that restricted citizenship only to free white persons.

□ 2000

In 1922 Anna May Wong, in her lead role in *The Toll of the Sea*, at the age of 17 became the first AAPI female to become a movie star, achieving stardom at a time when prejudice against Chinese in the U.S. was rampant.

In 1944 An Wang, a Chinese American who invented the magnetic core memory, revolutionized computing and served as the standard method for memory retrieval and storage.

During World War II, the 442nd Central Postal Directory, comprised mostly of Japanese Americans, became the most highly decorated unit of its size in the history of the U.S. Army, including 22 Medal of Honor recipients.

It appears that my time is expiring. So let me quickly indicate that we have young people like Wataru "Wat" Misaka who was born in 1947 who became the first ethnic minority and the first AAPI to play in the National Basketball Association, the New York Knicks. Imagine that, an Asian American in basketball.

Madam Speaker, I want to thank you for this opportunity to share within a short hour the history of the Asian Americans and a variety of communities that reside in this country that have contributed, yet many of these names are still unknown.

Ang Lee is probably the most widely known today, the Chinese American director who was the first to win an Academy Award for Best Director.

Thank you very much, and we would hope that we have opportunities in the near future to be able to share more.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore (Mrs. HALVORSON). Without objection, the 5-minute request of the gentleman from Texas (Mr. POE) is vacated.

There was no objection.

THOSE WHO WEAR THE UNIFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE of Texas. Thank you, Madam Speaker.

It has been said that we sleep safe in our beds because bold men and women stand ready in the night to visit justice on those who would try to do us harm.

Madam Speaker, those bold men and women are those people throughout America that wear the uniform of a peace officer, a law enforcement officer that wears the badge on their chest to represent that symbol, to protect the community from those evildoers.

Each year, 50,000 police officers are assaulted in the United States. Let me repeat. Fifty thousand peace officers in the United States are assaulted by somebody.

On May 17, 1792, New York City's Deputy Sheriff Isaac Smith became the first recorded police officer to be killed in the line of duty. Since then, Madam Speaker, 18,340 police officers have been killed while on duty protecting the rest of us.

In 1961, Congress created Peace Officers Memorial Day and designated it to be commemorated each year on May 15, which is tomorrow. I am proud to be the sponsor of this year's resolution that passed this House unanimously in February.

Every year the President issues a proclamation naming May 15 National Peace Officers Memorial Day. A quote by President George H.W. Bush is engraved on the National Law Enforcement Officers Memorial located in Washington, D.C., that summarized the mission of the 900,000 current sworn law enforcement officers in the United States.

Here's what it says, Madam Speaker: "It is an officer's continuing quest to preserve both democracy and decency and to protect a national treasure that we call the American dream." That is the mission statement of peace officers in this country, those who wear the American uniform.

Tomorrow, Madam Speaker, on the other side of the Capitol, on the west side of the Capitol, 140 families will be assembled together. They will be surrounded by thousands of other people. Most of those people will be peace officers from somewhere in the United States, wearing their uniforms, standing at attention to honor those 140 families who lost a loved one last year in the line of duty because 140 peace of-

ficers of the United States law enforcement community were killed last year in the line of duty. Ten percent of those, 14, were from my home State of Texas.

The names of those 14, Madam Speaker, are:

Deputy Constable David Joubert. He worked for the Harris County Constable's Office, Precinct 7 in Houston, Texas.

Police Officer Matthew B. Thebeau, Corpus Christi Police Department.

Corporal Harry Thielepape, Harris County Constable's Office, Precinct 6, in Houston, Texas.

Senior Corporal Victor A. Lozada Sr., Dallas Police Department.

Trooper James Scott Burns of the Texas Department of Public Safety, working for the Highway Patrol in Texas.

Police Officer Everett William Dennis, Carthage Police Department in Texas.

Sergeant Barbara Jean Shumate who worked for the Texas Department of Criminal Justice.

A personal friend of mine, Police Officer Gary Gryder who worked for the Houston Police Department.

Another personal friend of mine, Detective Tommy Keen of the Harris County Sheriff's Department. I knew him 25 years ago when I was a prosecutor and he was still arresting outlaws.

Game Warden George Harold Whatley, Jr. who worked for the Texas Parks and Wildlife Department.

Sheriff Brent Lee of the Trinity County Sheriff's Department in Texas.

Police Officer Robert Davis of the San Antonio Police Department.

Just recently in December, Police Officer Timothy Abernathy of the Houston Police Department.

And last on the roll call of the 14 dead, Police Officer Mark Simmons of the Amarillo Police Department.

One hundred and forty individuals who wear the badge, who gave their lives last year, their families will be here tomorrow in solemn tribute and honor of those individuals.

Already in 2009, Madam Speaker, there have been 46 law enforcement officers that have died in the line of duty. Once again, over 10 percent of those are from my home State of Texas.

Madam Speaker, at this time of year throughout the United States, peace officers who wear the badge on their chest will have a black cloth draped across that badge. That black cloth is to honor those brothers and sisters in law enforcement that were killed in the line of duty. Many peace officers are here in Washington already. You can see them throughout the city, wearing their uniforms with that black cloth of sacrifice.

Most peace officers wear a badge, or as they call it, a shield. It comes from

hundreds of years ago when individuals who acted as police officers protected the communities with actual shields and swords. Now it has been symbolized, and that's what they wear on their chest.

In Texas, many of the peace officers, especially the sheriff's department, all wear stars. It comes from our history of the old west. In fact, the Texas Rangers still wear a star on their chest. They don't wear uniforms. They dress with a Stetson hat, a white shirt, and then they wear a star.

Whether it's a badge or a star or a shield, all of those symbols and emblems are placed over the heart and chest of our peace officers because they were protecting us from those who wish to do us harm.

I've known a lot of police officers over the years. As I mentioned, I was a prosecutor in Houston. I spent 22 years on the bench as a judge trying criminal cases. So I met a lot of them. I tried cases where police officers were harmed and even killed. It's my opinion that those men and women that wear the uniform, the badge, they represent everything that's good and right about America.

When I was a small kid, I had gone to a parade with my dad in a small town called Temple, Texas. I must have been about 5 or 6 years of age, and a parade was going by. Of course as all parades should be, Old Glory was going by first with a mounted horseman, and then the Texas flag.

I noticed on the street that there was an individual who wasn't involved in the parade, but he was just standing there, watching the parade, observing the crowd. My dad noticed that I was observing this individual, and of course it turned out to be a Temple police officer. That was in the days when they didn't wear uniforms. They just wore a star or a badge and a white shirt and cowboy hat.

He told me something that was really true then and is still true today in 2009. He said, If you are ever in trouble, if you ever need help, go to the person who wears the badge because they're a cut above the rest of us.

That's true, Madam Speaker. They are a cut above the rest of us, and they still are there when we need help, when we're in trouble, we need the help of someone who wears the uniform.

Looking at it another way, peace officers are the last strand of wire in the fence between the fox and the chickens, between the good guys and the bad guys. They're it. They are the only protection we have between the law and outlaws. It's great that they serve in that capacity.

We have a lot of different agencies in this country. It's not just our local police officers. It's not just the sheriff's departments, but there are all the Federal agents that we have.

The U.S. Air Marshals that fly and protect us in the air. The drug enforce-

ment agents, the ATF, and we certainly cannot forget the Border Patrol. Our own Capitol Police who serve us even tonight in this building, near this building, watching, ever vigilant to make sure no harm comes to the Capitol or to the people that serve in government in Washington, D.C.

It wasn't long ago, not too many years ago when right down this hall, the center aisle—as we go out the center aisle, there's the majority leader's office—when two Capitol Police officers gave their lives because somebody came in here with a gun, trying to do harm to Members of Congress. Their tribute is still in that hallway. Capitol Police officers are always vigilant and always on guard.

There are others that wear the uniform that really protect us, other than law enforcement. Those emergency medical technicians and of course the firefighters who serve throughout the country and have died in the line of duty, two in Houston, Texas not long ago, several in California.

Madam Speaker, if we go back a few years to September 11, 2001, all of us remember what we were doing that day. I was driving to the courthouse as a judge, listening to the radio, driving my Jeep.

News came on the radio that an airplane had crashed into one of the Twin Towers in New York City. It startled me like every other American, I'm sure. Then a few minutes later on the radio it said a second plane had crashed into the other Twin Tower in New York City. It wasn't long after that on the radio, which was now giving constant broadcasts of that event in New York City, that a third plane had crashed somewhere in Pennsylvania because of some wonderful Americans on that plane who took matters into their own hands. Then lastly we heard about a fourth plane who flew over this area, Madam Speaker, and crashed into the Pentagon in sight of this very building.

Later that night, I, like probably most Americans, was watching TV, seeing exactly what had happened, and I noticed that when those planes hit the World Trade Center, that thousands of people, good folks from all countries, thousands of people started running as hard as they could to get away from that terror in the sky.

□ 2015

But there was another group of people, not very many, but they were there, that when those planes hit the World Trade Center, they were running as hard as they could to get to that terror. And who were they? They were emergency medical folks. They were firefighters. And they were cops, because that is what they do, Madam Speaker. And while it is important to remember the 3,000 that died that day, it is equally important to remember those that got to live because those

emergency people were there to pull them out of the World Trade Center. Marvelous group of folks, those people who wear the badge and protect the rest of us.

And here, Madam Speaker, when that fourth plane came flying near the Capitol and crashed across the Potomac River into the Pentagon where 300-plus were killed, as you know, right next to the Pentagon is Arlington National Cemetery. In Arlington National Cemetery, we have the Tomb of the Unknowns, or as some call it, the Unknown Soldier. It is protected 24 hours a day by an Army unit called the Old Guard. It is important that all Americans go to that tomb and see the changing of the Old Guard every hour or half hour.

But when that fourth plane crashed into the Pentagon, Madam Speaker, those soldiers guarding the Tomb of the Unknown never left their post. In fact, they called for reinforcements. Marvelous group of people that put on the uniform, whether it is the uniform of a peace officer or the uniform of someone in the military.

So tomorrow, May 15, we honor those who have been killed in the line of duty protecting us, those peace officers, the 140 families. Ten days after tomorrow, which will be May 25, we honor those who have served America in the military uniform and given their lives.

On Memorial Day we honor the soldiers that went somewhere in the world and didn't come back. On Veterans Day, we honor those that left and were able to return. So on May 25, Madam Speaker, we will honor those soldiers, marines, sailors and airmen who went to war for this country and did not return.

I believe it is important that we remember our history, that we know our history, all of it, regardless of what it is we should know as Americans about the people who lived before us, because they are people. And some of them were quite remarkable individuals.

The first war really that the country fought, if you don't count the French and Indian War, was the Revolutionary War. About 5,000 Americans died, a relatively high number considering the percentage of the population that 5,000 represented. And it wasn't easy, Madam Speaker. That war lasted over 7 years. And there were those then, like there have always been in this country, the cynics, the critics and the doom-sayers that kind of wanted to quit. But those resilient men and women that fought those 7 years never gave up. And they never quit because, you see, some things are absolutely worth fighting for. That is kind of what this country stands for. And liberty is one of those things worth fighting for.

So after 7 years, the country became a Nation. Put it in perspective. The United States, just a bunch of colonial folks, farmers, merchants and lawyers,

took on the mightiest empire that had ever existed in the history of the world, the British Empire, and defeated it.

The British didn't get the point, Madam Speaker, because in 1812 they invaded the United States again to reconquer this country. The War of 1812 is something we don't talk too much about. We don't understand that we could have lost our country to the British invasion. They invaded this city. They burned this Capitol to the ground. They burned every building in Washington, D.C., except the Marine barracks right down the street. And then they headed up to Baltimore and were ready to take over Baltimore. But because of defiant Americans in 1814 that were there, the British finally went home, although 2,500 Americans died in the War of 1812.

Then the United States went to war in the Mexican-American War in 1846, about 14,000 Americans, fighting to defend and protect the border of the United States, because that is what that war was all about, the dignity and sovereignty of the United States, especially the southwestern part of the United States. And then the war that most Americans at least remember, the Civil War, or the War Between the States, when the Nation was divided in half, brother against brother in some cases, family against family. In the War Between the States, between the North and the South, 600,000 Americans died. True, they were from the North and from the South. But let me say something, Madam Speaker. They were all Americans, every one of them. And if you put that percentage of 600,000 in 1860 to 1865 to today, that would be about 5 million Americans in today's numbers, all fighting for what they believed in.

I have had the opportunity to travel and see many of our historic battlefields. Many are close by, in Virginia, where hundreds, thousands, of Americans died. Just one example, the Wilderness Battlefield, down the road about 75 miles, fought in 1864. There were 100,000 Union troops and 60,000 Southern troops on one battlefield. That is the amount of troops, 160,000, that is the number of troops that we have tonight in all of Iraq and Afghanistan put together. And if you take all those numbers and put them on one battlefield, that is how many people were on one battlefield in 3 days in May in 1864. In that battle, 30,000 casualties. It is called the "Wilderness" because of the massive amount of trees that are there.

And I had the honor to go with my friend from Vermont, PETER WELCH, from the other side of the aisle, from the North, to go together to the Wilderness Battlefield last week to pay tribute to those that died. We went for several reasons. One is because Vermont, from the North, sustained the highest casualties ever in the State

of Vermont in any war. And in that battle also 60 percent of the Texans that were in that battle were casualties. So we went to pay honor to them because, like I said before, they were all Americans. And it is unfortunate now we are having to fight another battle with a corporation called Wal-Mart that wants to build one of their beautiful stores right there on the battlefield. Wal-Mart sees profit more important than patriotism.

But be that as it may, that was the type of situation this country faced in the 1860s. Americans all gave their lives, 600,000 of them.

Then it wasn't over. We went to the Spanish-American War right before the turn of the last century, 2,500. That was, as you recall, Teddy Roosevelt and the Rough Riders. And then we went to the war that was supposed to end all wars, that is World War I, the war where millions actually died throughout the world. The United States went into World War I late. But because we were there, in my opinion, it made a difference, and the war was successful. It successfully ended. 4.4 million Americans, they were called "doughboys" because their uniforms looked like dough, 4.4 million of them went over there. They went to places they had never heard of and they fought for people they did not know. But they went because America wanted them to go. Of those that went, 114,000 of them did not come back, Madam Speaker.

Of course, World War I did not end all wars. World War II was soon behind where 405,000 Americans were killed. In World War II my dad proudly served as an 18-year-old and went over to France. He had never been more than 50 miles from home, and there he found himself, as many other American GIs in World War II, a long way from home fighting in Europe and in the South Pacific. But it wasn't over. World War II ended in 1946.

Four years later we are at war again in Korea. It is called the Korean "conflict." I don't know why it is called that. It was war. People died. Americans, 36,000 died in Korea trying to protect another nation called South Korea.

And then when it was over, it was Vietnam, the longest war in American history, over 10 years, where 58,000 Americans died. And then the recent Middle East American wars, the Persian Gulf war and the war in Iraq and Afghanistan that are taking place now where over 4,000 Americans have died. I had the honor to travel to Iraq and Afghanistan, to see our troops, to see the NATO troops as well in Afghanistan. I have also talked to the families of people who have lost sons or daughters in Iraq and Afghanistan. Just in my congressional district of Texas, 26 men and women from all races have been killed in Iraq and Afghanistan. And we, like

many other offices, honor them and give a tribute to them by having their photographs at the entrance to our offices.

I mention the folks in Iraq and Afghanistan, Madam Speaker, because it is my opinion that they are the finest military that has ever existed in the history of the world that are representing us. And they are all volunteers, Madam Speaker. They all volunteered to join. And they are still joining. And they are joining knowing that they are probably going to go to Afghanistan. But that is what our military does.

Madam Speaker, on the Mall, right across the street here, down at the end of the Mall, where there is the memorial to Abraham Lincoln, the United States decided to build monuments to the great wars of the last century. So the first monument that was built was the cold, black granite monument to the 58,000 that died in Vietnam. And it has their names on that. And every day, Americans go, veterans go and pay tribute to those men and women that died. They put all types of mementos in front of that glorious monument, whether it is flags or flowers. Other Vietnam veterans have put their medals there. It is very sober and very somber. And it is a wonderful tribute to those that served and were treated badly when they came back home. They went because they were told to go, and they did.

That was the first monument that we built. Then we decided to build a monument to the Korean War, which is across the Mall from the Vietnam Memorial. The Korean War monument is a little different. It shows Americans going through a land mine in the snow going off to battle. Good tribute, marvelous tribute to those that served in the Korean War, the 38,000 that did not come home. And between those two monuments, closer to the Capitol, there is a World War II memorial. There are some bureaucrats in Washington that were opposed to building that. They thought it would be unsightly. I'm glad they didn't get their way. And Congress made sure that it got erected, citizens made sure it got erected and veterans made sure it got erected. Anyway, that memorial is a different type of tribute. It has all the pillars of all the States and all the territories, and it names all the battles that the United States fought in World War II. And if you stand in front of it, Madam Speaker, you will see in the back what appears to be a bronze plate, a massive bronze plate. But if you get closer to this massive bronze plate, you will realize it is not a bronze plate at all, but it is a wall of 4,000 stars. Each star, each bronze star represents 100 Americans killed in World War II, 400,000 young men and women that did not come back home in the great World War II.

But, Madam Speaker, although we have three monuments to our military to show tribute and honor to them of the last century's wars, we don't have a monument to honor all of those that served in the great World War I.

□ 2030

I have here, Madam Speaker, a photograph. This is a friend of mine. His name is Frank Buckles, Jr. Frank Buckles, Jr., as you see him, Madam Speaker, he looks pretty good. He looks great. He's 108 years old.

In World War I, Frank Buckles wanted to get into the Army, but he was too young. So he went from recruiting station to recruiting station, and he lied about his age. Finally somebody took him, and he got into the United States Army. He says he was 16. He was probably 15 if you do the math right.

Anyway, he served in World War I in Europe. He drove an ambulance in France. He rescued other doughboys that had been wounded on the battlefield and those who had been killed. After the Great War was over with, he back to the United States, and soon he found himself in the Philippines during World War II. He was captured by the Japanese and was held as a prisoner of war for 3 years in a Japanese prisoner of war camp. After the war was over, he was liberated, came back to the United States, and now lives in West Virginia. Frank Buckles Jr., 108. He's the last doughboy, Madam Speaker. Of the 4.4 million that went over there, he's the only one that is left over here. One hundred and fourteen thousand of them died.

When our troops landed in France in World War I, it was a trench war stalemate. Neither side was making any progress until the Americans showed up. And our allies were shocked at the tenacious attitude of Americans going into battle, and our enemies were stunned because of the fact that America was making a difference. And these people, Frank Buckles' generation, the fathers of the Greatest Generation, made a difference and ended that war successfully and came home.

Now, on the great mall we have a tribute to Vietnam, to Korea, to World War II, but we don't have a monument to all of those that served in World War I. There is a small monument to those that served in World War I from Washington, D.C. it's in a decrepit state. It's falling apart. Grass is growing up through it. It's a disgrace. Until recently next to it was the park rangers stable where they kept their horses.

So we need a monument for these folks. We don't honor them. Frank Buckles, he's it. They don't have any high-dollar lobbyists. They don't have any more members of the World War I generation here. There's nobody left. The only people left are Americans, who want, I would hope, to show tribute to Frank Buckles and his generation.

Once again, the bureaucrats are balking. They don't think we need another memorial on the Mall. That's unfortunate that they feel that way. It's interesting enough that the word has gotten out and school kids throughout the United States have gotten involved in this memorial for Frank Buckles and his generation. The first school was a school called Creekwood Middle School in Kingwood, Texas, where kids got together, studied World War I and all the survivors that are left throughout the world like Frank Buckles and the other seven throughout the world, and they've started a campaign to build that memorial. I hope they succeed where the bureaucrats have failed.

We have an obligation, Madam Speaker, to honor those who have served in our military and honor those who have served and have died for the rest of us.

Earlier I mentioned Arlington Cemetery. Arlington Cemetery across the Potomac River, you can see it from a lot of places in Washington before you get to Virginia. It's next to the Pentagon. Throughout Arlington Cemetery there are 300,000 markers to those that have died in America's wars. It says, Madam Speaker, on the Arlington Cemetery Memorial where the 300,000 are buried: "On flame's eternal camping ground, their silent tents are spread, and glory guards with solemn round—the bivouac of the dead."

Three hundred thousand Americans of all races, all ages, from all wars since the war between the States are buried at that location.

The United States, Madam Speaker, goes to war, has gone to war, the wars that I mentioned, for a purpose every time. That is to preserve the American way of life and to promote liberty. And when we go overseas, unlike nations before in history that were powerful, when we go overseas, we never go to concur. We go to liberate, to spread the word of freedom, hope, democracy. That's what Americans do. Then they come back after those wars are over, except for those that are killed and are buried throughout the world in graves known only to the Good Lord.

On a hill, a place called Normandy, there's a cemetery. Normandy, Madam Speaker, as you know, is a place in France. Here is a photograph of a portion of the Normandy Cemetery. It's hard to comprehend how massive a cemetery this is without being there. You notice in this cemetery there are crosses for those of the Christian faith, the Star of David for the Jewish faith. But in the cemetery in Normandy, Madam Speaker, there are 9,387 Americans, 9,387 Americans. Mostly young men. Almost all of them killed in their first battle. And Normandy occurred because the United States and the other allies wanted to liberate France from oppression, from a dictator, from the Nazi philosophy. And they are still

buried over there, those 9,000. On D-day in June of 1944, almost 3,000 Americans lost their lives and, during the entire conflict, 9,000 of whom are buried here in Normandy.

You know, Americans don't go to war to concur; they go to liberate. And that confuses other countries. That confuses our enemies sometimes. And sometimes it even confuses our allies.

It's been said, Madam Speaker, unfortunately, that Americans are somewhat arrogant. Europeans, we have apologized for Americans being arrogant. I don't understand that statement, unless you call these people right here arrogant that died at Normandy, unless you call people like Frank Buckles, the other doughboys that died in France and in Europe. The United States liberated that nation, that continent, twice in the last century. And we didn't do it for any personal gain. We did it because people were being oppressed by a totalitarian state.

I don't think Americans are arrogant; I think they're proud. They're proud of our way of life. And they should be. This is actually the greatest country that has ever existed in the history of the world, thanks to the Good Lord and His blessings on our country. And we should appreciate that, and I don't think there is anything wrong with being proud of that fact.

So, Madam Speaker, tomorrow we honor peace officers that had been killed have been killed in America defending us, May 15. On May 25 we honor Americans like these still buried in Normandy who went to war to protect us from foreign enemies. And we should constantly remember all of those who had the courage to put on the uniform of an American and go and defend the rest of us.

Madam Speaker, it's been said by one of my heroes, Patrick Henry, that the battle is not for the strong alone but it's to the vigilant, the active, and to the brave. I think that's true of our Americans even tonight that wear the uniform of a peace officer or someone in the military. We are fortunate, as American citizens, that there are those who will make that sacrifice and sign up to defend and protect the Constitution of the United States against all enemies, foreign and domestic.

So, hopefully, Americans, especially the young, will appreciate their heritage, appreciate people who have lived before them that gave them the ability to pursue life, liberty, and the pursuit of happiness. And maybe in the next 10 days when you see a peace officer, a firefighter, emergency medical technician, some soldier coming back from Iraq at the airport that we go up and shake their hand and tell them we appreciate what they do for the rest of us.

And that's just the way it is.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. HOYER) for today and May 13 on account of family medical situation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. HERSETH SANDLIN) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. HERSETH SANDLIN, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. PINGREE of Maine, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mrs. MILLER of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 21.

Mr. JONES, for 5 minutes, May 21.

Mr. BURTON of Indiana, for 5 minutes, May 18, 19, 20 and 21.

Mr. SHIMKUS, for 5 minutes, today.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, May 16.

ADJOURNMENT

Mr. POE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, May 15, 2009, at 1 p.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1806. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Table Eggs From Regions Where Exotic Newcastle Disease Exists [Docket No.: APHIS-2007-0014] (RIN: 0579-AC47) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1807. A letter from the Acting Administrator, Department of Agriculture, transmit-

ting the Department's final rule — Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of Size Requirements for Grapefruit [Doc. No.: AMS-FV-09-0002; FV09-905-1 IFR] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1808. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Calcium Lactate Pentahydrate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0093; FRL-8412-5] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1809. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Candida oleophila Strain O; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0164; FRL-8412-9] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1810. A letter from the Acting Deputy Assistant Administrator Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's second fiscal year 2009 quarterly report on obligated and unexpended appropriated funds, pursuant to Public Law 111-8, section 7002; to the Committee on Appropriations.

1811. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Co-operation Account", pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

1812. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's biennial strategic plan on research areas of the Defense Advanced Research Projects Agency, pursuant to 10 U.S.C. 2352; to the Committee on Armed Services.

1813. A letter from the Deputy Under Secretary of Defense for Logistics and Material Readiness, Department of Defense, transmitting the Department's annual report on operations of the National Defense Stockpile (NDS), pursuant to 50 U.S.C. 98h-2(a), section 11(a); to the Committee on Armed Services.

1814. A letter from the Under Secretary of Defense for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report presenting the specific amounts of staff-years of technical effort to be allocated for each defense Federally Funded Research and Development Center during fiscal year 2010, pursuant to Division C, DoD Appropriations Act, 2009 and Public Law 110-329, section 8026(e); to the Committee on Armed Services.

1815. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's forty-second report prepared pursuant to Section 3204(f) of the Emergency Supplemental Act, 2000 (Div. B, P.L. 106-246), as amended; to the Committee on Armed Services.

1816. A letter from the Special Inspector General, Office of the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP; to the Committee on Financial Services.

1817. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1818. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Knox County Portion [EPA-R04-OAR-2008-0676-200820 (a); FRL-8903-6] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1819. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2009-0020; FRL-8410-3] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1820. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Texas: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2008-0755-; FRL-8901-1] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1821. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Scranton, Pennsylvania) [MB Docket No.: 08-244 RM-11507] received April 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1822. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1823. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report for the period January 16, 2008 to January 15, 2009 on the activities of the Multinational Force and Observers (MFO) and U.S. participation in that organization, pursuant to Public Law 97-132, section 6; to the Committee on Foreign Affairs.

1824. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Terrorism List Governments Sanctions Regulations — received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1825. A letter from the Acting Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Office's report on the actions taken in response to the fiscal year 2008 study completed by an independent Panel of the National Academy of Public Administration (NAPA); to the Committee on Oversight and Government Reform.

1826. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-148-FOR; OSM-2008-0014] received May 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1827. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XN52) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1828. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XM99) received March 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1829. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 071106673-8011-02] (RIN: 0648-XM95) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1830. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 071106671-8010-02] (RIN: 0648-XM94) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1831. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Western Pacific Crustacean Fisheries; 2009 Northwestern Hawaiian Islands Lobster Harvest Guideline (RIN: 0648-XN05) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1832. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No.: 071106671-8010-02] (RIN: 0648-XN09) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1833. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Civil Money Penalties: Certain Prohibited Conduct; Technical Amendment [Docket No.: FR-5081-C-04] (RIN: 2501-AD23) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1834. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Establishment of Class E Airspace; Death Valley, CA [Docket No.: FAA-2008-0137; Airspace Docket No. 08-AWP-2] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1835. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-0124 Directorate Identifier 2009-CE-004-AD; Amendment 39-15882; AD 2009-08-09] (RIN: 2120-AA64) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1836. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. ALF502L-2 and ALF502L-2C Turbofan Engines [Docket No.: FAA-2008-1207; Directorate Identifier 2007-NE-47-AD; Amendment 39-15880; AD 2009-08-07] (RIN: 2120-AA64) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1837. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Safety Zones; Northeast Gateway Deepwater Port, Atlantic Ocean, MA and Security Zone; Liquefied Natural Gas Carriers, Massachusetts Bay, MA [Docket Nos.: USCG-2008-0372 and USCG-2008-0301] (RIN: 1625-AA00 and RIN: 1625-AA87) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1838. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2009-12) received April 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1839. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 3401(h).—Differential Wage Payments to Active Duty Members of the Uniformed Services (Also Section 3121(a), 3306(b)) (Rev. Rul. 2009-11) received April 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1840. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program, pursuant to Section 6005(a) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users; jointly to the Committees on Transportation and Infrastructure and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of May 12, 2009]

Mr. POLIS: Committee on Rules. House Resolution 427. Resolution providing for consideration of the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes

(Rept. 111-106). Referred to the House Calendar.

[Submitted May 14, 2009]

Mr. RAHALL: Committee on Natural Resources. H.R. 689. A bill to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes; with an amendment (Rept. 111-108). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1170. A bill to amend chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new assistive technologies for specially adapted housing; with an amendment (Rept. 111-109). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1088. A bill to amend title 38, United States Code, to provide for a one-year period for the training of new disabled veterans' outreach program specialists and local veterans' employment representatives by National Veterans' Employment and Training Services Institute (Rept. 111-110). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1089. A bill to amend title 38, United States Code, to provide for the enforcement through the Office of Special Counsel of the employment and unemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, and for other purposes; with amendments (Rept. 111-111). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WILSON of Ohio:

H.R. 2403. A bill to provide loan forgiveness to teachers of integrated career and technical education coursework at rural secondary schools; to the Committee on Education and Labor.

By Mr. MCGOVERN (for himself, Mr.

JONES, Ms. EDWARDS of Maryland, Mr. DUNCAN, Mr. TIERNEY, Mr. PAUL, Mr. SESTAK, Mr. WHITFIELD, Mr. BERRY, Mr. ROHRBACHER, Ms. SCHAKOWSKY, Mr. BARTLETT, Mr. PAYNE, Ms. SHEA-PORTER, Mr. HINCHEY, Mr. OLVER, Ms. WOOLSEY, Mr. COHEN, Mr. HARE, Ms. KILPATRICK of Michigan, Mr. ELLISON, Mr. KUCINICH, Mr. McDERMOTT, Mr. DeFAZIO, Mr. GRIJALVA, Mr. FATTAH, Ms. WATSON, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. SERRANO, Mr. FILNER, Mr. WELCH, Ms. BALDWIN, Mr. HODES, Mr. RYAN of Ohio, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Ms. KAPTUR, Ms. PINGREE of Maine, Mr. CONYERS, Mr. WALZ, Ms. LEE of California, Mr. CLAY, Mr. HOLT, Mr. CAPUANO, Ms. TSONGAS, Mr. RUSH, Ms. SUTTON, Ms. WATERS, Mr. GRAYSON, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mr. TOWNS, Ms. NORTON, Ms. RICHARDSON, Ms. MOORE of Wisconsin, Ms. CORINE BROWN of Florida, Mr. ROTHMAN of New Jersey, Ms. VELÁZQUEZ, Mr. JACKSON of Illinois, Ms. MATSUI, Mr. THOMPSON of California, Mr. KAGEN,

Mr. DOGGETT, Mr. SCHRADER, Mr. OBERSTAR, Mr. FARR, Mr. BRALEY of Iowa, Mr. COSTELLO, Mr. PERRIELLO, Mr. POLIS, Ms. BERKLEY, and Ms. KILROY):

H.R. 2404. A bill to require the Secretary of Defense to submit a report to Congress outlining the United States exit strategy for United States military forces in Afghanistan participating in Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. LATHAM (for himself, Mr. MCCOTTER, and Mr. MILLER of Florida):

H.R. 2405. A bill to amend title 38, United States Code, to provide veterans enrolled in the health system of the Department of Veterans Affairs the option of receiving covered health services through facilities other than those of the Department; to the Committee on Veterans' Affairs.

By Mrs. BLACKBURN (for herself, Mr. BILBRAY, Mr. HELLER, Mr. ROYCE, Mr. AKIN, Mr. SIMPSON, Mr. BROWN of South Carolina, Mr. ROHRBACHER, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. ROGERS of Michigan, Mr. FRANKS of Arizona, Mr. PENCE, Mr. COLE, Mr. LAMBORN, Mr. PITTS, Mr. MCCLINTOCK, Mr. FLEMING, Ms. GINNY BROWN-WAITE of Florida, and Mr. PRICE of Georgia):

H.R. 2406. A bill to provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

By Mr. GORDON of Tennessee:

H.R. 2407. A bill to establish a National Climate Service at the National Oceanic and Atmospheric Administration; to the Committee on Science and Technology.

By Mrs. CAPPS (for herself, Mr. EHLERS, Mr. HINCHEY, Mr. MASSA, Mr. MCGOVERN, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Ms. LINDA T. SANCHEZ of California, Mr. STEARNS, and Mr. TONKO):

H.R. 2408. A bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON (for himself, Mr. LUCAS, Mr. HOLDEN, Mr. GOODLATTE, Mr. MCINTYRE, Mr. ROGERS of Alabama, Mr. BOSWELL, Mr. CONAWAY, Mr. BACA, Mrs. SCHMIDT, Mr. CARDOZA, Mr. SMITH of Nebraska, Mr. SCOTT of Georgia, Mr. LATTI, Mr. MARSHALL, Mr. MORAN of Kansas, Ms. HERSETH SANDLIN, Mr. GRAVES, Mr. CUELLAR, Mr. COSTA, Mr. LUETKEMEYER, Mr. ELLSWORTH, Mr. WALZ, Mr. KAGEN, Mr. SCHRADER, Mrs. HALVORSON, Mrs. DAHLKEMPER, Mr. MASSA, Mr. BRIGHT, Ms. MARKEY of Colorado, Mr. KRATOVIL, Mr. SCHAUER, Mr. KISSELL, Mr. BOCCIERI, Mr. MURPHY of New York, Mr. POMEROY, Mr. CHILDERS, Mr. MINNICK, Mr. LATHAM, Mr. BERRY, Mr. SALAZAR, and Mr. BOYD):

H.R. 2409. A bill to amend section 211(o) of the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERMAN:

H.R. 2410. A bill to authorize appropriations for the Department of State and the

Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DANIEL E. LUNGREN of California:

H.R. 2411. A bill to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; to the Committee on House Administration.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Mr. FILNER, Mr. HONDA, Mr. FALOMAVAEGA, Ms. BORDALLO, Mrs. MALONEY, and Mr. FARR):

H.R. 2412. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

By Mr. DOYLE (for himself, Mr. SMITH of New Jersey, Mr. ENGEL, and Mr. JOHNSON of Georgia):

H.R. 2413. A bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. PUTNAM, Mr. PETERSON, Mr. RYAN of Wisconsin, Mr. BOYD, Mr. RADANOVICH, Mr. COSTA, Mr. MCHUGH, Mr. BISHOP of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CUELLAR, Mr. LEE of New York, Mr. THOMPSON of California, Mr. MARIO DIAZ-BALART of Florida, Mr. PERRIELLO, Mr. REBERG, Mr. MASSA, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. FARR, Ms. ZOE LOFGREN of California, Mr. SABLAN, Mr. CARDOZA, Mr. HASTINGS of Florida, Mr. FLAKE, Mr. NUNES, and Ms. ROSLEHTINEN):

H.R. 2414. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ADLER of New Jersey (for himself and Mr. LANCE):

H.R. 2415. A bill to require the Federal Government to use purchases of goods or services through the Federal supply schedules for the purpose of meeting certain contracting goals for participation by small business concerns owned and controlled by service-disabled veterans; to the Committee on Oversight and Government Reform.

By Mr. ADLER of New Jersey (for himself and Mr. LANCE):

H.R. 2416. A bill to require the Department of Veterans Affairs to use purchases of goods or services through the Federal supply schedules for the purpose of meeting certain contracting goals for participation by small business concerns owned and controlled by veterans, including veterans with service-connected disabilities; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI (for himself, Mrs. LOWEY, Mr. MINNICK, Mr. KENNEDY, Mr. HASTINGS of Florida, Mr. POLIS, and Ms. MATSUI):

H.R. 2417. A bill to amend title II of the Social Security Act to preclude use of the social security account number on Government-issued identification cards issued in connection with benefits under Medicare, Medicaid, and CHIP, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 2418. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself and Ms. SHEA-PORTER):

H.R. 2419. A bill to require the Secretary of Defense to establish a medical surveillance system to identify members of the Armed Forces exposed to chemical hazards resulting from the disposal of waste in Iraq and Afghanistan, to prohibit the disposal of waste by the Armed Forces in a manner that would produce dangerous levels of toxins, and for other purposes; to the Committee on Armed Services.

By Mr. BURGESS:

H.R. 2420. A bill to amend the Toxic Substances Control Act of 1976 to ensure a uniform Federal scheme of regulation of restrictions in the use of certain substances in electrical products and equipment in interstate and foreign commerce, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CAPITO (for herself, Mr. ADERHOLT, Mr. AUSTRIA, Mrs. BACHMANN, Ms. BEAN, Mr. BERMAN, Mrs. BIGGERT, Mr. BILBRAY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BLUNT, Mrs. BONO MACK, Ms. BORDALLO, Mr. BOSWELL, Mr. BRADY of Texas, Mr. BROUN of Georgia, Ms. CORINE BROWN of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CARTER, Mr. CASTLE, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. COBLE, Mr. CONNOLLY of Virginia, Mr. COSTA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DREIER, Mr. DUNCAN, Mr. ETHERIDGE, Ms. FALLIN, Mr. FILNER, Mr. FOSTER, Mr. FRELINGHUYSEN, Mr. GERLACH, Mr. GINGREY of Georgia, Mr. GRIJALVA, Mr. HALL of New York, Mr. HALL of Texas, Mr. HENSARLING, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KIRK, Mr. LATTI, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LUETKEMEYER, Mrs. MALONEY, Mr. MANZULLO, Mr. MARCHANT, Mr. MASSA, Mr. MCCAUL, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCMAHON, Mrs. MCMORRIS RODGERS, Mr. MEEKS of New York, Mrs. MILLER of Michigan, Mr. MINNICK, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mr. MURTHA, Mrs. MYRICK, Ms. NORTON, Mr. NUNES, Mr. PALLONE, Mr. PUTNAM, Mr. ROGERS of Alabama, Mr. ROGERS

of Michigan, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mrs. SCHMIDT, Ms. SCHWARTZ, Mr. SESTAK, Ms. SHEAPORTER, Mr. SHULER, Mr. SHUSTER, Mr. SMITH of New Jersey, Ms. SPEIER, Ms. SUTTON, Mrs. TAUSCHER, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TOWNS, Mr. TURNER, Ms. WASSERMAN SCHULTZ, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. BARTLETT, Mr. CALVERT, Ms. ROS-LEHTINEN, Mr. RAHALL, Mr. ROHRBACHER, Ms. SLAUGHTER, and Ms. BALDWIN):

H.R. 2421. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Financial Services.

By Mr. CARTER (for himself, Mr. BURGESS, Mr. CONAWAY, Mr. EDWARDS of Texas, Mr. HINOJOSA, Mr. SAM JOHNSON of Texas, Mr. MARCHANT, Mr. MCCAUL, Mr. SESSIONS, Mr. REYES, Mr. OLSON, Mr. NEUGEBAUER, Mr. SMITH of Texas, Mr. BRADY of Texas, Ms. GRANGER, and Mr. GOHMERT):

H.R. 2422. A bill to designate the facility of the United States Postal Service located at 702 East University Avenue in Georgetown, Texas, as the "Kyle G. West Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CUELLAR (for himself, Ms. JACKSON-LEE of Texas, and Mr. MCCAUL):

H.R. 2423. A bill to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the "George P. Kazen Federal Building and United States Courthouse", and to designate the jury room in that Federal building and United States courthouse as the "Marcel C. Notzon II Jury Room"; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. TOWNS, Mr. ISSA, and Mr. JORDAN of Ohio):

H.R. 2424. A bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of any credit facility established by the Board of Governors of the Federal Reserve System or any Federal reserve bank during the current financial crisis, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. KIRK, Mr. BECERRA, and Mr. SPACE):

H.R. 2425. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. BRALEY of Iowa, Mr. ENGEL, Mr. HINCHAY, Mr. FILNER, Mr. SARBANES, Ms. WOOLSEY, Mrs. CAPPS, Ms. KAPTUR, Ms. WATSON, Mr.

CUMMINGS, Mr. KIND, Mr. GENE GREEN of Texas, Ms. MCCOLLUM, Ms. LEE of California, Ms. SUTTON, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Ms. CASTOR of Florida, Mr. COURTNEY, Mr. DELAHUNT, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. LARSON of Connecticut, Ms. MATSUI, Mr. MCDERMOTT, Ms. ZOE LOFGREN of California, and Mr. MURPHY of Connecticut):

H.R. 2426. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Ms. SCHWARTZ, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. MCGOVERN, Mr. COURTNEY, Mr. BLUMENAUER, Mr. BERMAN, Mr. DELAHUNT, and Mrs. LOWEY):

H.R. 2427. A bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. WAXMAN, Mr. BOUCHER, and Mr. MARKEY of Massachusetts):

H.R. 2428. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to require that broadband conduit be installed as part of certain highway construction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GONZALEZ (for himself, Mr. JONES, Mr. GEORGE MILLER of California, Mr. ALTMIRE, Mr. WEXLER, Mr. FILNER, Mr. GORDON of Tennessee, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, Mr. KILDEE, and Mr. HINCHAY):

H.R. 2429. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. LARSEN of Washington, Mr. DICKS, Mrs. MCMORRIS RODGERS, Mr. SMITH of Washington, and Mr. BAIRD):

H.R. 2430. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; to the Committee on Natural Resources.

By Ms. KOSMAS:

H.R. 2431. A bill to amend the Internal Revenue Code of 1986 to extend and increase the

deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Ms. KOSMAS:

H.R. 2432. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for State and local sales taxes; to the Committee on Ways and Means.

By Ms. KOSMAS:

H.R. 2433. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for State and local sales taxes; to the Committee on Ways and Means.

By Ms. KOSMAS:

H.R. 2434. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Ms. KOSMAS:

H.R. 2435. A bill to amend the Internal Revenue Code of 1986 to extend the tax-free treatment for distributions from individual retirement plans for charitable purposes; to the Committee on Ways and Means.

By Ms. KOSMAS:

H.R. 2436. A bill to amend the Internal Revenue Code of 1986 to extend the charitable contributions deduction for food inventory, book inventory, and computer technology and equipment; to the Committee on Ways and Means.

By Ms. KOSMAS:

H.R. 2437. A bill to amend the Internal Revenue Code of 1986 to extend the employer wage credit for employees who are active duty members of the uniformed services; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself and Mr. REICHERT):

H.R. 2438. A bill to amend the Internal Revenue Code of 1986 to provide a temporary bonus research credit for energy-related research; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself, Mr. FRELINGHUYSEN, Mr. LANCE, and Mr. SMITH of New Jersey):

H.R. 2439. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on portions of the Outer Continental Shelf located off the coast of New Jersey; to the Committee on Natural Resources.

By Mr. MCCARTHY of California (for himself, Mr. FLEMING, and Mr. POSEY):

H.R. 2440. A bill to amend title XI of the Social Security Act to provide that annual Social Security account statements indicate, in estimating the level of projected benefits of eligible individuals, the effect on such benefits levels of benefit reductions which may be necessary, in the absence of future legislative remedies, by reason of anticipated insolvency of the Social Security Trust Funds; to the Committee on Ways and Means.

By Mr. MELANCON:

H.R. 2441. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. ESHOO, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, Ms. SPEIER, Mr. STARK, Mrs. TAUSCHER, and Ms. WOOLSEY):

H.R. 2442. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional

Water Recycling Program, and for other purposes; to the Committee on Natural Resources.

By Mr. NEAL of Massachusetts:

H.R. 2443. A bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2444. A bill to amend title 23, United States Code, to make the funding available for carrying out section 140 of title 23 mandatory instead of discretionary; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 2445. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income discharges of personal indebtedness outside of bankruptcy; to the Committee on Ways and Means.

By Mr. POMEROY (for himself and Mr. GRAVES):

H.R. 2446. A bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. POMEROY (for himself and Mr. BRADY of Texas):

H.R. 2447. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organizations; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr. DOYLE, Mr. INSLEE, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mr. CARNEY, Mr. LARSON of Connecticut, Mr. WILSON of Ohio, Ms. SLAUGHTER, Mr. GENE GREEN of Texas, Ms. KILPATRICK of Michigan, and Mr. MCHUGH):

H.R. 2448. A bill to provide for regulation of futures transactions involving energy commodities, to regulate credit default swaps, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act, Natural Gas Policy Act of 1978, and the Federal Power Act, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 2449. A bill to amend title 18, United States Code, to prohibit fraud and related activity in connection with purchases of certain wireless prepaid access devices; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. MEEK of Florida, Mr. RANGEL, Mr. BURTON of Indiana, Mr. LEWIS of Georgia, Mr. CROWLEY, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SIREN, Ms. BORDALLO, and Mrs. MALONEY):

H. Con. Res. 127. Concurrent resolution recognizing the significance of National Caribbean-American Heritage Month; to the Com-

mittee on Oversight and Government Reform.

By Mrs. NAPOLITANO (for herself, Mr. ABERCROMBIE, Mr. ARCURI, Mr. BACA, Ms. BALDWIN, Mrs. BONO MACK, Ms. BORDALLO, Mr. BOSWELL, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. BUYER, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. COSTELLO, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. DOGGETT, Mr. DOYLE, Mr. DREIER, Ms. EDWARDS of Maryland, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GRAYSON, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HERSETH SANDLIN, Mr. HINCHEY, Mr. HINOJOSA, Mr. HODES, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBBACH, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MATHESON, Ms. MATSUI, Mr. McDERMOTT, Mr. MCGOVERN, Mrs. MCMORRIS RODGERS, Mr. MEEKS of New York, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. TIM MURPHY of Pennsylvania, Mr. NEAL of Massachusetts, Mr. NUNES, Mr. OBERSTAR, Mr. ORTIZ, Mr. PERLMUTTER, Mr. RADANOVICH, Mr. RANGEL, Mr. REYES, Ms. RICHARDSON, Mr. RODRIGUEZ, Ms. ROSLEHTINEN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SALAZAR, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESTAK, Mr. SHERMAN, Mr. SHULER, Mr. SIREN, Ms. SLAUGHTER, Mr. SPACE, Mr. STARK, Mr. SULLIVAN, Mrs. TAUSCHER, Mr. TOWNS, Mr. VAN HOLLEN, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. WU, Mrs. LUMMIS, Mr. SHUSTER, Mr. CUELLAR, Mr. PALLONE, and Mr. SABLAN):

H. Res. 437. A resolution supporting the goals and ideals of Mental Health Month; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. CALVERT, Mr. SNYDER, Ms. HARMAN, Mr. BARROW, Mr. STUPAK, Mr. GRAYSON, Ms. CORRINE BROWN of Florida, Ms. BERKLEY, Ms. MARKEY of Colorado, Mrs. DAHLKEMPER, Mr. FILNER, Mr. BRIGHT, Ms. ESHOO, Mr. BOSWELL, Mr. ETHERIDGE, Mr. DAVIS of Tennessee, Mr. ELLSWORTH, Mr. SHULER, Mr. DONNELLY of Indiana, Mr. ROSS, Mrs. SCHMIDT, Ms. WASSERMAN SCHULTZ, Mr. LATHAM, Mr. RAHALL, Mrs. CAPITO, Mr. SMITH of New Jersey, Mr. LEWIS of California, Mr. MCCARTHY of California, Mr. YOUNG of Alaska, Mr. INGLIS, Mrs. MYRICK, Mr. CAO, Ms. WATSON, Mr. MCCLINTOCK, Mr. BOREN, Mr. ROYCE, Mr. BILBRAY, Ms. GRANGER, Mr. CHAFFETZ, Mr. FRELINGHUYSEN, Mr. YOUNG of Florida, Mr. GEORGE MILLER of California, Mr. MILLER of Florida, Mr. FORBES, Mr. BOOZMAN, Mr. AKIN, Mr. WOLF, Mr. FARR, Mr. PRICE of North

Carolina, Mr. HALL of Texas, Mr. WHITFIELD, Mr. KINGSTON, Mr. GARY G. MILLER of California, Mr. LATOURETTE, Mr. MCKEON, Mr. HUNTER, Mr. DEAL of Georgia, Mr. EHLERS, Mr. GALLEGLY, Mr. ROHRBACHER, Mr. MACK, Mr. GRIJALVA, Mrs. BONO MACK, Mr. KENNEDY, Mr. SESTAK, Ms. BORDALLO, Mr. McDERMOTT, Mr. ISSA, Ms. JACKSON-LEE of Texas, and Mr. ROGERS of Alabama):

H. Res. 438. A resolution expressing support for designation of September as "National Child Awareness Month"; to the Committee on Education and Labor.

By Ms. BORDALLO (for herself, Mr. HONDA, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Ms. LEE of California, Mr. WU, Mr. GRIJALVA, Mr. AL GREEN of Texas, Ms. MATSUI, Ms. HIRONO, Mr. CAO, and Mr. SABLAN):

H. Res. 439. A resolution supporting the goals and ideals of National Asian American and Pacific Islander HIV/AIDS Awareness Day; to the Committee on Energy and Commerce.

By Mr. CASSIDY (for himself and Ms. SPEIER):

H. Res. 440. A resolution amending the Rules of the House of Representatives to strengthen the public disclosure of all earmark requests; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H. Res. 441. A resolution honoring the historical contributions of Catholic sisters in the United States; to the Committee on Oversight and Government Reform.

By Mr. GEORGE MILLER of California (for himself, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Ms. CLARKE, Mr. TONKO, and Mr. POLIS):

H. Res. 442. A resolution recognizing the importance of the Child and Adult Care Food Program and its positive effect on the lives of low income children and families; to the Committee on Education and Labor.

By Ms. MOORE of Wisconsin (for herself, Mr. CONNOLLY of Virginia, Ms. CLARKE, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. McDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mrs. CAPPS, Mr. KAGEN, and Mr. EDWARDS of Texas):

H. Res. 443. A resolution expressing the support of the House of Representatives for members of the Armed Forces and veterans with post-traumatic stress disorder and their families and urging the Secretary of Veterans Affairs and the Secretary of Defense to improve the services and support available to such members, veterans, and families; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mrs. MILLER of Michigan, Mr. RYAN of Ohio, and Mr. LATOURETTE):

H. Res. 444. A resolution expressing the Sense of Congress that the United States needs an industrial policy with regard to automobile, aerospace, shipping, and steel industries, which are vital to national and economic security; to the Committee on Energy and Commerce.

By Mr. OLSON:

H. Res. 445. A resolution recognizing 100 years of military aviation and expressing continued support for military aviators of the United States Armed Forces; to the Committee on Armed Services.

By Mr. SENSENBRENNER:

H. Res. 446. A resolution of inquiry requesting the President and directing the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget to provide certain documents to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare; to the Committee on Energy and Commerce.

By Mr. SHULER (for himself and Mr. BOOZMAN):

H. Res. 447. A resolution recognizing the remarkable contributions of the American Council of Engineering Companies for its 100 years of service to the engineering industry and the Nation; to the Committee on Science and Technology.

By Mr. THOMPSON of California (for himself, Mr. GEORGE MILLER of California, Ms. MATSUI, Ms. SPEIER, Mrs. NAPOLITANO, Mr. DANIEL E. LUNGREN of California, Mr. CARDOZA, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. LEWIS of California, Mr. FILNER, Mr. BACA, Ms. LEE of California, Mr. NUNES, Mr. ROHRBACHER, Mr. CALVERT, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, Mrs. CAPPS, Mr. BERMAN, Mrs. TAUSCHER, Mr. HONDA, Mr. SCHIFF, Mr. BILBRAY, Mr. ISSA, Ms. ESHOO, Mrs. BONO MACK, and Mr. MCNERNEY):

H. Res. 448. A resolution congratulating the University of California, Davis, for a century as a premier public research university and one of our Nation's finest institutions of higher education; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

45. The SPEAKER presented a memorial of the State Legislature of Maine, relative to H.P. 1009 joint resolution memorializing the United States Congress to amend the Federal order system to ensure that Maine dairy farmers will receive a sustainable price for their milk; to the Committee on Agriculture.

46. Also, a memorial of the State Legislature of Maine, relative to H.P. 825, joint resolution memorializing the President of the United States, the United States Congress and the United States environmental protection agency to support the waiver California needs to achieve greenhouse gas reductions; to the Committee on Energy and Commerce.

47. Also, a memorial of the State Legislature of Maine, relative to a joint resolution memorializing the President of the United States and the United States Congress to support the recommendations of the commission to protect the lives and health of members of the Maine National Guard; jointly to the Committees on Armed Services, Veterans' Affairs, and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. BOOZMAN, Mr. VAN HOLLEN, Mr. QUIGLEY, Mr. BERMAN, Mr. MCDERMOTT, Mr. MARCHANT, Mrs. CAPITO, Mr. DICKS, Mr. BOUCHER, Mr. POMEROY, Mr. JOHNSON of Illinois, Mr. LATOURETTE, Mr. MEEKS of New York, Mr. CHAFFETZ, and Mr. GARY G. MILLER of California.

H.R. 25: Mr. BOREN.

H.R. 111: Mr. MURPHY of Connecticut.

H.R. 179: Mr. HINOJOSA and Mr. HIGGINS.

H.R. 197: Mr. CULBERSON, Mr. SALAZAR, and Mr. MICHAUD.

H.R. 205: Mr. LUETKEMEYER.

H.R. 240: Mr. SENSENBRENNER.

H.R. 268: Mr. MCCOTTER.

H.R. 270: Mr. MCINTYRE.

H.R. 329: Mr. WAXMAN and Mr. MCGOVERN.

H.R. 442: Mr. PETRI, Mr. DAVIS of Kentucky, Mr. COURTNEY, Mr. BILIRAKIS, Mr. SALAZAR, Mr. MICHAUD, Mr. CULBERSON, Mr. FLEMING, and Mr. KAGEN.

H.R. 490: Mr. REHBERG.

H.R. 557: Mr. ROE of Tennessee, Mr. LANCE, and Mr. REHBERG.

H.R. 571: Mr. COLE and Mr. PAUL.

H.R. 574: Mr. CAPUANO and Mrs. MALONEY.

H.R. 621: Mr. MURTHA, Mr. COBLE, and Mr. CAPUANO.

H.R. 644: Mr. CONNOLLY of Virginia, Mr. LANCE, Ms. LEE of California, Ms. ZOE LOFGREN of California, and Mr. MARKEY of Massachusetts.

H.R. 653: Ms. ROS-LEHTINEN.

H.R. 705: Mr. SCHIFF.

H.R. 745: Mr. FLEMING.

H.R. 836: Mrs. KIRKPATRICK of Arizona, Mr. MASSA, Mr. ROSKAM, and Mr. LANCE.

H.R. 864: Mr. WALZ.

H.R. 870: Ms. CASTOR of Florida.

H.R. 874: Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. LANGEVIN, and Mr. RAHALL.

H.R. 914: Mr. YOUNG of Alaska.

H.R. 977: Mr. HIGGINS and Mr. ANDREWS.

H.R. 981: Mr. STARK.

H.R. 995: Mr. KILDEE, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HINCHEY, and Mr. BERMAN.

H.R. 1016: Mr. CUMMINGS and Mr. SIRES.

H.R. 1021: Mr. BISHOP of Utah.

H.R. 1024: Mr. MCMAHON.

H.R. 1064: Mr. BISHOP of New York, Ms. SLAUGHTER, Mr. WEXLER, and Mr. BOUCHER.

H.R. 1066: Mr. FILNER, Mr. SIRES, Mr. KILDEE, and Mr. CROWLEY.

H.R. 1095: Mr. KUCINICH.

H.R. 1132: Mr. LOBBSACK, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WU, and Mr. HASTINGS of Washington.

H.R. 1147: Ms. VELAZQUEZ.

H.R. 1179: Mr. SARBANES and Mr. HOYER.

H.R. 1182: Ms. KILPATRICK of Michigan and Ms. JACKSON-LEE of Texas.

H.R. 1191: Mr. FATTAH, Mr. HOLT, and Mr. PRICE of North Carolina.

H.R. 1204: Mr. WALDEN, Mr. KISSELL, and Mrs. MCMORRIS RODGERS.

H.R. 1206: Mr. COBLE, Mr. LANCE, and Mr. REHBERG.

H.R. 1207: Mr. ORTIZ, Mr. RYAN of Wisconsin, and Mr. WHITFIELD.

H.R. 1208: Mrs. CAPITO, Mr. MARIO DIAZ-BALART of Florida, Mr. LUCAS, Mr. WITTMAN, Mr. FRELINGHUYSEN, Mr. FLEMING, Mr. LANCE, Mr. ADERHOLT, Mr. HELLER, Mr. YOUNG of Alaska, and Mr. PAULSEN.

H.R. 1242: Mr. CROWLEY, Mr. ROGERS of Kentucky, and Mr. GENE GREEN of Texas.

H.R. 1249: Mr. HOLT.

H.R. 1250: Mr. KLINE of Minnesota.

H.R. 1277: Mr. TIAHRT, Mr. GARRETT of New Jersey, Mr. ALEXANDER, and Mrs. MCMORRIS RODGERS.

H.R. 1329: Mr. PRICE of North Carolina.

H.R. 1352: Ms. JENKINS.

H.R. 1378: Mr. HOLT and Mr. MARKEY of Massachusetts.

H.R. 1392: Mr. SHIMKUS and Mr. KIND.

H.R. 1410: Mr. DEFazio.

H.R. 1428: Mr. GOODLATTE.

H.R. 1430: Mr. KIND.

H.R. 1521: Mr. WESTMORELAND, Mr. COLE, Mr. GRAVES, Mr. PETERSON, Mr. MCCARTHY of California, and Mrs. MALONEY.

H.R. 1522: Mr. DELAHUNT.

H.R. 1523: Mrs. LOWEY.

H.R. 1547: Mr. SCHOCK.

H.R. 1551: Mr. SERRANO, Mr. PRICE of North Carolina, and Mr. SESTAK.

H.R. 1558: Mr. CARNAHAN, Mr. FILNER, Ms. WOOLSEY, and Mrs. KIRKPATRICK of Arizona.

H.R. 1589: Ms. BERKLEY, Mr. WEXLER, Mr. ELLISON, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. ISRAEL, and Mr. CUMMINGS.

H.R. 1600: Mr. FLEMING.

H.R. 1604: Mr. ARCURI, Mr. CLAY, and Mr. COURTNEY.

H.R. 1612: Ms. LEE of California, Mr. BERMAN, Mr. WALZ, and Mr. MASSA.

H.R. 1616: Mr. DELAHUNT, Mr. CARNAHAN, Mr. ISRAEL, and Mr. FRANK of Massachusetts.

H.R. 1618: Mr. MCNERNEY.

H.R. 1621: Mr. BARTON of Texas.

H.R. 1625: Mr. WALDEN, Mr. LARSON of Connecticut, and Mr. DAVIS of Kentucky.

H.R. 1677: Mr. ORTIZ, Ms. MOORE of Wisconsin, Mr. CLAY, and Mr. RAHALL.

H.R. 1678: Ms. JENKINS.

H.R. 1681: Mr. CONNOLLY of Virginia.

H.R. 1684: Mr. MICHAUD, Mr. BILIRAKIS, and Mr. CULBERSON.

H.R. 1691: Mr. LEE of New York.

H.R. 1701: Mrs. MALONEY, Mr. BISHOP of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NYE, Mr. WELCH, and Mr. KISSELL.

H.R. 1705: Mr. CAPUANO.

H.R. 1710: Mr. LATHAM, Mr. CARNAHAN, Mr. LEWIS of Georgia, Mr. WESTMORELAND, and Ms. BALDWIN.

H.R. 1723: Mr. GRAYSON.

H.R. 1740: Mr. RANGEL and Mr. SPRATT.

H.R. 1751: Mr. WAXMAN, Ms. DELAURO, and Mr. GEORGE MILLER of California.

H.R. 1763: Mrs. BLACKBURN, Mr. MARCHANT, Mr. PITTS, Mr. LUCAS, Mr. KLINE of Minnesota, Mr. BROUN of Georgia, Mr. BARTLETT, Mr. FLEMING, Ms. FALLIN, Mr. SULLIVAN, Mr. LUETKEMEYER, and Mr. MCCLINTOCK.

H.R. 1765: Mr. KIND.

H.R. 1774: Mrs. CAPPS.

H.R. 1815: Mr. CAMP, Mr. SCALISE and Mr. NUNES.

H.R. 1816: Mr. NADLER of New York.

H.R. 1829: Mr. WALDEN, Mr. WAMP, Mr. BARRETT of South Carolina, and Mr. ELLSWORTH.

H.R. 1836: Mr. SPACE.

H.R. 1869: Mr. MORAN of Kansas, Mr. LANDEVIN, and Ms. DEGETTE.

H.R. 1873: Mr. CARSON of Indiana.

H.R. 1881: Ms. DELAURO, Mr. RAHALL, Mr. DICKS, Mr. REYES, Ms. EDWARDS of Maryland, Mr. WAXMAN, Mr. JACKSON of Illinois, Mr. BERMAN, Mr. MOLLOHAN, Mrs. NAPOLITANO, Mr. TONKO, Ms. DEGETTE, Ms. TITUS, Mr. PASTOR of Arizona, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. LARSON of Connecticut, Mr. VAN HOLLEN, Mr. WEXLER, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. BECERRA, Mr. RYAN of Ohio, Mr. KLEIN of Florida, Ms. SLAUGHTER, Mr. SIRES, Mr. FATTAH, Mr. LOEBSACK, Mr. HODES, Mr. BLUMENAUER, Mr. DAVIS of Illinois, Ms. FUDGE, and Mr. MEEKS of New York.

H.R. 1894: Mr. ELLSWORTH, Mr. ROTHMAN of New Jersey, Mr. OBERSTAR, and Mr. WALZ.

H.R. 1912: Mrs. BONO MACK.

H.R. 1970: Mr. MORAN of Kansas, Mr. JONES, Mr. REHBERG, Mr. FLEMING, and Mr. BOSWELL.

H.R. 1980: Mr. ROGERS of Alabama.

H.R. 1981: Mr. CONAWAY.

H.R. 1990: Mr. MURTHA and Ms. HERSETH SANDLIN.

H.R. 1995: Mr. FRANK of Massachusetts and Mr. GENE GREEN of Texas.

H.R. 2014: Mr. DENT, Mr. BACA, Mr. COBLE, Mr. GRIJALVA, Mr. BOYD, Mr. RUSH, Mrs. NAPOLITANO, Mr. HINCHEY, and Mr. SOUDER.

H.R. 2027: Mr. BARTLETT and Ms. SHEA-PORTER.

H.R. 2030: Mr. SESTAK and Ms. WATSON.

H.R. 2057: Ms. BERKLEY, Ms. CORRINE BROWN of Florida, and Mr. CLAY.

H.R. 2061: Mr. TAYLOR, Mr. SHIMKUS, Mr. JONES, Mr. INGLIS, Mr. PENCE, and Mr. FLEMING.

H.R. 2069: Mr. SOUDER.

H.R. 2079: Mr. CARDOZA.

H.R. 2084: Mr. COURTNEY.

H.R. 2095: Mr. RANGEL and Mr. TOWNS.

H.R. 2098: Mr. CROWLEY.

H.R. 2099: Mr. SABLAN.

H.R. 2103: Mr. CARSON of Indiana and Mr. GEORGE MILLER of California.

H.R. 2105: Mr. MCINTYRE.

H.R. 2111: Mr. DEAL of Georgia.

H.R. 2124: Ms. JACKSON-LEE of Texas.

H.R. 2139: Mr. RANGEL, Ms. WATSON, Mr. HONDA, Mr. HINCHEY, Mr. PAYNE, Mr. MCGOVERN, Mr. FALEOMAVAEGA, and Mr. SNYDER.

H.R. 2149: Mrs. MCMORRIS RODGERS.

H.R. 2176: Mr. KIND.

H.R. 2216: Mr. EDWARDS of Texas.

H.R. 2222: Mr. BRADY of Pennsylvania, Mr. LUJAN, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. FATTAH.

H.R. 2227: Mr. BARRETT of South Carolina, Mr. PETERSON, Mr. GERLACH, Mrs. MYRICK, Mr. PLATTS, Mr. BURTON of Indiana, Mr. LATOURETTE, and Mr. BISHOP of Utah.

H.R. 2243: Mr. PASTOR of Arizona and Ms. GRANGER.

H.R. 2254: Mr. THORNBERRY.

H.R. 2262: Mrs. DAVIS of California, Ms. PINGREE of Maine, Ms. WASSERMAN SCHULTZ, Mr. PASCRELL, Mr. CARNEY, Mr. ISRAEL, Mr. GRAYSON, Mr. BRADY of Pennsylvania, and Mr. ORTIZ.

H.R. 2266: Mr. PAUL, Ms. BERKLEY, Mr. GEORGE MILLER of California, Mr. BISHOP of New York, Mr. SCOTT of Virginia, and Mr. KING of New York.

H.R. 2267: Mr. GEORGE MILLER of California, Mr. BISHOP of New York, and Mr. SCOTT of Virginia.

H.R. 2269: Mr. FILNER.

H.R. 2275: Mr. CARNEY, Mr. GERLACH, Mr. HOLDEN, Mr. KANJORSKI, Mr. LOBIONDO, Mr. MITCHELL, and Mr. RYAN of Ohio.

H.R. 2277: Ms. TSONGAS.

H.R. 2279: Ms. SCHAKOWSKY.

H.R. 2294: Mr. JORDAN of Ohio, Mr. LEE of New York, Mr. ADERHOLT, Mr. CAMP, Mr. HELLER, Mr. BILIRAKIS, Mr. NUNES, Mr. ROGERS of Michigan, Mr. TURNER, Mr. TIM MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. TIBERI, Mr. BONNER, Mr. MICA, and Mrs. SCHMIDT.

H.R. 2296: Mr. PUTNAM, Mr. BILIRAKIS, Mr. SOUDER, Mr. BOREN, and Mr. BACHUS.

H.R. 2297: Mr. MORAN of Kansas.

H.R. 2300: Mr. SMITH of Texas, Mrs. MYRICK, Mr. BOUSTANY, Mr. HERGER, Mr. JORDAN of Ohio, Mr. MCHENRY, Mr. WAMP, Mr. AKIN, Mr. LUCAS, Mr. MANZULLO, and Mr. HARPER.

H.R. 2311: Mr. BOUSTANY.

H.R. 2313: Mr. BOUSTANY.

H.R. 2322: Ms. SHEA-PORTER.

H.R. 2325: Mr. BURGESS and Mr. GOHMERT.

H.R. 2329: Mr. MCINTYRE, Mr. FLEMING, Mr. SIMPSON, Mr. MCMAHON, Mr. Sablan, Mr. SCHRADER, Mr. BRIGHT, Mr. POSEY, Mr. CONNOLLY of Virginia, Mr. HARPER, and Ms. MATSUI.

H.R. 2338: Mr. SAM JOHNSON of Texas and Mr. HELLER.

H.R. 2345: Ms. KOSMAS, Mr. COURTNEY, and Mr. BURGESS.

H.R. 2350: Mr. CARNEY, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Mr. GRIFFITH, Mrs. LOWEY, Mr. ENGEL, Mr. JACKSON of Illinois, Ms. ZOE LOFGREN of California, Mr. WELCH, and Mr. BISHOP of Georgia.

H.R. 2358: Mr. LEVIN.

H.R. 2360: Mr. SCHRADER, Ms. GIFFORDS, Mr. DONNELLY of Indiana, and Mr. TIBERI.

H.R. 2363: Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, and Mr. TOWNS.

H.J. Res. 10: Ms. WOOLSEY.

H.J. Res. 47: Mr. MORAN of Kansas and Mr. FLEMING.

H.J. Res. 50: Mr. LATTA, Mr. CONAWAY, and Mrs. MCMORRIS RODGERS.

H. Con. Res. 28: Mr. KUCINICH, and Ms. LINDA T. SANCHEZ of California.

H. Con. Res. 49: Mr. RADANOVICH, Mr. KIRK, Mr. MCKEON, Mr. BRADY of Pennsylvania, Mr. ROE of Tennessee, Mr. SIREs, and Mr. DRIEHAUS.

H. Con. Res. 58: Ms. NORTON and Mr. SARBANES.

H. Con. Res. 102: Mr. MOORE of Kansas.

H. Con. Res. 105: Ms. CASTOR of Florida.

H. Con. Res. 106: Mr. DAVIS of Alabama and Mr. MINNICK.

H. Con. Res. 109: Mr. KRATOVIL, Mrs. MCMORRIS RODGERS, and Ms. SCHWARTZ.

H. Con. Res. 110: Mr. COURTNEY.

H. Con. Res. 117: Mr. PAUL and Mr. BRADY of Texas.

H. Con. Res. 118: Mr. NUNES.

H. Con. Res. 126: Ms. BORDALLO, Mr. CONNOLLY of Virginia, Ms. LEE of California, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. GRAYSON, Mr. SESTAK, Mr. MORAN of Virginia, and Ms. MATSUI.

H. Res. 42: Mr. COBLE.

H. Res. 81: Mr. EHLERS.

H. Res. 175: Mr. SMITH of New Jersey.

H. Res. 185: Mr. GUTIERREZ and Ms. MOORE of Wisconsin.

H. Res. 209: Mr. KENNEDY.

H. Res. 225: Mr. POSEY and Mr. PAULSEN.

H. Res. 259: Mr. MILLER of Florida, Ms. JENKINS, and Mr. OBERSTAR.

H. Res. 260: Ms. CASTOR of Florida.

H. Res. 311: Mr. MCCOTTER and Mrs. MILLER of Michigan.

H. Res. 314: Mr. BRALEY of Iowa, Mr. CALVERT, Mr. WILSON of Ohio, Mr. HOLDEN, Mr. COHEN, Mr. DREIER, Mr. WU, Mr. FILNER, Mr. SMITH of Texas, Mr. HILL, Mr. PALLONE, Mr. BISHOP of New York, and Mr. PASCRELL.

H. Res. 347: Mr. TEAGUE, Mr. DOGGETT, Ms. CASTOR of Florida, Mr. LUJAN, Ms. DEGETTE, Mr. HIMES, Ms. TITUS, Mr. DONNELLY of Indiana, Mr. BRALEY of Iowa, Mr. MARSHALL, Mr. CARNEY, Mr. BOCCIERI, Mr. LARSON of Connecticut, Mrs. DAHLKEMPER, Ms. MARKEY of Colorado, Mr. PETERS, Mr. HEINRICH, Ms. EDWARDS of Maryland, Mr. KISSELL, and Mr. CONNOLLY of Virginia.

H. Res. 355: Mr. MORAN of Virginia.

H. Res. 360: Mr. MCINTYRE.

H. Res. 366: Mr. KENNEDY.

H. Res. 373: Mr. PAULSEN, Mr. KLINE of Minnesota, and Ms. BORDALLO.

H. Res. 390: Mr. SCHOCK, Mr. CALVERT, and Mr. SOUDER.

H. Res. 397: Mr. COBLE.

H. Res. 398: Mr. WOLF.

H. Res. 407: Ms. NORTON, Mrs. CHRISTENSEN, Mr. STEARNS, Ms. DELAULO, Mr. MARKEY of Massachusetts, and Ms. MATSUI.

H. Res. 408: Mr. SPRATT, Mr. COOPER, Mr. LOEBSACK, and Ms. LORETTA SANCHEZ of California.

H. Res. 409: Ms. BORDALLO, Mr. DINGELL, Mr. HOEKSTRA, Mr. CAMP, Mr. COLE, Mr. KILDEE, Mr. CASTLE, Mr. PLATTS, Mrs. EMERSON, Mr. DENT, Mr. UPTON, Mr. WOLF, Mr. CAO, Mr. COBLE, and Mrs. BONO MACK.

H. Res. 411: Mrs. MCMORRIS RODGERS.

H. Res. 422: Mr. MEEKS of New York.

H. Res. 428: Mr. BOCCIERI, Mr. YOUNG of Florida, Mr. MCMAHON, Mr. KENNEDY, Ms. HERSETH Sandlin, Mr. SHULER, Mr. VAN HOLLEN, Mr. TOWNS, Mr. HIGGINS, Mr. RADANOVICH, Mrs. CAPITO, Mr. BOREN, Mr. SHIMKUS, Mr. BRIGHT, Mr. BILIRAKIS, and Mr. WOLF.

H. Res. 433: Mr. WEINER, Mr. ISRAEL, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, Ms. MATSUI, and Ms. VELÁZQUEZ.

H. Res. 435: Ms. LINDA T. SANCHEZ of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 848: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1137: Ms. WASSERMAN SCHULTZ.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. LATTA on H.R. 581: Virginia Foxx and Robert J. Wittman.

Petition 2 by Mr. CARTER on H.R. 735: Virginia Foxx.

Petition 3 by Mr. LATOURETTE on House Resolution 359: Lynn Jenkins, Virginia Foxx, Kay Granger, Greg Walden, Blaine Luetkemeyer, David P. Roe, John Fleming, Joseph R. Pitts, Pete Olson, John J. Duncan, Jr., Robert J. Wittman, Sue Wilkins Myrick, John Kline, Vernon J. Ehlers, Sam Johnson, W. Todd Akin, Ken Calvert, Robert E. Latta, Glenn Thompson, Henry E. Brown, Jr., K. Michael Conaway, Charles W. Boustany, Jr., Jeff Miller, Denny Rehberg, F. James Sensenbrenner, Jr., Todd Tiahrt, Marsha Blackburn, Adam H. Putnam, Judy Biggert, Jim Jordan, Jim Gerlach, Steve Scalise, Frank A. LoBiondo, John Sullivan, Michael T. McCaul, Tom Latham, Doug Lamborn, Dan Burton, Joe Wilson, J. Randy Forbes, John Boozman, Charles W. Dent, and Wally Herger.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2346

OFFERED BY: Mr. COFFMAN OF COLORADO

AMENDMENT No. 6: In the item relating to "Economic Support Fund", after the first dollar amount and the fourth dollar amount, insert "(increased by \$119,000,000)".

In the item relating to "Mitigation and Refugee Assistance", after the dollar amount, insert "(reduced by \$119,000,000)".

EXTENSIONS OF REMARKS

IN REMEMBRANCE OF KENNETH E.
ZAREMBA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Kenneth E. Zaremba and in recognition of his dedication to his family, community and to the field of space exploration through his work at NASA.

Kenneth Zaremba had a distinguished thirty year career at NASA, most recently serving as Chief Protocol Officer. Earlier this year, he was recognized by his peers for his leadership, innovation and implementation of NASA's Future Forums—forums held around the country to educate diverse communities about NASA's vital work in the fields of science, space exploration and education. Through his connections to the local community and the expertise he accumulated during his career at NASA, Kenneth shared NASA's vision with non-traditional communities around the country—including school groups, state governors and teachers. As a leader for this agency-wide team, he and his colleagues inspired audiences throughout the country, highlighting NASA's vital work for our nation and communities. Kenneth is survived by his wife and best friend, Elizabeth and his three children: Zachariah, Alexander and Cassandra.

Madam Speaker and colleagues, please join me in remembrance of Kenneth E. Zaremba and in celebration of a life dedicated to his family, community and country. Despite his absence, his work at NASA will continue to inspire the work of his colleagues and all those who were touched by his leadership in NASA's Future Forums project.

TRIBUTE TO AMANDA ZIMMERMAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Amanda Zimmerman on her exemplary basketball career and congratulate her on being named Iowa's 2009 Miss Basketball.

Amanda is a senior at Ballard High School and will be attending Iowa State University to continue her illustrious basketball career. Amanda has been recognized with a variety of accomplishments including being named to the Class 3A All-State team four consecutive times, four straight state tournament appearances with her Ballard teammates, and helped lead her team to become the Iowa High School Class 3A State Champions this year.

Amanda is a shining example of Iowa's talented youth and the rewards that come with

hard work and determination. It is an honor to represent Amanda Zimmerman and her teammates in the United States Congress and I know my colleagues join me in wishing her the best in furthering her education and athletic career.

COMMEMORATING MADISON'S
BICENTENNIAL

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. HILL. Madam Speaker, Saturday, June 6, 2009, marks the official kick-off of Madison, Indiana's Bicentennial Celebration. And, what a storied history this wonderful town in my congressional district has amassed. Reflecting on the town's 200-year history takes time. So, it is only fitting that Madison residents and visitors will celebrate for 200 hours straight.

Madison is one of the most beautiful small towns in my congressional district. It was founded in 1809 and thrived on the commerce that the river provided. In its earliest years, Madison blossomed quickly and many stately mansions were built to accommodate its wealth. As rail became the prominent mode of transportation and commerce began to move away from the river, Madison's progress changed, and it became home to small, quaint businesses. At that time, it was yet to be told that what seemed to be the recession of the City would someday become the very thing that would bring it back to vibrancy.

Today, Madison has been recognized by the National Trust for Historic Preservation as one of a dozen distinguished destinations in America and is home to the largest National Historic Landmark District in the state. This year, as the residents of Madison celebrate their 200th birthday, I'd like to congratulate them on the success of their community and offer them continued prosperity in the next 200 years. I hope to attend some of the bicentennial festivities. If not, I will certainly be there in spirit.

Congratulations on your bicentennial Madison, Indiana.

HONORING ANDREW HOXSEY OF
NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Mr. Andrew Hoxsey, who is being honored this evening by the Napa Valley Grapegrowers as their Grower of the Year. Mr. Hoxsey is being recognized for his outstanding contributions to the wine

grape industry and the larger community of the Napa Valley.

Each year, the Napa Valley Grapegrowers bestows their most prestigious award to a Napa grower who has demonstrated a strong commitment to sustainable practices; recognized leadership in the agricultural preservation; dedicated community focus, contributing to the Napa Valley community through their time, resources, and personal commitments; and someone who actively promotes Napa's reputation for the highest quality vineyards. Grapegrowers in the Napa Valley are continuously at the forefront of organic and sustainable agricultural practices, and Mr. Hoxsey is no exception. He is one of the preeminent organic farmers in the entire Napa Valley.

Mr. Hoxsey is a fourth generation Napa Valley farmer who received a Bachelor of Science degree in Agricultural Economics and Business Management at the University of California at Davis. He went on to serve as an officer in the United States Air Force Reserve from 1983 to 1993. He is currently President of Yount Mill Vineyards in Yountville and Managing Partner of the Napa Wine Company.

Mr. Hoxsey's position as Managing Partner of one of Napa's premier wine companies is only the beginning of his extensive industry and community involvement. Andrew has served as Chairman of the California Sustainable Winegrowing Alliance and President of the Yountville Appellation Association. He has also held memberships on the Napa Valley and California Grapegrowers Boards of Directors, as well as Napa Valley Vintners Association, Oakville Winegrowers Association, American Vineyard Foundation and Napa Valley Farm Bureau.

Madam Speaker and colleagues, it is appropriate at this time that we thank Mr. Andrew Hoxsey for the incredible work he has done on behalf of the Napa Valley. As a respected grape grower he has advanced the reputation of Napa Valley grapes and wine, and has been a model citizen and superb steward of the land. I join his wife, Nancy and two daughters in wishing him continued success and fulfillment.

DEDICATION OF NEBRASKA LAW
ENFORCEMENT MEMORIAL

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. SMITH of Nebraska. Madam Speaker, nestled in a quiet corner of Washington D.C. a memorial stands in remembrance of some of our bravest citizens. The National Law Enforcement Officers Memorial was dedicated in 1991 to honor America's federal, state, and local law enforcement personnel. Its walls bear the names of more than 18,000 officers

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

killed in the line of duty, dating back to the first known death in 1792.

Every May, the nation honors the men and women who paid the ultimate price. It is a time to recognize the contributions of more than 900,000 federal, state, and local law enforcement officers who serve this nation and the thousands who have lost their lives.

Earlier this week, hundreds of Nebraskans from across our state gathered to pay tribute to the 130 Nebraska law enforcement officers who have died in the line of duty since 1866. On Monday, May 11, the Nebraska Law Enforcement Memorial was dedicated to our friends and neighbors who gave their lives to make our world a better place. Located in Grand Island, the names of these heroes are now etched in gold on three granite panels, a solemn reminder of the cost they—and their families—have paid.

It is fitting the pathway to the Washington D.C. Law Enforcement Officers Memorial is guarded by a statue of a lion protecting its cub. Thousands of Americans from all walks of life owe their lives to the actions of the brave men and women in uniform who protect us. Each day, law enforcement officers ensure our laws are enforced and our communities are safe.

HONORING ORADELL POLICE DEPARTMENT D.A.R.E. PROGRAM GRADUATES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. GARRETT of New Jersey. Madam Speaker, today, the Oradell Police Department will hold its D.A.R.E. graduation ceremony with the students of Oradell Elementary School. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and gang violence. They have done this with the support of Chief of Police Anthony Rhynie Emanuel and D.A.R.E. officers, Sgt. Kevin Smith, Ptl. Marc Fedorchak and Ptl. Richard Liguori.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our nation's school districts and in more than 43 other nations. This program allows children to defeat the negative cultural influences that they are challenged with daily by opening the lines of communication between law enforcement and youth and empowering them with confidence and courage to say no to drugs.

I am proud of the young boys and girls who participated in this program in Oradell, and I would like to recognize them all for taking this step toward positive citizenship:

Emma Bednarski, Andrew Benda, David Chakansky, Michael Fasano, Alec Garino, Kyle Garino, Lauren Gerlin, Stephanie John, Ethan Konigsberg, Ellison Lee, Justin Longo, Nicholas Miller, Julia Mills, Caitlin Mooney, Kevin Ortega, Zachary Prager, Kayla Rosado, Christina Sim, Christian Skroce, Joseph Verrico, Tyler Yuen, Vincent Albanese, Connor

Belthoff, William Bertini, Zakaria Bousada, Jung Jin Cho, Alexa Coppola, Zachary DiPirro, Kristen Friedman, Eunkyoo Ham, Sakura Honda, Ariel Lam, Thomas Melvin, Thomas Montemarano, Brian Pedersen, Anthony Pestic, Danielle Reimer, Olivia Schuster, Wendy Starr, William Thorn, Chelsea Twan, Alec Wasserman, Grace Woo, David Angione, Julianna Bigami, Erin Browing, Amanda Calcetas, Savannah DiGiovanni, Nicholas Esposito, Ryan Gardner, Rachel Jacobs, Echristopher Kallensee, Asher Konigsberg, Ylana Lopez, Christopher McMahon, Courtenay Murphy, Sebastian Quiana, Anne Marie Quinn, Patrick Robertson, Stephen Sargenti, Victoria Scalanga, Lexi Schettino, Eric Spiniello, Amber Williams, Christopher Yee, Ethan Alpern, Connor Callahan, Kate Deeg, Jimmy Dickson, Justin Fernandez, Christian Haak, Alexandra Iaccino, Brandon John, Evan Marinelli, Nicole Muscat, Rachel Okransky, David Pettigrew, Nicole Preziosi, Audrey Reynolds, Hunter Santos, Tommy Shindnes, Emma Smith, Richie Tashjian, Gabrielle Toohey, Sophia Traphagen, Billy Wallace, Daniel Comeau, Matthew Boros, Michael Boyle, Charlie Connell, Daniel Erben, Amanda Fatovic, Anna Fletcher, Elizabeth Granger, Molly Hastings, Erin Hughes, Susan Kang, Brad Laube, Julia Lombardi, Alexander McNally, Matthew Moran, Mona Moshet, Erikson Nichols, Matthew Palathingal, Caroline Parks, Kyle Russell, Ethan Schupak, Joseph Starace, and Kirsten Wozniak.

TRIBUTE TO BERYL PRESLEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Beryl Presley, a kindergarten teacher from Milo, Iowa.

Beryl has received the "My Favorite Teacher Award" given by WOI television station in West Des Moines, Iowa. She was nominated by her former student, Billie Jo Marsh, who is now a co-worker of Beryl's. When Billie Jo was in fifth grade, she was inspired by Beryl to become a teacher, and they have now worked together at Milo Elementary School for over 17 years.

Beryl has been a teacher for 34 years and takes an immense amount of interest in all of her students. She tells her students that they will receive an engraved recess whistle if they graduate with a degree in education. Eleven years after Billie Jo had Beryl as her teacher, she received her whistle on graduation day.

I congratulate Beryl Presley on her well-deserved award, and I'm certain that she will continue to touch the lives of many youth in her community. It is a great honor to represent Beryl in the United States Congress, and I wish her continued success.

IN TRIBUTE TO MOORPARK HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. GALLEGLY. Madam Speaker, I rise in tribute to the Moorpark High School Academic Decathlon Team, who recently returned from Memphis, Tennessee, as the 2009 National Academic Decathlon Champions.

It is the second consecutive national championship for the Moorpark High School team and the fourth national championship for the school in the past 10 years.

Team members Kris Sankaran, Marlena Sampson, Danielle Hagglund, Sarah Thiele, Zyed Ismailjee, Neil Paik, Sol Moon, Scott Buchanan and Michael Fantauzzo are now recognized as the best and the brightest in the country. They are the pride of their school, their community and their country.

Kris Sankaran, a Moorpark High School senior, is the only holdover from last year's team. And, for the second consecutive year, he walked away from the competition with the country's highest individual score.

Every team member medaled in at least one event. Kris took home seven individual medals. Danielle Hagglund took home six.

These youngsters won by literally dedicating their lives to the challenge. The team gave up weekends, vacations, part-time jobs, and time with their families in their pursuit of excellence.

Their coach, Larry Jones, worked as hard, if not harder, than his students and is as deserving of high praise. Coach Jones, who is now the spry age of 60, has coached all four U.S. Championship teams. He is a man of outstanding strength, patience, and perseverance.

Madam Speaker, I know my colleagues will join me in applauding nine outstanding students who made history while achieving a very prestigious goal—Kris Sankaran, Marlena Sampson, Danielle Hagglund, Sarah Thiele, Zyed Ismailjee, Neil Pails, Sol Moon, Scott Buchanan and Michael Fantauzzo—the 2009 U.S. Champion Moorpark High School Academic Decathlon Team.

HUMANITARIAN CONCERNS AT CAMP ASHRAF

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. CLAY. Madam Speaker, as we endeavor to end the war in Iraq, and to prevent any further military action in that region, I want to call attention to a resolution adopted by the European parliament on April 24, 2009. This resolution addresses Camp Ashraf which is located in Iraq about 50 miles from the Iranian border. Approximately 3,000 Iranian exiles are now residing at the Camp; these individuals have not been involved in the war and signed agreements with the U.S.-led Multi-National Force regarding their status in accordance

with International Humanitarian Law. Unfortunately, Iraqi officials have allowed the Iranian clerical regime to pressure those residing at Camp Ashraf and human rights organizations, such as Amnesty International, have expressed concern for their safety and well being.

The European Parliament resolution urges the Iraqi government to uphold the human rights of those living at Camp Ashraf. I share this sentiment and urge my colleagues to review the full text of the resolution enacted by the European Parliament.

HUMANITARIAN SITUATION OF CAMP ASHRAF RESIDENTS

European Parliament resolution pursuant to Rule 115 of the Rules of Procedure on the humanitarian situation of Camp Ashraf residents The European Parliament,

having regard to the Geneva Conventions and notably Article 27 of the Fourth Geneva Convention on the legal status of Protected Persons,

having regard to the Geneva Convention of 1951 relating to the Status of Refugees and the 1967 Additional Protocol,

having regard to the Status of Forces Agreement (SOFA) signed between the US and Iraqi Governments in November 2008,

having regard to its resolutions of 12 July 2007 and of 4 September 2008 including references to Camp Ashraf residents having legal status as Protected Persons under the Fourth Geneva Convention,

having regard to Rule 115 of its Rules of Procedure, A. whereas Camp Ashraf in Northern Iraq was established during the 1980s for members of the Iranian opposition group People's Mujahedin Organisation of Iran (PMOI), 8. whereas in 2003 US forces in Iraq disarmed Camp Ashraf's residents and provided them with protection, having been designated 'protected persons' under the Geneva Conventions, C. whereas the UN High Commissioner for Human Rights in a letter dated 15 October 2008 urged the Iraqi Government to protect Ashraf residents from forcible deportation, expulsion or repatriation in violation of the non-refoulement principle, and to refrain from any action that would endanger their life or security, D. whereas after the US/Iraqi Status of Forces Agreement Camp Ashraf has been returned to the control of Iraqi security forces as of 1 January 2009, E. whereas according to recent statements reportedly made by the Iraqi National Security Advisor the authorities intend gradually to make the continued presence of the Camp Ashraf residents 'intolerable' and whereas he reportedly also referred to their expulsion/extradition and/or their forcible displacement inside Iraq, 1. Urges the Iraqi Prime Minister to ensure that no action is taken by the Iraqi authorities which violates the human rights of the Camp Ashraf residents and to clarify the government's intentions towards them; calls on the Iraqi authorities to protect the lives, and the physical and moral integrity of the Camp Ashraf residents and to treat them in accordance with the obligations under the Geneva Conventions, notably not to forcibly displace, deport, expel or repatriate them in violation of the principle of non-refoulement; 2. Respecting the individual wishes of anyone living in Camp Ashraf as regards to their future; considers that those living in Camp Ashraf and other Iranian nationals who currently reside in Iraq having left Iran for political reasons could be at risk of serious human rights violations if they were to be returned involuntarily to Iran,

and insists that no person should be returned, either directly or via a third country, to a situation where they would be at risk of torture or other serious human rights abuses; 3. Calls on the Iraqi government to end its blockade of the camp and respect the legal status of the Camp Ashraf residents as 'protected persons' under the Geneva Conventions, and to refrain from any action that would endanger their life or security, namely full access to food, water, medical care and supplies, fuel, family members and international humanitarian organizations; 4. Calls on the Council, the Commission and the Member States together with the Iraqi and US Governments and the UN High Commissioner for Refugees and the International Committee for the Red Cross to work towards finding a satisfactory long-term legal status for Camp Ashraf residents; 5. Instructs its President to forward this resolution to the Council, the Commission, the Governments and Parliaments of the Member states, the UN High Commissioner for Refugees, the International Committee for the Red Cross, the Government of the United States and the Governments and Parliaments of Iraq.

TRIBUTE TO ALBERT HABHAB

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize the storied career and public service of Albert Habhab from Fort Dodge, Iowa.

Albert began his career of public service as a soldier during World War II. Albert rarely speaks of his time at war, but he occasionally shares some of his experiences including rescuing a badly injured soldier while in the Army in Europe.

He later became the mayor of Fort Dodge in 1959, and served for a record setting 14 years. While mayor, the city expanded by over eleven miles. In 1975, after serving as mayor, Albert was appointed to the bench in the 2nd Judicial District. In 1987 he was appointed to the Iowa Court of Appeals where he was elected chief judge.

Now at the age of 83, Albert continues to show his selflessness and gives credit to many other people in his life who he believes helped him during his career.

I commend Albert Habhab for his many years of loyalty and service to our great nation and his community. I know my colleagues in the United States Congress join me in thanking Albert Habhab for his life of public service. It is an immense honor to represent Albert in Congress, and I wish him all the best in his future endeavors.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, May 13, 2009, I was unable to cast my votes on H. Res. 427, H. Con. Res. 84 and H.R. 2162.

Had I been present for Rollcall No. 246, on agreeing to the Rule providing for consideration of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, I would have voted "nay."

Had I been present for Rollcall No. 247, on suspending the Rules and passing H. Con. Res. 84, Supporting the goals and objectives of a National Military Appreciation Month, I would have voted "yea."

Had I been present for Rollcall No. 248, on suspending the Rules and passing H.R. 2162, the Herbert A. Littleton Postal Station, I would have voted "aye."

HONORING HENRY "HANK" NORDHOFF ON HIS RETIREMENT FROM GEN-PROBE

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. BILBRAY. Madam Speaker, today I rise to honor the service of Henry "Hank" Nordhoff to both the biotechnology and life sciences communities of San Diego, as well as to Gen-Probe, from which he is retiring after serving fifteen years as President and Chief Executive Officer (CEO). Hank is nearly peerless when it comes to the contributions he has made to the life sciences community of San Diego and I wish him well in his retirement.

The state of California is far and away the leader when it comes to the life sciences industry. With over 2,000 companies employing 271,000 people and generating \$20.3 billion in salaries and wages, California is the gold standard for science and biotechnology that the rest of the country tries to emulate. San Diego is the crown jewel in the California crown with 36,600 employees in the life science community in San Diego County at more than 500 companies, including traditional biotech, medical device, diagnostic and technology companies. Atop that mountain stands Gen-Probe, led by Mr. Hank Nordhoff.

Hank joined Gen-Probe Incorporated in July 1994 as president and CEO. Following the spin-off from Chugai Pharmaceuticals in September 2002, he was also appointed chairman of Gen-Probe's board of directors. Hank contributed greatly to the innovation that defines Gen-Probe, and that is embodied in more than 480 patents the company has been issued around the world. Gen-Probe's business is devoted to nucleic acid testing (NAT). NAT is the science of identifying diseases accurately and rapidly by detecting genetic fingerprints that are unique to an infectious microorganism or a cancerous tumor. Gen-Probe's pioneering and innovative role in NAT has been broadly recognized—culminating in the company receiving the 2004 National Medal of Technology, America's highest honor for technological innovation, for developing molecular tests that protect America's supply of donated blood from HIV, hepatitis and West Nile virus.

On a personal note, I have had the privilege of working closely with Hank on a number of life sciences issues since coming back to Congress in June 2006. Hank has been a trusted advisor as part of my science and technology

advisory group and I have come to rely on his wise counsel on everything from patent reform to personalized medicine. It is no surprise to me to know that he has been named as one of San Diego's most admired CEOs. Hank is a true visionary and his work will continue to shape the landscape of San Diego's biotechnology community long into the future.

In short, Hank is a successful business executive, employer, statesman and philanthropist, and I wish him well in his future retirement endeavors.

TRIBUTE TO SCOTT BLACKSTOCK

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to Scott Blackstock, one of my constituents from Thomaston, Ga. This has been a fine spring for Scott. First, he won the Small Business Administration's Georgia Small Business Person of the Year award based on the success of his chain of car washes. Second, there was a lot of pollen. Only car wash owners, I'd think, anxiously anticipate the season when a thick yellow film coats our vehicles.

Blackstock had owned a tire and auto shop in Thomaston for 20 years before he decided to add on a traditional self-serve and drive-thru car wash facility. From here his entrepreneurial ideas bubbled up like soapy suds. Before he acted, he did his research on the latest type of car wash technology, the "express wash." In 2003, S.S. Blackstock Inc.'s Tidal Wave Express Wash was on its way, as Scott opened a state-of-the-art conveyor-style car wash in Riverdale, GA, that was faster, more efficient and less expensive than any system used before.

His business shined and waxed at a rapid rate. Tidal Wave Express Wash started with two part-time employees in 2003 and one outlet; today, it employs almost 100 full- and part-time employees at 12 locations spread over three states but centered primarily in metro Atlanta. Sales have increased from \$271,000 in 2004 to more than \$6.5 million in 2007, while profits have gone from \$22,435 to more than \$2.7 million.

Scott's business model allows customers to tidy up their rides guilt-free, with a wash that's friendly to the environment and to the wallet. Tidal Wave invests \$70,000 at each new location for a system that treats and recycles the water for reuse and purifies used water before returning it to the sewage system.

Notice of Scott's splash of success isn't limited to Georgia. He's answered the call to give presentations to his peers in the industry and trade publications have featured him.

But Scott isn't just special to his community for his entrepreneurial spirit and business acumen. His company provides much more than a buff and shine. Scott and wife Hope have a child with cerebral palsy and they hold a place in their hearts for people with special needs. S.S. Blackstock Inc. has donated more than \$150,000 to causes that support children and adults with special needs, including a program

where teachers from around the South can come for training to assist the wheelchair-bound in gaining physical independence.

I'm tremendously proud of Scott's contributions to Georgia's business community and to our fellow Georgians in need of a helping hand. I ask my colleagues in the House to join me in congratulating Scott Blackstock, the 2009 Small Business Administration Small Business Person honoree.

TRIBUTE TO ELAINE KLINE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Elaine Kline, former owner and operator of Elaine's Hair Design in Boone, Iowa.

Elaine has been a hair dresser for 50 years and a permanent makeup artist for over 20. She recently decided to hang up her shears and retire from owning Elaine's Hair Design after 36 years of business. Although she is retiring from the beauty shop, she will continue to do makeup as an independent contractor. Now that Elaine has more time on her hands, she plans to spend more time with her grandchildren and on her artwork, which she hopes to donate much of to her church and Iowa Right to Life.

Elaine has left a permanent mark on the city of Boone as several generations have passed through her salon. I know that my colleagues in the United States Congress join me in commending Elaine for her service to her community. I consider it an honor to represent Elaine Kline in Congress, and I wish her a long, happy and healthy future.

HONORING KYLE JOSEPH NIX

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Joseph Nix a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop participating in many scout activities. Over the many years Kyle has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Joseph Nix for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

NO WELFARE FOR TERRORISTS ACT OF 2009

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. TIAHRT. Madam Speaker, today I am introducing the "No Welfare for Terrorists Act of 2009." This legislation would proactively prohibit detainees currently at Guantanamo Bay from ever receiving government benefits at the federal, state and local levels.

Today at Guantanamo Bay there are around 240 hardened terrorists who have killed and/or plotted to kill Americans. These terrorists are among the most dangerous people in the world, and the Obama administration wants to bring them here to the United States. Earlier today in the House Committee on Appropriations, Congressional Democrats, in a party-line vote, agreed to support the administration's policy to bring terrorists currently detained at Guantanamo Bay to our soil. Homeland Security personnel are working hard to keep terrorists from entering our country and now the president wants to make special arrangements to bring these proven terrorists here.

The Obama administration has already authorized the release of 30 detainees from Guantanamo Bay. Dennis Blair, the Director of National Intelligence, has said that these terrorists should receive welfare benefits: "If we are to release them in the United States, we need some sort of assistance for them to start a new life. You can't just put them on the street."

We must not fool ourselves—those held at Guantanamo Bay are unrepentant terrorists determined to pursue their long held violent goals. Of the detainees already released from Guantanamo Bay, we know that over 60 have returned to a life of terrorism.

Maulvi Abdul Ghaffar was captured in early 2002 and held at Guantanamo Bay for eight months. After his release, Ghaffar became the Taliban's regional commander in Uruzgan and Helmand provinces, carrying out attacks on U.S. and Afghan forces.

In September, Saeed Shihri was responsible for an attack on the U.S. embassy in Yemen that killed nearly a dozen people. This was barely a year after he was released from Guantanamo Bay.

Abdallah Salih al-Ajmi, a Kuwaiti, was repatriated from Guantanamo in 2005, and transferred into Kuwaiti custody. After he was acquitted of terrorism charges in Kuwait, he committed a successful suicide attack in Mosul, Iraq on March 25, 2008.

Ibrahim Shafir Sen was transferred from Guantanamo Bay to Turkey in November 2003. In January 2008, Sen was arrested in Van, Turkey, and charged as the leader of an active al-Qaida cell.

These are just a few examples of the activities of the terrorists who have been released, thus far. The ones remaining at Guantanamo Bay are arguably even more dangerous.

The administration must be honest with the American people that they want to bring terrorists to the United States. By bringing these terrorists to America, the Obama administration will provide them with legal status. This

would then qualify them for food stamps, cash assistance and health care—paid for by you and me, the very people they desire to kill. The American people have spent billions trying to protect this country from terrorists before they can kill innocent Americans, and now the administration is laying out the welcome mat for terrorists to roam our streets.

The “No Welfare for Terrorists Act” will prohibit any government benefits from being granted to any terrorists brought to the United States from Guantanamo Bay. The American people have already paid—with blood and lives. We’re done. The American people, under no circumstance, should be required to pay welfare benefits to terrorists.

I ask all my colleagues to join me in bringing sanity to this debate and prevent our constituents’ hard earned money from going to put terrorists on welfare rolls.

**RYAN ANDREW ROBERTS MAKES
HIS MARK ON THE WORLD**

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate Richard Allen and Melissa Gregory Roberts on the birth of their child, Ryan Andrew Roberts. Ryan was born on Wednesday, April 15, 2009 at 10:30 am, weighed 8 pounds and 10 ounces, and was 20.5 inches long. My wife Faye joins me in wishing Richard and Melissa, and grandparents Joseph C. and Janice L. Gregory, Neil Richard Roberts, and Betty W. Marino great happiness upon this new addition to their family.

As the father of three, I know the joy and pride that Richard and Melissa feel at this special time. Children remind us of the incredible miracle of life, and they keep us young-at-heart. Every day they show us a new way to view the world. I know the Roberts family looks forward to the changes and challenges that their new son will bring to their lives while taking pleasure in the many rewards they are sure to receive as they watch him grow.

I welcome young Ryan into the world and wish Richard and Melissa all the best as they raise him.

HONORING JOHN ANDREW NIX

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize John Andrew Nix a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

John has been very active with his troop participating in many scout activities. Over the many years John has been involved with scouting, he has not only earned numerous

merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending John Andrew Nix for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING ROBERT J. JOSSEN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mrs. LOWEY. Madam Speaker, I rise today to recognize Mr. Robert J. Jossen for his accomplished legal career and dedication to the Jewish community of Westchester County, New York. On Tuesday, May 12, 2009, Mr. Jossen received The Jewish Theological Seminary 14th Annual Judge Simon H. Rifkind Award.

A graduate of Cornell University and Columbia University Law School, Mr. Jossen began his career as a law clerk for the Honorable Marvin E. Frankel of the U.S. District Court for the Southern District of New York. Currently a partner with the international law firm Dechert LLP, Bob is a fellow of the American College of Trial Lawyers and has been named one of this nation’s best business litigators by Best Lawyers in America for the past ten years.

Mr. Jossen has demonstrated an admirable commitment to educating the next generation of attorneys, lecturing widely on ethics and other topics for the Practicing Law Institute and the New York State Bar Association. He has also served as an adjunct professor of Legal Ethics at both Columbia University Law School and St. John’s University Law School, an adjunct lecturer in Professional Responsibility at Brooklyn Law School, and an instructor for the National Institute for Trial Advocacy.

From 2004 to 2007, Mr. Jossen served as president of Temple Israel Center of White Plains, New York, and has spent nearly twenty years serving as general counsel to the Rabbinical Assembly of the Conservative Movement. Bob has generously lent his time and talent to enriching New York’s Jewish community, conducting annual seminars with graduating rabbinical students on confidentiality, counseling, and contracts.

Madam Speaker, I am proud to recognize the many accomplishments of Robert J. Jossen, and I urge my colleagues to join me in honoring his contributions to the legal profession and Jewish community.

**RECOGNIZING OFFICER DAVID
LOAR AND OFFICER CHRIS-
TOPHER SKINNER AS RECI-
PIENTS OF THE 2009 TOP COP
AWARD**

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. CLEAVER. Madam Speaker, it is with great pride that I rise today to recognize Offi-

cers David Loar and Christopher Skinner of Kansas City, Missouri, as recipients of the 2009 Top COPS Award. This award is presented to outstanding law enforcement officers by the National Association of Police Organizations for acts that go above and beyond the call of duty. Officers Loar and Skinner were nominated for this award by their peers for actions they undertook in helping a 70 year old homeless man.

Officer Loar and Officer Skinner first met Harold, a retired trucker, on New Year’s Eve in 2008 in the underground parking garage of a local shopping center in my district. Harold, who had lost his home in a divorce, also had his identification papers stolen while staying at a homeless shelter. Unable to get back on his feet, Harold was living in the underground garage. Upon meeting Harold, Officer Loar and Officer Skinner made the decision to help this elderly man reclaim his life.

Officer Loar and Officer Skinner worked to help Harold obtain a birth certificate, a Social Security card, photo identification, as well as a post office box. They brought him sandwiches and checked on him during the cold winter nights. Upon some investigation, Officers Loar and Skinner found that Harold was eligible for Social Security and Medicare benefits, and this enabled Harold to collect almost \$10,000 in back benefits. Eventually, Officer Loar and Officer Skinner helped Harold find an apartment, and even paid for Harold to stay in a hotel until the apartment unit was ready for him to move into.

Madam Speaker, please join me in honoring Officer Loar and Officer Skinner for their commitment to helping Harold. These two police officers stand as an example to all in the Fifth District of Missouri, as well as the rest of the Nation. Many of us walk by homeless men and women everyday, yet few take the time to stop. Officer Loar and Officer Skinner walked into the parking garage that cold New Year’s Eve and made the decision to help; they made the decision to be one of the few to change the course of someone’s life. Officer Loar and Officer Skinner showed true compassion when they decided to help a stranger fight his way back off the streets. It is for these commendable actions that Officer Loar and Officer Skinner were awarded the 2009 Top COPS Award. I urge my colleagues of the 111th Congress to join me in congratulating Officer Loar and Officer Skinner on their well-deserved honor.

**HONORING THE SERVICE OF AR-
KANSAS’ PUBLIC SAFETY TELE-
COMMUNICATORS**

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. BOOZMAN. Madam Speaker, I rise today to honor the service of Arkansas’ public safety telecommunications and emergency service dispatchers.

We’re taught to call 9–1–1 in an emergency and these are the men and women who answer our call for help. They recently celebrated National Public Safety Telecommunicators Week. This special week honors the thousands of people who respond to emergency

calls, dispatch emergency professionals, and offer life-saving assistance in our communities.

These civil servants work tirelessly to assure we have direct and immediate access to emergency responders whenever the need arises. We recognize these men and women for their service as well as their concentrated community outreach, training courses for students, senior citizens and church groups on the uses and abuses of the emergency telephone lines and the services available. These community awareness programs improve the quality of our telecommunications' work.

Their commitment to excellence makes our communities a much safer place to live, and for that I thank them for their service. My appreciation for these Americans who help us every day is immeasurable. We must recognize and honor their efforts not only one week, but all year long.

HONORING KYLE THOMAS ALBERG

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Thomas Alberg a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop participating in many scout activities. Over the many years Kyle has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Thomas Alberg for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ZACHARY RAYMOND
BUKATY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary Raymond Bukaty a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and in earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop participating in many scout activities. Over the many years Zachary has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary Raymond Bukaty for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SPENCER FISH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Spencer Fish of Liberty, Missouri. Spencer is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and earning the most prestigious award of Eagle Scout.

Spencer has been very active with his troop, participating in many scout activities. Over the many years Spencer has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. He was also the recipient of the 12 Month Camper Award and the World Conservation Award.

Madam Speaker, I proudly ask you to join me in commending Spencer Fish for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO FRANKIE MANNING

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to a giant of the Queens arts community—Frankie Manning, who passed away on April 27, 2009 at the age of 94.

Frankie Manning, the self-described “Ambassador of the Lindy Hop,” was an icon of the jazz dancing era. From the start of his career in the 1930s, Frankie was one of jazz dance’s most elite dancers, becoming a fixture at venues like the Savoy Ballroom and the Cotton Club.

As Frankie became the face of the Lindy hop, he took his signature style on tours through Europe and South America, to the New York World’s Fair, and to Hollywood, where his impressive performances graced a number of Hollywood films.

Never one to overlook service to his country, Frankie also served in the Army during World War II, serving in the Pacific theater. After years of professional dancing, Frankie also began work for the Postal Service in 1955.

Where most of us see retirement as a chance to relax, Frankie did the opposite, turning his retirement into a whirlwind of choreographing and teaching, as he helped bring the Lindy hop back into the national consciousness.

He received a Tony award for his Broadway choreography in 1989, and returned to Hollywood to train actor Denzel Washington on the Lindy in the film “Malcolm X.” In 2000, Frankie was awarded a National Heritage Fellowship from the National Endowment for the Arts.

Frankie will always be remembered as someone who never lost his love for dancing

as he got older. In fact, in just a few weeks he was to celebrate his 95th birthday with a five-day festival and the premiere of a documentary on his life of dance. This event, now scheduled as a memorial, shows just how much spirit Frankie brought to his life and his dancing.

My condolences go out to Frankie’s family, the dancers he worked with throughout his career, and to his many fans around the world. He brought so much life to the world of jazz dance, and the same energy and charisma to all his endeavors. Frankie Manning will certainly be missed, but I am confident that his spirit will live on.

BRYCE McDONALD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Bryce McDonald of Liberty, Missouri. Bryce is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and earning the most prestigious award of Eagle Scout.

Bryce has been very active with his troop, participating in many scout activities. Over the many years Bryce has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. He was also the recipient of the Eagles Soaring High award.

Madam Speaker, I proudly ask you to join me in commending Bryce McDonald for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING DR. PATRICIA L.
STARCK FOR TWENTY-FIVE
YEARS OF OUTSTANDING
ACHIEVEMENTS AS DEAN OF
THE UNIVERSITY OF TEXAS
HEALTH SCIENCE CENTER AT
HOUSTON SCHOOL OF NURSING

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. CULBERSON. Madam Speaker, I rise today to honor Dr. Patricia L. Starck for twenty-five years of outstanding achievements as Dean of The University of Texas Health Science Center at Houston School of Nursing and to recognize her contributions to the health of Texans and countless others through her leadership in nursing education.

Dean Starck has shown exemplary leadership in addressing the national nursing shortage. Under her leadership, student enrollment in the School of Nursing and the number of faculty have nearly doubled; philanthropic giving has increased more than twenty-fold; the number of endowed scholarships has risen from two to twenty-four and the number of endowed chairs from one to thirteen; and seven

research endowments have been created. She was appointed by Governor Rick Perry to serve on the Statewide Health Coordinating Council and also serves as co-chair of the Texas Center for Nursing Workforce Study Advisory Committee.

Under her leadership, the School of Nursing has embarked on several new programmatic endeavors. Dean Starck worked tirelessly to ensure the creation of the Doctor of Nursing Practice Program, a practice doctorate degree focused on patient quality outcomes. The University of Texas School of Nursing at Houston was the first school in Texas to offer a Doctor of Nursing Practice (D.N.P.) degree. During her tenure, the School has also established the Women's Health Care Nursing Program; the Center for Nursing Research; the Center on Aging; the Pediatric Nursing Practitioner Program; the Neonatal Nursing Program; the Acute Care Nursing Program; the Adult Health Nursing Program; the Center for Substance Abuse Prevention, Education and Research; the Biological Sciences Laboratory; and the Nursing Leadership and Administration Program.

Dean Starck has also contributed to scholarship and research in her field, receiving fourteen grant awards for her work; publishing forty-five articles for journals; publishing and serving as editor on eighteen publications; and collaborating on and leading twelve clinical research projects and six education research projects for instructional distribution.

She has brought honor to the School and to herself as the recipient of numerous awards and distinctions, including the 2005 Health Policy Award; the Presidential Award for Distinguished Contributions and Sterling Leadership, the XIV Congress on Viktor Frankl's Logotherapy; the Griffin B. Bell Distinguished Lecturer, Georgia Southwestern State University; Sister Bernadette Armiger Award, American Association of Colleges of Nursing; Nursing Excellence Leadership Award, Houston Organization of Nurses; Distinguished Professional Woman's Award, The University of Texas Health Science Center at Houston Committee on the Status of Women 1993; Collaboration Between Nursing Service and Education Award, Council Deans/Directors and Nurse Executives; Woman of Excellence, Federation of Business and Professional Women; Outstanding Woman in Education, YWCA Honoree; Leadership Texas; and Lifetime Membership, Alumni Association, The University of Texas Health Science Center at Houston School of Nursing. She is a member of Sigma Xi, Sigma Theta Tau and Phi Kappa Phi societies; and is a Fellow of the American Academy of Nursing.

Congratulations to Dr. Patricia Starck for twenty-five years of outstanding work for The University of Texas Health Science Center at Houston School of Nursing, and best wishes for the years to come.

HONORING THE ACHIEVEMENTS OF MS. BRITTANY BERGQUIST

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in congratulating a young, profoundly dedicated community volunteer—and a constituent of mine—Ms. Brittany Bergquist.

As a distinguished winner of the 2009 Prudential Spirit of Community Award, Brittany was recently named as one of our nation's top 10 youth volunteers. Her passion for improving the lives of others was sparked five years ago by a TV news story about an Army reservist who struggled with overwhelming cell phone bills while trying to keep in touch with his loved ones overseas. Sympathetic to our brave men and women in uniform, Brittany and her brother Robbie began raising money to send on their behalf. They scraped together piggy-bank savings, hosted car washes, and organized bake sales as their dedication to the cause intensified day-by-day.

Today, the nonprofit organization that the Bergquist kids co-founded—"Cell Phones for Soldiers"—has collected and recycled nearly 700,000 pre-paid phone cards for the men and women serving in our armed forces. She and her brother arranged for a recycling company to purchase donated phones; designed a Web site to spread awareness of their campaign; recruited volunteers from across the continent; and secured a large donation from a mobile phone company. To date, the Bergquist children have sent more than \$2.5 million worth of one-hour phone cards to military hospitals and bases around the world.

What began as the idealistic initiative of a young girl and her brother, "Cell Phones for Soldiers" has blossomed into a national effort well-deserving of the recognition it has received. Brittany is an inspiration not only to the people of her home state of Massachusetts, but to young adults nationwide who aspire to make a difference.

On behalf of the thousands of soldiers who have been able to communicate with their families thanks to Brittany's efforts, I want to take this opportunity to recognize and thank her for her exemplary work and compassion. She is a young woman of exceptional potential, and I wish her the very best of luck in all her future endeavors.

A TRIBUTE TO CHRYSALIS AND THE 8TH ANNUAL CHRYSALIS BUTTERFLY BALL ON THE OCCA- SION OF THE ORGANIZATION'S 25TH ANNIVERSARY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Chrysalis, a nonprofit organization based in Los Angeles County that

is dedicated to helping economically disadvantaged and homeless individuals find jobs and become self-sufficient through employment opportunities.

The organization derives its name from the term used to describe the growth stage during which a caterpillar is transformed into a beautiful butterfly. Chrysalis, the organization, seeks to lead its clients on a similar path—transforming lives by helping people who have fallen on hard times work their way out of poverty and obtain economic stability.

When Chrysalis was founded by 22-year-old John Dillon 25 years ago, the organization was a food and shelter agency located on Skid Row in Downtown Los Angeles. John soon realized that he wanted to change the agency's focus. He then transformed the organization into what it is today: an agency dedicated to helping people find jobs and become self-sufficient through employment opportunities.

To date, Chrysalis has assisted more than 30,000 people on the path toward self-sufficiency at three centers located throughout areas in Los Angeles County where poverty is most pervasive: Downtown Los Angeles on Skid Row, Santa Monica, and Pacoima in the San Fernando Valley. Through its employment programs and services, Chrysalis helps more than 2,500 people each year. Chrysalis clients not only find employment, but they change their lives through their new jobs, reuniting with their families, decreasing their reliance on government support, renting their own apartments, and regaining self-esteem.

To support their work, Chrysalis will hold its 8th Annual Chrysalis Butterfly Ball on June 6 at the Mandeville Canyon home of Susan Harris and Hayward Kaiser. This incredible evening is supported by friends of Chrysalis, including executives and artists in film, television, and music who will come together to help raise funds to keep Chrysalis' doors open to people in need throughout the year.

In recognition of the important role of Chrysalis' supporters, this year's celebration will honor several individuals critical to the organization's success, including Bruce Cohen and Dan Jinks, Academy Award Winning producers most prominently known for their work on the movies MILK and AMERICAN BEAUTY, as well as Doug Ellin, the creator and executive producer of the HBO television series, "Entourage." In addition, Chrysalis client Terry Moore will also be honored as this year's recipient of the John Dillon Butterfly Award. With the help of Chrysalis' services, Terry Moore overcame multiple barriers to find and keep a job, build a successful career, and regain dignity and self-esteem.

Madam Speaker, on the occasion of Chrysalis' 25th anniversary, I join today with my congressional colleagues in recognizing all of the many dedicated people who make this fine organization the beacon of hope that it is today. I extend my thanks to this year's honorees, incredible donors and supporters, invaluable volunteer force, the Chrysalis staff, and, most of all, the agency's clients. Chrysalis provides the resources that enable those seeking a brighter future to truly "transform" themselves and their lives, and I wish everyone involved with this fine organization many more years of continued success.

HONORING BUD DOGGETT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. STARK. Madam Speaker, this week the District of Columbia is renaming 10th Street, NW., "Bud Doggett's Way" after Leonard "Bud" Doggett, an iconic civic, business and political leader here in Washington who passed away last year. It's a well-deserved honor to an individual who devoted his life to making Washington, the Nation's Capital, a better place. During my tenure both as a member and Chairman of the House Committee on the District of Columbia I had the privilege of knowing Bud and, as was the case for many, he became my friend.

Bud Doggett was born in Washington, returned here after World War II, and never left. He loved this city and worked tirelessly to help it and its residents. While building a significant corporate empire based on parking, real estate and banking, Bud kept an eye and a hand on everything political and important that shaped Washington over the past 50 years. Bud was "old school," literally smoking cigars in the back room. He shunned publicity and attention, liked to refer to himself as a parking attendant, but Bud was the D.C. power broker who always had the best interest of the city at heart.

Bud spearheaded diversity in Washington's business community in the early 1960s when segregation was still pervasive if more quiet. He walked the streets with Mayor Washington to calm the turmoil after Martin Luther King, Jr.'s assassination, and played a decisive role in the election of most District leaders since Home Rule and the economic development that transformed a sleepy southern town to a world-class city.

With the strong, paternal hand came a softer heart. Bud's philanthropic efforts are legendary, anchored by HEROES, a largely anonymous group he founded in 1964 that helps the families of law enforcement and firefighters in the region who die in the line of duty. There are literally hundreds of families who have had their mortgages paid, their children sent to college, and their lives re-established because Bud and HEROES never forgot their loved one's sacrifice and were always there to help.

Bud was the last of his breed for Washington. There's no one with the same reach, respect, and authority to single-handedly keep the city on track. It's up to a new batch of political, business, and civic leaders to see if collectively they can provide the stability, direction and discipline that Bud did. It's a very tough act to follow.

TRIBUTE TO BRANDON AND TONY SILVERIA IN RECOGNITION OF THEIR DEDICATION TO CURBING UNDERAGE DRINKING IN OUR COUNTRY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to honor Brandon Silveria and his father, Tony Silveria, two courageous individuals who have turned a personal tragedy into a message of hope and possibility for teenagers and their families across the country.

On March 1, 1987, Brandon Silveria had the world at his fingertips. He was a popular high school athlete in Los Gatos, California. He and his friends had dreams of making the Olympic rowing team and attending Boston College on rowing scholarships.

But on that day, Brandon's dreams were shattered by one bad decision. Brandon and his friends went to a party and drank alcohol. Seventeen-year-old Brandon drove everyone home. After he dropped his best friend off, Brandon continued the short drive to his house. He never made it. Brandon crashed his car into a tree and barely survived.

Brandon's parents, Tony and Shirley Silveria, rushed to the hospital to be by Brandon's side and faced the nightmare of almost losing their son to an underage drinking and driving crash. Brandon spent 3 months in a coma followed by 3 years in rehabilitation. Brandon had to relearn everything. Walking, talking and eating were skills he had to regain. He worked hard to recover and his family stood by his side and nursed him back to health.

Today, Brandon and Tony travel the country for The Century Council, a not-for-profit organization funded by distillers to fight drunk driving and underage drinking. Over the last 20 years they have spoken to over 2 million students in all 50 states across the nation—from Maine to California—and their story has been told on "Rescue911," NBC's "TODAY Show," and the Discovery Channel's "HEALTHWATCH." Their message focuses on encouraging teens to make the right choices, resist peer pressure, and realize the trauma created by this kind of personal tragedy.

I first met the Silverias in the fall of 2007 when The Brandon Tells His Story program was featured at one of the high schools in my district. I was so moved by their presentation that I have worked with The Century Council to bring this compelling message to the teenagers and parents in two other high schools in my district.

Brandon walks and talks with great difficulty but that doesn't prevent him from delivering a forceful message to teens about the dangers and consequences of drinking and driving. He has permanent health problems as a result of a traumatic brain injury and must travel the country with his father. Tony has his own program for parents called Tony's Tips where he discusses the impact Brandon's crash had on his family and about the importance of talking to your kids about underage drinking. Many families unravel emotionally or financially in

the face of a tragedy like Brandon's. Despite this often sad reality, the Silverias managed to pull together and make it their mission to deliver a lifesaving message to teenagers and families across the country.

Madam Speaker, because of the Silverias' mission to share their story, more than 2 million students have seen firsthand the tragic consequences of underage drinking and driving. I ask my colleagues to please join me in thanking Brandon and Tony for their courage and commitment to saving the lives of our nation's children, and in extending to them our best wishes for continued success in exemplifying for all us what it means to overcome tragedy and work to make a difference.

IN HONOR OF RABBI PETER H. GRUMBACHER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Rabbi Peter H. Grumbacher for his retirement in June 2009 after more than thirty years of service at Congregation Beth Emeth and throughout the Delaware community.

Rabbi Grumbacher moved from New York City to Wilmington upon his ordination from Hebrew Union College-Jewish Institute of Religion. He became an Assistant Rabbi and Director of Education at Congregation Beth Emeth and after several years of service to the Jewish faith and the community, he was named Senior Rabbi in 1982. Constantly pursuing ways to better serve our community, the Rabbi earned his Masters of Social Work from the Wurzweiler School of Social Work of Yeshiva University.

Along with his strong emphasis on education, Rabbi Grumbacher also served on a variety of local boards, including as the chairperson of the State Human Relations Commission, chairperson of the Delaware Interfaith Coalition of Aging, and as the senior co-chair of the National Conference of Christians and Jews (now the National Conference for Community and Justice). Locally, the Rabbi served as a chaplain for Jewish patients for 27 years. On a national level, Rabbi Grumbacher serves on the National Commission for Rabbinic and Congressional Relations while also previously serving as President of the Mid-Atlantic Region Central Conference of American Rabbis.

Once again, I commend Rabbi Peter Grumbacher's achievements and over three decades as leader of Congregation Beth Emeth. His remarkable commitment to his congregation, our state, and our nation speaks volumes about his character, integrity, and selflessness. I am very fortunate to feel his positive impact in the community where my own family and friends reside, and I trust that this will still be so. I wish Rabbi Grumbacher the very best in his well-deserved retirement and am confident he will find happiness and success in all his future endeavors.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF FAIRFAX CABLE ACCESS CORPORATION (FAIRFAX PUBLIC ACCESS)

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Fairfax Cable Access Corporation and to celebrate their 25 years of service to the community.

As a provider of public access television and radio programming, Fairfax Cable Access Corporation stands as an exceptional example of a nonprofit organization working closely with the community for mutual benefit. In 1984, Fairfax Public Access broadcast its very first program. From these humble beginnings, airing just a few hours each week, Fairfax Cable Access Corporation has grown into one of the larger organizations of its type in the country. Fairfax Public Access now operates two cable television channels and one cable radio channel. In 2008, Fairfax Public Access employed 20 full time staff members and aired 5,327 hours of programming.

This remarkable growth has been matched by the successes of Fairfax Cable Access Corporation in reaching out to our diverse community in Fairfax County. The programming is representative of the county's diverse ethnic, cultural and religious backgrounds. With programs in 14 different languages, Fairfax Cable Access Corporation is able to inform, educate and entertain peoples from around the world who call Fairfax home.

I particularly commend the educational training programs available from Fairfax Public Access in the fields of radio and television production. Thousands of individuals have successfully been trained in these fields by Fairfax Cable Access Corporation and their training program is now listed in the Adult Education catalogues for the local public schools systems.

In recognition of excellence, the Fairfax Cable Access Corporation has been awarded numerous Telly Awards which honors the very best in local, regional, cable and internet programming. The winners of this prestigious award are chosen from the thousands of entries received each year from all 50 states and 5 continents.

Madam Speaker, the quarter century of excellence from the Fairfax County Cable Access Corporation is a true success story, both for the organization and the many citizens it serves. I ask my colleagues to join me in paying tribute to the achievements of Fairfax Cable Access Corporation and to applaud their commitment to communication, education and service to the community.

HONORING THE MICHIGAN CENTRAL RAILROAD PASSENGER TRAIN STATION

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor today the Michigan Central Railroad Passenger Train Station in Jackson, Michigan as they celebrate the Second Annual National Train Day and the 140th Anniversary of the Transcontinental Railroad.

On May 10, 1869, in Promontory Summit, Utah, the "golden spike" was driven into the final tie that joined 1,776 miles of the Central Pacific and Union Pacific railways, ceremonially creating the nation's first transcontinental railroad. These railways provided jobs for thousands of Americans. Now, 140 years after the "golden spike" connected east and west, there's never been a better time to take the train.

In an era of many constant challenges and changes that face our daily lives and at a time when we all share the same pressing concerns about environment and energy conservation, trains are a more energy-efficient mode of travel than either autos or airplanes. The historic Michigan Central Railroad Passenger Train Station opened its doors to the public on September 1, 1873 and is the nation's oldest train station in continuous active use.

I am proud to join with the Jackson community in honor of this coast-to-coast celebration of the way trains connect people and places.

INTRODUCTION OF THE MEDICARE AMBULANCE ACCESS PRESERVATION ACT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce the Medicare Ambulance Access Preservation Act. This bill would ensure that my constituents in Massachusetts, and people across the country, continue to have access to ambulance services. Ambulance service providers are a critical part of our country's first responder and health care systems. In fact, as we discuss how to reform our health care system I can think of nothing more fundamental than ensuring that people have access to life-saving emergency ambulance care.

We all know the importance of ambulance services. Many of us see them every day transporting ill or injured individuals to the hospital. Some of us have even been transported and received pre-hospital care in an ambulance. Dedicated, skilled professionals work in these ambulances, ensuring that patients receive the care they need and ensuring that communities are prepared in the case of a disaster. The need to ensure the availability of these services is clear. Yet, Medicare reimbursement policy has harmed rather than helped to reach this goal.

Under the Balanced Budget Act of 1997, Congress authorized the Centers for Medicare and Medicaid Services (CMS) to develop a Medicare ambulance fee schedule. The rates developed under the fee schedule were significantly below what it cost many providers in Massachusetts to deliver services. In May 2007, the Government Accountability Office (GAO) confirmed this problem by determining that Medicare reimburses ambulance service providers on average 6 percent below their costs and 17 percent below cost in "super rural" areas. Ambulance providers aren't even breaking even in Medicare—Medicare reimburses ambulance providers below their costs for every person they transport.

Congress has recognized this shortfall and included temporary Medicare ambulance relief provisions in both the Medicare Modernization Act (MMA) and the Medicare Improvements for Patients and Providers Act (MIPPA). However, all of these provisions expire at the end of 2009. To address this problem, I have worked with ambulance service providers in my state to develop a permanent Medicare relief package.

My legislation would increase reimbursement to rural and urban ambulance suppliers by 6 percent, and super rural providers by 17 percent. These numbers are consistent with the GAO report. This package will ensure not only continued availability of ambulance services, but also that ambulance service providers will be able to maintain standards of providing quality health care to patients.

As we address health care reform, we must begin by remembering the basics. Ambulance services are a fundamental part of our health care system. Congress must ensure that all Americans continue to have access to ambulance services and that the dedicated men and women who provide ambulance services have the tools and resources they need to serve patients when timely, expert medical care is needed most. I ask my colleagues to join me in this effort by cosponsoring this important legislation.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. WOOLSEY. Madam Speaker, on May 13, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 249.

Had I been present I would have voted: rollcall No. 249—aye, on agreeing to the amendment.

THE REINTRODUCTION OF THE FILIPINO VETERANS FAMILY REUNIFICATION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. HIRONO. Madam Speaker, I rise today to reintroduce the Filipino Veterans Family Reunification Act, a companion to Senator

AKAKA's bill of the same name, which will provide for the expedited reunification of the families of our Filipino World War II veterans.

As you know, Filipino veterans are those that honorably answered the call of President Franklin D. Roosevelt and served alongside our armed forces during World War II. They fought shoulder to shoulder with American servicemen; they sacrificed for the same just cause. We made a promise to provide full veterans' benefits to those who served with our troops. And while we have recently made appreciable progress toward fulfilling that long-ignored promise, we have not yet achieved the full equity that the Filipino veterans deserve.

In 1990, the Congress recognized the courage and commitment of the Filipino World War II veterans by providing them with a waiver from certain naturalization requirements. Many veterans thereafter became proud United States citizens and residents of our country. However, allowances were not made for their children and many have been waiting decades for petition approval.

The Filipino Veterans Family Reunification Act would allow for the further recognition of the service of the veterans by granting their children a special immigration status that would allow them to immigrate to the United States and be reunified with their aging parents. It is important to note that the Filipino soldiers who fought under the command of General Douglas MacArthur at this critical time in our nation's history represent a unique category. These soldiers were members of the United States Armed Forces of the Far East. They were led to believe that at the end of the conflict they would be treated the same as American soldiers. It took more than sixty years to begin to make good on our commitment. The Filipino Veterans Family Reunification Act recognizes the special circumstances of this group of soldiers.

I look forward to working with my colleagues by providing for the reunification of our Filipino World War II veterans with their families.

IN RECOGNITION OF DONNA YEE

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. MATSUI. Madam Speaker, I rise today in tribute to Dr. Donna L. Yee for her ongoing efforts to improve and strengthen services to older persons in the Sacramento region. As Donna's colleagues, friends and family gather to honor her work, I ask all my colleagues in the House of Representatives to join me in recognizing this outstanding individual.

For over thirty-five years, Donna has been helping those in need of long term care. Since making Sacramento her home for the last decade, she has diligently worked and provided leadership to assure that social services are available, accessible, and acceptable to all elders.

Donna received her Master of Social Work from the University of Washington and her Ph.D. in Social Policy at the Heller School, Brandeis University. Prior to moving to Sacramento, she had most recently worked for the

National Pacific Asian Center on Aging in Seattle and for the Institute for Health Policy at Brandeis University.

Since 2000, Donna has served as Chief Executive Officer of the Asian Community Center in Sacramento, which is one of the largest and most successful nonprofit organizations in my district. By identifying, developing, and providing culturally sensitive health and social services for older adults, the Asian Community Center enhances the general welfare and quality of life for a wide group of Sacramentans.

Donna has brought national recognition to the many programs that the Asian Community Center operates. The Center's Rides Transportation Program, which gives rides to seniors who can not drive themselves, won the Senior Transportation Action Response Special Recognition Award from the Beverly Foundation in October, 2008. In addition, the Asian Community Center's Nursing Home has earned the highest rating of five stars from the Centers for Medicare and Medicaid Services Agency.

Throughout her career, Donna has focused on capacity building, Medicare access, client-centered care, adult day care, assisted living, case management, hospital services for the aged, and has consistently provided support for the elderly and Asian Pacific Communities. In doing so, Donna has made her mark as one of Sacramento finest leaders.

Madam Speaker, I am honored to recognize Dr. Donna L. Yee for her lifetime of efforts to promote the quality and access of services for our senior citizens. She has done a tremendous job at the Asian Community Center and on behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in acknowledging her work.

RECOGNITION OF ARMED FORCES
DAY: UNITED IN STRENGTH

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. SCHAUER. Madam Speaker, I am proud and it is my distinct privilege today to honor the men and women who have served our country. President Harry S. Truman led the effort to establish a single holiday, Armed Forces Day, for citizens to come together and thank our military members for their patriotic service in support of our country. On August 31, 1949, Secretary of Defense Louis Johnson announced the creation of an Armed Forces Day to replace separate Army, Navy, Marine Corps and Air Force Days. The single-day celebration stemmed from the unification of the Armed Forces under one department—the Department of Defense—and acknowledges the sacrifices Americans have made for freedom. Armed Forces Week has been celebrated every May since 1950. This period of time gives civilians a chance to appreciate the sacrifices of the men and women currently on active duty, those serving in the Guard and Reserve, and all those who served before them.

Sons and daughters of Michigan have answered their nation's call. We are humbled by those who show us that there is no greater love than this: to lay down your life in service to your neighbor. We honor those who take this risk every day. Today we remember those who have shown this greatest love and remember their families. As we gather today let us honor and commend the men and women who have served and currently serve in the military, for which we are forever grateful. May they know of the high esteem in which they are held by their family, their friends, their community and the great State of Michigan.

HONORING DOWNINGTOWN AREA
SENIOR CENTER ON ITS 35TH AN-
NIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Downingtown Area Senior Center as it celebrates 35 years of outstanding service to senior citizens in Chester County, Pennsylvania.

The extremely hard-working and exceptionally dedicated staff at the Center provides an array of positive and informative programs that allow seniors to make new friends, enrich their lives and remain engaged in the community.

Madam Speaker, the Downingtown Area Senior Center will celebrate its 35th anniversary on Friday, May 15th, 2009, and I ask that my colleagues join me today in honoring the Center for reaching this special milestone and recognizing the valuable contributions the Center provides in improving the quality of life for the Downingtown area's senior citizens.

RECOGNIZING DR. H. RAY HOOPS
ON HIS OUTSTANDING SERVICE
TO THE UNIVERSITY OF SOUTH-
ERN INDIANA

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. ELLSWORTH. Madam Speaker, I rise today to commend Dr. H. Ray Hoops on his outstanding service to the University of Southern Indiana (USI). Dr. Hoops is retiring after 15 years of extraordinary service to USI and the community.

During his tenure as USI's second president, Dr. Hoops has increased university enrollment, forged important partnerships with community leaders, and improved the university's academic record. His leadership has left a lasting mark on USI's physical appearance too, with many new state-of-the-art facilities.

Dr. Hoops is also an influential and visionary leader in the Evansville community. He serves on the Deaconess Hospital Board of Directors, the Evansville Education Roundtable, and the Southwest Indiana Economic Development Task Force. He is a former director and chair of the Indiana Conference of Higher Education.

Dr. Hoops has served as a tireless advocate for the students and faculty of USI. As an alumnus, I appreciate his work to bring additional opportunities and support to this outstanding educational institution. He will be missed, but I'm sure he's ready to spend his days hunting for pheasant instead of hunting for endowments. I wish him all the best.

TRIBUTE TO DEWAR'S 100TH
ANNIVERSARY

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor a leading small business in our community, Dewar's Family Candy and Ice Cream Parlor, which is celebrating 100 years of operation in Bakersfield, California this weekend.

James H. Dewar started this family business in 1909 with a belief in quality ingredients no matter the cost. He felt that his customers should get the same quality every time they tasted a Dewar's chew, and they have been for the past 100 years. Dewar's is original from the bottom up; they still grind their own nuts, and make their own ice cream, ice milk, and peanut butter. The same recipes are being used by the current keepers of the legacy, Michael Dewar and Heather Dewar Cook, grandchildren of James Dewar.

I have been going to Dewar's my whole life, and particularly enjoyed a quick trip to Dewar's after school when I attended Bakersfield High School down the street. My children, Connor and Meghan, join my wife Judy and me in enjoying Dewar's on a regular basis in the same old-fashioned ice cream parlor we enjoyed in our youth. I always order a George's Special—that combination of homemade vanilla ice cream with chocolate sauce and banana in a milkshake that cannot be beat. Dewar's chews are popular snacks in my office, and a wonderful way to share a little piece of Bakersfield.

Dewar's is a keystone of our small business community that measures success in its loyalty from generations of local customers. I thank Dewar's for its 100 years of tasty service to the people of Bakersfield and wish them the very best in its next 100 years.

A TRIBUTE TO CLAIRE POMEROY,
UC DAVIS VICE CHANCELLOR
FOR HUMAN HEALTH SCIENCES
AND DEAN OF THE SCHOOL OF
MEDICINE

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to pay tribute to Doctor Claire Pomeroy, who is receiving the distinguished United Cerebral Palsy of Greater Sacramento Humanitarian of the Year Award.

Overseeing the UC Davis Health System, Doctor Pomeroy has brought international recognition to cutting-edge discoveries; contributed to the training of doctors and medical investigators; and spearheaded new initiatives to provide comprehensive clinical care for the greater Sacramento community and our nation.

Most notably, Doctor Pomeroy has outstandingly served the public through the founding of the Center for Reducing Health Disparities and the establishment of Rural-PRIME, a program specifically designed to prepare physicians to practice in underserved rural communities.

The United Cerebral Palsy of Greater Sacramento should also be commended for the work that they do for all people with developmental disabilities. They have improved the quality of life, independence, and productivity for many citizens in my district, and have truly lived up to their motto of providing a "life without limits for people with disabilities."

It is an honor to recognize the United Cerebral Palsy of Greater Sacramento for their immense dedication to improving the wellbeing for so many individuals and also Doctor Claire Pomeroy for her commitment to academic excellence, innovation, collaboration, equality and social justice. Both have served my district and our nation proudly.

HONORING THE ALFRED E.
ZAMPPELLA JERSEY CITY
HEIGHTS LEGEND

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today in recognition of Alfred E. Zampella, recipient of the Jersey City Heights Legend Award. This award honors my Hudson County Director, good friend and constituent, Al Zampella, for his lifelong commitment and dedication to the Jersey City community.

A lifelong resident of Jersey City, Al Zampella was born on February 8, 1923, the youngest of five boys. Coming from an iconic family in Jersey City, Al and his siblings all have made significant contributions to our community in their respective occupations. Al began his commitment to public service on the battlefields in World War II as a Lieutenant and was awarded the Distinguished Service Medal for his heroism during sea combat in the Asiatic Pacific Theater of Operations. He earned his undergraduate degree from Seton Hall University and an M.A. in Education Administration and Supervision from New York University.

Al served as Principal of Jersey City Public School No. 27 for 27 years, as a guiding, trusted force in the lives of thousands of students, encouraging them to remain in school and use their formal education to succeed in life. Al retired in 1990 and on November 7, 1996 received the great honor of having Public School No. 27 formally dedicated to him, and renamed the Alfred E. Zampella P.S. No. 27. Today the school continues the important work he started and has received many prestigious honors and awards recognizing its success.

Al's commitment to his community continued outside the walls of Public School No. 27. Not only is Al a member of many boards and organizations in Northern New Jersey, he also continues to serve the people of Jersey City as the Ninth Congressional District's Hudson County Director. But above everything else, Al Zampella is a family man. He and his wife Jaclyn have three exceptional sons: Edward, Walter, and Gary. And their grandchildren, Bailey, Evan, Lauren, Matthew, Francesca, and Juliana, are the light of their lives.

I cannot imagine the Heights section of Jersey City without this true legend: Al Zampella. My very best wishes go to Al and his family and I offer my sincerest and deepest appreciation and congratulations to him on his receiving the Jersey City Heights Legend Award.

HONORING RICHARD JONES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Richard Jones upon his retirement from Oakdale Joint Unified School District as the Principal of Oakdale High School. Mr. Jones will be honored on Friday, May 15, 2009.

Richard Jones has been an educator for over thirty-five years. For the past ten years, he has served as an administrator within the Oakdale Joint Unified School District. Since 2001, he has served as the principal of Oakdale High School. Under Principal Jones' leadership, Oakdale High School has continued to develop and reach new heights of academic, athletic and extracurricular success. The school has consistently scored among the top schools in the region on annual state tests. The Academic Decathlon team at Oakdale High School has won the Stanislaus County championship for nine consecutive years. The school's Occupational Olympics, Science Olympiad and Model United Nations teams have also succeeded under Principal Jones. He has pushed the students to accelerate themselves by adding five advanced placement courses, and also included integrated mathematics courses for students struggling in that discipline.

Along with a variety of academic achievements, Principal Jones has also reinvigorated the school's athletic program. Oakdale High School's various athletic teams consistently finish near the top of the Valley Oak League. In the last eight years, the football team, baseball team and softball team have won the section championships. Principal Jones has been instrumental in obtaining facility upgrades at the school; including a state-of-the-art football field, as well as new baseball, soccer and softball fields. Currently, there are plans for a new aquatic center and three additional upgraded academic buildings. Sixty-five classrooms now have the latest technology available to students. Above all, Principal Jones has created an atmosphere on the campus that is safe and positive for staff and students.

Outside of his work at Oakdale High School, Principal Jones is active in the community. He

has been a youth soccer, baseball and softball coach, the past secretary for the Oakdale Youth Soccer Association and past vice president of the Oakdale Youth Swim Team. He has served as a team leader for the accreditation of other high schools in Northern California under the Western Association of Schools and Colleges program. As a cancer survivor, Principal Jones has an active role in the annual Oakdale Relay for Life with the American Cancer Society. Finally, he is heavily involved with his church and has served in various roles over the years.

Madam Speaker, I rise today to commend and congratulate Principal Richard Jones upon his retirement from Oakdale High School. I invite my colleagues to join me in wishing Principal Jones many years of continued success.

CONSUMER DEBT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. PAUL. Madam Speaker, I rise to introduce legislation to help Americans struggling with consumer debt by excluding discharges of debt from the definition of taxable income. Currently, when someone is relieved of consumer debt, such as credit card debt, they are taxed on the forgiven debt. So, for example, if a credit card company agrees to forgive \$12,000 of a \$15,000 debt, the debtor's taxable income increases by \$12,000—even though the debtor does not actually have an additional \$12,000 in his or her bank account.

The only way for Americans to avoid turning cancelation of debt into a taxable event is by declaring bankruptcy or insolvency. Thus, the tax code's perverse incentives could cause more Americans to declare bankruptcy, which is neither in the best interest of the debtor or their creditors.

Madam Speaker, the tax code should not punish Americans who work out a settlement with their creditors that enables them to avoid bankruptcy. This is unfair to both the debtors and their creditors. I therefore encourage my colleagues to cosponsor my legislation removing discharged debt from the definition of taxable income.

PERSONAL EXPLANATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. CUMMINGS. Madam Speaker, on May 12 2009, due to an illness, I missed the following recorded votes:

Roll No. 243, on a Motion to Table a Resolution Raising a Question of the Privileges of the House; had I been present, I would have voted "aye";

Roll No. 244, on H. Res. 413—Supporting the goals and ideals of "IEEE Engineering the Future" Day on May 13, 2009; had I been present, I would have voted "aye"; and,

Roll No. 245, on H. Res. 378—Recognizing the 30th anniversary of the election of Mar-

garet Thatcher as the first female Prime Minister of Great Britain; had I been present, I would have voted "aye."

HONORING THE GEORGE MITCHELL SCHOLARSHIP PROGRAM

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. KING of New York. Madam Speaker, today I rise and am proud to join my colleagues in supporting the George J. Mitchell Scholarship program. As someone who has long been dedicated to Ireland and Northern Ireland, I welcome the important work the United States-Ireland Alliance is doing to build a future for this relationship that reflects current realities.

While Ireland is certainly suffering from the current economic crisis, it is no longer the poor country that it once was. And as peace has taken hold in Northern Ireland, it is important that we find new ways to strengthen this relationship for future generations. While my colleagues and I will continue to keep a close eye on Northern Ireland as it moves forward, I agree with the Alliance's view that the future of the relationship will be focused less on politics and more on education, business and culture. This shift is the sign of success of the many changes that have occurred in Ireland in the past 15 years and I am proud of the role the U.S. has played in bringing those changes about.

While we strongly support and fund the Mitchell Scholarship program, I welcome the Alliance's desire to build an endowment for the program and I welcome Taoiseach Brian Cowen's commitment to match everything the Alliance raises toward this important goal.

CONGRATULATIONS TO PRESIDENT MA OF TAIWAN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. BARTON of Texas. Madam Speaker, on May 20th, Taiwan will celebrate its president's first anniversary in office. Mr. Ma Ying-jeou was inaugurated president of the Republic of China (Taiwan) last May. His inauguration marked the second peaceful transfer of power from one political party to another, a result of Taiwan's progress toward full democratization during the last two decades. Today Taiwan validates itself as a mature, successful democracy. We are proud of its political transformation and wish Taiwan well in its future.

In addition, Taiwan is our 9th largest trading partner and imports from the United States in 2007 totaled over \$27 billion. In recent years, Taiwan has been fully collaborating with us to combat global terrorism, as evidenced in part by its participation in the Container Security Initiative and its generous contribution to the Pentagon Memorial Fund. Under President Ma's leadership, we look forward to a strong

and deepening of relations between Taiwan and the United States.

In closing, we congratulate Taiwan for its participation in the World Health Assembly meetings this May and also Taiwan's rapid rapprochement with the Chinese mainland. Both sides have reached a number of significant agreements, thus vastly reducing tensions across the Taiwan Strait.

Congratulations to the people of Taiwan on their president's first anniversary in office.

OUTSTANDING HIGH SCHOOL ARTISTS FROM THE 11TH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. FRELINGHUYSEN. Madam Speaker, once again, I come to the floor to recognize the great success of strong local schools working with dedicated parents and teachers. I rise today to congratulate and honor a number of outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the 2009 Congressional Art Competition, "An Artistic Discovery," held at the Morris Museum, in Morris Township, New Jersey. Their works of art are exceptional!

We had fifty-four students participating. That was a wonderful response, and I would very much like to build on that participation for future competitions.

Madam Speaker, I would like to congratulate the three winners of our art competition. First Place was awarded to Caitlin Reid of Ridge High School for her work, "I Don't Have Much of Anything, Except These Things I Hardly Deserve." Second Place was awarded to Genevieve Asselin from West Morris Mendham High School for her work, "Mindset." Third Place was awarded to Allison O'Keeffe from Madison High School for her untitled work.

I would like to recognize each artist for their participation by indicating their high school, their name, and the title of their contest entry for the official CONGRESSIONAL RECORD.

Boonton High School: Saif Haobash's "My Hand"; Claire Liu's "Claire Liu"; Steven McKeown's "Self Portrait"; Andrew Torpey's "Stairway to the Sky".

Chatham High School: Molly Higgins' "In My Shoes"; Michelle Mruk's "The Baron Meets His People"; Kim Stachenfeld's "The World is Burning"; Lindsey VanderVleit's "Anticipation".

Livingston High School: Tamar Ariel's "Concentration #7"; Kelly Keltos' "Trevi Fountain"; Esther Kim's "Street Grunge"; Sal Spaltro's "Girl in the City".

Madison High School: Hyebin Chung's "My Collections"; Anne Groves' "Sitting on the Upper Rideau"; Allison O'Keeffe's untitled work (Third Place); Emily Rutland's "Wild Flower".

Millburn High School: Henry Ehrenfried's "Multi-faceted Self Portrait"; Jawon Kim's "Self-Portrait Still Life in Pen" (Honorable Mention); Chanthia Chanjuan Ma's "Laughing Under the Sun".

Montville High School: Keith Agnello's "Aaron on West Delaran"; Joon An's "Basic Household"; Jennifer Dinsfriend's "Indonesian Still Life" (Honorable Mention); Michael Johnston's "Debris".

Morris Catholic High School: Rebecca Fitzpatrick's untitled work; Kristin King's "Standing Out in the Crowd"; Sery Kwon's untitled work; Christine Pierson's untitled work.

Morris Knolls High School: Lindsay Hescok's "Suzanne"; Madeleine Provost's "Papaya"; Victoria Reed's "Gerald"; Anita Sukha's "Color the Mind".

Morristown High School: Katrina Cervante's "The Dining Room"; Michelle Kim's "Sunflower"; Jack Taylor's "Guantanamo"; Chelsea Tomblin's "M.O.S.".

Mount Olive High School: Heather Dalton's "City Streets"; Brian Hays' "Reflection of Ages Past"; Chantal McStay's "Shadow Crane"; Jonathan Weiss' "Childhood Energy".

Ridge High School: Samantha Bard's "As If"; Gabriella DeMarco's "Going Green"; Caitlin Reid's "I Don't Have Much of Anything Except These Things I Hardly Deserve" (First Place); Kristen Sprattford's "The Unveiling".

Roxbury High School: Natalie Florio's "Look to the Light" (Honorable Mention); Vicki Kienzen's "Man of the Sea"; Lauren Poggi's "Breaking News"; Ephraim Tesfaye's untitled work.

Watchung Hills High School: Kristen Givens' "Red Flower" (Honorable Mention); Lisa Monetti's "Photo 2 Surrealism"; Robert Verdino's "Re-birth".

West Morris Mendham High School: Genevieve Asselin's "Mindset" (Second Place); Blair Christen Hartman's "Flight"; Nathan Krump's "Ceramic Serenade"; Jillian Marinaro's "Twisted".

Each year the winner of the competition has their art work displayed with other winners from across the country in a special corridor here at the U.S. Capitol. Thousands of fellow Americans walk through that corridor and are reminded of the vast talents of our young men and women. Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Madam Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

RECOGNIZING THE 55TH ANNIVERSARY AND THE LASTING LEGACY OF THE HISTORIC SUPREME COURT CASE, *BROWN v. BOARD OF EDUCATION OF TOPEKA*

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. HONDA. Madam Speaker, I rise today to recognize the fifty-fifth anniversary and the lasting legacy of the historic Supreme Court Case, *Brown v. Board of Education of Topeka*. Handed down on May 17, 1954, the Warren Court's unanimous decision stated that "separate educational facilities are inherently unequal." As a result, de jure racial segregation was ruled a violation of the Equal Protection

Clause of the Fourteenth Amendment of the United States Constitution.

The case overturned earlier rulings going back to *Plessy v. Ferguson* in 1896 by declaring that state laws that established separate public schools for black and white students denied black children equal educational opportunities. This victory paved the way for integration and the civil rights movement.

Despite this historic victory, over half a century later, we still find huge disparities in the education and opportunities our children are provided at different schools. There have been some advances. Notably, the U.S. Supreme Court ushered in a new chapter in education with its 1974 unanimous decision in *Lau v. Nichols*, which enumerated the educational rights of English language learners and established that education is a civil right. The court ruled that simply providing all students with equal facilities, books, teachers, and curriculum was not sufficient to guarantee that all students had equal access to a quality education. Sadly, today we are still not fully providing equity in our schools.

Education is at the very center of our democratic meritocracy, and it is imperative that every American child be afforded a true opportunity to achieve their highest potential. To reach this ideal, we must establish an education system focused on each child's needs, providing the support they need and wisely funded. We need equity in the education system, wherein resources are allocated based on need, not the current parity-based funding formula that fails to address the needs of each child.

Establishing a system that provides funding according to the needs of each child will get us closer to achieving equity. An equitable, need-based system will provide teachers with insight into the educational needs of each student in their classroom. Equitable funding will direct funds based on the needs of each student. Equitable funding will provide the resources to ensure each student will achieve individual success.

I have re-introduced the Educational Opportunity and Equity Commission Act, H.R. 1758, to begin the process of overhauling the country's education system and to finally address the disparities among America's schools. This legislation creates a national commission charged with gathering public opinions and insights about how government can improve education and eliminate disparities in the education system. Importantly, the Commission's composition would change the nature of the debate because it will be comprised of parents, teachers and experts on equity, civil rights, education policy, school finance, economics, and taxation. All users and beneficiaries of America's education system will work together from the ground up to develop a school reform road map.

As we mark the fifty-fifth anniversary of *Brown v. Board of Education*, we celebrate the advances we have made and re-affirm our commitment to provide a world-class education to each American child. We must ensure sufficient funding to provide a 21st century education to every child based on the child's individual needs, not categorical averages. I hope you will join me in challenging our leaders to fulfill on their obligation to advance the learning of every child.

HONORING ALAN CARTER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Alan Carter upon his retirement from the City of Modesto Police Department. Mr. Carter will be honored at his retirement party on Friday, May 15, 2009, at the Elks Lodge in Modesto, California.

Alan Carter's first assignment was as a patrol officer for the City of South San Francisco Police Department in 1978. He was there until 1983 when he was transferred to the City of Modesto Police Department. He has been with the Modesto Police Department ever since.

Over the past twenty-five years Sergeant Carter has held many positions. He began in Modesto as a patrol officer, then he was became a K-9 handler, a Heroin Impact Team Member and a Field Training Officer. In 1987, he became a detective. As a detective he worked various investigations including; Vice-Narcotics, background, internal affairs, hate crimes, officer involved shootings, complex economic crime, dignitary protection details and drug asset forfeiture cases. During his dignitary protection service he assisted the Secret Service and the California Governor's Office. Sergeant Carter served as the Modesto Police Department's court qualified drug expert from 1987 through 1994, where he testified in a large number of possession and possession for sale and sale of drug cases.

In 1995, Sergeant Carter reached the rank of Sergeant and was assigned as a Patrol Sergeant, Operations Division. For the past fourteen years he has worked on Adult Related Establishment Investigations and assisted in clearing out adult businesses in Modesto. He has testified before the California State Assembly regarding Municipalities controlling these sorts of businesses. For a number of years Sergeant Carter served as a Detective Sergeant; working with Investigative Services Division of Crimes Against Persons and Special Investigations Detail. During this time he supervised fifty-three homicide cases and fifteen officer involved shooting investigations. He served as the S.I.D. Supervisor where he oversaw investigations that involved hate crimes, vice investigations, drug asset forfeiture, arson, bomb threats, dignitary protection identity theft and other special fraud investigations. He served as the Assistant Public Information Officer and a Tactical Flight Officer.

From 2005 through 2007, Sergeant Carter was assigned as the Academy Coordinator at the Ray Simon Regional Criminal Justice Training Center. His final position has been Unit Supervisor for the Sacramento Valley Hi-Tech Crimes Task Force; he has investigated computer crimes and forensics, including Hi-Tech, identity theft and Internet Crimes Against Children. In addition to all of the work that he has performed for the police department, Sergeant Carter has been working with the Honor and Color Guard since 1985. He has lead a team of twelve officers for police officer funerals, memorials and city functions.

Madam Speaker, I rise today to commend and congratulate Sergeant Alan Carter upon

his retirement from the City of Modesto Police Department. I invite my colleagues to join me in wishing Sergeant Carter many years of continued success.

SUPPORT FOR DESIGNATING FEDERAL BUILDING AFTER RONALD H. BROWN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. RANGEL. Madam Speaker, I rise today to express my appreciation and excitement that the Senate Committee on Environment and Public Works has passed my bill, H.R. 837, which would designate a new State Department building in New York City as the Ronald H. Brown United States Mission to the United Nations Building in honor of the late Commerce Secretary. The 26-story building, located at 799 United Nations Plaza, across the street from the United Nations (U.N.) General Assembly, will house the United States Delegation to the U.N., which carries out the Nation's participating activities in the world body. The building is expected to be completed this fall.

This legislation, which I have introduced in the past three Congresses, is long overdue. Thanks to the leadership of Chairman BARBARA BOXER of the Senate Committee on Environment and Public Works, and the support of my New York colleague, Senator KIRSTEN GILLIBRAND, who serves on the Committee, the bill now awaits passage by the full Senate. If successful, it would go to the President to be signed into law. I feel very hopeful that Congress will finally and rightfully recognize this great public servant as one of the greatest international salesmen of the United States in our history.

As Secretary of Commerce under President Bill Clinton's cabinet, Ron Brown became one of the greatest ambassadors that the American government ever had abroad. He did more than just extend trade and get people to buy our goods and services. He extended love, attention and sensitivity, especially in the developing countries where our government had not spent the time that we should have. Secretary Brown not only sold our wares, but he was able to sell our reputation as a country that wanted to help other countries.

I went with him to South Africa and saw how he negotiated with political leaders there. He did more than talk about which South African party was right or wrong or how to bring about solidarity. He asked how we could help the people get clean water, medicine, and food. Secretary Brown let them know that our multinational companies were there not just for their shareholders, but for the shareholders of the world.

Secretary Brown, a native of Washington, D.C., grew up in Harlem where his father once worked as manager of the community's famous Theresa Hotel. I was proud to be a desk clerk at the time that Ron and his family were living there. So I know that Ron never forgot Harlem. Throughout his life, Ron Brown broke many barriers. He was the first African-American

to serve as Secretary of Commerce and the first African-American Chairman of a national political party.

In addition, he advanced civil rights as Deputy Executive Director at the National Urban League, served four years in the U.S. military, and, as Democratic Party Chairman, played an instrumental role in the revival of the Democratic Party and the 1992 election of Bill Clinton as President of the United States. Secretary Brown died in a plane crash in 1996 on a trade mission requested by the State Department to boost economic reconstruction of the war torn region of former Yugoslavia.

It would be fitting that when people come to New York, they would see diverse peoples of different colors, languages, and cultures, and the U.S. Mission to the United Nations Building bearing Ron Brown's name. There could not be a sight that would be more reminiscent of the man and the contributions he made to my community, this country, and the world.

TRIBUTE TO THE LATE WALTER HIERSTEINER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to my longtime, good friend, Walter Hiersteiner. He was an outstanding community leader in the Kansas City metropolitan area. A resident of Prairie Village, Kansas, Walt died on May 2nd at the age of 90, having lived a rich, full life that made a positive difference in the lives of his many friends and neighbors.

Walt was born in Des Moines, Iowa, and attended the University of Iowa and Harvard Law School, where he was a member of the law review. After serving in the Navy in World War II, he moved to Kansas City to practice law and later joined Tension Envelope, where he became vice chairman of the board of directors. Walt's first love was his family, especially his wife, Jean, and his grandchildren, to whom he was unconditionally devoted.

Walt was also devoted to his community. He was elected to the City Council of Fairway, Kansas. He served over 40 years on the Menorah Medical Center Board of Directors and was a member of the Executive Committee of the Truman Medical Center and the Truman Medical Center Foundation. He was active in the Kansas City Chamber of Commerce and the Overland Park Chamber of Commerce and was a member of the Board of Directors of Move-Up, which was formerly the Kansas City Ad Hoc Group Against Crime. He was a founding member of the Main Street Coalition. His passions, after family and golf, were enhancing public school education for the children of Shawnee Mission and the State of Kansas. He was elected to the Shawnee Mission School District Board of Education. He was appointed by Governor Robert Docking to serve on the Kansas Board of Regents and became chairman of that board. In addition he was co-chairman of the Committee for Excellence of the Shawnee Mission Schools and served on the Board of Governors of Kansas

University Law School and the Kansas Higher Education Loan Program. These activities earned him the Kansas City Spirit Award and the Shawnee Mission Education Foundation Patron Award for service and support of Johnson County Schools. He was named Johnson Countian of the Year. Walt and Jean established the Walter and Jean Hiersteiner Early Childhood Development Center at the Johnson County Community College.

Walt is survived by Jean, his wife of 65 years; four children, Dick and Erica Hiersteiner of Boston, Massachusetts, Mary and David Ruedig of Concord, New Hampshire, Joe and Cathy Hiersteiner of Kansas City, and Dottie and Peter Oatman of Boulder, Colorado; nine grandchildren and his brother, Stanley of Des Moines, Iowa; his sister Shirley Feldman of Sleepy Hollow, New York, and several nieces and nephews.

Madam Speaker, Walt Hiersteiner was a vitally important community leader and activist in the Third Congressional District of Kansas, as well as my personal friend for many years. I include with this tribute two press articles that detail some of his many accomplishments for our community; a 2002 column in the Kansas City Business Journal by former Kansas City Board of Trade President/CEO Michael Braude, and an article that the Kansas City Star carried upon Walt's death. Both detail the impact that Walt Hiersteiner had upon the Kansas City community, and explain why he will be sorely missed by all of us.

[From the Kansas City Business Journal, Sept. 27, 2002]

LOCAL EXECUTIVE LEAVES HIS MARK ON HEALTH CARE, EDUCATION

(By Michael Braude)

I am not bad at hyperbole—but hyperbole is impossible when it comes to the subject of today's column.

"Role model," "pillar of our community," "business leader with a true social conscience" all fail to do justice to Walter Hiersteiner. His considerable accomplishments in the business world as a top executive at Tension Envelope Corp. are eclipsed only by his pivotal role in making our community a better place. His imprint on health and education in the heartland is indelible.

John W. Bluford, CEO at Truman Medical Centers, said:

"Walter Hiersteiner has been a tremendous asset to Truman Medical Centers for a number of years and in a number of ways. In addition to his financial support, which has provided, among other gifts, scholarships for nurses, he has given moral support and advice to TMC through his formal roles as member of the TMC board of directors and TMC Charitable Foundation. But most of all, Walt has acted as conscience, sage, statesman and mentor. He is our 'go to' man, and when we go to him, he always delivers."

At all levels of education, Walter has left his positive imprint. Marjorie Kaplan, superintendent of the Shawnee Mission School District, told me recently:

"Walt is a truly fine person with many talents. He has a passion for learning and is an articulate spokesperson for providing a quality education for all children. He understands the connection between public schooling and quality of life. Ever interested and ever active, Walt has never lost his enthusiasm for supporting just causes and improving our community."

A longtime supporter of our school district, Walt has served on the Shawnee Mission Board of Education and as chairperson

and member of numerous committees. With his sharp mind, his ability to analyze situations and solve problems, Walt has been an asset to Shawnee Mission for over 30 years."

It was on school issues that I first met Walter, and I now have been privileged to call him friend for more than 30 years. Before unification, when I ran for the old Westwood View School Board, it was his sage counsel that enabled me to win the election. Now, more than three decades later, when I want to know what is really going on at any level of education in our area, I call Walt. Walt also calls me. Since I've been writing for *The Business Journal*, he never hesitates to call when he either agrees or disagrees with my point of view. Frankly, when the latter is the case, I always pause and ask myself: "Was I wrong?" This is simply because I have so much respect for his judgment and opinions. Walt's position on issues or candidates is never based on ideology or party affiliation but rather on what he believes is best for the people of Kansas City. That is precisely how it should be.

Walter's longtime friend Paul Uhlmann Jr. captured the essence of the man when he said:

"Walter has had a major effect on life in greater Kansas City. His high offices held, in many diverse organizations, are proof of his ability and of his stature. However, his real work is, in my opinion, his ability to give moral leadership to the not-for-profit marketplace world and intellectual force to problem-solving.

"All the above with a soft voice, a mild and pleasant manner, a bow tie, a firm jaw and an unshakeable faith in our country and its ability to solve its, and maybe the world's, problems."

A lengthy editorial in a recent edition of the *Sunday New York Times* decried the fact that the national mood of "wanting to make the world a better place" that was so pervasive after Sept. 11, 2001, has largely evaporated.

Walter personified and daily lived that credo long before 9/11, and he will continue to do so for the rest of his life. It did not take a monumental national tragedy to light the spark of true community service in this extraordinary human being.

As John Bluford, Marjorie Kaplan, Paul Uhlmann and I look objectively at Walter Hiersteiner, almost any adjective we use is not hyperbole; it is understatement. We are so fortunate to have him in our community.

[From the *Kansas City Star*, May 8, 2009]

"MR. SHAWNEE MISSION," WALTER
HIERSTEINER, WAS "VOICE OF REASON"

(By Jim Sullinger)

The late 1960s could arguably be called the most challenging period in the history of the Shawnee Mission School District.

The northeast Johnson County community faced a decision that was hotly debated at the time—school consolidation.

The area's elementary schools were divided among 12 small school districts, and the Kansas Legislature was demanding that they consolidate with the Shawnee Mission district's high schools and junior highs.

In the mid-1960s, voters defeated a consolidation effort by a large margin. That didn't stop the Legislature, however, from passing Senate Bill 58 in 1969 that required consolidation that year.

Emotions were running high on the part of parents who faced the loss of their elementary districts.

Into the fray stepped Walter Hiersteiner, elected to an at-large position on the Shaw-

nee Mission School Board in April 1969. He worked tirelessly that year to convince skeptical parents that this was the right move and smoothed the way for the transition.

Arzell Ball was school superintendent at the time and remembered Hiersteiner's contributions.

"He was a consensus builder," Ball said, "He could motivate and direct others, and his communication skills were just excellent. And he had the respect of the community because he gave back to the community all the time."

He was a calming presence during that difficult period and later when the district began closing schools.

David Westbrook, the district's first communications director, said Hiersteiner was dedicated to public education and his voice will be missed.

Hiersteiner, 90, died last weekend.

"He was critically important to the school district at a time the district was going through some trying times right after unification," Westbrook said.

He said there was friction on the school board between moderates and newly elected conservatives.

"He was a voice of reason and stood for principle and was firm in his convictions, but that firmness was balanced by a humble open-mindedness," he said.

Friends remembered that when a school was scheduled to be closed, Hiersteiner would consult influential contacts to come up with another use for the property that would make the closing a little more palatable for the surrounding neighborhoods.

He served on the school board until 1973 and as president during his last two years on the board.

During the 1980s, Hiersteiner was a founder and co-chairman of the Committee for Excellence in Shawnee Mission Schools, which is still operating today as the Committee for Excellence. He was a leader in efforts to pass several school bond issues and an advocate for more school dollars.

He was appointed by former Gov. Robert F. Bennett to the Kansas Board of Regents and became chairman of that board. He also served on the Board of Governors of the Kansas University Law School and the Kansas Higher Education Loan Program.

If anyone deserved the title "Mr. Shawnee Mission," it was Hiersteiner, who was an executive at Tension Envelope Corporation for more than 60 years and a Harvard Law School graduate.

"He was without a doubt the finest advocate for public schools that we ever saw previously and maybe we ever will," said Larry Winn III, a current board member. "He inspired a lot of people who came after him."

Annabeth Surbaugh, chairwoman of the Johnson County Board of Commissioners, said she will remember Hiersteiner as "Mr. Education."

"It's true that his primary focus was the Shawnee Mission School District, but his strong commitment to top-quality education wasn't limited by boundaries," she said. "He truly believed it was our responsibility—as a community—to ensure that our children had the very best education possible, and he was a staunch advocate for that cause."

KOREAN WAR VETERANS ASSOCIATION

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. ARCURI. Mr. Speaker, I rise today to commend the members of the Korean War Veterans Association, Cayuga County Chapter 296, on their commitment and efforts to renovate the Veterans Memorial Park in Auburn, NY.

The Veterans Memorial Park is nearly a two-year project in the making designed to honor our country's veterans of all wars and conflicts since the Revolutionary War. Notably, this memorial also pays tribute to all those servicemembers who joined the U.S. Armed Forces, regardless of whether they did or did not serve overseas during a time of war. I am proud to represent a district that has chosen, so admirably, to recognize every man and woman that serves our nation. These communities rightfully understand that the decision to join the United States Armed Forces, regardless of one's terms of service, means that an individual is prepared to give his or her life for the safety and future of this country. I have the great pleasure of calling my district home to the Veterans Memorial Park, which may be arguably one of the most inclusive veteran memorials in the country.

The Auburn City Council, Auburn City Manager, and Mayor of Auburn have chosen the following representatives from the Cayuga County Chapter 296 Korean War Veterans Association to lead this effort: John Barwinczok, Chairman; Lyell I. Brown; Professor Joseph M.A. Camardo; Joseph Casper; James Ferris; Donald T. Tavener; and Michael A. Trapani. The dedication of the Veterans Memorial Park is scheduled for June 14, 2009. I wholeheartedly commend these individuals for their efforts on behalf of our veterans and the entire community.

Madam Speaker, I ask that all of my colleagues in the House of Representatives join me today in recognizing the efforts of the Korean War Veterans Association, Cayuga County Chapter 296, as they move towards completing their goal and paying tribute to those who have sacrificed for their nation. I wish them the best of luck in the future as they continue to better our community.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to honor Asian Pacific American Heritage Month.

As a cosponsor of H. Res. 435, which celebrates Asian Pacific American Heritage Month, I would like to first thank Congressman HONDA for leading the Democratic Caucus in recognizing the important contributions the Asian and Pacific Islander American (APIA) community has made to our nation.

As Representative of the 47th Congressional District of California, I have the honor of representing one of the most diverse communities in the United States. I have witnessed firsthand the rich culture and contributions the APIA community bring to my district in Orange County, CA.

In recent years, we have seen an increasing number of Asian and Pacific Islander Americans become leaders in academia, arts, government, the military, and the private sector. They contribute to all aspects of American life, and in doing so they enrich the lives of all Americans and make this country stronger.

I especially commend President Obama for his leadership in reaching out to the Asian and Pacific Islander American community. This year marks a special occasion, as it is the first time the Presidential Branch has appointed a record number of Asian-Americans to the Cabinet, including the Secretary of Energy, Steven Chu; Secretary of Commerce, Gary Locke; and Secretary of Veterans Affairs, Eric Shinseki. Their hard-work and sacrifice have made a significant impact on America and opened doors for future generations of Asian Pacific Americans.

Although it is imperative to recognize the achievements of the APIA community, it is also important for us to focus on the challenges they face, including affordable housing, racial profiling, and health care issues. Another issue the APIA community faces is the perception that all members of this community are thriving economically. In reality, not all Asian Pacific Islander Americans have access to a quality education and many continue to face tremendous language barriers.

The APIA community has made sacrifices for our country and contributed to the growth and prosperity of this nation. I look forward to celebrating APIA month and continuing to work with APIA leaders to overcome the ongoing challenges that face all our communities. Together, we can make the American dream a reality for all Americans.

CONGRATULATING LAUREN ZUMBACH

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mrs. BIGGERT. Mr. Speaker, I rise today to honor and congratulate a remarkable young woman from my district, Lauren Zumbach, who was just announced as a 2009 Presidential Scholar. The Presidential Scholar program annually recognizes 141 of the nation's most exemplary high school seniors, students who have demonstrated outstanding academic performance, as well as exemplary leadership, citizenship and community service.

Lauren embodies all of these traits. A poised and confident young woman, Lauren is a leader both in and out of the classroom. As a student-athlete at Hinsdale Central High School, Lauren has been a straight "A" student while contributing to her state championship cross-country team. Her accomplishments do not end here.

Outside the classroom, Lauren has organized workdays to improve local forest pre-

serves. She assisted in raising \$18,000 to help cure parasite-afflicted children in Haiti. She has worked with my office and local law enforcement to instruct area school children about safe online behavior. And just last fall, Lauren was the impetus behind "Trot for the Troops," a 5k race that raised money for the Illinois chapter of Operation Homefront, an organization benefitting our men and women in uniform as well as their families.

In a few weeks, Lauren will graduate from Hinsdale Central High School; this fall she'll attend Princeton, which, I have no doubt, will be better for her being there. I am so proud of Lauren for her achievement and congratulate her on receiving the 2009 Presidential Scholar Award.

THE CAPITOL VISITOR CENTER WELCOMES ITS ONE MILLIONTH VISITOR

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to acknowledge an important milestone. At some point early this afternoon, the Capitol Visitor Center will welcome its one millionth visitor. While the specific individual will not be identified, that person will represent the millions of annual visitors who journey to the United States Capitol Complex to witness firsthand our democracy at work. These schoolchildren, senior citizens, families and international visitors hopefully depart with a greater understanding of the unique and extraordinary nature of our system of government and the history of this great nation.

Officially opened on December 3, 2008, the Capitol Visitor Center serves as the gateway to the United States Capitol Complex. With the opening of the Visitor Center and renewed interest in government, we are seeing more than twice as many visitors as we did before. The Visitor Center's one million visitors compares to 467,800 visitors during the same five-month period just one year ago. That represents a 114-percent increase in the number of people visiting the Capitol.

During the 12 days of the Cherry Blossom Festival, the Capitol Visitor Center welcomed 187,000 people—an average of 15,500 visitors a day. More than 90 percent of the visitors during this period had reserved their tours through their Members of Congress.

Since its opening, the CVC's peak day was Monday, April 20th when 19,500 people visited the Capitol. I am told that, in past years, that many visitors would have led to a four-hour wait time. The current average wait time is six to ten minutes.

With all of these accomplishments, I am most proud to confirm that, as promised, we continue to offer staff-led tours! And in its first few months of operations, the Visitor Center staff has made many adjustments to ensure that the Visitor Center provides flexibility to Members of Congress in serving their constituents.

I would like to take this opportunity to extend my congratulations to the CEO of the

Capitol Visitor Center, Ms. Terrie Rouse, and to her team of professionals who are often the first individuals to greet our constituents during their Capitol visits. I offer special thanks to the tour guides, visitor assistants, Capitol Police, gift shop and restaurant staffs and the many, many others who ensure that visitors have an informative and inspirational visit. I would also like to thank my colleagues and the various staff members who have taken the time to offer their input and work with the CVC staff to improve the visitor experience.

We thank you for your service and look forward to welcoming the next one million visitors.

CONGRATULATING TAIWAN FOR ITS PARTICIPATION IN THE WORLD HEALTH ASSEMBLY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. COBLE. Madam Speaker, the World Health Organization (WHO) recently approved Taiwan's request to participate in the 62nd annual World Health Assembly (WHA) in Geneva later this month. Taiwan is a longtime ally of the United States, and we applaud the WHO's decision to include Taiwan in the WHA.

While the threat of a pandemic outbreak pales the countless other world health concerns, preparing, planning and responding to an outbreak requires the participation of every country. Asia is an area of great concern because of its large concentration of people, history of viral outbreaks and the inexplicable refusal of some countries not to comply with pleas for cooperation by international health experts. This refusal is a threat to the world's safety and cannot be ignored.

For its part, Taiwan has done an excellent job assisting and preparing for a future health emergency. Its medical system has been described as "robust, solidly established and well resourced" and it participates in disease prevention efforts in other countries throughout the world. Now that Taiwan has a role at the WHA, it can partner with world health leaders to generate support from some of the recalcitrant countries that have ignored the WHA in the past.

Taiwan's ascension into the WHA is well deserved and should be recognized by the United States. Having a cohesive and efficient international health monitoring and response system is in everyone's interest. Ultimately, the American people, who are deeply invested in the international health community, will benefit from Taiwan's success.

HONORING THE JORDAN FAMILY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to honor the lives of Hanabul "Bud" Jordan, Lowell Jordan and the generosity of Dee

Jordan for their tremendous support of the College of Agricultural Sciences and Technology at California State University, Fresno and furthermore the support of agriculture in the Central Valley. The Jordan's will be honored at California State University, Fresno on Thursday, May 14, 2009 when the university will rename the agricultural college to the "Jordan College of Agricultural Sciences and Technology."

The Jordan family is from the East Bay area, where Bud owned and operated a construction business headquartered in Hayward, California. Lowell lived on the family ranch in the near-by city of Dublin, where he tended the family's cattle. Bud passed away at the age of eighty-two on April 29, 2002; his brother Lowell passed away at the age of eighty-one in July 2005 and Bud's wife Dee continues to live in Hayward. The Jordan family became involved with CSU Fresno's College of Agricultural Sciences and Technology (CAST) through the Ag One Foundation in November 1995.

Bob Glim, professor emeritus of agricultural economics and an advisor to the Ag One board, worked at CSU Fresno from 1948 to 1978. He and his wife first met Mr. and Mrs. Jordan at a GMC motor home rally. Mr. Glim organized a rally get-together to speak about CSU Fresno's agricultural program, Ag One and to share CSU Fresno's farm grown products. The Jordan's immediately began supporting the program by providing scholarships for agricultural students; although they had never visited the campus. Their initial gift was \$20,000 to Ag One. This gift along with subsequent gifts, fund the Ag One-Lowell A. Jordan and Jordan Family Endowment. Over the years, the Jordan family has contributed \$130,000 to the endowment, supporting six to seven students each year with \$1,000 scholarships.

Since the 1995 gift, Ag One and CAST have maintained a great relationship with the Jordan's, including representatives traveling to Hayward to visit the family and bring them news from the school regarding the students, campus and products. Since Mr. Jordan passed away, Mrs. Jordan has visited the campus numerous times to meet with Jordan scholars, tour the campus agriculture facilities and to attend Ag One and athletic events. With the generosity of the family over the past fourteen years the most recent gift has exceeded all expectations. Earlier this year, the Jordan family sold their Dublin farm and gave \$29 million to CAST; the largest single cash gift in the entire California State University system.

This tremendous gift will be used for research and facilities for CAST. In great appreciation of this gift CSU Fresno will build upon the Jordan family legacy by renaming CAST to the Jordan College of Agricultural Sciences and Technology.

Madam Speaker, I rise today to honor the Jordan family for the remarkable impact that they have had on agriculture for CSU Fresno, the Central Valley and the State of California through their multiple gifts. I invite my colleagues to join me in honoring the Jordan family.

CONGRATULATING THE UNIVERSITY OF ARKANSAS FORT SMITH RIFLE TEAM

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. BOOZMAN. Madam Speaker, I rise to congratulate the Lion Rifles Team from the University of Arkansas Fort Smith for its well deserved rank as the fifth-best collegiate team in the country in the National Rifle Association's Intercollegiate International Air Rifle standings.

For the past two years the UA Fort Smith Air Rifle Team has proven itself by placing in the top five teams in the nation. A small school like UAFS can be proud to see its team ranked among major universities like Penn State, Clemson, Illinois State and Michigan State. This team provides a great opportunity for many college students to become well-rounded. These students serve as good examples for others, as they accomplish their academic goals while achieving success on the rifle range. These members should be proud of the reward they experience from their hard work.

Members of the team who deserve credit for this high ranking are Elizabeth Garriss, Tom Nguyen, J.D. Peronia, Morgan Welch and John Wozniak. These sharp shooters are led by Roy Hill, who works hard to equip each individual to succeed. I congratulate each member of the University of Arkansas-Fort Smith Air Rifle Team on their success and wish them the best of luck in future competitions.

BERG'S TRUE VALUE'S 75TH ANNIVERSARY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. SMITH of Nebraska. Madam Speaker, throughout the month of May, the city of Bridgeport has been celebrating the 75th anniversary of a family business which is more of an institution than a store.

I want to thank Jack and Dee Berg for their commitment and their dedication to their community. They should serve as an inspiration for us all.

This remarkable achievement has spanned two generations of Bergs and thirteen presidents. The family business—first a Gamble's Department Store before becoming Berg's True Value—served Bridgeport through two World Wars, good economic times and bad, and has strengthened western Nebraska for decades.

The store remains in its original location, but has grown from 1,000 to 10,500 square feet. As it grew, it changed with the times—stocking everything from clothing to furniture.

It is still the best place to get Husker gear. I want to congratulate the Bergs as they continue to their anniversary celebration. May they find continued success in the years to come.

CELEBRATION OF JONESBORO GEORGIA'S 150TH BIRTHDAY

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. SCOTT of Georgia. Madam Speaker, I rise today to congratulate the historic city of Jonesboro, Georgia on the occasion of its 150th anniversary.

Officially founded as a town in 1859, Jonesboro existed as a small rural community until the rise of industrialization during the mid-19th century. Named after Colonel Samuel Goode Jones, an engineer who organized the construction of the first paved roads in town, Jonesboro continued to prosper until the outbreak of the Civil War in 1861.

The legendary Battle of Jonesboro will always be remembered by our nation as one of the more significant milestones of the American Civil War. Because of the defeat of Confederate troops at the Battle of Jonesboro, General Sherman's army was successful in occupying the city of Atlanta, an event which directly contributed to the surrendering of the Confederate army in 1865. Following the end of the Civil War, Jonesboro began an arduous and trying period of reconstruction, along with the rest of the American South.

The town of Jonesboro persevered through these numerous challenges and is known today for its extraordinary commitment to regrowth. Furthermore, the publication of Margaret Mitchell's internationally renowned novel, *Gone with the Wind*, has forever sealed this beautiful town and its remarkable past into our nation's cultural cannon.

Madam Speaker, I am honored to represent such a remarkable city, a city which has played such an integral role in the history of the United States. I congratulate Jonesboro on this date, the 150th anniversary of its town's formation, and grant my sincerest wishes for its prosperity and success in the years to come.

COMMEMORATING THE 57TH ANNUAL NATIONAL PRAYER BREAKFAST, FEBRUARY 5TH, 2009

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. SHULER. Madam Speaker, I had the privilege of co-chairing the 57th Annual National Prayer Breakfast with my colleague, Congressman VERN EHLERS of Michigan, on February 5, 2009. This annual gathering is held here in our Nation's Capital and is hosted by Members of the U.S. Senate and the U.S. House of Representatives weekly prayer breakfast groups. Every president since Dwight Eisenhower has spoken at the National Prayer Breakfast. This year, we were honored to have the participation of our President and the First Lady. President Obama continued the longstanding tradition of addressing the Breakfast. We were encouraged and inspired by his words as well as the remarks shared by the Right Honorable Tony Blair.

This year we hosted a gathering of over 4,000 individuals from all 50 States and from 182 countries around the world. So that all may benefit from the prayerful message relayed at the National Prayer Breakfast, I would like to request that a copy of the transcript of the 2009 proceedings be printed in the CONGRESSIONAL RECORD at this time.

57TH NATIONAL PRAYER BREAKFAST—THURSDAY, FEBRUARY 5, 2009, HILTON WASHINGTON HOTEL, WASHINGTON, DC

CO-CHAIRS: U.S. REPRESENTATIVE VERN EHLERS AND U.S. REPRESENTATIVE HEATH SHULER

Congressman VERNON EHLERS: Good morning. Welcome to the National Prayer Breakfast.

Congressman HEATH SHULER: I am honored to introduce a great leader from North Carolina. Michell Hicks is the Principal Chief of the Eastern Band of Cherokees. He was elected to the position in 2003 and re-elected in 2007. He and his wife Marsha have five children. Chief Hicks is joined by Amanda Wolfe, who has won the honor of being Miss Cherokee. They will now offer our pre-breakfast prayer, the Lord's Prayer in English and Cherokee. Chief Hicks.

Chief MICHELL HICKS: It is an honor to be here this morning. I want to thank the Congressmen for the invitation and, most importantly, to thank the Lord for blessing each one of us today.

Miss CHEROKEE: "Our Father which art in Heaven, hallowed be thy name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil. For Thine is the Kingdom and the power and the glory forever and ever. Amen."

Chief HICKS: (translates the Lord's Prayer in Cherokee)

Congressman SHULER: I would like to introduce our special guests that we have here this morning. Most of the folks at the head table will be introduced in their place in the program, but we would like to introduce the others as well—Mrs. Anita Skelton, daughter-in-law of the Congressman; Joanna Ehlers, the spouse of my co-chair; my wife, Nicole; and the First Lady of the United States, Michelle Obama.

Congressman EHLERS: I have the pleasure of introducing several heads of state and heads of government who have traveled to Washington to participate in this important event. I would ask you to join me in welcoming:

President Rene Garcia Preval of Haiti
President Gloria Arroyo of the Philippines
Prime Minister Sali Berisha of Albania
Prime Minister Nikola Gruevski of Macedonia

Prime Minister Navinchandra Ramgoolam of Mauritius

We cannot recognize all of the foreign dignitaries without recognizing our own Vice President Biden.

It is a pleasure to have all of you here. In addition to those I have introduced, we also have former heads of government, vice presidents, and first ladies from the nations of Bulgaria, the Democratic Republic of Congo, the Dominican Republic, the Fiji Islands, Indonesia, Kenya, Mozambique, Pakistan, Senegal, and Tanzania. You all are most welcome. We are honored by your presence. Thank you all for being here.

Let me just say a bit about our weekly prayer breakfast—just so you know where we are coming from. Every Thursday morning from eight to nine o'clock, a group of us get

together for prayer and singing. As we are singing hymns, echoing through the corridors of the Capitol, and then engaging in prayer, it always strikes me: "This is wonderful, right here in the capital of the United States, we are having this wonderful ceremony together, this event where we are recognizing God's place in our lives." Every week when we kick it off, the first words are "welcome to the best hour of the week." That is the way we feel about it. We are glad to welcome you to the best hour of the year, right here in this room.

Congressman SHULER: On Thursday mornings, it is very special that we have members of Congress, both Democrats and Republicans, who check their political parties at the door when they attend our breakfast. We are there to be united, to fellowship, to worship, to sing and to praise together. Many times we laugh together, we hear funny stories, and we cry together about the times that we miss our families and when we struggle. It is our members of Congress reaching out to one another and in prayer. We cherish those moments together. Each week we actually sing a hymn. The singing is not very good, I might add. It is very special that we have every state as well as 182 nations represented here today. We get to hear some wonderful singing and wonderful worship on this great day. I would like to introduce to you professional musicians to take the members of Congress's place. I think God really appreciates that. Our musical guests this morning are Casting Crowns, led by Mark Hall.

CASTING CROWNS: [sing] "Oh, what I would do to have the kind of faith it takes to climb out of this boat; I'm in onto the crashing waves. Just step out of my comfort zone to the realm of being known where Jesus is and is holding out his hand, but the waves are calling out my name and they laugh at me, reminding me of all the times I've tried before and failed. The waves, they keep on telling me time and time again boy you'll never win, you'll never win but the voice of truth, it tells me a different story. The voice of truth says do not be afraid, and the voice of truth said this is for my glory out of all the voices calling out to me I would choose to listen and believe the voice of truth."

And oh what I would do to have the kind of strength it takes to stand before a giant with just a sling and a stone. Surrounded by the sound of a thousand warriors shaking in their armor, wishing they'd of had the strength to stand, but the giant's calling out my name and he laughs at me, reminding me of all the times I've tried before and failed, the giant keeps on telling me time and time again boy, you'll never win (never win), you'll never win but the voice of truth tells me a different story, the voice of truth says "do not be afraid" and the voice of truth says "this is for my glory." Out of all the voices calling out to me I would choose to listen and believe the voice of truth. The stone was just the right size to put the giant on the ground and the waves, they don't seem so high on top of them looking down and I soar with the wings of eagles if I'd stop and listen to the sound of Jesus singing over me and the voice of truth tells me a different story, the voice of truth says "do not be afraid," and the voice of truth said "this is for my glory," out of all the voices calling out to me I would choose to listen and believe, I would choose to listen and believe, voice of truth, and I, I will listen and believe because Jesus you are the voice of truth."

Congressman EHLERS: Any Thursday morning that you are free, you are welcome to

come to our weekly prayer breakfast. It is now my pleasure to introduce Congresswoman Jo Ann Emerson of Missouri to present a reading from the Holy Scriptures.

Congresswoman JO ANN EMERSON: Many of you all know that in Genesis 33 we find the reunion of Jacob and Esau. As a young man, Jacob had swindled the inheritance away from his twin brother Esau by tricking their blind father Isaac. After that treachery, Jacob flees for fear of Esau's reprisal. Jacob toils away in a faraway land and builds up for himself great wealth. However, God leads Jacob back to the land of his birth to fulfill the covenant God had with Abraham. Jacob is so afraid of Esau that he divides his people so that some may survive the coming battle. I will read to you now from Genesis chapter 33, verses 1-12:

And Jacob lifted up his eyes and looked and behold Esau was coming and four hundred men with him, so he divided the children among Leah and Rachel and the two female servants, and he put the servants with their children in front, then Leah with her children and Rachel and Joseph last of all. He himself went on before them bowing himself to the ground seven times until he came nearer to his brother. But Esau ran to meet him and embraced him and fell on his neck and kissed him and they wept. And when Esau lifted up his eyes and saw the women and children, he said "who are these with you?" Jacob said "the children whom God has graciously given your servant." Then the servants drew near, they and their children, and bowed down. Leah likewise and her children drew near and bowed down, and last, Joseph and Rachel drew near and they bowed down. Esau said "what do you mean by all this company that I met?" Jacob answered, "to find favor in the sight of my Lord." But Esau said, "I have enough my brother, keep what you have for yourself." Jacob said, "No, please, if I have found favor in your sight, then accept my present from my hand, for I have seen your face which is like seeing the face of God and you have accepted me. Please accept my blessing that is brought to you because God has dealt graciously with me and because I have enough." Thus he urged him and he took it, then Esau said "let us journey on our way and I will go ahead of you."

Congressman EHLERS: To present a prayer for national leaders I call to the platform one of the pillars of our House breakfast for many years, Congressman Ike Skelton.

Congressman IKE SKELTON: Whenever we pray, we should keep in mind the words of the British Poet Alfred Lord Tennyson who wrote: "more things are wrought by prayer than this world dreams of." May we pray?

God Almighty and the Father of us all—as is stated in the Constitution of this great country: "we have common purpose as the people of the United States, that we are to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty for ourselves and our posterity." Throughout our history, Lord, you have granted us leaders in national government, in industry, commerce, science, education and religion to serve this common purpose—for this we thank you. In our own day, we pray for our President Barack Obama and his wife Michelle, Vice President Joe Biden and his wife, Jill. We also pray for the members of the Congress, our leaders, Speaker Nancy Pelosi and the other leaders in the Congress, the Supreme Court, our cabinet members, our military leaders, and all government

leaders in the states and the local communities. Help them to fulfill their sacred pledge and perform their duties with wisdom and compassion. May they seek your guidance by prayer, the support of the citizenry by listening to genuine needs, and witness to your strong arm behind everything. May leaders in business and economics be blessed with personal integrity and professional collaboration. Lord, bless our nation's leaders in religion and education so that they provide a powerful vision for your people. Instill in them common hopes and greater understanding of themselves and others—together, creating imaginations will establish a common ground to plant seeds for the future. In our families, Lord, raise up new leadership for our nation, may parents prove to be good role models by their faithfulness, self discipline, and basic moral standards. Help them to encourage young people to have great expectations and to accomplish great deeds. Especially, we pray today for those families who are involved in military service. Protect them, sustain them until they return safely and together with them we live in peace. In you, oh Lord, we find the power to live our constitutional convictions and in you we place our trust, calling upon your Holy Name, now and forever. Amen.

Senator JOHNNY ISAKSON: Good morning. I am Johnny Isakson from Georgia, and I am honored to Co-Chair the Senate prayer breakfast.

Senator AMY KLOBUCHAR: I am Amy Klobuchar from Minnesota, the other Co-Chair. On behalf of the United States Senate, we would like to welcome you today.

When Johnny and I took over the Senate prayer breakfast this year, we inherited some changes. There was a new Senate food service manager and she tripled the price of the breakfast. More importantly, they took the grits off the menu which did not sit well with Johnny or any of the other Southerners. Picture this, here I am, the first woman to do this, a Northern Senator, and the grits disappear from the menu and the price triples. This is a true crisis in leadership. So we asked for some divine intervention. After some tough negotiations, the price came down and, as if by a miracle, the grits returned to the menu.

Senator ISAKSON: Mr. President, if a Minnesota Yankee can save grits for a Southern Republican, there is hope for bipartisanship.

We gather together every Wednesday, not as Republicans or as Democratic members of the Senate, but as Americans with a deep and abiding faith in God and the hope for the future of our country, and the hope for the future of our world. As we do so, we gather not seeking what we do not have in common, but relishing that which we do have in common—a deep and abiding faith in Our Lord, and a great appreciation for our great country, the United States of America.

Senator KLOBUCHAR: Our Senate prayer breakfast is truly a special occasion. It is a chance for us to share and to build friendships which might not otherwise be possible. This is especially important for all of us. The daily pressures of our work can way too often limit our horizons and narrow our circle of friends. These same pressures also make it all too easy for us to lose our way. Through prayer we can find our moral compass that will guide us back and lead us forward. And through prayer we are also humbled—that is important since modesty too often appears to be one of the first casualties of a life in Washington. As a new Senator, I found the prayer breakfast to be a respite from the day to day quarrels and strategic

maneuvering of Washington. I have actually gotten to like grits and meet some new friends like Johnny.

Senator ISAKSON: Our Founding Fathers created this nation as one nation under God and we know that we are also one world under God. As we gather and pray together, we pray for the strength of our country, knowing that just as the breakfast we have enjoyed sustains our bodies, the faith we share in common with our God sustains our soul.

Congressman SHULER: As was mentioned earlier, the House and the Senate alternates chairing the National Prayer Breakfast, with his year's Prayer Breakfast being run by the House. We call on all of our colleagues and ask them to participate for various roles in the program. When we first put the program together, our next presenter was a member of the U.S. House. Since then, she has gotten herself into a new job in the Senate—but we still claim her as one of us. To present a reading from the Holy Scripture, I am happy to introduce my friend and the new Senator from New York, Kirsten Gillibrand.

Senator KIRSTEN GILLIBRAND: It is an honor to be among so many faithful. I would like to offer a reading from Matthew, chapter 5, verses 14–16.

“You are the light of the world, a city on a hill cannot be hidden, neither do people light a lamp and put it under a bowl. Instead they put it on its stand and it gives light to everyone in the house. In the same way let your light shine before men that they may see your good deeds and praise your Father in Heaven.” Heath asked me to reflect on what this scripture meant to me. I thought about this passage and the parable of the talents. I believe that as God has blessed me with certain skills and talents, as New York's newest Senator, I offer them up for public service, with much gratitude and humility in my heart. May each deed from my hands and each word from my lips reflect God's light and his love for the world.

Congressman SHULER: It is now my pleasure to introduce Congressman Todd Akin of Missouri, who will present a prayer for world leaders.

COMMEMORATING THE 57TH ANNUAL NATIONAL PRAYER BREAKFAST, FEBRUARY 5TH, 2009

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. EHLERS. Madam Speaker, I had the privilege of co-chairing the 57th Annual National Prayer Breakfast with colleague, Congressman HEATH SHULER of North Carolina, on February 5, 2009. This annual gathering is held here in our Nation's Capital and is hosted by Members of the U.S. Senate and the U.S. House of Representatives weekly prayer breakfast groups. I would like to request that the continuation of the transcript of the 2009 proceedings be printed in the CONGRESSIONAL RECORD at this time.

57TH NATIONAL PRAYER BREAKFAST—THURSDAY, FEBRUARY 5, 2009, HILTON WASHINGTON HOTEL, WASHINGTON, DC

CO-CHAIRS: U.S. REPRESENTATIVE VERN EHLERS AND U.S. REPRESENTATIVE HEATH SHULER

Congressman TODD AKIN: More than a hundred years ago there was a great statesman

in England by the name of William Wilberforce. Some of you may have seen the movie “Amazing Grace”—the story of his life. He had two great aims as he worked in British government. The first was the abolition of slavery—which he was able to see just about on his death bed. The second was one that is not as well known—and that was to spread civility. I guess that means we are being civil with each other. One of the reasons that I have been involved in the Members' prayer breakfast is because it is a force for helping people to be civil and decent to each other—whereas many other things in politics seem to go the other direction.

Please join me in a prayer for our guests here. Dear Lord, we approach you today with thankful hearts for your great kindness and love and mercy, which immeasurably exceeds any merit of our own. We thank you for our guests, here assembled, guests who join us from the leadership of nations around the world. We ask your blessing once again on each of us, on our deliberations, and on the people that we serve. Dear Father, forgive us our increasing pride, for vainly considering that we can govern without your superintending providence. Our first President George Washington said, “it is impossible to govern rightly without God and the Bible.” Help us once again to acknowledge our dependence upon you and to seek your aid through all of our days. Lord, you inspired our founders to acknowledge the fact that you have bestowed certain inalienable rights to all men—that among these are: life and liberty and the pursuit of happiness. Forgive us dear Father for ways in which each of us have fallen short in our most fundamental duty in preserving the precious gifts that you grant to all your children. Please, dear Father, batter down the pride of our stubborn hearts with a battering ram of your tender love. Lord Jesus, in a quiet place, come along side each of us, confront us, forgive us, wrap your arms around us and plant your truth deep within us that our lives will bless our families, our constituents and above all be pleasant in your sight. I pray in Jesus' name, Amen.

Congressman EHLERS: One of the most difficult tasks that we have in arranging these Prayer Breakfasts is finding a speaker who is suitable to address such a large audience and to do it in meaningful terms that will relate to each and every one of you. We talked long and hard about different speakers and who we could get. Finally, we settled on someone we were hopeful we could get and now we are delighted that he is here with us today.

I first met our speaker at a NATO conference some years ago when I was a delegate from the United States Congress to meet with a NATO Parliamentary Assembly in Scotland. One of the speakers at the conference was a young man by the name of Tony Blair. He was erudite, eloquent, thoughtful, gave a great speech, and I thought, “this is a young man who could go places some day.” Thank you for fulfilling that prophecy. I was deeply touched by his spirit and his passion as I am sure we all will be today. Speaking as an American, I deeply appreciate his friendship and support for our country and our efforts to extend freedom around the world.

Tony Blair was Prime Minister of the United Kingdom for 10 years. He described his approach once as governing from the radical center, which is something I believe our nation could well imitate. Since stepping down in 2007, he has been involved in three challenges. He currently serves as the Quartet Representative to the Middle East, representing the United Nations, the European

Union, the United States and the Russian Federation. He has been involved in youth sports in an effort to combat youth obesity—and we need you in our country for that too, Tony. And he created the Tony Blair Faith Foundation with the aim to show how faith is a powerful force for good in the modern world. He is one of the great moral leaders on the planet. Ladies and gentlemen, join me in welcoming the Right Honorable Tony Blair.

Tony Blair: It is an honor to be here and a particular honor to be with you, Mr. President. The world participated in the celebration of your election. Now the hard work begins. And now, also, we should be as steadfast for you in the hard work as in the celebration. You don't need cheerleaders but partners; not spectators, but supporters. The truest friends are those still around when the going is toughest. We offer you our friendship today. We will work with you to make your presidency one that shapes our destiny to the credit of America and of the world. Mr. President, we salute you and we wish you well.

After 10 years as British Prime Minister, I decided to choose something easy. I became involved in the Middle East Peace process. There are many frustrations—that is evident. There is also one blessing. I spend much of my time in the Holy Land and in the Holy City. The other evening I climbed to the top of Notre Dame in Jerusalem. You look left and see the Garden of Gethsemane. You look right and see where the Last Supper was held. Straight ahead lies Golgotha. In the distance is where King David was crowned and still further where Abraham was laid to rest. And in the center of Jerusalem is the Al-Aqsa Mosque, where according to the Qu'ran, the prophet was transported to commune with the prophets of the past. Rich in conflict, it is sublime also in history. The other month in Jericho, I visited the Mount of Temptation—I think they bring all the political leaders there. My guide—a Palestinian—was bemoaning the travails of his nation. Suddenly he stopped, he looked heavenwards and said "Moses, Jesus, Mohammed, why did they all have to come here?" It is a good place to reflect on religion: a source of so much inspiration; an excuse for so much evil. Today, religion is under attack from without and from within. From within, it is corroded by extremists who use their faith as a means of excluding the other: "I am what I am in opposition to you; if you do not believe as I believe, you are a lesser human being." From without, religious faith is assailed by an increasingly aggressive secularism, which derides faith as contrary to reason and defines faith by conflict. Thus do the extreme believers and the aggressive non-believers come together in unholy alliance. And yet, faith will not be so easily cast. For billions of people, faith motivates, galvanizes, compels and inspires, not to exclude but to embrace; not to provoke conflict but to try to do good. This is faith in action. You can see it in countless local communities where those from churches, mosques, synagogues and temples tend the sick, care for the afflicted, work long hours in bad conditions to bring hope to the despairing and salvation to the lost. You can see it in the arousing of the world's conscience to the plight of Africa. There are a million good deeds done every day by people of faith. These are those for whom, in the parable of the sower, the seed fell on good soil and yielded sixty or a hundred-fold. What inspires such people? Ritual or doctrine or the finer points of theology? No. I

remember my first spiritual awakening. I was 10 years old. That day my father—at the young age of 40—had suffered a serious stroke. His life hung in the balance. My mother, to keep some sense of normality in the crisis, sent me to school. My teacher knelt and prayed with me. Now my father was, and is, a militant atheist. Before we prayed, I thought I should confess this. "I am afraid my father doesn't believe in God," I said. "That doesn't matter," my teacher replied, "God believes in him; He loves him without demanding or needing love in return."

Tony Blair, Continued: That is what inspires. The unconditional nature of God's love. A promise perpetually kept. A covenant never broken. And in surrendering to God, we become instruments of that love. Rabbi Hillel was once challenged by a pagan, who said: "if you can recite the whole of the Torah standing on one leg, I will convert to being a Jew." Rabi Hillel stood on one leg and said, "That which is hateful to you, do it not unto your neighbor. That is the Torah, everything else is commentary, go and study it." As the Qu'ran states: "if anyone saves a person, it will be as if he has saved the whole of humanity." Faith is not discovered in acting according to ritual, but acting according to God's will and God's will is love. We might also talk of the Hindu: "living beyond the reach of I and mine," or the words of the Buddha: "after practicing enlightenment, you must go back to practice compassion," or the Sikh scripture: "God's bounties are common to all; it is we who have created divisions."

Each faith has its' beliefs. Each is different. Yet at a certain point each is in communion with the other. Examine the impact of globalization. Forget for a moment its' rights and wrongs. Just look at its' effects. Its' characteristic is that it pushes the world together. It is not only an economic force. The consequence is social, even cultural. The global community—it takes a village, as someone once coined it—is upon us. Into it steps religious faith. If faith becomes the property of extremists, it will originate discord. But if by contrast, different faiths can reach out to, and have knowledge of, one another, then instead of being reactionary, religious faith can be a force for progress.

The foundation which bears my name, and which I began less than a year ago, is dedicated to achieving understanding, action and reconciliation between the different faiths for the common good. It is not about the faith that looks inward, but the faith that resolutely turns us towards each other. Bringing the faith communities together fulfills an objective important to all of us, believers and non believers. But for me, as someone of faith, this is not enough. I believe restoring religious faith to its rightful place, as the guide to our world and its' future, is itself of the essence. The 21st century will be poorer in spirit, meaner in ambition, less disciplined in conscience, if it is not under the guardianship of faith in God.

I do not mean by this to blur the correct distinction between the realms of religious and political authority. In Britain we are especially mindful of this. I recall giving an address to the country at a time of crisis. I wanted to end my words with "God bless the British people." This caused complete consternation. Emergency meetings were convened. The system was aghast. Finally, as I sat trying to defend my words, a senior civil servant said, with utter disdain: "Really, Prime Minister, this is not America you know."

Neither do I decry the work of humanists, who give gladly of themselves for others and who can often shame the avowedly religious. Those who do God's work are God's people. I only say that there are limits to humanism, and beyond those limits, God and only God can work. The phrase "fear of God" conjures up the vengeful God of parts of the Old Testament. But fear of God means really obedience to God: humility before God; acceptance through God that there is something bigger, better, and more important than you. It is that humbling of man's vanity, that stirring of conscience through God's prompting, that recognition of our limitations, that faith alone can bestow. We can perform acts of mercy, but only God can lend them true dignity. We can forgive but only God forgives completely in the full knowledge of our sin. And only through God comes grace; and it is God's grace that is unique. John Newton, who had been that most obnoxious of things, a slave trader, he it was who wrote the hymn, "Amazing Grace" — "Twas grace that taught my heart to fear, and grace my fears relieved." It is through faith, by the grace of God, that we have the courage to live as we should and die as we must.

When I was Prime Minister I had cause often to reflect on leadership. Courage in leadership is not simply about having the nerve to take difficult decisions or even in doing the right thing—since oftentimes God alone knows what the right thing is. It is to be in our natural state—which is one of nagging doubt in perfect knowledge, an uncertain prediction—and to be prepared nonetheless to put on the mantle of responsibility and to stand up in full view of the world, to step out when others step back, to assume the loneliness of the final decision-maker, not sure of success but unsure of it. It is in that "not knowing" that the courage lies. When in that state our courage fails, our faith can support it, lift it up, and keep it from stumbling.

As you begin your leadership with this great country, Mr. President, you are fortunate, as is your nation, that you have already shown in your life courage in abundance. But should it ever be tested, I hope your faith can sustain you, and your family. The public eye is not always the most congenial. I was reminded of this, as I waited in London in the snow to fly to America and made the mistake of reading a British newspaper. It was the very conservative Daily Telegraph. A few days ago I gave an interview in which I remarked how much cleverer my wife was than me. The Telegraph has a famous letters page. In it was a letter from a correspondent that read something like, "Dear sir, with reference to your headline, 'Blair admits wife more intelligent than him,' I fail to see why this is news. Most of us have known this for a long time," and as a P.S. perhaps: "the bar has not been set high."

I finish where I began: in the Holy Land at Mount Nebo in Jordan, where Moses gazed on the Promise Land. There was a chapel there, built by pilgrims in the fourth century. The sermon that day was preached by an American, who spent his life as an airline pilot and then, after his wife's death, took holy orders. His words are the words of a Christian, but they speak to all those of faith, who want God's grace to guide their life. He said this:

"While here on earth, we need to make a vital decision . . . whether to be mere spectators or movers and shakers for the Kingdom of God . . . whether to stay among the curious, or take up a cross. And this means

no standing on the sidelines—we are either in the game or we are not. I sometimes ask myself the question: ‘If I were to die today, what would my life have stood for?’. . . The answer can’t be an impulsive one, and we all need to count the cost before we give an answer. Because to be able to say yes to one thing means to say no to many others. But we must also remember that the greatest danger is not impulsiveness but inaction.”

It is fitting at this extraordinary moment in your country’s history that we hear that call to action; and we pray that in acting we do God’s work and follow God’s will.

And by the way, God bless you all.

Congressman Shuler: Our next speaker, the 44th President of the United States has consistently made unity an important part of his ongoing message. His message of national and international unity is one that has given people around the world faith, hope, and the spirit to follow their dreams. I have met with numerous leaders who tell me that the citizens of their nations have a higher hope for the future because of the inspiration provided by this President.

My own children moved by the experience of the recent inauguration said to me, “Daddy, let’s pray for the President.” Children, politicians, and everyday citizens around the world are showing their hope and faith, through their prayers for this President. Today we continue in an unbroken tradition of 57 years as we are joined by the First Family at the National Prayer Breakfast. Ladies and gentlemen, it is my great honor to introduce to you the President of the United States of America.

COMMEMORATING THE 57TH ANNUAL NATIONAL PRAYER BREAKFAST, FEBRUARY 5TH, 2009

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. AKIN. Madam Speaker, I had the privilege of participating in the 57th Annual National Prayer Breakfast with my colleagues, Congressman HEATH SHULER of North Carolina and Congressman VERN EHLERS of Michigan, on February 5, 2009. This annual gathering is held here in our Nation’s Capital and is hosted by Members of the U.S. Senate and the U.S. House of Representatives weekly prayer breakfast groups. I would like to request that the summation of the transcript of the 2009 proceedings be printed in the CONGRESSIONAL RECORD at this time.

57TH NATIONAL PRAYER BREAKFAST—THURSDAY, FEBRUARY 5, 2009, HILTON WASHINGTON HOTEL, WASHINGTON, DC

CO-CHAIRS: U.S. REPRESENTATIVE VERN EHLERS AND U.S. REPRESENTATIVE HEATH SHULER

President Barack Obama: Good morning. I want to thank the co-chairs of this breakfast, Representatives Heath Shuler and Vernon Ehlers. I also want to thank my good friend Tony Blair for coming today, as well as our Vice President, Joe Biden, members of the cabinet, members of Congress, clergy, friends, and dignitaries from across the world.

Michelle and I are honored to join you in prayer this morning. I know this breakfast has a long history in Washington, and faith has always been a guiding force in our family’s life, so we feel very much at home and

look forward to keeping this tradition alive during our time here. It is a tradition that I am told actually began many years ago in the city of Seattle. It was at the height of the Great Depression, and most people found themselves out of work. Many fell into poverty and some lost everything. The leaders of the community did all that they could for those who were suffering in their midst. And then they decided to do something more—they prayed. It didn’t matter what party or religious affiliation to which they belonged. They simply gathered one morning as brothers and sisters to share a meal and talk with God. These breakfasts soon sprouted up throughout Seattle and quickly spread to cities and towns across America, eventually making their way to Washington, DC. A short time after President Eisenhower asked a group of Senators if he could join their prayer breakfast, it became a national event. And today, as I see presidents, prime ministers and dignitaries here from every corner of the globe, it strikes me that this is one of the rare occasions that still brings much of the world together at a moment of peace and good will.

I raise this history because far too often we have seen faith wielded as a tool to divide us from one another—as an excuse for prejudice and intolerance. Wars have been waged, innocents had been slaughtered. For centuries entire religions have been persecuted, all in the name of perceived righteousness. There is no doubt that the very nature of faith means that some of our beliefs will never be the same. We read from different texts. We follow different edicts. We subscribe to different accounts of how we came to be here and where we are going next. And some subscribe to no faith at all. But no matter what we choose to believe, let us remember that there is no religion whose central tenet is hate. There is no God who condones taking the life of an innocent human being. This much we know. We know too that whatever our differences, there is one law that binds all great religions together. Jesus told us to “love thy neighbor as thyself.” The Torah commands, “That which is hateful to you, do not do to your fellow.” In Islam there is the hadith that reads, “None of you truly believes until he wishes for his brother what he wishes for himself.” And the same is true for Buddhists and Hindus, for followers of Confucius, and for humanists. It is, of course, the Golden Rule—the call to love one another, to understand one another, to treat with dignity and respect those with whom we share a brief moment on this Earth. It is an ancient rule, a simple rule, but also perhaps the most challenging. For it asks each of us to take some measure of responsibility for the well-being of people we may not know or worship with or agree with on every issue or on any issue. Sometimes it asks us to reconcile with bitter enemies or resolve ancient hatreds—and that requires a living, breathing act of faith. It requires us not only to believe but to do—to give something of ourselves for the benefit of others and the betterment of our world. In this way, the particular faith that motivates each of us can promote a greater good for all of us. Instead of driving us apart, our varied beliefs can bring us together to feed the hungry, clothe the naked, comfort the afflicted, to make peace where there is strife and rebuild what is broken, to lift up those who have fallen on hard times. This is not only our call as people of faith, but our duty as citizens of America, and our duty as citizens of the world, and it will be the purpose of the White House Office of Faith-based and

Neighborhood Partnerships that I am announcing later today.

The goal of this office will not be to favor one religious group over another—or even religious groups over secular groups, it will simply be to work on behalf of those organizations that want to work on behalf of our communities, and to do so without blurring the line that our founders wisely drew between church and state. This work is important, because whether it is a secular group advising families facing foreclosure or faith-based groups providing job training to those who need work, few are closer to what is happening on our streets and in our neighborhoods than these organizations. People trust them, communities rely on them, and we will help them.

We will also reach out to leaders and scholars around the world to foster a more productive and peaceful dialogue on faith. I am not naive. I don’t expect divisions to disappear overnight, nor do I believe that the long-held views and conflicts will suddenly vanish. But I do believe that if we can talk to one another openly and honestly, and if perhaps we allow God’s grace to enter into that space that lies between us, then the old rifts between us will start to mend, and new partnerships will begin to emerge. In a world that grows smaller by the day, perhaps we can begin to crowd out the destructive forces of excessive zealotry and make room for the healing power of understanding. This is my hope. This is my prayer. I believe this good is possible because my faith teaches me that all is possible, but I also believe because of what I have seen and what I have lived.

I was not raised in a particularly religious household. I had a father who was born a Muslim but became an atheist, grandparents who were non-practicing Methodists and Baptists, and a mother who was skeptical of organized religion—even though she was the kindest, most spiritual person I have ever known. She was the one who taught me as a child to love, and to understand, and to do unto others as I would want done. I didn’t become a Christian until many years later when I moved to the South Side of Chicago after college. It happened not because of indoctrination or a sudden revelation but because I spent month after month working with church folks who simply wanted to help neighbors who were down on their luck, no matter what they looked like or where they came from or who they prayed to. It was on those streets, in those neighborhoods that I first heard God’s spirit beckon me. It was there that I felt called to a higher purpose—His purpose. In different ways and in different forms, it is that spirit and sense of purpose that drew friends and neighbors to that first prayer breakfast in Seattle all those years ago, during another trying time for our nation. It is what led friends and neighbors from so many faiths and nations here today. We come to break bread and to give thanks, but most of all to seek guidance. And to rededicate ourselves to the mission of love and service that lies at the heart of all humanity. St. Augustine once said: “Pray as though everything depends on God and work as though everything depends on you.”

So let us pray together on this February morning, but let us also work together in all the days and months ahead. For it is only through common struggle and common effort, as brothers and sisters, that we fulfill our highest purpose as beloved children of God. I ask that you join me in that effort and I also ask that you pray for myself, for Michelle, for my family and for the continued perfection of our nation. Thank you so

much, God bless you. God bless the United States of America.

Congressman EHLERS. Thank you very much, Mr. President and Michelle, for being with us. This is an auspicious occasion. As I had said earlier, this prayer breakfast started with President Eisenhower and every year since then it has been graced by the presence of the President of the United States. It has been a real blessing to have the President and the First Lady here today.

Congressman SHULER: Welcome back Casting Crowns.

CASTING CROWNS: [sing] Who am I that the Lord of all the earth would care to know my name, would care to feel my hurt. Who am I that the bright and morning star would choose to light the way from my ever wandering heart but not because of who I am but because of what you've done and not because of what I've done but because of who you are and I am a flower quickly fading here today and gone tomorrow a wave tossed in the ocean, the vapor in the wind, still you hear me when I'm calling but you catch me when I'm falling and you told me who I am, I am yours.

Who am I that the eye that's seen the sin would look on me with love and watch me rise again. Who am I that the voice that calmed the sea would call out through the rain and calm the storm in me, not because of who I am but because of what you've done, not because of what I've done but because of who you are.

And I am a flower quickly fading, here today and gone tomorrow, a wave tossed in the ocean, a vapor in the wind, still you hear me when I'm calling, Lord you catch me when I'm falling and you told me who I am, I am yours.

Whom shall I fear, whom shall I fear, because I am yours.

Congressman EHLERS: Thank you again Casting Crowns for your words of faith and encouragement, we appreciate your participation today.

I hope that all of you have been uplifted and inspired by what you have seen up here—people of different parties, nations, races, generations and backgrounds coming together. As the Prime Minister and the President both said, faith can be a tremendous force for good in this modern world and we all need it—all the help we can get. It all begins with obeying the simple commands that Jesus talked about. Loving God with everything we have and loving our neighbors as ourselves. This is the first and great commandment. We in the Congress are trying to do that and I hope that you will commit to do that more and more in your daily lives. We ask that you will also join in prayer every single day and pray for us in the Congress and in other agencies of leadership around the world as we all try to serve God above all and to serve people and to keep them safe and secure in their lives.

Congressman SHULER: Now to close the event, I am honored to turn to a great American hero—from the age of 23 he was a national leader in the struggle for civil rights and for more than four decades he has been a shining star of justice. To present our closing prayer, the Honorable Congressman JOHN LEWIS of Georgia.

Congressman JOHN LEWIS: My beloved brothers and sisters, let us pray. Lord our God, this morning we stand before you as citizens of the world, as leaders of many great nations, and as humbled public servants, tasked with a powerful responsibility. Lord my God, your people are suffering in teeming cities and in the distant corners of

the earth—too many of your children are hungry and naked, homeless and poor, too many are sick, too many forgotten, too many are locked in the struggles of war and suffering alone in silent despair. Lord, we stand before you today as a human family in need of your help. Please Lord, give us the faith to be still and know that you are God. Give us the faith to trust that you are with us at all times. Lord God, give us the power to see that your light shines brightest in times of the greatest need. Lord, give us a will to seek your divine understanding in every decision that we make. Thank you Lord for sending us a man, a leader and a President Barack Obama, we ask for a special blessing on his behalf. Guide his steps and please direct his path. Hold him and his family in the palm of your magnificent and all powerful hand. Let your angels watch over them, protect them and be their preferred and invisible God. Thank you Lord, thank you this morning for sending men and women who prepare to do thy will. Pour out your blessing upon us all. Give us the power to do what is right, what is fair and what is just. Please Lord show us how we can bring peace to a violent world. Let the day come when we can lay down the tools and instruments of war and study war no more. Lord, give us the will and the way to build and not destroy. Give us the capacity to be reconciled and not divide. Give us the strength to love and not to hate, that these gifts be made manifest in all that we do and in every way that we serve your people. We ask all these things in Thy divine name. This is our plea. This is our cry. This is our prayer. Amen.

Congressman EHLERS: Go in peace, love God. Serve God and your neighbor.

TRIBUTE FOR MR. CHARLES R. COUSINS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. DEGETTE. Madam Speaker, I rise to honor the extraordinary life and exceptional accomplishments of Charles R. Cousins. Charles Cousins has been an important part of the Denver African-American business community. A remarkable citizen, he merits our recognition and esteem as his leadership, service and lifelong devotion to the city of Denver has done much to enrich our community. His license plate: "IOU-00" reflected this self-made success story.

Charles Cousins was born in Denver on New Year's Day, 1918, delivered by Justina Ford, the first African-American doctor in Colorado. The first son in a family of four daughters, he came to be called "Brother" by family and friends, a name that stuck throughout his entire life. His parents, Charles L. and Alta raised a family of six children in the Five Points neighborhood of Denver. As a youngster, Charles started a lifetime of hard work making deliveries on his bicycle for drug stores and dry cleaners and catching worms in the summertime to sell to anglers at City Park.

Charles Cousins began his business career while a student attending Manual High School in 1936. At Manual High, Charles found a way to provide music for the school dances of African American students that were segregated

from those of white students. He did the same while a student at Colorado State University, beginning his long career in the jukebox industry.

When white-owned jukebox businesses tried to take over the restaurants and bars where his machines were located, Cousins purchased the buildings, beginning his successful career in real estate. He was a major investor in Denver rental properties and ultimately became a community philanthropist. He owned properties throughout the metro area, including more than 30 buildings in the Five Points area.

A lifetime jazz fan, Cousins is credited with being a key financial backer of the Five Points neighborhood's internationally-recognized jazz scene. Known as the "Godfather of Jazz" in Five Points, he made the famous Rossonian Hotel a must-stop venue for African American musicians who were barred from other hotels because of racial discrimination.

Raised in the Five Points neighborhood of Denver, Cousins never had a desire to leave his beloved community. His many associations include the Five Points Media Center and the Five Points Business Association. Cousins willed the Simpson Hotel at 28th and Welton Street to the Five Points Business Association upon his death. The organization has plans to establish a work-development center and art gallery on the site.

Appointed in 1979 by Denver Mayor Bill McNichols, Cousins served on the Denver city zoning board for 23 years and served for 20 years as a member of the U.S. Olympic Organizing Committee.

Charles Cousins was also a great advocate of education. He was instrumental in the development of Cole Junior High School's extension program that provided alternative education to students who were not able to learn and achieve in a traditional school environment. He also funded many scholarships for college students. He was a fixture at Manual High School and was honored as the school's "Student of the Century" during their 100th anniversary celebration in 1994.

Charles was most proud of his civic work in the community and received numerous awards from various non-profit groups. He was a charter member of the Beta Theta Chapter of Kappa Alpha Psi Fraternity, Inc.

In 2003, Charles Cousins was honored with a plaza that bears his name at the new Blair-Caldwell African American Research Library in Five Points. He joined his longtime friends, former Tuskegee Airman and Denver Public Schools board member Omar Blair, and former Denver City Councilman Elvin Caldwell in the naming honors of the then newest branch of the Denver Public Library.

Charles Cousins is survived by five siblings and his wife of 53 years, Dorothy. His daughter, Dr. Renee Cousins, is a Denver pediatrician.

REMEMBERING THE LIFE AND
WORK OF VIVIAN SMITH**HON. LINCOLN DAVIS**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. DAVIS of Tennessee. Madam Speaker, it is one of my honors as a Member of Congress to pay tribute to the fine people that come along and care for our neighbors and assist our communities with their time, love, patience, sweat, financial tidings, and most importantly, compassion.

Vivian Smith, a daughter, sister, mother, grandmother and wife, served her neighbors in Scott County with that famous Tennessee volunteer spirit.

Vivian's resume of carrying for others is as long as it is distinguished. An eight year cancer survivor, Vivian served as Co-Chair of the Relay for Life and was a member of the Leadership Council and Support Group for the American Cancer Society of Scott County.

Serving the Sixth District Scott County School Board member, Vivian was also the first in the history of Scott County to obtain Level 5 Master status, awarded the National School Board Association's Recognition Award and served on the All Tennessee School Board. She also served on the Scott County Finance Committee, Scott County Fairest of the Fair, Tennessee Scholars advisory committee, Scott County Museum advisory council, Tennessee Technology Cosmetology advisory board, Appalachian Habitat for Humanity, Clinch-Powell Educational Cooperative, Housing Opportunities of People (HOPE), Salvation Army Scott County Unit, Scott County 4-H, Leadership Scott and Youth Leadership Scott and Leadership Upper Cumberland.

Having retired from the Scott County government as Solid Waste Director, Vivian was most proud of organizing and participating in the "Scott County Looks Good to Me" and "I Spy" programs, which were notably successful anti-littering programs.

For her unwavering dedication to volunteer service she was presented the Humanitarian Award from the Scott County Chamber of Commerce. Shortly afterwards, she was presented with the Governor's Volunteer Star Award from the State of Tennessee by Governor Bredesen and was inducted into the Scott County Boys and Girls Club Hall of Fame.

Vivian Smith will be sorely missed and fondly remembered for her grace, compassion and dedication to volunteerism. It has been said that she loved to serve because of the love she had for the people of Scott County. Well, Vivian, the feeling was and will forever be mutual.

TRIBUTE TO METROPOLITAN
AIRPORTS**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. ELLISON. Madam Speaker, I rise today to congratulate the Metropolitan Airports Com-

mission's board members and staff for Minneapolis-St. Paul International Airport's recent recognition as the Best Airport in North America and Third Best in the World in its size category.

The Airports Council International granted this award to the Minneapolis-St. Paul airport based on feedback from air travelers during the 2008 Airport Quality Survey. The 2008 airport rankings reflect the responses of more than 200,000 passengers who filled out questionnaires at 108 airports.

Minnesota is well known for the strong work ethic of its residents, and their commitment to ensuring Minnesota continues to be one of the best places to live, work and visit. Those characteristics form the foundation for the Metropolitan Airports Commission's latest outstanding accomplishment.

Minneapolis-St. Paul International Airport serves as Minnesota's front door for those who come to the state for business or pleasure. I invite you and all the members of this esteemed Congress to come experience the hospitality Minnesota is famous for from the moment their plane touches down on the runways of Minneapolis-St. Paul.

In closing Madam Speaker, I would like to once again extend my deepest congratulations to the Minneapolis Airports Commission hard work and great accomplishment.

VIETNAM HUMAN RIGHTS DAY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in honor of Vietnam Human Rights Day and to recognize the daily struggle for freedom in Vietnam.

Fifteen years ago, Congress designated May 11th as Vietnam Human Rights Day, recognizing the plight of the people of Vietnam under the repression of their communist government. I am sad to say that these conditions persist to this day.

Just last week, Vietnam's human rights record was examined by the United Nations Human Rights Council, under the Universal Periodic Review. As part of this proceeding, numerous non-governmental organizations reported a wide range of serious abuses.

Journalists, dissidents, and whistleblowers are imprisoned merely for questioning government policies in public or calling attention to corruption or other wrongdoing. Citizens are arrested, detained, and imprisoned without due process of law. Independent political parties and labor unions are banned. In all of this, the Vietnamese government scorns the rule of law, violating its international human rights obligations and, often, its own constitution.

Abuses of religious freedom are also a serious problem. In its Annual Report for 2009, the U.S. Commission on International Religious Freedom has again called for Vietnam to be designated as a Country of Particular Concern by the State Department. I commend the Commission for making this recommendation, and urge the State Department to follow its advice.

The United States granted Vietnam Permanent Normal Trade Relations in 2006. Since then, its already abysmal human rights record has gotten even worse. Once the Vietnamese government got the trade agreement that it wanted, it felt free to escalate its repression.

It is time for the United States to consider how it can use its considerable leverage to assist those who are striving for human rights and democracy in Vietnam. I rise to honor their efforts and sacrifices.

INTRODUCTION OF THE PRE-AP-
PRENTICE AND APPRENTICESHIP
TRAINING ACT OF 2009**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. NORTON. Madam Speaker, the Pre-Apprentice and Apprenticeship Training Act of 2009 makes mandatory the one half of one percent of funds now available under 23 U.S.C. 140(b) to ensure federal highway funds are used to provide on-the-job training and other services to combat a serious training deficit that builds in the effects of past discrimination and that is necessary because the current cohort of journeymen and other skilled workers is retiring. Currently, only 17 states use fund previously made available for training and even that participation is spotty. The Transportation and Infrastructure Committee, under the strong leadership of Chairman JIM OBERSTAR has already taken the first important steps to include training as an essential part of building our infrastructure when he included, at my request, \$3 million specifically for training in the General Services Administration stimulus authorization this year. He also included \$20 million for federal highways training programs.

Today, the official unemployment rate already is at 15 percent for blacks and 8 percent for whites, a typical gap throughout economic cycles. Most analysts predict that there is more unemployment to come. This surface transportation reauthorization is also necessary to finally afford the opportunity for minorities and women to gain their first foothold in the high-wage construction industry.

More than 25 years ago, the federal government abruptly ended the government-sponsored labor-management remediation program designed to address training and exclusionary practices in the construction industry. Although deliberate exclusion has largely receded, elimination of this program has left a significant training deficit for workers in skilled construction trades, which is largely responsible for the white male profile of the construction industry today. This training deficit guarantees that infrastructure jobs will continue to go to trained, mostly white male construction workers, who now have faced a long period of unemployment and job scarcity. Particularly considering a steep rise in unemployment for minorities and whites alike, this bill will also help avoid racial tension.

Because of the scarcity of trained workers during boom times, a few union programs had even begun training ex-offenders as pre-apprentices and apprentices to do construction

work. This bill will mount a major national infrastructure program focused on job creation with a well-designed component of pre-apprenticeship and apprenticeship programs that can lead to high-paying journeymen jobs for the new workers who will be needed in the future. And it will assure compliance with the 14th Amendment and Title VI of the Civil Rights Act of 1964, which bar discrimination in the use of government dollars.

More than 25 years ago the federal government prematurely ended the successful government-sponsored labor-management remediation program that addressed exclusionary practices and lack of training in the construction industry. Without a significant and systematic government effort, a serious training deficit has remained and continued to build. This training deficit is largely responsible for the white male profile of the construction industry today. Unless training is a strong component of the highway and transit reauthorization, underrepresentation of minorities and women will deepen.

Training is a major barrier, particularly for African Americans and women in construction. Congress recognized the training deficit and encouraged the use of one half of one percent for training in the use of highway funds. Because use of federal funds was not mandated for training, only 17 states have chosen, intermittently, to fund training programs, since the program was authorized in 1998. Without appropriate training, federal funds will exacerbate the training deficit among previously excluded groups and others who have not had access to training in the construction trades.

A recent study of African Americans, in particular, in the construction industry in eighteen metropolitan areas found that they are underrepresented in construction jobs. If African Americans were employed in construction at the same rate that they are employed in the overall workforce, the study estimated that 42,700 more African Americans would be employed in construction in the eighteen metropolitan areas.

The official unemployment rate as of April 2009 already is 15 percent for African Americans and 8.8 percent for whites. This disparity has been typical throughout economic cycles.

A major, well-designed component in the surface transportation reauthorization bill for pre-apprenticeship and apprenticeship programs can lead to high-paying journeymen jobs, where, in good times and scarce, labor supply has developed.

Congress must assure compliance with the 14th Amendment and Title VI of the Civil Rights Act of 1964, which bar discrimination in the use of government dollars.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. AL GREEN of Texas. Madam Speaker, I am proud to support the House Resolution celebrating May as Asian Pacific American Heritage Month.

As we continue to struggle through one of the deepest economic crises in recent history, we must not forget to recognize and appreciate the contributions of the Asian Pacific Islander American (APIA) communities of our great country.

If one looks at the long history of the Asian American experience, they will undoubtedly see a collective story of perseverance and triumph. They will also see that this story is ongoing, and is defined by the tremendous contributions that Asian and Pacific Islander Americans continue to make.

They will see the earliest Asian immigrants, who in spite of being completely excluded from American citizenship and its basic protections, shouldered the labor to build a railroad system and support a growing agricultural sector that changed the face of America.

They will see the countless Japanese Americans, who despite being interned, stripped of their hard-earned wealth and forced to rebuild their lives, served their country faithfully and without question.

They will see the numerous Asian Pacific Islander Americans, who despite all that has been endured, now serve as exemplary public servants leading our county. From city councilors, to the President of the United States, who grew up in Indonesia and Hawaii, the APIA community deserves recognition and has much to be proud about.

Finally, they will see that despite all that has been accomplished, despite everything that there is to be proud of, we cannot lose sight of the fact that much remains to be done. We must continue to help the many Asian Pacific Islander Americans who endure racism, struggle against poverty and are fighting for equal access to the fundamental institutions of our country.

America has always been a reflection of its people. As we recognize May as Asian American Heritage Month, let us recognize that America would not be the grand nation it is today without our friends in the Asian Pacific Islander American communities.

HONORING PETER L. LITRENTA

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to pay tribute to Peter L. Litrenta, a husband, father, 25-year Navy veteran and civic leader with a passion for San Diego, its waterfront and its people. Pete, as he was affectionately known, peacefully passed away in his Coronado home on April 22, surrounded by his loving family. He lived a full and meaningful life, making countless contributions to San Diego and serving as an inspiration and role model to all.

Pete was born in Racine, Wisconsin on April 25, 1942. He attended the University of Notre Dame, earning a BA in Communications in 1964. He began his Navy career after graduation, later earning an MA in Public Relations from Boston University in 1972.

Not long after his 23rd birthday, Pete met the love of his life, Linda. Theirs was a fairy-

tale romance. Pete and Linda married just four months after they first met and celebrated their 43rd anniversary just five months ago. While Pete's life took him all over the world, San Diego was Pete's home. It is where he and Linda raised their three wonderful daughters, Danielle, LyAnne and Katie. Family was Pete's first and only true love.

But Pete did have other passions: Notre Dame football, the United States Navy, and San Diego, just to name a few.

Pete's Navy Career marched alongside history, from the Gulf of Tonkin incident to the terrorist bombing of the Marine barracks in Beirut. Mr. Litrenta organized Beirut the news bureau, serving as spokesperson for the Marines when they landed in 1982. In 1986, he developed and implemented the San Diego Rally Against Drugs, mobilizing over 35,000 people to parade down Broadway to bring awareness to the dangers of drug use.

After retiring from the Navy, Pete worked for the Chamber of Commerce and then for the San Diego Port Tenants Association. He became intimately involved in nearly all aspects of San Diego's social, civic and philanthropic endeavors. Pete's influence on San Diego is everywhere. If you watched the Holiday Bowl, Pete helped select the teams on the field. If you gazed upon the waterfront, you will see the USS Midway Museum, which Pete helped bring to our port. If you saw Dennis Conner defend the America's Cup, Pete served on the Organizing Committee in charge of media and community relations.

Whether volunteering or working, Pete was intimately connected to the community. He served as President of the San Diego Fleet Week Foundation and the Coronado Schools Foundation. Pete was a member of the Mayor's BRAC Task Force, served on the Board of the Chamber of Commerce, the San Diego USO, the San Diego Convention and Visitors' Bureau, the USS Midway Museum, the San Diego Taxpayers' Association, and the Holiday & Poinsettia Bowls. At times, it seemed as if Pete was everywhere. He touched the lives of many, leaving an imprint on all he graced.

So today I honor Mr. Pete Litrenta. As one of his thousands of friends, I join his colleagues, his wife Linda, and their three daughters Danielle, LyAnne and Katie, in not only mourning his loss, but in celebrating his life. His memorial will be held on board the USS Midway Museum, a venue as identifiable with San Diego as Pete.

He was a pillar of the San Diego community and will be missed by all. I am reminded of what Mark Twain said about life:

"Twenty years from now you will be more disappointed by the things you didn't do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover."

It's hard to imagine something Pete did not do. He explored the world, but found safe harbor in San Diego. He dreamed of brighter futures for his family, friends and for the entire San Diego community. He discovered his true love and pursued his true passions.

Madam Speaker, I ask the House observe a moment of silence in honor of Mr. Peter L. Litrenta.

HONORING THE HISTORICAL CONTRIBUTIONS OF CATHOLIC SISTERS IN THE UNITED STATES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. KAPTUR. Madam Speaker, as we continue to celebrate Mother's Day and the women who have enriched our lives, I would like to recognize a group of women who may not receive cards or flowers this week, but who act as mothers to the world.

Regardless of religious affiliation or conviction, Catholic sisters have not only nurtured countless hearts, minds, and souls throughout our nation's history, but they have played a vital role in shaping American life. The humble sacrifices, the heartfelt dedication and the tremendous contributions of these women are in earnest need of recognition.

For this reason I have introduced a resolution today honoring the historical contributions of Catholic sisters in the United States.

Since 1727, Catholic sisters have fearlessly and often sacrificially committed their personal lives to teaching, healing, and social action. Joined in unique forms of intentional communal life dedicated to prayer and service, these women have participated in the opening of the West, nursed soldiers during the Civil War, and cared for afflicted populations during the epidemics of the 19th and early 20th centuries.

Catholic sisters established the nation's largest private school system and founded more than 110 U.S. colleges and universities, through which they have educated millions of young Americans.

Moreover, managing organizations long before such positions were even open to women, the bold passion of Catholic sisters established hospitals, orphanages, and charitable institutions. They were among the first to stand with the underprivileged, to educate or to work among the poor and underserved, and to facilitate leadership through opportunity and example.

Since 1980 alone, at least nine American sisters have been martyred. Maura Clark, MM, Ita Ford, MM and Dorothy Kazel, OSU were martyred in El Salvador in 1980. Joel Kolmer, ASC, Shirley Kolmer, ASC, Kathleen McGuire, ASC, Agnes Mueller, ASC and Barbara Ann Muttra, ASC were martyred in Liberia in 1992. And, Dorothy Stang, SNDdeN was martyred in Brazil in 2005. Despite such a horrifying reality, Catholic sisters remain dedicated and courageously spirited.

Across the globe, Catholic sisters continue to provide shelter, food, and basic human needs to the economically or socially disadvantaged and advocate relentlessly for the fair and equal treatment of all persons. They work for the eradication of poverty and racism and for the promotion of nonviolence, equality and democracy both in principle and in action. The humanitarian work of Catholic sisters with communities in crisis and refuge throughout the world positions them as activists and diplomats of peace and justice for those most at risk populations.

These women have offered so much to the world yet their stories have rarely been nar-

rated or honored in our history. Though long overdue, the lives, works and legacies of Catholic sisters will finally be recounted.

I am happy to announce that on May 16th, 2009, a traveling exhibit called "Women & Spirit: Catholic Sisters in America" will open in Cincinnati, Ohio. Sponsored by the Leadership Conference of Women Religious (LCWR) in association with the Cincinnati Museum Center, it will tour multiple cities over the next few years.

In continued celebration of the women who have shaped our lives and cultivated our potential, I stand to recognize the Catholic sisters not only for the personal impact they have had within our own lives, but for the extraordinary contributions they have made to the history of the United States.

FOOD ALLERGY AWARENESS WEEK

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. REICHERT. Madam Speaker, as we ate breakfast today, more than 12 million Americans were carefully watching what they ate and how their food was prepared. You may be thinking that they are trying to lose weight, but that's not the reason—it's because they suffer from life-threatening food allergies.

The statistics are frightening—particularly among children. Between 1997 and 2002, the number of children under age five who suffer from food allergies actually doubled.

Scientists have been unable to develop cures for food allergies. We must do more to support NIH medical research and raise awareness about these health problems.

I applaud the creation of the new Food Allergy Initiative Advocacy Steering Committee and I'm excited to hear that my constituent, Ms. Sally Porter, will serve on the committee.

This group seeks to help build a strong nationwide presence for the food allergy community. I urge my colleagues to learn how they can get involved and to work with me to support federal resources for food allergy research.

HONORING THE 34TH ANNUAL CAPITAL PRIDE FESTIVAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. NORTON. Madam Speaker, I rise to pay tribute to the 34th Annual Capital Pride Festival, a celebration of the National Capital Area's Gay, Lesbian, Bisexual and Transgender, GLBT, communities, their families, and friends.

The Capital Pride Festival has grown from a small block party in 1975 to the current ten-day-long celebration. This year Capital Pride Festival culminates with what Washington's City Paper has declared D.C.'s Best Parade for two years running, the Pride Parade on

June 13th and "The Main Event," a street fair on Pennsylvania Avenue in the shadow of the Capitol, June 14th.

This year, the Festival's new organizers, the Capital Pride Alliance, Inc. anticipates an attendance of 250,000, making Capital Pride one of the largest GLBT festivals in the United States.

2009 marks the 40th anniversary of the Stonewall Riots, which, in the early hours of June 28, 1969, New York City's GLBT community spontaneously and publicly asserted its rights in defiance of government oppression. The Capital Pride commemorates this event with the theme "Generations of Pride: Celebrate and Remember."

I have marched in the Pride parades since coming to Congress to emphasize the universality of human rights and the importance of enacting federal legislation to secure those rights for the GLBT community and the District of Columbia. Congress has much work to do. We must pass The Family Leave Insurance Act of 2009, Employment Non-Discrimination Act, The Local Law Enforcement Hate Crimes Prevention Act / Matthew Shepard Act, Safe Schools Improvement Act, The Military Readiness Enhancement Act, "The Domestic Partnership Benefits and Obligations Act, Tax Equity for Health Plan Beneficiaries Act, The Family and Medical Leave Inclusion Act, Uniting American Families Act, Responsible Education About Life Act, and the Early Treatment for HIV Act.

This year, as Iowa, Maine, and New Hampshire have extended full rights to their GLBT residents. Our city of 600,000 residents, 10 percent more residents than the entire State of Wyoming, who pay more taxes per capita than 49 of the 50 states, remains the only jurisdiction in the United States where all its citizens are denied their basic rights by being subjected to Taxation Without Representation.

The residents of our Nation's Capital are entitled all their rights as citizens. I support and, I will defend, DC Council's action to extend full faith and credit to all marriages contracted in the United States as necessary to stabilize and protect all DC Families.

I ask the House to join me in welcoming the celebrants attending the 34th Annual Capital Pride Festival in Washington, DC, and I take this opportunity to remind the celebrants that U.S. citizens who reside in Washington, DC are taxed without full voting representation in Congress.

HONORING DIANE POLICELLI

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Diane Policelli, upon her receipt of the Tribute to Women Award, presented by the Michigan Federation of Republican Women.

Diane Policelli has selflessly dedicated herself to serving her community and actively promoting the values and ideals of the Republican Party. Since retiring from her career with Ford Motor Company, she has become dynamically engaged in her neighborhood. A

certified member of the Community Emergency Response Team, Diane frequently supports the city and Police and Fire departments during emergency situations. She is a Board member and chief fundraiser for the Livonia Public Schools Foundation, as well as the Vice President of the Civic Library Commission. In these roles, she dedicatedly volunteers her time to mentoring high school students.

As the Community Service Chair and Hostess Chair for the Suburban Republican Women's Club, she dedicates her time to organizing activities which allow the members to creatively engage with the community. Under her direction, the Suburban Republican Women have been participating in a program to collect coupons to assist the military families of the United States. Diane also worked with a local senior citizen center on a project to have the club serve food at a dinner for the seniors.

Madam Speaker, I ask my colleagues to join me in extending sincere congratulations to this year's Tribute to Women Award honoree, Diane Policelli, for her devoted service to her community and country.

28TH ANNUAL NATIONAL PEACE
OFFICERS' MEMORIAL SERVICE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, today we stand on the West Lawn commemorating and celebrating the Nation's law enforcement officers from across the Nation. As Members of Congress, we welcome you to this Congress every year, and we do so humbly and with great appreciation.

Let me acknowledge the work that many of us have done with our local law enforcement in the State of Texas. We have a multitude of law disciplines and law enforcement persons to whom we in Texas owe a debt of gratitude. From the constables office to other peace officers throughout the City of Houston, we owe these peace officers a debt of gratitude.

As a Member of the Eighteenth Congressional District, I have the privilege of representing the first African American constable, Mae Walker, and representing Constable Victor Trevino, a Hispanic constable. We have deputy sheriffs. We have the sheriff's department. We have the Houston Police Department, the Department of Public Safety. In

many instances we find great leaders who believe not only in crime fighting, but crime prevention.

Today I would like to focus upon the importance of law enforcement and their need to work in the community. I salute the former mayor of the City of Houston, Lee Brown, former chief of police of the cities of Houston, New York, and Atlanta. I consider him the father of community-oriented policing that really speaks to the hearts and minds of the people.

It lets the police officers and law enforcement officers become knowledgeable about the community. The COPS program helps police officers know the "good guys" and the "bad guys." Neighbors become comfortable with law enforcement officers when they are engaged as people who are concerned about the neighborhood and the community.

At the same time as we raise up and respect our law enforcement officers, let me applaud those who I speak to all the time as I travel to Washington. We have a very effective aviation police force. I get an opportunity as I go through the airport to listen to them and to thank them.

Let us be concerned about the benefits for law enforcement officers. In particular, I know that my city, a very large city, has seen the decline of senior officers. For some reason or another, because our belts are being tightened, we don't have enough resources to provide them with the upward mobility, the professional development and the protection of their pensions and to recognize the sacrifice that they and their families are making. We as communities across the Nation should be concerned about making sure they have the right kind of benefits.

On the Federal level, I am very glad that the House Judiciary Committee has just passed out a COPS bill reauthorization. I think that is a very, very important aspect of the work of this Congress. The COPS program worked. It provided police officers for rural communities and urban communities. I spoke to my police personnel there and they said, yes, it would help us greatly if the COPS program were reauthorized. So as we salute our peace officers across America, let us make sure that we are actually doing as we are saying, and that is providing them with the resources that they need.

At the same time, let me also add the importance of training. There is the sensitivity that our police officers are able to get through experience, but training also helps them detect those with mental illness and have the best resources to address those suffering from mental illness so that those persons can be taken

away from society before they do harm to themselves or someone else.

We thank those who are serving today. We offer our deepest sympathy to the families of those who have lost their lives on the front lines of law enforcement in America over the last year, and we certainly acknowledge the continued sacrifice that law enforcement officers will make.

We should promote and congratulate good law enforcement officers. We should not allow the bad incidents that occur, the mishaps that occur, and many of them have occurred, and I have stood up vigorously against them and I will stand up yesterday, today and tomorrow, when there is abuse.

But we should not allow those kinds of situations to take away from the grandeur, the respect, the honesty, the integrity and the downright commitment that the law enforcement agencies of America, particularly those in our local communities, show every single day with the idea that as they leave in the morning and kiss their families good-bye, that they might sacrifice their lives so that we might be safe.

We owe them a great debt of gratitude, and it is my pleasure to thank our peace officers. Peace officers, the sworn, public-sector officers entrusted with law enforcement authority and the power of arrest, risk their lives daily to protect our Nation. These individuals, who are responsible for safeguarding the rights and freedoms we enjoy as Americans, are true heroes.

Peace Officers Memorial Day honors those who have made the ultimate sacrifice for the safety and security of their communities and our Nation. Created by Public Law 87-726, signed by President Kennedy in 1962, this day gives us the opportunity to acknowledge and pay our respect to those who, through their courageous deeds, have fallen in the line of duty.

In the Houston Police Department's 168-year history, 109 officers have been killed while on duty. Nationally, the number of police officers that have fallen in the line of duty has decreased. Although the number of officers killed in the line of duty has declined in recent years, the fact that one officer is killed every 2½ days in our country is a sober reminder that protecting our communities and safeguarding our democracy come at a heavy price. There are 17,917 names engraved on the Memorial, representing officers from all 50 states, the District of Columbia, U.S. territories, and Federal law enforcement and military police agencies.

HOUSE OF REPRESENTATIVES—Friday, May 15, 2009

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 15, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Msgr. Stephen J. Rossetti, St. Luke's Institute, Silver Spring, Maryland, offered the following prayer:

Good and gracious God, each new day is a beginning. Each day is Your gift to us to begin again, to change our lives and our hearts, to strive once more to change the face of this Nation and this Earth.

Each day may we move one step closer to making this world fully alive in Your image, a vision of compassion, love, forgiveness, truth and peace. May we follow Your way, which is the only path to You.

Thank You for the gift of this day, the gift of life, and the final gift of being fully alive in You.

We make this prayer in God's name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate has agreed to the House Amendment with an Amendment; Agreed to the House Amendment to the title of the bill:

S. 386. An act to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 454) "An Act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Messrs. LEVIN, KENNEDY, BYRD, LIEBERMAN, REED, AKAKA, NELSON (FL), NELSON (NE), BAYH, WEBB, Mrs. MCCASKILL, Mr. UDALL (CO), Mrs. HAGAN, Messrs. BEGICH, BURRIS, MCCAIN, INHOFE, SESSIONS, CHAMBLISS, GRAHAM, THUNE, MARTINEZ, WICKER, BURR, VITTER, and Ms. COLLINS, to be the conferees on the part of the Senate.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Monday next for morning-hour debate.

There was no objection.

Accordingly (at 1 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, May 18, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1841. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1842. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the April 2009 Quarterly Report on reconstruction efforts in Afghanistan, pursuant to Public Law 110-181; to the Committee on Foreign Affairs.

1843. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period

ending March 31, 2009, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

1844. A letter from the Acting Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Office's report entitled, "Fiscal Year 2008 Performance Summary Report and the Fiscal Year 2008 Accounting of Drug Control Funds", pursuant to Public Law 105-277, Div. C-Title VII, section 705(d); to the Committee on Oversight and Government Reform.

1845. A letter from the Acting Architect of the Capitol, Office of the Inspector General, transmitting the Office's Semiannual Report for the period October 1, 2008 through March 31, 2009; to the Committee on Oversight and Government Reform.

1846. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's report for the third quarter of 2008 on settlements by the United States with Nonmonetary Relief Exceeding \$2 Million, pursuant to Public Law 107-273, section 202(a)(1)(c); to the Committee on the Judiciary.

1847. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters surrounding Berth 7 at the Port of Oakland, San Francisco Bay, CA [Docket No.: USCG-2009-0278] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1848. A letter from the Attorney Coast Guard, Office of Regulations and Administrative Law (CG-0943), Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Volvo Ocean Race 2009, Nahant, Boston Harbor, Massachusetts. [Docket No.: USCG-2008-1268] (RIN: 1625-AA08) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1849. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas: Herbert C. Bonner Bridge, Oregon Inlet, NC [Docket No.: USCG-2009-0225] (RIN: 1625-AA11) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1850. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0044] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1851. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Intracoastal Waterway (ICW), Beach Thorofare, Atlantic City, NJ [USCG-2008-0995] (RIN: 1625-AA09) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1852. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jordan Bridge Demolition, Elizabeth River, Chesapeake and Portsmouth, VA [Docket No.: USCG-2009-0217] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1853. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World Spring Nights; Mission Bay, San Diego, California [Docket No.: USCG-2009-0154] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1854. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Subject: Safety Zone, Red River, Minnesota [Docket No.: USCG-2009-0240] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1855. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Keweenaw Waterway, Houghton, MI [Docket No.: USCG-2009-0132] (RIN: 1625-AA09) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1856. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; April to May Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0222] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Rutland, VT [Docket No.: FAA-2008-1076; Airspace Docket No. 08-ANM-102] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1275; Directorate Identifier 2007-NM-167-AD; Amendment 39-15892; AD 2009-09-06] (RIN: 2120-AA64) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No.: FAA-2008-1239; Directorate Identifier 2008-NM-131-AD; Amendment 39-15894; AD 2009-09-08] (RIN: 2120-AA64) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No.: FAA-2008-1327; Directorate Identifier 2008-NM-161-AD; Amendment 39-15859; AD 2009-06-22] (RIN: 2120-AA64) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1861. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Establishment of Class E Airspace; Russellville, AL. [Docket No.: FAA-2008-1094; Airspace Docket No. 08-ASO-18] Received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1070; Directorate Identifier 2008-NM-087-AD]; Amendment 39-15893; AD 2009-09-07] (RIN: 2120-AA64) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Clewiston, FL. [Docket No.: FAA-2008-1168; Airspace Docket No. 08-ASO-19] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Special Requirements for Private Use Transport Category Airplanes [Docket No.: FAA-2007-28250, SFAR No. 109] (RIN: 2120-A161) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Albemarle, NC [Docket No.: FAA-2009-0203; Airspace Docket No. 09-ASO-12] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Albemarle, NC [Docket No.: FAA-2009-0203; Airspace Docket No. 09-ASO-12] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Communication and Area Navigation Equipment (RNAV) Operations in Remote Locations and Mountainous Terrain [Docket No.: FAA-2002-14002; Amendment Nos. 91-306 and 135-110] (RIN: 2120-AJ46) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Emission Standards for Turbine Engine Powered Airplanes [Docket No.: FAA-2009-0112; Amendment No. 34-4 (RIN: 2120-AJ41) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30663 Amdt. No 3318] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Propellers Model 568F Propellers [Docket No.: FAA-

2009-0270; Directorate Identifier 2008-NE-30-AD; Amendment 39-15865; AD 2009-07-06] (RIN: 2120-AA64) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1871. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ten Sleep, WY [Docket No.: FAA-2008-1129; Airspace Docket No. 08-ANM-7] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1872. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ten Sleep, WY [Docket No.: FAA-2008-1129; Airspace Docket No. 08-ANM-7] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1873. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of the Atlantic High and San Juan Low Off-shore Airspace Areas; East Coast, United States [Docket No.: FAA-2008-1259; Airspace Docket No. 08-ASO-1] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1874. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — General Jurisdiction Over Freight Forwarder Service [Docket No. FMCSA-1997-2290] (RIN: 2126-AA25) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1875. A letter from the Representative Tim Murphy, 18-PA and Representative Neil Abercrombie, 1-HI, transmitting draft legislation for H.R. 2227, the "American Conservation and Clean Energy Independence Act of 2009"; jointly to the Committees on Natural Resources, Oversight and Government Reform, Energy and Commerce, Ways and Means, Science and Technology, Transportation and Infrastructure, Education and Labor, the Budget, Rules, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 2352. A bill to amend the Small Business Act, and for other purposes; with an amendment (Rept. 111-112). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. JACKSON-LEE of Texas (for herself, Mr. PAYNE, Ms. KILPATRICK of Michigan, Mr. HOLDEN, Mr. DAVIS of Illinois, and Mr. MEEKS of New York):

H.R. 2450. A bill to require non-Federal prisons and correctional facilities holding Federal prisoners under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to make available; to the Committee on the Judiciary.

By Mr. FATTAH:

H.R. 2451. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts (for himself, Mr. TIBERI, Mr. PASCRELL, Mr. DAVIS of Alabama, Ms. BEAN, and Mr. HODES):

H.R. 2452. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself and Mr. WAMP):

H.R. 2453. A bill to provide for a national biological data center, and for other purposes; to the Committee on Natural Resources.

By Mr. WAXMAN (for himself and Mr. MARKEY of Massachusetts):

H.R. 2454. A bill to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, Financial Services, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H. Res. 449. A resolution of inquiry requesting the President to provide certain docu-

ments in his possession to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

48. The SPEAKER presented a memorial of the 61st Legislative Assembly for the State of North Dakota, relative to SENATE CONCURRENT RESOLUTION NO. 4021 urging Congress to recognize the need for United States Department of Agriculture inspection and regulation of horse processing facilities in the United States; to the Committee on Agriculture.

49. Also, a memorial of the 61st Legislative Assembly for the State of North Dakota, relative to SENATE CONCURRENT RESOLUTION NO. 4020 urging Congress to preserve the exemption of hydraulic fracturing from the provisions of the Safe Drinking Water Act and to not enact legislation that removes the exemption for hydraulic fracturing; to the Committee on Energy and Commerce.

50. Also, a memorial of the 61st Legislative Assembly for the State of North Dakota, relative to SENATE CONCURRENT RESOLUTION NO. 4003 expressing support for the development of a balanced national immigration policy and urging Congress to work to

develop an immigration policy that protects and preserves the safety and interests of the United States and its citizens while also recognizing the needs of businesses to have a stable and legal supply of workers; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1240: Mr. BERRY.

H.R. 1470: Mr. BOREN.

H.R. 1547: Mr. BOREN.

H.R. 1552: Mr. LATTI, Mr. ADLER of New Jersey, and Ms. FUDGE.

H.R. 1585: Mr. COURTNEY.

H.R. 1721: Mr. KILDEE.

H.R. 1925: Mr. PETERSON and Mr. CUMMINGS.

H.R. 2017: Mr. MCGOVERN, Mr. CALVERT, and Mr. ROTHMAN of New Jersey.

H.R. 2256: Mr. JOHNSON of Illinois, Mr. ENGEL, Mr. WILSON of Ohio, and Ms. BERKLEY.

H.R. 2294: Mr. CRENSHAW and Mr. COFFMAN of Colorado.

H.R. 2329: Mr. PIERLUISI and Mr. CUMMINGS.

H.R. 2389: Mr. SOUDER.

H.R. 2409: Mr. THOMPSON of Pennsylvania, Mr. ROSS, and Mr. KING of Iowa.

H.R. 2443: Mr. UPTON.

H. Res. 57: Ms. LEE of California.

H. Res. 331: Mr. SCHIFF.

EXTENSIONS OF REMARKS

HONORING THE ACHIEVEMENTS OF
MR. E. MORGAN WILLIAMS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 15, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a tremendous friend of the people of Ukraine and the Ukrainian-American community, who is to be honored this coming Sunday, May 17, 2009.

Mr. E. Morgan Williams was born in Kansas, and holds a bachelors degree from Ottawa University, Ottawa, Canada, and a masters degree in economics from the University of Kansas. Mr. Williams moved to Washington in 1977 to serve Senator Bob Dole as a staffer on the Senate Agriculture Committee.

In 1992, as senior advisor to a major food system development project in Russia and Ukraine, Mr. Williams worked with U.S. agribusinesses that were investing in the former Soviet Union. Then, from 1997 to 1999, Mr. Williams was the President and CEO of a private agricultural input finance company in Kyiv, Ukraine.

Since 1992, Mr. Williams has worked toward the recognition and acknowledgement of the Holodomor as one of the world's greatest tragedies. He has made pivotal contributions to the world-wide commemoration of the 75th anniversary of this genocide, including being the founder and trustee of a "Holodomor: Through the Eyes of Ukrainian Artists" Exhibition and Education Collection. This collection is composed of original artworks by Ukrainian artists about the Soviet-induced starvation of 1932–1933 that resulted in the death of millions of Ukrainians.

In his current capacity as president of the U.S.-Ukraine Business Council (USUBC), Mr. Williams has expanded the membership of this important entity to over 100 major U.S. corporations. He has developed this important organization into an advocate for better business laws and practices and provides vital business news to U.S. businesses that have interests in Ukraine.

In February of 2008, he was appointed to the new Council of Investors (COI) created by Ukrainian Prime Minister Yulia Tymoshenko. Mr. Williams also serves as a representative of the U.S.-Ukraine Business Council.

For this outstanding service and body of work, Mr. Williams will be honored by the Board of Directors of the Ukrainian Federation of America on Sunday, May 17, 2009 at the Alexander B. Chernyk Gallery at the Ukrainian Educational and Cultural Center in Jenkintown, Pennsylvania.

Madam Speaker, I ask that my colleagues join me today in praising the exemplary achievements of Mr. E. Morgan Williams for and on behalf of Ukraine and the Ukrainian people. May his dedication and tireless work ethic be an inspiration to us all.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 15, 2009

Project Name: Drydock ALABAMA Pier Relocation

Requesting Member: Congressman JO BONNER

Bill Number: FY09 War Supplemental Appropriations Bill

Account: CH 5 GPs

Legal Name of Requesting Entity: Atlantic Marine Alabama, LLC

Address of Requesting Entity: Main Gate, Dunlap Drive, Mobile, AL 36602

Description of Request: \$0 will be utilized to create 350 U.S. shipyard jobs. Atlantic Marine, a company with shipyards in Florida and Alabama, Mississippi, Pennsylvania and Massachusetts, owns the dry-dock ALABAMA. A dry-dock is a piece of floating construction equipment used to raise and lower ships. The ALABAMA has been moored at Atlantic Marine's Mobile, Alabama facility for over 15 years after it was purchased from another U.S. shipyard that acquired it over a quarter of a century ago from a foreign manufacturer.

Atlantic Marine is currently constructing three Jones Act compliant ships for a Texas-based customer that will use the ships to transport petroleum. The Jones Act requires all "vessels" that move from one point in the U.S. to another to be built in the U.S. To safely launch these ships, Atlantic Marine must move the ship onto the dry-dock ALABAMA. The dry-dock containing the newly constructed ship must then be shifted less than 100 yards to an adjacent pier within the shipyard to launch the ship.

Unfortunately, Customs and Border Patrol (CBP) recently determined that this incidental movement of a foreign-built dry-dock within the shipyard violates the Jones Act, leaving the shipyard without a viable method of launching the ships. This interpretation by CBP is clearly not within the commonly understood attributes of the Jones Act. It is debatable whether a dry-dock is a "vessel", and the determination of moving the dry-dock from one pier in a shipyard to another pier in the same shipyard constitutes two points in the U.S. is questionable. This amendment is supported by the International Organization of Masters, Mates, and Pilots (MM&P), the 6,800 member union representing the domestic maritime industry and America's Merchant Marine.

This provision (a Jones Act waiver for the dry-dock ALABAMA) will create 350 shipyard jobs and the newly constructed Jones Act ships (once launched) will be crewed by 225 U.S. merchant mariners, all without any cost of the taxpayer.

HATE CRIMES AGAINST SIKH
AMERICANS

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 15, 2009

Mr. POLIS. Madam Speaker, I rise to address an issue that does not receive enough attention from my colleagues—the very real evil of hate crimes against Sikh Americans. This is a timely issue, considering our passage yesterday of H.R. 1913, which expands hate crimes protection to gay, lesbian, bisexual, and transgendered Americans, among others. It is appalling that a particular group of loyal, patriotic Americans is targeted for attack and ridicule because of the peaceful observance of their faith.

Sikh communities continue to live in fear of hate crimes. Since September 11, 2001, the Justice Department has investigated over 800 incidents of biased attacks against Sikh, Arab, Muslim, and South Asian Americans. More than 40 of these investigations resulted in criminal conviction. Tragically, however, the true extent of hate crimes against Sikh Americans and others may be grossly under-reported. Because of the politically sensitive nature of these attacks and the intimidation in many communities, persecuted minorities often do not bring this abuse to the attention of law enforcement. If hate crimes against Sikh Americans and other post-9/11 communities do not come to light, there is a danger that the gravity of the problem will escape the attention of lawmakers and law enforcement officials and continue to leave our communities vulnerable to bias attacks in the future. We cannot let this slip through the cracks!

In the days after the attacks of September 11, 2001, there was an enormous backlash against the Arab and Muslim American communities. The Sikh community was often confused for Arabs or Muslims. Identified by their conspicuous items of faith, Sikhs became easy targets for anyone wishing to take out their rage. Hundreds of incidents of intimidation and violence brought national attention to the problem. As time has passed, however, few people take note of the isolated, but still insidious hate crimes that affect Sikh Americans every year.

Just this year, in Queens, New York, a 21 year-old Sikh man was viciously attacked by hooligans who pelted him with racial epithets as they pulled on his beard and hair. He survived, but not before they had stabbed him in the eye, depriving him not only of his sight, but of his dignity. His story is too common. Last year, in New Jersey, a Sikh boy's turban was set on fire and scalp and hair burned while he was participating in school activity. His attacker was expelled, but charged simply with mischief. The list goes on and on. From Sikh Americans beaten and bloodied as they

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

go out for a jog to cab drivers being murdered in cold blood, each act of violence chips away at the freedom of every American.

If we do not stand up for one another, who will? I stand up today for Sikh Americans and, indeed, all those who are singled out for who they are or what they believe. While these attacks were based on the mistaken belief that Sikhs are Muslims or Arabs, attacks on any such group are un-American and threaten the freedom we all work to protect. I urge my colleagues to keep a careful eye on attacks such as these. We must not ignore the problem. We must confront it, call it what it is, and work to make sure these kinds of attacks never happen again. When they do, we must make these bigots famous, and punish them to the fullest extent of the law.

INTRODUCTION OF NET OPERATING LOSS CARRYBACK BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 15, 2009

Mr. NEAL of Massachusetts. Madam Speaker, today I am pleased to introduce legislation to help millions of American workers keep their jobs in this difficult economy. This bill provides a simple change in the rules for businesses with net operating losses. Already, businesses can carry these losses back or forward to offset taxes paid in more profitable years. This provision helps businesses smooth out the inevitable ups and downs of our economy.

You would be hard pressed to find an economist now that would say the recession we are currently in is not one of the worst on record. In fact, almost all the economic data we can gather shows it is as bad as it has been since the Great Depression. Congress

has already responded with the American Recovery and Reinvestment Act earlier this year, which did include a provision for businesses to carry back losses incurred in 2008 and 2009 for 5 years, instead of 2. However, at the last minute, this legislation was limited only to small businesses.

I support broad and general net operating loss relief and am filing legislation today to do so. I am pleased to be joined in this effort by my friend and Ways and Means colleague, Mr. TIBERI from Ohio. Our bill is based on the budget proposal made by President Obama just this week. While the Administration has indicated the legislation the President supports is that which earlier passed in the Senate, officials have also said they do not support limits of certain industries to claim this relief from operating losses. I believe that is the right approach, but until we have clear guidance from the Administration, the bill I am filing today mirrors that which was filed in the Senate.

Just this week, I was visited by one business that did not qualify under the stimulus bill—Brookstone. Any traveler will be happy to share with you their favorite Brookstone product—talking alarm clocks or compact hair dryers. Their stores are in most major airports now. But this 45-year old company, founded in my home State of Massachusetts, had a loss last year for the first time in the company's history. That loss impacts not only the bottom line, but its ability to restock inventory, and its ability to borrow money based on inventory. For many American businesses, like Brookstone, net operating loss relief can be a life-line to help a struggling business through a historic economic downturn.

With consumer confidence at its lowest level ever, retailers across the country have been hurting. Retailers lost 535,000 jobs last year and 2009 is sure to rival that number. And the bad news just keeps on coming. Today, about 2,000 auto dealerships around the country will be eliminated. That's about 60 jobs at each

dealership, averaging \$50,000 a year for those workers. These are difficult times for American businesses, and we can offer a life-line with this bill. I hope my colleagues will join us in this effort to provide modest relief through a simple accounting change for businesses with true operating losses.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 15, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, after what I thought was a successful attempt to cast my vote supporting the H.R. 2346, the War Supplemental Appropriations Act of 2009, I learned the next day my vote was not recorded.

I fully support this year's war supplemental. Whether serving in the Army, Navy, Marines, or Air Force, the men and women who serve are key enablers in fighting the Global War on Terror. It's important we give them, and their families, what they need to continue their success in Iraq and Afghanistan as well as at home.

As a member of the House Armed Services Committee, I am committed to doing everything I can to protecting our nation and communities. I am working to protect and expand the role of Fairchild Air Force Base, including securing the next generation of air refueling tankers.

I could not be more proud of the veterans, active duty and military families who call Eastern Washington home. I thank them for their service and am committed to doing everything I can to support them.